

# **EXHIBIT 22**

## **7/26/16 Planning Commission Staff Report**



# Department of Conservation and Development

## County Planning Commission

Tuesday, July 26, 2016 – 7:00 .P.M.

### STAFF REPORT

Agenda Item # \_\_\_\_\_

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<b>Project Title:</b>	Modification to the Conditions of Approval of County File #LP95-2020 for the Diablo MX Ranch Motocross Park
<b>County File:</b>	#LP15-2040
<b>Applicant/Owner:</b>	John & Lori Ramirez / James & Dorothy Schmidt
<b>General Plan/Zoning:</b>	Agricultural Lands (AL) / Heavy Agricultural District (A-3)
<b>Site Address/Location:</b>	50 Camino Diablo Road, Brentwood/Assessor Parcel Number (APN) 003-020-048
<b>California Environmental Quality Act (CEQA) Status:</b>	Exempt under a Class I exemption pursuant to Section 15301 (See Section V(3) on Page 4 for CEQA discussion.)
<b>Project Planner:</b>	Gary Kupp, (925) 674-7799
<b>Staff Recommendation:</b>	Approve the Proposed Modifications (See Section II on Page 2 for full recommendations.)

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### **I. PROJECT SUMMARY**

This is a request to modify County File #LP95-2020 for the following reasons:

1. Submittal of a revised site plan to supersede the current approved site plan.
2. Relocation of the central oval racetrack to its approved location. The track was moved to its current location by the previous property owners without review or approval by the Department of Conservation and Development.
3. Grading for 15,000 cubic yards of dirt for abatement of non-permitted motorcycle tracks constructed by the previous property owners, and to move the oval track to the approved location, and for overall general site

maintenance and track grooming that is required in order to reopen the park to the public.

4. Modification of the Conditions of Approval ("COA") for County File #LP95-2020 (See Section VII(3) on Page 11 for a discussion of the proposed modifications).
5. To open the park to the public and operate it in a manner consistent with the existing entitlement with no expansion or intensification of the use.

## **II. RECOMMENDATIONS**

Staff recommends that the County Planning Commission:

1. **FIND** the applicant to be exempt from the California Environmental Quality Act (CEQA);
2. **APPROVE** the revised site plan received on October 8, 2015, and the proposed modifications to the Conditions of Approval for County File #LP95-2020, and approve County File #LP15-2040 subject to the attached findings and conditions of approval; and
3. **DIRECT** staff to file a CEQA Notice of Exemption with the County Clerk.

## **III. BACKGROUND**

This is a request to modify County File #LP95-2020 in order to continue the operation of an off-road motorcycle recreational park. LP95-2020 was approved on November 2, 1998, which was the latest entitlement of the site's approved land use that has been in operation more or less continuously since 1973 (see Section V(6) on Page 6 "Previous Applications"). The property was purchased on March 28, 2014 by the current owners, James and Dorothy Schmidt and John and Lori Ramirez. The property owners intend to operate the park as a family business open to customers, as allowed by the current land use entitlement.

COA #1 of the approved Land Use Permit LP95-2020 (Exhibit #1) states that *"...the applicant [is] to initiate and fund 5-year reviews for compliance by the Zoning Administrator in a public hearing..."* The required compliance review was applied for on August 7, 2013, and was approved by the Zoning Administrator on

December 15, 2014. Compliance reviews were also approved in 2003 and 2009, which indicate that the park has been deemed compliant with the land use entitlement that was approved in 1998.

Nonetheless, since the compliance reviews are required to be approved at a public hearing under LP95-2020, they are therefore subject to appeal. On December 24, 2014, an appeal of the compliance review approval to the County Planning Commission was filed by the law firm of Bowles & Verna LLP, representing twenty-three residents living on Camino Diablo Road and Walnut Avenue in Brentwood. Accordingly, on May 12, 2015, the Planning Commission held an appeal hearing, during which they voted to uphold the Zoning Administrator's approval, and deny the appeal. On May 22, 2015, an appeal to the Board of Supervisors was filed by the law firm of Bowles & Verna LLP for the reasons set forth in their letter of appeal (Exhibit #2).

Prior to proceeding with the appeal hearing before the Board of Supervisors, the applicants submitted this application to modify the conditions of approval for LP95-2020 for the purpose of addressing the concerns of the appellants and to present a more accurate site plan (Exhibit 3) for approval that is consistent with the current approved site plan that is on file (Exhibit 4).

#### **IV. PROPOSED PROJECT**

The applicants propose to modify County File #LP95-2020 for the continued operation of an off-road recreational motorcycle facility and seek approval of (1) a revised site plan (Exhibit 3) for LP95-2020, (2) the relocation of the central oval racetrack to an area on the property consistent with the location approved by LP95-2020, (3) a grading permit for 15,000 cubic yards of dirt for the abatement of non-permitted motorcycle tracks constructed by the previous property owners, for the relocation of the oval track, and for general site maintenance and track grooming, (4) to modify the conditions of approval for County File #LP95-2020, and (5) to operate the park in a manner consistent with the existing entitlement with no expansion or intensification of the use.

#### **V. GENERAL INFORMATION**

1. **General Plan:** The subject property has a General Plan designation of Agricultural Lands (AL).



2. **Zoning:** The parcel is zoned Heavy Agricultural District (A-3).
3. **Environmental Review:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under a Class I exemption pursuant to Section 15301 for existing facilities where *“negligible or no expansion of an existing use”* is proposed.

The applicants propose to operate the facility in a manner consistent with the approved current entitlement. No expansion of, or intensification of the use is proposed. The motorcycle activities will be conducted entirely within existing disturbed areas that have already been approved for and used for motorcycle riding since approximately 1973.

The environmental impacts of the motocross park were analyzed in accordance with CEQA during the review and approval process for the existing entitlement, during which an Initial Study was conducted that analyzed the motocross activities in terms of their effect on various environmental categories, including biological resources, wildlife, air quality, soil/geology, water quality, noise, cultural resources, and traffic. As a result, a Negative Declaration was issued indicating that the land use would not have a significant effect on the environment (Exhibit #5).

It is noted here that the project opponents have argued that because the subject parcel is smaller than it was when the entitlement was approved in 1998, that the project should now be subject to CEQA. In fact, the property is roughly half the size it was when it was originally approved for motorcycle activities in the early 1970s. The property size was first reduced by a lot line adjustment that created the abutting Harrison parcel APN #003-020-042 that was recorded on September 22, 1999 (Exhibit #6). Subsequently, the subject parcel was further reduced by County File #LP03-2067, which approved Lot Line Adjustment #LL03-0049 that established the current configuration of the property (Exhibit #7). County File #LP03-2067 was approved at a public hearing on January 5, 2004 and found to be exempt from CEQA. Lot Line Adjustment #LL03-0049 was recorded on March 16, 2004; thus, legally creating the subject parcel in its current configuration after appropriate consideration under CEQA.

This modification application does not propose any expansion to the existing facility, nor does it propose to intensify the land use beyond what was

previously approved. In fact, the proposal includes a reduction of the hours of operation of the park. By proposing to reduce the hours of operation and to reduce the days open from 7 days to 5 days per week, the intensity of the land use is considered to be lessened. Therefore, the proposed modification application is categorically exempt, since it does not expand the current approved land use, and thereby would not increase any environmental impacts, no further CEQA review is required.

4. **Lot Creation:** The subject property was created in its current configuration by Lot Line Adjustment #LL03-0049.

5. **Other Regulatory Concerns:**

(1) **60 dB Noise Contour:** The northern frontage of the subject property is situated within the Camino Diablo 60 decibel noise contour. The noise contour alerts the Department of Conservation and Development that Camino Diablo Road generates high noise levels. The 60 decibel noise contour is generally taken into account when considering projects proposing new residential development. The noise contour was established to identify residential projects that could potentially be impacted by noise. The proposed project is not a residential project, nor is the project site located in a residential zoning district. The noise-generating activities of the motorcycle park will take place entirely outside the boundary of the Camino Diablo noise contour.

The existing conditions of approval for the facility require a sound study for the "first scheduled racing event". The property owners have not scheduled a racing event, so no sound study has previously been required based on the wording of the existing condition. Even though no racing event is currently scheduled, the applicants agreed to provide a sound study at the request of the County for the purposes of this modification application. The requested sound study was conducted and the results are discussed in Section VII(1) starting on Page 7 of this staff report.

(2) **Active Fault Zone:** The site is not within an active fault zone as designated by the Alquist-Priolo Earthquake Fault Zoning Act.

(3) **Flood Hazard Area:** The motocross activities are located in an area on the

property designated as Flood Zone X, which is an area of little or no flooding.

**6. Pertinent Previous Applications:**

- (1) **LP341-73**: Approved to establish a motorcycle recreational facility. Approved June 13, 1974.
- (2) **LP2146-74**: Approved to amend LP341-73 to allow daily use and night events at the park. Approved June 11, 1975.
- (3) **LP2108-83**: Approved for the continued operation of a motorcycle recreation park. Approved March 23, 1984.
- (4) **LP2026-89**: Approved to renew LP2108-83 with modified COAs. Approved March 16, 1990.
- (5) **LP95-2020**: Subject permit is approved for the continued operation of a motorcycle race track with modified COAs and the requirement for a compliance review and a hearing every five years. Approved November 12, 1998.
- (6) **LP03-2067**: Modification to allow lot line adjustment to reduce the size of the subject parcel. Approved January 16, 2004.
- (7) **LL03-0049**: Lot line adjustment, as approved by LP03-2067, to reduce the size of the subject parcel. Approved February 23, 2004.
- (8) **PC12-0014**: Six month extension for the continued operation of an off-road motorcycle recreation park. Approved March 5, 2013.
- (9) **LP13-2095**: Five year compliance review for the operation of an off-road motorcycle recreation park. Currently under appeal, as of May 22, 2015.

**VI. SITE/AREA DESCRIPTION**

The subject property is an approximately 43-acre agricultural property in the unincorporated Brentwood area, located approximately 1,000 feet east of the intersection of Camino Diablo Road and Walnut Boulevard. The property fronts for approximately 1,000 feet on the south side of Camino Diablo Road, and is addressed as 50 Camino Diablo Road in Brentwood. All of the surrounding parcels share the same A-3 (Heavy Agricultural District) zoning designation. A sand quarry

operated by G3 Enterprises is located directly across Camino Diablo Road from the subject parcel to the north.

## **VII. STAFF ANALYSIS/DISCUSSION**

1. **General Plan Consistency:** The subject parcel has the General Plan land use designation Agricultural Lands (AL). The purpose of the AL designation is to preserve and protect lands capable of, and generally used for the production of food, fiber, and plant materials. The AL designation is intended to be descriptive of the predominant agricultural uses that take place in such areas, and the General Plan emphasizes that this description shall not be used to exclude or limit other types of non-urban uses, such as the existing subject outdoor motorcycle recreational facility. The General Plan further states that “extensive recreational facilities” may be allowed in agricultural areas that are designated AL by issuance of a land use permit.

Table 3-5 of the General Plan identifies consistency among the various General Plan land use designations and the Zoning Ordinance. The property on which the motocross facility is located is zoned Heavy Agricultural District (A-3). Table 3-5 establishes that any of the uses allowed with or without a land use permit by the A-3 district are consistent with the AL designation of the General Plan, including the operation of a commercial recreational facility.

### **Noise Study**

The Noise Element of the General Plan establishes an acceptable community noise exposure level of 75 decibels in agricultural areas of the county (Exhibit #8). In order to verify that the project noise levels would be consistent with this standard, and because the existing conditions of approval for the motorcycle park intended the requirement of a sound study, a sound study was therefore required for this modification permit application.

The project noise study, dated March 8, 2016 (Exhibit #9), was prepared by Wilson Irhig, an acoustical and noise consulting firm. The purpose of the study was to determine the typical noise levels to be expected from dirt bike activity at the facility and evaluate them against the 75 decibel noise exposure level cited in the General Plan for agricultural areas. The study addressed four different scenarios for motorcycle activity: weekend race days, weekend non-race practice/recreational riding, weekday practice/recreational riding, and an occasional riding event called “Friday (or Saturday) Night Under the Lights”.

These four activities were determined to have the potential to produce the most intensive noise levels.

The applicant's sound study was peer-reviewed by an independent third party acoustical consultant retained by the county (Exhibit #10). The peer-review concluded that the appropriate methodology was used for project sound study and that the calculated noise levels presented in the report are reasonable.

### **Noise Study Overview**

Simulated race day and practice/recreational riding were conducted with the participation of approximately 50 volunteer riders over a four-hour period on January 28, 2016, and the sound levels of these activities were measured by Wilson Irhig personnel. The project opponents were solicited for permission to place noise measuring devices on their properties, but permission was not granted. Therefore, the noise levels were measured at the property lines of the subject property, which in actuality provides a more conservative measurement of the noise, since it can be reasonably assumed that any noise measurements taken farther out from the subject property boundaries would have been lower. Five measurement locations were setup around the property lines, with measurement Location 4 generally receiving the highest sound levels (see Exhibit #11 for measurement locations).

### **Noise Study Results**

**Weekend Race Day Noise Levels:** The noise study indicated that a weekend race day event would generate the loudest noise with a maximum level of 73 decibels, measured at Location 4. The other measurement locations measured noise levels between 60 to 69 decibels for a weekend race day event.

**Weekend Recreational/Practice Noise Levels:** The results of the analysis for a typical non-race weekend indicates that the maximum noise level at Location 4 would be 68 decibels, and the results at the other four measurement locations indicate that noise levels would range from 58 to 64 decibels.

**Weekday Recreational/Practice Noise Levels:** The results of the analysis for a typical weekday recreational/practice riding day indicated lower noise levels due to shorter hours of activity, with a noise level at Location 4 of 64 decibels. The noise levels at the other four measurement locations ranged from 54 to 60 decibels.

**Friday Night Under the Lights Noise Levels:** The results of the analysis for a “Friday (or Saturday) Night Under the Lights” event indicated a noise level of 60 decibels at Locations 1 and 5. The results at the other three measurement locations indicate expected noise levels to range from 52 to 57 decibels.

**Estimated Noise Levels at Nearby Residences** (see Exhibit #12 for residence locations)

The neighboring residences are located farther out from the measurement locations, so the noise levels would therefore be lower at the residence locations. The noise levels were estimated to range from 58 to 61 decibels at Residence 2 for a typical weekend race day event; the noise level estimated for the other residences would range from 55 to 60 decibels. For weekend and weekday recreational/practice riding, the levels would be lower. For the “Friday (or Saturday) Night Under the Lights” event, the highest noise level is estimated to be 60 decibels at Residences 1 and 4 and even lower at the other residences. General Plan Figure 11-6 (Exhibit #8) establishes community noise levels ranging from 60 to 65 decibels as “normally acceptable” for residential land use categories. The results of the noise study demonstrate that the project noise impacts to the neighboring residences can be expected to range from 55 to 61 decibels for the most noise-intensive racing events, and even lower for non-race activity. Based on this data, the project conforms to noise standards of the General Plan for both agricultural and residential land uses.

### **Noise Study Conclusion**

The results of the sound study show that the maximum noise levels would occur during a weekend race day scenario, due to a higher number of riders and a longer duration of riding activities than that of a typical non-race recreational/practice riding day. The predicted noise levels at all the modeled property line locations for the neighboring residences is below the Noise Element guideline of 75 decibels, which is considered “normally acceptable” for areas with a General Plan designation of Agricultural Lands; therefore, no mitigation measures for noise were recommended by the acoustical engineer.

It should also be noted that the project opponents submitted a sound report dated October 20, 2015, prepared by Charles M. Salter Associates (Exhibit #13), that presented ambient noise measurements. The opponents’ sound report was also peer-reviewed (see again Exhibit #10) by the county-retained acoustical consultant who concluded that the report assumes the project is subject to the

General Plan Noise Element's 60 decibel noise exposure level for residential land uses. Based on this assumption, the project opponents assert that the motorcycle park cannot comply with the General Plan due to sound levels in excess of 60 decibels. As discussed previously, the project is not a residential project, nor is the project site located in a residential zoning district, but rather the project site is located in an agricultural zoning district and has an agricultural General Plan designation, and therefore, the 75 decibel General Plan noise exposure level for agricultural areas is the appropriate standard for the project. The proposal also includes a reduction of the hours of operation of the park. By proposing to reduce the hours of operation and reducing the days open from 7 days to 5 days per week, the intensity of the land use is lessened. Thus, the results of the sound study along with the reduced hours of operation of the park clearly demonstrate that the noise levels generated by the facility are consistent with the General Plan.

2. **Zoning Consistency:** The subject parcel is zoned Heavy Agricultural District (A-3). The proposed modifications are consistent with Section 84-38.404(20) of the of the Zoning Ordinance, which allows outdoor commercial recreational facilities in the A-3 zoning district with approval of a land use permit. The outdoor motorcycle racing/riding facility is proposed to take place on existing outdoor motorcycle tracks, and the other aspects of the existing facility do not conflict with the intent and standards of the A-3 zoning district.

During the compliance review that took place prior to this modification request, it was contended by neighbors of the subject property that pursuant to Section 26-2.2016 of the Zoning Code that the permit had expired due to inactivity and the lack of use at the facility by the prior property owners. Section 26-2.2016 states:

*"If a use is established according to the terms and conditions of a permit and the use is discontinued for any reason for a period of six months, the permit shall become void and the use will not be resumed. Upon application during the six months period by the owner and upon a showing of good cause the director of planning may grant an extension not to exceed a total of six months."*

Strict application of Section 26-2.2016 is not appropriate in the case of the park not being open to the public or in use, since this is not what would constitute the use being discontinued. It has generally been the practice of the Department of Conservation and Development to also take into consideration

whether or not there is a clear intent to continue the use in the immediate future, as well as any proposed change in use when applying this section of the code. Thus, inactivity is not the sole consideration. For instance, it is very common for gas stations to close for indefinite periods of time and reopen after the property is sold at a later date. In these cases, the County does not terminate the land use permit or require a new one in order to reopen if the intent to continue to use the property as a gas station is still apparent. If the gas station's infrastructure, such as buildings, canopies, pumps, etc., is still available, then the use is still valid. In the case of the subject property, the intent to continue to use the property as a motocross park has never been in question; the tracks and other aspects of the motocross park have remained in place.

Even though the park has not been open to the public since being purchased by the applicants, the County deems the land use to be valid since the applicants have been actively pursuing compliance with the conditions of approval for land use permit #LP95-2020. By virtue of the applicants' consistent good-faith efforts to comply with the conditions of approval, which has been demonstrated by the payment of all required County fees and the hiring of various consultants, engineers, and contractors to help them bring the property into compliance with the permit, irrespective of the park not being open to the public, the existing entitlement is considered valid.

Furthermore, it is a moot point to argue these interpretations, because even by the project opponents' strict application of Section 26-2.2016, a timely extension was granted on March 5, 2013 to the previous property owners within the six-month time frame stated by Section 26-2.2016. Therefore, the existing entitlement is fully in force and may be exercised upon approval of this application.

3. **Modification to Conditions of Approval:** The modification proposal includes changes to the conditions of approval for LP95-2020. The following discussions highlight the significant changes to the conditions of approval for LP95-2020. There will also be deletions of conditions that no longer apply, and minor edits and updates to several of the other conditions for the sake of clarity and consistency with the original entitlement. The complete list of proposed revised conditions for LP15-2040 is attached at the end of this staff report (See Attachment A).

**COA #1:** This condition will now refer to the new proposed site plan submitted on October 8, 2015 for the motorcycle and go-cart activities. Staff also



recommends that the expiration date of November 16, 2028 be eliminated, since land use permits are intended to run with the land in perpetuity and are not subject to expiration.

<b>ORIGINAL CONDITION #1 LP95-2020</b>	<b>MODIFIED COA LP15-2040</b>
<p><b>COA #1</b> 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. This use is approved for 25 years with the applicant to initiate and fund five (5) year reviews for the 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.</p>	<p><b>COA #1</b> A Land Use Permit is APPROVED for the operation of an off-road motorcycle recreation park based on the following documents:</p> <ul style="list-style-type: none"> <li>• Application and materials submitted to the Department of Conservation and Development, dated October 8, 2015</li> <li>• Site plan received October 8, 2015</li> <li>• Noise Study prepared by Wilson Ihrig Consultants, dated March 8, 2016</li> </ul> <p>This permit and conditions of approval supersede County File #LP95-2020 and is approved for mechanical recreation and related activities (i.e. motorcycle and go-cart racing, recreational riding, and practice). The only vehicles allowed on this site for commercial recreation use are motorcycles and go-carts. Mini-sprint vehicles are allowed if they are motorcycle powered (i.e. chain driven) only as long as the noise levels referenced in the March 8, 2016 project noise study are not exceeded. Any expansion, intensification of the use, change in hours of operation, or additional types of racing or other uses will require the approval of a new Land Use Permit. All activities approved by this permit shall be restricted to the tracks and motocross areas as indicated on the October 8, 2015 site plan. The location of the main track as shown on the October 8, 2015 site plan should be interpreted as the general location of riding activities for that track, and is not to be strictly enforced as the required configuration of the track. Periodic routine minor changes to the configuration of the</p>

	main track are allowed under this permit, as long as the changes occur in the general location shown on the approved site plan.
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**COA #5** This addresses the park’s hours of operation. The condition has been broken down into two new conditions of approval, and has been modified to reduce the hours of operation for use of the facility from 7 days a week to 5 days, with 2 days of non-operation or “quiet days” where no riding activity is allowed, including private use by the property owners. The hours of operation will also be modified to end all activities on the lighted oval track by 10:00 P.M. with the requirement that the park be emptied by 11:00 P.M. Riding hours on the main back track will be from 8:00 am to 7:00 P.M. or sundown, whichever comes first. Based upon review of the hours of operation for other motocross parks in the region (Attachment E), the proposed reduction in the number of days that the park can be open and the reduced hours of operation are reasonable modifications to the land use permit.

<b>ORIGINAL CONDITION #5 LP95-2020</b>	<b>MODIFIED COAs for LP15-2040</b>
<p><b>COA #5</b> 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.</p>	<p><b>COA #6</b> <u>Recreational and Practice Riding Activities</u> [<i>“Friday or Saturday Night Under The Lights” is considered a recreational riding activity.</i>]</p> <p>Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and shall be limited to the hours of 8:00 A.M. to 7:00 P.M. or sundown, whichever comes first.</p> <p>The lighted oval track may be used for late night recreational riding until 10:00 P.M., but not more than two (2) days per each calendar month on a Friday or Saturday if no racing events are scheduled in the same month, and the park shall be emptied by 11:00 P.M.</p> <p>Tuesdays and Wednesdays shall be “quiet days” with no riding activities allowed by customers, or for the property owners’ private use or otherwise.</p>

	<p><b>COA #7</b> <u>Formalized Racing Events</u> <i>[A racing event is one that has registered contestants who have paid entry fees to compete in official competitive races on the site.]</i></p> <p>All motorcycle racing events on the main track and the lighted oval track shall be allowed on one night per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing shall be allowed on Thanksgiving or Christmas. Racing hours shall be limited from 8:00 A.M. to 7:00 P.M. or sundown, whichever comes first, except that the lighted oval track may be used until 10:00 P.M., and the site shall be emptied by 11:00 P.M. There shall be no late night recreational riding on the lighted oval track allowed during any month with a scheduled racing event.</p>
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**COA #6:** This condition will be deleted, since the proposed new site plan will supersede this requirement.

**COA #7:** This condition will be deleted, since the required plantings have been implemented and changes to the property's boundary configuration have made the requirement unnecessary.

**COA #14:** This condition will be deleted, since the Water District's easement is no longer located on the subject property.

**COA #17:** This condition will be deleted since the required sound study has been conducted and the conclusions have been reviewed and accepted by the county.

**COA #18:** This condition will be deleted since the required deed restriction has been recorded. This deed restriction notifies future property owners of the existing land use permit and conditions of approval for the operation of a motorcycle recreation park.

In addition to re-numbering, deletions, and modifications made to the existing conditions of approval, the permit will have new conditions added, specifically

COAs #2, #3, #4, #5, #8, #9, #15, #16, #17, and #18 (See Attachment A). The Public Works conditions will remain essentially as written with no changes.

### **VIII. AGENCY COMMENTS**

1. **Byron Municipal Advisory Committee (Byron MAC)**: On October 21, 2015, the project was reviewed by the Byron MAC. The MAC Chair stated that she was impressed with the work the applicants have done on the property, and a motion to accept the modification to the land use permit was passed by a vote of four (4) Ayes to one (1) Abstention.
2. **California Historical Resources Information System (CHRIS)**: On October 26, 2015, CHRIS submitted a comment letter stating that based on cultural resource studies conducted in 1986 and in 1990, that they recommend a professional survey of the project area be conducted for portions of the property not covered by these studies. Chris also recommended that a formal CEQA evaluation be conducted for any building or structure on the subject property that is older than 45 years in order to assess historical value.

As detailed above in Section V(3) on Page 4 of this staff report, a CEQA evaluation was conducted in 1996 under County File #LP95-2020 which found that the off-road motorcycle activities would not have a significant impact on cultural resources; therefore, the professional surveys recommended by CHRIS are not necessary and the recommended formal CEQA evaluation is considered complete by the 1996 environmental document. Furthermore, since the motorcycle activities will be conducted entirely within approved, already-disturbed areas and because the requested modification to LP95-2020 does not propose any expansion to the existing facility, and because it does not propose to intensify the existing land use beyond what was previously approved, this application is categorically exempt from any further CEQA review.

3. **Contra Costa Environmental Health Division (CCEHD)**: On October 23, 2015, CCEHD submitted a standard comment addressing the procedures required for the drilling of wells and soil borings, and the abandonment of wells and septic tanks.
4. **Contra Costa County Fire Protection District**: On November 17, 2015, the Fire District submitted an e-mail comment requiring a permit from their office for any temporary tent that is greater than 400 square feet.

5. **Building Inspection Division:** On November 6, 2015, the Building Inspection Division submitted a comment requiring that “all construction shall be per current codes.”
6. **Flood Plain Technician:** On November 4, 2015, the Flood Plain Technician submitted a comment stating that the project plans indicate that “there are no proposed changes/construction within the FZA” (flood zone area).
7. **Building Inspection Division, Grading Section:** On January 5, 2015, the Grading Section submitted a comment requiring a civil engineer’s plan showing existing contours and the amount of grading required in cubic yards.
8. **Habitat Conservation Program/Natural Community Conservation Planning (HCP/NCCP):** No comments were received from the HCP/NCCP program.
9. **Public Works Department, Traffic Division:** No comments were received from the Traffic Division.
10. **Save Mount Diablo:** No comments were received from Save Mount Diablo.
11. **California Department of Fish & Wildlife (CDFW):** No comments were received from the CDFW.

## **IX. CONCLUSION**

Staff recommends that the Planning Commission approve County File #LP15-2040, subject to the attached findings and conditions of approval.

### **ATTACHMENTS**

- A. Findings & COAs for LP15-2040
- B. Maps and Plans
- C. Agency Comments
- D. Site Photographs Dated March 23, 2016
- E. Regional Survey of Motocross Park Hours of Operation

### **EXHIBITS**

1. Conditions of Approval for LP95-2020
2. May 22, 2015 Letter of Appeal of CPC’s Decision of May 12, 2015
3. Proposed New Site Plan, Dated October 8, 2015
4. Approved Site Plan for LP95-2020
5. CEQA Notice of Determination and Initial Study for LP95-2020
6. Grant Deed Creating Harrison Parcel (APN: 003-020-042), Dated Sept. 22, 1999
7. Approved Site Plan for LP03-2067 and Approved Lot Line Adjustment LL03-0049
8. General Plan Figure 11-6 Land Use/Noise Compatibility
9. Project Noise Study, Dated March 8, 2016, Prepared by Wilson Ihrig Associates

10. Peer Review of Noise Study, Dated April 12, 2016
11. Noise Measurement Locations
12. Locations of Nearby Residences Identified in Project Noise Study
13. Project Opponents' Ambient Noise Measurements, Dated October 20, 2015, Prepared by Charles M. Salter Associates

**ATTACHMENT A**  
**FINDINGS**  
**&**  
**CONDITIONS OF APPROVAL**  
**FOR**  
**LP15-2040**

**GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND  
CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

**A. Growth Management Performance Standards**

1. **Traffic:** The Growth Management Element of the County General Plan requires consideration of permanent traffic increases related to population growth. Growth is influenced by development that increases population by attracting new residents to the county. New residential and commercial developments are the primary causes of growth that can increase traffic in an area on a permanent basis. No residential or commercial development is proposed as part of this project that would require implementation of the requirements of the Growth Management Element. The project is a modification to an existing entitlement for the continued operation of an existing off-road motorcycle recreational park. The subject motorcycle recreational park has been in operation since 1973. The project will continue the operation of the facility in a manner consistent with the existing entitlements. No expansion or intensification of the use is approved; therefore, no changes in existing traffic levels associated with the operation of the facility are proposed.
2. **Water:** The subject property currently receives water from an existing onsite water well. No new residential or commercial construction is proposed that would require additional water service to the site.
3. **Sewage Disposal:** The subject property is serviced by an existing septic system. No new residential or commercial development is proposed that would require additional sewage facilities; therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection:** The site is currently served by the East Contra Costa Fire Protection District. The District has reviewed the project and provided their comments and conditions relating to the proposed project, and no new or increased fire protection services were required.
5. **Public Protection:** The Growth Management Element, Section 4.4 of the County General Plan requires 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. Since there is no residential or commercial development proposed, which could induce population growth, the project would not increase the population up to or within this threshold, and therefore, the project would not increase the demand for police service facilities or require the construction of, or the need for new police substations within the area.



6. **Parks and Recreation:** The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project will not result in an increase in the County population. There will not be an impact on the demand for parks within the County, nor will there be an associated increase in the population as a result of the project. The project proposes no residential or commercial development that could induce population growth in the area.
7. **Flood Control and Drainage:** The project does not propose any drainage improvements or significant changes in existing grades or contours on the subject property that could affect existing drainage patterns. The subject site is not located within a 100-year flood hazard zone as determined by the Federal Emergency Management Agency. Therefore, the proposed project will not adversely impact or alter flood control or drainage patterns.

B. **Land Use Permit Findings**

1. ***The proposed project will not be detrimental to health, safety, and the general welfare of the County.***

**Project Finding:** The proposed Land Use Permit modification for the existing off-road motocross recreation park as conditioned will not pose a threat to the health, safety, or welfare of the County. All of the requirements of the Community Development Division, the Building Inspection Division, the Health Services Department, and the Fire District must be adhered to at all times. The continued operation of an existing motorcycle recreational facility will not impact the health, welfare, and safety of the County.

2. ***The proposed project will not adversely affect the orderly development of property within the County.***

**Project Finding:** The project does not propose any development, but rather to continue the operation of an existing off-road motocross recreation park. The land use is consistent with both the General Plan and Zoning designations for the subject agricultural property, and thus it will not adversely affect the orderly development of property within the County.

3. ***The project as conditioned will not adversely affect the preservation of property values and the protection of the tax base within the County.***

**Project Finding:** Typically, illegal land uses that are established in a manner inconsistent with the General Plan and the zoning code have the potential to degrade property values. Also, homes, properties, and buildings that are allowed to decline into a condition of disrepair can contribute to negative property values. The proposed Land Use Permit modification for the existing off-road motocross recreation park is consistent with both the General Plan and Zoning designations for the subject agricultural property, and the facility and property has been maintained in good condition by the current property owners. Once the facility is open to the public, its operation will contribute to the tax base of the County with taxes generated from revenue received by operation of the park. Therefore, it will not have a detrimental effect on property values or the County tax base.

4. ***The project as conditioned will not adversely affect the policy and goals as set by the General Plan.***

**Project Finding:** The subject property has a General Plan designation of "Agricultural Lands" (AL), which states that extensive recreational facilities may be allowed in agricultural areas that are designated AL by issuance of a land use permit. The continued operation of the existing off-road motocross recreation park is consistent with the goals and policies of the General Plan.

5. ***The project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.***

**Project Finding:** The primary potential nuisance that could be associated with this land use would be posed by loud noise generated from running motorcycles. The sound study prepared for the project predicted that noise levels at all the modeled property line locations is below the Noise Element guideline of 75 decibels, which is considered "normally acceptable" for areas with a General Plan designation of Agricultural Lands. As conditioned, and with the reduced hours of operation and by reducing the days open from 7 days to 5 days per week, the project will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. ***The proposed project will not encourage marginal development within the community.***

**Project Finding:** Development is controlled by zoning, the General Plan, and physical constraints. The existing motorcycle recreation park has been in operation since 1973 and has not contributed to marginal development in the surrounding community. In fact, the project proposes no new development, and therefore will not encourage or set precedence for marginal development within the community.

7. ***That special conditions or unique characteristics of the subject property and its location or surroundings are established.***

**Project Finding:** The subject property is unique in that it has been the location of the only permitted off-road motorcycle recreational facility in the county since 1973. The property has unique and varied topography that makes it ideal for motorcycle sports. These characteristics, along with the proper zoning and General Plan designations, and the isolated location, make the subject property ideal for this kind of land use.

## **CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

### **Land Use Permit Approval**

1. A Land Use Permit is APPROVED for the operation of an off-road motorcycle recreation park based on the following documents:
  - Application and materials submitted to the Department of Conservation and Development, dated October 8, 2015
  - Site plan received on October 8, 2015
  - Noise Study prepared by Wilson Ihrig Consultants, dated March 8, 2016

This permit and conditions of approval supersede County File #LP95-2020 and is approved for mechanical recreation and related activities (i.e. motorcycle and go-cart racing, recreational riding, and practice). The only vehicles allowed on this site for commercial recreation use are motorcycles and go-carts. Mini-sprint vehicles are allowed if they are motorcycle powered (i.e. chain driven)

only as long as the noise levels referenced in the March 8, 2016 project noise study are not exceeded. Any expansion, intensification of the use, change in hours of operation, or additional types of racing or other uses will require the approval of a new Land Use Permit.

All activities approved by this permit shall be restricted to the tracks and motocross areas as indicated on the October 8, 2015 site plan. The location of the main track as shown on the October 8, 2015 site plan should be interpreted as the general location of riding activities for that track, and is not to be strictly enforced as the required configuration of the track. Periodic routine minor changes to the configuration of the main track are allowed under this permit, as long as the changes occur in the general location shown on the approved site plan.

### **Application Costs**

2. This application is subject to an initial application deposit of \$2,700.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first. The applicant 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.

### **Compliance Reviews**

3. The park operator and/or property owners shall submit an application for a compliance review annually for three (3) years, then every five (5) years thereafter. A report detailing the steps taken to comply with the conditions of approval shall accompany the application. The applicant is responsible for costs associated with the compliance reviews. A deposit/fee in the amount of \$1000.00 (subject to time and materials) will be filed with the compliance review application to allow for review of the conditions of approval. Compliance shall be determined by the Zoning Administrator in a public hearing with appropriate notice to property owners within 300 feet of the site and to any individuals or parties expressing interest in the project.

### **Prior to First Formalized Competitive Racing Event**

4. Upon reconstruction of the oval track to the east-central portion of the property, notify the Community Development Division a minimum of 30 days in advance of the opening of the oval track for the first formalized weekend racing event and/or the first "Friday (or Saturday) Night Under The Lights" event.
5. At least 30 days prior to the first racing event, provide documentation to the Community Development Division that all Health Services Department requirements have been satisfied for that use.

### **Hours of Operation**

6. Recreational and Practice Riding Activities [*"Friday or Saturday Night Under The Lights" is considered a recreational riding activity.*]

Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and shall be limited to the hours of 8:00 A.M. to 7:00 P.M. or sundown, whichever comes first.

The lighted oval track may be used for late night recreational riding until 10:00 P.M., but not more than two (2) days per each calendar month on a Friday or Saturday if no racing events are scheduled in the same month, and the park shall be emptied by 11:00 P.M.

Tuesdays and Wednesdays shall be "quiet days" with no riding activities allowed by customers, or for the property owners' private use or otherwise.

7. Formalized Racing Events [*A racing event is one that has registered contestants who have paid entry fees to compete in official competitive races on the site.*]

All motorcycle racing events on the main track and the lighted oval track shall be allowed on one night per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing shall be allowed on Thanksgiving or Christmas. Racing hours shall be limited from 8:00 A.M. to 7:00 P.M. or sundown, whichever comes first, except that the lighted oval track may be used until 10:00 P.M., and the site shall be emptied by 11:00 P.M. There shall be no late night recreational riding on the lighted oval track allowed during any month with a scheduled racing event.

### **Noise Emissions**

8. Average noise levels generated motorcycle/go-cart riding and racing activities shall not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and shall not exceed those specified in the analysis of the March 8, 2016 project noise study. For formalized racing events, no more than 25 riders will be allowed on the main track at a time, and no more than 13 riders will be allowed on the oval track. The park operator shall maintain a log of riders for all formalized racing events. Race heats shall be conducted on one track at a time to avoid simultaneous heats on both tracks in order to reduce noise levels.
9. All individual motorcycles and/or go-carts using the park shall be required to meet a noise standard of not more than 96 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. Noise measurements shall be taken on a daily basis prior to admission and use of the park for all motorcycles and/or go-carts seeking to use the park. Any measured vehicles not meeting this standard shall not be allowed admission and use of the park.

### **Lighting for Oval Track**

10. Exterior lights for the oval racetrack shall be deflected so that lights shine onto the applicant's property and not toward adjacent properties. Lighting shall be reviewed for approval by the Community Development Division and the Building Inspection Division prior to installation and operation. If deemed necessary by the Building Inspection Division, a building permit must be issued prior to installation and operation of lighting.

### **Signage**

11. All signs shall be subject to the review and approval of the Community Development Division prior to installation. The hours of operation shall be clearly posted in a visible location at the park entrance.

### **Dust Control**

12. The off-street parking area shall be sprayed with water to prevent the creation of dust. This shall be done as needed to keep dust from causing nuisances to neighboring residences. On those days when there are 25 or more people

present at one 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 areas, parking lot, and driveways.

**Health and Safety Requirements for All Racing Events and for Practice/Recreational Riding Activities**

13. The following regulations for the operation of the motocross facility shall be enforced by the park operator and/or property owners and made part of this permit as follows:
  - A. All riders shall wear helmets and boots.
  - B. Ambulance service, first aid, and fire-fighting equipment shall be provided at all racing events, or as required by the fire district or Health Services Department.
  - C. Posted speed limits shall be obeyed.
  - D. Smoking shall be allowed only in designated areas or parking lots.
  - E. All vehicles shall display current day's admission sticker.
  - F. All persons under the age of 18 shall have a signed release from a parent or legal guardian.
  - G. All guest vehicles shall be cleared from the grounds by closing time.
  - H. All trash shall be put in receptacles, including all trash and debris around the perimeter of the park resulting from the use.
  - I. All children under the age of 12 shall be accompanied by an adult at all times.
  - J. No open fires are allowed.
  - K. No wheel stands, spinning donuts, or racing in parking lots is allowed.

- L. No riding on graded or filled banks around parking lots or main roads is allowed.
- M. Anyone behaving in a manner dangerous to other persons or property shall be asked to leave and not come back.
- N. No riding in or near Kellogg Creek is allowed.
- O. All motorcycles shall have spark arrestors and silencers.

### **Concerts/Live Music Prohibited**

- 14. Musical concerts and dances are prohibited.

### **Overnight Camping Prohibited**

- 15. No overnight camping or sleeping by patrons of the park, race participants, or spectators is allowed on the property. The park premises must be cleared of visitors at the end of each day.

### **Grading/Track Maintenance and Grooming**

- 16. Grading for routine track maintenance and grooming associated with the motorcycle park land use is exempt from the permit requirements of the grading ordinance. Extensive track reconfiguration will require the review and approval of the Community Development Division, and may require a grading permit.

### **Buffer Planting**

- 17. Within 30 days of approval of this permit, a row of mature Leyland Cypress trees shall be planted in a spacing pattern of no less than six feet apart along the fenceline adjacent to the arena and corral of APN 003-020-042 to serve as a physical buffer between the subject property and APN 003-020-042. Verification shall be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.



## **Indemnification**

18. The property owners shall deliver an executed indemnification agreement between the property owners and Contra Costa County requiring the property owners to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related to claims or litigating regarding the County's actions in reviewing or approving this Land Use Permit application (County File No. LP15-2040). The Director of the Department of Conservation and Development is authorized to execute the indemnification agreement on behalf of the County.

## **PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL FOR LP15-2040**

### **General Requirements**

19. 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.
20. 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.

### **Roadway Improvements (Frontage/On-site/Off-site)**

21. 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-feet] driveway width).

### **Access to Adjoining Property**

22. Proof of Access/Acquisition

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.

23. Encroachment Permit

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

24. Restrict Access

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

### **Road Dedication**

25. 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 feet) centerline radius.

### **Intersection Design/Sight Distance**

26. Provide a sight distance analysis, subject to the review of the Public Works Department, 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.

### **Drainage Improvements/Collect and Convey**

27. 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.
28. 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.

### **Miscellaneous Drainage Requirements**

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

### **Utilities/Undergrounding**

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

### **Traffic Control**

31. 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.

### **Creek Structure Setbacks**

32. 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.

### **National Pollutant Discharge Elimination System (in addition to NPDES permit)**

33. Within 30 days of the effective date of this (1998) modified permit, the applicant shall ensure 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 one 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 the Public Works Department with evidence that these improvements have been completed.**

#### **ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the East Contra Costa Fire Protection District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.

- C. Additional requirements may be imposed by the Contra Costa Health Services, Environmental Health Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
  
- D. Additional requirements may be imposed by the Building Inspection Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
  
- E. Additional requirements may be imposed by the Public Works Department. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.

# **ATTACHMENT B**

## **MAPS & PLANS**





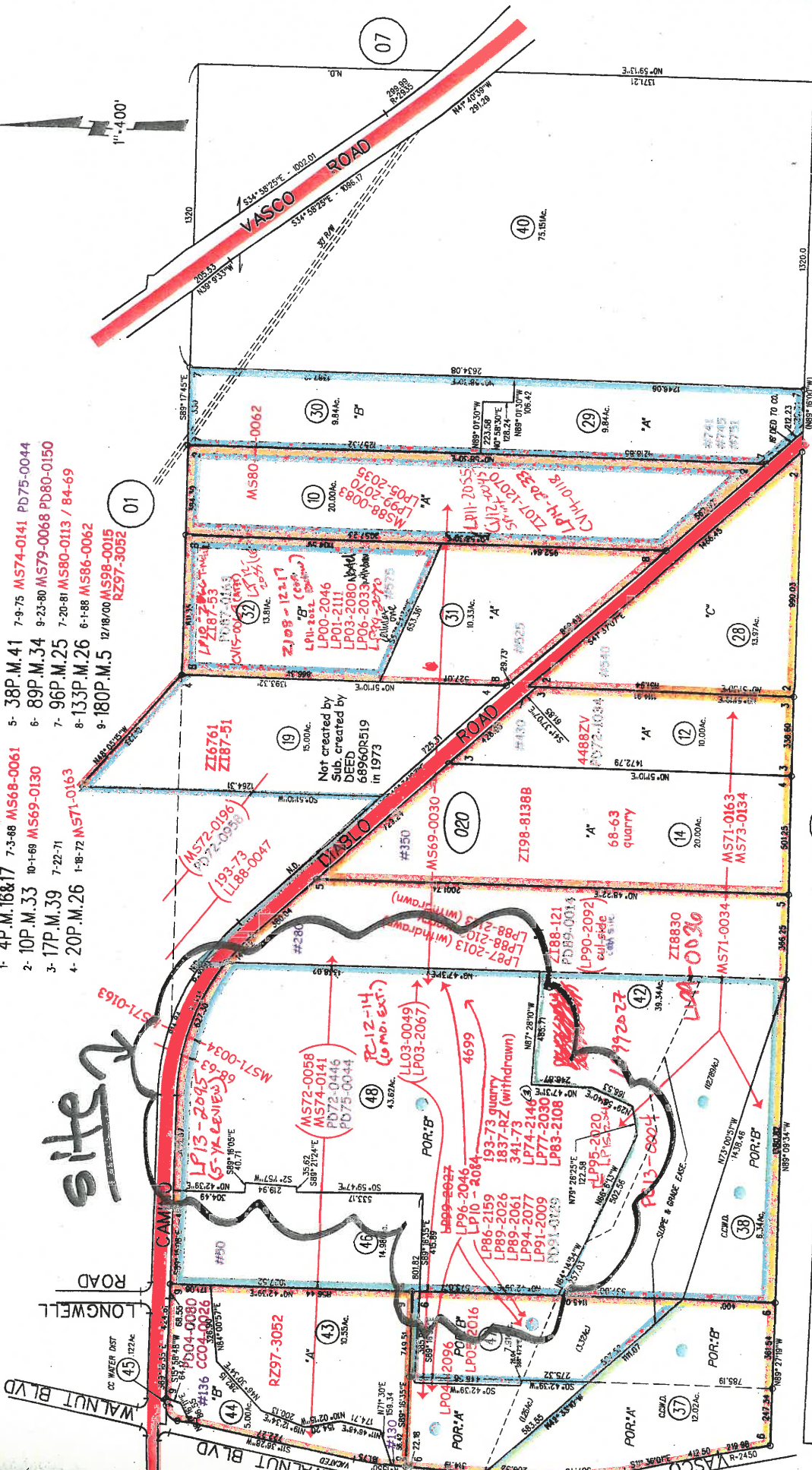
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POR.SEC.1 T1S R2E M.D.B.M.

- 1- 4P.M.16&17 7-3-88 MS68-0061
- 2- 10P.M.33 10-1-89 MS69-0130
- 3- 17P.M.39 7-22-71
- 4- 20P.M.26 1-18-72 MS71-0163
- 5- 38P.M.41 7-9-75 MS74-0141 PD75-0044
- 6- 89P.M.34 9-23-80 MS79-0068 PD80-0150
- 7- 96P.M.25 7-20-81 MS80-0113 / 84-69
- 8- 133P.M.26 6-1-88 MS86-0062
- 9- 180P.M.5 12/18/00 MS98-0015 RZ97-3052



site

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO WARRANTY OR LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. USE AT YOUR OWN RISK.

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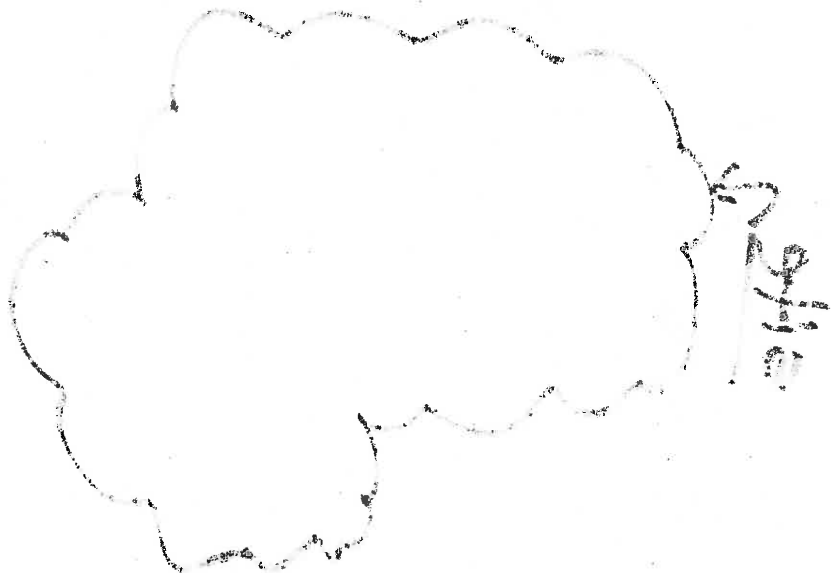
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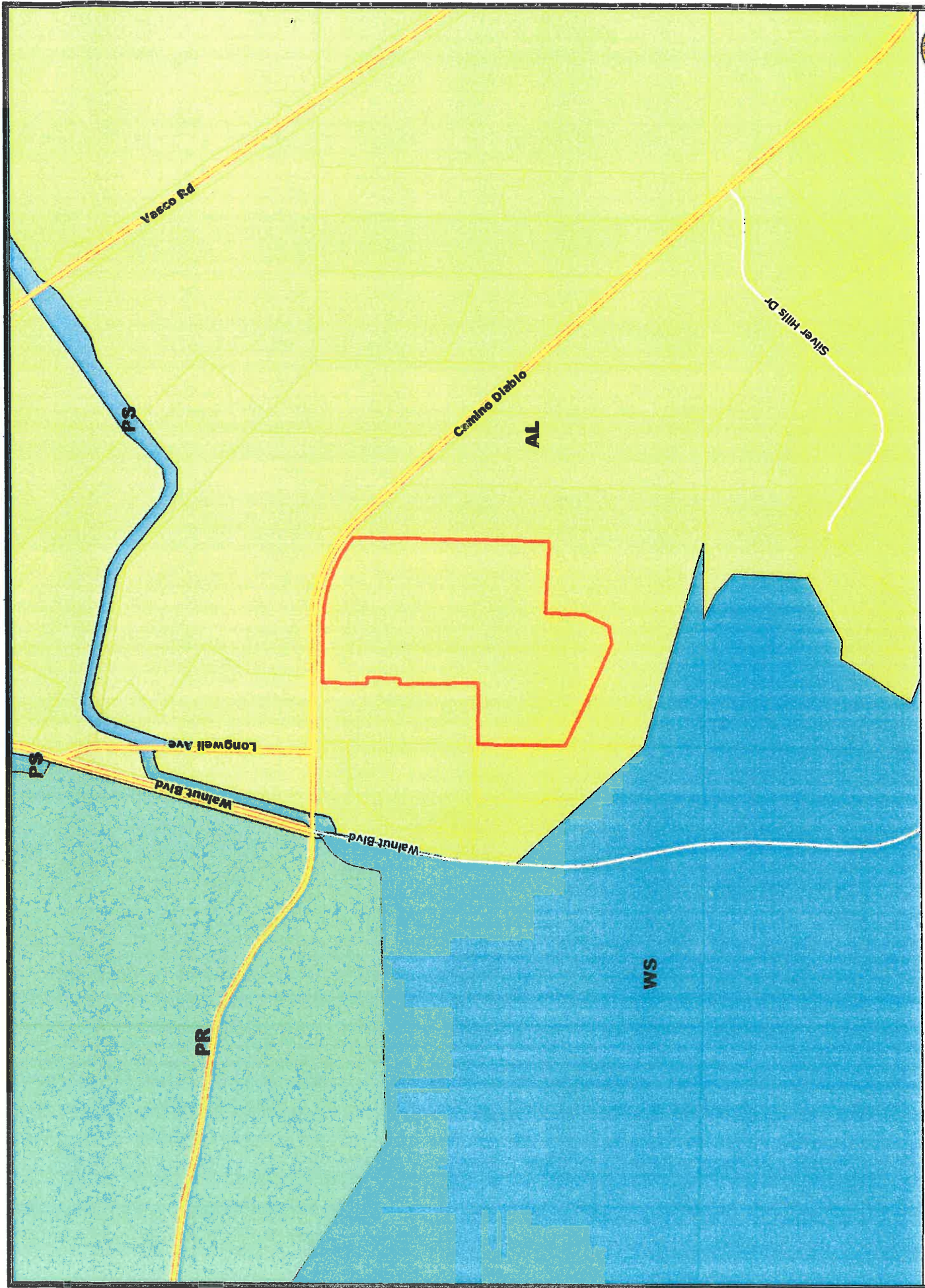
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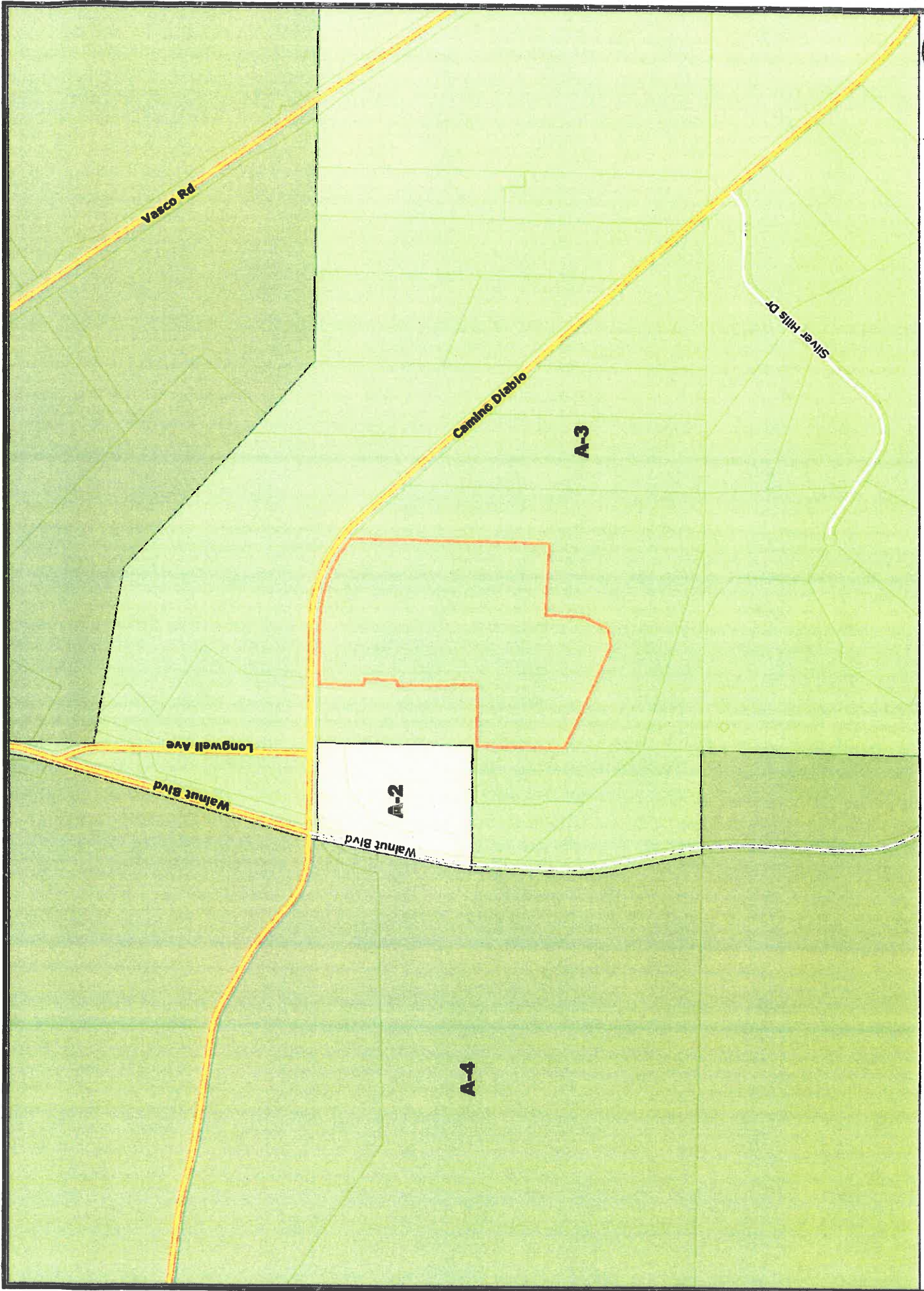


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# General Plan: Agricultural Lands





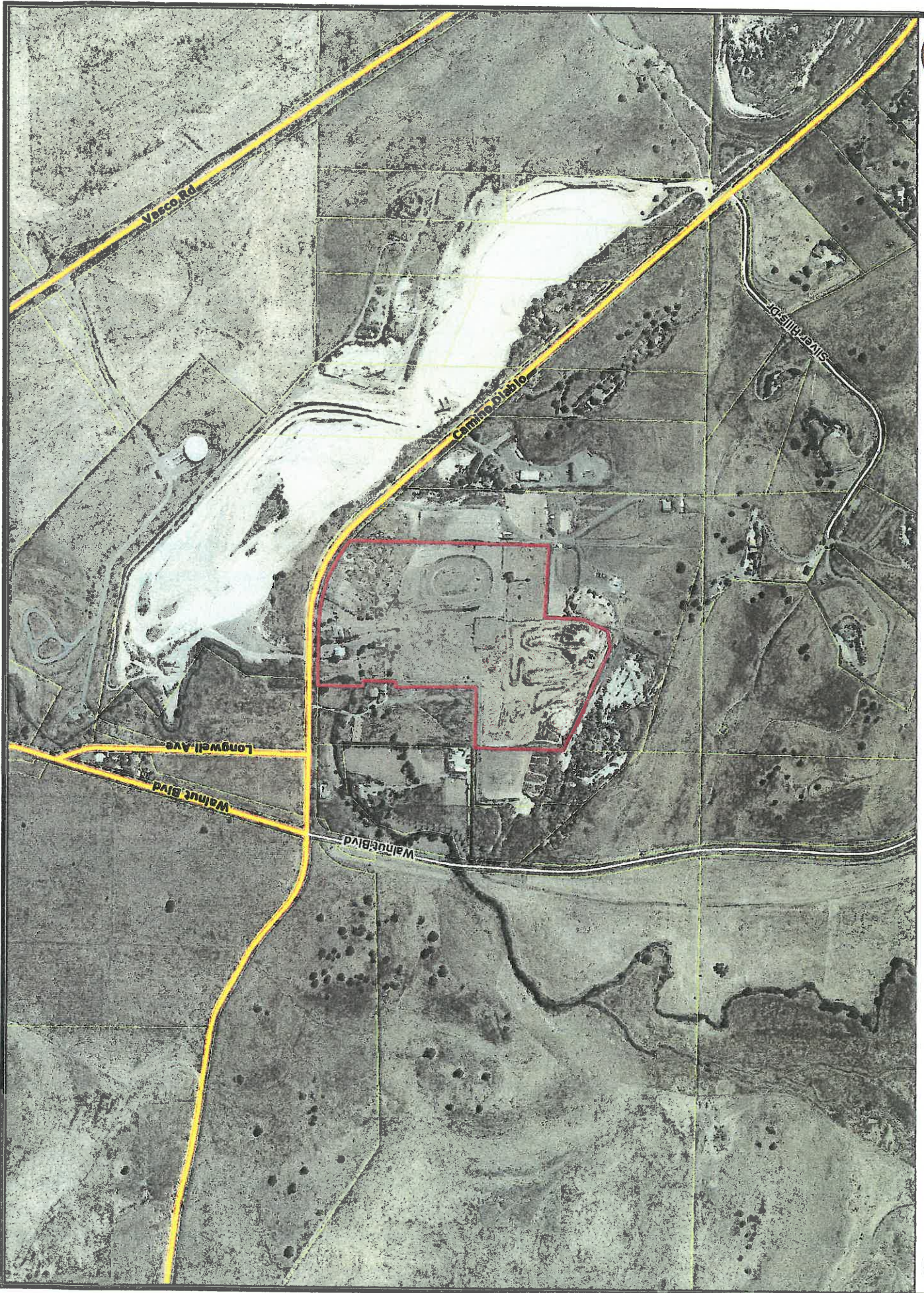


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**Zoning: A-3**







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# Aerial View





# **ATTACHMENT C**

## **AGENCY COMMENTS**

**Byron  
Municipal  
Advisory  
Council  
DRAFT**



Office of Supervisor Mary N. Piepho  
Contact: Alicia Nuchols  
3361 Walnut Blvd, Suite 140  
Brentwood, CA 94513  
925-252-4500

Respectfully submitted by: \_\_\_\_\_

*The Byron Municipal Advisory Council serves as an advisory body to the  
Contra Costa County Board of Supervisors and the County Planning Agency.*

**Record of Actions  
Meeting start time: 6:00 p.m.  
Wednesday, October 21, 2015**

1. **Meeting called to order by Chair Juarez at 6:00 p.m. All members present.**
2. **Public Comment: None**
3. **Review Record of Actions from 7-15-15 and 9-16-15 meetings:** Record of actions from 7-15-15 and 9-16-15 were reviewed and approved as presented.
4. **Agency Reports**
  - a) **East Contra Costa Fire Protection District: No Report**
  - b) **Contra Costa County Sheriff's Department:** Officer Fontenot provided a report for activity for the month of September 2015. LT Hobbs was also in attendance.
  - c) **California Highway Patrol:** No Report or attendance
  - d) **Office of Supervisor Mary N. Piepho: New date for BOS Hearing Nov 10<sup>th</sup>:** Weight restrictions for both Camino Diablo and Holway. **All-MAC Meeting:** We are working on scheduling the date/time for January. Supervisor Piepho's Annual Holiday Open House is Monday, December 14<sup>th</sup> 4-6pm. Marsh Creek Road update, letter to Caltrans & State Legislators is being worked on. Public works items being worked on: \*No outlet sign pulling out of the airport turning left. \*Radar enforced underneath the speed limit signs on Camino Diablo and across from the church down by McCabe. \*Ryan Hernandez from County will be at the November 18<sup>th</sup> meeting to discuss water and well issues in Byron/County.
5. **Items for Discussion and/or Action**
  - a) **Discuss update on Camino Diablo:**

Truck/weight restriction – New Hearing Notices for November 10th @ BOS  
Flashing Beacon – This item is still under review for direction – looking for possible solar options  
Our Traffic Section discussed the flashing beacon on Camino Diablo at Holway Drive with our Signal Shop. The existing wire from the beacon to the Fire Station will need to be replaced
  - b) **Discuss Upcoming meeting schedule (November/December):** Meeting schedule was discussed and approved combine November/December meeting.
  - c) **Discuss 2015 Overview and 2016 Workplan:** Overview was reviewed and approved. Work Plan for 2016 was reviewed and a clarification was added to move illegal dumping under Code Enforcement Priorities. Item 8 was added for Office of Emergency Services (OES) – Chair Juarez to attend meetings. Correction to spelling of St Anne's. Request was made to move the Byron MAC meetings to the 4<sup>th</sup> Tuesday of every month beginning January 2016. Field representative Alicia Nuchols is to check with the BUSD, to confirm he room is available on those days.
  - d) **Discuss Agency Comment Request for County File #LP15-2040:** This file was reviewed and discussed by the Board. Applicants attorney, Ronald Mullin was present for any questions. Chair Juarez stated she was impressed with the work they have done on the property. A few questions on the operating hours, attorney advised they will be operating less than what the current land use permit states they can. Motion to accept the modification to the land use permit by Vice Chair Larsen, second by Councilmember Schmit. AYES: 4-1. Councilmember Lopez abstained.
6. **Correspondence Key: R= Received S= Sent**
  7. **R-9/18/15 Contra Costa County Planning Commission Agenda for September 29, 2015**
  8. **R-9/28/15 Contra Costa County Zoning Administrator Agenda for October 5, 2015**
  9. **R-9/28/15 Notice of Public Hearing Before the Board of Supervisors October 6, 2015**

*This meeting record is provided pursuant to Better Government Ordinance 95-6, Article 25-2.205(d) of the Contra Costa County Ordinance Code.*

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HISTORICAL  
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INFORMATION  
SYSTEM



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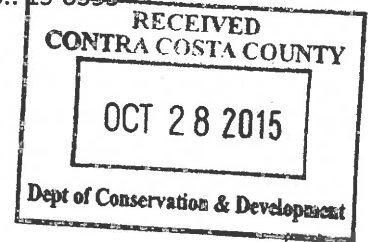
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MENDOCINO  
MONTEREY  
NAPA  
SAN BENITO

SAN FRANCISCO  
SAN MATEO  
SANTA CLATA  
SANTA CRUZ  
SOLANO  
SONOMA  
YOLO

Northwest Information Center  
Sonoma State University  
150 Professional Center Drive, Suite E  
Rohnert Park, California 94928-3609  
Tel: 707.588.8455  
nwic@sonoma.edu  
<http://www.sonoma.edu/nwic>

October 26, 2015  
Gary Kupp, Project Planner  
Contra Costa County  
Department of Conservation and Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553-4601

File No.: 15-0592



re: LP15-2040 / 50 Camino Diablo Rd.; APN: 003-020-048 / John and Lori Ramirez

Dear Gary Kupp,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

**Previous Studies:**

XX Study # 7987 (Orlins 1986) and Study # 12800 (Bramlette 1990), covering approximately 20% of the proposed project area, identified one or more cultural resources (see recommendation below).

**Archaeological and Native American Resources Recommendations:**

XX The proposed project area contains an archaeological site informally known as H169 (Bramlette 1990: 23, 59, Maps 4 and 6). This site consists of the remains of the extant Sand Hill Ranch farm complex (Bramlette: 23). Bramlette recommends that a qualified professional assess the status of this resource by recording the site area, conducting historical research and an oral history, test excavations, and preparing a building evaluation form (1990:59). In addition, it is recommended that a professional survey the project area not covered by Bramlette (1990) and provide specific recommendations.

XX We recommend you contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

**Built Environment Recommendations:**

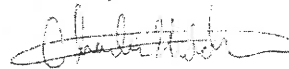
XX The Byron USGS (1943) 15' quad depicts a building, and a quarry or open pit mine in the proposed project area. The Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value. If any of these buildings or structures are still extant, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Contra Costa County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,



Charles Hutcheson  
Researcher  
For Bryan Much, Coordinator

cc: John and Lori Ramirez, [diablomxranch@yahoo.com](mailto:diablomxranch@yahoo.com)



WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR

RANDALL L. SAWYER  
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER

MARILYN C. UNDERWOOD, PH.D. REHS  
DIRECTOR OF ENVIRONMENTAL HEALTH



CONTRA COSTA  
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200  
Concord, California 94520  
Ph (925) 692-2500  
Fax (925) 692-2502  
www.cchealth.org/eh/

October 23, 2015

Gary Kupp  
Department of Conservation and Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553-4601

DEPARTMENT OF CONSERVATION  
AND DEVELOPMENT

RE: LP13-2095 and LP15-2040 (Review of LUP for motorcycle racetrack)  
50 Camino Diablo, Byron  
APN 003-020-048

Dear Mr. Kupp:

Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments if there is no food/beverage service and the property is served by public sewer and public water:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely,

Joseph G. Doser, REHS  
Supervising Environmental Health Specialist

cc: Salvador Ruiz, Contra Costa Environmental Health Specialist

JGD:tf



## Gary Kupp

---

**From:** Leach, Ted <TLeac@cccfpd.org>  
**Sent:** Tuesday, November 17, 2015 8:49 AM  
**To:** Gary Kupp  
**Subject:** LP15-2040; 50 Camino Diablo Road, Brentwood

Hi Gary,

Our only comment is that if they ever propose to erect temporary tents on site, that a permit is required for any temporary tent that is greater than 400 square feet.

Regards,

**Ted Leach - Fire Inspector**  
Contra Costa County  
Fire Protection District  
2010 Geary Road  
Pleasant Hill, CA 94523  
(925) 941-3539

"CONFIDENTIALITY NOTICE: This electronic mail transmission may contain privileged and/or confidential information only for use by the intended recipients. Unless you are the addressee (or authorized to receive messages for the addressee), you may not use, copy, disclose, or distribute this message (or any information contained in or attached to it) to anyone. You may be subject to civil action and/or criminal penalties for violation of this restriction. If you received this transmission in error, please notify the sender by reply e-mail or by telephone and delete the transmission. Thank you."



CONTRA COSTA COUNTY  
 DEPARTMENT OF CONSERVATION AND DEVELOPMENT  
 COMMUNITY DEVELOPMENT DIVISION  
 30 Muir Road  
 Martinez, CA 94553-4601  
 Phone: 925-674-7205  
 Fax: 925-674-7258

*See  
 10/13/15  
 (17)*



RA COSTA COUNTY

**AGENCY COMMENT REQUEST**

Date \_\_\_\_\_

We request your comments regarding the attached application currently under review.

**DISTRIBUTION**

Internal

- Building Inspection
- Advance Planning
- Trans. Planning
- ALUC Staff
- APC Floodplain Tech
- Health Services Department
- Environmental Health
- Public Works Department
- Engineering Services (Full-size)
- Flood Control (Full-size)
- Local
- Fire District
- Sanitary District
- Water District
- City of
- School District(s)
- LAFCO
- Reclamation District #
- East Bay Regional Park District
- Diablo/Discovery Bay/Crockett CSD
- MAC/TAC
- Improvement/Community Association
- Others/Non-local
- CHRIS - Sonoma State
- CA Fish and Wildlife, Region 3 - Bay Delta
- Additional Recipients

- Grading Inspection
- Housing Programs
- Telecom Planner
- HCP/NCCP Staff
- County Geologist
- Hazardous Materials
- Traffic
- Special Districts
- fire@cccfd.org
- E. Contra Costa
- Byron

Please submit your comments to:

Project Planner Gary Kupp  
 Phone # (925) 674-7799  
 E-mail Gary.Kupp@dcd.cccounty.us  
 County File # LP15-2040

Prior to November 9, 2015

\*\*\*\*\*

We have found the following special programs apply to this application:

- Active Fault Zone (Alquist-Priolo)
- Flood Hazard Area, Panel # 0525 F
- 60-dBA Noise Control
- CA EPA Hazardous Waste Site

\*\*\*\*\*

**AGENCIES:** Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

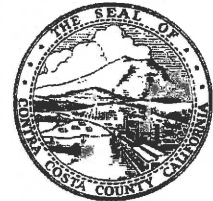
Comments:  None  Below  Attached

THERE ARE NO PROPOSED CHANGES/  
CONSTRUCTION WITHIN FEA

RECEIVED  
 NOV - 5 P 4: 52  
 RA COSTA COUNTY  
 DEPARTMENT OF CONSERVATION AND DEVELOPMENT

Print Name ROBERT B HENDRY III  
 Signature Robert B Hendry III DATE 11/4/15  
 Agency phone # 4-7744

*Done*  
 10/13/15  
 (17)



## AGENCY COMMENT REQUEST

Date \_\_\_\_\_

We request your comments regarding the attached application currently under review.

DISTRIBUTION	Please submit your comments to:
<p><u>Internal</u></p> <p><input checked="" type="checkbox"/> Building Inspection      <input checked="" type="checkbox"/> Grading Inspection</p> <p><input type="checkbox"/> Advance Planning      <input type="checkbox"/> Housing Programs</p> <p><input type="checkbox"/> Trans. Planning      <input type="checkbox"/> Telecom Planner</p> <p><input type="checkbox"/> ALUC Staff      <input checked="" type="checkbox"/> HCP/NCCP Staff</p> <p><input checked="" type="checkbox"/> APC Floodplain Tech      <input type="checkbox"/> County Geologist</p> <p><u>Health Services Department</u></p> <p><input checked="" type="checkbox"/> Environmental Health      <input type="checkbox"/> Hazardous Materials</p> <p><u>Public Works Department</u></p> <p><input type="checkbox"/> Engineering Services (Full-size)      <input checked="" type="checkbox"/> Traffic</p> <p><input type="checkbox"/> Flood Control (Full-size)      <input type="checkbox"/> Special Districts</p> <p><u>Local</u>      <i>Consolidated fire@cccfd.org</i></p> <p><input checked="" type="checkbox"/> Fire District <u>E. Contra Costa</u></p> <p><input type="checkbox"/> Sanitary District _____</p> <p><input type="checkbox"/> Water District _____</p> <p><input type="checkbox"/> City of _____</p> <p><input type="checkbox"/> School District(s) _____</p> <p><input type="checkbox"/> LAFCO _____</p> <p><input type="checkbox"/> Reclamation District # _____</p> <p><input type="checkbox"/> East Bay Regional Park District _____</p> <p><input type="checkbox"/> Diablo/Discovery Bay/Crockett CSD _____</p> <p><input checked="" type="checkbox"/> MAC/TAC <u>Byron</u></p> <p><input type="checkbox"/> Improvement/Community Association _____</p> <p><u>Others/Non-local</u></p> <p><input checked="" type="checkbox"/> CHRIS - Sonoma State</p> <p><input checked="" type="checkbox"/> CA Fish and Wildlife, Region 3 - Bay Delta</p> <p><u>Additional Recipients</u></p> <p><u>Superior Peoples office</u></p>	<p>Project Planner <u>Gary Kupp</u></p> <p>Phone # <u>(925) 674-7799</u></p> <p>E-mail <u>Gary.Kupp@dcd.cccounty.us</u></p> <p>County File # <u>LP15-2040</u></p> <p>Prior to <u>November 9, 2015</u></p> <p style="text-align: center;">*****</p> <p>We have found the following special programs apply to this application:</p> <p><input checked="" type="checkbox"/> Active Fault Zone (Alquist-Priolo)</p> <p><input checked="" type="checkbox"/> Flood Hazard Area, Panel # _____</p> <p><input checked="" type="checkbox"/> 60-dBA Noise Control</p> <p><input checked="" type="checkbox"/> CA EPA Hazardous Waste Site</p> <p style="text-align: center;">*****</p> <p><b>AGENCIES:</b> Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.</p> <p>Comments:    <input type="checkbox"/> None    <input type="checkbox"/> Below    <input type="checkbox"/> Attached</p> <p><u>I. Need a Civil Engineer</u>  <u>Plan showing the existing</u>  <u>conditions &amp; show the</u>  <u>cubic yards that were</u>  <u>moved</u></p> <p>Print Name <u>[Signature]</u></p> <p>Signature <u>[Signature]</u>      DATE <u>1-5-16</u></p> <p>Agency phone # _____</p>

# **ATTACHMENT D**

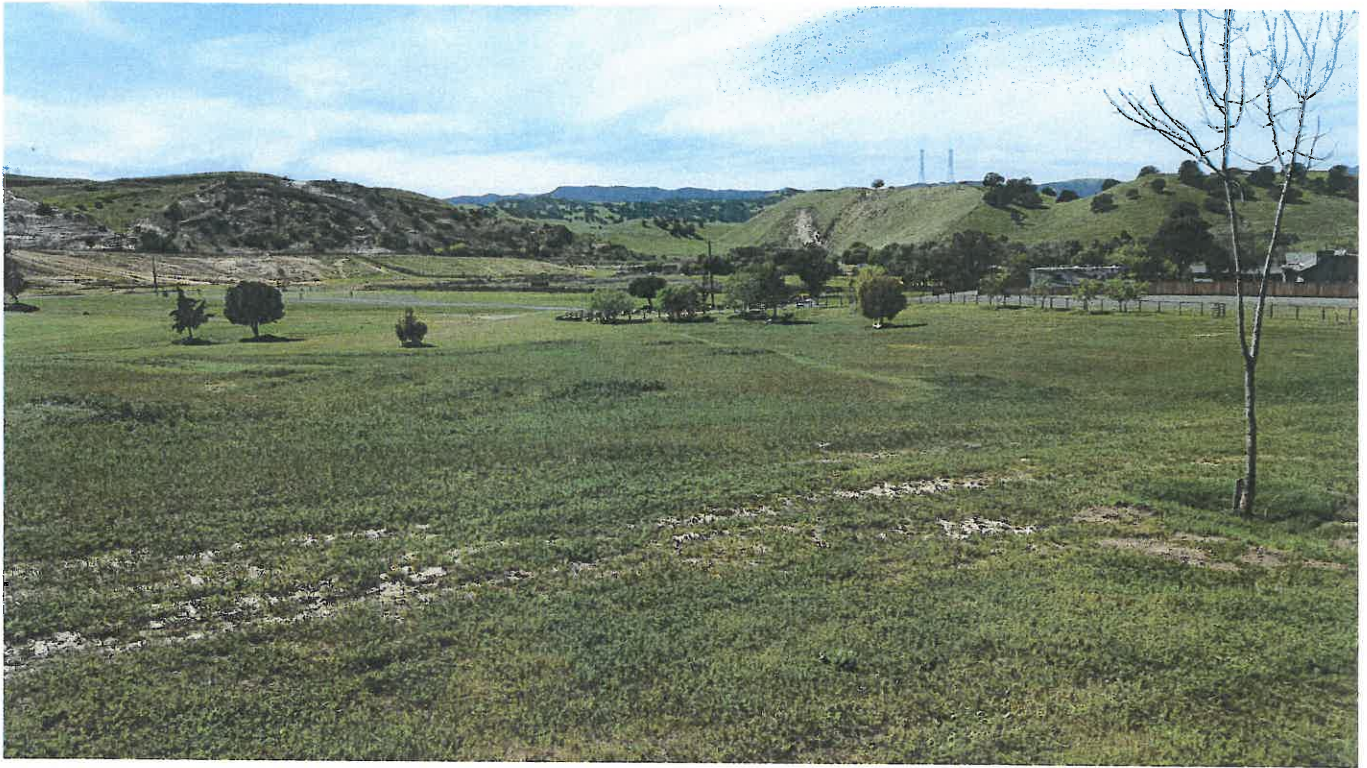
**SITE PHOTOGRAPHS**

**MARCH 23, 2016**











# **ATTACHMENT E**

## **REGIONAL SURVEY OF MOTOCROSS PARK HOURS OF OPERATION**

## Regional Survey of Motocross Park Hours of Operation

<p>Carnegie State Vehicular Recreation Area Tracy, California</p>	<p>8am-8pm – Summer 8am-7pm – Spring/Fall 8am-6pm – Winter 7 days a week</p>
<p>Club Moto Livermore, California</p>	<p>Wednesday, 3pm-dark Saturday, 9am-2pm Sunday, 9am-3pm Days open for practice are split as needed. Open Saturdays and Sundays for races.</p>
<p>Prairie City MX Rancho Cordova, California</p>	<p>1pm- 5pm (Nov thru Feb) 2pm-6pm (Mar &amp; Oct) 3pm-7pm (Apr &amp; Sept) 4pm-8pm (May thru Aug) Saturdays &amp; Sundays 9am–2pm (Year Round) Open from 7am to 10pm on race days.</p>
<p>Argyll MX Dixon, California</p>	<p>Saturday 9am-2pm Sunday 9am-3pm Thursday 3pm to Dark Open Saturdays and Sundays for races.</p>

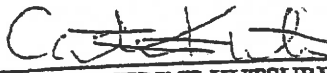
# **EXHIBIT 1**

CONTRA COSTA COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT  
APPROVED PERMIT

APPLICANT: Tom Anderson 50 Camino Diablo Road 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 KUTSURIIS  
 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.

DM/sc

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 it's 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)

# **EXHIBIT 2**



CONTRA COSTA

2015 MAY 22 PM 12:21

APPLICATION & PERMIT CENTER

LP13-2095

Richard I. Bowles  
Michael P. Verna  
Robert I. Westerfield  
Richard A. Ergo  
K.P. Dean Harper  
Kenneth G. Jones  
Bradley R. Bowles  
Kenneth B. McKenzie  
David W. Trotter  
Jason J. Granskog

Lawrence D. Goldberg  
Cathleen S. Huang  
Ethan K. Friedman  
William T. Nagle  
Michael P. Connolly  
Nathaniel B. Duncan  
Cheryl A. Noll  
Michael T. Krueger  
Deborah P. Furth  
Mallory L. Homewood

Of Counsel  
Bruce C. Paltenghi

May 22, 2015

**HAND-DELIVERED**

Community Development Division  
Contra Costa County Department of  
Conservation and Development  
30 Muir Road  
Martinez, California 94553

Attn: Aruna Bhat, Deputy Director

**Re: John and Lori Ramirez (Applicants)/James and Dorothy Schmidt (Owners),  
County File No. LP13-2095  
Site Address/Location: 50 Camino Diablo Road, Unincorporated  
Brentwood, CA (APN 003-020-048)**

**Appeal By Twenty-Three Camino Diablo and Walnut Avenue Homeowners  
and Residents to the Contra Costa County Board of Supervisors of the  
County Planning Commission's May 12, 2015 Decision Allowing Off-Road  
Motocross Operations, Finding Applicant to be in Compliance with Land  
Use Permit No. LP95-2020 Conditions of Approval, and Approving Revised  
Site Plans dated October 31, 2014**

Dear Ms. Bhat:

This appeal letter is submitted on behalf of our clients, who include Linda and Gary Thuman; Ron, Tracy and Cassidy Harrison; Cole, Linda and Chuck Harrison; Rick and Donna Kendrick; Rick and Diana Klinger; Christina Morain and Steve Glennon; Howard Bowles; Dave, Brenda and Elione Chapman; Harvey and Gail Webb; Cliff Chatteron; Jerry Glenn; and Ernie Moore (collectively, "Appellants").

Appellants hereby appeal from the above-referenced decision of the County Planning Commission, resulting from a 5-2 vote of the Commission members at the conclusion of the Commission's May 12, 2015 Five-Year Compliance Review hearing for the proposed Diablo MX Ranch Motocross Park located at 50 Camino Diablo (the "project"). Appellants' homes and



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residential properties are located nearby, and in some cases immediately adjacent to, the west, northwest, east and south sides of the proposed motocross site.

Enclosed herewith please find a \$125.00 check covering the required appeal filing fee.

A statement of the specific grounds and reasons for this appeal is set forth in the remainder of this letter. Appellants have not seen or received any written confirmation of the Planning Commission's decision from the County. Accordingly, Appellants reserve the right to further augment the presentation of grounds and reasons for their appeal before and at the hearing before the County Board of Supervisors. Appellants appeal from the Planning Commission's decision on the following grounds:

**1. The 1998 use permit has terminated by operation of law. If the Applicant and Owner now wish to operate a motocross park on the property, then under the terms of the Contra Costa County Code they must apply for and obtain a new use permit – which they have not done.**

This issue is governed by County Code Section 26-2.2016, which provides:

**“If a use is established according to the terms and conditions of a permit and the use is discontinued for any reason for a period of six months, the permit shall become void and the use shall not be resumed. Upon application during the six months period by the owner and upon a showing of good cause the director of planning may grant an extension not to exceed a total of six months”** (emphasis added).

The County issued Land Use Permit dated November 2, 1998 to Tom Anderson (Application LP95-2020) to operate a motorcycle racetrack on Assessor's Parcel No. 003-020-039. According to the May 12, 2015 Staff Report (hereinafter, “Staff Report”), “[t]he property was sold in 2013, at which time the motorcycle park use ceased operation for six months, during which time a six-month extension of the land use was approved and the use was resumed.” See Staff Report, p. 2.

There are a number of factual errors and concerns here. First, Anderson was forced to sell the property during the **summer of 2012 – not in 2013**, as represented in the Staff Report. Any statement or suggestion that the use of the property for a motorcycle racetrack or park ceased in 2013 is in error.

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In other documents, County staff have taken the position that the “last date of operation” of the motocross park was August 6, 2012. To Appellants’ knowledge, the only evidence in the County’s files supporting this determination is a reference on the former owner’s (i.e., Anderson’s) Facebook page. See Staff Report, Ex. 4. It also now appears that the subsequent owner, the law firm of Glynn & Finley LLP, requested a six-month extension of the use permit by letter dated December 3, 2012, which the County granted on March 5, 2013. See Staff Report, Ex. 5. Assuming that this extension was timely and proper, to avoid having the use permit lapse, operations of the motorcycle park had to resume **by no later than August 6, 2013.**

Significantly, this is also what the County told Appellants. In the summer of 2013, Appellants began contacting the County planning staff to ask questions about the status of the 1998 land use permit. On July 10, 2013, County Planner Gary Kupp sent the following e-mail to Appellant Linda Thuman:

“It was determined that the motocross land use ceased on Aug. 6, 2012. They are allowed **by code** 6 months of inactivity, in this case until Feb. 6, 2013. Since they made a timely extension request, they were granted the 6 month extension until Aug. 6, 2013. **So with the extension, they are allowed a year of inactivity**” (emphasis added).

(A true and correct copy of Mr. Kupp’s July 10, 2013 e-mail is attached as **Exhibit 1** hereto.) Mr. Kupp’s e-mail is entirely consistent with the clear and unambiguous text of Section 26-2.2016. The applicant was entitled to a single year of inactivity, not more than that.

The Staff Report states (at p. 2) that “the use was resumed.” Again, however, no evidence in support of this statement has been provided by the County. Photographs taken by Ms. Thuman in August 2013, and previously submitted to the County, include a “Sand Hill Motorcycle Park Closed” sign, a “For Sale” sign and other obvious evidence of inactivity. **In the absence of any evidence that the motorcycle park had resumed operations prior to August 6, 2013, the 1998 land use permit expired and became “void” as a matter of law under County Code Section 26-2.2016.**

The Staff Report tries to get around this by asserting – contrary to the plain language of Section 26-2.2016 – that “discontinued” as used in that section refers to a “change in use, not the **inactivity** of an approved land use.” See Staff Report, p. 4.

However, the notion that “discontinued use” means a “change in use” is a complete distortion of the English language. It is also inconsistent with Mr. Kupp’s July 10, 2013 e-mail to Linda Thuman, which specifically states that the property owner was to be allowed only “a

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year of **inactivity**.” Mr. Kupp’s e-mail appears to be supported by a clear and straightforward interpretation of the ordinance. By contrast, the position now articulated in the current Staff Report is not supported by the text of the County’s ordinance, which makes clear that if the use is discontinued “for any reason” the permit is deemed to be void.

Under the staff’s logic, operations under a use permit could end for a period of years, yet the use permit would remain valid as long as the empty buildings and structures on the property were not removed. But that is not what the County Code says. In granting and enforcing the use permit at issue here, the County (including its planning staff) “is bound by the terms of the ordinance until the ordinance is amended through proper legislative procedure.” (*Johnston v. Board of Supervisors* (1947) 31 Cal.2d 66, 74; *City and County of San Francisco v. Superior Court* (1959) 53 Cal.2d 236, 250-251 (same).) Put another way, the County cannot place an interpretative “gloss” on the language of Section 26-2.2016, as suggested in the Staff Report, when it is so clearly erroneous and contradicted by the language itself.

At the May 12, 2015 Planning Commission hearing, County staff also suggested that the 1998 use permit remains valid because the Community Development Department had not previously taken action to formally revoke the permit. But this argument ignores the well-settled rule that a public entity, such as the County, lacks the power to waive or consent to a violation of its zoning laws. (See, e.g., *City of Fontana v. Atkinson* (1963) 212 Cal.App.2d 499, 507-508; *Western Surgical Supply Co. v. Affleck* (1952) 110 Cal.App.2d 388, 392-393.) Indeed, the failure of the County staff to properly enforce Section 26-2.2016 according to its terms does not preclude the people of this State – Appellants herein included – from seeking to enforce the County Code now, or in the future. (See, e.g., *Caminetti v. State Mut. Life Ins. Co.* (1942) 52 Cal.App.2d 321, 326, accord, *Western Surgical, supra*, 110 Cal.App.2d at 392-393.)

Finally, the Staff Report states (at p. 4) that on March 28, 2014, the property was purchased by the current Applicants and Owners who now intend to operate a motocross facility. The Staff Report goes on to state that: “Even though the park has not been open to the public since being purchased by the Schmidts and Ramirezes, the land use is still valid since the applicants have been actively pursuing compliance with the conditions of the permit.” **This statement is contrary to the record, and the plain language of Section 26-2.2016.** In any event, the 1998 land use permit expired and became void **no later than August 6, 2013.** Nothing that the Schmidts and Ramirezes did, or could have done in March 2014, after they purchased the property, operated to revive the 1998 land use permit. Nor was the County free to grant yet another “extension” of the land use permit to the Applicants. County Code Section 26.2-2016 makes crystal clear that the “director of planning” may only grant a single, one-time

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extension “not to exceed a total of six months.” The Applicants are out of time and have no rights under the now void 1998 permit.

There are, moreover, sound public policy reasons to apply Section 26.2-2016 according to its terms. The process by which a use permit was approved in 1998 was less than rigorous. The motocross project was approved based on an Initial Study which concluded that the proposed project would result in “insignificant” increases in existing noise levels and “insignificant” exposure of people to severe noise levels. See Staff Report, Ex. 6. That was a dubious conclusion in 1998, and it remains seriously flawed today.

It is also worth noting that in processing the current application for a five-year compliance review, County staff has found that the County’s “60 dBA Noise Control” special program applies to this application. (See Exhibit 21 to the Staff Report, a true and correct copy of which is attached as **Exhibit 2** to this appeal letter.) 60 dBA is generated by typical speech or a conversation between friends. See County General Plan, Noise Element, Figure 11-3, at p. 11-6. (Pertinent excerpts from the County’s Noise Element are attached as **Exhibit 3** hereto.) Prior motocross park nuisance litigation and other published scientific reports indicate it is extremely doubtful that the operation of a motocross park at this location has ever met, or can meet, a 60 dBA standard. Both the Planning Commission, and the Zoning Administrator at the previous December 15, 2014 public hearing, heard testimony from the Appellants that operation of the motocross park has routinely interfered with efforts to carry on a conversation both inside and outside of their homes.

**2. The Diablo MX motocross project is subject to, and not exempt from, the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000, et seq.**

Appellants made the same legal and factual arguments in their December 24, 2014 letter appealing from the Zoning Administrator’s decision. At the outset, it should be noted that the Staff Report failed to address the CEQA case law and arguments directly or on their legal merits – a point which Appellants made before the Planning Commission. For the benefit of the Board of Supervisors, Appellants’ position is again briefly restated below.

**First:** CEQA applies to the current proceedings before the County because the 1998 land use permit is no longer valid. Any consideration of the Applicant’s proposal to resume motocross operations at the property requires the filing of a new application for a use permit, and constitutes a new “project” within the meaning of CEQA. At a minimum, the County is required to prepare an Initial Study and Environmental Checklist (see Public Resources Code §

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21080(c)(2), and CEQA Guidelines, §§ 15063 and 15365). Indeed, CEQA and case law interpreting it require the County to prepare a full Environmental Impact Report (“EIR”) where, as here, there is substantial evidence supporting a “fair argument” that the project has potentially significant environmental impacts. (See Public Resources Code § 21151; *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1993) 6 Cal.4<sup>th</sup> 1112, 1123.) It is well settled that the “fair argument” standard sets a “low threshold” for requiring the preparation of an EIR. (See, e.g., *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754.)

**Second:** Even if one assumes that the 1998 permit is effective (i.e., not void under County Code Section 26.2-2016 despite all evidence to the contrary), the County’s recent action on the proposed Diablo MX motocross facility is still a “project” that is subject to CEQA today.

CEQA generally applies to “discretionary projects proposed to be carried out or approved by public agencies.” Public Resources Code § 21080(a). CEQA specifically applies to an activity for issuance of a permit or entitlement for use of the project involving an exercise of discretion by the agency. (See Public Resources Code § 21065, defining “project”, and CEQA Guidelines, § 15352(b), defining “approval”.) Section 15378(a) of the CEQA Guidelines amplifies this point, with a broad definition of “project” as meaning “the **whole of an action**, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment” (emphasis added). The term “project” is “given a broad interpretation in order to maximize protection of the environment.” (*McQueen v. Board of Directors of the Midpeninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, 1143.) Put another way, an agency must fully analyze each “project” in a single environmental review document. It cannot segment or divide the project, and not analyze all of its impacts, without running afoul of CEQA. (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592.)

Does the Applicant seek the issuance of a new permit by the County? Yes, absolutely. The noticed Agenda for the December 15, 2014 Zoning Administrator hearing described the project as including “a request for a grading permit to grade 12,800 cubic yards for track renovations” – i.e., roughly the equivalent of **1,280 truckloads of dirt**. The Staff Report presented to the Planning Commission glossed over this fact, but it remains unchallenged. Has the County analyzed the potential environmental impacts of those grading operations? Apparently not, since the County is taking the position that the project is “exempt” from CEQA and that the requested grading permit is “ministerial.” But the Staff Report does not address the potential environmental impacts of moving and off-hauling that much dirt. This is contrary to CEQA principles.

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Leaving aside the grading permit, the County has expressly reserved the power to exercise its discretion and impose other “discretionary conditions” in the future with respect to the Diablo MX project. This is something that the Staff Report completely failed to acknowledge. Again, this is a significant flaw in the staff analysis of the CEQA issue.

The fact that the County has retained planning “discretion” really cannot credibly be denied. The Staff Report (at p. 12) states that under Condition of Approval No 17, the applicant cannot use the oval track “until the Community Development Division has a chance to review the [required noise impact] study **and implement any noise mitigation measures that may be required based on the results of the study**” (emphasis added). Put another way, the County is retaining its full planning discretion to impose further necessary and appropriate conditions on this project.

The existence of that discretion is yet another reason why CEQA applies to the current Diablo MX motocross project. The statements by the Zoning Administrator at the December 15, 2014 hearing in announcing her decision, to the effect that the “County has no discretion”, are disingenuous. They cannot be squared with the presentation in the Staff Report, or the express language of Condition of Approval No. 17.

The Staff Report asserts (at p. 7) that requiring this project or the current applicant to comply with CEQA “would essentially be a form of double jeopardy.” But this is not a criminal proceeding. The applicant is subject to the use permit conditions and all applicable laws, including CEQA. Rather than “double jeopardy”, the core issue is what CEQA requires with respect to projects where, as here, the County clearly has **retained planning discretion** to impose further conditions and mitigation measures by virtue of Condition of Approval No. 17, and the applicant has in fact applied for additional permits. If the former owner of the property had done the required noise study previously or completed the necessary grading shortly after the 1998 use permit was approved, perhaps CEQA would not be triggered here. But that was not the situation before the Planning Commission, or before the Board of Supervisors now.

**Third:** The requirement under CEQA that agencies analyze the potential environmental impacts of the “whole of an action” is a critical element of CEQA compliance. It is one which the County unfortunately has not met in this case. The County may or may not have complied with CEQA prior to approval of the 1998 land use permit, but that is not germane here. What is relevant is that **the Diablo MX project circa 2014-2-15 is not the same as the project approved by the County back in 1998.**

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Again, the Staff Report (at p. 2) confirms this fact. It recommends that the Zoning Administrator “APPROVE the revised site plans, received on October 31, 2014” (emphasis added). Clearly, the current project description has changed since 1998, including among other things the following project modifications: (1) “relocation of the oval track”, acknowledged at page 2 of the Staff Report; (2) changes in track layout; (3) changes in the pit parking area; (4) the project site has been reduced by 50 percent, from approximately 80 to approximately 40 acres, significantly reducing the extent of previous buffer zones between the motorcycle tracks and adjacent homes; (5) additional grading is now required, requiring a grading permit as previously discussed; (6) the very noisy motorcycle park operations are now in closer proximity to adjacent single family homes and properties, which impacts must be analyzed; and (6) the elevations on site have been changed, including the cutting down of hilly terrain and removal of trees. Those changes and their potential environmental impacts were not analyzed in 1998. They must be properly analyzed now in accordance with CEQA standards.

At the May 12 Planning Commission hearing, County staff tried to characterize the changes in the location of the oval track as “consistent” with the 1998 use permit approvals. But such statements are belied by the record in this case, and specifically by a comparison of the 1996 site plan (Staff Report, Ex. 10) with the October 2014 proposed site plan (Staff Report, Ex. 11). (Copies of the 1996 and 2014 site plans clearly depicting the changed location and reconfiguration of the newly proposed oval track are attached as **Exhibit 4** and **Exhibit 5** hereto, respectively.) The changes in the project description mandate further environmental review under CEQA.

**Final point on the CEQA issue:** The Staff Report states that Appellants submitted “no evidence of data that demonstrate that the approved land use is adversely impacting the environment.” This is contrary to the record.

Appellants presented evidence and testimony at the December 15, 2014 Zoning Administrator hearing, and again before the Planning Commission, that these and other changes to the project raised a number of potentially significant environmental impacts. This included testimony regarding impacts with respect to (1) noise, first and foremost; (2) air quality and pollution impacts from motorcycle exhaust; (3) noxious fumes and odors permeating and invading adjacent residential properties and homes; (4) threats to wildlife species of special concern including eagles, woodpecker and other birds, San Joaquin kit fox, bobcats and badgers which have returned to the property and populated the surrounding area since the shutdown of motocross operations in 2012; (5) impacts of groundwater pumping and the use of up to 40,000 gallons per day by the project, for dust control and other purposes, on Appellants’ groundwater use and rights to extract water from the same aquifer, and other potential hydrologic impacts; (6)

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erosion of soil on the project's barren slopes and potential impacts of such erosion on Kellogg Creek; and (7) potential safety hazards on Camino Diablo from the tracking of mud from motorcycles and other vehicles involved in racing and other motocross activities on the property. None of these impacts resulting from changes in the project have been adequately addressed by the County in a CEQA compliant manner.

**3. The applicant is not in compliance with all of the conditions of approval imposed by the County in connection with the 1998 use permit issuance (File No. LP95-2020). The Planning Commission's findings of such compliance are contrary to the evidence.**

This appeal point specifically applies to Conditions of Approval Nos. 1, 2, 4, 5, 6, 11, 13, 17, 18 and 20. The reasons why the applicant is not in compliance with the conditions of approval are set forth in further detail in Appellant Linda Thuman's December 5, 2014 letter to the Zoning Administrator (see **Exhibit 6** enclosed herewith), which is incorporated by reference herein.

**4. The proposed motocross project imposes severe and unmitigated noise impacts on adjacent residents, including Appellants, which are contrary to, and inconsistent with the County's General Plan, including the Noise Element.**

County staff have made a number of questionable assertions. First, the May 12 Staff Report states (at p. 13) that "[n]oise was analyzed in the Initial Study." However, there is no evidence that a noise study or analysis was actually conducted back in the late 1990's. Given the inherently noisy nature of the proposed motorcycle park use, this statement by staff must be viewed with some considerable skepticism.

Also on page 13, the Staff Report states that the Appellants have provided "no data or evidence that the [motorcycle] park activities are in violation of the General Plan . . . ." However, Appellants have previously provided the County with video evidence, documents, and oral testimony regarding the significant and unavoidable impacts that operation of a motocross park and racing events would have on their quality of life and property rights.

For example, the Harrison family – whose property is right next door to motorcycle trails that run within a few feet of their property line – testified eloquently at the December 15, 2014 hearing about the impacts of the motocross facility on their quiet enjoyment of their property. They also testified about the safety risks of nearby, high-volume motorcycle noise on horses and equestrians (including Cassidy Harrison) who cannot use the corral for calf-roping activities



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because motorcycles on the adjacent track have startled horses and raised fears that horses will “bolt” and buck them off, resulting in potentially serious injuries to both horse and rider.

And Appellants Rick and Donna Kendrick provided testimony that a star-gazing party in their backyard was thoroughly disrupted by nighttime racing activity on the motocross property. It was so noisy that the astronomer who had been invited to speak about the stars could not be heard by those in the Kendrick backyard over the motorcycle noise emanating from 50 Camino Diablo – despite his use of a microphone.

The Zoning Administrator ignored that evidence in issuing her December 15, 2014 decision; and ultimately, the Planning Commission’s 5-2 majority failed to rectify the situation in upholding the Zoning Administrator’s decision. The Planning Commission’s decision is inconsistent with, and contrary to, the Noise Element of the County General Plan.

The County is required by California law to have a Noise Element as part of its General Plan. See Gov. Code § 65302(f). This statute requires the County to “identify and work toward mitigation of noise problems in the community.” See Ex. 3 (County General Plan at p. 11-1). Moreover, the Noise Element recognizes the obvious fact that “residential areas” are particularly “noise-sensitive” (*id.* at p. 11-2), and that “noise can affect adversely the enjoyment of quiet activities in open space” (*id.* at p. 11-3). The Planning Commission’s decision ignored that there will be severe “noise problems” associated with the project, and did nothing to address or mitigate those impacts.

The Noise Element recognizes that the effects of noise on people include nuisance and annoyance; interference with activities such as speech, sleep and learning; and physiological effects such as anxiety or hearing loss (*id.* at p. 11-5). Appellants provided substantial testimony and evidence that the motocross park will subject them to these adverse impacts. In her haste to find the Applicant to be “in compliance”, this evidence was disregarded by the Zoning Administrator. So did the Planning Commission majority.

Finally, the Noise Element includes a discussion of noise exposure that includes a 5 to 10 dBA “penalty” (i.e., a required **reduction** in noise levels) applicable to noisy nighttime activities after 7:00 p.m. and before 7:00 a.m. (*id.* at pp. 11-5 and 11-6). However, the County has sanctioned use of the lighted racetrack for motorcycle racing until 11:00 p.m. on Friday and Saturday nights! (See Condition of Approval No. 5.) Appellants have repeatedly and vociferously complained that the project will routinely exceed accepted land use compatibility and community standards during evening and nighttime hours, in violation of the Noise Element and general principles of nuisance law.

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The Planning Commission, Zoning Administrator and County planning staff have failed to address and respond to these concerns, and to impose necessary and appropriate mitigation measures to protect the health and welfare of the public and homeowners living in close proximity to the project site. Appellants respectfully submit that the Board of Supervisors has the authority and the duty to ensure that this project is not allowed to operate in a manner that will be inconsistent with California law and the General Plan.

**5. The Planning Commission's decision fails to provide any rational direction or process guidance, or technical criteria to be followed in connection with the "noise impact study" required by Condition of Approval No. 17.**

The May 12 Staff Report appears to miss the point being raised by Appellants here. The County staff apparently feel they are "bound" by the language of Condition of Approval No. 17 (see Staff Report, p. 14). However, this condition is less than clear, and for that reason, the Planning Commission could and should have appropriately interpreted that condition and provided explicit direction to staff, the applicant and Appellants regarding how the noise impact study should be carried out.

Such direction would have been particularly appropriate, given the fact that the applicant expects that the County will be "hir[ing] the necessary acoustical consultant to complete the sound study." See Applicant's Staff Report, Ex. 12, at p. 1. Since County staff apparently will be responsible for oversight of the required noise impact study, it is appropriate for the Board of Supervisors to provide such direction now. The Planning Commission discussed this issue during their deliberations. However, the Commission majority ultimately declined to come to grips with this issue and to "leave it up to the Board."

In any event, appropriate direction from the Board of Supervisors would include, at a minimum, the following:

**(a) The taking of ambient noise measurements.**

Unless ambient noise measurements while racing activities are not taking place are required as part of the "impact study", the County will not have any baseline data for purposes of comparison. The Staff Report indicates (at p. 13) that the operation of the motorcycle park must comply with the "land use compatibility standards prescribed by the Noise Element." Requiring the collection of ambient baseline data would be entirely consistent with the County's Noise Element.

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**(b) Direction regarding applicable noise standards.**

The Staff Report remains unclear as to the applicable noise standards which are to be adhered to in this case. For example, it is not clear that the noise impact study must account for the required noise penalty [i.e., reduction in noise levels] set forth in the Noise Element applicable to nighttime noise levels. But clearly, that study should meet the Noise Element standard, given Condition of Approval No. 5's authorization of nighttime racing until 11:00 p.m. on Friday and Saturday nights.

**(c) Fair and open process, including prior notice to Appellants.**

Moreover, there is a need for better direction regarding a fair process to govern the noise impact study activities going forward. As a matter of due process, it is important – and just plain fair – for prior notice to be given to Appellants of the date of the first race, open communication, and cooperation with Appellants to ensure that proper noise measurement protocols are followed and reliable data is collected in the field by acoustical experts under a fair and scientific process that is not skewed in favor of the applicants.

Such advance notice is particularly appropriate given the applicant's assurances to the County that they will "notify the Community Development Department a minimum of 30 days in advance of the opening of the oval for any racing events." See their March 28, 2014 letter to Gary Kupp (Staff Report, Ex. 12); see also, Use Permit Condition of Approval No. 2. If the applicant is going to be giving notice to the County, this Commission can reasonably direct staff to provide notice to the Appellants **at the same time**.

It should be noted that the County fostered such an open and fair process when it conducted noise studies in connection with the proposed Brentwood Rod and Gun Club project back in 2001 and 2002 – a project that impacted many of the same properties owned by Appellants here.

Finally, we note that it may also be appropriate for the County to permit the first race to be conducted during the pendency of any future appeal to the Board of Supervisors in this matter. As a matter of good public policy, it would better to have the results of any noise impact study in hand before final action is taken on this project, rather than after.

Appellants reserve the right to raise other grounds and reasons for its appeal in future submissions to the County Board of Supervisors, and/or staff at the Community Development Division.

Community Development Division  
Contra Costa County  
May 22, 2015  
Page 13

On behalf of Appellants, we appreciate the Board of Supervisors' thoughtful reconsideration of this matter, and the issues raised by this appeal.

Very truly yours,

  
DAVID W. TROTTER

Enclosures

cc: Supervisor Mary Piepho (w/encls.) – via U.S. mail  
Appellants (w/encls.) – via e-mail and U.S. mail

To: Gary Kupp  
Subject: Re: Sand Hill

thanks Gary. Sorry to be such a pain, appreciate your patience! Linda

From: Gary Kupp <Gary.Kupp@dcd.cccounty.us>  
To: Linda Thuman <lthuman7151@sbcglobal.net>  
Sent: Wednesday, July 10, 2013 10:20 AM  
Subject: RE: Sand Hill

Linda:

It was determined that the motorcross land use ceased on Aug 6, 2012. They are allowed by code 6 months of inactivity, in this case until Feb 6, 2013. Since they made a timely extension request, they were granted the 6 month extension until Aug 6, 2013. So with the extension, they are allowed a year of inactivity. Hope this helps. Don't know if the property was sold or not.

Gary Kupp, Planner  
CONTRA COSTA COUNTY  
Conservation and Development  
30 Muir Road  
Martinez, CA 94553  
(925) 674-7799—Direct  
(925) 674-7205—Main  
(925) 674-7258—Fax

---

From: Linda Thuman [mailto:lthuman7151@sbcglobal.net]  
Sent: Wednesday, July 10, 2013 9:04 AM  
To: Gary Kupp  
Subject: Re: Sand Hill

thanks Gary, sorry about that, I thought it went out in December. do you know how I can find out if it has been sold?

Linda

From: Gary Kupp <Gary.Kupp@dcd.cccounty.us>  
To: Linda Thuman <lthuman7151@sbcglobal.net>  
Sent: Monday, July 8, 2013 12:55 PM  
Subject: RE: Sand Hill

February 6, 2013 to August 6, 2013= six months

Gary Kupp, Planner  
CONTRA COSTA COUNTY  
Conservation and Development  
30 Muir Road  
Martinez, CA 94553  
(925) 674-7799—Direct  
(925) 674-7205—Main  
(925) 674-7258—Fax

EXHIBIT 1

---

From: Linda Thuman [mailto:[lthuman7151@sbcglobal.net](mailto:lthuman7151@sbcglobal.net)]  
Sent: Monday, July 08, 2013 11:11 AM  
To: Gary Kupp  
Subject: Re: Sand Hill

Hi Gary,

I thought it was a 6 month extension, what did I miss? Has it sold?

thanks  
Linda

From: Gary Kupp <[Gary.Kupp@dcd.cccounty.us](mailto:Gary.Kupp@dcd.cccounty.us)>  
To: Linda Thuman <[lthuman7151@sbcglobal.net](mailto:lthuman7151@sbcglobal.net)>  
Sent: Monday, July 8, 2013 8:30 AM  
Subject: RE: Sand Hill

Linda, the extension was granted until August 6, 2013. Beyond that, they would need a new use permit.

Gary Kupp, Planner  
CONTRA COSTA COUNTY  
Conservation and Development  
30 Muir Road  
Martinez, CA 94553  
(925) 674-7799—Direct  
(925) 674-7205—Main  
(925) 674-7258—Fax

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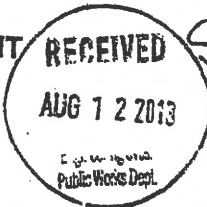
From: Linda Thuman [mailto:[lthuman7151@sbcglobal.net](mailto:lthuman7151@sbcglobal.net)]  
Sent: Friday, July 05, 2013 10:02 AM  
To: Gary Kupp  
Subject: Sand Hill

Hi Gary,

Hope you had a nice 4th! I think the last time we talked was just before Christmas and you said you were planning on issuing the 6 month extension letter to the owners of Sand Hill on December 26. So it has been 6 months & I just wanted to check on the status so I can update the neighbors. It is my understanding that if Sand Hill was not operating during that 6 month period that they would have to go through the entire application process again. So we are hoping that is where Sand Hill is now, no motocross unless they go through the entire application process again.

thank you  
Linda Thuman

CONTRA COSTA COUNTY  
 DEPARTMENT OF CONSERVATION AND DEVELOPMENT  
 COMMUNITY DEVELOPMENT DIVISION  
 30 Muir Road  
 Martinez, CA 94553-4601  
 Phone: 925-674-7205  
 Fax: 925-674-7258



Sum  
8/12/13  
4



## AGENCY COMMENT REQUEST

We request your comments regarding the attached application currently under review.

Date \_\_\_\_\_

### DISTRIBUTION

#### Internal

- Building Inspection
- Advance Planning
- Trans. Planning
- ALUC Staff
- APC Floodplain Tech
- Grading Inspection
- Housing Programs
- Telecom Planner
- HCP/NCCP Staff
- County Geologist

#### Health Services Department

- Environmental Health
- Hazardous Materials

#### Public Works Department

- Engineering Services (Full-size)
- Flood Control (Full-size)
- Traffic
- Special Districts

#### Local

- Fire District EAST CONTRA COSTA
- Sanitary District

- Water District CCWD

City of \_\_\_\_\_

School District(s) \_\_\_\_\_

LAFCO \_\_\_\_\_

Reclamation District # \_\_\_\_\_

East Bay Regional Park District \_\_\_\_\_

Diablo/Discovery Bay/Crockett CSD \_\_\_\_\_

MAC/TAC BYRON

Improvement/Community Association \_\_\_\_\_

#### Others/Non-local

CHRIS - Sonoma State

CA Fish and Wildlife, Region 3 - Bay Delta

#### Additional Recipients

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please submit your comments to:

Project Planner Gary Kupp

Phone # (925) 674-7799

E-mail gary.kupp @dcd.cccounty.us

County File # LP13-2095

Prior to September 3, 2013

\*\*\*\*\*

We have found the following special programs apply to this application:

Active Fault Zone (Alquist-Priolo)

Flood Hazard Area, Panel # \_\_\_\_\_

60-dBA Noise Control

CA EPA Hazardous Waste Site

\*\*\*\*\*

**AGENCIES:** Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments:  None  Below  Attached

5-YEAR COMPLIANCE REVIEW OF LP95-2020 (ATTACHED). PLEASE SUBMIT ANY COMMENTS, QUESTIONS, OR CONCERNS REGARDING COAS.

Applicant has complied w/COAS for PWD of LP95-2020

Print Name Jocelyn LaPoque

Signature Jocelyn LaPoque DATE 09/23/13

Agency phone # (925) 817-2215

CONTRA COSTA COUNTY  
2013 SEP 26 PM

EXHIBIT 2

*Dunneil ...*

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## **11. NOISE ELEMENT**

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### **11.1 INTRODUCTION**

Section 65302 (f) of the California Government Code requires that a noise element be prepared as a part of all city and county general plans. This State law requires that a jurisdiction's noise element identify and work toward mitigation of noise problems in the community. This Noise Element analyzes and quantifies, to the extent practical as determined by the legislative body, current and projected noise levels for all of the following sources:

- o Highways and freeways;
- o Primary arterials and major local streets;
- o Passenger and freight on-line railroad operations and ground rapid transit systems;
- o Commercial and general aviation, heliport, helistop, and military airport operations; aircraft flyovers, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation;
- o Local industrial plants including, but not limited to, railroad classification (switching) yards; and
- o Other ground stationary noise sources identified by local agencies as contributing to the community noise environment.

Noise contours are shown for many of these sources and stated in terms of the day/night average sound level (DNL or  $L_{dn}$ ). The noise contours are to be used to guide land uses, as specified in the Land Use Element, so that the exposure of community residences to excessive noise is minimized.

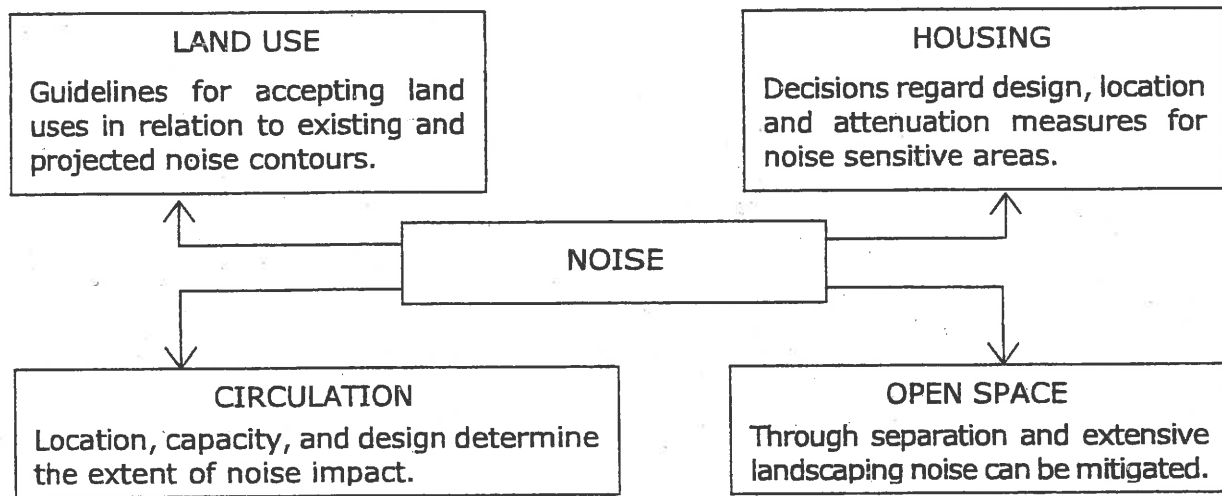
According to the Code, noise elements shall also include implementation measures and possible solutions that address any existing and perceivable noise problems. The adopted Noise Element shall serve as a guideline for compliance with the State Noise Insulation Standards. (Title 24, Part II, CCR.)

This Noise Element follows the guidelines established by the California Department of Health Services entitled, "Guidelines for the Preparation and Content of the Noise Element of the General Plan." The State Guidelines define noise metrics, discuss the process of Noise Element development, and present land use compatibility guidelines based on various noise levels. The contents of the State's guidelines document were reviewed in preparation of this Element and the relevant portions are incorporated into this document.

### **11.2 RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS**

The General Plan elements are important tools used by elected officials to provide policy guidance and assist in decision making. All of the elements of the General Plan are related and interdependent to some degree. However, the Noise Element is most closely related to the Land Use, Housing, Circulation, and Open Space Elements, as shown in Table 11-1.



**TABLE 11-1 RELATIONSHIP OF NOISE ELEMENT TO OTHER GENERAL PLAN ELEMENTS**

The major objective of a noise element is to provide guidelines to achieve noise land use compatibility. The Land Use and Noise Elements, therefore, are related closely. By identifying noise-sensitive land uses and establishing compatibility guidelines for land use and noise, the Noise Element will influence the general distribution, location, and intensity of future land use. Effective land use planning can alleviate noise problems.

Residential areas are one of the noise-sensitive land uses. Therefore, the Housing Element is directly affected by the Noise Element. The Housing Element policies and programs should include safeguards against noise intrusion. The implementation of Land Use/Noise Compatibility Guidelines can reduce noise impacts in residential locations. In addition, proper noise mitigation measures during housing construction can guard against adverse noise impact.

A city's circulation system is one of the major sources of continuous noise. Therefore, the existing and future circulation system identified in the Circulation Element will influence greatly the Noise Element. Circulation routes such as freeways, highways, and truck routes should be located to minimize the noise impact on noise-sensitive land uses. The location and design of transportation facilities and possible mitigation of noise from existing and planned facilities will greatly influence the overall noise environment within the City.

Since noise can affect adversely the enjoyment of quiet activities in open space, the Noise Element is also related closely to the Open Space Element. Inversely, open space can be used as a noise buffer between incompatible land uses. This technique can reduce community noise levels and also provide usable open space for recreation.

The goals, policies and implementation measures contained in this Element are intended to guide planning for public and private projects that are subject either to approval of the County Planning Agency or to review by County staff, although they may be under the jurisdiction of other public agencies operating in the County. Such goals, policies and implementation measures are further intended to be in accordance with the other elements of the General Plan, as well as with other planning documents. This Element completely supersedes the 1975 Noise Element.

### 11.3 ACOUSTICAL STANDARDS

Many governmental agencies have promulgated noise standards for various types of projects. In general, these standards are intended to protect persons from excessive

exterior and interior noise. Most of these standards address vehicular traffic noise while others address rail, aircraft, or fixed sources.

The Department of Housing and Urban Development (HUD) has developed noise policies for Federal housing projects. These HUD policies are contained in The Noise Guidebook. The policies contained in the guidebook discuss various outdoor noise environments and recommend acceptable interior and exterior noise level goals.

The State of California has adopted Title 21 and Title 24, Part 2, of the California Code of Regulations. Title 21 limits airport noise near residential communities to minimize existing and future land use conflicts. Title 24, Part 2, is concerned with transportation and industrial noise sources and specifically regulates the maximum allowable interior noise level for hotels, motels, and multi-family housing. Title 24, Part 2, also establishes standards for sound isolation of party walls, corridor walls, and floor/ceiling assemblies in multi-family residential construction.

The Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) have similar policies for new roadway construction and roadway expansion. These policies contain maximum acceptable noise levels in areas adjacent to vehicular traffic. These policies also have guidelines for determining when noise barriers should be constructed.

The County's Airport Land Use Commission (ALUC) oversees development near airports. The ALUC has a plan which contains goals and policies. These policies are considered when a project is proposed near an airport or heliport in the County. In addition to a noise element, counties and cities can also adopt noise ordinances. A noise ordinance is intended to regulate sources such as amplified music, construction and mechanical equipment.

### 11.4 NOISE ELEMENT ORGANIZATION

The Noise Element is divided into six remaining sections. These sections define noise problems; quantify the noise problems; set up goals and policies; and, finally, provide implementation measures to minimize or eliminate the noise problems.

### 11.5 FUNDAMENTAL CONCEPTS OF ENVIRONMENTAL NOISE

#### BACKGROUND

Three aspects of community noise are important in determining subjective response:

- o The level of the sound (i.e., magnitude or loudness);
- o The frequency composition or spectrum of the sound; and
- o The variation in sound level with time.

Airborne sound is a rapid fluctuation of air pressure and local air velocity. Sound levels are measured and expressed in decibels (dB) with 0 dB roughly equal to the threshold of hearing.

The frequency of a sound is a measure of the pressure fluctuations per second, measured in Hertz (Hz). Most sounds do not consist of a single frequency, but are comprised of a broad band of frequencies differing in level. The characterization of sound level magnitude with respect to frequency is the sound spectrum. A sound spectrum is often described in octave bands that divide the audible human frequency range (i.e., from 20 to 20,000 Hz) into ten segments. Figure 11-1 shows a range of sound spectra for various types of sound over the audible hearing range.

Figure 11.1 Range of Sound Spectra

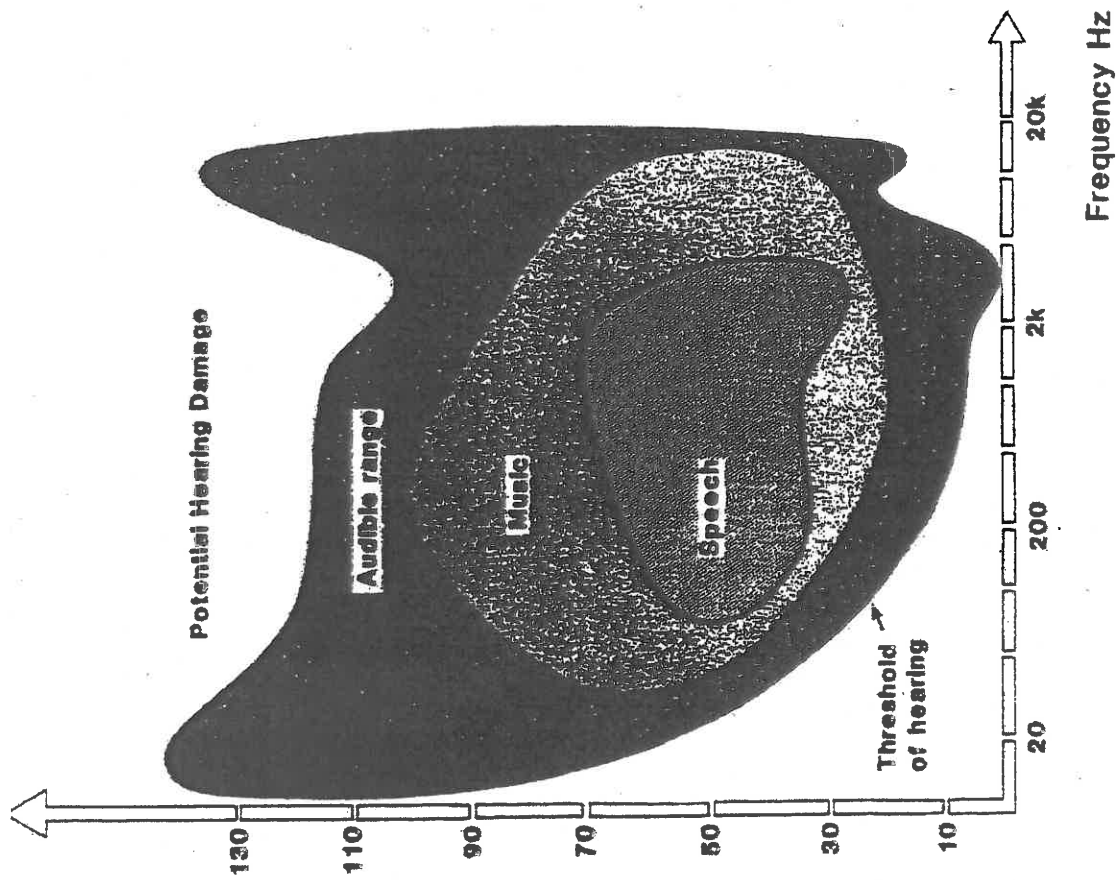
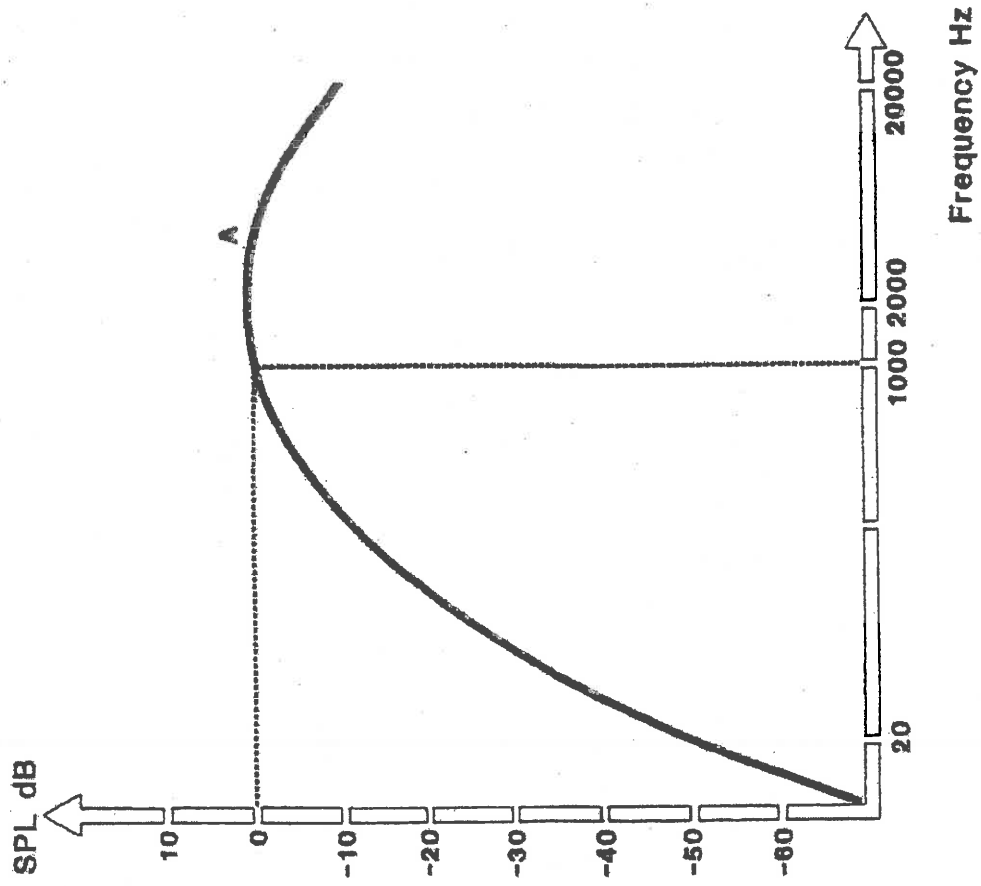


Figure 11.2 A-Weighting Network



## FREQUENCY WEIGHTING

Many rating methods exist to analyze sound of different spectra. Generally, the simplest method is used so that measurements may be made and noise impacts readily assessed using basic acoustical instrumentation. This method evaluates all frequencies by using a single weighting filter that progressively de-emphasizes frequency components below 1000 Hz and above 5000 Hz. This frequency weighting, shown in Figure 11-2, reflects the relative decreased sensitivity of humans to both low and extremely high frequencies. This weighting is called A-weighting and is applied by an electrical filter in all U.S. and international standard sound level meters. Some typical A-weighted sound levels are presented in Figure 11-3.

## NOISE EXPOSURE

Noise exposure is a measure of noise over a period of time, whereas the noise level is at an instant in time. Although a single sound level may describe adequately community noise at any moment, community noise levels vary continuously. Most community noise is produced by many distant noise sources that produce a relatively steady background noise having no identifiable source. These distant sources change gradually throughout the day and include traffic, wind in trees, and distant industrial activities. Superimposed on this slowly varying background is a succession of identifiable noise events of brief duration. These include nearby activities, such as single vehicle passbys or aircraft flyovers.

A single number called the equivalent sound level ( $L_{eq}$ ) is used to describe the average noise level over a period of time (i.e., the total sound energy divided by the duration). Thus, the  $L_{eq}$  is the constant sound level that would contain the same acoustic energy as the varying sound level, during the same time period.

In determining the daily measure of community noise, it is important to account for the difference in human response to daytime and nighttime noise. Nighttime exterior background and household noise levels are generally lower than in the daytime. People are more sensitive to noise at night than during other periods of the day and exterior noise intrusions become more noticeable.

To account for human sensitivity to nighttime noise, the DNL ( $L_{dn}$ ) descriptor was adopted by the Environmental Protection Agency to describe community noise exposure from all sources. The DNL is called the day-night sound level and represents the 24-hour A-weighted equivalent sound level with a 10-dB penalty added to the "nighttime" hourly noise levels (HNL) between 10:00 PM to 7:00 AM.

DNL and CNEL levels are typically computed by energy summation of HNL values, with the proper adjustment applied for the period of evening or night. The CNEL is computed identically to the DNL but with the addition of a 5-dB penalty to the evening HNL (i.e., 7:00 PM to 10:00 PM). The CNEL value is typically less than 1 dB above the DNL value. Figure 11-4 shows the adjustments applied for the DNL and CNEL measures. Noise exposure measures such as  $L_{eq}$ , HNL, DNL, and CNEL are all A-weighted, with units expressed in decibels.

## SUBJECTIVE RESPONSE TO NOISE

The effects of noise on people can be classified into three general categories:

- o Subjective effects of annoyance, nuisance, dissatisfaction;
- o Interference with activities such as speech, sleep, and learning; and
- o Physiological effects such as anxiety or hearing loss.

Figure 11-3 Typical Sound Levels Measured in the Environment and Industry

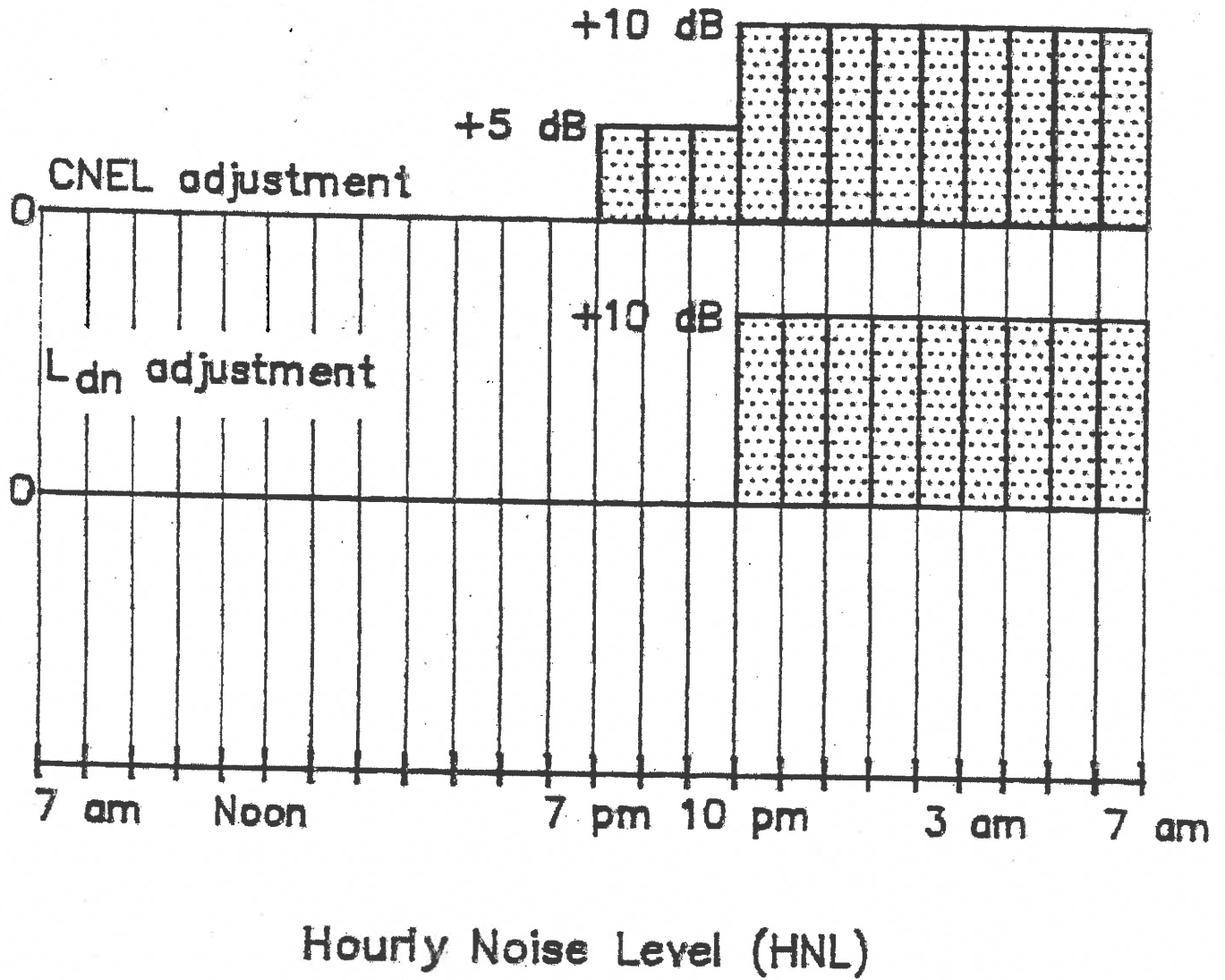
A-WEIGHTED  
SOUND PRESSURE LEVEL,  
IN DECIBELS

	140	} THRESHOLD OF PAIN
	130	
CIVIL DEFENSE SIREN (100') JET TAKEOFF (200')	120	
RIVETING MACHINE	110	
DIESEL BUS (15')	100	ROCK MUSIC BAND PILEDRIVER (50') AMBULANCE SIREN (100')
BAY AREA RAPID TRANSIT TRAIN PASSBY (10')	90	BOILER ROOM
PNEUMATIC DRILL (50')	80	PRINTING PRESS PLANT GARBAGE DISPOSAL IN THE HOME
SF MUNI LIGHT-RAIL VEHICLE (35') FREIGHT CARS (100')	70	INSIDE SPORTS CAR, 50 MPH
VACUUM CLEANER (10') SPEECH (1')	60	
AUTO TRAFFIC NEAR FREEWAY	50	DATA PROCESSING CENTER DEPARTMENT STORE PRIVATE BUSINESS OFFICE
LARGE TRANSFORMER (200') AVERAGE RESIDENCE	40	LIGHT TRAFFIC (100')
	30	TYPICAL MINIMUM NIGHTTIME LEVELS--RESIDENTIAL AREAS
SOFT WHISPER (5')	20	
RUSTLING LEAVES	10	RECORDING STUDIO
THRESHOLD OF HEARING	0	MOSQUITO (3')

(100') = DISTANCE IN FEET  
BETWEEN SOURCE  
AND LISTENER



Figure 11-4 Hourly Noise Levels and Annual Metrics



## 11. Noise Element

The sound levels associated with community noise usually produce effects only in the first two categories. No universal measure for the subjective effects of noise has been developed, nor does a measure exist for the corresponding human reactions from noise annoyance. This is primarily due to the wide variation in individual attitudes regarding the noise source(s).

An important factor in assessing a person's subjective reaction is to compare the new noise environment to the existing noise environment. In general, the more a new noise level exceeds the prior existing level, the less acceptable it is. Therefore, a new noise source will be judged more annoying in a quiet area than it would be in a noisier location.

Knowledge of the following relationships is helpful in understanding how changes in noise and noise exposure are perceived.

- o Except under special conditions, a change in sound level of 1 dB cannot be perceived;
- o Outside of the laboratory, a 3 dB change is considered a just-noticeable difference;
- o A change in level of at least 5 dB is required before any noticeable change in community response would be expected; and
- o A 10 dB change is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response.

### COMBINATION OF SOUND LEVELS

Because we perceive both the level and frequency of sound in a non-linear way, the logarithmic decibel scale is used to describe sound levels. The frequency scale is also measured in logarithmic increments. Decibels, measuring sound energy, combine logarithmically. A doubling of sound energy (for instance, from two identical automobiles passing simultaneously) creates a 3-dB increase (i.e., the resultant sound level is the sound level from a single passing automobile plus 3 dB). The rules for decibel addition used in community noise prediction are:

- o If two sound levels are within 1 dB of each other, their sum is the highest value plus 3 dB;
- o If two sound levels are within 2 to 4 dB of each other, their sum is the highest value plus 2 dB;
- o If two sound levels are within 5 to 9 dB of each other, their sum is the highest value plus 1 dB; and
- o If two sound levels are greater than 9 dB apart, the contribution of the lower value is negligible and the sum is simply the higher value.

## 11.6 NOISE IN CONTRA COSTA COUNTY

### OVERVIEW

In Contra Costa County, traffic along freeways (e.g., Interstate 80, Interstate 680, State Route 24, and State Route 4), and major arterials (e.g., Willow Pass Road and Ygnacio Valley Road) are the primary sources of vehicular traffic noise.

Rail operations also contribute to the noise environment in the County. The Atchison Topeka and Santa Fe (ATSF) and Southern Pacific (SP) railroad corridors in the County are primarily freight lines. These lines generate high noise levels during passbys and their trains are required to sound their whistles when crossing roadways at-grade. The Bay Area Rapid Transit (BART) system is an electrically driven passenger line. BART passbys



## 11. Noise Element

are typically less noisy than the freight trains. BART trains do not have at-grade crossings.

Existing air traffic activity also contributes to the noise in Contra Costa County. Buchanan Field, near Concord, is the primary source of aircraft noise. Other sources of aircraft noise are local emergency airports and military helicopter activity.

The remaining noise sources are industrial plants such as oil refineries and materials processing plants. The Camp Parks Reserve Forces Training Area (RFTA) near San Ramon also is a noise source. Typical operations at Parks RFTA include small caliber weapons training, helicopter overflights, and vehicular activity.

### ONGOING PROBLEMS

There are many areas within the County that have existing noise problems. Buchanan Field is a constant source of noise complaints. According to the County, it generated 375 complaints in 2003. Interstate 80, 680 and Route 4 also generate complaints. However, these complaints typically are handled by the California Department of Transportation. Rail switching yards in Martinez and Richmond are also noisy and have generated complaints. Industrial noise generation continues to be a concern.

Loud music, parties, sporting events at high schools, outdoors music at nightclubs, and, in the past, livestock, has also been the source of complaints to the County.

### FORESEEABLE FUTURE PROBLEMS

Potential foreseeable future problems will be similar to many current problems. For example, residential land uses still will remain in relatively close proximity to some industrial noise sources. Currently, residential development is being built or proposed near Camp Parks RFTA. Although adequate setbacks and noise mitigation are usually incorporated into these projects, occasional complaints can be expected. Similarly, loud parties, outdoor music, and other industrial sources will continue to generate sporadic complaints. Activities at Buchanan Field are not anticipated to decrease in the future and may even increase. This activity would be expected to generate future complaints. Gas wells located in East County may be a source of future complaints. These wells generate a high-frequency hissing sound.

In preparing this Noise Element, all the existing noise complaints and potential future ones were considered in the development of goals and policies. The purpose of these goals and policies is to protect future residents from the negative impact of noise and, if possible, minimize and reduce the number of complaints the County receives.

## 11.7 NOISE CONTOURS

### METHODOLOGY

Existing and future traffic noise levels are based on calculations using the Federal Highway Administration Traffic Noise Prediction Model (FHWA RD-77-108), continuous 24-hour noise measurements, and short-term 15-minute measurements along freeways and major arterials in the County. The FHWA method predicts the average hourly noise level along a roadway based on the number of vehicles, the speed of the vehicles, and the percentage of medium and heavy trucks.

The 24-hour average noise level (DNL) along a roadway, was calculated from the continuous 24-hour noise measurements. Along some roadways, however, only a 15-minute noise measurement was made. To calculate the DNL, the 15-minute measurement results were compared to the noise level measured during the same time

## 11. Noise Element

period at a 24-hour noise measurement location on a nearby or similar roadway. The difference between the measured hourly noise levels and the DNL then was calculated for the 24-hour measurement location and the same offset was applied for the 15-minute measurement location.

To determine the 24-hour noise level where no measurements were taken, the peak hour  $L_{eq}$  was calculated using the FHWA method and traffic volumes provided by the County. The DNL was determined in a manner similar to that of the short-term measured roadways. By comparing the peak-hour noise level ( $L_{eq}$ ) and the DNL from 24-hour noise measurements made in the vicinity of the roadway, a peak hour  $L_{eq}$  to DNL offset was determined. This offset was applied to the calculated peak hour level to determine the DNL at the non-measured location.

### NOISE CONTOUR MAPS/TABLES

#### Roadways/Rail Lines

Existing and future DNL noise contours have been prepared for freeways, major arterials, and railways in the County. The contours were prepared on USGS quad maps. A reduced set of the future contours are provided in this document (see Figures 11-5A through 11-5V). Table 11-2 summarizes the information contained in the future noise contours. A complete set of full size existing and future noise contours is available for public review at the Community Development Department offices.

#### Airports/Heliports

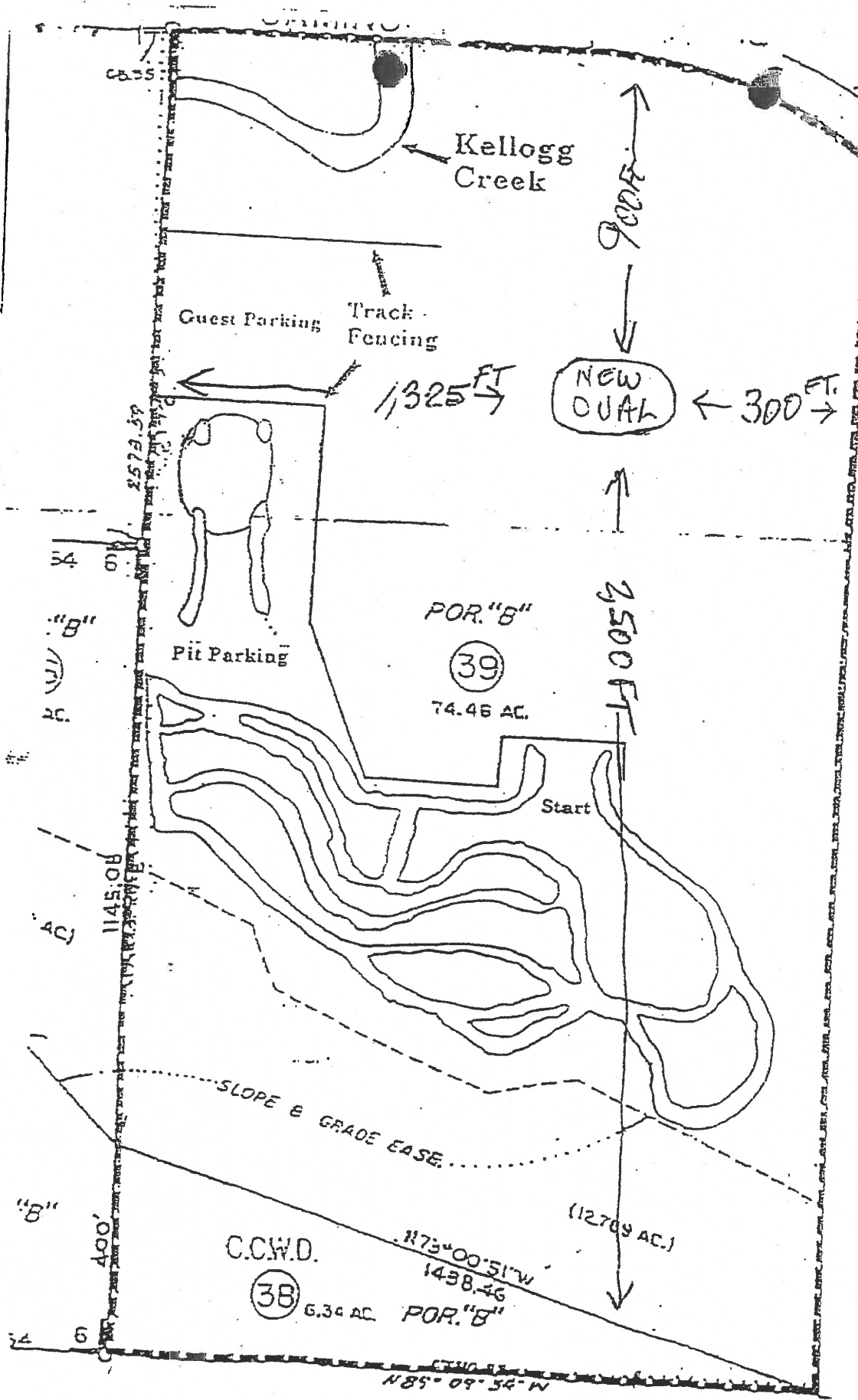
Existing and future CNEL noise contours are provided for Buchanan Field and Byron Airport. These contours were taken from the Airport Land Use Compatibility Plan adopted by the Contra Costa County Airport Land Use Commission in December of 2000.

### USE OF MAPS/TABLES

Noise contours are typically used for planning purposes in conjunction with new residential development. Since the actual full-size contour maps for roadways and rail lines are not contained in the Noise Element, Table 11-2 has been prepared. These tables and maps are designed to help planners, developers, and consultants identify a parcel or proposed residential project that is potentially impacted by noise. The table is intended to be used as follows:

- Step 1. Determine distance of the project site from a major noise source such as a roadway, airport, or rail line.
- Step 2. If the noise source is a roadway or rail line: from Table 11-2, determine the distance from the rail line or roadway centerline to the future 60 DNL contour.  
If the noise source is an airport, determine if the project is within the 60 CNEL contour.
- Step 3. If the project is within the future 60 DNL or CNEL contour, an acoustical study should be initiated.

Noise contours do not always account for the acoustical shielding provided by site geometry or terrain. Therefore, these contours may overestimate the noise exposure of a particular site. However, noise contours should only be used as a screening tool. Site-specific noise levels and other acoustical issues should be addressed in the acoustical study for the project.



Detailed  
Plan  
LP 952020

96/OCT-21 PH 12:34  
COMUNITY  
DEVELOPMENT DEPT

DOHERRA COSTA

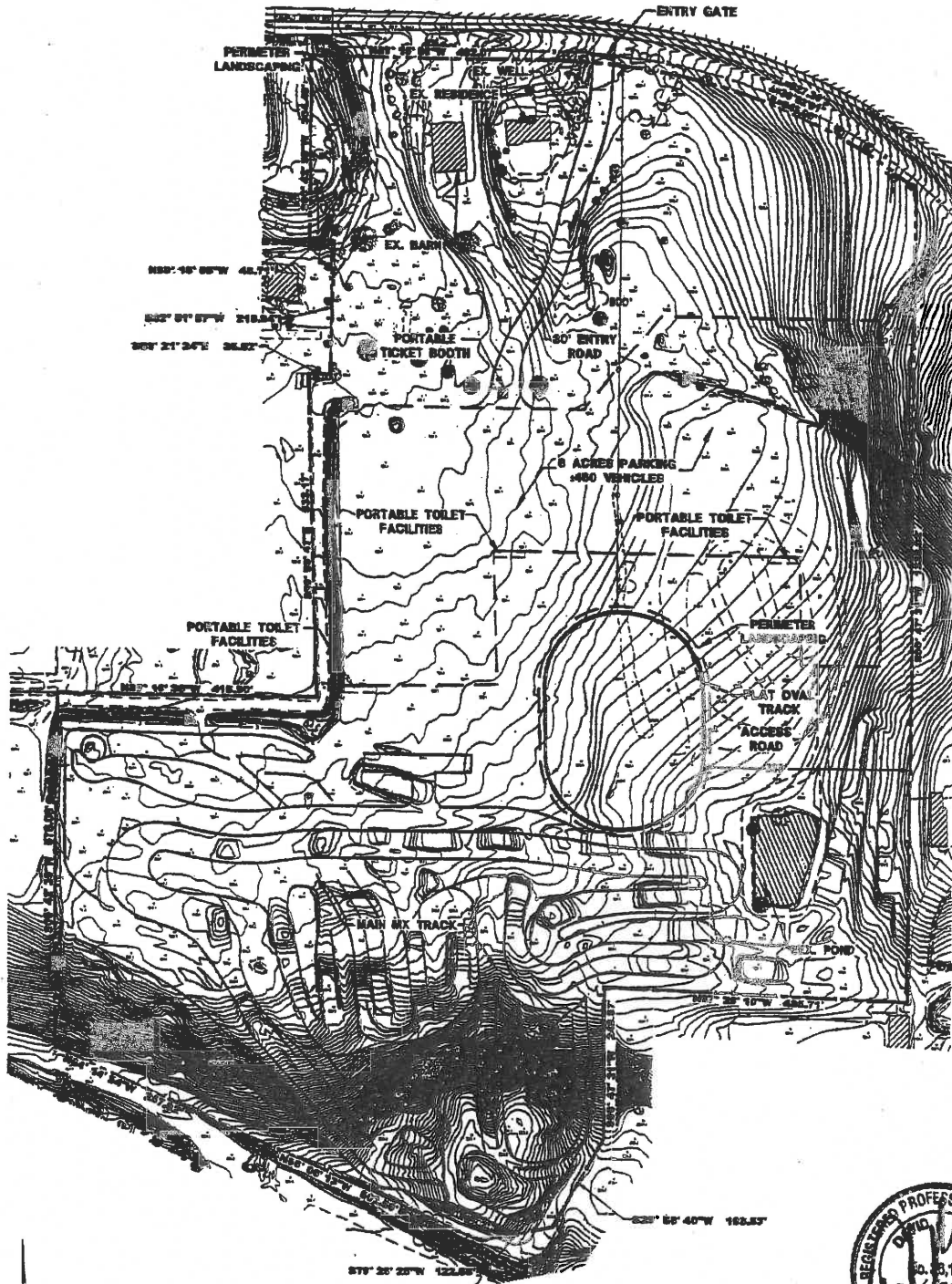
EXHIBIT 4

PROPOSED SITE PLAN  
**50 CAMINO DIABLO ROAD**  
 DIABLO MX RANCH LLC

BRENTWOOD CALIFORNIA

OCTOBER, 2014

CENTRAL CALIFORNIA COUNTY  
 OCT 31 2014  
 Dept of Conservation & Development



**WOOD ADDERS**  
 DESIGNERS ENGINEERS ARCHITECTS  
 6801 SANDHILL DR., STE 100 TEL: 925-845-0000  
 PLEASANTON, CA 94588 FAX: 925-845-0001

EXHIBIT 5

December 5, 2014

Dear Zoning Administrator,

We are the neighbors of 50 Camino Diablo in Brentwood California. That property has been known historically as Sand Hill Motocross Ranch and currently as Diablo MX Ranch. For purposes of this document we will identify it as Sand Hill/Diablo MX.

We have had an opportunity to read the Staff Report prepared by the Department of Conservation and Development and disagree with many of the items, most of which are identified as "In Compliance."

The items are as follows:

California Environmental Quality Act (CEQA) Status: It states "Exempt" and we would like to know know why. We have asked before and have not received a response. (See attached letter to Tomi Riley dated October 6, 2014)

Under "Recommendation 1" It states that the applicants are in compliance. They are not in compliance and have never been in compliance. These non-compliant Conditions of Approval (COA's) will be identified below.

Under "Recommendation 2" It states, "Approve revised site plan submitted October 31, 2014..." On the original permit, COA #1, it states "subject to revised site plan dated/received October 21, 1996. On the original permit COA #5 states, "All activities approved by this permit shall be restricted to the existing track and motocross areas as indicated on the plan submitted with the application with the exception of minor changes subject to Zoning Administrator review and approval." A revised site plan submitted 16 years later is not a minor change. We have been told in person by Senior Planner Will Nelson that they had to adhere to the site plan dated October 21, 1996. Through Public Document Request we asked for the original application and any changes, addendum's or revisions. Suddenly we are presented with a map dated 1998 that is being presented as a site plan. No received date stamps from county on this previously unknown document. Again this is not a minor change. (See attached Request for Public Document)

Under "Recommendation 3" It states "Grant planning clearance for issuance of a business license..." As we brought up in the meeting in your presence on December 1, it is our opinion that Sand Hill has been closed for over two years. During that time there was occasional, very quiet motorcycle classes that took place. During that time we advised the county that the site was not in compliance and now we are asking if they had a business license to operate during that time at that location. (During that time we were told that constituted being open for business. For over six months there has been no training. Now we are told that pursuing compliance ((cleaning up property)) fulfills that requirement. If that is the case why did they have to conduct training classes in the first place?) (See attached emails & pictures)

Under "Background" It state that compliance reviews were conducted in 2003 and 2009. We asked for proof that the property was in compliance during those reviews and did not receive and proof that it was in compliance. (See attached letter to Tomi Riley dated Oct 26, 2014)

Under "Background" it also states that the land use permit is still valid even though the

EXHIBIT 6

applicants have not been operating it as a business because they have been pursuing compliance. COA #1 specifically states that the COA's are to be met in a timely manner, not 16 years later.

Under "Background" paragraph two it states, "since there is no evidence of the (sound) study being conducted in the past..." Again, out of compliance as stated on COA #1 which specifically states that the COA's are to be met in a timely manner, not 16 years later. Also under "Background" it states there is no official record of complaints made to Code Enforcement...While we didn't want to bring up old history there is a significant history regarding complaints against Sand Hill as documented in the lawsuit of Carol Davis vs. Tommy Anderson and Thomas Smith (C98-03060). That lawsuit specifically states, "Contentious public hearings occurred before the County Planning Commission and Board of Supervisors in 1996 and early 1997. These hearings received extensive press coverage." It also states that because of concerns of plaintiff and neighbors certain limiting conditions were imposed...As newer residents moved in it appeared that Sand Hill had reduced their hours and ridership was declining and since Tom Anderson was here first no complaints were made that we are aware of at the 5 year review hearings. (See attached Davis v Anderson lawsuit)

Also under "Background" paragraph three it states that we question the validity of the permit originally approved as a 80 plus acre site now reduced to an approximate 40 acre site. The county states this reduction was properly noticed and approved at public hearing in 2004. It may have been approved as a lot line adjustment but not properly investigated as the sound/safety/liability buffer for a motocross race track. Was this specifically noticed as a reduction in the size of a motocross race course?

It appears this may not have been carefully investigated prior to approval or someone should have realized the liability that was created by losing what was in effect a buffer for the motocross tracks. Per the staff report this was noticed and approved on January 5, 2004. Paul Bergstrom rode off a Sand Hill course on March 11, 2004, onto what is now the Harrison property, received significant injuries and successfully sued both Sand Hill for over two million dollars and received a settlement from what is currently the Harrison property for about \$750,000. At that time the Harrison property belonged to the Brentwood Rod and Gun Club. (See attached Paul Bergstrom vs. Sand Hill Ranch lawsuit) A perfect example of why a buffer is essential to this property not only for noise but for safety. We have attached a proposal from a motocross course that includes buffer information. The course is 75 acres, the property is 437 acres. The proposed buffer is, "at least 25 feet high by 70 feet wide.." that is around the course area. "A perimeter vegetated buffer area with an average width of 1,000 feet and minimum width of 500 feet..." That appears to be for the actual perimeter of the property. (See attached proposal from Snohomish County and lawsuit article re motorcyclist)

Now we get to the actual COA's:

COA #1: The staff report states they are in compliance. We disagree. County states they are in compliance but they have to remove two unapproved tracks to conform to original site plan dated October 21, 1996. The county also states, "In order to get the site into better conformance with the approved site plan, the applicants were required to submit new site plans that better reflect the original approval." How do they know what the original approval is supposed to reflect, where they involved in the original? It appears from the lawsuit between Davis and Anderson the original approval reflected concerns of the neighbors. "Because of concerns of

Plaintiff and her neighbors expressed to the county, and in compromise of the conditions sought in the original applications of Anderson and Smith, certain limiting conditions were imposed..." We do not believe the intent of the permit was to expose neighbors to even more noise from the motocross tracks. (See attached lawsuit of Davis and Anderson)

COA#1: This COA also talks about the new owner/applicants applying for a grading permit to move the oval track, which was never in compliance with the 1996 site plan. There is no permit for the track which is a condition of COA#4. These new owner/applicants have already done significant grading, tree removal, course modification, retaining wall construction and building remodeling without a permit. All of these issues have been reported and/or asked about. (See attached Req for Public Doc's, emails and citizen access documents)

COA#2: The staff report says they are in compliance. They are not in compliance. Talks about reconstruction of (unpermitted) oval track and notification to Community Development 30 days prior to any racing event. The track is not permitted, the track never conformed to October 21, 1996 site plan and had this process occurred 16 years ago or been investigated at any of the compliance reviews we would not be bringing it up at this time. (Refer to attachments from COA#1)

COA#3: Staff report states they are in compliance. We agree that they were in compliance as of 2012. After two requests for public documents we received satisfactory documentation.

COA#4: Staff report states they are in compliance. They are not in compliance. States the applicants shall have permits for all structures related to motorcycle activities. On the permit it specifically states "the racetrack." A request for public documents resulted in nothing on file. (attachment on COA#1) This racetrack has never been permitted and never been in compliance. There is also no pond indicated on the original site plan. The applicant/owner did a huge amount of grading, fencing and construction to build the current very large pond. There is no permit for the pond we are aware of.

COA#5: Staff report states they are in compliance. They are not in compliance. They have never been in compliance. If they were in compliance why is there a need for a new site plan? The new site plan includes things that were not on the original site plan such as the pond. The new site plan shows the track much closer to the Harrison property line. COA #5 states that minor changes are to be approved by the Zoning Administrator. This is a major change(s).

COA#6: Staff report states they are in compliance. They are not in compliance. Our public document requests specifically asked for the original application, site plan and any changes or addendum's. We were never given what they identify here as Exhibit 4. This is also the only document that is not date stamped as to when it was received and/or approved by the county. We specifically asked for a 1998 map but were told the 1996 map was the site map. On the county staff report under COA#5 it specifically states, "conform to the approved October 21, 1996 site plan..." Exhibit 4 also states hours start at 7am. COA#1 states "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 hours on the approved permit start at 8am. (See emails.)

COA#7: Staff report states they are in compliance. We state they are not in compliance and have not been for 16 years. Again there is NO timeliness to this, again a violation of COA#1. (See



request for public document.)

COA#8: Staff report states they are in compliance. We can agree to this although we have asked about a designated helo landing area to minimize sound, dust and debris as medical helicopters land on a routine basis. We have been told by fire department staff that when Sand Hill was up and running it was their number one response location.

COA#9: Staff report states they are in compliance. Not in compliance, have not been in compliance for 16 years. Again there is NO timeliness to this, again a violation of COA#1. There has never been a permit for lights on the racetrack, should have been addressed 16 years ago.

COA#10: Staff report states they are in compliance. They do not have any signs up, how could they be in compliance? They did put up signs without approval and had to take them down. If they had met with the county as directed on COA #18 perhaps they would not have again violated the permit.

COA#11: Staff report states they are in compliance/ongoing. However on the staff report it states dust control for parking area. On the permit it states when there are 25 or more present the dust control will include the entire site to avoid dust impacts on nearby properties. We want to ensure proper dust control.

COA#12: Staff report states they are in compliance. As this has to do with fee's to Contra Costa County we are fairly confident the county has made certain of their compliance.

COA#13: Staff report states they are in compliance. As this has to do with safety helmets releases, minors accompanied by adult, etc they cannot be in compliance until they are open. We have had historic problems with motorcycles from Sand Hill riding on Camino Diablo and Walnut Blvd. The applicant was told of those concerns and said that would not be a problem. Since that time on more then one occasion unlicensed bikes from Sand Hill/Diablo MX have been seen on Camino Diablo and Walnut Blvd.

COA#14: Staff report states they are in compliance. This is regarding Contra Costa County Water (CCW) easement access. We can only assume they would have access.

COA#15: Staff report states they are in compliance. As this has to do with fee's to Contra Costa County we are fairly confident the county has made certain of their compliance.

COA#16: Staff report states they are in compliance. This is a historical problem as it relates to musical concerts and dances. There used to be Rave parties held at Sand Hill. Traffic on Camino Diablo would be completely blocked by these parties which would also impact traffic on Vasco Rd. While they may not allow concerts or dancing, the loud music played by customers was/is not enjoyed by the neighbors.

COA#17: Staff report states they are in compliance. They are not in compliance and have never been in compliance. THIS IS A HUGE ISSUE. There is no evidence a sound study was ever done. How are we supposed to know what is an acceptable noise level? When we are in our homes with double paned windows with all windows and doors closed we still have to turn up the volume on whatever we are listening to try and drown out the dirt bikes. That to us is

UNACCEPTABLE. We cannot enjoy being outside with friends and family when the motocross is running. Where are our rights to peace and quiet? We believe Sand Hill/Diablo MX is a "Nuisance" property. There is also case law supporting our position. (See attached letter to Supervisor Piepho for details on Nuisance Property and previous case law.)

COA#18: Staff report states they are in compliance. They are not in compliance, the previous owners (attorneys) were not in compliance and according to the county Tom Anderson was not in compliance. The staff report says they are in compliance because they "notified" the county in a timely manner. Nowhere is COA#18 does it say "notify" it specifically states the new owner is to "meet" with the Zoning Administrator(ZA). This same violation was brought up when the attorneys owned the property as they did not meet with the ZA either. We were told at that time the condition was met through a letter. What is the point of having COA's when things like this happen repeatedly? The "disclosure of deed restrictions," COA #18 also states," You are purchasing a property with a permit for a motocross 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 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." If the attorney's did not disclose this then the current owners should follow-up with them. If it was disclosed it appears that the current owners decided they did not need to follow the Conditions of Approval as they did not meet with the county and did significant work, grading, construction of a pond, concrete work, signage, fencing, tree removal, retaining walls and remodeling without obtaining permits. If there is a concern of detrimental reliance on the part of the county we believe that is not the case. Previous potential buyers were well aware of the conditions attached to this property. They talked to the neighbors and the county prior to attempting to buy the property and as a result did not buy the property. (John Taylor)

COA#19: Staff report states they are in compliance. We do not believe they are in compliance. As a result of unpermitted grading there are drainage problems on adjoining parcels, specifically the Harrison & Alamillo properties.

COA#20: Staff report states they are in compliance. They are not in compliance. The driveway into the motocross is not in compliance. This was brought up previously and nothing was done. The driveway is not 20 foot wide paved with tapers and flares....in accordance with Caltrans Highway Design....(See Coa#20)

COA's 20 through 29: Staff report states they are in compliance. Without consulting with a specialist in this area we are in general agreement. We still have questions as to which driveway is for the development, if it meets criteria and how many driveways there are supposed to be for that property.

We have attached copies of several letters of concerns:

Letter to Supervisor Piepho delivered in person during meeting on May 7, 2014

Letter to Chief of Staff Tomi Riley, dated Oct 6, 2014

Letter to neighbors at 50 Camino Diablo, dated November 20, 2014

In closing we would like to reiterate that our concerns have not changed. We have stated since 2012 that we do not believe this property has ever been in compliance with the Conditions of Approval on

the Land Use Permit. As stated in COA#1, failure to comply in a timely manner may lead to revocation. Any change in hours will require a new land use permit. It has been closed for over two years. That is a significant change in hours.

(R1)

# **EXHIBIT 3**

PROPOSED SITE PLAN

# 50 CAMINO DIABLO ROAD

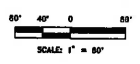
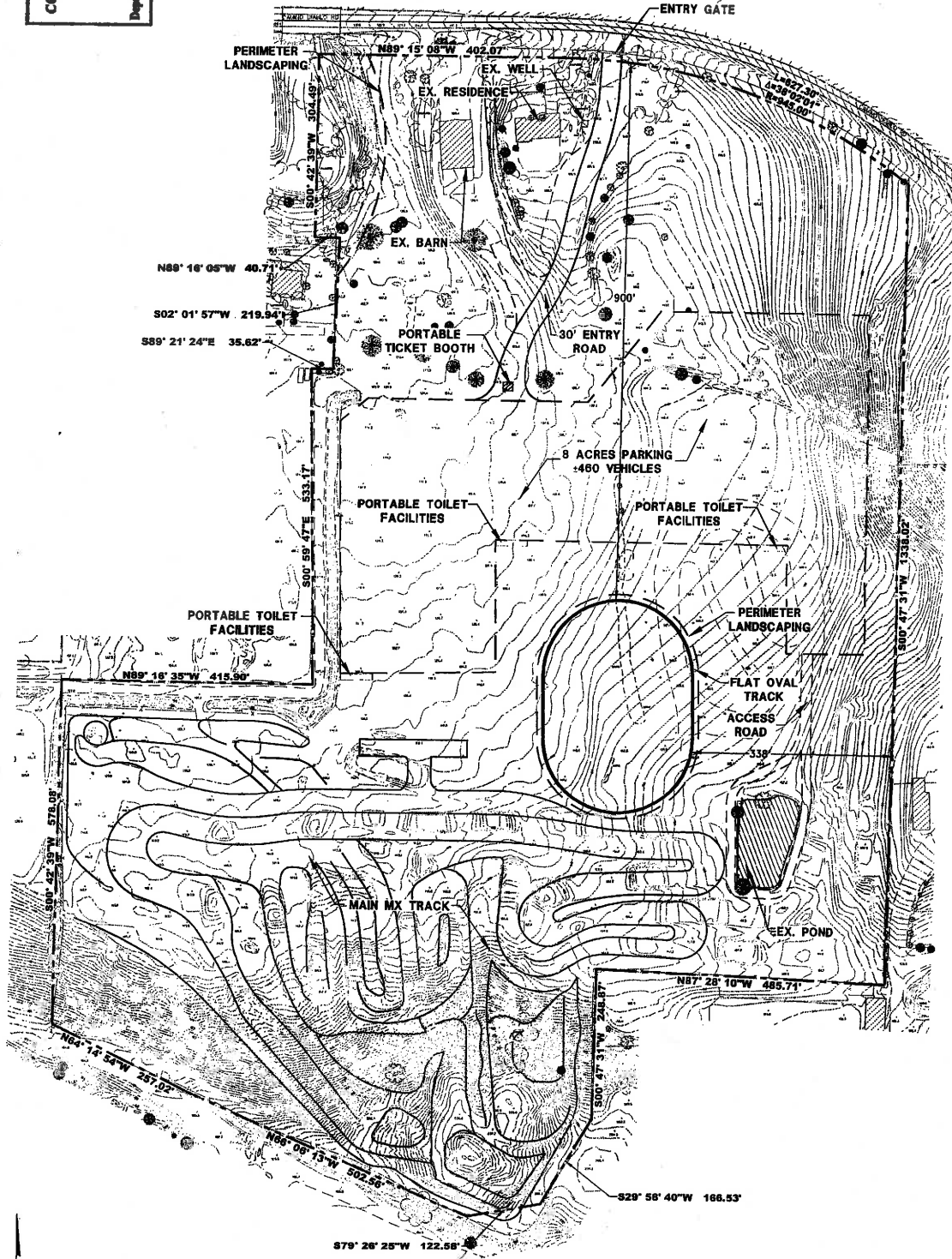
DIABLO MX RANCH LLC

BRENTWOOD

CALIFORNIA

OCTOBER, 2014

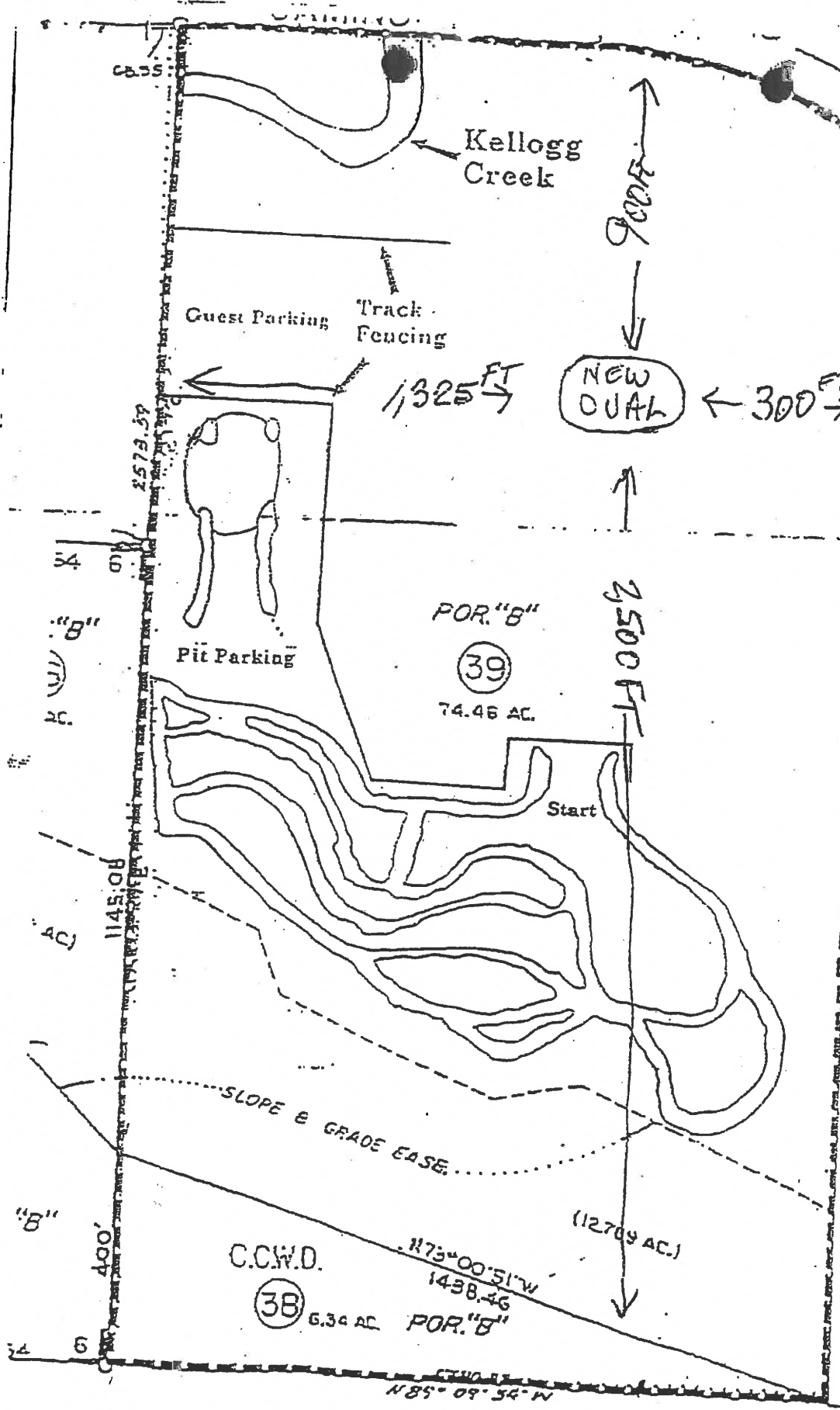
RECEIVED  
CONTRA COSTA COUNTY  
OCT 08 2015  
Dept of Conservation & Development



**WOOD RODGERS**  
 DEVELOPING INNOVATIVE DESIGN SOLUTIONS  
 4301 HADIENDA DR. STE 100 TEL 925.847.1886  
 PLEASANTON, CA 94588 FAX 925.847.1877

S:\Projects\50 Camino Diablo\50 Camino Diablo.dwg 10/7/2014 1:43 PM Wood Rodgers

# **EXHIBIT 4**



*Detailed  
Plan  
LP 952020*

96/OCT-21 PM 12:34  
COMMUNITY  
DEVELOPMENT DEPT

BOHRNA COSTA



# **EXHIBIT 5**

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# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

**FILED**

CONTRA COSTA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
651 PINE STREET 4TH FLOOR NORTH WING MARTINEZ, CALIFORNIA 94553  
MAR 30 1997

Telephone: (510) 646-2091

Contact Person: EDY ZWIERYCKI

S.L. WEIR, COUNTY CLERK  
CONTRA COSTA COUNTY  
BY *Ed Richards* DEPUTY

**Project Description, Common Name (if any) and Location:**

**TOM ANDERSON** (Applicant & Owner), County File #LP952020: The applicant requests approval of a land use permit to allow for the continued use of a motorcycle racetrack, with site plan modifications, on a permanent basis. Subject property is an 82.86 acre property fronting approximately 1,350 feet on the south side of Camino Diablo Road, immediately opposite Longwell Road, in the Byron area. Subject property is addressed #50 Camino Diablo. (A-3) (ZA: Q-26) (CT 3040.00) (Parcel #003-020-020)

The project was approved on 2-4-97  
Pursuant to the provisions of the California Environmental Quality Act:

- An Environmental Impact Report was prepared and certified (SCH # \_\_\_\_\_).
- The Project was encompassed by an Environmental Impact Report previously prepared for \_\_\_\_\_ (SCH # \_\_\_\_\_).
- A Negative Declaration was issued indicating that preparation of an Environmental Impact Report was not required.

Copies of the record of project approval and the Negative Declaration or the final EIR may be examined at the office of the Contra Costa County Community Development Department.

- The Project will not have a significant environmental effect.
- The Project will have a significant environmental effect.
- Mitigation measures were made a condition of approval of the project.
- A statement of overriding considerations was adopted.
- Findings were adopted pursuant to Section 15091 of the State CEQA Guidelines.

Date: 2-5-97 By: *Anthony Beresford*  
Community Development Department Representative

**AFFIDAVIT OF FILING AND POSTING**

I declare that on 3-3-97 I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

**K. THAMES**

DEPUTY COUNTY CLERK

Signature

Title

Receipt #100562

CONTRA COSTA COUNTY

ENVIRONMENTAL CHECKLIST FORM  
(INITIAL STUDY)

I. Background

1. Name of Proponent: Tom Anderson
2. Address and Phone Number of Proponents: 50 Camino Diablo  
Brentwood, CA 94513  
510-634-3328
3. Date Checklist Submitted: January 16, 1996
4. Name of Proposal, if applicable: Motorcycle Racetrack  
LP#952020
5. Copies of this proposal for viewing/purchase are available at:  
Contra Costa County  
Community Development Department  
651 Pine Street, North Wing - Second Floor  
Martinez, CA 94553-1229  
(510) 646-2071

II. Environmental Impacts

Quad Sheet Byron Hot Springs  
Parcel # 003-020-020

Date of Site Visit November 1995

Note: Panel numbers indicated below refer to 7.5 minute U.S.G.S. quadrangle map sheets located in the Community Development Department offices at 651 Pine Street, North Wing -2nd Floor, Martinez, California 94553.

- |   |                   |          |
|---|-------------------|----------|
| 1. Earth. Could the proposal result in:                                 | <u>S</u>          | <u>I</u> |
| a. Unstable earth conditions or in changes in geologic substructures?   | <u>          </u> | <u>X</u> |
| Project Description/Site Visit  |                   |          |
| Geology Report Dated:   |                   |          |
| b. Disruptions, displacements, compaction or over-covering of the soil? | <u>          </u> | <u>X</u> |
| Project Description/Site Visit  |                   |          |
| Same as 1.a.  |                   |          |

REFER TO MITIGATION MEASURE REQUIRED UNDER SECTION 3, WATER.



Project Description/Site Visit

3. Water. Could the proposal result in:

a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters.

\_\_\_\_\_ X

Project Description/Site Visit

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

c. Alterations to the course or flow of flood waters?

\_\_\_\_\_ X

F.E.M.A. Flood Map - Panel #0250  
Flood Zones A & C

d. Change in the amount of surface water in any water body?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

X \_\_\_\_\_

Project Description/Site Visit  
Same as 3.a.

f. Alteration of the direction or rate of flow of ground waters?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

h. Substantial reduction in the amount of water otherwise available for public water supply?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

- i. Exposure of people or property to water related hazards such as flooding or tidal waves? \_\_\_\_\_ X

F.E.M.A. Flood Map - Panel #0250  
Flood Zones A & C

#### FLOOD PLAINS

The 100-year flood plain (Flood Zone A) covers only the area immediately surrounding Kellogg Creek within the northwestern corner of the subject property. The remainder of the site, including the area of the motorcycle racetrack, parking, and other facilities associated with the project, are located within Flood Zone C. As a result, the project proposal is not likely to cause people or property to be exposed to water related hazards, such as flooding.

#### STORM WATER RUNOFF TO ADJACENT CREEK

The project proposal has the potential to significantly increase the amount of contaminants (including, but not limited to motor oil, battery acid) being discharged into Kellogg Creek on the north end of the site via stormwater runoff, due to the erosion activities caused by the movement of motorcycles across the property and within the racetrack.

#### Mitigation Measures

1. Prior to the exercising of an approved land use permit for a motorcycle racetrack, including issuance of any ministerial permits (such as, but not limited to, obtaining a small public water system permit from the Contra Costa County Health Services Department or a building permit for permanent toilet facilities), the applicant shall complete the following:
  - A. Submit a Final Landscape/ Irrigation Plan
    - (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 or vegetation 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.
- (4) The plan shall address the need for delivering soil, including the type and amount, to the subject property, if applicable.

**B. Provide Security in the Event of Landscape Failure**

- (1) The landscape/ 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 (1) enter into a landscape improvement agreement and (2) 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.
2. 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 covers the following:

**A. Acceptance of Landscape Improvements**

- (1) Certifies the completion of the landscape/ irrigation plan including consideration of plant species, size and location; and
- (2) Requests the Zoning Administrator to



accept the landscape/ irrigation improvements.

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

4. Plant Life. Could the proposal result in:

a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? \_\_\_\_\_ X

Project Description/Site Visit

b. Reduction of the numbers of any unique, rare or endangered species of plants? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 4.a.

U.S.G.S. Quad Overlay System No. 5

c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 4.a.

U.S.G.S. Quad Overlay System No. 5

d. Reduction in acreage of any agricultural crop? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 4.a.

5. Animal Life. Could the proposal result in:

a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)? \_\_\_\_\_ X

Project Description/Site Visit

U.S.G.S. Quad Overlay System No. 5

- b. Reduction of the numbers of any unique, rare or endangered species of animals? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 5.a.

U.S.G.S. Quad Overlay System No. 5

- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? \_\_\_\_\_ X

- d. Deterioration to existing fish or wildlife habitat? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 5.a.

6. Noise. Could the proposal result in:

- a. Increases in existing noise levels? \_\_\_\_\_ X

Project Description/Site Visit

- b. Exposure of people to severe noise levels? \_\_\_\_\_ X

U.S.G.S. Quad Overlay No. 16  
Project Description/Site Visit  
Same as 6.a.

- 7. Light and Glare. Could the proposal produce new light or glare? \_\_\_\_\_ X

Project Description/Site Visit

8. Land Use.

- a. Could the proposal result in substantial alteration of the present or planned land use of an area? \_\_\_\_\_ X

General Plan Land Use Designation:  
Agricultural Lands

- b. Will the proposal be consistent with existing zoning plans and other applicable land use controls? \_\_\_\_\_ X

The proposal lies within the A-3 Zoning District.

- 9. Natural Resource. Could the proposal result in an increase in the rate of use of any natural resources? \_\_\_\_\_ X

10. Risk of Upset. Could the proposal involve:

- a. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? X

Project Description/Site Visit

- b. Possible interference with an emergency response plan or an emergency evacuation plan?        X

Project Description/Site Visit  
Same as 10.a.

RELEASE OF HAZARDOUS MATERIALS

There is a significant potential for stormwater flowing over the site to carry oil and gas contaminants to the Kellogg Creek on the northern portion of the subject property. The Mitigation Measures required under Section 3 titled "Water" above, is required to reduce or eliminate the potential for stormwater runoff to carry oil, gas, and other contaminants into this creek.

11. Population. Could the proposal alter the location, distribution, density, or growth rate of the human population of an area?        X

Project Description/Site Visit

12. Housing. Could the proposal affect existing housing, or create a demand for additional housing?        X

Project Description/Site Visit

13. Transportation/Circulation. Could the proposal result in:

- a. Generation of substantial additional vehicular movement?        X

Project Description/Site Visit

- b. Effects on existing parking facilities, or demand for new parking?        X

Project Description/Site Visit  
Same as 13.a.

- c. Substantial impact upon existing transportation systems?        X

U.S.G.S. Quad Overlay No. 17

S

I

d. Alterations to present patterns of circulation or movement of people and/or goods?        X

U.S.G.S. Quad Overlay No. 17

e. Alterations to waterborne, rail or air traffic?        X

Project Description/Site Visit  
Same as 13.a.

f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?        X

U.S.G.S. Quad Overlay No. 15

14. Public Services. Could the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

a. Fire protection?        X

Fire District Memo dated 3/7/95

The referenced Fire District Memo provided no comments.

b. Police protection?        X

Project Description/Site Visit

c. Schools?        X

Project Description/Site Visit  
Same as 14.b.

d. Parks or other recreational facilities?        X

Project Description/Site Visit  
Same as 14.b.

e. Maintenance of public facilities, including roads?        X

Project Description/Site Visit  
Same as 14.b.

f. Other governmental services?        X

Project Description/Site Visit  
Same as 14.b.

15. Energy. Could the proposal result in:

a. Use of substantial amounts of fuel or energy?        X

Project Description/Site Visit

- b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 15.a.

- 16. Utilities. Could the proposal result in a need for new systems, or substantial alterations to the following utilities X

Project Description/Site Visit

- 17. Human Health. Could the proposal result in:

- a. Creation of any health hazard or potential health hazard (excluding mental health)? X \_\_\_\_\_

Project Description/Site Visit

- b. Exposure of people to potential health hazards? X \_\_\_\_\_

Project Description/Site Visit  
Same as 17.a.

Mitigation Measures

Some activities associated with the motor cycle racetrack currently exist on-site which have potentially significant health impacts. The applicant shall comply with the requirements of the Contra Costa County Health Services Department according to the attached letters dated April 4, 1995 and December 21, 1995, to mitigate these health impacts.

- 18. Aesthetics. Could the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? \_\_\_\_\_ X

U.S.G.S. Quad Overlay No. 14

- 19. Recreation: Could the proposal result in an impact upon the quality or quantity of existing recreational opportunities? \_\_\_\_\_ X

Project Description/Site Visit

- 20. Cultural Resources.

- a. Could the proposal result in the alteration of or the

destruction of a prehistoric or historic archaeological site?

X

Sonoma State Notification dated: 25 April 1995  
Project Description/Site Visit

According to a letter dated April 25, 1995, The North West Information Center (Sonoma State University) considers the subject property to be archaeologically sensitive and recommends that a field study be conducted.

The motorcycle racetrack project shall not significantly alter the site since the motorcycle racetrack and related facilities have already been built on the subject property. The Community Development Department will be requiring that the applicant comply with a condition of approval to construct a limited number of permanent restroom facilities (for men and women), however, the construction of such facilities are unlikely to cause the destruction of a prehistoric site.

- b. Could the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? X

Project Description/Site Visit  
Same as 20.a.

- c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? X

Project Description/Site Visit  
Same as 20.a.

- d. Will the proposal restrict existing religious or sacred uses within the potential impact area? X

Project Description/Site Visit  
Same as 20.a.

21. Mandatory Findings of Significance.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? X

Project Description/Site Visit

- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) \_\_\_\_\_ X

Project Description/Site Visit  
Same as 21.a.

- c. Does the project have potential impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of these impacts on the environment is significant.) \_\_\_\_\_ X

Project Description/Site Visit  
Same as 21.a.

- d. Does the project have environmental effects which could cause substantial adverse effects on human beings, either directly or indirectly? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 21.a.

III. Discussion of Environmental Evaluation

Based on the foregoing review, the project will not result in any potentially significant environmental impacts.

IV. Determination

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. \_\_\_\_\_

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED. \_\_\_\_\_ X

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. \_\_\_\_\_

1/18/96  
Date

Edy J. Zimzycka  
Signature

Reviewed By: \_\_\_\_\_

# **EXHIBIT 6**





**Exhibit "A"**  
**Legal Description**  
 Lot Line Adjustment - Area "A"  
 (Brentwood Gun Club)

253211

All that real property situate in the unincorporated area of the County of Contra Costa, State of California, described as follows:

All of *PARCEL "A"* and a portion of *PARCEL "B"* as shown on that certain map entitled *PARCEL MAP, M.S. 141-74*, filed July 9, 1975, in Book 38 of Parcel Maps, at Page 41, Contra Costa County Records, further described as follows:

Commencing at the most Southwesterly corner of said *PARCEL "B"*, said corner being the common section corner of Sections 1 and 12, T. 1 S., R. 2 E., and Sections 6 and 7, T. 1 S., R. 3 E., M. D. B. & M.; thence from said point of commencement along the Westerly boundary line of said *PARCEL "B"* North 00°42'39" East 400.00 feet to the northwesterly corner of that certain *Fee Parcel* of land acquired by Contra Costa Water District, Series No. 94-304479, also being the point of beginning; thence from said point of beginning along the Westerly boundary line of said *PARCEL "B"* and along the boundary line of that certain *Slope Easement* acquired by Contra Costa Water District, Series No. 94-304479, North 00°42'39" East 537.00 feet to the northwesterly corner of said *Slope Easement*; thence along said *Slope Easement* line South 64°14'54" East 257.03 feet; thence leaving last said line the following courses:

South 66°06'13" East, 502.56 feet,  
 North 79°26'25" East, 122.58 feet,  
 North 29°58'40" East, 166.53 feet,  
 North 00°47'31" East, 248.87 feet,  
 South 87°28'10" East, 485.71 feet,

to a point on the Westerly boundary line of said *PARCEL "A"*; thence along the boundary line of last said parcel the following five courses: North 00°47'31" East 1,338.02 feet to a point on the Southerly right of way line of Camino Diablo Road as shown on said *MS 141-74* also being the beginning of a non-tangent curve concave to the southwest having a radius of 945.00 feet and to which beginning a radial line bears North 38°46'53" East; thence southeasterly 142.72 feet along said Southerly right of way line and along said curve through a central angle of 08°39'12"; thence South 42°33'55" East 380.62 feet; thence leaving said Southerly right of way line South 00°48'22" West, 2,001.74; thence North 89°09'34" West 366.25 feet to the southwesterly corner of said *PARCEL "A"* also being the easterly corner of said Contra Costa Water District *Fee Parcel* (94-304479); thence along last said line North 73°00'51" West 1,438.46 feet to the point of beginning.

Containing an area of 39.34 Acres more or less.

Assessors Parcel Numbers 003-020-017 and 003-020-039 (portion).

The bearings shown for the above description are based on the California Coordinate System, Zone III. All distances are ground level distances.

F:\WPBDOCS\199007A.WPD



253211

CAMINO

N.89°15'08"W. 802.07'

R=945'  
D=46°41'12"(T)  
L=770.02'(T)

D=38°02'01"  
L=627.30'

N 38°46'53" (R)  
D=08°39'12"  
L=142.72'

N.42°33'55"W  
380.62'



KELLOG

PARCEL "C"  
(38PM41)

DAVIS  
003-020-033

2172.60' (T)  
1635.60'

CREEK

AREA "B"  
53.62 AC.±

PARCEL "B"  
(38PM41)

SERIES NO.  
94-291866  
SMITH

P.O.B.  
AREA "B"  
003-020-036

PARCEL "B"  
(89PM34)

CCWD  
003-020-037

003-020-037

12

N.00°47'31"E. 248.87'  
N.29°58'40"E. 166.53'  
N.79°26'25"E. 122.58'  
N.64°14'54"W. 257.03'  
N.66°06'13"W. 502.56'

NEW LOT LINE

N.87°28'10"W. 485.71'

AREA "A"

GOSS 39.34 AC±  
NET 26.55 AC±

SERIES NO.94-304479  
CCWD SLOPE & GRADING EASEMENT  
P.O.B. AREA "A" 12.79AC.±

CCWD  
003-020-038  
SERIES NO.94-304479

400.00 TIE  
537.00

7

P.O.C.



366.25'  
N.89°09'34"W.

"LOT4" (346 M 9) "LOT2"  
GALLAGHER 003-030-027  
BARULICH 003-030-029

END OF DOCUMENT

APN. 003-020-017  
APN. 003-020-039

OLD PARCEL "A" = 18.60AC.±; NEW AREA "A" = 39.34AC±  
OLD PARCEL "B" = 74.36AC.±; NEW AREA "B" = 53.62AC±

BELLECCI & ASSOCIATES, INC.

CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING  
PHONE (925) 685-4569 • FAX (925) 685-4838  
2290 DIAMOND BLVD., SUITE 100 CONCORD CA. 94520

DATE: MAY 1999

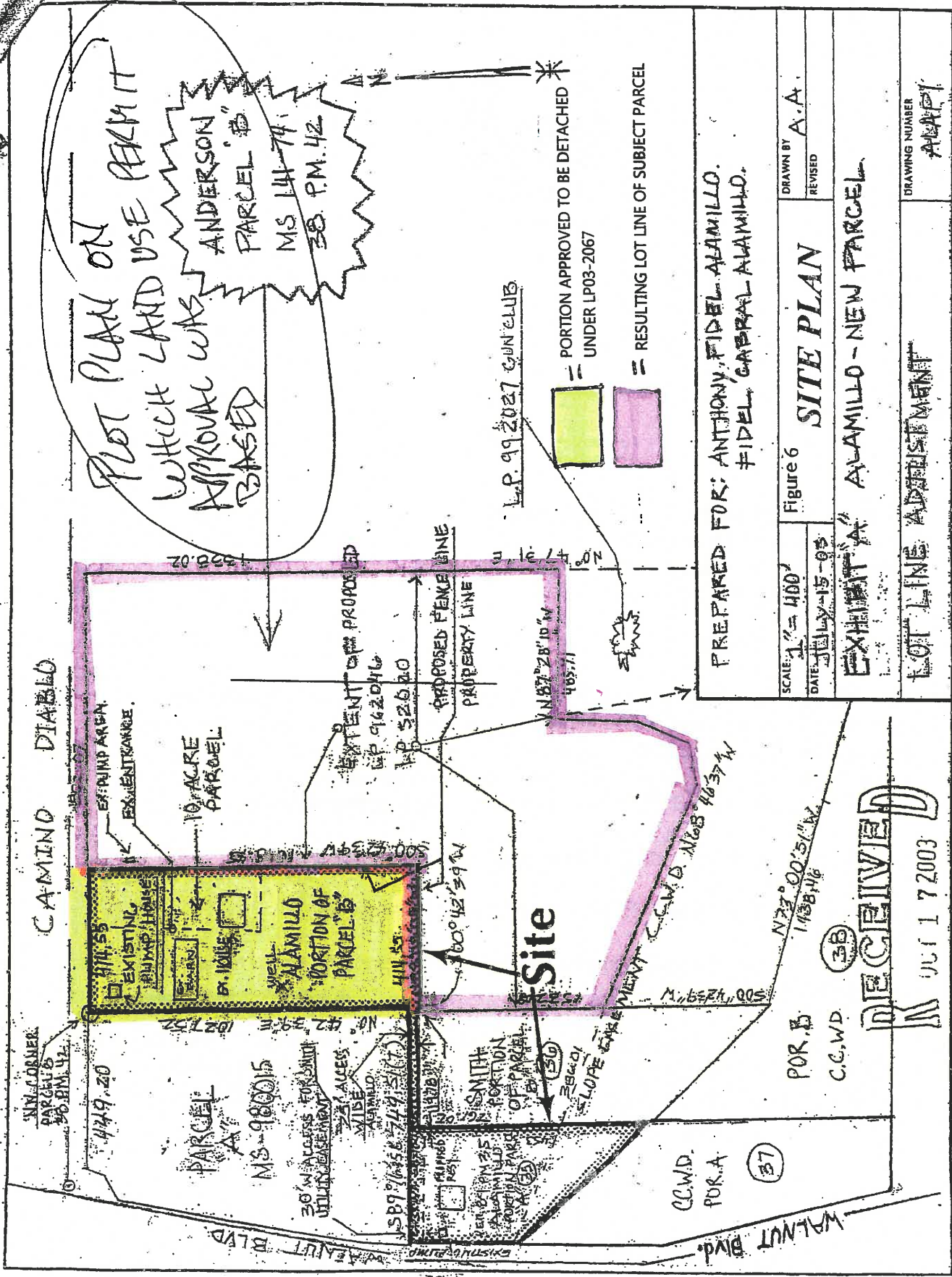
SCALE: 400' ±

FILE NO.: Llopllt (99007)

SHEET 1 OF 1

LOT LINE ADJUSTMENT

# **EXHIBIT 7**



**PLOT PLAN ON WHICH LAND USE PERMIT APPROVAL WAS BASED**

ANDERSON PARCEL B

MS 14-74

30 P.M. 42

L.P. 99-2027 COUNCILUS

PORTION APPROVED TO BE DETACHED UNDER LP03-2067

RESULTING LOT LINE OF SUBJECT PARCEL

SCALE: 1" = 400'		Figure 6	DRAWN BY A.A.
DATE: JULY-15-05			
PREPARED FOR: ANTHONY, FIDEL ALAMILLO. #FIDEL GABRAL ALAMILLO.		SITE PLAN	
EXHIBIT A		ALAMILLO - NEW PARCEL	
LOT LINE ADJUSTMENT		DRAWING NUMBER	
		AAAP1	

**RECEIVED**

JUL 17 2003

CONTRA COSTA COUNTY  
COMMUNITY DEVELOPMENT

**APPROVED SITE PLAN FOR LP03-2067**

Community  
Development  
Department

County Administration Building  
651 Pine Street  
4th Floor, North Wing  
Martinez, California 94553-0095

Phone:  
(925) 335-1214

Contra  
Costa  
County



Dennis M. Barry, AICP  
Community Development Director

February 23, 2004

Fidel Alamillo  
772 Avio Court  
Pleasanton, CA 94566

Dear Fidel:

**Re: Approval of Proposed Lot Line Adjustment to  
Sandhill Motorcycle Ranch Park  
Assessor's Parcel Number 003-020-035, -036, & -041;  
Camino Ramon, Byron area**

**County File #LL030049**

We have reviewed your application for lot line adjustment proposing to reconfigure the above three listed parcels. Your requested lot line adjustment does not constitute a subdivision of land, and is consistent with the zoning and building ordinances. The proposed adjustment also conforms to the general plan. Therefore, this is to advise you that the request is administratively approved as shown on the proposed plot plan subject to the following requirements:

1. This approval is valid for a period of *six months from the date of this letter*.
2. Grant deeds must be recorded to implement the property exchange.
3. The property being transferred shall be combined with the receiving parcel to form one parcel for tax assessment purposes.
4. A copy of the recorded grant deeds providing evidence of the performance of Items #2 and #3 shall be forwarded to the Community Development Department *within seven months from the date of this letter*. The Department file number shown at the top of this letter shall be noted on all documents.

Office Hours Monday - Friday: 8:00 a.m. - 5:00 p.m.  
Office is closed the 1st, 3rd & 5th Fridays of each month

If you have any further questions regarding this matter, please contact me at 925-335-1214.

Sincerely,

DENNIS M. BARRY, AICP  
Community Development Director

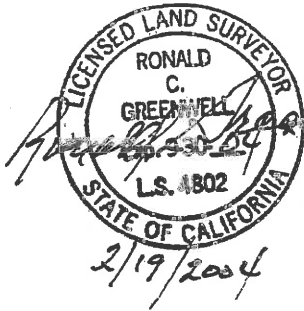
By



Bob Drake  
Principal Planner

cc: Tom Anderson & Tom Smith, Sandhill Ranch  
Darwin Myers  
File #LL030049

\\fs-cd\users\$\bdrake\Personal\LL030049.ltr.doc  
RD\



CAMINO DIABLO ROAD

PARCEL B  
180 PM 5

S 89°15'08" E 400.00'

N 38°46'53" E

LINE TABLE

NO.	BEARING	DISTANCE
①	S 64°14'54" E	257.03'
②	S 66°06'13" E	502.56'
③	N 79°26'25" E	122.58'
④	N 29°58'40" E	166.53'
⑤	N 00°47'31" E	248.87'
⑥	S 87°28'10" E	485.71'
⑦	N 00°47'31" E	1338.02'
⑧	N 89°15'08" W	402.07'

PARCEL A  
180 PM 5

57' Existing Arrow

BLVD.

WALNUT

N 2°43'24" E

314.19'

R=1550.00'

Δ=0°49'11"

L=22.18'

S 89°16'35" E 749.51'

S 89°16'35" E

361.54'

24.39'

NEW LOT LINE

OLD LOT LINE

AREA "A"

S 0°42'39" W 446.58'

NEW LOT LINE

AREA "B"

S 68°47'02" E

26.04'

NEW LOT LINE

AREA "C"

1115.08'

578.07'

N 0°42'39" E

537.01'

OLD LOT LINE

S 0°42'39" W 30.00'

S 89°16'35" E

415.89'

NEW LOT LINE

S 0°59'47" E

533.17'

7

N 89°21'24" W

35.62'

S 271°57' W

219.94'

S 89°16'05" E

40.71'

S 0°42'39" W

304.49'

N 38°46'53" E

CONTRA COSTA COUNTY  
COMMUNITY DEVELOPMENT DEPT.  
04 FEB 23 AM 10:35

2-23-2004

Approved  
R. D. Lee  
ESD

CURVE TABLE

NO.	R	Δ	L
⑧	945.00	38°02'01"	627.30'

AREA "A" = 4.99 ACRES GROSS (OLD)  
= 14.99 ACRES GROSS (NEW)  
AREA "B" = 7.91 ACRES GROSS (OLD)  
= 7.91 ACRES GROSS (NEW)  
AREA "C" = 53.62 ACRES GROSS (OLD)  
= 43.62 ACRES GROSS (NEW)

File # LLO30049

W.O. 1664.00

PREPARED BY  
RONALD GREENWELL & ASSOCIATES, INC.  
LAND SURVEYING & DEVELOPMENT  
10 SOUTH LAKE DRIVE, SUITE 1  
ANTIOCH, CALIFORNIA 94509  
TEL. (925) 778-0626  
FAX (925) 778-7160

EXHIBIT FOR  
LOT LINE ADJUSTMENT  
AREA "A"

CONTRA COSTA

CALIFORNIA

DRAWN	HP	CHKD	DA
APP'D	RG		
SCALE	1"=200'		
DATE	2-18-04		
REV.		DATE	
SHEET	1	OF	1



RECORDING REQUESTED BY  
Alliance Title Company  
AND WHEN RECORDED MAIL TO

Name **Thomas Smith**  
Street Address **4350 St. Charles Place**  
**Concord, CA 94521**  
City, State  
Zip  
Order No **11195992-403-ECM**

CONTRA COSTA Co Recorder Office  
STEPHEN L. WEIR, Clerk-Recorder  
DOC- 2004-0087109-00  
Acct 15- Alliance Title Company  
Tuesday, MAR 16, 2004 08:00:00  
SUR \$10.00 MIC \$1.00 MOD \$2.00  
REC \$8.00 TCF \$1.00  
Ttl Pd \$20.00  
Nbr-0002028121  
ENS/R2/1-2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)  
City of Unincorporated  
Conveyance Tax is \$0.00  
Parcel No 003-020-041

Documentary Transfer Tax is \$0.00

computed on full value of interest or property conveyed, or  
 full value less value of liens or encumbrances remaining at  
the time of sale  
Fidel Alamillo  
Declarant or Agent Determining Tax

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**Fidel Alamillo, a married man, as his sole & separate Property and Jessica Alamillo, an unmarried woman, as joint tenants**

hereby GRANT(s) to **THOMAS SMITH, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY**

the following real property in the city of **UNINCORPORATED**  
county of **Contra Costa**, state of **California**:  
See Exhibit A attached hereto and made a part hereof.

THIS GRANT DEED IS BEING EXECUTED TO IMPLEMENT THE LOT LINE ADJUSTMENTS PURSUANT TO  
LLA #30049, DATED FEBRUARY 23, 2004

Dated: March 8, 2004

STATE OF CALIFORNIA  
COUNTY OF Contra Costa

On March 8, 2004 before me,  
R. M. Moreno

Fidel Alamillo  
S.S. FIDEL ALAMILLO  
Jessica Alamillo  
JESSICA ALAMILLO

a Notary Public in and for said County and State, personally appeared

Fidel Alamillo &  
Jessica Alamillo

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies) and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal  
Signature: R. M. Moreno



(This area for official notonal seal)

5

0087109

Exhibit A

All that certain real property situate in the Unincorporated Area, County of Contra Costa, State of California, described as follows:

Being a portion of Parcel "A" and Parcel "B" as shown on that Parcel Map recorded in Book 89 of Parcel Maps, Page 34 (89 PM 34), Contra Costa County Records, more particularly described as follows:

Beginning at a point which is South  $00^{\circ} 42' 39''$  West, 30.00 feet from the Northeast corner of Parcel "B" of said 89 PM 34, thence along a line which is parallel to and 30.00 feet Southerly of the North line of said Parcel "B" North  $89^{\circ} 16' 35''$  West, 361.54 feet to the West line of said Parcel "B"; thence North  $89^{\circ} 16' 35''$  West, 24.39 feet, thence parallel to the West line of said Parcel "B" South  $00^{\circ} 42' 39''$  West, 446.58 feet to the Northerly line of the Contra Costa County Water District Easement as described in Series No. 2003-0190792, Contra Costa County Records; thence along said Northerly line South  $68^{\circ} 47' 02''$  East, 26.04 feet to the Southeast corner of said 2003-0190792, thence along the South line of that land described as Parcel One of Series No. 94-291866, Contra Costa County Records South  $00^{\circ} 42' 39''$  West, 275.32 feet; thence along said South line South  $42^{\circ} 33' 10''$  East, 527.52 feet to the East line of said 94-291866, thence along said East line North  $00^{\circ} 42' 39''$  East, 1115.08 feet to the point of beginning

END OF DOCUMENT

# **EXHIBIT 8**

Figure 11-6 Land Use Compatibility for Community Noise Environments

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE					
	L <sub>dn</sub> OR CNEL, dB					
	55	60	65	70	75	80
RESIDENTIAL - LOW DENSITY SINGLE FAMILY, DUPLEX, MOBILE HOMES	Normally Acceptable	Normally Acceptable	Normally Acceptable	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable
RESIDENTIAL - MULTI FAMILY	Normally Acceptable	Normally Acceptable	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
TRANSIENT LODGING - MOTELS, HOTELS	Normally Acceptable	Normally Acceptable	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
SCHOOLS, LIBRARIES, CHURCHES, HOSPITALS, NURSING HOMES	Normally Acceptable	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
AUDITORIUMS, CONCERT HALLS, AMPHITHEATRES	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
SPORTS ARENA, OUTDOOR SPECTATOR SPORTS	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
PLAYGROUNDS, NEIGHBOURHOOD PARKS	Normally Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
GOLF COURSES, RIDING STABLES, WATER RECREATION, CEMETARIES	Normally Acceptable	Normally Acceptable	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
OFFICE BUILDINGS, BUSINESS, COMMERCIAL AND PROFESSIONAL	Normally Acceptable	Normally Acceptable	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
INDUSTRIAL, MANUFACTURING, UTILITIES, AGRICULTURE	Normally Acceptable	Normally Acceptable	Normally Unacceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable



**NORMALLY ACCEPTABLE**  
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.



**CONDITIONALLY ACCEPTABLE**  
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.



**NORMALLY UNACCEPTABLE**  
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



**CLEARLY UNACCEPTABLE**  
New construction or development clearly should not be undertaken.

For lands within 3 miles of Buchanan Field and the East Contra Costa County Airports noise compatibility shall be adjusted to those of the ALUC which are roughly 5 CNEL lower than shown on this table.

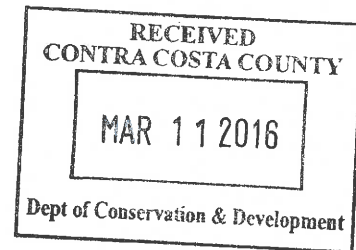


# **EXHIBIT 9**



## **Diablo MX Ranch Noise Study – FINAL DRAFT**

Contra Costa County, CA



**8 March 2016**

**Prepared for:**

**Ron Mullin, Esq.**  
**Mullin Law Firm**  
**1355 Willow Way, Suite 110**  
**Concord, CA 94520**

**Prepared by:**

**Richard Carman, PhD, P.E. (Senior Principal)**  
**Leisa Nalls (Senior Consultant)**  
**Timothy Johnson (Senior Consultant)**

**WI Project 16-005**



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## Executive Summary

As required for a County Land Use Permit, this report presents a noise study prepared for the existing Diablo Motocross Ranch (DMXR) facility at 50 Camino Diablo in Contra Costa County, California. The DMXR facility will host dirt bike races on several weekends a year and allow dirt bike riders to practice on the motocross track and flat oval track on weekends and practice on the motocross track on weekdays.

The purpose of this noise study is to determine the typical noise levels to be expected from dirt bike activity at the DMXR facility. The projected noise levels are compared to the noise guidelines contained in the Noise Element of the Contra Costa County General Plan. This report provides a description of the noise study methodology, the noise measurements conducted during simulated dirt bike race and practice events, ambient noise measured over the course of a few days without bike activity, a discussion of Noise Element noise guidelines, and DMXR activity noise level projections at several points along the DMXR property line. Estimates of noise levels at nearby residences are also provided for a day when races are held.

This study addressed three different event scenarios for dirt bike activity at DMXR:

1. Weekend race day
2. Weekend practice day
3. Weekday practice
4. Friday or Saturday Night Under the Lights event

The analysis to assess these scenarios incorporates noise levels measured at the property line from simulated race and practice activities and existing ambient noise with no bike activity. Based on noise measurements of simulated races and practice activity and ambient noise data, the Day-Night Noise Level ( $L_{dn}$ ) for each of the four scenarios was calculated based on race and practice activity levels provided by the applicants (John and Lori Ramirez). The noise levels presented herein are intended to represent a typical condition for each of the DMXR activity scenarios evaluated.

It is our understanding that the DMXR property and surrounding land parcels are all zoned as A-3 (Heavy Agricultural District). The Contra Costa General Plan Noise Element indicates that noise levels up to 75  $L_{dn}$  are "Normally Acceptable" for land zoned for agriculture. Based on the model calculations performed for the four activity scenarios, 73  $L_{dn}$  is the highest noise level projected at the DMXR property line due to dirt bike activity on a typical weekend race day. Therefore, the DMXR activity is within the "Normally Acceptable" noise guidelines at the property line.

The highest noise level at an adjacent residence is estimated to be 61  $L_{dn}$  for a typical race day. Noise levels at the other residences are projected to be less for a race day. For weekend and weekday practice the noise levels will be even lower than those occurring on a race day. For Friday or Saturday Night Under the Lights, the highest  $L_{dn}$  at two residences is estimated to be 60.

## 1 Project Description

The DMXR facility is located at 50 Camino Diablo, near the intersection of Camino Diablo and Walnut Boulevard, in Contra Costa County (CCC). The nearest city is Brentwood. The facility has two race



tracks for dirt bike riding, a motocross (MX) track which is the main track and an oval track. The flat oval track that will be used but see less activity compared to the main track. The flat oval track will be used on events referred to as Friday or Saturday Night Under the Lights. The purpose of this noise study is to determine the typical noise levels to be expected from dirt bike activity at the DMXR facility. Four different scenarios for dirt bike activity were evaluated: a weekend race day, a weekend practice day, a weekday practice, and flat track only activity (Friday or Saturday Night Under the Lights event). Figure 1 is an aerial view of the DMXR facility. The oval track visible in this aerial view will be relocated 150 feet to the west of the existing oval track as noted.



Figure 1: Aerial View of DMXR Facility Showing Noise Measurement Locations

The hours of operation of the DMXR (i.e., hours during which the facility will be open to the public) are contained in the Land Use Permit. Figure 2 is a photo of the MX track looking to the southeast from a position near measurement Location 4.



**Figure 2: Diablo MX Ranch MX Track**

## **2 Applicable Noise Guidelines**

The applicable noise guidelines are contained in the Noise Element of the CCC General Plan (2005 - 2020). The noise guidelines are contained Figure 11-6 (Land Use Compatibility for Community Noise Environments) of the Noise Element, which is replicated herein in Figure 3. CCC Land Use Compatibility noise guidelines are based on the Day-Night Level ( $L_{dn}$ ) metric. The  $L_{dn}$  is the equivalent noise exposure level for a 24-hour period. Noise occurring during the nighttime hours of 10:00 pm to 7:00 am are weighted by adding 10 decibels (dB) to the measured noise levels. The 10 dB weighting accounts for the greater sensitivity of people to noise during nighttime hours compared to noise occurring during the daytime.

Environmental noise levels are measured in terms of A-weighted decibels (dBA), which are closely correlated with the auditory response of the human ear. A-weighting is implicit in noise levels reported in terms of  $L_{dn}$  and normally not included when reporting  $L_{dn}$  levels. Environmental noise levels fluctuate over time. The term Equivalent Continuous Sound Exposure Level ( $L_{eq}$ ) refers to a



noise level that is equivalent to a level of a steady noise containing the same total sound energy as the fluctuating noise level for a given period of time (typically one hour). The  $L_{dn}$  is determined from the hourly  $L_{eq}$  over a 24-hour period with the 10 dB weighting for nighttime hours. Figure 2 below presents the Land Use Compatibility noise guidelines as indicated in Figure 11-6 of the CCC Noise Element. It is our understanding that the land parcels adjacent to DMXR property are zoned agriculture and therefore noise levels up to 75  $L_{dn}$  are considered "Normally Acceptable."

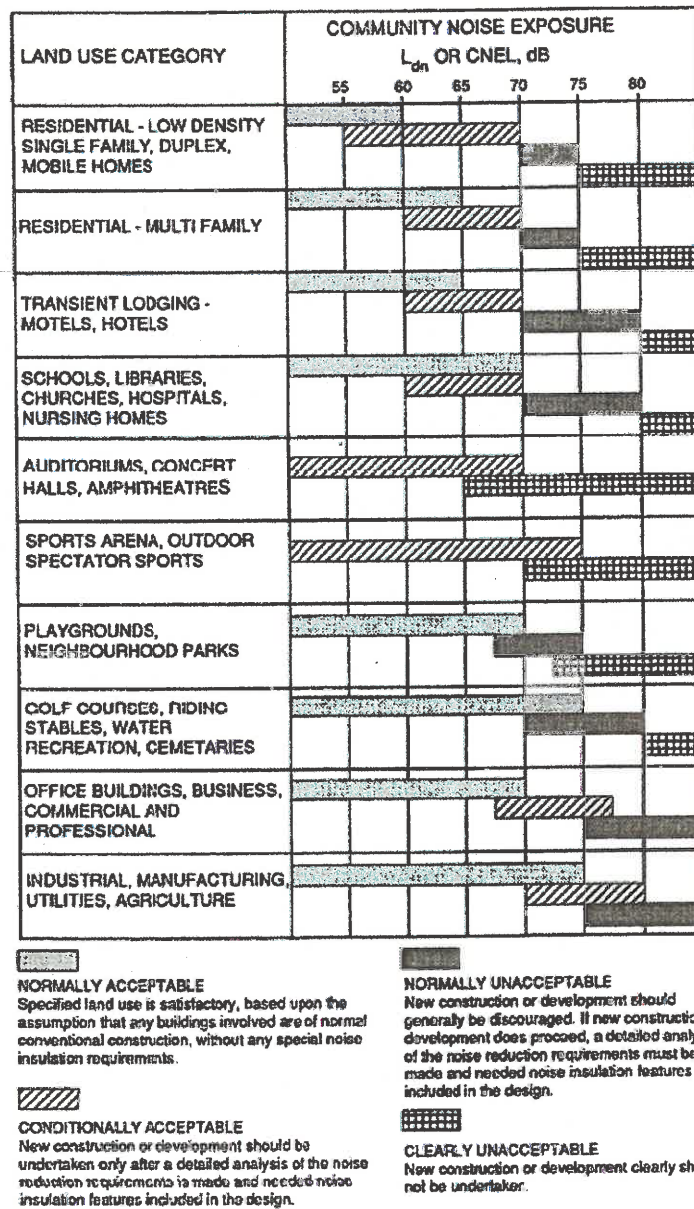


Figure 3: Land Use Compatibility Guidelines for Community Noise Environments (as provided in Figure 11-6 of the Noise Element of the Contra Costa County General Plan)

### 3 Noise Study Methodology

The noise measurements conducted for this study consisted of both short-term noise recordings and long-term noise measurement at five (5) locations along the DMXR property line. Table 1 summarizes the noise measurement locations and the types of measurements performed at each. Figure 1 shows the position of measurement locations for this noise study on an aerial image of the facility.

#### Long-Term Measurements

Hourly  $L_{eq}$  noise levels were measured along the property line of the site using five Type I logging sound level meters with windscreens. All measurements were calibrated. The noise loggers were left unattended for four full days, two weekdays and a weekend. The long-term loggers were placed at the locations indicated in Table 1 and Figure 1 (Loc. 1 to Loc. 5), where they were secured to the fence or tree support post with extension poles. Microphone height for the long-term loggers was approximately 8 feet above the ground. All long-term meter microphones were provided with a 7 in. weatherproof windscreen to minimize noise created by turbulence at the microphone from wind. The sound meters logged noise levels continuously for several 24-hour periods, providing hourly  $L_{eq}$  throughout the measurement duration. The hourly  $L_{eq}$  logged were subsequently used to calculate the daily Day-Night Levels ( $L_{dn}$ ) and typical hourly ambient  $L_{eq}$  at each location. Loc. 4 and Loc. 5 only logged data for three complete days due to a loss of battery power.

#### Short-Term Sound Recordings

Calibrated, digital recordings were made at all five locations to provide representative samples of dirt bike noise and its frequency content for a four-hour period during the simulated race and practice activity conducted on a weekday (Thursday, January 28<sup>th</sup>). Digital recordings were obtained with microphones at a height of 5 feet above the ground. Microphone windscreens were employed. The locations and descriptions of the measurements are indicated in Figure 1 and Table 1.

**Table 1: Environmental and Dirt Bike Noise Measurement Locations**

Label	Measurement Type	Location Description
Loc. 1	Long Term - 8 ft mic height Short Term - 5 ft mic height	East property line fence on extension pole, 250' north from north edge of neighbor's barn. On a hillside overlooking the flat track and much of the MX track.
Loc. 2	Long Term - 9.5 ft mic height Short Term - 5 ft mic height	Southeast property line at row of new cedar trees on extension pole, secured to tree support post. Near the MX track and in-line with the eastern edge of the water retention pond on site.
Loc. 3	Long Term - 8.5 ft mic height Short Term - 5 ft mic height	South-southeast property line fence, on extension pole, on MX track hill. Near the section of the MX track where the riders start the final decent off the hill.
Loc. 4	Long Term - 7.5 ft mic height Short Term - 5 ft mic height	West-northwest property line fence, at corner of fence line, on extension pole. Near the start line for the MX track.
Loc. 5	Long Term - 9 ft mic height Short Term - 5 ft mic height	West property line fence on extension pole, in-line with adjacent residence south façade. Farthest from both tracks, and near closest residence.

### 3.1 Dirt Bike Activity Noise Recordings

Simulated race day and practice activity were conducted with volunteers on 28 January 2016. Approximately fifty riders, with a mix of 2-stroke and 4-stroke bikes, were present over a four-hour period and ridden to simulate motocross (MX) races and practice activity on the MX track and the oval track. Two Wilson Ihrig personnel circulated between measurement Locations 1, 2, 4, and 5 during this four-hour period to observe the noise levels at each location in real time during the dirt bike activity. Loc. 3 was not accessible during the dirt bike activity for safety reasons.

Three race simulations were conducted on the MX track. Each race consisted of 10 laps, the first two races had 20 riders and the third race had 22 riders. Each of these three races had a typical duration of approximately 25 minutes. The bikes ridden during these simulations were a mix of 2 and 4-stroke engines, with a majority of 4-stroke engines. One race simulation, which consisted of 13 riders and 10 laps, was conducted on the flat oval track.

Following the four races the two tracks were opened for bike practice activity for the next 2.5 hours. The number of riders on the track varied throughout the practice time, with the highest number being 25 riders on the MX track and 10 riders on the oval track at the beginning of the practice simulation. A head count of riders was taken roughly every 30 minutes during the practice simulation, with the number of riders on the MX track decreasing by an approximately 5 riders with each 30-minute head count. At the end of the practice simulation there were five riders on the motocross track. The oval track was empty by the end of the first hour of practice time.

The data recorded from these simulated race and practice events were used to establish hourly  $L_{eq}$  and  $L_{dn}$  levels for the four scenarios for DMXR race and practice functions that were assessed: (1) a weekend race day, (2) a weekend practice day, (3) a weekday practice and (4) Friday or Saturday Night Under the Lights event.

### 3.2 Ambient Noise Measurement Results

The results of the ambient noise survey without bike activity reveal that the existing noise levels around the DMXR property line range from 47 to 56  $L_{dn}$ . The logged hourly ambient noise levels were used to establish the typical ambient noise levels during the three DMXR function scenarios indicated above, outside the hours when the facility is open and bike activity occurs. The  $L_{dn}$  levels measured at each location are presented in Table 2 below.

**Table 2: Measured Existing Ambient  $L_{dn}$  without DMXR Activity**

Day	Day-Night Noise Level ( $L_{dn}$ )				
	Loc. 1	Loc. 2	Loc. 3	Loc. 4	Loc.5
Friday, January 29	48	49	47	56	47
Saturday, January 30	50	50	47	55	47
Sunday, January 31*	53	56	56	53	48
Monday, February 1	54	54	52	--**	--**

\* There appeared to be a least one dirt bike rider at the DMXR facility on Sunday, January 30, 2016 during the 3 pm hour

\*\* No data was logged at these locations on this day due to a loss of battery power



### 3.3 Analysis of Measured and Recorded Noise Data

The results of the simulated race and practice events are summarized in Table 3 below. Sample  $L_{eq}$ 's at each site were taken during each of the simulated events. Sample  $L_{eq}$ 's obtained from the recordings during the simulated races ranged between 10-15 minutes. Samples obtained during the simulated practices were 30 minutes in duration. Typical weekend and weekday ambient levels for each hour are presented in the Appendix. At each site, the measured ambient hourly  $L_{eq}$ 's collected during Saturday and Sunday were averaged to calculate typical weekend ambient levels. Measured ambient hourly  $L_{eq}$ 's collected during weekdays were averaged to calculate typical weekday ambient levels.

**Table 3: Measured Equivalent Noise Levels ( $L_{eq}$ ) During Simulated DMXR Activity**

Simulated Events	Equivalent Noise Level ( $L_{eq}$ )				
	Loc. 1	Loc. 2	Loc. 3	Loc. 4	Loc.5
Simulated Race on MX Track*	66	74	69	78	65
Simulated Race on Oval Track**	70	58	66	62	70
Simulated MX and Oval Track Practice (10/5 riders)***	65	72	68	75	65
Simulated MX Practice (5 riders)***	64	71	68	74	64
Simulated Oval Track Practice (3 riders)****	64	52	60	56	64

\* Samples taken during simulated race events on MX track ranged between 10 – 15 minutes.

\*\* Samples taken during simulated race events on oval track were 10 minutes.

\*\*\* Samples taken during simulated practice events were 30 minutes.

\*\*\*\* Adjusted from 10 minute samples taken during simulated race events on oval track.

## 4 Noise Models for DMXR for Property Line Locations

The results of the ambient noise measurements (typical hourly  $L_{eq}$ ) were combined with the calculated hourly  $L_{eq}$  for racing and practice events to arrive at typical  $L_{dn}$  values at the measurement locations. Four different scenarios were modeled based on how the facility will typically operate, including: a weekend race day, a weekend practice day, a weekday practice day, and a Friday or Saturday Night Under the Lights event.

The results of the ambient noise measurements during each hour of the day were averaged for a weekend day and for a weekday. This provided typical hourly  $L_{eq}$  during, for example, the 1:00 to 2:00 PM hour on a weekend and on a weekday. The typical ambient levels throughout the day were then combined with the dirt bike noise level for the racing, practice and special event scenarios to project  $L_{dn}$  values for these events.



#### 4.1 Weekend MX Race Day

A weekend race day scenario was modeled at each of the five measurement locations. The maximum measured  $L_{eq}$  sample taken during the simulated racing events at each location was used as the reference sound level for this scenario. A typical weekend race day was assumed to consist of a total of seven hours of races and a one-hour break for lunch. It was assumed that a total of 33 races each lasting approximately 12.5 minutes would take place on the MX track during a typical weekend race day. Each race was assumed to have on average 15 riders. The noise exposure generated by dirt bike activity is determined by the amount of time riders spend riding and the number of riders doing so. Based on the parameters indicated the level of activity for a race day corresponds to a total of 105 bike rider hours (BRHs) on the MX track.

The model combined the measured racing  $L_{eq}$  obtained at each measurement location during the hours of the day when racing would occur with the measured weekend ambient levels during non-racing hours. The measured racing  $L_{eq}$  used in the model corresponds to the  $L_{eq}$  measured during the racing simulations even though the number of riders were in some cases more than number of riders the model assumes. During typical race days, it was also assumed that a public announcement (PA) system would be utilized. Typical sound levels from similar PA speakers were used to model sound levels at each location. See below for a discussion of the PA sound level and duration assumptions. The PA was assumed to be used during weekend race days once in the morning to play the national anthem and eight times per hour for announcements during the hours when there was racing. The hourly  $L_{eq}$ 's during racing hours and non-racing hours were combined to calculate the  $L_{dn}$  at each measurement location.

#### 4.2 Weekend Practice Day

A typical weekend practice day scenario was modeled at each of the five measurement locations. The number of riders on the track at any one time during a practice day would be expected to vary. The noise recordings for simulated practice conditions included a number of different riders at different times in order to record a range of rider activity. The modeled noise level for a typical weekend practice day scenario assumes that there are on average 10 riders on the MX track at a time. The duration of a typical weekend practice event is 15 minutes, with a total of 4 hours of bike noise. A total of 40 BRHs would occur on the MX track. The oval track is expected to get much less use. A typical usage would be 5 riders on the oval track for 2 hours of riding. This corresponds to 10 BRHs on the oval track. No PA use is planned during weekend practice days. The maximum measured  $L_{eq}$  during simulated weekend practice was combined with the measured weekend ambient levels to calculate the  $L_{dn}$  at each measurement location.

#### 4.3 Weekday Practice

A typical weekday practice was assumed to consist a total of 1.5 hours of bike noise based the typical number of riders expected and the average amount of time a rider would spend riding. Weekday afternoon practice consisted of 5 riders on average. This corresponds to 7.5 BRHs on the MX track. The oval track usage is expected to be 3 riders on average for 1 hour of riding on a typical weekday practice. This corresponds to 3 BRHs on the oval track. The computed  $L_{eq}$  from recorded samples were combined with the measured weekday ambient levels to calculate the  $L_{dn}$  at each measurement

location. No PA use is planned during practice days, so it was not included in the weekday practice scenario.

#### **4.4 Friday or Saturday Night Under the Lights Event**

DMXR will occasionally hold these special events in which the public will be able to use only the oval track and not the MX track. For this type of event a maximum usage would be 7 riders on average on the oval track riding for 4 hours. This corresponds to 28 BRHs on the oval track.

#### **4.5 Public Address Loudspeaker Sound Levels**

The applicant intends to use a PA system on race days. The existing PA system is not operable, but there is an existing loudspeaker mounted to a telephone pole in the parking lot in front of the MX track as show in Figure 4. Races that are promoted may employ their own PA system, but the loudspeaker(s) will be located next to the existing loudspeaker pole. Typical sound levels for the PA loudspeaker were assumed to be 90 dBA at 50 feet from the loudspeaker. This level is generally consistent with PA sound levels measured by Wilson Ihrig at another MX facility.



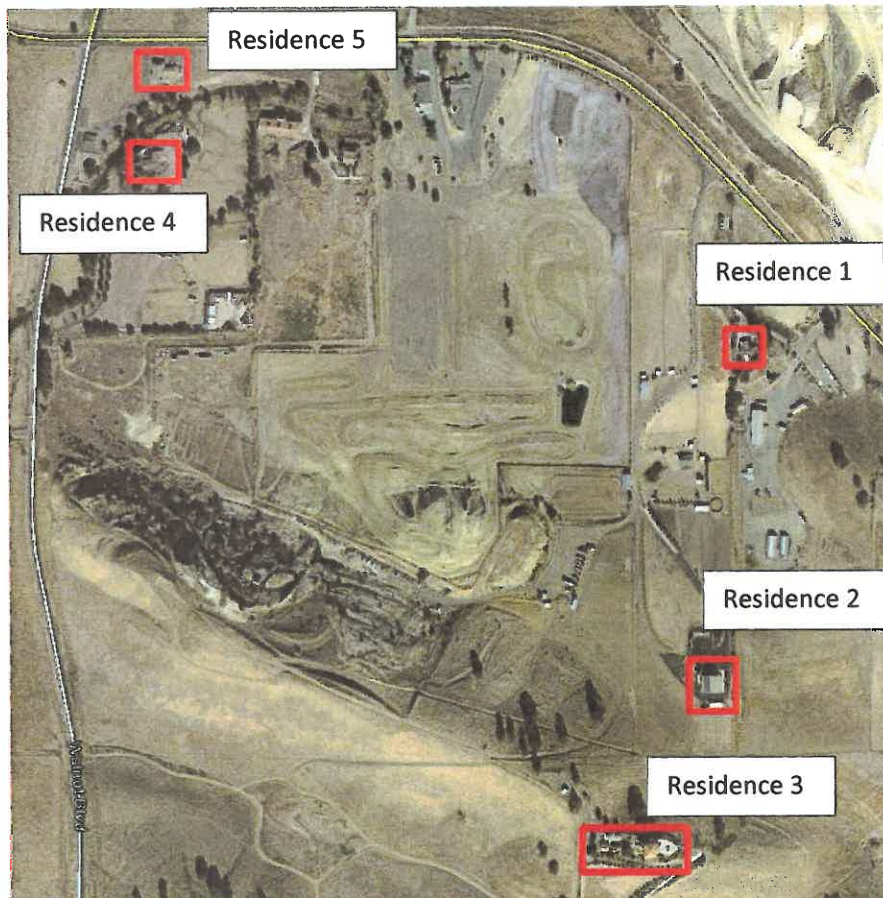
**Figure 4: Existing PA Loudspeaker on Pole at SW Corner of Parking Lot**



Announcements were assumed to occur before and after each race and create 15 seconds of sound each time. It is also anticipated that the national anthem will most likely be played at the beginning of race day. Although the anthem fluctuates in sound level and lasts about 200 seconds, for the purpose of analysis it was assumed that the sound level was constant at 90 dBA. These PA sound levels were factored into the calculation of  $L_{dn}$  levels, based on the parameters stated.

## 5 Noise Model for Adjacent Residences

There are five residences located on the adjacent agricultural land adjacent to DMXR as shown in Figure 5. To model noise levels at the adjacent residences is more complicated than modeling noise levels at the measurement locations, because it requires accounting for attenuation with distance from multiple sources that are distributed over a large area and are constantly moving. Consequently, it was decided to construct a simplified model that assumed an aggregate noise sources concentrated at the approximate centers of the MX track and the oval track.



**Figure 5: Location of Residences Adjacent to DMXR**

Sound from a single source attenuates at a rate of 6 dB/doubling of distance, not accounting for excess attenuation due to ground effects. Excess attenuation would mean lower noise levels at the residences.

Using the calculated  $L_{dn}$  for the measurement locations (Loc. 1 through 5), the distance from the MX track center to each measurement location and the oval track to each measurement location, and this simple model, the  $L_{dn}$  for each of the five residences was calculated. The  $L_{dn}$  for the measurement location(s) in the general direction of each residence was used as a reference from which to project to the residence. For Residences 2, 3 4 and 5, there are two measurement locations that can be used for each residence. For these four residences the data for more than one measurement location were used to estimate the  $L_{dn}$  at those residences with emphasis on the measurement location that was more representative.

## 6 Noise Study Results for DMXR Property Line

The results of the noise modeling are included in Table 4 below. The modeled  $L_{dn}$  at all five measurement locations are indicated.

**Table 4: Modeled Property Line  $L_{dn}$  During DMXR Typical Operating Scenarios**

Operating Scenario	Day-Night Noise Level ( $L_{dn}$ )				
	Loc. 1	Loc. 2	Loc. 3	Loc. 4	Loc.5
<b>Weekend Race Day*</b>	61	69	64	73	60
<b>Weekend Practice</b>	58	64	60	68	58
<b>Weekday Practice</b>	56	61	58	64	56
<b>Friday or Saturday Night Under the Lights</b>	60	52	57	56	60

\* Weekend race day levels include PA usage

### 6.1 Race Day

The results of the analysis for a typical weekend race day scenario indicate that the maximum  $L_{dn}$  of 73 dBA would occur at Location 4. The predicted  $L_{dn}$  at the other locations range between 60 to 69.

### 6.2 Weekend Practice Day

The results of the analysis for the typical weekend practice day scenario indicate that the maximum  $L_{dn}$  of 68 would occur at Location 4. The results at the other four measurement locations indicate  $L_{dn}$  ranging from 58 to 64.

### 6.3 Weekday Practice

The results of the analysis for the typical weekday afternoon practice were lower due to shorter hours of activity. The maximum  $L_{dn}$  of 64 is projected to occur at Location 4, with the levels at the other four locations ranging from 54 to 60.

### 6.4 Friday or Saturday Night Under the Lights Events

The results of the analysis for this special event activity indicate that the maximum  $L_{dn}$  of 60 would occur at Locations 1 and 5. The results at the other three measurement locations indicate  $L_{dn}$  ranging from 52 to 57.

## 7 Estimate of Noise Levels at Adjacent Residences

At the nearby residences, the noise level is estimated to be in the range of  $L_{dn}$  58 to 61 at Residence 2 on a typical weekend race day. The  $L_{dn}$  at the other residences (Residence 1, 3, 4, and 5) are estimated to be in range of 55 to 60. On weekend and weekday practices, the  $L_{dn}$  at residences would be lower than on a typical weekend race day. For a Friday or Saturday Night Under the Lights event the highest  $L_{dn}$  is estimated to be 60 for Residences 1 and 4. For this particular type of event the  $L_{dn}$  for the other residences would be less than 60. The  $L_{dn}$  are expected to be lower than these estimates due to excess attenuation from ground effects, and for Residences 2 and 3 they are expected to be lower due to acoustic shielding by the terrain.

## 8 Conclusions and Recommendations

The results of the analysis indicate that the maximum day-night noise level would occur during a typical weekend race day scenario. This is to be suspected due to the high number of riders and duration of racing compared to a typical practice day scenario. The predicted levels at all modeled property line locations is below the Noise Element guideline of 75  $L_{dn}$ , which is considered Normally Acceptable for agriculture land. The highest noise level (73  $L_{dn}$ ) is projected to occur at Location 4 on the DMXR property line.

Based on the results of this noise study, no mitigation measures are recommended for the DMXR facility other than to implement a noise measurement program for weekend race and practice day bikes following the State of California procedure for controlling individual bike noise emission levels. That procedure requires noise levels measured 20 inches from the exhaust pipe of a stationary bike not exceed 96 dBA when the bike is operated at a specified RPM based on the year, make and model of the bike (i.e., half the manufacturer's rated maximum RPM).

## APPENDIX – AMBIENT NOISE DATA

**Table A-1: Typical Measured Weekend Ambient Hourly  $L_{eq}$**

Hour of Day	Typical $L_{eq}$ (dBA)				
	Loc. 1	Loc. 2	Loc. 3	Loc. 4	Loc.5
0:00	42	42	38	49	39
1:00	41	39	44	48	36
2:00	42	40	37	42	35
3:00	42	38	36	41	36
4:00	36	37	35	43	35
5:00	38	36	36	39	38
6:00	41	41	40	40	41
7:00	44	50	41	40	43
8:00	47	45	43	44	45
9:00	45	45	43	42	47
10:00	46	45	44	44	47
11:00	46	44	43	44	46
12:00	47	52	47	45	47
13:00	47	47	47	46	47
14:00	46	50	45	49	46
15:00	51	55	57	55	50
16:00	49	50	49	49	49
17:00	44	49	42	45	43
18:00	49	46	45	48	45
19:00	47	46	44	49	44
20:00	49	45	43	50	45
21:00	50	47	42	49	44
22:00	48	46	42	48	41
23:00	47	47	42	47	39





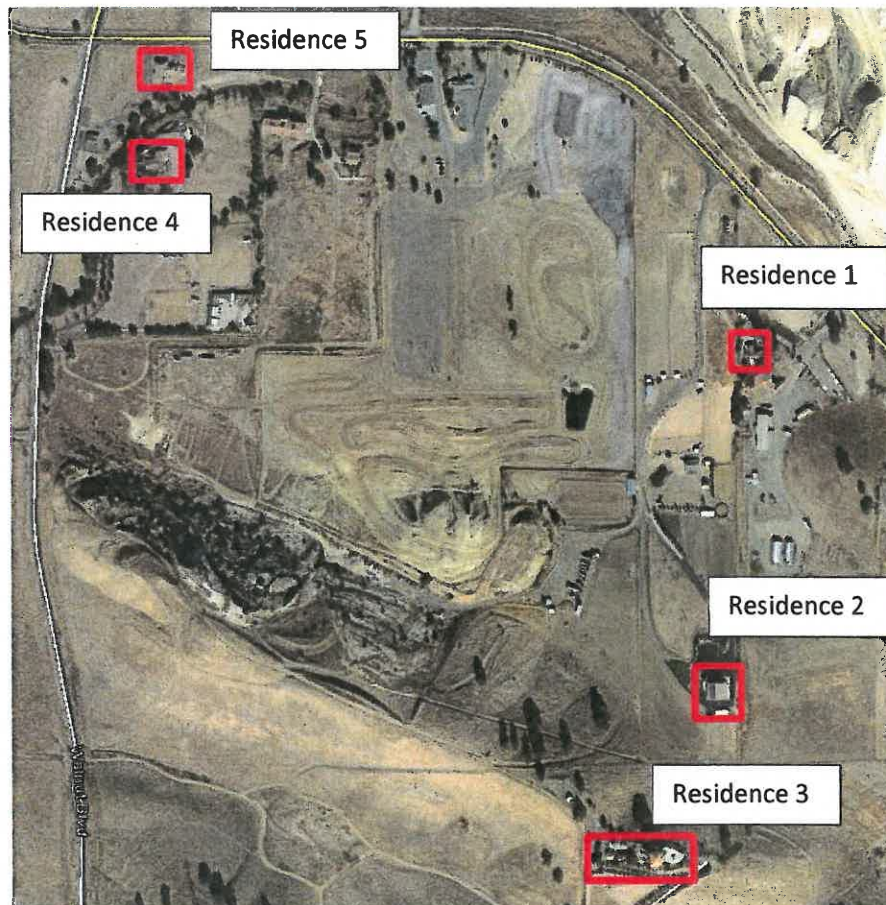
**Table A-2: Typical Measured Weekday Ambient Hourly  $L_{eq}$**

Hour of Day	Typical $L_{eq}$ (dBA)				
	Loc. 1	Loc. 2	Loc. 3	Loc. 4	Loc. 5
0:00	44	41	43	45	38
1:00	45	40	42	48	38
2:00	41	38	37	49	32
3:00	40	38	39	46	33
4:00	41	41	40	45	39
5:00	45	43	44	43	44
6:00	46	46	44	46	45
7:00	46	46	53	43	47
8:00	46	49	43	40	45
9:00	45	46	43	45	44
10:00	46	43	45	41	43
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14:00	44	42	43	40	41
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16:00	42	41	42	43	42
17:00	43	43	41	52	44
18:00	46	44	42	53	45
19:00	46	45	44	53	45
20:00	45	43	42	53	43
21:00	42	43	41	53	43
22:00	40	41	40	53	39
23:00	40	39	37	50	38

Announcements were assumed to occur before and after each race and create 15 seconds of sound each time. It is also anticipated that the national anthem will most likely be played at the beginning of race day. Although the anthem fluctuates in sound level and lasts about 200 seconds, for the purpose of analysis it was assumed that the sound level was constant at 90 dBA. These PA sound levels were factored into the calculation of  $L_{dn}$  levels, based on the parameters stated.

## 5 Noise Model for Adjacent Residences

There are five residences located on the adjacent agricultural land adjacent to DMXR as shown in Figure 5. To model noise levels at the adjacent residences is more complicated than modeling noise levels at the measurement locations, because it requires accounting for attenuation with distance from multiple sources that are distributed over a large area and are constantly moving. Consequently, it was decided to construct a simplified model that assumed an aggregate noise sources concentrated at the approximate centers of the MX track and the oval track.

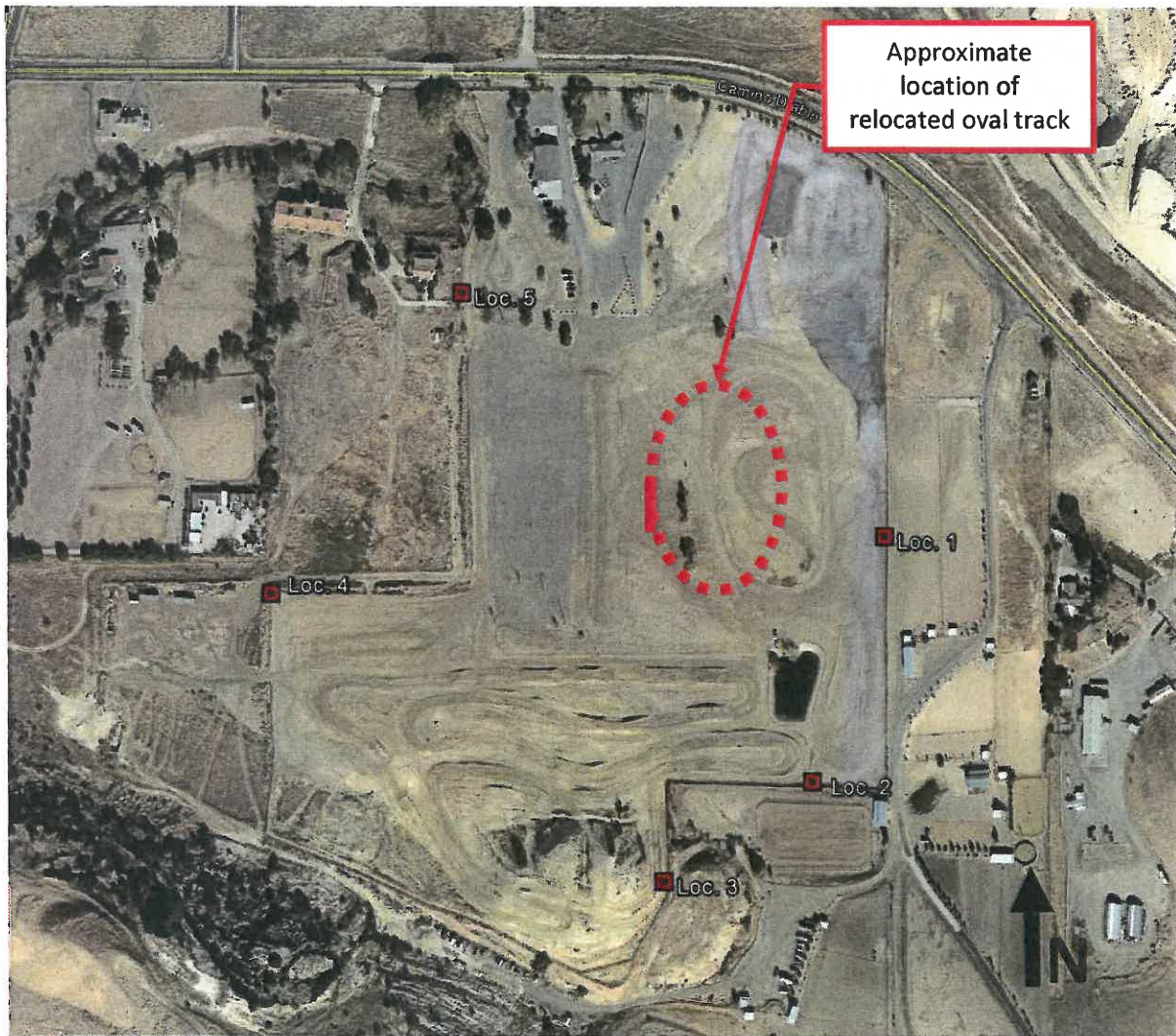


**Figure 5: Location of Residences Adjacent to DMXR**

Sound from a single source attenuates at a rate of 6 dB/doubling of distance, not accounting for excess attenuation due to ground effects. Excess attenuation would mean lower noise levels at the residences.



tracks for dirt bike riding, a motocross (MX) track which is the main track and an oval track. The flat oval track that will be used but see less activity compared to the main track. The flat oval track will be used on events referred to as Friday or Saturday Night Under the Lights. The purpose of this noise study is to determine the typical noise levels to be expected from dirt bike activity at the DMXR facility. Four different scenarios for dirt bike activity were evaluated: a weekend race day, a weekend practice day, a weekday practice, and flat track only activity (Friday or Saturday Night Under the Lights event). Figure 1 is an aerial view of the DMXR facility. The oval track visible in this aerial view will be relocated 150 feet to the west of the existing oval track as noted.



**Figure 1: Aerial View of DMXR Facility Showing Noise Measurement Locations**



# **EXHIBIT 10**

**ILLINGWORTH & RODKIN, INC.**  
Acoustics • Air Quality

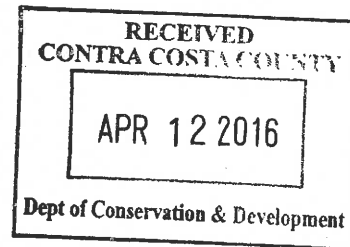
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April 12, 2016

Gary Kupp  
Planner II  
Contra Costa County  
Conservation & Development  
30 Muir Road  
Martinez, California 94553



VIA E-MAIL: Gary.Kupp@dcd.cccounty.us

**SUBJECT: Review of Diablo MX Ranch Noise Studies**

Dear Gary:

At your request, we have reviewed two noise studies prepared for the Diablo MX Ranch project proposed in Contra Costa County, California. The first study was prepared by the appellant's acoustical consultant, Charles M. Salter Associates, Inc. (Salter), in October 2015, and the second study was prepared by the applicant's acoustical consultant, Wilson Ihrig (WIA), in March 2016. The Salter study documented ambient noise levels through a comprehensive noise monitoring survey at several locations surrounding the motocross facility and provided a list of questions that the consultant thought should be addressed in the noise evaluation of the project. The WIA study similarly included a comprehensive ambient noise monitoring survey. The WIA study also included noise measurements of simulated race and practice events and predictions of noise levels under several operating scenarios. The WIA study concluded that the project, as proposed, would produce noise levels that would comply with the Contra Costa County General Plan.

Our peer review of these reports included an assessment of the two separate noise monitoring surveys, an assessment of the predictive methods utilized in the WIA analysis, and an assessment of the conclusions reached by WIA relative to applicable standards. The key issues are that the correct significance criteria have been used and that project-generated noise has been properly evaluated.

**Charles M. Salter Associates, Inc. Study**

The Salter study first references project standards and then summarizes the results of a comprehensive noise monitoring survey made to document ambient noise conditions near the Diablo MX Ranch project site. Ambient day-night average noise levels ( $L_{dn}$  or DNL), in the absence of motocross-related noise, were generally 50 to 60 dBA. Daytime hourly average noise levels typically ranged from approximately 40 to 45 dBA  $L_{eq}$ . These data were reviewed and demonstrate that the site and vicinity are subject to relatively low levels of ambient noise. The study then asks several

questions relating to the project's potential to generate noise levels exceeding allowable limits and whether or not the project would result in a substantial increase in noise above ambient conditions. These questions are not answered in the Salter report. It is our understanding that the questions posed by Salter relating to the project's potential to generate noise levels exceeding allowable limits and whether or not the project would result in a substantial increase in noise above ambient conditions would only be applicable if the project were undergoing CEQA review. We understand that the proposed project is not subject to CEQA; therefore the questions posed by Salter are not applicable in the assessment of project-generated noise.

### *Wilson Ihrig Study*

The WIA study presents a description of the proposed project, a summary of Contra Costa County's noise guidelines, and noise measurement data collected to establish ambient noise conditions and noise levels produced by simulated race and practice events. The ambient noise levels documented by WIA were reviewed and found to be similar to those documented by Salter. The noise survey of simulated practices and events also appeared to be reasonable. Predictions of noise levels under several operating scenarios are then made and noise levels are compared to the General Plan's 75 dBA  $L_{dn}$  "Normally Acceptable" standard for land zoned for agriculture. Our review indicates that the methodology used in the noise analysis was appropriate, and the calculated noise levels were reasonable based on assumptions detailed in the noise study. The study concludes that the project would not exceed the noise limit established for parcels zoned for agriculture as described in the Contra Costa County General Plan.

### *Comments*

The primary difference between the two studies is the noise level threshold that should be used to evaluate project generated noise. The Salter study references a "60-dBA Noise Control" standard which is assumed to apply at the property line. The Salter study also references the General Plan's 60 dBA  $L_{dn}$  "Normally Acceptable" standard, and the State of California Model Community Noise Ordinance standards, which are normally applied to residential land uses. In contrast, the WIA study cites the County General Plan's 75 dBA  $L_{dn}$  "Normally Acceptable" standard for land zoned for agriculture and evaluates noise produced by the project with respect to this standard. It is our understanding that the County supports the 75 dBA  $L_{dn}$  threshold used in the WIA study because the subject property and surrounding parcels are zoned for agriculture and the proposed use would be consistent with the uses allowed in the agricultural zoning district.



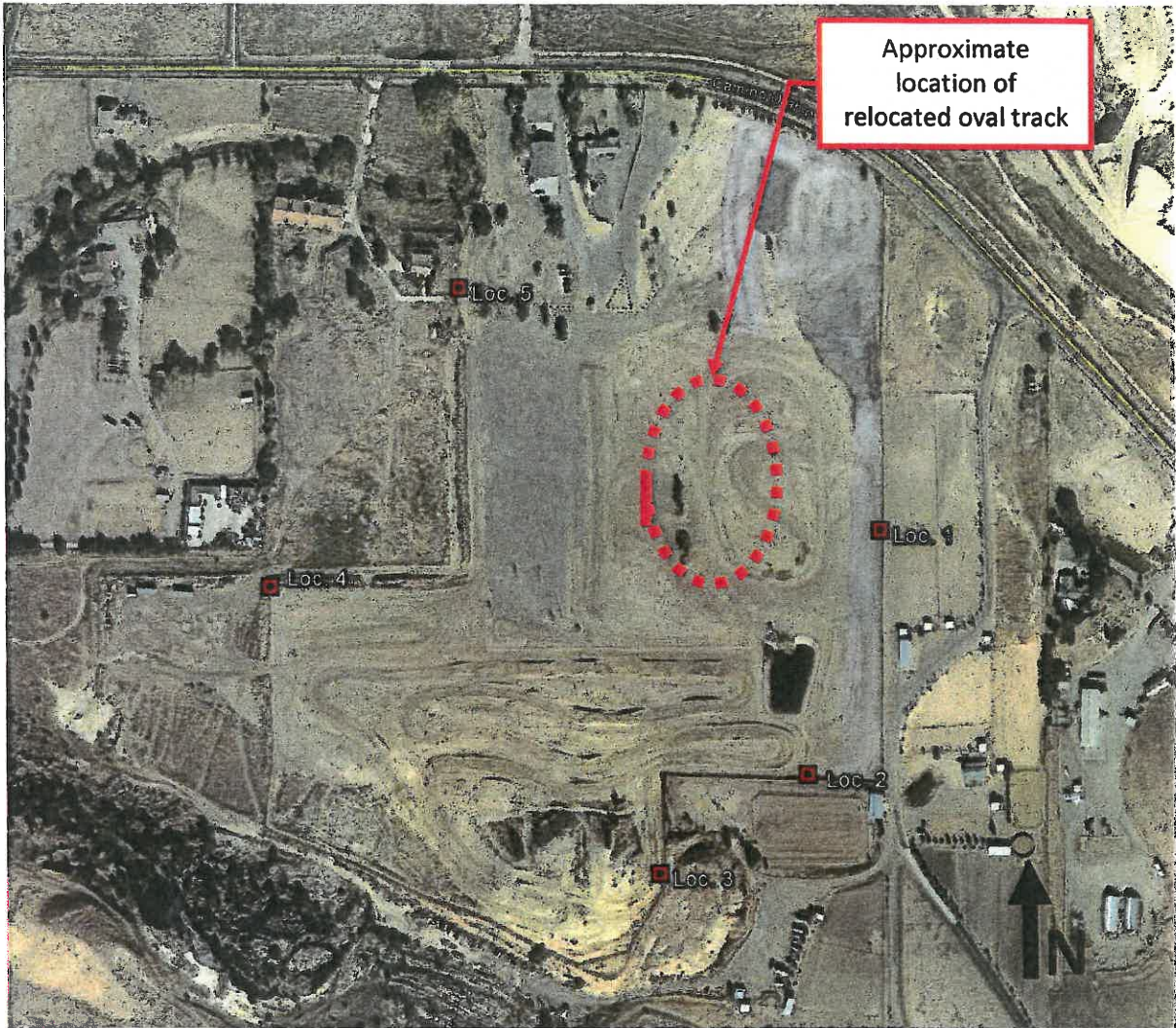
This concludes our comments. Please feel free to contact us, should you have any questions.

Sincerely,



Michael S. Thill  
Principal Consultant  
**ILLINGWORTH & RODKIN, INC.**  
(16-067)

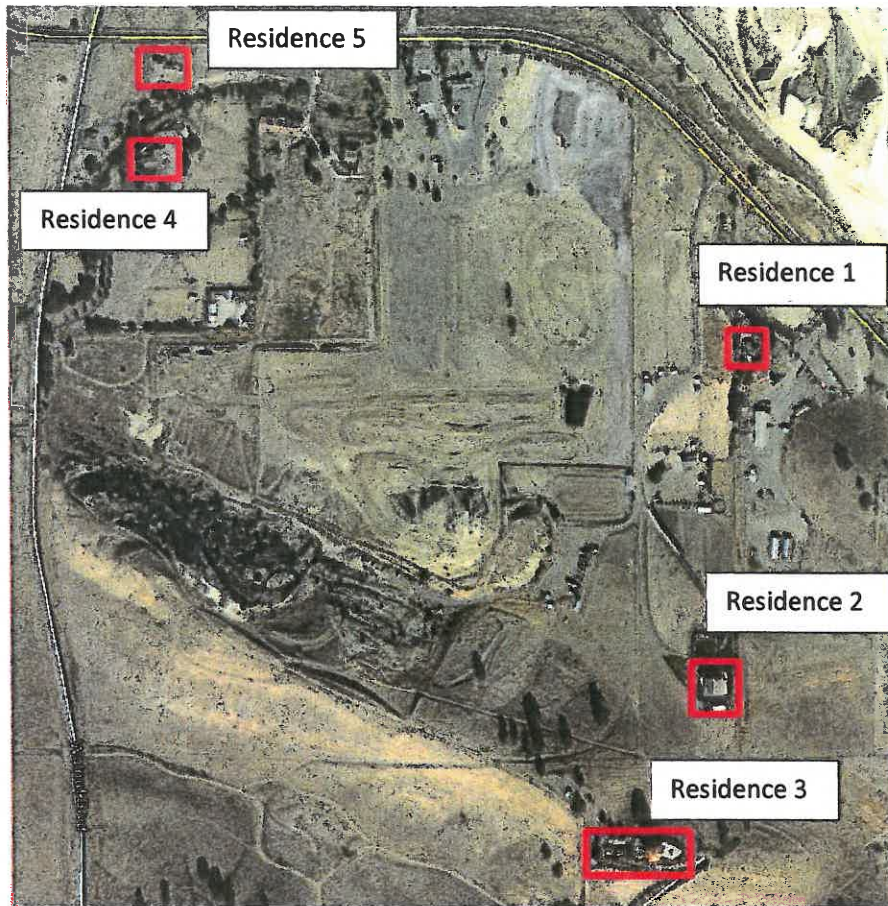
# **EXHIBIT 11**



**Figure 1: Aerial View of DMXR Facility Showing Noise Measurement Locations**

# **EXHIBIT 12**





**Figure 5: Location of Residences Adjacent to DMXR**



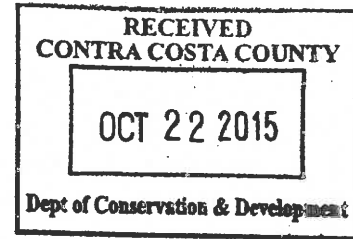
# **EXHIBIT 13**



Richard T. Bowles	Lawrence D. Goldberg
Michael P. Verna	Cathleen S. Huang
Robert L. Westerfield	Ethan K. Friedman
Richard A. Ergo	William T. Nagle
K. P. Dean Harper	Michael P. Connolly
Bradley R. Bowles	Nathaniel B. Duncan
Kenneth B. McKenzie	Cheryl A. Noll
David W. Trotter	Michael T. Krueger
Jason J. Granskog	Mallory L. Homewood

Of Counsel  
Bruce C. Paltenghi

October 22, 2015



**VIA EMAIL AND U.S. MAIL**

Community Development Division  
Contra Costa County Department of  
Conservation and Development  
30 Muir Road  
Martinez, California 94553  
Attn: Aruna Bhat, Deputy Director

**Re: John and Lori Ramirez (Applicants)/James and Dorothy Schmidt (Owners),  
County File No. LP13-2095  
Site Address/Location: 50 Camino Diablo Road, Unincorporated  
Brentwood, CA (APN 003-020-048)**

**Appeal By Twenty-Three Camino Diablo and Walnut Avenue Homeowners  
and Residents to the Contra Costa County Board of Supervisors of the  
County Planning Commission's May 12, 2015 Decision Allowing Off-Road  
Motocross Operations, Finding Applicant to be in Compliance with Land  
Use Permit No. LP95-2020 Conditions of Approval, and Approving Revised  
Site Plans dated October 31, 2014**

Dear Ms. Bhat:

This letter is submitted on behalf of the Appellants in the above-referenced land use appeal which is currently pending before the County Board of Supervisors. I am writing as a follow-up to Appellants' August 20, 2015 meeting in Brentwood with Supervisor Mary Piepho, her staff and representatives from County Community Development Division Director Kopchik and yourself. Speaking for my clients who attended, we very much appreciated having the opportunity to meet with you and Supervisor Piepho on August 20 to express our concerns regarding the serious adverse impacts of the proposed motocross park on the Appellants' quality of life and quiet enjoyment of their homes and property.

During the course of the August 20 meeting, we briefly discussed the preliminary results of the ambient noise measurements that had been taken a few weeks earlier in the vicinity of the motocross project by Charles M. Salter Associates, Inc. ("Salter"), and I had promised to send a copy of Salter's final report to the County so that it can be included in the administrative record with respect to the pending appeal.



Community Development Division  
Contra Costa County  
Attention: Aruna Bhat, Deputy Director  
October 22, 2015  
Page 2

With that in mind, a copy of the Salter ambient noise measurements report dated October 20, 2015 is enclosed. Consistent with what the parties discussed at the August 20 meeting in Supervisor Piepho's office, the baseline ambient noise levels in the vicinity of Appellants' homes in the absence in the motocross park are very low. Salter found that "[i]n general, the measured daytime ambient noise levels were between 46 and 45 dB (L50)." See Salter report at p. 6 (emphasis added). This is a very quiet rural residential setting.

That said, the record should be clear that Salter also measured very high noise levels on the afternoon of August 2, 2015, when three motorcycles were observed using the Diablo MX site. At that time, the "typical maximum noise levels" from these "motocross motorcycles were measured to be approximately 80 dB to 85 dB." See Salter report at p. 7 (emphasis added). These data indicate that the applicant will not, and cannot, comply with the County's stated "60-dBA noise control" standard for this project.

Please include this letter and the Salter report in the administrative record and make them available to the full Board of Supervisors. Appellants appreciate your continuing attention to this matter, and please do not hesitate to contact me should there be any questions. Thank you.

Very truly yours,

DAVID W. TROTTER

DWT:te

Enclosure

cc: The Hon. Mary N. Piepho (w/encl.) – via e-mail and U.S. mail  
Supervisor, District III

Ms. Linda Thuman (w/encl.) – via e-mail and U.S. mail

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20 October 2015

David Trotter

**Bowles & Verna, LLP**

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Walnut Creek, CA 94596

Email: dtrotter@bowlesverna.com

**Subject: Proposed Diablo MX Motocross Facility  
50 Camino Diablo, Road, Byron, CA  
Ambient Noise Measurements  
CSA Project: 15-0428**

Dear David:

This letter summarizes our environmental noise study of ambient noise levels around the Diablo MX motocross facility located at 50 Camino Diablo Road in Byron, CA. The purpose of the study is to measure baseline ambient noise levels at the site to be later compared with noise levels during motocross events.

### SUMMARY

The noise levels measured varied by location and day, with typical day-night average noise levels (DNL<sup>1</sup>) of approximately 50 dB to 60 dB<sup>2</sup>. Typical daytime hourly percentile (L<sub>50</sub>) noise levels were between 40 dB and 45 dB (approximately). Noise sources measured at the site included the following:

- Distant traffic
- Wind noise
- Motorcycles at the motocross facility (on one day)
- Trucking activities including grading and rock/gravel dumping (at times)

Additional details and noise levels are provided below.

<sup>1</sup> DNL (Day-Night Average Sound Level) – A descriptor for a 24-hour A-weighted average noise level. DNL accounts for the increased acoustical sensitivity of people to noise during the nighttime hours. DNL penalizes sound levels by 10 dB during the hours from 10 PM to 7 AM. For practical purposes, the DNL and CNEL are usually interchangeable. DNL is sometimes written as L<sub>dn</sub>.

<sup>2</sup> dB (Decibel) – A unit that describes the magnitude of a sound with respect to a reference sound level near the threshold of hearing. Decibels are based on a logarithmic scale and therefore cannot be added arithmetically. All sound levels in this report are A-weighted. A-weighting is a standard weighting that accounts for the sensitivity of human hearing to the range of audible frequencies.

## PROJECT STANDARDS

### ***Contra Costa County Community Development***

Based on county records that you provided, we understand that the current compliance review indicates that the Diablo MX project is subject to a "60-dBA Noise Control" standard. We assume that this 60 dB noise limit addresses noise generated on the Diablo MX property and transmitted to the boundaries of neighboring properties and applies at the property boundary. This standard is found on the "Agency Comment Request" form of the Contra Costa County Department of Conservation and Development – Community Development Division (see Exhibit 2 of the Bowles & Verna LLP appeal letter dated 22 May 2015).

### ***Contra Costa County General Plan***

The Noise Element of the Contra Costa County General Plan (2005-2020) contains guidelines for Land use Compatibility for Community Noise Environments. These guidelines assign appropriate noise levels for indoor and outdoor activities at various land use categories. According to the Noise Element, it is "normally acceptable" for low density residential lands to be exposed to a day-night average sound level (DNL) of 60 dB or less.

The County's Noise Element contains the following goals, policies, and implementation measures that apply to the issue of equipment noise from the project.

***Goal 11-A:*** *To improve the overall environment in the County by reducing annoying and physically harmful levels of noise for existing and future residents and for all land uses.*

***Goal 11-B:*** *To maintain appropriate noise conditions in all areas of the County.*

***Goal 11-C:*** *To ensure that new developments will be constructed so as to limit the effects of exterior noise on the residents.*

***Goal 11-D:*** *To recognize the economic impacts of noise control and encourage an equitable distribution of these costs.*

***Goal 11-E:*** *To recognize citizen concerns regarding excessive noise levels, and to utilize measures through which the concerns can be identified and mitigated.*

***Policy 11-2:*** *The standard for outdoor noise levels in residential areas is a DNL of 60 dB. However, a DNL of 60 dB or less may not be achievable in all residential areas due to economic or aesthetic constraints...*

***Policy 11-6:*** *If an area is currently below the maximum "normally acceptable" noise level, an increase in noise up to the maximum should not be allowed necessarily.*

***Implementation Measure 11-a:*** *Continue to require a review and analysis of noise-related impacts as part of the existing project development review procedures of the County.*

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***Implementation Measure 11-b: Evaluate the noise impacts of a proposed project upon existing land uses in terms of the applicable Federal, State, and local codes, and the potential for adverse community response, based on a significant increase in existing noise levels.***

***Implementation Measure 11-d: Noise mitigation shall be incorporated into the design and construction of new projects or be required as conditions of project approval.***

The Noise Element also discusses how noise increases are perceived by people, as listed below:

*An important factor in assessing a person's subjective reaction is to compare the new noise environment to the existing noise environment. In general, the more a new noise level exceeds the prior existing level, the less acceptable it is. Therefore, a new noise source will be judged more annoying in a quiet area than it would be in a noisier location. Knowledge of the following relationships is helpful in understanding how changes in noise and noise exposure are perceived.*

- *Except under special conditions, a change in sound level of 1 dB cannot be perceived;*
- *Outside of the laboratory, a 3 dB change is considered a just-noticeable difference;*
- *A change in level of at least 5 dB is required before any noticeable change in community response would be expected; and*
- *A 10 dB change is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response.*

### **State of California – Model Community Noise Control Ordinance**

The guidelines established in the State of California Model Community Noise Control Ordinance<sup>3</sup> are also provided for consideration to address noise intrusion to residential areas. This document was published by the State of California to provide guidance for communities to develop their own noise ordinances. It is considered a reasonably protective limit and is discussed in this report to provide guidance to the County in reviewing potential noise impacts.

The exterior noise level limits in the Model Community Noise Control Ordinance are shown in the table below and correspond to the median percentile noise level ( $L_{50}$ )<sup>4</sup>. These limits are not to be exceeded at the receiving land use for more than 30 minutes in an hour. The limits are to be adjusted based on the duration of the source, the level of the ambient noise, and the character of the sound. For brevity, these adjustments are not excerpted in this report.

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<sup>3</sup> "Model Community Noise Control Ordinance." Office of Noise Control, California Department of Health, Berkeley, 1977.

<sup>4</sup>  $L_n$  – The sound level exceeded for a stated percentage (n) of a specified measurement period as described in ASTM E1686.  $L_{10}$ ,  $L_{50}$ , and  $L_{90}$  are the levels exceeded 10, 50, and 90 percent of the time, respectively.

Model Community Noise Control Ordinance Exterior Noise Limits (L <sub>50</sub> Noise Level)				
Receiving Land Use Category	Time Period	Noise Level (dBA)		
		Noise Zone Classification		
		Rural Suburban	Suburban	Urban
One & Two Family Residential	10 pm – 7 am	40	45	50
	7 am – 10 pm	50	55	60
Multiple Dwelling Residential Public Space	10 pm – 7 am	45	50	55
	7 am – 10 pm	50	55	60
Limited Commercial Some Multiple Dwellings	10 pm – 7 am	55		
	7 am – 10 pm	60		
Commercial	10 pm – 7 am	60		
	7 am – 10 pm	65		
Light Industrial	Anytime	70		
Heavy Industrial	Anytime	75		

The noise zone applicable to the subject residential properties would be the 'rural suburban' zone, as highlighted in the table above.

### SETTING

Diablo MX Ranch, formerly Sandhill Ranch, is located at 50 Camino Diablo Road near Byron, CA. It is surrounded by residential property to the west, northwest, south, and southeast. The Unimin quarry is located across Camino Diablo Road to the north.

### NOISE MEASUREMENTS

In order to quantify the ambient noise levels around the Diablo MX site, long-term noise measurements were conducted at five locations from 27 July to 3 August 2015 and at two other locations from 12 to 19 August 2015.

Sound level meters were placed at the locations described below and also shown on Figure 1, enclosed.

1. Location 1: On a fence post extension, approximately six feet above grade
2. Location 2: On a fence post extension, approximately ten feet above grade
3. Location 3: On a canopy post, approximately eight feet above grade
4. Location 4: On a canopy post, approximately twelve feet above grade
5. Location 5: On a portable light tower, approximately ten feet above grade
6. Location 6: On a ladder, approximately four feet above grade
7. Location 7: On a post of a gazebo, approximately six feet above grade

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Table 1 lists the measured DNL for each full day at each meter location.

**Table 1: Day-Night Average Sound Levels (DNL) Measured at Locations 1 thru 7**

Day	Meter Location					Day	Meter Location	
	2	3	4	5	6		1	7
28 July	58	59	57	61	50	13 August	56	49
29 July	58	60	54	63	51	14 August	58	53
30 July	59	63	53	63	49	15 August	53	56
31 July	58	57	55	62	50	16 August	55	65
1 August	59	56	54	63	48	17 August	62	53
2 August	59	58	57	63	50	18 August	57	51

In general, the measured ambient noise levels were in-line with or quieter than the County land-use compatibility standard of DNL 60 dB. Therefore, future Diablo MX Motocross Facility noise should be evaluated by answering both of the following questions:

1. Would motocross noise exceed the County community noise standard of DNL 60 dB at neighboring residential properties?
2. Would motocross noise significantly increase day-night average ambient noise levels at the adjacent residential properties?

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Table 2 below lists the L<sub>50</sub> noise level for each hour, averaged (arithmetically) over seven days, for each of the seven meter locations. More detailed results are provided in Appendix A.

**Table 2: Hourly Percentile Noise Levels (L<sub>50</sub>) Measured at Locations 1 thru 7**

Time	Meter Location						
	1	2	3	4	5	6	7
0:00	43	47	47	43	51	37	39
1:00	43	45	46	42	53	37	39
2:00	45	48	45	40	54	36	38
3:00	44	51	46	41	56	36	36
4:00	44	54	50	41	58	37	38
5:00	46	55	47	42	58	39	41
6:00	49	45	44	43	47	42	41
7:00	48	43	43	43	45	40	42
8:00	44	41	44	42	44	40	40
9:00	42	41	43	43	44	40	39
10:00	41	41	44	42	43	40	40
11:00	41	40	43	43	43	40	38
12:00	42	42	45	44	45	42	39
13:00	43	44	46	43	45	42	40
14:00	45	41	46	43	44	41	41
15:00	48	41	45	43	43	40	44
16:00	47	40	44	42	45	39	41
17:00	46	42	47	45	47	41	40
18:00	46	41	47	46	47	40	39
19:00	42	37	42	42	42	35	36
20:00	42	37	42	43	42	35	39
21:00	43	45	45	43	48	36	42
22:00	41	43	46	43	50	36	41
23:00	43	44	48	44	52	38	40

In general, the measured daytime ambient noise levels were between 40 and 45 dB (L<sub>50</sub>). These levels are quieter than the California Model Community Noise Ordinance standard of 50 dB for daytime but in-line with the nighttime standard of 40 dB. Therefore, future Diablo MX Motocross Facility noise should be evaluated by answering the following questions as well:

3. Would motocross noise exceed the California Model Noise Ordinance standards of 40 dB (nighttime) and 50 dB (daytime) at neighboring residential properties?
4. Would motocross noise significantly increase hourly ambient noise levels at the adjacent residential properties?

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## COMMENTS

A log of noise events was created by a residential neighbor between 27 July and 3 August during our measurements. This log is enclosed as Appendix B. During the measurements, there were some single-event noises such as motorcycles, trucks, and emergency vehicles on the local roadway. However, these were fairly infrequent. Other noise sources measured throughout the week included wind noise and crickets.

On 2 August 2015 in the afternoon, the resident log indicates that three motorcycles used the Diablo MX site sporadically. At Locations 3, 4, and 6, typical maximum noise levels ( $L_{max}$ )<sup>5</sup> from motocross motorcycles were measured to be approximately 80 dB to 85 dB. These levels and the source were identified using audio recordings created by the noise monitors when the noise level exceeded a preset threshold. The log also records rock dumping by trucks and related grading equipment activities at the Diablo MX site during the ambient noise measurement period. At Locations 3, 4, and 6, typical maximum noise levels ( $L_{max}$ ) from trucking activities were measured between 55 dB and 70 dB.

\*


\*

\*

This concludes our comments on the subject project. Should you have any questions please call.

Sincerely,

**CHARLES M. SALTER ASSOCIATES**



Stephen L. Leiby  
Consultant



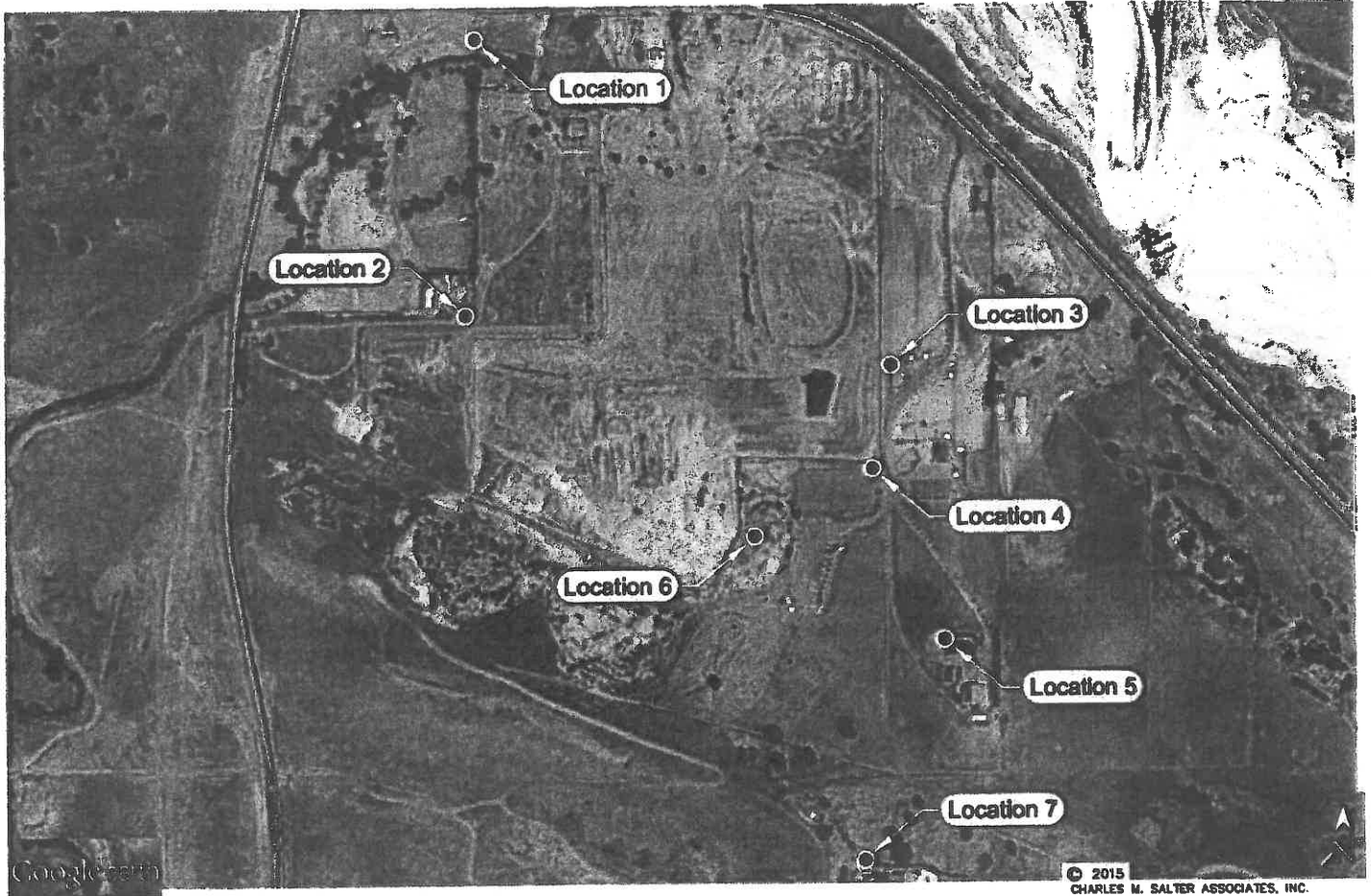
Jeremy L. Decker, PE  
Principal Consultant

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<sup>5</sup>  $L_{max}$  (Maximum Sound Level) = The maximum sound level for a specified measurement period of time as defined in ASTM E1686.



# BYRON MOTOCROSS MEASUREMENT LOCATIONS

## FIGURE 1

CSA #  
15-0428

SL/JLD  
10.20.15

**APPENDIX A**

Long-term noise measurement data at Locations 1 thru 7 are summarized in the tables below.

**Location 1**

Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
12-Aug	17:00	52	61	55	51	48	40	69
12-Aug	18:00	52	61	56	52	50	41	70
12-Aug	19:00	49	59	54	48	44	34	66
12-Aug	20:00	46	56	49	44	41	37	65
12-Aug	21:00	45	56	47	43	41	39	60
12-Aug	22:00	45	56	47	44	42	39	64
12-Aug	23:00	47	55	50	47	45	39	60
13-Aug	0:00	48	56	51	47	45	40	64
13-Aug	1:00	45	54	47	45	43	40	61
13-Aug	2:00	47	53	50	48	46	41	60
13-Aug	3:00	48	56	50	49	48	41	61
13-Aug	4:00	48	56	50	48	47	42	63
13-Aug	5:00	52	60	56	51	49	44	67
13-Aug	6:00	53	62	57	53	50	42	68
13-Aug	7:00	53	61	56	52	50	41	71
13-Aug	8:00	50	60	55	49	46	36	66
13-Aug	9:00	48	58	52	44	39	32	63
13-Aug	10:00	46	56	50	42	38	31	62
13-Aug	11:00	46	57	49	42	39	32	67
13-Aug	12:00	50	61	53	46	43	36	74
13-Aug	13:00	52	62	56	50	47	41	67
13-Aug	14:00	57	66	61	54	51	45	69
13-Aug	15:00	57	68	61	54	51	44	74
13-Aug	16:00	54	63	57	53	50	44	68
13-Aug	17:00	53	63	56	52	50	43	66
13-Aug	18:00	53	63	56	52	49	41	70
13-Aug	19:00	50	60	53	48	45	38	72
13-Aug	20:00	48	57	52	46	43	38	61
13-Aug	21:00	46	56	48	43	41	39	65
13-Aug	22:00	44	53	46	43	42	40	58
13-Aug	23:00	48	57	51	47	45	40	60
14-Aug	0:00	50	60	53	48	45	41	63
14-Aug	1:00	49	60	51	46	44	41	65
14-Aug	2:00	56	66	60	53	50	41	70
14-Aug	3:00	45	55	47	43	42	40	60

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
14-Aug	4:00	46	59	48	41	40	38	69
14-Aug	5:00	52	63	57	48	43	38	66
14-Aug	6:00	55	64	60	53	50	40	70
14-Aug	7:00	54	63	58	53	49	39	70
14-Aug	8:00	49	59	54	46	42	35	69
14-Aug	9:00	52	60	53	47	43	34	79
14-Aug	10:00	48	58	51	44	41	34	70
14-Aug	11:00	48	58	52	44	41	34	69
14-Aug	12:00	49	60	53	46	43	36	67
14-Aug	13:00	51	62	54	48	45	39	68
14-Aug	14:00	53	63	57	51	48	42	69
14-Aug	15:00	54	63	58	53	51	44	72
14-Aug	16:00	54	63	57	52	49	40	69
14-Aug	17:00	54	64	58	53	49	38	69
14-Aug	18:00	56	65	59	54	51	44	78
14-Aug	19:00	51	61	54	47	43	35	77
14-Aug	20:00	47	58	50	44	42	38	72
14-Aug	21:00	51	61	51	44	42	40	77
14-Aug	22:00	48	57	51	46	44	41	69
14-Aug	23:00	50	64	51	44	42	39	71
15-Aug	0:00	50	60	51	44	42	39	72
15-Aug	1:00	44	54	43	41	40	38	64
15-Aug	2:00	43	51	43	41	40	38	64
15-Aug	3:00	43	54	46	41	40	38	60
15-Aug	4:00	43	51	45	43	42	39	58
15-Aug	5:00	45	55	47	44	43	39	61
15-Aug	6:00	49	60	52	46	44	40	66
15-Aug	7:00	50	62	53	47	45	41	69
15-Aug	8:00	50	59	52	47	45	41	74
15-Aug	9:00	50	60	53	49	47	43	65
15-Aug	10:00	50	60	53	47	45	41	71
15-Aug	11:00	54	61	53	47	44	39	83
15-Aug	12:00	49	59	52	47	45	41	66
15-Aug	13:00	48	58	51	46	44	40	63
15-Aug	14:00	49	59	53	47	44	37	64
15-Aug	15:00	50	62	53	47	45	38	65
15-Aug	16:00	50	59	53	46	43	37	70
15-Aug	17:00	50	61	53	45	42	36	68
15-Aug	18:00	49	61	53	43	39	35	65
15-Aug	19:00	50	61	54	41	37	33	75

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
15-Aug	20:00	51	61	52	44	41	36	80
15-Aug	21:00	45	57	47	42	41	39	60
15-Aug	22:00	47	57	49	43	42	41	68
15-Aug	23:00	43	54	43	41	41	39	61
16-Aug	0:00	49	62	47	42	42	40	70
16-Aug	1:00	44	55	44	42	41	39	60
16-Aug	2:00	52	59	58	51	43	41	61
16-Aug	3:00	48	59	54	42	42	40	61
16-Aug	4:00	44	54	44	43	42	41	64
16-Aug	5:00	44	54	45	42	41	39	59
16-Aug	6:00	45	56	47	42	40	37	61
16-Aug	7:00	47	56	50	46	44	41	63
16-Aug	8:00	47	57	50	44	42	39	65
16-Aug	9:00	48	58	51	46	45	42	65
16-Aug	10:00	49	58	52	47	45	42	66
16-Aug	11:00	51	60	53	46	44	38	76
16-Aug	12:00	47	57	52	45	43	37	63
16-Aug	13:00	50	60	52	46	43	36	74
16-Aug	14:00	49	59	53	47	43	36	64
16-Aug	15:00	47	57	51	44	42	34	64
16-Aug	16:00	47	58	51	43	41	35	64
16-Aug	17:00	48	59	53	44	40	35	64
16-Aug	18:00	49	60	53	45	42	32	65
16-Aug	19:00	49	60	53	42	37	31	73
16-Aug	20:00	48	58	52	45	43	38	64
16-Aug	21:00	57	63	61	58	56	41	67
16-Aug	22:00	47	57	51	41	40	38	72
16-Aug	23:00	52	60	58	53	47	38	62
17-Aug	0:00	45	54	49	44	42	39	60
17-Aug	1:00	58	64	63	59	55	38	65
17-Aug	2:00	58	62	61	59	58	39	64
17-Aug	3:00	58	64	61	59	57	42	65
17-Aug	4:00	58	65	62	59	57	43	69
17-Aug	5:00	59	66	62	59	57	46	69
17-Aug	6:00	58	65	61	57	56	48	68
17-Aug	7:00	55	64	59	54	51	45	76
17-Aug	8:00	52	60	56	50	46	38	70
17-Aug	9:00	50	60	54	46	40	33	66
17-Aug	10:00	49	60	52	43	40	35	69
17-Aug	11:00	48	58	50	43	41	36	71

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
17-Aug	12:00	48	59	52	45	43	38	70
17-Aug	13:00	48	59	51	45	43	38	64
17-Aug	14:00	48	58	51	44	42	36	68
17-Aug	15:00	50	60	55	49	46	40	64
17-Aug	16:00	54	64	57	51	48	42	72
17-Aug	17:00	53	62	56	51	47	38	77
17-Aug	18:00	50	59	53	48	45	37	69
17-Aug	19:00	47	58	51	45	42	35	64
17-Aug	20:00	53	63	59	47	42	37	68
17-Aug	21:00	53	63	59	46	41	39	68
17-Aug	22:00	44	57	44	40	39	37	63
17-Aug	23:00	42	54	42	40	40	38	60
18-Aug	0:00	42	50	43	41	40	39	56
18-Aug	1:00	41	50	43	40	39	37	56
18-Aug	2:00	45	55	48	44	42	39	61
18-Aug	3:00	42	53	42	41	40	39	60
18-Aug	4:00	48	59	49	43	42	41	64
18-Aug	5:00	54	65	59	51	46	42	71
18-Aug	6:00	56	64	61	56	53	44	70
18-Aug	7:00	53	62	58	52	48	40	65
18-Aug	8:00	52	61	57	50	45	37	68
18-Aug	9:00	50	60	54	45	41	34	69
18-Aug	10:00	51	60	53	45	40	33	76
18-Aug	11:00	47	58	51	44	41	33	67
18-Aug	12:00	46	56	50	42	39	34	63
18-Aug	13:00	49	60	51	44	40	34	69
18-Aug	14:00	48	61	52	45	41	33	66
18-Aug	15:00	56	65	60	54	51	44	68
18-Aug	16:00	55	64	59	54	51	43	74
18-Aug	17:00	52	61	55	51	48	39	67
18-Aug	18:00	53	61	55	50	47	37	79
18-Aug	19:00	49	58	53	46	42	32	67
18-Aug	20:00	48	59	51	42	40	36	66
18-Aug	21:00	46	57	47	41	40	39	61
18-Aug	22:00	46	57	44	41	40	39	69
18-Aug	23:00	44	56	43	41	41	39	65
19-Aug	0:00	42	48	43	42	41	40	54
19-Aug	1:00	42	50	43	42	42	40	57
19-Aug	2:00	40	45	42	41	40	39	50
19-Aug	3:00	42	54	42	40	39	38	61

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
19-Aug	4:00	48	61	51	41	40	38	64
19-Aug	5:00	54	63	58	49	45	40	71
19-Aug	6:00	57	65	61	56	54	44	67
19-Aug	7:00	55	64	59	53	49	40	68
19-Aug	8:00	51	61	56	47	42	35	63
19-Aug	9:00	50	60	54	47	42	35	73
19-Aug	10:00	49	59	53	46	41	33	64
19-Aug	11:00	46	57	49	41	39	33	66
19-Aug	12:00	47	57	50	44	41	33	66
19-Aug	13:00	46	56	50	43	39	32	63
19-Aug	14:00	56	61	53	47	43	35	87
19-Aug	15:00	54	64	58	52	48	38	72

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
27-Jul	16:00	44	52	45	41	39	34	69
27-Jul	17:00	45	55	47	44	42	36	67
27-Jul	18:00	52	62	56	51	47	40	68
27-Jul	19:00	49	60	53	43	38	31	65
27-Jul	20:00	41	51	44	38	36	30	62
27-Jul	21:00	48	56	53	48	46	36	59
27-Jul	22:00	43	52	47	42	41	37	58
27-Jul	23:00	45	56	49	44	41	37	59
28-Jul	0:00	49	57	53	48	47	36	59
28-Jul	1:00	45	52	50	42	40	36	53
28-Jul	2:00	49	58	52	45	42	38	59
28-Jul	3:00	52	59	57	51	49	41	59
28-Jul	4:00	54	59	58	55	53	49	61
28-Jul	5:00	56	61	60	57	54	51	62
28-Jul	6:00	50	54	51	48	46	43	77
28-Jul	7:00	49	59	52	48	46	41	65
28-Jul	8:00	51	61	54	50	48	42	70
28-Jul	9:00	55	63	60	55	51	44	66
28-Jul	10:00	50	60	53	48	46	41	66
28-Jul	11:00	45	56	48	42	41	36	60
28-Jul	12:00	49	58	52	48	47	43	62
28-Jul	13:00	49	59	52	47	44	40	65
28-Jul	14:00	46	58	49	44	42	36	62
28-Jul	15:00	46	55	49	46	44	39	60
28-Jul	16:00	44	52	48	44	42	37	60
28-Jul	17:00	44	53	46	43	41	36	66
28-Jul	18:00	43	53	45	41	39	32	66
28-Jul	19:00	44	54	48	43	40	32	61
28-Jul	20:00	45	54	47	40	37	31	68
28-Jul	21:00	50	60	56	45	43	39	62
28-Jul	22:00	49	60	49	43	42	38	62
28-Jul	23:00	48	56	52	47	45	40	65
29-Jul	0:00	50	56	53	51	50	43	65
29-Jul	1:00	47	54	52	46	44	39	58
29-Jul	2:00	47	56	51	46	44	39	61
29-Jul	3:00	51	58	55	51	48	42	59
29-Jul	4:00	55	61	59	56	54	46	62
29-Jul	5:00	57	62	60	57	55	51	63

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29-Jul	6:00	49	57	52	49	48	44	62
29-Jul	7:00	45	52	47	45	44	42	64
29-Jul	8:00	45	55	47	43	41	37	60
29-Jul	9:00	51	60	54	49	47	43	66
29-Jul	10:00	48	56	51	47	46	40	59
29-Jul	11:00	47	57	50	46	44	39	61
29-Jul	12:00	45	53	48	45	43	39	58
29-Jul	13:00	47	55	51	46	44	39	59
29-Jul	14:00	45	55	48	44	42	38	59
29-Jul	15:00	44	51	47	44	42	36	63
29-Jul	16:00	43	51	46	42	40	35	65
29-Jul	17:00	46	54	49	45	43	37	64
29-Jul	18:00	49	58	52	47	45	39	63
29-Jul	19:00	42	54	45	40	37	31	60
29-Jul	20:00	38	46	41	37	35	30	56
29-Jul	21:00	53	59	58	54	49	39	60
29-Jul	22:00	46	55	51	45	43	37	60
29-Jul	23:00	49	59	52	47	44	40	63
30-Jul	0:00	55	65	59	54	48	40	67
30-Jul	1:00	50	62	50	45	44	36	65
30-Jul	2:00	47	55	53	44	42	38	57
30-Jul	3:00	52	59	56	51	49	46	60
30-Jul	4:00	55	60	59	57	53	46	60
30-Jul	5:00	59	63	62	60	59	51	64
30-Jul	6:00	51	56	55	52	49	43	58
30-Jul	7:00	45	53	48	45	43	40	59
30-Jul	8:00	42	50	45	41	40	37	56
30-Jul	9:00	42	54	44	39	37	33	61
30-Jul	10:00	44	54	44	38	36	31	67
30-Jul	11:00	45	57	48	44	42	34	61
30-Jul	12:00	45	55	49	43	40	34	65
30-Jul	13:00	46	57	49	44	41	35	63
30-Jul	14:00	43	53	48	41	39	33	56
30-Jul	15:00	45	55	48	43	41	34	60
30-Jul	16:00	48	61	50	43	40	32	68
30-Jul	17:00	42	51	45	40	38	31	59
30-Jul	18:00	41	51	44	39	37	31	56
30-Jul	19:00	40	50	44	39	36	31	55
30-Jul	20:00	43	51	47	42	39	34	58
30-Jul	21:00	50	58	52	49	48	42	65

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
30-Jul	22:00	48	58	53	43	39	32	60
30-Jul	23:00	46	54	52	43	41	36	59
31-Jul	0:00	49	56	55	47	43	38	59
31-Jul	1:00	50	55	53	50	49	40	61
31-Jul	2:00	54	59	58	56	53	43	60
31-Jul	3:00	51	59	56	51	47	42	60
31-Jul	4:00	53	58	56	55	53	45	60
31-Jul	5:00	56	60	59	57	56	50	64
31-Jul	6:00	46	52	48	46	45	43	58
31-Jul	7:00	48	57	51	47	45	42	59
31-Jul	8:00	46	55	50	45	43	38	65
31-Jul	9:00	44	55	48	42	39	31	58
31-Jul	10:00	47	55	51	46	44	37	63
31-Jul	11:00	46	57	50	42	39	32	61
31-Jul	12:00	48	60	51	45	42	34	66
31-Jul	13:00	50	61	52	48	47	41	70
31-Jul	14:00	44	55	47	42	39	34	65
31-Jul	15:00	43	53	46	41	39	33	62
31-Jul	16:00	43	52	46	41	39	34	60
31-Jul	17:00	47	58	50	45	42	35	66
31-Jul	18:00	42	53	44	38	35	31	58
31-Jul	19:00	42	52	45	38	36	29	66
31-Jul	20:00	42	50	47	41	38	29	63
31-Jul	21:00	53	64	55	49	46	40	76
31-Jul	22:00	51	58	53	52	50	41	67
31-Jul	23:00	51	58	54	52	51	41	61
1-Aug	0:00	50	56	54	51	50	40	65
1-Aug	1:00	50	58	55	51	45	37	63
1-Aug	2:00	53	58	56	54	51	47	63
1-Aug	3:00	57	62	59	58	57	45	62
1-Aug	4:00	56	61	59	58	57	47	61
1-Aug	5:00	54	59	56	55	53	42	61
1-Aug	6:00	45	54	49	43	41	37	55
1-Aug	7:00	48	52	42	38	37	33	78
1-Aug	8:00	41	51	44	39	37	32	55
1-Aug	9:00	41	51	44	39	36	33	58
1-Aug	10:00	43	52	46	42	40	36	55
1-Aug	11:00	46	56	49	45	42	37	64
1-Aug	12:00	45	52	48	44	42	37	56
1-Aug	13:00	46	54	50	46	44	39	60

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
1-Aug	14:00	44	54	47	43	41	35	62
1-Aug	15:00	44	54	48	42	40	34	61
1-Aug	16:00	45	56	49	43	40	34	63
1-Aug	17:00	49	60	53	47	44	38	66
1-Aug	18:00	49	59	52	47	44	37	65
1-Aug	19:00	44	56	47	39	37	31	61
1-Aug	20:00	42	52	46	40	37	31	60
1-Aug	21:00	48	57	51	44	42	38	69
1-Aug	22:00	47	56	50	46	45	41	62
1-Aug	23:00	46	54	49	46	44	40	60
2-Aug	0:00	47	55	50	46	43	38	63
2-Aug	1:00	49	58	53	47	45	39	67
2-Aug	2:00	54	60	58	55	53	39	61
2-Aug	3:00	54	61	57	52	51	45	62
2-Aug	4:00	55	61	58	55	53	46	62
2-Aug	5:00	57	62	60	57	56	46	63
2-Aug	6:00	50	61	58	39	36	32	63
2-Aug	7:00	38	49	41	36	34	30	54
2-Aug	8:00	39	50	41	36	34	30	57
2-Aug	9:00	38	47	41	37	35	31	54
2-Aug	10:00	42	54	45	38	36	32	58
2-Aug	11:00	40	50	41	37	34	30	60
2-Aug	12:00	45	57	48	41	37	31	64
2-Aug	13:00	59	72	60	50	45	34	81
2-Aug	14:00	46	57	48	43	40	34	66
2-Aug	15:00	53	66	53	44	40	32	74
2-Aug	16:00	48	60	51	46	42	34	67
2-Aug	17:00	52	62	56	49	46	39	66
2-Aug	18:00	49	60	52	44	40	31	64
2-Aug	19:00	41	49	40	35	32	27	69
2-Aug	20:00	47	58	49	37	35	29	61
2-Aug	21:00	52	62	56	50	44	36	62
2-Aug	22:00	45	55	50	42	39	36	56
2-Aug	23:00	48	59	52	46	42	35	66
3-Aug	0:00	50	59	52	49	47	39	68
3-Aug	1:00	51	58	55	50	48	46	69
3-Aug	2:00	55	63	58	54	52	45	70
3-Aug	3:00	55	65	57	55	53	46	72
3-Aug	4:00	58	63	61	59	57	52	66
3-Aug	5:00	56	62	60	55	53	50	62

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Date	Time	Leg	L1	L10	L33	L50	L90	Lmax
3-Aug	6:00	49	55	52	50	49	41	59
3-Aug	7:00	49	54	51	50	49	46	65
3-Aug	8:00	47	54	50	48	47	36	64
3-Aug	9:00	43	50	48	43	41	35	57
3-Aug	10:00	42	53	45	38	36	32	62
3-Aug	11:00	42	51	45	41	38	32	60
3-Aug	12:00	48	59	49	43	41	37	70
3-Aug	13:00	49	61	52	46	43	37	69
3-Aug	14:00	49	61	52	46	43	38	68

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
27-Jul	16:00	46	56	49	44	42	36	62
27-Jul	17:00	44	52	47	43	41	36	63
27-Jul	18:00	54	65	58	50	47	41	71
27-Jul	19:00	52	63	56	49	46	39	74
27-Jul	20:00	50	57	49	44	42	38	76
27-Jul	21:00	49	58	53	48	46	40	64
27-Jul	22:00	47	56	51	46	44	39	62
27-Jul	23:00	51	61	54	48	46	39	64
28-Jul	0:00	45	53	48	44	40	34	66
28-Jul	1:00	45	55	47	42	38	34	62
28-Jul	2:00	54	59	58	56	49	39	60
28-Jul	3:00	52	57	56	53	52	37	60
28-Jul	4:00	55	58	57	56	55	48	60
28-Jul	5:00	56	61	60	57	52	44	64
28-Jul	6:00	54	63	60	51	49	44	68
28-Jul	7:00	49	58	50	47	45	42	71
28-Jul	8:00	56	66	62	52	49	45	71
28-Jul	9:00	51	62	54	50	48	44	67
28-Jul	10:00	52	62	54	49	47	43	65
28-Jul	11:00	48	57	49	45	43	38	76
28-Jul	12:00	55	63	61	51	48	43	67
28-Jul	13:00	53	63	58	50	48	42	74
28-Jul	14:00	51	62	53	48	46	40	66
28-Jul	15:00	49	58	52	48	46	41	62
28-Jul	16:00	50	61	54	48	45	38	66
28-Jul	17:00	49	62	52	46	44	38	63
28-Jul	18:00	45	54	48	44	41	35	69
28-Jul	19:00	46	58	49	43	41	34	64
28-Jul	20:00	48	61	48	43	41	35	68
28-Jul	21:00	47	56	51	46	44	40	62
28-Jul	22:00	52	60	55	51	49	44	65
28-Jul	23:00	52	60	56	52	50	44	66
29-Jul	0:00	51	59	54	50	48	43	64
29-Jul	1:00	52	60	56	52	50	44	64
29-Jul	2:00	50	58	54	50	48	41	67
29-Jul	3:00	54	60	57	55	53	45	65
29-Jul	4:00	53	57	57	55	51	43	59
29-Jul	5:00	55	61	59	56	49	45	68

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29-Jul	6:00	56	66	54	50	48	43	78
29-Jul	7:00	51	62	52	48	47	43	70
29-Jul	8:00	47	56	50	46	45	40	61
29-Jul	9:00	56	63	56	48	46	42	86
29-Jul	10:00	48	55	50	48	47	43	62
29-Jul	11:00	50	57	53	50	49	45	63
29-Jul	12:00	55	63	59	52	49	44	82
29-Jul	13:00	52	62	53	48	47	43	78
29-Jul	14:00	52	62	57	48	46	42	64
29-Jul	15:00	46	53	48	46	44	39	63
29-Jul	16:00	46	55	49	44	43	38	63
29-Jul	17:00	46	53	48	45	43	39	75
29-Jul	18:00	52	61	55	50	47	42	72
29-Jul	19:00	44	55	47	42	40	35	59
29-Jul	20:00	49	56	47	43	41	37	78
29-Jul	21:00	49	58	51	48	46	41	71
29-Jul	22:00	50	60	54	49	46	40	66
29-Jul	23:00	57	65	60	56	54	47	69
30-Jul	0:00	54	63	58	53	50	43	66
30-Jul	1:00	49	58	52	48	46	40	63
30-Jul	2:00	55	66	54	46	43	38	67
30-Jul	3:00	59	66	64	59	50	43	67
30-Jul	4:00	62	67	66	62	61	47	68
30-Jul	5:00	59	63	62	62	61	45	64
30-Jul	6:00	49	59	50	47	46	42	66
30-Jul	7:00	47	56	49	46	44	41	74
30-Jul	8:00	45	54	48	44	42	39	63
30-Jul	9:00	45	57	47	42	40	37	69
30-Jul	10:00	45	56	45	41	39	36	67
30-Jul	11:00	44	55	46	42	40	36	63
30-Jul	12:00	45	53	47	44	42	36	65
30-Jul	13:00	49	56	48	44	42	35	80
30-Jul	14:00	45	55	48	44	41	35	62
30-Jul	15:00	45	55	49	44	41	35	62
30-Jul	16:00	43	51	45	39	37	33	69
30-Jul	17:00	50	59	54	48	44	36	64
30-Jul	18:00	48	55	50	46	43	36	76
30-Jul	19:00	48	53	47	42	40	35	78
30-Jul	20:00	48	57	51	47	44	38	64
30-Jul	21:00	48	57	51	46	44	39	64

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
30-Jul	22:00	44	53	48	42	40	35	62
30-Jul	23:00	51	60	55	49	47	40	66
31-Jul	0:00	52	62	56	51	48	43	68
31-Jul	1:00	54	63	58	53	51	45	67
31-Jul	2:00	46	58	49	43	42	38	64
31-Jul	3:00	41	47	45	40	40	38	53
31-Jul	4:00	43	47	44	43	42	40	56
31-Jul	5:00	46	56	49	44	43	40	62
31-Jul	6:00	52	63	54	46	45	42	69
31-Jul	7:00	51	62	51	47	46	42	64
31-Jul	8:00	51	62	53	47	45	41	74
31-Jul	9:00	46	55	49	44	42	39	62
31-Jul	10:00	51	62	50	46	44	38	64
31-Jul	11:00	48	62	48	44	42	37	63
31-Jul	12:00	51	60	55	46	44	38	77
31-Jul	13:00	49	59	52	47	45	40	65
31-Jul	14:00	53	62	57	49	48	43	78
31-Jul	15:00	50	60	53	48	45	40	66
31-Jul	16:00	47	55	49	45	43	39	71
31-Jul	17:00	50	58	51	46	43	39	81
31-Jul	18:00	43	52	46	42	40	36	60
31-Jul	19:00	47	56	49	44	42	36	76
31-Jul	20:00	45	57	47	41	39	35	71
31-Jul	21:00	58	69	61	55	51	43	76
31-Jul	22:00	55	66	58	51	47	40	75
31-Jul	23:00	48	58	52	47	44	38	62
1-Aug	0:00	48	59	52	45	43	38	65
1-Aug	1:00	47	57	51	44	42	38	62
1-Aug	2:00	49	56	53	48	43	38	61
1-Aug	3:00	43	54	43	41	40	38	55
1-Aug	4:00	43	49	45	42	41	39	67
1-Aug	5:00	45	52	48	43	42	40	59
1-Aug	6:00	49	62	49	43	41	38	67
1-Aug	7:00	43	51	46	42	40	37	66
1-Aug	8:00	42	51	45	41	40	37	64
1-Aug	9:00	43	51	46	42	40	37	63
1-Aug	10:00	56	64	61	52	49	42	82
1-Aug	11:00	48	57	52	46	45	41	70
1-Aug	12:00	48	56	52	46	44	40	70
1-Aug	13:00	52	62	56	47	43	38	66

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
1-Aug	14:00	50	58	53	49	47	42	69
1-Aug	15:00	55	60	56	50	47	41	80
1-Aug	16:00	56	64	60	56	53	46	68
1-Aug	17:00	60	68	64	60	57	50	72
1-Aug	18:00	60	68	63	59	57	50	70
1-Aug	19:00	51	61	55	49	46	37	67
1-Aug	20:00	50	60	54	48	44	36	65
1-Aug	21:00	48	58	51	47	45	40	62
1-Aug	22:00	51	59	54	52	50	42	65
1-Aug	23:00	52	61	55	51	50	45	68
2-Aug	0:00	54	61	58	53	50	44	65
2-Aug	1:00	52	61	55	50	48	41	69
2-Aug	2:00	42	50	44	41	39	35	64
2-Aug	3:00	47	60	48	43	42	38	66
2-Aug	4:00	49	58	52	48	46	42	65
2-Aug	5:00	43	50	45	44	42	34	55
2-Aug	6:00	47	58	50	41	37	32	69
2-Aug	7:00	44	54	47	42	39	33	60
2-Aug	8:00	51	64	51	42	39	33	69
2-Aug	9:00	51	63	46	41	40	36	76
2-Aug	10:00	58	72	47	41	39	36	82
2-Aug	11:00	41	50	43	39	37	34	59
2-Aug	12:00	54	54	46	41	38	34	86
2-Aug	13:00	60	73	60	49	45	36	84
2-Aug	14:00	61	70	56	48	44	36	90
2-Aug	15:00	61	75	59	48	44	35	82
2-Aug	16:00	51	62	53	46	43	35	74
2-Aug	17:00	62	71	66	61	59	51	75
2-Aug	18:00	59	69	63	57	52	36	79
2-Aug	19:00	45	58	45	40	37	31	65
2-Aug	20:00	50	61	53	46	43	36	68
2-Aug	21:00	46	56	49	44	40	35	61
2-Aug	22:00	50	61	53	47	44	38	67
2-Aug	23:00	54	64	58	53	50	42	70
3-Aug	0:00	54	64	58	53	50	43	69
3-Aug	1:00	55	66	59	53	51	44	70
3-Aug	2:00	56	66	60	54	51	43	74
3-Aug	3:00	54	65	58	52	49	42	70
3-Aug	4:00	53	61	57	53	51	40	67
3-Aug	5:00	46	55	49	45	42	39	64

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
3-Aug	6:00	49	59	51	47	45	39	68
3-Aug	7:00	50	62	51	46	44	38	63
3-Aug	8:00	55	65	62	51	48	41	69
3-Aug	9:00	51	61	54	50	49	43	66
3-Aug	10:00	50	53	48	45	42	37	81
3-Aug	11:00	60	67	62	52	48	38	91
3-Aug	12:00	56	63	60	55	53	48	81
3-Aug	13:00	58	64	61	56	53	49	82
3-Aug	14:00	55	63	59	54	52	47	66
3-Aug	15:00	50	58	53	50	48	44	72

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
27-Jul	16:00	45	56	48	42	40	35	62
27-Jul	17:00	44	54	47	43	41	36	62
27-Jul	18:00	55	65	59	52	48	39	70
27-Jul	19:00	54	64	57	51	49	43	69
27-Jul	20:00	48	57	50	46	45	41	72
27-Jul	21:00	48	57	50	46	44	40	73
27-Jul	22:00	46	54	48	44	42	39	69
27-Jul	23:00	45	54	46	42	41	38	72
28-Jul	0:00	42	49	43	41	39	37	62
28-Jul	1:00	39	46	41	39	38	35	57
28-Jul	2:00	41	47	43	40	40	38	51
28-Jul	3:00	40	46	42	40	40	38	57
28-Jul	4:00	42	49	43	41	41	39	55
28-Jul	5:00	48	56	50	46	45	42	64
28-Jul	6:00	59	70	63	52	48	43	77
28-Jul	7:00	54	65	51	47	45	40	76
28-Jul	8:00	55	64	60	52	50	44	66
28-Jul	9:00	53	64	56	51	48	42	70
28-Jul	10:00	53	63	57	50	47	42	68
28-Jul	11:00	49	59	51	46	44	38	74
28-Jul	12:00	53	63	59	48	45	40	71
28-Jul	13:00	51	62	55	45	43	38	64
28-Jul	14:00	47	59	48	42	41	36	67
28-Jul	15:00	46	57	49	44	43	38	65
28-Jul	16:00	47	60	49	43	41	37	66
28-Jul	17:00	47	61	45	40	38	34	69
28-Jul	18:00	44	57	44	38	36	32	65
28-Jul	19:00	49	58	50	44	42	35	78
28-Jul	20:00	48	60	50	42	39	33	66
28-Jul	21:00	48	57	46	42	40	35	78
28-Jul	22:00	44	53	47	43	42	38	59
28-Jul	23:00	45	54	48	44	42	38	62
29-Jul	0:00	43	52	46	42	40	37	58
29-Jul	1:00	44	53	48	44	42	38	60
29-Jul	2:00	43	52	46	42	40	37	57
29-Jul	3:00	46	56	50	45	43	39	61
29-Jul	4:00	43	53	43	41	41	38	58
29-Jul	5:00	46	54	48	45	45	42	61

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29-Jul	6:00	49	59	51	48	46	42	69
29-Jul	7:00	51	62	53	46	44	40	66
29-Jul	8:00	51	63	50	45	43	38	72
29-Jul	9:00	53	63	58	51	47	40	70
29-Jul	10:00	49	59	52	46	44	40	69
29-Jul	11:00	47	54	49	46	44	42	69
29-Jul	12:00	51	62	56	45	43	39	70
29-Jul	13:00	49	61	52	44	42	37	64
29-Jul	14:00	50	61	55	43	41	37	68
29-Jul	15:00	43	53	45	41	39	35	64
29-Jul	16:00	43	53	45	41	39	34	63
29-Jul	17:00	46	56	49	44	42	37	63
29-Jul	18:00	51	60	55	50	47	41	65
29-Jul	19:00	47	57	49	46	44	40	63
29-Jul	20:00	47	56	49	46	44	40	70
29-Jul	21:00	47	55	48	43	42	39	76
29-Jul	22:00	47	58	49	44	42	39	67
29-Jul	23:00	51	61	55	50	47	41	67
30-Jul	0:00	47	57	51	46	43	39	63
30-Jul	1:00	46	55	50	45	43	38	63
30-Jul	2:00	44	54	47	43	41	37	60
30-Jul	3:00	46	54	49	44	43	40	62
30-Jul	4:00	44	49	45	44	43	42	56
30-Jul	5:00	45	54	47	45	44	43	62
30-Jul	6:00	47	59	47	44	43	40	67
30-Jul	7:00	50	57	46	42	41	39	76
30-Jul	8:00	48	59	51	44	41	38	72
30-Jul	9:00	55	60	52	47	44	36	86
30-Jul	10:00	46	59	46	39	37	33	66
30-Jul	11:00	47	56	50	46	44	40	69
30-Jul	12:00	47	58	50	45	43	38	66
30-Jul	13:00	46	56	50	43	40	36	64
30-Jul	14:00	47	57	51	45	41	35	66
30-Jul	15:00	43	55	46	40	37	32	62
30-Jul	16:00	43	54	46	40	37	31	61
30-Jul	17:00	48	57	53	47	42	33	65
30-Jul	18:00	45	55	49	44	42	35	59
30-Jul	19:00	47	57	50	42	40	35	64
30-Jul	20:00	47	57	50	46	43	37	67
30-Jul	21:00	46	56	49	44	42	39	65

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30-Jul	22:00	44	54	46	41	39	36	66
30-Jul	23:00	48	60	51	45	42	37	66
31-Jul	0:00	48	60	52	45	42	36	67
31-Jul	1:00	51	61	55	48	45	38	67
31-Jul	2:00	46	57	48	42	40	36	66
31-Jul	3:00	42	51	43	40	40	38	61
31-Jul	4:00	43	49	44	43	42	40	58
31-Jul	5:00	45	54	45	43	43	41	69
31-Jul	6:00	48	58	51	44	43	40	69
31-Jul	7:00	51	63	51	44	42	39	66
31-Jul	8:00	49	61	52	45	43	38	71
31-Jul	9:00	46	56	49	44	41	37	68
31-Jul	10:00	50	61	54	46	43	38	67
31-Jul	11:00	48	60	51	46	44	38	65
31-Jul	12:00	49	58	53	47	45	39	68
31-Jul	13:00	48	61	49	43	41	36	70
31-Jul	14:00	50	60	54	46	43	38	62
31-Jul	15:00	50	60	53	48	45	39	68
31-Jul	16:00	47	58	50	44	42	37	66
31-Jul	17:00	46	57	48	43	41	36	66
31-Jul	18:00	43	52	44	39	37	34	66
31-Jul	19:00	47	57	50	45	42	36	67
31-Jul	20:00	45	54	47	43	41	37	68
31-Jul	21:00	56	67	59	52	50	43	71
31-Jul	22:00	52	62	55	49	47	42	69
31-Jul	23:00	49	57	52	48	46	42	65
1-Aug	0:00	48	59	50	47	45	41	70
1-Aug	1:00	45	55	48	43	41	38	64
1-Aug	2:00	43	54	45	41	40	38	61
1-Aug	3:00	40	45	41	40	39	38	52
1-Aug	4:00	41	47	42	41	40	39	56
1-Aug	5:00	44	55	45	42	41	39	63
1-Aug	6:00	47	57	49	44	42	38	69
1-Aug	7:00	44	53	47	42	41	36	69
1-Aug	8:00	42	51	45	40	38	33	58
1-Aug	9:00	47	59	50	43	39	34	67
1-Aug	10:00	53	63	59	46	42	37	66
1-Aug	11:00	49	57	51	47	44	36	76
1-Aug	12:00	48	57	52	46	44	38	63
1-Aug	13:00	49	59	54	46	42	37	65

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1-Aug	14:00	48	58	52	47	44	39	64
1-Aug	15:00	50	60	54	48	45	39	64
1-Aug	16:00	54	63	58	54	51	42	66
1-Aug	17:00	59	67	63	58	56	46	70
1-Aug	18:00	59	67	63	59	56	49	69
1-Aug	19:00	52	63	57	49	43	34	70
1-Aug	20:00	52	62	55	50	47	42	69
1-Aug	21:00	49	62	50	44	43	40	69
1-Aug	22:00	47	56	50	45	43	40	64
1-Aug	23:00	46	55	49	45	43	40	63
2-Aug	0:00	46	56	50	45	43	39	64
2-Aug	1:00	47	57	51	45	43	38	66
2-Aug	2:00	40	48	40	38	37	36	64
2-Aug	3:00	44	56	45	40	39	37	63
2-Aug	4:00	47	58	50	44	42	39	64
2-Aug	5:00	42	50	44	41	40	36	61
2-Aug	6:00	45	56	48	42	40	35	65
2-Aug	7:00	47	58	50	44	41	34	64
2-Aug	8:00	51	63	51	42	40	34	68
2-Aug	9:00	46	57	49	41	39	34	72
2-Aug	10:00	45	56	50	41	38	34	60
2-Aug	11:00	45	54	48	43	40	34	65
2-Aug	12:00	46	58	48	43	41	37	65
2-Aug	13:00	52	65	53	47	43	37	74
2-Aug	14:00	67	70	54	47	43	38	93
2-Aug	15:00	63	71	56	48	45	36	89
2-Aug	16:00	49	61	53	46	43	38	66
2-Aug	17:00	60	68	64	60	58	50	70
2-Aug	18:00	59	68	63	57	52	34	71
2-Aug	19:00	41	52	43	38	36	31	67
2-Aug	20:00	48	59	51	46	44	36	69
2-Aug	21:00	47	56	50	45	43	39	70
2-Aug	22:00	47	58	50	45	43	39	66
2-Aug	23:00	52	62	55	50	47	40	67
3-Aug	0:00	52	63	55	49	47	40	68
3-Aug	1:00	52	63	56	49	45	38	69
3-Aug	2:00	52	64	56	49	45	39	70
3-Aug	3:00	51	62	54	47	44	39	70
3-Aug	4:00	45	55	48	43	41	37	61
3-Aug	5:00	46	56	46	40	39	37	73

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
3-Aug	6:00	47	59	49	44	42	37	68
3-Aug	7:00	54	64	56	53	48	39	71
3-Aug	8:00	55	66	58	46	43	38	74
3-Aug	9:00	47	60	45	42	40	38	69
3-Aug	10:00	49	57	49	44	42	38	80
3-Aug	11:00	52	62	57	47	44	39	67
3-Aug	12:00	52	61	55	50	47	42	71
3-Aug	13:00	52	60	55	50	47	41	78
3-Aug	14:00	53	60	54	50	47	41	81
3-Aug	15:00	66	61	52	47	45	40	98

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
27-Jul	16:00	48	57	51	47	45	39	61
27-Jul	17:00	50	60	54	48	46	38	64
27-Jul	18:00	58	66	62	58	56	49	70
27-Jul	19:00	54	62	57	52	50	44	72
27-Jul	20:00	47	54	49	46	44	41	69
27-Jul	21:00	51	61	53	49	48	45	70
27-Jul	22:00	51	62	53	50	48	45	67
27-Jul	23:00	52	61	55	52	50	45	68
28-Jul	0:00	50	58	53	49	48	45	62
28-Jul	1:00	52	56	54	53	51	46	59
28-Jul	2:00	53	59	55	54	53	50	64
28-Jul	3:00	56	60	57	56	55	52	75
28-Jul	4:00	58	62	60	58	57	55	69
28-Jul	5:00	60	64	63	61	60	53	72
28-Jul	6:00	51	58	54	51	50	46	63
28-Jul	7:00	54	61	57	53	52	46	69
28-Jul	8:00	58	67	62	58	56	50	70
28-Jul	9:00	60	68	63	59	57	51	71
28-Jul	10:00	55	63	59	55	53	47	67
28-Jul	11:00	52	61	55	50	48	42	66
28-Jul	12:00	53	61	56	53	50	43	66
28-Jul	13:00	50	59	53	49	47	42	68
28-Jul	14:00	48	57	52	47	45	39	61
28-Jul	15:00	49	59	53	48	45	40	62
28-Jul	16:00	50	59	54	49	47	40	62
28-Jul	17:00	46	54	49	46	43	38	59
28-Jul	18:00	44	52	46	42	40	36	69
28-Jul	19:00	51	60	55	50	47	37	63
28-Jul	20:00	44	52	49	42	39	34	64
28-Jul	21:00	49	58	52	48	47	44	67
28-Jul	22:00	53	60	55	52	51	47	71
28-Jul	23:00	53	60	55	52	50	46	80
29-Jul	0:00	53	61	55	52	50	44	69
29-Jul	1:00	54	61	57	53	52	47	81
29-Jul	2:00	54	60	57	55	53	49	69
29-Jul	3:00	57	62	59	57	56	54	68
29-Jul	4:00	59	63	62	60	59	56	73
29-Jul	5:00	61	64	63	62	61	58	64

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29-Jul	6:00	52	57	55	52	50	46	62
29-Jul	7:00	47	54	51	47	46	43	63
29-Jul	8:00	47	56	50	47	45	42	62
29-Jul	9:00	49	57	53	49	47	41	60
29-Jul	10:00	48	54	51	48	47	42	60
29-Jul	11:00	50	56	52	50	49	45	61
29-Jul	12:00	50	56	53	50	48	44	61
29-Jul	13:00	52	62	54	49	47	42	76
29-Jul	14:00	47	55	50	46	44	38	59
29-Jul	15:00	44	52	48	44	42	38	54
29-Jul	16:00	46	55	50	45	43	37	61
29-Jul	17:00	53	61	56	52	49	43	65
29-Jul	18:00	56	63	60	56	54	48	68
29-Jul	19:00	46	55	49	44	42	34	63
29-Jul	20:00	42	50	45	42	40	36	58
29-Jul	21:00	52	61	57	49	46	42	70
29-Jul	22:00	55	64	57	53	51	47	74
29-Jul	23:00	56	65	59	56	53	46	75
30-Jul	0:00	56	62	59	55	52	47	80
30-Jul	1:00	56	63	59	57	53	46	72
30-Jul	2:00	58	63	62	59	57	52	74
30-Jul	3:00	58	65	60	58	57	51	72
30-Jul	4:00	60	64	62	60	59	56	65
30-Jul	5:00	60	63	62	61	60	55	64
30-Jul	6:00	50	56	53	50	49	45	61
30-Jul	7:00	50	58	53	50	48	43	70
30-Jul	8:00	45	53	48	45	43	39	60
30-Jul	9:00	46	56	49	44	42	36	62
30-Jul	10:00	45	55	47	41	39	35	70
30-Jul	11:00	45	54	48	43	42	36	69
30-Jul	12:00	46	54	49	46	44	36	68
30-Jul	13:00	44	53	48	43	40	35	62
30-Jul	14:00	46	53	50	46	43	35	58
30-Jul	15:00	43	51	46	42	39	34	59
30-Jul	16:00	47	58	50	44	40	34	70
30-Jul	17:00	48	58	51	46	44	36	65
30-Jul	18:00	46	55	49	44	42	36	66
30-Jul	19:00	40	48	43	38	37	33	57
30-Jul	20:00	47	54	50	46	44	37	72
30-Jul	21:00	51	58	53	50	49	45	67

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
30-Jul	22:00	53	60	59	50	47	43	69
30-Jul	23:00	56	65	60	55	52	46	72
31-Jul	0:00	56	63	58	54	51	44	80
31-Jul	1:00	55	63	58	53	51	46	75
31-Jul	2:00	52	60	56	50	49	44	75
31-Jul	3:00	55	60	58	55	54	50	61
31-Jul	4:00	59	64	61	60	58	55	65
31-Jul	5:00	59	63	61	60	59	54	68
31-Jul	6:00	52	59	57	52	49	46	62
31-Jul	7:00	51	59	56	50	47	43	61
31-Jul	8:00	49	59	50	45	43	39	71
31-Jul	9:00	46	57	48	44	42	38	66
31-Jul	10:00	45	54	48	44	42	37	62
31-Jul	11:00	44	55	46	41	39	35	60
31-Jul	12:00	46	54	49	45	43	37	70
31-Jul	13:00	46	55	49	45	43	37	64
31-Jul	14:00	48	58	51	46	44	40	70
31-Jul	15:00	48	57	52	47	44	37	70
31-Jul	16:00	53	64	57	51	47	38	72
31-Jul	17:00	52	61	55	49	45	39	76
31-Jul	18:00	48	58	52	44	41	36	69
31-Jul	19:00	45	56	48	42	40	34	67
31-Jul	20:00	49	59	52	45	41	34	70
31-Jul	21:00	59	68	61	56	53	47	86
31-Jul	22:00	58	67	60	57	54	46	83
31-Jul	23:00	56	67	58	53	52	43	75
1-Aug	0:00	54	65	57	52	48	43	77
1-Aug	1:00	59	69	60	57	57	49	76
1-Aug	2:00	58	66	60	57	55	51	81
1-Aug	3:00	57	61	59	57	56	52	71
1-Aug	4:00	58	62	60	59	58	56	63
1-Aug	5:00	56	60	59	57	56	52	64
1-Aug	6:00	44	51	47	44	42	39	55
1-Aug	7:00	44	55	48	41	39	36	60
1-Aug	8:00	43	54	47	41	39	35	59
1-Aug	9:00	43	52	46	41	40	36	58
1-Aug	10:00	49	59	53	47	45	39	64
1-Aug	11:00	45	52	48	45	43	39	58
1-Aug	12:00	44	52	46	43	41	37	59
1-Aug	13:00	46	55	50	43	40	36	59

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
1-Aug	14:00	48	57	50	45	43	38	68
1-Aug	15:00	49	60	52	47	44	37	69
1-Aug	16:00	51	61	54	50	47	41	70
1-Aug	17:00	55	64	59	54	52	44	70
1-Aug	18:00	54	62	58	54	52	46	66
1-Aug	19:00	50	60	53	48	45	40	67
1-Aug	20:00	48	56	51	47	45	39	69
1-Aug	21:00	52	62	55	51	49	44	69
1-Aug	22:00	56	67	58	52	50	45	75
1-Aug	23:00	58	68	60	56	54	49	77
2-Aug	0:00	58	69	60	55	54	48	78
2-Aug	1:00	56	66	59	54	52	45	76
2-Aug	2:00	56	60	59	58	55	47	61
2-Aug	3:00	58	68	59	58	57	53	77
2-Aug	4:00	60	71	60	58	57	53	83
2-Aug	5:00	58	62	61	59	58	54	64
2-Aug	6:00	52	58	57	44	39	34	69
2-Aug	7:00	45	55	45	40	38	34	70
2-Aug	8:00	46	58	48	41	39	34	61
2-Aug	9:00	42	52	45	39	37	33	58
2-Aug	10:00	43	54	46	40	38	34	59
2-Aug	11:00	41	52	44	39	37	33	62
2-Aug	12:00	51	62	55	49	45	37	70
2-Aug	13:00	55	65	58	53	49	40	70
2-Aug	14:00	49	60	54	47	43	35	66
2-Aug	15:00	53	66	53	45	43	36	72
2-Aug	16:00	53	64	57	48	44	36	68
2-Aug	17:00	55	65	58	53	50	39	72
2-Aug	18:00	53	64	58	50	43	32	69
2-Aug	19:00	40	49	41	36	35	31	64
2-Aug	20:00	49	60	51	47	43	36	74
2-Aug	21:00	50	59	54	47	46	41	67
2-Aug	22:00	55	66	58	52	49	42	73
2-Aug	23:00	58	70	59	55	53	46	79
3-Aug	0:00	59	71	59	55	53	45	82
3-Aug	1:00	60	72	62	56	54	49	81
3-Aug	2:00	61	73	63	57	55	50	81
3-Aug	3:00	61	72	62	58	56	53	87
3-Aug	4:00	58	68	60	57	56	51	81
3-Aug	5:00	55	60	57	55	54	51	62

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
3-Aug	6:00	49	54	52	50	49	45	60
3-Aug	7:00	48	58	51	46	44	39	63
3-Aug	8:00	50	59	54	47	44	39	66
3-Aug	9:00	43	51	46	43	41	37	57
3-Aug	10:00	44	54	46	43	41	38	62
3-Aug	11:00	47	57	51	44	41	36	70
3-Aug	12:00	49	59	53	48	45	39	68
3-Aug	13:00	54	63	58	52	49	41	77
3-Aug	14:00	54	64	57	52	49	41	77
3-Aug	15:00	50	60	54	48	45	39	70

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
27-Jul	17:00	43	52	46	41	39	33	57
27-Jul	18:00	50	60	54	48	45	37	66
27-Jul	19:00	46	56	50	43	40	32	60
27-Jul	20:00	39	49	42	36	34	30	57
27-Jul	21:00	42	53	44	39	37	33	59
27-Jul	22:00	41	52	43	39	38	34	60
27-Jul	23:00	42	51	45	40	38	34	63
28-Jul	0:00	39	47	42	38	36	31	53
28-Jul	1:00	39	48	43	38	36	32	54
28-Jul	2:00	42	49	45	42	40	36	51
28-Jul	3:00	38	45	41	38	36	33	52
28-Jul	4:00	42	48	44	42	40	37	55
28-Jul	5:00	46	54	48	45	43	40	62
28-Jul	6:00	46	52	48	46	44	41	57
28-Jul	7:00	46	55	49	45	44	40	63
28-Jul	8:00	50	59	54	50	48	43	62
28-Jul	9:00	52	61	56	51	49	42	67
28-Jul	10:00	49	58	53	48	46	39	63
28-Jul	11:00	46	56	49	43	41	35	60
28-Jul	12:00	48	57	52	47	44	38	60
28-Jul	13:00	47	56	51	47	45	36	65
28-Jul	14:00	45	52	48	44	42	36	57
28-Jul	15:00	45	53	48	44	43	39	61
28-Jul	16:00	45	55	49	44	42	36	60
28-Jul	17:00	43	53	45	41	39	34	64
28-Jul	18:00	39	48	41	38	36	32	58
28-Jul	19:00	44	54	48	42	39	31	58
28-Jul	20:00	37	46	40	35	33	29	58
28-Jul	21:00	39	47	42	37	36	32	54
28-Jul	22:00	43	52	46	41	39	35	59
28-Jul	23:00	44	54	48	43	40	35	60
29-Jul	0:00	42	52	46	40	38	33	57
29-Jul	1:00	43	53	47	41	39	34	56
29-Jul	2:00	42	50	46	41	38	33	55
29-Jul	3:00	44	54	48	43	41	34	57
29-Jul	4:00	38	48	41	37	35	32	52
29-Jul	5:00	46	50	48	46	45	41	56
29-Jul	6:00	46	52	49	47	45	42	57

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29-Jul	7:00	45	52	47	44	43	40	56
29-Jul	8:00	44	53	46	43	42	39	59
29-Jul	9:00	45	53	48	44	42	38	58
29-Jul	10:00	45	53	48	45	44	39	57
29-Jul	11:00	48	53	50	48	47	43	55
29-Jul	12:00	48	55	51	47	46	41	59
29-Jul	13:00	46	53	49	46	44	40	56
29-Jul	14:00	45	52	49	45	44	39	55
29-Jul	15:00	42	50	45	42	41	35	55
29-Jul	16:00	42	51	44	40	38	33	64
29-Jul	17:00	46	56	50	44	42	35	61
29-Jul	18:00	48	57	52	47	44	38	62
29-Jul	19:00	42	55	43	38	35	29	60
29-Jul	20:00	39	47	42	38	36	31	55
29-Jul	21:00	39	49	42	37	36	33	55
29-Jul	22:00	43	53	46	39	37	34	68
29-Jul	23:00	48	58	52	46	42	35	70
30-Jul	0:00	43	52	47	42	39	34	57
30-Jul	1:00	41	51	45	40	37	31	56
30-Jul	2:00	40	51	43	37	34	30	57
30-Jul	3:00	41	51	45	39	36	33	61
30-Jul	4:00	40	47	44	40	38	34	52
30-Jul	5:00	43	48	45	43	42	39	55
30-Jul	6:00	45	49	47	45	44	42	52
30-Jul	7:00	45	53	46	44	42	40	63
30-Jul	8:00	43	52	44	41	39	37	62
30-Jul	9:00	43	55	44	39	38	34	61
30-Jul	10:00	44	53	43	38	36	33	70
30-Jul	11:00	41	50	44	39	37	33	58
30-Jul	12:00	41	50	45	41	39	34	57
30-Jul	13:00	42	51	45	41	38	32	60
30-Jul	14:00	43	52	47	41	39	32	57
30-Jul	15:00	40	49	43	39	37	32	54
30-Jul	16:00	43	54	46	40	37	31	61
30-Jul	17:00	42	53	46	40	37	31	59
30-Jul	18:00	40	51	44	38	35	29	56
30-Jul	19:00	38	49	42	35	33	28	54
30-Jul	20:00	41	52	44	39	37	33	59
30-Jul	21:00	40	52	42	37	35	32	60
30-Jul	22:00	36	47	38	33	31	28	55

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30-Jul	23:00	45	56	48	39	36	31	63
31-Jul	0:00	44	55	47	40	36	32	60
31-Jul	1:00	47	58	50	43	40	33	62
31-Jul	2:00	38	50	40	34	33	31	56
31-Jul	3:00	35	43	36	35	34	32	52
31-Jul	4:00	41	45	43	41	40	37	52
31-Jul	5:00	39	45	41	39	38	37	58
31-Jul	6:00	44	49	47	44	43	40	56
31-Jul	7:00	45	53	48	44	43	40	55
31-Jul	8:00	44	54	48	43	40	37	59
31-Jul	9:00	42	53	44	39	37	32	58
31-Jul	10:00	43	51	47	42	39	34	55
31-Jul	11:00	41	52	43	39	37	32	55
31-Jul	12:00	43	51	47	42	40	33	57
31-Jul	13:00	44	55	45	41	39	33	64
31-Jul	14:00	45	54	47	43	41	36	63
31-Jul	15:00	42	52	46	40	38	33	58
31-Jul	16:00	46	56	49	42	39	33	63
31-Jul	17:00	45	56	48	42	39	34	62
31-Jul	18:00	40	51	43	37	35	32	55
31-Jul	19:00	41	53	45	38	35	30	62
31-Jul	20:00	39	50	41	36	35	31	56
31-Jul	21:00	51	63	53	46	42	35	71
31-Jul	22:00	47	58	49	41	38	34	65
31-Jul	23:00	41	53	44	38	35	32	58
1-Aug	0:00	41	52	43	36	34	31	61
1-Aug	1:00	41	52	43	35	33	31	62
1-Aug	2:00	38	51	39	34	33	31	57
1-Aug	3:00	34	40	36	34	33	31	47
1-Aug	4:00	36	41	38	36	35	33	45
1-Aug	5:00	37	43	40	37	36	34	50
1-Aug	6:00	42	48	45	42	40	36	52
1-Aug	7:00	40	51	42	38	36	33	55
1-Aug	8:00	40	52	43	37	35	33	56
1-Aug	9:00	40	50	42	37	36	33	58
1-Aug	10:00	46	54	51	44	41	38	57
1-Aug	11:00	44	54	47	43	41	38	60
1-Aug	12:00	44	53	46	43	41	37	58
1-Aug	13:00	44	53	48	43	40	35	58
1-Aug	14:00	44	54	47	42	40	36	60

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1-Aug	15:00	45	56	48	43	40	34	62
1-Aug	16:00	47	58	50	45	42	35	67
1-Aug	17:00	52	62	56	49	46	37	65
1-Aug	18:00	51	61	56	50	47	36	67
1-Aug	19:00	45	56	49	39	36	30	65
1-Aug	20:00	41	52	44	38	35	31	58
1-Aug	21:00	40	50	42	38	36	34	56
1-Aug	22:00	44	55	46	40	39	36	64
1-Aug	23:00	43	53	47	41	39	36	58
2-Aug	0:00	44	55	47	40	38	34	65
2-Aug	1:00	44	55	47	40	37	31	62
2-Aug	2:00	34	41	35	33	32	30	49
2-Aug	3:00	39	52	40	34	33	32	59
2-Aug	4:00	44	56	45	37	35	31	65
2-Aug	5:00	36	46	37	33	32	30	59
2-Aug	6:00	36	45	38	34	33	31	53
2-Aug	7:00	37	48	40	35	33	31	55
2-Aug	8:00	41	52	43	37	35	32	56
2-Aug	9:00	38	46	41	37	36	33	55
2-Aug	10:00	42	56	44	38	36	33	60
2-Aug	11:00	38	48	40	36	34	31	59
2-Aug	12:00	47	59	50	42	38	32	64
2-Aug	13:00	52	64	55	48	45	35	71
2-Aug	14:00	45	58	47	41	38	32	63
2-Aug	15:00	56	68	56	44	41	31	80
2-Aug	16:00	46	58	49	42	38	32	64
2-Aug	17:00	52	63	56	50	47	36	67
2-Aug	18:00	50	61	54	45	39	28	68
2-Aug	19:00	36	46	37	33	31	27	59
2-Aug	20:00	40	50	42	37	35	30	58
2-Aug	21:00	39	50	42	36	33	30	58
2-Aug	22:00	41	52	44	36	34	31	64
2-Aug	23:00	46	58	50	42	38	33	61
3-Aug	0:00	48	59	51	44	40	33	67
3-Aug	1:00	47	59	50	41	37	33	65
3-Aug	2:00	49	61	52	43	39	34	68
3-Aug	3:00	48	60	52	43	39	35	68
3-Aug	4:00	46	56	46	39	37	34	70
3-Aug	5:00	39	47	43	39	37	34	52
3-Aug	6:00	43	50	46	43	41	37	53

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
3-Aug	7:00	43	52	46	42	40	36	55
3-Aug	8:00	44	53	49	43	41	36	57
3-Aug	9:00	42	48	44	42	40	37	54
3-Aug	10:00	42	53	45	41	39	35	57
3-Aug	11:00	44	52	49	43	39	33	58
3-Aug	12:00	46	56	49	44	43	38	59
3-Aug	13:00	49	60	52	46	44	38	65
3-Aug	14:00	49	59	53	47	44	38	64

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Date	Time	Leg	L1	L10	L33	L50	L90	Lmax
12-Aug	17:00	42	52	46	41	38	32	55
12-Aug	18:00	41	50	43	40	38	33	62
12-Aug	19:00	39	47	43	39	37	32	51
12-Aug	20:00	37	44	39	37	36	33	53
12-Aug	21:00	39	45	40	38	38	36	50
12-Aug	22:00	53	69	41	38	37	35	74
12-Aug	23:00	54	71	40	38	37	34	75
13-Aug	0:00	45	44	38	37	36	33	72
13-Aug	1:00	37	43	38	37	36	34	46
13-Aug	2:00	37	40	39	38	37	34	46
13-Aug	3:00	37	44	40	38	37	33	45
13-Aug	4:00	39	42	41	40	39	36	46
13-Aug	5:00	42	47	44	42	42	40	52
13-Aug	6:00	43	50	44	42	41	40	64
13-Aug	7:00	43	49	44	41	40	37	69
13-Aug	8:00	43	56	42	38	37	35	65
13-Aug	9:00	44	51	42	38	37	35	73
13-Aug	10:00	48	51	42	38	37	35	76
13-Aug	11:00	41	50	44	40	38	34	65
13-Aug	12:00	42	50	44	41	39	36	61
13-Aug	13:00	46	53	47	42	41	37	72
13-Aug	14:00	47	56	50	46	44	40	65
13-Aug	15:00	50	57	53	50	48	42	63
13-Aug	16:00	47	56	50	46	44	38	61
13-Aug	17:00	50	59	54	48	45	39	65
13-Aug	18:00	50	61	53	46	43	38	70
13-Aug	19:00	41	49	44	41	39	34	53
13-Aug	20:00	40	47	43	40	39	36	52
13-Aug	21:00	41	47	44	41	40	37	54
13-Aug	22:00	38	43	40	38	38	36	51
13-Aug	23:00	41	46	43	41	40	38	55
14-Aug	0:00	50	55	47	45	44	41	71
14-Aug	1:00	48	55	52	48	47	39	58
14-Aug	2:00	50	60	52	47	43	37	71
14-Aug	3:00	37	42	39	37	36	34	46
14-Aug	4:00	38	43	41	39	38	35	47
14-Aug	5:00	40	47	42	39	39	37	51
14-Aug	6:00	42	49	45	41	40	36	63

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Date	Time	Leq	L1	L10	L33	L50	L90	Lmax
14-Aug	7:00	42	51	45	42	41	37	56
14-Aug	8:00	53	65	44	39	37	35	77
14-Aug	9:00	42	52	45	39	37	34	57
14-Aug	10:00	43	53	44	39	37	35	67
14-Aug	11:00	42	52	45	39	37	33	59
14-Aug	12:00	44	53	46	41	39	35	62
14-Aug	13:00	45	55	46	42	40	37	65
14-Aug	14:00	47	56	50	46	43	38	60
14-Aug	15:00	53	62	57	52	48	41	65
14-Aug	16:00	50	63	50	42	40	36	69
14-Aug	17:00	45	56	47	43	41	35	68
14-Aug	18:00	54	68	55	48	45	40	72
14-Aug	19:00	47	52	43	38	36	32	71
14-Aug	20:00	55	71	41	39	38	33	75
14-Aug	21:00	40	46	42	39	38	37	53
14-Aug	22:00	46	51	48	46	45	42	54
14-Aug	23:00	45	52	47	44	43	40	57
15-Aug	0:00	44	52	47	44	43	39	57
15-Aug	1:00	57	72	44	41	40	38	74
15-Aug	2:00	54	71	46	42	40	37	73
15-Aug	3:00	38	43	40	38	37	35	47
15-Aug	4:00	39	44	41	39	38	37	50
15-Aug	5:00	40	46	42	40	40	38	51
15-Aug	6:00	45	51	44	41	40	38	68
15-Aug	7:00	49	62	46	43	42	40	73
15-Aug	8:00	43	52	45	42	41	39	58
15-Aug	9:00	48	60	51	45	43	38	66
15-Aug	10:00	45	55	49	44	42	37	61
15-Aug	11:00	41	50	45	41	39	35	56
15-Aug	12:00	47	59	48	43	40	35	69
15-Aug	13:00	45	54	48	44	41	36	59
15-Aug	14:00	51	57	50	45	43	37	78
15-Aug	15:00	48	57	51	46	44	38	67
15-Aug	16:00	44	54	48	43	41	36	59
15-Aug	17:00	43	51	46	42	40	36	56
15-Aug	18:00	40	48	43	40	38	35	55
15-Aug	19:00	40	48	42	39	38	35	54
15-Aug	20:00	39	46	41	39	38	34	57
15-Aug	21:00	39	44	42	40	39	37	49
15-Aug	22:00	39	44	41	39	39	36	48

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16-Aug	0:00	38	45	40	38	38	36	51
16-Aug	1:00	39	43	41	39	38	36	54
16-Aug	2:00	50	50	40	38	37	35	73
16-Aug	3:00	44	42	38	36	35	33	71
16-Aug	4:00	38	42	40	38	37	33	46
16-Aug	5:00	40	47	41	39	39	37	55
16-Aug	6:00	41	47	43	41	40	38	55
16-Aug	7:00	44	51	46	43	42	39	69
16-Aug	8:00	43	50	45	42	40	37	60
16-Aug	9:00	43	52	46	41	40	36	60
16-Aug	10:00	45	53	49	44	42	38	62
16-Aug	11:00	56	64	50	43	41	36	82
16-Aug	12:00	45	57	47	43	40	34	63
16-Aug	13:00	47	59	47	42	39	35	71
16-Aug	14:00	53	65	46	41	39	34	78
16-Aug	15:00	43	52	45	40	38	33	69
16-Aug	16:00	41	51	45	40	38	33	57
16-Aug	17:00	41	50	45	40	38	34	57
16-Aug	18:00	37	45	40	36	35	32	50
16-Aug	19:00	38	48	39	35	34	31	56
16-Aug	20:00	46	57	42	38	37	34	75
16-Aug	21:00	61	73	67	39	37	35	75
16-Aug	22:00	66	75	71	66	43	35	79
16-Aug	23:00	64	74	69	39	36	33	78
17-Aug	0:00	51	64	41	35	34	32	70
17-Aug	1:00	52	66	49	36	35	33	71
17-Aug	2:00	37	44	39	36	35	33	50
17-Aug	3:00	36	40	38	36	35	33	42
17-Aug	4:00	40	44	42	40	40	34	46
17-Aug	5:00	42	48	44	42	41	38	62
17-Aug	6:00	44	54	45	42	41	39	67
17-Aug	7:00	46	53	48	45	44	41	61
17-Aug	8:00	43	49	45	43	41	37	61
17-Aug	9:00	40	48	42	39	37	35	53
17-Aug	10:00	43	53	44	39	37	34	63
17-Aug	11:00	42	52	44	40	38	34	61
17-Aug	12:00	44	53	47	43	41	36	60
17-Aug	13:00	44	52	48	44	42	37	55
17-Aug	14:00	44	54	47	42	40	35	65

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17-Aug	15:00	47	56	51	46	44	38	61
17-Aug	16:00	45	54	49	45	43	38	61
17-Aug	17:00	43	51	46	42	40	34	59
17-Aug	18:00	39	47	42	37	35	31	59
17-Aug	19:00	37	48	39	35	34	30	57
17-Aug	20:00	56	68	60	46	36	29	77
17-Aug	21:00	47	49	47	47	47	46	51
17-Aug	22:00	47	49	47	47	47	46	55
17-Aug	23:00	47	57	48	47	47	41	59
18-Aug	0:00	43	49	46	44	42	37	54
18-Aug	1:00	42	46	45	43	42	39	48
18-Aug	2:00	38	45	42	38	36	34	47
18-Aug	3:00	48	51	37	36	35	34	74
18-Aug	4:00	40	45	42	40	39	36	67
18-Aug	5:00	45	52	47	45	44	41	58
18-Aug	6:00	45	51	48	45	44	41	59
18-Aug	7:00	45	50	46	43	42	40	69
18-Aug	8:00	47	58	46	43	41	38	71
18-Aug	9:00	52	67	47	42	41	38	75
18-Aug	10:00	52	67	47	42	40	37	74
18-Aug	11:00	46	55	46	41	40	37	77
18-Aug	12:00	39	46	41	38	37	34	58
18-Aug	13:00	39	46	42	39	37	35	51
18-Aug	14:00	41	51	44	40	38	33	56
18-Aug	15:00	46	54	49	45	44	40	61
18-Aug	16:00	44	52	48	44	42	38	60
18-Aug	17:00	43	50	46	42	40	37	60
18-Aug	18:00	43	55	44	40	39	35	62
18-Aug	19:00	39	50	40	37	36	30	62
18-Aug	20:00	49	56	52	52	50	33	63
18-Aug	21:00	52	55	54	54	53	39	61
18-Aug	22:00	39	44	41	39	37	35	51
18-Aug	23:00	46	59	39	38	38	36	67
19-Aug	0:00	47	45	40	39	38	36	71
19-Aug	1:00	40	44	41	40	39	38	51
19-Aug	2:00	38	42	40	39	38	35	43
19-Aug	3:00	39	42	40	39	39	37	49
19-Aug	4:00	39	44	41	39	39	37	55
19-Aug	5:00	43	50	46	43	42	40	53
19-Aug	6:00	46	52	49	46	44	40	63

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19-Aug	7:00	45	52	48	44	43	39	62
19-Aug	8:00	41	50	43	40	38	35	57
19-Aug	9:00	44	54	46	42	40	36	61
19-Aug	10:00	46	57	48	43	41	37	64
19-Aug	11:00	42	51	44	39	38	34	68
19-Aug	12:00	42	53	45	39	38	34	56
19-Aug	13:00	44	53	47	43	41	35	59
19-Aug	14:00	44	52	46	42	40	36	65
19-Aug	15:00	45	54	49	44	42	36	58

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## APPENDIX B

### Homeowner Noise Log

07/27/15: About 5pm loud motorcycle on Camino Diablo. Had some evening wind

07/28/15: Fairly quiet, minimal wind, 100 degree heat. Sand Hill/Diablo MX has semi trucks with single trailers dumping rock initially next to Morain property. Per Cliff Chatterton (130 Walnut) they have been dumping since last Friday, 072415, some days starting as early as 7:00am, with at least two semi's. No semi truck activity over weekend.

07/29/15: Per Cliff he thinks the semi's were dumping all day. Tracy Harrison (280 Camino Diablo) also confirmed they were dumping all day. Per Tracy Harrison, about 10:15am a business, Scwhmms (?) with no permit at 350 Camino Diablo started doing tractor work at temporary buildings close to Harrison property line. Same business also had a bobcat or forklift type vehicle moving pallets with a loud beeper. They also had a pressure washer operating. This occurred from about 10:00am-2:00pm. Some late afternoon early evening wind.

07/30/15: 9:00am Oversize equipment, man lift, on a semi with a loud beeper was parked on Longwell at Camino Diablo for a couple of minutes before turning left on Camino Diablo and then left into the old Unimen Quarry. About 11:25am fire vehicles with sirens went by traveling east on Camino Diablo towards Vasco Rd, possibly to a fire on Vasco Rd. About the same time two semi's with single trailers pulled into Sand Hill/Diablo MX. Cliff confirmed the semi's were there at 12:00 noon, 1:45pm and 3:17pm.

07/31/15: Semi's running most of the day to Sand Hill/Diablo MX. At one point during the day I counted four semi's. 1:15pm white cab with a black trailer dumped a load at Sand Hill/Diablo MX. At 1:22pm a white semi (A&R Enterprises, Fairfield) with a white trailer left Sand Hill/Diablo MX. At 1:24pm a blue semi with a sleeper and a white trailer left Sand Hill/Diablo MX. At 1:25pm a white semi with a blue trailer left Sand Hill/Diablo MX and went to 2111 Hillcrest in Antioch, PG&E Service Center. Late afternoon, early evening wind. 8:00pm a loud motorcycle drove by on Camino Diablo.

08/01/15: There was a lot of grading at Sand Hill/Diablo MX in the n/e area of the old bmx and oval area. Grading equipment and water truck.

08/02/15: Quiet morning. 1:05pm 1 motorcycle out at Sand Hill/Diablo MX, very quiet, low speed low rpm's only out for a few minutes. About 1:40pm until about 4:00pm 3 motorcycles out at Sand Hill/Diablo MX, much louder and faster.

08/03/15: About 8:40am continued grading around the n/e area, grading equipment and water truck. About 10:00am semi's coming in with what looks like gravel for possible parking area. 12:00 noon, Schwmm's, 350 Camino Diablo, using commercial equipment with loud beepers.

During this week we generally had commute traffic in the weekday mornings and evenings and a late afternoon breeze that usually died down by 8:00pm-9:00pm.

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