

**EXHIBIT "A"**  
**FINAL CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM**

File Number: UPE 04-0114  
Applicant: James Hummer & Associates (for Speedway Motorsports, Inc.)  
Property Owner: SPR Acquisition Corp.  
Site Address: 29355 Arnold Drive, Sonoma  
APN: "Raceway Property": 068-100-024; 068-150-044, 046, 049, 050, 051,  
056; 068-190-030  
"Lakeville Property": 068-100-037 through 061

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**REFERENCE DOCUMENTS:**

- A. Site Development Plans prepared by Davis Architectural, dated September 21, 1998, as modified by the revised plan showing hillside terrace seating and relocation of the wastewater treatment system, dated November 18, 1999.
  - B. Final Environmental Impact Report prepared by EIP Associates (consisting of the Draft EIR dated May 1999 and the Response to Comments document dated December 1999 and the Response to Comments on the June 1998 Draft EIR)
  - C. Mitigation Monitoring and Reporting Program prepared by EIP Associates, dated December 1999
  - D. Requirements for the comprehensive Incident Action Plan (IAP)
  - E. Examples of tenant uses allowed at Infineon Raceway
  - F. Mitigated Negative Declaration and Initial Study for the construction and use of off-road biking and running trails on the Raceway and Lakeville properties, dated February 15, 2005.
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**I. General Conditions:**

- A. This use permit supersedes and replaces all prior use permits pertaining to the operation of the Infineon Raceway facility, except as provided in Condition I.G.
- B. Uses at the Raceway shall be limited to the following. No additional uses are allowed unless a use permit approval is first obtained.
  - 1. Operation of a road racing track, drag strip, go cart track, "Legends" oval track, and a 100-person cafeteria-style café / restaurant, including the following support facilities:
    - a. Racing paddocks, garages and maintenance shops
    - b. Spectator seating and ticket taking facilities
    - c. Scoring, timing, and media facilities
    - d. Vehicular and pedestrian circulation areas
    - e. Sewage disposal, water supply and storm drainage systems
    - f. Administrative offices for raceway personnel
    - g. Fueling facilities
    - h. Emergency medical facilities
  - 2. Tenant uses in the areas shown on the approved site plan. All tenant uses shall be racing and related vehicle uses, including storage, repair,

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fabrication, maintenance and modification of vehicles. Assembly-line or mass production of vehicles, permanent lodging facilities, general commercial, industrial and manufacturing uses are not permitted. All tenant uses shall be appurtenant to Infineon Raceway by either providing a service or product to the Raceway, or requiring use of the racetrack facilities in connection with the tenant's business. Attachment E to these conditions contains examples of the types of tenant uses allowed.

3. Ancillary uses/activities related to Raceway operations are allowed as follows:
  - a. Spectator and participant parking in areas shown on the approved site plan.
    - i. Parking on the 53-acre parcel on the east side of SR 121 is limited to three (3) events per year consisting of a maximum of fifteen (15) days per year from April 1 to October 30. No more than 60 percent of the area on this parcel shall be used for recreational vehicle parking. In addition, a maximum of two (2) acres of this parcel may be utilized for overnight camper support services, including such guest services as chapel services, self-contained shower units, play and amusement activities for children, sales of packaged food, beverage and camp supplies, and display and repair services for camping equipment. Any structures necessary to support such services shall be temporary and any signs on those structures shall face away from public roads. All such uses shall also be self-contained, and the discharge of waste or wastewater on site from such ancillary uses shall be prohibited.
    - ii. Parking on the "Lakeville Property" is limited to a maximum of 9 days per year, from April 1 through October 30. Parking for event-related vendor and participant trailers is allowed 18 days per year.
  - b. Concessions and hospitality services for event attendees.
  - c. Non-racing activities provided for entertainment of event attendees in conjunction with race events. Such activities shall be secondary and incidental to the racing event. All such activities shall be subject to the limitations in Condition VI.X.
  - d. Overnight camping in designated parking areas for event attendees and participants at no more than eight (8) events per year.
  - e. Operation of a road racing and driving school.
  - f. Incidental non-racing activities that are not open to the general public, including vehicle demonstrations, use of the raceway for vehicle-related filming and testing and tuning of racing vehicles.
  - g. Wetland mitigation as shown on the approved site plan.
4. The construction and use of trails on the Lakeville (APN 068-100-024 and

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037 through 061) and Cougar Mountain (APN 068-150-056) properties are for the purpose of holding one, annual, four-day off-road bicycling and running event. The use of the properties for this one event includes the following:

- a. The placement of temporary, event related structures that are necessary to the operation of the event as proposed, including, fencing, starting gates, emergency aid stations, tents, etc.
- b. Spectator access along the trails.
- c. The use of motorized vehicles for construction and event related activities.

C. This permit authorizes the demolition, development and construction of the following facilities, in addition to the existing facilities shown on the approved site plan:

- Item 1-2 Demolish existing and construct new south tenant shops (146,000 square feet),
- Item 1-3 Demolish existing and construct new ring road from south tenant shops to gate 7,
- Item 1-4 Demolish existing and construct new paddock shops (117,000 square feet),
- Item 1-5 Demolish existing and construct new Russell Driving School Building (12,500 square feet),
- Item 1-7 Move track side tower/hospitality suites,
- Item 1-8 Demolish existing and construct new pedestrian tunnel under start/finish line,
- Item 1-9 Construct start/finish line grandstands (25,000 seats),
- Item 1-10 Construct 50 hospitality suites at start/finish line (58,600 square feet, includes 3,200 seats),
- Item 1-11 Demolish existing and construct new media, timing and scoring facilities at start/finish line (4,600 square feet),
- Item 1-12 Construct press room, meeting room building beneath paddock grandstand (19,000 square feet),
- Item 1-13 Construct NASCAR Garages (22,500 square feet),
- Item 1-14 Demolish existing and construct new race support (fuel dispensing, driver's lounge, office) for Unocal and Goodyear (25,000 square feet),
- Item 1-15 Demolish existing and construct new administrative office building, parking and service road w/three shuttle shelters (20,000 square feet),
- Item 1-16 Demolish existing and construct new main gate/guardhouse,
- Item 1-17 Construct hillside grandstand at turn 7 (10,000 seats) and terraced seating (12,000 seats) at turn 2.
- Item 1-18 Construct restrooms and concession stands (8,000 square feet),

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- Item 1-19 Modify road course between turns 8 and the start/finish line,
- Item 1-20 Reconstruct elevated drag strip control tower,
- Item 1-21 Construct drag strip runoff area and return road,
- Item 1-22 Demolish existing and construct new pedestrian bridges at turns 1 and 6,
- Item 1-23 Construct pedestrian bridge and shuttle shelters near main entry,
- Item 1-24 Demolish existing and construct new maintenance shops (17,000 square feet),
- Item 1-25 Reconstruct service road east of east hillside terraced seating area (turn 9),
- Item 1-26 Demolish existing and construct new utility systems (water supply, wastewater reclamation, irrigation, storm drain, power, audio/TV feed, and drag strip lighting).
- Item 1-27 Install landscape plant materials,
- Item 1-28 Provide connection to and relocate will call office near Lakeville Highway,
- Item 1-29 Construct Go-Kart track and school building,
- Item 1-30 Provide temporary event-related trailer parking space,
- Item 1-31 Set aside proposed wetland creation and preservation area,
- Item 2-1 (Formerly Phase 2) Fill existing oval track,
- Item 2-2 (Formerly Phase 2) Construct terraced hillside seating, restrooms, and concession stands at turn 4 (22,000 seats), and 7-9 (30,000 seats).

All development and construction shall be in substantial conformance with the approved site development plans (Exhibit A). Minor modifications to the project or reductions in the scope of the project may be made as part of the design review process provided such modifications do not increase any environmental impact and are otherwise consistent with these conditions of approval, as determined by PRMD.

- D. At the time that funds are programmed for the installation of a traffic signal at the SR 116/SR 121 intersection, Infineon Raceway shall pay its fair share of the cost of that signal, as determined by the Department of Transportation and Public Works. Mitigation Measure 3.1.2-7
- E. At the time that funds are programmed for the widening of SR 37 east of SR 121, Infineon Raceway shall pay its fair share of the cost of this improvement, as determined by the Department of Transportation and Public Works. Mitigation Measure 3.1.2-11
- F. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any

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of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

- G. This permit shall become automatically void and of no further effect if it has not been used (defined as obtaining construction permits and commencing construction of the facilities authorized under Condition I.C) within two (2) years after the date approval, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.
    - 1. In the event that this use permit becomes void due to non-use, use of the Raceway property shall be governed by use permits 4410A and 89-488.
  - H. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
  - I. At the time of submitting a grading or building permit application, the applicant shall submit to the Permit and Resource Management Department a condition compliance review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
- II. Conditions to be met prior to exercising this Use Permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the project sponsor shall:**
- A. Obtain all necessary building and grading and other related permits from the Sonoma County Permit and Resource Management Department (PRMD) for each portion of the project to be constructed.
  - B. Obtain all necessary permits from other governmental agencies and comply with the terms of such permits.
  - C. The project sponsor shall pay within ten days after approval of this project a mandatory Notice of Determination filing fee of \$885 to cover the required Department of Fish and Game fee and County Clerk processing (check shall be made payable to SONOMA COUNTY CLERK and submitted to PRMD). This fee must be paid or the approval of this project is not valid.
  - D. Designate a Project Coordinator to serve the following functions during project construction:
    - 1. A single point of contact for County staff regarding Master Plan implementation;

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2. A contact for neighbors and other interested parties who may have questions and/or complaints about the Master Plan construction project;
3. Oversight of the mitigation monitoring and reporting program, as described below in Section VII of these conditions.

The name, mailing address, telephone number and fax number of the Project Coordinator shall be mailed by the Raceway to neighbors and other interested parties utilizing a mailing list provided by PRMD.

- III. Conditions to be met prior to issuance of Construction permits. Prior to issuance of a building or grading permit, the project sponsor shall:**
- A. Submit final site development plans to the Design Review Committee for review and approval. Final plans shall include site plans, grading plans, building elevations, landscaping and irrigation plans, parking and circulation plans, fencing, signage and lighting.
    - 1. Exterior lighting shall be directed to the interior of the site and not “wash out” onto adjacent properties nor be a source of glare onto adjacent streets. Generally, with the exception of the drag strip lighting, fixtures should accept sodium vapor lamps and security lighting should be located at the periphery of the property, and not as flood lights. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.
  - B. Submit a completed “Right to Farm” declaration on a form provided by PRMD and signed by the property owner. The declaration will be recorded by PRMD.
  - C. Submit a letter of clearance from the County Fire Marshal.
  - D. Pay all applicable development fees.
  - E. Submit to PRMD a condition compliance review fee of \$688 (fee is subject to change).
  - F. Submit a construction traffic management plan to PRMD for review and approval. The plan shall identify strategies to maintain adequate service levels during construction on all State and County highways providing access to the site, as required by the governing agencies. The plan shall include specific restrictions on construction traffic to minimize the impacts to SR 121 during the PM peak hour. Mitigation Measure 3.1.2-41
  - G. Prior to issuance of building permits for any grandstand structure, the project sponsor shall submit the following for review and approval by the Sonoma County Department of Emergency Services (DES):
    - 1. An engineered water system meeting Fire Code and NFPA standards for the raceway and the grandstands;
    - 2. An access and evacuation plan prepared by a fire protection consultant that addresses conditions that would be created by the range of potential emergency incidents that could occur in the grandstands;
    - 3. The emergency hazards and response requirements posed by the grandstands shall be incorporated into the Incident Action Plan required under Condition IV.A. Mitigation Measure 3.1.3-4
  - H. Site grading as shown on the final grading plan shall avoid abrupt changes in gradient in order to visually harmonize with the existing rolling terrain. New cut and fill slopes shall be blended into existing undisturbed slopes to avoid a sudden or abrupt change in topographic profiles. Mitigation Measure 3.1.5-6

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- I. Consistent with the project's Revised Landscape Master Plan, the final landscape plan shall maintain full vegetation coverage on the graded slopes proposed southwest of the new tenant shop structure in the paddock area. The final plan shall include enhanced landscaping of the graded slopes southwest of Turns 2 through 4 to provide fuller coverage to the extent possible without substantially compromising spectator sight lines. Such vegetative coverage would help to reduce any potential for even minor reflection of sound from these surfaces. Mitigation Measure 3.2.5-1(m)
  
- J. As required by County Public Safety Policies PS-1f through PS-1i, incorporate seismic-restraint criteria into the design of excavations, foundations and structures for the project as follows:
  1. The minimum seismic-resistant design standards for all proposed facilities shall conform to the California Building Code seismic standards as adopted by Sonoma County, and applicable portions of the County's policies and ordinances (Safety Policy PS-1h).
  2. Seismic-resistant earthwork and construction design criteria shall be incorporated as necessary, based on the site-specific recommendations of California-registered geotechnical and structural engineering professionals (Safety Policies PS-1f and PS-1i).
  3. Apply Public Safety Policy PS-1j (encourage strong enforcement of state seismic safety requirements for design and construction) and Policy PS-1k (public facilities shall incorporate measures to mitigate identified geologic hazards to acceptable levels) to the facilities at Infineon Raceway.
  4. Apply Public Safety Policy PS-1g (prohibit structures for human occupancy within 50 feet of the surface trace of any fault) to structures in the Master Plan, unless construction-site specific investigation establishes that the structures are not underlain by potentially active fault traces. Development plans indicate that the go kart school is within 50 feet of the Tolay Fault line and would thus be subject to Public Safety Policy PS-1g. Mitigation Measure 3.2.1-1
  
- K. As required by County Public Safety Policy, incorporate slope stability criteria in the design of excavations, foundations and structures for the project.
  1. The minimum slope stability design standards for all proposed facilities shall conform to the California Building Code static and dynamic stability standards as adopted by Sonoma County (Policy RC-2g and Policy PS-1f).
  2. Slope stabilizing earthwork (buttresses, keyways, etc.) and construction design criteria shall be incorporated, as necessary, based on the site-specific recommendations of California-registered geotechnical and structural engineering professionals (Safety Policies PS-1f and PS-1i). Mitigation Measure 3.2.1-2
  
- L. Submit final plans for the new wastewater treatment, storage and disposal facilities for review and approval by the Sonoma County Water Agency (SCWA)



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and the San Francisco Bay Regional Water Quality Control Board, including obtaining the necessary permits from the Regional Board. Construction of wastewater ponds shall require a County grading permit. SCWA review is not required if ownership of the wastewater facilities has been transferred to the Raceway.

1. In accordance with SCWA criteria, the design and operation of the wastewater ponds shall take into account the chemical load from portable toilets in the treatment of wastewater. In addition, the effluent disposal irrigation system application rate shall be based on site-specific analysis. Mitigation Measure 3.1.4-2
- M. Submit plans for any new or modified wash racks, tenant uses, storm drain modifications (See Condition III.Q) and/or concession stands with sinks for review and approval by the SCWA Industrial Waste Division. SCWA review is not required if ownership of the wastewater facilities has been transferred to the Raceway.
- N. Obtain a General Construction Activity Stormwater NPDES permit from the San Francisco Bay Regional Water Quality Control Board. This permit requires that the applicant develop a Storm Water Pollution Prevention Plan (SWPPP), subject of annual review by the Board, regarding project construction. Mitigation Measure 3.2.2-2
- O. The SWPPP shall incorporate the California Storm Water Best Management Practices (BMPs) for Construction Activity prepared by the California State Storm Water Quality Task Force into the construction plans, and BMPs for Industrial Activities shall be incorporated into the long-term site management program. The exact locations, extent, nature and details of the BMPs shall be developed in consultation with, and subject to review and approval of PRMD prior to issuance of grading or construction permits.

The SWPPP shall include, at a minimum, the following provisions:

1. The non-structural BMPs (a-j) outlined in the Draft Infineon Raceway SWPPP (p. 3.2.2-15 of EIR) applicable to all aspects of the Raceway expansion.
2. Garages/Tenant Shops - Refer to BMPs outlined in the Draft Infineon Raceway SWPPP (p. 3.2.2-16 of EIR).
3. Go Kart Track - Oil/grease separators or similar water quality protection devices shall be installed at drain outlets for storm drain segments receiving stormwater runoff from the go kart surfaces. Given that surface runoff from the go kart site will travel via overland flow and into the proposed storm drainage system directly downstream, enforcement of the Preventive Maintenance, Spill Prevention and Response, and Material Handling and Storage procedures is critical.

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4. Paddock and Track - Refer to BMPs outlined in the Draft Infineon Raceway SWPPP. Oil/grease separators or similar water quality protection devices shall be installed at drain outlets for storm drain segments receiving stormwater runoff from the track and paddock surfaces.
5. Paint booths - Refer to BMPs outlined in the Draft Infineon Raceway SWPPP (p. 3.2.2-17 of EIR).
6. Washracks - Refer to BMPs outlined in the Draft Infineon Raceway SWPPP (p. 3.2.2-17 of EIR).
7. Union 76 Fuel Facility - Refer to BMPs outlined in the Draft Infineon Raceway SWPPP (p. 3.2.2-18 of EIR).
8. On-site Detention Facilities - Given the SWPPP's approach of pollutant control/containment at the source, the detention facilities' main purpose is for flood control (reduction in peak runoff) and secondary purpose is for the removal of non-point source pollutants from the site's surface water runoff. Basin outlets shall be equipped with trash racks/screens and inverted elbows to settle out heavier contaminants. The outlets of lower detention basins (drainage areas G and H) which discharge into storm drainage facilities under Highway 121 shall be equipped with oil/grease separators or similar water quality protection devices. Additionally, the detention basin within drainage area G, just downstream of the fuel facility, shall include an emergency closure system allowing for the containment and clean-up of accidental spills.
9. Food Concession - Refer to BMPs outlined in the Draft Infineon Raceway SWPPP (p. 3.2.2-18 of EIR).
10. Parking Areas - Refer to BMPs outlined in the Draft Infineon Raceway SWPPP (p. 3.2.2-18 of EIR). Oil/grease separators or similar water quality protection devices shall be installed at drain inlets for storm drain segments receiving direct stormwater runoff from on-site parking surfaces. The unpaved parking areas will be inspected, cleaned and maintained by Infineon Raceway staff.
11. New Ring Road - Oil/grease separators or similar water quality protection devices shall be installed at drain outlets for storm drain segments receiving stormwater runoff from the track and paddock surfaces.
12. A maintenance schedule shall be developed and included in the Preventive Maintenance Schedule of the SWPPP to ensure that all of the on-site detention basins are cleaned regularly, and that the oil/grease separators or similar water quality protection devices throughout the site function properly.

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13. Adhere to the Monitoring Program and Reporting Requirements of the General Industrial Stormwater Permit issued by the RWQCB to ensure protection of off-site water bodies from increased amounts of urban constituents. If sharp increases in constituent levels are noted, re-examine and if necessary, re-design the site-drainage treatment facilities to reduce constituents to acceptable levels.
  14. Continue mandatory periodic testing of the potable water supply to ensure that urban constituents from site drainage do not contaminate the supply. If concentrations of contaminants reach threshold levels, provide additional, required treatment to meet primary and secondary drinking water standards, or switch to imported potable water.
  15. All plans and programs to control the discharge of project-related pollutants shall be reviewed and approved by Sonoma County prior to issuance of grading and building permits. Mitigation Measures 3.2.3-3 and 3.2.3-3
- P. As part of the Storm Water Pollution Prevention Plan required by the construction permit, submit an erosion and sediment transport control plan, designed by an erosion control professional, or landscape architect or civil engineer specializing in erosion control to PRMD for review and approval. The plan shall meet the following objectives for the grading and construction period of the project:
1. The erosion and sediment transport control plan shall be submitted, reviewed, implemented and inspected as part of the approval process for the grading plans for the project. The erosion and sedimentation control plan shall include temporary (during construction phase) and permanent erosion control measures to be incorporated in construction plans to be submitted for review and approval by PRMD.
  2. The plan shall use concepts similar to those developed by the Association of Bay Area Governments, as appropriate, based on the specific erosion and sediment transport control needs of each area in which grading and construction is to occur. The possible methods are not necessarily limited to the following items.
    - a. Confine grading and activities related to grading (demolition, construction, preparation and use of equipment and material storage areas (staging areas), preparation of access roads), to the dry season, which is generally recognized as April 15 through October 15, whenever possible.
    - b. If grading or activities related to grading need to be scheduled for the wet season, ensure that structural erosion and sediment transport control measures are ready for implementation prior to the end of the dry season.

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- c. Locate staging areas outside major drainage ways.
  - d. Keep the lengths and gradients of constructed slopes (cut or fill) as low as possible.
  - e. Discharge grading and construction runoff into small drainages at frequent intervals to avoid buildup of large potentially erosive flows.
  - f. Prevent runoff from flowing over unprotected slopes.
  - g. Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction.
  - h. Keep runoff away from disturbed areas during grading and related activities.
  - i. Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods.
  - j. Direct runoff over vegetated areas prior to discharge into storm drainage systems, whenever possible.
  - k. Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or siltation fences.
  - l. Make the contractor responsible for the removal and disposal of all sediment on or off the site, that is generated by grading and related activities of the project.
  - m. Use landscaping and grading methods that lower the potential for down-stream sedimentation. Modified drainage patterns, longer flow paths, encouraging infiltration into the ground, and slower storm-water conveyance velocities are examples of effective methods.
  - n. Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team. Mitigation Measure 3.2.1-3 & 3.2.2-2(b)
- Q. Submit a modified Raceway Hydrologic Study and Storm Drainage Master Plan to PRMD for review and approval. The plan shall be designed by a civil engineer in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Any confirmed deficiencies in the drainage facilities under Highway 121 must be addressed in the plan and corrected prior to the issuance of site grading permits. Mitigation Measure 3.2.2-1
- R. Submit Final Biotic Mitigation Plan to PRMD for review and approval. The Final Plan shall be consistent with the project sponsor's Conceptual Mitigation Plan (Patterson, 1999; DEIR, Appendix C-4) and shall meet the following requirements: Mitigation Measure 3.2.3-1

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Impacts to Native Grasslands and Riparian areas:

1. Native Grasslands. The Final Biotic Mitigation Plan shall provide for preservation of and protection for significant areas of native grassland and creation or enhancement of similar native grassland and riparian scrub communities in appropriate locations on the project site and on the adjacent Lakeville property. Specifically: To avoid adverse impacts to native grassland from development, the Master Plan shall avoid and preserve all of NG-2, NG-5, NG-6, and NG-7 and a large portion of NG-4 (about 2.5 acres). A total of about 4.61 acres, or about 70 percent (of a total of 6.66 acres) of native grassland shall be preserved. Loss of approximately 2.04 acres of native grassland shall be compensated for by creation of at least an equal acreage of self-sustaining native grassland revegetation in areas of suitable cut and/or fill slopes, eroded or bare creekbank areas, and any other suitable places on the Raceway site where there would be significant soil disturbance.
2. The Master Plan layout shall preserve 1.77 acres (approximately 63 percent) of riparian vegetation on the Raceway site, including the most significant occurrences of willow scrub (CS-4 and CS-8). To mitigate for the loss of 1.02 acres of riparian vegetation, riparian habitat replacement plantings shall be required to enhance existing riparian corridors adjacent to on-site drainages. Replacement species shall include willow, coast live oak, and California buckeye trees where there is sufficient natural water to sustain plantings. If sufficient appropriate area to accommodate the number of required plantings is not available on-site, first consideration for an alternate site shall be appropriate areas of the approximate 200-acre portion of the upper hill above the racetrack that will not be developed under the Master Plan and the adjacent Lakeville property.
3. The minimum replacement ratio for riparian habitat shall be determined by the CDFG after applications for permits and all required data have been submitted to the CDFG and the U.S. Army Corps of Engineers. The Conceptual Mitigation Plan provides for replacement 1.02 acres of shoreline and in-channel willow thicket with 1.3 acres of new willow thicket and riparian habitat (a ratio of about 1.5:1). The mitigation plan shall include performance standards and require monitoring for a period of 5 years to determine if native grassland and riparian scrub have been established successfully. Mitigation Measure 3.2.3-1

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Impacts to Wetlands

4. Final development and construction plans shall be consistent with the Master Plan layout which has been developed to avoid certain known wetland areas. Wetland impacts have been avoided by localized road re-alignments, elimination of portions of the "ring road," and minimizing grading upslope along the upper section of the "ring road." The Master

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Plan layout avoids and preserves almost all hillside seeps and springs except for S-4 and the very lowermost spill zones of S-5, S-6, and S-7 (0.49 acre total). The Master Plan avoids 3.51 acres (approximately 73 percent) of herbaceous seasonal wetlands, including VP-13/SW-8 (a natural sag pond/vernal pool); SW-9 and 10 (historic Tolay Creek floodplain; wet meadow and seasonal pool); and ID-10d and 10e (creekside meadow, seasonal hillside spring). The Master Plan shall avoid 6.51 acres (93 percent) of perennial hillside seeps. The Master Plan shall avoid and protect SW-15, a 0.75 acre vernal pool located on the Lakeville property. The Master Plan shall avoid four small sag ponds (SW-17, 18, 19, and 20) located on the Lakeville Property and sag pond/vernal pool SW-8 on the Raceway Property. The Master Plan shall avoid 0.95 acre (71 percent) of ephemeral ravines, creekbeds, and runoff channels. There shall be no net loss of wetlands or other natural resources as a result of construction of the project. The Final Biotic Mitigation Plan shall create self-sustaining compensatory ponds and seasonal wetlands, as required by CDFG and the Corps of Engineers.

5. Vernal pools shall be excavated to intercept and hold rainwater. No water shall be diverted to fill the pools except after voluntary drainage of wetlands to control California red-legged frog predators. After being drained for two weeks, the ponds should be refilled to sustain adult red-legged frogs. If soil tests indicate that the underlying soils would not pond water, an impermeable lining material, such as bentonite, a natural aluminum silicate clay, shall be incorporated into pool construction. The new pools shall be inoculated with a mixture of seeds obtained by vacuuming the seed bank contained in pool-bottom soil on the project site, and shall include seeds of Lobb's aquatic buttercup (Mitigation Measure 3.2.3-4). Vernal pool creation using proven techniques and regular monitoring to ensure that performance criteria are met has been demonstrated to be successful. Restoration and subsequent monitoring activities shall be conducted under guidelines established by the Corps, which would require quantitative data collection, review of annual monitoring reports, making adjustments to the mitigation plans and program as necessary where potential failure of the program may be detected and a final determination as to the success of the pool creation at the end of a 10-year monitoring period.
6. Areas to be established as new vernal pools and other seasonal wetlands shall be graded to elevations appropriate for seasonal ponding, which would encourage the colonization and growth of wetland plant species. Seasonal wetland establishment would be most successful where an impervious layer occurs naturally or is created. If the Corps determines that seasonal wetlands occurring in intermittent drainages need to be mitigated, seasonal wetlands shall be recreated at a ratio of at least 1:1 on the Lakeville property.
7. Created ponds and vernal pools shall be revegetated with a mix of plant

species characteristic of existing habitat on the project site; seeds of vernal pool species and plugs of emergent marsh vegetation for use in the revegetation effort shall be collected from the project site or nearby areas.

8. The Final Biotic Mitigation Plan shall provide a minimum of 1:1 replacement of all wetland areas affected by the project by those of an equal or higher quality, and shall assure that there shall be no net loss in wetland functions or value as a result of development of the project.
9. The Upper Pond (P-3), and the upland habitat surrounding these wetlands shall be dedicated in an approximate 100-acre mitigation preserve. A total of approximately 8.12 acres of new wetlands shall be created within this primary mitigation area and protected in perpetuity with easements. In addition, approximately 3.6 acres of wetland/pond habitat will also be created (and similarly protected with easements) in other parts of the Lakeville property, bringing the total wetland/pond/willow scrub replacement amount to 11.72 acres. Mitigation ponds shall be created on the adjacent Lakeville property before existing ponds on the Raceway site are filled. Mitigation Measure 3.2.3-2

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#### Impacts to Wildlife

10. The project sponsor shall have a qualified wildlife biologist conduct preconstruction surveys for burrowing owls on the properties no more than 30 days prior to ground disturbance. If burrowing owls are not found in the impact area or buffer zone during those surveys, there is no impact and no further action is required. If owls are found to occupy the site or buffer zone, the following measures shall be required in consultation with CDFG:
  - a. Occupied burrows shall not be disturbed during the nesting season (from February 1 through August 31) unless the CDFG verifies that the owls have not yet begun egg-laying and incubation or that the juveniles are foraging independently and are capable of independent survival.
  - b. A minimum of 6.5 acres of foraging habitat contiguous with burrows occupied within the last three years shall be maintained under a conservation easement per pair of burrowing owls (or unpaired resident single bird) found on the site or within the buffer zone. Upon approval of the California Department of Fish and Game and the US Fish and Wildlife Service, the minimum 6.5 acre preserve can be located at an appropriate location on the Raceway site.
  - c. Occupied burrows in the impact area or buffer shall be avoided by not allowing disturbance within 160 feet during the non-breeding season (September 1 through January 31) or within 250 feet

during the breeding season (February 1 through August 31).

- d. If it is not feasible to avoid the burrows and they must be destroyed for project development, disturbance shall occur only outside of the nesting season and after owls have been relocated (preferably passively) to an adjacent or nearby burrow enhancement area in close coordination with the CDFG. In burrow enhancement areas, natural burrows shall be enhanced, as necessary, by enlarging burrows or clearing debris, or artificial burrows shall be created in suitable burrowing owl habitat, both at a ratio of 1:1. A five-year monitoring program shall then be implemented to document successful attainment of the performance criteria set forth below.
  - e. Performance criteria shall include measures to ensure that no owls are killed or injured, no nests or eggs are destroyed, taken, or possessed, and that no disturbance occurs that results in nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young). Any of these circumstances are defined as illegal "take" under both Federal and State migratory bird treaty laws. Mitigation Measure 3.2.3-5
11. An Endangered species take permit shall be obtained for impacts to the California red-legged frog (CRLF) and its habitat prior to approval of any permits for grading or construction in the CRLF habitat area. This permit would be obtained via Section 7 or Section 10 of the Federal Endangered Species Act.
- a. Mitigation shall include dedication of the upper pond on the Lakeville property and approximately 100 acres around this pond as compensation for loss of the little pond and other wetlands. A CRLF management plan and predator control plan for the upper pond shall be prepared as part of the Final mitigation plan. A monitoring program shall also be implemented. Finally, as explained under Condition III.R.9, new wetlands shall be constructed within the preserve that shall compensate for impacts to wetlands and CRLF habitat. Created wetlands shall also be managed for CRLF and shall be monitored for a minimum of five years, or as determined by USFWS. Mitigation Measure 3.2.3-7
12. Removal of trees, shrubs, or grassland vegetation shall avoid the February 1 through August 31 bird nesting period. Species of concern include, but are not limited to, California horned lark, loggerhead shrike and tricolored blackbirds. If it is not feasible to avoid the nesting period, a survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than 2 weeks prior to removal of trees, shrubs, or grassland vegetation for construction of the project or grading for preparation of mitigation sites. The area surveyed shall include all construction and



mitigation sites, access roads, and staging areas, as well as the areas within 100 feet outside the boundaries of these areas. If bird nests with eggs or young are found, no construction shall occur within 100 feet of these nests for at least two weeks or until the young have fledged, whichever is later. Mitigation Measure 3.2.3-6

13. If work on the proposed project would occur during the months of April through July, a qualified wildlife biologist shall conduct a preconstruction survey for nesting California horned larks in the 30-day period prior to construction. If nesting California horned larks are found on the project site, a 500-foot buffer shall be established around the nest site(s), and no grading or construction activity shall occur within the buffer zone until it is determined by a qualified wildlife biologist that the young have fledged, typically by July. Mitigation Measure 3.2.3-6
14. If work on the proposed project would commence during the months of April through July, a qualified wildlife biologist shall conduct a preconstruction survey for nesting tricolored blackbirds in the 30-day period prior to construction. If nesting tricolored blackbirds are identified on the project site during this spring nesting survey, a 500-foot buffer from the nesting colony shall be established and fenced with high visibility construction fencing. Earth-moving activity and vegetation removal shall not be allowed within the buffer zone until it has been determined by a qualified wildlife biologist that the young have fledged (typically by June). In addition, suitable tricolored blackbird nesting habitat shall be constructed as part of any wetlands mitigation plan implemented for the project. Mitigation Measure 3.2.3-6
15. The project sponsor shall take preemptive steps to ensure that the northern harrier nesting location at the downhill margin of Seep 2 is protected from raceway activities. To prevent accidental human disturbance, Infineon Raceway will install a permanent chain-link fence at the toe of the slope along the edge of the existing parking lot. No restrictions on activities in the parking/storage area are warranted since the northern harriers nested successfully this year (and likely in past years) without restrictions. Mitigation Measure 3.2.3-6
16. The 1999 California Tiger Salamander (CTS) survey data shall be submitted by the project sponsor to the CDFG for review and approval. In the event that CDFG requires mitigation to potential impacts to the CTS, all impacts to CTS estivation and breeding habitat on the project site shall be replaced/preserved at a 1:1 ratio. Specifically, for each acre of estivation habitat impacted, one-acre of extant CTS estivation habitat shall be preserved. For each acre of breeding habitat impacted, one acre of extant CTS breeding habitat shall be preserved and/or created in extant CTS estivation habitat. All preservation shall be in perpetuity via a conservation easement. Mitigation Measure 3.2.3-8

- S. Construction plans shall include the following noise attenuation features:
1. A solid barrier at least 18 feet in height originating southeast of and contiguous with the relocated Trackside Tower and extending southeastward between the pit access approach from Turn 10 and the revised Service Road adjacent to SR 121. An 18 foot high barrier is required near the northwest end of this barrier to adequately mitigate noise from the proposed Legends oval -- see Table 3.2.5-10 and Figure 3.2.5-2 in the 1999 Draft EIR. Further to the southeast, the 18-foot barrier height would be just great enough to interrupt the line of sight between most of Turn 11 and the Donnell-Faggioli residence. The barrier shall extend at least as far south as the entry to the reconfigured Turn 11. This barrier would also further attenuate noise from any drag racing "burnout" activity that might occur near the southeast end of the paved drag strip surface. Mitigation Measure 3.2.5-1(i)
  2. An eight-foot high earthen berm just outside of the northeast and northwest edges of the proposed South Tenant Shops to reduce the intrusion of go-kart noise into the shop area. (See Figure 3.2.5-3, 1999 Draft EIR) Mitigation Measure 3.2.5-1(j)
  3. An eight-foot high earthen berm just outside the northeast and northwest portions of the proposed go-kart track to attenuate noise from go-kart vehicles towards off-site noise-sensitive locations.
  4. The exposure of any vertical or nearly vertical surfaces on the road-course-facing sides of the proposed grandstand structures shall be minimized consistent with preliminary plans. This is particularly important for hillside terrace seating proposed between Turns 2 and 3, between Turns 3A and 4, and near the Start/Finish area. There shall be no vertical elements between a given row of grandstand seating and the rows above and below it, nor shall the "insides" of the vertical rear walls of any grandstands be exposed from the front of the grandstands through a partially open lattice of bench-type seating. Sound-absorption features shall be incorporated into those portions of the road-course-facing (east-facing) facades of the hospitality suites near the Start/Finish area that would not be occupied by windows.
    - a. Sound absorption features might include insulation-backed panels with small surface perforations (for components of the main grandstand structures) and/or carefully-selected alterations in surface shape or degrees of surface roughness that would tend to scatter reflected sound in different directions rather than a single direction or to directly reflect sound further from the nearest off-site land uses. Such treatments have been effectively implemented in many settings, such as interior wall and ceiling applications and exterior sound barriers. However, the degree to which such features could be effectively implemented in the construction of the proposed project grandstands would be limited

by the constraints of the grandstands' structural and functional requirements as well as the outdoor environment to which the grandstands would be subjected. A detailed design review shall be performed by an acoustical engineer to determine which sound absorption strategy would be the most appropriate. A report and evaluation of the design shall be included with the construction plans submitted to PRMD. Mitigation Measure 3.2.5-1(k)

5. Sound absorption features as described in Condition III.S.4a shall be applied to the northeast-facing facades of the tenant shops proposed to be located on either side of the pedestrian bridge just north of the paddock area. These features shall be shown on the construction plans. Mitigation Measure 3.2.5-1(l)
- T. Submit a site health and safety plan to PRMD for review and approval that addresses grading in areas underlain by serpentinite. The plan shall control dust-generating excavation and compaction of this material. The plan shall delineate site monitoring activities deemed necessary during construction (e.g., air quality monitoring), and define personal protection methods to be used by construction workers (e.g., respirators). Mitigation Measure 3.2.1-4
- U. Prior to the issuance of building permits for any underground tanks, obtain an underground storage tank permit from the Certified Unified Program Agency (C.U.P.A.) or the participating agency. (An operational permit is required after tank installation. A closure permit is required if the tank is not in use.) A copy of a current permit shall be submitted to Project Review Health to verify compliance.
- V. Submit complete plans and specifications to the Environmental Health Division of the Sonoma County Department of Health Services for review and approval for all areas where food and beverages are prepared, stored or handled, and all ancillary facilities. This review is to determine compliance with the California Uniform Retail Food Facility Law.
- W. Consult with the Sonoma County Department of Transportation and Public Works, Refuse Division to secure information on construction recycling options and programs available to contractors and require construction contractors to provide construction waste recycling plans as part of their bids that they develop in consultation with the County. The plans shall be consistent with County Code Chapter 22 and shall include the amount of recycling they would achieve for different materials, the methods they would use, and the measures they would use to document the accomplishment. Mitigation Measure 3.1.3-6
- X. The following features of the proposed Master Plan are necessary to mitigate traffic and circulation impacts and must be shown on project plans and constructed as part of the Master Plan development:
  1. Widening of Gate 1 and relocation of ticket booths at least 600 feet west of SR 121.

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2. Installation, by June 30, 2006, of a traffic signal on SR 121 at Gate 1.
3. A new access gate on SR 121 (Gate 7).
4. A new southbound left turn pocket on SR 121 for access to Gate 4.
5. Construction of a new three to six lane ring road running from Gate 7 to the SR 37 westbound on-ramp.
6. Construction of a new gate at Lakeville Highway as specified below.
7. Improvements which ensure enhanced, at-grade pedestrian flow across SR 121 between the Raceway and Gates 2 and 3 at the southern end of the 53-acre parking area east of SR121, including but not limited to:
  - a. Maintained perimeter fencing along the eastern perimeter of the Raceway and along the western perimeter of the 53-acre lot.
  - b. Four roving security guards to enforce no-crossing rule except at gates.
  - c. CHP officer control of all pedestrian crossings.
  - d. Temporary traffic signals as allowed by Caltrans.
8. Grading and leveling of on-site parking areas as shown on the approved plans.

Some of these improvements require approval of an encroachment permit from Caltrans. In the event that the project sponsor is unable to obtain the necessary approvals to construct such improvements, a modification to this Use Permit will be required, including any necessary environmental review of such modifications.

- Y. Project plans shall include the following improvements related to use of the Lakeville Gate, unless and except as modified by PRMD and DTPW based upon the analysis of videotape records of traffic flow at this gate during the June, 2005, NASCAR event, and all of which shall be completed by June 30, 2006:
1. The northbound shoulder shall be widened to a minimum width of 12 feet extending 600 feet north and 600 feet south of the Gate. This shall be used to create a temporary right-turn lane for inbound traffic and a right turn merge lane for outbound traffic.
  2. The southbound shoulder shall be widened to a minimum of width of 12 feet extending 600 feet north and 600 feet south of the gate. The widening north of the gate will allow the left-turn pocket to be lengthened for inbound traffic and allow use of the shoulder as a through-traffic lane. The shoulder through-traffic lane will have a 10-foot travel lane and a two (2) foot shoulder. The widening south of the gate will allow a temporary left turn receiver lane to be established for outbound traffic.
  3. The gate shall have a minimum of five (5) full lanes to provide two right-turn lanes in, two left-turn lanes in and one outbound lane when the gate is open for inbound traffic and two right-turn lanes out, two left-turn lanes out and one inbound lane when the gate is open for outbound traffic. This five lane configuration shall extend for a distance of at least 500 feet from the centerline of Lakeville Highway.
  4. The will-call ticket booth shall be located at least 200 feet from the Lakeville Gate, and shall have its own driveway and parking facility to separate will-call traffic from other on-site traffic. This facility and its

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ancillary driveway and parking facilities shall be designed to minimize the impact on the flow of other traffic and thereby reduce the possibility of queuing that will disrupt the flow of through-traffic on Lakeville Highway.

- Z. Obtain encroachments permit for all work within the Caltrans and County rights-of-way.
  - AA. The Raceway shall offer to the Sonoma County Agricultural Preservation and Open Space District an open space easement covering those lands on the Lakeville property currently covered by a scenic easement and the large mountain located southwest of the racetrack on the Raceway property. Permitted uses within the open space easement shall be limited to the uses approved under this Master Plan for the Lakeville property, habitat conservation and management, agricultural activities, the existing radio repeater facility on the Raceway property, and the uses allowed by Condition VI, YY. The existing scenic easement shall be rescinded and superseded by the open space easement described in this condition.
  - BB. The Raceway shall dedicate to the Sonoma County Agricultural Preservation and Open Space District an open space easement covering the 53-acre parcel on the east side of Highway 121. Permitted uses within the open space easement shall be limited to Raceway overflow parking as permitted under the terms of this use permit, and ancillary uses as identified in Condition II.3.a.i.
- IV. Conditions to be met prior to use of the new facilities. Prior to final occupancy clearance and use of the Master Plan facilities authorized by this permit, the following conditions shall be met:**
- A. A comprehensive Incident Action Plan shall be submitted to PRMD and the Sonoma County Department of Emergency Services for review and approval. The IAP shall meet the requirements set forth in Attachment D. In addition to these requirements, the Raceway shall work with the Sheriff Department and Department of Emergency Services to develop an RV parking program for all RV parking areas that facilitates locating people in the event of an emergency and ensures the maintenance of proper fire lanes. The project sponsor shall reimburse DES for the costs associated with preparation and review of the IAP. Mitigation Measure 3.1.3-1
  - B. All landscaping shown on the approved landscape plan shall be installed. This shall include, without limitation, landscape screening for the freestanding grandstands/hospitality suites with plant materials as provided for in the approved landscape plan. Irrigation shall be provided for all landscaping with uncontaminated water. Mitigation Measure 3.1.5-2
  - C. The erosion control professional shall prepare an "as built" erosion and sediment control facility map, to be filed with the County, showing details of the permanent elements of the plan and providing an ongoing operating and maintenance schedule. Mitigation Measure 3.2.1-3D

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- D. Prior to operation of the new domestic water system, the project sponsor shall provide to Project Review Health the bacteriological results of a sample of on-site well water tested by a State-certified lab. If the analysis shows contamination, the project sponsor will be required to treat the well water per County requirements and re-test the well.
- E. Prior to operation of the new domestic water system, the project sponsor shall obtain an updated water supply permit or letter of clearance from the State Health Department, Office of Drinking Water. A copy of the approval letter or updated permit shall be submitted to Project Review Health to verify clearance.
- F. Prior to operation of the new wastewater system, all inspections required by the San Francisco Bay Regional Water Quality Control Board shall be completed and a clearance letter from the RWQCB shall be submitted to Project Review Health to verify compliance.
- G. The project sponsor shall comply with hazardous waste generator laws and AB2185 requirements and obtain a permit or approval from the C.U.P.A. or the participating agency. The applicant shall submit a copy of a current permit or approval letter to Project Review Health to verify compliance.
- H. Prior to operation of any food services or sales, an annual Department of Health Services Food Industry Permit must be obtained and a copy of a current permit submitted to Project Review Health to verify compliance.
- I. Trash enclosures and containers shall meet current standards of the County and State. For review and approval, contact Environmental Health (525-6546).
- J. Any required permits for existing tire disposal areas on the Lakeville Property shall be obtained from the California Integrated Waste Management Board.
- K. The proposed design for the new PA system shall be submitted to PRMD for review and approval. The new system shall be designed in consultation with an acoustical specialist and shall minimize PA-generated noise levels at off-site noise-sensitive land uses during race events. Design features consistent with this goal may include positioning PA speakers for the spectator areas near Turns 8 through 10 to maximize the effectiveness of the grandstand structure/berm as a barrier to propagation of PA system noise to off-site residences, and, where such positioning is not practical, directing speakers away from those land uses. Mitigation Measure 3.2.5-1(e)
- L. All facilities shall be constructed in accordance with the approved plans.
- M. The noise attenuating features listed in Condition III.S and the traffic and circulation improvements specified in Condition III.X & Y shall be constructed.
- N. Infineon Raceway shall cooperate with the Sonoma County Water Agency in

efforts to transfer ownership of the wastewater facilities to the Raceway, including joining with SCWA in initiating proceedings with Sonoma LAFCO for the transfer, and supporting any actions of Sonoma LAFCO and the Board of Supervisors necessary to accomplish the transfer. In the event that ownership of the wastewater treatment, storage and disposal facilities has not been transferred to the Raceway, a lot line adjustment shall be required to ensure that the relocated facilities are located on property owned by SCWA. The wastewater treatment, storage and disposal facilities shall be used only for the Raceway operations and shall not be used for any other properties or developments.

- O. All lighting improvements shall be installed according to the approved plans and conditions.

**V. Conditions to be met during construction of the Master Plan facilities:**

- A. An archaeologist shall be present during any construction activities that involve the potential exposure of archaeological deposits below existing asphalt, buildings, terrain, landscaping, etc. The archaeologist will need to have the ability to temporarily redirect construction activities away from any potentially important discovery, especially from human remains. Any exposure of intact cultural deposits will require investigation to establish their integrity and archaeological importance. The extent and contents of suspected intact deposits will have a direct bearing on the amount of time that will be necessary to complete an evaluation. Should archaeological resources be discovered during construction operations, development related impacts to important prehistoric archaeological sites shall be mitigated by the following alternatives.
  - 1. Avoidance of archaeological sites through modification of development plans that shall allow for the preservation of the resources. Incorporation of site locations into protected open space shall serve this purpose.
  - 2. Covering or “capping” sites with a protective layer of fill. This could be a very good way of mitigating potential impacts in situations where public access may be increased as a result of development. Archaeological monitoring during the filling process shall be recommended.
  - 3. In circumstances where archaeological deposits cannot be preserved through avoidance or capping, data recovery through excavation shall be the recommended plan. This measure shall consist of excavating those portions of the sites that would be adversely impacted. The work shall be accomplished within the context of a detailed research design and in accordance with current professional standards. The program shall result in the extraction of sufficient volumes of archaeological data so that important regional research considerations can be addressed. The excavations shall be accomplished by qualified professionals and detailed technical reports shall result. Mitigation Measure 3.1.6-1
  - 4. If human remains are discovered, all work in the area of the discovery

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shall stop and the County Coroner shall be notified, as required under the Health and Safety Code. If the remains are identified as Native American, the provisions of Public Resources Code Section 5097.98 shall be followed.

- B. Prior to demolishing or renovating any building or structure, it shall be inspected by an appropriate environmental professional (e.g., a Registered Environmental Assessor) to determine the presence of asbestos, PCBs, mercury, or lead. If any of these materials are identified, local regulatory agencies (i.e., Sonoma County Department of Environmental Health Services, Sonoma County Water Agency Industrial Waste Section and Bay Area Air Quality Management District) shall be notified and any requirements of those agencies shall be followed. Mitigation Measure 3.1.7-1b
- C. As directed by any regulatory agencies notified in accordance with Conditions V.E and V.B, remediation plans shall be developed that shall specify measures to be taken to protect workers and the public from exposure to specific hazards. An appropriate environmental professional (e.g., a Registered Environmental Assessor, industrial hygienist) shall certify that any proposed remediation plans protect human health and are consistent with federal, state, and local requirements as implemented by agencies overseeing the clean-up efforts. Prior to commencing any clean-up work, site safety plans shall be prepared and implemented in accordance with guidance from the National Institute for Occupational Safety and Health and the U.S. Occupational Safety and Health Administration as set forth in Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities. Mitigation Measure 3.1.7-1c
- D. Special precautions for construction workers and people at the Raceway shall be provided during grading in serpentinite, consistent with the health and safety plan required pursuant to Condition III.T.
1. The Bay Area Air Quality Management District shall be notified prior to the start of excavation in areas underlain by serpentinite (see Section 3.2.4, Air Quality, for additional information regarding air quality).
  2. Serpentinite material shall not be removed from the site. Serpentinite material exposed by excavation or placed as fill shall be buried sufficiently to preclude erosion by wind or surface water runoff (e.g., rilling or gullyng), or exposure to future human activities such as landscaping or shallow trenching for utility lines. Mitigation Measure 3.2.1-4
- E. Upon replacing the existing wastewater treatment and storage facilities, residual sewage sludge in the existing ponds shall be evaluated by an appropriate environmental professional (e.g., a Registered Environmental Assessor) to determine its characteristics. The sludge shall be removed and disposed of in a manner consistent with applicable laws and regulations in consideration of its determined characteristics. When the sludge is removed, an appropriate



environmental professional shall evaluate the underlying soil and groundwater to determine whether, and to what extent, soil and groundwater at the ponds have been contaminated. If contamination is found, local regulatory agencies (i.e., Sonoma County Department of Health Services, Sonoma County Water Agency and San Francisco Bay Area Regional Water Quality Control Board), shall be notified and the requirements of these agencies shall be followed. Mitigation Measure 3.1.7-1a

- F. The potential establishment and expansion of exotic plant species into newly-graded areas shall be minimized by seeding disturbed areas with a native grassland mix applied in conjunction with mulch and tackifier as soon as grading activities are completed. With the exception of turf grasses, landscaping within wetland and riparian mitigation areas on the site shall be comprised entirely of native California species. Native California species found elsewhere on the site, consisting of ground covers, shrubs, and trees appropriate to Sonoma County and the project vicinity, shall be utilized to the extent practicable (see Figure 2-5, Proposed Landscape Plan, in Section 2, Project Description). Appropriate native species may include trees such as oaks, cottonwoods, and willows; native shrubs such as toyon, coffeeberry, ceanothus, and manzanita; and low-growing varieties of coyote brush (var. 'Twin Peaks'), manzanita, and ceanothus for ground covers. Native species which provide foraging opportunities for wildlife shall be included in the planting plan. Project landscaping shall avoid areas where native grassland and willow scrub occur. Mitigation Measure 3.2.3-10
- G. Dust emissions from construction-related activities shall be reduced by implementing control measures. The BAAQMD has identified a set of feasible PM<sub>10</sub> control measures for construction activities, which are shown below. Mitigation Measure 3.2.4-1
1. Basic Control Measures. The following controls shall be implemented at all construction sites:
    - a. Water all active construction areas at least twice daily.
    - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
    - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
    - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
    - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  2. Enhanced Control Measures. The following measures shall be implemented at all construction sites greater than four acres in area:
    - a. All "Basic" control measures listed above.

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- b. Hydroseed or apply soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - c. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
  - d. Limit traffic speeds on unpaved roads to 15 mph.
  - e. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - f. Replant vegetation in disturbed areas as quickly as possible.
3. Optional Control Measures. The following control measures shall be implemented at the discretion of PRMD at active large construction sites in the event that the previous control measures fail to reduce dust emissions off-site and nuisance effects are observed or on-site dust emissions violate ambient air quality standards:
- a. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph and visible dust plumes are generated.
  - b. Limit the area subject to excavation, grading and other construction activity at any one time.
  - c. Prohibit construction equipment from idling at portions of construction areas adjacent to sensitive receptors.
- H. Noise-generating construction activities shall be prohibited between the hours of 7 p.m. and 7 a.m. Mitigation Measure 3.2.5-3
- I. All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications. Mitigation Measure 3.2.5-3
- J. During the installation of the erosion and sediment transport control structures, an erosion control professional shall be on the site full-time to supervise the implementation of the designs, and the maintenance of the facilities throughout the demolition, grading and construction period. Mitigation Measure 3.2.1-3C
- K. Ponds P-1 and P-2 shall be protected during site grading and construction until such time as the biotic mitigation plan is implemented. Protection shall include fencing or other types of barrier to prevent personnel and equipment access into the ponds. Mitigation Measure 3.2.3-7
- L. Construction traffic shall be controlled in accordance with the construction traffic management plan approved under Condition III.F.
- M. The project sponsor shall commence the planting of the trees and shrubbery to be used as screening as soon as practical after site grading is complete except where such plantings would adversely affect the construction activities on the site. Any plantings delayed due to construction activities shall be completed as

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soon as feasible after construction.

- N. A paleontologist or other qualified professional shall be present during initial phases of grading during which bedrock (Petaluma or Wilson Grove formation) materials are excavated. An inspection shall be made after overlying soils have been removed and bedrock is exposed. If paleontological resources are found, excavation in the immediate vicinity shall cease long enough to allow recovery of the resources. Materials that are recovered shall be curated at the nearest designated scientific repository. Based on the results of the inspection, the paleontologist shall develop a monitoring plan for the remainder of the excavation, and the monitoring shall be incorporated into the grading and construction schedules.

**VI. Operational Conditions:**

Event and Attendance Limits

- A. Weekend events (Friday, Saturday and/or Sunday) shall be limited to no more than 51 weekends per year consisting of no more than 153 event days per year. Attendance on weekend events days shall be limited based on the total acreage used for parking to limit the number of vehicles coming to the site, including participants and spectators (but not including race vehicles), as follows:

Maximum Acres of Parking	Corresponding estimated attendance	Days per year
132.1 to 276	up to 115,000	1
84.1 to 132	up to 55,000	3
60.1 to 84	up to 35,000	2
48.1 to 60	up to 25,000	1
27.7 to 48	12,001 to 20,000	2
23.1 to 27.6	10,001 to 12,000	2
18.5 to 23	7,501 to 10,000	6
10.5 to 18.4	4,501 to 7,500	11
4.7 to 10.4	2,001 to 4,500	20
2.3 to 4.6	1,000 to 2,000	65
less than 2.3	less than 1,000	40

1. Notwithstanding the limitations based on parking utilization, the maximum attendance on any event day shall not exceed 115,000 persons, including spectators, participants and staff.
- B.
1. "Wednesday night S.P.O.R.T. drag races" shall be limited to no more than 32 Wednesdays per year. The number of vehicles at these events shall not exceed 600, including participants and spectators.
  2. The summertime, weeknight (Monday, Tuesday, Wednesday, or Thursday) series of on-track, bicycle races shall be limited to a maximum of one night per week during the period May to September. Maximum attendance at these events, including participants and spectators, shall not exceed 1400.

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- C. On or before December 31 of each year, Infineon Raceway shall provide PRMD with a list of scheduled event days for the coming year, including a graphic depiction and area calculation of the parking areas to be used for each event day. Infineon Raceway shall monitor parking utilization on all weekend days where attendance is anticipated to be greater than 12,000 persons. PRMD staff shall be granted access to the Raceway at all times to monitor compliance with attendance limits. The results of this monitoring shall be reported to PRMD monthly, no later than 30 days after the end of the preceding month and shall also be reported to PRMD annually, no later than January 31 of each year, for the preceding year. The Planning Director may require monitoring of parking utilization at events where attendance is anticipated to be less than 12,000 persons if there is credible evidence to indicate that the limits set forth in this condition have been exceeded.

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Traffic and Circulation

- D. Infineon Raceway shall prepare and submit a traffic management plan, including lane delineation, signage plans and event attendance, to the County and Caltrans on an annual basis. The plans shall accurately depict the delineation, signage and traffic management strategies to be used for each of the planned events. These plans shall be approved by the County and Caltrans prior to their use in the field.
- E. To help assign right-of-way to project and non-project traffic, the project sponsor shall hire CHP officers or flaggers to control the SR 121/Gate 1 intersection before and after event days with 12,000 or more attendees. These officials shall coordinate with officers at other gates (such as on Lakeville Highway) to direct attendees to the least congested locations for entering and exiting the area. Mitigation Measure 3.1.2-1a
- F. For event days with an anticipated attendance level of 12,000 attendees or greater, the project sponsor shall include flyers with the sale of tickets informing spectators of alternate routes to and from the project site. Flyers like these, directing spectators to alternate routes, gates and parking areas, are currently provided on major event days. The project sponsor shall widen this program to include smaller events. Mitigation Measure 3.1.2-1b
- G. New changeable message signs shall be used at the following locations:
1. On SR 37 eastbound west of Lakeville Highway directing spectators to the Lakeville Gate (only for events days with 18,000 or more attendees),
  2. On Lakeville Highway north of the Lakeville Gate directing spectators to the Lakeville Gate (only for events days with 18,000 or more attendees),
  3. On SR 121 north of Gate 7 to direct spectators to Gate 7,
  4. On SR 116 near Highway 101 directing spectators to the Lakeville Gate

(only for events days with 18,000 or more attendees), and

5. At the intersection of Lakeville Highway and Stage Gulch Road directing spectators to the Lakeville Gate (only for event days with 18,000 or more attendees). Mitigation Measure 3.1.2-1c

Changeable message signs shall be temporary and shall be removed as soon as practical after the event for which they are used.

- H. To help traffic efficiently enter and exit from the site, an on-site signing program shall be implemented and maintained to notify patrons of the locations of various parking areas and exit gates. The direct on-ramp to westbound SR 37 and the Lakeville Gate shall be emphasized in this program to alleviate congestion on SR 37 and SR 121. Mitigation Measure 3.1.2-1c
- I. For event days with 35,000 or more attendees, variable message signs shall be placed on SR 121 and SR 37 a minimum of three days but no greater than five days prior to the events (unless a greater time is mandated by a state agency) to provide advance warning to motorists. Motorists shall be advised to avoid these roadways and use alternate routes on event days. Such signs shall be placed on Lakeville Highway three days prior to any events days with 18,000 or more attendees. Signs on Lakeville Highway shall be placed at appropriate locations along the road from Petaluma to the Lakeville Gate to provide adequate notice to motorists. At least one sign shall be located west of Frates Road. The changeable message signs shall be temporary and shall be removed as soon as practical after the event for which they are used. Mitigation Measure 3.1.2-1d
- J. For events days with 55,000 or more attendees, the project sponsor shall implement several additional measures. First, the sponsor shall coordinate and implement a charter bus program for spectators in the San Francisco/Oakland and Sacramento metropolitan areas. The program could be promoted through promotional brochures and informational packets included with ticket sales. Reduced parking fees for early arrivals shall also be implemented to encourage early arrivals and help spread out the peak periods of congestion prior to events. Mitigation Measure 3.1.2-1e In addition, the project sponsor shall, where feasible, coordinate with local transit agencies, such as Golden Gate Transit, to provide a shuttle system to the Raceway from nearby park-and-ride lots.
- K. An on-site Traffic Management Center shall be developed to aid in the collection of real-time traffic data and provide a central location for traffic management to be performed. Data could be fed to the center from site officials at each of the gates and at other strategic on and off-site locations. A dedicated radio channel shall be made available for the center's personnel to communicate on. Based on data collected through this network a manager stationed in the center could coordinate and make changes to the access/egress strategy (e.g., the manager could instruct officers to direct traffic to the Lakeville Gate if it is being under-utilized compared to the other gates). Finally, the Raceway shall continue its program of providing entertainment (such as televisions and concert shows)

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before and after major event days for the purpose of spreading out peak inbound and outbound traffic flows. Mitigation Measure 3.1.2-1f

1. Within six months after the completion of the first full year of operation of the new facilities, the project sponsor shall submit for review and approval by PRMD and DTPW an evaluation of circulation improvements that could be achieved through use of remote controlled traffic signals or other high-tech traffic control devices. If such improvements are found to be economically and technically feasible, as determined by PRMD in consultation with DTPW, the project sponsor shall implement such a system subject to any necessary regulatory approvals, including Caltrans approval.
  2. Infineon Raceway shall investigate the feasibility of connecting their on-site Traffic Management Center with the Caltrans Traffic Management Center in order to facilitate regional coordination. If such connection is found to be economically and technically feasible, the project sponsor shall implement the connection.
- L. To help assign right-of-way to project and non-project traffic, the project sponsor shall also hire CHP officers or flaggers to control the intersection of State Route 37/Lakeville Highway before and after event days with an anticipated attendance level of 35,000 or more. These officials shall coordinate with officers at other gates to direct attendees to the least congested locations for entering and exiting the area. Mitigation Measure 3.1.2-2
- M. The project sponsor shall extend the lane delineation program implemented on SR 121 between Gate 1 and SR 37 during large events to include the 12,000 attendee events days. With this lane delineation two left turn lanes in before events and two right turn lanes out after events are provided at the Gate 1/SR 121 intersection. Mitigation Measure 3.1.2-4
- N. The project sponsor shall continue to provide CHP officers and special lane delineation at the intersection of State Route 121/Gates 4 and 5 during event days with an anticipated attendance level of 35,000 or greater. Mitigation Measure 3.1.2-5. In addition, for those 15 days per year during which the 53-acre parking area east of SR 121 may be utilized for parking, at-grade pedestrian flow across SR 121 between Raceway Gate 3 and Gate 2 at the southern end of the 53-acre parking area east of SR121 shall be enhanced with the following measures:
1. Perimeter fencing shall be maintained along the eastern perimeter of the Raceway and along the western perimeter of the 53-acre lot.
  2. Four roving security guards shall be stationed along this section of SR 121 to enforce no-crossing rule except at Gates 2/3.
  3. CHP officers shall control all pedestrian crossings.
  4. Temporary traffic signals shall be utilized, as allowed by Caltrans.
- O. Special lane delineation shall be used at the intersection of State Route 121/Gate 7 for event days with attendance levels of 35,000 or greater. Prior to events, exclusive southbound right turn and through lanes shall be provided.

The additional right turn lane would be provided on the existing shoulder. After events, two exclusive left turn lanes and a single exclusive right turn lane out of the site shall be coned, subject to approval by Caltrans. All vehicles waiting to turn left shall be queued on site. In addition, CHP officers or flaggers shall be hired to control this intersection before and after events days with an anticipated attendance level of 18,000 or greater. Mitigation Measure 3.1.2-6

- P. To mitigate the impact under the 55,000 attendee scenario, the lane delineation program on SR 121 between Gate 1 and SR 37 shall be extended to include event days of this size. Mitigation Measure 3.1.2-12
- Q. The following conditions shall apply to use of the Lakeville Gate:
1. The Lakeville Gate shall only be open for the nine (9) events days each year with 18,000 or more spectators. Will-call activity for other events shall take place at the main gate to the Raceway located off Highway 121. The Lakeville Gate shall be kept closed when not in use.
  2. Flaggers or CHP shall be hired to manually control Lakeville Highway/Lakeville Gate intersection for both inbound and outbound traffic flow during all hours that the Gate is open.
  3. When the Lakeville Gate is opened to inbound traffic, a temporary right-turn lane extending 600 feet south of the gate shall be established using traffic cones and the road shoulder.
  4. When the Lakeville Gate is opened to inbound traffic, the existing left-turn pocket at the entrance to the gate shall be temporarily be lengthened 600 feet north of the gate by use of the widened shoulder and placement of traffic cones on the existing pocket.
  5. When the Lakeville Gate is opened for outbound traffic, a temporary right-turn merge lane extending 600 feet north of the gate will be established using the shoulder and traffic cones.
  6. When the Lakeville Gate is opened for outbound traffic, a temporary left-turn receiver lane extending 600 feet south of the gate will be established using the shoulder and traffic cones.
  7. The ticket booth will be located approximately 6000 feet east of Lakeville Highway to allow for onsite vehicle queuing and storage.
  8. These requirements are subject to review and modification by the Department of Transportation and Public Works as necessary to correct any deficiencies revealed by actual operation.

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#### Noise Control

- R. In order to control peak noise levels from race events, restrictions are hereby placed on race vehicles. For all events and test and practice sessions, race vehicles must:
1. Have a muffler or other noise-limiting device if such equipment has been recommended by the sanctioning body for the event in which the vehicle participates; and



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2. Demonstrate by field measurement that the vehicle does not exceed maximum noise levels if such noise levels have been required or recommended by the sanctioning body for the event in which the vehicle participates. The noise equipment to be required and the maximum noise levels to be enforced at this time are as follows:

<b>VEHICLE OR EVENT TYPE</b>	<b>MAX. NOISE LEVEL or EQUIPMENT</b>
NHRA Super Comp, Super Gas, and Super Street Drag	95 dB, measured as specified by NHRA noise emission limits
SCCA Sports Cars	103 dB, measured as specified by SCCA General Competition Rules
Legends/Bandolero	Mufflers as specified in INEX competition rules
NHRA Div 11ET	Mufflers as currently required by Infineon Raceway
Kragen (Weekday Night) Racing Series Street, Sport Street, and High School categories	Mufflers as currently required by Infineon Raceway

3. The summertime evening, on-track series of bicycle races shall be limited to non-motorized bicycles.

These limitations shall be revised as necessary to reflect the most recent requirements and recommendations of the sanctioning bodies. Whenever the appropriate sanctioning body develops relevant noise limits or requirements or recommendations for noise limiting equipment for vehicles or events not represented above, those limitations, requirements, or recommendations shall be considered as requirements for Infineon Raceway vehicles provided they do not exceed the limits represented in the table above or result in an increase in noise levels, and shall be enforced by the Raceway as soon as is practicable.

S. Noise Monitoring Policy

On-site enforcement of noise limits shall be governed by the protocols described in the Noise Monitoring Policy set forth in this Condition S. Noise Monitoring shall continue on a permanent basis at the on-site monitoring station identified in this Noise Monitoring Policy. The Raceway shall email to PRMD all noise data files recorded at this station, in binary (\*.BIN) format, on a monthly basis.

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In addition, an independent noise monitoring process, as described in Condition T, shall be put into place. This noise monitoring shall be conducted by an independent noise monitoring firm selected by County, which shall have no prior affiliation with the Raceway or the Lillys.

1. Road Course Rentals.

All track rental clients staging weekend events on the Raceway's road course shall be required to document competitor compliance with facility noise limits.

A permanent noise monitoring station shall be installed and maintained by the Raceway approximately 50 feet from the primary racing line at Turn 12, just prior to the Start/Finish line, an area where vehicles are typically under full throttle. The noise monitor shall send data to a station in the race control tower from which that section of the track is visible. The racing organization using the track shall be required to post an official at that station during any on-track activity. The official must be in communication, either directly or through the chief race control official, with the flag stand, so that any vehicle observed exceeding the 103 dbA noise limit can be flagged and brought off the track.

Race officials shall be responsible for maintaining a log sheet for each practice or competition session during the time they have use of the track. That log sheet must document the number of noise violations observed during that session and the name, car type and number of any competitor black flagged for a noise violation during that session. These log sheets must be turned in to the Raceway at the conclusion of the track rental event.

Track rental clients who do not comply with these noise monitoring policies shall be given a formal warning at the first offense. Any violation after that formal warning shall result in the organization losing track rental privileges for one year.

2. Wednesday Night Drag Races

A permanent track monitoring station shall be installed and maintained by the Raceway approximately 30 feet from the typical rear exhaust positions for cars at the starting line of the drag strip. Race officials shall observe noise generated by drag racing vehicles as they launch from the starting line. Any vehicle exceeding 115 dbA on the noise meter shall be issued a warning and instructed to make whatever adjustments are necessary to bring the vehicle into compliance. If that same vehicle is observed exceeding the 115 dbA limit a second time, it shall be disqualified for the remainder of the event.

Race officials shall be responsible for maintaining a log sheet for each

Wednesday Night Drag Race session. That log sheet must document the number of noise violations observed during that session and the name, car type and number of any competitor disqualified for a noise violation during that session. Those log sheets must be turned in to the Raceway at the conclusion of the race event.

3. Record Keeping and Reporting

The Raceway shall maintain all noise monitoring data from the permanent noise monitoring station and all log sheets provided by race officials for a minimum of two years. This data shall be made available to county enforcement officials upon request.

PRMD shall process the raw noise data collected at the Start/Finish line monitor in order to calculate daily and weekly noise exposure levels (NELs), and shall prepare an annual report which summarizes the noise data and discusses any trends observed in noise levels at this station. Should this time-series record of Raceway noise suggest increasing noise levels at the Raceway, PRMD shall report these results to the Board so that the Board may consider and impose, as necessary, additional Raceway noise-control measures which prevent the Raceway from becoming noisier over time.

T. Random Testing, Noise Limits, Enforcement, and Event Scheduling

1. Random Testing by Independent Noise Monitor

There shall be three (3) random testing sessions conducted by the independent noise monitor during a three-month period commencing June 7, 2005. If there is any violation of the noise conditions of the Use Permit during this three month period, this monthly testing shall continue until there are three (3) successive months without any violations ("Three Successive Month Testing"). Thereafter, testing by the independent noise monitor shall continue for one (1) year on a random basis. During this one-year noise-monitoring period, noise monitoring shall occur at least once per quarter. In the event that there is any violation during the one-year noise monitoring period, the Three Successive Months Testing shall resume until there is no violation. In the event there are no violations during the one-year noise monitoring period, the noise testing conducted by the independent noise monitor shall cease; provided, however, after such cessation, the Lillys may initiate further random noise testing to be conducted by the independent noise monitor no more than two (2) times per year by written notice to the County. In the event that the Lillys-initiated noise monitoring does not lead to a determination, by a hearing officer from the Office of Administrative Procedures of the State of California, of violation of the noise conditions of the Amended Use Permit, the Lillys shall be responsible for the cost of this noise monitor

testing. All other costs of the noise monitoring shall be borne by the Raceway. In the event that a hearing officer is used pursuant to this paragraph, the hearing officer shall apportion costs between the Lillys and Raceway as he or she sees fit. The Lillys and the Raceway acknowledge that the County shall not be required to pay for a hearing before a hearing officer pursuant to this paragraph and that a County-approved hearing officer shall not be used for any such hearing or determination.

2. Determination of Violation

If there is no violation determined by the independent noise monitor, the monitor shall notify the Raceway, the County, and the Lillys of the date of the test and the absence of any violation. In the event that there is a violation, the noise monitor shall notify the Raceway, the County, and the Lillys, in writing, of the basis for the violation, and the Raceway shall have a period of ten (10) days after receipt of the written notice to object in writing to the violation determination. In the event that the Raceway objects, the PRMD Director shall determine whether or not there was a violation of the Use Permit conditions based upon the evidence presented by the independent noise monitor, the Raceway, and any other interested party.

3. Duration of Testing

The independent noise monitor shall conduct testing set forth in Condition T.1. for a minimum period of four (4) hours, including pre-race testing during any testing session other than drag race testing. With regard to drag race testing, the minimum testing session conducted by the independent noise monitor shall be for a period of two (2) hours.

4. Noise Limits for Event Weekends

There are 51 weekends on which events can be staged. Thirty-five (35) of those weekends shall be subject to specific noise limitations. For twenty-five (25) of those weekends noise shall be limited to a maximum of 103 dbA, as measured at the permanent noise meter installed at the drag strip starting line. For these weekend events that maximum shall be lowered to any limit imposed by the club utilizing the facilities for that weekend. The club limit shall be utilized as the maximum if lower than 103 dbA, even if the club rules have a savings clause in its rules allowing higher limits if tracks so allow. For the other ten (10) weekends of the thirty-five (35), noise shall be limited to ninety-six (96) dbA. The Raceway shall contact all track rental clients in advance to notify them of the noise limits and that repeated violations will cause them to forfeit their rights to rent the facility.

On or before December 31 of each year, the Raceway shall provide the

County with a list showing all scheduled weekend events for the coming year, listed by weekend noise category (unrestricted, 103 dbA, or 96 dbA). Should there be changes to the schedule of weekend events during the year, the raceway shall provide the County with a revised, weekend noise-category table within 30 days.

5. Noise Limits for Russell Racing School

The noise limit for all Russell Racing School activities, other than those covered above, shall be ninety-six (96) dbA measured at the permanent noise monitoring station described in Condition S. The noise limits described in Condition S shall apply to all Russell Racing School activities, however, it is recognized that under existing conditions, Russell Racing School cars will occasionally backfire and such occasional backfiring may cause an incidental spike in noise, which exceeds the noise limits described herein. Occasional exceedances of the noise limits described herein caused by Russell Racing School car backfiring shall not be deemed a violation of the noise limits contained in the Use Permit.

6. Noise Limits for Wednesday Night Drag Events

The Raceway shall continue to enforce the muffler requirements. The maximum noise limit for Wednesday Night Drags shall be one hundred fifteen (115) dbA, measured in accordance with the Noise Monitoring Policy described in Condition S.

7. Other Noise Conditions

The noise limitations and requirements in the Use Permit shall not be modified in any manner that would result in greater noise off-site or less monitoring of the noise environment.

8. Interpretation of NE-2 Noise Limits

For all applications required by the Use Permit, NE-2 noise limits shall be interpreted as provided in the currently adopted General Plan and shall include the adjustments for ambient noise levels and impulsive noise levels.

U. Use of the go-kart track shall conform with the following:

1. Noise from the go-kart track shall conform with the standards in Table NE-2 of the General Plan.
2. All go-karts shall be equipped with mufflers.

V. Use of the "Legends" oval track shall conform with the following:

1. All vehicles operated on the proposed Legends oval shall be equipped with noise-attenuating exhaust mufflers meeting the requirements of INEX (the international sanctioning body for Legends and Bandolero

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- racing) as indicated in Section 32 (“Mufflers”) of their racing rules.  
    Mitigation Measure 3.2.5-1(a)
2. Noise from the “Legends” track shall conform with the standards in Table NE-2 of the General Plan.
- W. Maintain the average annual duration of NASCAR Winston Cup testing sessions and any existing testing of premier drag racing vehicle classes (e.g., Top Fuel and Alcohol Dragsters and Funny Cars, and Pro Stock vehicles) at or below existing levels, and do not add testing of other racing vehicles participating in major national race series’ (e.g., NASCAR Trucks) without a compensatory decrease in the average annual duration of testing of some other national-class category or racing vehicles. Mitigation Measure 3.2.5-1(d)
- X. The PA system shall be installed and operated in a manner consistent with the approved system design, as specified in Condition IV.K.
- Y. Particularly noisy non-race activities (e.g., military jet overflights, pyrotechnics displays, exhibitions) shall be limited to no more than two events and two days per year, with the number of occurrences and noise levels at off-site receptors not to exceed those documented/estimated in the Infineon Raceway Noise Monitoring Studies: NASCAR Winston Cup Event, June 28, 1998 report for the day with the loudest non-race activities (i.e., those generating highest peak levels at off-site receptors), and the noise levels for the second of these days not to exceed the duration and/or intensity of the non-race activities that occurred during the 1998 Festival of Fire (e.g., fireworks, jet-powered dragster exhibitions). Mitigation Measure 3.2.5-1(g)
- Z. The racing school shall continue using exhaust mufflers on all vehicles. Racing school vehicles shall not be converted to substantially more powerful and/or less effectively noise-suppressed vehicles. Mitigation Measure 3.2.5-1(h)
- AA. All racing and race vehicle activities shall occur within the hours of 8:00 a.m. to 7:00 p.m., with the following exceptions:
1. The Wednesday night S.P.O.R.T. drag races must conclude by 10:00 p.m.
  2. The two major weekend drag racing events, the NHRA Autolite Nationals and the “Festival of Fire”, may each have one day where racing is allowed to 10:00 p.m.
  3. Racing events which are delayed due to circumstances beyond the control of Infineon Raceway may be completed after 7:00 p.m. provided, however, that such exceedences do not occur more than three (3) times per year and all racing shall conclude no later than 10:00 p.m.
  4. The Legends race events may take place in the evenings no more than 12 days per year provided they comply with the restrictions set forth in Section VI(V) above and conclude by 10:00 p.m. Continuation of this evening use shall be subject to confirmation by the Board of Supervisors at the time of the Use Permit Review required under Section VIII of these Conditions of Approval.

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5. The summertime series of on-track bicycle races may take place in the evening provided they comply with the restrictions set forth in Sections VI (B) and (R) above, and do not use artificial lighting, and conclude by 8:30 p.m.
- BB. A maximum of 22 weekend drag racing event days and 7 days of drag race testing are allowed per year.
- CC. All non-racing activities, except as noted in Condition VI.Y, shall comply with the noise limits in Table NE-2 of the General Plan.
- DD. All racing and vehicle uses shall be conducted on the road track, go-kart track, "legends" track or drag strip, with the following exceptions:
1. One weekend off-track motorcycle event is allowed per year.
  2. A maximum of two off-track non-motorized racing events may be allowed per year.
  3. No permanent off road track for motorized vehicles shall be created for any of the events listed above. Permanent off road bicycle and running trails are permitted throughout the raceway property subject to review and approval by PRMD staff.
  4. No motorized off-track events shall occur on the Lakeville property. The Lakeville and (APN 068-100-024 and 037 through 061) and Cougar Mountain (APN 068-150-056) properties may be used for one annual non-motorized off-road bicycle and running event.
- EE. With input from representative pilots participating in the various categories of event-related aircraft activities near the Raceway, and with assistance from an independent source with expertise in small aircraft operations, the Raceway shall develop noise abatement recommendations for such pilots to be used in the vicinity of the Raceway on major event days. These recommendations shall be distributed to pilots and aircraft operators in the form of a published brochure. Such measures shall include limiting minimum slant (straight-line diagonal) distances to the off-site residences most affected by overall Raceway noise to more than 4000 feet and slant distances to the Roche Winery to more than 2000 feet. Any such recommendations must be consistent with Federal Aviation Administration (FAA) requirements and must not compromise pilot/passenger safety. The recommendations shall also include limiting flights to between 7 a.m. and 10 p.m. Mitigation Measure 3.2.5-1(f)
1. Distance limits could be presented in graphic form by indicating avoidance areas using concentric circles around key receptors on a site vicinity map, with each circle representing the avoidance area, in terms of horizontal distance, for a different altitude. Alternatively or in addition, such a map could show specific flight corridors consistent with these limits and most suitable for the various categories of race-related aircraft activities described below.

- (1) Telemetry Aircraft. A single helicopter typically operates

over the Raceway during the NASCAR Winston Cup race to facilitate the transmission of telemetry data between race vehicles and team support staff. The Raceway shall require the sanctioning organization to ensure that the noise abatement guidelines are adhered to as a condition of hosting the event.

- (2) Media Aircraft. Full media access for ground-based cameras and use of the on-site helipad shall be conditioned on media aircraft following the “good-neighbor” guidelines discussed above.
- (3) Other Helicopters That Use the Raceway’s Helipad. Pilots who regularly use the on-site helipad shall be provided with recommended noise abatement measures in advance of major events or while on site during events. Any pilots who have been thus notified and who repeatedly ignore noise abatement recommendations for reasons other than legitimate safety considerations shall be informed that they will no longer be welcome to use the helipad in the future if recommendations continue to be ignored, with landing privilege ultimately suspended or revoked if necessary. Use of the on-site helipad for spectator sight-seeing flights is not allowed.
- (4) Banner Advertising Aircraft. Banner aircraft operators that most regularly advertise during premier Raceway events shall be identified and provided with the noise abatement recommendations.
- (5) Other Aircraft. Informational brochures shall be provided to nearby general aviation airports from which Raceway-bound aircraft flights might depart.

#### Other Operational Conditions

- FF. A safe, potable water supply shall be provided and maintained.
- GG. Toilet facilities shall be provided for patrons and employees.
- HH. All waste receptacles and portable toilet facilities used in the parking area on the east side of SR 121 shall be placed on the site no earlier than 48 hours before a race event for which they will be used and shall be removed from that site no later than 48 hours after the conclusion of such event.
- II. The wastewater treatment, storage and disposal facilities shall be operated and maintained in accordance with the operating permit issued by the RWQCB.



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- JJ. The Raceway shall implement the long term site management and preventive maintenance provisions of the Storm Water Pollution Prevention Plan (SWPPP) approved by the RWQCB.
- KK. All landscaping shall be permanently maintained to ensure survival and growth. Any trees that die shall be replaced with specimens of the same species. Mitigation Measure 3.1.5-2
- LL. The hillside terrace seating areas shall not be irrigated.
- MM. To minimize further deterioration of the riparian corridor on the Lakeville property, livestock grazing in on-site riparian corridors shall be restricted by fencing and watering sites shall be constructed outside of the riparian corridor. Mitigation Measure 3.2.3-1
- NN. Dust suppression measures (e.g., application of soil binding solutions or water) shall be implemented for unpaved, unvegetated or sparsely vegetated parking areas prior to major race events. Mitigation Measure 3.2.4-2
- OO. To prevent wind-blown trash from reaching the nearby marshlands the following measures shall be required:
- Ensure that adequate numbers of trash receptacles are located throughout project site, especially areas with high spectator volumes.
  - Empty trash receptacles before (if necessary), during, and immediately after raceway events.
  - Regularly collect trash that has accumulated along fences around the project site, especially the fence along Highway 121.
  - Prohibit the use of light plastic bags and cellophane wrap as packaging for food and other goods. Mitigation Measure 3.2.3-3
- PP. Provide incentives (e.g., reduced use fees) for go-kart track users who bring their own go-karts to use vehicles equipped with 4-stroke rather than 2-stroke engines. Mitigation Measure 3.2.4-2

Other Operational Conditions Related to One, Annual, Four-Day Off-Road Bicycling and Running Event that shall be completed prior to the commencement of the use or any grading or construction of trails on the Lakeville and Cougar Mountain properties:

- QQ. Rare plant surveys shall be conducted on the Lakeville and Cougar Mountain properties in all annual grassland habitats that would be affected by any proposed bicycle and hiking trail alignments associated with an annual off-road bicycle and running event during the appropriate flowering periods for any rare plants in question. The affected area shall be defined as the trail location and the areas within 100 feet of the centerline of the trail. The California Department of Fish and Game's Guidelines for assessing the effects of proposed projects on rare, threatened, and endangered plants and natural communities (December 9, 1983 as Revised May 8, 2000. 2 pps.) shall be strictly followed when conducting the rare plant surveys. It is anticipated that surveys shall be required once per

month from March through July. The results of each rare plant survey shall be submitted to PRMD Project Review staff for review and approval prior to commencement of any grading for the trails. In the event that rare plants are not identified in advance of the first event, no further measures would be necessary for rare plants even in subsequent years as long as the location of the bicycle course is not altered.

If, after the first survey, rare plants are found within 100 feet of the trail, the rare plants shall be protected by re-routing the course to avoid the rare plants (provide a 100 foot buffer) and a protective fence shall be placed around them. Subsequent rare plant surveys shall be conducted each year the event is held in all areas that contained rare plants or if the trail is relocated to insure that the rare plants are protected from all aspects of the annual event including all bicycle, foot traffic, spectator and event disturbances.

- RR. Each year that the annual off-road bicycle and running event is scheduled, a golden eagle nesting survey, and subsequent monitoring to determine the status of the nesting attempt, shall be conducted by a qualified raptor biologist. The raptor biologist shall determine any necessary protection measures for the golden eagle nest and all recommendations shall be included in a report along with a map of the nesting sites. The survey shall occur in the month of March and again in May. Any nesting eagles within 1,000 feet of the proposed cycling event area shall be studied to determine the safe buffer distance between the event activities and the nest site. The size of the buffer shall be directly dependent upon the nest location, the extent of any physical barriers between the proposed events and the nest, and the stage in the nesting cycle the eagles are in on the date the event is scheduled. At no time shall any event activity occur within any established buffer zone. The following is the minimum recommended distance from the nests based on the time of year:

February 1 through May 15 - the minimum buffer distance between any portion of the off-road event and the eagle nest shall be 1,000 feet.

May 15 through June 15 - a minimum buffer of 800 feet from all activities is required and would be increased to 1,000 feet if the off-road events cannot be limited to less than 8 hours of total disturbance.

June 15 through July 15 - a minimum buffer of 600 feet from all activities shall be provided and would be increased to 1,000 feet if the off-road events cannot be limited to less than 8 hours of total disturbance.

July 15 through August 1 - a minimum buffer of 400 feet from all activities shall be provided and would be increased to 1,000 feet if the off-road events cannot be limited to less than 8 hours of total disturbance.

From August 1 (or 4 weeks after fledging), no nest buffer shall be required unless otherwise required by the raptor biologist.

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All reports shall be submitted to PRMD Project Review staff for review and approval prior to the issuance of any permits for trail construction or commencement of any preparation for the event. All event parking and foot-traffic shall be diverted away from any identified golden eagle nests, and all such parking and foot-traffic shall remain outside the buffer zones. The buffer zones shall be fenced with temporary orange construction fencing prior to any trail construction and a qualified raptor biologist shall be on the project site during event activities to ensure that the buffer zone is not violated.

- SS. Each year that the annual off-road bicycle and running event is scheduled, the project sponsor shall have a qualified wildlife biologist conduct surveys for burrowing owls, and subsequent monitoring shall be conducted along the proposed trail route and within 160 feet of the trail no more than 30 days prior to ground disturbance. The raptor biologist shall determine any necessary protection measures for the burrowing owls and all recommendations shall be included in a report along with a map of the nesting sites. This report shall be submitted to PRMD Project Review staff for review and approval prior to the issuance of any permits for trail construction or commencement of any preparation for the event. If burrowing owls are not found in the impact area or buffer zone during those surveys, there is no impact and no further action is required. If any nests are found, then the trail shall be rerouted to avoid all burrows. In addition, all event parking and foot-traffic shall be diverted away from any identified burrowing owl nests, and all such parking and foot-traffic shall remain at least 160 feet away from any active nest. Fencing shall be installed to prevent encroachment into any nesting areas prior to any trail construction or prior to the placement of temporary event structures.
- TT. The downhill trail on the northeast face of Cougar Mountain shall be limited to a single path with grading limited to creating a single trail path. Existing trails and roads shall be utilized wherever possible. The proposed jump/slalom Mountain Cross area located at the base of Cougar Mountain shall be located on the lower slopes below the 300 foot contour line.
- UU. All unauthorized graded areas used for the storage of trailers and other equipment outside of those designated in the Master Plan shall be returned to their natural state and revegetated with native grasses subject to review and approval of PRMD Project Review staff prior to commencement of the off-road bicycling event.
- VV. Temporary orange construction fencing fortified with metal T-Stakes shall be installed around all identified rare plants with an additional 50-foot buffer subject to review and approval of a qualified plant biologist. Evidence of review and approval of the protective enclosures shall be submitted to PRMD Project Review staff prior to commencement of the event.
- WW. Within three weeks of the conclusion of the annual off-road bicycle and running event, all event related temporary structures, fencing, signage, etc., shall be removed, the jump/slalom Mountain Cross area located at the base of Cougar

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Mountain shall be hydroseeded with a native grass mixture and all other trails shall be hydroseeded with a native grass mixture.

- XX. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Maximum Exterior Noise Level Standards, dBA

Cumulative Duration of Noise Event in any one-hour Period	Daytime	Nighttime
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
30-60 Minutes	50	45
15-30 Minutes	55	50
5-15 Minutes	60	55
1-5 Minutes	65	60
0-1 Minutes	70	65

Limit exceptions to the following:

- A. If the ambient noise level exceeds the standard, adjust the standard to equal the ambient level.
- B. Reduce the applicable standards by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
- C. Reduce the applicable standards by 5 decibels if they exceed the ambient level by 10 or more decibels.

- YY. The open space easements required by Condition III.AA shall include provisions for one, annual, three-day off-road bicycling and running event. The commercial equestrian center and skeet shooting uses that are permitted in the existing scenic easement on the Lakeville property shall be eliminated. The open space easements shall be recorded prior to commencement of any trail use on the undeveloped portion of the Lakeville and Cougar Mountain properties subject to prior review and approval by County Counsel and PRMD - Project Review Staff.

- ZZ. No additional lighting shall be installed on the Lakeville and Cougar Mountain properties for one, annual 4-day off-road bicycle and running event.

- AAA. Compaction of the trails with motorcycles or other motorized vehicles shall be limited to a five day period following construction of the trail and limited to between the hours of 9:00 a.m. to 5:00 p.m. The trail shall be ridden a maximum of 20 times within the five day compaction period. Once the trail is established, no further use of the trail by motorized vehicles shall occur except during the one annual off-road bicycle and running event. The applicant shall notify PRMD prior to commencing the compaction period for the new trails and indicate the five-day window in which the compaction will occur. Staff shall monitor for any noise

complaints received after the five day period is finished.

- BBB. The installation of all temporary structures and grading for the jump/slalom Mountain Cross area shall occur no earlier than three weeks before the starting date of the one, annual, off-road bicycle and running event.
- CCC. All landscape requirements that have been imposed by the Design Review Committee since approval of the original use permit shall be installed prior to the commencement of the annual off-road bicycling and running event.
- DDD. The following unmet conditions of the original use permit shall be implemented prior to the commencement of the annual off-road bicycling and running event:

- Condition III. I
- Condition IV. B
- Condition VI. KK
- Condition VI. MM
- Condition VII. C

**VII. Mitigation Monitoring:**

- A. The Mitigation Monitoring and Reporting Program contained in Attachment C is hereby incorporated into these conditions of approval.
- B. The Raceway shall be responsible for regular monitoring and reporting of mitigation measure implementation, in addition to any required County or other public agency inspections and in addition to any monitoring and reporting required by the Mitigation Monitoring and Reporting Program (Attachment C). The additional requirements for the Raceway's monitoring and reporting efforts are as follows:
  - 1. All reports shall be made in writing to PRMD using a standard format approved in advance.
  - 2. Reports shall be submitted monthly while construction activities are underway at the site, and shall be submitted no later than the 15th day of each month. Each report shall include the following:
    - a. A summary of all construction activities during the reporting period
    - b. The implementation status of each permit condition
    - c. A description of the monitoring activities conducted and, where appropriate, an evaluation of the success and/or effectiveness of each mitigation measure implemented
    - d. Recommendations for changes or additional measures that would enhance the effectiveness of the mitigation measures
    - e. Any reports called for in the Mitigation Monitoring and Reporting Program
  - 3. Copies of all reports shall be kept on-site and shall be made available to County inspection staff, other agency staff and the public upon request.
  - 4. Failure to submit any report by the date required shall be cause for issuance of a stop work notice for any or all construction activities until

such time as the required reports are submitted.

- C. On an annual basis, the Incident Action Plan (IAP) Committee shall review service delivery performance, incidents, and issues and revise the IAP as necessary. The IAP Committee and the Raceway shall submit a mitigation monitoring report to PRMD annually. The report shall document compliance with IAP procedures, assess adequacy and effectiveness relative to outcomes, recommend revisions and revise the IAP accordingly for the purpose of improving the IAP and for responding to conditions at the Raceway that may change over time. The IAP Committee shall consult with the Board of Supervisors regarding issues that may have been brought to their attention and shall summarize for the Board of Supervisors annual issues and remedies the IAP addressed and took each year.
1. A log of issues and incidents shall be maintained by DES and reviewed by all members of the IAP Committee for the purpose of improving performance at subsequent events. The log and its review shall be used annually as the basis for preparing the mitigation monitoring report. Both on an event-basis and annually, revisions to the IAP shall be made as required to eliminate future potential for public safety hazards on and off site based on accumulated experience.
  2. PRMD shall notify the public that the annual IAP monitoring report is available for review and comment for an appropriate period for the purpose of securing additional information, ideas and issues that shall be considered in final revisions to the monitoring report and the IAP annually. Once finalized, Department shall submit the final mitigation monitoring report and current/revised IAP to the Sonoma County Board of Supervisors for review. Mitigation Measure 3.1.3-1 (b & c)

**VIII. Use Permit Review:**

- A. In addition to the review of the noise monitoring and reporting program required under Condition VI.T, this use permit shall be subject to review and modification by the Board of Supervisors following the first full year of operation. The review shall consider the monitoring reports submitted by the project sponsor, an evaluation of condition compliance by PRMD staff, reports by other County departments and other agencies as appropriate, and testimony from the public. The Raceway shall be responsible for the County's costs associated with completing this review.