

FROM THE PLANNING COMMISSION MINUTES OF APRIL 25, 2013

8. 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)* *[continued from 3/28/13 meeting]*

Aaron Mount summarized the project and stated that previous discussion with the Commission indicated that the 4 main issues were: noise, dust, hours, and enforcement. He distributed a Staff Memo dated April 25, 2013 to the Commission and summarized the contents in the various Staff Memos that were previously submitted.

Seth Griffin/applicant's agent conducted a PowerPoint presentation on the summary of changes, history, meetings held, concessions made, and fencing, and made the following comments which included responses to the Commission's inquiries:

- Had meetings with neighbors and the meetings were very challenging and not a lot of progress was made; and
- Neighbors were notified of new noise study and offered to measure noise at Dave Palm's residence, which he declined.

Paul Bollard, Bollard Acousticals, summarized the analysis on the 2 site visits he conducted and answered inquiries by the Commission on the new noise study, noise barriers, ambient noise, and the County Ordinance. He did voice concern on the PA system as it is a highly variable source of noise.

Tim Closner, President of Rescue Community Center, was available for questions.

Val Cook, resident, conducted a PowerPoint presentation that centered on the noise issue and stated that the RC track was a good thing but didn't belong in this particular area.

Steve Oliver, Boy Scout Troop Leader-#700, stated that the Rescue Community Center supports their troop.

Gerald Shaw, Boy Scout, said his troop uses the Community Center every Wednesday for free and without funding the Center would have to charge them for usage, which would not allow them to use their funds elsewhere.

Eric Watts, Boy Scout, stated that their annual troop fees were lowered due to the free use of the Community Center and they were able to donate over 700 hours of community service last year.

Cheryl Lee, Rescue resident, made the following comments:

- Has friends on both sides of this issue;
- Shamed the person that stated that they didn't want the RC track;
- Since so much emphasis is on noise, the focus should be more on banning motorcycles in El Dorado County;
- There is a place for this good, clean, family sport; and
- Need to compromise.

Laurel Brent-Bumb, El Dorado County Chamber of Commerce, made the following comments:

- Rescue Community Center is serving a very small community and many organizations would be homeless if there was no center;
- This is a clean, family activity that would be a solution for the Center;
- 5% of overnight stays for these events would generate lots of money for the County; and
- Supports the project.

Dave Palm, resident, made the following comments:

- Has lived southeast of the Rescue Community Center since 1993 and they work in the community;
- RC track in a rural neighborhood is not a proper fit;
- Felt there was some creativeness used in the noise study in order to get the noise to be below County standards;
- There is no cost effective way to mitigate the noise;
- Special Use Permit is an expansion of a non-conforming use;
- Home values would be affected by this project as it would be more difficult to sell the homes as the nearby RC track would need to be disclosed to potential buyers;
- Neighbors are opposed to this project because of the noise issue;
- There are other RC tracks to go to, but this is their only home;
- Letters of support appear to be from individuals who do not live close to the RC track;
- Declined the applicant's offer to have the noise measured at his house since it is supposed to be measured at the boundary line, and, in addition, he is a CPA and that was the last Saturday before the tax deadline; and
- At one of the applicant/neighbors meetings, monetary contribution to not have the RC track was discussed but not agreed upon by the Community Center.

Cliff Duvall, lives across the road, provided the following comments:

- This is a popular event;
- Unfortunately, this project is dividing the community;
- Proposed hours of operation are more like a job than for a hobby sport;
- Noise study tested 1/8th and 1/10th cars, but 1/5th cars can also be raced at the track and they will be noisier, which will cause the PA system to have to be louder;

- Green Valley Road is a 2-lane road and there is no safety zone and traffic will be increased during race events;
- Inquired if there had been any engineering analysis done on traffic entrance/exit of the driveway;
- There has not been a lot of effort from the applicant to have open communication discussions on the project;
- Project is too big;
- People want it because it is financially rewarding;
- This is a Special Use Permit and the event could increase over the years; and
- This will attract large groups as the applicant is anticipating at least 100 people now and it could grow.

Jeff Witt, Rescue resident, distributed a petition and a list of alternate areas to race in the area and provided the following comments:

- Doesn't want to come home to constant noise;
- Acknowledged that he has enjoyed not having the buzzing noise since the RC track has been closed;
- If this is passed, asked that they consider what could happen in the future; Will this increase; Will the applicants come back asking for more;
- Has had to change his lifestyle at home due to the noise;
- This is a very sad issue for the community; and
- Project is not in the right location.

Mike Hughes, resident, made the following comments:

- Bought his property and built his home there due to the quiet of the community;
- Lives across the road, but still could hear the PA system in the past; and
- Commission needs to factor in the peace and quiet of the area.

Halley Miller, Vice-President of the Rescue Community Center, made the following comments:

- Dave Palm is opposed to anything;
- Opponents are not part of the community since they talk about selling their homes;
- Center needs revenue from this project in order to continue operating; and
- Fundraisers take a lot of work.

Mr. Griffin provided the following rebuttal statements and responses to the Commission's inquiries:

- In regards to the question on the scale of cars, they would apply the same noise standards on all sizes;
- Does not know how much louder a 1/5th car would be compared to the 1/8th and 1/10th cars that were used for the noise study;
- Transportation did a traffic report;
- Doesn't know how many parking spaces they have;
- Center has a low income in rentals and they are very much in the red;

- Asked for a show of hands from audience members of who was in support of the project since they didn't speak;
- Plan to have neighbors notify them of non-compliance;
- Can't have someone there all day when track is open as they can't pay and they are a non-profit;
- Posted rules and enforcement should work and they are not proposing to lock/unlock the gates every day from Thursday-Sunday;
- Targeted age group is 20-30 year olds as this is an adult sport; and
- If races were to occur this year, it wouldn't be until near the end of the season due to the required improvements prior to the issuance of the Special Use Permit.

Chair Pratt closed public comment.

Commissioner Heflin made the following comments:

- Questioned having gates left unlocked and unsupervised for 24 hours a day, for 4 days;
- Gates need to be unlocked and locked each day;
- Supervision is needed for the number of cars practicing;
- Center is making the neighbors reactive to the problems;
- Unauthorized use has been a problem and the current posted signs are not working;
- Stated for the record that he had a question on traffic threshold, but there was no Transportation staff present;
- Has a problem with the RC track being open every weekend as it is an imposition;
- The two 3-day events would probably be the holiday weekends (Labor Day and Memorial weekend);
- The season is occurring during summer outdoor time;
- Every weekend is too much and it affects the quality of life;
- Safety and security have not been addressed sufficiently;
- Questioned the proposed fence and gate locations;
- Questioned the excess parking location and need; and
- Inquired if the Center had the money to make the required improvements.

Commissioner Mathews made the following comments:

- This is going to be a challenge;
- This is a dangerous path with mine fields as it is a Special Use Permit that could be revoked if there is non-compliance;
- RC track does not belong there but has been there for 17 years;
- In order to make it fit, suggested no PA system;
- Scale of cars is self-limiting;
- Agreed that property values would be lower with this project as the RC track would qualify as a nuisance;
- Burdens the neighbors with practice and races every weekend during the best time of the year;
- Suggested RC track not be open on non-race event Sundays; and

- If finances are a concern for the required improvements, suggested returning in 2 weeks for further discussion.

Chair Pratt made the following comments:

- Inquired what was really needed to resolve the Center's financial problems since the RC track was a catalyst for financial sustainability;
- Neighbors have consistent parcel sizes, but some are in and out of the community region;
- Inquired on placing a sunset clause in the Special Use Permit;
- Trying to find a middle ground for both sides;
- Need to consider that the Special Use Permit goes with the land and there are a lot of variables right now;
- Voiced concerns on having the RC track open every weekend, PA system, and fencing; and
- Questioned why the track would be open and useable on non-race event weekends.

There was significant discussion between staff and the Commission on the feasibility of a sunset clause in the Special Use Permit and how the Courts would view that. County Counsel David Livingston recommended requiring a review period which would determine if the conditions had been met and, if not, a formal revocation hearing would then be set.

Commissioner Stewart made the following comments:

- Inquired on putting a review period in the Conditions;
- Spoke on PA system;
- Spoke on requiring coordination with the next door church, particularly if weddings and race events were the same day;
- Questioned what the consequences were if the posted rules were violated;
- Strongly stressed to the applicant that they would need to prosecute all trespassers, especially in the beginning, in order to get strict adherence to the rules; and
- Suggested having a condition requiring recordkeeping to gauge utilization since it is all speculation regarding the race events.

Commissioner Shinault made the following comments:

- Likes a temporary use or limited use (2 years max) to start with as the applicant has compromised since the last meeting and wants to give them a chance;
- Wants to see actual data instead of speculation;
- Excellent job done on the noise study; and
- Would like to see 1-2 unannounced noise studies using the neighbor's properties and not notifying the applicant.

Mr. Griffin provided the following information based on the Commission's discussion:

- Would be able to provide stats on participants and spectators on race days;
- Would agree to being conditioned to not being allowed to have the two 3-day race events on holiday weekends;

- Donation box would be at track and they are hoping that practice participants would donate money for track usage.

Chair Pratt stated that although some of the items may seem benign, they have repercussions on the Center and the neighborhood. Although these were addressed by the applicant, more information and details are needed and stated the options were to either continue the item or have the Commission start going through the conditions.

Commissioner Mathews suggested that they provide guidance to the applicant and return in 2 weeks.

Peter Maurer requested the Commission provide direction on how to craft the Conditions.

Chair Pratt provided the following direction:

- Applicant needs to determine what improvements are financially viable and the community use;
- Research neighbors' offer of monetary contributions to not have the RC track;
- Project is not ready yet;
- Staff needs to provide alternatives for review periods;
- RC track closed every other Sunday;
- Either no PA system or very limited (i.e., 2 events/year, up to 2 days); and
- In-event testing.

Commissioner Stewart strongly disagreed that the RC track doesn't belong there as the Center has been there for 60 years and they are trying to help mitigate the issues. He also felt it was not appropriate for a "pay-off" by the neighbors to not have the RC track.

There was no further discussion.

Motion: Commissioner Heflin moved, seconded by Commissioner Stewart, and carried (5-0), to continue item to the May 9, 2013, meeting.

AYES: Mathews, Shinault, Stewart, Heflin, Pratt

NOES: None

After the motion, the applicants stated that they could not attend the May 9, 2013 meeting and suggested it be continued to the May 23, 2013 meeting. Commissioner Heflin announced that he would not be available for that meeting. Chair Pratt notified the applicants that if there is not a full Commission and it was a split vote, then the recommendation to the Board of Supervisors would be denial. Applicants agreed to stay on the May 9, 2013 meeting agenda.