## RE: REZONE 212-0004/SPECIAL USE PERMIT S11-0007/RESCUE COMMUNITY CENTER

WHY THE REZONE REQUEST/SPECIAL USE PERMIT SHOULD BE DENIED
a) Please see attached petitions. The property owners and residents living in close proximity to the Rescue Community Center (Green Valley Road, Rolling Ranch Road, Sierra Vista Road, and Rosa Lane) do not want a RC Racetrack in their neighborhood.
b) Current zoning of RE-S prohibits the RC Racetrack and this use in a residential zone is not compatible with the RE-5 zoning and established land use patterns. This was communicated to the Rescue Community Center by planning services on July 18, 2011.
c) Rezoning the parcel to the Recreational Facilities ( RF ) zone and allowing the RC Racetrack is not compatible with the surrounding properties which are RE-5 parcels. The surrounding parcels are RE-10 to the north, RE-5 to the south, RE-5 to the east, and RE-5 to the west. The El Dorado County Development Standards for Recreational Facilities RF Zones, Section 17.48.070 A, requires a minimum lot size of five acres, the Rescue Community Center parcel is only 4.012 acres, well below the minimum lot size.
d) The RC Racetrack will be injurious to the use and enjoyment of the RE-5 properties in the vicinity and will substantially diminish the impact of property values in the neighborhood.
e) Then proposed zoning change and special use permit for the RC Racetrack will not preserve the essential character of the neighborhood. Planning states that the project site is within the Rescue Rural Center and the area is largely rural in nature and contains almost no commercial uses. Policy 2.2.2.21 directs that projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses permitted by the policies in effect at the time the project is proposed. A RC Racetrack with year round racing racing, 7 days a week, 9 am to 7 pm , will not preserve the essential character of the neighborhood.
f) The staff report to the Planning Commission, page two, second paragraph under staff analysis, acknowledges that the proposed special use permit is for the expansion of a non conforming use to include a remote control scale race car track.
g) The proposed zoning change and special use permit for the RC Racetrack does not adequately address the P.A system, number of race days per month, and hours of operation. Conditions of approval include maximum of 50 racers at any one time, racing events from March 1 to October 31, racing from 9 am to 7 pm seven days a week, racing events to be on Friday, Saturday and Sunday, up to 50 racing events a season. Track to be open 7 days a week from 9 am to 7 pm . This does not preserve the essential character of the neighborhood.
h) The proposed zoning change and special use permit for the RC Racetrack will adversely influence living conditions in the immediate vicinity. Place this RC Racetrack is any other existing RE-5 zone in the county and no one is going to want this in their backyard.
i) The mitigated negative declaration on this rezone and special use application failed to address some significant issues including air quality standards, greenhouse gas emissions, hazards and hazardous materials, sanitation, hydrology and water quality, and noise. The noise study appears to be seriously flawed including but not limited to as where the noise measurements were taken and how many race cars were running (one) when the noise levels were measured. During warm-ups before the race track was shut down, more than 30 cars could be on the track racing at one time. During races 10 cars would race at one time. The special use permit allows 50 users at any one time. To obtain more accurate and realistic noise study results test readings should have included more than one car. Noise testing was not conducted in the direction of the affected parcels to the east, west, and south of the RC racetrack. The fourth site deemed unnecessary to test because it was on the north side of Green Valley Road, would have been right on my property close to $m y$ Granny Flat, southeast of the racetrack.
j) The staff report to the Planning commission concludes, page 4, paragraph one under Noise "the acoustical study concluded that unmitigated noise exposure from project remote control race car noise could exceed El Dorado County's daytime noise exposure limits for both gas and electric powered cars. This would be inconsistent with Policy 6.5.1.7 which states that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6.2 for noise sensitive issues." The proposed mitigation measures will do nothing to reduce the noise generated by electric car racing to below the daytime noise limits.
k) The mitigated negative declaration fails to address the adverse impact on police protection, as the El Dorado County Sheriff was called repeatedly in the past to come out to the track to enforce the race track hours which were constantly violated by RC Racers in the community.

1) If the RC Racetrack was unsuccessful, the zoning change would allow the Rescue Community Center to put the parcel to a wide range of other recreational uses because of the zoning change, all of which are currently prohibited by the RE-5 zoning, this issue is not addressed.
m) The President of Rescue Community Center has indicated the Rescue Community Center is unable to control what private citizens do at the racetrack. RC racing continued long after the county told the Rescue Community Center to cease racing, hence the Sheriff became involved as discussed in point k) above. If the RC Racetrack reopened with electric only racing, the enforcement of electric only racing and hours of operation is not addressed.
n) Letters written in support of rezoning and the RC Racetrack have been written by individuals from other cities, counties and even states. The requested zoning and special use permit change goes totally against the neighborhoods wishes. We who live next door to the Rescue Community Center do not want this RC Racetrack in our neighborhood. See attached petitions submitted to planning services.
o) There is not a public necessity for the zoning change/RC Racetrack at this site. There are other RC facilities/tracks in the Sacramento and Roseville area for racing RC cars. These facilities are
appropriately located in industrial/commercial zones. We have only one home where we can enjoy the peace and quiet of our rural home and neighborhood.
p) The Rescue Community Center is a great part of the Rescue Community, it operated and thrived since 1951 before the racetrack, during the racetrack shutdown since 2010, and there is no reason to believe it should not continue to be viable in the future, but without this zoning change and special use permit for the RC Racetrack.

Respectfully submitted,
Ague A. Pales
Rachelh s Palm

David A Palm

Rachelle S. Palm
2532 Rolling Ranch Road
Shingle Springs, California 95682

PLANNING COMMISSIONERS

PLACERVILLE, CALIFORNIA 95667
PETITION TO DENY THE REZONE Z12-0004/SPECIAL USE PERMIT S11-0007/RESCUE COMMUNITY CENTER

We, the undersigned, property owners, residents, and neighbors in the vicinity of the Rescue Community Center, oppose the Rezone/ Special Use Permit Z12-0004/S11-0007/Rescue Community Center. The current zoning of RE-5 prohibits the RC Racetrack and rezoning this parcel to the Recreational Facilities (RF) zone is not compatible with the surrounding properties and will severely impact the essential character of our neighborhood, established land use patterns, and our ability to enjoy the peace and quiet of our rural homes and neighborhood.

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PLANNING COMMISSIONERS
COUNTY OF EL DORADO PLANNING SERVICES
2850 FAIRLANE COURT
PLACERVILLE, CALIFORNIA 95667

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Respectully submitted:

| Printed name | Signature $C l$ | Address | Date |
| :---: | :---: | :---: | :---: |
| Kerry Yoshtitomi |  | 2590 Rolling Ranch Road. Shingle Springs, CA | $5 / 7 / 15$ |
| Pearl T. Yostritomi |  | 2590 Rolling Ranch. Road. Shingle Springs. CA |  |
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Respectfully submitted:


## The following 18 photographs were submitted by Val Cook during testimony at the Planning Commission hearing on March 28, 2013.




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## TRESPASSING <br> THIS TRACK IS AVAILABLE FOR USE ON SCHEDULED RACE DAYS ONLYK EDC ORD 9.48 .010

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The following 2 photographs were submitted by Dave Palm during testimony at the Planning Commission hearing on March 28, 2013.



To whom it may concern,
We The Mosses Family live at 4150-4152 Green Valley Rd in Reseve, C4. right next door to the Rescue Community Center -We are the closest neighbor to the Center and mini race car track that has been closed now for some time. We strongly agree and would love to help in any way possible to get the race track RE-OPENED. We use to love seeing Dads out there with there son's racing, family's Coming to race, weok-end events, the noise was not bothersome, at times we would sit on our property when there were tornaments and laugh at all the family's and car races! We watched EVERYONE help pick up trash and clean up after every racing event. It was sad to see the track get closed. What else does this county offer for family fun? There was
never any problems seen from our side of the "fence".

Our Family has been at this 4150.4152 property since $1973 \ldots 9$ small children we would go to the Rescue Community Center for all our family's Christmas's and other special events. Our Grandparents Raymond o Alyce Anderson use to hold BBQ's + events and be in charge of rentals. Hold Quilting classes + Penny Club, and helped the Community Center grounds by doing the yard work and up keep.

Rescue is a very small community, and there should be no reason to Not Reopen the race track to let family's have fun. We know people travel and race from out of town - they have all shown res pect to the track and wave at us every time we go up or down our drive way. It was sad to see all the work they've done tend the fun
taken away!
If we can help in any way please contact:

William Gunnar Moshes

$$
530 \cdot 957-3965
$$

Stephanie Ann Mosness

$$
530.957 .0773
$$

Kaleb Gunnar Mosness $530-3 / 3-35 / 9$
Thank you, From
The Moshes Family Rescue, CA. 95672

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\text { mail }=\frac{\text { P.O. Box } 127}{\operatorname{Re} \text { slue } 95}
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Rescue, 95672
We will petition to keep race track OPEN for family's + Fun!!

# PC 4/25/13 

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4 pages
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## RECEIVED <br> PLANING DEPARTMENT PETITION TO KEEP RACE TRACK OPE TOPUBLIC



## RECEIVED PETTIION TO KEEP RACE TRACK OPEN TO PUBLIC PLANNING DEPARTHEMT

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| NAME Daniel Stakiman | SIGNATURE Ramal $^{2}$ PHONE $(530) 341.1230$ |
| NAME Randy Runik | SIGNATURE Randy Pmik PHO |
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RECEIVED PETITION TO KEEP RACE TRACK OPEN TO PUBLIC PLAMHING DEPARTHEMT


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Respectfully submitted:




## 3/28/13

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| Fremont R/C Raceway |  | Fremont |
| LRH Hobbies |  | Placentia |
| Mendocino Raceway |  | Ukiah |
| Riverfront RC | - | Marys ville |
| HobbyTown USA(Fremon) |  | Fremont |
| Thunder Valley RC. Park |  | Lakeport |
| DHW Raceway |  | San Diego |
| J\&S RC Raceway | - | Lakeport |
| Palm Desert R/C Raceway |  | Palm Desert |
| San Diego RC Raceway |  | San Diego |
| Rainman's Hobby \& Raceway |  | Bakersfield |
| Controlled Chaos Racway |  | Palmdale |
| San Dieqo RC Raceway South |  | Chula Vista |
| Exeter Raceway |  | Exeter |
| Irvine Lake RC Park |  | Silverado |
| HobbyTown USA | $\sim$ | Fresno |
| LSR Speedway | +-m | Sacramento |
| Rattlesnake Raceway |  | Redding |

California RC Tracks - The RC Zone

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| California | 93105 | United States | Off Road |
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| Catifornia | 95482 | United States | Off Road |
| California | 95901 | United States | Off Road |
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| California | 92121 | United States | Off Road |
| California | 93309 | United States | Off Road |
| California | 93551 | United States | Off Road |
| California | 91911 | United States | Off Road |
| California | 93221 | United States | Off Road |
| California | 92676 | United States | Off Road |
| California | 93711 | United States | On Roada |
| California | 95826 | United States | Off Road, Dirt Oval |
| California | 96002 | United States | Off Road, Dirt Oval |

Recently Added R/C Tracks
Hobby Central
Unser Racing
Rattlesnake Raceway
LSR Speedway
Recently Added R/C Terms

Unfoading
Rally
Calling Traffic Brake Fade

Recently Added R/C Events
1st Annual Beer Stein Invitational 2012 RCXRC Expo Hobby Show 2012 JBRL Nitro Series - Round 8 2012 JBRL Nitro Series - Round 7

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## The Rescue Community Center Race Track

The Main Issue is the Noise:


## Volume Constancy



# The Rescue Community Center Race Track 

The Main Issue is the Noise:


Constancy


## Volume of the Noise

First Acoustic Study（1 Electric Car＋ 5 db ）

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Second Acoustic Study（10 Electric Cars）

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| R－5 | 4201459 | 0 | 4 | 54 |
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|  |  |  | 0 | 69 |

## Acoustic Study (1 Electric Car

## Table 2

Predicted Remote Control Car Noise Levels During Race Events at Nearest Receptors

| Receptor ${ }^{\text {a }}$ | Distance ${ }^{\text {b }}$ (Lmax/Leq) | Electric |  | Gas |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | $L_{\text {eq }}(\mathrm{dB})$ | $L_{\text {max }}(\mathrm{dB})$ | $L_{\text {eq }}$ (dB) | $L_{\text {max }}(\mathrm{dB})$ |
| North Property Line | 300 / 350 | 49 | 53 | 55 | 60 |
| South Property Line | 475/500 | 46 | 49 | 52 | 56 |
| West Property Line | $80 / 120$ | 58 | 65 | 64 | 72 |
| East Property Line | 50 / 100 | 60 | 69 | 66 | 76 |
| Community Noise Standerds: |  | 55 | 70 | 55 | 70 |
| R1 | 320 / 380 | 48 | 53 | 54 | 60 |
| R2 | 330 / 380 | 48 | 53 | 54 | 60 |
| R3 | $430 / 500$ | 46 | 50 | 62 | 57 |
| R4 | 260/280 | 61 | 55 | 67 | 62 |
| R5 | 420/450 | 47 | 51 | 53 | 58 |
| R6 | 180/220 | ${ }_{53}$ | 58 | 69 | 65 |
| Rural Noise Standards: |  | 50 | 60 | 50 | 60 |

## Conclusions \& Recommendations

Unmitigated noise exposure from project remote control race car noise could exceed El Dorado County's daytime noise exposure limits for both gas and electric-powered cars. The following specific measures are recommended to reduce noise levels generated during events at this facility and to reduce the potential for adverse public reaction at the nearest residences.

The six recommendations do not address noise mitigation for electric cars, other than time of use.

## Volume of the Noise

First Acoustic Study (1 Electric Car + 5 db )

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|  | Wesi Pigenty Lime | 80/220 | 4 | 45 | 4 | 7 |
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|  |  |  | 0 | 10 | 4 | 70 |
|  | R1 | 310, $3 \mathrm{3c}$ | * | 9 | ${ }^{+}$ | 60 |
|  | R2 | 270/300 | 85 | 3 | 0 | 0 |
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Second Acoustic Study (10 Electric Cars)

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| R.1 | 328, 350 | - | 43 | 5 |
| R 2 | 330 O 300 | 5 | 43 | 51 |
| R. 5 | 4308500 | 5 | 4 | 48 |
| R-4 | 700r280 | 5 | $4 \leqslant$ | 51 |
| R.S | 420,439 | 2 | 4. | 54 |
| R6 | 480, 280 | 5 | 48 | 56 |
| Ei Donde Cauly Rural Hover fiendariv: |  |  | 4 | to |

# nd Acoustic Study (10 Electric 

Table 2
Predicted Remote Control Car Noise Levels During Race Events at Nearest Receptors

| Receptor $^{\boldsymbol{a}}$ | Distance $^{\text {b }}$ (Lmax/Leq) | ShieldIng (dB) | Leq (dB) | $L_{\text {max }}$ (dB) |
| :---: | :---: | :---: | :---: | :---: |
| R-1 | $320 / 380$ | -5 | 43 | 51 |
| R-2 | $330 / 380$ | -5 | 43 | 51 |
| R-3 | $430 / 500$ | -5 | 41 | 48 |
| R-4 | $260 / 280$ | -5 | 46 | 53 |
| R-5 | $420 / 450$ | 0 | 47 | 54 |
| R-6 | $180 / 220$ | -5 | 48 | 56 |
|  | El Dorado County Rural Noise Standards: | 50 | 60 |  |



14*ール
Predicted Remote Control Car Nolse Levels During Race Events at Nearest Receptors

| Raceptor ${ }^{2}$ | Distance ${ }^{\text {b }}$ (Lmax/Leq) | Electric |  | Gas |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | $\mathrm{L}_{89}(\mathrm{~dB})$ | $L_{\text {max }}(\mathrm{dB})$ | $L_{0-9}$ (dB) | $L_{\text {max }}(\mathrm{dB})$ |
| North Property Line | 300 / 350 | 48 | 53 | 55 | 60 |
| South Property Line | 475 / 500 | 46 | 49 | 52 | 56 |
| West Property Line | $80 / 120$ | 58 | 65 | 6 | 72 |
| East Property Line | $50 / 100$ | 80 | 69 | 68 | 76 |
| Community Noise Standards: |  | 55 | 70 | 55 | 70 |
| R1 | 320/380 | 48 | 53 | 64 | 60 |
| R2 | $330 / 380$ | 48 | 53 | 34 | 60 |
| R3 | 430/500 | 46 | 50 | 52 | 57 |
| R4 | 260/280 | 51 | 55 | 57. | 62 |
| R5 | 420/450 | 47 | 51 | 53 | 58 |
| R6 | 180/220 | ${ }_{59}$ | 58 | 69 | 55 |
| Rural Noles Standards: |  | 50 | 60 | 50 | 60 |

## Second Acoustic Study (10 Electric Cars)

| PreditReceptor |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
|  | Table 2 <br> ted Remote Control Car Noise Levels During Race Events at Nearest Receptors |  |  |  |
|  | Distance ${ }^{\text {b }}$ (Lmax/Leq) | Shielding (dB) | $\mathrm{L}_{09}$ (dB) | $L_{\text {max }}(\mathrm{dB})$ |
| R-1 | 320/380 | -5 | 43 | 51 |
| R-2 | $330 / 380$ | -5 | 43 | 51 |
| R-3 | $430 / 500$ | -5 | 41 | 48 |
| R-4 | 260/280 | -5 | 46 | 53 |
| R-5 | $420 / 450$ | 0 | 47 | 54 |
| R-6 | 180/220 | -5 | 48 | 56 |
| El Dorado County Rural Noise Standards: |  |  | 50 | 60 |

# This might make sense if extrapolating to 10 cars in the first study overstated the noise, but... 

## it understated the noise.

## Simply adding 5 db was not enough.

## Leq $=61+5$ 66 vs 69

## First Acoustic Study

## Table 1

Summary of Remote Control Car Noise Level Measurement Resulte
Rescue, Callformla (El Dorado County) - Aprll $46^{\text {th }}, 2012$

| Measurement Site - Description | Electric |  | Gas |  |
| :---: | :---: | :---: | :---: | :---: |
|  | Loq (dB) | $L_{\text {max }}(\mathrm{dB})$ | Leq (dB) | $L_{\text {max }}$ (dB) |
| 1 - Center of track (20 feet from car passbys) | 61 | 66 | 77 | 83 |
| 2-100 feet south of track | 55 | 88 | 61 | 65 |
| 3-200 feet south of track | -* | -' | 52 | 58 |
| 4 - Green Valley Road (450 feel northwest) | -* | 42 | -** | 50 |
| Notes: Ploast see the measurement locations in Figare 1. |  |  |  |  |
| *No measurements ware laken at Site 3 for the alectric cer. |  |  |  |  |
|  traffic on Green Valigy Roed. |  |  |  |  |

## Second Acoustic Study

## Table 1

Summary of Electric Remote Control Car Nolse Level Measurement Results
Rescue, Califomia (El Dorado County) - April 6 ${ }^{\text {th }}, 2013$

| Measurement Site - Desscription | $\mathbf{L}_{0 q}$ (dB) | Lmax (dB) |
| :--- | :---: | :---: | :---: |
| 1 - Center of track (20 feet from car passbys - unshieided view) | 69 | 73 |
| $2-\$ 00$ feet west of track (elevated \& unshielded view of track) | 63 | 66 |
| $3-100$ feet south of track (complelely shielded view of track) | 50 | 55 |
| $4-250$ feet southeast of track (partialiy shielded view of track) | 43 | 51 |
| Notes: Please see the measurement locations in Flgure I. |  |  |

## So how did the noise at the residences get quieter?

## The Assumptions Changed

- New Assumptions
- Cars would run only 30 minutes of every hour
- Changed Shielding Approach
- Existing Assumptions
- Cars do not produce "recurring impulsive noises"
- Number of Cars and Vehicle Scale
- Point Sources vs. Linear or Area Sources
- Landscape doesn't contribute

픔

- Public Address System

Assuming the cars are operational only $50 \%$ of an hour

- 3 db was subtracted from the measurements
- This is very very untikely to happen during race days
- In the past, it seemed that a primary use of the PA system was to make racers aware of the next race so they could be "on deck".
- When the applicants were asked if Sundays might be free of noise, they indicated, prior to this decision, that they needed two days to complete all of the race brackets.
- If the races grow large enough such that two tracks could be running concurrently, each track would be idle 45 minutes of every hour.
- This is completely unenforceable during practices

Is 3 db very much?


## The Assumptions Changed

- New Assumptions
- Cars would run only 30 minutes of every hour
- Changed Shielding Approach
- Existing Assumptions
- Cars do not produce "recurring impulsive noises"
- Number of Cars and Vehicle Scale
- Point Sources vs. Linear or Area Sources
- Landscape doesn't contribute
- Public Address System

| Receptor ${ }^{\text {a }}$ | Distance ${ }^{\text {b }}$ (Lmax/Leq) | Electric |  | Gas |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | $L_{\text {eq }}(\mathrm{dB})$ | $L_{\text {max }}(\mathrm{dB})$ | Leq (dB) | $L_{\max }(\mathrm{dB})$ |
| North Property Line | 300/350 | 49 | 53 | 55 | 60 |
| South Property Line | 475/500 | 46 | 49 | 52 | 56 |
| West Property Line | 80/120 | 58 | 65 | 64 | 72 |
| East Property Line | 50/100 | 80 | 69 | 66 | 78 |
| Community Noise Standards: |  | 55 | 70 | 55 | 70 |
| R1 | 320/380 | 48 | 53 | 64 | 60 |
| R2 | 330/380 | 48 | 53 | 64 | 60 |
| R3 | 430/500 | 46 | 50 | 52 | 57 |
| R4 | $260 / 280$ | 51 | 55 | 67 | 62 |
| R5 | $420 / 450$ | 47 | 51 | 63 | 58 |
| R6 | 180/220 | ${ }^{83}$ | 58 | 69 | 65 |
| Rural Moles Standards: |  | 50 | 60 | 50 | 60 |

## Second Acoustic Study (10 Electric Cars)

| Table 2 |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| Predicted Remote Control Car Noise Levels During Race Events at Nearest Receptors |  |  |  |  |
| Receptor ${ }^{\text {a }}$ | Distance ${ }^{\text {b }}$ (Lmax/Leq) | Shielding (dB) | Leq ( $4 B$ ) | $L_{\text {max }}$ (dB) |
| R-1 | 320 /380 | -5 | 43 | 51 |
| R-2 | $330 / 380$ | -5 | 43 | 51 |
| R-3 | $430 / 500$ | -5 | 41 | 48 |
| R-4 | $260 / 280$ | -5 | 46 | 53 |
| R-5 | 420/450 | 0 | 47 | 54 |
| R-6 | 180/220 | -5 | 48 | 56 |
| El Dorado County Rural Nolse Standards: |  |  | 50 | 60 |


4.16 To be effective, a barrier must block the "line of sight botwoon the highest point of a nofse source and the highest part of a receiver.

## Freeway Sound Walls provide (WSDOT):

- 3-5 db typical noise reduction
. 7 db should be shown at one location
- The height of the wall is adjusted to achieve this


## WSDOT:

Q. Why not plant trees instead of putting up a wall?
A. Trees provide a visual shield and some psychological benefit, but are not nearly as effective at reducing noise levels as a solid barrier. It would take at least 100 feet of dense vegetation to provide the same acoustical benefit as our smallest feasible noise wall.


With both new assumptions we have effectively raised the speed limit 5 db


## SPEED LIMIT



## The Assumptions Changed

- New Assumptions
- Cars would run only 30 minutes of every hour
- Changed Shielding Approach


Existing Assumptions

- Cars do not produce "recurring impulsive noises"
- Number of Cars and Vehicle Scale
- Point Sources vs. Linear or Area Sources
- Landscape doesn't contribute

푬

- Public Address System

| TABLE 6 <br> SOINE LEVEL MERFORHAVEE PROTECTHON STAWDARDS FGR NOISE SENSITIVI I VD ISES AFFECTEG DY NOXTRAVSPORTAIION' SOLRCES |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Nekue Level Descriptor | $\begin{gathered} \text { Dayliar } \\ 7 \mathrm{mem} .{ }^{7 \mathrm{pm}} \mathrm{~m} \\ \hline \end{gathered}$ |  |  |  | $\begin{aligned} & \text { Vight } \\ & 10 \mathrm{pm} \text {. } 7_{\text {am }} \end{aligned}$ |  |
|  | Commmeiry | Rumal | Coummuity | Sual | Comumunity | Etual |
| Hourly L_ 4 d | 54 | 50 | 50 | 45 | 45 | 40 |
| Meximam level. 4 崖 | 70 | *) | 60 | 55 | 55 | 50 |
| Nintes: <br>  primatily of speech of mumic. or forit <br> These noise level standerds do not apply ha <br>  <br>  deiermination of existing low andinet noise levels is the sicinity of folvect sile. <br>  property. In Reant Avas the exterior nusee level standucheni Boupplied at a point 100 away from the <br>  <br>  <br>  <br>  <br>  <br>  <br>  regnlatioss. Non-traneportatiou noisa souves may indhde industrial operations, outhoer recressine aciltien HVAC inits, schools, herpitals, coenmarcial lund mes. other outioor land the, ite. |  |  |  |  |  |  |

"Impulsive Noise" means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay. (Stanislaus County)

Each of the noise levels specified above should be lowered by five d8 for simple tone noises, noises consisting primarily of speech or music, or for
 to be prartinatarly anscying and lire a primary souree of nolbe complainta.

POLICY N-5 NTRUSIVE AND INTERMITTENT NOISE SOURCES
Dbjective. Peotect community residents from the effects of excesive, intrisive. and intermittent noise Set standards for intrusive and intormittent noisa sources for both daykime and nigtitime periods intristive nolise sources tave a qualtative aspect that can be annoying. These sourcen rmy contain a torial component which Is absert from the exasting general background noise. They may also be chythmic, reoccurring or impultive in nature, or compriand mainly of music or speech Intrusive nolse can resuls in anncyance or interference with slecp. These types of noise sources cin intlode, but are not limited to, industrial prosesses, woming homs, bechup alarms, and pressure releate devices

## The Assumptions Changed

- New Assumptions
- Cars would run only 30 minutes of every hour
- Changed Shielding Approach
- Existing Assumptions
- Cars do not produce "recurring impulsive noises"
- Number of Cars and Vehicle Scale
- Point Sources vs. Linear or Area Sources
- Landscape doesn't contribute
g
- Public Address System


The Acoustic study was performed primarily with $1 / 10$ scale cars, but 1/8 scale cars will be racing together. The reference measurements are therefore low.

The Acoustic Study is based on 10 cars, but the project report leaves it unlimited for races and 20 for practices.
d. Maximum of 20 users at any given time, except during racing events.

Additionally, the allowed scale of cars is not specified.

## The Assumptions Changed

- New Assumptions
- Cars would run only 30 minutes of every hour
- Changed Shielding Approach
- Existing Assumptions
- Cars do not produce "recurring impulsive noises"
- Number of Cars and Vehicle Scale
- Point Sources vs. Linear or Area Sources
- Landscape doesn't contribute 픔
- Public Address System

Point Sources Attenuate at 6 db

- An exhaust pipe
- Generator


Linear Sources Attenuate at 3 db

- Road with heavy traffic
- Linear Speakers



## The Assumptions Changed

- New Assumptions
- Cars would run only 30 minutes of every hour
- Changed Shielding Approach
- Existing Assumptions
- Cars do not produce "recurring impulsive noises"
- Number of Cars and Vehicle Scale
- Point Sources vs. Linear or Area Sources
- Landscape doesn't contribute

居

- Public Address System


## Public Address System

- Significant Annoyance in the past


## - Volume set above the noise of the cars.

LABLE 62
SOISE LEYEL PIRFORMANCE PROTECHOX STANDARDS FOR NOHS SENSTTIE I AVD

| Nolse Ievel Description | $\begin{gathered} \text { Daytase } \\ 7 \mathrm{am}-7_{\mathrm{p}-\mathrm{m}} . \end{gathered}$ |  | $\begin{gathered} \text { Evruing } \\ 7 \text { pan- } 10_{\text {pan }} \end{gathered}$ |  | $\begin{gathered} \text { Night } \\ 10 \text { p.an. }-7 \text { a.m. } \end{gathered}$ |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Commmaty | Ranal | Comammiry | Panat | Commumity | Ramal |
| Hourly Lerdis | 55 | 50 | 50 | 45 | 45 | $4{ }^{4}$ |
| Strximma level. 4 B | 70 | 60 | 60 | 55 | 55 | 50 |

## Noterel




 determination of existias low amh well notse levels in the vicinis) poject site
 property, In Rimal Arsas the ecterior noise level stang 人 hall be applied at a point 100 anary finco tha

 bompling a $:$ a racoodel neive sasmonut birs?







## Noise Constancy

Reduced Operating Days and Hours

- Retained Prime-Time
- No Reprieve
- In order to keep the schedule simple
- Operational every weekend
- Largest Races likely on Holiday weekends
- Offered to Cooperate with Neighbors
- Weddings/Religious Services, etc.

Difficult to Enforce Access Rules

- The Gate is Open Thursday - Sunday
- Especially Summer Evenings at 7:00 pm



## Noise Constancy

Reduced Operating Days and Hours

- Retained Prime-Time
- No Reprieve
- In order to keep the schedule simple
- Operational every weekend
- Largest Races tikely on Holiday weekends
- Offered to Cooperate with Neighbors
- Weddings/Religious Services, etc.


## Difficult to Enforce Access Rules

- The Gate is Open Thursday - Sunday
- Especially Summer Evenings at 7:00 pm


## Summary

Noise Volume Mitigation

- If any One of the Assumptions Proves Incorrect
- Is 50\% running time believable?
- Are the Trees now Providing 70\% Energy Shielding?
- Is the constant Acceleration and Deceleration of the Engines not "Recurring and Impulsive noise"?
- Was the Reference Measurement valid with $80 \%$ of the cars being $1 / 10$ th Scale or less?
- Is the PA System not used "Primarily for Speech"?


## Noise Constancy Mitigation

If its quiet in the neighborhood and no one is around to hear it, was it
quiet?

# Re: Hearing today 

## 13 APR 30 PM 1:41 <br> RECEIVED <br> PLANNING DEPARTMENT <br> Fri, Apr 26, 2013 at 5:06 PM

Rich Stewart [rich.stewart@edcgov.us](mailto:rich.stewart@edcgov.us)
To: Dave Palm [dave@palmaccounting.com](mailto:dave@palmaccounting.com)
Cc: Tom Heflin [tom.heflin@edcgov.us](mailto:tom.heflin@edcgov.us), Walter Mathews [walter.mathews@edcgov.us](mailto:walter.mathews@edcgov.us), dave.pratt@edcgov.us, brian.shinault@edcgov.us, Aaron Mount [aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us), Peter Maurer [peter.maurer@edcgov.us](mailto:peter.maurer@edcgov.us), seth griffin [sethlgrifin@yahoo.com](mailto:sethlgrifin@yahoo.com)

## Dear Mr. Palm:

First of all, there appears to be consensus that the zoning for the Community Center was inappropriately assigned many years ago and that it should be "Recreational Facilities" (RF) as that is how it has been used for over 60 years. To state that the requested use is prohibited is misleading as the purpose of requiring a Special Use Permit (SUP) is to allow the County to place conditions on all but a very narrow list of permitted uses by right. In this case, only farm animals and crops, incidental structures, wells, site excavation, and underground utilities are permitted uses by right in an RF zone. For RF zones, ball fields, playgrounds, and swimming pools are allowed without an SUP after obtaining approval of a complete site plan. These activities can all generate constant noise and it could be said that RC racing is a similar activity and fits in with these types of uses. In fact, the proponents could have asked for a zone change and then argued that RC racing is a similar use under Item L of 17.48 .050 and skip the SUP process entirely, but they and the County have taken a conservative approach and did not.
17.48.050 L. Other such similar uses and accessory structures as determined by the planning director following the general guidelines that all uses allowed by right shall be for day use only and will not be operated after dark or require lighting and that they will be of such a design and nature that not more than fifty people will be accommodated by the facility at any one time

I feel the Planning Commission is being extremely protective of the surrounding areas and very conservative in its approach to setting conditions in the SUP. You need to remember that the subject parcel is in a Rural Center and that the land owner and the Rescue community at large have rights that need to be protected as well.

As far as my statement at the Planning Commission hearing, please let me clarify. I did not intend to say (and don't know that I did say) that RC racing specifically should have been anticipated by purchasers of property near the Rescue Community Center, but that outdoor recreational activities that create noise are a reasonable expectation for such a facility -RC racing is just one of many possible such activities. The expectation of zero noise adjacent to a community center that has existed for over 60 years is not reasonable.

If technology had not advanced over the last few decades to allow RC cars to be affordable and horse ownership was not so expensive, you could have horse events every weekend with a PA system used on a frequent basis, as your research probably shows. The Commission is considering restricting use of the PA system to only a couple of times per year-far less that what would occur if horse events were more popular or affordable. The limited use of a PA system would be a significant reduction in audible noise compared to what you could have otherwise had with use as a horse arena.

I am disappointed that you were not willing to let the proponents measure the sound levels at your house while conducting the 10 car test. As Commissioner Mathews stated, he probably would not have allowed them to take measurements either because the results might show very low noise levels. My preference would be to come to your home when the proponents are running 10 cars on the track and observe for myself what it sounds like. That would be a far better assessment than using noise measurement and engineering calculations to assess the effect of the noise at your home and then compare it to the County standards. It is possible that even if the noise meets County standards, it could be observed as a nuisance. And, just as possible, even if the noise doesn't meet County standards, it may not be observed as a nuisance. Without observation, all I can relate to is that a noise level at around 50 dB is comparable to that that exists in the "average home".

| dB | Example |
| :--- | :--- |
| 60 | Conversational speech at 1 meter |
| 50 | Average Home |
| 40 | Quiet Library |

If you are willing, and the proponents can arrange such a demonstration, please let me know. I will continue to do my best to make a fair assessment of what is reasonable for this site and at the same time be protective of the rights for all individuals and property owners concerned.

Rich Stewart
Planning Commissioner

On Thu, Apr 25, 2013 at 2:26 PM, Dave Palm [dave@palmaccounting.com](mailto:dave@palmaccounting.com) wrote:
Dear Rich,
Thank you for your time this morning at the Planning Commission Hearing.
I am a bit troubled by your closing statement just prior to adjournment that neighbors who purchased their homes near the community center should have known that RC racing activity should have been expected at this site. When we purchased our home here in 1993 there was a horse arena on the community center site but not a racetrack, we did research what type of events went on at the center, and RC Racing was not one of them. That we are now going through this special use permit process is also indicative that RC racing is not something that is usual, customary and could have been an expected activity at the community center. I honestly do not think it is fair to the neighbor's, myself included, to suggest that we should have seen this coming when we purchased our property when existing zoning of the community center parcel clearly prohibits the RC racetrack ( planning staff letter to Rescue Community Center dated July 18, 2011).

Thank you.
Dave Palm

## David A. Palm, CPA

Palm Accountancy, Inc. Certified Public Accountants
3108 Ponte Morino Drive, Suite 140
Cameron Park, California 95682
(530) 677-3618 ~ (530) 677-3619 Fax
www.palmaccounting.com

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## Dave Palm [dave@palmaccounting.com](mailto:dave@palmaccounting.com)

Mon, Apr 29, 2013 at 8:39 AM

## To: Rich Stewart [rich.stewart@edcgov.us](mailto:rich.stewart@edcgov.us)

Cc: Tom Heflin [tom.heflin@edcgov.us](mailto:tom.heflin@edcgov.us), Walter Mathews [walter.mathews@edcgov.us](mailto:walter.mathews@edcgov.us), dave.pratt@edcgov.us, brian.shinault@edcgov.us, Aaron Mount [aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us), Peter Maurer [peter.maurer@edcgov.us](mailto:peter.maurer@edcgov.us), seth griffin [sethlgrifin@yahoo.com](mailto:sethlgrifin@yahoo.com)

## Dear Commissioner Stewart,

Thank you for your prompt reply to my email. I do appreciate that you are striving to protect the rights of all involved in this
matter.
If and when racing begins we will be conducting unannounced sound tests during the trial period when "real" racing resumes. I am confident that those sound measurements will clearly show the racing noise from the electric cars are well in excess of the applicable county noise standards. If we get to that point, I will be more than happy to invite you up to our home so you can hear the "real" racing noise.

As an aside, we have lived here in Shingle Springs since 1993, my wife Rachelle was the treasurer of the Rescue Horseman's Association, was actively involved in the club and the events at the arena, and we both attended many of their events. The horse arena events were at most twice a month, and their P A system was very quiet. A couple of times they did have to turn up the volume on their P A system so it could be heard over the RC racetrack that was running a concurrent event. I know it is not going to happen, but we would gladly trade the RC racetrack for the good old days of the horse arena.

Regards.
Dave Palm

## David A. Palm, CPA

Palm Accountancy, Inc.
Certified Public Accountants
3108 Ponte Morino Drive, Suite 140
Cameron Park, California 95682
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www.palmaccounting.com

From: Rich Stewart [mailto:rich.stewart@edcgov.us]
Sent: Friday, April 26, 2013 5:07 PM
To: Dave Palm
Cc: Tom Heflin; Walter Mathews; dave.pratt@edcgov.us; brian.shinault@edcgov.us; Aaron Mount; Peter Maurer; seth griffin
Subject: Re: Hearing today
[Quoted text hidden]

# |3 JUN || AM 9:41 RECEIVED planning department 

June 10, 2013
County of El Dorado
Planning Commission
Building C llearing Room
2850 Fairlane Court, Placerville, CA 95667

Regarding: The Rescue Community Center Special Use Permit Application

## Dear Commissioners,

In consultation with The Acoustics \& Vibration Group, Inc. principal engineer, Steve Pettyjohn, I have learned that several troubling issues exist with the currently submitted Environmental Noise Assessments. They include, but are not limited to, inconsistencies with the sampled data and the 6 db fall off assumptions used throughout the assessments. selection of the oval track as the only sampling location and the specific locations of the receptors during testing. I anticipate that a thorough environmental noise impact study will be required.

Sincerely yours,


Val G. Cook

# Mlountain \$emperrat 

## Disclosing neighborhood nuisances

By Ken Calhoon


Ken Calhoon

From page HS3 I 1 Comment
A few years back I was the listing agent on a nice house on acreage in Camino. I never met the buyers, who were represented by another agent, but about a year after closing I received a call from their attorney who demanded a significant amount of money from me for my failure to disclosure to the buyers that a bear
lived in the nearby woods.
As it tumed out, nobody in the neighborhood bad seen a bear and no one had experienced any property damage with the exception of a few dinged up trash cans. Still, the buyer believed I should have warned him that a bear be considered a neighborbood nuisance lived in the area. The buyer's attorney demanded that I pay to have his entire six acres fenced with bear-proof fencing or face the consequences of a protracted and expensive lawsuit.

I felt the law was on my side of this issue. After all, I didn't represent the buyer, the seller had never mentioned any bear issue and I had never observed one roaming around the neighbortood. For a Bay Area transplant to accuse me of concealing a pertinent fact that would have affected his decision to buy the home I considered ridiculous. If agents are required to disclose the existence of bears in nearby woods, shouldn't other mammals, insects and reptiles be included. I was eager to present my side of the story and imagined myself as the great orator and attorney Clarence Darrow, skillfully leading a jury to a conclusion in my favor.

An unfortunate aspect of our judicial system, however, is that it's very costly to get your day in court and tell your side of the story. We settled the issue and today my standard property disclosure waras prospective buyers not only about bears living in nural El Dorado County but other critters that may be considered a neighborhood nuisance.

California real estate law requires sellers and their agents to make a written disclosure, called a Real Estate Transfer Disclosure Statement, to buyers regarding the condition of their property. That form is the basis of all other disclosures and asks the seller if they are aware of any "significant defects/malfunctions in any fixtures and features of the home." The form further questions the seller as to their knowledge of other conditions that may affect the value of the property such as "zoning and building code violations,

## Recent Posts

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flooding/drainage issues; CC\&Rs and deed restrictions and $\}$ neigh borhood noise or other nuisances."

Often sellers and their agents dismiss the statutory TDS as yet another frivolous disclosure. In fact, the law requires preparation of the TDS with "honesty and in good faith" where the seller sets forth any property defects "known or suspected" which may "negatively affect" the value or desirability of the property. The theory here is that sellers know their home's imperfections and buyers should have that information in order for them to make an informed decision before they enter into a purchase contract.

When completing the TDS, most sellers are pretty conscientious about pointing out this or that in their bome that doesn't work. What they miss the whole house or pest inspector will usually find. But when it comes to the question about neighborhood noise or nuisances, they usually check "no" and move on to the next question.

The California Civil Code 3479 defines a nuisance as "Anything which is injurious to bealth ... or offensive to the senses or an obstruction to the free use of the property, so as to interfere with the comfortable enjoyment of life or the property." As written, the law is subject to broad interpretation.

The sight of roaming deer and turkey in a neighborhood could be enjoyment to the naturalist but a pest to the gardener. The sound of a jazz band playing at a local winery may be enjoyed by some and an initant to others. Folks who live in Cameron Park don't consider their airport a nuisance but newcomers to the area could.

The California Appellate court in Alexandar v. McKnight found for the plaintiff who claimed late night basketball games and parking too many cars on the property constituted a nuisance. Since it had a negative effect on the market value of the property it should have been disclosed on the TDS.

Every neighborhood has a few nuisances: The rock band that practices in the garage down the street, the guy with the leaf blower early Sunday morning and the skateboarders intimidating the pedestrians. Most nuisances are sporadic, transitory and often unintentional. They become issues that need to be disclosed, however, when they are persistent and diminish our enjoyment of the property as well as decrease its value.

Buyers should be suspicious when no mention is made of neighborhood noise or nuisances on the TDS. They should perform their own investigation. One way is by visiting with the neighbors and asking some pointed questions about the neighborhood. Another is driving around the neigbborhood at different times during the day and evening. But despite these efforts, a neighborhood nuisance is frequently beyond the capability of a buyer to discover. Therefore, buyers have the right to rely on the sellers disclosures.

When in doubt about what constitutes a neighborhood nuisance, sellers should over-disclose rather than underdisclose. Not every buyer may enjoy the sight of those deer and turkey gracefully browsing their neighborhood.

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