



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



**Noise Review Board  
Minutes  
Sept 10, 2020**

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

**Minutes:** Katherine Couch

**Call to Order:** 6:03 PM by Kerrie Standlee

**General Public Comments**

No public comments

**Leaf Blower Workgroup Update**

Hayden Miller- Policy Advisor for Commissioner Jessica Vega Pederson of Multnomah County Multnomah County was approached by community advocates in 2019. Their main concern was air pollution generated by the diesel motors releasing particulate matter into the atmosphere. Another concern was noise pollution caused by the blowers. Commissioner Nick Fish was a strong advocate. He brought forth a resolution for all City bureaus to phase out the use of gas-powered handheld blowers by the end of 2020. Before his death, he was working with staff member Asena Lawrence to partner with the County. This partnership with Multnomah County has both the approval of Mayor Wheeler, and Commissioner Eudaly, and a Working Group to merge City and County policy has formed. It is on hold due to the pandemic we are experiencing. The County group to lead this effort is the Public Health Team, and they are prioritizing the pandemic's effect. Hayden Miller is working with Hannah Holloway from Commissioner Eudaly's office. Hannah Holloway and Asena Lawrence will oversee the City bureaus come into compliance. Kerrie Standlee said that the Noise Review Board wants to get involved with the Task Force. Hayden Miller reiterated the small Public Health Team is too busy currently with COVID-19 and its effects. He wants the NRB to be involved but the County currently doesn't have the compacity. Kerrie Standlee shared that Michael Wallace will be the point-person on this effort.

**NRB Zoom Meeting Summaries (Minutes)**

**July 9, 2020 and August 4, 2020**

**July 9, 2020 review-** Kerrie Standlee wanted the mistake on Ernest Harris's name fixed. He wanted the responses from Andersen Construction added to the clarifying questions asked by

the board. Destiny Wright moved to approve the minutes with the two amendments. Ernest Harris seconded. There was not a vote taken by the board after the motion was made and seconded.

**August 4, 2020 review-** Destiny Wright moved to approve the minutes as written. Mary Sipe seconded the motion. The vote was called, with Michael Wallace, Ernest Harris, Destiny Wright, Mary Sipe, and Kerrie Standlee all voting “aye”. The motion passed, 5 – 0.

### **Andersen Construction Art Building Noise Variance Review**

The Board reviewed the approved variance for Andersen Construction in response to complaints about violations of the Conditions of Approval specified by the Board for six early morning concrete pours.

Noise Control Officer Paul van Orden summed up a report on complaints that Nicholas Carroll put together. There were eleven complaints from five individuals. Additionally, Paul van Orden received a couple of phone calls from complainants.

The listed issues included early- morning starts on non-variance days, beginning at 6:15-6:30 am, and dump trucks arriving around 4:00 am. An eighteen-wheeler showed up on the work site at 5:00 am on August 19, 2020. There was no one there, as they were not expecting early deliveries. A cement truck began before 5:00 am on August 21, 2020, there were concerns about back-up alarms, horn tapping, gear grinding at 4:10 am on August 26, 2020. On August 29, 2020, trucks began arriving before 4:00 am and going until almost 6:00 am. It was reported that there was loud dropping of things at the site throughout the eleven Track-It complaints. There were neighbors that felt the required sound abatement was not installed on pour dates. Paul van Orden talked to the applicant and they felt they had answers to these issues.

### **Public testimony**

Norman Birthmark, Property Manager for Webb Plaza

The day after the July 10 Board Hearing, noise began at 6:00 am. On July 25, 2020, there was a complaint that work began at 6:20 am.

Work began at 4:10 am, on July 28, 2020 4:10 am. The first pour occurred on July 30, 2020, but no prior notice was given. Work began at 4:30 am, but there was no one answering the required hotline, and no one returned calls. There were at least twelve trucks around the building. On July 7, 2020, a delivery semi-truck arrived at 4:55 am. On August 10, 2020, neighbors were told there was going to be a pour day. They began hearing trucks at 4:45. At 4:10 am on August 21, there were complaints about back up alarms. August 26, 2020, at 4:30 am, trucks began arriving at the property. At 5:30 am on September 4, 2020, a pour began, and neighbors finally saw the noise barriers. It appeared to be a tarp on the fence, falling off and perpendicular to the building. Cement trucks are what’s making the bulk of the noise.

Kerrie Standlee asked if there was notification for every pour and was told that they were notified on every pour except the first one. There is a written record of these complaints that

was emailed to the board at 4:00 pm today. Michael Wallace wants the written record to be appended to the minutes of the meeting.

#### Teddy Partridge

He wanted specifically to focus on the 18- wheeler he heard running for one hour. He would like to know how it was resolved, and if there is a policy going forward about vendors arriving early.

#### Bradley (no last name given)

He felt that Norman Birthmark covered the comments he was going to make, and he wanted to use the “chat” option.

Tom (no last name given) said that today trucks were staging on SW 15th between a Alder & Burnside Streets, and blocking the entrance to a parking garage. He said that little things were happening daily. He felt that Andersen was making excess noise on purpose.

Ernest Harris asked if Andersen has worked with the vendors on early arrivals.

(971) 278-9502 (no name given) lives in an apartment on the 3<sup>rd</sup> floor of Webb Plaza facing SW 15<sup>th</sup>. They reported not being able to sleep until the alarm goes off at 7:00 am since the construction began. Concrete trucks come up 15<sup>th</sup> to get to where they’re going. They are working out of their home and the noise is interfering with the ability to work. There doesn’t appear to be crew members wearing masks or practicing social distancing. Kerrie Standlee asked what time the concrete trucks were heard, and was told that it was 10:00 am, or 11:00 am.

Noelle Webb wanted clarification on the policy on deciding what was considered public benefit in a case such as this, since the only benefit appeared to be to the contractor. She wanted the variance to be vacated.

Kerrie Standlee invited Kyle Storm with Andersen to answer questions.

Kyle Storm said that the set up begins at 5:30 am and concrete delivery doesn’t start at 6:00 am, since there isn’t enough time to set up and have them ready by then. The pours generally begin between 6:20 – 6:30 am. They have finished with four of the six pours in their variance. The next pour is scheduled for September 18<sup>th</sup>, 2020. They have attached sound mitigation panels at the location decided upon. They did have issues with the first pour, including a breakdown at the concrete company. He spoke to Paul van Orden about it.

He apologized for the delivery truck showing up early. It was scheduled for 9:00 am. It was driving from out of-state and arrived early. There was no one onsite to take the delivery, so the truck waited.

He said that they are not starting before 7:00 am on non-pour days. Many of the concerns he heard was about trucks driving down the street. He wanted to make clear that there were other large construction projects in the area, coming off a busy exit on a major freeway

#### **Board questions (Andersen’s responses are in italics)**

Ernest Harris asked if they had worked out schedules with the vendors for delivery *Yes. No deliveries to arrive before 9:00 am*

Destiny Wright asked if worker safety was the reason Andersen requested a variance, why are the workers bit wearing masks or distancing – *Company policy and constant reminders are in place, as is enforcement of the policy.*

Kerrie Standlee agreed that the truck noise reported could be from other projects, why had they had been making noises before 7:00 am. *Andersen has not been starting before 7:00 am and said the sounds have not been related to their site.*

Kerrie Standlee also asked these questions:

*Have you received complaints directly? Calls have been directly received regarding early morning. Andersen has been talking to Paul van Orden on several occasions. There was no report, and the contact with Paul van Orden hasn't been within 24 hours, necessarily.*

*What are the sound measurements at the site? Readings have not been taken, but they have sound-dampening equipment installed at the NE corner attached to the site fence so it can be taken down at the end of each workday.*

Kerrie Standlee would like photos of the mitigation barrier to be sent to the Noise Control Officer and added that attaching it to the fence is inadequate.

Destiny Wright expressed concern about trucks showing up early, and the lack of a hotline.

Michael Wallace agreed and wanted Andersen to be fined.

Ernest Harris wanted to know how the position of the barrier was determined and how effective it is.

Mary Sipe thanked the members of the public for their comments and offered empathy for their situation, living so close to a noisy construction site. She wanted to know why the Noise Control Officer didn't address these issues without having to wait until a Noise Review Board meeting. She was told by Kerrie Standlee that it's a unique situation, with the Noise Control Officer unable to do field work. He added that some of the complaints appeared to be within allowed construction hours, and the Board should have added a condition that the applicant provide the Noise Office of the notification before each pour day. Additionally, there was no condition requiring photos of the sound barrier to be given to the Noise Control Office. Paul van Orden added that it may be good to think about requiring a live camera feed on the site to help ascertain what is happening on the site during hours without a variance. Kerrie Standlee asked the Board if they should allow the variance to continue.

**Mary Sipe made a motion that additional remaining days(two) on the variance for early morning pours be withdrawn. The reasoning behind her decision was there was no public benefit, hot weather is behind us, and the measures to not transmit COVID were not being adhered to. Motion was to rescind the variance granting early-morning concrete pours due to non-compliance of the conditions of the variance.**

**Michael Wallace seconded the motion. The vote was taken, with Destiny Wright voting Aye, Ernest Harris, Aye, Mary Sipe, Aye, Michael Wallace, Aye, and Kerrie Standlee Aye. Motion passed 5 – 0.**

**Board Business**

**Chair's Report:**

- Kerrie Standlee spoke with Michael Montoya to get an update on the open Noise Inspector position. He learned at this time, we are not able to fill the vacant position, and it's unclear when it will occur.
- The Noise Control Officer's field work is now approved to begin going back into field to address complaints. The Noise Control Officer added that there are roughly fifty high priority cases and there will be a backlog until the cases are caught up.
- Noise Office 2019 complaint data report has been challenging to get the information together in a way to make it understandable to the Board. The report will be split into two reports; one being noise complaints and the other being noise variances.

#### New Business

- The Board should discuss the issue of granting variances for early morning concrete pours as a topic. Paul van Orden is looking for guidance as to what conditions are expected by the Board before either granting a variance or going before the Board.
- Ernest Harris would like to discuss the liability to board members while on site visits. In case something happened traveling to, or on the site, who is responsible?
- Kerrie Standlee said that applications are arriving with short notice. What are the factors required on deciding whether they come to the Board, instead of being handled by the Noise Office?
- Explore Board expectations when offering guidance to the Noise Control Officer on incoming noise variances. Some possible ideas include:
  - Delineating what a complete application is.
  - Guidance for applicants on neighbor notification, including how many days they need to notify before the event.
  - How many days before the event should the Noise Office allow the public to respond?
  - Set the number of days the Noise Office considers reasonable to be considered complete.

Next Meeting is October 8, 2020

**Mary Sipe moved to adjourn the meeting. Michael Wallace seconded. The meeting was adjourned at 8:08 pm.**