



FILE: PA03-0100

DATE: December 23, 2004
TO: File/Record/Applicant
FROM: Tim Neely, Director, RDMD/ Planning and Development Services
SUBJECT: Planning Application PA03-0100 for Site Development Permit
APPLICANT: All-American Asphalt

I. NATURE OF PROJECT:

The purpose of this Planning Application is to:

1. Summarize the previous project approvals, consisting of:
 - a. Site Development Permit 93-049P (to install and operate an asphalt batch plant, grading and processing adjoining slopes);
 - b. Changed Plan 94-0015;
 - c. Changed Plan 96-0097;
 - d. Changed Plan 97-0079; and
 - e. Changed Plan 02-0077.

Changed Plan 02-0077 appears to have allowed the removal of .17 acres of coastal sage scrub habitat without compliance with applicable Federal regulations. This is acknowledged to have been an oversight.

Earlier fuel modification and septic field plans allowed removal of coastal sage scrub on the south side of the entry driveway, prior to such habitat being formally protected.

2. Clarify that the approved "Reclamation Plan" is intended to be implemented as follows:
 - a. That whenever an area is left a graded slope, said area is to be revegetated with the coastal sage scrub mix in said plan prior to the next rainy season;
 - b. That whenever an area was graded flat, said area is to be incorporated into the operational area and not revegetated, with the exception of any area graded without permits;
 - c. That upon conclusion of plant operations, the entire area, including the flat operational area, is to be "smoothed" (no definition of this term) and revegetated in the same said coastal sage scrub mix; and
 - d. That natural slopes within the property, otherwise ungraded, are to have added prickly-pear cactus planted within one year of the conclusion of operations (just before the next rainy season).

3. Remove the unpermitted equipment storage, asphalt and gravel surfaces, and vehicle parking east of the property, and revegetate said area with the coastal sage scrub mix included in the Reclamation Plan;
 4. Allow additional grading and permanent retaining walls, as depicted on the approved plot plan;
 5. Allow this material to be commercially processed on site as part of the asphalt production operations, without any of: a Sand & Gravel Use Permit, a mineral extraction permit, or a State-approved mining extraction reclamation plan. This determination was made after telephonic consultation with staff of the California Office of Mine Reclamation. The site is not used or approved for mining.
 6. Implement coastal sage scrub mitigation as agreed to by the U.S. Fish & Wildlife Service. It is presumed that either the payment of cash will occur, or that any further physical mitigation will be clearly defined through either a revised plan submitted within 60 days of the approval of this planning application, or a still further changed plan.
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II. REFERENCE: (Authority for Administrative action is given by what ordinance, regulation, etc.)

Orange County Zoning Code 7-9-150 "Discretionary Permits and Procedures" and A1 "General Agricultural" District Regulations

II. ENVIRONMENTAL DOCUMENTATION:

A Negative Declaration ("ND") for the project was prepared and was posted for public notice on November 18, 2004. It became final without appeal on December 20, 2004. The ND includes mitigation measures for grading plan review, water quality protection, grading-related noise, loss of biological resources, and fire protection, all of which have been transposed into conditions of approval of this project (see Appendix B).

I have found this Negative Declaration adequate to meet the requirements of CEQA for the proposed project (see Appendix A).

IV. CERTIFICATION:

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Tim Neely, Director
RDMD/Planning and Development Services

By:

Jim Swanek, Staff Planner
PDS/CAPS/Site Planning Section

ATTACHMENTS:

Appendix A - Findings

Appendix B - Conditions of Approval

APPEAL PROCEDURE

Any interested person may appeal the decision of the Director on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.