



CITY OF
PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER

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Noise Control Office

1221 SW 4th Avenue, Room 110

Promoting a culture of civic engagement

187977

Proposed Increase – FY 16-17 Noise Variance Fees

August 31, 2016

Overview

The City of Portland Noise Control Office is housed in the Office of Neighborhood Involvement. The goal of the program is to provide mitigation for noise pollution in Portland, enforce Title 18, and balance the interests of community to ensure equitable protection is achieved for all members through the oversight of a Noise Review Board.

This community-based approach is unique in its ongoing manner of helping engage the community to address Noise as a human health issue. The Noise Review Board is comprised of community members representing the construction industry, acoustical sciences and health, and the community at large.

Noise Variance Process

One component of the Noise Control Office is to process and approve noise variance applications. These special permits are limited duration permission to exceed the permissible limits established in Title 18, both decibel and, in the case of construction, hours permitted to do work. Many variances require specific expert evaluation by Noise Office staff to set reasonable conditions in the permit to mitigate negative livability impacts while balancing the interests of industry and community events.

The Noise Control Office experienced an increase of 18% in the number of variance requests received from FY15 to FY 16, and the number is continuing to grow as the City becomes denser and noise concerns become a focal point for neighborhood livability

Capacity Challenges

Currently, the Noise Control Office is staffed by 3.5 FTE, with 1 FTE, an administrative support position, only one-time funded through FY17. The Noise Control Office has received criticism and community complaints related to variance approvals in which the conditions are not monitored for compliance. Portland City Council has heard the complaints from constituents.

Unfortunately, with one field person in addition to the Noise Control Officer's limited capacity to do field work, the Noise Office must assume compliance with conditions placed on variances unless it receives a complaint. Staff are currently challenged in their capacity to respond to complaints in a timely manner. The program is in dire need

of additional compliance inspectors which would enable the Office to improve on its response time on complaints and to effectively monitor the conditions set by variances.

Immediate Term: Fee Increases to Support Current Operations

The Noise Control Office is committed to proposing solutions to noise pollution and to being responsive to community complaints in an equitable fashion. Early this fall, the Noise Office will bring to City Council a nominal increase of approximately 15% for variance review and related monitoring activity. This increase will allow the Noise Office to maintain its current operations based on the current volume of variance activities. The fees proposed for FY17 will support, but will not cover the entire cost of the full time administrative coordinator. Noise Program fees have not been increased since FY14.

Mid-Term: Addressing Funding and Capacity Needs

The Noise Office will be conducting a tracking study to present to City Council in the spring of 2017, identifying actual staff-time costs that are associated with the variance process, that reflect a reasonable responsiveness to community complaints. Historically, many community livability complaints have been in response to approved variance activities. Through the Noise Office's problem solving and collaboration with community and variance applicants, the Office has been able to achieve reasonable mitigation and appropriate conditions to yield positive outcomes for all parties involved. The exact number of complaints that result in a variance process, as well as the cost associated with monitoring conditions, will also be explored in the coming months.

The Noise Program is interested in exploring new and creative ways to increase funding the Noise Control Office to maintain its important function of maintaining neighborhood livability in the context of an increasingly dense urban environment.

Prepared by: Theresa Marchetti, Livability Programs Manager

Noise Variance Fee Increases: Projected Revenue FY16-17

<u>Type of Variance</u>	<u>Total FY15-16 Variances**</u>	<u>Current Fee</u>	<u>Current Revenue</u>	<u>Proposed New Fee September 2016</u>	<u>Expected Total Revenue</u>	<u>Expected Revenue Increase</u>
High Impact Variances	119	\$366.00	\$43,554.00	\$421.00	\$50,099.00	\$6,545.00
Construction	96	\$510.00	\$48,960.00	\$587.00	\$56,352.00	\$7,392.00
Construction add weeks*	22	\$170.00	\$3,740.00	\$195.00	\$4,290.00	\$550.00
Motor Vehicle & NRB	15	\$2,613.00	\$39,195.00	\$3,005.00	\$45,075.00	\$5,880.00
All Other (Community Events)	373	\$83.00	\$30,959.00	\$95.00	\$35,435.00	\$4,476.00
TOTAL	603		\$166,408.00		\$191,251.00	\$24,843.00

*Additional fee associated with variances under "Construction" for projects of more than one week in duration

**Total variances in FY16-17 are likely to increase; however a conservative estimate on revenue uses FY15-16 actual totals.

IMPACT STATEMENT

Legislation title: Amend fee schedule for the Office of Neighborhood Involvement Noise Control Program (Ordinance)

Contact name: Theresa Marchetti

Contact phone: 503-823-3032

Presenter name: Theresa Marchetti and Paul Van Orden

Purpose of proposed legislation and background information:

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The Noise Control Office experienced an increase of 18% in the number of variance requests received from FY15 to FY 16, and the number is continuing to grow as the City becomes denser and noise concerns become a focal point for neighborhood livability

The proposed 15% increase for variance review and related monitoring activity will allow the Noise Office to maintain its current operations based on the current volume of variance activities. The fees proposed for FY17 will support, but will not cover the entire cost of a full time administrative coordinator. Noise Program fees have not been increased since FY14.

Financial and budgetary impacts:

This ordinance increases Noise Variance fees by 15%, to cover the costs of administering the noise variance application process. The Noise Control Office received 18% more variance applications in FY16 than in FY15, and requires greater administrative support. The source of the funds is from noise variance applicants in the City of Portland.

Based on the projected number of variances for FY16-17, the Noise Office expects the increased fees to generate approximately \$25,000 which will be used to partially fund an administrative position, which is currently funded through FY16-17, for an additional year.

Community impacts and community involvement:

The members of the Noise Review Board and the Development Review Advisory Committee were consulted to review the fees and support the proposed changes. Both bodies supported the 15% increase.

This proposal is a revision of an earlier proposal based on community input in the spring of 2016. The proposal called for greater increases (up to 50%) in across-the-board Noise Variance Fees. Community outreach to construction, utility, other public agency and community stakeholder groups prompted feedback, including:

- Desire for greater lead time on fee increases for construction projects
- Streamlining the variance application and review process for public agency partners
- Request for a staff time-cost analysis to improve understanding of what services are supported by variance fees, both to the community and to the applicant

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Budgetary Impact Worksheet

Does this action change appropriations?

- ☐ **YES:** Please complete the information below.
☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount