



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Development Services Director*  
2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
www.co.merced.ca.us

Equal Opportunity Employer

**MEMORANDUM**

**DATE:** February 10, 2010

**TO:** Planning Commission

**FROM:** James Holland, Senior Planner

**SUBJECT:** Request to Rescind Approval of Minor Subdivision Application No. MS07-040:  
William Morris

**Background/History/Analysis**

The purpose of this memorandum is to request that the Planning Commission consider rescinding the approval of Minor Subdivision Application No. MS07-030 (William Morris) that was approved by the Planning Commission on October 14, 2009, and re-hearing the same request having incorporated new descriptive agenda and legal notice language for the hearing.

On January 26, 2010, the Board of Supervisors held a public hearing to consider the appeal filed by San Joaquin Raptor Rescue Center and Protect Our Water of alleged Brown Act and CEQA violations made by the County in the review process followed for the Morris Minor Subdivision application. Following the opening and closure of the hearing, with no comments from appellants, the Board of Supervisors accepted a recommendation from County Counsel that the application should be returned to the Planning Commission for rescission of past actions to adopt the CEQA Initial Study and approve the minor subdivision (Minor Subdivision Application No. MS07-030) Even though there was no apparent violation of the Ralph M. Brown Act in the form and content of the agenda and legal notices, the Board desires as a matter of policy to give the most complete description of an action item as reasonable.

This request to rescind adoption of the CEQA Initial Study and Mitigated Negative Declaration and approval of MS07-030 will have the effect of allowing the County to address all the concerns raised by San Joaquin Raptor Rescue Center and Protect Our Water in their October 19, 2009 appeal by adding new noticing language on the agenda.

**Required Action**

Staff recommends that the Planning Commission rescind adoption of the CEQA Initial Study and Mitigated Negative Declaration and approval of Minor Subdivision Application No. MS07-030 based on policy direction from the Board of Supervisors on January 26, 2010, and make the following motions:

**MOTION 1:** Rescind adoption of the CEQA Mitigated Negative Declaration and related findings; and,

**MOTION 2:** Rescind approval of Minor Subdivision Application No. MS07-030 and related project findings, conditions of approval and mitigation measures.