

April 10, 2017

Kristin Doud
Senior Planner
Stanislaus County
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Subject: Use Permit Application No. PLN2015-0130
The Fruit Yard Amphitheater

We have lived on Weyer Road for 26 years. We have had the opportunity to read the application for the purposed use permit for amphitheater located at The Fruit Yard property and have many concerns and questions.

During the past few years we have attended numerous county planning commission meetings, met with Planning Commission staff and have met with Joe Traina in a small group setting regarding the amphitheater and our concerns. We also attended the noise workshop put on by the Planning Commission in January 2016.

Through all these meetings we have expressed our ongoing concerns and questions regarding the use permit for the amphitheater.

The areas of concern are:

1. E.I.R. Report – Our understanding is that the applicant maintains that this project qualifies as Categorially Exempt from requiring an E.I.R. Report. We would like to request that an E.I.R. Report be done because in truth, we question that the Health Department Guidelines would pass an additional well in this location because of the magnitude of this project and existing water conditions. To operate 59 days or more you have to have a quality water source.
2. Updated Noise Ordinance – An updated County Noise Ordinance is needed, consistent with Turlock and Roseville, to address current day noise issues and make enforcement possible, set boundaries for venue events, and address the effect on surrounding properties. In the original application, dated August 2008, for the development of The Fruit Yard property an amphitheater was not included. In the ensuing years approval has been given to build the amphitheater including acoustic music. Now in 2017, the application has progressed to asking for a use permit for approval to include amplified music. We understand there was an incident at the Stanislaus County Fairgrounds recently involving noise issues. There was a question of who had the jurisdiction over the property and enforcement of noise violations. Also, who will be responsible for events when a third party rents the venue?

3. We don't believe that amplified concerts should be approved. We would also like to see, in writing, the stipulation of only 6 non-amplified music concerts per year between May to September and only during daylight hours. There have been several different and varying time frames requested in the many applications, so we believe the times need to be clear, the number of concerts allowed and all and any activities have to be over by 10:00PM. Also, no concerts can be held during the week.

4. Parking - This is currently a problem whenever there is an activity at The Fruit Yard. Cars park along Geer Road, Albers Road and Yosemite Blvd. They have also historically parked in the surrounding orchards and along the canals. We don't believe that the stated parking lots with approximately 1,300 spaces will be able to accommodate the 3,500 people projected to attend events.

The Gallo Center for the Arts, in downtown Modesto, has a seating capacity of 1,600 people (Rogers Theater 1,200 seats, Foster Theater 400 seats) and they use two multistory parking structures plus street parking. I would like to have permanent No Parking signs placed for one-half mile from The Fruit Yard going South on Geer Road, North on Albers Road, East on Yosemite Blvd. and West on Yosemite Blvd.

5. Traffic – This is currently an issue whenever there is an activity at The Fruit Yard. Cars make unsafe U-turns in the middle of the street and have even have been observed running the light. When there is a large number of cars leaving The Fruit Yard property they use Jantzen Road and Weyer Road as a short cut to avoid the long lines at the signal. This creates an unsafe environment for the property owners of Weyer Road. Weyer Road is a very straight road and it becomes a race track for those trying to save time and avoid traffic. I don't believe the current traffic study can accurately project the effect the added number of cars that will be using the surrounding roads because of the large number and the study was done during average times of use.

6. Pylon Freestanding Pole Sign with an Electronic Reader Board – We are opposed to an even brighter sign with an electronic reader board. This is an agriculture area and by allowing a sign of this nature to be installed will set a precedent for future requests. Signs of that magnitude belong in urban settings not agriculture/country environments.

7. Fireworks – To our knowledge this has not been addressed to date in any discussions. We would like to ask that, no firework displays will be allowed, stipulated in the guidelines of the use permit.

8. Noise and light pollution – We believe we will be negatively impacted by the noise of any event that has the potential of drawing 3,500 people. The amount of light that will be generated with parking lot lights and the proposed new illuminated sign will also negatively impact us. We also use our outdoor patio areas during the months of May – September and

have always enjoyed the peace and serenity of our beautiful sunsets. That is one of the main reasons we choose to live out here in a country environment. That enjoyment will be diminished with the amplified music and added lights and noise and we will no longer be allowed, our right as property owners, to enjoy our own endeavors. We have nine grandchildren and they enjoy coming to our home playing and sleeping outside during the summer months. We sincerely feel that the experience we would like them to enjoy when being here will be taken from them if amplified music and the proposed twelve plus concerts per year are approved. This is still an agricultural rural area that does not have industrial businesses that contributes to the noise factor.

We sincerely hope you will take in consideration our concerns regarding The Fruit Yard Amphitheater and the impact it will have on us as property owners.

Sincerely,

W. Richard Heckendorf

Barbara Heckendorf

679 Weyer Road, Modesto, CA 95357

April 10, 2017

Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

SUBJECT: PLN 2015-0130 – Fruit Yard Amphitheater

Thank you for this opportunity to comment on the proposed mitigation measures for the proposed amphitheater. We have participated in the process from the very beginning and want to acknowledge the excellent work that has been done by the applicant and the Stanislaus County staff in preparing the mitigated negative declaration. The information provided here is a definite improvement over the initial studies I previously reviewed.

I hope my comments will help make this project an asset to this community. The Fruit Yard is one of my favorite restaurants and fruit stands. I buy gas there quite frequently. My wife and I participated in the public hearings on the General Plan Amendment that allowed for the expansion of the existing use to allow for weddings and other events to be held on the 40 acre site. We expressed our concerns about expanding the use of the facility for more weddings as we were already being exposed to bass level noise from much smaller wedding events on the site. As originally proposed, weddings were to be moved to an indoor banquet hall with only occasional outdoor wedding venues. There was no discussion about developing an amphitheater for up to 3,500 people to attend music events. Had this been included in the original project description, I am certain our comments would have been much more extensive.

I own a home roughly 1 ½ miles from the project site. My wife and I have lived there for almost 20 years so we are very familiar with the events that have been held on this site. Although we live well beyond the study area described in the noise study prepared by Bollard Acoustical Consultants, Inc., my wife and I have been exposed to the negative impacts of bass level noise from small weddings held in the evening hours after 8 PM. The bass noise prevented me from going to sleep at night. I typically go to bed at 9 PM, Sunday through Thursday, and 10 PM on Friday and Saturday nights. While I am retired, my wife works during the week and has to get up at 5 AM to get to her workplace. It is important for our health and well-being to get at least 7 to 8 hours of sleep at night, at a minimum.

I will say that Mr. Traina has effectively monitored the noise levels on the site such that I have not been exposed to bass level noise since that initial public hearing. I do believe that Mr. Traina is concerned about the community and the perceptions of his neighbors, and does what he can to ensure that he is being a good neighbor. What concerns me is what will happen when Mr. Traina is no longer in the picture and we are dealing with someone who is less concerned about their stature in the community.

My comments are intended to help refine the proposed mitigation measures, particularly those related to noise, to improve clarity for enforcement purposes. Mitigation measures may sound good on paper, but, if there is no enforcement mechanism or the mechanisms are unclear, the result will be negative impacts on me and my neighbors. In addition, CEQA requires that mitigation measures be clear, precise and enforceable. Because these events will be operated by private promoters that are not a part of the Fruit Yard company or business, consequences for failure to comply with the mitigation measures will

need to be handled immediately and the consequences for failure by the Fruit Yard to ensure compliance with the measures by private promoters needs to be meaningful and impactful.

Below are my comments by Mitigation Measure:

Mitigation Measure #4: The measure allows for an adjustment to the C-weighted noise standards but it is unclear how this is to be accomplished. The measure uses terms such as “immediately before and after the first two large amphitheater events (with 500 or more in attendance)”. Is the data to be collected at the same time of day and day of the week as the event? How much of an adjustment can be made? Who ultimately decides what the adjusted standard will be? Will the report be available to the public to review prior to making the adjustment to the standard? All of these issues should be addressed. I feel fairly strongly that C-weighted standards should not be adjusted unless there are guarantees that the ambient conditions that allow for an adjustment occur regularly and predictably in all future cases.

Mitigation Measure #5: The measure calls for a qualified noise consultant to monitor the first two amplified music events but establishes no standard for the size of the crowd. The noise study clearly indicates the need to evaluate the noise levels for both music and crowd noise. I request that monitoring occur for both the first two events as well as at least two events with 500 attendees or more, and for another two events where crowds are expected to be over 2,000 people. This will allow crowd noise to be evaluated along with the music noise.

Mitigation Measure #5, #6 and #7: Monitoring data and training records should be made available to the public upon request.

Mitigation Measure #9: Weekday events should not go past 9 PM and weekend events should stop at 10 PM. Extending the hours of operation to 11 PM should not occur without a formal public hearing where me and my neighbors are given the opportunity to provide public input to the Planning Commission. Administratively extending the hours should not be permitted.

Mitigation Measure #11: Will neighbors be involved in reviewing the “good neighbor” policy? How will I and my neighbors be informed of the final policy?

Mitigation Measure #12: It is unclear who is going to implement this measure and how effective it would be? Compliance with the noise standards need to occur for each individual event. Since each event will be unique, operated by a separate promoter, the proposed measures to move speakers and so on may or may not be applicable from one event to the next. It is also unclear who is going to provide recourse if the Fruit Yard staff are not responsive. Is it the County Sheriff? If so, under what circumstances will they simply “shut down” an event?

Mitigation Measure #14: The measure discusses potential consequences when new noise studies are required stipulating that events will be “limited” until the noise study is completed. What does this mean?

Generally, I am concerned there is no meaningful deterrent to an individual promoter to violate these noise standards or the limitations on the event operating hours. I am also concerned that the consequences to the Fruit Yard are not clearly defined. Since events are operated by individual, unconnected promoters, failure to comply would have little effect on that promoter unless the event is

limited promptly and effectively. In my opinion, the current mitigation measures lack clarity and precision. Evaluation after the fact does not effectively mitigate the potential impacts of the project.

The mitigation measures should be written such that any change in the County's noise ordinance that would be more stringent would supersede the standards in these mitigation measures.

Sincerely,

Thomas J. Douglas
548 N. Hopper Rd.

July 25, 2016

Miguel Galvez
Deputy Director
Planning and Community Development
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354



To the County Planning Department:

We have had the opportunity to review the CEQA REFERAL EARLY CONSULTATION of the USE PERMIT APPLICATION NO. PLN 2015-0130 (The FRUIT YARD AMPHITHEATER). The documents that were provided do not give a very complete picture of the potential impacts of the project and do not address a number of concerns regarding the project.

We belong to a group of concerned citizens who live near the project site. For many years, we have experienced traffic and noise impacts from the events that have been held at the Fruit Yard. Concerns that were based on noise generated by wedding amplified music and small band concerts outside the Fruit Yard Bar. First of all, the application itself only asks for adjacent land use within ¼ mile (1,320 feet), but there is a far greater area that will be impacted by the proposed project. The application also does not explain how many events will be held, the nature of those events, or the operating hours of the events. The application talks about "typical year" and additional events could be authorized for larger events simply by applying to the Sheriff's Department. As such, the request establishes no limit on the number of events or describe when or what types of impacts would occur. Finally, none of the analyses provided address the impact of the full project which includes an RV Park, banquet facility, tractor sales and expanded gasoline facilities.

The Planning Commission asked all of us to meet with Mr. Traina to see if he could address our concerns. We have met with him to express our concerns, specifically with regard to traffic, noise and security particularly in light of the full project that has been approved through the General Plan Amendment. We do not feel that our concerns have been addressed or if they had been addressed they have been so in a perfunctory manner. These concerns have been raised repeatedly to the County Planning Commission since 2007. ✓

In addition to these impacts, we also want to know what impacts this project will have on water availability and water quality. Given the current drought and water quality issues, we would like to see an analysis of how this facility will affect these areas as well. Given that we are in an air quality non-attainment area, any air pollution impacts should be addressed as well

The studies attached to the early consultation and application appears to suggest that there will be no traffic, parking or concert noise impacts of the Amphitheater use permit. Our experience, as residents, of the Fruit Yard Community for far smaller performances has proven otherwise. We have experienced the thumping sound of the bass used by relatively small up to 3 piece bands playing outdoors and simply do not believe that a facility of this size will be able to mitigate these effects. What is being proposed here is on the same scale as a Greek Theatre in terms of traffic generation and music. We believe that

the documents and studies do not consider or simply avoid discussing our experience with concerts and weddings at the Fruit Yard.

The Noise study itself recommends that amphitheater events with more than 2,000 be limited to daytime hours to assure minimizing the impact on nearby residents, yet the application requests up to 3,500 people is authorized. We find the 2,000 attendance limit rather arbitrary and suggest that all amplified concerts be held at day time hours so that all concert music is terminated before 10:00 PM. As a matter of scale, we should note that the Modesto Gallo Center only seats 1,200 concert patrons in its largest venue and those seem like a large event. Most venues across the state end their events around 10:00 PM to avoid impacting surrounding resident communities. We have not found any that run until mid-night.

The study suggests that the model needs to be verified by analyzing noise levels at the first two concerts. We would suggest that if the permit is granted that all future concerts and events needed to be monitored by an independent expert acoustic engineer and real-time adjustments to music amplification need to be made as a matter of course BEFORE a complaint has to be filed after the impact has occurred. This type of enforcement mechanism is NOT mitigation. The impact has to occur in order for the complaint to be made. The enforcement of noise limits should not be dependent on the neighbors having to file complaints with either the Fruit Yard or the County Sheriff but should be monitored and controlled by the operator to ensure that impacts do not occur. Also, there should be an automatic process for shutting down events when they are unable to comply and to suspend the operation of the facility when the operator has failed to monitor events properly. None of these provisions are suggested in the reports attached to the application.

Our experience is that vibration noise, crowd noise and music can have a definite noise impact on the enjoyment of our homes and sometime make it very difficult for neighborhood children and ourselves to just sleep at night. Our experience with the Fruit Yard management of these noise impacts has not been positive. The impact of vibration noise is something that is of paramount importance to our positive experience of our homes.

We do not believe that these impacts are properly evaluated in the current set of studies provided by the applicant and feel that a full CEQA EIR be conducted for this use permit managed directly by County Planning Department. The applicant is clearly directing the results of these studies by consultants that he is paying for. We would like a definite recourse procedure defined as part of the use permit if the noise exceeds the county limits. We would like the permit to be reviewed annually by the Planning Commission for at least five years and longer if there is any change in the lease or ownership of the arena is made. Every future operator should be evaluated. The use permit should not be a blank check to allow neighborhood impacts. We have heard at the Planning Commission that the existing noise ordinance is not enforceable. We need a real recourse to assure compliance.

A definite complaint procedure needs to be established by the County. The renewal of the operating permit should be based on meeting the various standards discussed here and the prompt positive handling of resident complaints related to these standards.

The application does not address the issue of crowd security. We have seen fights break out in the Fruit Yard parking lot in past weddings. Yet here we are going up a magnitude in scale with the proposed concerts and do not see a definite plan to address any of these issues.

The other aspect of these studies is that they fail to evaluate the project in light of either the full improvements planned with the General Plan Amendment or changes that will occur in the future. Typically, traffic studies look at cumulative conditions including the broader project and future traffic, noise, etc., conditions. Highway 132 and Geer/Albers roads have high levels of traffic that are getting worse as growth occurs in the cities and county. We are here for the long haul. Most of us have been residents for over ten to fifteen years. We plan to be here longer. The County allowed resident development around the SR 132 corridor. It should not interrupt our enjoyment of country life by imposing land use impacts more suited to an urban environment. Or if it does the County does permit this use, the impacts including water quality, air quality, traffic, parking management, and security should be suitably mitigated.

Sincerely,



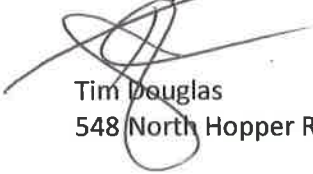
Richard Heckendorf
679 Weyer Road



Barbara Heckendorf
679 Weyer Road



Michelle Boulet
501 Weyer Road



Tim Douglas
548 North Hopper Road

RECEIVED

JUL 25 2016

Stanislaus County - Planning & Community Development Dept.

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Robert Boulet & Michelle Bell, resident(s) of 501 Weyer Rd., Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Traffic conditions & the additional flow of traffic that will utilize Weyer Rd. need to be further explored.

The additional draw of watering (non-farm land) purely landscaped areas should be

reviewed. We as residents are required to limit watering yet the grass for the amphitheater is watered daily.

The noise issue & end times are not resolved.

Furthermore, the proposed amendments would affect me/us as follows:

The impact to the value & marketability of my home is unacceptable.

My children are affected by the uncontained noise & their safety will be jeopardized with an increased flow of traffic.

My right to enjoy my property has been and will be even further infringed upon.

Mr. Traina's & proposed amendments are in stark contrast with our discussion at his place of business as well as the follow up letter he mailed to each of us.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Robert Boulet & Michelle Bell

Address: 501 Weyer Rd., Modesto, CA 95357

Phone Number: (209) 988-1009 & (209) 648-5238

Email Address: robert@bouletconsulting.com

Sincerely,





Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

We the residents of Weyer Road and surrounding areas vehemently oppose the approval of the Fruit Yard Amphitheater and event center. The amphitheater was constructed without proper planning commission approval and therefore circumventing all due process. We believe Mr. Traina and his team had no intentions of complying with the county planning process, which he has proven on several occasions, and therefore prevented the residents in the surrounding areas from participating in the county designed process of the planning and review of said amphitheater and event center. If approved, these event facilities will drastically effect the daily lives, property values and traffic in our immediate and surrounding areas.

On August 11, 2015, we were officially made aware of Mr. Traina's intent to amend P-D 317 to include the additions of an amphitheater facility and other miscellaneous projects related to its construction. In August 2015, the amphitheater had been under construction for nearly a year and the residents on our road had been in contact with the Planning and Community Development Department inquiring about the construction. After receiving the notice, we developed a petition and in just a few hours gathered nearly 100 signatures from our small community of residents who opposed the amendments to P-D 317. Since this time we have taken several steps to not only make our voices heard but to be involved in the process including: attending a community meeting hosted by Mr. Traina and his team, attending Planning Commission Meetings, a follow up meeting with Mr. Traina and meeting with Planning and Community Development Department staff.

We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We Randall + Susan Steele, resident(s) of 442 Weyer Rd,
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Increased Traffic flow on the road during events
Young child living on the street are put in danger -
Speed of cars traveling over the rd.
10 oclock should be the latest time for events

Randall Steele

Furthermore, the proposed amendments would affect me/us as follows: _____

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Randall Steel

Address: 442 Weyer Rd

Phone Number: 604-3918

Email Address: rowsteel@JUNO.COM

Sincerely,

Randall Steel

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

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I/We Gary & Grace Huston resident(s) of Weyer Road
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Builder had not complied with proper
Planning time frames & guidelines

Furthermore, the proposed amendments would affect me/us as follows:

Noise level too high @ night
traffic congestion

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Gary & Grace Huston

Address: 155 Weyer Rd

Phone Number: 579 1392

Email Address:

Sincerely,

Gary Huston

Grace Huston

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

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I/We Manuel + Kim Perry, resident(s) of 255 Weyer Rd.,
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

We also Agree with the statement mentioned above.

Furthermore, the proposed amendments would affect me/us as follows: _____

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Manuel & Kim Perry

Address: 255 Weyer RD.

Phone Number: 517-2394

Email Address: manuel and kim@gmail.com

Sincerely,

 _____

 _____

Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

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We do not feel that our measures of good faith have been returned as Mr. Traina has failed to incorporate any of the mediation measures suggested by our community. Not only has Mr. Traina failed to incorporate our suggestions for a project we oppose altogether, the new proposal includes requests for increased capacity and facility sizes than that of the proposed amendment submitted in 2015.

We do not believe that this project is in any way exempt from any further due process designed by Stanislaus County and the State of California to protect its residents and prevent such circumvention of which Mr. Traina and his team have been afforded. We are not wavering and we are committed to ensuring that our quality of life and our ability to enjoy our homes is not infringed upon any further by Mr. Traina and the Fruit Yard facilities. We urge you to consider the impact of the requested amendments to P-D 317. Please review this project as if it were a new, unconstructed facility proposal rather than one built without proper review that now forces both the Planning and Community Development Department and the surrounding residents to deal with the consequences. We have sought professional review of the most recent noise study as well as legal counsel to ensure we are protecting our community.

I/We LEONARD & SYNTHIA GUILLETTE, resident(s) of 524 WEYER RD.
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

THE NUMBER OF EVENTS & SIZE HAVE INCREASED DRAMATICALLY,
HOW WILL THE DEVELOPER PROVIDE WATER & SANITATION FOR
THESE EVENTS & MEET HEALTH DEPT REQUIREMENTS & ARE
IMPROVEMENTS TO GERR ROAD AND YOSEMITE PROPOSED TO HANDLE
THE INCREASED TRAFFIC & FREQUENCY?

Furthermore, the proposed amendments would affect me/us as follows:

WE LIVE IN AN AGG. ZONE AND SHOULD NOT BE SUBJECTED TO URBAN USES.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): LEONARD & CYNTHIA Gillette

Address: 524 WEYER RD MODESTO

Phone Number: (209) 46-4700

Email Address: CINDY@MODESTO@YAHOO.COM

Sincerely,

Leonard Gillette

Cynthia Gillette

Date: July 23, 2016

To: Stanislaus County Planning and Community Development:

Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

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I/We William & Christine Jants resident(s) of 699 Weyer Rd
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

As a 41 year resident we feel this facility
is not in the best interests of our
area. Noise, traffic and overall
use will not work for our
neighborhood.

Date: July 23, 2016

To: Stanislaus County Planning and Community Development:

Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

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I/We Richard & Barbara Heckendorf, resident(s) of 679 Weyer Rd.
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

As 25 year residents of Weyer Rd, we believe
the county hasn't done their job of requiring
CEQA and this entire proposed development
should not be built in an agricultural
zone.

Furthermore, the proposed amendments would affect me/us as follows: Our ability to enjoy our property and home. Create an unhealthy environment with add traffic, noise pollution and emotional distress having to be subjected to loud music, etc. It will restrict the ability to enjoy our nine grandchildren and enjoy the country life we love here for.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

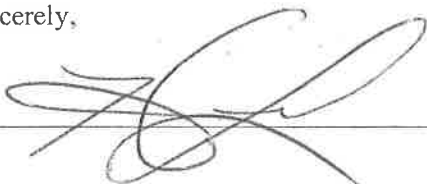
Name(s): Richard + Barbara Heckendorf

Address: 679 Weyer Rd

Phone Number: 576-0330

Email Address: barbheckd@aol.com, rickard245@aol.com

Sincerely,



Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

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I/We ROBERT AND KATHLEEN DAVIS resident(s) of 619 WEYER RD.
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Furthermore, the proposed amendments would affect me/us as follows: INCREASED TRAFFIC ON WEYER ROAD AND INCREASED NOISE FROM EVENTS BEING HELD AT THE PROPOSED FACILITY. CURRENTLY NOISE IS HEARD FROM THE FRUIT YARD IN THE EVENINGS FROM EVENTS THE FRUIT YARD ALREADY HOLDS. THE NOISE POLLUTION WILL ONLY INCREASE WITH THE ADDITION OF AMPHITHEATER.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

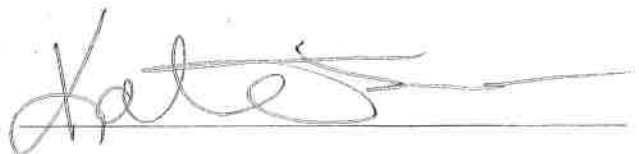
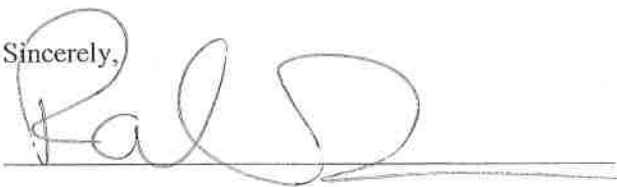
Name(s): ROBERT AND KATHRYN DAWIES

Address: 619 WEYER RD, MODESTO, CA 95357

Phone Number: 209-524-1864

Email Address: rd16460@gmail.com

Sincerely,



Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

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I/We Judy Crisp, resident(s) of 601 Weyer Rd.
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

Concerning more traffic on Weyer Road. Concern
for the safety of my grand children:

Furthermore, the proposed amendments would affect me/us as follows: *Compromise the environment of my property and the quietness of my living here in the country. I feel also it will affect the selling my property in the near future.*

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): *Judy Crisp*

Address: *601 Weyer Rd*

Phone Number: *209 523-8838*

Email Address: *JCRISP2061@aol.com*

Sincerely,

Judy Crisp

Date: July 23, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

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I/We Virginia M. Gomes, resident(s) of 642 Weyer Rd,
Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

No testing has been done!

Furthermore, the proposed amendments would affect me/us as follows: unbearable music,
traffic, etc.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Virginia P. Pomeroy

Address: 642 Wagon Wheel Rd. Modesto - CA 95357

Phone Number: _____

Email Address: _____

Sincerely,

Virginia P. Pomeroy

Date: July 24, 2016
To: Stanislaus County Planning and Community Development:
Subject:

Recently, your office made us aware of a revised application for amendments to P-D 317, application no. PLN2015-0130. We did not have an abundance of time to coordinate our replies to your department's request for response, however;

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I/We Nancy Nickan Harris, Kenneth Harris resident(s) of 8312 Jantzen Road, Modesto, CA 95357, feel that the proposed amendments do not meet the conditions for CEQA exemption for the following reason(s):

I have lived here for fifty years. The quiet, country atmosphere has been interrupted during past events at the Fruit Yard. Jantzen Rd has become a speedway during those events as well. Trash and other debris are left along the road. Long after the events have concluded - the parties carry on along our road and continue until the early hours of the morning.

Furthermore, the proposed amendments would affect me/us as follows:

Safety - during daylight hours for our children - grand-children.

Thank you for your consideration and should you need to contact me regarding the information I have provided you may do so at:

Name(s): Nancy Harris

Address: 8312 Jantzen Rd Modesto, Ca 95357

Phone Number: 522-7982

Email Address: janellmh@hotmail.com

Sincerely,

Nancy Harris

Janell McHarris

Tom Douglas
548 North Hopper Road
Modesto, CA 95357-1818

Miguel A. Galvez, Senior Planner
Planning and Community Development

Mr. Galvez:

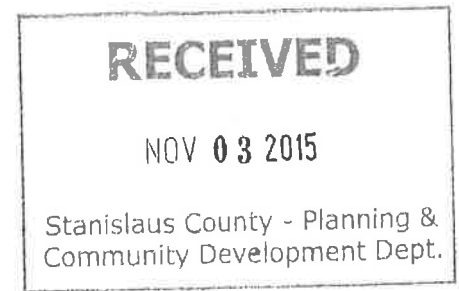
I would like to thank you for the opportunity to comment on the TIME EXTENSION APPLICATION NO. PLN2015-0075 – THE FRUIT YARD for the public hearing scheduled for December 3, 2015.

Having participated in the approval of the original General Plan Amendment and Planned Development, it is my understanding that the Planned Development expired in 2011 and that the currently proposed amphitheater that is being processed under a separate Staff Approval Application is a significant change in the scope of the projects that had been approved as part of the General Plan Amendment.

In the original approval, Phase One of the project would have resulted in the construction of banquet facility, upgrades to the park, landscaping and parking for the operation of the banquet facility. That phase of the project was to have been completed within 1 to 3 years of the approval of the Planned Development (July 17, 2008). This phase expired in July 2011 and an extension should have been required prior to the authorization of any permits for improvements related to Phase One of the existing Planned Development schedule. Furthermore, the last phase of the project for the relocation and expansion of the fueling facilities, which was given a 3 to 7 year development schedule, expired July 17, 2015.

In my opinion, the proposed amphitheater is not the same as “park improvements” and contains no element of the original Phase One project which was primarily about the construction of a banquet facility and the associated parking, landscaping and park improvements requested to hold special events and weddings. When I provided my testimony at the original hearing, I already had significant concerns about noise for a banquet facility due to the fact that I had been disturbed by noise from significantly smaller events. I am located roughly 1.5 miles away from the Fruit Yard. At that time, the applicant assured me that events would occur within the building with some events occurring in the park during normal business hours. Typically that means that events end around 10 PM on weekdays and 11 PM on weekends.

The prospect of a 5,000 person amphitheater is a pretty significant change in scope, in my mind. The originally approved banquet building would not have come close to accommodating that many people. Furthermore, the type of music events that are attracted to an amphitheater will be primarily conducted outside of a building, the music will be substantially more amplified than any of the current events being held at the Fruit Yard, the traffic generated by an amphitheater is concentrated during specific times where current events are spread out over a day or two, the type of parking demand and traffic



management required to accommodate the traffic is very different than the smaller banquet facility would have been, and a much higher level of security is required to manage crowds of this size. These are all environmental impacts that were never addressed in the original approval because a facility of this magnitude was not included in the project description and could not have possibly been analyzed properly for CEQA purposes. Prior to the approval of the amphitheater or this extension of the schedule, the County should prepare the environmental studies to ensure that these impacts are analyzed and that proper mitigation measures are put in place to reduce the impacts to a less than significant level or prepare an environmental impact report if the impacts cannot be adequately mitigated.

The applicant argues that the amphitheater construction that is currently occurring on the site under a grading permit was to create a drainage basin for the parking lot that was to have accompanied the banquet facility and that the construction of the amphitheater was intended to reduce the impacts of the activities that are currently occurring in the park area.

I DISAGREE. The construction of the amphitheater is not equivalent to having a park-like setting for holding weddings and events like Graffiti Days. Weddings are much smaller and the other events held at the Fruit Yard occur over the course of an entire day. These events already create significant noise and traffic impacts, but don't come close to the level of traffic, noise, parking and security concerns of a large amphitheater that brings 5,000 people together at the same time over the course of a few hours and then releases them again. Not to mention the fact that these types of facilities attract performances that generate much louder noise. I also understand that the applicant wishes to change the original banquet building into a tent that has far less noise attenuating features. This change runs counter to the assurances that were made to me at the original hearing.

Although the December 3, 2015 hearing is on the extension of the project, I believe that the extension is tied to the future proposed changes in the development plan. I attended the original 2008 planning commission meeting that approved the general plan amendment and rezone. I also had the opportunity to comment on the original development plan. Due to the changes in the scope of the project as well as the potential environmental impacts of the proposed changes in both the scope of the Planned Development and its development schedule, I respectfully request that the extension be denied and that the County require that the proper environmental impact studies be prepared to provide the public with a better understanding of the potential impacts of the proposed changes in the scope and schedule of the project.

I am concerned that the proposed development plan is substantially different than the original proposal. I believe that these changes require additional CEQA considerations. I can identify six specific areas that need to be addressed through either additional CEQA mitigation or operation restrictions.

NOISE. Although the developers have agreed to abide by all of the County Noise Ordinances as part of their development proposal and have conducted a noise study to assess the impact of the amphitheater, the study looked at noise generated by a special event at the floor of the amphitheater but it did not

consider crowd noise as part of the analysis or what impact a concrete stage may have on the analysis. Measurements made at the top of the amphitheater may provide a more accurate assessment.

The noise study proposed that the developer employ a professional acoustic firm to measure the sound levels at the first year of operation to evaluate the noise mitigation measures. I believe that a condition of the extension and the amendment should include this noise monitoring as a permanent requirement. The results should be provided to county planning on a continual basis. The continued maintenance of these noise levels should a requirement of the continued operation of the facility.

The applicant also proposes to have weddings at this facility, any event should be regulated by the County Noise Ordinance and a noise study should be conducted for the tented wedding facility. Noise levels and time period constraints should be recognized and monitored through regular reports available to the public for review. Lower noise levels after 10 PM should be maintained.

TIME LIMITS TO WEDDINGS AND SPECIAL EVENTS. Originally the developer proposed to allow special events or weddings to go to midnight. At a community meeting recently held by the developer he proposed to limit events to no later than 10:00 p.m. In any case, the timing of events and weddings should recognize the timing and noise restrictions noted in the County Noise Ordinance.

A review of most of the major amphitheaters suggest that these operations all have a firm shut down time as a consideration to neighboring community. Not one reviewed extended their operation to midnight at any time.

TRAFFIC CONTROL. The orderly egress and exit of 5,000 attendants at a special event is no small endeavor. This operation may have considerable impacts on traffic on State Route 132 and county roads. This issue has not been considered in the plan. A traffic plan should be a requirement of the extension or rezone.

PARKING. In past special events held at the Fruit Yard parking has been at a premium. People attending parked on the sides of State Route 132 and Geer Road. Both SR 132 and Geer/Albers are busy traffic corridors. This parking has created a traffic and public safety problem with people jaywalking with limited visibility across traffic. Although Caltrans has installed a pedestrian crossing at this intersection, this will probably not solve the jaywalking problem.

The plan needs a parking analysis and mitigating measures to assure the continued free flow of traffic on the two major streets. Are there sufficient parking spaces for a 5,000 customer venue? Any deficit could be addressed through a shuttle program from nearby parking lots. A no parking posting program on SR 132 and Geer may be necessary to assure pedestrian safety.

NEIGHBORHOOD COMPLAINT PROCESS. I understand that the applicant has argued that he has not received any complaints about noise from the community. Personally I know that I have complained several times both to the Fruit Yard staff and to the sheriff department about noise levels past 10 PM.

In the past when I have complained to Fruit Yard Staff about noise from weddings, I was either told that they were exempt from the noise ordinance or had special permission to continue until midnight. In short no one was registering the complaints or even addressing them. I had contacted the sheriff department a number of times and have been told that it would be addressed on a non-emergency basis when staff was available. This was true even when events were permitted under a sheriff's permit.

To the applicant's credit there have not been any issues during the last year. I believe that weddings were conducted inside. The addition of a tent space for weddings could create another noise issue that should be monitored.

At the very least a responsible staff member should be available at all times during any event or wedding. The contact telephone number to address issues should be available at all times to the members of the surrounding community. Any event exceeding the noise standard should be terminated.

SECURITY. The applicant should have a detailed security plan in place. Any event that has 5,000 attendees should have identifiable security program for crowd control. This requirement should be defined for both weddings and special events where the number of attendees should set the number of security staff.

In the past, when I was going to the Fruit Yard Restaurant for a late dinner, I was accosted by a drunken individual from a wedding. When I asked the Fruit Yard employee I was told that there was no security at the wedding and that there was no employee responsible for monitoring the wedding. I was also told that staff left at 10:00 p.m. and the wedding could continue as long as it wanted. The wedding was essentially left to run on its own. This is clearly unacceptable, particularly for the substantial changes to the property proposed by the applicant.

IN SUMMARY, the County has allowed and even encouraged neighborhoods to develop near the Fruit Yard. People who live in these neighborhoods have an expectation that, while not the same as in an urban environment, is also not the same as in a farming area with 40-acre parcels. Development and activities at the Fruit Yard have caused problems in the past for the neighbors. Should the extension be granted—and I request that it be denied—I ask that the County consider the compatibility of this potential development as if it were in any other neighborhood. Any mitigation measures that are applied should be fully enforceable and enforced and penalties for failure to comply should be adequate to ensure compliance.

If you have any questions regarding these comments please do not hesitate to contact me at 209-409-4912

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

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

Mitigation Monitoring Plan

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

March 3, 2017

1. Project title and location: Use Permit Application No. PLN2015-0130 –
The Fruit Yard Amphitheater

7924 & 7948 Yosemite Blvd. (Hwy 132), at the southwest corner of Yosemite Blvd. and Geer Road, between the cities of Modesto, Waterford, and Hughson. (APN: 009-027-004)
2. Project Applicant name and address: The Fruit Yard - Joe Traina
7948 Yosemite Blvd.
Modesto, CA 95357
3. Contact person at County: Kristin Doud, Associate Planner (209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

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

I. AESTHETICS

- No. 1 Mitigation Measure: All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.

- Who Implements the Measure: Operator/property owner.
When should the measure be implemented: Ongoing.
When should it be completed: Ongoing.
Who verifies compliance: Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: None.

XII. NOISE

- No. 2 Mitigation Measure: Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall building, labeled on the Planning Commission approved project site plan as a “storage building”

to be located directly behind (northwest) of the stage, as identified on the project site plan. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the storage building changes in size or shape, or is proposed to be replaced with a backstage soundwall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within the noise levels described within this Mitigation Monitoring Plan.

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

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

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

No. 4 Mitigation Measure: All amphitheater, park, and banquet hall events shall maintain the noise levels described in Table 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below:

Table 1 Stanislaus County Noise Standards Applied to this Project After Adjustment for Elevated Ambient and Noise Source Consisting of Music			
Receptor (See Figure 1)	Noise Metric	Adjusted Daytime Standard (7 a.m.-10 p.m.)	Adjusted Nighttime Standard (10 p.m.-7 a.m.)
A, B, D, F (near busy roadways)	Hourly Leq, dBA	60	55
	Maximum Level (Lmax), dBA	80	70
C, E (setback from roadways 250-350 feet)	Hourly Leq, dBA	55	50
	Maximum Level (Lmax), dBA	75	65
G, H, I (isolated from busy roads)	Hourly Leq, dBA	50	40
	Maximum Level (Lmax), dBA	65	55
Source: Stanislaus County Noise Element of the General Plan adjusted for ambient conditions and music noise source.			

In addition to the Table 1 standards, low-frequency noise shall be limited to daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied at the nearest residences, existing at the time of the event. These standards may be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance). Before any adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department.

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

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

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

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

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

No.6 Mitigation Measure: To control low-frequency sound in the surrounding neighborhood during amphitheater events, C-weighted sounds levels shall be limited to 100 dBC Leq averaged over a five minute period and a maximum of 110 dBC Lmax at a position located 100 feet from the Amphitheater stage. In addition, amplified music shall be limited to an average of 85 dB (Linear) in each of the 1/3 octave band center frequencies from 31.5 to 80 Hertz.

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

Noise measurements during the first two amplified music events for each event space (banquet hall, park, and amphitheater) shall be conducted by a qualified Noise Consultant to be procured by the operator/property owner. The consultant shall provide training to facility staff, on how to

measure the noise standards set forth within this Mitigation Monitoring Plan, to ensure that noise is monitored during each event properly. The operator/property

owner shall make available to the Planning Department noise measurements and training records, upon request by the County. Noise measurements and training records shall be subject to peer review in accordance with Mitigation Measure No. 14, upon request by the County.

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

No. 7 Mitigation Measure: Prior to any amplified music event at the park, banquet hall, or amphitheater the operator/property owner shall obtain a sound monitoring system; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be monitored during sound check and during each amplified music event occurring at the park, banquet hall and amphitheater. Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.

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

A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound

check prior to an event to establish system gain limits and to ensure compliance with the specified limits. Data shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits.

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

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

No. 8 Mitigation Measure: During the first two large concerts (with 500 or more in attendance) held at the amphitheater, noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The monitoring shall be conducted continuously from the sound stage (100-feet from stage), with periodic noise monitoring near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the concert event. The purpose of the measurements is to verify compliance with the project's noise standards. If the measurement results indicate that the music levels exceed the noise standards described in this Mitigation Monitoring Plan, additional sound controls shall be developed by a noise consultant in accordance

with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas, and limiting amplified music to before 10:00 p.m.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: Prior to the first two large events (with 500 or more in attendance).
When should it be completed: Following the second large event (with 500 or more in attendance)
Who verifies compliance: Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 9 Mitigation Measure: All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.

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

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

12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: On an on-going basis, when events are held
When should it be completed: On an on-going basis, when events are held. After it is demonstrated through noise level measurements of concert events that nighttime operations will not result in adverse nighttime noise impacts.
Who verifies compliance: Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

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

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

No. 12 Mitigation Measure: In the event that documented noise complaints are received for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083), such complaints shall be investigated to determine if the noise standards contained in this mitigation monitoring program were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded at the location where the complaint was received, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and

verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: Upon onset of amplified music events. Work shall begin within 30 days of notification by the County.
When should it be completed: Prior to holding an amplified music event, after notification by the County.
Who verifies compliance: Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 13 Mitigation Measure: Following removal of orchard trees located on the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise mitigation measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: Following removal of orchard trees located on the project site
When should it be completed: Prior to any amplified music event, after orchard trees have been removed.
Who verifies compliance: Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

No. 14 Mitigation Measure: Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required,

amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: When a noise consultant is specified within this Mitigation Monitoring Plan.
When should it be completed: Prior to any amplified music event, as specified within this Mitigation monitoring Plan.
Who verifies compliance: Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: None.

XIV. PUBLIC SERVICES

No. 15 Mitigation Measure: Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: Sixty (60) days after Use Permit approval.
When should it be completed: On an on-going basis, when events are held.
Who verifies compliance: Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: Stanislaus County Department of Environmental Resources - Code Enforcement, and the Stanislaus County Sheriff's Department.

XVI. TRANSPORTATION/TRAFFIC

No. 16 Mitigation Measure: Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: Prior to issuance of a building permit
When should it be completed: Prior to issuance of a building permit
Who verifies compliance: Stanislaus County Department of Public Works
Other Responsible Agencies: Stanislaus County Planning and Community Development Department

- No. 17 Mitigation Measure: An Event Traffic Management Plan shall be submitted and approved four (4) weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.
- a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
 - b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
 - c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;
 - d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six (6) weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;
 - e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;
 - f. Prior to the implementation or construction of any additional phases of the approved Plan Development No. 317, a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;
 - g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;
 - i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;
 - ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works

- prior to the approval of the Event Traffic Management Plan;
- iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;
 - iv. The left turn lane shall be installed before the first event is held at the amphitheater.

Who Implements the Measure: Operator/property owner.
When should the measure be implemented: Four (4) weeks prior to any amphitheater event.
When should it be completed: Prior to amphitheater event, as specified in the mitigation measure.
Who verifies compliance: Stanislaus County Department of Public Works and Stanislaus County Planning and Community Development Department.
Other Responsible Agencies: CalTrans.

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

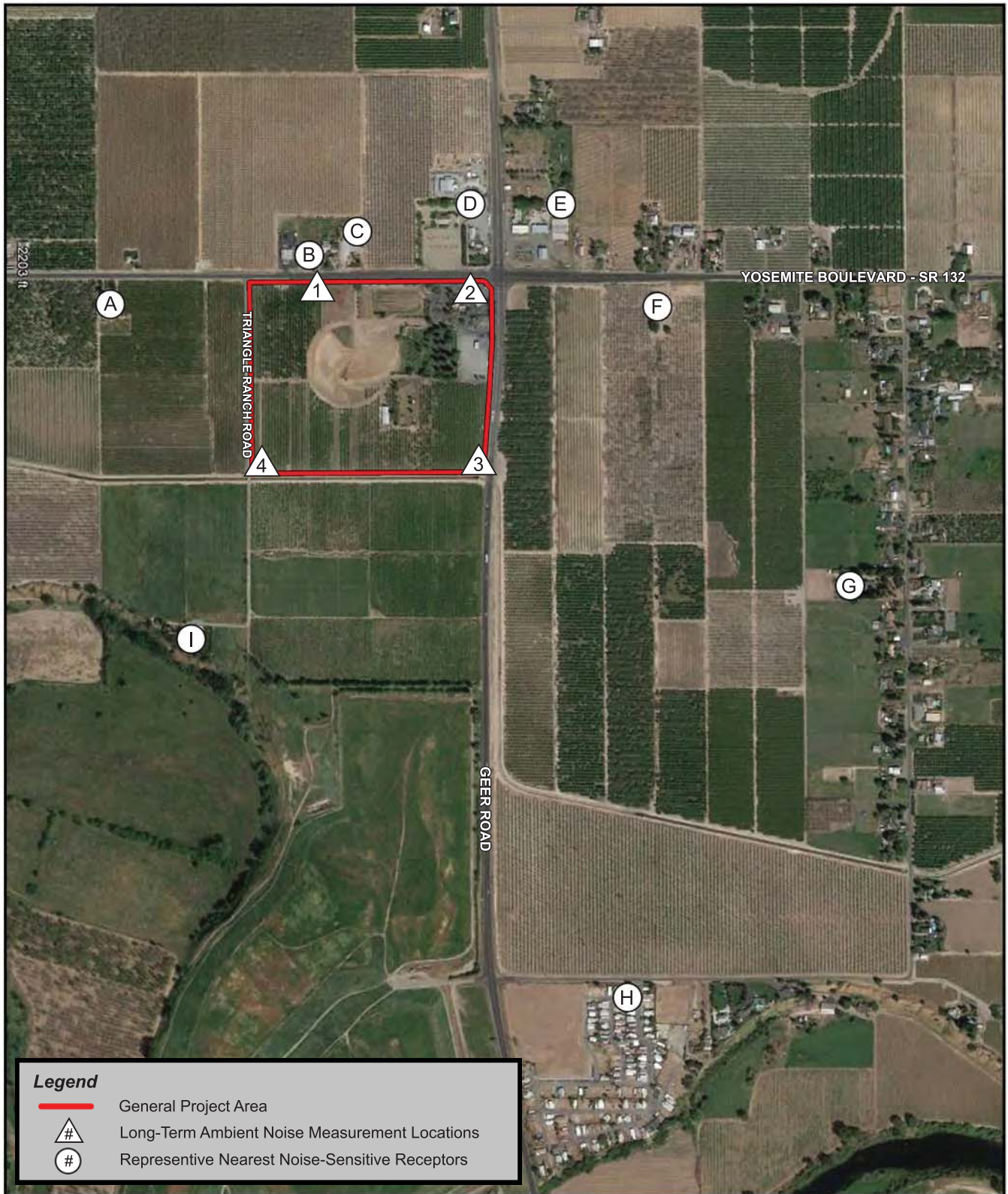
**Person Responsible for Implementing
Mitigation Program**

Date

(I:\PLANNING\STAFF REPORTS\UP\2015\UP PLN2015-0130 - THE FRUIT YARD\CEQA-30-DAY-REFERRAL\MITIGATION MONITORING PLAN.DOCX)

Figure 1

Project Area, Monitoring Sites, and Representative Receptor Locations The Fruit Yard Project - Stanislaus County, California



MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2015-0130 – The Fruit Yard

LOCATION OF PROJECT: 7924 & 7948 Yosemite Blvd. (Hwy 132), at the southwest corner of Yosemite Blvd. and Geer Road, between the cities of Modesto, Waterford and Hughson. Stanislaus County. APN: 009-027-004

PROJECT DEVELOPER: The Fruit Yard – Joe Traina
7948 Yosemite Blvd
Modesto, CA 95356

DESCRIPTION OF PROJECT: Request to expand an existing Planned Development with an outdoor, fenced, 3,500 person capacity amphitheater event center, a 5,000 square-foot stage, a 5,000 square-foot roof structure, a 4,000 square-foot storage building, a parking lot to the rear of the stage, and an additional 1,302-space temporary parking area. A maximum of 12 amphitheater events are proposed to take place per year. This use permit also includes a covered seating area of approximately 4,800 square-foot and a 1,600 square-foot gazebo in the eastern half of the park area, east of the outdoor amphitheater, and replacement of the existing pylon freestanding pole sign with an electronic reader board sign.

Based upon the Initial Study, dated **March 1, 2017**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and to prevent light trespass (glare and spill light that shines onto neighboring properties). Amphitheater lighting shall be shut off by 11:00 p.m. on Sunday – Thursday, and by midnight on Friday and Saturday evenings.
2. Prior to onset of any amplified music events at the amphitheater, a noise berm shall be constructed. Specifically, the noise berm shall consist of a 100 foot long by 40 foot wide and 20 foot tall building, labeled on the Planning Commission approved project site plan as a “storage building” to be located directly behind (northwest) of the stage, as identified on the project site plan. A certificate of occupancy shall be obtained for the noise berm prior to the onset of any amphitheater activity. If the

storage building changes in size or shape, or is proposed to be replaced with a backstage soundwall or other construction to create an adequate noise berm, the modified facility will need to be reviewed and approved by an acoustical consultant, in accordance with Mitigation Measure No. 14, and a determination made that it has adequate sound dampening characteristics so that sound will fall within the noise levels described within this Mitigation Monitoring Plan.

3. Prior to issuance of a building permit for the banquet hall, and prior to onset of any amplified music event held at the banquet hall, the banquet hall shall be designed and constructed with sound proofing (including sound proofing for the roof, windows, and walls). Sound proofing plans shall be reviewed for full compliance with the approved plans by a noise consultant, as described in Mitigation Measure No. 14.
4. All amphitheater, park, and banquet hall events shall maintain the noise levels described in Table 1 of the December 30, 2016, Environmental Noise Analysis, conducted by Bollard Acoustical Consultants, Inc., and the C-weighted standards described below:

Table 1 Stanislaus County Noise Standards Applied to this Project After Adjustment for Elevated Ambient and Noise Source Consisting of Music			
Receptor (See Figure 1)	Noise Metric	Adjusted Daytime Standard (7 a.m.-10 p.m.)	Adjusted Nighttime Standard (10 p.m.-7)
A, B, D, F (near busy roadways)	Hourly Leq, dBA	60	55
	Maximum Level (Lmax), dBA	80	70
C, E (setback from roadways 250-350 feet)	Hourly Leq, dBA	55	50
	Maximum Level (Lmax), dBA	75	65
G, H, I (isolated from busy roads)	Hourly Leq, dBA	50	40
	Maximum Level (Lmax), dBA	65	55

Source: Stanislaus County Noise Element of the General Plan adjusted for ambient conditions and music noise source.

In addition to the Table 1 standards, low-frequency noise shall be limited to daytime and nighttime C-weighted noise level limits of 80 dBC Leq and 70 dBC Leq shall be applied at the nearest residences, existing at the time of the event. These standards may be adjusted upwards or downwards as appropriate following collection of C-weighted ambient noise level data near the existing residences immediately before and after the first two large amphitheater events (with 500 or more in attendance). Before any

adjustments are made, a report documenting existing C-weighted ambient noise levels shall be reviewed by a noise consultant, as described in Mitigation Measure No. 14, and approved by the Planning Department.

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

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

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

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

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

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

7. Prior to any amplified music event at the park, banquet hall, or amphitheater the operator/property owner shall obtain a sound monitoring system; which shall be reviewed and approved by a Noise Consultant, as described in Mitigation Measure No. 14, prior to first use. Sound levels shall be

monitored during sound check and during each amplified music event occurring at the park, banquet hall and amphitheater. Measurement microphones should be placed 100 feet from the midpoint of the main speaker array.

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

A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and laboratory calibrated prior to first use and field-calibrated at regular intervals (a minimum of 4 times a year). The system shall be laboratory calibrated at intervals not exceeding two years. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. For simplification and to minimize equipment costs, sound level limit triggers shall be set to Leq, C-weighting. The sound technician shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and to ensure compliance with the specified limits. Data shall be maintained for 30 days and made available to the County upon request.

The amphitheater operator/property owner shall make it very clear to event producers what the sound level limits are at the sound stage and the time at which music is required to cease. Suitable measures shall be implemented to both ensure the limits are maintained and penalties established if producers fail to comply with the noise level limits.

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

8. During the first two large concerts (with 500 or more in attendance) held at the amphitheater, noise levels shall be monitored by a qualified noise consultant, to be procured by the operator/property owner. The monitoring shall be conducted continuously from the sound stage (100-feet from stage), with periodic noise monitoring near the closest residences, existing at the time of the event, in all directions surrounding the amphitheater. The noise measurements shall include the sound check prior to the concert so the event promoters understand the noise thresholds to be satisfied during the concert event. The purpose of the measurements is to verify compliance with the project's noise standards. If the measurement results indicate that the music levels exceed the noise standards described in this Mitigation Monitoring Plan, additional sound controls shall be developed by a noise consultant in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include

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

9. All amplified music events (including the amphitheater, park, and banquet hall events), occurring Sunday through Thursday shall end at or before 10 p.m. All patrons shall be off the premises (including the amphitheater, park, and banquet hall events) as of 11:00 p.m. Employees and contract staff, associated with the amplified music events, shall be off the premises (including the amphitheater, park, and banquet hall events) by 12:00 a.m.
10. The first two large amplified music events (with 500 or more in attendance) held at the amphitheater Friday and Saturday, shall end at or before 10:00 p.m., as described in Mitigation Measure No. 9. If monitoring results of the first two large amphitheater events show that such events are able to maintain levels at or lower than those required in this Mitigation Monitoring Plan, then amphitheater events on Friday and Saturday may be extended to 11:00 p.m. All patrons shall be off the premises (including the amphitheater, park and banquet hall events) by 12:00 a.m. Employees and contract staff, associated with the amplified music events, shall be off the premises by 1:00 a.m.
11. Operator/property owner shall establish a written “Good Neighbor Policy” to be approved by the Planning Department, which shall establish the permittee’s plan to mitigate any ancillary impacts from amplified music events (park, banquet hall or amphitheater) on surrounding properties. The plan shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The policy shall be submitted and approved 30 days prior to the first amplified music event. No changes to the policy shall be made without prior review and approval by the Planning Department.
12. In the event that documented noise complaints are received for bass thumping, microphones/public address systems, etc., associated with any use of the property (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083), such complaints shall be investigated to determine if the noise standards contained in this mitigation monitoring program were exceeded. In the event that the complaint investigation reveals that the noise standards were exceeded at the location where the complaint was received, additional sound controls shall be developed by a noise consultant, in accordance with Mitigation Measure No. 14. Implementation of additional sound controls shall be implemented and verified prior to the following concert. Such measures could include reducing the overall output of the amplified sound system, relocating and/or reorienting speakers, use of acoustic curtains along the sides of the speakers to further focus the sound energy into the amphitheater seating areas and limiting amplified music to before 10:00 p.m.
13. Following removal of orchard trees located on the project site (inclusive of parcels 1-3, 7-12, and the remainder of parcel map 56-PM-083) potential changes in noise impacts shall be evaluated by a noise consultant, as described in Mitigation Measure No. 14, and additional noise mitigation measures shall be implemented, if determined to be necessary, to ensure compliance with the applicable County noise standards.
14. Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract

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

15. Within sixty (60) days of project Use Permit approval, the operator/property owner shall submit for approval a security plan for amplified music events (park, banquet hall or amphitheater) to the Sheriff's Department. The plan shall be approved prior to any use of the amphitheater. Any changes to the security plan shall be approved by the Sheriff's Department.
16. Prior to issuance of a building permit, all applicable traffic impact fees shall be paid to the Department of Public Works.
17. An Event Traffic Management Plan shall be submitted and approved four weeks prior to holding the first event at the amphitheater. Both County Planning and Public Works shall review and approve the plan.
 - a. The Event Traffic Management Plan shall include a westbound left turn lane from Highway 132 to the fourth driveway from the intersection (at Geer and Highway 132);
 - b. This plan shall include all event traffic circulation into and out of the site, including a description of how the different on-site parking areas will be filled;
 - c. Event Staff and signs shall not be in the State or Stanislaus County Right-of-way without an encroachment permit. This shall be addressed as part of the Event Traffic Management Plan. Each individual event shall have an encroachment permit from both the State and Stanislaus County, if applicable;
 - d. If the Event Traffic Management Plan requires updating, the updates shall be accepted both by County Planning and by Public Works, six weeks prior to the next event being held at the amphitheater. This update can be triggered either by the applicant or by Stanislaus County;
 - e. Fees may be collected for amphitheater event parking, provided no queuing of vehicles occurs. Parking fees may be collected as part of the fee collected for the price of the ticket for the event, or may be collected at a stationary electronic machine, installed in the parking area. Parking fees may not be collected while vehicles are waiting to enter the parking lot;
 - f. Prior to the implementation or construction of any additional phases of the approved Plan Development No. 317, a revised Event Traffic Management Plan shall be submitted to and approved by County Planning and Public Works;
 - g. A left turn lane shall be installed on Geer Road for the driveway into the project labeled as D Drive. The plans shall be completed prior to the approval of the Event Traffic Management Plan. This driveway is roughly 575 feet south of the intersection of Geer Road and Yosemite Blvd;
 - i. Improvement plans are to be submitted to County Public Works for approval. These improvement plans shall meet standards set forth within the Stanislaus County Standards and Specifications and the Caltrans Highway Design Manual;

- ii. An acceptable financial guarantee for the road improvements shall be provided to County Public Works prior to the approval of the Event Traffic Management Plan;
- iii. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined;
- iv. The left turn lane shall be installed before the first event is held at the amphitheater.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Kristin Doud, Associate Planner

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

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SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2016-0130 - THE FRUIT YARD

REFERRED TO:	PUBLIC HEARING NOTICE			RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION	X	X	X	X			X		X		X	
CA DEPT OF HIGHWAY PATROL	X	X	X	X				X		X	X	
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA STATE LANDS COMMISSION	X	X	X		X							
CENTRAL VALLEY RWQCB	X	X	X		X							
CITY: MODESTO & WATERFORD	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: CONSOLIDATED	X	X	X	X				X		X	X	
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PG&E	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: EMPIRE	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X						X	
STAN CO GEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PARKS & RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X			X		X		X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #1: OLSEN	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANCOG	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS & RESPONDING NEIGHBORS		X	X	X			X		X		X	
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS: TULE RIVER INDIAN TRIBE, NORTH VALLEY YOKUTS TRIBE, SOUTHERN SIERRA MIWUK NATION	X	X	X		X							
TUOLUMNE RIVER TRUST	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH AND WILDLIFE	X	X	X		X							
US MILITARY	X	X	X		X							
USDA NRCS	X	X	X		X							
WATER DISTRICT: MODESTO (DEL ESTE)	X	X	X		X							