



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Continued Meeting

WEDNESDAY, JANUARY 28, 2004

8:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

GLORIA CORTEZ KEENE.....DISTRICT 1
KATHLEEN M. CROOKHAM.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIR DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.
(209) 385-7366*

SCHEDULED ITEMS

CONTINUED PUBLIC HEARING FROM JANUARY 27, 2004 TO JANUARY 28, 2004

8:00 A. M.

PLANNING - PUBLIC HEARING

To withdraw prior project approval in accordance with judgment and peremptory writ of mandate issued in Merced Superior Court Case No. 144855, to consider re-approval of the project pursuant to a re-organized administrative record and previously adopted environmental findings and associated matters, to consider adoption of resolution re-approving the project and re-adopting required findings and associated matters in connection with the following Project: Conditional Use Application No. 99012 and Mining and Reclamation Plan for Calaveras Materials Incorporated (Woolstenhulme Ranch Mine) to mine rock, sand, and gravel resources by removing approximately 10 million cubic yards of material on a 635 acre site and to

reclaim the area to wildlife habitat and open lakes on property located on the west side of Highway 59, 12 miles north of the City of Merced in the Snelling area

REVIEW BOARD ORDER – SEE PAGE 3, 4 AND 5

BOARD ORDER – SUMMARY ACTION MINUTES – JANUARY 28, 2004

8:00 A. M. SCHEDULED ITEM

2004-01-28 PLANNING – CONTINUED SESSION

The time and date previously set for a continued Board Meeting from January 27, 2004, to consider to withdraw prior project approval in accordance with judgment and peremptory writ of mandate issued in Merced Superior Court Case No. 144855, to consider re-approval of the project pursuant to a re-organized administrative record and previously adopted environmental findings and associated matters, to consider adoption of resolution re-approving the project and re-adopting required findings and associated matters in connection with the following Project: Conditional Use Application No. 99012 and Mining and Reclamation Plan for Calaveras Materials Incorporated (Woolstenhulme Ranch Mine) to mine rock, sand, and gravel resources by removing approximately 10 million cubic yards of material on a 635 acre site and to reclaim the area to wildlife habitat and open lakes on property located on the west side of Highway 59, 12 miles north of the City of Merced in the Snelling area with Supervisors Cortez Keene, Crookham, Kelsey and O'Banion present.

Planning and Community Development Director Mr. Nicholson submits and reviews a complete package of the documents that were submitted yesterday.

Supervisor Nelson enters the Chambers at 8:10 am.

Counsel Castillo reviews the documents as follows: Resolution regarding Conditional Use/Mining and Reclamation Plan Application No. 99012, Calaveras Materials Woolstenhulme Ranch Mine to:

- (1) Reflect review of the reorganized administrative record;
- (2) Review of previously adopted findings;
- (3) Reapproval of the Project; and

(4) Affirmance of Previously Adopted Findings (Pages 1 – 5), Supplemental Findings regarding whether a subsequent or supplemental EIR is required for the Woolstenhulme Ranch Mining Project, CUP 99012 (Pages 1 – 2) and List of Attachments Exhibit A-Documents Reflecting the Planning Commission Action on November 15, 2000; Exhibit B-Documents Reflecting the Board Action on February 2, 2001; Exhibit C-Index to Reorganized Administrative Record; Exhibit D-Notice of the January 27, 2004 Board Meeting; Exhibit E-Project Findings and Conditions of Approval and Exhibit F-Environmental Findings (Page 6) and the Exhibits are provided.

Bill Gnass, attorney for CMI applicant, states corrections for the record from the administrative record had been submitted as noted that were not included in the original Resolution.

The Chairman calls for public opportunity to speak.

Lydia Miller, San Joaquin Raptor Rescue Center, states no time was provided to look at the record noting the County is the responsible party.

Bryant Owens, citizen, expresses public outrage for contempt of the judicial system and administrative record and re-certification of the record. He speaks in opposition stating he did not receive the document until this morning.

The Chairman closes the public opportunity to comment.

Following discussion, Supervisor Cortez Keene moves, seconded by Supervisor O'Banion, the Board takes the following action:

1. Find, after reviewing the Reorganized Administrative Record, including the findings previously adopted by the Board on February 2, 2001, that the project as originally proposed and approved by the Planning Commission on November 15, 2000, and by the Board on February 2, 2001, may be reapproved;
2. Approve Conditional Use/Mining and Reclamation Plan Application No. 99012 for the Woolstenhulme Ranch Mine Project;
3. Affirm the previously adopted findings and conditions of approval for the Project, which are set forth in Exhibit E (attached to Resolution) and which can be found in the Reorganized Administrative Record (AR) at pages AR 2982-2984, 2986-3002, 3052-3059, 3319-3324, 3325, 3514-3516 and 3521-3522;
4. Affirm the previously adopted Environmental Findings, which are set forth in Exhibit F (attached to Resolution) which can be found in the Reorganized Administrative Record (AR) at pages AR 2006-2023, 2982-2984, 2986-3002, 3004-3023, 3052-3059, 3077-3078, 3319-3324, 3325, 3514-3516 and 3521-3522. These findings address certification of the EIR, Project Alternatives, and Potentially Significant Impacts which have been reduced to a less than Significant Level and incorporated by reference the Final EIR which includes the Mitigation Measures and Mitigation Monitoring Program;
5. Affirm the previously adopted Facts and Findings regarding Significant Unavoidable Impacts and Statement of Overriding Considerations for remaining impacts on prime agricultural land, which are also set forth in Exhibit F (attached to Resolution) and which can be found in the Reorganized Administrative Record (AR) at pages AR 3077-3078, 3319-3324, 3325, 3514-3516 and 3521-3522;
6. Approve the Supplemental Findings regarding whether a subsequent or supplemental EIR is required;
7. Direct that the record of these proceedings be contained in the Planning and Community Development Department, 2222 "M" Street, Merced, California, 95340 and that the custodian of the record be William Nicholson, Director of Planning and Community Development.
8. Direct County Counsel to file any required return to the writ of mandate with the Court regarding the actions of the Board;
9. And adopt Resolution No. 2004-23.

The Chairman calls for a Vote on the Motion.

Supervisor Kelsey abstains from voting stating she did not participate in the prior actions by the Board on this project.

Motion carries.

Ayes: Cortez Keene, Crookham, Nelson, O'Banion

Abstention: Kelsey