



Promote the common good

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FINDINGS AND DECISION OF THE NOISE REVIEW BOARD

APPLICANT: FRIENDS OF PORTLAND INTERNATIONAL RACEWAY *DAVID SWEENEY*

REQUEST: THREE-YEAR VARIANCE FOR THE PORTLAND ROSE CUP RACE, FEATURING PIRELLI GT4 AMERICA WITH TC AMERICA, THURSDAY THROUGH SUNDAY ANNUALLY IN JULY 11 - 14 2019, 2020, AND 2021. SPECIFIC DATES FOR 2020 AND 2021 TO BE ANNOUNCED AT A LATER TIME.

VARIANCE NUMBER: 19-114350-000-00-NV

DECIDED: FEBRUARY 13, 2019

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:

Request from David Sweeney, representing Friends of PIR (Portland International Raceway) for a three-year variance for the Portland Rose Cup Race, featuring Pirelli GT4America with TC America. The request is for Thursday through Sunday annually in July 2019, 2020, and 2021, at a decibel level not to exceed 110 dBA. The 2019 dates are July 11- 14, 2019, with specific dates for 2020 and 2021 to be announced later.

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 three-year variance for Friends of Portland International Raceway with the conditions below. Destiny Wright seconded the motion. The motion passed 3 – 0. (Board members Jamie Hurd and Ernest Harris were absent)

The Variance is approved with the following conditions:

- A. Measured dBA level is 110 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 for the rest of the evening.
- B. 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.
- C. 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.

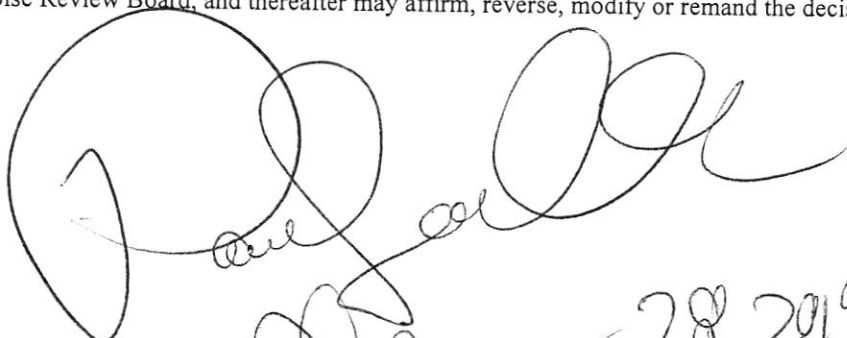
This decision becomes effective on February 13, 2019.

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



July 28, 2019