

7-23-13

13-0821

EDC COB <edc.cob@edcgov.us>

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

2 messages

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

13-0821 T 1 of 11

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

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

Thu, Jul 25, 2013 at 12:08 PM

As this is a very important item, I would greatly appreciate an acknowledgment of receipt of the below email. I was unable to get off from work to attend the hearing and put forth a bit of effort to make sure that our concerns were at least still heard.

Thank you,

Scott Maddux

13-0821 T 2 of 11

From: madduxsa@hotmail.com

To: edc.cob@edcgov.us

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

Date: Mon, 22 Jul 2013 23:29:13 -0700

[Quoted text hidden]

7/23/13
#22

Rescue Community Center July 23, 2013

The Following are the requested changes to the final conditions of approval for the Rescue remote control car track as recommended by the planning commission on June 13, 2013.

The reference points refer to the 8 page document starting with

Z12-0004/S11-0007/Rescue Community Center – As recommended by the Planning Commission on June 13, 2013

Page Headers: Pg 2 - 8

Z12-0004/S11-0007/Rescue Community Center
Planning Commission/June 13, 2013
Attachment 1-Findings/Conditions of Approval

Page Footers: Pg 1 - 8

Attachment 1-Findings/Conditions
13-0821 E

Proposed Changes

1: Changes to allowed days open for community use and race days, and PA system use.

Refer to: pg 3, C4 &C7 and Pg 4, 2b

Proposed Changes:

- ~closed all Sundays except for 6, which will be for events
- ~6 events per year with a PA system.
 - 2-3 day events and 4-2 day events
- ~every other Saturday there can be an event without a PA
- ~opposite Saturdays are for community use only

Result:

-open 3 days a week (Thursday, Friday, Saturday), except for the 6 event Sundays

-6 events with PA (one per month during the season)

-6 event Saturdays days without a PA

Reason: More community use, allows for a racing series to provide community center financial stability

2: Change wording to allow for us to choose when the first event day begins in the month of March.

Refer to Pg 3, C7

Proposed changes:

~ "The track shall open March 1st, events shall be scheduled no more than every other week throughout the season."

Reason: Allow flexibility on which week we want to start event calendar.

3: Remove requirement for a camera system

Refer to Pg 5, 5C

Reason: Remove stipulation for the camera. We would eventually like to do this, but there are other financial obligations that take priority. At this time, technological availability is unknown.

Concessions By RCC

- **Concessions By RCC:**
 - No Gas Cars
 - No Camping
 - Hours of operation reduced more than %50
 - Number of events reduced more than %50
 - Number of users reduced by more then %50
 - Plan for dust control
 - Agree to monitor PA noise to keep within legal limits
 - Designed a plan to police the site including signage, electronic media, local volunteers, and fences with gates locked during closed hours.
- **Concessions by neighbors:**
 - None
- **RCC Has:**
 - Changed track manager who is more community minded
 - Cleaned up track site (4 dump truck loads)
 - Fenced it to prevent use during this period
 - Scheduled 3 rounds of talks with neighbors
 - They only came to one
 - Proven that sound is within county levels – 2 tests

7/23/13
#22

RESCUE COMMUNITY CENTER
REZONE Z-12-004/ SPECIAL USE PERMIT S11-0007

REASONS TO DENY

- NOISE, NOISE AND NOISE
- NOISE CANNOT BE MITIGATED
- NEW NOISE STUDY ANALYSIS-NO JUSTIFICATION FOR NEGATIVE DECLARATION
- HOME VALUES AFFECTED BY NOISE
- OUR ONLY HOMES, OTHER VENUES/OPTIONS AVAILABLE FOR RC RACING
- NEIGHBORS WHO LIVE NEARBY AND HEAR NOISE DO NOT WANT RC RACETRACK
- SPECIAL USE PERMIT BURDENS NEIGHBORS TO POLICE/REPORT LACK OF COMPLIANCE
- HISTORY SHOWS RESCUE COMMUNITY CENTER VIABLE WITHOUT RC RACETRACK
- RC RACETRACK DOES NOT FIT IN OUR RURAL NEIGHBORHOOD

7/23/13
#22

First Study

————— 60db

Second Study

Underestimated the noise from 10 cars
Changed assumptions
-3 Only allowed to run half of each hour
-5 Shielding

57 →

53 →

Review of the Studies

Ten cars should have been louder
No requirement for half of each hour quiet
The Shielding doesn't consider raised homes
Pure tones require a more stringent standard
PA system must also meet this standard

48 →
===== 50db
===== 40db
===== 1db

Noise Impact Studies

Rescue Community Center
Rezone and Special Use Permit

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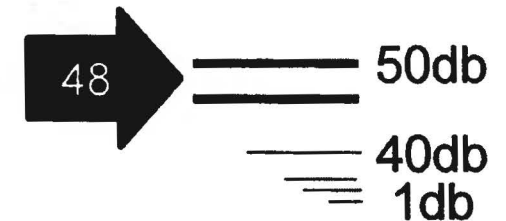
Second Study

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