



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVELOPMENT
30 Muir Road
Martinez, CA 94553**

Telephone: (925) 674-7205

TO: Members, Board of Supervisors

FROM: John Kopchik, Director

DATE: December 12, 2016

SUBJECT: Agenda Item D7 (Diablo Motocross) - Request to accept new material under the provisions of the Better Government Ordinance

County Code Section 25-2.206 (Better Government Ordinance) requires that *"all such staff material must be distributed to the policy body and be made available to the public 96 hours before the scheduled meeting."* The code allows the policy body, by a three-fourths vote, to waive these limits, *"when, in its judgment, it is essential to do so, providing that the County Administrator, appropriate Department head, or staff member furnishes to the Board of Supervisors or other body a written explanation as to why the material could not be provided to the Board or other policy and the general public within the above time limits."*

The Department of Conservation and Development has received a request from the applicants and the appellants to include their comments on the proposed conditions of approval in the official record. We respectfully request that the Board: 1) waive the time limits on the availability of staff materials for agenda items; and 2) accept the additional material for consideration.

cc: D. Twa, County Administrator
S. Anderson, County Counsel

Attachments



WILSON IHRIG

ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #16-005

December 9, 2016

Gary Kupp, Planner II
Conservation & Development
30 Muir Road
Martinez, CA 94553

Subject: Diablo MX Ranch COA

Dear Mr. Kupp,

I have been asked to review and comment on the Conditions of Approval for the Diablo MX Ranch (DMXR) Use Permit, specifically item No. 3 the Compliance Review. After reviewing this portion of the document, I just have a few comments to make.

- Reference is made to COA No. 14 (Noise Emission). While all probably understand that community noise exposure level refers to an Ldn, I would suggest that this be clarified in COA No. 14 where it is stated.
- Mention is made of a noise report based on an unattended, 24-hour minimum sound study. Presumably caution will be taken to ensure that the ambient noise occurring outside the hours when DMXR is open are representative and similar enough to the ambient levels measured in the March 8, 2016 Wilson Ihrig study.
- In addition to the five locations included in the Wilson Ihrig study, a sixth location has been added "on the frontage along Camino Diablo." Presumably this additional monitoring location is intended to measure noise from the motocross bike activity and traffic on Camino Diablo at a location closer to the roadway than the five locations included in the Wilson Ihrig noise study. I would recommend that the specific location of this additional noise measurement point be indicated to avoid confusion at the time of the noise study. I estimate that the closest of the adjacent residences is 75 feet from the edge of Camino Diablo. In my opinion this sixth location should be located at the same distance from Camino Diablo at a point along on the western property line of DMXR. This location would receive the same amount of noise from Camino Diablo and would be slightly closer to the MX track than at another location off the DMXR property.
- After the first noise study with six points of measurement it should be clear which location is the loudest. I would suggest that on the subsequent noise studies in following years two



measurement locations would be sufficient to demonstrate compliance with the noise standard of 75 Ldn applied to DMXR. I see no added value in measuring at more locations, although possibly for the second noise study three locations could be measured, after which two locations should be sufficient.

- It is stated that if noise reduction measures are deemed necessary (due to exceedance of the noise standard of Ldn 75), then a sound consultant should prepare recommendations for reducing noise levels. I would amend that to noise consultant. Further it is stated that applicant will be required to implement consultant's recommendations. I would amend that to say feasible and effective recommendations. The reason for this is that it would be best to experiment with noise control measures to determine which if any are most effective before implementing any and all recommendations.

Please feel free to contact me with any questions on this information.

Very truly yours,

WILSON IHRIG

Richard Carman, PhD, P.E.
Senior Principal/Vice President

**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 and consistent with 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 are 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. There shall be no motorcycle riding or motocross activities on APN 003-020-047, and this parcel shall be fenced off from the area 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 must submit an application for a compliance review 1, 3, 5, 8, and 12 years after issuance of this permit, 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 will be determined by the Zoning Administrator in a public hearing with appropriate notice to property owners within a ½ mile of the site and to any individuals or parties expressing interest in the project.

A noise report based on a Type-1, unattended, ~~24-hour~~ 5-day minimum continuous sound study will be provided at the time of each compliance review.

The purpose of the noise study is to determine if the noise levels do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). Each noise study shall be conducted on days of normal facility operations (i.e., Thursday through Monday) and shall include a race day selected by the Department of Conservation and Development Community Development Division. If no race days are scheduled during the calendar year of the compliance review, the Community Development Division shall determine the type activity and the date to be studied in lieu of a race day. Each noise study shall be conducted using the methodologies used in the March 8, 2016 report prepared by Wilson Ihrig, but will measure actual noise levels for the entire period rather than estimate the duration of activities. Each noise study shall be conducted at the 5 locations identified within the March 8, 2016 report prepared by Wilson Ihrig, and at an additional location on the frontage along Camino Diablo. If deemed necessary upon review of the report, the Community Development Division may require the sound consultant to prepare recommendations for reducing noise levels so that they do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). The applicant will be required to implement the consultant's recommendations in order to reduce noise so that the specified levels are not exceeded, as documented by a follow-up noise study conducted according to the same methodology during the next scheduled race (or other studied activity). The applicants and/or property owners will be responsible for all costs associated with the preparation, peer review, and staff review of the reports. The Department of Conservation and Development can require additional noise reports at any time deemed reasonably necessary to verify ongoing compliance with the ~~75 decibel land use compatibility standard in the Noise Element of the General Plan~~ noise levels specified in condition of approval #14 (Noise Emissions).

The applicant is encouraged, at the time of each compliance review, to assess advancements in technology relating to motorcycle use and noise, and make voluntary upgrades, where practical, that could contribute to lessening the obtrusiveness of sound generated by the facility. Promoting the use of electric vehicles and development of a proposal to install solar panels for track lighting is highly encouraged.

Each of the first three compliance reviews will be noticed and conducted as conditional use permit modification hearing, consistent with the authority provided by County Code Sections 26-2.2022 — 26-2.2030, to consider and establish potential modified conditions. The intent of this requirement is to enable the County to modify permit conditions to address technological innovations that would reduce noise or improve monitoring capability or other changes in circumstances. Nothing in this section is intended to limit the County's authority to convene a hearing at other times to modify, suspend or revoke this land use permit consistent with the provisions of County Code Sections 26-2.2020 — 26-2.2030.

Electric Vehicle Demonstration Events

4. At least once a year during a formalized racing event, the applicant must hold a riding demonstration showcasing the use of electric motorcycles. If no racing events are held during the year, no demonstration will be required.

Prior to First Formalized Competitive Racing Event

5. 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.
6. 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

7. Riding activities may occur only during the hours of operation allowed by this permit. Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited at all other times.
8. Tuesdays and Wednesdays and Christmas, Easter and Thanksgiving will be "quiet days". Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited on all Tuesdays, all Wednesdays, Easter, Thanksgiving, and Christmas.

9. Recreational and Practice Riding Activities: Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and will be limited to the following hours:

- Mondays and Fridays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
- Fridays before racing events: 9:00 A.M. to 3:00 P.M. or 12:00 P.M. to 6:00 PM.
- Thursdays: 12:00 P.M. to 7:00 P.M. or sundown, whichever comes first.
- Weekends and holidays (other than Thanksgiving and Christmas): 9 A.M. to 6:00 P.M. or sundown, whichever comes first, provided that the facility may only operate for eight contiguous hours during this nine hour period (e.g., operate from 9 A.M. to 5:00 P.M. or 10 A.M. to 6 P.M.)._____

10. Friday (or Saturday) Night Under The Lights: 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, and the park must be emptied by 11:00 P.M. The facility may not open before 2:00 P.M. and the main track will be closed and cannot be used on such days. There will be no formalized racing events allowed during any month with late night recreational riding events.

Both allotted late night recreational events may be conducted on one weekend (Friday and Saturday) or on separate weekends, not to exceed two days per month.

11. 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 will be allowed on one day per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing will be allowed on Thanksgiving or Christmas. Racing hours will be limited from 9:00 A.M. to 6:00 P.M. or sundown, whichever comes first. The lighted oval track will be closed and cannot be used on race days. There will be no late night recreational riding events on the lighted oval track allowed during any month with a scheduled racing event.

Both allotted racing events may be conducted on one weekend (Saturday and Sunday) or on separate weekends, not to exceed two days per month.

Event Notification

12. As soon as racing schedules are available, but not less than 2 six (6) months prior to any formalized racing event, e-mail notification must be sent to the Department of Conservation and Development, Community Development Division and any individuals or parties expressing interest in the project, notifying them of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of notification not less than 2 month in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled, provided that email notification and proof of such notification are provided not less than one month prior to the rescheduled race date, and not until after the operator and/or property owners meet and confer with individuals and parties on the email notification list regarding proposed rescheduled dates to minimize the impacts of such rescheduling on neighboring uses. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.
13. As soon as racing schedules are available, but not less than six (6) 2-months prior to any formalized racing event, an event schedule must be posted online on the facility's webpage and any social media site notifying the public of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of mailing not less than 2 months in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that online posting and proof of such posting are provided not less than one month prior to the rescheduled race date, and not until after the operator and/or property owners meet and confer with individuals and parties on the email notification list regarding proposed rescheduled dates to minimize the impacts of such rescheduling on neighboring uses. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.

Noise Emissions

14. Hourly Aaverage and day night average (DNL) noise levels generated by motorcycle/go-cart recreational riding, practice and racing activities must not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and must not exceed those measured and predicted specified in the analysis of the March 8, 2016 project noise study.
15. For formalized racing events, no more than 25 riders will be allowed on the main track at a time, and no riding will be allowed on the oval track. The park operator must maintain a log of riders for all formalized racing events. Riders of electric motorcycles and/or electric go-carts shall not count against this limits.
16. For practice/recreational riding, the maximum number of riders will not exceed 1045 on the main track and 525 on the oval track at any time, with the exception that riders of electric motorcycles and/or electric go-carts shall not count against these limits.
17. All individual motorcycles and/or go-carts using the park will 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 must 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 will not be allowed admission and use of the park.

Lighting for Oval Track

18. Exterior lights for the oval racetrack must be deflected so that lights shine onto the applicant's property and not toward adjacent properties. Lighting must 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

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

Dust Control

20. The off-street parking area must be sprayed with water to prevent the creation of dust. This will 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

21. The following regulations for the operation of the motocross facility must be enforced by the park operator and/or property owners and made part of this permit as follows:
 - A. All riders must wear helmets and boots.
 - B. Ambulance service, first aid, and fire-fighting equipment must be provided at all racing events, or as required by the fire district or Health Services Department.
 - C. Posted speed limits must be obeyed.
 - D. Smoking will be allowed only in designated areas or parking lots.
 - E. All vehicles must display current day's admission sticker.
 - F. All persons under the age of 18 must have a signed release from a parent or legal guardian.
 - G. All guest vehicles must be cleared from the grounds by closing time.
 - H. All trash must 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 must 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 will be asked to leave and not come back.
- N. No riding in or near Kellogg Creek is allowed.
- O. All motorcycles must have spark arrestors and silencers.

Concerts/Live Music Prohibited

- 22. Musical concerts and dances are prohibited.

Overnight Camping Prohibited

- 23. No overnight camping or sleeping by patrons of the park, race participants, ~~or~~ spectators, visitors or guests of the operator and/or property owners is allowed on the property. The park premises must be cleared of all such persons and visitors at the end of each day.

Grading/Track Maintenance and Grooming

- 24. 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.

Retail Sales Prohibited

- 25. There shall be no retail sales of any kind on the site, including but not limited to retail sale of food or drink.

Buffer Planting

- 26. Within 30 days of approval of this permit, a row of mature Leyland Cypress trees must 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. The trees to be planted shall be no less than 24-inch box size, and the operator and/or property owners shall install an irrigation system to support the growth of the trees. Any dead trees shall be replaced to restore the buffer along the fenceline referred to above. Verification must be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.

Indemnification

27. The property owners must 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

28. 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.
29. 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)

30. 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

31. 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.

32. 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.

33. Restrict Access

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

Road Dedication

34. 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

35. 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

36. 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.

37. 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

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

Utilities/Undergrounding

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

Traffic Control

40. 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

41. 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)

42. Within 30 days of the effective date of this ~~(2016)~~1998 modified permit and prior to the commencement of any motorcycle riding or motocross activities on the property, the applicants shall ensure that ~~they~~he ~~have~~s 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.

- 43. Prior to issuance of a building permit, the applicant shall pay Drainage Area 130 (DA 130) fees.
- 44. Prior to issuance of a building permit, the applicant shall demonstrate that the grading work does not alter the existing drainage.

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.

**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 and consistent with 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

Comment [RM1]: The approval is based upon the documents in the file and nothing more. The documents speak for themselves and it is inappropriate to get into "consistency".

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 are 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. There shall be no motorcycle riding or motocross activities on APN 003-020-047, and this parcel shall be fenced off from the area shown on the approved site plan.

Comment [RM2]: This is beyond the scope and not a part of the pending application

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 must submit an application for a compliance review 1, 3, 5, 8, and 12 years after issuance of this permit, 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 will be determined by the Zoning Administrator in a public hearing with appropriate notice to property owners within a ½ mile of the site and to any individuals or parties expressing interest in the project.

A noise report based on a Type-1, unattended, 24-hour-5-day minimum continuous sound study will be provided at the time of each compliance review.

Comment [RC3]: This seems unnecessary. A case might be made for extending the measurement over more than one day, but only if there were a sufficient amount of motorcycle activity. Otherwise both the applicant and the plaintiff have collected ample data on the ambient when there is no activity. Furthermore, since a race day will be the most active, it is not clear what the point of documenting a non-race day would be if the race day is in compliance with the noise standard.

The purpose of the noise study is to determine if the noise levels do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). Each noise study shall be conducted on days of normal facility operations (i.e., Thursday through Monday) and shall include a race day selected by the Department of Conservation and Development Community Development Division. If no race days are scheduled during the calendar year of the compliance review, the Community Development Division shall determine the type activity and the date to be studied in lieu of a race day. Each noise study shall be conducted using the methodologies used in the March 8, 2016 report prepared by Wilson Ihrig, but will measure actual noise levels for the entire period rather than estimate the duration of activities. Each noise study shall be conducted at the 5 locations identified within the March 8, 2016 report prepared by Wilson Ihrig, and at an additional location on the frontage along Camino Diablo. If deemed necessary upon review of the report, the Community Development Division may require the sound consultant to prepare recommendations for reducing noise levels so that they do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). The applicant will be required to implement the consultant's recommendations in order to reduce noise so that the specified levels are not exceeded, as documented by a follow-up noise study conducted according to the same methodology during the next scheduled race (or other studied activity). The applicants and/or property owners will be responsible for all costs associated with the preparation, peer review, and staff review of the reports. The Department of Conservation and Development can require additional noise reports at any time deemed reasonably necessary to verify ongoing compliance with the 75 decibel land use compatibility standard in the Noise Element of the General Plan noise levels specified in condition of approval #14 (Noise Emissions).

Comment [RM4]: See Mr. Carman's comments above.

Comment [RM5]: The standard is 75 DNL as set forth in the General Plan.

The applicant is encouraged, at the time of each compliance review, to assess advancements in technology relating to motorcycle use and noise, and make voluntary upgrades, where practical, that could contribute to lessening the obtrusiveness of sound generated by the facility. Promoting the use of electric vehicles and development of a proposal to install solar panels for track lighting is highly encouraged.

Each of the first three compliance reviews will be noticed and conducted as conditional use permit modification hearing, consistent with the authority provided by County Code Sections 26-2.2022 — 26-2.2030, to consider and establish potential modified conditions. The intent of this requirement is to enable the County to modify permit conditions to address technological innovations that would reduce noise or improve monitoring capability or other changes in circumstances. Nothing in this section is intended to limit the County's authority to convene a hearing at other times to modify, suspend or revoke this land use permit consistent with the provisions of County Code Sections 26-2.2020 — 26-2.2030.

Electric Vehicle Demonstration Events

4. At least once a year during a formalized racing event, the applicant must hold a riding demonstration showcasing the use of electric motorcycles. If no racing events are held during the year, no demonstration will be required.

Prior to First Formalized Competitive Racing Event

5. 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.
6. 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

7. Riding activities may occur only during the hours of operation allowed by this permit. Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited at all other times.
8. Tuesdays and Wednesdays and Christmas, Easter and Thanksgiving will be "quiet days". Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited on all Tuesdays, all Wednesdays, Easter, Thanksgiving, and Christmas.

Comment [RM6]: Easter is not a national holiday. It is a Christian religion holiday only and this requirement violates the Establishment Clause of the First Amendment to the United State's Constitution.

9. Recreational and Practice Riding Activities: Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and will be limited to the following hours:

- Mondays and Fridays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
- Fridays before racing events: 9:00 A.M. to 3:00 P.M. or 12:00 P.M. to 6:00 P.M.
- Thursdays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
- Weekends and holidays (other than Thanksgiving and Christmas): 9 A.M. to 6:00 P.M. or sundown, whichever comes first, provided that the facility may only operate for eight contiguous hours during this nine hour period (e.g., operate from 9 A.M. to 5:00 P.M. or 10 A.M. to 6 P.M.).

Comment [RM7]: The applicants have already cut back significantly the hours of operation to the point where the new hours will have an adverse effect on their ability to operate this business

10. Friday (or Saturday) Night Under The Lights: 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, and the park must be emptied by 11:00 P.M. The facility may not open before 2:00 P.M. and the main track will be closed and cannot be used on such days. There will be no formalized racing events allowed during any month with late night recreational riding events.

Both allotted late night recreational events may be conducted on one weekend (Friday and Saturday) or on separate weekends, not to exceed two days per month.

11. 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 will be allowed on one day per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing will be allowed on Thanksgiving or Christmas. Racing hours will be limited from 9:00 A.M. to 6:00 P.M. or sundown, whichever comes first. The lighted oval track will be closed and cannot be used on race days. There will be no late night recreational riding events on the lighted oval track allowed during any month with a scheduled racing event.

Both allotted racing events may be conducted on one weekend (Saturday and Sunday) or on separate weekends, not to exceed two days per month.

Event Notification

12. As soon as racing schedules are available, but not less than 2 ~~six (6)~~ months prior to any formalized racing event, e-mail notification must be sent to the Department of Conservation and Development, Community Development Division and any individuals or parties expressing interest in the project, notifying them of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of notification not less than 2 month in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled, provided that email notification and proof of such notification are provided not less than one month prior to the rescheduled race date, and not until after the operator and/or property owners meet and confer with individuals and parties on the email notification list regarding proposed rescheduled dates to minimize the impacts of such rescheduling on neighboring uses. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.
13. As soon as racing schedules are available, but not less than ~~six (6)~~ 2-months prior to any formalized racing event, an event schedule must be posted online on the facility's webpage and any social media site notifying the public of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of mailing not less than 2 months in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that online posting and proof of such posting are provided not less than one month prior to the rescheduled race date, and not until after the operator and/or property owners meet and confer with individuals and parties on the email notification list regarding proposed rescheduled dates to minimize the impacts of such rescheduling on neighboring uses. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.

Comment [RM8]: 6 months is unreasonable and the applicants are not able to comply with this requirement because of the "but not less than". The applicants can and will send notice when the events are scheduled, but no less than 2 months prior.

Comment [RM9]: The property owners are not in a position to authorize business decisions of the applicants. The applicants are willing to give notice so that the property owners are aware.

Comment [RM10]: Six months is unreasonable and impossible for the applicants to comply with.

Noise Emissions

14. Hourly Average and day night average (DNL) noise levels generated by motorcycle/go-cart recreational riding, practice and racing activities must not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and must not exceed those measured and predicted specified in the analysis of the March 8, 2016 project noise study.
15. For formalized racing events, no more than 25 riders will be allowed on the main track at a time, and no riding will be allowed on the oval track. The park operator must maintain a log of riders for all formalized racing events. Riders of electric motorcycles and/or electric go-carts shall not count against this limits.
16. For practice/recreational riding, the maximum number of riders will not exceed 1045 on the main track and 525 on the oval track at any time, with the exception that riders of electric motorcycles and/or electric go-carts shall not count against these limits.
17. All individual motorcycles and/or go-carts using the park will 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 must 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 will not be allowed admission and use of the park.

Comment [RC11]: This is not the standard. The standard is DNL of 75.

Comment [RC12]: The CC noise element uses the term Ldn. Rather than insert a new term, which might be confusing to some, it would be best to stick with Ldn.

Comment [RC13]: This would seem to exclude races from the noise standard. It is probably not what was intended, but a simply reading would not include races.

Comment [RC14]: I would strike this. The project noise study made certain assumptions to arrive at a conclusion about whether the proposed motorcycle activity (races, practices, etc.) would exceed Ldn 75 and under what conditions, laying out a possible scenario for each type of event. The noise standard doesn't mention anything about predictions or what was measured in a simulation to arrive at a conclusion that it could. If the standard on Ldn 75 is not exceeded, then the facility complies and that will be determined by measurement of actual events.

Comment [RC15]: These are conditions that are inconsistent with the noise standard of Ldn 75. The applicants will need to monitor activity to the extent that they don't exceed the noise standard.

Lighting for Oval Track

18. Exterior lights for the oval racetrack must be deflected so that lights shine onto the applicant's property and not toward adjacent properties. Lighting must 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

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

Dust Control

20. The off-street parking area must be sprayed with water to prevent the creation of dust. This will 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

21. The following regulations for the operation of the motocross facility must be enforced by the park operator and/or property owners and made part of this permit as follows:
 - A. All riders must wear helmets and boots.
 - B. Ambulance service, first aid, and fire-fighting equipment must be provided at all racing events, or as required by the fire district or Health Services Department.
 - C. Posted speed limits must be obeyed.
 - D. Smoking will be allowed only in designated areas or parking lots.
 - E. All vehicles must display current day's admission sticker.
 - F. All persons under the age of 18 must have a signed release from a parent or legal guardian.
 - G. All guest vehicles must be cleared from the grounds by closing time.
 - H. All trash must 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 must 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 will be asked to leave and not come back.
- N. No riding in or near Kellogg Creek is allowed.
- O. All motorcycles must have spark arrestors and silencers.

Concerts/Live Music Prohibited

- 22. Musical concerts and dances are prohibited.

Overnight Camping Prohibited

- 23. No overnight camping or sleeping by patrons of the park, race participants, ~~or spectators, visitors or guests of the operator and/or property owners~~ is allowed on the property. The park premises must be cleared of all such persons and visitors at the end of each day.

Comment [RM16]: This proposal goes beyond the operations of the motorcycle ranch and the applicants have the right to use their home and property consistent with the provisions of the Agricultural Zoning as set forth in the General Plan.

Grading/Track Maintenance and Grooming

- 24. 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.

Retail Sales Prohibited

- 25. There shall be no retail sales of any kind on the site, including but not limited to retail sale of food or drink.

Buffer Planting

- 26. Within 30 days of approval of this permit, a row of mature Leyland Cypress trees must 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. The trees to be planted shall be no less than 24-inch box size, and the operator and/or property owners shall install an irrigation system to support the growth of the trees. Any dead trees shall be replaced to restore the buffer along the fenceline referred to above. Verification must be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.

Comment [RM17]: The applicants have already installed thousands of dollars of cypress and other trees with irrigation as set forth in this proposed COA. There is no objection to replacing dead trees. The applicants did this without being required to, to be a good neighbor. This requirement is going to get into compliance issues of "was it a 24-inch box tree, or less?"

Indemnification

27. The property owners must 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

28. 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.
29. 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)

30. 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

31. 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.

32. 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.

33. Restrict Access

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

Road Dedication

34. 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

35. 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

36. 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.

37. 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

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

Utilities/Undergrounding

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

Traffic Control

40. 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

41. 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)

42. Within 30 days of the effective date of this ~~(2016-1998)~~ modified permit and prior to the commencement of any motorcycle riding or motocross activities on the property, the applicants shall ensure that ~~they~~ he ~~have~~ has complied with all components of this condition of approval.

Comment [RM18]: This is a modification of the 1998 permit

Comment [RM19]: The standard should be the "effective date of this 1998 permit"

Comment [RM20]: No objection

Comment [RM21]: No objection

- 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.

- 43. Prior to issuance of a building permit, the applicant shall pay Drainage Area 130 (DA 130) fees.
- 44. Prior to issuance of a building permit, the applicant shall demonstrate that the grading work does not alter the existing drainage.

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.

