



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHLOE EUDALY, COMMISSIONER

Suk Rhee, 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*

REQUEST: THREE-YEAR, MULTI-YEAR VARIANCE FOR Dave Sweeney, representing Sportscar Vintage Racing Association (SVRA) for a race at the Portland Parks enterprise-zone type property known as Portland International Raceway (PIR), to hold for one weekend of racing each year (2018, 2019, 2020)

VARIANCE NUMBER: 18-117743-000-00-NV

DECIDED: February 14, 2018

DECISION: APPROVED WITH CONDITIONS

FILE COPY

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:

Dave Sweeney, representing Sportscar Vintage Racing Association (SVRA) for a race at the Portland Parks enterprise-zone type property known as Portland International Raceway (PIR). The request is for a three-year, multi-year variance for the Portland Vintage Racing Festival, to hold for one weekend of racing each year (2018 to 2020, beginning July 26, 2018 through July 29, 2018.) The variance, if approved, would use up one of four annual race variances available in Portland to operate at the decibel limit of 112 dBA (FAST) as measured at 50 feet from the racing vehicles

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 Michael Wallace to grant a variance for Dave Sweeney, representing Sportscar Vintage Racing Association (SVRA), for a race at Portland International Raceway (PIR with the conditions below. Jamie Hurd seconded the motion. The motion passed 3-0.

The Variance is approved with the following conditions:

- A. A noise variance is given to Dave Sweeney, representing Sportscar Vintage Racing Association (SVRA), for a race at Portland International Raceway (PIR). The request is for a three-year, multiyear variance for Portland Vintage Racing Festival. The variance is for the dates between July 26, 2018 and July 29, 2018 and one weekend each year ending in 2020. Dates will be provided for 2019 and 2020 as soon as they are scheduled.
- 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. If the dBA level is exceeded again, they are black flagged and removed from the race.
- C. 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.
- D. 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 Office during the event.

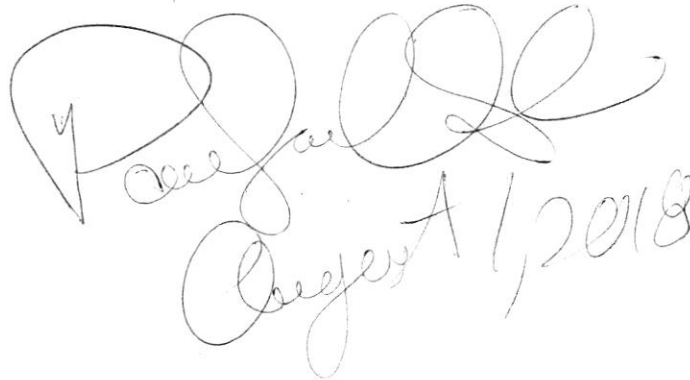
The applicant understands that this variance is subject to review upon complaint.

This decision becomes effective on February 14, 2018.

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



Paul van Orden
August 1, 2018