

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-3

Urgent

Routine

AGENDA DATE March 10, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on March 31, 2009 at 9:15 a.m. to Consider an Appeal of the Planning Commission's Approval of Use Permit Application No. 2008-03 - Delaney Aggregates

STAFF RECOMMENDATIONS:

Set a public hearing on March 31, 2009 at 9:15 a.m. to consider an appeal of the Planning Commission's Approval of Use Permit Application No. 2008-03 - Delaney Aggregates.

FISCAL IMPACT:

There is no fiscal impact associated with this matter.

BOARD ACTION AS FOLLOWS:

No. 2009-146

On motion of Supervisor O'Brien, 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:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

28 February, 2009
Stanislaus County Board of Supervisors
Stanislaus County Department of Planning and Community Development
1010 Tenth Street, Suite 3400
Modesto, Ca.

Att: Mr. Kirk Ford, Director

Re: Use Permit App. #2008-03 'Delaney Aggregates request to operate a gravel and sand extraction enterprise.' Parcel #008-022-003

From: Genevieve Calvert, Jean Cowper, Roberta Miller-Crum, Kenneth Crum, Cathleen Haight, Natalie Matson, Kenneth Rairden, Gordon Williams, Robert Williams, Richard Williams

All of the above hold deeds to property within one mile from above project.

REASON FOR APPEAL

1. Area property owners were clueless as to the magnitude and scope of the proposed project. The majority of owners did not know the plan was being fomulated.
2. Residents living in the area of the Delaney project were able to obtain the plan for the first time, Feb. 19, 2009, at the Department of Planning and Community's public hearing.
3. The approved plan is eighty-seven (87) pages in length. There are many areas of concern, but due to time constraints and the complex nature of the project, this enclosed document discusses two major issues.

- A. WATER
- B. PUBLIC SAFETY

BOARD OF SUPERVISORS
2009 MAR -2 A 11:50

WATER

For the past one hundred and thirty nine years (139), the Ducot, Williams family have photographs and records as to the history of their property, 300 acres bordering the south east property line of the Zanker property to be mined. Mr. Williams has provided the history to help us better understand the hydrology and ecology of the land.

(Exhibit 1)

The property to be mined today, is a catch basin for water to drain off from the southern area of said property. At the east section of said property, running west, is the main canal for Turlock Irrigation District, (referred to as Delaney Ditch by the locals).

Prior to the 'ditch' construction in 1890ties, the Ducot family drilled a two hundred foot well (200'). The well is located on the Shepherd Ranch shown in Exhibit 2. (Exhibit 2)
The well was of such poor quality, it would only support household use, and a small garden. Peter Ducot would drive his cattle each day to the Tuolumne River to drink.

In the area of the Delaney project, the T.I.D. canal was originally a large wooden flume, A earthen fill was constructed from fifty (50') to one hundred (100') feet in height, and wide enough for the canal. The ditch tender could drive his horses watching for wet spots. The 'Delaney Ditch' separated the Ducot Ranch from the river. As the first water flowed through the first irrigation district in the State of California, 1893, the Ducot's dry well gushed. The water table had risen one hundred and eighty feet. Delaney Ditch (TID canal) still seeps water into either side of lands lying at its base. Water collects underground on the property to be mined.

Ponds

created by the gold dredger in the 1940ties, exist in the public park bordering the east side of the Zanker property and aggregate project. These ponds are fed by the seepage of the canal, and have ample water for fishing year round. (EXHIBIT 3)

*The project states the water table on the property to be developed is two (2') feet to four (4') feet. The water source is the Tuolumne River.

*The project states, "although a complete hydrology report was not conducted....."

As the area to be mined has an exceptionally high water table, during heavy rain periods, water sits on the property from one (1') to two feet (2'). Large shallow ponds are visible as one drives down Lake Road. The existing dredge tailings act as a conduit for water to seep into the ground. The overflow egresses under Lake Road. The bridge which was constructed over that egress is still visible today approximately half way between the east and west property borders of the area to be mined. (EXHIBIT 4)

*The project states, " If necessary, a Stormwater Pollution Plan (SWPPP) will be completed AND maintained on site."

*The project states, "The four proposed ponds will naturally collect the majority of onsite drainage."

Unlike marsh or wetlands, deep ponds and lakes overflow in extremely wet years. One just has to have lived through the flood of 1997 as Don Pedro Lake rose one inch per hour. Every property on the lower Tuolumne was under water. The completed project will have no egress for excess water under Lake Road as exists today.

Problematic to the 10 year approved mining operation, is the sediment pit, phase 1. This 2 acre pit will be dug the first year of operations. Phase 2, is a 22 acre pit bordering Lake Road, (exhibit 6). These pits will be excavated to 40'. The proposal states the pits will collect the water. In the first two phases, a 2 acre pit on an eighty acre site, and the beginning of a 22 acre pit on the east side of the said site is planned. It is conceivable that the area will flood, the pits having waste and contaminants will flow into the Tuolumne River and homes directly in the floodway of pit 2. (exhibit 6)

PUBLIC SAFETY

FENCING: The north-east property line between the proposed mining project and the County owned public park is separated by a three line barb wire fence. The County owned land is leased for cattle grazing. The public uses the area to fish, study bird life, walk the trails. The area comprizes 150 acres. At the east end of the public property, there is a Kawainas Club overnight camping area. Boy Scouts, Clampers, and other groups use the area frequently. There is no discussion in the Delaney project to physically enforce the fenceline. How very easy for the public, especially youngsters, to visit such a facinating area where large machinery and earthen holes are being dug. (Exhibit 4)

Portions of the acreage to be developed have been, as stated in their proposal, were dredged. The gold dredgeing process used mercury. This event ceased to opperate in the early 1950ties.

In 2003, the 150 acre County park, and the 180 acre Zanker property (site of the Delaney project) were to be mined for aggregate. The project was to incorporate the two land parcels to provide aggregate for the Tuolumne River. The project was titled, "Course Sediment Management Plan for the Lower Tuolumne River," prepared by McBain and Trush, Arcada, CA. 2003. This plan addressed mitigation for these surface mining operations. (exhibit 5a & b)

The Delaney plan does not address using a settling basin. The only language refers to a 2 acre sediment pond. Settling basins need to be constructed to prevent wash water from any threat of flood and prevention of wash waters permeating the ground water. The Delaney plan states that three test sites for mercury came out negative. No physical report was included regarding any possible contaniments. No mitigations regarding fencing the sediment pond were discussed.

LAKE ROAD: A County road maintained by Stanislaus County (exhibit .) borders the the Zanker property where the mining and excavation of fourty (40') foot pits will take place. The county road was not designed to carry todays vehicular traffic. South of the project, a cattle feed lot is licenced to feed 70,000 head of cattle. Semi trucks haul debris from the feed lot, pass the Zanker property, pass the Lake Road community. These trucks travel on Lake Road many times daily. The Hughson School bus carries children, twice daily, passing by the projected site. Local traffic, campers, vehicles hauling boats, cattle, and horses make Lake Road a busy one. (not to forget the many motorcycles).

At present Lake Road is showing many cracks. Some cracks are now filled with green

vegetation. As water seeps through the cracks and permeates the road bed, the road breaks down. This is beginning to take place. The impact of gravel and sand trucks permitted by Planning, 65 trips daily, will increase the probability of a broken roadway.

IMPACT TO LAKE ROAD AT PROJECT SITE: As discussed previously, the 40' excavations pits will border Lake Road at two locations (exhibit). The Tuolumne River runs parallel to Lake Road at the project site, a distance of a few hundred feet (aproximatey 1/2 acre). With permanent water on either side of Lake Road, a road built for little traffic, and the present cracking of the road, the chances of road collapse multiply. (exhibit 6)

The Delaney project has budgeted .05 cents per ton to road repair. The ten year project would yield the County \$100,000.00 dollars. What cost to the County should Lake Road fail? Closing off the water escape from the Zanker property, and no hydrology report, creates a mystery as to the future fate of those who use Lake Road.

CONCLUSION - RE-CAP

As property owners, we all believe that people should be able to develop and create their dreams. But it is important that in doing so we are caring, careful and concerned for our neighbors and environment.

To briefly recap our concerns: There is insignificant mitigation to protect the public and wildlife from such a large scale operation.

Let us not follow Merced County. The County has closed Ketterson Wildlife Refuge due to contaminated water. The fledgling birds born at the site are deformed.

The water issues should be of grave concern to our paid and elected officials. There is much evidence with the excavation of forty (40') foot ponds, closing the natural water egress, and the water stress on Lake Road; a flood, and or a failure of the road is possible.

The surface mining of dredge tailings at Snelling became serious when flooding occurred. The operator walked away from the project. For the past three years, Merced County has spent time and money with hydrologists investigating the issues. The investigation continues.

Let us get it right. A solid E.I.R. independent of emotion, mitigated to insure everyone's well being (throughout the ten year process to complete the project) should be required.

Enclosed is the \$580.00 filing fee required by the County to make this appeal.

Sincerely,

Property Owners affected by the Delaney proposal

Contact person: Roberta Miller Crum

29337 Lake Road

La Grange, CA. 95329 (209) 853-2101

28 February 2009

Roberta Miller,

Re: Our recent communication regarding the gravel mining operation on Lake Road has caused me to reflect on the past history of water in the surrounding area and the type of wildlife that could be subject to displacement by the operations of said gravel mine.

Water has always been a problematic issue in California and in the La Grange area as well. Long before irrigation was established with big dams on the Tuolumne River, underground water was hard to find and very deep. There would be the annual springtime flooding followed by very low summer and fall flows on the river that would cease to support even the hydraulic mining operations of the gold mining companies. The river would be so silted up from hydraulic mining debris that in late summer and fall, the flow was reported as a few inches of water over the manmade debris washed into the river.

Most food crop production was carried on near the river just to have enough water to insure plant growth. Wells far away from the river were known for their poor reliability and would go dry in the fall many years. Even the wells near the river were problematic unless deep enough. One well in particular, at the Domenici place just east of the present day Basso Bridge, hand dug to a depth of 300 feet in the 1890's, would barely supply enough water to support the needs of a home, small garden and few animals. This well was within ¼ mile of the river between Upper and Lower Domenici Creeks.

The well at the Peter Ducot home was equally problematic. Peter Ducot homesteaded his place in 1872 and quickly found that the water supply from his well was only enough for a few people, a garden, and a few animals. When the 200 foot deep well dried up in the fall, all the animals were driven to the Tuolumne River once a day for water in order to survive. With the introduction of the TID canal system on the south side of the river in 1893, the water table began to change. It was observed one day that the well was making a roaring noise. A check of the level indicated the water level raising about the time it usually began to fall. The roaring noise of water falling into the well from the surrounding strata continued for the next 7 years. In those seven years of raising water table conditions, the water level went from the 200 foot level to 80 feet from the top of the well. This bounty of water caused significant change to the entire area. Springs began to appear where before it had always been dry. Now they could have a herd of cattle instead of only a milk cow and a few horses or mules. No longer did they have to drive the few animals to the river for water in the fall of the year. Line fences built to contain only a few cattle or horses had to be reinforced to sustain the abuse of an entire herd. Franklin Beard got it right in his book about the Eastern Stanislaus County area which he titled, "From Grain fields to Green fields."

In the 1950's, the Grange Company drilled a well on the Ducot property on what used to be formerly owned by Patrick Delaney. This 200 foot well also supplied water from the 80 foot level for many years until several large bore wells were drilled to the south to

Exhibit 1

support grapes and almonds. By 1987, the well was dry due to the overdraft of the water table to the south. The old well established by Peter Ducot in the last century then owned by Pat and Chuck Shepherd also went dry. This is clear indication of the tenuous situation of ground water in the area.

When the City and County of San Francisco constructed the Hetch Hetchy pipe line to the city by the bay, many springs dried up due to the changes in the ground caused by the tunneling. When they completed the last Coast Range portion of the pipeline, studies were done to help keep track of just how their manipulation of the water table affected the local property owners. Sure would be nice to have some idea of what the ground water conditions are like before embarking on a massive 80 acre pit 40 feet deep.

Wildlife in the area is also subject to the seasons. The wild life has also changed over the past decades as man has changed the natural environment. I can remember always seeing a few deer most of the year and in the winter upwards of 30 deer in a herd were always visible. That deer herd had slowly shrunk in size and in the last few years, to see 4 or 5 deer is a rare sighting. More common is to see one deer if at all. With the lack of a significant deer population, the mountain lions are forced to predate on domestic livestock which creates some instant problems.

The smaller mammals including, raccoons, skunks, grey fox, red fox, opossum, coyote, bobcat, rabbits, seem to be holding their own but not expanding in numbers. The bird population has seemed to increase. I see many more of the white Snowy Egret birds in the past few years than back in the 1960-1970 era. The Great Blue Heron is a regular visitor and several in number. The increase in cattle has brought with it the increase in the turkey vulture population with as many as 50 or more visiting a fresh carcass. The Red Tail Hawk is the primary year round airborne predator keeping the rodents and snakes under control. The woodpecker population is healthy as always based on holes in surrounding buildings. Magpies are a more frequent visitor to the local area than in years gone by. The Bald Eagle is a frequent visitor in the winter as it feeds on the salmon in the river and also the fish in the TID canal at low flow. The Wood Duck, the most beautiful and well marked of North American waterfowl is also a regular visitor to most of the streams and ponds of large size. The Canada Goose is becoming more populous than ever. Forty years ago, the big Canadian waterfowl was a very rare visitor and now they seem to be regular denizens of the local ponds. The dove population has shrunken in recent years due to issues with habitat reduction. With all the open range land being converted to tree crop production, the wild plants they use for food and cover are severely reduced in number. Quail populations along the river and away from the river seem to be stable at the moment but could change with encroachment by mans activities.

The local reptile population boasts, the ubiquitous Diamond Back rattle snake, the gopher snake, the Alameda Racer in some very large sizes. The Black and Yellow striped water snakes are also frequent visitors in the area. There are also numerous frogs, toads, and salamanders if one bothers to look. The lizard population is a majority of the blue belly variety with some of the skinks featuring their bright neon blue colors of youth.

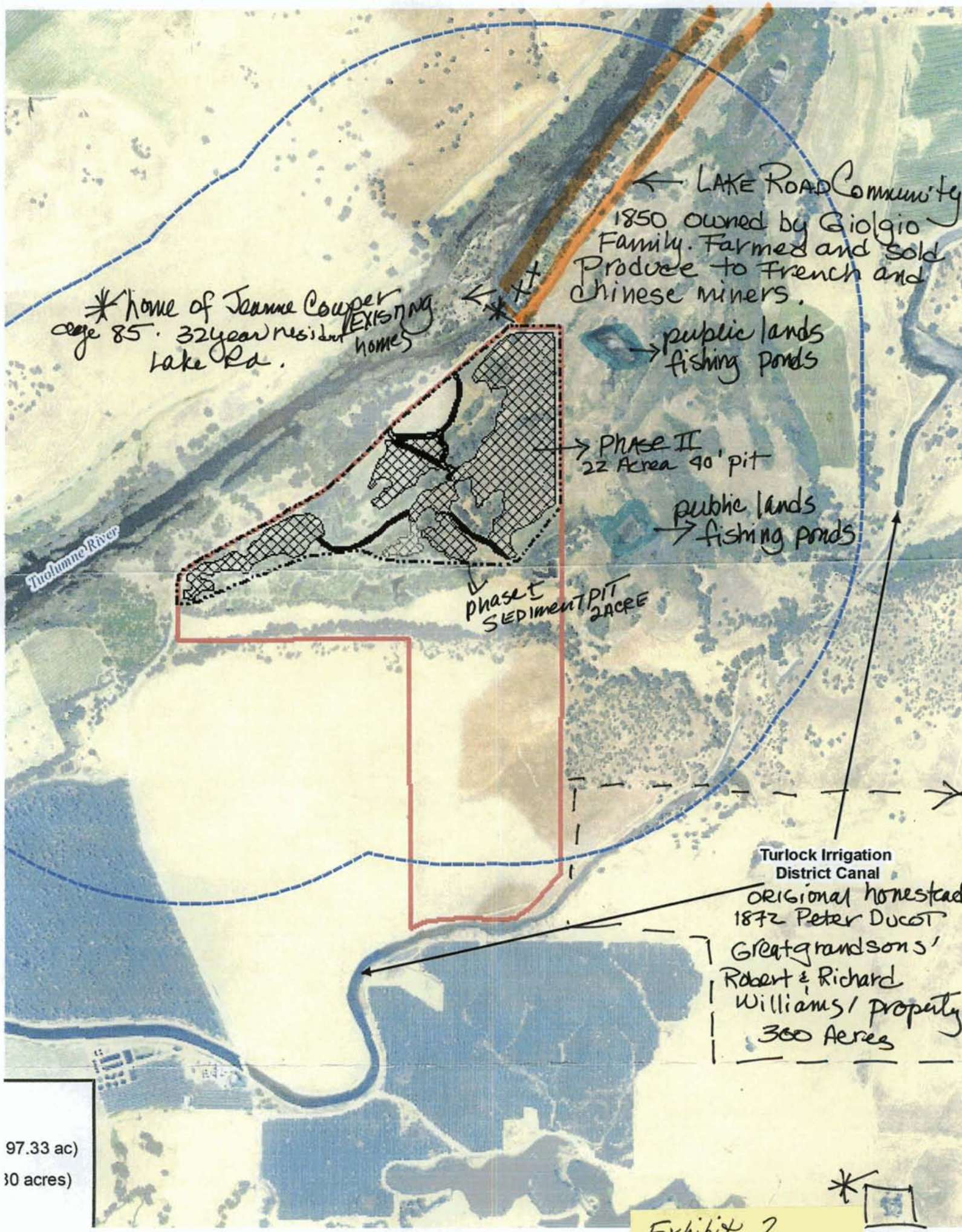
There are also bats and owls working the night shift of vermin control. The area is full of wild life based on my life long observations. One just needs to be aware of there surroundings and watch 24 hours a day to see how diverse the animal population is. Even if you do not see the animal, any place with some mud will quickly reveal what has visited in the past day or two just by reading the tracks.

I hope this information helps in guiding you to some new directions.

Sincerely,

A handwritten signature in cursive script that reads "Robert Williams". The letters are fluid and connected, with a prominent initial 'R'.

Robert Williams



* Home of Jeanne Couper
age 85. 32 year resident
lake Rd. EXISTING
homes

← LAKE ROAD Community
1850 owned by Giolgio
Family. Farmed and sold
produce to French and
Chinese miners.

→ public lands
fishing ponds

→ Phase II
22 Acre 40' pit

→ public lands
fishing ponds

↓ Phase I
SEDIMENT PIT
2 ACRE

Turlock Irrigation
District Canal
ORIGINAL homestead
1872 Peter Ducot
Greatgrandsons'
Robert & Richard
Williams / property
300 Acres

97.33 ac)
30 acres)

Exhibit 2



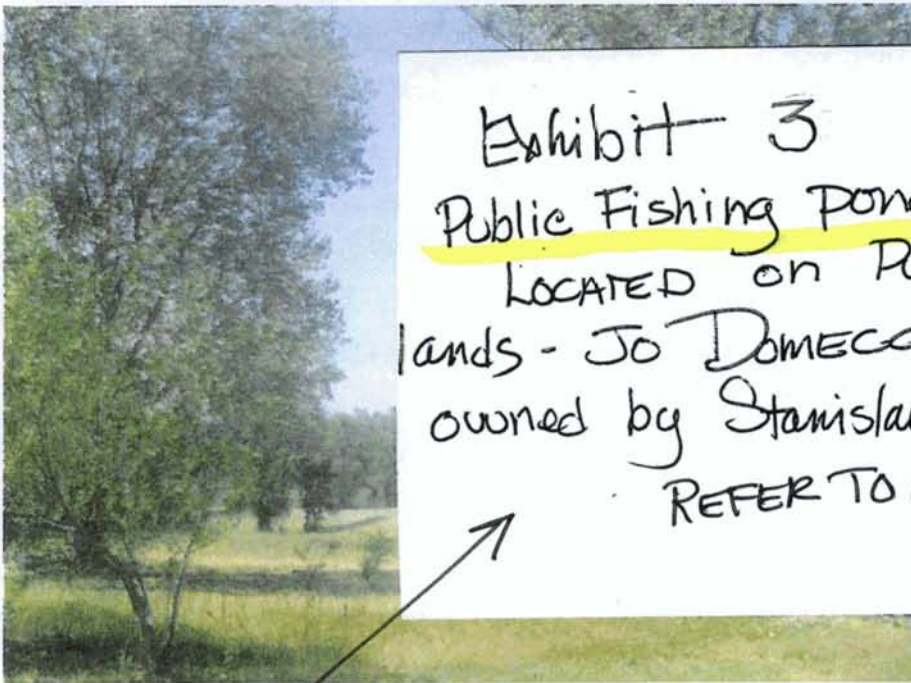


Exhibit 3
Public Fishing Pond
LOCATED on Public
lands - Jo Domecq Park
owned by Stanislaus Co
REFER TO Exhibit 2

Photo 3: Poned area near grazing strip at Delaney Aggregates. Photo taken Sept. 6, 2007.

Photo 4: Cottonwood area in northeast corner of Study Area. Photo taken Sept. 6, 2007.



Key Regates View

Extraction Areas
Project Area
Joe Domecq W.A.
Parcels



Exhibit 4



April 2008
Sage Boundary Solutions
© 2006, USDA NAIP

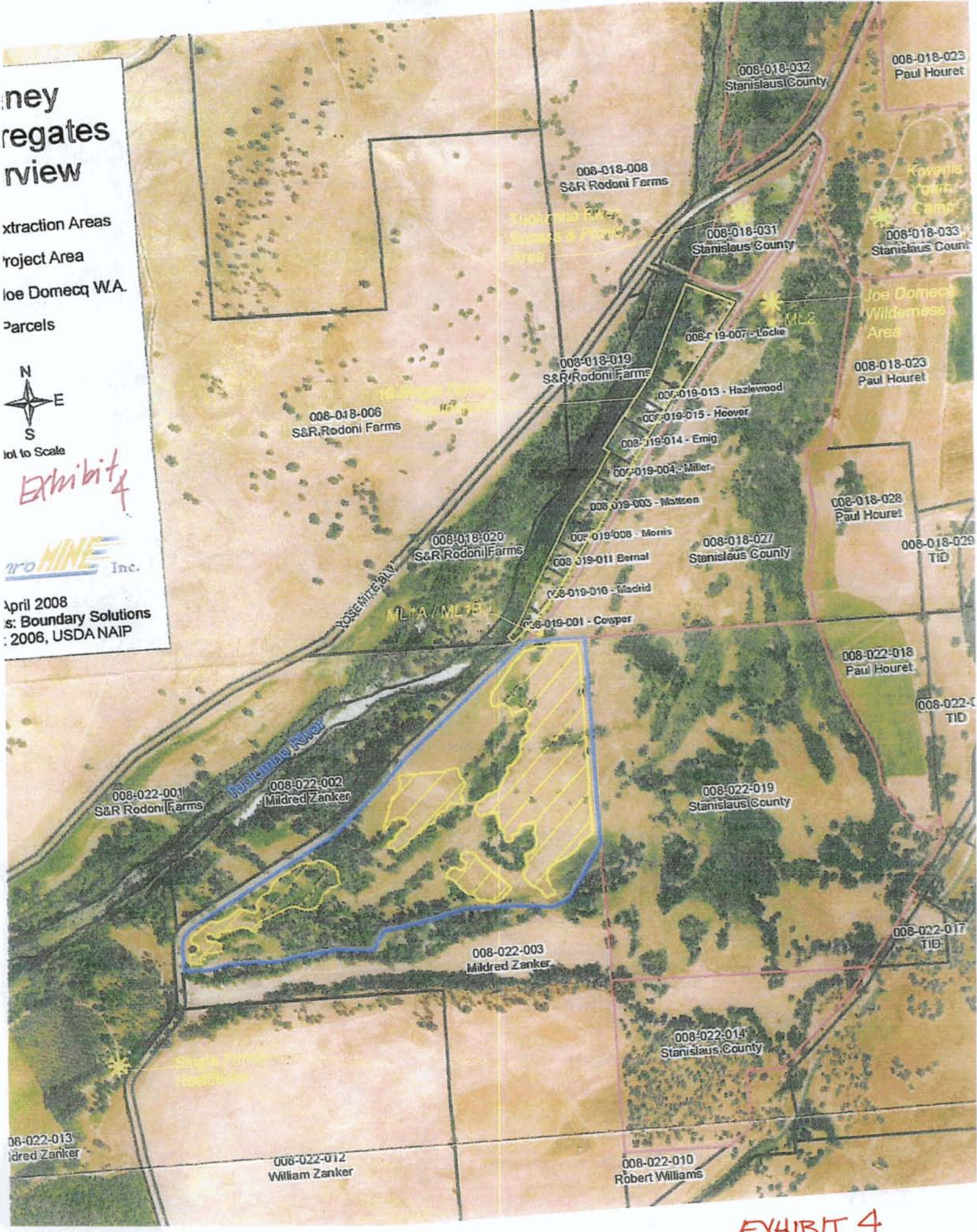
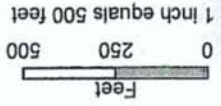


EXHIBIT 4

- The layout of access roads and haul roads needs to consider the phased mining and reclamation design over the ten-year period to avoid unnecessary disturbance to wildlife or recreational uses. Road layout and reclamation needs to be described in the Conditional Use Permit application or a separate Grading Permit will be needed.
 - Measurable biological and physical habitat goals will need to be developed to guide monitoring plans necessary to document success of reclamation.
12. Sediment sources that require multiple years to mine and reclaim the site will need to determine where to site the processing facility.
- A lease, rental payment, and right-of-way agreement will be needed to site the processing facility on private or public property.
 - The processing facility could be located on the property that is presently being mined, then moved to the next property to be mined, while reclamation occurs on the former site.
 - One centrally located processing site could be established to minimize haul time.
 - If, after mining and reclamation are completed but the aggregate products are to be stockpiled on site, then another lease, rental payment, and right-of-way agreement will be needed to secure the use of that property.
13. The layout and operation of the aggregate processing facilities may have numerous constraints and regulatory requirements.
- The processing facilities should be located outside of the Reclamation Board's Tuolumne River designated floodway boundary
 - The processing facilities should be sited where they will have the least affect on neighboring properties or other uses.
 - Water and electrical sources may need to be developed.
 - A settling basin will need to be constructed to retain wash water. The settling basin will need to be located outside of any floodways and not discharge to any waterway.
 - The settling basin will need to be periodically excavated to restore its holding capacity.
 - Water quality testing of the wash water should periodically be conducted. Depending on the presence of mercury, the disposal of fines from the basin may need to be treated as a hazardous material for disposal purposes.
 - The settling basin may need to be sprayed with an insecticide to control mosquitoes.
 - A scale house and turn-around area will be needed for haul trucks.
14. The County's General Plan requires that riparian habitat be protected from development.
- What setback distance is adequate to protect existing riparian habitat from the effects of pit excavations?
 - What slope will be adequate for the pit walls adjacent to riparian habitat?
 - Are Elderberry plants present in the proposed project areas, and how much area would be removed from extraction to protect these plants?
 - Is there suitable areas to establish riparian or Elderberry vegetation to mitigate project impacts to such vegetation?

25. Another issue of concern (as per CEQA Guidelines) is the affect of the project on air quality.
- The excavation of dredger tailings can expose underlying fine sediments to wind, resulting in the transport of particulate matter off-site. This could be a long term impact if mining is continual, rather than in stages followed by reclamation that would reduce the exposure of these fine sediments.
 - Long-term storage of sediment in stockpiles that have not been screened could also result in airborne transmission of fine matter.
 - Locating the sediment development project near the sites that will receive the spawning gravels will reduce the distance that trucks haul material to the site compared to purchasing commercial aggregate from downriver sites.
26. Project effects on biological resources are an area of concern (as per CEQA Guidelines).
- Avoiding existing aquatic, wetland, riparian, and listed species habitats in the sediment development project will greatly facilitate compliance with CEQA and other regulations.
 - If the project areas have not been previously surveyed, then sensitive species presence/absence surveys will need to be conducted.
 - Wetland delineations and vegetation-habitat mapping will also be necessary to assist project designs and to address regulatory concerns.
 - Groundwater investigations may be necessary in order to understand the source of water that is supporting existing aquatic, wetland, and riparian habitats to assure that water supplies are not interrupted by proposed mining activities.
 - Setback distances and slopes will need to be negotiated with the appropriate regulatory agencies before a mining footprint can be established and the volume of sediment that would be purchased and available for use in restoration projects.
27. Project effects on the availability of mineral resources are an area of concern (as per CEQA Guidelines).
- The state has designated numerous Aggregate Resource Areas in Stanislaus County, which have been incorporated into the County General Plan. The proposed project will involve extraction of aggregate resources in ARA's. The use of the mined material is for the restoration of the Tuolumne River and its anadromous salmonid fisheries. Such restoration is in furtherance of the health, safety, and public welfare of local residents and for those who reside in the Central Valley region and California as a whole. There must be a balance in the use of these important mineral resources between the needs for natural resource restoration and to support urban growth. The Public Trust Doctrine calls for such a balance of uses to protect the Public's Trust uses and resources in the Tuolumne River.
28. Project effects on cultural resources are also an area of concern (as per CEQA Guidelines).
- To some people the dredger tailings are an important example of a major period of California history. The County has hosen not to designate the dredger tailings along the Tuolumne River as a historic or culturally important landscape. On the contrary, Stanislaus County General Plan Policy 27 specifically states "The County shall emphasize the conservation and development of lands having significant deposits of extractive mineral resources by not permitting uses that threaten the potential to extract the minerals." These

Date: August 2008
Parcel: Boundary Solutions
Aerial: 2006, USDA NAIP



- Legend symbols:
 - Blue hatched box: Ponds
 - Red dashed line: Project
 - Red solid line: RP Boundary
 - Blue hatched box: See
 - Blue hatched box: Road
 - Blue hatched box: Six & Container Stock

Somewhere here

INTO COUNTY POND

This is a very STEEP SLOPE
rising approx 100'

NATURAL WATER EGRESS
(Green Gulch)

LAKERD

Tuolumne River

ROSEMITE BLV

FLOOD

FLOOD

FLOOD

SOMEWHERE HERE
XX
XX
XX
TUOLUMNE RIVER

EXHIBIT 6

Figure 2.7-2
Delaney
Aggregates
Revegetation

EXHIBIT 6

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT
APPLICATION NO. 2008-03 - DELANEY AGGREGATES

NOTICE IS HEREBY GIVEN that on March 31, 2009 at the hour of 9:15 a.m., the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to consider an appeal of the Planning Commission's approval of Use Permit Application No. 2008-03 - Delaney Aggregates, a request to operate a gravel and sand extraction enterprise for Delaney Aggregates on an 80-acre portion of a 205-acre parcel enrolled under Williamson Act Contract and located within the A-2-40 (General Agriculture) zoning district. The property is located at Lake Road, approximately 1 mile southwest of the intersection of Lake Road and State Highway 132, just north of the Merced County line and northeast of Turlock Lake. A Mitigated Negative Declaration will be considered. APN:008-022-003

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: March 10, 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



BOARD OF SUPERVISORS

1010 10th Street, Suite 3400, Modesto, CA 95354

Phone: 209.525.6330 Fax: 209.525.5911

2009 MAR 20 P 2:24

March 20, 2009

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, March 31, 2009**, starting at **9:15 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

APPEAL OF PLANNING COMMISSION DECISION FOR USE PERMIT APPLICATION NO. 2008-03 - DELANEY AGGREGATES - This is a request to operate a gravel and sand extraction enterprise for Delaney Aggregates on an 80-acre portion of a 205-acre parcel enrolled under Williamson Act Contract and located within the A-2-40 (General Agriculture) zoning district. The property is located at Lake Road, approximately 1 mile southwest of the intersection of Lake Road and State Highway 132, just north of the Merced County line and northeast of Turlock Lake.

The property is further identified as Assessor's Parcel No. 008-022-003

The Board of Supervisors will also consider approval of a Mitigated 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.

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 10th Street, Suite 3400
Modesto, CA 95354


On March 20, 2009, I served the attached Notice of Public Hearing
(Date)

APPEAL OF PLANNING COMMISSION DECISION FOR USE PERMIT APPLICATION NO. 2008-03 - DELANEY AGGREGATES 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 March 20, 2009, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

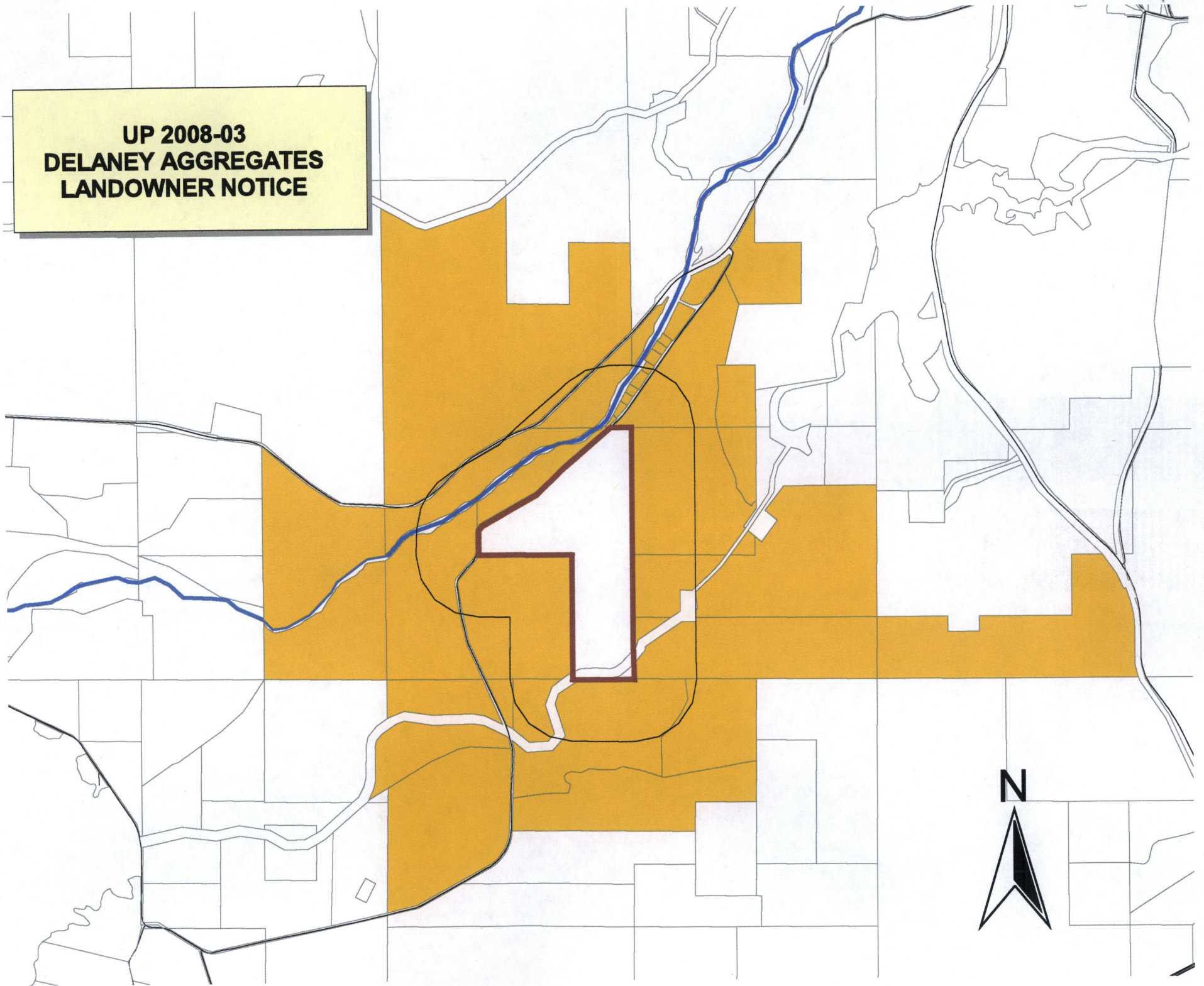
USE PERMIT APPLICATION NO. 2008-03 - DELANEY AGGREGATES

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
X	CENTRAL VALLEY FLOOD PROTECTION		REDEVELOPMENT
X	CHIEF EXECUTIVE OFFICE	X	REGIONAL WATER QUALITY CONTROL
	CITY OF:		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: LA GRANGE
X	COOPERATIVE EXTENSION	X	SCHOOL DIST 2: HUGHSON
X	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL	X	StanCOG
	COUNTY OF:	X	STAN CO ERC
X	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: STANISLAUS CONSOLIDATED	X	STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST 2: MAYFIELD
X	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: TURLOCK		TRIBAL CONTACTS
X	LAFCO	X	TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: TURLOCK		UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
	MUNICIPAL ADVISORY COUNCIL:		WATER DIST:

**UP 2008-03
DELANEY AGGREGATES
LANDOWNER NOTICE**



**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:

Mar 21, 2009

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING
COMMISSION'S APPROVAL OF USE
PERMIT APPLICATION NO. 2008-03-
DELANEY AGGREGATES

NOTICE IS HEREBY GIVEN that on March 31, 2009 at the hour of 9:15 a.m., the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to consider an appeal of the Planning Commission's approval of Use Permit Application No. 2008-03 - Delaney Aggregates, a request to operate a gravel and sand extraction enterprise for Delaney Aggregates on an 80-acre portion of a 205-acre parcel enrolled under Williamson Act Contract and located within the A-2-40 (General Agriculture) zoning district. The property is located at Lake Road, approximately 1 mile southwest of the intersection of Lake Road and State Highway 132, just north of the Merced County line and northeast of Turlock Lake. A Mitigated Negative Declaration will be considered. APN:008-022-003

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: March 10, 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

Pub Dates Mar 21, 2009

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

March 23rd, 2009

(Signature)

