

**Veneta Planning Commission  
Staff Report**

**Variance Request  
Noise Variance for Movies in the Park  
File #V-1-23**

Application Received:	May 2, 2023
Application complete:	May 11, 2023
Notice Mailed:	May 11, 2023
Notice Published:	May 12, 2023
Staff Report Date:	May 30, 2023
Hearing Date:	June 6, 2023

**BASIC DATA**

Applicant:	Nicole McLaws, on behalf of Fern Ridge Library 88026 Territorial Highway Veneta, Oregon 97487
Property Owner:	City of Veneta PO Box 458 Veneta, Oregon 97487
Assessor's Map Number:	17-05-31-23
Tax Lot Number:	01800
Plan Designation:	Parks
Zoning:	Public Facilities and Parks
Associated Files:	N/A

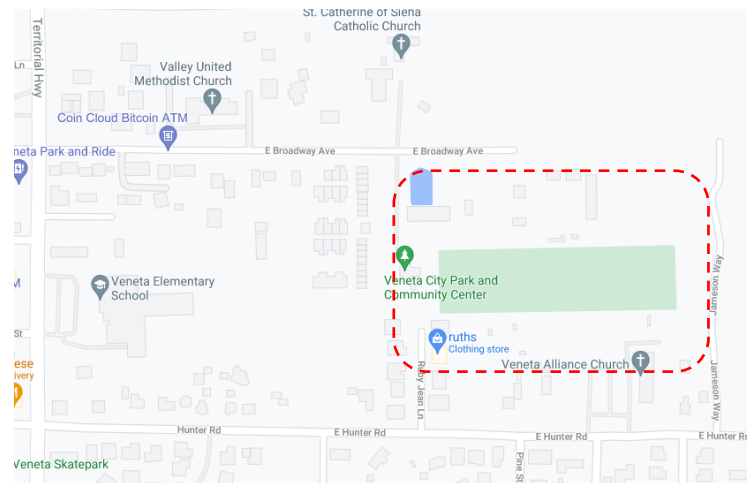
**REQUEST**

The request before the Veneta Planning Commission is for approval of a Variance to the Noise standards found in Veneta Municipal Code, Chapter 9.20. Specifically, the request seeks approval for events associated with the Fern Ridge Library's "Movies in the Park" 2023 Summer Reading Program, which may include movie audio produced from Sound Reproduction Devices from 6:00 p.m. to 11:00 p.m. five Fridays from June to July.

## **BACKGROUND, PROPERTY CHARACTERISTICS AND CONTEXT**

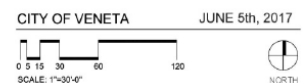
Phase 2 improvements to City Park were largely completed in 2020. These improvements were part of the master plan for City Park, which was adopted in 2017. Among the improvements was the addition of a small performance stage at the northeast edge of the park, as shown on the Conceptual Master Plan image below (in orange, near the center of the image). It should be noted that the stage is not located exactly as shown on the plans, due largely to the existence of underground utilities under the location originally proposed. On June 16, 2021, the Planning Commission approved a Noise Variance request to allow music and other performing arts that may result in sound levels audible more than 50 feet beyond the music source and/or beyond the boundary of City Park. This approval was limited to events and performances that may or may not include amplified music at City Park between 9:00 a.m. and 9:00 p.m. Sundays-Thursday and between 9:00 a.m. and 10 p.m. on Fridays, Saturdays, and federal holidays.

City Park is outlined in red in the map at right. The site is also home to the City of Veneta Public Works office and yard.



### **CITY PARK**

#### **CONCEPTUAL MASTER PLAN**



## **NOTICE**

All notification was in accordance with VMC §9.20.070(5). Notice was mailed to property owners and renters (occupants) for properties located more than the minimum 200 feet of the perimeter of the subject site on May 11. Notice was posted at the subject site on May 12 and on the City website on May 24.

## **REFERRAL COMMENTS**

There is no development associated with this request, so no referrals were sent to the City Engineer or other agencies.

## **PUBLIC COMMENT**

None received as of the date this report was prepared.

## **STAFF RESPONSE TO PUBLIC COMMENT:**

N/A

## **CRITERIA FOR APPROVAL**

Chapter 9.20 of the Veneta Municipal Code contains all the Noise standards, as well as the procedures and criteria for a variance to the standards. The proposal is not a land use action and is not subject to the procedural standards for a Variance to land use regulations (including public notice) contained in the Veneta Land Development Ordinance, including the “120-day rule.”

## **STAFF RECOMMENDATION**

Staff recommends approval of the Variance request. Findings and proposed conditions of approval addressing the criteria are part of the proposed Final Order attached as Exhibit C.

## **POSSIBLE ACTIONS BY THE PLANNING COMMISSION**

**The Commission may:**

- a. Approve the variance and conditions of approval based on the findings in the Proposed Final Order.
- b. Modify the proposed findings and/or add conditions of approval.
- c. Deny the Variance based on the Commission’s findings.
- d. Continue the public hearing to a date certain if more information is needed.

## **CITY ADMINISTRATOR’S RECOMMENDATION**

Accept a motion to adopt the proposed amendments as written.

## **SUGGESTED MOTION**

I make a motion to adopt the findings in the draft Final Order as our own, showing the criteria for approval of a Variance to the Noise regulations in the Veneta Municipal Code met, and approve Variance request V-1-23 with conditions.

## **EXHIBITS**

- A. Proposed Final Order
- B. Applicant’s Narrative
- C. Site Plan

**Veneta Planning Commission  
Final Order**

**Noise Variance for Movies in the Park  
(File No. V-1-23)**

**A. THE PLANNING COMMISSION FINDS THE FOLLOWING:**

1. The applicant has submitted all the information required by Chapter 9.20 of the Veneta Municipal Code for a variance to the Noise standards.
2. The Planning Commission held a public hearing on June 6, 2023 to review and discuss the variance application after providing proper notice of the Public Hearing in accordance with Veneta Municipal Code Section 9.20.070.
3. The Planning Commission followed the required procedure and standards for taking action on a variance as required by the Veneta Municipal Code, Section 9.20.070.

**B. IT IS HEREBY ORDERED THAT the Veneta Planning Commission APPROVES with conditions, the noise variance request (V-1-23) based on the information in the staff report and the following findings of fact:**

**GENERAL CONDITIONS OF APPROVAL:**

1. The City of Veneta application and approval process does not take the place of, or relieve the Applicant of responsibility for, acquiring such other permits, or satisfy any restrictions or conditions thereon. This approval process does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.
2. The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, County, State and Federal agencies.
3. This approval is limited to events and performances associated with the Fern Ridge Library “Movies in the Park” Summer Reading Program, that may or may not include amplified sound at City Park on Friday evenings between 6:00 pm and 11:00 pm.

**C. IT IS HEREBY ORDERED that the Veneta Planning Commission APPROVES with conditions the “Movies in the Park” Noise Variance request (V-1-23) based on the information in the staff report and the following findings of fact:**

The request before the Veneta Planning Commission is for approval of a variance request to City of Veneta Noise standards found in Veneta Municipal Code, Chapter 9.20, in order to allow amplified sound, until 11:00 pm, that may result in sound levels plainly audible more than 50 feet beyond the audio source and/or beyond the boundary of City Park.

## **Veneta Municipal Code Chapter 9.20 - NOISE**

### **9.20.010 Purpose.**

The city council has determined that excessive sound is a serious hazard to the public health, welfare and quality of life, and it shall be the policy of the city to prevent excessive sound which may jeopardize the health, welfare and safety of citizens or degrade the quality of life. (Ord. 299 § 1, 1988)

### **9.20.020 Scope.**

This chapter shall apply to the regulations of all sounds originating within the city limits. (Ord. 299 § 2, 1988)

### **9.20.030 Definitions.**

For the purposes of this chapter the following words shall mean:

- 1) "Chainsaw" means a saw which utilizes a chain as a cutting device, whether powered by an internal combustion engine or electricity.
- 2) "Construction activity" means the construction (including excavation), demolition, alteration, or repair of any building, street, sidewalk, driveway, sewer, or utility line.
- 3) "Domestic power tools" means any mechanically powered saw, drill, sander, grinder, pneumatic tool, air compressor, or other similar power tool, but not including a chainsaw or a power lawn tool.
- 4) "Emergency services vehicle" means any publicly owned vehicle used for police, fire fighting, or ambulance services.
- 5) "Idling speed" means that speed at which an engine will run when no pressure is applied to the accelerator or accelerator linkage.
- 6) "Noise disturbance" means any sound which:
  - a) Injures or endangers the safety or health of a human;
  - b) Annoys or disturbs a reasonable person of normal sensitivity; or
  - c) Endangers or injures personal or real property.
- 7) "Noise sensitive unit" means any residence, apartment, condominium, multifamily dwelling, or vehicle, boat or other structure adapted or used for the overnight accommodation of persons, or any school, church, temple, synagogue, nursing home, rest home, retirement home, group care home, or daycare center.
- 8) "Off-road vehicle" means any self-propelled land vehicle designed or used for traversing over natural terrain, including, but not limited to, dune buggies, go-carts, motorcycles, mini-bikes, or other similar vehicles, but not including tractors or other motor vehicles when being used for commercial or agricultural purposes.
- 9) "Person" means a person, persons, firm, association, partnership, joint venture, corporation, or any entity, public or private in nature.
- 10) "Person in control of property" means any property owner, tenant, resident, occupant, or other person who has a current right to use property and a right to limit access to property by others.
- 11) "Plainly audible" means where the listener clearly can hear the content of the sound produced by the noise source. Sounds which may be clearly audible include, but are not limited to, musical rhythms, spoken words, vocal sounds, and engine noises.
- 12) "Power lawn tool" means any mechanically powered lawn mower, edger, brush cutter, leaf blower, or other similar lawn or garden power tool, whether powered by gasoline, diesel, or electricity.
- 13) "Sound reproduction device" means any radio, stereo, loudspeaker, amplifier, television, tape player, or other similar machine or mechanical or electronic device intended for the reproduction or amplification of sound. (Ord. 396 § 1, 1998; Ord. 299 § 3, 1988)

**Findings:** A “noise disturbance” is any noise that “annoys or disturbs a reasonable person or normal sensitivity.” A noise is considered “plainly audible” if a listener can clearly hear the content. A “sound reproduction device” is any mechanical or electronic device intended for the reproduction or amplification of sound. In this case, the Fern Ridge Library proposes a free community event to show movies in the park as part of their summer reading program. Since it is lighter later in the evening in the summer time, they have to wait until dusk in order to project the movie on the screen. Dusk is around 7:30 pm to 8:00 pm and a typical movie is around 2 hours. Thus, the need for a noise variance to extend until 11:00 pm. The applicant currently proposes five Friday evenings in June and July, however the request is for a permanent variance to allow them to hold five movie nights each summer, to be scheduled some time from the beginning of June until the end of August.

**Conclusion:** The sound arising from Fern Ridge Library’s “Movies in the Park” program is expected to constitute a noise disturbance that can be heard beyond the confines of the stage in particular and City Park generally. The Planning Commission will determine if they feel it is appropriate to allow the free community event and allow sound to be projected after 10:00 pm.

#### **9.20.040 Prohibitions.**

No person shall create or assist in creating or permit the continuance of noise in the city of Veneta from the following sources, by the following acts, or in excess of the following limits:

- (7) Sound Reproduction Devices. Operation of any sound reproduction device which creates sound which:
  - a) Between the hours of 7:00 a.m. and 10:00 p.m. creates a noise disturbance; or
  - b) Between the hours of 10:00 p.m. and 7:00 a.m. is plainly audible within any noise sensitive unit which is not the source of the sound or 50 feet or more from such device;
  
- (12) Miscellaneous Sounds. Producing sound by any means or through any activity other than those listed in this section or VMC 9.20.060 which:
  - a) Between the hours of 7:00 a.m. and 9:00 p.m. creates a noise disturbance; or
  - b) (b) Between the hours of 9:00 p.m. and 7:00 a.m. is plainly audible within any noise sensitive unit which is not the source of the sound or 50 feet or more from such device. (Ord. 396 § 3, 1998; Ord. 393 § 1, 1998; Ord. 390 § 6, 1998; Ord. 299 § 5, 1988)

**Findings:** Staff anticipates that the Fern Ridge Libraries “Movies in the Park” program is likely to result in a “noise disturbance” from sound reproduction devices between the hours of 7:00 a.m. and 10:00 p.m. and between the hours of 10:00 p.m. to 7:00 a.m. Additionally, staff anticipates that there will be noise arising from Miscellaneous Sounds associated with the people attending the event. This free community event proposes to go no later than 11:00 p.m. Absent approval of a Variance, such noises are prohibited.

**Conclusion:** The “Movies in the Park” program is expected to be the source of periodic noise disturbances that are generally prohibited by the Veneta Municipal Code most other times, unless a Variance is approved to waive or modify applicable limitations.

#### **9.20.050 Liability of person in control of property.**



- 1) A person in control of property is liable and subject to penalties to the same extent as a person who violates any of the provisions of this chapter if such person:
  - a) Has actual knowledge of the violation at the time it occurs;
  - b) Has the actual ability and legal right to prevent the violation of this chapter by ejecting a person creating the noise from the property, removing or causing the termination of the operation of the noise-producing device or activity, or otherwise preventing the violation; and
  - c) Fails, refuses, or neglects to prevent the violation.
- 2) Nothing in this section shall be construed to render any person in control of property liable for violations of this chapter by trespassers or other persons using the property without the implied or express consent of the person in control of property, nor shall anything in this chapter be construed to require a person in control of property to assume a substantial risk of physical injury to prevent a violation. (Ord. 299 § 6, 1988)

**Findings:** The City of Veneta is the owner of the subject property and the Fern Ridge Library is proposing to rent the stage and surrounding area within City Park. Therefore, the Fern Ridge Library would be considered the person in control of the property and thus the entity responsible for all permitted activity within the park. The City is not liable for violations of this chapter by trespassers or other persons using the property without the implied or express consent of the City.

**Conclusion:** The Fern Ridge Library is making this application and will be in control of the property during their event.

#### **9.20.060 Exemptions.**

The provisions of this chapter shall not apply to:

- 1) Emergency Work. Sounds caused by the performance of emergency work reasonably necessary to prevent injury to persons or property;
- 2) Aircraft. Aircraft operations in compliance with applicable federal laws or regulations;
- 3) Railroads. Railroad activities as defined in subpart (A), Part 201 of Title 40, CFR, of the Environmental Protection Agency's Railroad Emission Standards, incorporated herein by reference;
- 4) Refuse Pickup. Sounds created by refuse pick-up operations, other than sounds caused by violations of VMC 9.20.040(6) and (7);
- 5) Emergency Vehicles. Sounds caused by publicly owned emergency vehicles, sirens, or warning devices;
- 6) Police and Fire Fighters. Sounds caused by police or fire fighting activities;
- 7) Construction. Sounds caused by construction activities between the hours of 7:00 a.m. and 7:00 p.m.;
- 8) Governmental Operations. Sounds caused by motor vehicles, equipment, or other property owned by the city of Veneta, Lane County, the state of Oregon, or any other governmental entity, and sounds caused by employees of any such governmental entities in the course of such employee's official duties, and sounds caused by any contractors, subcontractors, or employees of such persons or entities while engaged in performing a public contract or providing services to any governmental entity;
- 9) Alarms. Sounds made by warning devices to protect persons or property from imminent exposure to danger; provided, however, that privately owned burglar or fire alarms shall not operate continuously for more than 15 minutes;

- 10) Athletic Activities. Sounds caused by organized athletic or other group activities not involving sound reproduction devices, when such activities are conducted on property generally used for such purposes;
- 11) Pre-Existing Industrial or Mill Activities. Sounds caused by lawful industrial or mill activities and uses to the extent that those activities and uses existed and caused sound prior to the enactment of the ordinance codified in this chapter;
- 12) Commercial Logging Activities. Sounds caused by commercial logging activities on lots of not less than two acres zoned rural-residential if such activities:
  - a) Are restricted to the hours of 7:00 a.m. to 7:00 p.m.;
  - b) Comply with VMC [9.20.040\(5\)](#); and
  - c) Are restricted to felling, bucking, trimming, splitting, or otherwise processing or hauling timber grown on the particular lot. (Ord. 393 § 2, 1998; Ord. 299 § 7, 1988)

**Findings:** City staff does not anticipate any of the above listed uses and finds that most of them are not applicable, except for the possibility of sound arising from emergency vehicles and police and fire-fighting activity. This Noise Variance application is intended to allow noise producing activities until 11:00 pm, on five Friday nights, as part of the “Movies in the Park” 2023 Summer Reading Program produced by the Fern Ridge Library.

**Conclusion:** If approved, this Variance will allow for noise associated with the Fern Ridge Library’s “Movies in the Park” program, at the City Park stage and surrounding area, up until 11:00 p.m.

#### **9.20.070 Variances.**

Any person who owns or controls any sound producing device or other sound source, or who is engaged in or planning any activity which violates, will violate, or may violate any provision of this chapter, or any property owner or person in control of property on which such sound source is located or such activity is planned, may apply to the city administrator for a variance.

- 1) **Time Duration of Variance.** A variance may be either temporary, long-term, or permanent. A temporary variance shall be for a specific period of time not to exceed two weeks, and a long-term variance shall be for a specific period exceeding two weeks.

**Findings:** The applicant proposes a permanent variance, in order to allow them to conduct the program each summer. The request is to allow amplified sound at the City Park stage until 11:00 pm, as part of a free community event, “Movies in the Park” produced by the Fern Ridge Library. The applicant currently proposes five Friday evenings in June and July of 2023, however the request is for a permanent variance to allow them to hold five movie nights each summer, to be scheduled some time from the beginning of June until the end of August.

**Conclusion:** While the applicant has proposed a permanent variance, Planning Staff has determined that this use would be better suited for a long-term variance, with the approval being granted only for events associated with the Fern Ridge Library’s “Movies in the Park” 2023 Summer Reading Program.



- 2) **Application.** Applications for temporary variances shall be made to the city administrator. Applications for long-term and permanent variances shall be made to the planning commission. The application shall state the provision of this chapter from which a variance is sought, whether the variance sought is temporary, long-term or permanent, the nature and duration of the proposed sound-producing activity or device, the economic benefit of the proposed activity, the feasibility and cost of noise abatement, the period of time the variance is to apply, the reason the variance is sought, and any other supporting information which the city administrator may reasonably require.
- 3) **Application Fee.** An application fee of \$25.00 shall be submitted with any application for a long-term or permanent variance. The application fee may be waived in the discretion of the city administrator if the city administrator finds that imposition of the fee would constitute a substantial financial hardship to the applicant.

**Findings:** The applicant has submitted the appropriate application and supplemental materials. The applicant has also paid the required application fee of \$25.00 (Receipt No. 2.000821).

**Conclusion:** All appropriate and required application and supplemental materials have been received by the city. All required fees have been received by the city.

- 4) **Review Considerations.** In considering a request for a variance, the following factors shall be considered:
  - a) The potential nature and duration of the sound caused or to be caused by the device or activity;
  - b) The protection of the health, safety, and welfare of citizens, and the potential effect of the sound on the sleep, peace, quiet, comfort or repose of other persons;
  - c) The feasibility and cost of noise abatement and the financial ability of the owner, occupant or other person producing noise or in control of property to comply with this chapter;
  - d) The loss or inconvenience which would result to any party in interest from the denial of the variance;
  - e) The past, present, and future patterns of land use;
  - f) Whether previous variances have been granted and the applicant's record of compliance with the terms and restrictions of any previous variances;
  - g) In the case of a person requesting a variance for a heating or cooling device, any special medical requirements for continued use of the device shall be considered.

**Findings:**

- a) The potential nature and duration of the sound caused or to be caused by the device or activity:

The sound will be audio from movies, produced by sound reproduction devices, shown on the City Park stage. The sound produced is anticipated to constitute a noise disturbance and be plainly audible within any noise sensitive unit which is not the source of the sound or 50 feet or more from such device. The noise is not expected to go any later than 11:00 p.m.
- b) The protection of the health, safety, and welfare of citizens, and the potential effect of the sound on the sleep, peace, quiet, comfort, or repose of other persons: The proposal will limit noise to only events associated with the "Movies in the Park" program and will go no later than 11:00 p.m. There are residential uses to the immediate west and south, but none to the north or east, limiting the effect this Variance would have on the sleep, peace, quiet, comfort, or repose of other persons.

- c) The feasibility and cost of noise abatement and the financial ability of the owner, occupant, or other person producing noise or in control of property to comply with this chapter: Options for alternatives are limited and not feasible. The “Movies in the Park” program would take place during the summer, when the days are long and the sun does not set until 8:00 p.m. or later. This limits the hours that the Fern Ridge Library is able to screen movies outdoor to the public at City Park, necessitating a Variance to allow noise past 10:00 p.m.
- d) The loss or inconvenience which would result to any party in interest from the denial of the variance: The members of the community who would attend and take part in Fern Ridge Library’s “Movies in the Park” program would not receive this benefit if the Variance were not approved.
- e) The past, present, and future patterns of land use: City Park is a public park and recreation facility. The property is designated Parks on the City’s Comprehensive Plan Map and zoned Public Facilities and Parks. Any changes to either the Comprehensive Plan designation or the zoning would require a Comprehensive Plan Amendment. The City has no plans to change the designation, zone, or use of City Park and no changes are anticipated that would significantly alter the purpose or anticipated uses and activities on the subject property.
- f) Whether previous variances have been granted and the applicant’s record of compliance with the terms and restrictions of any previous variances: Staff is not aware of any previous variances granted to the applicant, but is aware of one (1) previous variance granted for the subject property. On June 16, 2021, the Planning Commission approved the Variance request (V-3-21) to City of Veneta Noise standards found in Veneta Municipal Code, Chapter 9.20, in order to allow music and other performing arts that may result in sound levels audible more than 50 feet beyond the music source and/or beyond the boundary of City Park.
- g) In the case of a person requesting a variance for a heating or cooling device, any special medical requirements for continued use of the device shall be considered: Not applicable to this Variance request.

**Conclusion:** The findings made by staff provide sufficient evidence to accept a motion to conclude that all criteria for approval are met.

- 5) Notification and Public Hearing. Notice and public hearing on applications for variance shall be provided as follows:
  - a) No notice or hearing is required for the grant or denial of a temporary variance.
  - b) Public notice shall be given of an application for a long-term or permanent variance at least 10 days prior to the hearing on such application by:
    - I. Publication in a newspaper of general circulation within the county; and
    - II. Mailing such notice to occupants and owners of noise sensitive units located within 200 feet of the property line of the property for which the variance is sought. Notice given under this section shall be complete upon mailing, and shall be sufficient if given to the last-known owner and occupant as shown by city records.
  - c) Notice of the variance application shall include:
    - i. A description of the location of the property for which the variance is sought by street address or, if there is no street address, by legal description or other description reasonably calculated to apprise persons receiving the notice of the location of the property;

- ii. A general description of the variance requested and the type of sound-producing activity or device which is proposed; and
  - iii. The date, time, and place of the hearing.
- 6) Approval or Denial. The planning commission shall, within 10 days after the hearing, deny the variance, approve it, or approve it subject to restrictions or conditions.
  - 7) Conditions and Restrictions. If a variance is approved, the city administrator, planning commission, or city council may impose such conditions or restrictions as are deemed reasonably necessary to ensure the peace, quiet, repose, health, welfare, and safety of the citizens of Veneta and to effectuate the purposes of this chapter.
  - 8) Appeal. The decision of the city administrator or planning commission may be appealed to the city council. Notice of appeal shall be delivered to City Hall. The council shall review the application and shall have the discretion whether or not to hold a further hearing. If a hearing is held, notice shall be given in accordance with this section.
  - 9) At any time before or during the operation of any variance, the city administrator, planning commission, or city council may revoke the variance for good cause. (Ord. 299 § 8, 1988)

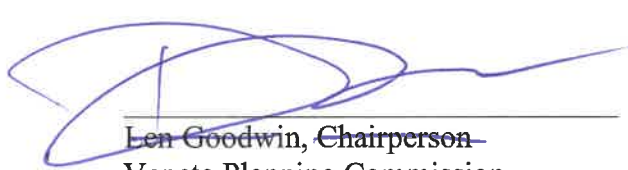
**Staff note:** Members of the Commission are encouraged to discuss the findings and whether or not to adopt the proposed findings as their own, or draft new findings and conclusions. The Commission is not bound by the findings made by staff and may amend the draft findings based on public testimony and deliberations.

**9.20.080 Violation – Penalty.**

Violation of any provision of this chapter is punishable by a fine not to exceed \$3,000. Each day that a violation of this chapter continues shall be considered a separate violation. (Ord. 299 § 9, 1988)

- D.** This approval shall become final on the date this decision and supporting findings of fact are signed by a representative of the Veneta Planning Commission, below. A Planning Commission decision may be appealed to the City Council within 15 days after the final order has been signed and mailed.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

  
\_\_\_\_\_  
Len Goodwin, Chairperson  
Veneta Planning Commission  
*David Volte, Vice-Chair*

*6/6/23*  
\_\_\_\_\_  
Date

## **Noise Variance Request for the Fern Ridge Library's Summer Reading Program Movies in the Park Events**

Nicole McLaws as an employee of the Fern Ridge Library is requesting a long term variance for the following dates:

June 23<sup>rd</sup> June 30<sup>th</sup> July 14<sup>th</sup> July 21<sup>st</sup> July 28<sup>th</sup>

This long term variance is being requested for the purpose of a free community event hosted by the Fern Ridge Library as part of the 2023 Summer Reading Program.

### **9.20.070 Variances**

#### **Review Considerations**

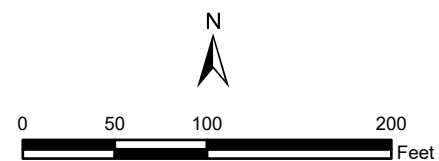
- a) The potential nature and duration of the sound of our event is the showing of movies in the park on the above listed dates from 7:30 PM until 11:00 PM. To project the sounds of the movie we will be using two speakers.
- b) In relation to the protection of the health, safety, and welfare of citizens and the potential effect of the sound systems, the movies in the park program is anticipated to have minimal effects on surrounding neighborhoods/housing. The intention for the speakers is to project the sound within the park space surrounding the stage and will be adjusted as best possible to keep the sound distribution minimal.
- c) The feasibility of and cost of noise abatement is that there is no feasibility to abate the noise. The speakers that will be used to project the sound of the movie are required to allow those attending the free community movie program to be able to hear the audio of the movies being shown.
- d) The loss or inconvenience of this noise variance being denied would completely cancel the free community program of Movies in the Park. The projector to show the movies will only work at night and without a noise variance being granted, this program will not occur. The loss would primarily effect community members who would otherwise benefit from a free family friendly program in their local park.
- e) There is no past, present, or future patterns of land use that would be effected by this noise variance as the program being planned does not change the land being used.
- f) No previous variances have been afforded to the Fern Ridge Library for the purposes of a Summer Reading Program and therefor history or record of compliance exists
- g) This noise variance request is not related to heating or cooling devices.





Lane County GIS, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



Lane County, Oregon

## City Park - Movies in the Park