DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

Referral
Early Consultation

Date: **September 4, 2020**

To: **Distribution List (See Attachment A)**

From: **Kristin Doud, Principal Planner**
Planning and Community Development

Subject: **GENERAL PLAN AMENDMENT APPLICATION NO. PLN2020-0057 AND AMENDMENT TO USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD**

Respond By: **September 21, 2020**

****PLEASE REVIEW REFERRAL PROCESS POLICY****

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: **Joe Traina/The Fruit Yard Properties, LLC**

Project Location: **7824 Yosemite Boulevard (Hwy 132), at the southwest corner of Yosemite Boulevard and Geer Road, between the Cities of Modesto, Waterford, and Hughson.**

APN: **009-027-011**

Williamson Act Contract: **N/A**

General Plan: **Planned Development (PD)**

Current Zoning: **Planned Development - P-D (317)**

Project Description: **This is a request to amend the Stanislaus County Noise Element and to amend the Development Standards and Mitigation Measures for Use Permit (UP) Application No. PLN2015-0130 – The Fruit Yard Amphitheater, which approved the construction and operation of a 3,500 person capacity amphitheater on a 43.86 acre parcel located in the Planned Development (P-D) (317) zoning district. The project requests to amend Figure IV-2 – Normally Accepted Community Noise Environments, of the Stanislaus County Noise Element, to allow an increase of the allowable exterior A weighted noise exposure levels for amphitheater events of 2,000 or more, operating no more than 7 days per year, by 5 dB. Consistent with this change is a request to increase the C weighted standards, included in Mitigation Measure No. 4 of UP PLN2015-0130 – The Fruit Yard**

Amphitheater by 5 dB. These changes would allow the A and C weighted noise levels included in Mitigation Measures No. 5 and 6 UP PLN2015-0130 – The Fruit Yard Amphitheater, which requires noise to be measured 100 feet from the front of the amphitheater stage, to increase by 10 dBA. Additionally, this request would amend Mitigation Measures No. 5 and 6 to allow the Leq noise measurements for A and C weighted noise levels to be measured in hourly increments, rather than five-minute increments. A Noise Impact Assessment has been prepared for this project. An amendment to Development Standard No. 13(b) would also be required if the project is approved to reflect the revised Noise Study findings.

Full document with attachments available for viewing at:
http://www.stancounty.com/planning/pl/act-projects.shtm

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

GENERAL PLAN AMENDMENT APPLICATION NO. PLN2020-0057 AND AMENDMENT TO USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD
Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
X	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
X	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: MODESTO AND WATERFORD	X	STAN CO PARKS & RECREATION
	COMMUNITY SERVICES DIST:	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 1: OLSEN
X	FIRE PROTECTION DIST: CONSOLIDATED	X	STAN COUNTY COUNSEL
	GSA:	X	StanCOG
	HOSPITAL DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: MODESTO	X	STANISLAUS LAFCO
X	MOSQUITO DIST: EASTSIDE	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:	X	TELEPHONE COMPANY: AT&T
X	PACIFIC GAS & ELECTRIC	X	TRIBAL CONTACTS (CA Government Code §65352.3)
	POSTMASTER:	X	US ARMY CORPS OF ENGINEERS
	RAILROAD:	X	US FISH & WILDLIFE
	SAN JOAQUIN VALLEY APCD		US MILITARY (SB 1462) (7 agencies)
X	SCHOOL DIST 1: EMPIRE	X	USDA NRCS
X	SCHOOL DIST 2: MODESTO	X	WATER DIST: MODESTO (DEL ESTE)
	WORKFORCE DEVELOPMENT		
X	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM

TO: **Stanislaus County Planning & Community Development**
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: **GENERAL PLAN AMENDMENT APPLICATION NO. PLN2020-0057 AND AMENDMENT TO USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD**

Based on this agency's particular field(s) of expertise, it is our position the above described project:

_____ Will not have a significant effect on the environment.
_____ May have a significant effect on the environment.
_____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

1.
2.
3.
4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

1.
2.
3.
4.

In addition, our agency has the following comments (attach additional sheets if necessary).

_____

_____

Response prepared by:

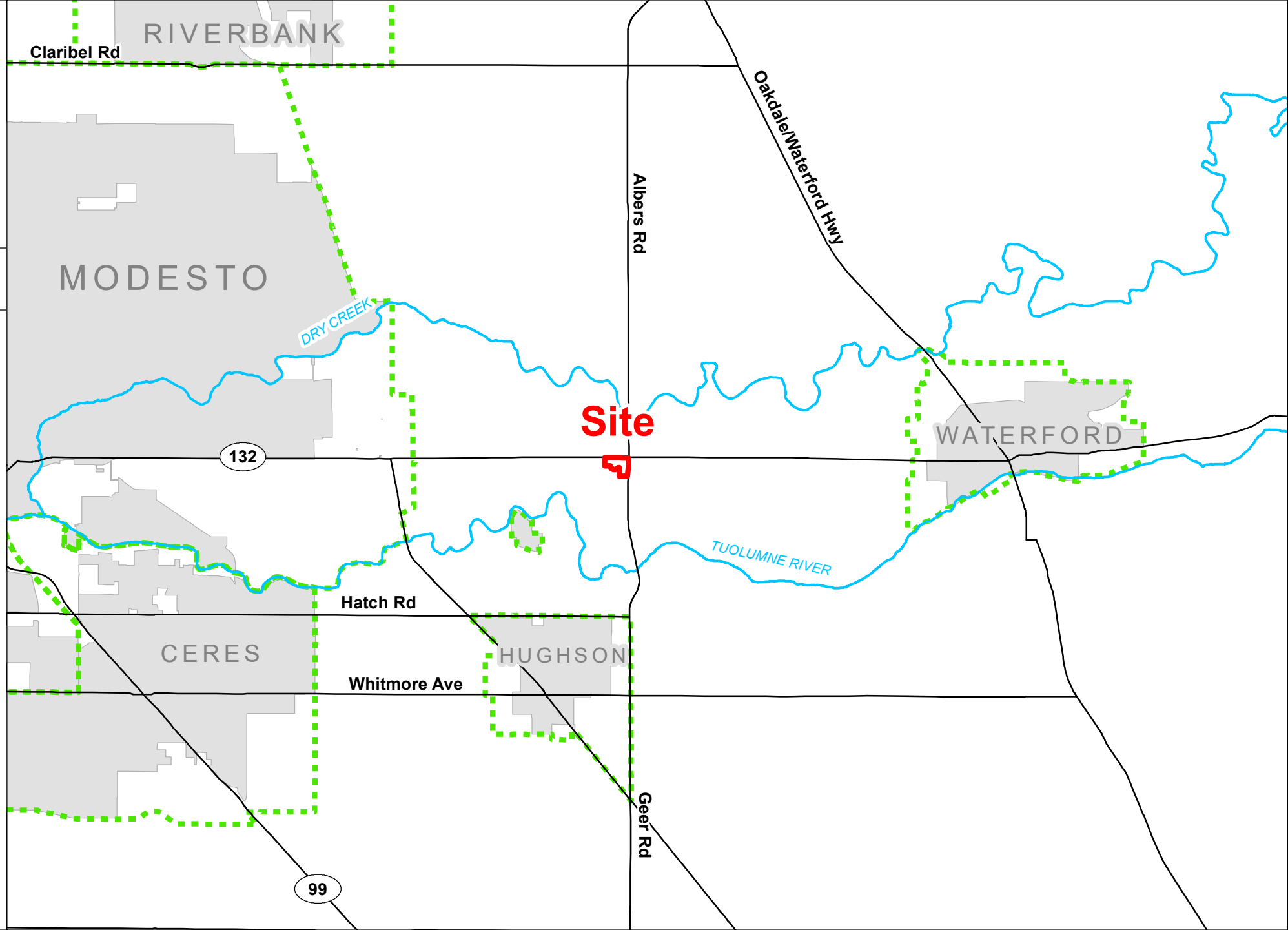
_____

Name Title Date

THE FRUIT YARD

GPA PLN2020-0057

AREA MAP



LEGEND

- Project Site
- Sphere of Influence
- City
- Road
- River

N

0 2mi

0 2km

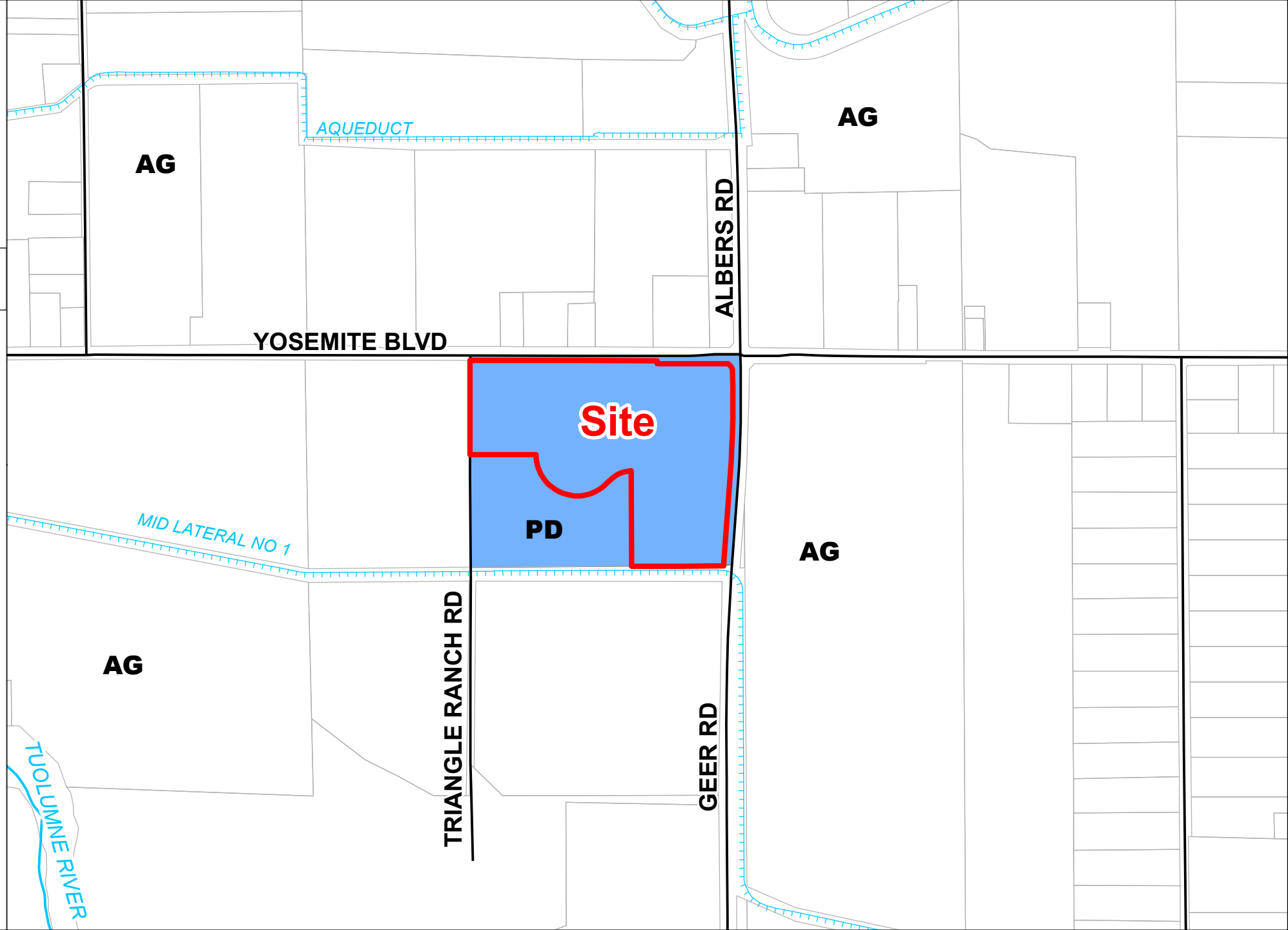
Source: Planning Department GIS

Date: 8/6/2020

THE FRUIT YARD

GPA PLN2020-0057

GENERAL PLAN MAP



LEGEND

- Project Site
- Parcel
- River
- Road
- Canal

General Plan

- Agriculture
- Planned Development

N

0 — 1,500 ft

0 — 300 m

Source: Planning Department GIS

Date: 8/6/2020

THE FRUIT YARD

GPA PLN2020-0057

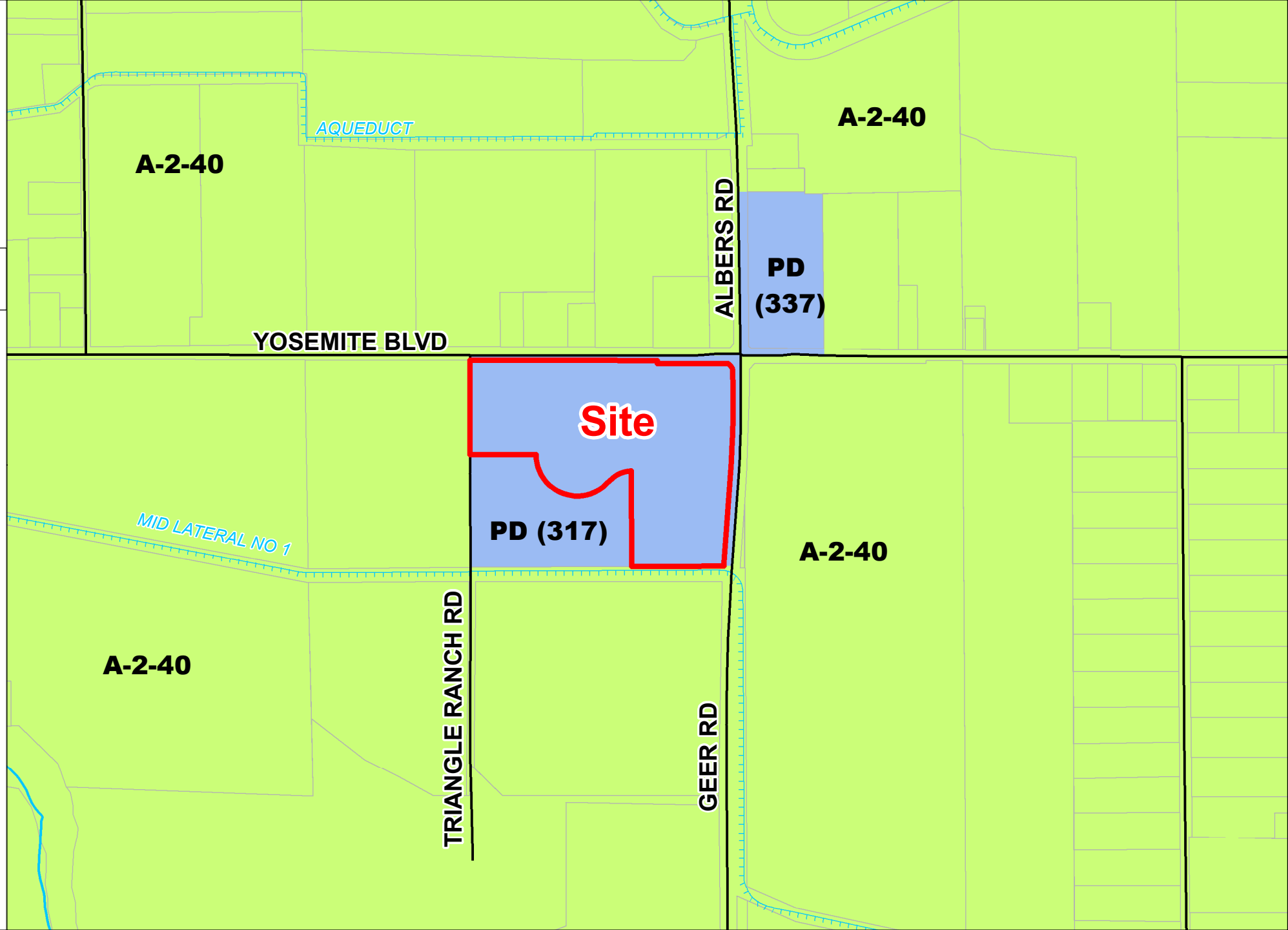
ZONING MAP

LEGEND

- Project Site
- Parcel
- River
- Road
- Canal

Zoning Designation

- Planned Development
- General Agriculture 40 Acre



N

0 1,500 ft

0 300 m

Source: Planning Department GIS

Date: 8/6/2020

THE FRUIT YARD

GPA PLN2020-0057

ACREAGE MAP

LEGEND

- Project Site
- # Parcel/Acres
- Road
- River
- Canal

N

0 1,500 ft

0 300 m

Source: Planning Department GIS

Date: 8/6/2020

THE FRUIT YARD

GPA PLN2020-0057

2017 AERIAL AREA MAP

LEGEND

- Project Site
- Road
- River
- Canal

N

0 1,500 ft

0 300 m

Source: Planning Department GIS

Date: 8/6/2020

THE FRUIT YARD

GPA PLN2020-0057

2017 AERIAL SITE MAP

LEGEND

Project Site

Road

Canal

N

0 400 ft

0 100 m

Source: Planning Department GIS

Date: 8/6/2020

PARCEL 1
34-PM-85

PARCEL A
29-PM-146

PARCEL A
24-PM-98

APN 09-13-21

APN 09-13-07

APN 09-13-06

PARCEL B
18-PM-78

EXTEND EXISTING TURN LANE TO ACCOMMODATE EXISTING DRIVEWAY

EXISTING PYLON SIGN TO BE UPDATED AND PROPOSED ELECTRONIC READER SIGNED TO BE ADDED

ALBERS ROAD

YOSEMITE BOULEVARD (STATE HIGHWAY 132)

SEC. 27 SEC. 26
SEC. 34 SEC. 35

EXISTING IRREVOCABLE OFFER DEDICATION

PARCEL 1
56-PM-83

FUTURE TRACTOR SALES PER APPROVED PD 317

FUTURE FUELING STATION PER APPROVED PD 317

PARCEL LINE

FUTURE ACCESS LANE

FUTURE BANQUET FACILITY PER APPROVED PD 317

EXISTING PARKING

THE FRUIT YARD EX. RESTAURANT

EXISTING FUEL ISLAND & CANOPY

EXIST. STORE

FUTURE FRUIT PACKING PER APPROVED PD 317

SECURITY FENCING TYP.

MAIN ENTRANCE

MAINT. BLDG.

PROP. GAZEBO

PARCEL 12
56-PM-83

PROPOSED STORAGE BUILDING
100' 45'
4,000 S.F.

PROPOSED SINGLE ROOF ONLY
5,000 S.F.
FF=134.0

EXIST. ORCHARD

PARCEL 10
56-PM-83

BENCH = 131.5

BENCH = 140.7

TOP = 149.8

CATCH POINT

PROPOSED COVERED SEATING AREA

EX. POND

PROPOSED TEMPORARY EVENT PARKING AREA

EXISTING FUEL ISLAND & CANOPY

GEER ROAD

SCALE: 1"=40'

EXISTING STORM DRAIN BASIN

PROPOSED OVERFLOW PARKING
135 STALLS

PARCEL 11
56-PM-83

24-S-42

EXTEND EXISTING TURN LANE TO ACCOMMODATE EXISTING DRIVEWAY

PARCEL 7
56-PM-83

EXISTING IRREVOCABLE OFFER DEDICATION

PROPOSED AREA OF OVERFLOW PARKING PER APPROVED PD 317

NOTE: AS FUTURE OUTPARCELS ARE DEVELOPED AND EVENT PARKING IS DISPLACED ADDITIONAL PARKING AREA WILL BE MADE AVAILABLE WITHIN THIS PARCEL.

FUTURE RV / CAMPGROUND PER APPROVED PD 317

FUTURE STORAGE FACILITY PER APPROVED PD 317

62' 50'
112'

EXIST. ORCHARD

PARCEL 9
56-PM-83

5-S-82

EXIST. MAINT. BLDG.

PARCEL 8
56-PM-83

PARKING SUMMARY:

PROPOSED AMPHITHEATER MAXIMUM CAPACITY 3,500 PEOPLE

REQUIRED:
1/3 PEOPLE 1,167

PROVIDED:
SPECIAL EVENT PARKING 1,167
OVERFLOW PARKING 135
TOTAL: 1,302

NOTE:

THIS DRAWING IS DIAGRAMMATIC TO DEPICT POSSIBLE IMPROVEMENTS AND IS FOR ILLUSTRATIVE PURPOSES ONLY. THIS DRAWING IS NOT BINDING AND DOES NOT REPRESENT ANY REQUIRED IMPROVEMENTS.

REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.associeng.com

SITE PLAN TO ACCOMPANY USE PERMIT

PARK SITE DEVELOPMENT PLAN

THE FRUIT YARD

STANISLAUS COUNTY CALIFORNIA

RYAN CARREL, R.C.E. 61619
DAVE SKIDMORE, L.S. 7126

DRAWN BY: J.F.
DATE: 1/20/17 7:54
SCALE: 1"=40'
DWG: 496A UP_SITE
CHECKED:
JOB #: 496A-15

SHEET 1 OF 1

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759
Form Available Online: http://www.stancounty.com/planning/applications.shtm

APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- [x] General Plan Amendment
- [x] Rezone
- [x] Use Permit COA/MM/DS Amendment
- [ ] Variance
- [ ] Historic Site Permit
- [ ] Subdivision Map
- [ ] Parcel Map
- [ ] Exception
- [ ] Williamson Act Cancellation
- [ ] Other _____

PLANNING STAFF USE ONLY:

Application No(s): PLN2020-0057
Date: 6/25/2020
S 34 T 3 R 10
GP Designation: PD
Zoning: P-D (317)
Fee: $11,642
Receipt No. 555722
Received By: KLD
Notes: fee submitted was for GPA only. $5,200 balance due

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).

See attached.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 009 **Page** 027 **Parcel** 011 & 012

Additional parcel numbers: _____

Project Site Address or Physical Location: 7948 Yosemite Blvd

Modesto, CA 95357

Property Area: Acres: 43.86 +/- or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Restaurant, Service Station, Produce Market, Cardlock Facility, Banquet/Meeting Facility, and Amphitheater.

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

Planned Development for existing facilities; Use Permit for Amphitheater

Existing General Plan & Zoning: Agriculture (Ag)

Proposed General Plan & Zoning: Planned Development (PD)
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: AG

West: AG

North: AG, Church, Urban Development

South: AG, old Landfill

WILLIAMSON ACT CONTRACT:

Yes ☐ **No** ☒

Is the property currently under a Williamson Act Contract?
Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes ☐ No ☒ Do you propose to cancel any portion of the Contract?

Yes ☐ No ☒ Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

_____

SITE CHARACTERISTICS: (Check one or more) Flat ☒ Rolling ☐ Steep ☐

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops ☐ Orchard ☒ Pasture/Grassland ☐ Scattered trees ☐

Shrubs ☐ Woodland ☐ River/Riparian ☐ Other ☐

Explain Other: _____

Yes ☐ No ☒ Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes ☐ No ☒ Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

Minimal amount, site is flat

STREAMS, LAKES, & PONDS:

Yes ☒ No ☐ Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes ☐ No ☒ Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

_____

Yes ☐ No ☒ Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes ☐ No ☒ Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

Yes ☒ No ☐ Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.

Yes ☐ No ☒ Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes ☐ No ☒ Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: N/A Sq. Ft. Landscaped Area: N/A Sq. Ft.

Proposed Building Coverage: N/A Sq. Ft. Paved Surface Area: N/A Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) N/A

Number of floors for each building: N/A

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) N/A

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary)

Existing Charter Communication Tower near the southwest corner of the site is approximately 100 feet high.

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) N/A

UTILITIES AND IRRIGATION FACILITIES:

Yes ☒ No ☐ Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: MID Sewer*: Septic

Telephone: AT&T Gas/Propane: PG7E

Water**: On-Site Irrigation: MID

***Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.**

****Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.**

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

_____

_____

_____

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes ☐ **No** ☐ Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes ☐ **No** ☐ Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes ☐ **No** ☐ Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes ☐ **No** ☒ Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots:_____ Total Dwelling Units:_____ Total Acreage:_____

Net Density per Acre: _____ Gross Density per Acre: _____

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/ Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): N/A

Type of use(s): Approved Uses: Restaurant, Retail, Produce Market, Service Station and Card Lock Facility, Storage and RV Park, Tractor sales, and Amphitheater.

Days and hours of operation: 6 a.m. to 11 p.m. typical. Up to Midnight for Special Events and Weddings.

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: N/A

Occupancy/capacity of building: In addition to PD-317 the Amphitheater use allows a maximum 3,500 people.

Number of employees: (Maximum Shift): _____ (Minimum Shift): _____

Estimated number of daily customers/visitors on site at peak time: _____

Other occupants: _____

Estimated number of truck deliveries/loadings per day: _____

Estimated hours of truck deliveries/loadings per day: _____

Estimated percentage of traffic to be generated by trucks: _____

Estimated number of railroad deliveries/loadings per day: _____

Square footage of:

Office area: _____ Warehouse area: _____

Sales area: _____ Storage area: _____

Loading area: _____ Manufacturing area: _____

Other: (explain type of area) _____

Yes ☐ **No** ☐ Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Yes ☐ No ☐ Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes ☐ No ☐ Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes ☐ No ☐ Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) ☒ Drainage Basin ☐ Direct Discharge ☐ Overland

☐ Other: (please explain) Existing Storm Drainage Basin

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Existing Active SWPPP

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

None provided.

Noise Element Amendment
Project Description

Background:

The Stanislaus County General Plan Noise Element establishes the Goals and Policies applied to County land use decisions regarding noise generated from projects.

Figure IV-2: Normally Accepted Community Noise Environments, as contained on Page IV-8 of the County General Plan sets forth that 60dBA is considered a "Normal Acceptable" noise level for the Residential Land Use Category (for generally low-density development), and identifies a range of 60dBA to 70dBA (Ldn or CNEL) in residential areas as "Conditionally Acceptable". The footnote to Table IV-2 of the General Plan also provides "[r]esidential development sites exposed to noise levels exceeding 60Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1208A, Sound Transmission Control, California Building Code." And, Table IV-2 also establishes that Land Use Category – Agriculture, has a "Normal Acceptable" noise environment of up to 75dBA.

Goal Two of the General Plan Noise Element establishes the policy and implementation measures to be considered when the County reviews projects. Goal Two; Implementation Measure 2 further provides "New development of industrial, commercial, or other noise generating land uses will not be permitted if resulting noise levels will exceed 60Ldn (or CNEL) in noise-sensitive areas."

And, the County General Plan, on Page IV-2 defines noise-sensitive areas as:

"Noise-sensitive areas to be considered in the Noise Element should include areas containing the following noise sensitive land uses:

1. Schools
2. Hospitals
3. Convalescent homes
4. Churches
5. Sensitive wildlife habitat, including the habitat of rare, threatened, or endangered species
6. Other uses deemed noise sensitive by the local jurisdiction"

While Implementation Measure 2 sets 60Ldn as the standard upper limit of noise in noise-sensitive areas, Table IV-2: Maximum Allowable Noise Exposure – Stationary Noise Sources actually applies a stricter standard of 55 dBA from 7:00 a.m. to 10:00 p.m., and further provides a five (5) dBA reduction for pure tone noises.

Amendment:

Outdoor entertainment provides a valuable service to the citizens of Stanislaus County. The County Fair is able to attract bands, comedians, and other types of events to an outdoor venue over its 10-day run in the summer. The County has historically allowed outdoor musical events at Woodward and Modesto Reservoirs. The Fruit Yard Amphitheater is an approved venue for outdoor concerts and events. All of these are open air venues, which somewhat limits their event season to the fair weather months.

The County also recognizes the importance of special entertainment events as witnessed by Stanislaus County Code Section 6.40 which provides that outdoor entertainment activities may be approved in the unincorporated area of the County. These approvals can last up to seven (7) days, and be allowed on a parcel up to six (6) times per year.

Since its approval for the amphitheater, The Fruit Yard has held concerts, these events have been monitored, and this monitoring shows, with empirical data, that The Fruit Yard compliance with its standards result in an acceptable noise environment around the site. It has also become apparent that some acts avoid The Fruit Yard venue due to its restrictive noise standard of 90dBA maximum at the sound board. A more typical standard for bands is 100dBA.

Based on past monitoring, The Fruit Yard could meet the current County's General Plan standards after an adjustment of The Fruit Yard's standards, as set forth in Mitigation Measures 5 and 6 of the Amphitheater Use Permit Mitigation Monitoring and Reporting Program, to 95dBA and 105dBC. These standards should also be applied over an hourly period, consistent with Table IV-2 of the General Plan.

Table IV-2 of the General Plan currently sets a standard for pure tone noises that is about 10dBA below what the General Plan states is a Normal Acceptable 60dBA standard in Figure IV-2 and the 60dBA standard articulated in Goal Two Implementation Measure 2. So, Table IV-2 can include an increase of up to 10 dBA (from 50dBA after a five dBA reduction, to 60dBA) and still remain consistent with General Plan standards.

Such an adjustment to Table IV-2, and to bring it current with Figure IV-2 and Goal Two Implementation Measure 2, is the purpose the General Plan Amendment request. The small increase proposed will fall within General Plan and accepted noise standards, while giving the Board flexibility, on a case by case and limited basis, to consider allowing some venues or events to hold entertainment activities near the upper end of the allowable standards, but only for up to a maximum of seven (7) events per year upon approval of the Board of Supervisors for a specific event, or at a specific venue. It is also proposed that this amendment applies only to outdoor venues or events where 2,000 or more attendees could be accommodated.

If the Board amends the General Plan, as requested, The Fruit Yard requests that its standard in Mitigation Measures 5 and 6 be increased to 100dBA and 110dBC, for up to seven (7) events per year, as such adjustment will be consistent with the amended General Plan, and still maintain off-site noise limitations at 60dBA or below.

While such an adjustment would provide additional flexibility to The Fruit Yard, it would also apply to other outdoor venues. To provide more County control and limit its reach, the proposed amendment would only apply to large venues (over 2,000 attendees), would limit the amount of times the 60dBA off-site limit could be applied to seven (7) times per year, and would only allow the increase to be applied upon Board of Supervisors approval.

Based on this adjustment, the Board of Supervisors would retain the authority to allow a few events to proceed with a 60dBA off-site standard at Woodward or Modesto Reservoir, for Outdoor Entertainment Permits, at The Fruit Yard Amphitheater, or at a future venue that could have 2,000 or more attendees. All, while staying at or under the 60dBA standard set in the General Plan as a "Normal Acceptable" standard.

GOAL TWO

Protect the citizens of Stanislaus County from the harmful effects of exposure to excessive noise.

POLICY TWO

It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise sensitive land uses.

IMPLEMENTATION MEASURES

1. New development of noise-sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to the following levels:

    a. For transportation noise sources such as traffic on public roadways, railroads, and airports, 60 L_{dn} (or CNEL) or less in outdoor activity areas of single-family residences, 65 L_{dn} (or CNEL) or less in community outdoor space for multi-family residences, and 45 L_{dn} (or CNEL) or less within noise-sensitive interior spaces. Where it is not possible to reduce exterior noise due to these sources to the prescribed level using a practical application of the best available noise-reduction technology, an exterior noise level of up to 65 L_{dn} (or CNEL)with the windows and doors closed in residential uses.

    b. For other noise sources such as local industries or other stationary noise sources, noise levels shall not exceed the performance standards contained within Table IV-2.

Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

2. New development of industrial, commercial, or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 L_{dn} (or CNEL) in noise-sensitive areas. Additionally, the development of new noise-generating land uses, which are not preempted from local noise regulation, will not be permitted if resulting noise levels will exceed the performance standards contained within Table IV-2 in areas containing residential or other noise sensitive land uses.

Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

TABLE IV-2

MAXIMUM ALLOWABLE NOISE EXPOSURE – STATIONARY NOISE SOURCES[1]

	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Hourly L_{eq}, dBA	55	45
Maximum level, dBA	75	65

Each of the noise level standards specified in Table IV-2 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. Each of the noise level standards specified in Table IV-2 may be increased by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, at an outdoor venue with capacity of 2,000 attendees or greater for no more than seven (7) days per year upon Board of Supervisors approval. The standards in Table IV-2 should be applied at a residential or other noise-sensitive land use and not on the property of a noise generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

3. Prior to the approval of a proposed development of noise-sensitive land uses in a noise-impacted area, or the development of industrial, commercial or other noise-generating land use in an area containing noise-sensitive land uses, an acoustical analysis shall be required. Where required, an acoustical analysis shall:
   a. Be the responsibility of the applicant.
   b. Be prepared by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics.
   c. Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.
   d. Include representative noise levels in terms of L_{dn} (or CNEL) and the standards of Table IV-2 (if applicable) for existing and projected future (10-20 years hence) conditions, with a comparison made to the adopted policies of the Noise Element.
   e. Include recommendations for appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element.
   f. Include estimates of noise exposure after the prescribed mitigation measures have been implemented. If compliance with the adopted standards and policies of the Noise Element will not be achieved, a rationale for acceptance of the project must be provided.

   Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

[1] As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.

4. Projects which go through the CEQA review process require an acoustical analysis shall include a monitoring program to specifically implement the recommended mitigation to noise impacts associated with the project.

Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

5. Noise level criteria applied to land uses other than noise sensitive uses shall be consistent with the recommendations of Figure IV-2: Normally Accepted Community Noise Environments.

Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

6. Stanislaus County shall enforce Sound Transmission Control Standards in the California Administrative Code, Title 25, Section 1092 concerning the construction of new multiple-occupancy dwellings such as hotels, apartments, and condominiums in areas where the existing or projected future noise environment exceeds 60 L_{dn} or CNEL.

Responsible Departments: Planning

7. Replacement of noise-sensitive land uses located in noise-impacted areas which are destroyed in a disaster shall not be considered in conflict with this element of replacement occurs within one year.

Responsible Departments: Environmental Resources, Planning

POLICY THREE

It is the objective of Stanislaus County to protect areas of the County where noise-sensitive land uses are located.

IMPLEMENTATION MEASURES

1. Require the evaluation of mitigation measures for projects that would cause the L_{dn} at noise-sensitive uses to increase by 3 dBA or more and exceed the normally acceptable level, cause the L_{dn} at noise-sensitive uses to increase 5 dBA or more and remain normally acceptable, or cause new noise levels to exceed the noise ordinance limits (after adoption).

Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

2. Actively enforce the Stanislaus County Noise Control Ordinance to reduce the number of incidents of excessive noise.

Responsible Departments: Sheriff, Environmental Resources, Planning, Planning Commission, Board of Supervisors

3. New equipment and vehicles purchased by Stanislaus County shall comply with noise level performance standards of the industry and be kept in proper working order to reduce noise impacts.

Responsible Departments: Chief Executive Office

4. Stanislaus County should encourage the California Highway Patrol and local law enforcement officers to actively enforce existing sections of the California Vehicle Code relating to excessive vehicle noise.

Responsible Departments: Board of Supervisors

[1] As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.

FIGURE IV-2: NORMALLY ACCEPTED COMMUNITY NOISE ENVIRONMENTS

Land Use Category	Exterior Noise Exposure Ldn or CNEL, dBA					
	55	60	65	70	75	80
*Residential – Low Density Single Family, Duplex, and Mobile Homes						
*Multi-Family Residential						
Hotels and Motels						
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches						
Auditoriums, Concert Halls, and Amphitheaters						
Sports Arena and Outdoor Spectator Sports						
Playgrounds and Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, and Cemeteries						
Office Buildings, Business Commercial, and Professional						
Industrial, Manufacturing, Utilities, and Agriculture						

**** Residential development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1208A, Sound Transmission Control, California Building Code.***

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

CONDITIONALLY ACCEPTABLE
Specified land use may be permitted only after detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.

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

CLEARLY UNACCEPTABLE
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

No. 5 Mitigation Measure: To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of ~~90~~100 dBA Leq averaged over an ~~five minute~~hourly period and a maximum of ~~100~~110 dBA Lmax at a position located 100 feet from the front of the amphitheater.

Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over an ~~5-minute~~hourly period and a maximum of 85 dBA Lmax at a position located 100-feet from the front of the sound system speakers for the park, and 100-feet from outside of the banquet hall. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

Who Implements the Measure:	Operator/property owner
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be complete:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources – Code Enforcement, and the Stanislaus County Sheriff's Department

No. 6 Mitigation Measure: To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to ~~100~~110 dBC Leq averaged over an ~~five minute~~hourly period and a maximum of ~~110~~120 dBC Lmax at a position located 100 feet from the front of the Amphitheater stage.

To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over an ~~five minute~~hourly period and a maximum of 95 dBC Lmax at a position located 100 feet from the front of the speakers for the park, and 100 feet from outside the banquet hall.

Who Implements the Measure:	Operator/property owner
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be complete:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources – Code Enforcement, and the Stanislaus County Sheriff's Department

Chapter Four

NOISE ELEMENT

INTRODUCTION

The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. Local governments are required to analyze and quantify noise levels and the extent of noise exposure through field measurements or noise modeling, and implement measures and possible solutions to existing and foreseeable noise problems (California Governor's Office of Planning & Research, General Plan Guidelines, 2003). California Government Code Section 65302(f) requires that current and projected noise levels be analyzed and quantified for highways, freeways, primary arterials, and major local streets. Noise contours for current and projected conditions within the community are required to be prepared in terms of either the Community Noise Equivalent Level (CNEL) or the Day-Night Average Level (L_{dn}), which are descriptors of total noise exposure at a given location for an annual average day. CNEL and L_{dn} are generally considered to be equivalent descriptors of the community noise environment within plus or minus 1.0 dBA. An explanation of the acoustical terminology used in this document is included below.

It is intended that the noise exposure information developed for the Noise Element be incorporated into the General Plan to serve as a basis for achieving Land Use compatibility within the unincorporated areas of the County. It is also intended that the noise exposure information developed for the Noise Element be used to provide baseline levels for use in the development and enforcement of a local noise control ordinance to address noise levels generated by non-preempted noise sources within the County.

According to the Noise Element Requirements and Noise Element Guidelines, the following major noise sources should be considered in the preparation of a Noise Element:

1. Highways and freeways
2. Principal Arterials, Minor Arterials, or Major Collectors
3. Passenger and freight online railroad operations and ground rapid transit systems
4. Commercial, general aviation, heliport, helistop, and military airport operations, aircraft over flights, jet engine test standards, and all other ground facilities, and maintenance functions related to airport operation
5. Local industrial plants, including, but not limited to, railroad classification yards
6. Other ground stationary sources identified by local agencies as contributing to the community noise environment

Noise-sensitive areas to be considered in the Noise Element should include areas containing the following noise sensitive land uses:

1. Schools
2. Hospitals
3. Convalescent homes
4. Churches
5. Sensitive wildlife habitat, including the habitat of rare, threatened, or endangered species
6. Other uses deemed noise sensitive by the local jurisdiction

Relationship to Other Elements of the General Plan

The Noise Element is most related to the Land Use and Circulation Elements of the General Plan. Its relationship to the Land Use Element is direct in that the implementation of either element has the potential to result in the creation or elimination of a noise conflict with respect to differing land uses. The Land Use Element must be consistent with the Noise Element in discouraging the development of incompatible adjacent land uses to prevent impacts upon noise sensitive uses and to prevent encroachment upon existing noise-generating facilities.

The Circulation Element is linked to the Noise Element in that traffic routing and volume directly affect community noise exposure. For example, increased traffic volume may produce increased noise in a residential area so that noise control measures are required to provide an acceptable noise environment. Similarly, rerouting traffic from a noise-impacted neighborhood may provide significant noise relief to that area. Implementation of the Circulation Element should include consideration of potential noise effects.

Noise and Its Effects on People

A Technical Reference Document, prepared in 2005, that provides a discussion of the fundamentals of noise assessment, the effects of noise on people and criteria for acceptable noise exposure, is provided in Appendix IV-A of this element. It is intended that the Technical Reference Document serve as a reference for Stanislaus County when reviewing documents or proposals which refer to the measurement and effects of noise within the County.

Acoustical Terminology

"Ambient noise levels" means the composite of noise from all sources near and far. In this context it represents the normal or existing level of environmental noise at a given location for a specific time of the day or night.

"A-weighted sound level" means the sound level in decibels as measured with a sound level meter using the A-weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dBA.

"CNEL" means Community Noise Equivalent Level. The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and after addition of ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

"Decibel, dB" means a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

"Equivalent Energy Level, L_{eq}" means the sound level corresponding to a steady state sound level containing the same total energy as time varying signal over a given sample period. L_{eq} is typically computed over 1, 8, and 24-hour sample periods.

"Impulsive Noise" means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

"L_{max}" means the maximum A-weighted noise level recorded during a noise event.

"Day/Night Average Sound Level, L_{dn}" is a 24-hour measure of the cumulative noise exposure in a community, with a 10 dBA penalty added to nocturnal (10:00 p.m. - 7:00 a.m.) noise levels.

"Noise Exposure Contours" are Lines drawn about a noise source indicating constant energy levels of noise exposure. CNEL and L_{dn} are the descriptors utilized herein to describe community exposure to noise.

"Preempted Noise Source" means a noise source which cannot be regulated by the local jurisdiction due to existing state or federal regulations already applying to the source. Examples of such sources are vehicles operated on public roadways, railroad trains, and aircraft.

"Pure Tone Noise" means any noise which is distinctly audible as a single pitch (frequency) or set of pitches. For the purposes of this document, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and 15 dB for center frequencies less than or equal to 125 Hz.

THIS PAGE INTENTIONALLY LEFT BLANK

EXISTING AND FUTURE NOISE ENVIRONMENT

Overview of Sources

There are a number of potentially significant sources of community noise within Stanislaus County, which have been identified and studied. These sources include traffic on state highways and major County roadways, railroad operations, airport operations, and industrial activities. Specific noise sources selected for study are described in the 2005 Technical Reference Document, provided in Appendix IV-A of this element.

Noise Exposure Maps

The California Department of Transportation (Caltrans) Noise Prediction Model LeqV2 was used in conjunction with field noise level measurements to develop L_{dn} contours for the state highways and major county roadways within the unincorporated areas of Stanislaus County. Annual average daily traffic volumes (AADT) and truck mixes for existing (2000) and future (2030) conditions were obtained from Caltrans and the Stanislaus County Department of Public Works. CNEL contours for operations at the Oakdale Municipal Airport and the Modesto City/County Airport were derived from existing Airport Master Plan reports.

Noise exposure contours for major transportation sources of noise within the unincorporated areas of Stanislaus County were identified within Appendix IV-A (Existing Noise Sources) and B (Future Noise Sources) of the 2005 Technical Reference Document. It should be noted that these contours were generally based upon annual average conditions, and were not intended to be site-specific where local topography, vegetation, or intervening structures may significantly affect noise exposure at a particular location. The noise contour maps were prepared to assist Stanislaus County with the implementation of the Noise Element through the project review and long range planning processes.

This element, as updated in 2016, incorporates the 2005 Technical Reference Document as a source for existing noise measurements; including a summary of long-term and short-term measurements and noise contour distances for major railroad. As part of the 2016 update, Figure IV-1- Predicted Year 2035 traffic noise levels has been incorporated. Updated airport noise contours for the Modesto City/County and the Oakdale Municipal airports are available in the Airport Land Use Compatibility Plan adopted by the Stanislaus County Airport Land Use Commission.

THIS PAGE INTENTIONALLY LEFT BLANK

COMMUNITY NOISE SURVEY

The 2005 Technical Reference Document (Appendix IV-A), incorporates the 2004 community noise survey, conducted to document noise exposure in areas of the County containing noise sensitive land uses. The following noise sensitive land uses have been identified within Stanislaus County:

1. Residential uses in Single-Family Residential, Medium-Density Residential and Multiple-Family Residential zones.
2. Schools
3. Long-term care medical facilities, such as hospitals, nursing homes, etc.

As part of the community noise survey, noise monitoring sites were selected to be representative of typical conditions in the unincorporated areas of the County where noise sensitive land uses are located. A combination of short-term and long-term (24-hour) noise monitoring was used to document existing noise levels at these locations during July and August of 2004. A total of 30 monitoring sites were selected, including 20 long-term noise measurements and 10 short-term noise measurements.

Long-term noise measurements were conducted to show the daily trend in noise levels throughout a 24-hour to 48-hour period. Noise level data collected during continuous monitoring included the Leq, maximum noise level and the statistical distribution of noise levels for each hour of the sample period.

Short-term noise measurements were conducted in simultaneous intervals with traffic volume and speed observations. L_{dn} noise levels at each receiver were calculated by adjusting for differences in traffic conditions during measurements and the loudest existing hourly traffic conditions (based on the existing AADT traffic volumes). The data collected during the short-term sampling program included the Leq, maximum noise level, minimum noise level, and a description of major sources of noise which were audible. Long and short-term measured noise level data collected during the community noise survey are summarized in the 2005 Technical Reference Document.

The quietest areas of unincorporated Stanislaus County are those which are removed from major transportation-related noise sources and local industrial or other stationary noise sources. Good examples of these quiet areas are rural areas such as Hickman, Valley Home, and La Grange. The noisier areas surveyed were those located near state highways (Salida), major county roadways (Westport and Shackelford), or railroads (Empire). Typically, maximum noise levels observed during the survey were generated by local automobile traffic or heavy trucks. Other sources of maximum noise levels included occasional aircraft over flights and, in some areas, railroad operations (especially horns). Background noise levels in the absence of the above-described sources were caused by distant traffic, wind in the trees, running water, birds, and distant industrial or other stationary noise sources.

THIS PAGE INTENTIONALLY LEFT BLANK

LAND USE COMPATIBILITY GUIDELINES

Figure IV-2 is provided as reference concerning the sensitivity of different land uses to their noise environment. It is intended to illustrate the range of noise levels which will allow the full range of activities normally associated with a given land use. For example, exterior noise levels in the range of 50-60 L_{dn} (or CNEL) are generally considered acceptable for residential land uses, since these levels will usually allow normal outdoor and indoor activities such as sleep and communications to occur without interruption. Industrial facilities, however, can be relatively insensitive to noise and may generally be located in a noise environment of up to 75 L_{dn} (or CNEL) without significant adverse effects. Specific noise compatibility criteria in terms of L_{dn} or CNEL for residential and noise sensitive land uses in Stanislaus County are defined in Section 5.0.

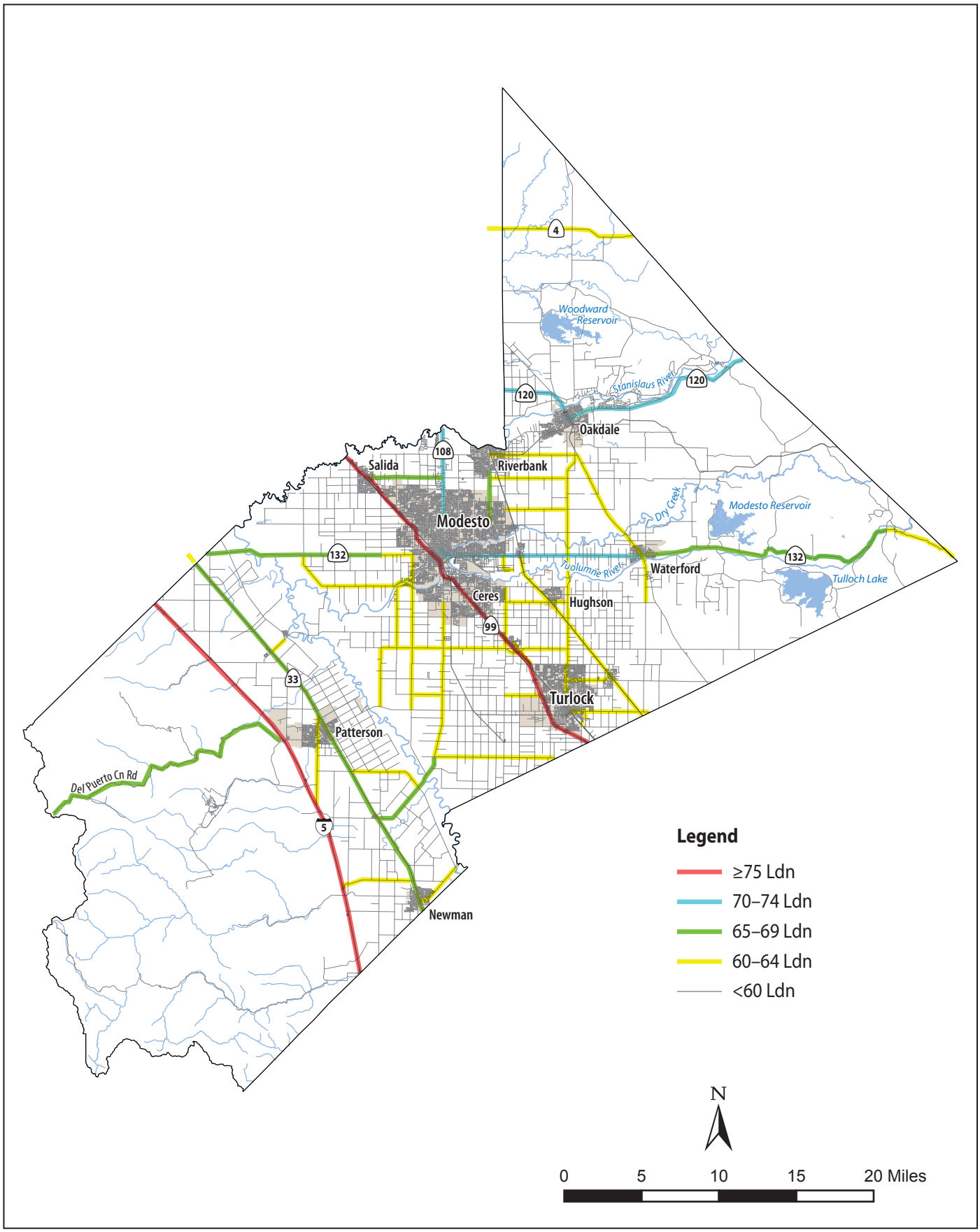
TABLE IV-1: NOISE CONTOUR DISTANCES FOR MAJOR RAILROAD LINES (2004)

Railroad Description*	Distance from Centerline from Roadway (in feet) Based on Traffic Noise Modeling			
	75-Ldn	70-Ldn	65-Ldn	60-Ldn
Union Pacific Railroad (UPRR)	70	150	320	680
Burlington Northern and Santa Fe (BN & SF) Railway	100	200	440	950
Sierra Railroad	**	**	**	80
Tidewater Southern Railroad	**	**	60	140

Noise contour distances for the Modesto and Empire Traction Company Railroad were not calculated due to a lack of specific information regarding train movements along this track.

****Distances of less than 50 feet are not included in this table.***

THIS PAGE INTENTIONALLY LEFT BLANK



Graphics ... 0020310 (3-6-2015) tm

Figure IV -1
Predicted Year 2035 Traffic Noise Levels
(Ldn, 75 feet from Roadway Centerline)

THIS PAGE INTENTIONALLY LEFT BLANK

FIGURE IV-2: NORMALLY ACCEPTED COMMUNITY NOISE ENVIRONMENTS

Land Use Category	Exterior Noise Exposure Ldn or CNEL, dBA					
	55	60	65	70	75	80
*Residential – Low Density Single Family, Duplex, and Mobile Homes						
*Multi-Family Residential						
Hotels and Motels						
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches						
Auditoriums, Concert Halls, and Amphitheaters						
Sports Arena and Outdoor Spectator Sports						
Playgrounds and Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, and Cemeteries						
Office Buildings, Business Commercial, and Professional						
Industrial, Manufacturing, Utilities, and Agriculture						

**** Residential development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1208A, Sound Transmission Control, California Building Code.***

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

CONDITIONALLY ACCEPTABLE
Specified land use may be permitted only after detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.

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

CLEARLY UNACCEPTABLE
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

THIS PAGE INTENTIONALLY LEFT BLANK

GOALS, POLICIES AND IMPLEMENTATION MEASURES

GOAL ONE

Prevent the encroachment of incompatible land uses near known noise producing industries, railroads, airports, and other sources to protect the economic base of the County.

POLICY ONE

It is the policy of Stanislaus County to utilize the noise exposure information contained within the General Plan to identify existing and potential noise conflicts through the Land Use Planning and Project Review processes.

IMPLEMENTATION MEASURE

1. Areas within Stanislaus County shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding the standards in Figure IV-2 or the performance standards described by Table IV-2. Maps showing existing and projected future noise exposures exceeding 60 Ldn or CNEL for the major noise sources are depicted in Figure IV-1, and Table IV-1.

   Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

THIS PAGE INTENTIONALLY LEFT BLANK

GOAL TWO

Protect the citizens of Stanislaus County from the harmful effects of exposure to excessive noise.

POLICY TWO

It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise sensitive land uses.

IMPLEMENTATION MEASURES

1. New development of noise-sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to the following levels:

    a) For transportation noise sources such as traffic on public roadways, railroads, and airports, 60 L_{dn} (or CNEL) or less in outdoor activity areas of single-family residences, 65 L_{dn} (or CNEL) or less in community outdoor space for multi-family residences, and 45 L_{dn} (or CNEL) or less within noise-sensitive interior spaces. Where it is not possible to reduce exterior noise due to these sources to the prescribed level using a practical application of the best available noise-reduction technology, an exterior noise level of up to 65 L_{dn} (or CNEL) will be allowed. Under no circumstances will interior noise levels be allowed to exceed 45 L_{dn} (or CNEL) with the windows and doors closed in residential uses.

    b) For other noise sources such as local industries or other stationary noise sources, noise levels shall not exceed the performance standards contained within Table IV-2.

    Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

2. New development of industrial, commercial, or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 L_{dn} (or CNEL) in noise-sensitive areas. Additionally, the development of new noise-generating land uses, which are not preempted from local noise regulation, will not be permitted if resulting noise levels will exceed the performance standards contained within Table IV-2 in areas containing residential or other noise sensitive land uses.

    Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

TABLE IV-2

MAXIMUM ALLOWABLE NOISE EXPOSURE - STATIONARY NOISE SOURCES[1]

	Daytime 7 a.m. to 10 p.m.	**Nighttime 10 p.m. to 7 a.m.**
Hourly L_{eq}, dBA	55	45
Maximum level, dBA	75	65

Each of the noise level standards specified in Table IV-2 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in Table IV-2 should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

3. Prior to the approval of a proposed development of noise-sensitive land uses in a noise-impacted area, or the development of industrial, commercial or other noise-generating land use in an area containing noise-sensitive land uses, an acoustical analysis shall be required. Where required, an acoustical analysis shall:

   a) Be the responsibility of the applicant.
   b) Be prepared by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics.
   c) Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.
   d) Include estimated noise levels in terms of L_{dn} (or CNEL) and the standards of Table IV-2 (if applicable) for existing and projected future (10-20 years hence) conditions, with a comparison made to the adopted polices of the Noise Element.
   e) Include recommendations for appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element.
   f) Include estimates of noise exposure after the prescribed mitigation measures have been implemented. If compliance with the adopted standards and policies of the Noise Element will not be achieved, a rationale for acceptance of the project must be provided.

   Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

4. Projects which go through the CEQA review process require an acoustical analysis shall include a monitoring program to specifically implement the recommended mitigation to noise impacts associated with the project.

   Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

1 As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.

5. Noise level criteria applied to land uses other than noise sensitive uses shall be consistent with the recommendations of Figure IV-2: Normally Accepted Community Noise Environments.
   Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

6. Stanislaus County shall enforce Sound Transmission Control Standards in the California Administrative Code, Title 25, Section 1092 concerning the construction of new multiple-occupancy dwellings such as hotels, apartments, and condominiums in areas where the existing or projected future noise environment exceeds 60 L_{dn} or CNEL.
   Responsible Department: Planning

7. Replacement of noise-sensitive land uses located in noise-impacted areas which are destroyed in a disaster shall not be considered in conflict with this element if replacement occurs within one year.
   Responsible Departments: Environmental Resources, Planning

POLICY THREE

It is the objective of Stanislaus County to protect areas of the County where noise-sensitive land uses are located.

IMPLEMENTATION MEASURES

1. Require the evaluation of mitigation measures for projects that would cause the L_{dn} at noise-sensitive uses to increase by 3 dBA or more and exceed the normally acceptable" level, cause the L_{dn} at noise-sensitive uses to increase 5 dBA or more and remain normally acceptable, or cause new noise levels to exceed the noise ordinance limits (after adoption).
   Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

2. Actively enforce the Stanislaus County Noise Control Ordinance to reduce the number of incidents of excessive noise.
   Responsible Departments: Sheriff, Environmental Resources, Planning, Planning Commission, Board of Supervisors

3. New equipment and vehicles purchased by Stanislaus County shall comply with noise level performance standards of the industry and be kept in proper working order to reduce noise impacts.
   Responsible Department: Chief Executive Office

4. Stanislaus County should encourage the California Highway Patrol and local law enforcement officers to actively enforce existing sections of the California Vehicle Code relating to excessive vehicle noise.
   Responsible Department: Board of Supervisors

POLICY FOUR

It is the objective of Stanislaus County to ensure that the Noise Element is consistent with and does not conflict with other elements of the Stanislaus County General Plan or adopted Airport Land Use Compatibility Plan(s) (ALUCP).

IMPLEMENTATION MEASURES

1. The Noise Element shall be reviewed and updated as necessary to remain consistent with the Land Use and Circulation Elements of the General Plan.
   Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

2. The Land Use and Circulation Elements of the General Plan shall be continually reviewed to ensure consistency with the findings and policies of the Noise Element as they relate to the prevention of future noise conflicts.
   Responsible Department: Planning

3. The Noise Element and Land Use Elements of the General Plan shall be reviewed and amended as necessary to ensure consistency with the policies of the Airport Land Use Compatibility Plan(s) (ALUCP) as they relate to the prevention of future noise conflicts.
   Responsible Departments: Planning, Planning Commission, Airport Land Use Commission, Board of Supervisors.

4. Update the Stanislaus County Noise Control Ordinance as necessary to be consistent with the General Plan and/or adopted Airport Land Use Compatibility Plan(s) (ALUCP).
   Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors

APPENDIX IV-A

Chapter IV

NOISE SUPPORT DOCUMENTATION

Prepared by
Illingworth & Rodkin, Inc.
Acoustics – Air Quality

THIS PAGE INTENTIONALLY LEFT BLANK

Stanislaus County General Plan Update
Technical Reference Document for Noise Analysis

November 25, 2005

◆ ◆ ◆

Prepared for:

Planning and Community Development Department
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Prepared by:

Dana M. Lodico
Richard B. Rodkin, P. E.

ILLINGWORTH & RODKIN, INC.
Acoustics · Air Quality
505 Petaluma Boulevard South
Petaluma, CA 94952
(707) 766-7700

Job No.: 04-081

THIS PAGE INTENTIONALLY LEFT BLANK

A. *Introduction*

This Technical Reference Document is a supplement to the Noise Element of the General Plan, which provides background information concerning the methods and data used in preparation of the Noise Element. It is intended that this document be used by Stanislaus County as a resource when evaluating noise related implications of specific development proposals or long-range planning efforts. A brief discussion of acoustical fundamentals is presented to assist the reader in understanding the subsequent discussion. The discussion of the existing noise environment is based upon the results of a noise monitoring survey conducted in July and August 2004 and supplemented by the noise study report prepared by Illingworth & Rodkin, Inc. for the Ceres Southern Gateway Study. This study focuses on transportation noise sources such as vehicular traffic, railroad noise, and aircraft activities. Major industrial facilities in the County are also discussed.

B. *Fundamentals of Acoustics*

1. Measuring Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its pitch or its loudness. Pitch is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. Loudness is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called Leq. The most common averaging period is hourly, but Leq can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

TABLE 1: DEFINITIONS OF ACOUSTICAL TERMS

Term	Definitions
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this report are A-weighted, unless reported otherwise.
L01, L10, L50, L90	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Equivalent Noise Level, Leq	The average A-weighted noise level during the measurement period.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.
Day/Night Noise Level, Ldn	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
Lmax, Lmin	The maximum and minimum A-weighted noise level during the measurement period.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

TABLE 2 TYPICAL SOUND LEVELS

Noise Generators (At a Given Distance from Noise Source)	A-Weighted Sound Level in Decibel	Noise Environments	Subjective Impression
	140		
Civil defense siren (100 feet)	130		
Jet take-off (200 feet)	120		Pain threshold
	110	Rock music concert	
Diesel pile drive (100 feet)	100		Very loud
Freight cars (50 feet)	90	Boiler room Printing press plant	
Pneumatic drill (50 feet) Freeway (100 feet) Vacuum cleaner (10 feet)	80 70	In kitchen with garbage disposal running	Moderately loud
	60	Data processing center	
Light traffic (100 feet) Large transformer (200 feet)	50	Department store	
	40	Private business office	Quiet
Soft whisper (5 feet)	30	Quiet bedroom	
	20	Recording studio	
	10		Threshold of hearing
	0		

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level, CNEL, is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 p.m. - 10:00 p.m.) and a 10 dB addition to nocturnal (10:00 p.m. - 7:00 a.m.) noise levels. The Day/Night Average Sound Level, Ldn, is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

2. Effects of Noise

This section discusses several effects of noise including hearing loss, sleep and speech interference and annoyance.

a. Hearing Loss

While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise.

The Occupational Safety and Health Administration (OSHA) has a noise exposure standard, which is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over eight hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

b. Sleep and Speech Interference

The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noise of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA L_{dn}.

The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12 to 17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference are therefore possible when exterior noise levels are about 57 to 62 dBA L_{dn} with open windows and 65 to 70 dBA L_{dn} if the windows are closed. Levels of 55 to 60 dBA are common along collector streets and secondary arterials, while 65 to 70 dBA is a typical value for a primary/major arterial. Levels of 75 to 80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed; those facing major roadways and freeways typically need special glass windows.

c. Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed.

There continues to be disagreement about the relative annoyance of noise from aircraft and roadways. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 55 dBA L_{dn}. At an L_{dn} of about 60 dBA, approximately two percent

of the population is highly annoyed. When the L_{dn} increases to 70 dBA, the percentage of the population highly annoyed increases to about 12 percent of the population. There is, therefore, an increase of about one percent per dBA between an L_{dn} of 60 to 70 dBA. Between an L_{dn} of 70 to 80 dBA, each decibel increase results in about a two percent increase in population that is highly annoyed. People appear to respond more adversely to aircraft noise. When the L_{dn} is 60 dBA, approximately ten percent of the population is believed to be highly annoyed. Each decibel increase to 70 dBA adds about two percentage points to the number of people highly annoyed. Above 70 dBA, each decibel increase results in about a three percent increase in the percentage of the population highly annoyed.

C. *Existing Noise Environment*

1. Existing Noise Sources in Stanislaus County

The major noise sources in Stanislaus County are vehicular traffic on state highways and major county roadways, railroad operations, airport operations, and industrial activities. This document focuses on transportation noise sources. Roadway traffic generates noise throughout the county. Railroad trains intermittently generate noise levels that are significant along the railroad tracks. General aviation aircraft contribute to intermittent noise levels in the county. Noise is also generated on individual parcels whether industrial, commercial or residential. These noise sources do not affect the overall noise environment throughout the community. CNEL contours for operations at the Oakdale Municipal Airport, Patterson Airport, Turlock Airport, Modesto City / County Airport, and the Crows Landing Naval Auxiliary Landing Field were derived from the existing Airport Master Plan reports as available and are shown in Appendix A. Figure A-1 in Appendix A shows the generalized locations of long and short-term noise measurement sites for major ground transportation noise sources throughout Stanislaus County.

2. Long-term Noise Measurements

Daily noise levels were monitored at 11 locations in unincorporated Stanislaus County from July 20th to 22nd, 2004, at 4 locations in Ceres from May 18th to 21st, 2004, and at 4 additional locations in unincorporated areas and within the city of Hughson on August 31st-September 2nd, 2004. The noise measurement locations are shown on Figure A-1. The measured data are summarized in Table A-1 in Appendix A. The daily trends in noise levels measured at the 19 long-term sites are summarized in Figures A-2 through A-21 of Appendix A. The following discussion summarizes the long-term noise measurements.

a. Location LT-1 – Highway 219

Location LT-1 was selected to represent the noise exposure along Hwy 219. The measurement location was about 60 feet from the centerline of the roadway at the setback of the residence at 907 Kiernan Road, west of Highway 108. The data, shown in Figure A-2 of Appendix A, shows that the hourly daytime noise levels ranged from 66 to 68 dBA Leq and the hourly nighttime noise levels ranged from 56 to 66 dBA. The measured overall day/night noise level was 68 dBA L_{dn}.

b. Location LT-2 – Highway 108

This location was selected to measure the noise level along Highway 108, just north of Highway 219. The noise level approximately 50 feet from the centerline of Highway 108 was 76 dBA L_{dn}. Hourly daytime noise levels ranged from 71 to 74 dBA Leq and the hourly nighttime noise levels ranged from 64 to 71 dBA L_{eq}. The data are shown in Figure A-3 of Appendix A.

c. Location LT-3 – SR 99, Northern Stanislaus County

This noise measurement location was approximately 200 feet from the centerline of SR 99 near the northern county line and was selected to measure vehicular traffic noise along SR 99 in the northern portion of the county. The measured noise level was 78 dBA Ldn and also included some railroad noise from the Union Pacific Railroad. The hourly average noise levels typically ranged from 69 dBA during the nighttime with no train movements to 75 dBA during the peak hour. Maximum noise levels generated by train movements were typically 81 to 82 dBA. The data are shown in Figure A-4 of Appendix A.

d. Location LT-4 – Highway 132

Noise levels were measured approximately 30 feet from the centerline of Highway 132, near the eastern county line. The measured day/night noise level was 68 dBA Ldn. Hourly average noise levels typically range from 63 to 67 dBA during daytime hours and drop to 51 dBA during nighttime hours. One loud event took place between 2:00 and 3:00 am, raising the $L_{eq(hr)}$ by 6-9 dB above typical nighttime levels. This loud event is likely to have been a siren or loud vehicle along Highway 132. The measured data are shown on Figure A-5 of Appendix A.

e. Location LT-5 – Highway 120, Eastern Stanislaus County

Location LT-5 was selected to measure noise exposure along Highway 120 and was located approximately 50 feet from the centerline of the roadway near the eastern county line. The measured noise level was 75 dBA Ldn. The noise measurement data are shown in Figure A-6 of Appendix A. Hourly average noise levels typically ranged from 70 to 74 dBA during daytime hours and 62 to 72 dBA during nighttime hours.

f. Location LT-6 – Highway 4

Measurement Location LT-6 was located along Highway 4, east of Farmington. The noise environment at Location LT-6 was dominated by vehicular traffic along Highway 4. The measured noise level was 69 dBA Ldn. The noise measurement data are shown in Figure A-7 of Appendix A. Hourly average noise levels typically ranged from 63 to 67 dBA during daytime hours and dropped to 55 dBA during nighttime hours.

g. Location LT-7 – Central Avenue near Grayson Road

Location LT-7 was approximately 30 feet from the centerline of Central Avenue, south of Grayson Road. The measured noise level was 72 dBA Ldn. The noise measurement data are shown in Figure A-8 of Appendix A. Hourly average noise levels typically ranged from 65 to 70 dBA during daytime hours and dropped to 59 dBA during nighttime hours.

h. Location LT-8 – Interstate 5

Measurement Location LT-8 was approximately 65 feet from the near lane of Interstate 5 and was selected to characterize noise levels along Interstate 5. The measured noise level was 80 dBA Ldn. The data show a tight range of noise levels from the minimum sound level to the maximum sound level, which is typical of freeway traffic noise. To ensure the noise exposure in this location was dominated by Interstate 5 traffic noise, an additional measurement was made nearby (LT-16) in August/September 2004 and compared to the results of this measurement. Hourly average noise levels do not vary much day or night due to heavy truck traffic at night and heavy total traffic during the daytime. Hourly average noise levels typically ranged from about 73 to 75 dBA Leq. The day/night noise level at this location was 80 dBA Ldn. The noise measurement data are shown in Figure A-9 of Appendix A.

i. Location LT-9 – Highway 33

The measurement at Location LT-9 was approximately 50 feet from the centerline of Highway 33, just north of Crows Landing, and was selected to characterize the noise exposure along Highway 33. The measured noise level was 72 dBA Ldn. Hourly average noise levels ranged from about 65 to 70 dBA Leq during the daytime and drop to about 57 dBA Leq at night. The noise measurement data are shown in Figure A-10 of Appendix A.

j. Location LT-10 –BNSF Railroad, Santa Fe Avenue, North of Hughson

Two noise measurements were made at location LT-10, just north of Hughson at the intersection of Leedom Road and Santa Fe Avenue. The measurement location was used to characterize the noise environment along Santa Fe Avenue and the BNSF Railroad without interference from outside noise sources. The measurement location was about 150 feet east of the railroad tracks and about 50 feet east of the near lane of Santa Fe Avenue. Vehicular traffic along Santa Fe Avenue is a major contributing noise source at this location, with intermittent very loud noise events produced by train passbys. The measured day-night average noise level during the first measurement period, on July 21-22, 2004, was 78 dBA Ldn. Hourly average noise levels ranged from about 70 to 74 dBA Leq during the daytime and drop to about 62 dBA Leq at night.

The second measurement period took place on August 31 to September 2, 2004 and included exceedence data, which was correlated with exceedence data from LT-17 to estimate the number of train movements that took place during the measurement period. Review of exceedence data shows that 65 train movements took place during the two-day period with approximately 54% daytime operations (7:00 am to 7:00 pm), 11% evening operations (7:00 pm to 10:00 pm), and 35% nighttime operations (10:00 pm to 7:00 am). Train movements ranged from a few seconds up to more than two minutes in duration. The L_{dn} at this location was measured to be approximately 76 dBA, which includes both Railroad and Santa Fe Avenue traffic noise. Typical hourly average noise levels during the daytime ranged from 60 to 73 dBA Leq and with noise levels ranging from about 68 to 75 dBA Leq in the nighttime. The noise measurement data are shown in Figures A-11 and A-12 of Appendix A.

k. Location LT-11 –Hatch Road

Location LT-11 was 65 feet from the centerline of Hatch Road, north of Faith Home Road, and was selected to characterize existing noise levels along Hatch Road. The measured noise level was

74 dBA Ldn. The noise measurement data are shown in Figure A-13 of Appendix A. Hourly average noise levels ranged from about 66 to 71 dBA Leq during the daytime and drop to about 62 dBA Leq at night.

l. Location LT-12 – UPRR Railroad, State Route 99

Noise levels were monitored at this location to determine the noise levels and train frequency for the Union Pacific Railroad line. The measurement location was about 20 feet west of the railroad tracks in Ceres and about 105 feet east of the near lane of State Route 99. Vehicular traffic along SR 99 is a major contributing noise sources at this location, with intermittent very loud noise events produced by train passbys. The measured noise level over a three day measurement period ranged from 83 to 85 dBA Ldn. The range of noise levels was again narrow with typical hourly average noise levels during the daytime in the range of 76 to 80 dBA Leq and with noise levels dropping to about 71 dBA Leq in the middle of the night with no train passbys. Review of exceedence data shows that 48 train movements took place during the three-day period, with an average of about 16 trains per day with approximately 54% daytime operations (7:00 am to 7:00 pm), 13% evening operations (7:00 pm to 10:00 pm), and 33% nighttime operations (10:00 pm to 7:00 am). The L_{dn} at this location was measured to be approximately 83 to 85 dBA, which includes both Railroad and Highway noise. Based on additional measurements, it is estimated that SR 99 traffic noise generates an L_{dn} of approximately 82 dBA at this location and the rail operations generate an L_{dn} of approximately 80 to 83 dBA. The noise measurement data are shown in Figure A-14 of Appendix A.

m. Location LT-13 – Service Road, Ceres

Measurement location LT-13 was approximately 40 feet from the centerline of Service Road at the intersection of Service Road and Moffet Road in Ceres. This measurement location was selected to characterize the noise environment along Service Road and vehicular traffic along Service Road is the major contributing noise source at this location, with some local traffic noise generated along Moffet Road. The measured noise level was about 72 dBA Ldn. Train passbys along the western side of SR 99 were audible at times during passbys, but did not substantially contribute to the overall noise levels. Hourly average noise levels ranged from about 68 to 73 dBA Leq during the daytime and drop to about 61 dBA Leq at night. The noise measurement data are shown in Figure A-15 of Appendix A.

n. Location LT-14 –State Route 99

Noise levels were monitored at this location to determine the noise levels at residential areas along SR 99. The measurement location was about 270 feet east of the near lane of State Route 99 in Ceres, in the backyard of 2805 Evalee Lane. Vehicular traffic along SR 99 is a major contributing noise source at this location, with occasional local traffic noise produced along El Camino Avenue. The measurement was located behind a six-foot fence. The measured noise level was about 72 dBA Ldn. Train passbys along the western side of SR 99 were audible at times during passbys, but did not substantially contribute to the overall noise levels. Hourly average noise levels ranged from about 65 to 68 dBA Leq during the daytime and drop to about 60 dBA Leq at night. The noise measurement data are shown in Figure A-16 of Appendix A.

o. Location LT-15 –State Route 99

The noise environment at Location LT-15, located approximately 130 feet east of the near lane of State Route 99, was dominated by noise generated by State Route 99 traffic. Occasional local traffic noise produced along El Camino Avenue and local residential noise also contributed to the noise environment. The measured noise level was about 78 dBA Ldn. Train passbys along the western side of SR 99 were audible at times during passbys, but did not substantially contribute to the overall noise levels. Hourly average noise levels ranged from about 70 to 74 dBA Leq during the daytime and drop to about 64 dBA Leq at night. The noise measurement data are shown in Figure A-17 of Appendix A.

p. Location LT-16 – Interstate 5

Measurement Location LT-16 was approximately 60 feet east of the near lane of Interstate 5 (Northbound) in Westley and was selected to characterize noise levels along Interstate 5. The measured noise level was 80 dBA Ldn. The data show a tight range of noise levels from the minimum sound level to the maximum sound level, which is typical of freeway traffic noise and consistent with measurement LT-8. Hourly average noise levels do not vary much day or night due to heavy truck traffic at night and heavy total traffic during the daytime. Hourly average noise levels typically ranged from about 73 to 75 dBA Leq. The noise measurement data are shown in Figure A-18 of Appendix A.

q. Location LT-17 – BNSF Railroad, Santa Fe Avenue

Noise levels were monitored at this location to determine the noise levels and train frequency for the Burlington Northern and Santa Fe (BNSF) Railroad line. The measurement location was about 150 feet east of the railroad tracks in Hughson and about 25 feet east of the near lane of Santa Fe Avenue. Vehicular traffic along Santa Fe Avenue is a major contributing noise source at this location, with intermittent very loud noise events produced by train passbys. The Builders Choice Truss Company in Hughson is located near this location and industrial noise is audible when traffic along Santa Fe Avenue is light and there are no train movements. Typical hourly average noise levels during the daytime ranged from 68 to 78 dBA Leq and with noise levels ranging from about 59 to 80 dBA Leq in the nighttime. Review of exceedence data shows that 65 train movements took place during the two-day period with approximately 54% daytime operations (7:00 am to 7:00 pm), 11% evening operations (7:00 pm to 10:00 pm), and 35% nighttime operations (10:00 pm to 7:00 am). Train movements ranged from a few seconds up to more than two minutes in duration. The L_{dn} at this location was measured to be approximately 80 to 82 dBA, which includes both Railroad and Santa Fe Avenue traffic noise. The noise measurement data are shown in Figure A-19 of Appendix A.

r. Location LT-18 – Sierra Railroad

Noise levels were monitored at this location to determine the noise levels and train frequency for the Sierra Railroad line just east of Oakdale. The measurement location was about 50 feet north of the railroad tracks and about 25 feet north of the centerline of Sierra Road. Vehicular traffic along Sierra Road is light, but includes a high percentage of trucks. The measured noise level over a two-day measurement period was 72 dBA Ldn. Typical hourly average noise levels during the peak daytime hours ranged from 70 to 72 dBA Leq and with noise levels dropping to about 58 dBA Leq in the middle of the night with no train passbys. Review of exceedence data shows that 4

train movements took place during the two-day period, with 75% daytime operations (7:00 am to 7:00 pm) and 25% nighttime operations (10:00 pm to 7:00 am). The L_{dn} at this location was measured to be approximately 72 dBA, which includes both Railroad and Sierra Road traffic noise. The noise measurement data are shown in Figure A-20 of Appendix A.

s. Location LT-19 – Tidewater Railroad

Noise levels were monitored at this location to determine the noise levels and train frequency for the Tidewater Southern branch line of the Union Pacific Railroad line. Noise levels were measured along Saint John's Road, just south of Del Rio. The measurement location was about 35 feet from the railroad tracks and about 25 feet from the centerline of St. John's Road. Vehicular traffic along St. John's Road is the major contributing noise source at this location, with intermittent very loud noise events produced by train passbys. The measured noise level over the measurement period ranged from was 69 to 70 dBA Ldn. Typical hourly average noise levels during the peak daytime hours ranged from 64 to 70 dBA Leq and with noise levels dropping to about 43 dBA Leq in the middle of the night with no train passbys. Review of exceedence data shows that 1 train movement took place during the two-day period, during daytime hours. The L_{dn} at this location was measured to be approximately 69 to 70 dBA, which includes both Railroad and traffic noise. The noise measurement data are shown in Figure A-21 of Appendix A.

3. Short-Term Spot Measurements

Short-term spot measurements were made at ten locations throughout Stanislaus County in July of 2004 to characterize typical daytime noise levels and to collect traffic and noise data to be used subsequently in the computation of traffic noise contours for the General Plan. The noise measurement locations are shown in Figure A-1 in Appendix A. The measured data is summarized in Table A-2 in Appendix A. Vehicular traffic on the street network was the dominant noise source during measurements. There were small contributions from intermittent local noise such as distant dog barking or residential noise at a few of the locations. General aviation aircraft at Location ST-5 generated a maximum level of 54 dBA but automobiles and motorcycles were typically 10 to 20 dBA louder.

4. Roadways

The California Department of Transportation (Caltrans) Noise Prediction Model LeqV2 was used to develop L_{dn} contours for the state highways and major county roadways within the unincorporated areas of Stanislaus County. Annual average daily traffic volumes (AADT) and truck mixes for existing (2000) conditions were obtained from Caltrans and the Stanislaus County Department of Public Works. These data were input into the traffic noise model for calibration with noise measurements conducted during the noise monitoring survey. Existing noise levels along county streets and highways were then calculated with the calibrated traffic noise model. Noise levels were estimated at 75 feet from the centerline of major roadways throughout the county and 150 feet from the center of highways. A summary of calculated distances to L_{dn} contours for existing and future conditions along major community roadways are shown in Table B-1 in Appendix B. The distances reported in Table B-1 can be considered to be worst-case estimates of noise exposure throughout the county because calculations do not take acoustical shielding from buildings or topography into account. Existing roadway noise contours were not mapped because small changes in noise levels over time would not be distinguishable on a map of

the scale represented in this document. For planning purposes, noise contour maps of the future noise levels can be found in Appendix B.

5. **Railroads**

Railroad operations in Stanislaus County include high speed mainline operations on the Burlington Northern and Santa Fe (BNSF) Railway and Union Pacific Railroad and low speed mainline and switching operations on the AT&SF Railway, UPRR, Sierra Railroad, Modesto and Empire Traction Company Railroad, and Tidewater Southern Railroad. Existing noise contours for these rail lines can be found in Table A-3 of Appendix A.

a. Union Pacific Railroad (UPRR)

The UPRR in Stanislaus County includes operations on the main line which passes through Salida, Modesto, Ceres, Keyes, and Turlock and operations on the branch line on the west side of the county, which passes through Wesley, Patterson, Crows Landing, and Newman. Based on noise measurements in Ceres and near the northern county line, there are approximately 16 freight train movements per day on the main line. Trains are evenly distributed throughout the day and night, with approximately 54% daytime operations (7:00 am to 7:00 pm), 13% evening operations (7:00 pm to 10:00 pm), and 33% nighttime operations (10:00 pm to 7:00 am). The UPRR main line runs adjacent to SR 99 for the majority of its route through Stanislaus County. Based on measured noise levels along the tracks, the calculated distance from the center of the mainline to the 60 dBA Ldn railroad contour is approximately 680 feet for existing (2004) operations.

b. Burlington Northern and Santa Fe (BN & SF) Railway

Operations on the BNSF Railway in Stanislaus County occur on the mainline which runs through Riverbank, Hughson, Empire, and Denair, and on a branch line which connects the mainline at Riverbank with the with the Sierra Railroad in Oakdale. According to noise measurements made in and just north of Hughson, approximately 33 train movements take place each day with approximately 54% daytime operations (7:00 am to 7:00 pm), 11% evening operations (7:00 pm to 10:00 pm), and 35% nighttime operations (10:00 pm to 7:00 am). Train movements ranged from a few seconds up to more than two minutes in duration. Based on measured noise levels along the tracks, the calculated distance from the center of the mainline to the 60 dBA L_{dn} railroad contour is approximately 950 feet for existing (2004) operations.

c. Sierra Railroad

The Sierra Railroad operates between Oakdale and Standard and includes both freight and passenger trains. Freight trains are operated by Union Pacific and Burlington Northern Santa Fe and usually operate roughly three times per week. Passenger trips travel between Oakdale and the eastern Stanislaus County Line and include entertainment style railroad travel approximately 3 to 5 times per week with most trips occurring Thursday through Sunday. Additional trips are scheduled during holidays. Based on the noise measurement survey made east of Oakdale, 1 to 3 freight train movements take place each day with approximately 75% daytime operations (7:00 am to 7:00 pm) and 25% nighttime operations (10:00 pm to 7:00 am). Railroad and horn noise levels are clearly audible in areas of the county adjacent to the tracks, but they occur infrequently. The 60 dBA L_{dn} contour for this operation is approximately 80 feet from the centerline of the railroad for existing (2004) conditions located away from grade crossings.

d. Modesto and Empire Traction Company Railroad

The Modesto and Empire Traction Company is a short-line railroad which connects switching operations between the UPRR Railroad in Modesto and the AT&SF Railway in Empire. A typical train can vary from lone locomotives to 4-5 car trains, up to 60 car trains. Train speed is limited to a maximum of 20 mph, with an average speed of 1 mph. Train operations typically occur 24 hours per day from 11 pm on Sunday through 8 am on Saturday, with occasional train movements over the weekend. Operations are split into three shifts, with one crew working the 7 am to 3 pm shift, two crews working the 3 pm to 11 pm shift, and two crews working the 11 pm to 7 am shift. Train trips per day vary greatly, with lighter operations occurring during the daytime 7 am to 3 pm shift.

Source: Ken Beard, Modesto and Empire Traction Company, telephone interview, September 7, 2004.

e. Tidewater Southern Railroad

The Tidewater Southern Railroad is a branch line operation of the Union Pacific Railroad. The line runs in a general north-south route through Stanislaus County passing through Del Rio, Modesto, and Turlock. The portion of the line from just south of Bangs Avenue through Modesto to Bonniefair was abandoned in 2000 and sections were removed or paved over in 2003. North of Bangs Road, operations typically occur 3 days per week on Tuesday, Thursday and Saturday. However, service may be operated more or less frequently depending on demand. According to noise measurements made south of Del Rio, approximately 6 train movements take place each day, with occasional evening and nighttime movements. The southern end of the line is served out of Rogers Holding Yard in Ceres and by unit grain trains directly off the former Southern Pacific rail line from Fresno. The 60 dBA L_{dn} contour for this operation is approximately 140 feet from the centerline of the railroad for existing (2004) conditions located away from grade crossings.

Source: Jim Smith, Union Pacific Railroad, telephone interview, October 8, 2004.

6. **Airports**

Aircraft noise in California is described in terms of the community noise equivalent level (CNEL). As mentioned previously, CNEL is approximately equivalent to the day/night average noise level (Ldn) but includes a 5 dB weighting factor for the evening hours (7:00 PM to 10:00 PM). CNEL contours for operations at the Oakdale Municipal Airport, Patterson Airport, Turlock Airport, and Modesto City / County Airport were derived from the existing Airport Master Plan reports as available. Noise contours for the Crows Landing Naval Auxiliary Landing Field are not included in this report because, at the present time, the airfield is not in use and future plans for the airfield were unavailable.

a. Modesto City/ County Airport (Harry Sham Field)

The information for this portion of the report was compiled from the 2003 Airport Master Plan. The Modesto City/ County Airport serves as the primary commercial service airport for Stanislaus County and includes two runways in a 28L and R – 10L and R configuration. In 2001, the airport included 89,832 total operations, with 43,574 passengers, 591,518 lbs. total freight, and 177 based aircraft. Operations are predicted to increase to 141,180 by the year 2022. Approximately 84

percent of Modesto Airport operations in 2001 occurred during daytime hours (7:00 am to 7:00 pm), 15 percent occurred during evening hours (7:00 pm to 10:00 pm), and one (1) percent occurred during nighttime hours (10:00 pm to 7:00 am). The Modesto City/ County Airport includes air carriers, general aviation, and military operations. Itinerant general aviation accounts for approximately 62 percent of total general aviation operations, with 74 percent single engine aircraft, 9 percent multi-engine aircraft, 12 percent turboprops and jets, and 4 percent helicopters. The fleet mix transition over the past decade has been a move to high performance aircraft such as propjets and turbo fan aircraft and this is expected to continue into the future years. The 2001 Master Plan contours are shown in Figure A-22 in Appendix A.

Source: Modesto City-County Airport (Harry Sham Field) 2002 Airport Master Plan, prepared by Coffman Associates.

b. Oakdale Municipal Airport

The information for this portion of the report was compiled from the 2003 Airport Master Plan. The Oakdale Airport is composed of 117 acres of land with one paved runway. The east-west runway 10-28 is 3,020 feet long and can handle only small general aviation aircraft. The airport is located approximately two miles east of Oakdale City boundaries and the site is owned by the City of Oakdale. Land uses surrounding the airport are generally agricultural, with some rural residential uses. A few of these residences are located along Laughlin Road, the access road to the airport. The land surrounding the airport is currently zoned for agricultural uses and no residential uses fall within the 65 CNEL contour.

The airport is not considered particularly busy, except on summer weekends, and aircraft operations have not been counted on any continuing basis. The vast majority of operations are by single-engine aircraft, with approximately 60% local operations and 40% itinerant operations in 1995. Of these, approximately 4% of all operations were estimated to be by twin-engine aircraft and 0.5% by business jets. It was forecasted in 1995 that by the year 2015, there would be 80 based aircraft and 51,380 total operations, with a peak hourly runway demand of 39 under the runway-use configuration actually utilized and 5 under a single runway use configuration. It is assumed the single runway condition will occur for approximately 10% of the year and will not continue over a long period of time. A runway extension has been proposed to increase the existing runway to 4,400 feet, but has not been completed (as of August 2004). Future contours were calculated with and without the runway extension and it was found that there was an improvement in the CNEL contours with the extension, since the most active runway 28 will shift east away from developed areas. The 1996 Master Plan contours are shown in Figure A-23 in Appendix A with the runway extension.

Source: Oakdale Municipal Airport 1996 Airport Master Plan, prepared by Wadell Engineering Corporation.

c. Patterson Airport

The Patterson Airport is a small airport; built on approximately 30 acres with a runway (34/16) that is less than 2000 feet long. Small turbine-powered or reciprocal engine agricultural planes are the typical users, and planes of about 8,000 to 10,000 lbs gross weight are the largest that are able

to operate on this small runway. The majority of land use in the vicinity of the airport is agricultural, with the nearest noise sensitive areas located within the City of Patterson and more than a quarter mile from the airport. The 2001 Draft EIR for the City of Patterson does not include the airport as a significant noise source. Additionally, it is likely that the airport will be annexed to the City of Patterson by January 2005. Noise contours were not prepared for this airport. Based upon the airport size and operations, it is expected that the 60 dB CNEL contour for this airport is located very close to the airport so no noise sensitive land would be affected.

Sources: Patrick Bodin, City of Patterson, August 2004.

West Patterson Master Development Plan Draft EIR, prepared by Crawford Multari & Clark Associates.

d. Turlock Airpark

Turlock Airpark is a small, public use airport with a few based aircraft. The airport is located just south of State Route 99, with portions of the airport located in both the City of Turlock and unincorporated Stanislaus County. Within county lands, the land use is primarily agricultural. The limited runway length prevents large aircraft and jets from using the airport, so that the majority of airport use is by single engine aircraft and ultralight aircraft. Twenty single engine aircraft and twelve ultralight aircraft are based at the Turlock Airpark. Noise contours were not prepared for this airport. Based on the limited capacity of the airport, it is estimated that the 60 dB CNEL contour for this airport lies within the airport boundaries so that noise sensitive uses are not significantly impacted.

Source: Michael Cooke, Planning Department, City of Turlock, August 2004.

e. Former Crows Landing Naval Auxiliary Landing Field (NALF)

The former Crows Landing Naval Auxiliary Landing Field is completely surrounded by Stanislaus County land. The site contains approximately 1,500 acres of land between Patterson and Crows Landing. Much of the facility property and most of the surrounding area is used for agriculture. The former NALF Crows Landing was commissioned in May 1943 and served primarily as an auxiliary airfield for operations from Naval Air Station, Moffet Field. The Navy closed the facility in 1994 it was transferred to NASA on July 1, 1994. In October 1999, NASA was authorized by to transfer the facility to Stanislaus County. At this time, NASA is no longer using the airfield and the property should be transferred to the County by the end of 2004. Noise contours were not prepared for this airport. There no current plan for the air field at this time, but a new Master Plan may eventually be prepared if the county decides to operate a General Aviation airport at this location.

Source: Proposed Plan NASA Crows Landing, June 1999, prepared by the Navy, Engineering Field Activity West.

Debra Whitmore, Senior Planner, Planning and Community Development, Stanislaus County, August 2004.

7. **Industrial and Other Stationary Noise Sources**

Noise is inherent to many industrial processes, even with the best available noise control technology. Updated noise exposure information for major industries in the unincorporated areas of Stanislaus County was developed from operational information obtained from plant operators. The industrial areas represented in this document are intended to identify noise sources that are located near noise sensitive land uses. The industrial areas are grouped into three categories; (1) those which are outside of any sphere of influence, but near County development, (2) those located within a sphere of influence, and (3) those located in the County agricultural zone, away from development. The main focus of this section of the document is on industry located outside of any sphere of influence, but near County development. Facilities located within a sphere of influence and near noise sensitive uses would be included in the applicable City Noise Element document.

Outside City Spheres of Influence, Near County Development

a. Berry Feed and Seed Company, Keyes

The Berry Feed and Seed facility receives and processes grain products for seed and animal feeds. Products are received by truck and rail. Major on-site noise sources include material and air handling fans, hammermills, roller mills, and heavy truck movements. The majority of the equipment is located inside a steel structure. Operations are conducted 24-hours per day year round. Residences located south of the facility have been purchased by Berry Feed and Seed and are used as company offices, storage, and liquid feed containers. The 60 dBA L_{dn} noise contour for this facility is estimated to be approximately 1550 feet from the center of the plant as specified in the 1987 documentation.

Source: Bruce Pace, Director of Safety and Environmental Affairs, Berry Feed and Seed, Telephone Interview, February 16, 2005.

b. California Almond Growers Exchange, Salida

The California Almond Growers Exchange is an almond receiving, processing, and storage facility. Noise generating operations include an almond shelling process, heavy truck movements, elevators, dust collectors, and conveyers. The plant typically operates 5 to 6 days per week during the hours of 6:00 am and midnight during almond harvesting season (September through November). Based on noise measurements conducted in 1986 during the off-season (BBA, 1987) an elevator generates noise levels of approximately 65 to 66 dBA at a distance of 900 feet from the operations and the processing equipment generates noise levels of approximately 66 dBA at a distance of 200 feet from the receiving area of the plant. The almond shelling process (an addition since 1986) is not expected to be distinguishable above noise levels already generated on the site by the other equipment. Noise levels would be higher during peak season, when there are large numbers of trucks and all stationary equipment is in full operation.

Source: Bill Weaver, Plant Manager, California Almond Growers Exchange, February 2005.

c. Dompe Company Warehouse, Crows Landing

The Dompe Warehouse is located adjacent to the Grisez Warehouse and used mostly as a storage facility. There are no major noise sources at the facility. Bean cleaning and treatment is performed at this facility during harvest season. The 60 dBA L_{dn} noise contour for this facility is expected to be located entirely within the property boundaries. Nearby noise sensitive uses are not significantly impacted by this facility, but may be impacted by the adjourning Grisez facility.

Source: Barbara Troesch, Accounts Payable, Dompe Company Warehouse, Telephone Interview, January 20, 2005.

d. Flory Industries, Salida

Flory Industries is a manufacturing and fabrication plant located west of Salida. The facility manufactures equipment including nut harvesters and sweepers, sprayers, blowers, and agricultural implements. The shop operates in three shifts 5 to 6 days per week; a daytime shift from 7:00 am to 3:30 pm, a swing shift from 4:00 pm to 12:30 am, and a smaller graveyard shift from 11:30 pm to 8:00 am. Most manufacturing operations are located within buildings, but steam cleaning and heavy duty riveting are performed outdoors. Noise sources which were audible at the property line during the 1987 survey included forklifts, trucks, welding and grinding operations, steam cleaning, and the compressor and pump operations. The airstrip previously located on the property and used for operations has been removed. Based on the removal of the airstrip and the previous 1987 technical noise document findings, the 60 dBA L_{dn} noise contour for this facility is expected to be located entirely within the property boundaries.

Source: Rodney Flory, Senior Partner and Treasurer, Flory Industries, January 2005.

e. Grisez Warehouse, Crows Landing

The Grisez warehouse complex includes three mills enclosed in separate buildings. Only one of the three mills is currently in use, with the additional two buildings being used as storage. The facility stores, cleans, and treats lima, baby lima, and baby green beans, as well as black eyed peas. Major noise sources include the one operating mill, ventilation fans, deliveries, and forklift operation. Approximately two heavy truck deliveries take place each week. The facility is typically operated from 7:00 am to 5:00 pm during the off-season and from 7:00 am to 7:00 pm during harvest season. Operations have decreased from the 1987 (when all three mills were running), but could conceivable return to previous operations. The 60 L_{dn} contour during peak season mill operations is estimated to be approximately 830 feet from the center of the milling equipment as specified in the 1987 documentation.

Source: Barbara Troesch, Accounts Payable, Dompe Company Warehouse, Telephone Interview, January 20, 2005.

f. Modesto Sand and Gravel, Modesto

Modesto Sand and Gravel is a demolition and excavation company which operates noisy equipment off-site. Heavy trucks, excavators, and loaders are sent out during daytime hours to the location of the demolition or excavation site. Equipment is stored on site when not in use and the only on-site noise sources would be vehicle movements moving to and from the facility. The 60

dBA L_{dn} noise contour for this facility is expected to be located entirely within the property boundaries.

Source: Grace Azevedo, Administrative Assistant, Modesto Sand and Gravel, Telephone Interview, February 15, 2005.

Inside City Spheres of Influence

g. Beard Industrial Tract, Modesto

The Beard Industrial Tract includes a variety of industrial uses, including food processing plants and transportation sources. Primary noise sources include the Modesto and Empire Traction Company Railroad movements, Burlington Northern and Santa Fe (BN & SF) Railway movements, traffic along Yosemite Boulevard, and aircraft operations at the Modesto City/ County Airport (all discussed previously). South of the tract, the noise environment is generated primarily by industrial noise sources. It is likely that the 60 dBA L_{dn} noise contour for Beard Industrial Tract would be located within the tract boundaries. However, due to seasonal variations in operations and the many variables associated with the tract, it is recommended that detailed studies of current source operations be conducted whenever potentially noise sensitive land uses are proposed nearby.

h. Bonzi Landfill

The Bonzi Landfill operates from 6:00 am to 6:00 pm on 5-days per week with occasional Saturday operations and is not open to the public. Operations include the storage, recycling, and disposal of industrial wastes. Heavy trucks are used for waste handling and transportation to and from the site, with a limited number of nighttime truck activities (1-2). Nearby residences are approximately 150 yards from the working area and are acoustically shielded by berms and a block wall. The major noise source at these residences is heavy truck movements on Hatch Road.

Source: Steve Bonzi, General Manager, Bonzi Landfill, Telephone Interview, February 16, 2005.

i. Gallo Winery, Modesto

The Gallo Winery and Gallo Glass Company is a large industrial complex located east of Dry Creek, between Yosemite Boulevard and the Tuolumne River, and within the Modesto sphere of influence. No major changes in operations have occurred in the complex since 1986. Operations occur on a 24-hour per day basis, 365 days per year and include cooling towers, refrigeration equipment, and various types of small and large fans. In addition, heavy truck movements occur in some areas. Bottling operations are enclosed within the buildings. Based on noise measurements conducted in 1987 (BBA, 1987), noise levels at or near the plant boundaries typically range from approximately 55 to 70 dBA during periods of normal operations.

Source: Derrick Jarvis, Operations Manager, Gallo Winery, January 2005.

Agricultural Zone, Away From County Development

j. Santa Fe Aggregates, Inc, Waterford Plant

The Santa Fe Aggregates Waterford Plant is a sand and gravel extraction and processing plant, located approximately 5 miles east of Waterford. Extraction, crushing, and screening operations typically occur weekdays between the hours of 6:00 am and 11:00 pm during peak season (June through October), and 7:00 am to 5:00 pm during off season, with occasional Saturday operations during peak season. The asphalt plant typically operates 4 days per week in peak season with a start up time of 6:00 am and 2 days per week during off-season with a start up time of 7:00 to 8:00 am. The concrete batch plant is no longer in use and has not been used for many years. Extraction operations utilize a backhoe and a belt conveyer line to transport material between facilities. Crushing operations include two cone crushers and a vertical impact crusher. The plant is now on electric power and no longer uses a diesel generator. Based on the 1987 technical noise document findings and updated operations information and without taking acoustical shielding into account, the 'worst-case' 60 dBA L_{dn} noise contour for this facility is expected to be located approximately 600 feet from excavation and hauling activities and approximately 4500 feet from the center of the processing plant during asphalt plant operations. Shielding from the bluff along the river would be expected to reduce noise levels significantly in areas north of SR 132.

Source: Michelle Cunningham, Division Manager, Santa Fe Aggregates, Inc, Telephone Interview, February 15, 2005.

8. Key Findings

a. Roadways, freeways, and railroads are the primary source of noise in Stanislaus County, with SR-99 and Interstate 5, the Union Pacific Railroad (UPRR), and the Burlington Northern and Santa Fe (BN & SF) Railway having the highest noise levels.
b. Localized and intermittent noise impacts occur as a result of aircraft over flights and industrial noise sources.

D. *Future Noise Environment*

1. Roadways

Future (2030) L_{dn} noise levels were estimated based on traffic volume data provided by the Stanislaus County Department of Public Works. A tabulated summary of calculated distances to L_{dn} contours for existing and future conditions are shown in Tables B-1 and B-2 in Appendix B. The predicted future (2030) L_{dn} noise levels along state highways and major county roadways throughout Stanislaus County at a distance of 75 feet from the centerline of the roadway are mapped in Figure B-1 in Appendix B. Predicted L_{dn} values are "worst-case" estimates because they do not take acoustical shielding from buildings or terrain into account.

2. Railroads

Information on the future operations of the railroads was unavailable and future noise contours were not prepared. Existing noise contour distances can be found in Appendix A. These data are the best available to describe the existing and future noise environments along the rail corridors.

3. Airports

Predicted future CNEL contours for operations at the Oakdale Municipal Airport and Modesto City / County Airport were derived from the existing Airport Master Plan reports as available and can be found in Figure B-3 in Appendix B. The noise contour maps show the extent of airport noise for planning purposes in the vicinity of the airport.

4. Industrial and Other Stationary Noise Sources

Future operations at industrial facilities are dependant on many variables and information was unavailable to allow meaningful projections of noise. It is recommended that detailed studies of current source operations be conducted whenever potentially noise sensitive land uses are proposed for areas near existing industrial, commercial, or other stationary facilities which could generate significant noise levels.

References

The references listed here are in addition to those documented throughout the report.

Brown Buntin Associates, Inc., Technical Reference Document, Chapter 4: Noise, 1987.

Stanislaus County Year 2000 General Plan, Chapter 2: Circulation Element, 1987.

Stanislaus County Year 2000 General Plan, Chapter 4: Noise Element, 1987.

StanCOG, Program Environmental Impact Report, Regional Transportation Plan for Stanislaus County, Chapter 12 Noise, October 2001.

E. List of Preparers

Illingworth & Rodkin, Inc., an acoustics and air quality consulting firm, was contracted by Stanislaus County to conduct this noise study. The following individuals had substantial roles in conducting the noise study and in the preparation of this report:

- Richard Rodkin (Principal) developed study approach, provided oversight in field measurement locations, traffic noise modeling and report preparation tasks, and reviewed this document.
- Dana Lodico (Staff Consultant) directed field measurements, analyzed noise and traffic data, conducted traffic noise modeling, and was the author of the report.
- Clayton Anderson (Staff Consultant) conducted noise measurements.

Appendix A: Existing Noise Sources

Figure A-1: Noise Measurement Locations

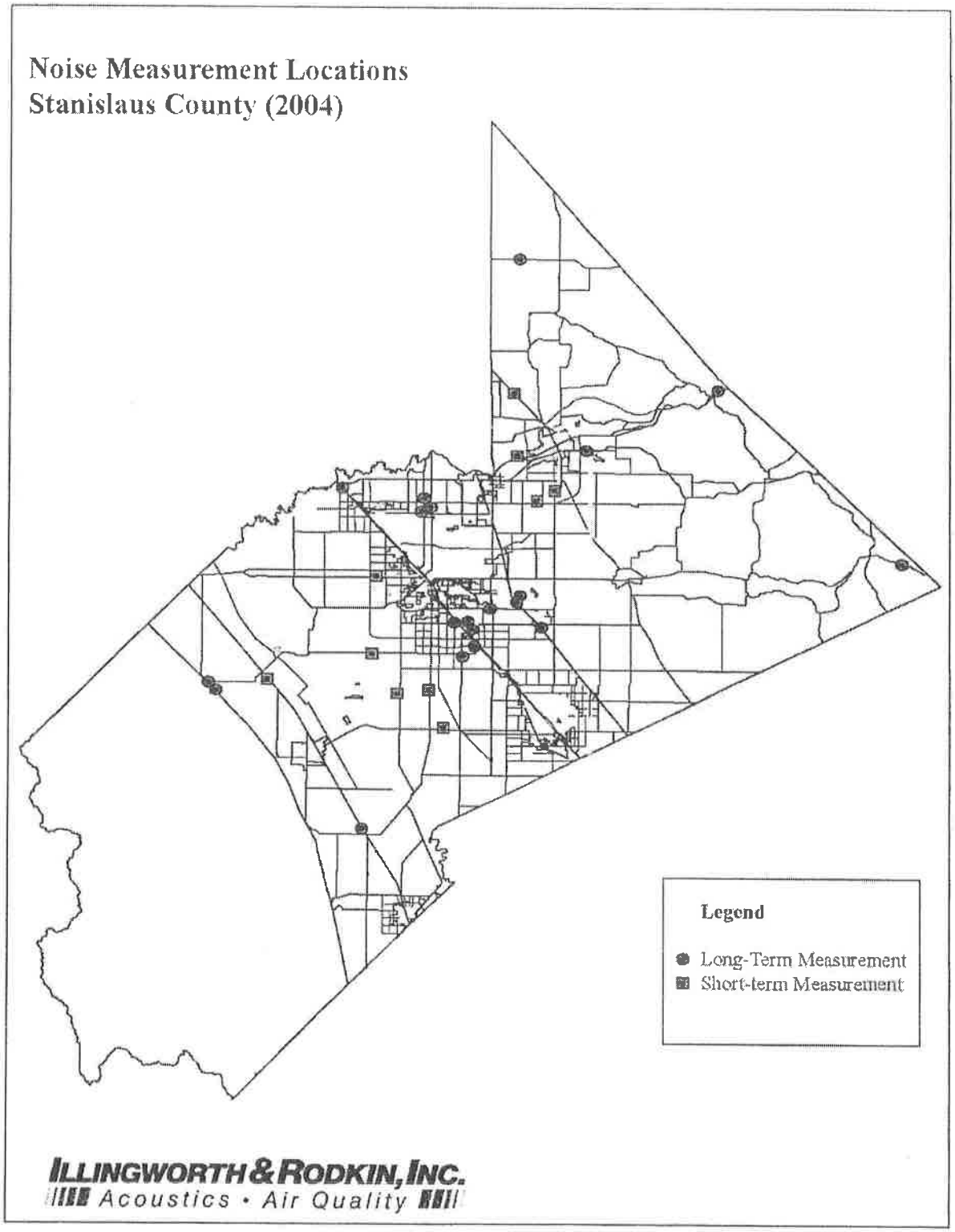


Table A-1: Summary of Long-Term Noise Measurements

Site	Location	Date	Time	Daytime Noise Levels	Nighttime Noise Levels	L_{dn}
Long-Term Measurements				**dBA**	**dBA**	**dBA**
LT-1	Residential Land Use, 907 Kiernan Road ~ 60 ft from the centerline of Hwy 219 /Kiernan Road	7/20/04 to 7/21/04	11:00 am to 1:00 pm	65-68	56-65	**68**
LT-2	~50 feet from the centerline of Hwy 108, near intersection with Hwy 219	7/20/04 to 7/21/04	11:30 am to 12:30 pm	71-74	64-73	**76**
LT-3	~200 feet to center of SR 99 near lane, ~350 feet toUPRR Rail line	7/20/04 to 7/22/04	12:20 pm to 2:30 pm	72-75	69-75	**78**
LT-4	~30 feet from centerline of 132, near county line	7/20/04 to 7/21/04	12:00 pm to 4:00 pm	62-66	51-66	**68**
LT-5	~50 feet from centerline of 120, near County line	7/20/04 to 7/21/04	1:00 pm to 5:00 pm	70-73	62-72	**75**
LT-6	~45 feet from centerline of Hwy. 4	7/20/04 to 7/21/04	2:00 pm to 7:00 pm	64-67	54-67	**69**
LT-7	~30 feet from centerline of Central Ave, south of Ceres near Grayson Road	7/20/04 to 7/22/04	6:00 pm to 2:00 pm	67-70	59-69	**72**
LT-8	~65 feet from near lane of I-5	7/21/04 to 7/22/04	11:00 am to 12:00 pm	73-75	73-75	**80**
LT-9	~50 feet from centerline of SR 33, north of Crows Landing	7/21/04 to 7/22/04	11:30 am to 1:00 pm	66-70	57-69	**72**
LT-10a	~50 feet from the centerline of Santa Fe Ave., near Leedom	7/21/04 to 7/22/04	3:30 pm to 4:00 pm	68-75	62-76	**78**
LT-10b	~50 feet from the centerline of Santa Fe Avenue at Leedom	8/31/04 to 9/2/04	2:00 pm to 2:00 pm	69-75	60-74	**76**
LT-11	3831 Hatch Road, ~65 feet from centerline of Hatch Road	7/21/04 to 7/22/04	3:30 pm to 4:00 pm	68-71	62-71	**74**
LT-12	~20 feet west of SPTCo Railroad and ~105 feet west of SR 99, in Ceres	5/18/04 to 5/21/04	12:30 pm to 2:00 pm	77-81	71-79	**83**
LT-13	~30 feet from the edge of Service Road, at Service and Moffet in Ceres	5/18/04 to 5/21/04	1:00 pm to 2:00 pm	69-73	62-73	**75**
LT-14	2805 Evalee Lane ~270 feet east of SR 99, in Ceres	5/18/04 to 5/20/04	1:30 pm to 3:00 pm	66-69	60-69	**72**
LT-15	Little Orchard Mobile Home Park ~130 feet east of SR 99, in Ceres	5/18/04 to 5/20/04	2:30 pm to 3:00 pm	72-74	64-73	**78**
LT-16	~60 feet from near lane of I-5 in Westley	8/31/04 to 9/2/04	10:30 am to 10:30 am	72-74	71-75	**80**
LT-17	~150 feet from AT&SF Railroad in Hughson	8/31/04 to 9/2/04	1:00 pm to 2:00 pm	69-80	59-80	**81**
LT-18	~50 feet from the Sierra Railroad tracks east of Oakdale	8/31/04 to 9/2/04	3:00 pm to 3:00 pm	66-71	58-70	**72**
LT-19	~35 feet from the Tidewater Railroad, south of Del Rio	8/31/04 to 9/2/04	4:00 pm to 4:00 pm	63-70	43-63	**70**

Table A-2: Summary of Short-Term Noise Measurements

Site	Location	Date	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
Short-Term Measurements				**dBA**	**dBA**	**dBA**	**dBA**	**dBA**
ST-1	~75 feet from the centerline of Maze Blvd/ Hwy. 132 at Garrison	7/20/04	12:55 pm to 1:00 pm	71	81	76	66	50
ST-2	~75 feet from the centerline of Grayson Road, east of Jennings Road	7/20/04	1:48 pm to 1:58 pm	61	75	63	45	37
ST-3	~80 feet from the centerline of Carpenter Road, at Monte Vista Avenue	7/20/04	2:22 pm to 2:32 pm	64	74	68	54	44
ST-4	~60 feet from the centerline of West Main Street, west of Blaker Road	7/20/04	3:00 pm to 3:10 pm	68	77	72	62	49
ST-5	~60 feet from the centerline of Crows Landing Road, at Zeering	7/20/04	3:33 pm to 3:43 pm	67	78	70	60	48
ST-6	~40 feet from the centerline of SR 33, south of Westley	7/21/04	10:50 am to 11:00 am	71	81	75	60	47
ST-7	~50 feet from the centerline of Albers, between Patterson and Claribel	7/21/04	5:50 pm to 6:00 pm	72	82	76	67	54
ST-8	~50 feet from the centerline of Claribel, between Albers and Hwy. 108	7/21/04	6:15 pm to 6:25 pm	69	78	74	62	50
ST-9	~60 feet from the centerline of Hwy. 108, at Orchard Ave.	7/21/04	6:40 pm to 6:50 pm	70	77	74	69	56
ST-10	~60 feet from the centerline of Valley Home Rd, at 12542 Valley Home Road	7/21/04	7:10 pm to 7:20 pm	65	76	71	52	42

Figure A-2: Daily Trend in Noise Levels at LT-1

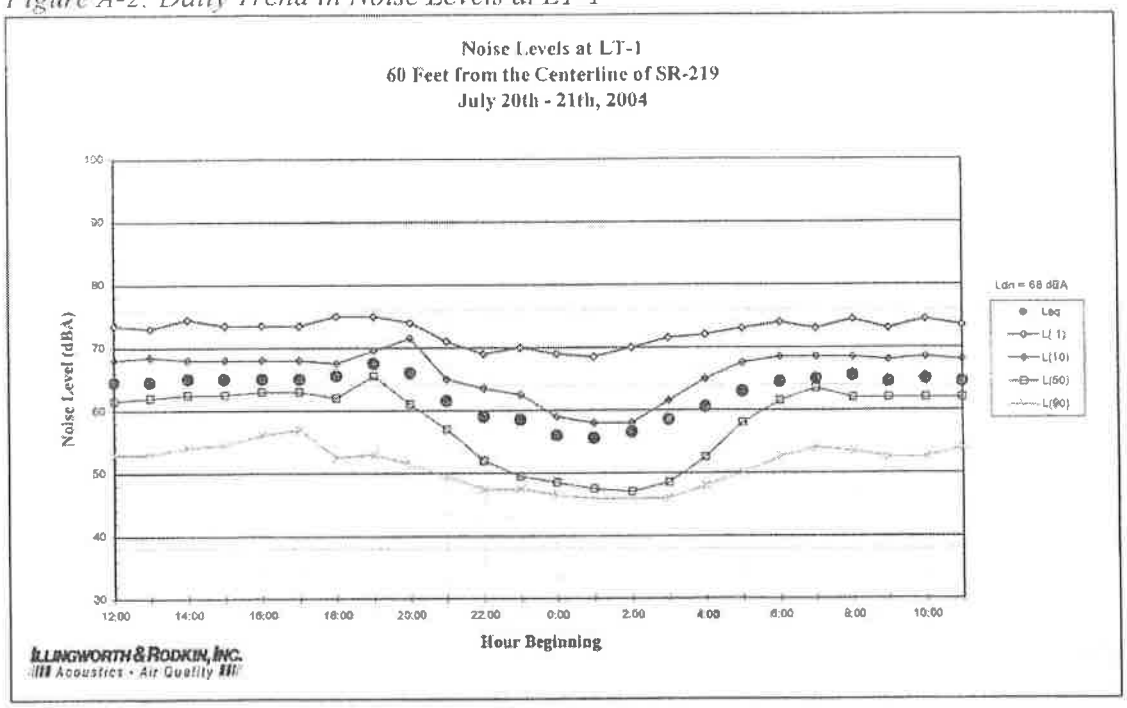


Figure A-3: Daily Trend in Noise Levels at LT-2

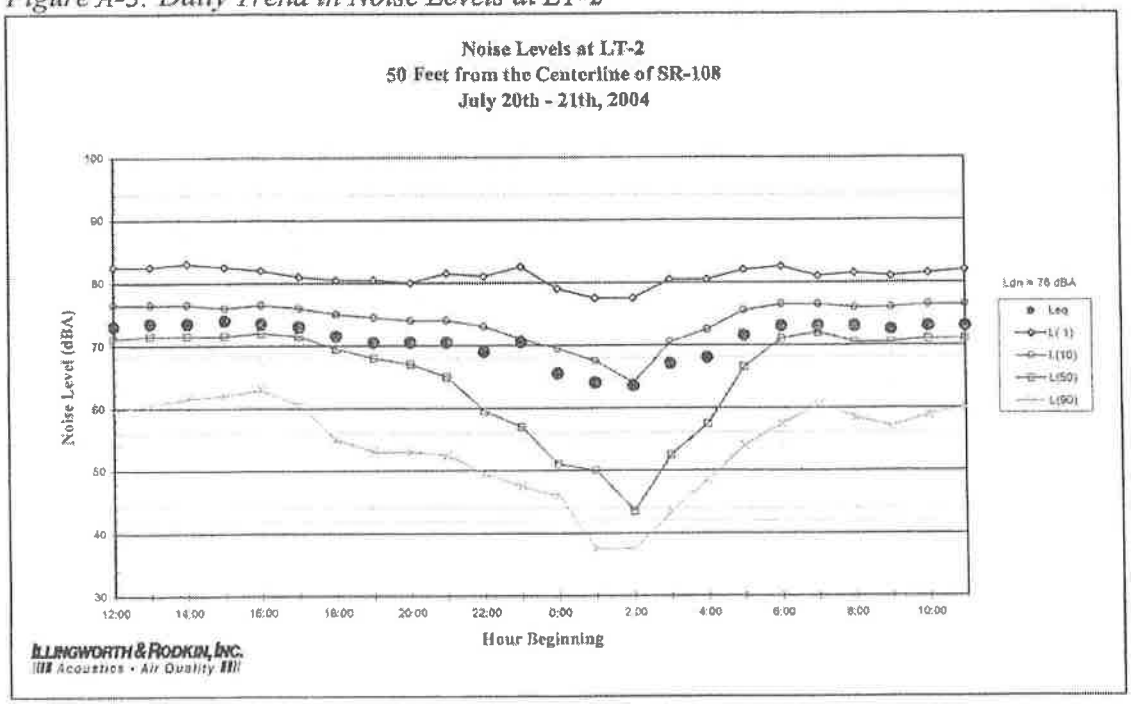


Figure A-4: Daily Trend in Noise Levels at LT-3

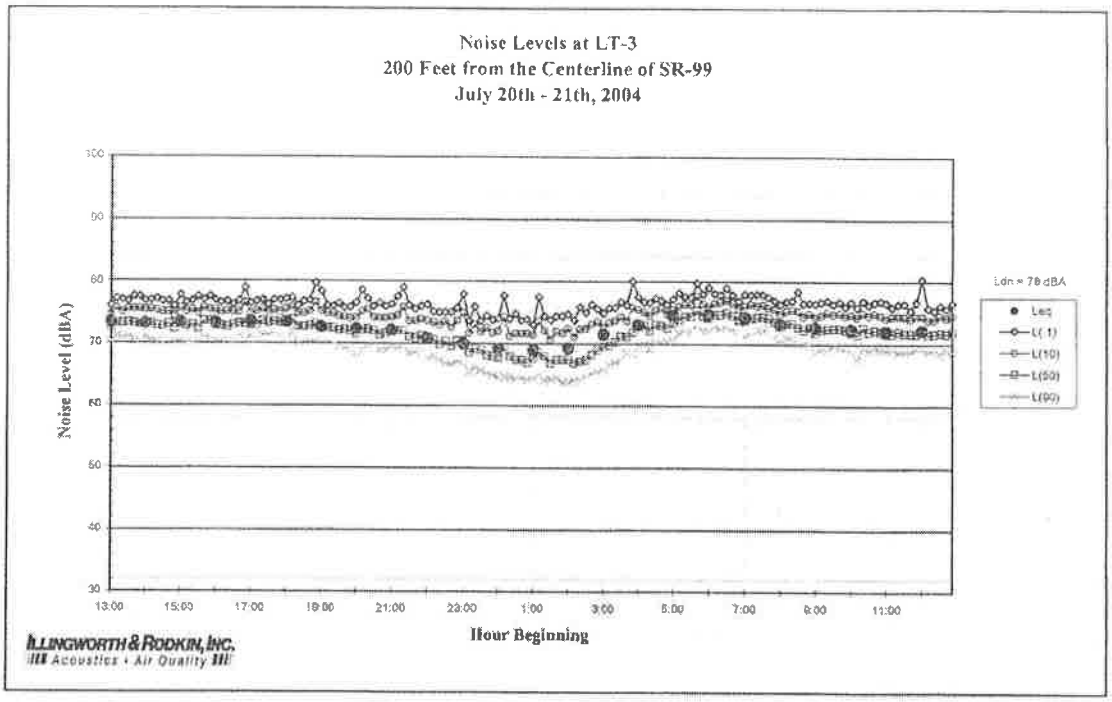


Figure A-5: Daily Trend in Noise Levels at LT-4

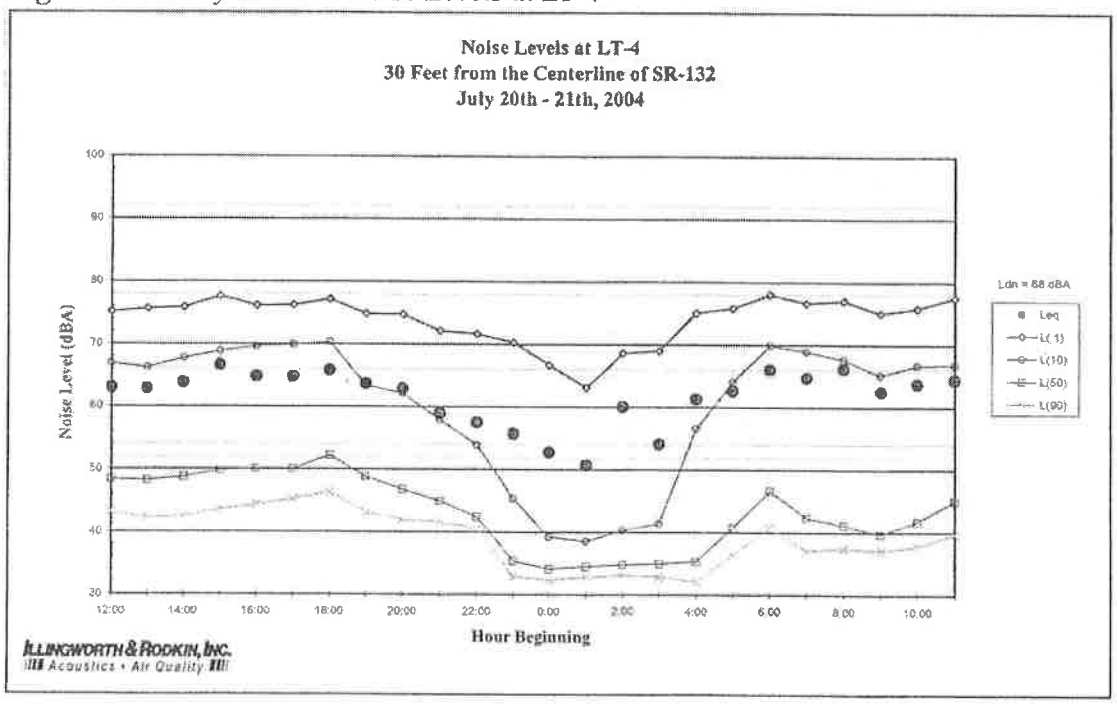


Figure A-6: Daily Trend in Noise Levels at LT-5

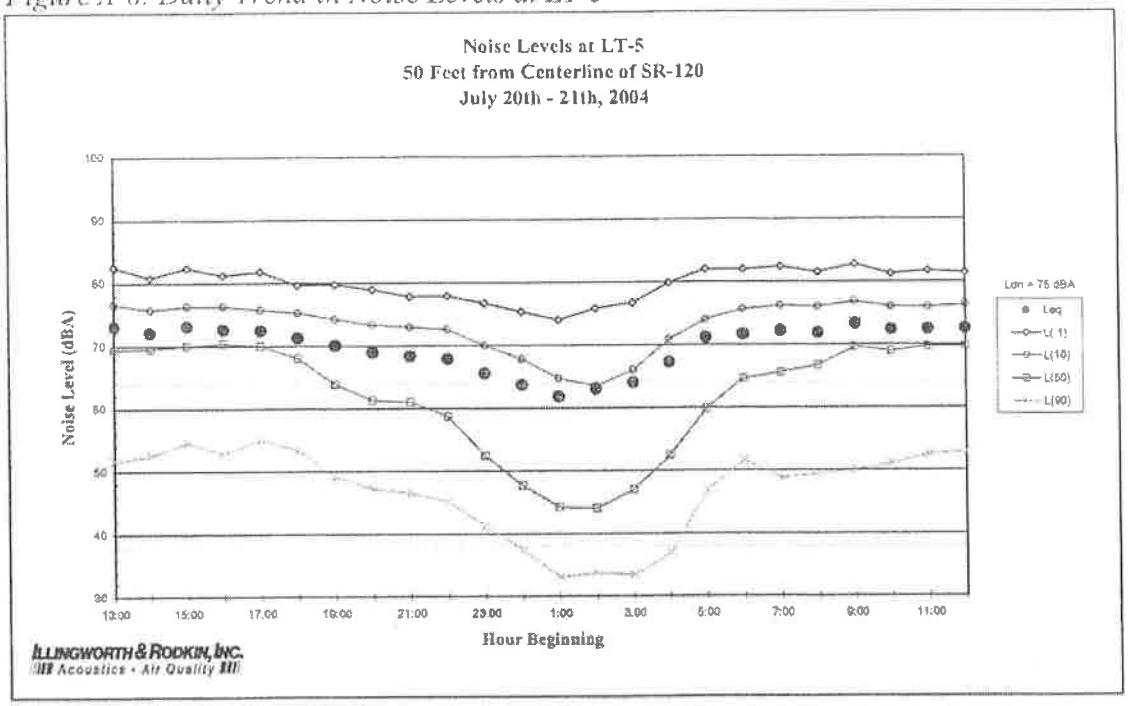


Figure A-7: Daily Trend in Noise Levels at LT-6

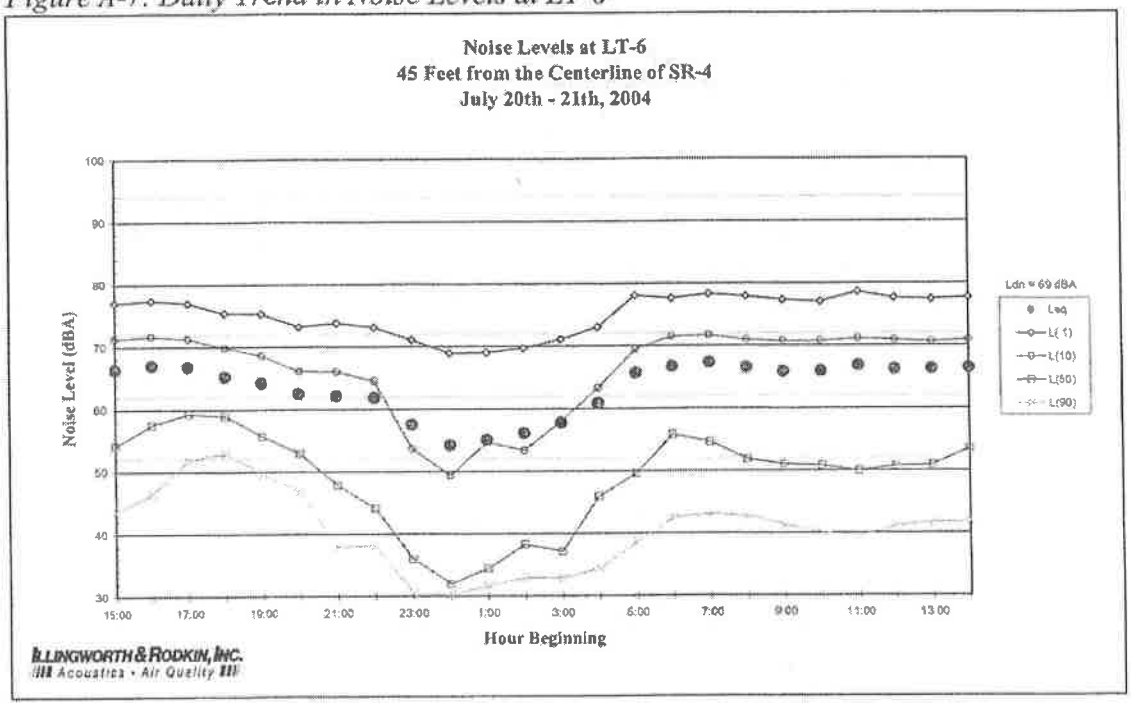


Figure A-8: Daily Trend in Noise Levels at LT-7

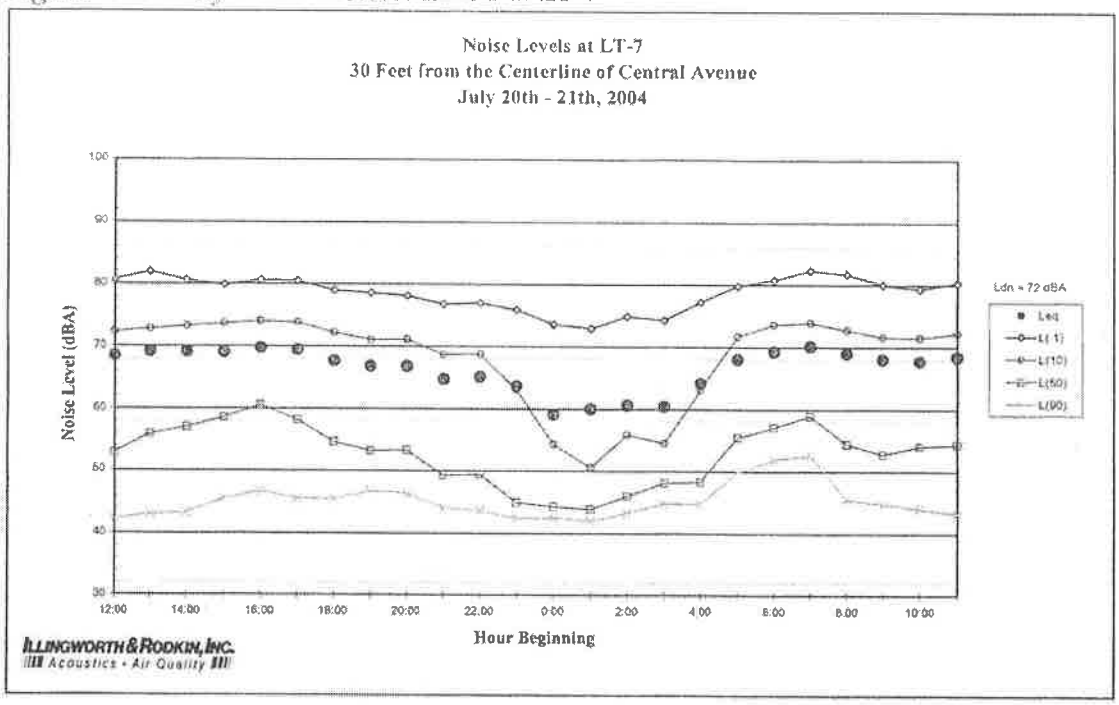


Figure A-9: Daily Trend in Noise Levels at LT-8

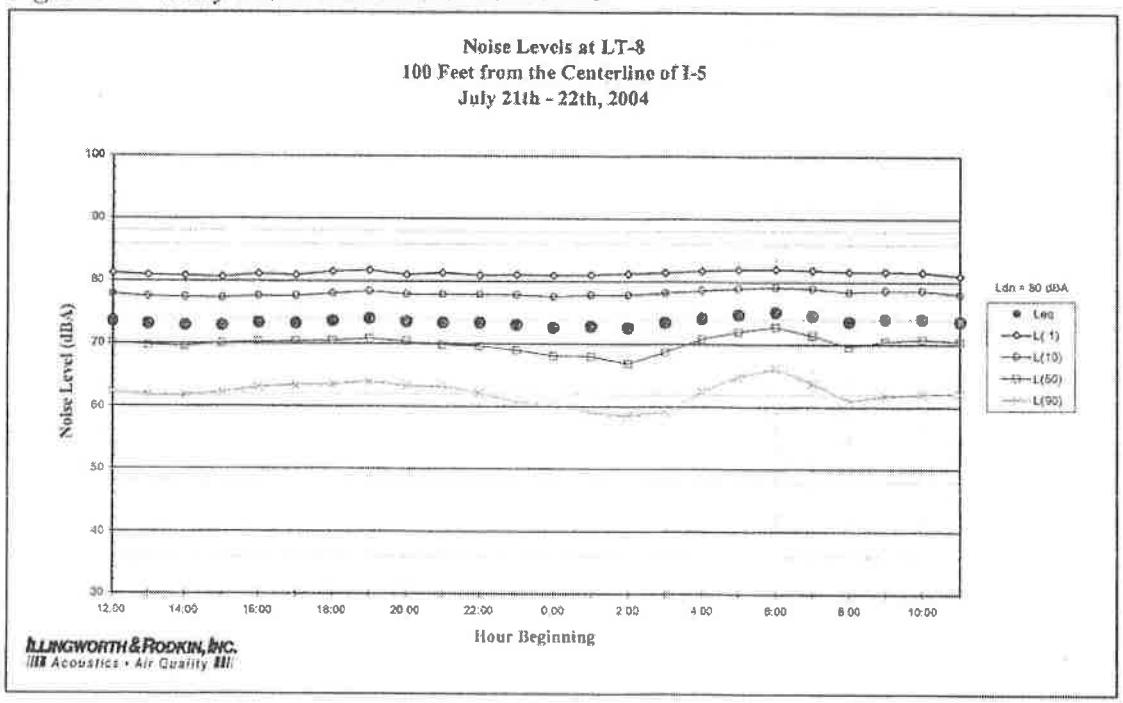


Figure A-10: Daily Trend in Noise Levels at LT-9

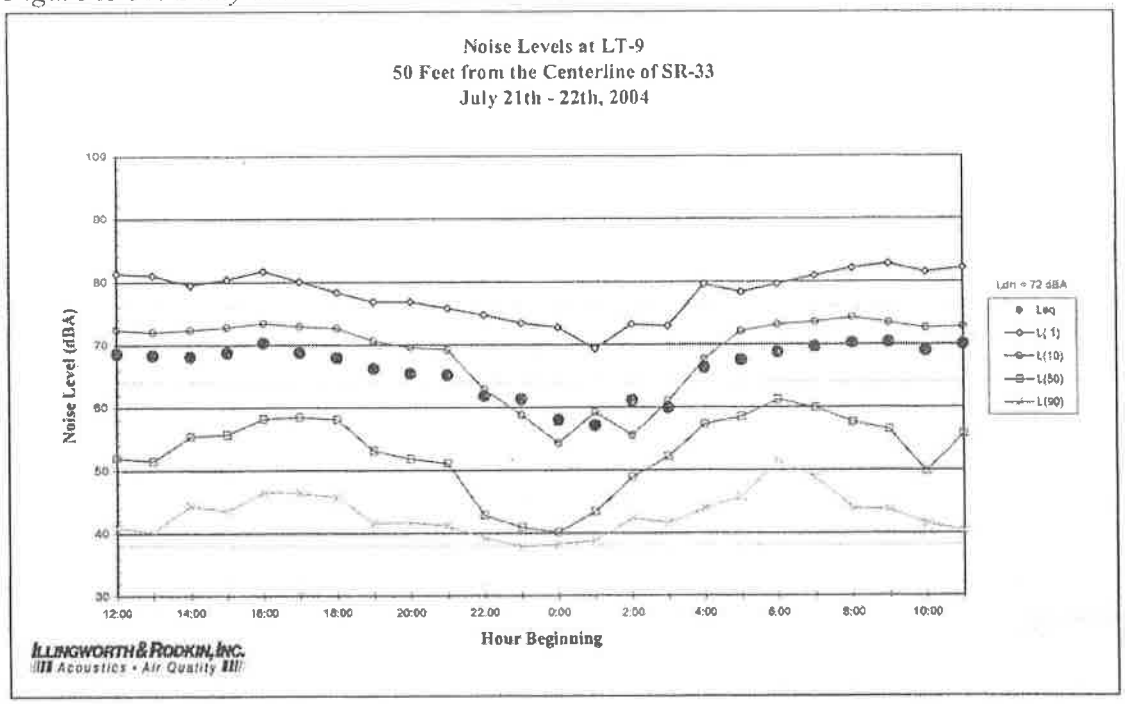


Figure A-11: Daily Trend in Noise Levels at LT-10a

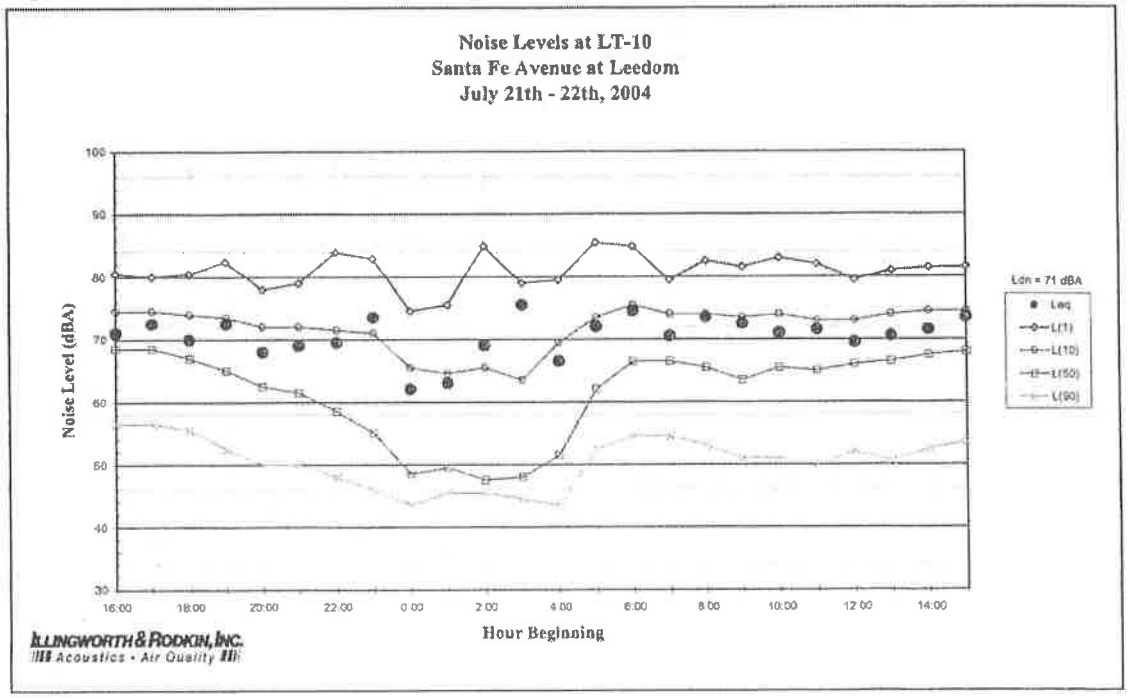


Figure A-12: Daily Trend in Noise Levels at LT-10b

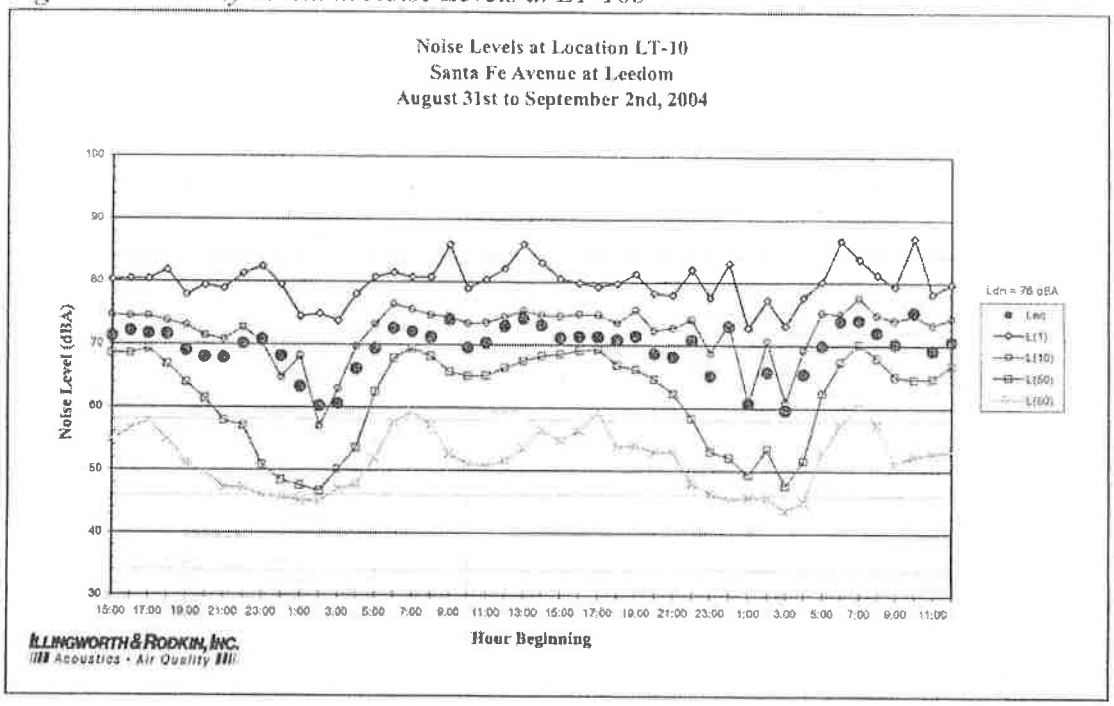


Figure A-13: Daily Trend in Noise Levels at LT-11

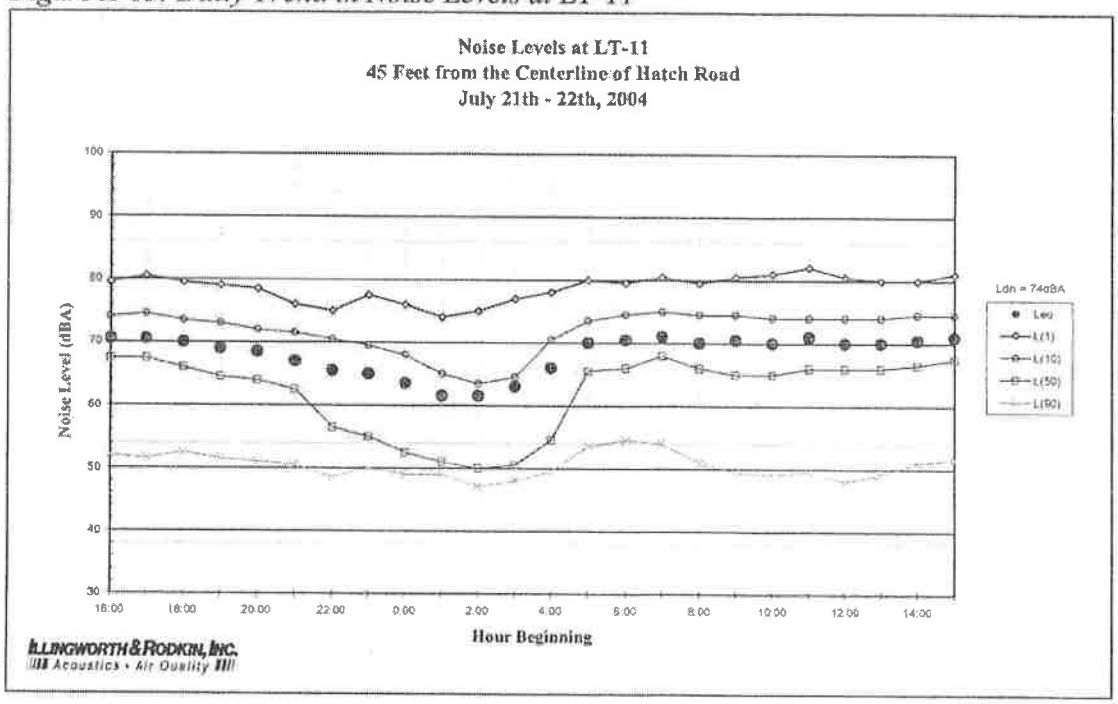


Figure A-14: Daily Trend in Noise Levels at LT-12

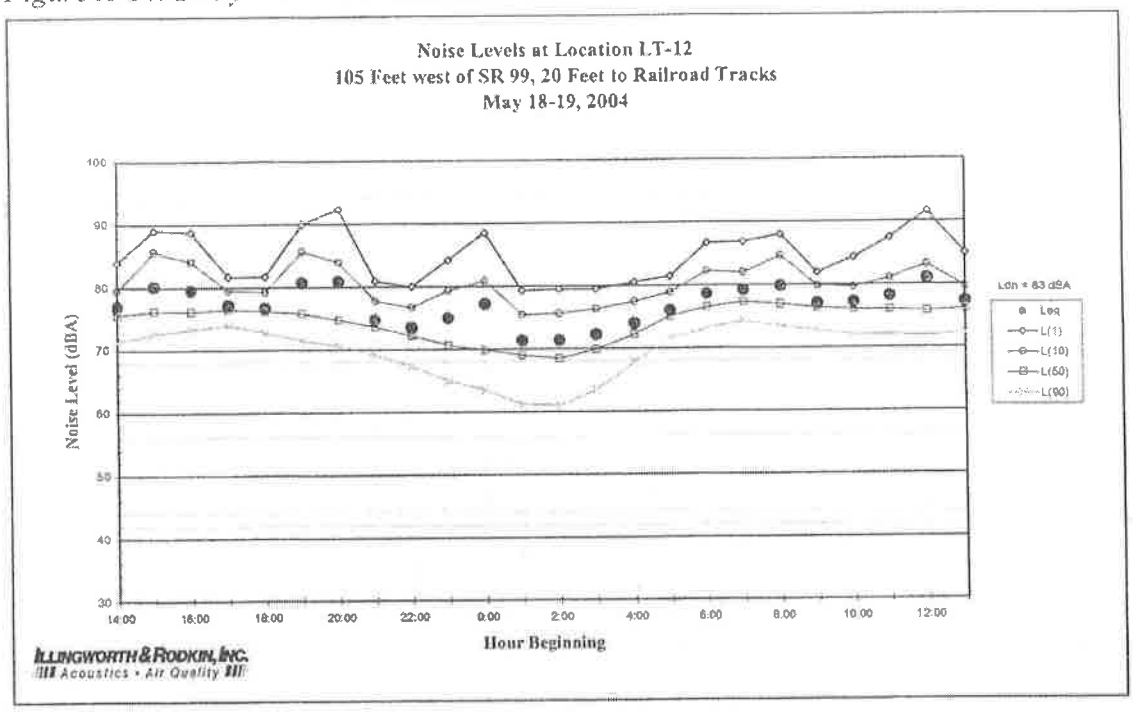


Figure A-15: Daily Trend in Noise Levels at LT-13

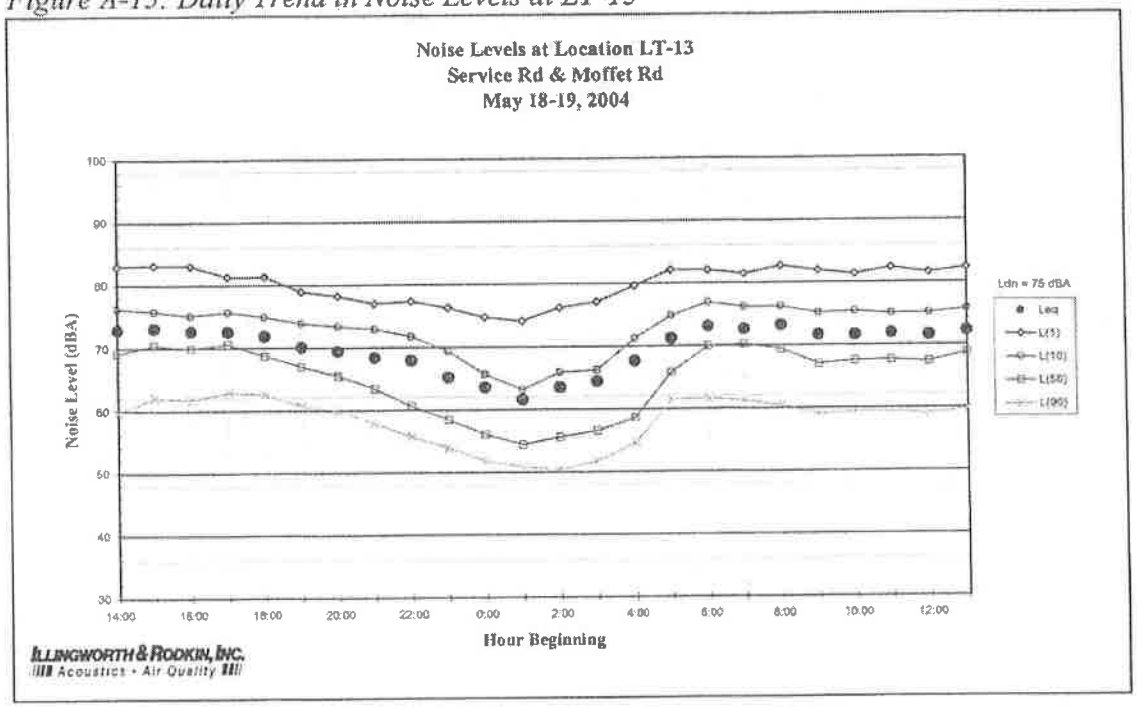


Figure A-16: Daily Trend in Noise Levels at LT-14

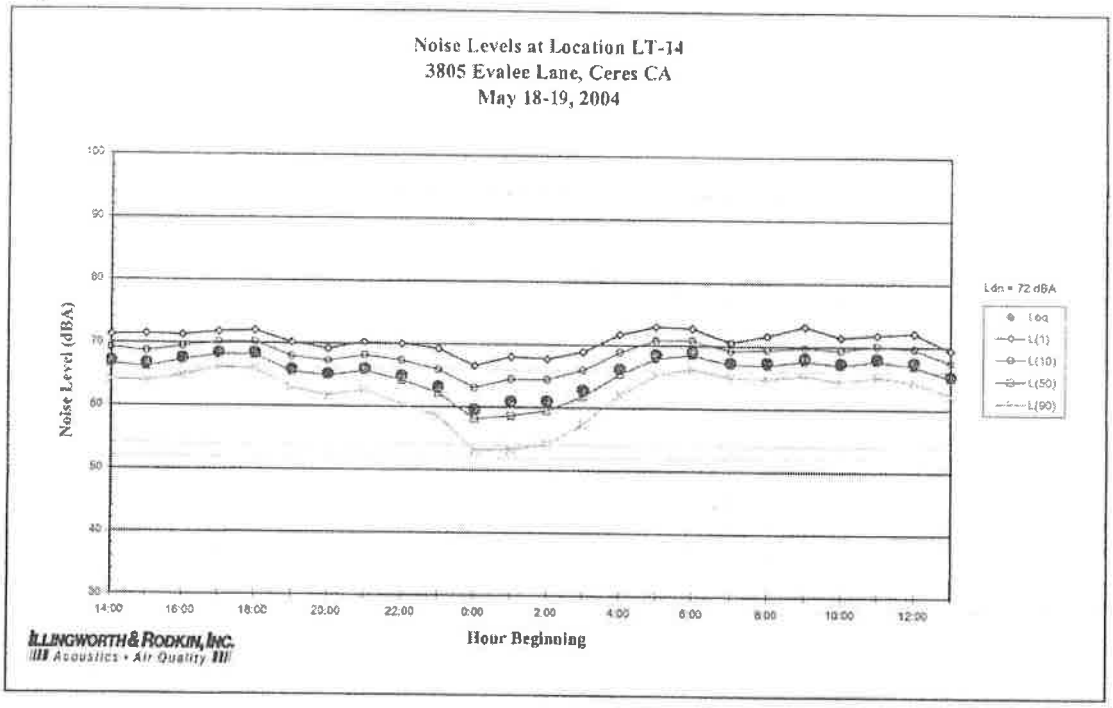


Figure A-17: Daily Trend in Noise Levels at LT-15

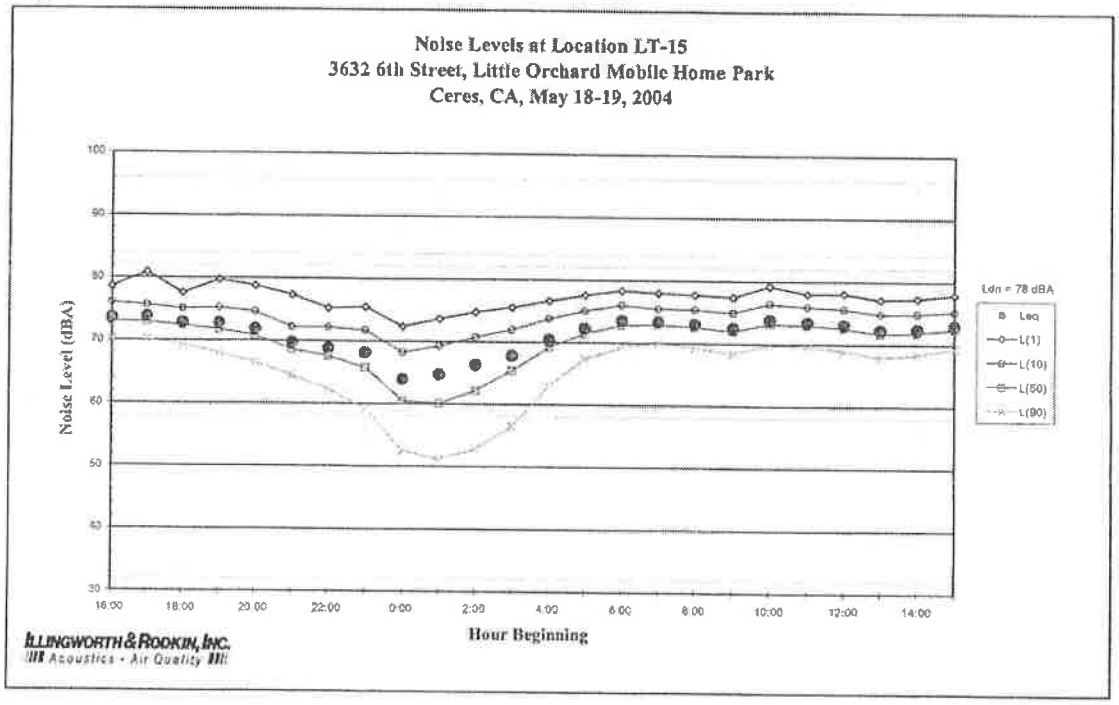


Figure A-18: Daily Trend in Noise Levels at LT-16

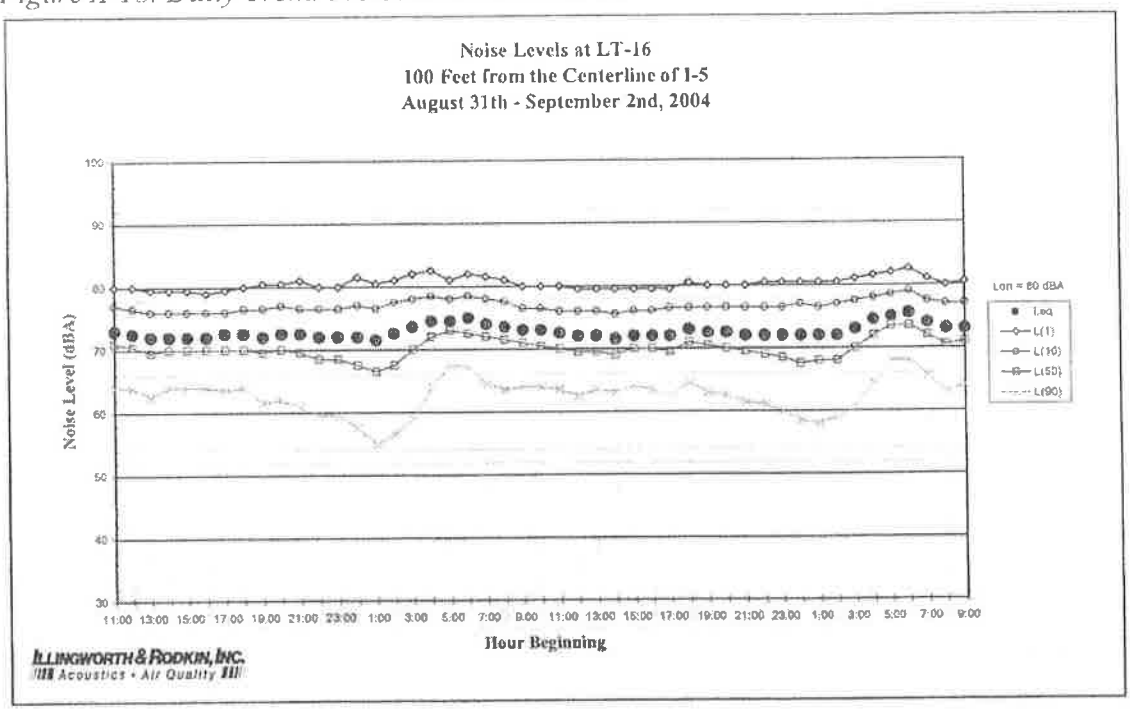


Figure A-19: Daily Trend in Noise Levels at LT-17

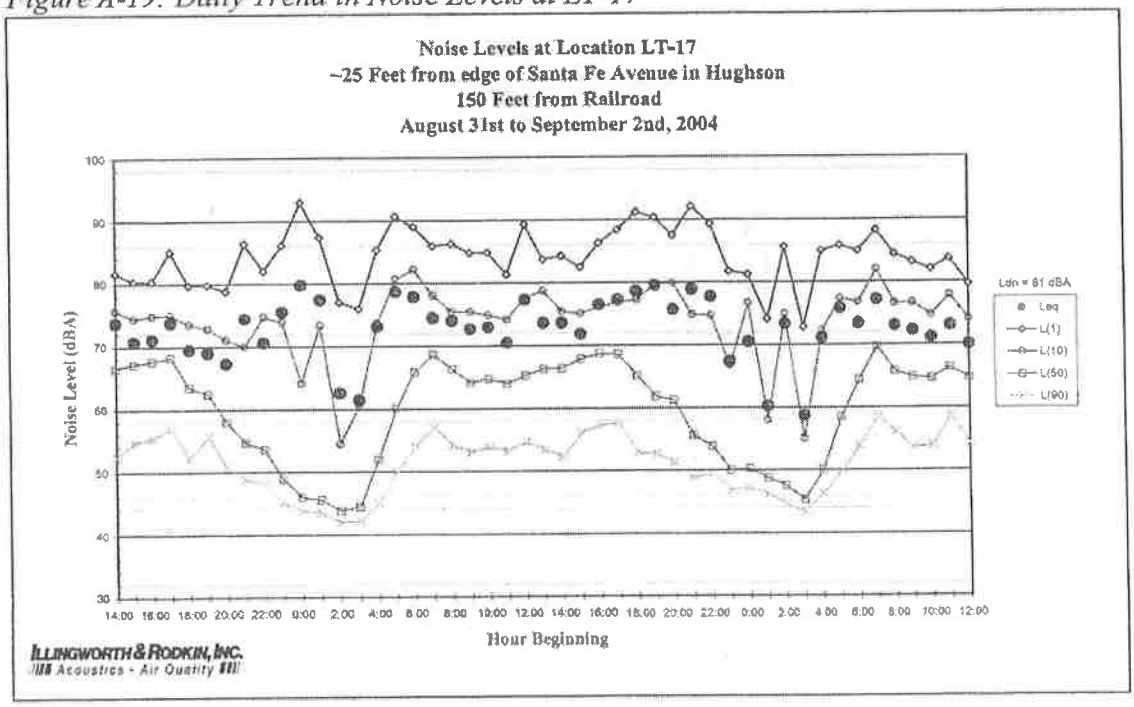


Figure A-20: Daily Trend in Noise Levels at LT-18

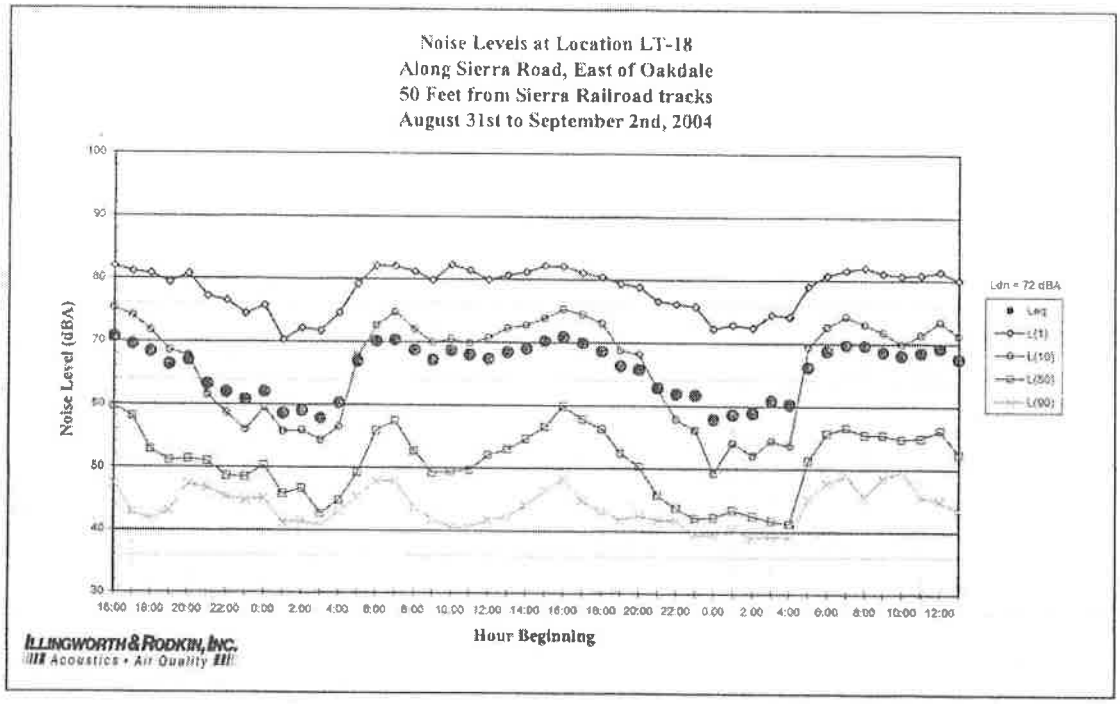


Figure A-21: Daily Trend in Noise Levels at LT-19

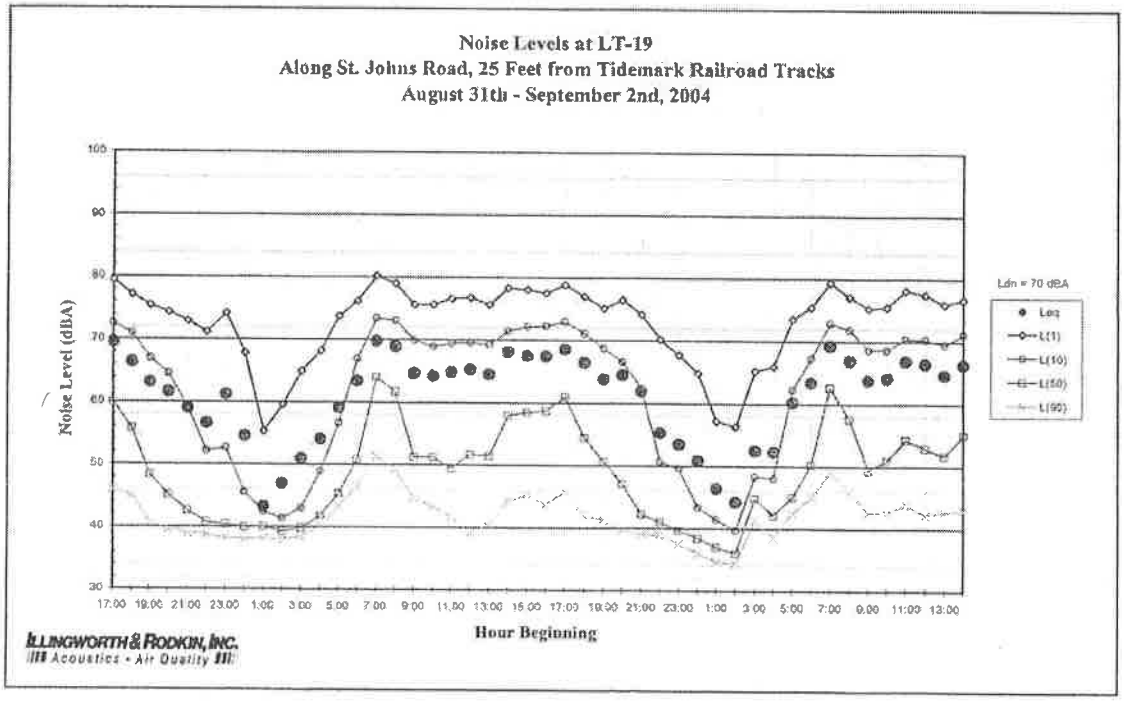
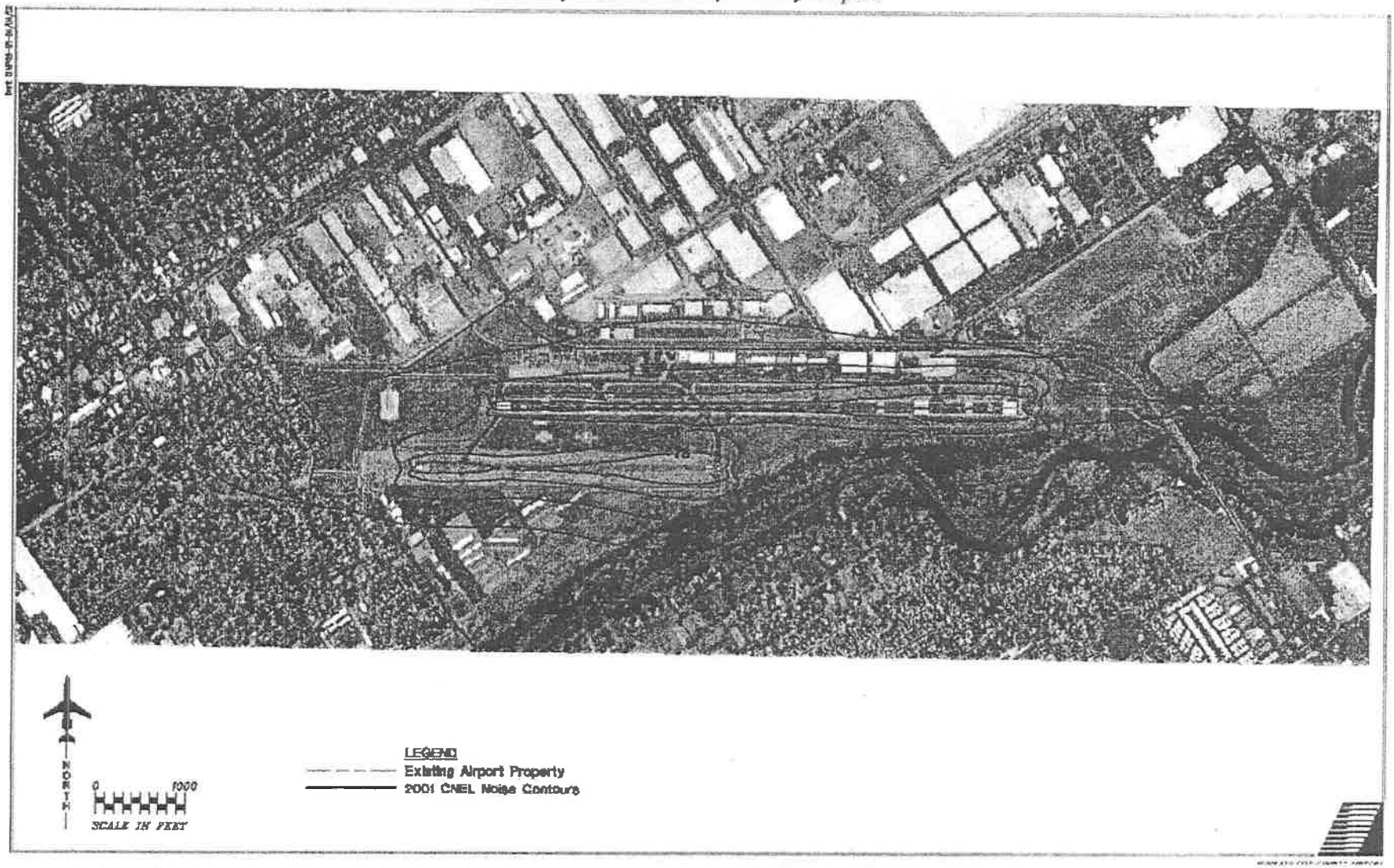


Table A-3: Noise Contour Distances for Major Railroad Lines in Stanislaus County

Railroad Description*	Distance from Centerline of the Railroad Tracks (in feet)			
	75-Ldn	**70-Ldn**	**65-Ldn**	**60-Ldn**
Union Pacific Railroad (UPRR)	70	150	320	680
Burlington Northern and Santa Fe (BN & SF) Railway	100	200	440	950
Sierra Railroad	**	**	**	80
Tidewater Southern Railroad	**	**	60	140

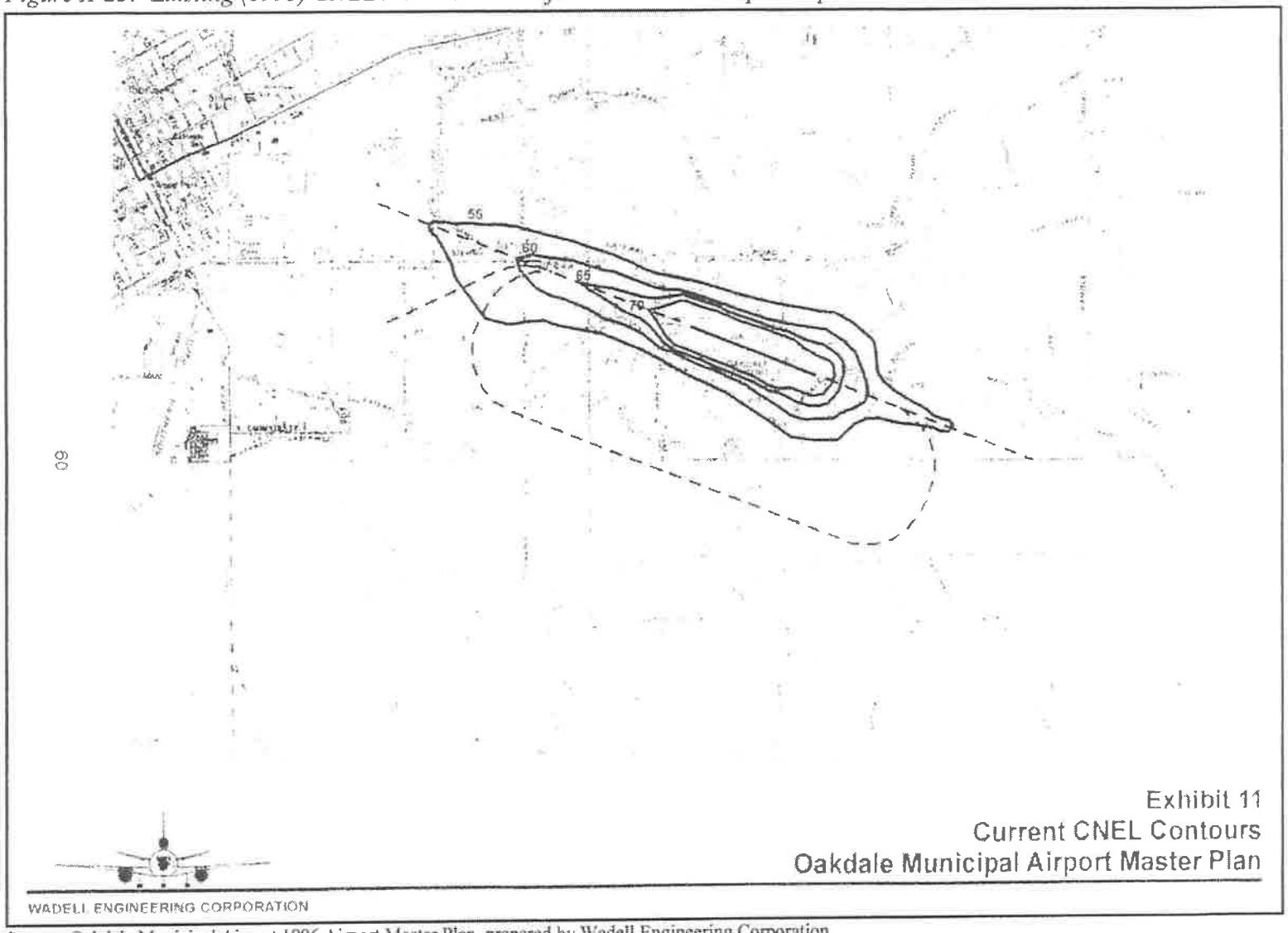
* Noise contour distances for the Modesto and Empire Traction Company Railroad were not calculated due to a lack of specific information regarding train movements along this track.
** Distances of less than 50 feet are not included in this table.

Figure A-22: Existing (2001) CNEL Noise Contours for Modesto City-County Airport



Source: Modesto City-County Airport (Harry Sham Field) 2002 Airport Master Plan, prepared by Coffman Associates.

Figure A-23: Existing (1995) CNEL Noise Contours for Oakdale Municipal Airport



Source: Oakdale Municipal Airport 1996 Airport Master Plan, prepared by Wadell Engineering Corporation

Appendix B: Future Noise Environment

Table B-1: Calculated Vehicular Traffic Noise Levels for Major Community Roadways

Community	Roadway Description	Distance from Centerline of Roadway (in feet) Based on Traffic Noise Modeling*						Maximum $L_{eq(hr)}$ at 75 feet from Centerline	
		Existing			2030 Circulation Element			Existing	2030 Circulation Element
		70-Ldn	65-Ldn	60-Ldn	70-Ldn	65-Ldn	60-Ldn	dBA	dBA
Salida	SR 99	440	950	2040	640	1370	2950	77	79
Salida	SR 219	90	190	410	200	430	930	71	76
Salida	Finney Road	*	100	230	*	*	50	67	58
Salida	Broadway	*	100	210	90	200	430	67	71
Salida	Salida Boulevard	*	70	160	60	120	270	65	68
Salida	Sisk Road	*	*	60	*	*	90	58	61
Del Rio	Mc Henry (North of 108)	80	160	350	120	260	550	70	73
Del Rio	Ladd Road	80	160	350	*	80	170	70	65
Knights Ferry	SR 108-120	60	120	260	100	220	470	68	72
La Grange	SR 132	100	220	470	160	350	750	72	75
La Grange	La Grange Boulevard	*	*	*	*	*	90	56	61
East of Oakdale	SR 108-120	50	120	250	*	100	220	68	67
Westley	SR 33	60	120	260	90	200	430	68	71
Westley	Grayson / Howard Road	*	60	140	50	110	240	64	68
Grayson	Grayson Road	*	90	190	60	130	280	66	68
Grayson	River Road	*	*	100	*	50	110	62	63
Crows Landing	SR 33	*	90	190	90	190	410	66	71
Crows Landing	Fink / Crows Landing Road	*	100	230	90	200	420	67	71
Keyes	SR 99	280	590	1280	380	810	1740	74	76
Keyes	Faith Home Road	*	*	60	*	100	220	59	67
Keyes	Keyes Road	*	90	190	120	260	550	66	73
Keyes	Keyes Road	120	260	550	190	410	870	73	76
Empire	SR 132	*	100	210	100	220	470	67	72

Community	Roadway Description	Distance from Centerline of Roadway (in feet) Based on Traffic Noise Modeling*						Maximum $L_{eq(hr)}$ at 75 feet from Centerline	
		Existing			2030 Circulation Element			Existing	2030 Circulation Element
		70-Ldn	65-Ldn	60-Ldn	70-Ldn	65-Ldn	60-Ldn	dBA	dBA
Empire	Santa Fe Avenue	90	190	400	110	240	510	71	72
Empire	Church Street	60	120	260	60	140	300	68	69
Hickman	Hickman Road	120	260	560	160	350	750	73	75
Hickman	Lake Road	*	100	220	70	150	320	67	69
Denair	Santa Fe Avenue	*	90	190	80	180	380	66	71
Denair	Monte Vista Avenue	*	*	100	*	70	150	62	64
Denair	Zeering Road	*	100	220	90	180	400	67	71
Denair	Gratton Road	50	120	250	80	180	380	68	71
Denair	Gratton Road	*	60	130	50	110	230	64	67
Rural State Highways	SR 165 (Co. Line to SR 99)	60	120	260	80	170	370	68	70
Rural State Highways	SR 219 (Salida to SR 108)	70	150	320	200	430	930	69	76
Rural State Highways	SR 33 (Co. Line to Co. Line)	60	140	300	140	300	640	69	74
Rural State Highways	I-5 (Co. Line to Co. Line)	190	410	870	320	700	1510	76	80
Rural State Highways	SR 108 (SR 219 to SR 120)	60	140	300	80	180	390	69	71
Rural State Highways	SR 120 (Co. Line to Co. Line)	80	160	350	80	160	350	70	70
Rural State Highways	SR 4 (Co. Line to Co. Line)	*	*	100	*	90	190	62	66
Rural State Highways	SR 132 (West of Modesto)	100	210	450	160	350	760	72	75
Rural State Highways	SR 132 (East of Modesto)	*	100	210	100	220	470	67	72
Rural County Roads	Claribel Road (Mc Henry to Coffee)	130	280	600	600	1290	2770	73	82
Rural County Roads	Claribel Road (Oakdale to Albers)	150	320	700	510	1100	2380	74	81
Rural County Roads	Hatch Road (Carpender to Modesto)	*	100	220	80	160	350	67	70
Rural County Roads	Hatch Road (Modesto CL to Mitchell)	80	180	390	140	310	660	71	74
Rural County Roads	Hatch Road (Mitchell to Santa Fe)	90	190	400	120	260	550	71	73
Rural County Roads	Gray son Road (I-5 to Crows Landing)	*	90	190	60	130	280	66	68

Community	Roadway Description	Distance from Centerline of Roadway (in feet) Based on Traffic Noise Modeling*						Maximum $L_{eq(hr)}$ at 75 feet from Centerline	
		Existing			2030 Circulation Element			Existing	2030 Circulation Element
		70-Ldn	65-Ldn	60-Ldn	70-Ldn	65-Ldn	60-Ldn	dBA	dBA
Rural County Roads	Keyes Road (Carpender to Hickman)	*	70	160	90	190	420	65	71
Rural County Roads	West Main (Turlock to I-5)	100	220	470	180	400	850	72	76
Rural County Roads	Carpenter Road (West Main to Grayson)	60	120	260	110	230	500	68	72
Rural County Roads	Carpenter Road (Grayson to Modesto)	50	120	250	110	230	500	68	72
Rural County Roads	Crows Landing Road (Crows Landing to Modesto)	60	140	300	110	240	520	69	73
Rural County Roads	Mc Henry Avenue (Ladd Road to Co. Line)	80	160	350	120	260	550	70	73
Rural County Roads	Claus Road (SR132 to Claribel)	*	100	220	120	260	550	67	73
Rural County Roads	Claus Road (Claribel to Patterson)	80	180	380	180	400	850	71	76
Rural County Roads	Coffee Road (Modesto to Patterson)	*	60	140	*	60	120	64	63
Rural County Roads	Oakdale Road (Patterson to Claribel)	60	120	260	90	190	410	68	71
Rural County Roads	Oakdale Road (Claribel to Modesto)	60	120	260	100	220	470	68	72
Rural County Roads	Tully Road (Ladd to Bangs)	*	60	130	90	190	410	64	71
Rural County Roads	Mitchell Road (Hatch to Modesto CL)	100	220	460	120	260	560	72	73
Rural County Roads	Santa Fe Avenue (Empire to Co. Line)	60	140	300	100	210	450	69	72
Rural County Roads	Geer Road (Turlock to SR 132)	90	190	400	140	290	630	71	74
Rural County Roads	Albers Road (SR 132 to Oakdale)	120	260	550	230	490	1050	73	77
Rural County Roads	Hickman Road (West Main to Waterford)	*	60	120	*	90	200	63	66

* Distances of less than 50 feet are not included in this table.

Figure B-1: Noise Contour Map for Major Roadway Noise Sources (Unconstrained 2030)

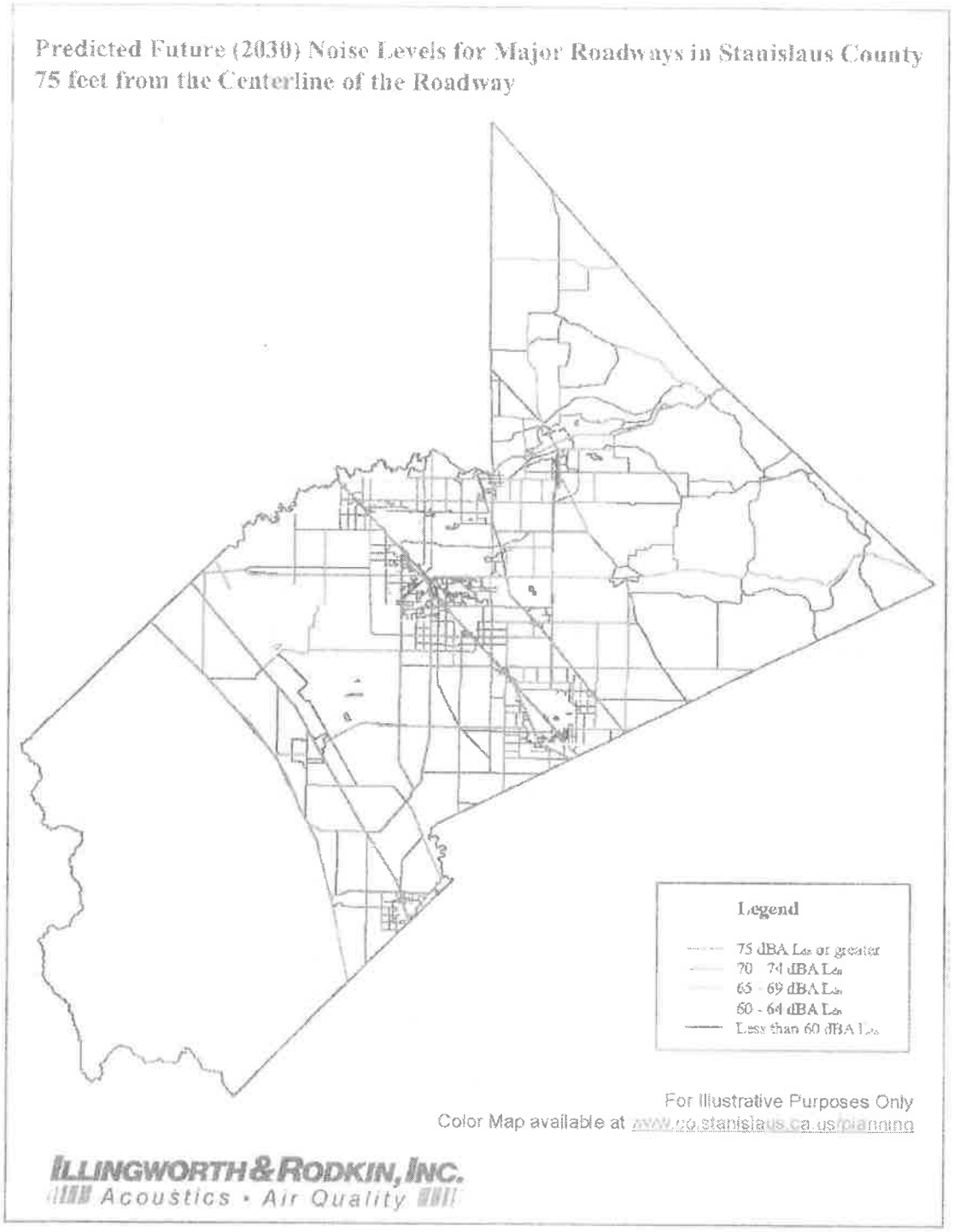
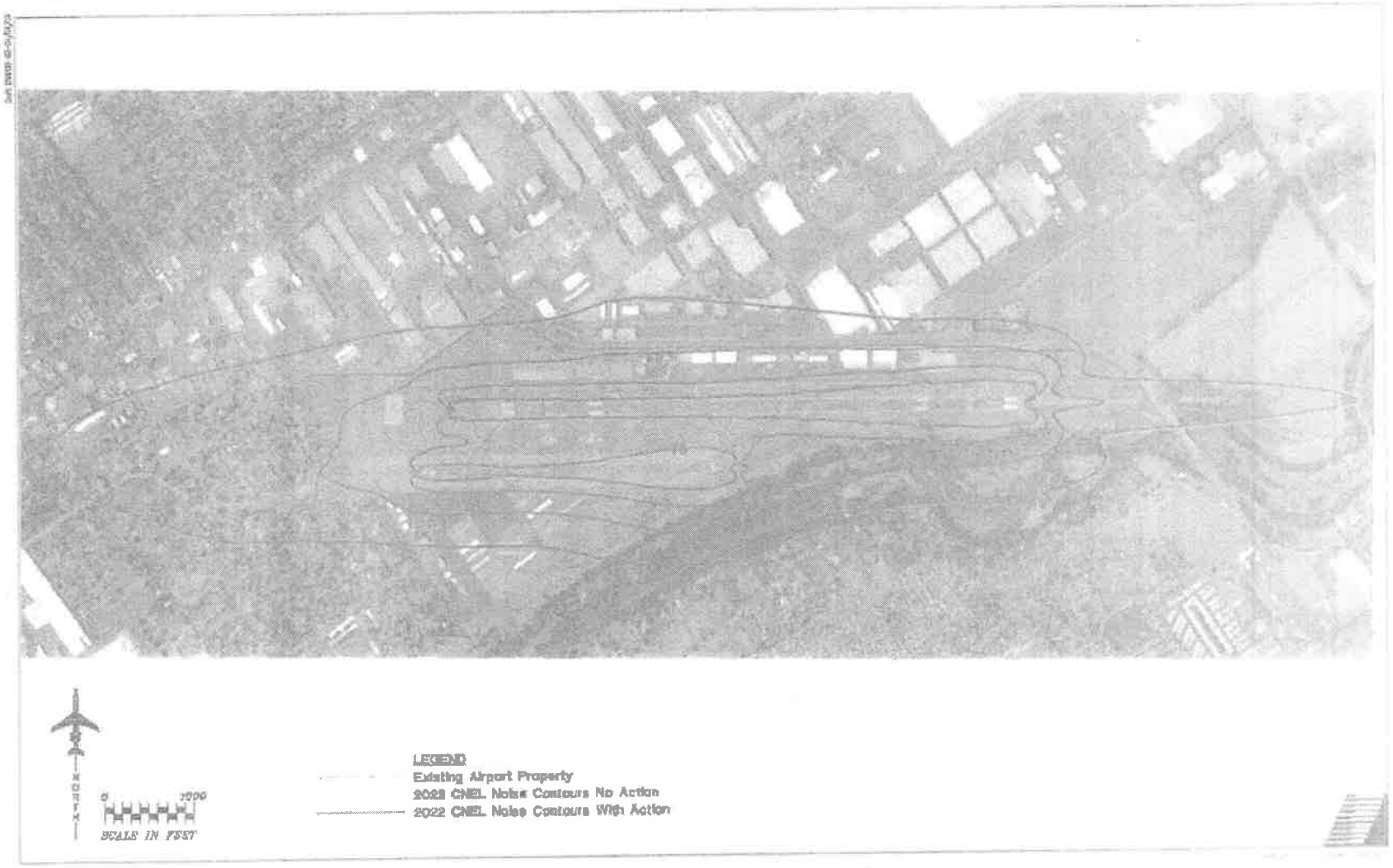
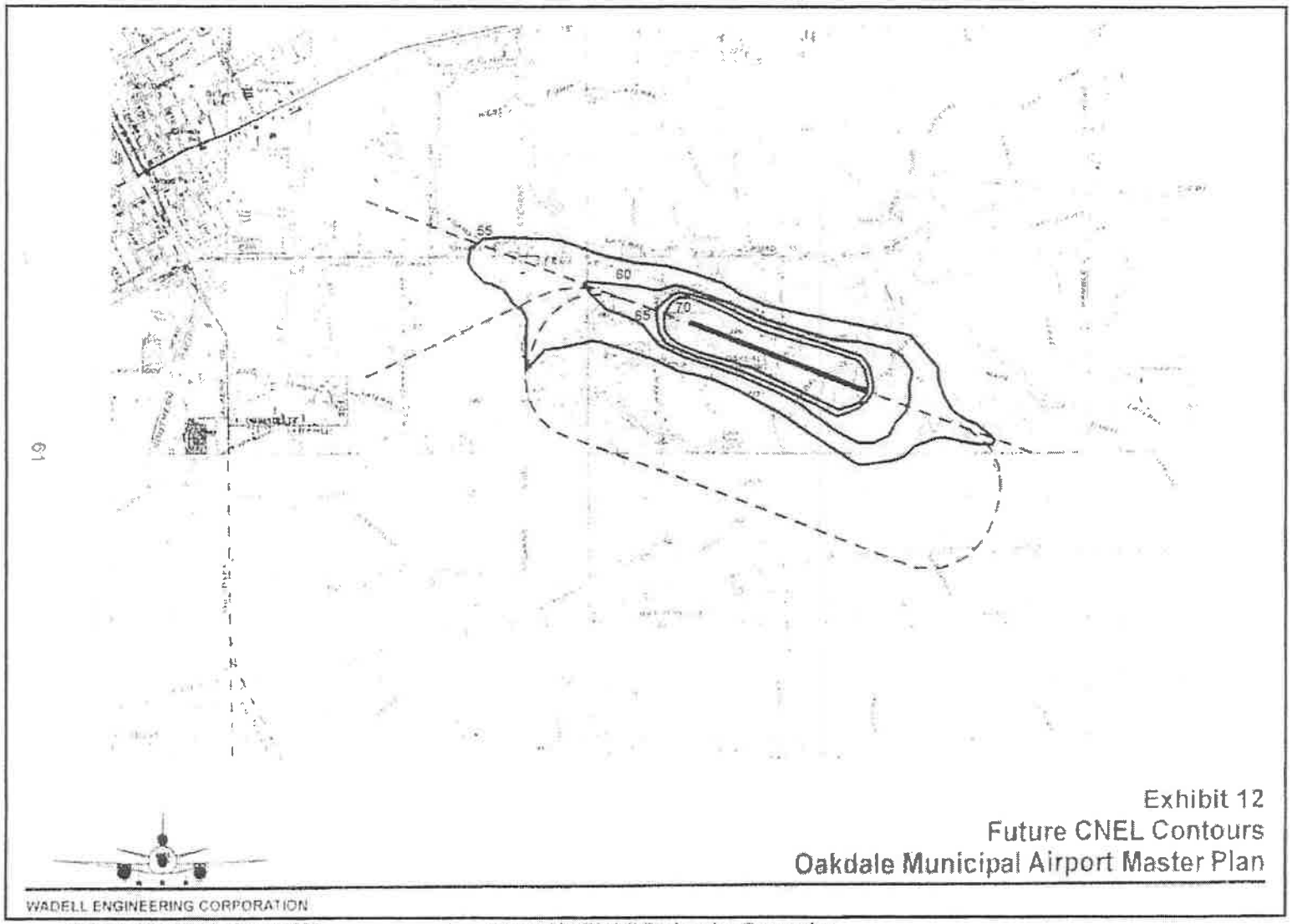


Figure B-2: Long Term (2022) CNEL Noise Contours for Modesto City-County Airport



Source: Modesto City-County Airport (Harry Sham Field) 2002 Airport Master Plan, prepared by Coffman Associates.

Figure B-4: Future (2015) CNEL Noise Contours for Oakdale Municipal Airport



Source: Oakdale Municipal Airport 1996 Airport Master Plan, prepared by Wadell Engineering Corporation

As Amended by the Board of Supervisors on May 23, 2017
As Amended by the Planning Commission on April 20, 2017

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

DEVELOPMENT STANDARDS

USE PERMIT APPLICATION NO. PLN2015-0130
THE FRUIT YARD AMPHITHEATER

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.

2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **$2,273.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

   Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

5. During any future construction, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

6. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.

8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. ~~Flashing, animated, or electronic reader board signs are not permitted.~~

9. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.

10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

11. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.

12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

13. All Development Standards from Planned Development (317) shall remain in effect. The Development Standards set forth in this Staff Report are considered to be an amendment to the Development Standards from Planned Development (317), and apply in addition to the Development Standards from Planned Development (317). **Specifically, as required by Development Standards No. 8 and 72 of Planned Development 317, all noise generated on the 43.86 acre project site shall be subject to the following:**

    A. In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification.

B. Any outdoor use of amplified sound at the park, banquet hall or amphitheater shall comply with the Development Standards of this Permit addressing noise levels, as analyzed in the December 30, 2016 Environmental Noise Analysis prepared by Bollard Acoustical Consultants, Inc., unless otherwise amended by the County.

14. No street parking associated with the site is permitted. Customers and event attendees shall be made aware via signage that parking is limited to on-site parking only.

15. No alcohol consumption or tail gating is permitted in the parking areas designated for on-site events. Any sale of alcohol on-site must obtain and comply with all of the necessary Alcohol Beverage Control (ABC) Licensing. **No alcohol sales shall be permitted at the amphitheater site after 10 p.m.**

16. Prior to final of any new building permit all outstanding building and grading permits shall be finaled.

17. Parcels 2, 3, 8, 9, and the remainder parcel of Parcel Map 56-PM-83 may not be independently sold until permanent parking is developed. Prior to development of permanent parking facilities, all applicable permits shall be obtained, including but not limited to a Staff Approval or Use Permit, and Building and/or Grading Permit. Proposed permanent parking facilities shall be reviewed and approved by both the Planning and Public Works Departments prior to development.

18. **Events** ~~are limited to what are allowed under the Planned Development, including the amendments included in this Use Permit. No Outdoor Entertainment Activity Permit may be obtained.~~ **shall be limited, in number and duration, as specified in this condition, with no additional events to be permitted by issuance of a separate Outdoor Entertainment Activity Permit:**

    A. Amphitheater Events: A maximum of 12 events per calendar year. Each day an event is held counts towards the maximum number of events allowed. If an event takes place on multiple days, each day counts as a separate event. Events are restricted to the operating hours described in Mitigation Measures Nos. 9 and 10.

    B. Banquet Hall Events: Unlimited number of events per year. Events are restricted to the operating hours described in Mitigation Measure No. 9.

    C. Park Events: Unlimited number of events per year. Events are restricted to the operating hours described in Mitigation Measure No. 9.

19. Hours of operation may not be extended beyond those included in Mitigation Measure No. 9 **for the banquet hall and park**, **and Mitigation Measures Nos. 9 and 10 for the amphitheater,** without a public hearing.

20. Prior to **approval** ~~acceptance~~ of the "Good Neighbor Policy" **required by Mitigation Measure No. 11, and any subsequent amendment,** the Planning Department **shall**~~will~~ refer the draft document ~~to all surrounding residents,~~ for a two week comment period. The

referral will be sent to **the current property owners of record for** all surrounding **properties** ~~residents~~ included on the project referral "Landowner Notice" list from Use Permit No. PLN2015-0130 – The Fruit Yard. Any comments received **shall**~~will~~ be taken into consideration. ~~However, the Planning Department maintains the ultimate approval authority.~~

Department of Public Works

21. No parking, loading or unloading of vehicles will be permitted within the Geer Road and Albers Road rights-of-way. The applicant will be required to install or pay for the installation of any signs and/or markings, coordinating the installation of the signs with Public Works Traffic Section.

22. The applicant shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way.

23. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.

24. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted before any grading occurs or building permit for the site is issued which creates a new or larger footprint on the parcel. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

    A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.

    B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.

    C. The grading, drainage, erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit.

    D. An Engineer's Estimate shall be submitted for the grading and drainage work.

    E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

    F. The permit applicant shall pay the current Stanislaus County Public Works weighted labor rate for the plan review and all on-site inspections required for the grading, drainage, erosion/sediment control, or building permit plan. The Public Works inspector shall be contacted 48 hours prior to the onset of any grading or drainage work on-site.

Department of Environmental Resources

25. Prior to onset of amphitheater events, and prior the installation of any water infrastructure for the amphitheater, the property owner shall provide to the Department of Environmental Resources an application for amended water supply permit along with a full technical report

demonstrating that the water system will meet all requirements of a Non-transient Non-community water system: capacity, source water, drinking water source assessment, water works standards, and the California Environmental Quality Act (CEQA).

26. All food facilities must operate under a Health Permit, issued by the Department of Environmental Resources.

27. Prior to issuance of any building permit for the construction of the preparation and serving kitchen in the banquet hall, the owner/operator shall provide construction plans to the Department of Environmental Resources for review and approval as required in accordance with California Health and Safety Retail Food Code.

28. All food service offered at The Fruit Yard complex, including but not limited to the amphitheater events area, banquet hall, restaurant, and convenience stores, shall be conducted in compliance with the requirements of California Health and Safety Retail Food Code and shall obtain and comply with all applicable permits through the Department of Environmental Resources.

29. Prior to onset of amphitheater events, On-site Wastewater Disposal System (O.W.T.S.) for amphitheater events must be reviewed and approved by the Department of Environmental Resources. Due to the levels of the nitrates in the existing water system being higher than half of the maximum MCL, any expansion of the on-site waste water system (OWTS) can contribute to groundwater nitrate levels especially with individual OWTS. A wastewater management plan of any flow of 5,000 gallons per day, or greater, must be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) for review and approval. A Wastewater Management Plan of any flow of 5,000 gallons per day, or less, must be submitted to the Department of Environmental Resources for review and approval. A centralized O.W.T.S. is highly recommended with proper treatment of the discharge effluent. The quality of the discharge effluent shall meet EPA Secondary Treatment levels. The focus will be on the ability to reduce nitrate, salt, and organic chemical levels, minimizing the impact upon the area's groundwater supply.

Building Permits Division

30. Building permits are required and the project must conform to the California Code of Regulations, Title 24.

Stanislaus Consolidated Fire District

31. Prior to onset of events at the amphitheater, an Event Traffic Management Plan shall be reviewed and approved by the Stanislaus Consolidated Fire District.

32. All proposed structures shall obtain building permits, and shall meet all applicable Building and Fire codes, and shall be reviewed and approved by the Stanislaus Consolidated Fire District.

Modesto Irrigation District

33. In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed site shall be protected, relocated, or removed as required by the District's Electric Engineering Department.

Appropriate easements for electric facilities shall be granted as required.

34. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.

35. Costs for relocation or installation of MID electrical facilities at the request of others will be borne by the requesting party. Estimates for relocating or installing MID electrical facilities will be supplied upon request.

36. A 15-foot Public Utility Easement (PUE) is required adjacent to the existing 12,000 volt overhead lines along Geer Road street frontage. The PUE is required in order to protect the existing overhead electric facilities and to maintain necessary safety clearances.

37. A 10-foot Public Utility Easement (PUE) is required adjacent to existing street frontages, proposed streets and private ingress/egress easements as already shown on Parcel Map 56-PM-83. The PUE's are required in order to protect the future electrical facilities and to maintain necessary safety clearances.

38. Prior to onset of any construction, contractor shall verify actual depth and location of all underground utilities. Notify "Underground Service Alert" (USA) (Toll Free 1-800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will mark the location of the MID underground electrical facilities.

39. The Modesto Irrigation District (MID) reserves its future right to utilize its property along the MID canal in a manner it deems necessary for the installation and maintenance of electric and telecommunication facilities. These needs, which have not yet been determined, may consist of new poles, cross arms, wires, cables, braces, insulators, transformers, service lines, control structures, and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

40. A 10 foot OSHA minimum approach distance is required adjacent to the existing 12,000 volt overhead high voltage lines.

41. An eight foot minimum vertical approach distance is required adjacent to the existing overhead 200 volt secondary lines.

42. Use extreme caution when operating heavy equipment, backhoes, using a crane, ladders, or any other type of equipment near overhead or underground MID electric lines and cables.

43. Electric service to the proposed parcels is not available at this time. The Electric Engineering Department has no objections to the proposed amphitheater at this time. However, specific requirements regarding construction issues will be addressed when the amphitheater construction plans are submitted for review to the District's Electric Engineering Department. Contact Linh Nguyen at (209) 526-7438.

44. Prior to construction, a pre-consultation meeting a pre-consultation meeting to discuss MID irrigation requirements is recommended.

California Department of Transportation

45. An encroachment permit shall be obtained prior to any work within the State right-of-way.

Department of California Highway Patrol

46. Prior to onset of events at the amphitheater, an Event Traffic Management Plan shall be reviewed and approved by the Department of California Highway Patrol.

MITIGATION MEASURES

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following: 1) Hold a public hearing to consider the project; and 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.

2. Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall ~~building, labeled on the project site plan, the Planning Commission approved as a~~ "storage building" ~~to be located directly behind (northwest) of the stage, as identified~~ **as shown** on the project site plan **included as Exhibit B-6 of the April 20, 2017 Planning Commission Staff Report**. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage sound-wall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within **allowable** ~~the~~ noise levels**, set forth in Mitigation Measure Nos. 4, 5, and 6** ~~described within this Mitigation Monitoring Plan~~.

3. Prior to issuance of a building permit for the banquet hall, and prior to the onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the **allowable noise levels**~~approved plans~~**, set forth in Mitigation Measure Nos. 4, 5, and 6,** by a noise consultant, as described in Mitigation Measure No. 14.

4. All amphitheater, park, and banquet hall events shall maintain **compliance with** the noise level~~s~~ **limits established by the Noise Element of the Stanislaus County General Plan, as** described in Table **IV-2 – Maximum Allowable Noise Exposure – Stationary Noise Sources, and any subsequent amendments.** ~~1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below~~. **In addition, low-frequency noise shall be limited to:**

~~**Table** 1~~
~~**Stanislaus County Noise Standards Applied to this Project**~~
~~**After Adjustment for Elevated Ambient and Noise Source Consisting of Music**~~

~~**Receptor (See Figure 1)**~~	~~**Noise Metric**~~	~~**Adjusted Daytime Standard (7 a.m.-10 p.m.)**~~	~~**Adjusted Nighttime Standard (10 p.m.-7 a.m.)**~~
~~A, B, D, F (near busy roadways)~~	~~Hourly L_{eq}, dBA~~	~~60~~	~~55~~
	~~Maximum Level (Lmax), dBA~~	~~80~~	~~70~~
~~C, E (setback from roadways 250-350 feet)~~	~~Hourly L_{eq}, dBA~~	~~55~~	~~50~~
	~~Maximum Level (Lmax), dBA~~	~~75~~	~~65~~
~~G, H, I (isolated from busy roads)~~	~~Hourly L_{eq}, dBA~~	~~50~~	~~40~~
	~~Maximum Level (Lmax), dBA~~	~~65~~	~~55~~
~~Source: Stanislaus County Noise Element of the General Plan adjusted for ambient conditions~~			

~~In addition to the Table 1 standards, low-frequency noise shall be limited to~~

A. **D**~~d~~aytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied ~~at the nearest residences, existing at the time of the event~~ **for all amphitheater, park, and banquet hall events**. These standards may be adjusted upwards or downwards ~~as appropriate~~ following ~~collection of~~ C-weighted ambient noise level data **collected during noise monitoring, as described in mitigation Measure No. 8**~~near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance)~~. Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department. **Should the Noise Element be amended to include C-weighted standards which are more restrictive than the standards above, the Noise Element standards shall be met.**

5. To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the **front of the** amphitheater stage.

Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100-feet from the **front of the** sound system speakers **for the park, and 100-feet from outside of the banquet hall**. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

~~Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.~~

6. To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the **front of the** Amphitheater stage. ~~In addition, amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.~~

   To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the **front of the** speakers **for the park, and 100 feet from outside of the banquet hall**. ~~In addition, amplified music shall be limited to an average of 75 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.~~

   ~~Noise measurements during the first two amplified music events for each event space (banquet hall, park, and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.~~

7. Prior to any amplified music event at the park, banquet hall, or amphitheater**, not required to be monitored by a qualified Noise Consultant,** the operator/property owner shall obtain a **portable** sound monitoring system **to be used onsite**; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and **continuously** during each amplified music event occurring at the park, banquet hall and amphitheater. ~~Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.~~ **The monitoring shall be conducted 100-feet from the front of the stage for the amphitheater, and 100-feet from the front of the speakers for the park, and 100-feet from outside of the banquet hall.**

   Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

   A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of

4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits**, set forth in Mitigation Measure Nos. 4, 5, and 6**. **Noise level measurement d**~~D~~ata**, including the time and location of the measurement,** shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits. **If at any time the measurement results indicate that the music levels exceed the allowable noise standards set forth in Mitigation Measure Nos. 4, 5, and 6, additional sound controls shall be implemented until compliance is met. The amphitheater operator/property owner shall be responsible to ensure that event producers comply with all project conditions.**

~~Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.~~

8. During the first two large concerts (with 500 or more in attendance) held at the amphitheater **and any of the first two events held at the amphitheater (if less than 500 in attendance), park, or banquet hall, on-site and off-site** noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The **on-site** monitoring shall be conducted continuously, ~~from the sound stage (~~100-feet from **the front of the** stage~~)~~ **for the amphitheater**, **100-feet from the front of the speakers for the park, and 100-feet from outside of the banquet hall.** ~~with p~~**Periodic off-site** noise monitoring **shall be conducted at the Long-Term Ambient Noise Measurement Locations and Noise-Sensitive Receptor Sites (A-I) identified on Figure 1 of the of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc.** ~~near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater~~. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the ~~concert~~ event. The purpose of the measurements is to verify compliance with the project's noise standards**, as set forth in Mitigation Measure Nos. 4, 5, and 6**.

A report prepared by the noise consultant shall be provided to the Planning Department within 10-days of the second event. The Noise Consultant's report shall provide a conclusion regarding compliance with the projects allowed noise levels and, if necessary, additional measures needing to be implemented for compliance. If

the measurement results indicate that the music levels exceed **allowable**~~the~~ noise standards~~ described in this Mitigation Monitoring Plan~~, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14 **and no further events shall occur until the Planning Department is able to verify that all controls necessary for compliance have been fully implemented. Upon verification, the third event shall be subject to the same noise monitoring requirements as the first two events. If the third event fails to comply with the projects allowed noise levels, a report for the three events shall be presented to the Planning Commission for direction to staff and public notice of the presentation shall be provided to the surrounding property owners.** ~~Implementation of additional sound controls shall be implemented and verified prior to the following concert.~~ **Additional sound control** ~~Such~~ measures **shall**~~could~~ include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.

9. All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.

10. The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required**, as set forth in Mitigation Measure Nos. 4, 5, and 6**~~ in this Mitigation Monitoring Plan~~, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by 12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.

11. Operator/property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The Policy shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The Policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the Policy shall be made without prior review and approval by the Planning Department.

12. In the event that documented noise complaints are received **by the County** for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83), such complaints shall be investigated to determine if the **allowable** noise **standards, as set forth in Mitigation Measure Nos. 4, 5, and 6, in**~~ this mitigation monitoring program~~ were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded~~ at the location where the complaint was received~~, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be ~~implemented~~ **approved** and verified **by the Planning Department** prior to **any further amplified sound event being held at the**

venue (amphitheater, banquet hall, or park) determined to have exceeded allowable noise standards~~the following concert~~. **Additional sound control**~~Such~~ measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

13. Following removal of orchard trees located on the **western and southern portions of the** project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise Mitigation Measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.

14. Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

15. Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

16. Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

17. An Event Traffic Management Plan shall be submitted and approved four (4) weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.

    A. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);

    B. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;

    C. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;

    D. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;

    E. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the

price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;

F. Prior to the implementation or construction of any additional phases of the approved Plan Development (317), a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;

G. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;

i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;
ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;
iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;
iv. The left turn lane shall be installed before the first event is held at the amphitheater.

****

*Please note: If Development Standards/Mitigation Measures are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Development Standards/Mitigation Measures; new wording is in **bold**, and deleted wording will have a ~~line through it.~~*

Noise Impact Assessment

The Fruit Yard Amphitheater Events vs. Proposed General Plan Amendment

Stanislaus County, California

BAC Job # 2020-084

Prepared For:

The Fruit Yard Amphitheater

Attn: Joe Traina
7948 Yosemite Boulevard
Modesto, CA 95357

Prepared By:

Bollard Acoustical Consultants, Inc.

Paul Bollard, President

June 9, 2020

BOLLARD
Acoustical Consultants

Introduction

The Fruit Yard Amphitheater is located at the southwest quadrant of the intersection of Yosemite Boulevard (SR 132) and Geer Road, in unincorporated Stanislaus County, California. The use permit application for the Fruit Yard Amphitheater was approved in 2017 and included conditions related to amplified sound levels.

The project conditions of approval, which are discussed in greater detail later in this report, restrict sound levels at the amphitheater mixing board to levels below those commonly generated during concerts at similarly-sized venues. More specifically, the amphitheater conditions restrict average sound levels at the Fruit Yard mixing board to approximately 10 dB below levels typically generated during concerts at similar venues.

The Fruit Yard mixing board sound restrictions were developed prior to the opening of the amphitheater based on analytical modelling of sound propagation from the amphitheater to the nearest residences in the amphitheater vicinity. Given the considerable public interest in the project, care was taken to apply sufficiently restrictive noise standards to the initial events held within the amphitheater to ensure compliance with the County noise standards. The intent was to allow the collection of data at the nearest residences during the initial events to determine if the mixing board sound level limits were appropriately developed.

Sound level data collected at the nearest residences during the initial concert events indicated that the sound levels were satisfactory relative to the County's noise standards at those nearest residences. Analysis of the monitoring results indicate that the sound mixing board restrictions could likely be relaxed by approximately 5 dB without causing exceedance of the County's general plan noise standards at those nearest residences.

Because many acts reportedly are unwilling or unable to perform at the Fruit Yard amphitheater due to the atypically restrictive mixing board sound level limits, a modification to the County's General Plan noise standards is being requested by the Fruit Yard for a limited number of events each year. Specifically, a General Plan Amendment (GPA) is being proposed which would allow the County's average noise level standards to essentially be increased by approximately 10 dB at outdoor venues with a capacity of 2,000 attendees or more up to 7 days per year.

Bollard Acoustical Consultants, Inc. (BAC) was retained by the Fruit Yard to evaluate whether the proposed Fruit Yard events could comply with the proposed GPA if adopted. This report contains the results of BAC's evaluation.

Acoustic Fundamentals & Terminology

Noise is often defined simply as unwanted sound. Loudness is the human impression of the strength of a sound pressure waves impacting the eardrum. The loudness of a noise does not necessarily correlate with its sound level. Appendix A contains definitions of Acoustical Terminology.

The human ear does not perceive all frequencies equally. For sound levels in the normal range of human hearing, the human ear does not perceive very low and very high frequencies as well as mid-range frequencies. In other words, for two sounds of equal intensity in the normal range of human hearing, a mid-frequency sound is perceived as being louder than a low-frequency or very high frequency sound. This may seem counterintuitive as often times we may hear only low-frequency sounds, such as the bass of music being played in a nearby car or the sound of a distant concert. But this phenomenon is due to the fact that, due to their longer wavelengths, low-frequency sounds pass through barriers more efficiently than mid and high-frequency sounds, as well as the fact that low frequency sounds are not absorbed into the atmosphere as readily as higher frequency sounds (i.e., low frequency sound "carries" further over distance).

To account for the differences in perception of human hearing to different frequencies, the A-weighting scale was developed. A-weighted noise levels are basically linear, or flat, sound pressure levels shaped by a filter. The A-weighting filter adjusts the linear measurement to account for the way in which the ear responds to different frequencies of sound. Measurements in dBA are decibel scale readings that have been adjusted using the A-weighting filter to attempt to take into account the varying sensitivity of the human ear to different frequencies of sound. Researchers have generally agreed that A-weighted sound pressure levels (sound levels) are very well correlated with community reaction to noise for sound levels in the normal range of human hearing.

At very high noise levels, the human ear perceives very low and very high frequency sounds better than at the more moderate ranges of noise levels commonly encountered in society. To better represent the loudness of very high noise levels, the C-weighting scale was developed. The C-weighting scale is quite flat, and therefore includes much more of the low-frequency range of sounds than the A scale. The effect of using a C-weighting scale vs. an A-weighting scale is that the C-weighting scale will report higher noise levels (due to less low-frequency sound being filtered as compared to the A-weighting filter).

The decibel notation used for sound levels describes a logarithmic relationship of acoustical energy, so that sound levels cannot be added or subtracted in the conventional arithmetic manner. For example, a doubling of acoustical energy results in a change of 3 decibels (dB), which is usually considered to be barely perceptible. A 10-fold increase in acoustical energy yields a 10 decibel change, which is subjectively like a doubling of loudness.

Current Noise Standards for Events Held in the Amphitheater

Following extensive analysis of potential noise impacts related to Fruit Yard Amphitheater events involving amplified speech or music, multiple project noise mitigation measures were developed. Those mitigation measures which pertain to amphitheater sound generation limits are summarized as follows:

Development Standards Applicable to Amphitheater Event Noise Levels

13. All noise generated on the 43.86 acre project site shall be subject to the following:

    a. In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification.

    b. Any outdoor use of amplified sound at the amphitheater shall comply with the development standards of this Permit addressing noise levels, as analyzed in the December 30, 2016 Environmental Noise Analysis prepared by Bollard Acoustical Consultants, Inc., unless otherwise amended by the County.

    c. An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan prior to the use of any outdoor blasting devices, including fireworks, to ensure noise levels do not exceed the maximum allowable noise levels as allowed by the Noise Element.

    (Note: No blasting devices, including fireworks, have been utilized at any concerts)

Mitigation Measures Applicable to Amphitheater Event Noise Levels

4. All amphitheater events shall maintain compliance with the noise levels limits established by the Noise Element of the Stanislaus County General Plan, as described in Table IV-2 – Maximum Allowable Noise Exposure – Stationary Noise Sources, and any subsequent amendments. In addition, low-frequency noise shall be limited to:

    a. Daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC L_{eq} shall be applied for all amphitheater events. These standards may be adjusted upwards or downwards following C-weighted ambient noise level data collected during noise monitoring, as described in Mitigation Measure No. 8. Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department. Should the Noise Element be amended to include C-weighted standards, the current standards set forth in the Noise Element shall be met.

5. To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA L_{eq} averaged over a five minute period and a maximum of 100 dBA L_{max} at a position located 100 feet from the front of the amphitheater

stage.

6. To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sound levels shall be limited to 100 dBC L_{eq} averaged over a five minute period and a maximum of 110 dBC L_{max} at a position located 100 feet from the front of the speakers.

8. During the first two large concerts (with 500 or more in attendance) held at the amphitheater and any of the first two events held at the amphitheater (if less than 500 in attendance), on-site and off-site noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The on-site monitoring shall be conducted continuously, 100-feet from the front of the stage for the amphitheater. Periodic off-site noise monitoring shall be conducted at the Long-term Ambient Noise Measurement Locations identified on Figure 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc. (included as Figure 1 in this report). The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the event. The purpose of the measurements is to verify compliance with the project's noise standards, as set forth in Mitigation Measures 4, 5, and 6.

Current Stanislaus County General Plan Criteria

The Stanislaus County General Plan Noise Element establishes acceptable noise level limits for both transportation and non-transportation noise sources. The primary objective of the Noise Element is to prescribe policies that lead to the preservation and enhancement of the quality of life for the residents of Stanislaus County by securing and maintaining an environment free from excessive noise.

For stationary noise sources, such as events held at the Fruit Yard Amphitheater, Stanislaus County regulates the level of noise that may impact adjacent noise-sensitive uses. For this project, the evaluation period is considered to be the worst-case hour during which amplified music or speech would be in use. Noise generated by the project which exceeds the County's noise exposure limits at the closest noise-sensitive uses would require noise mitigation. The County's General noise exposure limits applicable to this project are reproduced below in Table IV-2.

Table IV-2
Maximum Allowable Noise Exposure for Stationary Noise Sources[1]
Stanislaus County Noise Element of the General Plan

Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
Hourly L_{eq}, dBA	55	45
Maximum Level (L_{max}), dBA	75	65

Notes:

[1] Each of the noise level standards specified in Table IV-2 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in Table IV-2 should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

Source: Stanislaus County Noise Element of the General Plan

As noted in the Table IV-2 footnote, a -5 dB adjustment is applied to the County's noise standards for sounds consisting of music. In addition, in areas with elevated ambient conditions, the noise standards are increased to match ambient conditions. While it is clear that a -5 dB offset to the Table IV-2 standards is warranted because the noise source being evaluated in these surveys consists of amplified speech and / or music, an ambient noise survey is required to determine if existing ambient conditions are sufficiently elevated so as to warrant increasing the noise level standards. Ambient conditions in the immediate project vicinity are described in the following section.

It should be noted that the average (Leq) noise standards contained in Table IV-2 are averaged over a 1-hour period. By comparison, the noise standards applicable at the sound board of the amphitheater are specified in terms of 5-minute periods. For consistency, the sound board standards should be revised to be expressed in terms of hourly periods.

In addition to the noise standards applied to stationary noise sources (Table IV-2 above), the County General Plan also include a figure depicting "Normally Accepted Community Noise Environments" (General Plan Figure IV-2). That figure is reproduced below.

The noise exposure described by General Plan Figure IV-2 is defined in terms of Day/Night Average noise levels (L_{dn}). L_{dn} is computed as the average of the daytime noise exposure plus the average of the nighttime noise exposure after adding 10 dB. As a result, an L_{dn} of 60, which is the normally acceptable noise environment for residential uses in the County, equates to a daytime average of 60 dB and a nighttime average of 50 dB. As a result, the Table IV-2 daytime noise standard applicable to stationary noise sources is more restrictive than the Figure IV-2 criteria shown below. The proposed GPA, which is described later in this report, is essentially requesting a daytime average of 60 dBA during 7 concert events per year, which is consistent with the noise environment considered normally acceptable in Figure IV-2.

FIGURE IV-2: NORMALLY ACCEPTED COMMUNITY NOISE ENVIRONMENTS

Land Use Category	Exterior Noise Exposure Ldn or CNEL, dBA					
	55	60	65	70	75	80
*Residential – Low Density Single Family, Duplex, and Mobile Homes						
*Multi-Family Residential						
Hotels and Motels						
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches						
Auditoriums, Concert Halls, and Amphitheaters						
Sports Arena and Outdoor Spectator Sports						
Playgrounds and Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, and Cemeteries						
Office Buildings, Business Commercial, and Professional						
Industrial, Manufacturing, Utilities, and Agriculture						

**** Residential development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1208A, Sound Transmission Control, California Building Code.***

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

CONDITIONALLY ACCEPTABLE
Specified land use may be permitted only after detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.

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

CLEARLY UNACCEPTABLE
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Baseline Ambient Noise Environment in Amphitheater Vicinity

The ambient noise environment in the immediate project vicinity is primarily defined by traffic on Yosemite Boulevard and Geer Road, as well as by local agricultural-related activities. Baseline ambient noise level measurements were conducted immediately prior to the first two concerts held at the Fruit Yard amphitheater in 2019 to determine whether adjustments to the County's noise standards provided in Table IV-2 were warranted. Those measurements indicated that such adjustments were appropriate for several of the monitoring sites, particularly those located in close proximity to Yosemite Boulevard and Geer Road, as baseline traffic noise at those residences significantly masked amphitheater concert sound. At the residences on Weyer Road, however, baseline ambient conditions were lower and fewer adjustments to the standards were warranted.

Initial Concert Sound Monitoring Results

Noise monitoring was conducted by BAC staff during the initial two concerts held at the amphitheater. Those concerts were Amy Grant and Willie Nelson. The monitoring indicated that the sound levels measured during those concerts were within compliance with the county's noise standards at the nearest residences to the amphitheater. Reports documenting the detailed results of those sound monitoring programs were prepared by BAC and submitted to the County.

During the concerts, the sound level measurement results indicated that, due to the substantial noise generation by traffic on Geer Road and Yosemite Boulevard, it was infeasible to measure concert sound levels at 4 of the 9 monitoring sites. At the residences on Weyer Road which are removed from both Geer Road and Yosemite Boulevard, traffic noise levels were significantly lower and it was possible to hear sound generated during the concerts. However, at the Weyer Road residences there was still sufficient background sound from distant traffic, periodic local traffic, and natural sounds (dogs, birds, wind, etc.), to make capturing acoustically "clean" readings of concert sound in the absence of background sounds very difficult. As stated previously, however, the measurement results indicated that the concert sound levels were within compliance with the applicable County noise standards.

Noise level measurements conducted by another acoustical consultant during a third concert held at the amphitheater revealed similar results.

Proposed General Plan Amendment

The proposed General Plan Amendment is indicated below.

TABLE IV-2

MAXIMUM ALLOWABLE NOISE EXPOSURE – STATIONARY NOISE SOURCES[1]

	Daytime 7 a.m. to 10 p.m.	**Nighttime 10 p.m. to 7 a.m.**
Hourly L_{eq}, dBA	55	45
Maximum level, dBA	75	65

Each of the noise level standards specified in Table IV-2 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. Each of the noise level standards specified in Table IV-2 may be increased by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, at an outdoor venue with capacity of 2,000 attendees or greater for no more than seven (7) days per year upon Board of Supervisors approval. The standards in Table IV-2 should be applied at a residential or other noise-sensitive land use and not on the property of a noise generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

Table As indicated above, the requested change in the stationary noise standards is the application of a +5 dB offset to the Table IV-2 standards for sound consisting of speech or music (amphitheater sound), versus the current standard which applies a -5 dB offset for sound consisting of speech or music.

Implications of the GPA on Fruit Yard Amphitheater Events

The adoption of the proposed GPA would effectively allow sound generation 10 dB greater than is currently allowed under the current General Plan language. The increased sound would only be allowed for outdoor venues with 2,000 attendees or more and for only 7 days per year. As a practical matter, musical acts typically perform for approximately 3 hours or less during each concert event at the Fruit Yard amphitheater, so the total duration of the period during which the increase over the current noise standards would be approximately 20 hours per year or less.

The higher noise standard would allow the Fruit Yard greater flexibility in booking various performers for a limited number of events per year. Sound levels at nearby residences would increase during such events, with average sound levels anticipated to be approximately 60 dBA on average at the residences on Weyer Road during the 7 annually permitted events. The increase would result in greater audibility of music for the duration of the concert. The increase would be less noticeable at residences located along Yosemite Avenue and Geer Road due to the higher background traffic noise environment, but would likely equate to a more noticeable increase at the residences on Weyer Road (i.e. approximately 5 dB increase relative to background ambient conditions despite a 10 dB increase at the mixing board).

The noise standards would still decrease during nighttime hours (i.e. after 10 pm), so the events would either need to reduce the sound output by 10 dB after 10 pm or conclude the events prior to 10 pm.

The Fruit Yard has demonstrated that it can comply with the existing sound level limits enumerated within the current project conditions of approval, but that compliance is difficult. The relaxation of the noise standards which would result from adoption of the GPA would make compliance with the standards during those 7 annual events considerably more feasible to achieve.

Conclusions

This evaluation concludes that the Fruit Yard has demonstrated the ability to comply with the current project conditions of approval pertaining to sound level limits. However, the mixing board sound level limits appear to currently be 5 dB more restrictive than necessary to comply with the County's noise standards, so a 5 dB increase in sound limits at the mixing board could be applied without necessarily resulting in exceedance of the current General Plan noise standards. The adoption of the GPA would allow an additional 5 dB margin under limited circumstances, which would be more consistent with standards applied at similar venues and with General Plan Table IV-2, thereby allowing a wider range of entertainment options at this venue. During the 7 events per year during which this GPA would take effect, overall sound levels at the nearest residences would increase by various amounts depending on the levels of background (non-concert) sound present during the concert events. The change would likely range from barely perceptible to clearly audible, again depending on location. Given the limited number of events per year permitted by the proposed GPA (7), and the limited duration of each concert, the effects of the GPA would be limited to a relatively small duration.

This concludes BAC's evaluation of the effects of adopting the proposed GPA on events held at the Fruit Yard Amphitheater in Stanislaus County, California. Please contact Paul Bollard at (916) 663-0500 or paulb@bacnoise.com with any questions regarding this report.

Appendix A
Acoustical Terminology

Acoustics The science of sound.

Ambient Noise The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.

Attenuation The reduction of an acoustic signal.

A-Weighting A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.

Decibel or dB Fundamental unit of sound. A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.

CNEL Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.

Frequency The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.

IIC Impact Insulation Class (IIC): A single-number representation of a floor/ceiling partition's impact generated noise insulation performance. The field-measured version of this number is the FIIC.

L_{dn} Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.

L_{eq} Equivalent or energy-averaged sound level.

L_{max} The highest root-mean-square (RMS) sound level measured over a given period of time.

Loudness A subjective term for the sensation of the magnitude of sound.

Masking The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.

Noise Unwanted sound.

Peak Noise The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.

RT_{60} The time it takes reverberant sound to decay by 60 dB once the source has been removed.

STC Sound Transmission Class (STC): A single-number representation of a partition's noise insulation performance. This number is based on laboratory-measured, 16-band (1/3-octave) transmission loss (TL) data of the subject partition. The field-measured version of this number is the FSTC.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Planning and Community Development BOARD AGENDA #: 9:20 a.m.

AGENDA DATE: May 23, 2017

SUBJECT:
Public Hearing to Consider an Appeal of the Planning Commission's Approval of Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater, Located at 7924 & 7948 Yosemite Boulevard (Hwy 132), at the Southwest Corner of Yosemite Boulevard and Geer Road, and Adoption of a Mitigated Negative Declaration

BOARD ACTION AS FOLLOWS:

No. 2017-285

On motion of Supervisor Withrow **, Seconded by Supervisor** Monteith
and approved by the following vote,
Ayes: Supervisors: Olsen, Withrow, Monteith and Chairman Chiesa
Noes: Supervisors: DeMartini
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None
1)_____ Approved as recommended
2)_____ Denied
3)_____ Approved as amended
4)_X__ Other:

MOTION: Conducted the public hearing; the Board denied the appeal of the Planning Commission's 04/20/2017 approval of Use Permit PLN2015-0130 – The Fruit Yard; approved Staff Recommendations Nos. 1-6, and **amended** Development Standard No. 15 (Attachment 2) to read as follows, "No alcohol consumption or tail gating is permitted in the parking areas designated for on-site events. Any sale of alcohol on-site must obtain and comply with all of the necessary Alcohol Beverage Control (ABC) Licensing. No alcohol sales shall be permitted at the amphitheater site after 10 p.m."

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM

DEPT: Planning and Community Development | BOARD AGENDA #: 9:20 a.m.

Urgent ○ Routine ◉ | AGENDA DATE: May 23, 2017

CEO CONCURRENCE: | 4/5 Vote Required: Yes ○ No ◉

SUBJECT:
Public Hearing to Consider an Appeal of the Planning Commission's Approval of Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater, Located at 7924 & 7948 Yosemite Boulevard (Hwy 132), at the Southwest Corner of Yosemite Boulevard and Geer Road, and Adoption of a Mitigated Negative Declaration

STAFF RECOMMENDATIONS:

1. Deny the appeal of the Planning Commission's April 20, 2017, approval of Use Permit PLN2015-0130 – The Fruit Yard.

2. Find that the Amended Mitigation Measures presented in this report are equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.

3. Adopt the Amended Mitigated Negative Declaration and Amended Mitigation Monitoring Plan pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.

4. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

5. Find that the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

6. Approve Use Permit PLN2015-0130 – The Fruit Yard, subject to the Amended Development Standards included as Attachment 2 of this report.

DISCUSSION:

This is an appeal of the Planning Commission's approval of Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater, which is a request to amend an existing planned development to allow a 3,500 person capacity amphitheater, with a 5,000 square foot covered stage, a 4,000 square foot storage building and parking lot to the rear of the stage, and an additional 1,302-space temporary parking area, for a maximum of 12 amphitheater events per year. The Use Permit also included a request for a covered seating area of approximately 4,800 square feet and a 1,600 square foot gazebo to be developed in the existing park area and replacement of the existing pylon freestanding pole sign with an electronic reader board sign.

The project is located at the southwest corner of Geer Road and Yosemite Boulevard/State Highway 132 (7948 Yosemite Boulevard), east of the Community of Empire and west of the City of Waterford. The project site is made up of nine parcels and a remainder parcel ranging in size from 0.60+/- to 12.70 acres.

The project site is adjacent to an animal feed and supply business (zoned P-D 268, Planned Development) located on the northeast corner of the intersection, a drilling company (Masellis Drilling) on the northwest corner, and a fire station and church located to the north. Production agricultural parcels are located to the west, south, and east of the project site. A concentration of one to four acre ranchettes exists, approximately one half mile east and one mile northeast of the project site.

The 43.86± acre parcel currently supports the existing Fruit Yard produce market, The Fruit Yard Restaurant, two separate gas fueling facilities, all of which currently have paved parking and landscaping, the graded amphitheater, and the park-site. The remaining part of the property is currently planted in orchard.

Background

The project site's current zoning designation is Planned Development P-D (317), which was approved by the Board of Supervisors on August 19, 2008, under General Plan Amendment No. 2007-03 and Rezone No. 2007-03. The site's P-D (317) zoning allows for the development of a 9,000 square foot banquet facility, a new convenience market, relocation of an existing gas station, relocation of the existing "card lock" fueling facility and construction of a 3,000 square foot retail shell building, which includes a drive-through establishment of unknown type. The Planned Development also permitted a 322-space boat/RV mini storage (both covered and uncovered spaces), and a 66 space travel trailer park for short term (overnight) stays. The Planned Development also included a two acre site for retail tractor (large agricultural equipment) sales and a new facility for fruit packing and warehousing, which are required to obtain a Use Permit prior to development. The approved Planned Development also permitted occasional outdoor special events to be held on-site, near and on the developed nine acre park area, including fund raising activities, weddings, and private parties.

A complete background of the project site, including its legal non-conforming status prior to the 1970's and land use entitlement history is provided in Attachment 7 – *Planning Commission Staff Report, April 20, 2017.*

The area where the amphitheater is proposed was identified on the P-D (317) site plan as an extension of the existing park site, including a maintenance building, gazebo, pond, and storm drainage basin. The amphitheater was not identified as part of the approved Planned Development and is considered to be a new and separate use in addition to the approved park-site. In 2013, the applicant applied for a Grading Permit (GRA2013-0002), which was issued on January 29, 2015, for development of the park site and storm drain basin approved with the P-D (317). The 2013 grading permit was a request for "grading and drainage basin for amphitheater"; however, the issuance of the grading permit did not authorize the necessary land use entitlement needed for use of the graded area as an amphitheater. The requested Use Permit is needed to amend the development plan for the approved Planned Development and for the amphitheater to be incorporated into the uses approved for P-D (317) and be used independent of the park site for events.

A Planning Commission hearing was held on Thursday, April 20, 2017, to consider The Fruit Yard Amphitheater's Use Permit request. Planning staff recommended that the Planning Commission approve the request, with the exception of the requested electronic reader board sign, which staff recommended be denied. During the Planning Commission hearing seven surrounding neighbors spoke in opposition to the project, stating that they had concerns about impacts to their neighborhood in terms of traffic, noise, safety, and quality of life. The Planning Commission approved the project request, including the electronic reader board sign, on a vote of 4-1.

An appeal of the Planning Commission's approval was submitted on May 1, 2017, by the following residents: Richard and Barbara Heckendorf; Robert Boulet and Michelle Bell; Judy Crisp; Robert Wolfley; Matthew and Tina Smith; Tim Douglas; and, Kent Johnson. The appeal letter states that they believe the project's CEQA document did not adequately address: noise impacts, enforcement of the mitigation measures, physical impacts and enjoyment of their property, and light pollution specific to the proposed electronic reader board sign. The appeal letter concludes by requesting that the Board of Supervisors rescind the Planning Commission's action, deny the application, and reject the proposed CEQA document (see Attachment 1 – *Appeal Letter dated May 1, 2017*).

Appeal Letter Summary and Response

The majority of the appeal letter focused on noise, including issues the appellants believe exists with the Noise Study prepared for the project, with the Mitigation Measures applied to the project, and meeting County noise standards. The appeal letter stated that the mitigation measures proposed for the project are "non-specific and fail to have an enforcement mechanism to avoid impacts," rely on "after the fact adjustments," and have "no clear steps" to avoid impacts, which does not meet the requirements of CEQA to be specific, enforceable, and designed to eliminate or reduce impacts to the greatest extent feasible. Specifically, the appeal letter states that the Noise Study is based on modeling which does not take into

consideration local conditions, different types of music, crowd noise, or other sounds that cannot be anticipated, and proposes additional study of noise and subsequent identification of mitigation.

The Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc. (BAC), dated February 3, 2016, was peer reviewed by J.C. Brennan and Associates, a third party whose contract was procured by County's Planning Department. J.C. Brennan and Associates provided a review response on November 15, 2016, which indicated the Noise Analysis was evaluated in terms of applicable noise level standards, methodology, assessment of noise impacts (including cumulative impact assessment), and compliance with CEQA and County's noise requirements. The review identified a need to amend the study to address the County's noise standards, methods for verifying compliance with the allowable noise standards, measuring crowd noise, a need to define "small" vs. "large" concerts, consideration of noise environment changes if orchard trees are removed, definition of the sound wall, and on the preference of measuring C-weighted sounds, rather than A-weighted sound which is the standard included in the County's Noise Element and Noise Control Ordinance, to provide additional protection to the community:

> *As recognized by BAC, A-weighted (dBA) sound levels do not adequately protect the community from low-frequency noise, such as that from amplified music. The City of Roseville C-weighted (dBC) standards referenced by BAC are reasonable standards that go a long way to reducing the potential for annoyance due to bass from music.*

The environmental Noise Analysis was subsequently amended on December 28, 2016, to incorporate the peer review comments into the document, inclusive of the addition of C-weighted allowable noise levels. J.C. Brennan and Associates reviewed the amended document and determined that it adequately covered all of the concerns they had included in their original peer review response. (See Attachment 6 - *Noise Study Peer Review Letters, dated November 15, 2016, and December 30, 2016.*) The purpose of the third party review and subsequent amendments to the Noise Study was to ensure that potential impacts to the surrounding neighborhood, as identified by CEQA, were adequately addressed.

The amended Environmental Noise Analysis, which provides an overview of Planning staff and J.C. Brennan and Associates comments is provided as Exhibit H, pages 295-359, of the April 20, 2017, Planning Commission Staff Report (see Attachment 7).

Other comments in the appeal letter specific to the mitigation measures applied to the project included a statement that the mitigation measures need to go through an independent evaluation; are flawed because they require that the applicant comply and self-monitor (rather than each individual event operator); and a suggestion "that an independent sound engineer needs to be employed for all future events to control the equipment that is being used to ensure compliance with the noise studies."

The mitigation measures applied to the project covers the following: lighting, noise berm, sound proofing of the banquet hall, A-weighted and C-weighted noise level standards for noise

sensitive receptors, A-weighted and C-weighted noise level standards for on-site, on-going sound monitoring, measuring compliance for the first two events, hours of operation, good neighbor policy, complaint protocol, orchard removal, future noise analysis protocol, security plan, traffic impact fees, and event traffic management.

As described above, the mitigation measures regarding noise were developed with the input of a third party review. The traffic study prepared for the project and associated mitigation were reviewed by both the Stanislaus County Public Works Department and by the California Department of Transportation (CALTRANS), who both found the study and mitigation measures to adequately address potential traffic impacts. The project and proposed mitigation was also reviewed by outside agencies. Responsible agency comments received, including from Stanislaus Consolidated Fire District and the California Highway Patrol, were included in the Development Standards/Mitigation Measures applied to the project.

The Mitigation Measures are required to be met by each individual operator who may host an event on-site; however, the property owner is ultimately responsible for any non-compliance issues.

On-going sound monitoring is required to be conducted for each event by a sound technician who has been trained by a noise consultant. Training logs and noise measurements for each event are required to be kept on record for up to 30 days and are subject to Planning Department review upon request. All monitoring records procured by Planning are subject to public records requests.

The appeal letter also stated that any event occurring after 10:00 p.m. is in contrast with Section 10.46.060(D) of the County's Noise Control Ordinance. Appellants maintain that "if a resident's sleep or lifestyle is disrupted by any sound within their home that that is a significant impact." Section 10.46.060 Specific Noise Source Standards of the County Noise control Ordinance includes the following two sections:

C. Audio Equipment. No person shall operate any audio equipment, whether portable or not, between the hours of ten p.m. and seven a.m. such that the equipment is audible to the human ear inside an inhabited dwelling other than a dwelling in which the equipment may be located. No person shall operate any audio equipment, whether portable or not, at any other time such that the equipment is audible to the human ear at a distance greater than fifty feet from the equipment.

D. Sound-Amplifying Equipment and Live Music. No person shall install, use or operate sound-amplifying equipment, or perform, or allow to be performed, live music unless the sound emanating from the sound-amplifying equipment or live music shall not be audible to the human ear at a distance greater than two hundred feet. To the extent that these requirements conflict with any conditions of approval attached to an underlying land use permit, these requirements shall control.

In response to the comments regarding Section 10.46.060, BAC has provided input to clarify that because audibility can vary significantly from person to person, making it difficult to prove if one person claimed a noise source was audible whereas to another the source was

inaudible, these two sections are very difficult, if not impossible, to enforce. Furthermore, CEQA states that for an impact to be significant, the increase in noise levels resulting from the project must be substantial, not merely audible. As a result, audibility is not used as a test of significance for CEQA purposes, but rather specific noise levels are used to measure significance, as contained with the County's Noise Element and Noise Control Ordinance. The Use Permit application review process provides a mechanism for the project to be evaluated in terms of compliance with the County's noise standards by professionals with noise expertise. The two noise consultants concur that the identified noise impacts can be reduced through the incorporation of mitigation measures to a less than significant level.

Post Planning Commission – Recommended Development Standard/Mitigation Measure Amendments

The appeal letter also stated that the appellants have offered alternatives which neither the Planning Commission nor staff has chosen to incorporate. Development Standards/Mitigation Measures incorporated into the April 20, 2017, staff recommendation to Planning Commission in response to letters received from the neighbors prior to the public hearing included: requiring on-going sound monitoring throughout each event, referral of the Good Neighbor Policy, restricting street parking, and requiring a public hearing for any extension of hours of operation. Comments received, requesting the sound measurements be subject to public record were included in the discussion of the Planning Commission Staff Report; which clarified that all noise measurements, reports, and other documentation developed and or received as part of compliance with project Development Standards/Mitigation Measures are public record and may be viewed by any member of the public upon request.

In addition to the amendments listed above, which were integrated into the project to address public comments, staff is recommending a number of additional changes to address public comments received during the Planning Commission hearing and to address the appeal letter. A discussion of those additional proposed amendments to the Development Standards/Mitigation Measures is provided below and reflected in the Amended Development Standards included as Attachment 2 of this report.

The table in Mitigation Measure No. 4 has been removed and replaced with a general reference to the County's General Plan Noise Element standards, to provide flexibility in meeting the most current Noise Element standards, should the document be updated. Specific ambient level adjustments are no longer referenced in Mitigation Measure No. 4. However, as described in the Noise Element, adjusting to account for existing ambient noise levels when measuring off-site is allowed.

In terms of enforcement of the mitigation measures, the appeal letter took issue with the enforcement actions outlined in the Planning Commission Staff Report. The appellants expressed a history of neighbor complaints that they feel have been dismissed and ignored which causes them concern and doubt in terms of enforcement should the operation not meet the requirements included in the Development Standards/Mitigation Measures.

Clarification regarding the enforcement procedures has been incorporated into Mitigation Measures Nos. 7, 8, and 12, including clarification that if the measurement results indicate that the music levels exceed the allowable noise standards, no further events shall occur until the Planning Department is able to verify that all controls necessary for compliance have been fully implemented. Additionally, references to where off-site measurements should occur, have been changed from "at the nearest residences" to more specific locations. Specific locations of where on-site measurements for each venue should be taken have also been added.

The following provides a summary of the process for verifying the events do not exceed the allowable noise standards as reflected in the projects mitigation measures:

I. **First Two Events**: For each venue (amphitheater, banquet hall, and park), conduct sound monitoring, both on-site and off-site, at designated locations. Amphitheater must complete this step again for the first two events with 500 or more in attendance, if the prior events were smaller in size.

II. **After First Two Events**:

   a. **Noise Consultant Report:** A report, including monitoring results, conclusions, and if necessary, additional measures needing to be implemented for compliance, will be prepared by a noise consultant and provided to the Planning Department within 10-days after the second event.

   b. **If Standards Are Met**:
      i. Noise consultant to train sound technician on how to conduct continual on-site sound monitoring for each event.
      ii. Hold subsequent events: On-site noise levels are recorded continuously throughout each event and kept for 30-days.
         1. Complaints Received:
            a. County conducts review of noise monitoring records
               i. If noise standards violated – Proceed to step II(c)
               ii. If noise standards not violated – No further action

   c. **If Standards Are Not Met**:
      i. Cease operation of events (specific to venue)
         1. Noise consultant shall develop additional sound controls
         2. Implement additional sound controls
      ii. Re-measure sound at subsequent event
         1. Standards not met – Return to Planning Commission for direction
         2. Standards met – Proceed with step II(b)

The appeal letter states, "The study [Environmental Noise Analysis] notes that if mitigation measures fail, the Planning Director can take actions to remedy the situation but fails to identify the specific actions or limitations that will occur." The direction that the Planning Commission may provide if standards are not being met include, amending the projects development standards and/or mitigation measures or recommending revocation of the Use

Permit to the Board of Supervisors. Section 21.104.015 Amendments of the Stanislaus County Zoning Ordinance also allows the Planning Director to amend Development Standards to address nuisance concerns, subject to appeal by the property owner.

The appeal letter takes issue with the fact that the "good neighbor policy" has not yet been defined. The Good Neighbor Policy (required per Mitigation Measure No. 11) is intended to be a dynamic document which identifies a procedure for notifying neighbors when events are to be held, provides a contact for neighbors to call if they have complaints, and to outline the steps that management will take to address complaints after they're received. In response to the concerns raised by the neighbors prior to the Planning Commission's hearing, Development Standard No. 20 was incorporated into the project requiring a two-week referral to the surrounding neighbors for review and comment on the draft Good Neighbor Policy. In response to this appeal, amendments are proposed to Development Standard No. 20 to clarify the approval process. Additionally, to allow the neighbors more time to review the draft document, a draft Good Neighbor Policy, submitted by the applicant, has been included with this report (see Attachment 5 – *Draft Good Neighbor Policy*). This document is intended to provide an overview of general content, not to be considered for adoption, and will still be referred to the surrounding neighborhood for a two-week comment period prior to acceptance by County Planning.

The appeal letter also pointed to the Noise Analysis which recommended that events of 2,000 people or more should be limited to daytime hours, which was not reflected in the mitigation applied to the project. Mitigation Measure No. 10 allows amphitheater events to end at 11:00 p.m. on Fridays and Saturdays, regardless of event size, provided the first two large events (of 500 persons or more) are found to meet the allowable A-weighted and C-weighted noise standards. The Noise Study recommendation (No. 11) states (see page 328 of Attachment 7 – *Planning Commission Staff Report, April 20, 2017*):

> *To maintain crowd noise at acceptable levels, amphitheater events exceeding 2,000 attendees should be concluded by 10 p.m. Noise monitoring of crowd noise during the first two events can be utilized to determine if this measure will be necessary long-term.*

The last sentence in the recommendation allows events with 2,000 or more in attendance to go past 10:00 p.m., provided the first two events can determine crowd noise will meet the applicable noise standards. The noise consultant identified crowds of 500 persons to be adequate to measure crowd noise. The measurements taken for a crowd of 500 may be adjusted upwards to account for larger crowd noise levels. This was the reasoning behind the development of Mitigation Measure No. 10, which allows concerts in the amphitheater to go until 11:00 p.m. on Fridays and Saturdays provided it can be demonstrated that the required noise levels can be maintained based on the monitoring of the first two events with 500 or more in attendance. "Daytime" standards are identified in the Noise Element as applying between 7:00 a.m. to 10:00 p.m. If events are permitted to go to 11:00 p.m. on Fridays and Saturdays the lower "Nighttime" standard, which applies between 10:00 p.m. and 7:00 a.m., must be met for any event occurring between 10:00 p.m. and 11:00 p.m.

Neighbor objections were also previously raised in opposition to the use of fireworks on the project site. Development Standard No. 13 requires that all Development Standards from P-D (317) remain applicable to the project site. This includes Development Standard No. 8 which requires that an acoustical analysis be prepared in accordance with the Noise Element of the Stanislaus County General Plan prior to the use of any outdoor blasting devices to ensure noise levels do not exceed the maximum allowable noise levels as allowed by the Noise Element. Planning staff considers fireworks to be covered under the category of "blasting devices." Accordingly, any use of fireworks on the premises could be permitted provided an acoustical analysis is prepared which shows the fireworks can meet the standards set forth within the County Noise Element (see page 105 of Attachment 7 – *Planning Commission Staff Report, April 20, 2017*).

The appeal letter also recommends that the Board of Supervisors overturn the Planning Commission's approval of the electronic reader board sign, as no mitigation, or identification of light impacts were considered in the Planning Commission's action. As part of the Use Permit approval, the Planning Commission amended Development Standard No. 8 to allow for flashing, animated, or electronic reader board signs. The County has typically prohibited flashing, animated, or electronic reader board signs in the unincorporated areas of the County. The only exception has been in urbanized commercial areas, typically within a sphere of influence of a city, where that city supports the electronic sign. The proposed electronic sign is reflected on page 28 of the Planning Commission Staff Report (see Attachment 7).

The appeal letter takes issue with giving permission for The Fruit Yard to use the amphitheater when it was built without County approval, through a grading permit, when it was not a use permitted by their zoning. As discussed earlier, a grading permit allowing for the development of the amphitheater was issued, the land use entitlement necessary for use of the amphitheater was not issued and this Use Permit is required for use of the amphitheater. At the Planning Commission hearing, the applicant's representative provided the copy of the grading permit issuance letter to verify that his client had obtained a permit for development of the amphitheater (see Attachment 9).

The appeal letter expresses concerns about safety and feels that the Sheriff does not have the capacity to enforce noise issues. Mitigation Measure No. 15 has been applied to the project to require a Security Plan be submitted to the Sheriff for review and approval. However, as stated in the Planning Commission Staff Report, the Use Permit is a land use permit and is subject to enforcement through the land use process, which includes amendment or revocation of the Use Permit through the Planning Department, Planning Commission, or Board of Supervisors.

The appeal letter also expressed concern with a lack of defining what an "event" means in terms on duration. In response, staff has provided the following clarification within Development Standard No. 18:

a. *Amphitheater Events: A maximum of 12 events per calendar year. Each day an event is held counts towards the maximum number of events allowed. If an event takes place on multiple days, each day counts as a separate event.*

Events are restricted to the operating hours described in Mitigation Measures Nos. 9 and 10.

b. *Banquet Hall Events: Unlimited number of events per year. Events are restricted to the operating hours described in Mitigation Measure No. 9.*

c. *Park Events: Unlimited number of events per year. Events are restricted to the operating hours described in Mitigation Measure No. 9.*

The applicant has objected to the limitation on amphitheater events claiming that the intent of the Use Permit was only to address large amplified concerts referred to as advance ticket concerts. The applicant contends that special events and weddings are already permitted as part of the original P-D (317) and that smaller uses that do not bring in "big banks of speakers" should not be subject to a limitation, as these uses would have been permitted in the park area prior to development of the amphitheater. Staff agrees that an unlimited number of events, varying in type and size, are permitted under P-D (317) in the park-site. The issue that has triggered this Use Permit is the establishment of a concentrated (in terms of people and facilities) and permanent event venue which was never contemplated as part of P-D (317) and is in function independent of the park. The Planning Commission Staff Report clearly identified the amphitheater as not part of the approved Planned Development and considered it to be a new and separate use in addition to the approved park-site with a maximum of 12 events per year.

Further, the Planning Commission Staff Report identified the following uses for the project site, should the Use Permit be denied:

- *Park events with amplified noise will be required to adhere to the Mitigation Measures identified in the Noise Study.*
- *The banquet hall may still be built and hold events with or without amplified noise, as there were no development standards specific to amplified noise and the banquet hall included in the 2007 General Plan Amendment and Rezone.*
- *No activities (including any amplified noise events) may take place in the amphitheater, with the exception of the six public events permitted by the Sheriff's Outdoor Event Permit.*

While the applicant made no objection to the description of the amphitheater provided in the Planning Commission Staff Report, there has been correspondence provided by the applicant's representative to staff trying to make a distinction between the scale of an event that should count towards the 12 event maximum and those that should be in an unlimited quantity under P-D (317). The distinctions involve, number of attendees (a couple of hundred vs. 3,500), association with other events occurring on-site (such as Graffiti weekend), private events (weddings), and events that are "small in sound" (such as Sunday morning Easter services, travelling speakers, movie night, Red Hat Society gatherings, fundraisers and the like).

If the Board of Supervisors concurs with the applicant, the following is one option for amending section (a) of Development Standard No. 18:

a. *Amphitheater Events: A maximum of 12 amplified concert events conducted independent of any park event or having tickets available for advance purchase. Each day an amplified concert event is held counts towards the maximum number of events allowed. If an amplified concert event takes place on multiple days, each day counts as a separate event. An unlimited number of other events, with less than 500 in attendance, shall be allowed per year. Events are restricted to the operating hours described in Mitigation Measure No. 9.*

Lastly, the appeal letter stated that the appellants do not agree with the findings that Planning Commission made, specifically that the project will not be detrimental to the health, safety, and general welfare of the persons residing or working in the neighborhood, or detrimental to property and improvements in the neighborhood. If the Board of Supervisors denies the appeal and acts to approve the Use Permit as recommended, staff believes that all necessary findings can be made and that the project will not be detrimental to persons or property in the neighborhood.

Amended Mitigation Monitoring Plan

Changes may be made to the Development Standards/Mitigation Measures provided the changes involve issues previously considered by the Planning Commission. Additionally, changes may be made to Mitigation Measures without the requirement for recirculation, provided the changes are found to be equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. The table below provides a summary and evaluation of each mitigation measure in terms of this finding:

Mitigation Measure	Summary	No Change	Less Restrictive	As Restrictive	More Restrictive
Aesthetics					
1	Lighting	X			
Noise					
2	Noise Berm			X	
3	Sound proofing of banquet hall			X	
4	A-weighted and C-weighted noise level standards off-site			X	
5	A-weighted noise level standards on-site			X	
6	C-weighted noise level standards on-site			X	
7	On-going sound monitoring				X
8	Measuring compliance for first two events				X
9	Hours of Operation	X			
10	Hours of Operation – Amphitheater Friday and Saturday			X	
11	Good Neighbor Policy	X			

12	Complaint Protocol				X
13	Orchard Removal			X	
14	Future Noise Analysis Protocol	X			
Public Services					
15	Sheriff approved Security Plan	X			
Transportation/Traffic					
16	Traffic Impact Fees	X			
17	Event Traffic Management Plan (to be approved by Planning, Public Works, Fire, and CHP)	X			

Based on the table above staff believes that the Board of Supervisors can make the finding that all proposed changes are equivalent or more effective in mitigating or avoiding potential significant effects and that in themselves will not cause any potentially significant effect on the environment.

POLICY ISSUE:

In accordance with Stanislaus County Code Section 21.112.060, an appeal of the Stanislaus County Planning Commission's Decision must be considered not later than forty-five days from the date of which the appeal is filed. The proposed Use Permit is required as an amendment to P-D (317) to allow use of the amphitheater not originally contemplated in the P-D's adopted development plan.

FISCAL IMPACT:

The fiscal impact associated with this item (including setting this public hearing, publishing legal notices, mailing public hearing notices to surrounding property owners, and preparing reports) are covered by the $622 Planning Commission appeal fee paid by the Appellant.

BOARD OF SUPERVISORS' PRIORITY:

Conducting a public hearing to consider an appeal of the Planning Commission's decision is consistent with the Board of Supervisors' priority of A Well-Planned Infrastructure System.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Planning and Community Development Director Telephone: (209) 525-6330

ATTACHMENT(S):

1. Appeal Letter dated May 1, 2017

2. Amended Development Standards and Mitigation Measures
3. Amended Mitigation Monitoring Plan
4. Amended Mitigated Negative Declaration
5. Draft Good Neighbor Policy
6. Noise Study Peer Review Letters, dated November 15, 2016, and December 30, 2016
7. Planning Commission Staff Report, April 20, 2017
8. Planning Commission Minutes, April 20, 2017 (Excerpt)
9. Correspondence and Handouts received by the Planning Commission at the April 20, 2017, Public Hearing:
   - Exhibit A - E-mail dated April 18, 2017, from Janice Musso regarding Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater
   - Exhibit B - Handout of Use Permit Development Standards, submitted by Thomas Douglas
   - Exhibit C - Grading Permit (BLD2013-0002) Issuance Letter, submitted by Dave Romano

Attachment 1

May 1, 2017

Board of Supervisors
Stanislaus County
1010 10th Street
Modesto, Ca 95354

Dear Board of Supervisors:

This letter is submitted as an appeal to the April 20, 2017 Stanislaus County Planning Commission Action to approve USE PERMIT APPLICATION NO PLN2015-0130 THE FRUIT YARD APMPHITHEATER APN: 009-017-004. The action included the adoption of a Mitigated Declaration and Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(b) by finding that on the basis of the whole record, including the Initial Study, and any comments received that there is no substantial evidence that the project will have a significant effect on the environment. The action maintains that the project will not, under these circumstances, be detrimental to the health, safety and general welfare of the persons residing or working in the neighborhood of use, and that it would not be detrimental or injurious to property and the improvements in the neighborhood.

We respectfully disagree with this finding. In making this finding, the Planning Commission relied on mitigation measures that are nonspecific and fail to have an enforcement mechanism to avoid impacts. The measures rely on "after the fact" adjustments with no clear steps to avoid the identified impacts until the adjustments are made. This is not only detrimental to the health and safety of the nearby residents, but fails to meet the requirements of the California Environmental Quality Act. Mitigation measures must be designed to be specific, enforceable, and designed to eliminate or reduce impacts to the greatest extent feasible. We have offered alternatives that we feel accomplish this goal; however, neither staff nor the Planning Commission chose to incorporate these strategies into the project. As such, the undersigned appeal the Planning Commission decision approving the project.

This appeal is consistent with a petition signed by 140 residents in the effected neighborhood. We believe that the CEQA document did not adequately address:

1. Noise impacts of the proposed project;
2. The physical impacts of this project on the residents' use and enjoyment of their property;
3. Community recourse and the consequential enforcement of the proposed mitigation measures;
4. Light pollution and the environmental impacts of an electronic sign with motion elements.

The environmental mitigation study identifies several types of noise and identifies a "model" to provide a mitigation plan to address the impacts of the noise. The consultants acknowledge that such models fail to take into consideration local conditions and rely on testing and verification in the field. The mitigation measure requires testing for two "large" events, greater than 500 in attendance, but fails to take into account difference in music types, crowd noise, or other sounds that cannot be anticipated at

this time. It does not distinguish between the qualities or genre of the music (country versus rap versus pop versus rock). Different types of music have different music sound mixes and as a consequence different noise carrying characteristics. The noise study states that events of 2,000 or more attendees should only be held during the "day", presumably ending by 7 p.m.; however, no such limitation or mitigation measure was identified in the Initial Study.

The study identifies crowd noise and C level sound (the booming sound of base). The study proposes to study the noise and then to identify how the impact may be mitigated. The assumption that this type of noise can be mitigated is speculative. These are the most disruptive sounds to our sleep and concentration. The property owner has held unpermitted musical events that are far smaller (roughly 50 attendees) that have disrupted residents' sleep patterns and can be heard a long distance (over 1.5 miles).

Even the consideration of the approval of amplified music beyond 10 p.m. is in contrast with the Stanislaus County Ordinance No. C.S. 1070, specifically Section 10.46.060 Item D. which states "Sound-Amplifying Equipment and Live Music. No person shall install, use or operate sound-amplifying equipment, or perform, or allow to be performed, live music unless the sound emanating from the sound amplifying equipment or live music shall not be audible to the human ear at a distance greater than 200 feet. To the extent that these requirements conflict with any conditions of approval attached to an underlying land use permit, these requirements shall control." Staff has indicated this ordinance is unenforceable; however, this is the standard adopted by the Board of Supervisors to ensure consistency with its General Plan. We have never gotten a clear explanation as to why this ordinance is not enforceable; however, we suspect it is due to a lack of Sheriff Department resources. This is the very reason why we feel the project should not be approved. If the applicant fails to comply, the County has no resources to ensure that the operator complies.

The noise study looks at an "average" environmental condition. It ignores the reality of the real world where humidity, wind and air pressure may affect how noise carries. The noises envelop, the area that the projects activity may impact, will vary from performance to performance. The Fruit Yard's neighbors do not live in an average world. But some of the recommendations of the study are also ignored by the staff recommendations.

We maintain that if a resident's sleep or life style is disrupted by any sound within their home that that is a significant physical impact. In the past, neighbors have heard the Fruit Yard's music, crowd noise and C-level bass sounds in their homes and their bedrooms. This has made it difficult for the residents and their children just to go to sleep. The neighborhood residents have suggested night time limits of 9:00 p.m. to be assured that their home life would not be disrupted. The sound study suggests that events with 2,000 or more attendees should only be held during the day (we believe this means end at 7 p.m.). This testimony has been dismissed or just ignored. Perhaps all amplified events should have been limited to afternoon hours. The impact of activities at the Fruit Yard have been documented and continuously observed by residents for over twenty years. Their experience has documented very real impacts and these impacts have not been necessarily addressed or mitigated in this report.

Perhaps the most concerning aspect of the study is the lack of recourse or clear definition of corrective actions. If a mitigation measured is not enforced, or enforceable, it is not an allowable CEQA mitigation measure.

For example, the very definition of event is even questionable. An event can be defined as covering a one day, a weekend, or even a week long performance. We are uncertain whether this limit includes weddings, events in the park and events outside of the restaurant. The report does not give clear guidance on this issue.

The study notes that if the mitigation measures fail, the Planning Director can take actions to remedy the situation but fails to identify the specific actions or limitations that will occur. Those affected by the impacts are left to guess what measures will be taken, when they will be taken, how long it will take to correct the situation, and whether events will continue in light of the impacts. This issue is particularly important since activities at the Fruit Yard have not been neighborhood friendly.

The enforcement mechanisms will not ensure compliance with the standards because they rely on the applicant to self-monitor. However, in the past, noise complaints directed to Fruit Yard staff have been dismissed and ignored. In fact, in at least one specific case, the Fruit Yard staff told a neighbor they were afraid to tell the operator or the DJ to turn down their amplifiers. This simply is not a viable mitigation measure. Furthermore, the County acknowledges in the staff report that the County Sheriff does not enforce the County's noise ordinance or the requirements of permits like these. So even if monitoring of the two "large" events does show compliance, any particular operator could violate the standard and no one would be in a position to enforce the standards. We have argued that an independent sound engineer needs to be employed for all future (concerts, weddings...) events to control the equipment that is being used and to ensure compliance with the noise studies. These measures have been rejected by staff and the Planning Commission.

The recourse of neighbors' complaints of noise, traffic, security and other supposedly mitigated impacts is to be addressed in a yet to be defined "good neighborhood policy." This document has "put the cart before the horse." It is logical to assume that an issue is not mitigated until the mitigation is complete, not to be named at a later date. Again any policy will need to have an enforceable mechanism to ensure that the promoters holding the event are monitored and adjustments are made in "real time", not by "after the fact" analysis under theoretical conditions.

It has been noted several times in Planning Commission meetings that Stanislaus County does not presently have an enforceable noise ordinance. Enforcement of the noise ordinance is the responsibility of the Sheriff Department but noise concerns do not even show on the department's website. Quite frankly we agree that crime prevention should be the highest priority of the Sheriff Department. The Sheriff Department patrols over 1600 square miles of land and it is not surprising that if one calls the Sheriff's administrative office responsible for nuisance reports at 10:00 p.m. you may get a recorded message. The lack of policing resources in the County is a major reason why the Board of Supervisors

should deny this application in its entirety. These uses do not belong in areas where there are no resources to enforce the provisions of the permit.

We also have concerns about safety. Large events like these require a significant security plan. Even with a comprehensive security plan in place, the Sheriff Department is likely to be called upon if an event gets out of hand. With all of the existing public safety issues in the County, particularly during evening hours, why create a new and remote site that requires back up resources from the Sheriff Department?

Finally, the Planning Commission overrode staff's recommendation denying an electronic message board for the property. The property currently has a static non-electric billboard that is available to advertise events at the amphitheater. The client had suggested that the moving element of the sign might be used to advertise the restaurant specials. There is no need to approve an electronic message board that will add flashing light and glare into an agricultural area. No mitigation, or identification, of light impacts was considered in the Planning Commission action.

As we noted above there are impacts that are not adequately addressed in the environmental document. They have been ignored, defined as insignificant or just not mitigated. As an illustration, the applicant argues the County has already authorized the construction of the amphitheater through the issuance of a grading permit that indicated the movement of dirt for an amphitheater. They believe, and apparently the Planning Commission concurred, they can pull a Sheriff special event permit and use the amphitheater despite the fact it was never permitted in the original General Plan Amendment and this conditional use permit has not yet been approved. It is clear from this application the County did not permit an amphitheater in the original General Plan Amendment and that the grading permit wording was issued in error. The idea that, even if this Conditional Use Permit is not granted, the County would issue a permit for a special event to use the amphitheater is infuriating and we believe illegal. This is the kind of thing we constantly hear from the County. The applicant knew the amphitheater was not approved, they were notified at the time dirt was being moved, they continued to improve it by adding grass, concrete, fencing and landscaping, and the County did nothing to stop them. Now that it's there, the response from the County staff and Planning Commission is there is nothing they can do about it now so we might as well try to figure out how to make it work. Seeking forgiveness seems to be the rule in the County and it only begets more seeking forgiveness. Why comply with any County law when the County takes this approach to the enforcement of those laws?

We have tried to work with the applicant but our suggestions have been dismissed and ignored. Because of the problem these kinds of uses have created in other parts of the County, County staff has gone as far as the applicant has been willing to take the mitigation measures. We have asked for greater limitations on the days and times of operation but the response has been that the applicant would be unwilling to have these measures incorporated into the project. From our perspective, this tells us there has been no independent evaluation of either the impacts or the identification of mitigation measures by the County as the lead agency for the project. It appears the applicant has undue influence over the County's determination which has eroded its independence in identifying feasible mitigation measures for the project.

We propose that the Board of Supervisors rescind the Planning Commission's action, deny the application, and reject the proposed CEQA document as the impacts are not fully mitigated to a level of insignificance. Measures that could accomplish this goal can and should be identified and we are willing to work with the County to develop mitigation measures that will properly meet these goals.

Thank you for your consideration of this appeal.

Barbara Heckendorf

Richard & Barbara Heckendorf, 679 Weyer Road, Modesto, CA 95357

5/1/17 5/1/17

Robert Boulet & Michelle Bell, 501 Weyer Road, Modesto, CA 95357

Judy Crisp 4-30-2017

Judy Crisp, 601 Weyer Road, Modesto, CA 95357

Robert Wolfley 5/1/17

Robert Wolfley, 9536 Yosemite Blvd., Modesto, CA 95357

4/30/17 4/30/17

Matthew & Tina Smith, 655 Weyer Road, Modesto, CA 95357

5/1/17

Tim Douglas, 548 Hopper Road, Modesto, CA 95357

4/30/17

Kent Johnson, 566 Wellsford Road, Modesto, CA 95357

Attachment 2

AMENDED FOR BOARD OF SUPERVISORS CONSIDERATION, INCLUDING AMENDMENT TO DEVELOPMENT STANDARD NO. 8 APPROVED BY THE PLANNING COMMISSION ON APRIL 20, 2017

PROPOSED AMENDMENTS IN BOLD RED
PROPOSED DELETIONS IN ~~RED STRIKEOUT~~

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

DEVELOPMENT STANDARDS

USE PERMIT APPLICATION NO. PLN2015-0130
THE FRUIT YARD AMPHITHEATER

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.

2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **$2,273.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

   Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

5. During any future construction, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological

mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

6. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.

8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. ~~Flashing, animated, or electronic reader board signs are not permitted.~~

9. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.

10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

11. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.

12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

13. All Development Standards from Planned Development (317) shall remain in effect. The Development Standards set forth in this Staff Report are considered to be an amendment to the Development Standards from Planned Development (317), and apply in addition to the Development Standards from Planned Development (317). **Specifically, as required by Development Standards No. 8 and 72 of Planned Development 317, all noise generated on the 43.86 acre project site shall be subject to the following:**

a. **In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification.**

b. **Any outdoor use of amplified sound at the park, banquet hall or amphitheater shall comply with the development standards of this Permit addressing noise levels, as analyzed in the December 30, 2016 Environmental Noise Analysis prepared by Bollard Acoustical Consultants, Inc., unless otherwise amended by the County.**

14. No street parking associated with the site is permitted. Customers and event attendees shall be made aware via signage that parking is limited to on-site parking only.

15. No alcohol consumption or tail gating is permitted in the parking areas designated for on-site events. Any sale of alcohol on-site must obtain and comply with all of the necessary Alcohol Beverage Control (ABC) Licensing.

16. Prior to final of any new building permit all outstanding building and grading permits shall be finaled.

17. Parcels 2, 3, 8, 9, and the remainder parcel of Parcel Map 56-PM-83 may not be independently sold until permanent parking is developed. Prior to development of permanent parking facilities, all applicable permits shall be obtained, including but not limited to a Staff Approval or Use Permit, and Building and/or Grading Permit. Proposed permanent parking facilities shall be reviewed and approved by both the Planning and Public Works Departments prior to development.

18. **Events** ~~are limited to what are allowed under the Planned Development, including the amendments included in this Use Permit. No Outdoor Entertainment Activity Permit may be obtained.~~ **shall be limited, in number and duration, as specified in this condition, with no additional events to be permitted by issuance of a separate Outdoor Entertainment Activity Permit:**

    a. **Amphitheater Events: A maximum of 12 events per calendar year. Each day an event is held counts towards the maximum number of events allowed. If an event takes place on multiple days, each day counts as a separate event. Events are restricted to the operating hours described in Mitigation Measures Nos. 9 and 10.**
    b. **Banquet Hall Events: Unlimited number of events per year. Events are restricted to the operating hours described in Mitigation Measure No. 9.**
    c. **Park Events: Unlimited number of events per year. Events are restricted to the operating hours described in Mitigation Measure No. 9.**

19. Hours of operation may not be extended beyond those included in Mitigation Measure No. 9 **for the banquet hall and park, and Mitigation Measures Nos. 9 and 10 for the amphitheater,** without a public hearing.

20. Prior to **approval** ~~acceptance~~ of the "Good Neighbor Policy" **required by Mitigation Measure No. 11, and any subsequent amendment,** the Planning Department **shall**~~will~~

refer the draft document ~~to all surrounding residents,~~ for a two week comment period. The referral will be sent to **the current property owners of record for** all surrounding **properties** ~~residents~~ included on the project referral "Landowner Notice" list from Use Permit No. PLN2015-0130 – The Fruit Yard. Any comments received **shall**~~will~~ be taken into consideration. ~~However, the Planning Department maintains the ultimate approval authority.~~

Department of Public Works

21. No parking, loading or unloading of vehicles will be permitted within the Geer Road and Albers Road rights-of-way. The applicant will be required to install or pay for the installation of any signs and/or markings, coordinating the installation of the signs with Public Works Traffic Section.

22. The applicant shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way.

23. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.

24. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted before any grading occurs or building permit for the site is issued which creates a new or larger footprint on the parcel. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

    A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.

    B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.

    C. The grading, drainage, erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit.

    D. An Engineer's Estimate shall be submitted for the grading and drainage work.

    E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

    F. The permit applicant shall pay the current Stanislaus County Public Works weighted labor rate for the plan review and all on-site inspections required for the grading, drainage, erosion/sediment control, or building permit plan. The Public Works inspector shall be contacted 48 hours prior to the onset of any grading or drainage work on-site.

Department of Environmental Resources

25. Prior to onset of amphitheater events, and prior the installation of any water infrastructure for the amphitheater, the property owner shall provide to the Department of Environmental Resources an application for amended water supply permit along with a full technical report

demonstrating that the water system will meet all requirements of a Non-transient Non-community water system: capacity, source water, drinking water source assessment, water works standards, and the California Environmental Quality Act (CEQA).

26. All food facilities must operate under a Health Permit, issued by the Department of Environmental Resources.

27. Prior to issuance of any building permit for the construction of the preparation and serving kitchen in the banquet hall, the owner/operator shall provide construction plans to the Department of Environmental Resources for review and approval as required in accordance with California Health and Safety Retail Food Code.

28. All food service offered at The Fruit Yard complex, including but not limited to the amphitheater events area, banquet hall, restaurant, and convenience stores, shall be conducted in compliance with the requirements of California Health and Safety Retail Food Code and shall obtain and comply with all applicable permits through the Department of Environmental Resources.

29. Prior to onset of amphitheater events, On-site Wastewater Disposal System (O.W.T.S.) for amphitheater events must be reviewed and approved by the Department of Environmental Resources. Due to the levels of the nitrates in the existing water system being higher than half of the maximum MCL, any expansion of the onsite waste water system (OWTS) can contribute to groundwater nitrate levels especially with individual OWTS. A wastewater management plan of any flow of 5,000 gallons per day, or greater, must be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) for review and approval. A Wastewater Management Plan of any flow of 5,000 gallons per day, or less, must be submitted to the Department of Environmental Resources for review and approval. A centralized O.W.T.S. is highly recommended with proper treatment of the discharge effluent. The quality of the discharge effluent shall meet EPA Secondary Treatment levels. The focus will be on the ability to reduce nitrate, salt, and organic chemical levels, minimizing the impact upon the area's groundwater supply.

Building Permits Division

30. Building permits are required and the project must conform to the California Code of Regulations, Title 24.

Stanislaus Consolidated Fire District

31. Prior to onset of events at the amphitheater, an Event Traffic Management Plan shall be reviewed and approved by the Stanislaus Consolidated Fire District.

32. All proposed structures shall obtain building permits, and shall meet all applicable Building and Fire codes, and shall be reviewed and approved by the Stanislaus Consolidated Fire District.

Modesto Irrigation District

33. In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed site shall be protected, relocated, or removed as required by the District's Electric Engineering Department.

Appropriate easements for electric facilities shall be granted as required.

34. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.

35. Costs for relocation or installation of MID electrical facilities at the request of others will be borne by the requesting party. Estimates for relocating or installing MID electrical facilities will be supplied upon request.

36. A 15-foot Public Utility Easement (PUE) is required adjacent to the existing 12,000 volt overhead lines along Geer Road street frontage. The PUE is required in order to protect the existing overhead electric facilities and to maintain necessary safety clearances.

37. A 10-foot Public Utility Easement (PUE) is required adjacent to existing street frontages, proposed streets and private ingress/egress easements as already shown on Parcel Map 56-PM-83. The PUE's are required in order to protect the future electrical facilities and to maintain necessary safety clearances.

38. Prior to onset of any construction, contractor shall verify actual depth and location of all underground utilities. Notify "Underground Service Alert" (USA) (Toll Free 1-800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will mark the location of the MID underground electrical facilities.

39. The Modesto Irrigation District (MID) reserves its future right to utilize its property along the MID canal in a manner it deems necessary for the installation and maintenance of electric and telecommunication facilities. These needs, which have not yet been determined, may consist of new poles, cross arms, wires, cables, braces, insulators, transformers, service lines, control structures, and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

40. A 10 foot OSHA minimum approach distance is required adjacent to the existing 12,000 volt overhead high voltage lines.

41. An eight foot minimum vertical approach distance is required adjacent to the existing overhead 200 volt secondary lines.

42. Use extreme caution when operating heavy equipment, backhoes, using a crane, ladders, or any other type of equipment near overhead or underground MID electric lines and cables.

43. Electric service to the proposed parcels is not available at this time. The Electric Engineering Department has no objections to the proposed amphitheater at this time. However, specific requirements regarding construction issues will be addressed when the amphitheater construction plans are submitted for review to the District's Electric Engineering Department. Contact Linh Nguyen at (209) 526-7438.

44. Prior to construction, a pre-consultation meeting a pre-consultation meeting to discuss MID irrigation requirements is recommended.

California Department of Transportation

45. An encroachment permit shall be obtained prior to any work within the State right-of-way.

Department of California Highway Patrol

46. Prior to onset of events at the amphitheater, an Event Traffic Management Plan shall be reviewed and approved by the Department of California Highway Patrol.

MITIGATION MEASURES

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:
1) Hold a public hearing to consider the project; and
2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.

2. Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall ~~building, labeled on the project site plan, the Planning Commission approved as a~~ "storage building" ~~to be located directly behind (northwest) of the stage, as identified~~ **as shown** on the project site plan **included as Exhibit B-6 of the April 20, 2017 Planning Commission Staff Report**. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage sound-wall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within **allowable** ~~the~~ noise levels, **set forth in Mitigation Measure Nos. 4, 5, and 6** ~~described within this Mitigation Monitoring Plan~~.

3. Prior to issuance of a building permit for the banquet hall, and prior to the onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the **allowable noise levels**~~approved plans~~, **set forth in Mitigation Measure Nos. 4, 5, and 6,** by a noise consultant, as described in Mitigation Measure No. 14.

4. All amphitheater, park, and banquet hall events shall maintain **compliance with** the noise level~~s~~ **limits established by the Noise Element of the Stanislaus County General Plan, as** described in Table **IV-2 – Maximum Allowable Noise Exposure – Stationary Noise Sources, and any subsequent amendments.** ~~1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below~~. **In addition, low-frequency noise shall be limited to:**

~~**Table 1**~~
~~**Stanislaus County Noise Standards Applied to this Project After Adjustment for Elevated Ambient and Noise Source Consisting of Music**~~

~~Receptor (See Figure 1)~~	~~Noise Metric~~	~~Adjusted Daytime Standard (7 a.m.-10 p.m.)~~	~~Adjusted Nighttime Standard (10 p.m.-7 a.m.)~~
~~A, B, D, F (near busy roadways)~~	~~Hourly Leq, dBA~~	~~60~~	~~55~~
	~~Maximum Level (Lmax), dBA~~	~~80~~	~~70~~
~~C, E (setback from roadways 250-350 feet)~~	~~Hourly Leq, dBA~~	~~55~~	~~50~~
	~~Maximum Level (Lmax), dBA~~	~~75~~	~~65~~
~~G, H, I (isolated from busy roads)~~	~~Hourly Leq, dBA~~	~~50~~	~~40~~
	~~Maximum Level (Lmax), dBA~~	~~65~~	~~55~~

~~Source: Stanislaus County Noise Element of the General Plan adjusted for ambient conditions~~

~~In addition to the Table 1 standards, low-frequency noise shall be limited to~~

a. D~~d~~aytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied ~~at the nearest residences, existing at the time of the event~~ **for all amphitheater, park, and banquet hall events**. These standards may be adjusted upwards or downwards ~~as appropriate~~ following ~~collection of~~ C-weighted ambient noise level data **collected during noise monitoring, as described in mitigation Measure No. 8**~~near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance)~~. Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department. **Should the Noise Element be amended to include C-weighted standards which are more restrictive than the standards above, the Noise Element standards shall be met.**

5. To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the **front of the** amphitheater stage.

Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100-feet from the **front of the** sound system speakers **for the park, and 100-feet from outside of the banquet hall**. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

~~Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to~~

~~be procured by the operator/property owner The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.~~

6. To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the **front of the** Amphitheater stage. ~~In addition, amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.~~

   To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the **front of the** speakers **for the park, and 100 feet from outside of the banquet hall**. ~~In addition, amplified music shall be limited to an average of 75 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.~~

   ~~Noise measurements during the first two amplified music events for each event space (banquet hall, park, and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.~~

7. Prior to any amplified music event at the park, banquet hall, or amphitheater, **not required to be monitored by a qualified Noise Consultant,** the operator/property owner shall obtain a **portable** sound monitoring system **to be used onsite**; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and **continuously** during each amplified music event occurring at the park, banquet hall and amphitheater. ~~Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.~~ **The monitoring shall be conducted 100-feet from the front of the stage for the amphitheater, and 100-feet from the front of the speakers for the park, and 100-feet from outside of the banquet hall.**

   Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

   A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be

capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits, **set forth in Mitigation Measure Nos. 4, 5, and 6. Noise level measurement d**~~D~~ata, **including the time and location of the measurement,** shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits. **If at any time the measurement results indicate that the music levels exceed the allowable noise standards set forth in Mitigation Measure Nos. 4, 5, and 6, additional sound controls shall be implemented until compliance is met. The amphitheater operator/property owner shall be responsible to ensure that event producers comply with all project conditions.**

~~Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.~~

8. During the first two large concerts (with 500 or more in attendance) held at the amphitheater **and any of the first two events held at the amphitheater (if less than 500 in attendance), park, or banquet hall, on-site and off-site** noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The **on-site** monitoring shall be conducted continuously, ~~from the sound stage (~~100-feet from **the front of the** stage~~)~~ **for the amphitheater, 100-feet from the front of the speakers for the park, and 100-feet from outside of the banquet hall.** ~~with p~~**Periodic off-site** noise monitoring **shall be conducted at the Long-Term Ambient Noise Measurement Locations and Noise-Sensitive Receptor Sites (A-I) identified on Figure 1 of the of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc.** ~~near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater~~. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the ~~concert~~ event. The purpose of the measurements is to verify compliance with the project's noise standards, **as set forth in Mitigation Measure Nos. 4, 5, and 6**.

A report prepared by the noise consultant shall be provided to the Planning Department within 10-days of the second event. The Noise Consultant's report shall provide a conclusion regarding compliance with the projects allowed noise levels and, if necessary, additional measures needing to be implemented for compliance. If the measurement results indicate that the music levels exceed **allowable**~~the~~ noise standards~~ described in this Mitigation Monitoring Plan~~, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14 **and no further events shall occur until the Planning Department is able to verify that all**

controls necessary for compliance have been fully implemented. Upon verification, the third event shall be subject to the same noise monitoring requirements as the first two events. If the third event fails to comply with the projects allowed noise levels, a report for the three events shall be presented to the Planning Commission for direction to staff and public notice of the presentation shall be provided to the surrounding property owners. ~~Implementation of additional sound controls shall be implemented and verified prior to the following concert.~~ **Additional sound control** ~~Such~~ measures **shall**~~could~~ include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.

9. All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.

10. The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required, **as set forth in Mitigation Measure Nos. 4, 5, and 6** ~~in this Mitigation Monitoring Plan~~, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by 12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.

11. Operator/property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The Policy shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The Policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the Policy shall be made without prior review and approval by the Planning Department.

12. In the event that documented noise complaints are received **by the County** for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83), such complaints shall be investigated to determine if the **allowable** noise **standards, as set forth in Mitigation Measure Nos. 4, 5, and 6,** ~~in this mitigation monitoring program~~ were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded~~at the location where the complaint was received~~, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be ~~implemented~~ **approved** and verified **by the Planning Department** prior to **any further amplified sound event being held at the venue (amphitheater, banquet hall, or park) determined to have exceeded allowable noise standards**~~the following concert~~. **Additional sound control**~~Such~~ measures could include reducing the overall output of the amplified sound system, relocating and/or

reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

13. Following removal of orchard trees located on the **western and southern portions of the** project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise Mitigation Measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.

14. Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

15. Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

16. Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

17. An Event Traffic Management Plan shall be submitted and approved four (4) weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.

    a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
    b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
    c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;
    d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;
    e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic

machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;

f. Prior to the implementation or construction of any additional phases of the approved Plan Development (317), a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;

g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;

   i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;
   ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;
   iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;
   iv. The left turn lane shall be installed before the first event is held at the amphitheater.

****

Please note: If Development Standards/Mitigation Measures are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Development Standards/Mitigation Measures; new wording is in ***bold****, and deleted wording will have a ~~line through it.~~*

Attachment 3

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

Amended Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

May 16, 2017

1. Project title and location:	Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater 7924 & 7948 Yosemite Blvd. (Hwy 132), at the southwest corner of Yosemite Blvd. and Geer Road, between the cities of Modesto, Waterford, and Hughson. (APN: 009-027-004)
2. Project Applicant name and address:	The Fruit Yard - Joe Traina 7948 Yosemite Blvd. Modesto, CA 95357
3. Contact person at County:	Kristin Doud, Senior Planner (209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

I. AESTHETICS

No. 1 Mitigation Measure:	All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.
Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Ongoing.
When should it be completed:	Ongoing.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	None.

XII. NOISE

No. 2 Mitigation Measure:	Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall "storage building" as shown

on the project site plan included as Exhibit B-6 of the April 20, 2017 Planning Commission Staff Report. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage sound-wall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within allowable noise levels, set forth in Mitigation Measure Nos. 4, 5, and 6.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to onset of any amplified music event held at the amphitheater.
When should it be completed:	Prior to onset of any amplified music event held at the amphitheater.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 3 Mitigation Measure: Prior to issuance of a building permit for the banquet hall, and prior to the onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the allowable noise levels, set forth in Mitigation Measure Nos. 4, 5, and 6, by a noise consultant, as described in Mitigation Measure No. 14.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to issuance of a building permit for the banquet hall.
When should it be completed:	Prior to onset of any amplified music event held at the banquet hall.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 4 Mitigation Measure: All amphitheater, park, and banquet hall events shall maintain compliance with the noise level limits established by the Noise Element of the Stanislaus County General Plan, as described in Table IV-2 – Maximum Allowable Noise Exposure – Stationary Noise Sources, and

any subsequent amendments. In addition, low-frequency noise shall be limited to:

a. Daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied for all amphitheater, park, and banquet hall events. These standards may be adjusted upwards or downwards following C-weighted ambient noise level data collected during noise monitoring, as described in mitigation Measure No. 8. Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department. Should the Noise Element be amended to include C-weighted standards which are more restrictive than the standards above, the Noise Element standards shall be met.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 5 Mitigation Measure: To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the front of the amphitheater stage.

Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100-feet from the front of the sound system speakers for the park, and 100-feet from outside of the banquet hall. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No.6 Mitigation Measure: To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the front of the Amphitheater stage.

To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the front of the speakers for the park, and 100 feet from outside of the banquet hall.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 7 Mitigation Measure: Prior to any amplified music event at the park, banquet hall, or amphitheater, not required to be monitored by a qualified Noise Consultant, the operator/property owner shall obtain a portable sound monitoring system to be used onsite; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and continuously during each amplified music event occurring at the park, banquet hall and amphitheater. The monitoring shall be conducted 100-feet from the front of the stage for the amphitheater, and 100-feet from the front of the speakers for the park, and 100-feet from outside of the banquet hall.

Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The

system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits, set forth in Mitigation Measure Nos. 4, 5, and 6. Noise level measurement data, including the time and location of the measurement, shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits. If at any time the measurement results indicate that the music levels exceed the allowable noise standards set forth in Mitigation Measure Nos. 4, 5, and 6, additional sound controls shall be implemented until compliance is met. The amphitheater operator/property owner shall be responsible to ensure that event producers comply with all project conditions.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to any amplified music event at the park, banquet hall, or amphitheater.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 8 Mitigation Measure: During the first two large concerts (with 500 or more in attendance) held at the amphitheater and any of the first two events held at the amphitheater (if less than 500 in attendance), park, or banquet hall, on-site and off-site noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The on-site monitoring shall be conducted continuously, 100-feet from the front of the stage~~)~~ for the amphitheater, 100-feet from the front of the speakers for the park, and 100-feet from outside of the banquet hall. Periodic off-site noise monitoring shall be conducted at the Long-Term Ambient Noise Measurement Locations and Noise-Sensitive Receptor Sites (A-I) identified on Figure 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during

the event. The purpose of the measurements is to verify compliance with the project's noise standards, as set forth in Mitigation Measure Nos. 4, 5, and 6.

A report prepared by the noise consultant shall be provided to the Planning Department within 10-days of the second event. The Noise Consultant's report shall provide a conclusion regarding compliance with the projects allowed noise levels and, if necessary, additional measures needing to be implemented for compliance. If the measurement results indicate that the music levels exceed allowable noise standards, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14 and no further events shall occur until the Planning Department is able to verify that all controls necessary for compliance have been fully implemented. Upon verification, the third event shall be subject to the same noise monitoring requirements as the first two events. If the third event fails to comply with the projects allowed noise levels, a report for the three events shall be presented to the Planning Commission for direction to staff and public notice of the presentation shall be provided to the surrounding property owners. Additional sound control measures shall include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to the first two large events (with 500 or more in attendance).
When should it be completed:	Following the second large event (with 500 or more in attendance)
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 9 Mitigation Measure: All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community

	Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 10 Mitigation Measure: The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required, as set forth in Mitigation Measure Nos. 4, 5, and 6, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by 12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held
When should it be completed:	On an on-going basis, when events are held. After it is demonstrated through noise level measurements of concert events that nighttime operations will not result in adverse nighttime noise impacts.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 11 Mitigation Measure: Operator/property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The plan shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the policy shall be made without prior review and approval by the Planning Department.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to amplified music events (park, banquet hall, or amphitheater).
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 12 Mitigation Measure: In the event that documented noise complaints are received by the County for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83), such complaints shall be investigated to determine if the allowable noise standards, as set forth in Mitigation Measure Nos. 4, 5, and 6, were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be approved and verified by the Planning Department prior to any further amplified sound event being held at the venue (amphitheater, banquet hall, or park) determined to have exceeded allowable noise standards. Additional sound control measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Upon onset of amplified music events. Work shall begin within 30 days of notification by the County.
When should it be completed:	Prior to holding an amplified music event, after notification by the County.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 13 Mitigation Measure: Following removal of orchard trees located on the western and southern portions of the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise mitigation measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Following removal of orchard trees located on the project site
When should it be completed:	Prior to any amplified music event, after orchard trees have been removed.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.

Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 14 Mitigation Measure: Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	When a noise consultant is specified within this Mitigation Monitoring Plan.
When should it be completed:	Prior to any amplified music event, as specified within this Mitigation monitoring Plan.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	None.

XIV. PUBLIC SERVICES

No. 15 Mitigation Measure: Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Sixty (60) days after Use Permit approval.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

XVI. TRANSPORTATION/TRAFFIC

No. 16 Mitigation Measure: Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to issuance of a building permit
When should it be completed:	Prior to issuance of a building permit
Who verifies compliance:	Stanislaus County Department of Public Works
Other Responsible Agencies:	Stanislaus County Planning and Community Development Department

No. 17 Mitigation Measure: An Event Traffic Management Plan shall be submitted and approved four (4) weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.

a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;
d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six (6) weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;
e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;
f. Prior to the implementation or construction of any additional phases of the approved Plan Development No. 317, a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;

g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;

i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;

ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;

iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;

iv. The left turn lane shall be installed before the first event is held at the amphitheater.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Four (4) weeks prior to any amphitheater event.
When should it be completed:	Prior to amphitheater event, as specified in the mitigation measure.
Who verifies compliance:	Stanislaus County Department of Public Works and Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	CalTrans.

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file

Person Responsible for Implementing Mitigation Program **Date**

(I:\PLANNING\STAFF REPORTS\UP\2015\UP PLN2015-0130 - THE FRUIT YARD\CEQA-30-DAY-REFERRAL\MITIGATION MONITORING PLAN.DOCX)

Attachment 4

AMENDED MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater

LOCATION OF PROJECT: 7924 & 7948 Yosemite Blvd. (Hwy 132), at the southwest corner of Yosemite Blvd. and Geer Road, between the cities of Modesto, Waterford and Hughson. Stanislaus County. APN: 009-027-004

PROJECT DEVELOPER: The Fruit Yard – Joe Traina
7948 Yosemite Blvd
Modesto, CA 95356

DESCRIPTION OF PROJECT: Request to expand an existing Planned Development with an outdoor, fenced, 3,500 person capacity amphitheater event center, a 5,000 square-foot stage, a 5,000 square-foot roof structure, a 4,000 square-foot storage building, a parking lot to the rear of the stage, and an additional 1,302-space temporary parking area. A maximum of 12 amphitheater events are proposed to take place per year. This use permit also includes a covered seating area of approximately 4,800 square-foot and a 1,600 square-foot gazebo in the eastern half of the park area, east of the outdoor amphitheater, and replacement of the existing pylon freestanding pole sign with an electronic reader board sign.

Based upon the Initial Study, dated **March 1, 2017**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.

2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.

3. This project will not have impacts which are individually limited but cumulatively considerable.

4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.

2. Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall "storage building" as shown on the project site plan included as Exhibit B-6 of the April 20, 2017 Planning Commission Staff Report. A certificate of occupancy shall be obtained for the noise berm prior to the

onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage sound-wall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within allowable noise levels, set forth in Mitigation Measure Nos. 4, 5, and 6.

3. Prior to issuance of a building permit for the banquet hall, and prior to the onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the allowable noise levels, set forth in Mitigation Measure Nos. 4, 5, and 6, by a noise consultant, as described in Mitigation Measure No. 14.

4. All amphitheater, park, and banquet hall events shall maintain compliance with the noise level limits established by the Noise Element of the Stanislaus County General Plan, as described in Table IV-2 – Maximum Allowable Noise Exposure – Stationary Noise Sources, and any subsequent amendments. In addition, low-frequency noise shall be limited to:

    a. Daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied for all amphitheater, park, and banquet hall events. These standards may be adjusted upwards or downwards following C-weighted ambient noise level data collected during noise monitoring, as described in mitigation Measure No. 8. Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department. Should the Noise Element be amended to include C-weighted standards which are more restrictive than the standards above, the Noise Element standards shall be met.

5. To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the front of the amphitheater stage.

    Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100-feet from the front of the sound system speakers for the park, and 100-feet from outside of the banquet hall. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

6. To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the front of the Amphitheater stage.

    To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the front of the speakers for the park, and 100 feet from outside of the banquet hall.

7. Prior to any amplified music event at the park, banquet hall, or amphitheater, not required to be monitored by a qualified Noise Consultant, the operator/property owner shall obtain a portable sound

monitoring system to be used onsite; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and continuously during each amplified music event occurring at the park, banquet hall and amphitheater. The monitoring shall be conducted 100-feet from the front of the stage for the amphitheater, and 100-feet from the front of the speakers for the park, and 100-feet from outside of the banquet hall.

Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits, set forth in Mitigation Measure Nos. 4, 5, and 6. Noise level measurement data, including the time and location of the measurement, shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits. If at any time the measurement results indicate that the music levels exceed the allowable noise standards set forth in Mitigation Measure Nos. 4, 5, and 6, additional sound controls shall be implemented until compliance is met. The amphitheater operator/property owner shall be responsible to ensure that event producers comply with all project conditions.

8. During the first two large concerts (with 500 or more in attendance) held at the amphitheater and any of the first two events held at the amphitheater (if less than 500 in attendance), park, or banquet hall, on-site and off-site noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The on-site monitoring shall be conducted continuously, 100-feet from the front of the stage~~)~~ for the amphitheater, 100-feet from the front of the speakers for the park, and 100-feet from outside of the banquet hall. Periodic off-site noise monitoring shall be conducted at the Long-Term Ambient Noise Measurement Locations and Noise-Sensitive Receptor Sites (A-I) identified on Figure 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the event. The purpose of the measurements is to verify compliance with the project's noise standards, as set forth in Mitigation Measure Nos. 4, 5, and 6.

A report prepared by the noise consultant shall be provided to the Planning Department within 10-days of the second event. The Noise Consultant's report shall provide a conclusion regarding compliance with the projects allowed noise levels and, if necessary, additional measures needing to be implemented for compliance. If the measurement results indicate that the music levels exceed allowable noise standards, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14 and no further events shall occur until the Planning Department is able to verify that all controls necessary for compliance have been fully implemented. Upon verification, the third event shall be subject to the same noise monitoring requirements as the first two events. If the third event fails to comply with the projects allowed noise levels, a report for the three events shall be presented to the Planning Commission for direction to staff and public notice of the presentation shall be provided to the surrounding property owners. Additional sound control measures shall include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.

9. All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.

10. The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required, as set forth in Mitigation Measure Nos. 4, 5, and 6, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by 12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.

11. Operator/property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The plan shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the policy shall be made without prior review and approval by the Planning Department.

12. In the event that documented noise complaints are received by the County for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83), such complaints shall be investigated to determine if the allowable noise standards, as set forth in Mitigation Measure Nos. 4, 5, and 6, were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be approved and verified by the Planning Department prior to any further amplified sound event being held at the venue (amphitheater, banquet hall, or park) determined to have exceeded allowable noise standards.

Additional sound control measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

13. Following removal of orchard trees located on the western and southern portions of the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise mitigation measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.

14. Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

15. Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

16. Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

17. An Event Traffic Management Plan shall be submitted and approved four weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.

    a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
    b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
    c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;
    d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;
    e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket

for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;

f. Prior to the implementation or construction of any additional phases of the approved Plan Development No. 317, a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;

g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;

   i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;

   ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;

   iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;

   iv. The left turn lane shall be installed before the first event is held at the amphitheater.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Kristin Doud, Senior Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

(I:\PLANNING\STAFF REPORTS\UP\2015\UP PLN2015-0130 - THE FRUIT YARD\CEQA-30-DAY-REFERRAL\MITIGATED NEGATIVE DECLARATION.DOC)

Attachment 5

THE FRUIT YARD AMPHITHEATER
DRAFT GOOD NEIGHBOR POLICY

In an effort to conduct The Fruit Yard's Amphitheater events in a manner that promotes harmonious relationships with their neighbors and to fully and faithfully comply with the Conditions of Approval for Use Permit 2015-0130 – The Fruit Yard Amphitheater, The Fruit Yard hereby implements the following "Good Neighbor Policy."

I. Pre-Event Procedures

Steps to insure compliance begins at the time of the initial contact with the prospective client.

1. From the point of the first meeting, it shall be made clear to clients who propose to use amplified music that the band must abide by the decibel and bass Hz level standards in order to ensure compliance with the limits adopted by the Stanislaus County Board of Supervisors and incorporated into Use Permit (UP).

2. All bands will be given a copy of the new UP decibel (dB) and hertz (Hz) limits set by the County in the UP. Signed contracts will include an agreement to abide by these noise limitations.

3. Prior to each amplified event in the amphitheater, arrangements should be made to monitor decibel and other sound levels throughout the event.

4. Amplified events in the park will be monitored by The Fruit Yard staff.

II. Mid-Event Policies

1. During the set-up for a concert at the amphitheater, the band's equipment must be hooked into the sound board and other related equipment. This connection provides the ability to set the levels for dB and/or Hz, and ensure compliance with the maximum levels set by the County. This control point is most effective because the band is unable to bypass the sound board's equipment.

2. On-Site Manager. The Fruit Yard will identify a Site Manager to be present through the event. The Site Manager will interact with the band's sound engineer throughout the evening to ensure that noise falls within the allowed decibel and other sound levels.

3. Dedicated Phone Line. The Fruit Yard will identify a phone number that will be monitored during amphitheater events. This number is for use in the event neighbors experience noise which they believe is coming from The Fruit Yard, and could be exceeding the maximum noise levels approved by the County. This direct line of communication will allow the Site Manager to quickly investigate the source of the noise and determine if the noise is coming from The Fruit Yard, if it exceeds the limits established by Stanislaus County, and if so, to immediately take corrective action. The Site Manager overseeing the event shall be available both in advance of, and when, events are occurring, to discuss issues of immediate concern.

III. POST-EVENT PROCEDURES

At the conclusion of an event, security staff will continue to monitor the parking lot to make certain departing guests and the band, while in the process of loading their equipment, do not generate excessive noise.

IV. COMPLAINT PROCEDURES

The Fruit Yard Site Manager overseeing the event is responsible for ensuring that no excessive noise generating activity is conducted at the site. Should a neighboring resident, however, be affected by either undetected parking lot noise, or believe that a band is exceeding the noise limits outlined in the Use Permit, the complainant can initiate the following complaint procedure:

1. Contact information (including: name, title, phone number, and e-mail address) for where to direct complaints shall be posted on the Fruit Yard's website.

2. Initial calls shall be made to The Fruit Yard at the provided number. The Site Manager overseeing the event will endeavor to answer any calls immediately, but if a message is left, the call should be returned within 15 minutes.

3. After ascertaining the nature of the complaint, the Site Manager shall:

   a. Check the noise monitoring system to determine if a noise violation has occurred.

   b. Consult with the band and verify if sound levels are within the allowed range. If permissible sound levels are being exceeded, the Site Manager shall take immediate action to bring sound levels into compliance.

   c. The Site Manager overseeing the event will follow up with the complaining party as soon as practicable, inform them of the steps taken, and determine if the issue has been resolved.

V. GENERAL PROVISIONS

1. Operating Hours. Operating hours for amplified music events in the amphitheater are: weekdays (Sunday-Thursday) 8:00 a.m. to 10:00 p.m.; weekends (Friday and Saturday) 8:00 a.m. to 11:00 p.m. Patrons shall be off the premises no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends.

2. Noise Limits. Noise limits shall be consistent with those limits set forth in the Use Permit, a copy of which is attached hereto.

3. The Fruit Yard management shall be available to meet with representatives of the County and/or the community as necessary to discuss concerns.

4. A monthly activity schedule for the amphitheater shall be posted to the Fruit Yard's website detailing the planned events. The schedule shall include a synopsis of the type of event and expected attendance and shall, if practicable, be delivered at least 30 days prior to the date of the event.

5. The Fruit Yard ownership commits to be responsive to concerns in implementing this Good Neighbor Policy and addressing the concerns of neighbors if they arise.

Attachment 6

ATTACHMENT 6

j.c. brennan & associates
consultants in acoustics
P.O. Box 6748 • Auburn, California 95604
1287 High Street • Auburn, California 95603
p.530.823.0960 • f.530.823.0961 • www.jcbrennanassoc.com

November 15, 2016

Charlie Simpson
BaseCamp Environmental, Inc.
115 South School Street, Suite 14
Lodi, California 95240

Subject: Peer Review of the Environmental Noise Analysis Technical Report for the Fruit Yard Project – Stanislaus County, California

Dear Mr. Simpson:

j.c. brennan & associates, Inc. has completed our peer review of the above-referenced document prepared by Bollard Acoustical Consultant (BAC).[1] The intent of the review was to determine if the document met the technical requirements for evaluating potential noise impacts and determining if the analysis met the requirements of CEQA and Stanislaus County.

Specifically, we reviewed the report for accuracy and thoroughness with special attention to the following areas:

- Applicable noise level standards;
- Methodology;
- Assessment of noise impacts, including cumulative impact assessment;
- Compliance with CEQA requirements and Stanislaus County noise requirements.

1. General Comment.

The technical noise study prepared by BAC does not appear to be intended to be used for a CEQA level review. In order to complete CEQA review additional impact discussions would be required. This would primarily include analysis of off-site traffic noise, ambient noise increases due to the proposed on-site noise sources, and construction noise/vibration. These items would be required in order to evaluate the CEQA noise checklist.

2. Page 7. Stanislaus County Criteria for Acceptable Noise Exposure. A discussion of the relevant CEQA noise criteria and the Stanislaus County Code, *Section 10.46 Noise* Control should be included in this section. Based upon our review of the County Code, it is likely that application of the County code would result in a set of noise standards which are stricter than those used in the BAC study. Please see discussion below.

[1] *Environmental Noise Analysis, The Fruit Yard Project.* Bollard Acoustical Consultants, Inc. February 3, 2016.

Relevance of County Code to Proposed Project

It is our interpretation that Table A of section 10.46.050 is intended to indicate performance standards as contained in the State of California Model Community Noise Control Ordinance.[2] It should be noted that Table A in Section 10.46.050 appears to include an erroneous reference to Lmax noise standards. Our interpretation of these standards is as follows with the erroneous reference to Lmax in red strikeout.

10.46.050 Exterior noise level standards.

A. It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards as set forth
below:

1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone:

Table A
EXTERIOR NOISE LEVEL STANDARDS

Designated Noise Zone	Maximum A-Weighted Sound Level as Measured on a Sound Level Meter (~~LMAX~~)	
	7:00 a.m.— 9:59 p.m.	10:00 p.m.— 6:59 a.m.
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards:

[2] *Model Community Noise Control Ordinance.* Office of Noise Control. California Department of Health. April 1971.

Table B
CUMULATIVE DURATION
ALLOWANCE STANDARDS

Cumulative Duration	Allowance Decibels
Equal to or greater than 30 minutes per hour	Table A plus 0 dB
Equal to or greater than 15 minutes per hour	Table A plus 5 dB
Equal to or greater than 5 minutes per hour	Table A plus 10 dB
Equal to or greater than 1 minute per hour	Table A plus 15 dB
Less than 1 minute per hour	Table A plus 20 dB

3. Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table A shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.

4. In the event the measured ambient noise level exceeds the applicable noise level standard above, the ambient noise level shall become the applicable exterior noise level standard.

B. Noise Zones Defined.

1. Noise Sensitive. Any public or private school, hospital, church, convalescent home, cemetery, sensitive wildlife habitat, or public library regardless of its location within any land use zoning district.

2. Residential. All parcels located within a residential land use zoning district.

3. Commercial. All parcels located within a commercial or highway frontage land use zoning district.

4. Industrial. All parcels located within an industrial land use zoning district.

5. The noise zone definition of any parcel not located within a residential, commercial, highway frontage, or industrial land use zoning district shall be determined by the director of Stanislaus County planning and community development department, or designee, based on the permitted uses of the land use zoning district in which the parcel is located. (Ord. CS 1070 §2, 2010).

Based upon the ordinance standards shown above, the BAC noise study should be revised to address these standards. One critical component to note is that the County's noise ordinance standard noise which occurs for 30 minutes, or more, per hour would be subject to a noise level standard of 50 dBA L_{50} during daytime hours and 45 dBA L_{50} for nighttime hours. Like the General Plan standards, these limits may be adjusted upward to reflect ambient noise exceeding the limits outlined in Table A and Table B. They must also be adjusted downward by 5 dBA for noises consisting primarily of speech or music.

3. Page 8, Discussion of Alternative Noise Standards for Amplified Sound.

As recognized by BAC, A-weighted (dBA) sound levels do not adequately protect the community from low-frequency noise, such as that from amplified music. The City of Roseville C-weighted (dBC) standards referenced by BAC are reasonable standards that go a long way to reducing the potential for annoyance due to bass from music. As noted by BAC, typical C-weighted limits are 25 dB higher than A-weighted standards. Therefore, it is recommended that the project be conditioned to comply with a C-weighted average (L_{eq}) noise level standard of 80 dBC during daytime hours and 70 dBC during nighttime hours at each receptor location. Measurement of the C-weighted standard should be conducted using "fast" sound meter response over a 5-minute duration.

4. Page 9, Existing Ambient Noise Environment.

It is not clear how far each noise monitoring location was located from the nearest roadway centerline. Based on the BAC Figure 1 locations, it would appear that Sites 1-2 were located approximately 50 feet from the centerline of SR 132 and Site 3 was located approximately 40 feet from the centerline of Geer Road. However, this information is not provided. More information should be provided to show how these noise monitoring locations were representative of the various noise sensitive receptors analyzed in the study.

For example, the BAC study shows that Receptor B is a sensitive receptor located on the north side of SR 132, immediately north of the project site. This particular receptor is located in the approximate range of 50 feet from the SR 132 centerline and the ambient noise measurement collected at Site 1 is probably representative of this receptor. However, northeast of Receptor B there are several residences which appear from aerial photography to be located in the range of 150 to 265 feet from the SR 132 centerline. Noise levels at distances of 150 to 265 feet from the centerline of SR 132 would likely be 7 dBA to 11 dBA less than those measured at Site 1 and would likely not warrant an increase to the County's noise level standards.

Since BAC is recommending that the County standards be increased to reflect ambient conditions at receptors close to the project site, it is critical that the ambient noise measurement data be as representative as possible of the noise environment at the actual receptor locations. Unless noise monitoring can be conducted at every receptor location, adjustments should be made to the ambient noise level data to correct for distance to centerline.

An even more conservative approach would be to make no upward adjustment to the County noise level standards, especially past 10:00 p.m.

5. Page 9, Table 2: Summary of Ambient Noise Measurement Results

The Table 2 noise measurement data should include measured median (L_{50}) noise levels for comparison to the standards of the County noise ordinance.

Figure 1 Receptor Locations

6. Page 10, Table 3: Stanislaus County Noise Standards Applied to this Project After Adjustment for Elevated Ambient and Noise Source Consisting of Music.

Table 3 should be adjusted to include the County's noise ordinance standards which may be more restrictive than those shown in Table 3, especially when considered the effect of ambient noise at existing sensitive receptors.

For example, noise measurement data collected at Site 1 show a three day average ambient L_{50} noise level of 47 dBA during nighttime hours (Appendices B-1 through B-3). This value is 11 dBA less than the measured L_{eq} value during nighttime hours. When considering the County's nighttime noise ordinance standard of 45 dBA L_{50}, the standard could be adjusted up to 47 dBA L_{50} under County policy to account for the existing noise environment, then reduced by 5 dBA (music penalty) to 42 dBA L_{50} as the applicable nighttime noise level standard.

7. Page 11, Amplified Music Originating in Amphitheater.

This section should be revised to include evaluation of the County's noise ordinance standards.

8. Page 11, Paragraphs 4-5.

The analysis should detail the exact noise level predictions at each of the identified sensitive receptor locations (A through G). It would also be helpful to include more evaluated receptor locations near Receptor B and Receptor C, as shown on Figure 1 of this letter.

9. Page 11, Paragraph 7.

It is not clear why BAC concludes that the SoundPlan model "did not account for the considerable sound absorption of intervening orchards." Were the orchards included as foliage in the model?

10. Figures 4 and 5. Concert Noise Level Contours

It would be helpful if the predicted noise level were shown for each of the modeled receptors with a comparison to the applicable County standards also shown for each receptor.

11. Page 14. Paragraph 3. Amphitheater Event Simulation

It appears that the simulated concert generated a noise level at 100 feet of "85-90 dBA." This is up to 5 dBA less than that assumed in the noise contour modeling. It is not clear how BAC reached a conclusion that a -10 dBA adjustment to the model was warranted when the simulated concert appears to have been up to 5 dBA less than that assumed in the sound prediction model.

12. Page 15. Paragraphs 3-5. Amphitheater Event Simulation

There is very limited data presented to support the BAC conclusion that a -10 dBA offset is warranted for Receptor G. Appendix E-2 presents only one minute of data to support the -10 dBA conclusion. The report concludes that because measured levels were 10 dBA less than modeled levels that the difference must be due to shielding from intervening orchards.

However, as noted in comment 10 it appears that simulated noise levels were up to 5 dBA less than the modeled value of 90 dBA. This could explain up to a 5 dBA difference between measured and modeled noise levels at Receptor G.

Another factor not discussed in the BAC study is that atmospheric conditions can have a dramatic impact on sound propagation during daytime hours versus evening or nighttime hours. As many people can attest, the sound of a freeway or a power plant located a fair distance away is often very audible during evening and nighttime hours but may be completely inaudible during warm daytime hours. Atmospheric affects are well documented has been shown to result in 10-15 dBA swings in noise levels between daytime and nighttime hours.[3]

According to wunderground.com, outdoor temperatures during the June 18, 2015 concert simulation were in the range of 90-91F degrees between 12:00 p.m. and 1:00 p.m. During these hot daytime periods sound waves bend up and away from the ground. During cooler evening and nighttime hours, sound waves bend down towards the ground. Therefore, it is very likely that the -10 dBA offset applied would not be present during evening or nighttime hours.

The SoundPlan model used by BAC calculates acoustic propagation through International Organization for Standardization (ISO) 9613 which establishes appropriate methods for calculating sound attenuation due to foliage and typical atmospheric conditions. However, it is very likely that the surrounding orchards do not meet the requirement for providing substantial acoustical shielding. According to ISO 9613, "foliage of trees and shrubs provides a small amount of attenuation, but only if it is sufficiently dense to completely block the view along the propagation path, i.e. when it is impossible to see a short distance through the foliage." It is our recommendation that the concert simulation results from June 18, 2015 not be used in the analysis as atmospheric conditions were not representative of cooler temperatures often experienced during evening hours. Instead, the results of the SoundPlan model should be used to determine whether the project is likely to meet County standards at the nearest receptors. The intervening orchards should not be included in the SoundPlan model unless it can be verified that the foliage is dense enough to make it "impossible to see a short distance through the foliage."

13. Page 15. Amphitheater Crowd Noise Evaluation

The BAC analysis looks at crowd noise and amplified music as separate items. However, the two noise sources would occur concurrently and may results in higher total noise levels when combined together. It is recommended that the SoundPlan model be updated to include crowd noise modeled as an area source located over the seating area of the venue. This source of noise would combine with the modeled amplified sound to give one set of noise contours which reflects music noise and crowd noise together during a concert event.

[3] *Technical Noise Supplement, Traffic Noise Analysis Protocol*. CalTrans. September 2013.

14. Pages 16-21. Amplified Music Originating in the Park Area

The following changes are recommended for the noise analysis of park area events, similar to comments for the amphitheater portion of the project:

- The analysis of park area events should be updated to reflect the County noise ordinance standards;
- The analysis should include the additional receptor locations recommended earlier and shown on Figure 1 of this letter;
- Noise contour graphics should include predicted noise levels at the nearest receptor locations compared to the applicable standards, or a table providing a summary of predicted noise levels at each receptor;
- Crowd noise for 500 people should be included in the SoundPlan noise contour modeling.

15. Page 21. Conclusions, Amphitheater Event Recommendations

- The noise study conclusions will need to be updated based upon further updates to the noise analysis. However, the bulleted points are not enforceable measures for the County. The measures listed are good measures for the applicant to implement as internal measures for controlling sound. However, they do not ensure compliance with County standards unless they are followed vigilantly. It is our recommendation that a deposit be collected by the County to pay for a qualified noise consultant to be hired directly by Stanislaus County to conduct event noise monitoring if noise complaints are received by the County. As noted by Mr. Bollard in the noise study prepared by BAC for the City of San Jose for the Saint James Park Outdoor Music Events, "it is very difficult to enforce sound level limits on concert promoters."
- It is recommended that the project be conditioned to comply with a C-weighted average (L_{eq}) noise level standard of 80 dBC during daytime hours and 70 dBC during nighttime hours at each receptor location. Measurement of the C-weighted standard should be conducted using "fast" sound meter response over a 5-minute duration.
- It is recommended that the applicant should install a permanent sound monitor to continuously monitor events at the amphitheater. Events should be limited to low-frequency noise at 100 feet from the speakers to 90 dBA L_{eq} / 100 dBC L_{eq} using "fast" sound meter response over a 5-minute duration, as recommended by BAC. The sound level meter should be maintained by an acoustical consultant hired by the County to receive a daily upload from the sound meter and provide to the County upon request.

16. Page 23 Conclusions, Amphitheater Event Recommendations

- It is recommended that the project be conditioned to only face speakers towards the south or southwest to minimize the risk of disturbance to the closest receptors to the north and northeast.

- It is recommended that a deposit be collected by the County to pay for a qualified noise consultant to be hired directly by Stanislaus County to conduct event noise monitoring if noise complaints are received by the County specifically related to park events.

- It is recommended that the project be conditioned to comply with a C-weighted average (L_{eq}) noise level standard of 80 dBC during daytime hours and 70 dBC during nighttime hours at each receptor location. Measurement of the C-weighted standard should be conducted using "fast" sound meter response over a 5-minute duration.

- It is recommended that the applicant should install a permanent sound monitor to continuously monitor events at the park area. It is possible that one sound meter could be configured to monitor both amphitheater and park events. Events should be limited to low-frequency noise at 100 feet from the speakers to 75 dBA L_{eq} / 85 dBC L_{eq} using "fast" sound meter response over a 5-minute duration, as recommended by BAC. The sound level meter should be maintained by an acoustical consultant hired by the County to receive a daily upload from the sound meter and provide to the County upon request.

If you or the County staff have any questions, please contact me at (530) 823-0960 or LSaxelby@jcbrennanassoc.com.

Respectfully submitted,

j.c. brennan & associates, Inc.

Luke Saxelby, INCE Bd. Cert.
Vice President
Board Certified, Institute of Noise Control Engineering (INCE)

December 30, 2016

Associated Engineering Group
Mr. Jim Freitas
4206 Technology Drive, Suite 4
Modesto, CA 95356

Transmitted via email: Jim@assoceng.com

Subject: Responses to comments on j.c. brennan Inc. (JCB) peer review of Bollard Acoustical Consultants, Inc. (BAC) noise study prepared for the Fruit Yard Amphitheater project located in Stanislaus County, California.

Dear Mr. Freitas:

Pursuant to your request, BAC has evaluated the JCB peer review letter dated November 15, 2016, containing comments on the noise analysis Bollard Acoustical Consultants, Inc. (BAC) prepared for the Fruit Yard Project (BAC job# 2015-129, report dated February 3, 2016). This letter contains the JCB comments and BAC's responses to those comments. In addition, the February 3, 2016 report is being revised to include additional information and revisions as appropriate based on the JCB comments. The specific comments and BAC's responses follow:

JCB Comment #1. General Comment.

The technical noise study prepared by BAC does not appear to be intended to be used for a CEQA level review. In order to complete CEQA review additional impact discussions would be required. This would primarily include analysis of off-site traffic noise, ambient noise increases due to the proposed on-site noise sources, and construction noise/vibration. These items would be required in order to evaluate the CEQA noise checklist.

BAC Response to Comment #1.

As noted in the Introduction Section of the BAC report, the project's Conditions of Approval #8 and #72 specifically required analysis of amphitheater events and other on-site activities. As a result, the BAC analysis focused on those specific on-site noise sources. Upon receipt of comments from the County, the analysis was revised to include evaluation and discussion of 9 additional items (see pages 1 and 2 of BAC noise study report), but those items did not include a request for an evaluation of off-site traffic noise impacts or impacts associated with project construction noise or construction-related vibration. As a result, such an analysis was not included in the February 2016 report. In response to the comments provided in the JCB peer review letter, however, BAC has conducted an analysis of off-site traffic noise impacts and has concluded that the project would not result in such impacts relative to either peak hour (Leq) or daily (Ldn) noise levels. The updated noise study report contains the evaluation of off-site traffic noise impacts.

An evaluation of project noise generation relative to measured ambient noise levels was included in the BAC study, but the revised report includes additional discussion of changes in ambient noise levels in response to the JCB comment.

As with off-site traffic, there was no project condition of approval or County comment specifically requesting an evaluation of construction noise and vibration impacts for this project. As a result, no such evaluation was included in the BAC noise study. However, in response to the JCB comment, such an analysis was prepared and included in the revised noise study.

JCB Comment #2. Page 7. Stanislaus County Criteria for Acceptable Noise Exposure.

A discussion of the relevant CEQA noise criteria and the Stanislaus County Code, Section 10.46 Noise Control should be included in this section. Based upon our review of the County Code, it is likely that application of the County code would result in a set of noise standards which are stricter than those used in the BAC study. Please see discussion below.

Relevance of County Code to Proposed Project It is our interpretation that Table A of section 10.46.050 is intended to indicate performance standards as contained in the State of California Model Community Noise Control Ordinance.2 It should be noted that Table A in Section 10.46.050 appears to include an erroneous reference to Lmax noise standards. Our interpretation of these standards is as follows with the erroneous reference to Lmax in red strikeout.

(Note: The JCB letter contained the text from the Stanislaus County Code Section 10.46.050 in this location. That section of the code is not reproduced here but is incorporated by reference).

Based upon the ordinance standards shown above, the BAC noise study should be revised to address these standards. One critical component to note is that the County's noise ordinance standard noise which occurs for 30 minutes, or more, per hour would be subject to a noise level standard of 50 dBA L50 during daytime hours and 45 dBA L50 for nighttime hours. Like the General Plan standards, these limits may be adjusted upward to reflect ambient noise exceeding the limits outlined in Table A and Table B. They must also be adjusted downward by 5 dBA for noises consisting primarily of speech or music.

BAC Response to Comment #2.

Because this is a new project, and still in the planning stages, BAC cited the County's General Plan noise standards. County Code noise standards are commonly utilized to resolve conflicts between existing uses. Ideally, noise standards contained within City and County General Plans are consistent with the standards contained within the Noise Ordinances of those same jurisdictions.

The County General Plan daytime and nighttime noise standards of 55 dB daytime and 45 dB nighttime are clearly specified relative to Leq, or average noise levels. Due to the exponential nature of the decibel scale, noise levels reported in terms of average noise levels (Leq) are always higher than median (L50) noise levels. The difference in noise levels described using the Leq and L50 metrics will depend on the nature of the noise source, but it is not uncommon for the difference to be at least 5 dB for sources of sound which vary with time (such as a concert event). As a result, analysis of project noise exposure using the County General Plan Leq noise standards and the County Code L50 standards is believed to be comparable. As a

result, revisions to the noise analysis to assess impacts relative to the County Code noise standards, rather than relative to the County General Plan noise standards, is not believed to be warranted, as such an evaluation would result in similar results and conclusions.

JCB Comment #3. Page 8, Discussion of Alternative Noise Standards for Amplified Sound.

As recognized by BAC, A-weighted (dBA) sound levels do not adequately protect the community from low-frequency noise, such as that from amplified music. The City of Roseville C-weighted (dBC) standards referenced by BAC are reasonable standards that go a long way to reducing the potential for annoyance due to bass from music. As noted by BAC, typical C-weighted limits are 25 dB higher than A-weighted standards. Therefore, it is recommended that the project be conditioned to comply with a C-weighted average (L_{eq}) noise level standard of 80 dBC during daytime hours and 70 dBC during nighttime hours at each receptor location. Measurement of the C-weighted standard should be conducted using "fast" sound meter response over a 5-minute duration.

BAC Response to Comment #3.

BAC concurs with the JCB recommendation that C-weighted noise level standards should be developed and applied at the individual noise-sensitive receptor locations. But as with the A-weighted noise standards, any C-weighted noise standards applied at the residential locations should be adjusted upwards or downwards to account for pre-project ambient conditions to ensure protection at the nearest residences. Additional discussion of ambient conditions was raised in JCB Comment #4. In addition to the response provided to that comment shown below, the revised noise study report includes recommendations for C-weighted noise level standards to be applied at individual residences.

JCB Comment #4. Page 9, Existing Ambient Noise Environment.

It is not clear how far each noise monitoring location was located from the nearest roadway centerline. Based on the BAC Figure 1 locations, it would appear that Sites 1-2 were located approximately 50 feet from the centerline of SR 132 and Site 3 was located approximately 40 feet from the centerline of Geer Road. However, this information is not provided. More information should be provided to show how these noise monitoring locations were representative of the various noise sensitive receptors analyzed in the study.

For example, the BAC study shows that Receptor B is a sensitive receptor located on the north side of SR 132, immediately north of the project site. This particular receptor is located in the approximate range of 50 feet from the SR 132 centerline and the ambient noise measurement collected at Site 1 is probably representative of this receptor. However, northeast of Receptor B there are several residences which appear from aerial photography to be located in the range of 150 to 265 feet from the SR 132 centerline. Noise levels at distances of 150 to 265 feet from the centerline of SR 132 would likely be 7 dBA to 11 dBA less than those measured at Site 1 and would likely not warrant an increase to the County's noise level standards.

Since BAC is recommending that the County standards be increased to reflect ambient conditions at receptors close to the project site, it is critical that the ambient noise measurement data be as representative as possible of the noise environment at the actual receptor locations. Unless noise monitoring can be conducted at every receptor location, adjustments should be made to the ambient noise level data to correct for distance to centerline.

An even more conservative approach would be to make no upward adjustment to the County noise level standards, especially past 10:00 p.m.

BAC Response to Comment 4.

The JCB comment is correct that the BAC report did not include the distances from the roadway centerlines to the noise monitoring locations. The distances are provided below and this oversight has been corrected in the revised noise study report.

- Noise measurement Site 1 was located 100 feet from the centerline of SR-132.
- Noise measurement Site 2 was located 125 feet from the centerline of SR-132 and 200 feet from the Geer Road centerline.
- Noise measurement Site 3 was located 95 feet from the centerline of Geer Road.

The JCB approximations of the noise monitoring sites being located between 40 and 50 feet from the roadway centerlines are understated, as the actual distances ranged from 95 to 200 feet from the local roadway centerlines. As a result, the noise measurement data are considered to be representative of existing noise exposure at residences located within approximately 100 feet from the roadway centerlines, which includes the nearest receptor to the proposed amphitheater (Receptor B).

The JCB comment that there are residences to the immediate northeast of Receptor B is correct. A total of 4 residences are identified in the vicinity of Receptor B. Two of the residences are 80 feet from the SR-132 roadway centerline. A third residence on the same property as one of the residences located 80 feet from the roadway centerline is located 150 feet from the SR-132 centerline, and is substantially shielded from view of SR-132 (and the proposed amphitheater stage) by the closer residence on the same property. The fourth residence is located approximately 250 feet from the SR-132 centerline. Relative to the 100 foot distance to noise measurement Site B, the residence located 250 feet from the roadway centerline would theoretically experience traffic noise levels 6 dB lower than the data reported for noise monitoring Site 1. As a result, the JCB statement that ambient noise levels at that residence would be 7 to 11 dB lower than the data collected at Site 1 is overstated.

As reported in Table 2 of the BAC study, the daytime ambient noise levels at ambient noise measurement Site 1 averaged 66 dB. Assuming a 6 dB reduction in traffic noise levels at the residence set back 250 feet from the SR-132 centerline, daytime ambient conditions at that residence would be approximately 60 dB Leq. After increasing the County daytime ambient noise standard to reflect the fact that ambient conditions are 5 dB over the standard currently, then subtracting 5 dB from the standards to account for the fact that the amphitheater noise source consists of speech and music, the noise standard applicable to the residence to the northeast of Receptor B (250 feet from the roadway centerline), would be 55 dBA Leq. As

noted in Figure 4 of the BAC study, the predicted average noise level resulting from music at the amphitheater is below 45 dBA Leq at all of the residences in the immediate vicinity of Residence B, including the residence located 250 feet from the SR-132 centerline. So even after adjusting the noise standard applicable to the residence set back 250 feet from the SR-132 centerline downwards by 5 dB, predicted music sound levels from the amphitheater would still be well below that standard.

In response to the JCB comment, the revised noise study report includes a discussion of the lower ambient conditions at the residence located northeast of Receptor B, but conclusions regarding noise impacts at that residence did not change.

JCB Comment #5. Page 9, Table 2: Summary of Ambient Noise Measurement Results

The Table 2 noise measurement data should include measured median (L_{50}) noise levels for comparison to the standards of the County noise ordinance.

BAC Response to Comment #5.

Although the measured median noise levels were not included in Table 2 of the BAC report, Appendices B-1 through B-12 of the BAC report provide the median (L50) noise levels measured at each of the four monitoring sites for a duration of 3 days at each location. That data indicates that the measured daytime median noise levels were 5 dB lower than measured average (Leq) daytime noise levels reported in Table 2 over the duration of the ambient noise survey.

As noted in the response to Comment #2, BAC applied the County's General Plan Noise Element standards to this project rather than the County Code (Noise Ordinance) standards. However, it should be noted that the County's General Plan and County Code maximum noise level standards are nearly identical (and are identical after adjustment for ambient conditions). In addition, the County Code *median* noise level standard is 5 dB lower than the County General Plan *average* noise level standard. But as described in the paragraph above, the measured median noise levels were 5 dB lower than measured average noise levels. Therefore, the analysis of noise impacts using the County Code *median* noise level standard is comparable to the analysis of noise impacts using the County General Plan Noise Element *average* noise level standards. As a result, additional analysis of median noise levels would not result in appreciable differences in conclusions of the noise study.

JCB Comment #6. Page 10, Table 3: Stanislaus County Noise Standards Applied to this Project after Adjustment for Elevated Ambient and Noise Source Consisting of Music.

Table 3 should be adjusted to include the County's noise ordinance standards which may be more restrictive than those shown in Table 3, especially when considered the effect of ambient noise at existing sensitive receptors.

For example, noise measurement data collected at Site 1 show a three day average ambient L50 noise level of 47 dBA during nighttime hours (Appendices B-1 through B-3). This value is 11 dBA less than the measured Leq value during nighttime hours. When considering the County's nighttime noise ordinance standard of 45 dBA L50, the standard could be adjusted up to 47 dBA L50 under County policy to account for the existing noise environment, then reduced by 5 dBA

(music penalty) to 42 dBA L50 as the applicable nighttime noise level standard.

BAC Response to Comment #6.

The only nighttime hours of critical importance to this evaluation are likely the 10 and 11 pm hours, as amphitheater events would not likely ever be proposed to extend beyond midnight. The median noise level at Measurement Site 1 for the period between 10 pm and midnight is 50 dB L50. This level is currently 5 dB above the County Code median nighttime noise level standard of 45 dB L50. If the impact analysis was based on the median noise level descriptor, rather than the General Plan average noise descriptor, then lower thresholds would have been appropriate at the nearest sensitive receptors. However, because median noise levels are lower than average noise levels for concert events, the reference noise levels used to model the concert noise emissions would also need to be reduced to represent L50 noise levels. So if median noise levels were used to model the concert and crowd noise emissions, they would have been at least 5 dB lower than the average (Leq) noise levels used to model the concert events in the BAC analysis. So if a 5 dB more restrictive standard was used, a 5 dB lower source level would also have been used, and the net difference in the analysis would be zero. The net effects of the changes recommended by JCB would offset and the conclusions of the noise analysis would remain unchanged.

Recommendation #3 in the BAC analysis states the following:

3. BAC recommends that the first two large concerts held at the amphitheater be limited to daytime hours (music ending at or before 10 pm) to provide an opportunity to evaluate facility noise generation, including crowd noise, at the nearest residences during the less sensitive daytime hours.

As is evident from this recommendation, no nighttime amphitheater events would be conducted until the noise generation of daytime events has been evaluated and a determination can be made that nighttime events could be held without resulting in exceedance of the County's noise standards at the nearest residences.

JCB Comment #7. Page 11, Amplified Music Originating in Amphitheater.

This section should be revised to include evaluation of the County's noise ordinance standards.

BAC Response to Comment #7.

Please see BAC's responses to Comments #2, #5, #6 and #7 regarding the use of median, rather than average, noise level metrics.

JCB Comment #8. Page 11, Paragraphs 4-5.

The analysis should detail the exact noise level predictions at each of the identified sensitive receptor locations (A through G). It would also be helpful to include more evaluated receptor locations near Receptor B and Receptor C, as shown on Figure 1 of this letter.

BAC Response to Comment #8.

The revised report includes new tables showing predicted noise levels associated with

amphitheater music and crowd noise at the nearest representative receptor locations, including new receptors near Receptors B and C.

JCB Comment #9. Page 11, Paragraph 7.

It is not clear why BAC concludes that the SoundPlan model "did not account for the considerable sound absorption of intervening orchards." Were the orchards included as foliage in the model?

BAC Response to Comment #9.

Comment #7 on page 1 of the BAC analysis indicates that the County is interested in determining what the effects of removed orchards would be on the predicted noise levels. Because orchards exist in some areas, and not in others, the SoundPlan model was run without introducing orchards into the computations. As a result, the SoundPlan noise contours are considered to be conservative. The only location where the effects of orchards are significant is at Receptor G, where there are considerable intervening orchards between the proposed amphitheater stage and this receptor. At that location, an offset to the noise levels predicted by the SoundPlan model was applied to account for the orchards. If the orchards between that receptor and the stage were removed, additional noise mitigation measures would likely be required to avoid noise impacts at that residence. BAC recognizes this in the last paragraph on page 11 of the BAC noise study report.

JCB Comment #10. Figures 4 and 5. Concert Noise Level Contours

It would be helpful if the predicted noise level were shown for each of the modeled receptors with a comparison to the applicable County standards also shown for each receptor.

BAC Response to Comment #10.

The revised report includes new tables showing predicted noise levels associated with amphitheater music and crowd noise at the nearest representative receptor locations, and a comparison of those levels to the recommended noise standards.

JCB Comment #11. Page 14. Paragraph 3. Amphitheater Event Simulation

It appears that the simulated concert generated a noise level at 100 feet of "85-90 dBA." This is up to 5 dBA less than that assumed in the noise contour modeling. It is not clear how BAC reached a conclusion that a -10 dBA adjustment to the model was warranted when the simulated concert appears to have been up to 5 dBA less than that assumed in the sound prediction model.

BAC Response to Comment #11.

The primary purpose of the concert simulation was to determine the propagation of sound from the proposed stage into the surrounding community, and to determine the level of shielding which can be anticipated from the amphitheater berm itself. As noted on page 14 of the BAC report, music was played at levels ranging from 85 to 90 dBA. To provide a conservative estimate of noise exposure using the SoundPlan model, the upper end of the simulation sound levels were used to evaluate impacts at the nearest residences. The -10 dB adjustment to the

model at receptor G was based on the fact that levels measured during the simulation at Receptor G were approximately 10 dB lower than expected. This difference was believe to be due to the presence of the intervening orchard, which covers approximately 1,000 feet of ground between the proposed stage and Receptor G.

JCB Comment #12. Page 15. Paragraphs 3-5. Amphitheater Event Simulation

There is very limited data presented to support the BAC conclusion that a -10 dBA offset is warranted for Receptor G. Appendix E-2 presents only one minute of data to support the -10 dBA conclusion. The report concludes that because measured levels were 10 dBA less than modeled levels that the difference must be due to shielding from intervening orchards.

However, as noted in comment 10 it appears that simulated noise levels were up to 5 dBA less than the modeled value of 90 dBA. This could explain up to a 5 dBA difference between measured and modeled noise levels at Receptor G.

Another factor not discussed in the BAC study is that atmospheric conditions can have a dramatic impact on sound propagation during daytime hours versus evening or nighttime hours. As many people can attest, the sound of a freeway or a power plant located a fair distance away is often very audible during evening and nighttime hours but may be completely inaudible during warm daytime hours. Atmospheric affects are well documented has been shown to result in 10-15 dBA swings in noise levels between daytime and nighttime hours.

According to wunderground.com, outdoor temperatures during the June 18, 2015 concert simulation were in the range of 90-91F degrees between 12:00 p.m. and 1:00 p.m. During these hot daytime periods sound waves bend up and away from the ground. During cooler evening and nighttime hours, sound waves bend down towards the ground. Therefore, it is very likely that the -10 dBA offset applied would not be present during evening or nighttime hours.

The SoundPlan model used by BAC calculates acoustic propagation through International Organization for Standardization (ISO) 9613 which establishes appropriate methods for calculating sound attenuation due to foliage and typical atmospheric conditions. However, it is very likely that the surrounding orchards do not meet the requirement for providing substantial acoustical shielding. According to ISO 9613, "foliage of trees and shrubs provides a small amount of attenuation, but only if it is sufficiently dense to completely block the view along the propagation path, i.e. when it is impossible to see a short distance through the foliage." It is our recommendation that the concert simulation results from June 18, 2015 not be used in the analysis as atmospheric conditions were not representative of cooler temperatures often experienced during evening hours. Instead, the results of the SoundPlan model should be used to determine whether the project is likely to meet County standards at the nearest receptors.

The intervening orchards should not be included in the SoundPlan model unless it can be verified that the foliage is dense enough to make it "impossible to see a short distance through the foliage."

BAC Response to Comment #12.

The part of this comment pertaining to the intervening orchard is very similar to JCB Comment #11. It is clear from this comment and the previous comment that JCB disagrees with the use of *any* offset to account for shielding and absorption of sound by the intervening orchards. The

fact remains, however, that the orchard is currently present for a distance of approximately 1,000 feet between the proposed amphitheater stage and the residence represented by Receptor G, and that the orchard is heavily vegetated such that no line of sight exists between this residence and the stage. The photograph below, which was taken from the top of the amphitheater berm, clearly indicates the extent of the shielding provided by the intervening orchard.

Regarding atmospheric conditions, JCB is correct in that weather conditions present during the simulation consisted of warm temperatures. However, the SoundPlan model runs assumed atmospheric conditions of 60 degrees Fahrenheit and 70% relative humidity. These conditions would be characteristic of late night temperatures during the outdoor concert season.

View of Receptor G from top of Amphitheater Berm

JCB Comment #13. Page 15. Amphitheater Crowd Noise Evaluation

The BAC analysis looks at crowd noise and amplified music as separate items. However, the two noise sources would occur concurrently and may result in higher total noise levels when combined together. It is recommended that the SoundPlan model be updated to include crowd noise modeled as an area source located over the seating area of the venue. This source of

noise would combine with the modeled amplified sound to give one set of noise contours which reflects music noise and crowd noise together during a concert event.

BAC Response to Comment #13.

As noted on Page 16 of the BAC report, the predicted worst-case crowd noise generation at the nearest residence to the north (Receptor B), would be approximately 55 dB Leq. Figure 4 on page 12 of the BAC analysis indicates that the concert noise level contours at this receptor are below 45 dB Leq. When two noise sources differ by 10 dB or more, the sum of the two noise levels is equal to the higher noise level. This is because the exponential nature of the decibel scale is such that there is considerably more sound energy at the higher level than at the lower level, so the two noise sources are effectively not additive. As a result, combined crowd and music noise levels at the nearest residences to the north are predicted to be approximately 55 dB Leq during a large amphitheater event. Nonetheless, in response to the JCB request, the noise contours were recreated to include crowd noise. Figure 4b in the updated noise study report contains the noise contours for music plus crowd noise.

JCB Comment #14. Pages 16-21. Amplified Music Originating in the Park Area

The following changes are recommended for the noise analysis of park area events, similar to comments provided for the amphitheater portion of the project:

- The analysis of park area events should be updated to reflect the County noise ordinance standards;
- The analysis should include the additional receptor locations recommended earlier and shown on Figure 1 of this letter;
- Noise contour graphics should include predicted noise levels at the nearest receptor locations compared to the applicable standards, or a table providing a summary of predicted noise levels at each receptor;
- Crowd noise for 500 people should be included in the SoundPlan noise contour modeling.

BAC Response to Comment #14.

Please refer to previous comments regarding the County's Noise Ordinance standards.

In response to the JCB request, additional receptors north of SR-132 have been included in the analysis of noise generation within the park.

Additional discussion of noise levels at the nearest receptor locations have been included in the revised noise study report.

The noise contours for the park area events have been revised to include the noise generated by a crowd of 500 people.

JCB Comment #15. Page 21. Conclusions, Amphitheater Event Recommendations

- The noise study conclusions will need to be updated based upon further updates to the noise analysis. However, the bulleted points are not enforceable measures for the County. The measures listed are good measures for the applicant to implement as internal measures for controlling sound. However, they do not ensure compliance with County standards unless they are followed vigilantly. It is our recommendation that a deposit be collected by the County to pay for a qualified noise consultant to be hired directly by Stanislaus County to conduct event noise monitoring if noise complaints are received by the County. As noted by Mr. Bollard in the noise study prepared by BAC for the City of San Jose for the Saint James Park Outdoor Music Events, "it is very difficult to enforce sound level limits on concert promoters."

- It is recommended that the project be conditioned to comply with a C-weighted average (Leq) noise level standard of 80 dBC during daytime hours and 70 dBC during nighttime hours at each receptor location. Measurement of the C-weighted standard should be conducted using "fast" sound meter response over a 5-minute duration.

- It is recommended that the applicant should install a permanent sound monitor to continuously monitor events at the amphitheater. Events should be limited to low frequency noise at 100 feet from the speakers to 90 dBA Leq / 100 dBC Leq using "fast" sound meter response over a 5-minute duration, as recommended by BAC. The sound level meter should be maintained by an acoustical consultant hired by the County to receive a daily upload from the sound meter and provide to the County upon request.

BAC Response to Comment #15.

In bullet point 1, BAC disagrees with the JCB assertion that the recommendations are not enforceable by the County. Compliance with the County's noise standards is not optional and the purpose of the noise monitoring program recommended in the BAC study is to ensure such compliance. BAC also disagrees with the JCB recommendation that a qualified noise consultant be hired by the County only if noise complaints are received. Irrespective of receipt of complaints, recommendations 4, 5 and 6 of the BAC study specifically require that noise monitoring be conducted during the initial concerts to verify compliance with County noise standards and to allow implementation of additional noise control measures if such monitoring identifies exceedances of the County standards.

In bullet point 2, BAC agrees with the JCB recommendation that C-weighted noise level limits be utilized at the nearest residences. However, based on the assumption that C-weighted levels would be approximately 25 dB higher than A-weighted sound levels, the appropriate thresholds at the residences located adjacent to SR-132 appears to be at least 85 dBC Leq during daytime hours and 75 dBC during nighttime hours. Because the C-weighting network applies greater emphasis on low-frequency noise, additional reduction in noise standards to account for the fact that the noise source in question consists of music would be redundant. Following monitoring of the first two events at the amphitheater, including the days immediate prior to and after those events, the specific C-weighted noise level limits should be set.

BAC and JCB agree with regards to the recommendation of limiting the sound levels at a point 100 feet from the speakers to 90 dBA Leq / 100 dBC Leq. Regarding the installation of a

permanent sound monitor at the amphitheater site, such a system may ultimately be determined to be necessary. However, given the cost of procuring, maintaining and operating such a system, BAC recommends that a determination be made regarding this issue following the monitoring of the first two major amphitheater concerts with temporary (non-permanent) noise monitoring systems.

JCB Comment #16. Page 23 Conclusions, Amphitheater Event Recommendations

- It is recommended that the project be conditioned to only face speakers towards the south or southwest to minimize the risk of disturbance to the closest receptors to the north and northeast.

- It is recommended that a deposit be collected by the County to pay for a qualified noise consultant to be hired directly by Stanislaus County to conduct event noise monitoring if noise complaints are received by the County specifically related to park events.

- It is recommended that the project be conditioned to comply with a C-weighted average (Leq) noise level standard of 80 dBC during daytime hours and 70 dBC during nighttime hours at each receptor location. Measurement of the C-weighted standard should be conducted using "fast" sound meter response over a 5-minute duration.

- It is recommended that the applicant should install a permanent sound monitor to continuously monitor events at the park area. It is possible that one sound meter could be configured to monitor both amphitheater and park events. Events should be limited to low-frequency noise at 100 feet from the speakers to 75 dBA Leq / 85 dBC Leq using "fast" sound meter response over a 5-minute duration, as recommended by BAC. The sound level meter should be maintained by an acoustical consultant hired by the County to receive a daily upload from the sound meter and provide to the County upon request.

BAC Response to Comment #16.

It appears that "Amphitheater Event Recommendations" in the title of this series of comments was intended to read "Park Event Recommendations".

In bullet point 1, BAC agrees that orienting speakers to the south or southwest would minimize the risk of disturbance to the closest receptors to the north and northeast, and that speaker orientation should be utilized to the maximum extent possible. However, for smaller amplified music events held at the park location, recommendation #1 on page 23 of the BAC analysis would ensure compliance with the County's noise standards and this additional requirement may unnecessarily limit the ability of the applicant to best utilize the park space for smaller functions.

In bullet point 2, the County should implement procedures as determined appropriate to retain qualified noise consultants to investigate complaints.

In bullet point 3, BAC agrees with the JCB recommendation that C-weighted noise level limits be utilized at the nearest residences. As with the recommendations for amphitheater events, C-weighted noise level limits should be adjusted as appropriate to account for local ambient conditions at the nearest residences.

Regarding JCB bullet point #4, the sound system limits recommended by JCB are consistent with those recommended by BAC for amplified events to be held in the park.

Regarding the installation of a permanent sound monitor at the park site, given the variable location, size and nature of events to be held at the park site, the installation of a permanent noise monitoring system would be unworkable. BAC recommends that monitoring of two typical park events be conducted to determine if on-going noise monitoring of the smaller events held within the park is necessary.

Conclusions

Both BAC and JCB agree that, with a project of this nature, care should be taken to ensure that significant noise impacts are fully mitigated at all residences in the project vicinity even if there are minor technical disagreements between JCB and BAC as to how such impacts be analyzed. Given a project of this size, there will undoubtedly need to be adjustments to the noise monitoring procedures, noise standards, and noise mitigation measures as more information is gained through monitoring, observation, and evaluation of public feedback on the initial events held at the new amphitheater as well as ongoing events held within the park area. BAC recommends flexibility in fine-tuning the noise mitigation monitoring program as such information in collected. While some theoretical disagreements in how sound from these events should be modelled or analyzed exist between the two consultants, ultimately it will be the actual noise measurement results collected at the nearest potentially-affected receiver locations that determine whether the noise mitigation and monitoring program is either unnecessarily restrictive or if additional noise control measures need to be implemented for this project. Until such time as that data is available, the comprehensive analysis prepared by BAC indicates that reasonable and feasible noise mitigation measures can be implemented to reduce noise impacts of the project to a less than significant level.

Please contact me at (916) 663-0500 or paulb@bacnoise.com if you have any comments or questions regarding this letter, and thank you for inviting our feedback on the JCB peer review.

Sincerely,

Bollard Acoustical Consultants, Inc.

Paul Bollard
President
Board Certified, Institute of Noise Control Engineering (INCE)

Attachment 7

STANISLAUS COUNTY PLANNING COMMISSION

April 20, 2017

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2015-0130
THE FRUIT YARD AMPHITHEATER

REQUEST: REQUEST TO AMEND AN EXISTING PLANNED DEVELOPMENT TO ALLOW A 3,500 PERSON CAPACITY AMPHITHEATER, WITH A 5,000 SQUARE FOOT COVERED STAGE, A 4,000 SQUARE FOOT STORAGE BUILDING AND PARKING LOT TO THE REAR OF THE STAGE, AND AN ADDITIONAL 1,302-SPACE TEMPORARY PARKING AREA, FOR A MAXIMUM OF 12 AMPHITHEATER EVENTS PER YEAR. THE USE PERMIT ALSO INCLUDES A REQUEST FOR A COVERED SEATING AREA OF APPROXIMATELY 4,800 SQUARE FEET AND A 1,600 SQUARE FOOT GAZEBO TO BE DEVELOPED IN THE EXISTING PARK AREA AND REPLACEMENT OF THE EXISTING PYLON FREESTANDING POLE SIGN WITH AN ELECTRONIC READER BOARD SIGN.

APPLICATION INFORMATION

Applicant/Property owner:	Joe Traina/The Fruit Yard Properties, LLC
Agent:	Dave Romano, P.E., AICP
Location:	7924 & 7948 Yosemite Boulevard (Hwy 132), at the southwest corner of Yosemite Boulevard and Geer Road, between the Cities of Modesto, Waterford, and Hughson.
Section, Township, Range:	34-3-10
Supervisorial District:	One (Supervisor Olsen)
Assessor's Parcel:	009-027-004
Referrals:	See Exhibit L Environmental Review Referrals
Area of Parcel(s):	43.86 acres (parcels 1-3, 7-12 of 56-PM-83)
Water Supply:	Private well
Sewage Disposal:	Private septic system
Existing Zoning:	Planned Development (317) [P-D (317)]
General Plan Designation:	Planned Development (PD)
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	The Fruit Yard produce market, restaurant, two gas stations, park-site, concave amphitheater, and orchard.
Surrounding Land Use:	To the north, church, fire station, agriculture; to the east, PD for Agricultural Businesses; to the south agriculture, mobile home park; and to the west, agriculture.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval which includes use permit findings and adoption of a Mitigated Negative Declaration.

SITE DESCRIPTION

The project is located at the southwest corner of Geer Road and Yosemite Boulevard/State Highway 132 (7948 Yosemite Boulevard), east of the Community of Empire and west of the City of Waterford. The project site is adjacent to an animal feed and supply business (zoned P-D 268, Planned Development) located on the northeast corner of the intersection, a drilling company (Masellis Drilling) on the northwest corner, and a fire station and church located to the north. Production agricultural parcels are located to the west, south, and east of the project site. A concentration of one to four acre ranchettes exists, approximately one half mile east and one mile northeast of the project site.

The 43.86± acre parcel currently supports the existing Fruit Yard produce market, The Fruit Yard Restaurant, two separate gas fueling facilities, all of which currently have paved parking and landscaping, the graded amphitheater, and the park-site. The remaining part of the property is currently planted in orchard.

BACKGROUND

The Fruit Yard site was a legal non-conforming use which dated back many years ago when an Old Foamy Drive-In was located on the site. The exact year is unclear due to a lack of County records that are available. Between the years 1976 and 1977, there appears to have been some sort of approval to install a fueling facility, a relocation of the Old Foamy restaurant to the location of the present day restaurant, and the construction of a fruit stand. Again, the records with specific information on these actions appear to be unclear and lacking. The first of many discretionary permits appear to start in 1977 with the application and approval of a Use Permit (ZUPA 77-71) to allow the fruit stand to sell fruit that is not grown or produced on-site. In 1978, a Use Permit (78-19) allowed The Fruit Yard site to add additional fueling pumps, a fruit drying yard, truck parking, and the ability to sell additional types of products at the fruit stand. Then, in 1980, a Use Permit (ZUPA 80-06) allowed the restaurant to expand by adding a banquet facility and lounge. This Use Permit was granted a time extension in 1981 by the Planning Commission, but was never constructed. In 1986, the approval to add the banquet facility and lounge was again granted through a Use Permit (UP 86-16) which also included the consolidation of the fruit stand and fueling facility. The following is an overview of the remaining discretionary permit approvals that have been issued to The Fruit Yard prior to this current request and a summary of The Fruit Yard's history with holding private and public events:

Use Permit No. 88-36 – Approved by the Planning Commission to modernize and enlarge the fueling facility including a 48'x54' canopy, paved access, and one additional fueling pump.

Staff Approval Permit No. 88-10 – Approved to expand the restaurant building with an additional 1,054 square feet.

Staff Approval Permit No. 92-43 – Approved to relocate the fruit stand/store sign and gas facility (pumps).

Staff Approval Permit No. 93-27 – Approved to install a "Gas Card" sign for the existing fueling island.

Staff Approval Permit No. 2000-28 – Approved for a minor expansion to the existing fruit stand/store by 25% or less (based off the square footage).

General Plan Amendment No. 2007-03 and Rezone No. 2007-03 – Approved on August 19, 2008, by the Board of Supervisors, to amend the General Plan designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to P-D (Planned Development) on a 43.86± acre site. The approved Planned Development (317) allowed for the development of a 9,000 square foot banquet facility, a new convenience market, relocation of an existing gas station, relocation of the existing "card lock" fueling facility and construction of a 3,000 square foot retail shell building, which includes a drive-through establishment of unknown type. The Planned Development also permitted a 322-space boat/RV mini storage (both covered and uncovered spaces), and a 66 space travel trailer park for short term (overnight) stays. The Planned Development also included a two acre site for retail tractor (large agricultural equipment) sales and a new facility for fruit packing and warehousing. However, the retail tractor sales and fruit packing and warehousing phases of the Planned Development are required to obtain a Use Permit prior to development. The approved Planned Development also permitted occasional outdoor special events to be held on-site, near and on the developed nine acre park area, including fund raising activities, weddings, and private parties. For more information see Exhibit D - *Planning Commission Memo for Time Extension Request for General Plan Amendment Application No. 2007-03 and Rezone Application No. REZ 2007-03 – The Fruit Yard, dated December 3, 2015*.

Vesting Tentative Parcel Map Application No. 2009-08 – Approved on January 21, 2010, by the Planning Commission, to create nine parcels and a remainder ranging in size from 0.60+/- to 12.70 acres in conformance with uses allowed under P-D (317). The Fruit Yard Parcel Map (56-PM-83) was recorded on October 31, 2012.

Staff Approval PLN2013-0104 – Approved for a minor expansion of a patio to the existing restaurant.

Time Extension for GPA 2007-03 and REZ 2007-03 – Approved on December 3, 2015, by the Planning Commission, for an amended Development Schedule for Planned Development (317) by extending the development time frame from August 19, 2015, to August 19, 2030, with approved uses allowed to move from one phase to another to react to market conditions. (See Exhibit D - *Planning Commission Memo for Time Extension Request for General Plan Amendment Application No. 2007-03 and Rezone Application No. REZ 2007-03 – The Fruit Yard, dated December 3, 2015.*)

Public and Private Events

Prior to approval of the planned development, the Fruit Yard had historically held both permitted and non-permitted events in the park. Some of these events were permitted under a license issued by the Sheriff's Department in accordance with Stanislaus County Code - Section 6.40 - Outdoor Entertainment Activities in the Unincorporated Area. The Planned Development approval allowed the park site to be open to the general public during normal business hours and to host both public and private special events, such as fund raising activities, private parties, weddings, and other outdoor events such as "Graffiti Weekend" or small scale concerts, without the need of obtaining a license from the Sheriff's Department in accordance with Section 6.40. The approved Planned Development did not restrict the applicant to the number of events held at the location, but stated

that public events are seasonal in nature and typically occur between 5-6 times annually. The approved Planned Development also included a Development Standard which required that prior to the use of amplified music for park or banquet hall events, a Noise Analysis must be completed. Although the Planned Development approved special events as a permitted use, the ability to host events with a license issued by the Sheriff's Department is still available. A further discussion of this is included under the "Issues" section of this staff report.

PROJECT DESCRIPTION

The current project is a request to amend Planned Development (317) to allow a 3,500 person capacity amphitheater, including a 5,000 square foot covered stage, a 4,000 square foot storage building and parking lot located behind the stage, an additional 1,302-space temporary event parking area, and additional on-site and amphitheater lighting. A maximum of 12 amphitheater events are proposed to take place per year, ending at 10:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday.

The area where the amphitheater is proposed was identified on the Planned Development (317) site plan as an extension of the existing park site, including a maintenance building, gazebo, pond, and storm drainage basin. The amphitheater was not identified as part of the approved Planned Development and is considered to be a new and separate use in addition to the approved park-site. In 2013, the applicant applied for a grading permit (GRA2013-0002), which was issued on January 29, 2015, for development of the park site and storm drain basin approved with the Planned Development (317). Although authorization for the use of the amphitheater has not yet been permitted, the grading completed as part of this grading permit included grading for the amphitheater. This Use Permit request must be approved by the Planning Commission for the amphitheater to be incorporated into the uses approved for Planned Development (317).

The approved Planned Development (317) included approval for overflow parking, located on Parcel 9. The temporary parking lots proposed as part of this request, include parking to be located on Parcels 2, 3, 8, 9 and the remainder of Parcel Map 56-PM-83, which would require an amendment to the currently approved planned development. The relocated temporary parking areas included with this project request are proposed to be located where other uses were approved as part of Planned Development (317), which will be built at a later date. These include the future tractor sales area, banquet building and parking area, and a portion of the areas approved for the expanded gas station, the RV/Campground, and RV Park. To view the temporary parking areas proposed to be utilized for amphitheater events see Exhibit B-8 – *Parking Plan*, and Exhibit B-9 – *Approved P-D (317) Site Plan & Proposed Parking Plan*, of this Staff Report's attachments. As these approved uses are developed, alternative event parking will be required to be developed. Access to the temporary parcels will be provided by two additional paved access driveways off of Yosemite Boulevard (State Highway 132) and one additional driveway off of Geer Road. The on-site access driveways are proposed to be paved, lighted, and will provide on-site circulation access around the amphitheater. A Traffic Management Plan is proposed to address ingress and egress to the site during special events.

Food sales will be contracted through The Fruit Yard, and will acquire all necessary County permits, including any off-site vendor who may be contracted. No alcohol or food will be permitted to be brought in; however, food and alcohol sales may occur at the amphitheater site. Alcohol sales will be subject to Alcohol Beverage Control (ABC) Regulations.

This project also includes a request for a covered seating area of approximately 4,800 square feet and a 1,600 square foot gazebo to be developed in the existing park area and a request to replace the existing pylon freestanding pole sign with an electronic reader board sign. In accordance with the Development Standard applied to Planned Development (317) which requires a Noise Analysis to be completed prior to use of amplified music for on-site events, the Noise Analysis and associated Mitigation Measures prepared for this project, cover amplified music events in the amphitheater, banquet hall, and park.

ISSUES

As discussed in the "Background" section of this report, The Fruit Yard has historically held concerts and other private events on-site. Approved Planned Development (317) does allow for public and private special events to take place at the park-site, and in the banquet hall. However, the necessary land use permission must be obtained prior to use of the amphitheater. Additionally, neighbors have raised concerns with The Fruit Yard operations with regard to noise, security, traffic, and lighting, both with previous project requests and with this current Use Permit request. The processing of this Use Permit request, including the environmental analysis completed for the project, has considered each of these and additional issues to assist in evaluating the potential land use approval for the amphitheater. The following is a summary of comments received on the project and responses to those comments, including a summary of those issues which have been identified as part of the review of the project:

Neighborhood Opposition

Residents in the vicinity have complained about traffic and the use of amplified noise emanating from the site from private parties and special events since the 2008 approval; stating that outdoor events with amplified noise at the park site and outside of the restaurant have been held without an approved acoustical analysis. Comments received from neighbors indicated that there was a history of Mr. Traina operating without expedient responses to neighbor complaints and a general distrust that he will not implement the required mitigation. In response to these complaints, the applicant conducted a neighborhood meeting on September 21, 2015, at The Fruit Yard Restaurant, to discuss the status and process of constructing the amphitheater.

Staff has also been contacted by neighboring residents, expressing concern about the current project request to hold events at the amphitheater.

Staff received eleven letters from residents who live near the project site in July of 2016. The letters raised concerns with security, traffic, and noise impacts resulting from the project. The letters state that the neighboring residents met with Mr. Traina, who operates The Fruit Yard facility, and do not feel that their concerns, specifically with regard to traffic, noise, and security were adequately addressed. Further, the letters state that they were aware that the amphitheater was constructed without proper Planning Commission approval and that they do not believe that Mr. Traina, of The Fruit Yard has any intentions of complying with the County's Planning process. Additionally, the letters state that, "If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas."

Another letter dated July 25, 2016, from, Richard and Barbara Heckendorf, Michelle Boulet, and Thomas Douglas, also nearby residents, similarly raised concerns with the proposed amphitheater with regard to security, traffic, and noise impacts resulting from the project. The letter requested additional project details and analysis of the impact of the full project which includes an RV Park, banquet facility, tractor sales yard, and expanded gasoline facilities. The letter reiterated that

although they met with Mr. Traina, they do not feel that their concerns were adequately addressed. The letter also touched on concerns regarding impacts from the project to water availability and water quality, air quality and air pollution. A suggestion was included that any 2,000 person or more amphitheater events be limited to daytime hours, that any concert be monitored by an independent expert acoustic engineer so real-time adjustments to music amplification can be made, and that the permit should be renewed annually. The letter also suggested that the studies prepared for the project were not adequate, that the results of the studies were directed by the applicant, and that a full Environmental Impact Report (EIR) should be required. Finally, the letter states that enforcement of noise limits should not be dependent on the neighbors having to file complaints with either The Fruit Yard or the County Sheriff but rather, should be monitored and controlled by the operator to ensure that impacts do not occur. The letter requested a definitive system for shutting events down should they be unable to comply with required noise limits, and a complaint procedure to be established by the County.

Staff also received a comment letter from Mr. and Mrs. Heckendorf, on April 10, 2017, stating that they felt an EIR should be completed for the project, that the County's Noise Ordinance should be updated, and that The Fruit Yard should be limited to six non-amplified concerts per year, between May and September, on weekends only, which should conclude by 10 p.m. The letter also raised concerns with parking, traffic, the proposed electronic reader board sign, fireworks, noise, and light pollution.

A letter received from Thomas Douglas on November 3, 2015, during the processing of the Time Extension request, expressed concern with the proposed amphitheater, (see Exhibit D, Attachment *5 - Letter from Tom Douglas, dated November 3, 2015).* Upon being informed that a Use Permit Application was required for the development of the amphitheater, Mr. Douglas responded with a request to have his comments apply to this current Use Permit Application. Mr. Douglas' letter expressed concerns with the project's compatibility with the surrounding neighborhood; specifically, in regard to noise, time limits for weddings and special events, traffic control, parking, the neighborhood complaint process, and security. Another comment letter, responding to this Use Permit request, was received from Mr. Douglas on April 10, 2017. This letter more specifically commented on the Mitigation Monitoring Plan prepared for this project in terms of the allowance for adjustments to be made to C-weighted noise standards, crowd noise measurements, availability of noise measurements to be available for public review, additional limits on hours of operation, opportunities for resident input on development of the "Good Neighbor Policy", and regarding clarification on the process for dealing with complaints, particularly in terms of who is responsible for implementation or for consequences for failure to meet the development standards and mitigation measures.

The letters received from surrounding residents were reviewed by staff. Responses to the comment letters are provided below, by category: (See *Exhibit I -Neighborhood Comments Received.*)

- Security
- Traffic and Parking
- Noise and Light Pollution
- Air and Water Resources
- Level of Environmental Review & Mitigation Monitoring Plan
- Project Scope
- Enforcement

Security

To address security concerns and to ensure that events are run in an orderly manner, a mitigation measure (Mitigation Measure No. 15) has been incorporated into the project, which requires that the operator submit a Security Plan for amplified music events to the Sheriff for review and approval, prior to onset of any amphitheater events. (See Exhibit J - *Mitigation Monitoring Plan*.)

Traffic and Parking

A Traffic Impact Analysis for the 2007 Planned Development project (317) was prepared by KD Anderson & Associates, Inc., dated December 6, 2007. A Supplemental Traffic Impact Analysis, prepared by Pinnacle Traffic Engineering, dated February 5, 2016, was prepared for this current project and was circulated as part of an early consultation to the Stanislaus County Public Works Department and the California Department of Transportation (Caltrans) for review. The analysis evaluated traffic impacts from the amphitheater events with worse-case scenario factors, which included the site at full planned development build out and traffic impacts to the intersection of Geer Road and Yosemite Boulevard (Hwy 132). Caltrans provided a response requesting that the Traffic Impact Analysis be amended. The applicant then worked with Caltrans to address their comments, and provided clarification that although the existing and approved uses for the Planned Development were considered in the Traffic Impact Analysis, that the other uses listed in the study were already approved and that amphitheater events were the only traffic generating use included in this project request. Ultimately, Caltrans agreed with the assessment of the project's traffic impacts provided in the report and requested the addition of a left turn lane extension in front of the project site on Highway 132 to the second main driveway accessing the amphitheater to increase traffic safety during amphitheater events. This has been incorporated into the project as a mitigation measure.

Additionally, mitigation has been applied to the project to require that the payment of traffic impacts fees and that a traffic management plan for amphitheater events is submitted to the Department of Public Works for review and approval. The Traffic Management Plan also addresses parking by restricting queuing of vehicles when parking. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot. To ensure the parking plan remains applicable after additional phases of the planned development are built out, a revised Event Traffic Management Plan is required prior to the implementation or construction of any additional phases of the approved Plan Development (317). A Development Standard requires the Traffic Management Plan to be reviewed and approved by the Department of California Highway Patrol and by the Stanislaus Consolidated Fire District to ensure the plan meets their standards for safety and emergency access. Additionally, Mitigation Measures require The Fruit Yard to notify vehicles entering the site, that no off-site parking or tail-gating is permitted.

(See Exhibit C – *Development Standards and Mitigation Measures*, Exhibit F - *Traffic Impact Analysis, prepared by KD Anderson & Associates, Inc., dated December 6, 2007*, Exhibit G - *Supplemental Traffic Impact Analysis, prepared by Pinnacle Traffic Engineering, dated February 5, 2016*, and Exhibit J - *Mitigation Monitoring Plan*.)

Noise and Light Pollution

An Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., dated February 3, 2016, was conducted for the project. This study was peer reviewed by J.C. Brennan and Associates and was subsequently amended on December 28, 2016, based on peer review comments. J.C. Brennan and Associates reviewed the amended document and determined that it adequately covered all of the concerns they had included in their original peer review response. The revised Environmental Noise Analysis provided a number of recommendations for Mitigation Measures to be incorporated into the project to ensure the project meets the noise limits identified both in the Stanislaus County Noise Element of the General Plan and the Noise Ordinance.

The previous General Plan Amendment and Rezone for the project Planned Development (317) included a Development Standard which required that, *"An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan prior to any outdoor use of amplified sound or blasting devices to insure noise levels do not exceed the maximum allowable noise levels as allowed by the Noise Element".* To address this Development Standard, the use of amplified sound at the park and banquet hall has been incorporated into the Mitigation Monitoring Plan.

The mitigation incorporated into this project addresses noise level standards, noise level monitoring, reporting, and training, hours of operation, development of a "Good Neighbor Policy" to ensure complaints are addressed expediently, and measures for enforcement should complaints be received. (See Exhibit H - *Environmental Noise Analysis, prepared by Bollard Acoustical Consultants, Inc., dated December 30, 2016,* and Exhibit J - *Mitigation Monitoring Plan*.)

This project proposes to add the following additional lighting: two street lights along Geer Road, proposed to be 28 feet tall with 15 foot wide arms, in accordance with Public Works Standards and Specifications; five additional pole lights, proposed to be located at the back of the amphitheater, each 27 feet in height; five pole lights to be located in the driveway and parking area, each 27 feet in height; and stage lighting which is either mounted on the roof of the stage or placed at ground level. A Mitigation Measure has been applied to the project to ensure that all proposed lighting will be aimed down to prevent any glaring impacts onto adjacent properties or roadways. (See Exhibit J - *Mitigation Monitoring Plan*.)

The project also proposes to replace an existing pylon sign, located on the southwest corner of Yosemite Boulevard (Hwy 132) and Geer Road, with an electronic reader board sign. The County has typically prohibited flashing, animated, or electronic reader board signs in the unincorporated areas of the County. The only exception has been in urbanized commercial areas, typically within a sphere of influence of a city, where that city supports the electronic sign. Considering that The Fruit Yard is not located in a highly urbanized area, Planning does not feel that locating an electronic reader board sign will be compatible with the surrounding area. A Development Standard has been incorporated into the project regarding signs, which specifically prohibits electronic reader board signs. If the Planning Commission wishes to approve an electric reader board sign a part of this project request, the second sentence of Development Standard Number 8 would need to be struck. (See Exhibit C – *Development Standards and Mitigation Measures.*)

The use of fireworks is not a land use related issue and is regulated by the Stanislaus Consolidated Fire District.

Air and Water Resources

Air and water quality are regulated by the Stanislaus County Department of Environmental Resources (DER), the Central Valley Regional Water Quality Control Board (CVRWQCB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Groundwater use will be subject to the requirements of the Groundwater Sustainability Management Plan developed by the Groundwater Sustainability Management Agency established for the Modesto Basin. However, these plans are not required to be implemented until 2020. Development Standards regarding water availability and water quality, air quality and air pollution have been incorporated into this project, which require permits from DER, CVRWQCB, and the SJVAPCD to be obtained prior to onset of amphitheater activities. This project is subject to the public water system permit and will be required to work with DER to ensure these permit requirements are met, including but not limited to water quality restrictions for public use. With these development standards in place, the environmental review prepared for this project identified the project as having a less than significant impact, with mitigation incorporated. (See Exhibit C – *Development Standards and Mitigation Measures.*)

Level of Environmental Review & Mitigation Monitoring Plan

The resident letters expressed a need for an Environmental Impact Report (EIR) to be completed for this project. In accordance with the California Environmental Quality Act, an Initial Study was prepared for this project. Potential impacts to aesthetics, noise, public services, and transportation/traffic were identified as less than significant with mitigation included. All other categories were identified as less than significant. As a result, staff is recommending that the Planning Commission adopt a Mitigated Negative Declaration.

Further, the neighborhood letters state that the analysis should consider the full project, including all approved uses from Planned Development (317) which have not been developed yet and that all studies should be reviewed by a third party to ensure they are adequate. Both the studies for this project, regarding noise and traffic, and the Initial Study prepared for this project analyzed the project at full build-out and were reviewed by third parties for adequacy.

The letter received from Mr. Douglas provided specific suggestions for amendments to the Mitigation Monitoring Plan that was circulated for the project, including clarifying the allowance for adjustments to be made to C-weighted noise standards, and ensuring crowd noise is properly measured. Staff and the Noise Consultant that prepared the Environmental Noise Analysis for the project evaluated these comments and recommend no modifications to the Mitigation Monitoring Plan. The County's Noise Control Ordinance allows adjustments in cases where ambient conditions already exceed the standards provided in the Noise Control Ordinance. Mitigation Measure No. 4 provides a mechanism for this adjustment in the case that the C-weighted ambient data collected before and after the first two large amphitheater events exceeds the standards provided in the Noise Control Ordinance. Regarding Mitigation Measure No. 5, a crowd size of at least 500 attendees is considered to be adequate to statistically extrapolate crowd noise levels associated with even larger crowds. (See Exhibit J – *Mitigation Monitoring Plan.*)

Response letters received in the earlier stages of the project review indicated a desire for on-going sound monitoring, by an expert acoustic engineer so real-time adjustments to music amplification can be made. The Mitigation Measure included with this project does incorporate that suggestion. Each event must provide on-going sound measurements and sound engineers are required to be trained in how to monitor the sound levels in compliance with the noise level thresholds provided in the Mitigation Monitoring Plan. Additionally, if the required sound levels are unable to be maintained, the mitigation requires additional noise analysis. Any future additional noise analysis

required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. The applicant may choose to procure the noise consultant; however, in order to verify all work has been conducted in an unbiased way, that work must be peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

Additionally, Mr. Douglas' response requested that noise measurements, required to be recorded and kept on record by Mitigation Measures Nos. 5, 6, & 7, be available for public review. Mitigation Measures Nos. 5, 6, & 7 require that the operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. For clarification purposes, any noise measurements or training records provided to the Planning Department would be considered public record and could be reviewed by the public upon request to the Planning Department.

Mitigation Measure No. 11 requires the operator/property owner to establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish a plan to mitigate any ancillary impacts from amplified music events, at the park, banquet hall or amphitheater, on surrounding properties. The plan is required to include a means for the neighbors to contact management regarding complaints and to identify steps that management will take upon receiving a complaint. Mr. Douglas' letter requested that surrounding residents be allowed a chance to comment on this policy before it is finalized. In response to this comment, the Planning Department will refer the "Good Neighbor Policy" to all surrounding residents, as required by Development Standard No. 20, for a two week comment period. The referral will be sent to all surrounding residents included on the project referral "Landowner Notice" list from Use Permit No. PLN2015-0130 – The Fruit Yard. Any comments received will be taken into consideration. However, the Planning Department maintains the ultimate approval authority. (See Exhibit C – *Development Standards and Mitigation Measures,* and Exhibit J - *Mitigation Monitoring Plan*.)

Project Scope

A number of the letters suggested amendments to the proposed hours and days of operation, and number of allowed events, and that, if approved, that the Use Permit be renewed annually. Chapter 21.104 Amendment and Revocation of Permits, allows the Planning Director to initiate amendments to the development standards for the operation to address nuisance concerns at any time. With this in place, a need to condition the Use Permit to be renewed annually is not necessary, as the Use Permit may be amended to address nuisance concerns at any time.

Mitigation Measure No. 9 limits the hours of operation for any amplified noise event. All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m. A Development Standard has also been applied to the project which states that hours of operation may not be extended beyond those included in Mitigation Measure No. 9, without a public hearing. The Planning Commission may choose to restrict the hours or days of operation, or the allowed number of events, beyond what is included in this Staff Report and the Mitigation Monitoring Plan. However, staff recommends the hours stay as

proposed and be restricted further only if recommended by a Noise Consultant as a result of implementing Mitigation Measure No. 14. (See Exhibit C – *Development Standards and Mitigation Measures,* and Exhibit J - *Mitigation Monitoring Plan*.)

Enforcement

Lastly, the comment letters received raised concerns with the complaint and enforcement process, particularly in terms of who is responsible for implementation or for consequences for failure to meet the Development Standards and Mitigation Measures.

While the Sheriff can take action against criminal offenses which take place on the property, the Development Standards and Mitigation Measures applied to this Use Permit request are land use regulations which can only be enforced through land use policy. The typical process for enforcement actions would include: 1. Complaint received; 2. Sheriff verifies complaint is valid (e.g. loud noise was coming from The Fruit Yard site); 3. Planning requests sound measurement records 4. Noise Consultant verifies and improvements are implemented in accordance with Mitigation Measure No. 14; and 4. If steps are not taken to put a stop to the nuisance, then enforcement actions may be taken. The enforcement tools that Planning has available include amending the development standards or to recommend that the Planning Commission revoke the Use Permit, in accordance with Chapter 21.104 of the Stanislaus County Code. Additionally, through code enforcement actions the operation may also be processed through the Nuisance Abatement Hearing Board, which is responsible for making nuisance determinations based on investigations conducted by the Code Enforcement Unit at the Department of Environmental Resources. All violations of the County Zoning Ordinance are nuisances, which includes not meeting Development Standards applied to a Planned Development. If it is determined that a nuisance exists, the Board of Supervisors can be asked for authorization to conduct clean-ups or to issue fines until activities are ceased. In terms of who is responsible for enforcement (property owner/vendor), all land use actions taken on The Fruit Yard property will be tied to the Use Permit, which is tied to the property. Accordingly, the property owner will be required to enforce the restrictions of this Use Permit with each individual vendor.

Permitted Event Uses with Use Permit Denial

The section below describes in more detail how the Fruit Yard may operate, provided this Use Permit Application is **not** approved.

As described within the “Background” section of this report, Stanislaus County Code Section 6.40 - Outdoor Entertainment Activities in Unincorporated Areas, allows the Sheriff’s Department to issue Outdoor Entertainment Permits for events open to the public which do not exceed seven (7) consecutive days in duration and are not held at the same location more than six (6) times within a calendar year. No private events, including weddings, are permitted under the Outdoor Entertainment Permit program. Although the applicant was approved for special events as part of the previously approved Planned Development (317), the ability to host up to six public events with a license issued by the Sheriff’s Department is still available. The Sheriff’s Department has the authority to condition licenses issued for outdoor entertainment; however, the license is not subject to compliance with the Development Standards/Mitigation Measures applied to a planned development. Accordingly, if this Use Permit is not approved, The Fruit Yard may still hold events up to six times per year under the Sheriff’s Outdoor Events Permit. The Sheriff’s Event Permits are referred to the Planning Department for comment, which will allow the Mitigation Measures included in this Use Permit to be requested to be applied to the Event Permit. However, the Planning Department has no

authority to require that the Mitigation Measures included with this Use Permit request be applied to any event permit issued by the Sheriff. Section 6.40.050 of the County Code defines Outdoor Entertainment Activity as:

> "Any musical, theatrical, or other entertainment activity to which members of the public are invited or admitted and which is held at any place other than a facility for which a valid Use Permit has been issued which authorizes the activity to take place at said location."

If this project is approved, a valid Use Permit will be in place and the operation will no longer meet the definition for an "Outdoor Entertainment Activity". Accordingly, if this Use Permit request is approved The Fruit Yard will no longer be able to hold events under the Sheriff's event permit and will be limited to what is allowed under the Planned Development, including the amendments included in this request.

Private and fundraising events in the park and banquet hall events were permitted with the 2007 General Plan Amendment and Rezone, with no limit to the number of private and public events. However, a Development Standard applied to the project requires that a Noise Study be completed prior to any events in the park which involve amplified noise.

If the Planning Commission decides to recommend **denial**, of this Use Permit, The Fruit Yard will be held to the following in regard to on-site events:

- Park events with amplified noise will be required to adhere to the Mitigation Measures identified in the Noise Study.
- The banquet hall may still be built and hold events with or without amplified noise, as there were no development standards specific to amplified noise and the banquet hall included in the 2007 General Plan Amendment and Rezone.
- No activities (including any amplified noise events) may take place in the amphitheater, with the exception of the 6 public events permitted by the Sheriff's Outdoor Event Permit.

Summary

Staff believes that the neighbor concerns have been addressed through the development standards and mitigation measures applied to this project. The environmental analysis prepared for the project, evaluated potential project impacts, including impacts to water availability and water quality, air quality and air pollution, security, and from lighting, noise, and traffic. As a result of the environmental analysis, impacts to lighting, noise, security, and traffic were mitigated, as described in the Mitigation Monitoring Plan included with this project. Hours of operation are addressed within the mitigation measures applied to this project regarding lighting and noise. If this project is approved and fails to meet their Development Standards and Mitigation Measures, the Use Permit may be amended or revoked in accordance with Chapter 21.104 Amendment and Revocation of Permits, or through the Nuisance Abatement process.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. The site is currently designated "Planned Development" in the Stanislaus County General Plan. Goal Two and Three of the Land Use Element of the Stanislaus County General Plan aim to ensure compatibility between

land uses; and, to promote diversification and growth of the local economy by accommodating the siting of industries with unique requirements, as described in the Land Use Designations section of the Land Use Element.

The Land Use Designations of the Land Use Element describes the Planned Development designation as a designation intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property. The Board of Supervisors approved a general plan designation and zoning designation of Planned Development for the project site on August 19, 2008, which required finding the project to be compatible with surrounding land uses.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The proposed project does meet the recommended 300 feet buffer for people intensive uses from the use to all property lines and includes scattered trees to be planted along Yosemite Boulevard and Geer Road. However, the project does not propose to fence off the entire site.

This project must comply with both the Noise Element and Chapter 10.46 Noise Control Ordinance of the Stanislaus County Code. As required by Goal Two/Policy Two/Implementation Measure Three of the Noise Element of the County General Plan, noise generating land uses are required to show through an acoustical analysis that the noise levels can meet the standards set forth within the Noise Element of the General Plan. A Noise Study was prepared, and has been peer reviewed by a third party, and mitigation measures have been applied to the project to ensure that the project meets the County's Noise standards.

With mitigation and amended development standards in place, staff believes the project is consistent with the County's General Plan.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned Planned Development (317) which includes a Development Plan which outlines specific development regulations and design standards applicable to the project's approved uses.

In accordance with Section 21.40.080 amendments to the development plan may be permitted in accordance with the procedure set forth with the processing of a Use Permit, provided they are not of such a size or nature as to change the character of the development plan.

A Use Permit may be allowed when the Planning Commission makes the following finding:

- The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

This project is a request to amend both the approved uses and the Development Standards associated with the P-D (317) Planned Development zoning designation. This project will maintain zoning consistency by adhering to the uses and Development Standards approved with both the original Planned Development zoning and the amended Planned Development Standards incorporated into this project.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment. Section I – Aesthetics, discusses potential impacts to aesthetics due to additional lighting proposed for the project and includes mitigation to bring potential impacts to a less than significant impact. As discussed in Section XII – Noise, and Section XVI – Transportation/Traffic, of the Initial Study prepared for this project, and in the *Issues* Section of this Staff Report, an Environmental Noise Analysis and a Supplemental Traffic Impact Analysis were prepared and Mitigation Measures were applied as recommended by the studies to reduce potential impacts from noise and transportation/traffic to a less than significant level. (See Exhibit E -*Initial Study and Referral Comments*, Exhibit G - *Supplemental Traffic Impact Analysis, prepared by Pinnacle Traffic Engineering, dated February 5, 2016*, and Exhibit H - *Environmental Noise Analysis, prepared by Bollard Acoustical Consultants, Inc., dated December 30, 2016.*) A Mitigated Negative Declaration has been prepared for approval prior to action on the Use Permit as the project will not have a significant effect on the environment. (See Exhibit K - *Mitigated Negative Declaration*.) Development Standards reflecting referral responses have also been placed on the project. (See Exhibit C – *Development Standards and Mitigation Measures.*)

******

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **$2,273.25** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Development Standards and Mitigation Measures ensure that this will occur.

Contact Person: Kristin Doud, Senior Planner, (209) 525-6330

Attachments:

Exhibit A - Findings and Actions Required for Project Approval
Exhibit B - Maps
Exhibit C - Development Standards and Mitigation Measures
Exhibit D - Planning Commission Memo for Time Extension Request for General Plan Amendment Application No. 2007-03 and Rezone Application No. REZ 2007-03 – The Fruit Yard, dated December 3, 2015
- Attachment 1 - Applicant's August 14, 2015 Time Extension Request, including updated project phasing
- Attachment 2 - Board of Supervisors Report for GPA No. 2007-03 and REZ Application No. 2007-03 – The Fruit Yard, dated August 19, 2008 with partial attachments – the complete attachments are available on-line
- Attachment 3 - August 19, 2008 Approved P-D 317 Development Standards and Development Schedule
- Attachment 4 - Parcel Map 56-PM-83
- Attachment 5 - Letter from Tom Douglas, dated November 3, 2015
- Attachment 6 - Environmental Review Referrals

Exhibit E - Initial Study and Referral Responses
Exhibit F - Traffic Impact Analysis, prepared by KD Anderson & Associates, Inc., dated December 6, 2007 *(part of GPA2007-03 & REZ 2007-03 – The Fruit Yard)*
Exhibit G - Supplemental Traffic Impact Analysis, prepared by Pinnacle Traffic Engineering, dated February 5, 2016
Exhibit H - Environmental Noise Analysis, prepared by Bollard Acoustical Consultants, Inc., dated December 30, 2016
Exhibit I - Neighborhood Comments Received
Exhibit J - Mitigation Monitoring Plan
Exhibit K - Mitigated Negative Declaration
Exhibit L - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

3. Find that the establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

4. Approve Use Permit PLN2015-0130 – The Fruit Yard, subject to the attached Development Standards and Mitigation Measures.

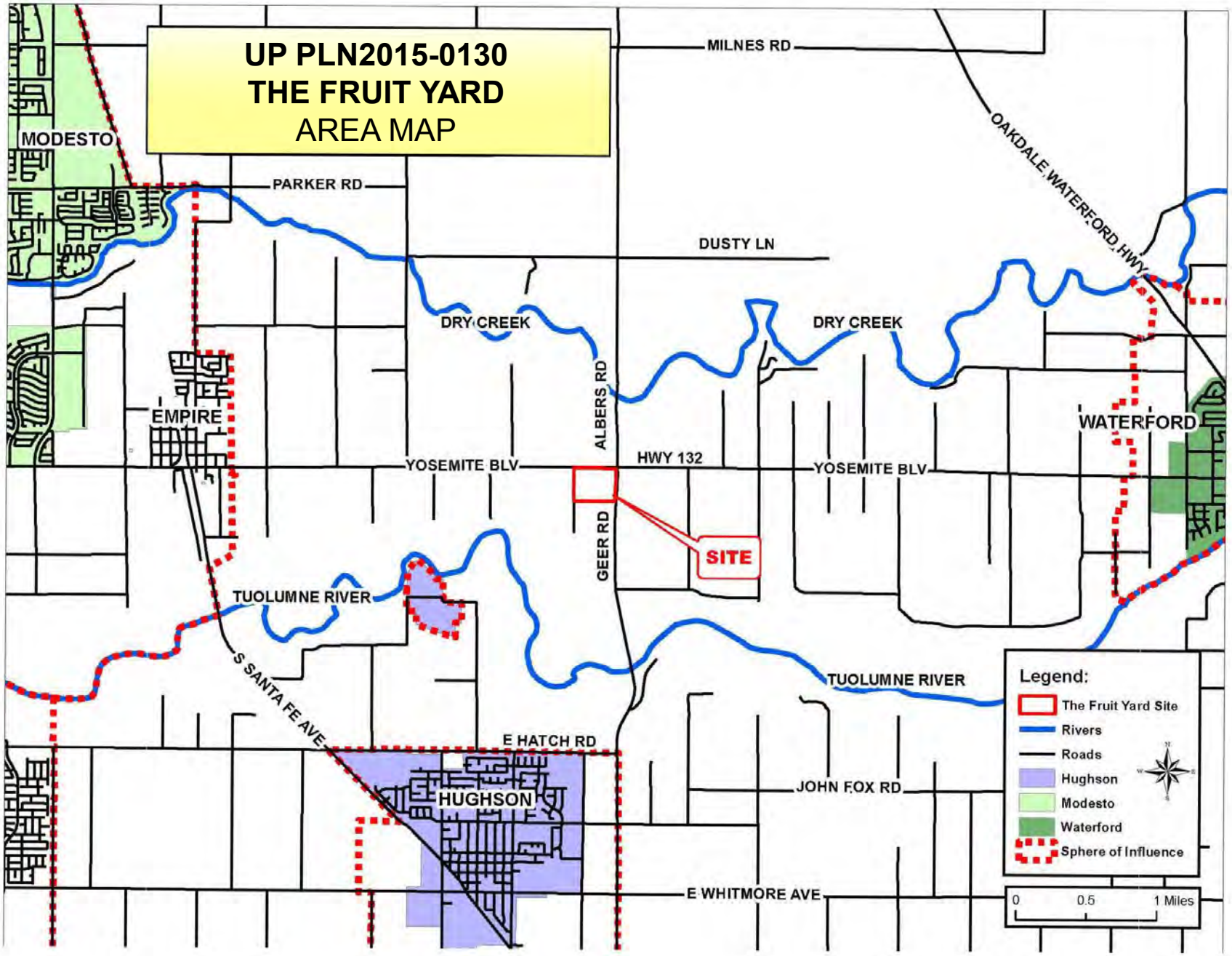

UP PLN2015-0130
THE FRUIT YARD
AREA MAP
MODESTO
PARKER RD
MILNES RD
OAKDALE WATERFORD HWY
DUSTY LN
DRY CREEK
DRY CREEK
ALBERS RD
EMPIRE
WATERFORD
YOSEMITE BLV
HWY 132
YOSEMITE BLV
GEER RD
SITE
TUOLUMNE RIVER
TUOLUMNE RIVER
S SANTA FE AVE
E HATCH RD
HUGHSON
JOHN FOX RD
E WHITMORE AVE
Legend:
The Fruit Yard Site
Rivers
Roads
Hughson
Modesto
Waterford
Sphere of Influence
0
0.5
1 Miles

EXHIBIT B

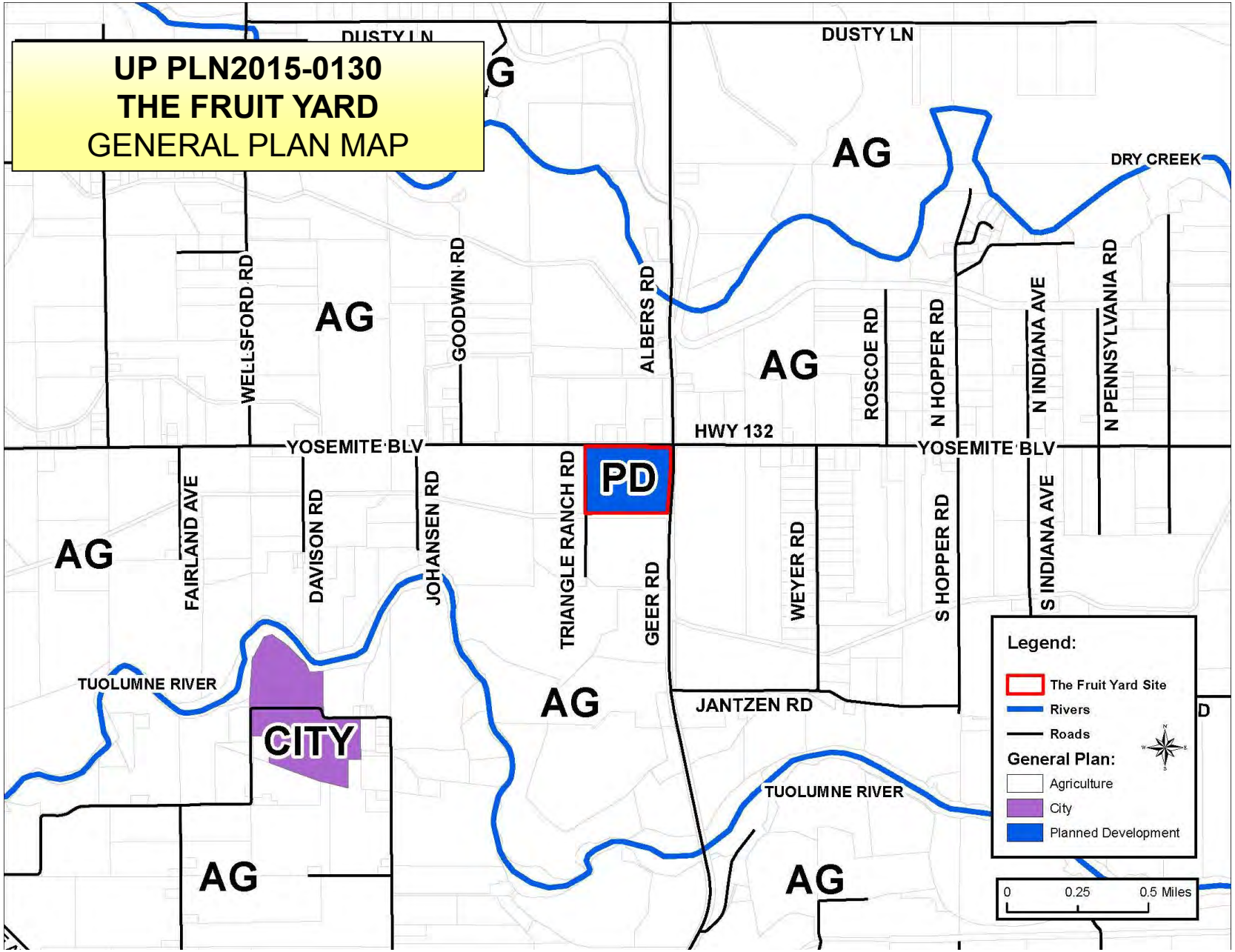

UP PLN2015-0130
THE FRUIT YARD
GENERAL PLAN MAP
DUSTY LN
DUSTY LN
AG
DRY CREEK
WELLSFORD RD
GOODWIN RD
ALBERS RD
ROSCOE RD
N HOPPER RD
N INDIANA AVE
N PENNSYLVANIA RD
HWY 132
YOSEMITE BLV
YOSEMITE BLV
PD
FAIRLAND AVE
DAVISON RD
JOHANSEN RD
TRIANGLE RANCH RD
GEER RD
WEYER RD
S HOPPER RD
S INDIANA AVE
TUOLUMNE RIVER
CITY
JANTZEN RD
TUOLUMNE RIVER
Legend:
The Fruit Yard Site
Rivers
Roads
General Plan:
Agriculture
City
Planned Development
0
0.25
0.5 Miles

EXHIBIT B-1

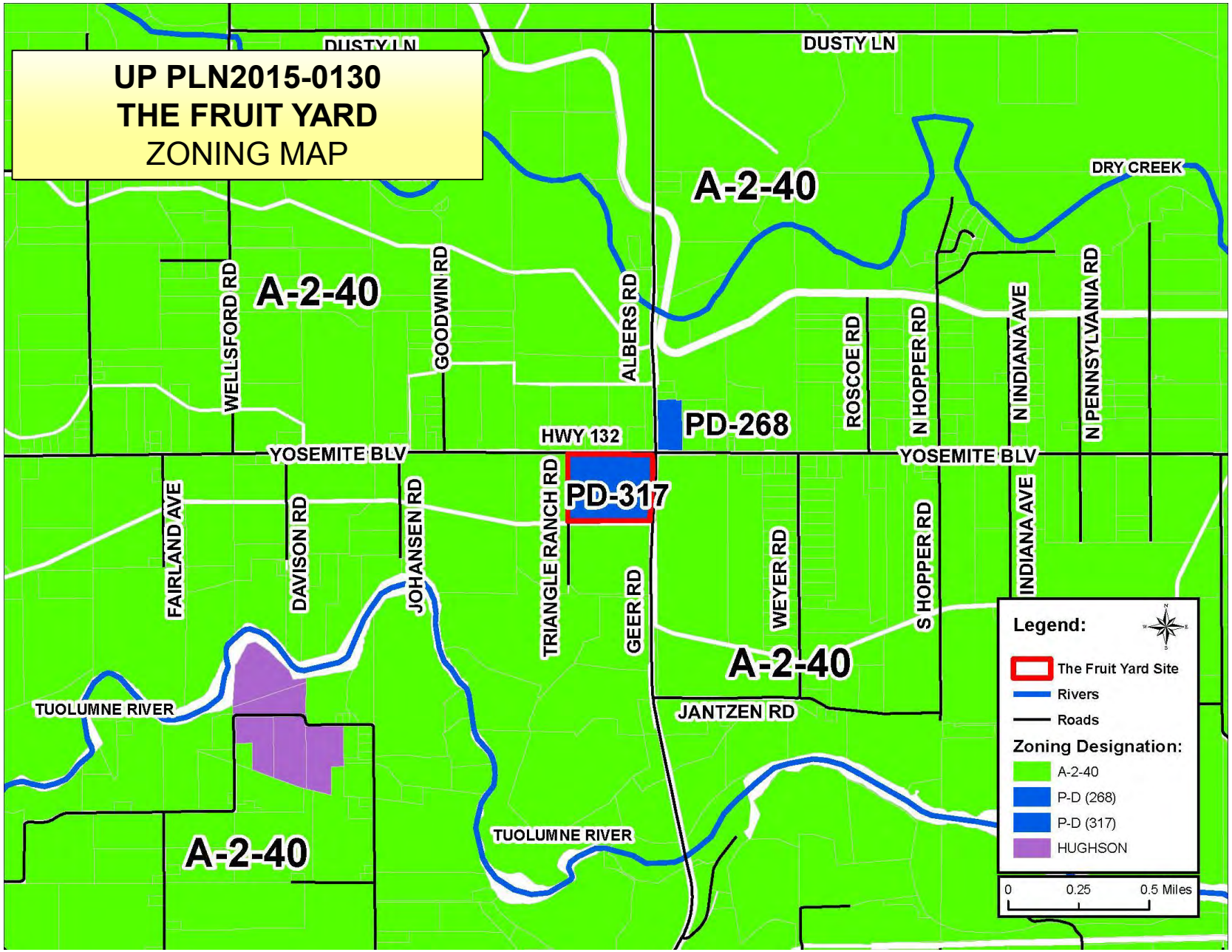

UP PLN2015-0130
THE FRUIT YARD
ZONING MAP
DUSTY LN
DUSTY LN
DRY CREEK
A-2-40
A-2-40
WELLSFORD RD
GOODWIN RD
ALBERS RD
ROSCOE RD
N HOPPER RD
N INDIANA AVE
N PENNSYLVANIA RD
PD-268
HWY 132
YOSEMITE BLV
YOSEMITE BLV
PD-317
FAIRLAND AVE
DAVISON RD
JOHANSEN RD
TRIANGLE RANCH RD
GEER RD
WEYER RD
S HOPPER RD
INDIANA AVE
A-2-40
JANTZEN RD
TUOLUMNE RIVER
TUOLUMNE RIVER
A-2-40
Legend:
The Fruit Yard Site
Rivers
Roads
Zoning Designation:
A-2-40
P-D (268)
P-D (317)
HUGHSON
0
0.25
0.5 Miles

EXHIBIT B-2

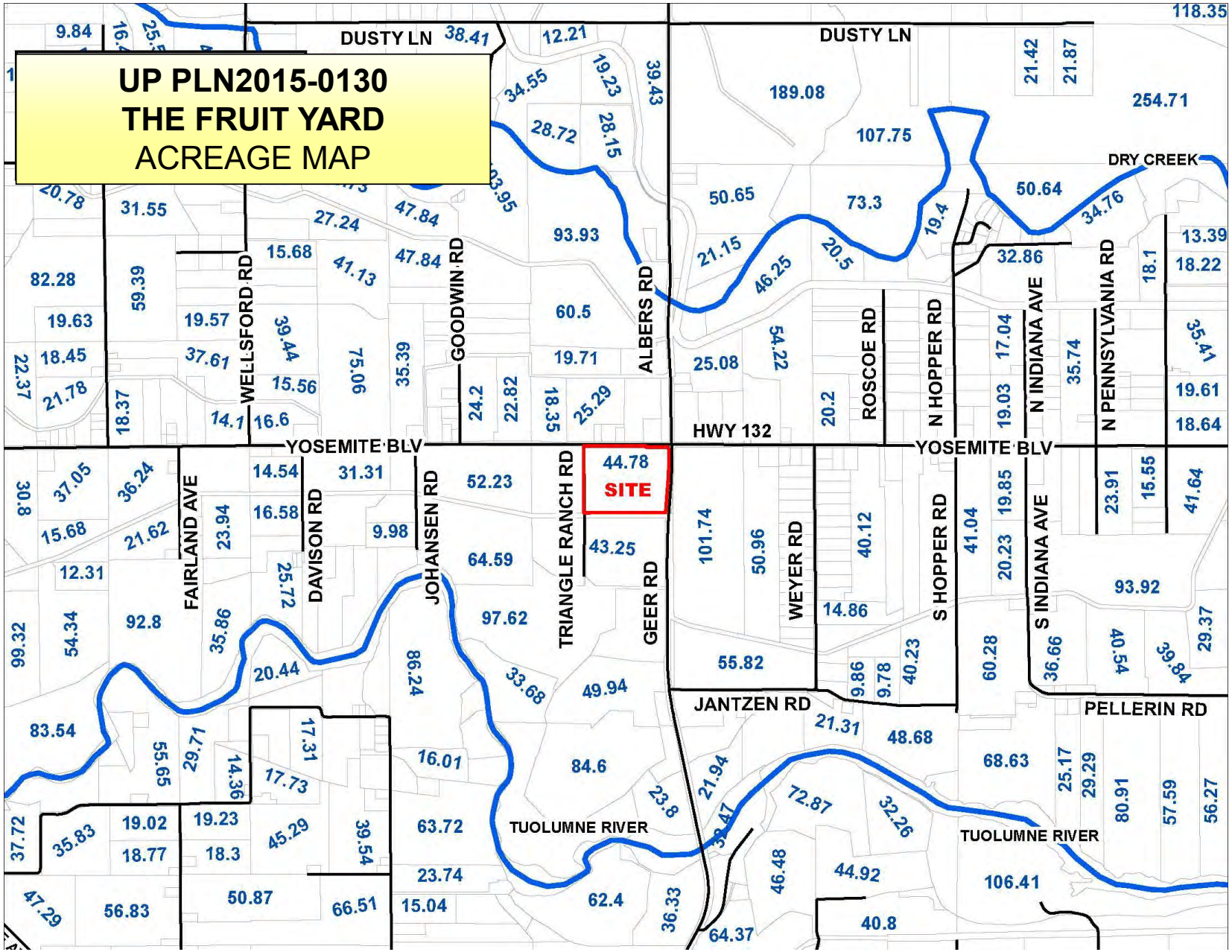

UP PLN2015-0130
THE FRUIT YARD
ACREAGE MAP
DUSTY LN
DUSTY LN
DRY CREEK
WELLSFORD RD
GOODWIN RD
ALBERS RD
ROSCOE RD
N HOPPER RD
N INDIANA AVE
N PENNSYLVANIA RD
HWY 132
YOSEMITE BLV
YOSEMITE BLV
FAIRLAND AVE
DAVISON RD
JOHANSEN RD
TRIANGLE RANCH RD
GEER RD
WEYER RD
S HOPPER RD
S INDIANA AVE
JANTZEN RD
PELLERIN RD
TUOLUMNE RIVER
TUOLUMNE RIVER
44.78
SITE

EXHIBIT B-3

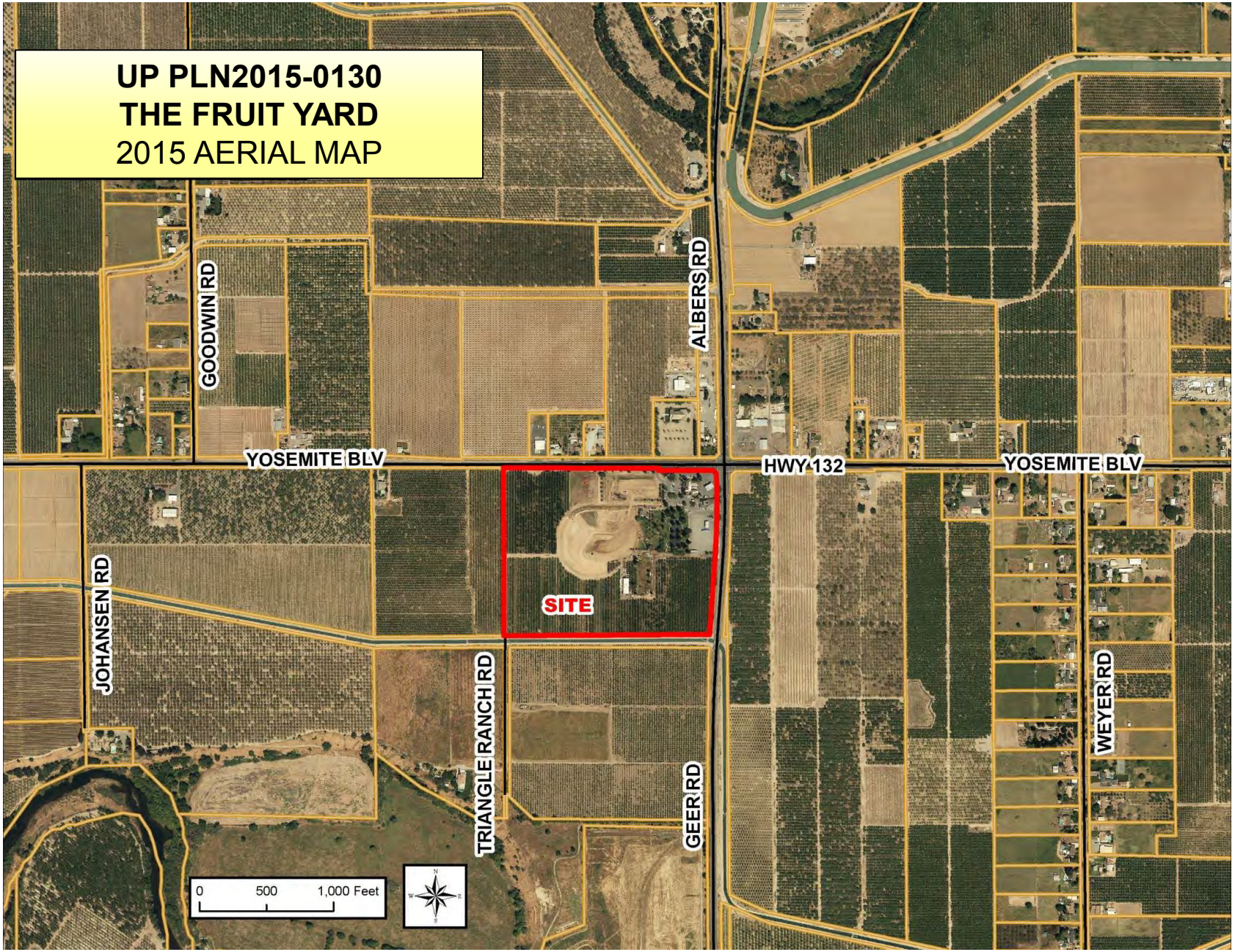

UP PLN2015-0130
THE FRUIT YARD
2015 AERIAL MAP
GOODWIN RD
ALBERS RD
YOSEMITE BLV
HWY 132
YOSEMITE BLV
SITE
JOHANSEN RD
TRIANGLE RANCH RD
GEER RD
WEYER RD
0
500
1,000 Feet

EXHIBIT B-4

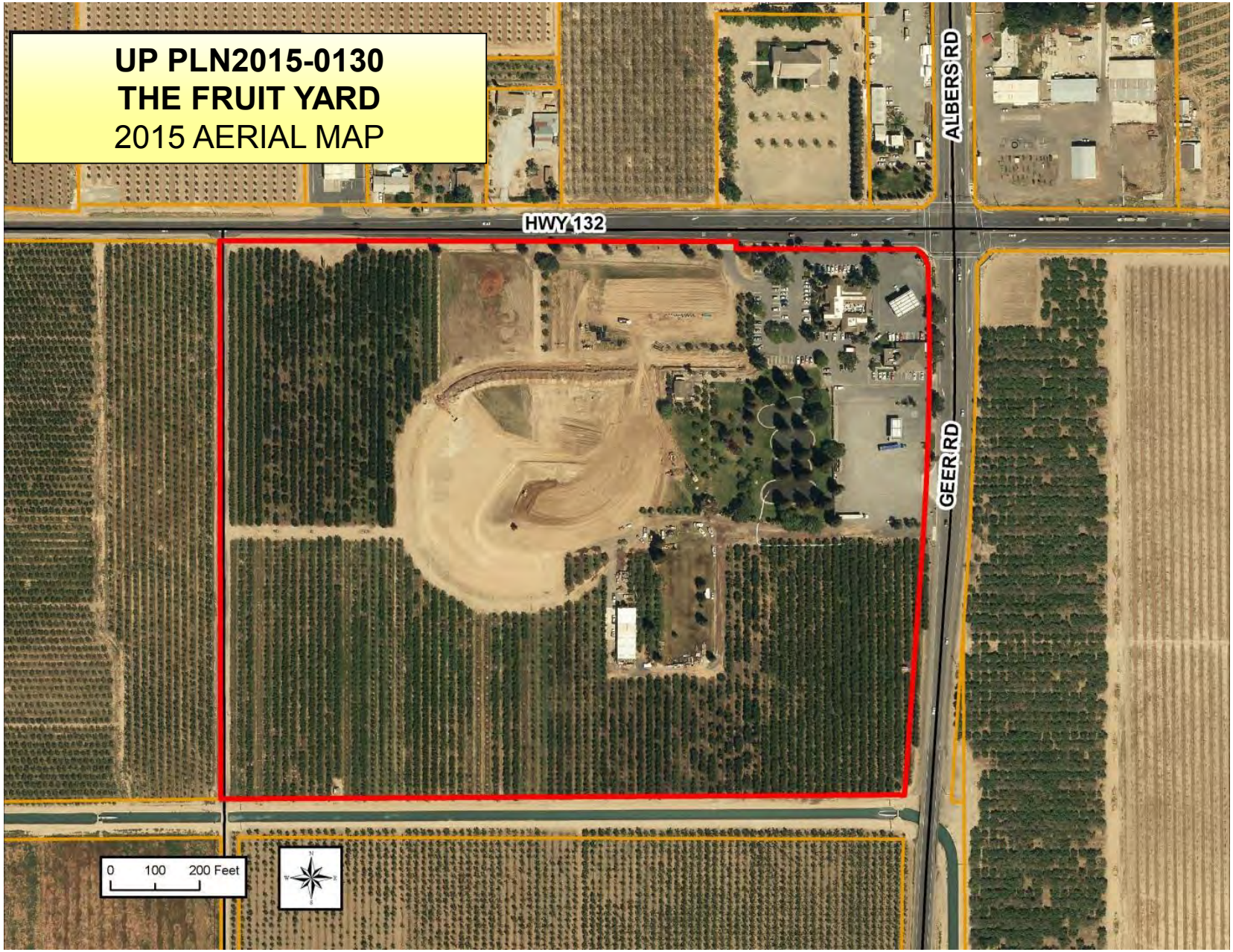

UP PLN2015-0130
THE FRUIT YARD
2015 AERIAL MAP
HWY 132
ALBERS RD
GEER RD
0 100 200 Feet

EXHIBIT B-5

UP PLN2015-0130
THE FRUIT YARD
SITE PLAN

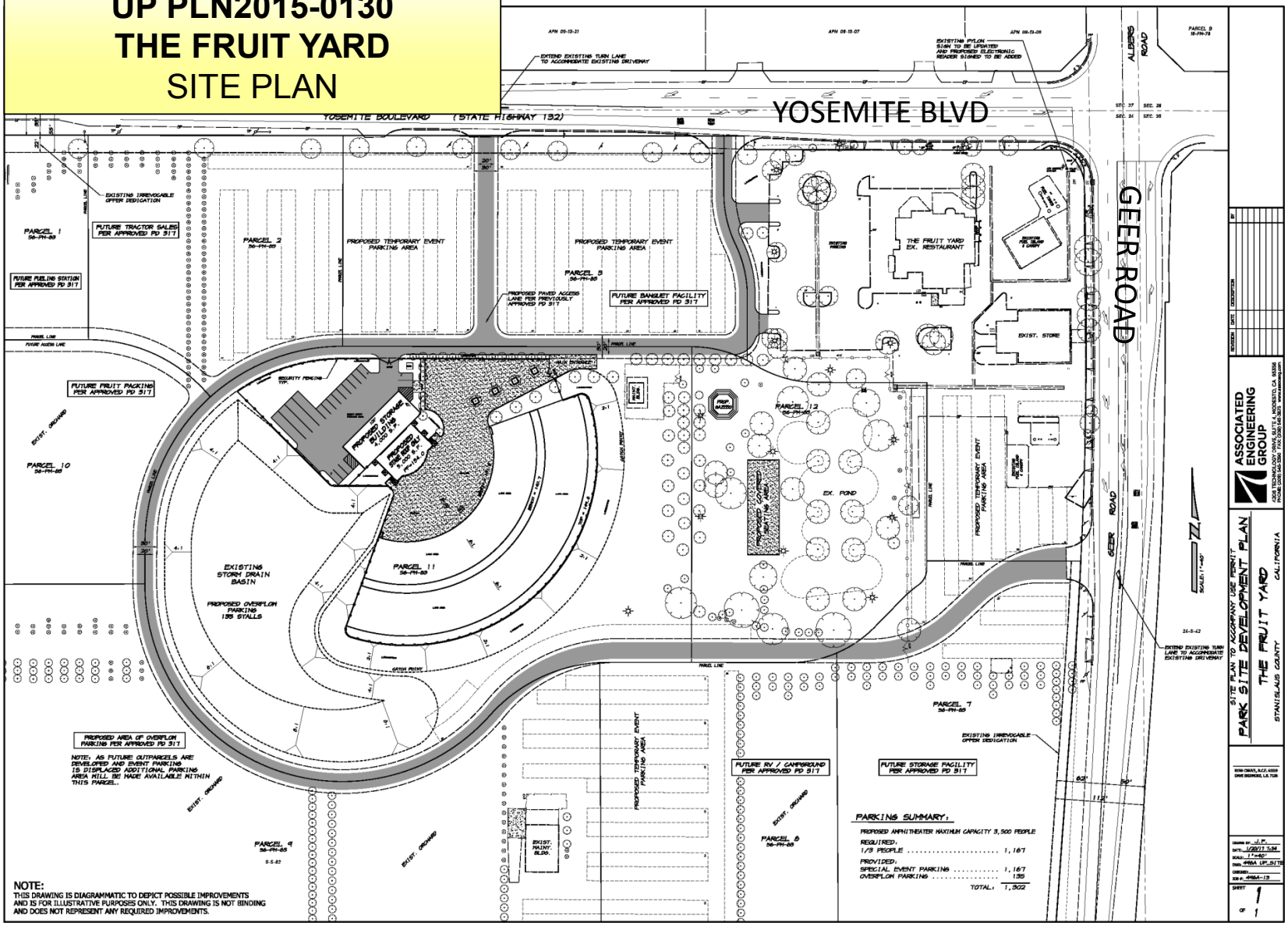


EXHIBIT B-6

UP PLN2015-0130
THE FRUIT YARD
SITE PLAN

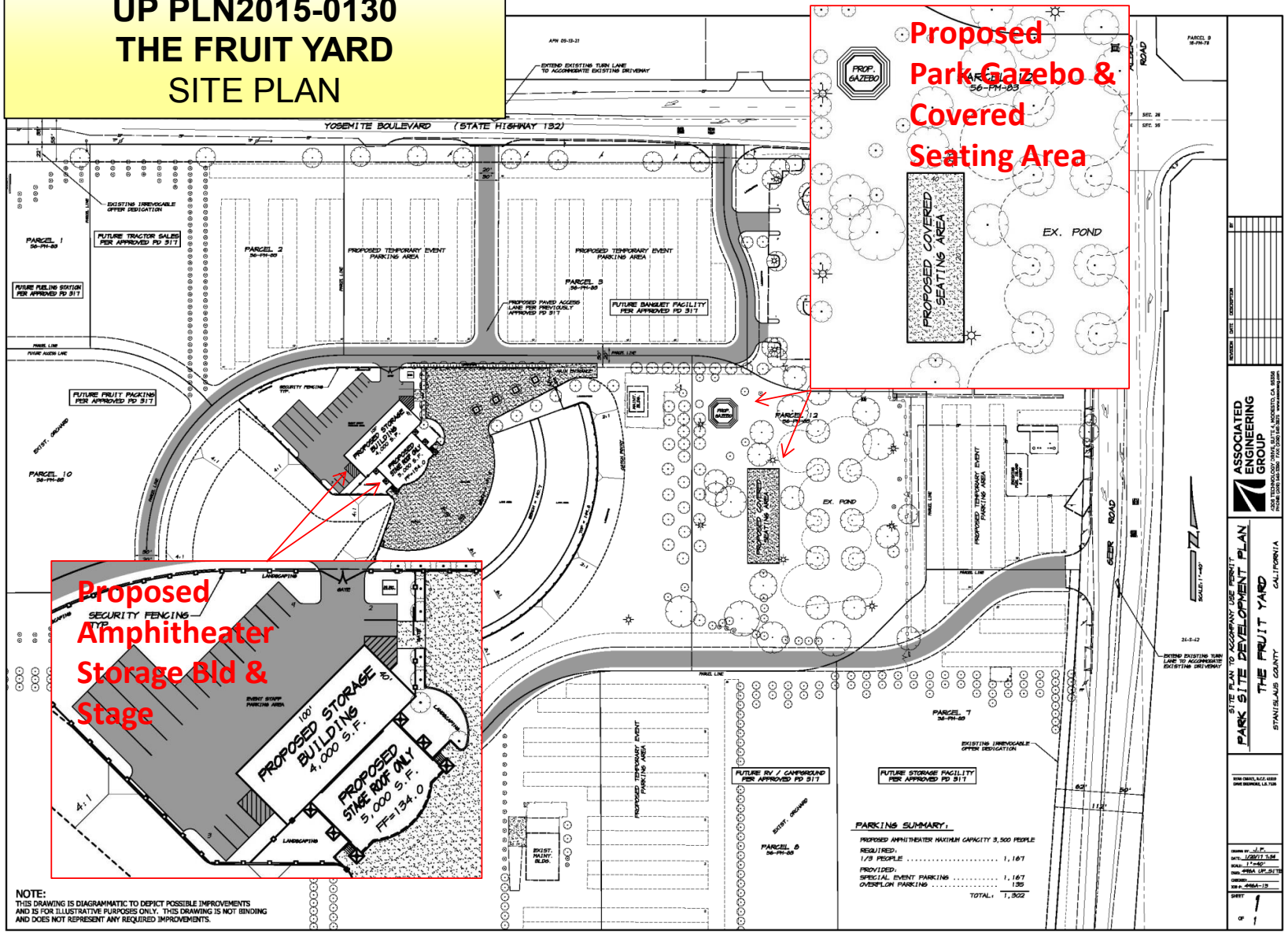
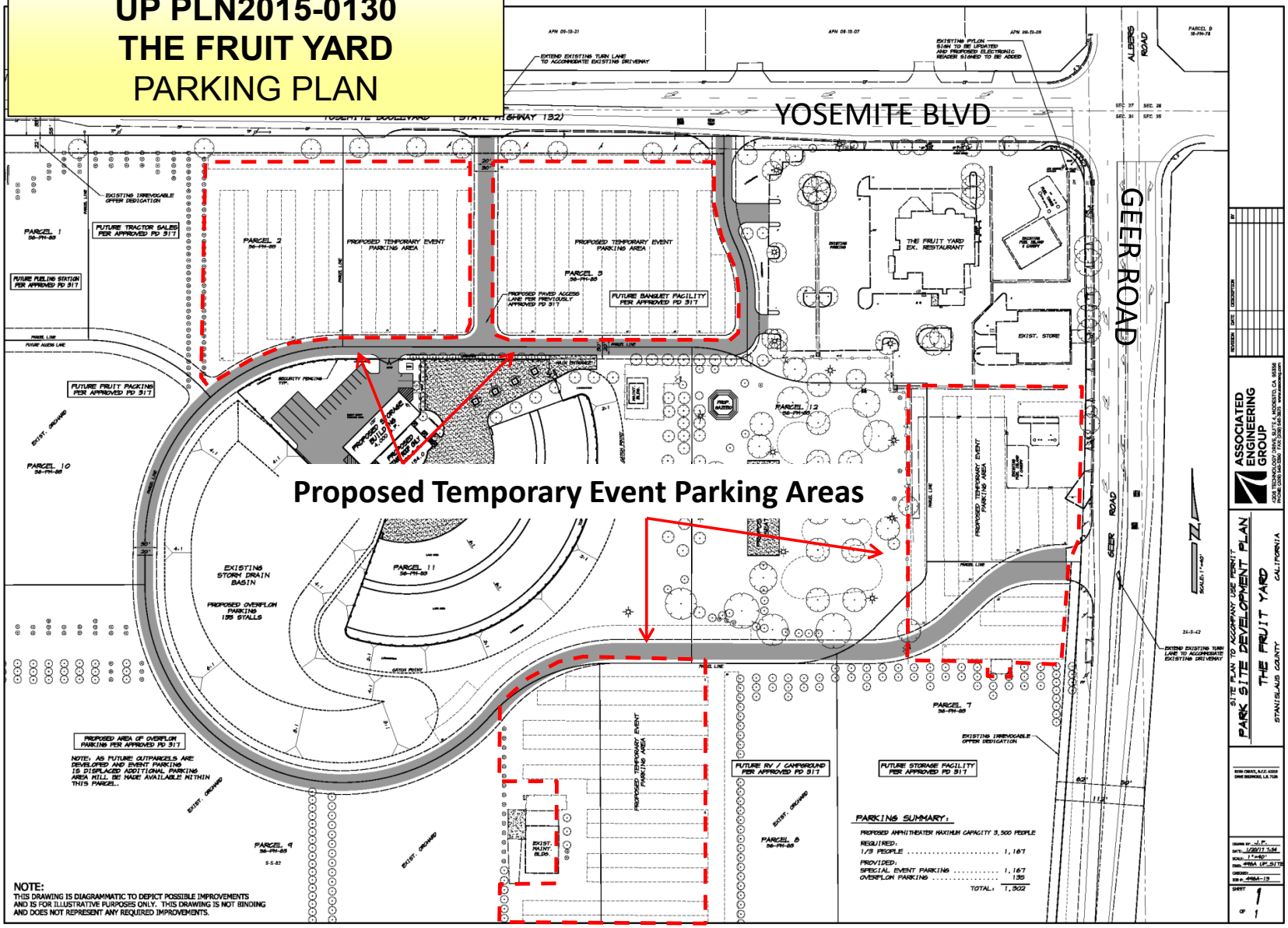


EXHIBIT B-7

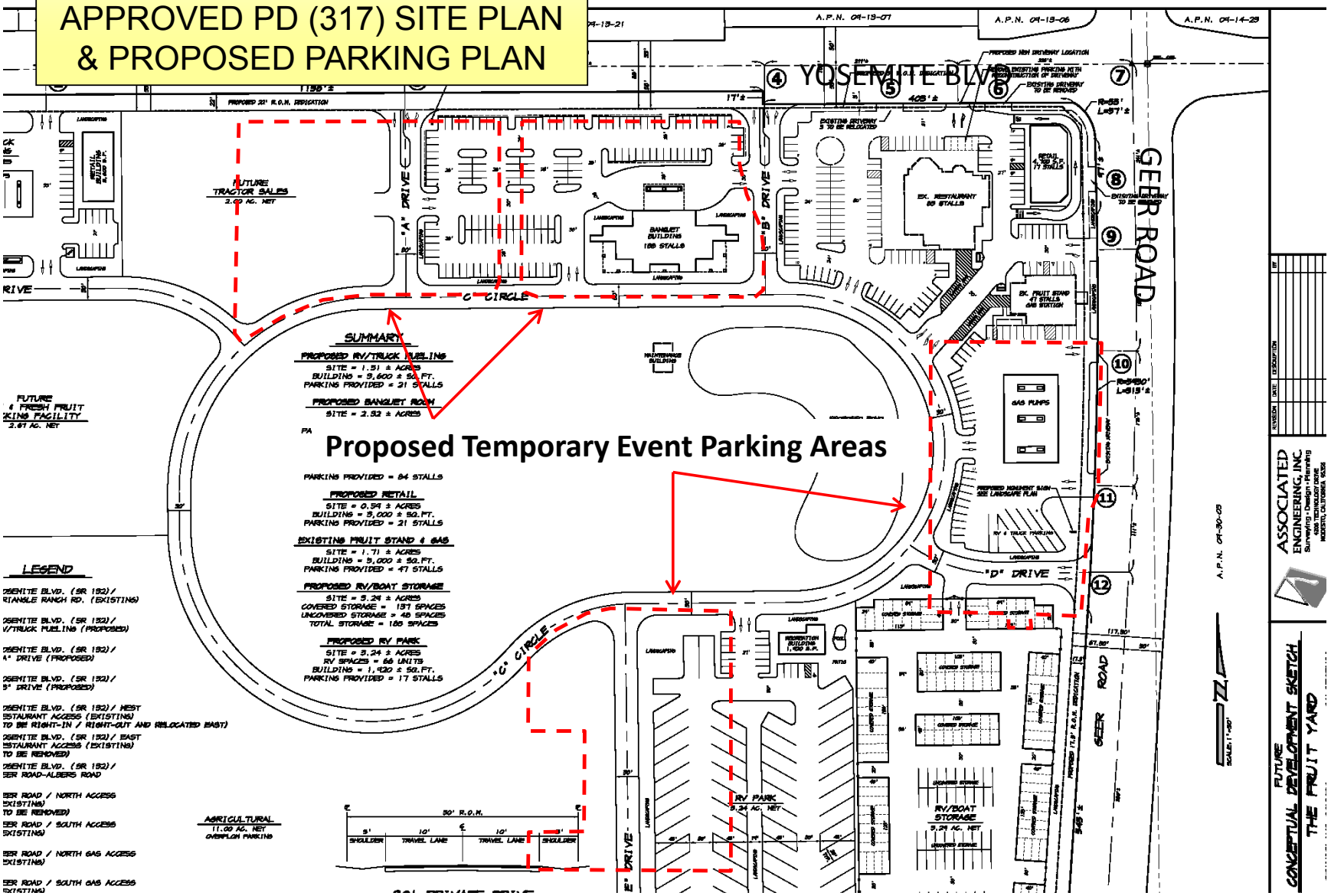
UP PLN2015-0130
THE FRUIT YARD
PARKING PLAN



Proposed Temporary Event Parking Areas

EXHIBIT B-8

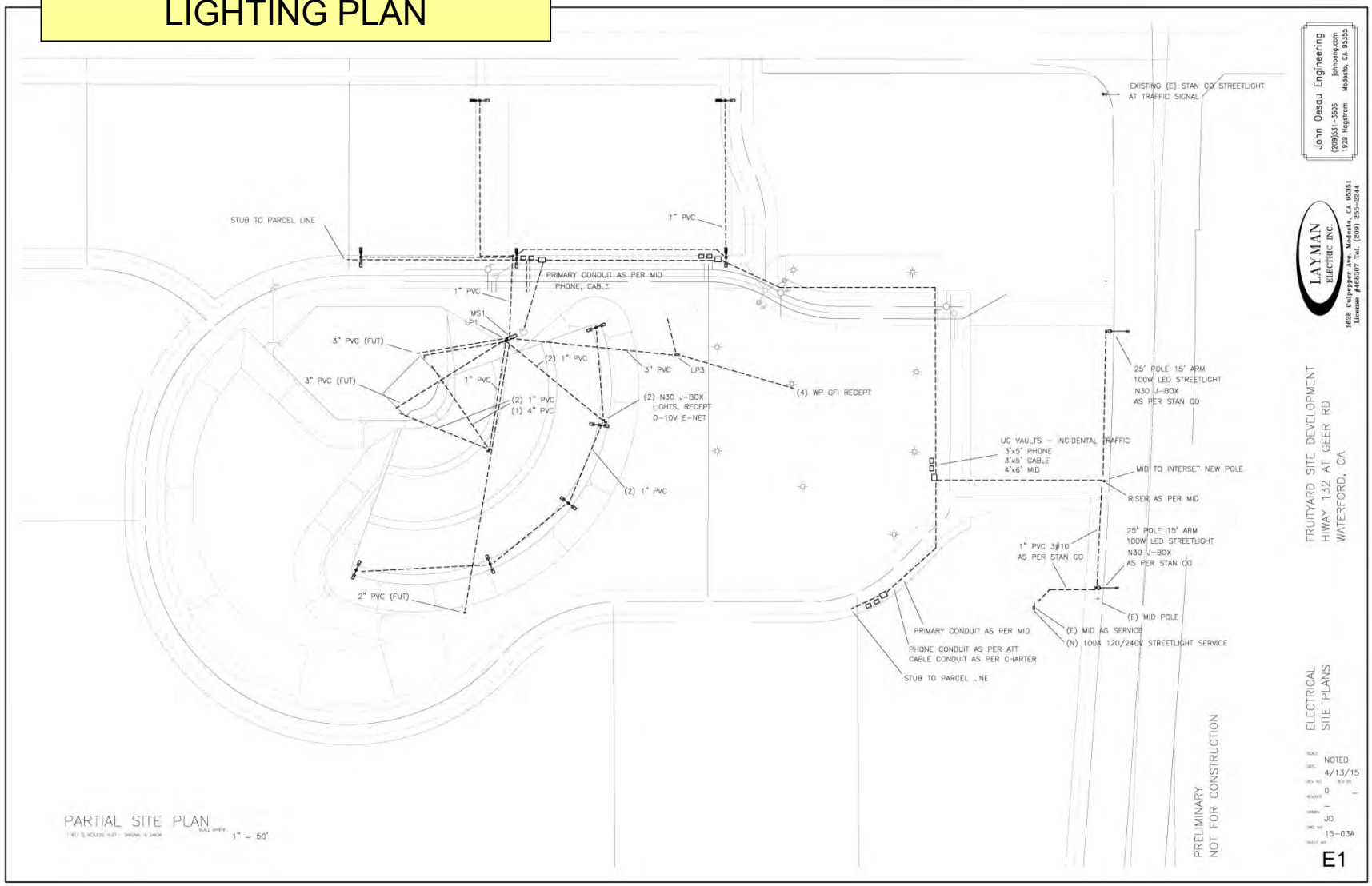
UP PLN2015-0130
THE FRUIT YARD
APPROVED PD (317) SITE PLAN & PROPOSED PARKING PLAN



Proposed Temporary Event Parking Areas

EXHIBIT B-9

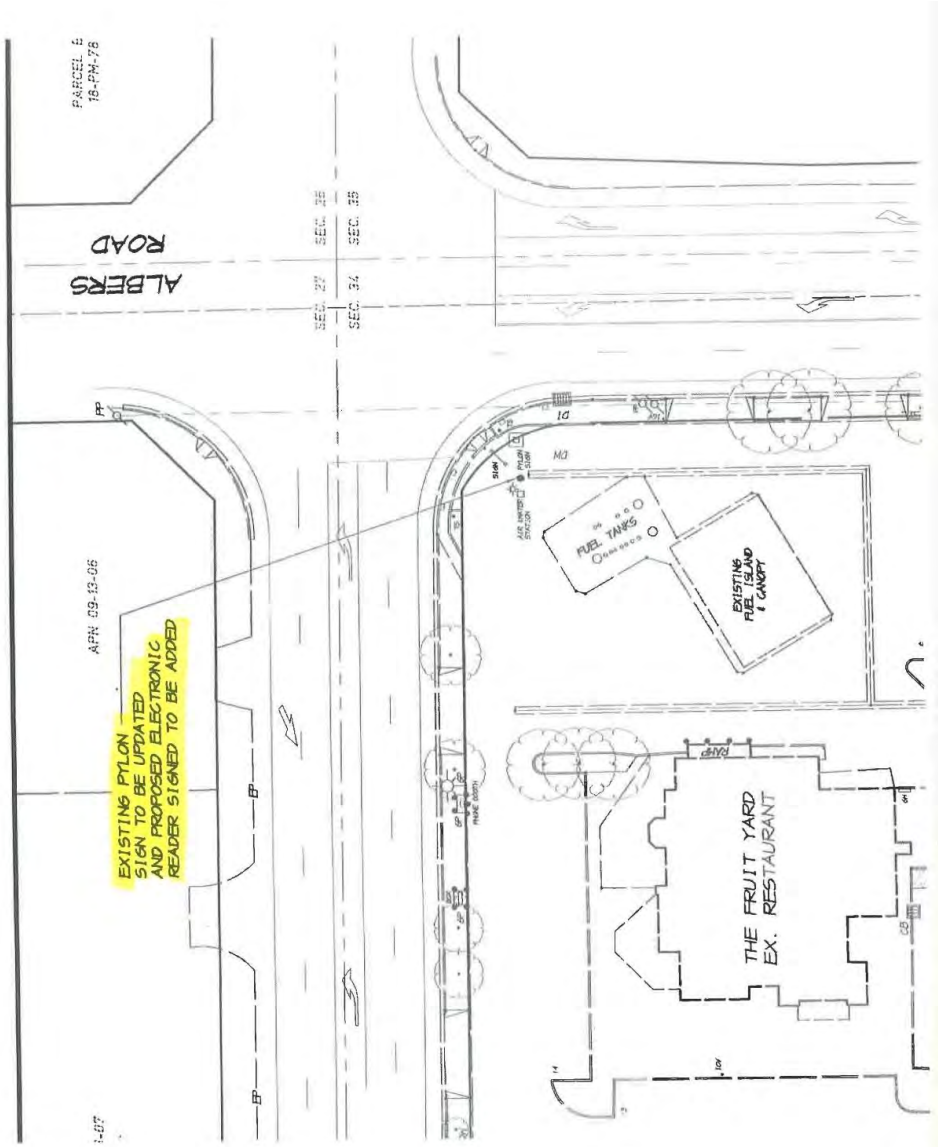
UP PLN2015-0130
THE FRUIT YARD
LIGHTING PLAN



UP PLN2015-0130
THE FRUIT YARD
PROPOSED SIGN

Existing Sign

Proposed Sign



UP PLN2015-0130
THE FRUIT YARD
2016 SITE PHOTOS

56 PM 83

PARCEL MAP

BEING A DIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN STANISLAUS COUNTY, CALIFORNIA

PREPARED FOR: THE FRUITYARD
OCTOBER, 2012

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

OWNER'S STATEMENT:

WE, THE UNDERSIGNED OWNER(S), HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF, OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS PARCEL MAP, AND WE CONSENT TO THE MAKING AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER.

WE HEREBY OFFER FOR DEDICATION TO THE PUBLIC, FOR PUBLIC USE, THE PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS MAP.

WE ALSO HEREBY OFFER FOR DEDICATION FOR THE MUTUAL BENEFIT OF THE PARCELS SHOWN HEREON, THE 30.00 FOOT WIDE PRIVATE INGRESS AND EGRESS EASEMENT AS SHOWN ON THIS MAP.

OWNER: FRUITYARD PROPERTY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: Joseph Traina — 10/8/12
JOSEPH TRAINA, MEMBER — DATE

BY: Willy Traina — 10/8/12
WILLIAM TRAINA, MEMBER — DATE

BENEFICIARY: WELLS FARGO BANK, NATIONAL ASSOCIATION
BY DOCUMENT RECORDED JUNE 25 2008 AS DOCUMENT. NO. 2008-0068530, S.C.R.

Donny L. Rocha — 10/25/12
DATE

Donny L. Rocha, Vice President
PRINT NAME & TITLE

ACKNOWLEDGMENT:

STATE OF CALIFORNIA:
COUNTY OF Stanislaus:
ON 10/8/12 BEFORE ME, Rachel Correia, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED,
Joseph Traina & William Traina

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.
Rachel Correia, NOTARY PUBLIC
PRINT NAME: Rachel Correia
COMMISSION NUMBER: 1951769
COMMISSION EXPIRES: Oct. 8, 2015
PRINCIPAL OFFICE LOCATION (COUNTY): Stanislaus

ACKNOWLEDGMENT:

STATE OF CALIFORNIA:
COUNTY OF STANISLAUS:
ON 10-25-12 BEFORE ME, ANNA FILIPPI, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED,
DONNY L. ROCHA

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.
Anna Filippi, NOTARY PUBLIC
PRINT NAME: ANNA FILIPPI
COMMISSION NUMBER: 1848157
COMMISSION EXPIRES: MAY 8, 2013
PRINCIPAL OFFICE LOCATION (COUNTY): STANISLAUS

NOTE:

"ALL PERSONS PURCHASING LOTS WITHIN THE BOUNDARIES OF THIS APPROVED MAP SHOULD BE PREPARED TO ACCEPT THE INCONVENIENCES ASSOCIATED WITH THE AGRICULTURAL OPERATIONS, SUCH AS NOISE, ODORS, FLIES, DUST OR FUMES. STANISLAUS COUNTY HAS DETERMINED THAT SUCH INCONVENIENCES SHALL NOT BE CONSIDERED TO BE A NUISANCE IF AGRICULTURAL OPERATIONS ARE CONSISTENT WITH ACCEPTED CUSTOMS AND STANDARDS."

CLERK OF THE BOARD OF SUPERVISOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE OWNERS OF THE PROPERTY SHOWN ON THE ACCOMPANYING MAP HAVE FILED WITH THE BOARD OF SUPERVISORS: (CHECK ONE)

☐ A. A BOND OR DEPOSIT APPROVED BY SAID BOARD TO SECURE THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE AT THE TIME OF FILING THIS MAP, A LIEN AGAINST SAID PROPERTY OR ANY PART THEREOF.

☒ B. RECEIPTED TAX BILL OR BILLS OR SUCH OTHER EVIDENCE AS MAY BE REQUIRED BY SAID BOARD SHOWING FULL PAYMENT OF ALL APPLICABLE TAXES.

DATED THIS 23 DAY OF October 2012.

CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS.

BY: Pam Villarreal, DEPUTY
Pam Villarreal
PRINT NAME

TAX COLLECTOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THERE ARE NO LIENS FOR ANY UNPAID STATE, COUNTY, SCHOOLS, MUNICIPAL, OR SPECIAL ASSESSMENTS, EXCEPT SPECIAL ASSESSMENTS OR TAXES NOT YET PAYABLE AGAINST THE LAND SHOWN ON THIS MAP.

ASSESSOR'S PARCEL NO. 009-027-004.

DATED THIS 23rd DAY OF October 2012.

GORDON B. FORD
COUNTY TAX COLLECTOR.

BY: Jegan Raja, DEPUTY
JEGAN L. RAJA
PRINT NAME

OMITTED SIGNATURE:

PURSUANT TO SECTION 66436 OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING EASEMENT HOLDER'S OF RECORD HAVE BEEN OMITTED:

MODESTO IRRIGATION DISTRICT, CANAL AND INCIDENTAL PRUPOSES, RECORDED MAR. 13, 1925, IN BK. 105 OF OFFICIAL RECORDS, PG. 331, S.C.R.

MODESTO IRRIGATION DISTRICT, PUBLIC UTILITY PRUPOSES, RECORDED JUNE 6, 2007, AS DOCUMENT NO. 2007-0075715, S.C.R.

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JOE TRAINA ON OCTOBER 1, 2012
I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.
ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

DATED THIS 8th DAY OF OCTOBER 2012.

DAVE L. SKIDMORE, L.S. 7126

LICENSED LAND SURVEYOR — D.L. SKIDMORE — No. 7126 — STATE OF CALIFORNIA

COUNTY SURVEYOR'S STATEMENT:

THIS IS TO CERTIFY THAT THE ACCOMPANYING MAP HAS BEEN EXAMINED AND THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF. ALSO, CHAPTER 2, AND TITLE 20, OF THE STANISLAUS COUNTY SUBDIVISION CODE HAVE BEEN COMPLIED WITH AND THE MAP IS TECHNICALLY CORRECT.
I HEREBY ACCEPT ON BEHALF OF THE PUBLIC FOR PUBLIC USE, THE OFFER OF DEDICATION OF THE PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS MAP.

DATED THIS 29th DAY OF OCTOBER 2012.

WAYNE G. SUTTON
COUNTY SURVEYOR

Wayne G. Sutton
L.S. 3863

LICENSED LAND SURVEYOR — WAYNE G. SUTTON — No. 3863 — STATE OF CALIFORNIA

RECORDER'S CERTIFICATE:

FILED THIS 31th DAY OF October, 2012, AT 15.04.23 O'CLOCK P.M.
IN BOOK 56 OF PARCEL MAPS, AT PAGE 83, STANISLAUS COUNTY RECORDS, AT THE REQUEST OF ASSOCIATED ENGINEERING GROUP, INC.

INSTRUMENT NO. 2012-97688

FEE $15.00 PAID

LEE LUNDRIGAN
CLERK RECORDER

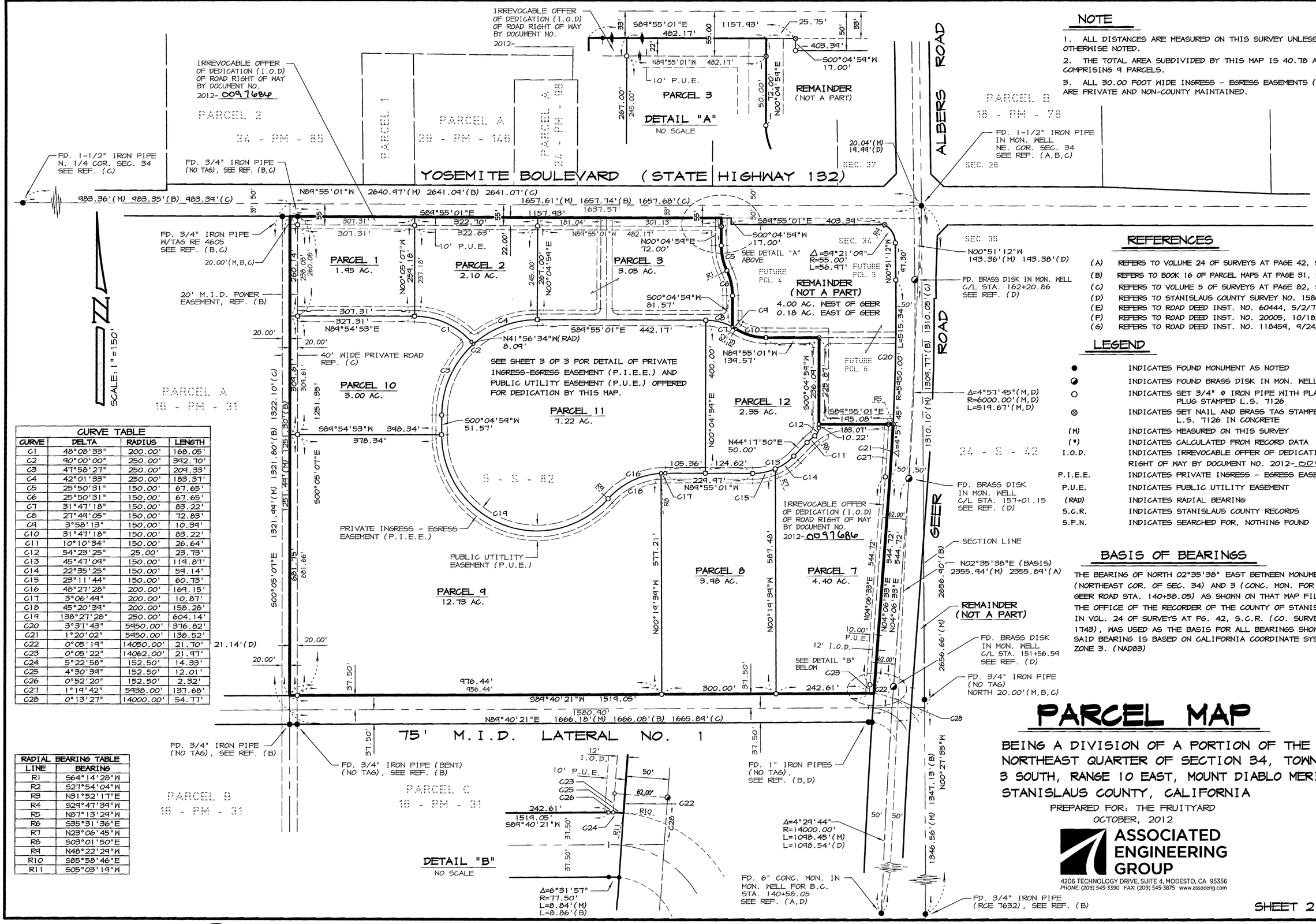
BY: Manjit Kahlon, DEPUTY
Manjit Kahlon
PRINT NAME

STANISLAUS COUNTY PM APP. NO. 2009-08
ASSOCIATED ENGINEERING JOB NO. 496C-12

SHEET 1 OF 3

56 PM 83

56 PM 83



NOTE

1. ALL DISTANCES ARE MEASURED ON THIS SURVEY UNLESS OTHERWISE NOTED.
2. THE TOTAL AREA SUBDIVIDED BY THIS MAP IS 40.78 ACRES COMPRISING 9 PARCELS.
3. ALL 30.00 FOOT WIDE INGRESS - EGRESS EASEMENTS (P.I.E.E.) ARE PRIVATE AND NON-COUNTY MAINTAINED.

REFERENCES

(A)	REFERS TO VOLUME 24 OF SURVEYS AT PAGE 42, S.C.R.
(B)	REFERS TO BOOK 16 OF PARCEL MAPS AT PAGE 31, S.C.R.
(C)	REFERS TO VOLUME 5 OF SURVEYS AT PAGE 82, S.C.R.
(D)	REFERS TO STANISLAUS COUNTY SURVEY NO. 1586
(E)	REFERS TO ROAD DEED INST. NO. 60444, 5/2/77
(F)	REFERS TO ROAD DEED INST. NO. 20005, 10/18/82
(G)	REFERS TO ROAD DEED INST. NO. 118459, 9/24/87

LEGEND

●	INDICATES FOUND MONUMENT AS NOTED
◐	INDICATES FOUND BRASS DISK IN MON. WELL
○	INDICATES SET 3/4" Φ IRON PIPE WITH PLASTIC PLUG STAMPED L.S. 7126
⊗	INDICATES SET NAIL AND BRASS TAG STAMPED L.S. 7126 IN CONCRETE
(M)	INDICATES MEASURED ON THIS SURVEY
(•)	INDICATES CALCULATED FROM RECORD DATA
I.O.D.	INDICATES IRREVOCABLE OFFER OF DEDICATION OF ROAD RIGHT OF WAY BY DOCUMENT NO. 2012-0097686
P.I.E.E.	INDICATES PRIVATE INGRESS - EGRESS EASEMENT
P.U.E.	INDICATES PUBLIC UTILITY EASEMENT
(RAD)	INDICATES RADIAL BEARING
S.C.R.	INDICATES STANISLAUS COUNTY RECORDS
S.F.N.	INDICATES SEARCHED FOR, NOTHING FOUND

BASIS OF BEARINGS

THE BEARING OF NORTH 02°35'38" EAST BETWEEN MONUMENTS 1 (NORTHEAST COR. OF SEC. 34) AND 3 (CONC. MON. FOR BC OF GEER ROAD STA. 140+58.05) AS SHOWN ON THAT MAP FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF STANISLAUS IN VOL. 24 OF SURVEYS AT PG. 42, S.C.R. (CO. SURVEY NO. 1743), WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON. SAID BEARING IS BASED ON CALIFORNIA COORDINATE SYSTEM, ZONE 3. (NAD83)

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	48°08'33"	200.00'	168.05'
C2	90°00'00"	250.00'	392.70'
C3	47°58'27"	250.00'	209.33'
C4	42°01'33"	250.00'	183.37'
C5	25°50'31"	150.00'	67.65'
C6	25°50'31"	150.00'	67.65'
C7	31°47'18"	150.00'	83.22'
C8	27°44'05"	150.00'	72.83'
C9	3°58'13"	150.00'	10.39'
C10	31°47'18"	150.00'	83.22'
C11	10°10'34"	150.00'	26.64'
C12	54°23'25"	25.00'	23.73'
C13	45°47'09"	150.00'	119.87'
C14	22°35'25"	150.00'	59.14'
C15	23°11'44"	150.00'	60.73'
C16	48°27'28"	200.00'	169.15'
C17	3°06'49"	200.00'	10.87'
C18	45°20'39"	200.00'	158.28'
C19	138°27'28"	250.00'	604.14'
C20	3°37'43"	5950.00'	376.82'
C21	1°20'02"	5950.00'	138.52'
C22	0°05'19"	14050.00'	21.70'
C23	0°05'22"	14062.00'	21.97'
C24	5°22'58"	152.50'	14.33'
C25	4°30'39"	152.50'	12.01'
C26	0°52'20"	152.50'	2.32'
C27	1°19'42"	5938.00'	137.68'
C28	0°13'27"	14000.00'	54.77'

RADIAL BEARING TABLE	
LINE	BEARING
R1	S64°14'28"W
R2	S27°54'04"W
R3	N31°52'17"E
R4	S29°47'39"W
R5	N87°13'29"W
R6	S35°31'36"E
R7	N23°06'45"W
R8	S03°01'50"E
R9	N48°22'29"W
R10	S85°58'46"E
R11	S05°03'19"W

PARCEL MAP

BEING A DIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN STANISLAUS COUNTY, CALIFORNIA

PREPARED FOR: THE FRUITYARD
OCTOBER, 2012

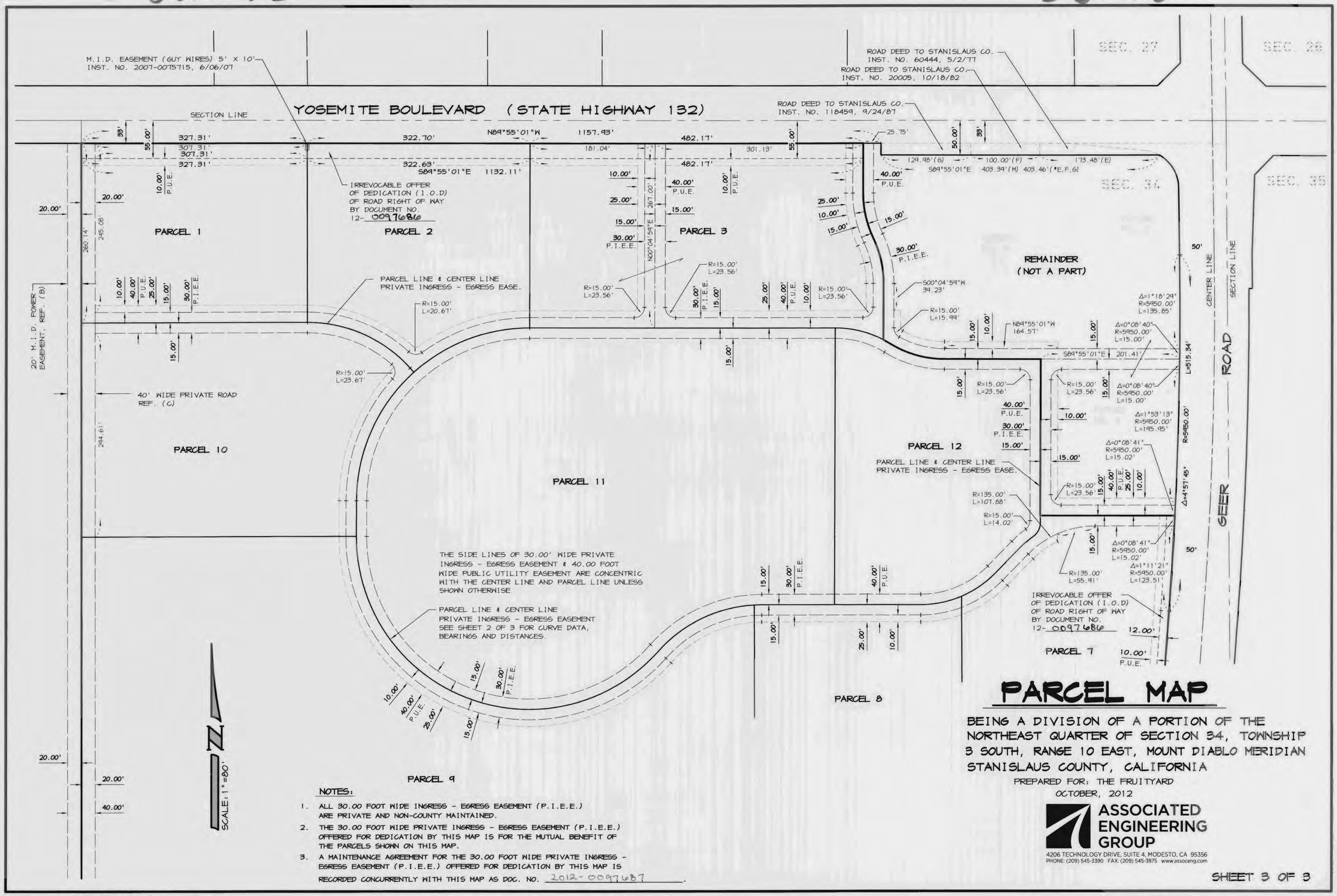
ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

SHEET 2 OF 3

56 PM 83

56 PM 83

56PM83



PARCEL MAP

BEING A DIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN STANISLAUS COUNTY, CALIFORNIA

PREPARED FOR: THE FRUITYARD

OCTOBER, 2012

ASSOCIATED ENGINEERING GROUP

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

NOTES:

1. ALL 30.00 FOOT WIDE INGRESS - EGRESS EASEMENT (P.I.E.E.) ARE PRIVATE AND NON-COUNTY MAINTAINED.
2. THE 30.00 FOOT WIDE PRIVATE INGRESS - EGRESS EASEMENT (P.I.E.E.) OFFERED FOR DEDICATION BY THIS MAP IS FOR THE MUTUAL BENEFIT OF THE PARCELS SHOWN ON THIS MAP.
3. A MAINTENANCE AGREEMENT FOR THE 30.00 FOOT WIDE PRIVATE INGRESS - EGRESS EASEMENT (P.I.E.E.) OFFERED FOR DEDICATION BY THIS MAP IS RECORDED CONCURRENTLY WITH THIS MAP AS DOC. NO. 2012-0097687.

SHEET 3 OF 3

56PM83

56PM83

AS AMENDED BY THE PLANNING COMMISSION
APRIL 20, 2017

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

DEVELOPMENT STANDARDS

USE PERMIT APPLICATION NO. PLN2015-0130
THE FRUIT YARD AMPHITHEATER

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.

2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **$2,273.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

   Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

5. During any future construction, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

6. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.

8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. ~~Flashing, animated, or electronic reader board signs are not permitted.~~

9. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.

10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

11. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.

12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

13. All Development Standards from Planned Development (317) shall remain in effect. The Development Standards set forth in this Staff Report are considered to be an amendment to the Development Standards from Planned Development (317), and apply in addition to the Development Standards from Planned Development (317).

14. No street parking associated with the site is permitted. Customers and event attendees shall be made aware via signage that parking is limited to on-site parking only.

15. No alcohol consumption or tail gating is permitted in the parking areas designated for on-site events. Any sale of alcohol on-site must obtain and comply with all of the necessary Alcohol Beverage Control (ABC) Licensing.

16. Prior to final of any new building permit all outstanding building and grading permits shall be finaled.

17. Parcels 2, 3, 8, 9, and the remainder parcel of Parcel Map 56-PM-83 may not be independently sold until permanent parking is developed. Prior to development of permanent parking facilities, all applicable permits shall be obtained, including but not limited to a Staff Approval or Use Permit, and Building and/or Grading Permit. Proposed permanent parking facilities shall be reviewed and approved by both the Planning and Public Works Departments prior to development.

18. Events are limited to what are allowed under the Planned Development, including the amendments included in this Use Permit. No Outdoor Entertainment Activity Permit may be obtained.

19. Hours of operation may not be extended beyond those included in Mitigation Measure No. 9, without a public hearing.

20. Prior to acceptance of the "Good Neighbor Policy", the Planning Department will refer the draft document to all surrounding residents, for a two week comment period. The referral will be sent to all surrounding residents included on the project referral "Landowner Notice" list from Use Permit No. PLN2015-0130 – The Fruit Yard. Any comments received will be taken into consideration. However, the Planning Department maintains the ultimate approval authority.

Department of Public Works

21. No parking, loading or unloading of vehicles will be permitted within the Geer Road and Albers Road rights-of-way. The applicant will be required to install or pay for the installation of any signs and/or markings, coordinating the installation of the signs with Public Works Traffic Section.

22. The applicant shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way.

23. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.

24. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted before any grading occurs or building permit for the site is issued which creates a new or larger footprint on the parcel. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

    A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.

    B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.

    C. The grading, drainage, erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit.

D. An Engineer's Estimate shall be submitted for the grading and drainage work.

E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

F. The permit applicant shall pay the current Stanislaus County Public Works weighted labor rate for the plan review and all on-site inspections required for the grading, drainage, erosion/sediment control, or building permit plan. The Public Works inspector shall be contacted 48 hours prior to the onset of any grading or drainage work on-site.

Department of Environmental Resources

25. Prior to onset of amphitheater events, and prior the installation of any water infrastructure for the amphitheater, the property owner shall provide to the Department of Environmental Resources an application for amended water supply permit along with a full technical report demonstrating that the water system will meet all requirements of a Non-transient Non-community water system: capacity, source water, drinking water source assessment, water works standards, and the California Environmental Quality Act (CEQA).

26. All food facilities must operate under a Health Permit, issued by the Department of Environmental Resources.

27. Prior to issuance of any building permit for the construction of the preparation and serving kitchen in the banquet hall, the owner/operator shall provide construction plans to the Department of Environmental Resources for review and approval as required in accordance with California Health and Safety Retail Food Code.

28. All food service offered at The Fruit Yard complex, including but not limited to the amphitheater events area, banquet hall, restaurant, and convenience stores, shall be conducted in compliance with the requirements of California Health and Safety Retail Food Code and shall obtain and comply with all applicable permits through the Department of Environmental Resources.

29. Prior to onset of amphitheater events, On-site Wastewater Disposal System (O.W.T.S.) for amphitheater events must be reviewed and approved by the Department of Environmental Resources. Due to the levels of the nitrates in the existing water system being higher than half of the maximum MCL, any expansion of the onsite waste water system (OWTS) can contribute to groundwater nitrate levels especially with individual OWTS. A wastewater management plan of any flow of 5,000 gallons per day, or greater, must be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) for review and approval. A Wastewater Management Plan of any flow of 5,000 gallons per day, or less, must be submitted to the Department of Environmental Resources for review and approval. A centralized O.W.T.S. is highly recommended with proper treatment of the discharge effluent. The quality of the discharge effluent shall meet EPA Secondary Treatment levels. The focus will be on the ability to reduce nitrate, salt, and organic chemical levels, minimizing the impact upon the area's groundwater supply.

Building Permits Division

30. Building permits are required and the project must conform to the California Code of Regulations, Title 24.

Stanislaus Consolidated Fire District

31. Prior to onset of events at the amphitheater, an Event Traffic Management Plan shall be reviewed and approved by the Stanislaus Consolidated Fire District.

32. All proposed structures shall obtain building permits, and shall meet all applicable Building and Fire codes, and shall be reviewed and approved by the Stanislaus Consolidated Fire District.

Modesto Irrigation District

33. In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed site shall be protected, relocated, or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.

34. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.

35. Costs for relocation or installation of MID electrical facilities at the request of others will be borne by the requesting party. Estimates for relocating or installing MID electrical facilities will be supplied upon request.

36. A 15-foot Public Utility Easement (PUE) is required adjacent to the existing 12,000 volt overhead lines along Geer Road street frontage. The PUE is required in order to protect the existing overhead electric facilities and to maintain necessary safety clearances.

37. A 10-foot Public Utility Easement (PUE) is required adjacent to existing street frontages, proposed streets and private ingress/egress easements as already shown on Parcel Map 56-PM-83. The PUE's are required in order to protect the future electrical facilities and to maintain necessary safety clearances.

38. Prior to onset of any construction, contractor shall verify actual depth and location of all underground utilities. Notify "Underground Service Alert" (USA) (Toll Free 1-800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will mark the location of the MID underground electrical facilities.

39. The Modesto Irrigation District (MID) reserves its future right to utilize its property along the MID canal in a manner it deems necessary for the installation and maintenance of electric and telecommunication facilities. These needs, which have not yet been determined, may consist of new poles, cross arms, wires, cables, braces, insulators, transformers, service lines, control structures, and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

40. A 10 foot OSHA minimum approach distance is required adjacent to the existing 12,000 volt overhead high voltage lines.

41. An eight foot minimum vertical approach distance is required adjacent to the existing overhead 200 volt secondary lines.

42. Use extreme caution when operating heavy equipment, backhoes, using a crane, ladders, or any other type of equipment near overhead or underground MID electric lines and cables.

43. Electric service to the proposed parcels is not available at this time. The Electric Engineering Department has no objections to the proposed amphitheater at this time. However, specific requirements regarding construction issues will be addressed when the amphitheater construction plans are submitted for review to the District's Electric Engineering Department. Contact Linh Nguyen at (209) 526-7438.

44. Prior to construction, a pre-consultation meeting a pre-consultation meeting to discuss MID irrigation requirements is recommended.

California Department of Transportation

45. An encroachment permit shall be obtained prior to any work within the State right-of-way.

Department of California Highway Patrol

46. Prior to onset of events at the amphitheater, an Event Traffic Management Plan shall be reviewed and approved by the Department of California Highway Patrol.

MITIGATION MEASURES

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:
1) Hold a public hearing to consider the project; and
2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.

2. Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall building, labeled on the Planning Commission approved project site plan as a "storage building" to be located directly behind (northwest) of the stage, as identified on the project site plan. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage sound-wall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within the noise levels described within this Mitigation Monitoring Plan.

3. Prior to issuance of a building permit for the banquet hall, and prior to the onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the approved plans by a noise consultant, as described in Mitigation Measure No. 14.

4. All amphitheater, park, and banquet hall events shall maintain the noise levels described in Table 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below:

Table 1
Stanislaus County Noise Standards Applied to this Project
After Adjustment for Elevated Ambient and Noise Source Consisting of Music

		Adjusted Daytime Nighttime	Adjusted Standard
A, B, D, F (near busy roadways)	Hourly Leq, dBA	60	5
	Maximum Level (Lmax), dBA	80	7 0
C, E (setback from roadways 250-350 feet)	Hourly Leq, dBA	55	5
	Maximum Level (Lmax), dBA	75	6 5
G, H, I (isolated from busy roads)	Hourly Leq, dBA	50	4
	Maximum Level (Lmax), dBA	65	5 5

Source: Stanislaus County Noise Element of the General Plan adjusted for ambient

In addition to the Table 1 standards, low-frequency noise shall be limited to daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied at the nearest residences, existing at the time of the event. These standards may be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance). Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department.

5. To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the amphitheater stage.

Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100 feet from the sound system speakers. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

6. To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the Amphitheater stage. In addition, amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

   To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the speakers. In addition, amplified music shall be limited to an average of 75 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

   Noise measurements during the first two amplified music events for each event space (banquet hall, park, and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

7. Prior to any amplified music event at the park, banquet hall, or amphitheater the operator/property owner shall obtain a sound monitoring system; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and during each amplified music event occurring at the park, banquet hall and amphitheater. Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.

   Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

   A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits. Data shall be maintained for 30 days and made available to the County upon request.

   The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

8. During the first two large concerts (with 500 or more in attendance) held at the amphitheater, noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The monitoring shall be conducted continuously from the sound stage (100-feet from stage), with periodic noise monitoring near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the concert event. The purpose of the measurements is to verify compliance with the project's noise standards. If the measurement results indicate that the music levels exceed the noise standards described in this Mitigation Monitoring Plan, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.

9. All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.

10. The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required in this Mitigation Monitoring Plan, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by 12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.

11. Operator/property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The Policy shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The Policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the Policy shall be made without prior review and approval by the Planning Department.

12. In the event that documented noise complaints are received for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83), such complaints shall be investigated to determine if the noise standards contained in this mitigation monitoring program were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded at the location where the complaint was received, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

13. Following removal of orchard trees located on the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise Mitigation Measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.

14. Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

15. Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

16. Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

17. An Event Traffic Management Plan shall be submitted and approved four (4) weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.

    a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
    b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
    c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;

d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;

e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;

f. Prior to the implementation or construction of any additional phases of the approved Plan Development (317), a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;

g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;

h. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;

   i. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;
   ii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;
   iii. The left turn lane shall be installed before the first event is held at the amphitheater.

****

Please note: If Development Standards/Mitigation Measures are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Development Standards/Mitigation Measures; new wording is in ***bold****, and deleted wording will have a ~~line through it.~~*

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

December 3, 2015

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: TIME EXTENSION FOR GENERAL PLAN APPLICATION NO. GPA2007-03 AND REZONE APPLICATION NO. REZ2007-03 - FRUIT YARD

PROJECT DESCRIPTION

This is a request to amend the Development Schedule for Planned Development (P-D) No. 317 by extending the development time frame from August 19, 2015, to August 19, 2030, with approved uses allowed to move from one phase to another to react to market conditions (see Attachment 1.)

Planned Development (317) was approved on August 19, 2008, to allow for the development of a 44+/- acre parcel over three phases. The project included development of a 9,000 square-foot banquet facility, a new convenience market and relocation of an existing gas station, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square-foot retail shell building, which includes a drive-through establishment of unknown type. The applicant/property owner was also permitted a 322-space boat/RV mini storage (both covered and uncovered spaces) and a 66 space travel trailer park for short term (overnight) stays and a 2.0 acre site for retail tractor (large agricultural equipment) sales. The request included a new facility for fruit packing and warehousing. All substantially modified or new uses would include on-site vehicle parking, landscaping, and other accessory uses. Finally, occasional outdoor special events would be held on-site, near and on the 9-acre park area, including fund raising activities to private parties. Below is an overview of the three approved development phases for P-D 317. The overview includes the development schedule, as originally proposed, and the current development status is provided in [brackets]:

Phase 1 (to be completed 1 to 3 years from date of approval)

- *Construction of a 9,000 squar- foot Banquet Building/Facility, [not started]*
- *Upgrades to park area, corresponding landscaping, and on-site parking for new or substantially modified uses [partially completed]*
- *Conduct occasional outdoor events, including fund raising and activities to private parties [conducted, some events were conducted with amplified noise before an acoustical analysis was prepared.]*

Phase 2 (to be completed 2-5 years from date of approval)

- *322-space Mini Storage with Boat & RV storage, [not started]*
- *66-space, short term, RV Park, [not started]*
- *Tractor Sales Facility, [not started, Use Permit required] and*
- *Fruit Packing Facility [not started, Use Permit required]*

Phase 3 (to be completed 3 to 7 years from date approval)

- *Relocation of Existing Gas Station and Convenience Market, [not started]*
- *Relocation Card Lock Fueling Station, [not started] and*
- *3,000 square-foot Retail Building with drive-thru [not started]*

The approved site plan, reflecting development phases, is provided on page 21 of Attachment 2 – August 19, 2008 Board of Supervisors Report. Based on the Planning Commission's recommendation, the Board of Supervisors approved the project with an amended Development Schedule allowing that "*uses may be moved from one phase to another to react to market conditions*" *(See Attachment 3 August 19, 2008, Approved P-D 317 Development Standards and Development Schedule.)* Consequently, the development schedule for the project was scheduled to expire on August 19, 2015. The applicant, Joe Traina and his agent Dave Romano submitted a request for a project time extension on August 14, 2015.

As part of the time extension request, the applicant has identified the updated project phasing as follows:

Backbone Infrastructure 2014-2018

- Master storm drainage facility (basin and trunk line) 2014-2015 [work started]
- Fire water trunk line (tank and booster pumps) 2015-2016
- Sewer system (if needed) 2016-2018
- Water system (if needed) 2016-2018

Phase 1 (pursuant to approved site plan) 2016-2021

- Park site improvements and upgrades
- Banquet Building/Facility
- Mini-Storage with RV/Boat storage facility

Phase 2 (pursuant to approved site plan) 2020-2025

- RV Park
- Fruit Packing Facility
- Truck Sales Facility

Phase 3 (pursuant to approved site plan) 2025-2030

- RV/Truck fueling
- Gas Station Relocation
- Retail Building

As with the current approval, the applicant's is proposing that the updated project phasing may be moved from one phase to another to react to market conditions.

On January 21, 2010, the Planning Commission approved Vesting Tentative Parcel Map Application No. 2009-08 – The Fruit Yard, allowing the creation of twelve parcels ranging in size from 0.60 +/- to 12.70 acres in conformance with uses allowed under P-D No. 317. The Fruit Yard Parcel Map (56PM83) was recorded on October 31, 2012, (*see Attachment 4 Parcel Map 56PM83)*. The applicant has made improvements to the site in compliance with the Parcel Map conditions of approval.

If approved as requested, the new development schedule would give the applicant until August 19, 2030, to start construction of any one of the project phases.

DISCUSSION

Applicant's Demonstration of Good Cause

The application cites reasons for the extension, highlighted by the following statement as included in the applicant's written support.

> *"During the processing of the project, in 2007/2008, the economy, both locally and nationally, was subject to a substantial downturn, and this downturn slowed the development of the project after approval. Over the last few years, as the economy has started to recover, The Fruit yard owner has been able to commence development of the project. A Parcel Map has been recorded creating all the proposed development parcels for the PD. As part of road widening projects in the area, road dedications have been made, and improvements constructed to further the development of the site. The central nine (9) acre park is under construction and includes a storm drainage basin and amphitheater. Sections of the ring road around the perimeter of the park are being constructed. Utilities are being constructed to provide service to all of the PD parcels proposed for development."*

Section 21.40.090(B) of the Stanislaus County Zoning Ordinance speaks to the allowance of modifying a Planned Development's Development Schedule. This section states:

> *Upon request by the property owner and for good cause shown, the planning commission may extend the time limits of the development schedule; provided that any request for an extension of time limits shall be on file in the office of the director of planning prior to the expiration of any time limit required by the development schedule.*

The project time extension is a discretionary act in that it does grant approval of continued life for the Planned Development which otherwise would expire. A large reason why Development Schedules (for Planned Developments) do not last indefinitely is that the need to recognize the passage of time may have caused agencies to look at the project differently.

In order to approve the time extension, the Planning Commission will need to find that the request is both consistent with the County General Plan (as a whole) and that "good cause" has been shown by the applicant for the time extension request.

Compliance with Approved Site Plan and Performance Standards

In 2013, the applicant applied for a grading permit to develop the storm drainage basin. The approved grading plan included the grading for an amphitheater. The grading permit was issued on January 29, 2015, and the grading has occurred; however, the grading permit did not provide authorization for use of the amphitheater. The grading permit has received one inspection to date and has not been finaled.

On November 23, 2015, the applicant applied for a Use Permit application to develop and use the amphitheater on part of the park site. This time extension request does not involve or include the development of the amphitheater, as it was not approved as part of the original Planned Development.

As approved, P-D 317 allows the park site to be open to the general public during normal business hours and for public and private special events to be conducted, without the need of obtaining a license issued by the Sheriff's Department in accordance with Stanislaus County Code – Section 6.40 – Outdoor Entertainment Activities in the Unincorporated Area, provided an acoustical analysis be conducted prior to any outdoor use of amplified sound or blasting devices to insure noise levels do not exceed the maximum allowable noise levels as allowed by the County's General Plan Noise Element. The number of private and public events was not limited.

Residents in the vicinity have complained about traffic and the use of amplified noise emanating from the site from private parties and special events since the 2008 approval. Outdoor events with amplified noise at the park site and outside of the restaurant have been held without an approved acoustical analysis; however, if issued an Outdoor Entertainment permit by the Sheriff, an acoustical analysis would not necessarily be required. An Outdoor Entertainment permit would; however, restrict the number of events permitted and would still require compliance with County noise standards.

An acoustical analysis was recently drafted for use of amplified noise from the proposed amphitheater. Staff reviewed and evaluated the analysis and requested an amended scope of work to include events located outside of the proposed amphitheater. The noise is one of the issues that will be evaluated as part of the subsequent Use Permit application.

California Environmental Quality Act (CEQA) Compliance

In reviewing this request, it was circulated to various agencies including those agencies with Development Standards placed on the approved P-D (317), *(see Attachment 6 Environmental Review Referrals)*. No referral responses identifying significant comment or objection to the subject request have been received from various agencies/departments and no additional Development Standards have been requested.

Under California law, a request for time extension of a project that previously was subject to CEQA review may be exempt from CEQA or may be evaluated under the standard, triggering subsequent or supplemental CEQA review (under Public Resources Code Section 21166 and CEQA Guidelines Section 15162). In order to trigger additional review when the project was previously approved with a Negative Declaration, a significant environmental effect must be identified. No significant environmental effects were identified by responding agencies and parties.

Neighborhood Comments

Staff has been contacted by neighboring residents, expressing concern about the development and use of the amphitheater, along with past noise complaints associated with amplified noise heard from events held at The Fruit Yard.

A staff approval permit application was submitted and circulated to neighbors proposing limited use of the amphitheater (limited to a maximum of six events per year with no use of amplified sound and not to be used independent of other events conducted at the park site). Due to the limited use that would be allowed by staff approval permit; the applicant is proposing a Use Permit to request extended use as a stand-alone event center. The use permit application will be processed through the normal process requiring a new environmental assessment,

landowner notifications, and a public hearing for consideration of the request by the Planning Commission.

The applicant conducted a neighborhood on meeting on September 21, 2015, at The Fruit Yard Restaurant, to discuss the status and process of constructing the amphitheater.

A letter from Tom Douglas was submitted on November 3, 2015, expressing concern with the proposed amphitheater, *(see Attachment 5 Letter from Tom Douglas, dated November 3, 2015).* Mr. Douglas has been informed that a Use Permit Application has been submitted for the development of the amphitheater and he desires to have his comments apply to that application. He has since voiced that he is not in opposition to the time extension request.

PLANNING COMMISSION OPTIONS

Staff recommends that the Planning Commission approve the time extension application as requested. If the Planning Commission decides to approve this request, Staff recommends that the following findings must be made:

1. Find that the time extension request is consistent with the County's General Plan; and
2. Find that the applicant has shown good cause for being granted a time extension.

The Planning Commission may also decide to approve this request with a lesser number of years then the applicant is requesting. If this is the course of action the Commission wishes to take, the same findings as listed above for the approval will have to be made.

If the Planning Commission decides to deny this request, Staff recommends that the following findings must be made:

1. Find that the findings required for approval cannot be made, and deny the time extension request for General Plan Amendment N0. 2007-03 and Rezone Application No. 2007-03 – The Fruit Yard.

******

Contact Person: Miguel Galvez, Senior Planner, (209) 525-6330

Attachments:

Attachment 1 - Applicant's August 14, 2015 Time Extension Request, including updated project phasing.

Attachment 2 - Board of Supervisors Report for GPA No. 2007-03 and REZ Application No. 2007-03 – The Fruit Yard, dated August 19, 2008 with partial attachments – the complete attachments are available on-line.

Attachment 3 - August 19, 2008 Approved P-D 317 Development Standards and Development Schedule

Attachment 4 - Parcel Map 56PM83.

Attachment 5 - Letter from Tom Douglas, dated November 3, 2015

Attachment 6 - Environmental Review Referrals.

Fruit Yard Extension – Written Support

The Fruit Yard project is located at the intersection of Geer/Albers Road and Yosemite Blvd/State Route 132. This is a key intersection in the County, and provides services to residents from Waterford to Modesto, and from Oakdale to Turlock. The Crossroads Feed Store and Masellis Well Drilling are also located at this intersection, in addition to the Fruit Yard development which is made up of a gas station, a restaurant, bar and banquet facility, a fruit market, a card lock fueling facility, and a developed park that has a long history of use for local and community events.

In March of 2007, the Fruit Yard submitted an application for a Planned Development (PD) identifying the long term plans for the site and its development. Such development plans included the completion of the central park, the relocation of the gas and card lock fueling facilities, a new small retail building, a new, larger banquet room, a RV/Boat storage facility, a small RV park, and future tractor sales and dry & fresh fruit packing facilities. This plan was approved by the County Board of Supervisors on August 19, 2008.

During the processing of the project, in 2007/2008, the economy, both locally and nationally, was subject to a substantial downturn, and this downturn slowed the development of the project after approval. Over the last few years, as the economy has started to recover, the Fruit Yard owner has been able to commence development of the project. A Parcel Map has been recorded creating all the proposed development parcels for the PD. As part of road widening projects in the area, roadway dedications have been made, and improvements constructed to further the development of the site. The central nine (9) acre park is under construction and includes a storm drainage basin and amphitheater. Sections of the ring road around the perimeter of the park are being constructed. Utilities are being constructed to provide service to all of the PD parcels proposed for development.

The Fruit Yard is requesting an extension of the PD as: (i) the Fruit Yard still intends to develop the PD as approved by the Board of Supervisors, (ii) the economy has recovered enough to allow the developer to commence with development of the site, (iii) all of the parcels associated with the future development of the PD have been created, and (iv) improvements (at substantial cost) have been constructed to serve the parcels and development of the PD. Based on the foregoing, the extension of the PD as requested is appropriate and necessary.

August, 2015

Updated Project Phasing

The Fruit Yard (P-D 317)
7948 Yosemite Blvd.
Modesto, California

Backbone Infrastructure 2014-2018

- Master Storm Drainage Facility (basin and trunk line) 2014-2015
- Fire Water Trunk Line (tank and booster pumps) 2015-2016
- Sewer system (If needed) 2016-2018
- Water system (if needed) 2016-2018

Phase 1 (pursuant to approved site plan) 2016-2021

- Park site improvements & upgrades, including amphitheater. Portions of the park site improvements (roads) will be developed in conjunction with the adjacent future development.
- Banquet Building/Facility.
- Mini-Storage with RV/Boat storage facility (frontage improvement plans and required improvements pursuant to condition no. 17 (PM 2009-08).

Phase 2 (pursuant to approved site plan) 2020-2025

- RV Park
- Fruit Packing Facility
- Tractor Sales Facility

Phase 3 (pursuant to approved site plan) 2025-2030

- RV/Truck fueling
- Gas station relocation
- Retail building

Uses may be moved from one phase to another to react to market conditions.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development **BOARD AGENDA #** 6:40 p.m.

Urgent ☐ **Routine** ☒ **AGENDA DATE** August 19, 2008

CEO Concurs with Recommendation YES ☐ **NO** ☐ **4/5 Vote Required YES** ☐ **NO** ☒
(Information Attached)

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment Application No. 2007-03 and Rezone Application No. 2007-03, The Fruit Yard, a Request to Amend the General Plan Designation from Agriculture to Planned Development and to Rezone the

(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of July 17th, 2008, the Planning Commission, on a 4-2 (Navarro, Shores) vote, recommended the Board approve the project as follows:

1. Adopt the Mitigated Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-600

On motion of Supervisor O'Brien, **Seconded by Supervisor** DeMartini
and approved by the following vote,
Ayes: Supervisors: O'Brien, Grover, Monteith and DeMartini
Noes: Supervisors: Chairman Mayfield
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

1)____ **Approved as recommended**
2)____ **Denied**
3)_X_ **Approved as amended**
4)____ **Other:**

MOTION: Amended Development Standard No. 55 to read as follows: "Concurrent with the development of either the RV/Boat Storage or the RV Park parcels, a six-foot high masonry wall, or an MID approved equal, is required along the south line of applicant's property adjacent to MID Lateral 1. This fence shall extend from Geer Road to a point 10 feet west of the proposed "E" Drive right-of-way . If "F" Way is

MOTION CONTINUED ON PAGE 1-A

ATTEST: Christine Ferraro Tallman **CHRISTINE FERRARO TALLMAN, Clerk**

ATTACHMENT 2
File No. ORD-55-H-8

MOTION CONTINUED FROM PAGE 1

constructed from "E" Street to Triangle Ranch Road or the Agricultural parcel is developed, then the wall must be extended the full length of that development."; amended the Development Standards to add Development Standard No. 69 to read as follows: "No individual "RV Park" space shall be occupied by the same individual, trailer, recreational vehicle, or movable sleeping quarter of any kind for a period exceeding (14) fourteen consecutive days within a one month period. This applies to owner/operator of the RV/camper/trailer, all occupants, and the RV/camper/trailer itself."; and, introduced and waived the reading and adopted Ordinance C.S. 1033 for the approved Rezone Application #2007-03

SUBJECT: (Continued)

Property from A-2-40 (General Agriculture) to PD (Planned Development) on a 45+/- Acre Site. This Would Authorize a Development Plan for the Fruit Yard Which Would Include a 9,000 Square Foot Banquet Facility, Relocation of the Existing Fueling Facilities, Construction of a 3,000 Square Foot Retail Shell Building, a 322 Space RV/Boat Storage, a 66 Space Travel Trailer Park, a New Facility for Fruit Packing, and a 2.00 Acre Site for Retail Tractor Sales. Outdoor Events and Entertainment Are Proposed to Be Held on the Park Site. The Project Is Located at 7948 Yosemite Boulevard/Highway 132 East of the Community of Empire and West of the City of Waterford. APN: 009-027-004.

PLANNING COMMISSION RECOMMENDATION: (Continued)

2. Find That:

   A. The substitute language for Mitigation Measure No. 3 identified as Development Standard No. 71 is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment

3. Adopt the Mitigation Monitoring Plan, with the substitute language for Mitigation Measure No. 3, pursuant to CEQA Guidelines Section 15074(d).

4. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

5. Find That:

   A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses,

   B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service,

   C. The amendment is consistent with the General Plan goals and policies,

   D. Overall, the proposal is consistent with the goals and policies of the General Plan,

   E. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data,

   F. No feasible alternative site exists in areas already designated or planned for the proposed uses,

   G. Approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act),

H. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies,

I. Adequate and necessary public services and facilities are available or will be made available as a result of the development,

J. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources,

K. The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation,

L. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements, and

M. Development Standard No. 71 is more effective than the noise mitigation measure circulated with the initial study and mitigation monitoring plan.

6. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.

7. Approve General Plan Amendment No. 2007-03 and Rezone Application No. 2007-03, including Phases 1, 2, and 3, subject to the modifications to the Development Standards and Development Schedule as recommended by the Planning Commission.

DISCUSSION:

This is a request to authorize a development plan for The Fruit Yard to facilitate the development of a 9,000 square foot banquet facility, relocation of the existing gas station and a new convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building which includes a drive through establishment of unknown type. The applicant/property owner has also requested authorization for a 322 space boat/RV storage (both covered and uncovered spaces) and a 66 space travel trailer park for short term (overnight) stays and a 2.0 acre site for retail tractor (large agricultural equipment) sales. Finally, the request includes a new facility for fruit packing and warehousing, although these uses are consistent with the current zoning of the property which allows such uses with a Use Permit. All substantially modified or new uses will include on-site vehicle parking, landscaping, and other accessory uses. As part of the applicant's statement, occasional outdoor special events are held on site, near the 9 acre park area, including fund raising activities to private parties. The project will have its own well and septic system. Currently, thirty nine (39) acres of the 45 acre site are planted in a variety of stone fruit (cherries, peaches, apricots, and nectarines). Please see the attachments for a more detailed project description and phasing time-frame (see Attachment No. "1").

The Fruit Yard site development, by definition, is considered a legal non-conforming use which dates back many years ago when an Old Foamy Drive-In was located on the site. The project site is already developed with a small park site which has been used in the past for both private and public events. There is a great deal of additional background information available about the history of the Fruit Yard site, including the discretionary permit approvals, discussed in the Planning Commission Staff Report (see Attachment No. "1").

Approvals

This project has two approvals that are required:

- Amend the Land Use Element Map of the County General Plan from Agricultural (AG) to Planned Development (PD).

- Rezone the property from Agricultural (A-2-40) to Planned Development (PD).

To evaluate a General Plan Amendment, the goals and policies of the General Plan must be reviewed. In addition, County policy, adopted by the Board of Supervisors, sets forth additional findings, listed above, necessary for approval of a request to amend the General Plan. The goals and policies of the General Plan listed in the Planning Commission Staff Report are focused on those goals and policies which staff believes are most relevant to making the findings necessary for determining the subject project's consistency with the overall General Plan. A complete discussion on General Plan consistency can be found in the attached Planning Commission Staff Report (see Attachment No. "1"). To approve a Rezone, the Board must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the proposed Planned Development designation.

Planning Commission Hearing

The Planning Commission held a public hearing on this project at its regular meeting of July 17th, 2008. Staff believed that this current request was inconsistent with the Goals and Polices of the General Plan. Staff's recommendation was to allow only Phase 1 of the proposed development. Staff felt that the Phase One portion of this project was a logical extension of the already established legal nonconforming uses. Staff was concerned If all phases of this proposed project were approved, a precedence would be set for allowing general plan amendments and rezones on neighboring agricultural properties for the development of commercial uses. Unlike phase one of the proposed project, phases two and three have no real relationship to the existing on-site legal nonconforming uses or agriculture in general. A detailed discussion of Staff's recommendation can be found in the attached Planning Commission Staff Report.

Following staff's recommendation for approval, Chair Assali opened the public hearing. Mr. Tim Douglas, an adjacent homeowner, spoke in opposition to the project expressing a general concern regarding noise levels in conjunction with the past and proposed outdoor events. Prior to the Planning Commission meeting, Mr. Douglas had also provided Planning Staff with a letter of opposition. The context of this letter mainly focused on the need to control noise levels after 10pm. The applicant and Mr. Douglas have since come to an agreement of the noise concerns that were raised at the meeting. The applicant's representative, Dave Romano (Newman-Romano, LLC) spoke in favor of the project.

Following the closing of the hearing, the Commission discussed the project indicating positions both against and in favor of the project. The Commission discussion focused primarily on the topic related to the general plan and preserving it from approval of non-agricultural uses. Commissioner Navarro and Shores felt that the scale of the entire project was too large and would result in the removal of land in agricultural production. As discussed above, Staff's recommendation was to approve only Phase 1 of the project. The Commission's recommendation, on a motion by Commissioner Layman, seconded by Commissioner Poore, voted 4-2 (Shores, Navaro) to support the project in it's entirety and recommend the Board approve Phases 1, 2, and 3 subject to the modifications to the Development Standards and Development Schedule as modified by the Planning Commission.

Modified Development Standards

As a part of this action, Staff is recommending that the Board modify Development Standard No. 55 to reflect the following language:

- Concurrent with the development of either the RV/Boat Storage or the RV Park parcels, a six-foot high masonry wall, or an MID approved equal, is required along the south line of applicant's property adjacent to MID Lateral 1. This fence shall extend from Geer Road to a point 10 feet west of the proposed "E" Drive right-of-way . If "F" Way is constructed from "E" Street to Triangle Ranch Road or the Agricultural parcel is developed, then the wall must be extended the full length of that development.

If the Board decides to approve the "RV Park" portion of this project, Staff is asking that the following Development Standard be added to address the length of time one could stay at the proposed RV Park. Due to Staff oversight, this development standard was not recommended to the Planning Commission.

- No individual "RV Park" space shall be occupied by the same individual, trailer, recreational vehicle, or movable sleeping quarter of any kind for a period exceeding (14) fourteen consecutive days within a one month period. This applies to owner/operator of the RV/camper/trailer, all occupants, and the RV/camper/trailer itself.

POLICY ISSUES:

The entire project can be considered to be a policy issue. Staff and Commission recommendations are based on Boards established policies, as found in the County General Plan in particular, to maintain the agricultural viability of the project area. The Board should consider the potential conformance of this project with the priorities of maintaining a strong local economy and a strong agricultural economy/heritage.

STAFFING IMPACT:

None.

ATTACHMENTS:

1. Planning Commission Staff Report, July 17th, 2008
2. Planning Commission Minutes, July 17th, 2008

E. **GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03 AND REZONE APPLICATION NO. 2007-03 - THE FRUIT YARD** - This is a request to amend the General Plan Designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to P-D (Planned Development). This would authorize a development plan for The Fruit Yard which would include a 9,000 square foot banquet facility, relocation of the existing gas station and convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building. Also included is a 322 space vehicle/RV storage, a 66 space travel trailer park for short term stays, and a 2.0 acre site for retail tractor sales. A new facility for fruit packing and warehousing is also included, although these uses are consistent with the current zoning of the property. Occasional outdoor special events, from fund raising activities to private parties, will be held on site. The 45± acre site is located at 7948 Yosemite Blvd, at the intersection of Geer Road and Yosemite Blvd (Hwy 132), in the Modesto / Waterford area. A CEQA Mitigated Negative Declaration will be considered on this project.
APN: 009-027-004
Staff Report: Joshua Mann Recommends **FORWARD TO BOARD OF SUPERVISORS FOR APPROVAL OF DEVELOPMENT OF PHASE 1 ONLY.**
Public hearing opened.
OPPOSITION: Tom Douglas, 548 Hopper Road
FAVOR: Dave Romano
Public hearing closed.
Poore/Layman, 4-2 (Navarro, Shores), **MODIFY THE DEVELOPMENT SCHEDULE AS PRESENTED BY THE APPLICANT WITH CLARIFICATION THAT MOVING USES BETWEEN PHASES REQUIRES PRIOR CONCURRENCE OF THE PLANNING DIRECTOR OR DESIGNEE, AND ADOPT THE PROPOSED REVISIONS TO CONDITIONS OF APPROVAL NOS. 2, 3, 29, 38, 39 AND 55 AS PRESENTED BY THE APPLICANT.**

Layman/Poore, 4-2 (Navarro, Shores), **RECOMMEND APPROVAL OF GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03, REZONE APPLICATION NO. 2007-03, INCLUDING PHASES 1, 2, AND 3, AND ADOPT ALL OF THE STAFF RECOMMENDATIONS AND MAKE ALL OF THE FINDINGS SET FORTH IN THE STAFF REPORT AT PAGES 13 THROUGH 15, EXCEPT THAT PHASES 1, 2, AND 3 ARE RECOMMENDED FOR APPROVAL, SUBJECT TO THE MODIFICATIONS TO THE CONDITIONS OF APPROVAL AND DEVELOPMENT SCHEDULE AS PREVIOUSLY APPROVED.**

EXCERPT

PLANNING COMMISSION

MINUTES

Secretary, Planning Commission

8/11/08
Date

ATTACHMENT 1

STANISLAUS COUNTY PLANNING COMMISSION

July 17, 2008

STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03
REZONE APPLICATION NO. 2007-03
THE FRUIT YARD

REQUEST: TO AMEND THE GENERAL PLAN DESIGNATION FROM AGRICULTURE TO PLANNED DEVELOPMENT AND TO REZONE THE PROPERTY FROM A-2-40 (GENERAL AGRICULTURE) TO P-D (PLANNED DEVELOPMENT) ON A 45± ACRE SITE. THIS WOULD AUTHORIZE A DEVELOPMENT PLAN FOR THE FRUIT YARD WHICH WOULD INCLUDE A 9,000 SQUARE FOOT BANQUET FACILITY, RELOCATION OF THE EXISTING FUELING FACILITIES, CONSTRUCTION OF A 3,000 SQUARE FOOT RETAIL SHELL BUILDING, A 322 SPACE RV/BOAT STORAGE, A 66 SPACE TRAVEL TRAILER PARK, A NEW FACILITY FOR FRUIT PACKING, AND A 2.00 ACRE SITE FOR RETAIL TRACTOR SALES. OUTDOOR EVENTS AND ENTERTAINMENT ARE PROPOSED TO BE HELD ON THE PARK SITE.

APPLICATION INFORMATION

Applicant:	Dave Romano, P.E., AICP
Owners:	The Fruit Yard Partnership - Joe Traina
Location:	7948 Yosemite Boulevard/Highway 132, east of the Community of Empire and west of the City of Waterford
Section, Township, Range:	34-3-10
Supervisorial District:	One (Supervisor O'Brien)
Assessor's Parcel:	009-027-004
Referrals:	See Exhibit "I" Environmental Review Referrals
Area of Parcel:	45.00± acres
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Williamson Act:	Not applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Small portion of site is developed as The Fruit Yard produce market, restaurant, and two gas stations
Surrounding Land Use:	Agriculture to the west, south, and east. To the north is an animal feed and supply store (P-D 268), a drilling company, fire station, and church

PROJECT DESCRIPTION

This is a request to authorize a development plan for The Fruit Yard to facilitate the development of a 9,000 square foot banquet facility, relocation of the existing gas station and a new convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building which includes a drive through establishment of unknown type. The applicant/property owner has also requested authorization for a 322 space boat/RV storage (both covered and uncovered spaces) and a 66 space travel trailer park for short term (overnight) stays and a 2.0 acre site for retail tractor (large agricultural equipment) sales. Finally, the request includes a new facility for fruit packing and warehousing, although these uses are consistent with the current zoning of the property which allows such uses with a Use Permit. All substantially modified or new uses will include on-site vehicle parking, landscaping, and other accessory uses. As part of the applicant's statement, occasional outdoor special events are held on site, near the 9 acre park area, including fund raising activities to private parties. The project will have its own well and septic system. Currently, thirty nine (39) acres of the 45 acre site are planted in a variety of stone fruit (cherries, peaches, apricots, and nectarines). Please see the attachments for a more detailed project description and phasing time-frame (see Exhibit "B").

SITE DESCRIPTION

The project is located on the southwest corner of Geer Road and Yosemite Boulevard/State Highway 132 (7948 Yosemite Boulevard), east of the Community of Empire and west of the City of Waterford. The project site is adjacent to an animal feed and supply business (zoned P-D 268, Planned Development) located on the northeast corner of the intersection, a drilling company (Masellis Drilling) on the northwest corner, a fire station and church are located to the north. Production Agricultural parcels are to the west, south, and east of the project site. The 45.00± acre parcel currently supports the existing Fruit Yard produce market, the Fruit Yard restaurant, and two separate Gas Fueling facilities, all of which currently have paved parking and landscaping. The remaining part of the property is currently planted as an orchard.

BACKGROUND

The Fruit Yard site development, by definition, is considered a legal non-conforming use which dates back many years ago when an Old Foamy Drive-In was located on the site. The exact year is unclear due to lack of county records that are available. Between the years 1976 & 1977, there appears to have been some sort of approval to install a fueling facility, a relocation of the Old Foamy restaurant to the location of the present day restaurant, and the construction of a fruit stand. Again, the records with specific information on these actions appear to be unclear and lacking. The first of many discretionary permits appear to start in 1977 with the application and approval of a Use Permit (ZUPA 77-71) to allow the fruit stand to sell fruit that is not grown or produced on-site. In 1978, a Use Permit (78-19) allowed The Fruit Yard site to add additional fueling pumps, a fruit drying yard, truck parking, and the ability to sell additional types of products at the fruit stand. Then, in 1980, a Use Permit (ZUPA 80-06) allowed the restaurant to expand by adding a banquet facility and lounge. This permit was granted a time extension in 1981 by the Planning Commission, but it was never constructed. In 1986, the approval to add the banquet facility and lounge was

again granted through a Use Permit (UP 86-16) which also included the consolidation of the fruit stand and fueling facility. The following are the remaining discretionary permit approvals that have been issued to The Fruit Yard:

Use Permit No. 88-36:	*Approval to modernize and enlarge the fueling facility including a 48'x54' canopy, paved access, and one additional fueling pump.*
Staff Approval Permit No. 88-10:	*Approval to expand the restaurant building by adding an additional 1,054 of square feet.*
Staff Approval Permit No. 92-43:	*Approval to relocate the fruit stand/store sign and gas facility (pumps).*
Staff Approval Permit No. 93-27:	*Approval to install a* "Gas Card" *sign for the existing fueling island.*
Staff Approval Permit No. 2000-28:	*Approval for a minor expansion to the existing fruit stand/store by 25% or less (based off the square footage).*

The project site is already developed with a small park site which has been used in the past for both private and public events. The public events have been conducted in accordance with Stanislaus County Code Section 6.40 - Outdoor Entertainment Activities in Unincorporated Areas, which supersedes the current A-2 (General Agriculture) zoning regulations applicable to the site. Section 6.40 does not, however, authorize private events, such as weddings, which are not permitted uses in the A-2 zoning district. Up to six (6) public events within a calendar year may be held at any one given site in accordance with Section 6.40.

DISCUSSION

As stated above, the applicant has requested to relocate and expand the business on the majority of the remaining portion of the 45.00± acre parcel. In total, the applicant has requested to develop/use approximately 34.00± acres of the project site. The remaining 11± acres of the parcel would remain in agricultural production and/or be used for overflow parking when special events occur. The plans call for a 9,000 square foot banquet building, the relocation of the fueling facilities, a 3,000 square foot retail building, a storage facility, a tractor sales site, a fruit packing facility, and a travel trailer park with 66 spaces. The project requires rezoning and an amendment to the County's General Plan to change the agricultural designation on the property. The project site is not within an adopted Sphere of Influence or within any Community Plan areas, nor is it restricted by a Williamson Act contract.

The applicant has submitted the proposed phasing for the project:

Phase 1. Construction of the Banquet Building/Facility, upgrades to park area, corresponding landscaping, and On-Site Parking to be completed 1 to 3 years from the date of approval.

Phase 2. Mini-Storage with Boat & RV storage, RV Park, Tractor Sales Facility, and the Fruit Packing Facility to be completed 2 to 5 years from the date of approval.

Phase 3. Gas Station Relocation, Card Lock (Gas Station) Relocation, and Retail Buildings to be completed 3 to 7 years from the date of approval.

As a part of Phase One, the park site area will be expanded to accommodate the special events that are a part of this application. The undeveloped portion of the property (approximately 11 acres) will remain vacant and be used as parking for special events or for agricultural production.

Special Events

The proposal includes a slight modification to the existing site to an area referred to as a park. The applicant currently holds a limited number of special events at the park site that are authorized under a license issued by the Sheriff's Department in accordance with Stanislaus County Code - Section 6.40 - Outdoor Entertainment Activities in the Unincorporated Area. As discussed earlier in the background section of this report, the existing park site has been used for both permitted and non-permitted events in the past. If this project is approved, the park site would be open to the general public during normal business hours and would host both public and private special events, without the need of obtaining a license from the Sheriff's Department in accordance with Section 6.40. These special events would include fund raising activities, private parties, weddings, and other outdoor events such as "Graffitti Weekend" or small scale concerts. Although the applicant would not be restricted on the number of events held at the location, many of the events are seasonal in nature and currently the applicant holds between 5-6 annual public events.

Although the applicant is proposing these special events to be included as a permitted use of the proposed planned development, the ability to host events with a license issued by the Sheriff's Department would still be available. The Sheriff's Department has the authority to condition licenses issued for outdoor entertainment, however, the license is not subject to compliance with the development standards/mitigation measures applied to a planned development. If this project is approved, the adopted development standards/mitigation measures will be forwarded to the Sheriff's Department in hope they will be incorporated as conditions of any future license request.

Noise impacts associated with on-site activities and special events have the potential to exceed the normally acceptable levels of noise. In fact, there have been complaints of noise from previous events held on-site. Many of the on-site events include the use of amplified music, which if operated in a respectful manner, could be under the threshold established by the General Plan. As part of this Planned Development approval, events that do not use amplified music or sound would be permitted outright. Because of the previous complaints associated with the events, amplified music and explosive devices, such as canons used during civil war re-enactments, a development standard has been added to address this concern. As required by Goal Two/Policy Two/Implementation Measure Two of the Noise Element of the County General Plan, noise generating land uses are required to show through an acoustical analysis that the noise level is/would be at or below the 60 dB Ldn (or CNEL) level when measured at the nearest sensitive noise receptor (see Exhibit C, No. 8). A mitigation measure addressing noise has also been incorporated as a development standard and discussed in the environmental review section of this report.

FINDINGS

General Plan Amendment

With environmental impacts mitigated to a level of insignificance, the keys to approval or denial of the General Plan Amendment and Rezone requests are land use matters. General Plan Amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County in reviewing General Plan Amendments shall consider the additional costs to the County that might be anticipated (economic, environmental, social) and how levels of public and private service might be affected. In order to approve a General Plan Amendment, three findings must be made:

1. *The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.*

2. *The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.*

3. *The amendment is consistent with the General Plan goals and policies.*

Any impacts to County services will be mitigated through the payment of impact mitigation fees and compliance with development standards.

To evaluate a General Plan Amendment, the goals and policies of the General Plan must be reviewed. In addition, County policy, adopted by the Board of Supervisors, sets forth additional findings, listed above, necessary for approval of a request to amend the General Plan. The goals and policies of the General Plan listed below are focused on those goals and policies which staff believes are most relevant to making the findings necessary for determining the subject project's consistency with the overall General Plan. Goals and policies which can be found consistent with the proposed project with incorporation of development standards/mitigation measures have not been included in the list below. A copy of the General Plan may be obtained by contacting the Planning Department directly or on-line at http://www.stancounty.com/planning/index.shtm. Exhibit H consists of the applicant's findings statement and a General Plan evaluation. Due to the length of the evaluation, hard copies have only been provided to the Planning Commission and copies for the general public are available by contacting the Planning Department directly or on-line.

The following are the relevant goals and policies of the General Plan that apply to this project:

Land Use Element

Goal One - Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of the residents of Stanislaus County.

Policy 3 - Land use designations shall be consistent with the criteria established in this element.

Policy 10 - New areas of urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas.

Implementation Measure No. 1 - Requests for designation of new urban areas shall be reviewed by the County to determine whether the land is located in a less productive agricultural area based on considerations identified in the Agricultural Element. (See Agricultural Element goals/policies/implementation measures listed below.)

Implementation Measure No. 3 - Proposed amendments to the General Plan map that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the conversion criteria stated in the Agricultural Element. (See Agricultural Element goals/policies/implementation measures listed below.)

Goal Two - Ensure compatibility between land uses.

Policy 14 - Uses shall not be permitted to intrude into an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

Goal Three - Foster stable economic growth through appropriate land use policies.

Policy 16 - Agriculture, as the primary industry of the County, shall be promoted and protected.

Policy 18 - Accommodate the siting of industries with unique requirements.

Policy 19 - Nonconforming uses are an integral part of the County's economy and, as such, should be allowed to continue.

Implementation Measure No. 1 - Maintain current Zoning Ordinance provisions which permit replacement or expansion of nonconforming uses.

Conservation Element

Goal Three - Provide for the long-term conservation and use of agricultural lands.

Policy 11- In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

Agricultural Element (Adopted April, 1992)
(Because this project was received and deemed complete prior to the Board of Supervisors adopting the Agricultural Element Update of the General Plan in December of 2007, this project is required to be in conformance with the previously adopted Agricultural Element. Differences between the 1992 and 2007 version are noted)

Goal Two - Conserve our agricultural lands for agricultural uses.

Policy 2.4 - To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.
(Policy 2.4 of the 1992 Agricultural Element is reflected as Policy 2.5 of the 2007 Agricultural Element Update.)

Implementation "A" - Until the term "Most Productive Agricultural Areas" is defined on a countywide basis, the term will be determined on a case-by-case basis when a proposal is made for the conversion of agricultural land. Factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the local economy. As an example, some grazing lands, dairy regions and poultry-producing areas as well as farmlands can be considered "Most Productive Agricultural Areas." Failure to farm specific parcels will not eliminate them from being considered "Most Productive Agricultural Areas." Areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities. Agricultural lands outside these boundaries and not considered to be "Most Productive Agricultural Areas" will be considered "Less Productive Agricultural Areas."
(Implementation "A" of the 1992 Agricultural Element is reflected as Implementation Measure No. 1 of Policy 2.5 of the 2007 Agricultural Element Update. The 2007 update eliminated the last sentence of the above factors to be considered in defining "Most Productive Agricultural Areas".)

Policy 2.5 - New areas for urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas.

Policy 2.7 - Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria.

Implementation "D" - Current procedures for processing General Plan amendments will be changed to include the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:

Conversion Consequences: The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

Conversion Considerations: In evaluating the consequences of a proposed amendment, the following factors shall be considered: Plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services;

proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

Conversion Criteria: Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:

A. Overall, the proposal is consistent with the goals and policies of the General Plan, and specifically is consistent with Policies 2.4 and 2.5 of this Agricultural Element.

B. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.

C. No feasible alternative site exists in areas already designated or planned for the proposed uses.

D. Approval of the proposal will not constitute part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).

E. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.

F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.

G. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

(Implementation Measure "D" *of the 1992 Agricultural Element is reflected as Implementation Measure No. 1 of Policy 2.7 of the 2007 Agricultural Element Update. The 2007 updated eliminated reference to policies 2.4 and 2.5 in Conversion Criteria "A".)*

Based on the above goals and policies of the General Plan, the following is a summary and analysis of the proposed project and it's consistency to those goals and policies.

The Planned Development designation (PD) is intended for land that, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. Staff believes that the proposed Planned Development for the Fruit Yard has some issues which must be addressed before all proposed phases can be approved. The

current uses on-site are considered legal non-conforming uses. Although these current uses are not entirely consistent with the current A-2 zoning district, the uses have been in business at this location for many years and have shown that they can be compatible and consistent with the surrounding land uses in the area.

However, this proposed Planned Development is much larger than what Staff believes would be compatible with the surrounding area. As discussed earlier, the properties to the north are somewhat of a commercial nature, including a feed and ranch supply business (Crossroads Feed and Ranch), a drilling business (Masellis Drilling), church (Old German Baptist Brethren Church), and a Stanislaus Consolidated Fire Station. The property to the south, west, and east is zoned Agricultural. The following is a brief history and/or zoning ordinance consistency discussion regarding the uses north of the project site:

- Crossroads Feed and Ranch - This business was authorized in 1985 in accordance with Planned Development 116, which allowed for various agricultural related businesses to be established on the former site of an agricultural chemical supply business. The PD 116 approved the following uses on the site: agriculture management companies, irrigation company, chemical company, maintenance shop to repair and service farm equipment, warehouse storage, light farm equipment manufacturing, and the continued use of a public scale. In 2001, the PD 116 was amended to a new PD (PD 268) to allow for the expansion of the existing feed and ranch supply business on the 9.97 acre parcel located on the northeast corner of Geer Road/Hwy 132 (Yosemite Blvd.). PD 268 authorized expansion of the new business by allowing construction of a new main office/sales building, hay barns, and storage buildings. The expansion never occurred and PD 268 has expired.

- Masellis Drilling - This business provides well drilling services and is considered a legally established use on the 4.04 acres located on the northwest corner of the Geer Road/Hwy132 (Yosemite Blvd.) intersection. The property is zoned A-2-40 (General Agriculture). The drilling business is considered a legal nonconforming use.

- Old German Baptist Brethren - This church is located on a 3.38 acre parcel and is located in the A-2-40 (General Agriculture) zoning district. Churches may be permitted in the A-2 zoning district with approval of a Use Permit.

- Stanislaus Consolidated Fire Station - This station is located on a 1.06 acre parcel and is located in the A-2-40 (General Agriculture) zoning district. Fire stations may be permitted in the A-2 zoning district with approval of a Use Permit.

If all phases of this proposed project are approved, staff is concerned a precedence will be set for allowing general plan amendments and rezones on neighboring agricultural properties for the development of commercial uses. Unlike phase one of the proposed project, phases two and three have no real relationship to the existing on-site legal nonconforming uses or agriculture in general. The existing commercial uses in the area, including the project site, either established as nonconforming uses, are permitted by use permit in the A-2 zoning district, or were approved as an agriculturally related business. While the County General Plan recognizes the value of nonconforming uses by promoting the continuance, expansion, and replacement of uses, Zoning Ordinance provisions restrict the approval of new uses exceeding the number of existing legal nonconforming uses.

Staff believes that the Phase One portion of this project is a logical extension of the already established legal nonconforming uses. The banquet facility is a natural extension of the restaurants existing food service and private banquet facilities. The park area allows for an outdoor banquet facility and more efficient operation of public events already allowed by separate Outdoor Entertainment License issued by the Sheriff's Department. While the Outdoor Entertainment License is not subject to the development standards/mitigation measures of this proposed PD, the improvements required as part of this PD will enhance the traffic circulation associated with the public events.

The special events to be held in the park area proposed as part of Phase One, require a unique location that provides both a tranquil setting and a large parcel size to help reduce the impacts to the neighboring parcels. Typically, such a site requirement would not be able to be found in an urbanized area. In this case, the proposed park area's central location within a large parcel provides for a buffer from surrounding agricultural uses and neighboring residential uses. The project's site location, adjacent to two Expressways (Hwy 132 (Yosemite Blvd) and Geer Road) helps to lessen the traffic impacts on neighboring residential uses, since the residential uses are already impacted. The buffered location of the park area and the existing noise generated by the roadways in the area also help to lessen the noise impacts on neighboring residential uses. Development standards/mitigation measures addressing both traffic and noise have been incorporated into this project.

Because this application was received and deemed complete prior to the Board of Supervisors adopting the Agricultural Element Update of the General Plan in December of 2007, this project is required to be in conformance with the previously adopted Agricultural Element. With the exception of Buffer and Setback Guidelines adopted as part of the 2007 Agricultural Element Update, the policies and goals of the Agricultural Element relating to this project remain relatively the same. Although not required, the applicant has designed the proposed development with some buffering. The site itself is buffered by the MID Lateral on the southern property line and the approval for just Phase One of the proposal would, once developed, provide buffers that closely resemble the requirements set forth in the newly adopted Ag Element. This buffered area would also include the land that is marked on the site plan as being "for agricultural use". If all three Phases were to be allowed, these buffers would be drastically reduced as the development during these Phases (Two & Three) would expand towards the western and southern property lines (see color site plan - Exhibit "A-5") thus reducing the "buffer" area. The current buffer requirements contained in the Agricultural Element, although not required with this application, may be required should the Fruit Yard choose to expand in the future.

By the definition provided in the Agricultural Element, the project site is located in a 'most productive agricultural area', however, the site itself has been commercially developed and is in proximity to other commercial developments. The project site is not enrolled under a Williamson Act contract and is not adjoining any parcels enrolled under the Williamson Act. The Fruit Yard's "commercial" uses have existed on this site for many years and, to the best of staff's knowledge, agricultural conflicts have been non-existent to date. Phase One removes a total of 11.03 acres from agricultural production (2.32 acres for the banquet facility and 8.71 acres for the park site), but keeps the relatively compact design with an on-site buffer provided west and south. The existing developed park site consists of roughly 3.3 acres. If Phases Two and Three were to be approved, the applicant would have to remove a total of 14.32 acres currently in production agriculture (orchards) and an on-site buffer would be greatly diminished.

With respect to meeting the required conversion criteria outlined above, staff is concerned the project as a whole, specifically phases two and three, may not meet the necessary criteria for conversion of an agricultural land to urban uses. The project site is located at a crossroads connecting the cities of Modesto, Waterford, Oakdale, and Hughson. It is likely that an alternative site already designated or planned for Boat & RV storage, RV Parking, tractor sales, gas stations, and retail uses can be found within one of these incorporated communities. As discussed above, the uses proposed in Phase One are natural extensions of the existing on-site uses. The introduction of new commercial uses may set a precedence for encouraging piecemeal conversion of a larger agricultural area to non-agricultural uses.

In summary, the proposed Phase One associated with this General Plan Amendment is consistent with the goals and policies of the County General Plan. Staff believes all these findings can be met for Phase One only, of the three phase proposal. During Phase One, the applicant is proposing to add a banquet facility component to their existing restaurant business and permit special events to occur at their park site. It does not add any residential or new commercial uses in an agricultural area.

In evaluating Phases Two and Three, Goal Two, Policy 14 which states, "Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area," must be given serious consideration. By allowing Phase Two and Three, it is effectively establishing new uses, which may conflict with the surrounding agricultural community. The uses in these Phases (2 & 3) are located near the property lines, which would reduce the buffer and heighten the possibility of conflicts on adjoining agricultural operations. County policy has been very consistent in discouraging "new" commercial type uses in the middle of the Agricultural zone, such as those proposed in Phases Two and Three, which would seem to be at odds with that policy.

This general plan amendment is a policy decision to be approved by the Board of Supervisors. If this property's general plan designation is to be changed and ultimately rezoned, the Board needs to determine that this project will be a logical land use pattern that would not be detrimental to existing and planned land uses.

Staff is recommending approval of this project be limited to development of Phase One only. The draft Development Standards provided for this project are written to apply to all proposed phases of the project unless specifically noted (see Exhibit "C"). If all phases of the project are approved, a Use Permit will be required for Tractor Sales and the Packing Facility due to the lack of a site plan at this stage of project consideration. If the Planning Commission recommends approval for Phase One only, the Development Standards specify elimination of all interior roads except those identified as "A" Drive, "B" Drive, "C" Circle, and "D" Drive. The remaining interior roads and driveways are deemed to be unnecessary and the project proposal for Phase One would still be able to meet all requirements to function properly.

Rezone

To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the proposed Planned Development designation.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit "I"). Based on the comments received and the Initial Study discussion, a Mitigated Negative Declaration is being recommended for adoption (see Exhibits "E" and "F"). Staff conducted this environmental assessment for the project as a whole (all 3 Phases) and the mitigation measures have been incorporated for the entire proposal. Development Standards have been added to this project (see Exhibit "C"). Because no exemption has been provided by California Department of Fish and Game, this project is not exempt from payment of Fish and Game Fees.

General Plan Amendments currently are required to be referred to the local Native American tribes. The Native American tribes have 90 days to ask local governments if they want to "consult" on these applications. This General Plan application was referred to the local tribes, none of which requested a consultation.

The initial study and mitigation monitoring plan circulated for the subject project identified the following mitigation measure addressing noise:

- In accordance with the Noise Element of the County General Plan, noise levels associated with outdoor and indoor events shall not exceed the established threshold of 75 dB Ldn (or CNEL).

Staff is proposing the original mitigation measure be substituted with the following language which is reflected as proposed Development Standard No. 71:

71. In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification.

The substitution is needed in order to correct an error with the number cited as the established threshold in the original mitigation measure. The Noise Element requires new industrial, commercial or other noise generating land uses not exceed 60 Ldn (or CNEL) in noise sensitive areas. The 75dB cited in the original mitigation measure reflects the maximum threshold for normally acceptable exterior noise levels for industrial, manufacturing, utilities, and agricultural land uses. In order to substitute the original mitigation measure, the new mitigation measure must be found to be equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. Staff believes the proposed substitution is more effective in addressing potential noise impacts associated with the proposed project.

Traffic Study

This project was referred to the Stanislaus County Public Works Department and the California Department of Transportation (CalTrans) as part of an early consultation review. In an initial response, the Department of Public Works requested that a Traffic Impact Analysis be completed to identify any possible impacts caused by this project.

The applicant hired KD Anderson & Associates to complete this task (see Exhibit "G"). The existing traffic level of the Yosemite Blvd (Hwy 132)/Geer Road intersection currently operates at LOS C or better. Signalization of this intersection was completed by CalTrans in August of 2007. With signalization and the proposed project in place, the intersection would continue to operate at LOS C, which is acceptable under Caltrans and Stanislaus County. The analysis looked at the road impacts to Geer Road and Yosemite Blvd (Hwy 132) for each of the three phases of construction. Phases 1-3 showed both of these roads will continue to operate at or below the acceptable LOS with the proposed mitigation measures in place.

After reviewing the Traffic Analysis, the Department of Public Works determined that their Development Standards would adequately address any traffic related impacts associated with this project. Therefore, the mitigation measures that are listed in the KD Anderson Traffic Study, in relation to the road widening, have not been added. The Department of Public Works believes that the Development Standards they have proposed, will enable both Geer Road and Yosemite Blvd to be below the LOS threshold established in the Circulation Element of the Stanislaus County General Plan. Several mitigation measures have been placed as Development Standards to insure that all impacts, related to the LOS thresholds/road widening, have been properly addressed.

This project is located on State Highway 132 (Yosemite Blvd) and as such, CalTrans is responsible for issuance of encroachment permits for any access/driveways located along Hwy 132. The comments provided by CalTrans deal with issues that will be addressed at the time of construction and have been incorporated as part of the Development Standards.

RECOMMENDATION

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors approve General Plan Amendment Application No. 2007-03 and Rezone Application No. 2007-03 - The Fruit Yard, allowing only for development of Phase One, subject to the following actions:

1. Adopt the Mitigated Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.

2. Find That:

   A. The substitute language for Mitigation Measure No. 3 identified as Development Standard No. 71 is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment

3. Adopt the Mitigation Monitoring Plan, with the substitute language for Mitigation Measure No. 3, pursuant to CEQA Guidelines Section 15074(d).

4. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

5. Find That:

   A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses,

   B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service,

   C. The amendment is consistent with the General Plan goals and policies,

   D. Overall, the proposal is consistent with the goals and policies of the General Plan,

   E. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data,

   F. No feasible alternative site exists in areas already designated or planned for the proposed uses,

   G. Approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act),

   H. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies,

   I. Adequate and necessary public services and facilities are available or will be made available as a result of the development,

   J. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources,

   K. The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation,

   L. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements, and

   M. Development Standard No. 71 is more effective than the noise mitigation measure circulated with the initial study and mitigation monitoring plan.

6. Approve General Plan Amendment No. 2007-03.

7. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.

8. Approve Rezone Application No. 2007-03, subject to the attached Development Standards and Development Schedule.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay $1,933.75 to the Department of Fish and Game. The attached Development Standards ensure that this will occur.

******

Report written by: Joshua Mann, Associate Planner, July 3, 2008

Attachments:

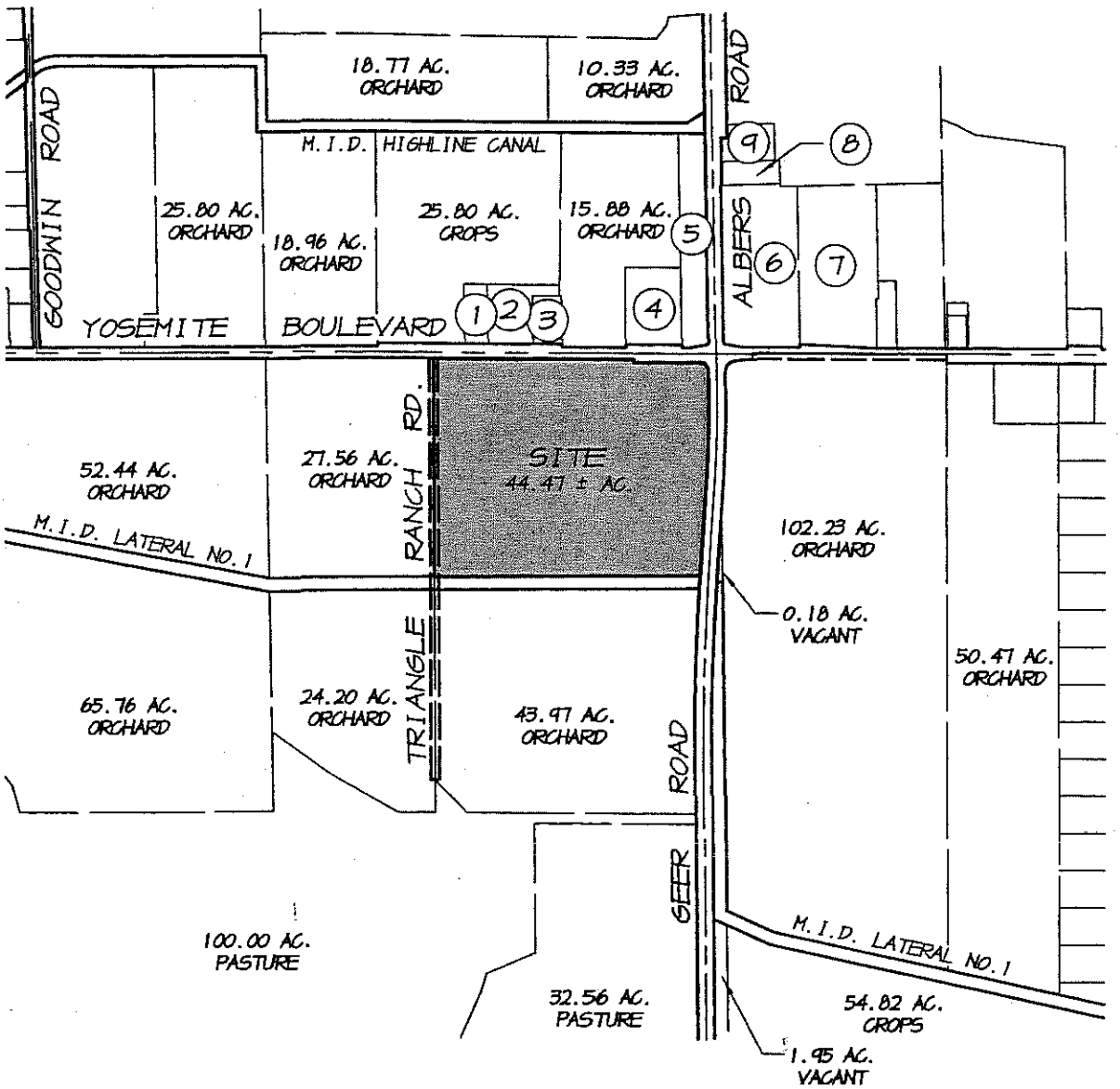
Exhibit A -	Maps, Site Plans and Conceptual Landscape Plans
Exhibit B -	Applicant's Project Description & Application
Exhibit C -	Development Standards
Exhibit D -	Development Schedule
Exhibit E -	Initial Study and Mitigation Monitoring Plan
Exhibit F -	Mitigated Negative Declaration
Exhibit G -	KD Anderson & Associates, Inc. Traffic Study, dated December 6, 2007
Exhibit H*-	Applicant's Findings Statement & General Plan Evaluation as submitted by the applicant
Exhibit I -	Environmental Review Referrals

* Copies of the Applicant's General Plan Evaluation may be obtained by contacting the Planning Department directly or on-line at http://www.stancounty.com/planning/index.shtm.

Reviewed By:

Angela Freitas, Senior Planner

(I:\Staffrpt\GPA\2007\GPA 2007-03 - The Fruit Yard\Staff Report.wpd)



NO.	ACRES	USE
1	1.06	HOUSE
2	2.28	HOUSE
3	1.06	HOUSE
4	3.37	CHURCH
5	4.22	SHOP
6	9.97	FEED
7	9.80	HOUSE
8	1.10	HOUSE
9	1.50	HOUSE

PROJECT SITE

A.P.N. 09-27-04
7954 YOSEMITE BLVD.
MODESTO, CA

DRAWN	R.M.U.
DATE	1/12/07 11:05
SCALE	1"=1000'
JOB #	496-06
DWG.	AREA-MAP

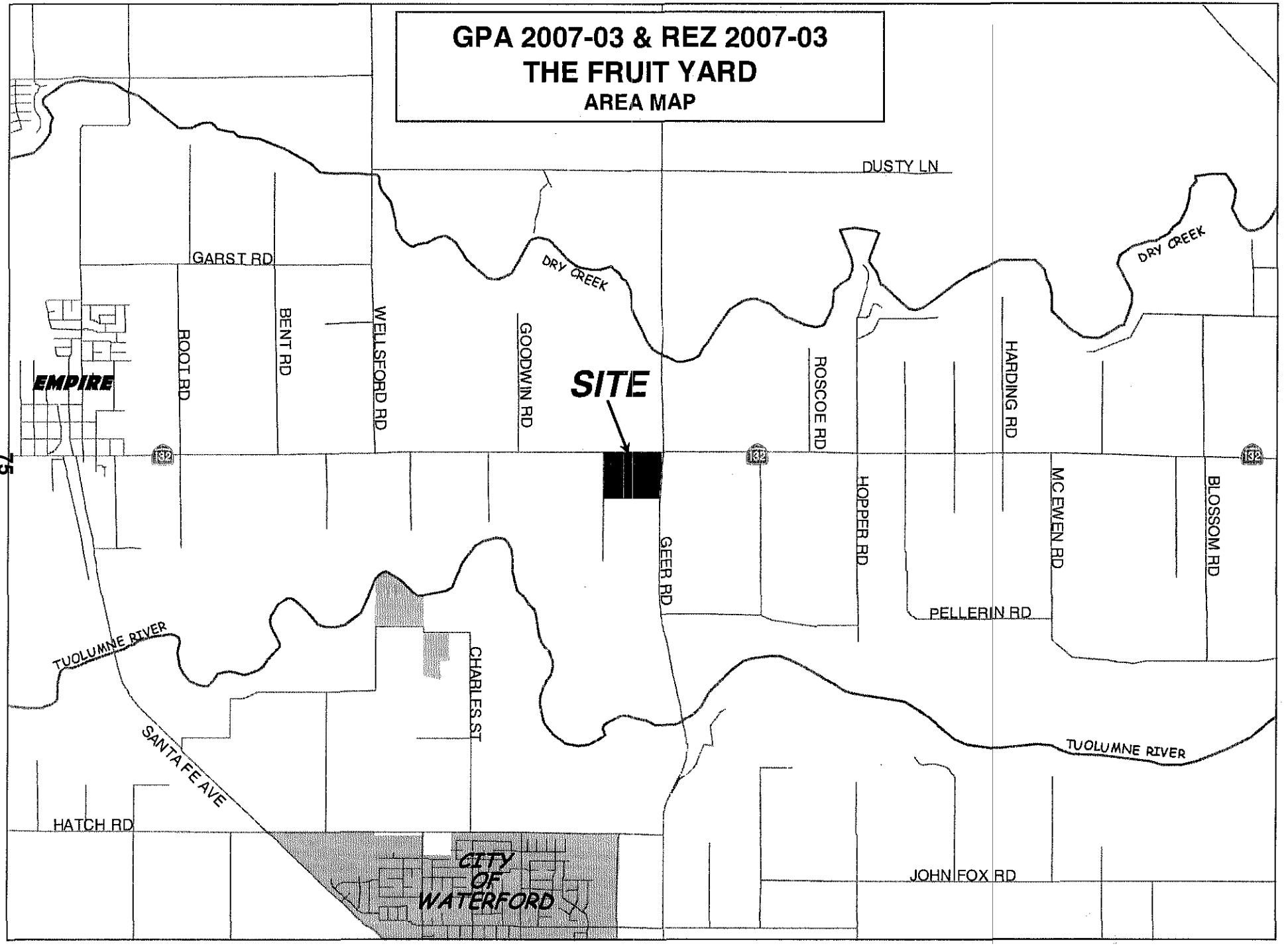
AREA MAP

THE FRUIT YARD

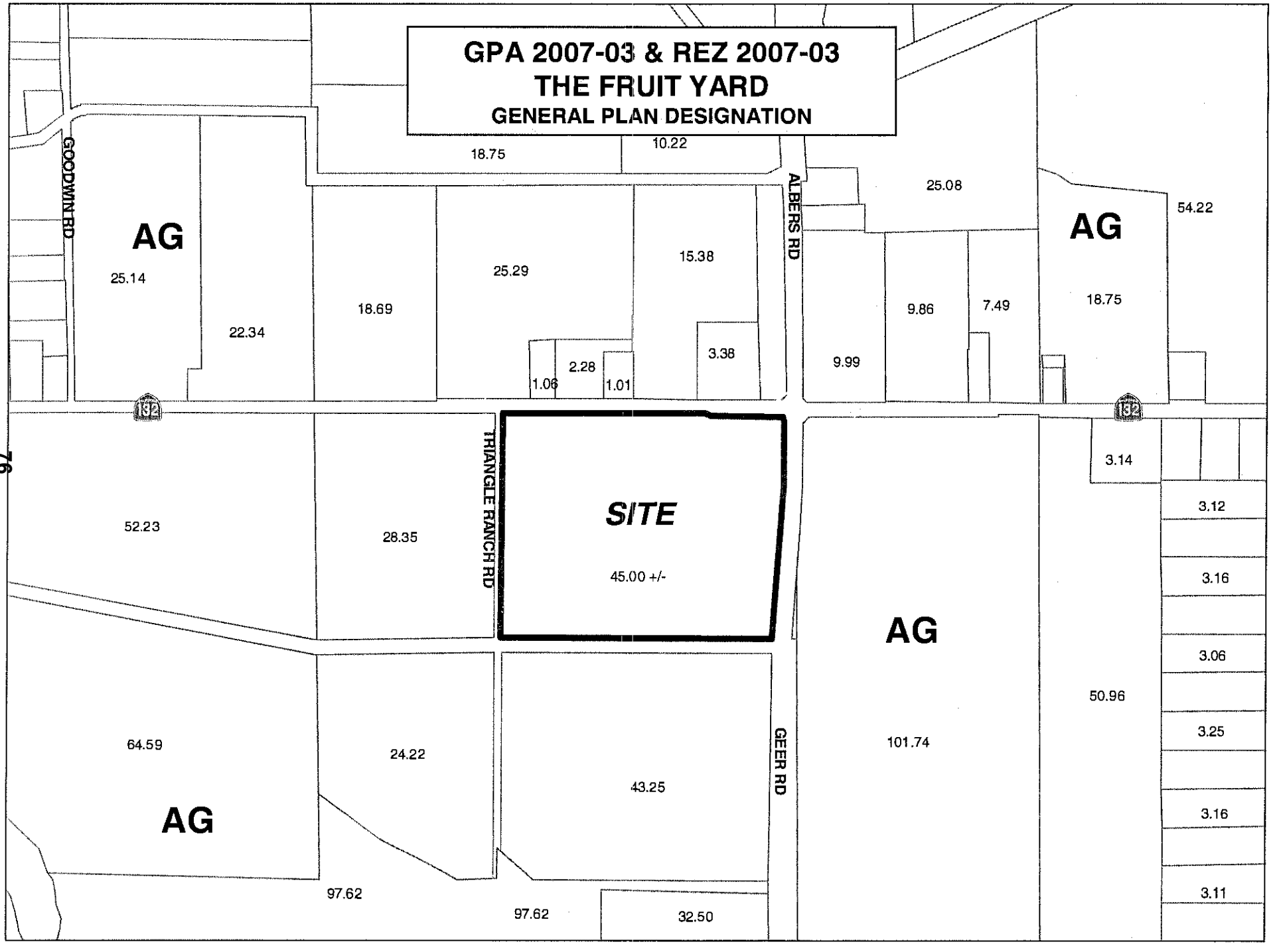
MODESTO CALIFORNIA

ASSOCIATED ENGINEERING, INC.
Surveying · Design · Planning
4206 TECHNOLOGY DRIVE
MODESTO, CALIFORNIA 95356
PH: (209) 545-3390 FAX: (209) 545-3875

EXHIBIT A


GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
AREA MAP
DUSTY LN
GARST RD
DRY CREEK
DRY CREEK
EMPIRE
ROOT RD
BENT RD
WELLSFORD RD
GOODWIN RD
SITE
ROSCOE RD
HARDING RD
132
132
132
HOPPER RD
MC EWEN RD
BLOSSOM RD
GEER RD
PELLERIN RD
TUOLUMNE RIVER
CHARLES ST
SANTA FE AVE
TUOLUMNE RIVER
HATCH RD
CITY OF WATERFORD
JOHN FOX RD

GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
GENERAL PLAN DESIGNATION



18

EXHIBIT A-2

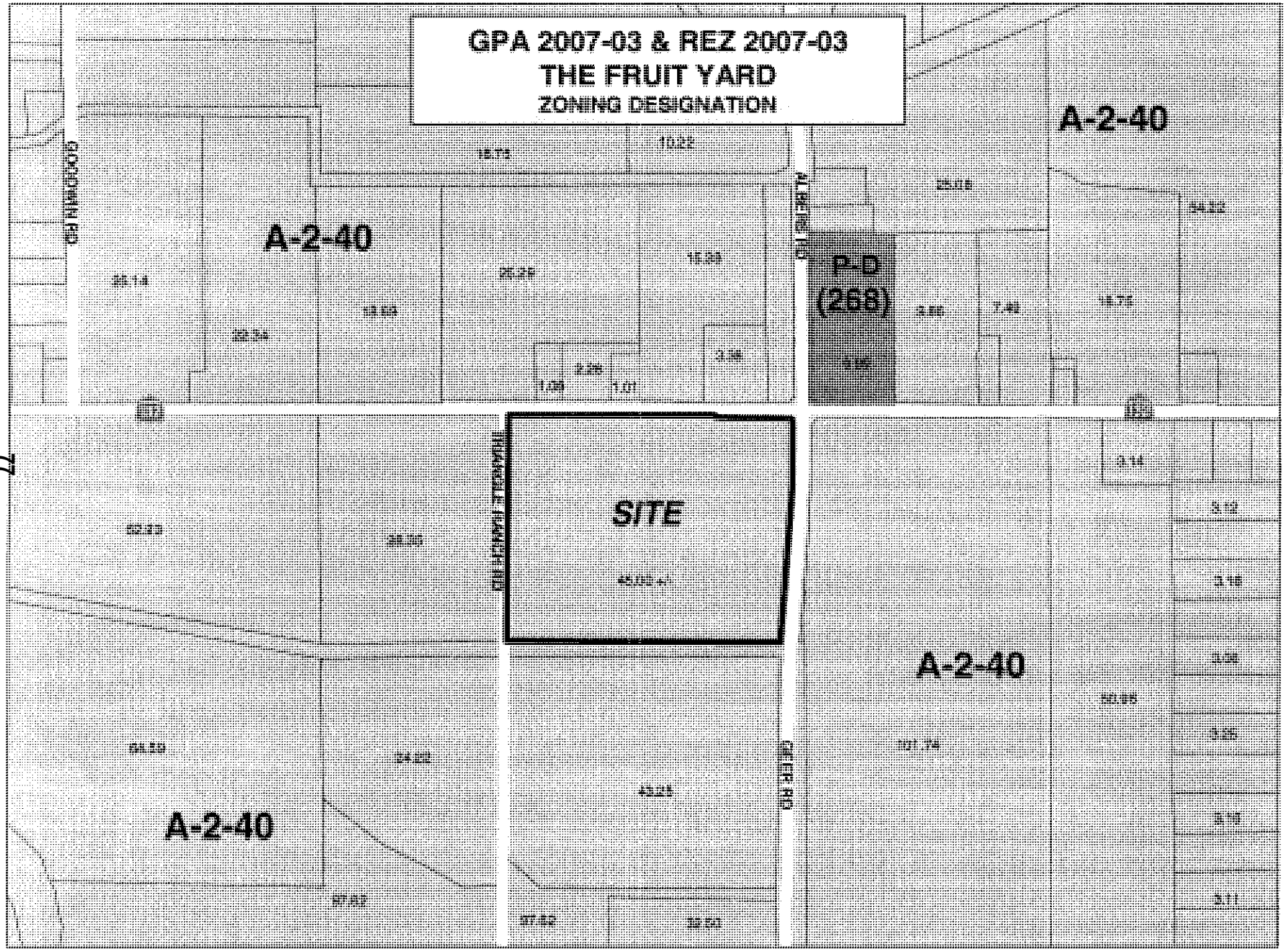
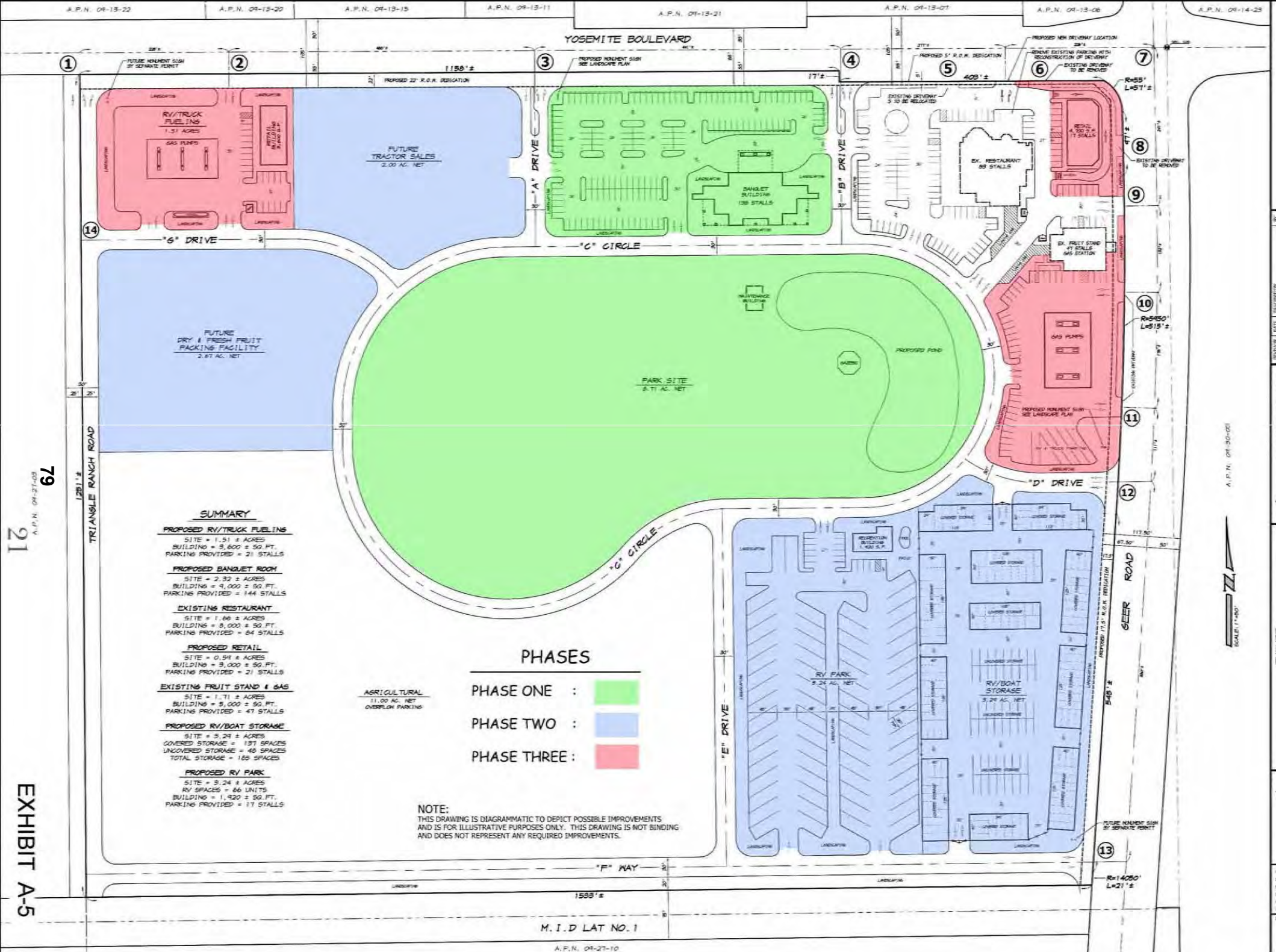

GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
ZONING DESIGNATION
A-2-40
A-2-40
P-D
(268)
A-2-40
SITE
A-2-40
A-2-40
CHINO-CORONA RD
ALBERT ST
HAMNER AVE
CLEF RD

EXHIBIT A-3

GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
SITE - AERIAL PHOTO (2006)



ASSOCIATED ENGINEERING, INC.
Surveying · Design · Planning
406 TECHNOLOGY DRIVE
MODESTO, CALIFORNIA 95356
PH: (209) 543-3700 FAX: (209) 543-3775

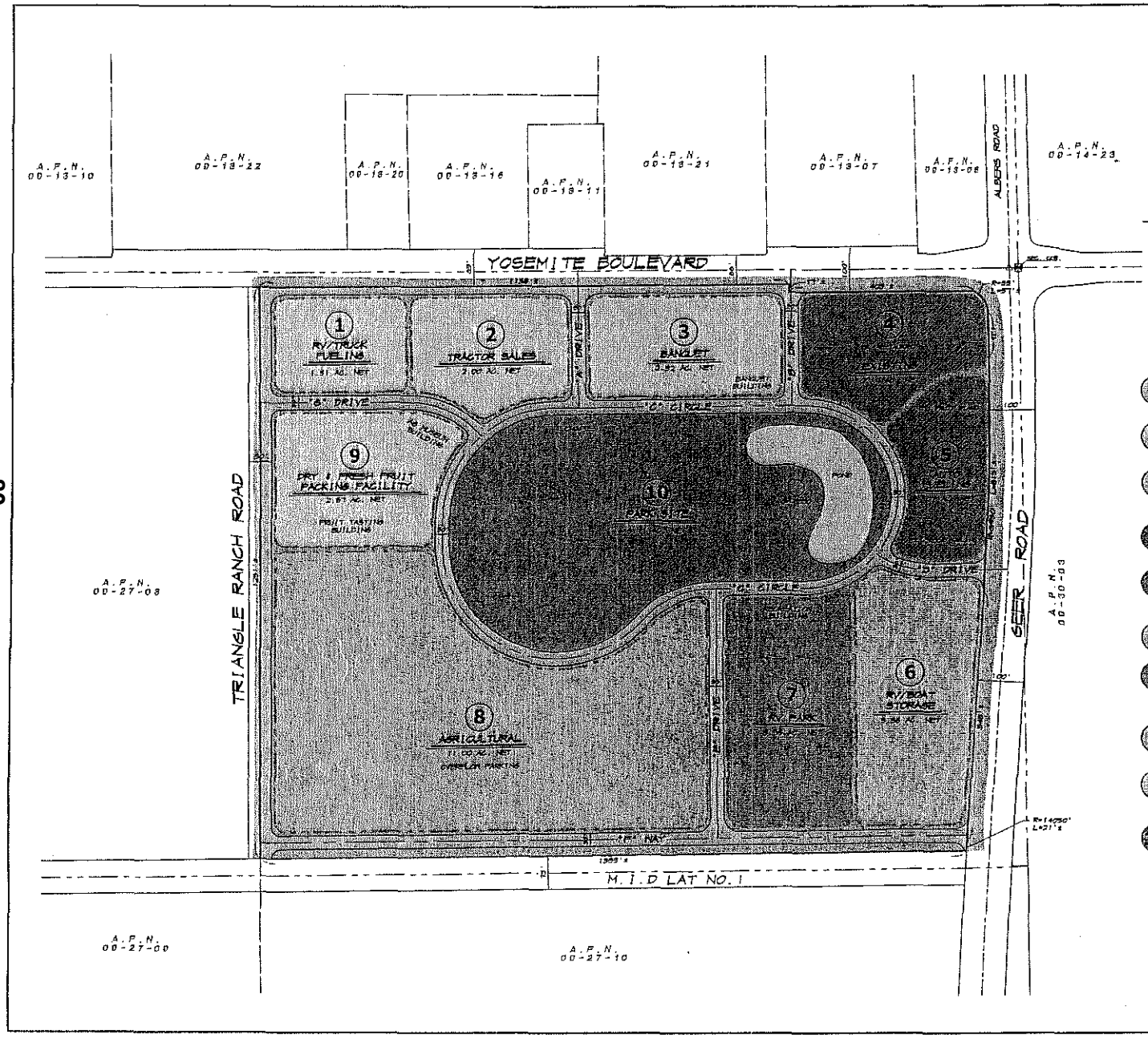
FUTURE
CONCEPTUAL DEVELOPMENT SKETCH
THE FRUIT YARD
STANISLAUS COUNTY CALIFORNIA

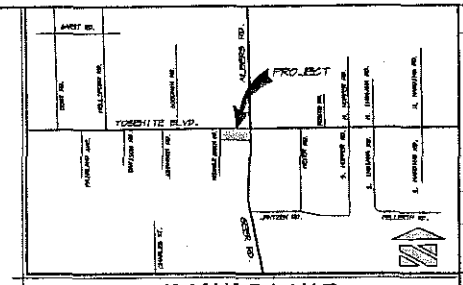
DRAWN BY: R.U.J.J.F.
DATE: 4/9/08 8:22
SCALE: 1"=50'
FILE: OVER-ALL-SKTCH
CHECKED:
JOB #: 498-06
SHEET 1 OF 1

79

21

EXHIBIT A-5





VICINITY MAP
NO SCALE

SUMMARY

1. **RV/TRUCK FUELING AREA**
   PROPOSED AREA = 1.51 ± AC.
   PROPOSED BUILDING AREA = 1,200 ± SQ. FT.
2. **TRACTOR SALES**
   PROPOSED AREA = 2.00 ± AC.
   PROPOSED BUILDING AREA = 10,000 ± SQ. FT.
3. **BANQUET AREA**
   PROPOSED AREA = 2.92 ± AC.
   PROPOSED BUILDING AREA = 32,000 ± SQ. FT.
   PROPOSED PARKING = 150 ±
4. **EXISTING AREA**
   EXISTING AREA = 2.14 ± AC.
   EXISTING USES = RESTAURANT AND GAS STATION
5. **AUTO FUELING AREA**
   PROPOSED AREA = 1.71 ± AC.
   EXISTING USE = FRUIT STAND
   PROPOSED BUILDING AREA = 1,200 ± SQ. FT.
6. **RV/BOAT STORAGE**
   PROPOSED AREA = 5.26 ± AC.
7. **RV PARK**
   PROPOSED AREA = 5.36 ± AC.
   PROPOSED BUILDING AREA = 10,000 ± SQ. FT.
   PROPOSED PARKING = 40 ±
   PROPOSED RV SITES = 72 UNITS
8. **AGRICULTURAL AREA**
   EXISTING AREA = 11.00 ± AC.
   OVERFLOW PARKING = 1544 ±
9. **DRY & FRESH FRUIT PACKING FACILITY**
   PROPOSED AREA = 2.67 ± AC.
   PROPOSED BUILDING AREA = 55,000 ± SQ. FT.
   PROPOSED PARKING = 140 ±
10. **PARK SITE**
    PROPOSED AREA = 6.71 ± AC.
    PROPOSED BUILDING AREA = 10,000 ± SQ. FT.

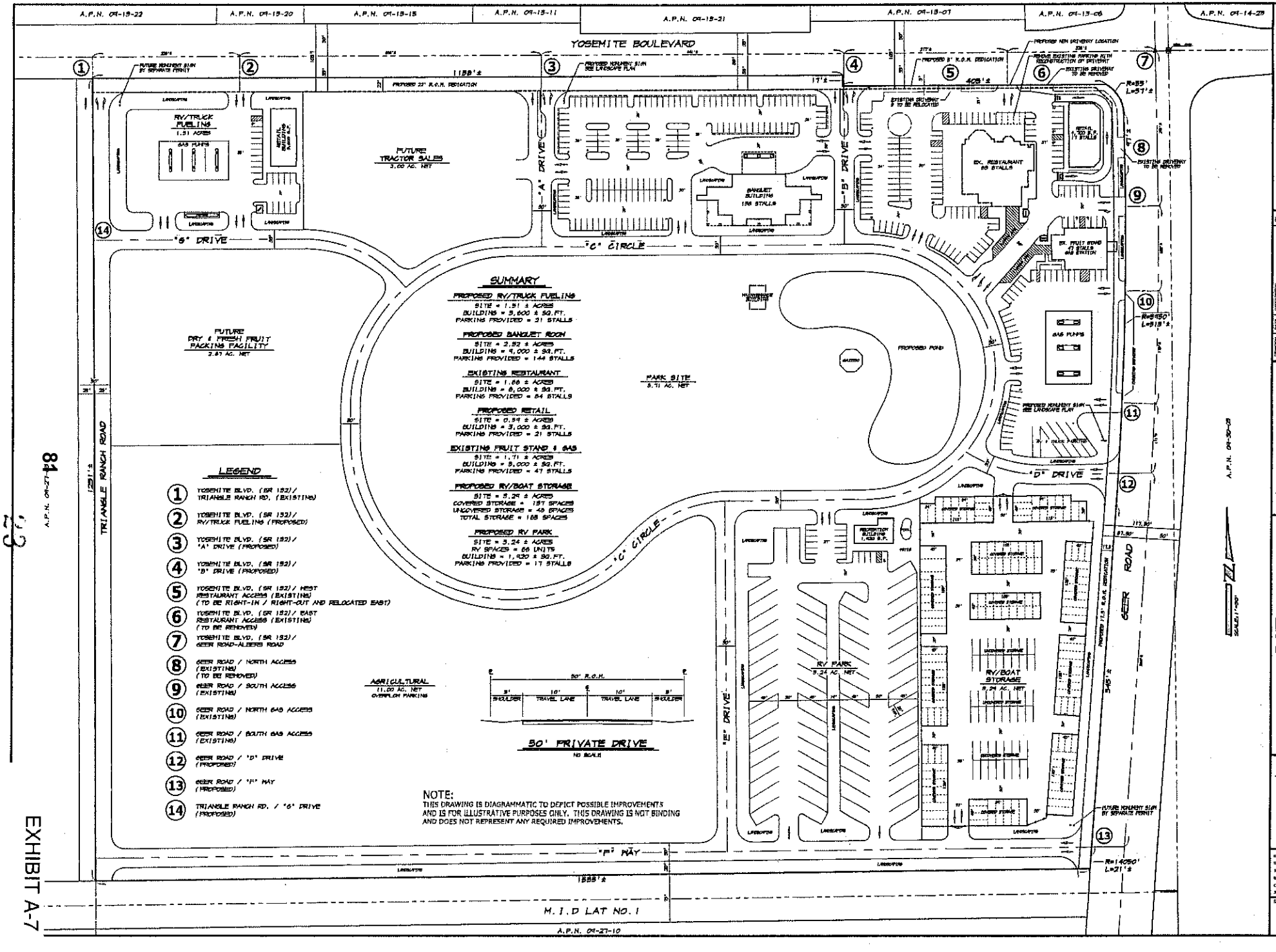
SCALE: 1" = 100'

REVISION	DATE	DESCRIPTION

ASSOCIATED ENGINEERING, INC.
Surveying • Planning
1206 TECHNOLOGY DRIVE
MODESTO, CALIFORNIA 95356
PH: (209) 545-3200 FAX: (209) 545-3275

CONCEPTUAL DEVELOPMENT SKETCH
THE FRUIT YARD
STANISLAUS COUNTY, CALIFORNIA

DRAWN BY: H.B./J.F.
DATE: 1/12/07 10:54
SCALE: 1" = 100'
DWG: SKETCH4
CHECKED: ____
JOB #: 496-06
SHEET 1 OF 1



SUMMARY

PROPOSED RV/TRUCK FUELING
SITE = 1.51 ± ACRES
BUILDING = 3,600 ± SQ.FT.
PARKING PROVIDED = 21 STALLS

PROPOSED BANQUET ROOM
SITE = 2.52 ± ACRES
BUILDING = 9,000 ± SQ.FT.
PARKING PROVIDED = 144 STALLS

EXISTING RESTAURANT
SITE = 1.88 ± ACRES
BUILDING = 8,000 ± SQ.FT.
PARKING PROVIDED = 84 STALLS

PROPOSED RETAIL
SITE = 0.54 ± ACRES
BUILDING = 3,000 ± SQ.FT.
PARKING PROVIDED = 21 STALLS

EXISTING FRUIT STAND & GAS
SITE = 1.71 ± ACRES
BUILDING = 3,000 ± SQ.FT.
PARKING PROVIDED = 47 STALLS

PROPOSED RV/BOAT STORAGE
SITE = 5.24 ± ACRES
COVERED STORAGE = 197 SPACES
UNCOVERED STORAGE = 48 SPACES
TOTAL STORAGE = 188 SPACES

PROPOSED RV PARK
SITE = 3.24 ± ACRES
RV SPACES = 66 UNITS
BUILDING = 1,920 ± SQ.FT.
PARKING PROVIDED = 17 STALLS

LEGEND

1. YOSEMITE BLVD. (SR 132)/ TRIANGLE RANCH RD. (EXISTING)
2. YOSEMITE BLVD. (SR 132)/ RV/TRUCK FUELING (PROPOSED)
3. YOSEMITE BLVD. (SR 132)/ "A" DRIVE (PROPOSED)
4. YOSEMITE BLVD. (SR 132)/ "B" DRIVE (PROPOSED)
5. YOSEMITE BLVD. (SR 132)/ WEST RESTAURANT ACCESS (EXISTING) (TO BE RIGHT-IN / RIGHT-OUT AND RELOCATED EAST)
6. YOSEMITE BLVD. (SR 132)/ EAST RESTAURANT ACCESS (EXISTING) (TO BE REMOVED)
7. YOSEMITE BLVD. (SR 132)/ GEER ROAD-ALBERS ROAD
8. GEER ROAD / NORTH ACCESS (EXISTING) (TO BE REMOVED)
9. GEER ROAD / SOUTH ACCESS (EXISTING)
10. GEER ROAD / NORTH GAS ACCESS (EXISTING)
11. GEER ROAD / SOUTH GAS ACCESS (EXISTING)
12. GEER ROAD / "D" DRIVE (PROPOSED)
13. GEER ROAD / "F" WAY (PROPOSED)
14. TRIANGLE RANCH RD. / "G" DRIVE (PROPOSED)

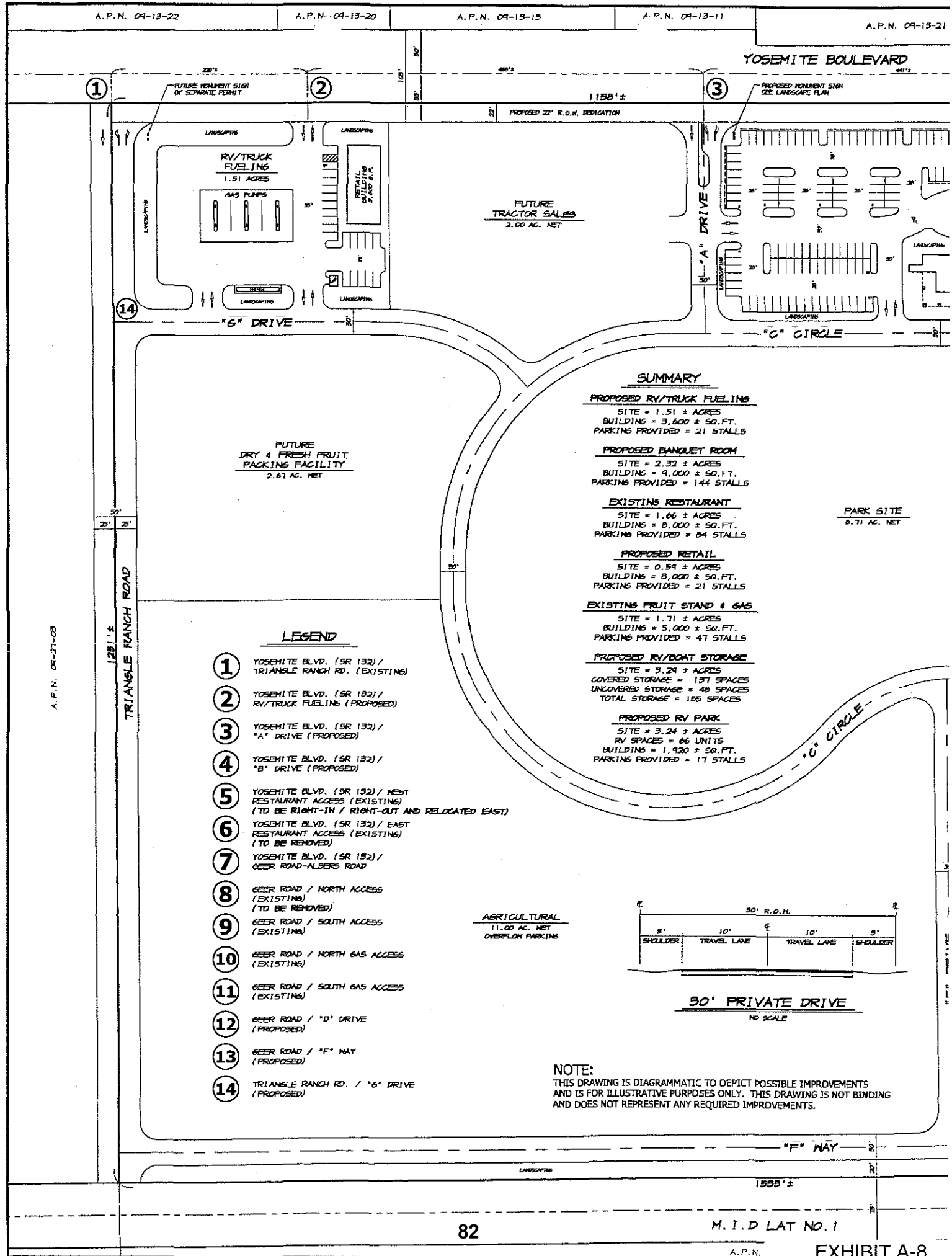
NOTE:
THIS DRAWING IS DIAGRAMMATIC TO DEPICT POSSIBLE IMPROVEMENTS AND IS FOR ILLUSTRATIVE PURPOSES ONLY. THIS DRAWING IS NOT BINDING AND DOES NOT REPRESENT ANY REQUIRED IMPROVEMENTS.

ASSOCIATED ENGINEERING, INC.
Surveying · Design · Planning
1556 TECHNOLOGY DRIVE
MODESTO, CALIFORNIA 95350
PH. (209) 545-3205 FAX (209) 545-3805

CONCEPTUAL DEVELOPMENT SKETCH
FUTURE THE QUIT YARD
STANISLAUS COUNTY CALIFORNIA

DRAWN BY: R.U.J.J.F.
DATE: 4/4/08 9:22
SCALE: 1"=80'
DWG: DRR-ALL-SITES
CHECKED:
JOB #: 486-05
SHEET 1 OF 1

84
73
EXHIBIT A-7



SUMMARY

PROPOSED RV/TRUCK FUELING
SITE = 1.51 ± ACRES
BUILDING = 3,600 ± SQ.FT.
PARKING PROVIDED = 21 STALLS

PROPOSED BANQUET ROOM
SITE = 2.32 ± ACRES
BUILDING = 9,000 ± SQ.FT.
PARKING PROVIDED = 144 STALLS

EXISTING RESTAURANT
SITE = 1.66 ± ACRES
BUILDING = 8,000 ± SQ.FT.
PARKING PROVIDED = 84 STALLS

PROPOSED RETAIL
SITE = 0.59 ± ACRES
BUILDING = 3,000 ± SQ.FT.
PARKING PROVIDED = 21 STALLS

EXISTING FRUIT STAND & GAS
SITE = 1.71 ± ACRES
BUILDING = 5,000 ± SQ.FT.
PARKING PROVIDED = 47 STALLS

PROPOSED RV/BOAT STORAGE
SITE = 3.29 ± ACRES
COVERED STORAGE = 137 SPACES
UNCOVERED STORAGE = 48 SPACES
TOTAL STORAGE = 185 SPACES

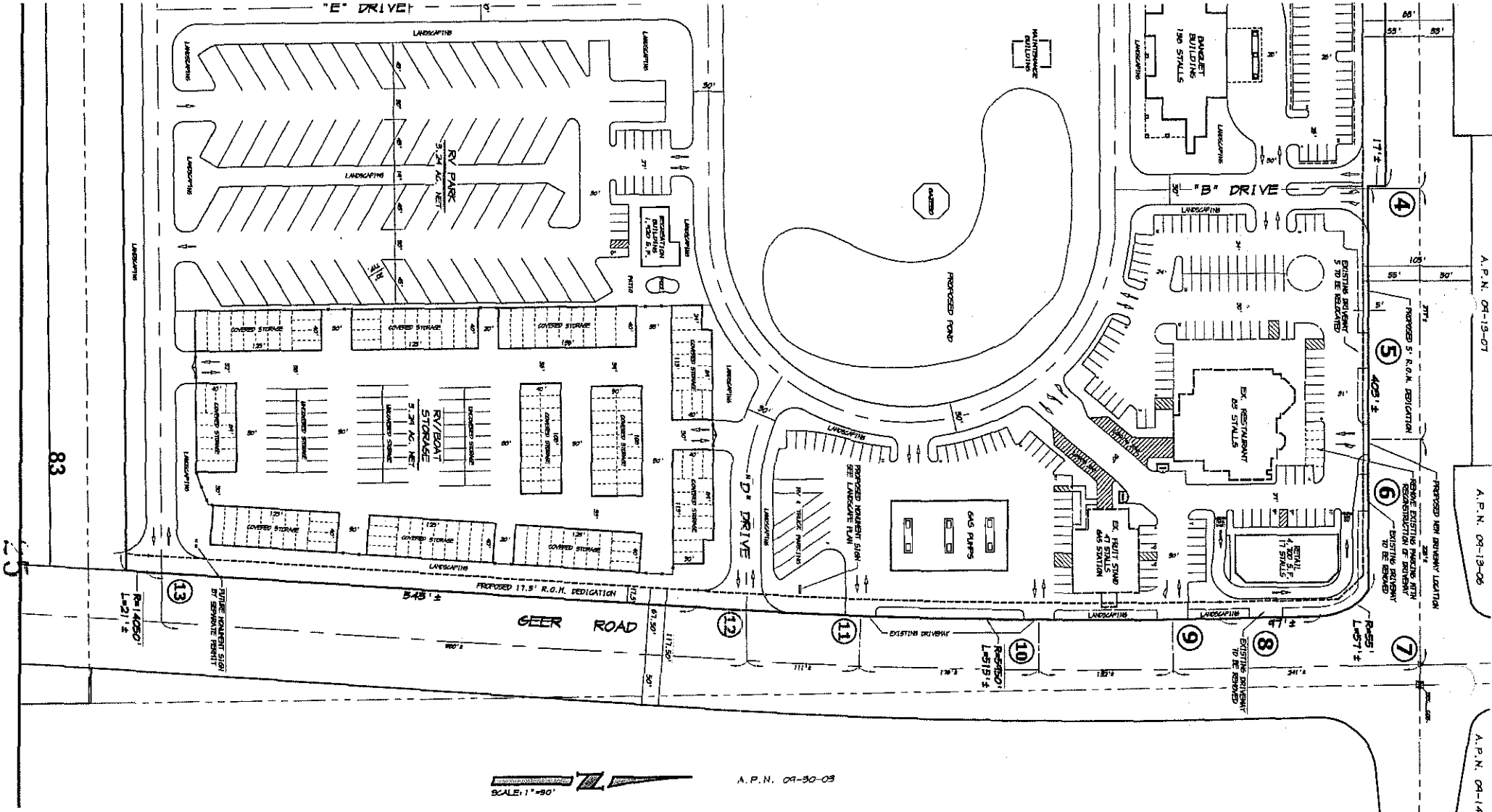
PROPOSED RV PARK
SITE = 3.24 ± ACRES
RV SPACES = 66 UNITS
BUILDING = 1,920 ± SQ.FT.
PARKING PROVIDED = 17 STALLS

LEGEND

1. YOSEMITE BLVD. (SR 132) / TRIANGLE RANCH RD. (EXISTING)
2. YOSEMITE BLVD. (SR 132) / RV/TRUCK FUELING (PROPOSED)
3. YOSEMITE BLVD. (SR 132) / "A" DRIVE (PROPOSED)
4. YOSEMITE BLVD. (SR 132) / "B" DRIVE (PROPOSED)
5. YOSEMITE BLVD. (SR 132) / WEST RESTAURANT ACCESS (EXISTING) (TO BE RIGHT-IN / RIGHT-OUT AND RELOCATED EAST)
6. YOSEMITE BLVD. (SR 132) / EAST RESTAURANT ACCESS (EXISTING) (TO BE REMOVED)
7. YOSEMITE BLVD. (SR 132) / GEER ROAD-ALBERS ROAD
8. GEER ROAD / NORTH ACCESS (EXISTING) (TO BE REMOVED)
9. GEER ROAD / SOUTH ACCESS (EXISTING)
10. GEER ROAD / NORTH GAS ACCESS (EXISTING)
11. GEER ROAD / SOUTH GAS ACCESS (EXISTING)
12. GEER ROAD / "D" DRIVE (PROPOSED)
13. GEER ROAD / "F" WAY (PROPOSED)
14. TRIANGLE RANCH RD. / "G" DRIVE (PROPOSED)

NOTE:
THIS DRAWING IS DIAGRAMMATIC TO DEPICT POSSIBLE IMPROVEMENTS AND IS FOR ILLUSTRATIVE PURPOSES ONLY. THIS DRAWING IS NOT BINDING AND DOES NOT REPRESENT ANY REQUIRED IMPROVEMENTS.

EXHIBIT A-8



FUTURE
CONCEPTUAL DEVELOPMENT SKETCH
THE FRUIT YARD
STANISLAUS COUNTY CALIFORNIA

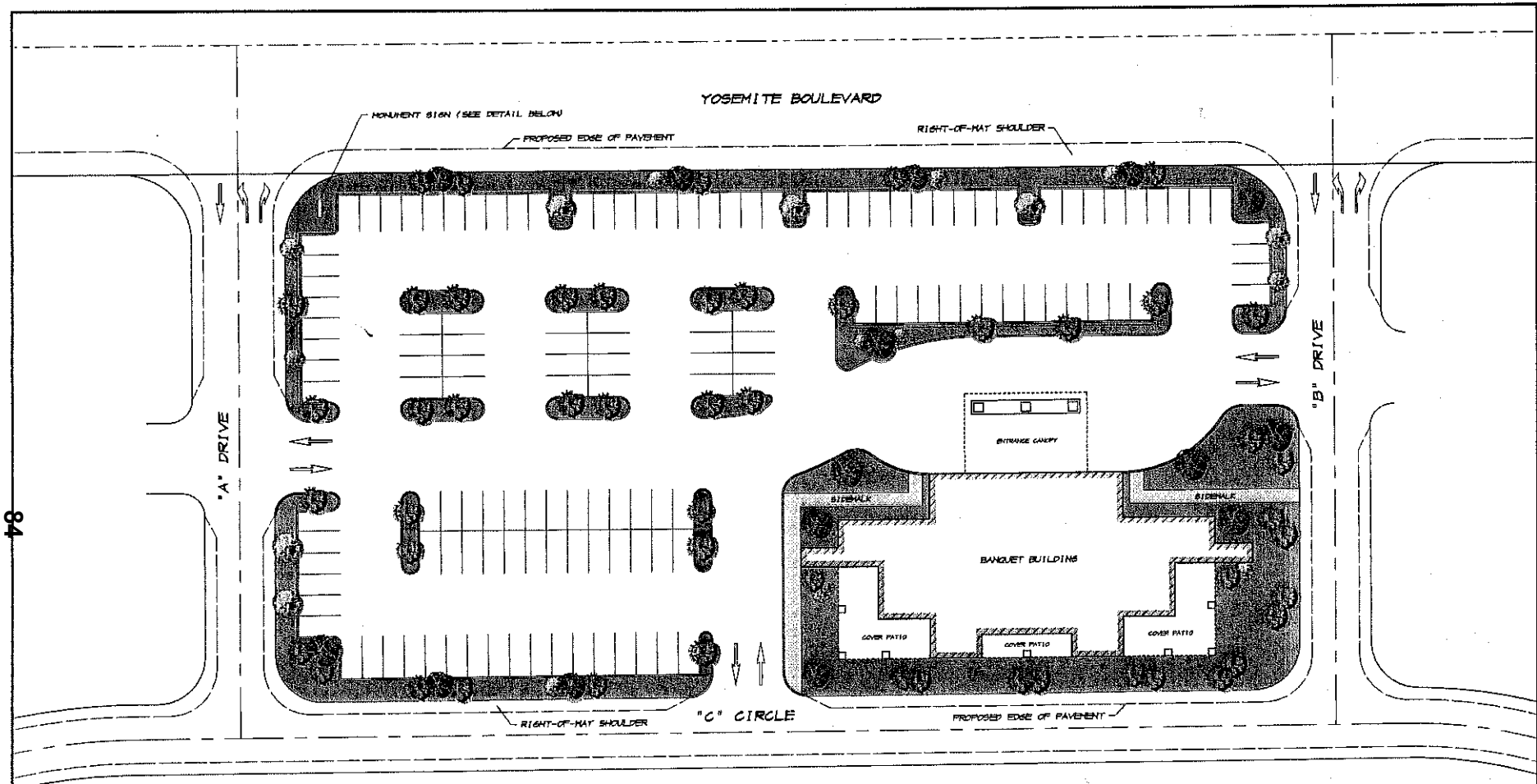
ASSOCIATED ENGINEERING, INC.
Surveying · Design · Planning
4206 TECHNOLOGY DRIVE
MODESTO, CALIFORNIA 95356
PH: (209) 545-3390 FAX: (209) 545-3875

REVISION	DATE	DESCRIPTION	BY

DRAWN BY: R.U./J.F.
DATE: 4/4/05 4:22
SCALE: 1"=50'
DWG: OVERALL-SITE
CHECKED:
JOB #: 446-06
SHEET 1

RYAN CARNELL, R.C.E. 68615
DAVE SCHOMAKER, L.S. 7126

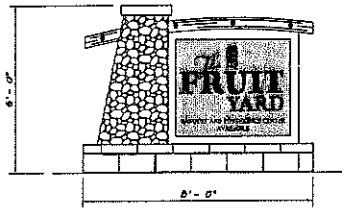
EXHIBIT A-9



LEGEND

- LAWN AREA
- LOW LEVEL SHRUBS AND FLOWERING GROUND COVER
- SIDEWALK
- SMALL CANOPY SHADE TREES
  - MAYTENUS BOARIA / MAYTEN TREE
  - PYRUS KAWAKAMII / EVERGREEN PEAR
- LARGE CANOPY SHADE TREES
  - PISTACIA CHINENSIS / CHINESE PISTACHE
  - PLATANUS ACERIFOLIA / LONDON PLANE TREE
  - SALIX BABYLONICA / WEEPING WILLOW
- ACCENT COLOR TREES
  - CORNUS FLORIDA / EASTERN DOGWOOD
  - CRATAEGUS PHAENOPYRUM / WASHINGTON THORN
  - LAGERSTROEMIA FAURIEI / CRAPE MYRTLE

SCALE: 1"=20'



MONUMENT SIGN DETAIL

NO SCALE

REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING, INC.
Planning • Design • Planning
3200 LOCKY DRIVE
MODESTO, CA 95356
PH: (209) 545-3872 FAX: (209) 545-3873

BANQUET BUILDING
CONCEPTUAL LANDSCAPE PLAN
THE FRUIT YARD
STANISLAUS COUNTY CALIFORNIA

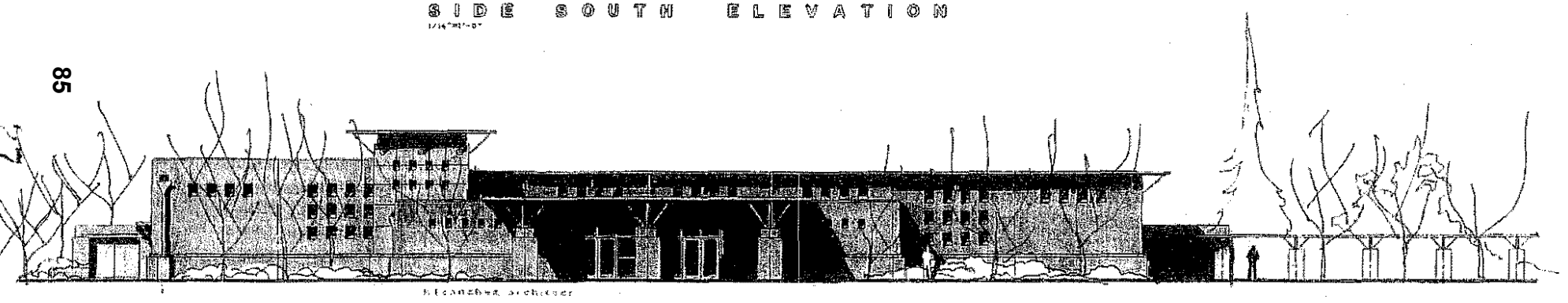
RYAN DAVIES, R.C.E. 61519
DAVE BRISNICKS, L.S. 7136

DRAWN BY: M.H.V.
DATE: 4/10/06 7:19
SCALE: 1"=20'
DWG.: LANDSCAPE1
CHECKED:
JOB #: 416-06
SHEET 1 OF 1

EXHIBIT A-10

BANQUET FACILITY

SIDE SOUTH ELEVATION

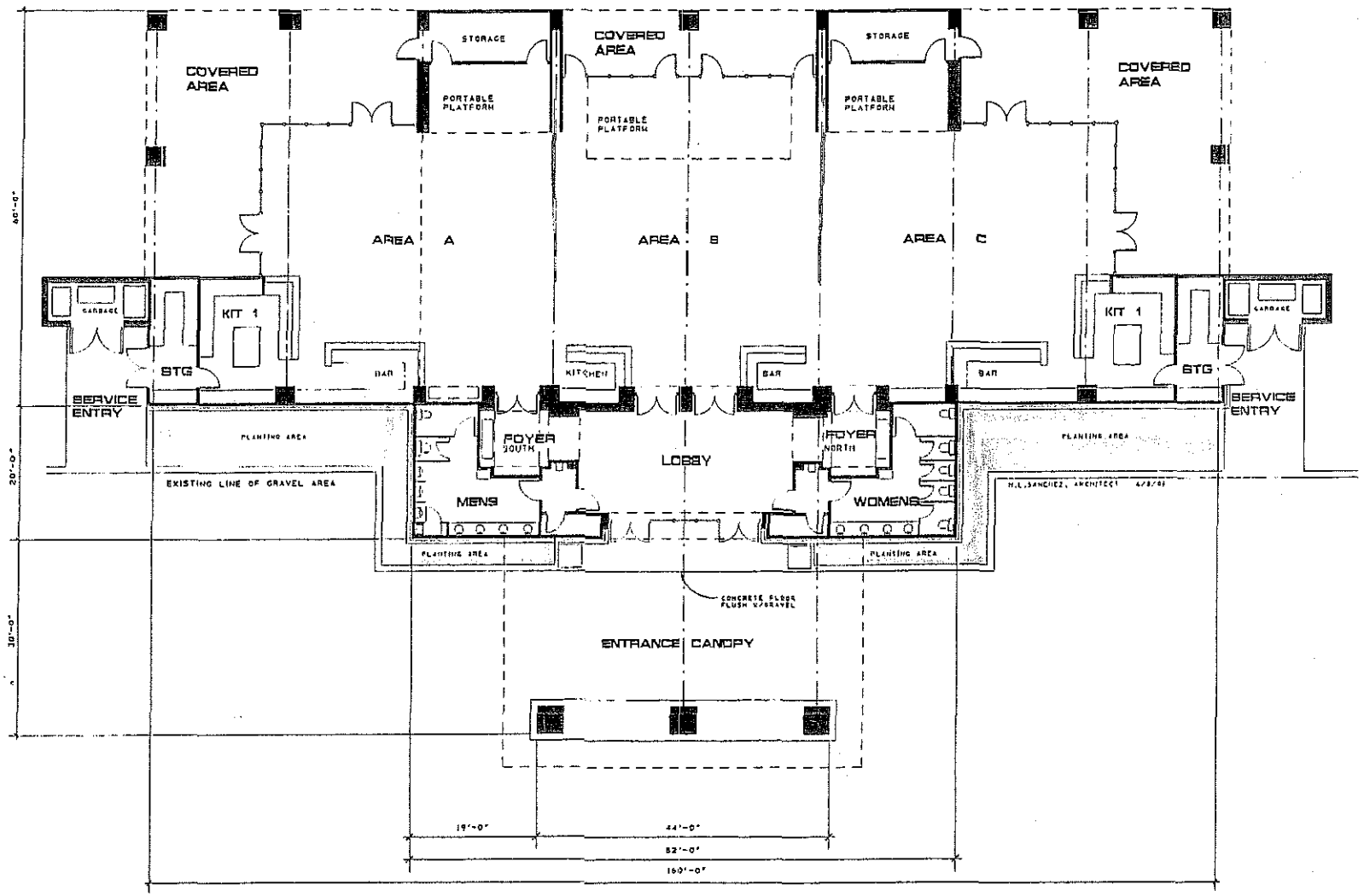


FRONT ELEVATION

EXHIBIT A-11

THE FRUITYARD

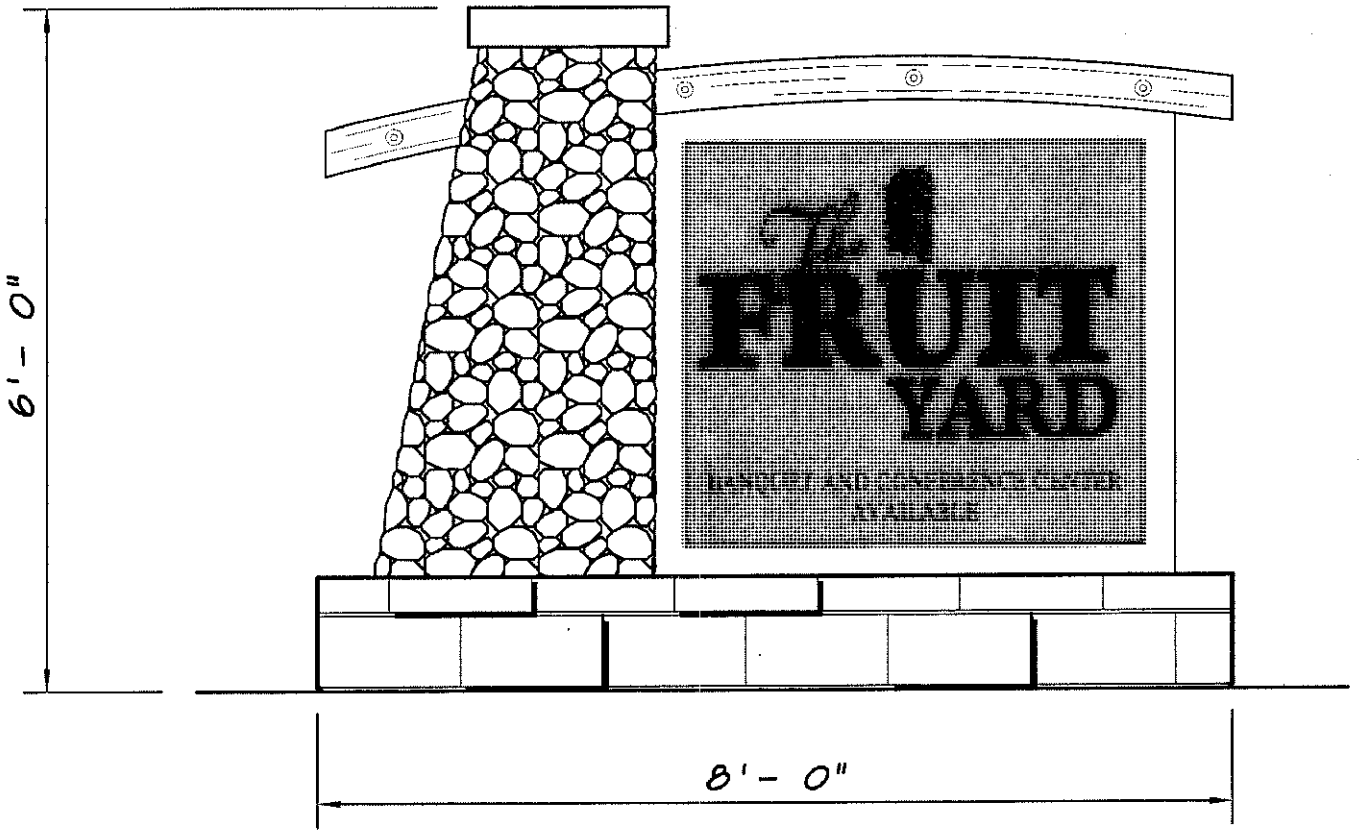
BANQUET ROOM PLAN



28

EXHIBIT A-12

GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
PROPOSED SIGN



MONUMENT SIGN DETAIL

NO SCALE

Fruit Yard Project Description

The Fruit Yard facility exists at the southwest corner of Geer Road and Yosemite Blvd. (State Hwy. 132). It started as an Old Foamy Drive-In in the late 1950s, and has expanded through the years. The Trainas, the current owner, purchased the property in 1977. The current site contains the Fruit Yard Restaurant, a service station with six (6) pumps, a produce market, and a cardlock facility with six (6) pumps. The site has ancillary parking and a lake and park used by Fruit Yard customers with the lake providing the storm drainage for the site. The current development covers approximately six (6) acres, with the remaining approximately thirty-nine (39) acres of the property in open land and fruit trees including apricots, peaches, nectarines and cherries. The site hosts large public gatherings three or four times a year, including the Passport to Paradise event for the American Cancer Society, a Graffiti Night event, and a musical event or two. These events have occurred over the last fourteen (14) plus years, and are run with public assembly permits from the Stanislaus County Sheriff's Department.

The existing Fruit Yard Restaurant provides banqueting facilities and meeting rooms for a number of different clubs and groups. Over the years, requests have been made for weddings at the site, and the Fruit Yard has hosted these as well. Weddings are not currently identified as permissible under the current permits for the site.

As part of the process of adding weddings as a permissible use at the site, it was determined that an overall master plan should be prepared for the Fruit Yard facility. Simultaneously, conversations were underway with Caltrans and Stanislaus County for a right-of-way purchase for the State Highway 132/Geer Road intersection project. These discussions necessitated locating driveways and the best location for existing and future facilities. Based upon the near-term, mid-term, and long-term goals for the Fruit Yard, and its expected growth, the attached master plan has been prepared.

With this application it is intended that the entire Fruit Yard site be amended from a general plan designation of Agriculture to Planned Development, and that a Planned Development zone be placed over the entire forty-five (45) acre property. The development plan for the property includes the existing facilities as well as (i) additional banqueting facilities to be constructed west of the existing Fruit Yard Restaurant, (ii) the movement of the existing service station from north of the produce market to south of the produce market, (iii) relocation of the cardlock facility, and (iv) some additional retail space at the site of the existing service station.

In addition, since the Fruit Yard is located at such a busy intersection, it provides service to recreational travelers, and so the project also proposes to add a small storage facility for the storage of boats, motor homes, recreational vehicles and equipment as well as a small overnight trailer park facility to allow people to camp at the site over weekend, and to use adjacent facilities such as Fox Grove, Modesto Reservoir, Turlock Lake and other recreational amenities in the area. Finally, in the master planning of the site, Traina Dried Fruit is looking at locating some fruit packing and warehousing facilities at the site which are typical agricultural uses and would be permitted with a Use Permit, even without this application. Lastly, a tractor sales facility is also being considered as a future use at the site. The attached Master Development Plan provides square footages for the proposed uses.

As shown on the attached development plans, Phase 1 of the project would allow the construction of the banqueting facilities, and bring the site to approximately 8.3 acres of developed area, with about 36.4 acres remaining undeveloped or in agricultural uses. With Phase 2, the overnight trailer park and RV and boat storage would be constructed, and the park expanded, so that the developed area would be expanded to approximately 18.4 acres, and the remainder of the approximately 26.3 acres would remain in undeveloped or agricultural use. Finally, with Phase 3, the cardlock facility and service station would be relocated, and retail added at the old service station site. Phase 3 would complete the project and result in approximately twenty-nine (29) developed acres, with about sixteen (16) acres remaining in agriculture or agriculture related uses. At full development, approximately nine (9) acres of the developed twenty-nine (29) acres will be park so will not be irretrievably committed to urban uses. The balance of the site development acres would remain in agricultural use, and the permissible land uses in this area would be agricultural, and includes farming, or any other uses which would be permitted in the A-2 zone with a use permit.

The purpose of this project is to create a destination which gathers most of its support from the traveling public, recreational travelers, the adjacent agricultural properties and neighboring communities. The project will allow the existing travel, agricultural, and recreational oriented uses to continue to grow and expand. The site currently employs about 75 full and part time employees. At full build-out, this is expected to increase to about 150 to 200 employees. Most uses will operate from 6 a.m. in the morning until 10 p.m. in the evening, with the cardlock facility and service station being open 24 hours a day. Special events and Weddings may occur until midnight.

Fruit Yard Planned Development
Development Schedule

The total term of the Planned Development will be seven (7) years. It is expected that the phases will generally be constructed within the following timeframes:

1.	Banquet Facility	1 to 3 years
2.	Mini-Storage, RV Parking, Tractor Sales and Packing Facility	2 to 5 years
3.	Gas Station Relocation, Card Lock Relocation and Retail	3 to 7 years

The construction windows offered in this Development Schedule are the current best estimate for construction. It is possible that some uses may occur sooner than expected while others may move back in time. Prior to the conclusion of the seventh (7th) year, extension request may be made. Time extension requests can be from a minimum of one (1) to a maximum of three (3) years and may be granted by the County, at its discretion. The number of time extensions that may be granted are at the discretion of the County.

APPLICATION QUESTIONNAIRE

Please Check all applicable boxes APPLICATION FOR: *Staff is available to assist you with determining which applications are necessary*		PLANNING STAFF USE ONLY: Application No(s): GPA2007-03 REZ2007-03 Date: 3/26/07 S 34 T 3 R 10 GP Designation: AG Zoning: A-2-40 Fee: ACTUAL COST ($3600 DEP.) Receipt No. PAID CK Received By: KF 3/26/07 Notes:
☒ General Plan Amendment	☐ Subdivision Map	
☒ Rezone	☐ Parcel Map	
☐ Use Permit	☐ Exception	
☐ Variance	☐ Williamson Act Cancellation	
☐ Historic Site Permit	☐ Other _____	

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT NAME: ***Fruit Yard PD Amendment***
(Desired name for project, if any)

CONTACT PERSON: Who is the primary contact person for information regarding this project?

Name: ***David O. Romano, P.E., AICP*** **Telephone:** ***(209) 521-9521***

Address: ***1020 Tenth Street, Suite 310, Modesto, CA 95354***

Fax Number: ***(209) 521-4968*** **email address:** ***dromano@ranplc.com***

(Attach additional sheets as necessary)
PROPERTY OWNER'S NAME: ***The Fruit Yard***

Mailing Address ***7948 Yosemite Blvd.***
Modesto, CA 95357

Telephone: ***(209) 577-3093*** Fax: ***(209) 577-0600***

APPLICANT'S NAME: ***The Fruit Yard***

Mailing Address ***7948 Yosemite Blvd., Modesto, CA 95357***

Telephone: ***(209) 577-3093*** Fax: ***(209) 577-0600***

ENGINEER / APPLICANT: ***Associated Engineering, Inc.***

Mailing Address ***4206 Technology Drive, Modesto, CA 95356***

Telephone: ***(209) 545-3390*** Fax: ***(209) 545-3875***

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

****Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).***

See attached.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book ***009*** Page ***027*** Parcel ***004***

Additional parcel numbers: _____

Project Site Address or Physical Location: ***7948 Yosemite Blvd., Modesto, CA 95357***

Property Area: Acres: ***43.86 (net)*** or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Restaurant, Service Station, Produce Market, Cardlock Facility, Banquet/Meeting Facility

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

Use Permits for existing facilities

Existing General Plan & Zoning: ***Agriculture (Ag)***

Proposed General Plan & Zoning: ***Planned Development (P-D)***
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: ***Agriculture***

West: ***Agriculture***

North: ***Agriculture, Church, Urban Development***

South: ***Agriculture, old Landfill***

WILLIAMSON ACT CONTRACT:

Yes ☐ **No** ☒

Is the property currently under a Williamson Act Contract?
Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes ☐ No ☒ Do you propose to cancel any portion of the Contract?

Yes ☐ No ☒ Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

_____

SITE CHARACTERISTICS: (Check one or more) Flat ☒ Rolling ☐ Steep ☐

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops ☐ Orchard ☒ Pasture/Grassland ☐ Scattered trees ☐

Shrubs ☐ Woodland ☐ River/Riparian ☐ Other ☐

Explain Other: _____

Yes ☐ No ☒ Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes ☒ No ☐ Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

Minimal amount, site is flat.

STREAMS, LAKES, & PONDS:

Yes ☒ No ☐ Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes ☐ No ☒ Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

_____

Yes ☐ No ☒ Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes ☐ No ☒ Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

Yes ☒ No ☐ Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.

Yes ☐ No ☒ Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes ☒ No ☐ Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE: *(See attached Plans)*

Existing Building Coverage: _____ Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: _____ Sq. Ft. Paved Surface Area: _____ Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) ***See attached Plans.***

Number of floors for each building: ***Two for the existing Fruit Yard restaurant, one for all other buildings.***

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) ***35 feet.***

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) ***Existing Charter Communications Tower near the southwest corner of the site is approximately 100 feet high.***

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) ***Pavement***

UTILITIES AND IRRIGATION FACILITIES:

Yes ☒ No ☐ Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: ***MID*** Sewer*: ***Septic***

Telephone: ***AT&T*** Gas/Propane: ***PG&E***

Water**: ***On-Site*** Irrigation: ***MID***

***Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.**

****Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.**

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

_____

_____

_____

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes ☐ No ☒ Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes ☐ No ☒ Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots:_____ Total Dwelling Units:_____ Total Acreage:_____

Net Density per Acre: _____ Gross Density per Acre: _____

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/ Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): ***See attached Site Plan.***

_____

Type of use(s): ***Restaurant, Retail, Produce Market, Service Station and Card Lock Facility, Storage and RV Park, Tractor Sales.***

Days and hours of operation: ***6 a.m. to 10 p.m. typical.***

Up to midnight for special events and weddings.

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: ***n/a***

Occupancy/capacity of building: ***Fruit Yard (10,000 sq. ft.) (approx. 300 person capacity); Market (4,500 sq. ft.); Banquet (10,000 sq. ft.) (approx. 500 person capacity); New Retail (2,000 sq. ft.); Tractor Sales (5,000 sq. ft.)***

Number of employees: (Maximum Shift): ***Fruit Yard (30-40)*** (Minimum Shift): _____
Banquet (10-30); Market (5)

Estimated number of daily customers/visitors on site at peak time: ***Fruit Yard (500 total per day / 300 at peak)***
Banquet (500 at peak); Market (20)

Other occupants: _____

Estimated number of truck deliveries/loadings per day: ***Fruit Yard 3-5 per day, 3 days per week***
Banquet 4 per week total

Estimated hours of truck deliveries/loadings per day: ***6:00 a.m. to 6:00 p.m.***

Estimated percentage of traffic to be generated by trucks: ***Less than 5%***

Estimated number of railroad deliveries/loadings per day: ***N/A***

Square footage of:

Office area: _____ Warehouse area: _____

Sales area: _____ Storage area: _____

Loading area: _____ Manufacturing area: _____

Other: (explain type of area) _____

Yes ☐ **No** ☒ Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Yosemite Blvd. / Geer Road

Yes ☒ No ☐ Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes ☐ No ☒ Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes ☐ No ☒ Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) ☐ Drainage Basin ☐ Direct Discharge ☐ Overland

☐ Other: (please explain) ***Captured on-site and applied to project lands to percolate.***

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Will prepare SWPPP for Grading.

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

None provided.

You need to obtain General Permit coverage if storm water discharges from your site and either of the following apply:

- Construction activities result in one or more acres of land disturbance, including clearing, grading, excavating, staging areas, and stockpiles or;
- The project is part of a larger common plan of development or sale (e.g., subdivisions, group of lots with or without a homeowner's association, some lot line adjustments) that result in one or more acres of land disturbance.

It is the applicant's responsibility to obtain any necessary permit directly from the California Regional Water Quality Control Board. The applicant(s) signature on this application form signifies an acknowledgment that this statement has been read and understood.

STATE OF CALIFORNIA HAZARDOUS WASTE AND SUBSTANCES SITES LIST (C.G.C. § 65962.5)

Pursuant to California Government Code Section 65962.5(e), before a local agency accepts as complete an application for any development project, the applicant shall consult the latest State of California Hazardous Waste and Substances Sites List on file with the Planning Department and submit a signed statement indicating whether the project is located on a site which is included on the List. The List may be obtained on the California State Department of Toxic Substances Control web site (http://www.envirostor.dtsc.ca.gov/public).

The applicant(s) signature on this application form signifies that they have consulted the latest State of California Hazardous Waste and Substances List on file with the Planning Department, and have determined that the project site ☐ **is or** ☒ **is not** included on the List.

Date of List consulted: March 9, 2007

Source of the listing: _____

(To be completed only if the site is included on the List)

ASSESSOR'S INFORMATION WAIVER

The property owner(s) signature on this application authorizes the Stanislaus County Assessor's Office to make information relating to the current owners assessed value and pursuant to R&T Code Sec. 408, available to the Stanislaus County Department of Planning and Community Development.

CENTRAL CALIFORNIA INFORMATION CENTER
California Historical Resources Information System
Department of Anthropology – California State University, Stanislaus
801 W. Monte Vista Avenue, Turlock, California 95382
(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: January 23, 2007

CCIC File #: 6581N
Project: The Fruit Yard,
7948 Yosemite Blvd., Modesto,
APN #59-005/009-27-04-595

Dave Romano
C/o Russell A. Newman, PLC
1020 10th Street, Suite 310
Modesto, CA 95354

Dear Mr. Romano,

We have conducted a records search as per your request for the above-referenced project area located on the Waterford USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places, the California Register of Historical Resources, *the California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the *California Points of Historical Interest* listing (May 1992 and updates), the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current computer lists dated 12/11/2006 and 12/07/2006, respectively), the CALTRANS State and Local Bridge Survey (1989 and updates), the *Survey of Surveys* (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or historic resources within the project area:

No prehistoric or historic archaeological resources or historic properties have been reported to the CCIC.

Prehistoric or historic resources within the immediate vicinity of the project area:

No prehistoric or historic archaeological resources or historic properties have been reported to the CCIC.

The MID Lateral Canal No. 1 is over 50 years old and can be considered a potential cultural resource (it has not yet been formally recorded or evaluated); however, it is not likely that it will be impacted.

Resources that are known to have value to local cultural groups:

None have been formally reported to the CCIC.

Previous investigations within the project:

Two linear cultural resource surveys have been reported that may be in or only immediately adjacent to the project area as follows:

CCIC #	Author/Date	Project
ST-3656	Jurich (1999)	Archaeological Survey Report for the Proposed AC Overlay and Shoulder Backing of SR 132 between Modesto and Waterford (PM 16.8/28.0)
5733	Carpenter (2004)	Negative Archaeological Survey Report for the Albers Road/SR 132 Intersection Signalization Project

Previous investigations within the immediate vicinity of the project area:

One reported to the CCIC as follows:

CCIC #	Author/Date	Project
ST-890	Napton (1982)	Cultural Resource Reconnaissance of the Geer Road Landfill Expansion, Geer Road Project Site and Bonzi Alternative Site

Recommendations/Comments: Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

Based on existing data in our files:

(1) The parcel has a low-to-moderate sensitivity for the possible discovery of the fragmentary remains of prehistoric sites, under the surface—as the parcel is within ¼-mile of the former northern terraces of the Tuolumne River and within ½-mile of the former southern terraces of Dry Creek. Prehistoric occupation sites, "kitchen midden" soils, human burials, groundstone tools, baked clay, and lithic debitage have been previously recorded in association with one or the other of these rivers; to date, two prehistoric sites have been recorded within 1 mile of this particular parcel—one midden/possible occupation site, and one site with milling implements; both of these have subsurface contexts.

(2) Our records are not complete as to whether there exists on this parcel standing or remnant buildings, structures or objects over 45 years old, but it is a possibility, given the history and land use of the surrounding area.

If the proposed "project" that is the subject of this record search (we were not given details) will involve further development of this parcel, we recommend survey by a qualified archaeologist, of any undeveloped areas. If the project will involve the demolition, alteration, or relocation of any buildings, structures or objects over 45 years old, we recommend that they first be evaluated by a professional architectural historian. A copy of the Referral List for Historical Resources Consultants is attached for your use.

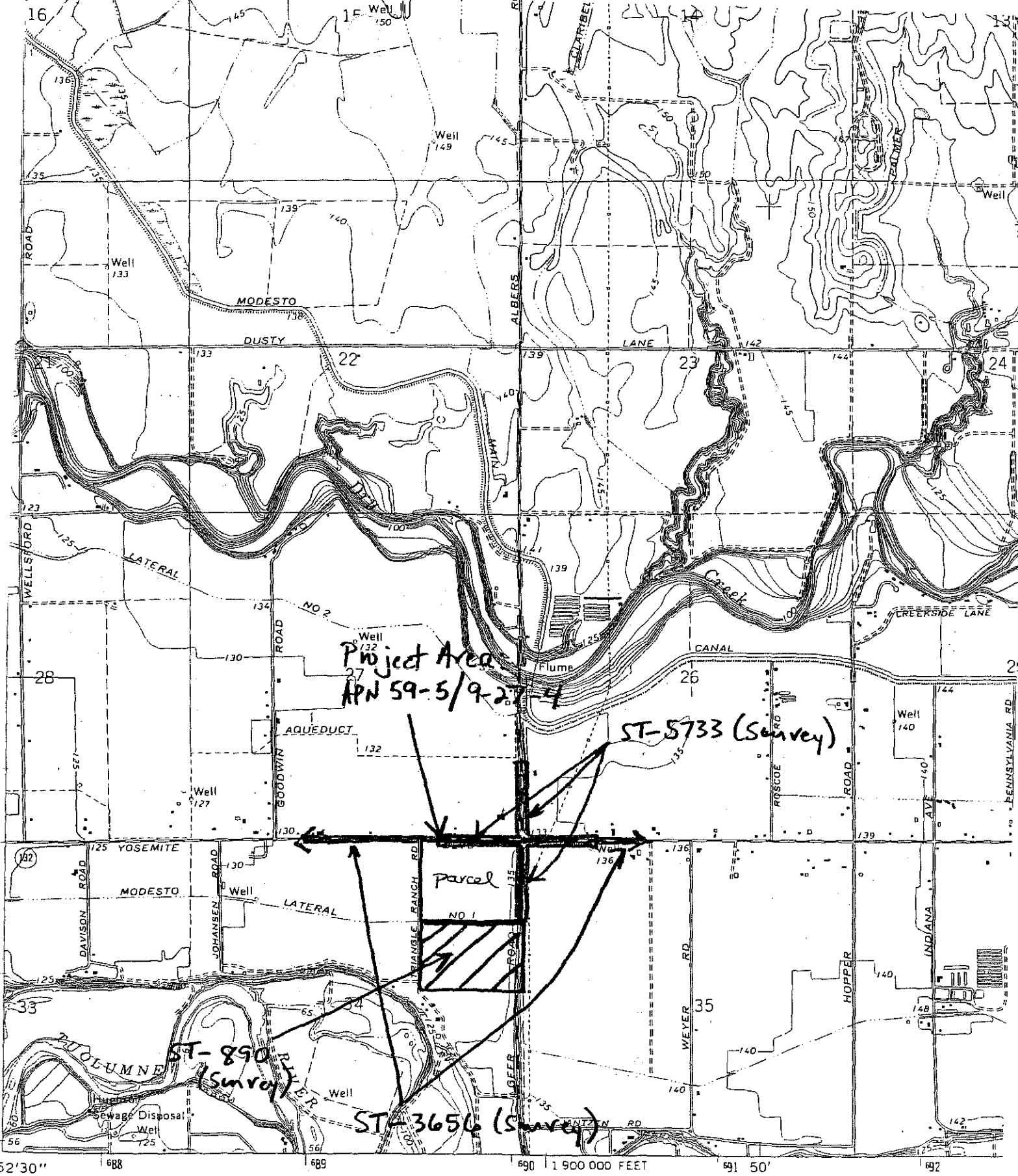
We advise you that in accordance with State law, if any historical resources are discovered during project-related construction activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-653-4082) are to be notified immediately for recommended procedures.

We further advise you that if you retain the services of a historical resources consultant, the firm or individual you retain is responsible for submitting any report of findings prepared for you to the Central California Information Center, including one copy of the narrative report and two copies of any records that document historical resources found as a result of field work.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,

Robin Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969

Supersedes map surveyed 1914, revised 1953

Polyconic projection. 1927 North American datum

10,000-foot grid based on California coordinate system, zone 3

CCIC#6581 N

Waterford, CA
USGS 7.5'
(1969)

As Amended by the Board of Supervisors
August 19, 2008
As Amended by the Planning Commission
July 17, 2008

DEVELOPMENT STANDARDS

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03
REZONE APPLICATION NO. 2007-03
THE FRUIT YARD

******* All adopted Development Standards shall apply to all phases of the project unless specifically noted.***

Stanislaus County - Department of Planning & Community Development

1. The approved uses (phases) shall be conducted as described in the application and supporting information (including the plot plan/site plan) by the Stanislaus County Board of Supervisors and in accordance with other laws and ordinances.

2. If only Phase One is approved, interior roads identified as "E" Drive, "F" Way, "G" Drive and Triangle Ranch Road shall not be developed and only "A" Drive, "B" Drive, "C" Circle, and "D" Drive shall be developed for use. Triangle Ranch Road may continue to be used, and developed, for permitted agricultural purposes only. **If all phases are approved, roadway construction for all on-site roadways will be determined as necessary to provide proper circulation for each use proposed and in place prior to occupancy of each use. If all phases are approved, F Way shall be constructed as shown on the approved site plan unless both Public Works and the "fire authority" agree to a modification.**

3. ~~Before any approved use~~ **Prior to occupancy of the Banquet Facility, or expansion** of the park site, interior roads identified as "A" Drive, "B" Drive, "C" Circle, and "D" Drive shall be installed as approved by Stanislaus County Public Works. **The length of construction will coincide with how much of the park site is proposed for construction.**

4. If all phases of the project are approved, Triangle Ranch Road shall be shifted east to allow complete development of the road to occur on the project site. A revised site plan reflecting the shift, and in substantial compliance with the approved site plan, shall be approved by the Planning Department prior to any construction activity.

5. Agricultural uses not requiring a staff approval or a use permit pursuant to Sections 21.20.030 and 21.20.040 shall be permitted on all areas of the project site. A Use Permit to conduct activities described as Tier One and Tier Two uses under the A-2 zoning district, in effect at time of project approval, may be granted in areas of the project site which do not develop in accordance with the adopted site plan.

6. If Phase Two is approved, Use Permits for both the Tractor Sales Facility and the Fruit Packing Facility shall be approved prior to development of either use.

7. Prior to issuance of any building permit or construction of any building or structure associated with Phase Two or Phase Three, elevations shall be reviewed and approved by the Planning Director or his appointed designee. Building and structure designs shall be consistent with existing buildings and structures and with the elevations approved for Phase One.

8. An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan prior to any outdoor use of amplified sound or blasting devices to insure noise levels do not exceed the maximum allowable noise levels as allowed by the Noise Element.

9. Hours of exterior construction on the site shall be limited to 7:00 a.m. to 6:00 p.m. , Monday through Saturday.

10. Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes shall be set back from the roof edge, placed behind a parapet wall, or in a wall, so they are not visible to motorists or pedestrians on the adjacent roads or streets. Screening for equipment shall be integrated into the building and roof design by the use of compatible materials, colors, and forms. Wood lattice and fence-like coverings shall not be used as screening materials.

11. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction as approved by the Planning Director or his appointed designee. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape or screened with landscaping and shall not be used as a sign unless approved by the Planning Director or his appointed designee.

12. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director or his appointed designee prior to installation.

13. All exterior trash enclosures shall be screened from public view by a minimum six-foot masonry wall constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director or his appointed designee. All trash bins shall be kept in trash enclosures.

14. A final landscape plan prepared in accordance with Section 21.102 of the Stanislaus County Zoning Ordinance shall be submitted prior to issuance of any building permit or approved use of the park site. Final plans shall be approved by the Planning Director or his appointed designee prior to the issuance of any building permit or approved use of the park site.

15. Any required landscaping plan shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of the plants origin. Said review is necessary to help stop the spread of the Glassy-winged Sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.

16. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.

17. All businesses (current & future) operating on-site shall obtain and maintain a valid business license. Application may be made with the Planning Department. (Section 6.04 of the Stanislaus County Ordinance Code)

18. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

19. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **$1,933.75**, made payable to Stanislaus County, for the payment of Fish and Game, and Clerk Recorder filing fees.

    Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

20. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

21. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

22. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary.

23. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

24. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.

25. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

Stanislaus County - Department of Public Works

26. The developer's engineer shall prepare the Irrevocable Offer of Dedication document for Geer Road prior to the issuance of a building or grading permit or approved use of the park site. Geer Road is classified as a six-lane expressway, so the ultimate right of way is 135 feet. An Irrevocable Offer of Dedication of 67.5 feet west of the centerline of Geer Road is required. The intersection of Geer Road and Yosemite Boulevard will require a dedication of a 35-foot chord. All proposed buildings or fences will have to allow for the current ultimate right-of-way set backs, not existing.

27. The developer's engineer shall prepare the Irrevocable Offer of Dedication document for Yosemite Boulevard prior to the issuance of a building or grading permit or approved use of the park site. Yosemite Boulevard is currently classified as a two lane conventional highway. CalTran's ultimate right-of-way is 110 feet. An Irrevocable Offer of Dedication of 55 feet south of the centerline of Yosemite Boulevard is required.

28. An encroachment permit must be obtained for the off site improvements.

29. This Department shall approve all driveway locations and widths on Geer Road. The northern most driveway on Geer Road (driveway 8 on the site plan) is too close to Yosemite Boulevard per County Standards and Specifications (Section 3.17 - Commercial Approaches on Major Roads) and shall be removed **concurrent with the relocation of the gas station.** ~~prior to the issuance of any building or grading permit or approved use of the park site.~~ **At the same time,** ~~The~~ **the** second driveway (driveway 9) will be **converted to** a right-in/right-out only driveway, with a pork chop installed. The driveway for "F" Way (driveway 13) will be located in such a way as to account for site distances of turning trucks, topography, and nearby structures **when its construction is warranted**. This department will approve the final location.

30. The installation of the street improvements may be phased with the development on-site. In areas being developed, the road frontages will need to be installed at current right-of-way. The improvements will include, but not be limited to, curb and gutter, drainage, pavement, associated striping, and streetlights. The improvements shall be in prior to occupancy of any associated building.

31. Off-site improvement plans for the entire frontage of the parcel shall be submitted and approved prior to the issuance of any building or grading permit.

32. An Engineer's Estimates shall be provided so the amount of the financial guarantees can be determined. This will be based on the County and State approved street improvement plans. This shall be submitted prior to issuance of a building permit and once the improvement plans have been approved by the County. Please note that there should be two Engineer's Estimates. One for CalTran's right-of-way and one for Stanislaus County's right-of-way. CalTran's improvements shall include any additional work needed to the improvements in the right of way on Yosemite Boulevard.

33. Financial guarantees in a form acceptable to the Department of Public Works shall be deposited for the street improvement installation along the frontage of the parcel at both Geer Road and Yosemite Road with the Department prior to the issuance of the first building permit. The guarantees will be separated out for County and State right-of-ways.

34. Prior to final and/or occupancy of any building or approved use of the park site, streetlights per County Standards shall be installed along the developed portions of the parcel along the right-of-way Geer Road.

35. Prior to the issuance of a building or grading/drainage permit or approved use of the park site, a lighting district shall be formed to provide a funding mechanism to pay for operations and maintenance of the streetlights. The developer shall provide all necessary documentation and pay all the costs associated with the formation of the lighting district. The formation requires a ballot procedure in compliance with State Proposition 218. This formation can take approximately three to four months. Please contact Denny Ferriera at 525-7618.

36. Prior to issuance of a Grading Permit or Building Permit or approved use of the park site, whichever is done first, the developer shall pay the first year's operating and maintenance cost of the streetlights with the Department of Public Works.

37. Prior to the issuance of any building permit or approved use of the park site, a Grading and Drainage Plan shall be approved that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and into the County or State road right-of-way. After the plan is determined to be acceptable to the Department of Public Works, the plan shall be implemented prior to final and/or occupancy of any new building.

38. All **on-site** roadways within the project **(A through F)** shall be built to **a minimum 24 foot width.** ~~County Standards. This includes County Standard dimensions and cross sections for the roads on-site. This~~ **The Public Works** Department shall approve the on-site roadway plans prior to construction of the roadways, **or** issuance of a building or grading permit. ~~, or approved use of the park site.~~

~~39. Prior to the approval of the on-site roadway plans, the developer shall enter into an inspection agreement with Stanislaus County Public Works for the inspection of the on-site roadway improvements.~~

40. Prior to the approval of the site improvement plans, the developer shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.

41. No parking, loading or unloading of vehicles will be permitted within the right-of-way of Geer Road.

42. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.

43. All employee and customer parking areas shall be paved and striped per county standards.

Stanislaus County - Building Permits Division

44. All development shall comply with the current adopted Title 24 and other Building Codes.

Stanislaus County - Department of Environmental Resources (DER)

45. Applicant must submit 3 sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Uniform Retail Food Facility Law (Section 27550).

46. Water supply for the project is defined by the State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from this Department of Environmental Resources (DER), prior to construction. Prior to final approval of the project, the owner must apply for and obtain a Water Supply Permit from DER. The Water Supply Permit Application must include a technical report that demonstrates compliance with State regulations and include the technical, managerial and financial capabilities of the owner to operate a public water system. The Water Supply Permit issuance is contingent upon the water system meeting construction standards, and providing water, which is of acceptable quantity and quality.

47. On-Site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines by Measure X. The engineered OSWDS design shall be designed for the maximum occupancy of the buildings. The OSWDS designed system shall provide 100% expansion area.

48. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

49. The applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following:

    A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facilities.
    B. Requirements for registering as a handler of hazardous materials in the County.

C. Submittal of hazardous materials Business Plan by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.

D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program that must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.

E. Generators of hazardous waste must notify DER relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; (3)proposed waste disposal practices.

F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.

G. Medical waste generated must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.

Stanislaus Consolidated Fire Protection District

50. All proposed projects shall comply with all applicable codes, ordinances, and standards. Proposed structures in excess of 5,000 square feet shall be equipped with an automatic fire sprinkler system. Fire hydrants with an approved spacing and complying with minimum required fire flow shall be provided.

51. Approved fire apparatus access roads meeting fire code requirements shall also be provided. Per the 2007 California Fire Code, fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The turning radius of a fire apparatus access road shall be as approved (50-foot outside, 30-foot inside). Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

Stanislaus County - Fire Prevention Bureau

52. The project must comply with all applicable County and State codes, ordinances, and regulations (including the demolishing and over night parking area). Fire protection water supply and access will be required at the time of building permit application. The water supply and access will be to all parts of the proposed project including the vehicle/RV storage and travel park area.

53. An approved fire apparatus access road shall be provided. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turn-around.

54. All buildings 5,000 square feet and greater and/or containing five or more dwelling units shall be provided with an automatic fire sprinkler system.

Modesto Irrigation District (MID)

~~55. Prior to development of the land **adjacent to the MID Canal,** in Phase 2 or Phase 3 a six-foot tall masonry wall, or MID approved equal, is required adjacent to the MID Lateral No. 1 canal right-of-way at the south line of the applicant's property.~~

55. Concurrent with the development of either the RV/Boat Storage or the RV Park parcels, a six-foot high masonry wall, or an MID approved equal, is required along the south line of applicant's property adjacent to MID Lateral 1. This fence shall extend from Geer Road to a point 10 feet west of the proposed "E" Drive right-of-way. If "F" Way is constructed from "E" Street to Triangle Ranch Road or the Agricultural parcel is developed, then the wall must be extended the full length of that development.

56. In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.

57. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.

58. Costs for relocation and/or under grounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or under grounding existing facilities will be supplied upon request.

59. A 15' easement is required adjacent to the existing 12kv overhead lines along the Geer Road street frontage. The Geer Road easement is required in order to protect the existing electrical facilities and maintain necessary safety clearances.

60. A 10' public utility easement is required along all existing street frontages.

61. The Modesto Irrigation District reserves its future right to utilize its property, including its canal and electrical easements and rights-of-way in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural, and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, cross arms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, pumps, control structures and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

62. Existing electric service to the proposed project may not be adequate to serve any future load additions. The customer should contact the District's Electric Engineering Department to arrange for electric service to the proposed project. Additional easements may be required with development of this property.

Modesto City Schools

63. The appropriate school impact fees will be assessed on all construction.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

64. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

65. Project to comply with the following rules from the SJVAPCD:
    - Regulation VIII (Fugitive PM10 Prohibitions)
    - Rule 2010 (Permits Required)
    - Rule 4002 (National Emission Standards for Hazardous Air Pollutants)

    - Rule 4102 (Nuisance)
    - Rule 4103 (Open Burning)
    - Rule 4601 (Architectural Coatings)
    - Rule 4622 (Gasoline Transfer into Motor Vehicles)
    - Rule 4623 (Storage of Organic Liquids)
    - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations)
    - Rule 9510 (Indirect Source Review)

California Department of Transportation (CalTrans)

66. The functional area of the intersection of SR 132 and Geer Road will require the closure of the existing driveways closest to the intersection (numbers 6 and 8 as shown on the Study Intersection Index). While the other existing driveway (5) along SR 132 will need to be right in/right out. Spacing between driveways 4 and 5 are too close and need to be modified. Please provide an analysis with these driveway closures and modification for our review.

67. Please provide truck-turning templates for all driveways along SR 132 which will be accessed by trucks. Please identify whether or not the trucks will be STAA or California Legal in length.

68. An encroachment permit will be required for any work within the State right-of-way.

Board of Supervisors

69. No individual "RV Park" space shall be occupied by the same individual, trailer, recreational vehicle, or movable sleeping quarter of any kind for a period exceeding (14) fourteen consecutive days within a one month period. This applies to owner/operator of the RV/camper/trailer, all occupants, and the RV/camper/trailer itself.

Mitigation Measures

(Pursuant to California Public Resources Codes 15074.1: Prior to deleting and substituting for a mitigation measures, the lead agency shall do both of the following: 1) Hold a public hearing to consider the project; and 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

70. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

71. If any historical resources are discovered during project-related construction activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the county coroner and the Native American Heritage Commission, Sacramento (916-653-4082) are to be notified immediately for recommended procedures.

72. In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification. *

73. Geer Road is classified as a six-lane expressway, so the ultimate right-of-way is 135 feet. An Irrevocable Offer of Dedication of 67.5 feet west of the centerline of Geer Road is required. The intersection of Geer Road and Yosemite Boulevard will require a dedication of a 35-foot chord. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit. All proposed buildings or fences will have to allow for the current ultimate right-of-way set backs, not existing.

74. Yosemite Boulevard is currently classified as a two lane conventional highway. CalTran's ultimate right-of-way is 110 feet. An Irrevocable Offer of Dedication of 55 feet south of the centerline of Yosemite Boulevard is required. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit or grading permit.

**** This Mitigation Measure has been modified from that which was circulated in the Initial Study (as discussed in the Staff Report / Recommendation)***

****

Please note: If Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right hand corner of the first page of the Development Standards, new wording is in ***bold*** *and deleted wording will have a ~~line through it.~~*

(I:\Staffrpt\GPA\2007\GPA 2007-03 - The Fruit Yard\Staff Report.wpd, and deleted)

DEVELOPMENT SCHEDULE

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03
REZONE APPLICATION NO. 2007-03
THE FRUIT YARD

Phase 1. Construction of the Banquet Building/Facility, upgrades to park area, corresponding landscaping, and On-Site Parking to be completed 1 to 3 years from the date of approval.

Phase 2. Mini-Storage with Boat & RV storage, RV Park, Tractor Sales Facility, and the Fruit Packing Facility to be completed 2 to 5 years from the date of approval.

Phase 3. Gas Station Relocation, Card Lock (Gas Station) Relocation, and Retail Buildings to be completed 3 to 7 years from the date of approval.

Uses may be moved from one phase to another to react to market conditions.

(I:\Staffrpt\GPA\2007\GPA 2007-03 - The Fruit Yard\Staff Report.wpd)

56 PM 83

PARCEL MAP

BEING A DIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN STANISLAUS COUNTY, CALIFORNIA

PREPARED FOR: THE FRUITYARD
OCTOBER, 2012

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

OWNER'S STATEMENT:

WE, THE UNDERSIGNED OWNER(S), HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF, OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS PARCEL MAP, AND WE CONSENT TO THE MAKING AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER.

WE HEREBY OFFER FOR DEDICATION TO THE PUBLIC, FOR PUBLIC USE, THE PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS MAP.

WE ALSO HEREBY OFFER FOR DEDICATION FOR THE MUTUAL BENEFIT OF THE PARCELS SHOWN HEREON, THE 30.00 FOOT WIDE PRIVATE INGRESS AND EGRESS EASEMENT AS SHOWN ON THIS MAP.

OWNER: FRUITYARD PROPERTY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: Joseph Traina — 10/8/12
JOSEPH TRAINA, MEMBER — DATE

BY: William Traina — 10/8/12
WILLIAM TRAINA, MEMBER — DATE

BENEFICIARY: WELLS FARGO BANK, NATIONAL ASSOCIATION
BY DOCUMENT RECORDED JUNE 25 2008 AS DOCUMENT. NO. 2008-0068530, S.C.R.

Donny L. Rocha — 10/25/12
DATE

Donny L. Rocha, Vice President
PRINT NAME & TITLE

ACKNOWLEDGMENT:

STATE OF CALIFORNIA:
COUNTY OF Stanislaus:
ON 10/8/12 BEFORE ME, Rachel Correia, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED,
Joseph Traina & William Traina

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.
Rachel Correia, NOTARY PUBLIC
PRINT NAME: Rachel Correia
COMMISSION NUMBER: 1951769
COMMISSION EXPIRES: Oct. 8, 2015
PRINCIPAL OFFICE LOCATION (COUNTY): Stanislaus

ACKNOWLEDGMENT.

STATE OF CALIFORNIA:
COUNTY OF STANISLAUS:
ON 10-25-12 BEFORE ME, ANNA FILIPPI, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED,
DONNY L. ROCHA

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.
Anna Filippi, NOTARY PUBLIC
PRINT NAME: ANNA FILIPPI
COMMISSION NUMBER: 1848157
COMMISSION EXPIRES: MAY 8, 2013
PRINCIPAL OFFICE LOCATION (COUNTY): STANISLAUS

NOTE:

"ALL PERSONS PURCHASING LOTS WITHIN THE BOUNDARIES OF THIS APPROVED MAP SHOULD BE PREPARED TO ACCEPT THE INCONVENIENCES ASSOCIATED WITH THE AGRICULTURAL OPERATIONS, SUCH AS NOISE, ODORS, FLIES, DUST OR FUMES. STANISLAUS COUNTY HAS DETERMINED THAT SUCH INCONVENIENCES SHALL NOT BE CONSIDERED TO BE A NUISANCE IF AGRICULTURAL OPERATIONS ARE CONSISTENT WITH ACCEPTED CUSTOMS AND STANDARDS."

CLERK OF THE BOARD OF SUPERVISOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE OWNERS OF THE PROPERTY SHOWN ON THE ACCOMPANYING MAP HAVE FILED WITH THE BOARD OF SUPERVISORS: (CHECK ONE)

☐ A. A BOND OR DEPOSIT APPROVED BY SAID BOARD TO SECURE THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE AT THE TIME OF FILING THIS MAP, A LIEN AGAINST SAID PROPERTY OR ANY PART THEREOF.

☒ B. RECEIPTED TAX BILL OR BILLS OR SUCH OTHER EVIDENCE AS MAY BE REQUIRED BY SAID BOARD SHOWING FULL PAYMENT OF ALL APPLICABLE TAXES.

DATED THIS 23 DAY OF October 2012.

CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS.

BY: Pam Villarreal, DEPUTY
Pam Villarreal
PRINT NAME

TAX COLLECTOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THERE ARE NO LIENS FOR ANY UNPAID STATE, COUNTY, SCHOOLS, MUNICIPAL, OR SPECIAL ASSESSMENTS, EXCEPT SPECIAL ASSESSMENTS OR TAXES NOT YET PAYABLE AGAINST THE LAND SHOWN ON THIS MAP.

ASSESSOR'S PARCEL NO. 009-027-004.

DATED THIS 23rd DAY OF October 2012.

GORDON D. FORD
COUNTY TAX COLLECTOR.

BY: Jegan Raja, DEPUTY
JEGAN L. RAJA
PRINT NAME

OMITTED SIGNATURE:

PURSUANT TO SECTION 66436 OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING EASEMENT HOLDER'S OF RECORD HAVE BEEN OMITTED:

MODESTO IRRIGATION DISTRICT, CANAL AND INCIDENTAL PRUPOSES, RECORDED MAR. 13, 1925, IN BK. 105 OF OFFICIAL RECORDS, PG. 331, S.C.R.

MODESTO IRRIGATION DISTRICT, PUBLIC UTILITY PRUPOSES, RECORDED JUNE 6, 2007, AS DOCUMENT NO. 2007-0075715, S.C.R.

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JOE TRAINA ON OCTOBER 1, 2012
I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.
ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

DATED THIS 8th DAY OF OCTOBER 2012.

DAVE L. SKIDMORE, L.S. 7126

LICENSED LAND SURVEYOR — D.L. SKIDMORE — No.7126 — STATE OF CALIFORNIA

COUNTY SURVEYOR'S STATEMENT:

THIS IS TO CERTIFY THAT THE ACCOMPANYING MAP HAS BEEN EXAMINED AND THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF. ALSO, CHAPTER 2, AND TITLE 20, OF THE STANISLAUS COUNTY SUBDIVISION CODE HAVE BEEN COMPLIED WITH AND THE MAP IS TECHNICALLY CORRECT.

I HEREBY ACCEPT ON BEHALF OF THE PUBLIC FOR PUBLIC USE, THE OFFER OF DEDICATION OF THE PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS MAP.

DATED THIS 29th DAY OF OCTOBER 2012.

WAYNE G. SUTTON
COUNTY SURVEYOR

Wayne G. Sutton
L.S. 3863

LICENSED LAND SURVEYOR — WAYNE G. SUTTON — No. 3863 — STATE OF CALIFORNIA

RECORDER'S CERTIFICATE:

FILED THIS 31th DAY OF October, 2012, AT 15.04.23 O'CLOCK P.M.
IN BOOK 56 OF PARCEL MAPS, AT PAGE 83, STANISLAUS COUNTY RECORDS, AT THE REQUEST OF ASSOCIATED ENGINEERING GROUP, INC.

INSTRUMENT NO. 2012-97688

FEE $15.00 PAID

LEE LUNDRIGAN
CLERK RECORDER

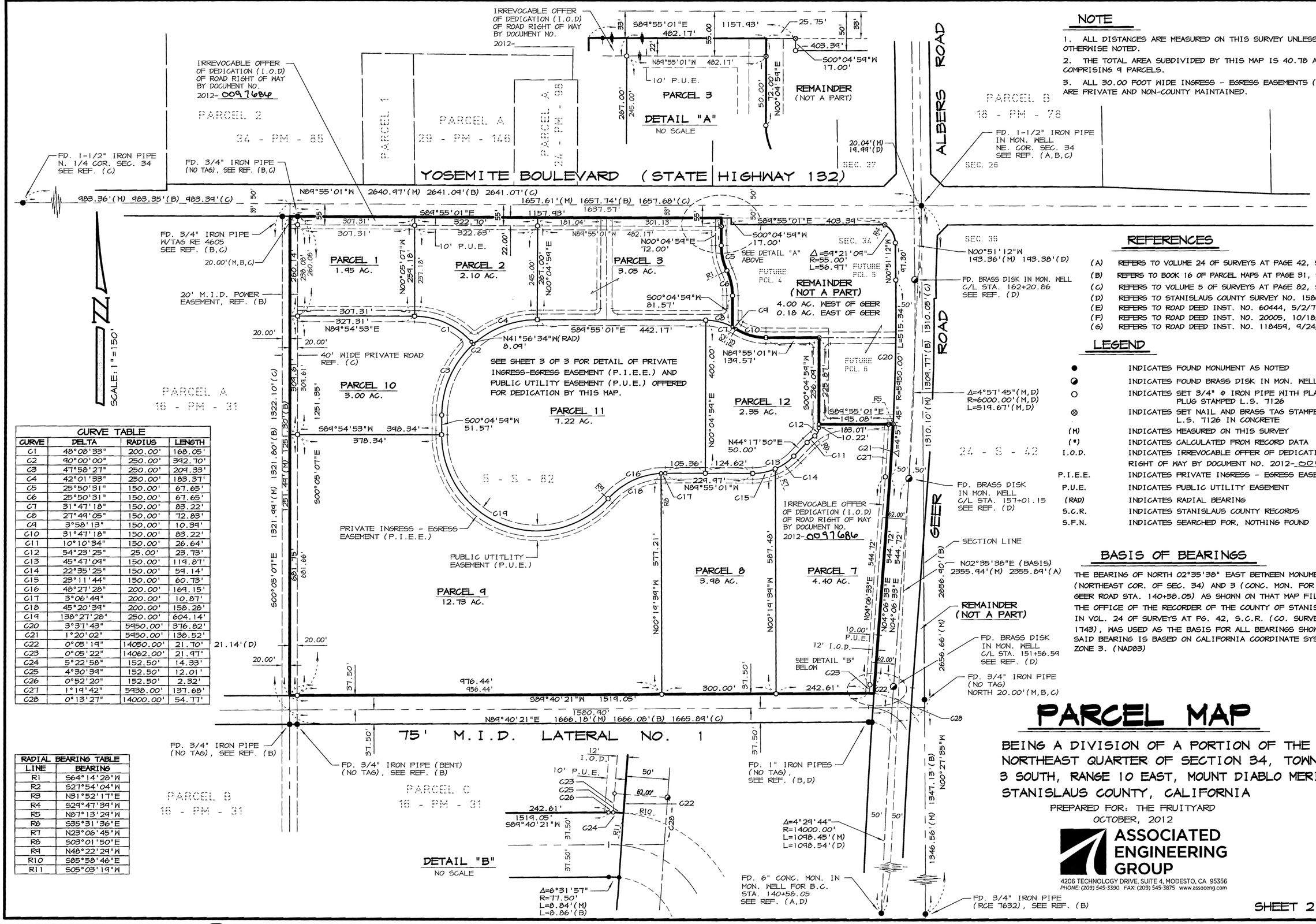
BY: Manjit Kahlon, DEPUTY
Manjit Kahlon
PRINT NAME

STANISLAUS COUNTY PM APP. NO. 2009-08
ASSOCIATED ENGINEERING JOB NO. 496C-12

ATTACHMENT 4
SHEET 1 OF 3

56 PM 83

56 PM 83



NOTE

1. ALL DISTANCES ARE MEASURED ON THIS SURVEY UNLESS OTHERWISE NOTED.
2. THE TOTAL AREA SUBDIVIDED BY THIS MAP IS 40.78 ACRES COMPRISING 9 PARCELS.
3. ALL 30.00 FOOT WIDE INGRESS - EGRESS EASEMENTS (P.I.E.E.) ARE PRIVATE AND NON-COUNTY MAINTAINED.

REFERENCES

(A)	REFERS TO VOLUME 24 OF SURVEYS AT PAGE 42, S.C.R.
(B)	REFERS TO BOOK 16 OF PARCEL MAPS AT PAGE 31, S.C.R.
(C)	REFERS TO VOLUME 5 OF SURVEYS AT PAGE 82, S.C.R.
(D)	REFERS TO STANISLAUS COUNTY SURVEY NO. 1586
(E)	REFERS TO ROAD DEED INST. NO. 60444, 5/2/77
(F)	REFERS TO ROAD DEED INST. NO. 20005, 10/18/82
(G)	REFERS TO ROAD DEED INST. NO. 118459, 9/24/87

LEGEND

●	INDICATES FOUND MONUMENT AS NOTED
◐	INDICATES FOUND BRASS DISK IN MON. WELL
○	INDICATES SET 3/4" Φ IRON PIPE WITH PLASTIC PLUG STAMPED L.S. 7126
⊗	INDICATES SET NAIL AND BRASS TAG STAMPED L.S. 7126 IN CONCRETE
(M)	INDICATES MEASURED ON THIS SURVEY
(•)	INDICATES CALCULATED FROM RECORD DATA
I.O.D.	INDICATES IRREVOCABLE OFFER OF DEDICATION OF ROAD RIGHT OF WAY BY DOCUMENT NO. 2012-0097686
P.I.E.E.	INDICATES PRIVATE INGRESS - EGRESS EASEMENT
P.U.E.	INDICATES PUBLIC UTILITY EASEMENT
(RAD)	INDICATES RADIAL BEARING
S.C.R.	INDICATES STANISLAUS COUNTY RECORDS
S.F.N.	INDICATES SEARCHED FOR, NOTHING FOUND

BASIS OF BEARINGS

THE BEARING OF NORTH 02°35'38" EAST BETWEEN MONUMENTS 1 (NORTHEAST COR. OF SEC. 34) AND 3 (CONC. MON. FOR BC OF GEER ROAD STA. 140+58.05) AS SHOWN ON THAT MAP FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF STANISLAUS IN VOL. 24 OF SURVEYS AT PG. 42, S.C.R. (CO. SURVEY NO. 1743), WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON. SAID BEARING IS BASED ON CALIFORNIA COORDINATE SYSTEM, ZONE 3. (NAD83)

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	48°08'33"	200.00'	168.05'
C2	90°00'00"	250.00'	392.70'
C3	47°58'27"	250.00'	209.33'
C4	42°01'33"	250.00'	183.37'
C5	25°50'31"	150.00'	67.65'
C6	25°50'31"	150.00'	67.65'
C7	31°47'18"	150.00'	83.22'
C8	27°44'05"	150.00'	72.83'
C9	3°58'13"	150.00'	10.39'
C10	31°47'18"	150.00'	83.22'
C11	10°10'34"	150.00'	26.64'
C12	54°23'25"	25.00'	23.73'
C13	45°47'09"	150.00'	119.87'
C14	22°35'25"	150.00'	59.14'
C15	23°11'44"	150.00'	60.73'
C16	48°27'28"	200.00'	169.15'
C17	3°06'49"	200.00'	10.87'
C18	45°20'39"	200.00'	158.28'
C19	138°27'28"	250.00'	604.14'
C20	3°37'43"	5950.00'	376.82'
C21	1°20'02"	5950.00'	138.52'
C22	0°05'19"	14050.00'	21.70'
C23	0°05'22"	14062.00'	21.97'
C24	5°22'58"	152.50'	14.33'
C25	4°30'39"	152.50'	12.01'
C26	0°52'20"	152.50'	2.32'
C27	1°19'42"	5938.00'	137.68'
C28	0°13'27"	14000.00'	54.77'

RADIAL BEARING TABLE	
LINE	BEARING
R1	S64°14'28"W
R2	S27°54'04"W
R3	N31°52'17"E
R4	S29°47'39"W
R5	N87°13'29"W
R6	S35°31'36"E
R7	N23°06'45"W
R8	S03°01'50"E
R9	N48°22'29"W
R10	S85°58'46"E
R11	S05°03'19"W

PARCEL MAP

BEING A DIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN STANISLAUS COUNTY, CALIFORNIA

PREPARED FOR: THE FRUITYARD
OCTOBER, 2012

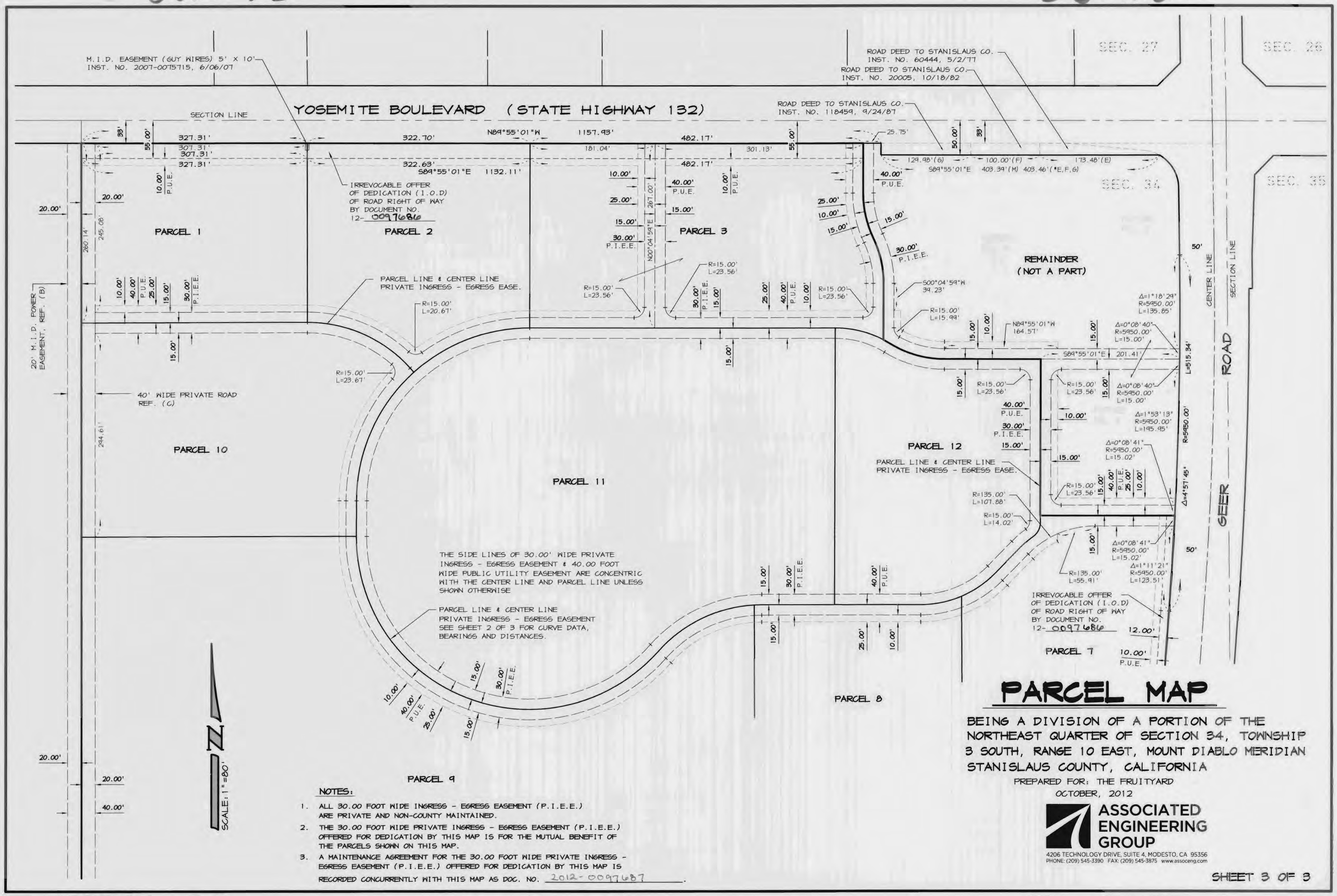
ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

SHEET 2 OF 3

56 PM 83

56 PM 83

56PM83



PARCEL MAP

BEING A DIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN STANISLAUS COUNTY, CALIFORNIA

PREPARED FOR: THE FRUITYARD

OCTOBER, 2012

NOTES:

1. ALL 30.00 FOOT WIDE INGRESS - EGRESS EASEMENT (P.I.E.E.) ARE PRIVATE AND NON-COUNTY MAINTAINED.
2. THE 30.00 FOOT WIDE PRIVATE INGRESS - EGRESS EASEMENT (P.I.E.E.) OFFERED FOR DEDICATION BY THIS MAP IS FOR THE MUTUAL BENEFIT OF THE PARCELS SHOWN ON THIS MAP.
3. A MAINTENANCE AGREEMENT FOR THE 30.00 FOOT WIDE PRIVATE INGRESS - EGRESS EASEMENT (P.I.E.E.) OFFERED FOR DEDICATION BY THIS MAP IS RECORDED CONCURRENTLY WITH THIS MAP AS DOC. NO. 2012-0097687.

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

SHEET 3 OF 3

56PM83

56PM83

Tom Douglas
548 North Hopper Road
Modesto, CA 95357-1818

Miguel A. Galvez, Senior Planner
Planning and Community Development

Mr. Galvez:

I would like to thank you for the opportunity to comment on the TIME EXTENSION APPLICATION NO. PLN2015-0075 – THE FRUIT YARD for the public hearing scheduled for December 3, 2015.

Having participated in the approval of the original General Plan Amendment and Planned Development, it is my understanding that the Planned Development expired in 2011 and that the currently proposed amphitheater that is being processed under a separate Staff Approval Application is a significant change in the scope of the projects that had been approved as part of the General Plan Amendment.

In the original approval, Phase One of the project would have resulted in the construction of banquet facility, upgrades to the park, landscaping and parking for the operation of the banquet facility. That phase of the project was to have been completed within 1 to 3 years of the approval of the Planned Development (July 17, 2008). This phase expired in July 2011 and an extension should have been required prior to the authorization of any permits for improvements related to Phase One of the existing Planned Development schedule. Furthermore, the last phase of the project for the relocation and expansion of the fueling facilities, which was given a 3 to 7 year development schedule, expired July 17, 2015.

In my opinion, the proposed amphitheater is not the same as "park improvements" and contains no element of the original Phase One project which was primarily about the construction of a banquet facility and the associated parking, landscaping and park improvements requested to hold special events and weddings. When I provided my testimony at the original hearing, I already had significant concerns about noise for a banquet facility due to the fact that I had been disturbed by noise from significantly smaller events. I am located roughly 1.5 miles away from the Fruit Yard. At that time, the applicant assured me that events would occur within the building with some events occurring in the park during normal business hours. Typically that means that events end around 10 PM on weekdays and 11 PM on weekends.

The prospect of a 5,000 person amphitheater is a pretty significant change in scope, in my mind. The originally approved banquet building would not have come close to accommodating that many people. Furthermore, the type of music events that are attracted to an amphitheater will be primarily conducted outside of a building, the music will be substantially more amplified than any of the current events being held at the Fruit Yard, the traffic generated by an amphitheater is concentrated during specific times where current events are spread out over a day or two, the type of parking demand and traffic

management required to accommodate the traffic is very different than the smaller banquet facility would have been, and a much higher level of security is required to manage crowds of this size. These are all environmental impacts that were never addressed in the original approval because a facility of this magnitude was not included in the project description and could not have possibly been analyzed properly for CEQA purposes. Prior to the approval of the amphitheater or this extension of the schedule, the County should prepare the environmental studies to ensure that these impacts are analyzed and that proper mitigation measures are put in place to reduce the impacts to a less than significant level or prepare an environmental impact report if the impacts cannot be adequately mitigated.

The applicant argues that the amphitheater construction that is currently occurring on the site under a grading permit was to create a drainage basin for the parking lot that was to have accompanied the banquet facility and that the construction of the amphitheater was intended to reduce the impacts of the activities that are currently occurring in the park area.

I DISAGREE. The construction of the amphitheater is not equivalent to having a park-like setting for holding weddings and events like Graffiti Days. Weddings are much smaller and the other events held at the Fruit Yard occur over the course of an entire day. These events already create significant noise and traffic impacts, but don't come close to the level of traffic, noise, parking and security concerns of a large amphitheater that brings 5,000 people together at the same time over the course of a few hours and then releases them again. Not to mention the fact that these types of facilities attract performances that generate much louder noise. I also understand that the applicant wishes to change the original banquet building into a tent that has far less noise attenuating features. This change runs counter to the assurances that were made to me at the original hearing.

Although the December 3, 2015 hearing is on the extension of the project, I believe that the extension is tied to the future proposed changes in the development plan. I attended the original 2008 planning commission meeting that approved the general plan amendment and rezone. I also had the opportunity to comment on the original development plan. Due to the changes in the scope of the project as well as the potential environmental impacts of the proposed changes in both the scope of the Planned Development and its development schedule, I respectfully request that the extension be denied and that the County require that the proper environmental impact studies be prepared to provide the public with a better understanding of the potential impacts of the proposed changes in the scope and schedule of the project.

I am concerned that the proposed development plan is substantially different than the original proposal. I believe that these changes require additional CEQA considerations. I can identify six specific areas that need to be addressed through either additional CEQA mitigation or operation restrictions.

NOISE. Although the developers have agreed to abide by all of the County Noise Ordinances as part of their development proposal and have conducted a noise study to assess the impact of the amphitheater, the study looked at noise generated by a special event at the floor of the amphitheater but it did not

consider crowd noise as part of the analysis or what impact a concrete stage may have on the analysis. Measurements made at the top of the amphitheater may provide a more accurate assessment.
The noise study proposed that the developer employ a professional acoustic firm to measure the sound levels at the first year of operation to evaluate the noise mitigation measures. I believe that a condition of the extension and the amendment should include this noise monitoring as a permanent requirement. The results should be provided to county planning on a continual basis. The continued maintenance of these noise levels should a requirement of the continued operation of the facility.

The applicant also proposes to have weddings at this facility, any event should be regulated by the County Noise Ordinance and a noise study should be conducted for the tented wedding facility. Noise levels and time period constraints should be recognized and monitored through regular reports available to the public for review. Lower noise levels after 10 PM should be maintained.

TIME LIMITS TO WEDDINGS AND SPECIAL EVENTS. Originally the developer proposed to allow special events or weddings to go to midnight. At a community meeting recently held by the developer he proposed to limit events to no later than 10:00 p.m. In any case, the timing of events and weddings should recognize the timing and noise restrictions noted in the County Noise Ordinance.

A review of most of the major amphitheaters suggest that these operations all have a firm shut down time as a consideration to neighboring community. Not one reviewed extended their operation to midnight at any time.

TRAFFIC CONTROL. The orderly egress and exit of 5,000 attendants at a special event is no small endeavor. This operation may have considerable impacts on traffic on State Route 132 and county roads. This issue has not been considered in the plan. A traffic plan should be a requirement of the extension or rezone.

PARKING. In past special events held at the Fruit Yard parking has been at a premium. People attending parked on the sides of State Route 132 and Geer Road. Both SR 132 and Geer/Albers are busy traffic corridors. This parking has created a traffic and public safety problem with people jaywalking with limited visibility across traffic. Although Caltrans has installed a pedestrian crossing at this intersection, this will probably not solve the jaywalking problem.

The plan needs a parking analysis and mitigating measures to assure the continued free flow of traffic on the two major streets. Are there sufficient parking spaces for a 5,000 customer venue? Any deficit could be addressed through a shuttle program from nearby parking lots. A no parking posting program on SR 132 and Geer may be necessary to assure pedestrian safety.

NEIGHBORHOOD COMPLAINT PROCESS. I understand that the applicant has argued that he has not received any complaints about noise from the community. Personally I know that I have complained several times both to the Fruit Yard staff and to the sheriff department about noise levels past 10 PM.

In the past when I have complained to Fruit Yard Staff about noise from weddings, I was either told that they were exempt from the noise ordinance or had special permission to continue until midnight. In short no one was registering the complaints or even addressing them. I had contacted the sheriff department a number of times and have been told that it would be addressed on a non-emergency basis when staff was available. This was true even when events were permitted under a sheriff's permit.

To the applicant's credit there have not been any issues during the last year. I believe that weddings were conducted inside. The addition of a tent space for weddings could create another noise issue that should be monitored.

At the very least a responsible staff member should be available at all times during any event or wedding. The contact telephone number to address issues should be available at all times to the members of the surrounding community. Any event exceeding the noise standard should be terminated.

SECURITY. The applicant should have a detailed security plan in place. Any event that has 5,000 attendees should have identifiable security program for crowd control. This requirement should be defined for both weddings and special events where the number of attendees should set the number of security staff.

In the past, when I was going to the Fruit Yard Restaurant for a late dinner, I was accosted by a drunken individual from a wedding. When I asked the Fruit Yard employee I was told that there was no security at the wedding and that there was no employee responsible for monitoring the wedding. I was also told that staff left at 10:00 p.m. and the wedding could continue as long as it wanted. The wedding was essentially left to run on its own. This is clearly unacceptable, particularly for the substantial changes to the property proposed by the applicant.

IN SUMMARY, the County has allowed and even encouraged neighborhoods to develop near the Fruit Yard. People who live in these neighborhoods have an expectation that, while not the same as in an urban environment, is also not the same as in a farming area with 40-acre parcels. Development and activities at the Fruit Yard have caused problems in the past for the neighbors. Should the extension be granted—and I request that it be denied—I ask that the County consider the compatibility of this potential development as if it were in any other neighborhood. Any mitigation measures that are applied should be fully enforceable and enforced and penalties for failure to comply should be adequate to ensure compliance.

If you have any questions regarding these comments please do not hesitate to contact me at 209-409-4912

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: Time Extension No. PLN2015-0075 - The Fruit Yard

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources / Mine Reclamation	X				X							
CA DEPT OF FISH & WILDLIFE	X				X							
CA DEPT OF TRANSPORTATION DIST 10	X			X								
CA OPR STATE CLEARINGHOUSE	X				X							
CA RWQCB CENTRAL VALLEY REGION	X			X				X		X		X
CA STATE LANDS COMMISSION	X				X							
COOPERATIVE EXTENSION	X				X							
FIRE PROTECTION DIST: Consolidated	X			X				X		X		X
IRRIGATION DISTRICT: Turlock	X			X				X		X		X
IRRIGATION DISTRICT: Modesto	X			X				X		X		X
MOSQUITO DISTRICT: Eastside	X				X							
MT VALLEY EMERGENCY MEDICAL	X				X							
PACIFIC GAS & ELECTRIC	X				X							
SAN JOAQUIN VALLEY APCD	X				X							
SCHOOL DISTRICT 1: Empire	X				X							
SCHOOL DISTRICT 2: Modesto	X				X							
STAN CO AG COMMISSIONER	X				X							
STAN CO BUILDING PERMITS DIVISION	X				X							
STAN CO CEO	X				X							
STAN CO DER	X				X							
STAN CO ERC	X			X				X		X		X
STAN CO FARM BUREAU	X				X							
STAN CO HAZARDOUS MATERIALS	X				X							
STAN CO PARKS & RECREATION	X				X							
STAN CO PUBLIC WORKS	X				X							
STAN CO SHERIFF	X				X							
STAN CO SUPERVISOR DIST #1: O'Brien	X				X							
STAN COUNTY COUNSEL	X				X							
StanCOG	X				X							
STANISLAUS FIRE PREVENTION BUREAU	X				X							
STANISLAUS LAFCO	X				X							
SURROUNDING LAND OWNERS	X		X	1				X		X		X
TELEPHONE COMPANY: AtT &T	X				X							
TRIBAL CONTACTS (CA Government Code §65352.3)	X				X							
TUOLUMNE RIVER TRUST	X				X							
US ARMY CORPS OF ENGINEERS	X				X							
US FISH & WILDLIFE	X				X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X				X							
USDA NRCS	X				X							
WATER DISTRICT: Del Este	X				X							

Stanislaus County
Striving to be the Best

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1.	**Project title:**	Use Permit Application No. PLN2015-0130 – The Fruit Yard. SCH No.2016072019
2.	**Lead agency name and address:**	Stanislaus County 1010 10th Street, Suite 3400 Modesto, CA 95354
3.	**Contact person and phone number:**	Kristin Doud, Associate Planner (209) 525-6330
4.	**Project location:**	7924 & 7948 Yosemite Blvd. (Hwy 132), at the southwest corner of Yosemite Blvd. and Geer Road, between the cities of Modesto, Waterford and Hughson. (APN: 009-027-004)
5.	**Project sponsor's name and address:**	The Fruit Yard – Joe Traina 7948 Yosemite Blvd Modesto, CA 95356
6.	**General Plan designation:**	PD (Planned Development)
7.	**Zoning:**	PD (317)

8. Description of project:

This is a request to expand an existing Planned Development (PD-317) with an outdoor, fenced, 3,500 person capacity amphitheater event center, a 5,000 square-foot amphitheater concrete stage with a 5,000 square-foot roof structure, a 4,000 square-foot storage building and parking lot adjacent and to the rear of the stage, and an additional 1,302-space temporary parking area, north and south of the amphitheater and east of the park. Vehicular access to the temporary parking lots will be provided by two additional paved access driveways off of Yosemite Boulevard (State Highway 132) and one additional driveway off of Geer Road. The on-site access driveways are proposed to be paved, lighted, and will provide on-site circulation access around the amphitheater. A traffic management plan is proposed to address ingress and egress to the site during special events. A maximum of 12 amphitheater events are proposed to take place per year, ending at 10:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday.

The Planned Development approved for this project, by the Board of Supervisors on August 19, 2008, allowed for the development of a 9,000 square-foot banquet facility, a new convenience market, relocation of an existing gas station, relocation of the existing "card lock" fueling facility and construction of a 3,000 square-foot retail shell building, which includes a drive-through establishment of unknown type. The Planned Development also permitted a 322-space boat/RV mini storage (both covered and uncovered spaces), a 66 space travel trailer park for short term (overnight) stays, a two acre site for retail tractor (large agricultural equipment) sales and a new facility for fruit packing and warehousing. A time extension approved by the Planning Commission on December 3, 2015, allowed the planned development schedule to extend out to August 19, 2030, to start construction of any one of the project phases.

The approved Planned Development also permitted occasional outdoor special events to be held on-site, near and on the nine acre park area, including fund raising activities to private parties. This Use Permit also includes a request to construct a covered seating area of approximately 4,800 square-feet and a 1,600 square-foot gazebo in the eastern half of the existing park area, east of the outdoor amphitheater.

Although the approved Planned Development included events to be held both in the park and in the future banquet hall, the Planned Development included a condition of approval which required that prior to the use of amplified music for these events, a Noise Analysis must be completed. Accordingly, the Noise Analysis and associated mitigation measures prepared for this project, cover amplified music events in the amphitheater, banquet hall and park.

Lastly, this Use Permit request also includes replacement of the existing pylon identification freestanding pole sign to an electronic reader board sign.

On January 21, 2010, the Planning Commission approved Vesting Tentative Parcel Map Application No. 2009-08 – The Fruit Yard, allowing the creation of twelve parcels ranging in size from 0.60+/- to 12.70 acres in conformance with uses allowed under P-D No. 317. The Fruit Yard Parcel Map (56PM83) was recorded on October 31, 2012.

9.	**Surrounding land uses and setting:**	North: church, fire station, agriculture - East: PD for Agricultural Businesses - South: agriculture, mobile home park - West: agriculture.
10.	**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**	Stanislaus County Public Works Department CALTRANS, District 10 Stanislaus Fire Prevention Bureau Department of Environmental Resources Sheriff's Department

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ **Aesthetics**	☐ **Agriculture & Forestry Resources**	☐ **Air Quality**
☐ **Biological Resources**	☐ **Cultural Resources**	☐ **Geology / Soils**
☐ **Greenhouse Gas Emissions**	☐ **Hazards & Hazardous Materials**	☐ **Hydrology / Water Quality**
☐ **Land Use / Planning**	☐ **Mineral Resources**	☒ **Noise**
☐ **Population / Housing**	☒ **Public Services**	☐ **Recreation**
☒ **Transportation / Traffic**	☐ **Utilities / Service Systems**	☐ **Mandatory Findings of Significance**

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

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

☒ **I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.**

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

☐ **I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.**

☐ **I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.**

Kristin Doud, Associate Planner
Signature

March 1, 2017
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

Discussion: The site is located at the southwest corner of Geer Road and Yosemite Boulevard (Hwy 132). Aesthetic impacts from the approved Planned Development were addressed as part of the previous approved project, General Plan Amendment Application No. 2007-03 and Rezone Application No. 2007-03. This included landscaping plans, building elevations and a sign plan.

This project proposes the following additional lighting: two street lights along Geer Road, proposed to be 28 feet tall with 15 foot wide arms, in accordance with Public Works Standards and Specifications; five additional pole lights, proposed to be located at the back of the amphitheater, each 27 feet in height; five pole lights to be located in the driveway and parking area, each 27 feet in height; and stage lighting which is either mounted on the roof of the stage or placed at ground level.

A Mitigation Measure has been applied to the project to ensure that all proposed lighting will be aimed down to prevent any glaring impacts onto adjacent properties or roadways. With this mitigation measure in place, aesthetic impacts are considered to be less than significant with mitigation included.

Mitigation Measure No. 1: *All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.*

References: Application information; General Plan Amendment No. 2007-03, Rezone No. 2007-03 – The Fruit Yard; and the Stanislaus County General Plan and Support Documentation[1].

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The property is not currently restricted by a Williamson Act Contract. The project site is classified as Prime Farmland and Urban and Built-Up Land by the Farmland Mapping and Monitoring Program. The soils on site are listed as Hanford fine sandy loams (0-1% and 0-3% slopes, Index Rating of 90-100, Grade 1) and Greenfield sandy loams (0-3% slopes, Index Rating of 68, Grade 2).

The project site is adjacent to an animal feed and supply business (zoned P-D 268, Planned Development) located on the northeast corner of the intersection, a drilling company (Masellis Drilling) on the northwest corner, a fire station and church are located to the north. Production Agricultural parcels are to the west, south, and east of the project site. The 45± acre parcel currently supports the existing Fruit Yard produce market, the Fruit Yard restaurant, two separate Gas Fueling facilities, all of which currently have paved parking and landscaping; a concave grass outdoor amphitheater and a park site, where special events are currently held. The remaining part of the property is currently planted in orchard. The Planned Development approved for this project, by the Board of Supervisors on August 19, 2008, allowed for the additional development of a 9,000 square-foot banquet facility, a new convenience market, relocation of an existing gas station, relocation of the existing "card lock" fueling facility and construction of a 3,000 square-foot retail shell building, which includes a drive-through establishment of unknown type. The planned development also permitted a 322 space boat/RV mini storage (both covered and uncovered spaces), a 66 space travel trailer park for short term (overnight) stays, a two acre site for retail tractor (large agricultural equipment) sales, and a new facility for fruit packing and warehousing. This project is addressing the outdoor amphitheater, which proposes a maximum capacity of 3,500 persons and to hold up to 12 events per year, and the use of amplified music events at the amphitheater, park and banquet hall.

Although the approved development described above was approved by the Board of Supervisors, which requires finding the project to be compatible with surrounding land uses, including agriculture, and to meet the criteria for ag land conversion, the staff report written for the project identified some of the proposed uses included in phase 2 of the project as needing further analysis in terms of potential impacts to surrounding agriculture and whether or not they meet the criteria for ag land conversion. Consequently, the project was conditioned to require a Use Permit be obtained prior to implementation of the tractor sales facility and the fruit packing facility identified in phase 2 of the Planned Development.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Prior to project approval, the applicant may present an alternative to the buffer requirements to the Agricultural Advisory Board for support. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The proposed project does meet the recommended 300 feet buffer for people intensive uses from the use to all property lines.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03, Rezone No. 2007-03 – The Fruit Yard; Stanislaus County General Plan and Support Documentation[1]; Stanislaus County General Plan and Support Documentation[1]; Stanislaus County Agricultural Element[1]; Stanislaus County Zoning Ordinance; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004; United States Department of Agriculture Soil Survey 1964 - Eastern Stanislaus Area, California.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of the applicable air quality plan?			x	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			x	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			x	
d) Expose sensitive receptors to substantial pollutant concentrations?			x	
e) Create objectionable odors affecting a substantial number of people?			x	

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "non-attainment" for ozone and respirable particulate matter (PM-10 and PM-2.5) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

Any pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the basin. The project will be subject to compliance with all applicable district rules including, but not limited to fugitive PM-10 prohibitions, nuisance, and architectural coatings, and cutback, and slow cure and emulsified asphalt. This project was referred to the SJVAPCD for early comments. At maximum capacity the amphitheater can hold 3,500 attendees. At a rate of three attendees per vehicle, the project is estimated to include a total of 1,167 additional car trips per event. There are a maximum of 12 events per year proposed as a part of this project. A referral response received from SJVAPCD indicated that this proposed project may be subject to District Rule 9510 and subject to obtaining an Air Impact Assessment (AIA) Application. The project will be conditioned to require that the applicant obtain this permit and any other applicable permits from the Air District prior to onset of amphitheater events. With these permits in place, and considering that the events are temporary in nature and limited in number, no significant impacts to air quality are anticipated.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03, Rezone No. 2007-03 – The Fruit Yard; Referral response received from the San Joaquin Valley Air Pollution Control District on July 19, 2016; Stanislaus County General Plan and Support Documentation[1].

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			x	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			x	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			x	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			x	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			x	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			x	

Discussion: The project is located within the Waterford Quad of the California Natural Diversity Database. There are 15 plants and animals which are state or federally listed, threatened, or identified as species of special concern within the Waterford California Natural Diversity Database Quad. These species include the Swainson's hawk, Tricolored Blackbird, Burrowing Owl, Riffle Sculpin, Sacramento Hitch, Hardhead, Sacramento-San Joaquin Tule Perch, Steelhead, Chinook Salmon, Valley Elderberry Longhorn Beetle, Stinkbells, Beaked Clarkia, Colusa Grass, San Joaquin Valley Orcutt Grass, and Greene's Tuctoria. However, the project site is already developed or planted in orchard making the likelihood for existence of these species on the project site very low.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An early consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03, Rezone No. 2007-03 – The Fruit Yard; California Department of Fish and Wildlife (formerly the Department of Fish and Game); California Natural Diversity Database; and the Stanislaus County General Plan and Support Documentation[1].

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			x	

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			x	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			x	
d) Disturb any human remains, including those interred outside of formal cemeteries?			x	

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The applicant submitted a records search from the Central California Information Center (CCIC) with the previous 2007 Planned Development project request. The records search indicated that the project area has a low sensitivity for the possible discovery of prehistoric resources, due to the distance from a natural water source, as well as a low sensitivity for historic archaeological resources. A Sacred Lands File Check, completed by the Native American Heritage Commission during the processing of the 2007 Planned Development, indicated that no sacred sites were present within the project site. Conditions of approval will be placed on the project requiring that construction activities will be halted if any resources are found, until appropriate agencies are contacted and an archaeological survey is completed.

It does not appear this project will result in significant impacts to any archaeological or cultural resources. Cultural resources are not known to exist on the project site. However, a standardized condition of approval will be added to this project to address any discovery of cultural resources during the construction phases.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03; Rezone No. 2007-03 – The Fruit Yard; Stanislaus County General Plan and Support Documentation[1]; Records search dated May 27, 2009, from the Central California Information Center; Referral response from the Native American Heritage Commission dated November 17, 2009.

VI. GEOLOGY AND SOILS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			x	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			x	
ii) Strong seismic ground shaking?			x	
iii) Seismic-related ground failure, including liquefaction?			x	
iv) Landslides?			x	
b) Result in substantial soil erosion or the loss of topsoil?			x	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			x	
d) Be located on expansive soil creating substantial risks to life or property?			x	

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			x	

Discussion: The soils on site are listed as Hanford fine sandy loams (0-1% and 0-3% slopes, Index Rating of 90-100, Grade 1) and Greenfield sandy loams (0-3% slopes, Index Rating of 68, Grade 2). As contained in Chapter 5 of the General Plan, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. However, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications, which considers the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

Stanislaus County Department of Public Works has already reviewed and approved a grading and drainage plan for the amphitheater. Additional grading and drainage plans are required to be submitted to the Department of Public Works for review and approval for any additional grading activities, which will be reflected as a Condition of Approval for the project.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03; Rezone No. 2007-03 – The Fruit Yard; California Building Code (2016); Stanislaus County General Plan and Support Documentation - Safety Element[1].

VII. GREENHOUSE GAS EMISSIONS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			x	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			x	

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), sulfur hexafluoride (SF6), perfluorocarbons (PFCs), hydrofluorocarbons (HCFCs), and tropospheric Ozone (O3). CO2 is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO2 equivalents (CO2e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

The proposed structures are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Minimal greenhouse gas emissions will occur during construction. Construction activities are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control. Minimal greenhouse gas emissions will also be generated from additional vehicle and truck trips. At maximum capacity the amphitheater can hold 3,500 attendees. At a rate of three attendees per vehicle, the project is estimated to include a total of 1,167 additional car trips per event. There are a maximum of 12 events per year proposed as a part of this project. A referral response

received from SJVAPCD indicated that this proposed project may be subject to District Rule 9510 and subject to obtaining an AIA Application. The project will be conditioned to require that the applicant obtain this permit and any other applicable permits from the Air District prior to onset of amphitheater events. With these permits in place, and considering that the events are temporary in nature and limited in number, no significant impacts to greenhouse gas emissions occurring as a result of this project are anticipated.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03; Rezone No. 2007-03 – The Fruit Yard; Referral response received from the San Joaquin Valley Air Pollution Control District on July 19, 2016; Stanislaus County General Plan and Support Documentation[1]

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			x	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			x	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			x	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			x	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			x	

Discussion: DER is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Spraying activities on adjacent properties will be conditioned by the Agricultural Commissioner's Office. The project site is not located within an airport land use plan or a wildlands area. The project site is not located in a very high or high fire severity zone and is located within the Stanislaus Consolidated Fire District. Standard conditions of approval regarding fire protection will be incorporated into the project.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03, Rezone No. 2007-03 – The Fruit Yard; Stanislaus County General Plan and Support Documentation[1].

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			x	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			x	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			x	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			x	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			x	
f) Otherwise substantially degrade water quality?			x	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			x	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			x	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			x	
j) Inundation by seiche, tsunami, or mudflow?			x	

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. The Central Valley Regional Water Quality Control Board (RWQCB) provided an early consultation referral response requesting that the applicant coordinate with their agency to determine if any permits or Water Board requirements must be obtained/met prior to operation. Conditions of approval will be added to the project requiring the applicant comply with this request prior to issuance of a building permit.

A Grading and Drainage Plan for the amphitheater has already been reviewed and approved by the Public Works Department.

The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.

(2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

(3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

This project is subject to the public water system permit and will be required to work with DER to ensure these permit requirements are met. This will be applied to the project as a condition of approval.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03; Rezone No. 2007-03 – The Fruit Yard; Referral response from Stanislaus County Department of Public Works dated November 12, 2009; Stanislaus County General Plan and Support Documentation[1].

X. LAND USE AND PLANNING -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community?			**X**	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			**X**	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			**X**	

Discussion: This is a request to expand an existing Planned Development (PD-317) with an outdoor, fenced, 3,500 person capacity amphitheater event center; a 5,000 square-foot amphitheater concrete stage with a 5,000 square-foot roof structure; a 4,000 square-foot storage building and parking lot adjacent and to the rear of the stage, and an additional 1,302-space temporary parking area, north and south of the amphitheater and east of the park. A maximum of 12 amphitheater events are proposed to take place per year, ending at 10:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday. This Use Permit also includes a request to construct a covered seating area of approximately 4,800 square-feet and a 1,600 square-foot gazebo in the eastern half of the existing park area, east of the outdoor amphitheater and replacement of the existing pylon identification freestanding pole sign to an electronic reader board sign.

The Planned Development approved for this project, by the Board of Supervisors on August 19, 2008, allowed for the development of a 9,000 square-foot banquet facility, a new convenience market, relocation of an existing gas station, relocation of the existing "card lock" fueling facility and construction of a 3,000 square-foot retail shell building, which includes a drive-through establishment of unknown type. The planned development also permitted a 322 space boat/RV mini storage (both covered and uncovered spaces), a 66 space travel trailer park for short term (overnight) stays, a two acre site for retail tractor (large agricultural equipment) sales, and a new facility for fruit packing and warehousing. A time

extension approved by the Planning Commission on December 3, 2015, allowed the Planned Development schedule to extend out to August 19, 2030, to start construction of any one of the project phases. The Planned Development also permitted occasional outdoor special events to be held on-site, near and on the nine acre park area, including fund raising activities to private parties.

Although the approved Planned Development already included events to be held both in the park and in the future banquet hall, the Planned Development included a condition of approval which required that prior to the use of amplified music for these events, a Noise Analysis must be completed. Accordingly, the Noise Analysis and associated mitigation measures prepared for this project, cover amplified music events in the amphitheater, banquet hall, and park.

In accordance with Section 21.40.080 amendments to the development plan may be permitted in accordance with the procedure set forth with the processing of a use permit, provided they are not of such a size or nature as to change the character of the development plan.

This request will not physically divide an existing community, nor does it conflict with any applicable land use plan, policy, or regulation, or any habitat or natural community conservation plan. The project must be consistent with the county's general plan, zoning ordinance, and noise ordinance in order to be approved. Through the application of mitigation measures, the project will be consistent will these policies.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03; Rezone No. 2007-03 – The Fruit Yard; Stanislaus County General Plan and Support Documentation[1].

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			x	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			x	

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.

Mitigation: None.

References: State Division of Mining & Geology - Special Report 173 (1993); Stanislaus County General Plan and Support Documentation[1].

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		x		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		x		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			x	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		x		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				x

Discussion: This project proposes to hold a maximum of 12 amphitheater events per year, ending at 10:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday. The Stanislaus County General Plan[1] identifies noise levels up to 75 dB L_{dn} (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utility and agricultural uses; and up to 70 dB L_{dn} (or CNEL) as the normally acceptable level of noise for auditoriums, concert halls, and amphitheaters. Without mitigation in place, noise impacts associated with the use of amplified sound during the amphitheater events have the potential to exceed the normally acceptable levels of noise.

An Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., dated February 3, 2016, was conducted for the project. This study was peer reviewed by J.C. Brennan and Associates and was subsequently amended on December 28, 2016, based on peer review comments. The amended Environmental Noise Analysis incorporated comments received by J.C. Brennan and Associates. J.C. Brennan and Associates reviewed the amended document and determined that it adequately covered all of the concerns they had included in their original peer review response. The revised Environmental Noise Analysis provided a number of recommendations for mitigation measures to be incorporated into the project, ranging from on-going sound monitoring, limits on hours of operation, and methods for corrective actions, to ensure the project meets the noise limits identified both in the Stanislaus County Noise Element of the General Plan and the Noise Ordinance.

The previous general plan amendment and rezone for the project (P-D 317) included a condition of approval which required that, *"An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan prior to any outdoor use of amplified sound or blasting devices to insure noise levels do not exceed the maximum allowable noise levels as allowed by the Noise Element".* To address this condition of approval, the use of amplified sound at the park and banquet hall have been incorporated into the mitigation monitoring plan.

With mitigation measures in place, this project's noise impacts are considered to be less than significant with mitigation included. (see Mitigation Measures 2-14 below.)

The site is not located within an airport land use plan.

No. 2 Mitigation Measure: *Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall building, labeled on the Planning Commission approved project site plan as a "storage building" to be located directly behind (northwest) of the stage, as identified on the project site plan. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage soundwall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within the noise levels described within this Mitigation Monitoring Plan.*

No. 3 Mitigation Measure: *Prior to issuance of a building permit for the banquet hall, and prior to onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the approved plans by a noise consultant, as described in Mitigation Measure No. 14.*

No. 4 Mitigation Measure: *All amphitheater, park, and banquet hall events shall maintain the noise levels described in Table 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below:*

Table 1

Stanislaus County Noise Standards Applied to this Project

After Adjustment for Elevated Ambient and Noise Source Consisting of Music

Receptor (See Figure 1)	Noise Metric	Adjusted Daytime Standard (7 a.m.-10 p.m.)	Adjusted Nighttime Standard (10 p.m.-7 a.m.)
A, B, D, F (near busy roadways)	Hourly L_{eq}, dBA	60	55
	Maximum Level (L_{max}), dBA	80	70
C, E (setback from roadways 250-350 feet)	Hourly L_{eq}, dBA	55	50
	Maximum Level (L_{max}), dBA	75	65
G, H, I (isolated from busy roads)	Hourly L_{eq}, dBA	50	40
	Maximum Level (L_{max}), dBA	65	55

Source: Stanislaus County Noise Element of the General Plan adjusted for ambient conditions and music noise source.

In addition to the Table 1 standards, low-frequency noise shall be limited to daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied at the nearest residences, existing at the time of the event. These standards may be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance). Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department.

No. 5 Mitigation Measure: *To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the amphitheater stage.*

Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100 feet from the sound system speakers. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

No.6 Mitigation Measure: *To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the Amphitheater stage. In addition, amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.*

To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the speakers. In addition, amplified music shall be limited to an average of 75 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

Noise measurements during the first two amplified music events for each event space (banquet hall, park, and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

No. 7 Mitigation Measure: *Prior to any amplified music event at the park, banquet hall, or amphitheater the operator/property owner shall obtain a sound monitoring system; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and during each amplified music event occurring at the park, banquet hall and amphitheater. Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.*

Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits. Data shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation

Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

No. 8 Mitigation Measure: *During the first two large concerts (with 500 or more in attendance) held at the amphitheater, noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The monitoring shall be conducted continuously from the sound stage (100-feet from stage), with periodic noise monitoring near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the concert event. The purpose of the measurements is to verify compliance with the project's noise standards. If the measurement results indicate that the music levels exceed the noise standards described in this Mitigation Monitoring Plan, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.*

No. 9 Mitigation Measure: *All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.*

No. 10 Mitigation Measure: *The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required in this Mitigation Monitoring Plan, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by 12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.*

No. 11 Mitigation Measure: *Operator/ property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The plan shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the policy shall be made without prior review and approval by the Planning Department.*

No. 12 Mitigation Measure: *In the event that documented noise complaints are received for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083), such complaints shall be investigated to determine if the noise standards contained in this mitigation monitoring program were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded at the location where the complaint was received, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional*

sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

No. 13 Mitigation Measure: *Following removal of orchard trees located on the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise mitigation measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.*

No. 14 Mitigation Measure: *Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.*

References: Application information; General Plan Amendment No. 2007-03; Rezone No. 2007-03 – The Fruit Yard; Environmental Noise Analysis, prepared by Bollard Acoustical Consultants, Inc., dated February 3, 2016, revised December 30, 2016; Peer review response, prepared by J.C. Brennan & Associates, dated November 15, 2016; An e-mail dated January 10, 2017; Stanislaus County General Plan and Support Documentation[1].

XIII. POPULATION AND HOUSING -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

Discussion: The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. As the project site is surrounded by agricultural land, it is unlikely that residential development will occur due to the fact that County voters passed the Measure E vote in February of 2008. Measure E, which was incorporated into Zoning Ordinance Chapter 21.118 (the 30-Year Land Use Restriction), requires that redesignation or rezoning of land from agricultural/open space to residential use shall require approval by a majority vote of the County voters at a general or special local election.

Mitigation: None.

References: Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation[1].

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
Fire protection?			X	
Police protection?		X		
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to insure that the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. The types of Conditions of approval will be for adequate turning around for a fire apparatus and on-site water supply for fire suppression may also be needed. The applicant will construct all buildings in accordance with the current adopted building and fire codes.

To address potential impacts to police protection services a mitigation measure has been incorporated into the project, which requires that the operator submit a security plan for amplified music events to the Sheriff for review and approval, prior to onset of the events. With mitigation in place impacts from the project on public services is considered to be less than significant with mitigation included.

No. 15 Mitigation Measure: *Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.*

References: Application information; Stanislaus County General Plan and Support Documentation[1]

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Discussion: The proposed project is not anticipated to significantly increase demand on recreational facilities or to have an adverse physical effect on the environment. Although not a part of this project request, the existing gas stations, produce market, restaurant and park are open to the public during specified hours. The amphitheater, park and banquet hall all hold special events which are for ticket holders or invitees only. Land use permission for the amphitheater only, is part of this Use Permit request.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03; Rezone No. 2007-03 – The Fruit Yard; Stanislaus County General Plan and Support Documentation[1].

XVI. TRANSPORATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		x		
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?		x		
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?		x		
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		x		
e) Result in inadequate emergency access?		x		
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?		x		

Discussion: A Traffic Impact Analysis for the 2007 Planned Development project (P-D 317) was prepared by KD Anderson & Associates, Inc., dated December 6, 2007. A Supplemental Traffic Impact Analysis, prepared by Pinnacle Traffic Engineering, dated February 5, 2016, was prepared for this current project and was circulated as part of an early consultation to the Stanislaus County Public Works Department and the California Department of Transportation (CalTrans). The analysis evaluated traffic impacts from the amphitheater events with worse-case scenario factors, which included the site at full Planned Development build out and traffic impacts to the intersection of Geer Road and Yosemite Boulevard (Hwy 132). CalTrans provided a response requesting that the Traffic Impact Analysis be amended. The applicant then worked with Caltrans to address their comments, and provided clarification that although the existing and approved uses for the Planned Development were considered in the Traffic Impact Analysis, that the other uses listed in the study were already approved and that amphitheater events were the only traffic generating part included in this project request. Ultimately, Caltrans agreed with the assessment of the project's traffic impacts provided in the report and requested the addition of a left turn lane extension in front of the project site on Highway 132 to the second main driveway accessing the amphitheater to increase traffic safety during amphitheater events. This has been incorporated into the project as a mitigation measure. Additionally, mitigation has been applied to the project to require that the payment of traffic impacts fees and that a traffic management plan for amphitheater events is submitted to the Department of Public Works for review and approval.

No. 16 Mitigation Measure: *Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.*

No. 17 Mitigation Measure: *An Event Traffic Management Plan shall be submitted and approved four weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.*

a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth `driveway from the intersection (at Geer and Highway 132);

b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;

c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;

d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;

e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;

f. Prior to the implementation or construction of any additional phases of the approved Plan Development No. 317, a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;

g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;

i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;

ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;

iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;

iv. The left turn lane shall be installed before the first event is held at the amphitheater.

References: Traffic Impact Analysis prepared by KD Anderson & Associates, Inc., dated November 23, 2016; Supplemental Traffic Impact Analysis, prepared by Pinnacle Traffic Engineering, dated February 5, 2016; Referral response from California Department of Transportation (CalTrans) dated September 14, 2016, and an email dated November 29, 2016; Stanislaus County General Plan and Support Documentation[1].

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			x	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			x	

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			x	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			x	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			x	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			x	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			x	

Discussion: Limitations on providing services have not been identified. Conditions of approval will be added to the project to address necessary permits from DER. On-site services will be provided by an approved septic system and water well as determined by DER. A public water system permit will be required to be obtained through DER.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation[1].

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			x	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			x	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		x		

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. Any potential impacts from this project have been mitigated to a level of less than significant.

[1] Stanislaus County General Plan and Support Documentation adopted on August 23, 2016. ***Housing Element*** adopted on April 5, 2016.

DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C, Modesto, 95358-9494
Phone: (209) 525-6700 Fax: (209) 525-6773

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development

FROM: Department of Environmental Resources

SUBJECT: **ENVIRONMENTAL REFERRAL- USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD AMPHITHEATER**

Based on this agency's particular field(s) of expertise, it is our position the project described above:

___ Will not have a significant effect on the environment.
_X_ May have a significant effect on the environment.
___ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

1. The onsite water system's nitrate level is currently showing an upward trend.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.)*:

1- Onsite Wastewater Disposal System (O.W.T.S.)
Due to the level of the nitrates in the existing water system being higher than half of the maximum MCL, any expansion of the onsite waste water system (OWTS) can contribute to groundwater nitrate levels especially with individual OWTS.

Wastewater management plan of this project must be reviewed and approved by the Department of Environmental Resources.
Any flow of 5,000 gallons per day, or greater, must be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) for review and approval. Any flow less than 5,000 gallon per day, must submit to this Department. A centralized OWTS will be highly recommended with proper treatment of the discharged effluent. The quality of the discharged effluent shall meet EPA Secondary Treatment Guidelines. The focus will be on the ability to reduce nitrate, salt, and organic chemical levels, minimizing the impact upon the area's groundwater

In addition, our agency has the following comments (attach additional sheets if necessary).

2- Public Water System

• Prior to modification or installation of any water infrastructure for the Amphitheater, the property owner shall provide to the Department of Environmental Resources an application for amended water supply permit along with a full technical report demonstrating that the water system will meet all requirements of a Nontransient Noncommunity Water System: capacity, source water, drinking water source assessment, water works standards, and the California Environmental Quality Act (CEQA).

3- Retail Food Facility

• All food service offered at the Fruit Yard Complex including but not limited to the Amphitheater events area, Banquet Hall, Restaurant and Convenience stores shall be conducted in compliance with the requirements of California Retail Food Code.

• Each retail food facility must operate under a health permit issued by the Department of Environmental Resources.

• Prior to issuance of any building permit for the construction of the preparation and serving kitchen in the banquet hall, the owner/operator shall provide construction plans to the Department of Environmental Resources for review and approval as required in accordance with California Health and Safety Code: Retail Food Code.

Response prepared by: Date: April 6, 2017

Waleed Yosif Sr. REHS
SENIOR REGISTERED ENVIRONMENTAL HEALTH SPECIALIST Department of Environmental Resources

Modesto Irrigation District
Water and Power

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

April 5, 2017

RECEIVED
APR 10 2017
STANISLAUS CO. PLANNING & COMMUNITY DEVELOPMENT DEPT.

Stanislaus County
Attention: Kristin Doud, Associate Planner
1010 10th St Ste 3400
Modesto, CA 95354-0868

RE: Use Permit Application No. PLN2015-0130
APN: 009-027-004 (7924 & 7948 Yosemite Blvd)

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Electrical, Irrigation and Domestic Water Divisions:

Irrigation

- Modesto Irrigation District's Irrigation Operations staff has no objection to the proposed expansion of The Fruit Yard. Irrigation Operations staff comments dated August 20, 2015 regarding the development were:

- According to the Stanislaus County Staff Approval Application No. PLN2005-0064, the proposed project is subject to the original approved conditions of approval for P-D 317 (GPA 2007-03). MID's Irrigation Operations staff comments dated May 31, 2007 regarding the development of the above noted parcel were:

  - Prior to development of Phase 2 or Phase 3, a six (6) foot tall solid masonry wall or MID pre-approved equivalent, is required along the south property line of the Applicant's property adjacent to MID Lateral No. 1.
  - There is an existing private pipeline that lies within the above noted parcel. Should the proposed project impact or otherwise alter the existing private infrastructure, MID recommends the Applicant consult with those who are served by the existing private pipeline.

- Irrigation Operations staff recommends a pre-consultation meeting to discuss MID irrigation requirements.

Domestic Water

- No Comments at this time.

Electrical

- The attached map shows the approximate location of the District's existing electrical facilities.

- In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed site shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.

- Relocation or Installation of electric facilities shall conform to the District's Electric Service Rules.

- Costs for relocation or installation of MID electrical facilities at the request of others will be borne by the requesting party. Estimates for relocating or installing MID electrical facilities will be supplied upon request.

- A 15' PUE is required adjacent to the existing 12,000 volt overhead lines along the Geer street frontage. The easement is required in order to protect the existing overhead electric facilities and maintain necessary safety clearances.

- A 10' PUE is required adjacent to existing street frontages, proposed streets and private ingress/egress easements as already shown on the attached Parcel Map. The Public Utility easements are required in order to protect the future electrical facilities and maintain necessary safety clearances.

- Contractor shall verify actual depth and location of all underground utilities prior to start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will mark the location of the MID underground electrical facilities.

- The Modesto Irrigation District reserves its future right to utilize its property along the MID canal in a manner it deems necessary for the installation and maintenance of electric and telecommunication facilities. These needs, which have not yet been determined, may consist of new poles, cross arms, wires, cables, braces, insulators, transformers, service lines, control structures and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

- A 10 ft. OSHA minimum approach distance is required adjacent to the existing 12,000 volt overhead high voltage lines.

- A 8 ft. minimum vertical approach distance is required adjacent to the existing overhead 220 volt secondary lines.

- Use extreme caution when operating heavy equipment, backhoes, using a crane, ladders or any other type of equipment near overhead or underground MID electric lines and cables.

- Electric service to the proposed parcels is not available at this time. The Electric Engineering Department has no objections to the proposed amphitheater at this time. Specific requirements regarding construction issues will be addressed when the amphitheater construction plans are submitted for review to the District's Electric Engineering Design Department. Contact Linh Nguyen at (209) 526-7438.

The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

If you have any questions, please contact me at 526-7447.

Sincerely,

Lien Campbell
Risk & Property Analyst

Copy: Associated Engineering Group
4206 Technology Dr Ste 4
Modesto, CA 95356-8769

File

Kristin Doud - RE: The Fruit Yard

From: Tim Spears <tspears@scfpd.us>
To: Kristin Doud <doudk@stancounty.com>
Date: 4/6/2017 11:02 AM
Subject: RE: The Fruit Yard
CC: Michael Wapnowski <mwapnowski@scfpd.us>

Hi Kristin,

The Fire District would request to review the traffic management plan to see how the traffic may impact our response in an out of this area and what mitigation measures they will be implementing. Also all proposed structures must meet all applicable building and fire codes and be submitted for review.

Please let me know if you have any further questions.

Tim Spears
Fire Marshal
Stanislaus Consolidated
Fire Protection District
3324 Topeka Street
Riverbank, CA 95367
(209)869-7470
www.scfpd.us
"Accepting the Challenge"

From: Kristin Doud [doudk@stancounty.com]
Sent: Tuesday, April 04, 2017 11:11 AM
To: Tim Spears <tspears@scfpd.us>
Subject: RE: The Fruit Yard

Yes, they scheduled it for 4/20 and my staff report was due last Monday. So I am definitely in a bit of a time crunch.

Kristin C. Doud
Senior Planner
Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Phone: 209.525.6330
FAX: 209.525.5911
email: doudk@stancounty.com

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:
http://www.stancounty.com/customercenter/index.shtm

>>> Tim Spears <tspears@scfpd.us> 4/4/2017 11:06 AM >>>

Hi Kristin,

We will likely have comments to add. According to the CEQA letter we had until 4/10. Did you need it sooner?

Tim

From: Kristin Doud [mailto:doudk@stancounty.com]
Sent: Tuesday, April 04, 2017 11:04 AM
To: Tim Spears
Subject: The Fruit Yard

Tim - Does Fire have any comments for the Fruit Yard project? See the project referral at the following link:
http://www.stancounty.com/planning/pl/documents/PLN2015-0130_30Day.pdf

The Staff Report is almost completed so if you have any conditions please send them ASAP. It is within the Stanislaus Consolidated Fire District. APN: 009-027-004.

Thank you!

Kristin C. Doud
Senior Planner
Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
Phone: 209.525.6330
FAX: 209.525.5911
email: doudk@stancounty.com

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:
http://www.stancounty.com/customercenter/index.shtm

Stanislaus County
Striving to be the Best

CHIEF EXECUTIVE OFFICE

Stan Risen
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Jody Hayes
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

April 10, 2017

Kristin Doud, Associate Planner
Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

SUBJECT: ENVIRONMENTAL REFERRAL – THE FRUIT YARD AMPHITHEATER – USE PERMIT APPLICATION NO. PLN2015-0130 – INITIAL STUDY AND NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Ms. Doud:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah
Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members

DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE, LS
Director, County Surveyor

Chris Brady, PE
Deputy Director - Design/Survey/Fleet Maintenance

Frederic Clark, PE
Deputy Director - Development/Traffic

David Leamon, PE
Deputy Director - Construction Administration/Operations

Kathy Johnson
Assistant Director - Finance/HR/Transit

www.stancounty.com/publicworks

RECEIVED
FEB 13 2017
Stanislaus County - Planning & Community Development Dept.

February 10, 2017

To: Miguel Galvez, Deputy Director, Planning and Community Development

From: Angie Halverson, Senior Land Development Coordinator

Subject: PLN2015-0130 Fruit Yard Amphitheater Use Permit

This is a request to amend an approved Planned Development (P-D 137) that authorized the development plan and schedule for the Fruit Yard. This includes the development of a banquet facility, relocation of the gas station and convenience market, relocation of the existing card lock fueling facility, a retain shell building, 322 space RV and vehicle storage, a 66 space travel trailer park, a two acre retail truck sales site, a new facility for fruit packing, and occasional outdoor special events. This use permit is proposing establishing a 3,500 person capacity amphitheater with a 5,000 square foot stage, a 4,000 square foot storage structure, 1,302 additional parking spaces, and vehicular access to temporary parking lots, covered seating area and a gazebo in the existing park area, and a new pole sign for the site. Public Works applies the following conditions:

1. No parking, loading or unloading of vehicles will be permitted within the Geer Road right-of-way. The applicant will be required to install or pay for the installation of any signs and/or markings, coordinating the installation of the signs with Public Works Traffic Section.

2. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted before any grading or building permit for the site is issued that creates a new or bigger building footprint on this parcel. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
   - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
   - The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit.
   - The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
   - The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.
   -

- The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

MITIGATION MEASURE

To facilitate the safety of the traveling public attending an event at the amphitheater, the following mitigation measures shall be in place:

1. An approved Event Traffic Management Plan shall be submitted and approved 6 weeks prior to holding the first event at the amphitheater. Both Stanislaus County Planning and Community Development and Public Works Departments shall review and approve the plan.
    a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132.)
    b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled.
    c. Event Staff and signs shall not be in the State or Stanislaus County Right of Way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable.
    d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both the State and the County six weeks prior to the next event being held at the Amphitheater. This update can be triggered either by the applicant or Stanislaus County.
    e. Fee may be collected for event parking if vehicular queuing does not occur. If queuing does occur, electronic stationary parking fee collection machines shall be installed in the parking area or parking fees shall cease to be collected.
    f. Prior to the implementation or construction of any additional phases of the approved Plan Development No. 317, a revise Event Traffic Management Plan shall be submitted to and approved by Stanislaus County Planning and Community Development Departments and Public Works.
    g. A left turn lane shall be installed on Geer for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Boulevard.
        i. Improvement plans are to be submitted to this department for approval. These improvements plans shall meet Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual.
        ii. An acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works prior to the approval of the Event Traffic Management Plan.

iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
iv. The left turn lane shall be installed before the first event is held at the amphitheater site.

2. Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

April 10, 2017

RECEIVED

APR 13 2017

STANISLAUS CO. PLANNING & COMMUNITY DEVELOPMENT DEPT.

Kristin Doud
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354

Subject: Use Permit Application No. PLN2015-0130 - The Fruit Yard Amphitheater
SCH#: 2016072019

Dear Kristin Doud:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 7, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2016072019
Project Title Use Permit Application No. PLN2015-0130 - The Fruit Yard Amphitheater
Lead Agency Stanislaus County

Type MND Mitigated Negative Declaration

Description Request to amend P-D (317) to establish a 3,500 capacity outdoor amphitheater facility along with an additional 1,302-space temporary parking lot on 45 acre parcel. The request also includes development fo a 4,800 sq. ft. covered seating area, a 1,600 sq. ft. gazebo, replacement of an existing freestanding pole sign with a reader board sign. Special events, weddings and outdoor concerts are proposed on-site until 11:00 P.M.

Lead Agency Contact

Name Kristin Doud
Agency Stanislaus County
Phone 209-525-6330 **Fax**
email
Address 1010 10th Street, Suite 3400
City Modesto **State** CA **Zip** 95354

Project Location

County Stanislaus
City Modesto
Region
Lat / Long
Cross Streets South-west-corner of Geer Rd. and Yosemite Blvd.
Parcel No. 009-027-004
Township 3S **Range** 10E **Section** 34 **Base** MDB&M

Proximity to:

Highways 132
Airports
Railways
Waterways Tuolumne
Schools Empire
Land Use PLU: Restaurant, produce market, gasoline station, private park and storm drain basin Zoning: Planned Development (317) OPD: Planned Development

---

Project Issues Aesthetic/Visual; Noise; Public Services; Traffic/Circulation

---

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Native American Heritage Commission; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 03/09/2017 **Start of Review** 03/09/2017 **End of Review** 04/07/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

State of California

Transportation Agency

Memorandum

Date: April 3, 2017

Governor's Office of Planning & Research

APR 05 2017

STATE CLEARINGHOUSE

To: State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Modesto Area

File No.: 465.15473.18430.E17-034

Subject: THE FRUIT YARD AMPHITHEATER PROJECT STATE CLEARINGHOUSE #2016072019

Thank you for the opportunity to be able to express any potential impact regarding the Fruit Yard Amphitheater Project, State Clearinghouse (SCH) #2016072019. The California Highway Patrol (CHP) is the primary agency that provides traffic law enforcement, safety, and traffic management on State Route 132, which is located in the area of where the Fruit Yard Amphitheater Project will be taking place. The Modesto Area is responsible for these functions and will be affected by the implementation of this project in the following ways:

Our primary concerns focus on the safety of the motoring public. During planned events, there may be delays to emergency responses, congestion, and traffic safety. Furthermore, State Route 132 is a major artery leading into the east part of Stanislaus County. As such, emergency responses could be greatly affected due to a potential increase in traffic through the area of this project. We recommend these concerns are taken into consideration prior to the implementation of this project.

If you have any questions regarding these concerns, please contact Lieutenant David Wharry at (209) 545-7440.

Sincerely,

J. IRIGOYEN, Captain
Commander

cc: Central Division
Special Projects Section

Safety, Service, and Security

An Internationally Accredited Agency

CHP 51 (Rev. 03-11) OPI 076

Memorandum

Date: March 20, 2017

To: Modesto Area (465)

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Special Projects Section

File No.: 063.A09293.A16728.Noc.Doc

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE
SCH# 2016072019

Special Projects Section (SPS) recently received the referenced "Notice of Completion" environmental impact document from the State Clearinghouse.

Due to the project's geographical proximity to the Modesto Area, please use the attached checklist to assess its potential impact to local Area operations and public safety. If it is determined that departmental input is advisable, your written comments referencing the above State Clearinghouse (SCH) number must be mailed to the State Clearinghouse at 1400 Tenth Street, Room 121, Sacramento, CA 95814. Your written comments must be received by SCH no later than **4/7/2017**. If the due date to SCH cannot be met, please send comments directly to the lead agency (refer to the Notice of Completion) no later than three working days after the original due date – by **4/12/2017**. For reference, additional information can be found in Highway Patrol Manual 41.1, Transportation Planning Manual, Chapter 6, Environmental Impact Documents.

For project tracking purposes, SPS must be notified of Modesto Area's assessment of the project (including negative reports). Via electronic mail (e-mail), please forward a copy of Area's response to Associate Governmental Analyst Rebecca Breen at rebecca.breen@chp.ca.gov. For questions or concerns, please contact Ms. Breen at (916) 843-3382.

For

S. F. BARSANTI, SSM III
Commander

Attachments: Checklist
Project File

cc: Central Division

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

2016072019

CEQA Referral
Initial Study and
Notice of Intent to Adopt a Mitigated Negative Declaration

Date:	**March 6, 2017**
To:	**Distribution List (See Attachment A)**
From:	**Kristin Doud, Associate Planner, Planning and Community Development**
Subject:	**USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD AMPHITHEATER**
Comment Period:	**March 6, 2017 – April 10, 2017**
Respond By:	**April 10, 2017**
Public Hearing Date:	**April 20, 2017**

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

Applicant:	**Joe Traina**
Project Location:	**7924 & 7948 Yosemite Blvd. (Hwy 132), at the southwest corner of Yosemite Blvd. and Geer Road, between the cities of Modesto, Waterford, and Hughson.**
APN:	**009-027-004**
Williamson Act Contract:	**N/A**
General Plan:	**Planned Development (PD)**
Current Zoning:	**Planned Development – P-D (317)**

Project Description: Request to expand an existing Planned Development with an outdoor, fenced, 3,500 person capacity amphitheater event center, a 5,000 square-foot stage, a 5,000 square-foot roof structure, a 4,000 square-foot storage building, a parking lot to the rear of the stage, and an additional 1,302-space temporary parking area. A maximum of 12 amphitheater events are proposed to take place per year. This use permit also includes a covered seating area of approximately 4,800 square-foot and a 1,600 square-foot gazebo in the eastern half of the park area, east of the outdoor amphitheater, and replacement of the existing pylon freestanding pole sign with an electronic reader board sign.

Full document with attachments available for viewing at:
http://www.stancounty.com/planning/pl/act-projects.shtm

SCH # 2016072019

Notice of Completion and Environmental Document Transmittal

California Environmental Quality Act

TO: STATE CLEARINGHOUSE
1400 Tenth Street
Sacramento, CA 95814
(916) 445-0613

FROM: STANISLAUS COUNTY
Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
PHONE: (209) 525-6330
FAX (209) 525-5911

Governor's Office of Planning & Research
MAR 09 2017
STATE CLEARINGHOUSE

Project Title Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater

Lead Agency Stanislaus County Planning and Community Development
Contact Person Kristin Doud
Street Address 1010 10th Street, Suite 3400
Phone (209) 525-6330
City Modesto, CA
Zip 95354
County Stanislaus

Present Land Use/Zoning/General Plan Designation:

PLU: Restaurant, produce market, gasoline station, private park and storm drain basin Zoning: Planned Development (317) GPD: Planned Development

Project Description:

Request to expand an existing Planned Development with an outdoor, fenced, 3,500 person capacity amphitheater event center, a 5,000 square-foot stage, a 5,000 square-foot roof structure, a 4,000 square-foot storage building, a parking lot to the rear of the stage, and an additional 1,302-space temporary parking area. A maximum of 12 amphitheater events are proposed to take place per year. This use permit also includes a covered seating area of approximately 4,800 square-foot and a 1,600 square-foot gazebo in the eastern half of the park area, east of the outdoor amphitheater, and replacement of the existing pylon freestanding pole sign with an electronic reader board sign.

Project Issues: Aesthetic, Noise, Public, Traffic

Project Location

County Stanislaus County
City/Nearest Community Modesto, Empire, Hughson and Waterford
Cross Streets South-west-corner of Geer Rd. and Yosemite Boulevard
Zip Code 95357
Total Acres 45+/-
Longitude/Latitude (degrees, minutes and seconds): ° ' " N / ° ' " W
Assessor's Parcel Number 009-027-004
Section 34
Twp 3S
Range 10E
Base MDB&M
Within 2 Miles: State Hwy # 132
Waterways Tuolumne River, Dry Creek
Airports
Railways
Schools Empire

Local Public Review Period (to be filled in by lead agency)

Starting Date March 7, 2017
Ending Date April 10, 2017

Signature
Date March 7, 2017

Document Type

CEQA
- ☐ NOP
- ☐ Early Cons
- ☐ Neg Dec
- ☒ Mit Neg Dec
- ☐ Draft EIR
- ☐ Supplement/Subsequent EIR (Prior SCH No.)
- ☐ Other (NOE, NOC, NOD, etc.)

NEPA
- ☐ NOI
- ☐ EA
- ☐ Draft EIS
- ☐ FONSI

OTHER
- ☐ Joint Document
- ☐ Final Document
- ☐ Other

Dev. Type: Other - Outdoor Event Center/Venue

Local Action Type

- ☐ General Plan Update
- ☐ General Plan Amendment
- ☐ General Plan Element
- ☐ Specific Plan
- ☐ Master Plan
- ☐ Planned Unit Development
- ☐ Rezone
- ☐ Prezone
- ☒ Use Permit
- ☐ Annexation
- ☐ Redevelopment
- ☐ Cancel Ag Preserve

State Clearinghouse Contact: (916) 445-0613

State Review Began: 3 - 09 - 2017

SCH COMPLIANCE 4 - 07 - 2017

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2016072019

Please forward late comments directly to the Lead Agency

AQMD/APCD 34

(Resources: 3, 11)

Project Sent to the following State Agencies

- X Resources
- ___ Boating & Waterways
- ___ Coastal Comm
- ___ Colorado Rvr Bd
- ___ Conservation
- X CDFW # 4
- ___ Delta Protection Comm
- ___ Cal Fire
- ___ Historic Preservation
- X Parks & Rec
- ___ Central Valley Flood Prot.
- ___ Bay Cons & Dev Comm.
- X DWR
- ___ OES
- ___ Resources, Recycl. & Recovery

CalSTA
- ___ Aeronautics
- X CHP
- X Caltrans # 10
- ___ Trans Planning

Other
- ___ HCD
- ___ Food & Agriculture

State/Consumer Svcs
- ___ General Services

Cal EPA
- ___ ARB: Airport & Freight
- ___ ARB: Transportation Projects
- ___ ARB: Major Industrial/Energy
- ___ SWRCB: Div. of Drinking Water
- ___ SWRCB: Div. Drinking Wtr #
- ___ SWRCB: Div. Financial Assist.
- ___ SWRCB: Wtr Quality
- ___ SWRCB: Wtr Rights
- X Reg. WQCB #
- ___ Toxic Sub Ctrl-CTC

Yth/Adlt Corrections
- ___ Corrections

Independent Comm
- ___ Energy Commission
- X NAHC
- ___ Public Utilities Comm
- ___ State Lands Comm
- ___ Tahoe Rgl Plan Agency
- ___ Conservancy
- ___ Other:

TRAFFIC IMPACT ANALYSIS

FOR

THE FRUIT YARD

Stanislaus County, CA

Prepared For:

The Fruit Yard
7948 Yosemite Blvd
Modesto, CA

Prepared By:

KD Anderson & Associates, Inc.
3853 Taylor Road, Suite G
Loomis, California 95650
(916) 660-1555

December 6, 2007

3408-01

Fruit Yard.rpt

EXHIBIT F

THE FRUIT YARD
TRAFFIC IMPACT ANALYSIS

TABLE OF CONTENTS

December 6, 2007

KDA

THE FRUIT YARD
TRAFFIC IMPACT ANALYSIS

EXECUTIVE SUMMARY

- **Project Description.** This study evaluates the traffic impacts for the proposed expansion of the Fruit Yard property, a 45± acre site located in the southwest quadrant of Yosemite Blvd (State Route 132) and Geer Road in Stanislaus County, east of Modesto.

  The proposed project will amend the zoning from Agriculture to Planned Development for the entire 45 acre site. The proposed development plan includes the existing facilities and the following new facilities:

  - Construction of new banquet facilities west of the existing restaurant;
  - relocation of the existing service station from north of the produce market to south of the produce market along Geer Road;
  - relocation of the existing gas card-lock fueling facility;
  - addition of retail space at the site of the existing service station;
  - addition of a storage facility for RV's and boats;
  - addition of overnight RV campground;
  - construction of a fruit packing / warehousing facility; and
  - a tractor sales showroom

  The project will be divided into three phases. Phase 1 will include construction of banquet facilities. Phase Two will add the RV campground and the RV / Boat storage facility while Phase Three will relocate the existing gas station and card lock facility while adding the tractor sales facility, the fruit packing / warehousing facility and the new retail space at the old gas station site. A new park site, covering about 14 acres will be developed throughout the three phases.

- **Existing Setting.** The project is in Stanislaus County, east of Modesto along Yosemite Blvd (SR 132). The project is located in the southwest quadrant of the Yosemite Blvd (SR 132) / Geer Road intersection. Existing primary access to the site is via two driveways adjacent to the Yosemite Blvd / Geer Road intersection.

  The site currently houses a gasoline service station with 6 pumps, a restaurant, a produce market and a card-lock fueling facility. This current development covers 6 acres with the remaining acreage consisting of open land and fruit trees. The existing restaurant provides banquet facilities and meeting rooms for various clubs and groups; in addition, some weddings take place annually, although, these are not identified as permissible under the current zoning.

The existing study intersections all operate at LOS C or better. Geer Road currently operates below the County LOS threshold, at LOS E. The County's General Plan identifies Geer Road as a Class C 6-lane expressway. Widening of Geer Road would result in LOS B or better conditions.

- **Existing Plus Project Specific Impacts.** The project is proposed to be constructed in three phases. The first phase will construct the banquet facility. Phase 2 will develop the RV Park and the RV / boat storage facility in the southeast side of the site. Phase 3 will complete the project by constructing a fruit packing / warehouse, providing a tractor sales showroom, relocation of the gas station to the existing gas card-lock facility, relocation of the card-lock facility and development of a small specialty retail store at the existing gas station location.

  Phase 1. Under Phase 1 conditions all intersections will operate above LOS thresholds. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no additional mitigation is required.

  The project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

  Yosemite Blvd (SR 132) should be widened to its ultimate width along the project frontage of Phase 1. This would include two through lanes, one half of a continuous left turn lane and shoulder per Caltrans standards.

  No other mitigations are necessary.

  Phase 1 + Phase 2. All of the proposed intersections will continue to operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions.

  Phase 2 of the project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

  Geer Road should be widened to its ultimate half-width along the project frontage. The limits of widening would extend from the Yosemite Blvd (SR 132) intersection south of the project limits to D Drive. This would include three through lanes and half a median. The full median, once completed, should provide breaks to allow inbound left turns at the various driveways. Full access should be provided at D Drive. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no other mitigation is required.

  Phase 1 + Phase 2 + Phase 3. All of the proposed intersections will continue to operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions.

Phase 3 of the project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Yosemite Blvd (SR 132) should be widened to its ultimate width along the project frontage of Phase 3. This would include two through lanes, one half of a continuous left turn lane and shoulder per Caltrans standards.

Geer Road should be widened to its ultimate half-width along the project frontage from D Drive to the south project limit, at MID Lateral No. 1. This would include three through lanes and half a median. The full median, once completed, should provide breaks to allow inbound left turns at the various driveways. Full access should be provided at F Way. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no other mitigation is required.

- **2012 Setting.** Growth is expected to occur along both Yosemite Blvd (SR 132) and Geer Road. Each of the study intersections will operate at acceptable levels of service. No recommendations are necessary.

  Yosemite Blvd (SR 132) will decline to LOS E conditions. Widening Yosemite Blvd (SR 132) is identified as part of the County's Traffic Impact Fee program.

- **2012 plus Project Specific Impacts.** Each of the study intersections will operate at acceptable levels of service. No mitigations are necessary.

  Yosemite Blvd (SR 132) will continue to operate at LOS E conditions. Widening Yosemite Blvd (SR 132) is identified as part of the County's Traffic Impact Fee program. The project should pay its fair share of Traffic Impact Fees; therefore, no other mitigation is required.

  Geer Road will continue to operate below the County LOS threshold level. No additional mitigations are necessary as TIF fees have already been identified in the Existing scenario.

- **2030 Setting.** Each of the study intersections will operate at acceptable levels of service except the Geer Road / Fruityard access. This intersection is adjacent to the Yosemite Blvd / Geer Road intersection. Left turn access in and out of the driveway would need to be eliminated in order to improve the level of service at the intersection. This will result in LOS A conditions at the intersection. No other recommendations are necessary.

  Geer Road is projected to operate at LOS D conditions in 2030. To operate within County thresholds the County would have to adopt an LOS D threshold for six lane Type C Expressways.

- **2030 plus Project Specific Impacts.** Each of the study intersections except the Geer Road / D Drive intersection will operate at acceptable levels of service. The Geer Drive / D Drive

intersection will operate at LOS E in the a.m. peak hour and LOS D in the p.m. and Saturday peak hours. A traffic signal warrant analysis was conducted at each intersection where full access is proposed along both Yosemite Blvd (SR 132) and Geer Road. The analysis showed that no signal warrants are met for any of the study intersections; therefore, no significant impact exists at D Drive as an unwarranted signal may cause additional and unnecessary delays to traffic along Geer Road.

Geer Road is projected to continue to operate at LOS D conditions in 2030. To operate within County thresholds the County would have to adopt an LOS D threshold for six lane Type C Expressways.

No additional mitigations are necessary.

THE FRUIT YARD
TRAFFIC IMPACT ANALYSIS

STUDY PURPOSE AND OBJECTIVES

This study evaluates the traffic impact for the proposed expansion of the Fruit Yard property, a 45± acre site located in the southwest quadrant of Yosemite Blvd (State Route 132) and Geer Road in Stanislaus County, east of Modesto. The site currently houses a gasoline service station with 6 pumps, a restaurant, a produce market and a card-lock fueling facility. This current development covers 6 acres with the remaining acreage consisting of open land and fruit trees. The existing restaurant provides banquet facilities and meeting rooms for various clubs and groups; in addition, some weddings take place annually, although, these are not identified as permissible under the current zoning.

The proposed project will amend the zoning from Agriculture to Planned Development for the entire 45 acre site. The proposed development plan includes the existing facilities and the following new facilities:

- additional banquet facilities west of the existing restaurant;
- relocation of the existing service station from north of the produce market to south of the produce market along Geer Road;
- relocation of the card-lock fueling facility;
- addition of retail space at the site of the existing service station;
- addition of a storage facility for RV's and boats;
- a small overnight RV campground;
- a fruit packing / warehousing facility; and
- a tractor sales facility

The project will be divided into three phases. Phase 1 will include construction of banquet facilities. Phase Two will add the RV campground and the RV / Boat storage facility while Phase Three will relocate the existing gas station and card lock facility while adding the tractor sales facility, the fruit packing / warehousing facility and the new retail space at the old gas station site. A new park site, covering about 14 acres will be developed throughout the three phases.

Study parameters are consistent with Stanislaus County and California Department of Transportation (Caltrans) guidelines.

This study addresses the following scenarios:

1. Existing Traffic Conditions;
2. Existing Plus Phase 1;
3. Existing Plus Phase 1 + Phase 2;
4. Existing Plus Phase 1 + Phase 2 + Phase 3;
5. Short Term 2012 Traffic Conditions
6. Short Term 2012 + Full Build-out of the Fruit Yard;
7. Cumulative Traffic Conditions (year 2030) with current General Plan conditions
8. Cumulative Traffic Conditions with General Plan Amendment and Full Buildout of the Fruit Yard

The objective of this study is to identify those roads and street intersections that may be impacted by development of this project and to suggest strategies for mitigating the impacts of this project.

PROJECT DESCRIPTION

This study evaluates the traffic impact for the proposed expansion of the Fruit Yard property, a 45± acre site located in the southwest quadrant of Yosemite Blvd (State Route 132) and Geer Road in Stanislaus County, east of Modesto. The site currently houses a gasoline service station with 6 pumps, a restaurant, a produce market and a card-lock fueling facility. This current development covers 6 acres with the remaining acreage consisting of open land and fruit trees. The existing restaurant provides banquet facilities and meeting rooms for various clubs and groups; in addition, some weddings take place annually, although, these are not identified as permissible under the current zoning.

The proposed project will amend the zoning from Agriculture to Planned Development for the entire 45 acre site. The proposed development plan includes the existing facilities and the following new facilities:

- additional banquet facilities west of the existing restaurant;
- relocation of the existing service station from north of the produce market to south of the produce market along Geer Road;
- relocation of the card-lock fueling facility;
- addition of retail space at the site of the existing service station;
- addition of a storage facility for RV's and boats;
- a small overnight RV campground;
- a fruit packing / warehousing facility; and
- a tractor sales facility

The project will be divided into three phases. Phase 1 will include construction of banquet facilities. Phase Two will add the RV campground and the RV / Boat storage facility while Phase Three will relocate the existing gas station and card lock facility while adding the tractor sales facility, the fruit packing / warehousing facility and the new retail space at the old gas station site. A new park site, covering about 14 acres will be developed throughout the three phases. The remaining 12.74 acres will remain agricultural.

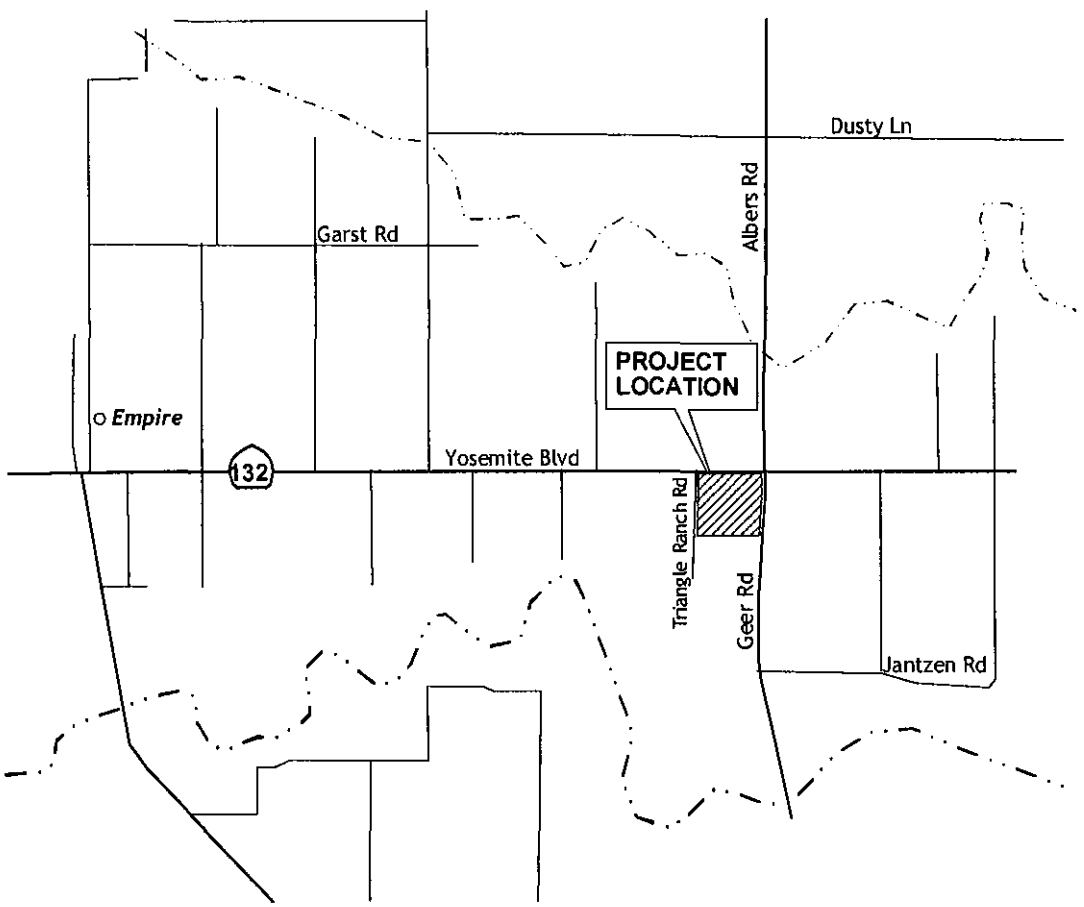
Phase One will maintain the existing land uses. A 9,000 square foot banquet facility will be added along the Yosemite Blvd frontage, west of the existing restaurant.

Phase Two will include addition of a 4.2-acre RV Park and a 6.67 acre RV / Boat storage facility. The RV park will accommodate 66 overnight campgrounds while the storage facility will accommodate up to 322 spaces for RV / boat storage.

Phase Three will relocate the existing 6-pump gas station to south of the fruit stand. The card lock facility will also be moved, to a location along the west side of the property, adjacent to Yosemite Blvd (SR 132). New land uses will include a 2.67-acre fresh fruit packing and warehouse facility and a 2-acre tractor sales facility. The fruit packing and warehouse is proposed to have a 35,000 square foot facility while the tractor sales facility will have a 10,000 square foot showroom. A

4,100 square foot retail shop is proposed at the former gas station location with drive-through capability.

Figure 1 locates the project within Stanislaus County. Figure 2 provides the conceptual phasing plan for the project site.

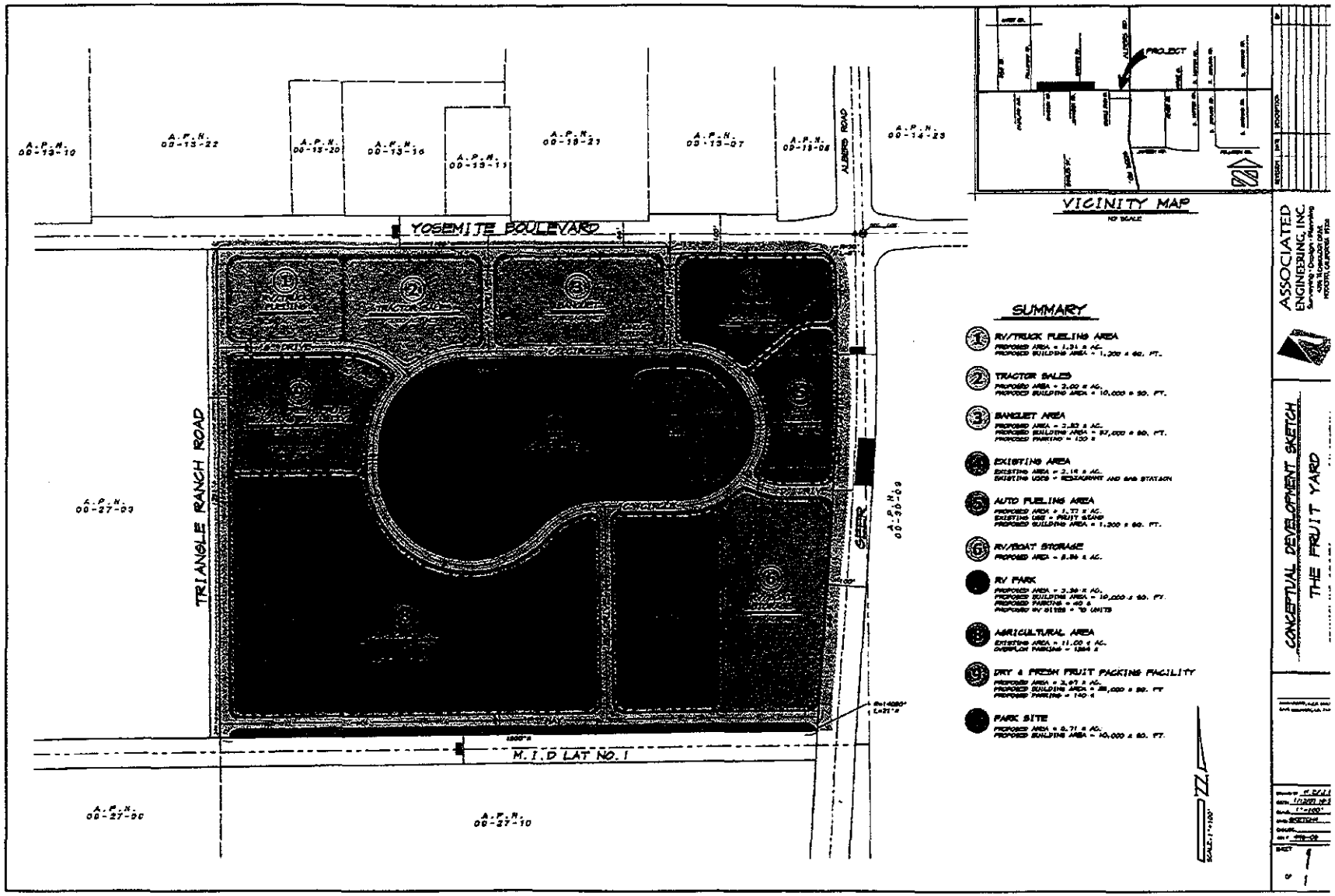


KD Anderson & Associates, Inc.
Transportation Engineers

VICINITY MAP

3408-01 REV 1.VSD 12/3/2007

figure 1



KD Anderson & Associates, Inc.
Transportation Engineers

SITE PLAN

3408-01 REV 1.VSD 12/3/2007

figure 2

EXISTING SETTING

Study Area

This study addresses traffic conditions on Yosemite Blvd and Geer Road that will be used to access the site. The limits of the study area were identified through discussions with Stanislaus County Planning staff and Caltrans Metropolitan Planning staff. The text that follows describes the facilities included in this analysis.

Yosemite Blvd (SR 132) is an east-west principal arterial providing circulation through central Stanislaus County. SR 132 begins at an intersection on I-580 in western San Joaquin County and extends east for twenty miles to Modesto. Yosemite Blvd originates in Modesto at an intersection with D Street in downtown Modesto and continues easterly through the Modesto's south industrial area to the community of Empire before continuing for about eight miles to the City of Waterford. SR 132 then continues to the community of Coulterville in Mariposa County.

Today SR 132 is generally a two lane road with an ultimate plan for a 5 lane conventional highway with continuous left turn lane. SR 132 has four lanes in eastern Modesto, but is a two-lane road through Empire and most of Waterford. The roadway has been widened at the project site and includes left turn lanes, a through lane and a through-right lane along SR 132. Lane drops are present eastbound about 520 east of the intersection and about 400 to the west for westbound traffic.

The volume of traffic on Yosemite Blvd varies by location. Current Traffic counts summarized by Caltrans reveal that Yosemite Blvd (SR 132) carries an *Average Daily Traffic (ADT)* volume of about 8,300 vehicles per day (vpd) west of Geer Road – Albers Road and 10,600 vpd east of the intersection (year 2006).

Geer Road – Albers Road. Geer Road – Albers Road, also referred to as County Road J14, is generally a two-lane roadway that begins in Oakdale as Yosemite Avenue. Just outside of Oakdale the road name changes to Albers Road. At the Yosemite Blvd (SR 132) intersection the road name changes to Geer Road south and continues as Geer Road to Turlock. Geer Road / Albers Road has also been widened at the Yosemite Blvd intersection and includes a left turn lane, two through lanes and a right turn lane along northbound Geer Road while Albers Road consists of a left turn lane, a through lane and a through-right lane. Lane drops are present northbound about 300' north of the intersection and about 500' to the south for southbound traffic.

Daily volumes along Geer Road – Albers Road were based on the peak hour volumes and adjusted by the 9.4% peak hour factor along Yosemite Blvd. The projected daily volume on Albers Road is 9,780 vpd while the projected ADT along Geer Road is 10,830 vpd.

Study Area Intersections

The quality of traffic flow is often governed by the operation of major intersections. Intersections selected for evaluation in consultation with Stanislaus County and Caltrans staff include:

1. Yosemite Blvd (SR 132) / Triangle Ranch Road (NB stop)
2. Yosemite Blvd (SR 132) / Geer Road – Albers Road (signal)

The **Yosemite Blvd (SR 132) / Triangle Ranch Road intersection** is a major access intersection for motorists traveling between I-5 and Waterford. This intersection is a minor leg stop controlled intersection. All approaches are single lanes with Triangle Ranch Road a gravel road at the west side of the project site.

The **Yosemite Blvd (SR 132) / Geer Road – Albers Road intersection** is a signalized intersection east of the town of Empire. The intersection is located about midway between Oakdale and Turlock along Geer Road - Albers Road and about midway between Modesto and Waterford along Yosemite Blvd. Recent improvements to the intersection include widening of all approaches to include left turn lanes as well as two through lanes. Along northbound Geer Road a dedicated right turn lane is also present.

Level of Service Analysis

Methodology. *Level of Service Analysis* has been employed to provide a basis for describing existing traffic conditions and for evaluating the significance of project traffic impacts. Level of Service measures the *quality* of traffic flow and is represented by letter designations from "A" to "F", with a grade of "A" referring to the best conditions, and "F" representing the worst conditions. Table 1 presents typical Level of Service characteristics.

Intersection Level of Service. As the operation of major intersections primarily governs the quality of traffic flow conditions in the immediate vicinity of the site, intersection Level of Service analysis has been used for this study to determine the significance of resulting traffic conditions with development of the site.

TABLE 1
LEVEL OF SERVICE DEFINITION

Level of Service	Signalized Intersection	Unsignalized Intersection	Roadway (Daily)
"A"	Uncongested operations, all queues clear in a single-signal cycle. Delay ≤ 10.0 sec	Little or no delay. Delay ≤ 10 sec/veh	Completely free flow.
"B"	Uncongested operations, all queues clear in a single cycle. Delay > 10.0 sec and ≤ 20.0 sec	Short traffic delays. Delay > 10 sec/veh and ≤ 15 sec/veh	Free flow, presence of other vehicles noticeable.
"C"	Light congestion, occasional backups on critical approaches. Delay > 20.0 sec and ≤ 35.0 sec	Average traffic delays. Delay > 15 sec/veh and ≤ 25 sec/veh	Ability to maneuver and select operating speed affected.
"D"	Significant congestions of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay > 35.0 sec and ≤ 55.0 sec	Long traffic delays. Delay > 25 sec/veh and ≤ 35 sec/veh	Unstable flow, speeds and ability to maneuver restricted.
"E"	Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay > 55.0 sec and ≤ 80.0 sec	Very long traffic delays, failure, extreme congestion. Delay > 35 sec/veh and ≤ 50 sec/veh	At or near capacity, flow quite unstable.
"F"	Total breakdown, stop-and-go operation. Delay > 80.0 sec	Intersection blocked by external causes. Delay > 50 sec/veh	Forced flow, breakdown.
Sources: 2000 Highway Capacity Manual.			

Procedures used for calculating Levels of Service at intersections is presented in the Highway Capacity Manual, 2000 edition. At signalized intersections, information regarding signal timing and lane geometry, as well as hourly traffic volumes is used to determine the overall average delay for motorists waiting at the intersection. At unsignalized intersections, the number of gaps in through traffic and corresponding delays is used for evaluation of Level of Service at intersections controlled by side street stop signs. Average delays for each approach are determined for all-way stop controlled intersections based on typical vehicle headway.

The significance of delays at unsignalized intersections is typically determined through evaluation of the need for a traffic signal. Because unsignalized Level of Service calculations ignore the condition of through traffic flow (which is assumed to flow freely), a traffic signal warrant analysis is performed. While the unsignalized Level of Service may indicate long delays (i.e., LOS "E"), traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied.

Computer software is employed for Level of Service calculation, and the software programs used account for various factors. The simplest software (TRAFFIX) employs the 2000 HCM methodology but treats each intersection as an isolated location. Caltrans District 10 requires more sophisticated software (SYNCRO-Simtraffic) that accounts for the relationship between adjoining intersections. For this analysis, SYNCRO-Simtraffic has been used.

The level of service threshold along Yosemite Blvd (SR 132) is LOS D per Caltrans while Stanislaus County thrives to maintain an LOS C or better condition on all roadways.

Roadway Segment Level of Service. The quality of traffic flow can also be described in general terms based on the daily traffic volume occurring on individual roadway segments. Agencies typically make use of general Level of Service thresholds that equate daily traffic volume to peak hour Level of Service.

The Stanislaus County Congestion Management Plan (CMP) and Regional Transportation Plan (RTP) as well as other local jurisdictions makes use of Level of Service thresholds originally developed by the Florida Department of Transportation. As shown, these thresholds identify typical daily traffic volumes that would be expected to result in LOS B, C, D or E conditions at major intersections during the peak hour.

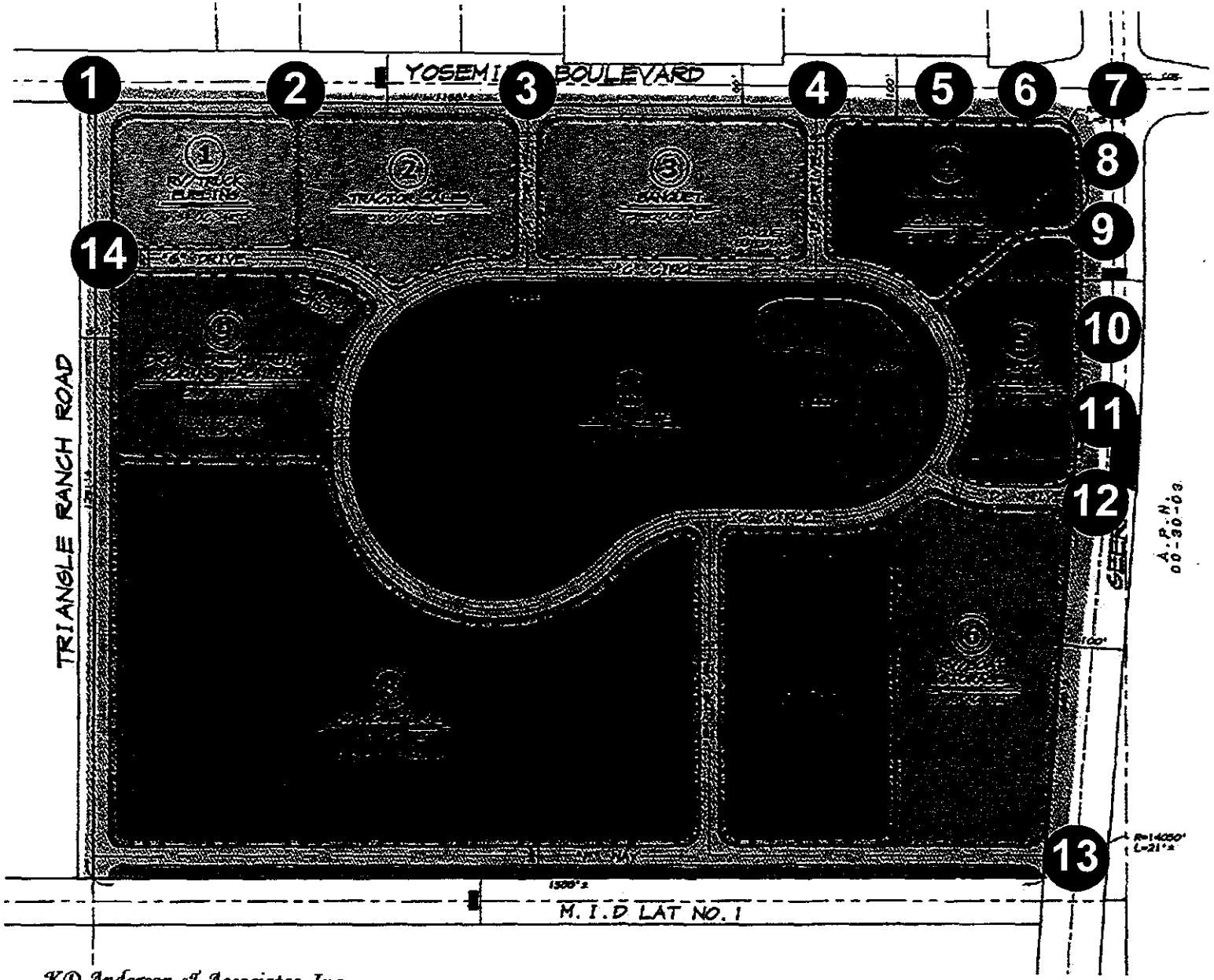
TABLE 2
ROADWAY SEGMENT LEVEL OF SERVICE DEFINITIONS

Street Classification	Lanes	Daily Traffic Volume at LOS			
		B (v/c < 0.45)	C (v/c<0.60)	D (v/c < 0.90)	E (v/c <1.00)
Collector	2	5,800	7,700	11,600	12,900
Arterial	2	7,000	9,200	13,700	15,450
	4	15,000	20,100	30,200	33,200
Expressway	4	16,200	21,600	32,400	36,000
	6	23,400	31,200	46,800	52,000

Existing Traffic Volumes

New a.m. and p.m. peak hour intersection turning movement counts were used to evaluate existing traffic conditions. New turning movement count data was collected at the study intersections during the first full week of September 2007. Midweek average daily traffic averages 8,880 vpd along Yosemite Blvd between Empire and Geer Road while between Geer Road and Waterford the ADT averages 11,450 vpd. Weekend traffic averages 6,540 vpd west of Geer Road and 8,810 vpd east of Geer Road. Midweek ADT volume data along Geer Road averages 14,110 vpd while weekend ADT averages 10,970 vpd.

Figure 3 illustrates the study intersection index while Figure 4 displays existing peak hour used for this analysis, as well as the current geometric configuration of study intersections.

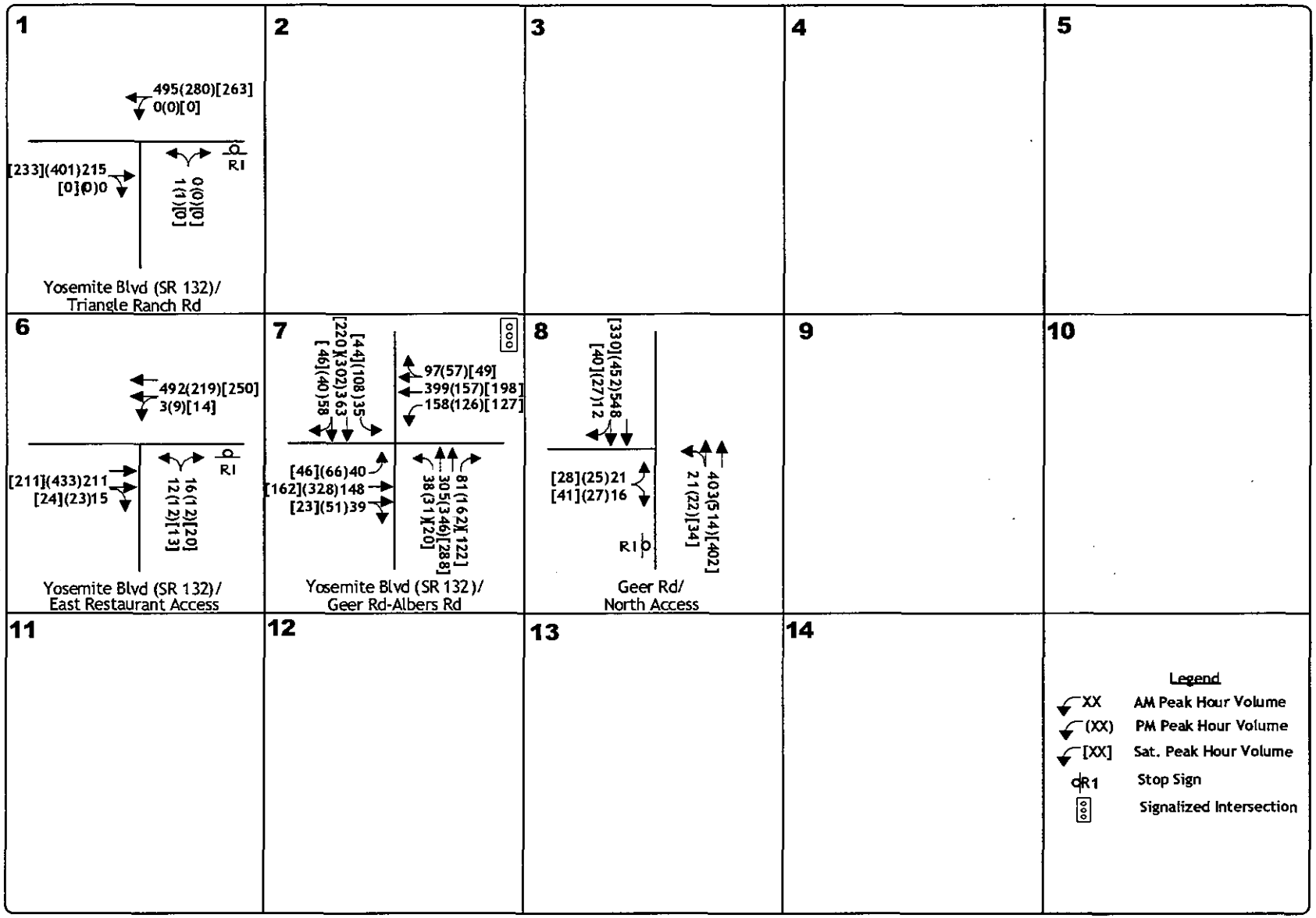


KD Anderson & Associates, Inc.
Transportation Engineers

STUDY INTERSECTION INDEX

3408-01 REV 1.VSD 12/3/2007

figure 3



KD Anderson & Associates, Inc.
Transportation Engineers

3408-01 REV 1.VSD 12/3/2007

EXISTING TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

figure 4

Levels of Service Based on Daily Traffic Volumes. Table 3 identifies current daily traffic volumes and accompanying Levels of Service on study area roadways. Yosemite Blvd, west of Geer Road currently operates at LOS C conditions while east of Geer Road the segment operates at LOS D conditions. Geer Road, south of Yosemite Blvd currently operates at LOS E.

TABLE 3
EXISTING LEVELS OF SERVICE BASED ON DAILY TRAFFIC VOLUMES

Street	Location		Class	Lanes	Daily Volume	LOS
	From	To				
Yosemite Blvd	Empire	Geer Road	Arterial	2	8,880	C
(SR 132)	Geer Road	Waterford	Arterial	2	11,450	D
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	Arterial	2	14,110	E

Existing Levels of Service

Intersection Levels of Service. Table 4 summarizes the results of Level of Service calculations completed for each study intersection. In addition, the two main driveway access points to the site were evaluated. Level of Service calculations are provided in the Appendix.

All study intersections currently operate at LOS B conditions or better. The longest delays occur at the Yosemite Blvd (SR 132) / Geer Road – Albers Road intersection, and this intersection operates at LOS B.

TABLE 4
EXISTING INTERSECTION LEVELS OF SERVICE

Intersection	Traffic Control	AM Peak Hour Existing LOS	AM Peak Hour Existing Average Delay	PM Peak Hour Existing LOS	PM Peak Hour Existing Average Delay
1. Yosemite Blvd (SR 132) / Triangle Ranch Rd					
overall	NB Stop	A	0.0	A	0.0
WB left turn		B	14.8	B	14.4
NB		A	0.0	A	0.0
6. Yosemite Blvd (SR 132) / Fruit Yard Access					
overall	NB Stop	A	0.4	A	0.5
NB		B	10.2	B	12.0
WB left turn		A	0.2	A	1.0
7.Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	18.6	B	17.7
8. Geer Road / Fruit Yard Access					
overall	EB Stop	A	0.7	A	0.9
NB left turn		A	1.4	A	1.2
EB		B	14.4	B	13.8

Non-Automobile Transportation

Transit System. Stanislaus County's public transit system includes a fixed-route bus service as well as a "runabout' service between Waterford and Modesto. The runabout service operates Monday through Saturday between 6:45 a.m. and 6:40 p.m. Three runs are made daily eastbound while four runs are made westbound. Headways are approximately 3 hours.

Bicycle and Pedestrian System. In general, facilities for bicycles and pedestrians may be installed as development occurs in Stanislaus County. Yosemite Blvd (SR 132), in the project vicinity, is identified as a low-cost bicycle facility. These are projects that can be developed by signing and striping existing roadways.

EXISTING PLUS PROJECT IMPACTS

Trip Generation

The development of this project will attract additional traffic to the project site. The amount of additional traffic on a particular section of the street network is dependent upon two factors:

- Trip Generation, the number of new trips generated by the project, and
- Trip Distribution and Assignment, the specific routes that the new traffic takes.

Trip generation is determined by identifying the type and size of land use being developed. Recognized sources of trip generation data may then be used to calculate the total number of trip ends.

The project is assumed to include new land uses as well as relocation of existing land uses. The site will be constructed in three phases. Phase One includes addition of a banquet facility west of the existing restaurant. Phase Two will add the RV campground and RV storage facility in the southeast corner of the site. Phase Three will relocate the existing gas station to the south, relocate the existing card-lock gas station to the northwest quadrant of the site while adding a tractor sales facility and fruit packing / warehousing facility; both of these new buildings will be constructed in the northwest quadrant, adjacent to the card-lock facility. In addition, a retail store will be constructed at the existing gas station location.

Traffic generation for new land uses were developed based on various methodologies. If available, trip generation for the new uses were computed using trip generation rates published in *Trip Generation* (Institute of Transportation Engineers, 7th Edition, 2003). If unavailable, trip generators resembling the proposed land uses were used to estimate project traffic. SANDAG (San Diego Trip Generators) was also consulted to determine if similar uses were developed.

Trip generation rates and/or similar uses were unavailable for the proposed banquet land use. The banquet land use will provide 144 parking stalls. During the mid-week it was assumed that a single event would occur during the p.m. peak hour. During the weekend it was assumed that two events per day could occur. In each case, all of the 144 parking stalls was assumed used, creating the projected peak hour trips.

Trips generated by commercial / retail projects fit into two categories. Some trips will be made by patrons who would not otherwise be on the local street system and who go out of their way to reach the site. These are "new" trips. Other trips will be made by patrons who are already driving by the site and simply interrupt a trip already being made to other destinations. These are 'pass-by', or diverted trips. For the Specialty Retail land use a pass-by rate of 15% was used along with a 5% internal capture. These figures are outlined in the Caltrans "Guide for the Preparation of Traffic Impact Studies." Pass by trips were not considered for the remaining new uses.

Table 5 presents a.m. and p.m. peak hour trip generation estimates for the project. Build-out of the development area is expected to result in about 68 a.m. peak hour trips, 238 p.m. peak hour trips and 219 Saturday peak hour trips.

After accounting for the pass-by traffic and the internally captured trips, the project is expected to generate 67 new a.m. peak hour trips, 235 new p.m. peak hour trips and 216 new Saturday peak hour trips.

Truck traffic is expected to vary with the new land uses. For the warehouse / fruit packing and RV land uses 80% of the traffic was assumed to be truck or trailered vehicle traffic. For the tractor sales land use 20% of the traffic was assumed to be trailered vehicles.

TABLE 5
PROJECT TRIP GENERATION

Land Use	Size	Trip Rates				Trips			
		Daily	AM	PM	Saturday	Daily	AM	PM	Saturday
Phase 1 Development									
Banquet Facility[1]	144	2	0	1	1	288	0	144	144
Phase 2 Development									
RV Park	75	3.05	0.20	0.37	0.60	229	15	28	45[5]
RV Storage[2]	3.36	38.87	2.80	3.83	6.53	131	9	13	22
Total Phase 2 Trips						360	24	41	67
Phase 3 Development									
Tractor Sales[3]	10 ksf	33.34	2.05	2.64	2.97	333	21	26	30
Fruit Packing / Warehouse	35 ksf	4.96	0.45	0.47	0.12	174	16	16	4
Specialty Retail	4.1 ksf	44.32	1.71[4]	2.71	2.57	182	7	11	11
Pass-By Trips - Specialty Retail (15%)						(27)	(1)	(2)	(2)
Internal Reduction (5%)						(9)	(0)	(1)	(1)
Total Phase 3 Trips						653	43	50	42
Net New Trips						1,301	67	235	216

[1] parking stalls
[2] LU 151 (mini-warehouse) used
[3] LU 841 (new car sales) used
[4] 25% of peak AM generator used
[5] LU 413 (Picnic Sites) used for Saturday RV Park rate
ksf – thousand square feet
volumes rounded

Trip Distribution

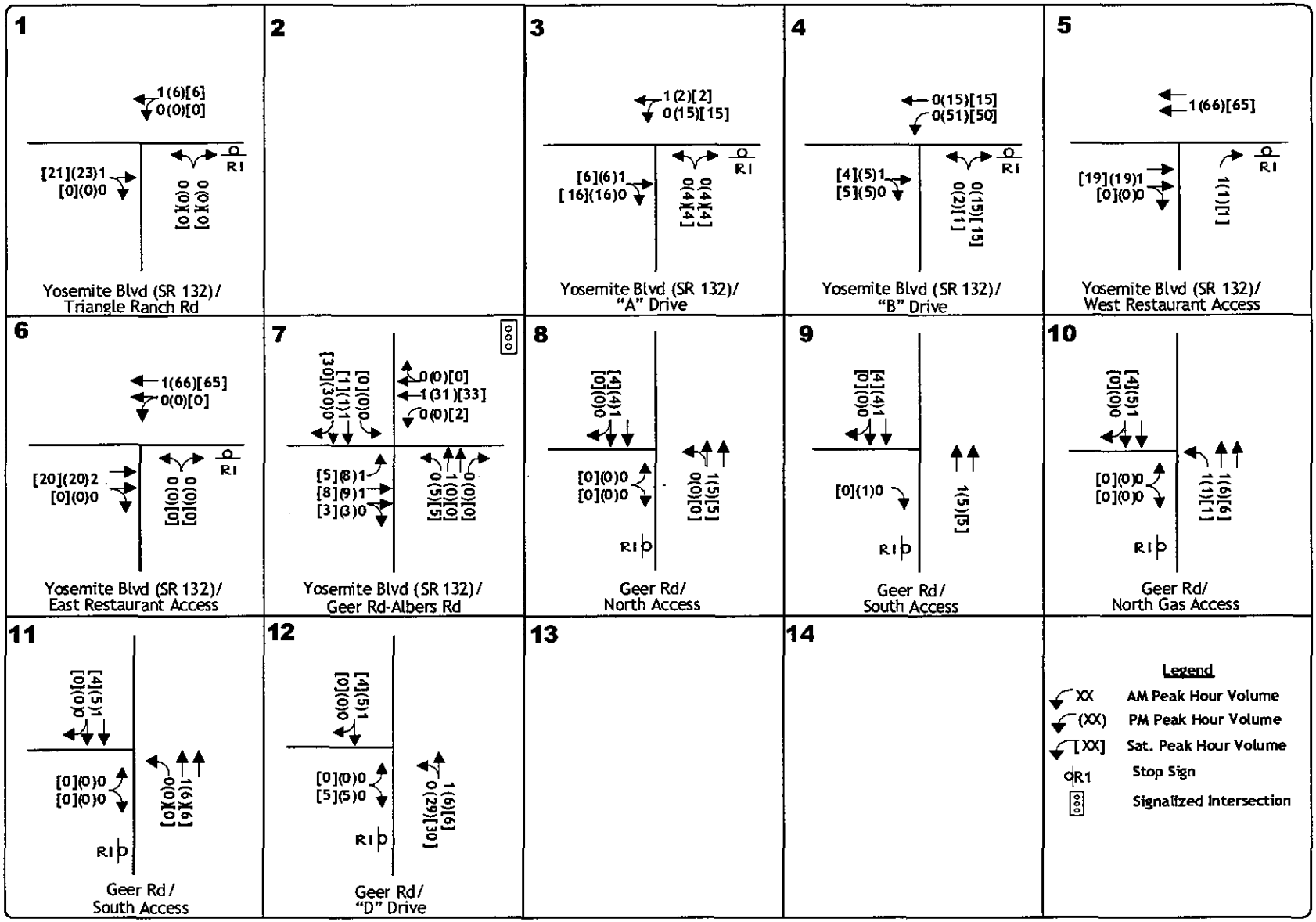
The distribution of project traffic was determined based on review of existing traffic counts, the travel patterns in the area and the projected market base for the retail store. Project trips are expected to be oriented roughly evenly along all four directions. Table 6 provides the projected trip distribution for the project for the peak periods.

TABLE 6
PROJECT TRIP DISTRIBUTION

Route	AM	PM	Saturday
West on Yosemite Blvd (SR 132)	21%	19%	18%
East on Yosemite Blvd (SR 132)	26%	26%	26%
North on Albers Road	25%	26%	26%
South on Geer Road	28%	30%	30%
Total	**100%**	**100%**	**100%**

Trip Assignment

Traffic generated by the project is shown in Figures 5, 6, 7A and 7B, representing Phase 1 development, Phases 1 and 2 development and Phases 1 through 3 fully developed. Figure 7B presents an alternative trip assignment for 2030 with limited access allowed along Yosemite Blvd (SR 132) and Geer Road. Project traffic for the various phases was incrementally added to the existing peak hours based on the distribution percentages. Year 2012 and 2030 scenarios assumed that full buildout, i.e. Phases 1, 2 and 3, are completed.

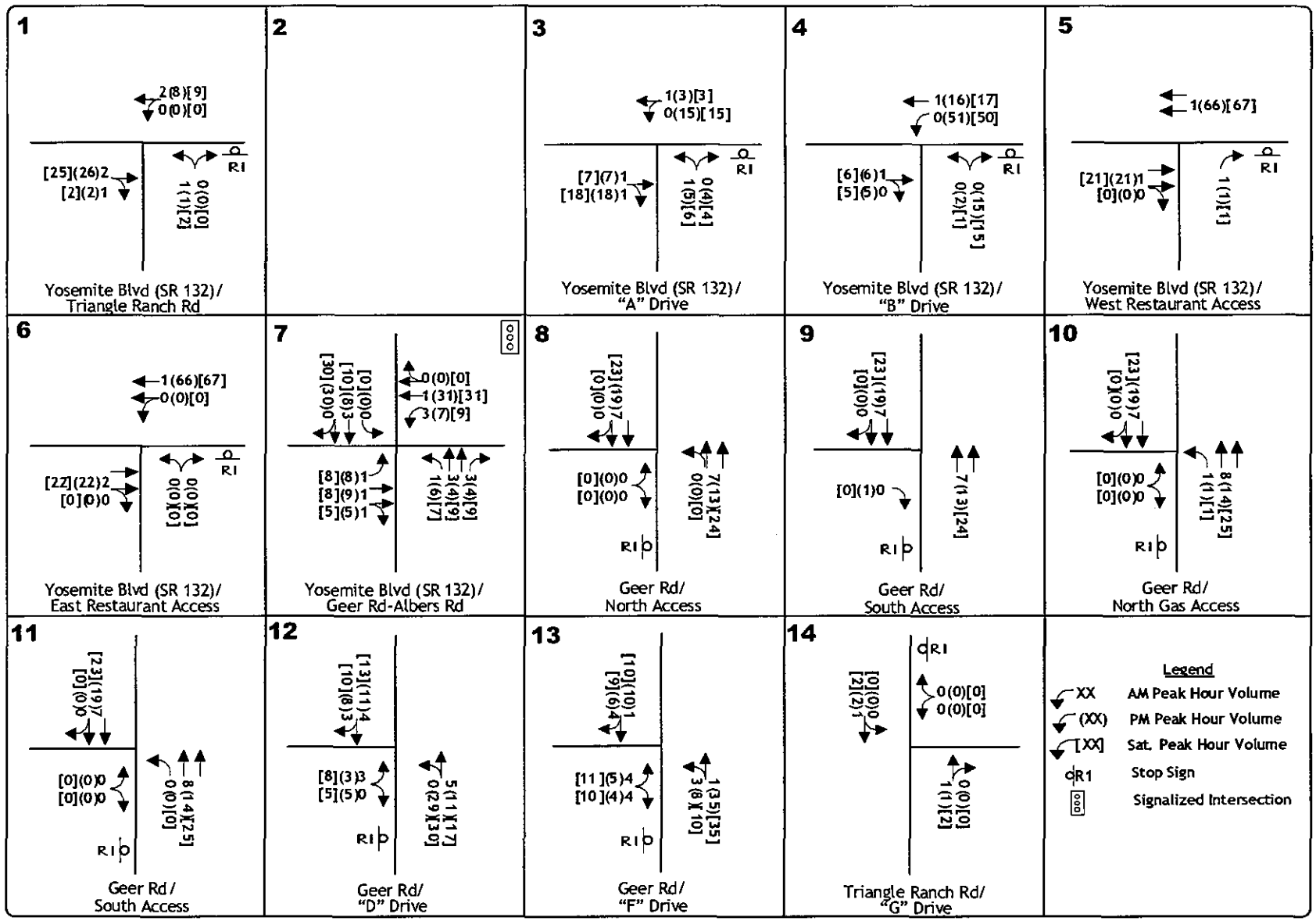


KD Anderson & Associates, Inc.
Transportation Engineers

PROJECT ONLY PHASE 1
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 5

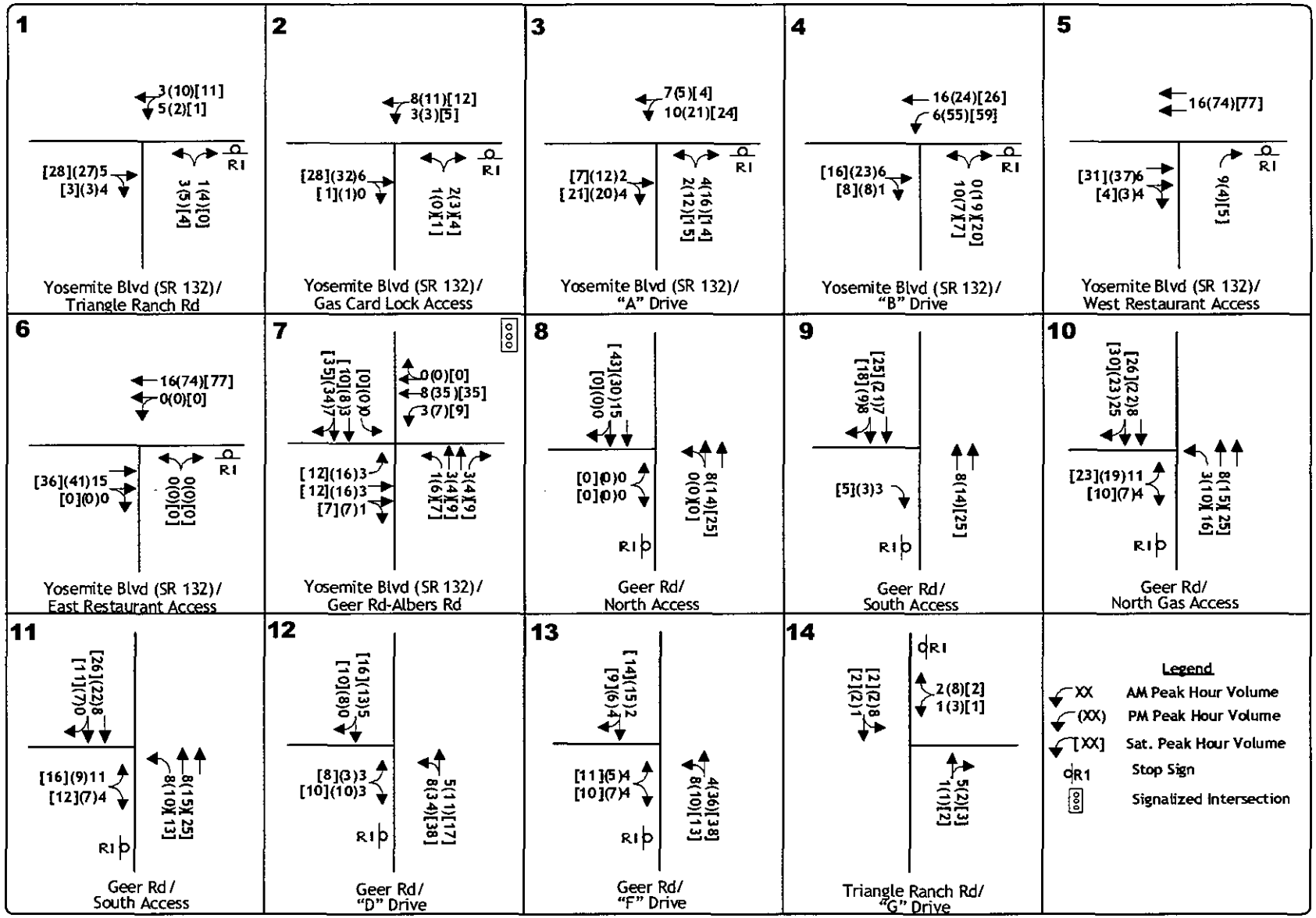


KD Anderson & Associates, Inc.
Transportation Engineers

PROJECT ONLY PHASE 1& 2
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 6

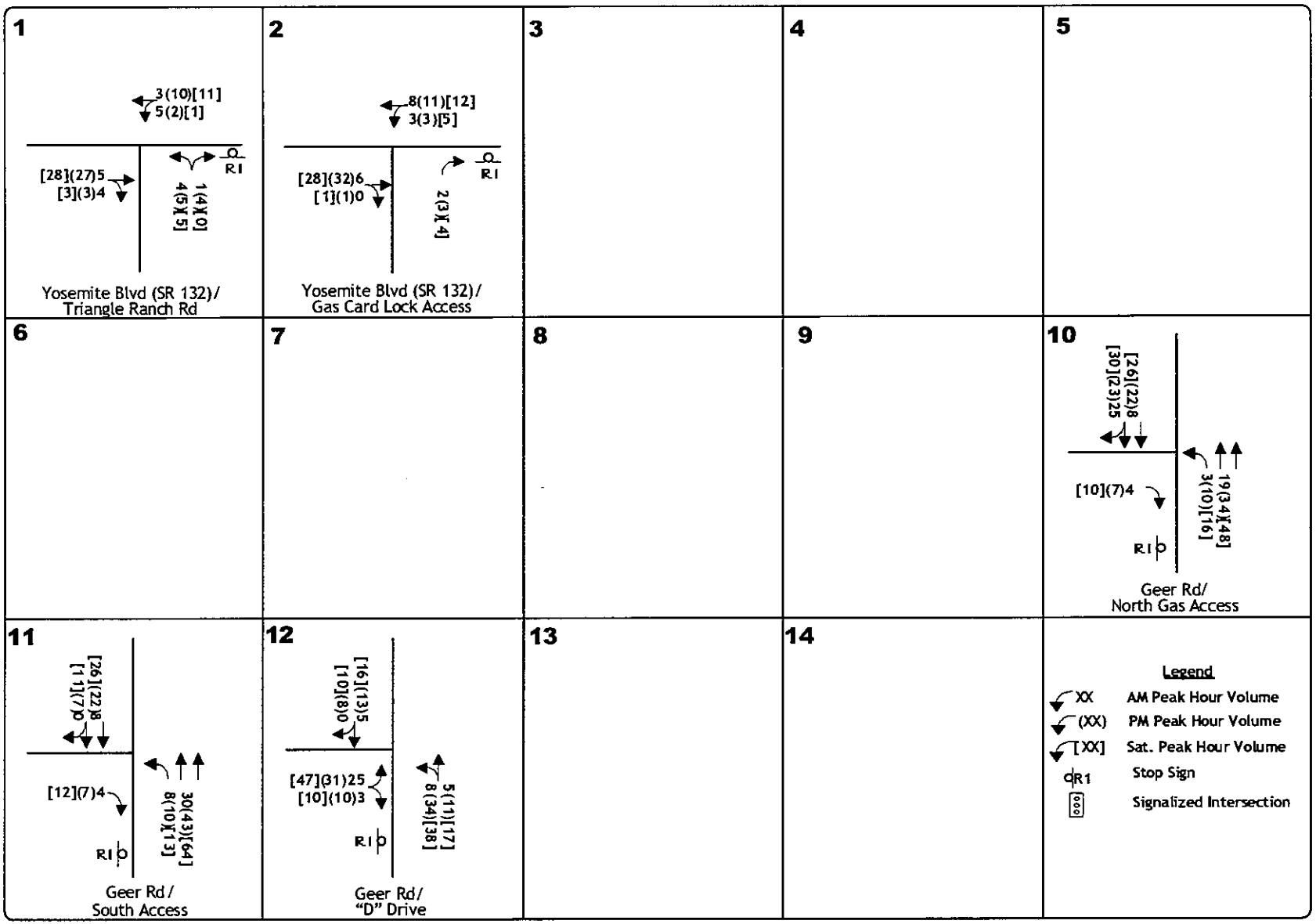


KD Anderson & Associates, Inc.
Transportation Engineers

PROJECT ONLY PHASE 1, 2 & 3
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 7A



KD Anderson & Associates, Inc.
Transportation Engineers

PROJECT TRAFFIC-LIMITED ACCESS ALTERNATIVE (YEAR 2030)
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 7B

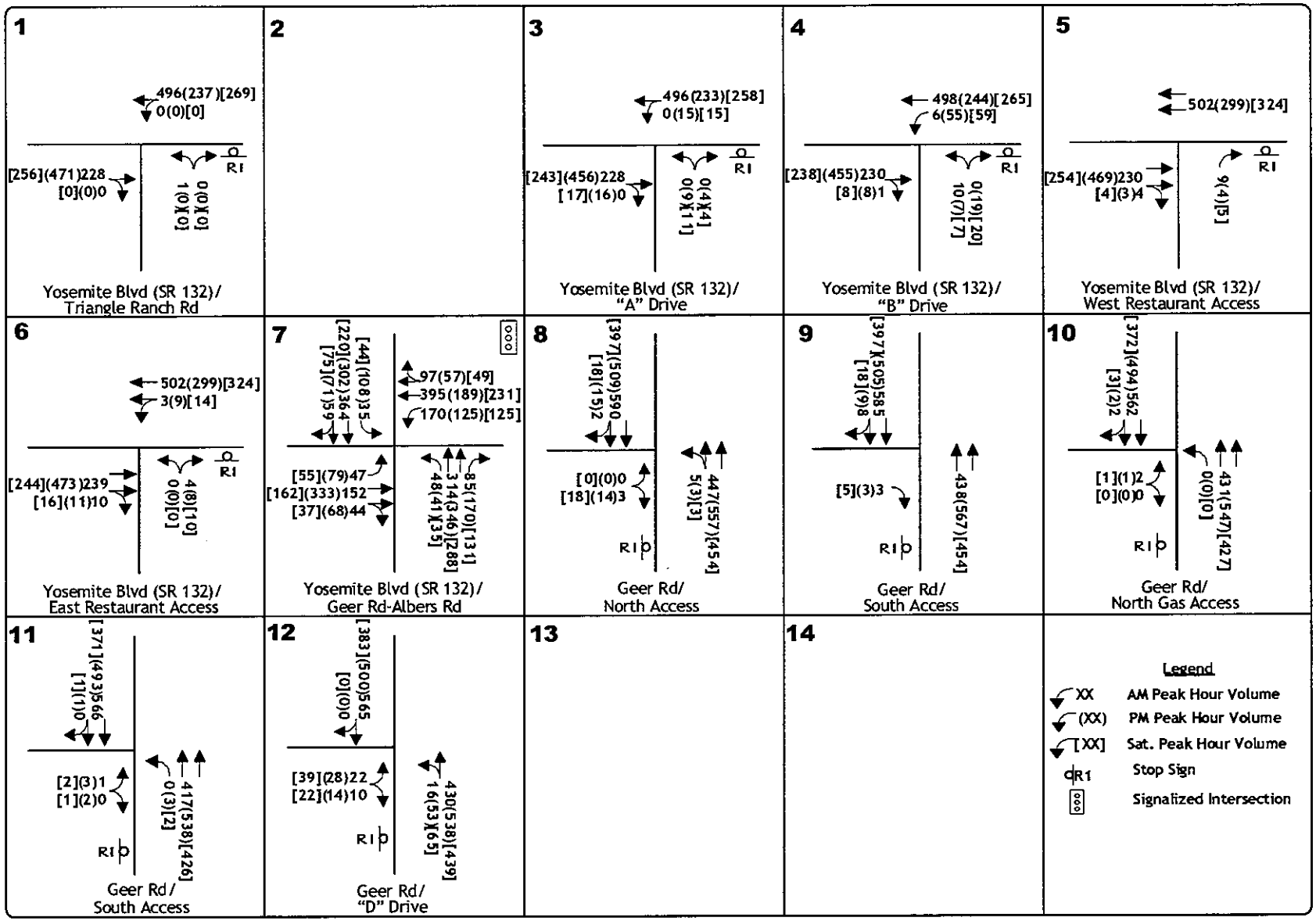
Existing Plus Phase 1 Conditions

The impacts of developing Phase 1 have been identified by superimposing Phase 1 project traffic onto Year 2007 background conditions. Resulting intersection Levels of Service were then calculated and used as the basis for evaluating potential project impacts.

Intersection Levels of Service. Figure 8 displays the "Existing Plus Phase 1" traffic volumes while Table 7 presents the a.m. and p.m. peak hour Levels of Service at each study intersection with and without the project. All intersections will continue to operate at LOS C conditions or better.

Daily Traffic Volumes Levels of Service. Table 8 summarizes the roadway segment Levels of Service based on the current daily traffic volumes on study area roads and the Phase 1 traffic. Daily roadway traffic is expected to increase along Yosemite Blvd west of the project by about 60 vehicles and by about 70 vehicles east of Geer Road. Traffic along Geer Road is projected to increase by about 90 vehicles.

The level of service along Yosemite Blvd will continue to be LOS C between Empire and Geer Road and LOS D from Geer Road toward Waterford. Geer Road will continue to operate at LOS E conditions south of Yosemite Blvd.



KD Anderson & Associates, Inc.
Transportation Engineers

EXISTING PLUS PROJECT PHASE 1
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 8

TABLE 7
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASE 1 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1.Yosemite Blvd (SR 132) / Triangle Ranch Rd	NB Stop						
overall		A	0.0	---	---	---	---
WB left turn		C	15.0	---	---	---	---
NB		---	---	---	---	---	---
2.Yosemite Blvd (SR 132) / Card Lock Access	NB Stop						
overall		N/A	N/A	N/A	N/A	N/A	N/A
WB left turn							
NB							
3. Yosemite Blvd (SR 132) / A Dr	NB Stop						
overall		---	---	A	0.5	A	0.6
WB left turn		---	---	B	14.4	B	12.1
NB		---	---	A	0.7	A	0.5
4. Yosemite Blvd (SR 132) / B Dr	NB Stop						
overall		A	0.2	A	1.1	A	1.4
WB left turn		B	11.8	B	13.0	B	10.7
NB		A	0.2	A	3.0	A	2.7
5. Yosemite Blvd (SR 132) / Restaurant Access	NB Stop						
overall		A	0.1	A	0.1	A	0.1
NB		A	9.0	A	9.9	A	9.1
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop						
overall		A	0.1	A	0.2	A	0.3
NB		A	9.1	A	10.0	A	9.1
WB left turn		A	0.2	A	0.8	A	1.0
7.Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	21.7	B	17.6	B	15.7
8. Geer Road / Fruit Yard Access							
overall	EB Stop	A	0.1	A	0.2	A	0.2
NB left turn		A	0.3	A	0.2	A	0.2
EB		A	9.7	A	9.7	A	9.7
9. Geer Rd / North of Fruit Stand	EB Stop						
overall		A	0.0	A	0.0	A	0.1
EB		A	9.7	A	9.6	A	9.7
10. Geer Rd / New Gas North Access	EB Stop						
overall		A	0.0	A	0.0	A	0.0
EB		A	0.2	A	0.0	A	0.0
NB left turn		B	12.4	B	12.1	B	11.2
11. Geer Rd / New Gas South Access	EB Stop						
overall		A	0.0	A	0.1	A	0.1
EB		---	---	A	0.2	A	0.1
NB left turn		B	12.5	B	11.3	B	10.6

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

TABLE 7 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASE 1 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
12. Geer Rd / D Dr	EB Stop						
overall		A	0.3	A	1.3	A	1.8
EB		A	0.5	A	1.5	A	1.7
NB left turn		B	10.1	B	14.3	B	13.3
13. Geer Rd /F Way	EB Stop						
overall							
EB		N/A	N/A	N/A	N/A	N/A	N/A
NB left turn							
14. Triangle Ranch Rd / G Dr	EB Stop						
overall							
WB		N/A	N/A	N/A	N/A	N/A	N/A
SB left turn							

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

TABLE 8
EXISTING PLUS PHASE 1 CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE

Roadway	Location		Standard		Existing Conditions		Existing + Phase 1 Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	13,700	C	8,880	C	8,940
	Geer Road	Waterford	D	13,700	D	11,450	D	11,520
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	9,200	E	14,110	E	14,200

Source: Stanislaus County Circulation Element

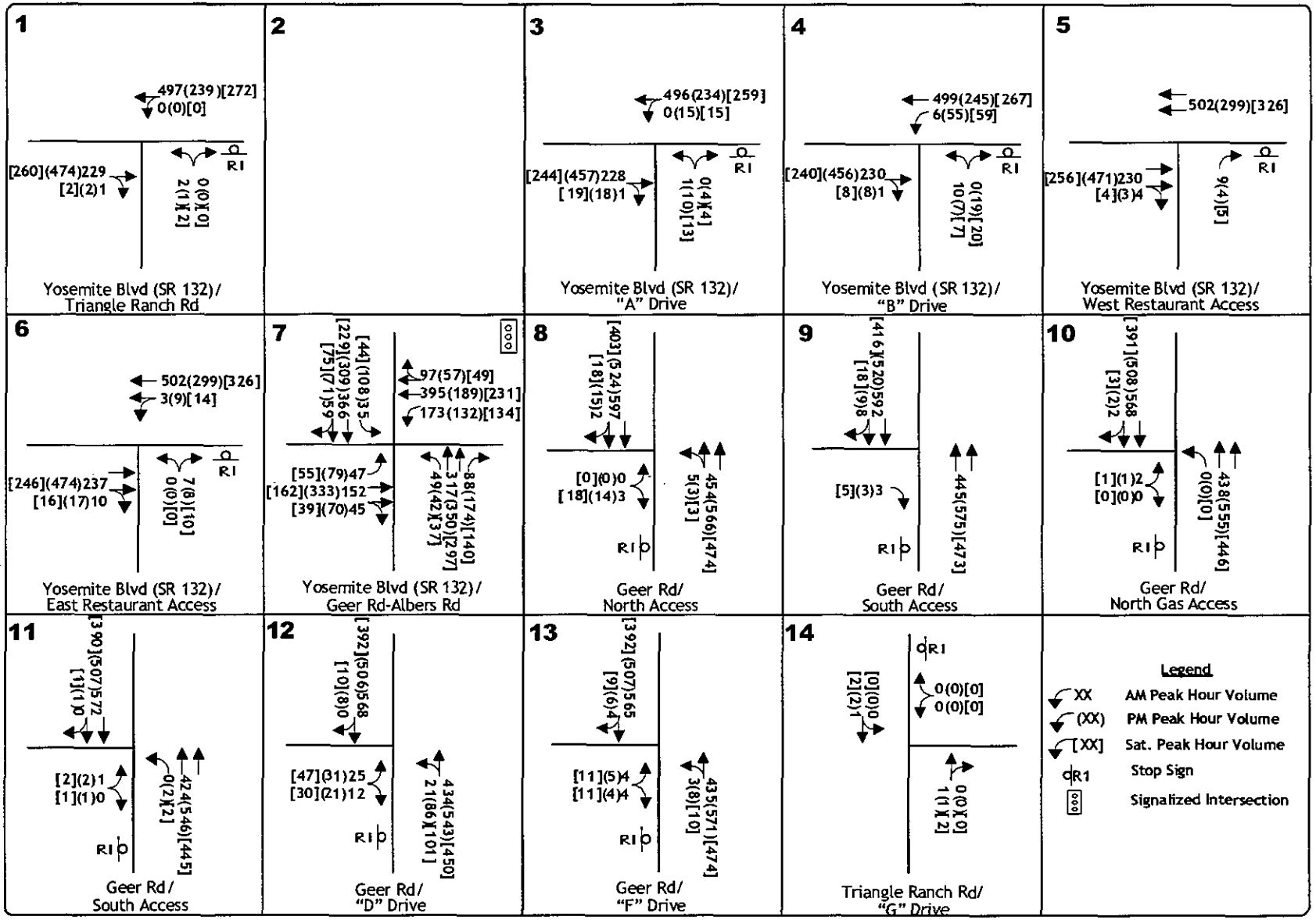
Existing Plus Phases 1 and 2 Conditions

The impacts of developing Phases 1 and 2 have been identified by superimposing this project traffic onto Year 2007 background conditions. Resulting intersection Levels of Service were then calculated and used as the basis for evaluating potential project impacts.

Intersection Levels of Service. Figure 9 displays the "Existing Plus Phases 1 and 2" traffic volumes while Table 9 displays the a.m. and p.m. peak hour Levels of Service at each study intersection with and without the project. All intersections will continue to operate at LOS C conditions or better.

Daily Traffic Volumes Levels of Service. Table 10 summarizes the roadway segment Levels of Service based on the current daily traffic volumes on study area roads and Phase 1 and 2 traffic. Daily roadway traffic is expected to increase along Yosemite Blvd west of the project by about 130 vehicles and by about 170 vehicles east of Geer Road. Traffic along Geer Road is projected to increase by about 180 vehicles.

The level of service along Yosemite Blvd will continue to be LOS C between Empire and Geer Road and LOS D from Geer Road toward Waterford. Geer Road will continue to operate at LOS E conditions south of Yosemite Blvd.



KD Anderson & Associates, Inc.
Transportation Engineers

EXISTING PLUS PROJECT PHASE 1& 2
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 9

TABLE 9
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASES 1 & 2 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1.Yosemite Blvd (SR 132) / Triangle Ranch Rd	NB Stop						
overall		A	0.0	A	0.0	A	0.0
WB left turn		C	18.5	C	18.1	B	14.8
NB		---	---	---	---	---	---
2.Yosemite Blvd (SR 132) / Card Lock Access	NB Stop						
overall		N/A	N/A	N/A	N/A	N/A	N/A
WB left turn							
NB							
3. Yosemite Blvd (SR 132) / A Dr	NB Stop						
overall		A	0.0	A	0.5	A	0.6
WB left turn		C	16.4	B	14.6	B	12.3
NB		---	0.0	A	0.7	A	0.5
4. Yosemite Blvd (SR 132) / B Dr	NB Stop						
overall		A	0.2	A	1.1	A	1.4
WB left turn		B	11.4	B	13.0	B	10.7
NB		A	0.2	A	3.0	A	2.7
5. Yosemite Blvd (SR 132) / Restaurant Access	NB Stop						
overall		A	0.1	A	0.1	A	0.1
NB		A	9.0	A	9.9	A	9.1
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop						
overall		A	0.1	A	0.2	A	0.3
NB		A	9.1	A	10.0	A	9.1
WB left turn		A	0.2	A	0.8	A	1.0
7.Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	18.1	B	19.5	B	17.1
8. Geer Road / Fruit Yard Access							
overall	EB Stop	A	0.1	A	0.1	A	0.2
NB left turn		A	0.3	A	0.2	A	0.2
EB		A	9.7	A	9.7	A	9.8
9. Geer Rd / North of Fruit Stand	EB Stop						
overall		A	0.0	A	0.0	A	0.1
EB		A	9.7	A	9.6	A	9.7
10. Geer Rd / New Gas North Access	EB Stop						
overall		A	0.0	A	0.0	A	0.0
EB		A	0.0	A	0.0	A	0.0
NB left turn		B	12.4	B	12.2	B	11.4
11. Geer Rd / New Gas South Access	EB Stop						
overall		A	0.3	A	0.1	A	0.1
EB		A	0.6	A	0.2	A	0.1
NB left turn		B	12.0	B	11.5	B	10.8

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

TABLE 9 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASES 1 & 2 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
12. Geer Rd / D Dr	EB Stop						
overall		A	1.1	A	3.1	A	3.8
EB		A	1.1	A	4.0	A	3.9
NB left turn		C	17.8	C	22.7	C	22.2
13. Geer Rd /F Way	EB Stop						
overall		A	0.2	A	0.3	A	0.5
EB		A	0.2	A	0.4	A	0.4
NB left turn		C	16.1	C	15.8	B	14.0
14. Triangle Ranch Rd / G Dr	EB Stop						
overall							
WB		N/A	N/A	N/A	N/A	N/A	N/A
SB left turn							

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

TABLE 10
EXISTING PLUS PHASES 1 & 2 CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE

Roadway	Location		Standard		Existing Conditions		Existing + Phase 1 Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	13,700	C	8,880	C	9,010
	Geer Road	Waterford	D	13,700	D	11,450	D	11,620
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	9,200	E	14,110	E	14,290

Source: Stanislaus County Circulation Element

200

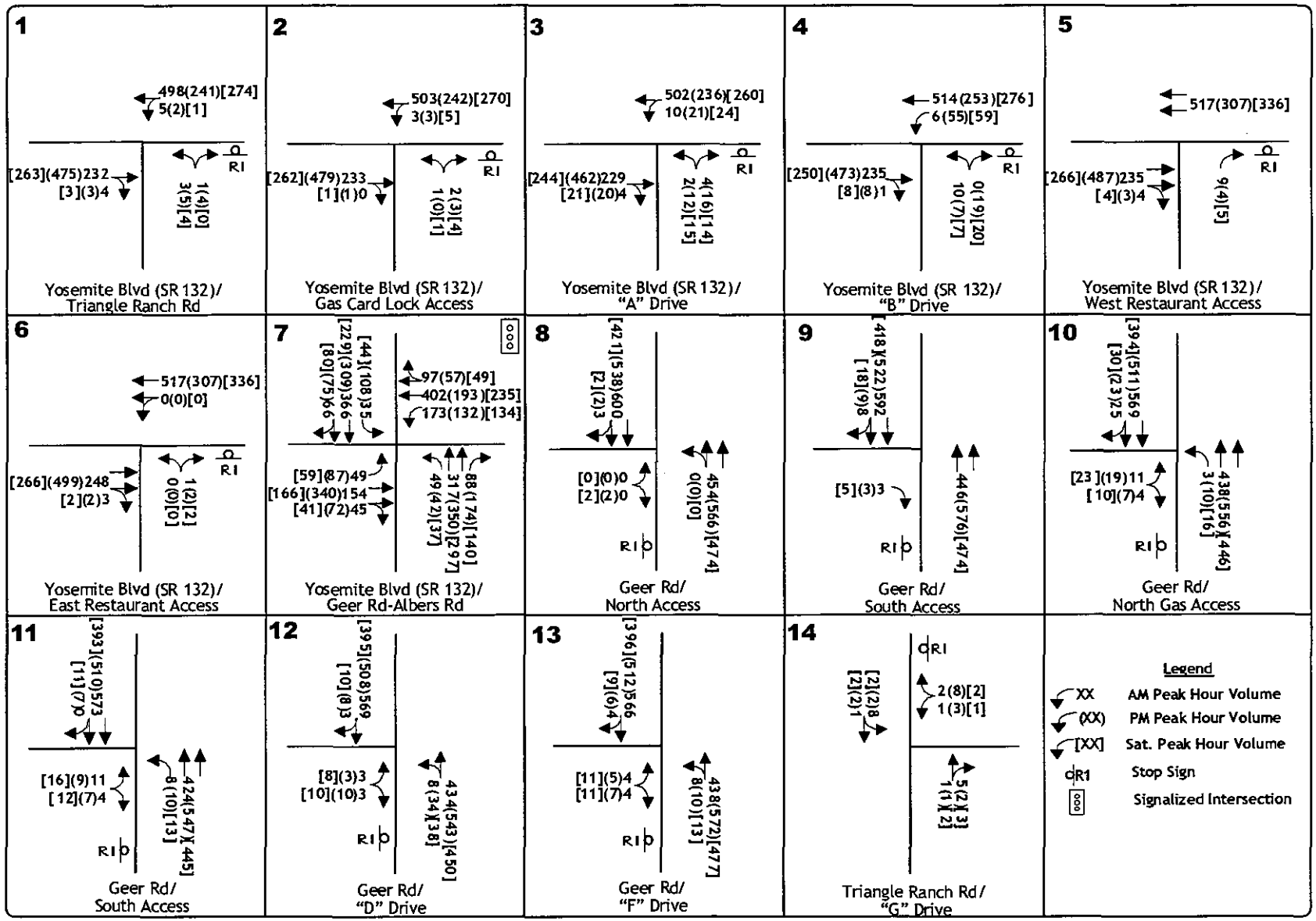
Existing Plus Phases 1, 2 and 3 Conditions

The impacts of developing the entire project, Phases 1, 2 and 3, were identified by superimposing this project traffic onto Year 2007 background conditions. Resulting intersection Levels of Service were then calculated and used as the basis for evaluating potential project impacts.

Intersection Levels of Service. Figure 10 displays the "Existing Plus Phases 1, 2 and 3" traffic volumes while Table 11 displays the a.m. and p.m. peak hour Levels of Service at each study intersection with and without the project. All intersections will continue to operate at LOS C conditions or better.

Daily Traffic Volumes Levels of Service. Table 12 summarizes the roadway segment Levels of Service based on the current daily traffic volumes on study area roads and the traffic generated by the entire project. Daily roadway traffic is expected to increase along Yosemite Blvd west of the project by about 270 vehicles and by about 340 vehicles east of Geer Road. Traffic along Geer Road is projected to increase by about 380 vehicles.

The level of service along Yosemite Blvd will continue to be LOS C between Empire and Geer Road and LOS D from Geer Road toward Waterford. Geer Road will continue to operate at LOS E conditions south of Yosemite Blvd.



KD Anderson & Associates, Inc.
Transportation Engineers

EXISTING PLUS PROJECT PHASE 1, 2 & 3
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 10

TABLE 11
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASES 1, 2 & 3 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1.Yosemite Blvd (SR 132) / Triangle Ranch Rd	NB Stop						
overall		A	0.2	A	0.2	A	0.1
WB left turn		C	16.9	C	16.4	C	15.0
NB		A	0.2	A	0.1	---	---
2.Yosemite Blvd (SR 132) / Card Lock Access	NB Stop						
overall		A	0.1	A	0.1	A	0.2
WB left turn		B	12.4	B	11.9	B	10.9
NB		A	0.1	A	0.1	A	0.2
3. Yosemite Blvd (SR 132) / A Dr	NB Stop						
overall		A	0.3	A	0.8	A	1.0
WB left turn		B	12.1	B	13.9	B	11.8
NB		A	0.2	A	0.9	A	0.8
4. Yosemite Blvd (SR 132) / B Dr	NB Stop						
overall		A	0.2	A	1.1	A	1.3
WB left turn		B	11.5	B	13.2	B	10.8
NB		A	0.2	A	3.0	A	2.7
5. Yosemite Blvd (SR 132) / Restaurant Access	NB Stop						
overall		A	0.1	A	0.0	A	0.1
NB		A	9.1	A	9.9	A	9.1
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop						
overall		A	0.0	A	0.0	A	0.0
NB		A	9.1	A	10.0	A	9.1
WB left turn		A	0.0	A	0.0	A	0.0
7.Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	18.3	B	19.6	B	17.4
8. Geer Road / Fruit Yard Access							
overall	EB Stop	A	0.0	A	0.0	A	0.0
NB left turn		A	0.0	A	0.0	A	0.0
EB		A	0.0	A	9.7	A	9.7
9. Geer Rd / North of Fruit Stand	EB Stop						
overall		A	0.0	A	0.0	A	0.1
EB		A	9.7	A	9.6	A	9.7
10. Geer Rd / New Gas North Access	EB Stop						
overall		A	0.2	A	0.4	A	0.6
EB		A	0.2	A	0.5	A	0.9
NB left turn		B	11.9	B	12.0	B	11.4
11. Geer Rd / New Gas South Access	EB Stop						
overall		A	0.3	A	0.3	A	0.5
EB		A	0.6	A	0.5	A	0.8
NB left turn		B	12.0	B	11.5	B	11.0

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

TABLE 11 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASES 1, 2 & 3 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
12. Geer Rd / D Dr	EB Stop						
overall		A	0.3	A	1.0	A	1.1
EB		A	0.4	A	1.6	A	1.6
NB left turn		C	15.0	B	14.1	B	14.5
13. Geer Rd /F Way	EB Stop						
overall		A	0.3	A	0.4	A	0.6
EB		A	0.4	A	0.4	A	0.5
NB left turn		C	16.2	C	15.7	B	14.1
14. Triangle Ranch Rd / G Dr	EB Stop						
overall		A	4.6	A	6.0	A	3.3
WB		A	6.4	A	3.6	A	3.6
SB left turn		A	8.4	A	8.4	A	8.4

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

TABLE 12
EXISTING PLUS PHASES 1, 2 & 3 CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE

Roadway	Location		Standard		Existing Conditions		Existing + Phase 1 Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd	Empire	Geer Road	D	13,700	C	8,880	C	9,150
(SR 132)	Geer Road	Waterford	D	13,700	D	11,450	D	11,790
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	9,200	E	14,110	E	14,490

Source: Stanislaus County Circulation Element

205

YEAR 2012 IMPACTS

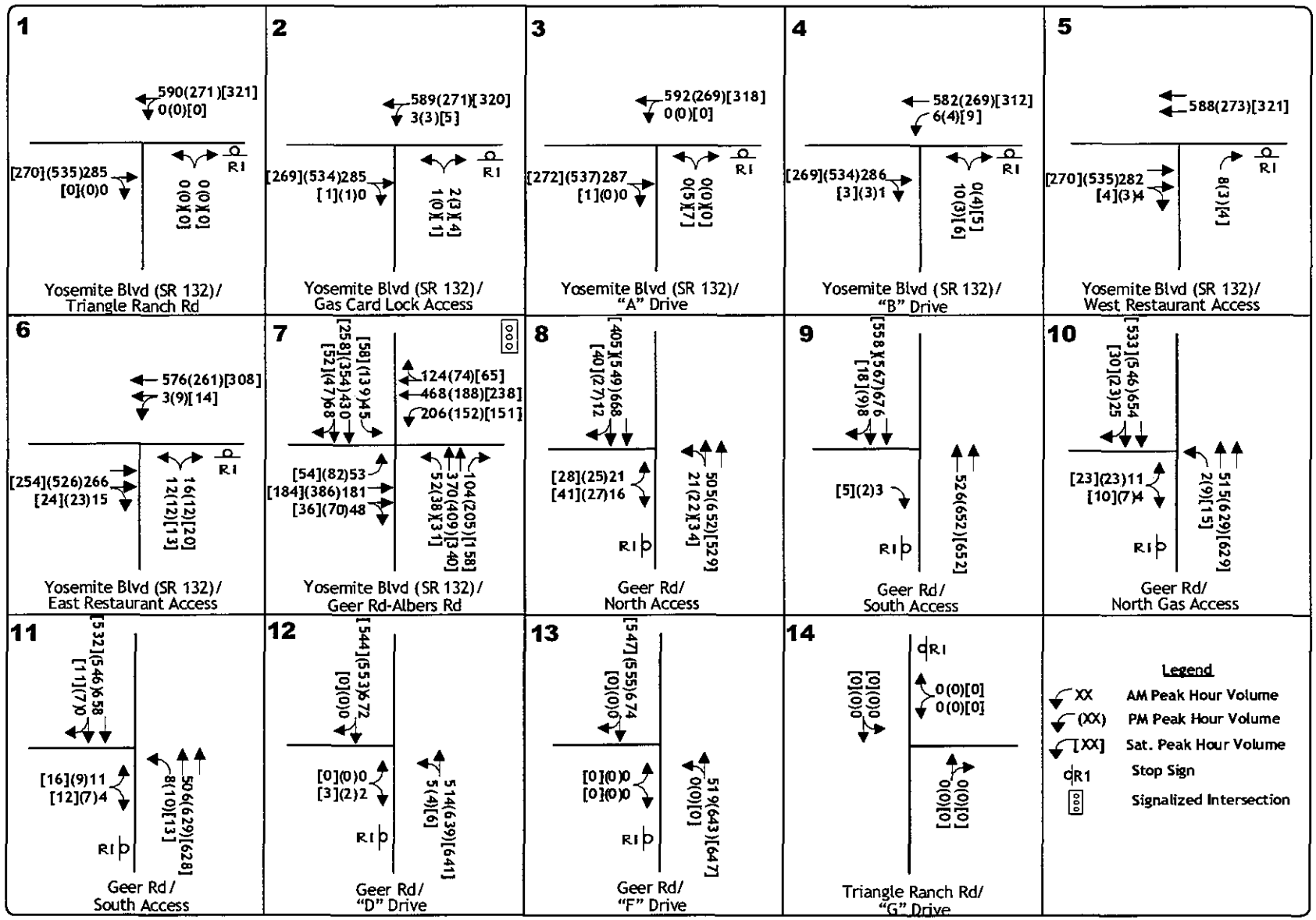
The analysis of the near term 2012 cumulative condition is intended to consider the impact of this project within the context of the conditions in 2012. Future traffic projections were obtained from the Stanislaus County Circulation Element. Straight-line interpolation was used to determine annual volume increases along the roadways. These increases were then annualized over a five-year period; Furness factoring was used to develop turning movement volumes at the study intersections.

Year 2012 Lane Configurations. Lane configurations along Yosemite Blvd and Geer Road – Albers Road are assumed to remain in their current configurations.

Intersection Levels of Service. Figure 11 displays the "2012" traffic volumes with the lane configurations for each study intersection while Figure 12 presents the "2012 plus Project" volumes. Table 13 displays the a.m., p.m. and Saturday peak hour Levels of Service at the Yosemite Blvd (SR 132) / Geer Road intersection without the project. This intersection will operate at LOS B conditions. Table 14 displays the levels of service with the project at each of the proposed project access intersections and the Yosemite Blvd (SR 132) / Geer Road intersection. All intersections will continue to operate at LOS C conditions or better.

Daily Traffic Volumes Levels of Service. Table 15 summarizes the roadway segment Levels of Service based on the projected 2012 daily traffic volumes on study area roads and the entire project traffic. Daily roadway traffic is expected to increase along both Yosemite Blvd and Geer Road. The level of service along Yosemite Blvd between Empire and Geer Road is projected to decline to LOS D conditions without the project, to 10,300 ADT. Addition of daily project traffic will increase the ADT to about 10,560 vpd; this will maintain a LOS D condition.

Yosemite Blvd, east of Geer Road is projected to decline to LOS E conditions, with about 13,900 vpd on the roadway. With the project added to the network this segment will remain at LOS E conditions, with about 14,230 ADT. Geer Road, south of the project, is projected to operate at LOS F conditions, with about 17,800 ADT on the roadway. Addition of project traffic will increase the ADT to 18,180 vpd and maintain the LOS F condition.

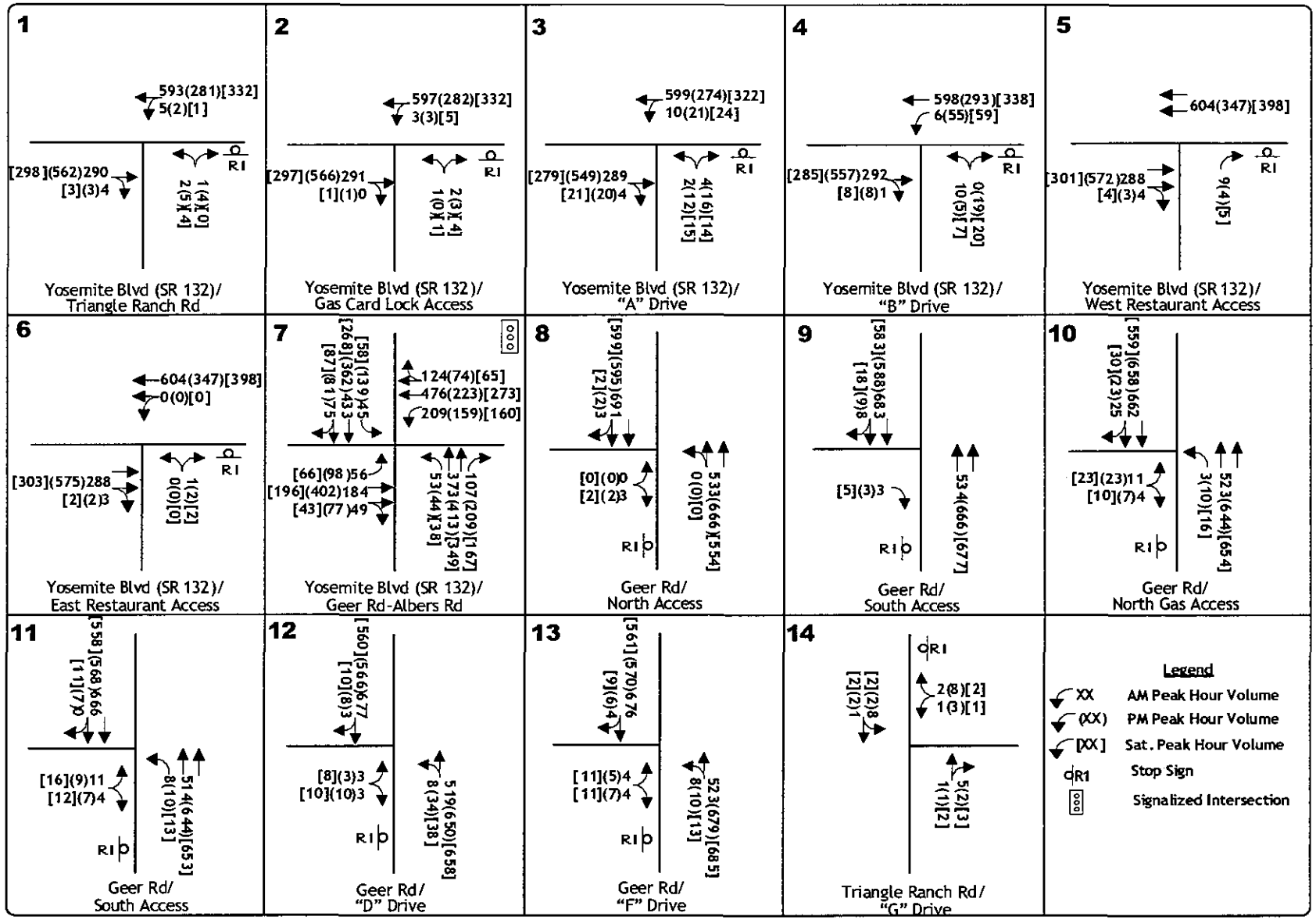


KD Anderson & Associates, Inc.
Transportation Engineers

3408-01 REV 1.VSD 12/3/2007

YEAR 2012 TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

figure 11



KD Anderson & Associates, Inc.
Transportation Engineers

YEAR 2012 PLUS PROJECT
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 12

TABLE 13
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2012 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1.Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	19.1	B	22.0	B	15.2
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop						
overall		A	0.4	A	0.5	A	0.7
NB		B	10.8	B	13.1	B	10.5
WB left turn		A	0.1	A	0.9	A	1.0
8. Geer Road / Fruit Yard Access							
overall	EB Stop	A	0.7	A	0.8	A	1.2
NB left turn		A	1.3	A	1.0	A	1.6
EB		C	17.5	C	16.4	B	13.8

TABLE 14
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2012 PLUS PROJECT CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1.Yosemite Blvd (SR 132) / Triangle Ranch Rd	NB Stop						
overall		A	0.2	A	0.2	A	0.1
WB left turn		C	19.1	C	18.9	C	16.9
NB		A	0.2	A	0.1	A	0.0
2.Yosemite Blvd (SR 132) / Card Lock Access	NB Stop						
overall		A	0.1	A	0.1	A	0.2
WB left turn		B	14.5	B	12.9	B	11.2
NB		A	0.1	A	0.1	A	0.2
3. Yosemite Blvd (SR 132) / A Dr	NB Stop						
overall		A	0.3	A	0.8	A	0.9
WB left turn		B	14.2	C	15.9	B	12.9
NB		A	0.2	A	0.9	A	0.8
4. Yosemite Blvd (SR 132) / B Dr	NB Stop						
overall		A	0.2	A	1.0	A	1.2
WB left turn		B	12.1	B	14.3	B	11.2
NB		A	0.2	A	2.9	A	2.4
5. Yosemite Blvd (SR 132) / Restaurant Access	NB Stop						
overall		A	0.1	A	0.0	A	0.1
NB		A	9.2	B	10.3	A	9.3

TABLE 14 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2012 PLUS PROJECT CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop						
overall		A	0.0	A	0.0	A	0.0
NB		A	9.2	B	10.3	A	9.2
WB left turn		A	0.0	A	0.0	A	0.0
7.Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	19.1	B	22.0	B	15.2
8. Geer Road / Fruit Yard Access							
overall	EB Stop	A	0.0	A	0.0	A	0.0
NB left turn		A	0.0	A	0.0	A	0.0
EB		A	0.0	A	9.7	B	10.2
9 Geer Rd / North of Fruit Stand	EB Stop						
overall		A	0.0	A	0.0	A	0.0
EB		A	9.8	A	9.7	B	10.2
10. Geer Rd / New Gas North Access	EB Stop						
overall		A	0.2	A	0.4	A	0.5
EB		A	0.2	A	0.5	A	0.8
NB left turn		B	12.7	B	12.7	B	13.0
11. Geer Rd / New Gas South Access	EB Stop						
overall		A	0.2	A	0.2	A	0.4
EB		A	0.5	A	0.5	A	0.6
NB left turn		B	12.8	B	11.8	B	12.4
12. Geer Rd / D Dr	EB Stop						
overall		A	0.3	A	1.1	A	1.3
EB		A	0.5	A	1.8	A	2.0
NB left turn		C	16.4	B	14.7	C	18.1
13. Geer Rd /F Way	EB Stop						
overall		A	0.3	A	0.4	A	0.6
EB		A	0.5	A	0.5	A	0.6
NB left turn		C	19.1	C	17.3	C	17.5
14. Triangle Ranch Rd / G Dr	EB Stop						
overall		A	4.6	A	6.0	A	3.3
WB		A	6.4	A	3.6	A	3.6
SB left turn		A	8.4	A	8.4	A	8.4

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

TABLE 15
2012 PLUS PROJECT CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE

Roadway	Location		Standard		2012 Conditions		2012 + Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	13,700	D	10,300	D	10,560
	Geer Road	Waterford	D	13,700	E	13,890	E	14,230
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	9,200	F	17,800	F	18,180

Source: Stanislaus County Circulation Element

211

KDA

FUTURE IMPACTS

Background Traffic Volume Forecasts. Year 2030 traffic volume forecasts developed for the Stanislaus County General Plan were the basis for the cumulative impact analysis. The results of the traffic model is based on the StanCOG regional travel demand forecasting model prepared by Dowling Associates as past of the County's Traffic Circulation update. Furness factoring was used to develop turning movement volumes at the study intersections.

Year 2030 Lane Configurations. The Stanislaus County General Plan identifies Yosemite Blvd (SR 132) and Geer Road / Albers Road to be Class C Expressways by 2030. These include limited access controlled roadways with traffic controls at intersections with Major Roads and other Expressways. The Circulation Element identifies Yosemite Blvd (SR 132) to be four lanes while Albers Road – Geer Road is identified as a six-lane expressway. For analysis purposes full access intersections are assumed at the following locations:

Yosemite Blvd (SR 132) / Triangle Ranch Road
Yosemite Blvd (SR 132) / Gas Card Lock Access
Yosemite Blvd (SR 132) / 'A' Drive
Yosemite Blvd (SR 132) / 'B' Drive
Geer Road / 'D' Drive
Geer Road / 'F' Way

If a median is installed along Geer Road in the future, existing and any future driveways would be subjected to restricted access. The intersections adjacent to the Yosemite Blvd (SR 132) / Geer Road intersection would be limited to right-in, right-out movements while the remaining driveways along Geer Road are assumed to have right-in, right-out and left-in access. The left-in access would include turn pockets along northbound Geer Road to allow queuing off of the through lanes.

At the Yosemite Blvd (SR 132) / Gas Card Lock Access intersection an alternative layout was considered due to the proximity of the intersection to Triangle Ranch Road. It is possible that adequate distance may not exist between the two locations meeting Highway Design Manual criteria for lane acceleration and lane deceleration. An alternative was considered that eliminated left-out movements from the Gas Card Lock driveway; these movements would use the Triangle Ranch Road intersection.

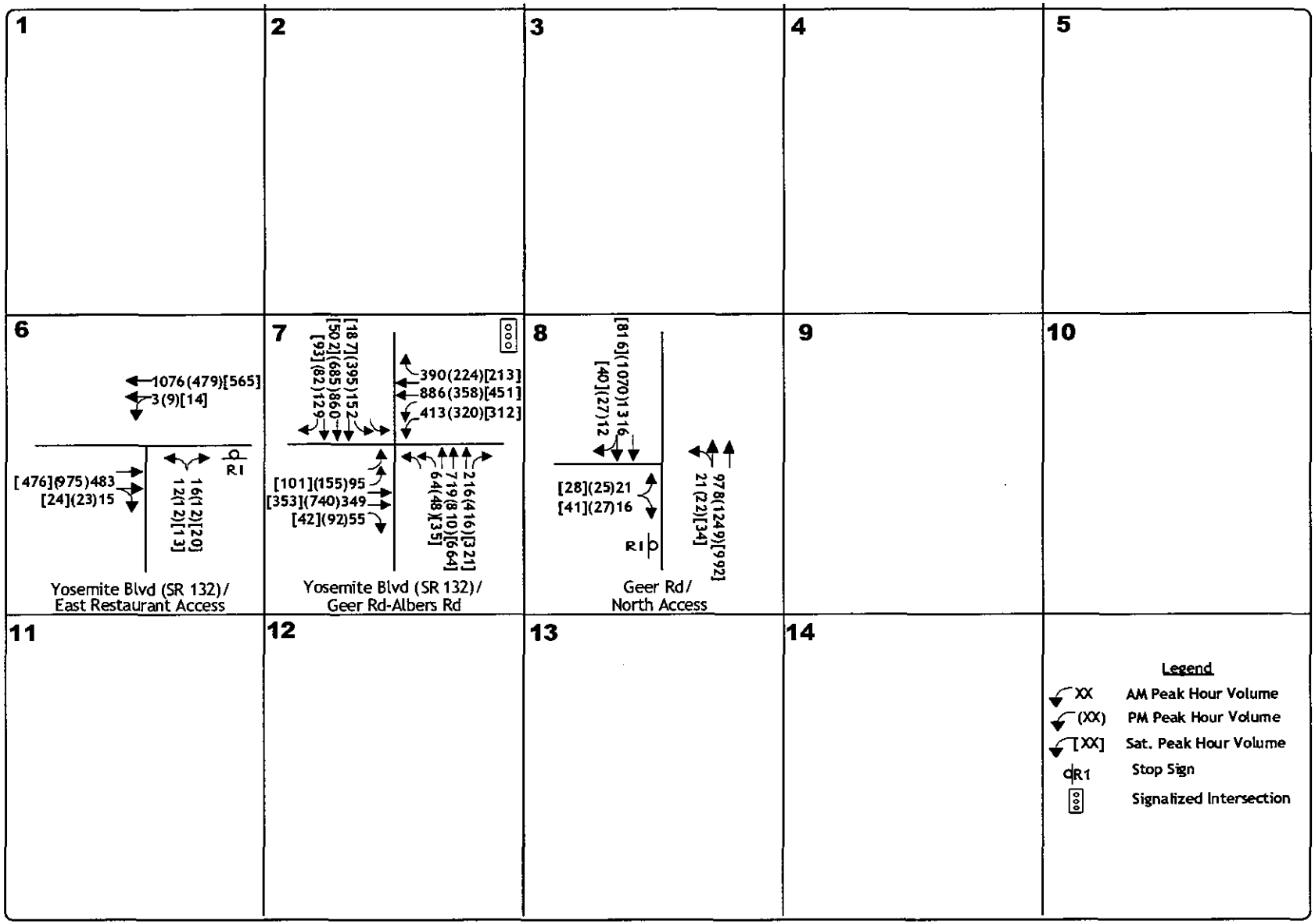
Future Traffic Conditions

Intersection Levels of Service. Figure 13 displays the 2030 traffic volumes with the lane configurations for each study intersection. Table 16 displays the a.m., p.m. and Saturday peak hour Levels of Service at the Yosemite Blvd (SR 132) / Geer Road intersection and the adjacent driveways without the project. The Yosemite Blvd / Geer Rd intersection will operate at LOS C conditions in the p.m. peak hour and LOS B conditions during the remaining peak hours. The Fruityard access along Yosemite Blvd is projected to operate at LOS C or better; however, the Fruityard access along Geer Road will decline to LOS E conditions for traffic leaving the site.

Figure 14A displays the 2030 plus Project conditions assuming full access is available at all intersections except the two adjacent to the Yosemite Blvd (SR 132) / Geer Road intersection. Table 17 displays the levels of service with the project at each of the proposed project access intersections and the Yosemite Blvd (SR 132) / Geer Road intersection. All intersections will operate at LOS C conditions or better except the Geer Road / 'D' Drive intersection. The eastbound approach will operate at LOS E conditions in the a.m. peak hour and LOS D in the p.m. peak hour and Saturday peak hour. This is not considered significant as the intersection does not meet traffic signal warrants. Installation of an unwarranted signal may cause additional and unnecessary delays to traffic along Geer Road. The existing Fruityard access at Geer Road will improve to LOS C or better conditions due to the realignment of on-site traffic patterns due to the projected development.

Figure 14B presents the traffic volumes and lane configurations under the limited access control alternative. Table 17 also presents the levels of service at the intersections affected by the limited access alternative. Under this alternative the intersections along Yosemite Blvd (SR 132) will continue to operate at LOS C or better.

Daily Traffic Volumes Levels of Service. Table 18 summarizes the roadway segment Levels of Service based on the projected 2030 daily traffic volumes on the study area roads. Daily roadway traffic is expected to increase along both Yosemite Blvd and Geer Road. Yosemite Blvd between Empire and Geer Road is projected to operate at LOS C while between Geer Road and Waterford the roadway will operate at LOS D conditions. The roadway is projected to be a four-lane expressway and carry 17,550 vpd and 27,800 vpd, respectively. The level of service along Geer Road is projected to be LOS D with 41,080 ADT. Under project conditions, the levels of service along each segment will remain at either LOS C or D.

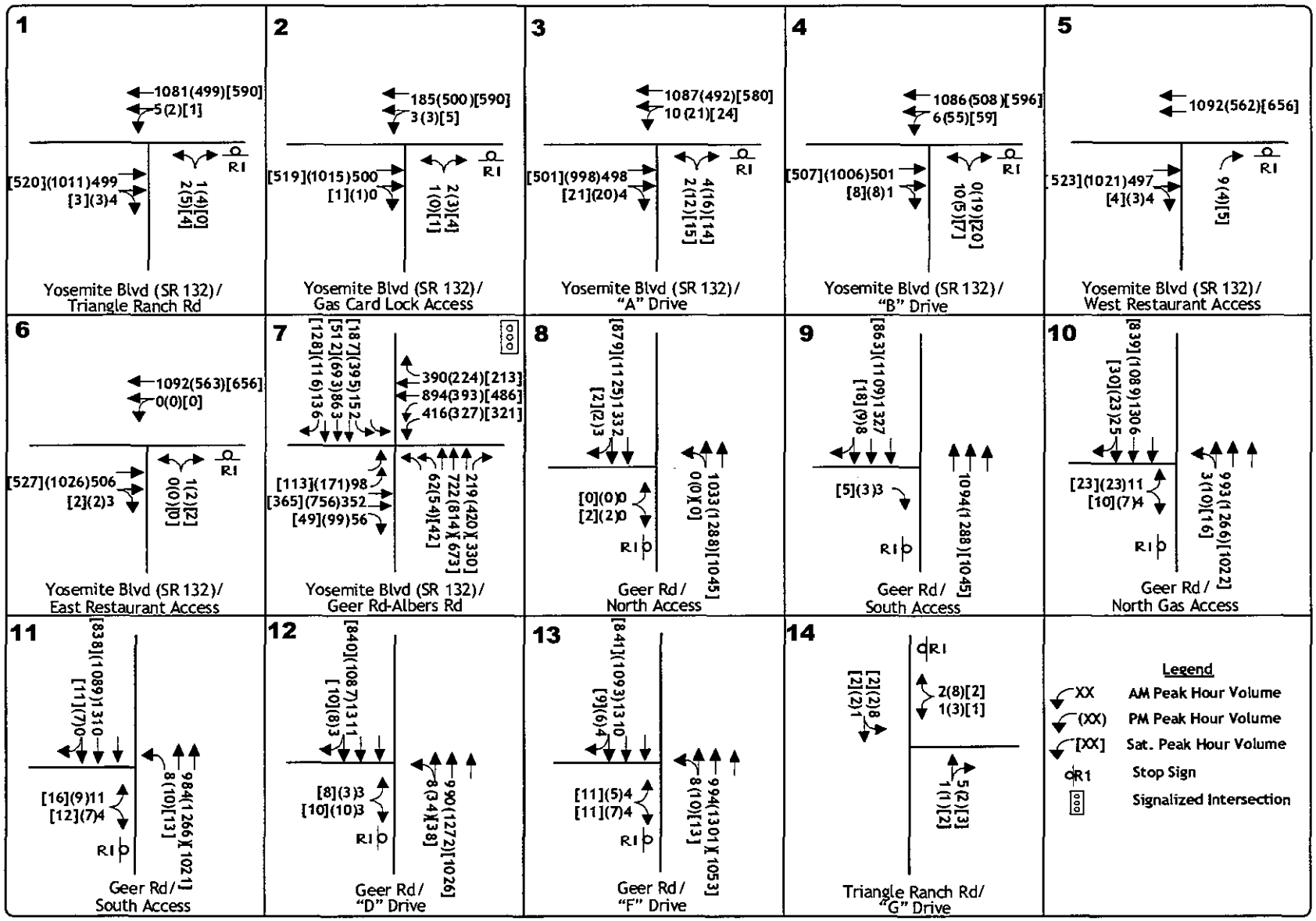


KD Anderson & Associates, Inc.
Transportation Engineers

3408-01 REV 1.VSD 12/3/2007

YEAR 2030 TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

figure 13

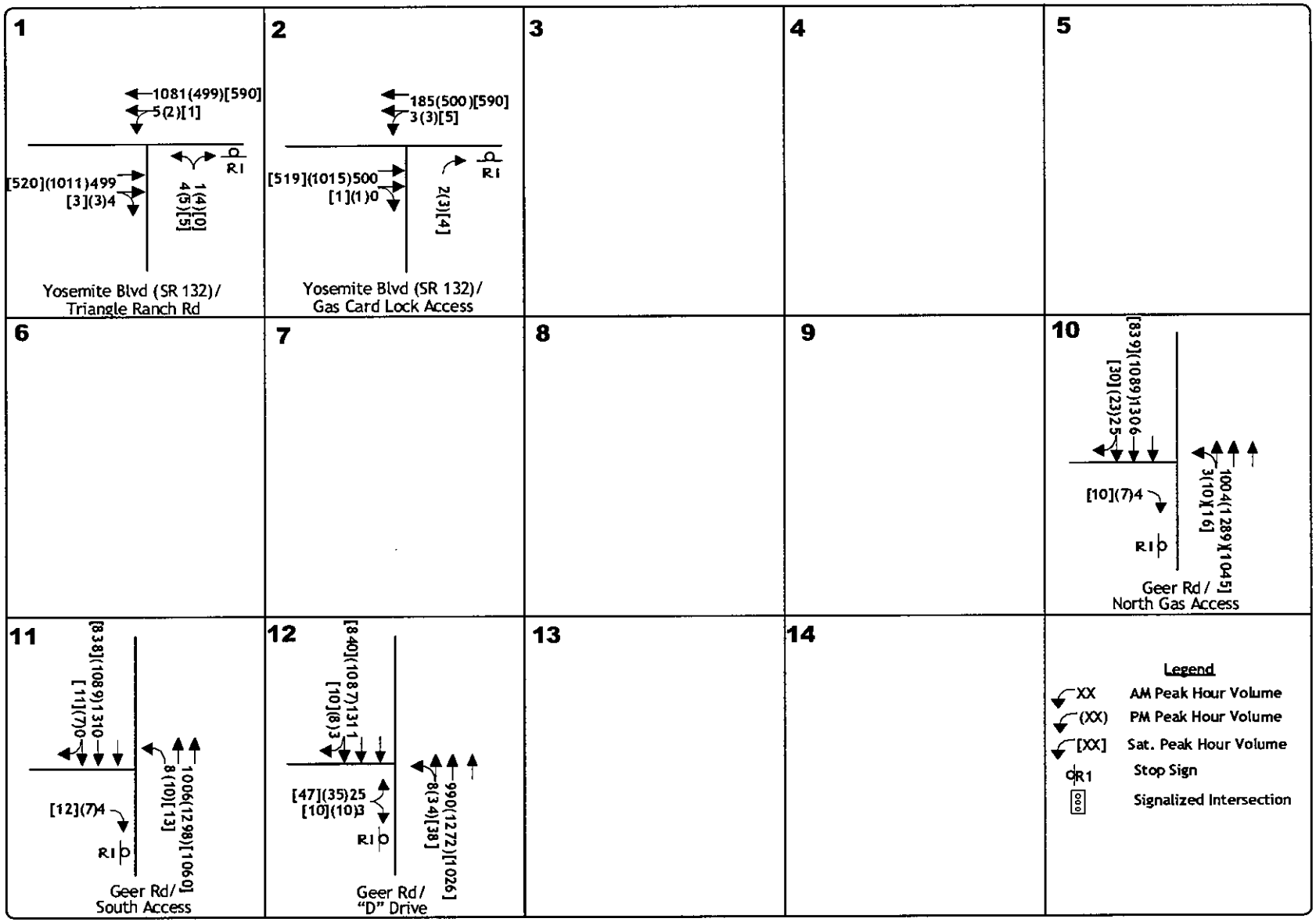


KD Anderson & Associates, Inc.
Transportation Engineers

YEAR 2030 PLUS PROJECT
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 14A



KD Anderson & Associates, Inc.
Transportation Engineers

YEAR 2030 PLUS PROJECT LIMITED ACCESS ALTERNATIVE
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

3408-01 REV 1.VSD 12/3/2007

figure 14B

TABLE 16
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2030 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1.Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	20.9	C	28.9	B	18.8
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop						
overall		A	0.3	A	0.5	A	0.5
NB		C	15.5	C	23.9	B	13.2
WB left turn		A	0.1	A	0.7	A	0.7
8. Geer Road / Fruit Yard Access							
overall	EB Stop	A	0.9	A	0.9	A	1.0
NB left turn		A	1.4	A	1.4	A	1.9
EB		E	35.7	E	35.7	C	21.1

TABLE 17
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2030 PLUS PROJECT CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1.Yosemite Blvd (SR 132) / Triangle Ranch Rd	NB Stop						
overall		A (A)	0.1 (0.1)	A (A)	0.2 (0.2)	A (A)	0.1 (0.1)
WB left turn		C (C)	15.6 (16.5)	C (C)	23.8 (23.8)	C (C)	15.7 (15.7)
NB		A (A)	0.1 (0.3)	A (A)	0.3 (0.3)	A (B)	0.1 (10.9)
2.Yosemite Blvd (SR 132) / Card Lock Access	NB Stop						
overall		A (A)	0.0 (0.0)	A (A)	0.1 (0.0)	A (A)	0.1 (0.1)
WB left turn		B (B)	11.3 (10.4)	B (B)	13.4 (13.4)	B (B)	10.9 (10.5)
NB		A (A)	0.1 (9.0)	A (B)	0.3 (11.8)	A (A)	0.3 (0.1)
3. Yosemite Blvd (SR 132) / A Dr	NB Stop						
overall		A	0.1	A	0.5	A	0.5
WB left turn		B	10.8	C	15.8	B	11.4
NB		A	0.3	A	1.6	A	1.2
4. Yosemite Blvd (SR 132) / B Dr	NB Stop						
overall		A	0.1	A	0.6	A	0.9
WB left turn		B	13.3	C	15.0	B	11.1
NB		A	8.6	B	11.3	A	2.0
5. Yosemite Blvd (SR 132) / Restaurant Access	NB Stop						
overall		A	0.1	A	0.0	A	0.0
NB		B	10.0	B	12.7	B	10.1

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

(left-out prohibited) – left turn traffic uses Triangle Ranch Road

KDA

TABLE 17 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2030 PLUS PROJECT CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop						
overall		A	0.0	A	0.0	A	0.0
NB		B	10.0	B	12.7	B	10.1
WB left turn		A	0.0	A	0.0	A	0.0
7.Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	20.4	C	28.8	B	19.8
8. Geer Road / Fruit Yard Access							
overall	EB Stop	A	0.0	A	0.0	A	0.0
NB left turn		A	0.0	A	0.0	A	0.0
EB		A	0.0	A	9.4	A	9.2
9. Geer Rd / North of Fruit Stand	EB Stop						
overall		A	0.0	A	0.0	A	0.0
EB		A	9.0	A	9.3	A	9.2
10. Geer Rd / New Gas North Access	EB Stop						
overall		A	0.0	A	0.1	A	0.1
EB		B	12.2	B	11.0	A	9.8
NB left turn		A	9.2	A	9.5	A	9.5
11. Geer Rd / New Gas South Access	EB Stop						
overall		A	0.1	A	0.1	A	0.1
EB		B	12.2	B	10.9	A	9.8
NB left turn		A	9.2	A	9.5	A	9.7
12. Geer Rd / D Dr	EB Stop						
overall		A	0.6	A	0.9	A	1.1
EB		E	40.5	D	33.1	D	26.8
NB left turn		C	19.7	C	17.5	B	14.4
13. Geer Rd /F Way	EB Stop						
overall		A	0.2	A	0.2	A	0.4
EB		A	1.6	A	1.3	A	1.4
NB left turn		C	24.8	C	20.2	C	18.1
14. Triangle Ranch Rd / G Dr	EB Stop						
overall		A	4.6	A	6.0	A	3.3
WB		A	6.4	A	3.6	A	3.6
SB left turn		A	8.4	A	8.4	A	8.4

N/A - no side street traffic --- available movement, no traffic recorded in peak hour

(left-out prohibited) – left turn traffic uses Triangle Ranch Road

KDA

TABLE 18
2030 PLUS PROJECT CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE

Roadway	Location		Standard		2030 Conditions		2030 + Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	32,400	C	17,550	C	17,810
	Geer Road	Waterford	D	32,400	D	27,800	D	28,140
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	31,200	D	41,080	D	41,460

Source: Stanislaus County Circulation Element

219

KDA

QUEUING

A queuing analysis was completed for each of the study intersections. 95% queues were determined based on the queue results in the Synchro analysis. Table 19 presents the results for each of the analysis scenarios. Generally, all queues into and out of the project site will be less than a single vehicle. The queues at the Geer Road / D Dr. intersection with the completion of Phases 1 and 2 will be higher than during any other scenario. This is due to the projected re-routing of gas station traffic to D Drive on a temporary basis. The projected 95% queue waiting to enter Geer Road will be 29 feet. The completion of Phase 3 will relocate the gas station and will provide full access driveways to Geer Road.

Through lane queues were also reported for the Yosemite Blvd (SR 132) / Geer Road intersection to determine whether any access driveways along the project site could be blocked. The longest eastbound queue will develop during 2030 when the queue is projected to reach 285' with the project. This will occur in the p.m. peak hour and may block the right-in, right-out access, closest to the intersection. The worst northbound queue along Geer Road is projected to be 189', again in 2030 buildout. Motorists should be able to access northbound Geer Road at any of the full access points proposed.

TABLE 19
PROJECTED QUEUES

Location	Exist	Exist + Ph 1	Exist + Ph 1,2	Exist + Ph 1,2,3	2012	2012 + Project	2030	2030 + Project
1. Yosemite Blvd (SR 132) / Triangle Ranch Rd								
WB left turn	0 (0) <0>	0 (0) <0>	0 (0) <0>	0 (0) <0>	0 (0) <0>	0 (0) <0>	0 (0) <0>	1 (1) <0>
NB	0 (0) <0>	0 (0) <0>	0 (0) <0>	1 (2) <1>	0 (0) <0>	1 (3) <1>	0 (0) <0>	1 (4) <1>
2.Yosemite Blvd (SR 132) / Card Lock Access								
WB left turn	---	---	---	0 (0) <0>	---	0 (0) <0>	---	0 (0) <0>
NB				1 (0) <1>		1 (1) <1>		0 (1) <1>
3. Yosemite Blvd (SR 132) / A Dr								
WB left turn	---	0 (1) <1>	0 (1) <1>	1 (2) <2>	---	1 (2) <2>	---	1 (3) <2>
NB		0 (3) <2>	0 (3) <3>	1 (6) <4>		1 (7) <5>		1 (7) <4>
4. Yosemite Blvd (SR 132) / B Dr								
WB left turn	---	0 (4) <4>	0 (4) <4>	0 (5) <4>	0 (0) <1>	0 (5) <4>	0 (1) <1>	0 (8) <5>
NB		2 (5) <3>	1 (5) <4>	1 (5) <4>	2 (1) <1>	2 (5) <4>	2 (2) <2>	2 (5) <4>
5. Yosemite Blvd (SR 132) / Restaurant Access	---							
NB		1 (0) <1>	1 (0) <0>	1 (0) <0>	1 (0) <0>	0 (1) <0>	1 (1) <0>	1 (1) <1>
6. Yosemite Blvd (SR 132) / Fruit Yard Access								
NB	3 (4) <4>	0 (1) <1>	1 (1) <1>	0 (0) <0>	4 (4) <4>	0 (0) <0>	7 (10) <6>	0 (0) <0>
WB left turn	0 (1) <1>	0 (1) <1>	0 (1) <1>	0 (0) <0>	0 (1) <1>	0 (0) <0>	0 (1) <1>	0 (0) <0>
7. Yosemite Blvd (SR 132)/ Geer Rd								
NB Left	40 (38) <22>	51 (42) <33>	50 (43) <34>	51 (44) <34>	62 (40) <31>	63 (47) <36>	31 (27) <18>	28 (31) <22>
NB Thru	84 (102) <66>	81 (102) <67>	92 (103) <70>	92 (103) <70>	98 (120) <81>	99 (121) <83>	137 (165) <116>	124 (189) <128>
SB Left	37 (94) <33>	35 (94) <40>	38 (95) <40>	39 (95) <40>	51 (140) <59>	51 (140) <62>	70 (170) <67>	72 (168) <71>
SB Thru	105 (90) <58>	98 (104) <60>	112 (106) <62>	114 (106) <62>	127 (116) <71>	130 (118) <78>	163 (120) <90>	151 (135) <99>
EB Left	41 (64) <39>	44 (71) <41>	48 (71) <45>	50 (76) <47>	51 (74) <46>	53 (84) <55>	43 (64) <42>	41 (74) <48>
EB Thru	46 (107) <45>	48 (112) <46>	54 (112) <46>	54 (115) <47>	54 (131) <54>	55 (138) <50>	105 (275) <71>	95 (285) <110>
WB Left	143 (106)<95>	148 (105)<95>	123 (117)<106>	123 (117)<106>	199 (145)<117>	202 (155)<132>	136 (148)<99>	163 (146)<109>
WB Thru	113 (51) <52>	86 (62) <62>	121 (62) <63>	123 (65) <63>	141 (63) <66>	144 (77) <78>	241 (109) <79>	263 (123) <130>

127

A24

TABLE 19 (CONT'D)
PROJECTED QUEUES

Location	Exist	Exist + Ph 1	Exist + Ph 1, 2	Exist + Ph 1, 2, 3	2012	2012 + Project	2030	2030 + Project
8. Geer Road / Fruit Yard Access								
NB left turn	2 (2) <2>	0 (0) <0>	0 (0) <0>	0 (0) <0>	2 (2) <3>	0 (0) <0>	4 (3) <4>	0 (0) <0>
EB	8 (10) <11>	0 (1) <2>	0 (1) <2>	0 (0) <0>	10, (13) <14>	0 (0) <0>	32 (33) <24>	0 (0) <0>
9. Geer Rd / North of Fruit Stand								
EB	---	0 (0) <1>	0 (0) <1>	0 (0) <1>	0 (0) <1>	0 (0) <1>	0 (0) <0>	0 (0) <0>
10. Geer Rd / New Gas North Access								
EB	---	0 (0) <0>	0 (0) <0>	2 (4) <5>	3 (5) <6>	3 (5) <6>	5 (8) <7>	5 (9) <7>
NB left turn		0 (0) <0>	0 (0) <0>	0 (1) <1>	0 (1) <1>	0 (1) <1>	0 (1) <2>	0 (1) <2>
11. Geer Rd / New Gas South Access								
EB	---	0 (1) <0>	2 (0) <0>	2 (2) <4>	3 (2) <5>	3 (2) <5>	5 (4) <5>	5 (4) <5>
NB left turn		0 (0) <0>	1 (0) <0>	1 (1) <1>	1 (1) <1>	1 (1) <1>	1 (1) <1>	1 (1) <1>
12. Geer Rd / D Dr								
EB	---	0 (4) <11>	11 (20) <29>	1 (3) <4>	0 (0) <6>	2 (3) <5>	0 (0) <0>	3 (3) <5>
NB left turn		1 (9) <5>	3 (13) <13>	1 (5) <5>	0 (0) <1>	1 (5) <6>	1 (1) <1>	3 (10) <8>
13. Geer Rd /F Way								
EB	---	---	2 (2) <4>	2 (3) <4>	---	3 (3) <6>	---	4 (4) <6>
NB left turn			0 (1) <1>	1 (1) <1>		1 (1) <2>		3 (3) <3>
14. Triangle Ranch Rd / G Dr								
WB	---	---	---	0 (1) <0>	---	0 (1) <0>	---	0 (1) <0>
SB left turn				0 (0) <0>		0 (0) <0>		0 (0) <0>

a.m. (p.m.) <Saturday>

FINDINGS / RECOMMENDATIONS / MITIGATIONS

The preceding analysis has identified project impacts that may occur without mitigation. The text that follows identifies a strategy for mitigating the impacts of the proposed project. Recommendations are identified for facilities that require mitigation but are not a result of the proposed project. If the project causes a significant impact, mitigations are identified for the facility.

Existing Conditions - Recommendations

Each of the four study intersections currently operate at acceptable levels of service. No recommendations are necessary.

Geer Road, south of Yosemite Blvd (SR 132) currently operates below the County LOS threshold, at LOS E. The County's General Plan identifies Geer Road as a Class C 6-lane expressway. Widening of Geer Road would result in LOS B or better conditions.

Existing Plus Phase 1 Mitigations

All of the proposed intersections will operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no additional mitigation is required.

The project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Yosemite Blvd (SR 132) should be widened to its ultimate width along the project frontage of Phase 1. This would include two through lanes, one half of a continuous left turn lane and shoulder per Caltrans standards.

No other mitigations are necessary.

Existing Plus Phase 1 & Phase 2 Mitigations

All of the proposed intersections will continue to operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions.

Phase 2 of the project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Geer Road should be widened to its ultimate half-width along the project frontage. The limits of widening would extend from the Yosemite Blvd (SR 132) intersection south of the project limits to D Drive. This would include three through lanes and half a median. The full median, once completed, should provide breaks to allow inbound left turns at the various driveways. Full access

should be provided at D Drive. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no other mitigation is required.

Existing Plus Phase 1, Phase 2 & Phase 3 Mitigations

All of the proposed intersections will continue to operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions.

Phase 3 of the project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Yosemite Blvd (SR 132) should be widened to its ultimate width along the project frontage of Phase 3. This would include two through lanes, one half of a continuous left turn lane and shoulder per Caltrans standards.

Geer Road should be widened to its ultimate half-width along the project frontage from D Drive to the south project limit, at MID Lateral No. 1. This would include three through lanes and half a median. The full median, once completed, should provide breaks to allow inbound left turns at the various driveways. Full access should be provided at F Way. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no other mitigation is required.

2012 Conditions - Recommendations

Each of the study intersections will operate at acceptable levels of service. No recommendations are necessary.

Yosemite Blvd (SR 132) will decline to LOS E conditions. Widening Yosemite Blvd (SR 132) is identified as part of the County's Traffic Impact Fee program.

2012 plus Phase 1, Phase 2 & Phase 3 Mitigations

Each of the study intersections will operate at acceptable levels of service. No mitigations are necessary.

Yosemite Blvd (SR 132) will continue to operate at LOS E conditions. Widening Yosemite Blvd (SR 132) is identified as part of the County's Traffic Impact Fee program. The project should pay its fair share of Traffic Impact Fees; therefore, no other mitigation is required.

Geer Road will continue to operate below the County LOS threshold level. No additional mitigations are necessary as TIF fees have already been identified in the Existing scenario.

2030 Conditions - Recommendations

Each of the study intersections will operate at acceptable levels of service except the Geer Road / Fruityard access. This intersection is adjacent to the Yosemite Blvd / Geer Road intersection. Left turn access in and out of the driveway would need to be eliminated in order to improve the level of service at the intersection. This will result in LOS A conditions at the intersection. No other recommendations are necessary.

Geer Road is projected to operate at LOS D conditions in 2030. To operate within County thresholds the County would have to adopt an LOS D threshold for six lane Type C Expressways.

2030 plus Phase 1, Phase 2 & Phase 3 Mitigations

Each of the study intersections except the Geer Road / D Drive intersection will operate at acceptable levels of service. The Geer Drive / D Drive intersection will operate at LOS E in the a.m. peak hour and LOS D in the p.m. and Saturday peak hours. A traffic signal warrant analysis was conducted at each intersection where full access is proposed along both Yosemite Blvd (SR 132) and Geer Road. The analysis showed that no signal warrants are met for any of the study intersections; therefore, no significant impact exists at D Drive as an unwarranted signal may cause additional and unnecessary delays to traffic along Geer Road.

Geer Road is projected to continue to operate at LOS D conditions in 2030. To operate within County thresholds the County would have to adopt an LOS D threshold for six lane Type C Expressways.

No additional mitigations are necessary.

REFERENCES

1. *Stanislaus County General Plan Update to the Circulation Element, April 2006*
2. *STANCOG Bicycle Action Plan, 2001*
3. *STANCOG 2004 DRAFT Regional Transportation Plan*
4. Transportation Research Board, Special Report 209, *Highway Capacity Manual*, 2000
5. California MUTCD, September 2006

APPENDIX

PINNACLE TRAFFIC ENGINEERING
831 C Street
Hollister, California 95023
(831) 638-9260 • (805) 644-9260
PinnacleTE.com

RECEIVED
AUG 24 2016
Stanislaus County - Planning & Community Development Dept.

August 23, 2016

Miguel Galvez, Deputy Director
Stanislaus County
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

RE: The Fruit Yard Project (PLN2015-0130 / SCH#20160072019); Stanislaus County, CA
Supplemental Traffic Analysis Material (STIA) and Response to Comment Letters
Submittal for Caltrans Office of Metropolitan Planning

Dear Mr. Galvez,

Enclosed are two (2) copies of the STIA (Feb 5, 2016) and response to comment letters. The hard copies of the traffic analysis material are provided in response to comments (letter dated July 25, 2016) and direction received from Caltrans staff (Tom Dumas and Eduardo Fuentes). Caltrans requires that any related project material be routed through the County. Please forward the enclosed traffic analysis material to the following address as soon as possible:

Tom Dumas, Chief
Caltrans Office of Metropolitan Planning
P.O. Box 2048
Stockton, CA 95021
(209) 941-1921

Please contact my office or Jim P. Freitas at Associated Engineering Group (209-545-3390) with any questions regarding the Caltrans request.

Pinnacle Traffic Engineering

Larry D. Hail, CE, TE, PTOE
President

REGISTERED PROFESSIONAL ENGINEER
LARRY D. HAIL
No. C 53,279
Exp. 6-30-17
CIVIL
STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
LARRY D. HAIL
No. TR 2,372
Exp. 6-30-18
TRAFFIC
STATE OF CALIFORNIA

ldh:msw
enclosures - STIA and Response to Comment Letters

cc: Jim P. Freitas - Associated Engineering Group, Inc.

The Fruit Yard L03

PINNACLE TRAFFIC ENGINEERING
831 C Street
Hollister, California 95023
(831) 638-9260 • (805) 644-9260
PinnacleTE.com

August 13, 2016

Mr. Jim P. Freitas
Associated Engineering Group, Inc.
4206 Technology Drive, Ste. 4
Modesto, CA 95356

RE: The Fruit Yard Project (PLN2015-0130); Stanislaus County, California
Response to Caltrans Comments

Dear Mr. Freitas,
Pinnacle Traffic Engineering (PTE) has reviewed the comments provided by Caltrans (letter from the Office of Metropolitan Planning dated July 25, 2016). Based on our discussions, the project description should be modified to include the hours of operation and frequency of events at the Amphitheater site. The project description in the Supplemental Traffic Impact Analysis (STIA) prepared by PTE (Feb. 5, 2016) indicates the project includes hosting events or concerts at the outside amphitheater within the existing park site. The majority of events will occur on a weekend day or Holiday, during the months between May and September. Events on weekdays (Monday-Friday) will begin after 7:00 PM and end by 10:30 PM. The STIA provides an evaluation of the potential impacts associated with the Amphitheater project. Comments on the STIA were received from Stanislaus County (Andrew Malizia) and addressed in a "response to comment" letter (April 28, 2016). The Caltrans comments are addressed in the existing traffic analysis material. A copy of the STIA, County comments, and "response to comment" letter are attached. The following is a brief response to the Caltrans comments:

1. Associated Engineering Group (AEG) should address the comments regarding the site design, and construction/closure of driveways on Yosemite Boulevard (SR 132) and Geer Road.

2. a. The STIA provides an evaluation of access at the project site driveways.
   b. A-Drive and B- Drive are existing (there is +/-300 feet between the driveways).
   c. The 2007 TIA identified the potential impacts associated with the Project Development Plan. The project's contribution to the County's Regional Transportation Impact Fee (RTIF) program served as mitigation to reduce the potential impacts to a level of "less than significant." The STIA concluded that events at the amphitheater will not significantly impact operations at the Yosemite Boulevard (SR 132) / Geer Road intersection. However, the amphitheater project could potentially impact operations on segments of Yosemite

Boulevard (SR 132) and Geer Road - Albers Road. Therefore, the project's contribution to the RTIF program will serve as mitigation to reduce the potential impact to a level of "less than significant," which is consistent with the mitigations approved for the Project Development Plan. Information regarding the construction of future roadway widening projects included in the RTIF should be requested from the County.

3. a. An analysis of LOS, vehicle queues, and delay are presented in the STIA and subsequent "response to comment" material prepared for the project.
   b. The Yosemite Boulevard (SR 132) / Geer Road intersection is already signalized.
   c. A SimTraffic micro-simulation model was prepared for the STIA (copy of files and/or the video are available upon request).
   d. The STIA provides an evaluation of access at the project site driveways, including stopping and corner sight distance.
   e. References to the length of left- and right-turns lanes is provided in the STIA.

It is my understanding that the County has completed a review of the project application and does not have any additional questions regarding the Amphitheater event traffic.

Please contact my office with any questions regarding the response to comment material.

Pinnacle Traffic Engineering

Larry D. Hail, CE, TE, PTOE
President

REGISTERED PROFESSIONAL ENGINEER
LARRY D. HAIL
No. C 53,279
Exp. 6-30-17
CIVIL
STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
LARRY D. HAIL
No. TR 2,372
Exp. 6-30-18
TRAFFIC
STATE OF CALIFORNIA

ldh:msw

attachments: Supplemental Traffic Impact Analysis (STIA; Feb. 5, 2016)
County Comments on STIA (April 28, 2016)
Response to Comment Letter (April 14, 2016)

PINNACLE TRAFFIC ENGINEERING
831 C Street
Hollister, California 95023
(831) 638-9260 • (805) 644-9260
PinnacleTE.com

April 28, 2016

Mr. Jim P. Freitas
Associated Engineering Group, Inc.
4206 Technology Drive, Ste. 4
Modesto, CA 95356

RE: The Fruit Yard Project; Stanislaus County, California
Supplemental Traffic Impact Analysis (TIA) - Response to County Comments

Dear Mr. Freitas,

Pinnacle Traffic Engineering (PTE) has reviewed the comments provided by Andrew Malizia at Stanislaus County (email dated April 14, 2016). The Supplemental Traffic Impact Analysis (TIA) was reviewed and the specific comments were discussed with Andrew. The following is a brief response for each comment received from Stanislaus County:

1. The Supplemental TIA presents a focused analysis of the existing plus approved uses plus the amphitheater project conditions at Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection. As stated in the report (Page 19), the analysis presents a "worst" case scenario assuming that the amphitheater traffic could arrive before 6:00 PM. However, the proposed Transportation Demand Management (TDM) measures are designed to avoid generating any amphitheater traffic before 6:00 PM (e.g. a concert on a Friday would start at 7:00 PM or later). Based on my discussion with Andrew, I took a quick look at the "levels of service" (LOS) for the Geer Road / "D" Driveway intersection. I also added the traffic associated with the existing and approved project site uses. The analysis shows that average delays at the "D" Driveway intersection would be in the LOS A range, while delays on the "D" Driveway approach (traffic exiting the site) would be in the LOS D range (26.5 seconds). The delay is only slightly over the LOS C threshold (25.0 seconds). If County staff could provide the hourly directional volumes associated with the average daily traffic (ADT) data used for the initial analysis the peak period volumes could be adjusted to reflect the 6:00 to 7:00 PM period.

2. As indicated in the Supplemental TIA report (Page 24), the existing pavement width on Geer Road adjacent to "D" Driveway is sufficient to stripe a short northbound left turn lane. Therefore, the SimTraffic modeling included a short left turn lane on the approach to the "D" Driveway. The 95th percentile queue for the northbound left turn is estimated at 2.6 vehicles (approximately 65').

3. The peak hour factor (PHF) for the amphitheater traffic movements at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road and Geer Road / "D" Driveway intersections were reduced to 0.75, which means all arriving traffic would enter within 45-minute period. Average delays at both intersections would still be within the LOS C range (see attached LOS worksheets). The percent heavy vehicles were also increased to 10% for the N-S and E-W movements along Geer Road and Yosemite Boulevard (SR 132), respectively. The LOS analysis referred under the previous responses was performed using the adjusted PHF and percent heavy vehicles. I've uploaded a new SimTraffic video to my DropBox folder (link provided below):

   (https://www.dropbox.com/s/3i7oounbiounsr1/Ex%20%2B%20App%20%2B%20Amph%20%28Inbound%29%20PM%20-%20Friday%20-%20SimTraffic%20-%20PTE%204-28-16%20Adjusted%20PHF.wmv?dl=0)

4. Input signal timing parameters for the Synchro 8 software include a 4 second "minimum initial", 3.5 second "yellow" clearance, and a 0.5 second "on-red" clearance. The "Phase Duration" (G + Y + Rc) is a calculated value produced by the software.

It is my understanding that Associated Engineering Group will investigate the possibilities of striping an exclusive left turn lane on the northbound approach of Geer Road at the "D" Driveway. In addition, the remaining County comments are to be addressed by the project team.

Please contact my office with any questions regarding the response to comment material.

Pinnacle Traffic Engineering

Larry D. Hail, CE, TE, PTOE
President

REGISTERED PROFESSIONAL ENGINEER
LARRY D. HAIL
No. C 53,279
Exp. 6-30-17
CIVIL
STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
LARRY D. HAIL
No. TR 2,372
Exp. 6-30-16
TRAFFIC
STATE OF CALIFORNIA

ldh:msw

attachments - Synchro 8 LOS Worksheets

Intersection	
Int Delay, s/veh	2.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	8	21	313	636	689	222
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	100	-	-	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	75	92	92	75
Heavy Vehicles, %	0	0	0	10	10	0
Mvmt Flow	9	23	417	691	749	296

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	2275	749	749	0	-	0
Stage 1	749	-	-	-	-	-
Stage 2	1526	-	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	45	415	869	-	-	-
Stage 1	471	-	-	-	-	-
Stage 2	200	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	23	415	869	-	-	-
Mov Cap-2 Maneuver	84	-	-	-	-	-
Stage 1	471	-	-	-	-	-
Stage 2	104	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	26.5	4.9	0
HCM LOS	D		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	869	-	199	-	-
HCM Lane V/C Ratio	0.48	-	0.158	-	-
HCM Control Delay (s)	12.9	-	26.5	-	-
HCM Lane LOS	B	-	D	-	-
HCM 95th %tile Q(veh)	2.6	-	0.6	-	-

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	69	266	78	207	328	64	55	423	166	101	626	134
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1756	1900	1863	1745	1900	1863	1727	1863	1863	1750	1900
Adj Flow Rate, veh/h	75	289	85	276	437	70	60	460	180	110	835	179
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.92	0.92	0.92	0.75	0.75	0.92	0.92	0.92	0.92	0.92	0.75	0.75
Percent Heavy Veh, %	2	10	10	2	10	10	2	10	2	2	10	10
Cap, veh/h	97	405	117	319	813	129	77	1301	627	140	1177	252
Arrive On Green	0.05	0.16	0.16	0.18	0.28	0.28	0.04	0.40	0.40	0.08	0.43	0.43
Sat Flow, veh/h	1774	2556	738	1774	2866	456	1774	3282	1583	1774	2725	584
Grp Volume(v), veh/h	75	187	187	276	252	255	60	460	180	110	509	505
Grp Sat Flow(s),veh/h/ln	1774	1668	1626	1774	1658	1664	1774	1641	1583	1774	1662	1647
Q Serve(g_s), s	3.6	9.1	9.4	13.0	11.0	11.1	2.9	8.4	6.6	5.2	21.5	21.5
Cycle Q Clear(g_c), s	3.6	9.1	9.4	13.0	11.0	11.1	2.9	8.4	6.6	5.2	21.5	21.5
Prop In Lane	1.00		0.45	1.00		0.27	1.00		1.00	1.00		0.35
Lane Grp Cap(c), veh/h	97	264	258	319	470	472	77	1301	627	140	718	711
V/C Ratio(X)	0.78	0.71	0.73	0.87	0.54	0.54	0.78	0.35	0.29	0.78	0.71	0.71
Avail Cap(c_a), veh/h	186	311	303	455	560	563	186	1301	627	248	718	711
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	40.0	34.2	34.3	34.2	26.0	26.0	40.6	18.2	17.6	38.8	20.0	20.0
Incr Delay (d2), s/veh	12.4	5.9	7.0	11.7	0.9	1.0	15.3	0.8	1.1	9.2	5.9	5.9
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.1	4.6	4.7	7.4	5.2	5.2	1.7	4.0	3.1	2.9	10.9	10.8
LnGrp Delay(d),s/veh	52.4	40.1	41.4	45.9	26.9	27.0	55.9	18.9	18.8	48.0	25.8	25.9
LnGrp LOS	D	D	D	D	C	C	E	B	B	D	C	C
Approach Vol, veh/h		449			783			700			1124	
Approach Delay, s/veh		42.7			33.6			22.1			28.0	
Approach LOS		D			C			C			C	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	10.8	38.0	19.4	17.6	7.7	41.1	8.7	28.3
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	12.0	34.0	22.0	16.0	9.0	37.0	9.0	29.0
Max Q Clear Time (g_c+I1), s	7.2	10.4	15.0	11.4	4.9	23.5	5.6	13.1
Green Ext Time (p_c), s	0.1	12.0	0.5	2.2	0.0	8.4	0.0	5.0

Intersection Summary	
HCM 2010 Ctrl Delay	30.2
HCM 2010 LOS	C

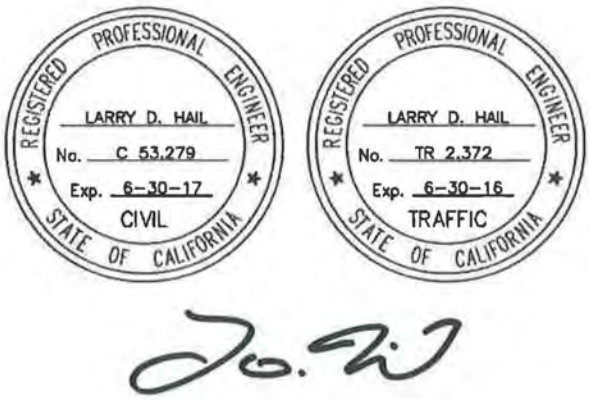
THE FRUIT YARD PROJECT

- Stanislaus County -

- Supplemental -
Traffic Impact Analysis

Prepared for:

ASSOCIATED ENGINEERING GROUP, INC.
4206 Technology Drive, Suite 4
Modesto, CA 95356



Larry D. Hail, CE, TE, PTOE
PINNACLE TRAFFIC ENGINEERING
831 C Street
Hollister, CA 95023
(831) 638-9260 • (805) 644-9260
PinnacleTE.com

February 5, 2016

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

APPENDIX MATERIAL

- Summary of Traffic Count Data
- New Traffic Count Data
- Level of Service (LOS) Descriptions
- Level of Service (LOS) to Vehicle Delays Relationship Data
- Level of Service (LOS) Worksheets

1.0 INTRODUCTION

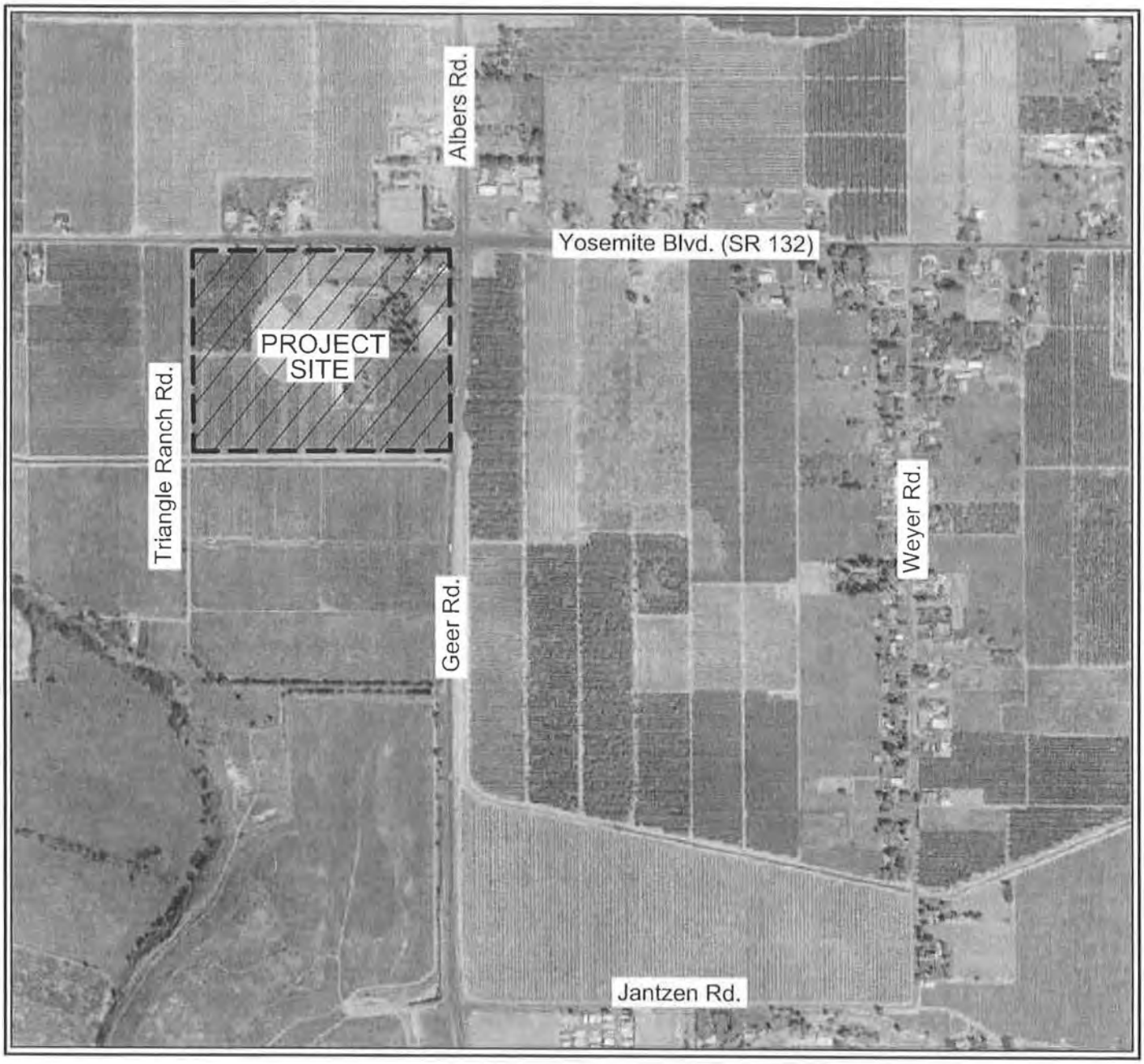
The Supplemental Traffic Impact Analysis (TIA) presents an evaluation of the potential impacts associated with the proposed modification (by Use Permit) to the previously approved General Plan Amendment (No. 2007-03) and Rezoning Application (No. 2007-03). The existing project site is located in the unincorporated area about 4 miles east of the City of Modesto (7948 Yosemite Boulevard). The site is comprised of approximately 45 acres and includes various commercial related uses (i.e. restaurant and lounge, produce market, service station facilities, park site, etc). Project access is currently provided via multiple driveways on the south side of Yosemite Boulevard (State Route 132) and west side of Geer Road. The general location of the project site is shown on Figure 1.

The General Plan Amendment and Rezoning Application were approved in 2008 (Mitigated Negative Declaration). The Project Development Plan approved in 2008 included a new banquet center, a recreational vehicle (RV) / boat storage facility, a RV park, a fruit packing / warehouse facility, a site for retail tractor sales, and additional retail space. In addition, the plan included relocating the existing service station facilities to accommodate the new development components. Hosting outdoor events at the existing park site was also approved. An evaluation of the potential impacts associated with the General Plan Amendment and Rezoning Application project was presented in the TIA prepared by KD Anderson & Associates (Dec. 6, 2007).

The proposed modification to the approved development plan includes the addition of an outside amphitheater within the existing park site. The amphitheater will host events or concerts and have a capacity to accommodate a maximum of 3,500 guests. The majority of events will occur on a weekend or Holiday. All parking associated with the amphitheater operations will be accommodated on-site. On-site circulation will be provided via a paved road, with access to Yosemite Boulevard (State Route 132) and Geer Road provided via existing and/or future driveway connections.

The scope of the Supplemental TIA was based on a review of the project material and subsequent discussions with the project team. The analysis presents an evaluation of the potential impacts associated with a capacity size event at the amphitheater (3,500 guests). An evaluation of traffic operations at the Yosemite Boulevard (State Route 132) / Geer Road intersection is presented for the following study periods:

- Average Weekday Afternoon (PM) Peak Commuter Period (4:00-6:00 PM)
- Average Weekday Evening Period (10:00-11:00 PM)
- Friday Afternoon (PM) Peak Commuter Period (4:00-6:00 PM)
- Friday Evening Period (10:00-11:00 PM)
- Saturday Mid-Day (MD) Peak Period (1:00-3:00 PM)
- Saturday Evening Period (10:00-11:00 PM)



LEGEND

= Project Site

NORTH

PINNACLE TRAFFIC ENGINEERING

The Fruit Yard
- Supplemental TIA -

FIGURE 1
PROJECT LOCATION MAP

The evaluation of potential project impacts on near-term traffic operations focuses on the analysis of the following scenarios:

- Existing Traffic Conditions
- Existing Plus Approved Project Site Uses Traffic Conditions
- Existing Plus Approved Project Site Uses Plus Amphitheater Event Traffic Conditions

The Supplemental TIA also presents a review of project access and addresses concerns raised by residences regarding additional traffic on Weyer Road. Information in the following reference documents was reviewed during the course of conducting the supplemental analysis:

- Stanislaus County Regional Transportation Plan (RTP) - StanCOG (2014)
- Stanislaus County Recommended Final Capital Improvement Plan (2013)
- Stanislaus County Congestion Management Plan (CMP) - StanCOG (2009)
- The Fruit Yard Traffic Impact Analysis- KD Anderson & Associates (2007)
- Stanislaus County General Plan Circulation Element (2006)
- Stanislaus County General Plan Circulation Support Documentation

2.0 EXISTING CONDITIONS

The roadway network serving the project site includes Yosemite Boulevard (State Route 132), Geer Road and Albers Road. The following is a brief description of the network and an evaluation of existing traffic operations.

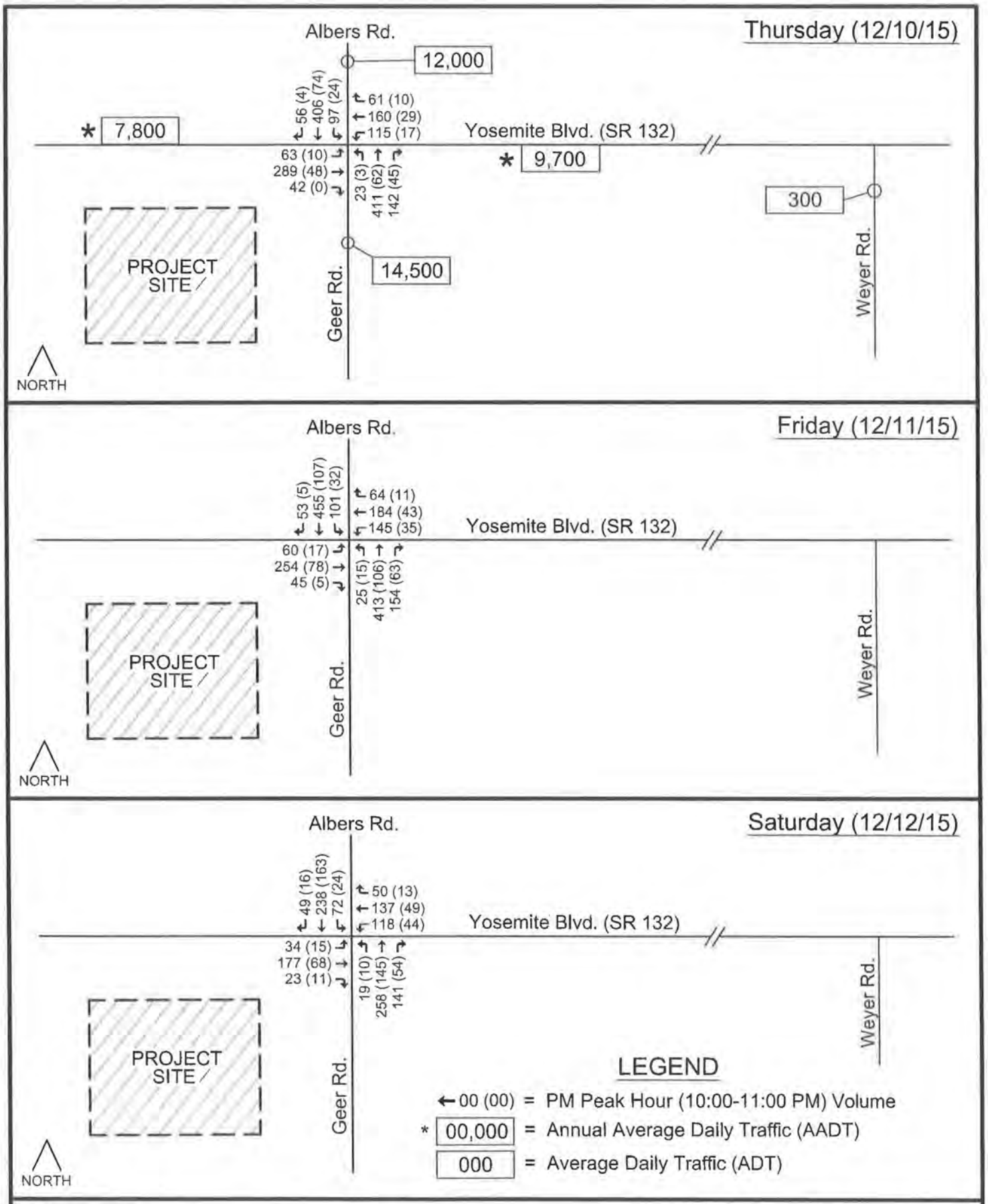
Network Description

Yosemite Boulevard (State Route 132) is a principal east-west route extending east from the City of Modesto and passing through Empire, Waterford and La Grange. State Route (SR) 132 also serves as a principal east-west route between I-580 and SR 99 in the City of Modesto. Yosemite Boulevard (SR 132) between Modesto and Waterford is classified as a Class C Expressway. The majority of Yosemite Boulevard (SR 132) east of Modesto has a single lane in each direction, with a 55 miles per hour (mph) speed limit. The Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection is signalized. The sections (+/-500') of Yosemite Boulevard (SR 132) east and west of Geer Road - Albers Road have been improved, and have 2 lanes in each direction with left turn lane channelization. Two-to-one lane transition tapers are provided for east and westbound traffic adjacent to the project site.

Geer Road and Albers Road is a principal north-south route between the City of Turlock and City of Oakdale. Geer Road and Albers Road are both classified as a Class C Expressway. The majority of Geer Road and Albers Road between Turlock and Oakdale have a single lane in each direction, with a 55 mph speed limit. The sections (+/-400') of Geer Road and Albers Road north and south of Yosemite Boulevard (SR 132) have been improved, and have 2 lanes in each direction with left turn lane channelization. Two-to-one lane transition tapers are provided for north and southbound traffic adjacent to the project site.

Traffic Volumes

To document existing conditions at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection, new turning movement traffic count data was collected for the six (6) study periods. Daily traffic volume data was referenced from the Caltrans website and obtained from Stanislaus County. At the request of the project applicant, new 24-hour traffic count data was also collected for a 7-day period on Weyer Road south of Yosemite Boulevard (SR 132). The existing traffic volumes are illustrated on Figure 2. A summary of the new traffic count data and a comparison of the hourly volumes (PM peak hour vs. 10:00-11:00 PM) is provided in the Appendix. Copies of the new traffic count data are also included in the Appendix.



PINNACLE TRAFFIC ENGINEERING

The Fruit Yard
- Supplemental TIA -

FIGURE 2
EXISTING
TRAFFIC VOLUMES

Level of Service Operational Analysis

Various "level of service" (LOS) methodologies are used to evaluate traffic operations. Operating conditions range from LOS "A" (free-flowing) to LOS "F" (forced-flow). Overall daily operations and LOS values for roadway segments can be estimated by comparing average daily traffic (ADT) volume data with standard or accepted twenty-four (24) hour ADT threshold criteria. Stanislaus County has established the LOS C threshold as the lower limit for acceptable traffic operations. The Caltrans traffic study guidelines (Guide for the Preparation of Traffic Impact Studies, Dec. 2002) state, Caltrans endeavors to maintain a target LOS at the transition between LOS C and D on State highway facilities. A brief description of the LOS values is included in the Appendix.

The analysis presented in the 2007 TIA for the project site (KD Anderson & Associates) indicated that existing daily volumes on Yosemite Boulevard (adjacent to the project) were in LOS C range, while daily volumes on Geer Road (adjacent to the project site) were in the LOS E range. Daily traffic volumes on Yosemite Boulevard (SR 132) and Geer Road have remained relatively stable since 2007. The traffic analysis prepared for the County's General Plan Circulation Element utilized a "vehicle per lane per hour" (vplph) capacity to evaluate roadway segment LOS (1,000 vplph). The volume-to-capacity (V/C) ratios were then equated to LOS. The peak hour data on Figure 2 (average weekday) was used to estimate the roadway segment LOS adjacent to the project site. The existing roadway segment analysis is presented in Table 1.

Table 1 - Existing Roadway Segment Analysis (Average Weekday)

Roadway Segment	Direction	Volume	V/C Ratio	LOS (a)
Yosemite Blvd. (SR 132) w/o Geer Rd. - Albers Rd.	EB WB	394 239	0.39 0.24	D (B) C (A)
Yosemite Blvd. (SR 132) e/o Geer Rd. - Albers Rd.	EB WB	528 336	0.53 0.34	D (C) C (B)
Geer Rd. s/o Yosemite Blvd (SR 132)	NB SB	576 563	0.58 0.56	D (C) D (C)
Albers Rd. n/o Yosemite Blvd (SR 132)	NB SB	535 559	0.54 0.56	D (C) D (C)

(a) LOS for a 2-lane major roadway (LOS for 4-lane major roadway in parenthesis)

The roadway segment analysis indicates that existing segment volumes on Yosemite Boulevard (SR 132) are within acceptable limits as defined by Caltrans (LOS D or better). However, hourly directional volumes on the 2-lane segments of Geer Road and Albers Road exceed the County's defined threshold (LOS C or better). It is noted that the hourly volumes on the 4-lane segments of Geer Road (adjacent to the project site) and Albers Road (north of Yosemite Boulevard) are within the County's LOS C standard. It should also be noted that average daily traffic volumes on Weyer Road south of Yosemite Boulevard (300 ADT) are well within acceptable limits.

The LOS values for intersection operations are evaluated using estimated vehicle "control" delay (number of seconds per vehicle). Vehicle delays and LOS are reported for the overall intersection operations as an "average." During peak commuter periods, operations can be constrained at local intersections. Therefore, an analysis of peak hour operations is a good method for evaluating existing and/or future conditions, and the potential impact associated with a specific project. A copy of the vehicle delay-to-LOS relationship data is included with the Appendix Material.

The Synchro 8 software was used to evaluate the peak hour operations at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection. Methodologies in the 2010 Highway Capacity Manual (HCM) were used for the peak hour intersection LOS analysis. It is noted that since the amphitheater will have some events or concerts that will end after 10:00 PM the analysis of existing conditions includes an evaluation of the 10:00 to 11:00 PM period. The results of the existing intersection LOS analysis are presented in Table 2. Copies of the LOS worksheets are included in the Appendix Material.

Table 2 - Existing Intersection LOS Analysis

Study Period	Average Delay - LOS Value
Thursday:	
PM Peak Hour -	21.9 - C
10:00 to 11:00 PM -	16.6 - B
Friday:	
PM Peak Hour -	21.7 - C
10:00 to 11:00 PM -	18.2 - B
Saturday:	
Mid-Day Peak Hour -	19.4 - B
10:00 to 11:00 PM -	15.3 - B

The data in Table 2 indicates that average vehicle delays during the six (6) study periods are within acceptable limits as defined by the County (LOS C or better) and Caltrans (LOS C/D).

Vehicle Speeds

A sampling of vehicle speeds was recorded on Yosemite Boulevard (SR 132) and Geer Road adjacent to the project site. Eastbound speeds on Yosemite Boulevard (SR 132) and northbound speeds on Geer Road were approximately 56-58 mph. Westbound speeds on Yosemite Boulevard (SR 132) and southbound speeds on Geer Road were slightly less since vehicles were coming from the signalized Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection.

3.0 PROJECT CONDITIONS

The following is a description of the project and proposed modification, an estimate of the project site trip generation quantities for the approved uses and amphitheater component, an assignment of the project site trips to the adjacent street system, and an evaluation of the potential project (amphitheater) impacts on existing operations. The analysis of potential project (amphitheater) impacts assumes the development of all approved uses on the project site.

Description

As previously stated, a General Plan Amendment and Rezoning Application were approved in 2008. The approved development plan included a relocation of the existing service and card-lock service station facilities and the construction of various new commercial related uses (i.e. new banquet center, a RV / boat storage facility, a RV park, a fruit packing / warehouse facility, a site for retail tractor sales, and additional retail space). A summary of the existing and approved project site uses is presented in Table 3. It is noted that the floor areas for the retail tractor sales site and fruit packing / warehouse facility are based on the square footages analyzed in the 2007 TIA (KD Anderson & Associates). A copy of the 2008 Project Development Plan is provided on Figure 3A.

Table 3 - Existing and Approved Project Site Uses

Existing Uses		Approved Uses	
Restaurant (a)	8,000 SF	Banquet Center	9,000 SF
Produce / Fruit Market (a)	5,000 SF	New Retail Space	3,000 SF
Service Station (b)	4 Pumps	RV / Boat Storage	322 Spaces
	(8 Fueling Pos.)	RV Camping Park	66 Sites
Card-Lock Service Station (c)	3 Pumps	Retail Tractor Sales	10,000 SF
	(6 Fueling Pos.)	Fruit Packing / Warehouse	35,000 SF

(a) Existing project site use to remain
(b) Existing service sta. to be relocated (new site will have 6 pumps with 12 fueling positions)
(c) Exist. card-lock station to be relocated (new site will have 3 pumps & conv. market)

The proposed project site modification includes the addition of an outside amphitheater within the existing park site (west of the pond). The amphitheater will host events or concerts and have a capacity to accommodate a maximum of 3,500 guests. The majority of events will occur on a weekend or Holiday, between May and September (especially capacity size events or concerts). Events on weekdays (Monday-Friday) will begin after 7:00 PM and end by 10:30 PM. Parking for amphitheater guests will be accommodated on-site in various surface lots. On-site parking will be provided for 1,167 vehicles (plus 135 overflow spaces). On-site circulation will be provided via a paved road (covered under previous approval), with initial access provided via two (2) driveways on Yosemite Boulevard ("A" Drive and "B" Drive) and one (1) driveway on Geer Road ("D" Drive). Future access may also be provided via Triangle Ranch Road and "F" Way. A copy of the Park Site Development Plan (Amphitheater) is provided on Figure 3B.

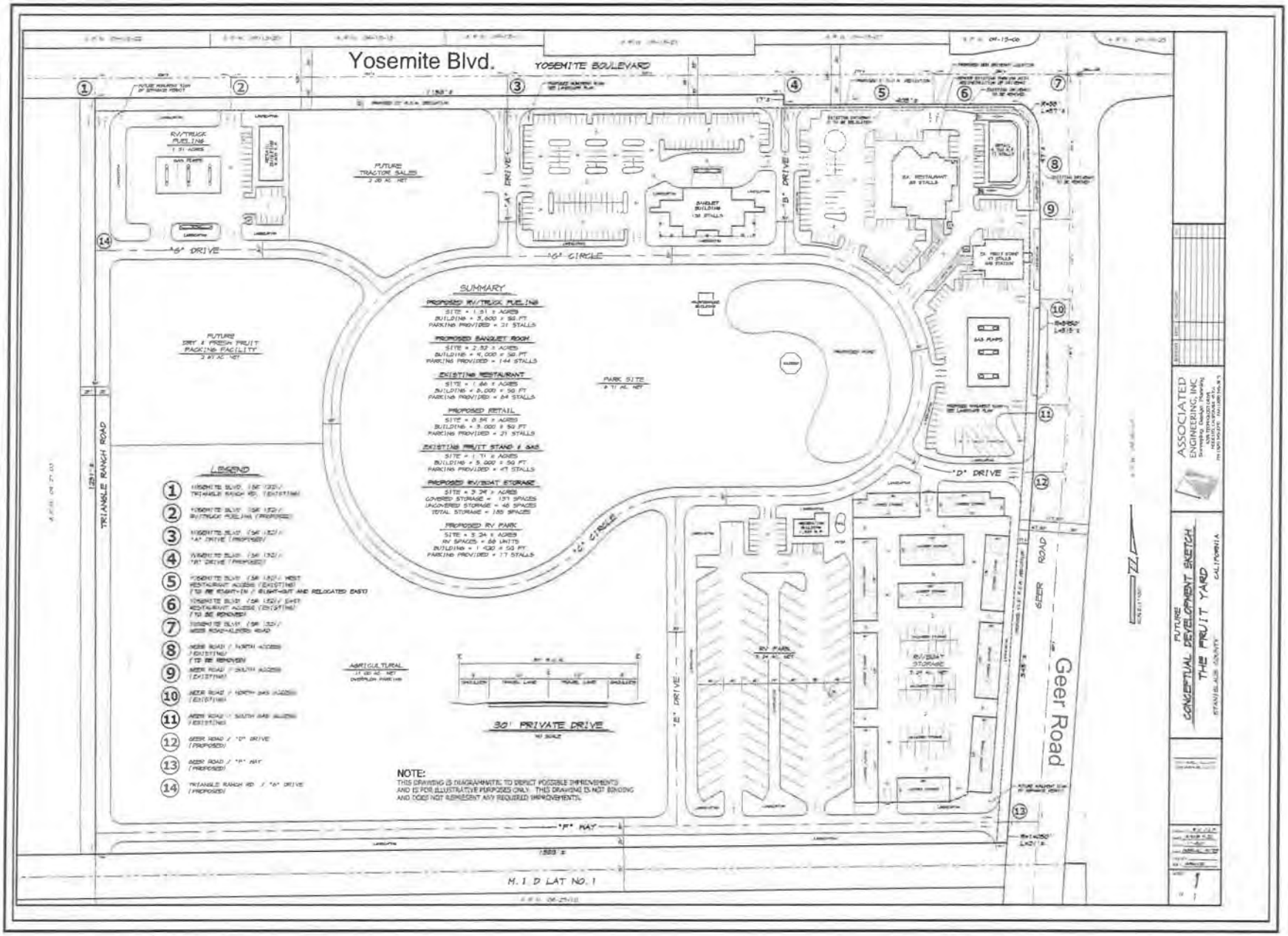
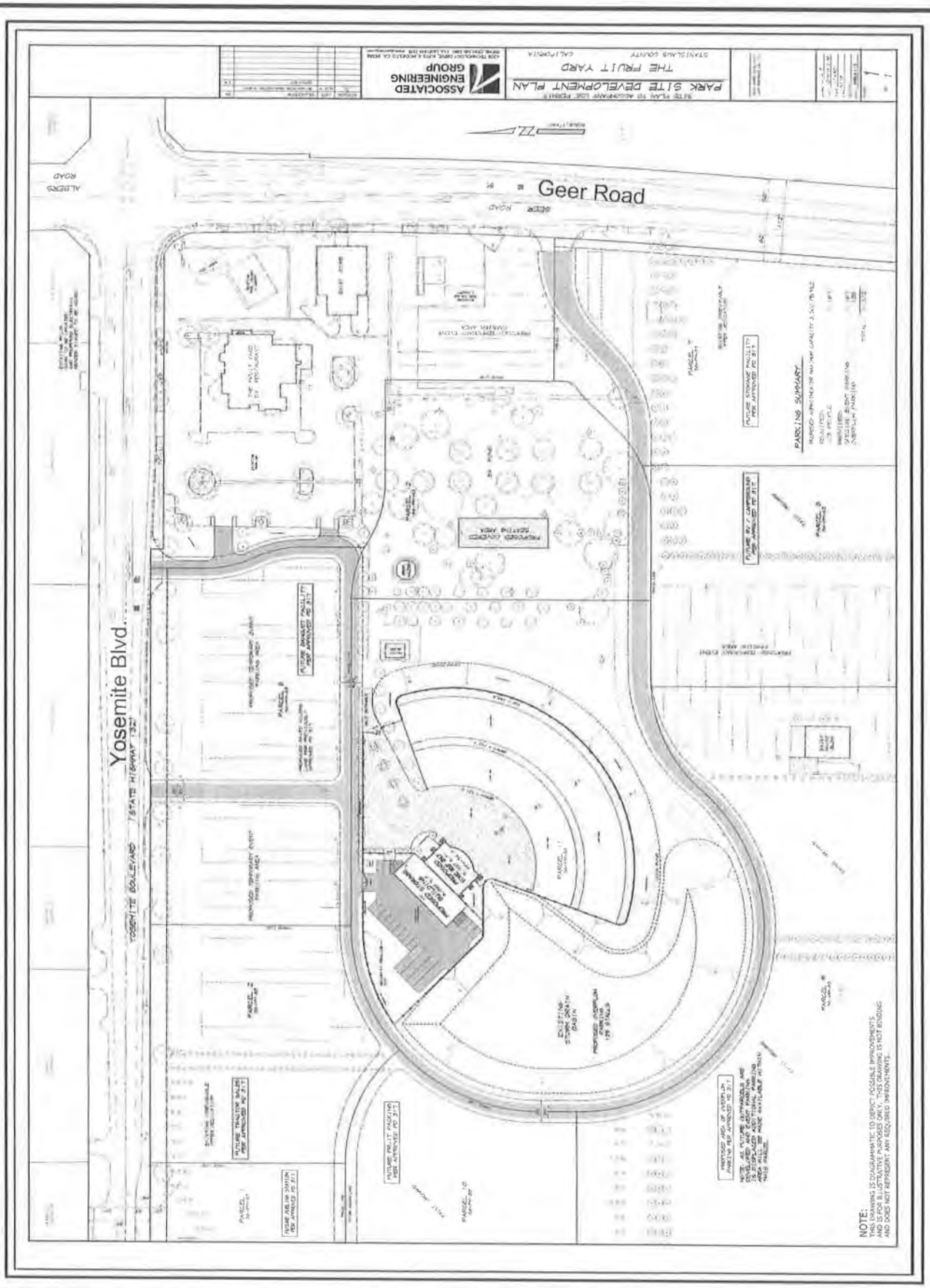


FIGURE 3A
APPROVED
DEVELOPMENT PLAN

The Fruit Yard
- Supplemental TIA -

PINNACLE
TRAFFIC
ENGINEERING



PINNACLE TRAFFIC ENGINEERING

The Fruit Yard
- Supplemental TIA -

FIGURE 3B
PARK SITE
DEVELOPMENT PLAN

Project Site Trip Generation Estimates

Trip generation rate data in the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition) and a Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (San Diego Association of Governments, SANDAG) was used to estimate the number of vehicle trips associated with the existing and approved project site uses. The applicable trip generation rates are presented in Table 4.

Table 4 - Applicable ITE Trip Generation Rates

Land Use Category	Trip Generation Rate					
	Weekday			Weekend Day		
	PM Peak Hour		Daily	Mid-Day Peak Hour		Daily
	In	Out		In	Out	
ITE #150 - Warehousing (a)	0.08	0.24	3.56	0.08	0.05	1.23
ITE #151 - Mini Warehouse Storage (b)	0.01	0.01	0.25	0.02	0.02	0.22
ITE #416 - Campground / RV Park (c & e)	0.18	0.09	4.00	0.27	0.14	6.00
ITE #826 - Specialty Retail Uses (a & f)	1.19	1.52	44.32	1.36	1.36	42.04
ITE #841 - Automobile Sales (a)	1.05	1.57	32.30	2.01	2.01	29.74
ITE #931 - Quality Restaurant (a)	5.02	2.47	89.95	6.38	4.44	94.36
ITE #944 - Service Station (d & g)	6.94	6.93	168.56	6.94	6.93	168.56
ITE #945 - Serv. Sta. w/ Conv. Market (d & g)	6.76	6.75	162.78	6.76	6.75	162.78

(a) Number of vehicle trips per 1,000 SF
(b) Number of vehicle trips per storage unit / space
(c) Number of vehicle trips per camping (RV) site - weekday daily rate based on SANDAG rates
(d) Number of vehicle trips per fueling position (2 fueling positions per pump)
(e) Weekend day rates assumed to be 1.5 times weekday rates
(f) Weekend mid-day peak rate assumed to be same as weekday PM peak rate (50% in / 50% out)
(g) Weekend day rates assumed to be same as weekday rates (daily and peak hour)

To the quantify the trips associated with the project site, the trip generation estimates were derived for both the existing and approved project site uses (to represent base-line existing conditions). The "specialty retail" category (ITE #826) rates were used to estimate the number of trips associated with the existing produce market / fruit stand. It is noted that the trip rates associated with the "service station with convenience market" category (ITE #945) are slightly lower than the standard "service station" (ITE #944) rates. Therefore, the standard service station rates were used to estimate the trip generation associated with the existing card-lock service station (relocated facility will also have a convenience market). As previously noted, the floor areas associated with the retail tractor sales site and fruit packing / warehouse facility are based on the square footages analyzed in the 2007 TIA. In a similar manner, the trip generation estimates associated with the banquet center are also based on the estimates analyzed in the 2007 TIA (number of trips based on number of parking spaces). It was assumed that an event at the banquet center could start around

6:00 PM on an average weekday, and therefore, guests would arrive during the PM peak hour. Guests attending a banquet would then exit the project site between 10:00 PM and 12:00 Midnight.

Information in the ITE Trip Generation Handbook demonstrates that a significant portion of the retail related trips will be pass-by and/or diverted link type trips coming from traffic already on the adjacent street system. The Caltrans traffic study methodologies allow a 15% trip reduction for pass-by traffic and a 5% reduction for captured trips (typically internal trips between uses). The trip generation estimates associated with the existing and approved project site uses are presented in Table 5.

Table 5 - Project Site Uses Trip Generation Estimates

Project Site Component	Number of Vehicle Trips					
	Weekday			Weekend Day		
	PM Peak Hour		Daily	Mid-Day Peak Hour		Daily
	In	Out		In	Out	
Existing Project Site Uses:						
Restaurant - 8,000 SF	40	20	720	51	36	754
Produce Market / Fruit Stand - 5,000 SF	6	8	222	7	7	210
Service Station - 8 Fueling Positions	56	55	1,348	56	55	1,348
Card-Lock Service Sta. - 6 Fueling Pos. (a)	42	42	1,012	42	42	1,012
Existing Uses Sub-Totals:	144	125	3,302	156	140	3,324
(-20% Pass-by & Internal Trip Reduction)	(-21)	(-21)	(-516)	(-21)	(-21)	(-514)
Approved Project Site Uses:						
Banquet Facility - 9,000 SF (b)	144	0	288	72	72	144
New Retail Space - 3,000 SF	4	5	134	4	4	126
RV / Boat Storage - 322 Spaces	3	3	80	6	6	70
RV Camping Park - 66 Site / Spaces	12	6	264	18	9	396
Retail Tractor Sales - 10,000 SF	11	16	324	20	20	298
Fruit Packing / Warehouse - 35,000 SF	3	8	124	3	2	44
Relocated Service Sta. (c)	28	28	674	28	28	674
Approved Uses Sub-Totals:	205	66	1,888	151	141	1,752
(20% Pass-by & Internal Trip Reduction)	(-6)	(-7)	(-162)	(-6)	(-6)	(-160)
Total Project Site Trip Generation:	349	191	5,190	307	281	5,076
External Traffic Demands:	322	163	4,512	280	254	4,402

(a) Relocated card-lock service station will have same number of pump (fueling positions), with a convenience market
(b) Trip generation based on number of parking stalls (referenced from 2007 TIA)
(c) Relocated service station will have 2 additional pumps, with 4 new fueling positions

The data in Table 5 indicates that the existing site uses generate a total of approximately 3,300 vehicle trips on an average weekday and weekend day (two-way trip ends). Development of the approved site will increase the total daily trip generation to approximately 5,100-5,200 ADT. On an average weekday the existing and approved uses are estimated to generate approximately 540 trips during the PM peak hour (349 inbound and 191 outbound). On a typical weekend day, the project site uses (exiting and approved) are estimated to generate 588 trips during the mid-day (MD) peak hour (307 inbound and 281 outbound). It is noted that the mid-day peak hour trip generation estimates for a weekend day represent the "peak hour of generation," which may not be the same period for each project site use. Therefore, the project site trip generation estimates presented in Table 5 may slightly overestimate the actual trip generation.

Information in the Urban Land Institute (ULI) Shared Parking publication indicates that parking demands associated with typical retail uses are about 30% of the peak demand (100%) during the 10:00-11:00 PM period. Therefore, to derive the trip generation estimates for the 10:00-11:00 PM period the peak period demands for the retail uses (restaurant and services station) were multiplied by 0.30 (weekday and weekend day). Though it is not anticipated that the RV / boat storage, RV park or fruit packing / warehouse uses will generate much traffic during the 10:00-11:00 PM period, the peak period demands in Table 5 were also multiplied by 0.30 to present a conservative analysis for the 10:00-11:00 PM period. As previously stated, it was assumed that traffic associated with the banquet center could be exiting the site between 10:00 PM and Midnight. Therefore, on a typical weekday 144 trips could be exiting the site during the 10:00-11:00 PM period (72 trips exiting the site on a weekend day). It is estimated that on an average weekday the existing and approved uses generate approximately 264 trips during the 10:00-11:00 PM period (62 inbound and 202 outbound). On a typical weekend day, the existing and approved project site uses are estimated to generate 207 trips during the 10:00-11:00 PM period (71 inbound and 136 outbound).

The "Approved Project Site Uses" trip generation estimates in Table 5 were based on the 2008 Project Development Plan. The trip generation estimates for the "Approved Project Site Uses" are slightly higher than the trip generation estimates analyzed in the 2007 TIA. Several differences were identified, which included that the 2007 trip generation estimates did not account for the additional fuel pumps associated with one of the relocated service stations.

Existing and Approved Site Uses Traffic Volumes

The trip generation estimates for the existing and approved site uses were assigned to the local street system based a review of existing travel patterns and the distribution percentages used in the 2007 TIA. The distribution of trips associated with the existing uses "to be relocated" (i.e. service station facilities) was performed based on the new locations (refer to the Approved Development Plan - Figure 3A). The trips for each use were assigned to the appropriate driveway(s). The driveways immediately adjacent to the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection were combined with the appropriate left turn restrictions. Approximately 50% of the project site trips were assigned to Yosemite Boulevard (25% west and east of the project site), 30%

were assigned to Geer Road (south of project site) and 20% were assigned to Albers Road (north of Yosemite Boulevard). The project site traffic volumes associated with the existing and approved uses are illustrated on Figures 4A (Weekday) and 4B (Weekend Day). It again is noted that the trips associated with the existing uses to be relocated were assigned to the street system based on the new locations as shown on the approved Project Development Plan.

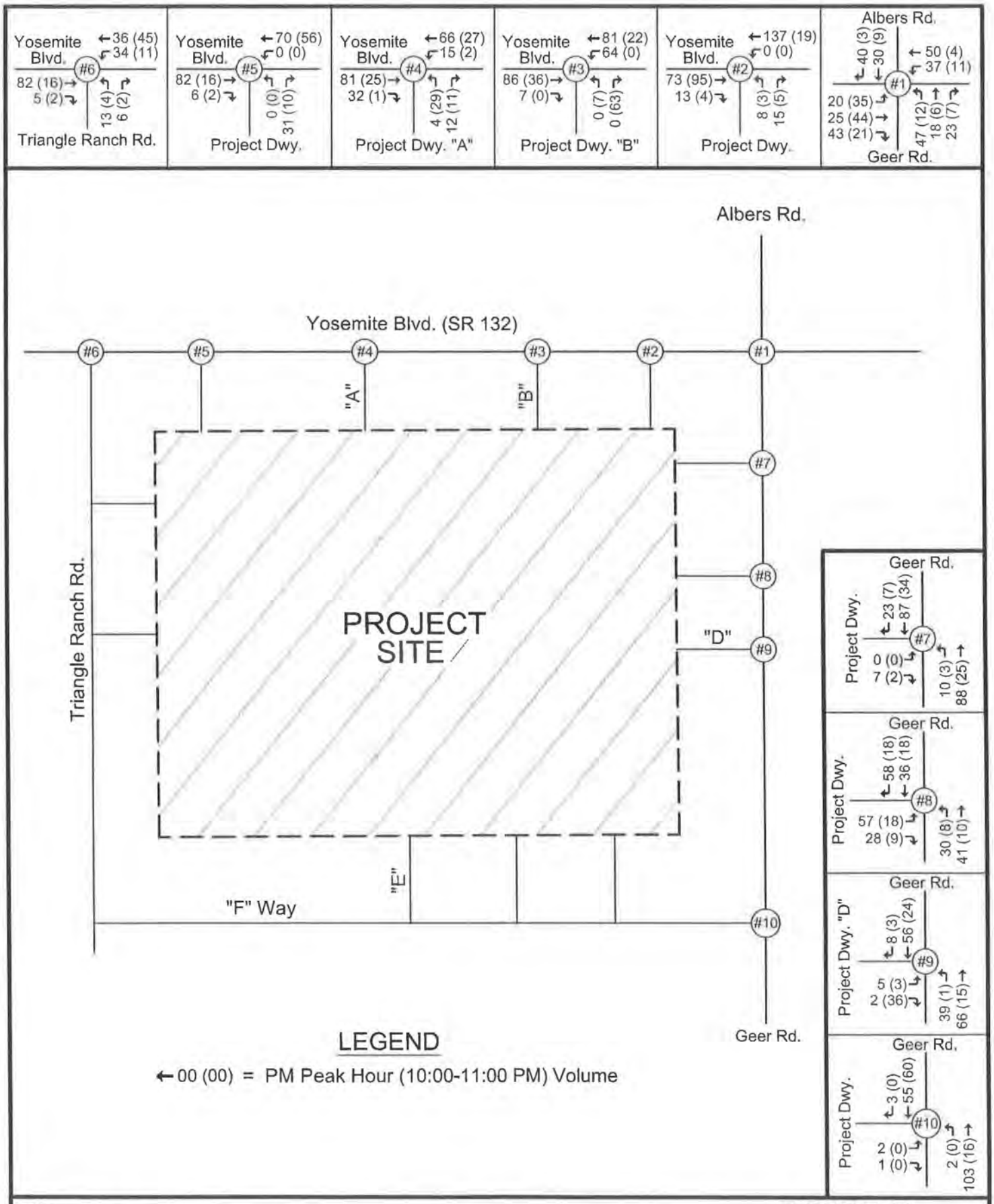
Existing Traffic Volumes Plus Project Site (Existing and Approved Uses) Traffic Volumes

The project site traffic volumes associated with the existing and approved uses were combined with the existing traffic volumes on Figure 2. The existing traffic volumes on Figure 2 were first adjusted the reflect the relocation of the existing site uses "to be relocated" (existing volumes minus the existing service station uses), since the relocated service station and card-lock service station volumes are included in the volumes on Figures 4A and 4B. The existing traffic volumes plus the project site traffic volumes (existing and approved uses) are illustrated on Figure 5.

Amphitheater Trip Generation and Traffic Volumes

As previously described, the proposed project site modification includes the addition of an outside amphitheater with a maximum seating capacity for 3,500 guests. The amphitheater will host events or concerts, with the majority occurring on a weekend or Holiday. Event parking for the amphitheater will be provided on-site for 1,167 vehicles; which is a vehicle occupancy of 3 guest per vehicle (3,500/3). For study purposes, it was assumed that a capacity size event (or concert) at the amphitheater will generate approximately 1,170 vehicles (inbound and outbound). A total of 2,340 vehicle trips (two-way trip ends) will be generated by a capacity size event at the amphitheater. The distribution of trips associated with a capacity size event were assigned to the adjacent street system based on the populations of local communities (Modesto, Empire, Waterford, La Grange, Turlock and Oakdale). Approximately 55% of the amphitheater event trips were assigned to Yosemite Boulevard (40% west of the project site and 15% east of the project site), 25% were assigned to Geer Road (south of project site) and 20% were assigned to Albers Road (north of Yosemite Boulevard). As previously stated, initial access will be provided via "A" Drive and "B" Drive (driveways on Yosemite Boulevard) and "D" Drive (driveway on Geer Road). Future access may also eventually be provided via Triangle Ranch Road and "F" Way. The total amphitheater event traffic volumes are illustrated on Figure 6. It is noted that all inbound trips will occur prior to (before) an event and all outbound trips will occur after an event has concluded, and therefore, inbound and outbound trips will not occur within the same 2-3 hour period.

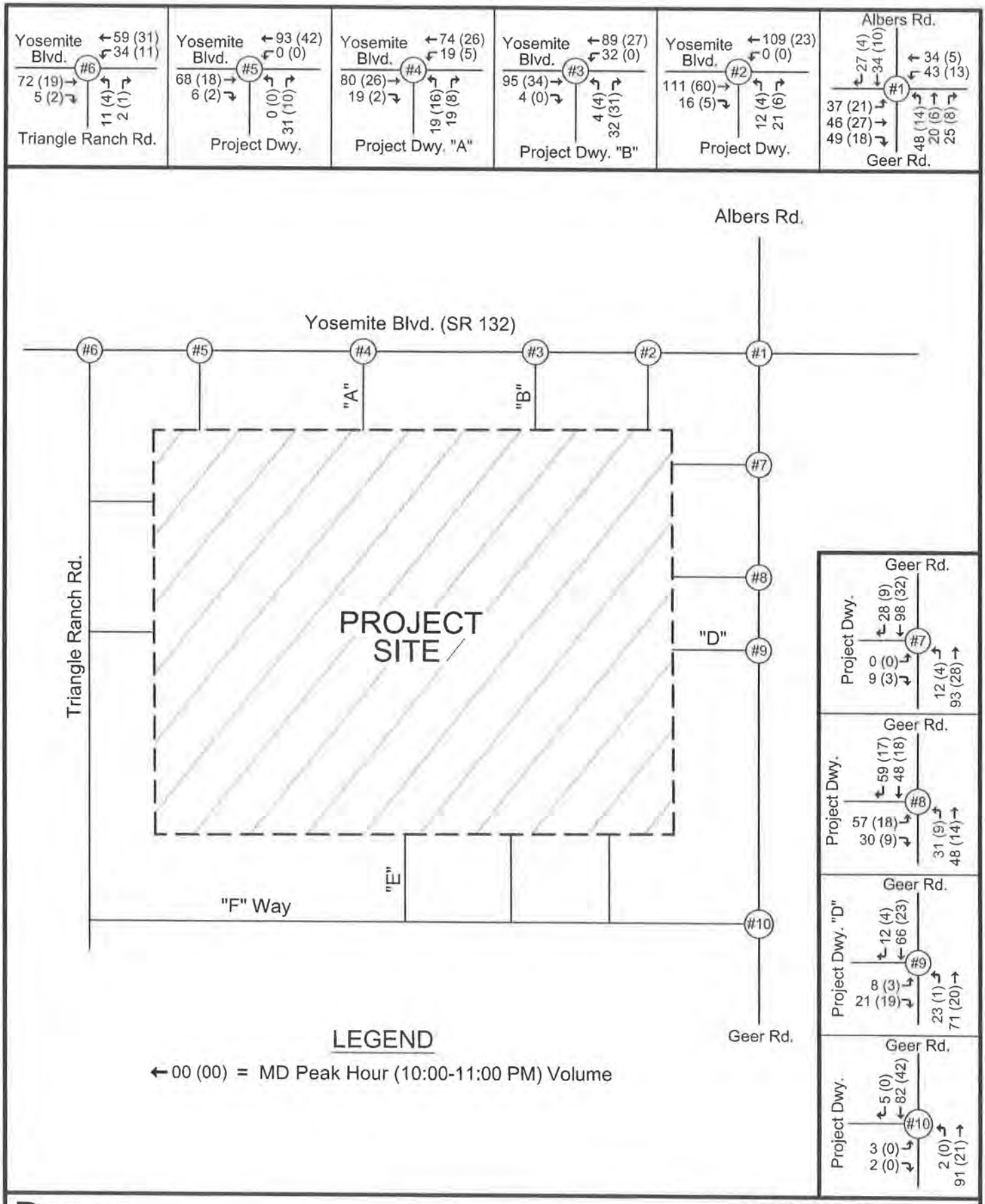
It is anticipated that 90-95% of all guests will be on-site within 15-30 minutes prior to the start of an event. Transportation Demand Management (TDM) strategies will be used in the scheduling of events as required to avoid generating any guest traffic during typical weekday (between 4:00-6:00 PM) and weekend day (between 1:00-3:00 PM) peak periods. In addition, no activities will occur at the new banquet center on the same day as an event at the amphitheater.



PINNACLE TRAFFIC ENGINEERING

The Fruit Yard
- Supplemental TIA -

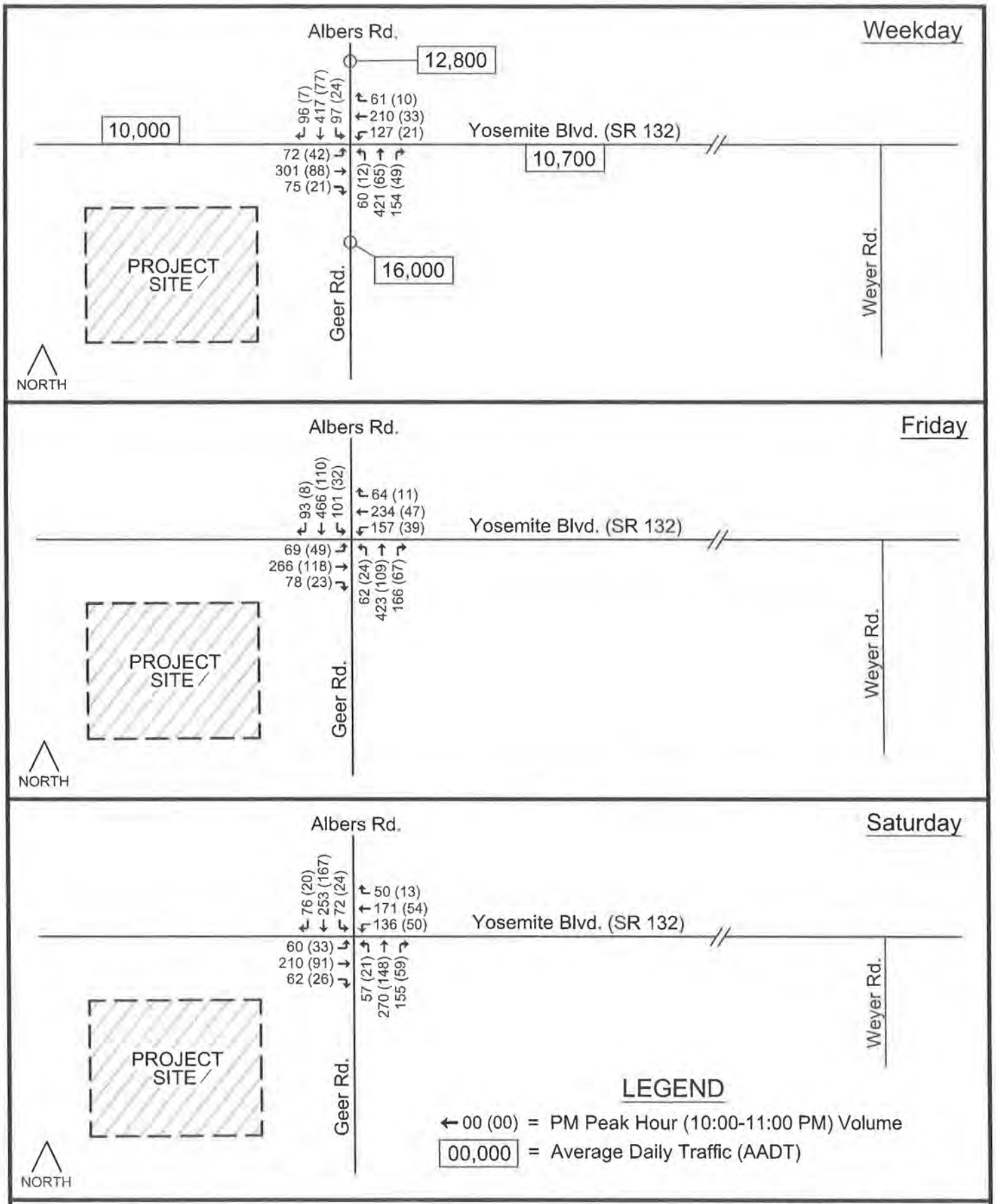
FIGURE 4A
EXISTING AND APPROVED USES WEEKDAY VOLUMES



PINNACLE TRAFFIC ENGINEERING

The Fruit Yard
- Supplemental TIA -

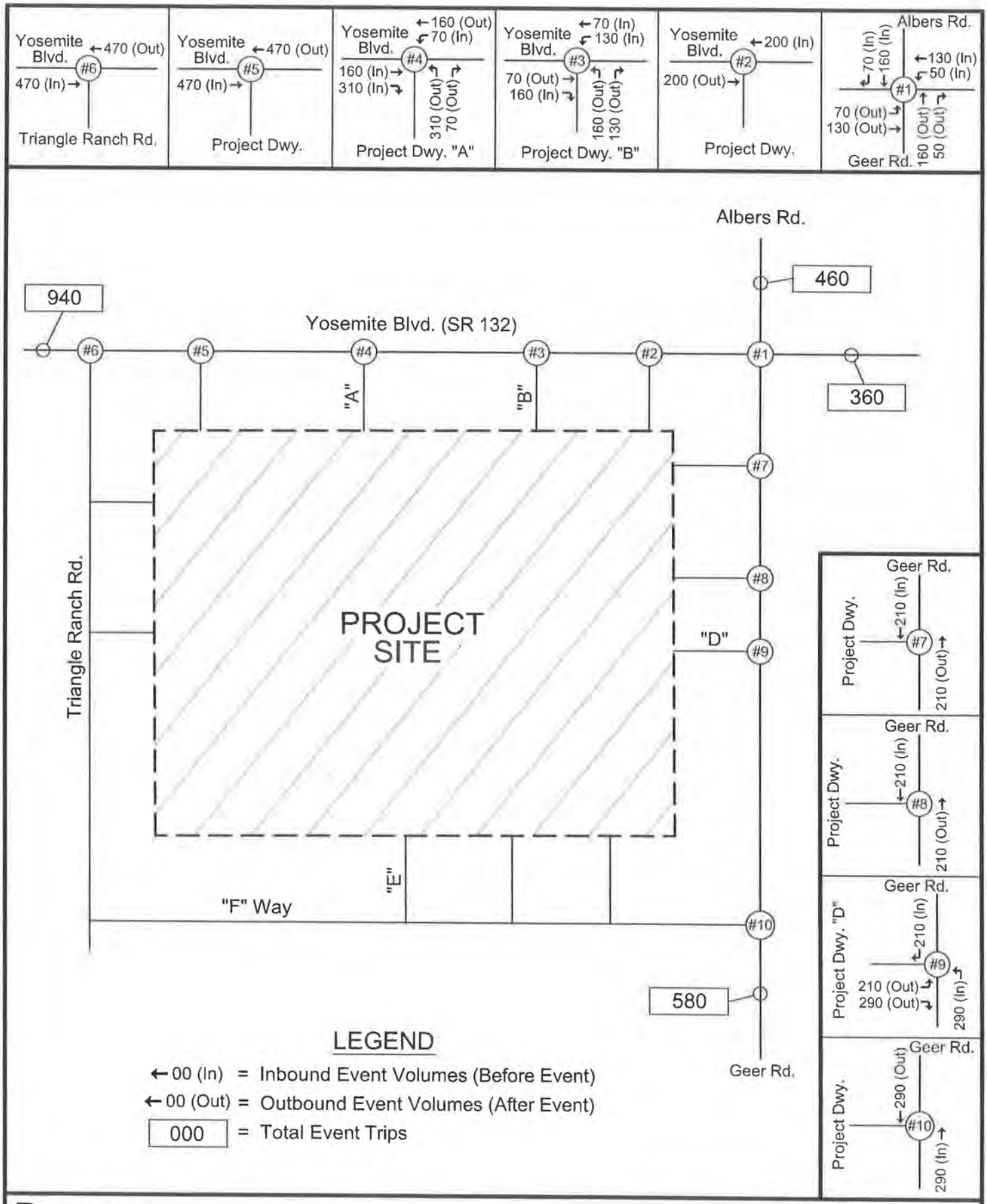
FIGURE 4B
EXISTING AND APPROVED USES WEEKEND DAY VOLUMES



PINNACLE TRAFFIC ENGINEERING

The Fruit Yard
- Supplemental TIA -

FIGURE 5
EXISTING VOLUMES PLUS PROJECT SITE USES TRAFFIC VOLUMES



PINNACLE TRAFFIC ENGINEERING

The Fruit Yard
- Supplemental TIA -

FIGURE 6
TOTAL AMPHITHEATER TRAFFIC VOLUMES

Existing Volumes Plus Project Site Volumes Plus Amphitheater Traffic Volumes

The amphitheater event traffic volumes on Figure 6 were combined with the existing volumes on Figure 2 (adjusted to reflect new service station and card-lock service station locations) and the project site volumes (existing and approved uses) on Figures 4A and 4B. The project site volumes were first adjusted to reflect no activity at the banquet center, since the TDM measures require that no activity occur on the same day as an event at the amphitheater. Though the amphitheater TDM measures are designed to avoid generating any guest traffic during typical weekday or weekend day peak periods, it was deemed appropriate to analyze a "worst case" scenario for study purposes. Therefore, the "worst case" scenario assumes that traffic arriving at an amphitheater event could coincide with the peak hour period on the adjacent street system (between 5:00-6:00 PM on a weekday and 1:00-3:00 PM on a weekend day). All event exiting traffic would occur during the 10:00-11:00 PM period (on weekdays and weekend days). The existing traffic volumes (adjusted) plus the project site traffic volumes (existing and approved uses with no banquet center activity) plus the amphitheater traffic volumes (worst case) are illustrated on Figure 7.

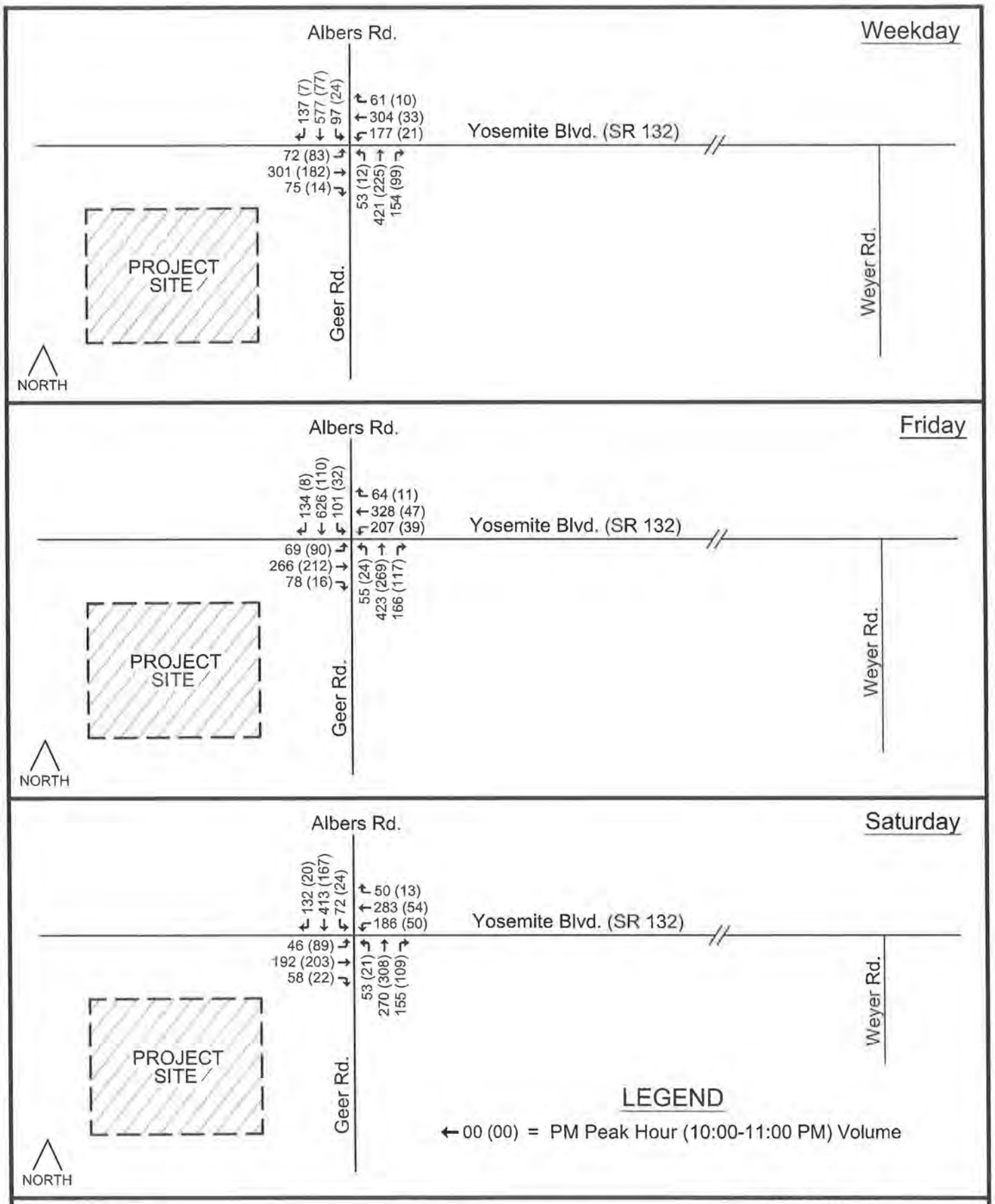
Level of Service Operational Analysis

Similar to the existing conditions analysis, the existing traffic volumes plus the project site traffic volumes (existing and approved uses) on Figure 5 were compared to the ADT thresholds used in the 2007 TIA. The comparison indicated that daily volumes on Yosemite Boulevard (SR 132) will be in the LOS D range, while the daily volumes on the 2-lane segments of Geer Road south of the project site will be in the LOS E-F range. However, it is noted that daily traffic volumes on the 4-lane segments of Geer Road (adjacent to the project site) and Albers Road (north of Yosemite Boulevard) will be within the County's LOS C standard (<20,100 ADT). The peak hour data on Figure 5 (average weekday) was again used to evaluate the roadway segment LOS associated with the existing volumes plus the project site volumes (existing and approved uses) scenario. The existing plus project site uses segment analysis is presented in Table 6.

Table 6 - Existing Plus Project Site Uses Roadway Segment Analysis (Average Weekday)

Roadway Segment	Direction	Volume	V/C Ratio	LOS (a)
Yosemite Blvd. (SR 132) w/o Geer Rd. - Albers Rd.	EB WB	448 366	0.45 0.37	D (B) D (B)
Yosemite Blvd. (SR 132) e/o Geer Rd. - Albers Rd.	EB WB	552 398	0.55 0.40	D (C) D (B)
Geer Rd. s/o Yosemite Blvd (SR 132)	NB SB	635 619	0.64 0.62	E (C) E (C)
Albers Rd. n/o Yosemite Blvd (SR 132)	NB SB	554 610	0.55 0.61	D (C) E (C)

(a) LOS report for a 2-lane major roadway (4-lane major roadway LOS in parenthesis)



PINNACLE TRAFFIC ENGINEERING

The Fruit Yard
- Supplemental TIA -

FIGURE 7
EXISTING VOLUMES PLUS PROJECT SITE USES PLUS AMPHITHEATER VOLUMES

The roadway segment analysis indicates that the existing plus project site (existing and approved uses) hourly segment volumes on Yosemite Boulevard (SR 132) will remain within acceptable limits as defined by Caltrans (LOS D or better). However, hourly directional volumes on the 2-lane segments of Geer Road and Albers Road will continue to exceed the County's LOS C standard. It is noted that the hourly volumes on the 4-lane segments of Geer Road (adjacent to the project site) and Albers Road (north of Yosemite Boulevard) will remain within the County's LOS C standard.

Information in the County's General Plan Circulation Element and StanCOG's RTP has identified the future need to widen both Yosemite Boulevard (4-lane) and Geer Road - Albers Road (6-lane) to expressway standards. The future widening improvements have been incorporated into the RTP and will be partially funded by developer contributions to the County's Regional Transportation Impact Fee (RTIF) program. The analysis presented in the 2007 TIA identified the potential impacts to existing facilities that would be associated with the approved Project Development Plan. The project's contribution to the RTIF program served as mitigation to reduce the potential impacts to a level of "less than significant." As previously stated, the 2008 General Plan Amendment and Rezoning Application were approved with a Mitigated Negative Declaration.

The proposed amphitheater will host events or concerts, with a majority of the events occurring on a weekend or holiday (only 5-6 events will be held on a weekday). However, traffic associated with the amphitheater operations will increase traffic demands on Yosemite Boulevard and Geer Road - Albers Road on selected weekdays. Therefore, it is concluded that the amphitheater project will potentially impact operations on the local street system. Similar to the mitigation measure recommended for the approved 2008 Project Development Plan, the project shall contribute it's fair-share towards the cost of future regional circulation system improvements. Contribution to the RTIF program shall serve as mitigation to reduce the potential impact to a level of "less than significant." The proposed mitigation is consistent with the mitigations approved for the 2008 Project Development Plan (analyzed in the 2007 TIA).

At the applicant's request, new 24-hour traffic count data was collected on Weyer Road. The existing conditions analysis documented that average daily traffic volumes on Weyer Road south of Yosemite Boulevard (300 ADT) are well within the acceptable capacity for a rural roadway (<1,200 ADT). A review of the local roadway system was conducted to address concerns raised by local residences regarding the use of Weyer Road for access to and/or from the amphitheater site. Weyer Road is a narrow rural 2-lane rural roadway with no shoulders or lighting. There are 15 mph curve advisory signs posted on Weyer Road (for southbound traffic) and Jantzen Road (for eastbound traffic). Due to the populations of Waterford, Hickman and La Grange, it is anticipated that only 15-20% of the amphitheater traffic would have an origin or destination east of Geer Road - Albers Road. A review of the potential alternative route between Yosemite Boulevard and the amphitheater site indicates that using Weyer Road and Jantzen Road would be at least 3 times the distance as compared to using Yosemite Boulevard west of Weyer Road and Geer Road south of Yosemite Boulevard (3,200' vs. 10,500'). In addition, since the traffic signal

at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection operates well within acceptable limits it is concluded that little-to-no traffic would use Weyer Road and Jantzen Road route for access to and/or from the amphitheater site. Therefore, the amphitheater traffic will not impact operations along Weyer Road.

The Synchro 8 software was again used to evaluate the peak hour traffic operations at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection. The analysis was concluded for the "existing traffic plus the project site traffic (existing and approved uses)" and the "existing traffic plus the project site traffic (existing and approved uses) plus the amphitheater traffic" scenarios. The "existing traffic plus the project site traffic (existing and approved uses)" scenario represents the base-line conditions for the analysis of potential impacts associated with the amphitheater project. The results of the intersection LOS analysis are presented in Table 7. Copies of the LOS worksheets are included in the Appendix Material.

Table 7 - Existing Plus Project Site Uses Plus Amphitheater
Intersection LOS Analysis

Study Scenario	Average Vehicle Delay - LOS Value		
	Existing Conditions	Existing Plus Approved Uses Conditions	Existing Plus Approved Uses Plus Amphitheater Conditions
Thursday:			
PM Peak Hour -	21.9 - C	24.2 - C	24.8 - C
10:00-11:00 PM -	16.6 - B	20.2 - C	17.9 - B
Friday:			
PM Peak Hour -	21.7 - C	23.2 - C	25.4 - C
10:00-11:00 PM -	18.2 - B	19.7 - B	18.1 - B
Saturday:			
Mid-Day Peak Hour -	19.4 - B	21.1 - C	22.3 - C
10:00-11:00 PM -	15.3 - B	17.0 - B	17.8 - B

The data in Table 7 indicates that average vehicle delays during the six (6) study periods will remain within acceptable limits as defined by Stanislaus County (LOS C or better) and Caltrans (LOS C/D). Therefore, it is concluded that the amphitheater project will not significantly impact peak period operations at the Yosemite Boulevard (SR 132) / Geer Road intersection.

Amphitheater Site Access

As previously described, initial access for the amphitheater traffic will be provided via two (2) driveways on Yosemite Boulevard ("A" Drive and "B" Drive) and one (1) driveway on Geer Road ("D" Drive). The total event traffic volumes on Figure 6 illustrate the turning movements at each driveway. It is again noted that the inbound and outbound trips will not occur within the same 2-3 hour period. The evaluation of site access includes a review of sight distance along Yosemite

Boulevard (SR 132) and Geer Road. In addition, a micro-simulation model was developed using the Synchro / SimTraffic 8 software to identify any potential access issues.

A review of sight distance was conducted using criteria in the Caltrans Highway Design Manual (HDM, Chapters 200 and 400). Stopping sight distance is the minimum distance required by a driver to bring a vehicle to a complete stop after an object has become visible on the roadway. Corner sight distance is the minimum time required for a waiting vehicle to either cross all lanes of through traffic, or cross the near lanes and turn left or right, without requiring through traffic to radically alter their speed. Caltrans uses a minimum time of 7.5 seconds to evaluate the adequacy of corner sight distance for highway and public road intersections (Table 405.1A). The Caltrans HDM states that at private road intersections and rural driveways the minimum corner sight distance shall be equal to the stopping sight distance (Topic 405.1-2c).

Yosemite Boulevard (SR 132) and Geer Road have a relative straight horizontal and level vertical alignment adjacent to the project site. Stopping sight distance for traffic on both roadways was measured by placing a portable delineator near the shoulder line stripe. The delineator was visible from at least 750' in both directions on Yosemite Boulevard (SR 132) and Geer Road. As documented under existing conditions, eastbound speeds on Yosemite Boulevard (SR 132) and northbound speeds on Geer Road were approximately 56-58 mph. Westbound speeds on Yosemite Boulevard (SR 132) and southbound speeds on Geer Road were slightly less since vehicles were coming from the signalized Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection. Therefore, it is concluded that there is adequate stopping sight distance for vehicles traveling on Yosemite Boulevard (SR 132) and Geer Road approaching the project site driveway locations.

Corner sight distance at the project driveways was measured using a +/-15' setback from the shoulder line striping on both Yosemite Boulevard (SR 132) and Geer Road. A sampling of corner sight distance at each driveway location indicated that there was at least twice the minimum as required by Caltrans looking in both directions. Therefore, it is concluded that there is adequate corner sight distance for vehicles exiting the project site driveway locations.

The Synchro / SimTraffic 8 software is an industry standard that can be used to simulate peak period operations. SimTraffic uses the Synchro 8 output data to produce a micro-simulation model, which is based on the actual volumes, signal phasing and timing. The SimTraffic model can demonstrate how an intersection or network operates. Though the SimTraffic software may have some limitations, it is a good tool for presenting visual data to decision makers. The SimTraffic model was developed for the local roadway network using the volume data on Figure 7 (Friday PM peak hour). Again, this period represents a worst case scenario assuming that traffic arriving for an amphitheater event could coincide with the peak hour period on the adjacent street system (between 5:00-6:00 PM). It should be noted that the amphitheater TDM measures are designed to avoid generating any guest traffic during typical weekday or weekend day peak periods.

The network developed for the SimTraffic model was based on aerial photography (Google Earth), which represents that the actual spacing of intersections and driveways. The actual turn lane and transition taper lengths at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection were input in the SimTraffic Model. As described under the existing conditions, there are two-to-one lane transition tapers for westbound traffic on Yosemite Boulevard (SR 132) and northbound traffic on Geer Road. Near the project driveways the pavement widths on Yosemite Boulevard (westbound) and Geer Road (northbound) exceed 24'. Therefore, short turn lanes were modeled for the left turn movements from both roadways. Though exclusive left turn lanes are not striped at the driveway locations the roadway widths (+24') will function as there are approach 2 lanes.

The SimTraffic models were developed for the Friday PM peak hour and 10:00-11:00 PM periods. Videos of the peak period operations were recorded using a faster play back setting (8x) to enable viewing of the entire hour in a relatively short period (7-8 minutes). A copy of the SimTraffic model video files is provided on a DVD included with the Attachment Material. The SimTraffic model video files can also be downloaded from the following Dropbox link (The Fruit Yard folder):

https://www.dropbox.com/home/The%20Fruit%20Yard

The SimTraffic model videos demonstrate that the peak period operations associated with an amphitheater event will not significantly impact operations on Yosemite Boulevard (SR 132) or Geer Road, or at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection. During arrival periods westbound vehicle queues at the Yosemite Boulevard (SR 132) driveways were not observed backing up to the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection. In addition, no significant queuing was observed on either Yosemite Boulevard (SR 132) or Geer Road. A review of the video for the 10:00-11:00 PM period indicated that vehicles could exit the site at a rate of approximately 20-25 vehicles per minute. This would require at least 45 minutes for all vehicles to exit the site. It should be noted that the SimTraffic model assumes that vehicles will be able to enter and exit the site in an efficient manner. Therefore, it will be imperative that on-site parking operations be conducted effectively in order to avoid impacting operations on Yosemite Boulevard (SR 132) and Geer Road. In addition, the appropriate TDM measures should be implemented to avoid generating any guests traffic during peak periods on the adjacent street system (between 5:00-6:00 PM on a weekday and 1:00-3:00 PM on a weekend day).

4.0 SUMMARY

A General Plan Amendment and Rezoning Application were approved for the project site in 2008. The approved development plan included a relocation of existing facilities and the construction of various new commercial related uses. The proposed project site modification includes the addition of an outside amphitheater within the existing park site. The amphitheater will host events or concerts, and have a capacity to accommodate a maximum of 3,500 guests. The majority of events will occur on weekend or Holidays, between May and September. Events on weekdays will begin after 7:00 PM and end by 10:30 PM. Parking for amphitheater guests will be accommodated on-site. Initial access will be provided via two (2) driveways on Yosemite Boulevard ("A" Drive and "B" Drive) and one (1) driveway on Geer Road ("D" Drive).

The trip generation estimates for the existing and approved project site uses was based on data published in the ITE Trip Generation Manual and a Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region. The existing site uses (existing and approved) will generate a total of approximately 5,100-5,200 vehicle trips on an average weekday and weekend day. The existing and approved uses are estimated to generate approximately 540 trips during an average weekday PM peak hour and 588 trips during a typical Saturday mid-day peak hour. During the 10:00-11:00 PM peak period, the existing and approved site uses are estimated to generate 264 trips on a weekday and 207 trips on a weekend day. The project site trip generation estimates for the "Approved Project Site Uses" are slightly higher than the trip generation estimates analyzed in the 2007 TIA.

A capacity size event (or concert) at the amphitheater is estimated to generate approximately 2,340 vehicle trips (approximately 1,170 inbound and 1,170 outbound vehicles). Inbound trips will occur prior to (before) an event and outbound trips will occur after an event has concluded. Inbound and outbound vehicle trips will not occur within the same 2-3 hour period. Transportation Demand Management (TDM) strategies will be used in the scheduling of events as required to avoid generating any guest traffic during typical weekday and weekend day peak periods. In addition, no activities will occur at the new banquet center on the same day as an event at the amphitheater.

An evaluation of existing conditions was based on new traffic count data, and data obtained from the Caltrans and Stanislaus County. New traffic count data was also collected on Weyer Road. The 2007 Traffic Impact Analysis (TIA) prepared for the approved 2008 Project Development Plan indicated that existing daily volumes on Yosemite Boulevard (adjacent to the project site) were in "level of service" (LOS) C range, while daily volumes on Geer Road were in the LOS E range. An analysis of roadway segment LOS was also conducted using the new hourly volumes and the current methodology used in the County's General Plan Circulation Element. The analysis concluded that existing segment volumes on Yosemite Boulevard (SR 132) are within acceptable limits as defined by Caltrans (LOS D or better). However, hourly volumes on the 2-lane segments of Geer Road and Albers Road exceed the County's defined threshold (LOS C or better). It is noted that the hourly volumes on the 4-lane segments of Geer Road and Albers Road are within

the County's LOS C standard. Existing average daily traffic volumes on Weyer Road south of Yosemite Boulevard (300 ADT) are well within acceptable limits for a rural residential roadway.

An evaluation of existing peak period operations at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection was conducted using the methodologies outlined in the 2010 Highway Capacity Manual (HCM). Since an event at the amphitheater would typically end after 10:00 PM the analysis of existing conditions also includes an evaluation of the 10:00-11:00 PM period. The intersection LOS analysis indicates that average vehicle delays during the six (6) study periods are within acceptable limits as defined by the County (LOS C or better) and Caltrans (LOS C/D). The existing conditions analysis is consistent with the analysis presented in the 2007 TIA.

Similar to the existing conditions analysis, the roadway segment and intersection LOS analysis was concluded for the "existing traffic plus project site traffic (existing and approved uses)" and "existing traffic plus project site traffic (existing and approved uses) plus amphitheater traffic" scenarios. The roadway segment analysis concluded that daily and hourly traffic volumes on the 2-lane segments of Geer Road and Albers Road will continue to exceed the County's minimum acceptable threshold (LOS C or better). However, daily and directional hourly volumes on Yosemite Boulevard (SR 132) will remain within acceptable limits as defined by Caltrans. The analysis is consistent with the analysis presented in the 2007 TIA.

Information in the County's General Plan Circulation Element and StanCOG's RTP has identified the future need to widen both Yosemite Boulevard (4-lane) and Geer Road - Albers Road (6-lane) to expressway standards. The future widening improvements have been incorporated into the RTP and will be partially funded by developer contributions to the County's Regional Transportation Impact Fee (RTIF) program. The analysis in the 2007 TIA identified the potential impacts to existing facilities that would be associated with the Project Development Plan. The project's contribution to the RTIF program served as mitigation to reduce the potential impacts to a level of "less than significant."

The proposed amphitheater will host events or concerts, with a maximum seating capacity for 3,500 guests. The majority of events will occur on a weekend or Holiday. The amphitheater operations will increase traffic demands on Yosemite Boulevard (SR 132), Geer Road and Albers Road on selected weekdays. Therefore, the amphitheater will potentially impact operations on the local street system. Similar to the 2008 Project Development Plan mitigation, the project shall contribute it's fair-share towards the cost of future regional circulation system improvements. Contribution to the County's RTIF program shall serve as mitigation to reduce the potential impact to a level of "less than significant." The proposed mitigation is consistent with the mitigations approved for the 2008 Project Development Plan (analyzed in the 2007 TIA).

A review of the local roadway system was conducted to address concerns raised by local residences regarding the use of Weyer Road for access to and/or from the amphitheater site. Weyer Road is a narrow rural 2-lane rural roadway with no shoulders or lighting. There are 15 mph curve advisory

signs posted on Weyer Road (for southbound traffic) and Jantzen Road (for eastbound traffic). It is anticipated that only 15-20% of the amphitheater traffic would have an origin or destination east of Geer Road - Albers Road. A review of the potential alternative route between Yosemite Boulevard and the amphitheater site indicates that using Weyer Road and Jantzen Road would be at least 3 times the distance as compared to using Yosemite Boulevard west of Weyer Road and Geer Road south of Yosemite Boulevard. In addition, since the traffic signal at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection operates well within acceptable limits it is concluded that little-to-no traffic would use Weyer Road and Jantzen Road route for access to and/or from the amphitheater site. Therefore, the amphitheater traffic will not impact operations along Weyer Road.

The intersection LOS analysis was also concluded for the "existing traffic plus project site traffic (existing and approved uses)" and "existing traffic plus project site traffic (existing and approved uses) plus amphitheater traffic" scenarios. The analysis concluded that average vehicle delays during the six (6) study periods will remain within acceptable limits as defined by Stanislaus County (LOS C or better) and Caltrans (LOS C/D). Therefore, it is concluded that the amphitheater project will not significantly impact peak period operations at the Yosemite Boulevard (SR 132) / Geer Road intersection.

The evaluation of site access includes a review of sight distance along Yosemite Boulevard (SR 132) and Geer Road. A micro-simulation model was also developed using the Synchro / SimTraffic 8 software to identify any potential access issues. The evaluation of sight distance concluded that there is adequate stopping sight distance for vehicles traveling on Yosemite Boulevard (SR 132) and Geer Road approaching the project site driveway locations. In addition, the analysis concluded that there is also adequate corner sight distance for vehicles exiting the project site driveway locations.

The SimTraffic micro-simulation models were developed for the Friday PM peak hour and 10:00-11:00 PM periods. The SimTraffic models demonstrate that the peak period operations associated with an amphitheater event will not significantly impact operations on Yosemite Boulevard (SR 132) or Geer Road, or at the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection. During arrival periods westbound vehicle queues at the Yosemite Boulevard (SR 132) driveways were not observed backing up to the Yosemite Boulevard (SR 132) / Geer Road - Albers Road intersection. No significant queuing was observed on either Yosemite Boulevard (SR 132) or Geer Road. It should be noted that the SimTraffic model assumes that vehicles will be able to enter and exit the site in an efficient manner. Therefore, it will be imperative that on-site parking operations be conducted effectively in order to avoid impacting operations on Yosemite Boulevard (SR 132) and Geer Road. In addition, the appropriate TDM measures should be implemented to avoid generating any guests traffic during peak periods on the adjacent street system (between 5:00-6:00 PM on a weekday and 1:00-3:00 PM on a weekend day).

END

- Supplemental -
Traffic Impact Analysis

- APPENDIX MATERIAL -

THE FRUIT YARD PROJECT
- Stanislaus County -

CONTENTS:
- Summary of Traffic Count Data
- Level of Service (LOS) Descriptions
- Level of Service (LOS) to Vehicle Delays Relationship Data
- Level of Service (LOS) Worksheets

PINNACLE TRAFFIC ENGINEERING
831 C Street
Hollister, CA 95023
(831) 638-9260 • (805) 644-9260
PinnacleTE.com

February 5, 2016

PINNACLE TRAFFIC ENGINEERING

831 C Street • Hollister, CA 95023 • (831) 638-9260

5662 Calle Real, #241 • Goleta, CA 93117 • (805) 644-9260

PinnacleTE.com

The Fruit Yard Project; Stanislaus County, California

Summary of ITM Count Data at Yosemite Blvd. (SR 132) / Geer Rd. - Albers Rd. - Dec. 10th (Thursday), 11th (Friday) and 12th (Saturday)

	Afternoon Peak Hour		Evening Period		% of
	Time	Volume	Time	Volume	PM Pk.
Dec. 10th (Thursday) -	4:30-5:30 PM	1,866	10:00-11:00 PM	326	17%
Dec. 11th (Friday) -	4:45-5:45 PM	1,953	10:00-11:00 PM	517	26%
Dec. 12th (Saturday) -	2:00-3:00 PM	1,316	10:00-11:00 PM	612	47%

Summary of 7-Day Traffic Count Data (Dec. 9th - 15th , 2015)

Weyer Road, South of Yosemite Boulevard (SR 132):

Date		Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Sat.
		Dec. 13th	Dec. 14th	Dec. 15th	Dec. 9th	Dec. 10th	Dec. 11th	Dec. 12th
ADT		**204**	**303**	**279**	**299**	**301**	**273**	**213**
24 Hr. Vol.	NB	97	138	122	136	141	120	95
	SB	107	165	157	163	160	153	118

November 2013 -

3-Day Avg. Weekday (Tuesday, Wednesday & Thursday): **293** ADT

5-Day Avg. Weekday (Monday - Friday): **291** ADT

7-Day Average (Sunday - Saturday): **267** ADT

Saturday: 73% 5-Day Weekday Average

Sunday: 70% 5-Day Weekday Average

ALL TRAFFIC DATA

City of Modesto
All Vehicles & Uturns On Unshifted
Nothing On Bank 1
Nothing On Bank 2

(916) 771-8700
orders@atdtraffic.com

File Name : 15-7942-001 Albers Road/Geer Road & Yosemite Boulevard
Date : 12/10/2015

Unshifted Count = All Vehicles & Uturns

	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound						
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total	Uturns Total
16:00	28	99	10	0	137	43	53	16	0	112	6	83	41	0	130	17	56	13	0	86	465	0
16:15	18	113	12	0	143	26	36	7	0	69	6	94	53	0	153	20	71	14	0	105	470	0
16:30	23	84	13	0	120	28	49	18	0	95	3	96	38	0	137	12	64	9	0	85	437	0
16:45	24	117	15	0	156	35	27	14	0	76	8	99	30	0	137	14	85	8	0	107	476	0
Total	93	413	50	0	556	132	165	55	0	352	23	372	162	0	557	63	276	44	0	383	1848	0
17:00	23	91	20	0	134	30	46	11	1	88	5	101	38	0	144	17	70	14	0	101	467	1
17:15	27	114	8	0	149	22	38	18	0	78	7	115	36	0	158	20	70	11	0	101	486	0
17:30	30	87	7	0	124	38	42	15	0	95	8	80	43	0	131	17	52	16	0	85	435	0
17:45	22	79	14	0	115	24	27	10	0	61	6	70	37	0	113	13	38	8	0	59	348	0
Total	102	371	49	0	522	114	153	54	1	322	26	366	154	0	546	67	230	49	0	346	1736	1
22:00	7	22	1	0	30	6	4	5	0	15	1	13	15	0	29	2	14	0	0	16	90	0
22:15	5	12	1	0	18	4	8	1	0	13	0	18	11	0	29	2	11	0	0	13	73	0
22:30	6	22	1	0	29	3	10	1	0	14	1	17	8	0	26	4	12	0	0	16	85	0
22:45	6	18	1	0	25	4	7	3	0	14	1	14	11	0	26	2	11	0	0	13	78	0
Total	24	74	4	0	102	17	29	10	0	56	3	62	45	0	110	10	48	0	0	58	326	0
Grand Total	219	858	103	0	1180	263	347	119	1	730	52	800	361	0	1213	140	554	93	0	787	3910	1
Apprch %	18.6%	72.7%	8.7%	0.0%		36.0%	47.5%	16.3%	0.1%		4.3%	66.0%	29.8%	0.0%		17.8%	70.4%	11.8%	0.0%			
Total %	5.6%	21.9%	2.6%	0.0%	30.2%	6.7%	8.9%	3.0%	0.0%	18.7%	1.3%	20.5%	9.2%	0.0%	31.0%	3.6%	14.2%	2.4%	0.0%	20.1%	100.0%	

NOON PEAK	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound					
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total
Peak Hour Analysis From 16:30 to 17:30																					
Peak Hour For Entire Intersection Begins at 16:30																					
16:30	23	84	13	0	120	28	49	18	0	95	3	96	38	0	137	12	64	9	0	85	437
16:45	24	117	15	0	156	35	27	14	0	76	8	99	30	0	137	14	85	8	0	107	476
17:00	23	91	20	0	134	30	46	11	1	88	5	101	38	0	144	17	70	14	0	101	467
17:15	27	114	8	0	149	22	38	18	0	78	7	115	36	0	158	20	70	11	0	101	486
Total Volume	97	406	56	0	559	115	160	61	1	337	23	411	142	0	576	63	289	42	0	394	1866
% App Total	17.4%	72.6%	10.0%	0.0%		34.1%	47.5%	18.1%	0.3%		4.0%	71.4%	24.7%	0.0%		16.0%	73.4%	10.7%	0.0%		
PHF	.898	.868	.700	.000	.896	.821	.816	.847	.250	.887	.719	.893	.934	.000	.911	.788	.850	.750	.000	.921	.960

PM PEAK HOUR	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound					
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total
Peak Hour Analysis From 22:00 to 23:00																					
Peak Hour For Entire Intersection Begins at 22:00																					
22:00	7	22	1	0	30	6	4	5	0	15	1	13	15	0	29	2	14	0	0	16	90
22:15	5	12	1	0	18	4	8	1	0	13	0	18	11	0	29	2	11	0	0	13	73
22:30	6	22	1	0	29	3	10	1	0	14	1	17	8	0	26	4	12	0	0	16	85
22:45	6	18	1	0	25	4	7	3	0	14	1	14	11	0	26	2	11	0	0	13	78
Total Volume	24	74	4	0	102	17	29	10	0	56	3	62	45	0	110	10	48	0	0	58	326
% App Total	23.5%	72.5%	3.9%	0.0%		30.4%	51.8%	17.9%	0.0%		2.7%	56.4%	40.9%	0.0%		17.2%	82.8%	0.0%	0.0%		
PHF	.857	.841	1.000	.000	.850	.708	.725	.500	.000	.933	.750	.861	.750	.000	.948	.625	.857	.000	.000	.906	.906

ALL TRAFFIC DATA

City of Modesto
All Vehicles & Uturns On Unshifted
Nothing On Bank 1
Nothing On Bank 2

(916) 771-8700
orders@atdtraffic.com

File Name : 15-7942-001 Albers Road/Geer Road & Yosemite Boulevard
Date : 12/11/2015

Unshifted Count = All Vehicles & Uturns

	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound						
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total	Uturns Total
16:00	17	101	8	0	126	41	45	15	0	101	4	83	45	0	132	10	63	11	0	84	443	0
16:15	18	117	25	0	160	40	57	15	0	112	9	104	38	0	151	19	64	5	0	88	511	0
16:30	24	94	10	0	128	36	42	16	0	94	5	95	30	0	130	23	53	9	0	85	437	0
16:45	31	116	22	0	169	35	46	14	0	95	4	99	25	0	128	14	66	10	0	90	482	0
Total	90	428	65	0	583	152	190	60	0	402	22	381	138	0	541	66	246	35	0	347	1873	0
17:00	26	130	9	0	165	43	50	17	0	110	10	81	52	0	143	21	57	9	0	87	505	0
17:15	22	97	9	0	128	27	45	16	0	88	6	131	37	0	174	14	66	17	0	97	487	0
17:30	22	112	13	0	147	40	43	17	0	100	5	102	40	0	147	11	65	9	0	85	479	0
17:45	18	94	14	0	126	44	45	11	0	100	8	102	44	0	154	10	58	8	0	76	456	0
Total	88	433	45	0	566	154	183	61	0	398	29	416	173	0	618	56	246	43	0	345	1927	0
22:00	6	29	1	0	36	9	6	1	0	16	4	39	20	0	63	6	22	0	0	28	143	0
22:15	11	33	1	0	45	9	13	3	0	25	3	19	18	0	40	3	19	2	0	24	134	0
22:30	3	26	0	0	29	11	8	4	0	23	6	30	9	0	45	4	19	3	0	26	123	0
22:45	12	19	3	0	34	6	16	3	0	25	2	18	16	0	36	4	18	0	0	22	117	0
Total	32	107	5	0	144	35	43	11	0	89	15	106	63	0	184	17	78	5	0	100	517	0
Grand Total	210	968	115	0	1293	341	416	132	0	889	66	903	374	0	1343	139	570	83	0	792	4317	0
Apprch %	16.2%	74.9%	8.9%	0.0%		38.4%	46.8%	14.8%	0.0%		4.9%	67.2%	27.8%	0.0%		17.6%	72.0%	10.5%	0.0%			
Total %	4.9%	22.4%	2.7%	0.0%	30.0%	7.9%	9.6%	3.1%	0.0%	20.6%	1.5%	20.9%	8.7%	0.0%	31.1%	3.2%	13.2%	1.9%	0.0%	18.3%	100.0%	

NOON PEAK	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound					
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total
Peak Hour Analysis From 16:45 to 17:45																					
Peak Hour For Entire Intersection Begins at 16:45																					
16:45	31	116	22	0	169	35	46	14	0	95	4	99	25	0	128	14	66	10	0	90	482
17:00	26	130	9	0	165	43	50	17	0	110	10	81	52	0	143	21	57	9	0	87	505
17:15	22	97	9	0	128	27	45	16	0	88	6	131	37	0	174	14	66	17	0	97	487
17:30	22	112	13	0	147	40	43	17	0	100	5	102	40	0	147	11	65	9	0	85	479
Total Volume	101	455	53	0	609	145	184	64	0	393	25	413	154	0	592	60	254	45	0	359	1953
% App Total	16.6%	74.7%	8.7%	0.0%		36.9%	46.8%	16.3%	0.0%		4.2%	69.8%	26.0%	0.0%		16.7%	70.8%	12.5%	0.0%		
PHF	.815	.875	.602	.000	.901	.843	.920	.941	.000	.893	.625	.788	.740	.000	.851	.714	.962	.662	.000	.925	.967

PM PEAK HOUR	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound					
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total
Peak Hour Analysis From 22:00 to 23:00																					
Peak Hour For Entire Intersection Begins at 22:00																					
22:00	6	29	1	0	36	9	6	1	0	16	4	39	20	0	63	6	22	0	0	28	143
22:15	11	33	1	0	45	9	13	3	0	25	3	19	18	0	40	3	19	2	0	24	134
22:30	3	26	0	0	29	11	8	4	0	23	6	30	9	0	45	4	19	3	0	26	123
22:45	12	19	3	0	34	6	16	3	0	25	2	18	16	0	36	4	18	0	0	22	117
Total Volume	32	107	5	0	144	35	43	11	0	89	15	106	63	0	184	17	78	5	0	100	517
% App Total	22.2%	74.3%	3.5%	0.0%		39.3%	48.3%	12.4%	0.0%		8.2%	57.6%	34.2%	0.0%		17.0%	78.0%	5.0%	0.0%		
PHF	.667	.811	.417	.000	.800	.795	.672	.688	.000	.890	.625	.679	.788	.000	.730	.708	.886	.417	.000	.893	.904

ALL TRAFFIC DATA

City of Modesto
All Vehicles & Uturns On Unshifted
Nothing On Bank 1
Nothing On Bank 2

(916) 771-8700
orders@atdtraffic.com

File Name : 15-7942-001 Albers Road/Geer Road & Yosemite Boulevard
Date : 12/12/2015

Unshifted Count = All Vehicles & Uturns

	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound						
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total	Uturns Total
13:00	12	57	11	0	80	33	37	11	0	81	2	80	43	0	125	16	35	9	0	60	346	0
13:15	18	66	11	0	95	26	46	15	0	87	4	56	35	0	95	10	47	8	0	65	342	0
13:30	11	65	9	0	85	25	35	10	0	70	5	74	42	0	121	7	41	7	0	55	331	0
13:45	18	62	6	0	86	26	30	7	0	63	9	53	35	0	97	9	32	4	0	45	291	0
Total	59	250	37	0	346	110	148	43	0	301	20	263	155	0	438	42	155	28	0	225	1310	0
14:00	11	73	16	0	100	21	34	14	0	69	4	56	30	0	90	9	41	6	0	56	315	0
14:15	24	56	13	0	93	30	40	10	0	80	5	76	40	0	121	8	41	7	0	56	350	0
14:30	18	52	7	0	77	36	29	12	0	77	5	54	37	0	96	14	47	6	0	67	317	0
14:45	19	57	13	0	89	31	34	14	0	79	5	72	34	0	111	3	48	4	0	55	334	0
Total	72	238	49	0	359	118	137	50	0	305	19	258	141	0	418	34	177	23	0	234	1316	0
22:00	4	31	2	0	37	11	11	5	0	27	2	39	8	0	49	4	21	4	0	29	142	0
22:15	5	45	5	0	55	14	14	4	0	32	3	30	17	0	50	4	17	3	0	24	161	0
22:30	12	49	5	0	66	7	12	3	0	22	4	36	14	0	54	4	17	1	0	22	164	0
22:45	3	38	4	0	45	12	12	1	0	25	1	40	15	0	56	3	13	3	0	19	145	0
Total	24	163	16	0	203	44	49	13	0	106	10	145	54	0	209	15	68	11	0	94	612	0
Grand Total	155	651	102	0	908	272	334	106	0	712	49	666	350	0	1065	91	400	62	0	553	3238	0
Apprch %	17.1%	71.7%	11.2%	0.0%		38.2%	46.9%	14.9%	0.0%		4.6%	62.5%	32.9%	0.0%		16.5%	72.3%	11.2%	0.0%			
Total %	4.8%	20.1%	3.2%	0.0%	28.0%	8.4%	10.3%	3.3%	0.0%	22.0%	1.5%	20.6%	10.8%	0.0%	32.9%	2.8%	12.4%	1.9%	0.0%	17.1%	100.0%	

NOON PEAK	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound					
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total
Peak Hour Analysis From 14:00 to 15:00																					
Peak Hour For Entire Intersection Begins at 14:00																					
14:00	11	73	16	0	100	21	34	14	0	69	4	56	30	0	90	9	41	6	0	56	315
14:15	24	56	13	0	93	30	40	10	0	80	5	76	40	0	121	8	41	7	0	56	350
14:30	18	52	7	0	77	36	29	12	0	77	5	54	37	0	96	14	47	6	0	67	317
14:45	19	57	13	0	89	31	34	14	0	79	5	72	34	0	111	3	48	4	0	55	334
Total Volume	72	238	49	0	359	118	137	50	0	305	19	258	141	0	418	34	177	23	0	234	1316
% App Total	20.1%	66.3%	13.6%	0.0%		38.7%	44.9%	16.4%	0.0%		4.5%	61.7%	33.7%	0.0%		14.5%	75.6%	9.8%	0.0%		
PHF	.750	.815	.766	.000	.898	.819	.856	.893	.000	.953	.950	.849	.881	.000	.864	.607	.922	.821	.000	.873	.940

PM PEAK HOUR	Albers Road/Geer Road Southbound					Yosemite Boulevard Westbound					Albers Road/Geer Road Northbound					Yosemite Boulevard Eastbound					
START TIME	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	LEFT	THRU	RIGHT	UTURNS	APP.TOTAL	Total
Peak Hour Analysis From 22:00 to 23:00																					
Peak Hour For Entire Intersection Begins at 22:00																					
22:00	4	31	2	0	37	11	11	5	0	27	2	39	8	0	49	4	21	4	0	29	142
22:15	5	45	5	0	55	14	14	4	0	32	3	30	17	0	50	4	17	3	0	24	161
22:30	12	49	5	0	66	7	12	3	0	22	4	36	14	0	54	4	17	1	0	22	164
22:45	3	38	4	0	45	12	12	1	0	25	1	40	15	0	56	3	13	3	0	19	145
Total Volume	24	163	16	0	203	44	49	13	0	106	10	145	54	0	209	15	68	11	0	94	612
% App Total	11.8%	80.3%	7.9%	0.0%		41.5%	46.2%	12.3%	0.0%		4.8%	69.4%	25.8%	0.0%		16.0%	72.3%	11.7%	0.0%		
PHF	.500	.832	.800	.000	.769	.786	.875	.650	.000	.828	.625	.906	.794	.000	.933	.938	.810	.688	.000	.810	.933

Prepared by NDS/ATD

VOLUME

Weyer Road south of Yosemite Boulevard

Day: Wednesday
Date: 12/9/2015

City: Modesto
Project #: 15-7943-001

DAILY TOTALS	NB	SB	EB	WB	Total
	136	163	0	0	299

AM Period	NB		SB		EB	WB	TOTAL		PM Period	NB		SB		EB	WB	TOTAL	
00:00	0		0		0	0	0		12:00	1		5		0	0	6	
00:15	0		0		0	0	0		12:15	4		3		0	0	7	
00:30	0		0		0	0	0		12:30	5		9		0	0	14	
00:45	0		0		0	0	0		12:45	1	11	2	19	0	0	3	30
01:00	0		0		0	0	0		13:00	1		0		0	0	1	
01:15	0		0		0	0	0		13:15	3		4		0	0	7	
01:30	0		0		0	0	0		13:30	0		2		0	0	2	
01:45	0		0		0	0	0		13:45	4	8	5	11	0	0	9	19
02:00	0		0		0	0	0		14:00	1		2		0	0	3	
02:15	0		0		0	0	0		14:15	3		7		0	0	10	
02:30	0		0		0	0	0		14:30	5		1		0	0	6	
02:45	0		0		0	0	0		14:45	3	12	5	15	0	0	8	27
03:00	0		0		0	0	0		15:00	5		3		0	0	8	
03:15	1		0		0	0	1		15:15	1		2		0	0	3	
03:30	0		0		0	0	0		15:30	3		5		0	0	8	
03:45	1	2	1	1	0	0	2	3	15:45	2	11	4	14	0	0	6	25
04:00	0		0		0	0	0		16:00	2		1		0	0	3	
04:15	0		0		0	0	0		16:15	4		2		0	0	6	
04:30	0		1		0	0	1		16:30	3		3		0	0	6	
04:45	0		0	1	0	0	0	1	16:45	4	13	2	8	0	0	6	21
05:00	0		0		0	0	0		17:00	6		5		0	0	11	
05:15	0		2		0	0	2		17:15	2		6		0	0	8	
05:30	1		1		0	0	2		17:30	3		0		0	0	3	
05:45	0	1	0	3	0	0	0	4	17:45	1	12	0	11	0	0	1	23
06:00	0		0		0	0	0		18:00	3		4		0	0	7	
06:15	2		3		0	0	5		18:15	2		2		0	0	4	
06:30	0		1		0	0	1		18:30	3		2		0	0	5	
06:45	1	3	0	4	0	0	1	7	18:45	2	10	2	10	0	0	4	20
07:00	0		3		0	0	3		19:00	4		0		0	0	4	
07:15	0		5		0	0	5		19:15	1		3		0	0	4	
07:30	3		3		0	0	6		19:30	3		3		0	0	6	
07:45	2	5	4	15	0	0	6	20	19:45	1	9	0	6	0	0	1	15
08:00	1		4		0	0	5		20:00	0		4		0	0	4	
08:15	3		2		0	0	5		20:15	1		0		0	0	1	
08:30	2		4		0	0	6		20:30	0		1		0	0	1	
08:45	0	6	1	11	0	0	1	17	20:45	1	2	0	5	0	0	1	7
09:00	1		3		0	0	4		21:00	2		1		0	0	3	
09:15	2		1		0	0	3		21:15	2		0		0	0	2	
09:30	2		3		0	0	5		21:30	1		0		0	0	1	
09:45	1	6	2	9	0	0	3	15	21:45	1	6	0	1	0	0	1	7
10:00	5		0		0	0	5		22:00	0		0		0	0	0	
10:15	2		3		0	0	5		22:15	0		1		0	0	1	
10:30	1		3		0	0	4		22:30	1		0		0	0	1	
10:45	3	11	2	8	0	0	5	19	22:45	0	1	1	2	0	0	1	3
11:00	2		3		0	0	5		23:00	0		0		0	0	0	
11:15	3		4		0	0	7		23:15	0		0		0	0	0	
11:30	0		0		0	0	0		23:30	0		0		0	0	0	
11:45	2	7	2	9	0	0	4	16	23:45	0		0		0	0	0	
TOTALS		41		61				102	TOTALS		95		102				197
SPLIT %		40.2%		59.8%				34.1%	SPLIT %		48.2%		51.8%				65.9%

DAILY TOTALS	NB	SB	EB	WB	Total
	136	163	0	0	299

AM Peak Hour	11:45	11:45	11:45	PM Peak Hour	16:15	12:00	14:15
AM Pk Volume	12	19	31	PM Pk Volume	17	19	32
Pk Hr Factor	0.600	0.528	0.554	Pk Hr Factor	0.708	0.528	0.800
7 - 9 Volume	11	26	37	4 - 6 Volume	25	19	44
7 - 9 Peak Hour	07:30	07:15	07:15	4 - 6 Peak Hour	16:15	16:30	16:30
7 - 9 Pk Volume	9	16	22	4 - 6 Pk Volume	17	16	31
Pk Hr Factor	0.750	0.800	0.917	Pk Hr Factor	0.708	0.667	0.705

Prepared by NDS/ATD

VOLUME

Weyer Road south of Yosemite Boulevard

Day: Thursday
Date: 12/10/2015

City: Modesto
Project #: 15-7943-001

DAILY TOTALS	NB	SB	EB	WB	Total
	141	160	0	0	301

AM Period	NB		SB		EB	WB	TOTAL		PM Period	NB		SB		EB	WB	TOTAL	
00:00	0		0		0	0	0		12:00	4		1		0	0	5	
00:15	0		0		0	0	0		12:15	3		1		0	0	4	
00:30	0		0		0	0	0		12:30	1		5		0	0	6	
00:45	0		0		0	0	0		12:45	2	10	3	10	0	0	5	20
01:00	0		0		0	0	0		13:00	2		3		0	0	5	
01:15	0		0		0	0	0		13:15	1		2		0	0	3	
01:30	0		0		0	0	0		13:30	2		1		0	0	3	
01:45	0		0		0	0	0		13:45	1	6	2	8	0	0	3	14
02:00	0		1		0	0	1		14:00	11		5		0	0	16	
02:15	2		0		0	0	2		14:15	7		4		0	0	11	
02:30	0		1		0	0	1		14:30	5		3		0	0	8	
02:45	0	2	0	2	0	0	0	4	14:45	4	27	5	17	0	0	9	44
03:00	0		0		0	0	0		15:00	7		5		0	0	12	
03:15	1		0		0	0	1		15:15	2		2		0	0	4	
03:30	0		0		0	0	0		15:30	1		4		0	0	5	
03:45	0	1	0		0	0	0	1	15:45	2	12	2	13	0	0	4	25
04:00	1		0		0	0	1		16:00	2		4		0	0	6	
04:15	0		0		0	0	0		16:15	2		1		0	0	3	
04:30	0		0		0	0	0		16:30	2		5		0	0	7	
04:45	0	1	0		0	0	0	1	16:45	3	9	3	13	0	0	6	22
05:00	0		2		0	0	2		17:00	3		4		0	0	7	
05:15	0		0		0	0	0		17:15	2		2		0	0	4	
05:30	0		2		0	0	2		17:30	2		3		0	0	5	
05:45	1	1	0	4	0	0	1	5	17:45	2	9	1	10	0	0	3	19
06:00	0		1		0	0	1		18:00	1		5		0	0	6	
06:15	1		2		0	0	3		18:15	2		0		0	0	2	
06:30	0		2		0	0	2		18:30	4		1		0	0	5	
06:45	1	2	2	7	0	0	3	9	18:45	4	11	4	10	0	0	8	21
07:00	0		2		0	0	2		19:00	1		1		0	0	2	
07:15	2		3		0	0	5		19:15	3		1		0	0	4	
07:30	2		4		0	0	6		19:30	1		3		0	0	4	
07:45	4	8	8	17	0	0	12	25	19:45	2	7	1	6	0	0	3	13
08:00	3		3		0	0	6		20:00	3		3		0	0	6	
08:15	0		2		0	0	2		20:15	0		3		0	0	3	
08:30	0		1		0	0	1		20:30	1		0		0	0	1	
08:45	0	3	1	7	0	0	1	10	20:45	0	4	0	6	0	0	0	10
09:00	1		2		0	0	3		21:00	1		0		0	0	1	
09:15	0		1		0	0	1		21:15	1		0		0	0	1	
09:30	1		3		0	0	4		21:30	0		1		0	0	1	
09:45	2	4	1	7	0	0	3	11	21:45	0	2	0	1	0	0	0	3
10:00	3		2		0	0	5		22:00	2		0		0	0	2	
10:15	4		3		0	0	7		22:15	0		0		0	0	0	
10:30	3		1		0	0	4		22:30	1		1		0	0	2	
10:45	2	12	2	8	0	0	4	20	22:45	1	4	2	3	0	0	3	7
11:00	0		2		0	0	2		23:00	0		1		0	0	1	
11:15	2		4		0	0	6		23:15	0		1		0	0	1	
11:30	2		2		0	0	4		23:30	0		0		0	0	0	
11:45	2	6	1	9	0	0	3	15	23:45	0		0	2	0	0	0	2
TOTALS		40		61				101	TOTALS		101		99				200
SPLIT %		39.6%		60.4%				33.6%	SPLIT %		50.5%		49.5%				66.4%

DAILY TOTALS	NB	SB	EB	WB	Total
	141	160	0	0	301

AM Peak Hour	09:45	07:15	07:15	PM Peak Hour	14:00	14:00	14:00
AM Pk Volume	12	18	29	PM Pk Volume	27	17	44
Pk Hr Factor	0.750	0.563	0.604	Pk Hr Factor	0.614	0.850	0.688
7 - 9 Volume	11	24	35	4 - 6 Volume	18	23	41
7 - 9 Peak Hour	07:15	07:15	07:15	4 - 6 Peak Hour	16:15	16:30	16:30
7 - 9 Pk Volume	11	18	29	4 - 6 Pk Volume	10	14	24
Pk Hr Factor	0.688	0.563	0.604	Pk Hr Factor	0.833	0.700	0.857

Prepared by NDS/ATD

VOLUME

Weyer Road south of Yosemite Boulevard

Day: Friday
Date: 12/11/2015

City: Modesto
Project #: 15-7943-001

DAILY TOTALS	NB	SB	EB	WB	Total
	120	153	0	0	273

AM Period	NB		SB		EB	WB	TOTAL		PM Period	NB		SB		EB	WB	TOTAL	
00:00	0		0		0	0	0		12:00	4		5		0	0	9	
00:15	0		0		0	0	0		12:15	2		3		0	0	5	
00:30	0		0		0	0	0		12:30	1		4		0	0	5	
00:45	0		0		0	0	0		12:45	4	11	3	15	0	0	7	26
01:00	0		0		0	0	0		13:00	2		2		0	0	4	
01:15	0		0		0	0	0		13:15	1		1		0	0	2	
01:30	1		0		0	0	1		13:30	0		6		0	0	6	
01:45	0	1	0		0	0	0	1	13:45	4	7	3	12	0	0	7	19
02:00	0		1		0	0	1		14:00	3		2		0	0	5	
02:15	1		0		0	0	1		14:15	4		4		0	0	8	
02:30	1		0		0	0	1		14:30	4		2		0	0	6	
02:45	0	2	1	2	0	0	1	4	14:45	3	14	5	13	0	0	8	27
03:00	1		0		0	0	1		15:00	3		2		0	0	5	
03:15	0		0		0	0	0		15:15	3		2		0	0	5	
03:30	0		0		0	0	0		15:30	3		1		0	0	4	
03:45	0	1	0		0	0	0	1	15:45	1	10	1	6	0	0	2	16
04:00	0		0		0	0	0		16:00	3		5		0	0	8	
04:15	0		0		0	0	0		16:15	1		0		0	0	1	
04:30	0		0		0	0	0		16:30	2		5		0	0	7	
04:45	0		0		0	0	0		16:45	3	9	1	11	0	0	4	20
05:00	0		1		0	0	1		17:00	10		6		0	0	16	
05:15	0		0		0	0	0		17:15	4		7		0	0	11	
05:30	0		2		0	0	2		17:30	3		2		0	0	5	
05:45	0		0	3	0	0	0	3	17:45	0	17	4	19	0	0	4	36
06:00	0		0		0	0	0		18:00	1		2		0	0	3	
06:15	0		1		0	0	1		18:15	0		1		0	0	1	
06:30	1		0		0	0	1		18:30	3		1		0	0	4	
06:45	1	2	1	2	0	0	2	4	18:45	1	5	0	4	0	0	1	9
07:00	0		2		0	0	2		19:00	2		0		0	0	2	
07:15	1		5		0	0	6		19:15	1		1		0	0	2	
07:30	2		6		0	0	8		19:30	3		2		0	0	5	
07:45	2	5	2	15	0	0	4	20	19:45	3	9	2	5	0	0	5	14
08:00	1		3		0	0	4		20:00	0		0		0	0	0	
08:15	1		3		0	0	4		20:15	0		1		0	0	1	
08:30	2		2		0	0	4		20:30	0		1		0	0	1	
08:45	0	4	3	11	0	0	3	15	20:45	0		3	5	0	0	3	5
09:00	1		2		0	0	3		21:00	1		0		0	0	1	
09:15	1		3		0	0	4		21:15	2		0		0	0	2	
09:30	1		3		0	0	4		21:30	1		1		0	0	2	
09:45	2	5	2	10	0	0	4	15	21:45	0	4	1	2	0	0	1	6
10:00	0		4		0	0	4		22:00	1		2		0	0	3	
10:15	1		1		0	0	2		22:15	1		0		0	0	1	
10:30	4		4		0	0	8		22:30	1		1		0	0	2	
10:45	2	7	2	11	0	0	4	18	22:45	1	4	0	3	0	0	1	7
11:00	0		0		0	0	0		23:00	0		0		0	0	0	
11:15	1		0		0	0	1		23:15	0		0		0	0	0	
11:30	2		3		0	0	5		23:30	0		0		0	0	0	
11:45	0	3	1	4	0	0	1	7	23:45	0		0		0	0	0	
TOTALS		30		58				88	TOTALS		90		95				185
SPLIT %		34.1%		65.9%				32.2%	SPLIT %		48.6%		51.4%				67.8%

DAILY TOTALS	NB	SB	EB	WB	Total
	120	153	0	0	273

AM Peak Hour	11:30	07:15	07:15	PM Peak Hour	16:45	16:30	16:30
AM Pk Volume	8	16	22	PM Pk Volume	20	19	38
Pk Hr Factor	0.500	0.667	0.688	Pk Hr Factor	0.500	0.679	0.594
7 - 9 Volume	9	26	35	4 - 6 Volume	26	30	56
7 - 9 Peak Hour	07:15	07:15	07:15	4 - 6 Peak Hour	16:45	16:30	16:30
7 - 9 Pk Volume	6	16	22	4 - 6 Pk Volume	20	19	38
Pk Hr Factor	0.750	0.667	0.688	Pk Hr Factor	0.500	0.679	0.594

Prepared by NDS/ATD

VOLUME

Weyer Road south of Yosemite Boulevard

Day: Saturday
Date: 12/12/2015

City: Modesto
Project #: 15-7943-001

DAILY TOTALS	NB	SB	EB	WB	Total
	95	118	0	0	213

AM Period	NB		SB		EB	WB	TOTAL		PM Period	NB		SB		EB	WB	TOTAL	
00:00	0		0		0	0	0		12:00	1		3		0	0	4	
00:15	0		0		0	0	0		12:15	2		2		0	0	4	
00:30	0		0		0	0	0		12:30	3		3		0	0	6	
00:45	0		1	1	0	0	1	1	12:45	2	8	0	8	0	0	2	16
01:00	0		0		0	0	0		13:00	0		2		0	0	2	
01:15	0		0		0	0	0		13:15	3		2		0	0	5	
01:30	0		0		0	0	0		13:30	1		1		0	0	2	
01:45	0		0		0	0	0		13:45	3	7	1	6	0	0	4	13
02:00	0		0		0	0	0		14:00	4		3		0	0	7	
02:15	0		0		0	0	0		14:15	0		3		0	0	3	
02:30	1		1		0	0	2		14:30	2		1		0	0	3	
02:45	0	1	0	1	0	0	0	2	14:45	3	9	5	12	0	0	8	21
03:00	0		1		0	0	1		15:00	0		2		0	0	2	
03:15	2		2		0	0	4		15:15	1		5		0	0	6	
03:30	1		0		0	0	1		15:30	1		0		0	0	1	
03:45	0	3	0	3	0	0	0	6	15:45	2	4	0	7	0	0	2	11
04:00	0		0		0	0	0		16:00	3		4		0	0	7	
04:15	0		0		0	0	0		16:15	1		3		0	0	4	
04:30	0		0		0	0	0		16:30	1		1		0	0	2	
04:45	0		0		0	0	0		16:45	3	8	1	9	0	0	4	17
05:00	1		0		0	0	1		17:00	3		2		0	0	5	
05:15	0		0		0	0	0		17:15	1		1		0	0	2	
05:30	0		0		0	0	0		17:30	1		3		0	0	4	
05:45	0	1	0		0	0	0	1	17:45	1	6	1	7	0	0	2	13
06:00	0		0		0	0	0		18:00	0		1		0	0	1	
06:15	1		0		0	0	1		18:15	1		2		0	0	3	
06:30	0		2		0	0	2		18:30	3		4		0	0	7	
06:45	1	2	0	2	0	0	1	4	18:45	3	7	0	7	0	0	3	14
07:00	0		1		0	0	1		19:00	2		3		0	0	5	
07:15	4		0		0	0	4		19:15	1		2		0	0	3	
07:30	0		1		0	0	1		19:30	0		2		0	0	2	
07:45	1	5	1	3	0	0	2	8	19:45	0	3	2	9	0	0	2	12
08:00	1		3		0	0	4		20:00	1		0		0	0	1	
08:15	2		0		0	0	2		20:15	1		3		0	0	4	
08:30	0		0		0	0	0		20:30	1		0		0	0	1	
08:45	4	7	1	4	0	0	5	11	20:45	1	4	0	3	0	0	1	7
09:00	0		1		0	0	1		21:00	0		0		0	0	0	
09:15	1		3		0	0	4		21:15	1		2		0	0	3	
09:30	0		5		0	0	5		21:30	0		1		0	0	1	
09:45	1	2	3	12	0	0	4	14	21:45	0	1	1	4	0	0	1	5
10:00	0		0		0	0	0		22:00	0		2		0	0	2	
10:15	0		0		0	0	0		22:15	0		1		0	0	1	
10:30	3		3		0	0	6		22:30	1		2		0	0	3	
10:45	2	5	1	4	0	0	3	9	22:45	0	1	0	5	0	0	0	6
11:00	1		0		0	0	1		23:00	1		0		0	0	1	
11:15	5		6		0	0	11		23:15	1		0		0	0	1	
11:30	2		2		0	0	4		23:30	0		0		0	0	0	
11:45	1	9	3	11	0	0	4	20	23:45	0	2	0		0	0	0	2
TOTALS		35		41				76	TOTALS		60		77				137
SPLIT %		46.1%		53.9%				35.7%	SPLIT %		43.8%		56.2%				64.3%

DAILY TOTALS	NB	SB	EB	WB	Total
	95	118	0	0	213

AM Peak Hour	10:30	11:15	11:15	PM Peak Hour	13:15	14:30	14:00
AM Pk Volume	11	14	23	PM Pk Volume	11	13	21
Pk Hr Factor	0.550	0.583	0.523	Pk Hr Factor	0.688	0.650	0.656
7 - 9 Volume	12	7	19	4 - 6 Volume	14	16	30
7 - 9 Peak Hour	08:00	07:15	07:15	4 - 6 Peak Hour	16:00	16:00	16:00
7 - 9 Pk Volume	7	5	11	4 - 6 Pk Volume	8	9	17
Pk Hr Factor	0.438	0.417	0.688	Pk Hr Factor	0.667	0.563	0.607

Prepared by NDS/ATD

VOLUME

Weyer Road south of Yosemite Boulevard

Day: Sunday
Date: 12/13/2015

City: Modesto
Project #: 15-7943-001

DAILY TOTALS	NB	SB	EB	WB	Total
	97	107	0	0	204

AM Period	NB		SB		EB	WB	TOTAL		PM Period	NB		SB		EB	WB	TOTAL	
00:00	0		0		0	0	0		12:00	1		5		0	0	6	
00:15	0		0		0	0	0		12:15	5		0		0	0	5	
00:30	0		0		0	0	0		12:30	5		1		0	0	6	
00:45	0		0		0	0	0		12:45	3	14	4	10	0	0	7	24
01:00	0		0		0	0	0		13:00	1		1		0	0	2	
01:15	0		0		0	0	0		13:15	0		6		0	0	6	
01:30	0		0		0	0	0		13:30	3		2		0	0	5	
01:45	0		0		0	0	0		13:45	0	4	0	9	0	0	0	13
02:00	0		0		0	0	0		14:00	1		0		0	0	1	
02:15	0		0		0	0	0		14:15	1		0		0	0	1	
02:30	0		0		0	0	0		14:30	1		3		0	0	4	
02:45	0		0		0	0	0		14:45	1	4	1	4	0	0	2	8
03:00	0		0		0	0	0		15:00	3		0		0	0	3	
03:15	0		0		0	0	0		15:15	7		5		0	0	12	
03:30	1		0		0	0	1		15:30	3		3		0	0	6	
03:45	0	1	0		0	0	0	1	15:45	3	16	8	16	0	0	11	32
04:00	0		0		0	0	0		16:00	1		1		0	0	2	
04:15	2		0		0	0	2		16:15	4		2		0	0	6	
04:30	0		0		0	0	0		16:30	2		3		0	0	5	
04:45	0	2	0		0	0	0	2	16:45	2	9	4	10	0	0	6	19
05:00	0		0		0	0	0		17:00	2		5		0	0	7	
05:15	0		0		0	0	0		17:15	3		3		0	0	6	
05:30	0		0		0	0	0		17:30	1		1		0	0	2	
05:45	0		1	1	0	0	1	1	17:45	0	6	0	9	0	0	0	15
06:00	1		0		0	0	1		18:00	5		3		0	0	8	
06:15	0		0		0	0	0		18:15	2		1		0	0	3	
06:30	0		0		0	0	0		18:30	1		0		0	0	1	
06:45	0	1	0		0	0	0	1	18:45	2	10	2	6	0	0	4	16
07:00	1		0		0	0	1		19:00	0		2		0	0	2	
07:15	1		1		0	0	2		19:15	2		0		0	0	2	
07:30	0		1		0	0	1		19:30	1		1		0	0	2	
07:45	0	2	2	4	0	0	2	6	19:45	2	5	0	3	0	0	2	8
08:00	0		1		0	0	1		20:00	0		0		0	0	0	
08:15	0		1		0	0	1		20:15	1		0		0	0	1	
08:30	1		2		0	0	3		20:30	1		1		0	0	2	
08:45	1	2	1	5	0	0	2	7	20:45	0	2	0	1	0	0	0	3
09:00	1		1		0	0	2		21:00	0		1		0	0	1	
09:15	0		2		0	0	2		21:15	0		0		0	0	0	
09:30	0		2		0	0	2		21:30	1		0		0	0	1	
09:45	1	2	2	7	0	0	3	9	21:45	0	1	0	1	0	0	0	2
10:00	1		2		0	0	3		22:00	1		0		0	0	1	
10:15	3		4		0	0	7		22:15	0		0		0	0	0	
10:30	1		4		0	0	5		22:30	1		2		0	0	3	
10:45	3	8	3	13	0	0	6	21	22:45	0	2	0	2	0	0	0	4
11:00	2		2		0	0	4		23:00	0		0		0	0	0	
11:15	0		1		0	0	1		23:15	1		0		0	0	1	
11:30	2		2		0	0	4		23:30	0		0		0	0	0	
11:45	1	5	1	6	0	0	2	11	23:45	0	1	0		0	0	0	1
TOTALS		23		36				**59**	**TOTALS**		74		71				**145**
SPLIT %		39.0%		61.0%				**28.9%**	**SPLIT %**		51.0%		49.0%				**71.1%**

DAILY TOTALS	NB	SB	EB	WB	Total
	97	107	0	0	204

AM Peak Hour	11:45	10:00	10:15	PM Peak Hour	15:00	15:15	15:00
AM Pk Volume	12	13	22	PM Pk Volume	16	17	32
Pk Hr Factor	0.600	0.813	0.786	Pk Hr Factor	0.571	0.531	0.667
7 - 9 Volume	4	9	13	4 - 6 Volume	15	19	34
7 - 9 Peak Hour	07:00	07:45	07:45	4 - 6 Peak Hour	16:15	16:30	16:15
7 - 9 Pk Volume	2	6	7	4 - 6 Pk Volume	10	15	24
Pk Hr Factor	0.500	0.750	0.583	Pk Hr Factor	0.625	0.750	0.857

Prepared by NDS/ATD

VOLUME

Weyer Road south of Yosemite Boulevard

Day: Monday
Date: 12/14/2015

City: Modesto
Project #: 15-7943-001

DAILY TOTALS	NB	SB	EB	WB	Total
	138	165	0	0	303

AM Period	NB		SB		EB	WB	TOTAL		PM Period	NB		SB		EB	WB	TOTAL	
00:00	0		0		0	0	0		12:00	4		2		0	0	6	
00:15	0		0		0	0	0		12:15	4		6		0	0	10	
00:30	0		0		0	0	0		12:30	2		4		0	0	6	
00:45	0		0		0	0	0		12:45	1	11	4	16	0	0	5	27
01:00	0		0		0	0	0		13:00	2		1		0	0	3	
01:15	0		0		0	0	0		13:15	5		3		0	0	8	
01:30	0		0		0	0	0		13:30	3		4		0	0	7	
01:45	0		0		0	0	0		13:45	1	11	4	12	0	0	5	23
02:00	1		0		0	0	1		14:00	3		4		0	0	7	
02:15	0		1		0	0	1		14:15	5		7		0	0	12	
02:30	0		0		0	0	0		14:30	0		3		0	0	3	
02:45	0	1	0	1	0	0	0	2	14:45	6	14	2	16	0	0	8	30
03:00	0		0		0	0	0		15:00	2		3		0	0	5	
03:15	0		0		0	0	0		15:15	5		2		0	0	7	
03:30	0		0		0	0	0		15:30	1		6		0	0	7	
03:45	0		0		0	0	0		15:45	5	13	1	12	0	0	6	25
04:00	0		0		0	0	0		16:00	5		3		0	0	8	
04:15	0		0		0	0	0		16:15	1		3		0	0	4	
04:30	0		0		0	0	0		16:30	4		3		0	0	7	
04:45	1	1	0		0	0	1	1	16:45	2	12	3	12	0	0	5	24
05:00	1		1		0	0	2		17:00	5		6		0	0	11	
05:15	0		2		0	0	2		17:15	2		2		0	0	4	
05:30	0		0		0	0	0		17:30	1		0		0	0	1	
05:45	0	1	0	3	0	0	0	4	17:45	0	8	2	10	0	0	2	18
06:00	0		0		0	0	0		18:00	4		5		0	0	9	
06:15	0		0		0	0	0		18:15	3		2		0	0	5	
06:30	1		1		0	0	2		18:30	1		5		0	0	6	
06:45	2	3	3	4	0	0	5	7	18:45	0	8	0	12	0	0	0	20
07:00	2		4		0	0	6		19:00	2		1		0	0	3	
07:15	1		3		0	0	4		19:15	3		1		0	0	4	
07:30	1		4		0	0	5		19:30	2		1		0	0	3	
07:45	0	4	2	13	0	0	2	17	19:45	1	8	0	3	0	0	1	11
08:00	4		3		0	0	7		20:00	2		1		0	0	3	
08:15	4		4		0	0	8		20:15	1		1		0	0	2	
08:30	4		2		0	0	6		20:30	0		0		0	0	0	
08:45	1	13	6	15	0	0	7	28	20:45	3	6	1	3	0	0	4	9
09:00	1		2		0	0	3		21:00	0		0		0	0	0	
09:15	2		1		0	0	3		21:15	0		0		0	0	0	
09:30	1		1		0	0	2		21:30	0		0		0	0	0	
09:45	3	7	2	6	0	0	5	13	21:45	0		0		0	0	0	
10:00	1		2		0	0	3		22:00	0		0		0	0	0	
10:15	1		6		0	0	7		22:15	0		1		0	0	1	
10:30	4		3		0	0	7		22:30	2		0		0	0	2	
10:45	1	7	3	14	0	0	4	21	22:45	0	2	1	2	0	0	1	4
11:00	4		2		0	0	6		23:00	0		0		0	0	0	
11:15	2		1		0	0	3		23:15	1		0		0	0	1	
11:30	0		4		0	0	4		23:30	0		0		0	0	0	
11:45	1	7	3	10	0	0	4	17	23:45	0	1	1	1	0	0	1	2
TOTALS		44		66				110	TOTALS		94		99				193
SPLIT %		40.0%		60.0%				36.3%	SPLIT %		48.7%		51.3%				63.7%

DAILY TOTALS	NB	SB	EB	WB	Total
	138	165	0	0	303

AM Peak Hour	08:00	08:00	08:00	PM Peak Hour	15:15	13:30	13:30
AM Pk Volume	13	15	28	PM Pk Volume	16	19	31
Pk Hr Factor	0.813	0.625	0.875	Pk Hr Factor	0.800	0.679	0.646
7 - 9 Volume	17	28	45	4 - 6 Volume	20	22	42
7 - 9 Peak Hour	08:00	08:00	08:00	4 - 6 Peak Hour	16:30	16:15	16:15
7 - 9 Pk Volume	13	15	28	4 - 6 Pk Volume	13	15	27
Pk Hr Factor	0.813	0.625	0.875	Pk Hr Factor	0.650	0.625	0.614

Prepared by NDS/ATD

VOLUME

Weyer Road south of Yosemite Boulevard

Day: Tuesday
Date: 12/15/2015

City: Modesto
Project #: 15-7943-001

DAILY TOTALS	NB	SB	EB	WB	Total
	122	157	0	0	279

AM Period	NB		SB		EB	WB	TOTAL		PM Period	NB		SB		EB	WB	TOTAL	
00:00	0		0		0	0	0		12:00	2		3		0	0	5	
00:15	0		0		0	0	0		12:15	4		4		0	0	8	
00:30	0		0		0	0	0		12:30	4		2		0	0	6	
00:45	0		0		0	0	0		12:45	3	13	4	13	0	0	7	26
01:00	0		0		0	0	0		13:00	1		4		0	0	5	
01:15	0		0		0	0	0		13:15	2		0		0	0	2	
01:30	0		0		0	0	0		13:30	1		1		0	0	2	
01:45	0		0		0	0	0		13:45	2	6	5	10	0	0	7	16
02:00	0		0		0	0	0		14:00	2		3		0	0	5	
02:15	0		0		0	0	0		14:15	4		6		0	0	10	
02:30	0		1		0	0	1		14:30	3		7		0	0	10	
02:45	0		0	1	0	0	0	1	14:45	4	13	3	19	0	0	7	32
03:00	0		0		0	0	0		15:00	4		3		0	0	7	
03:15	1		1		0	0	2		15:15	3		2		0	0	5	
03:30	0		0		0	0	0		15:30	1		5		0	0	6	
03:45	0	1	0	1	0	0	0	2	15:45	4	12	3	13	0	0	7	25
04:00	0		0		0	0	0		16:00	2		1		0	0	3	
04:15	0		0		0	0	0		16:15	3		2		0	0	5	
04:30	0		0		0	0	0		16:30	1		2		0	0	3	
04:45	0		1	1	0	0	1	1	16:45	2	8	1	6	0	0	3	14
05:00	0		1		0	0	1		17:00	2		3		0	0	5	
05:15	0		0		0	0	0		17:15	3		3		0	0	6	
05:30	0		2		0	0	2		17:30	1		0		0	0	1	
05:45	0		0	3	0	0	0	3	17:45	3	9	1	7	0	0	4	16
06:00	0		0		0	0	0		18:00	3		1		0	0	4	
06:15	0		1		0	0	1		18:15	2		3		0	0	5	
06:30	0		3		0	0	3		18:30	4		2		0	0	6	
06:45	0		1	5	0	0	1	5	18:45	4	13	1	7	0	0	5	20
07:00	1		3		0	0	4		19:00	1		4		0	0	5	
07:15	1		5		0	0	6		19:15	2		5		0	0	7	
07:30	2		4		0	0	6		19:30	2		1		0	0	3	
07:45	3	7	2	14	0	0	5	21	19:45	3	8	1	11	0	0	4	19
08:00	2		4		0	0	6		20:00	3		1		0	0	4	
08:15	0		3		0	0	3		20:15	1		1		0	0	2	
08:30	0		1		0	0	1		20:30	1		1		0	0	2	
08:45	0	2	1	9	0	0	1	11	20:45	1	6	0	3	0	0	1	9
09:00	1		2		0	0	3		21:00	1		0		0	0	1	
09:15	2		3		0	0	5		21:15	0		1		0	0	1	
09:30	0		2		0	0	2		21:30	1		0		0	0	1	
09:45	2	5	3	10	0	0	5	15	21:45	0	2	0	1	0	0	0	3
10:00	3		1		0	0	4		22:00	1		0		0	0	1	
10:15	0		3		0	0	3		22:15	0		0		0	0	0	
10:30	2		0		0	0	2		22:30	0		0		0	0	0	
10:45	2	7	4	8	0	0	6	15	22:45	0	1	0		0	0	0	1
11:00	2		5		0	0	7		23:00	0		0		0	0	0	
11:15	2		3		0	0	5		23:15	0		0		0	0	0	
11:30	2		2		0	0	4		23:30	0		0		0	0	0	
11:45	2	8	3	13	0	0	5	21	23:45	1	1	2	2	0	0	3	3
TOTALS		30		65				95	TOTALS		92		92				184
SPLIT %		31.6%		68.4%				34.1%	SPLIT %		50.0%		50.0%				65.9%

DAILY TOTALS	NB	SB	EB	WB	Total
	122	157	0	0	279

AM Peak Hour	11:45	07:15	11:45	PM Peak Hour	14:15	13:45	14:15
AM Pk Volume	12	15	24	PM Pk Volume	15	21	34
Pk Hr Factor	0.750	0.750	0.750	Pk Hr Factor	0.938	0.750	0.850
7 - 9 Volume	9	23	32	4 - 6 Volume	17	13	30
7 - 9 Peak Hour	07:15	07:15	07:15	4 - 6 Peak Hour	17:00	16:30	16:30
7 - 9 Pk Volume	8	15	23	4 - 6 Pk Volume	9	9	17
Pk Hr Factor	0.667	0.750	0.958	Pk Hr Factor	0.750	0.750	0.708

TWO-WAY STOP SIGN CONTROLLED INTERSECTIONS

EXHIBIT 17-2. LEVEL-OF-SERVICE CRITERIA FOR TWSC INTERSECTIONS

Level of Service	Average Control Delay (s/veh)
A	0–10
B	> 10–15
C	> 15–25
D	> 25–35
E	> 35–50
F	> 50

ALL-WAY STOP SIGN CONTROLLED INTERSECTIONS

The level-of-service criteria are given in Exhibit 17-22. The criteria for AWSC intersections have different threshold values than do those for signalized intersections primarily because drivers expect different levels of performance from distinct types of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an AWSC intersection. Thus a higher level of control delay is acceptable at a signalized intersection for the same LOS.

EXHIBIT 17-22. LEVEL-OF-SERVICE CRITERIA FOR AWSC INTERSECTIONS

Level of Service	Control Delay (s/veh)
A	0–10
B	> 10–15
C	> 15–25
D	> 25–35
E	> 35–50
F	> 50

SIGNALIZED INTERSECTIONS

The average control delay per vehicle is estimated for each lane group and aggregated for each approach and for the intersection as a whole. LOS is directly related to the control delay value. The criteria are listed in Exhibit 16-2.

EXHIBIT 16-2. LOS CRITERIA FOR SIGNALIZED INTERSECTIONS

LOS	Control Delay per Vehicle (s/veh)
A	≤ 10
B	> 10–20
C	> 20–35
D	> 35–55
E	> 55–80
F	> 80

930 San Benito Street - Hollister, CA 95023
(831) 638-9260 / FAX (831) 638-9268

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	63	289	42	115	160	61	23	411	142	97	406	56
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	66	301	44	120	167	64	24	428	148	101	423	58
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	85	485	70	156	496	183	37	1642	735	132	1619	221
Arrive On Green	0.05	0.16	0.16	0.09	0.20	0.20	0.02	0.46	0.46	0.07	0.52	0.52
Sat Flow, veh/h	1774	3104	449	1774	2532	935	1774	3539	1583	1774	3130	427
Grp Volume(v), veh/h	66	170	175	120	115	116	24	428	148	101	238	243
Grp Sat Flow(s),veh/h/ln	1774	1770	1783	1774	1770	1698	1774	1770	1583	1774	1770	1787
Q Serve(g_s), s	2.7	6.6	6.7	4.9	4.1	4.3	1.0	5.4	4.1	4.1	5.5	5.6
Cycle Q Clear(g_c), s	2.7	6.6	6.7	4.9	4.1	4.3	1.0	5.4	4.1	4.1	5.5	5.6
Prop In Lane	1.00		0.25	1.00		0.55	1.00		1.00	1.00		0.24
Lane Grp Cap(c), veh/h	85	276	278	156	347	333	37	1642	735	132	915	924
V/C Ratio(X)	0.77	0.62	0.63	0.77	0.33	0.35	0.64	0.26	0.20	0.77	0.26	0.26
Avail Cap(c_a), veh/h	314	506	510	435	626	601	169	1642	735	386	915	924
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	34.6	28.9	29.0	32.8	25.4	25.5	35.7	12.0	11.6	33.4	9.9	9.9
Incr Delay (d2), s/veh	13.8	2.2	2.3	7.8	0.6	0.6	16.9	0.4	0.6	8.9	0.7	0.7
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.6	3.4	3.5	2.7	2.1	2.1	0.7	2.7	1.9	2.3	2.8	2.9
LnGrp Delay(d),s/veh	48.4	31.2	31.3	40.6	26.0	26.1	52.5	12.4	12.3	42.3	10.6	10.6
LnGrp LOS	D	C	C	D	C	C	D	B	B	D	B	B
Approach Vol, veh/h		411			351			600			582	
Approach Delay, s/veh		34.0			31.0			14.0			16.1	
Approach LOS		C			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	9.5	38.1	10.5	15.5	5.5	42.0	7.5	18.4
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	16.0	29.0	18.0	21.0	7.0	38.0	13.0	26.0
Max Q Clear Time (g_c+I1), s	6.1	7.4	6.9	8.7	3.0	7.6	4.7	6.3
Green Ext Time (p_c), s	0.1	6.6	0.2	2.7	0.0	7.3	0.1	3.3

Intersection Summary	
HCM 2010 Ctrl Delay	21.9
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	10	48	0	17	29	10	3	62	45	24	74	4
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	11	53	0	19	32	11	3	68	49	26	81	4
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	20	206	0	32	171	56	6	2162	967	42	2169	106
Arrive On Green	0.01	0.06	0.00	0.02	0.07	0.07	0.00	0.61	0.61	0.02	0.63	0.63
Sat Flow, veh/h	1774	3632	0	1774	2624	857	1774	3539	1583	1774	3434	168
Grp Volume(v), veh/h	11	53	0	19	21	22	3	68	49	26	41	44
Grp Sat Flow(s),veh/h/ln	1774	1770	0	1774	1770	1712	1774	1770	1583	1774	1770	1833
Q Serve(g_s), s	0.3	0.8	0.0	0.6	0.6	0.7	0.1	0.4	0.7	0.8	0.5	0.5
Cycle Q Clear(g_c), s	0.3	0.8	0.0	0.6	0.6	0.7	0.1	0.4	0.7	0.8	0.5	0.5
Prop In Lane	1.00		0.00	1.00		0.50	1.00		1.00	1.00		0.09
Lane Grp Cap(c), veh/h	20	206	0	32	116	112	6	2162	967	42	1117	1158
V/C Ratio(X)	0.55	0.26	0.00	0.59	0.18	0.20	0.52	0.03	0.05	0.62	0.04	0.04
Avail Cap(c_a), veh/h	416	1277	0	544	766	741	384	2162	967	576	1117	1158
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	27.3	25.0	0.0	27.0	24.5	24.5	27.6	4.3	4.3	26.8	3.9	3.9
Incr Delay (d2), s/veh	21.7	0.7	0.0	15.6	0.7	0.8	57.4	0.0	0.1	13.7	0.1	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.3	0.4	0.0	0.4	0.3	0.3	0.1	0.2	0.3	0.6	0.2	0.3
LnGrp Delay(d),s/veh	48.9	25.6	0.0	42.6	25.2	25.4	85.0	4.3	4.4	40.5	3.9	3.9
LnGrp LOS	D	C		D	C	C	F	A	A	D	A	A
Approach Vol, veh/h		64			62			120			111	
Approach Delay, s/veh		29.6			30.6			6.4			12.5	
Approach LOS		C			C			A			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.3	37.9	5.0	7.2	4.2	39.0	4.6	7.6
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	18.0	29.0	17.0	20.0	12.0	35.0	13.0	24.0
Max Q Clear Time (g_c+I1), s	2.8	2.7	2.6	2.8	2.1	2.5	2.3	2.7
Green Ext Time (p_c), s	0.0	1.0	0.0	0.4	0.0	1.1	0.0	0.4

Intersection Summary	
HCM 2010 Ctrl Delay	16.6
HCM 2010 LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	60	254	45	145	184	64	25	413	154	101	455	53
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	62	262	46	149	190	66	26	426	159	104	469	55
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	80	444	77	192	546	184	40	1579	707	136	1597	187
Arrive On Green	0.04	0.15	0.15	0.11	0.21	0.21	0.02	0.45	0.45	0.08	0.50	0.50
Sat Flow, veh/h	1774	3018	523	1774	2602	876	1774	3539	1583	1774	3194	373
Grp Volume(v), veh/h	62	152	156	149	127	129	26	426	159	104	259	265
Grp Sat Flow(s),veh/h/ln	1774	1770	1771	1774	1770	1708	1774	1770	1583	1774	1770	1797
Q Serve(g_s), s	2.5	5.8	5.9	5.9	4.4	4.6	1.0	5.5	4.4	4.1	6.2	6.2
Cycle Q Clear(g_c), s	2.5	5.8	5.9	5.9	4.4	4.6	1.0	5.5	4.4	4.1	6.2	6.2
Prop In Lane	1.00		0.30	1.00		0.51	1.00		1.00	1.00		0.21
Lane Grp Cap(c), veh/h	80	260	260	192	372	359	40	1579	707	136	885	899
V/C Ratio(X)	0.78	0.58	0.60	0.78	0.34	0.36	0.65	0.27	0.23	0.77	0.29	0.29
Avail Cap(c_a), veh/h	320	492	492	518	688	665	173	1579	707	394	885	899
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	34.0	28.6	28.7	31.3	24.2	24.3	34.9	12.5	12.3	32.6	10.5	10.5
Incr Delay (d2), s/veh	14.9	2.1	2.2	6.7	0.5	0.6	16.4	0.4	0.7	8.7	0.8	0.8
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.6	3.0	3.1	3.3	2.2	2.2	0.7	2.8	2.1	2.3	3.2	3.3
LnGrp Delay(d),s/veh	48.9	30.7	30.9	37.9	24.7	24.9	51.3	13.0	13.0	41.3	11.4	11.4
LnGrp LOS	D	C	C	D	C	C	D	B	B	D	B	B
Approach Vol, veh/h		370			405			611			628	
Approach Delay, s/veh		33.8			29.6			14.6			16.3	
Approach LOS		C			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	9.5	36.1	11.8	14.6	5.6	40.0	7.2	19.1
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	16.0	27.0	21.0	20.0	7.0	36.0	13.0	28.0
Max Q Clear Time (g_c+I1), s	6.1	7.5	7.9	7.9	3.0	8.2	4.5	6.6
Green Ext Time (p_c), s	0.2	6.7	0.3	2.7	0.0	7.5	0.1	3.3

Intersection Summary	
HCM 2010 Ctrl Delay	21.7
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	17	78	5	35	43	11	15	106	63	32	107	5
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	19	87	6	39	48	12	17	118	70	36	119	6
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	32	224	15	57	228	55	29	2119	948	54	2101	105
Arrive On Green	0.02	0.07	0.07	0.03	0.08	0.08	0.02	0.60	0.60	0.03	0.61	0.61
Sat Flow, veh/h	1774	3362	230	1774	2830	682	1774	3539	1583	1774	3430	172
Grp Volume(v), veh/h	19	45	48	39	29	31	17	118	70	36	61	64
Grp Sat Flow(s),veh/h/ln	1774	1770	1822	1774	1770	1742	1774	1770	1583	1774	1770	1832
Q Serve(g_s), s	0.6	1.4	1.5	1.3	0.9	1.0	0.6	0.8	1.1	1.2	0.8	0.8
Cycle Q Clear(g_c), s	0.6	1.4	1.5	1.3	0.9	1.0	0.6	0.8	1.1	1.2	0.8	0.8
Prop In Lane	1.00		0.13	1.00		0.39	1.00		1.00	1.00		0.09
Lane Grp Cap(c), veh/h	32	118	121	57	143	140	29	2119	948	54	1084	1122
V/C Ratio(X)	0.59	0.38	0.39	0.69	0.21	0.22	0.58	0.06	0.07	0.67	0.06	0.06
Avail Cap(c_a), veh/h	392	662	682	483	753	741	302	2119	948	483	1084	1122
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	28.6	26.3	26.3	28.2	25.3	25.3	28.7	4.9	4.9	28.2	4.6	4.6
Incr Delay (d2), s/veh	16.0	2.0	2.0	13.6	0.7	0.8	16.9	0.1	0.2	13.5	0.1	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.4	0.8	0.8	0.8	0.5	0.5	0.4	0.4	0.5	0.8	0.4	0.4
LnGrp Delay(d),s/veh	44.6	28.3	28.3	41.8	26.0	26.1	45.6	4.9	5.1	41.7	4.7	4.7
LnGrp LOS	D	C	C	D	C	C	D	A	A	D	A	A
Approach Vol, veh/h		112			99			205			161	
Approach Delay, s/veh		31.1			32.2			8.4			13.0	
Approach LOS		C			C			A			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.8	39.2	5.9	7.9	5.0	40.0	5.1	8.7
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	16.0	30.0	16.0	22.0	10.0	36.0	13.0	25.0
Max Q Clear Time (g_c+I1), s	3.2	3.1	3.3	3.5	2.6	2.8	2.6	3.0
Green Ext Time (p_c), s	0.0	1.7	0.0	0.7	0.0	1.8	0.0	0.8

Intersection Summary	
HCM 2010 Ctrl Delay	18.2
HCM 2010 LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	34	177	23	118	137	50	19	258	141	72	238	49
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	36	188	24	126	146	53	20	274	150	77	253	52
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	53	384	48	166	477	167	33	1675	749	100	1499	303
Arrive On Green	0.03	0.12	0.12	0.09	0.19	0.19	0.02	0.47	0.47	0.06	0.51	0.51
Sat Flow, veh/h	1774	3163	399	1774	2574	900	1774	3539	1583	1774	2934	593
Grp Volume(v), veh/h	36	104	108	126	99	100	20	274	150	77	151	154
Grp Sat Flow(s),veh/h/ln	1774	1770	1792	1774	1770	1704	1774	1770	1583	1774	1770	1758
Q Serve(g_s), s	1.3	3.4	3.5	4.3	3.0	3.2	0.7	2.8	3.5	2.7	2.9	2.9
Cycle Q Clear(g_c), s	1.3	3.4	3.5	4.3	3.0	3.2	0.7	2.8	3.5	2.7	2.9	2.9
Prop In Lane	1.00		0.22	1.00		0.53	1.00		1.00	1.00		0.34
Lane Grp Cap(c), veh/h	53	215	218	166	328	316	33	1675	749	100	904	898
V/C Ratio(X)	0.68	0.48	0.50	0.76	0.30	0.32	0.60	0.16	0.20	0.77	0.17	0.17
Avail Cap(c_a), veh/h	283	593	601	623	932	897	255	1675	749	425	904	898
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	30.1	25.7	25.7	27.7	22.0	22.1	30.5	9.4	9.6	29.2	8.2	8.2
Incr Delay (d2), s/veh	14.4	1.7	1.7	6.9	0.5	0.6	16.1	0.2	0.6	11.7	0.4	0.4
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.8	1.8	1.8	2.5	1.5	1.6	0.5	1.4	1.6	1.6	1.5	1.5
LnGrp Delay(d),s/veh	44.5	27.4	27.5	34.6	22.5	22.7	46.6	9.6	10.2	40.9	8.6	8.6
LnGrp LOS	D	C	C	C	C	C	D	A	B	D	A	A
Approach Vol, veh/h		248			325			444			382	
Approach Delay, s/veh		29.9			27.3			11.5			15.1	
Approach LOS		C			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	7.5	33.6	9.9	11.6	5.2	36.0	5.9	15.6
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	15.0	26.0	22.0	21.0	9.0	32.0	10.0	33.0
Max Q Clear Time (g_c+I1), s	4.7	5.5	6.3	5.5	2.7	4.9	3.3	5.2
Green Ext Time (p_c), s	0.1	4.1	0.3	2.1	0.0	4.4	0.0	2.5

Intersection Summary	
HCM 2010 Ctrl Delay	19.4
HCM 2010 LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	15	68	11	44	49	13	10	145	54	24	163	16
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	16	73	12	47	53	14	11	156	58	26	175	17
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	28	204	33	66	247	63	20	2064	924	42	1945	187
Arrive On Green	0.02	0.07	0.07	0.04	0.09	0.09	0.01	0.58	0.58	0.02	0.60	0.60
Sat Flow, veh/h	1774	3055	491	1774	2796	711	1774	3539	1583	1774	3263	314
Grp Volume(v), veh/h	16	42	43	47	33	34	11	156	58	26	94	98
Grp Sat Flow(s),veh/h/ln	1774	1770	1776	1774	1770	1737	1774	1770	1583	1774	1770	1807
Q Serve(g_s), s	0.5	1.2	1.3	1.5	1.0	1.0	0.3	1.1	0.9	0.8	1.3	1.3
Cycle Q Clear(g_c), s	0.5	1.2	1.3	1.5	1.0	1.0	0.3	1.1	0.9	0.8	1.3	1.3
Prop In Lane	1.00		0.28	1.00		0.41	1.00		1.00	1.00		0.17
Lane Grp Cap(c), veh/h	28	118	119	66	156	153	20	2064	924	42	1054	1077
V/C Ratio(X)	0.57	0.35	0.37	0.71	0.21	0.22	0.55	0.08	0.06	0.62	0.09	0.09
Avail Cap(c_a), veh/h	384	671	674	609	895	878	352	2064	924	481	1054	1077
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	27.1	24.7	24.7	26.4	23.5	23.5	27.2	5.0	5.0	26.8	4.8	4.8
Incr Delay (d2), s/veh	17.1	1.8	1.9	13.3	0.7	0.7	21.6	0.1	0.1	13.7	0.2	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.4	0.7	0.7	0.9	0.5	0.5	0.3	0.5	0.4	0.6	0.6	0.7
LnGrp Delay(d),s/veh	44.2	26.5	26.6	39.6	24.1	24.2	48.9	5.1	5.1	40.4	4.9	4.9
LnGrp LOS	D	C	C	D	C	C	D	A	A	D	A	A
Approach Vol, veh/h		101			114			225			218	
Approach Delay, s/veh		29.3			30.5			7.2			9.2	
Approach LOS		C			C			A			A	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.3	36.3	6.1	7.7	4.6	37.0	4.9	8.9
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	15.0	29.0	19.0	21.0	11.0	33.0	12.0	28.0
Max Q Clear Time (g_c+I1), s	2.8	3.1	3.5	3.3	2.3	3.3	2.5	3.0
Green Ext Time (p_c), s	0.0	2.3	0.1	0.7	0.0	2.4	0.0	0.8

Intersection Summary	
HCM 2010 Ctrl Delay	15.3
HCM 2010 LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	72	301	75	127	210	61	60	421	154	97	417	96
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	75	314	78	132	219	64	62	439	160	101	434	100
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	97	480	117	169	572	163	79	1615	722	131	1390	318
Arrive On Green	0.05	0.17	0.17	0.10	0.21	0.21	0.04	0.46	0.46	0.07	0.49	0.49
Sat Flow, veh/h	1774	2820	690	1774	2720	776	1774	3539	1583	1774	2862	654
Grp Volume(v), veh/h	75	195	197	132	141	142	62	439	160	101	267	267
Grp Sat Flow(s),veh/h/ln	1774	1770	1741	1774	1770	1726	1774	1770	1583	1774	1770	1747
Q Serve(g_s), s	3.3	8.1	8.3	5.7	5.3	5.6	2.7	6.0	4.8	4.4	7.2	7.3
Cycle Q Clear(g_c), s	3.3	8.1	8.3	5.7	5.3	5.6	2.7	6.0	4.8	4.4	7.2	7.3
Prop In Lane	1.00		0.40	1.00		0.45	1.00		1.00	1.00		0.37
Lane Grp Cap(c), veh/h	97	301	296	169	372	363	79	1615	722	131	859	848
V/C Ratio(X)	0.77	0.65	0.66	0.78	0.38	0.39	0.78	0.27	0.22	0.77	0.31	0.31
Avail Cap(c_a), veh/h	295	475	467	408	588	573	159	1615	722	363	859	848
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	36.5	30.3	30.4	34.6	26.5	26.6	37.0	13.2	12.9	35.6	12.2	12.2
Incr Delay (d2), s/veh	12.0	2.4	2.6	7.6	0.6	0.7	15.2	0.4	0.7	9.1	0.9	1.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.9	4.1	4.2	3.1	2.7	2.7	1.7	3.0	2.2	2.5	3.7	3.7
LnGrp Delay(d),s/veh	48.5	32.7	33.0	42.2	27.1	27.3	52.2	13.6	13.6	44.7	13.1	13.2
LnGrp LOS	D	C	C	D	C	C	D	B	B	D	B	B
Approach Vol, veh/h		467			415			661			635	
Approach Delay, s/veh		35.3			32.0			17.2			18.2	
Approach LOS		D			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	9.8	39.7	11.5	17.3	7.5	42.0	8.3	20.5
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	16.0	29.0	18.0	21.0	7.0	38.0	13.0	26.0
Max Q Clear Time (g_c+I1), s	6.4	8.0	7.7	10.3	4.7	9.3	5.3	7.6
Green Ext Time (p_c), s	0.1	7.1	0.2	3.0	0.0	7.8	0.1	3.9

Intersection Summary	
HCM 2010 Ctrl Delay	24.2
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	42	88	21	21	33	10	12	65	49	24	77	7
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	46	97	23	23	36	11	13	71	54	26	85	8
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	65	235	54	38	181	53	23	2088	934	42	1967	183
Arrive On Green	0.04	0.08	0.08	0.02	0.07	0.07	0.01	0.59	0.59	0.02	0.60	0.60
Sat Flow, veh/h	1774	2859	658	1774	2704	789	1774	3539	1583	1774	3274	304
Grp Volume(v), veh/h	46	59	61	23	23	24	13	71	54	26	45	48
Grp Sat Flow(s),veh/h/ln	1774	1770	1747	1774	1770	1723	1774	1770	1583	1774	1770	1809
Q Serve(g_s), s	1.5	1.8	1.9	0.7	0.7	0.7	0.4	0.5	0.8	0.8	0.6	0.6
Cycle Q Clear(g_c), s	1.5	1.8	1.9	0.7	0.7	0.7	0.4	0.5	0.8	0.8	0.6	0.6
Prop In Lane	1.00		0.38	1.00		0.46	1.00		1.00	1.00		0.17
Lane Grp Cap(c), veh/h	65	145	143	38	119	116	23	2088	934	42	1063	1087
V/C Ratio(X)	0.71	0.41	0.43	0.60	0.19	0.21	0.56	0.03	0.06	0.62	0.04	0.04
Avail Cap(c_a), veh/h	596	750	741	470	625	609	345	2088	934	470	1063	1087
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	27.0	24.7	24.7	27.5	25.0	25.0	27.8	4.9	4.9	27.4	4.6	4.6
Incr Delay (d2), s/veh	13.5	1.8	2.0	14.5	0.8	0.9	19.5	0.0	0.1	13.8	0.1	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.9	0.9	1.0	0.5	0.4	0.4	0.3	0.2	0.4	0.6	0.3	0.3
LnGrp Delay(d),s/veh	40.5	26.5	26.7	41.9	25.7	25.9	47.3	4.9	5.0	41.2	4.7	4.7
LnGrp LOS	D	C	C	D	C	C	D	A	A	D	A	A
Approach Vol, veh/h		166			70			138			119	
Approach Delay, s/veh		30.5			31.1			8.9			12.7	
Approach LOS		C			C			A			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.3	37.4	5.2	8.6	4.7	38.0	6.1	7.8
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	15.0	30.0	15.0	24.0	11.0	34.0	19.0	20.0
Max Q Clear Time (g_c+I1), s	2.8	2.8	2.7	3.9	2.4	2.6	3.5	2.7
Green Ext Time (p_c), s	0.0	1.1	0.0	0.8	0.0	1.2	0.1	0.8

Intersection Summary	
HCM 2010 Ctrl Delay	20.2
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	69	266	78	157	234	64	62	423	166	101	466	93
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	71	274	80	162	241	66	64	436	171	104	480	96
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	92	442	127	206	628	168	82	1502	672	135	1337	266
Arrive On Green	0.05	0.16	0.16	0.12	0.23	0.23	0.05	0.42	0.42	0.08	0.45	0.45
Sat Flow, veh/h	1774	2717	778	1774	2761	740	1774	3539	1583	1774	2944	585
Grp Volume(v), veh/h	71	177	177	162	153	154	64	436	171	104	287	289
Grp Sat Flow(s),veh/h/ln	1774	1770	1725	1774	1770	1732	1774	1770	1583	1774	1770	1759
Q Serve(g_s), s	2.9	6.7	7.0	6.5	5.3	5.5	2.6	5.9	5.1	4.2	7.7	7.8
Cycle Q Clear(g_c), s	2.9	6.7	7.0	6.5	5.3	5.5	2.6	5.9	5.1	4.2	7.7	7.8
Prop In Lane	1.00		0.45	1.00		0.43	1.00		1.00	1.00		0.33
Lane Grp Cap(c), veh/h	92	288	281	206	402	394	82	1502	672	135	804	799
V/C Ratio(X)	0.77	0.61	0.63	0.79	0.38	0.39	0.78	0.29	0.25	0.77	0.36	0.36
Avail Cap(c_a), veh/h	269	463	451	513	707	692	269	1502	672	366	804	799
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	34.0	28.3	28.4	31.2	23.7	23.8	34.3	13.7	13.5	32.9	12.9	12.9
Incr Delay (d2), s/veh	12.9	2.1	2.3	6.5	0.6	0.6	14.5	0.5	0.9	8.8	1.2	1.3
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.7	3.5	3.5	3.5	2.7	2.7	1.6	2.9	2.3	2.4	4.0	4.0
LnGrp Delay(d),s/veh	46.9	30.4	30.7	37.7	24.3	24.4	48.7	14.2	14.4	41.7	14.2	14.2
LnGrp LOS	D	C	C	D	C	C	D	B	B	D	B	B
Approach Vol, veh/h		425			469			671			680	
Approach Delay, s/veh		33.3			29.0			17.6			18.4	
Approach LOS		C			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	9.5	34.8	12.4	15.8	7.4	37.0	7.8	20.5
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	15.0	29.0	21.0	19.0	11.0	33.0	11.0	29.0
Max Q Clear Time (g_c+I1), s	6.2	7.9	8.5	9.0	4.6	9.8	4.9	7.5
Green Ext Time (p_c), s	0.1	7.4	0.3	2.9	0.1	7.7	0.1	4.0

Intersection Summary	
HCM 2010 Ctrl Delay	23.2
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	49	118	23	39	47	11	24	109	67	32	110	8
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	54	131	26	43	52	12	27	121	74	36	122	9
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	72	288	56	62	264	59	43	1946	871	54	1860	136
Arrive On Green	0.04	0.10	0.10	0.03	0.09	0.09	0.02	0.55	0.55	0.03	0.56	0.56
Sat Flow, veh/h	1774	2958	574	1774	2877	642	1774	3539	1583	1774	3345	244
Grp Volume(v), veh/h	54	77	80	43	31	33	27	121	74	36	64	67
Grp Sat Flow(s),veh/h/ln	1774	1770	1762	1774	1770	1749	1774	1770	1583	1774	1770	1820
Q Serve(g_s), s	1.7	2.3	2.4	1.3	0.9	1.0	0.8	0.9	1.2	1.1	0.9	0.9
Cycle Q Clear(g_c), s	1.7	2.3	2.4	1.3	0.9	1.0	0.8	0.9	1.2	1.1	0.9	0.9
Prop In Lane	1.00		0.33	1.00		0.37	1.00		1.00	1.00		0.13
Lane Grp Cap(c), veh/h	72	173	172	62	162	160	43	1946	871	54	984	1012
V/C Ratio(X)	0.75	0.45	0.46	0.69	0.19	0.20	0.62	0.06	0.08	0.66	0.07	0.07
Avail Cap(c_a), veh/h	605	762	758	509	667	659	414	1946	871	477	984	1012
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	26.5	23.7	23.8	26.6	23.4	23.4	26.9	5.8	5.9	26.7	5.7	5.7
Incr Delay (d2), s/veh	14.3	1.8	2.0	13.1	0.6	0.6	13.6	0.1	0.2	12.9	0.1	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.1	1.2	1.2	0.9	0.5	0.5	0.6	0.4	0.6	0.7	0.5	0.5
LnGrp Delay(d),s/veh	40.7	25.5	25.7	39.7	24.0	24.1	40.5	5.9	6.1	39.6	5.8	5.8
LnGrp LOS	D	C	C	D	C	C	D	A	A	D	A	A
Approach Vol, veh/h		211			107			222			167	
Approach Delay, s/veh		29.5			30.3			10.2			13.1	
Approach LOS		C			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.7	34.7	5.9	9.4	5.4	35.0	6.3	9.1
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	15.0	29.0	16.0	24.0	13.0	31.0	19.0	21.0
Max Q Clear Time (g_c+I1), s	3.1	3.2	3.3	4.4	2.8	2.9	3.7	3.0
Green Ext Time (p_c), s	0.0	1.7	0.0	1.1	0.0	1.8	0.1	1.1

Intersection Summary	
HCM 2010 Ctrl Delay	19.7
HCM 2010 LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	60	210	62	136	171	50	57	270	155	72	253	76
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	64	223	66	145	182	53	61	287	165	77	269	81
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	82	415	120	190	584	165	78	1502	672	100	1178	348
Arrive On Green	0.05	0.15	0.15	0.11	0.21	0.21	0.04	0.42	0.42	0.06	0.44	0.44
Sat Flow, veh/h	1774	2711	783	1774	2724	772	1774	3539	1583	1774	2696	795
Grp Volume(v), veh/h	64	144	145	145	116	119	61	287	165	77	175	175
Grp Sat Flow(s),veh/h/ln	1774	1770	1725	1774	1770	1727	1774	1770	1583	1774	1770	1722
Q Serve(g_s), s	2.2	4.6	4.8	4.9	3.4	3.6	2.1	3.1	4.1	2.6	3.8	3.9
Cycle Q Clear(g_c), s	2.2	4.6	4.8	4.9	3.4	3.6	2.1	3.1	4.1	2.6	3.8	3.9
Prop In Lane	1.00		0.45	1.00		0.45	1.00		1.00	1.00		0.46
Lane Grp Cap(c), veh/h	82	271	264	190	379	370	78	1502	672	100	773	752
V/C Ratio(X)	0.78	0.53	0.55	0.76	0.31	0.32	0.79	0.19	0.25	0.77	0.23	0.23
Avail Cap(c_a), veh/h	373	601	586	660	888	866	373	1502	672	431	773	752
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	29.2	24.1	24.2	26.8	20.4	20.5	29.3	11.1	11.4	28.8	10.9	10.9
Incr Delay (d2), s/veh	14.9	1.6	1.8	6.2	0.5	0.5	15.8	0.3	0.9	11.7	0.7	0.7
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.4	2.4	2.4	2.7	1.7	1.8	1.4	1.6	2.0	1.6	2.0	2.0
LnGrp Delay(d),s/veh	44.0	25.7	26.0	33.0	20.9	21.0	45.0	11.4	12.3	40.5	11.6	11.6
LnGrp LOS	D	C	C	C	C	C	D	B	B	D	B	B
Approach Vol, veh/h		353			380			513			427	
Approach Delay, s/veh		29.1			25.5			15.7			16.8	
Approach LOS		C			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	7.5	30.2	10.6	13.5	6.7	31.0	6.8	17.3
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	15.0	25.0	23.0	21.0	13.0	27.0	13.0	31.0
Max Q Clear Time (g_c+I1), s	4.6	6.1	6.9	6.8	4.1	5.9	4.2	5.6
Green Ext Time (p_c), s	0.1	4.4	0.3	2.7	0.1	4.6	0.1	3.2

Intersection Summary	
HCM 2010 Ctrl Delay	21.1
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	33	91	26	50	54	13	21	148	59	24	167	20
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	35	98	28	54	58	14	23	159	63	26	180	22
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	53	236	65	72	276	64	38	1983	887	42	1789	216
Arrive On Green	0.03	0.09	0.09	0.04	0.10	0.10	0.02	0.56	0.56	0.02	0.56	0.56
Sat Flow, veh/h	1774	2743	756	1774	2850	665	1774	3539	1583	1774	3181	384
Grp Volume(v), veh/h	35	62	64	54	35	37	23	159	63	26	99	103
Grp Sat Flow(s),veh/h/ln	1774	1770	1729	1774	1770	1745	1774	1770	1583	1774	1770	1795
Q Serve(g_s), s	1.1	1.8	1.9	1.7	1.0	1.1	0.7	1.1	1.0	0.8	1.4	1.5
Cycle Q Clear(g_c), s	1.1	1.8	1.9	1.7	1.0	1.1	0.7	1.1	1.0	0.8	1.4	1.5
Prop In Lane	1.00		0.44	1.00		0.38	1.00		1.00	1.00		0.21
Lane Grp Cap(c), veh/h	53	152	149	72	171	169	38	1983	887	42	995	1010
V/C Ratio(X)	0.66	0.41	0.43	0.75	0.21	0.22	0.60	0.08	0.07	0.62	0.10	0.10
Avail Cap(c_a), veh/h	449	704	687	577	831	820	417	1983	887	417	995	1010
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	26.6	23.9	24.0	26.3	23.0	23.1	26.8	5.6	5.6	26.8	5.6	5.6
Incr Delay (d2), s/veh	12.8	1.7	2.0	14.1	0.6	0.6	14.3	0.1	0.2	13.7	0.2	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.7	1.0	1.0	1.1	0.5	0.6	0.5	0.6	0.5	0.6	0.7	0.8
LnGrp Delay(d),s/veh	39.4	25.7	26.0	40.4	23.6	23.7	41.1	5.7	5.7	40.4	5.8	5.8
LnGrp LOS	D	C	C	D	C	C	D	A	A	D	A	A
Approach Vol, veh/h		161			126			245			228	
Approach Delay, s/veh		28.8			30.8			9.0			9.8	
Approach LOS		C			C			A			A	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.3	35.0	6.3	8.8	5.2	35.1	5.7	9.4
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	13.0	31.0	18.0	22.0	13.0	31.0	14.0	26.0
Max Q Clear Time (g_c+I1), s	2.8	3.1	3.7	3.9	2.7	3.5	3.1	3.1
Green Ext Time (p_c), s	0.0	2.5	0.1	1.0	0.0	2.5	0.0	1.1

Intersection Summary	
HCM 2010 Ctrl Delay	17.0
HCM 2010 LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	72	301	75	177	304	61	53	421	154	97	577	137
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	75	314	78	184	317	64	55	439	160	101	601	143
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	97	480	117	228	718	143	70	1502	672	130	1301	309
Arrive On Green	0.05	0.17	0.17	0.13	0.24	0.24	0.04	0.42	0.42	0.07	0.46	0.46
Sat Flow, veh/h	1774	2820	690	1774	2942	587	1774	3539	1583	1774	2839	674
Grp Volume(v), veh/h	75	195	197	184	189	192	55	439	160	101	374	370
Grp Sat Flow(s),veh/h/ln	1774	1770	1741	1774	1770	1759	1774	1770	1583	1774	1770	1744
Q Serve(g_s), s	3.3	8.1	8.3	7.9	7.1	7.3	2.4	6.4	5.1	4.4	11.4	11.5
Cycle Q Clear(g_c), s	3.3	8.1	8.3	7.9	7.1	7.3	2.4	6.4	5.1	4.4	11.4	11.5
Prop In Lane	1.00		0.40	1.00		0.33	1.00		1.00	1.00		0.39
Lane Grp Cap(c), veh/h	97	301	296	228	432	429	70	1502	672	130	811	799
V/C Ratio(X)	0.78	0.65	0.66	0.81	0.44	0.45	0.78	0.29	0.24	0.77	0.46	0.46
Avail Cap(c_a), veh/h	203	428	421	452	676	672	203	1502	672	271	811	799
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	36.7	30.4	30.5	33.3	25.1	25.2	37.4	14.9	14.5	35.8	14.6	14.6
Incr Delay (d2), s/veh	12.3	2.3	2.6	6.7	0.7	0.7	17.1	0.5	0.8	9.4	1.9	1.9
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.9	4.2	4.2	4.3	3.6	3.6	1.5	3.2	2.3	2.5	5.9	5.9
LnGrp Delay(d),s/veh	49.0	32.7	33.0	40.0	25.8	25.9	54.5	15.4	15.3	45.1	16.5	16.6
LnGrp LOS	D	C	C	D	C	C	D	B	B	D	B	B
Approach Vol, veh/h		467			565			654			845	
Approach Delay, s/veh		35.5			30.5			18.6			19.9	
Approach LOS		D			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	9.8	37.3	14.1	17.4	7.1	40.0	8.3	23.2
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	12.0	33.0	20.0	19.0	9.0	36.0	9.0	30.0
Max Q Clear Time (g_c+I1), s	6.4	8.4	9.9	10.3	4.4	13.5	5.3	9.3
Green Ext Time (p_c), s	0.1	9.3	0.3	3.1	0.0	9.0	0.0	4.7

Intersection Summary	
HCM 2010 Ctrl Delay	24.8
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	83	182	14	21	33	10	12	225	99	24	77	7
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	91	200	15	23	36	11	13	247	109	26	85	8
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	120	390	29	38	190	56	23	1985	888	42	1872	174
Arrive On Green	0.07	0.12	0.12	0.02	0.07	0.07	0.01	0.56	0.56	0.02	0.57	0.57
Sat Flow, veh/h	1774	3340	249	1774	2704	789	1774	3539	1583	1774	3274	304
Grp Volume(v), veh/h	91	105	110	23	23	24	13	247	109	26	45	48
Grp Sat Flow(s),veh/h/ln	1774	1770	1819	1774	1770	1723	1774	1770	1583	1774	1770	1809
Q Serve(g_s), s	2.9	3.2	3.3	0.7	0.7	0.8	0.4	1.9	1.9	0.8	0.7	0.7
Cycle Q Clear(g_c), s	2.9	3.2	3.3	0.7	0.7	0.8	0.4	1.9	1.9	0.8	0.7	0.7
Prop In Lane	1.00		0.14	1.00		0.46	1.00		1.00	1.00		0.17
Lane Grp Cap(c), veh/h	120	207	213	38	125	121	23	1985	888	42	1011	1034
V/C Ratio(X)	0.76	0.51	0.52	0.61	0.18	0.20	0.56	0.12	0.12	0.62	0.04	0.05
Avail Cap(c_a), veh/h	768	981	1008	338	552	537	246	1985	888	338	1011	1034
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	26.4	23.9	24.0	28.0	25.3	25.3	28.3	6.0	6.0	27.9	5.4	5.4
Incr Delay (d2), s/veh	9.2	1.9	1.9	14.6	0.7	0.8	19.6	0.1	0.3	14.0	0.1	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.7	1.7	1.8	0.5	0.4	0.4	0.3	1.0	0.9	0.6	0.3	0.4
LnGrp Delay(d),s/veh	35.7	25.9	25.9	42.6	26.0	26.1	48.0	6.1	6.3	41.9	5.5	5.5
LnGrp LOS	D	C	C	D	C	C	D	A	A	D	A	A
Approach Vol, veh/h		306			70			369			119	
Approach Delay, s/veh		28.8			31.5			7.6			13.5	
Approach LOS		C			C			A			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.4	36.4	5.2	10.7	4.8	37.0	7.9	8.1
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	11.0	30.0	11.0	32.0	8.0	33.0	25.0	18.0
Max Q Clear Time (g_c+I1), s	2.8	3.9	2.7	5.3	2.4	2.7	4.9	2.8
Green Ext Time (p_c), s	0.0	2.5	0.0	1.5	0.0	2.6	0.2	1.2

Intersection Summary	
HCM 2010 Ctrl Delay	17.9
HCM 2010 LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	69	266	78	207	328	64	55	423	166	101	626	134
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	71	274	80	213	338	66	57	436	171	104	645	138
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	92	413	118	258	728	141	73	1513	677	134	1340	286
Arrive On Green	0.05	0.15	0.15	0.15	0.25	0.25	0.04	0.43	0.43	0.08	0.46	0.46
Sat Flow, veh/h	1774	2717	778	1774	2960	572	1774	3539	1583	1774	2903	620
Grp Volume(v), veh/h	71	177	177	213	201	203	57	436	171	104	393	390
Grp Sat Flow(s),veh/h/ln	1774	1770	1725	1774	1770	1762	1774	1770	1583	1774	1770	1753
Q Serve(g_s), s	3.2	7.5	7.8	9.3	7.7	7.9	2.6	6.4	5.6	4.6	12.3	12.3
Cycle Q Clear(g_c), s	3.2	7.5	7.8	9.3	7.7	7.9	2.6	6.4	5.6	4.6	12.3	12.3
Prop In Lane	1.00		0.45	1.00		0.32	1.00		1.00	1.00		0.35
Lane Grp Cap(c), veh/h	92	269	262	258	435	433	73	1513	677	134	817	810
V/C Ratio(X)	0.78	0.66	0.68	0.82	0.46	0.47	0.78	0.29	0.25	0.78	0.48	0.48
Avail Cap(c_a), veh/h	199	353	345	487	640	638	199	1513	677	266	817	810
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	37.5	32.0	32.1	33.2	25.7	25.8	38.1	15.0	14.7	36.4	14.9	14.9
Incr Delay (d2), s/veh	13.0	2.7	3.4	6.5	0.8	0.8	16.4	0.5	0.9	9.3	2.0	2.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.9	3.9	3.9	5.0	3.9	3.9	1.6	3.2	2.6	2.6	6.5	6.4
LnGrp Delay(d),s/veh	50.5	34.7	35.5	39.8	26.5	26.6	54.4	15.5	15.6	45.6	16.9	17.0
LnGrp LOS	D	C	D	D	C	C	D	B	B	D	B	B
Approach Vol, veh/h		425			617			664			887	
Approach Delay, s/veh		37.7			31.1			18.9			20.3	
Approach LOS		D			C			B			C	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	10.0	38.2	15.7	16.2	7.3	41.0	8.1	23.7
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	12.0	34.0	22.0	16.0	9.0	37.0	9.0	29.0
Max Q Clear Time (g_c+I1), s	6.6	8.4	11.3	9.8	4.6	14.3	5.2	9.9
Green Ext Time (p_c), s	0.1	9.8	0.4	2.4	0.0	9.3	0.0	4.5

Intersection Summary	
HCM 2010 Ctrl Delay	25.4
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	90	212	16	39	47	11	24	269	117	32	110	8
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	100	236	18	43	52	12	27	299	130	36	122	9
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	133	445	34	61	269	60	43	1842	824	54	1761	129
Arrive On Green	0.07	0.13	0.13	0.03	0.09	0.09	0.02	0.52	0.52	0.03	0.53	0.53
Sat Flow, veh/h	1774	3335	253	1774	2877	642	1774	3539	1583	1774	3345	244
Grp Volume(v), veh/h	100	124	130	43	31	33	27	299	130	36	64	67
Grp Sat Flow(s),veh/h/ln	1774	1770	1818	1774	1770	1749	1774	1770	1583	1774	1770	1820
Q Serve(g_s), s	3.1	3.7	3.8	1.4	0.9	1.0	0.9	2.5	2.4	1.1	1.0	1.0
Cycle Q Clear(g_c), s	3.1	3.7	3.8	1.4	0.9	1.0	0.9	2.5	2.4	1.1	1.0	1.0
Prop In Lane	1.00		0.14	1.00		0.37	1.00		1.00	1.00		0.13
Lane Grp Cap(c), veh/h	133	236	243	61	165	163	43	1842	824	54	932	958
V/C Ratio(X)	0.75	0.53	0.53	0.70	0.19	0.20	0.62	0.16	0.16	0.67	0.07	0.07
Avail Cap(c_a), veh/h	778	963	989	374	559	553	343	1842	824	374	932	958
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	25.8	23.0	23.0	27.2	23.8	23.9	27.5	7.2	7.1	27.3	6.6	6.6
Incr Delay (d2), s/veh	8.3	1.8	1.8	13.4	0.5	0.6	13.7	0.2	0.4	13.2	0.1	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.8	2.0	2.0	0.9	0.5	0.5	0.6	1.3	1.2	0.8	0.5	0.5
LnGrp Delay(d),s/veh	34.2	24.8	24.8	40.6	24.4	24.5	41.3	7.3	7.5	40.5	6.8	6.8
LnGrp LOS	C	C	C	D	C	C	D	A	A	D	A	A
Approach Vol, veh/h		354			107			456			167	
Approach Delay, s/veh		27.5			30.9			9.4			14.0	
Approach LOS		C			C			A			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.7	33.7	6.0	11.6	5.4	34.0	8.3	9.3
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	12.0	29.0	12.0	31.0	11.0	30.0	25.0	18.0
Max Q Clear Time (g_c+I1), s	3.1	4.5	3.4	5.8	2.9	3.0	5.1	3.0
Green Ext Time (p_c), s	0.0	3.2	0.0	1.8	0.0	3.3	0.2	1.5

Intersection Summary	
HCM 2010 Ctrl Delay	18.1
HCM 2010 LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	46	192	58	186	283	50	53	270	155	72	413	132
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	49	204	62	198	301	53	56	287	165	77	439	140
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	62	381	113	249	743	129	71	1528	684	100	1186	375
Arrive On Green	0.04	0.14	0.14	0.14	0.25	0.25	0.04	0.43	0.43	0.06	0.45	0.45
Sat Flow, veh/h	1774	2694	797	1774	3015	525	1774	3539	1583	1774	2648	837
Grp Volume(v), veh/h	49	132	134	198	175	179	56	287	165	77	292	287
Grp Sat Flow(s),veh/h/ln	1774	1770	1722	1774	1770	1770	1774	1770	1583	1774	1770	1715
Q Serve(g_s), s	1.9	4.8	5.0	7.5	5.8	5.9	2.2	3.5	4.6	3.0	7.6	7.7
Cycle Q Clear(g_c), s	1.9	4.8	5.0	7.5	5.8	5.9	2.2	3.5	4.6	3.0	7.6	7.7
Prop In Lane	1.00		0.46	1.00		0.30	1.00		1.00	1.00		0.49
Lane Grp Cap(c), veh/h	62	250	243	249	436	436	71	1528	684	100	793	768
V/C Ratio(X)	0.78	0.53	0.55	0.80	0.40	0.41	0.79	0.19	0.24	0.77	0.37	0.37
Avail Cap(c_a), veh/h	281	458	446	613	790	790	281	1528	684	306	793	768
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	33.3	27.7	27.8	28.9	21.9	21.9	33.0	12.2	12.5	32.3	12.7	12.7
Incr Delay (d2), s/veh	19.0	1.7	1.9	5.7	0.6	0.6	17.1	0.3	0.8	11.8	1.3	1.4
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.3	2.5	2.5	4.1	2.9	3.0	1.4	1.7	2.2	1.8	3.9	3.9
LnGrp Delay(d),s/veh	52.2	29.4	29.7	34.6	22.5	22.6	50.2	12.5	13.4	44.2	14.0	14.1
LnGrp LOS	D	C	C	C	C	C	D	B	B	D	B	B
Approach Vol, veh/h		315			552			508			656	
Approach Delay, s/veh		33.1			26.9			16.9			17.6	
Approach LOS		C			C			B			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	7.9	34.0	13.7	13.8	6.8	35.1	6.4	21.1
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	12.0	30.0	24.0	18.0	11.0	31.0	11.0	31.0
Max Q Clear Time (g_c+I1), s	5.0	6.6	9.5	7.0	4.2	9.7	3.9	7.9
Green Ext Time (p_c), s	0.1	6.5	0.5	2.8	0.0	6.3	0.0	3.8

Intersection Summary	
HCM 2010 Ctrl Delay	22.3
HCM 2010 LOS	C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	89	203	22	50	54	13	21	308	109	24	167	20
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	96	218	24	54	58	14	23	331	117	26	180	22
Adj No. of Lanes	1	2	0	1	2	0	1	2	1	1	2	0
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	127	406	44	71	269	63	38	1913	856	42	1726	208
Arrive On Green	0.07	0.13	0.13	0.04	0.09	0.09	0.02	0.54	0.54	0.02	0.54	0.54
Sat Flow, veh/h	1774	3220	351	1774	2850	665	1774	3539	1583	1774	3181	384
Grp Volume(v), veh/h	96	119	123	54	35	37	23	331	117	26	99	103
Grp Sat Flow(s),veh/h/ln	1774	1770	1801	1774	1770	1745	1774	1770	1583	1774	1770	1795
Q Serve(g_s), s	3.1	3.7	3.8	1.8	1.1	1.2	0.8	2.8	2.2	0.9	1.6	1.6
Cycle Q Clear(g_c), s	3.1	3.7	3.8	1.8	1.1	1.2	0.8	2.8	2.2	0.9	1.6	1.6
Prop In Lane	1.00		0.19	1.00		0.38	1.00		1.00	1.00		0.21
Lane Grp Cap(c), veh/h	127	223	227	71	167	165	38	1913	856	42	960	974
V/C Ratio(X)	0.76	0.53	0.54	0.77	0.21	0.22	0.61	0.17	0.14	0.62	0.10	0.11
Avail Cap(c_a), veh/h	659	747	760	479	568	560	330	1913	856	330	960	974
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	27.0	24.2	24.3	28.2	24.8	24.8	28.7	6.9	6.7	28.6	6.6	6.6
Incr Delay (d2), s/veh	8.8	2.0	2.0	15.7	0.6	0.7	14.8	0.2	0.3	14.2	0.2	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.9	1.9	2.0	1.2	0.6	0.6	0.5	1.4	1.0	0.6	0.8	0.9
LnGrp Delay(d),s/veh	35.8	26.2	26.3	43.8	25.4	25.5	43.5	7.1	7.1	42.9	6.8	6.8
LnGrp LOS	D	C	C	D	C	C	D	A	A	D	A	A
Approach Vol, veh/h		338			126			471			228	
Approach Delay, s/veh		29.0			33.3			8.9			10.9	
Approach LOS		C			C			A			B	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.4	36.0	6.4	11.5	5.3	36.1	8.2	9.6
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Max Green Setting (Gmax), s	11.0	32.0	16.0	25.0	11.0	32.0	22.0	19.0
Max Q Clear Time (g_c+I1), s	2.9	4.8	3.8	5.8	2.8	3.6	5.1	3.2
Green Ext Time (p_c), s	0.0	4.0	0.1	1.7	0.0	4.0	0.2	1.5

Intersection Summary	
HCM 2010 Ctrl Delay	17.8
HCM 2010 LOS	B

Environmental Noise Analysis

The Fruit Yard Project

Stanislaus County, CA

BAC Job # 2015-129

Prepared For:

Associated Engineering Group

Attn: Jim Freitas
4206 Technology Drive, Ste. 4
Modesto, CA 95356

Prepared By:

Bollard Acoustical Consultants, Inc.

Paul Bollard, President

Revised December 30, 2016

BOLLARD
Acoustical Consultants

3551 Bankhead Road < Loomis, CA 95650 < Phone: (916) 663-0500 < Fax: (916) 663-0501 < BACNOISE.COM

Project History

Bollard Acoustical Consultants, Inc. (BAC) prepared a noise analysis for the Fruit Yard project dated August 31, 2015. On November 6, 2015, comments were received from Stanislaus County on the BAC noise analysis. The specific comments provided by the County in November 2015, are as follows:

1) A method for verifying compliance with the measures identified on page 12 needs to be incorporated into the project. The method may include a system for monitoring and recording sound levels for the duration of events in order to allow for enforcement. Simply identifying sound output limits without a means of monitoring is not sufficient.

2) The noise consultant should make an initial attempt to identify crowd noise based on previous work/other projects. Any error in the initial attempt will be captured when the evaluation of actual concerts occurs. If this type of initial attempt is not feasible, the analysis should clearly state such.

3) The noise analysis needs to define “large concert” and “small events” based on an actual measurable scale (such as crowd size).

4) The noise analysis provided only evaluates noise levels generated from the amphitheater. Unless all amplified noise will be limited to the amphitheater, an additional noise assessment needs to be conducted for amplified noise events to be conducted elsewhere on the site. A simple assumption that smaller events are expected to generate considerably lower sound levels then a concert event is not an adequate assessment and does not qualify in addressing the noise analysis needed for compliance with the 2008 approval.

5) The noise analysis provided only focuses on A-weighted sound levels expressed in dBA. An analysis of the bass or dBC levels generated from any sound event occurring in the park/amphitheater areas is needed. The bass "thump" is commonly the source of noise complaints.

6) The mapped contour lines provided in the noise analysis are very helpful and should be revised to incorporate the expanded evaluation of the park area.

7) The noise analysis needs to consider changes that may occur to intervening orchards which are identified as helping to absorb sound. Orchards are subject to removal and cannot be relied upon for long term sound mitigation. If the model used is accurate, what would the sound be without the orchards? Is mitigation needed to address changes in future conditions if the orchards are removed?

8) The noise analysis should clarify if the existing ambient noise environment factored in any nut harvesting activities, or other seasonal activities, that may have been occurring during the test period, but are not a constant factor.

9) The noise analysis needs to more specifically define the size and construction of the "sound wall along the rear of the stage" as identified on page 8 (of the original analysis).

Based on the County's November 2015 comments, additional analysis was conducted by BAC to expand the scope of the noise study beyond the original focus of the amphitheater, and to develop responses to the above comments provided by the County. The original noise study report was revised to include the supplemental information requested by Stanislaus County and the revised report date was February 3, 2016.

Following the release of the revised February 3, 2016 noise study, Stanislaus County commissioned j.c. brennan & associates (JCB) to prepare a peer review of that study. That peer review was completed with the results presented in a letter from JCB to BaseCamp Environmental dated November 15, 2016. That peer review letter is incorporated into this report by reference.

In response to the JCB peer review, BAC prepared a letter to Associated Engineering Group (Jim Freitas) dated December 30, 2016 which contains BAC's responses to the peer review comments. In addition, BAC revised the February 3, 2016 noise study to incorporate changes and to include additional information where appropriate based on the JCB peer review. This report, dated December 30, 2016, contains those revisions and additional information.

Introduction

The proposed Fruit Yard project site is located at the southwest quadrant of the intersection of Yosemite Boulevard (SR 132) and Geer Road, in unincorporated Stanislaus County, California. The project site address is 7948 Yosemite Boulevard, on Assessor's Parcel Number 009-027-004. The site is zoned Planned Development (PD) and is surrounded by agricultural land uses and dispersed rural residences. Figure 1 shows the project site location and surrounding land uses. Figure 2 shows the proposed amphitheater site plan.

Due to the presence of rural residences in the general project vicinity, the Stanislaus County project conditions of approval (COA) contain provisions with respect to allowable noise generation of the proposed amphitheater. The specific COA's which are applicable to noise are as follows:

8. An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan prior to any outdoor use of amplified sound or blasting devices to insure noise levels do not exceed the maximum allowable noise levels as allowed by the Noise Element.

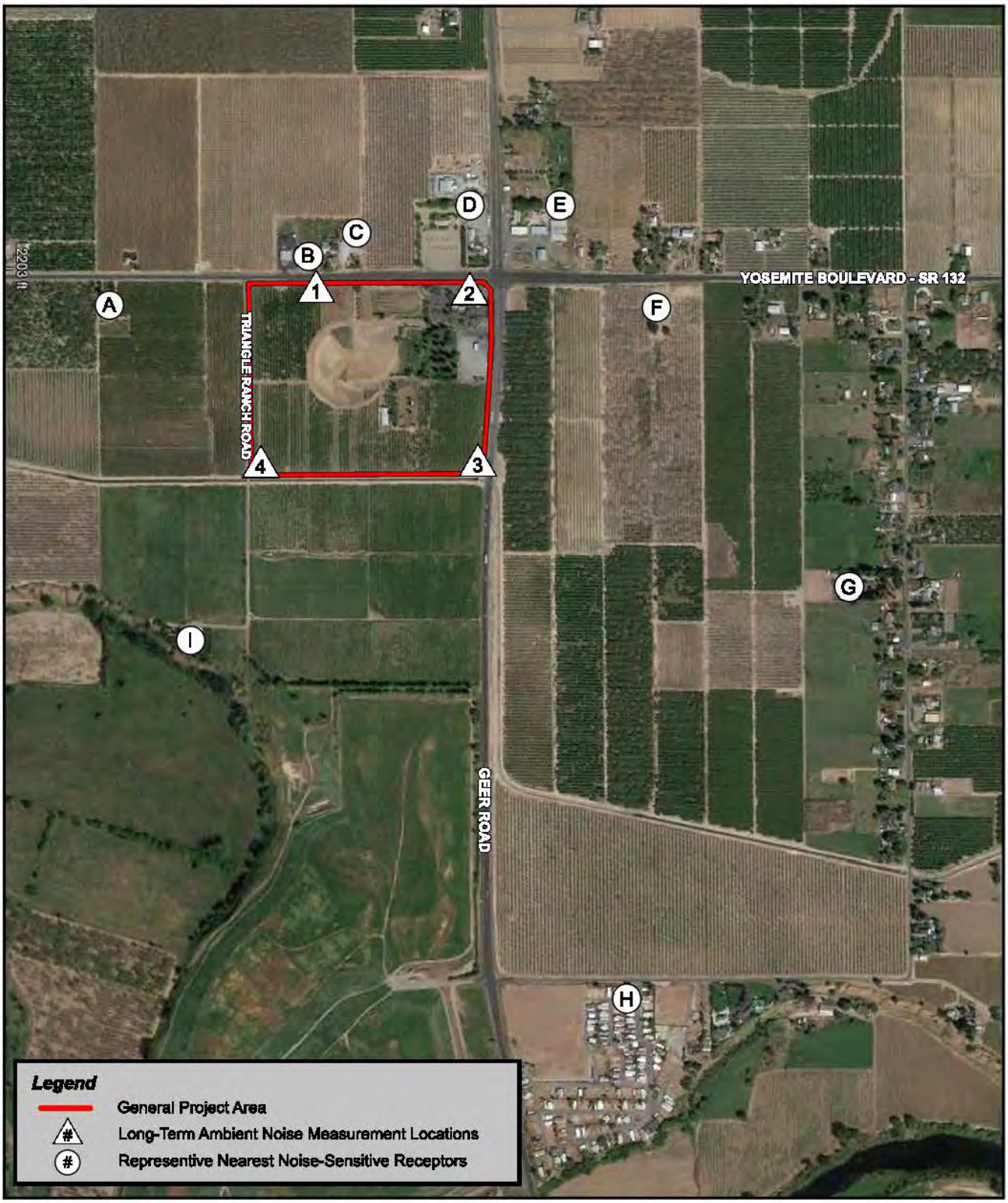
72. In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification.

In response to these conditions, as well as November 2015 comments made by Stanislaus County, and November 2016 peer review comments made by j.c. brennan, Inc., the project applicant has retained Bollard Acoustical Consultants, Inc. (BAC) to prepare this revised analysis of potential noise impacts associated with the project.

Specifically, this analysis has been prepared to quantify pre-project ambient noise levels in the immediate project vicinity, to identify the appropriate Stanislaus County noise level standards, to predict amplified music sound levels occurring anywhere on the site at the nearest potentially affected noise-sensitive land uses to the project site, to predict changes in off-site traffic noise levels, to predict noise and vibration levels caused by project construction, and to compare those levels against the applicable noise and vibration standards of Stanislaus County, and to recommend additional noise control measures if it is determined that those standards would be exceeded. This report contains the results of the sound study.

Figure 1

Project Area, Monitoring Sites, and Representative Receptor Locations
The Fruit Yard Project - Stanislaus County, California



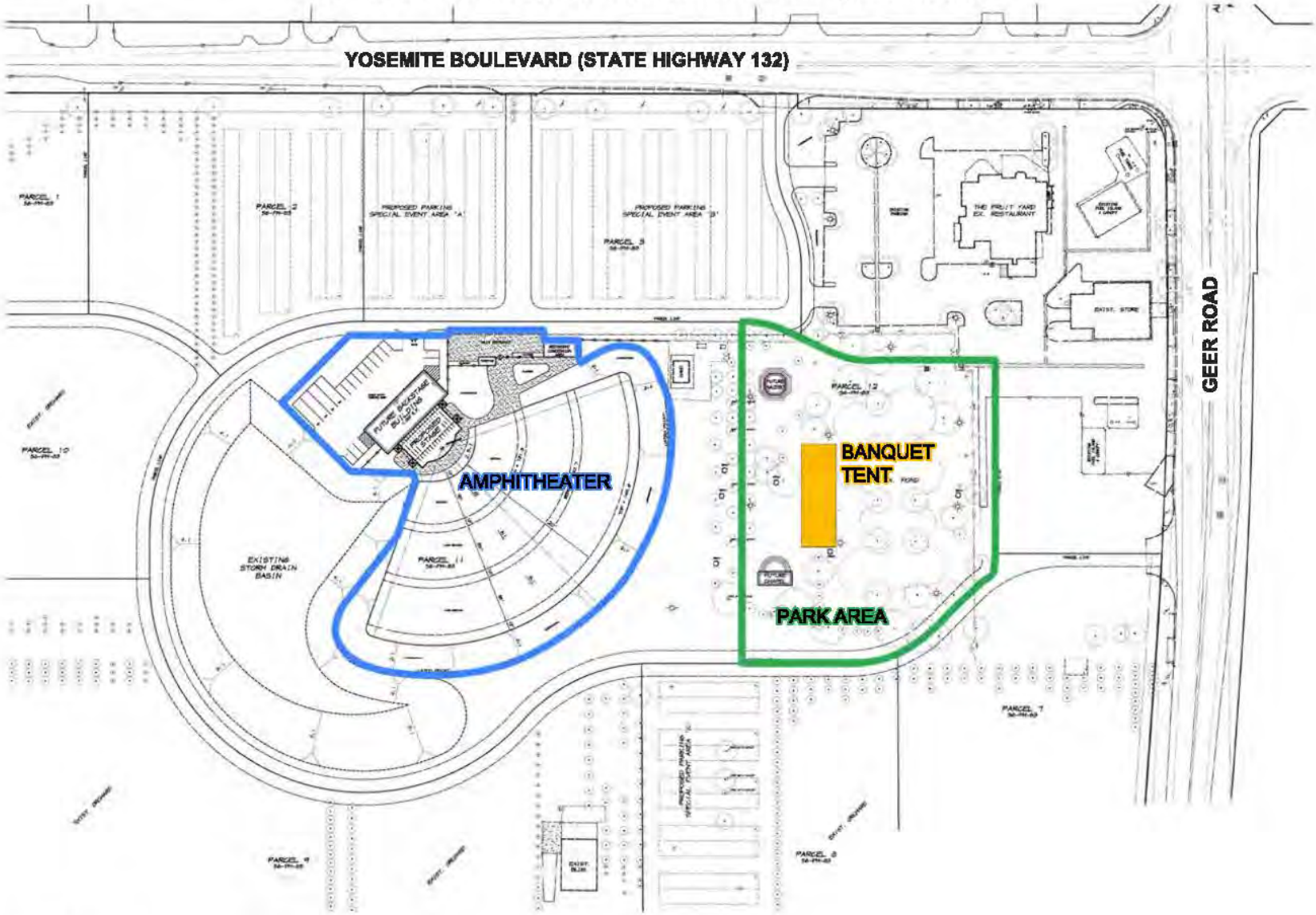
BOLLARD
Acoustical Consultants

Scale (feet)
0 600 1,200

Figure 2

Project Site Plan

The Fruit Yard Project - Stanislaus County, California



BOLLARD
Acoustical Consultants

Acoustic Fundamentals & Terminology

Noise is often defined simply as unwanted sound. Loudness is the human impression of the strength of a sound pressure waves impacting the eardrum. The loudness of a noise does not necessarily correlate with its sound level.

The human ear does not perceive all frequencies equally. For sound levels in the normal range of human hearing, the human ear does not perceive very low and very high frequencies as well as mid-range frequencies. In other words, for two sounds of equal intensity in the normal range of human hearing, a mid-frequency sound is perceived as being louder than a low-frequency or very high frequency sound. This may seem counterintuitive as often times we may hear only low-frequency sounds, such as the bass of music being played in a nearby car or the sound of a distant concert. But this phenomenon is due to the fact that, due to their longer wavelengths, low-frequency sounds pass through barriers more efficiently than mid and high-frequency sounds, as well as the fact that low frequency sounds are not absorbed into the atmosphere as readily as higher frequency sounds (i.e. low frequency sound “carries” further over distance).

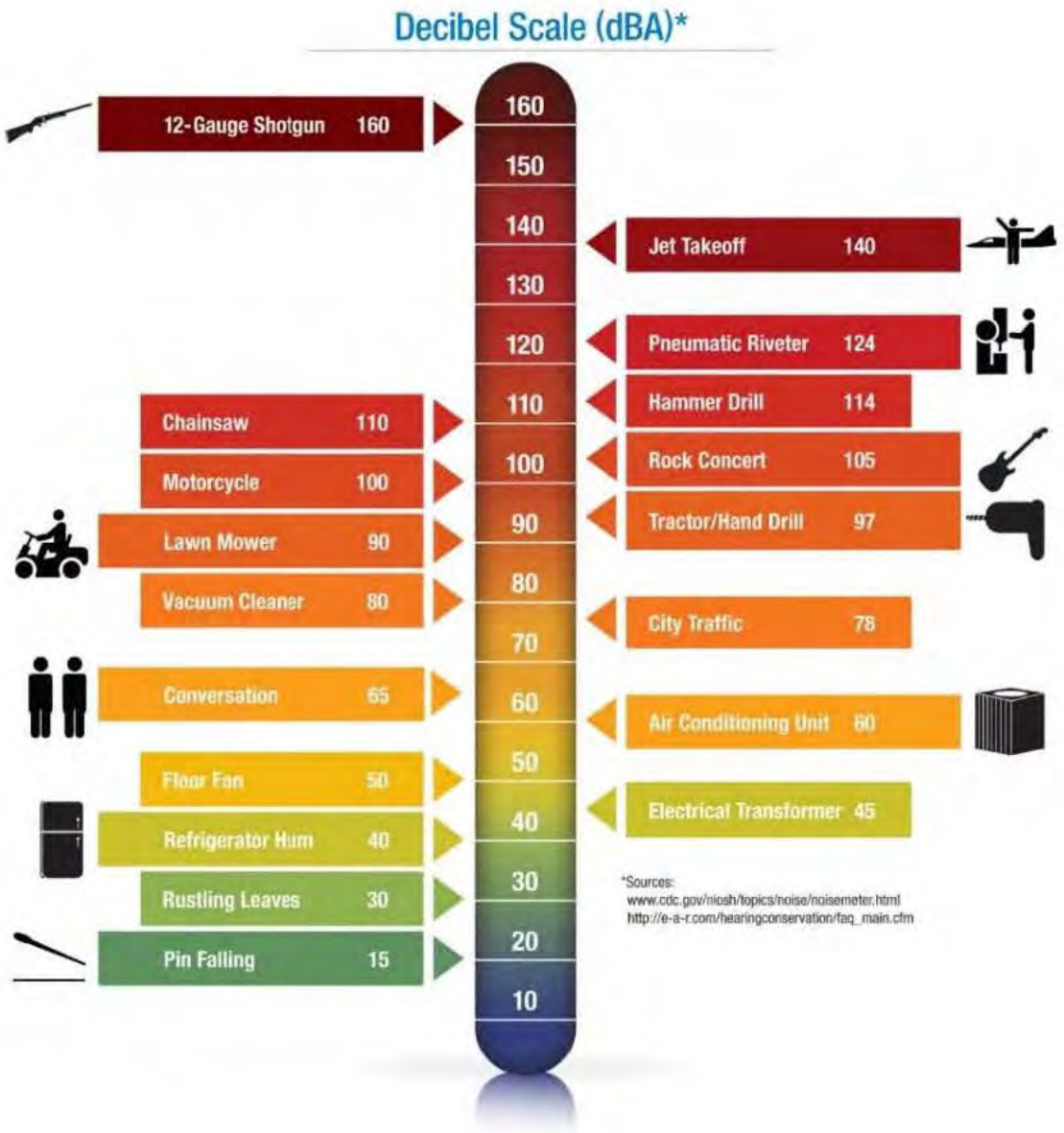
To account for the differences in perception of human hearing to different frequencies, the A-weighting scale was developed. A-weighted noise levels are basically linear, or flat, sound pressure levels shaped by a filter. The A-weighting filter adjusts the linear measurement to account for the way in which the ear responds to different frequencies of sound. Measurements in dBA are decibel scale readings that have been adjusted using the A-weighting filter to attempt to take into account the varying sensitivity of the human ear to different frequencies of sound. Researchers have generally agreed that A-weighted sound pressure levels (sound levels) are very well correlated with community reaction to noise for sound levels in the normal range of human hearing. Figure 3 provides examples of maximum sound levels associated with common noise sources.

At very high noise levels, the human ear perceives very low and very high frequency sounds better than at the more moderate ranges of noise levels commonly encountered in society. To better represent the loudness of very high noise levels, the C-weighting scale was developed. The C-weighting scale is quite flat, and therefore includes much more of the low-frequency range of sounds than the A scale. The effect of using a C-weighting scale vs. an A-weighting scale is that the C-weighting scale will report higher noise levels (due to less low-frequency sound being filtered as compared to the A-weighting filter).

The decibel notation used for sound levels describes a logarithmic relationship of acoustical energy, so that sound levels cannot be added or subtracted in the conventional arithmetic manner. For example, a doubling of acoustical energy results in a change of 3 decibels (dB), which is usually considered to be barely perceptible. A 10-fold increase in acoustical energy yields a 10 decibel change, which is subjectively like a doubling of loudness.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent sound level (L_{eq}), usually measured over a one-hour period.

Figure 3
Typical A-Weighted Sound Levels of Common Noise Sources



Stanislaus County Criteria for Acceptable Noise Exposure

Stanislaus County General Plan Noise Element

The Stanislaus County General Plan Noise Element establishes acceptable noise level limits for new projects affected by both transportation and non-transportation noise sources. The primary objective of the Noise Element is to prescribe policies that lead to the preservation and enhancement of the quality of life for the residents of Stanislaus County by securing and maintaining an environment free from excessive noise.

For stationary noise sources, such as the proposed amphitheater, Stanislaus County regulates the level of noise that may impact adjacent noise-sensitive uses. For this project, the evaluation period is considered to be the worst-case hour during which amplified music would be in use. Noise generated by the project which exceeds the County's noise exposure limits at the closest noise-sensitive uses would require noise mitigation. The County's General noise exposure limits applicable to this project are summarized in Table 1.

Table 1
Maximum Allowable Noise Exposure[1] for Stationary Noise Sources
Stanislaus County Noise Element of the General Plan

	Daytime Standard (7 a.m.-10 p.m.)	Nighttime Standard (10 p.m.-7 a.m.)
Hourly L_{eq}, dBA	55	45
Maximum Level (L_{max}), dBA	75	65

1. Each of the noise level standards specified in Table 1 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in Table 1 should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

Source: Stanislaus County Noise Element of the General Plan

As noted in the footnote to Table 1, a -5 dB adjustment is applied to the County's noise standards for sounds consisting of music. In addition, in areas with elevated ambient conditions, the noise standards are increased to match ambient conditions. While it is clear that a -5 dB offset to the Table 1 standards is warranted because the noise source is music, an ambient noise survey was required to determine if existing ambient conditions are sufficiently elevated so as to warrant increasing the noise level standards. Ambient conditions in the immediate project vicinity are described in the following section.

Stanislaus County Code (Noise Ordinance)

Section 10.46 of the Stanislaus County Code (Noise Ordinance) contains the County's noise standards for existing land uses. The Noise Ordinance standards are generally similar to, but not identical to, the County's General Plan noise standards described above. While the Noise Element standards shown in Table 1 are provided in terms of hourly average (Leq) and individual

maximum (Lmax) noise level limits, the Noise Ordinance standards contain more categories and, as a result, are more complex to apply. Specifically, the Noise Ordinance standards are graduated depending on the percentage of the hour the noise source in question is present at a given level. Table 2 shows the County Noise Ordinance exterior noise standards for residential uses.

Table 2
Exterior Residential Noise Standards
Stanislaus County Noise Ordinance

Jurisdiction	Metric	Minutes per Hour Sound is Present	Daytime (7 am – 10 pm)	Nighttime (10 pm – 7 am)
Stanislaus County	L_{max}	0	70	65
	L_{02}	1	65	60
	L_{08}	5	60	55
	L_{25}	15	55	50
	L_{50}	30	50	45

Stanislaus County Code Section 10.46.050

1. Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table 2 shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.

2. In the event the measured ambient noise level exceeds the applicable noise level standard above, the ambient noise level shall become the applicable exterior noise level standard.

Comparison of Tables 1 and 2 indicates that the Noise Ordinance nighttime standard of 65 dB Lmax is identical to the County Noise Element nighttime standard of 65 dB Lmax. However, the daytime maximum noise level standards differ by 5 dB, with the Noise Ordinance standard being lower (more restrictive).

Both the County Noise Element and Noise Ordinance require increasing the noise level standard equal to ambient conditions in cases where the measured ambient noise levels already exceed the County's noise standards. For this project, because measured daytime maximum noise levels exceeded the noise ordinance standards by a wide margin, both the Noise Element and Noise Ordinance maximum noise level limits would be increased to equal the ambient levels. (A detailed discussion of ambient conditions in the project vicinity follows in the next section). As a result, the maximum noise level allowed by both the Noise Ordinance and Noise Element would be identical for this project during both daytime and nighttime periods after adjusting for ambient conditions. Therefore, analysis of impacts associated with project-generated maximum noise levels using the County General Plan noise standards would ensure compliance with the County's maximum Noise Ordinance standards as well.

The most restrictive noise standard metric contained in the County's Noise Ordinance is the median, or L50, standards. The median, or L50, noise metric represents the noise level limit applicable to sound levels present for 50% of the hour. If a noise source is not present for 50% of the hour (30 minutes), it would not be captured by the L50 metric.

As shown in Table 2, the Noise Ordinance median daytime and nighttime noise standards are 50 and 45 dB L50, respectively. As shown in Table 1, the Noise Element average daytime and nighttime noise standards are 55 and 45 dB Leq, respectively. After accounting for the fact that median noise levels are typically 5 dB lower than average noise levels for time-varying noise sources (such as concerts), the differences between the County's General Plan Noise Element and County Code Noise Ordinance standards are essentially equivalent. However, because the Noise Ordinance median noise standard only applies to sources of noise which are present for at least 30 minutes out of the hour, whereas the General Plan Noise Element average noise level standard pertains to all noise generated during the hour, the County's General Plan noise standards could result in a more conservative assessment of project noise impacts than use of the County Noise Ordinance median noise level standards.

The County Noise Ordinance also contains intermediate noise standards for sound levels present for 1 minute, 5 minutes, and 15 minutes per hour. The purpose of these standards is to allow higher levels of noise at the nearest residences provided that noise is present for shorter durations of the hour. Because this analysis uses the hourly average and maximum noise level descriptors to bracket all of the noise generation of the project, this analysis is believed to provide a conservative assessment of project noise impacts at the nearest residences. Additional analysis of the intermediate Noise Ordinance metrics is not expected to result in either greater noise protection at the nearest residences or different findings from those reached in this analysis.

Discussion of Alternative Noise Standards for Amplified Music

Pursuant to the County's adopted noise level standards shown in Table 1, the original noise analysis focused on A-weighted sound levels expressed in dBA. As noted in Stanislaus County Comment #5 (see Page 1), the County is requesting that this revised report include an analysis of the bass (low frequency) levels generated from any sound event occurring in the park/amphitheater area using the C-weighting scale This request was made because the bass "thump" is commonly the source of noise complaints in the County.

As noted in the Acoustic Fundamentals and Terminology section of this report, sound levels measured using the C-weighting scale will always be higher than levels measured using the A-weighting scale. This is because the C-weighted filter is much flatter than the A-weighted filter. The result is that more low-frequency sound is included in a C-weighted measurement than in an A-weighted measurement. The numeric difference in measured A and C-weighted sound levels associated with amplified music at the project site will depend on the level of low-frequency sound generated by the sound systems utilized at the site.

To evaluate potential noise impacts of the proposed amplified music at the project site in terms of C-weighted levels, appropriate C-weighted noise standards must be considered. Stanislaus County recently conditioned an event center in the County to comply with C-weighted sound level limits *within* the entertainment venue. However, these limits were applied *inside* an enclosed venue whereas amplified music at the Project site will occur *outdoors*.

For guidance in developing *exterior* C-weighted noise level standards for this project, the City of Roseville Noise Ordinance was consulted. Section 9.24.110 of the Roseville Municipal Code

(Noise Regulation), contains exterior noise level limits for amplified sound in terms of A and C-weighting scales, as well as one-third octave band thresholds. Those standards indicate that the C-weighted noise level standards are 25 dB higher than the corresponding A-weighting standards for amplified music during both daytime and nighttime periods. For example, the daytime A-weighted standard for amplified music is 50 dBA and the daytime C-weighted noise standard is 75 dBC.

On the surface, the use of a C-weighted noise level standard that is 25 dB higher than the corresponding A-weighting noise standard might appear to indicate the C-weighted standard is less restrictive than the A-weighted standard. However, in the 31.5 hertz 1/3 octave frequency band, the difference between A and C weighting filters is 35 dB. Therefore, if the sound source in question contains considerable content in that low frequency band, the use of a C-weighted standard which is 25 dB greater than the A-weighted standard would result in a 10 dB *reduction* in very low frequency sound at the receiver. A 10 dB reduction is substantial, representing a halving of perceived loudness.

In BAC's professional opinion, the most effective means of controlling sound in the community resulting from amplified sound at the Project site would be to place logical limits on the level of the low-frequency sound originating at the source. Specific recommendations for such limits are included in the Conclusions and Recommendations section of this report. To provide additional protection to the residences located in the project vicinity, this revised noise study report also recommends C-weighted noise level standards applicable at the nearest residences as follows:

- Daytime: 80 dBC Leq
- Nighttime: 70 dBC Leq

As with the County's Noise Element and Noise Ordinance standards cited in Tables 1 and 2, the C-weighted noise level standards cited above should be adjusted upward or downward to reflect local ambient conditions at the nearest residences. Because the ambient noise survey originally conducted for this project was prepared to address compliance with the County's A-weighted General Plan Noise Element standards, C-weighted ambient noise level data has not been collected for this project. Such C-weighted data can be collected in the days immediately prior to and following the first amphitheater events, and the C-weighted noise level standards shown above can, and should, be adjusted accordingly based on C-weighted ambient conditions.

Existing Ambient Noise Environment

The ambient noise environment in the immediate project vicinity is primarily defined by traffic on Yosemite Boulevard and Geer Road, as well as by local agricultural-related activities. To generally quantify the existing ambient noise environment in the immediate project vicinity, continuous hourly noise level measurements were conducted at four locations surrounding the project site from Friday, June 19 through Sunday, June 21, 2015. The noise measurement locations are shown on Figure 1.

Larson-Davis Laboratories (LDL) Model 820 precision integrating sound levels meter were used to complete the noise level measurement survey. The meters were calibrated before use with an LDL Model CAL200 acoustical calibrator to ensure the accuracy off the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

The noise level measurement survey results are summarized below in Table 3. The detailed results of the ambient noise surveys are contained in Appendix B in tabular format and graphically in Appendix C. The Table 3 noise level data is reported in terms of average (Leq) and maximum (Lmax) noise levels, as those are the descriptors contained within the County's General Plan Noise Element. However, median (L50) and 90th percentile (L90) noise levels are also included in Appendix B.

Table 3
Summary of Ambient Noise Measurement Results
Fruit Yard Project Vicinity

				Daytime (7 am - 10 pm)		Nighttime (10 pm - 7 am)	
Site	**Dist. to Roadway C/L**	**Date**	L_{dn}	L_{eq}	L_{max}	L_{eq}	L_{max}
1	100 ft. SR 132	Friday, June 19	67	65	96	59	83
		Saturday, June 20	66	63	90	58	81
		Sunday, June 21	64	62	93	56	83
		Average	**66**	**63**	**93**	**58**	**82**
2	125 ft. SR 132	Friday, June 19	71	66	94	64	92
	200 ft. Geer Rd.	Saturday, June 20	71	66	97	64	94
		Sunday, June 21	69	66	98	61	86
		Average	**70**	**66**	**96**	**63**	**91**
3	95 ft. Geer Rd.	Friday, June 19	67	64	93	60	83
		Saturday, June 20	66	62	91	60	82
		Sunday, June 21	65	61	90	57	86
		Average	**66**	**62**	**91**	**59**	**84**
4	1,300 ft. SR 132	Friday, June 19	58	58	94	49	67
	1,500 ft. Geer Rd.	Saturday, June 20	55	49	80	49	74
		Sunday, June 21	53	48	73	47	74
		Average	**55**	**52**	**82**	**48**	**72**

Source: Bollard Acoustical Consultants, Inc. 2015 ambient noise survey results.

The Table 3 data indicate that measured ambient noise levels in the immediate project vicinity currently exceed the Stanislaus County noise level standards shown in Table 1 at the existing residences located adjacent to Both Yosemite Boulevard and Geer Road (Representative Receptors A, B, C, D, E and F on Figure 1). As a result, the County noise standards for those receptors were adjusted upwards based on the ambient noise level data collected at Sites 1 and 2. At the residences which are more removed from the local roadways (Receptors G, H and I), ambient noise levels are lower. As a result, the County noise standards for those receptors were adjusted downwards based on the ambient noise level data collected at measurement Site 4.

It should be noted that, while Receptor B is located approximately the same distance from SR-132 as noise measurement Site 1, Receptor C is located 250 feet from the SR-132 centerline. Given this additional distance, ambient noise levels at Receptor C are predicted to be 5 dB lower than levels at Receptor B. A similar situation exists at Receptor E.

After adjusting the County noise standards to reflect local ambient conditions, a -5 dB offset was applied to the adjusted standards to account for the fact that the noise source in question consists of music. Table 4 provides the adjusted noise level standards for the two types of residential receptors in the immediate project vicinity.

Table 4
Stanislaus County Noise Standards Applied to this Project
After Adjustment for Elevated Ambient and Noise Source Consisting of Music

Receptor	Noise Metric	Adjusted Daytime Standard (7 a.m.-10 p.m.)	Adjusted Nighttime Standard (10 p.m.-7 a.m.)
A, B, D, F (near busy roadways)	Hourly L_{eq}, dBA	60	55
	Maximum Level (L_{max}), dBA	80	70
C, E (setback from roadways 250-350 feet)	Hourly L_{eq}, dBA	55	50
	Maximum Level (L_{max}), dBA	75	65
G, H, I (isolated from busy roads)	Hourly L_{eq}, dBA	50	40
	Maximum Level (L_{max}), dBA	65	55

Source: Stanislaus County Noise Element of the General Plan adjusted for ambient conditions and music noise source.

It should be noted that the dominant noise source during the ambient survey period was local traffic on SR-132 and Geer Road. This was particularly evident at measurement Sites 1-3, which represented existing residences located in the immediate vicinity of those roadways. Measurement Site 4 was removed from the local roadways, but distant roadway noise remained the major noise source affecting that location.

No orchard harvesting operations were observed by BAC staff during the noise survey in the vicinity of Measurement Site 4. Although the passing of farm vehicles near measurement Site 4 resulted in brief periods of elevated noise levels, Appendices C10-C12 indicate that average daytime noise levels at that location did not fluctuate in a manner consistent with nearby harvesting operations.

Project-Generated Amplified Music Analysis

Pursuant to Stanislaus County Comments 3 and 4 shown on Page 1, this revised analysis includes an evaluation of the sound generated by larger concerts and events held at the amphitheater as well as smaller events held in the park area. A separate discussion of potential impacts of amplified music played at both locations follows.

Amplified Music Originating in Amphitheater

The proposed amphitheater site plan is shown on Figure 2. That figure illustrates that the amphitheater stage will face southeast, away from the nearest existing residences located immediately opposite the project site on Yosemite, Boulevard. With the exception of stage monitors, the speakers used during a concert at this venue would similarly face towards the southeast. Due to the directionality of speakers, this measure will substantially reduce the noise exposure at existing residences to the north of the project site. In addition, the project applicant is proposing a solid wall along the rear of the stage, which would further attenuate sound from both main and monitor speakers in the northerly direction.

The earthen berm which forms the amphitheater, is estimated to be approximately 20 feet tall around the rear of the amphitheater. See Appendix D for photographs of the existing site grading which indicate the amphitheater slope. This earthen berm will provide substantial shielding of music noise in the south and east directions.

To quantify the sound propagation from the amphitheater during a concert event, BAC utilized the SoundPLAN 7.1 model. SoundPlan is a state-of-the-art, three-dimensional, sound propagation model. Inputs to the model included site aerial photography, existing earthen berm elevations, the proposed sound barrier at the rear of the stage, and inputs pertaining to speaker locations and sound output of those speakers. Atmospheric conditions modeled using SoundPlan consisted of a cool evening/nighttime temperature of 60 degrees F and relative humidity of 70%. While atmospheric conditions will vary, the atmospheric inputs to the SoundPlan model are considered to be reasonably representative of conditions which will be present during evening/nighttime concert conditions at the amphitheater.

To provide a reasonably worst-case assessment of amphitheater sound generation, reference sound pressure levels of 90 dBA Leq and 100 dBA Lmax were assumed at a distance of 100 feet from the front of the stage. The results of the SoundPlan Model run are shown in Figure 4a for average (Leq) sound levels, and in Figure 5 for maximum (Lmax) noise levels. Figure 4b shows predicted amphitheater music sound levels with worst-case modelled sound levels from crowd noise superimposed. Crowd noise is discussed in the following section of this report.

The modeling results shown on Figure 4a indicate that the average music noise levels generated during concert events would range from approximately 29 to 51 dB Leq at the nearest residences. The modeling results shown on Figure 5 indicate that the maximum noise levels generated during concert events would range from approximately 39 to 61 dB Lmax at the nearest residences.

The SoundPlan results shown in Figures 4 and 5 indicate that, with the exception of Receptor I, project noise generation would be acceptable at all of the nearest residential receptor locations relative to the adjusted noise level standards shown in Table 4.

At the Residence represented by Receptor I, the predicted average and maximum noise levels are predicted to be approximately 52 dB Leq and 62 dB Lmax, respectively. While these predicted noise levels would exceed Table 4 noise standards, the SoundPlan Model did not account for the considerable sound absorption provided by the approximately 1,000 feet of intervening orchards. As a result, the Figure 4 and 5 noise levels are predicted to be overstated at Receptor I by approximately 10 dB.

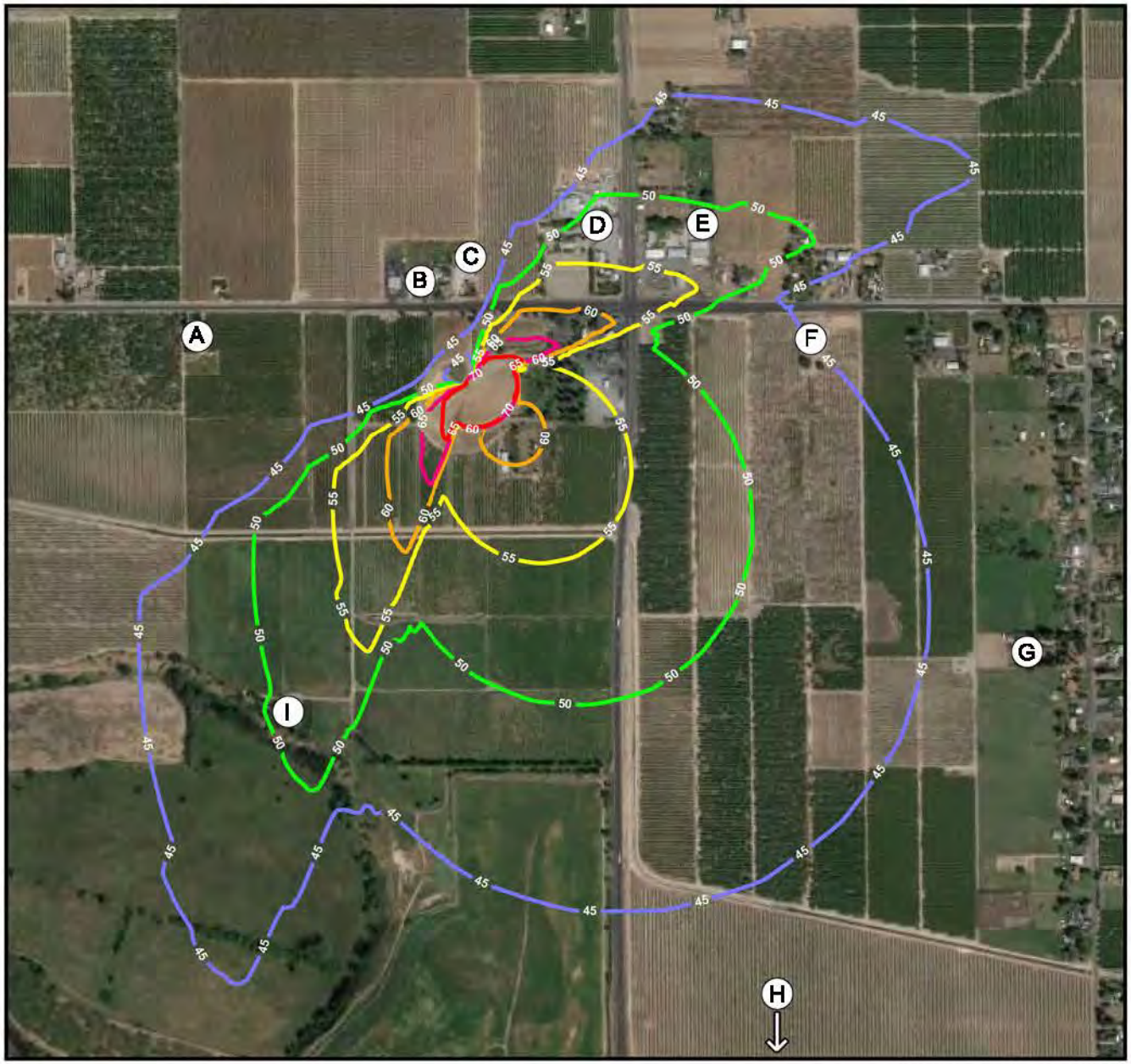
Table 5 shows the predicted music sound levels at each of the sensitive receptor locations shown on Figure 1, and the relationship of those levels to the Stanislaus County Noise Element standards. Because the adjusted maximum noise level standards are 15-20 dB higher than the adjusted average noise level standards, and because maximum sound levels generated during concert events are predicted to be 10 dB higher than average levels, compliance with the average noise level standards would result in compliance with the maximum noise level standards as well. Therefore, the focus of the Table 5 data is on predicted average sound levels at the nearest residences.

Table 5
Predicted Music Sound Levels at Nearest Residences Relative to Adjusted Noise Standards
Fruit-Yard Amphitheater Events

Receptor	Predicted Music Level Leq, dBA	Day / Night Leq Standard, dBA	Exceedance of Standards?
A	29	60 / 55	No
B	37	60 / 55	No
C	40	55 / 50	No
D	42	60 / 55	No
E	51	55 / 50	Nighttime (1 dBA)
F	47	60 / 55	No
G	44	50 / 40	Nighttime (4 dBA)
H	42	50 / 40	Nighttime (2 dBA)
I[1]	42	50 / 40	Nighttime (2 dBA)

Source: BAC using SoundPlan Noise Prediction model with directional source level of 90 dBA Leq at 100 feet from speakers.
1. An additional 10 dBA was subtracted from SoundPlan model results to account for attenuation provided by intervening orchards.

The Table 5 data indicate that sound generated by music during amphitheater events would be satisfactory relative to the County's adjusted daytime noise level standards, but that it could exceed the County's nighttime noise level standards at 4 of the nearest representative residential receptor areas. As a result, amphitheater events should be limited to daytime hours (7 am to 10 pm) until it can be determined through monitoring of daytime concerts that compliance with the recommended nighttime noise level standards can be achieved.



Noise contours created with SoundPLAN 7.1

Figure 4A

The Fruit Yard Project
Stanislaus County, California
Concert Noise Level Contours

BOLLARD
Acoustical Consultants

Scale
0 200 400 800 1200 feet

Leq, dBA

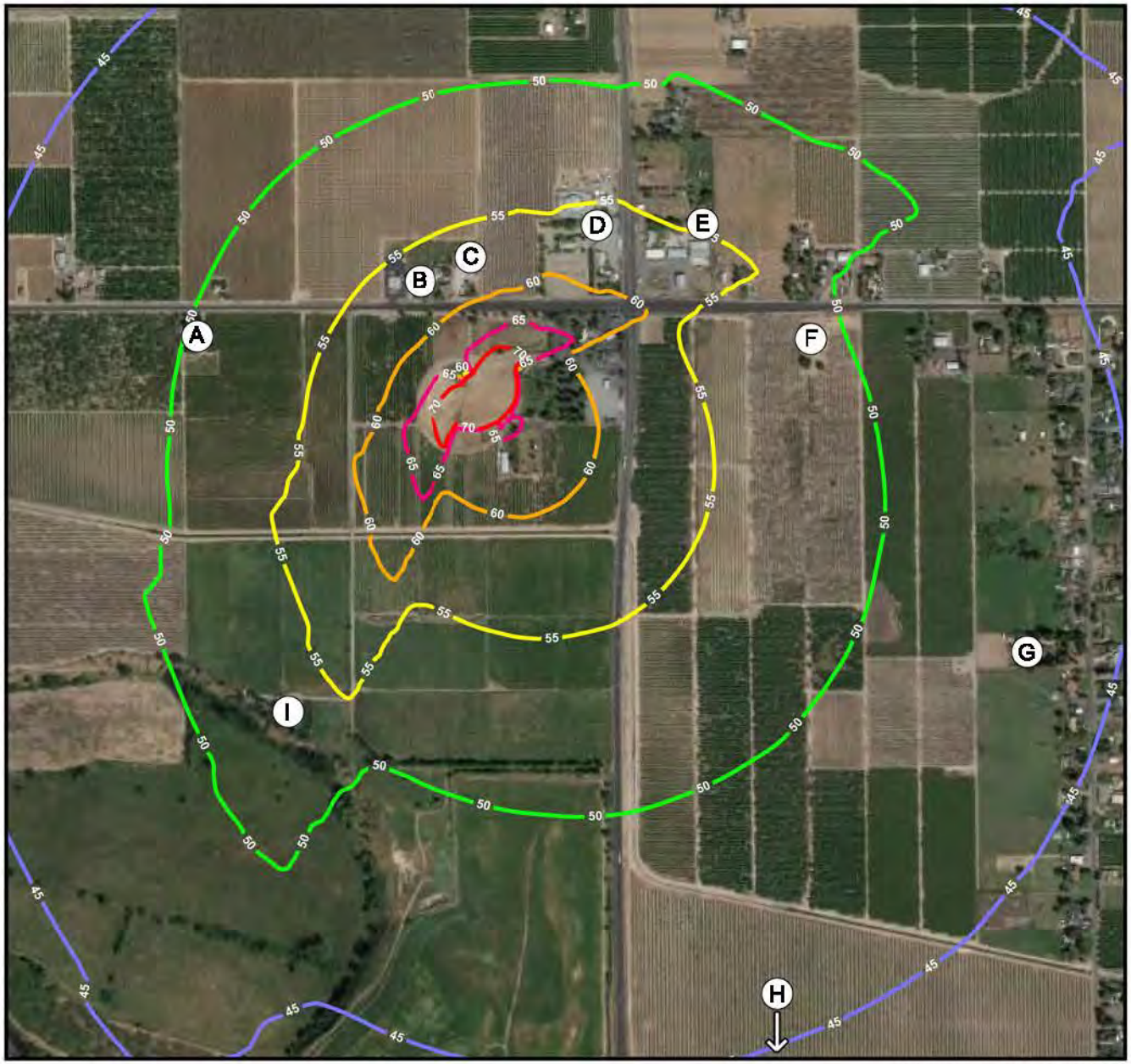
- = 45
- = 50
- = 55
- = 60
- = 65
- = 70

Legend

(#) Representive Nearest Noise-Sensitive Receptors

Notes:

- Average noise level contours
- Based on reference noise level of 90 dB Leq 100 feet from stage



Noise contours created with SoundPLAN 7.1

Figure 4B

The Fruit Yard Project
Stanislaus County, California
Amphitheater with Crowd
Noise Level Contours

BOLLARD
Acoustical Consultants

Scale
0 200 400 800 1200 feet

Leq, dBA

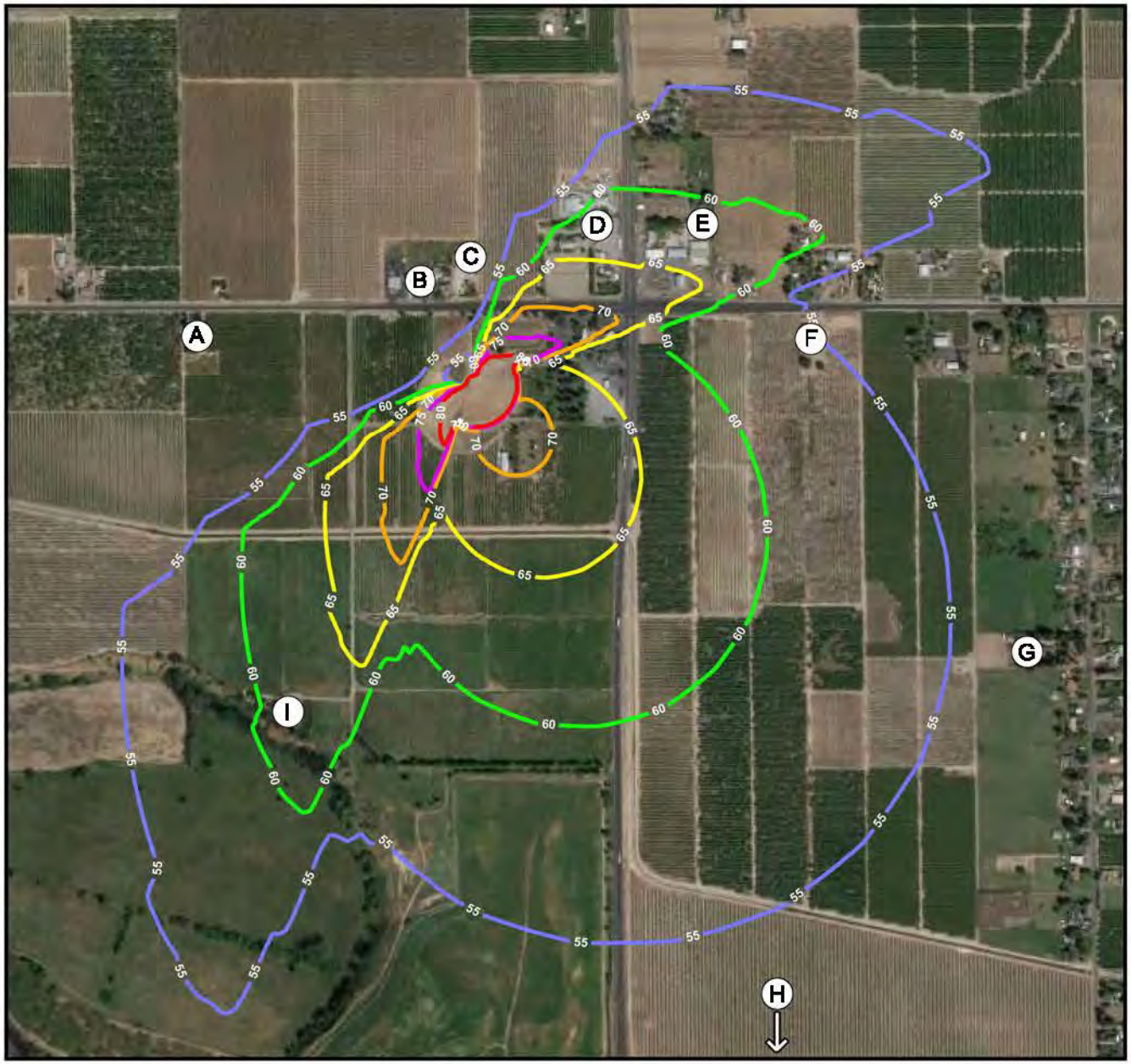
= 45
= 50
= 55
= 60
= 65
= 70

Legend

(#) Representive Nearest Noise-Sensitive Receptors

Notes:

- Average noise level contours
- Based on amphitheater reference noise level of 90 dB Leq 100 feet from stage
- Based on crowd area noise level of 83 dB per square meter



Noise contours created with SoundPLAN 7.1

Figure 5

The Fruit Yard Project
Stanislaus County, California
Concert Noise Level Contours

BOLLARD
Acoustical Consultants

Scale
0 200 400 800 1200 feet

Lmax, dBA

- = 55
- = 60
- = 65
- = 70
- = 75
- = 80

Legend

(#) Representive Nearest Noise-Sensitive Receptors

Notes:

- Maximum noise level contours
- Based on reference noise level of 100 dB Lmax 100 feet from the stage

To check the accuracy of the SoundPlan model in predicting amphitheater-generated sound levels at the nearest receptors, an event simulation was conducted at the project site on Thursday, June 18, 2015. The methodology and results of that simulation are provided in the following section of this report.

Amphitheater Event Simulation

To check the accuracy of the SoundPlan Model in predicting amphitheater sound levels at the nearest potentially affected receptor locations, BAC conducted an event simulation at the amphitheater site on June 18, 2015. The simulation consisted of playing amplified music at high sound levels through four (4) Yamaha MSR 400 watt concert speakers with built-in amplifiers and a Yamaha MSR 800 watt sub-woofer with built in amplifier, using an MP3 player as the source. The sound system was placed at the graded stage area of the proposed amphitheater with the speakers oriented to the southeast. Appendix D shows photographs of the event simulation speaker array.

While sound was played through the sound system to a reference level of 85-90 dBA at 100 feet from the speakers, noise level measurements were conducted at eight (8) locations in the vicinity of the amphitheater. Those locations included the following:

- A reference location 100 feet from the speaker array.
- Three locations on top of the amphitheater berm 225 feet from the speaker array corresponding to the left, middle, and right side limits of amphitheater seating.
- A position directly south of the amphitheater berm.
- A position at long-term noise monitoring Site 1 shown on Figure 1.
- A position adjacent to Receptor H shown on Figure 1.
- A position adjacent to Receptor I shown on Figure 1.

The results of the simulation are as follows:

- The amphitheater berm was measured to reduce music levels by approximately 15 dB at the position directly behind (south of) the berm relative to sound levels measured on top of the berm with direct line of sight to the speakers. This is generally consistent with the SoundPlan model predictions. Appendix E-1 shows the results of the simulation at this location directly shielded by the amphitheater berm.

- The amphitheater berm orientation is in the optimum direction to reduce event-related sound levels at the largest concentration of existing residences on Weyer Road and beyond. Without the amphitheater berm, event sound levels in that direction would be considerably higher at those residences (approximately 10+ dB higher).

- After considering the proposed sound barrier at the rear of the sound stage (which was not present during the simulation), sound levels measured at Receptor B, the nearest residence on the north side of Yosemite Boulevard (SR-132), were consistent with the simulation results. The specific barrier modeled for this assessment was the backstage building identified as being 100 feet wide. BAC assumed this building would be 20 feet tall relative to the stage.

- At Receptor I, which is the nearest residence to the southwest of the amphitheater, sound levels measured during the event simulation were nearly inaudible, and were approximately 10 dB lower than levels predicted using the SoundPlan Model. This is believed to be due to the considerable absorption of sound provided by the intervening 1,000 feet of orchards between the amphitheater and this receptor. Appendix E-2 shows the results of the amphitheater simulation for this receptor. As a result of this shielding, a -10 dB offset was applied to levels predicted at Receptor I, resulting in projected compliance with the County's daytime noise standards at this receptor.

  In Stanislaus County Comment #7 on page 1 of this report, the County requested that the analysis evaluate potential noise impacts should intervening orchards be removed. If the intervening orchards are removed at some point in the future, the -10 dB of attenuation identified during the simulation would no longer apply, and additional analysis of potential noise mitigation measures would be required to ensure compliance with the applicable County noise standards at Receptor I.

- At Receptor H, which represents the mobile home park at the southeast corner of Jantzen Road and Geer Road, the simulation sound levels were completely inaudible. Based on this finding, exceedance of the County's noise standards is not anticipated at this location despite the reported 2 dB exceedance of the nighttime noise level limit for this receptor in Table 5.

Amphitheater Crowd Noise Evaluation

As stated previously, the proposed amphitheater has been oriented such that the stage speakers would be directed away from the nearest residential receptors location on the north side of State Route 132 (Yosemite Boulevard). While the amphitheater speakers would generally face southeast, amphitheaters crowds would face predominately northwest, towards the residences on the north side of SR 132.

Crowd noise would be generated by a combination of patrons clapping and verbally expressing their appreciation for the performers (cheering). The level of crowd noise received at the existing residences located on the north side of SR 132 (Receptors B and C on Figure 1), would depend on the size and enthusiasm of the crowd, as well as the duration of the hour during which the crowd is clapping and cheering.

Regarding crowd cheering, the *Handbook of Noise Control* (Harris, Acoustical Society of America, 1998), provides average A-weighted sound levels of speech for different vocal efforts (Table 16.1, p16.2.). Those vocal efforts are categorized as casual, normal, raised, loud and shouting. BAC utilized these reference levels in the computations of crowd noise at the nearest potentially impacted residences.

During a normal event such as a concert, it is BAC's experience that the crowd noise is intermittent, peaking in intensity at the beginning of a popular song, and at the end of nearly every song. The percentage of the hour during which a crowd is cheering/applauding is also a function of the duration of the song being played and the duration of time between songs. For a

conservative estimate of crowd noise generation, this analysis assumed the crowd would be cheering/applauding during approximately 10% of a given hour during a concert performance. The volume level of cheering patrons during that time is expected to vary from “raised” to “loud” to “shouting”.

Based on a maximum capacity crowd of 3,500 patrons in the amphitheater and the above-described assumptions, BAC computed a worst-case hourly noise level of 57 dBA Leq the nearest residence, located approximately 750 feet to the northwest of the center of the amphitheater seating area. This level does not include shielding by other patrons or the building at the rear of the stage which will serve as a sound barrier. After consideration of that shielding, BAC estimates that worst-case hourly average crowd noise level would be approximately 55 dB L_{eq} or less at the nearest residences to the north.

BAC file data for patrons clapping also varies depending on the intensity of the applause. Applause generally ranges from “polite” to “normal” to “enthusiastic”. At a concert, applause normally falls within the normal to enthusiastic categories. Assuming comparable durations of clapping as cheering during a given hour of a concert event, the computed noise level at the nearest residence from crowd applause also computed to be 55 dB L_{eq} or less.

Combined level for worst-case crowd cheering and applause was conservatively modelled to be 58 dBA Leq or less at the nearest residences to the north. Actual daytime combined crowd cheering and applause sound levels are predicted to be approximately 55 dBA Leq at the nearest residences to the north. This level would be considered satisfactory relative to County daytime noise criteria but would exceed the County’s nighttime noise standards at those nearest residences to the north. As a result, initial daytime amphitheater events should be monitored to determine more precisely the range of crowd noise levels which can be expected prior to the allowance of nighttime events. Depending on the results of that monitoring, it may be necessary to limit events with higher numbers of patrons to daytime hours to ensure crowd noise does not exceed acceptable limits. Once concert events have been held at the amphitheater site, noise level data collected during the event can be correlated with crowd sizes to confirm these assumptions.

Amplified Music Originating in the Park Area

According to project representatives, larger events generally consisting of crowd sizes of 500 or more would typically be held in the amphitheater, whereas smaller events with crowd sizes below 500 would typically be held in the park area.

The park area is shown on Figure 2. That figure also shows a proposed banquet tent located in the central portion of the park, just west of the lake feature. It is likely that receptions with amplified music would occur within the banquet tent, but the park area could accommodate amplified music at other locations as well. It was assumed that the speakers could be positioned in a variety of locations and oriented to the north, south, east or west.

To quantify the sound propagation from the park area during an amplified sound event, BAC utilized the same SoundPLAN 7.1 model previously used to model amphitheater sound levels.

Given the smaller size of the park events relative to events held in the amphitheater, a reference sound pressure level of 75 dBA Leq was assumed at a distance of 100 feet from the front of the speakers. This level of sound is consistent with that generated during a wedding reception or small concert. The results of the SoundPlan Model run are shown in Figures 6-9 for speaker positions facing north, east, south and west, respectively. The SoundPlan model runs also conservatively assume a crowd of 500 persons facing directly opposite the speaker orientation.

Noise contours created with SoundPLAN 7.1

Figure 6

The Fruit Yard Project
Stanislaus County, California
Park Area Noise Level Contours

BOLLARD
Acoustical Consultants

Scale
0 200 400 800 1200 feet

Leq, dBA

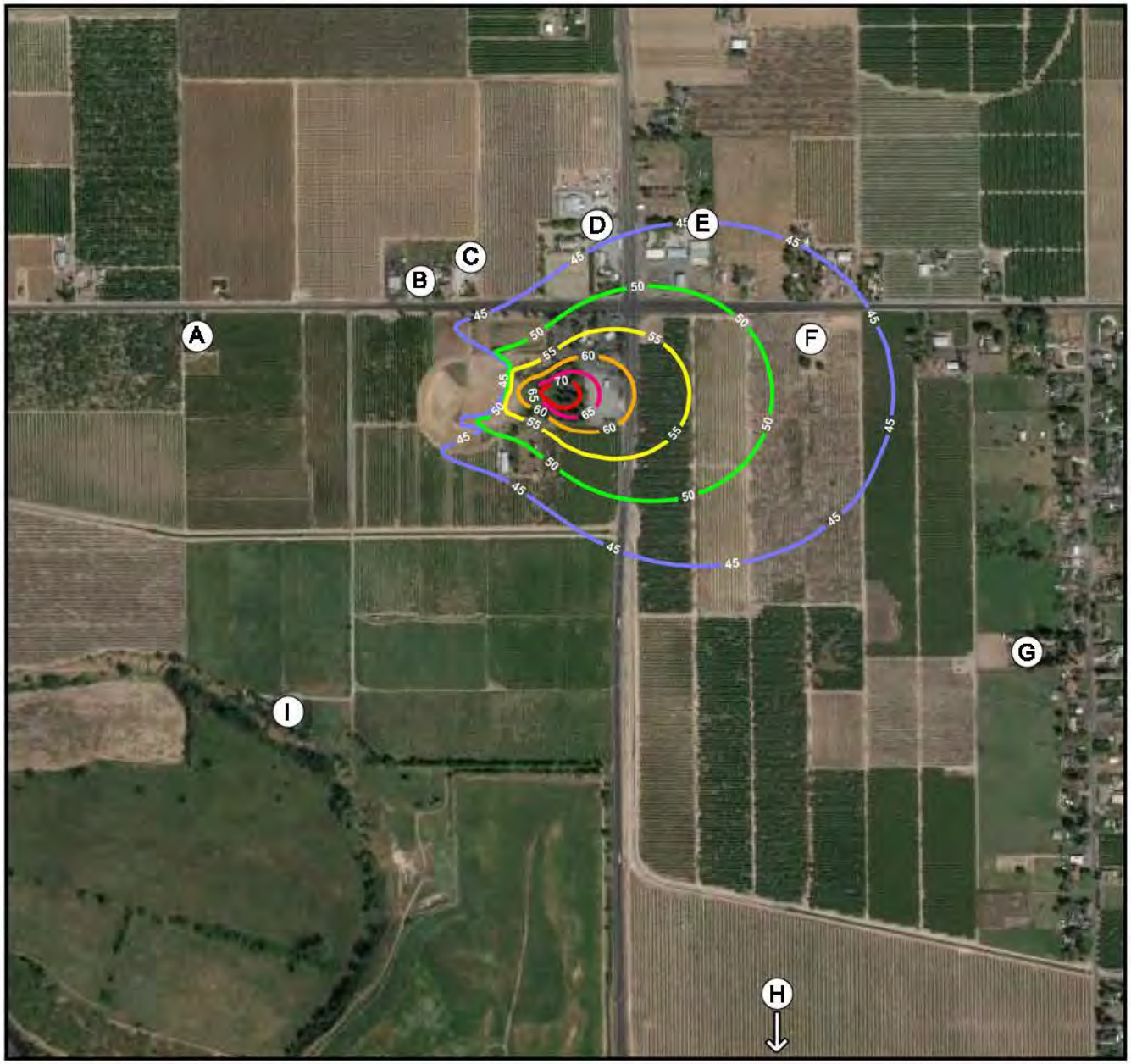
= 45
= 50
= 55
= 60
= 65
= 70

Legend

(#) Representive Nearest Noise-Sensitive Receptors

Notes:

- Park/banquet area sound system
- Speakers facing north
- Average noise level contours
- Based on reference noise level of 75 dB Leq 100 feet from stage
- Plus 500 person crowd



Noise contours created with SoundPLAN 7.1

Figure 7

The Fruit Yard Project
Stanislaus County, California
Park Area Noise Level Contours

BOLLARD
Acoustical Consultants

Scale
0 200 400 800 1200 feet

Leq, dBA

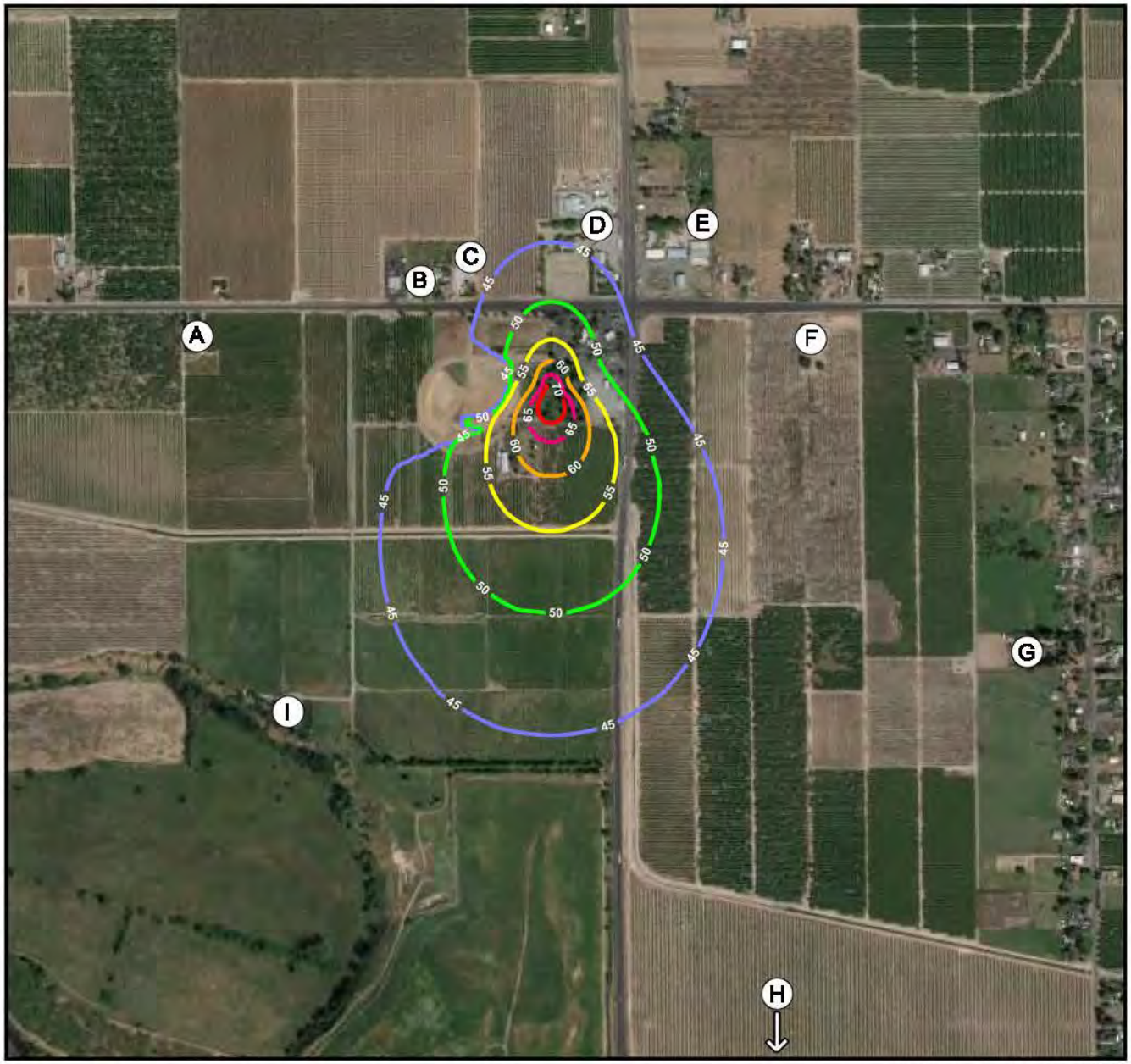
= 45
= 50
= 55
= 60
= 65
= 70

Legend

Representive Nearest Noise-Sensitive Receptors

Notes:

- Park/banquet area sound system
- Speakers facing east
- Average noise level contours
- Based on reference noise level of 75 dB Leq 100 feet from stage
- Plus 500 person crowd



Noise contours created with SoundPLAN 7.1

Figure 8

The Fruit Yard Project
Stanislaus County, California
Park Area Noise Level Contours

BOLLARD
Acoustical Consultants

Scale
0 200 400 800 1200 feet

Leq, dBA

- = 45
- = 50
- = 55
- = 60
- = 65
- = 70

Legend

(#) Representive Nearest Noise-Sensitive Receptors

Notes:

- Park/banquet area sound system
- Speakers facing south
- Average noise level contours
- Based on reference noise level of 75 dB Leq 100 feet from stage
- Plus 500 person crowd

Noise contours created with SoundPLAN 7.1

Figure 9

The Fruit Yard Project
Stanislaus County, California
Park Area Noise Level Contours

BOLLARD
Acoustical Consultants

Scale
0 200 400 800 1200 feet

Leq, dBA

= 45
= 50
= 55
= 60
= 65
= 70

Legend

(#) Representive Nearest Noise-Sensitive Receptors

Notes:

- Park/banquet area sound system
- Speakers facing west
- Average noise level contours
- Based on reference noise level of 75 dB Leq 100 feet from stage
- Plus 500 person crowd

The modeling results shown on Figures 6-9 indicate the directionality of sound speakers as well as the directionality of the crowd noise. Evaluation of those figures indicate that the average noise levels generated during small amplified music events in the park area would be satisfactory relative to the Table 4 noise standards are all of the nearest residences to the project site during both daytime and nighttime hours. Figure 8 shows that the south-facing speaker orientation would result in the lowest off-site noise levels. Therefore, if small event sound levels are to exceed 75 dBA Leq at a reference distance of 100 feet, a south or southwest-facing speaker orientation is recommended.

As with amplified music generated at the amphitheater area, low frequency sound generated during amplified music events within the park area is also a concern to Stanislaus County. Specific recommendations for control of low-frequency sound are provided in the following section.

Increases in Traffic Noise Levels Resulting from the Project

During events held at either the amphitheater or park area, traffic volumes on the local roadway network would increase. BAC utilized traffic data provided by the project transportation consultant with the Federal Highway Administration Traffic Noise Prediction Model (FHWA-RD-77-108) to evaluate changes in both 24-hour weighted average sound levels (Ldn) and peak hour average sound levels (Leq). FHWA Model Inputs are provided in Appendix F.

Table 6 shows the predicted worst-case traffic noise generation of the project based on maximum amphitheater trip generation in terms of both Ldn and Leq.

The Table 6 data indicate that traffic noise levels would increase on the local roadway network from 0.2 to 0.9 dB L_{dn}, and 1.1 to 3.3 dB L_{eq} during the peak hour. Although the Table 6 data is presented at a distance of 100 feet from the roadway centerline, which represents the approximate exposure of the nearest residences to the local roadway network, the increases shown in Table 6 would be applicable at more distant residences as well.

Relative to baseline traffic noise levels without the project, the short-term project-related traffic noise increases on the days of large amphitheater events are predicted to be less than significant. Furthermore, smaller events held at the park area would generate considerably lower increases in both daily and average traffic noise levels, and would similarly be considered less than significant.

Although future (cumulative) traffic data was not available, it is logical to conclude that future baseline traffic volumes on the local roadway network would be higher than existing volumes due to general growth in the region. Since the Table 6 data includes evaluation of worst-case project trip generation during a large amphitheater event, a similar increase in future project traffic noise levels resulting from large amphitheater events is not anticipated. As a result, the relative increase of project traffic noise generation would be smaller when compared to a greater future baseline. Therefore, the project's contribution to the future traffic noise environment is not expected to be cumulatively considerable.

Table 6
Existing vs. Existing Plus Project Traffic Noise Levels
(100 feet from roadway centerlines)
The Fruit Yard – Stanislaus County, California

		Day/Night Average Level (Ldn)				Peak Hour Average Level (Leq)			
Roadway	**Segment**	**Existing**	**Existing + Project**	**Change**	**Substantial Increase?**	**Existing**	**Existing + Project**	**Change**	**Substantial Increase?**
Yosemite Blvd	West of Project Site	61.2	62.1	0.9	No	51.2	54.5	3.3	No
Yosemite Blvd	East of Project Site	62.9	63.1	0.2	No	52.9	54.0	1.1	No
Albers Road	North of Project Site	63.7	63.9	0.3	No	53.7	54.9	1.2	No
Geer Road	South of Project Site	64.1	64.4	0.3	No	54.1	55.4	1.4	No

Sources: FHWA-RD-77-108, project traffic study, and Bollard Acoustical Consultants, Inc.

In addition to indicating that the project would not result in a significant noise level increase on the local roadways, Table 6 also indicates that the project would not result in exceedance of the County's traffic noise standards at the nearest residences where those standards are not already exceeded.

Noise and Vibration Generated During Project Construction

Construction Noise Levels

During the construction of the proposed project, noise from construction-related activities would add to the noise environment in the immediate project vicinity. Activities involved in construction would vary by site, but heavy construction equipment would generate maximum noise levels, as indicated in Table 7, ranging from 73 to 85 dB L_{max} a distance of 50 feet. The level of project construction noise exposure received at existing noise-sensitive land uses in the project vicinity will depend primarily on the proximity of the construction activities to those residences. It should be noted that the majority of the site grading and amphitheater berm construction has been completed. As a result, substantial construction noise associated with heavy earthmoving equipment is not anticipated.

The nearest existing sensitive uses (residences) to the project site are located on the north side of SR-132 (Receptors B and C on Figure 1). Those residences are located approximately 125+ feet from onsite construction activities. At that distance, the levels shown in Table 7 would be reduced by approximately 8 dB based on spherical spreading of sound alone. Resulting maximum noise levels would range from approximately 65 to 77 dB Lmax. This range of maximum noise levels is well below measured maximum noise levels resulting from existing traffic on SR-132 (See Table 1 and Appendix B & C data), so adverse noise impacts associated with project construction are not anticipated provided construction activities are limited to daytime hours.

Table 7
General Construction Equipment Noise Levels at 50 feet

Type of Equipment	L_{max}, dBA
Backhoe	80
Compactor (ground)	80
Compressor (air)	80
Concrete mixer truck	85
Concrete pump truck	82
Concrete saw	90
Crane (mobile or stationary)	85
Dozer	85
Dump truck	84
Excavator	85
Flatbed truck	84
Front end loader	80
Generator (25 kilovolt-amperes [kVA] or less)	70
Generator (more than 25 kVA)	82
Grader	85
Jackhammer	85
Paver	85
Pneumatic tools	85
Pumps	77
Scraper	85
Tractor	84
Vibratory concrete mixer	80
Welder/Torch	73

Source: Federal Highway Administration's Construction Noise Model, V1.1, December 8, 2008.

Construction Vibration Levels

To quantify reference vibration levels generated by heavy equipment typically utilized in construction, BAC vibration measurement data pertaining to heavy equipment were utilized. Table 8 summarizes that vibration data.

Table 8
Reference Heavy Equipment Vibration Levels

Vibration Source	Measurement Distance, ft.	Peak Particle Velocity (in/sec)
Bulldozers	35	0.0209
Front-Loaders	100	0.0047
Haul Truck	100	0.0062
Water Truck	100	0.0070
Pneumatic Tools	50	0.0187

Source: Bollard Acoustical Consultants, Inc.

The nearest residences would be located approximately 125+ feet from project construction activities. At that distance, construction vibration levels are predicted to be well below 0.01 inches per second, which would be imperceptible. As a result, no adverse vibration impacts associated with project construction are identified for this project.

Conclusions and Recommendations

This analysis concludes that events at the Fruit Yard Amphitheater and Park Area utilizing amplified music can comply with the applicable Stanislaus County noise standards with appropriate noise mitigation measures incorporated into the project design and operation. The following specific recommendations are provided to ensure the project is both within compliance with those County noise regulations and to reduce the potential for nuisance noise complaints associated with audible low-frequency sound even if it is within compliance with County noise standards:

Amphitheater Event Recommendations

1. Amplified music events at the amphitheater should be limited to daytime hours (ending prior to 10 pm) until it can be demonstrated through noise level measurements of concert events that nighttime operations could occur without resulting in adverse nighttime noise impacts. BAC recommends that the first two large concerts held at the amphitheater be limited to daytime hours (music ending at or before 10 pm) to provide an opportunity to evaluate facility noise generation, including crowd noise, at the nearest residences during the less sensitive daytime hours.

2. To ensure compliance with County noise standards, amphitheater sound system output should be limited to an average of 90 dBA Leq averaged over a 5 minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the Amphitheater stage.

3. To control low-frequency sound in the surrounding neighborhood, C-weighted sound levels should be limited to 100 dBC Leq averaged over a 5 minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the Amphitheater stage. In addition,

amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

4. In addition to the noise level limits shown in Table 4, daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq should be applied at the nearest residences, respectively. These standards should be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first 2 large amphitheater events.

5. During the first 2 large concerts held at the amphitheater, noise levels should be monitored by a qualified acoustical consultant. The monitoring should be conducted continuously from the sound stage, with periodic noise monitoring near the closest residences in all directions surrounding the amphitheater. The noise measurements should include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the concert event. The purpose of the measurements is to verify compliance with the project's noise standards. If the measurement results indicate that the music levels exceed the appropriate noise standards, additional sound controls should implemented prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating area, and limiting amplified music to before 10 pm.

6. Portable sound level meters should be procured and used at the soundstage as well as at the nearest residences to periodically monitor the sound system output during all subsequent amphitheater events. Only by being aware of the instantaneous sound levels can the sound technicians make the appropriate adjustments to the sound mixing board. The meter should meet a Type/Class 1 or 2 compliance and be capable of monitoring in both A and C weighting Scales. In addition, the meter shall be fitted with the manufacturer's windscreen and calibrated before use. A cost-effective option for noise monitoring equipment would be an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital. SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light.

7. If the results of the initial event noise monitoring is determined to approach or exceed the noise standards developed for this project, a permanent noise monitoring system should be installed at the mixing board area and used to monitor all subsequent amphitheater events until such a time as it is determined that adequate noise controls have been implemented to render permanent monitoring unnecessary.

8. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and ensure compliance with the specified limits.

9. The amphitheater owner should make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures should be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits.

10. Although sound generated by concert activities at the amphitheater are predicted to be satisfactory relative to Stanislaus County noise standards following implementation of the recommendations cited herein, music will likely be audible at some of the nearest residences to the project site at times. This audibility will vary depending on atmospheric conditions and size of concert, but audibility is not a test of significance for noise impact. Nonetheless, a mechanism should be developed whereby residents concerned about concert sound levels can reach a Fruit Yard representative during the concert so that appropriate investigation of those concerns can be accommodated. Typical smaller events, such as weddings, charity auctions, etc., are expected to generate considerably lower sound levels than a concert event.

11. To maintain crowd noise at acceptable levels, amphitheater events exceeding 2,000 attendees should be concluded by 10 pm. Noise monitoring of crowd noise during the first two events can be utilized to determine if this measure will be necessary long-term.

Park Event Recommendations

1. To ensure compliance with County noise standards, park sound system output should be limited to an average of 75 dBA Leq averaged over a 5 minute period and a maximum of 85 dBA Lmax at a position located 100 feet from the sound system speakers. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

2. To control low-frequency sound in the surrounding neighborhood, C-weighted sound levels should be limited to 85 dBC Leq averaged over a 5 minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the speakers. In addition, amplified music shall be limited to an average of 75 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

3. In addition to the noise level limits shown in Table 4, daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq should be applied at the nearest residences, respectively. These standards should be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first 2 large amphitheater events.

4. If monitoring of representative amplified music events in the park area indicates that those events are within compliance with the County's noise standards and the C-weighted standards recommended in this report, consideration should be given to eliminating the requirement for routine monitoring of all park events.

This concludes BAC's analysis of amplified sound generated during events held at the Fruit Yard project in Stanislaus County, CA. Please contact Paul Bollard at (916) 663-0500 or PaulB@bacnoise.com with any questions regarding this report.

Appendix A

Acoustical Terminology

Acoustics The science of sound.

Ambient Noise The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.

Attenuation The reduction of an acoustic signal.

A-Weighting A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.

Decibel or dB Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.

CNEL Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.

Frequency The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.

Ldn Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.

Leq Equivalent or energy-averaged sound level.

Lmax The highest root-mean-square (RMS) sound level measured over a given period of time.

Loudness A subjective term for the sensation of the magnitude of sound.

Masking The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.

Noise Unwanted sound.

Peak Noise The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the Maximum level, which is the highest RMS level.

RT_{60} The time it takes reverberant sound to decay by 60 dB once the source has been removed.

Sabin The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.

SEL A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy of the event into a 1-s time period.

Threshold of Hearing The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.

Threshold of Pain Approximately 120 dB above the threshold of hearing.

Appendix B-1

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 1
Friday, June 19, 2015

Hour	Leq	Lmax	L50	L90
0:00	55	78	42	37
1:00	54	78	41	35
2:00	54	76	41	35
3:00	56	76	46	39
4:00	58	75	50	43
5:00	63	83	57	50
6:00	63	78	57	50
7:00	63	82	57	48
8:00	65	90	56	45
9:00	63	85	56	44
10:00	63	85	56	43
11:00	66	96	57	45
12:00	66	95	58	45
13:00	63	82	58	46
14:00	64	84	60	50
15:00	71	95	61	49
16:00	64	89	59	46
17:00	64	83	60	48
18:00	63	83	57	45
19:00	61	77	56	46
20:00	61	80	56	50
21:00	62	81	56	50
22:00	61	78	56	46
23:00	59	83	51	43

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	71	61	65	63	54	59
Lmax (Maximum)	96	77	86	83	75	78
L50 (Median)	61	56	58	57	41	49
L90 (Background)	50	43	47	50	35	42

Computed Ldn, dB	67
% Daytime Energy	86%
% Nighttime Energy	14%

BOLLARD
Acoustical Consultants

Appendix B-2

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 1
Saturday, June 20, 2015

Hour	Leq	Lmax	L50	L90
0:00	56	77	46	40
1:00	55	77	44	37
2:00	55	76	44	38
3:00	56	80	43	38
4:00	57	74	49	41
5:00	61	79	56	48
6:00	62	81	54	47
7:00	61	80	53	46
8:00	61	76	54	44
9:00	62	80	57	45
10:00	64	87	58	45
11:00	63	83	59	46
12:00	64	87	59	47
13:00	63	81	58	47
14:00	62	80	58	47
15:00	63	86	57	46
16:00	63	79	59	47
17:00	64	85	58	45
18:00	62	84	56	45
19:00	62	90	55	43
20:00	61	78	55	44
21:00	63	90	53	43
22:00	59	78	52	43
23:00	57	74	48	43

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	64	61	63	62	55	58
Lmax (Maximum)	90	76	83	81	74	77
L50 (Median)	59	53	57	56	43	48
L90 (Background)	47	43	45	48	37	42

Computed Ldn, dB	66
% Daytime Energy	82%
% Nighttime Energy	18%

BOLLARD
Acoustical Consultants

Appendix B-3

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 1
Sunday, June 21, 2015

Hour	Leq	Lmax	L50	L90
0:00	56	83	46	41
1:00	57	81	44	37
2:00	53	74	41	36
3:00	52	73	41	34
4:00	52	69	42	36
5:00	58	81	51	43
6:00	57	74	48	43
7:00	58	79	49	42
8:00	61	90	50	42
9:00	61	81	55	43
10:00	61	80	56	44
11:00	63	81	59	46
12:00	64	88	59	45
13:00	61	77	58	44
14:00	62	82	57	44
15:00	62	83	57	45
16:00	61	81	56	44
17:00	66	93	56	45
18:00	61	80	56	46
19:00	62	82	56	45
20:00	61	83	55	45
21:00	66	92	59	47
22:00	60	81	51	43
23:00	54	76	44	38

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	66	58	62	60	52	56
Lmax (Maximum)	93	77	83	83	69	77
L50 (Median)	59	49	56	51	41	45
L90 (Background)	47	42	44	43	34	39

Computed Ldn, dB	64
% Daytime Energy	87%
% Nighttime Energy	13%

BOLLARD
Acoustical Consultants

Appendix B-4

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 2
Friday, June 19, 2015

Hour	Leq	Lmax	L50	L90
0:00	59	86	53	45
1:00	60	85	51	42
2:00	63	92	53	40
3:00	61	80	56	47
4:00	63	80	59	52
5:00	67	86	64	59
6:00	68	91	65	61
7:00	71	91	67	62
8:00	67	89	63	59
9:00	65	82	63	58
10:00	66	82	63	58
11:00	65	83	62	58
12:00	66	86	63	58
13:00	66	86	63	59
14:00	67	90	63	59
15:00	65	81	62	58
16:00	65	86	62	57
17:00	65	80	63	59
18:00	66	94	61	57
19:00	64	85	60	56
20:00	64	83	61	57
21:00	65	87	60	57
22:00	66	90	60	56
23:00	64	86	58	52

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	71	64	66	68	59	64
Lmax (Maximum)	94	80	86	92	80	86
L50 (Median)	67	60	62	65	51	58
L90 (Background)	62	56	58	61	40	50

Computed Ldn, dB	71
% Daytime Energy	73%
% Nighttime Energy	27%

BOLLARD
Acoustical Consultants

Appendix B-5

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 2
Saturday, June 20, 2015

Hour	Leq	Lmax	L50	L90
0:00	66	94	56	50
1:00	61	86	53	42
2:00	61	82	56	45
3:00	61	89	51	43
4:00	62	84	56	49
5:00	64	81	60	55
6:00	69	88	66	61
7:00	66	84	62	58
8:00	65	82	61	56
9:00	66	90	61	56
10:00	65	91	61	56
11:00	64	84	60	56
12:00	66	90	61	57
13:00	66	89	61	57
14:00	64	85	60	56
15:00	65	85	61	56
16:00	66	88	63	58
17:00	69	94	61	56
18:00	65	88	60	55
19:00	65	87	60	55
20:00	64	81	60	55
21:00	68	97	59	54
22:00	63	85	59	54
23:00	63	83	59	53

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	69	64	66	69	61	64
Lmax (Maximum)	97	81	88	94	81	86
L50 (Median)	63	59	61	66	51	57
L90 (Background)	58	54	56	61	42	50

Computed Ldn, dB	71
% Daytime Energy	69%
% Nighttime Energy	31%

BOLLARD
Acoustical Consultants

Appendix B-6

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 2
Sunday, June 21, 2015

Hour	Leq	Lmax	L50	L90
0:00	62	86	56	48
1:00	60	80	55	47
2:00	59	80	54	42
3:00	58	80	51	40
4:00	58	72	54	44
5:00	62	84	57	52
6:00	64	85	61	57
7:00	62	81	60	55
8:00	62	79	60	56
9:00	66	88	61	56
10:00	64	91	60	56
11:00	64	85	61	56
12:00	64	83	61	57
13:00	63	81	60	55
14:00	64	83	60	56
15:00	65	87	60	55
16:00	63	81	60	56
17:00	71	98	61	56
18:00	64	84	60	55
19:00	65	87	61	56
20:00	66	89	61	56
21:00	70	94	61	56
22:00	64	86	58	52
23:00	62	85	55	47

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	71	62	66	64	58	61
Lmax (Maximum)	98	79	86	86	72	82
L50 (Median)	61	60	60	61	51	56
L90 (Background)	57	55	56	57	40	48

Computed Ldn, dB	69
% Daytime Energy	81%
% Nighttime Energy	19%

BOLLARD
Acoustical Consultants

Appendix B-7

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 3
Friday, June 19, 2015

Hour	Leq	Lmax	L50	L90
0:00	55	74	45	39
1:00	55	75	42	37
2:00	54	75	42	36
3:00	58	79	48	41
4:00	60	79	52	43
5:00	62	75	58	48
6:00	64	78	60	51
7:00	63	77	60	50
8:00	63	85	59	51
9:00	69	93	60	51
10:00	62	79	57	47
11:00	61	78	58	47
12:00	62	77	58	48
13:00	61	77	58	49
14:00	62	77	58	49
15:00	62	79	58	49
16:00	62	80	60	49
17:00	63	78	60	51
18:00	64	90	60	51
19:00	63	83	59	51
20:00	63	80	60	53
21:00	65	92	59	53
22:00	62	83	57	51
23:00	60	78	55	49

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	69	61	64	64	54	60
Lmax (Maximum)	93	77	82	83	74	77
L50 (Median)	60	57	59	60	42	51
L90 (Background)	53	47	50	51	36	44

Computed Ldn, dB	67
% Daytime Energy	79%
% Nighttime Energy	21%

BOLLARD
Acoustical Consultants

Appendix B-8

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 3
Saturday, June 20, 2015

Hour	Leq	Lmax	L50	L90
0:00	59	82	51	48
1:00	57	79	49	47
2:00	57	80	49	48
3:00	57	77	49	47
4:00	60	81	52	48
5:00	61	79	56	50
6:00	61	78	57	50
7:00	61	78	56	49
8:00	61	79	57	48
9:00	61	77	58	50
10:00	61	82	58	51
11:00	62	81	58	50
12:00	61	83	58	50
13:00	60	78	57	50
14:00	61	82	57	50
15:00	63	90	58	51
16:00	62	81	59	51
17:00	65	87	60	53
18:00	64	91	60	50
19:00	62	79	59	49
20:00	63	87	59	49
21:00	61	77	58	48
22:00	61	80	56	47
23:00	61	77	55	46

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	65	60	62	61	57	60
Lmax (Maximum)	91	77	82	82	77	79
L50 (Median)	60	56	58	57	49	53
L90 (Background)	53	48	50	50	46	48

Computed Ldn, dB	66
% Daytime Energy	75%
% Nighttime Energy	25%

BOLLARD
Acoustical Consultants

Appendix B-9

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 3
Sunday, June 21, 2015

Hour	Leq	Lmax	L50	L90
0:00	57	77	49	44
1:00	56	75	48	43
2:00	55	72	46	42
3:00	56	79	46	43
4:00	55	75	46	44
5:00	57	74	48	45
6:00	60	86	50	45
7:00	58	74	52	45
8:00	59	75	55	45
9:00	61	85	57	48
10:00	61	85	57	48
11:00	61	75	58	49
12:00	60	76	58	50
13:00	60	77	57	48
14:00	61	76	58	49
15:00	61	82	57	49
16:00	61	78	58	49
17:00	62	86	58	49
18:00	62	75	59	49
19:00	63	85	59	50
20:00	62	82	60	50
21:00	65	90	58	49
22:00	59	75	54	47
23:00	59	85	50	45

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	65	58	61	60	55	57
Lmax (Maximum)	90	74	80	86	72	77
L50 (Median)	60	52	57	54	46	48
L90 (Background)	50	45	48	47	42	44

Computed Ldn, dB	65
% Daytime Energy	81%
% Nighttime Energy	19%

BOLLARD
Acoustical Consultants

Appendix B-10

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 4
Friday, June 19, 2015

Hour	Leq	Lmax	L50	L90
0:00	42	57	40	37
1:00	42	59	40	36
2:00	43	61	41	36
3:00	46	58	43	39
4:00	47	59	46	41
5:00	52	64	51	48
6:00	53	66	52	49
7:00	48	60	48	45
8:00	48	68	46	43
9:00	51	72	45	41
10:00	49	71	45	41
11:00	50	66	48	44
12:00	51	64	47	42
13:00	69	94	56	45
14:00	49	62	47	43
15:00	48	63	46	42
16:00	48	70	44	41
17:00	47	63	45	42
18:00	46	64	44	41
19:00	48	65	45	42
20:00	49	68	47	44
21:00	49	60	48	45
22:00	52	67	50	44
23:00	48	61	46	42

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	69	46	58	53	42	49
Lmax (Maximum)	94	60	67	67	57	61
L50 (Median)	56	44	47	52	40	45
L90 (Background)	45	41	43	49	36	41

Computed Ldn, dB	58
% Daytime Energy	92%
% Nighttime Energy	8%

BOLLARD
Acoustical Consultants

Appendix B-11

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 4
Saturday, June 20, 2015

Hour	Leq	Lmax	L50	L90
0:00	46	64	44	39
1:00	44	59	42	37
2:00	44	59	42	37
3:00	43	59	40	37
4:00	44	59	43	39
5:00	55	74	51	48
6:00	52	64	50	47
7:00	53	80	48	45
8:00	46	63	45	42
9:00	47	69	44	41
10:00	46	63	43	40
11:00	47	65	43	40
12:00	47	62	43	39
13:00	55	76	43	39
14:00	45	60	42	38
15:00	46	57	44	40
16:00	49	71	45	41
17:00	49	68	46	42
18:00	49	68	47	43
19:00	50	71	46	42
20:00	46	61	44	41
21:00	45	63	43	40
22:00	44	57	43	40
23:00	46	65	44	41

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	55	45	49	55	43	49
Lmax (Maximum)	80	57	66	74	57	62
L50 (Median)	48	42	44	51	40	44
L90 (Background)	45	38	41	48	37	41

Computed Ldn, dB	55
% Daytime Energy	66%
% Nighttime Energy	34%

BOLLARD
Acoustical Consultants

Appendix B-12

2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 4
Sunday, June 21, 2015

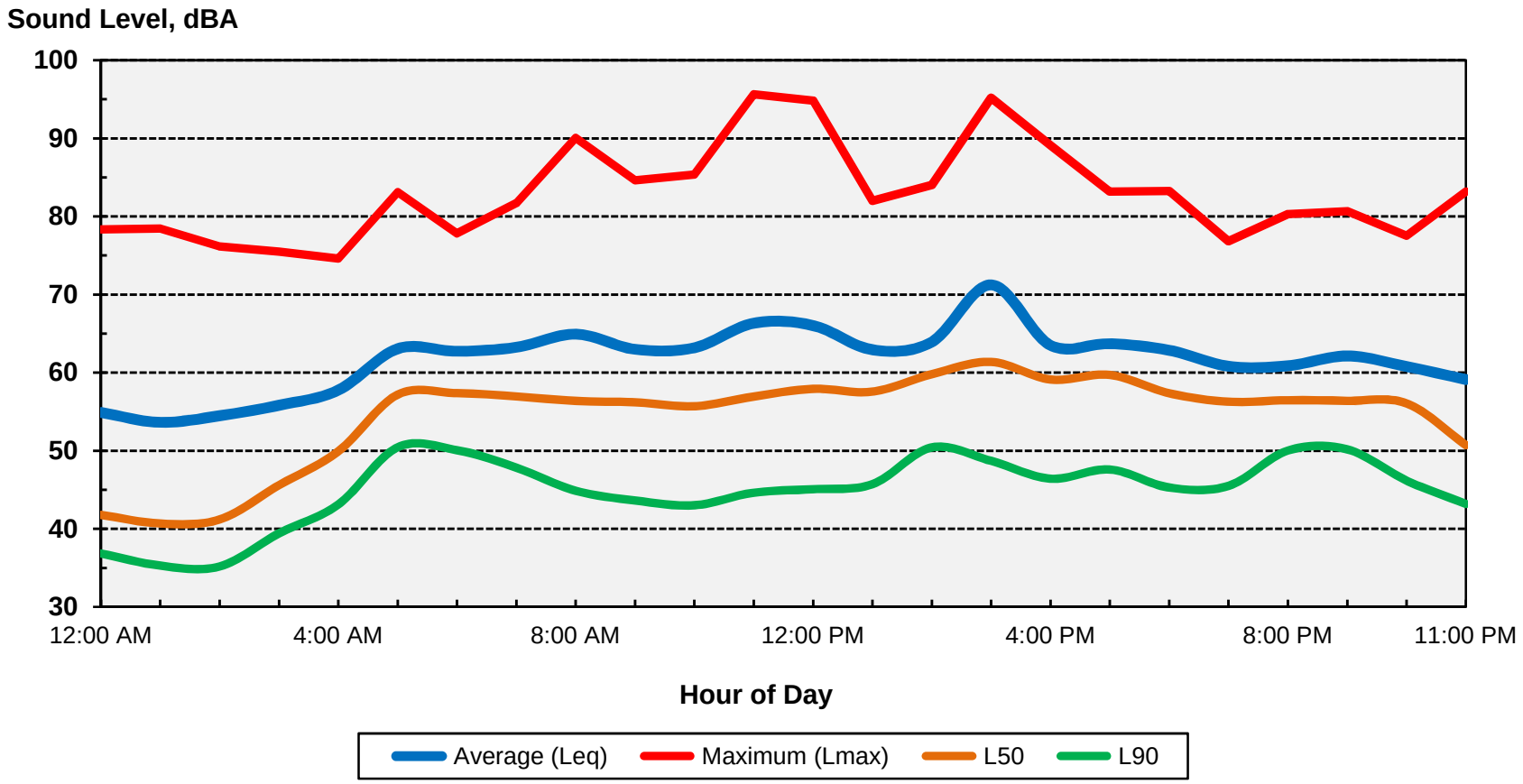
Hour	Leq	Lmax	L50	L90
0:00	44	60	43	39
1:00	44	58	41	36
2:00	42	60	39	35
3:00	41	59	39	34
4:00	40	52	39	35
5:00	53	74	49	44
6:00	48	64	46	43
7:00	48	64	44	41
8:00	46	65	43	40
9:00	47	66	43	39
10:00	44	60	43	39
11:00	49	70	44	40
12:00	51	73	42	39
13:00	43	58	41	38
14:00	44	59	42	38
15:00	45	64	43	39
16:00	45	62	43	40
17:00	51	71	45	41
18:00	50	70	45	41
19:00	49	72	45	41
20:00	47	71	44	41
21:00	48	68	46	42
22:00	45	59	43	40
23:00	45	67	41	37

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	51	43	48	53	40	47
Lmax (Maximum)	73	58	66	74	52	61
L50 (Median)	46	41	44	49	39	42
L90 (Background)	42	38	40	44	34	38

Computed Ldn, dB	53
% Daytime Energy	70%
% Nighttime Energy	30%

BOLLARD
Acoustical Consultants

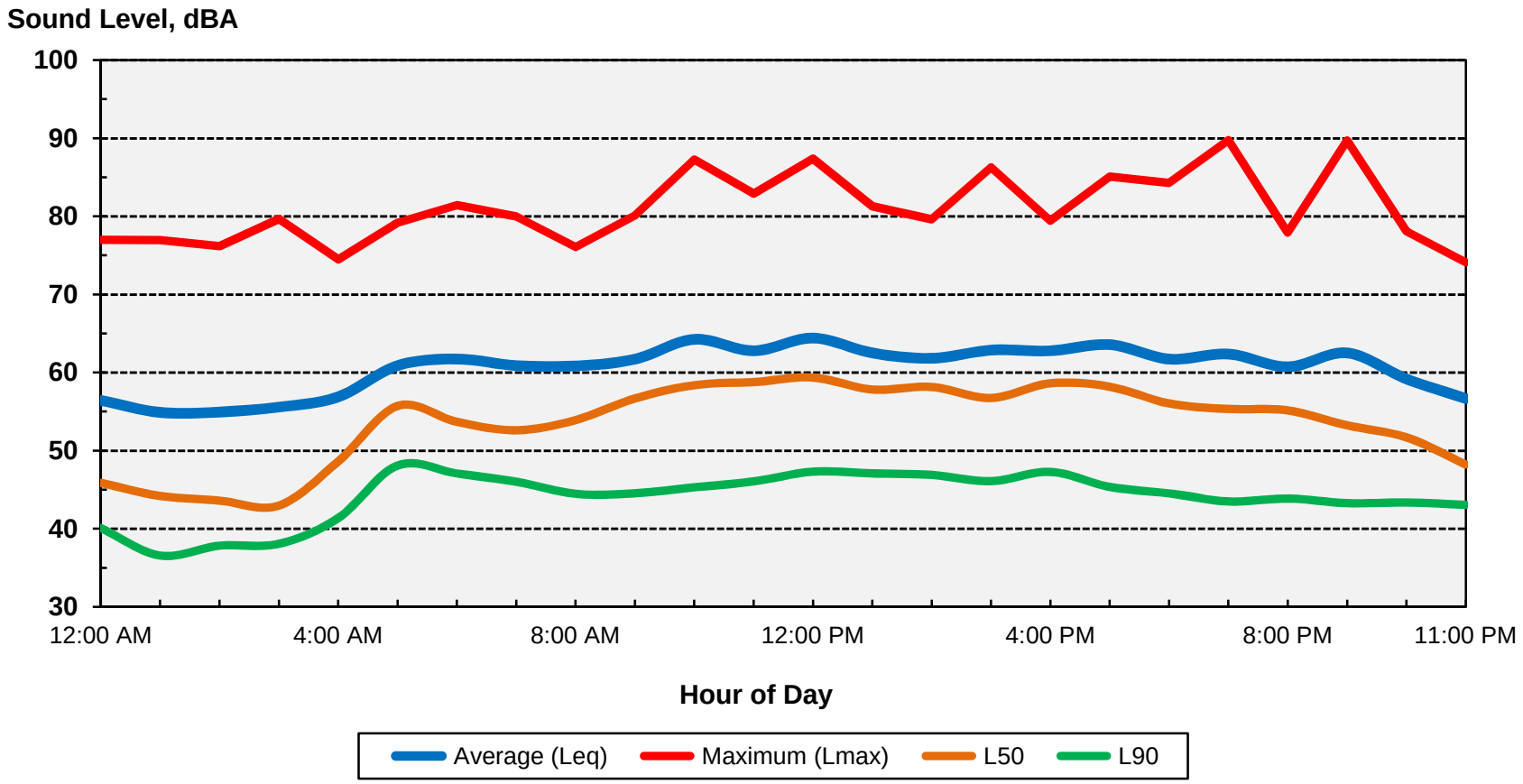
Appendix C-1
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 1
Friday, June 19, 2015



Ldn: 67 dB

BOLLARD
Acoustical Consultants

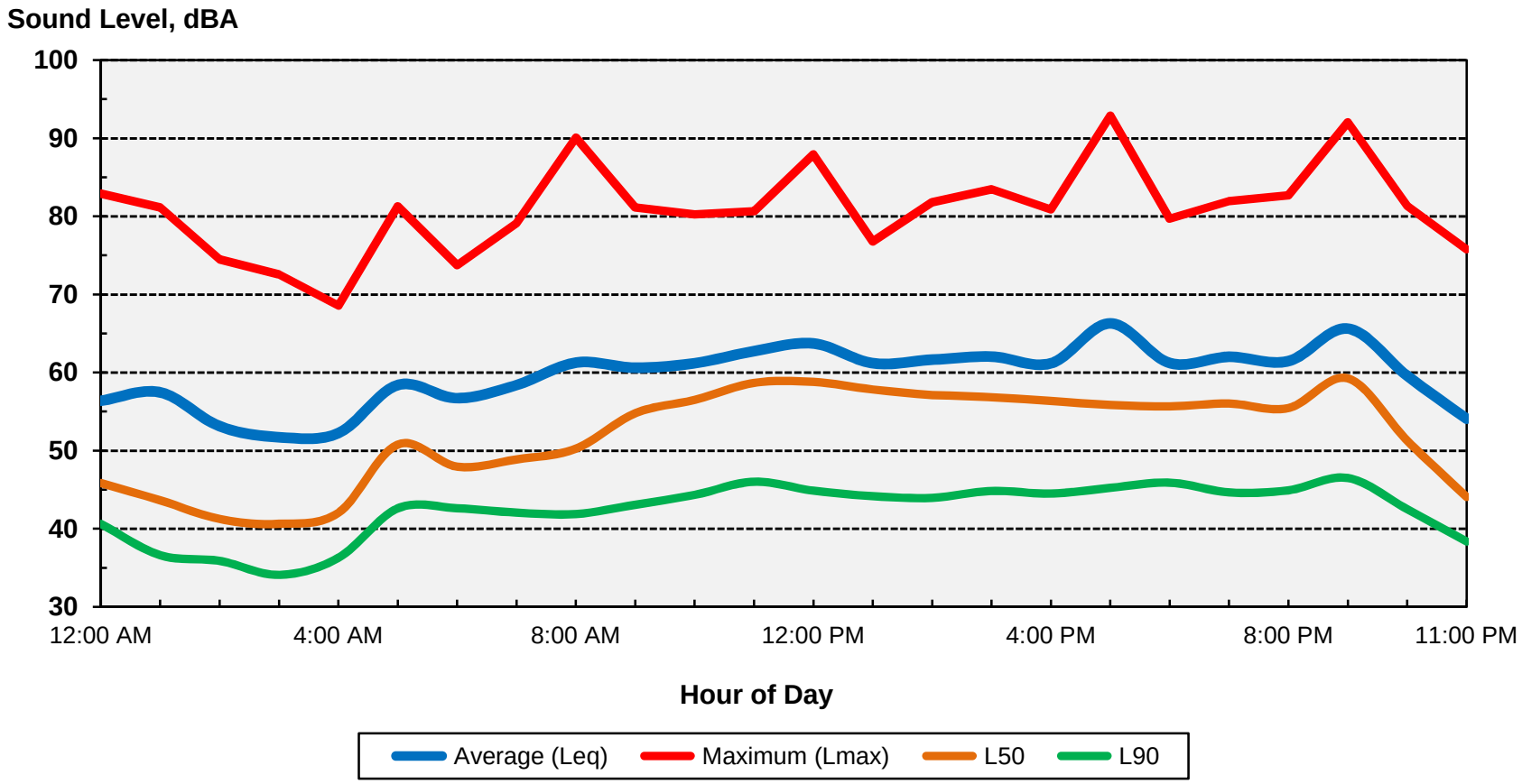
Appendix C-2
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 1
Saturday, June 20, 2015



Ldn: 66 dB

BOLLARD
Acoustical Consultants

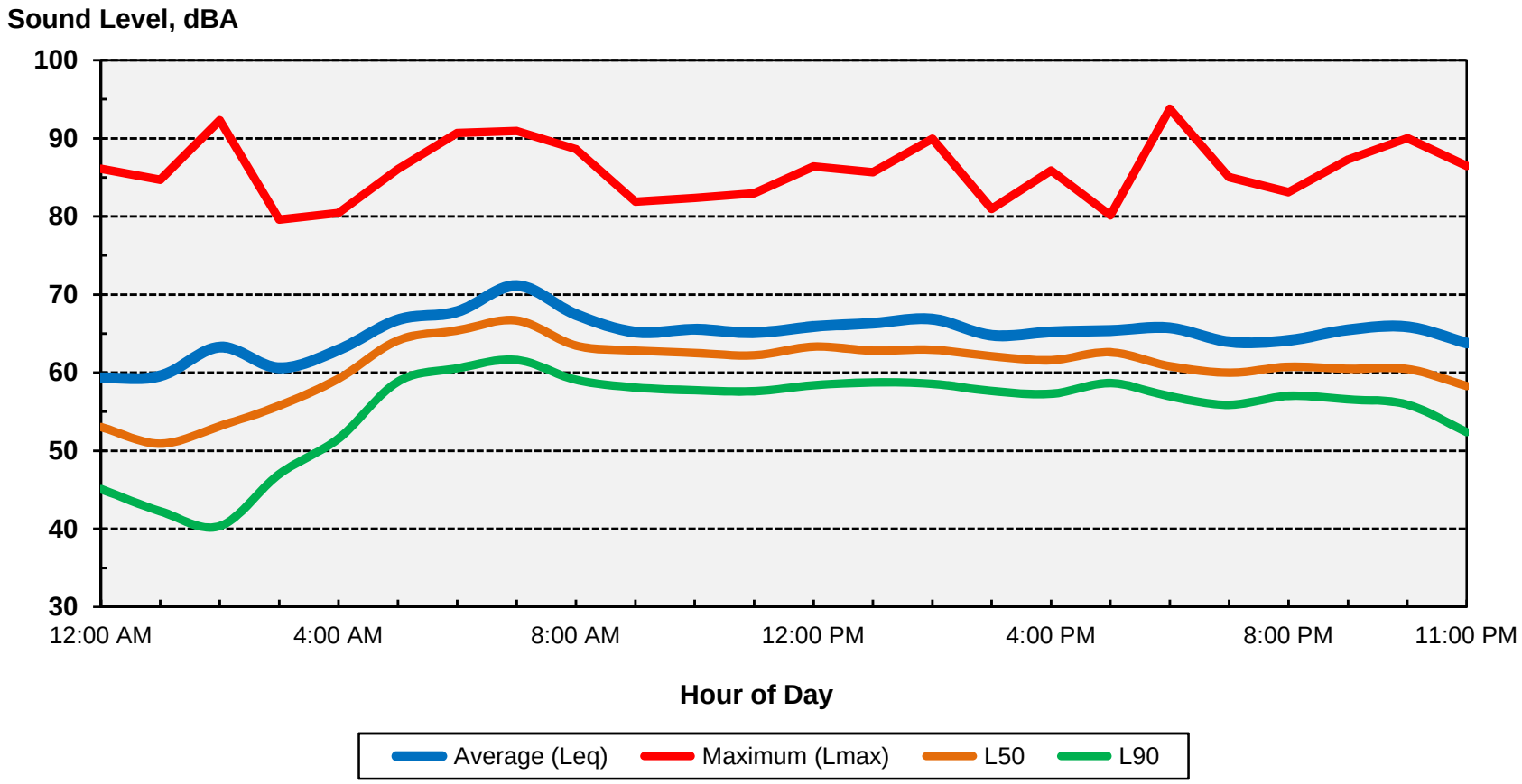
Appendix C-3
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 1
Sunday, June 21, 2015



Ldn: 64 dB

BOLLARD
Acoustical Consultants

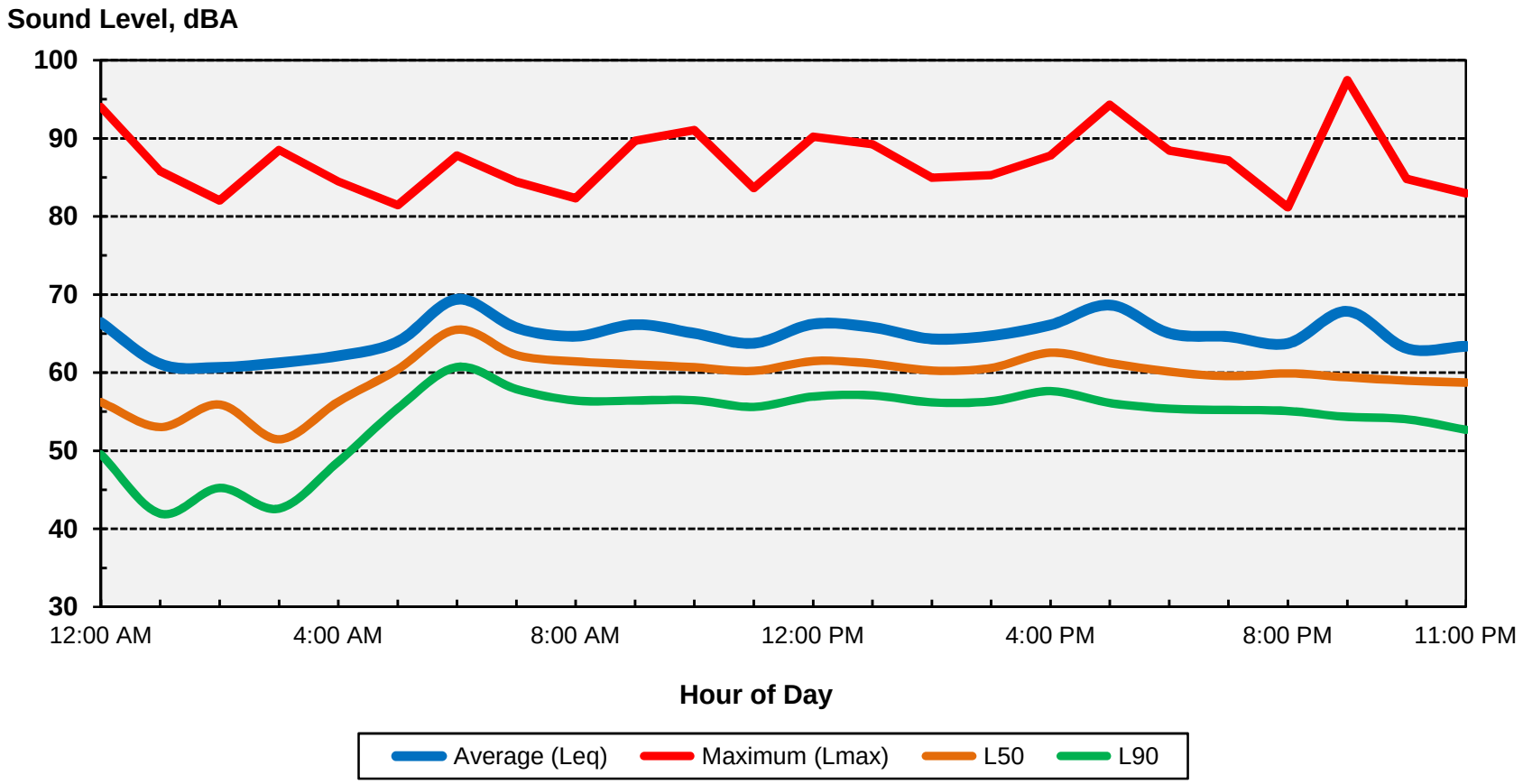
Appendix C-4
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 2
Friday, June 19, 2015



Ldn: 71 dB

BOLLARD
Acoustical Consultants

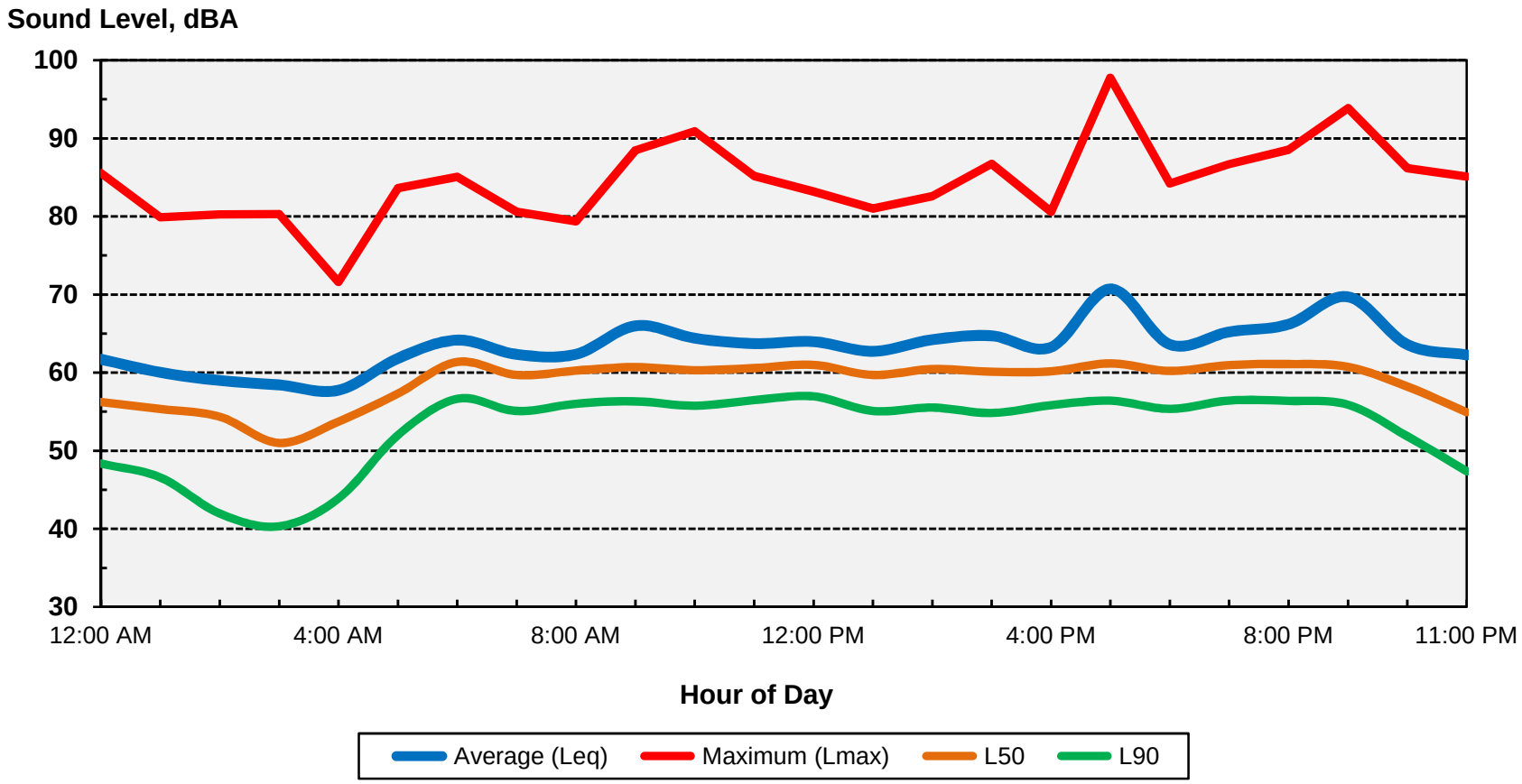
Appendix C-5
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 2
Saturday, June 20, 2015



Ldn: 71 dB

BOLLARD
Acoustical Consultants

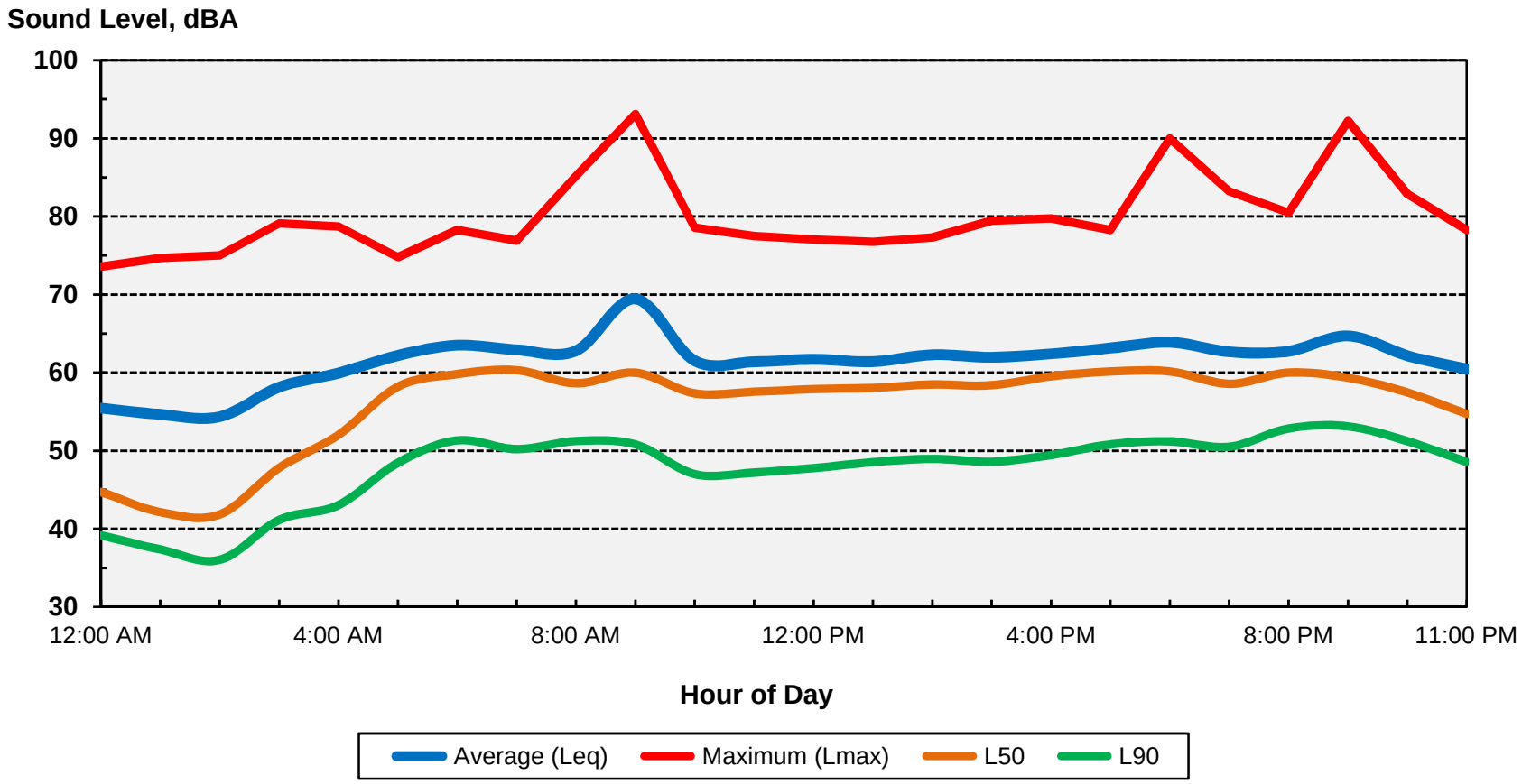
Appendix C-6
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 2
Sunday, June 21, 2015



Ldn: 69 dB

BOLLARD
Acoustical Consultants

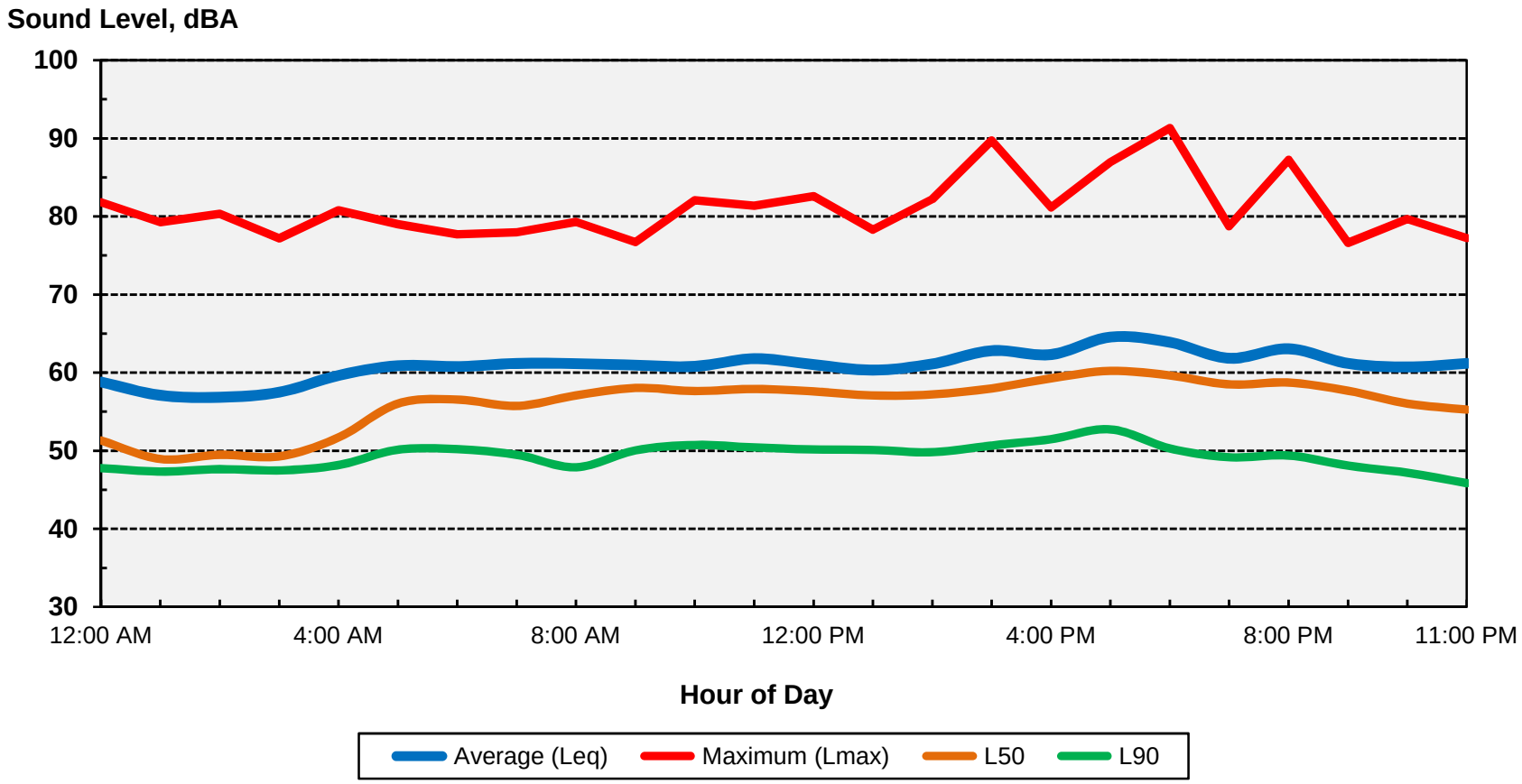
Appendix C-7
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 3
Friday, June 19, 2015



Ldn: 67 dB

BOLLARD
Acoustical Consultants

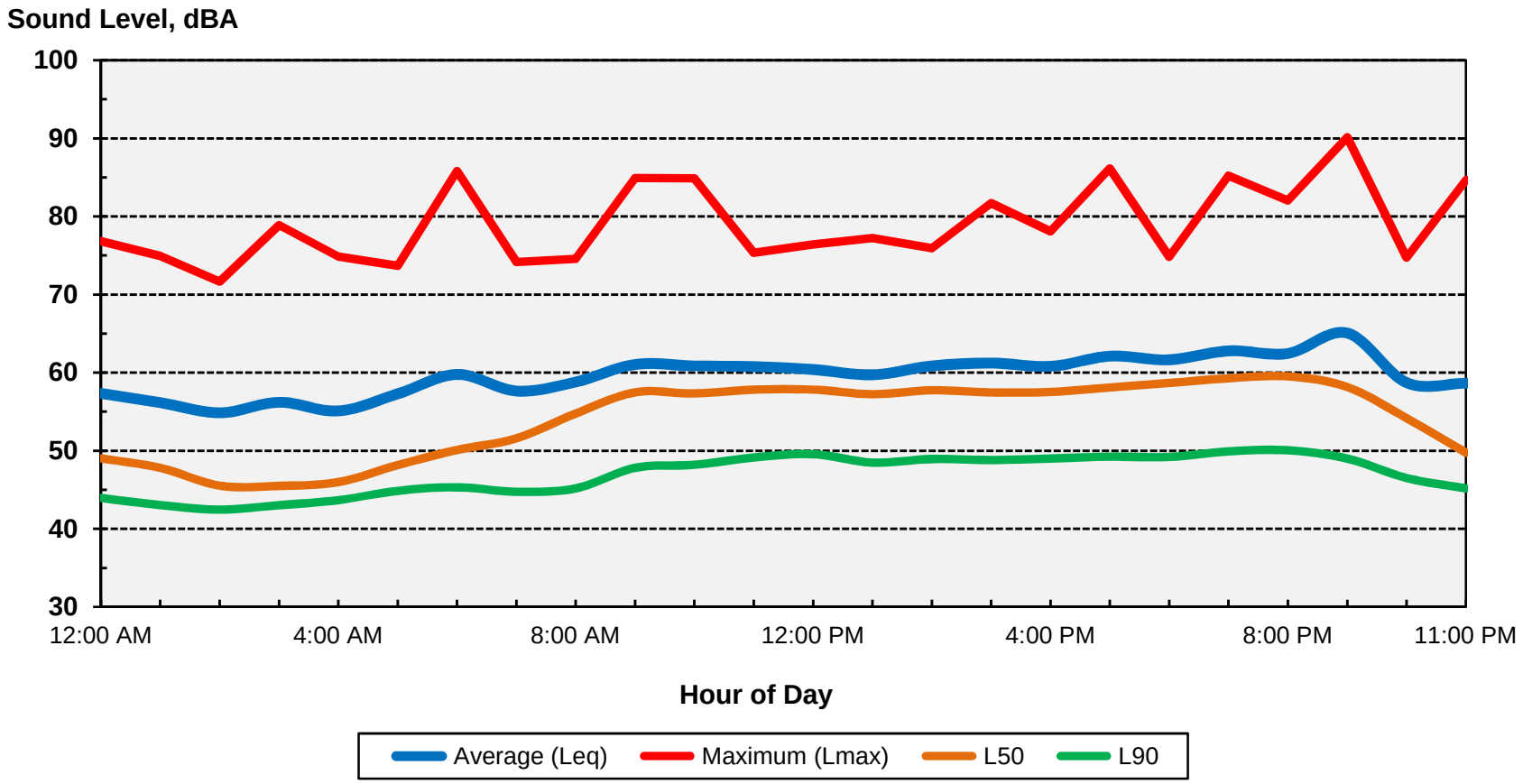
Appendix C-8
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 3
Saturday, June 20, 2015



Ldn: 66 dB

BOLLARD
Acoustical Consultants

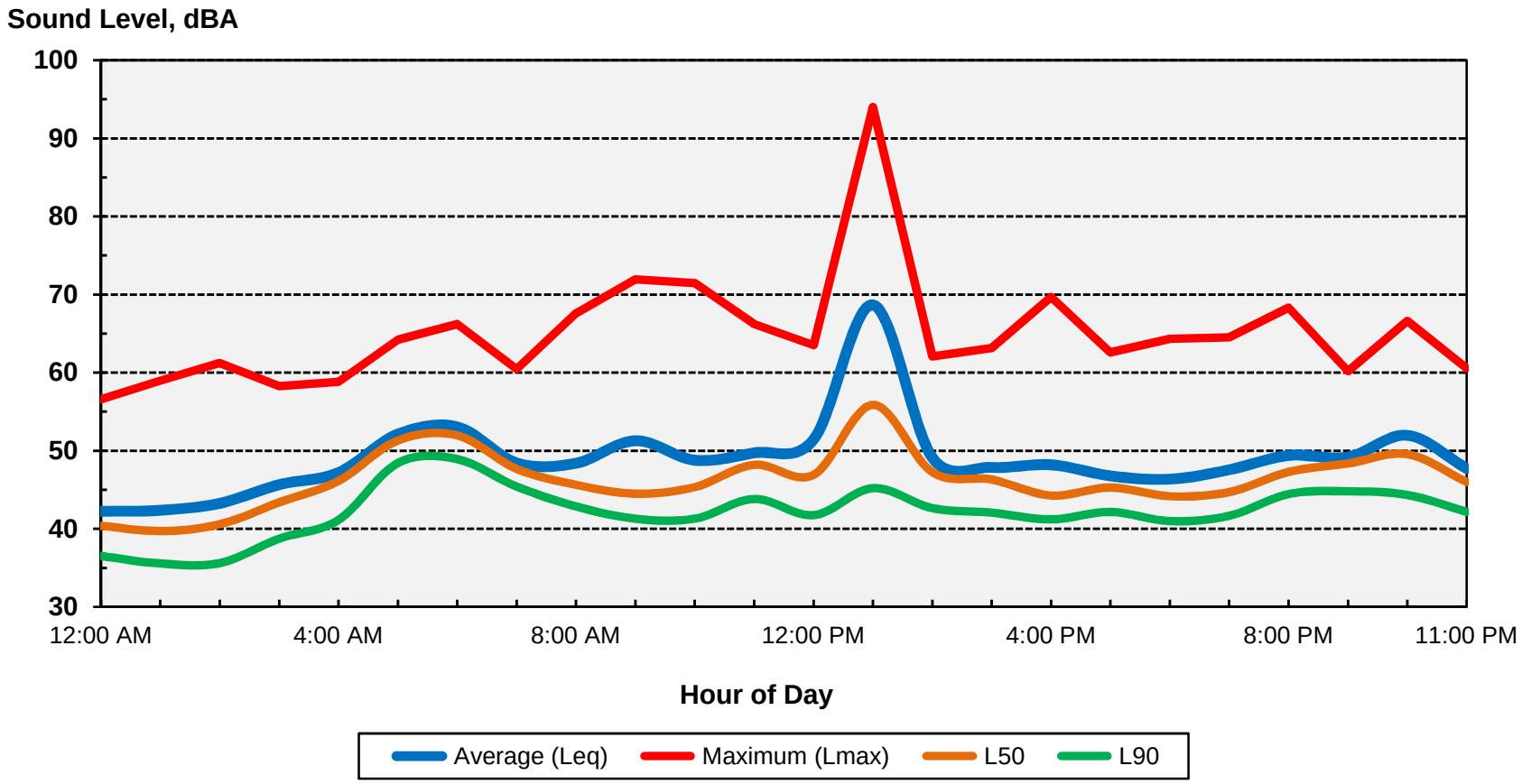
Appendix C-9
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 3
Sunday, June 21, 2015



Ldn: 65 dB

BOLLARD
Acoustical Consultants

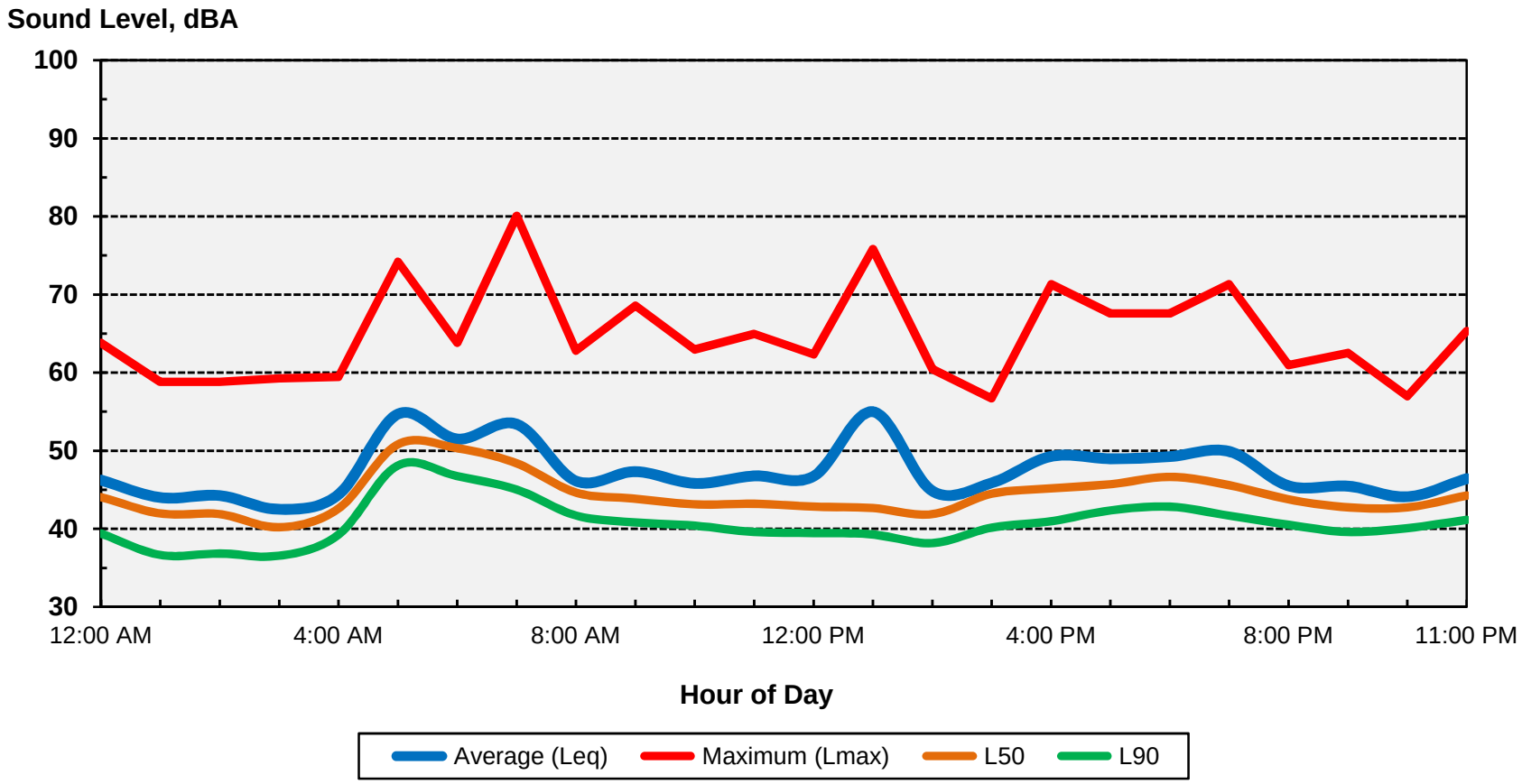
Appendix C-10
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 4
Friday, June 19, 2015



Ldn: 58 dB

BOLLARD
Acoustical Consultants

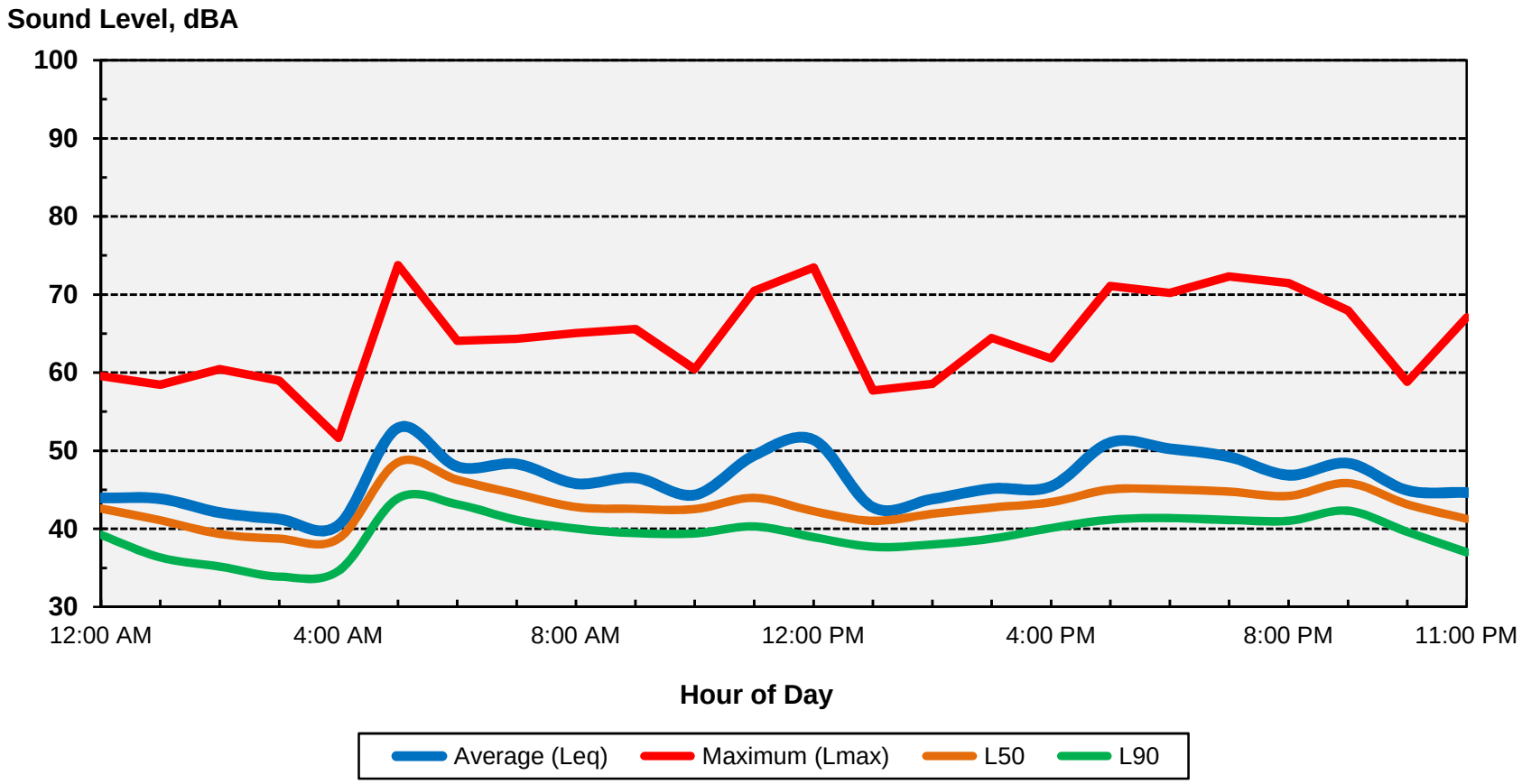
Appendix C-11
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 4
Saturday, June 20, 2015



Ldn: 55 dB

BOLLARD
Acoustical Consultants

Appendix C-12
2015-129 The Fruit Yard Project
Ambient Noise Monitoring Results - Site 4
Sunday, June 21, 2015



Ldn: 53 dB

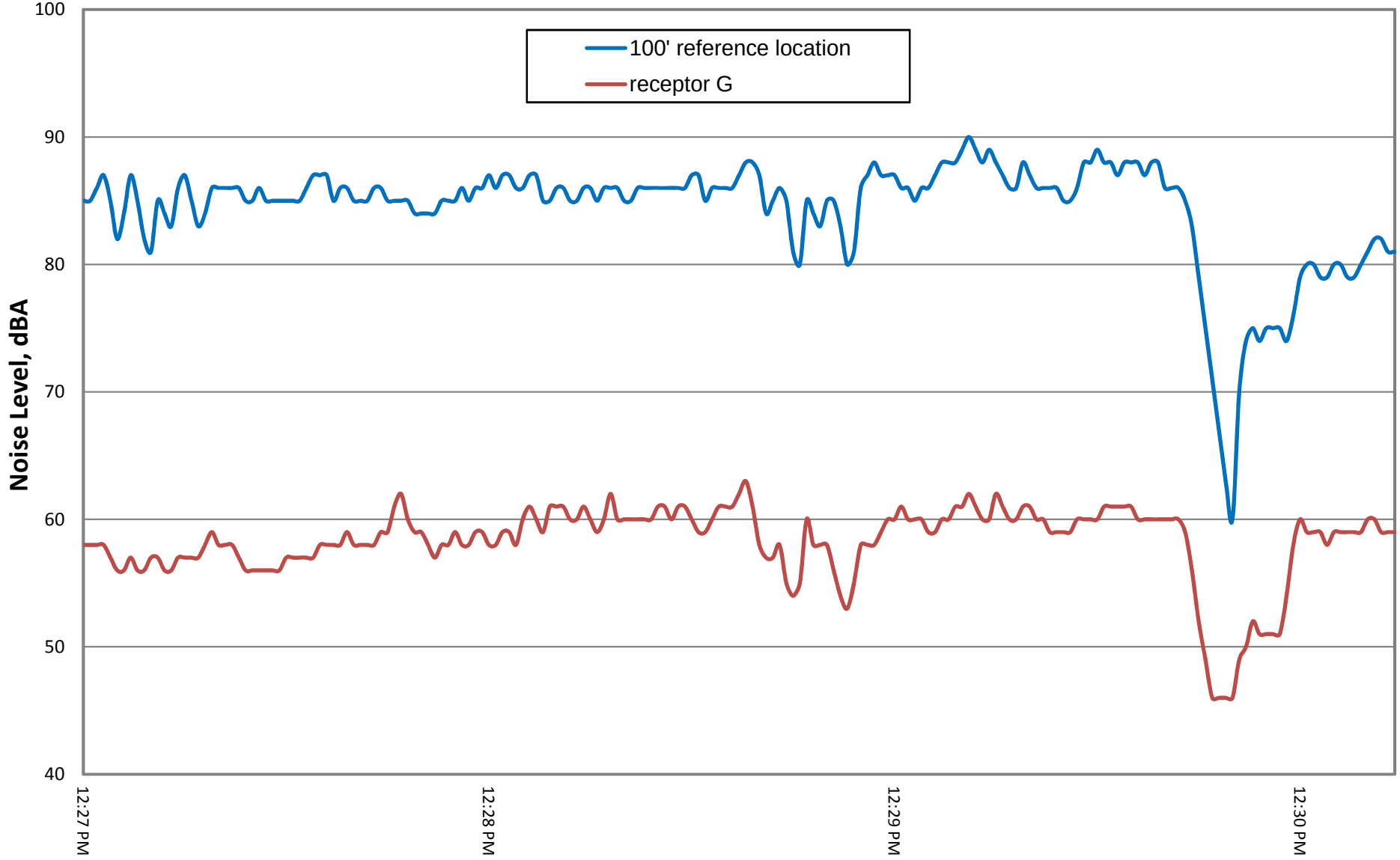
BOLLARD
Acoustical Consultants

Appendix D

Event Simulation and Noise Monitoring Photos
The Fruit Yard Project - Stanislaus County, California

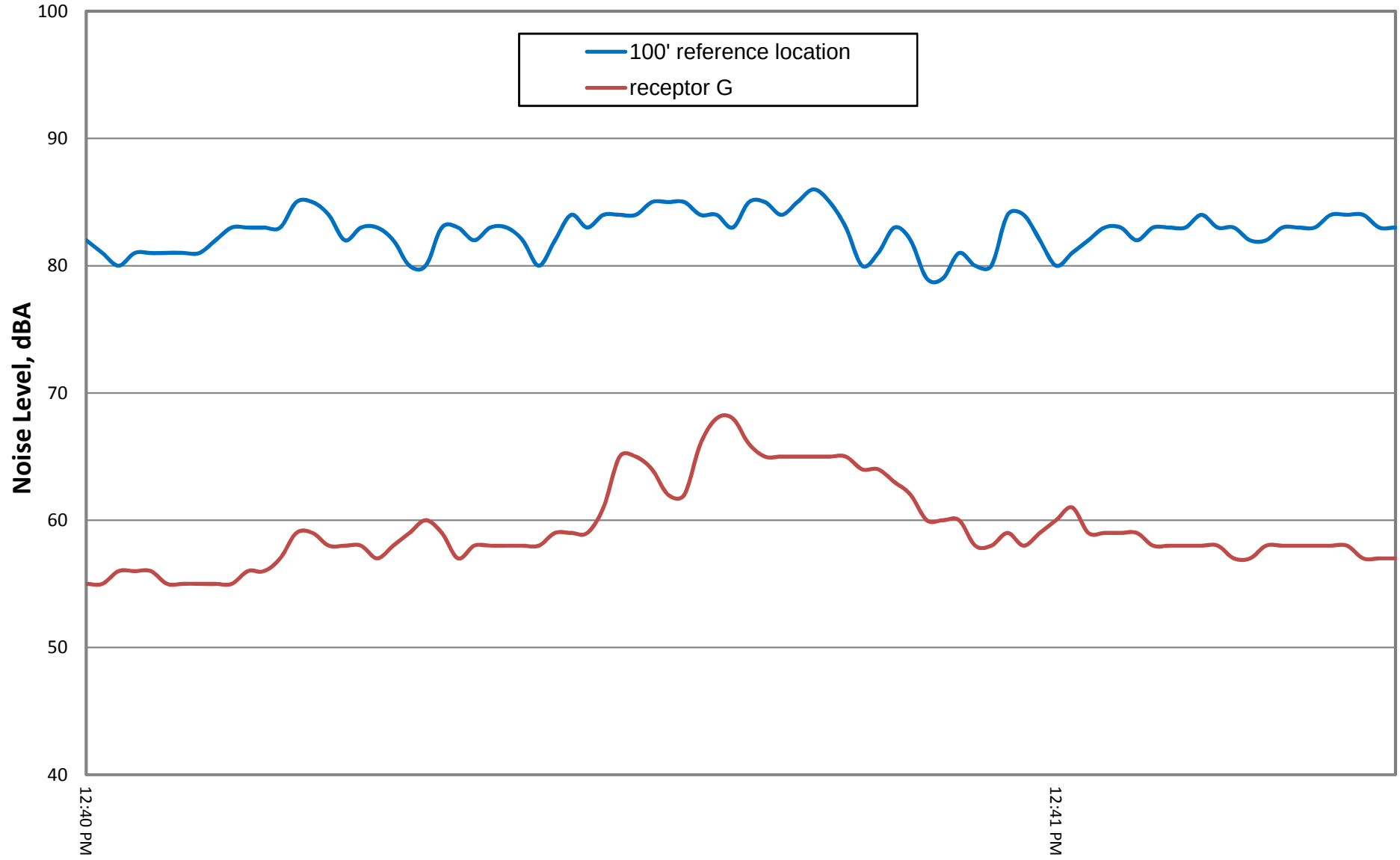
BOLLARD
Acoustical Consultants

Appendix E-1
Measured Noise Levels Directly Behind Ampitheater Berm
The Fruit Yard Amphitehater Simulation - June 18, 2015



BOLLARD
Acoustical Consultants

Appendix E-2
Measured Noise Levels at Receptor G (see Figure 1)
The Fruit Yard Event Ampitheater Simulation - June 18, 2015



BOLLARD
Acoustical Consultants

Appendix F-1

FHWA-RD-77-108 Highway Traffic Noise Prediction Model
Data Input Sheet

Project #: 2015-129 The Fruit Yard Events
Description: Existing
Ldn/CNEL: Ldn
Hard/Soft: Soft

Segment	Roadway Name	Segment Description	ADT	Day %	Eve %	Night %	% Med. Trucks	% Hvy. Trucks	Speed	Distance	Offset (dB)
1	Yosemite Boulevard	West of Project Site	3,533	80		20	2	1	55	100	
2	Yosemite Boulevard	East of Project Site	5,247	80		20	2	1	55	100	
3	Albers Road	North of Project Site	6,300	80		20	2	1	55	100	
4	Geer Road	South of Project Site	6,887	80		20	2	1	55	100	

BOLLARD
Acoustical Consultants

Appendix F-2

FHWA-RD-77-108 Highway Traffic Noise Prediction Model
Data Input Sheet

Project #: 2015-129 The Fruit Yard Events
Description: Project
Ldn/CNEL: Ldn
Hard/Soft: Soft

Segment	Roadway Name	Segment Description	ADT	Day %	Eve %	Night %	% Med. Trucks	% Hvy. Trucks	Speed	Distance	Offset (dB)
1	Yosemite Boulevard	West of Project Site	936	80		20	1	0	55	100	
2	Yosemite Boulevard	East of Project Site	351	80		20	1	0	55	100	
3	Albers Road	North of Project Site	468	80		20	1	0	55	100	
4	Geer Road	South of Project Site	585	80		20	1	0	55	100	

BOLLARD
Acoustical Consultants

April 10, 2017

Kristin Doud
Senior Planner
Stanislaus County
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Subject: Use Permit Application No. PLN2015-0130
The Fruit Yard Amphitheater

We have lived on Weyer Road for 26 years. We have had the opportunity to read the application for the purposed use permit for amphitheater located at The Fruit Yard property and have many concerns and questions.

During the past few years we have attended numerous county planning commission meetings, met with Planning Commission staff and have met with Joe Traina in a small group setting regarding the amphitheater and our concerns. We also attended the noise workshop put on by the Planning Commission in January 2016.

Through all these meetings we have expressed our ongoing concerns and questions regarding the use permit for the amphitheater.

The areas of concern are:

1. E.I.R. Report – Our understanding is that the applicant maintains that this project qualifies as Categorially Exempt from requiring an E.I.R. Report. We would like to request that an E.I.R. Report be done because in truth, we question that the Health Department Guidelines would pass an additional well in this location because of the magnitude of this project and existing water conditions. To operate 59 days or more you have to have a quality water source.

2. Updated Noise Ordinance – An updated County Noise Ordinance is needed, consistent with Turlock and Roseville, to address current day noise issues and make enforcement possible, set boundaries for venue events, and address the effect on surrounding properties. In the original application, dated August 2008, for the development of The Fruit Yard property an amphitheater was not included. In the ensuing years approval has been given to build the amphitheater including acoustic music. Now in 2017, the application has progressed to asking for a use permit for approval to include amplified music. We understand there was an incident at the Stanislaus County Fairgrounds recently involving noise issues. There was a question of who had the jurisdiction over the property and enforcement of noise violations. Also, who wil be responsible for events when a third party rents the venue?

3. We don't believe that amplified concerts should be approved. We would also like to see, in writing, the stipulation of only 6 non-amplified music concerts per year between May to September and only during daylight hours. There have been several different and varying time frames requested in the many applications, so we believe the times need to be clear, the number of concerts allowed and all and any activities have to be over by 10:00PM. Also, no concerts can be held during the week.

4. Parking - This is currently a problem whenever there is an activity at The Fruit Yard. Cars park along Geer Road, Albers Road and Yosemite Blvd. They have also historically parked in the surrounding orchards and along the canals. We don't believe that the stated parking lots with approximately 1,300 spaces will be able to accommodate the 3,500 people projected to attend events.
The Gallo Center for the Arts, in downtown Modesto, has a seating capacity of 1,600 people (Rogers Theater 1,200 seats, Foster Theater 400 seats) and they use two multistory parking structures plus street parking. I would like to have permanent No Parking signs placed for one-half mile from The Fruit Yard going South on Geer Road, North on Albers Road, East on Yosemite Blvd. and West on Yosemite Blvd.

5. Traffic – This is currently an issue whenever there is an activity at The Fruit Yard. Cars make unsafe U-turns in the middle of the street and have even have been observed running the light. When there is a large number of cars leaving The Fruit Yard propertythey use Jantzen Road and Weyer Road as a short cut to avoid the long lines at the signal. This creates an unsafe environment for the property owners of Weyer Road. Weyer Road is a very straight road and it becomes a race track for those trying to save time and avoid traffic. I don't believe the current traffic study can accurately project the effect the added number of cars that will be using the surrounding roads because of the large number and the study was done during average times of use.

6. Pylon Freestanding Pole Sign with an Electronic Reader Board – We are opposed to an even brighter sign with an electronic reader board. This is an agriculture area and by allowing a sign of this nature to be installed will set a precedent for future requests. Signs of that magnitude belong in urban settings not agriculture/country environments.

7. Fireworks – To our knowledge this has not been addressed to date in any discussions. We would like to ask that, no firework displays will be allowed, stipulated in the guidelines of the use permit.

8. Noise and light pollution – We believe we will be negatively impacted by the noise of any event that has the potential of drawing 3,500 people. The amount of light that will be generated with parking lot lights and the proposed new illuminated sign will also negatively impact us. We also use our outdoor patio areas during the months of May – September and

have always enjoyed the peace and serenity of our beautiful sunsets. That is one of the main reasons we choose to live out here in a country environment. That enjoyment will be diminished with the amplified music and added lights and noise and we will no longer be allowed, our right as property owners, to enjoy our own endeavors. We have nine grandchildren and they enjoy coming to our home playing and sleeping outside during the summer months. We sincerely feel that the experience we would like them to enjoy when being here will be taken from them if amplified music and the proposed twelve plus concerts per year are approved. This is still an agricultural rural area that does not have industrial businesses that contributes to the noise factor.

We sincerely hope you will take in consideration our concerns regarding The Fruit Yard Amphitheater and the impact it will have on us as property owners.

Sincerely,

W. Richard Heckendorf Barbara Heckendorf

679 Weyer Road, Modesto, CA 95357

April 10, 2017

Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

SUBJECT: PLN 2015-0130 – Fruit Yard Amphitheater

Thank you for this opportunity to comment on the proposed mitigation measures for the proposed amphitheater. We have participated in the process from the very beginning and want to acknowledge the excellent work that has been done by the applicant and the Stanislaus County staff in preparing the mitigated negative declaration. The information provided here is a definite improvement over the initial studies I previously reviewed.

I hope my comments will help make this project an asset to this community. The Fruit Yard is one of my favorite restaurants and fruit stands. I buy gas there quite frequently. My wife and I participated in the public hearings on the General Plan Amendment that allowed for the expansion of the existing use to allow for weddings and other events to be held on the 40 acre site. We expressed our concerns about expanding the use of the facility for more weddings as we were already being exposed to bass level noise from much smaller wedding events on the site. As originally proposed, weddings were to be moved to an indoor banquet hall with only occasional outdoor wedding venues. There was no discussion about developing an amphitheater for up to 3,500 people to attend music events. Had this been included in the original project description, I am certain our comments would have been much more extensive.

I own a home roughly 1 ½ miles from the project site. My wife and I have lived there for almost 20 years so we are very familiar with the events that have been held on this site. Although we live well beyond the study area described in the noise study prepared by Bollard Acoustical Consultants, Inc., my wife and I have been exposed to the negative impacts of bass level noise from small weddings held in the evening hours after 8 PM. The bass noise prevented me from going to sleep at night. I typically go to bed at 9 PM, Sunday through Thursday, and 10 PM on Friday and Saturday nights. While I am retired, my wife works during the week and has to get up at 5 AM to get to her workplace. It is important for our health and well-being to get at least 7 to 8 hours of sleep at night, at a minimum.

I will say that Mr. Traina has effectively monitored the noise levels on the site such that I have not been exposed to bass level noise since that initial public hearing. I do believe that Mr. Traina is concerned about the community and the perceptions of his neighbors, and does what he can to ensure that he is being a good neighbor. What concerns me is what will happen when Mr. Traina is no longer in the picture and we are dealing with someone who is less concerned about their stature in the community.

My comments are intended to help refine the proposed mitigation measures, particularly those related to noise, to improve clarity for enforcement purposes. Mitigation measures may sound good on paper, but, if there is no enforcement mechanism or the mechanisms are unclear, the result will be negative impacts on me and my neighbors. In addition, CEQA requires that mitigation measures be clear, precise and enforceable. Because these events will be operated by private promoters that are not a part of the Fruit Yard company or business, consequences for failure to comply with the mitigation measures will

need to be handled immediately and the consequences for failure by the Fruit Yard to ensure compliance with the measures by private promoters needs to be meaningful and impactful.

Below are my comments by Mitigation Measure:

Mitigation Measure #4: The measure allows for an adjustment to the C-weighted noise standards but it is unclear how this is to be accomplished. The measure uses terms such as "immediately before and after the first two large amphitheater events (with 500 or more in attendance)". Is the data to be collected at the same time of day and day of the week as the event? How much of an adjustment can be made? Who ultimately decides what the adjusted standard will be? Will the report be available to the public to review prior to making the adjustment to the standard? All of these issues should be addressed. I feel fairly strongly that C-weighted standards should not be adjusted unless there are guarantees that the ambient conditions that allow for an adjustment occur regularly and predictably in all future cases.

Mitigation Measure #5: The measure calls for a qualified noise consultant to monitor the first two amplified music events but establishes no standard for the size of the crowd. The noise study clearly indicates the need to evaluate the noise levels for both music and crowd noise. I request that monitoring occur for both the first two events as well as at least two events with 500 attendees or more, and for another two events where crowds are expected to be over 2,000 people. This will allow crowd noise to be evaluated along with the music noise.

Mitigation Measure #5, #6 and #7: Monitoring data and training records should be made available to the public upon request.

Mitigation Measure #9: Weekday events should not go past 9 PM and weekend events should stop at 10 PM. Extending the hours of operation to 11 PM should not occur without a formal public hearing where me and my neighbors are given the opportunity to provide public input to the Planning Commission. Administratively extending the hours should not be permitted.

Mitigation Measure #11: Will neighbors be involved in reviewing the "good neighbor" policy? How will I and my neighbors be informed of the final policy?

Mitigation Measure #12: It is unclear who is going to implement this measure and how effective it would be? Compliance with the noise standards need to occur for each individual event. Since each event will be unique, operated by a separate promoter, the proposed measures to move speakers and so on may or may not be applicable from one event to the next. It is also unclear who is going to provide recourse if the Fruit Yard staff are not responsive. Is it the County Sheriff? If so, under what circumstances will they simply "shut down" an event?

Mitigation Measure #14: The measure discusses potential consequences when new noise studies are required stipulating that events will be "limited" until the noise study is completed. What does this mean?

Generally, I am concerned there is no meaningful deterrent to an individual promoter to violate these noise standards or the limitations on the event operating hours. I am also concerned that the consequences to the Fruit Yard are not clearly defined. Since events are operated by individual, unconnected promoters, failure to comply would have little effect on that promoter unless the event is

limited promptly and effectively. In my opinion, the current mitigation measures lack clarity and precision. Evaluation after the fact does not effectively mitigate the potential impacts of the project.

The mitigation measures should be written such that any change in the County's noise ordinance that would be more stringent would supersede the standards in these mitigation measures.

Sincerely,

Thomas J. Douglas
548 N. Hopper Rd.

July 25, 2016

Miguel Galvez
Deputy Director
Planning and Community Development
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354

To the County Planning Department:

We have had the opportunity to review the CEQA REFERAL EARLY CONSULTATION of the USE PERMIT APPLICATION NO. PLN 2015-0130 (The FRUIT YARD AMPHITHEATER). The documents that were provided do not give a very complete picture of the potential impacts of the project and do not address a number of concerns regarding the project.

We belong to a group of concerned citizens who live near the project site. For many years, we have experienced traffic and noise impacts from the events that have been held at the Fruit Yard. Concerns that were based on noise generated by wedding amplified music and small band concerts outside the Fruit Yard Bar. First of all, the application itself only asks for adjacent land use within ¼ mile (1,320 feet), but there is a far greater area that will be impacted by the proposed project. The application also does not explain how many events will be held, the nature of those events, or the operating hours of the events. The application talks about "typical year" and additional events could be authorized for larger events simply by applying to the Sheriff's Department. As such, the request establishes no limit on the number of events or describe when or what types of impacts would occur. Finally, none of the analyses provided address the impact of the full project which includes an RV Park, banquet facility, tractor sales and expanded gasoline facilities.

The Planning Commission asked all of us to meet with Mr. Traina to see if he could address our concerns. We have met with him to express our concerns, specifically with regard to traffic, noise and security particularly in light of the full project that has been approved through the General Plan Amendment. We do not feel that our concerns have been addressed or if they had been addressed they have been so in a perfunctory manner. These concerns have been raised repeatedly to the County Planning Commission since 2007.

In addition to these impacts, we also want to know what impacts this project will have on water availability and water quality. Given the current drought and water quality issues, we would like to see an analysis of how this facility will affect these areas as well. Given that we are in an air quality non-attainment area, any air pollution impacts should be addressed as well

The studies attached to the early consultation and application appears to suggest that there will be no traffic, parking or concert noise impacts of the Amphitheater use permit. Our experience, as residents, of the Fruit Yard Community for far smaller performances has proven otherwise. We have experienced the thumping sound of the bass used by relatively small up to 3 piece bands playing outdoors and simply do not believe that a facility of this size will be able to mitigate these effects. What is being proposed here is on the same scale as a Greek Theatre in terms of traffic generation and music. We believe that

the documents and studies do not consider or simply avoid discussing our experience with concerts and weddings at the Fruit Yard.

The Noise study itself recommends that amphitheater events with more than 2,000 be limited to daytime hours to assure minimizing the impact on nearby residents, yet the application requests up to 3,500 people is authorized. We find the 2,000 attendance limit rather arbitrary and suggest that all amplified concerts be held at day time hours so that all concert music is terminated before 10:00 PM. As a matter of scale, we should note that the Modesto Gallo Center only seats 1,200 concert patrons in its largest venue and those seem like a large event. Most venues across the state end their events around 10:00 PM to avoid impacting surrounding resident communities. We have not found any that run until mid-night.

The study suggests that the model needs to be verified by analyzing noise levels at the first two concerts. We would suggest that if the permit is granted that all future concerts and events needed to be monitored by an independent expert acoustic engineer and real-time adjustments to music amplification need to be made as a matter of course BEFORE a complaint has to be filed after the impact has occurred. This type of enforcement mechanism is NOT mitigation. The impact has to occur in order for the complaint to be made. The enforcement of noise limits should not be dependent on the neighbors having to file complaints with either the Fruit Yard or the County Sheriff but should be monitored and controlled by the operator to ensure that impacts do not occur. Also, there should be an automatic process for shutting down events when they are unable to comply and to suspend the operation of the facility when the operator has failed to monitor events properly. None of these provisions are suggested in the reports attached to the application.

Our experience is that vibration noise, crowd noise and music can have a definite noise impact on the enjoyment of our homes and sometime make it very difficult for neighborhood children and ourselves to just sleep at night. Our experience with the Fruit Yard management of these noise impacts has not been positive. The impact of vibration noise is something that is of paramount importance to our positive experience of our homes.

We do not believe that these impacts are properly evaluated in the current set of studies provided by the applicant and feel that a full CEQA EIR be conducted for this use permit managed directly by County Planning Department. The applicant is clearly directing the results of these studies by consultants that he is paying for. We would like a definite recourse procedure defined as part of the use permit if the noise exceeds the county limits. We would like the permit to be reviewed annually by the Planning Commission for at least five years and longer if there is any change in the lease or ownership of the arena is made. Every future operator should be evaluated. The use permit should not be a blank check to allow neighborhood impacts. We have heard at the Planning Commission that the existing noise ordinance is not enforceable. We need a real recourse to assure compliance.

A definite complaint procedure needs to be established by the County. The renewal of the operating permit should be based on meeting the various standards discussed here and the prompt positive handling of resident complaints related to these standards.

The application does not address the issue of crowd security. We have seen fights break out in the Fruit Yard parking lot in past weddings. Yet here we are going up a magnitude in scale with the proposed concerts and do not see a definite plan to address any of these issues.

The other aspect of these studies is that they fail to evaluate the project in light of either the full improvements planned with the General Plan Amendment or changes that will occur in the future. Typically, traffic studies look at cumulative conditions including the broader project and future traffic, noise, etc., conditions. Highway 132 and Geer/Albers roads have high levels of traffic that are getting worse as growth occurs in the cities and county. We are here for the long haul. Most of us have been residents for over ten to fifteen years. We plan to be here longer. The County allowed resident development around the SR 132 corridor. It should not interrupt our enjoyment of country life by imposing land use impacts more suited to an urban environment. Or if it does the County does permit this use, the impacts including water quality, air quality, traffic, parking management, and security should be suitably mitigated.

Sincerely,

Richard Heckendorf
679 Weyer Road

Barbara Heckendorf
679 Weyer Road

Michelle Boulet
501 Weyer Road

Tim Douglas
548 North Hopper Road

RECEIVED

JUL 25 2016

Stanislaus County - Planning & Community Development Dept.

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Robert Boulet & Michelle Bell, resident(s) of 501 Weyer Rd., Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Traffic conditions & the additional flow of traffic that will utilize Weyer Rd. need to be further explored

The additional draw of watering (non-farm land) purely landscaped areas should be

reviewed. We as residents are required to limit watering yet the grass for the amphitheater is watered daily.

The noise issue & end times are not resolved.

Furthermore, the proposed amendments would affect me/us as follows:
The impact to the value & marketability of my home is unacceptable.

My children are affected by the uncontained noise & their safety will be jeopardized with an increased flow of traffic.

My right to enjoy my property has been and will be even further infringed upon.

Mr. Traina's proposed amendments are in stark contrast with our discussion at his place of business as well as the follow up letter he mailed to each of us.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Robert Boulet & Michelle Bell
Address: 501 Weyer Rd., Modesto, CA 95357
Phone Number: (209) 988-1009 & (209) 648-5238
Email Address: robert@bouletconsulting.com

Sincerely,

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions-for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Randall + Susan Steele, resident(s) of 442 Weyer Rd, Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Increased Traffic flow on the road [illegible]
Young child living on the [illegible] not safe
Speed of cars [illegible]
10 o'clock should be the latest time for events.

Randall Steele

Furthermore, the proposed amendments would affect me/us as follows:

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Randall Steele

Address: 442 Weyer Rd

Phone Number: 604-3918

Email Address: rowsteele@JUNO.COM

Sincerely,

Randall Steele

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Gary & Grace Huston resident(s) of Weyer Road, Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Build had not complied with proper
Planning time frames & guidelines

Furthermore, the proposed amendments would affect me/us as follows:

Noise level too high @ night
traffic congestion

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Gary & Grace Huston

Address: 155 Weiger Rd

Phone Number: 579 1392

Email Address:

Sincerely,

Gary Huston Grace Huston

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however:

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Manuel + Kim Perry, resident(s) of 255 Weyer RD., Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

We also Agree with the Statement mentioned above.

Furthermore, the proposed amendments would affect me/us as follows:

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Manuel & Kim Perry

Address: 255 Weyer RD.

Phone Number: 577-2394

Email Address: manuelandkim@gmail.com

Sincerely,

Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We LEONARD & CYNTHIA Guillette, resident(s) of 524 WEYER RD. Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

THE NUMBER OF EVENTS & SIZE HAVE INCREASED DRAMATICLY, HOW WILL THE DEVELOPER PROVIDE WATER & SANITATION FOR THESE EVENTS & MEET HEALTH DEPT REQUIREMENTS & ARE IMPROVEMENTS TO BEER ROAD AND YOSEMITE PROPOSED TO HANDLE THE INCREASED TRAFFIC & FREQUENCY?

Furthermore, the proposed amendments would affect me/us as follows:

WE LIVE IN AN AGG. ZONE AND SHOULD NOT BE SUBJECTED TO URBAN USES.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): LEONARD & CYNTHIA GUILLETTE

Address: 524 WEYER RD MODESTO

Phone Number: (209) 446-4700

Email Address: CINDYK_MODESTO @ YAHOO.COM

Sincerely,

Leonard Guillette Cynthia Guillette

Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We William & Charlene Nichols resident(s) of 699 Weyer Rd Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

As a 41 year resident we feel this facility is not in the best interest of our area. Noise, traffic and over all use will not work for our neighborhood.

Furthermore, the proposed amendments would affect me/us as follows:

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): William F. & Charlene Nichols

Address: 699 Weyer Rd., Modesto, CA. 95357

Phone Number: 209-883-0355

Email Address: chadieandnick@hotmail.com

Sincerely,

Charlene Nichols William F Nichols

Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Richard & Barbara Heckendorf, resident(s) of 679 Weyer Rd. Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

As 25 year residents of Weyer Rd, we believe the county hasn't done their job of requiring CEQA and this entire proposed development should not be built in an agricultural zone.

Furthermore, the proposed amendments would affect me/us as follows: Our ability to enjoy our property and home. Create an unhealthy environment with add traffic, noise pollution and emotional distress having to be subjected to loud music, etc. It will restrict the ability to enjoy our nice grandchildren and enjoy the country life we love here for.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Richard + Barbara Heckendorf

Address: 679 Weyer Rd

Phone Number: 576-0330

Email Address: barbheck@aol.com, richard245@aol.com

Sincerely,

Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We ROBERT AND KATHRYN DANIELS resident(s) of 619 WEYER RD. Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Furthermore, the proposed amendments would affect me/us as follows: INCREASED TRAFFIC ON WEYER ROAD AND INCREASED NOISE FROM EVENTS BEING HELD AT THE PROPOSED FACILITY. CURRENTLY NOISE IS HEARD FROM THE FRUIT YARD IN THE EVENINGS FROM EVENTS THE FRUIT YARD ALREADY HOLDS. THE NOISE POLLUTION WILL ONLY INCREASE WITH THE ADDITION OF AMPHITHEATER.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): ROBERT AND KATHRYN DANIELS

Address: 619 WEYER RD, MODESTO, CA 95357

Phone Number: 209-524-1864

Email Address: rd16460@gmail.com

Sincerely,

Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Judy Crisp, resident(s) of 601 Weyer Rd. Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Concerning more traffic on Weyer Road. Concern for the safety of my Grand Children.

Furthermore, the proposed amendments would affect me/us as follows: Compromise the environment of my property and the quietness of my living here in the country. I feel also it will affect the selling my property in the near future.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Judy Crisp

Address: 601 Weyer Rd

Phone Number: 209 523-8838

Email Address: JCRISP2061@aol.com

Sincerely,

Judy Crisp

Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Virginia M. Gomes, resident(s) of 642 Weyer Rd, Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

No testing has been done!

Furthermore, the proposed amendments would affect me/us as follows: unbearable music, traffic, etc.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): [illegible]

Address: 642 [illegible] RD. Modesto - CA 95357

Phone Number:

Email Address:

Sincerely,

[illegible]

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Nancy Nielsen Harris, Terrell M Harris resident(s) of 8312 Jantzen Road Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

I have lived here for fifty years. The quiet, country atmosphere has been interrupted during past events at the Fruit Yard. Jantzen Rd has become a speedway during those events as well. Trash and other debris are left along the road. Long after the events have concluded - the parties carry on along our road and continue until the early hours of the morning.

Furthermore, the proposed amendments would affect me/us as follows:

Safety - during daylight hours for our children - grand-children.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Nancy Harris

Address: 8312 Jantzen Rd Modesto, Ca 95357

Phone Number: 522-7982

Email Address: janellmh@hotmail.com

Sincerely,

Nancy Harris

Janell McHarris

Tom Douglas
548 North Hopper Road
Modesto, CA 95357-1818

Miguel A. Galvez, Senior Planner
Planning and Community Development

Mr. Galvez:

I would like to thank you for the opportunity to comment on the TIME EXTENSION APPLICATION NO. PLN2015-0075 – THE FRUIT YARD for the public hearing scheduled for December 3, 2015.

Having participated in the approval of the original General Plan Amendment and Planned Development, it is my understanding that the Planned Development expired in 2011 and that the currently proposed amphitheater that is being processed under a separate Staff Approval Application is a significant change in the scope of the projects that had been approved as part of the General Plan Amendment.

In the original approval, Phase One of the project would have resulted in the construction of banquet facility, upgrades to the park, landscaping and parking for the operation of the banquet facility. That phase of the project was to have been completed within 1 to 3 years of the approval of the Planned Development (July 17, 2008). This phase expired in July 2011 and an extension should have been required prior to the authorization of any permits for improvements related to Phase One of the existing Planned Development schedule. Furthermore, the last phase of the project for the relocation and expansion of the fueling facilities, which was given a 3 to 7 year development schedule, expired July 17, 2015.

In my opinion, the proposed amphitheater is not the same as "park improvements" and contains no element of the original Phase One project which was primarily about the construction of a banquet facility and the associated parking, landscaping and park improvements requested to hold special events and weddings. When I provided my testimony at the original hearing, I already had significant concerns about noise for a banquet facility due to the fact that I had been disturbed by noise from significantly smaller events. I am located roughly 1.5 miles away from the Fruit Yard. At that time, the applicant assured me that events would occur within the building with some events occurring in the park during normal business hours. Typically that means that events end around 10 PM on weekdays and 11 PM on weekends.

The prospect of a 5,000 person amphitheater is a pretty significant change in scope, in my mind. The originally approved banquet building would not have come close to accommodating that many people. Furthermore, the type of music events that are attracted to an amphitheater will be primarily conducted outside of a building, the music will be substantially more amplified than any of the current events being held at the Fruit Yard, the traffic generated by an amphitheater is concentrated during specific times where current events are spread out over a day or two, the type of parking demand and traffic

management required to accommodate the traffic is very different than the smaller banquet facility would have been, and a much higher level of security is required to manage crowds of this size. These are all environmental impacts that were never addressed in the original approval because a facility of this magnitude was not included in the project description and could not have possibly been analyzed properly for CEQA purposes. Prior to the approval of the amphitheater or this extension of the schedule, the County should prepare the environmental studies to ensure that these impacts are analyzed and that proper mitigation measures are put in place to reduce the impacts to a less than significant level or prepare an environmental impact report if the impacts cannot be adequately mitigated.

The applicant argues that the amphitheater construction that is currently occurring on the site under a grading permit was to create a drainage basin for the parking lot that was to have accompanied the banquet facility and that the construction of the amphitheater was intended to reduce the impacts of the activities that are currently occurring in the park area.

I DISAGREE. The construction of the amphitheater is not equivalent to having a park-like setting for holding weddings and events like Graffiti Days. Weddings are much smaller and the other events held at the Fruit Yard occur over the course of an entire day. These events already create significant noise and traffic impacts, but don't come close to the level of traffic, noise, parking and security concerns of a large amphitheater that brings 5,000 people together at the same time over the course of a few hours and then releases them again. Not to mention the fact that these types of facilities attract performances that generate much louder noise. I also understand that the applicant wishes to change the original banquet building into a tent that has far less noise attenuating features. This change runs counter to the assurances that were made to me at the original hearing.

Although the December 3, 2015 hearing is on the extension of the project, I believe that the extension is tied to the future proposed changes in the development plan. I attended the original 2008 planning commission meeting that approved the general plan amendment and rezone. I also had the opportunity to comment on the original development plan. Due to the changes in the scope of the project as well as the potential environmental impacts of the proposed changes in both the scope of the Planned Development and its development schedule, I respectfully request that the extension be denied and that the County require that the proper environmental impact studies be prepared to provide the public with a better understanding of the potential impacts of the proposed changes in the scope and schedule of the project.

I am concerned that the proposed development plan is substantially different than the original proposal. I believe that these changes require additional CEQA considerations. I can identify six specific areas that need to be addressed through either additional CEQA mitigation or operation restrictions.

NOISE. Although the developers have agreed to abide by all of the County Noise Ordinances as part of their development proposal and have conducted a noise study to assess the impact of the amphitheater, the study looked at noise generated by a special event at the floor of the amphitheater but it did not

consider crowd noise as part of the analysis or what impact a concrete stage may have on the analysis. Measurements made at the top of the amphitheater may provide a more accurate assessment.
The noise study proposed that the developer employ a professional acoustic firm to measure the sound levels at the first year of operation to evaluate the noise mitigation measures. I believe that a condition of the extension and the amendment should include this noise monitoring as a permanent requirement. The results should be provided to county planning on a continual basis. The continued maintenance of these noise levels should a requirement of the continued operation of the facility.

The applicant also proposes to have weddings at this facility, any event should be regulated by the County Noise Ordinance and a noise study should be conducted for the tented wedding facility. Noise levels and time period constraints should be recognized and monitored through regular reports available to the public for review. Lower noise levels after 10 PM should be maintained.

TIME LIMITS TO WEDDINGS AND SPECIAL EVENTS. Originally the developer proposed to allow special events or weddings to go to midnight. At a community meeting recently held by the developer he proposed to limit events to no later than 10:00 p.m. In any case, the timing of events and weddings should recognize the timing and noise restrictions noted in the County Noise Ordinance.

A review of most of the major amphitheaters suggest that these operations all have a firm shut down time as a consideration to neighboring community. Not one reviewed extended their operation to midnight at any time.

TRAFFIC CONTROL. The orderly egress and exit of 5,000 attendants at a special event is no small endeavor. This operation may have considerable impacts on traffic on State Route 132 and county roads. This issue has not been considered in the plan. A traffic plan should be a requirement of the extension or rezone.

PARKING. In past special events held at the Fruit Yard parking has been at a premium. People attending parked on the sides of State Route 132 and Geer Road. Both SR 132 and Geer/Albers are busy traffic corridors. This parking has created a traffic and public safety problem with people jaywalking with limited visibility across traffic. Although Caltrans has installed a pedestrian crossing at this intersection, this will probably not solve the jaywalking problem.

The plan needs a parking analysis and mitigating measures to assure the continued free flow of traffic on the two major streets. Are there sufficient parking spaces for a 5,000 customer venue? Any deficit could be addressed through a shuttle program from nearby parking lots. A no parking posting program on SR 132 and Geer may be necessary to assure pedestrian safety.

NEIGHBORHOOD COMPLAINT PROCESS. I understand that the applicant has argued that he has not received any complaints about noise from the community. Personally I know that I have complained several times both to the Fruit Yard staff and to the sheriff department about noise levels past 10 PM.

In the past when I have complained to Fruit Yard Staff about noise from weddings, I was either told that they were exempt from the noise ordinance or had special permission to continue until midnight. In short no one was registering the complaints or even addressing them. I had contacted the sheriff department a number of times and have been told that it would be addressed on a non-emergency basis when staff was available. This was true even when events were permitted under a sheriff's permit.

To the applicant's credit there have not been any issues during the last year. I believe that weddings were conducted inside. The addition of a tent space for weddings could create another noise issue that should be monitored.

At the very least a responsible staff member should be available at all times during any event or wedding. The contact telephone number to address issues should be available at all times to the members of the surrounding community. Any event exceeding the noise standard should be terminated.

SECURITY. The applicant should have a detailed security plan in place. Any event that has 5,000 attendees should have identifiable security program for crowd control. This requirement should be defined for both weddings and special events where the number of attendees should set the number of security staff.

In the past, when I was going to the Fruit Yard Restaurant for a late dinner, I was accosted by a drunken individual from a wedding. When I asked the Fruit Yard employee I was told that there was no security at the wedding and that there was no employee responsible for monitoring the wedding. I was also told that staff left at 10:00 p.m. and the wedding could continue as long as it wanted. The wedding was essentially left to run on its own. This is clearly unacceptable, particularly for the substantial changes to the property proposed by the applicant.

IN SUMMARY, the County has allowed and even encouraged neighborhoods to develop near the Fruit Yard. People who live in these neighborhoods have an expectation that, while not the same as in an urban environment, is also not the same as in a farming area with 40-acre parcels. Development and activities at the Fruit Yard have caused problems in the past for the neighbors. Should the extension be granted—and I request that it be denied—I ask that the County consider the compatibility of this potential development as if it were in any other neighborhood. Any mitigation measures that are applied should be fully enforceable and enforced and penalties for failure to comply should be adequate to ensure compliance.

If you have any questions regarding these comments please do not hesitate to contact me at 209-409-4912

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

March 3, 2017

1. Project title and location:	Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater 7924 & 7948 Yosemite Blvd. (Hwy 132), at the southwest corner of Yosemite Blvd. and Geer Road, between the cities of Modesto, Waterford, and Hughson. (APN: 009-027-004)
2. Project Applicant name and address:	The Fruit Yard - Joe Traina 7948 Yosemite Blvd. Modesto, CA 95357
3. Contact person at County:	Kristin Doud, Associate Planner (209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

I. AESTHETICS

No. 1 Mitigation Measure: All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Ongoing.
When should it be completed:	Ongoing.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	None.

XII. NOISE

No. 2 Mitigation Measure: Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall building, labeled on the Planning Commission approved project site plan as a “storage building”

to be located directly behind (northwest) of the stage, as identified on the project site plan. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage soundwall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within the noise levels described within this Mitigation Monitoring Plan.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to onset of any amplified music event held at the amphitheater.
When should it be completed:	Prior to onset of any amplified music event held at the amphitheater.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 3 Mitigation Measure: Prior to issuance of a building permit for the banquet hall, and prior to onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the approved plans by a noise consultant, as described in Mitigation Measure No. 14.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to issuance of a building permit for the banquet hall.
When should it be completed:	Prior to onset of any amplified music event held at the banquet hall.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 4 Mitigation Measure: All amphitheater, park, and banquet hall events shall maintain the noise levels described in Table 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below:

Table 1
Stanislaus County Noise Standards Applied to this Project
After Adjustment for Elevated Ambient and Noise Source Consisting of Music

Receptor (See Figure 1)	Noise Metric	Adjusted Daytime Standard (7 a.m.-10 p.m.)	Adjusted Nighttime Standard (10 p.m.-7 a.m.)
A, B, D, F (near busy roadways)	Hourly L_{eq}, dBA	60	55
	Maximum Level (L_{max}), dBA	80	70
C, E (setback from roadways 250-350 feet)	Hourly L_{eq}, dBA	55	50
	Maximum Level (L_{max}), dBA	75	65
G, H, I (isolated from busy roads)	Hourly L_{eq}, dBA	50	40
	Maximum Level (L_{max}), dBA	65	55

Source: Stanislaus County Noise Element of the General Plan adjusted for ambient conditions and music noise source.

In addition to the Table 1 standards, low-frequency noise shall be limited to daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied at the nearest residences, existing at the time of the event. These standards may be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance). Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: On an on-going basis, when events are held.
When should it be completed: On an on-going basis, when events are held.
Who verifies compliance: Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 5 Mitigation Measure: To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the amphitheater stage.

Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100 feet from the sound system speakers. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No.6 Mitigation Measure: To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the Amphitheater stage. In addition, amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the speakers. In addition, amplified music shall be limited to an average of 75 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

Noise measurements during the first two amplified music events for each event space (banquet hall, park, and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to

measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property

owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 7 Mitigation Measure: Prior to any amplified music event at the park, banquet hall, or amphitheater the operator/property owner shall obtain a sound monitoring system; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and during each amplified music event occurring at the park, banquet hall and amphitheater. Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.

Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound

check prior to an event to establish system gain limits and to ensure compliance with the specified limits. Data shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to any amplified music event at the park, banquet hall, or amphitheater.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 8 Mitigation Measure: During the first two large concerts (with 500 or more in attendance) held at the amphitheater, noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The monitoring shall be conducted continuously from the sound stage (100-feet from stage), with periodic noise monitoring near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the concert event. The purpose of the measurements is to verify compliance with the project's noise standards. If the measurement results indicate that the music levels exceed the noise standards described in this Mitigation Monitoring Plan, additional sound controls shall be developed by a noise consultant in accordance

with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to the first two large events (with 500 or more in attendance).
When should it be completed:	Following the second large event (with 500 or more in attendance)
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 9 Mitigation Measure: All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 10 Mitigation Measure: The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required in this Mitigation Monitoring Plan, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by

12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	On an on-going basis, when events are held
When should it be completed:	On an on-going basis, when events are held. After it is demonstrated through noise level measurements of concert events that nighttime operations will not result in adverse nighttime noise impacts.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 11 Mitigation Measure: Operator/property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The plan shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the policy shall be made without prior review and approval by the Planning Department.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to amplified music events (park, banquet hall, or amphitheater).
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 12 Mitigation Measure: In the event that documented noise complaints are received for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083), such complaints shall be investigated to determine if the noise standards contained in this mitigation monitoring program were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded at the location where the complaint was received, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and

verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Upon onset of amplified music events. Work shall begin within 30 days of notification by the County.
When should it be completed:	Prior to holding an amplified music event, after notification by the County.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 13 Mitigation Measure: Following removal of orchard trees located on the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise mitigation measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Following removal of orchard trees located on the project site
When should it be completed:	Prior to any amplified music event, after orchard trees have been removed.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 14 Mitigation Measure: Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required,

amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	When a noise consultant is specified within this Mitigation Monitoring Plan.
When should it be completed:	Prior to any amplified music event, as specified within this Mitigation monitoring Plan.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	None.

XIV. PUBLIC SERVICES

No. 15 Mitigation Measure: Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Sixty (60) days after Use Permit approval.
When should it be completed:	On an on-going basis, when events are held.
Who verifies compliance:	Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

XVI. TRANSPORTATION/TRAFFIC

No. 16 Mitigation Measure: Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Prior to issuance of a building permit
When should it be completed:	Prior to issuance of a building permit
Who verifies compliance:	Stanislaus County Department of Public Works
Other Responsible Agencies:	Stanislaus County Planning and Community Development Department

No. 17 Mitigation Measure: An Event Traffic Management Plan shall be submitted and approved four (4) weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.

a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;

d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six (6) weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;
e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;
f. Prior to the implementation or construction of any additional phases of the approved Plan Development No. 317, a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;
g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;
   i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;
   ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works

		prior to the approval of the Event Traffic Management Plan;
	iii.	An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;
	iv.	The left turn lane shall be installed before the first event is held at the amphitheater.

Who Implements the Measure:	Operator/property owner.
When should the measure be implemented:	Four (4) weeks prior to any amphitheater event.
When should it be completed:	Prior to amphitheater event, as specified in the mitigation measure.
Who verifies compliance:	Stanislaus County Department of Public Works and Stanislaus County Planning and Community Development Department.
Other Responsible Agencies:	CalTrans.

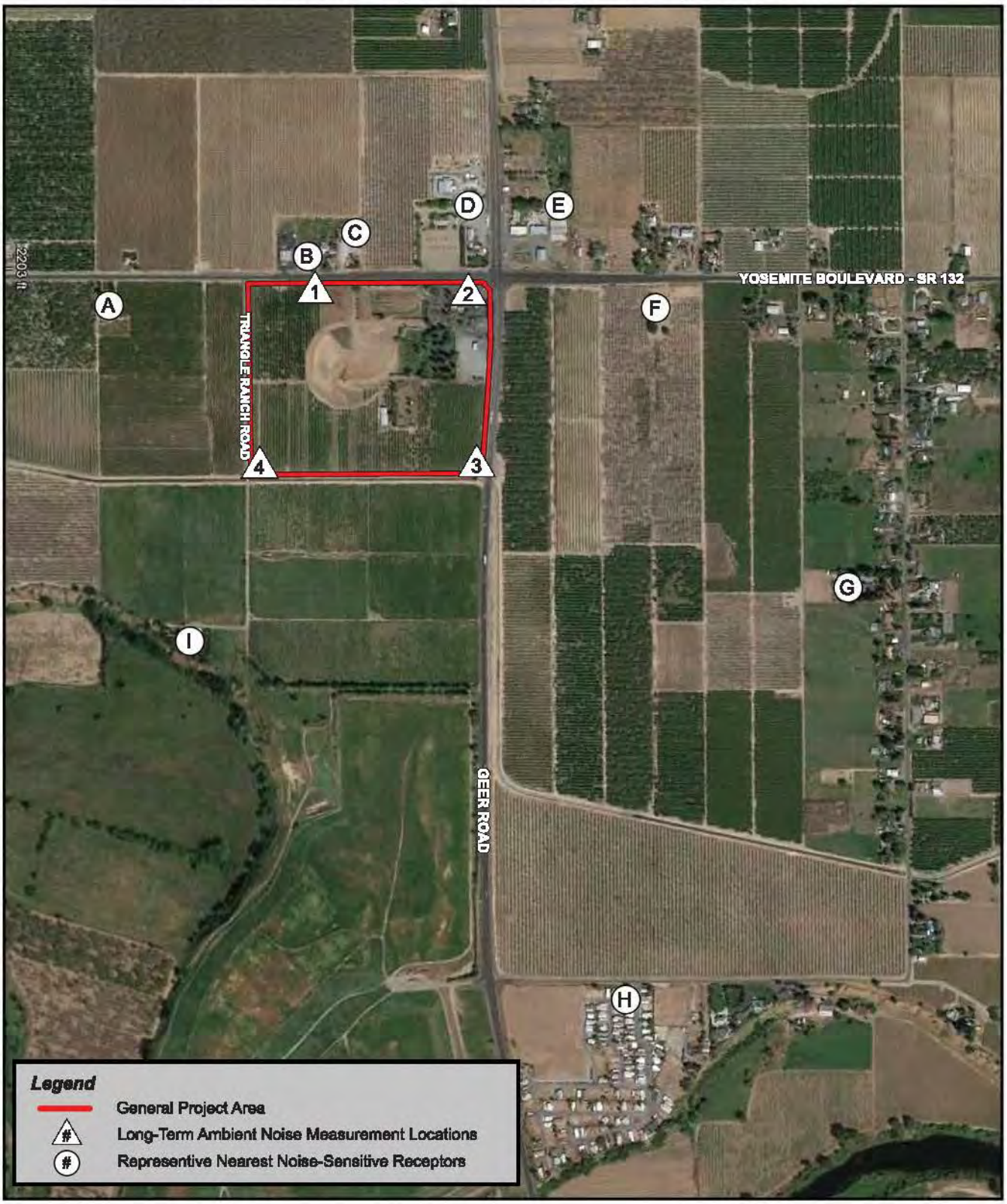
I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Person Responsible for Implementing Mitigation Program **Date**

(I:\PLANNING\STAFF REPORTS\UP\2015\UP PLN2015-0130 - THE FRUIT YARD\CEQA-30-DAY-REFERRAL\MITIGATION MONITORING PLAN.DOCX)

Figure 1

Project Area, Monitoring Sites, and Representative Receptor Locations
The Fruit Yard Project - Stanislaus County, California



BOLLARD
Acoustical Consultants

Scale (feet)
0 600 1,200

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2015-0130 – The Fruit Yard

LOCATION OF PROJECT: 7924 & 7948 Yosemite Blvd. (Hwy 132), at the southwest corner of Yosemite Blvd. and Geer Road, between the cities of Modesto, Waterford and Hughson. Stanislaus County. APN: 009-027-004

PROJECT DEVELOPER: The Fruit Yard – Joe Traina
7948 Yosemite Blvd
Modesto, CA 95356

DESCRIPTION OF PROJECT: Request to expand an existing Planned Development with an outdoor, fenced, 3,500 person capacity amphitheater event center, a 5,000 square-foot stage, a 5,000 square-foot roof structure, a 4,000 square-foot storage building, a parking lot to the rear of the stage, and an additional 1,302-space temporary parking area. A maximum of 12 amphitheater events are proposed to take place per year. This use permit also includes a covered seating area of approximately 4,800 square-foot and a 1,600 square-foot gazebo in the eastern half of the park area, east of the outdoor amphitheater, and replacement of the existing pylon freestanding pole sign with an electronic reader board sign.

Based upon the Initial Study, dated **March 1, 2017**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.

2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.

3. This project will not have impacts which are individually limited but cumulatively considerable.

4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.

2. Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall building, labeled on the Planning Commission approved project site plan as a “storage building” to be located directly behind (northwest) of the stage, as identified on the project site plan. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the

storage building changes in size or shape, or is proposed to be replaced with a backstage soundwall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within the noise levels described within this Mitigation Monitoring Plan.

3. Prior to issuance of a building permit for the banquet hall, and prior to onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the approved plans by a noise consultant, as described in Mitigation Measure No. 14.

4. All amphitheater, park, and banquet hall events shall maintain the noise levels described in Table 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below:

Table 1
Stanislaus County Noise Standards Applied to this Project
After Adjustment for Elevated Ambient and Noise Source Consisting of Music

Receptor (See Figure 1)	Noise Metric	Adjusted Daytime Standard (7 a.m.-10 p.m.)	Adjusted Nighttime Standard (10 p.m.-7)
A, B, D, F (near busy roadways)	Hourly L_{eq}, dBA	60	55
	Maximum Level (L_{max}), dBA	80	70
C, E (setback from roadways 250-350 feet)	Hourly L_{eq}, dBA	55	50
	Maximum Level (L_{max}), dBA	75	65
G, H, I (isolated from busy roads)	Hourly L_{eq}, dBA	50	40
	Maximum Level (L_{max}), dBA	65	55

Source: Stanislaus County Noise Element of the General Plan adjusted for ambient conditions and music noise source.

In addition to the Table 1 standards, low-frequency noise shall be limited to daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied at the nearest residences, existing at the time of the event. These standards may be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance). Before any

adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department.

5. To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the amphitheater stage.

   Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100 feet from the sound system speakers. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

   Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

6. To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the Amphitheater stage. In addition, amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

   To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the speakers. In addition, amplified music shall be limited to an average of 75 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

   Noise measurements during the first two amplified music events for each event space (banquet hall, park, and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

7. Prior to any amplified music event at the park, banquet hall, or amphitheater the operator/property owner shall obtain a sound monitoring system; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be

monitored during sound check and during each amplified music event occurring at the park, banquet hall and amphitheater. Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.

Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits. Data shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

8. During the first two large concerts (with 500 or more in attendance) held at the amphitheater, noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The monitoring shall be conducted continuously from the sound stage (100-feet from stage), with periodic noise monitoring near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the concert event. The purpose of the measurements is to verify compliance with the project's noise standards. If the measurement results indicate that the music levels exceed the noise standards described in this Mitigation Monitoring Plan, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include

reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.

9. All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.

10. The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required in this Mitigation Monitoring Plan, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by 12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.

11. Operator/property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The plan shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the policy shall be made without prior review and approval by the Planning Department.

12. In the event that documented noise complaints are received for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083), such complaints shall be investigated to determine if the noise standards contained in this mitigation monitoring program were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded at the location where the complaint was received, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

13. Following removal of orchard trees located on the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise mitigation measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.

14. Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract

shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

15. Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

16. Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

17. An Event Traffic Management Plan shall be submitted and approved four weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.

    a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
    b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
    c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;
    d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;
    e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;
    f. Prior to the implementation or construction of any additional phases of the approved Plan Development No. 317, a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;
    g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;
        i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;

ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;

iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;

iv. The left turn lane shall be installed before the first event is held at the amphitheater.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Kristin Doud, Associate Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

(I:\PLANNING\STAFF REPORTS\UP\2015\UP PLN2015-0130 - THE FRUIT YARD\CEQA-30-DAY-REFERRAL\MITIGATED NEGATIVE DECLARATION.DOC)

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2016-0130 - THE FRUIT YARD

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION	X	X	X	X			X		X		X	
CA DEPT OF HIGHWAY PATROL	X	X	X	X				X		X	X	
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA STATE LANDS COMMISSION	X	X	X		X							
CENTRAL VALLEY RWQCB	X	X	X		X							
CITY: MODESTO & WATERFORD	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: CONSOLIDATED	X	X	X	X				X		X	X	
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PG&E	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: EMPIRE	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X						X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PARKS & RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X			X		X		X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #1: OLSEN	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANCOG	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS & RESPONDING NEIGHBORS		X	X	X			X		X		X	
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS: TULE RIVER INDIAN TRIBE, NORTH VALLEY YOKUTS TRIBE, SOUTHERN SIERRA MIWUK NATION	X	X	X		X							
TUOLUMNE RIVER TRUST	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH AND WILDLIFE	X	X	X		X							
US MILITARY	X	X	X		X							
USDA NRCS	X	X	X		X							
WATER DISTRICT: MODESTO (DEL ESTE)	X	X	X		X							

Attachment 8

B. **USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD AMPHITHEATER** - Request to amend an existing planned development to allow a 3,500 person capacity amphitheater, with a 5,000 square foot covered stage, a 4,000 square foot storage building and parking lot to the rear of the stage, and an additional 1,302-space temporary parking area, for a maximum of 12 amphitheater events per year. The use permit also includes a request for a covered seating area of approximately 4,800 square feet and a 1,600 square foot gazebo to be developed in the existing park area and replacement of the existing pylon freestanding pole sign with an electronic reader board sign. The project is located at the southwest corner of Geer Road & Yosemite Boulevard (HWY 132). The Planning Commission will consider adoption of a CEQA Mitigated Negative Declaration for the project. APN: 009-027-004.
Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL.**
Public hearing opened.
OPPOSITION: Michelle Belle, Weyer Road, Modesto; Kent Johnson, 566 Wellsford Road, Modesto; Barbara Heckendorf, 679 Weyer Road, Modesto; Thomas Douglas, N. Hopper Road, Modesto; Richard Heckendorf, 679 Weyer Road, Modesto; Alex Walden, Goodwin Road, Modesto; Judy Crisp, 601 Weyer Road, Modesto

8:08 p.m. - Recessed
8:18 p.m. - Reconvene

FAVOR: Dave Romano, Engineer, 1034 12th Street, Modesto, CA; provided a handout to the Planning Commission, dated January 28, 2015.
Paul Bollard, Bollard Acoustical Consultants, Inc., 3551 Bankhead Road, Loomis, CA
Public hearing closed.
COMMISSIONER GIBSON MOTIONED DENIAL OF USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD AMPHITHEATER. DUE TO LACK OF A SECOND, MOTION FAILED.
Hicks/Boyd (4/1) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, INCLUDING APPROVAL OF THE ELECTRONIC READER BOARD SIGN, AMENDING DEVELOPMENT STANDARD NO. 8, TO READ AS FOLLOWS:**

8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. ~~Flashing, animated, or electronic reader board signs are not permitted.~~

EXCERPT

PLANNING COMMISSION

MINUTES

Signature on file.
Angela Freitas, Secretary

May 17, 2017
Date

ATTACHMENT 9

EXHIBIT A

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:

http://www.co.stanislaus.ca.us/SurveyChoice.htm

>>> janice musso <jcmusso@outlook.com> 4/18/2017 3:30 PM >>>
To Whom It May Concern;
As neighbors of this proposed project, we would like to voice our concerns over the traffic and trash that will result from the events held at the proposed amphitheater. We live on Albers Road just north of the project and already encounter so much traffic that it is difficult and dangerous to get in and out of our driveway. We feel that we could be trapped in or out of our property during these events and hope this project has a solution for this problem. We would also like to ask that Mr. Traina provide trash pick up within a few miles in every direction. My husband currently picks up trash along our road at least once a week. Although this isn't Mr. Traina's personal responsibility, we do notice that there is an increased amount of trash when large events occur at The Fruityard. I would like to ask, on behalf of our local schools in Waterford and Hughson, that Mr. Traina allow for fundraising opportunites during these events to support our agricultural/vocational programs.
Thank you for the chance to respond to this proposal.

Respectfully

Janice Musso
637 Albers Road
Modesto, CA 95357

ATTACHMENT 9

EXHIBIT B

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

DEVELOPMENT STANDARDS

USE PERMIT APPLICATION NO. PLN2015-0130
THE FRUIT YARD AMPHITHEATER

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances, except the hours of operation shall be no later than 9 PM Sunday through Thursday and 10 PM on Friday and Saturday. The property owner shall be responsible for enforcing the hours of operation at all times.

2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **$2,273.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

   Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

5. During any future construction, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

6. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.

8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. Flashing, animated, or electronic reader board signs are not permitted.

9. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.

10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

11. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.

12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

13. All Development Standards from Planned Development (317) shall remain in effect. The Development Standards set forth in this Staff Report are considered to be an amendment to the Development Standards from Planned Development (317), and apply in addition to the Development Standards from Planned Development (317).

14. No street parking associated with the site is permitted. Customers and event attendees shall be made aware via signage that parking is limited to on-site parking only.

15. No alcohol consumption or tail gating is permitted in the parking areas designated for on-site events. Any sale of alcohol on-site must obtain and comply with all of the necessary Alcohol Beverage Control (ABC) Licensing.

16. Prior to final of any new building permit all outstanding building and grading permits shall be finaled.

17. Parcels 2, 3, 8, 9, and the remainder parcel of Parcel Map 56-PM-83 may not be independently sold until permanent parking is developed. Prior to development of permanent parking facilities, all applicable permits shall be obtained, including but not limited to a Staff Approval or Use Permit, and Building and/or Grading Permit. Proposed permanent parking facilities shall be reviewed and approved by both the Planning and Public Works Departments prior to development.

18. Events are limited to what are allowed under the Planned Development, including the amendments included in this Use Permit. No Outdoor Entertainment Activity Permit may be obtained. Fireworks are strictly prohibited and no fireworks permit may be issued for the activities related to this permit.

19. Hours of operation may not be extended ~~beyond those included in Mitigation Measure No. 9,~~ without a public hearing.

20. Prior to acceptance of the "Good Neighbor Policy", the Planning Department will referthe draft document to all surrounding residents, for a two week comment period. The referral will be sent to all surrounding residents included on the project referral "Landowner Notice" list from Use Permit No. PLN2015-0130 – The Fruit Yard. Any comments received willbe taken into consideration. However, the Planning Department maintains the ultimate approval authority.

Department of Public Works

21. No parking, loading or unloading of vehicles will be permitted within the Geer Road and Albers Road rights-of-way. The applicant will be required to install or pay for the installation of any signs and/or markings, coordinating the installation of the signs with Public Works Traffic Section.

22. The applicant shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way.

23. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.

24. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted before any grading occurs or building permit for the site is issued which creates a new or larger footprint on the parcel. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

    A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.

    B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.

    C. The grading, drainage, erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES)

General Construction Permit.

D. An Engineer's Estimate shall be submitted for the grading and drainage work.

E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

F. The permit applicant shall pay the current Stanislaus County Public Works weighted labor rate for the plan review and all on-site inspections required for the grading, drainage, erosion/sediment control, or building permit plan. The Public Works inspector shall be contacted 48 hours prior to the onset of any grading or drainage work on-site.

Department of Environmental Resources

25. Prior to onset of amphitheater events, and prior the installation of any water infrastructure for the amphitheater, the property owner shall provide to the Department of Environmental Resources an application for amended water supply permit along with a full technical report demonstrating that the water system will meet all requirements of a Non-transient Non-community water system: capacity, source water, drinking water source assessment, water works standards, and the California Environmental Quality Act (CEQA).

26. All food facilities must operate under a Health Permit, issued by the Department of Environmental Resources.

27. Prior to issuance of any building permit for the construction of the preparation and serving kitchen in the banquet hall, the owner/operator shall provide construction plans to the Department of Environmental Resources for review and approval as required in accordance with California Health and Safety Retail Food Code.

28. All food service offered at The Fruit Yard complex, including but not limited to the amphitheater events area, banquet hall, restaurant, and convenience stores, shall be conducted in compliance with the requirements of California Health and Safety Retail Food Code and shall obtain and comply with all applicable permits through the Department of Environmental Resources.

29. Prior to onset of amphitheater events, On-site Wastewater Disposal System (O.W.T.S.) for amphitheater events must be reviewed and approved by the Department of Environmental Resources. Due to the levels of the nitrates in the existing water system being higher than half of the maximum MCL, any expansion of the onsite waste water system (OWTS) can contribute to groundwater nitrate levels especially with individual OWTS. A wastewater management plan of any flow of 5,000 gallons per day, or greater, must be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) for review and approval. A Wastewater Management Plan of any flow of 5,000 gallons per day, or less, must be submitted to the Department of Environmental Resources for review and approval. A centralized O.W.T.S. is highly recommended with proper treatment of the discharge effluent. The quality of the discharge effluent shall meet EPA Secondary Treatment levels. The focus will be on the ability to reduce nitrate, salt, and organic chemical levels, minimizing the impact upon the area's groundwater supply.

Building Permits Division

30. Building permits are required and the project must conform to the California Code of Regulations, Title 24.

Stanislaus Consolidated Fire District

31. Prior to onset of events at the amphitheater, an Event Traffic Management Plan shall be reviewed and approved by the Stanislaus Consolidated Fire District.

32. All proposed structures shall obtain building permits, and shall meet all applicable Building and Fire codes, and shall be reviewed and approved by the Stanislaus Consolidated Fire District.

Modesto Irrigation District

33. In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed site shall be protected, relocated, or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.

34. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.

35. Costs for relocation or installation of MID electrical facilities at the request of others will be borne by the requesting party. Estimates for relocating or installing MID electrical facilities will be supplied upon request.

36. A 15-foot Public Utility Easement (PUE) is required adjacent to the existing 12,000 volt overhead lines along Geer Road street frontage. The PUE is required in order to protect the existing overhead electric facilities and to maintain necessary safety clearances.

37. A 10-foot Public Utility Easement (PUE) is required adjacent to existing street frontages, proposed streets and private ingress/egress easements as already shown on Parcel Map 56-PM-83. The PUE's are required in order to protect the future electrical facilities and to maintain necessary safety clearances.

38. Prior to onset of any construction, contractor shall verify actual depth and location of all underground utilities. Notify "Underground Service Alert" (USA) (Toll Free 1-800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will mark the location of the MID underground electrical facilities.

39. The Modesto Irrigation District (MID) reserves its future right to utilize its property along the MID canal in a manner it deems necessary for the installation and maintenance of electric and telecommunication facilities. These needs, which have not yet been determined, may consist of new poles, cross arms, wires, cables, braces, insulators, transformers, service lines, control structures, and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

40. A 10 foot OSHA minimum approach distance is required adjacent to the existing 12,000 volt overhead high voltage lines.

41. An eight foot minimum vertical approach distance is required adjacent to the existing overhead 200 volt secondary lines.

42. Use extreme caution when operating heavy equipment, backhoes, using a crane, ladders, or any other type of equipment near overhead or underground MID electric lines and cables.

43. Electric service to the proposed parcels is not available at this time. The Electric Engineering Department has no objections to the proposed amphitheater at this time. However, specific requirements regarding construction issues will be addressed when the amphitheater construction plans are submitted for review to the District's Electric Engineering Department. Contact Linh Nguyen at (209) 526-7438.

44. Prior to construction, a pre-consultation meeting a pre-consultation meeting to discuss MID irrigation requirements is recommended.

California Department of Transportation

45. An encroachment permit shall be obtained prior to any work within the State right-of-way.

Department of California Highway Patrol

46. Prior to onset of events at the amphitheater, an Event Traffic Management Plan shall be reviewed and approved by the Department of California Highway Patrol.

MITIGATION MEASURES

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:
1) Hold a public hearing to consider the project;and
2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.

2. Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall building, labeled on the Planning Commission approved project site plan as a "storage building" to be located directly behind (northwest) of the stage, as identified on the project site plan. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage sound-wall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within the noise levels described within this Mitigation Monitoring Plan.

3. Prior to issuance of a building permit for the banquet hall, and prior to the onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the approved plans by a noise consultant, as described in Mitigation Measure No. 14.

4. All amphitheater, park, and banquet hall events shall maintain the noise levels described in Table 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below:

Table 1
Stanislaus County Noise Standards Applied to this Project After Adjustment for Elevated Ambient and Noise Source Consisting of Music

		Adj Day (7 a.m. to 10 p.m.)	Adj Night (10 p.m. to 7 a.m.)
A, B, D, F (near busy roadways)	Hourly Leq, dBA	60	55
	Maximum Level (Lmax), dBA	80	70
C, E (setback from roadways 250-350 feet)	Hourly Leq, dBA	55	50
	Maximum Level (Lmax), dBA	75	65
G, H, I (isolated from busy roads)	Hourly Leq, dBA	50	40
	Maximum Level (Lmax), dBA	65	55
Source: Stanislaus County Noise Element of the General Plan adjusted for ambient			

In addition to the Table 1 standards, low-frequency noise shall be limited to daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied at the nearest residences, existing at the time of the event. These standards may be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance). Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department. Notification shall be provided to interested neighbors when such adjustments are approved by the Planning Department.

5. To ensure compliance with County noise standards, amphitheater sound system output shall be limited to an average of 90 dBA Leq averaged over a five minute period and a maximum of 100 dBA Lmax at a position located 100 feet from the amphitheater stage.

Park and banquet hall sound system output shall be limited to an average of 75 dBA Leq averaged over a 5-minute period and a maximum of 85 dBA Lmax at a position located 100 feet from the sound system speakers. Sound levels up to 80 dBA Leq at the 100 foot reference distance would be acceptable provided the sound system speakers are oriented south or southwest.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The Ceonsultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. Properly trained staff shall be on site at all times during events and shall be available to receive complaints from the public. The operator/property owner shall make available to the Planning Department

noise measurements and training records, upon request by the County. Such records are public information and are subject to freedom of information requests by the public. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County. Any costs associated with the peer review, monitoring or new noise analysis shall be borne by the property owner/oprator.

6. To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the Amphitheater stage. In addition, amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

   To control low-frequency sound in the surrounding neighborhood during park events, C-weighted sound levels shall be limited to 85 dBC Leq averaged over a five minute period and a maximum of 95 dBC Lmax at a position located 100 feet from the speakers. In addition, amplified music shall be limited to an average of 75 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

   Noise measurements during the first two amplified music events for each event space (banquet hall, park, and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The tests shall include testing a individual residences within the affected area identified in the noise study, if requested by those property owners. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The trained staff shall be on site at all times during events. The property owner/operator shall be responsible for compliance with all noise standards and hours of operation. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

7. Prior to any amplified music event at the park, banquet hall, or amphitheater the operator/property owner shall obtain a sound monitoring system; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and during each amplified music event occurring at the park, banquet hall and amphitheater. Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.

   Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital (SSD). SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system recommended by noise consultant, in accordance with Mitigation Measure No. 14.

   A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits. Data shall be maintained for 30 days and made available to the County upon request. Data shall be subject to public requests pursuant to freedom of information requirements.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. The amphitheater operator/property owner shall be responsible to ensure that event producers comply with all conditions and mitigation measures. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits.

Noise measurements during the first two amplified music events for each event space (banquet hall, park and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Such records shall be subject to freedom of information requests by the public. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

8. During the first two large concerts (with 500 or more in attendance) held at the amphitheater, noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The monitoring shall be conducted continuously from the sound stage (100-feet from stage), with periodic noise monitoring near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the concert event. The purpose of the measurements is to verify compliance with the project's noise standards. If the measurement results indicate that the music levels exceed the noise standards described in this Mitigation Monitoring Plan, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before ~~10:00~~9:00 p.m.

9. All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before ~~10~~9 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of ~~11~~10:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 11~~12~~:00 pa.m.

10. The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before ~~10~~9:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required in this Mitigation Monitoring Plan, then amphitheater events on Friday and Saturday may be extended to ~~11~~10:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by ~~12~~11:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 12:00 a.m.

11. Operator/property owner shall establish a written "Good Neighbor Policy" to be approved by the Planning Department, which shall establish the permittee's plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The policy shall be provided to the adjacent neighbors for review and comment for a minimum period of 30 calendar days. The Policy shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The Policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the Policy shall be

made without prior review and approval by the Planning Department.

12. In the event that documented noise complaints are received for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive

of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83), such complaints shall be investigated to determine if the noise standards contained in this mitigation monitoring program were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded at the location where the complaint was received, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. If the complaints are received for events larger than those used in the initial two tests used to establish the standards, additional testing and analysis shall be conducted to identify additional mitigation measures. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

13. Following removal of orchard trees located on the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-83) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional *noise mitigation measures shall be implemented, if determined to be necessary, to ensure* compliance with the applicable County noise standards.

14. Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited discontinued, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all *recommended noise control measures have been completely implemented.*

15. Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

16. Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

17. An Event Traffic Management Plan shall be submitted and approved four (4) weeks prior to *holding the first event at the amphitheater. Both County Planning and Public Works shall* review and approve the plan.

    a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
    b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
    c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit

from both the State and Stanislaus County, if applicable;

d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six weeks prior to the next

event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;

e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;

f. Prior to the implementation or construction of any additional phases of the approved Plan Development (317), a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;

g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;

h. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;

   i. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;
   ii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;
   iii. The left turn lane shall be installed before the first event is held at the amphitheater.

****

Please note: If Development Standards/Mitigation Measures are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Development Standards/Mitigation Measures; new wording is in ***bold****, and deleted wording will have a ~~line through it.~~*

ATTACHMENT 9

EXHIBIT C

Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400, Modesto, CA 95354
Building: (209) 525-6557 Fax: (209) 525.7759
Planning: (209) 525-6330 Fax: (209) 525-5911

01/28/2015

Fruityard Property Llc
7948 Yosemite Blvd
Modesto, CA 95357

Address: 7948 YOSEMITE BLVD

Subject: GRADING AND DRAINAGE BASIN FOR AMPHITHEATER @ (FRUIT YARD) C/S GEER RD

Permit #: GRA2013-0002

Dear Property Owner:

Your building permit is ready to issue. The following items must be provided prior to issuance of the permit.

_____ Release from the MODESTO UNION HIGH School District.

_____ Other Documents

Building Permit Fees:

Grading Permit Processing Fee	$30.00
Microfilm Fee - $5 + $1 per sheet	$6.00
Building Standards Fund	$1.00
GIS Fee	$0.72
PW Grading Permit Plan Check	$4,108.75
TOTAL PERMIT FEES	$4,146.47
County Impact Fee:	$0.00
TOTAL PAYMENTS DUE	$4,146.47

The property owner or licensed contractor may pick up the permit Mon - Fri 8:30am to 4:30pm.
Please pick up before: 2/27/2015

"Pursuant to Government Code 66020 you may protest the imposition of any fees, reservations, or other exactions imposed in this development project within 90 days after the date of this letter or the date the development project was initially approved, whichever comes first."

Thank You,

Building Inspector

5/23/2017 9:20 public hearing

Liz King - The Fruit Yard

BOARD OF SUPERVISORS

2017 MAY 22 P 12:55

From: Dave Romano
To: Liz King <kingl@stancounty.com>
Date: 5/22/2017 10:40 AM
Subject: The Fruit Yard
Cc: Kristin Olsen <olsenk@stancounty.com>

Ms. King:

Mr. David Coufal is out of the area and unable to attend the Board of Supervisors meeting tomorrow, but he asked that I convey this to the Board of Supervisors, and have been authorized by him to do so. I am copying him with this email.

Supervisors:

My wife and I live at Weyer Road. We have lived at this location for almost 30 years, and consider The Fruit Yard to be a great neighbor.

In August of 2015, we signed a petition opposing a staff approval to permit amplified events at The Fruit Yard amphitheater. The intent behind this petition and the project itself were misrepresented to us at the time. Regardless, the petition requested "full CEQA compliance and a thorough noise study." In response to this petition, The Fruit Yard has prepared the studies requested. If it wasn't our neighborhood's intent to ever accept the results of the studies, within reason, we shouldn't have asked for them to begin with.

When asked by our neighbor to sign a petition making sure adequate studies were prepared we did that, even though the project wasn't fairly disclosed. We are grateful that The Fruit Yard has prepared studies in compliance with the requests of our neighborhood. Based on these studies, we can clearly see that a balance has been achieved that deserves our support. The conditions and mitigation measures considered and approved by the Planning Commission are acceptable to us.

Based upon the public process and studies that have been prepared, our understanding of the actual project, and the fact the we have been neighbors to The Fruit Yard for almost 30 years, and only can find good things to say about the operation and the fact that it has minimal if any impact on our neighborhood, we wholeheartedly support The Fruit Yard Use Permit project as proposed, and request that the Board of Supervisors deny the appeal before it and allow The Fruit Yard project to proceed.

Mr. David Coufal

BOARD OF SUPERVISORS

2017 MAY 22 P 5:02

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: The Fruit Yard Amphitheater

Supervisors:

For almost 30 years I have lived and farmed the property immediately adjacent to The Fruit Yard on the west side at Yosemite Boulevard. My parents, Dominic and Marie DePalma live at our family home across the street at Yosemite Boulevard and have since 1949. During this time, The Fruit Yard has held many major events including a Beach Boys concert, Graffiti events and the like. My property abuts The Fruit Yard, and my home is within about a quarter mile of the proposed amphitheater.
Over the years, The Fruit Yard events have always been well run, and I am fully supportive of the amphitheater project.

My parents also asked that I let you know of their support for the project. They have lived in their home and farmed in this area for 68 years, and have watched The Fruit Yard grow from the Old Foamy Drive-in, to the wonderful facility it is today.

On behalf of our family, we respectfully request that the Board approve The Fruit Yard project.

Gino DePalma

Gino DePalma

Dominic and Marie DePalma

Dom DePalma
Marie DePalma

BOARD OF SUPERVISORS

2017 MAY 22 P 5:02

Stanislaus County
Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: The Fruit Yard Amphitheater

Supervisors:

I live at Wellsford Road, and have lived here for 38 years and support The Fruit Yard amphitheater project.

Gary Fisher

5/23/17 9:20

BOARD OF SUPERVISORS

2017 MAY 22 P 5:02

Stanislaus County
Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: The Fruit Yard Amphitheater

Supervisors:

For the last 8 years I have lived at Yosemite Blvd. about a half mile east of The Fruit Yard. Yosemite Blvd. is a busy road. The intersection of Yosemite Blvd. and Geer Road is also busy, as it connects Waterford to Modesto, and Oakdale to Hughson and Turlock. This corner lends itself well to projects like The Fruit Yard, Conlin's Feed Store, and the well drilling company.

I can tell you that the noise from the regular daily traffic on Yosemite Blvd. far outweighs the sound coming from intermittent events at The Fruit Yard. I ask that you approve The Fruit Yard project. It will be a nice addition to our community.

Dan Thompson

BOARD OF SUPERVISORS

2017 MAY 22 P 5:02

Stanislaus County
Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: The Fruit Yard Amphitheater

Supervisors:

I live at Wellsford Road and ask that you approve The Fruit Yard amphitheater project.

Bob Gaskon

Stanislaus County
Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

BOARD OF SUPERVISORS

2017 MAY 22 P 5:01

Re: The Fruit Yard Amphitheater

Supervisors:

My name is John Masellis. My Father and Uncle own and operate Masellis Drilling, and I farm for a living. Recently a property became available in the vicinity of the family business and as I am very familiar with the area, I wanted to move there. This property is located at the end of Triangle Ranch Road just southwest of the proposed amphitheater. I was already familiar with the Fruit Yard and their historic events, but I also was aware that an amphitheater was coming to the area, and it had already been graded.

I met with Mr. Traina to discuss what he was going to do at the amphitheater. He shared with me what he proposed for the site. After working near The Fruit Yard for many years, and then understanding what was proposed for the site, I still chose to purchase the property and move there with my family. This property is the one shown in the Noise Report as the most sensitive to project noise. We are identified as Receptor G.

I am entirely confident in the ability of The Fruit Yard to properly operate events at the site, and we take no exception to the project or the proposed hours of operation. This is a great location for this use, and as someone who has spent a lot of time in and around this facility, even with knowing the amphitheater was proposed, I elected to purchase the property and move to a house right by it.

I respectfully request that the Board uphold the Planning Commission approval of this project.

John Masellis

John Masellis

Stanislaus County
Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

BOARD OF SUPERVISORS

2017 MAY 22 P 5:01

Re: The Fruit Yard Amphitheater

Supervisors:

I own and operate Masellis Drilling at Albers Road, and have lived at Albers Road, the northwest corner of Yosemite and Albers, just north and across the street from The Fruit Yard since 1950. I have been around for everything that has gone on at The Fruit Yard since Mr. Traina became the owner. This is a great business and a benefit to the community. I write to you to offer my wholehearted support of his project.

Vic Masellis

Vic Masellis

BOARD OF SUPERVISORS

2017 MAY 22 P 5:02

Stanislaus County
Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: The Fruit Yard Amphitheater

Supervisors:

I live at Yosemite Blvd, and have lived here since 1988 and support The Fruit Yard amphitheater project.

Tom Keeney

Tom Keeney

D & S RANCH
DWIGHT TRAMMELL
602 WELLSFORD ROAD
MODESTO, CA 95357

FAX (209) 341-0341 Ph (209) 324 5465

Chairman Chiesa and Boardmembers
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: The Fruit Yard Amphitheater

Supervisors:

In 1978 I built my home on my property at Wellsford Road and have lived there ever since. This was about a year after Mr. Traina acquired the Old Foamy Drive-in. I have closely followed The Fruit Yard's efforts to construct and operate an amphitheater at the site. The opposition to the project comes as quite a surprise to me.

The Fruit Yard has been an actively operated facility for many years providing services to our local community. Events from weddings to major concerts have been held at The Fruit Yard over the years. As someone who has lived near The Fruit Yard for almost the entire 40 years the Trainas have owned this property, I can say that I have never seen any negative effects from events they have held. I have never heard noise from the project site. Before and after events, I have not seen increased traffic on my road, or faced any safety or security issues which could be attributed to concerts or events at the site.

The Fruit Yard is a community gem and I wish them the best as they continue to build on their success. Please deny the appeal and allow The Fruit Yard to continue their operations.

Sincerely,

Dwight Trammell