

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

317B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 13, 2006

SUBJECT: General Plan Amendment 745, Ordinance Amendment 348.4213, Ordinance No. 647, Ordinance 529, OHV Track Design Guidelines

RECOMMENDED MOTION: That the Board of Supervisors Repeal Ordinance No. 529, and Approve and Adopt: (1) General Plan Amendment No. 745, (2) Ordinance No. 348.4213 establishing standards for off-highway vehicle usage, (3) the Off-Highway Vehicle Track Design Guidelines, and (4) Ordinance No. 847—the Riverside County Noise Ordinance.

BACKGROUND: The issue of off-highway vehicle (OHV) complaints by rural residents regarding noise, dust, and other nuisances have been long-standing. In fact, between July to October 1991 both the Planning Commission and Board of Supervisors had hearings to attempt to resolve this same issue that is before you now. Attachment 2 provides the background to this earlier action which resulted in an amendment to Ordinance No. 529. In August 2004 the Planning Department received direction from the 3rd District Supervisor to develop standards for the regulation of OHV's. Attachment 1 provides a detailed timeline of the various meetings and the six Planning Commission hearings which were conducted for this item.

In addition, the Riverside County General Plan does not provide specific language that indicates that OHV activity is allowable in any specific land use designations. Proposed OHV projects cannot be deemed compatible with a land use designation if the use is not recognized in the plan. General Plan Amendment No. 745 will add language to various sections of the general plan as shown in Attachment 3.

initials

Robert C. Johnson
Robert C. Johnson
Planning Director

(Continued On Attached Pages)

VIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 4/18/06

Departmental Concurrence

Policy

Consent

Dept't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District:

Agenda Number:

16.3

The Honorable Board of Supervisors
RE: GPA 745, OHV, OHV Park Guidelines
January 13, 2006
Page 2 of 2

Ordinance No. 348, the land use ordinance for Riverside County, does not specify development and siting standards for OHV use within the unincorporated areas of Riverside County. Through Ordinance Amendment 348.4213 OHV use will be specifically limited to the R-R, W-2, M-R, M-R-A, M-SC, M-M, and M-H zones only, and specific land use standards will be adopted. The language as reviewed by County Counsel is shown as Attachment 4.

The Off-Highway Vehicle Park Design Standards and Guidelines are intended to provide guidance to developers in creating environmentally sensitive, well-designed, and well-managed OHV parks. The standards and guidelines will ensure that OHV parks on public or private lands are acceptable to property owners as well as OHV riders. The proposed Off-Highway Vehicle Park Design Standards and Guidelines are provided as Attachment 5.

Riverside County Ordinance No. 529 originally adopted on December 28, 1970 to regulate the off-road use of motor vehicles is recommended for repeal and its provisions incorporated within Ordinance Amendment No. 348.4213. This will insure that that all Riverside County provisions regulating the use of off-highway vehicles will be located within a single ordinance, and will aid in enforcement, and the ability for the general public to find local regulations regarding OHV uses in a single reference location.

As a response to public testimony and comments by the Planning Commission, the need for a Noise Ordinance was deemed important in order to provide an equitable approach to regulating all sources of noise. A broader approach was necessary to deal with a variety of noise generation issues and not to simply focus on OHV generated noise. In this regard Ordinance No. 847 was created and approved by the Planning Commission. It is included as Attachment 6.

The Planning Commission unanimously recommended the subject cases for approval to your Board. Their recommendation also included concern that the proposed regulations can only be as effective as their enforcement. With this in mind, the Planning Commission wanted the Board of Supervisors to be aware of their concern and to encourage the provision of necessary Code Enforcement resources to ensure the full enforcement of the recommended regulations.

ATTACHMENT 1

Timeline

ATTACHMENT 1

OHV AMENDMENT TIMELINE SUMMARY

Aug-04	Direction from Supervisor Venable	
10-Oct-04	1st Planning Commission hearing	
29-Nov-04	OHV Committee Meeting	
14-Dec-04	Meeting w/Bob OHV	
20-Dec-04	Meeting David Rees @ Malcom Smith Motorcycles	
20-Dec-04	Meeting @ Corona Motorsports	
13-Jan-05	Meeting with Don Amador (Blue Ribbon Coalition)	
17-Jan-05	Meeting with Rick Johnson/Tom Bobzin	
20-Jan-05	Meeting with Steve Hinde/Industrial Health RE:Noise	
24-Jan-05	OHV Committee Meeting	
31-Jan-05	Meeting with Bob/Julie Johnson	
7-Feb-05	Meeting with Bob/Ida Martin	
10-Feb-05	Meeting with Carolyn Luna of EPD and Ron Rempel of RCA	
17-Feb-05	Meeting with Rob Harrison RE: Bike Noise	
26-Feb-05	Desert Communities Under Seige Workshop	
9-Mar-05	OHV briefing Supervisor Buster	
14-Mar-05	OHV Committee Meeting	
16-Mar-05	2nd Planning Commission hearing	
17-Mar-05	Attend Rob Harrison Noise Training Workshop	
Mar 18, 05	NOHVCC National Conference in Ontario	
10-Apr-05	Tour Hollister Hills SRVA	
11-Apr-05	Meeting w/Bob RE:OHV	
12-Apr-05	Meeting w/Bob RE:OHV	
20-Apr-05	OHV Noise demonstration Glen Helen Raceway	
29-Apr-05	Tour proposed LaBorde SRVA	
4-May-05	Meet with Supv. Ashley Re:OHV	
17-May-05	Conference Call Mark/Bob/ Ida	
May 31, 05	Meeting Bob/Mark Dan Silver	
27-Jun-05	Glenoaks HOA meeting	
28-Jun-05	Trip to Sacramento to meet with State Parks Bob/Mark	
29-Jun-05	Aguanga OHV Noise demonstration	
30-Jun-05	OHV meeting Garrett/Miller/Goldman	
30-Jun-05	OHV meeting w/County Counsel	
5-Jul-05	Meeting with Supv. Stone	
7-Jul-05	3rd Planning Commission hearing	
18-Jul-05	Meeting with Farm Bureau	
25-Jul-05	Update EPD on OHV amendment	
26-Jul-05	CVAG update on OHV Amd't. Phone call from Aurora Kerr	
1-Aug-05	Meeting Miller/Code Enforcement RE:Noise Ordinance	
9-Aug-05	Meeting with County Counsel	
16-Aug-05	Meeting County Counsel/Staff RE:OHV & Noise Ord.	
24-Aug-05	Meeting with ORBA/McGrath/Prescott & Attorneys	
25-Aug-05	OHV conference call with State Parks,EPD, EO, Co. Counsel	
29-Aug-05	OHV meeting with County Counsel	
29-Aug-05	OHV conference call with State Parks,Bob,Co.Counsel	
31-Aug-05	4th Planning Commission hearing	
8-Sep-05	Meeting w/Steve Hinde/Industrial Health RE: Noise	
14-Sep-05	Meeting County Counsel/Staff RE:OHV & Noise Ord.	
22-Sep-05	CVAG update on OHV Amd't. Phone call from Aurora Kerr	
27-Sep-05	AMA/ORBA meeting teleconferenced with State Parks	
9-Oct-05	Meeting Bob/Ida Martin	
26-Oct-05	5th Planning Commission hearing	<i>(Hearing closed)</i>
7-Dec-05	6th Planning Commission hearing	<i>(PC Approval)</i>
24-Jan-06	Board of Supervisors hearing	

ATTACHMENT 2

Ordinance 529

6313



FROM: Planning Department

SUBMITTAL DATE: July 8, 1991

SUBJECT: Proposed Amendment to Ordinance No. 348 regulating off-road vehicle noise in residential zones.

RECOMMENDED MOTION:

That the Board of Supervisors continue this item until October 15, with the direction that staff bring back to the Board at that time a report on the progress of the proposed ordinance, regulating off-road vehicle noise in residential zones.

BACKGROUND:

On November 13, 1990 the Board of Supervisors directed that County Counsel, in cooperation with the Planning and Building and Safety Departments, bring forth a proposed ordinance to regulate off-road vehicle uses in residential zones. This was done in response to complaints that had been made by rural residents about noise, dust, and other nuisances caused by off-road vehicles in their areas. Meetings were convened between the departments referenced above and others that could potentially be involved in the development and/or administration of such an ordinance, including Environmental Health, Transportation, and the Economic Development Agency (Aviation), to initiate action.

Based upon the input provided, County Counsel proposed a draft amendment to Ordinance No. 348 that would prohibit the operation of motor vehicles on unpaved portions of residentially zoned properties, except for access to regular parking areas associated with uses allowed on those properties, without a conditional use permit. Certain vehicles would be exempted from the ordinance, including instruments of husbandry (agriculture), public utility vehicles, and property maintenance and special construction equipment. The ordinance was crafted in this way to permit its enforcement by the Building and Safety Department as part of that department's responsibility to enforce the land use ordinance (No. 348), simply using

REVIEWED BY ADMINISTRATIVE OFFICE

DATE: 7/9/91

Joseph A. Richards

Joseph A. Richards, Planning Director
(Continued on attached pages)

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Cenicerros, seconded by Supervisor Abraham and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Younglove, Cenicerros, Dunlap, Larson and Abraham
Noes: None
Absent: None
Date: July 16, 1991
xc: Planning, COB

Gerald A. Maloney
Clerk of the Board
By: *[Signature]*
Deputy
AGENDA NO.

Prev. Agn. ref.

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Ordinance No. 348

July 8, 1991

Page 2

the operation of certain types of off-road vehicles on residentially zoned property, without a conditional use permit, as the determinant of a violation of the ordinance, rather than dependence on monitoring of noise levels, setbacks from residential uses, etc. It was felt that dependence on these latter types of criteria would increase the difficulty and expense of County enforcement, and decrease effectiveness of such an ordinance.

On March 19, 1991, the Board directed staff to prepare an environmental assessment for the proposed ordinance amendment, initiate a public hearing on it before the Planning Commission, then report back to the Board on the matter by July 16.

Planning Commission hearings were held on the proposal on May 22 (Riverside) and June 5 (Bermuda Dunes). Testimony was received by the Commission on both sides of the matter. Some persons supported the proposed ordinance, citing problems with noise, dust, harm to wildlife, nuisance shooting, and other problems associated with unregulated off-road vehicle use. Others did not support the proposal. Their concerns primarily focused on: 1) A belief that most off-road vehicle use occurred from trespassers, and enforcement might befall the land owners who had been trespassed, and not the offending off-roaders; 2) concerns about the limitations on the use of one's own property for off-road vehicle use; and 3) effects on agriculture and other economic uses of property, where ambiguities in the wording of the ordinance might result in unforeseen enforcement impacts on farmers and others conducting lawful economic activities on their properties. As a result of the testimony, the Planning Commission felt that a change in direction for the proposed ordinance would be appropriate, to address the off-road vehicle noise problem, while lessening the overall effects of the ordinance on property owners.

The Planning Commission directed staff to revisit Ordinance No. 529, which now regulates trespassing, to consider incorporation of noise protection measures, and to explore other avenues, as appropriate, and continued the matter until August 21 for additional staff work. Staff recommends that this item be brought back on the Board's calendar in three months. At that time, a final version of the ordinance may be ready for presentation to the Board; but, if not, a status report on the Planning Commission's review of the matter should again be provided to the Board.

Staff would like to advise the Board that this matter may require preparation of a full-scale noise ordinance. If so, preparation of that will require that additional staffing and funding be identified and allocated to the task.



FROM: Planning Department SUBMITTAL DATE: October 7, 1991

SUBJECT: Proposed Ordinance No. 348 Amendment to regulating off-road vehicle use in residential areas.

RECOMMENDED MOTION:

That the Board of Supervisors continue this item off calendar. The Planning Commission is still considering the proposed ordinance.

BACKGROUND:

On July 8, 1991, Mr. Jerry Jolliffe of the Planning Department, recommended that the Board of Supervisors continue consideration of the proposed amendment to Ordinance No. 348, regulating off-road vehicle noise in residential areas, until October 15, 1991.

The amendment, as proposed, has been heard before the Planning Commission at three hearings, May 22 (Riverside), June 5 (Bermuda Dunes) and August 21, 1991 (Riverside) and is scheduled to be heard again on October 30, 1991 at 2:00 P.M. At Planning Commission direction, Ordinance 529, which regulates trespassing, was reviewed by County Counsel in order to consider the feasibility of incorporating additional noise protection measures. An Amendment 529.2 was presented to the Board on October 1, 1991.

Other alternatives identified by the Planning Commission, are being investigated by staff.

[Handwritten Signature]
Joseph A. Richards, Planning Director

REVIEWED BY ADMINISTRATIVE OFFICE

REVIEWED DATE: 10/8/91 @

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Larson, seconded by Supervisor Abraham and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, January 14, 1992 for a status report.

Ayes: Younglove, Cenicerros, Dunlap, Larson and Abraham
Noes: None
Absent: None
Date: October 15, 1991
xc: Planning, COB

Gerald A. Maloney
Clerk of the Board
By: *[Handwritten Signature]*
Deputy

Prev. Agn. ref.

Depts. Comments

Dist.

AGENDA NO.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.4

On motion of Supervisor Larson, seconded by Supervisor Abraham and duly carried by unanimous vote, IT WAS ORDERED the reading being waived, that an ordinance bearing the following title, is adopted:

ORDINANCE NO. 529.2
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 529 REGULATING THE OFF-ROAD
USE OF MOTOR VEHICLES

Roll Call as follows:

Ayes: Abraham, Cenicerros, Larson and Younglove
Noes: None
Absent: Dunlap

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on
October 1, 1991 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: October 1, 1991
Gerald A. Maloney, Clerk of the Board of Supervisors, in and
for the County of Riverside, State of California.

(seal)

By: M. L. [Signature] Deputy

AGENDA NO.

3.4

xc: Co.Co., COB, Land Use, Planning

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ORDINANCE NO. 529.2

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 529 REGULATING THE OFF-ROAD USE
OF MOTOR VEHICLES

The Board of Supervisors of the County of Riverside
Ordains as Follows:

Section 1. Section 2 of Ordinance No. 529 is amended to
read as follows:

Section 2. EXEMPT LOCATIONS. This ordinance shall not
apply on public or private lands expressly set apart for
the use of motor vehicles by or with permission of the
owner of such lands pursuant to any zoning permit or
other permit or licensing procedure authorized by law.
This ordinance shall not apply upon any public highway,
street, road or alley, or within the limits of any city.
This Ordinance shall not apply to private property unless
the property is immediately adjacent and contiguous to
residential property, or enclosed by a fence, or under
cultivation or posted with signs forbidding trespass,
displayed at intervals of not less than three to a mile

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1 along all exterior boundaries and at all roads and trails entering
2 the private property.

3 Section 2. This Ordinance shall become effective 30 days
4 after the date of adoption.

6 BOARD OF SUPERVISORS OF THE COUNTY
7 OF RIVERSIDE, STATE OF CALIFORNIA

8 By *Archie L. Lamm*
9 Chairman, Board of Supervisors

10 ATTEST: *10/1/91*

11 GERALD A. MALONEY
12 Clerk of the Board

13 By *Margaret Lamm*
14 Deputy

15 (SEAL)

27
28 (revised)

PJA:kc
60code
9/12/91

WILLIAM C. KATZENSTEIN
COUNTY COUNSEL
SUITE 300
3535 - 10TH STREET
RIVERSIDE, CALIFORNIA

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STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.

I HEREBY CERTIFY that at a regular meeting of the board of Supervisors of said county held on October 1, 1991, the foregoing ordinance consisting of two sections was adopted by said Board by the following vote:

AYES: Supervisors Abraham, Cenicerros, Larson, Younglove
NOES: None
ABSENT: Dunlap

Dated: Oct. 1, 1991

GERALD A. MALONEY
Clerk of the Board

(Seal)

By: Margaret Lyons, Deputy

ATTACHMENT 3

GPA No. 745

ATTACHMENT 3

GPA NO. 00745

GENERAL PLAN AMENDMENTS TO ALLOW OFF HIGHWAY VEHICLE (OHV) USAGE

(All added text is marked with *italic font style*)

1. Amend the introductory paragraph of Land Use Compatibility section of the Land Use Element on page LU-24 & 25, so that the third sentence reads as:
“For instance, a number of uses, including agriculture, industrial, commercial, landfills, mining operations, *off highway vehicle uses*, and transportation facilities, can have adverse effects upon residential neighborhoods, sensitive habitat areas and schools.”
2. Add a policy under the Land Use Compatibility section of the Land Use Element on page LU-25 stating as follows:
LU 6.5 Allow noise and air pollution generating recreational uses, such as commercial or non-commercial off highway vehicle uses, only within specific area plan land use designations. When such uses create conflict with surrounding land uses, require compliance with additional mitigation measures.
3. Change the subsequent numbering of policies from LU 6.5, LU 6.6 and LU 6.7 to LU 6.6, LU 6.7 and LU 6.8.
4. Add a sentence to the introductory paragraph of the Rural Community-Estate Density Residential land use designation on page LU-40, so that the fourth sentence reads as:
“*The operation of off-highway vehicles subject to the provisions of Riverside County Ordinance No. 348 may be permissible, provided that the proposed project can be undertaken to avoid conflicts with existing land uses.*”
5. Amend the introductory paragraph of the Rural Residential land use designation on page LU-48, so that the third sentence reads as:
“Limited recreational uses; compatible resource development (not including the commercial extraction of mineral resources) and associated uses; *off highway vehicle uses subject to the provisions of Riverside County Ordinance No. 348* ; and governmental uses are also allowed within this designation.”
6. Amend the introductory paragraph of the Rural Desert land use designation on page LU-48, so that the second sentence reads as:
“Limited recreational uses; renewable energy uses including solar, geothermal and wind energy uses, as well as associated uses required to develop and operate these renewable energy sources; compatible resource development (which may include the extraction of mineral resources with approval of a surface mining permit); *off highway vehicle uses subject to the provisions of Riverside County Ordinance No. 348*; governmental and utility uses are also allowed within this designation.”
7. Amend the introductory paragraph of the Open Space-Recreation land use designation on page LU-51, so that the first sentence reads as:

"The Open Space-Recreation land use designation allows for active and passive recreational uses such as parks, trails, camp grounds, athletic fields, golf courses, and *off highway vehicle parks*."

8. Amend the introductory paragraph of the Open Space-Rural land use designation on page LU-52, so that the third sentence reads as:
"The extraction of mineral resources subject to an approved surface mining permit, and *the operation of off highway vehicles subject to the provisions of Riverside County Ordinance No. 348* may be permissible, provided that the proposed project can be undertaken in a manner that is consistent with maintenance of scenic resources and views from residential neighborhoods and major roadways and that the project does not detract from efforts to protect endangered species."
9. Add a sentence to the introductory paragraph of the Open Space-Mineral Resource land use designation on page LU-53, so that the third sentence reads as:
"The operation of off-highway vehicles subject to the provisions of Riverside County Ordinance No. 348 may be permissible, provided that the proposed project can be undertaken to avoid conflicts with existing land uses."
10. Amend the introductory paragraph of the Commercial Tourist land use designation on page LU-58, so that the first sentence reads as:
"The Commercial Tourist land use designation allows for tourist-related commercial uses such as hotels, golf courses, recreation, *off highway vehicle*, and amusement facilities."
11. Add a sentence to the introductory paragraph of the Light Industrial land use designation on page LU-59, so that the second sentence reads as:
"The operation of off-highway vehicles subject to the provisions of Riverside County Ordinance No. may be permissible, provided that the proposed project can be undertaken to avoid conflicts with existing land uses."
12. Add a sentence to the introductory paragraph of the Heavy Industrial land use designation on page LU-59, so that the second sentence reads as:
"The operation of off-highway vehicles subject to the provisions of Riverside County Ordinance may be permissible, provided that the proposed project can be undertaken to avoid conflicts with existing land uses."
13. Amend the introductory paragraph of the Public Facilities land use designation on page LU-61, so that the first sentence reads as:
"The Public Facilities area plan land use designation provides for the development of various public, quasi-public, and private uses with similar characteristics, such as governmental facilities, utility facilities including public and private electric generating stations and corridors, landfills, airports, educational facilities, *off highway vehicle facilities*, and maintenance yards."
14. Amend policy AQ 17.1 of the Air Quality Element on page AQ-31 to read as:
AQ 17.1 Reduce particulate matter from agriculture, construction, demolitions, debris hauling, street cleaning, utility maintenance, railroad rights-of-way, and ~~off-road~~ *off highway vehicles* to the extent possible. (AI 123)"

15. Amend the introductory paragraph of Unique Features: San Bernardino National Forest/San Jacinto Wilderness section of the Riverside Extended Mountain Area Plan (REMAP) on page 7, so that the first sentence reads as:
"The San Bernardino National forest, with its diverse mountainous landscape, serves as one of the major outdoor recreation areas of southern California, offering stunning scenic vistas, picnic areas, family and group campgrounds, hundreds of miles of hiking trails, including a stretch of Pacific Crest trail, the Santa Rosa National Monument, *off highway* vehicle trails, and hunting and fishing opportunities."
16. Amend the introductory paragraph of the Noise section of the Land Use Policies in the Riverside Extended Mountain Area Plan (REMAP) on page 28, so that the second sentence reads as:
"Traffic on State Routes 74, 371, and 243, and *off highway* recreational vehicles have the potential of generating significant amounts of noise for the area."
17. Amend policy REMAP 7.2 in the Riverside Extended Mountain Area Plan (REMAP) on page 28 to read as:
REMAP 7.2 Encourage the enforcement of regulations relating to the use and location of *off highway* and other noise producing recreational vehicles to protect residents and visitors to recreational areas from unnecessary noise.
18. Amend policy DCAP 10.2 in the Wildlife Habitat section of the Local Open Space Policies in the Desert Center Area Plan on page 39 to read as:
DCAP 10.2 Work to limit *off highway* vehicle use within the Desert Center Area Plan.

ATTACHMENT 4

Ordinance No. 348.4213
Off Highway Vehicle Usage

- 1 b. The use of off-highway vehicles for tours directly related with eco-tourism businesses.
2 Operators of such eco-tourism vehicles shall produce, upon request of a peace or code
3 enforcement officer, proper credential and permit as issued by the State.

4 SECTION 19.107 DEFINITIONS. The following terms shall have the following meanings for
5 purposes of this article:

- 6 a. "ADVISORY AGENCY" is as defined within Article I, Section 1.2 of Riverside County
7 Ordinance No. 460.
- 8 b. "ECO-TOURISM BUSINESS". Specialty commercial operators who conduct environmental
9 or nature tours and events on a reservation basis. Said operators shall hold a valid State of
10 California Public Utilities Commission Permit to operate as a Charter-Party Carriers of
11 Passengers and meet all criteria thereof.
- 12 c. "COMMERCIAL OFF HIGHWAY VEHICLE TRACK". A site that may (1) be open to the
13 public, (2) be open to members only, or (3) be solely utilized for testing by a manufacturer or
14 OEM. The site may be operating for profit or non-profit, may provide any or all of the
15 following: facilities or services such as restrooms, parking, first aid station, and snack bar. In
16 all cases a conditional use permit will be required for a Commercial Off Highway Vehicle
17 Track.
- 18 d. "ENVIRONMENTAL CONSTRAINT NOTE". Any note or notes required by the conditions
19 of approval to be shown on an Environmental Constraint Sheet and reference made thereto on
20 the final map. This shall be required when constraints involving but not limited to any of the
21 following are conditioned by the Advisory Agency or Board of Supervisors: archaeological
22 sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic
23 lines and setbacks, fire protection, water availability, and sewage disposal.
- 24 e. "ENVIRONMENTAL CONSTRAINT SHEET". A duplicate of the final map on which are
25 shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the
26 final map, with the County Surveyor, and labeled ENVIRONMENTAL CONSTRAINT
27 SHEET in the top margin. Applicable items will be shown under a heading labeled
28 Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the
statement:

"THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON
THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING
CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO

1 AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED
2 FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE
3 CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS
4 BY THE PREPARER OF THIS MAP SHEET”.

- 5 f. “GRADING”. All grading for off-highway vehicle tracks and riding areas shall be in
6 compliance with and as defined within Riverside County Ordinance No 457.
- 7 g. “OEM”. Original Equipment Manufacturer. Manufacturers of equipment (such as engines,
8 mufflers, etc.) that provide the original product design and materials for its assembly and
9 manufacture. OEMs are directly responsible for manufacturing and modifying the products,
10 making them commercially available, and providing the warranty.
- 11 h. “OFF HIGHWAY VEHICLE”. A motor vehicle, designed to travel over any terrain as
12 defined and governed in Division 16.5 (Sections 38000—38506) of the California Vehicle
13 Code.
- 14 i. “PRIVATE RIDING AREA”. An area of private property used by the resident and/or owner
15 and their invitees as an accessory use of the property for the riding of off-highway vehicles.
16 There shall be no commercial activity conducted on such property and all private riding areas
17 must be located within a zone permitted by this ordinance.
- 18 j. “RESIDENT”. An individual or individuals who have a legal residence and permanently
19 reside on a specific property.
- 20 k. “SPECIAL EVENT”. A temporary off-highway vehicle event held within the permitted zone
21 on no more than three consecutive days at which less than fifty (50), but more than six (6)
22 riders are expected to attend.

23 SECTION 19.108 ZONING AND REQUIRED PLANNING APPROVAL

- 24 a. Off highway vehicle usage must be in conformity with the Riverside County General Plan and
25 zoning designations as set forth in this article and unless expressly permitted below is
26 prohibited in any other zone within Riverside County.
- 27 b. No person shall operate any off highway vehicle of any type unless it is in compliance with
28 California Vehicle Code Division 16.5, as amended.
- c. Off highway vehicle usage may only occur in the general plan land use categories specified in
 Table 1 and only the R-R, W-2, M-R, M-R-A, M-SC, M-M, and M-H zones located within
 these Land Use categories and is prohibited in any other zone, and as specified in the County’s

1 approved development standards. Public projects as defined in Section 18.2.b of this
2 ordinance shall not be subject to these provisions.

3
4 Table 1

5

Foundation Component	Land Use Category
Rural Community	Estate Density Residential
Rural	Rural Desert
Rural	Rural Residential
Open Space	Open Space-Rural
Open Space	Open Space-Mineral Resources
Open Space	Open Space-Recreation
Community Development	Commercial Tourist
Community Development	Light Industrial
Community Development	Heavy Industrial
Community Development	Public Facilities

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16 d. Commercial Off-Highway Vehicle Tracks and Private Riding Areas

- 17 (1) Development of commercial off-highway vehicle tracks must be consistent with all
18 applicable provisions of the Riverside County General Plan, Ordinance No. 348, and the
19 Off Highway Vehicle Track Design Guidelines as approved by the Riverside County
20 Board of Supervisors. Any site being utilized for off-highway vehicle activity shall be
21 deemed to require a conditional use permit if it is a commercial track.
- 22 (2) Development of all private riding areas must be consistent with the provisions of the
23 Riverside County General Plan, Ordinance No. 348, and shall require approval of a Plot
24 Plan at Director's Hearing pursuant to the provisions set forth in Section 18.30 of this
25 ordinance if:
- 26 i. It has seven (7) or more riders at any one time, or
 - 27 ii. More than 50 cubic yards of grading occurs on the site.
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1 SECTION 19.109 LOCATION, DESIGN, AND DEVELOPMENT STANDARDS FOR PRIVATE
2 OHV USE

- 3 a. Impacts. The operation of any off-highway vehicle in such a manner that is inconsistent with
4 the Riverside County General Plan, Riverside County Ordinances, or zoning designations as
5 set forth in this article., or whereby a reasonable person of normal sensitivity residing in the
6 area is caused discomfort or annoyance-or which endangers the health of inhabitants of the
7 area; or which harms the environment shall be prohibited. Notwithstanding any other provision
8 in this article, no person shall operate any off-highway vehicle, or the motor thereof, in a
9 manner that disturbs the peace or quiet of any neighborhood person.
- 10 b. Riding Period. It is unlawful to operate any off-highway vehicle on private property before
11 8:00 a.m. or after 7:00 p.m.
- 12 c. Grading and NPDES
- 13 1. Grading permits will not be issued for a off highway vehicle track unless a conditional use
14 permit has been approved.
 - 15 2. Grading for the off-highway vehicle activity shall meet the standards for the National
16 Pollutant Discharge Elimination System (NPDES) Construction General Permit from the
17 State Water Resources Control Board.
 - 18 3. Land developers who have received a permit to grade a site shall be responsible to secure
19 the site and provide private security patrols to insure that the graded area does not become
20 an attractive nuisance for illicit off-highway vehicle activity. Such developers shall post
21 the property with signs not less than one (1) square foot in area and upon which in letters
22 not less than two inches in height appear the words "Trespassing-Loitering forbidden by
23 law" or words describing the use of the property followed by the words "No Trespassing."
24 Signs shall be posted along property lines in accordance with all applicable County
25 ordinances and State law. Said security actions, signage and patrols, shall remain in place
26 until the final phase of construction activity has commenced.
- 27 d. Environmental Constraint Areas
- 28 Off-highway vehicle usage may occur on private parcels which are 2 acres or greater in net in
area, and in compliance with the zoning provisions of this article provided that riding is
limited to areas outside of any defined environmental constraint areas, as shown on any
recorded land division map and associated Environmental Constraint Sheet with
Environmental Constraint notes.

1 e. Air Quality

2 A property owner shall comply with all South Coast Air Quality Management District rules,
3 regulations and guidelines, and Riverside County Ordinance No. 742 for the suppression of
4 fugitive dust.

5 f. Water Quality

6 Compliance with Regional Water Quality Control Board best management practices shall be
7 required to mitigate any runoff and erosion problems.

8 g. Excessive Sound

9 To insure that the sound level impacts generated from off highway vehicle operation is
10 minimized each site shall comply with the requirements set forth within Ordinance No. 847,
11 the Riverside County Excessive Sound Ordinance.

12 h. Setbacks

13 To provide a buffer between any off-highway riding activity and adjacent parcels, all off-
14 highway vehicle operation or activities on a parcel shall be set back a minimum of 50-feet
15 from any property line.

16 i. Lighting. Outdoor lighting may only be permitted on off-highway vehicle tracks which have an
17 approved conditional use permit. No outdoor lighting for private riding areas shall be allowed.

18 j. Jumps. The creation of berms or mounds within riding areas are allowed provided that no
19 more than 50 cubic yards of earth material is moved, or imported to the site. Pursuant to
20 Section 19.108c any grading or stockpiling in excess of 50 cubic yards will require a grading
21 permit and an environmental assessment. Jumps created or constructed from building or other
22 man-made materials requiring a building or grading permit shall only be utilized on OHV
23 tracks that have received an approved conditional use permit.

24 k. Use of OHV's on Unpaved Roadways

25 California Vehicle Code Section 38010 provides that off-highway vehicles are to be used
26 exclusively off highways, except as otherwise provided within Division 16.5 of the Vehicle
27 Code. Riverside County Ordinance No. 460 defines a Highway or Street as "A right-of-way
28 within which improvements are constructed for the conveyance of vehicular and pedestrian
traffic and includes all highways, streets, roads and alleys. Said rights-of-way and
improvements shall be in conformity with County Transportation Department Standards and
Specifications as set forth in Ordinance No. 461". Any off-highway vehicle operator riding on
any street or highway, both public and private, in Riverside County that is not in conformity

1 with the Standards and Specifications set forth in County Ordinance No. 461, shall comply with
2 all of the following standards:

- 3 1. The operator shall have a valid driver's license issued by the State of California.
- 4 2. The off-highway vehicle shall be properly registered within the State of California.
- 5 3. The off-highway vehicle and off-highway vehicle operator shall comply with all
6 applicable state laws including, but are not limited to the following sections of the
7 California Vehicle Code: §38335 Front headlight, §38345 Red rear taillight,
8 §38365 Muffler, §38366 Spark Arrester, and § 38505 Helmet.

9 SECTION 19.110. REVOCATION.

10 Conditional use permit for an off highway vehicle track may be revoked by the Planning Department
11 upon finding that one or more of the following conditions for revocation exist:

- 12 a. The use is detrimental to the public health, safety, or general welfare, or is a public nuisance.
- 13 b. The permit was obtained by fraud or perjured testimony.
- 14 c. The use is being conducted in violation of the terms and conditions of the permit.
- 15 d. The use for which the permit was granted has ceased or has been suspended for one year or
16 more.

17 Upon a determination by the County Planning Department that grounds for revocation exist, the
18 procedures set forth within Section 18.31b(1) through Section 18.31b(8) of this ordinance shall apply.

19 SECTION 19.111. TRESPASS.

- 20 a. No person shall drive a motor vehicle on lands belonging to or occupied by another without
21 having in his/her immediate possession and, upon request of a peace or code enforcement
22 officer, displaying written permission from the owner of such lands, his/her agent, or the person
23 in lawful possession thereof. This requirement does not apply to a person or persons having
24 lawful business with the owner.
- 25 b. This section (i) shall not apply on public or private lands expressly set apart for the use of
26 motor vehicles by or with permission of the owner of such lands pursuant to any zoning permit
27 or other permit or licensing procedure authorized by law, and (ii) shall not apply upon any
28 public highway, street, road or alley, or within the limits of any city.
- c. Nothing in this section shall be deemed to interfere with the right of any government agency to
regulate, prohibit, or permit the use of motor vehicles on property owned by it or under its
control and under its jurisdiction, not to permit or authorize any trespass or nuisance.

ATTACHMENT 5

Off Highway Vehicle Park
Design Guidelines

ATTACHMENT 5

COUNTY OF RIVERSIDE OFF-HIGHWAY VEHICLE PARK DESIGN STANDARDS AND GUIDELINES

Section 1. Purpose.

An Off Highway Vehicle (OHV) park or track is a place for family and community-based leisure activity programs with a focus on OHV recreational experiences. However, the planning of an OHV park or track development is a challenging task if the goal is to make it an asset rather than a liability on surrounding land uses. The Riverside County General Plan recognizes the need for 'regulations to protect residents and visitors from unnecessary conflicts of land uses by regulating the use and location of off-road and noise producing recreational vehicles'.

The Off-Highway Vehicle (OHV) Park Design Standards and Guidelines are intended to:

1. Provide guidance to the developers in creating environmentally sensitive, well-designed, and well-managed OHV parks, and
2. Ensure that the OHV parks on public or private lands are acceptable to property owners as well as OHV riders.

Section 2. Definitions.

For the purpose of the OHV Park Design Standards and Guidelines, certain terms shall be defined as follows:

1. **COMMERCIAL OFF-HIGHWAY VEHICLE PARK.** A site either a) open to public, or b) open to members only on a regular basis for off-highway vehicle riding, which may be operating either for profit or non-profit. An OHV Park, as defined in these standards and guidelines, is an environmentally sensitive, well-designed and well-managed recreational facility that provides for a variety of riding and driving experiences for off-highway motorcycles, all terrain vehicles, and four-wheel drive vehicles. An OHV Park may consist of only a few acres nestled within an urban area or may be a multi-thousand acre site adjacent to federal or state lands with multiple recreational opportunities. The site may be utilized by novice riders, as well as by professional riders or teams, and may provide facilities or services such as restrooms, parking, first aid station, snake bar, viewing stand, equipment sales, or fuel dispensing.
2. **RECREATIONAL VEHICLES.** Vehicles with or without motive power, designed for human habitation or recreation, including but not limited to: boats, snowmobiles, watercraft, racing vehicles, off-road vehicles, utility trailers, motor homes, travel trailers, truck campers or camping trailers.
3. **OUTDOOR LIGHTING.** Outside illuminating devices that are electrically powered and used for park areas, tracks, vehicular routs, building façades, patios, open canopies, parking areas, landscaping, walkways, and driveways.
4. **VEHICULAR ROUTE.** A public, or an approved private thoroughfare or road easement which affords the principal means of legal vehicular access to abutting property.
5. **PARKING AREA.** Any area for the parking of a motor vehicle, plus those additional areas required to provide site ingress and egress to and from the parking area.
6. **OFF-HIGHWAY VEHICLE.** A motor vehicle, designed to travel over any terrain as defined in Division 16.5 (Sections 38000-38012) of the State of California Vehicle Code. Off-highway Vehicle means a motor driven off-road vehicle capable of cross-country travel without benefit of a road or trail, on natural terrain. It includes, but is not limited to, a multi-wheel drive or low-

pressure tire vehicle, a motor cycle, or related all-terrain vehicle deriving motive power from a source other than muscle or wind.

7. NOISE SENSITIVE AREAS. Any land, 2 1/2 acre net or less in area that is designated residential in the General Plan. Other noise sensitive areas may include schools, hospitals, rest homes, long term care facilities, mental care facilities, places of worship, libraries, and passive recreation sites, or, sites with archeological, historical, and cultural importance.

Section 3. Applicability.

1. The OHV Park Design Standards and Guidelines will be adopted with the Off-Highway Vehicle Usage Ordinance through Resolution No. _____, and may be amended, by the Board of Supervisors as necessary.
2. The OHV Park Design Standards and Guidelines should apply to all the Conditional Use Permit applications for commercial off-highway vehicle parks either on public or private lands within the County.
3. The OHV Park Design Standards and Guidelines include both Standards, which are mandatory requirements that are normally recognized by the term "shall", as well as Guidelines, which are illustrations of the County's expectations that are normally recognized by the term "should".
4. The degree to which these standards and guidelines are fulfilled may be subject to information provided in the application packet and initial findings made by the County Planning Department.
5. The intent of these OHV Park Design Standards and Guidelines is to expand upon various policies of the General Plan. Therefore, this program will neither replace the requirements of the General Plan, nor overwrite any other county policies. However, when there is a conflict about a specific provision, the more restrictive provision should apply.

Section 4. Application Requirements.

In addition to compliance with other application requirements of the County, a Conditional Use Permit application for a commercial or noncommercial OHV park shall be accompanied by the following information.

- 1) Pre-application Review:

Information particularly relevant to existing and future land uses in the immediate vicinity of the proposed OHV Park is very important in determining the success of the park. The County's vision for land uses for various areas is reflected in its general plan, zoning ordinance, and other policies. In order to determine consistency of the proposed park with the county's land use related policies, a pre-application review of the conceptual OHV program is encouraged.

- 2) Regional Analysis of the Site:

Operation of an OHV park affects, and is affected by, the broad regional context in which the site is located. Therefore, recorded information regarding off-site environmental conditions as well as public facilities is very crucial in reviewing the proposal for an OHV park. The regional analysis (of minimum two-mile radius around the site) shall include, but not be limited to:

- Land use map;
- Transportation studies;
- Noise level, air quality and soil survey reports;
- Recognition of the proximity of local public facilities, such as hospitals, fire station, sheriff station etc.; and
- Identification of sites with archeological, historical, and cultural importance.

- 3) Site Analysis for the Park:

An effective site design for OHV park is largely determined by the site characteristics, both environmental and man-made. Therefore, adequate site information is very crucial in evaluating opportunities and constraints in relationship to the proposed OHV park. The site analysis for the park shall include, but not be limited to:

- Appropriate General Plan land use and zoning designations (or a concurrent process to achieve the appropriate designations);
- Identification of easements, other legal restrictions, and existing site considerations such as rock outcropping or archeological, historical, and cultural importance areas, etc.;
- Identification of environmental constraints, such as habitat areas, riparian areas, water courses, and view sheds;
- Identification of significant ridgelines, drainage patterns, and slopes; and
- Access to public utilities, such as water, gas, electricity, and sewer or alternative provisions for such.

4) Site Plan for the Park:

The actual OHV park planning is a complex process that involves a thorough understanding of the land use compatibility, regional analysis, as well as site analysis. Therefore, it is recommended that a professional landscape architect and/or a park planner be retained to facilitate preparation of a well-defined site plan for the park. A site plan for OHV park shall clearly define the anticipated user groups and activities, and meet the design standards and guidelines that are identified in Section 5.

Section 5. Design Standards and Guidelines.

In order to promote environmentally sensitive, well-designed, and well-managed Off-Highway Vehicle (OHV) facilities in the County, the following categories of physical environment shall be addressed in the site design.

1. Response to Unique Site Characteristics:

- a. The site shall be evaluated for archeological, historical, and cultural importance areas, as well as special habitat areas, riparian areas, water courses, and view sheds.
- b. If the aforementioned areas of concern exist on the site, they shall be managed and contained as off-limit areas for the OHVs and recorded in the conditions of approval for the project.
- c. Adequate buffering of the OHV use from adjacent parcels shall be an integral consideration to the design of the park.
- d. The OHV parks have a significant impact on adjacent parcels and land uses. In this regard the active OHV areas of the park shall provide a minimum 500-foot buffer area from all adjacent property.
- e. An OHV park shall incorporate design features such as hardened water crossings or bridges to prevent siltation and disturbance of existing watercourses and riparian areas.
- f. The OHV tracks shall not be planned within the utility easements or other county restriction areas, including noise-sensitive areas.
- g. The OHV tracks should be located in a manner as to reduce impacts on other site features such as existing land uses, vegetation, or rock outcroppings.

2. Circulation and Parking:

- a. Circulation patterns of the vehicular and pedestrian traffic for an OHV park shall be based upon the regional transportation studies.

- b. Access routes to an OHV park shall be well-connected with the existing road network; however, primary access routes should not be planned through existing residential neighborhoods.
- c. Vehicular routes as well as parking areas shall be used to minimize the impacts of the OHV tracks on the off-site and on-site noise sensitive areas.
- d. Various design elements shall be used to separate, as much as possible, pedestrians from vehicular traffic routes. These design elements may include, but not be limited to, fences, walls, posts, high curbs, logs, large boulders, and landscaping.
- e. Any material that could possibly injure an OHV rider shall not be used on an OHV park site.
- f. Safety of the spectator, and unobstructed riding experience for the participant, are important factors in the planning of an OHV park. Therefore, the spectators and the OHV tracks shall be separated through design features such as fencing, berms, trees, and shrubs.
- g. If special events and activities are anticipated, an integrated circulation plan shall be considered for the park that at least addresses circulation of vehicular traffic during the peak volume times, as well as quick ingress and egress for emergency vehicles.
- h. If entrance stations are envisioned, their design should ensure a quick and efficient movement of the vehicular and pedestrian traffic.
- i. Two types of parking areas should be considered for an OHV park – participants and spectators. The participant parking areas shall be provided; however, the spectator parking areas should be encouraged in an OHV park.
- j. Most of the participants carry their OHVs in the back of pickup trucks, or in small trailers, behind cars, trucks, and motor homes. Therefore, the planning of participant parking areas shall accommodate this wide range of vehicles and trailers.
- k. Most of the spectator parking areas are used infrequently; and therefore, they may be surfaced with stabilized turf or compacted gravel and may be used for training opportunities for novice riders.
- l. One (1) disabled parking space shall be provided for every twenty five regular parking spaces.

3. Public Facilities and Recreational Amenities:

- a. Even though the primary purpose of an OHV park is riding and driving, whenever space and site conditions permit, an OHV park should provide opportunity for a variety of alternative uses. The alternative uses may include, but not be limited to, equestrian riding, recreational vehicle parking, camping, and hiking.
- b. Informational signage and displays shall be provided at all park ingress points. This information may include, but not be limited to, trails map (including levels of difficulty), intended uses, rules and regulations, as well as hand out trails map if possible.
- c. The OHV tracks shall be well-defined and have sufficient length, safe width, and varying levels of difficulty for varied rider abilities.
 - i. Recommended width for a one-way OHV track in a wooded area: 5 feet.
 - ii. Recommended width for a two-way OHV track in a wooded area: 8 feet.
 - iii. Recommended width for a one-way OHV track in an open or grassy area: 4 feet.
 - iv. Recommended width for a two-way OHV track in an open or grassy area: 8 feet.
 - v. Track width on switchbacks or in areas with steep side slopes should be increased by 6 to 20 inches.
 - vi. On sharp curves, track width should be increased by 1 foot.

- d. Even though the primary purpose of an OHV park is to cater the participants, whenever space and site conditions permit, the park should accommodate as many public facilities and recreational amenities as possible for all people, regardless of age, size, and abilities.
- e. Access to restrooms shall be provided an OHV park. The type will depend upon the amount of use expected, the availability of nearby water and sewer services, and/or the site's capability to provide on-site water supply and sewage disposal.
- f. A public pay phone as well as a water fountain(s) shall be provided on an OHV park site.
- g. If nighttime riding or other recreational activities are intended on an OHV park site, sufficient outdoor lighting should be provided. It is important that any lighting not impact surrounding parcels, or provide unwanted glare into the night sky. It is recommended that low-pressure sodium vapor lighting be used as much as practicable and to comply with those areas which fall under the provisions of Riverside county Ordinance No. 655.
- h. Additional public facilities and recreational amenities may be provided on an OHV park site, including but not limited to, camping ground, recreational vehicle parking, recreational trails, nature/historical study centers, entrance station, first aid station, snake bar, racing tracks, viewing stand, equipment sales, or fuel dispensing station. Use of the OHV park to accommodate recreational vehicles shall comply with the provisions of Section 19.95 of Ordinance 348 regulating Recreational Vehicle Parks.
- i. Public facilities and recreational amenities design and building finishes should require minimum maintenance especially in regards to vandalism.
- j. Public facilities and recreational amenities should utilize recycled plastics, reclaimed water, waterless restroom fixtures, and other environmentally sensitive materials.

4. Mitigation Measures:

- a. Noise level, air quality and soil survey reports as well as site analysis shall be considered in conjunction with the proposed OHV park design to determine the mitigation measures.
- b. Any OHV park proposal shall comply with all the mitigation measures for noise, air quality, and soil quality that are identified in Article XIXf of the Zoning ordinance.
- c. The off-highway vehicle tracks should be located as distant as possible from existing on-site and off-site noise sensitive areas.
- d. Noise indifferent uses such as park entrance station, interior park roads, parking lots, park office, park maintenance office, utility easements etc. should be placed as buffers between the OHV tracks and noise sensitive areas.
- e. Buildings or solid sound barriers shall be used if the noise sensitive areas are very close to the OHV tracks. Sound barriers may be made of earth berms or constructed from concrete, wood, or other solid building materials.
- f. Landscaping may be used as a part of a sound barrier if it is used in conjunction with other noise abatement techniques
- g. An OHV park site grading shall be done in a manner that minimize or eliminate unstable cut and/or fill slopes.
- h. Soil survey reports shall indicate general soil classification of the area to be of moderate or low risk for the OHV track development.
- i. The OHV tracks shall comply with all South Coast Air Quality Management District guidelines for the fugitive dust. In addition, the OHV tracks shall use surface materials that minimize dust generation and soil erosion.
- j. The OHV tracks shall be located in areas where topography, vegetation or constructed barriers will prevent prevailing winds from carrying generated dust onto adjacent land uses.

- k. Adequate water supply system shall be planned for the OHV tracks to reduce dust generation and prevent its movement beyond the park boundaries. Such water supply system may include water trucks, water cannons, hoses or permanent irrigation systems.
- l. Excessive water runoff due to the proposed park construction shall be reduced by design means such as retention areas, runoff/erosion protection barriers, as well as permeable parking surfaces.

5. Management Program:

- a. An OHV park proposal shall include a detailed management program that at least includes park maintenance either through in-house labor, or by contract.
- b. The management program should only be as detailed as is absolutely necessary to properly manage the park. For example, a small scale park will require a less detailed management program versus a large scale park.
- c. The management program shall identify the natural and built facilities on the site, a clearly defined reason for the park, and anticipated users of the park site.
- d. The management program should further define planning, operations, and maintenance of the park facilities and activity programming for the users into a comprehensive document.
- e. The management program should include a well-defined schedule for monitoring compliance with noise levels and Air Quality Management District (AQMD) guidelines.

ATTACHMENT 6

Ordinance No. 847
Riverside County Noise Ordinance

Ordinance No. 847
Noise Ordinance

SECTION 1. INTENT

Excessive sound and vibration are a serious health hazard to the public health and welfare, safety, and the quality of life. The people of Riverside County have a right to and should be ensured an environment free from the unnecessary, offensive and excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life.

Therefore, it is declared to be the policy of Riverside County in its exercise of the police power to prohibit unnecessary, excessive and offensive sounds. At certain levels, such sounds become noise and are detrimental to the health and welfare of the citizenry, and, in the public interest, are hereby systematically proscribed. This ordinance is intended to work in concert with and supplement all other county ordinances and to establish local community standards for noise regulation.

SECTION 2. DEFINITIONS

The following words, phrases and terms as used in this ordinance shall have the following meanings:

- A. **“Acoustic Specialist”** A person or persons trained in acoustic sampling, qualified to measure sound levels consistent with criteria contained within this ordinance.
- B. **“Ambient sound level”** The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- C. **“Approving Authority”** The designated body or persons authorized to grant approval or deny a discretionary permit or exception to this ordinance.
- D. **“A-weighting”** The standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequencies of a sound in a manner similar to the human ear for moderate sounds.
- E. **“Commercial purpose”** The use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, goods, or services, or for the purpose of attracting the attention of the public to, advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.
- F. **“Community Noise Equivalent Level (CNEL)”** A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. It is calculated on a 24 hour basis, are summed, and converted to an average noise exposure rating.
- G. **“C-weighting”** The standard C-weighted frequency response of a sound level meter, which de-emphasizes high frequencies of a sound in a manner similar to the human ear for moderate sounds.
- H. **“Decibel”** A unit for measuring the relative amplitude of a sound equal approximately to the smallest difference normally detectable by the human ear, whose range includes approximately one hundred thirty (130) decibels on a scale beginning with zero decibels for the faintest detectable sound. The sound pressure associated with zero decibels is twenty (20) micropascals.

1 I. **“Discretionary permit”** A permit issued by the county other than ministerial permits as identified
2 within Riverside County Ordinance No. 348.

3 J. **“Enforcement officer”** The Riverside County Sheriff, Planning Director, Director of Building and
4 Safety, and Health Officer and the employee(s) designated by thereby as code enforcement officer(s)
to enforce the provisions of this ordinance.

5 K. **“Equivalent hourly sound level (L_{eq})”** The average acoustic energy content of noise during the
6 time it lasts. The L_{eq} of a time varying noise and that of a steady noise are the same if they deliver the
7 same acoustic energy to the ear during exposure, no matter what time of day they occur. The County
of Riverside uses a 10-minute L_{eq} measurement.

8 L. **“Fixed sound source”** A device or machine which creates sounds while fixed or stationary,
9 including but not limited to residential, agricultural, industrial, and commercial machinery and
10 equipment, pumps, fans, compressors, air conditioners, refrigeration equipment, and motor vehicles
operated on private property.

11 M. **“Impulsive sound”** A single noise event or a series of single noise events, which result in a high
12 peak sound level of short duration (less than one second). Examples include, but are not limited to
sonic booms, gunshots, blasting, or hammering.

13 N. **“Intruding sound level”** The sound level created, caused, maintained or originating from an
14 alleged offensive source, measured in decibels, at a specified location while the alleged offensive
source is in operation.

15 O. **“Maximum sound level (L_{max})”** The maximum noise level measured on a sound level meter.

16 P. **“Micropascal”** The international unit for pressure, similar to pounds per square inch. 20
17 micropascals is the human hearing threshold. The scale ranges from zero for the average least
18 perceptible sound to about 130 for the average pain level.

19 Q. **“Motor vehicle”** Any vehicle that is propelled by other than human or animal power on land.

20 R. **“Noise”** Any loud discordant or disagreeable sound or sounds.

21 S. **“Noncommercial purpose”** The use, operation, or maintenance of any sound equipment for
22 other than a “commercial purpose”. It includes, but is not limited to, philanthropic, political, patriotic,
and charitable purposes.

23 T. **“One-third octave band”** A band of frequencies, in hertz (Hz), which is one-third of an octave
24 wide. The center frequencies of one-third octave bands increase by a factor of 1.26 (cube root of 2).
25 Examples of one-third band center frequencies in the range of audible sound include 20, 25, 31.5, 40,
26 and 63 hertz. Describing sound pressure levels in one-third octave bands provides information as to
the tone or pitch of noise (low frequency versus high frequency) as well as amplitude of the sound.

27 U. **“Property line or plane”** A vertical plane including the property line that determines the
28 property boundaries in space.

1 V. **“Public property”** Any property designated for public/quasi-public or parks/open space use as
2 provided for in the Riverside County General Plan and Land Use Ordinance, or any public street,
3 right-of-way or easement.

4 W. **“Residential property”** A parcel of real property that is designated within the Riverside County
5 General Plan for residential use, and has consistent zoning for residential use.

6 X. **“SAE J-1287 Stationary sound test”** The approved sound testing procedure that involves the
7 use of a calibrated sound level meter positioned 20 inches and 45 degrees from the exhaust system of
8 a stationary OHV or ATV, while the engine is revved to a predetermined RPM.

9 Y. **“School”** Institutions conducting regular academic instruction at preschool, kindergarten, and
10 elementary, secondary or collegiate levels.

11 Z. **“Sensitive receptor”** A land use in which there is a reasonable degree of sensitivity to noise.
12 Such uses include single-family and multi-family residential uses, frequently used outbuildings,
13 schools, hospitals, churches, rest homes, cemeteries, public libraries and other sensitive uses as
14 defined within the Noise Element of the Riverside County General Plan. Measurement of sound for a
15 sensitive receptor shall occur at the property line closest to the sound source.

16 AA. **“Simple tone noise”** Any sound that is distinctly audible as a single pitch (frequency) or set of
17 pitches. This includes sound consisting of speech and music.

18 BB. **“Sound level”** The sound pressure level in decibels as measured with a sound level meter using
19 the A-weighting and C-weighting networks or one-third-octave band frequency. The unit of
20 measurement is referred to a dBA, dBC, or one-third-octave band.

21 CC. **“Sound level meter”** An instrument meeting American National Standard Institute standard
22 S1.4A1985 for Type 1 or Type 2 sound level meters or an instrument and the associated recording
23 and analyzing equipment that will provide equivalent data.

24 DD. **“Standard, Interior”** Sound level within a habitable building (See Table 1).

25 EE. **“Standard, Exterior”** The magnitude of the external noise environment determined by the
26 value of the equivalent hourly sound level (L_{eq}) produced as the result of the accumulation of noise
27 from all sources contributing to the external noise environment at the site. (See Table 1).

28 SECTION 3. EXEMPTIONS Sound or noise emanating from the following sources and activities are
exempt from the provisions of this ordinance:

A. Sound or noise typically associated with residential uses (e.g., children at play, air conditioners in
good working order etc.)

B. Safety, warning and alarm devices, including house and car alarms, and other warning devices that
are designed to protect the health, safety, and welfare, provide such devices are not negligently
maintained or operated.

C. The normal operation of public and private schools typically consisting of classes and other school-
sponsored activities.

1 D. Emergencies, involving the execution of duties of duly authorized governmental personnel and
2 others to provide emergency response to the general public, including but not limited to sworn peace
3 officers, emergency personnel, utility personnel, and the operation of emergency response vehicles
and equipment.

4 E. Sound sources associated with agricultural operations on agricultural land, as defined by the
5 Riverside County General Plan, zoning ordinance, and Right-to-farm ordinance (Ord. 625.1) that are
6 carried out in any manner consistent with the practice and within the standards of the agricultural
7 industry. This includes without limitation all mechanical devices, apparatus, or equipment utilized for
the protection or salvage of agricultural crops during periods of adverse weather conditions or when
the use of mobile sources is necessary for pest control.

8 F. Sound associated with gunfire consistent with all state laws.

9 G. Any vehicle, otherwise compliant with state law, being operated upon any public highway, street,
10 or right-of-way for the purpose of exiting or entering property. This exception does not include any
amplified sound emanating from the vehicle, vehicle alarms, or horn honking.

11 H. Work on capital improvements, or repairs on public property by employees or contractors of
12 Riverside County.

13 **SECTION 4. SOUND MEASUREMENT METHODOLOGY**

14 A. Compliance with this ordinance shall be determined using methodology described in this
15 ordinance. Sound measurement, except as otherwise provided in this ordinance, shall be made with a
16 sound level meter using the A-weighting network at slow meter response, except that a fast meter
response shall be used for impulsive type sounds.

17 B. Calibration of the measurement equipment utilizing an acoustical calibrator meeting American
18 Nation Standards Institute (ANSI) Type 1 or Type 2 standard shall be performed immediately prior to
recording any sound data. Calibration equipment shall be certified annually.

19 C. Exterior sound levels shall be measured at the property line or at any location within the property
20 of the affected sensitive receptor. Sound measurements shall be taken in such a manner and location
21 so that it can be determined whether sound level standards are exceeded at the property line. Where
22 practical, the microphone of the sound level meter shall be positioned three to five feet above the
ground and away from reflective surfaces. The actual location of the sound measurements shall be at
the discretion of the enforcement officer.

23 **SECTION 5. DUTY TO COOPERATE**

24 It is unlawful for any person to refuse to cooperate with or to obstruct any county official or designee
25 in determining the ambient sound level of a sound source. Such Cooperation shall include, but is not
26 limited to, the shutting off or quieting of any sound source so that an ambient sound level can be
measured.

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1 **SECTION 6. SOUND LIMITS FOR SENSITIVE RECEPTORS**

2 A. It is unlawful for any person to create any sound, or to allow the creation of any sound, on
3 property owned, leased, occupied or otherwise controlled by such person that causes the exterior or
4 interior sound levels when measured at the property line closest to the sound source of any affected
5 sensitive receptor, to exceed the sound level standards as set forth in Table 1.

6 Table 1
7 **SOUND LEVEL STANDARDS (On-site)**

Hours	Interior Standards	Exterior Standards
10:00 pm to 7:00 am	40 L_{eq} (10 minute)	45 L_{eq} (10 minute)
7:00 am to 10:00 pm	45 L_{eq} (10 minute)	65 L_{eq} (10 minute)

8 B. If the intruding sound source is continuous and cannot reasonably be discontinued or stopped for
9 a time period whereby the ambient sound level can be measured, the sound level measured while the
10 source is in operation shall be compared directly to the sound level standards of Table 1.

11 C. If the intruding sound is instantaneous or impulsive and exceeds a maximum noise
12 Level of 55 dBA (L_{MAX}) at the receiving property line between the hours of 7 PM to 7 AM, or 80
13 dBA (L_{MAX}) between the hours of 7 AM to 7 PM at the receiving property line of a noise-sensitive
14 use the noise level shall be measured such that the sound level meter be set on fast response.

15 D. An acoustical study may be required for projects where land uses are located in an area of 60
16 dBA CNEL or greater. Any land use that is exposed to levels higher than 65 dBA CNEL will require
17 noise attenuation measures.

18 **SECTION 7. SPECIAL NOISE DISTURBANCES—TIME PLACE AND MANNER RESTRICTIONS**

19 A. Vehicle Noise

20 1. Off-Highway Vehicle Noise

21 a. Noise generated from continuous riding of off-highway vehicles may carry long
22 distances and have a negative impact on surrounding properties. To insure that
23 the noise impacts generated from off highway vehicle operation is minimized
24 each site being utilized for off highway vehicle activity shall comply with the
25 provisions of Article XIXf of Ordinance No. 348 and the following
26 requirements:

27 (1) Any motor vehicle operated within the County of Riverside shall be
28 equipped with a USDA Qualified Spark Arrester as listed on the USFS
website, and also with a muffler as defined within section 27150 of the
California Vehicle Code. No person shall operate a motor vehicle unless it
is so equipped with a spark arrester and a adequate per state law muffler .

(2) Pursuant to section 38370(h)(1) of the California Vehicle Code, as
amended, noise emissions from any off-highway vehicle shall be limited to
not more than 96 dBA if manufactured on or after 1-1-1986 and not more
than 101 dBA if manufactured prior to 1-1-1986 when measured from a
distance of 20 inches from the tailpipe using test procedures established by
the Society of Automotive Engineers under Standard J-1287.

b. No person shall operate a off-highway vehicle track as defined in Ordinance
No. 348 in such a way that:

(1) the L_{eq} A 10 min, measured at the edge of property or beyond exceeds 65
dBA and

1 (2) the peak dBA L slow A measured at the sensitive receptor or beyond
2 exceeds 75 dBA max at any one time..

3 2. Vehicle Repairs

4 It shall be unlawful for any person, within any residential property located within any
5 residential zone or within 500-feet thereof, to repair, rebuild, reconstruct, or
6 dismantle any motor vehicle between the hours of 8:00 p.m. of one day and 8:00 a.m.
7 of the next day in such a manner:

- 8 a. As to disturb the peace, quiet and comfort of any neighborhood or of any
9 reasonable person residing in the area.
10 b. "That such activity is audible to the human ear at a distance of 150 feet
11 from the property line of the noise source;
12 c. As to create noise which would cause the noise level on the premises of any
13 occupied residential property, or if a condominium, apartment house or duplex,
14 within any adjoining unit, to exceed the ambient noise level by more than (5)
15 decibels.

16 3. Vehicle loading and unloading

17 It shall be unlawful for any person between the hours of 10:00 p.m. and 7:00 a.m. of
18 the following day, to load or unload any vehicle, or operate any dollies, carts,
19 forklifts, or other wheeled equipment that causes any impulsive sound, raucous or
20 unnecessary noise within 200 feet of any residential building. This shall not include
21 those land uses which have obtained land use approval from the County of Riverside
22 for 24-hour operation.

23 B. Amplified sound or live music

24 1. The Board of Supervisors enacts this legislation for the sole purpose of securing and
25 promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing
26 that certain uses of sound amplifying equipment are protected by constitutional rights of
27 freedom of speech and assembly, the Board nevertheless feels obligated to reasonably regulate
28 the use of live music and sound amplifying equipment in order to protect the correlative rights
of the citizens of this community to privacy and freedom from public nuisance and
unnecessary noise.

a. It shall be unlawful for any person, other than personnel of law enforcement or
governmental agencies, or permittees duly authorized to use the same to (1) have a live
band or (2) install, use, or operate within the county a loudspeaker or sound amplifying
equipment in a fixed or moveable position or mounted upon any sound truck for the
purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music
to any persons or assemblages of persons in or upon any public street, alley, sidewalk,
park, or place, or other public property except when installed, used or operated in
compliance with the following provisions:

- (1) In all residential zones and within 500 feet thereof, no live band or sound
amplifying equipment shall be installed, operated or used for commercial
purposes at any time.
(2) The operation or use of a live band or sound amplifying equipment for
noncommercial purposes in all residential zones and within 500 feet thereof,
except when used for regularly scheduled operative functions by any school
or for the customary purposes of any church, is prohibited between the
hours of 10:00 p.m. and 8:00 a.m. of the following day.

- 1 (3) In all other zones the operation or use of a live band or sound amplifying
2 equipment for commercial or noncommercial purposes shall not occur:
3 (a) Between the hours of 10:00 p.m. and 7:00 a.m. of the following
4 day.
5 (b) Within five hundred (500) feet of any residence.
6 (4) The only sounds permitted shall be either music, human speech or both.
7 (5) Sound emanating from a live band or sound amplifying equipment shall be
8 limited in volume, tone, and intensity as follows:
9 (a) The sound shall not be audible at a distance in excess of 200 feet
10 from the sound equipment.
11 (b) In no event shall the sound be loud and raucous or unreasonably
12 jarring, disturbing, annoying or a nuisance to reasonable persons of
13 normal sensitiveness within the area of audibility.
14 b. Except as provided in (2) above, no live band or sound amplifying equipment shall be
15 operated upon any property adjacent to and within 200 feet of any hospital grounds, or
16 school, or church building while in use.

17 C. Construction Noise

18 Whenever a construction site is within one-quarter (1/4) of a mile of an occupied residence or
19 residences, no construction activities shall be undertaken between the hours of 6:00 p.m. and
20 6:00 a.m. during the months of June through September, and between the hours of 6:00 p.m.
21 and 7:00 a.m. during the months of October through May.

22 D. Airport Noise Standards

23 Development located within any Airport Land Use Compatibility Area established by the
24 Riverside County Airport Land Use Commission (ALUC) shall meet the noise standards
25 adopted by the ALUC and reflected within the Riverside County General Plan

26 E. Wind Energy Conversion Systems (WECS)

27 Noise due to WECS shall comply with the provisions set forth within Riverside County
28 Ordinance No. 348

SECTION 8. EXCEPTIONS

- 29 A. An exception may be requested from any provision of this ordinance. Requests for exceptions
30 shall be made on forms provided by the county. Notice of the request for exception must be given
31 to all the surrounding properties that would be impacted by the exception. i.e. those properties that
32 would experience a noise level at their property line that exceeds Table 1 in section 6.
33 B. If the applicant can show to the county that a diligent investigation of available sound suppression
34 techniques for the construction-related noise indicates that immediate compliance with the
35 requirements of this article would be impractical or unreasonable, due to the temporary nature or
36 short duration of the exception, a permit to allow exception from the provisions contained in all or
37 a portion of this ordinance may be issued. Factors that the approving authority must consider for
38 the construction-related noise exceptions shall include but not be limited to the following:
39 1. Conformance with the intent of this ordinance;
40 2. Uses of property and existence of sensitive receptors within the area affected by sound;
41 3. Factors related to initiating and completing all remedial work;
42 4. The time of day or night the exception will occur;
43 5. The duration of the exception; and
44 6. The general public interest, welfare, and safety.

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- C. If the applicant can show to the county that the characteristics of a special event indicate that Immediate compliance with the requirements of this ordinance would be impractical due to the Type of event or unreasonable due to its temporary nature or short duration, a permit allowing An exception from the provisions of this ordinance may be issued. Factors considered for Special events related exceptions shall include but not be limited to the following:
1. Conformance with the intent of this article;
 2. Uses of property and existence of sensitive receptors within the area affected by sound;
 3. Hardship to the applicant, or community of not granting the exception
 4. The time of day or night the exception will occur;
 5. The duration of the exception; and
 6. The general public interest, welfare, and safety.
- D. If the applicant can show to the county, or his or her designee that immediate compliance with The requirements of this article would not result in a hazardous condition or nuisance, and strict compliance would be unreasonable due to the circumstances of the requested exception, a permit to allow exception from the provisions contained in all or a portion of this ordinance may be issued. Factors considered for all requests for exceptions, other than construction or special events, shall include but not be limited to the following:
1. Conformance with the intent of this ordinance and general plan policies;
 2. Uses of property and existence of sensitive receptors within the area affected by sound;
 3. Factors related to initiating and completing all remedial work;
 4. Age and useful life of the existing sound source;
 5. Hardship to the applicant, or community of not granting the exception;
 6. The time of day or night the exception will occur;
 7. The duration of the exception; and
 8. The general public interest, welfare, and safety.
- E. Within thirty (30) days of receipt of the application, the county shall either (1) approve or Conditionally approve such request in whole or in part, (2) deny the request, or (3) refer The request directly to the Board of Supervisors for action at the next available board Meeting. In the event the exception is approved, reasonable conditions may be imposed Which minimize the public detriment and may include restrictions on sound level, sound Duration and operating hours, an approved method of achieving compliance, and a time Schedule for its implementation.
- F. Where a request for exception is associated with a discretionary permit, the exception shall be processed concurrently with the discretionary permit. The approving authority for the discretionary permit shall also be the approving authority for the exception. Factors that the Approving authority must consider for requests for exception shall be those factors identified Above, depending upon the type of exception requested. The approving authority for an Exception processed with a discretionary permit shall either (1) approve or conditionally Approve such request in whole or in part, or (2) deny the request.
- G. Where an approving authority has approved an exception and complaints are received related to the exception the approving body has the authority to take action, as he or she deems Necessary to reduce the sound impacts including modification or revocation of the exception.
- H. Any person aggrieved by the decision of the approving authority may appeal to the Board of Supervisors by filing written notice of appeal with the Clerk of the Board of Supervisors within ten (10) days of the decision. The Board of Supervisors decision shall be final and shall be based upon the considerations set forth in this ordinance.

1 SECTION 9. ENFORCEMENT, VIOLATIONS, AND PENALTIES

2 This ordinance shall be enforced through the provisions set forth within Riverside County Ordinance No.
3 725 establishing the procedures and penalties for violations of Riverside County Ordinances and provides
4 for the recovery of costs reasonably related to enforcement.

4 Section 10. CONFLICT BETWEEN ORDINANCE REQUIREMENTS

5 If there is any conflict in the requirements of this ordinance or between the requirements of this and any
6 other ordinance, the more stringent requirements shall apply.

6 Section 11. SEVERABILITY

7 If any provision of this ordinance or the application thereof to any person or circumstance is held invalid,
8 the remainder of the ordinance and application of such provision(s) to other persons or circumstances
9 shall not be affected.

9 Section 12. SAVINGS CLAUSE

10 Neither the adoption of this ordinance nor the repeal of any other ordinance in which violations were
11 committed prior to the effective date hereof, shall be construed as a waiver of any license or penalty or the
12 penal provisions application to any violation thereof. The provisions of the ordinance, insofar as they are
13 substantially the same as ordinance provisions previously adopted by the County relating to the same
14 subject matter, shall be construed as restatements and continuations, and shall not be construed as a new
15 enactment unless substantial revisions or provisions are required by the ordinance.

13 Section 13. SECTION HEADINGS

14 The section headings herein are for convenience only, and shall not be deemed to govern, limit, modify or
15 in any manner affect the scope, meaning or intent of the provisions or language of this ordinance.

16 Section 14. EFFECTIVE DATE

17 This ordinance shall take effect 30 days after the date of adoption.
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