

PLANNING COMMISSION HEARING DATE: January 8, 2018

Public Testimony submitted by: Audrey Block, 3500 Lanewood St., Lake Oswego

Re: LU 17-0066, Ordinance 2766

Staff: Leslie Hamilton, AICP, Senior Planner

Commissioners and Senior Planner:

If I have an excuse for waiting this long to contact you on this issue it's this: in 2016, I initiated a legal action against my neighbors arising from a noise problem at my home. In 2017, the case was resolved in a binding mediation. As a result of my experience, I now know more than I ever wanted to know about noise. So, apologies for waiting this long to share two points that emerged from that education.

The first thing I learned is that no judge or jury is eager to impose a noise standard on a neighborhood or community. Private property is sacred to both sides in legal cases. And noise is a highly personal nuisance, more easily resolved with the support of community standards, and far more perilous when one party seeks an unwelcome solution from another in civil court. This is why you are better off having a noise problem in Portland than in Lake Oswego. Portland's noise code includes decibel standards that like traffic speeding violations, are easily substantiated with objective testing and evidence.

A city that chooses not to impose specific standards on nuisances leaves open the court's interpretation of the meaning of community. By its own omission, the city's code makes it more difficult for citizens to seek a common level of protection. It's as if speed limits were non-existent, and standards varied from house to house. As disputes arise, the problem is solved by decision-makers who are total strangers to the issue. Moreover, each new dispute arising between neighbors can only be decided by a new group of strangers, with a unique set of thoughts on the subject.

Which leads to the second thing I learned: noise is subjective. We can measure how much better some of us hear sound than others; we can demonstrate how men are far more likely to show serious levels of hearing loss, compared to women; but, no matter what the results of our measurements for hearing, we most often define "noise" based upon levels of taste and personality. What's noise to you may be music to me.

By not placing objective standards on noise, by not describing it using scientific standards of measurability, a city invites upon itself the frustration of its agitated citizens. Because codes that maintain standards measured by sensation — and not science — can only be arbitrary and inconsistent.

Thanks you all for considering the complexity of this issue so thoroughly. And speaking from experience, consider the positive impact of adopting options that guarantee a simple, fair, way of limiting a nuisance that brazenly crosses even the best marked boundaries, no matter the setback.