

# County of Santa Clara

Department of Planning and Development  
Planning Office

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
www.sccplanning.org



## NOTICE OF PUBLIC HEARING REGARDING

### PERMANENTE QUARRY/LEHIGH SOUTHWEST CEMENT COMPANY LEGAL NON-CONFORMING USE DETERMINATION

## POSTPONED TO A DATE UNCERTAIN

**NOTICE IS HEREBY GIVEN** that the County of Santa Clara Board of Supervisors has postponed the public hearing that was scheduled for **Tuesday, November 23, 2010 at 1:30 p.m.** to a **Date Uncertain** regarding a determination whether and to what extent Heidelberg Cement, Incorporated (owner), Lehigh Southwest Cement Company (operator) of Permanente Quarry has a legal non-conforming use for quarrying on approximately 89 acres located on the northeastern portion of the quarry referred to as the East Materials Storage Area (EMSA). The site is located in an unincorporated area of the western foothills of Santa Clara County near the City of Cupertino, 24001 Stevens Creek Boulevard, Cupertino, 95014, approximately 2 miles west of the intersection of Interstate 280 and Highway 85 (see attached location map), Assessor Parcel Numbers 351-09-022, 351-10-005, 351-10-037 and 351-10-038. (File No. 2250-13-66-09P) (Supervisory District 5).

The postponement is to allow staff additional time necessary to complete a thorough and detailed analysis, to provide adequate time for public comment of the analysis, and to avoid scheduling the hearing during the holiday season. Staff anticipates this item will be re-noticed and scheduled for a hearing before the Board of Supervisors in January or February 2011.

PLANNING AND DEVELOPMENT  
MICHAEL M. LOPEZ, PLANNING MANAGER

**FOR FURTHER INFORMATION** relating to the proposal above, please contact:  
Marina Rush, Associate Planner, at (408) 299-5784 or via email at [marina.rush@pln.sccgov.org](mailto:marina.rush@pln.sccgov.org).

**[ADDITIONAL INFORMATION ON IS BACK OF THIS NOTICE]**

**Postponement Information:**

This item was not placed on the agenda for the County of Santa Clara Board of Supervisors hearing, November 23, 2010. As of Friday, November 12, 2010, staff found that it did not have sufficient information to complete the analysis and therefore issued a notice to the public advising that the hearing would be continued to a date uncertain. Staff must ensure that sufficient detail is obtained and reported, and also must ensure adequate time is provided for the public to review the final report ahead of a hearing before the Board. When the analysis is complete staff will re-notice the hearing, which is expected to take place in January or February 2011.

Please note that the purpose of the hearing, when rescheduled, will be to determine whether and to what extent, a legal non-conforming use(s) (also known as a “vested right”) for surface mining (such as the existing Permanente Quarry) exists on the parcels of land in question. This would not be a land use authorization. For any areas where legal non-conforming use(s) are determined by the Board to not exist, a Use Permit would be required. If a Use Permit is required the property owner must file and staff will process a Use Permit application simultaneously with pending proposals for amendments to the Reclamation Plan of the Permanente Quarry. Two Reclamation Plan amendments are pending: one for the East Materials Storage Area portion of the site to be followed by a second comprehensive Reclamation Plan amendment for the entire site. Both amendments are subject to CEQA and the preparation of Environmental Impact Reports. When and if Reclamation Plan amendments, and Use Permits if required, are approved, the operator would then have all lawful approvals to extend/expand the operation on the site.