

February 24, 2020

**VIA ELECTRONIC MAIL**

Jacqueline R. Onciano  
Director of Planning and Development  
County of Santa Clara  
70 West Hedding Street, 7<sup>th</sup> Floor  
San Jose, CA 95110

**Re: *Permanente Quarry, California Mine ID No. 91-43-0004***  
*Utility Road Application (File No. PLN19-0067)*

Dear Ms. Onciano:

We are writing on behalf of Lehigh Southwest Cement Company (“Lehigh”).

This responds to Santa Clara County’s (“County”) February 13, 2020 letter. The County proposed that Lehigh withdraw its application for a reclamation plan amendment for the Utility Road (PLN19-0067) incorporate its contents into the application for a comprehensive reclamation plan amendment (PLN19-0106).

As a general matter, Lehigh is troubled by the delay in bringing the Utility Road application to hearing. This is a simple application to adjust reclamation plan boundaries to add 36.6 acres of existing roads, and not allow new mining. The application was filed in November 2018 and has been pending for over a year. The application has been fully processed and is ready for approval.

Indeed, County staff advised Lehigh and the Department of Conservation that the application would be considered at a December 19, 2019 Planning Commission meeting but, for reasons not shared with Lehigh, the application was not placed on the Planning Commission’s agenda.

In short, a straightforward boundary adjustment has developed into a prolonged process that the County now intends to further extend. Lehigh is concerned by what these delays portend for its broader reclamation plan application.

Lehigh will agree, nonetheless, to withdraw the application, provided that the delay in bringing the roads into the reclamation plan boundary does not give rise to any constraint upon Lehigh’s existing surface mining operations.

Specifically, the County must agree that Lehigh may use the Plant Quarry Road and other internal roads on Lehigh’s property while the combined application is processed. If the County cannot

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make this commitment or believes for any reason that Lehigh must curtail its use of these roads before an amendment is approved, the County must immediately schedule the Utility Road application for consideration by the Planning Commission.

Sincerely,

HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON



By  
Mark D. Harrison, Esq.

cc: Rob Salisbury, Senior Planner, Santa Clara County  
Rob Eastwood, Planning Manager, Santa Clara County  
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