



October 6, 2016

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: STAFF APPROVAL APPLICATION NO. PLN2016-0092 – R.A.M. FARMS, INC. REQUEST TO AMEND CONDITIONS OF APPROVAL AND MITIGATION MEASURE FOR USE PERMIT APPLICATION NO. PLN2013-0032 – R.A.M. FARMS, INC.**

### **PROJECT DESCRIPTION**

This is a request to amend the Conditions of Approval and a Mitigation Measure for Use Permit Application No. PLN2013-0032 – R.A.M. Farms, Inc. The Use Permit permitted various seasonal activities during the fall and winter seasons (September – January). Fall seasonal activities are limited to operation of a produce stand, pumpkin patch and a corn maze. Winter activities are limited to Christmas tree sales, operation of a produce stand, and an ice skating rink. The property is located at 716 N. Daubenberger Road, south of Canal Drive on the east side of the City of Turlock, within the Stanislaus Local Agency Formation Commission (LAFCO) adopted Sphere of Influence, on a 21 +/- acre parcel in the A-2-40 zoning district.

The proposed changes to the Conditions of Approval would allow use of amplified sound when conducted in compliance with City and County Noise Ordinances; allow for additional time to remove the ice skating rink and related equipment; permit the sale of promotional merchandise, and refine sign plan requirements; clarify contact protocol; on-site security requirements, and identify structures that can remain on-site, outside of the seasonal activities. (See Attachment 1- *Conditions of Approval*.) The draft amendments to the Conditions of Approval and Mitigation Measure were jointly developed among the applicant, the City of Turlock, and County staff. The applicant provided additional requests on the jointly drafted Conditions of Approval and updated the project site plans (See - Attachments 2 – *Applicant's Request, received September 19, 2016*, and 3 – *Updated Site Plan*.)

As the Staff Approval Application proposes to amend an adopted Mitigation Measure/Condition of Approval, this application must be presented to the Planning Commission for review and action.

### **PROJECT BACKGROUND**

On September 22, 2011, Staff Approval Application No. 2011-30 was approved for a produce stand, pumpkin patch, and a corn and hay maze, to operate during the month of October and to only operate the produce stand and pumpkin patch during the month of November.

On September 27, 2012, Staff Approval Application PLN2012-0020 was approved to permit temporary restrooms and a 12-foot by 44-foot temporary building in conjunction with an Outdoor

Entertainment Activities Permit from the Sheriff's Office for operation of the corn and hay maze and the produce stand.

On August 15, 2013, the Planning Commission approved Use Permit PLN2013-0032 to allow various seasonal activities, including a corn and hay maze, pumpkin bowling, Christmas tree sales, and an ice skating rink in conjunction with the permitted produce stand and pumpkin patch. The produce stand, pumpkin patch, corn maze and hay maze, pumpkin bowling area, kiddie tractor corral and sandbox would operate from the last weekend of September through October 31. The hours of operation were from 12:00 p.m. to 6:00 p.m. during weekdays and from 10:00 a.m. to 10:00 p.m. pm during weekends. A Christmas tree lot (selling fresh trees and wreaths) and the ice skating rink with outdoor lighting were approved to operate from Friday after Thanksgiving through the second weekend of January. The hours of operation were 12:00 p.m. to 8:00 p.m. weekdays and 10:00 a.m. to 10:00 p.m. during the weekends. (See Attachment 4 - *Planning Commission Staff Report, August 15, 2013*, and Attachment 5 - *Planning Commission Meeting Minutes, August 15, 2013*).

On April 7, 2014, the applicant submitted a Staff Approval Application to extend the operating season of the ice skating rink to operate the day before Thanksgiving through Martin Luther King Day (January 20) and to expand the size of the ice skating rink from 4,800 square feet to 9,600 square feet. The request also included installing a temporary tent structure to cover the ice skating rink and expanding the parking lot from 28 to 58 parking spaces. On June 9, 2014, Planning staff issued Staff Approval Permit PLN2014-0041 – R.A.M. Farms with additional Conditions of Approval. (See Attachment 6 – *Staff Approval Application Permit PLN2014-0041*.)

On May 6, 2015, the applicants submitted a Staff Approval Application PLN2015-0046 – R.A.M. Farms requesting to (1) extend the length of the fall season by up to four days; (2) extend the length of the winter season by up to six days; and (3) extend the winter hours of operation for the ice skating rink from 8:00 p.m. to 10 p.m. during weeknights. On October 2, 2015, Planning staff approved SAA PLN2015-0046 subject to 53 Conditions of Approval and 2 Mitigation Measures. (See Attachment 7 – *Staff Approval Application Permit PLN2015-0046*.)

To meet California Building Code requirements for the size and height of the temporary tent structure, the applicant constructed a steel framed structure which incorporates a canvas cover with permanent footings. Consequently, on November 13, 2015, the applicants submitted a letter requesting that the temporary tent structure (steel frame with canvas cover) over the ice skating rink be considered for dual purposes (1) shelter for the ice skating rink and (2) agricultural equipment storage to support farming operations during the balance of the year (See Attachment 8 – *Applicant Letter, dated November 13, 2015*). The applicant applied for a building permit to make the temporary on-site tent structure permanent. Staff has determined that since the property is zoned A-2-40, the tent structure over the ice skating rink area is a permitted use as an accessory structure in support of agricultural operation in the A-2 zoning district.

On September 19, 2016, the applicant submitted a request to further amend Conditions of Approval for UP PLN2013-0032. The applicant's stated reason for the current Staff Approval Application request is to "help mitigate complaints and allow for reasonable business operations to continue at the site."

On September 28, 2016, the LAFCO approved an out-of-boundary water service request from R.A.M. Farms allowing the subject site to receive domestic water from the City of Turlock.

## **DISCUSSION**

### 1. Neighborhood Concerns

Two households that live to the west, along N. Daubenberger Road, contacted County and City staff to express concern over the operation of the ice skating rink including: (1) a lack of compliance with the approved Conditions of Approval (non removal of the temporary tent structure, patrons not parking on the site's parking lot, a lack of immediate response to telephone calls made to the operator, not fully implementing the parking management plan, not cleaning up and restoring site to an agricultural use within stated time frames; (2) alleged violations to the City and County Noise Ordinances (use of public announcement system); (3) spillage of light and glare onto adjacent residential homes; (4) increased vehicular noise and traffic; (5) increased litter.

### 2. Proposed Amendments

The proposed amendments to the Conditions of Approval are requested to clarify and refine operational parameters for both seasonal operations, while maintaining compliance with adopted City and County ordinances. The applicant is proposing following amendments.

- Allowance of exterior low wattage lighting during seasonal activities. Staff supports this request, (see Condition of Approval No. 5).
- City and County require review and approval of any on-site signage, the applicant is seeking approval of temporary or seasonal signage, a signage plan has yet to be submitted, (See Condition of Approval No. 9).
- A clarified contact protocol for concerned residents desiring to contact the operator. Staff supports this request, (See Condition of Approval 14).
- That the public announcement system be allowed to be used intermittently along with amplified music to a volume level compliant with adopted noise ordinances. Staff supports this request, (See Conditions of Approval No. 15 and No. 42).
- That the ice skating rink tent structure, restroom facilities, sheet metal barn and produce stand be allowed to remain or recognized as permanent structures. Staff supports this request, (see Condition of Approval No. 19).
- That on-site sale of sundry items and promotional clothing during the approved seasonal activities. Staff supports this request limited to the ticket booth and concession stand. (See Condition of Approval No. 37).
- The applicant requests on-site security on Fridays and Saturdays, with the option to waive the security guard on Sundays when crowds are diminished. Staff does not support this request and recommends no change to the condition, (See Condition of Approval No.49).
- The applicant requests additional time to remove ice skating rink and associated equipment as it takes longer to defrost the ice during the winter. Staff supports this request, (See Condition of Approval 19 and 53).

In summary, Attachment 1 reflects proposed amendments to Conditions of Approval that were initially reviewed and agreed to by the City of Turlock and Stanislaus County and also now reflect staff's recommended changes. The Planning Commission may amend the recommended Conditions of Approval further at its own discretion.

3. City of Turlock

On December 21, 2015, the noise consultant, Bollard Acoustical Consultants, Inc. prepared a Noise Monitoring report for consideration of SAA 2015-0046. City staff raised concerns over the analysis, citing reported noise volumes in excess of the City's Noise Ordinance (page 4 of Attachment 9 - *Noise Monitoring Results report, December 21, 2015.*)

Consequently, on September 6, 2016, Bollard Acoustical Consultants, Inc. prepared a supplemental Noise Analysis which clarified the noise measuring methodology used in the December 21, 2015, Noise Monitoring report and stated that the noise violations of concern to the City were not originating from the applicant's project site, but from vehicular traffic on N. Daubenberger Road. The Noise Monitoring report also confirmed that use of on-site amplified noise can be allowed when compliant with adopted City and County Noise Levels. (See Attachment 10 - *Supplemental Noise Monitoring report, September 6, 2016*)

Furthermore, the September 6, 2016, supplemental noise report concluded that:

- (1) Noise generated by mechanical equipment was within compliance with the City of Turlock's most restrictive applicable Noise Ordinance standards;
- (2) The median sound level for the music being played at the ice skating rink was estimated to be approximately 50 dB L50, which is in compliance with the City of Turlock's daytime noise level standard;
- (3) Because the measure sound levels of the public address system were below the 60 dB L08 Standard at the nearest residence during the public address system usage this aspect of the ice skating rink noise generation is within compliance with City of Turlock Noise Ordinance standards;
- (4) Because the measured sound levels of ice skating rink patrons were well below the 70 dB Lmax Standard at the nearest residences during the periods of patron speaking in raised voices, this aspect of the ice skating rink noise generation is within compliance with the City of Turlock Noise Ordinance standards.

Consequently, staff has determined that no substantial evidence exists to warrant preparation of a subsequent Mitigated Negative Declaration for this project and that the proposed amendment to Mitigation Measure 54, allowing amplified noise or music conducted in compliance with adopted City of Turlock and Stanislaus County Noise Ordinances is supportable based on the Noise Monitoring reports prepared by Bollard Acoustical Consultants, Inc.

Furthermore, as the proposed amendments to the conditions of approval do not propose significant changes to the original approval and serve to refine and clarify use permit requirements, staff believes that the Use Permit and the Agricultural zoning Tier Three findings can still be met.

## **ENVIRONMENTAL REVIEW**

Under the California Environmental Quality Act Guidelines Section 15164 (b), an addendum to an adopted Mitigated Negative Declaration may be prepared if only technical changes or additions are necessary; none of the conditions described in Section 15162 that require the preparation of a subsequent Negative Declaration have occurred.

Section 15162 of the CEQA Guidelines requires a subsequent Negative Declaration be considered when, on the basis of substantial evidence in the light of the whole record, there are major revisions resulting in significant environmental effects not discussed in the environmental assessment. The proposed amendment to the Mitigation Measure allows amplified noise and music when in compliance with City and County Ordinance, which are considered to be less than significant environmental impacts.

## **RECOMMENDATION**

Staff recommends that the Planning Commission make the following findings:

- (1) Substantial changes are proposed in the project which will not require major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (2) Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was adopted, does not show any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous Negative Declaration.
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous environmental assessment.
  - (C) Mitigation Measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the Mitigation Measure or alternative.
  - (D) Mitigation Measures or alternatives which are considerably different from those analyzed in the previous environmental assessment would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the Mitigation Measure or alternative.
- (4) That the amendment of Mitigation Measure 54 to allow amplified noise in compliance with adopted City of Turlock and Stanislaus County Noise Ordinance is considered minor in nature.

- (5) None of the conditions described in Section 15162 of the CQEA guidelines have occurred that resulted in substantial changes in the project which require major revisions to the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects.
- (6) Find that the amended Mitigation Measure and amended Conditions of Approval 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, pursuant to CEQA Guidelines Section 15074.1.
- (7) 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.
- (8) The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
- (9) The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity.

Staff also recommends that the Planning Commission take the following actions:

- A. Amend the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15164(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.
- B. Approve Staff Approval Application PLN2016-0092 amending Conditions of Approval as reflected in Attachment 1.

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Contact Person: Miguel Galvez, Deputy Director, (209) 525-6330

Attachments:

- |                 |   |
|-----------------|---|
| Attachment 1 -  | Conditions of Approval  |
| Attachment 2 -  | Applicant's Request, received September 19, 2016                |
| Attachment 3 -  | Updated Site Plans  |
| Attachment 4 -  | Planning Commission Staff Report, August 15, 2013               |
| Attachment 5 -  | Planning Commission Meeting Minutes, August 15, 2013            |
| Attachment 6 -  | Staff Approval Application Permit PLN2014-0041                  |
| Attachment 7 -  | Staff Approval Application Permit PLN2015-0046                  |
| Attachment 8 -  | Applicant Letter, dated November 13, 2015                       |
| Attachment 9 -  | Noise Monitoring Results report, December 21, 2015              |
| Attachment 10 - | Supplemental Noise Monitoring Results report, September 6, 2016 |

**CONDITIONS OF APPROVAL**

**STAFF APPROVAL APPLICATION NO. PLN2016-0092  
R.A.M. FARMS, INC.**

**Department of Planning and Community Development**

1. Use(s) shall be conducted as authorized by the conditions of approval of this permit, superseding the previous Staff Approval and Use Permit conditions of approval, including support information and the plot plan and in accordance with other laws and ordinances. Where any discrepancy between the support information and conditions of approval from previous permits may exist, the project shall comply with limits set by the Planning Commission.
2. Hours and days of operation, unless otherwise limited by another condition of approval, shall be as follows:

Fall seasonal activities shall be allowed to operate between the last Friday of September through October 31<sup>st</sup>, or through the first Sunday of November when Halloween falls on a Thursday, Friday, or Saturday. Winter seasonal activities shall be allowed to operate between the Friday before Thanksgiving through Martin Luther King Day subject to the following public hours:

<b><u>Fall Hours</u></b>		<b><u>Winter Hours</u></b>	
Monday	8:30 a.m. - 9:00 p.m.*	Monday	10:00 a.m. - 10:00 p.m.
Tuesday	8:30 a.m. - 9:00 p.m.*	Tuesday	10:00 a.m. - 10:00 p.m.
Wednesday	8:30 a.m. - 9:00 p.m.*	Wednesday	10:00 a.m. - 10:00 p.m.
Thursday	8:30 a.m. - 9:00 p.m.*	Thursday	10:00 a.m. - 10:00 p.m.
Friday	8:30 a.m. - 10:00 p.m.	Friday	10:00 a.m. - 10:00 p.m.
Saturday	10:00 a.m. - 10:00 p.m.	Saturday	10:00 a.m. - 10:00 p.m.**
Sunday	10:00 a.m. - 8:30 p.m.	Sunday	10:00 a.m. - 10:00 p.m.**

\* Corn maze operations may be conducted until 10:00 p.m., October 18<sup>th</sup> through October 31<sup>st</sup>.

\*\* Stick and puck hockey shall be allowed on the ice rink from 8:00 a.m. to 9:45 a.m. on Saturdays and Sundays; however, no music and or other amplified sound shall be permitted during this time.

***~~Only staff shall be allowed on-site outside of the public hours. Property site is closed to the general public outside of business hours.~~***

Additional hours of operation may include the following invitation-only events:

- a. Two events, the evenings before the opening of the fall and winter seasons, shall be allowed between the hours of 5:00 p.m. and 10:00 p.m. with a maximum of 100 persons, including staff, permitted on-site.
- b. Operations on New Year's Eve shall be allowed until 1:00 a.m. with a maximum of 75 persons, including staff, permitted on-site outside of the regular public hours identified above.

3. The number of skaters shall be limited to no more than 230 skaters per session and no more than 40 skaters during stick and puck hockey sessions.
4. The applicant/operator/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. 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 sky glow (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). **Low wattage exterior lights (defined as <60 Watts/bulb) such as "Market Lights" and Christmas tree lights are allowed.**
6. Should any archeological or human remains, significant or potentially unique, be found, all development activities in the area shall cease until the find can be evaluated by a qualified archeologist. (Public Resources Code Section 5097.98, California Government Code Section 27491, and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains and mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.) Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
7. 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.
8. Applicant/operator 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.
9. A sign plan for all proposed on-site signs indicating the location, height, and area of the sign(s) **shall be submitted to and approved by the City of Turlock planning department and the County** Planning Director or appointed designee(s) prior to installation. **Off-site signs that are traffic plan related may be placed on street rights-of-way as approved by the City of Turlock.**
10. 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 Wildlife (formerly the Department of Fish and Game) and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.



11. 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 any permit approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
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 applicant/operator 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. Pursuant to the federal and state Endangered Species Acts, prior to construction, the applicant/operator shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Wildlife (formerly the 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.
14. The applicant/operator shall distribute by mail to the surrounding neighbors a **business 24-hour** contact number to be used to report any concerns associated with the operation. The distribution shall include all properties notified by the County during the review of this permit, the County Planning Department and the City of Turlock Planning Department. During hours of operation (**8:00 a.m. to 10:00 p.m.**), the number shall direct the caller to a live attendant. **If a live attendant is unavailable during normal business hours, a message may be left and the call will be returned that day. If a message is received after the close of the business day, the call will be returned within 12 hours after the close of business.** The applicant/operator shall maintain a log of all concerns received and efforts made to respond to the concerns. The log shall be maintained by the applicant/operator for at least one year and shall be provided to the County upon request. The distribution of the contact number shall occur each year by 15 days prior to the beginning of the fall operating season. For the 2015 season, the distribution shall occur by October 3, 2015.
15. As restricted by the Conditions of Approval of this permit, **including Mitigation Measure 54, no** amplified sound **shall be allowed in compliance with the City of Turlock and Stanislaus County Noise Ordinance Standards**, including a public address systems, **shall may** be utilized **intermittently** as part of the operation **and for safety reasons**. No music or amplified sound shall be allowed during stick and puck hockey sessions.
16. Each year, prior to the opening of the fall or winter seasons, the applicant shall schedule an acoustic analysis to be conducted by a licensed acoustic specialist to verify that the use, and any associated activities, will not violate the City of Turlock's Noise Ordinance. The scope of the acoustical analysis, including the time and place of noise measurements, shall be approved by the County Planning Department, in consultation with the City of Turlock's Planning Department. The Noise Standards and procedures shall be based on the City of Turlock Noise Ordinance and recommendations made by the acoustic analyst shall be implemented within one of week of the analysis being submitted and accepted by the County Planning Department. For the 2015 season, the acoustical analysis shall be scheduled and conducted by November 1<sup>st</sup>. The requirement of obtaining a licensed acoustic analysis may be waived, beginning in

2016, if the operations, include sound system and any other noise generating equipment are set up exactly the same; including incorporation of all mitigation measures identified an approved acoustical analysis have been incorporated. If the County or the City of Turlock receive any verified noise-related complaints or if the set-up of operations is modified, a licensed acoustic specialist will be required to conduct a subsequent acoustic analysis and provide appropriate noise mitigation measures. The applicant shall be responsible for continuous monitoring and adjustment of sound levels to meet the City's standards for single-family residential use and keep ambient noise levels in compliance with the City's Noise Ordinance.

The applicant/operator shall be responsible for all costs related to the preparation and implementation of the acoustical analysis and any staff costs associated with field inspections needed to verify implementation of noise mitigation measures. Staff costs shall be calculated at the County's weighted labor rate.

17. This permit may be subject to annual review by Stanislaus County and, if necessary, amendments to operational limits; and the permit may be subsequently brought to the Planning Commission at the discretion of the Planning Director, as necessary, to address nuisance concerns.
18. The applicant/operator shall install a sound barrier (*e.g.: hay bales*) around the ice rink refrigeration equipment to reduce noise prior to any use of the refrigeration equipment. The sound barrier shall be modified as necessary to comply with any mitigation measures identified in an acoustical analysis.
19. Facility set-up, including placing of temporary structures, trailers, lighting, display areas, and parking lot shall not commence until 30 days prior to opening day of the fall season and shall be removed within ~~24~~ **35** days of the closing date of the winter season, except the **80' x 120' ice rink tent structure, existing sheet metal barn, red produce stand storage building, restroom facilities**, wood shed, ticket booth, and two storage containers may remain on-site for storage provided they do not displace agricultural operations and are maintained in a clean and orderly fashion.
20. A parking management plan shall be submitted to County Public Works prior to the last weekend of August before each operating season. An inspection shall be conducted by County staff at least 15 days prior to operation to ensure conditions of approval have been met and an additional inspection within ~~21~~ **35** days of the close of the operating season to ensure that all items related to the seasonal operation have been removed. The cost of staff inspections shall be borne by the applicant/operator with cost calculated at the County's weighted labor rate.

### **Department of Public Works**

21. Public Works shall approve the location and width of any driveway approaches on N. Daubenberger Road. Asphalt driveways shall be installed from the edge of pavement to the property line, minimum, for the driveways on N. Daubenberger Road. Driveways shall be installed, as approved by Public Works, prior to opening day of the fall season.
22. An encroachment permit shall be taken out before any work is done in the road right-of-way for N. Daubenberger Road.

23. A grading and drainage plan for the project site shall be submitted before the next building permit for the site is issued. 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 and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and Stanislaus County's MSF Phase 2 Storm Water Management Program.
  - The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by any 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.

24. Tracking of on-site material from the site onto the street shall be minimized by the use of Best Management Practices approved by Public Works. This may be done by use of nut shells, rock, or other approved methods, wherever vehicular traffic will travel on-site. The applicant shall monitor the tracking on N. Daubenberger and shall keep the road swept until adequate changes or amendments in their Best Management Practices to minimize tracking are implemented.
25. Each year prior to operation, pictures of the project sites edge of pavement shall be taken by the applicant/operator for comparison purposes. If any visible damage is present, the applicant/operator shall repair the damage to meet or exceed the existing conditions. The pictures of the edge of pavement shall concentrate on any area seeing traffic crossing the edge of pavement into or out of the project site. The applicant/operator shall submit the pictures to Public Works one week prior to opening day of the fall season and within one week of closing day of the winter season.
26. Both the overflow parking and primary parking areas, as reflected on the site plan submitted with this permit, shall utilize the same ~~striping and~~ *surface treatment*. The overflow parking shall be available for use once the regular parking reaches approximately 75% capacity.
27. Dust control measures, as approved by Public Works Department, shall be implemented during all seasonal activities.
28. The applicant/operator shall work with City and County Public Works in implementing traffic calming measures that are appropriate for N. Daubenberger Road during their operating seasons. The applicant/operator shall implement traffic calming measures as requested by Public Works Departments.

### **Building Permits Division**

29. Building permits are required, including for temporary buildings and/or structures, and shall be obtained each year prior to opening day of the fall or winter seasons, depending on when the building and/or structure will be utilized. Building permits shall be finalized, prior to the use of any building and/or structure requiring a permit.

**Stanislaus County Fire Warden's Office**

30. Submit a detailed site plan to scale for each activity to the Stanislaus County Fire Warden's Office for approval prior to any activity. The site plan shall:
- Show the area of each activity;
  - Show the occupant load per the California Building Code;
  - Show all exits and describe the exit door, gate, or other barrier as well as any locking devices;
  - Show the location of all fire extinguishers;
  - Describe how the hay bales will be flame retardant treated;
  - Show required emergency vehicle access;
  - Show the required on-site fire protection water supply.

**Department of Environmental Resources**

31. Pursuant to Section 116275 (h) of the California Health and Safety Code, public water system means 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. If operations are to exceed 59 days out of the year, contact DER no later than December 10, 2015, with a time schedule for development of a Public Water System.
32. Bacteriological testing of the water supply shall be performed within 30 days prior to operation of the fall season and 30 days prior to operation of the winter season. Water shall be tested by an approved laboratory and results submitted to DER for review.
33. Alternatively, the condition of approval requiring a public water system may be waived by Department of Environmental Resources and the condition of approval requiring testing may be reduced to one bacteriological test of the water supply prior to the operating season if the operation does not exceed 59 days per year.
34. The applicant shall 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: Calif. H&S, Division 20)
- A. Requirements for registering as a handler of hazardous materials in the County.
  - B. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of hazardous material or of 200 cubic feet of compressed gas.
  - C. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section § 302.
  - D. Generators of hazardous waste must notify the Department relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
  - E. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.

35. Any permitted food vendor shall have approval from the Department of Environmental Resources prior to the sale of any food.

### **Turlock Irrigation District**

36. The applicant/operator must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

### **City of Turlock**

37. Retail sales shall be limited to: agricultural produce grown on-site, or on other properties owned by the applicant/operator, such as pumpkins; Christmas trees; and wreaths made from Christmas trees. ***The sale of sundry items and promotional clothing consisting of t-shirts, sweatshirts, hats, and beanies will be allowed during approved seasonal activities only in the ticket booth and/or in the concession stand.***
38. No expansion of the use, hours, or buildings beyond those allowed by the conditions of this permit shall be permitted without first obtaining approval of a permit from the County of Stanislaus that is reviewed by the City of Turlock.
39. Any portion of the site, including the produce stand, the Hay Maze, the Corn Maze, Ice Skating Rink, the Christmas Tree Lot, and the Pumpkin Patch without adequate lighting shall cease operation at dusk. The parking lot shall remain lit if any portion of the site is operating after dusk.
40. All proposed buildings, parking lot requirements, and uses shall be setback an adequate distance as to not interfere with the future expansion of N. Daubengerger Road in accordance with the Turlock General Plan. The parking lot shall be constructed to meet all required setbacks for N. Daubengerger Road. The City requests that the County provide the City Engineering and Planning Divisions the opportunity to review and approve building, grading, and encroachment permit plans, including the parking lot improvement plans, for conformance with this provision and City standards prior to the issuance of a permit by the County.
41. Fire extinguishers with a minimum rating of 2-A: 10-B: C shall be provided such that no point in the building is further than 75-foot travel distance to an extinguisher. Extinguishers shall be mounted on the wall, in cabinets, and/or on a stationary fixture, such that the top of the extinguisher is no more than four (4') feet above floor level.
42. A 24-foot fire access lane constructed in accordance with the State Fire Code and the Turlock Municipal Code shall be required if the ice skating rink is located greater than 150 feet from the paved roadway surface. Building and/or improvements plans shall be submitted to the City of Turlock Fire Department for review and approval prior to the issuance of a permit by the County of Stanislaus.
43. The applicant/operator shall ensure that trash receptacles are placed throughout the site and that provisions are made for the collection and removal of waste from the site.
44. The property shall be maintained free of litter. Litter shall not be allowed to leave the premises. ~~Hay bales shall be removed after the seasonal activities within two weeks of the end of the operating period for the use.~~ ***Hay bales used for decorative and***

***operational purposes during the operating season must be relocated and organized in an orderly fashion, if kept on the property, within 35 days of the closure date of the winter season.***

45. Horse drawn carriages, horse rides, and other such attractions shall be operated on the site only and shall not be allowed in the public right-of-way.
46. No live entertainment shall be permitted.
47. No alcohol shall be sold or served on the site.
48. All uses, construction, installation, and operation activities shall comply with the City of Turlock Noise Ordinance.
49. At least one security guard or security officer shall be provided on weekends ***(Friday through Sunday)*** during the operation of the facility. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.
50. No permanent signs shall be erected for the permitted use.
51. The applicant shall coordinate with the County to prepare and implement a parking management plan to ensure that vehicles park in designated spaces on the property. The initial parking management plan shall be reviewed and approved by both the City of Turlock and the County of Stanislaus prior to beginning operations each year. The parking management plan shall provide for at least one parking attendant to monitor traffic during the hours of operation and redirect traffic away from the adjacent residential neighborhood within the City of Turlock and to the designated parking area on-site. Parking entrances and exits shall have visible directional signs with night lighting. The lighting shall be directed onto the signs so as not to cause a visual impact on adjacent residences. The applicant shall work with the County and the City to address any specific parking and/or traffic-related issues that arise on an ongoing basis. The specific requirements of the parking management plan may change over time in response to the parking demand generated by the project and the background traffic levels in the area.
52. Before beginning operations each year, both the primary parking area (marked spaces) and the overflow parking lots shall be improved for use in accordance with the conditions of approval, the approved site plan, and as directed by the County of Stanislaus.
53. A parking management plan shall be submitted to County Public Works prior to the last weekend of August before each operating season. An inspection shall be conducted by County staff at least 15 days prior to operation to ensure conditions of approval have been met and an additional inspection within ~~21~~ ***35*** days of the close of the operating season to ensure that all items related to the seasonal operation have been removed. The cost of staff inspections shall be borne by the applicant/operator with cost calculated at the County's weighted labor rate.

**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.)**

54. Low-volume seasonal background music may be provided for the ice skating rink area only provided that the sound does not exceed the City's Noise Ordinance standards for residential uses measured at the subject property line. No ~~other~~ amplified sound or music ***in violation of the City of Turlock and County Noise Ordinance shall be permitted allowed***. No music shall be played between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week. Upon notice of a noise violation, the source of the noise shall cease immediately.
55. The parking lot shall be constructed to accommodate all of the parking generated by the seasonal activities as well as the year-round produce stand. In the event that parking demand exceeds the parking initially required by the permit, the applicant/operator shall construct additional on-site parking. The applicant/operator shall post signs in prominent locations on the property stating that parking shall not occur in the residential neighborhood on the west side of N. Daubenberger Road.

\*\*\*\*\*

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

September 19, 2016

**RE: Modified Conditions of Approval for 2016-2017**

**Structure at 716 N. Daubenberger Road, Turlock, CA 95380**

**Parcel Number 051-005-002**

Dear Stanislaus County Planning,

We are pleased with bulk of the revised conditions for our use permit. We just want to highlight and note our requests and get some final clarification for the remaining listed conditions of approval before the planning commission meeting on October 6<sup>th</sup>, 2016.

The following conditions have been noted from the latest draft:

**Condition 9 re: Sign Plan** – We have no issues submitting our sign plan to the County and City of Turlock. However, we do not want this to retroactively empower the city to sanction us and require to change our business without just cause (ie, take our signs down that have been at the same facility locations since inception)

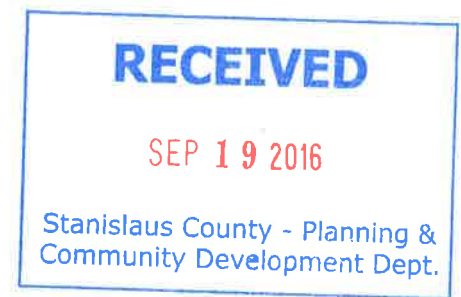
**Condition 11** – We just need some clarification on what this means for us.

**Condition 19** – We want to formally request to allow the restroom and office building remain permanent on the facility.

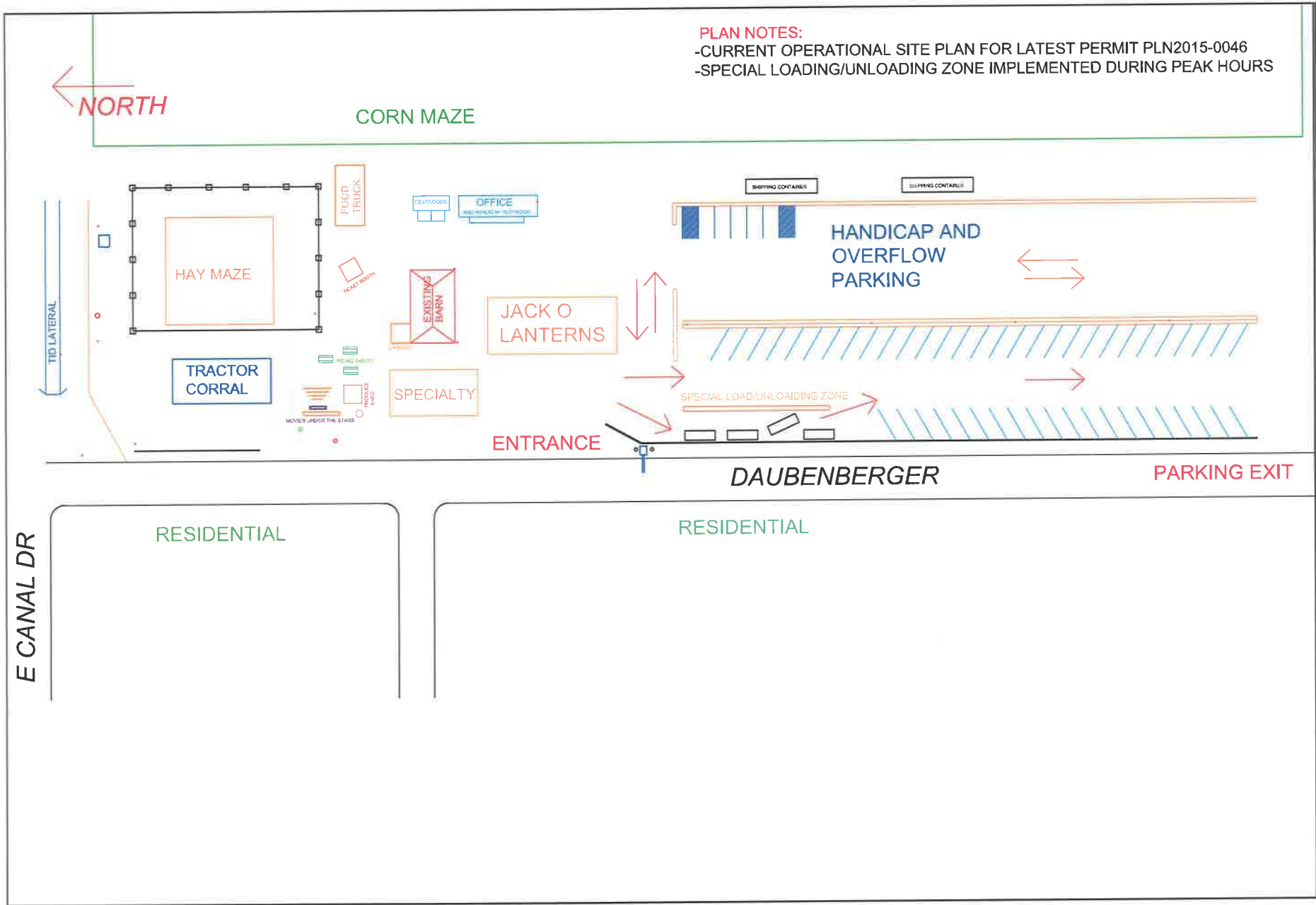
**Condition 30 re: fire plan** – We are fine with this condition as long as it does not set us up to install additional infrastructure for an onsite fire protection water supply. Our existing fire plan has been approved and has worked well.

**Condition 37:** We want to formally request that our retail sales include promotional t-shirts/sweatshirts, hats/beanies, and sundry items. These items are sold on a very limited basis and are used for promotion, not for revenue generation.

**Condition 49:** We are requesting to have the security guard staffed on Fridays and Saturdays, with the option to waive the guard on Sunday if crowds diminish.



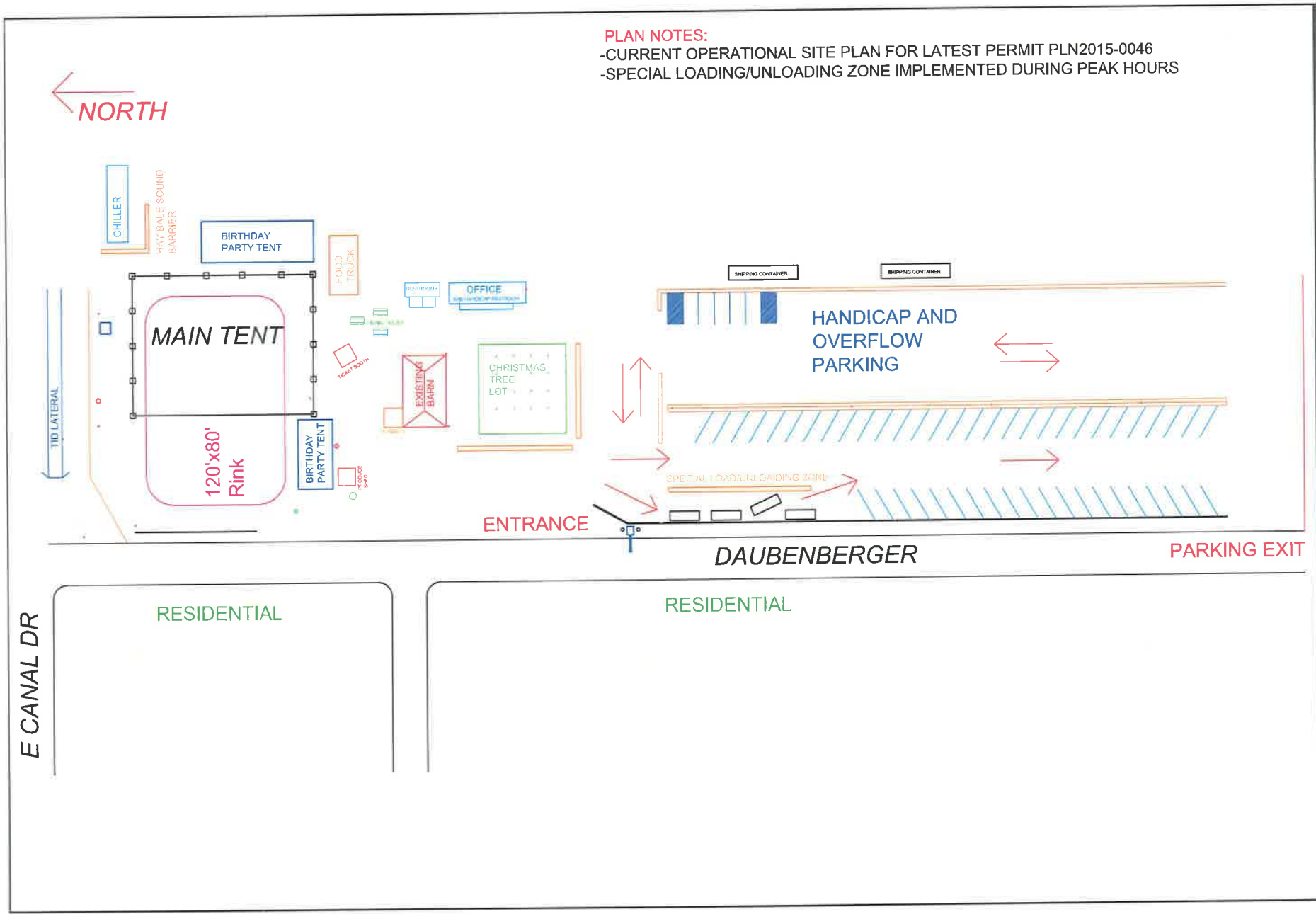




REVISIONS	DATE
	8/1/2016
	SCALE: NONE
	DRAWN: MM
	YEAR: 2016
	SHEET: SPPP

**RAM FARMS INC.**  
 SITE PLAN

Description: PUMPKIN PATCH SITE PLAN



REVISIONS	BY

<b>RAM FARMS INC.</b>	SITE PLAN
	Description: ICE RINK SITE PLAN

DATE:	8/1/2016
SCALE:	NONE
DRAWN:	MM
YEAR:	2016
SHEET:	SP1R

# STANISLAUS COUNTY PLANNING COMMISSION

August 15, 2013

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2013-0032  
R.A.M. FARMS, INC.

**REQUEST: TO OPERATE VARIOUS SEASONAL ACTIVITIES (INCLUDING A CORN MAZE, HAY MAZE, PUMPKIN BOWLING, AND ICE SKATING) IN CONJUNCTION WITH A PERMITTED PRODUCE STAND, PUMPKIN PATCH, AND CHRISTMAS TREE LOT FROM SEPTEMBER THROUGH JANUARY. THE OPERATION WILL INCLUDE A CONCESSION STAND, A TEMPORARY OFFICE, AND TEMPORARY RESTROOMS.**

### APPLICATION INFORMATION

Owner:	Albert Warda
Applicant:	Ron Macedo
Location:	716 N. Daubenberger Road, west of N. Verduga Road, in the City of Turlock Sphere of Influence
Section, Township, Range:	13-5-10
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	051-005-002
Referrals:	See Exhibit I Environmental Review Referrals
Area of Parcel(s):	21± acres
Water Supply:	Private Well
Sewage Disposal:	Septic System
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	City of Turlock
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Produce stand, corn field, shed, and seasonal pumpkin patch and Christmas tree lot
Surrounding Land Use:	Land planted in corn, oats, and an almond orchard to the north; land planted in corn, oats, alfalfa, and an almond orchard to the east; land planted in corn, oats, and an almond orchard to the south; and a residential neighborhood and the City of Turlock to the west

## **RECOMMENDATION**

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to us. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval which include use permit findings.

## **PROJECT DESCRIPTION**

This application requests to operate a seasonal produce stand, pumpkin patch, corn maze, pre-school hay maze, pumpkin bowling area, kiddie pedal tractor corral, and a sandbox (for toddlers and pre-schoolers) from the last weekend in September thru October 31<sup>st</sup>. The hours of operation will be: weekdays, 12:00 p.m. to 6:00 p.m.; and weekends, 10:00 a.m. to 10:00 p.m. Field trips may be scheduled weekday mornings by appointment.

When the corn is planted in late June, approximately two acres of the northwest corner are left vacant. At the end of September, the operator will bring in pumpkins that are grown on a nearby parcel and set up in the display area and pumpkin patch. A one bale high hay maze, approximately 80' x 80' in size, will be built in the corner. The corn maze is cut using GPS technology and will have marked entrances and exits (emergency and non-emergency). Visitors will be provided with maps and check points for the corn maze. The corn will be chopped for silage on or around November 1<sup>st</sup> each year.

This application also requests to operate a Christmas tree lot, selling fresh Christmas trees and wreaths, and a 60' x 80' mechanically frozen ice skating rink, with lights, from the Friday after Thanksgiving through the second weekend of January. The hours of operation will be: weekdays, 12:00 p.m. to 8:00 p.m., with sessions at 12:00, 2:00, 4:00, and 6:00 p.m. (weather permitting); and weekends, 10:00 a.m. to 10:00 p.m., with sessions at 10:00 a.m., 12:00, 2:00, 4:00, 6:00, and 8:00 p.m. (weather permitting). Each year, after the second week in January, the ice rink will be dismantled, the portable/temporary buildings will be removed, and the site will be returned to its previous condition.

Operations will include a concession stand, a temporary office, and temporary restrooms, with a maximum of 10 employees per shift.

The operation was permitted in 2011 under Staff Approval Permit No. 2011-30 – R.A.M. Farms, Inc. as a produce stand, pumpkin patch, and a corn and hay maze. The permit was only good for October and November of 2011. In 2012, the applicant obtained an Outdoor Entertainment Activities Permit from the Stanislaus County Sheriff's Office for a corn and hay maze and produce stand. The permit was only good for the month of October 2012. Photos of the 2011 and 2012 corn mazes are attached. (See Exhibit B – *Maps and Photos*.)

Under a Staff Approval Permit, the use is only allowed if it is accessory to an approved produce stand or market and can only operate for 45 days per calendar year. Obtaining a Use Permit will allow the applicant greater flexibility in the dates the use can operate and will not be required to be accessory to a produce stand or market. A Use Permit will also eliminate the need for yearly permits and will allow flexibility in providing on-site food vendors.

## **SITE DESCRIPTION**

The site is located at 716 N. Daubenberger Road, west of N. Verduga Road, in the City of Turlock Sphere of Influence (SOI). The project site is zoned A-2-40 (General Agriculture) and is approximately 21 acres in size. The site contains a corn field and shed. There are no dwellings or other buildings on the property. The site is surrounded by land planted in oats, alfalfa, corn, and almond trees to the north, east, and south, with a residential neighborhood and the City of Turlock to the west across N. Daubenberger Road.

## **ISSUES**

Due to the nature of the use, staff has included mitigation measures related to noise and parking. In addition, standard conditions of approval have been added to the project.

### **Noise**

The project site is directly across the street from a residential neighborhood; however, no complaints have been reported for seasonal activities in the past. The project is not expected to generate excessive noise in the area; however, due to the nature of the use, a mitigation measure has been included to ensure that noise levels are in compliance with the City of Turlock's acceptable noise standards. The mitigation measure requires that, upon notice of noise violations, the source of the noise shall cease immediately.

### **Parking**

The applicant is proposing 28 parking spaces with an additional overflow parking area. Chapter 21.76, Off Street Parking, of the Stanislaus County Zoning Ordinance does not specify a parking ratio for the proposed use. Section 21.76.210 of the Zoning Ordinance states, for uses not specified, the parking ration shall be determined by the Planning Commission based on the intensity of use by motor vehicles.

In order to ensure that all activities are kept on the property, staff has included a mitigation measure requiring that all parking is kept on-site. The mitigation measure requires that if parking demand exceeds the amount of parking proposed, additional on-site parking will be required. The mitigation measure also requires signage stating that parking shall not occur in the residential neighborhood on the west side of Daubenberger Road.

The applicant has used walnut shells in the past to address dust in the parking area and will continue to do so for the proposed project. Walnut shells will also cover the display area, hay maze, and ice skating rink areas.

Daubenberger Road is classified as a collector road by the City of Turlock which requires 72 feet of right of way. Stanislaus County classifies the road as a collector with 60 feet of right of way. With any project located within a City SOI, projects are required to adhere to City standards. Both the City of Turlock and Stanislaus County Department of Public Works have reviewed the project and are not requiring any dedication on Daubenberger Road at this time.

## **GENERAL PLAN CONSISTENCY**

The site is currently designated "Agriculture" in the Stanislaus County General Plan and this designation is consistent with an A-2 (General Agriculture) zoning district. The agricultural

designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas.

The proposed project is addressed by the following goal, objectives, and policies of the Land Use and Agricultural Elements of the General Plan:

### **Land Use Element**

**Goal Five:** Complement the general plans of the cities within the County.

**Policy 24:** Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

Implementation Measure 2: The policies described in the section on SPHERES OF INFLUENCE for projects within a city's sphere of influence or areas of specific designation shall be followed.

SPHERES OF INFLUENCE: Development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project.

The project has been referred to the City of Turlock for review because it is within the City's SOI. The City of Turlock has not raised any concerns related to the project and has provided conditions of approval mostly dealing with operations. (See Exhibit D – *Letter from Debra A. Whitmore, City of Turlock, dated May 7, 2013.*)

### **Agricultural Element**

**Goal One:** Strengthen the agricultural sector of our economy.

**Objective No. 1.2:** Support the development of agriculture-related uses.

**Policy 1.4:** Limited visitor-serving commercial uses shall be permissible in agricultural areas if they promote agriculture and are secondary and incidental to the area's agricultural production.

**Objective No. 1.3:** Minimizing agricultural conflicts.

**Policy 1.10:** The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

In response to Policy 1.10, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district have been adopted. Appendix A requires a 300 foot wide buffer setback for people intensive outdoor activities. An alternative buffer and setback plan may be proposed by a project applicant. The alternative is referred to the Stanislaus County Agriculture Commissioner as part of the planning review process. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. In order to approve a buffer alternative, the Planning Commission must find that the alternative buffer will provide equal or greater protection to surrounding agricultural uses.

In this case, the applicant is proposing a "no-buffer" alternative due to the use being temporary each year. The Agricultural Commissioner has reviewed the buffer alternative proposal and has stated that, although the corn maze design is unknown at this time, past designs placed the build of the trails towards the center of the property away from neighboring farms. The set-up is portable and temporary and the Agricultural Element allows walking trails within a buffer setback area provided that they do not have rest areas. Based on the information available, and allowances provided in the Agricultural Element, the Agricultural Commissioner believes that the proposed project is consistent with the Agricultural Element.

### **ZONING ORDINANCE CONSISTENCY**

Corn mazes, hay mazes, and similar seasonal activities are classified under Section 21.20.030 as a Tier Three use. Tier Three uses consist of uses that are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Tier Three uses are generally required to be located within a LAFCO-approved SOI. In addition, Tier Three uses may only be allowed when the Planning Commission makes the following findings:

1. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" 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; and
2. The use, as proposed, will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
3. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

Section 21.20.030(c) of the zoning ordinance also states that "most productive agricultural areas" do not include any land within a LAFCO-approved SOI of a city or community services districts and sanitary districts serving unincorporated communities.

Due to the proposed project being seasonal, the location being within a City SOI, and because the project has been conditioned to ensure that all activity remains on the project site, staff believes that the required Use Permit findings can be made.

A Notice of Public Hearing and Notice of Intent to adopt a Mitigated Negative Declaration were sent to neighboring land owners. Staff received a phone call from a neighbor stating that he had no problem with the pumpkin patch and corn maze but did have concerns with the ice skating rink. He stated that he believes that the ice skating rink is not agriculturally related and could lead to further non-agricultural activities. He also mentioned concerns with safety along Daubenberger Road with children crossing the street and people parking along the road.

Staff has received two letters in support of the project, both from neighbors of the property. One letter mentions that the operation has run smoothly in the past. The second letter supports the family-oriented, seasonal activities stating that the use would continue to enhance the neighborhood and community. (See Exhibit E – *Letters of Support*.)

The specific findings required for approval of the proposed use permit are outlined in Exhibit A of this report. Staff believes that all of the findings necessary for approval of this request can be made.

## **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 and no significant issues were raised. (See Exhibit I - *Environmental Review Referrals*.) A Mitigated Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit G – *Mitigated Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

\*\*\*\*\*

**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 \$2,213.25 for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Javier Camarena, Assistant Planner, (209) 525-6330

### Attachments:

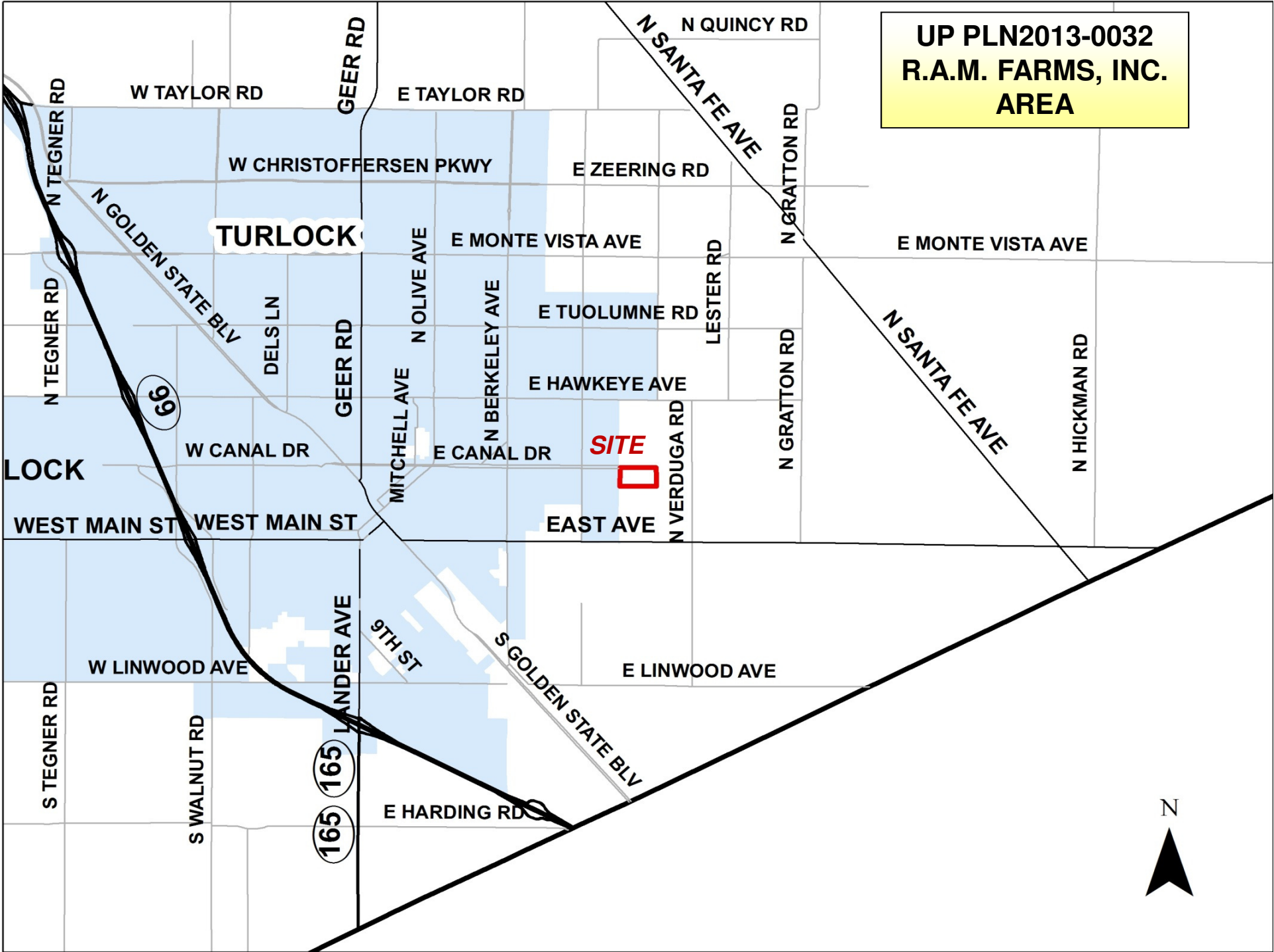
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Photos
- Exhibit C - Conditions of Approval
- Exhibit D - Letter from Debra A. Whitmore, City of Turlock, dated May 7, 2013
- Exhibit E - Letters of Support
- Exhibit F - Initial Study
- Exhibit G - Mitigated Negative Declaration
- Exhibit H - Mitigation Monitoring Plan
- Exhibit I - Environmental Review Referrals



**Exhibit A**  
**Findings and Actions Required for Project Approval**

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding 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:
  - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" 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; and
  - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
  - (c) The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future; and
  - (d) That the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses.
4. Approve Use Permit Application No. PLN2013-0032 – R.A.M. Farms, Inc., subject to the attached conditions of approval.

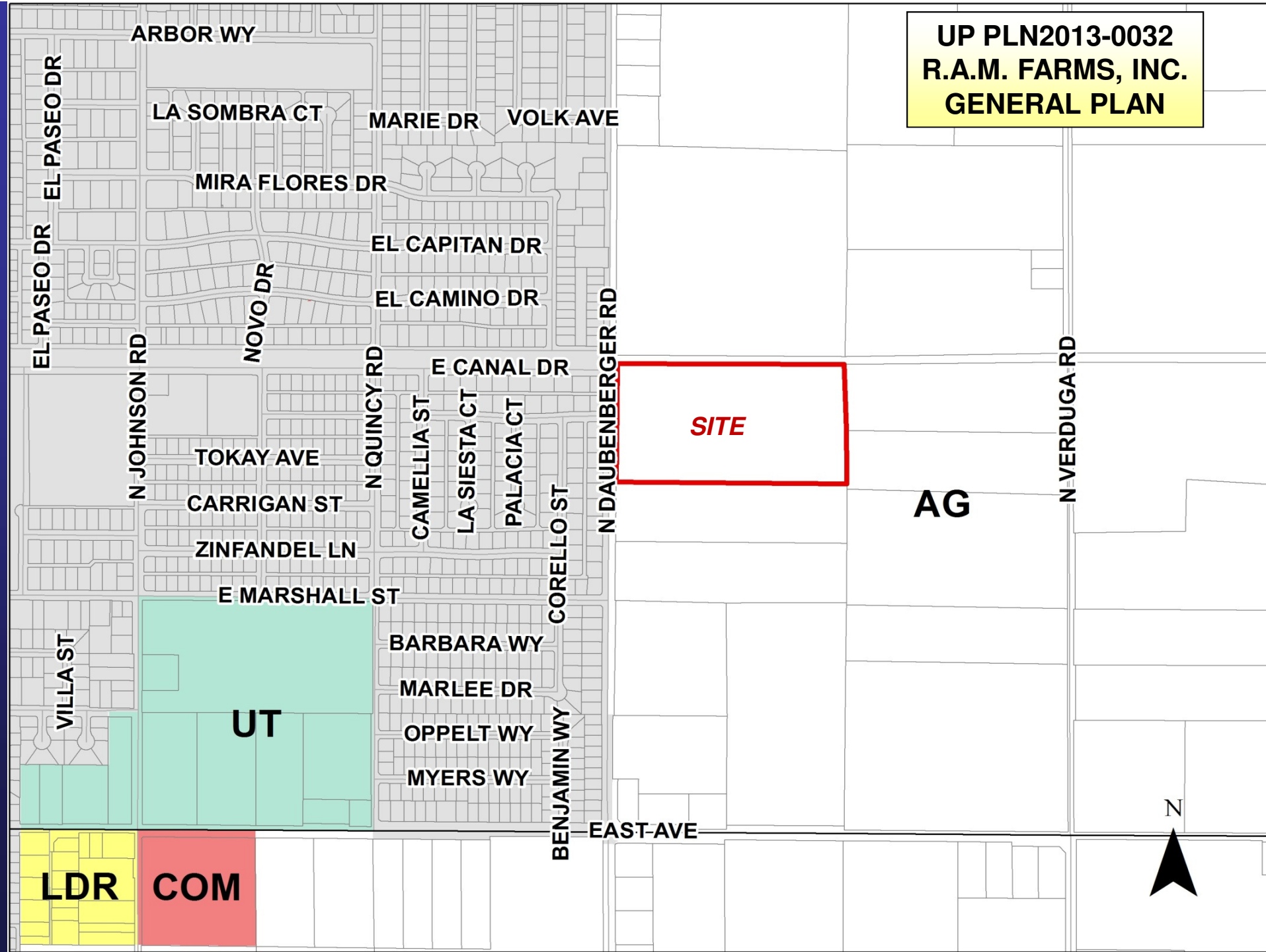
**UP PLN2013-0032  
R.A.M. FARMS, INC.  
AREA**



8

EXHIBIT B

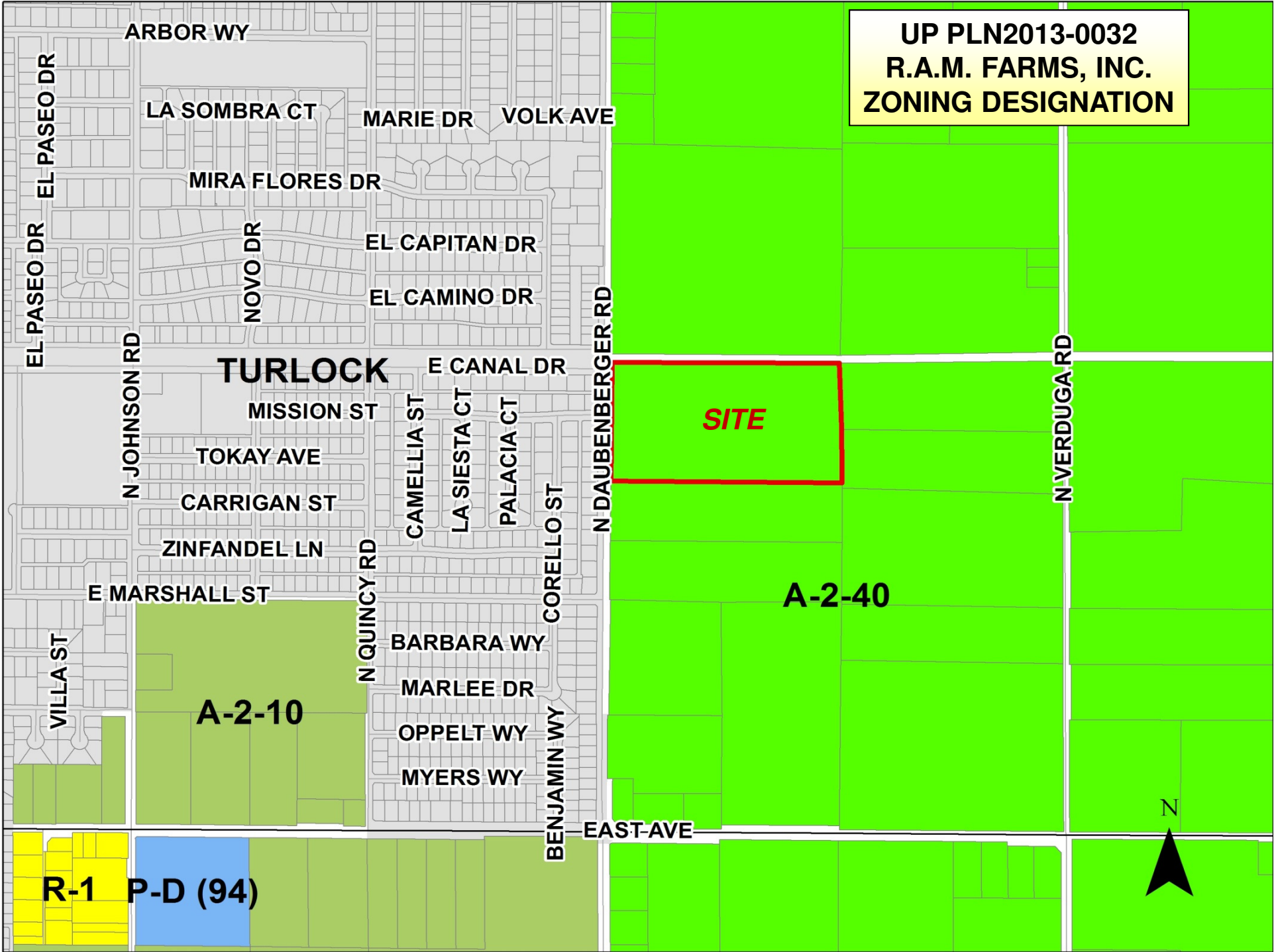
**UP PLN2013-0032  
R.A.M. FARMS, INC.  
GENERAL PLAN**



6

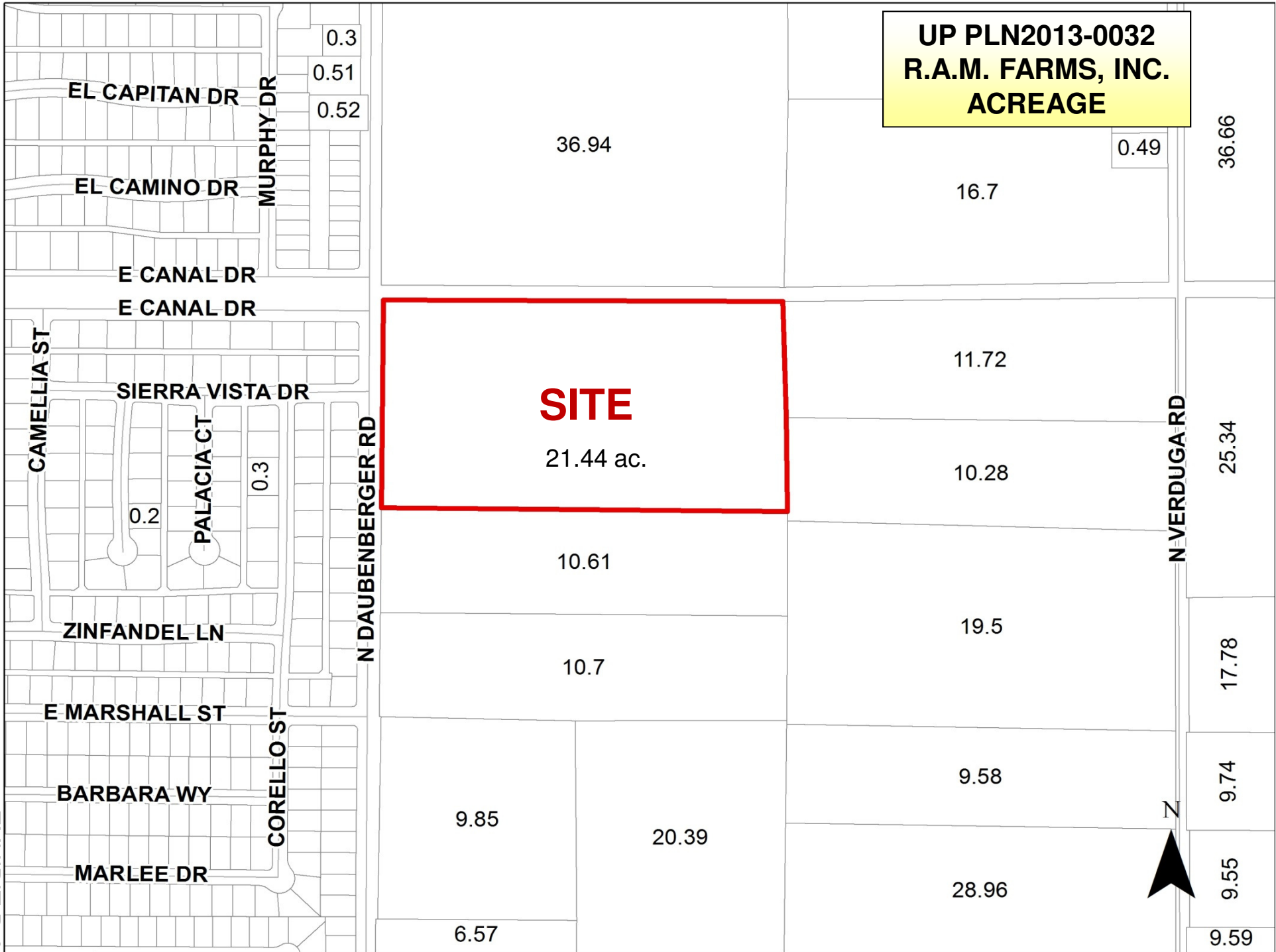
EXHIBIT B-1

**UP PLN2013-0032  
R.A.M. FARMS, INC.  
ZONING DESIGNATION**

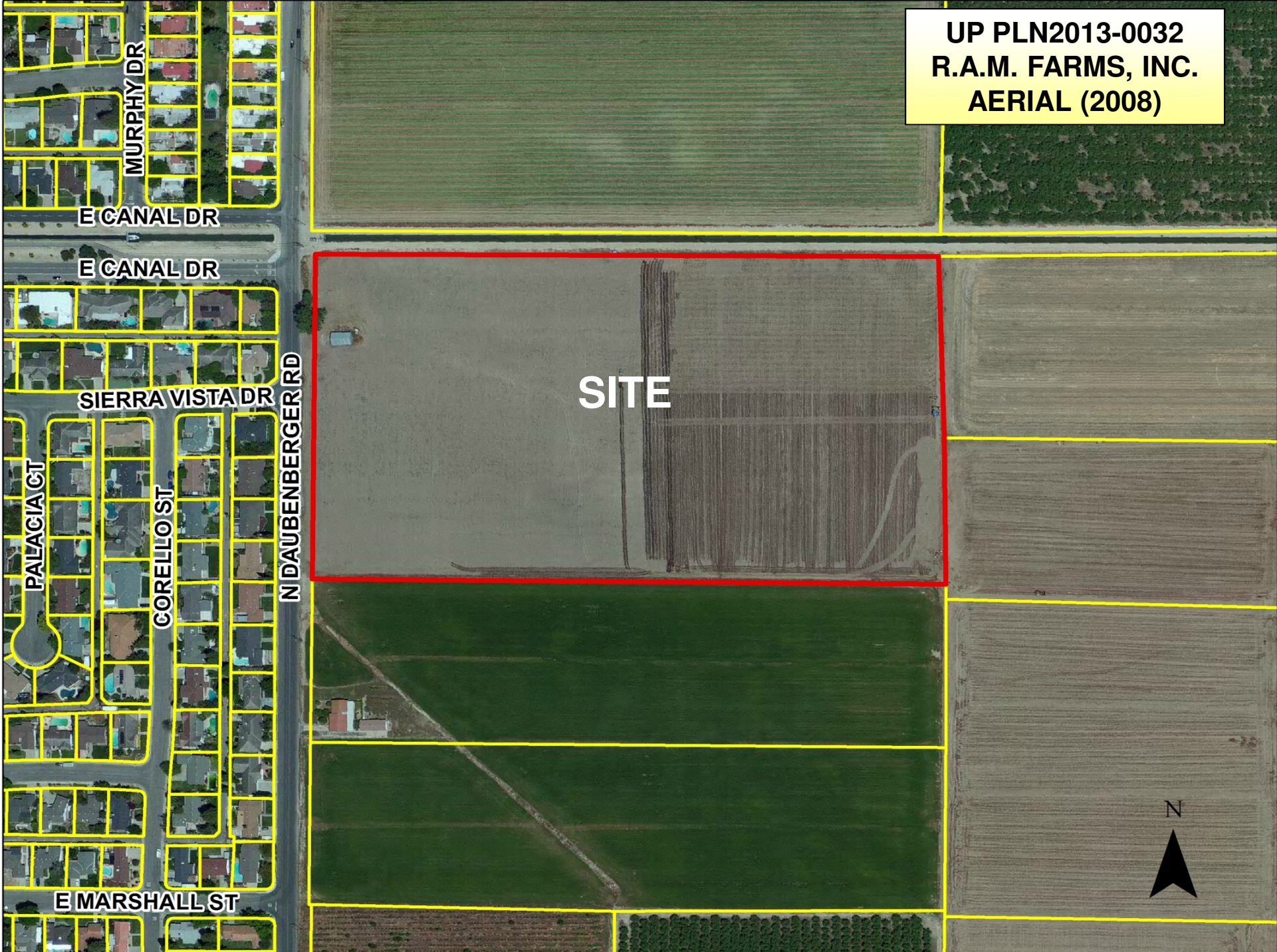


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EXHIBIT B-2



UP PLN2013-0032  
R.A.M. FARMS, INC.  
AERIAL (2008)

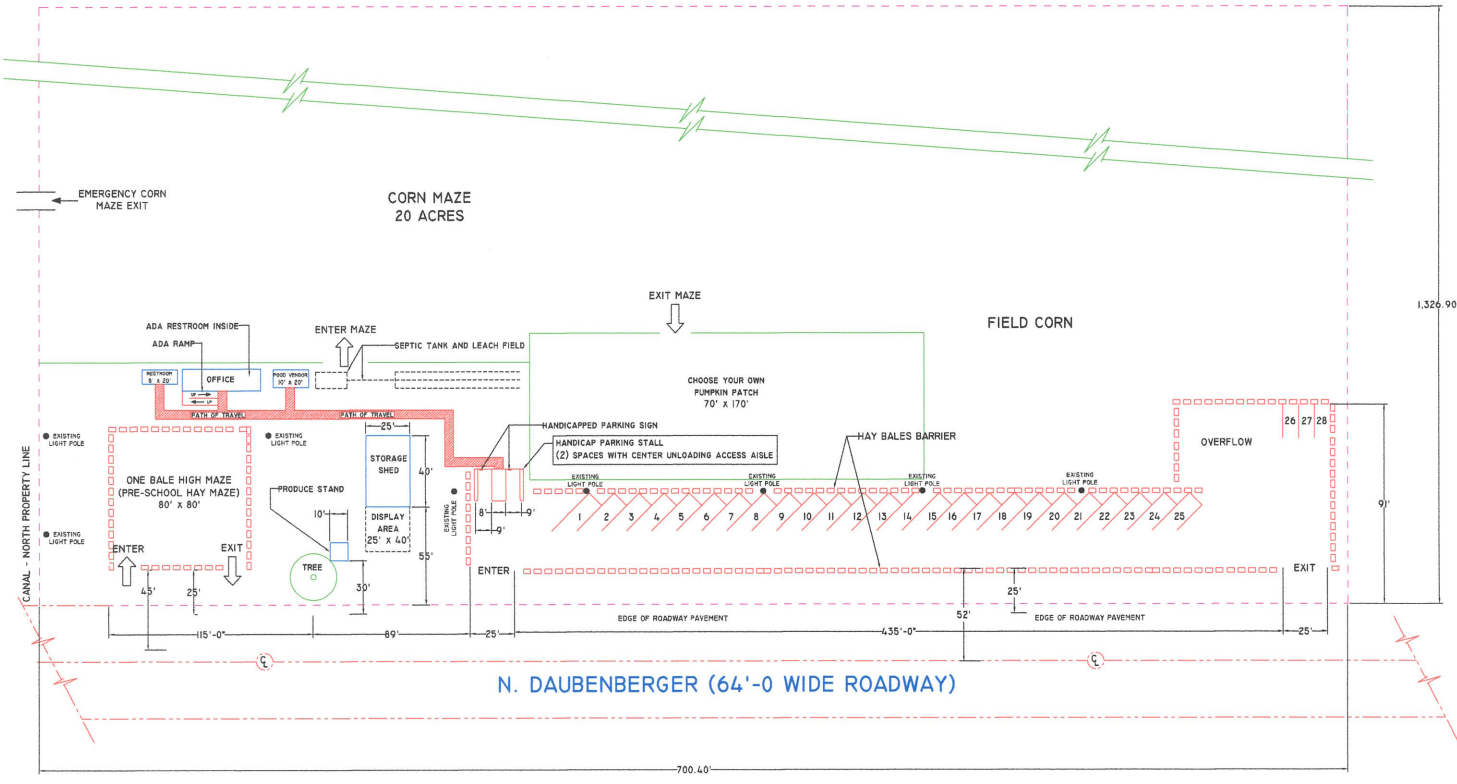


SITE



12

EXHIBIT B-4



REVISIONS	BY

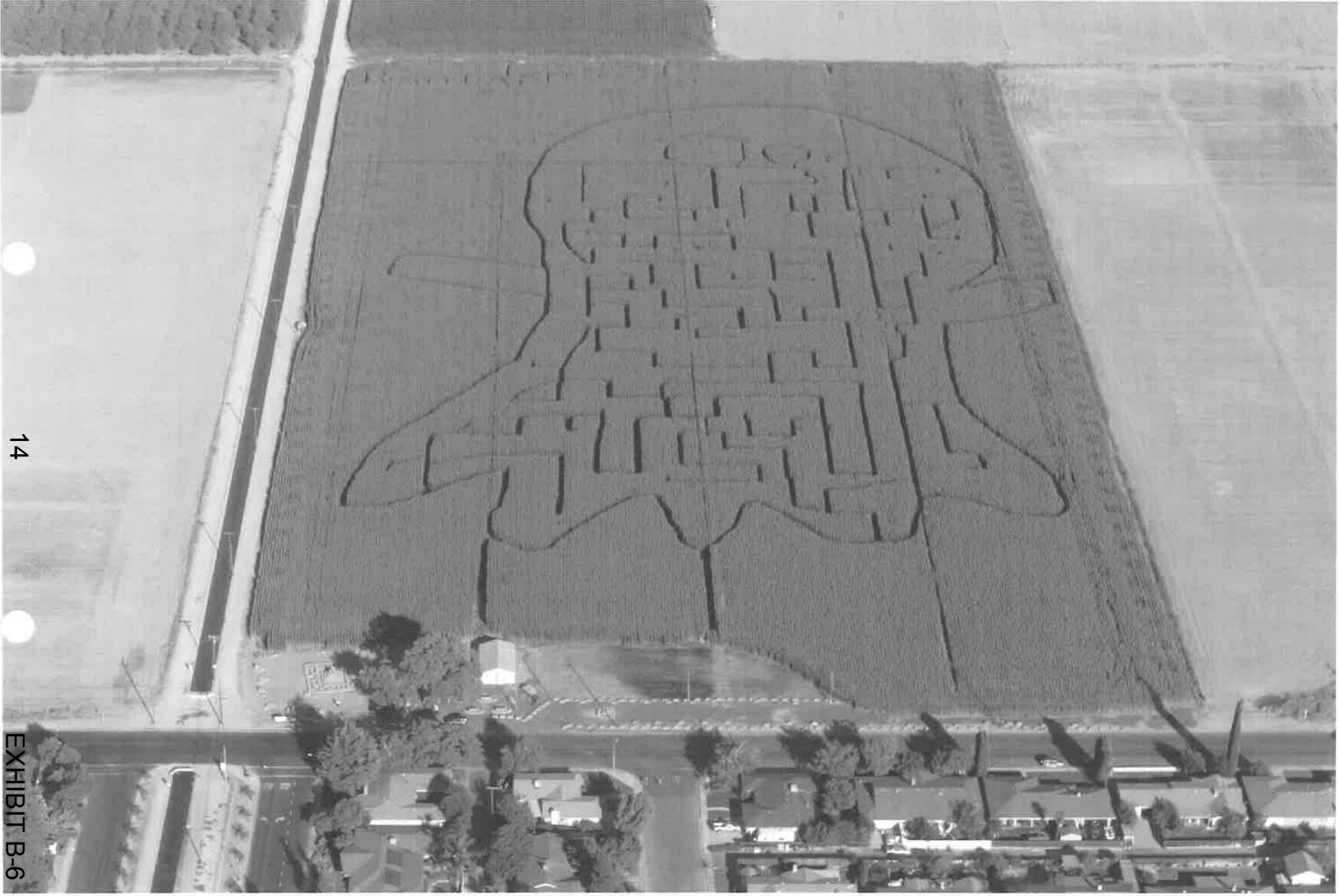



DATE	4/5/2013
DRAWN	JET
SCALE	1" = 30'-0"
FOR	N/A
TITLE	SITE PLAN LAYOUT PUMPKIN PATCH CORN MAZE

AS-1

R.A.M. FARMS, INC.  
716 N. DAUBENBERGER  
TURLOCK, CA

**SITE PLAN**  
 APN: 51-005-002  
 ACRES: 21.44  
 716 N. DAUBENBERGER ROAD



2011

14

EXHIBIT B-6





2102

15

EXHIBIT B-7

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)

## **CONDITIONS OF APPROVAL**

**USE PERMIT APPLICATION NO. PLN2013-0032**

**R.A.M. FARMS, INC.**

### **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, 2013), 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 **\$2,213.25**, 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. 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.
4. 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 sky glow (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).
5. Should any archeological or human remains, significant or potentially unique, be found, all development activities in the area shall cease until the find can be evaluated by a qualified archeologist. (Public Resources Code Section 5097.98, California Government Code Section 27491, and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains and mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.) Construction activities shall not resume in the area until an on-site archeological

- mitigation program has been approved by a qualified archeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. 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. 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.
  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.
  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 Wildlife (formerly the 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 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.
  12. 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 Wildlife (formerly the 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.

**Department of Public Works**

13. Public Works shall approve the location and width of any driveway approaches on Daubenberger Road. Asphalt driveways shall be installed from the edge of pavement to the property line, minimum, for the driveways on Daubenberger Road.
14. An encroachment permit shall be taken out before any work is done in the road right-of-way for Daubenberger Road.
15. A grading and drainage plan for the project site shall be submitted before any building permit for the site is issued. 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 and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and Stanislaus County's MSF Phase 2 Storm Water Management Program.
  - The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by any 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.

16. Tracking from the site shall be minimized by the use of Best Management Practices. This may be done by use of nut shells, rock, or other approved methods wherever vehicular traffic will travel on site. The applicant shall monitor the tracking on Daubenberger and shall keep the road swept until they change or amend their Best Management Practices for tracking.
17. Prior to the seasonal operation of the produce stand, pictures of the project's edge of pavement shall be taken for comparison purposes. If any visible damage is present, the applicant shall repair the damage to meet or exceed the existing conditions. The pictures of the edge of pavement shall concentrate on any area seeing traffic crossing the edge of pavement into or out of the project site.

**Building Permits Division**

18. Building permits are required and must be obtained each year prior to events. Inspections must take place prior to each event to include pumpkin patch, ice rink, and removal of features.

**Modesto Regional Fire Authority**

19. Submit a detailed site plan to scale for each activity to the Modesto Regional Fire Authority for approval prior to any activity. The site plan shall:
  - Show the area of each activity;
  - Show the occupant load per the California Building Code;

- Show all exits and describe the exit door, gate, or other barrier as well as any locking devices;
- Show the location of all fire extinguishers;
- Describe how the hay bales will be flame retardant treated;
- Show required emergency vehicle access;
- Show the required on-site fire protection water supply.

**Department of Environmental Resources**

20. Bacteriological testing of the water supply must be done a month prior to operation. Water shall be tested by an approved laboratory and results submitted to DER for review.
21. The applicant shall 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: Calif. H&S, Division 20)
  - A. Requirements for registering as a handler of hazardous materials in the County.
  - B. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of hazardous material or of 200 cubic feet of compressed gas.
  - C. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section § 302.
  - D. Generators of hazardous waste must notify the Department relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
  - E. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.

**Turlock Irrigation District**

22. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

**City of Turlock**

23. All proposed uses shall be permitted as a temporary seasonal use only and shall be limited to operating during the period of the last weekend in September through the second weekend in January as described in the project description.
24. The 10' x 10' produce stand may operate throughout the year and the products sold shall be restricted to product grown on site or other properties owned by the operator, as proposed in the project application.
25. Retail sales shall be limited to: agricultural produce grown on site or on other properties owned by the operator, such as pumpkins; Christmas trees; and wreaths made from Christmas trees.

26. Only one food vendor shall be permitted on the site limited to the size depicted on the site plan and only during the operation of seasonal use from the last weekend in September through the second weekend in January each year on Friday, Saturday, and Sunday.
27. No expansion of the use, hours, or buildings beyond those described in the permit application shall be permitted without first obtaining approval of a permit from the County of Stanislaus that is reviewed by the City of Turlock.
28. Any portion of the site, including the produce stand, the Hay Maze, the Corn Maze, Ice Skating Rink, the Christmas Tree Lot, and the Pumpkin Patch without adequate lighting shall cease operation at dusk. The parking lot shall remain lit if any portion of the site is operating after dusk.
29. All proposed buildings, parking lot requirements, and uses shall be setback an adequate distance as to not interfere with the future expansion of Daubenberger Road in accordance with the Turlock General Plan. The parking lot shall be constructed to meet all required setbacks for Daubenberger Road. The City requests that the County provide the City Engineering and Planning Divisions the opportunity to review and approve building, grading, and encroachment permit plans, including the parking lot improvement plans, for conformance with this provision and City standards prior to the issuance of a permit by the County.
30. The operator shall ensure that no gravel or other material used in the construction of the parking lot shall be tracked on to City streets.
31. Fire extinguishers with a minimum rating of 2-A:10-B:C shall be provided such that no point in the building is further than 75-foot travel distance to an extinguisher. Extinguishers shall be mounted on the wall, in cabinets, and/or on a stationary fixture, such that the top of the extinguisher is no more than four (4') feet above floor level.
32. A 24-foot fire access lane constructed in accordance with the State Fire Code and the Turlock Municipal Code shall be required if the ice skating rink is located greater than 150 feet from the paved roadway surface. Building and/or improvements plans shall be submitted to the City of Turlock Fire Department for review and approval prior to the issuance of a permit by the County of Stanislaus.
33. The operator shall ensure that trash receptacles are placed throughout the site and that provisions are made for the collection and removal of waste from the site.
34. The property shall be maintained free of litter. Litter shall not be allowed to leave the premises. Hay bales shall be removed after the seasonal activities within two weeks of the end of the operating period for the use.
35. Horse drawn carriages, horse rides, and other such attractions shall be operated on the site only and shall not be allowed in the public right-of-way.
36. No live entertainment shall be permitted.
37. No alcohol shall be sold or served on the site.

38. All uses, construction, installation, and operation activities shall comply with the City of Turlock Noise Ordinance.
39. At least one security guard or security officer shall be provided on weekends during the operation of the facility. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.
40. No permanent signs shall be erected for the proposed use.
41. All temporary structures, trailers, lighting, display areas, and parking shall not be installed until the last weekend in September and shall be removed by January 31 each year, with the exception of the produce stand. These areas shall be returned to agricultural production each year.

### **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.)**

42. Low-volume seasonal background music may be provided for the ice skating rink area only provided that the sound does not exceed the City's Noise Ordinance standards for residential uses measured at the subject property line. No other amplified sound or music shall be permitted. No music shall be played between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week. Upon notice of a noise violation, the source of the noise shall cease immediately.
43. The parking lot shall be constructed to accommodate all of the parking generated by the seasonal activities as well as the year-round produce stand. In the event that parking demand exceeds the parking initially required by the permit, the operator shall construct additional on-site parking. The operator shall post signs in prominent locations on the property stating that parking shall not occur in the residential neighborhood on the west side of Daubenberger Road.

\*\*\*\*\*

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



DEBRA A. WHITMORE  
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES  
[dwhitmore@turlock.ca.us](mailto:dwhitmore@turlock.ca.us)

DEVELOPMENT SERVICES  
PLANNING DIVISION

156 S. BROADWAY, SUITE 120 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5542 EXT 2218 | FAX 209-668-5107

May 7, 2013

Carole Maben  
Stanislaus County Planning Department  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354



**SUBJECT: USE PERMIT PLN2013-32 - R.A.M. FARMS, INC., 716 N. Daubenberger Road (APN 051-005-002) (21.44 acres)**

Dear Ms. Maben:

Thank you for providing the City of Turlock an opportunity to comment on the proposed project.

**PROJECT DESCRIPTION**

The applicant is requesting a use permit to operate a seasonal produce stand, pumpkin patch, corn maze, pre-school hay maze, pumpkin bowling area, kiddie pedal tractor corral, and a sandbox (for toddlers and pre-schoolers) from the last weekend in September through October 31, and an ice rink and Christmas tree lot from the Friday after Thanksgiving to the second weekend in January each year.

The Corn Maze and Pumpkin Patch will be open only from September 30 to October 31 on weekdays (Monday through Friday) from noon to 6:00 PM and weekends (Saturday and Sunday) from 10:00 AM to 10:00 PM. Field trips may also be scheduled as early as 8:00 AM. The Corn Maze will be open for group events weeknights until 9:00 PM. The corn will be chopped for silage on November 1 each year. A one-bale high hay maze, approximately 80' x 80', will be built in the northwest corner of the property (denoted by the location of the ice skating rink on the site plan). Entrances, exits and emergency exits will be clearly marked and visitors will be provided a map to ensure safe entry and exiting of the maze.



After November 1 of each year, a temporary 60' x 80' Ice Skating Rink with lights will be set up and Christmas Trees will be brought in for sale. The Ice Rink and Christmas will begin operation the Friday following Thanksgiving and will operate through the second weekend in January. The Ice Rink will be open weekdays, noon to 8:00 PM and weekends from 10:00 AM to 10:00 PM with sessions scheduled every 2 hours. Weather permitting, extended sessions may be offered as early as 8:00 AM. The Christmas Tree area will be approximately 70' x 170' in size (11,900 square feet).

Operations will include a concession stand, a temporary office and temporary restrooms with a maximum of 12 employees per shift. There is an existing 960 square foot storage shed on the property that will be used as part of the operation. The applicant proposes to install a temporary, portable 528 square foot modular office (with handicapped restrooms), temporary portable restrooms (6' x 20' modular unit), eight 25-foot light poles (covering the activity areas and parking lot), a temporary 25-space parking lot with hay bale barrier, a 24' x 40' display area next to the existing storage shed and a 10' x 10' produce stand. Two driveway access points are provided along Daubenberger, as depicted on the site plan, and delineated by hay bales. The parking lot surface will be created using compacted walnut shells. The portable office has handicapped restrooms. A food vendor will also be located on the site in the area depicted on the site plan. An existing septic tank and leach line will be updated to meet County standards for the proposed use. Potable water will be available on site. Fire extinguishers will be provided in the storage building, produce stand and office. Trash receptacles will be placed throughout the site.

The temporary structures and uses will be installed as shown on the submitted site plan. All temporary structures, trailers, lighting, display areas, and parking will be removed and the area returned to agricultural production.

### **CONDITIONS OF APPROVAL**

The City of Turlock requests that the following conditions be added to the project:

1. All proposed uses shall be permitted as a temporary seasonal uses only and shall be limited to operating during the period of September 30 through the second weekend in January as described in the project application.
2. The 10' x 10' produce stand may operate throughout the year and the products sold shall be restricted to product grown on site or other properties owned by the operator, as proposed in the project application.

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**Letter to Carole Maben**  
**May 7, 2013**

3. Retail sales shall be limited to: agricultural produce grown on site or other properties owned by the operator, such as pumpkins; Christmas trees; and wreaths made from Christmas trees.
4. Only one food vendor shall be permitted on the site limited to the size depicted on the site plan and only during the operation of seasonal use from September 30 through the second weekend in January each year on Friday, Saturday and Sunday.
5. No expansion of the use, hours, or buildings beyond those described in the permit application shall be permitted without first obtaining approval of a permit from the County of Stanislaus that is reviewed by the City of Turlock.
6. Any portion of the site, including the produce stand, the Hay Maze, the Corn Maze, Ice Skating Rink, the Christmas Tree Lot, and the Pumpkin Patch without adequate lighting shall cease operation at dusk. The parking lot shall remain lit if any portion of the site is operating after dusk.
7. The parking lot shall be constructed to accommodate all of the parking generated by the seasonal activities as well as the year-round produce stand. In the event that parking demand exceeds the parking initially required by the permit, the operator shall construct additional on-site parking. The operator shall post signs in prominent locations on the property stating that parking shall not occur in the residential neighborhood on the west side of Daubenberger. Given the temporary nature of the proposed use, the City would support an all weather surface for the parking lot area; however, the driveway approaches should be paved to a minimum of 5 feet from the existing roadway to avoid damage to Daubenberger Road and to facilitate access and egress to Daubenberger Road.
8. All proposed buildings, parking lot improvements, and uses shall be setback an adequate distance as to not interfere with the future expansion of Daubenberger Road in accordance with the Turlock General Plan. The parking lot shall be constructed to meet all required setbacks for Daubenberger Road. As the site plan does not include dimensions or note where the property line is located relative to the existing roadway, the City is unable to provide specific comments as to whether the proposed site plan meets these requirements. In order to ensure that this requirement is met, the City requests that the County provide the City Engineering and Planning Divisions the opportunity to review and approve building, grading and encroachment permit plans, including the parking lot improvement plans, for conformance with this provision and City standards prior to the issuance of a permit by the County. Please consult with Mike Pitcock, City Engineer, at 668-5520 and Debbie Whitmore, Planning Manager, at 668-5640.

9. The operator shall ensure that no gravel or other material used in the construction of the parking lot shall be tracked on to City streets.
10. Fire extinguishers with a minimum rating of 2-A:10-B:C shall be provided such that no point in the building is further than 75-foot travel distance to an extinguisher. Extinguishers shall be mounted on the wall, in cabinets, and/or on a stationary fixture, such that the top of the extinguisher is no more than four (4') feet above floor level.
11. A 24-foot fire access lane constructed in accordance with the State Fire Code and the Turlock Municipal Code shall be required if the ice skating rink is located greater than 150 feet from the paved roadway surface. Building and/or improvements plans shall be submitted to the City of Turlock Fire Department for review and approval prior to the issuance of a permit by the County of Stanislaus.
12. The operator shall ensure that trash receptacles are placed throughout the site and that provisions are made for the collection and removal of waste from the site.
13. The property shall be maintained free of litter. Litter shall not be allowed to leave the premises. Hay bales shall be removed after the seasonal activities within two weeks of the end of the operating period for the use.
14. Low-volume seasonal background music may be provided for the Ice Skating Rink area only provided that the sound does not exceed the City's Noise Ordinance standards for residential uses measured at the subject property line. No other amplified sound or music shall be permitted. No music shall be played during the hours of 10:00 PM and 8:00 AM on any day of the week.
15. Horse drawn carriages, horse rides, and other such attractions shall be operated on the site only and shall not be allowed in the public right-of-way.
16. No live entertainment shall be permitted.
17. No alcohol shall be sold or served on the site.
18. All uses, construction, installation and operation activities shall comply with the City of Turlock Noise Ordinance.
19. At least one security guard or security officer shall be provided on weekends during the operation of the facility. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.

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**Letter to Carole Maben**  
**May 7, 2013**

20. No permanent signs shall be erected for the proposed use.

21. All temporary structures, trailers, lighting, display areas, and parking shall not be installed until September 30 and shall be removed by January 31 each year, with the exception of the produce stand. These areas shall be returned to agricultural production each year.

Please contact me if you have any questions regarding these comments at (209) 668-5542 x2218.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Debra A. Whitmore', with a large, stylized initial 'D'.

Debra A. Whitmore  
Deputy Director of Development Services (Planning)



Department of Planning and Community Development

1010 10<sup>th</sup> St. Suite 3400

Modesto, CA 95354

Chairperson Ramos,

I received your July 8, 2013 notice about permit number PLN2013-032, R.A.M. Farms, Inc. and their request to operate a corn maze, hay maze, pumpkin bowling, Christmas tree lot and lastly, an ice skating rink from September through January. As you know, these activities will be held at 716 N. Daubenberger Rd.

I live at 640 Corello St. which is around the corner from R.A.M. Farms. They have been operating these activities for the last few years, and I believe the operation runs smoothly. Often my wife and I can hear laughter from the corn maze, and excited kids carrying home their first pumpkin. Also, some of our local schools use the pumpkin patch during the day. I am in strong support of R.A.M. Farms continuing to operate on this site.

Please feel free to share my letter with the Commission members, and I request it be added to your meeting minutes.

Sincerely,

Larry Rumbeck

**THE REAL ESTATE BOYS**

Lloyd Blackman & Larry Rumbeck



5 Main Street  
Turlock, CA 95380  
**209-664-1176**

TheRealEstateBoys.com



Blackman Lic# 01408011  
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LRBlackman@earthlink.net

Rumbeck Lic# 00852409  
cell:209-484-4216  
LNDRumbeck@aol.com

**Javier Camarena - PLN2013-0032 - R.A.M. Farms, Inc**

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**From:** "Pennie Rorex" <prorex@charter.net>  
**To:** <planning@co.stanislaus.ca.us>  
**Date:** 7/23/2013 6:08 PM  
**Subject:** PLN2013-0032 - R.A.M. Farms, Inc  
**CC:** <arorex@charter.net>

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Members of the Stanislaus County Planning Commission:

Re: Use Permit No. PLN2013-0032 – R.A.M. Farms, Inc.

It is with pleasure that we received notice of the proposed seasonal activities by R.A.M. Farms, up for consideration on August 15, 2013.

We are residents one street west of the proposed site. Having lived in this neighborhood for 13 years, we have had the distinct pleasure of watching the joy that families experience when visiting the annual R.A.M. Farms pumpkin patch the past few years. We drive by that site a minimum of two times a day. How wonderful it is to have a nearby location providing family-oriented fun, based on agriculture principles.

Based on our experiences of living near the pumpkin patch, and having visited the patch and found our way through the corn maze, we are in complete support of additional seasonal activities at this site. The addition of a Christmas tree lot and temporary ice skating rink would further the holiday cheer that R.A.M. Farms has extended to thousands of families during the Halloween season.

We have no personal or professional affiliation with R.A.M. Farms whatsoever. We are just neighbors who support the family-oriented, seasonal activities that would continue to enhance our neighborhood and the community.

Sincerely,

Allen & Pennie Rorex  
585 Corello Street  
Turlock CA 95380  
(209) 667-7024



# Stanislaus County Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 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. PLN2013-0032 - R.A.M. Farms, Inc.
- 2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
- 3. **Contact person and phone number:** Javier Camarena, Assistant Planner  
(209) 525-6330
- 4. **Project location:** 716 N. Daubenberger Road, west of N. Verduga Road, in the City of Turlock Sphere of Influence.  
APN: 051-005-002
- 5. **Project sponsor's name and address:** Ron Macedo  
4424 Silva Road  
Turlock, CA 95380
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** A-2-40 (General Agriculture)
- 8. **Description of project:**

This is a request to operate a seasonal produce stand, pumpkin patch, corn maze, pre-school hay maze, pumpkin bowling area, kiddie pedal tractor corral, and a sandbox (for toddlers and pre-schoolers) from the last weekend in September thru October 31. The hours of operation will be: weekdays, 12:00 p.m. to 6:00 p.m.; and weekends, 10:00 a.m. to 10:00 p.m. Field trips may be scheduled weekday mornings by appointment. This application also requests to operate a Christmas tree lot, selling fresh Christmas trees and wreaths, and a 60' x 80' mechanically frozen ice skating rink, with lights, from the Friday after Thanksgiving thru the second weekend of January. The hours of operation will be: weekdays, 12:00 p.m. to 8:00 p.m., with sessions at 12:00, 2:00, 4:00, and 6:00 p.m. (weather permitting); and weekends, 10:00 a.m. to 10:00 p.m., with sessions at 10:00 a.m., 12:00, 2:00, 4:00, 6:00, and 8:00 p.m. (weather permitting). Operations will include a concession stand, a temporary office, and temporary restrooms, with a maximum of 10 employees per shift. The operation has existed under a yearly permit for the past two years as a produce stand, pumpkin patch, and corn and hay maze. The proposed project will expand operations as mentioned. An extended project description is attached.

- 9. **Surrounding land uses and setting:** Land planted in corn, oats, and an almond orchard to the north; land planted in corn, oats, alfalfa, and an almond orchard to the east; land planted in corn, oats, and an almond orchard to the south; and a residential neighborhood and the City of Turlock to the west.

- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**
- Department of Public Works
  - Building Permits Division
  - Denair Fire District
  - Department of Environmental Resources
  - City of Turlock



**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.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                        | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources              | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions          | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning               | <input type="checkbox"/> Mineral Resources                | <input checked="" type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population / Housing              | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> 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.

Javier Camarena, Assistant Planner  
Prepared By

June 19, 2013  
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, then 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). Reference 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	
<p><b>Discussion:</b> The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural uses. The project site has been used as a produce stand, pumpkin patch, and corn and hay maze seasonally in the past. The proposed expanded seasonal uses will be temporary and removed for the off-season. There are eight (8) existing light poles on the project site: four are in the area which would contain the proposed ice skating rink, produce stand, office, and display area; four are in the parking area. To minimize any potential impacts, the Planning Department will incorporate a standard condition of approval requiring all exterior lighting to be designed (aimed down and toward the site) to provide adequate illumination without a glare effect.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
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	

<p><b>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))?</b></p>				<p><b>X</b></p>
<p><b>d) Result in the loss of forest land or conversion of forest land to non-forest use?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>			<p><b>X</b></p>	

**Discussion:** The project site is approximately 21 acres in size, is not currently enrolled in a Williamson Act Contract, and has soils classified as mostly Prime Farmland with approximately 1.5 acres classified as Farmland of Statewide Importance by the Farmland Mapping and Monitoring Program. The 1957 Soil Survey classifies the project site as: 18.5 acres of DmA, Dinuba Fine Sandy Loam, 0 to 1 percent slopes, Storie Index of 86, Grade 1; 1.5 acres of DuA, Dinuba Sandy Loam, 0 to 1 percent slopes, Storie Index of 37, Grade 4; and 1 acre of Delhi Loamy Sandy, 0 to 3 percent slopes, Storie Index of 66, Grade of 2.

Within the A-2 (General Agriculture) zoning district, the County has determined that certain uses related to agricultural production are “necessary for a healthy agricultural economy.” The County allows three tiers of related uses within the A-2 zone when it is found that the proposed use “will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity.” The proposed use falls under the Tier Three category for the A-2 zoning district. Tier Three uses, although not directly related to agriculture, may be necessary to serve the A-2 District or may be difficult to locate in an urban area. These types of uses are generally required to be located within Local Agency Formation Commission (LAFCO) approved spheres of influence (SOI) of cities. The project site is within the City of Turlock SOI.

Since the proposed use is considered to be a “Tier Three Use” within the County’s A-2 (General Agriculture) zoning district, and the use is considered to be people-intensive in nature, it is subject to the County’s agricultural buffer requirements; however, the applicant has provided a statement that notes that the use is temporary and seasonal. The proposed hay bales, pumpkins, and Christmas trees will be part of seasonal decorations which will be removed and the property returned to its agricultural use at the end of each season. The corn maze will be harvested and the land will be planted in an interim crop. The operation will have staff directing individuals and monitoring all areas of the property in order to prevent patrons from going onto neighboring properties. The Stanislaus County Agriculture Commissioner has stated that, although the exact distances from the nearest corn maze trails to neighboring properties are unknown, past designs showed the bulk of the trails towards the center portion of the property. Upon viewing the corn maze designs used in 2011 and 2012, the distance appears to meet the minimum buffer setback requirement of 150 feet. The Agriculture Commissioner pointed out that the use is portable and temporary and believes that the applicant appears to be able to meet the requirements of the Agricultural Element. It will be up to the Planning Commission to take into consideration the applicant’s statement and the Agricultural Commissioner’s response to decide if the proposed project is compliant with the Agricultural Element.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Agricultural Commissioner/Sealer, Milton O’Haire, dated June 17, 2013; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2010; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<p><b>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:</b></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p><b>a) Conflict with or obstruct implementation of the applicable air quality plan?</b></p>			<p><b>X</b></p>	

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 "severe non-attainment" for ozone and respirable particulate matter (PM-10) 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.

The primary source of air 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 for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the district has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

The project was referred to SJVAPCD and no comments have been received to date.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 US 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:** It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. This project site is currently improved with a corn field and a 1,000 square foot storage shed. The project site is also not within any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. This project was referred to the California Department of Fish and Wildlife and no comments have been received to date.

**Mitigation:** None.

**References:** Application information; Stanislaus County General Plan and Support Documentation<sup>1</sup>; and the California Natural Diversity Database (CNDDDB).

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 project site is currently improved with a corn field and a 1,000 square foot storage shed. A condition of approval will be placed on the project that if any resources are found, construction activities will halt at that time.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:				
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	
<p><b>Discussion:</b> As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per 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. An 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.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> California Building Code and the Stanislaus County General Plan and Support Documentation - Safety Element<sup>1</sup>.</p>				
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	

<p><b>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</b></p>			<p>X</p>	
<p><b>Discussion:</b> This request, if approved, will provide a seasonal use for the local community, thus reducing the number of extended vehicle trips to outside areas for similar activities. Many patrons walk to the site from the residential neighborhood across Daubenberger Road. These factors will help reduce greenhouse gas emissions. As mentioned in the Air Quality section of this report, mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the district has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Applicant information and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p><b>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</b></p>			<p>X</p>	



<p><b>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?</b></p>			<p>X</p>	
<p><b>Discussion:</b> No known hazardous materials are on site and the groundwater is not known to be contaminated in this area. Pesticide exposure is a risk in agricultural areas. 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. The Department of Environmental Resources (DER) is responsible for overseeing Hazardous Materials for Stanislaus County. The project was referred to DER and no comments were received related to hazardous materials. This project is not within the vicinity of any private airstrip or airport.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>IX. HYDROLOGY AND WATER QUALITY -- Would the project:</b></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p><b>a) Violate any water quality standards or waste discharge requirements?</b></p>			<p>X</p>	
<p><b>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)?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>f) Otherwise substantially degrade water quality?</b></p>			<p>X</p>	
<p><b>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?</b></p>				<p>X</p>
<p><b>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</b></p>				<p>X</p>

<p><b>l) 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?</b></p>				<p><b>X</b></p>
<p><b>j) Inundation by seiche, tsunami, or mudflow?</b></p>				<p><b>X</b></p>
<p><b>Discussion:</b> Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. This project site is designated as “X - Outside 0.2 percent of Annual Chance Flood Hazard” flood zone and, as such, flooding is not considered an issue with respect to this project. The Stanislaus County Department of Public Works is requiring a grading and drainage plan as part of their conditions of approval. The Stanislaus County Environmental Review Committee noted, in a referral response, that a bacteriological test of the water supply must be done a month prior to operation. This requirement will be placed as a condition of approval on this project.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County Geographic Information System (GIS) - Flood Zone layer; referral response from Angie Halverson, Stanislaus County Department of Public Works, dated April 22, 2013; referral response from Mark E. Loeser, on behalf of the Stanislaus County Environmental Review Committee, dated May 15, 2013; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>X. LAND USE AND PLANNING -- Would the project:</b></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p><b>a) Physically divide an established community?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>				<p><b>X</b></p>
<p><b>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</b></p>				<p><b>X</b></p>
<p><b>Discussion:</b> This project is consistent with the Agriculture designation and A-2-40 (General Agriculture) zoning of the site. The features of this project will not physically divide an established community or conflict with any habitat conservation plan or natural community conservation plan. The proposed project is a seasonal use and will be returned to exclusive agriculture use during the off-season. This project is not known to conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.</p>				
<p>The proposed project has been referred to the City of Turlock because it is within the City's SOI. The City of Turlock does not oppose the project and has provided conditions of approval mostly dealing with operations.</p>				
<p>As discussed above within Section II - Agriculture and Forest Resources, any use of the property must be compatible with the County's General Agriculture (A-2) zoning district which limits the property to agricultural uses and uses incidental and accessory to the agricultural use of the property. Under the A-2 zoning district, Christmas tree sales lots and Halloween pumpkin sales lots are a permitted use. Corn mazes, hay mazes, and similar seasonal activities are allowed if a Use Permit is first obtained.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response from Debra A. Whitmore, on behalf of the City of Turlock, dated May 7, 2013; Stanislaus County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

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
<b>Discussion:</b> 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.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
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
<b>Discussion:</b> The project site is directly across the street from a residential neighborhood; however, no complaints have been received for seasonal activities on site in the past. The project is not expected to generate excessive noise in the area; however, due to the nature of the use, a mitigation measure has been included to insure that noise levels are in compliance with acceptable noise standards. The mitigation measure requires that any verified noise complaint cease immediately. The project is not in the vicinity of an active airport.				

**Mitigation:**  
 1. *Low-volume seasonal background music may be provided for the ice skating rink area only provided that the sound does not exceed the City's Noise Ordinance standards for residential uses measured at the subject property line. No other amplified sound or music shall be permitted. No music shall be played between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week. Upon notice of a noise violation, the source of the noise shall cease immediately.*

**References:** Referral response from Debra A. Whitmore, on behalf of the City of Turlock, dated May 7, 2013, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XIV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in 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:				
Fire protection?			X	
Police protection?			X	
Schools?			X	

Parks?				X
Other public facilities?			X	
<p><b>Discussion:</b> 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. A referral response from Kenneth Slamon, Deputy Fire Marshall, was received on behalf of the Denair Fire Protection District. The response provides standard conditions of approval related to fire safety and emergency access.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response from Kenneth Slamon, Deputy Fire Marshal, on behalf of the Denair Fire Protection District, dated April 30, 2013, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<b>XV. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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
<p><b>Discussion:</b> The project will not have any impacts to parks and recreation. The project itself will be providing a recreational use for the community.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<b>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 referral response from the Department of Public Works was received; however, it did not identify any traffic congestion issues associated with the proposed project. The request is for a seasonal use open only during the fall and early winter. After the season ends, the site will be returned to exclusive agricultural use; therefore, any increase in traffic will be temporary.

Public Works is requiring that asphalt driveways be installed from the edge of the pavement up to the property line and that any damage done to the project site's edge of pavement during the seasonal operation be repaired by the applicant/operator. Due to the nature of the project, Planning Staff is including a mitigation measure to ensure that all parking is kept on-site. The mitigation measure requires that if parking demand exceeds the amount of parking proposed, additional on-site parking will be required.

**Mitigation:**

2. *The parking lot shall be constructed to accommodate all of the parking generated by the seasonal activities as well as the year-round produce stand. In the event that parking demand exceeds the parking initially required by the permit, the operator shall construct additional on-site parking. The operator shall post signs in prominent locations on the property stating that parking shall not occur in the residential neighborhood on the west side of Daubenberger Road.*

**References:** Referral response from Angie Halverson, Stanislaus County Department of Public Works, dated April 22, 2013; referral response from Debra A. Whitmore, on behalf of the City of Turlock, dated May 7, 2013; application information; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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
<b>Discussion:</b> Limitations on providing services have not been identified and no referral responses have been received noting any issues with this proposed project. The site will be served by private well, septic system, and on-site drainage. Public Works is requiring a grading and drainage plan as part of their conditions of approval.				
<b>Mitigation:</b> None.				
<b>References:</b> Referral response from Angie Halverson, Stanislaus County Department of Public Works, dated April 22, 2013, and the Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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		
<b>Discussion:</b> 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 have been mitigated to a level of less than significant.				

I:\Planning\Staff Reports\UPI\2013\UP PLN2013-0032 - R.A.M. Farms, Inc\CEQA - Initial Study Attachments\Initial Study.wpd

<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on April 20, 2010 and pending certification by the California Department of Housing and Community Development; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2013-0032 - R.A.M. Farms, Inc.

**LOCATION OF PROJECT:** 716 N. Daubenberger Road, west of N. Verduga Road, in the City of Turlock Sphere of Influence. APN: 051-005-002

**PROJECT DEVELOPER:** Ron Macedo  
R.A.M. Farms, Inc.  
4424 Silva Road  
Turlock, CA 95380

**DESCRIPTION OF PROJECT:** This is a request to operate a seasonal produce stand, pumpkin patch, corn maze, pre-school hay maze, pumpkin bowling area, kiddie pedal tractor corral, and a sandbox from the last weekend in September thru October 31. The hours of operation will be: weekdays, 12:00 p.m. to 6:00 p.m.; and weekends, 10:00 a.m. to 10:00 p.m. This application also requests to operate a Christmas tree lot, selling fresh Christmas trees and wreaths, and a 60' x 80' mechanically frozen ice skating rink, with lights, from the Friday after Thanksgiving thru the second weekend of January. The hours of operation will be: weekdays, 12:00 p.m. to 8:00 p.m.; and weekends, 10:00 a.m. to 10:00 p.m. Operations will include a concession stand, a temporary office, and temporary restrooms, with a maximum of 10 employees per shift. An extended project description is attached.

Based upon the Initial Study, dated **June 19, 2013**, 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. *Low-volume seasonal background music may be provided for the ice skating rink area only provided that the sound does not exceed the City's Noise Ordinance standards for residential uses measured at the subject property line. No other amplified sound or music shall be permitted. No music shall be played between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week. Upon notice of a noise violation, the source of the noise shall cease immediately.*
2. *The parking lot shall be constructed to accommodate all of the parking generated by the seasonal activities as well as the year-round produce stand. In the event that parking demand exceeds the parking initially required by the permit, the operator shall construct additional on-site parking. The operator shall post signs in prominent locations on the property stating that parking shall not occur in the residential neighborhood on the west side of Daubenberger Road.*

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: Javier Camarena, Assistant Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354



# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

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

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### Mitigation Monitoring Plan

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

**June 19, 2013**

1. Project title and location: Use Permit Application No. PLN2013-0032 - R.A.M. Farms, Inc.  
  
716 N. Daubenberger Road, west of N. Verduga Road, in the City of Turlock Sphere of Influence.  
APN: 051-005-002
2. Project Applicant name and address: Ron Macedo  
R.A.M. Farms, Inc.  
4424 Silva Road  
Turlock, CA 95380
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Ron Macedo - R.A.M. Farms, Inc.
4. Contact person at County: Javier Camarena - Assistant 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.

#### XII. NOISE

- No. 1 Mitigation Measure: Low-volume seasonal background music may be provided for the ice skating rink area only provided that the sound does not exceed the City's Noise Ordinance standards for residential uses measured at the subject property line. No other amplified sound or music shall be permitted. No music shall be played between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week. Upon notice of a noise violation, the source of the noise shall cease immediately.

Who Implements the Measure:	Applicant/Operator
When should the measure be implemented:	Ongoing
When should it be completed:	Ongoing
Who verifies compliance:	City of Turlock and/or Stanislaus County
Other Responsible Agencies:	Planning Department

**XVI. TRANSPORTATION/TRAFFIC**

No. 2 Mitigation Measure: The parking lot shall be constructed to accommodate all of the parking generated by the seasonal activities as well as the year-round produce stand. In the event that parking demand exceeds the parking initially required by the permit, the operator shall construct additional on-site parking. The operator shall post signs in prominent locations on the property stating that parking shall not occur in the residential neighborhood on the west side of Daubenberger Road.

Who Implements the Measure:	Applicant/Operator
When should the measure be implemented:	Prior to beginning operations and ongoing
When should it be completed:	Prior to beginning operations and ongoing
Who verifies compliance:	City of Turlock and Stanislaus County
Other Responsible Agencies:	Stanislaus County Department of Public Works

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

June 20, 2013  
Date

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. PLN2013-0032 - R.A.M. FARMS, INC**

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 DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X		X							
CITY OF: TURLOCK	X	X	X	X		X				X	X	
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: DENAIR	X	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X		X				X	X	
MODESTO REGIONAL FIRE AUTHORITY	X	X		X		X				X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: TURLOCK	X	X	X		X							
STAN CO AG COMMISSIONER	X	X		X				X		X		X
STAN CO BUILDING PERMITS DIVISION	X	X		X		X				X	X	
STAN CO CEO	X	X			X							
STAN CO DER	X	X		X		X				X	X	
STAN CO ERC	X	X		X		X				X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X		X		X				X	X	
STAN CO PUBLIC WORKS	X	X		X		X				X	X	
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST 2: CHIESA	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
StanCOG	X	X			X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							

**NON-CONSENT ITEMS**

6:05 - Commissioner Boyd left the chambers.

- B. USE PERMIT APPLICATION NO. PLN2013-0032 - R.A.M. FARMS, INC -**  
Request to operate various seasonal activities (including a corn maze, hay maze, pumpkin bowling, and ice skating) in conjunction with a permitted produce stand, pumpkin patch, and Christmas tree lot from September thru January. The operation will include a concession stand, a temporary office, and temporary restrooms on a 21 acre parcel in the A-2-40 (General Agriculture) zoning district. The site is located at 716 N. Daubenberger Road, west of N. Verduga Road, in the City of Turlock Sphere of Influence. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.  
APN: 051-005-002  
Staff Report: Javier Camarena Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Ron Macedo, 4424 Civil Road, Turlock.  
Public hearing closed.  
Gibson/Buehner, 6-0, **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT**

6:33 - Commissioner Boyd returned to the chambers.

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p>Signature on file. _____ Secretary, Planning Commission</p> <p>Ocotober 6 ,2016 _____ Date</p>
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S 13 T 5 R 10  
APP. No. PLN2014-0041

**STAFF APPROVAL PERMIT**

*(IF NOT USED IN 18 MONTHS THIS PERMIT SHALL BE VOID - SEC. 21.104.030)*

GENERAL PLAN \_\_\_\_\_ AG \_\_\_\_\_ ZONE A-2-40 DATE 06/09/14

1. NAME AND ADDRESS: (a) Ron & Karen Macedo, R.A.M. Farms, Inc.  
Name of Person or Firm

(b) 4424 Silva Road (c) Turlock, CA 95380 (d) (209) 649-2425 or (209)-649-6885  
Address City, Zip Phone

2. TYPE OF PROPERTY USE: Request to expand a current use permit for a pumpkin patch, ice skating rink, corn maze, and other seasonal activities. The proposed project would: extend the operating season of the ice skating rink; expand the current ice skating rink from 4,800 square feet to 9,600 square feet; install a temporary tent to partially cover the existing ice skating rink; and expand the parking lot from 28 parking spaces to approximately 58 parking spaces. An overflow parking area will also be provided, if needed, to keep vehicles out of the surrounding neighborhood. An extended project description is attached.

3. LOCATION OF USE: 716 N. Daubenberger Road, Turlock, CA 95380, west of N. Verduga Road, in the City of Turlock Sphere of Influence. Street  
Address - Local Name of Street, Road or Highway

4. ASSESSOR'S PARCEL NUMBER AND ACREAGE: 051-005-002: 21± acres

5. THIS PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- (a) That this use be conducted in accordance with plans approved by the Stanislaus County Department of Planning and Community Development and in accordance with applicable laws and ordinances.
- (b) That a building permit(s) be obtained from the Building Permits Division for improvements subject to the latest uniform building code.
- (c) The proposed use shall be operated and maintained in a manner consistent with the originally approved use permit, subject to all conditions of approval and as amended herewith.
- (d) Before the beginning of operations each year, the applicant shall schedule an acoustic analysis to be conducted by a licensed acoustic specialist to verify that the sound from the sound systems and any other noise-generating equipment will not violate the City's Noise Ordinance. The Noise Standards and procedures shall be based on the City of Turlock Noise Ordinance and recommendations made by the acoustic analyst shall be implemented prior to beginning operations each year. The requirement of obtaining a licensed acoustic specialist may be waived beginning the second year of operation if the sound system and any other noise-generating equipment is set up is exactly the same. If County or City staff receive any verified noise related complaints or if the set up of operations is modified, a licensed acoustic specialist will be required to conduct an acoustic analysis and provide appropriate noise mitigation measures. The applicant shall be responsible for continuous monitoring and adjustment of sound levels to meet the City's standards for single-family residential use and keep ambient noise levels in compliance with the City's noise ordinance.

- (e) The applicant shall coordinate with the County to prepare and implement a parking management plan to ensure that vehicles park in designated spaces on the property. The parking plan shall cover the various phases of the operation including but not limited to the pumpkin patch, corn maze, and ice skating rink. The initial parking management plan shall be reviewed and approved by both the City of Turlock and the County of Stanislaus prior to beginning operations each year. The parking management plan shall provide for at least one parking attendant to monitor traffic during the hours of operation and redirect traffic away from the adjacent residential neighborhood within the City of Turlock and to the designated parking area on site. Parking entrances and exits shall have visible directional signs with night lighting. The lighting shall be directed onto the signs so as not to cause a visual impact on adjacent residences. The applicant shall work with the County and the City to address any specific parking and/or traffic-related issues that arise on an ongoing basis. The specific requirements of the parking management plan may change over time in response to the parking demand generated by the project and the background traffic levels in the area.
- (f) Before beginning operations each year, both the primary parking area (marked spaces) and the overflow parking lots shall be improved for use in accordance with the conditions of approval, the approved site plan, and as directed by the County of Stanislaus.
- (g) Noise and parking management plans shall be submitted to County Staff prior to the last weekend of August before each operating season. An inspection shall be conducted by County staff at least 15 days prior to operation to ensure conditions of approval have been met and an additional inspection within one week after closing operations for the season to ensure that all items related to the seasonal operation have been removed (See attached yearly schedule). The cost of staff inspections shall be borne by the applicant/operator with cost calculated at the County's weighted labor rate. Final sign off on inspections will be completed once all staff time has been paid.

FAILURE TO PERFORM ANY OF THE STATED CONDITIONS HEREON SHALL CONSTITUTE GROUNDS FOR REVOCATION OF THIS PERMIT.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE READ THE ABOVE CONDITIONS AND WILL COMPLY WITH SAME IN ALL RESPECTS.

Signature on file.  
 \_\_\_\_\_  
 Albert Warda, Owner

Signature on file.  
 \_\_\_\_\_  
 Ron Macedo, Applicant

Signature on file.  
 \_\_\_\_\_  
 Signature of Person Issuing Permit

\_\_\_\_\_  
 Date



# FOR OFFICE PURPOSES ONLY

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

S 13 T 5 R 10  
APP.No.SAAPLN2015-0046

## STAFF APPROVAL

(IF NOT USED IN 18 MONTHS THIS PERMIT SHALL BE VOID - SEC. 21.104.030)

GENERAL PLAN: Agriculture ZONE: A-2-40 DATE: October 2, 2015

1. NAME AND ADDRESS: (a) Ron & Karen Macedo, R.A.M. Farms Inc.  
Name of Person or Firm  
(b) 4424 Silva Rd. (c) Turlock, CA 95380 (d) 209-668-2425  
Address City, Zip Phone
2. TYPE OF PROPERTY USE: Request to amend Use Permit No. PLN2013-0046 – R.A.M. Farms Inc. by: (1) increasing the length of the fall season by up to four days; (2) increasing the length of the winter season by up to six days; and (3) allow an increase in winter hours of operation from 8:00 p.m. to 10:00 p.m. on weeknights.
3. LOCATION OF USE: 716 N. Daubenberger Rd. Turlock, CA 95380  
Street Address - Local Name of Street, Road or Highway
4. ASSESSOR'S PARCEL NUMBER AND ACREAGE: 051-005-002, 21± acres
5. THIS PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

*(SEE ATTACHED)*

FAILURE TO PERFORM ANY OF THE STATED CONDITIONS HEREON SHALL CONSTITUTE GROUNDS FOR REVOCATION OF THIS PERMIT.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE READ THE ABOVE CONDITIONS AND WILL COMPLY WITH SAME IN ALL RESPECTS.

Signature on file.  
Signature of Property Owner

Signature on file.  
Signature of Applicant

Signature on file.  
Signature of Person Issuing Permit

Date



November 13, 2015

**RE: Structure at 716 N. Daubenberger Road, Turlock, CA 95380**

**Parcel Number 051-005-002**

**Applicable Permits: Building Permit BLD-2014-2191, Use Permit PLN2013-0032, SAAPLN2014-41, SAAPLN2015-0046)**

Dear Angela,

This letter is in regards to the structure that in 2014 was permitted for temporary activities at 716 North Daubenberger Road in Turlock.

Since the initial permit process, circumstances necessitate that the structure serve a two-fold purpose. Those circumstances include:

1. The building requirements for the structure make it impractical and unfeasible to take it down and set it up on a yearly basis.
2. During the construction period it was clear that taking the tent structure up and down each year would compromise the integrity of the structure.

The initial purpose or intent of the structure was to provide shelter from the elements for the ice skating rink, as well as for our seasonal visitors to the ice skating rink and pumpkin patch and corn maze. This refers to the temporary activities.

The second purpose or intent is to use the structure as an accessory structure to support our farming operations during the spring, summer, and fall. Specific agricultural uses include: 1.) Storage of farming equipment and 2.) Storage of agricultural commodities.

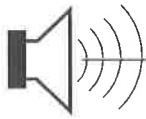
What additional approvals and/or permits would be necessary for the structure to remain year round as a permanent structure being used for the purposes outlined above? What is the specific process to obtain these approvals and/or permits?

Thank you,

A handwritten signature in black ink that reads "Ron &amp; Karen Macedo".

Ron & Karen Macedo





December 21, 2015

Mike Macedo  
RAM Farms  
716 N. Daubenberger Road  
Turlock, CA 95830

Transmitted via email: [Mmac1001@aol.com](mailto:Mmac1001@aol.com)

**Subject: Fields of Ice Skating Rink Noise Monitoring Results.**

Dear Mr. Macedo:

Pursuant to your request, Bollard Acoustical Consultants, Inc. conducted noise monitoring at the Fields of Ice Skating Rink from Saturday, November 21 to Tuesday, November 24, 2015. The Fields of Ice Skating Rink is located at 716 N. Daubenberger Road in the City of Turlock (Stanislaus County), California. The following summarizes both the Stanislaus County and the City of Turlock noise level criteria, noise level measurement results, and comparison of the measurement results to the City and County criteria.

**Noise Level Criteria**

The project site is located in Stanislaus County whereas the nearest potentially affected residences to the west are located in the City of Turlock. Where the noise source and receiving land uses are located in different jurisdictions, the applicable noise standards are not always clear. For this project, the City and County noise standards are very similar, but not identical. In addition, the City of Turlock has three categories of noise standards which are applicable to residential land uses, depending on the rural versus urban nature of the residential land use. Definitions of acoustic terminology used in this report are provided in Appendix A.

If the residences to the west of the project site were isolated residences located on large lots, it is BAC's professional opinion that the City of Turlock's noise standards applicable to "rural/suburban" land uses would apply. Conversely, if the residences were located within the City center, then the City's noise standards applicable to "urban" residential land uses would logically apply. However, because the residences to the west are located in a large residential subdivision, surrounded on three sides by similar large residential subdivisions, this analysis considers the City's noise standards applicable to "suburban" residential uses to be most applicable.

The City of Turlock noise standards applicable to suburban residential uses, and the Stanislaus County noise standards applicable to residential uses, are shown in Table 1. The Table 1 standards are graduated depending on the duration of the hour the noise source in question is present. More specifically, both the City of Turlock and Stanislaus County allow higher levels of noise generation provided the noise source is present for smaller and smaller increments of the hour.

Because the equipment used to maintain the ice for the ice skating rink operates continuously for the duration of the hour (more than 30 minutes), the median ( $L_{50}$ ) noise standards shown in Table 1 would be applicable to that equipment. However, because announcements made on the ice rink public address system occur for only a few seconds at a time, (less than 5 minutes per hour), the  $L_{08}$  standards shown in Table 1 would apply to that noise source. Sound generated by skaters and music played on the ice rink sound system fluctuates, but cannot exceed the  $L_{max}$  noise standards shown in Table 1 at the nearest residences for any duration of the hour.

<b>Table 1</b>				
<b>Exterior Residential Daytime Noise Standards<sup>1</sup></b>				
<b>Stanislaus County &amp; City of Turlock Noise Ordinances</b>				
<b>Jurisdiction</b>	<b>Metric</b>	<b>Minutes per Hour Sound is Present</b>	<b>Daytime (7 am – 10 pm)</b>	<b>Nighttime (10 pm – 7 am)</b>
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
City of Turlock	$L_{max}$	0	75	65
	$L_{02}$	1	70	60
	$L_{08}$	5	65	55
	$L_{25}$	15	60	50
	$L_{50}$	30	55	45
Stanislaus County and City of Turlock Noise Ordinances.				

According to both the City and County noise ordinances, the noise standards shown above are to be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.

“Pure tone noise” means any noise that is distinctly audible as a single pitch (frequency) or set of pitches. A pure tone is considered to 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 five decibels for center frequencies of five hundred Hertz and above and by eight decibels for center frequencies of between one hundred sixty and four

hundred Hertz and fifteen decibels for center frequencies less than or equal to one hundred twenty-five Hertz. Analysis of BAC noise measurement results (described later in this letter) indicate that the greatest difference between the noise level in any 1/3 octave band and the arithmetic average of the two neighboring bands did not exceed 5 decibels. As a result, the equipment used to maintain ice for the skating rink is not considered to generate pure tones and the -5 dB penalty to the Table 1 standards would not be applicable to that noise source. Because the mechanical equipment can run during nighttime hours to maintain the integrity of the ice, both the daytime and nighttime noise standards shown in Table 1 would apply to this mechanical equipment.

Although the noise generation of the mechanical ice maintenance equipment does not meet the requirement for being considered tonal in nature, the public address system and music played at the ice rink does meet the definition of sounds consisting of speech or music. As a result, a -5 dB offset is applied to the noise standards shown in Table 1 for the evaluation of compliance for music and voice announcements. It should be noted, however, that because the ice rink music and announcements cease at 10pm, only the daytime noise level limits (adjusted downward by 5 dB) would apply to music and speech noise sources.

The County's noise ordinance also states that, 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. This adjustment is important because the nearest residences to the Ice Rink are currently exposed to noise from traffic on Daubenberger Road in excess of the Table 1 standards. Although the City of Turlock Noise Ordinance does not contain this same language, it does state that "factors which will be considered in determining whether a violation exists shall include the sound level of the ambient noise." Additional discussion of the significance of existing traffic on the ambient noise environment is provided later in this letter.

### **Noise Monitoring Program**

To quantify both ambient noise (primarily local traffic) and noise generated by the project (mechanical ice-making equipment, music, and P/A announcements), Bollard Acoustical Consultants, Inc. conducted long-term noise level measurements over a 71 hour period at two of the residences located nearest to the ice skating rink. The measurements spanned the period from 5 pm Saturday, November 21, until 3 pm Tuesday afternoon, November 24, 2015. Figure 1 shows an aerial view of the Ice Rink vicinity, including the two noise measurement locations, and Figure 2 shows photographs of the noise monitoring locations. The noise measurement site addresses are provided below:

- Site A: 2780 Sierra Vista Drive (at the front porch)
- Site B: 2785 Sierra Vista Drive (at the backyard fence nearest to the ice skating rink)

The measurements were completed using Larson-Davis Laboratories (LDL) Model 820 and 831 precision integrating sound level meters. The acoustical measurement systems were calibrated using an LDL Model CAL200 acoustical calibrator before the surveys to ensure measurement accuracy. The acoustical measurement equipment meets all of the pertinent requirements of the American National Standards Institute (ANSI) for Type 1 (precision) sound measurement systems.

### Noise Monitoring Results

A summary of the measured hourly average noise levels at both locations is shown in Table 2. The detailed noise measurement results are presented graphically in Appendices B and C.

<p style="text-align: center;"><b>Table 2</b>  <b>Noise Measurement Results</b>  <b>Fields of Ice Operations - Stanislaus County – November 21-24, 2015</b></p>				
<b>Site<sup>1</sup></b>	<b>Metric</b>	<b>Daytime (7 am – 10 pm)</b>	<b>Nighttime (10 pm – 7 am)</b>	
A	L <sub>max</sub>	<b>78</b>	<b>74</b>	
	L <sub>02</sub>	67	58	
	L <sub>08</sub>	62	50	
	L <sub>25</sub>	56	46	
	L <sub>50</sub>	52	44	
B	L <sub>max</sub>	<b>78</b>	<b>73</b>	
	L <sub>02</sub>	66	58	
	L <sub>08</sub>	61	50	
	L <sub>25</sub>	56	45	
	L <sub>50</sub>	52	44	
<p>1. Noise measurement locations are shown on Figure 1.</p> <p>2. Values in <b>red bold</b> type indicate measured level exceeded City of Turlock Noise Standards.</p>				

Table 2 data indicates that, with the exception of measured maximum noise levels (which were observed to be due to traffic on Daubenberger Road, not Fields of Ice operations), the average measured noise levels at Site A and Site B were satisfactory relative to each of the City of Turlock noise standards shown in Table 1 during both daytime and nighttime periods.

During BAC field observations at the project site, it was noted that frequent vehicle passages on Daubenberger Road generated maximum noise levels ranging from 70 to 80 dB L<sub>max</sub>. In contrast, maximum noise levels associated with Fields of Ice operations (measured between vehicle passages), were below 60 dB L<sub>max</sub> during P/A system announcements.

Mr. Mike Macedo  
RAM Farms  
December 21, 2015  
Page 5

Music being played at the Ice Rink was directed to the east, away from the nearest residences, and was difficult to quantify due to the presence of local traffic on Daubenberger Road. During brief periods when no traffic was present on Daubenberger Road, the highest music sound levels were evaluated as being approximately 50-55 dB at the nearest residences, but those levels were present for brief periods of time.

Because the City and County noise standards allow consideration of ambient noise conditions when assessing compliance, it would be reasonable to increase the applicable noise standards beyond those shown in Table 1 due to noise generated by frequent vehicle passages on Daubenberger Road. These passages were observed to generate noise levels far higher than sound levels generated by the Fields of Ice activities.

### **Conclusions**

Based on BAC field observations conducted at the project site on the evening of Saturday, November 21, 2015, and the continuous noise survey data (summarized in Table 2 and provided in its entirety in Appendices B & C), this analysis concludes that the Fields of Ice activities were in compliance with the City of Turlock and Stanislaus County noise level standards at the nearest residences. Although activities at the Fields of Ice skating rink are audible at the nearest residence when traffic on Daubenberger Road is not present, audibility is not the threshold for determining compliance with the City and County noise standards.

Despite the conclusion of this analysis that the noise generation of the Fields of Ice skating rink were in compliance with the applicable noise standards during the November 21-24 monitoring period, representatives of the Fields of Ice skating rink should work with the nearby residential neighbors to respond to specific noise concerns which may arise over the course of the ice rink operating season.

This concludes BAC's assessment of noise levels generated at the Fields of Ice Skating Rink. Please contact Paul Bollard at (916) 663-0500 or [paulb@bacnoise.com](mailto:paulb@bacnoise.com) with any questions or requests for additional information.

Sincerely,

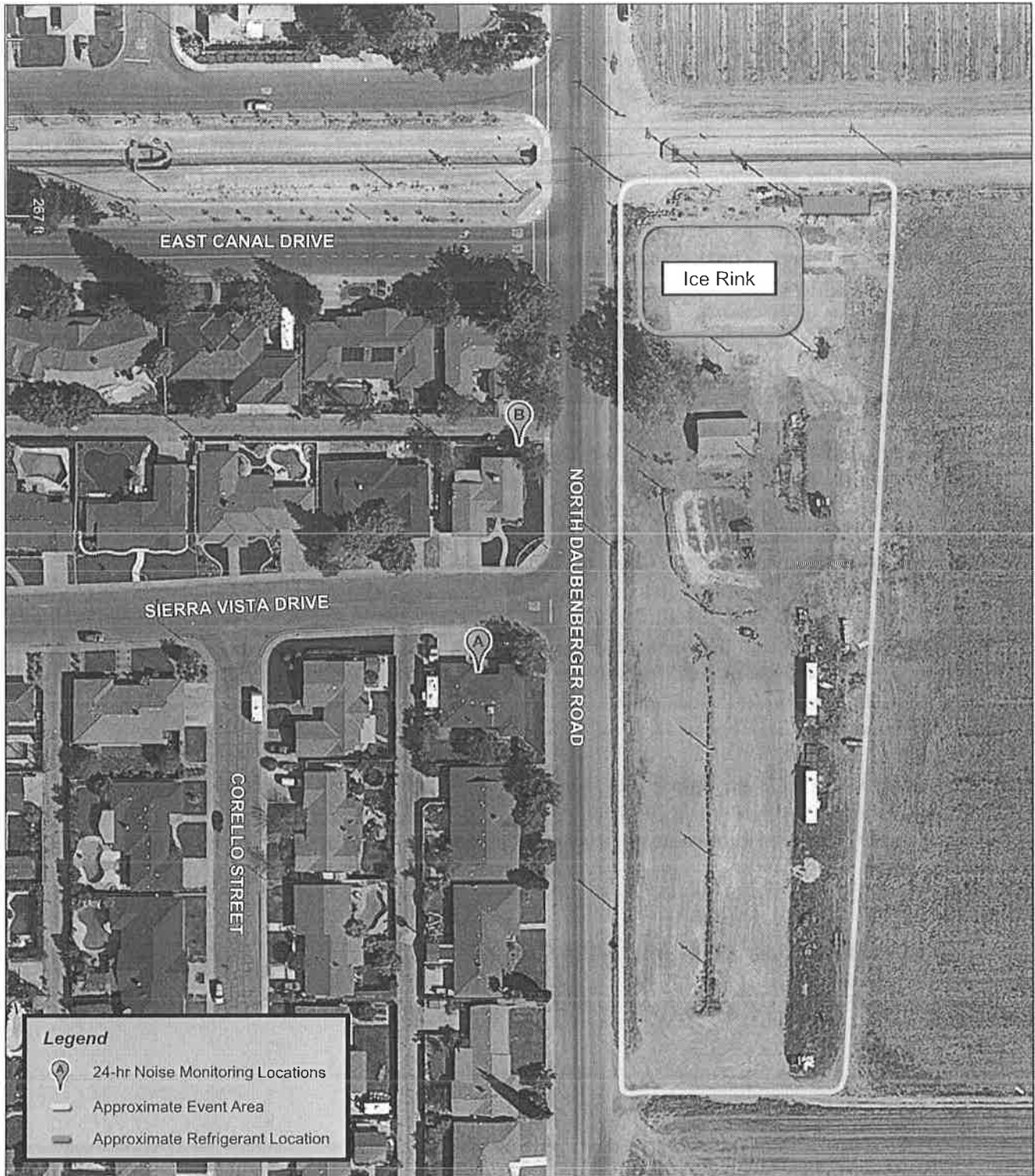
Bollard Acoustical Consultants, Inc.



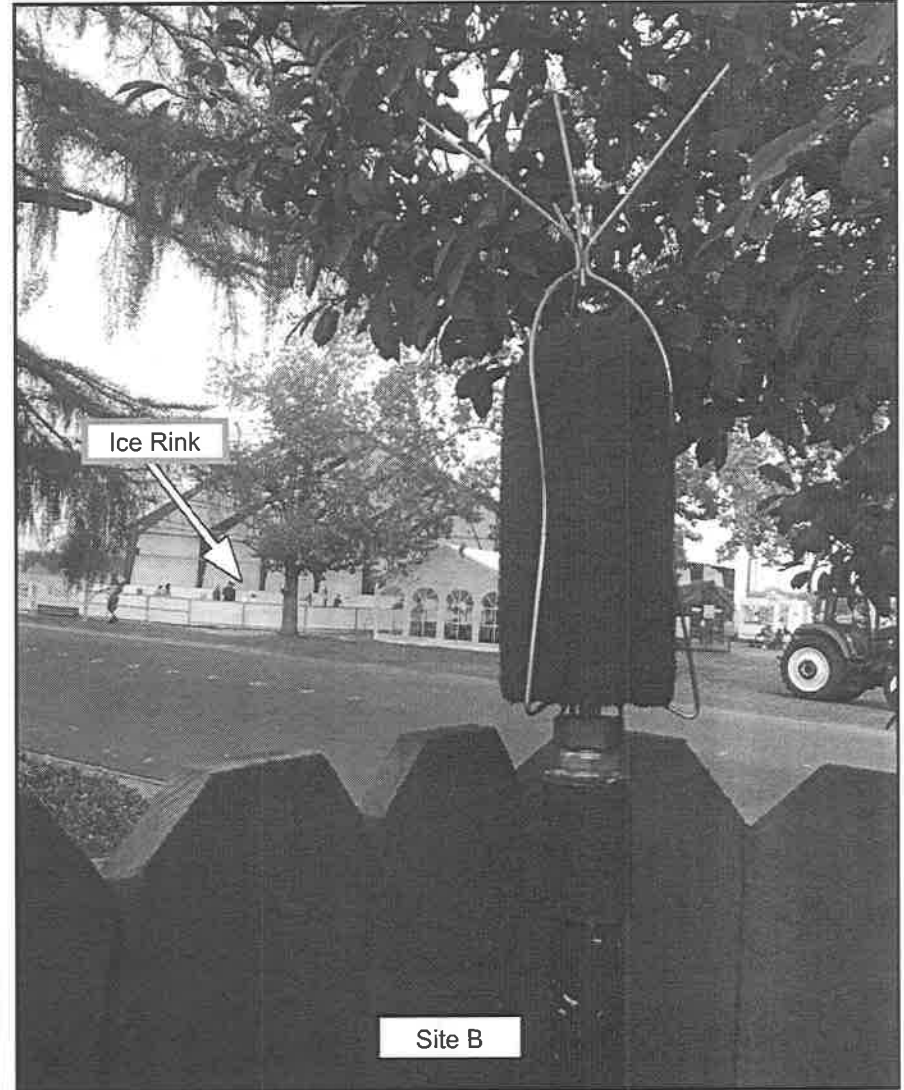
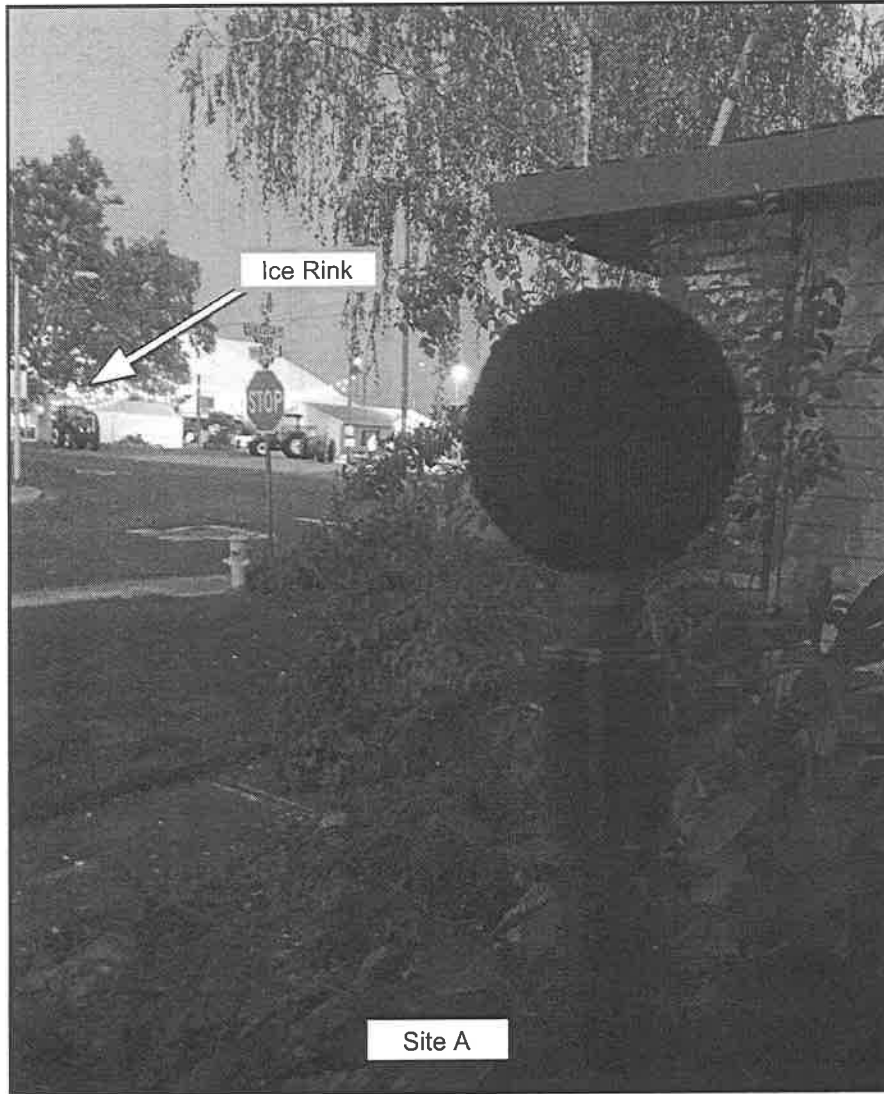
Paul Bollard  
President

Attachments

**Figure 1**  
 Event Area and Noise Monitoring Locations  
 Fields of Ice Skating Rink - Turlock (Stanislaus County), California

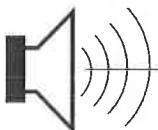


**Figure 2**  
Noise Measurement Site Photos  
Fields of Ice Skating Rink - Turlock (Stanislaus County), California



## Appendix A Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	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.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	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.
<b>CNEL</b>	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.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Masking</b>	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	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.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
<b>SEL</b>	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.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.

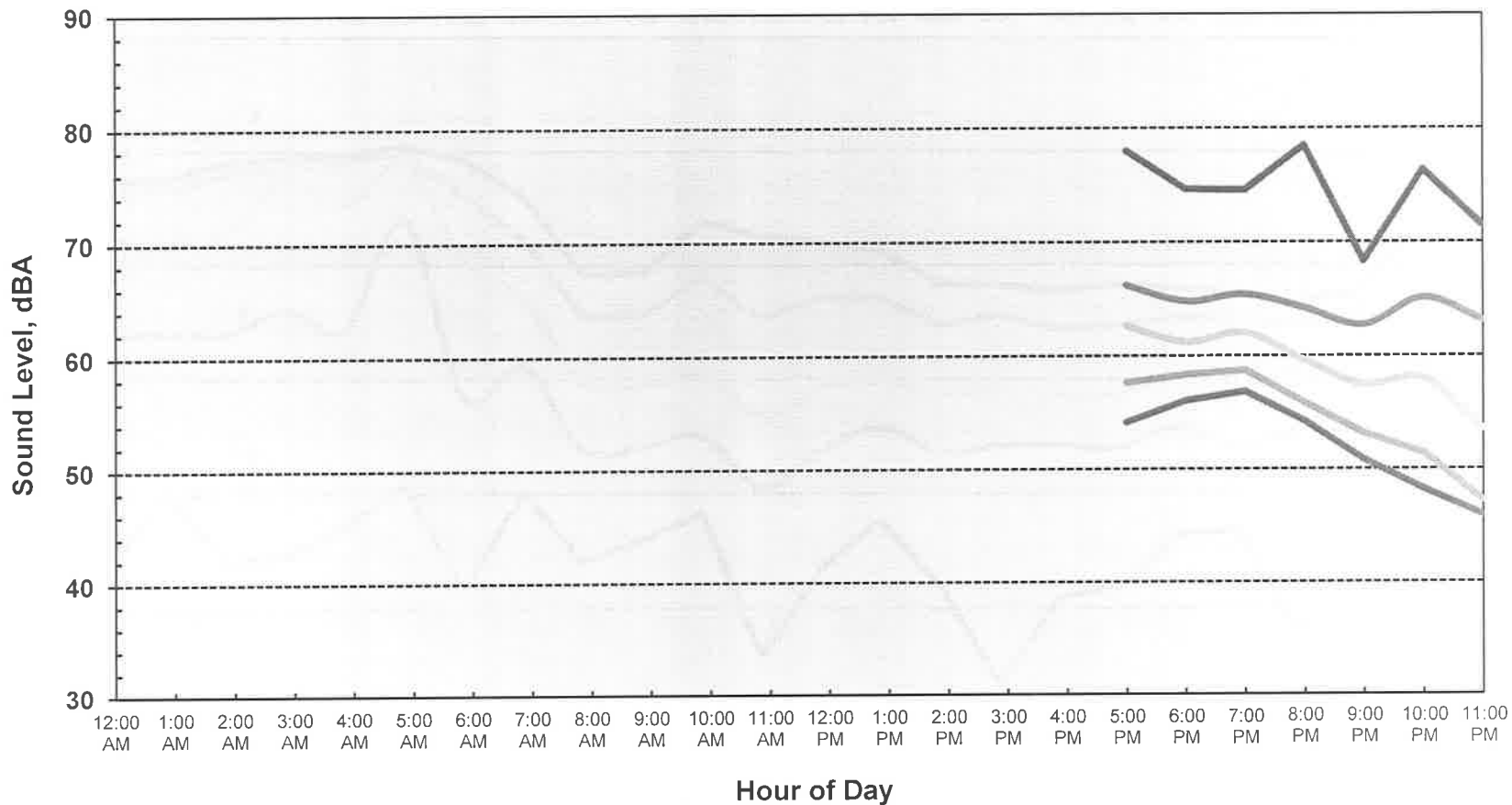


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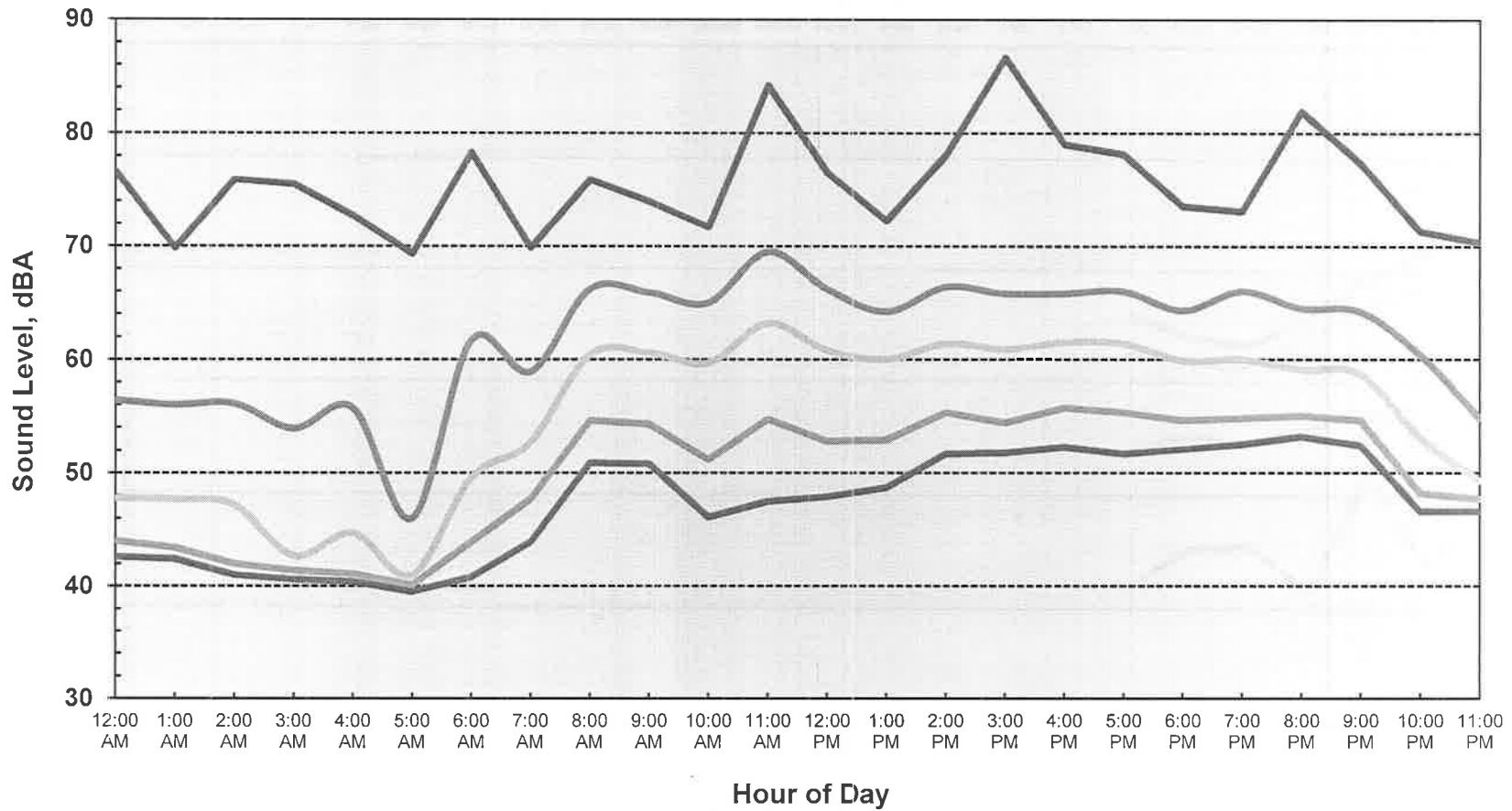
Acoustical Consultants



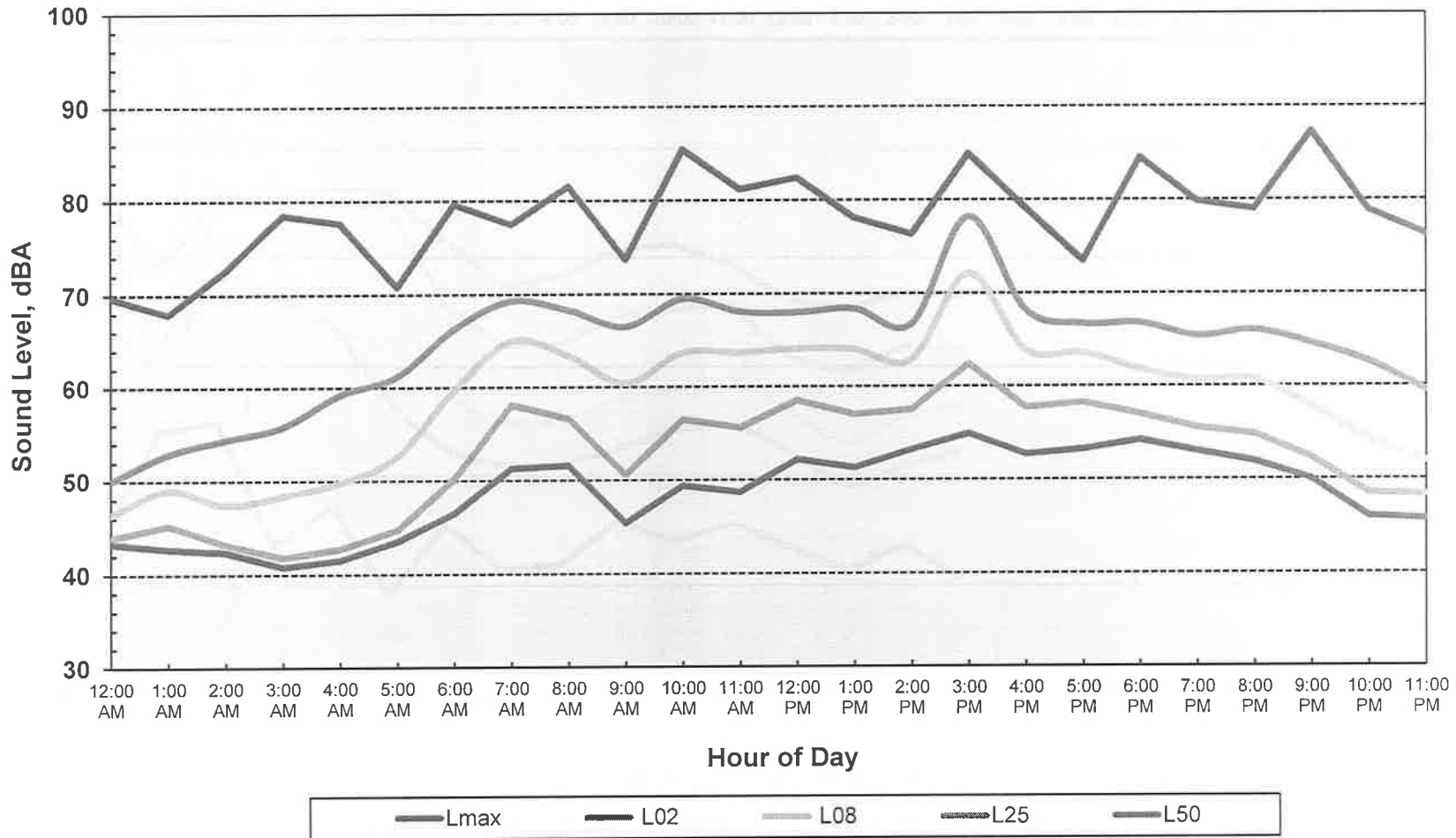
**Appendix B-1**  
**Ambient Noise Monitoring Results - Site A**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Saturday November 21, 2015**



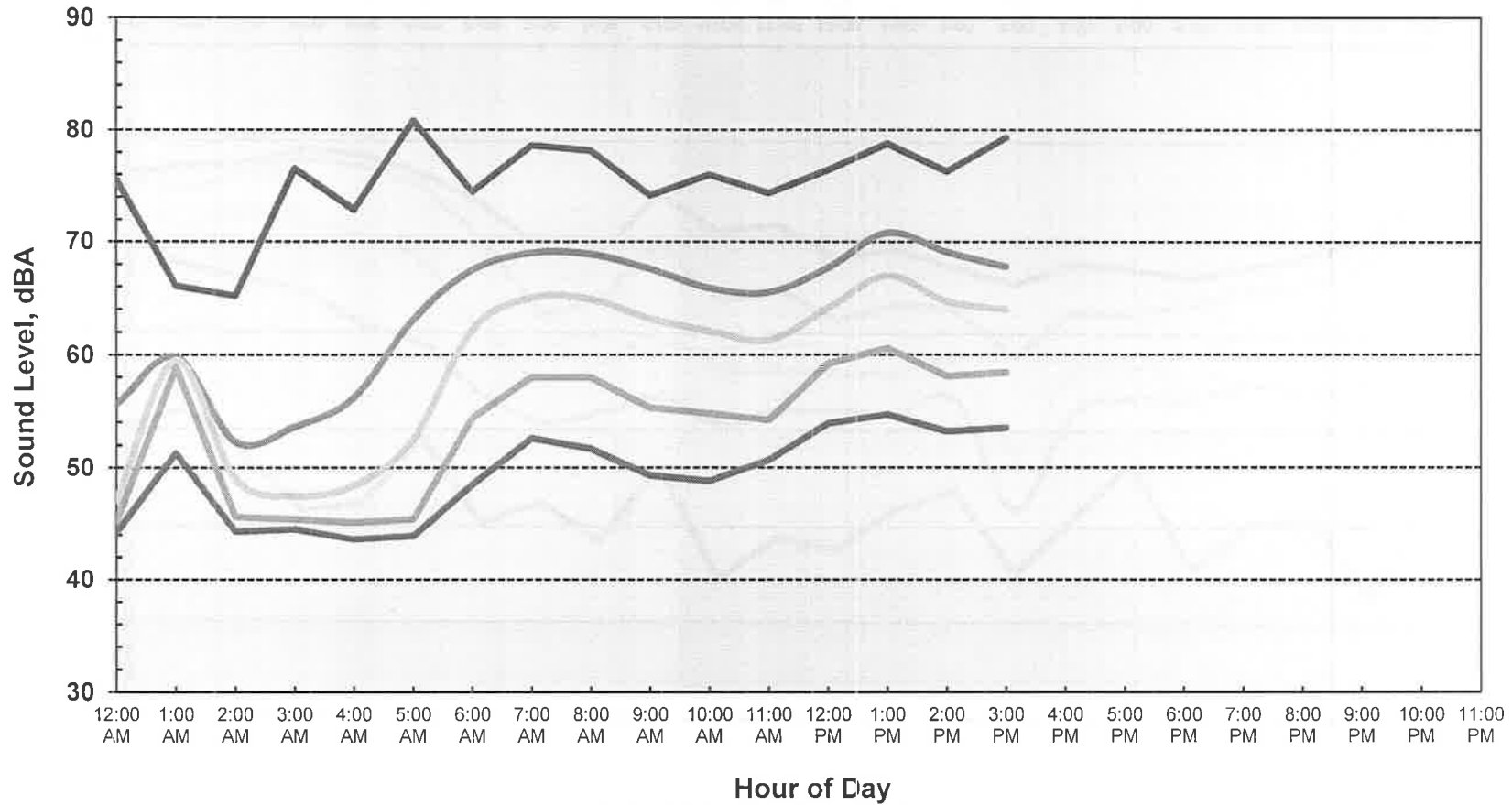
**Appendix B-2**  
**Ambient Noise Monitoring Results - Site A**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Sunday November 22, 2015**



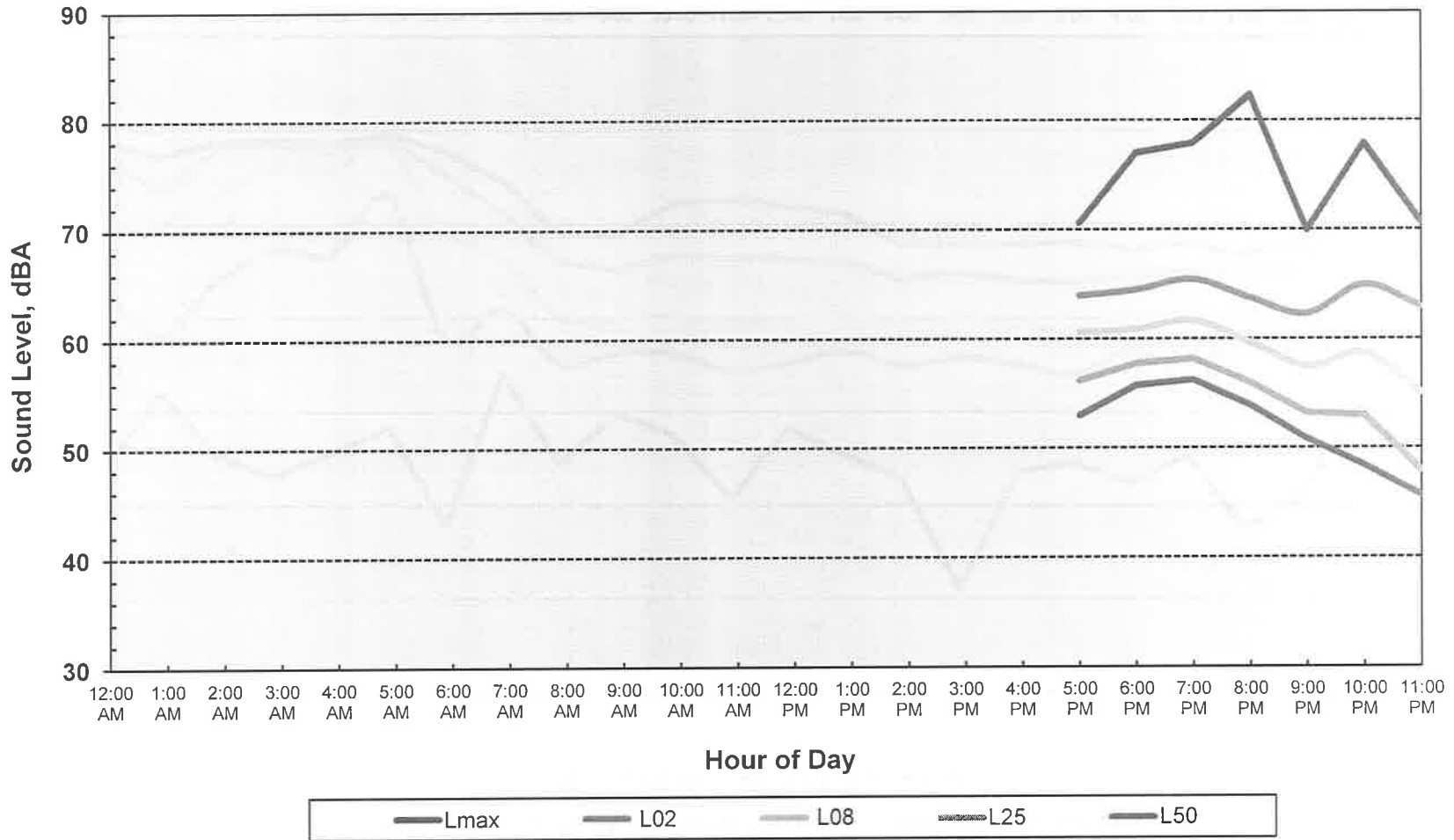
**Appendix B-3**  
**Ambient Noise Monitoring Results - Site A**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Monday November 23, 2015**



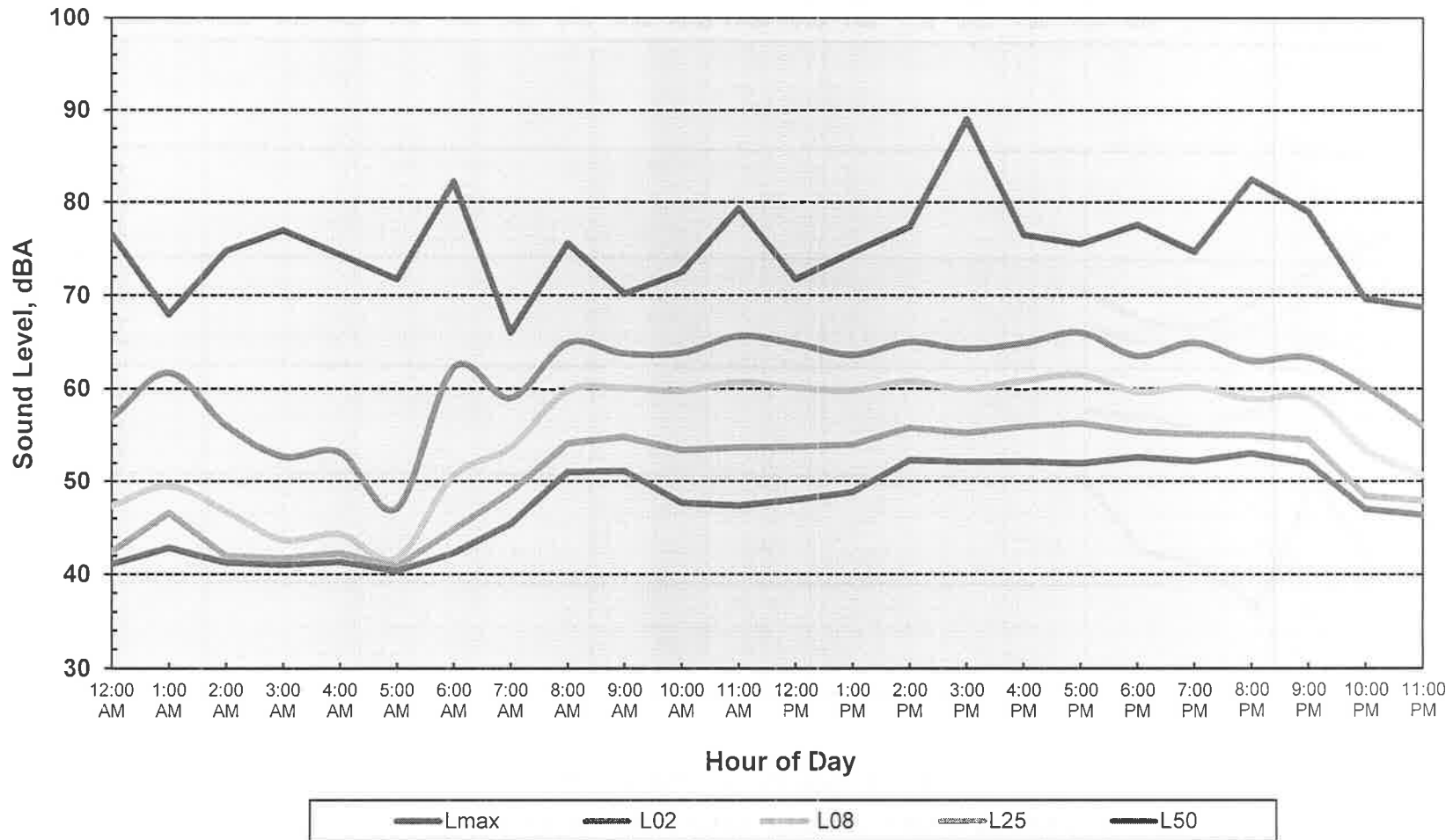
**Appendix B-4**  
**Ambient Noise Monitoring Results - Site A**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Tuesday November 24, 2015**



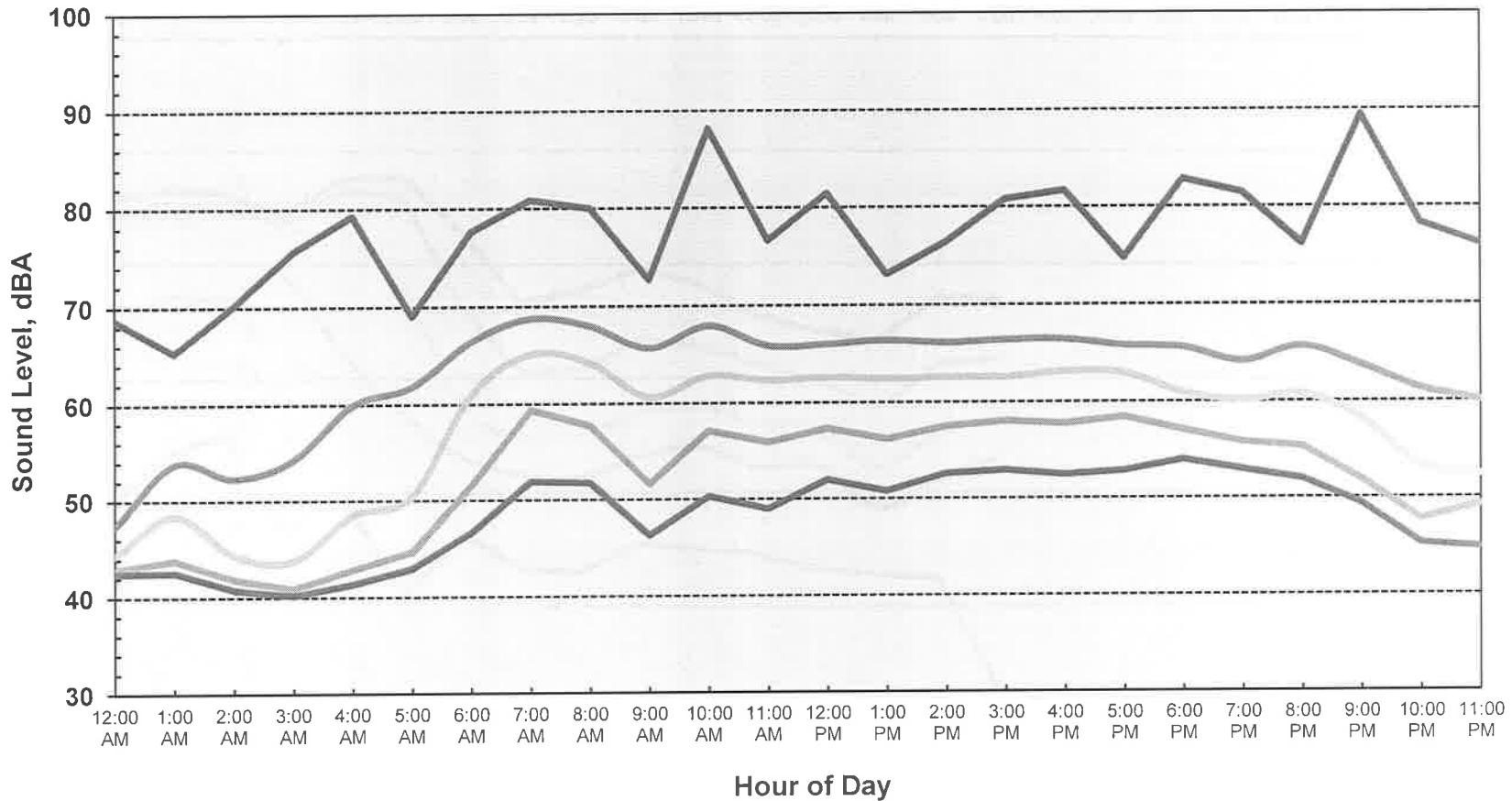
**Appendix C-1**  
**Ambient Noise Monitoring Results - Site B**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Saturday November 21, 2015**



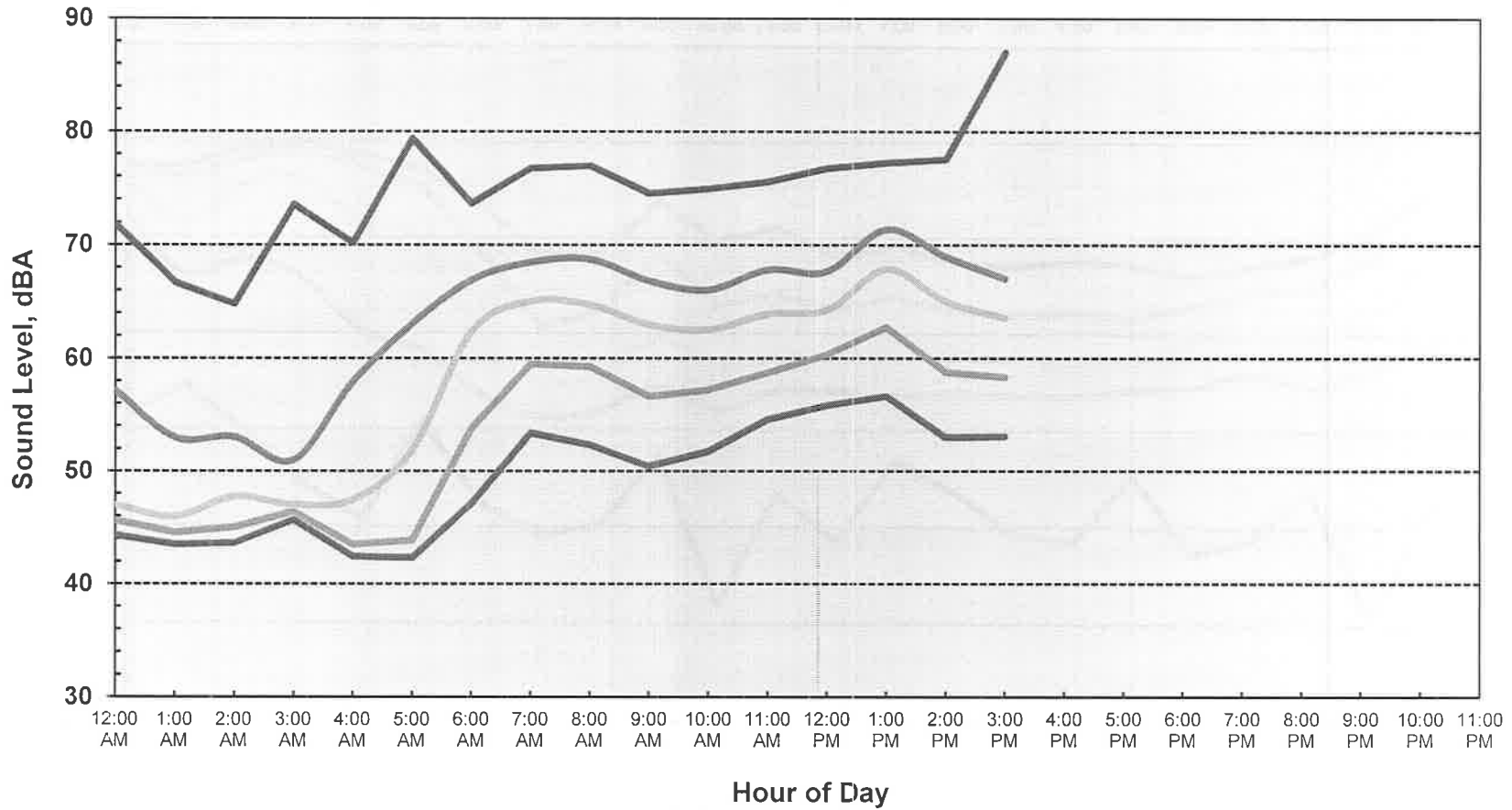
**Appendix C-2**  
**Ambient Noise Monitoring Results - Site B**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Sunday November 22, 2015**



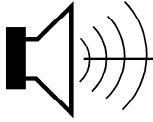
**Appendix C-3**  
**Ambient Noise Monitoring Results - Site B**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Monday November 23, 2015**



**Appendix C-4**  
**Ambient Noise Monitoring Results - Site B**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Tuesday November 24, 2015**







September 6, 2016

Mike Macedo  
RAM Farms  
716 N. Daubenberger Road  
Turlock, CA 95830

Transmitted via email: [Mmac1001@aol.com](mailto:Mmac1001@aol.com)

**Subject: Fields of Ice Skating Rink Noise Monitoring Results.**

Dear Mr. Macedo:

As you are aware, Bollard Acoustical Consultants, Inc. conducted an analysis of noise generated at your Fields of Ice Skating Rink last year and summarized the results in a letter to you, dated December 21, 2015. That letter contained BAC's conclusions that, based on extensive noise measurement data and BAC staff field observations, noise generated by your operations were within compliance with the both Stanislaus County and City of Turlock noise standards at the nearby residences to the west of your site.

BAC received feedback from both Stanislaus County and the City of Turlock regarding the December 21, 2015 summary letter. Both the County and City requested additional information as to how BAC reached its conclusions regarding compliance with local noise standards. In addition, the City of Turlock expressed concerns that the BAC's results may have been based on averages of measurements conducted over the entire monitoring period versus results for individual hours during which the Fields of Ice Skating Rink was in operation. Finally, Stanislaus County requested that additional ambient noise monitoring be conducted prior to the start of operations at the Fields of Ice for the 2016 season.

This letter report represents revisions to the December 21, 2015 letter prepared by BAC for this project. It contains additional explanation as to how compliance was determined from the noise monitoring data, and it describes individual hourly results in addition to the overall average results for last year's noise survey period. The additional ambient noise surveys (without Fields of Ice in operation) will be conducted as soon as permission is received from the residents where monitoring occurred last year to conduct the additional ambient noise monitoring in the coming weeks.

**Stanislaus County and City of Turlock Noise Level Criteria**

The project site is located in Stanislaus County, whereas the nearest potentially affected residences to the west are located in the City of Turlock. Where the noise source and receiving land uses are located in different jurisdictions, the applicable noise standards are not always clear.

For this project, the City and County noise standards are very similar, but not identical. In addition, the City of Turlock has three categories of noise standards which are applicable to residential land uses, depending on the rural versus urban nature of the residential land use. Definitions of acoustic terminology used in this report are provided in Appendix A.

If the residences to the west of the project site were isolated residences located on large lots, it is BAC's professional opinion that the City of Turlock's noise standards applicable to "rural/suburban" land uses would apply. Conversely, if the residences were located within the City center, then the City's noise standards applicable to "urban" residential land uses would logically apply. However, because the residences to the west are located in a large residential subdivision, surrounded on three sides by similar large residential subdivisions, this analysis considers the City's noise standards applicable to "suburban" residential uses to be most relevant.

The City of Turlock noise standards applicable to suburban residential uses, and the Stanislaus County noise standards applicable to residential uses, are shown in Table 1. The Table 1 standards are graduated depending on the duration of the hour the noise source in question is present. More specifically, both the City of Turlock and Stanislaus County allow higher levels of noise generation provided the noise source is present for smaller and smaller increments of the hour.

Because the equipment used to maintain the ice for the ice skating rink operates continuously for the duration of the hour (more than 30 minutes), the median ( $L_{50}$ ) noise standards shown in Table 1 would be applicable to that equipment. However, because announcements made on the ice rink public address system occur for only a few seconds at a time, (less than 5 minutes per hour), the  $L_{08}$  standards shown in Table 1 would apply to that noise source. Sound generated by skaters and music played on the ice rink sound system fluctuates, but cannot exceed the  $L_{max}$  noise standards shown in Table 1 at the nearest residences for any duration of the hour.

According to both the City and County noise ordinances, the noise standards shown above are to be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or recurring impulsive noise.

<b>Table 1</b>				
<b>Exterior Residential Daytime Noise Standards<sup>1</sup></b>				
<b>Stanislaus County &amp; City of Turlock Noise Ordinances</b>				
<b>Jurisdiction</b>	<b>Metric</b>	<b>Minutes per Hour Sound is Present</b>	<b>Daytime (7 am – 10 pm)</b>	<b>Nighttime (10 pm – 7 am)</b>
Stanislaus County	L <sub>max</sub>	0	70	65
	L <sub>02</sub>	1	65	60
	L <sub>08</sub>	5	60	55
	L <sub>25</sub>	15	55	50
	L <sub>50</sub>	30	50	45
City of Turlock	L <sub>max</sub>	0	75	65
	L <sub>02</sub>	1	70	60
	L <sub>08</sub>	5	65	55
	L <sub>25</sub>	15	60	50
	L <sub>50</sub>	30	55	45
Stanislaus County and City of Turlock Noise Ordinances.				

“Pure tone noise” means any noise that is distinctly audible as a single pitch (frequency) or set of pitches. A pure tone is considered to 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: five decibels for center frequencies of five hundred Hertz and above; eight decibels for center frequencies of between one hundred sixty and four hundred Hertz; and, fifteen decibels for center frequencies less than or equal to one hundred twenty-five Hertz.

Analysis of BAC noise measurement results (described later in this letter) indicate that the greatest difference between the noise level in any 1/3 octave band and the arithmetic average of the two neighboring bands did not exceed 5 decibels. As a result, the equipment used to maintain ice for the skating rink is not considered to generate pure tones and the -5 dB penalty to the Table 1 standards would not be applicable to that noise source. Because the mechanical equipment runs during nighttime hours to maintain the integrity of the ice, both the daytime and nighttime noise standards shown in Table 1 would apply to this mechanical equipment.

Although the noise generation of the mechanical ice maintenance equipment does not meet the requirement for being considered tonal in nature, the public address system and music played at the ice rink does meet the definition of sounds consisting of speech or music. As a result, a -5 dB offset is applied to the noise standards shown in Table 1 for the evaluation of compliance for music and voice announcements. It should be noted, however, that because the ice rink music

and announcements cease at 10pm, only the daytime noise level limits (adjusted downward by 5 dB) would apply to music and speech noise sources.

The County's noise ordinance also states that, 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. This adjustment is important because the nearest residences to the Ice Rink are currently exposed to noise from traffic on Daubenberger Road in excess of the Table 1 standards. Although the City of Turlock Noise Ordinance does not contain this same language, it does state that "factors which will be considered in determining whether a violation exists shall include the sound level of the ambient noise." Additional discussion of the significance of existing traffic on the ambient noise environment is provided later in this letter.

Table 2 was prepared to identify the specific noise level standards of the City of Turlock which would be applicable to this project for the various noise-generating components of the Fields of Ice project.

<b>Table 2</b>				
<b>City of Turlock Exterior Noise Standards Applicable to Fields of Ice Operations</b>				
<b>Fields of Ice Noise Source</b>	<b>Period when Noise Source is Present</b>	<b>Minutes per Hour Source is Present</b>	<b>Appropriate Noise Metric</b>	<b>Noise Standard</b>
Mechanical Equipment for Maintaining Ice	24-hours Day & Night	60 min / hour	Nighttime L <sub>50</sub> with no adjustments	45 dB L <sub>50</sub>
Music	Daytime	More than 30 min / hour	Daytime L <sub>50</sub> minus 5 dB for Sound Consisting of Music	50 dB L <sub>50</sub>
P/A System Announcements	Daytime	Less than 5 min / hour	Daytime L <sub>08</sub> minus 5 dB for Sound Consisting of Speech	60 dB L <sub>08</sub>
Crowd Shouting	Daytime	Any Time During Hour	Daytime L <sub>max</sub> minus 5 dB for Sound Consisting of Speech	70 dB L <sub>max</sub>
City of Turlock Noise Ordinance				

### **2015 Fields of Ice Noise Monitoring Program**

Bollard Acoustical Consultants, Inc. conducted noise monitoring at the residences nearest the Fields of Ice Skating Rink from Saturday, November 21 to Tuesday, November 24, 2015. The Fields of Ice Skating Rink is located at 716 N. Daubenberger Road in the City of Turlock (Stanislaus County), California.

To quantify both ambient noise (primarily local traffic) and noise generated by the project (mechanical ice-making equipment, music, and P/A announcements), Bollard Acoustical Consultants, Inc. conducted long-term noise level measurements over a 71 hour period at two of the residences located nearest to the ice skating rink. The measurements spanned the period from 5 pm Saturday, November 21, until 3 pm Tuesday afternoon, November 24, 2015. Figure 1 shows an aerial view of the Ice Rink vicinity, including the two noise measurement locations, and Figure 2 shows photographs of the noise monitoring locations. The noise measurement site addresses are provided below:

- Site A: 2780 Sierra Vista Drive (at the front porch)
- Site B: 2785 Sierra Vista Drive (at the backyard fence nearest to the ice skating rink)

The measurements were completed using Larson-Davis Laboratories (LDL) Model 820 and 831 precision integrating sound level meters. The acoustical measurement systems were calibrated using an LDL Model CAL200 acoustical calibrator before the surveys to ensure measurement accuracy. The acoustical measurement equipment meets all of the pertinent requirements of the American National Standards Institute (ANSI) for Type 1 (precision) sound measurement systems.

### **Noise Monitoring Results**

In the December 2015 report, BAC provided a summary of the measured hourly average noise levels at both locations (shown below in Table 3), with the detailed hourly noise measurement results presented graphically in Appendices B and C. For this version of the report, additional discussion pertaining to the applicability of the Table 3 summary data, and Appendix B & C individual hourly data, is provided for each project noise source.

### ***Mechanical Equipment Sound Levels***

The Table 3 data, which are averages for the entire period, are useful for assessing compliance of the mechanical equipment noise level standard of 45 dB L<sub>50</sub> during nighttime hours. This is because the mechanical equipment was operating continuously during the noise survey and traffic was generally very light during the late night and early morning hours. As a result, if the measured nighttime L<sub>50</sub> did not exceed the 45 dB noise standard, then noise generated by the mechanical equipment similarly did not exceed the 45 dB L<sub>50</sub> noise standard.

As shown in Table 3, the average measured nighttime L<sub>50</sub> values were below the City of Turlock 45 dB L<sub>50</sub> nighttime noise standard. Because the ice-maintenance equipment operated for the entire duration of the survey, and because the noise generation of that equipment is constant, the measured average L<sub>50</sub> values of 44 must include the noise generated by the mechanical equipment. In other words, if the noise-generation of the mechanical equipment exceeded 45 dB L<sub>50</sub> at the nearest residences, it is not possible that the overall measured L<sub>50</sub> for the nighttime periods would be less than 45 dB L<sub>50</sub>. As a result, noise generated by the mechanical equipment

was clearly within compliance with the City’s nighttime noise standard applicable to noise sources present more than 30 minutes out of the hour. To provide additional support for this conclusion, evaluation of the Appendix B and C data for the periods of midnight to 5 am of both days at both sites, when the mechanical equipment was operating but background traffic noise was low, clearly indicates that measured L50 noise levels were below 45 dB L50. **As a result, this analysis concludes that noise generated by mechanical equipment was within compliance with the most restrictive applicable noise standard of the City of Turlock during the 2005 noise survey period.**

<b>Table 3</b>				
<b>Noise Measurement Results</b>				
<b>Fields of Ice Operations - Stanislaus County – November 21-24, 2015</b>				
<b>Site<sup>1</sup></b>	<b>Metric</b>	<b>Daytime (7 am – 10 pm)</b>	<b>Nighttime (10 pm – 7 am)</b>	
A	L <sub>max</sub>	78	74	
	L <sub>02</sub>	67	58	
	L <sub>08</sub>	62	50	
	L <sub>25</sub>	56	46	
	L <sub>50</sub>	52	<b>44</b>	
B	L <sub>max</sub>	78	73	
	L <sub>02</sub>	66	58	
	L <sub>08</sub>	61	50	
	L <sub>25</sub>	56	45	
	L <sub>50</sub>	52	<b>44</b>	
<ol style="list-style-type: none"> <li>1. Noise measurement locations are shown on Figure 1.</li> <li>2. Values in <b>blue bold</b> type indicate measured mechanical equipment noise levels satisfied the City of Turlock 45 dB L<sub>50</sub> nighttime noise standard.</li> </ol>				

**Music Sound Levels**

As noted above in Table 2, the noise standard applicable to the generation of music at the Fields of Ice project would be 50 dB L<sub>50</sub> because the music would occur during daytime hours only and because it is subject to a -5 dB adjustment because the noise source in question is music.

The Table 3 data indicate that measured average daytime L<sub>50</sub> noise levels over the course of the entire noise monitoring period were 52 dB at both measurement sites. Inspection of the Appendix B and C data indicate that individual hourly L<sub>50</sub> values during the periods in which the ice rink was open for business (reported to be 10 am to 10 pm at the Fields of Ice website), ranged from 46 to

54 dB  $L_{50}$ . However, these measured sound levels also included noise generated by vehicles passing on Daubenberger Road.

During BAC field observations at the project site, it was noted that frequent vehicle passages on Daubenberger Road generated maximum noise levels ranging from 70 to 80 dB  $L_{max}$ . These observations are supported by the individual hourly data shown in Appendices B & C, which show measured maximum noise levels typically ranging from 70 to 80 dB  $L_{max}$ , with some measured maximum noise levels exceeding 80 dB  $L_{max}$  at both measurement sites. Although the passing vehicles generated high maximum noise levels at the nearest residences, they also affected other measurement descriptors such as  $L_{50}$ . The combined traffic and music median noise levels ranged from 46 to 54 dB  $L_{50}$ . Therefore, it holds that each of the noise sources (traffic and music), were below that range individually.

Inspection of the Appendix B and C data for the 7 am to 10 am periods indicates measured noise levels exceeded the 50 dB  $L_{50}$  noise standard during those periods at both measurement sites. However, the music was not playing at the Fields of Ice Rink during this period as they were not yet open for business. This indicates that background traffic noise levels and other local sources of ambient noise caused exceedance of the City's noise standard even when the project was not open for business.

During BAC's site visit in November of 2015, music being played at the Ice Rink was directed to the east, away from the nearest residences, and was difficult to quantify due to the presence of local traffic on Daubenberger Road. During brief periods when no traffic was present on Daubenberger Road, the highest music sound levels were evaluated as being approximately 50-55 dB at the nearest residences, but those levels were present for brief periods of time. **Based on BAC's evaluation of the data and our site observations, the median sound level for the music being played at the Fields of Ice was estimated to be approximately 50 dB  $L_{50}$ , which is in compliance with the applicable City of Turlock daytime noise level standard.**

### **Public Address System Sound Levels**

To quantify the sound of the P/A system used at the project site, BAC conducted coordinated sound tests wherein Fields of Ice representatives were instructed to make prolonged announcements on the P/A system while BAC staff measured those sound levels at the nearest residences. Because the P/A system is used sporadically for brief announcements, sound generated by that system is present for less than 5 minutes per hour. As a result, it is subject to the 60 dB  $L_{08}$  daytime noise standard shown in Table 2, including the -5 dB adjustment for sound consisting of speech.

During BAC field observations and noise P/A system noise measurements, it was noted that frequent vehicle passages on Daubenberger Road generated maximum noise levels ranging from 70 to 80 dB  $L_{max}$ . In contrast, maximum noise levels associated with P/A system usage were below 60 dB  $L_{max}$  at the nearest residences. **Because the measured sound levels were below the 60 dB  $L_{08}$  standard at the nearest residences during P/A system usage, this aspect of**

***the Fields of Ice noise generation is within compliance with the City of Turlock noise standards.***

### ***Fields of Ice Patron Sound Generation***

During ice rink usage, it is not uncommon for patrons, particularly younger patrons, to call out to their friends who are also on the ice rink. These sound levels vary in intensity and frequency, and would be subject to the City's adjusted 70 dB  $L_{max}$  daytime noise level standard at the nearest residences.

During BAC field observations, it was noted that sounds of patrons speaking in raised voices were at or below the level of sound generated by the P/A system, or less than 60 dB  $L_{max}$  at the nearest residences. Conversely, frequent vehicle passages on Daubenberger Road generated maximum noise levels ranging from 70 to 80 dB  $L_{max}$ , well in excess of maximum levels generated by Fields of Ice patrons speaking in raised voices. ***Because the measured sound levels were well below the 70 dB  $L_{max}$  standard at the nearest residences during periods of patrons speaking in raised voices, this aspect of the Fields of Ice noise generation is within compliance with the City of Turlock noise standards.***

### **Conclusions**

Based on BAC field observations conducted at the project site on the evening of Saturday, November 21, 2015, and the continuous noise survey data (summarized in Table 3 and provided in Appendices B & C), this analysis concludes that the Fields of Ice activities were in compliance with the City of Turlock and Stanislaus County noise level standards at the nearest residences. Although activities at the Fields of Ice skating rink are audible at the nearest residence when traffic on Daubenberger Road is not present, audibility is not the threshold for determining compliance with the City and County noise standards.

Because the City and County noise standards allow consideration of ambient noise conditions when assessing compliance, it would be reasonable to increase the applicable noise standards beyond those shown in Table 2 due to noise generated by frequent vehicle passages on Daubenberger Road. These passages were observed to generate noise levels far higher than levels generated by the Fields of Ice activities.

Despite the conclusion of this analysis that the noise generation of the Fields of Ice skating rink were in compliance with the applicable noise standards during the November 21-24 monitoring period, representatives of the Fields of Ice skating rink should work with the nearby residential neighbors to respond to specific noise concerns which may arise over the course of the ice rink operating season.

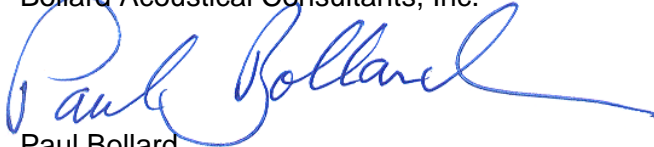


Mr. Mike Macedo  
RAM Farms  
September 6, 2016  
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This concludes BAC's assessment of noise levels generated at the Fields of Ice Skating Rink. Please contact Paul Bollard at (916) 663-0500 or [paulb@bacnoise.com](mailto:paulb@bacnoise.com) with any questions or requests for additional information.

Sincerely,

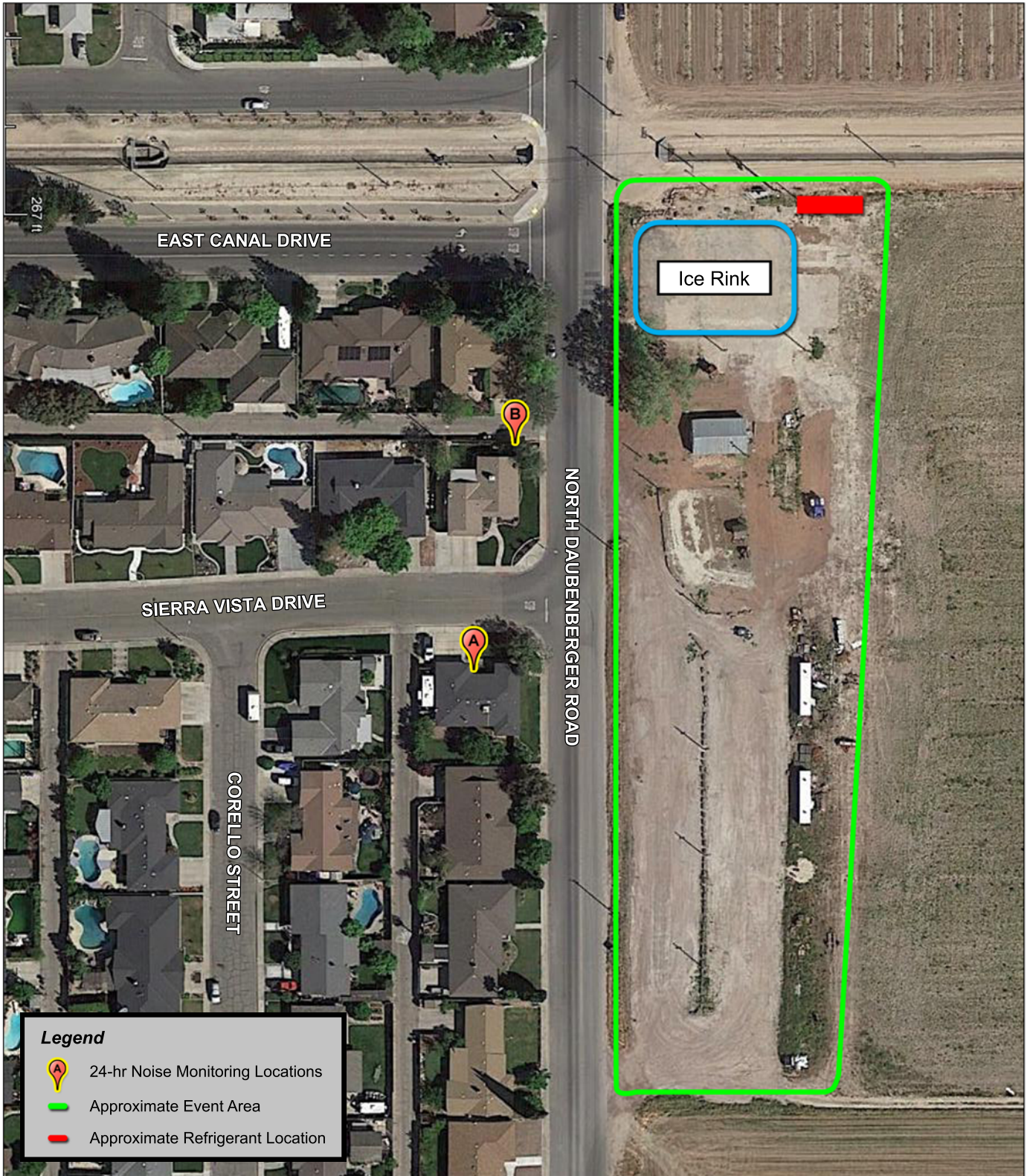
Bollard Acoustical Consultants, Inc.

A handwritten signature in blue ink that reads "Paul Bollard". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul Bollard  
President

Attachments

**Figure 1**  
 Event Area and Noise Monitoring Locations  
 Fields of Ice Skating Rink - Turlock (Stanislaus County), California

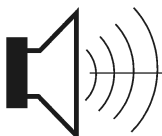


**Figure 2**  
Noise Measurement Site Photos  
Fields of Ice Skating Rink - Turlock (Stanislaus County), California



## Appendix A Acoustical Terminology

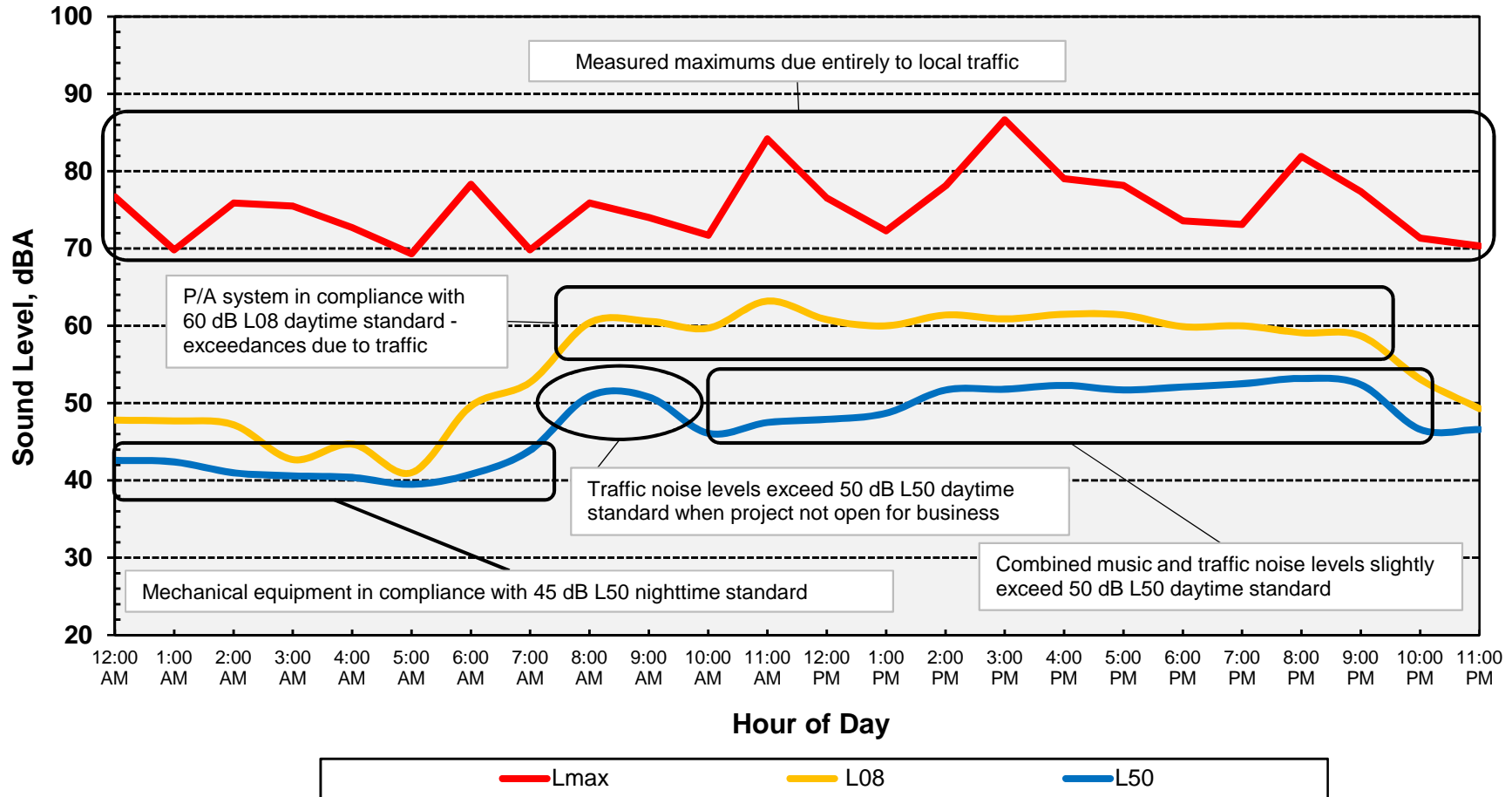
<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	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.
<b>CNEL</b>	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.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Masking</b>	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	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.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
<b>SEL</b>	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.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.



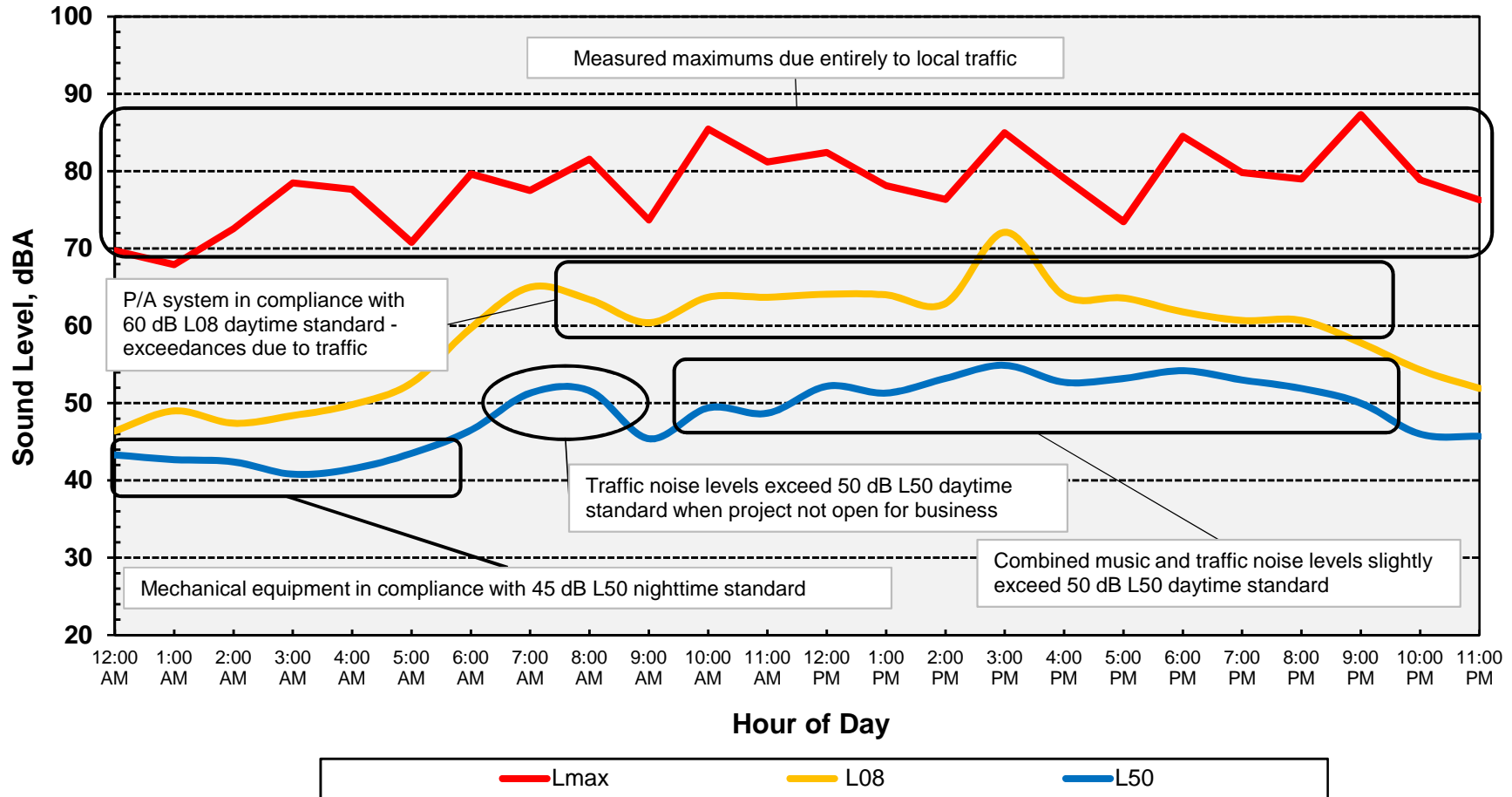
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Acoustical Consultants

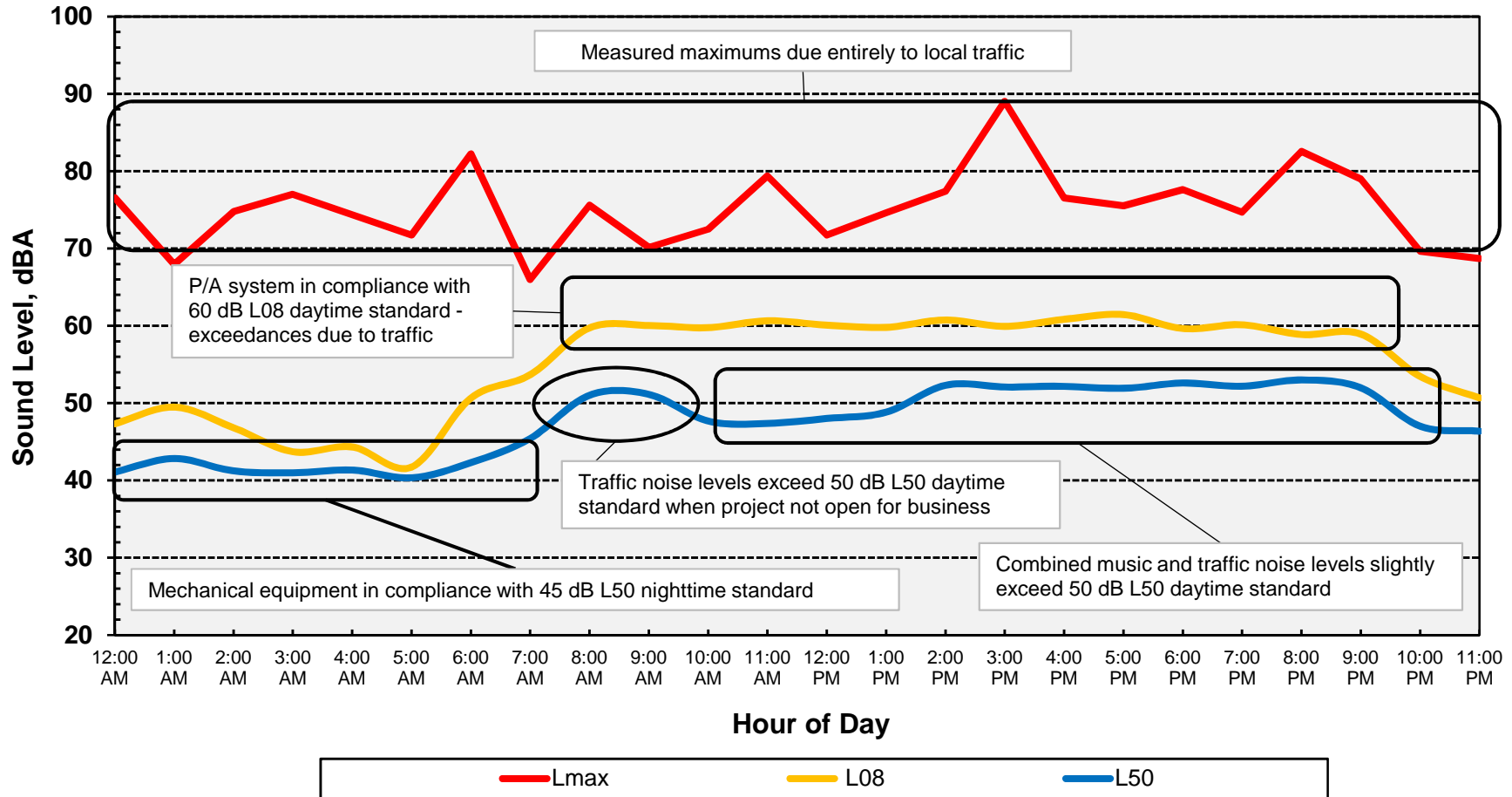
**Appendix B-1**  
**Ambient Noise Monitoring Results - Site A**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Sunday November 22, 2015**



**Appendix B-2**  
**Ambient Noise Monitoring Results - Site A**  
**Fields of Ice Skating Rink Project - Stanislaus County**  
**Monday November 23, 2015**



**Appendix C-1  
Ambient Noise Monitoring Results - Site B  
Fields of Ice Skating Rink Project - Stanislaus County  
Sunday November 22, 2015**



**Appendix C-2  
Ambient Noise Monitoring Results - Site B  
Fields of Ice Skating Rink Project - Stanislaus County  
Monday November 23, 2015**

