



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 Review Board**

**April 13, 2016**

**Minutes - Draft**

**Present:** Carol Gossett, Melissa Stewart, Julie Greb, Kerrie Standlee, and Paul van Orden

**Minutes:** Kathy Couch

**Call to Order** – 6:07 pm

**Proposed Variance Fee Schedule Increase – Paul van Orden**

Paul explains that Commissioner Fritz's goal for the upcoming year is to get the Noise Office to be self-sustaining by 75%

Currently the office is funded with 64% coming from the General Fund.

Paul shares a Power Point presentation on the proposed fee structure, which is included in the minutes.

**Concerns and questions raised by the Noise Review Board**

Melissa Stewart - how do the Portland's fees compare with similar cities that have these kinds of permits?

Carol Gossett – Do other bureaus of the city have arrangements like this? How do we compare? She says typically, in a budget that includes fees, the charges amount represents service and the time that it takes. How do we justify the large increase in numbers?

Julie Greb – She is in favor of anything that funds the Noise Office. Since the office is grossly understaffed and it doesn't serve the public, and can't enforce anything, the city doesn't seem to prioritize the Noise Office in the last handful of fiscal cycles.

Kerrie Standlee – He would like to hear more about the basis of the rates he is looking at. He feels that the different rates are all over the place, in terms of subcategories. Some things appear to be hit harder than other categories with more impact. He says that there should be more thought put into figuring out where it is time and who should be paying for it. He would like to understand more the different timeline categories. He does not understand the meaning of some of the items, particularly variances that have a board review. He does not understand the 3 month project for \$1500. Julie clarifies that it would be \$5000. \$3500 for the board hearing and \$1500 for every 3 months. Paul then says that there is a line missing on what they are looking at.

Fee structure is:

\$3500 for the board hearing

1<sup>st</sup> 3 months to work in the City is \$5000

\$1500 is for additional 3 month increments.

When you add the first 2 pieces together, the amount for the first 3 months would be \$8500

Melissa Stewart – in terms of other events, are 3 days the same price as 1 day?

Paul says that if all we do is increase variance fees, without increasing citations, we run the risk of large companies taking the fines instead of paying for the variance fees.

Carol Gossett – This structure is predicated on a good economy. What happens if we go into a recession again, and no one is building, and this all drops? Would that mean staff layoffs? Her other concern is that some financing, such as low income and mod housing is very tightly budgeted and financed and these costs could make a difference. She feels that a range of pricing rather than the same fee for everyone may be something to look at. She would hate to think that these fees would keep a project like that from moving forward.

Kerrie Standlee –Would there be consideration given to construction with no impact?  
Different rate schedules for different time periods? Is that a possibility?

### **Public Testimony**

Brooks Hickerson – He doesn't see a fee scheduled for those who don't apply for a variance and then violate the code. Do they get a variance after the fact? It's explained to him that this would reference the conversation earlier regarding citations.

### ODOT – Carole Newvine

She is looking at the fee schedule and comparing it to the variance they are asking for tonight, and the costs look to be minimally \$14,500, if you are going to go by month. This is excessive. ODOT takes care of their own complaints, and, with the large amount of outreach they do, she doesn't believe that the Noise Office receives complaints on any of the ODOT projects. Public entities should be grandfathered in, or have a different fee schedule. Developers can pass it on to tenants. We pass it on to the taxpayer. She would like to see a lot of outreach, and ODOT needs time to respond to this proposal.

### Mary Sipe

She supports the proposal. She distributed a packet of her suggestions for the fee proposal. They are attached to the minutes.

### Sally Mize

She asks about rules for boats amphibious planes. Paul explains various entities have jurisdiction, dependant on where they are. (It may be Noise Office, although we would need to interface with the Sheriff, as we don't have a boat, and if they are in the air, then FAA has jurisdiction)

### **Request from Pioneer Courthouse Square on renewal of 5-year variance**

#### **Shannon Weisinger- Production Director and Lindsay Klute, Event Director**

A 5-year variance (2016-2021) is requested in order to present events at Pioneer Courthouse Square during the lunch hour as well as on weekends. Similar events occur each year. Requested hours for the variance are from 11:30 a.m. to 1:30 p.m. and after 5:00 p.m. to 10:00 p.m. Monday through Friday. Unspecified hours are requested for Saturday and Sunday from 8:00 am to 10:00 pm. The applicant has requested the same decibel levels as their previous variance, namely, 75-80 dBA, as measured at any unaffiliated neighboring commercial property.

Staff at Pioneer Square, in conjunction with direction from the Noise Control Officer Paul van Orden, had contacted a mailing service organization, AD Mail Inc to obtain addresses for 3,000 letters distributed to residences and businesses surrounding Pioneer Courthouse Square, to inform them, as well as offering detail on the computerized hotline number, and the direct line of the Production Director for Pioneer Courthouse Square. The same mailing area was utilized to do notification for this variance application as the last multi-year noise variance.

Background documents on Pioneer Courthouse Square are attached to the minutes.

Kerrie Standlee asks if the annual reports that were part of the conditions in the last were variance given regularly. He would like a condition included addressing measurements taken at residences in Park Tower West, since there are now new residents since the last variance.

He would also like a condition added onto the voicemail to request the complainant leave their number, so they can be contacted. How many complaints related to square? Want conditions to reduce complaints.

**Motion was made by Melissa Stewart to grant a variance for Pioneer Courthouse Square for the period of May 1, 2016 through April 30, 2021 with the conditions below (Kerrie Standlee's suggestions included in the conditions). Julie Greb seconded the motion. The motion passed unanimously, 4 - 0**

- The variance will run from May 1, 2016 through Midnight April 30, 2021.
- The variance shall include the following variances. On weekdays, the permitted hours are 11:30 a.m. to 1:30 p.m., and from 5:00 p.m. to 10:00 p.m. On weekends and holidays the permitted hours are all day from 8 a.m. up to 10 p.m.
- The general standard for the variance shall be as follows: The permitted sound levels shall be 75 dBA (Max) with occasional peaks up and not exceeding 80 dBA, as measured at any unaffiliated neighboring commercial property.
- The more specific standard directly as measured at the homes or dwelling places of surrounding neighbors shall be as follows: The permitted sound levels shall be 70 dBA (Max) with occasional peaks up and not exceeding 75 dBA, as measured at any height on an apartment building or residential occupied building.
- Pioneer Courthouse Square, in conjunction with the Noise Control Officer, will contact Park Avenue West to set up a noise meter for readings during an event.
- The square will work out an acceptable measurement procedure with the Noise Control Officer to ensure compliance with the variance. The procedure will be made readily available to any staff working to monitor events for Pioneer Courthouse Square.
- The applicant will forward any complaints they receive to the Noise Control Office to be forwarded to the Noise Review Board.
- The applicant shall continue their complaint hotline to operate during events, especially during evenings and weekends, and a message shall be added requesting complainants leave their phone number, so their complaint will be better addressed and resolved. The phone number for concerns will be distributed to neighbors and Neighborhood Associations with all notification of events. This will include all residential receivers within a three block radius of Pioneer Square.
- Pioneer Square staff will notify the Noise Control Officer of any anticipated louder events that will be occurring at the Square.
- Representatives of Pioneer Square will return to the Noise Review Board by April 30, 2017 to report on progress to date and any complaints.
- An annual report of the events and sound levels measured will be supplied to the Noise Control Officer. It should include any information related to complaints.
- Pioneer Courthouse Square will provide a notice to all event promoters renting the facilities which they will sign that states they acknowledge that they will comply with the Noise Variance conditions, or they may face citations or other enforcement action from the Noise Control Officer or Officers from the Portland Police Bureau.

- This variance is not intended to cover any major festivals, concerts, or other activities whose sound impacts are clearly unusual or extensive as determined by the Noise Control Officer. Such events will be required to acquire a separate and additional variance in which the Square has co-applicant status with promoters or sponsors of the event. The variance shall be issued by the Noise Control Officer with conditions he or she determines are appropriate to the variance.
- The variance is subject to review, including revocation, based on the receipt of any complaint(s).

**Oregon Department of Transportation variance request for OR99E: SE Harold Street to SE Harrison Street – bridge replacement and pavement preservation project  
Marjorie West, Susan Hanson, Dillon Tannler, Bruce Bercot**

This request will repave 2.6 miles of OR99E from SE Harold to SE Harrison (part of the project is located in NE Milwaukie). The pavement, last replaced in 1994, has deteriorated and is need of repair. Grinding and repaving of the highway will repair and preserve the roadway and provide a smoother roadway surface. The current striping, last replaced in 1994, has deteriorated and is need of repair. Grinding and repaving of the highway will repair and preserve the roadway and provide a smoother roadway surface. The current striping will be replaced with durable, profiled thermoplastic striping and reflective pavement markings. Additional project elements include: replacement of Crystal Creek Springs Bridge with a culvert, drainage improvements on OR99E from SE Harold to Tolman Street, and sidewalk ramp upgrades on OR99E.

The variance request is for 72 nights of work. Originally requested estimated timeline was April 1, 2017 – September 31, 2017. They would like to modify this timeline to 72 nights with intermittent periods of nighttime work between January 3, 2017 and November 17, 2017.

The closest residential receptors are approximately 50 feet away from the roadway repaving work. An assisted living facility, Westmoreland Union Manor, is located approximately 170 feet away from where the loudest activities will be taking place (replacing Crystal Creek Springs Bridge). Existing dBA levels were monitored to establish a baseline, and, accordingly, the project is anticipated to be 12- 22 dBA higher than the existing levels. This is a moving operation, and ODOT is estimating nighttime work will consist of 59 nights for paving, 12 nights for the bridge replacement, 15 nights to bring to ADA standards, 10 nights for drainage improvements. The highest concentration of the request for 72 nights of nighttime work will be 20 nights adjacent of 72 nights. Bridge work drainage and reconstruction will happen concurrently during weekend closures. Paving and striping are anticipated to last for 20 nights. ODOT will attempt to perform the loudest work, jack hammers, saw cutting and generators before 10 pm and pile drivers during the daytime hours. They will have a 24 hour noise hotline with an answered line.

#### **Outreach**

ODOT performed 18 months of outreach to stakeholders, which included a website for over a year. Moving forward, the website information will include all construction and traffic information. They sent out a fact sheet, held meetings, sent mailings and emails, which included 2 Neighborhood Association groups and Business Association groups. They sent out a mailer in March to 11000 people within ¼ mile of the project highlighting noise notification, including this hearing information. They held an Open House on April 7, and had a station specific to noise there. They also held an online Open House that consisted of short videos of project staff explaining more about the project and included contact information. They have been engaging in direct communication West Union Manor and working closely with them. Closer to construction dates, they will do outreach next spring. On all communications, they prominently display hotline information.

Melissa Stewart asks for clarifications in the amount of nighttime work. She is told that the requested 72 nights would be intermittent during the project between January and November.

Patrick Romero, consulting engineer for ODOT describes how they predict construction noise levels. They look at the defined baseline daytime and nighttime noise levels and plug the anticipated levels in, using typical levels on construction areas he's worked on in past.

Much of their mitigation is complaint generated. Inspectors also have a dBA monitor with them while on the project, and the contractor has them onsite too. ODOT Inspectors are on the project all the time.

Kerrie Standlee asks for a copy of the variance application

Mary Sipe asks about the pile driving component of the project. She is told that they are using vibratory pile, which is around 90 dBA. It consists of driving 4 sheets, which lasts around 2 hours. This is commonly used shoring piles, as opposed to deep foundations.

Kerrie Standlee asks for some detail on one of the mitigation measures. Bullet 2 in their request (Use equipment with sound control measures no less effective than those provided on the original equipment) He would like this to say that the equipment in the above paragraph to be more effective than the original muffler, instead of "no less effective"

**Julie Greb makes a motion to approve a variance for Oregon Department of Transportation for 72 nights of construction work between January 3, 2017 and November 17, 2017**

**With the conditions listed below.**

**Kerrie Standlee makes an amendment that pumps, portable generators, air compressors will be required to have sound enclosed control devices of higher quality than original equipment**

**Melissa Stewart seconds the motion.**

**Motion passes unanimously 4 - 0**

Nighttime construction activities will comply with ORS 467, OAR 340-035, all other applicable laws and regulations, and to the extent feasible, the following construction noise abatement measures:

- No construction will be performed within 50 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 10:00 p.m. and 6:00a.m. on other days.
- Sound levels at any residential structure may not exceed a 75dBA Leq as measured for 15 minutes, with a Fast meter response.
- Equipment will use sound control devices higher quality than those provided on the original equipment. Equipment with un-muffled exhausts is prohibited.
- Equipment will comply with pertinent equipment noise standards of the EPA.
- Saw cutting, grinding, pile driving and jackhammer activity to occur before 10:00 pm and 6:00 am or during the weekend closures

- There will be a 24-hour telephone response line (Hot Line) available. The Project Manager shall investigate complaints and develop information necessary to address complaints within 24 hours or before the next scheduled night work. Noise Control Officer must be notified of any complaints within 7 days of the complaint, including a report describing how the complaint was resolved

If a specific noise impact complaint is received, one or more of the following noise mitigation measures may be employed:

- Stationary construction equipment will be located as far from nearby noise sensitive properties as feasible.
- Construction operations will be rescheduled to avoid periods of noise annoyance identified in the complaint.
- Idling equipment will be shut off
- Nearby residents will be notified whenever extremely noisy work will be occurring.
- Temporary or portable acoustic barriers will be installed around stationary construction noise sources.
- Electric-powered equipment will be operated using line voltage power or solar power.

#### **General Open Public Testimony**

Maryhelen Kinkaid – Reads statement (attached to minutes)-

Patrice Hanson – Reads statement (attached to minutes)

David Mitchell – Reads statement (attached to minutes).

Sally Mize – reads statement from Stan Penkin (attached to minutes)

Patrice Hanson – Says that Brooks Hickerson left a letter and hopes the board reads it. She adds that she feels that the board's not supporting Commissioner Fritz's pile driving idea is baffling and disturbing and inconsistent with the mission of the board. Both she and Mary Sipe received an award from the NW Examiner (local NW neighborhood newspaper) from the work they did to stop developers from using "impact hammer" pile driving methods. She thought they would come to the city and get support. She feels that the NRB succumbed to pressures from the construction industry, specifically DeWitt Construction, rather than acting for the good of the

community. She feels that anyone who thinks pile driving is only a nuisance should be required to live across the street from a project for a day or two. She addressed the composition of the board, wondering why there is a rep from the construction industry on the board, instead of garbage, or music venues. She thinks there should be a temporary seat for someone who is being affected by noise so they can be present at meetings when the public isn't invited. She would like to see a model of foot patrols and Neighborhood Watch for noise.

Mary Sipe - Reads statement (attached to minutes).

She also distributes the construction noise restrictions from the town of Aspen Colorado (ski resort with population of approximately 6,000 people in the Rocky Mountain region) (the document is attached to the minutes)

Board explains their rationale for their non-support of the pile driving proposal to all those who came to express their opinion. (no change in outcome, unenforceable given staffing and time issues, felt it needed much more work before being something they could approve)

**Approve minutes from March 9, 2016 NRB meeting**

**Melissa Stewart makes a motion to approve the minutes**

**Kerrie Standlee requests an amendment of the change of the word "oldest" to "longest existing"**

**No second**

**Motion passes unanimously, 4 - 0**

**Minutes approved, with change**

**Meeting Adjourned – 9:00 pm**

**City of Portland  
Office of Neighborhood Involvement**

**Noise Variance and Other Fees Schedule**

**Effective Date: July 1, 2014**

<b>REVIEW FEES - 10 or more business days prior to date of event</b>	
<b>High Noise Impact Events</b>	<b>\$366</b>
<b>Construction</b>	
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.
<b>Motor Vehicle Racing</b>	\$2,613 for the first year, plus \$850 per additional year of request.
<b>Noise Review Board Variances</b>	\$2,613 plus \$850 per additional year of request
<b>All Other Applications</b>	<b>\$83</b>
<b>ACCELERATED REVIEW FEES - Less than 10 business days prior to the date of the event*</b>	
<b>High Noise Impact Events</b>	<b>\$733</b>
<b>Construction</b>	
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.
<b>Motor Vehicle Racing</b>	\$5,227 for the first year, plus \$1,701 per additional year of request.
<b>Noise Review Board Variances</b>	\$5,227 plus \$1,701 per additional year of request
<b>All Other Applications</b>	<b>\$166</b>
*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.	
<b>ADDITIONAL FEES AFTER INITIAL APPROVAL</b>	
<b>Scope of Work Revision</b>	
All Other Applications	\$41
High Noise Impact Events	\$80
Construction, Motor Vehicle Racing	\$166
Noise Review Board Variances	\$414
<b>Date Change Only</b>	
All Other Applications, High Noise Impact Events	\$41
Construction, Motor Vehicle Racing	\$83
Noise Review Board Variances	\$166
<b>ADDITIONAL FEES</b>	
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?



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Portland, Oregon 97204

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**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.

## 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
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#### 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
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  - 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
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  - MOTOR VEHICLE RACING EVENT
 

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

- 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.**

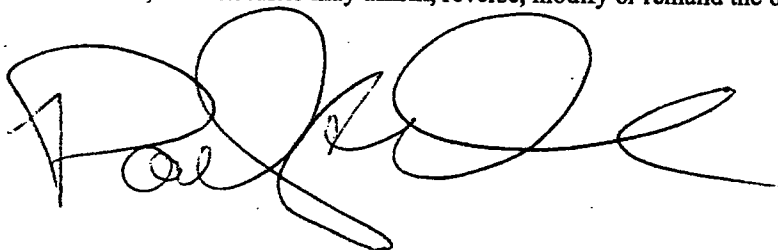
**This decision becomes effective on December 9, 2015.**

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

A handwritten signature in black ink, appearing to read 'Paul van Orden', with a long horizontal flourish extending to the right.



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

? 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:

- 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 7:15 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:

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

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### Noise Variance / Permit

Application #: 3770981

Applicant: AMUSEMENT PRODUCTIONS SERVICES INC/PORTLAND  
GUADALAJARA SISTER CITY \*THAC-BURBACH-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 1/3/2016*

*Paul van Orden*

Paul van Orden, Noise Control Officer



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

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CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

## 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](http://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:

*[Signature]* 23, 2015

*[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?



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

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## 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

? 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:

- 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 8:15 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, 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

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## 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:

- 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 7:00 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

Paul van Orden, Noise Control Officer



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CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

### Noise Variance / Permit

**FILE COPY**

Application #: 3624000

Applicant: PORTLAND FARMERS MARKET \*AMBER HOLLAND\*  
240 N BROADWAY SUITE 129  
PORTLAND OR 97227

Organization:

Activity: OPEN AIR FARMERS MARKET

Event Location: 1137 SE 20TH AVE

Date(s): Thursdays, May 7, 2015 through Sep 24, 2015

Hours: 3:00 pm - 7:00 pm

*21 EVENTS  
1 FEE?*

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 block from the source of the noise.
- Sound levels will be reduced upon request.
- Amplification is to cease at 7:00 p.m. SHARP.
- Applicant will supply notification of the event all neighbors within a one and a half 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. Notice should not simply include the residents who live right on that block, but is intended to reach other neighbors who are impacted by the request for a noise variance.
- 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:

*Paul van Orden*  
Paul van Orden, Noise Control Officer

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Noise Variance Permit #3631406 for Portland Parks & Rec Summer Free For All concerts and movie events.

This permit includes a total of 152 events taking place at various parks throughout the summer. One \$83 fee was charged for these events.

These events have large corporate sponsors. The SFFA Final Reports for 2014 & 2015 show over \$100,000 collected by PP&R from sponsors for these events. Does all of this money go to PP&R?

The Noise Control Office is responsible for enforcement and oversight. Is \$83.00 a proper fee?

---

Response from Paul van Orden to my inquiry about Variance #3631406

November 3, 2015

Mary

**PARKS VARIANCE for a SERIES OF SUMMER CONCERT AND OUTDOOR MOVIE EVENTS: Jeff Milkes variance number 3631406 for 2015:**

They paid one low impact fee of \$83 for the permit. It appears to be more reasonable and equitable to charge one high impact fee of \$366 in looking at this one more closely.

Management had determined that for the routine parks concert and movie type events, we would have them pull one variance for the summer concert season. This is also the same approach we use with the City Wide "Neighborhood Night Out" events that occur in the City. ONI rolls all of their events into one variance request. That variance is an internal request from one ONI entity to another. We do not collect money from the Crime Prevention program on that one.

You may wish to advocate to the Task Force group and ultimately to Commissioner Fritz that we should be charging one permit fee to each event, or some higher rate than we currently charge... I am staying neutral on that topic. This fee was determined as a single fee by folks well above my pay grade. I have professional experience and perspectives on the funding challenges for the Noise Control Office. When I am asked to share those professional perspectives garnered over 25 years of work, I will happily do so. The Task Force is an opportunity for those participating to educate Commissioner Fritz on your perspectives, not mine. I would have no complaints either way if we continue to collect one variance fee for the summer series or one fee for each individual event.

My math shows 152 event dates and locations / times a basic low impact event rate of \$83 = equals \$12,616.

Or if we determine that we are going to charge each event for creating high impact on the community, we will be charging \$366 per event / times 152 = equals \$55,632.

Paul van Orden

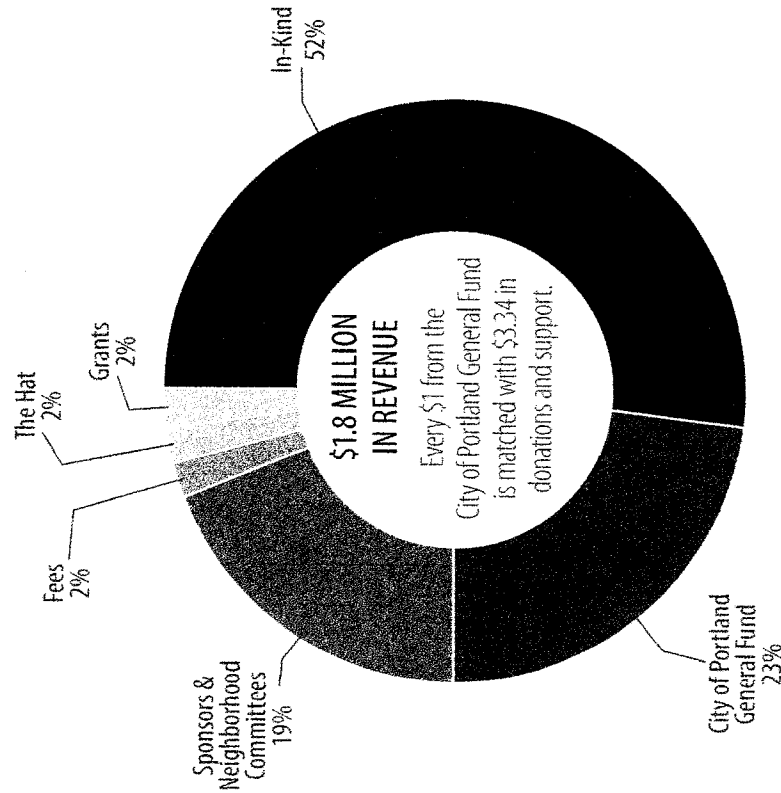


# PARTNERSHIP



## TOTAL SUPPORT

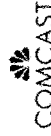
Hundreds joined our mission to fundraise. Here's the breakdown of where our total direct program support came from in 2014:



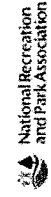
Cover photo: Stefamux Gunwoon, Portland Parks & Recreation



K103 fm



PREMIER \$25,000+



### LEAD \$10,000+

Multnomah County  
NW Natural  
Oregon Blue Print  
*The Oregonian*  
Portland Parks Foundation  
smart center of Portland  
TriMet

### SUPPORTING \$5,000+

East Portland Action Plan  
*El Hispanic News*  
Humana  
Mark Spencer Hotel  
New Seasons Market  
OnPoint Community Credit Union  
Partners for Hunger Free Oregon  
Portland Development Commission  
*PQ Monthly*  
Rovers  
SELCO Community Credit Union  
Umpqua Bank

### CHAMPION \$2,500+

Aronora  
Collage  
Concordia Neighborhood Assoc.  
Concordia University  
Green Hammer  
Legacy Emanuel Medical Center  
Maid Brigade  
Multnomah University  
National College of Natural Medicine  
New Columbia Community Campus Partners  
Oregon Health & Science University  
Port of Portland  
The Kristan Knapp Fund  
US Bank  
Warner Pacific College  
Windermere Stellar, Moreland, & Northwest Offices

### MAJOR \$1,000+

Adidas  
Advantis Credit Union  
Atlas Motors Auto World  
Andeo International Home Stays  
Base Camp Brewing Company  
Brooks Staffing  
Brown Properties  
Cathedral Park Jazz Festival  
Centennial Community Assoc.  
Courtyard at Mt. Tabor  
Dance With Joy Studios  
Eliot Neighborhood Assoc.  
Everett Custom Homes  
Hawthorne Auto Clinic Inc.

Hawthorne Vision Center  
Hazelwood Neighborhood Assoc.  
Home Forward  
HomeStreet Bank  
Legacy Good Samaritan Medical Center  
More! Ink  
N/NE Business Assoc.  
Papa Hadyn  
Papa Murphy's  
Pentco Insurance  
Portland Downtown Neighborhood Assoc.  
Portland International Raceway  
Portland Nursery  
Providence Health Systems  
Roseway Neighborhood Assoc.  
S&H Landscape Supplies and Recycling  
Sellwood Moreland Improvement League  
Sellwood Riverfront Concerts  
Sellwood Westmoreland Business Alliance  
St. John's Tire Factory  
The Missing Link  
The Skammer  
Tom Brown  
Turner Construction Company  
Tutor Doctor  
Washman Car Washes  
Widmer Brothers Brewing  
The Zidell Companies

### CONTRIBUTING \$500+

Alameda Neighborhood Assoc.  
Aquirava  
Arbor Lodge Neighborhood Assoc.  
Beaumont-Wilshire Neighborhood Assoc.  
Belmont Dairy  
Boise Neighborhood Assoc.  
Bridlemile Neighborhood Assoc.  
Brilliant Smile Dental  
Brooklyn Neighborhood Assoc.  
Buds Expert Tree Care  
Cascade Festival of African Films  
Centennial Neighborhood Assoc.  
Cha Cha Cha  
Community of Adsideo / The Living Room  
Creston-Kenilworth Neighborhood Assoc.  
Crestwood Neighborhood Assoc.  
Czech School of Portland  
Dennison Capen Group  
Flying Pie Pizzeria  
Foster-Powell Neighborhood Assoc.  
Friends of P.I.R.  
Gino's Restaurant  
Glenfair Neighborhood Assoc.  
Guardian Management, LLC  
Hong Phat Food Center  
Horse Brass Pub

Inventif Solutions  
J.E. Dunn Construction  
John Ross Condominiums  
Kenton Neighborhood Assoc.  
Kerns Neighborhood Assoc.  
Las Primas Kitchen  
Laurelwood Public House & Brewery  
Lents Neighborhood Assoc.  
Mandala Yoga  
McMenamins Kennedy School  
Mill Neighborhood Assoc.  
Montavilla Neighborhood Assoc.  
Mt. Tabor Neighborhood Assoc.  
Mt. Tabor Veterinary Care  
Multifamily Property Management  
Oaks Amusement Park  
Old Geezers & Hippy Mamas  
Overlook Neighborhood Assoc.  
Pacific Power  
Parkside Clinic Chiropractic and Massage  
Pearl District Neighborhood Assoc.  
Portland Community College, Cascade Campus  
Portland Community College, SE Center  
Portland Rent All  
Portland Trail Blazers  
Portsmouth Neighborhood Assoc.  
Powellhurst-Gilbert Neighborhood Assoc.  
Randall Children's Hospital at Legacy Emanuel  
Representative Alissa Keny-Guyer  
Reverend's BBQ  
Richmond Neighborhood Assoc.  
Riverstone Residential Group  
Roseway Neighborhood Assoc.  
Sean Z. Becker Real Estate  
Sellwood-Moreland Improvement League  
Sock Dreams  
South Portland Business Assoc.  
South Waterfront Farmers Market  
The Caplener Group at Realty Trust  
The Dennison Capen Group  
The Lumberyard Bike Park  
The Matisse  
The Observatory / Over & Out  
Twilight Room Bar & Grill  
United Advantage NW Federal Credit Union  
Uptown EyeCare & Optical, P.C.  
Vernon Neighborhood Assoc.  
Warner Pacific College  
Westmoreland True Value  
Wilkes Community Group  
Wonder Ballroom  
Woodlawn Neighborhood Assoc.  
Woodstock Neighborhood Assoc.  
Zeitgeist Northwest

AND MANY MORE...

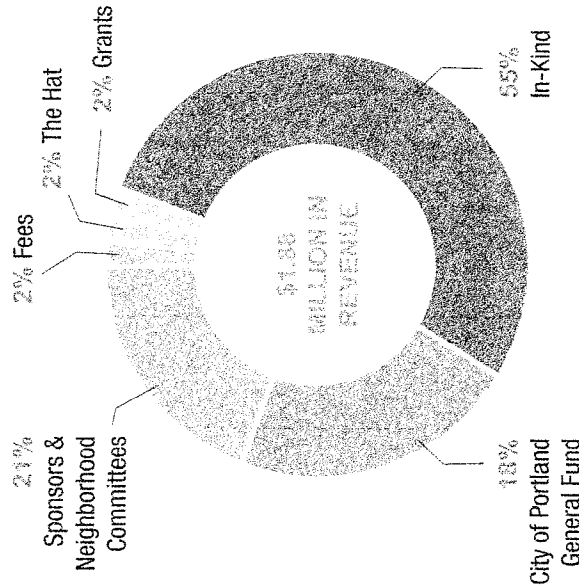


# SPONSORS & SUPPORTERS

## \$ TOTAL SUPPORT

Thousands joined our mission to fundraise for concerts, movies and playgrounds in the park.

Your efforts helped generate over \$1.88 million in revenue. For every City of Portland General Fund dollar spent, we leveraged \$4.67 in community donations and support.



Special thanks to NW Natural for their community partnership and continued support of the SFFA Washington Park Sponsor Night.

[PORTLANDPARKS.ORG](http://PORTLANDPARKS.ORG) | [PARKLANDIA.ORG](http://PARKLANDIA.ORG)

PREMIER \$25,000+



COMCAST

Bank of America



### LEAD \$10,000+

Centennial School District  
Chevron  
David Douglas School District  
National Recreation and Park Association  
NW Natural  
Oregon Blue Print  
Pacific Power  
Port of Portland  
Portland Parks Foundation  
Portland Public Schools  
TriMet  
Zipcar

### SUPPORTING \$5,000+

Clean Energy Works  
Columbia Sportswear  
East Portland Action Plan  
East Portland ROVERS  
Kind Snacks  
Latino Network  
New Seasons Market  
OnPoint Community Credit Union  
Schnitzer Steel  
Trader Joe's

### CHAMPION \$3,000+

Aronora  
College  
Concordia Neighborhood Association  
Downtown Neighborhood Association  
Kristian Knapp Fund  
Legacy Health  
Multnomah University  
National College of Natural Medicine  
New Columbia Campus Partners  
Oregon Health & Science University  
Portland Water Bureau  
SELCO Community Credit Union  
Sellwood Westmoreland Business Alliance  
The Oregonian  
University of Western States  
Warner Pacific College  
Windermere Stellar

### MAJOR \$1,250+

Anonymous Music Lovers  
Atlas Motors  
Brooks Staffing  
Chill N Fill  
Concordia University  
Courtyard at Mt. Tabor  
Dutch Bros. Coffee  
Eliot Neighborhood Association  
Everett Custom Homes  
Hawthorne Auto Clinic, Inc.  
Hawthorne Vision Center

Hazelwood Neighborhood Association

Home Forward  
Home Street Bank  
Humana  
Inventif Solutions  
KanaryTek  
Kenton Neighborhood Association  
Laurelwood SE Public House  
Maid Brigade of Portland  
McMenamins Rams Head  
McMenamins Tavern and Pool  
Multnomah County Cultural Coalition  
NW Examiner  
Oregonians Credit Union  
Organics To You  
Partners for a Hunger-Free Oregon  
Portland Art Museum  
Portland International Raceway  
Portsmouth Neighborhood Association  
Providence Health & Services  
Regional Arts & Culture Council (RACC)  
Representative Alissa Keny-Guyer  
Roseway Neighborhood Association  
Sapphire at Gateway  
Sellwood Moreland Improvement League (SMILE)  
Sock Dreams  
Sunstone Montessori School  
Tatiana Xenelis Mendoza Stepping Stone  
Realty Group at Oregon First  
The Bee  
The Dragonfly Coffee House  
The eBike Store  
The Scanner Foundation  
The Zbell Companies  
Tom & Nancy Brown  
Tutor Doctor  
US Bank, Legacy Emanuel Branch  
Washman  
Widmer Brothers Brewing  
Zeitgeist Northwest

### CONTRIBUTING \$600+

Alameda Neighborhood Association  
Arbor Lodge Neighborhood Association  
Arnold Creek Neighborhood Association  
Beaumont-Wilshire Neighborhood Association  
Belmont Dairy LLC  
Bridlemile Neighborhood Association  
Brooklyn Action Corps  
Buds Expert Tree Care  
Centennial Community Association  
Classique Floors  
Colwood Golf Course  
Creston-Kenilworth Neighborhood Association  
Crestwood Neighborhood Association  
Czech School of Portland



Spinlister  
The global bike share

Dance with Joy Studios

Dennison-Capen Group  
East Portland Neighborhood Office (EPNO)  
Flying Pie Pizzeria  
Friends of Spring Garden Park  
Glenfair Neighborhood Association  
Healthy Smiles Dental Group  
Holladay Park Partnership  
Horg Phat Food Center  
Horse Brass Pub  
Irvington Neighborhood Association  
Kerns Neighborhood Association  
King Neighborhood Association  
Lents Neighborhood Association  
Madison South Neighborhood Association  
Maplewood Neighborhood Association  
Markham Neighborhood Association  
McMenamins Kennedy School  
Mike & Emily Watson  
Mill Park Neighborhood Association  
Montavilla Neighborhood Association  
Monti's Cafe  
Moreland Veterinary Hospital  
Mt. Tabor Neighborhood Association  
Mt. Tabor Veterinary Care  
Old Geezers and Hippie Mamas  
Overlook Neighborhood Association  
Parkrose Neighborhood Association  
Parkside Clinic Chiropractic & Massage  
Portland Community College Cascade Campus  
Portland Community College Southeast Campus  
Portland Homestead Supply Company  
Portland Wellness Professionals  
Powellhurst-Gilbert Neighborhood Association  
Reed College  
Reed Neighborhood Association  
Richmond Neighborhood Association  
Russellville Park  
Sabin Neighborhood Association  
Salt & Straw  
South Waterfront Community Relations  
Southeast Uplift Neighborhood Program (SEUL)  
Southwest Neighborhoods Inc (SWNI)  
Swift and Union  
The Missing Link  
The Party Place at Portland Rent All  
Twilight Room Bar and Grill  
Unmpqua Bank  
Vernon Neighborhood Association  
West Portland Park Neighborhood Association  
Whole Foods Market Fremont  
Wilkes Community Group  
Wonder Ballroom  
Woodlawn Neighborhood Association  
Woodstock Neighborhood Association  
**AND MANY MORE!**



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

# FILE COPY

Application #: 3631406

Applicant: Portland Parks and Rec \*Jeff Milkes\*  
6437 SE Division St  
Portland OR 97206

152 EVENTS  
ONE \$83.00 LOW IMPACT FEE  
\$83.00

Organization:

Activity: EVENTS VARIED - MOVIES, CONCERTS AND OTHER SPECIAL  
EVENTS - SEE ATTACHED LIST

Event Location: 6100 NE 37TH AVE

Date(s): May 6, 2015 through Oct 18, 2015

Hours: 8:00 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:

- 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 11:00 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:

May 12, 2015

Paul van Orden, Noise Control Officer

Phone: 503-823-7350 • Fax: 503-823-3050 • [www.portlandoregon.gov/oni](http://www.portlandoregon.gov/oni)



<b>Date</b>	<b>Location</b>	<b>Event</b>
Wednesday, May 06, 2015	Woodlawn Park, NE Claremont Ave. & Oneonta St.	Victim Family -- Vigil Event
Sunday, May 10, 2015	Bloomington Park	SUNDAY PARKWAYS
Sunday, May 10, 2015	Ed Benedict Park	SUNDAY PARKWAYS
Sunday, May 17, 2015	Fernhill Park	\$5 5k
Saturday, May 30, 2015	Columbia Park	Grunt Program Graduation Ceremony
Saturday, June 13, 2015	Marshall Park	Ribbon Cutting Ceremony
Sunday, June 14, 2015	Lents Park, SE 92nd Ave. & Holgate St.	\$5 5k
Saturday, June 20, 2015	Colwood Golf Course, 7313 NE Columbia Blvd.	Grand Opening Event
Sunday, June 21, 2015	Arbor Lodge Park	SUNDAY PARKWAYS
Sunday, June 21, 2015	Peninsula Park	SUNDAY PARKWAYS
Sunday, June 21, 2015	McCoy Park	SUNDAY PARKWAYS
Saturday, June 27, 2015	South Waterfront Greenway	Grand Opening Event
Monday, July 06, 2015	Sellwood Riverfront Park	Concert in the Park
Tuesday, July 07, 2015	Columbia Annex	Concert in the Park
Tuesday, July 07, 2015	Mt. Tabor Park (Volcano)	Concert in the Park
Wednesday, July 08, 2015	Peninsula Park, 700 N Rosa Parks Way	Movie in the Park
Wednesday, July 08, 2015	Willamette Park	Concert in the Park
Wednesday, July 08, 2015	Dawson Park, N Williams Ave. & Stanton St.	Concert in the Park
Thursday, July 09, 2015	Woodlawn Park, NE Claremont Ave. & Oneonta St.	Movie in the Park
Thursday, July 09, 2015	Wallace Park, NW 25th Ave. & Pettygrove St.	Concert in the Park
Thursday, July 09, 2015	Glenhaven Park, NE 82nd Ave. & Siskiyou St.	Concert in the Park
Friday, July 10, 2015	Wilshire Park, NE 33 <sup>rd</sup> Ave. & Skidmore St.	Movie in the Park
Friday, July 10, 2015	Fernhill Park	Concert in the Park
Saturday, July 11, 2015	Kenilworth Park, SE 34 <sup>th</sup> Ave. & Holgate Blvd.	Movie in the Park
Sunday, July 12, 2015	Glenhaven Park, NE 82 <sup>nd</sup> Ave. & Siskiyou St.	Movie in the Park
Sunday, July 12, 2015	Unthank Park	Concert in the Park
Sunday, July 12, 2015	Gabriel Park	\$5 5k
Monday, July 13, 2015	Sellwood Riverfront Park	Concert in the Park
Tuesday, July 14, 2015	Columbia Annex	Concert in the Park
Tuesday, July 14, 2015	Mt. Tabor Park (Volcano)	Concert in the Park
Wednesday, July 15, 2015	Willamette Park	Concert in the Park
Wednesday, July 15, 2015	Dawson Park, N Williams Ave. & Stanton St.	Concert in the Park
Thursday, July 16, 2015	King School Park, NE 6 <sup>th</sup> Ave. & Humboldt St.	Movie in the Park
Thursday, July 16, 2015	Portland Art Museum / South Park Blocks, 1219 SW Park Ave.	Movie in the Park
Thursday, July 16, 2015	Wallace Park, NW 25th Ave. & Pettygrove St.	Concert in the Park
Thursday, July 16, 2015	Glenhaven Park, NE 82nd Ave. & Siskiyou St.	Concert in the Park
Friday, July 17, 2015	Irving Park, NE 10 <sup>th</sup> Ave. & Fremont St.	Movie in the Park
Friday, July 17, 2015	Fernhill Park	Concert in the Park
Saturday, July 18, 2015	Glenhaven Park, NE 82 <sup>nd</sup> Ave. & Siskiyou St.	Movie in the Park
Saturday, July 18, 2015	St. John's Park, 8427 N. Central St.	Movie in the Park
Sunday, July 19, 2015	Lents Park, SE 92 <sup>nd</sup> Ave. & Holgate St.	Movie in the Park
Sunday, July 19, 2015	Unthank Park	Concert in the Park
Monday, July 20, 2015	Sellwood Riverfront Park	Concert in the Park

Tuesday, July 21, 2015	Wilshire Park, NE 33rd Ave. & Skidmore St.	Movie in the Park (private event)
Tuesday, July 21, 2015	Columbia Annex	Concert in the Park
Tuesday, July 21, 2015	Mt. Tabor Park (Volcano)	Concert in the Park
Wednesday, July 22, 2015	Reed College (sports field), SE 33 <sup>rd</sup> Ave. & Steele St.	Movie in the Park
Wednesday, July 22, 2015	Willamette Park	Concert in the Park
Wednesday, July 22, 2015	Dawson Park, N Williams Ave. & Stanton St.	Concert in the Park
Thursday, July 23, 2015	Grant Park, NE 36 <sup>th</sup> Ave. & Brazee St.	Movie in the Park
Thursday, July 23, 2015	Wallace Park, NW 25th Ave. & Pettygrove St.	Concert in the Park
Thursday, July 23, 2015	Glenhaven Park, NE 82nd Ave. & Siskiyou St.	Concert in the Park
Friday, July 24, 2015	Woodstock Park, SE 50 <sup>th</sup> Ave. & Steele St.	Movie in the Park
Friday, July 24, 2015	Fernhill Park	Concert in the Park
Saturday, July 25, 2015	Lents Park, SE 92 <sup>nd</sup> Ave. & Holgate St.	Movie in the Park
Saturday, July 25, 2015	Concordia University, 2811 NE Holman St.	Movie in the Park
Saturday, July 25, 2015	Cathedral Park	Concert in the Park
Sunday, July 26, 2015	Woodlawn Park, NE Claremont Ave. & Oneonta St.	SUNDAY PARKWAYS
Sunday, July 26, 2015	Alberta Park	SUNDAY PARKWAYS
Sunday, July 26, 2015	Riggler School	SUNDAY PARKWAYS
Monday, July 27, 2015	Sellwood Riverfront Park	Concert in the Park
Tuesday, July 28, 2015	Kenton Park	Concert in the Park
Tuesday, July 28, 2015	Mt. Tabor Park (Volcano)	Concert in the Park
Wednesday, July 29, 2015	Jackson Middle School, 10625 SW 35 <sup>th</sup> Ave.	Movie in the Park
Wednesday, July 29, 2015	Willamette Park	Concert in the Park
Wednesday, July 29, 2015	Dawson Park, N Williams Ave. & Stanton St.	Concert in the Park
Thursday, July 30, 2015	Elizabeth Caruthers Park, 3508 SW Moody Ave.	Movie in the Park
Thursday, July 30, 2015	Wallace Park, NW 25th Ave. & Pettygrove St.	Concert in the Park
Friday, July 31, 2015	Laurelhurst Park, SE 37 <sup>th</sup> Ave. & Oak St.	Movie in the Park
Friday, July 31, 2015	Gateway Park, NE 106 <sup>th</sup> Ave & Halsey St.	Movie in the Park
Friday, July 31, 2015	Fernhill Park	Concert in the Park
Saturday, August 01, 2015	Earl Boyles Park, SE 112 <sup>th</sup> Ave. & Boise St.	Movie in the Park
Saturday, August 01, 2015	Dickinson Park, SW 57 <sup>th</sup> Pl. & Huddleson St.	Movie in the Park
Saturday, August 01, 2015	Laurelhurst Park, SE 37th Ave. & Oak St.	Concert in the Park
Sunday, August 02, 2015	Sellwood Park, SE 7 <sup>th</sup> Ave. & Bidwell St.	Movie in the Park
Sunday, August 02, 2015	Peninsula Park	Concert in the Park
Monday, August 03, 2015	Sellwood Riverfront Park	Concert in the Park
Tuesday, August 04, 2015	Mill Park, SE 117 <sup>th</sup> Ave. & Stephens St.	Movie in the Park
Tuesday, August 04, 2015	Kenton Park	Concert in the Park
Tuesday, August 04, 2015	Fernhill Park	Concert in the Park
Wednesday, August 05, 2015	Parkrose High School (upper soccer field), NE 115 <sup>th</sup> Ave. & Skidmore St.	Movie in the Park
Wednesday, August 05, 2015	Ventura Park	Concert in the Park
Thursday, August 06, 2015	Parklane Park, SE 155 <sup>th</sup> Ave. & Main St.	Movie in the Park
Thursday, August 06, 2015	Couch Park	Concert in the Park
Thursday, August 06, 2015	Berrydale Park	Concert in the Park
Friday, August 07, 2015	Glenfair Park, NE 154 <sup>th</sup> Ave. & Couch Ct.	Movie in the Park
Friday, August 07, 2015	Alberta Park, NE 19 <sup>th</sup> Ave. & Ainsworth St.	Movie in the Park
Friday, August 07, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park



Friday, August 07, 2015	Lovejoy Fountain	Concert in the Park
Saturday, August 08, 2015	Wilkes Park, NE 154 <sup>th</sup> Ave. & Beech St.	Movie in the Park
Saturday, August 08, 2015	Warner Pacific College, 2219 SE 68 <sup>th</sup> Ave.	Movie in the Park
Saturday, August 08, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park
Saturday, August 08, 2015	Grant Park, NE 36 <sup>th</sup> Ave. & Brazee St.	Concert in the Park
Sunday, August 09, 2015	April Hill Park, SW 54 <sup>th</sup> Ave. & Logan Ct.	Movie in the Park
Sunday, August 09, 2015	Colwood Golf Course, 7313 NE Columbia Blvd.	Movie in the Park
Sunday, August 09, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park
Monday, August 10, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park
Tuesday, August 11, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park
Tuesday, August 11, 2015	Kenton Park	Concert in the Park
Wednesday, August 12, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park
Wednesday, August 12, 2015	Ventura Park	Concert in the Park
Thursday, August 13, 2015	Oregon Park, NE 29 <sup>th</sup> Ave. & Oregon St.	Movie in the Park
Thursday, August 13, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park
Thursday, August 13, 2015	Couch Park	Concert in the Park
Thursday, August 13, 2015	Berrydale Park	Concert in the Park
Friday, August 14, 2015	Irving Park, NE 10 <sup>th</sup> Ave. & Fremont St.	Movie in the Park
Friday, August 14, 2015	Washington Park (at the Rose Garden Amphitheater), 410 SW Kingston Ave.	Movie in the Park
Friday, August 14, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park
Friday, August 14, 2015	Lovejoy Fountain	Concert in the Park
Saturday, August 15, 2015	Concordia University, 2811 NE Holman St.	Movie in the Park
Saturday, August 15, 2015	Holladay Park	Movie in the Park (private event)
Saturday, August 15, 2015	Washington Park (at the Rose Garden Amphitheater)	Concert in the Park
Sunday, August 16, 2015	Arbor Lodge Park, NE Delaware Ave. & Bryant St.	Movie in the Park
Sunday, August 16, 2015	Laurelhurst Park, SE 37 <sup>th</sup> Ave. & Oak St.	Concert in the Park
Sunday, August 16, 2015	Laurelhurst Park, SE 37 <sup>th</sup> Ave. & Oak St.	\$5 5k
Tuesday, August 18, 2015	Columbia Pool	Dive-in Movie
Tuesday, August 18, 2015	McCoy Park	Concert in the Park
Wednesday, August 19, 2015	Wellington Park, NE 66 <sup>th</sup> Ave. & Skidmore St.	Movie in the Park
Wednesday, August 19, 2015	Grant Pool	Dive-in Movie
Wednesday, August 19, 2015	Ventura Park	Concert in the Park
Thursday, August 20, 2015	Director Park	NAYA Professional Night Out
Thursday, August 20, 2015	Brooklyn Park, SE Milwaukie Ave. & Haig St.	Movie in the Park
Thursday, August 20, 2015	Montavilla Pool	Dive-in Movie
Thursday, August 20, 2015	Berrydale Park	Concert in the Park
Friday, August 21, 2015	Laurelhurst Park, SE 37 <sup>th</sup> Ave. & Oak St.	Movie in the Park
Friday, August 21, 2015	Creston Pool	Dive-in Movie
Friday, August 21, 2015	Lovejoy Fountain	Concert in the Park
Saturday, August 22, 2015	Sewallcrest Park, SE 31 <sup>st</sup> Ave. & Market St.	Movie in the Park
Saturday, August 22, 2015	Wilson Pool	Dive-in Movie

Sunday, August 23, 2015	Laurelhurst Park, SE 37th Ave. & Oak St.	SUNDAY PARKWAYS
Sunday, August 23, 2015	Colonel Summers Park	SUNDAY PARKWAYS
Sunday, August 23, 2015	Sewallcrest Park, SE 31st Ave. & Market St.	SUNDAY PARKWAYS
Sunday, August 23, 2015	Sellwood Pool	Dive-in Movie
Tuesday, August 25, 2015	Mt. Scott Park, SE 74 <sup>th</sup> Ave. & Reedway St.	Movie in the Park
Tuesday, August 25, 2015	McCoy Park	Concert in the Park
Wednesday, August 26, 2015	Ventura Park	Concert in the Park
Thursday, August 27, 2015	Wallace Park, NW 25 <sup>th</sup> Ave. & Pettygrove St.	Movie in the Park
Friday, August 28, 2015	Dawson Park, N Williams Ave. & Stanton St.	Movie in the Park
Friday, August 28, 2015	Montavilla Park, NE 82 <sup>nd</sup> Ave. & Glisan St.	Movie in the Park
Saturday, August 29, 2015	Spring Garden Park, 3332 SW Spring Garden St.	Movie in the Park
Friday, September 04, 2015	Director Park	Movie in the Park (private event)
Saturday, September 05, 2015	Hamilton Park, SW 45 <sup>th</sup> Ave. & Hamilton St.	Movie in the Park
Sunday, September 06, 2015	Overlook Park, N Interstate Ave. & Fremont St.	Movie in the Park
Friday, September 11, 2015	Multnomah Arts Center, 7688 SW Capitol Hwy.	Movie in the Park
Saturday, September 12, 2015	Unthank Park	"Enough is Enough" Violence Prevention
Saturday, September 12, 2015	Alberta Park	"Enough is Enough" Violence Prevention
Saturday, September 12, 2015	McCoy Park	"Enough is Enough" Violence Prevention
Sunday, September 13, 2015	Westmoreland Park	\$5 5k
Sunday, September 27, 2015	Brooklyn Park, SE Milwaukie Ave. & Haig St.	SUNDAY PARKWAYS
Sunday, September 27, 2015	Sellwood Park, SE 7th Ave. & Bidwell St.	SUNDAY PARKWAYS
Saturday, October 17, 2015	Tennis Center Bubble, 324 NE 12th Ave.	Ribbon Cutting Ceremony
Sunday, October 18, 2015	Pier Park	\$5 5k

## **Original Noise Variance Permit #350-1908**

**This permit spans 12 months, is for three different types of activities, 30 early morning 5am events and 14 early morning 6am events.**

**All this for one \$850 fee.**

Dates: September 17, 2014 - September 16, 2015

- 12 months

Activity: Crane, Forklifts, Tower Crane Erecting & Dismantle, Concrete supply, placing & finishing

- **3 Activities**
- Crane Erection
- Crane Dismantle
- Concrete Pours

Hours:

- 30 events beginning @ 5 am
- 14 events beginning @ 6am

Fee: \$850.00

- First week \$510.00
- Additional weeks \$170.00 for each additional week up to a total maximum of \$850.00 per 12 month period.

This permit was appealed asking that Sundays not be allowed. Anderson Construction agreed to the removal of Sundays and the permit was revised excluding Sunday work.



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

*ORIGINAL REQUEST INCLUDES SUNDAYS*

**Application #:** 3501908  
**Applicant:** BRIAN ANTHONY  
6712 N Cutter Circle  
Portland, OR 97217  
**Organization:** ANDERSEN CONSTRUCTION  
**Activity:** CRANE, FORKLIFTS, TOWER CRANE ERECTING & DISMANTLE,  
CONCRETE SUPPLY, PLACING & FINISHING  
**Event Location:** 1261 NW Overton Street Portland  
**Date(s):** September 17, 2014 through September 16, 2015  
**Hours:** 5:00 AM – 7:00 PM, as specified for individual operations

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

**Approved, with the following conditions:**

- A. The variance shall run from September 17, 2014 through September 16, 2015.
- B. The hours of the variances construction work shall be from 5:00 AM - 7:00 PM, Monday through Saturday, as described for individual operation as listed below.
- C. 30 Early morning concrete pours shall be permitted under this variance to operate from 5 AM to 7 PM. 14 additional morning pours shall begin at 6 AM and finish by 7 PM. Set up for the pours shall not commence earlier than the respective start time outlined. No more than two concrete trucks will be at the site off-loading concrete, with two additional delivery trucks there in waiting. Any additional concrete trucks will be staged off site at locations that are approved for staging by the Noise Office.
- D. On Sundays work shall be permitted from 9:00 AM to 5 PM during the duration of the variance time period and specifically just for the erection of cranes, the jumping of cranes, or the delivery of large sized materials that are difficult to move to the site during normal work hours. These additional activities shall constitute 10 additional mornings of work during the variance time frame.
- E. The Noise Control Office shall be the final arbiter, in consultation with professional associates at the Portland Bureau of Transportation in the determination of whether or not a particular item may be delivered outside the normal construction hours. Before delivering material to the site, the applicant need to check in with the Noise Control Officer that the specific delivery necessitates the use of this variance.
- F. A construction hotline phone number shall be set up that updates the neighbors on a weekly basis of the upcoming concrete pours and other variances activity as permitted under this noise variance.

*Continued on page 2*



- G. Back up alarms shall not be used during the duration of the varied times by any vehicles associated with the project, including concrete delivery vehicles. The applicant shall use spotters to safely back vehicles during these varied time frame. The contractor shall plan accordingly to maintain safety and a quieter environment for the community.
- H. Use of jackhammers and or pile drivers shall not be permitted outside the normally allowed construction hours of the City of Portland. This permit does not allow the use of these loud pieces of equipment during the night or early morning hours.
- I. The Applicant shall work to utilize a direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a 3/4 inch plywood enclosure that does not impact the need of the unit to be properly ventilated.
- J. The Applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be email to the Noise Office at: [noise@portlandoregon.gov](mailto:noise@portlandoregon.gov). The email will be followed up with call to (503) 823-7350 to verify receipt of emailed log.
- K. Notice shall be given to the neighborhood residents. The notice will include a contact person and phone number for construction noise issues. Notices will be delivered to all buildings within a 2 block radius of the construction work. The notice shall include the nature of the work and the anticipated noise sources that neighbors will hear during the period of varied work activity.
- L. A 24- hour noise phone information hotline will be set up that describes any upcoming construction activities under the noise variance and the way to reach the applicant during off hours of work. This hotline information number will be supplied to neighbors within the notification letter to the community as outlined above.
- M. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise that constitute a need for changes to the permit to better address noise impacts.
- N. The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance, as needed, to resolve excessive community noise disturbances. The Noise Control Officer shall be the arbiter of the delineation of whether or not a complaint requires modifications to a given noise variance.
- O. The Applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the normally permitted construction hours. The Applicant will keep a running tally of varied days used. This log shall be made available to the Noise Control Office upon request.

**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:** Approved and signed  
Tuesday September 16, 2014

---

Paul van Orden, Noise Control Officer

## **Example Revised Noise Variance Permit #350-1908-002**

**This permit spans 3 months, is for up to 44 more early morning events.  
All this for a date change only fee of \$83.00**

*This revised variance was issued the day after the original variance expired. It appears that the original variance was used with just the date changed.*

Dates: September 17, 2015 - December 5, 2015

- 12 Weeks

Activity: Crane, Forklifts, Tower Crane Erecting & Dismantle Concrete supply, placing & finishing

- Since the crane has been erected and will not be dismantled until the project is complete, it appears the revised variance is just for concrete pours.
- How many of the original 44 pours were done?
- Exactly how many more are anticipated?

Hours:

- 30 events beginning @ 5 am
- 14 events beginning @ 6am

Fee:

- Date Change Only?
- Construction
- \$83.00

*This is an example of where the revised variance permit could have changed the "scope of work" to include Sundays with no opportunity for appeal.*



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- REVISED

Application #: 3501908- 002

Applicant: BRIAN ANTHONY  
6712 N Cutter Circle  
Portland, OR 97217

Organization: ANDERSEN CONSTRUCTION

Activity: CRANE, FORKLIFTS, TOWER CRANE ERECTING & DISMANTLE,  
CONCRETE SUPPLY, PLACING & FINISHING

Event Location: 1261 NW Overton Street Portland

Date(s): September 17, 2014 through December 5, 2015

Hours: 5:00 AM – 7:00 PM, as specified for individual operations

SUNDAYS REMOVED

FILE COPY

EXTENDS ORIGINAL  
PERMIT 3 MONTHS  
9/17/2015 - 12/5/2015

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

**Approved, with the following conditions:**

- A. The variance shall run from September 17, 2014 through December 5, 2015.
- B. The hours of the variances construction work shall be from 5:00 AM - 7:00 PM, Monday through Saturday, as described for individual operation as listed below.
- C. 30 Early morning concrete pours shall be permitted under this variance to operate from 5 AM to 7 PM. 14 additional morning pours shall begin at 6 AM and finish by 7 PM. Set up for the pours shall not commence earlier than the respective start time outlined. No more than two concrete trucks will be at the site off-loading concrete, with two additional delivery trucks there in waiting. Any additional concrete trucks will be staged off site at locations that are approved for staging by the Noise Office..
- D. The Noise Control Office shall be the final arbiter, in consultation with professional associates at the Portland Bureau of Transportation in the determination of whether or not a particular item may be delivered outside the normal construction hours. Before delivering material to the site, the applicant need to check in with the Noise Control Officer that the specific delivery necessitates the use of this variance.
- E. A construction hotline phone number shall be set up that updates the neighbors on a weekly basis of the upcoming concrete pours and other variances activity as permitted under this noise variance.
- F. Back up alarms shall not be used during the duration of the variances times by any vehicles associated with the project, including concrete delivery vehicles. The applicant shall use spotters to safely back vehicles during these variances time frame. The contractor shall plan accordingly to maintain safety and a quieter environment for the community.



- G. Use of jackhammers and or pile drivers shall not be permitted outside the normally allowed construction hours of the City of Portland. This permit does not allow the use of these loud pieces of equipment during the night or early morning hours.
- H. The Applicant shall work to utilize a direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a ¾ inch plywood enclosure that does not impact the need of the unit to be properly ventilated.
- I. The Applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be email to the Noise Office at: [noise@portlandoregon.gov](mailto:noise@portlandoregon.gov). The email will be followed up with call to (503) 823-7350 to verify receipt of emailed log.
- J. Notice shall be given to the neighborhood residents. The notice will include a contact person and phone number for construction noise issues. Notices will be delivered to all buildings within a 2 block radius of the construction work. The notice shall include the nature of the work and the anticipated noise sources that neighbors will hear during the period of variances work activity.
- K. A 24-hour noise phone information hotline will be set up that describes any upcoming construction activities under the noise variance and the way to reach the applicant during off hours of work. This hotline information number will be supplied to neighbors within the notification letter to the community as outlined above.
- L. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise that constitute a need for changes to the permit to better address noise impacts.
- M. The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance, as needed, to resolve excessive community noise disturbances. The Noise Control Officer shall be the arbiter of the delineation of whether or not a complaint requires modifications to a given noise variance.
- N. The Applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the normally permitted construction hours. The Applicant will keep a running tally of variances days used. This log shall be made available to the Noise Control Office upon request.

**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: Approved and signed

Tuesday September 16, 2014

*Original Approval Date*  
*[Signature]* 9/20/15

*[Signature]*

Paul van Orden, Noise Control Officer



Examples of early morning concrete pours.

Permits range in span from 2 months to 12 months.

Permits vary from as few as 4 "events" to as many as "48" events.



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 - REVISED

**Application #:** 3558622- 001

**Applicant:** ANDERSEN CONSTRUCTION \*CANDICE SUND\*  
6712 N CUTTER CIRCLE  
PORTLAND OR 97217

**Organization:**

*2 ACTIVITIES*  
*2 PERMITS?*

**Activity:** CONSTRUCTION – 4 CONCRETE POURS AND CRANE  
DEMobilIZATION

**Event Location:** 1315 NW 11TH AVE (BLOCK 17)

**Date(s):** Jan 28, 2015 through May 31, 2015

**Hours:** 5:00 am - 9:00 pm for pours only  
6:00 am – 9:00 pm for crane erection\*

\*Delivery of crane parts or actual cranes and equipment to the site may occur between 5:00 am and 6:00 am

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

### Approved, with the following conditions:

A. The variance shall run for seven days between January 28, 2015 through May 31, 2015. The hours of the variances construction shall be from 5:00 a.m. to 9:00 p.m. for concrete pours only. The hours for crane erection shall be from 6:00 am – 9:00 pm. Delivery of crane parts or actual cranes and equipment to the site may occur between 5:00 am and 6:00 am.

B. The variance will be used for 4 concrete pours during the months of January 2015 and February 2015, and tower crane demobilization for 3 days during the month of May 2015.

C. Concrete pours, to the extent that weather permits, shall take place Tuesday through Friday only, with the understanding that concrete pours can't be done in the rain.

D. On Sundays, no work shall be permitted during the duration of the variance time period.

E. The applicant shall post a copy of the permit at the site for viewing by the public or a responding police officer. It shall be a minimum of 16 inches by 24 inches, with the permit reproduced in its actual size of 8.5 inches by 11 inches for each page. The top shall have a bold title "Noise Variance Permit".

F. Notification of the variance shall be given to the front desk at The Sitka, Wyatt, Parker, Ramona and Freedom Center Apartments, with a reminder 3 or 4 days in advance of each concrete pour and before crane demobilization occurs. Notice will include a contact person and phone number for construction noise issues.

G. From 6:00 p.m. until 9:30 p.m., the contractor will be required to use 'smart alarm' back up beepers, instead of a standard reversal alarm, for all equipment activity. After 9:30 p.m. and until 7 a.m. the



following morning, back up alarms will be disconnected and spotters will be used to safely back up vehicles.

H. The Applicant shall work to utilize a direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a 3/4 inch plywood enclosure that does not impact the need of the unit to be properly ventilated.

I. The Applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be faxed to the Noise Office at (503) 823-7915 with a follow-up call to (503) 823-7350 to verify receipt of fax.

J. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise.

K. The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance, as needed, to resolve community noise disturbances.

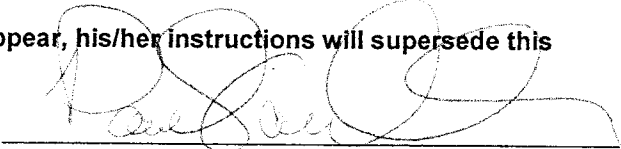
L. The Applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the normally permitted construction hours. The Applicant will keep a running tally of varianced days used. This log shall be made available to the Noise Control Office upon request.

**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:

*Filed 24, 2015*

  
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 #: 3644039

Applicant: MCRT PNW CONSTRUCTION LLC  
220 NW 2ND AVE STE 900  
PORTLAND OR 97209

**FILE COPY**

Organization:

Activity: CONSTRUCTION - CONCRETE POURS

Event Location: 1481 NW 13TH AVE

Date(s): 4 Concrete Pours on Saturdays between Sep. 26, 2015 through Nov. 15, 2015

Hours: 6:00 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. The variance shall be for 4 concrete pours, to run Saturdays between September 26, 2015 and November 15, 2015. The hours of the variances construction shall be from 6:00 a.m. to 10:00 p.m.
- B. 2 concrete pours shall be allowed to begin set-up at 6:00 am, with work to begin pours beginning at 7:00 am and end by 10:00 pm. No more than two concrete trucks will be at the site off-loading concrete, with two additional delivery trucks there in waiting. Any additional concrete trucks will be staged off site at locations that are approved for staging by the Noise Office.
- C. 2 concrete pours shall begin set up at the allowable construction start time, 7:00 am, and will end by 10:00 pm.
- D. From 6:00 p.m. until 9:30 p.m., the contractor will be required to use 'smart alarm' back up beepers, instead of a standard reversal alarm, for all equipment activity. After 9:30 p.m. and until 7 a.m. the following morning, back up alarms will be disconnected and spotters will be used to safely back up vehicles.
- E. Use concrete pump trucks in good working order, with throttle set to low.
- F. The Applicant shall work to utilize a direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a 3/4 inch plywood enclosure that does not impact the need of the unit to be properly ventilated.



G. The Applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be faxed to the Noise Office at (503) 823-7915 with a follow-up call to (503) 823-7350 to verify receipt of fax.

H. On Sundays work shall be permitted from 9 a.m. to 7:30 p.m. during the duration of the variance time period.

I. Notice shall be given to the neighborhood residents. The notice will include a contact person and phone number for construction noise issues. Notices will be delivered to all buildings within a 2 block radius of the construction work. The notice shall include the nature of the work and the anticipated noise sources that neighbors will hear during the period of the variances work activity.

J. When pours are scheduled with dates more firm, notice shall be provided to The Wyatt, The Sitka, The Pinnacle, Ramona, and The Parker buildings with dates in advance.

K. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise.

L. The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance, as needed, to resolve community noise disturbances.

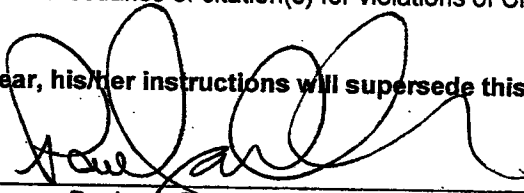
M. The Applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the normally permitted construction hours. The Applicant will keep a running tally of variances days used. This log shall be made available to the Noise Control Office upon request.

**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:

*Sept 28 2015*

  
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 #: 3712235

Applicant: Fore Property \*Joe Whitaker  
1741 VILLAGE CENTER CIR  
LAS VEGAS NV 89134

Organization:

Activity: CONCRETE POURS – UP TO 12

Event Location: 1850 NW FRONT AVE

Date(s): Up to 12 Days between Oct 20, 2015 and Feb 15, 2016

Hours: 5:00 am - 7:00 am

**FILE COPY**

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

#### Approved, with the following conditions:

A. The variance shall run for up to 12 days between October 20, 2015 and February 15, 2016. The hours of the variances construction shall be from 5:00 a.m. to 7:00 a.m.

B. From 6:00 p.m. until 9:30 p.m., the contractor will be required to use 'smart alarm' back up beepers, instead of a standard reversal alarm, for all equipment activity. After 9:30 p.m. and until 7 a.m. the following morning, back up alarms will be disconnected and spotters will be used to safely back up vehicles.

C. The Applicant shall work to utilize a direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a 3/4 inch plywood enclosure that does not impact the need of the unit to be properly ventilated.

D. The Applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be faxed to the Noise Office at (503) 823-7915 with a follow-up call to (503) 823-7350 to verify receipt of fax.

E. On Sundays work shall be permitted from 9 a.m. to 7:30 p.m. during the duration of the variance time period.

F. Notice shall be given to the neighborhood residents. The notice will include a contact person and phone number for construction noise issues. Notices will be delivered to all buildings within a 2 block radius of the construction work. The notice shall include the nature of the work and the anticipated noise sources that neighbors will hear during the period of the variances work activity. As dates for concrete pours get firmed up, neighbors must be notified of the upcoming pour within 1 week of it occurring.

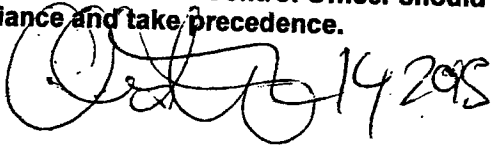
G. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise.

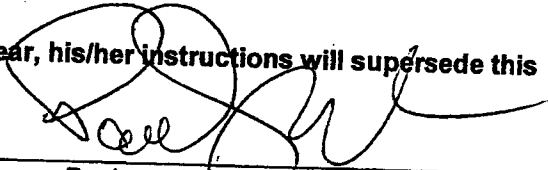
- H. The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance, as needed, to resolve community noise disturbances.
- I. The Applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the normally permitted construction hours. The Applicant will keep a running tally of varianced days used. This log shall be made available to the Noise Control Office upon request.

**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:

 14.2.08

  
Paul van Orden, Noise Control Officer



CITY OF

## PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

Promoting a culture of civic engagement

CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

### Noise Variance / Permit

Application #: 3668607

Applicant: ANDERSEN CONSTRUCTION \*TRUDY JACOBS\*  
6712 N CUTTER CIRCLE  
PORTLAND, OR 97217

Organization:

Activity: CONSTRUCTION- CONCRETE POURS AND DELIVERIES

Event Location: 1036 SE BELMONT ST

Date(s): Jul 28, 2015 through Jul 26, 2016

Hours: 11:00 pm - 7:00 am

ONE YEAR  
48 POURS

SHOULD THIS  
HAVE GONE TO  
THE NRB  
FOR REVIEW?

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

#### Approved, with the following conditions:

- The variance shall run from July 28, 2015 through July 26, 2016. The hours of the variances construction shall be from 11:00 p.m. to 7:00 a.m.
- From 6:00 p.m. until 9:30 p.m., the contractor will be required to use 'smart alarm' back up beepers, instead of a standard reversal alarm, for all equipment activity. After 9:30 p.m. and until 7 a.m. the following morning, back up alarms will be disconnected and spotters will be used to safely back up vehicles.
- Of the 48 anticipated concrete pours, no more than 25 shall be during the variances hours before 7:00 am and after 6:00 pm, Monday through Saturday.
- No more than two concrete trucks will be at the site off-loading concrete, with two additional delivery trucks there in waiting.
- The Applicant shall work to utilize a direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a 3/4 inch plywood enclosure that does not impact the need of the unit to be properly ventilated.
- The Applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be emailed to the Noise Office at [noise@portlandoregon.gov](mailto:noise@portlandoregon.gov) with a follow-up call to (503) 823-7350 to verify receipt of email.
- On Sundays delivery work shall be permitted from 9 a.m. to 7:30 p.m. during the duration of the variance time period.
- Notice shall be given to the neighborhood residents. The notice will include a contact person and phone number for construction noise issues. Notices will be delivered to all buildings within a 2 block radius of the construction work. The notice shall include the nature of the work and the anticipated noise sources that neighbors will hear during the period of the variances work activity.

Phone: 503-823-7350 • Fax: 503-823-3050 • [www.portlandoregon.gov/oni](http://www.portlandoregon.gov/oni)





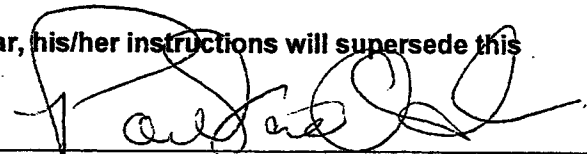
- I. The Applicant will be required to maintain a hotline or social media presence for up-to-date project information.
- J. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise.
- K. The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance, as needed, to resolve community noise disturbances.
- L. The Applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the normally permitted construction hours. The Applicant will keep a running tally of varianced days used. This log shall be made available to the Noise Control Office upon request.

**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:**

July 23, 2015

  
Paul van Orden, Noise Control Officer

April 13, 2016

## Noise Review Board Testimony

Maryhelen Kincaid  
2030 NE Blue Heron Drive  
Portland, OR 97211

I was the chair of the Port of Portland's Citizen Noise Advisory Committee (CNAC) for 9 years. It is a 15 member committee representing jurisdictions such as counties and cities as well as neighborhood representatives. It is the only all citizen based airport noise committee in the US. We specifically dealt with airplane noise and how it impacted surrounding neighborhoods and the City.

Our charge was to "...act on behalf of local jurisdictions as the official forum to address community noise concerns; review airport noise issues and provide input or recommendations on issue resolution and follow-up action; and develop ideas and recommend proposals for consideration in future airport noise plans.

Not too much different than your charge. We did not have a formal process to "grant variances" but any change in flight paths or operations that would impact the noise impact areas were carefully scrutinized and had to follow strict federal rules and community guidelines.

Our primary role was to advocate for the greatest possible reduction in sound emissions whether they be from aircraft, ground operations, or airport construction noise. There are standards to be met, and Kerrie Standlee was a hired consultant for several PDX Noise Management studies. Paul Van Orden participated in discussions about a noise mapping study and often met with the Port's Noise Management team. There are many agencies that deal with the issues and concerns of noise at PDX. 16 million passengers travel through PDX each year, the population of the surrounding neighborhoods is less than 3% of that. Airlines create billions of dollars in revenue for a lot of people. Federal, State and City regulations all play a part in the management of Noise at PDX. In addition to passenger travel there are cargo planes, both large and small, and military aircraft contributing to the noise impacts. I live 3,500 feet from the west end of the south runway, the longest of 3 at PDX, and the most used. There are 8 neighborhoods that border PDX, that are impacted by the approximately 300 arrivals and departures each day. Anyone ever heard an F-15 military aircraft take off in afterburner?

I can tell you it is nothing compared to the noise and vibrations of impact hammer pile driver operations that affects hundreds of residents living within the impacted construction zone.

Your charge is "...to help establish the direction the City is headed in addressing emerging noise problems in the community. The board is helpful in educating other government agencies about the important role that they can play in helping make Portland a quieter and therefore more livable city" ....is somewhat similar to CNAC but your approach has been vastly different. I have been puzzled at the difference for the 2 years I have been involved in an attempt to find a reasonable solution to the suffering and egregious health impacts suffered by residents, and visitors, to the Pearl District. It isn't just a few people, it is thousands, and it seems to me you have failed to realize the ill effects that you have been allowing to happen.

After finding it frustrating and confusing to deal with the Noise Office, and attend your meetings, it is citizens like Mary Sipe and Patrice Hansen who contacted developers, informed them of their concerns, had respectable meetings and negotiated the use of the augercast pile driver. The Noise Review Board and the Noise Office did nothing to reach those agreements, or even assist the citizens in becoming informed about construction noise. The Noise Office created a difficult process for reporting complaints, The NRB often refused to hear testimony from citizens with complaints. All of the suggested solutions and actual pleas brought to you, to examine negotiations with contractors over the use of augercast were ignored. The citizens like Mary and Patrice took it upon themselves, with the help of many other neighbors and businesses, to contact the builders/developers and achieved an outcome that was favorable to all.

I attended NRB meetings where members of the public were mocked and ignored by committee members. I heard citizens say "what can we do to help you reduce the noise in the Pearl?" And then hear the response "stop bothering us,

we are busy dealing with variances". You were presented with recommendations and proposed solutions and did nothing. You have, however, granted variances.

The notification of hearings and the variances is better than it was 2 years ago with web access but it is nowhere near useful. The process of notification of the application for a variance, and ability to appeal is burdensome and near impossible for a neighborhood to provide any input.

I was a member of the Noise Task Force and feel as if I, and the others, wasted our time in offering advice and possible solutions. No one ever recommended the NRB make geotechnical decisions.

I do not fault Commissioner Fritz for doing nothing because the very citizen committee she relies on for advice gave her nothing, and no recommendations. I will continue to advocate with City Council members for better solutions for those people who will continue to suffer because of your unwillingness to represent their health and living conditions.

As others have mentioned, this is not, as one of your board members stated, "the narrowminded complaints of a few", it is thousands of people, and the numbers will continue to grow as the construction moves into the highly populated areas of Central City, Lloyd District, and the infill development in inner SE and NE.

I urge you to reconsider the recommendations and thoughtful work of the Noise Task Force. It is the best information you have received. Make this an opportunity to improve the lives of citizens of Portland.

## Testimony- Noise Review Board 4/13/2016

The failure of the this Board to support the Pile Driving Variance Process proposed by Commissioner Fritz is both baffling and disturbing to me. Two stated purposes of the board are 1) " to help establish the direction the City is headed in addressing emerging noise problems in the community. And 2) " The board is helpful in educating other government agencies about the important role that they can play in helping make Portland a quieter and therefore more livable city."

Impact hammer pile driving is one of the most egregious, harmful noise polluters in the city as it produces noise and vibration far beyond the decibel levels of most other urban noise sources. Somehow this board continues to believe that the proposal is asking them to make decisions about how a building should be built. Clearly this is not the case. The language of the proposal makes it clear that this would be at the direction of the geotechnical engineer not the Noise Review Board.

What the proposal does do is require builders to use a reasonable, workable, quieter method whenever feasible rather than choosing the method promoted by Dewitt Construction who serves to profit from the use of the particular type of equipment that they have for laying foundations for large buildings, namely the impact hammer. I am sure Dewitt Construction can discover creative ways to continue successfully in business while adopting more equitable noise mitigating practices that benefit everyone when working in densely populated areas.

The change in hours implemented in July is virtually meaningless. Experience has shown that, with setup time included, pile driving most often does not begin until at least 8am so the only benefit is that pile driving cannot happen on Saturdays. I see these code changes as merely an attempt to pacify.

There were concerns about delays in projects with the use of alternatives to the impact hammer. This too is not necessarily the case. For instance, impact hammer pile driving on block 17, for a 17 story building, took 7 weeks. Block 15, using the auger drill, completed the work in 3 to 4 weeks on a 28 story building.

On May 21, Mary Sipe will receive a NW Examiner Community Award due to her work on the pile driving issue which resulted in many developers switching to the quieter auger drill. Last year I received that award for the same issue. Clearly, this is a statement by the bigger community.

I have the sense that the Noise Review Board succumbed to pressures from the construction industry (Dewitt) rather than consider the greater good of the many. I've said before that anyone who thinks the disruption of the impact hammer is just a nuisance, should be required to live across the street from it for a day or two, extrapolate that out to many weeks and then come to a conclusion. Would you want your elderly mother, disabled family member, child, pet or anyone to be subject to that kind of assault?

Patrice Hanson  
1221 NW 11th Ave #101  
Portland, OR 97209

Additional Testimony from Patrice Hanson  
Noise Review Board 4/13/2016

The ONI Website describes the composition of this board as follows:

"The five member board is comprised of three citizen representatives, one person from the construction industry, and a professional working in the field of Acoustics."

I question why the construction industry gets special treatment in regard to noise and why, if they automatically get a representative on the board why not, for example, the garbage truck industry or bars and music venues? Another idea is that perhaps when there is a particular issue like, pile driving, there could be a temporary seat made available for someone who is directly being impacted so they can represent community and be included in the meetings that occur after public testimony is completed?

I've heard numerous times from Paul VanOrden how the Noise Office is underfunded and understaffed and how this gets in the way of enforcement. I understand how challenging this can be but to my mind this is when it is important to use creative ideas to find ways to include a community that wants to be involved to assure livability. I'm thinking about the ONI program on Crime Prevention that helps citizens get results by setting up Foot Patrols and the Neighborhood Watch. I'm sure that in regard to noise there are ways that community members can be encouraged to participate and be of help to the Noise Office. What it takes is thinking outside the box and being open to possibilities.

**David Leighton Mitchell**  
937 N.W. Glisan Street, #1337  
Portland, OR 97209  
(619) 840-6715  
D.Leighton.Mitchell@gmail.com

April 13, 2016

Noise Review Board  
City of Portland  
1221 S.W. 4<sup>th</sup> Street, Suite 110  
Portland, OR 97204

Dear Members of the Noise Review Board:

My name is Dave Mitchell, and my wife and I have lived in the Pearl District for the past six and one-half years since moving here from San Diego. We chose Portland as the home for our retirement years after hearing so many people applaud this city's longstanding commitment to maintaining a superior quality of life.

When my father and mother first took me into midtown Manhattan as a four-year-old in the early 1950s, I was overwhelmed by the loud sounds and sights of high-rise building construction going on everywhere I looked. I remember asking my parents, when is all this construction going to end? My father replied, "Dave, this is what a big city is all about...this activity will go on forever." Dad's comments have stayed with me all these years, which explains in part why I'm here this evening to speak briefly to all of you.

As members of Portland's Noise Review Board, you are charged with the responsibility of developing and maintaining noise standards that balance quality of life concerns with activities that promote economic growth and vitality. By agreeing to serve on this Board, you've assumed a vital role in ensuring that Portland remains a vibrant and attractive city in which to live and work.

At the core of this responsibility is the requirement that you always maintain a delicate balance between those who are economically rewarded for new construction and renovation projects, and those residents and workers who must make temporary and often profound sacrifices to allow for growth and development to occur.

My own experience in dealing with this Board and the Noise Task Force over your recent deliberations involving impact hammer pile driving has led me to conclude that you fundamentally failed in your responsibility to maintain an appropriate balance between quality of life concerns of thousands of residents and the economic interests of a few developers and contractors.

The Noise Task Force and this Board were presented with a golden opportunity to put in place enlightened and well-documented measures modelled after those adopted in New York City, which would have rendered hammer impact pile driving as a last resort

predicated on geophysical imperatives, rather than as the go-to first resort chosen by developers for cost reasons.

Despite what I thought were compelling arguments from various parties, including myself, which argued for stricter regulation of pile driving, the Noise Task Force, this Board, and then Commissioner Fritz elected to maintain the status quo, with no changes that would have curtailed the use of intrusive impact hammer pile driving in projects that would have been perfect candidates for quieter and less disruptive construction techniques such as the continuous augur drill.

As I stated in a letter to Commssioner Fritz following her decision not to make any changes in the codes governing impact pile driving, I felt that your recommendation to her to propose no changes in the existing code was a serious insult to those of us voters and taxpayers who went into the hearing process believing that this Board would deliberate in an equitable and professional manner.

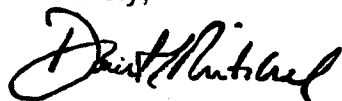
I and others have requested – but we have not received – any explanation whatsoever as to why this Board, or Commissioner Fritz, totally ignored proposals that would have made impact pile driving a last resort rather than a first resort. Frankly, I find this Board's action, and the subsequent action by Commissioner Fritz, on this important matter irresponsible and not at all in keeping with Portland's motto touting itself as "the City that works." In this instance, the City did not work.

It is tempting to conclude that this Board is in the hip pocket of real estate developers and contractors who are interested primarily in generating the greatest profit from their construction and development projects, regardless of how these projects affect the lives of those who live and work nearby. However, I'd prefer to think that this Board is not a puppet of the real estate development sector, and that you do intend to revisit pile driving regulations again in the very near future.

What we've been facing in the Pearl District in terms of the volume of new high-rise construction is a mere drop in the bucket compared with the huge pipeline of new construction projects planned for the central city and elsewhere. I believe that you haven't heard the last word from those of us who remain convinced that you must address the pile driving issue more aggressively as part of your civic responsibilities. This issue is not going to go away; in fact, in coming months, I predict that you're going to be getting an earful of complaints from local residents and workers when you allow impact hammer pile driving to be used when other less disruptive techniques could be employed.

In the meantime, I come away from this process quite disillusioned and disgusted with the way this Board and Commissioner Fritz have handled this matter. This is simply not the way a progressive city government is supposed to work.

Sincerely,

A handwritten signature in black ink, appearing to read "David Mitchell". The signature is fluid and cursive, with a large initial "D" and "M".



**Stanley Penkin**  
**123 NW 12 Ave. #228**  
**Portland, OR 97209**

April 13, 2016

To: Noise Review Board

I am deeply disappointed by the Noise Review Board's unanimous decision at its March Meeting recommending against noise ordinance changes proposed by Commissioner Amanda Fritz, specifically with reference to impact hammer pile driving.

This decision is a failure in government's basic responsibility to protect the health and well being of the public, a concern that had been so extensively described in various testimonies, discussed during the task force hearings and is a commonly held precept in the safety and health community across the country.

The crux of the issue at hand is a simple one that has been unduly complicated: **prohibit impact hammer pile driving except in situations where it is duly certified that other, quieter methods are geotechnical unfeasible.** The issues of variance and fees etc. are ancillary to that basic premise and can easily be determined, barring undo resistance from some in the construction and development communities who might have other self interests.

The diligent efforts of a number of citizen's concerned about public health and safety has gone to naught, thus a lost opportunity for improving the livability and quality of life of Portland.

Thank you.

Stanley Penkin

To: Portland Noise Review Board

Subject: Proposed Pile Driver Noise Code Changes

My name is Brooks Hickerson and I live at 1255 NW 9th Ave. in a building called the Pinnacle. THE BEAT GOES ON.

In the last three years seven buildings have been constructed within three blocks of my residence. The first three of these buildings used a impact pile driver. The last four buildings used an augur to drill a foundation. I counted over 800 impacts to drive a single pile into the ground, and it can require 200 piles per building foundation. This is more that 160 thousand impacts spread over 6 or 7 weeks at a noise level of 110 decibels. The OSHA standard for maximum allowable noise level for an 8 hour shift is 90 decibels (occupational noise exposure standard 1910.95).

Dr. Charles Liberman's from Harvard Medical School studies pathways between the ear and the brain. His article "Hidden Hearing Loss" in August, 2015, Scientific American describes how the inner ear converts sound energy to nerve impulses that are delivered to our brain. He points out that audiogram, the gold standard for hearing tests, measures inner earn hair cell damage, and it is a very poor measure of auditory nerve damage. Audio nerve damage degrades our ability to understand speech and nerve damage is not repairable. It is your job to protect the citizens of Portland from permanent

hearing loss due to loud noises. Current ordinances allow a builder to create any noise from 8 to 5 Monday through Friday, without any notification of the Noise Control Board or the residents near the building site.

So what are you to do? You have to decide what hearing loss is acceptable to what portion of Portland population?

I believe you should BAN IMPACT PILE DRIVERS outright in residential areas. Then use a variance process when geophysical conditions require such extreme measures that endanger the health of Portland citizens. I also believe you should require any builder proposing to use IMPACT PILE DRIVER foundation to notify all residents within 500 feet, and give them time and place to respond to this assault on their hearing, such as the NRB.

Thank you

Brooks Hickerson

April 13, 2016

At last month's meeting, Commissioner Fritz presented the Noise Review Board with a clear, concise, fair and easy to administer proposal to require a Noise Variance Permit for impact hammer pile driving which you chose not to support.

Over the past two years, you have heard the same objections to any efforts to limit the unnecessary use of the impact hammer pile driver.

Those objections have been from DeWitt Construction, members of the pile drivers union and Hoyt Street Properties. None of their objections are valid.

DeWitt has maintained that due to soil conditions the quieter auger drill method is not viable in some areas of Portland like the Pearl District. In the last two years more than 10 projects have successfully set foundation piles using the auger drill in the Pearl District. What more proof do you need that the soil conditions do not always prohibit the use of the auger drill?

DeWitt has maintained that noise mitigation devices do not work and can be a safety issue. The Noise Review Board has taken DeWitt at their word and failed to require noise mitigation. Construction noise ordinances in many cities across the US require noise mitigation devices when the impact hammer is used. Noise mitigation devices are available, are being used and work.

I have lived in the Pear District since 2000 and like my neighbors, believed that impact hammer pile driving was a necessary evil of construction.

In May 2014 after suffering through 7 weeks of impact hammer pile driving at the Block 17 project some 100 feet away from the building where we live, a group of residents began to ask if this was a necessary evil of construction. We found that it is not and that quieter auger drill equipment was now available in our area.

When development in the Pearl District began, DeWitt was the only game in town. For a good ten years they used their impact hammer pile drivers to set foundation piles on most of the projects in the Pearl District.

Then in 2012 there was a new game in town, Pacific Foundation. Pacific Foundation has invested in state of the art equipment that is capable of setting deep foundation piles in difficult soil conditions with the use of a quieter auger drill.

When we informed developers of the serious health hazards and potential permanent hearing loss that the impact hammer presented to the children living and playing in the neighborhood they changed their plans to use the impact hammer and all switched to the auger drill. Those developers all contracted with Pacific Foundation. DeWitt lost those jobs because the only equipment they have that is capable of setting the deep piles necessary for those high-rise buildings is their impact hammer.

DeWitt has told you that they have auger drills and that they use the auger on more than 40% of their projects and that they do more auger projects than all of their competition combined.

What they have not told you is that their auger equipment is ancient and is not capable of drilling the 100+ feet necessary to set piles on the 20 & 30 story buildings currently under construction in the Pearl District.

DeWitt is currently setting piles on two projects in our neighborhood. The auger drill they are using is very old and appears to be able to drill only about 25-30 feet into the ground.

The reason that DeWitt does not want any restrictions on the use of the impact hammer pile driver is because the impact hammer is the only equipment that they own that is capable of setting deep piles on high-rise buildings. DeWitt also owns two patents on the impact hammer so they have a vested interest in its use.

At last month's Noise Review Board meeting members of the pile drivers union testified about their fear of loss of work if the use of the impact hammer is restricted. Those fears are completely unfounded. The impact hammer has not been used in the Pearl District for almost two years and the pile driver union members have been gainfully employed on all of the auger drill projects during that time. Jim Brunkhorst from Pacific Foundation testified that they have hired and will continue to hire members of the pile drivers union to work on their auger drill projects as I am sure DeWitt will do. Members of the pile drivers union do not just work on impact hammer jobs, they also work on auger drill jobs.

The other objections you have heard have been from Hoyt Street Properties. Tiffany Sweitzer's claim that the auger "did not work" on Block 15 was completely false. Scott Mills, their geotechnical engineer stated at a 2015 Noise Review Board meeting that the foundation is safe. They have a 28 story high-rise almost complete and ready for occupancy...what did not work? The challenges they encountered on that project were not because they used the auger drill to set pile. They encountered challenges because they were attempting to put a 28 story tower on soil that was unstable. They overcame the challenges by using the auger drill. I seriously doubt that without Pacific Foundation's state-of-the-art equipment, Hoyt Street would have been able to construct that building. Doug Shapiro stated in a Noise Task Force meeting that the auger drill was used on Block 15 because it was the only viable method. The auger drill was not the problem...it was the solution.

In the last two years out of 13 different developers, Hoyt Street is the only developer who has chosen to use the impact hammer. The objections made by Tiffany Sweitzer support my fear that Hoyt Street will use the impact hammer at their new project at Block 20 not because they must but because they can and that once again neighbors will suffer the serious negative physical and psychological effects of this dangerous and unnecessary noise.

The Noise Review Board continues to believe that the proposal is asking them to make decisions about how a building should be built. That is not the case. The language of the proposal makes it clear that this would be at the direction of the geotechnical engineer not the Noise Review Board.

The proposal would allow impact hammer pile driving when geotechnical conditions require its use. The proposal would have simply given the Noise Review Board authority to limit **unnecessary** use of the impact hammer pile driver and at some point require noise mitigation devices.

In her March 24<sup>th</sup> letter Commissioner Fritz stated:

The Noise Review Board has asked staff to study on-site mitigation strategies utilized in larger cities like New York...and that...ONI staff will work on this project as time allows.

In 2000 a Noise Control Task Force identified pile driving as a serious noise issue and made recommendations to develop an interior decibel standard for pile driving similar to that enacted in Seattle, Washington and allow that standard to be exceeded only between 3 pm and 7 pm. What happened to that recommendation? Here we are 16 years later still talking about pile driving.

I submitted the New York City policy on pile driving to the Noise Control Office in June 2014 when I testified before the City Council. You have had this information for two years...how much more time do you need?

As I understand it, the Noise Control Office was assigned one or two interns during the summer and fall of 2014 to research the New York policy and policies of other US cities. The feedback we received from the Noise Control Office was that they were unable to make contact with NYC. Where is the report of findings resulting from all of the research that has been claimed to have been done by these interns and the Noise Review Board?

The July 2015 amendment to Title 18 restricting use of the impact hammer pile driver to 8 am – 6pm Monday through Friday is laughable. The pile driving we experienced during April and May of 2014 did not start before 8 am and out of 7 weeks they only worked on 3 Saturdays. As DeWitt testified, Saturdays are not normal scheduled workdays, they are make-up days and only used when the project falls behind schedule.

The only reason impact hammer pile driving has not been used in the last two years in the Pearl District is because citizens have taken it upon themselves to convince developers to use the new, quieter auger drill, not because of anything the Noise Review Board has done.

I am deeply disappointed that two years have passed and The Noise Review Board continues to dismiss the true facts in this case and made their decision based on unsubstantiated claims made by people in the industry who stand to gain from the use of the impact hammer pile driver.

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Presented to the Noise Review Board

By: Mary Sipe

April 13, 2016

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## City of Aspen Construction Noise Suppression Plan

As the General Contractor for this construction project, I \_\_\_\_\_ hereby agree to the following restrictions and will provide the necessary noise suppression (outlined below), such that it will lesson the impact to the properties within 300 feet of the project located at \_\_\_\_\_. I understand that if any construction activities exceed 80 decibels and are not covered by this document I will contact the City of Aspen Environmental Health Department to design a specific noise suppression plan for those activities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

On-site Contact Phone # \_\_\_\_\_

Many activities on construction sites are noisy. Although some noise may be unavoidable, it can often be controlled using improved work practices. Builders should make all reasonable efforts to minimize noise. Noise Suppression plans are required for all construction projects where activities will generate noise that exceeds 80 decibels. *Section 18.04.050(A)(2)(d)*

### Hours of operation

All construction activity is limited to the following days and times:

***Monday thru Friday***

7:30 am to 5:30 pm

***Saturday***

9:00 am to 5:00 pm

***Sunday***

No construction work is allowed

Constructions activities producing noise greater than 80 decibels are limited to the following days and times:

***Monday thru Friday***

9:00 am to 5:00 pm

Work that is over 80 decibels which by law requires a noise suppression plan will not be allowed for Saturday work that includes but not limited to the use of compressors, generators, jackhammers, power equipment, nail guns, drilling machinery, earth moving equipment and similar loud construction activities. This does not restrict quiet work inside and outside that does not require a power source, including a battery, on Saturday.

Construction activity is not allowed during all **federal holidays**.

Due to the congestion in Aspen when town is completely full, noise suppression plans will not be approved for the following dates: **Christmas Week (December 25 through Jan. 1), Food and Wine Week in June (Friday thru Sunday), 4<sup>th</sup> of July day and/or weekend if it falls on a Friday or Monday, and Labor Day weekend.**

## **Specific noise suppression requirements for all activities exceeding 80 decibels at a construction site include:**

1. Notify neighbors within two hundred fifty (300) feet of the project informing them of the kinds of equipment, expected noise levels and durations of loud work. Including the variation of noise levels during a typical construction days may be helpful. Such notification must be in writing and be done seven (7) days prior to the starting time of the project. Communication with neighbors can prevent complaints from arising, and resolve concerns before there is a problem. Provide a phone number where the foreman can be reached prior to the start of the job.
2. Operate equipment in accordance with manufacturer's specifications and with all standard manufacturers' mufflers and noise-reducing equipment in use and in properly operating condition.
3. Post notices to inform workers, including sub-contractors, about the basic noise requirements, as well as specific noise restrictions, to the project.
4. Install noise barriers around all equipment/activities specified in Table 1: TYPICAL CONSTRUCTION EQUIPMENT REQUIRING NOISE SUPPRESSION. Noise barriers not only significantly reduce construction noise, but they also provide an extra benefit of "hiding" the noise producing sources, thus increasing a neighbor's tolerance. **(See also the attached list of noise blocking methods for details on approved noise barriers.)**
5. Move portable loud equipment including generators, compressors, and cement mixers to different sides of the property to reduce impacts on individual neighbors.

## **What can you do about construction noise?**

- The use of radios on the site before 8:00 am are not allowed: remind laborers and sub-contractors.
- Noise suppression plans will not allow noisy machines such as brick cutters or jackhammers to be operated before 9.00 am.
- Noisy equipment such as cement mixers should be placed on the site to maximize the distance from neighboring houses and/or rotate location so as to not impact just one neighbor. Noise levels drop quickly with distance from the source.
- All equipment should be properly maintained, with special attention to mufflers and other noise control devices.
- Between work periods, builders are required by city ordinance to shut down machines such as backhoes, bobcats, loaders and generators.
- When dropping materials from a height—for example, into or out of a truck, or when loading or unloading scaffolding, noise suppression plans require a chute or side baffles.
- All vehicular movements to and from the site must only be made during the scheduled normal working hours. This includes off-site noise that is associated with a specific project such as staging of concrete trucks.



**TABLE 1: NOISE CONSTRUCTION EQUIPMENT REQUIRING NOISE  
SUPPRESSION PLANS**

<b>Equipment Category</b>
Auger Drill Rig
Backhoe
Chain Saw
Clam Shovel
Compressor (air)
Concrete Mixer
Concrete Pump
Concrete Saw
Crane (mobile or stationary)
Dozer
Drill Rig
Excavator
Front End Loader
Generator (more than 25 KVA)
Gradall
Grader
Horizontal Hydraulic Boring Jack
Impact Pile Driver (diesel or drop)
Impact Wrench
Jackhammer*
Mounted Impact Hammer (hoe ram)
Paver
Pneumatic Tools
Rock Drill
Scraper
Scarifier
Slurry Machine
Vibratory Pile Driver

## **Noise Blocking Methods**

**Contractors shall require all subcontractors and vendors to use:**

- Quieter vs. Louder equipment
- “Residential” grade combustion engine exhaust silencers
- Electrical vs. pneumatic hand power tools: **All pneumatic tools operated in the City of Aspen must be fitted with an effective silencer on their air exhaust port.**
- Hydraulic vs. air powered rock drills
- “Silenced” pile drivers vs. Diesel pile drivers

**In general, noise reduction equipment and materials may include, but not be limited to:**

1. Shields, shrouds, or intake and exhaust mufflers.
2. Noise-deadening material to line hoppers, conveyor transfer points, storage bins, or chutes.
3. Noise barriers using materials consistent with the Temporary Noise Barrier Materials Section.
4. Noise curtains
5. Plywood with concrete blankets at the height of the equipment and that it surrounds the activity such that it directs noise up more than out from the property.
6. Portable three sided enclosures made out of plywood to move with the activity such as jack hammering.
7. Internal combustion engines are to be fitted with a suitable muffler in good repair.

### **Specific Equipment:**

**Generators:** The local power grid shall be used wherever feasible to limit generator noise. No generators larger than 25 KVA shall be used and, where a generator is necessary, it shall have maximum noise muffling capability.

**Backup Alarms:** All equipment with backup alarms operated by the Contractor, vendors, suppliers, and subcontractors on the construction site shall be equipped with either audible self-adjusting ambient-sensitive backup alarms or manually-adjustable alarms. The ambient-sensitive alarms shall automatically adjust to a maximum of 5 dBA over the surrounding background noise levels. The manually-adjustable alarms shall be set at the lowest setting required to be audible above the surrounding noise. Installation and use of the alarms shall be consistent with the performance requirements of the current revisions of Society of Automotive Engineering (SAE) J994, J1446, and OSHA regulations.

**Compressors:** The unit with the lowest noise rating which meets the requirements of the job should be used where work is conducted in the City of Aspen, installed with mufflers and/or enclosed in a noise barrier.

**Jackhammer:** All jackhammers and pavement breakers used on the construction site shall have exhaust systems and mufflers that have been recommended by the manufacturer as having the lowest associated noise and shall be enclosed with shields or acoustical barrier enclosures.

**Concrete crushers or pavement saws:** Pre-augur pile holes to reduce the duration of impact or vibratory pile driving and tie to local power grid to reduce the use of generators and shall be enclosed with shields or acoustical barrier enclosures.

**Pneumatic hand power tools:** All pneumatic tools operated in the City of Aspen must be fitted with an effective silencer on their air exhaust port.

### **Temporary Noise Barrier Materials:**

Temporary barriers shall be constructed of 3/4-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance having a surface weight of 2 pounds per square foot or greater. The temporary barriers shall be lined on one side with glass fiber, mineral wool, or other similar noise curtain type noise-absorbing material at least 2-inches. The materials used for temporary barriers shall be sufficient to last through the duration of the construction project, and shall be maintained in good repair. Prefabricated acoustic barriers are available from various vendors. An equivalent barrier design can be submitted in lieu of the plywood barrier described above.

### **Impact Equipment:**

Impact noise is noise produced from impact or devices with discernible separation in sound pressure maxima. Examples for impact equipment include, but are not limited to; blasting, chisel drops, mounted impact hammers (hoe ram), and impact pile drivers.

Impact equipment is the loudest and most intrusive to the neighboring property. **The City of Aspen requires that this type activity have the strictest mitigation requirements and requires a customized noise suppression plan specific to the site.** General contractors must contact the City of Aspen Environmental Health Department for an application at 970-920-5039.

### **Noise Control**

- Replace worn, loose, or unbalanced machine parts that cause vibration.
- Keep machine parts well lubricated to reduce friction.
- Acoustical enclosures and barriers around generators
- Sound absorbing material and vibration isolation systems on hand tools
- Quiet work practices - use rubber mallets to erect and dismantle formwork.

### **Noise Controls for Construction Equipment (Schneider et al., 1995)**

<b>Equipment</b>	<b>Noise Controls</b>
Pile Driver	Enclosure, muffler
Stone saw cutting	Noise control pad with water
Handheld impact drills	Reduction of reflected sound
Circular saw blades	15° tooth angle, new tooth configuration, slotted saw blades, viscoelastic damping
Pneumatic tools	Muffler
Pavement breaker/ Rock drill	Muffler, enclosure of cylinder case and front head, moil damping
Portable air compressor	Muffler, acoustic enclosures
Bulldozer	Bulldozer Cab-liner material, enclosure, sound absorption in canopy, sealing of all openings
Wheeled loader	Absorption of sound cooling air route
Vibratory roller	Flexible mounting for pump compartment
Joint Cutter	Anti-vibration mounting fixtures