

# **EXHIBIT 1**

## **LP95-2020 Approved Permit and COAs**

CONTRA COSTA COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
APPROVED PERMIT

|            |                                                              |                       |             |
|------------|--------------------------------------------------------------|-----------------------|-------------|
| APPLICANT: | Tom Anderson<br>50 Camino Diablo Road<br>Brentwood, CA 94513 | APPLICATION NO.       | LP952020    |
| OWNER:     | Same                                                         | ASSESSOR'S PARCEL NO. | 003-020-039 |
|            |                                                              | ZONING DISTRICT:      | A-3         |
|            |                                                              | APPROVED DATE:        | 11/2/98     |
|            |                                                              | EFFECTIVE DATE:       | 11/12/98    |

This matter not having been appealed within the time prescribed by law, a LAND USE PERMIT TO CONTINUE OPERATION OF A MOTORCYCLE RACETRACK is hereby GRANTED, subject to the attached conditions.

DENNIS M. BARRY, AICP  
Community Development Director

By:   
CATHERINE KUTSURIS  
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE YEAR from the effective date if the use allowed by this permit is not established within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

CONDITIONS OF APPROVAL FOR LAND USE PERMIT 2020-95 AS APPROVED BY THE BOARD OF SUPERVISORS ON FEBRUARY 4, 1997, AS MODIFIED BY THE EAST COUNTY REGIONAL PLANNING COMMISSION ON NOVEMBER 2, 1998

1. This permit is issued for mechanical (motorcycle) recreation and related activities (motorcycle and go cart racing and practice) subject to the revised site plan submitted dated received October 21, 1996. The only vehicles allowed on this site for commercial recreation use are motorcycles and go-carts. Mini-sprint vehicles are allowed if they are motor cycle powered, chain driven only as long as the noise level standards are not exceeded. This permit will not be exercised until the following conditions of approval are met within the time specified. Furthermore, failure to comply with all of the conditions of approval in a timely manner may lead to the revocation of this permit. Any expansion or change in hours of operation, additional types of racing or other uses will require the approval of a new Land Use Permit.

The use is approved for 25 years with the applicant to initiate and fund five (5) year reviews for compliance by the Zoning Administrator in a public hearing with appropriate notice to property owners within 300 feet of site and individuals expressing interest in the project. Before the end of each 5-year review period the applicant shall submit a report detailing the steps taken to comply with the approval dictates. The first such submittal shall be made prior to November 1, 2003. This permit shall expire November 16, 2028. The applicant is responsible for costs associated with the 5-year reviews.

2. Upon reconstruction of the oval to the east-central portion of the property, notify the Community Development Department a minimum of 30 days in advance of the opening of the oval for any racing event.
3. At least 30 days prior to the initial racing event on the oval, provide documentation to the Zoning Administrator that all Health Services Department requirements have been satisfied for that use. Health Services Department requirements that pertain to the moto-cross trails use shall be satisfied by December 31, 1998 or the moto-cross trails use shall cease after that date until the requirements have been met.

Please note that failure to comply with their requirements within the time period specified may result in the revocation of this permit.

4. Within 30 days of the effective date of this (1998) modified permit, the applicant shall provide evidence to the Zoning Administrator that building permits have been obtained for all structures related to motorcycle activities (i.e., the racetrack, restroom facility, concession stand, announcement booths).
5. All activities approved by this permit shall be restricted to the existing track and motocross area as indicated on the plan submitted with the application except for minor

changes subject to Zoning Administrator review and approval.

Motorcycle activity is permitted 7 days a week but limited to the hours of 8:00 A.M. to 7:00 P.M. or sundown whichever comes first, except that the lighted racetrack may be used on Friday or Saturday nights from 7:00 P.M. to 11:00 P.M. Motorcycle racing shall be limited to Saturday and Sunday and holidays except that no racing or motorcycle activity shall be allowed on Thanksgiving or Christmas. Motorcycle activity shall be confined to the tracks.

6. Within 45 days of the effective date of this (1998) modified permit, the applicant shall submit a revised site plan drawn to scale for the review and approval of the Zoning Administrator that reflects the following:

- A. Removal of the "proposed future motorcycle use/sand quarry" label from the site plan.
- B. A clear delineation of an 8 acre parking area set up to provide space for vehicles towing trailers drawn to scale shall be submitted for the review and approval of the Zoning Administrator. Clear location of racetrack, buildings-landscaped areas, planned trees, fences, signs, entrance road and parking areas, and a clear statement of how many vehicles are to be parked on site for any event. The site plan shall delineate the location of quarry locations and reclaimed quarry areas.  
  
No motorcycle activity shall be permitted in either the quarry or reclaimed areas which shall be so stipulated on the revised site plan.
- C. Modified hours of operation to reflect the tenure of this permit.
- D. A topographic map that delineates the location of the use restriction easement held by the Contra Costa Water District.

7. Within 30 days of the effective date of this permit, complete the following:

- A. Submit a Final Landscape/Irrigation Plan addressing the following concerns or meeting the following criteria. Landscaping shall be installed within 180 days of the effective date of this permit.
  - 1) Submit a landscape/irrigation plan prepared by a licensed landscape architect, to the Community Development Department for the review and approval of the Zoning Administrator.
  - 2) Landscaping shall conform to the County Water Conservation Ordinance 82-26 and the licensed landscape architect shall certify that the plans

comply with the ordinance improvement standards and reporting requirements.

- 3) The plan shall provide a minimum 10 foot strip of grass and vegetation (bushes/trees) either around the outer rim of the entire racetrack or the northern half of the track; and a minimum 15 foot strip of grass or vegetation along the entire southern and eastern boundary of Kellogg Creek on the subject property. Refer to staff's delineation of these vegetation areas on the attached Staff Study Map dated January 16, 1996. A row of trees shall be planted and maintained adjacent to the east boundary of the Davis property to screen views of the LP952020 site as viewed from the existing residence on the Davis property. The screen should emphasize use of evergreen trees and oleander. The spacing of trees and size of trees shall be subject to review and approval of the Zoning Administrator. The SWIPP shall specify the type of vegetation that is planned, and make provision for monitoring the success of growth. The plants shall be hardy, drought tolerant, and effective for the purposes of trapping sediment, heavy metals and other contaminants (e.g. petroleum products).

B. Provide Security in the Event of Landscape Failure

- 1) The landscaping/irrigation plan shall be accompanied by a cost estimate from the landscape architect to include the materials and labor for the proposed landscape improvements. These landscape improvements shall be designed to minimize landscape maintenance costs; and
- 2) The applicant shall (a) enter into a landscape improvement agreement and (b) either post a cash performance bond or cash deposit with the County. This agreement and security shall ensure the replacement of landscaping/irrigation in the event that the approved landscaping/irrigation fails within 24 months following installation.

C. Prior to the exercising of an approved land use permit for a motorcycle racetrack, including issuance of any ministerial permits, the landscape architect shall make an on-site inspection of the landscape/irrigation improvements and submit a written report to the Zoning Administrator that cover the following:

- 1) Acceptance of Landscape Improvements:
  - a. Certifies the completion of the landscape/irrigation plan including consideration of plant species, size and location; and

b. Requests the Zoning Administrator to accept the landscape/irrigation improvements.

D. The property owner shall maintain the approved landscaping in good condition at all times.

8. Ambulance service, first aid, and fire fighting equipment shall be provided at all races.
9. Exterior lights for the racetrack shall be deflected so that lights shine onto the applicant's property and not toward adjacent properties.
10. All signs shall be subject to the review and approval of the County Zoning Administrator prior to installation. The existing sign at the site's entrance is acceptable except that the hours of operation shall be clearly shown on the sign.
11. The off-street parking area shall be periodically sprayed with water to prevent the creation of dust. This shall be done on a weekly basis.

On those days when there are 25 or more people present at on time on the site to either run or observe recreational vehicles, the applicant will apply water as necessary to avoid fugitive dust impacts on nearby properties. The application of water will include motorcycle and go-cart track area, parking lot and driveways.

12. The application is subject to an initial application fee of \$2,700.00 which was paid with the application submittal, plus time and material costs if the application review expenses exceed 120% of the initial fee. Any additional fee due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first; or other arrangement for payment of fees agreed to by County staff. The fees include costs through permit issuance plus 5 working days for file preparation. You may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.
13. The regulations submitted with the application #341-73 for the operation of the recreation facilities shall be enforced by the applicant and made part of this permit as follows:
  - A. All riders to wear helmets and boots.
  - B. Posted speed limits to be obeyed.
  - C. Smoking allowed only in designated areas or parking lots.

- D. All vehicles to display current day's admission sticker.
  - E. All persons under the age of 18 to have a signed release from a parent or guardian.
  - F. All vehicles to leave ground by closing time.
  - G. All trash to be put in receptacles, including all trash and debris around the perimeter of the park resulting from the use.
  - H. All children under the age of 12 to be accompanied by an adult at all times.
  - I. No open fires.
  - J. No wheel stands, spinning donuts, or racing in parking lots.
  - K. No riding on graded or filled banks around parking lots or main roads.
  - L. Anyone behaving in a manner dangerous to other persons or property will be asked to leave and not come back.
  - M. No riding in or near Kellogg Creek.
  - N. All Motorcycles shall have spark arrestors and silencers.
14. The applicant shall allow the Contra Costa Water District access to survey the boundaries of the District's easement on the applicant's property. Moreover, the District may post signs on the property to advise motorcycle operators of the use restrictions that apply to the area within the District's easement under the terms of the easement or this use permit. The location, content and design of the signs shall be subject to the prior review and approval of the Zoning Administrator following opportunity for comment by the applicant.
15. Prior to this permit being exercised, the applicant will make a cash deposit with the County of \$250. The County will place these funds in a special account for this project. The County may expend these funds to cover staff time and material costs in responding to neighborhood complaints and investigation of this operation for non-compliance with this permit and the ordinance code. If at any time, the residual amount in the accounts falls below \$50, then County staff will inform the applicant and request payment of an additional \$250, or additional payment on additional expended staff costs not to exceed \$2,000. Said payment will be delivered by the applicant to the Community Development Department within 30-days of the date of the letter.

16. Musical concerts including dances are prohibited. Any proposal to allow a musical concert shall be considered with a new land use permit application to modify this permit.
17. Submit a noise impact study performed by a qualified acoustical engineer. The study should be based on noise levels generated by the first scheduled racing event on the oval. The study shall measure noise levels along the east boundary of the Davis property (Parcel #003-020-033). If noise levels exceed the land use compatibility standards prescribed by the Noise Element, mitigation measures shall be provided to reduce the sound levels to within appropriate levels at the Davis property line. The report is subject to review and approval of the Zoning Administrator, and the applicant is responsible for the cost of any technical review given to the report. Mitigation measures to be considered include possible redesign of oval or grandstand. After the initial racing event on the oval, the oval shall not be utilized until the Zoning Administrator gives specific approval to the acoustical study and any required mitigation measures are implemented.
18. Proof of a recording of the following disclosure of deed restrictions shall be submitted to the Community Development Department prior to the issuance of any building or grading permits.

"You are purchasing a property with a permit for a moto-cross trails park. This permit carries with it certain conditions that must be met by the owner of the property. The permit (LP95202) is available from the current owner or from the Contra Costa County Community Development Department. A new owner is required to meet with the Zoning Administrator within 30 days of purchasing the property to discuss the terms of the permit and County requirements and expectations."

#### Public Works Department Conditions

19. **General Requirements:**
  - A. This development shall conform to the requirements of Division 914 (Drainage) and the remainder of Title 9 and Title 10 of the Subdivision Ordinance. Any exceptions therefrom must be specifically listed in this conditional approval statement. Drainage, road and utility requirements are based on the plan submitted February 28, 1995, and shall be subject to the review and approval of Public Works.
  - B. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with the review and inspection fees, and security for all improvements required by the Ordinance Code or the conditions of approval for this project.
20. **Roadway Improvements (Frontage/On-site/Off-site):**

The applicant shall be permitted an exception from construction of full frontage improvements along the Camino Diablo frontage of this property, at this time, provided that he improves the Camino Diablo entrance to this development to include at least a 6.1 meter (20-foot) wide paved driveway constructed to County private road standards from the edge of pavement to the proposed right of way line. The entrance shall also include paved tapers and flares designed and constructed in accordance with Figure 405.7 from the Caltrans Highway Design Manual from the edge of pavement along Camino Diablo to the right of way line (based on the basic 6.1 meter [20-foot] driveway width).

21. **Access to Adjoining Property:**  
Proof of Access/Acquisition

- A. Applicant shall furnish proof to the Public Works Department, Engineering Services Division, of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, road or drainage improvements.

Encroachment Permit

- B. Obtain an encroachment permit from the application & Permit Center for construction of driveways, or other improvements within the right of way of Camino Diablo.

Restrict Access

- C. Restrict Access along Camino Diablo, with the exception of the proposed access.

22. **Road Dedication:**

Applicant shall convey to the County, by Offer of Dedication, additional right of way on Camino Diablo as required for the planned future width of 33.5 meters (110 feet) with at least a 457 meter (1,500-foot) centerline radius.

23. **Intersection Design/Sight Distance:**

Provide a sight distance analysis, subject to the review of the Public Works, which analyzes the proposed Camino Diablo entrance to this development. Provide sight distance based on a design speed of 104 kilometers per hour (65 miles per hour) along Camino Diablo.

24. **Drainage Improvements:**

Collect and Convey

- A. Division 914 of the ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.
- B. Discharging concentrated storm water into roadside ditches is prohibited by the Ordinance Code. However, as roadside ditches are characteristic of the area, an exception from this requirement is granted provided the applicant verifies the adequacy of the downstream ditch system or constructs any necessary improvements to make this system adequate.

25. **Miscellaneous Drainage Requirements:**

The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.

26. **Utilities/Undergrounding:**

An exception is permitted from undergrounding utility distribution facilities due to the rural nature of this area.

27. **Traffic Control:**

The applicant shall provide special traffic control personnel at the Camino Diablo access to this property for events involving more than 500 vehicles, unless the Zoning Administrator approves the special event without traffic control. Traffic control may also be required for smaller events if significant traffic complaints substantiate a need.

28. **Creek Structure Setbacks:**

The applicant shall be required to observe the creek structure setback line in accordance with Section 914-14.012, "Structures Setback Lines for Unimproved Earth Channels" for any new structures on this property.

29. **National Pollutant Discharge Elimination System (in addition to NPDES permit):**

Within 30 days of the effective date of this (1998) modified permit, the applicant shall insure that he has complied with all components of this condition of approval.

- A. Hazardous wastes, including but not limited to used motor oil, battery acid or

antifreeze shall not be discharged onto the ground.

- B. All hazardous wastes shall be stored in appropriate containers on a covered concrete slab in an area which is not subject to inundation and shall be removed from the facility at least once each 90 days.
- C. The applicant shall pave, cover and contain the various vehicle repair pit areas to prevent contaminants from these areas from reaching the creek. The applicant shall obtain a Hazardous Waste Generator's Permit from the County Health Department to assure adequate maintenance of the vehicle repair pit areas and disposal of the hazardous wastes.
- D. The applicant shall provide an erosion control plan showing how the quantity of silt entering the creek from this property will be reduced. The erosion control plan shall be subject to the review of the Public Works.,

**NOTE: In the event that the improvements required by the Public Works Department have been constructed, the applicant shall provide Steve Wright of the Public Works Department with evidence that these improvements have been completed.**

#### ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL, ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Eastern Contra Costa County Subregional Transportation Mitigation Fee Area of Benefit as adopted by the Board of Supervisors.
- B. The applicant shall be required to comply with the drainage fee requirements for Drainage Area 109 as adopted by the Board of Supervisors.
- C. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) permit for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board or any of its Regional Water Quality Control Boards (San Francisco Bay-Regional II or Central Valley-Region V).

- D. The Project Lies within 100-year flood boundary as designed on the Federal Emergency Flood Rate Maps. The applicant shall be aware of the requirements of the Federal Flood Insurance Program and the County Flood Plain Management Ordinance (Ordinance No. 90-118) as they pertain to future construction of any structures on this property.
- E. This project may be subject to the requirements of the Department of Fish & Game. It is the applicant's responsibility to notify the Department of Fish & Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish & Game Code.
- F. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- G. Comply with the requirements of the East Diablo Fire Protection District, including safety requirements for operation of the track.

ELZ/aa  
LPV/2020-95c.ELZ  
2/13/96  
9/3/96  
9/23/96 Z.A. Rev. (v)  
12/2/96 - EC (a)  
2/4/97 - BS (a)  
2/24/98 - ZA (rd)