



PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT


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Date: February 10, 2010

To: Planning Commission

Through: Robert A. Lewis, Development Services Director 

From: Robert F. King, Senior Planner

Subject: To consider as a matter of policy a new format of Planning Commission agenda item project descriptions, including consideration of adding CEQA environmental document information, project recommendation and actions.

At the January 26, 2010 meeting of the Board of Supervisors, the Board directed the Planning & Community Development Department to revise the Merced County Planning Commission Agendas to be more consistent with the Board of Supervisors Agendas to assure compliance with the "Ralph M. Brown Act." The "Brown Act" sets minimum requirements for the conduct of public meetings, including what an agenda item should contain:

54954.2. Agenda requirements; Regular meetings

(a) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

While the key language is "a brief general description generally need not exceed 20 words," it should be tempered by the goal of providing enough information "so the public can determine whether to participate in the meeting" as found in *Carlson v. Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196. Thus, a longer description of more than 20 words may be provided to ensure public understanding of the proposed agenda item.

Therefore, staff has prepared a new agenda format that is consistent with the direction of the Board of Supervisors and requests that the Planning Commission consider as a matter of policy a new format of future agenda item project descriptions, including consideration of adding CEQA environmental document information, project recommendations and actions.

The new format is generally the same as before, but with additional information regarding the recommended California Environmental Quality Act (CEQA) determinations and actions. Generally there are three basic types of project determinations under CEQA; Exemption, Negative Declaration, and Environmental Impact Report (EIR). Examples of these are shown as follows:

Examples of Recommended Planning Commission Agenda Item New Formats.

CEQA Exemption

ADMINISTRATIVE APPLICATION No. AA10 -100 – ACME Brake Shop

To permit a brake shop at a former service station. The project site is located at 298 Industrial Blvd., east of Commerce Ave., in the Merced Area. The property is designated Commercial in the General Plan, and zoned C-2 (General Commercial).

Recommendation: The actions requested are to:

- 1) Determine that ACME Brake Shop Administrative Application (AA10-100) is exempt from the California Environmental Quality Act (CEQA) based upon environmental findings in the Staff Report, and;
- 2) Approve AA010-100, based on the proposed project findings and subject to the recommended conditions of approval.

Negative Declaration or MND

CONDITIONAL USE PERMIT APPLICATION No. CUP10-200 – ACME Diesel Repair Facility

To permit the construction and operation of a diesel truck overhaul and repair facility. The project site is located at 298 Industrial Blvd., east of Commerce Ave., in the Merced Area. The property is designated Commercial in the General Plan, and zoned C-2 (General Commercial).

Recommendation: The actions requested are to:

- 1) Adopt the Mitigated Negative Declaration and Mitigation Measures prepared for the ACME Diesel Repair Facility Conditional Use Permit (CUP10-200) based upon environmental findings in the Staff Report, and;
- 2) Approve CUP10-200, based on the proposed project findings, and subject to the recommended conditions of approval and mitigation measures.

Environmental Impact Report

CONDITIONAL USE PERMIT APPLICATION No. CUP010-300 – ACME Tractor Factory

To permit the construction and operation of a tractor factory. The project site is located at 298 Industrial Blvd., east of Commerce Ave., in the Merced Area. The property is designated Industrial in the General Plan, and zoned M-2 (General Manufacturing).

Recommendation: The actions requested are to:

- 1) Adopt the Final Environmental Impact Report (FEIR), Findings of Fact, Mitigation Measures, and Statement of Overriding Considerations for the ACME Tractor Factory Conditional Use Permit (CUP10-300) based upon environmental findings in the Staff Report, and;
- 2) Approve CUP10-300, based on the proposed project findings, and subject to the recommended conditions of approval and mitigation measures.