

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

JOHN R. JOHNSTON,

Plaintiff and Appellant,

v.

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE
DISTRICT et al.,

Defendants and Respondents;

CITY OF SANTA ROSA et al.,

Real Parties in Interest and
Respondents.

A097121

(Sonoma County
Super. Ct. No. 227130)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on July 31, 2002 be modified as follows:

1. On page 3, line 1 of the slip opinion, the word "Research" is deleted and replaced by the word "Recharge."
2. On page 4 of the slip opinion, the last sentence of the first full paragraph is modified to read as follows:

"Furthermore, the record before this court shows that the pump station would be only 1,800 square feet in size, would not be visible from the foreground of any residence near the Sanctuary, and would be about one-half mile from any vantage point."

This modification does not change the judgment.

Marchiano, P.J.

Trial Court: Sonoma County Superior Court

Trial Judge: Honorable Lawrence G. Antolini

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Madrone Audubon Society):

Law Office of J. William Yeates

J. William Yeates

Mary U. Akens

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Daniel P. Selmi

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