

July 10, 2015

VIA ELECTRONIC MAIL & U.S. MAIL

Ms. Diane Severud
Clerk of the Board of Supervisors
Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249-9709
dseverud@co.calaveras.ca.us

Re: **Appeal Of Planning Commission July 9, 2015 Action And Resolution That
An Authority To Construct For An Asphalt Plant Is A Project Under CEQA**

Dear Ms. Severud:

This firm represents CB Asphalt, Inc. ("CB Asphalt") and Ford Construction ("Ford") in matters pertaining to the proposed Hogan Quarry Hot Mixed Asphaltic Concrete Plant ("Asphalt Plant"). By this letter, CB Asphalt and Ford appeal the Planning Commission's determination that the Authority To Construct ("ATC") Permit for the Asphalt Plant at Hogan Quarry is a discretionary permit and not ministerial, and therefore is a project under the California Environmental Quality Act ("CEQA") (P.R.C. § 21000 et.seq.).

Background Facts

On September 6, 1990, the Calaveras County Planning Commission approved Reclamation Plan No. "90-15" for the Hogan Quarry, an existing gravel quarry which has been in operation since 1965 as the construction material rock source for the construction of New Hogan Dam. The quarry is located on a 149+ acre parcel located at 3650 Hogan Dam Road, Valley Springs, CA. CB Asphalt and Ford propose to place a portable Asphalt Plant at the south-east portion of the existing quarry operations at the site of a former portable concrete batch plant on approximately 2 acres of previously graded area. The proposed Asphalt Plant will process a quantity of materials as allowed and processed historically.

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Appeal

Pursuant to Section 17.98.040 of the Calaveras County Code, CB Asphalt and Ford appeal the Calaveras County Planning Commission's July 9, 2015, action and Resolution that the Authority To Construct ("ATC") Permit for the Asphalt Plant at Hogan Quarry is a discretionary permit and not ministerial, and that an authority to construct is a project under CEQA. Section 17.98.040 provides an appeal avenue to the Board of Supervisors "within fifteen calendar days from the date of the commission decision."

Filing Fees

As required, enclosed is a check in the amount of One Hundred Dollars (\$100.00) to satisfy filing fee requirements for this appeal.

Supplemental Documentation

CB Asphalt and Ford further reserve the right to submit supporting facts, law, and other documentation as soon as feasible after filing this appeal. As there are significant business impacts resulting from the delays in issuance of this ATC the operators would appreciate this matter being calendared as soon as feasible.

Very truly yours,


Diane G. Kindermann

DKH/sb

cc: Julie Moss-Lewis, Deputy County Counsel (*Via Email*)
Peter N. Maurer, Planning Director (*Via Email*)
Brian S. Moss, Env. Mgmt. Agency Administrator (*Via Email*)