

Noise Review Board  
October 13, 2021  
Minutes

**Present:** Mary Sipe- Chair, Desi Wright-Construction Professional, Mike Raley-Acoustics Professional, Derek Trost-Member-at-Large, Paul van Orden-Noise Control Officer (nonvoting member)

**Minutes:** Katherine Couch-Noise Program Coordinator

**Mary Sipe called the meeting of the Noise Review Board to order at 6:00 pm.**

After introductions, Mary Sipe announced that board member Ernest Harris resigned from the board due to conflicts with his work schedule. Mary Sipe thanked him for his last five years on the Board. A recruitment process will be started shortly.

She then explained that at the September 29 Special meeting the board voted to have the entire board be the selection committee. Because the NB is subject to Oregon Public Meeting Laws, the board was not able to meet privately to review subcommittee applications and make selections. Therefore, the subcommittee selection process will be conducted during the Board Business section of the agenda after the hearing on the Andersen Construction project.

#### **Public Comments**

Cathy Tuttle – Pearl District resident

She attended the noise board meeting in July 2021 and made comments about noise impacts from a club in the Pearl District. That has improved and she thanked Noise Control Officer Paul van Orden for any outreach he may have done. Amplified sounds from the club currently end at 10:00 pm. At the July meeting, Paul van Orden and Mary Sipe suggested that she collect data on sounds from the club. She bought a decibel meter and has been monitoring the decibel level for the past sixty days. The decibel level is typically between the low 60s and a high in the low 70s. This is negatively impacting her. She shared she was a city planner. She's asked other colleagues and cities around the country, and the world, what they do about amplified sound in public space. She indicated that the decibel level of amplified music was unique to Portland. She would like to know if it is reasonable to have these amplified sounds going up to 70 decibels.

#### **Approval of Minutes**

##### **September 8 Minutes**

Derek Trost moved to accept the September 8, 2021 minutes as currently submitted. Mike Raley seconded the motion. Results were Desi Wright-"Aye" Mike Raley-"Aye" Derek Trost-"Aye", and Mary Sipe-"Aye". The motion passed 4-0

##### **September 29 minutes**

Mike Raley made a motion to approve the September 29, 2021 Special Called meeting minutes as written. Desi Wright seconded the motion. Results were Desi Wright-“Aye” Mike Raley-“Aye” Derek Trost-“Aye”, and Mary Sipe-“Aye”. The motion passed 4-0

### **Request from Andersen Construction**

The project is located at Block 41, ( 3510 South Bond Avenue). The request is for early morning start times of 5:00 am and late work time extended until 9:00 pm beginning November 2021 and lasting through April of 2023.

They are building a 24-story apartment building. The activities included in the application are concrete pours floors, deliveries, and hydraulic crane mobilization. There is additional request for up to ten early starts for excessive heat.

Mary Sipe said she was planning to delegate the administration of this application to the Noise Control Officer with the same guidelines and conditions as the recent Block 42 request from Andersen.

When Anderson was notified about this option, they responded that they would prefer to have their application reviewed by the Noise Review Board since the scope of building a 24-story building is more complex than the recent 6-story structure.

Presenting the request was Richard Nelson, Project Manager for Anderson on the block 41, Senior Superintendent Kevin Larkin and Project Engineer Zach Van Dussan.

### **Public Comments**

none

### **Discussion**

Derek Trost thanked Andersen for providing clear information. He would like to see details about the necessity for early morning starts that address the public benefit.

Andersen’s response was the sooner project is done, the faster those adversely affected could, get back to their regular lives before construction began. If they had to rush due to time constraints, the finished pour may have to be redone, involving chipping, grinding, and demolition. The decibels from these activities would be more impactful than the concrete pour itself.

The pours requested amount to roughly one per week during the varianced time.

Desi Wright indicated the amount of early morning starts requested didn’t appear to be all pours. The request for early start time is to be forty-three days for pours, seven days for crane setup and tear down, and up to ten high heat days for the duration of the project.

### **Board Deliberations**

Both Mary Sipe and Derek Trost felt the request was much like Andersen’s recent request for early starts for Block 42 and consistent with what the board approved in the past.

Mike Raley asked what noise generating activities were involved in the in the setup and was informed it included bringing in a pump truck, outriggers and backup beepers.

Mary Sipe said that she's noticed pump setup typically takes about thirty to forty-five minutes. The Noise Review Board generally allows a thirty-minute setup time and haven't had feedback from applicants about it not being enough time,

Andersen is concerned that, though Title 18 allows any activity under the allowed decibel limit, it's commonly believed that any construction before the regular 7:00 am start time for construction is not allowed. This is one of the primary reasons they are asking for an hour. This gives thirty minutes to set up, but and thirty minutes to get the pump staging area cleaned and cleared so that that pump truck can be set up.

Mary Sipe said that part of the variance stipulates that spotters be used instead of back-up alarms. Andersen indicated this would not be a problem.

Desi Wright asked if Andersen was anticipating using two pump trucks, for most of the pours and was told that any pour over 150-200 cubic yards would likely have two pumps.

Mike Raley thought it sounded reasonable and in line with previous decisions. He wondered if there was any other mitigation to help the neighbors who are impacted. He wondered if there would be a problem with a condition that trucks be staged onsite.

Mary Sipe explained the board has been allowing for a 5:00 am setup with a 5:30 am start time for pours over 700 cubic yards and setup with a 6:00 am start time for pours over 400 cubic yards. Pours under 400 cubic yards have not typically been given an early start time.

After hearing more details about the project, Mary Sipe was inclined to give some leeway. For example, the pours that are 370 cubic yards are close enough to the 400 cubic yard amount that a 5:30 am setup and a 6:00 am start would be acceptable to her, provided the rest of the board agreed.

Mike Raley moved to approve Andersen' Construction's request for a noise variance for Block 41, located at 3510 South Bond Avenue for dates Monday through Friday between **November 2021 through April 2023 for forty-three early morning starts**

#### **Dates**

Activities covered by this variance may occur between  
November 2021 and April 2023, inclusive.

#### **Activities**

The variance shall cover forty-three early morning workdays for the following activities:

1. Twenty-six early morning concrete pours Monday through Friday
2. Up to seven early morning starts for crane and man/materials lift assembly/disassembly.

3. Up to ten early morning starts for general construction due to high heat conditions as further noted.

#### **Early Morning Concrete Pours**

- a. Frequency of early morning concrete pours shall be limited to no more than one per week.
- b. Four concrete pours over 700 cubic yards with up to a 10% variation-(630 + cubic yards):  
5:00 a.m. Concrete pumper arrival and set up begins  
5:30 a.m. Concrete pumper is primed and Concrete trucks arrive and pour begins.
- c. Twenty-two concrete pours over 400 cubic yards with up to a 10% variation (360 +cubic yards)  
5:30 a.m. Concrete pumper arrival and set up begins  
6:00 a.m. Concrete pumper is primed and Concrete trucks arrive and pour begins.

#### **Crane and Man/Materials Lift Assembly/Disassembly**

Up to seven days 5:30 a.m. start time.

#### **Early Morning General Construction High Heat DaysUp**

##### **to ten days 5:30 am start time**

Early morning general construction workdays approved under this code variance shall be conditioned upon the temperature on the variances day being predicated by the National Weather Service to exceed 85 degrees Fahrenheit by 3:00pm.

A Friendly Amendment was made by Mary Sipe to allow concrete pouring beyond the standard 6:00 pm cutoff time to 9:00 pm in case of an emergency

**Derek Trost seconded the motion.**

**Desi Wright-Aye, Derek Trost-Aye, Mike Raley-Aye, and Mary Sipe-AyeThe motion passes 4-0, unanimously**

#### **Board Business.**

##### **Discussion about the Public Comments**

The Board members appreciated all the time and effort put in by Cathy Tuttle on collecting data on sound. When asked about the decibel limit Paul van Orden explained that due to the location not being zoned for residential properties, there was a good chance the numbers given complied with Title 18. Derek Trost wondered if the current zoning limits are right for the city.

Mary Sipe amended the order of the remaining agenda items in the interest of time.

#### **Election of Chair**

Mary Sipe explained that, according to the Noise Review Board's procedural rules, the Noise Review Board's election for Chairperson occurs in October. She is willing to serve as Chair for the next year, with the agreement from the Board.

**Mike Raley moved to nominate Mary Sipe to continue on as Chair until the end of September 2022. Derek Trost seconded the motion.**

**Desi Wright-Aye, Derek Trost-Aye, Mike Raley-Aye, and Mary Sipe-Aye. The motion passes unanimously, 4-0**

#### **Subcommittee Selection.**

Mary Sipe said the board had intended to announce the members of the subcommittee tonight. The vote on September 29, 2021 was for the entire board to be the selection committee.

Therefore, in compliance with Oregon Public Meeting Law, the board will review and make subcommittee selections during tonight's meeting.

All applications have been reviewed individually by Board members and they have each chosen their top candidates in each category. Derek Trost moved to include three community members and two racetrack users and/or spectators, in addition to the three community members and the two staff members from PIR.

**Mike Raley moved to accept the make-up of the subcommittee. Desi Wright seconded the motion. Mike Raley-Aye, Desi Wright-Aye, Derek Trost-Aye, and Mary Sipe-Aye. The motion passed unanimously, 4-0**

**Board members top choices in "Neighbors" category: Mike**

#### **Raley**

- Marty Knowles
- Angela Moos
- Ryan Pittel
- Maryhelen Kincaid

#### **Derek Trost**

- Angela Moos

- Adam Krumbein
- Tod Pitstick
- Marty Knowles
- Kristine Munholland

**Desi Wright**

- Ryan Pittel
- Tod Pitstick
- Maryhelen Kincaid

**Mary Sipe**

- Angela Moos
- Ryan Pittel
- Marty Knowles
- Maryhelen Kincaid

3 Board members -Ryan Pittel

3 Board members -Marty Knowles

3 Board members- Angela Moos

3 Board members -Maryhelen Kincaid

**Votes:**

3 - Ryan Pittel

2 - Marty Knowles

2- Angela Moos

1 – Maryhelen Kincaid

**3- Subcommittee members selected for “neighbor” category:**

- **Ryan Pittel**
- **Marty Knowles**
- **Angela Moos**

**Board members top choices in “Racetrack Users” category:Mike**

**Raley**

- Jason Henshaw
- Mark Wigginton
- Alicia Carroll
- Charles Freeborn

**Derek Trost**

- Charles Freeborn
- Alicia Carroll
- Leo Clark
- Jason Henshaw

**Desi Wright**

- Charles Freeborn
- Mark Wigginton
- Jason Henshaw

**Mary Sipe**

- Jason Henshaw
- Charles Freeborn
- Alicia Carroll
- Mark Wigginton

4 – Board members - Jason Henshaw

4 – Board members – Charles Freeborn

3 – Board members – Mark Wigginton

3 – Board members – Alicia Carroll

**2 Subcommittee members selected for “Racetrack Users” category**

- **Jason Henshaw**
  - **Charles Freeborn**
- 

**Board members top choices for “Consultant” category:**

**Mike Raley**

- Kerrie Standlee

**Derek Trost**

- Mark Wigginton
- Kerrie Standlee
- Jeffrey McCarthy

**Desi Wright**

- Kerrie Standlee

**Mary Sipe**

- Kerrie Standlee
- Mark Wigginton

**2 Subcommittee members selected for “Consultant” category:**

- Kerrie Standlee
  - Mark Wigginton
-

Noise Review Board Subcommittee members:

- **Mary Sipe, NRB Board Chair/Subcommittee Facilitator**
- **Mike Raley, NRB Acoustic Sciences Expert**
- **Derek Trost, NRB Member at large**
- **Ryan Pittel, Kenton resident, Kenton Neighborhood Association**
- **Marty Knowles, 12- year Kenton resident**
- **Angela Moos, Kenton resident, Kenton Neighborhood Association**
- **Jason Henshaw, Portsmouth resident, Friends of PIR Board**
- **Charles Freeborn, PIR Driver & Instructor, Experience with sound isolation**
- **Ron Heugli, PIR Management Staff**
- **Nichole Gammel, PIR Management Staff**

Consultants to Subcommittee:

- **Kerrie Standlee, Former NRB Chair & Acoustic Engineer**
- **Mark Wigginton, Former PIR Track Manager**

Derek Trost made a motion to elect the following: community members to serve on the subcommittee as members from the neighbor category: Moos, Knowles and Pittel; from the user category: Freeborn and Henshaw, and to include as consultants: Wigginton and Standlee-

**Mike Raley-Aye, Derek Trost-Aye, Desi Wright-Aye, and Mary Sipe-Aye**  
**The motion passes unanimously, 4-0**

Mary Sipe will be planning agendas and scheduling meetings. She will reach out to Subcommittee members to schedule the first meeting as soon as possible.

Mary Sipe thanked the Board members, and Noise Office staff for their work on this so far and the work ahead. She then suggested tabling the other agenda items due to time constraints.

Derek Trost said that although the board was pressed for time, he wanted to be sure that, when searching for a new board member to fill the now-vacant position, to make sure the search to replace Ernest focuses on equity and diversity. He also requested an update on the noise inspector hiring process.

Kareen Perkins, Livability Manager at Civic Life shared that interviews have been scheduled for all the candidates ~~se~~ in the next couple of weeks. Mary Sipe will be a member of the interview panel for the second round. She also stated that the vacant board position will be posted very soon, after Desi Wright asked for a timeframe.

**Derek Trost moved to table the remaining items on the agenda. motion to table the remainder of work business.**

**Mike Raley seconded the motion.**



Jo Ann Hardesty, *Commissioner*  
Michael Montoya, *Interim Director*

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The meeting was adjourned



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