

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

DEPT: Planning and Community Development

BOARD AGENDA # \*D-2

Urgent  Routine

AGENDA DATE March 24, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Set a Public Hearing for April 21, 2009 at 6:45 p.m. to Consider General Plan Amendment Application #2007-08, Rezone Application #2007-11, and Vesting Tentative Parcel Map Application #2007-32, Kiernan Court Office Park

STAFF RECOMMENDATIONS:

Set a Public Hearing for April 21, 2009 at 6:45 p.m. to consider General Plan Amendment Application #2007-08, Rezone Application #2007-11, and Vesting Tentative Parcel Map Application #2007-32, Kiernan Court Office Park, a request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06-acre parcel. The project proposes development of a three (3) story, 69,531 square foot office building. The property is located at 5049 Kiernan Court, northeast of Kiernan Avenue, east of State Highway 99, in the Salida area.

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

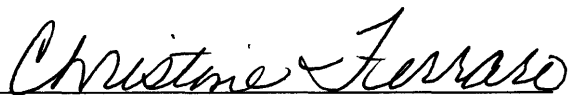
BOARD ACTION AS FOLLOWS:

No. 2009-177

On motion of Supervisor Chiesa, Seconded by Supervisor Grover  
and approved by the following vote,  
Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) \_\_\_\_\_ Denied
- 3) \_\_\_\_\_ Approved as amended
- 4) \_\_\_\_\_ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-I-9

NOTICE OF PUBLIC HEARING  
GENERAL PLAN AMENDMENT APPLICATION #2007-08,  
REZONE APPLICATION #2007-11, AND VESTING TENTATIVE PARCEL  
MAP APPLICATION #2007-32, KIERNAN COURT OFFICE PARK

NOTICE IS HEREBY GIVEN that on April 21, 2009, at 6:45 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to conduct a public hearing to consider General Plan Amendment Application #2007-08, Rezone Application #2007-11, and Vesting Tentative Parcel Map Application #2007-32, Kiernan Court Office Park, a request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06-acre parcel. The project proposes development of a three (3) story, 69,531 square foot office building. The property is located at 5049 Kiernan Court, northeast of Kiernan Avenue, east of State Highway 99, in the Salida area. APN: 136-017-017. A Negative Declaration will be considered.


NOTICE IS FURTHER GIVEN that at the above 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: March 24, 2009

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

BY:

  
\_\_\_\_\_  
Elizabeth A. King,  
Assistant Clerk to the Board

**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 there of on the following dates, to wit:

Apr 11, 2009

NOTICE OF PUBLIC HEARING GENERAL PLAN AMENDMENT APPLICATION #2007-08, REZONE APPLICATION #2007-11, AND VESTING TENTATIVE PARCEL MAP APPLICATION #2007-32, KIERNANCOURT OFFICE PARK  
NOTICE IS HEREBY GIVEN that on April 21, 2009, at 6:45 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to conduct a public hearing to consider General Plan Amendment Application #2007-08, Rezone Application #2007-11, and Vesting Tentative Parcel Map Application #2007-32, Kiemman Court Office Park, a request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06-acre parcel. The project proposes development of a three (3) story, 69,531 square foot office building. The property is located at 5049 Kiemman Court, northeast of Kiemman Avenue, east of State Highway 99, in the Salida area. APN: 136-017-017. A Negative Declaration will be considered. NOTICE IS FURTHER GIVEN that at the above 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: March 24, 2009. ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk to the Board  
**Pub Dates Apr 11, 2009**

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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**

April 13th, 2009

(Signature)





2009 APR 10 P 2:10

April 10, 2009

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN THAT** the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, April 21, 2009**, starting at **6:45 P.M.** in the Joint Chambers, 1010 10<sup>th</sup> Street, Basement Level, Modesto, California, to consider the following:

**Planning Commission's recommendation for approval of General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11, and Vesting Tentative Parcel Map Application No. 2007-32 - Kiernan Court Office Park - A request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06-acre parcel. The project proposes development of a three (3) story, 69,531 square foot office building. The property is located at 5049 Kiernan Court, northeast of Kiernan Avenue, east of State Highway 99, in the Salida area.**

**The property is further identified as Assessor's Parcel No. 136-017-017**

**The Board of Supervisors will also consider approval of a Negative Declaration for this item.**

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-6330, or email: [planning@mail.co.stanislaus.ca.us](mailto:planning@mail.co.stanislaus.ca.us).

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that: I am employed in the County of Stanislaus, California.

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building  
Department of Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354


On April 10, 2009, I served the attached Notice of Public Hearing  
(Date)

PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF GENERAL PLAN  
AMENDMENT APPLICATION NO. 2007-08, REZONE APPLICATION NO. 2007-11, AND  
VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-32 - KIERNAN COURT OFFICE  
PARK on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April 10, 2009, at Modesto, California.  
(Date)

Crystal D Rein  
(Type or print name)

  
Signature

**GENERAL PLAN AMENDMENT APPLICATION NO. 2007-08, REZONE APPLICATION NO. 2007-11,  
PARCEL MAP APPLICATION NO. 2007-32 - KIERNAN COURT OFFICE PARK**

Attachment A

Distribution List

X	AGRICULTURE COMMISSIONER		NATURAL RESOURCES CONSERVATION
X	AIRPORT LAND USE COMMISSION	X	PACIFIC GAS & ELECTRIC
	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES		POSTMASTER:
X	BUILDING PERMITS DIVISION - DENNIS WISTER	X	PUBLIC WORKS - ANGIE HALVERSON JUDY LINDSAY - DRAINAGE BILL CARDOZA - MORGAN RD TRAFFIC
X	CAL TRANS DISTRICT 10	X	PUBLIC WORKS - TRANSPORTATION
	CEMETERY DISTRICT		RAILROAD
	CENTRAL VALLEY FLOOD PROTECTION		REDEVELOPMENT
	CHIEF EXECUTIVE OFFICE	X	REGIONAL WATER QUALITY CONTROL
	CITY OF:		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
X	SALIDA SANITARY DIST	X	SCHOOL DIST 1: SALIDA
	COOPERATIVE EXTENSION	X	SCHOOL DIST 2: MODESTO
	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL	X	StanCOG
	COUNTY OF:	X	STAN CO ERC
	DEPARTMENT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES	X	STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: SALIDA		STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST 3: GROVER
	HAZARDOUS MATERIALS	X	SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
	HOSPITAL DIST:	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: MODESTO	X	TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: EASTSIDE	X	UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
X	MUNICIPAL ADVISORY COUNCIL: SALIDA		WATER DIST: