

**From:** [Arne Petersen](#)  
**To:** [Lazar, Steve](#); [Ford, John](#)  
**Subject:** Re: limitations of a conditional use permit  
**Date:** Wednesday, March 02, 2022 12:59:53 PM

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Mr. Lazar,

As I mentioned to Mr. Ford, without "Magic Mufflers," your findings are unsupported garbage. This makes the planning commission's decision unsupported garbage. This is by definition an Abuse of Discretion. Modification of the permit is unethical and can not be defended. If you need a Judge to explain this to you, that can be arranged. The following is from your report:

For flat track racing, unmitigated CNEL values fall into the “clearly unacceptable” range. Several potential mitigation measures are reviewed in the referenced noise study, including limiting the number of riders that participate in a race, adjusting the evening hour at which races stop, and requiring bikes to have new racing exhaust systems equipped. By adhering to one or more of these mitigation measures, the CNEL values associated with these events can be reduced to “normally unacceptable”. The largest reduction in resulting CNEL values can be accomplished by requiring all riders outfit their motorcycles with special exhaust system components designed to reduce sound. This typically involves use of resonators, fiberglass insulation, and baffles. This measure is being included as an operational restriction under the terms of the permit being requested and is reflected in Mitigation NOI-2. NOI-3 requires that all riders implement exhaust system treatments and submit to noise testing and verification before being allowed to compete in the races.

NOI-2: During flat track racing events, racers may only use motorcycles which produce no more than 90 decibels of noise when measured 20 inches from the end of the exhaust pipe. To accomplish this, motorcycles shall be equipped with exhaust systems featuring sound reduction components, including resonators/mufflers, fiberglass insulation, and baffles.

NOI-3: During flat track racing events, noise from all participating motorcycles will be tested and measured prior to allowing riders to use the track. Noise shall be measured using the current testing procedure found in the 2020 American Flat Track Association Rulebook (Appendix D). Noise from each motorcycle must be at or below 90 decibels. To best ensure all riders are able to comply with this requirement to compete, event promoters and participants shall be notified of the noise standard as early as possible in advance of the event.

NOI-7: The calculated CNEL noise value shall not exceed 63 decibels during flat track motorcycle racing events. During concerts, the calculated CNEL noise value shall not exceed 73 decibels. HCFA will monitor noise levels during concerts and racing events to ensure that event-related noise levels remain at or below the following limits. Noise will be measured from the locations used in the Noise Impact Study prepared by Whitchurch Engineering (shown below).

**1. Findings: With Mitigation, the project would have a less than significant impact on noise.**

3. New racing exhaust systems (including full exhaust piping and mufflers) have been designed to consider both power and noise limits set on race courses. There are several measures that can be taken to reduce noise from the exhaust. These include, but are not limited to repacking the exhaust, fitting a baffle, increasing the length of the muffler, installing a new

exhaust system utilizing sound reduction components (resonators, fiberglass insulation, baffles). The range of effectivity can vary from approximately 2dB – 20dB reduction per motorcycle (NIET, 2017). These mitigations can vary in cost from approximately \$9-\$600 per motorcycle. Expected reduction in CNEL of the low end and high end of mitigations are found .....Full exhaust system 62.4 db

On Wed, Mar 2, 2022 at 12:07 PM Lazar, Steve <[SLazar@co.humboldt.ca.us](mailto:SLazar@co.humboldt.ca.us)> wrote:

Mr. Petersen-

Director Ford has asked me to assist with answering questions about “permit limitations” posed in your email yesterday.

- Below is a summary of the primary “limitations” of the permit. This information is derived from the conditions of approval and approved operations plan for the project. You can find this same information by reviewing the Conditions of Approval found on pgs. 24-30 of the attached Board Approval Resolution.

#### FLAT TRACK RACING

- A maximum of two (2) motorcycle events may be held each year. Each event shall occur within the course of a single day. An additional day of racing can be allowed if all the racing on that day is by electrical motorcycles, but in no case shall the total of motorcycle racing exceed 4 days per year.
- A noise test must be performed on all motorcycles before they may be allowed to be used in a race. Noise is measured 20 inches from the end of the exhaust pipe. To be eligible for racing, noise from each bike must measure at or below 90 decibels.
- The 24-hour community noise equivalent level (CNEL) for motorcycle racing events is 63 decibels.
- Should racing be scheduled to occur on a windy day, water or other dust suppressants must be used to control the potential for dust escaping from the racetrack and fairgrounds.

#### CONCERTS

- A maximum of five (5) concerts may be held each year. Each event shall occur within the course of a single day. Concerts cannot last longer than 2 consecutive days.
- During all concert events, a dense strawbale sound wall will be installed near the rear of the stage between the concert and Arlington Avenue. The sound wall

shall be of sufficient thickness and height to insure it provides at least 20 decibels of noise attenuation.

- The 24-hour community noise equivalent level (CNEL) for concert events is 73 decibels.
- A sound engineer must be used during all concert events. The engineer is responsible for working with event staff to ensure that amplified music does not cause an exceedance of the CNEL noise limit.

#### ALL EVENTS

- All events must be over by 10pm
- Lighting must be directed towards the ground and shielded to ensure no light spillage on adjacent parcels.
- A comprehensive traffic management plan must be prepared and submitted to the Land Use Division of Public Works for review and approval.

#### MONITORING/REPORTING

- Each year by February 14<sup>th</sup>, a schedule of all events planned for that year must be provided to the Planning & Building Department.
  - For five (5) years, HCFA must submit a monitoring report showing that events have been successfully operated in conformance with all mitigation measures, operational restrictions, and conditions of project approval. The report must include a listing of all events held, with dates, start/end times, number of tickets sold/attendance, parking areas utilized, and event-specific noise measurements. Photographs must be provided documenting compliance with light spillage restrictions.
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- The permit has no expiration date, and is not appealable.

As you know, following approval of the Use Permit by the Planning Commission on September 17, 2020, a timely appeal was filed. The appeal was presented to the Board of Supervisors at their meeting on November 10, 2020. After considering the matter, the Board voted to deny the appeal and uphold the Planning Commission's approval of the permit. The Board's approval included provisions for allowing an additional day of motorcycle racing if exclusively featuring electrically powered motorcycles. There was also encouragement to provide a special all-electric race "class" during conventional moto events. Substitute mitigation measures were included in the Board resolution clarifying lighting performance standards and the allowed duration of each motorcycle event. The resolution is attached for your reference. Section 312-13.8 of County Code clarifies that any decision by the Board on an appeal is final. As Director Ford noted in his response yesterday, any decision made by the Planning Commission on the forthcoming permit modification request is eligible for appeal to the Board of Supervisors.

I hope this helps answer your questions.

**Steven Lazar**

Senior Planner

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**From:** Arne Petersen <[arwpetersen@gmail.com](mailto:arwpetersen@gmail.com)>

**Sent:** Tuesday, March 1, 2022 8:57 AM

**To:** Ford, John <[JFord@co.humboldt.ca.us](mailto:JFord@co.humboldt.ca.us)>

**Subject:** limitations of a conditional use permit

Mr. Ford,

What exactly are the limitations for the HCAF conditional use permit? What is the expiration date, appeal limitations, etc.?

-Arne R.W. Petersen