



PUBLIC WORKS

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CITY COUNCIL INFORMATIONAL MEMORANDUM

Date: March 19, 2026

To: Cupertino City Council

From: Chad Mosley, Director of Public Works

Re: AMENDED - Stevens Creek Quarry – SMARA Oversight, Use Permit, and Reclamation Plan Amendment. (Amended to provide additional detail on Alternative Options to De-Annexation)

Summary

The purpose of this informational memo is to brief City Council on recent Santa Clara County actions related to Stevens Creek Quarry, and potential governance options regarding State Mining and Reclamation Act (SMARA) oversight for quarry operations that extend into the City of Cupertino.

Background

In January 2026, the County of Santa Clara, acting as the SMARA (Surface Mining and Reclamation Act) Lead Agency for Stevens Creek Quarry, accepted the Annual Report for Calendar Year 2024. During the annual report presentation, the County discussed issues related to the quarry's expired use permit and the need for a reclamation plan amendment.

The quarry requires an updated use permit. As part of that process, the reclamation plan boundary must be amended to ensure that all areas disturbed by quarry operations are included within the approved reclamation limits. Currently, approximately 9 acres of quarry operations extend into property within the jurisdiction of the City of Cupertino.

Discussion

County Recommendation

As part of the Annual Report and reclamation plan amendment discussion, the County stated that the owners of Stevens Creek Quarry should consider the option of de-annexing the disturbed portion of the quarry within the jurisdiction of the City of Cupertino, to Santa Clara

County. This recommendation was made to allow SMARA oversight of all disturbed quarry areas to be fully administered by a single agency.

The County noted that this option was suggested because the City of Cupertino does not have land use designations that are consistent with mining activities, and does not have a SMARA ordinance that would allow the City to act as the SMARA lead agency.

Alternative Options to De-Annexation

In lieu of de-annexation, the following alternatives could be considered:

1. *City Administers SMARA Oversight for the Portion of the Quarry within Cupertino*
(this section has been amended to correct some information and provide additional clarity)

Under this option, the City would administer SMARA oversight, through County Lead Agency authority, for the portion of the quarry located within City jurisdiction.

This option is not recommended for the following reasons:

- The City would need to hire at least one full-time employee (1.0 FTE) with specialized SMARA experience for an initial effort to:
 - Develop SMARA-related ordinances to facilitate City administration and regulations.
 - Prepare a use permit for activities that occur within the City's jurisdiction;
- After the initial effort (anticipated five year period), approximately 0.5 FTE on an ongoing basis would be required to:
 - Conduct annual inspections and prepare annual reports in coordination with the County (Lead Agency);
 - Review annual reports and technical studies; and
 - Coordinate with the County to ensure operational consistency; and
 - Monitor financial assurances to ensure that bonds are sufficient to cover the restoration of the property situated with the City
 - Oversee SMARA in a Responsible Agency role.
 - Ensure environmental requirements are being met for activities within City jurisdiction. The City would make its own "express findings" regarding potentially significant environmental impacts related to its specific permit authority, provided its decision is consistent with the Lead Agencies approved CEQA documents;
 - Issue any necessary permits for work within City limits.
- Having two separate use permits and two oversight agencies governing a single quarry operation could create confusion, inefficiencies, and the potential for conflicting requirements.

Overall, establishing one use permit is more effective, reduces regulatory complexity, and limits the ability to create inefficiencies and confusion.

2. *New Memorandum of Understanding (MOU) with Santa Clara County*

The City could work with the County to establish a new MOU for SMARA oversight and CEQA Lead Agency designation related to the updated use permit and reclamation plan. This approach would be similar to the prior MOU implemented in 2007 for the previous use permit.

Under this option:

- The County would continue as the primary SMARA oversight and CEQA Lead Agency for quarry operations.
- The City would retain a role in ensuring coordination on decisions that affect land within Cupertino.
- This approach maintains consistent oversight while minimizing staffing, financial, and administrative impacts to the City.

Current Status

At this time:

- No annexation or de-annexation procedures are underway.
- Any de-annexation of property within the City of Cupertino would require City Council approval.
- The information provided herein is for Council awareness only; no action is requested at this time.

Next Steps

City staff will continue to monitor discussions between the County and the quarry operator and will return to City Council if formal action or policy direction becomes necessary.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

City Work Program (CWP) Item/Description

None

Council Goal:

Quality of Life

California Environmental Quality Act

No California Environmental Quality Act impact.

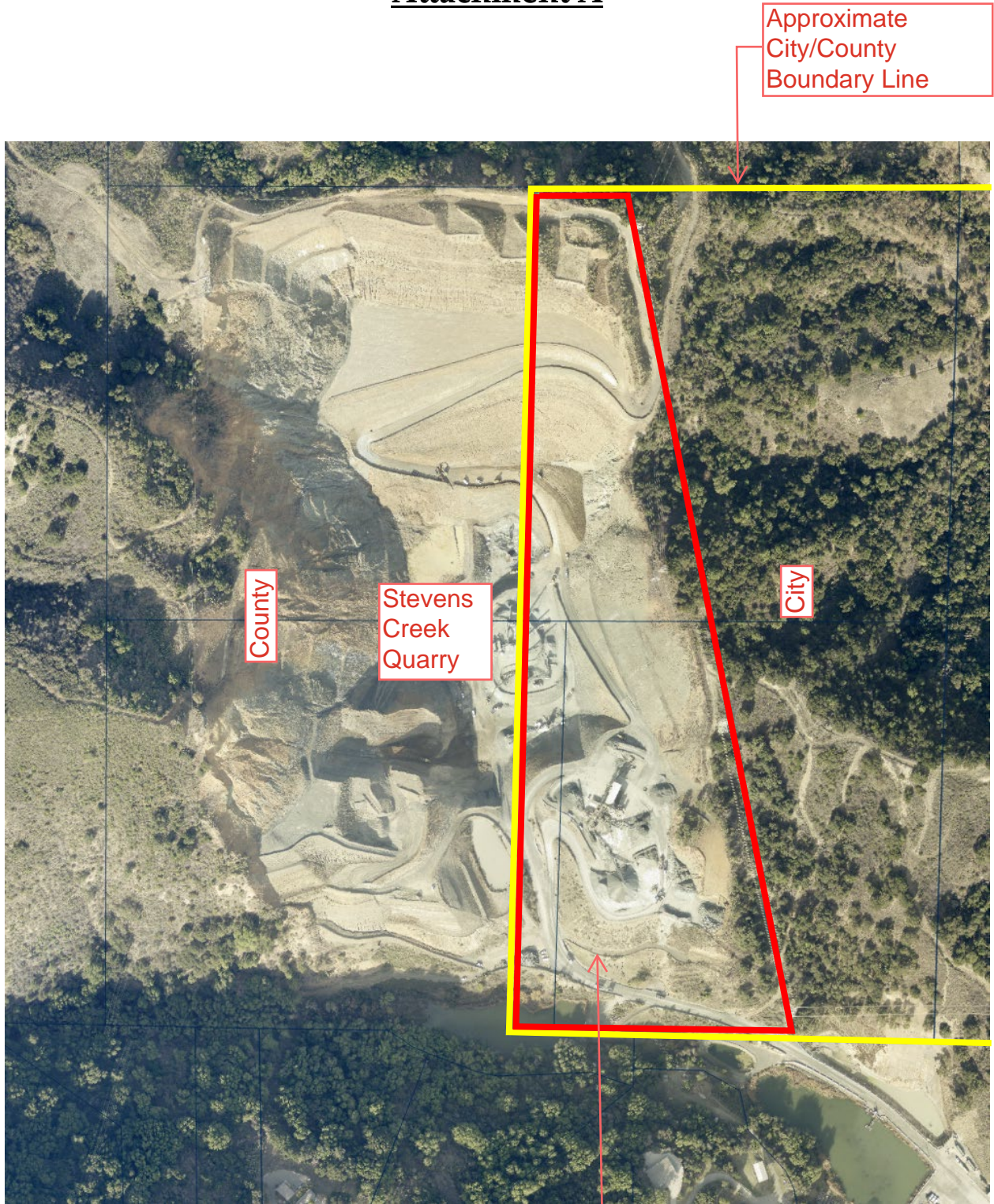
Prepared by: Chad Mosley, Director of Public Works

Approved for Submission by: Tina Kapoor, City Manager

Attachments:

A – Map of Approximate Area

Attachment A



Approximate
City/County
Boundary Line

County

Stevens
Creek
Quarry

City

Approximate 9 Acre
Area of Disturbance
within City Limits

