

**City of Portland**  
**Noise Task Force**

**Meeting Minutes**  
**Thursday, November 5, 2015**

**Members Present:** Maryhelen Kincaid, Tina Penman, Jim Brunkhorst, Doug Shapiro, Ryan Pittel, Mary Sipe, Melissa Stewart, Ryan Hyke, Brad Nile

**Guests:** Sally Mize, Pearl District resident, Stan Penkin, PDNA Livability Committee

**Staff:** Jasmine Wadsworth, Claire Adamsick, Paul van Orden, Kathy Couch, Amy Archer

**Facilitators:** Theresa Logan and Sandy Bacharach, Resolutions Northwest

**Introductions and review of minutes from October 29**

Task Force members, staff and guests introduced themselves. In review of the October 29 minutes, Claire said that Patrice Hanson, a member of the public, stated that she made comments that were not reflected in the minutes. Her comment was regarding the length of time it took to do impact pile driving on Block 17 in the Pearl, in contrast to the auger drilling method that was used on Block 15.

**Task Force: Summary of Progress**

Claire summarized the questions and feedback the Task Force has provided to Commissioner Fritz via discussion in the past five meetings. She informed Task Force members that Commissioner Fritz will work with ONI staff to consider all of the feedback from Task Force members and look at the broader process questions.

She mentioned the previous votes that Task Force members took such as the EX Zone proposal, which was approved, but acknowledged Task Force and community members concerns with who would be impacted but the changes, question on if the change would be pearl specific or citywide, and concerns around timeless and not waiting for the Mixed Use Zone project to be completed.

Task Force members had also recommended a definition on low-impact noise events (not currently in the Code) and on transferring decision-making authority the Parks bureau for parks-based events requiring a noise permit. Claire provided members of the task force with a minority report written by Ryan Pittel and Melissa Stewart. Claire summarized the concerns outlined in the minority report, including:

- question the need to create a definition for “low impact” in the Noise Code
- argument that this topic is not relevant to the core of the task force’s purpose
- prefer to increase staffing levels in the Noise Office than see decision-making transferred to another bureau

Doug Shapiro asked Claire about next steps, and Claire announced that she will work with the Noise Review Board and lead a staff-level investigation of potential code changes. Claire also added that the December 9<sup>th</sup> Council date is not likely to happen – a Council hearing date could be as late as February to allow for time to develop a strong proposal and

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collect feedback from interested parties, including Task Force members, as well as the Noise Review Board and Council office staff.

Maryhelen Kincaid commented that the Housing Bureau or Bureau of Development Services have subcommittees for their primary committees, and suggested that the Noise Review Board could have a subcommittee to focus on specific issues that require more time or investigation.

Claire commented that her meeting with the Noise Review Board reinforced that more input is necessary before bringing anything to Council. She stressed that Commissioner Fritz is only interested in bringing something to Council that is inclusive and has the support of each of the Councilmembers. This is likely the final Task Force meeting, and all of the information coming from the 6 meetings will be considered by Commissioner Fritz. Claire hopes that Task Force members will want to continue to be involved going forward, but does not know what that involvement looks like – in-person meetings, email consultations, etc. She will likely reach out to Task Force members individually to determine their preference.

### **Pile Driving Discussion – continuation from October 29**

Theresa Logan summarized the Task Force members' comments – via exit cards – from the previous meeting. She explained that all of the information was typed up and passed along to the Commissioner, who reviewed the group's comments and has come up with a revised proposal on how to address pile driving concerns via a variance process.

Facilitators asked Task Force members to comment on each section of the proposal, explaining points they can live with or support; concerns and changes; and additions or suggestions for addressing their concerns related to the proposal. Task Force members each received stick notes to put their comments on. Members of the public were also provided sticky notes for their comments as well. Task Force members used **20 minutes** of the meeting to write and post their comments.

Clarifying questions: Melissa Stewart asked who would be responsible for mailing public notice. Claire answered that public notice would most likely be mailed by City Staff. Maryhelen Kincaid asked Paul Van Orden how 85db was selected as the limit and Paul answered that it is determined the highest level that would not contribute to hearing loss.

***For the full proposal and corresponding Task Force comments from this review activity, please see [Appendix B](#).***

After the end of the comment period, Task Force members discussed the comments attached to each proposal.

Doug Shapiro remarked that it's obvious all of the proposed procedures require additional staff, and any scenario adding further review will require more staff.

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Mary Sipe commented that the pattern that she is seeing in the Pearl is that the impact hammer is being used less and less. She wonders to what extent this new variance process would increase the workload for the Noise Office.

Sandy Bacharach asked Task Force members if there was anything new that they learned from reading Task Force member's questions and comments.

Ryan Pittel commented that he needs more time to digest comments, but it's clear that the Task Force is divided, and there are a lot of questions and concerns. He added that he takes noise very seriously, but said that at the same time, we live in a City with a lot development and trying to find common ground between businesses and community members is essential. He does not feel that the group is currently finding broad support for proposals.

Melissa Stewart commented that removing pile drivers from exemption only makes sense if more staff will be added. Melissa questions the utility of removing the pile driving exemption if it is becoming a trend that impact pile driving is going to be used less and less. She echoes Ryan's comments that there is not broad consensus for removing the exemption.

Jim Brunkhorst stated that this proposal seems quite complicated, and asked to keep things simple, because some sites do need (impact) pile driving.

Brad Nile asked about foundation systems that are going to be used by design teams. He believes it's the most important decision made in a large scale projects, he is concerned that the process will be interrupted by public opinion. It feels wrong to him. He added that including public opinion in design process that is highly technical seems wrong and there are only a limited number of sites that need pile driving.

Tina Penman commented that if this proposal goes forward, she thinks it is important that neighbors have a system of checks and balances regarding appeals, to not impact projects negatively when only one or two individuals have concerns. She believes that mandating a minimum number of signatures for appeals might help with the process, by demonstrating a critical mass of concern on a decision on a project. She says it would be helpful if there was online information to access signatures regarding specific appeals.

Paul van Orden commented that this proposal as it currently stands will be a hard sell to Council, but it informs him to recommend to the Commissioner to specify mitigation efforts, which he believes would be most helpful to solving the noise issue.

Kathy Couch commented that she shares a lot of Brad's concerns around foundational safety issues. She stated that there are times when pile driving simply needs to be used.

Amy Archer reiterated that because we are dealing with a large population, we can't just rely on modern technology for notification. Mailed notice is usually necessary. However, staff would like to use electronic tools, and we have to balance to ensure we are involving everyone. If a proposal moves forward, she agrees that safety should be emphasized.

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Maryhelen Kincaid agrees with Brad, but believes there should be a review so everyone who does not absolutely need to use impact pile driving would ultimately be prevented from doing so. In order to dispute a particular methodology, people need to have a reason. She feels that an appeal process structure would ensure that the applicant has reasonable cause to use pile driving.

Ryan Hyke commented that his biggest concern is with section 5, in that it almost restricts pile driving entirely. He thinks the City would have a liability with a decision like that due to potential safety compromises.

Mary Sipe commented to keep it simple, and said she went to the Noise Review Board and City Council earlier this year with simple request and believes so many fingers got into the discussion, which has made this issue more complicated. She does not want to use the word “ban” related to pile driving. She mentioned that six projects in her neighborhood were going to start in a four-month period -- which would result in six months of continuous Pile Driving. She stated that more developers are moving to the auger method. A large part of her concern lies in that equipment decisions were being made based on cost. She does not think anyone wants to jeopardize the safety of a building and its workers. She says that if a geo tech says an impact hammer needs to be used, it is unclear as to why someone would need to go through the variance process. She addressed Tina’s statement regarding neighborhood petitions (i.e. minimum number of appeal signors), citing that she thinks that requiring petitions takes away individual rights.

**Unanswered Questions**

Theresa Logan asked the group to share one unanswered question, or an issue that each person would like to see addressed in the future regarding noise.

Stan Penkin commented that garbage and recycling pickups at all hours of the night are a major issue and trucks are a nuisance, idling at all hours of the day and night. It is a noise and a pollution concern. He would like to see these issues addressed at some point.

Jim Brunkhorst passed on commenting.

Brad Nile commented that there are certain instances in which we can’t comply with the Noise Code. Construction needs to improve in their ability to get the word out to the community to explain their activity needs.

Tina Penman commented that this is an opportunity for the Noise Office to educate neighbors about noise in their area and how they might be impacted. Noise is very subjective and it is also a stressor for anxiety or stress. If neighbors are educated about proper ways to protect themselves from noise, this could address a number of negative impacts.

Kathy Couch commented that code related to leaf blowers is mind boggling and she would like to see that simplified.

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Paul van Orden stated that the City is at a turning point for the City in terms of growth. Large-scale events don't always equate to large volume of noise. Education is important but we are far from that, because enforcement is the priority and we're limited in that capacity.

Maryhelen Kincaid commented that noise should be addressed in the Portland Comprehensive Plan, and that she would like to examine variance extensions.

Mary Sipe commented that group didn't get a chance to follow up on the broader discussion of variances and appeals, and she would like to discuss that area further.

Doug Shapiro passed on commenting.

Ryan Pittel stated the City needs to be better funding and staffing the Noise Control Office, and the City needs to revisit and reconsider the impact of a race track in a residential neighborhood. Portland International Raceway needs to be brought back to the table.

Melissa Stewart commented that we didn't quantify the source that brought us into the conversation. We need to give credit to Paul and Kathy for the work that they have done to address critical issues.

Theresa Logan asked the group to share one challenge and one appreciation they had during the last 6 meetings.

- Mary Sipe is encouraged by the fact that people came to the table with different experiences and perspectives.
- Maryhelen Kincaid said that being here since the beginning with Mary Sipe and going through all kinds of hoops, she would like to extend appreciation to Commissioner Fritz and to Claire for selecting a diverse group.
- Amy Archer thanked the Task Force members and appreciates their support for the Noise Office staffing needs.
- Paul van Orden stated that recognizing that noise is a human health issue is critical, and though it's hard to bring people together on this issue, we have raised awareness through this process.
- Tina Penman commented that the lack of Roberts' Rules for decision making process was challenging. She gave props to Mary Sipe for rallying neighbors to get to a Task Force. This has been a positive experience for her, and she knew coming in that it would be a little divided.
- Brad Nile said he appreciates being a part of the dialogue. Being a developer, he wants to make Portland a great City.

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- Melissa Steward stated that the challenge is creating a revenue stream in order to make it easy for Council to approve additional staff.
- Ryan Hyke said this has been a chance for him to see both sides of the argument, and hopes to be a part of more conversations like this.
- Doug Shapiro thanked Claire for putting up with all of the antics and for helping shepherd the process. This experience has helped broaden his perspective.
- Claire Adamsick stated the most important thing for her in public involvement is that citizen participation is worth the public's time and energy. If the City feels more accessible to a certain extent through this process, then she feels like she has done her job.

**Adjourned 5:30 p.m.**