

County of Santa Clara  
Board of Supervisors  
Supervisorial District 5  
Supervisor S. Joseph Simitian



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109544

**DATE:** February 15, 2022

**TO:** Board of Supervisors

**FROM:** S. Joseph Simitian, Supervisor

**SUBJECT:** Lehigh Cement Plant and Quarry Acquisition Options

**RECOMMENDED ACTION**

Approve referral to Administration and County Counsel to report to the Board within 90 days with options for consideration relating to the potential acquisition of the Lehigh Cement Plant and Quarry property located in unincorporated Santa Clara County, Cupertino, and Palo Alto. (Simitian)

**FISCAL IMPLICATIONS**

There are no direct costs associated with the approval of this referral. It is expected that the report-back will identify potential costs, including possibilities to finance those costs, of any options presented for the Board's consideration.

**REASON FOR RECOMMENDATIONS**

Over the hundred odd years that there has been active mining on the Lehigh site, and with large scale commercial mining starting in 1939, the community context in which this mining has taken place has changed considerably. Co-location of mining/heavy industry and residential subdivisions is certainly not something that a modern urban planner would actively contemplate; yet that is exactly what we find at the site today.

The Lehigh Cement Plant and Quarry is an historical anachronism. A significant segment of the community has repeatedly called for its closure. Not surprisingly, the current owners resist that path while there is limestone to be mined and a cement market to purchase their product.

By this referral, the Administration and County Counsel are directed to explore and report back on the feasibility of potential acquisition of the site, including outright purchase, either from a willing seller or through the use of eminent domain. Options for financing such an acquisition should be presented, along with a discussion of advantages or disadvantages associated with the various financing options.

Potential financing options could derive from future land use opportunities should the County acquire the property. For example, some members of the community have called for housing on the site. If housing were constructed there might be revenue associated with that activity that could be used to offset all or a portion of the acquisition costs. To the extent such opportunities exist, Administration and County Counsel should include them in the options they present to the Board.

Additionally, Administration and County Counsel should consider the possibility of County acquisition on a no-cost or low- cost basis if the current property owner (i.e., Lehigh) were to seek forgiveness for reclamation costs.

In offering this referral I am, of course, mindful of the fact that our County anticipates the possibility of an application to amend the current Reclamation Plan; indeed, an application was submitted in 2019, but ultimately not pursued by the applicant who apparently now contemplates a substantially revised application. It is understood, of course, that any future land use application, should there be one, will be lawfully considered pursuant to applicable law and on its merits.

That said, this referral is made now because:

- The multiplicity of complaints and violations at the Lehigh Cement Plant and Quarry suggests continuing incompatibility of uses;
- The potential, in fact likely, possibility of a new application for continued and expanded activity at the site suggests *now* is the time to envision and consider other possibilities which are both in the public interest and fair to the property owner;
- And finally, experience just across the Bay, at the recently opened park and camping facility which is the former Dumbarton Quarry, provides tangible evidence that reclamation and conversion can be accomplished.

To be sure, the undertaking anticipated by this referral is substantial, and the anticipated timeline is certainly not short. That said, the problems are real, the time is now, and we know that a good outcome is achievable. Rather than let the years pass and simply respond on a

reactive basis, our County should begin today to identify and pursue other more desirable possibilities.

To that end, Administration and County Counsel is directed to consult with all relevant stakeholders and consider collaboration with all potential partners in developing a planning process, timeline and eventually a proposal for the property in question.

## **BACKGROUND**

The Lehigh property includes a total of 3,510 acres, 2,656 of which are in unincorporated Santa Clara County and include the cement plant and quarry that are of interest to the community. The remaining acreage is within the incorporated cities of Cupertino and Palo Alto.

The current (2012) Reclamation Plan contemplates full reclamation of the site by June 30, 2032. That existing Plan contemplates hillside open space as the proposed end use following reclamation. In 2019, as noted above, Lehigh submitted an application for a Reclamation Plan Amendment (RPA). The pending RPA would have permitted modified, expanded operations and extended the reclamation timeline.