



CITY OF
PORTLAND, OREGON
OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR
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Noise Control Program
1121 SW 4th Avenue, Room 110
Portland, Oregon 97204

FILE COPY

Promoting a culture of civic engagement

FINDINGS AND DECISION OF THE NOISE REVIEW BOARD

APPLICANT: SPORTSCAR VINTAGE RACING ASSOCIATION C/O DAVID SWEENEY

REQUEST: THREE - YEAR, MULTI-YEAR VARIANCE FOR SPORTSCAR VINTAGE RACING FESTIVAL, WHICH REQUESTS PERMISSION TO OPERATE IN 2015, 2016, AND 2017. OPERATING AT TIMES UP TO 115 (dBA FAST) DECIBELS

VARIANCE NUMBER: 3567637

DECIDED: FINAL DECISION FEBRUARY 11, 2015

DECISION: APPROVED FOR JULY 9-12, 2015, PLUS ONE WEEKEND IN 2016 AND ONE WEEKEND 2017, DATES TBD, WITH CONDITIONS AS NOTED, AT A 115 Dba Lmax

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:

Sportscar Vintage Racing Festival is a new event, with a new promoter, the Sportscar Vintage Racing Association (SVRA). It replaces the Portland Historic Races. The Vintage Festival will be the 39th consecutive year that vintage racing will take place at Portland International Raceway. At the February 11, 2015 Noise Review Board meeting, David Sweeney requested a variance for the dates and times as follows: Thursday, July 9, 2015 through Sunday, July 12, 2015, between the hours of 9:00 am – 5:00 pm. SVRA requested an operating limit of 115 dBA. Although the majority of the vehicles racing will have a noise footprint of less than 103 dBA, the Historic Trans Am Race Group may reach levels of up to the requested 115 dBA request.

FINDINGS:

A. The Noise Control Officer, Paul van Orden, put together a graphic of citizen complaints, representing 50 complainants, predominantly residing in the Kenton Neighborhood, but also

extending outward as well. Currently, the long-awaited noise meter to be located in the neighborhood is almost up and running. This will give a much better sense of how the trackside meter translates to what is assumed to be going out into the neighborhood.

- B. 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.
- C. The sound source does not predate receivers.
- D. 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 Julie Greb to grant a variance for Sportscar Vintage Racing Association with the conditions below. Melissa Stewart seconded the motion. The motion passed unanimously, 4 Aye, 0 Opposed, 0 Abstentions

The Variance is approved with the following conditions:

- 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 July 9-12, 2015, and ending in 2017.
- Measured dBA level is 115 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.
- Representatives from SVRA and PIR will return to the Noise Review Board in late 2015 or early 2016 to review any readings and noise complaints and revise if need be.
- The 115 dBA level will befor the 2015 year at this time, and based on measurement levels from the neighborhood monitor readings, levels will have to be dtetermined for future use.
- 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.
- 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.

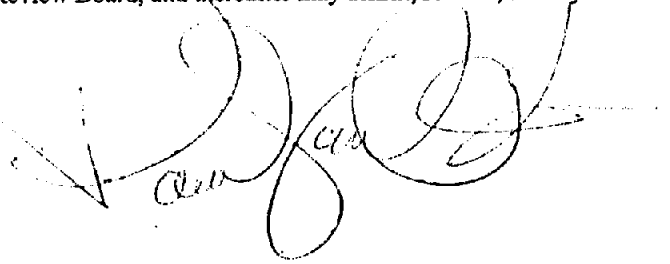
The applicant understands that this variance is subject to review upon complaint.

This decision becomes effective on February 11, 2015.

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

A handwritten signature in black ink, appearing to read "Paul van Orden", written over a horizontal line.