Memo

To: Vice-Chair Buttress and Members of the Planning Commission

From: Chad Ortlieb, Senior Planner

Through: Leslie Aranda Roseberry, Planning Manager

Date: February 7, 2014

Re: Response to Information Requested for the Rio Santiago Project

Subsequent to the January 20, 2014 Planning Commission Meeting, a Commissioner requested that staff contact one of the public speakers who stated that they had photographs of portions of the site from the 1920s and 1930s. Staff has since obtained the requested photographs and they are included as Attachment A to this memo.

Subsequent to the January 27, 2014 Planning Commission Meeting, a Commissioner requested that staff provide information on the history of the sand and gravel, materials crushing and backfilling operations on the project property. The request specifically seeks entitlement history, business license records, and documentation of where backfilling is occurring in relation to locations of historical mining. The request also seeks clarification on how the General Plans of the Cities of Orange and Villa Park discuss future widening plans, or lack thereof, for Santiago Canyon Road and Villa Park Road. A discussion of each component of the request is as follows:

Site Operational History

The aerial photographs of Attachment A indicate that mining operations on the site existed between 1928 and 1938. The photographs indicate a progression of mining until 1970. The 1992 photograph indicates a wind down of mining activity with remaining materials crushing activity occurring at the eastern end of the site.

Entitlement History

In July 1964, the property was annexed into the City via Annexation No. 228.

On March 1, 1971, the Planning Commission approved Conditional Use Permit 498 for the construction of an asphalt batch plant in the Sand and Gravel Extraction District on the project site (Resolution PC-15-71). The resolution notes that at that time existing

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uses consisted of "a cement treated base plant, conveyor systems, stock piles and an orange orchard."

On November 13, 1973, the City Council adopted Ordinance 54-73 establishing "a sand, gravel, and mineral extraction code." The code at that time was permissive of "the installation and operation of plants or apparatus for rock crushing and cement treatment of base materials...."

On April 22, 1975, the City Council approved Conditional Use Permit 704 and Environmental Impact Report 208 on Appeal 488-02 from the Planning Commission for the installation of a ready-mix concrete batch plant on the project site. The resolution notes that "the present use of the subject property consists of sand and gravel operation including conveyor systems and stock piles and a small orange orchard."

Sometime between 1970-1976 mining at the site ceased but crushing operations remained.

On April 25, 1978, the City Council adopted Ordinance 20-78 as an emergency measure "to require site permits for all permitted uses in the SG (Sand and Gravel) Extraction District." The code at that time remained permissive of "the installation and operation of plants or apparatus for rock crushing and cement treatment of base materials...."

On July 11, 1995, the City Council adopted the current Sand and Gravel Code as part of a comprehensive zoning code update. The current code no longer permits "the installation and operation of plants or apparatus for rock crushing and cement treatment of base materials...."

On July 15, 2002, the Community Development Director opined that concrete recycling and storage is prohibited within the SG zone.

On July 20, 2002, Appeal Application Number 488 was filed appealing the Community Development Director's decision to the Planning Commission.

On September 26, 2002, the Planning Commission upheld the decision of the Community Development Director for Appeal Application Number 488.

On October 10, 2002, the operator appealed the Planning Commission decision on Appeal Application Number 488 to the City Council.

On December 10, 2002, the City Council considered Appeal Application Number 488 and determined the asphalt and concrete recycling operation is a legal non-conforming use thereby upholding the appeal and reversing the decisions of the Community Development Director and Planning Commission.

Business License History

Business Name	Date Range	Activity Licensed
Sully Miller Contracting Co./Manufacturing Plant, Sully Miller Contracting and Sully Miller Contracting Co. (#10955, 37512, 84535 and 170760)	12-4-46 to 9-30-97 (closed)	Not Specified.
Hanson Aggregates, also listed as Livingsten Graham/Blue Diamond (#91426)	10-1-97 to 9-30-13 (closed)	"Concrete Products, Except Block & Brick", "Recycle Materials Site", Dump Site for Recylcing Asphalt Concrete and "Recycling Asp"
Materials Transport Services/Retail (#133784 and 156896)	2-1-10 to 2-7-13 (closed)	"Construction Materials Processing and Sales" also "Conduct Activities Permitted within the Sand & Gravel District Use Regulations" Staff notes on the license that "The zoning approval is for backfilling with inert materials as a permitted primary use and for all structures and mechanical equipment associated with the backfilling use. The structures would be subject to a building permit and structures and equipment use would be an accessory use. The applicant must further define the operational backfilling plans to the satisfaction of the City prior to initiating operations. The existing backfilling plan is not acceptable to the City as of this date."

Chandler's	Rio	Santiago	8-1-13 to present	"Inert Debris Fill
LLC (#1672	73)		_	Operation" Staff notes on
				the license that the use is
				"Permitted for backfilling
				with inert materials in
				association with Grading
				Permit 2068 only. Grading
				Permit 2047 is expired and
				not valid for any work
				proposed under this
				license."

Backfilling in Relation to Historical Mining

On March 15, 2011, Grading Permit #2047 was issued for a backfilling operation on 47 acres over portions of the site known for the Rio Santiago Specific Plan as Planning Areas B and C (Attachment B). Grading Permit #2047 was renewed on April 12, 2012.

On November 20, 2012, Grading Permit #2068 was issued for a backfilling operation on 32.5 acres over portions of the site known for the Rio Santiago Specific Plan as Planning Area D (Attachment C). A second phase is planned for the remaining part of Planning Area D under a separate grading permit.

The height of backfill authorized in the grading permits are not readily discernible to Community Development staff however, pursuant to an e-mail by former City Attorney David DeBerry that was also provided to the Sentry paper and an Orange Park Acres representative, "The backfill operation can continue until it brings the site to its natural grade. From the perspective of our Public Works Department, the best landmark for the natural grade of the property was Santiago Canyon Road. So the backfilling cannot raise the site above Santiago Canyon Road."

Staff has not received information from the grading permit applicants regarding the historical locations of mining on the site. However, Figure 5.6-1 (Attachment D) from both page 5.6-4 of the DEIR and Figure 8 of the Rio Santiago Geotechnical Investigation (Appendix G of the DEIR) show that "pond deposits, pond deposits overlying old alluvium, artificial fill and artificial fill overlying young alluvium" are dominant soil structures on the site. Therefore, when the aerial photos of Attachment A are combined with Figure 5.6-1, it is reasonable to conclude that mining activities have dominated much of the site in the past.

Santiago Canyon Road and Villa Park Road

Pages 5.16-2 and 5.16-3 of the DEIR explain the existing and future General Plan widths for Santiago Canyon Road, Villa Park Road, and Katella Avenue in the City of Villa Park and the City of Orange. A summary is as follows:

Road Segment	Existing Width	Future Width
Santiago Canyon Road	Four-lane divided road with	Six-lane divided Major
	a painted median	Arterial
Villa Park Road	Four travel lanes and a	No change*
	raised median	
Katella Avenue	Three to four travel lanes	Six-lane divided major
	and a raised median east of	arterial to its city limits
	SR 55	

^{*}Per future General Plans, both Santiago Canyon Road and Katella Avenue would narrow from six lanes to four along Villa Park Road in the City of Villa Park.