

T. G. B. 1

YOUR BOARD WANTS A 'ONE PAGER' FROM YOU!

The Lane County Board of Commissioners is a busy group of people and we're responsible for the general purpose government that serves nearly 350,000 people. This year, the Board is trying something new to streamline its work and make it more responsive to the concerns of the people in our community. We're making this available to elected officials, advisory committee members, county administrators, county bargaining unit leaders, the public, people who've testified or presented public comment before our Board, business leaders, taxpayers, concerned citizens, nonprofit organizations and their representatives and anyone else who wants one of these forms.

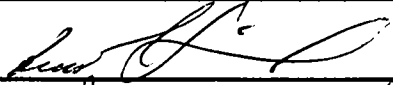

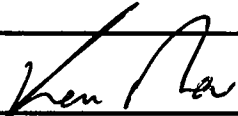
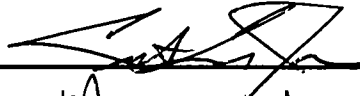
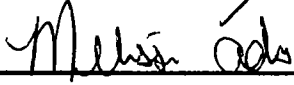
We've put together a short form for your use, if you have any interest in, business with or requests for the Lane County Board of Commissioners. We're asking you to fill this out and send it in for our consideration. You can mail it back to Ms. Zoe Gilstrap, Lane County Board of Commissioners, 125 East 8th Avenue, Eugene, Oregon 97401 or email it back to her at Zoanne.M.Gilstrap@co.lane.or.us.

Here are your questions, which we'd like to have on the space equivalent to one 8 1/2 X 11 sheet of paper and answers to these questions should not exceed 250 words:

- 1) What is the date 7-29-09 you're sending in this form and what is your name GERALD SCHIMMEL
email address SMOOTHACRUZFXLR@AOL.COM mailing address 33933 HAMPTON RD, EUGENE
affiliation and other contact information? 97405 541-747-8083
- 2) What do you want the Board to know about you, your program, your department or your activity?
SEE LETTER
- 3) What requests have you made to the Board and what is your understanding of the status of these requests?
SEE LETTER
- 4) How have you engaged with other departments, agencies, organizations, or the general public to learn of and consider options that could involve fewer short- or long-term impacts, risks, costs, or bring greater environmental/social benefits or reduce costs? NEIGHBORHOOD PETITION, AND SEE LETTER
- 5) How have you evaluated and compared alternative options with your proposal? (We are particularly interested in any processes you have used to gather diverse input.) SEE LETTER
- 6) Do you want or anticipate Board action over the next 3-months? 12-months? If so, please let the Board know what you want it to do. YES - SEE LETTER
- 7) Do you want to address the Board, on what topic and why? LACK OF NOISE REGULATION ENFORCEMENT - CODE CHANGE
- 8) Please provide the Board with an estimate of the level of public interest of your proposal using a ten point scale, with 10 representing a very high level of public interest, and 1 indicating a very low level of public interest (circle the number): (Low) 1 2 3 4 5 6 7 8 9 10 (High).
Explain if necessary:
EXCESSIVE NOISE AFFECTS LIMITED NUMBER OF PEOPLE

9/15
11:30 a.m.

**Hampton Road neighbors in need of relief from
Excessive Industrial Noise**

GERALD SCHIMMEL		33933
DONNA SCHIMMEL		33933
Susan Brethauer		33913
Christy Ford		33897
Kevin New		33901
GRANT JAMES		33897
Melissa Adams		33897
Lay Mullins		33955



Oregon Department of Environmental Quality

Finding solutions to noise problems

Effective July 1, 1991, the state Department of Environmental Quality (DEQ) Noise Control Program was terminated. DEQ eliminated the program as a cost-saving measure, in anticipation of reduced revenue.

Were the State noise regulations rescinded?

No. The state noise regulations remain on the books. Regulated sources of noise are legally responsible for complying with all applicable provisions and standards, even though DEQ no longer investigates noise complaints.

What types of State noise standards are there?

State regulations have standards for:

- New and used motor vehicles
- Industry and commerce
- Motor sports vehicles and facilities
- Airports

What other agencies investigate noise problems?

Several Oregon cities and counties have enacted local noise ordinances. Other state and federal agencies also regulate noise. For example, the State Marine Board regulates noise from boats, with enforcement of suspected boat-noise violations handled primarily through county marine enforcement offices; the Oregon Liquor Control Commission regulates noise from licensed liquor establishments.

What Other Enforcement Options are There?

- Enforcement of local government noise or public nuisance ordinances.
- Class B misdemeanor criminal action for violation of the state noise statutes or the state disorderly misconduct statutes.

What types of local noise standards are there?

Standards vary from city to city and county to county. Some jurisdictions use the state standards; others have enacted separate standards. A couple of cities have standards that are more stringent than the state's. In general, most local regulations include standards for:

- Heat pumps and air conditioner units
- Amplified music from musical groups and car stereos
- Off-road ATVs, motorcycles, and dune buggies
- Loud speakers

- Musical instruments

Who Enforces Local Standards?

Generally, the county sheriff and city police departments investigate noise complaints and initiate enforcement actions. In some cases, the local codes enforcement office assumes this responsibility.

Find your local government contact:

- State and Local Governments on the Net
- Oregon Blue Book - Counties

Where Can I Get Information on Noise Pollution?

- Statutes, ORS Chapter 467, Noise Control
- Oregon Administrative Rules, (see Division 35 Noise Control Regulations)
- The National Noise Clearinghouse or 1-888-200-8332
- Noise Regulation and Wind Energy Facilities - Oregon Department of Energy
- City of Portland Noise Control
- City of Tigard Noise mediation
- City of Grants Pass Code Enforcement

July 29, 2009

Lane County Board of Commissioners
125 East 8th Avenue
Eugene, OR 97401

RE: Excessive Noise from Goshen Forest Products
Revision to Lane Code

Dear Chair Sorensen and Members of the Lane County Board of Commissioners:

I live at 33933 Hampton Road, Eugene, Oregon 97405 which is directly across the street from Goshen Forest Products. Over the last year, the company has subjected my property to excessive noise by virtue of the operation of a de-barker and chipper. I have shown the company officials my sound readings showing violation of both the state code and county regulations and yet the excessive noise continues. The noise is unrelenting and it interferes with my sleep and utterly destroys my ability to quietly enjoy my home.

In trying to get the company to comply with existing noise regulations I have hit a legal road block. The state has suspended enforcement of its noise regulations since 1991. A copy of their website notice to this effect is attached. See also OAR 340-035-0110.

In conversations with your land use enforcement staff, I have learned that noise caused by industrial organizations may be excepted from enforcement. See Lane Code 5.620(6).

It does not seem right that both the State and the County can refuse to enforce their regulations on excessive noise and that I am left without a remedy. I, therefore, respectfully request that you amend the Lane Code exception in Lane Code 5.620(6) to state as follows:

"(6) Sounds caused by commercial, industrial, agricultural, timber harvesting, utility or construction organizations or workers during their normal operations. **This exception does not apply during any period that the State of Oregon, Department of Environmental Quality has suspended enforcement of its noise control regulation.**"

(New language is in bold.)

I respectfully request that you ask County Counsel to draft such an amendment and schedule a public hearing on such a proposal.

Sincerely,



Gerald Schimmel