

**FILED**

May 16, 2022  
 DONNA LINDER  
 STANISLAUS COUNTY  
 CLERK-RECORDER

By: YML/each  
 Deputy Clerk

STANISLAUS COUNTY  
 DEPARTMENT OF PLANNING AND  
 COMMUNITY DEVELOPMENT  
 1010 10<sup>th</sup> Street, Suite 3400  
 Modesto, California 95354

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**NOTICE OF DETERMINATION**

Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

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**Project Title:** Amendment to UP PLN2015-0130 – THE FRUIT YARD AMPHITHEATER

**Applicant Information:** Joe Traina, 7948 Yosemite Blvd, Modesto CA 95357, (209) 577-3093

**Project Location:** 7824 Yosemite Boulevard (Hwy 132), at the southwest corner of Yosemite Boulevard and Geer Road, between the Cities of Modesto and Waterford (APN: 009-027-011)

**Description of Project:** Request to amend Mitigation Measures No. 5 and 6, which specify the on-site noise monitoring for both A-weighted and C-weighted noise measurements for The Fruit Yard Amphitheater (Use Permit No. PLN2015-0130). The outdoor amphitheater is located on a 31.12 acre parcel zoned Planned Development (P-D) (317). The parcel is located at 7824 Yosemite Boulevard (Hwy 132), at the southwest corner of Yosemite Boulevard and Geer Road, between the Cities of Modesto and Waterford.

**Name of Agency Approving Project:** Stanislaus County Planning Commission

**Lead Agency Contact Person:** Kristin Doud, Deputy Director

**Telephone:** (209) 525-6330

This is to advise that the Stanislaus County Planning Commission on **May 5, 2022** has approved the above described project and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The Mitigated Negative Declaration and record of project approval may be examined at:  
Stanislaus County Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at <http://www.stancounty.com/planning/agenda/agenda-min-2022.shtm>.

5/16/2022  
 Dated

Kristin Doud  
 Kristin Doud  
 Deputy Director



State of California - Department of Fish and Wildlife  
**2022 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

**Print**      **StartOver**      **Finalize&Email**

RECEIPT NUMBER:  
 50-05/16/2022-084  
 STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY STANISLAUS COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT	LEAD AGENCY EMAIL	DATE 05/16/2022
COUNTY/STATE AGENCY OF FILING STANISLAUS COUNTY	DOCUMENT NUMBER 50-2022-114	

PROJECT TITLE  
 AMENDMENT TO UP PLN 2015-0130 THE FRUIT YARD AMPHITHEATRE

PROJECT APPLICANT NAME JOE TRAINA	PROJECT APPLICANT EMAIL	PHONE NUMBER (209) 577-3093
PROJECT APPLICANT ADDRESS 7948 YOSEMITE BLVD	CITY MODESTO	STATE CA
		ZIP CODE 95357

**PROJECT APPLICANT** (Check appropriate box)

Local Public Agency     
  School District     
  Other Special District     
  State Agency     
  Private Entity

**CHECK APPLICABLE FEES:**

- Environmental Impact Report (EIR)      \$ 3,539.25 \$ \_\_\_\_\_
- Mitigated/Negative Declaration (MND)(ND)      \$ 2,548.00 \$ \_\_\_\_\_
- Certified Regulatory Program (CRP) document - payment due directly to CDFW      \$ 1,203.25 \$ \_\_\_\_\_
  
- Exempt from fee
  - Notice of Exemption (attach)
  - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)
  
- Water Right Application or Petition Fee (State Water Resources Control Board only)      \$ 850.00 \$ \_\_\_\_\_
- County documentary handling fee      \$ 57.00 \$ 57.00
- Other      \$ \_\_\_\_\_

**PAYMENT METHOD:**

Cash   
  Credit   
  Check   
  Other CHECK NO 14689     
 TOTAL RECEIVED \$ 57.00

SIGNATURE <b>X</b> <i>Jennifer Mercado</i>	AGENCY OF FILING PRINTED NAME AND TITLE Jennifer Mercado Deputy Clerk
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State of California - Department of Fish and Wildlife  
**2022 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

**NOTICE**

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

**COUNTY DOCUMENTARY HANDLING FEE**

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

**COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS**

**Filing Notice of Determination (NOD):**

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

**Filing Notice of Exemption (NOE)** *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

**Within 30 days after the end of each month in which the environmental filing fees are collected**, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

**The county clerk shall mail the following documents to CDFW on a monthly basis:**

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

**DOCUMENT RETENTION**

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

**RECEIPT NUMBER**

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

**DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.**

**Mail to:**

California Department of Fish and Wildlife  
 Accounting Services Branch  
 P.O. Box 944209  
 Sacramento, California 94244-2090

Donna Linder  
Stanislaus County  
County Clerk-Recorder  
1021 "I" Street  
Modesto, CA 95354  
(209) 525-5279

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Public

Receipt No.: 2022084355

Cashier: 37

Register: CHPXZV2

Date/Time: 05/16/2022 09:21 AM

Description	Fee
Mitigated Negative Declaration (MND)	
Filing Time:	09:21 AM
Filing Fee:	No Fee
Filing Total:	No Fee
Administration Fee	
Filing Time:	09:21 AM
Filing Fee:	\$57.00
Filing Total:	\$57.00
Total Amount Due:	\$57.00
Total Paid	
Check Tendered:	\$57.00
#14689	
Amount Due:	\$0.00

THANK YOU  
PLEASE KEEP FOR REFERENCE