



The BOSONE< bosone@edcgov.us>

Rezone Z12-0004/Special Use Permit Rescue RC Racetrack

1 message

Dave Palm< dave@palmaccounting.com>
To: bosone@edcgov.us

Thu, Jul 18, 2013 at 2:14 PM

Dear Supervisor Mikulaco,

Your assistant suggested that when we obtained our sound study letter we forward it to your attention related to the hearing next week before the Board of Supervisors. We retained Mr. Pettyjohn of The Acoustics & Vibration Group after the 2nd flawed sound study was received and presented to the Planning Commission by the Applicant. We believe you will find Mr. Pettyjohn's conclusions most interesting and we believe if this information had been available at the Planning Commission level their 3 to 2 vote in favor of the SUP would have been different.

Thank you in advance for your time and consideration.

Dave Palm

David A. Palm, CPA*Palm Accountancy, Inc.**Certified Public Accountants*

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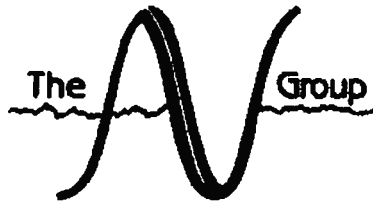
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 **New Sound Study Re S11-0007.pdf**
130K



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Consultants in Acoustics, Vibration, Noise Control & Audio Visual Design

July 18, 2013

Val Cook & Dave Palm
2500 Rolling Ranch Road
Shingle Springs, CA 95682

SUBJECT: Results of Review of Noise Assessment Studies Done for Proposed Radio Controlled Car Race Track at Rescue Community Center

Dear Mr. Cook,

Documented in this report are the results of a review of the noise assessment studies [1,2] done as a part of the proposed reopening of the remote control, RC, car tracks at the Rescue Community Center. The noise assessment reports were part of the County staff reports prepared for the project. A negative declaration was prepared for the project by County staff based on the noise assessment. These reports were reviewed along with the County's Noise Element of the *General Plan* [3] and the County noise ordinances [4]. The Noise Element gives sound limits as given the latest assessment report that is part of the negative declarations. The assessment does not discuss the County ordinances as required by the California Environmental Quality Act, CEQA [5]. El Dorado County's Noise Control Ordinance is very limited in scope. Quantitative sound limits have not been adopted by El Dorado County to address non-transportation sound sources. However, this ordinance does say that sound whose amplitude or duration offends the listener is not permitted. The amplitude or duration of sound that would be offensive is not defined.

The two noise assessments are filled with glaring math and engineering errors that result in erroneous conclusions. That is, the noise assessments are inaccurate and incomplete. The following is a summary of the erroneous statements and procedures.

1. The noise assessment did not look at the sound made for the cars while operating on the off-road track. Experience with motorcycle racing has shown that though the sound from off-road tracks is less continuous, the maximum sound levels are typically higher because of the sudden increases in motor RPM when going up hills. This has not been addressed.
2. The sound of the public address, PA, system is not addressed in a way that allows any independent evaluation of the sound generated by the system. The assessment assumes that untrained personnel can measure and control the sound levels. Experience has shown that even partially trained people have a great deal of difficulty of understanding and operating such equipment. The sound from the PA has 5 dB(A) lower limits than for the cars if penalties do not apply to them. How controlling the sound will be enforced is not explained. The sound source height will be much higher than for the cars, resulting in less shielding to all noise-sensitive receivers. This does not meet CEQA requirements as there has been no attempt to measure the sound produced by the PA equipment, no mitigation measures provided, nor a sound monitoring plan established. These reports are incomplete for this reason.
3. The sound produced by most remote control cars includes pure tones. If such tones are present, the County's noise limits are reduced by 5 dB as noted in both noise assessments. Sound tone measurements have not been done for any of the RC cars to prove that tones do



not exist. This does not meet the County's requirements nor CEQA requirements for determining whether a penalty would apply. The difference in the background sound tones and the tones produced by the RC cars while racing on both tracks. This is a critical issue as the difference in the tonal content can cause more negative reactions than the actual volume of the sound as noted by most musical and speech events.

4. The maximum, L_{MAX} , sound level is a value that is independent of the test interval as it can last for less than a second. Reducing the L_{MAX} sound level by 3 dB(A) because the RC cars will only operate for 30 minutes in an hour is mathematically and engineering wise, completely without basis. The predictions done with the lower value are incorrect and can not be used to draw conclusions. This makes the reports incomplete and inaccurate.
5. The most recent tests of the electric RC cars were done with a mix of 1/8 and 1/10 scale cars. No proof is given that an RC race could not occur with all of the cars being 1/8 scale. This is an important issue because based on engineering methods, 10 RC cars should increase the average, L_{eq} , sound level by 10 dB. These tests show an 8 dB increase in the L_{eq} sound level over that measured with a single car. Bollard [1] had predicted only a 5 dB increase for 10 cars even though this is contrary to all standard engineering methods of calculating the influence of increased volume, particularly when using an integrating sound level meter as was noted in the report. This means that the first report was completely erroneous in its predictions and suggests a desire to influence the results or a complete misunderstanding of the basics of acoustics. This is important because since 10 vehicles of mixed size increased the sound by 8 rather than the 10 dB that would be predicted for identical vehicles, running 10 identical vehicles would result in a 10 dB(A) increase and render the results given in both the first and the second assessment reports [1,2] incorrect.
6. The noise assessment reports both appear to assume that the L_{eq} sound levels were generated at the center of the track while the L_{MAX} sound level was generated at the closest track position. The latter assumption can not be proven. If the maximum sound was generated at some other point on the track, the reference distance would be greater, resulting in less sound reduction with distance. That is, the predicted sound level at the receiver would be higher. This assumption is not conservative, but it is advantageous if the goal is to prove that a noise impact does not occur. The fact that sound measured at 100 feet can not be predicted from the 20 foot measurements, also raises questions about the assumptions made.
7. The second noise assessment report assumes a 5 dB(A) sound reduction due to shielding without providing any information that would allow corroboration of this assumption. It appears to be another way of achieving the 5 dB reduction assumed in the first assessment report for the influence of increasing the number of sources by a factor of 10. Making this assumption without the information required to prove the shielding will occur does not meet CEQA requirements and ignores the influence of the raised areas on the off-road track.
8. Background sound tests have not been done at the most noise-sensitive locations as required by CEQA and the State guidelines for preparing a noise assessment. This is very important because the regulations allow for a lowering of the standard when the background sound is below the limit.
9. The organizers have admitted that practice runs will allowed. The number of cars on the track during these events is not specified nor is the duration. This makes all of the assumptions made regarding the loudness of the sound and the volume of vehicles, incorrect. This makes the noise assessments incomplete and inaccurate.

The reasons given above are sufficient to justify not approving negative declaration for this project. Additional work is required as a minimum to correctly identify and quantify all sound sources, to



locate all receivers and to find the impact of the sources on the receivers. Mitigation measures will likely be required to meet the sound standards. These issues have not been adequately addressed.

Please call if you have any questions or comments about the results. Let me know if additional information is needed.

Sincerely,

A handwritten signature in black ink that reads 'Steve Pettyjohn'. The signature is written in a cursive style with a large, looped 'S' and 'P'.

Steve Pettyjohn, Principal

Certified: Institute of Noise Control Engineers-1981

REFERENCES

1. P. Bollard, "Environmental Noise Assessment: Rescue Community Center Racetrack", for Rescue Community Group, Rescue, CA by Bollard Acoustical Consultants, Inc., Loomis, CA, Job #2012-024, May 7, 2012.
2. P. Bollard, "Environmental Noise Assessment: Rescue Community Center Racetrack", for Rescue Community Group, Rescue, CA by Bollard Acoustical Consultants, Inc., Loomis, CA, Job #2012-024, April 15, 2013.
3. El Dorado County - Planning Services, "Public Health, Safety and Noise Element" of "El Dorado County General Plan", Adopted July, 2004.
4. Noise Control Ordinance of El Dorado County, Chapter 9.16, last updated, October 24, 2006.
5. Title 14. California Code of Regulations, Chapter 3. Guidelines for Implementation of the California Environmental Quality Act, Article 9. Contents of Environmental Impact Reports, Sections 15120 to 15132.



Opposition to: Rezone Z12-0004/Special Use Permit S11-0007/Rescue Community Center

1 message

Scott Maddux <madduxsa@hotmail.com>
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Mon, Jul 22, 2013 at 11:29 PM

July 22, 2013

Subject: Rezone Z12-0004/Special Use Permit S11-0007/Rescue Community Center

Dear County of El Dorado Board of Supervisors,

We reside in Rescue in close proximity to the Rescue Community Center and strongly oppose the rezoning of this property from Residential Five-Acre (RE-5) to Recreational Facilities (RF) and the further proposed issuance of a special use permit to allow an RC Scale Car Race Track. We bought a RE-5 parcel in El Dorado County/Rescue 20 years ago and built our dream home with the full expectation of being able to enjoy the property with the reasonable expectation of typical 5-acre residential property noises (garden tools/equipment, tractors, horses/livestock, etc.). We had no reasonable expectation of neighboring "residential" parcels being used for motocross dirt bike riding or Nitro RC Car Racing. Our opposition to this rezoning proposal is based on, but not exclusive of, the high noise/decibel level created by the activity, the activity constituting a nuisance, and the activity creating a negative impact on our property value.

Noise/Decibel Levels

These Nitro fuel RC cars are not the battery powered toy RC cars you or your children may have played with at some time. These Scale RC Cars are nitro fuel burning and have a noise "decibel" rating ranging between 85 and 100. Scientific studies have proven that permanent hearing loss can start occurring when exposed to noise levels of 85 decibels for long or repeated exposure. A decibel level of 70 is considered highly annoying by most people. The decibel level is not a linear increase and a decibel level of 90 is four times as loud as a decibel level of 70. These RC car racing events can go on for hours and the only way to escape the highly annoying and irritating noise is to retreat into our home. We speak from experience from prior Nitro RC car events at this property. We should not be driven indoors by such an activity and robbed of the ability to enjoy, on our own terms, the outdoors of such a beautiful residential property in an otherwise quiet community.

Activity as a Nuisance

The high noise level produced by a Nitro RC Race Track can easily be deemed a nuisance to adjoining and nearby property owners. A private nuisance is defined as an activity by one property owner that has a substantial impact on another property owner's reasonable ability to use and enjoy their property. As noted above, having an activity by one property owner that produces such a high noise level that it prevents another property owner from enjoying the reasonable use of their outdoor space can meet the definition of a nuisance. The majority of jurisdictions can find an activity to be a nuisance even if that activity is operating in

compliance with current zoning regulations. The proposal before you is to change the current zoning of the parcel known as the Rescue Community Center from RE-5 to RF. Should this zoning change be approved, this property could then subsequently be used for other such high decibel producing nuisance activities as well as motocross dirt bike riding (the impact of discussed below).

Negative Impact on Property Value

We have an immediate RE-5 neighbor (adjoining parcel) who a few years back turned 3 of their 5 acres into a motocross dirt bike track. The decibel level of a motocross bike is very comparable to that of the Nitro RC Race Car as noted above. As much as we love living in El Dorado County in our beautiful home, we are not able to enjoy the outdoors when this inconsiderate activity is occurring. The noise is so penetrable that we cannot even hear the television within our closed home when the dirt bike riding is occurring. This activity so greatly reduced our ability to enjoy our own home that we unfortunately came to the conclusion that we had to sell this property and relocate. We made that decision when the market was still high and found significant interest in our property until the prospective buyers were told of the nuisance activity of our neighbor. Real Estate Disclosure Laws require disclosure of such noise disturbing activities that may not be discoverable at the time the potential buyer is visiting the property. Our Agent told us that we lost three highly perspective buyers once they were informed of the motocross bike activity. The Nitro RC Racing activities as noted are very comparable in overall noise decibel levels. We are confident that allowing another nuisance activity so close to our home will virtually render our beautiful property unsalable.

In conclusion, we are confident that if such an activity as a Nitro RC Race Car Track was being proposed in your peaceful neighborhood, perhaps on the parcel just one or two away from yours, that each and every one of you would be writing this letter or standing up at the local Board Hearing to voice your opposition. With that knowledge and understanding we ask that you show us that same consideration that you would also seek and vote to deny this rezoning application for the Rescue Community Center and the subsequent special use permit.

We appreciate the ability to be heard and your willingness to balance the minimal benefit against the strong negative impact of this proposal on your local constituents.

Sincerely,

Scott and Terri Maddux
2460 Sierra Vista Road
Rescue, CA