



Midpeninsula Regional  
Open Space District

R-21-93  
Meeting 21-19  
June 23, 2021

## AGENDA ITEM 10

### AGENDA ITEM

Santa Clara County Ridgeline Easement on Lehigh Quarry Property near Rancho San Antonio Open Space Preserve

### GENERAL MANAGER'S RECOMMENDATION(S)

Direct the General Manager and General Counsel to enter into discussions with Santa Clara County staff regarding a grant of enforcement rights of the Ridgeline Easement held by the County on Lehigh Quarry lands and to return to the Midpeninsula Regional Open Space District Board of Directors at a future date with a finalized proposal.

### SUMMARY

Santa Clara County (County) holds a Ridgeline Easement over portions of Lehigh Quarry (Lehigh), just south of Rancho San Antonio Open Space Preserve. This ridgeline protects the viewshed, reduces dust from quarry operations from exiting the quarry, and establishes a buffer between the quarry and adjacent natural preserve to protect local wildlife. The specific provisions and terms of the proposed grant of enforcement to protect the Ridgeline Easement require further analysis by County and Midpeninsula Regional Open Space District (District) staff. A grant of enforcement provisions to the District would allow the District to protect the important open space and environmental values held in the Ridgeline Easement.

### BACKGROUND

In 1972, the Santa Clara County Board of Supervisors and Kaiser Cement & Gypsum Corporation (Kaiser), Lehigh's predecessor, agreed to protect the ridgeline between the quarry and what is now Rancho San Antonio Open Space Preserve (Rancho Preserve) by entering to a Ridgeline Easement that permanently prevents mining, quarrying, or other activities from lowering the ridgeline (see **Attachment 1**). A large landslide in 1987 caused Kaiser Cement to request an emergency grading authorization from the County to alter portions of the ridgeline subject to the protections of the easement, which the County granted. The approximate location of the easement relative to the current quarry rim and ridgeline is shown in **Attachment 2**.

A decade beforehand in 1977, the District lost a 20-acre corner of the Rancho Preserve just east of the Ridgeline Easement when a quarry-induced landslide on Lehigh property undermined the ridgeline. Following years of negotiation, the District exchanged the 20 acres of undermined land for 107-acres of Lehigh property in 2006 to improve public access rights and protect the remaining viewshed.

In 2014, the District secured additional land rights from Lehigh as part of a litigation settlement agreement related to their 2012 Reclamation Plan. These additional land rights restrict the height of the East Materials Storage Area, secure public trail easements, and secure rights of first offers/refusals. Lehigh also committed to attending District Board of Directors meetings annually.

## **DISCUSSION**

At this time, the District has an opportunity to partner with the County in enforcing the Ridgeline Easement to ensure the ongoing protection of the ridgeline. Granting the enforcement provisions of the Ridgeline Easement to the District would support the County Board of Supervisors' and Kaiser's original promise to the public to protect the ridgeline. If Rancho Preserve and the District had been established prior to 1972, the District could have been a logical partner to hold the Ridgeline Easement and protect the open space values therein. The terms of a potential agreement require further elaboration and detailed discussions with County staff before the item could be recommended by District staff for approval by the District's Board of Directors (Board). The County Board of Supervisors placed an agenda item on their June 22<sup>nd</sup> meeting. If approved it directs County staff to discuss a potential grant of enforcement rights of the ridgeline easement with the District and, should an agreement be reached, return to the Board of Supervisors at their August 17, 2021 meeting.

Recently, in 2019, Lehigh Quarry proposed a Reclamation Plan amendment that increases mining in several areas of the property. The proposed Reclamation Plan environmental review process has not started. The District submitted a letter to Lehigh Quarry in March 2021 on the proposed Reclamation Plan amendment which communicates the District's concerns on a number of critical issues. (**Attachment 3**).

## **FISCAL IMPACT**

Discussions with County staff concerning the potential grant of the enforcement provisions of the Ridgeline Easement has no immediate fiscal impact. The terms of the grant, including financial terms, have not been developed to date and would be part of a subsequent recommendation. Should an agreement be approved by the District and the County, enforcement of the Ridgeline Easement would require funds on an as-needed basis.

## **BOARD AND COMMITTEE REVIEW**

The Lehigh Ad Hoc Committee recommends that the General Manager and General Counsel enter into discussions with County staff on granting the enforcement provisions of the Ridgeline Easement at its May 24, 2021 meeting.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

## **CEQA COMPLIANCE**

Discussions with County staff are not a project subject to the California Environmental Quality Act.

## NEXT STEPS

If the Board approves the General Manager's recommendation, District staff will meet with County staff to discuss terms of the grant and return to the Board with a subsequent recommendation, tentatively scheduled for late August, 2021.

### Attachments

1. Ridgeline Easement and Attachments
2. Map of Ridgeline Easement
3. Letter from the District to Lehigh Quarry on 2019 Reclamation plan amendment

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