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NOISE REVIEW BOARD MEETING MINUTES

Date of meeting:	10/9/2024
Start time:	6:02 PM
End Time:	8:06 PM
Location:	Zoom - Meeting ID: 880 2876 6900

I. Meeting Attendees

	Participants	Attendance
Board Members	Mary Sipe – Chair	☒Present ☐ Absent
	Derek Trost - Community Member At-Large	☒Present ☐ Absent
	Alex Marine - Professional in Acoustics	☒Present ☐ Absent
	Michael Diltz - Community Member At-Large	☒Present ☐ Absent
	Reeder Rice - Professional in Construction	☒Present ☐ Absent
Nonvoting Members	Paul Van Orden - Noise Control Officer	☒Present ☐ Absent
City Staff	Beth Benton – Manager Property Compliance Division	☒Present ☐ Absent
	Juliette Olivella Lopez – Noise Program Coordinator	☒Present ☐ Absent

II. Introductions

The Noise Review Board Chair, Mary Sipe, started the meeting by introducing herself and conducting a roll call of board members. Mary read the City Attorney's statement on conduct during meetings, emphasizing decorum, public testimony limits (3 minutes per person), and rules against disruptive conduct.

III. Review and approval of previous minutes

No members suggested edits to the draft minute, though NRB Chair Mary Sipe noted she had made minor clarifying edits beforehand, which had been shared with the board. With no further edits, the minutes were approved as edited.

IV. Public comments

There were no public comments.

V. Annual review 5-year noise variance for concerts at Providence Park. Peregrine Sports LLC. IVR 4990702 (Foo Fighters, Green Day Concerts)

NRB Board Chair Mary Sipe opened the agenda item concerning the review of a five-year noise variance granted in January for holding concerts at Providence Park. She noted two concerts occurred in 2024 and

stated that a condition for the variance was an annual review with the Noise Review Board. Mary then handed the discussion over to Paul van Orden, the Noise Control Officer.

Paul van Orden said he was pleased with the concert season, highlighting the unexpectedly low volume of complaints. He praised the applicant's engagement with a professional acoustical engineer, Todd Matias, which allowed for an updated noise-monitoring approach. Paul acknowledged the balance required between cultural and health needs for the community, mentioning his wife's observation on the positive economic impact on local hotels. He felt it was a unique situation balancing health and economic benefits and believed it was a successful first year with more to learn in the future.

Heather Davis, CEO of the Timbers and Providence Park, introduced herself, and expressed gratitude for the support received as they resumed concerts after a 19-year hiatus. She shared details of two sold-out concerts—Foo Fighters on August 16 and Green Day on September 25—which received positive reviews from fans and media alike. Heather noted that the events attracted people who gathered around the venue, creating a lively atmosphere.

Heather added that studies conducted with Travel Portland showed that both concerts had a significant economic impact, with local hotels reaching over 90% capacity, which was rare for the summer. Restaurants also saw high traffic, and news outlets reported fans traveling internationally to attend the events, particularly for Green Day. She felt the concerts positively reintroduced Portland to visitors and suburban residents who may not have visited the downtown area recently.

Libby Bakke, a consultant with the Stadium Oversight Committee, emphasized their commitment to managing concert noise and complying with variance requirements. She shared that there were only seven noise complaints during Foo Fighters and two for Green Day, a small fraction relative to the 4,206 addresses within a thousand-foot radius. Libby highlighted that the density of the area meant the complaints were very minimal.

Heather elaborated on the monitoring efforts, noting sound exceedances at the stadium's southeast corner, which has an open area allowing for sound leakage. Interestingly, none of the noise complaints originated from buildings in that corner. Heather explained that ambient sounds, including trains and trucks, sometimes contributed to noise levels exceeding the variance limits. Todd Matias clarified that while ambient noise did not always exceed the noise goals, it occasionally did during both concerts.

Heather acknowledged that different acoustic setups between concerts led to measurement variations, which was anticipated. She expressed confidence that they would apply what they learned for future events. Heather revealed that next year they plan to host three concerts, possibly four, with a focus on different music genres, including country. They committed to notifying neighborhood associations and the Noise Review Board per the good neighbor agreement and would consider adjustments to future concert setups.

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Heather also noted that last-minute pyrotechnic requests from performers, such as Green Day's use of stage fireworks, was a learning experience. While such requests are managed by the fire department, they plan to inform neighborhoods in advance about the possibility of pyrotechnics to avoid surprises.

Todd Matthias from Acoustic Design explained that he was present in areas around the mixing desk but not directly at it. He expressed that he had asked to set up his meter near the front-of-house team, but they declined due to concerns about insurance and the risk of losing the meter. Consequently, Todd chose to place his stationary meter in the press box and took additional spot measurements around the stadium during the concert. He noted that there was only a slight difference in decibel levels between the press box and the area near the mixing console.

Derek Trost, remarked on that lack of cooperation between the live team responsible for managing sound levels and Todd, who was hired to monitor compliance with noise requirements. He highlighted his frustration over this disconnect, especially since, in his experience, front-of-house typically provides the necessary support for compliance monitoring. Derek observed that the levels Todd recorded showed significant exceedances, indicating a lack of compliance with the noise variance. He noted that the front-of-house team appeared unconcerned with meeting these noise criteria, which led to overages, particularly in center field. Derek questioned the metrics being used to gauge compliance with the noise variance, wondering who was responsible for verifying the readings.

Todd responded, clarifying that he included LEQ (Equivalent Continuous Noise Level) measurements to compare interior and exterior levels, although LEQ was not required for compliance. He explained that he had relied on the metrics available to him, which included L10 and LMax readings, and used these to assess the relationship between inside and outside levels.

Derek asked if they had specific noise level criteria at the front-of-house location. Todd responded that he was unaware of any level limit set for the front of house. Libby Bakke and Paul Van Orden echoed this, explaining that there was no formal front-of-house limit set in the variance, as the purpose was to gather data that could help guide future requirements. Paul further clarified that the NRB had intended for Todd's measurements to serve as reference points, with data from front of house used to determine how sound levels inside related to those outside.

As Derek continued to seek clarification, Todd reiterated that his approach was to monitor interior-to-exterior differences to provide context for the external compliance levels. He chose the metrics he had available to him at the time, rather than ones specified in the agreement, because no specific interior measurement criteria were required.

Reeder asked whether the sound crew hired by the band typically used their own meters and followed decibel level requirements diligently. He wondered how closely the front-of-house sound team adhered to these limits. Libby Bakke and Heather Davis joined in, with Heather noting that the internal concert levels, which were naturally high, were not meant to align with exterior limits of 80 dB.

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Derek explained that, in similar events, front-of-house maximum levels are set to align with and help manage external limits. He emphasized that establishing and monitoring internal levels allows the team to refine how they manage sound at nearby properties.

Paul, reviewing the variance conditions, confirmed that the NRB's intention was for consistent front-of-house measurements to help the team assess necessary adjustments to meet external requirements. He suggested that Todd's data, even if challenging to capture, was still valuable for helping the NRB adjust and improve sound management in future events. Derek stated that a 95 dB limit for front-of-house was previously specified for comparable outdoor events.

Paul noted that he did not find a specific level of detail in the decision and offered to check the hearing recordings if the board wanted that.

Derek recalled that the meeting referred to general criteria used for recent outdoor concert events in Portland. He noted this template was applied similarly to past events.

Mary Sipe explained the importance of monitoring stadium decibel levels because they scientifically translate to what can be expected in nearby neighborhoods. She recalled that this review aimed to evaluate the success of set decibel limits for concerts in protecting neighborhood standards. Mary clarified her focus was on neighborhood impact rather than compliance with specific decibel levels, as this would inform future concert regulations.

Paul agreed with Mary and shared insights from his 35 years of experience. He was pleased with the initial year's results but mentioned the potential for issues with different types of acts that might generate more complaints, particularly from bass-heavy events. He emphasized the importance of refining their approach each year for neighborhood and venue success. Paul was interested in analyzing Todd's data and neighborhood complaints more closely in the future, especially as workload slowed down in winter. He saw value in an adaptable plan that allowed adjustments based on event outcomes.

Michael Diltz expressed appreciation for Derek's input on setting up the program. Alex Marine, echoed Derek's point about the need for cohesion between the front-of-house sound provider and the board, emphasizing that sound providers should offer measurement data as needed.

Mary Sipe acknowledged the input and directed a question to Todd Matthias, asking if safety concerns were the main issue with placing noise meters unattended. Todd confirmed this was part of the reason but admitted he opted not to contest it on the spot. He mentioned that given the chaotic environment, he chose a practical approach to gather some interior measurements.

Heather Davis volunteered to work with Live Nation and the bands in the coming year to ensure correct measurements were taken and the right tools were in place. Alex reassured Todd, suggesting the responsibility primarily lay with the sound provider, as it was reasonable for them to provide basic measurements.

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Todd acknowledged his tendency to maintain consistency by using a repeatable method each time, rather than pressing for new setups, so he could track trends accurately.

Reeder returned to express that it was natural for established teams to resist requests from outsiders, implying that Todd had not done anything wrong and that such pushback was likely to happen repeatedly.

Derek also explained that sometimes the contracted team manages equipment and operates it, while in other cases, the band provides and operates their own. He emphasized that it would be helpful for someone from the equipment operation side to be present for clarity on requirements, rather than leaving someone, like Todd, to figure it out independently at the event.

Heather Davis clarified that for their events, the equipment was always brought in by the band.

Derek acknowledged this, noting that setup responsibilities vary by event, with some equipment provided by tours, stressing the need for communication with operators to clarify expectations.

Alex voiced skepticism about the feasibility of having a representative from large production companies, like PRG, present at meetings but agreed it was important to notify them in advance about measurement needs.

Paul shared an anecdote from previous events at Washington Park, where a noise issue was resolved through direct communication with the event's organizers. He appreciated that Heather was making similar efforts to address and learn from noise issues. He felt this reflective approach could yield valuable insights for future seasons. Paul suggested that Heather's team, along with Todd, could meet post-season to develop a plan that ensures compliance with the variance requirements moving forward.

Alex agreed, commending the team's work and expressing optimism about future improvements. Mary echoed his appreciation. She affirmed the purpose of the meeting as a "lessons learned" session and encouraged discussions outside the board meeting for practical solutions. Mary highlighted the need for better communication with neighbors about potential pyrotechnics, which had taken some residents by surprise, especially considering sensitivities related to pets, PTSD, and other noise-related issues. She agreed that, despite some challenges, the event series had been largely successful and balanced community and economic interests.

Derek emphasized the importance of considering the economic and cultural benefits of the events, especially since the variance inherently acknowledged some risks. However, he challenged the meeting's characterization as merely a learning session, viewing the variance as a legally binding document and questioning whether it had been met. He expressed concern that two concerts had seemingly exceeded variance limits and asked if Todd or Paul could provide clarification on this point.

Paul, responded explaining he wasn't claiming the events met the variance limits, which was precisely why the meeting was necessary. Paul suggested that if the board desired, they could recommend specific adjustments, such as reducing sound levels at certain measurement points. While he preferred lower

levels, he felt that with only two shows so far, they needed more data before making definitive recommendations.

Derek argued that it wasn't the board's role to prescribe sound reduction levels but rather for the event team to propose measures to ensure compliance with the variance.

Heather Davis replied that two events were insufficient to determine the best methods for meeting the variance. She indicated they planned to work with future bands on potential adjustments. While understanding Derek's concerns, she pointed out that the low number of complaints suggested the events weren't excessively disruptive.

Derek reiterated his question about the team's specific plan to comply with the variance terms, and Heather acknowledged they couldn't provide a detailed answer yet due to limited experience from only two concerts.

Heather also expressed that she felt it was inappropriate for the Board to require a discussion on new variance terms, as her team was there to present findings based on the original ordinance requirements. She shared feeling blindsided by the city's reaction, given that only nine complaints were received for two large, sold-out stadium shows, which she did not see as significant. Heather emphasized that if changes to the variance were strongly considered, she would need time to consult with experts and provide a thorough briefing on potential impacts.

Derek clarified that the variance included a stipulation for the Board to reconsider it if complaints or issues arose, intending to address any necessary adjustments. He noted that there were no specific complaint limits set in the variance and that the criterion was more data-driven, emphasizing sound limits rather than complaint numbers alone. Derek also remarked that complaints were not the sole indicator of community issues, mentioning that many people refrain from filing complaints despite experiencing disturbance. He acknowledged the low number of complaints but maintained that data indicated non-compliance with the variance criteria.

Mary asked Derek if he wished to make a motion. Derek agreed, and Mary called for a second to the motion. When no second was provided, Mary explained that the motion failed. She suggested that Paul facilitate additional discussions and review the meeting minutes and recording to clarify the Board's previous expectations. Mary proposed that Paul could return to the Board with this information and recommended a future meeting with Heather and others to discuss any necessary refinements.

Paul agreed that Mary's approach would work.

Mary reiterated that Paul would review records, coordinate a meeting, and evaluate any potential adjustments for future variance terms. She then invited public comments.

Rachel Clark, a business owner, shared her appreciation for the meeting discussions. She stated that her business benefited from the concert events, describing positive community energy during these events.

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Rachel noted that her team and customers enjoyed the experience and did not encounter complaints. She highlighted the urban location of the stadium as ideal for such concerts, contrasting it with other local venues. Rachel was surprised by the brief pyrotechnic display but viewed it as a positive start to future concerts in Portland, enhancing the community atmosphere. She acknowledged the data presented but hoped for a balanced approach that would consider both data and community impact in future decisions.

Mary thanked Rachel for her comments and asked if other members of the public wanted to speak. Seeing no further requests, Mary concluded the discussion.

VI. NRB Chair & Co-Chair Election

Mary introduced the election of the Noise Review Board Chair and Co-Chair, explaining that, per the bylaws, this election occurs in the October meeting. During the prior meeting, board members were asked to submit nominations for both positions to Beth.

Beth explained that the voting process would be digital this year.

Juliette then shared a link to the voting page via text and asked board members if they had received it. When all members con confirmed to have access to the voting link the election begun.

Reeder Rice declined his nomination for the chair position. He expressed doubts about his computer skills and his ability to effectively chair the board, adding in a lighthearted tone that he hoped Mary enjoyed her role since he did not feel capable of fulfilling it.

Mary thanked Reeder for his honesty. Derek shared that he had discussed the idea of a co-chair position with Mary and assumed she had spoken with others about it. He suggested that a co-chair could eventually transition into the chair role but clarified that he was not interested in the co-chair role himself, as he lacked the time and energy to take on the chair position later. He asked if Reeder or anyone else might consider the co-chair position.

Mary clarified her previous conversation with Derek, explaining that she had initially considered nominating him but had only reached out to confirm his willingness to serve, following the nomination process. She noted that they still had some improvements to make in the process.

Beth Benton mentioned that an email had been sent to confirm members' willingness to serve and noted that some, like Alex, had declined in advance, which automatically excluded them from nominations.

Derek acknowledged that he had mistakenly assumed his conversation with Mary had finalized his role and admitted that he had not formally followed up. Mary reflected on her time as chair, highlighting the guidelines and tools she had implemented, including using "Roberts Rules of Order" and working with the Noise Office to prepare meeting agendas and scripts. She intended these resources to support future chairs or co-chairs and mentioned that a co-chair could benefit from a full year of mentorship and succession planning. She reassured members that a co-chair, if elected, would receive training and support to transition into the role.

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Reeder reiterated his hesitancy, saying he did not feel confident leading the board and had not fully understood the nomination email. However, he said he would be open to serving as co-chair if necessary, though he still felt uncertain about his suitability for the role.

Reeder mentioned he was trying to follow what Mary had been doing in the various meetings and expressed that he would need help. Paul offered his assistance, explaining that there had been instances over the years when the chair had been absent, and other board members stepped in. He reassured Reeder that it wasn't as complicated as it seemed and that the board had always been able to manage, even when someone with no experience took on the chair's duties. He added that he would be available for support, as he had been in the past, and that the process worked out fine in his 28 years of experience.

Reeder acknowledged his familiarity with Robert's Rules of Order from his experience with union boards but expressed that he would still need help. He thanked Paul for offering support.

Mary Sipe expressed her willingness to serve another year. She mentioned that her second term would end in May 2026, which would be her last term. She noted that it was important to start preparing for a co-chair.

After some additional conversation, members voted.

Juliet announced the results were ready and shared them. Mary Sipe was re-elected as Chair and Reeder Rice as Co-chair.

VII. Discussion: Title 18 Amendments

Beth opened the topic by stating that the discussion would focus on section 18.10, specifically regarding maximum permissible sound levels. Beth explained that the document included questions, thoughts, and comments from both staff and the noise advisory workgroup. She noted that "shall" was replaced with "may" or "will" per the city attorney's guidance, and "figure" was changed to "table" for consistency. Beth expressed her confusion with the first table, explaining that the zone categories for both the noise source and receiver made it overly complex. She shared an example from another city, likely in Wisconsin, that simplified this by focusing on the source zone with daytime and nighttime categories. Beth then suggested a concept where residential areas should not experience noise levels above 55 decibels during the day, regardless of nearby zoning.

Derek shared his experience in helping clients understand complex noise matrices. He noted that while many people found the matrix confusing, they understood it once he explained it. Derek mentioned a gap in addressing situations where a residential area is adjacent to an industrial area, suggesting that residents near industrial zones should accept higher noise levels. He expressed appreciation for a simpler diagram but cautioned against losing essential context. He proposed retaining the source and receiver comparison but rethinking the design to clarify relationships, possibly through shading or redesigning the matrix layout to reflect adjacent zones accurately. He suggested consulting Brendy Hale, known for expertise in information design, for improvement ideas.

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Beth appreciated Derek's feedback. She added that the definition of daytime and nighttime hours needed consensus and consistency throughout Title 18, especially as it relates to noise regulations. She reiterated the importance of maintaining uniform standards.

Mary agreed with Derek's observations, though she admitted she found the chart easy to interpret after years of familiarity. She often reformatted it for presentations to make it more accessible, aligning with Derek's suggestions for improved readability. Mary then raised a question regarding the definitions section, which designates zoning categories like industrial and commercial. She emphasized that revisiting these definitions was crucial as they directly impacted discussions on permissible noise levels.

Beth Benton confirmed that the definition section would be reviewed and updated progressively. She noted that zoning definitions change frequently, particularly in Title 33, and rather than quoting these verbatim, she preferred linking to the Title 33 definitions to ensure access to the latest information. She mentioned an example where terminology, like "forestry" or "open space," had evolved and expressed a need for terms to be well-defined or linked to correct definitions.

Mary mentioned that Paul had initially brought up the matter in 2015-2016 before the current changes in Title 33 were made. She recalled previous discussions on mixed-use zoning changes from that time, noting that mixed-use is now termed "commercial mixed use." Derek confirmed the terminology, and Mary attempted to clarify some definitions by bringing up the actual zoning documentation.

Derek pointed out that beyond changes in zoning names, there were now additional new categories. Mary Sipe then explained an issue: despite the Pearl District being primarily residential, its industrial zoning means it faces noise limits much higher (75 decibels) than other residential areas (55 decibels).

Paul explained he had previously asked planning colleagues to consider rezoning the Pearl District from industrial to mixed use as the area evolved, but this was not pursued. He suggested that since changing the zoning was unlikely, they could instead designate a "plan district" to enforce noise standards aligned with commercial mixed-use zoning in the Pearl District. He emphasized that despite its mixed-use and vibrant nature, the Pearl District does not function as industrial and would benefit from being treated as a commercial mixed-use zone. Paul suggested that they could demarcate this area geographically in Title 18 to ensure clarity and compliance with the modified noise standards.

Mary noted that this approach would be similar but opposite to what was done with PIR (Portland International Raceway), which is zoned as open space but treated as industrial for enforcement purposes. She stressed the importance of addressing this issue as it had come up repeatedly over the years.

Derek expressed concern, noting that his interpretation of the zoning code explicitly favored employment uses over residential in the x-zone. According to his reading, the x-zone prioritizes employment-related activities, which means residential preferences do not take precedence. He believed the planning and zoning department had intentionally structured the code to limit exceptions in favor of residential interests in these zones.

Beth acknowledged Derek's comment and made a note to verify this interpretation. Paul suggested consulting the city attorney for clarification.

Mary and Derek further discussed the specifics of the central employment designation, with Mary checking her Portland maps data for confirmation. Derek mentioned that his reference language might not appear in the summarized version provided by Portland maps but exists in the full language regarding the Pearl District and the x-zone designation.

Mary mentioned that the central employment zoning designation x-zone allows for a full range of high-density commercial, light industrial, institutional, and residential uses near the central city and in gateway areas. Derek noted that this was only a synopsis, not the exact code language. Mary acknowledged this, adding that they might need to discuss the designation permitted for PIR (Portland International Raceway). Derek clarified that the open space criteria for PIR isn't explicitly covered in the zoning code and mentioned that the code language was specifically crafted for the Pearl District when it was given a new designation, unique to that part of the city.

Paul explained that the x-zone designation isn't unique to the Pearl District but noted the city attorney might find that the noise code—being tied to human health—might not be overridden by zoning regulations. He suggested that the noise code could retain its unique ability to regulate noise based on health impacts, pending review from the city attorney. Beth expressed agreement with Paul.

Derek then asked Juliette Olivella from PP&D if the shift from Lmax to Leq measurements, which had garnered growing support, would affect the noise level matrix, as new numbers would be required. Juliette confirmed that switching to Leq would change the numbers, depending on the measurement duration. She explained that short, infrequent high peaks within a 15-minute reading could result in lower Leq levels, potentially failing to capture impactful noise events or which could fail to fully reflect the impact of noise peaks..

Derek expressed support for the change, viewing Leq as better reflective of real city dynamics and enforcement requirements, but he recognized the need to balance protection with allowances for brief exceedances. Juliette agreed, adding that Leq measurements may not be suitable for intermittent noise sources with rapid peaks, as the average would not capture such impacts effectively. She emphasized the importance of tailoring measurements to the nature and frequency of noise sources. Beth then connected this to the Food Fighters concert, pondering how alternate measurement methods might yield different noise profiles. Derek mentioned that data for the concert already included both Lmax and Leq readings.

Beth continued by discussing the need to appropriately place statements in the code and to replace vague language like "normally," which she found subjective and difficult to define. She pointed out a terminology change from "makes a finding" to "takes a noise measurement" to avoid confusion, particularly for non-native English speakers, and noted that they might refine this further.

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Beth discussed adding more precise terminology to clarify units in noise measurement tables, such as specifying "decibel" or "hertz." Derek agreed, observing that without clear labels, it could be unclear whether the numbers represent decibels or other units.

Paul expressed his ongoing perspective on overarching noise measurement issues. He shared an example from the Pearl District, where high ambient noise levels prevented enforcement, which was hard for residents to understand. He suggested clarifying the ambient noise in the code and finding a way to explain to residents why they might still hear noise without it being enforceable.

Beth responded positively to Paul's points, suggesting the challenge of separating source and ambient noise. She compared this to mixing food coloring in water and noted the complexity of explaining this clearly in code language. She expressed enthusiasm for tackling this wording challenge and shared that she was working on a draft chart to help simplify understanding Title 18's rules for construction noise by type, zone, and time of day.

Mary noted the chart's potential usefulness in clarifying variance requirements, and Beth agreed that it could guide clarity for both staff and the public. Beth also mentioned removing irrelevant items from certain zones to avoid confusion, such as omitting motorboat noise regulations on land.

Derek praised the chart as an improvement in information design and suggested it could include icons for easier understanding. He also highlighted the challenge of addressing noise between neighbors in multifamily buildings, which he noted the existing code was not designed for. Derek suggested this issue be included in community engagement efforts to gather resident insights on solutions.

Beth agreed, noting that residents living in proximity could provide valuable feedback. Paul then pointed out the need to better define the code's application to multifamily buildings, explaining that while noise enforcement could occur beyond the property line, this is often misunderstood by the public who assume measurements must occur directly at property boundaries.

Beth expressed dissatisfaction with the audibility standard in certain contexts, noting it was easily understood but still presented challenges. She acknowledged that the issues would be resolved but not during that meeting. Beth concluded by stating that the group had covered all topics for the evening.

VIII. Work Plan Updates

Mary Sipe proposed wrapping up the meeting, and Derek Trost complimented the team's effort. Mary decided that no work plan updates were necessary, as everyone was already updated. She mentioned she would send out the final report and recommendations from the PIR Subcommittee, explaining it was a comprehensive 37-page document. She would send it in early November, allowing a month for review before the December meeting. Mary noted that after multiple rounds of edits, the document was finalized and invited anyone with new business to speak up.

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IX. Adjournment

NRB Chair Mary Sipe adjourned the meeting at 8:06 PM

Document Version Control Table

Version	*Author*	*Date*	*Control*
0.0	*Juliette Olivella Lopez*	*11/08/24*	*Creation*
Final	*NRB*	*12/11/24*	*Approval*