



**Minutes
Noise Review Board
February 10, 2021**



503-823-4000: Traducción o interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译 | Письменный или устный перевод | Traducere sau Interpretare | Письмовий або усний переклад | 翻訳または通訳 | Turjumida ama Fasiraadda | الترجمة التحريرية أو الشفوية |

of any kind since the first year after we opened. We had one nearby neighbor who was very upset that we were there, but the Noise Program and Paul (van Orden) got involved. With his knowledge, we were able to understand what we could do and take steps beyond getting into compliance that would alleviate the neighbor's concerns.

- When the pandemic is over and sounds return to the city, it's crucial that the resources are there.
- Both Mary Sipe and Michael Montoya requested the written comments and contact information.

Review of January Minutes

Mary Sipe moved to approve the January 2021 minutes as revised by the Board

Desi Wright seconded the motion

Final vote: Mary Sipe "Aye" Destiny Wright "Aye" Kerrie Standlee "Aye" Minutes approved 3-0

Portland International Raceway Indy Car Date Change Request

Kevin Savoree from Savoree Green presented. Also in attendance, Mike Morrissey, Chief Financial Officer Jerry Jensen, Vice President and General Manager Portland, and Angela Hogan, Marketing and Public Relations. Portland International Raceway has a long history of hosting Indy Car events until the early 2000s. The races came back in 2018 after getting a variance for the event using one of the previous four noise variances allowed at PIR annually with the caveat we come back after the event to assure everyone that everything went as predicted. After the event, we came back, applied for a multi-year variance granted For 2019 and 2020. There was no ability to hold an event last summer due to the current circumstances. Paul (van Orden) suggested appearing in front of the Board to ask for our 2020 variance to be rolled forward into 2021. Everything will be the same as the previous years.

Public Testimony

None

- Kerrie Standlee thought there may not be testimony because the Oregonian public notice said it was on Thursday, February 10.
- Paul van Orden said he would open up the Zoom line the next night to make sure any comments are captured.
- After Kerrie Standlee asked if a decision was needed immediately. Paul van Orden suggested making a decision contingent upon receiving any public comment.
- After Mary Sipe said that Mary Helen Kincaid submitted written testimony in support of the variance, Paul van Orden shared his screen so all could read it

Destiny Wright moved to approve the request for Portland International Raceway Indy Car to extend the variance request until 2021, with the understanding if, due to federal, state, or local regulations if the race is not able to take place in 2021 due to COVID 19 that the variance request is extended for 2022. Granting this variance is contingent upon the Noise Control Officer receiving any complaints, objections, or any other comments from Kenton neighbors tomorrow. Kerrie Standlee offered the Friendly Amendment that if there are opposition or comments received, the Noise Control Officer will be delegated by the Chair to decide based on those comments as to whether e grant the variance for the date change.

Desi Wright accepted the Friendly Amendment.

Mary Sipe made a Friendly Amendment that instead of using the term complaints, use the term objections.

Desi Wright accepted the Friendly Amendment.

Final vote: Kerrie Standlee "Aye," Mary Sipe, "Aye," Kerrie Standlee, "Aye." Motion passed 3-0

Board Business

Discuss the Public Comments

- Kerrie Standlee asked if Michael Bollino complained to the Noise Program about the heat pump noise. Paul van Orden didn't believe that he had done this.
- As the Board had previously stated, an educational flyer should be given out at the onset of someone pulling a permit by the Permit Center.
- Kerrie Standlee agreed this would be a valuable pursuit.
- Mary Sipe said one of the things that stood out is that when he used the term "compliance," she felt when the installer comes out and says they comply, they're not talking about compliance with the noise code, but instead they're talking about compliance with the installation.
- Asked about the process, Paul Van Orden explained that a warning letter is sent. If the issue continues, then the onus has been on the city to measure and show a violation. This can give them 30 days to get it fixed, so they have adequate time to have a company come in and add abatement to comply. This is done without measuring the decibels at the beginning.
- Paul Van Orden said that when they get the warning letter, most people will call, which brings the issue going, but if it continues, then the only way to get it rectified in terms of enforcement is to take measurement
- Mary Sipe wondered about sending a warning letter before going out and determining whether it exceeds the decibels? If it's not exceeding the decibels, then there's no point in sending a warning letter and having them do all of these things to determine how to come in compliance you have first to decide whether they're in violation by taking a noise meter reading.
- Paul Van Orden said the Noise Program decided to send warning letters onevery single case that came in as an educational tool because we cannot get out every day.
- The property owner gets a warning letter saying that we've received a complaint, you may be in violation. When something's not getting resolved, we measure it then let them know they need to fix the violation. We're making better progress in educating people and asking them to call for clarification.
- It's not always easy to measure heat pumps since they run intermittently. We don't have anything in Title 18 that could force a person to turn on their system to take noise measurements.
- Mary Sipe would like us to follow up and explain that he can file a formal complaint.

BDS

The topic was moved further down the agenda

Noise Complaint Data

A spreadsheet showing the data for January is attached to the minutes.

Kerrie Standlee requested pie charts divided into areas of Portland to ascertain where things occur. He suggested a bar graph showing dates of complaints. There was agreement from the other board members present.

Budget

- Mary Sipe plans to analyze and comment on the Civic Life budget to send to Paul van Orden, Michael Montoya, the Noise Review Board members, Director Rhee, and Commissioner Hardesty's office. A statement indicates that some citizens are more empowered than others in the community under equity impacts. A pie chart that shows where these complaints and this activity is coming from would help determine the validity of those comments in the budget.
- Michael Montoya responded that certain people are more empowered, more apt to complain, and have a greater voice, so the system works for them better. The presentation by the musician advocacy group demonstrated through the history of the noise office how, whether it was the

Noise Program or where there was the Noise Program in collusion with the Portland Police Bureau, codes were being used as the entree into the suppression of certain types of music, such as Hip Hop. That is why those equity impact statements were introduced into the budget to try to say that we recognize this as a problem objectively, and we're moving forward. Mary Sipe felt that thinking about complaints as feedback and data gathering, rather than the negative connotation, was more appropriate.

Civic Life Update from Noise Program Management

Livability Supervisor Progress

Michael Montoya announced the reopening of the Livability Supervisor position would be open for another four weeks. He requested board members speak to potentially interested contacts.

Website

We are migrating things from the old website to the new website. Accordingly, we're updating the copy to be clear and consistent with the other aspects of the Noise Program operations. The website will be up and running soon, hopefully within a month if all goes well. Mary Sipe indicated a strong interest in making variance applications available on the website. Michael Montoya thought it probably stopped being populated because the City of Portland struggles with multiple data gathering systems that don't talk to one another. This is possibly something that Portland Maps can show.

Office Move to BDS

There are multiple discussions about the proposal to move the Noise Program to BDS after determining how much of the problem occurred when the Bureau was still Office of Neighborhood Involvement and how much of it has happened after Director Rhee made changes. We have no disagreements with the equity-forward critique in which the Noise Program has been used as an entrée into the police. I appreciate that you recognize that Paul van Orden is a consummate diplomat in the work that he does; that needs to be a part of the argument that it's not necessarily about the staff. Whatever happens, it needs to be data-driven and informed by the most substantial ideas possible.

Mary Sipe said that she strongly voices support for the suggestion to move the Noise Program to BDS but wanted to exercise caution without any in-depth analysis of the benefits of making this move. What do we need to do to determine appropriate funding and staffing? She would like the Board to contribute to the conversations on the possible action.

After Kerrie Standlee asked Michael Montoya if the Board can join in the discussions, Michael Montoya indicated he had no idea how anyone could enter a conversation with a bureau official speaking to an elected leader about moving programs.

Jamie Dunphy added that he has been in contact with former colleagues. He had a conversation recently with Derek Bradley in Commissioner Hardesty's office. They plan to let the Commissioners know that this is happening but wanted to stop by the NRB first.

Kerrie Standlee asked if the Board should develop an opinion and put it together in a document to share. Desi Wright would rather wait until all the board members were in attendance and collect data to show its benefits. Developing a document could be a goal based on the information and documentation we get. Mary Sipe agreed.

Desi Wright asked Jamie Dunphy what he thinks the biggest argument would be for keeping the Noise Program in Civic Life. He responded the best argument for keeping the office in civic life is that the Bureau is currently under a period of transformation. That transformation has not yet been completed.

Director Rhee has the right to develop the programs under her as she sees fit,

Kerrie Standlee would like to send a letter to the Commissioners to let them know of the NRB's interest in joining the conversation.

Mary Sipe moved that The Board draft a letter to the Commissioners in charge of BDS and Civic Life outlining the reasons and the benefits of considering moving the Noise Program from Civic Life to BDS, and the NRB would like to be a part of those conversations.

Desi Wright seconded the motion. The letter will be passed from one board member to the next before sending it to finalize the wording and include the other two board members.

Early Morning Concrete Pours Guidance Committee Update

The draft document is attached to the minutes. There was a discussion that followed.

- Michael Montoya had a question for Desi Wright. He has heard in board meetings some of the reasons early morning pours are necessary is the transport problem for concrete that also impacts the cost. Would it unduly burden them by adding additional costs to require them to do it between 7:00 am and 6:00 pm?
- Desi Wright indicated the timing is a challenge. From the moment the concrete is mixed at the batch plant, there is 90 minutes that concrete needs to be set in place or it will need to be thrown away. In Portland, the morning rush hour is from 7:00 am – 9:00 am. Rush hour in the evening is from 3:00 pm to 6:30 pm. Most of the concrete coming into the city for these concrete pours comes in from Hillsboro or Vancouver or Knife River located on highway 30. Optimally they should be done pumping by 3:00 pm if possible. Once the trucks start getting stuck in the afternoon rush hour, they can time out on the road. The most significant risk is simply the traffic and the delivery impact to the job site.
- Both Kerrie Standlee and Mary Sipe agree that the Noise Review Board's concern is to look at the effects of the noise on citizens and how to mitigate that, and not the financial implications to the contractor.
- Desi Wright explains further that if trucks are getting stuck in evening rush hour, the deck can get cold joints. If that happens, the entire deck needs to be ripped out because it's not going to meet the design's structural integrity.
- Kerrie Standlee then states that the Board has taken that into account before. Michael Montoya adds that the issue isn't solely about saving money. It's about the goal to get the trucks to the job site within 90 minutes without having to rebuy the concrete or rip out an entire deck due to the concrete's shape.
- Desi Wright shared that when the committee met the other day, the thought that the baseline for asking for a variance is due to an extenuating circumstance.
- When Kerrie Standlee wondered whether the committee would like the Board to review the document, they agreed that they would like to meet one more time before the approval process.

Splash & Dash Self-Service Car Wash

Kerrie Standlee created a draft letter to send to the Chair of the Planning and Sustainability Commission. to discuss and problem-solve issues like the Splash & Dash Carwash. The letter is attached to the minutes. Mary Sipe felt it was appropriate to be proactive. Desi Wright suggested reaching out to the Commission and seeing if they'd like to join us for our next Noise Review Board meeting to follow up on this issue.

Mary Sipe was thinking of a joint task force of city staff from various areas to work on things as one city instead of individual silos.

Michael Montoya suggested they run it by Director Rhee for a courtesy review, particularly since they were sending it on Civic Life letterhead.

Work Plan

This item was tabled until more board members are at the meeting.

New business

Kerrie Standlee said that he would add a budget discussion to the March agenda. Michael Montoya offered to explain any budget decisions at that time.

Desi Wright made a motion to adjourn. Mary Sipe seconded the motion.

The meeting was adjourned at 8:58 pm.

