



City of Portland, Oregon
Portland Permitting & Development
Noise Program

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NOISE REVIEW BOARD MEETING MINUTES

Date of meeting:	9/18/2024
Start time:	6:25 PM
End Time:	8:05 PM
Location:	Zoom - Meeting ID: 880 2876 6900

I. Meeting Attendees

	Participants	Attendance
Board Members	Mary Sipe – Chair	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
	Derek Trost - Community Member At-Large	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
	Alex Marine - Professional in Acoustics	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
	Michael Diltz - Community Member At-Large	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
	Reeder Rice - Professional in Construction	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Nonvoting Members	Paul Van Orden - Noise Control Officer	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
City Staff	Beth Benton – Manager Property Compliance Division	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
	Juliette Olivella Lopez – Noise Program Coordinator	<input checked="" type="checkbox"/> Present <input type="checkbox"/> 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.

Mary announced a change to the agenda due to staff from Peregrine Sports not being able to attend the meeting regarding the noise variance for concerts at Providence Park, and that this item would be moved to the October 9 meeting.

III. Review and approval of previous minutes

NRB Chair Mary Sipe noted an edit regarding Alex's absence at the August 14 meeting. The meeting minutes were approved with that correction.

IV. Public comments

There were no public comments.

V. City Staff Reports & Updates:

Nominations for the position of Board Chair



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NRB Chair reminded everyone about the upcoming board chair nominations and encouraged members to respond to the email from Beth regarding their interest in serving as chair or co-chair.

Mary discussed the creation of a co-chair position, explaining its benefits for continuity and training. She shared her experience from when she was chair-elect and suggested drafting a board policy to outline how the co-chair role would function.

Derek expressed support for the co-chair position but suggested maintaining the election of the chair each time there was a change in position. He acknowledged the redundancy and training opportunity the co-chair role would provide. Mary agreed.

Derek suggested a formal process to adopt the co-chair position and made a motion for the Noise Review Board to move to a chair and co-chair model, with both positions elected annually. Mary seconded the motion, and the motion was unanimously approved.

Mary indicated she would check if the bylaws needed amending due to the new co-chair position.

FY 23/24 Q4 Noise Complaint Report

Mary shared that she found the comparative reports of fiscal years 2022-2023 and 2023-2024 interesting, noting a “dramatic” increase in the number of complaints this year compared to last. She asked Paul for his thoughts on the increase.

Paul, the Noise Control Officer, began by discussing challenges related to HVAC cases. He mentioned the lack of inspectors, making it difficult to address complaints quickly. Typically, the process starts with a warning letter to the noisemaker, followed by feedback from the complainant.

Paul emphasized the increasing prevalence of air conditioning installations due to climate change and the need to address this issue proactively in the city's noise code. He suggested that new equipment should be verified for compliance before installation and shared his experience with delays in complaints, where equipment had already been in use for years before issues were reported. He proposed changes to the code to require collaboration between the Noise Office and equipment owners to measure noise when a complaint is filed. He also emphasized the need for a stronger code that mandates equipment owners work with the Noise Office to measure noise levels.

Derek Trost followed by agreeing with Paul, particularly about noise issues in single-family homes. He added that while the design community is familiar with planning and land-use criteria for equipment placement, those criteria don't currently address sound. He suggested that the city's planning agencies might be open to adding sound criteria, as they are already addressing aesthetic issues like visibility and landscaping. Derek believed that if this issue were presented properly, it could lead to better noise control.



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Paul reiterated that codifying these requirements in the city code would make it easier to ensure compliance from the start. He noted that the current code often encourages people to place noisy equipment near neighbors, leading to issues later on.

Mary Sipe shared her personal observations about noise complaints, particularly how often equipment like heat pumps is installed right outside bedroom windows, causing distress. She emphasized the importance of addressing the root causes of complaints through code and permitting processes, rather than responding reactively. Mary suggested that there should be better collaboration between the Noise program and other Bureaus to address these issues.

Derek noted that with the Noise Office moving to BDS (Bureau of Development Services), now Portland Permitting and Development (PP&D), there is an opportunity to coordinate better with land-use and planning agencies. He believed that this new alignment could help address noise issues more effectively.

Mary then suggested that the Board should hold an annual work session to review noise complaint data, their work plan, and determine if they are addressing the right priorities, especially in light of new emerging noise issues. She also believed that the complaints data could be very helpful for the Noise Review Board when reviewing their work plan. .

Derek added that the increased density in the city, with buildings and neighbors being much closer, could exacerbate noise issues, especially between tenants. He suggested that the board could prioritize addressing daily activities between neighbors and revisiting zoning criteria to include acoustical protections. He believed this approach could help the city cope with increased density and prevent future noise problems.

Reeder then commented on the data, specifically the potential “dramatic” increase in noise complaints, mentioning his initial thought that it could be linked to population growth. Derek clarified that recent census data indicated Portland’s population was stable or even declining, affirming that population increase wasn’t likely a factor.

Mary Sipe then shifted the discussion, highlighting that certain areas in the city consistently reported the highest levels of noise complaints, although this fluctuated slightly. She emphasized that noise complaints are valuable for understanding community issues but noted that the number of complaints doesn’t necessarily reflect the true impact on a community. Referring to findings from the Grove Insight Survey which was conducted as part of the 2008 North Portland Greenbusch Noise Study. The survey found that many people were unaware they could file noise complaints, and even if they knew, 50% wouldn’t bother due to the process. Mary also mentioned that long-term noise issues, such as the ongoing situation with PIR (Portland International Raceway), tend to discourage people from continuing to file complaints if no action is taken over time.



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Mary elaborated on how reports can be helpful but don't always provide a full picture. She stressed that some noise problems may appear small based on complaint numbers but could be more significant upon further investigation, using PIR as an example of a situation where complaints were concentrated in specific areas affected by noise. She argued against the idea that only a small percentage of North Portland's population was affected, clarifying that the percentage should be based on those who hear the noise, not the total population.

Mary reflected on previous work, such as addressing pile driving noise complaints. Initially, there were few complaints, but once the community learned about quieter alternatives and the complaint process, hundreds of people began voicing concerns. She praised the centralization of noise reporting through the Noise program but acknowledged that some complaints weren't being fully captured, particularly when they were reported directly to the Noise Review Board.

Derek responded agreeing that people often stop complaining if they feel nothing is being done. He observed that this could apply to any type of noise issue, given the understaffing of the Noise program. He noted that the proportional data from noise complaints is more instructive than the raw numbers, as it shows trends, such as high complaints about recorded music and construction, with smaller issues like HVAC noise starting to emerge.

Mary agreed, pointing to the need for public education, a key focus of the board's work plan. She added that the categories used for complaints help identify the most frequent noise issues, which is useful for understanding patterns in the data.

Derek then mentioned ongoing conversations with the Noise program about improving the complaint categories and making the process easier to navigate. He expressed optimism that better community engagement would lead to more relevant data.

Paul shared his thoughts on complaint data, explaining that while they used to receive more calls, the current data reflects a standard pattern across different complaint types, despite limited staff. He mentioned that as their ability to address issues improves, the number of complaints will likely increase due to word of mouth. He emphasized that when people receive prompt assistance, they're more likely to recommend the noise program to others, while the lack of field staff can lead to discouraging feedback. He gave an example of handling 7,000 calls in the past when there was more staff. He suggested that future adjustments would likely increase complaint numbers, not due to a rise in issues, but because they will be better equipped to help. He stressed that most solutions are based on scientific approaches and problem-solving, rather than enforcement.

Mary asked if the information had been shared with the Title 18 advisory work group. The Noise Office responded that it had not. Mary suggested that this data could inform the code revisions and help address noise issues not currently covered by the code. She also proposed reviewing the data and comparing it with their work plan and Title 18 revisions in a future meeting.



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VI. Discussion: Title 18 Amendments

NAW Recommendations for sections 18.10.060 Construction Activities and Equipment

Juliette introduced the first recommendation from the Advisory Work Group to specify times for construction activities, noting previous ambiguity. They suggested construction hours from 7 AM to 7 PM but acknowledged that different classifications could complicate understanding for the community.

Mary expressed her support for designating specific times for construction, referencing past issues with construction starting as early as 4:30 AM. She highlighted the difficulty in enforcing dB limits due to the need for monitoring noise levels at such early hours, especially since her community has a limit of 75dB. She suggested changing the end time to 6 PM instead of 7 PM and raised concerns about the Pearl District being designated as an industrial zone despite being primarily residential. She argued that this designation affects noise code enforcement negatively.

Derek agreed with Mary, stating that there was a reasonable argument for having a single time bracket for all locations. He mentioned the ongoing changes in the city where industrial zones are becoming smaller and mixed-use areas are replacing them, complicating noise expectations. He emphasized that a consistent time frame for commercial construction would be more realistic, allowing for exceptions through a variance process for specific circumstances.

Reeder shared his perspective, indicating that while there should be differences in construction start times based on zoning, it is essential to establish consistent hours. He acknowledged that contractors often encounter unforeseen issues, leading them to request extended hours, but emphasized that most contractors are prepared for their jobs. He expressed support for established hours, although they could be amended if needed.

Derek also questioned the rationale behind changing construction hours from zone to zone and sought clarification on the benefits of such a change.

Mary Sipe acknowledged the noise situation, expressing her discomfort with construction noise on Sundays, noting it is a day of rest. She shared her experience of confronting construction workers about loud concrete work occurring on Sundays.

Derek agreed with Mary, emphasizing the importance of having a day of respite from noise. He supported the notion that maintaining existing regulations was sensible.

Juliette then moved the discussion on to decibel levels and asked if everyone agreed on keeping the maximum level at 85 dB. Mary affirmed that this level seemed reasonable, and Alex Marine also found it reasonable.



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Derek elaborated that the 85 dB maximum is generous, as the noise code measures sound pressure at the property line, which could reach levels between 95 to 105 decibels, indicating a loud environment. Mary agreed with this assessment.

Paul indicated that the advisory workgroup would explore modernizing measurement protocols, mentioning the concept of LAeq measurements as a potential advancement. He explained that the maximum sound level should not exceed 85 dBA and highlighted the challenge in enforcement if measurements exceed that level momentarily.

Derek expressed excitement about the introduction of LAeq into the code, explaining it allows for noise readings over extended periods, which helps average out irregularities. He emphasized that this would improve the process of evaluating noise levels and contribute to a better public understanding of noise measurement.

Juliette noted that switching to LAeq might change the numbers, as 85 dBA Lmax is not the same as 85 LAeq, and they would need to determine the equivalent number.

Derek acknowledged the importance of expert input to inform them about standards and practices in other cities.

Mary Sipe interjected to address the exemptions related to the 85 dBA standard, specifically concerning pile driving. She clarified that she was referring only to impact hammer pile driving, not other methods. Mary recounted her involvement with the Noise Office since 2014, noting that the Noise Review Board had unanimously voted to remove the exemption for impact hammer pile driving in 2016, requiring a noise variance for its use.

Juliette clarified that the NAW recommendation is to remove the current exemption for pile driving and to include a requirement for a noise variance and proper notification to neighbors. Mary expressed her agreement and support for this approach.

Juliette then asked regarding Beth's note that the section seemed confusing, referencing section 18.10, which relates to maximum noise levels.

Mary Sipe confirmed that the discussion pertained to the land use zone section.

Derek agreed that while the general spirit of the discussion was fine, it would be beneficial to get feedback from others to ensure clarity, suggesting that technical language needed refinement.

Mary Sipe pointed out that the discussion mostly concerned noise reduction measures between the hours of 10 PM and 7 AM.

Juliette then mentioned an interesting discussion in the advisory workgroup regarding terminology, specifically whether to use "professional construction" or "commercial construction." Derek found the question interesting but admitted he did not have a definitive answer. He noted that "commercial" typically refers to buildings designated for commercial use, while "professional construction" could cover



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a broader scope. He suggested including a set of definitions at the beginning of the code to clarify the meanings of terms like "professional construction," as the interpretation could vary.

Reeder then contributed, questioning if it was disingenuous to use "commercial" for work that could include residential projects as well. He explained familiarity with only "commercial" and "residential" designations, asserting that "commercial" encompasses a wide range of projects.

Derek acknowledged the distinction between professional construction and homeowners doing renovations, reiterating the need for a clear modifier to indicate professional construction.

Paul stated that finding an appropriate term was challenging because referring to homeowners could be loaded. He explained that the intent was to allow homeowners to work on their properties after hours, unlike commercial construction companies that would need to stop at a specific time.

Derek Trost emphasized that "professional" would best encompass this distinction but reiterated the need for a clear definition.

Reeder interjected, suggesting that when referring to the entities, "professional contractor" would clarify the distinction, as it denotes someone who does construction work for pay as opposed to a homeowner. Derek agreed that "professional contractor" would indeed clarify the term.

Juliette continued mentioning the recommendation regarding jackhammer use. The proposal is a new requirement for mufflers or portable noise reduction barriers. She noted that this requirement is uncommon in the city/state but prevalent in many European cities she worked with. She shared some examples of portable equipment.

Derek responded positively, stating that a universal requirement would effectively influence rental equipment availability. He expressed confidence that contractors would be prepared for the new requirement and that it would lead to improved practices in the city. He acknowledged the complexity and potential expense of the new requirement but argued that it was justified by solid criteria and would be fairly applied, avoiding undue burdens on compliant contractors.

Mary expressed her agreement, recalling past Noise Review Board variances that included requirements for noise barriers. She noted that one of the photos presented resembled barriers installed in front of a kindergarten during pile driving in 2017. Mary suggested refining the language regarding zones, specifically proposing to refer to "residential dwelling" when discussing areas within 500 feet instead of using the term "zone."

Derek supported Mary's suggestion, emphasizing the impact on people in offices and hospitality, and agreed to eliminate language about zones entirely. He mentioned the importance of ensuring proper equipment, like mufflers, when using tools like jackhammers.

Juliette then indicated no extra proposed changes regarding pile driving but highlighted the addition of a clear language that requires all pile driving activities to have a variance, including notifying neighbors.



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Mary Sipe proposed designating only impact hammer pile driving so that auger drilling, which operates under 85 dB, would not require a variance due to its minimal noise impact.

Derek endorsed Mary's idea as a way to guide the marketplace regarding specific activities and equipment.

Derek expressed his concern regarding standard construction activities requiring variances, stating it was essential for the Noise Program and the Noise Review Board to provide a clear and fair process for obtaining variances. He emphasized the need for a well-defined set of criteria for all entities seeking a variance, allowing them to navigate the process without confusion or excessive time and paperwork.

Juliette acknowledged Derek's point.

Finally Juliette proceeded to discuss the new recommendations regarding the general approach for noise impacts, stating that the current code requires noise makers to think about impacts only after an activity occurs. The proposed new language intent to consider noise impacts and developing a mitigation plan before any construction activity starts.

Derek appreciated the clarification and suggested that a simple statement reflecting this approach could help define the spirit of the code. Juliette asked if Derek thinks the statement should be in this section or generally. Derek responded that having it as a general philosophy would be beneficial but noted he hadn't fully considered the implications.

Reeder supported mitigation efforts for loud noises but questioned whether contractors would independently determine adequate mitigation without proper guidelines.

Derek emphasized the need for education and outreach to create clear criteria for contractors aiming to comply with noise mitigation.

Juliette clarified that the Noise Program they would not dictate specific plans but expect contractors to acknowledge their activities' potential impacts and seek from noise experts to develop mitigation strategies. She specified that the new guidelines would only apply to significant construction projects, for instance activities lasting more than three consecutive days.

Mary Sipe asked if the new language referenced hiring an acoustic expert.

Juliette explained that the Code cannot specify the type of expert a contractor should hire to develop their mitigation plan. However, she emphasized that the new language in the Code would establish a requirement mandating noise makers to have a mitigation plan in place.

Derek shared his concern that without clear guidelines, the code might discourage compliance, highlighting that the spirit of the proposed language is positive. He expressed the importance of providing a prescriptive path and noted the success of similar requirements in erosion control, which offer clear guidance for typical projects. He underscored the need for helpful criteria while acknowledging the



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understaffed situation of the noise office, questioning how to create the necessary guidelines under those conditions. He concluded by stating that they were collectively at a crisis point.

Juliette noted that this recommendation regarding the mitigation plan was brought up referencing that in New York it is a requirement for activities lasting more than three or seven days.

Paul shared that the New York regulations were implemented under Mayor Bloomberg and mentioned a friend who was instrumental in making those changes. He noted that these changes were made around 15 years ago. He remarked that Seattle has also shifted towards more noise mitigation plans in recent years. He recounted a personal experience in Seattle where he found postings of a noise mitigation plan in an Airbnb he was staying at. He mentioned that a former construction representative from the noise board was involved in that project, and he suggested that Seattle's approach to noise mitigation could be worth considering.

Paul believed that it makes sense to incorporate noise mitigation plans but acknowledged the need to figure out how to administer them effectively.

Mary expressed that she recognized the common graphics and language used across different municipalities, indicating that there is no need to reinvent the wheel. She acknowledged that staff time is limited, which complicates suggesting that the Noise Control Office take this on as a priority.

Mary finally mentioned the interim rule regarding high heat waiving the noise variance and proposed incorporating it into the code to avoid the need for an interim rule every year. Juliette responded that she had not heard that intention from Beth but would take note for future discussion.

Mary Sipe reiterated the importance of incorporating the high heat waiver into the code, stating that the wording had been well crafted and should be integrated.

Paul agreed that it may make sense to incorporate the high heat waiver into the code instead of renewing it annually.

Mary emphasized that they had done a good job with the wording and reiterated the importance of making a note of it.

VII. Work Plan Updates

Mary Sipe provided a brief update on the work plan, mentioning that they intended to present the final report from the Noise Review Board PIR Subcommittee in October but decided to hold one more subcommittee meeting before presenting it. She suggested holding that meeting in November and a special Board work session in early December to review the final report, ideally at the Kenton Firehouse.



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Mary explained that the board needed another meeting to gather additional information before presenting to the Noise Review Board in December, highlighting the importance of ensuring everything was in order after three years of work.

VIII. Adjournment

NRB Chair Mary Sipe adjourned the meeting at 8:05 PM

Document Version Control Table

<i>Version</i>	<i>Author</i>	<i>Date</i>	<i>Control</i>
0.0	Juliette Olivella Lopez	10/03/24	Creation
0.1	Mary Sipe	10/09/24	Wording

APPROVED NRB - 10/09/24