

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

DEPT: Planning & Community Development *H*
Urgent _____ Routine X
CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

BOARD AGENDA # *D-7
AGENDA DATE: November 20, 2001
4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO SET PUBLIC HEARING FOR DIABLO GRANDE ADDENDUM TO THE EIR AND REQUEST TO CHANGE CONDITIONS OF APPROVAL FOR VESTING TENTATIVE MAP 97-01, DIABLO GRANDE, UNIT 1 TO ADD KERN COUNTY WATER AGENCY (KCWA) WATER SUPPLY AS AN ADDITIONAL WATER SUPPLY OPTION (CONDITION NO. 57) AND TO INCLUDE AN OPTION OF PROVIDING ADEQUATE ON-SITE FIREFIGHTING FACILITIES (CONDITION NO. 51) AND CONSIDER APPEAL OF PLANNING COMMISSION RECOMMENDATION - STEVE BURKE, FOR DECEMBER 11, 2001 AT 9:50 A.M.

STAFF RECOMMENDATION:

SET PUBLIC HEARING FOR DIABLO GRANDE ADDENDUM TO THE EIR AND REQUEST TO CHANGE CONDITIONS OF APPROVAL FOR VESTING TENTATIVE MAP 97-01, DIABLO GRANDE, UNIT 1 TO ADD KERN COUNTY WATER AGENCY (KCWA) WATER SUPPLY AS AN ADDITIONAL WATER SUPPLY OPTION (CONDITION NO. 57) AND TO INCLUDE AN OPTION OF PROVIDING ADEQUATE ON-SITE FIREFIGHTING FACILITIES (CONDITION NO. 51) AND CONSIDER APPEAL OF PLANNING COMMISSION RECOMMENDATION - STEVE BURKE, FOR DECEMBER 11, 2001 AT 9:50 A.M.

FISCAL IMPACT:

None.

BOARD ACTION AS FOLLOWS:

No. 2001-907

On motion of Supervisor Caruso , Seconded by Supervisor Blom
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) X Approved as recommended
2) _____ Denied
3) _____ Approved as amended

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Christine Ferraro
By: Deputy

File No.

NOV. 13, 2001

TO: Stanislaus County Board of Supervisors
1010 Tenth St. Modesto, CA

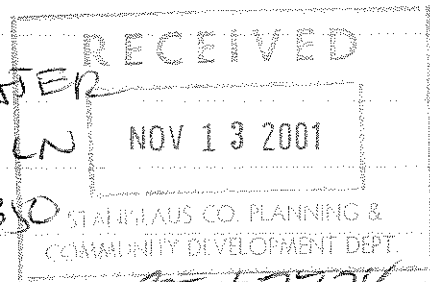
From: Steve Burke

PROTECT OUR WATER

3105 YORKSHIRE LN

MODESTO, CA 95350

(209) 523-1391



REC# 2724 A 11/13/01

RE: APPEAL OF PLANNING COMMISSION ACTION.

ON BEHALF OF MYSELF AND PROTECT OUR WATER,
I HEREBY APPEAL THE ACTIONS OF THE
COUNTY PLANNING COMMISSION AT THEIR
NOVEMBER 1 MEETING, SPECIFICALLY WITH
REGARDS TO ITEM VI D:

" REVISION OF CONDITIONS OF APPROVAL
NUMBERS 51 AND 57 FOR VESTING
TENTATIVE MAP 97-01 - DIABLO GRANDE
PHASE 1; AND ADDENDUM TO THE
FINAL EIR. "

RESPECTFULLY SUBMITTED

Steve Burke

STEVE BURKE

11/13/01



BOARD OF SUPERVISORS

Pat Paul, 1st District
Thomas W. Mayfield, 2nd District
Nick W. Blom, 3rd District
Raymond Clark Simon, 4th District
Paul W. Caruso, 5th District

1010 Tenth Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

November 15, 2001

Attn: Steve Burke
Protect Our Water
3105 Yorkshire Lane
Modesto, CA 95350

RE: Appeal of Planning Commission Recommendation Regarding Diablo Grande Water Addendum

To Whom It May Concern:

This is to inform you that we received your letter on November 13, 2001, requesting an appeal of the Planning Commission's recommendation regarding the Diablo Grande Water Addendum. An item will be going before the Board of Supervisors on November 20, 2001 requesting approval to set a Public Hearing on **December 11, 2001 at 9:50 a.m.** to consider this appeal and the Diablo Grande Addendum to the EIR and a request to change Conditions of Approval for Vesting Tentative Map 97-01, Diablo Grande, Unit 1 to add Kern County Water Agency (KCWA) water supply as an additional water supply option (Condition No. 57) and to include an option of providing adequate on-site firefighting facilities (Condition No. 51).

For further information, please call Planning and Community Development at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Lillie L. Farriester
Assistant Clerk of the
Board of Supervisors

Cc: Russell Newman
Planning & Community Development

NOTICE OF PUBLIC HEARING FOR
DIABLO GRANDE
WATER ADDENDUM AND
APPEAL OF PLANNING COMMISSION RECOMMENDATION - STEVE BURKE

NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:50 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider: (1) request to change Conditions of Approval for Vesting Tentative Map 97-01, Diablo Grande, Unit 1 to add Kern County Water Agency (KCWA) water supply as an additional water supply option (Condition No. 57) and to include an option of providing adequate on-site firefighting facilities (Condition No. 51). Stanislaus County has prepared an Addendum to the previously Certified EIR pursuant to CEQA Guidelines, Section 15164. No additional Environmental Review is required; and, (2) appeal of Planning Commission Recommendation - Steve Burke.


NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: November 20, 2001

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:



Lillie L. Farriester, Assistant Clerk

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Stanislaus

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer, foreman or principal clerk of THE WEST SIDE INDEX a newspaper of general circulation, printed and published weekly in the City of Newman, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Stanislaus, State of California, under the date of April 25, 1952, Case Number 46882; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Nov. 29

all in the year 2001.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Newman, California, this 29th day of

November, 2001.


Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

Notice of Public Hearing - Diablo Grande Water

Addendum and Appeal of Planning Commission

Recommendation - Steve Burke

PUBLIC NOTICE • PUBLIC NOTICE

NOTICE OF PUBLIC HEARING FOR DIABLO GRANDE WATER ADDENDUM AND APPEAL OF PLANNING COMMISSION RECOMMENDATION - STEVE BURKE

NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:50 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider: (1) request to change Conditions of Approval for Vesting Tentative Map 97-01, Diablo Grande, Unit 1 to add Kern County Water Agency (KCWA) water supply as an additional water supply option (Condition No. 57) and to include an option of providing adequate on-site firefighting facilities (Condition No. 51). Stanislaus County has prepared an Addendum to the previously Certified EIR pursuant to CEQA Guidelines, Section 15164. No additional Environmental Review is required; and, (2) appeal of Planning Commission Recommendation - Steve Burke.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS
DATED: November 20, 2001

ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors
of the County of Stanislaus, State of California

BY: Lillie L. Farriester, Assistant Clerk
Published: Nov. 29, 2001

PROOF OF PUBLICATION

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

DECEMBER 1, 2001

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO**, California on

DECEMBER 1, 2001


(Signature)

NOTICE OF PUBLIC HEARING FOR
DIABLO GRANDE
WATER ADDENDUM AND
APPEAL OF PLANNING COMMISSION
RECOMMENDATION - STEVE BURKE
NOTICE IS HEREBY GIVEN that on Decem-
ber 11, 2001 at 9:50 a.m., or as soon thereafter as
the matter may be heard, the Stanislaus County
Board of Supervisors will meet in the Basement
Chambers, Lower Level, 1010 10th St., Modesto,
CA, to consider: (1) request to change Condi-
tions of Approval for Vesting Tentative Map
97-01, Diablo Grande, Unit 1 to add Kern County
Water Agency (KCWA) water supply as an addi-
tional water supply option (Condition No. 37)
and to include an option of providing adequate
on-site firefighting facilities (Condition No. 51).
Stanislaus County has prepared an Addendum to
the previously Certified EIR pursuant to CEQA
Guidelines, Section 15164. No additional Environ-
mental Review is required; and, (2) appeal of
Planning Commission Recommendation - Steve
Burke.

NOTICE IS FURTHER GIVEN that at the
said time and place, interested persons will be
given the opportunity to be heard. Material sub-
mitted to the Board for consideration (i.e. pho-
tos, petitions, etc.) will be retained by the Coun-
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made in court, persons may be limited to raising
only those issues they or someone else raised at
the public hearing described in this notice, or in
written correspondence delivered to the Board.
For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVI-
SORS
DATED: November 20, 2001
ATTEST: CHRISTINE FERRARO TALL-
MAN, Clerk of the Board of Supervisors of
the County of Stanislaus, State of California.
BY: Lillie L. Farriester,
Assistant Clerk
December 1, 2001

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Stanislaus

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Patterson Irrigator, a newspaper of general circulation, printed and published once a week on Thursdays, in the city of Patterson, California, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, of the County of Stanislaus, State of California, under the date of June 15, 1952. Case Number 47304; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareii), has been published in each regular issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

November 29

all in the year 2001.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Patterson, California, this 29th day of November, 2001.



Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

Notice of Public Hearing

NOTICE OF PUBLIC HEARING FOR
DIABLO GRANDE WATER
ADDENDUM AND APPEAL OF
PLANNING COMMISSION
RECOMMENDATION STEVE BURKE
NOTICE IS HEREBY GIVEN that
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Diablo Grande, Unit 1 to add Kern
County Water Agency (KCWA) water
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option (Condition No. 57) and to in-
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on-site firefighting facilities (Condition
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pared an Addendum to the previously
Certified EIR pursuant to CEQA Guide-
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Environmental Review is required; and,
(2) appeal of Planning Commission
Recommendation Steve Burke.
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dence delivered to the Board. For
further information call (209) 525-6330.
BY ORDER OF THE BOARD OF
SUPERVISORS
DATED: November 20, 2001
ATTEST: CHRISTINE FERRARO
TALLMAN
Clerk of the Board of Supervisors
of the County of Stanislaus,
State of California.
BY: Lillie L. Farriester
Assistant Clerk
11/29