



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: June 18, 2021

Subject

Consider Authorization of the Mayor to Sign a Letter to the County of Santa Clara Board of Supervisors (Board) Regarding City Support of the Board Granting 1972 Ridgeline Protection Easement Enforcement Rights to Midpeninsula Regional Open Space District.

Recommended Action

Authorize the Mayor to Sign a Letter to the Board Regarding City Support Granting 1972 Ridgeline Protection Easement Enforcement Rights to Midpeninsula Regional Open Space District.

Background

The Lehigh Southwest Cement Company/Permanente Quarry (Lehigh) is a limestone and aggregate mining operation located in both unincorporated Santa Clara County (County) and the City of Cupertino. It includes approximately 3,500 acres located immediately west of the City, predominantly on unincorporated County land. A sliver of the easternmost portion of the property not used for the extraction of materials; this portion falls within the City. The property includes a large quarry pit from which Lehigh quarries limestone, primarily for processing at the cement plant located on its property. The Lehigh cement plant was issued County authorized use on May 8, 1939. Other public agencies have jurisdiction over Lehigh activities, including the State Mining and Geology Board, San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, and Bay Area Air Quality Management District.

The Lehigh-Permanente quarry is a “vested mine” operation, as determined by the Board on February 8, 2011. A Reclamation Plan, the document showing how the quarried lands will be restored, was originally approved by the County in 1984 and was amended in 2012.

Starting in late 2018, Lehigh submitted several applications to the County to amend and expand the reclamation plan for its property. The current application consolidates prior applications. It proposes to reclaim the existing quarry pit by filling it primarily with imported fill and to increase the maximum height of the West Materials Storage Area. The application also proposes to expand quarrying into a new area south of the current quarry

pit (Rock Plant Reserve), modify a 1972 Ridgeline Protection Easement held by the County to lower the ridgeline elevation above the main pit, and allow export of aggregate materials from Lehigh to Stevens Creek Quarry (SCQ) for processing and sale.

The County accepted a Ridgeline Protection Easement Deed on August 22, 1972. Attachment A depicts this easement. The ridgeline easement indicates that Lehigh is “willing to grant to the County of Santa Clara an easement protecting and maintaining the said ridge at specified elevations.” Current conditions of the ridgeline have already deteriorated because of Lehigh activities, which have contributed to landslides affecting the ridgeline in 1987, 2001, 2002, and again 2003.

Lehigh’s current applications proposes to further lower the ridgeline by approximately 100 vertical feet across a width of almost 4,000 feet to mine additional limestone in this area and layback the slope for stabilization. This would result in a loss of over 20 acres of hillside.

Discussion

More resources are encouraged to strengthen the County’s work to ensure enforcement of the Ridgeline Protection Easement. Due to this, it is recommended that the Mayor be authorized to sign a letter of support to the Board regarding the City’s support of the County granting 1972 Ridgeline Protection Easement enforcement rights to Midpeninsula Regional Open Space District (MROSD).

County partnership with MROSD, with boundaries that include Lehigh, has the potential to strengthen the County’s work to protect the easement and to utilize public resources more efficiently.

Sustainability Impact

There is no sustainability impact for sending the letter of support, but transfer of the ridgeline protection easement enforcement rights to the Midpeninsula Regional Open Space District would assist with the protection of hillside environmental habitat and viewsheds.

Fiscal Impact

No fiscal impact.

Prepared by: Roger Lee, Director of Public Works

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – 1972 Ridgeline Easement Visual Depiction

B – Draft Letter of Support to the County Board of Supervisors