



Chloe Eudaly, *Commissioner*
Suk Rhee, *Director*
1221 SW 4th Avenue, Room 110
Portland, OR 97204
Phone: 503-823-4519
portlandoregon.gov/noise



**Noise Review Board
Meeting Summary
Zoom Online Meeting
May 14, 2020**

Present: Kerrie Standlee, Destiny Wright, Ernest Harris, Michael Wallace, and Paul van Orden

Absent:

Minutes: Katherine Couch

Call to Order

Meeting called to order by Kerrie Standlee (No time was announced in recording)

Public Testimony

Sarah Jane Owen, Erin Keller, and Lynne White spoke to the multiple problems at Splash & Dash Car Wash on NE Martin Luther King Jr Blvd. They, along with the signatures of fifteen other residents, have been disturbed by several things:

- Operating of four vehicle vacuums at all hours
- Loud sounds from car wash customers, including car stereos and human voice
- Although there is signage posted, indicating the need to keep the volume down, there is no staffing to enforce

Police have been called on numerous occasions, but the response time is generally slow, and not effective. Reactions from car wash customers have ranged from turning the music back up after the police leave, parking in front of the homes affected with stereo turned up; and pointing a gun at a complainant when asked to lower the volume. The car wash is open twenty-four hours a day, so there is no relief for the nearby residents.

Brian Saville Allard spoke to construction hours during the pandemic. He was under the impression that construction hours begin at 9:00 am, and the nearby project had obtained a noise variance to begin operations at 7:00 am. Kerrie Standlee indicated that Title 18 specified that 7:00 am is the time that construction hours begin. Changing the Noise Code is a multi-step procedure and it is not feasible to change the hours for the current circumstances.

Mary Sipe read a prepared statement indicating her concerns with the neighbor notification process, the long time to be without a full board, even though she had applied several months previous. She also had concerns about some of the use of time of the Noise Review Board when

they are not hearing variance applications. The full statement is copied and pasted in the body of this document.

Approval of Minutes

January minutes were approved as amended. Destiny Wright made the motion. Michael Wallace seconded. All four board members (Destiny Wright, Michael Wallace, Kerrie Standlee, and Ernest Harris) voted “aye” for the motion to pass unanimously.

Response to Splash & Dash car wash issues

Noise Control Officer Paul van Orden spoke to the problems with the car wash, indicating that it can be difficult to get readings with traffic noise occurring, and when readings are taken, and many times property owners are not responsive when receiving a warning. Kerrie Standlee, Noise Review Board Chair, suggested that he and the NCO have a meeting with a representative from the Portland Police Bureau to work on a solution to give people relief. The NCO replied that he does not see a problem to meet. He then reminded the board about Civic Life’s Public Safety team (formerly Crime Prevention) and their already established relationships with police.

Board Business

Public notification of Board meetings usually occurs the week prior to the meeting. Destiny Wright requested information on the current process. The following list is the Noise Program’s process.

- Agenda is mailed out to the Noise Office mailing list, encompassing over 300 people
- Agenda is emailed out to roughly 25 people
 - Between the written notice and emailed notice, most of the Neighborhood Associations are included in notification, provided they keep their contact information current
- Agenda is posted in the Oregonian Public Notices
- Agenda is posted on the Noise Office page on the City website

Destiny Wright suggested that the Noise Office send text alerts.

Kerrie Standlee requests the Zoom call-in number be included

Discussion of wording that may need changes in documents listed below:

- Title 18
- NRB By-laws
- NRB Procedural Rules
- NRB 1989 Policy
- Variance Application Check List
- City Noise Office Website

Kerrie Standlee indicated that he had been comparing all the sources listed above and had noticed there were inconsistencies in the wording. Both Destiny Wright and Ernest Harris preferred breaking all the items down to handle in smaller increments to address in subsequent

meetings. Kerrie Standlee suggested that he and Michael Wallace form a committee, instead, and report back on suggested wording at the June 2020 meeting. Both Destiny Wright and Ernest Harris agreed to this approach.

Destiny Wright had questions about the status of the open seat on the board. Kerrie Standlee replied that he got word that both the reappointment for Michael Wallace and the appointment of Mary Sipe was on the Council agenda for May 27, 2020 (this since has been pushed back to June 3, 2020, due to communications with the Mayor's office). Both Michael Wallace and Kerrie Standlee expressed concerns about the lack of involvement from the Noise Review Board in filling this long-term vacancy.

At this time, Kerrie Standlee announced that Mary Sipe had been appointed. Mary Sipe remarked that she was surprised and delighted. She added that she had been interviewed by a panel when she first applied in 2016.

Destiny Wright said that she would like to revisit the gathering of the Noise Office data and where the process was at. Kerrie Standlee replied that when he met with Kenya Williams and Michael Montoya from Civic Life in March, he was given an incomplete draft, and that he was working to get the data that is not in draft form.

Adjournment

Destiny Wright moved to adjourn the meeting. Michael Wallace seconded. Destiny Wright, Kerrie Standlee, Ernest Harris, and Michael Wallace all voted "aye". Meeting adjourned at the 1:29:25 mark on the recording. No times were announced for the beginning and end of the meeting.

Mary Sipe's testimony:

"Good evening. My name is Mary Sipe.

I attended my first NRB meeting exactly 6 years ago tonight, on May 14, 2014!

As many of you know, I have been very involved in noise issues since 2014 when I helped to lead an initiative to amend the Noise Code, Title 18 related to impact hammer pile driving.

I have spent many hours reviewing the City of Portland's Noise Code as well as the Noise Codes in cities across the US. I have carefully studied the Noise Control Act of 1972 and read many publications about the harmful effects of noise in our environment.

In 2015 I was appointed by Commissioner Fritz to a Noise Task Force convened to review and make recommendations on certain aspects of the Noise Code.

I am joining the meeting this evening to share some observations and express concerns I have related to the Noise Control Program operations and the Noise Review Board.

In 2015 as a result of concerns brought forward by residents of lack of notification of Noise Variance Permits, a website was created where all Noise Variances were posted for the public to view.

This tool was a valuable resource for residents. In the past year it appears that Noise Variance Permits are no longer being posted to this website.

Residents have expressed concern that they are no longer receiving 30- day notification of Noise Variance Permits. Enforcement of this requirement was one of the recommendations that came out of the 2015 Noise Task Force.

Under Section 18.14.020 Variances it states:

"Notice shall be given to affected neighborhood association(s), or owners and residents of property likely to be affected by the application..."

Not only is notification required but it is also a key to supporting residents right to appeal a Noise Variance Permit.

Under Section 18.14.020 it goes on to state...

Notice of intent to appeal shall be in writing to the City Auditor's Office within 10 days of the effective date of the decision.

If residents do not receive notification of the Noise Variance Permit, it is impossible to file an appeal within the 10 -day window.

The Noise Review Board's responsibility and authority goes beyond simply reviewing Noise Variance Permits. Unfortunately, it appears that has become the sole focus of the NRB.

In 2018 & 2019 the Noise Review Board cancelled 4 or 5 of its monthly meetings because there were no Noise Variance Permits to be reviewed.

On August 30, 2017 a Noise Control Program update was presented to City Council.

The "upcoming priorities" in that report included:

- *Continued work by the NRB's night-time construction workgroup*
- *Addressing the idea that appeals go to the Code Hearing Office*
- *Revisit Council direction to address night-time garbage truck noise*
- *Explore Zoning classification for EX zoned areas of the Pearl Neighborhood as Mixed Use not Commercial to protect with lower allowed Decibel levels.*

What is the status of these priorities established in 2017?

With the reduction in Noise Variance Permits requiring NRB review this would seem like a good time for the NRB to address these priorities.

Also, NRB Agenda and Meeting Minutes are not being posted to the website in a timely manner. Some meeting minutes are missing.

Last but not least, the open position on the NRB has now been vacant for close to a year. I submitted my application for the vacant position in October. In early March I was contacted and advised that the selection process was finally moving forward and that there was interest in my application and that I would be contacted in the next few weeks to further discuss my application. Last week after not hearing from anyone I followed up and was asked to submit additional information. While I am happy to hear that the selection process is moving forward and that I am apparently a "finalist", I am concerned about the delay in filling this vacant position and the message it sends about the perceived value of the Noise Control Program and Noise Review Board.

Thank you."

