

FROM THE PLANNING COMMISSION MINUTES OF MARCH 28, 2013

11. REZONE/SPECIAL USE PERMIT (Public Hearing)

Z12-0004/S11-0007/Rescue Community Center submitted by RESCUE COMMUNITY CENTER (Agent: Tim Closner) for the following: (1) Rezone from Estate Residential Five-Acre (RE-5) to Recreational Facilities (RF); and (2) Special Use Permit to allow the expansion of a non-conforming use to include a remote control scale car race track as part of an existing community center. The property, identified by Assessor's Parcel Number 069-160-16, consisting of 4.012 acres, is located on the south side of Green Valley Road, approximately 300 yards west of the intersection with Deer Valley Road, in the Rescue area, Supervisorial District 4. [*Project Planner: Aaron Mount*] (Mitigated Negative Declaration prepared)*

Peter Maurer presented the item to the Commission with a recommendation to the Board of Supervisors for approval.

Seth Griffin/applicant's agent conducted a PowerPoint presentation and made the following comments which included responses to the Commission's inquiries:

- Became involved with this project in March 2012;
- Only electric cars will be allowed;
- Portable PA system will be used minimally;
- RC track was revenue-generating for the Rescue Community Center and there had been a financial impact to the Center since the track's closure 3 years ago;
- No camping will be allowed;
- Hours will be clearly marked and new rules will be enforced;
- Wetting track for races will be conducted to mitigate dust control;
- Anticipate approximately 100 people will be in attendance for each race event;
- Noise analysis was conducted with 1 car and Consultant extrapolated the numbers to reflect results of 10 cars;
- There is no fence, but the old horse arena had a border which has gates; and
- RC race season is March-October.

Tim Closner, President of Rescue Community Center, made the following comments which included responses to the Commission's inquiries:

- Center is not supported by Federal, State, or County funds and it requires \$9,000-\$12,000 a year to run the Community Center and make minor improvements;
- Receives approximately \$4,500/year from donations;
- Pre-1997 and post-2010, the Community Center has been able to keep it's doors open with fundraisers and private donations;
- Fundraisers take significant time and money;
- Had a 60/40 split with past RC track organization, which provided a steady revenue and self-reliance to the Community Center;

- Was President when trouble started with previous RC track and takes responsibility, which is why this new plan is better;
- No formal plans yet on self-policing, but anticipate to have a Rescue Community Center Board Member present at race events for the first year and would need to make plans on how to monitor practice sessions; and
- Strict rules and regulations will be posted and law enforcement will be called when they are violated.

Jeff Witt, lifetime Rescue resident, presented portions of various videos and provided the following comments:

- Not against the Rescue Community Center as the community needs them, but is opposed to the RC track due to the noise it produces, even with electric cars;
- Lives next door to subject property and the noise travels;
- Hours of operation are needed, but it goes on all day and disrupts his life;
- Main issues are duration, noise level, consistency, and operating every day;
- No buffer between RC track and homes and now the Church has removed existing foliage in order to make room for more parking;
- There is no County Ordinance that defines the RC track;
- In the past, was able to hear the PA system inside his house;
- Agreed that there is a difference in noise level between the electric and gas cars;
- If approved, would like to have a decibel test conducted during one of the race events;
- Asking for fairness;
- People are still using the track when it is closed and when he informs the users, he is confronted or ignored;
- County does not have the funds to send Sheriff Deputies to the site every time there is a complaint for violating rules;
- This is an expensive sport due to the cost of the cars;
- Need to find a common ground for everyone to live together in peace; and
- Against the rezone.

Robert Blom, owner of Gold Country Ace Hardware, supported the project and made the following comments:

- Sales from the RC track generate \$30,000/year;
- Great family hobby;
- There has been a lot of compromise from the Community Center which has been beneficial to the neighbors; and
- This supports local businesses.

Dave Palm, nearby resident, submitted 2 photos to the Commission and made the following comments:

- Can hear the RC track inside his house and he has complained;
- Not opposed to the Rescue Community Center, but to the RC track;
- Special Use Permit would be an expansion of a non-conforming use;

- Questioned the noise study and requested that 10 cars be tested and have one of the testing sites be close to his house;
- Proposed location is not the right site for a RC track; and
- There is no mitigation to reduce the noise level.

Cliff Duvall has lived across the street from the Rescue Community Center since 1992 and is owner of Turbo Power. He provided the following comments:

- Community Center is valuable to the community;
- Has a background in racing and the RC cars are scaled down race cars that can go 60-100mph;
- Electric engines get hot;
- Racing is a very popular and exciting sport and it will bring a winning attitude;
- RC track will attract racers from all over and they will be towing trailers, which is what happened in the past;
- Race events will attract around 150 people and the current driveway is too small to accommodate that number;
- Questioned crowd control;
- Concerned about where this project will be in 5-10 years as it could grow into a much bigger issue;
- If this is non-profit, then where is the money going to come from to police it;
- It is unwise to have unsupervised practice runs 7 days a week;
- Combination of large crowds and the current cyclists on Green Valley Road will cause traffic issues;
- Offered his expertise to assist in bringing the noise level down;
- Community Center will need liability insurance; and
- Hasn't been approached for involvement in resolving the issues.

Val Cook, resident, submitted photos showing the general care of the facility in the past and made the following comments:

- Outdoor lifestyle at home will become impacted if there are race events;
- Volume of people is an issue;
- Questioned if the ends justified the means; and
- Has been a Boy Scout Leader for 30 years and recognized the benefit that the Community Center provides.

Glenn Allen, resident, stated his son enjoys racing his RC car and he enjoys spending time with his son and feels that there is room for compromise.

Daniel Dietz, Sacramento resident, races RC cars and this track is the only one in the area and will bring attention and revenue to local businesses.

Scott Wilson has been racing at the Rescue mini speedway for 3 years and when the RC track closed he had no place to race except at his house, which caused many breakdowns with his car.

Jennifer Griffin stated that this is a family fun project. She suggested a compromise of limiting the number of events as this would still allow the Rescue Community Center to have revenue generated.

Mr. Griffin provided the following rebuttal statements:

- Aware of the concerns;
- Appreciated the videos shown;
- Reiterated that gas cars would not be allowed; and
- Policing would be an issue and understood that there are individuals sneaking into the closed RC track as they are desperate for a location to race their cars.

Mr. Closner provided the following rebuttal statements:

- The Community Center's parking lot is already set up for large events (i.e., weddings); and
- His concern is that the public doesn't understand that it takes money to keep the Community Center going and they won't be able to do it unless this project is approved.

Chair Pratt closed public comment.

Commissioner Stewart made the following comments:

- If a portable PA system is being used, what method will be used to ensure compliance on sound level for each event;
- Dust control mitigation is not identified in the Conditions;
- Didn't hear any public comments on the rezone request and supported that application;
- Noise and dust issues are a concern;
- This is not about money but about the community and times of change;
- Hours of operation is a concern;
- Questioned the accuracy of the scaling process of the noise study;
- Would like the noise study to be done with 10 cars measured at all the locations;
- No conditions on recordkeeping in order to verify compliance; and
- Enforceability is an issue and inquired if the Sheriff's Office had the ability to confiscate the cars.

Commissioner Heflin made the following comments:

- Self-policing is a big issue;
- Lack of supervision was a serious problem in the past and now;
- Questioned if this is the appropriate venue for a RC track;
- Concerned with unsupervised track access;
- Questioned the basis of the noise study;
- Duration of the noise level is a problem as the applicants are requesting constant noise all day long every day for 6 months;
- Number of events is over his tolerance level;
- Residents have a strong argument against the proposed duration and hours for the requested activities;

- There are ways to mitigate the noise, but it will still be there; and
- Very concerned about the residents and the noise.

Commissioner Mathews made the following comments:

- Loud PA systems is what draws an audience and makes a race exciting for participants;
- Sound is traveling out and uphill and noise mitigation will need to be discussed;
- Researched 2 race tracks in Sacramento and one is indoors and the other one is outdoors but is located in a commercial area;
- Draw for this race track is that it is outdoors and in a rural setting;
- Nearby residents will have the challenge of having quiet enjoyment of their property;
- Appreciated the enthusiasm of the RC community;
- Project needs to have mitigation;
- RC track does not belong there so the question is how to keep it there with mitigation;
- Although there is a difference between electric and gas cars, there is still a buzzing noise;
- Doesn't have a problem with the rezone request;
- Sound barrier is needed to direct the noise;
- Suggested limiting a PA system to specific types of race events;
- Needs a lockable fence;
- Recommended a one-year review; and
- Informed the applicants that the Board of Supervisors may be able to waive the Special Use Permit fee as they are non-profit.

Commissioner Shinault made the following comments:

- Noise can be mitigated;
- Self-policing is an issue because the applicant has not determined how to do that yet;
- Is in favor of locked gates;
- Supports having applicant return for a one-year review;
- Opposed to proposed hours of operation of 7 days a week, 10 hours a day and having unsupervised practice; and
- Encouraged open communication between applicant and the neighbors.

Chair Pratt made the following comments:

- Neighbors will be impacted by the noise;
- Questioned need for a PA system;
- Dust mitigation is needed;
- Hours of operation is a lot;
- Not going to be able to stop access to track so it is paramount to develop a methodology on limiting access; and
- Didn't support having race events every weekend during the season.

County Counsel David Livingston provided the Commission options of types of action that could be taken at today's hearing.

There was no further discussion.

Motion: Commissioner Shinault moved, seconded by Commissioner Stewart, and carried (5-0), to continue item to the April 25, 2013, meeting.

AYES: Heflin, Mathews, Stewart, Shinault, Pratt

NOES: None