

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF FEBRUARY 23, 2011**

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The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of February 23, 2011, are available online at [www.co.merced.ca.us/planning/plancomarchive.html](http://www.co.merced.ca.us/planning/plancomarchive.html).

**I. CALL MEETING TO ORDER**

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:00 a.m., on February 23, 2011, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present: Commissioner Lynn Tanner - Chairman  
Commissioner Jack Mobley - Vice Chairman  
Commissioner Mark Erreca  
Commissioner Rich Ford  
Commissioner Greg Thompson

Staff Present: Paul A. Fillebrown, Interim Development Services Director  
William Nicholson, Assistant Development Services Director  
Kim Anderson, Recording Secretary  
Oksana Newmen, Planner III

Legal Staff: Marianne Greene, Deputy County Counsel

Commissioners Absent: None

**III. APPROVAL OF MINUTES**

**M/S MOBLEY - ERRECA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF FEBRUARY 9, 2011.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A. MAJOR MODIFICATION No. MM10-002 to CONDITIONAL USE PERMIT No. CUP99-009 - Jaxon Enterprises - Craven Pit Mine Expansion - To add three additional phases (Phases 14, 15, & 16) for extraction and processing of aggregate material and to amend the approved reclamation plan to include the additional phases. The project is not proposing any increase in tonnage of material to be mined, traffic, or annual production. The project is located on the east side of White Rock Road and approximately one quarter mile north of Le Grand Road in the Le Grand area. The property is designated Foothill Pasture in the General Plan and zoned A-2 (Exclusive Agricultural). **ON****

**Recommendation:** The actions requested are to:

- 1) Certify the Addendum to the Environmental Impact Report, and
- 2) Approve Major Modification No. MM10-002 to Conditional Use Permit No. CUP99-009 based on the project findings, and subject to the conditions of approval.

Planner Oksana Newmen said a late comment letter was received from California Department of Fish and Game that requires follow up and possible additional environmental review. This item has been continued to an unknown Planning Commission meeting.

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**MOTION: M/S MOBLEY - ERRECA, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION AGREES TO CONTINUE MAJOR MODIFICATION No. MM10-002 to CONDITIONAL USE PERMIT No. CUP99-009 TO AN UNKNOWN FUTURE PLANNING COMMISSION MEETING.**

**VI. COMMISSION ACTION ITEM (S)**

- A. Rosenberg’s Rules of Order** – Consider modification to the Planning Commission’s procedures related to the Rules of Parliamentary Procedure for the 21<sup>st</sup> Century by Dave Rosenberg related to motions and Commission discussion of agenda items.

Deputy County Counsel Marianne Greene, said she would advise the Commission to allow the flexibility to have deliberations prior to making the motion when the project is complex or controversial, in other words it would become an exception to the general rule that the motion goes first before deliberation. There is a statement in the Rosenberg’s Rules of Order that says it is usually best to have a motion before the governing body prior to discussing the agenda item, to help everyone focus on the motion before them. The word “best” suggests flexibility and the reason for allowing such flexibility as Commissioner Ford articulated would be to prevent the public from thinking they were not heard. If the first thing they heard was already a formed motion that does not reflect some of their concerns. It may be easier for the Commission to form a motion if it looks likely, based on public comment and discussion, that there may be a departure from the staff recommended motion. Ms. Greene would recommend keeping a general rule of having the motion before the deliberation but making an exception where the Commissioners see fit.

All Planning Commissioners agreed to Ms. Greene’s comment.

**MOTION: M/S MOBLEY – ERRECA, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION ACCEPTS THE ADJUSTMENT TO THE ROSENBERG RULES OF ORDER.**

**VII. DIRECTOR’S REPORT**

Bill Nicholson, Assistant Development Services Director, said the Focus Group meetings will take place on March 2<sup>nd</sup> and March 3<sup>rd</sup>, and the schedule including the time and location of the meetings are available on the Merced County website.

The joint study session between the Board of Supervisors and Planning Commission will take place in April.

**VIII. COMMISSIONERS COMMENTS**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:14 a.m.