



CITY OF
PORTLAND, OREGON
OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHLOE EUDALY, COMMISSIONER
David Austin, Interim Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

FINDINGS AND DECISION OF THE NOISE REVIEW BOARD

APPLICANT: SPORTSCAR VINTAGE RACING ASSOCIATION *DAVID SWEENEY*

VARIANCE NUMBER: 17-122419-000-00-NV

DECIDED: APRIL 12, 2017

DECISION: APPROVED WITH CONDITIONS

BACKGROUND:

Title 18 establishes sound levels based on the zones of both the source and receivers of noise. Events that produce noise above permitted levels may be considered for variance from the code. The Noise Review Board is charged by code to review and act upon some of these applications. The review must consider the physical characteristics; times & duration of the emitted sound; the geography, zone and population density of the affected area; whether the public health, safety or welfare is impacted; whether the sound source predates the receiver(s); and whether compliance with the standard would produce hardship without equal or greater benefit to the public. The code does not preclude review of other factors, nor does it specify the weight to be given to each criterion.

REQUEST:

A variance was requested by Dave Sweeney, representing Society of Vintage Racing Enthusiasts, for a 3-year variance for Labor Day weekend vintage racing at Portland International Speedway. SOVREN represents members driving vintage race cars. (1980 and beyond) The cars vary in terms of age, formula, and are grouped by horsepower and classification of the car. There are 7 groups that race 2 times each day. Races are held once in morning, and again once in afternoon. Races begin with the higher horse power cars in a timed race that lasts between 15 to 20 minutes.

Dates are for Labor Day weekend in 2017 (September 2nd through September 4, 2017), 2018 (September 1st, 2018 through September 3rd, 2018), and 2019 (August 31st through September 2nd, 2019)

FINDINGS:

- A. The public's health, welfare and safety are not affected by the anticipated noise levels, except possible temporary interference with sleep at later hours and for closer-in properties.
- B. The sound source does not predate receivers.

C. The last criterion in reviewing Noise Variances speaks to a sort of “balancing test”, in which compliance/non-compliance is measured against the “public good.” Will the denying of this application produce hardship without equal or greater benefit to the public? Although “benefit” usually refers to economic gain, the Board also includes the pleasure obtained from the viewing of an event, the fostering of interest in an activity, or the pride in one’s city, which occurs via national exposure. In the present case the event is not only a well recognized community event, per se, but it also contributes to the national exposure of the City of Portland. The Noise Review Board finds that denying this event will not benefit the public good.

DECISION:

Motion was made by Ryan Hyke to grant a variance to Dave Sweeney, representing SOVREN, for a 3- year variance for Labor Day Weekend vintage racing at Portland International Raceway with the same conditions as the previous variance. Kerrie Standlee seconded the motion. The motion passed 3 - 0 (Carol Gossett, Chair, resigned from the Board and Jamie Hurd was not in attendance)

The Variance is approved with the following conditions:

- A. Noise Variance is given to David Sweeney, representing Sportscar Vintage Racing Association for a race at the Portland International Raceway for a three year, multiyear variance to hold for one weekend of racing each year, beginning with Labor Day Weekend September 1 – 3, 2017, and ending in 2020.
- B. Measured dBA level is 112 FAST at trackside. Any racing vehicles operating above this level will be black flagged, removed from the race and not allowed to return to the race until the cars have been adjusted to meet the dBA requirement.
- C. Representatives from SVRA will return to the Noise Review Board in early 2018 to review any readings and noise complaints and revise if need be.
- D. The applicant will notify the Noise Control Office of any complaints related to the Event. A mitigation plan will be formulated with the Noise Office.
- E. Noise measurements will be monitored and recorded during the event. The sound level measurements will be supplied to the Noise Control Office within 2 weeks, 14 calendar days, following the event. Readings will also be made available upon request of the Noise Control Office during the event.

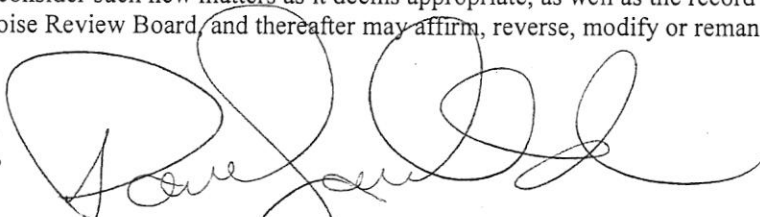
The applicant understands that this variance is subject to review upon complaint.

This decision becomes effective on April 12, 2017.

APPEAL PROCEDURES: PCC Section 18.14.020 (i) states that "A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows: (1) A variance decision may be appealed by the applicant, his legal representative, or by any person who has submitted oral or written testimony on the application. (2) Notice of intent to appeal shall be submitted in writing to the City Auditor's Office within 10 day of the effective date of the decision. The notice shall identify the decision that is being appealed, and shall include the appellant's name, address and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including alleged misapplication of City Codes.

(3) Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council. At the time of hearing, the City Council may consider such new matters as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision".

Paul van Orden,
for the Noise Review Board,
City of Portland



May 19, 2017