



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION**

APPROVED PERMIT

APPLICANT:	John and Lori Ramirez 50 Camino Diablo Road Brentwood, CA	APPLICATION NO.:	CDLP18-02013
		ASSESSOR'S PARCEL NO.:	003-020-048
		PROJECT LOCATION:	50 Camino Diablo Rd. Brentwood, CA
OWNER:	Same as above	ZONING DISTRICT:	A-3
		APPROVED DATE:	March 24, 2021
		EFFECTIVE DATE:	April 5, 2021

This matter having not been appealed within the period of time prescribed by law, a LAND USE PERMIT to modify the conditions of approval for County File# LP15-2040 for an existing motorcycle recreation park to allow increase of the permitted sound levels to 75 dBA Ldn for sponsored racing events and 70 dBA Ldn for all other riding activities, and to allow overnight accommodations for race contestants at racing events, the addition of a kids track, and a reduction of the allowed number annual racing events and other minor modifications in the BRENTWOOD area is hereby APPROVED, subject to the attached conditions of approval.

By: Aruna M. Bhat
Aruna M. Bhat
Deputy Director

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the effective date if the action allowed by this permit is not undertaken within that time.

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

**GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND
CONDITIONS OF APPROVAL FOR COUNTY FILE# CDLP18-02013 AS APPROVED BY
THE COUNTY PLANNING COMMISSION ON MARCH 24, 2021**

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.

C. **California Environmental Quality Act (CEQA) Review Findings**

In accordance with CEQA Guidelines, Section 15071 and Section 15072, a Mitigated Negative Declaration/Initial Study (MND) was prepared and published for the project. The 30-day public review period for the MND started on July 8, 2020 and ended on July 28, 2020. Comments were received from two agencies and several neighbors.

The comments related to the primary issues of noise and emergency access. Some of the comments also voiced support for the project. Neither the comments or the staff response to the comments resulted in any changes to the MND, and the impacts, mitigation measures, and findings of the MND are unchanged.

On the basis of the whole record before it, including the MND, and in accordance with Section 15074, the County finds that:

- There is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment;
- The MND reflects the County's independent judgement and analysis;
- The MND is adequate and complete; and
- The MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA guidelines.

A Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. All mitigation measures are included in the Conditions of Approval for the project.

CONDITIONS OF APPROVAL FOR COUNTY FILE# CDLP18-02013

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:
 - a) Application and materials submitted to the Department of Conservation and Development, dated May 2, 2018.

- b) Site plan received on May 2, 2018.
- c) Noise Study prepared by Wilson Ihrig Consultants, dated March 8, 2016.
- d) Noise Study prepared by Wilson Ihrig Consultants, dated September 27, 2017.
- e) Noise assessment of proposed kids riding area prepared by Wilson Ihrig, dated September 27, 2018.
- f) Peer review and sound recommendations prepared by LSA, dated December 19, 2019.
- g) Initial Study/Mitigated Negative Declaration posted for public review on July 8, 2020.
- h) Mitigation Monitoring Reporting Program, dated June 2020.

This permit and conditions of approval supersede County File# CDLP15-02040 and is approved for mechanical recreation and related activities (i.e. motorcycle and go- cart racing, recreational riding, and practice). The applicants are entitled to continue these activities following historic, periodic use of the site for similar mechanical recreation and related uses, and may rely on past land use permits for this modification of file# CDLP15-02040. 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 approved noise levels are not exceeded. Any expansion onsite (APN 003-020-048), to adjacent parcels, intensification of the use, change or increase in hours of operation, or additional types of racing or other uses shall 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 site plan received on May 2, 2018. The location of the main track as shown on the site plan received on May 2, 2018

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. A fence shall be installed and maintained around the perimeter of the site and any gates to adjacent properties also owned by the applicants and/or property owners shall be kept closed while the park is operating to ensure uses allowed by this permit are confined to the subject property.

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 1, 3, 5 and 8 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. No later than 45 days prior to March 24 of any year that a compliance review is required, the park operators shall submit the compliance review application and the required materials, including a noise study as outlined below. The applicant is responsible for costs associated with the compliance reviews. A deposit/fee in the amount of \$2,000.00 (or current amount subject to time and materials) shall be filed with the compliance review application to allow for review of the conditions of approval. Compliance will be determined by the Community Development Division 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. Compliance Reviews shall be conducted in accordance with the conditions as set forth in the Conditions of Approval and shall include the following items:

- a) Evaluation of compliance with all Conditions of Approval including site maintenance, lighting, nuisance dust control, and records of recreational riding attendance, individual motorcycle exhaust monitoring and quarterly permits issued.
- b) Report of days and hours of operation, identification of any event sponsor(s), and projection of events that will be held during the next 12 months, including identification of anticipated event sponsor(s).
- c) Evaluation of Diablo MX Day, Night and/or Race Event Noise Study, as described in this Condition.
- d) Evaluation of Race Event Attendance and Overnight Accommodations (number of vehicles, population, traffic control, compliance with quiet hours/alcohol prohibition and enforcement mechanism of overnight accommodation conditions, guest waste generation and RV waste disposal and clean up, emergency calls/injuries, complaints, etc.).
- e) Evaluation of Community Coordination (Annual Meeting, Notice, Rescheduling, responses to any Community Complaint, etc.)
- f) Assessment of advancements in technology related to motorcycle noise and description of any electric bike demonstration held as required by Condition #4.

A noise report based on a Type-1, unattended, 5-day minimum continuous sound study shall be provided at the time of each compliance review and shall be shared with any interested parties who have requested a copy of the noise report. The purpose of the noise study is to determine if the actual noise levels do or do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). As used in these Conditions of Approval, "actual noise levels" refers to noise measurements taken at the site by a professional acoustical consultant and not an estimate of the noise based on a noise model that provides projected noise levels. 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 or one night during a nighttime event. If no race days or no Friday (or Saturday) Nights Under the Lights 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 or nighttime event. 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 75 feet from the property line along Camino Diablo. No sooner than for the third required noise study, and with evaluation of at least two race events and one nighttime event with all noise testing stations reporting, the Community Development Division at a noticed public compliance hearing may consider and approve a request by the applicant to reduce the number of stations monitored to include the two or three stations shown to be the loudest. If deemed necessary upon review of the report, or if the noise study reports the permitted noise thresholds are exceeded more than once, the Community Development Division shall require the noise consultant 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 shall 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 shall 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 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 shall 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 shall 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, and installation of lights illuminating this track, notify the Community Development Division a minimum of 30 days in advance of the opening of the oval track for the first "Friday (or Saturday) Night Under The Lights" event so improvements can be verified by the County. Notification of events at the oval track and racing events shall be in conformance with Condition 12.
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. "Quiet Days" shall be defined as days where riding by customers and riding by or for the property owners' private use are prohibited. Quiet Days are identified as:
 - a) All Tuesdays, Wednesdays;
 - b) Christmas, Thanksgiving, Martin Luther King Day, and Veterans Day; and
 - c) The Monday and Friday immediately following any of the 6 (six) permitted Race Events.

Racing or practice/recreational riding activities shall not be allowed on Quiet Days with the exception of New Year's Day races, should it fall on a Tuesday or Wednesday; all other holidays that occur on a Tuesday or Wednesday shall be quiet days.

Mitigation Measure (NOISE-4): In addition to Thanksgiving Day and Christmas Day, the park shall be closed for Martin Luther King Day and Veterans Day.

9. Recreational and Practice Riding Activities: Recreational and practice riding activities on the main track, kids track, and the lighted oval track is permitted 5 days a week (Thursday through Monday), except as prohibited by Condition #8, and will be limited to the following hours:
 - a) Mondays and Fridays NOT following a Race Event: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
 - b) The Monday and Friday immediately following a Race Event: shall be "Quiet Days" pursuant to Condition #8.
 - c) Thursdays: 1:00 P.M. to 8:00 P.M. or sundown, whichever comes first.

- d) Weekends and holidays (other than holidays in which the park is closed and no riding is permitted pursuant to Condition #8): 9 A.M. to 4:00 P.M.
- e) Weekends immediately following a Race Event or a Friday/Saturday Night Under the Lights: 9 A.M. to 2 P.M.
- f) Race Event Weekends (Friday, Saturday and Sunday): Practice and Race riding activities on the main track will be expanded by the following hours:
 - Fridays before racing events: 9:00 A.M. to 3:00 P.M. or 12:00 P.M. to 6:00 P.M. Saturday and Sunday: 8 A.M. to 5:00 P.M. or sundown, whichever comes first.

10. Friday (or Saturday) Night Under The Lights (FNUL/SNUL): 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 shall be emptied by 11:00 P.M. The facility shall not open before 2:00 P.M. and the main track shall 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.

Operators shall not schedule more than two consecutive Race Events in a row (on successive weekends).

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.]*

A "racing event" consists of formalized races for 1 or 2 consecutive days, not to exceed one racing event within a calendar month and not to exceed four racing events between April 1 and September 30 of each calendar year. All motorcycle racing events on the main track will be allowed on Saturdays, and Sundays, and on holidays. No motorcycle activity or racing will be allowed on

Thanksgiving, Christmas, Martin Luther King Day, or Veterans Day. Racing hours will be limited from 8:00 A.M. to 5:00 P.M.. The lighted oval track shall be closed and cannot be used on race days. There shall be no late night recreational riding events on the lighted oval track allowed during any month with a scheduled racing event.

Mitigation Measure (NOISE-1): The current permit allows two racing days per month (i.e. 24 race days per year). The permitted number of racing events will be reduced to a maximum of 6 per year. A "racing event" will consist of formalized races for 1 or 2 consecutive days, not to exceed one racing event within a calendar month. Total race days in a year shall not exceed 12. If a racing event is held on days that include the end of one month and the beginning of the next, it will count as only one of the 6 annual events, but the event will be the only event allowed in each of those months.

Mitigation Measure (NOISE-2): Motorcycle noise shall not start before 8:00 AM and must stop at 5:00 PM on race days.

Event Notification

12. As soon as racing schedules are available, but not less than 4 months prior to any formalized racing event, e-mail notification shall 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 4 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 email notification and proof of such notification and coordination with interested parties are provided not less than one month prior to the rescheduled race date. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement. The applicant shall use a good faith effort to maintain and update this interested parties list.

Mitigation Measure (NOISE-3): 12-month advance notification required for any New Year's Day races. 12-month advance notification shall be required

for any New Years Day racing events, and a 4-month minimum, or as soon as available, notification shall be required for all other racing events.

13. As soon as racing schedules are available, but not less than 4 months prior to any formalized racing event, an event schedule shall 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 4 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 coordination with interested parties regarding this change in schedule is done. Late night riding events permitted as Friday (or Saturday) Night Under The Lights, are also subject to this noticing requirement.

Mitigation Measure (NOISE-3): 12-month advance notification required for any New Year's Day races. 12-month advance notification shall be required for any New Years Day racing events, and a 4-month minimum, or as soon as available, notification shall be required for all other racing events.

Noise Emissions

14. Average noise levels based on actual noise levels as defined in Condition #3 generated by motorcycle/go-cart recreational riding, practice and racing activities shall not exceed the community noise exposure level (Ldn) of 75 decibels specified by the General Plan for agricultural areas.
 - a) The permitted sound levels for formalized/sponsored racing events shall not exceed 75 dBA Ldn and 70 dBA Ldn for all other riding activities.

The park shall be operated with a goal of continually reducing the noise

generated by facility. Pursuant to the frequency described below, a 4-day sound monitoring report prepared by a noise consultant funded by the applicant/park operator shall be required for formalized racing events (i.e. including 2 practice days and up to 2 racing days consecutively or a Friday (or Saturday) Night Under the Lights (FNUL/SNUL) in lieu of one racing day). The sound monitoring report shall be required when the first racing or FNUL/SNUL event occurs and repeated two (2) years after the first event, then every five (5) years thereafter. If no race or FNUL/SNUL events occur, the County shall have discretion to decide the appropriate riding activity for the required noise study. All noise equipment shall be in working order and actual noise measurements must be included for the noise study results to be valid. This study will count as the required sound study for compliance reviews required by Condition #3 if a compliance review is required in the same year.

If the park is found to be exceeding the permitted sound levels for races or recreational/practice riding activities, the applicant shall implement measure(s) recommended by the applicant's noise consultant to reduce sound levels to the permitted sound levels or the County shall impose one or more correction measures such as

- a) Reduction of maximum number of riders allowed on tracks.
- b) Reduction of daily hours of park operation.
- c) Reduction of allowed business days.
- d) Reduction of allowed racing events.
- e) Disallowance of contestant overnight accommodations.

The land use permit may be modified at the park operator's expense to reflect any correction measures imposed. After correction measures are imposed, the facility operators shall be required to demonstrate compliance by submittal of additional sound monitoring reports. Repeated exceedance of the permitted sound levels may be grounds for permit revocation.

Mitigation Measure (NOISE-5): As an additional noise-reducing device the project will be conditioned, so as at the County's discretion if deemed necessary, to require under the direction of a qualified sound consultant the

installation and maintenance of stacked hay bale sound barriers in locations around the park in order to provide additional noise reductions. The barriers can be moved or repositioned as needed for optimal effectiveness. If deemed to be not needed or ineffective, the County will have discretion to authorize discontinuance of hay bales. Hay bale barriers may also be required for all other riding activities at the park outside of formal racing events as well.

Track Usage

15. For formalized racing events, no more than 25 riders shall be allowed on the main track at a time, and no riding shall be allowed on the oval track or kids track. The park operator shall maintain a log of riders for all formalized racing events. Riders of electric motorcycles and/or electric go-carts shall not count against these limits.
16. For practice/recreational riding, the maximum number of riders shall not exceed 45 on the main track and 25 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. The maximum number of riders allowed on the mini kids track shall not exceed 20 riders at any time.
17. 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 and recorded 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. Park operators shall keep a log book of tail pipe measurements taken for every bike entering the park, and a record of pass/fails with a tally of bikes turned away, and include this log book in the Compliance Review. Park operators may issue a quarterly certification sticker for regular customers in lieu daily measurements.

Lighting for Oval Track

18. Exterior lights for the oval racetrack shall be deflected so that lights shine onto the applicant's oval track only and not toward other uses on site or adjacent properties and uses. Lighting shall be reviewed and approved 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 shall be issued prior to installation and operation of lighting. A voluntary proposal to install solar panels for oval track lighting is highly encouraged.

Signage

19. All signs shall 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 and on social media.

Dust Control

20. 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 shall 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 or spectator vehicles must 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 must be accompanied by an adult at all times.
- J. Open fires are prohibited.
- K. Wheel stands, spinning donuts, or racing in parking lots is prohibited.
- L. Riding on graded or filled banks around parking lots or main roads is prohibited.

M. Anyone behaving in a manner discourteous to other persons or property shall be asked to leave. Anyone behaving in a manner dangerous to other persons or property shall be asked to leave and not come back.

N. Riding in or near Kellogg Creek, or within the Creek Structure Setback is prohibited.

O. All motorcycles shall have spark arrestors and silencers.

Concerts/Live Music Prohibited

22. Musical concerts and dances are prohibited.

Overnight Accommodations

23. Only for properly noticed race events, overnight accommodations are allowed for race contestants and support personnel consisting of no more than 300 people in no more than 150 recreational vehicles (i.e. RVs or motorhomes). Overnight accommodations shall not exceed 3 nights per race event and no more than 6 race events shall be allowed per year leading to a maximum of 18 nights per year. The purpose of the overnight accommodation is to facilitate race logistics for contestants. Camping as a leisure activity shall not be allowed by the public at any time. Overnight accommodations for contestants will be allowed only for formalized racing events. If no races are held, there shall be no camping at the facility. The overnight accommodations will be allowed only in wholly self-contained recreational vehicles and would not require the installation of sanitary, water, or electrical hook-ups on the property. Recreational-vehicle storage, servicing, repair, sewage disposal, or cleaning is prohibited on the subject property and will be conducted off site at appropriate facilities. The applicant/site operator shall ensure that Race and Recreational-vehicle service, storage, repair, sewage disposal and cleaning are not illegally conducted onsite. In addition, Site Operator shall post a notice on

the Park Website, at Park Entrance Booth, and at exit, that any dumping of RV holding tanks on or offsite is illegal and is required by law to be dumped only at authorized dump locations, and violations of this rule will further result in revocation of any rights to enter/race at Diablo MX Ranch.

24. No overnight accommodations or camping shall be allowed to the general public or race spectators at any time. No motorcycle riding shall be allowed after park closing, and absolute quiet time shall be enforced between the hours of 10:00 PM until next day park opening.

Mitigation Measure (NOISE-6): Sound levels associated with the overnight accommodations will be mitigated by enforcement of the following restrictions:

- Lights out at 10:00 PM.
- Power generators off at 10:00 PM.
- All power generators shall be located a minimum of 100 feet from any property line.
- No campfires at any time.
- No amplified music at any time.
- No alcohol consumption allowed.

Grading/Track Maintenance and Grooming

25. 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 or new land use permit.

Retail Sales Prohibited

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

Buffer Planting

27. 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. Many buffer trees have already been planted. All new trees to be planted shall be no less than 24-inch box size, and the operator and/or property owners shall maintain proper growth and health of the trees over time. Any dead trees will be immediately replaced to restore the buffer along the fenceline referred to above. Verification shall be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.

Indemnification

28. 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# CDLP18-02013). The Director of the Department of Conservation and Development is authorized to execute the indemnification agreement on behalf of the County.

Mitigation Measures for Project Impacts on Biological Resources

29. **Kids Track - (BIO-1):** If installation of the kids track occurs between March and August, the park operators shall hire a qualified biologist to conduct the nesting survey for western burrowing owls and follow any avoidance measures required by the survey. Survey will be conducted at least 14 days prior to ground disturbing activities and findings submitted to the Department of Conservation and Development, Community Development Division for review and authorization to proceed with installation of kids track.

Requirements of the East Contra Costa Fire Protection District

30. Park operators shall provide a utility vehicle capable of reaching all parts of the park that has the means to transport a victim on a gurney/backboard due to the terrain and elevation of the park. Said utility vehicle shall be maintained at all times by the park operator and made available during emergency response situations. The utility vehicle will be coordinated with the Fire District to ensure the vehicle meets the aforementioned specifications. Applicant shall demonstrate to DCD that this coordination requirement has been satisfied within 30 days of project approval. Said utility vehicle shall be present and in good working condition during all operating hours.
31. An emergency management plan shall be submitted to the Fire District for review and approval identifying emergency vehicle access pathways which will include the two designated helicopter landing areas at the park. Applicant shall demonstrate to DCD that this requirement has been satisfied within 30 days of project approval by providing this Fire District approved emergency management plan identifying emergency vehicle access pathways which will include the two designated helicopter landing areas at the park, and an overnight accommodations map.
32. The applicant shall participate in the District Wide Community Facilities District for funding the additional service demands at a rate of \$346.07 for an estimated 10 employees for a total annual fee paid to the District in the amount of \$3,460.07.

Requirements of the Byron MAC

33. As good neighbors, Park Operators shall respond to neighbor or interested party concerns or requests in a timely manner. In a year without a Compliance Review, interested parties can request Park Operators make accommodation to meet in person.

CONDITIONS OF APPROVAL ADMINISTERED BY THE PUBLIC WORKS

DEPARTMENT FOR FILE# CDLP18-02013

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on May 2, 2018.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL RELATIVE TO THE CONTINUED USES PROPOSED UNDER THIS PERMIT.

Access to Adjoining Property

Encroachment Permit

34. Applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of driveways or other improvements within the right-of-way of Camino Diablo.

Site Access

35. Applicant shall restrict access along the Camino Diablo frontage of this property, with the exception of the access points shown on the applicant's site plan, as specifically approved under these conditions of approval.

Intersection Design/Sight Distance

36. Applicant shall provide and maintain sight distance at the on-site driveways and Camino Diablo for a design speed of 65 miles per hour. The applicant shall trim vegetation, as necessary, to provide sight distance at these driveways. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.

Traffic Control

37. Applicant shall provide special traffic control personnel at the Camino Diablo

access to this property for all race events involving overnight accommodations or events onsite that draw more than 150 spectator vehicles. Traffic control may also be required for smaller events if significant complaints substantiate a need.

Miscellaneous Drainage Requirements

38. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

Creek Structure Setbacks

39. Any new structures constructed on the property shall observe the creek structure setback requirements per the criteria outlined in Chapter 914 14, "Rights of Way and Setbacks," of the Subdivision Ordinance.

National Pollutant Discharge Elimination System (NPDES)

40. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (Central Valley - Region IV).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

- Minimize the amount of directly connected impervious surface area.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Shallow roadside and on-site swales.
- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Applicant shall develop a spills program for the on-site fueling facility and submit the plan to the Contra Costa County Clean Water Program for review and approval.
- Hazardous wastes, including, but not limited to used motor oil, battery acid or antifreeze shall not be discharged onto the ground.
- 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 every 90 days.
- 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.
- Other alternatives comparable to the above, as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance

41. The applicant will not be subject to the requirements of Provision C.3 of the County Stormwater Management and Discharge Control Ordinance, since the proposed project will not create or replace at least 10,000 square feet of impervious surface. However, this project is subject to all other provisions of the County Stormwater Management and Discharge Control Ordinance (§1014, Ordinance No. 2005-01) and future development applications on the subject parcel may be required to comply with Provision C.3.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

A. NOTICE OF NINETY (90) DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety (90) day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Community Development Division within ninety (90) days of the approval date of this permit.

- 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.

PERMIT DISTRIBUTION

- ☒ APPLICANT – John & Lori Ramirez Date: 4/14/2021
☒ OWNER – Same Project: CDLP18-02013
☐ Dominique – *CELL SITES ONLY*
☒ Computer (*permit cover only*)
☒ Keith – APC – (*permit cover only*)
☒ Lindsey – (*permit cover only – Karin, only withdrawals*)
☐ Christine Louie – ADU PERMITS ONLY
☐ Extra Planner Copy (*for Jennifer Cruz where WELO is involved*)

Fire Protection District

- ☐ Contra Costa Fire (email to: fire@cccfd.org if requested by planner)
☒ East County Fire (send only if requested by planner)
☐ San Ramon Fire (if permit is for San Ramon, Alamo, Danville, Diablo)

SCAN AND EMAIL TO PW GROUP

- ☒ Public Works/Engineering Services
☒ Public Works/Flood Control
☒ Public Works/Special Districts
(If "WA" type permits, do not email to the above!)
- On WA type permits, do not send copies to PW (CCC) or No CA Joint Pole Assoc.
 - Permit is handled through Bob Hendry (PW – 1st floor)
- ☐ Knightsen Services District - for permits in the Knightsen area
(P.O. Box 763; Knightsen CA 94548)

Copies to Agencies listed on Agency Comment Request Distribution Form
(Send only to agencies checked off list if requested by planner)