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RECEIVED
JUL 29 1991
COUNTY OF SANTA CLARA
PLANNING DEPARTMENT
Planning Commission

July 25, 1991

Kaiser Cement Corporation -
Modernization of Aggregate
Facility

Mr. Luke Stamos
Santa Clara County
Planning Department
70 West Hedding Street
East Wing, 7th Floor
San Jose, California 95110

Dear Mr. Stamos:

We appreciate having had the opportunity to meet with you and Mr. Bratton on May 22, to discuss Kaiser's rock plant modernization project. Since that meeting we have given further serious thought to the modernization and its implementation.

As we discussed, Kaiser is ready to proceed with the project. Having carefully reviewed the County's grading ordinance we believe that no grading permit should be required.

Santa Clara County Ordinance Code section C12-420 prohibits grading without first obtaining a grading permit, unless an exemption applies. We believe that at least one exemption to the permit requirement applies to Kaiser.

Section C12-421(i) states the following exemption from the grading permit requirement:

"Exemption for dumps, mines and quarries. Grading within the site of a . . . quarry or plant for excavating and the processing and stockpiling of rock, sand, gravel, aggregate or clay, provided that such grading or other activities are established and operated in accordance with all laws and the requirements of all permits."

Mr. Luke Stamos
July 25, 1991
Page 2

This exemption should apply to Kaiser in two ways: first, Kaiser's entitlement to quarry as a legal conforming use under §38-7 of the County's Ordinances covers the entirety of the relevant Permanente property. Pursuant to that right Kaiser intends to extract for processing and sale rock products from the area of the proposed modernization. Even assuming, however, that some portion of that extraction ("quarrying") might arguably be labelled grading, it would be "Grading within the site of a . . . quarry" and should therefore be exempt from the grading permit requirement.

Additionally, because Kaiser operates its cement and aggregate plants at the same site, the grading for the rock plant modernization would also be "within the site of a . . . plant for . . . processing and stockpiling of rock, sand, gravel, aggregate or clay" and would, therefore, be exempt from the grading permit requirement.

Before we take any action, however, we wanted to advise you and to solicit any thoughts you or the county counsel may have. We would be happy to meet with you. We look forward to hearing from you at your earliest convenience.

Very sincerely yours,



Thomas P. O'Donnell

cc: F. A. Nelson, Jr.
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Mr. A. J. Ruffo