



City of Portland, Oregon
Bureau of Development Services
Noise Program
FROM CONCEPT TO CONSTRUCTION

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Noise Review Board Meeting Minutes
April 12, 2023

Present: Mary Sipe-Chair, Derek Trost-Community Member-at-Large, Desi Wright-Construction Professional, Paul van Orden-Noise Control Officer-Nonvoting Member

Absent: Alex Marine

Chair, Mary Sipe called the meeting to order at 6:00 pm

Following introductions, the Board approved the January 11, 2023, February 8, 2023 and March 8, 2023 Meeting Minutes.

Derek Trost thanked Mary for the way she has used the Zoom meeting transcript to draft detailed minutes.

Mary thanked Derek and said that until the new Noise Office Coordinator is one board and up to speed, she has volunteered to draft the meeting minutes.

Chair, Mary Sipe announced that the City Council confirmed Alex Marine's appointment as the Noise Review Board's Acoustic Professional representative.

Mary said Alex has worked for over a decade in the field of Acoustical Sciences. He has been a professional sound system designer using his skills of acoustical measurement and his expertise with industry standard software and calibrated reference sound pressure level microphones. His experience in the acoustics field started at a young age in the Boy Scouts of America. He also has participated in the Acoustical Engineering Society. Alex has worked collaboratively on acoustics issues with Habitat for Humanity, numerous PTA groups, and schools. Alex is focused on finding ways to improve his knowledge and understanding of the acoustic properties of materials and objects in order to better help with the mitigation of sound and acoustic. Unfortunately, Alex was not able to join tonight's meeting.

Chair Sipe gave a status update on the Noise Office.

She reported that April 1st, the Noise Program was moved from the Office Community & Civic Life to the Bureau of Development Services. They will be in their new location next Wednesday.



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Previous Noise Office Supervisor, Kareen Perkins has taken another position with the City and is no longer with the Noise Office. Mary thanked Kareen for all her support and guidance over the past two years and wished her well in her new position.

Also, the Noise Office Coordinator position has been filled. The new Program Coordinator, Juliette Olivella will start April 19th. Juliette is an Acoustic Engineer and will be a great addition to the Noise Office Team.

Once everyone gets settled in the new location, they will begin the recruitment process for the vacant Citizen at Large NRB position.

Public Comments:

Michelle Frances stated that she would like to recommend that the noise code be revised from restricting just the time of day to restricting the actual sound levels. She said that for the City of Portland the restricted hours are between 10pm and 7am. She said she would like to see the City use actual measurement of how loud the sound is. She said that a lot of cities are changing how they regulate noise. Michelle has emailed Paul about noise issues in her neighborhood with using loud equipment and playing loud music. She thanked Paul for being so kind in his responses and explaining the process to file complaints and that the Noise Office is limited in its ability to respond due to staffing.

Chair Sipe commented that it appeared Michelle misunderstood the restrictions in the Noise Code. Mary and Noise Officer, Paul Van Orden explained how the Noise Code, Title 18 uses zoning and decibel levels to enforce the noise code. Paul agreed to contact Michelle to discuss her concerns.

The first Agenda item was a review of the trackside and Kenton Noise Meter data from the 2022 PIR SOVREN race.

In March, 2022, the NRB granted Noise Variance #4775335 to Dave Sweeney, representing the Society of Vintage Racing Enthusiasts (SOVREN) for the September 2022 event. The decibel limit in that variance was 110 dBA.

Condition #5 in the variance requires the applicant to return to the NRB after the event to report back to the board and the community on how the event went with regards to complying with the established decibel levels, noise monitoring, compliance efforts and all complaints received for the weekend of the racing event and test dates.

The board has received the trackside and Kenton noise meter graphs and summary report from the Acoustic Consultant to review.



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The Noise Control Office received a total of 3 noise complaints related to the 2022 race.

Chair Sipe reminded everyone that SOVREN did not apply for a variance for 2023. They will hold this year's event on the weekend of September 9th & 10th without a noise variance and will be required to comply with the 103 decibel trackside limit.

She then invited Dave Sweeney to comment. Mary commented that she thinks one of the questions the board would like Dave to address is how the 2023 race will be different from the 2022 race and how they will comply with the lower 103 decibel limit.

Dave Sweeney explained that in order to comply with the decibel levels and monitoring, SOVREN pays for an individual to be in the Tower to monitor sound on a real time basis. That individual is looking at the sound monitor as the cars go by.

They monitor every car and record each decibel level for every car for every lap for every event during the race weekend. This is the process that was followed for the September 2022 SOVREN race.

Dave introduced Will Painter, who will address any issues that the Board may have. He was in charge as the race chairman. Any time a noise issue was reported by the individual in the tower, Mr. Painter took care of it.

With regard to complaints, they have no ability to address complaints received by the Noise Office, as those complaints had not been transmitted to them.

With respect to the 2023 race, SOVREN is already working to ensure that those cars that had an issue in the 2022 race are addressed personally. They will be informed that there will be a 103 decibel limit they will need to comply with. SOVREN is compiling a list of those cars and will be contacting the owners.

Dave asked if the Board had any questions regarding the trackside and Kenton noise meter data that was provide by Michael Minor.

Chair Sipe opened the report and shared her screen with everyone.

Derek Trost asked if Will Painter could address the moment on the 10th at 9am on page 5 of the report where there is a collection of exceedances that are clustered together and quite a ways above the 110 decibel limit. He asked if it is a repeat offending vehicle or whether it is a number of different vehicles that are above the 110 decibel limit.



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Will explained that when the person in the tower identified a car that had violated the noise limits, they black flagged that car. They brought the car in and Will personally supervised that he modified the exhaust system. That car went back out and was in compliance. The next day a different car was black flagged and they did not come back out on the track

In response to the question about the specific exceedances that Derek pointed out, Will explained that was the start of what they call the "Big Bore" race. That is Corvettes and Mustangs and everyone else. The sound monitors cannot single out a car that is in violation. He said that there is probably an additive effect when a number of cars are bunched together as they go by the meter. That may or may not be a part of the problem. Each day when they have a start you will get a whole pack of cars coming down the track together. Once they space out, you do not get the high readings anymore. As Dave said, we are giving anyone who would exceed this year a heads up.

Derek Trost thanked Will for the explanation. He pointed out that early in the morning on the 10th there were a lot of exceedances spread out over time.

Will Painter said the one car they could pinpoint was black flagged and forced to correct their exhaust system before they came out the next day. He could only speak to the two instances in which the sound monitor notified him that there was a violation. In both cases the cars were black flagged and corrected or denied re-entry.

He commented that there are cars that are likely to not come in 2023 because they just cannot get fixed, or it is too expensive and they may choose to not make the fix. SOVREN is expecting to take a big hit on their entries for 2023. They accept that and they are going to work with people so they can comply.

Chair Sipe, commented that it sounded like her question as to what would be different about the 2023 race that would ensure they can comply with the lower 103 decibel limit had been answered.

Will responded that their sound monitoring person keeps a log by vehicle number so they can identify which vehicle was over the decibel limit. They anticipate that 10 or 12 owners may choose not to race in 2023. So they will not have all the same cars they had in 2022.

Derek Trost said that he did want to point out that the way the trackside meter works is that it only gives a snapshot of that moment when the car crosses the meter. He thinks that is a pretty solid representation that the entire lap it is somewhere near that decibel level.



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Noise Officer, Paul Van Orden commented that the SOVREN race has a mix of cars. He thought it might be good if Dave could paint a picture for the Board members of how that works throughout the day because you may have somebody who is racing a certain portion of the day or they might be racing multiple times. So it is possible you could have a full day of racing where you see spikes and it is not 10 different cards. It is a small number of cars.

Dave Sweeney explained that there are multiple groups of cars. There are Volkswagen races, MG and Triumph and small cars that are formula cars that basically of modified engines. There are also big cars that are part of that.

At that point Dave's audio cut out and Will went on to explain that Dave and Paul are right. You will see different groups of spikes because a V8 Corvette makes more noise than a VW engine does. So you will see groups of spikes that represent the 8 different groups we have. You can see that effect on the graph where on group is the offender. The group we have to work with. The MG's, the Alpha Romeo, the pre-war cars, none of them make that level of noise.

Will referenced the schedule for 2022. There were 4 races of the weekend for each group. Two races on Saturday and two races on Sunday. There are 20 minutes when they are racing on the track and that is where you get the big difference in the noise levels.

Dave was able to get his audio back and said that what Will explained is exactly how it works. The vast majority of the cars are incapable of exceeding the 110 decibel limit. So for the limited cars that Will was talking about, the big Mustangs and Corvettes. That group will need remediation and that is the group that they will be focusing on to ensure compliance for this year with the 103 decibel limit.

Desi Wright did not have any questions but wanted to thank everyone for providing the graphs and for explaining how the races function and how they monitor the events. She said it makes a lot of sense being able to look at the numbers on the graphs and learning about what is actually happening at the track.

Derek Trost commented that he also appreciated the detailed report and graphs. He said that the combination of having this clear data and how the exceedances are identified and labeled along with the data from the Kenton noise meter is very helpful. You can note there are a lot of exceedances that often alarm the folks in the neighborhood. When we look at and compare the trackside and Kenton noise meter data, we can confirm for the folks in the neighborhood that either the exceedance is related to the racetrack or it is not. not.



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Chair Sipe reported that they have discovered some things about the location of the Kenton Meter and the Subcommittee is looking at that. We are not certain the noise meter is in the best location because it is picking up a lot of ambient noise. They will be doing research to determine the best location for the neighborhood meter and also discuss installing an additional noise meter.

Mary also commented that there was a lot of conversation and a meeting with Michael Minor and Track Manager, Ron Huegli about the format of the data and graphs that were submitted for the 2022 NASCAR & SVRA races not providing the data the Board had requested. After that meeting the report and graph data that was submitted for the SOVREN races was in the format that had been requested. Going forward, we will use the 2022 SOVREN report and graphs as an example when we work with the new Acoustic Consultant in order to avoid misunderstanding and rework when providing the data required in the Variances. The Board issued 3-year variances for the NASCAR, SVRA, IndyCar & Rose Cup races and at the end of each year we will be doing the same thing we did tonight and reviewing the trackside and Kenton noise meter data for those races.

Will Painter asked if since the 2023 SOVREN event is not a variances event will they also be required to return to the NRB at the end of the year.

Chair Sipe responded, no since there is no variance they would not be required to return at the end of the year.

Noise Officer, Paul Van Orden asked if there were any members of the public who wished to give Public Comment on the review of the 2022 SOVREN data.

There were no members of the public who expressed a desire to comment.

Will Painter thanked the Board for the opportunity to speak to this event. He assured the board that they take this seriously and work hard to monitor and enforce the decibel limits. They look forward to being just as diligent this year.

Chair Sipe commented that it does appear that they do a very good job of monitoring and enforcement at trackside and the Board and the community appreciates that. She thanked everyone for being here tonight and for their input.

The next agenda item is a Noise Variance Request Hearing for Application #4890345 for the Glitterpop outdoor music concert at Waterfront Park which will take place on August 19, 2023. Chair Sipe invited the applicant to share the details of the event with the Board.



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Chad Creole, who runs the Northwest Division for AEG Promotions, a worldwide concert promoter commented that the event is no longer being called Glitterpop, but it will be something similar. He said it will be approximately a 10,000 person event located at McCall Waterfront Park. The event will feature Portland native and Rap star Amini. He has been around for about 10 years and has gone from doing small venues all the way to the MODA Center. The concert will be on Saturday, the 19th and will run from approximately 1:00 pm to 10:00pm. There will be 6 or 7 different acts.

Chad then introduced Gloria Alvarez Connors one of the principals who will speak on the sound mitigation. He introduced Morgan Hodge who works at Carlson Audio. Morgan has worked with the Noise Office and NRB many times. He is their foremost technical expert on sound. Morgan put together a sound heat map which will be shared in the presentation.

Gloria Alvarez Connors first reported that they are going to revise the variance application to add a day on Friday to do a sound check. Gloria shared a copy of the notice they sent out to the surrounding community. Their operations general manager went out in person and conducted the notification. She explained that while the noise variance application indicates 2:00 pm to 8:00 pm; they will not be making noise for that entire time. They will be making noise within that timeframe.

Gloria shared an overview map of the entire space and how they plan on utilizing the space. They will be putting the sound on the north end as close to the bridge as possible. There is a natural overhang that is extremely helpful.

She shared a photo of the “Front of House Control Station.” She explained that they will not be using a “one-source blowing system” out at high volumes in order to be able to hit the back. They will have delays that will take care of that. She explained they will use a strategic disbursement of the speakers. They have invested with Mark Carlson and his team in Seattle and will use a “10 easy SPL” monitoring software, which will be able to capture data anywhere from 3s or 30s. They have averages that are time stamped and they do a data dump every evening. That allows them to have a true snapshot of what they are doing and where the issues may come from. Gloria said that in the past they have jumped in their cars when they hear a complaint from neighbors.

Gloria said they want to be good neighbors. They want to bring arts and music to the neighborhoods, but not impede on their everyday life. They want to understand what causes issues. Everyone can immediately contact Gloria so they can respond to issues.

They will have 2 technicians; one at the front of the house and a second technician who will be monitoring up along Naito and the Rose Hotel.



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Morgan Hodge then shared the heat maps. He explained that they use software that can generate predictive maps of what they can expect to see as far as spl limits over a given area. He used the system to predict what he could expect to see in the surrounding areas with a 95 dB at the front of the house. A 95 dBA limit at the front of the house essentially translates to 85 dB level at the Hotel Rose on the corner. But, in reality, he shows the location on the map (light blue area) is 65 to 70 dB. The lighter green area next to that is 70 to 75 dB, so they are not taking about any levels that are exceeding anything beyond normal city noise.

Derek Trost commented that he understands what is meant when Morgan says “front of house” and “delays,” but other folks may not know what that means. Derek explained that delays are speakers placed along the audience further from the stage to reinforce the sound. And front of house is the spot where there is someone running a mixing console that is operating the sound that is responsible for the sound in the entire venue on stage and out to the audience.

Morgan Hodge explained that to cover the entire amount of space with one single system requires that the main PA be turned up so loud that it is absolutely prohibitive in an urban environment like this. The concept here is that by introducing additional PA’s over the length of the venue you can give the entire venue the kind of level and energy that creates a good concert environment without having to drive any of it very hard. He commented that if anyone was part of the Red Cub event near PIR, they used the same concept. They deployed multiple speakers over the course of a venue to keep the energy up for the crowd, but kept the spl down for the surrounding area. That is the same concept they are applying here.

Gloria Alvarez Connors commented that not only is it a matter of the delay and the mitigation software they will be utilizing, it is also the sound system selected for this location. It allows much more control over stage volume.

Morgan Hodge commented the system is designed to actively cancel noise off the back of the speakers. They have much greater control of the low frequencies that are being put out into the surrounding area. With this technology they can drive it forward into the event and not spill it into the surrounding areas.

Gloria Alvarez Connors reported that they had Mike Ryan, their GM hand deliver notification to all the neighboring hotels. The notification was also sent out to all of the neighboring businesses. Paul did ask that they pay special attention to the Rose Hotel. They talked with them and they are looking forward to potentially being one of their partners on the event.



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Gloria said that they will have an email that will be monitored during the event and they have provide cell phone numbers for her and Chad to respond to any complaints.

Chair Sipe thanked them for their detailed presentation. She also acknowledged how fortunate the Board is to have sound experts like Derek Trost and Alex Marine on the Board along with Paul's 25+ years of experience and the addition of the Noise Coordinator who is an Acoustic Engineer. Mary asked if there would be quiet breaks between performances. Chad responded there would be canned music at 80-85 decibels.

Derek Trost commented that this is the third or fourth event where we have with this promoter. He acknowledged the significant investment of time and energy and the expense of the equipment and software and the detail in their presentation. He said it makes the Board's job easier when considering these variance requests. Derek was curious about what feedback they received from neighbors and businesses.

General Manager, Mike Ryan reported that he spoke with all the neighbors. His first stop was the Rose Hotel. Their first response was excitement that we would hopefully be putting people in their rooms at the hotel. He believes the feeling is mutually excited about bringing some business to the hotel. They had the same positive reaction from the retail shops in the area. The large business buildings were not very concerned about noise because they are generally not operating on Saturdays. They have not received any concerning emails from tenants in the buildings they contacted. He also gave out flyers to the apartment and condo buildings and they have not received any feedback.

Chair Sipe asked if there were any members of the public who wished to give Public Comment on the variance application. There being none, Mary asked if Board members had any further questions or comments. She did share a copy of the conditions in the noise variance the board granted to the Waterfront Blues Festival as an example of what conditions the board may want to consider.

Noise Officer, Paul Van Orden commented the applicant is asking for a little bit higher decibel levels than what we have granted in locations further down in the park. It looks like we are looking at 85 as a descriptor and Paul is comfortable with that. He said this is one of the sections of the park where historically we have had a limited number of complaints. It sounds like they have good rapport with the hotel. Paul had spoken with the applicant and explained the performance this year sets the tone for future years. If we have challenges this year, then that is something we will look at in the future. He said he would expect from Carlson's experience, if there is some kind of anomaly like bass issues, they will be able to address that. Paul said that in the past with some of the bigger concerts set out specific standards for the bass tones and octaves. He does not know if we need



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to put that into the conditions of this variance, but he would like to hear a little bit from the applicant about their approach with any bass issues.

Derek Trost commented that it would be a good idea to identify, to whatever extent is possible, exactly when the events would be occurring on Friday. That is not something the Board needs to sort out tonight, but would be determined in a conversation between Paul and the applicant. He suggest that the Board make a formal motion this evening that reflects the basic approach that was taken with the variance for the Blues Festival, but that the Noise Office staff would sort through and transfer that information so that it matches up with the specific timeframes that are relevant to this event.

Derek wanted to state for the record, that in case there are members of the public that are checking back in on this, that the Board's responsibility is to take into consideration, the public good and the consequences here. So when we are looking at one of these applications, we are importantly looking at the business benefits locally to the overall economy and the enthusiasm shown by the folks like the Rose Heel who are, of course, excited about this and the retail businesses that are excited about this and although there are some folks that are likely to be adversely affected, we are putting all that on the scales and taking that into consideration.

Gloria Alvarez Connors asked if in the final variance conditions would say anything about how weather conditions impact the overall noise level.

Noise Officer Paul Van Orden responded that they do not specifically put that in the variance. You might have some odd dynamics where you are receiving complaints from locations that are far away. By having the roving person who can go to that location you can measure and see what is happening.

Gloria Alvarez Connors commented that the decibel limit and conditions in the variance goes into their contracts with the artists. So, they need to make sure that is very clear and concise in the variance.

Noise Officer Paul Van Orden responded that the A weight does not really account very well for bass. Your performance and how you do dealing with the bass is really going to help set the tone for future shows. That is the big challenge; making sure that even if you are meeting that dBA standard, and you are having challenges with complaints coming from the bass, you are able to take care of that right away. That has worked well in the past with other events that Carlson has been involved with.

Morgan Hodge added that they are capable of not only monitoring, but also recording spl A & C. So even if the variance only calls out A weighting, we can still monitor C weight to



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give us some more data moving forward for future events. If there are complaints that come in through sub frequencies and low frequencies, we can look back at historical data from what we have recorded.

Derek Trost commented that we are looking at a variance request where you are going to have 95 dB at the front of the house being your central measurement technique. In the past we have requested measurement at the property line...is that opposite the stage and then at a nearby property line, but to the front of the house. Does it seem appropriate to you to just go to the back of the audience area for that rear property measurement and then over to that corner of the Rose Hotel that you identified in your modeling?

Gloria Alvarez Connors responded that the Rose Hotel is something they had discussed as being one of the monitoring locations, and then at the point of entry at SW Taylor.

Derek Trost made a motion that the Board approve this variance application, using the Waterfront Blues Festival as a template with specific modification to be sorted out between AEG and Carlson and Noise Officer Paul Van Orden. The variance would include details of the scheduled activities to take place on Friday, August 18th with any unique decibel limits. A decibel limit measured at the front of the house at 95 dB. Fulltime sound measurement will be required at the corner of the location of the Rose Hotel and at the point of entry at SW Taylor Street. There will be at least one person with a sound meter available for roving and response to locations with reports of noise issues.

The motion was seconded by Desi Wright.

Chair Sipe repeated the motion and a vote was taken.

The motion was approved unanimously.

Chair Sipe thanked everyone for their detailed presentation.

Next the Board had a brief discussion regarding the Public Comments made by Michelle.

Derek Trost commented that it sounded like Michelle might be referencing policies from other cities He would like to understand more about those policies especially because she seemed to be describing criteria other than sound pressure and time of day.

Michelle responded that she did not want to take up a lot of the Board's time, she just wanted to know what do we need to do to change the noise policy. She said that it seems that people tend to worry more about "the big things" things like PIR and concerts. In the neighborhoods it can be a public health issue. It is a community livability issue. People



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tend to just grumble about the noise and then just move on. She said that Paul has emailed her and has been the kindest man to listen to her grumble in her emails. He has been patient, kind and thorough. She just wants to know what the next steps would be.

Noise Officer Paul Van Orden thanked Michelle for her kind words and said he would call her tomorrow to get a better understanding of her concerns and report back to the Board.

Chair Sipe thanked Michelle for taking the time to come to the NRB with her concerns. She commented that is exactly why we have Public Comments on each agenda; so people can bring their noise issues to the Board. While the Board has noise variance applications to review, that is not the only focus of the Board. When we get into Board Business, we will be discussing scheduling a Special Board Work Session to further develop the Board's Work Plan. We will look at the Complaint Data to help us to identify emerging noise issues in the community that maybe are not addressed in the noise code or where the code needs some amendments and modifications. Like Derek, Mary assured Michelle that it is totally appropriate for her to bring her concerns to the Board. We rely on feedback from members of the community.

Before moving into Board Business, Chair Sipe wanted to give the Board an update.

Mary reminded the Board that at a number of previous meetings and at last month's meeting, they had Public Comments about the noise from outdoor pickleball courts at Sellwood Park and the Irvington Club. Mary had invited Brett Horne from Parks & Rec to that meeting to give him an opportunity to hear from neighbors who live near the outdoor pickleball courts at Sellwood Park and to give him an opportunity to share information with the board and community.

Mary shared the following information she received from Brett last week.;

*"I wanted to report back on some progress we've made. PP&R will be relocating the pickleball use from the tennis courts near the Sellwood Park Pool, to the 2 lower tennis courts westward in the park. **We plan to re-stripe all the courts in mid-to-late June to effect this change.***

We have let the adjacent neighbor which has been having difficulty with the noise already know about this plan. The PDX/Sellwood Pickleball Group is supportive of this change too.

We have reasons to believe this site change will work as there are fewer neighbors at the westerly courts, they are further away, and the Pickleball group is already using those courts occasionally and we haven't heard any complaints. The Pickleball group has also



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canvassed the immediate neighbors at the lower courts to see if they are having any noise issues.

We haven't fully made these changes public yet, but we are crafting a public noticing effort to roll this out to park users and neighbors. There will be some resistance and unhappiness from tennis players, but we felt we needed to resolve this long-standing noise concern. The courts by the pool will be exclusively striped for tennis.

We are also going to be establishing siting criteria/standards for future outdoor pickleball courts. We are finding numerous cities are setting a 500 foot distance from courts to residences, if no noise barriers are employed. I am not sure where we will end up on a minimum distance, but it will likely be more than the 150 feet we have also heard about in some cities. We do plan to test out noise by using pickleball equipment wherever we are going to be in somewhat close proximity to residences. In the next few weeks, we will test out noise at the planned pickleball courts at Laurelhurst Park (in SE Oak St) and see how it goes.

We still recommend that no code issues be proposed as the pickleball noise varies greatly by location and by person."

Mary said this is very good news for the Sellwood neighbors. She wishes they could make these changes before mid to late June. She is not sure if this addressed the noise issues with the outdoor pickleball courts at the Irvington Club or on other private property.

While she thinks the board tends to agree that code changes might not be the way to address this issue, She said she would like to ask the board to recommend that the Noise Office reach out to Brett Horner and to the appropriate City bureaus that regulate conversion and construction of pickleball courts on private property and share the work that has been done by PP&R to help establish the same criteria/standards for private outdoor pickleball courts.

Mary said that she thinks it is the role of the Noise Program to collaborate with other bureaus. She asked Paul if he has had any conversations with Brett or anyone else about this subject.

Noise Officer, Paul Van Orden said that after he received Brett's email, he reached out to him. He told Brett that he enjoyed having a clear dialogue about how Parks is going to address the issue. He told Brett that the Noise Office probably cannot take on any special projects at this time, but that they have worked very closely with Parks on other issues in the past like leaf blowers and siting skateboard parks. He told Brett it would be great to



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hear more about where Parks is headed and then offer some feedback if it looks like they might be headed in the wrong direction

Chair Sipe said that she had stated in the Zoom meeting they had about this issue that she did not think this was necessarily a project the Noise Office need to take on. She said the entities that would regulate this could reach out to acoustic specialists on their own, but that she thinks it is important for the Noise Office to communicate with these entities and make them aware of the serious negative impact the noise from these outdoor pickleball courts is creating and communicate that the Noise Office highly recommends that they address this for pickleball courts currently existing on private property and for any future conversion or construction of outdoor pickleball courts in the City.

Mary commented this is an example of when community members came to the NRB meetings and gave Public Comment about a noise issue. The Board had a dialogue and invited Parks & Rec to a meeting to make them aware of the problem and begin a conversation about how to address the issue.

Derek Trost said he is glad to hear about the quick action being taken by Parks; it sounds like a positive resolution. However, he does think we have an entirely different set of problems with outdoor pickleball courts on a property like the Irvington Club. That is going to be a "long game." He said he fully supports the idea that the Noise Office be proactive and share that information with other folks. He cautioned that the Board needs to be careful about presenting it as something they "should do." He said the language he would support would be to "please consider the following information and take a look at how this dynamic has played out thus far."

Desi Wright commented that she appreciated Brett accepting Mary's invitation to join the Noise Review Board meeting last month and interacting with the board and the public and hearing what the Board is hearing so we are not just listening to these community concerns by ourselves. She said she thinks that having that kind of collaboration with the other entities in the City is going to be helpful in moving the ball forward.

Chair Sipe commented that when people first came to the Board about this issue, the initial reaction of the Noise Office and the Board was that this is exempt from the Noise Code and there is not really anything we can do. Mary stated this is a good example of how the Noise Review Board and the Noise Office may not be able to do anything to address a particular noise issue, but we can bring awareness of the issue to the bureaus and entities that can do something about it. In this case, she was glad that Brett accepted her invitation and was willing to meet with members of the community and the pickleball group and work to find a solution related to pickleball courts in City Parks.



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It being 8:00 pm, board members agreed to take a quick break before moving into Board Business.

The first item on the Board Business portion of the agenda was a presentation on the work that Derek Trost and Brendy Hale have done on the Noise Variance Prescriptive Path recommendation the board discussed as part of the Work Plan.

Derek Trost told the Board that Brendy Hale is a local professional musician and a master's student here in Portland. As part of Brendy's thesis program, he reached out to Derek to be his mentor and help him find a project to work on. Brendy was working with a wide variety of issues in the local music community connected to acoustics and sound and with the Noise Office with compliance and variances. Brendy is going to give a 15 minute presentation looking at the variance application process. What we will be looking at tonight is how can we make the variance process easier, more accessible and especially with the focus on reducing Noise Office staff time.

Brendy Hale introduced himself as a designer and a musician. He is currently getting his masters in collaborative design at Pacific Northwest College of Art in Portland. Over the past year and a half he has been working on his thesis. He has been working with folks in and around the music community and in the noise community to identify any kind of barriers for those involved.

Tonight he is going to talk about what he and Derek have been chatting about this past year about the prescriptive path to simplify and streamline the current process for applying for a noise variance.

To explain what is mean by a prescriptive path as compared to the system currently in place, Brendy used an analogy of baking a cake first without a recipe.

What they are proposing is a 3 part process. One that identifies some educational resources. What they want is for everyone to know whether or not their activity requires a noise variance and the noise code surrounding it. Expectations in this case would be made very clear about how an activity would be eligible for a noise variance.

This is not just for the applicant but it is also for the "receiver." The people who might have noise concerns can use this template to see what kind of noise is allowable.

When there is a clear path, one for which applicants can fill in information, receive feedback on eligibility by the objective standard that the Noise Office has already created and fine tune, all without it reaching the Noise Officers desk. There is a lot less time



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involved. The potential for a self-regulating system can mean cheaper variances and more people getting their events covered.

The second part is a screening template for eligibility. The applicant moves through this template providing the information about their event. If all that information is good then they move right into the application. If not, they go back to the informational resources and they can start over. If all is successful, they move towards the application, knowing that their variance is pretty much set for approval.

Once they pass through the screening, they will be directed towards the variance application that will be submitted to the Noise Office or Noise Review Board.

Currently there are just the two variance applications that are available at the Noise Office. Once those are submitted, they are reviewed by staff. If there are any problems, then you have this back and forth between the applicant and the person reviewing the application that you have to go through until the application is complete.

The final version is a sort of graphical user interface; something like an app that you can use on your phone or a web app; something that is online that you can access either through the Noise Office website on Portland.gov. or it could exist as its own resource.

This is a step by step system and it is sort of like putting different block together because it is prescriptive. You are able to go in afterwards and change these things one by one. It is a modular system. If there are changes in the noise code, changes in preferences from the

Along with that change will come the same kind of changes in the educational resources, different graphics, different resources that people can look back to.

It ca outline specific noise limits that are in place.

We have both policy and noise related content. Because he works in the music industry, Brendy spelled out a couple of things for those outfitting their space with Derek. That is just noise related tips and tricks on how to mitigate your decibel output during different activities.

Again, this is just the first step of the 3-step system. If the person is just there to learn, then they are good; they can move on with this information. If they are there for a variance, then they stick around. They have this information that they can refer back to and they can move on to the next screen. In this case it is the screening template.



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The first section we have is what is the proposed activity...what is actually going on? We can have certain sections for the variance that we see the most of...things about construction music and other activities. This would be a built out system. Underneath the construction activity maybe there is a selection for early morning concrete pours with a certain number of cubic yards. Maybe there is demolition activity, under music there could be something like performance events, rehearsal space.

This would not be for big events like a festival. That would require a special case that would go directly to the Noise Officer. This is for events where we can streamline the process. If they check all the boxes, it is all good.

Next, we have how often; it give the option of a one off event or a recurring event. Is it a construction event? How often is it happening? Once a day? Weekly? Monthly? Etc.

We have where we can base this on the different zoning, industrial, commercial, residential, open space.

We have daytime and nighttime. With construction we have 85 decibels at 50 feet 7am to 6pm.

We do this because not necessarily will every event fall into these time slots. At this point when the applicant is moved through the screening process if they are eligible for a variance, they can move right back on to the actual variance application and it will just be a matter of checking boxes and providing contact information and submitting the application. It will just be a matter of checking boxes

Brendy gave an example of a noise variance application for early morning concrete pouring,

It is a construction activity. It is a recurring event. I will happen in a residential zone. It will happen before 7am. It would fall under the night category and would not be in the typical construction activity.

So when they hit "submit" there is a problem with their location in the zone based on the time that they have entered. So they are referred back to some educational material. Here is your problem. You are prohibited from doing this for this reason. There could be links to outside material identifying the exact code that they are in violation of which would require them to apply for a special variance that will go the Noise Office. At this point they could either go back to the drawing board and maybe adjust the hours and submit again. If all goes well, they are good to proceed to the variance application, Fill that out and it goes to the Noise Office.



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The goal is that everyone who is involved with the noise, the applicant and the receiver have all of their questions answered regarding the process and the policies. These are the expectations around all things noise and here is where to find that information.

It is a step by step approach and with these building block it is easier to plug in new information over time as the noise code changes.

Because his research was focused on all things music, Brendy conducted a lot of interviews. He put together 2 surveys. He received a total of 998 responses. He asked questions about performance spaces, practice, rehearsal spaces to gauge when and where people were making noise and the public's response. Out of 1000 people who participated 81.5% said they had applied for a noise variance of some type in the past and 83% said that they regularly do so.

Brendy commented that you have a lot of civic engagement here. You have a lot of people in the music communities looking at these kind of things. That might be something that is hard to acknowledge here, but one that matters to the noise, community, Another question that he asked is, would people use a variance if it was available at home. You know, if we were to implement something like this, we would just be putting in the same kind of criteria just in different spaces within this new system kind of plug it in.

The prescriptive variance is meant for activities that the Noise office sees a lot of, so they don't have to take a whole lot of time doing these kind of things.

This seems like a lot of really big changes, but a lot of the groundwork is sort of already there. The noise. Codes are there. The information is sort of around, but it's a little scattered in places. So by having one area where all of these questions can be answered would be super helpful. Any kind of new stuff doesn't have to happen all at once. It can happen in phases. Say one phase is just digitizing this variance application system. So the actual variance people can fill out online. Another could be just putting more information and resources regarding the common questions sort of like those that Michelle had earlier just available there on the site, to show that how we in Portland have these specific policies.

And then there's room for change in the future.

Beth Benton, BDS Manager commented that the Noise Office just moved back to the Bureau of Development Services. BDS is a very large Bureau with a robust staff of over 400 people. They have an entire tech department and a very expensive data permitting software package. There has been an enormous push to move this work online. We have been able to accomplish that over the last couple of years. A lot of the commercial trade permitting can now be done online and paid for online. So getting the Noise Office back in our shop is something we can work on updating and getting this portal because we



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have the portal, we can actually update that. BDS also has a communications team that has already started working on the website updating information and making it easier to find. These things are happening It would be great if we could develop something that would be easier, that is separate from our regulatory system and our permitting system. Beth said that it is probably going to be several years before they are actually able to get it in the system because they work with five other bureaus and their needs have been waiting for years. It is juggling to get it in there. But they are always looking for ways that can make things simple. If you have an app that a customer can use to practice to see if they would qualify, who is going to do that, who is going to pay for it and who is going to manage that because it is a resource issue. We have to get funding for staff to be able to do investigations- the soft costs that go with maintaining the program. It is a very complicated web of things that go together behind the scenes. Beth said she is not trying to put this down, but that she wants to set expectations. If everyone likes this, it is not something that can be launched overnight unless it is completely separate from the City function.

Chair Sipe pointed out that what we wanted to do tonight is to just find out what it is that Derek and Brendy have been working on. As she understands it part of what is being proposed is that some of these variances would not even need to go to the Noise Officer. They would just be approved and go through the system automatically because they fit all of the criteria...is that correct?

Brendy responded yes, there could be some aspect where it shows up where there can be space for review. But if everything is there, then for some variances that you see a lot of it could be automated.

Chair Sipe responded there are some implications there also. This would require changes to the Noise Code, Title 18 because it is very specific in the code that variances have to be reviewed by the Noise Officer along with the Noise Review Board Chair. There are a lot of things that need to be updated and amended in Title 18 and this could just be one of those things. She said she supports making the variance process more automated. She said we also will need to be a lot of stakeholder and community input. One thing we need to be careful about is that we are not circumventing the noise code. We have these restrictions for a reason. Also there already is somewhat of a prescriptive path because there are very few noise variances that get denied. We certainly can make that process a lot smoother.

Derek Trost clarified that this would not remove or displace staff review. Rather this would create a much clearer, more compact document for staff review which would make a lot better use of staff time.



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Beth Benton asked how this would work if we are already using a database system that captures this work.

Derek Trost responded that he thinks Paul can comment on whether or not we are capturing stuff versus having somebody fill out a Pdf. and then sending that via email to the Noise Office.

Noise Office Paul Van Orden stated this is really insightful because part of what he and Beth chatted about is that there is such a large number of noise variance applications there has to be a way both through code changes and other things like Brendy is suggesting to streamline things, especially with the more basic noise variances. It is not going to be an instantaneous solution. But it will also address things that do not have a capacity to be appealed because they are much more basic. Paul said he thinks this is a great concept the we can explore. The interesting thing is one of the thing you raise which is really brilliant is part of what he was going to share tonight. We probably will not have time to get into the complaint data, but we are showing a long-term pattern of many of our cases being music centric. Paul said he thinks that as a city we need to figure out how to shape something to address this as a cultural issue in our city. When we review the complaints data you will see that there are quite a large number of complaints about people who are rehearsing. We have talked to these bands and they have been rehearsing for 25 years and suddenly that neighborhood is gentrified and they are feeling pushed out of the neighborhood. One real interesting concept that comes out of this work is that maybe it is time for us as a city to explore how do we incorporate a variance for a band so they can apply for a noise variance and that way we have all of these unresolved cases that we have a methodology that is reasonable, equitable and ethical. This give us a tool that we have not really thought about applying which is giving a band a noise variance to rehearse. This is something Paul said he had not thought about in all these years. They kind of shied away from use noise variances for some types of residential type noise issues. This may be the perfect time to explore this.

Beth Benton commented that she was glad Paul picked up on that. It could be possible to identify some of these variances that are just very routine and very simple. BDS has done that with construction trade permits. A contractor can check all the boxes in the form fields and submit payment and boom, print out a permit...it is done and they can get to work. No one has to look at it. Staff does not have to review it and it is captured in our database. It is quick and clean. It is doable for some of the easier applications.

Chair Sipe commented that it takes her to the pile driving. Her thought was always that if we required a variance for pile driving, a lot of the issues and complaints would go away. It would not mean that they cannot use the impact hammer pile driver, it means you would just put conditions on it. Limit the hours, require noise barriers etc. With band rehearsals,



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they would have a noise variance with very clear conditions about what hours of the day, maximum number of hours, giving notification to neighbors of their rehearsal schedule etc. If they do not comply with the conditions in the variance and people complain, then they would be subject to having the variance rescinded and or citations and fines. Even if we are not at a point where we can automate the process this conversation has brought forth some ideas about things, we can do within the current system to address some of these issues. One of the things about complaints is that we need to use the complaints to help inform us about what things we should be taking on in our work plan. This has really sparked some very good conversation and ideas about some new paradigms about how to look at this and approach this.

Derek Trost commented that this is like the work Mary and Desi did with the early morning concrete pours. We can put this criteria into a very simple system. One of his key takeaways from working with Brendy is when you work with a graphic designer then you start to see how when information is presented and graphically supported it is easily digested by the user. When you combine the criteria with the graphics you have a more compelling system that is less mysterious to work through. With the feedback from the music community that they have worked with the current system and that they would rather chance getting a complaint then apply for a variance.

Desi Wright commented that she really likes Brendy's thoughts about integrating the noise variance application process along with educational resources. Public education is something the board has struggled with. She likes the approach with having something that is clean and easy to navigate. Desi appreciated the thought and research that Brendy put into this. She understands that these things take a lot of logistics and time to get implemented but this was a good conversation to be having. This is a good starting point to see how we would be able to integrate this with what BDS has with their portals their current capacity as we work toward the future.

Before moving into the next items on the Board Business agenda, Chari Sipe said that she had something very important that she wanted to address with the Board.

At last month's meeting, Derek made a motion to create a subcommittee for the acoustic zoning project with himself and Desi and indicated that they would reach out to community members to join that subcommittee. He also moved to create a subcommittee for this Noise Variance Prescriptive Path project with Derek and Brendy Hale.

Mary seconded the motion and it was approved.

We discussed that if we had less than a quorum (2 board members) we were not required to hold public meetings.



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After checking further Mary discovered that in the Bylaws it states that ...

*“The Body may divide its members into subcommittees authorized to act on behalf of the full Body for an assigned purpose....**For advisory bodies who advise Council**, (which the Bylaws state NRB does) subcommittee meetings are also subject to Oregon Public Meetings Law and must abide by quorum requirements when voting. While subcommittees may engage non-members, only (NRB) members may vote to approve reports and recommendations to be forwarded to the full Body*

Bottom line, we need to have more discussion at the Special Work Session before we establish subcommittees and begin officially working on these items and establishing any subcommittees.

It does not matter if it is just two board members. The Bylaws state that subcommittees have to hold public meetings. Mary suggested that we seek feedback from the City Attorney before establishing subcommittees.

Under Roberts Rules of Order there is a process to reconsider a motion. Mary said that what she would like to do is make a motion that we reconsider the motion made at the March NRB meeting to form these two subcommittees and suspend establishing the two subcommittees until the Board can discuss and vote on this at the Special Work Session.

Derek Trost requested discussion before we make a motion. He commented that his observation is that a subcommittee is not the best way to make forward progress on the work plan. He thinks it is not a matter of considering more carefully the subcommittee process that it is just a matter of coming up with some neutral language that distinguishes what would be perhaps a work group from a subcommittee. He suggested that we change the language of the subcommittee to work group in order to explicitly disclose any of the activities that would fall under the Advisory Committee criteria the City has.

Desi asked if it would be possible to consult with the City Attorney before deciding.

Chair Sipe explained that what this motion does is give us time to consult with the City Attorney. What this motion does it just says that we are going to reconsider the March 8, 2023 motion where we agreed to establish these 2 subcommittees. We will set that motion aside. We will not establish any subcommittees and until we can talk to the City Attorney and discuss it further. But we do need to set aside that motion because we had a motion that clearly said we were going to create these 2 subcommittees.



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Beth Benton said she would reach out to Rob Yamachika, the City Attorney they work with.

Mary said she would send Beth a copy of the Bylaws to hare with Rob.

At that point Mary made the motion to reconsider the motion from the March 8, 2023 NRB meeting to establish 2 subcommittees and that we suspend establishing these 2 subcommittees until the Board can obtain input from the City Attorney. The Board can decide at another meeting how they want to proceed with this regarding items on the work plan.

Derek Trost offered a friendly amendment that we seek specific recommendations from the City Attorney for recommended language for something like a work group.

Chair Sipe accepted the friendly amendment and incorporated that into the motion.

Derek Trost seconded the motion.

The motion was approved.

Next Paul Van Orden gave a brief overview of the Quarterly Noise Complaint Report. He told the Board there are endless ways to sort the data. The data can be sorted by sections of the city and what type of complaint. In the report he focused on the types of complaints. There are a lot of mechanical related and music related. The Board will need to determine the format of the reports. One thing that Paul realized when he received 3 months of data from Nicholas is that it was very time consuming to analyze the data. He and Nicholas are going to meet monthly to review the data and then will summarize the data to present to the Board every quarter.

Derek Trost asked if there is a way to correlate the data with the graphical maps that exist.

Paul responded that yes, He may not be able to do that in the short term, but he is taking some classes on mapping things. Also. Paul Cone is the guru on mapping and he has assisted in the past.

Chair Sipe commented that the Noise Control Program website used to have maps like he described showing all of the noise variances that had been issued. Being able to check the website to see if a variance existed was very helpful when members of the community had noise complaints. This was especially helpful when there was a lot of construction



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taking place in the North Pearl District. Before filing noise complaints, residents could check to see if the construction company had a variance.

Derek Trost said that was something he and Brendy were looking at for the Noise Variance Prescriptive Path. If I live at a particular address and there is a noise, I can hover over that address and see recurring ongoing variances, what they are, what the criteria would be and hot links to show it is a band a jack hammer etc. It would help the Noise Office when Nicholas receives a complaint about construction noise, he can look at the map and find out what project it is.

Beth Benton asked if any of this is on Portland maps. You can currently hover on a property and see all permits related to that property. If you know the address you can use that to see if they have noise complaints.

Paul Van Orden responded that yes, they have kept up pretty good with keeping the complaints accessible on Portland maps. The variances kind of fell apart. There was a point where it was decided to stop doing that. We may need to explore if there is a way to do that in a more automated fashion because it used to be fairly time-intensive.

Derek Trost commented that he has used Portland Maps in his work and that it is difficult to find. It would be great to bring that back to the surface and make it easier to find.

Beth Benton said that is something they can definitely explore to get it a little bit more visible.

Next Paul Van Orden gave an update on the issues with the amplified sound in the public right of way at Pioneer Courthouse Square and Multnomah Village. He reported that he has written 7 citations. One of the challenges they face is trying to get the citations into the hands of the District Attorney and moving them forward. They had a great meeting this week and Beth was able to help get the message across to the folks at the City Attorney's office, the Police Bureau and the Mayor's office. In the past, Paul had to go through the Police Bureau. Today, he was able to pass off the 7 citations to the City Attorney's office. They already have court dates for two of the citations The City Attorney also said the older citations can still be heard by the court.

Paul feels this is going to be very educational. They should be able to help the folks who are being too loud to realize that no one has any concerns about what they are saying, they just have to be quieter. He is feeling that as we go into summer, we might be able to have the issue heard by the courts. They are moving forward on an issue the board has discussed quite extensively.



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Derek Trost thanked Beth for her support and Paul for the positive update. Derek explained to Beth how in the past, members of the public testify to the Board and they are emotionally distraught. When they return to the board to give testimony about the same thing, they are even more distraught. These people are losing their minds and we can only pass along that we have had the Noise Officer out there and he has engaged with these individuals and citations have been written and yet they being dismissed by the DA's office. We do not know what to tell these people. Hopefully we can hold the DA accountable for being the next extension of the important work that we are doing on behalf of the public who are coming to us and depending on us to help them through these situations.

Chair Sipe said that she will send out an email to everyone to coordinate a date and time for the Special Work Session.

The meeting was adjourned at 8:54pm.