



LAFCO MEETING AGENDA
Board Meeting Chambers, 70 West Hedding Street, First Floor
San Jose, CA 95110
October 1, 2014
1:15 PM

CHAIRPERSON: Susan Vicklund Wilson • VICE-CHAIRPERSON: Linda J. LeZotte
COMMISSIONERS: Cindy Chavez, Sequoia Hall, Johnny Khamis, Margaret Abe-Koga, Mike Wasserman
ALTERNATES: Pete Constant, Yoriko Kishimoto, Terry Trumbull, Cat Tucker, Ken Yeager

NOTICE TO THE PUBLIC

1. Pursuant to Government Code §84308, no LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party, or his/her agent; or any participant or his /or her agent, while a LAFCO proceeding is pending, and for three months following the date a final decision is rendered by LAFCO. Prior to rendering a decision on a LAFCO proceeding, any LAFCO commissioner who received a contribution of more than \$250 within the preceding 12 months from a party or participant shall disclose that fact on the record of the proceeding. If a commissioner receives a contribution which would otherwise require disqualification returns the contribution within 30 days of knowing about the contribution and the proceeding, the commissioner shall be permitted to participate in the proceeding. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 within the preceding 12 months by the party, or his or her agent, to a LAFCO commissioner. For forms, visit the LAFCO website at www.santaclara.lafco.ca.gov. No party, or his or her agent and no participant, or his or her agent, shall make a contribution of more than \$250 to any LAFCO commissioner during the proceeding or for 3 months following the date a final decision is rendered by LAFCO.
2. Pursuant to Government Code Sections 56100.1, 56300, 56700.1, 57009 and 81000 et seq., any person or combination of persons who directly or indirectly contribute(s) a total of \$1,000 or more or expend(s) a total of \$1,000 or more in support of or in opposition to specified LAFCO proposals or proceedings, which generally include proposed reorganizations or changes of organization, may be required to comply with the disclosure requirements of the Political Reform Act (See also, Section 84250 et seq.). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. More information on the scope of the required disclosures is available at the web site of the FPPC: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275-3772).
3. Pursuant to Government Code §56300(c), LAFCO adopted lobbying disclosure requirements which require that any person or entity lobbying the Commission or Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them. Additionally every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. For forms, visit the LAFCO website at www.santaclara.lafco.ca.gov.
4. Any disclosable public records related to an open session item on the agenda and distributed to all or a majority of the Commissioners less than 72 hours prior to that meeting are available for public inspection at the LAFCO Office, 70 W. Hedding Street, 11th Floor, San Jose, California, during normal business hours. (Government Code §54957.5.)
5. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the LAFCO Clerk 24 hours prior to the meeting at (408)299-6415.

70 West Hedding Street • 11th Floor, East Wing • San Jose, CA 95110 • (408) 299-5127 • www.santaclara.lafco.ca.gov

COMMISSIONERS: Cindy Chavez, Sequoia Hall, Johnny Khamis, Margaret Abe-Koga, Linda J. LeZotte, Mike Wasserman, Susan Vicklund Wilson
ALTERNATE COMMISSIONERS: Pete Constant, Yoriko Kishimoto, Terry Trumbull, Cat Tucker, Ken Yeager
EXECUTIVE OFFICER: Neelima Palacherla

1. ROLL CALL

2. PUBLIC COMMENTS

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

3. APPROVE MINUTES OF AUGUST 6, 2014 LAFCO MEETING

PUBLIC HEARING

4. SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

Recommended Action:

CEQA Action

1. Find that the proposed annexation and sphere of influence amendment is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

Project Action

1. Approve the request to include approximately 12,995 acres in the sphere of influence of South Santa Clara County Fire Protection District (South County Fire).
2. Approve the proposed annexation of approximately 38,648 acres of unincorporated lands into South County Fire.
3. Find that the subject territory is inhabited, has less than 100% consent of the affected landowners, and direct the LAFCO Executive Officer to conduct the protest proceedings per LAFCO Policies and the Cortese Knox Hertzberg Act. The Commission, on June 13, 2001, delegated all responsibilities of holding a protest proceeding to the LAFCO Executive Officer.

FOR ACTION / DISCUSSION

5. ANNUAL REPORT

Recommended Action: Accept the 2013-2014 Annual Report (July 1, 2013 to June 30, 2014).

6. AMENDMENT OF LAFCO'S CONFLICT OF INTEREST CODE

For information only.

7. EXECUTIVE OFFICER'S REPORT

7.1 UPDATE ON THE CITY OF MORGAN HILL'S SOUTHEAST QUADRANT PROPOSAL

For information only.

7.2 A SUMMIT ON THE IMPORTANCE OF LOCAL FARMLAND TO SANTA CLARA VALLEY'S FUTURE HEALTH AND WELL-BEING

For information only.

7.3 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETING

For information only.

7.4 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING

For information only.

7.5 PACHECO PASS WATER DISTRICT

For information only.

8. PENDING APPLICATIONS / UPCOMING PROJECTS

9. COMMISSIONER REPORTS

10. NEWSPAPER ARTICLES / NEWSLETTERS

11. WRITTEN CORRESPONDENCE

12. ADJOURN

Adjourn to the regular LAFCO meeting on Wednesday, December 3, 2014, at 1:15 PM in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

**LAFCO MEETING MINUTES
WEDNESDAY, AUGUST 6, 2014**

CALL TO ORDER

Commissioner Mike Wasserman called the meeting to order at 1:15 p.m., and noted that Chairperson Susan Vicklund Wilson and Vice Chairperson Linda J. LeZotte are absent.

The Commission appointed Commissioner Wasserman as Acting Chairperson.

Motion: Chavez Second: Kishimoto

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None ABSTAIN: None ABSENT: LeZotte, Wilson

MOTION PASSED

1. ROLL CALL

The following commissioners were present:

- **Acting Chairperson Mike Wasserman**
- **Commissioner Cindy Chavez**
- **Commissioner Sequoia Hall**
- **Commissioner Johnny Khamis**
- **Commissioner Margaret Abe-Koga**
- **Alternate Commissioner Yoriko Kishimoto** (voted in place of Commissioner Linda J. LeZotte, who was absent)
- **Alternate Commissioner Terry Trumbull** (voted in place of Commissioner Susan Vicklund Wilson, who was absent)
- **Alternate Commissioner Cat Tucker**

The following staff members were present:

- **LAFCO Assistant Executive Officer Dunia Noel**
- **LAFCO Counsel Christopher Diaz**

2. PUBLIC COMMENTS

There were no public comments.

3. APPROVE MINUTES OF JUNE 4, 2014 LAFCO MEETING

The Commission approved the minutes of June 4, 2014 LAFCO meeting.

Motion: Trumbull Second: Abe-Koga

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None

ABSTAIN: None

ABSENT: LeZotte, Wilson

MOTION PASSED

4. CONSENT ITEM: WEST BAY SANITARY DISTRICT ANNEXATION 2014-01 (ARASTRADERO ROAD)

The Commission adopted **Resolution No. 2014-04**, providing a favorable recommendation to the Local Agency Formation Commission of San Mateo County relating to the annexation to West Bay Sanitary District of approximately 9.82 acres (APNs: 182-34-011 and 182-34-052) located at 0 and 2 Arastradero Road in unincorporated Santa Clara County, between Portola Valley and Palo Alto.

Motion: Trumbull

Second: Abe-Koga

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None

ABSTAIN: None

ABSENT: LeZotte, Wilson

MOTION PASSED

5. CONSENT ITEM: WEST VALLEY SANITATION DISTRICT ANNEXATION 2014-01 (CYPRESS WAY)

The Commission adopted **Resolution No. 2014-05**, approving the annexation to the West Valley Sanitation District of approximately 3.95 acres (APNs 532-26-055 and 532-26-003) located at 16355 & 16340 Cypress Way in the Town of Los Gatos.

Motion: Trumbull

Second: Abe-Koga

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None

ABSTAIN: None

ABSENT: LeZotte, Wilson

MOTION PASSED

6. CITIES SERVICE REVIEW: DRAFT REQUEST FOR PROPOSALS

Dunia Noel, Assistant Executive Officer, presented the staff report. Ms. Noel also reported that, since the distribution of the agenda and staff reports, the Santa Clara County Association of Planning Officials reported to LAFCO staff that it has designated David Kornfield, Planning Manager for the City of Los Altos, and Andrew Crabtree, Planning Manager for the City of Morgan Hill, as its representatives on the Technical Advisory Committee for LAFCO's Cities Service Review.

In response to an inquiry by **Alternate Commissioner Kishimoto**, Ms. Noel advised that composting service will be included in the service review.

In response to another inquiry by **Alternate Commissioner Kishimoto**, Ms. Noel advised that LAFCO has not worked with any other LAFCO on service reviews, but that this approach may be appropriate for some special districts, particularly those with

boundaries that extend into other counties. **Alternate Commissioner Kishimoto** inquired as to LAFCO's role in reviewing the efficiency of transit services delivered, including the Santa Clara Valley Transportation Authority and Caltrain. Ms. Noel noted that the 2013 Special Districts Service Review: Phase 1 included a review of the Santa Clara Valley Transportation Authority.

The Commission (1) authorized staff to issue a Request for Proposals (RFP) for a professional service firm to prepare a service review of cities in Santa Clara County; and (2) delegated authority to the LAFCO Executive Officer to enter into an agreement with the most qualified consultant in an amount not to exceed \$75,000 and to execute any necessary amendments subject to LAFCO Counsel's review and approval.

Motion: Kishimoto

Second: Chavez

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None

ABSTAIN: None

ABSENT: LeZotte, Wilson

MOTION PASSED

7. SARATOGA FIRE PROTECTION DISTRICT'S RESPONSE TO LAFCO'S RECOMMENDATIONS

The Commission accepted the report.

Motion: Trumbull

Second: Abe-Koga

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None

ABSTAIN: None

ABSENT: LeZotte, Wilson

MOTION PASSED

8. UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS OF LAFCO'S SPECIAL DISTRICTS SERVICE REVIEW: PHASES 1 & 2

The Commission accepted the report.

Motion: Chavez

Second: Hall

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None

ABSTAIN: None

ABSENT: LeZotte, Wilson

MOTION PASSED

9. 2014 CALAFCO ANNUAL CONFERENCE

9.1 CALAFCO CONFERENCE ON OCTOBER 15-17

Alternate Commissioners Kishimoto and **Tucker** expressed interest in attending the Conference. In response to an inquiry by **Commissioner Khamis**, Ms. Noel advised that the LAFCO budget includes funds to allow commissioners or their alternates to attend the annual conferences.

The Commission authorized commissioners and staff to attend the 2014 Annual Conference and directed that associated travel expenses be funded by the LAFCO Budget for Fiscal Year 2015.

Motion: Abe-Koga

Second: Chavez

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None

ABSTAIN: None

ABSENT: LeZotte, Wilson

MOTION PASSED

9.2 NOMINATIONS TO THE 2014/2015 CALAFCO BOARD OF DIRECTORS

In response to an inquiry by **Acting Chairperson Wasserman**, Ms. Noel advised that Chairperson Vicklund Wilson and Vice Chairperson LeZotte have not indicated interest in running for a position on the CALAFCO Board of Directors.

The Commission did not take any action.

9.3 DESIGNATE VOTING DELEGATE AND ALTERNATE FOR SANTA CLARA LAFCO

The Commission discussed whether or not staff should be designated as the voting delegate and it was determined that a commissioner attending will be the voting delegate and, in their absence, staff will be the alternate voting delegate.

The Commission appointed Chairperson Susan Vicklund Wilson as the voting delegate and Neelima Palacherla as the alternate voting delegate for Santa Clara LAFCO at the 2014 CALAFCO Annual Conference.

Motion: Wasserman

Second: Chavez

AYES: Chavez, Hall, Khamis, Kishimoto (Alternate), Abe-Koga, Trumbull (Alternate), Wasserman

NOES: None

ABSTAIN: None

ABSENT: LeZotte, Wilson

MOTION PASSED

10. EXECUTIVE OFFICER'S REPORT

10.1 UPDATE ON THE CITY OF MORGAN HILL'S SOUTHEAST QUADRANT (SEQ) PROPOSAL

Mr. Doug Muirhead, a resident of Morgan Hill, noted that the City of Morgan Hill is determined to move forward with Southeast Quadrant (SEQ) project and the Agricultural Lands Preservation Program. He noted that the City Planning Commission is scheduled to hold a public hearing on these two items on August 12, that the City Council recently approved a Resolution of Intent to purchase approximately 25 acres in the SEQ area to be used as sports fields, and that the City of Morgan Hill has repeatedly directed its General Plan Advisory Committee to not consider any part of the SEQ area in the General Plan revision process. Mr. Muirhead questioned how the City's recent activities fit with the collaborative effort that is occurring between the City, the County and LAFCO staff.

Acting Chairperson Wasserman noted Items 10.1 through 10.9.

11. PENDING APPLICATIONS

Ms. Noel reported the Commission may consider at its October 1st meeting an application from the South Santa Clara County Fire Protection District for a sphere of influence amendment and annexation of a large area in the Santa Cruz Mountains.

12. COMMISSIONER REPORT

Alternate Commissioner Kishimoto announced that Measure AA (Open Space Bond – Midpeninsula Regional Open Space District) has passed.

13. NEWSPAPER ARTICLES / NEWSLETTERS

No report.

14. WRITTEN CORRESPONDENCE

Ms. Noel noted that Commissioners have been provided a flier announcing the upcoming American Farmland Trust Summit on the importance of local farmland to Santa Clara Valley's future health and well-being. Ms. Noel encouraged LAFCO commissioners to attend the event.

15. ADJOURN

The Commission adjourned the meeting at 1:46 p.m. to the next regular meeting on October 1, 2014 in the Board Meeting Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

Approved:

Mike Wasserman, Acting Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, LAFCO Clerk

LAFCO MEETING: October 1, 2014
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, LAFCO Analyst
SUBJECT: South Santa Clara County Fire Protection District Sphere of Influence Amendment and Annexation 2014

STAFF RECOMMENDATION

CEQA Action

1. Find that the proposed annexation and sphere of influence amendment is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

Project Action

1. Approve the request to include approximately 12,995 acres in the sphere of influence (SOI) of South Santa Clara County Fire Protection District (South County Fire). (*See Attachment B for Map depicting proposed Sphere of Influence Amendment*)
2. Approve the proposed annexation of approximately 38,648 acres of unincorporated lands into South County Fire. (*See Attachment C for the Map and Legal Description of the Annexation Area*)
3. Find that the subject territory is inhabited, has less than 100% consent of the affected landowners, and direct the LAFCO Executive Officer to conduct the protest proceedings per LAFCO Policies and the Cortese Knox Hertzberg Act. The Commission, on June 13, 2001, delegated all responsibilities of holding a protest proceeding to the LAFCO Executive Officer.

PROJECT DESCRIPTION

LAFCO received an application by resolution from the South Santa Clara County Fire Protection District (South County Fire) for a sphere of influence (SOI) amendment to include approximately 12,995 acres; and for annexation of these and other unincorporated lands located within South County Fire's SOI, totaling approximately 38,648 acres. The annexation area includes unincorporated lands in Santa Clara County,

located south and west of the cities of Morgan Hill and San Jose in the Santa Cruz Mountains. The general location of the annexation and SOI amendment area is depicted on the overview map in **Attachment A**. The purpose of the annexation is to enable South County Fire to have jurisdictional authority over these lands in order to enter into an automatic aid agreement with the Santa Cruz County Fire Department for providing fire protection services to the area.

An automatic aid agreement is a pre-arranged contract between agencies for an automatic response for service within a specific area based on reciprocal exchange of resources or monetary compensation.

BACKGROUND

The proposed annexation area includes a total of approximately 38,648 acres (60 square miles) of unincorporated land located in the Santa Cruz Mountains of Santa Clara County. Approximately 25,653 acres of the annexation lands are currently within the SOI of South County Fire and the remaining annexation lands are those unincorporated lands that are located outside the SOI of the City of San Jose and the Town of Los Gatos.

The annexation area is designated as Hillside, Ranchlands, Other Public Open lands or Existing Regional Parks in the County General Plan and existing land uses in the area include low density rural residential uses, cabins, agriculture, grazing lands, reservoirs, forest, brush lands, open space, and undeveloped lands. The total estimated population of the area is approximately 1,220 and the area contains approximately 230 homes. According to South County Fire, the annexation area generated 1,436 calls over a period of six and half years, (April 2005 to October 2011) which averages to approximately 220 calls per year.

General Characteristics of the Annexation Area

	Within SOI (approx.)	Outside SOI (approx.)	Entire Area (approx.)
Population	1,111	115	1,226
Area (acres)	25,653	12,995	38,648
Number of parcels	683	168	851
Number of homes	218	13	231
Number of calls (April 2005 to October 2011)	1,102	334	1,436

South County Fire has been providing service to the annexation area since 1980 (at the direction of its Board of Directors – i.e., the County Board of Supervisors) on a “good neighbor” basis, even though the area is outside its jurisdictional boundary. South County Fire influenced Santa Cruz County Fire Department to dispatch equipment into the proposed annexation area located within Santa Clara County for many years.

Because South County Fire does not have jurisdiction to enter into agreements for service into these areas, Santa Cruz County Fire Department (which contracts with California Department of Forestry and Fire Protection, Cal Fire) has been providing service to these areas in the absence of an automatic aid agreement, and without any assurance for reciprocity or reimbursement for its services in the area.

The proposed annexation will give South County Fire the jurisdictional authority to enter into written agreements with Santa Cruz County Fire Department and any other adjacent agencies (e.g., City of San Jose, Santa Clara County Central Fire Protection District or Volunteer Fire Companies) that would respond in the area and would allow South County Fire to reciprocate when necessary in accordance with the written agreements.

In anticipation of this annexation approval, South County Fire has drafted a proposed agreement with Santa Cruz County Fire Department to address fire protection services and compensation for service in the annexation area. (*See Attachment D for a draft copy of the proposed agreement.*) A final agreement will be negotiated between the two agencies following annexation approval. Similarly, South County Fire will enter into or amend existing agreements with other service providers as necessary.

No change in service provision is expected as a result of the annexation. As indicated in the Plan for Service submitted by South County Fire, in response to 911 calls from the area, County Communications which is the designated Public Safety Answering Point (PSAP) for unincorporated areas of Santa Clara County, will notify the Cal Fire Emergency Command Center (ECC) in Morgan Hill area which is the coordinator/dispatcher for fire and medical response for South County Fire. The ECC, staffed 24/7, will dispatch the closest available resource that is appropriate to respond to the incident. The three South County Fire stations include the Morgan Hill Area Station (Cal Fire Headquarters), San Martin Area Station (Masten Station) and Gilroy Area Station (Treehaven Station).

ENVIRONMENTAL IMPACT ANALYSES

With respect to CEQA, LAFCO has considered the proposed annexation and SOI amendment and has determined that the project is exempt from CEQA. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The areas proposed for annexation are within the SOI of South County Fire or outside the SOI of a fire protection agency. Annexation will require a SOI amendment. Although the annexation area is currently located outside the boundaries of a fire protection district, South County Fire has been providing fire protection and emergency medical services to these areas on a “good neighbor” basis since 1980 at the direction of its Board of Directors. Similarly, some of these areas have also been served by Santa Cruz County Fire Department on a “good neighbor” basis for many years.

South County Fire's stated reason for the proposal is to obtain jurisdictional authority to provide fire protection services and enter into a written Automatic Aid agreement with the Santa Cruz County Fire Department for provision of fire and emergency medical services to these areas.

The lands proposed for annexation into South County Fire include a mix of low density rural residential, agricultural and open space lands, park lands, undeveloped lands and other miscellaneous uses. The annexation area is located within unincorporated Santa Clara County and is subject to the County's development rules and regulations. Annexation into South County Fire will have no impact on whether these lands can be developed, the type of development that is allowed on these lands, or the ability to subdivide these lands. The proposed annexation of the lands and the proposed sphere of influence amendment will not induce growth in the areas. Therefore, LAFCO has determined that the proposed project is exempt under State CEQA Guidelines Section 10561(b)(3) and Section 15320 that state:

Section 15061(b)(3): The activity is covered by the general rule that CEQA applies only project which have the potential for causing significant effect on the environment.

Section 15320: Changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to establishment of a subsidiary district, consolidation of two or more districts having identical powers, merger with a city of a district lying entirely within the boundaries of the city.

As part of the application materials submitted by South County Fire, the District identified itself as the CEQA Lead Agency for the project and determined that the proposal is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

CONSISTENCY WITH RELEVANT LAFCO POLICIES

Conversion of Prime Agricultural Lands and Open Space

The proposed annexation to South County Fire will not result in any changes in land use jurisdiction or in the planned land use of the properties. Therefore the annexation will not impact agricultural or open space land.

Logical and Orderly, Efficient Boundaries

A large portion of the annexation lands are within the South County Fire SOI. South County Fire has indicated that it has been providing service to the lands proposed for annexation on a "good neighbor" basis for the last 30 years and that it is the logical service provider in the area. Additionally, South County Fire will enter into agreements with adjacent agencies for efficient fire service provision.

Annexation of these lands into South County Fire would largely address the issue of underserved areas (i.e., lands that are outside the jurisdictional authority of any fire protection agency) in the Santa Cruz Mountains, with the exception of some unincorporated lands located within the SOI of San Jose and Los Gatos which are not included in this annexation proposal. However, large unincorporated areas in the eastern Diablo Mountain range, some of which lands are within the SOI of South County Fire, remain outside the jurisdictional boundaries of any fire protection agency.

Ability to Provide Service

As described in the Plan for Services submitted by South County Fire, the area proposed for annexation is currently served by South County Fire even though the area is not within its jurisdiction. Upon annexation, South County Fire will become the authority having jurisdiction and will continue to serve the area using excess capacity of its existing resources or through an Automatic Aid agreement with the Santa Cruz County Fire Department (which contracts with CalFire); or through agreements with adjacent fire protection agencies such as the City of San Jose and Santa Clara County Central Fire Protection District. Additionally, South County Fire will work with the two functioning volunteer companies, namely, Casa Loma Volunteer Fire Association and Uvas Volunteer Fire Company which are currently independent non-governmental entities, to incorporate them into the District's existing volunteer program and clarify their roles and responsibilities.

South County Fire has indicated that it does not currently have written standards on response times for fires; however, it strives to meet the National Fire protection Association (NFPA) recommendations for fire response. The District has indicated that it is their goal to develop fire response standards for South County Fire for inclusion in their 5-year plan in the near future. Further, the District indicated that given the remoteness of the area, the current response time expectation in the annexation area is "as soon as possible" and the response will be dispatched with the "closest appropriate available resource" and that there would be no decrease in the current level of service provided in the area.

As the authority having jurisdiction upon annexation, South County Fire would become responsible for meeting the Advance Life Support (ALS) first responder response time standards established in its contract with County Emergency Medical Services (EMS) for providing emergency medical service within the annexation area. The response time performance standards are based on the degree of urbanization (i.e., metro/urban, suburban, rural, wilderness) of the service area, with monetary penalties for performance falling below standard. All of the proposed annexation area is classified as "rural/ wilderness" (because the area has a population of fewer than 50 people per square mile). The response time standard established for "rural" areas designation is 11:59 minutes, 90% of the time. Because of remoteness of the area and difficulty of access to the area due to the terrain and limited network of roads, the area is considered "hard to serve" and an exception process exists for exempting certain performance criteria. The

exception process establishes response times to predetermined waypoints (landmarks such as highway intersections, mile markers etc.) and a response is considered on-time when a unit reaches the waypoint within the established response time. South County Fire is yet to establish waypoints within the annexation area.

Since all of the area proposed for annexation is within the State Responsibility Area (SRA), Cal Fire has jurisdictional responsibility for suppression of fires involving or threatening the watershed or other natural resources during the fire season. There will be no change in Cal Fire's responsibilities in the area as a result of annexation to South County Fire.

Annexation of the area to South County Fire will not result in additional calls for service in the area nor will it impact the level of service provided in the area by South County Fire and other agencies. No new facilities, personnel, apparatus or equipment are anticipated to be needed to serve the annexation area. No increased demand for services is projected for the area given that most of the land is in remote rural land, or open space lands and otherwise consists of hillside lands with very little development potential due to the difficult terrain and the County land use policies / development regulations.

Fiscal Impact on Affected Agencies as a Result of Redistribution of Property Tax Revenues

The proposed annexation to South County Fire will result in redistribution of property tax revenue to South County Fire and other existing affected agencies in the annexation area. The Santa Clara County Controllers Office has prepared an estimate of the property tax shares based on the distribution formula stipulated by the 1981 Master Property Tax Sharing Agreement between the County, cities and special districts in Santa Clara County. *(See Attachment E for the table illustrating property tax revenue allocation)* The annexation area generates an annual amount of \$1,727,221 in property tax revenue (1% of total assessed value). Each agency within the annexation area receives a percentage share of property tax revenue based on its original tax rate area's increment allocation factor. Upon annexation, a share of the revenue generated from growth in property tax revenue is allocated to South County Fire. For purposes of this analysis, the Controller's Office assumed a 2% growth in property tax revenue in fiscal year 2015. Based on the redistribution formula, South County Fire would receive a share of the property tax increment in the amount of \$3,030 in the first year following annexation. The other non-school affected agencies would lose a corresponding share of their property tax revenue - Santa Clara County and other districts such as the Valley Water District would experience minor revenue loss as a result of the proposed annexation.

The annexation therefore does not significantly affect the property tax revenue shares of affected districts. According to preliminary agreements, it is expected that the County of Santa Clara will cover the costs of reimbursing the Santa Cruz County Fire Department for service into Santa Clara County. South County Fire expects that small incremental

costs of providing service may be recovered over time through its share of the property tax stream.

No other significant fiscal impacts to affected agencies have been identified by South County Fire.

SPHERE OF INFLUENCE DETERMINATIONS

South County Fire is proposing an expansion of its sphere of influence to include 12,995 acres in order to annex the area. LAFCO conducted a service review for South County Fire in 2010.

Pursuant to Government Code Section 56425, in amending a sphere of influence for a local agency, LAFCO is required to make written findings regarding the following:

1. Present and planned land uses in the area, including agricultural and open-space lands

Present land uses in area are low density rural residential/estates, utilities and communications, agriculture, grazing, forest lands, and open space uses. Under the existing County of Santa Clara policies, this area will remain non-urban in character and predominantly in rural residential, agricultural, and open space uses.

2. Present and probable need for public facilities and services in the area

The area is remote and is expected to remain non-urban in character under the County's Policies. Fire protection and emergency medical service needs in the area are expected to hold constant in the future.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

According to South County Fire, the area is currently served by the district. Depending on the call type, neighboring service providers may also be dispatched. The District notes that it will serve the area using its existing facilities and excess capacity and indicates that the present capacity of public facilities and provision of service appears to be adequate.

4. Existence of any social or economic communities of interest in the area, if LAFCO determines that they are relevant to the agency.

The area is located in a remote part of unincorporated Santa Clara County and adjacent the Santa Cruz County boundary. There are no specific social or economic communities of interest in this geographic area that are relevant to the sphere of influence amendment proposal.

5. The nature, location, extent, functions and classes of service to be provided.

The District provides fire protection services, emergency medical service response, hazardous materials response, technical rescue response, arson investigations, public education, communication/dispatch, training, fire code and law enforcement,

engineering services, vehicle/fleet maintenance services, and regional incident command resources.

CONCLUSION

The area proposed for annexation is currently not located within any fire protection agency's boundaries – such lands are known in this County as “underserved areas.” For the last 30 years, South County Fire has provided service to this area using its excess capacity and existing resources without receiving any additional revenues or reimbursement for the service it provides in the area. Even though annexation of these lands to South County Fire would not provide the District with any significant revenue source, it would impart jurisdictional authority to South County Fire to enter into written agreements with Santa Cruz County Fire Department for automatic aid in the area. Santa Cruz County's assertion that they have been providing service in Santa Clara County in the absence of an agreement and without reciprocation or compensation is the driving factor for this annexation. Annexation would allow the two agencies to execute an automatic aid agreement formalizing fire service arrangements in the area and addressing Santa Cruz County's concerns. South County Fire has indicated that upon annexation, it would negotiate and execute a final agreement with Santa Cruz County Fire Department. It has also indicated that it would coordinate with County EMS to establish the necessary waypoints in the annexation area. Further, the District has indicated that it would develop fire response time standards for South County Fire and include them in their 5-year plan. Staff recommends approval of this annexation and sphere of influence amendment.

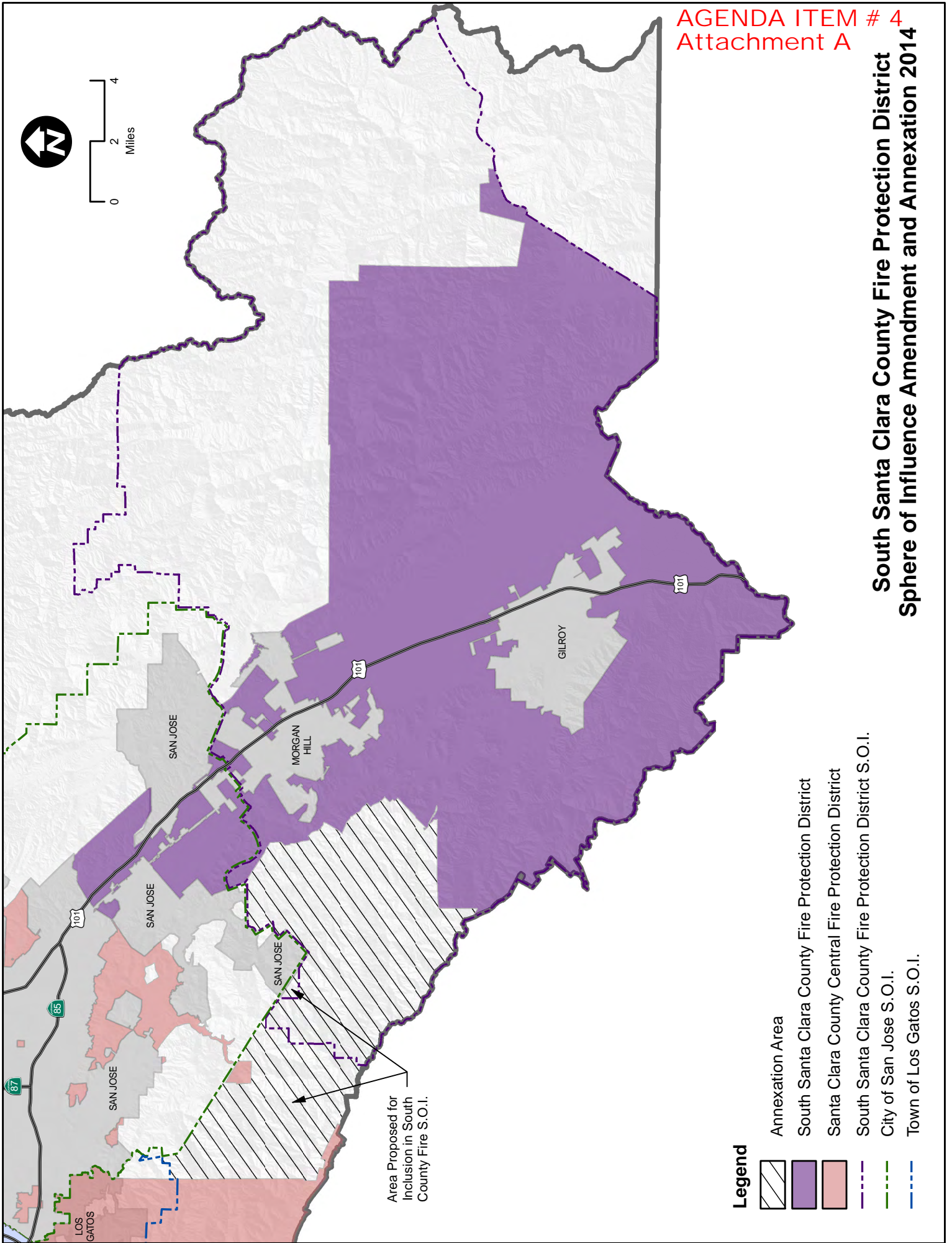
NEXT STEPS

This application does not have consent from all property owners whose property is to be annexed to South County Fire. Therefore, following LAFCO approval of such proposals, protest proceedings must be held pursuant to the Cortese Knox Hertzberg Act.







A date will be set for the protest proceedings and a notice will be sent out pursuant to the Cortese Knox Hertzberg Act (*See Attachment F for more detailed information on Protest Proceedings*). The Executive Officer will conduct the protest proceedings.

ATTACHMENTS

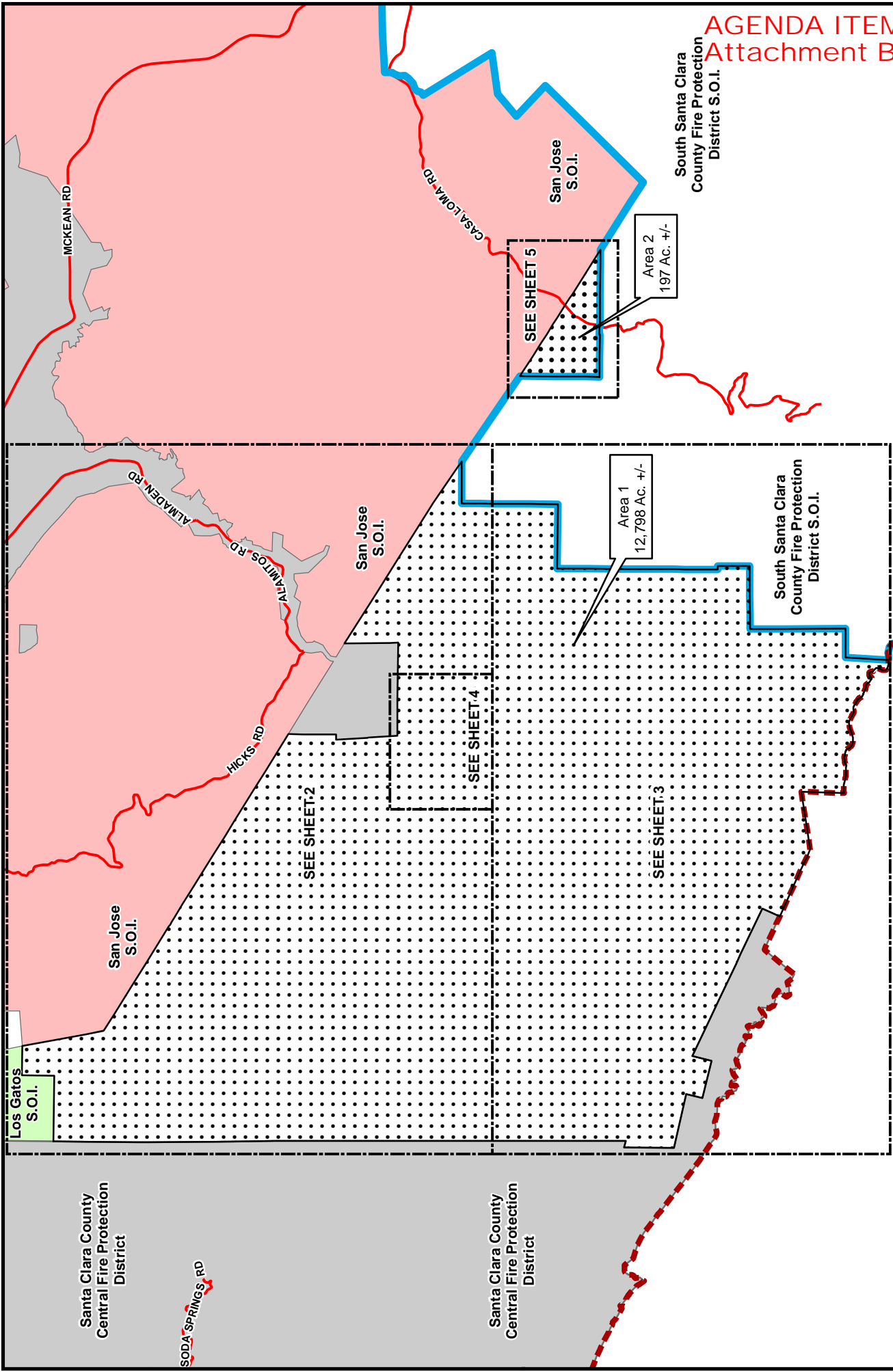
- Attachment A: Overview Map Showing Boundaries of Annexation and Sphere of Influence Amendment
- Attachment B: Maps depicting Sphere of Influence Amendment
- Attachment C: Maps and Legal Description of Annexation Area
- Attachment D: Proposed Draft Automatic Aid Agreement between South County Fire and Santa Cruz County Fire Department
- Attachment E: Property Tax Revenues Allocation
- Attachment F: Overview of LAFCO Protest Proceedings



Legend

-  Annexation Area
-  South Santa Clara County Fire Protection District
-  Santa Clara County Central Fire Protection District
-  South Santa Clara County Fire Protection District S.O.I.
-  City of San Jose S.O.I.
-  Town of Los Gatos S.O.I.

**South Santa Clara County Fire Protection District
Sphere of Influence Amendment and Annexation 2014**



LEGEND:

- Area Proposed for Inclusion in S.O.I.
- Existing South Santa Clara County Fire Protection District S.O.I. Boundary
- Santa Clara County Central Fire Protection District
- Town of Los Gatos S.O.I.
- City of San Jose S.O.I.
- County Boundary

Area Proposed for Inclusion in S.O.I.
Existing South Santa Clara County Fire Protection District S.O.I. Boundary
Santa Clara County Central Fire Protection District
Town of Los Gatos S.O.I.
City of San Jose S.O.I.
County Boundary

0 0.25 0.5 0.75 1
Miles

N
W E
S

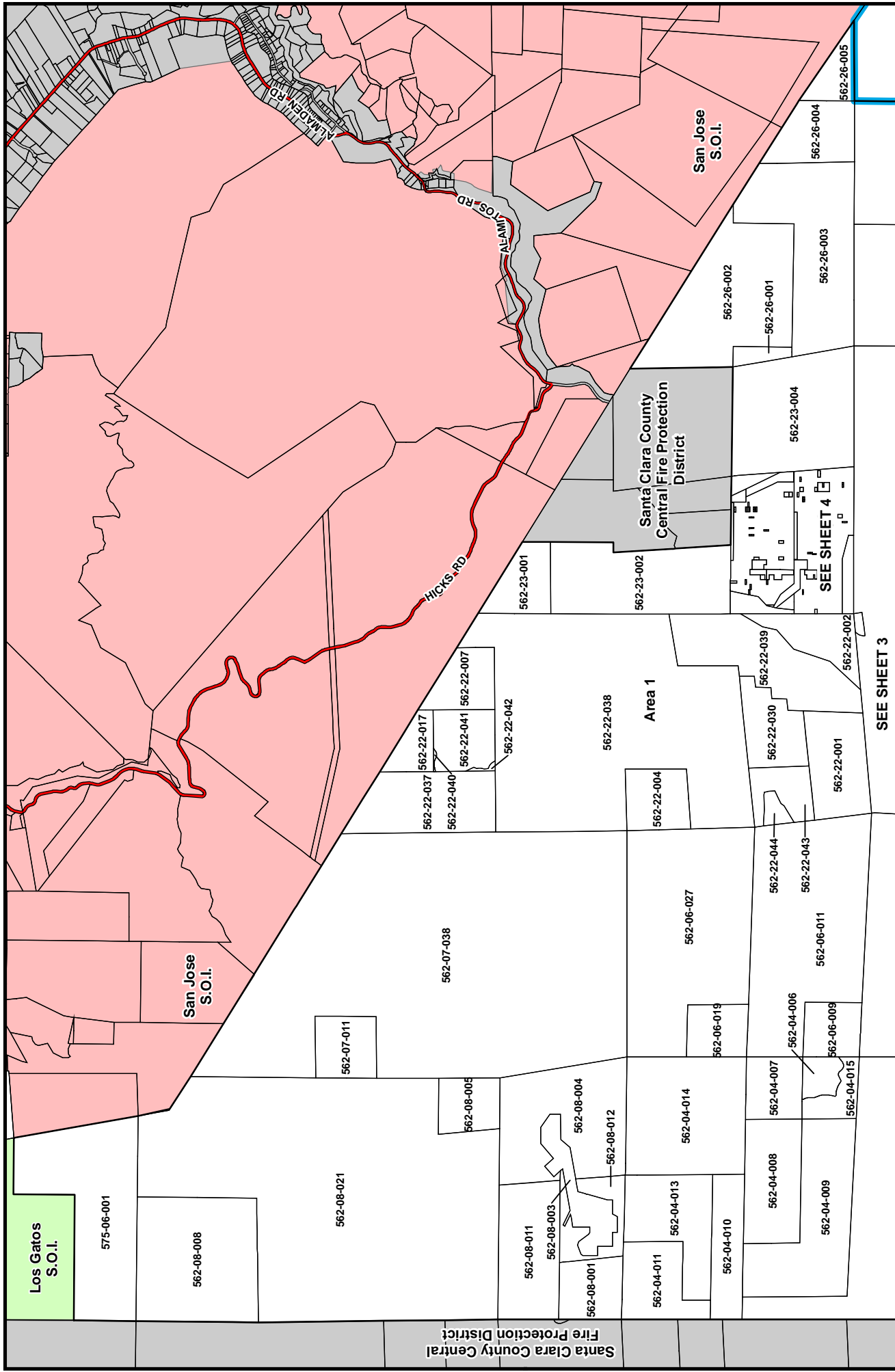
TITLE:

EXHIBIT "A"
South Santa Clara County Fire Protection District
Sphere of Influence Amendment and
Annexation 2014

12,995 Acres +/- Total

Prepared by the Office of the County Surveyor
August 19, 2014
Gwendolyn Gee, County Surveyor

County of Santa Clara
Department of Planning and Development
Office of the County Surveyor
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



LEGEND:

- Existing South Santa Clara County Fire Protection District S.O.I. Boundary
- Santa Clara County Central Fire Protection District
- Town of Los Gatos S.O.I.
- City of San Jose S.O.I.

123-45-678 Assessor's Parcel Number

0 750 1,500 2,250 3,000 Feet

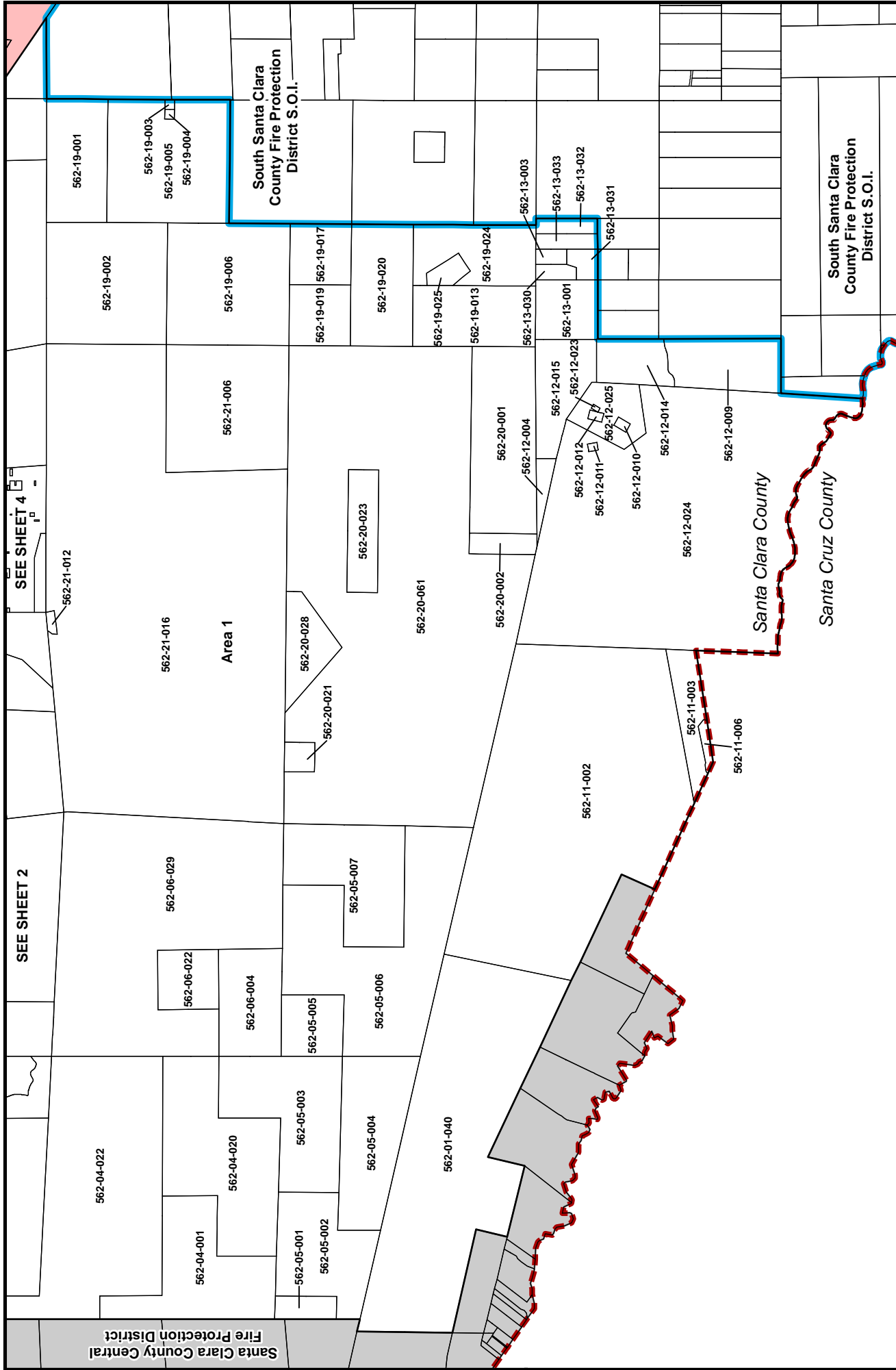
N
W E
S

TITLE:

EXHIBIT "A"
South Santa Clara County Fire Protection District
Sphere of Influence Amendment and
Annexation 2014

12,995 Acres +/- Total
 Prepared by the Office of the County Surveyor
 August 19, 2014
 Gwendolyn Gee, County Surveyor

County of Santa Clara
 Department of Planning and Development
 Office of the County Surveyor
 County Government Center, East Wing
 70 West Hedding Street, 7th Floor
 San Jose, California 95110



SEE SHEET 4

SEE SHEET 2

Santa Clara County Central
Fire Protection District

Area 1

Santa Clara County

Santa Cruz County

South Santa Clara
County Fire Protection
District S.O.I.

South Santa Clara
County Fire Protection
District S.O.I.

LEGEND:

- Existing South Santa Clara County Fire Protection District S.O.I. Boundary
- Santa Clara County Central Fire Protection District
- City of San Jose S.O.I.
- Assessor's Parcel Number
- County Boundary

TITLE:

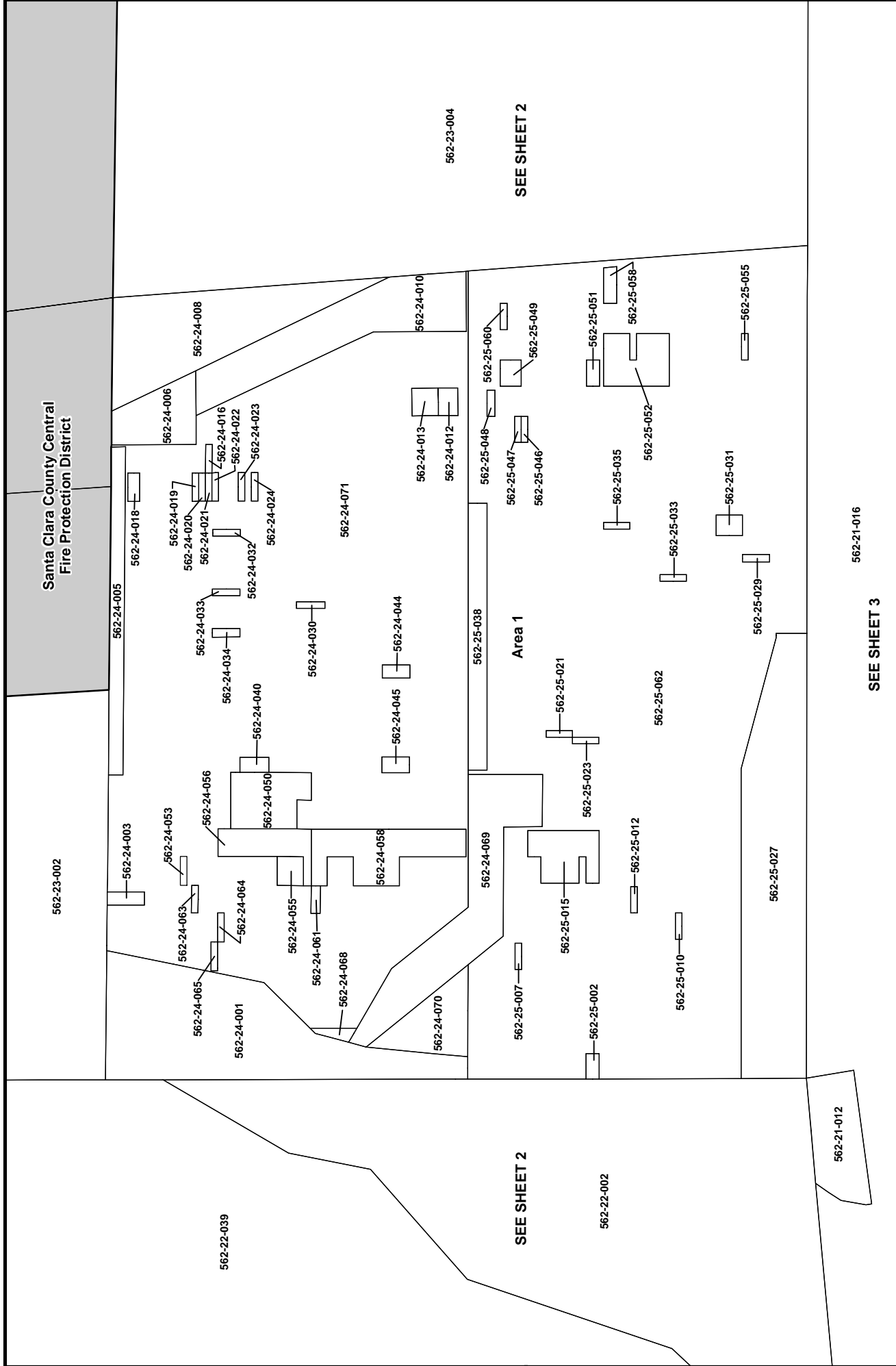
EXHIBIT "A"
South Santa Clara County Fire Protection District
Sphere of Influence Amendment and
Annexation 2014

12,995 Acres +/- Total

Prepared by the Office of the County Surveyor
 August 19, 2014
 Gwendolyn Gee, County Surveyor

County of Santa Clara
 Department of Planning and Development
 Office of the County Surveyor
 County Government Center, East Wing
 70 West Hedding Street, 7th Floor
 San Jose, California 95110





LEGEND:

- Existing South Santa Clara County Fire Protection District S.O.I. Boundary
- Santa Clara County Central Fire Protection District
- Assessor's Parcel Number

123-45-678

0 125 250 375 500 Feet

TITLE:

EXHIBIT "A"

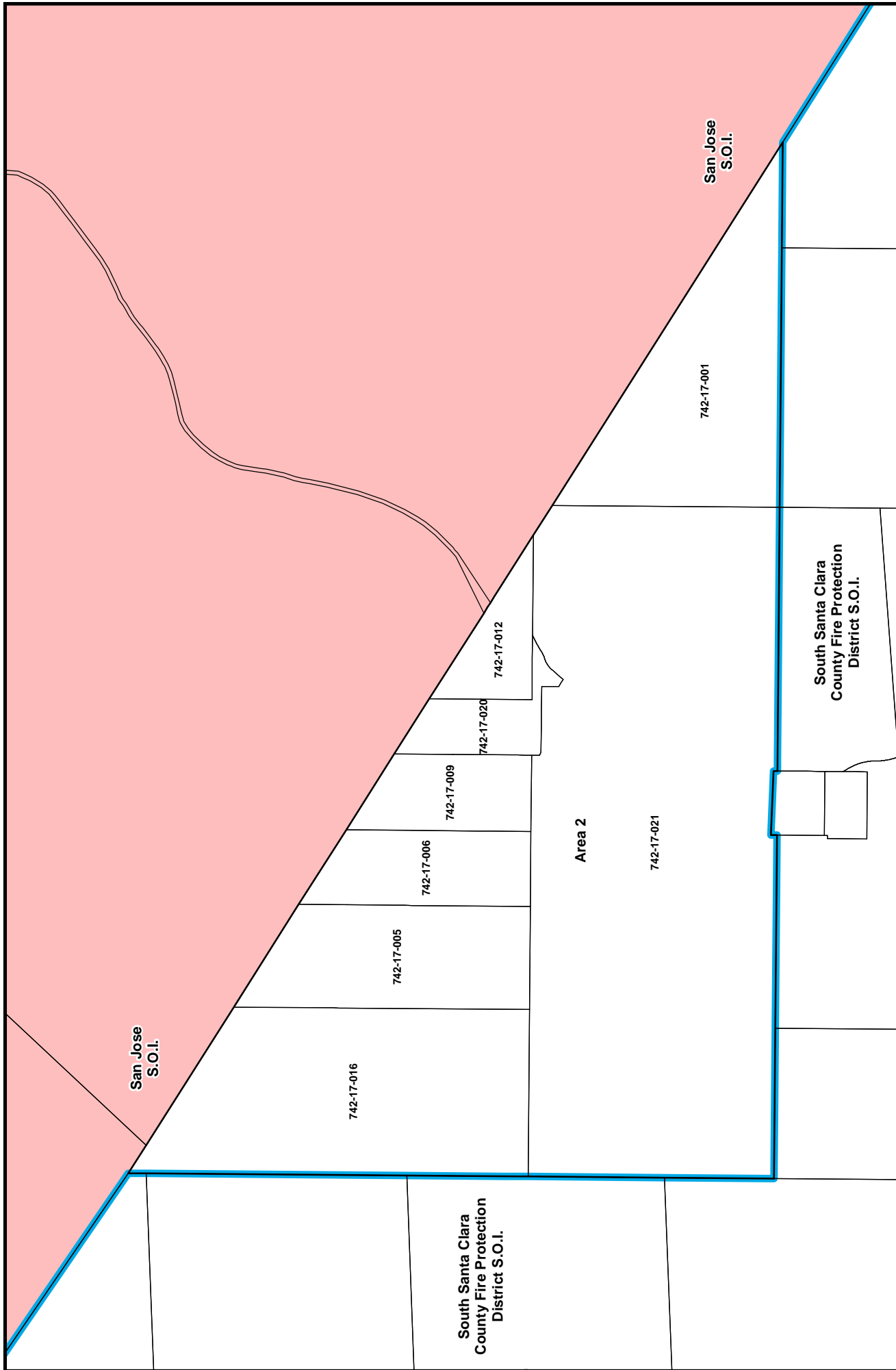
South Santa Clara County Fire Protection District Annexation and Sphere of Influence Amendment 2014

12,995 Acres +/- Total

Prepared by the Office of the County Surveyor
August 19, 2014
Gwendolyn Gee, County Surveyor

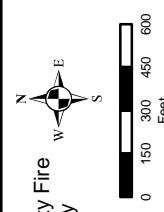
County of Santa Clara

Department of Planning and Development
Office of the County Surveyor
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



LEGEND:

- Existing South Santa Clara County Fire Protection District S.O.I. Boundary
- City of San Jose S.O.I.
- Assessor's Parcel Number



TITLE:

EXHIBIT "A"
South Santa Clara County Fire Protection District
Annexation and Sphere of Influence
Amendment 2014

12,995 Acres +/- Total

Prepared by the Office of the County Surveyor
 August 19, 2014
 Gwendolyn Gee, County Surveyor

County of Santa Clara
 Department of Planning and Development
 Office of the County Surveyor
 County Government Center, East Wing
 70 West Hedding Street, 7th Floor
 San Jose, California 95110



EXHIBIT "A"
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014
GEOGRAPHIC DESCRIPTION

All that certain real property situate in Rancho Soquel Augmentation, Rancho Las Uvas, Pueblo Lands of San Jose Tract No. 3, Rancho Ojo de Agua de la Coche, Section 31, Township 8 South, Range 1 East, Sections 4 through 10, Sections 13 through 30, Sections 34 through 36, Township 9 South Range 1 East, Sections 19 through 20, Sections 28 through 35, Township 9 South, Range 2 East, Sections 1 through 3, Sections 12 through 13, Township 10 South, Range 1 East, Sections 1 through 18, Sections 20 through 21, Township 10 South, Range 2 East, Section 18, Township 10 South, Range 3 East, Mount Diablo Base and Meridian (M.D.B. & M.), in the County of Santa Clara, State of California, described as follows:

Beginning at a point lying on the existing South Santa Clara County Fire Protection District (SSCCFPD) boundary, said point being the West One-Quarter (1/4) Section Corner of Section 15, Township 10 South, Range 2 East, Mount Diablo Base and Meridian, as shown on that certain Record of Survey (ROS) filed in Book 563 of Maps at Page 10, Santa Clara County Records (SCCR) and the **POINT OF BEGINNING** for this description;

- 1) thence along the westerly line of said Section 15 as shown on said ROS and along the existing SSCCFPD boundary, South $01^{\circ}37'39''$ East, 2534.32 feet to the southwest-section corner;
- 2) thence leaving said ROS and continuing along the westerly line of Section 22 as shown on the ROS filed in Book 478 of Maps at Page 43, SCCR, South $00^{\circ}05'48''$ East, 2540.58 feet to the One-Quarter (1/4) Corner common to Sections 21 and 22;
- 3) thence leaving said ROS and along the easterly line of said Section 21, SOUTH, 1320 feet, more or less, to the southeast corner of the Northeast One-Quarter (1/4) of the Southeast One-Quarter (1/4) of said Section 21;
- 4) thence continue along said section line, SOUTH, 660 feet, more or less, to the southeast corner of the Northeast One-Quarter (1/4) of the Southeast One-Quarter (1/4) of said Section 21;
- 5) thence leaving said section line and along the One-Sixty-fourth (1/64) section line, WEST, 90 feet, more or less, to the School District Boundary Line (SDBL) between Morgan Hill Unified School District and the Gilroy Unified School District;
- 6) thence leaving one-Sixty-fourth (1/64) section line and along said SDBL line, North $49^{\circ}23'55''$ West, 1004 feet, more or less, to the south line of the North One-Half (1/2) of the Southeast One-Quarter (1/4);
- 7) thence leaving said SDBL line and along the One-Sixteenth (1/16) section line, WEST, 433.87 feet, more or less, to the southerly line of Summit Road, one-hundred (100) feet wide as shown on the Parcel Map (PM) filed in Book 18 of Parcel Maps at Page 74 (18 PM 74), Santa Cruz County Records (SCrCR) said southerly line also being the County Line between Santa Clara County and Santa Cruz County;
- 8) thence leaving said SSCCFPD boundary and said One-Sixteenth (1/16) section line and continuing along said southerly line of Summit Road, North $32^{\circ}32'00''$ West, 775.17 feet to the beginning of a tangent curve;
- 9) thence along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 696.50 feet, through a central angle of $19^{\circ}28'00''$;
- 10) thence North $13^{\circ}04'00''$ West, 195.32 feet;
- 11) thence leaving the lines of said 18 PM 74 and continuing along said southerly line of Summit Road and the County Line as shown on that certain ROS filed in Book 495 of Maps at Page 11 (495 M 11) SCCR, North $77^{\circ}42'03''$ East, 20.00 feet to the beginning of

a non-tangent curve, said point lying on the southerly line of said Summit Road, sixty (60) feet wide;

- 12) thence along said southerly line and along the arc of said curve, concave to the east, having a radius of 219.50 feet, an arc length of 54.00 feet, through a central angle of $14^{\circ}05'48''$, a radial line to the radius point bears North $77^{\circ}42'03''$ East;
- 13) thence North $01^{\circ}47'51''$ East, 83.37 feet to the beginning of a tangent curve;
- 14) thence along the arc of said curve to the left, having a radius of 70.00 feet, an arc length of 77.86 feet, through a central angle of $63^{\circ}43'44''$;
- 15) thence North $61^{\circ}55'53''$ West, 33.87 feet to the beginning of a tangent curve;
- 16) thence along the arc of said curve to the right, having a radius of 150.00 feet, an arc length of 109.84 feet, through a central angle of $41^{\circ}57'16''$;
- 17) thence North $19^{\circ}58'37''$ West, 75.34 feet to the beginning of a tangent curve;
- 18) thence along the arc of said curve to the left, having a radius of 30.00 feet, an arc length of 54.21 feet, through a central angle of $103^{\circ}31'31''$;
- 19) thence South $56^{\circ}29'52''$ West, 20.49 feet to the beginning of a tangent curve;
- 20) thence along the arc of said curve to the right, having a radius of 195.07 feet, an arc length of 263.32 feet, through a central angle of $77^{\circ}20'35''$ to the beginning of a reverse curve;
- 21) thence along the arc of said curve having a radius of 212.00 feet, an arc length of 69.30 feet, through a central angle of $18^{\circ}43'48''$;
- 22) thence North $64^{\circ}53'21''$ West, 45.71 feet to the beginning of a tangent curve;
- 23) thence along the arc of said curve to the right, having a radius of 130.00 feet, an arc length of 84.14 feet, through a central angle of $37^{\circ}05'01''$;
- 24) thence North $27^{\circ}48'20''$ West, 106.58 feet to the beginning of a tangent curve;
- 25) thence along the arc of said curve to the left, having a radius of 45.00 feet, an arc length of 101.52 feet, through a central angle of $129^{\circ}15'13''$;
- 26) thence South $22^{\circ}56'27''$ West, 211.83 feet to the beginning of a tangent curve;
- 27) thence along the arc of said curve to the right, having a radius of 130.00 feet, an arc length of 54.76 feet, through a central angle of $24^{\circ}08'13''$;
- 28) thence South $47^{\circ}04'40''$ West, 45.92 feet to the beginning of a tangent curve;
- 29) thence along the arc of said curve to the right, having a radius of 105.00 feet, an arc length of 143.36 feet, through a central angle of $78^{\circ}13'49''$;
- 30) thence North $54^{\circ}41'31''$ West, 25.18 feet to the beginning of a tangent curve;
- 31) thence along the arc of said curve to the left, having a radius of 95.00 feet, an arc length of 72.98 feet, through a central angle of $44^{\circ}00'56''$;
- 32) thence South $81^{\circ}17'33''$ West, 124.96 feet to the beginning of a tangent curve;
- 33) thence along the arc of said curve to the left, having a radius of 270.00 feet, an arc length of 63.02 feet, through a central angle of $13^{\circ}22'24''$;
- 34) thence South $67^{\circ}55'09''$ West, 34.48 feet to the beginning of a tangent curve;

- 35) thence along the arc of said curve to the left, having a radius of 131.00 feet, an arc length of 63.74 feet, through a central angle of 27°52'45";
- 36) thence South 40°02'24" West, 103.88 feet to the beginning of a tangent curve;
- 37) thence along the arc of said curve to the left, having a radius of 160.00 feet, an arc length of 50.14 feet, through a central angle of 17°57'21";
- 38) thence South 22°05'03" West, 88.14 feet to the beginning of a tangent curve;
- 39) thence along the arc of said curve to the right, having a radius of 134.00 feet, an arc length of 98.67 feet, through a central angle of 42°11'22";
- 40) thence South 64°16'25" West, 59.33 feet to the beginning of a tangent curve;
- 41) thence along the arc of said curve to the right, having a radius of 143.92 feet, an arc length of 101.47 feet, through a central angle of 40°23'41" to the beginning of a reverse curve;
- 42) thence along the arc of said curve having a radius of 62.70 feet, an arc length of 36.91 feet, through a central angle of 33°43'43" to the beginning of a reverse curve;
- 43) thence along the arc of said curve having a radius of 208.69 feet, an arc length of 76.20 feet, through a central angle of 20°55'13" to the beginning of a compound curve;
- 44) thence along the arc of said curve having a radius of 110.00 feet, an arc length of 86.72 feet, through a central angle of 45°10'18";
- 45) thence North 42°58'06" West, 23.58 feet to the beginning of a tangent curve;
- 46) thence along the arc of said curve to the left, having a radius of 30.00 feet, an arc length of 35.53 feet, through a central angle of 67°51'44";
- 47) thence South 69°10'10" West, 73.15 feet to the beginning of a tangent curve;
- 48) thence along the arc of said curve to the right, having a radius of 84.57 feet, an arc length of 97.00 feet, through a central angle of 65°43'11" to the beginning of a reverse curve;
- 49) thence along the arc of said curve having a radius of 225.00 feet, an arc length of 69.16 feet, through a central angle of 17°36'37";
- 50) thence North 62°43'16" West, 17.04 feet to the beginning of a tangent curve;
- 51) thence along the arc of said curve to the right, having a radius of 110.00 feet, an arc length of 90.34 feet, through a central angle of 47°03'19";
- 52) thence North 15°39'57" West, 48.64 feet to the beginning of a tangent curve;
- 53) thence along the arc of said curve to the left, having a radius of 20.00 feet, an arc length of 28.28 feet, through a central angle of 81°00'33";
- 54) thence South 83°19'30" West, 92.20 feet to the beginning of a tangent curve;
- 55) thence along the arc of said curve to the right, having a radius of 190.00 feet, an arc length of 114.88 feet, through a central angle of 34°38'34";
- 56) thence North 62°01'56" West, 85.48 feet to the beginning of a tangent curve;
- 57) thence along the arc of said curve to the right, having a radius of 217.00 feet, an arc length of 102.67 feet, through a central angle of 27°06'31";
- 58) thence North 34°55'25" West, 14.67 feet to the beginning of a tangent curve;

- 59) thence along the arc of said curve to the right, having a radius of 164.50 feet, an arc length of 94.83 feet, through a central angle of $33^{\circ}01'51''$ to the beginning of a reverse curve;
- 60) thence along the arc of said curve having a radius of 20.00 feet, an arc length of 25.50 feet, through a central angle of $73^{\circ}02'22''$;
- 61) thence North $74^{\circ}55'56''$ West, 64.28 feet to the beginning of a tangent curve;
- 62) thence along the arc of said curve to the right, having a radius of 152.00 feet, an arc length of 96.60 feet, through a central angle of $36^{\circ}24'51''$;
- 63) thence North $38^{\circ}31'05''$ West, 55.33 feet to the beginning of a tangent curve;
- 64) thence along the arc of said curve to the right, having a radius of 217.00 feet, an arc length of 80.46 feet, through a central angle of $21^{\circ}14'35''$;
- 65) thence North $17^{\circ}16'30''$ West, 42.43 feet to the beginning of a tangent curve;
- 66) thence along the arc of said curve to the right, having a radius of 85.00 feet, an arc length of 151.94 feet, through a central angle of $102^{\circ}24'55''$;
- 67) thence North $85^{\circ}08'25''$ East, 80.80 feet to the beginning of a tangent curve;
- 68) thence along the arc of said curve to the left, having a radius of 55.00 feet, an arc length of 58.59 feet, through a central angle of $61^{\circ}01'52''$;
- 69) thence North $24^{\circ}06'33''$ East, 29.73 feet to the beginning of a tangent curve;
- 70) thence along the arc of said curve to the right, having a radius of 240.00 feet, an arc length of 81.59 feet, through a central angle of $19^{\circ}28'39''$;
- 71) thence North $43^{\circ}35'12''$ East, 72.52 feet to the beginning of a tangent curve;
- 72) thence along the arc of said curve to the right, having a radius of 184.38 feet, an arc length of 71.01 feet, through a central angle of $22^{\circ}03'58''$ to the beginning of a reverse curve;
- 73) thence along the arc of said curve having a radius of 230.00 feet, an arc length of 102.31 feet, through a central angle of $25^{\circ}29'10''$;
- 74) thence North $40^{\circ}10'00''$ East, 21.36 feet to the beginning of a tangent curve;
- 75) thence along the arc of said curve to the left, having a radius of 104.00 feet, an arc length of 74.40 feet, through a central angle of $40^{\circ}59'09''$;
- 76) thence North $00^{\circ}49'09''$ West, 97.52 feet to the beginning of a tangent curve;
- 77) thence along the arc of said curve to the right, having a radius of 844.00 feet, an arc length of 113.90 feet, through a central angle of $07^{\circ}43'57''$;
- 78) thence North $06^{\circ}54'48''$ East, 68.10 feet to the beginning of a tangent curve;
- 79) thence along the arc of said curve to the left, having a radius of 100.00 feet, an arc length of 121.62 feet, through a central angle of $69^{\circ}41'09''$;
- 80) thence North $62^{\circ}46'21''$ West, 185.19 feet to the beginning of a tangent curve;
- 81) thence along the arc of said curve to the right, having a radius of 283.00 feet, an arc length of 66.82 feet, through a central angle of $13^{\circ}31'45''$;
- 82) thence North $49^{\circ}14'36''$ West, 25.98 feet to the beginning of a tangent curve;

- 83) thence along the arc of said curve to the left, having a radius of 113.00 feet, an arc length of 68.79 feet, through a central angle of $34^{\circ}52'48''$;
- 84) thence North $84^{\circ}07'24''$ West, 145.54 feet, more or less, to Mt. Madonna Road and the beginning of a tangent curve;
- 85) thence leaving Summit Road and along the lines of Mt. Madonna Road and along the arc of said curve to the right, having a radius of 430.00 feet, an arc length of 240.27 feet, through a central angle of $32^{\circ}00'52''$;
- 86) thence North $52^{\circ}06'32''$ West, 205.00 feet to the beginning of a tangent curve;
- 87) thence along the arc of said curve to the left, having a radius of 325.00 feet, an arc length of 135.18 feet, through a central angle of $23^{\circ}49'56''$;
- 88) thence North $75^{\circ}56'28''$ West, 112.20 feet to the beginning of a tangent curve;
- 89) thence along the arc of said curve to the left, having a radius of 130.00 feet, an arc length of 100.58 feet, through a central angle of $44^{\circ}19'52''$;
- 90) thence South $59^{\circ}43'40''$ West, 73.58 feet to the beginning of a tangent curve;
- 91) thence along the arc of said curve to the right, having a radius of 240.00 feet, an arc length of 133.33 feet, through a central angle of $31^{\circ}49'47''$;
- 92) thence North $88^{\circ}26'33''$ West, 28.45 feet to the beginning of a tangent curve;
- 93) thence along the arc of said curve to the left, having a radius of 382.00 feet, an arc length of 37.08 feet, through a central angle of $05^{\circ}33'43''$;
- 94) thence South $85^{\circ}59'44''$ West, 51.61 feet to the beginning of a tangent curve;
- 95) thence along the arc of said curve to the right, having a radius of 278.00 feet, an arc length of 132.18 feet, through a central angle of $27^{\circ}14'31''$;
- 96) thence North $66^{\circ}45'45''$ West, 94.67 feet to the beginning of a tangent curve;
- 97) thence along the arc of said curve to the left, having a radius of 372.00 feet, an arc length of 137.28 feet, through a central angle of $21^{\circ}08'39''$;
- 98) thence North $87^{\circ}54'24''$ West, 125.67 feet to the beginning of a tangent curve;
- 99) thence along the arc of said curve to the left, having a radius of 143.64 feet, an arc length of 127.68 feet, through a central angle of $50^{\circ}55'48''$ to the beginning of a reverse curve;
- 100) thence along the arc of said curve having a radius of 320.00 feet, an arc length of 157.36 feet, through a central angle of $28^{\circ}10'31''$;
- 101) thence South $69^{\circ}20'19''$ West, 107.98 feet to the beginning of a tangent curve;
- 102) thence along the arc of said curve to the right, having a radius of 280.00 feet, an arc length of 142.40 feet, through a central angle of $29^{\circ}08'19''$;
- 103) thence North $81^{\circ}31'22''$ West, 45.14 feet to the beginning of a tangent curve;
- 104) thence along the arc of said curve to the left, having a radius of 184.00 feet, an arc length of 92.71 feet, through a central angle of $28^{\circ}52'08''$;
- 105) thence South $69^{\circ}36'30''$ West, 67.52 feet to the beginning of a tangent curve;
- 106) thence along the arc of said curve to the right, having a radius of 213.00 feet, an arc length of 134.70 feet, through a central angle of $36^{\circ}13'57''$;

- 107) thence North $74^{\circ}09'33''$ West, 84.73 feet to the beginning of a tangent curve;
- 108) thence along the arc of said curve to the right, having a radius of 295.00 feet, an arc length of 66.54 feet, through a central angle of $12^{\circ}55'28''$;
- 109) thence North $61^{\circ}14'05''$ West, 32.07 feet to the beginning of a tangent curve;
- 110) thence along the arc of said curve to the left, having a radius of 436.00 feet, an arc length of 102.48 feet, through a central angle of $13^{\circ}28'03''$;
- 111) thence North $74^{\circ}42'08''$ West, 131.04 feet to the beginning of a tangent curve;
- 112) thence along the arc of said curve to the left, having a radius of 187.00 feet, an arc length of 84.50 feet, through a central angle of $25^{\circ}53'30''$;
- 113) thence South $79^{\circ}24'22''$ West, 85.12 feet to the beginning of a tangent curve;
- 114) thence along the arc of said curve to the right, having a radius of 196.69 feet, an arc length of 114.81 feet, through a central angle of $33^{\circ}26'41''$ to the beginning of a compound curve;
- 115) thence along the arc of said curve having a radius of 252.00 feet, an arc length of 72.96 feet, through a central angle of $16^{\circ}35'15''$;
- 116) thence North $50^{\circ}33'42''$ West, 58.15 feet to the beginning of a tangent curve;
- 117) thence along the arc of said curve to the right, having a radius of 188.00 feet, an arc length of 114.96 feet, through a central angle of $35^{\circ}02'09''$;
- 118) thence North $15^{\circ}31'33''$ West, 118.13 feet to the beginning of a tangent curve;
- 119) thence along the arc of said curve to the right, having a radius of 1037.00 feet, an arc length of 102.93 feet, through a central angle of $05^{\circ}41'13''$;
- 120) thence North $09^{\circ}50'20''$ West, 125.13 feet to the beginning of a tangent curve;
- 121) thence along the arc of said curve to the right, having a radius of 748.00 feet, an arc length of 145.47 feet, through a central angle of $11^{\circ}08'35''$;
- 122) thence North $01^{\circ}18'15''$ East, 22.69 feet to the beginning of a tangent curve;
- 123) thence along the arc of said curve to the left, having a radius of 76.00 feet, an arc length of 107.10 feet, through a central angle of $80^{\circ}44'43''$;
- 124) thence North $79^{\circ}26'28''$ West, 72.21 feet to the beginning of a tangent curve;
- 125) thence along the arc of said curve to the right, having a radius of 1080.00 feet, an arc length of 143.75 feet, through a central angle of $07^{\circ}37'34''$;
- 126) thence North $71^{\circ}48'54''$ West, 93.20 feet to the beginning of a tangent curve;
- 127) thence along the arc of said curve to the right, having a radius of 317.79 feet, an arc length of 128.58 feet, through a central angle of $23^{\circ}10'59''$ to the beginning of a compound curve;
- 128) thence along the arc of said curve having a radius of 215.00 feet, an arc length of 113.22 feet, through a central angle of $30^{\circ}10'18''$;
- 129) thence North $18^{\circ}27'37''$ West, 22.40 feet to the beginning of a tangent curve;
- 130) thence along the arc of said curve to the left, having a radius of 345.00 feet, an arc length of 109.73 feet, through a central angle of $18^{\circ}13'24''$;

- 131) thence North $36^{\circ}41'01''$ West, 34.93 feet to the beginning of a tangent curve;
- 132) thence along the arc of said curve to the left, having a radius of 215.00 feet, an arc length of 128.79 feet, through a central angle of $34^{\circ}19'22''$;
- 133) thence North $71^{\circ}00'23''$ West, 332.45 feet to the beginning of a tangent curve;
- 134) thence along the arc of said curve to the left, having a radius of 1780.00 feet, an arc length of 196.49 feet, through a central angle of $06^{\circ}19'29''$;
- 135) thence North $77^{\circ}19'52''$ West, 78.42 feet to the beginning of a tangent curve;
- 136) thence along the arc of said curve to the left, having a radius of 155.00 feet, an arc length of 105.22 feet, through a central angle of $38^{\circ}53'35''$;
- 137) thence South $63^{\circ}46'33''$ West, 48.58 feet to the beginning of a tangent curve;
- 138) thence along the arc of said curve to the right, having a radius of 80.04 feet, an arc length of 98.39 feet, through a central angle of $70^{\circ}25'50''$ to the beginning of a compound curve;
- 139) thence along the arc of said curve having a radius of 170.00 feet, an arc length of 86.01 feet, through a central angle of $28^{\circ}59'16''$;
- 140) thence North $16^{\circ}48'21''$ West, 104.64 feet to the beginning of a tangent curve;
- 141) thence along the arc of said curve to the right, having a radius of 224.00 feet, an arc length of 91.34 feet, through a central angle of $23^{\circ}21'52''$;
- 142) thence North $06^{\circ}33'31''$ East, 14.50 feet to the beginning of a tangent curve;
- 143) thence along the arc of said curve to the left, having a radius of 146.00 feet, an arc length of 80.88 feet, through a central angle of $31^{\circ}44'23''$;
- 144) thence North $25^{\circ}10'52''$ West, 40.78 feet to the beginning of a tangent curve;
- 145) thence along the arc of said curve to the right, having a radius of 425.00 feet, an arc length of 106.99 feet, through a central angle of $14^{\circ}25'26''$;
- 146) thence North $10^{\circ}45'26''$ West, 31.47 feet to the beginning of a tangent curve;
- 147) thence along the arc of said curve to the left, having a radius of 326.00 feet, an arc length of 146.43 feet, through a central angle of $25^{\circ}44'11''$;
- 148) thence North $36^{\circ}29'37''$ West, 368.70 feet to the beginning of a tangent curve;
- 149) thence along the arc of said curve to the left, having a radius of 848.00 feet, an arc length of 192.33 feet, through a central angle of $12^{\circ}59'41''$;
- 150) thence North $49^{\circ}29'18''$ West, 224.67 feet to the beginning of a tangent curve;
- 151) thence along the arc of said curve to the right, having a radius of 355.00 feet, an arc length of 129.46 feet, through a central angle of $20^{\circ}53'40''$;
- 152) thence North $28^{\circ}35'38''$ West, 82.39 feet to the beginning of a tangent curve;
- 153) thence along the arc of said curve to the left, having a radius of 220.00 feet, an arc length of 136.49 feet, through a central angle of $35^{\circ}32'53''$;
- 154) thence North $64^{\circ}08'31''$ West, 124.24 feet to the beginning of a tangent curve;
- 155) thence along the arc of said curve to the right, having a radius of 165.00 feet, an arc length of 116.69 feet, through a central angle of $40^{\circ}31'15''$;

- 156) thence North $23^{\circ}37'16''$ West, 43.70 feet to the beginning of a tangent curve;
- 157) thence along the arc of said curve to the left, having a radius of 908.00 feet, an arc length of 125.60 feet, through a central angle of $07^{\circ}55'32''$;
- 158) thence North $31^{\circ}32'48''$ West, 128.17 feet to the beginning of a tangent curve;
- 159) thence along the arc of said curve to the left, having a radius of 210.00 feet, an arc length of 119.37 feet, through a central angle of $32^{\circ}34'02''$;
- 160) thence North $64^{\circ}06'50''$ West, 57.51 feet to the beginning of a tangent curve;
- 161) thence along the arc of said curve to the left, having a radius of 156.00 feet, an arc length of 112.15 feet, through a central angle of $41^{\circ}11'22''$;
- 162) thence South $74^{\circ}41'48''$ West, 98.46 feet to the beginning of a tangent curve;
- 163) thence along the arc of said curve to the right, having a radius of 270.00 feet, an arc length of 184.24 feet, through a central angle of $39^{\circ}05'50''$;
- 164) thence North $66^{\circ}12'22''$ West, 110.41 feet to the beginning of a tangent curve;
- 165) thence along the arc of said curve to the right, having a radius of 118.00 feet, an arc length of 121.93 feet, through a central angle of $59^{\circ}12'15''$;
- 166) thence North $07^{\circ}00'07''$ West, 82.11 feet to the beginning of a tangent curve;
- 167) thence along the arc of said curve to the left, having a radius of 48.00 feet, an arc length of 63.12 feet, through a central angle of $75^{\circ}20'45''$;
- 168) thence North $82^{\circ}20'52''$ West, 41.35 feet to the beginning of a tangent curve;
- 169) thence along the arc of said curve to the right, having a radius of 170.00 feet, an arc length of 83.29 feet, through a central angle of $28^{\circ}04'23''$;
- 170) thence North $54^{\circ}16'29''$ West, 43.66 feet to the beginning of a tangent curve;
- 171) thence along the arc of said curve to the right, having a radius of 144.00 feet, an arc length of 85.95 feet, through a central angle of $34^{\circ}11'56''$;
- 172) thence North $20^{\circ}04'33''$ West, 42.96 feet to the beginning of a tangent curve;
- 173) thence along the arc of said curve to the left, having a radius of 25.00 feet, an arc length of 32.02 feet, through a central angle of $73^{\circ}22'43''$;
- 174) thence South $86^{\circ}32'44''$ West, 66.82 feet to the beginning of a tangent curve;
- 175) thence along the arc of said curve to the right, having a radius of 120.00 feet, an arc length of 110.73 feet, through a central angle of $52^{\circ}52'12''$;
- 176) thence North $40^{\circ}35'04''$ West, 92.62 feet to the beginning of a tangent curve;
- 177) thence along the arc of said curve to the left, having a radius of 40.00 feet, an arc length of 42.27 feet, through a central angle of $60^{\circ}33'14''$;
- 178) thence South $78^{\circ}51'42''$ West, 28.96 feet to the beginning of a tangent curve;
- 179) thence along the arc of said curve to the right, having a radius of 113.45 feet, an arc length of 95.99 feet, through a central angle of $48^{\circ}28'32''$ to the beginning of a reverse curve;
- 180) thence along the arc of said curve having a radius of 55.00 feet, an arc length of 46.13 feet, through a central angle of $48^{\circ}03'04''$;

- 181) thence South $79^{\circ}17'10''$ West, 22.46 feet to the beginning of a tangent curve;
- 182) thence along the arc of said curve to the right, having a radius of 110.96 feet, an arc length of 121.85 feet, through a central angle of $62^{\circ}55'05''$ to the beginning of a reverse curve;
- 183) thence along the arc of said curve having a radius of 71.00 feet, an arc length of 64.65 feet, through a central angle of $52^{\circ}10'14''$;
- 184) thence North $89^{\circ}57'59''$ West, 83.21 feet to the beginning of a tangent curve;
- 185) thence along the arc of said curve to the right, having a radius of 590.00 feet, an arc length of 93.26 feet, through a central angle of $09^{\circ}03'23''$;
- 186) thence North $80^{\circ}54'36''$ West, 177.28 feet to the beginning of a tangent curve;
- 187) thence along the arc of said curve to the right, having a radius of 268.00 feet, an arc length of 108.88 feet, through a central angle of $23^{\circ}16'41''$;
- 188) thence North $57^{\circ}37'55''$ West, 129.86 feet to the beginning of a tangent curve;
- 189) thence along the arc of said curve to the left, having a radius of 91.00 feet, an arc length of 64.83 feet, through a central angle of $40^{\circ}49'13''$;
- 190) thence South $81^{\circ}32'52''$ West, 59.41 feet to the beginning of a tangent curve;
- 191) thence along the arc of said curve to the left, having a radius of 88.00 feet, an arc length of 70.76 feet, through a central angle of $46^{\circ}04'10''$;
- 192) thence South $35^{\circ}28'42''$ West, 99.66 feet to the beginning of a tangent curve;
- 193) thence along the arc of said curve to the right, having a radius of 166.00 feet, an arc length of 176.58 feet, through a central angle of $60^{\circ}56'49''$;
- 194) thence North $83^{\circ}34'29''$ West, 59.02 feet to the beginning of a tangent curve;
- 195) thence along the arc of said curve to the left, having a radius of 90.00 feet, an arc length of 36.85 feet, through a central angle of $23^{\circ}27'24''$;
- 196) thence South $72^{\circ}58'07''$ West, 208.98 feet to the beginning of a tangent curve;
- 197) thence along the arc of said curve to the right, having a radius of 129.00 feet, an arc length of 99.13 feet, through a central angle of $44^{\circ}01'46''$;
- 198) thence North $63^{\circ}00'07''$ West, 77.22 feet to the beginning of a tangent curve;
- 199) thence along the arc of said curve to the left, having a radius of 273.00 feet, an arc length of 80.53 feet, through a central angle of $16^{\circ}54'06''$;
- 200) thence North $79^{\circ}54'13''$ West, 29.82 feet to the beginning of a tangent curve;
- 201) thence along the arc of said curve to the right, having a radius of 201.00 feet, an arc length of 92.60 feet, through a central angle of $26^{\circ}23'49''$;
- 202) thence North $53^{\circ}30'24''$ West, 165.21 feet to the beginning of a tangent curve;
- 203) thence along the arc of said curve to the right, having a radius of 265.00 feet, an arc length of 100.29 feet, through a central angle of $21^{\circ}41'03''$;
- 204) thence North $31^{\circ}49'21''$ West, 62.84 feet to the beginning of a tangent curve;

- 205) thence along the arc of said curve to the left, having a radius of 208.00 feet, an arc length of 69.39 feet, through a central angle of 19°06'53";
- 206) thence North 50°56'14" West, 91.79 feet to the beginning of a tangent curve;
- 207) thence along the arc of said curve to the left, having a radius of 1140.00 feet, an arc length of 194.16 feet, through a central angle of 09°45'31";
- 208) thence North 60°41'45" West, 204.02 feet to the beginning of a tangent curve;
- 209) thence along the arc of said curve to the left, having a radius of 279.00 feet, an arc length of 141.40 feet, through a central angle of 29°02'19";
- 210) thence North 89°44'04" West, 81.25 feet to the beginning of a tangent curve;
- 211) thence along the arc of said curve to the right, having a radius of 120.00 feet, an arc length of 111.63 feet, through a central angle of 53°18'01";
- 212) thence North 36°26'03" West, 198.84 feet to the beginning of a tangent curve;
- 213) thence along the arc of said curve to the right, having a radius of 194.00 feet, an arc length of 81.71 feet, through a central angle of 24°07'54";
- 214) thence North 12°18'09" West, 25.47 feet to the beginning of a tangent curve;
- 215) thence along the arc of said curve to the left, having a radius of 224.00 feet, an arc length of 69.82 feet, through a central angle of 17°51'28";
- 216) thence North 30°09'37" West, 212.27 feet to the beginning of a tangent curve;
- 217) thence along the arc of said curve to the right, having a radius of 206.00 feet, an arc length of 102.86 feet, through a central angle of 28°36'32";
- 218) thence North 01°33'05" West, 85.10 feet to the beginning of a tangent curve;
- 219) thence along the arc of said curve to the left, having a radius of 65.00 feet, an arc length of 57.59 feet, through a central angle of 50°45'40";
- 220) thence North 52°18'45" West, 223.57 feet to the beginning of a tangent curve;
- 221) thence along the arc of said curve to the left, having a radius of 45.00 feet, an arc length of 37.51 feet, through a central angle of 47°45'51";
- 222) thence South 79°55'24" West, 164.12 feet to the beginning of a tangent curve;
- 223) thence along the arc of said curve to the right, having a radius of 440.00 feet, an arc length of 128.38 feet, through a central angle of 16°43'01";
- 224) thence North 83°21'35" West, 229.91 feet to the beginning of a tangent curve;
- 225) thence along the arc of said curve to the right, having a radius of 1105.00 feet, an arc length of 123.23 feet, through a central angle of 06°23'22";
- 226) thence North 76°58'13" West, 311.78 feet to the beginning of a tangent curve;
- 227) thence along the arc of said curve to the right, having a radius of 340.00 feet, an arc length of 130.12 feet, through a central angle of 21°55'40";
- 228) thence North 55°02'33" West, 215.23 feet to the beginning of a tangent curve;
- 229) thence along the arc of said curve to the left, having a radius of 120.00 feet, an arc length of 61.89 feet, through a central angle of 29°32'56";

- 230) thence North 84°35'29" West, 80.53 feet to the beginning of a tangent curve;
- 231) thence along the arc of said curve to the left, having a radius of 390.00 feet, an arc length of 73.85 feet, through a central angle of 10°51'00";
- 232) thence South 84°33'31" West, 289.79 feet to the beginning of a tangent curve;
- 233) thence along the arc of said curve to the right, having a radius of 190.00 feet, an arc length of 93.57 feet, through a central angle of 28°12'58";
- 234) thence North 67°13'31" West, 121.62 feet to the beginning of a tangent curve;
- 235) thence along the arc of said curve to the right, having a radius of 105.00 feet, an arc length of 82.65 feet, through a central angle of 45°05'53";
- 236) thence North 22°07'38" West, 47.25 feet to the beginning of a tangent curve;
- 237) thence along the arc of said curve to the left, having a radius of 190.00 feet, an arc length of 84.30 feet, through a central angle of 25°25'20";
- 238) thence North 47°32'58" West, 166.30 feet to the beginning of a non-tangent curve;
- 239) thence along the arc of said curve, concave to the southwest, having a radius of 300.00 feet, an arc length of 45.20 feet, through a central angle of 08°37'54", a radial line to the radius point bears South 41°57'02" West;
- 240) thence North 56°40'52" West, 66.14 feet to the beginning of a non-tangent curve;
- 241) thence along the arc of said curve, concave to the northeast, having a radius of 180.00 feet, an arc length of 135.05 feet, through a central angle of 42°59'14", a radial line to the radius point bears North 33°49'08" East;
- 242) thence North 13°11'38" West, 44.46 feet to the beginning of a tangent curve;
- 243) thence along the arc of said curve to the left, having a radius of 165.00 feet, an arc length of 83.08 feet, through a central angle of 28°50'58";
- 244) thence North 42°02'36" West, 104.27 feet to the beginning of a tangent curve;
- 245) thence along the arc of said curve to the right, having a radius of 159.48 feet, an arc length of 67.10 feet, through a central angle of 24°06'28" to the beginning of a reverse curve;
- 246) thence along the arc of said curve having a radius of 78.00 feet, an arc length of 36.76 feet, through a central angle of 27°00'04";
- 247) thence North 44°56'12" West, 123.21 feet to the beginning of a tangent curve;
- 248) thence along the arc of said curve to the right, having a radius of 95.00 feet, an arc length of 68.77 feet, through a central angle of 41°28'26";
- 249) thence North 03°27'46" West, 52.90 feet to the beginning of a tangent curve;
- 250) thence along the arc of said curve to the left, having a radius of 110.00 feet, an arc length of 67.76 feet, through a central angle of 35°17'47";
- 251) thence North 38°45'33" West, 53.92 feet to the beginning of a tangent curve;
- 252) thence along the arc of said curve to the right, having a radius of 200.00 feet, an arc length of 58.28 feet, through a central angle of 16°41'42";
- 253) thence North 22°03'51" West, 17.73 feet to the beginning of a tangent curve;

- 254) thence along the arc of said curve to the left, having a radius of 190.00 feet, an arc length of 83.87 feet, through a central angle of $25^{\circ}17'26''$;
- 255) thence North $47^{\circ}21'17''$ West, 64.40 feet to the beginning of a tangent curve;
- 256) thence along the arc of said curve to the left, having a radius of 570.00 feet, an arc length of 105.63 feet, through a central angle of $10^{\circ}37'05''$;
- 257) thence North $57^{\circ}58'22''$ West, 88.86 feet to the beginning of a tangent curve;
- 258) thence along the arc of said curve to the right, having a radius of 440.00 feet, an arc length of 106.74 feet, through a central angle of $13^{\circ}53'56''$;
- 259) thence North $44^{\circ}04'26''$ West, 99.82 feet to the beginning of a tangent curve;
- 260) thence along the arc of said curve to the right, having a radius of 350.00 feet, an arc length of 118.76 feet, through a central angle of $19^{\circ}26'28''$;
- 261) thence North $24^{\circ}37'58''$ West, 163.30 feet to the beginning of a tangent curve;
- 262) thence along the arc of said curve to the left, having a radius of 155.00 feet, an arc length of 73.78 feet, through a central angle of $27^{\circ}16'21''$;
- 263) thence North $51^{\circ}54'19''$ West, 112.40 feet to the beginning of a tangent curve;
- 264) thence along the arc of said curve to the right, having a radius of 355.00 feet, an arc length of 108.42 feet, through a central angle of $17^{\circ}29'54''$;
- 265) thence North $34^{\circ}24'25''$ West, 136.57 feet to the beginning of a tangent curve;
- 266) thence along the arc of said curve to the right, having a radius of 105.00 feet, an arc length of 89.77 feet, through a central angle of $48^{\circ}59'02''$;
- 267) thence North $14^{\circ}34'37''$ East, 26.42 feet to the beginning of a tangent curve;
- 268) thence along the arc of said curve to the left, having a radius of 100.00 feet, an arc length of 44.33 feet, through a central angle of $25^{\circ}23'52''$;
- 269) thence North $10^{\circ}49'15''$ West, 25.73 feet to the beginning of a tangent curve;
- 270) thence along the arc of said curve to the right, having a radius of 145.00 feet, an arc length of 84.48 feet, through a central angle of $33^{\circ}22'52''$;
- 271) thence North $22^{\circ}33'37''$ East, 34.72 feet to the beginning of a tangent curve;
- 272) thence along the arc of said curve to the left, having a radius of 65.00 feet, an arc length of 38.97 feet, through a central angle of $34^{\circ}21'07''$;
- 273) thence North $11^{\circ}47'30''$ West, 21.38 feet to the beginning of a tangent curve;
- 274) thence along the arc of said curve to the right, having a radius of 140.00 feet, an arc length of 85.05 feet, through a central angle of $34^{\circ}48'30''$;
- 275) thence North $23^{\circ}01'00''$ East, 48.63 feet to the beginning of a tangent curve;
- 276) thence along the arc of said curve to the left, having a radius of 32.00 feet, an arc length of 32.67 feet, through a central angle of $58^{\circ}30'01''$;
- 277) thence North $35^{\circ}29'01''$ West, 25.92 feet to the beginning of a tangent curve;
- 278) thence along the arc of said curve to the right, having a radius of 175.00 feet, an arc length of 70.70 feet, through a central angle of $23^{\circ}08'53''$;

- 279) thence North $12^{\circ}20'08''$ West, 22.48 feet to the beginning of a tangent curve;
- 280) thence along the arc of said curve to the left, having a radius of 72.76 feet, an arc length of 45.35 feet, through a central angle of $35^{\circ}42'29''$ to the beginning of a reverse curve;
- 281) thence along the arc of said curve having a radius of 260.00 feet, an arc length of 89.45 feet, through a central angle of $19^{\circ}42'40''$;
- 282) thence North $28^{\circ}19'57''$ West, 244.80 feet to the beginning of a tangent curve;
- 283) thence along the arc of said curve to the left, having a radius of 230.00 feet, an arc length of 53.52 feet, through a central angle of $13^{\circ}19'59''$;
- 284) thence North $41^{\circ}39'56''$ West, 90.56 feet to the beginning of a tangent curve;
- 285) thence along the arc of said curve to the left, having a radius of 50.00 feet, an arc length of 46.16 feet, through a central angle of $52^{\circ}53'25''$;
- 286) thence South $85^{\circ}26'39''$ West, 75.54 feet to the beginning of a tangent curve;
- 287) thence along the arc of said curve to the right, having a radius of 93.78 feet, an arc length of 140.14 feet, through a central angle of $85^{\circ}37'04''$ to the beginning of a reverse curve;
- 288) thence along the arc of said curve having a radius of 20.39 feet, an arc length of 28.27 feet, through a central angle of $79^{\circ}25'53''$ to the beginning of a reverse curve;
- 289) thence along the arc of said curve having a radius of 104.53 feet, an arc length of 95.00 feet, through a central angle of $52^{\circ}04'23''$ to the beginning of a reverse curve;
- 290) thence along the arc of said curve having a radius of 191.00 feet, an arc length of 68.38 feet, through a central angle of $20^{\circ}30'48''$;
- 291) thence North $56^{\circ}48'35''$ West, 52.65 feet to the beginning of a tangent curve;
- 292) thence along the arc of said curve to the right, having a radius of 175.00 feet, an arc length of 116.38 feet, through a central angle of $38^{\circ}06'07''$;
- 293) thence North $18^{\circ}42'28''$ West, 77.85 feet to the beginning of a tangent curve;
- 294) thence along the arc of said curve to the right, having a radius of 135.00 feet, an arc length of 50.53 feet, through a central angle of $21^{\circ}26'40''$;
- 295) thence North $02^{\circ}44'12''$ East, 24.23 feet to the beginning of a tangent curve;
- 296) thence along the arc of said curve to the left, having a radius of 66.35 feet, an arc length of 33.98 feet, through a central angle of $29^{\circ}20'48''$ to the beginning of a reverse curve;
- 297) thence along the arc of said curve having a radius of 73.10 feet, an arc length of 97.68 feet, through a central angle of $76^{\circ}33'30''$ to the beginning of a reverse curve;
- 298) thence along the arc of said curve having a radius of 61.00 feet, an arc length of 38.70 feet, through a central angle of $36^{\circ}20'52''$;
- 299) thence North $13^{\circ}36'02''$ East, 38.50 feet to the beginning of a non-tangent curve;
- 300) thence along the arc of said curve, concave to the southeast, having a radius of 200.00 feet, an arc length of 104.86 feet, through a central angle of $30^{\circ}02'22''$, a radial line to the radius point bears South $76^{\circ}33'58''$ East;
- 301) thence North $43^{\circ}28'24''$ East, 34.75 feet to the beginning of a non-tangent curve;

- 302) thence along the arc of said curve, concave to the southeast, having a radius of 210.00 feet, an arc length of 92.50 feet, through a central angle of 25°14'13", a radial line to the radius point bears South 46°21'36" East;
- 303) thence North 68°52'37" East, 24.84 feet to the beginning of a tangent curve;
- 304) thence along the arc of said curve to the left, having a radius of 33.00 feet, an arc length of 33.64 feet, through a central angle of 58°24'55";
- 305) thence North 10°27'42" East, 44.69 feet to the beginning of a tangent curve;
- 306) thence along the arc of said curve to the left, having a radius of 95.00 feet, an arc length of 29.64 feet, through a central angle of 17°52'28";
- 307) thence North 07°24'46" West, 36.63 feet to the beginning of a tangent curve;
- 308) thence along the arc of said curve to the right, having a radius of 180.00 feet, an arc length of 84.07 feet, through a central angle of 26°45'41";
- 309) thence North 19°20'55" East, 88.12 feet to the beginning of a tangent curve;
- 310) thence along the arc of said curve to the left, having a radius of 55.00 feet, an arc length of 48.67 feet, through a central angle of 50°42'02";
- 311) thence North 31°21'07" West, 534.34 feet to the beginning of a tangent curve;
- 312) thence along the arc of said curve to the right, having a radius of 78.00 feet, an arc length of 75.02 feet, through a central angle of 55°06'29";
- 313) thence North 23°45'22" East, 45.28 feet to the beginning of a tangent curve;
- 314) thence along the arc of said curve to the left, having a radius of 40.00 feet, an arc length of 38.10 feet, through a central angle of 54°34'37";
- 315) thence North 30°49'15" West, 56.55 feet to the beginning of a tangent curve;
- 316) thence along the arc of said curve to the right, having a radius of 109.00 feet, an arc length of 129.86 feet, through a central angle of 68°15'46";
- 317) thence North 37°26'31" East, 33.71 feet to the beginning of a tangent curve;
- 318) thence along the arc of said curve to the left, having a radius of 25.00 feet, an arc length of 28.81 feet, through a central angle of 66°01'52";
- 319) thence North 28°35'21" West, 205.79 feet to the beginning of a tangent curve;
- 320) thence along the arc of said curve to the left, having a radius of 67.73 feet, an arc length of 45.20 feet, through a central angle of 38°14'19" to the beginning of a reverse curve;
- 321) thence along the arc of said curve having a radius of 82.00 feet, an arc length of 93.81 feet, through a central angle of 65°32'44";
- 322) thence North 01°16'56" West, 75.16 feet to the beginning of a tangent curve;
- 323) thence along the arc of said curve to the left, having a radius of 55.00 feet, an arc length of 76.56 feet, through a central angle of 79°45'36";
- 324) thence North 81°02'32" West, 157.85 feet to the beginning of a tangent curve;
- 325) thence along the arc of said curve to the right, having a radius of 618.00 feet, an arc length of 35.59 feet, through a central angle of 03°17'58";

- 326) thence leaving said southerly line of Mt. Madonna Road, North 12°15'26" East, 50.07 feet to the northerly line of Mt. Madonna Road (40 feet wide) as shown on said map 495 M 11 and described in that certain document known as "Viewers Report No. 122, SCrCR";
- 327) thence leaving the lines of said 495 M 11 and along said northerly line also being the County Line between Santa Clara County and Santa Cruz County, North 75°15'00" West, 69.08 feet;
- 328) thence North 60°10'00" West, 237.82 feet;
- 329) thence North 39°00'00" West, 258.01 feet;
- 330) thence North 63°30'00" West, 147.48 feet;
- 331) thence North 51°45'00" West, 203.77 feet;
- 332) thence North 58°45'00" West, 280.97 feet;
- 333) thence North 73°15'00" West, 195.30 feet;
- 334) thence North 81°00'00" West, 175.18 feet;
- 335) thence North 23°30'00" West, 130.84 feet;
- 336) thence North 04°15'00" West, 145.38 feet;
- 337) thence North 24°30'00" West, 117.94 feet;
- 338) thence North 00°30'00" East, 143.58 feet;
- 339) thence North 15°30'00" West, 137.33 feet;
- 340) thence North 64°30'00" West, 102.19 feet;
- 341) thence South 75°30'00" West, 199.26 feet;
- 342) thence North 71°00'00" West, 120.56 feet;
- 343) thence South 66°30'00" West, 107.94 feet;
- 344) thence North 83°05'00" West, 206.85 feet;
- 345) thence North 52°15'00" West, 144.06 feet;
- 346) thence South 70°15'00" West, 124.83 feet;
- 347) thence North 82°00'00" West, 244.48 feet;
- 348) thence South 68°45'00" West, 213.90 feet;
- 349) thence North 62°15'00" West, 116.19 feet;
- 350) thence North 25°15'00" West, 40.09 feet;
- 351) thence North 08°15'00" East, 74.31 feet;
- 352) thence North 63°00'00" West, 65.08 feet;
- 353) thence South 58°45'00" West, 163.86 feet;
- 354) thence North 89°30'00" West, 165.08 feet;

- 355) thence North 48°45'00" West, 127.78 feet;
- 356) thence North 67°00'00" West, 273.77 feet;
- 357) thence North 30°15'00" West, 185.48 feet;
- 358) thence North 02°30'00" East, 124.19 feet;
- 359) thence North 23°45'00" West, 96.25 feet;
- 360) thence North 56°00'00" West, 92.46 feet;
- 361) thence North 38°30'00" West, 133.36 feet;
- 362) thence North 63°30'00" West, 114.62 feet;
- 363) thence North 52°00'00" West, 177.00 feet;
- 364) thence North 19°45'00" West, 131.34 feet;
- 365) thence North 48°30'00" West, 185.43 feet;
- 366) thence North 60°30'00" West, 78.29 feet;
- 367) thence South 65°30'00" West, 128.69 feet;
- 368) thence South 67°15'00" West, 107.00 feet;
- 369) thence North 85°15'00" West, 63.73 feet;
- 370) thence North 29°30'00" West, 186.18 feet;
- 371) thence North 59°30'00" West, 74.51 feet;
- 372) thence North 77°25'00" West, 160.61 feet;
- 373) thence North 72°00'00" West, 134.13 feet;
- 374) thence North 89°30'00" West, 112.34 feet;
- 375) thence South 69°45'00" West, 248.77 feet;
- 376) thence North 78°30'00" West, 35.71 feet;
- 377) thence North 51°30'00" West, 237.87 feet;
- 378) thence North 07°15'00" West, 139.96 feet;
- 379) thence North 13°45'00" East, 92.66 feet;
- 380) thence North 28°45'00" East, 135.67 feet;
- 381) thence North 06°15'00" West, 83.05 feet;
- 382) thence North 62°45'00" West, 206.51 feet;
- 383) thence North 50°00'00" West, 70.70 feet;
- 384) thence North 88°15'00" West, 102.19 feet;
- 385) thence South 75°30'00" West, 166.76 feet;
- 386) thence North 12°00'00" West, 140.68 feet;

- 387) thence North 30°00'00" West, 117.69 feet;
- 388) thence North 43°15'00" West, 159.30 feet;
- 389) thence North 72°15'00" West, 172.41 feet;
- 390) thence North 85°00'00" West, 136.51 feet;
- 391) thence South 82°00'00" West, 132.22 feet;
- 392) thence North 86°15'00" West, 151.71 feet;
- 393) thence South 82°30'00" West, 98.47 feet;
- 394) thence North 83°15'00" West, 146.09 feet;
- 395) thence North 65°00'00" West, 146.34 feet;
- 396) thence North 17°15'00" West, 79.30 feet;
- 397) thence North 06°45'00" East, 124.61 feet;
- 398) thence North 24°35'00" East, 181.00 feet;
- 399) thence North 08°30'00" West, 108.04 feet;
- 400) thence North 60°15'00" West, 133.42 feet;
- 401) thence North 15°15'00" West, 145.35 feet;
- 402) thence North 61°00'00" West, 84.30 feet;
- 403) thence South 66°30'00" West, 79.48 feet;
- 404) thence South 46°00'00" West, 116.68 feet;
- 405) thence South 78°00'00" West, 20.23 feet;
- 406) thence North 63°15'00" West, 185.42 feet;
- 407) thence North 32°15'00" West, 77.59 feet;
- 408) thence North 54°30'00" West, 103.46 feet;
- 409) thence South 86°15'00" West, 125.25 feet;
- 410) thence North 53°45'00" West, 107.51 feet, more or less, to Loma Prieta Road;
- 411) thence leaving Mt. Madonna Road and along the northerly line of Loma Prieta Road,
North 68°30'00" West, 267.74 feet;
- 412) thence North 38°00'00" West, 249.19 feet;
- 413) thence North 59°45'00" West, 311.10 feet;
- 414) thence North 80°30'00" West, 101.00 feet;
- 415) thence South 71°45'00" West, 139.22 feet;
- 416) thence North 51°00'00" West, 110.56 feet;
- 417) thence North 66°15'00" West, 192.37 feet;

- 418) thence North 56°30'00" West, 46.55 feet;
- 419) thence North 68°15'00" West, 106.28 feet;
- 420) thence South 82°30'00" West, 217.20 feet;
- 421) thence South 78°00'00" West, 134.84 feet;
- 422) thence South 66°15'00" West, 291.06 feet;
- 423) thence South 74°15'00" West, 59.80 feet;
- 424) thence North 78°45'00" West, 264.00 feet;
- 425) thence North 68°30'00" West, 67.19 feet;
- 426) thence North 48°00'00" West, 145.06;
- 427) thence North 30°15'00" West, 106.27 feet;
- 428) thence North 51°45'00" West, 61.31 feet;
- 429) thence North 78°15'00" West, 272.89 feet;
- 430) thence South 78°07'30" West, 74.92 feet;
- 431) thence South 88°45'00" West, 168.45 feet;
- 432) thence South 59°00'00" West, 49.81 feet;
- 433) thence South 31°30'00" West, 112.85 feet;
- 434) thence North 48°00'00" West, 123.83 feet;
- 435) thence South 82°15'00" West, 80.47 feet;
- 436) thence North 89°45'00" West, 99.13 feet;
- 437) thence South 81°30'00" West, 130.14 feet;
- 438) thence North 79°15'00" West, 252.57 feet;
- 439) thence North 71°00'00" West, 134.35 feet;
- 440) thence South 87°30'00" West, 193.62 feet;
- 441) thence North 83°30'00" West, 68.96 feet to the lines of that certain ROS filed in Book 449 of Maps at Page 11 (449 M 11), SCCR;
- 442) thence leaving the lines of Loma Prieta Road (Viewer's Report No. 122) and along the lines of said 449 M 11, North 02°14'00" East, 1787.70 feet to the southeast corner of Lot 1C as shown on that certain map filed in Book F2 of Maps at Page 47A (F2 M 47A), SCCR;
- 443) thence leaving the lines of said 449 M 11 and along the lines of said F2 M 47A, South 77°15'00" West, 2723.77 feet;
- 444) thence North 63°55'00" West, 3023.01 feet to the Santa Clara County Central Fire Protection District (SCCCFPD) boundary line, described as "Area 7" in the Certificate of Completion recorded in Document No. 20891965, SCCR;

- 445) thence leaving said County boundary and said F2 M 47A and along said SCCCFPD boundary, North 25°55'46" East, 787.95 feet;
- 446) thence North 64°05'09" West, 5146.61 feet to the Alma Fire Protection District (AFPD) Annexation to SCCCFPD and the northeasterly corner of Lot 1 of the amended PM filed in Book 602 of Maps at Page 46, SCCR;
- 447) thence leaving said "Area 7" and along the lines of said PM and SCCCFPD (AFPD Annexation) boundary, North 64°05'09" West, 1653.06 feet;
- 448) thence South 12°40'00" West, 825.00 feet;
- 449) thence leaving the lines of said PM, North 79°32'00" West, 1617.00 feet;
- 450) thence North 12°30'00" East, 660.00 feet;
- 451) thence North 77°30'00" West, 2310 feet, more or less, to the Mount Diablo Meridian line and the SCCCFPD boundary line, described as "Area 1" in the Certificate of Completion recorded in said Document No. 20891965, SCCR;
- 452) thence leaving said AFPD Annexation and along the boundary of "Area 1" and said meridian line, NORTH, 2040 feet, more or less, to the intersection of the northerly line of the Rancho Soquel Augmentation;
- 453) thence continue along said meridian line, NORTH, 22625 feet, more or less, to the southwest corner of Section 31, Township 8 South, Range 1 East, M.D.B. & M. as shown on that certain ROS filed in Book 250 of Maps at Page 23 (250 M 23), SCCR;
- 454) thence continue along said meridian line and the lines of said 250 M 23, NORTH, 1348.94 feet, more or less, to the Sphere of Influence (SOI) of the Town of Los Gatos;
- 455) thence leaving said SCCCFPD boundary and along said SOI, North 89°42'58" East, 2672.53 feet;
- 456) thence North 00°05'55" West, 1322.46 feet;
- 457) thence South 89°52'55" East, 1261.46 feet to the boundary of the Pueblo Lands of San Jose Tract No. 3 as shown on the plat from the General Land Office and the SOI of the City of San Jose;
- 458) thence leaving the SOI of said Town of Los Gatos and along said SOI of the City of San Jose and along said Pueblo boundary as shown on said 250 M 23 and its prolongation, South 10°22'18" East, 3394.36 feet to point PSJ-11 as shown on that certain ROS filed in Book 623 Maps at Page 10 (623 M 10), SCCR;
- 459) thence leaving the lines of said 250 M 23 and along the lines of said 623 M 10, South 57°42'00" East, 14230 feet, more or less, to the SCCCFPD boundary line;
- 460) thence leaving said SOI, said Pueblo boundary line and said 623 M 10 and along the boundary of said SCCCFPD, SOUTH, 4716.58 feet, more or less;
- 461) thence EAST, 3960 feet, more or less;
- 462) thence NORTH, 2213.17 feet, more or less, to said SOI of the City of San Jose and said Pueblo boundary line;
- 463) thence leaving the lines of said SCCCFPD and along said SOI and its prolongation and along said Pueblo boundary line, South 57°42'00" East, 23400 feet, more or less, to the southerly corner of the San Jose City Limits line as described in the Riverside No. 8 annexation;
- 464) thence leaving said Pueblo boundary line and along said City Limits line, North 43°00'00" East, 5669.40 feet;

- 465) thence North 47°00'00" West, 1760 feet, more or less;
- 466) thence North 48°34'00" East, 1188.00 feet;
- 467) thence leaving said City Limits line and along said SOI for the City of San Jose, North 81°08'00" East, 1724.58 feet;
- 468) thence North 32°32'00" West, 3343.56 feet to the beginning of a non-tangent curve, said point being the northeast corner of Parcel Two as shown on that certain PM filed in Book 750 of Maps at Page 55, SCCR
- 468A) thence along the lines of said PM and along the arc of said curve, concave to the north, having a radius of 397.00 feet, an arc length of 170.04 feet, through a central angle of 24°32'24", a radial line to the radius point bears North 33°12'19" West to the beginning of a reverse curve;
- 468B) thence along the arc of said curve having a radius of 644.00 feet, an arc length of 349.09 feet, through a central angle of 31°03'29" to the beginning of a reverse curve;
- 468C) thence along the arc of said curve having a radius of 110.00 feet, an arc length of 184.30 feet, through a central angle of 95°59'39" to the beginning of a reverse curve;
- 468D) thence along the arc of said curve having a radius of 165.00 feet, an arc length of 105.89 feet, through a central angle of 36°46'15";
- 468E) thence leaving the lines of said PM, North 70°30'00" West, 72.85 feet to said City Limits line;
- 468F) thence along said SOI and along said City Limits line, North 80°52'14" East, 544.50 feet;
- 469) thence North 51°00'00" East, 732.60 feet;
- 470) thence North 34°30'00" East, 937.20 feet;
- 471) thence NORTH, 385.44 feet to point LU18PSJ and the north line of Rancho Las Uvas as shown of that certain map known as Morgan Hill Ranch Map No. 4 filed in Book G of Maps at Page 30 (G M 30) SCCR;
- 472) thence along said north line and along portions of the city limits and the SOI of the City of San Jose, South 89°08'26" East, 8225.57 feet to point LU19LS (G M 30) and to the existing boundary of the SSCCFPD;
- 473) thence leaving said SOI and along said SSCCFPD boundary (to the end of this description), South 58°08'00" East, 7549.08 feet to the westerly line of Morgan Hill Ranch Map No. 6 filed in Book F of Maps at Page 38 (F M 38) SCCR;
- 474) thence leaving said the lines of said G M 30 and along said westerly line of F M 38, South 02°00'00" West, 498.96 feet;
- 475) thence South 06°05'00" East, 1430.88 feet;
- 476) thence South 46°00'00" West, 884.40 feet;
- 477) thence South 07°30'00" East, 836.22 feet;
- 478) thence South 60°45'00" East, 310.20 feet;
- 479) thence South 00°15'00" East, 574.20 feet;
- 480) thence South 03°00'00" East, 240.90 feet;
- 481) thence South 21°00'00" East, 312.84 feet;

- 482) thence South 25°30'00" East, 417.12 feet;
- 483) thence South 08°30'00" East, 1040.16 feet;
- 484) thence South 06°30'00" East, 828.30 feet to the southerly line of that certain parcel of land described in the deed to Gallagher, recorded in Document No. 15103855, SCCR;
- 485) thence leaving said westerly line of F M 38 and along the southerly line of said Gallagher parcel, North 59°39'20" East, 774.01 feet to the easterly line of that certain parcel of land described in the deed to Nelson, recorded in Document No. 1783183, SCCR;
- 486) thence leaving said southerly line and along said easterly line of Nelson parcel, South 55°29'20" East, 238.92 feet;
- 487) thence South 55°26'20" East, 381.01 feet;
- 488) thence South 46°09'20" East, 215.82 feet;
- 489) thence South 32°45'00" East, 345.18 feet;
- 490) thence South 17°00'00" East, 504.90 feet;
- 491) thence South, 372.90 feet;
- 492) thence South 65°00'00" East, 197.34 feet;
- 493) thence South 13°45'00" East, 201.96 feet;
- 494) thence South 37°20'00" East, 249.50 feet;
- 495) thence South 73°00'00" East, 232.98 feet;
- 496) thence South 61°30'00" East, 194.04 feet;
- 497) thence South 43°00'00" East, 345.18 feet;
- 498) thence North 85°34'00" East, 226.38 feet;
- 499) thence South 64°00'00" East, 300.96 feet;
- 500) thence leaving said easterly line of the Nelson parcel, South 31°38'01" West, 458.81 feet to the southerly line of said Nelson parcel;
- 501) thence along said southerly line, South 59°41'00" East, 25.70 feet;
- 502) thence South 28°54'00" East, 88.03 feet to the northwesterly line of that certain parcel of land described in the deed to Vella, recorded in Document No. 14281084, SCCR;
- 503) thence leaving said southerly line and along the northwesterly line of said Vella parcel and its prolongation along the northwesterly line of a parcel of land described in the deed to Softnet Investment, recorded in Document No. 22018489, SCCR, South 31°54'20" West, 3207.63 feet to the northeasterly line of Lot 55 of Catherine Dunne Ranch Map No. 2 filed in Book H of Maps at Page 62, SCCR;
- 504) thence leaving said prolongation and along said northeasterly line of Lot 55, South 83°07'00" East, 122.88 feet;
- 505) thence South 55°28'52" East, 273.94 feet;
- 506) thence South 84°46'00" East, 186.12 feet;
- 507) thence South 72°38'00" East, 545.82 feet;

- 508) thence South 79°12'00" East, 860.64 feet;
- 509) thence South 83°46'00" East, 277.86 feet;
- 510) thence South 40°41'00" East, 652.74 feet;
- 511) thence South 83°13'00" East, 345.18 feet;
- 512) thence South 19°21'00" East, 454.74 feet;
- 513) thence South 35°31'00" East, 355.74 feet;
- 514) thence South 44°55'00" East, 343.20 feet;
- 515) thence South 39°41'00" East, 582.12 feet;
- 516) thence South 43°34'00" East, 283.14 feet;
- 517) thence South 58°37'00" East, 578.82 feet;
- 518) thence South 44°23'00" East, 309.54 feet;
- 519) thence South 39°38'00" East, 351.12 feet;
- 520) thence South 34°57'00" East, 392.70 feet;
- 521) thence South 58°29'00" East, 243.54 feet to the northerly line of Tract 3394, Sleepy Valley Ranch filed in Book 174 of Maps at Page 28, SCCR;
- 522) thence leaving said northeasterly line of Lot 55 and along the lines of said Sleepy Valley Ranch, South 45°09'00" West, 1166.56 feet;
- 523) thence South 45°30'00" East, 209.76 feet;
- 524) thence South 30°30'06" East, 512.31 feet;
- 525) thence South 13°12'00" East, 184.10 feet;
- 526) thence South 32°30'00" East, 226.63 feet;
- 527) thence South 14°55'00" East, 460.77 feet;
- 528) thence South 53°07'00" East, 381.93 feet;
- 529) thence South 17°36'00" East, 211.72 feet;
- 530) thence South 37°16'09" East, 239.08 feet;
- 531) thence South 49°45'42" East, 306.14 feet;
- 532) thence South 59°28'00" East, 196.61 feet;
- 533) thence South 65°20'00" East, 72.70 feet to the northeasterly line of that certain parcel of land described in the deed to Shuma, recorded in Document No. 20711844, SCCR;
- 534) thence leaving the lines of said Sleepy Valley Ranch and along the lines of said Shuma parcel, South 46°10'00" West, 1281.88 feet;
- 535) thence South 43°50'00" East, 681.63 feet to the northerly line of that certain PM filed in Book 344 of Maps at Page 50, SCRR;

- 536) thence leaving the lines of said Shuma parcel and along the lines of said PM, South 46°10'00" West, 418.00 feet;
- 537) thence South 43°50'00" East, 281.12 feet to the most westerly corner of that certain PM filed in Book 318 of Maps at Page 19 (318 M 19), SCCR;
- 538) thence leaving said PM 344 M 50 and continuing along said PM 318 M 19, South 43°50'00" East, 490.66 feet to the southeasterly line of Lot 56 of said Catherine Dunne Ranch Map No. 2;
- 539) thence leaving said PM and along said southeasterly line of Lot 56, South 46°05'36" West, 1203 feet, more or less, to Point "L.U. 23" as shown on that certain ROS filed in Book 77 of Maps at Page 30 (77 M 30), SCCR;
- 540) thence continue along said southeasterly line of Lot 56 and the lines of said 77 M 30, South 46°05'36" West, 5889.00 feet;
- 541) thence leaving said southeasterly line of Lot 56, North 10°28'44" West, 316.01 feet to the lines of that ROS filed in Book 88 of Maps at Page 49 (88 M 49), SCCR;
- 542) thence leaving the lines of said 77 M 30 and along the lines of said 88 M 49, South 72°07'20" West, 482.79 feet;
- 543) thence South 44°20'55" East, 330.27 feet;
- 544) thence South 43°07'30" East, 251.32 feet;
- 545) thence South 76°36'55" East, 658.95 feet;
- 546) thence South 64°28'24" East, 575.18 feet;
- 547) thence South 65°21'19" East, 856.56 feet;
- 548) thence South 35°37'02" East, 388.76 feet;
- 549) thence South 59°02'10" East, 291.55 feet;
- 550) thence South 68°02'36" East, 579.43 feet;
- 551) thence South 62°30'39" East, 245.84 feet;
- 552) thence South 59°03'50" East, 327.65 feet;
- 553) thence North 81°45'12" East, 263.51 feet to the beginning of a tangent curve;
- 554) thence along the arc of said curve to the left, having a radius of 25.00 feet, an arc length of 66.70 feet, through a central angle of 152°51'50" to the beginning of a non-tangent curve;
- 555) thence along the arc of said curve, concave to the north, having a radius of 1030.00 feet, an arc length of 58.14 feet, through a central angle of 03°14'02", a radial line to the radius point bears North 18°53'22" East;
- 556) thence South 74°20'40" East, 291.69 feet to the beginning of a tangent curve;
- 557) thence along the arc of said curve to the right, having a radius of 770.00 feet, an arc length of 178.22 feet, through a central angle of 13°15'40" to the beginning of a non-tangent curve;
- 558) thence along the arc of said curve, concave to the south, having a radius of 380.90 feet, an arc length of 247.06 feet, through a central angle of 37°09'48", a radial line to the radius point bears South 28°55'00" West;

- 559) thence South 81°45'12" West, 532.27 feet;
- 560) thence North 79°37'52" West, 369.42 feet;
- 561) thence North 65°54'13" West, 917.18 feet;
- 562) thence North 41°39'47" West, 499.51 feet;
- 563) thence South 84°16'27" West, 133.71 feet;
- 564) thence South 07°33'30" West, 30.00 feet to the lines of said 77 M 30;
- 565) thence leaving the lines of said 88 M 49 and along the lines of said 77 M 30, South 33°17'30" West, 85.79 feet;
- 566) thence South 30°51'00" West, 99.07 feet;
- 567) thence North 15°17'28" West, 205.21 feet;
- 568) thence North 57°06'46" West, 565.70 feet;
- 569) thence North 43°55'05" West, 315.27 feet;
- 570) thence North 83°46'07" West, 222.67 feet;
- 571) thence South 80°11'06" West, 306.69 feet;
- 572) thence South 34°03'29" East, 521.54 feet;
- 573) thence South 58°48'22" East, 517.44 feet;
- 574) thence South 00°00'26" East, 588.29 feet to the East one-quarter (1/4) corner of Section 13, Township 10 South, Range 2 East, M.D.B. & M. as shown on that certain ROS filed in Book 576 of Maps at Page 19 (576 M 19), SCCR;
- 575) thence leaving the lines of 77 M 30 and along the one-quarter section line of said Section 13 as shown on said 576 M 19, South 87°26'54" West, 5161.16 feet to the common one-quarter (1/4) corner of Section 13 and 14 of said township and range;
- 576) thence leaving said one-quarter (1/4) section line as shown on said 576 M 19 and along the one-quarter section line of said Section 14 as shown on that certain ROS filed in Book 543 of Maps at Page 17 (543 M 17), SCCR, South 89°57'02" West, 5137.79 feet to the one-quarter corner common to Sections 14 and 15 of said township and range;
- 577) thence leaving said one-quarter (1/4) as shown on said 543 M 17 and along the one-quarter section line of said Section 15 as shown on that certain ROS filed in Book 563 of Maps at Page 10, SCCR, South 87°52'14" West, 4913.37 feet to the **POINT OF BEGINNING**.

Containing 38,648 acres, more or less.

END OF DESCRIPTION

Gwendolyn Gee, PLS 6780
 County Surveyor, County of Santa Clara

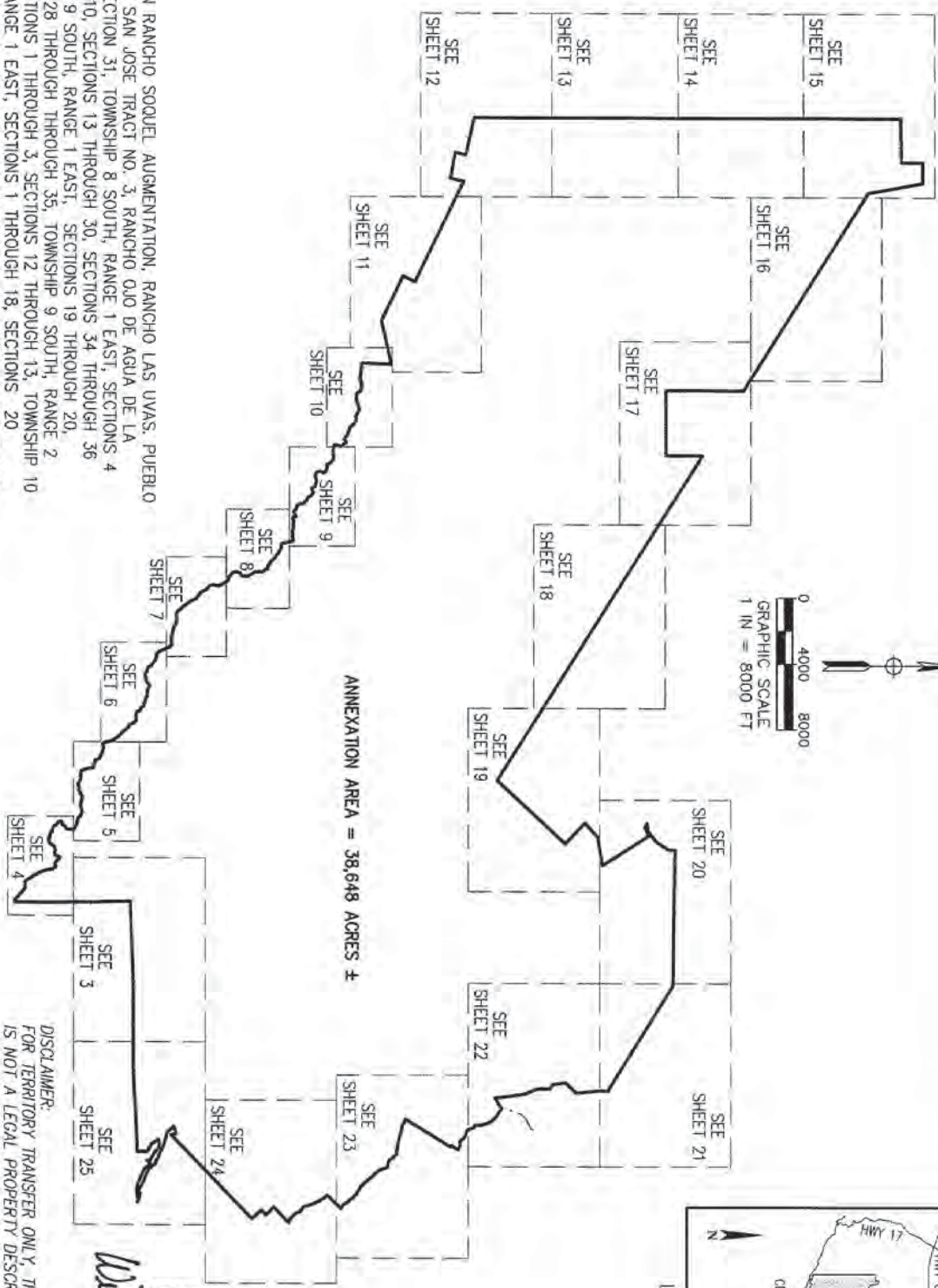
By: *William F. Slepnihoff*
 William F. Slepnihoff, PLS 5701
 Deputy County Surveyor, County of Santa Clara



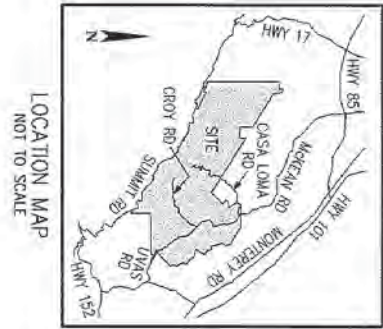
Date: 8/29/14

For territory transfer only, this description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

SITUATE IN RANCHO SOQUEL AUGMENTATION, RANCHO LAS UVAS, PUEBLO
 LANDS OF SAN JOSE TRACT NO. 3, RANCHO OJO DE AGUA DE LA
 COCHE, SECTION 31, TOWNSHIP 8 SOUTH, RANGE 1 EAST, SECTIONS 4
 THROUGH 10, SECTIONS 13 THROUGH 30, SECTIONS 34 THROUGH 36
 TOWNSHIP 9 SOUTH, RANGE 1 EAST, SECTIONS 19 THROUGH 20,
 SECTIONS 28 THROUGH THROUGH 35, TOWNSHIP 9 SOUTH, RANGE 2
 EAST, SECTIONS 1 THROUGH 3, SECTIONS 12 THROUGH 13, TOWNSHIP 10
 SOUTH, RANGE 1 EAST, SECTIONS 1 THROUGH 18, SECTIONS 20
 THROUGH 21, TOWNSHIP 10 SOUTH, RANGE 2 EAST, SECTIONS 6, 7 AND
 18, TOWNSHIP 10 SOUTH, RANGE 3 EAST, M.D.B. & M.



ANNEXATION AREA = 38,648 ACRES ±



LOCATION MAP
 NOT TO SCALE

DISCLAIMER:
 FOR TERRITORY TRANSFER ONLY. THIS DESCRIPTION OF LAND
 IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE
 SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS
 FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.



EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
 SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

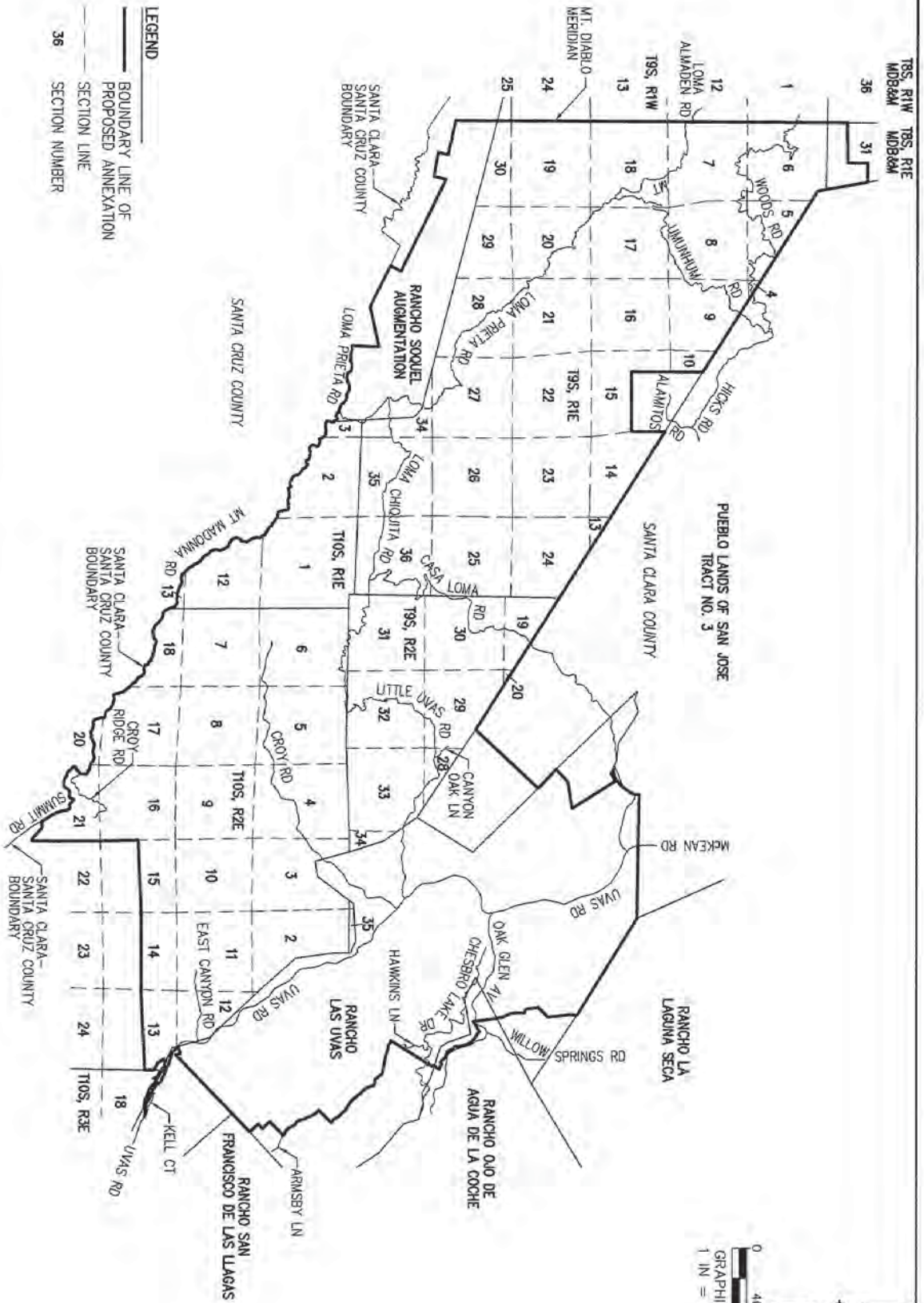
COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-6412 FAX

SCALE: 1" = 800'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 1 OF 29



SCALE: 1" = 8000'
 DATE: 08/19/14
 DRAWN: CW
 CHECKED: BS
 JOB NO: 14-02
 SHEET: 2 OF 29

EXHIBIT "B"

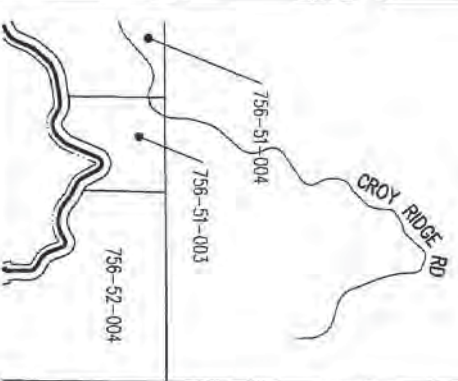
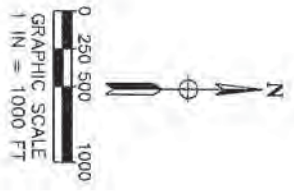
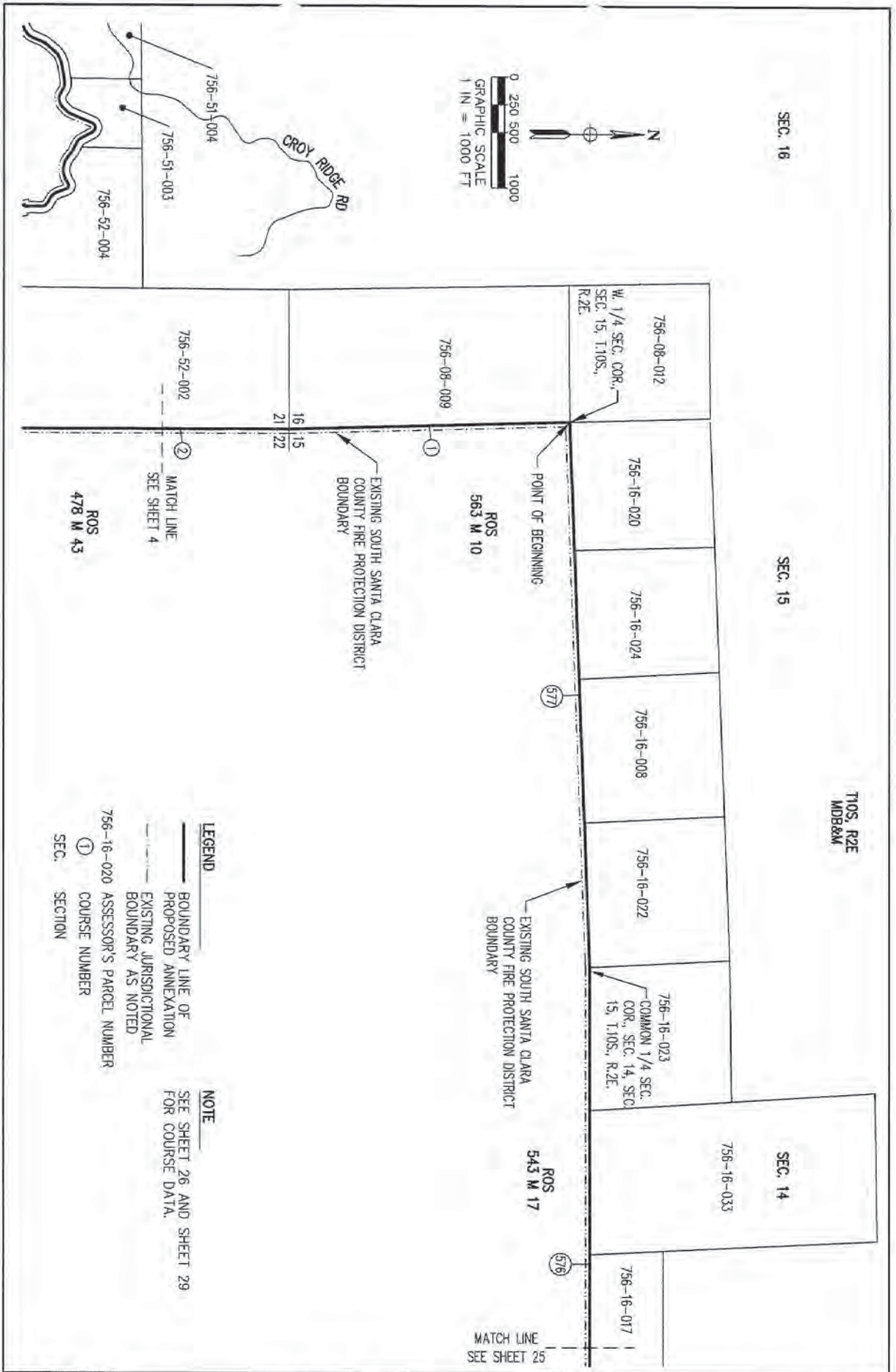
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-6412 FAX



LEGEND

— BOUNDARY LINE OF PROPOSED ANNEXATION

- - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED

① COURSE NUMBER

SEC. SECTION

756-16-020 ASSESSOR'S PARCEL NUMBER

NOTE

SEE SHEET 26 AND SHEET 29 FOR COURSE DATA.

SCALE: 1" = 1000'

DATE: 08/19/14

DRAWN: CW

CHECKED: BS

JOB NO: 14-02

SHEET: 3 OF 29

EXHIBIT "B"

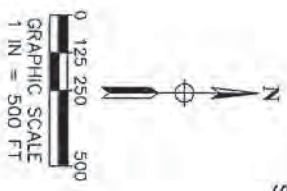
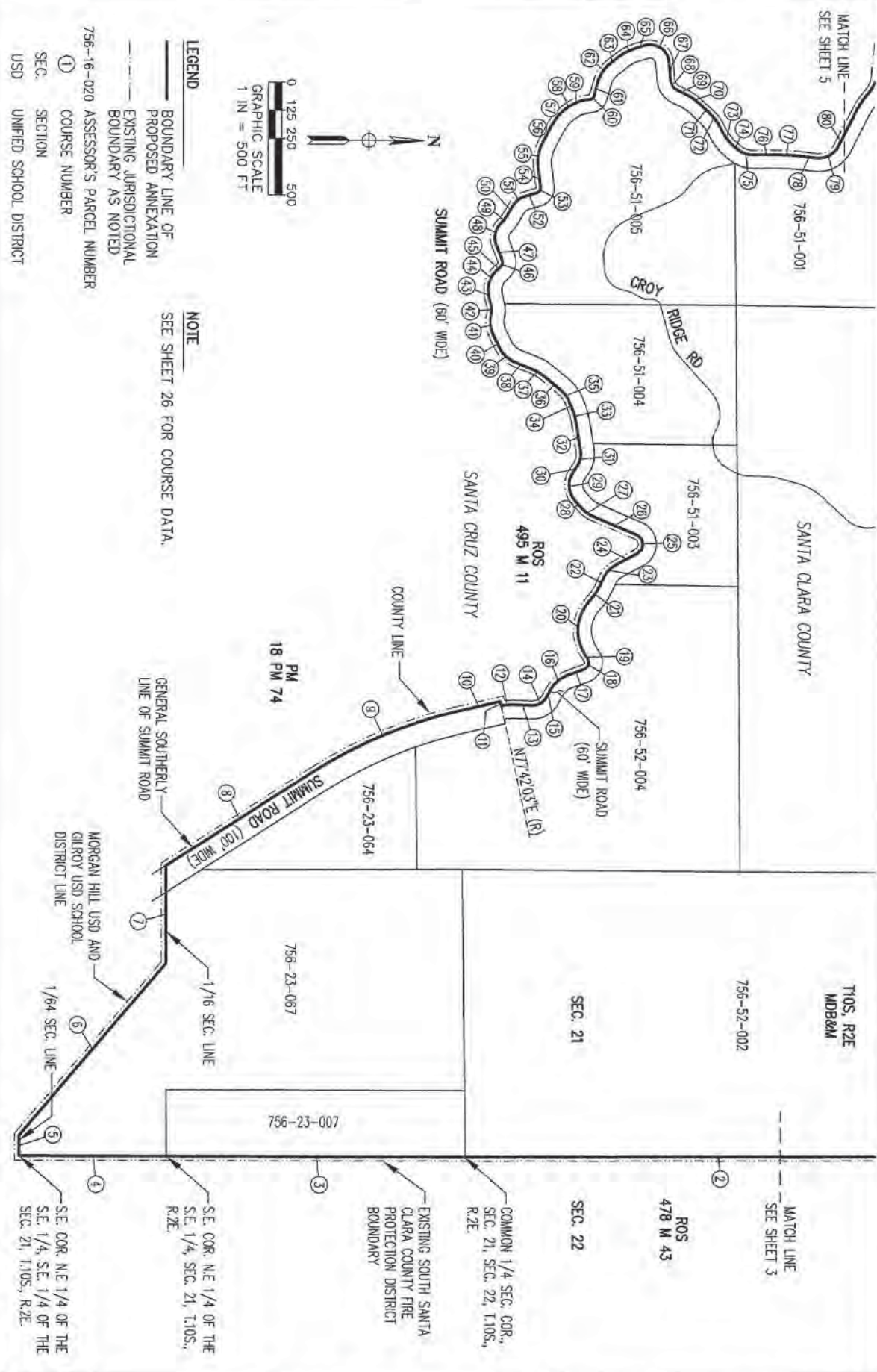
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 298-5730 (408) 275-6412 FAX



- LEGEND**
- BOUNDARY LINE OF PROPOSED ANNEXATION
 - - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED
 - ① COURSE NUMBER
 - SEC. SECTION
 - USD UNIFIED SCHOOL DISTRICT

NOTE
SEE SHEET 26 FOR COURSE DATA.

SCALE: 1" = 500'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 4 OF 29

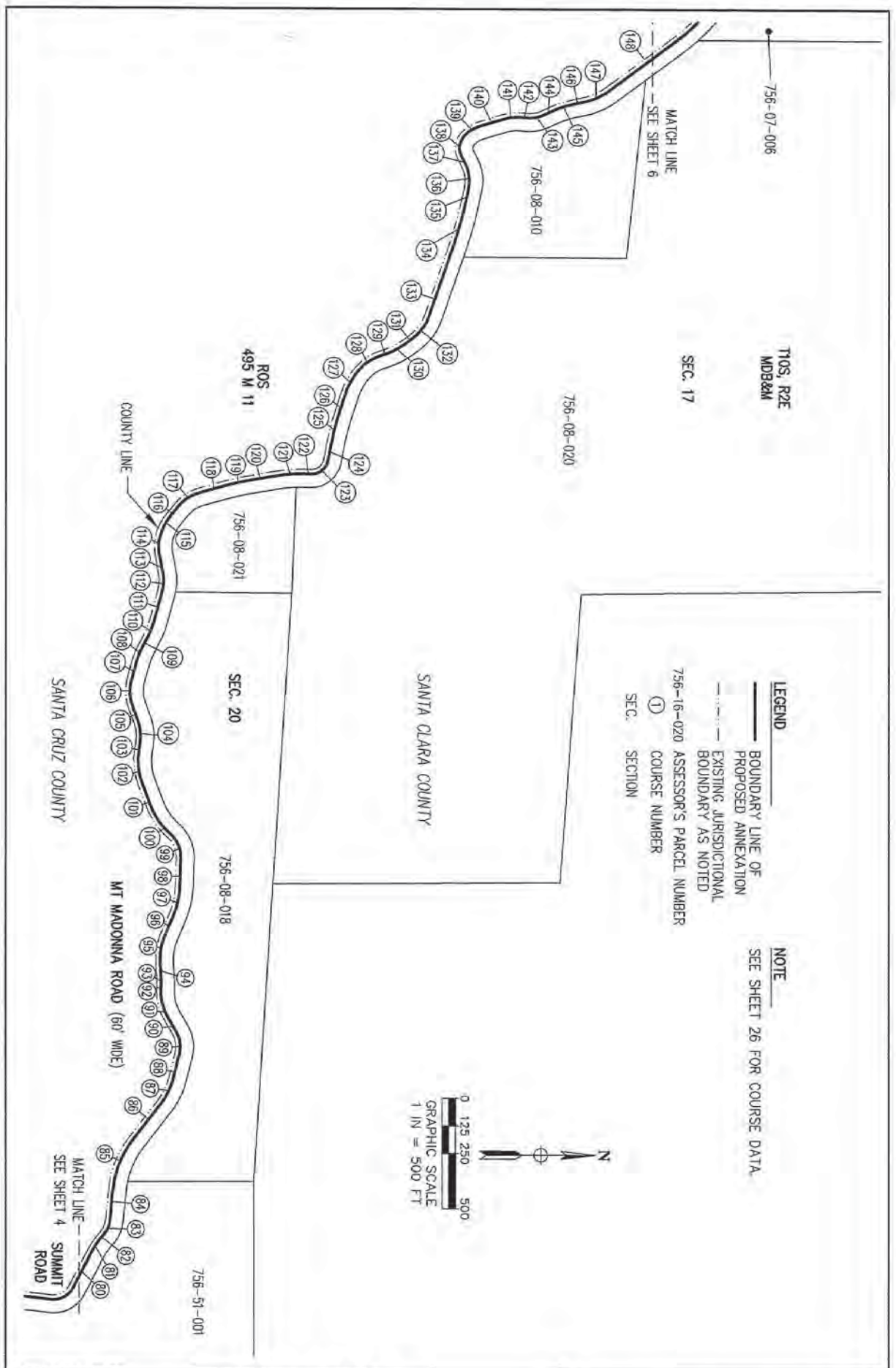
EXHIBIT "B"
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX



LEGEND

—— BOUNDARY LINE OF PROPOSED ANNEXATION

- - - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED

① COURSE NUMBER

SEC. SECTION

NOTE

SEE SHEET 26 FOR COURSE DATA.

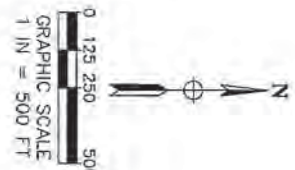

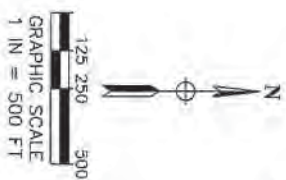
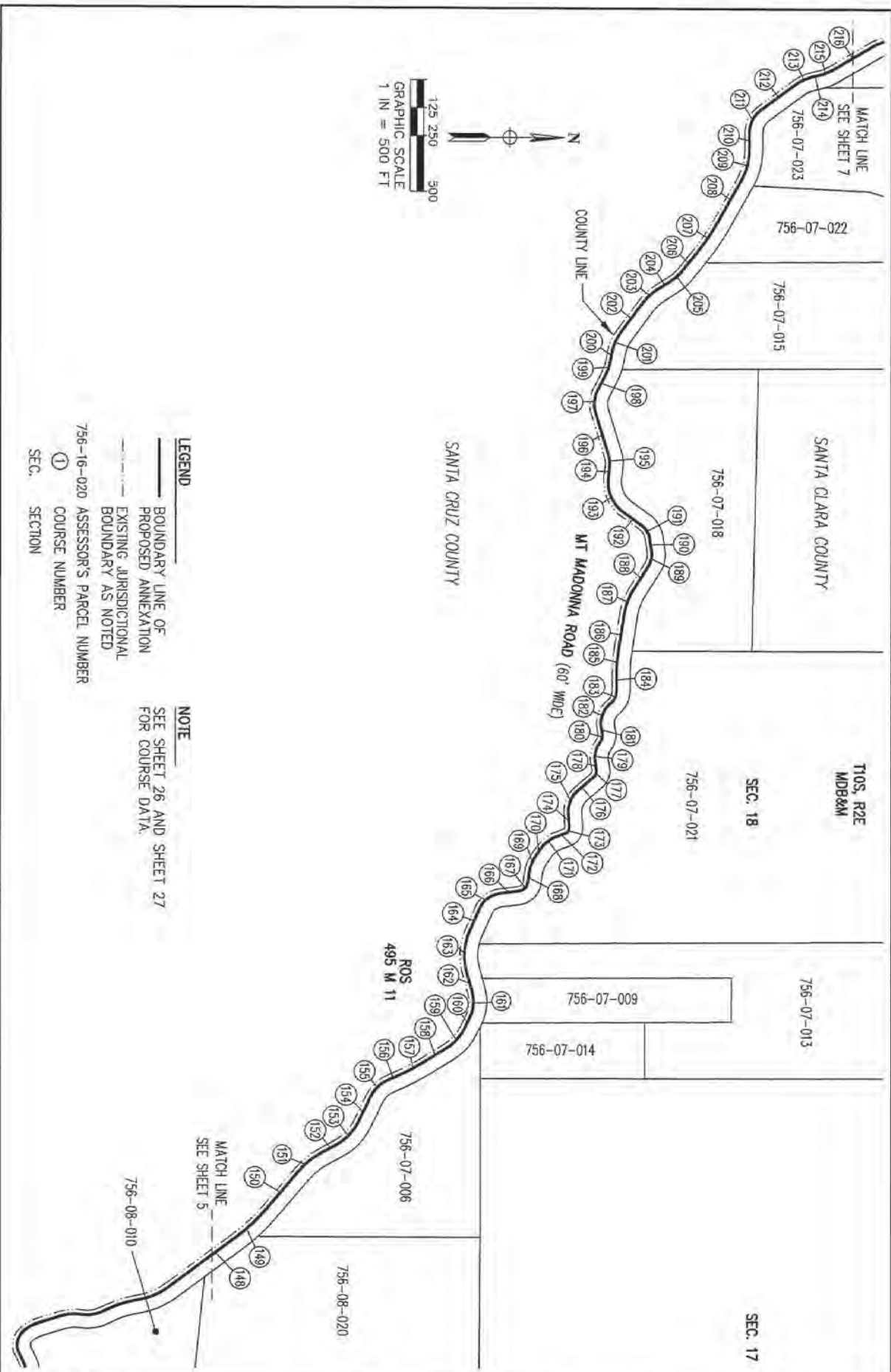


EXHIBIT "B"		 <p>COUNTY OF SANTA CLARA OFFICE OF THE COUNTY SURVEYOR</p> <p>COUNTY GOVERNMENT CENTER, EAST WING 70 WEST HEDDING STREET, 7th FLOOR SAN JOSE, CALIFORNIA 95110 (408) 299-5730 (408) 275-6412 FAX</p>
<p>SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014</p> <p>COUNTY OF SANTA CLARA, CALIFORNIA</p>		
SCALE: 1" = 500'	DATE: 08/19/14	
DRAWN: CW	CHECKED: BS	
JOB NO: 14-02	SHEET: 5 OF 29	



LEGEND

— BOUNDARY LINE OF PROPOSED ANNEXATION

- - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED

① 756-16-020 ASSESSOR'S PARCEL NUMBER

SFC. SECTION

NOTE

SEE SHEET 26 AND SHEET 27 FOR COURSE DATA.

SCALE: 1" = 500'
 DATE: 08/19/14
 DRAWN: CW
 CHECKED: BS
 JOB NO: 14-02
 SHEET: 6 OF 29

EXHIBIT "B"

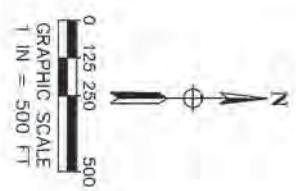
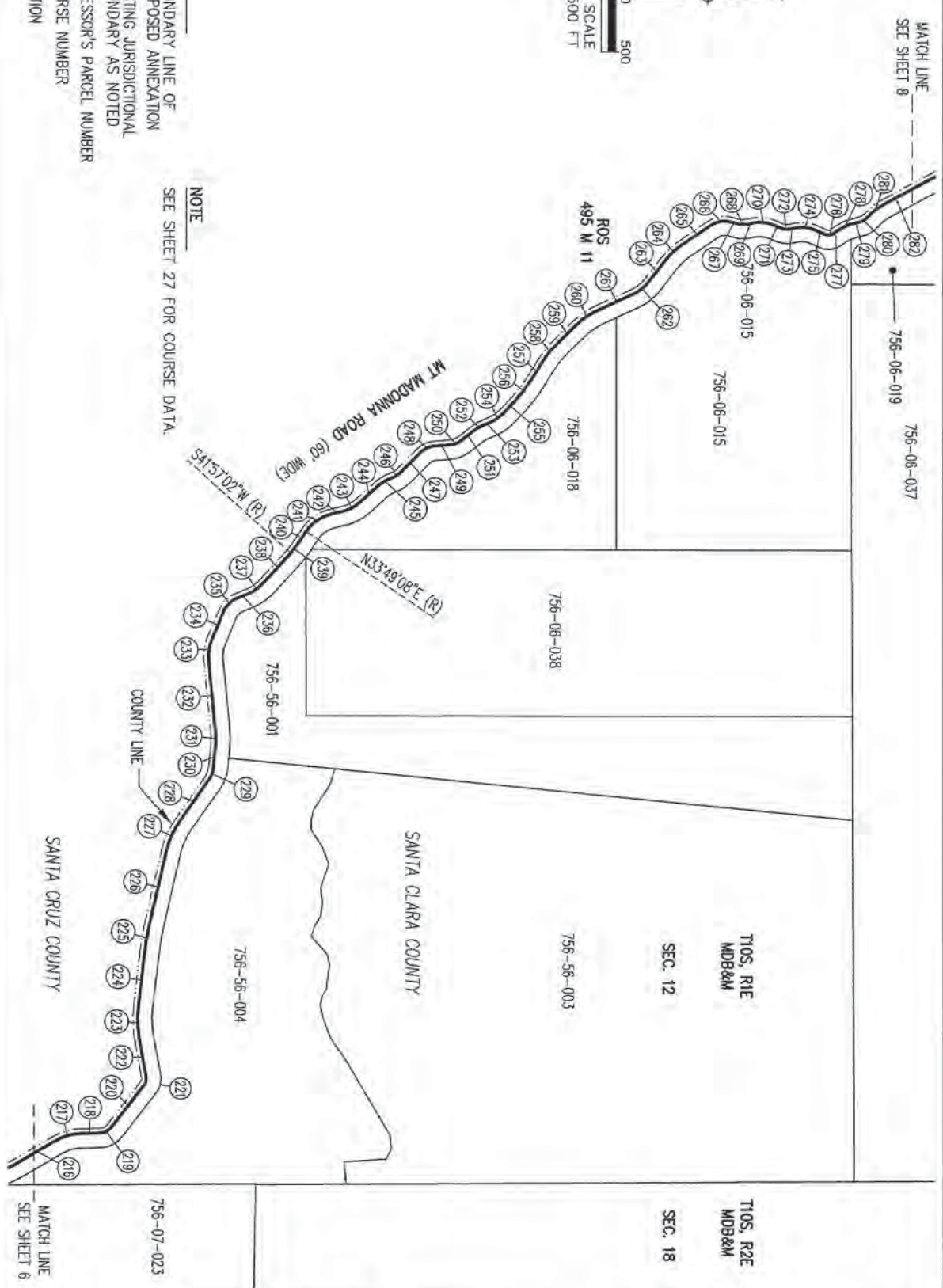
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
 SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-6412 FAX



- LEGEND**
- BOUNDARY LINE OF PROPOSED ANNEXATION
 - - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED
 - 756-16-020 ASSESSOR'S PARCEL NUMBER
 - ① COURSE NUMBER
 - SEC. SECTION

NOTE
SEE SHEET 27 FOR COURSE DATA.

SCALE: 1" = 500'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 7 OF 29

EXHIBIT "B"
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014
COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR
COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX

T10S, R1E
MDB&M
SEC. 12

T10S, R2E
MDB&M
SEC. 18



LEGEND

— BOUNDARY LINE OF PROPOSED ANNEXATION

- - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED

756-16-020 ASSESSOR'S PARCEL NUMBER

① COURSE NUMBER

SEC. SECTION

NOTE

SEE SHEET 27 AND SHEET 28 FOR COURSE DATA.

SCALE: 1" = 500'

DATE: 08/19/14

DRAWN: CW

CHECKED: BS

JOB NO: 14-02

SHEET: 8 OF 29

EXHIBIT "B"

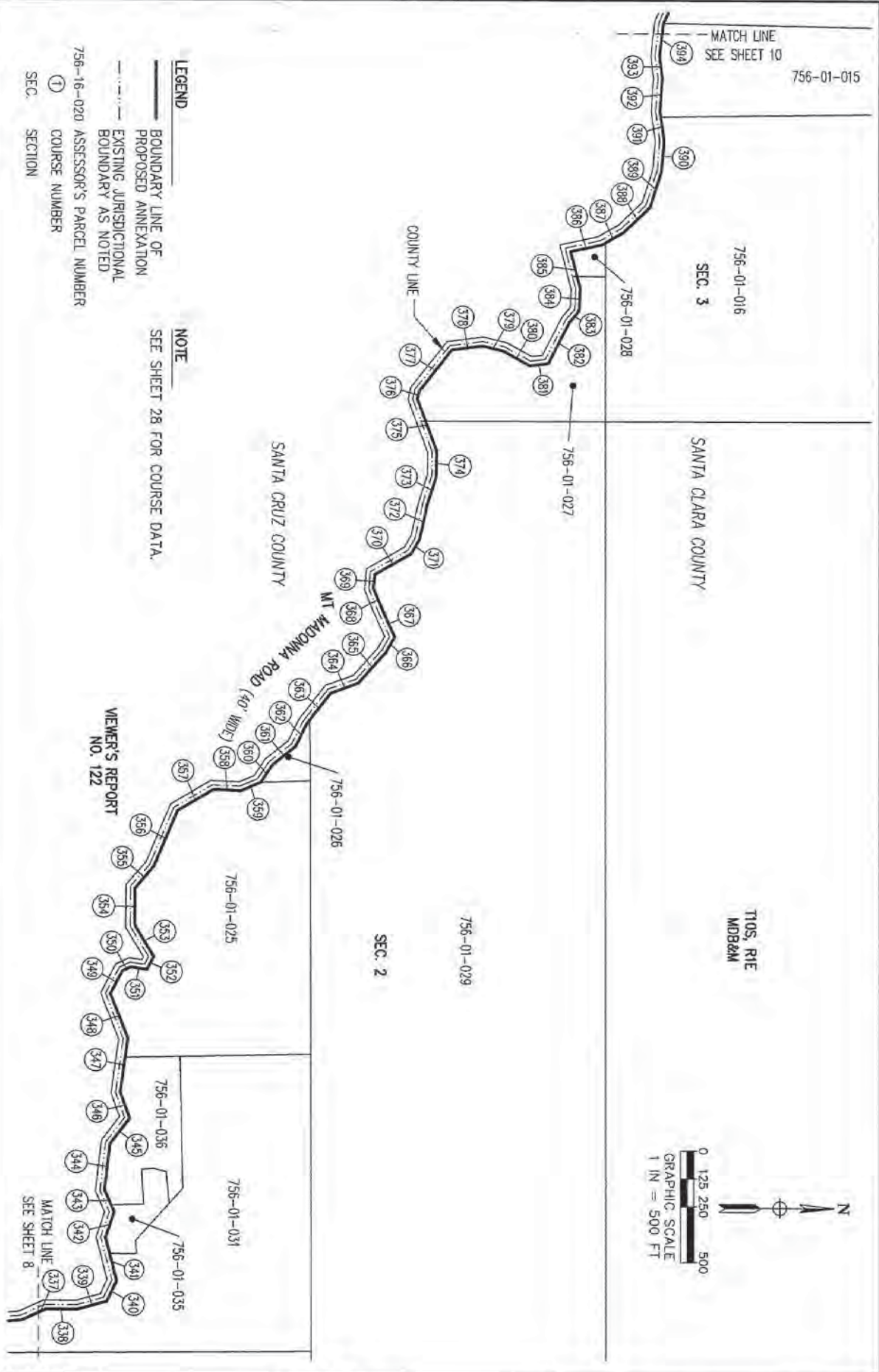
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
 SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-6412 FAX



LEGEND

— BOUNDARY LINE OF PROPOSED ANNEXATION

- - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED

756-16-020 ASSESSOR'S PARCEL NUMBER

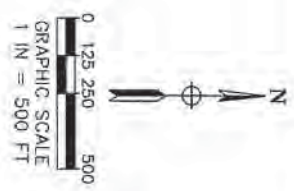
① COURSE NUMBER

SEC. SECTION

NOTE

SEE SHEET 28 FOR COURSE DATA.

VIEWER'S REPORT
NO. 122



SCALE: 1" = 500'

DATE: 08/19/14

DRAWN: CW

CHECKED: BS

JOB NO: 14-02

SHEET: 9 OF 29

EXHIBIT "B"

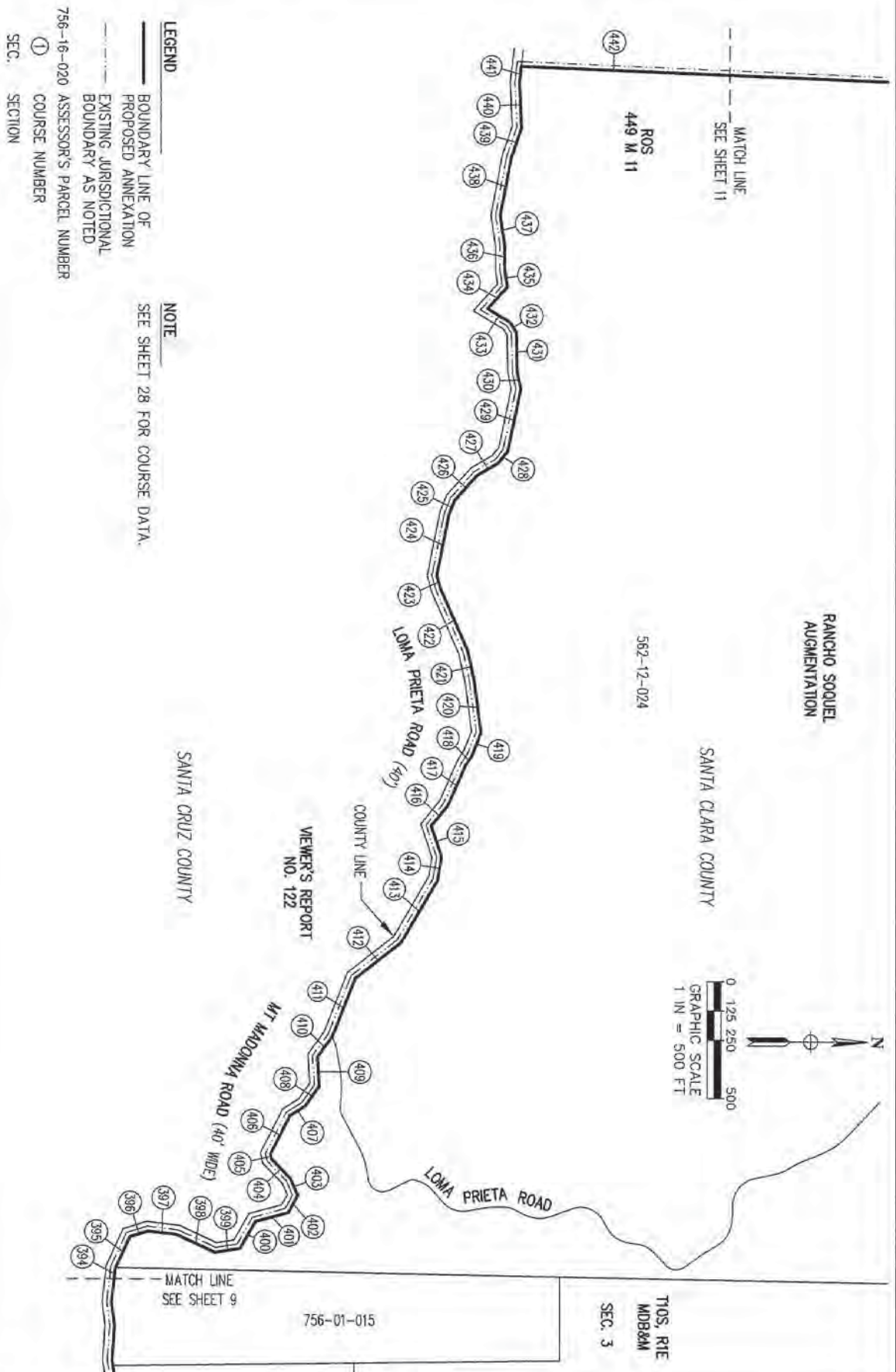
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX



LEGEND

— BOUNDARY LINE OF PROPOSED ANNEXATION

- - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED

756-16-020 ASSESSOR'S PARCEL NUMBER

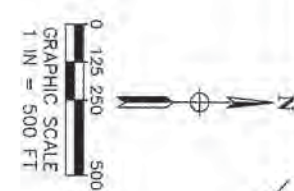
① COURSE NUMBER

SEC. SECTION

NOTE

SEE SHEET 28 FOR COURSE DATA.

SANTA CRUZ COUNTY



T105, R1E
M0888M
SEC. 3

756-01-015

EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 298-5730 (408) 275-6412 FAX

SCALE: 1" = 500'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 10 OF 29

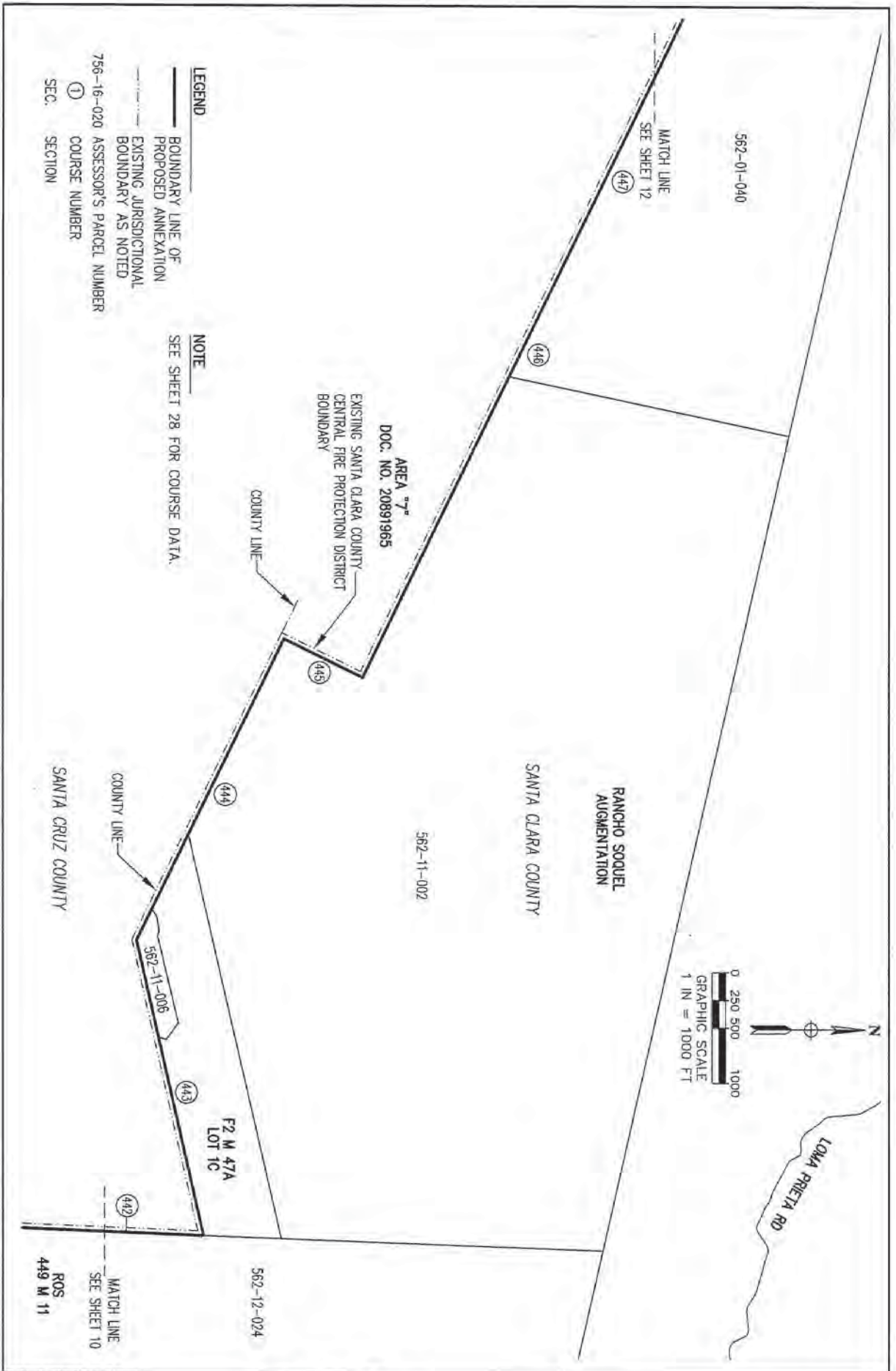



EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

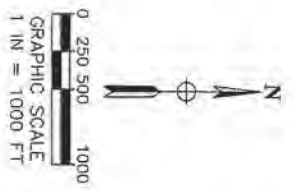
COUNTY OF SANTA CLARA, CALIFORNIA

SCALE: 1" = 1000'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 11 OF 29



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX



LEGEND

—— BOUNDARY LINE OF PROPOSED ANNEXATION

----- EXISTING JURISDICTIONAL BOUNDARY AS NOTED

756-16-020 ASSESSOR'S PARCEL NUMBER

① COURSE NUMBER

SEC. SECTION

NOTE

SEE SHEET 28 AND SHEET 29 FOR COURSE DATA.

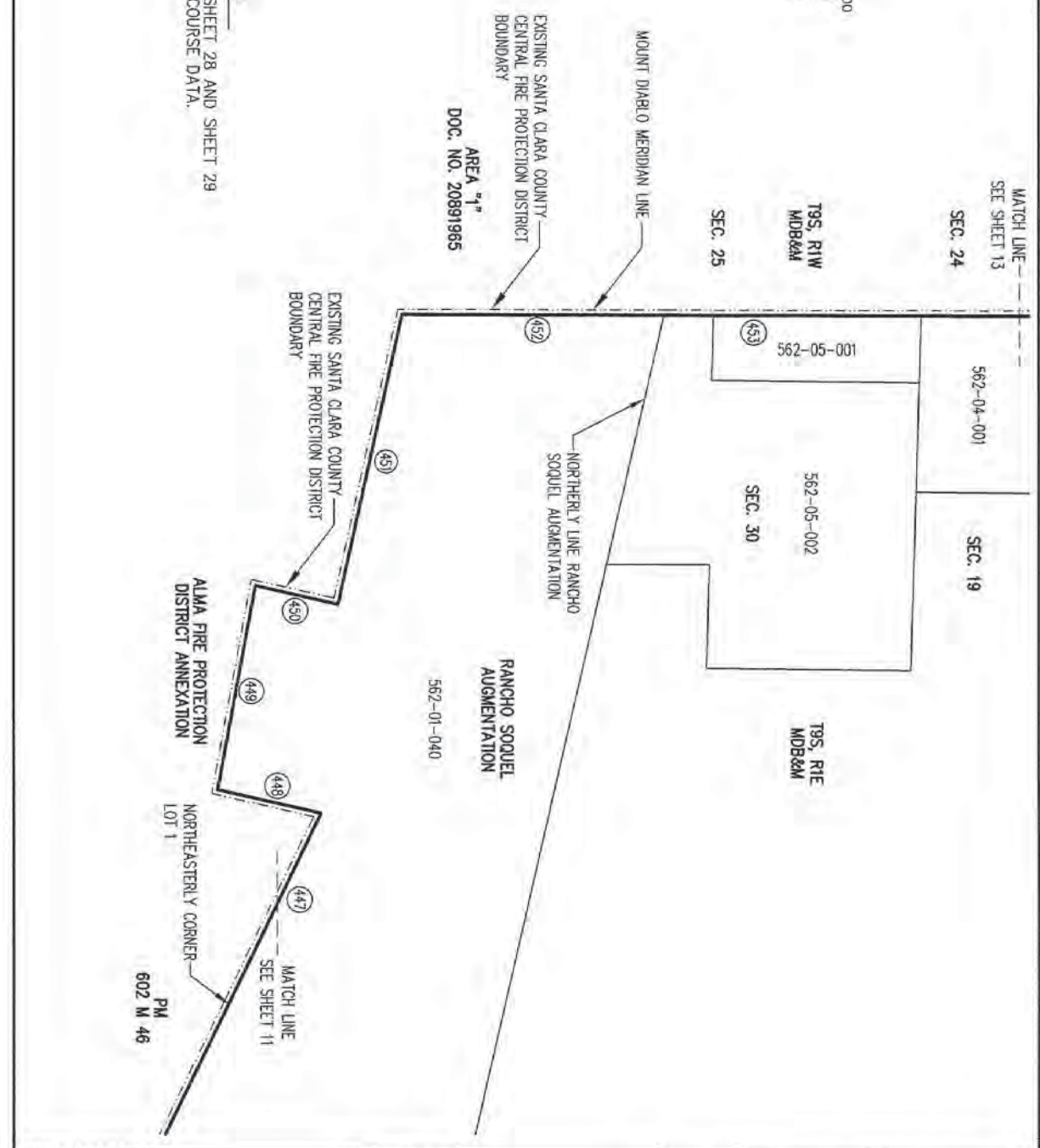



EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

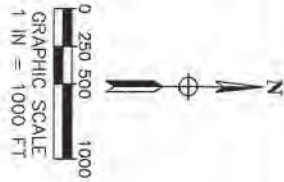
COUNTY OF SANTA CLARA, CALIFORNIA

SCALE: 1" = 1000'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 12 OF 29



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX



LEGEND

—— BOUNDARY LINE OF PROPOSED ANNEXATION

—— EXISTING JURISDICTIONAL BOUNDARY AS NOTED

756-16-020 ASSESSOR'S PARCEL NUMBER

① COURSE NUMBER

SEC. SECTION

NOTE

SEE SHEET 29 FOR COURSE DATA.

MATCH LINE
SEE SHEET 12

MATCH LINE
SEE SHEET 14

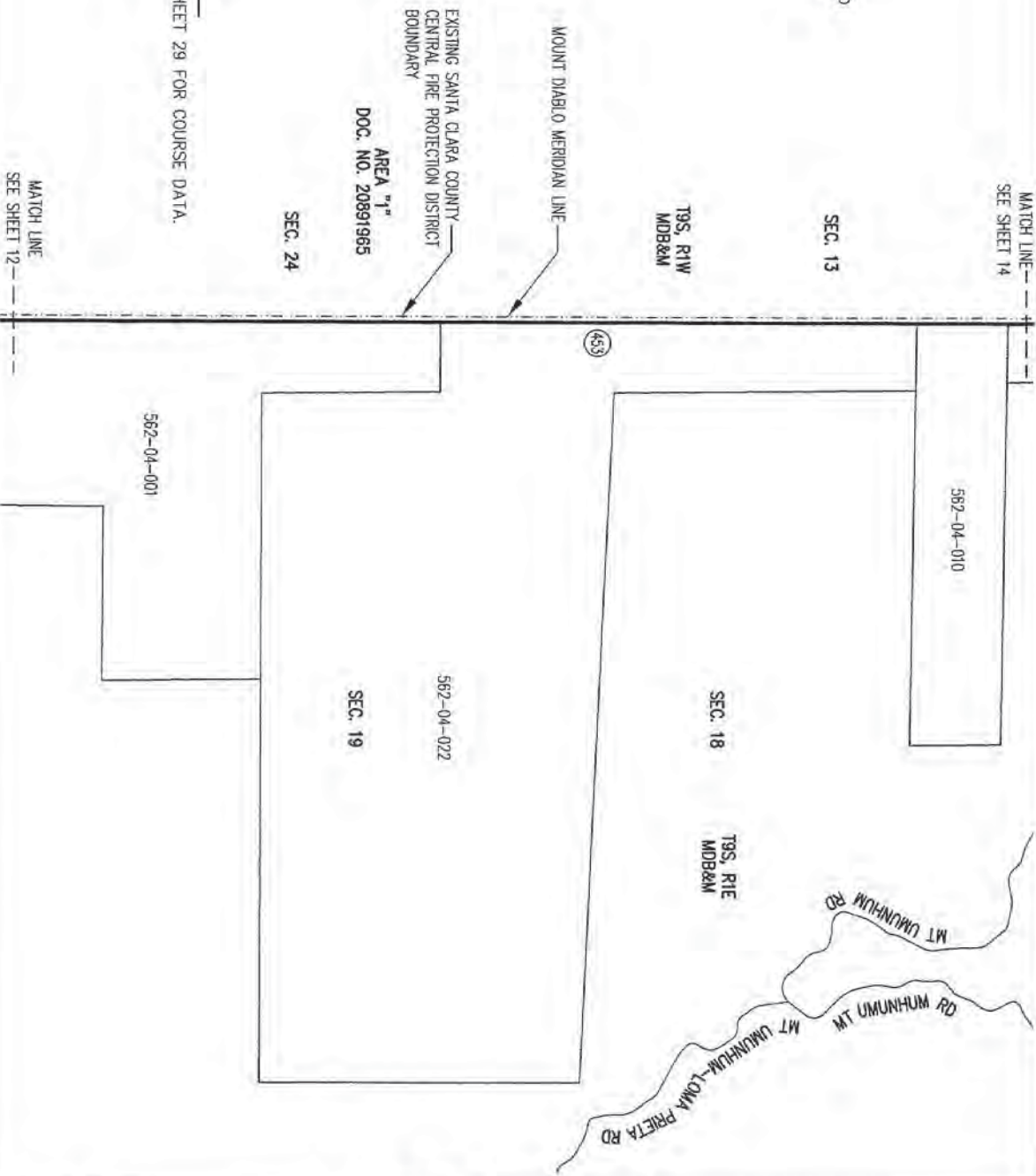


EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX

SCALE: 1" = 1000'

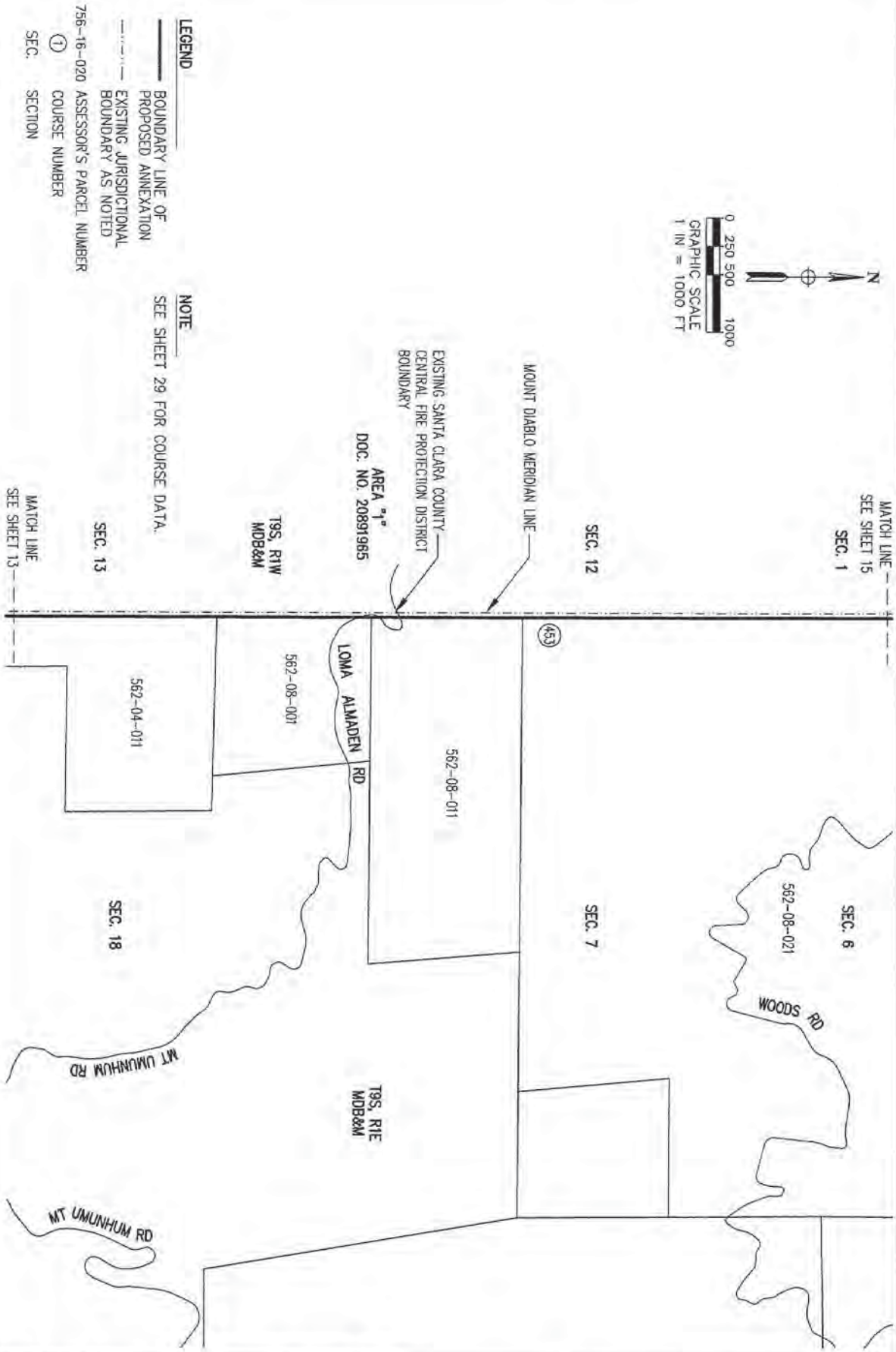
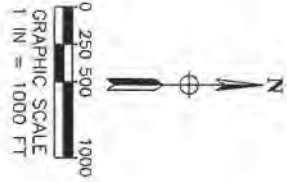
DATE: 08/19/14

DRAWN: CW

CHECKED: BS

JOB NO: 14-02

SHEET: 13 OF 29



LEGEND

———— BOUNDARY LINE OF PROPOSED ANNEXATION

----- EXISTING JURISDICTIONAL BOUNDARY AS NOTED

756-16-020 ASSESSOR'S PARCEL NUMBER

① COURSE NUMBER

SEC. SECTION

NOTE

SEE SHEET 29 FOR COURSE DATA.

MATCH LINE
SEE SHEET 13

MATCH LINE
SEE SHEET 15
SEC. 1

SCALE: 1" = 1000'

DATE: 08/19/14

DRAWN: CW

CHECKED: BS

JOB NO: 14-02

SHEET: 14 OF 29

EXHIBIT "B"

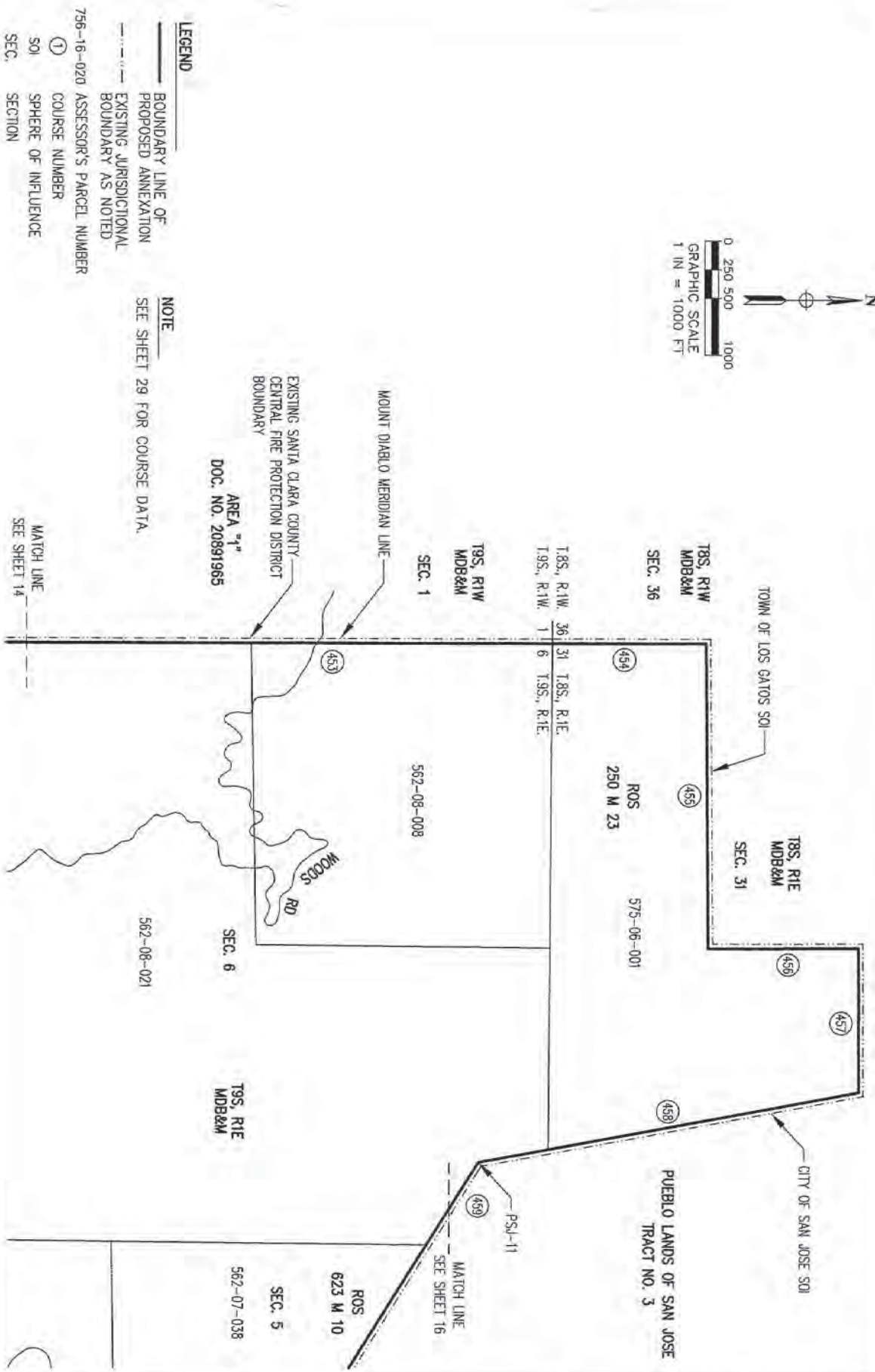
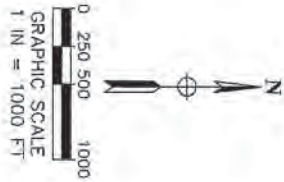
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX



LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- - - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED
- ① COURSE NUMBER
- SOI SPHERE OF INFLUENCE SEC.
- SECTION

NOTE

SEE SHEET 29 FOR COURSE DATA.

MATCH LINE SEE SHEET 14

SCALE: 1" = 1000'
 DATE: 08/19/14
 DRAWN: CW
 CHECKED: BS
 JOB NO: 14-02
 SHEET: 15 OF 29

EXHIBIT "B"
 SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
 SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-8412 FAX

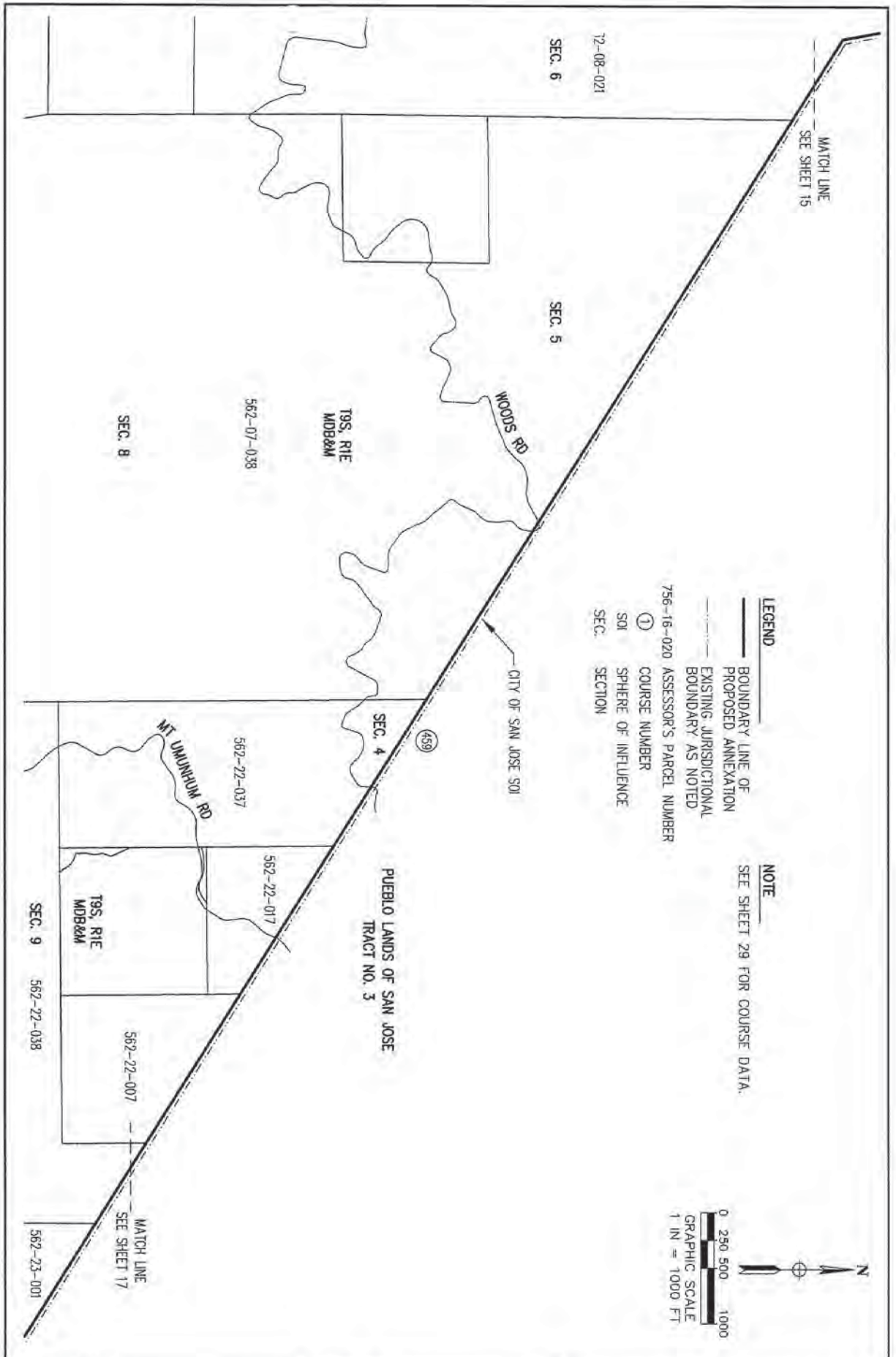



EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA

SCALE: 1" = 1000'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 16 OF 29


COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-6412 FAX

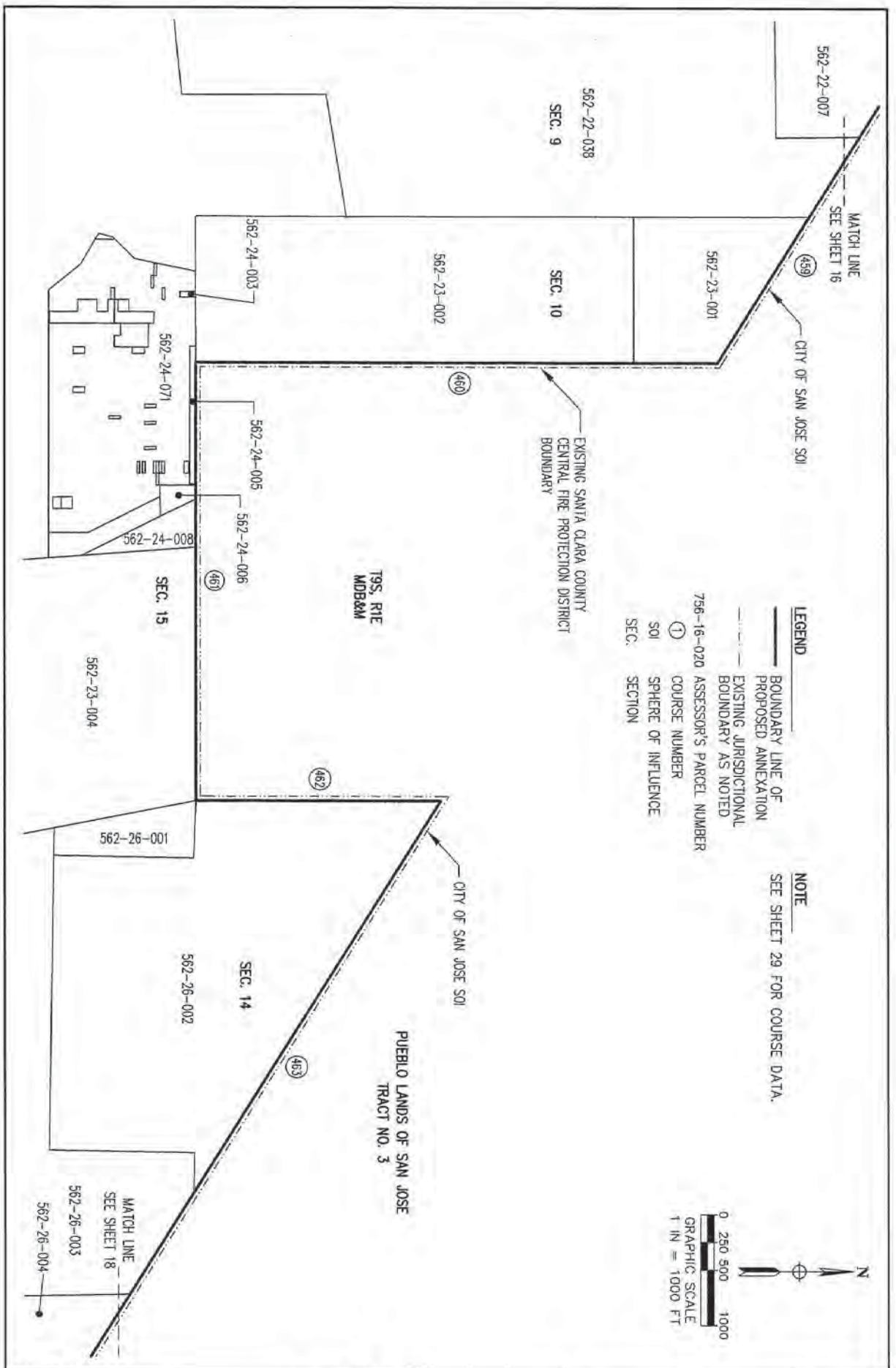


EXHIBIT "B"

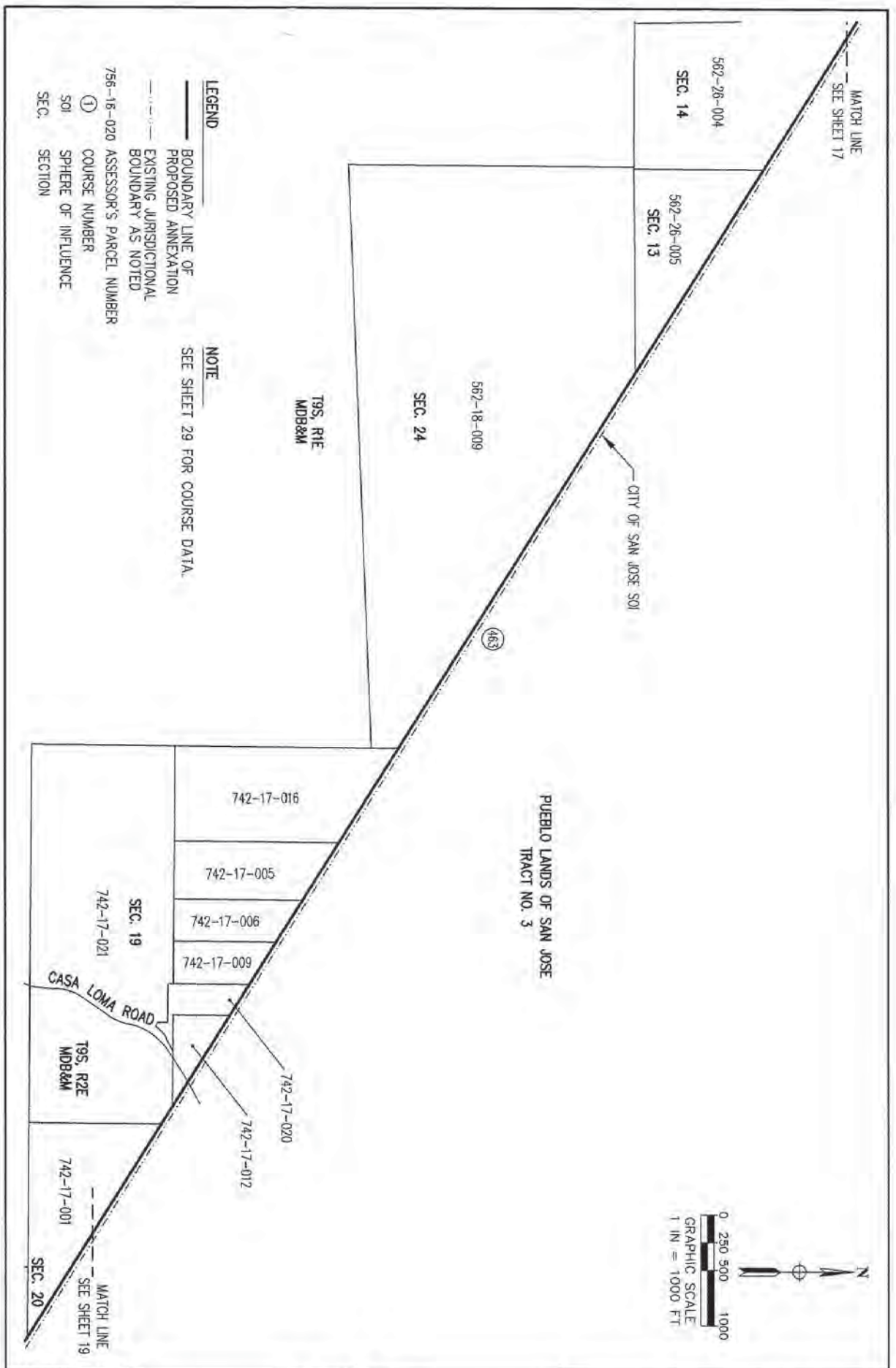
**SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
 SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014**

COUNTY OF SANTA CLARA, CALIFORNIA



**COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR**

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-6412 FAX



LEGEND

— BOUNDARY LINE OF PROPOSED ANNEXATION

- - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED

① 756-16-020 ASSESSOR'S PARCEL NUMBER

SOI COURSE NUMBER

SEC. SPHERE OF INFLUENCE SECTION

NOTE

SEE SHEET 29 FOR COURSE DATA.

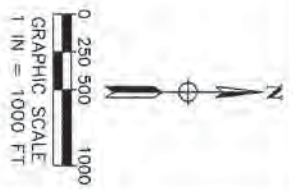


EXHIBIT "B"

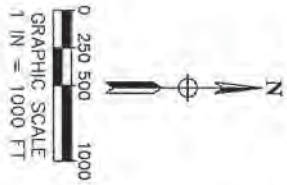
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA

SCALE: 1" = 1000'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 18 OF 29

COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX



LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- - - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED
- ① COURSE NUMBER
- SOI SPHERE OF INFLUENCE SEC.

NOTE
SEE SHEET 29 FOR COURSE DATA.

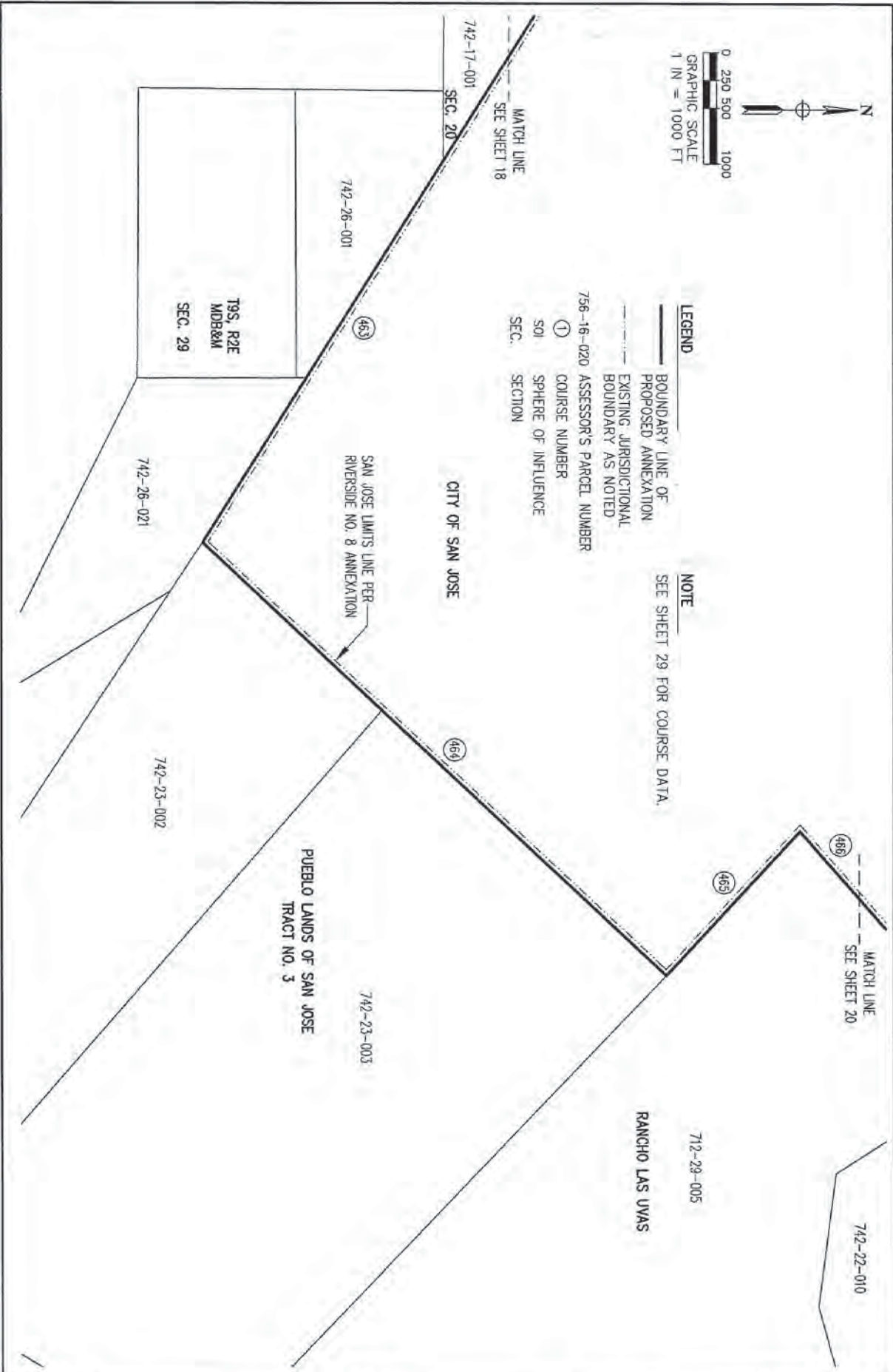


EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

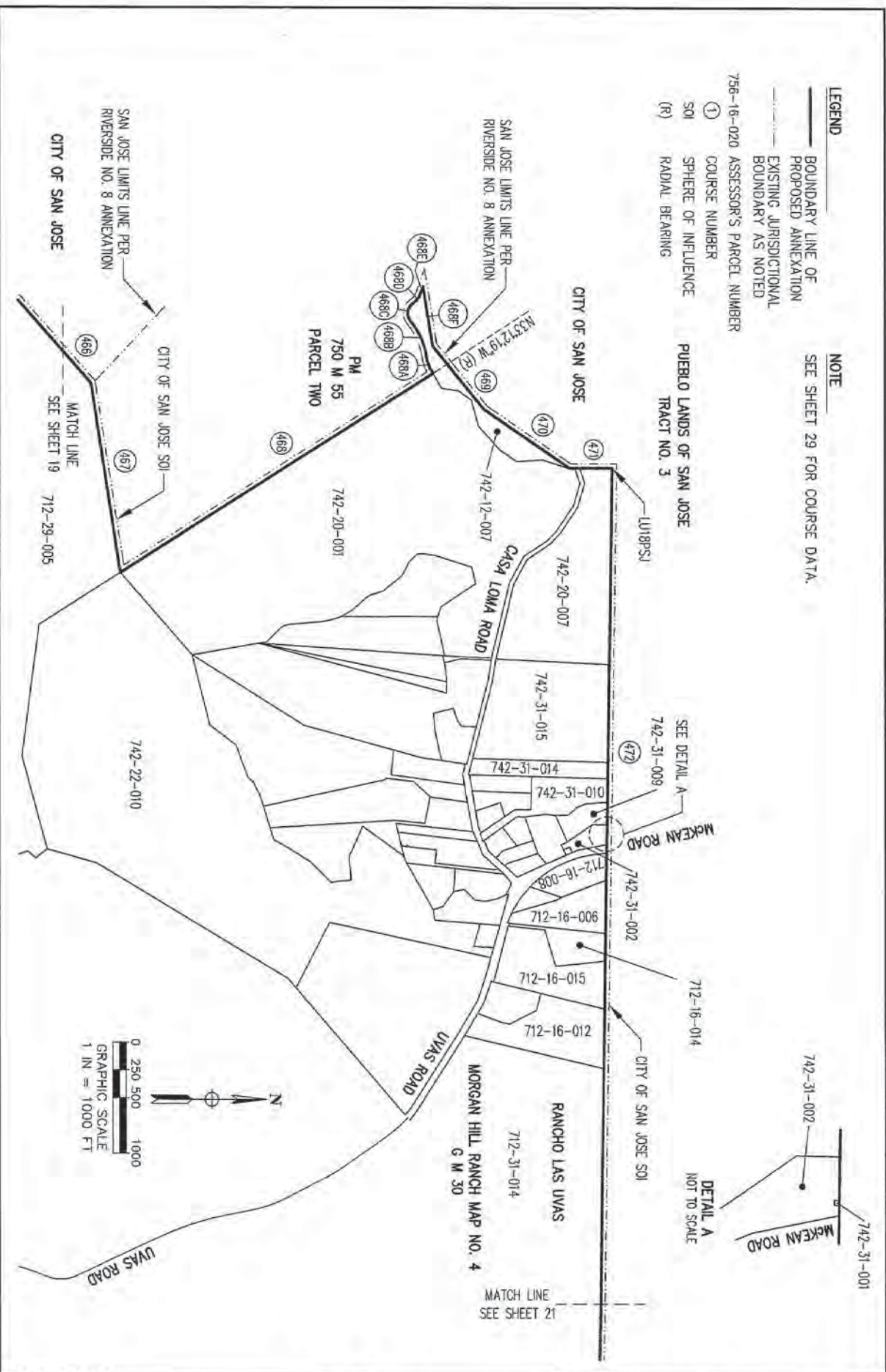
COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX

SCALE: 1" = 1000'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 19 OF 29



LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED
- 756-16-020 ASSESSOR'S PARCEL NUMBER
- ① COURSE NUMBER
- SOI SPHERE OF INFLUENCE
- (R) RADIAL BEARING

NOTE
SEE SHEET 29 FOR COURSE DATA.

PUEBLO LANDS OF SAN JOSE
TRACT NO. 3

SEE DETAIL A

DETAIL A
NOT TO SCALE

EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

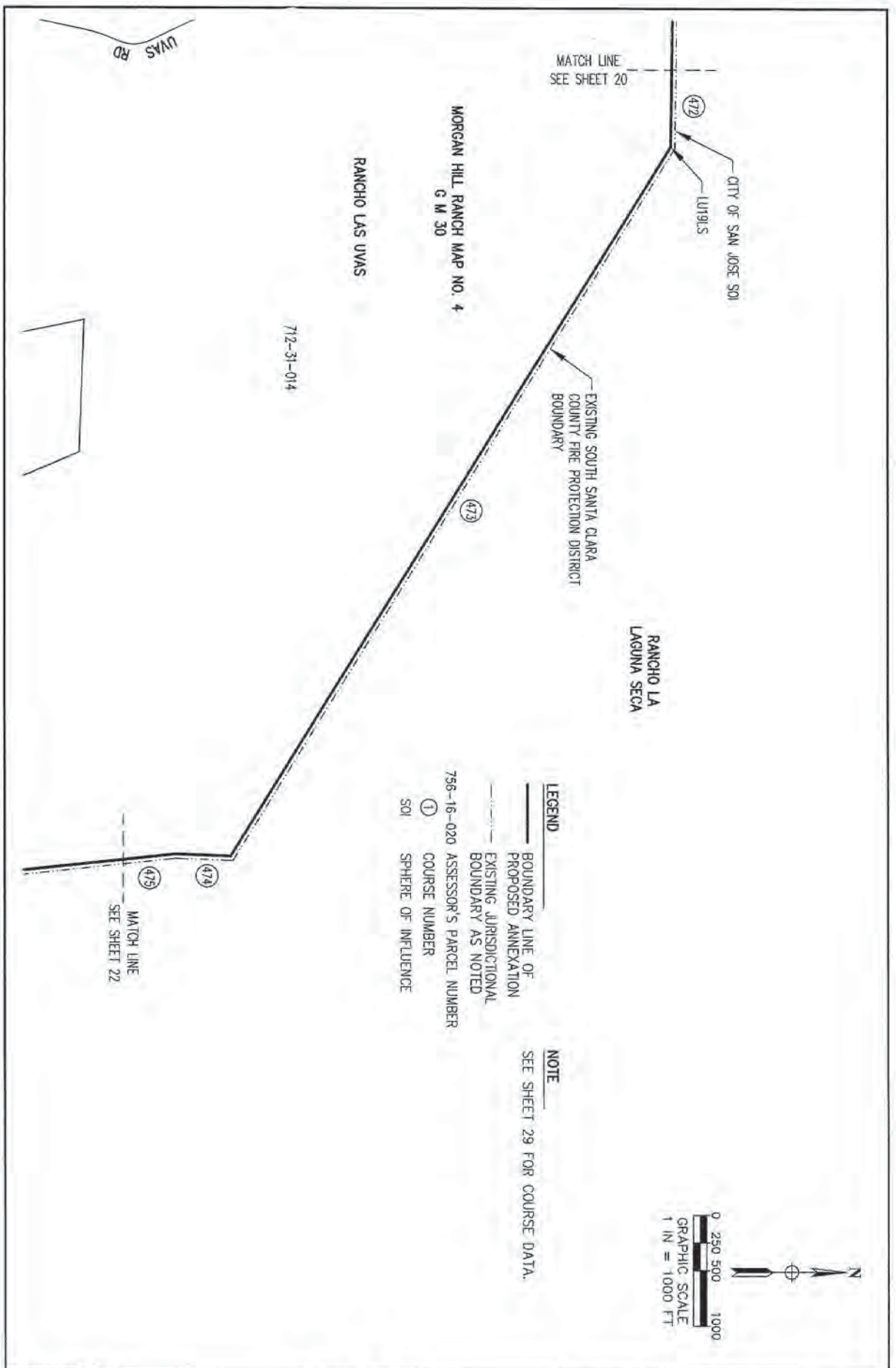
COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX

SCALE: 1" = 1000'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 20 OF 29



MATCH LINE
SEE SHEET 20

CITY OF SAN JOSE SOI

472

LURIGS

MORGAN HILL RANCH MAP NO. 4
G M 30

RANCHO LAS UVAS

712-31-014

EXISTING SOUTH SANTA CLARA
COUNTY FIRE PROTECTION DISTRICT
BOUNDARY

473

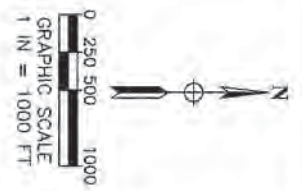
RANCHO LA
LAGUNA SECA

LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
 - EXISTING JURISDICTIONAL BOUNDARY AS NOTED
 - ① COURSE NUMBER
 - SPHERE OF INFLUENCE
- 756-16-020 ASSESSOR'S PARCEL NUMBER

NOTE


SEE SHEET 29 FOR COURSE DATA.

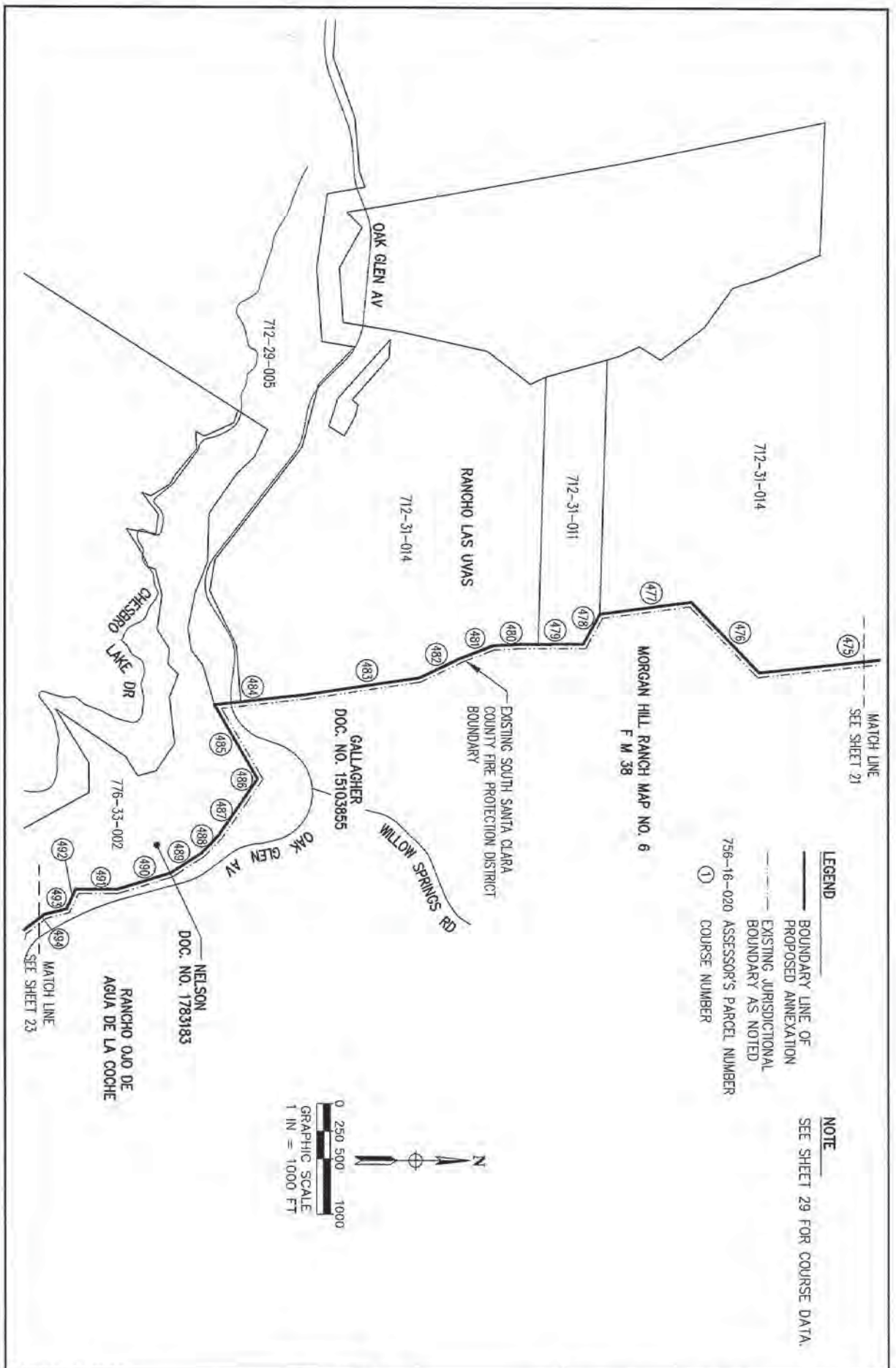


MATCH LINE
SEE SHEET 22

475

474

<p>EXHIBIT "B"</p> <p>SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014</p> <p>COUNTY OF SANTA CLARA, CALIFORNIA</p>	<div style="text-align: center;">  <p>COUNTY OF SANTA CLARA OFFICE OF THE COUNTY SURVEYOR</p> <p>COUNTY GOVERNMENT CENTER, EAST WING 70 WEST HEDDING STREET, 7th FLOOR SAN JOSE, CALIFORNIA 95110 (408) 298-5730 (408) 275-6412 FAX</p> </div>
<p>SCALE: 1" = 1000'</p> <p>DATE: 08/19/14</p> <p>DRAWN: CW</p> <p>CHECKED: BS</p> <p>JOB NO: 14-02</p> <p>SHEET: 21 OF 29</p>	

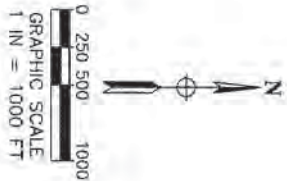



MATCH LINE
SEE SHEET 21

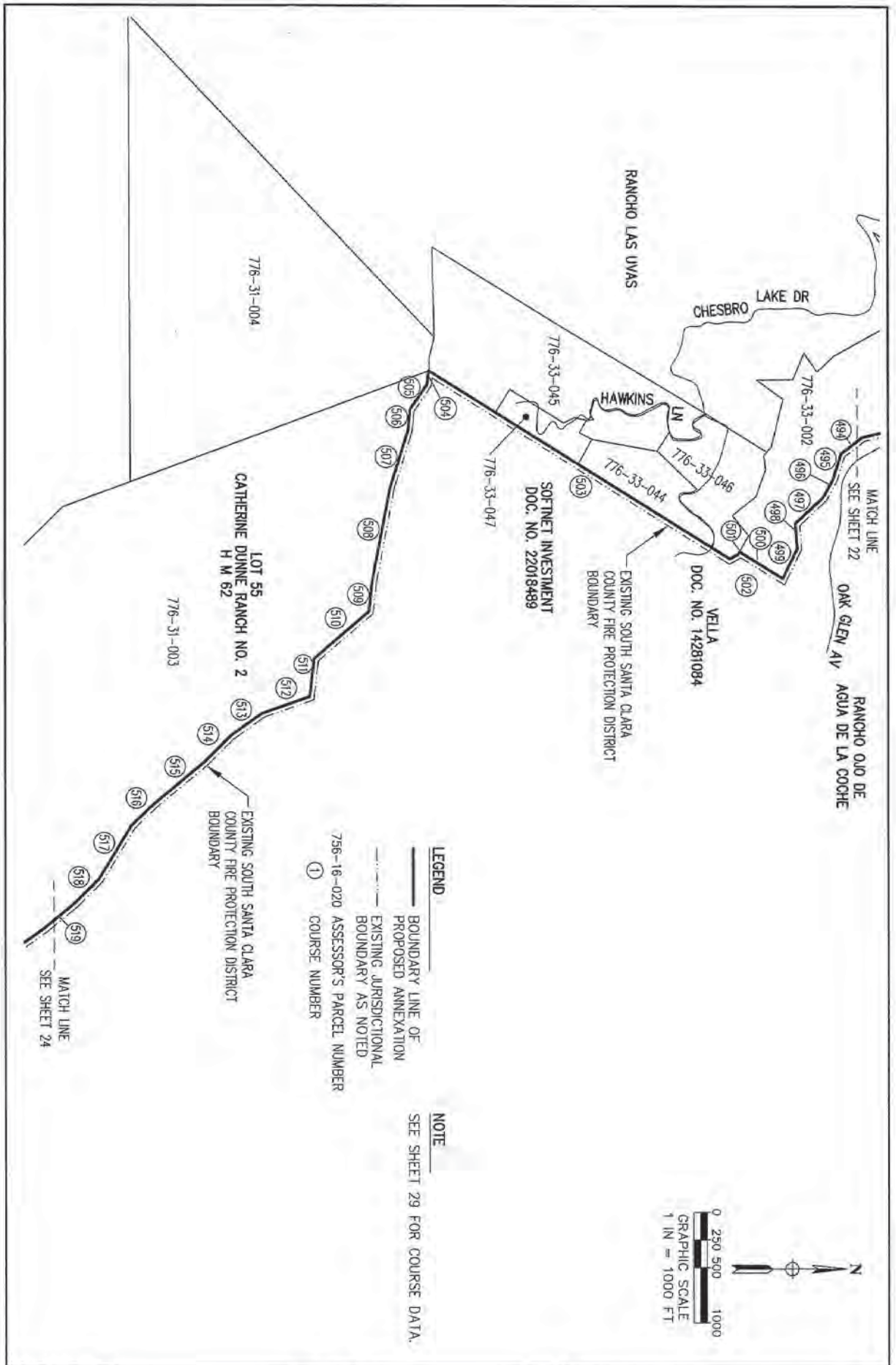
LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED
- ① 756-16-020 ASSESSOR'S PARCEL NUMBER COURSE NUMBER

NOTE
SEE SHEET 29 FOR COURSE DATA.



<p>EXHIBIT "B"</p> <p>SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014</p> <p>COUNTY OF SANTA CLARA, CALIFORNIA</p>	 <p>COUNTY OF SANTA CLARA OFFICE OF THE COUNTY SURVEYOR</p> <p>COUNTY GOVERNMENT CENTER, EAST WING 70 WEST HEDDING STREET, 7th FLOOR SAN JOSE, CALIFORNIA 95110 (408) 299-5730 (408) 275-6412 FAX</p>
<p>SCALE: 1" = 1000'</p> <p>DATE: 08/19/14</p> <p>DRAWN: CW</p> <p>CHECKED: BS</p> <p>JOB NO: 14-02</p> <p>SHEET: 22 OF 29</p>	



LEGEND

———— BOUNDARY LINE OF PROPOSED ANNEXATION

----- EXISTING JURISDICTIONAL BOUNDARY AS NOTED

756-16-020 ASSESSOR'S PARCEL NUMBER

① COURSE NUMBER

NOTE

SEE SHEET 29 FOR COURSE DATA.

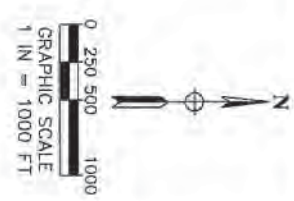



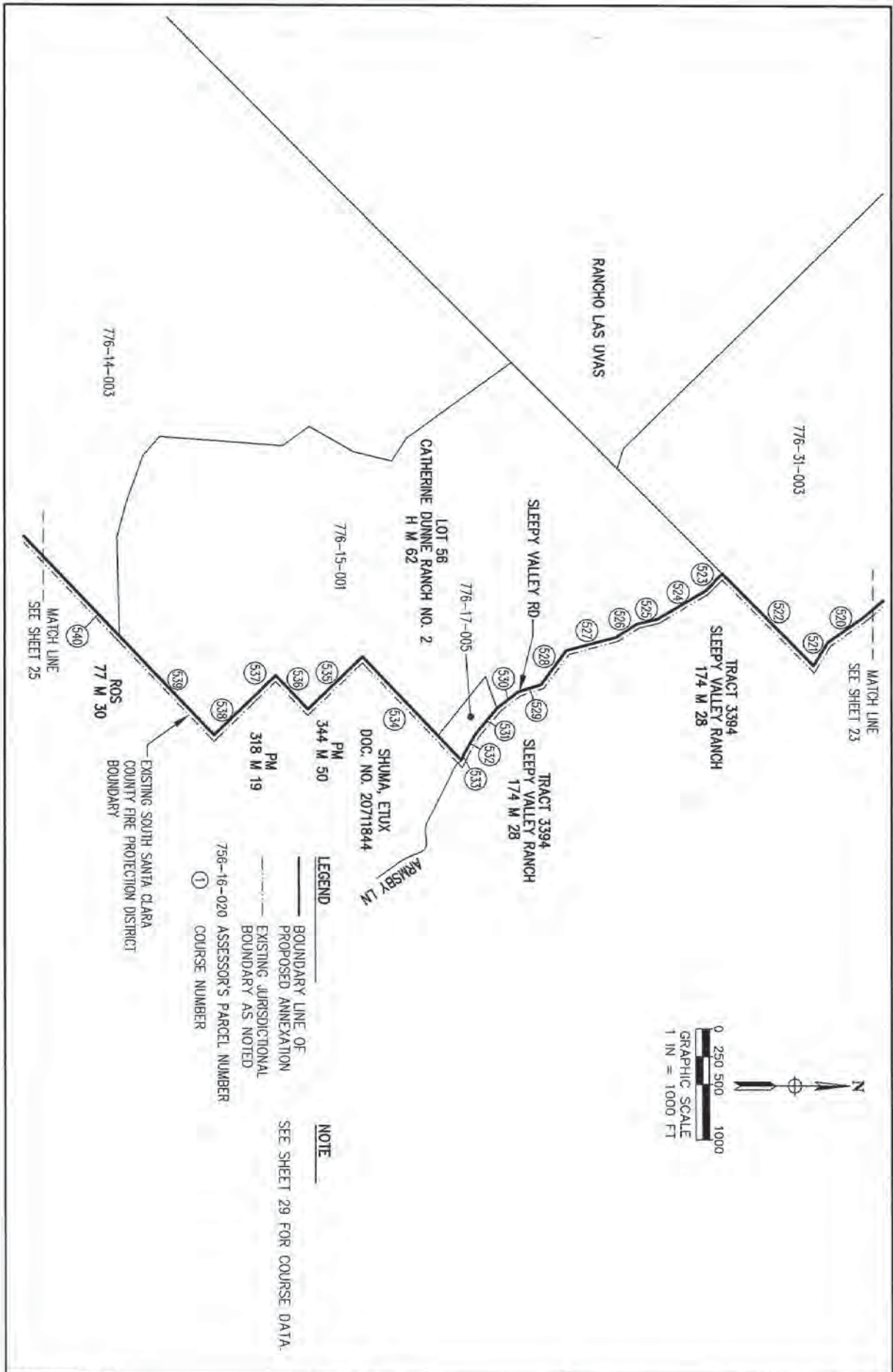
EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
 SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA

SCALE: 1" = 1000'
DATE: 06/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 23 OF 29


COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR
 COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-6412 FAX



MATCH LINE
SEE SHEET 23

776-31-003

RANCHO LAS UVAS

LOT 56
CATHERINE DUNNE RANCH NO. 2
H M 62

776-15-001

776-17-005

TRACT 3394
SLEEPY VALLEY RANCH
174 M 28

TRACT 3394
SLEEPY VALLEY RANCH
174 M 28

SHUMA, ETUX
DOC. NO. 2071844

ARMASBY LN

344 M 50

318 M 19

77 M 30

EXISTING SOUTH SANTA CLARA
COUNTY FIRE PROTECTION DISTRICT
BOUNDARY

756--16--020 ASSESSOR'S PARCEL NUMBER
① COURSE NUMBER

LEGEND

BOUNDARY LINE OF
PROPOSED ANNEXATION
EXISTING JURISDICTIONAL
BOUNDARY AS NOTED

NOTE

SEE SHEET 29 FOR COURSE DATA.

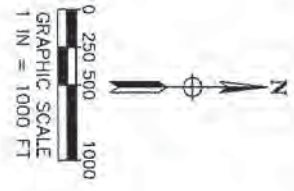


EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

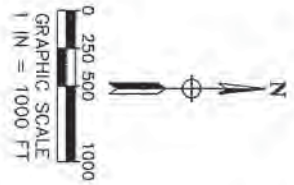
COUNTY OF SANTA CLARA, CALIFORNIA



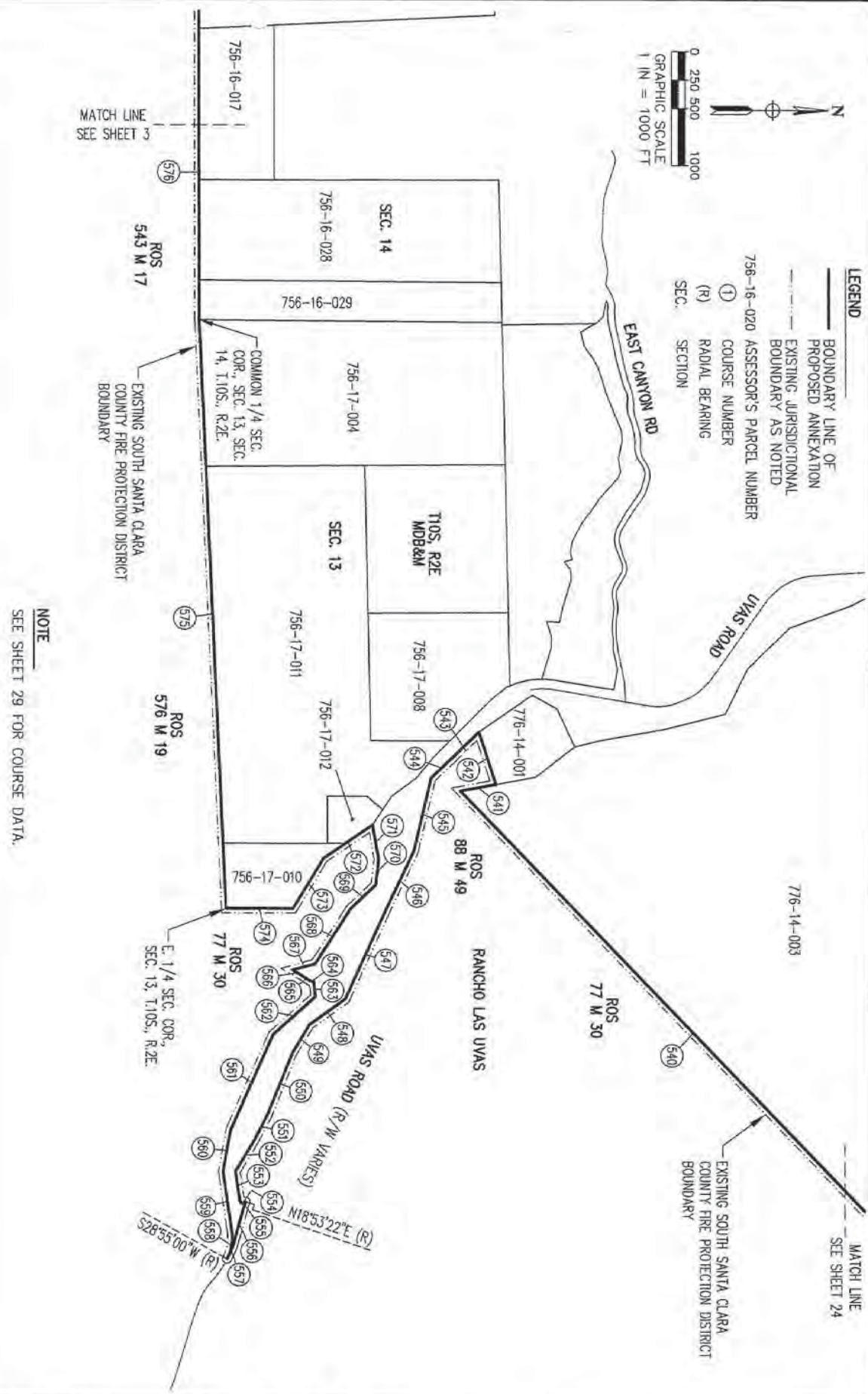
COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 298-5730 (408) 275-6412 FAX

SCALE: 1" = 1000'
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 24 OF 29



- LEGEND**
- BOUNDARY LINE OF PROPOSED ANNEXATIONAL
 - - - EXISTING JURISDICTIONAL BOUNDARY AS NOTED
 - ① COURSE NUMBER
 - (R) RADIAL BEARING
 - SEC. SECTION
- 756-16-020 ASSESSOR'S PARCEL NUMBER



SCALE: 1" = 1000'
 DATE: 08/19/14
 DRAWN: CW
 CHECKED: BS
 JOB NO: 14-02
 SHEET: 25 OF 29

EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
 SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-6412 FAX

COURSE	BEARING/RADIUS	LENGTH	DELTA
1	S01°37'39"E	2534.32'	
2	S00°05'48"E	2540.58'	
3	SOUTH	1320.00'±	
4	SOUTH	660.00'±	
5	WEST	90.00'±	
6	N49°23'55"W	1004.±	
7	WEST	433.87'±	
8	N32°32'00"W	775.17'	
9	2050.00'	666.50'	19'28.00"
10	N13°04'00"W	195.32'	
11	N77°42'03"E	20.00'	
12	219.50'	54.00'	14'05.48"
13	N01°47'51"E	83.37'	
14	70.00'	77.86'	63'43.44"
15	N61°55'53"W	33.87'	41'57.16"
16	150.00'	109.84'	
17	N19°58'37"W	75.34'	
18	30.00'	54.21'	103'31'31"
19	S56°29'52"W	20.49'	
20	195.07'	263.32'	77'20'35"
21	212.00'	69.30'	18'43.48"
22	N64°53'21"W	45.71'	
23	130.00'	84.14'	37'05.01"
24	N27°48'20"W	106.58'	
25	45.00'	101.52'	129'15.13"
26	S22°56'27"W	211.83'	
27	130.00'	54.76'	24'08.13"
28	S47°04'40"W	45.92'	
29	105.00'	143.36'	78'13.49"
30	N54°41'31"W	25.18'	
31	95.00'	72.98'	44'00.56"
32	S81°17'33"W	124.96'	
33	270.00'	63.02'	13'22.24"
34	S67°55'09"W	34.48'	
35	131.00'	63.74'	27'52.45"
36	S40°02'24"W	103.88'	
37	160.00'	50.14'	17'57.21"
38	S22°05'03"W	88.14'	
39	134.00'	98.67'	42'11.22"
40	S64°16'25"W	59.33'	40'23.41"
41	143.92'	101.47'	33'43.43"
42	62.70'	36.91'	20'55.13"
43	208.69'	76.20'	45'10.18"
44	110.00'	86.72'	
45	N42°58'06"W	23.58'	
46	30.00'	35.53'	67'51.44"
47	S69°10'10"W	73.15'	
48	84.57'	97.00'	65'43.11"
49	225.00'	69.16'	17'36.37"
50	N62°43'16"W	17.04'	

COURSE	BEARING/RADIUS	LENGTH	DELTA
51	110.00'	90.34'	47'03.19"
52	N15°39'57"W	48.64'	
53	20.00'	28.28'	81'00.33"
54	S83°19'30"W	92.20'	
55	190.00'	114.88'	34'38.34"
56	N62°01'56"W	85.48'	
57	217.00'	102.67'	27'06.31"
58	N34°55'25"W	14.67'	
59	164.50'	94.83'	33'01.51"
60	20.00'	25.50'	73'02.22"
61	N74°55'56"W	64.28'	
62	152.00'	96.60'	36'24.51"
63	N38°31'05"W	55.33'	
64	217.00'	80.46'	21'14.35"
65	N17°16'30"W	42.43'	
66	85.00'	151.94'	102'24.55"
67	N85°08'25"E	80.80'	
68	55.00'	58.59'	61'01.52"
69	N24°06'33"E	29.73'	
70	240.00'	81.59'	19'28.39"
71	N43°35'12"E	72.52'	
72	184.38'	71.01'	22'03.58"
73	230.00'	102.31'	25'29.10"
74	N40°10'00"E	21.36'	
75	104.00'	74.40'	40'59.09"
76	N00°49'09"W	97.52'	
77	844.00'	113.90'	07'43.57"
78	N06°54'48"E	68.10'	
79	100.00'	121.62'	69'41.09"
80	N62°46'21"W	185.19'	
81	283.00'	66.82'	13'31.45"
82	N49°14'36"W	25.98'	
83	113.00'	68.79'	34'52.48"
84	N84°07'24"W	145.54'±	
85	430.00'	240.27'	32'00.52"
86	N52°06'32"W	205.00'	
87	325.00'	135.18'	23'49.56"
88	N75°56'28"W	112.20'	
89	130.00'	100.58'	44'19.52"
90	S59°43'40"W	73.58'	
91	240.00'	133.33'	31'49.47"
92	N88°26'33"W	28.45'	
93	382.00'	37.08'	05'33.43"
94	S85°59'44"W	51.61'	
95	278.00'	132.18'	27'14.31"
96	N66°45'45"W	94.67'	
97	372.00'	137.28'	21'08.39"
98	N87°54'24"W	125.67'	
99	143.64'	127.68'	50'55.48"
100	320.00'	157.36'	28'10.31"

COURSE	BEARING/RADIUS	LENGTH	DELTA
101	S69°20'19"W	107.98'	
102	280.00'	142.40'	29'08.19"
103	N81°31'22"W	45.14'	
104	184.00'	92.71'	28'52.08"
105	S69°36'30"W	67.52'	
106	213.00'	134.70'	36'13.57"
107	N74°09'33"W	84.73'	
108	295.00'	66.54'	12'55.28"
109	N61°14'05"W	32.07'	
110	436.00'	102.48'	13'28.03"
111	N74°42'08"W	131.04'	
112	187.00'	84.50'	25'53.30"
113	S79°24'22"W	85.12'	
114	196.69'	114.81'	33'26.41"
115	252.00'	72.96'	16'35.15"
116	N50°33'42"W	58.15'	
117	188.00'	114.96'	35'02.09"
118	N15°31'33"W	118.13'	
119	1037.00'	102.93'	05'41.13"
120	N09°50'20"W	125.13'	
121	748.00'	145.47'	
122	N01°18'15"E	22.69'	
123	76.00'	107.10'	80'44.43"
124	N79°26'28"W	72.21'	
125	1080.00'	143.75'	07'37.34"
126	N71°48'54"W	93.20'	
127	317.79'	128.58'	23'10.59"
128	215.00'	113.22'	30'10.18"
129	N18°27'37"W	22.40'	
130	345.00'	109.73'	18'13.24"
131	N36°41'01"W	34.93'	
132	215.00'	128.79'	34'19.22"
133	N71°00'23"W	332.45'	
134	1780.00'	196.49'	06'19.29"
135	N77°19'52"W	78.42'	
136	155.00'	105.22'	38'53.35"
137	S63°46'33"W	48.58'	
138	80.04'	98.39'	70'25.50"
139	170.00'	86.01'	28'59.16"
140	N16°48'21"W	104.64'	
141	224.00'	91.34'	23'21.52"
142	N06°33'31"E	14.50'	
143	146.00'	80.88'	31'44.23"
144	N25°10'52"W	40.78'	
145	425.00'	106.99'	14'25.26"
146	N10°45'26"W	31.47'	
147	326.00'	146.43'	25'44.11"
148	N36°29'37"W	368.70'	
149	848.00'	192.33'	12'59.41"
150	N49°29'18"W	224.67'	

EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX

SCALE:
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 26 OF 29

COURSE	BEARING/RADIUS	LENGTH	DELTA
151	355.00'	129.46'	20'53.40"
152	N28°35'38"W	82.39'	
153	220.00'	136.49'	35'32.53"
154	N64°08'31"W	124.24'	
155	165.00'	116.69'	40'31.15"
156	N23°37'16"W	43.70'	
157	908.00'	125.60'	07'55.32"
158	N31°32'48"W	128.17'	
159	210.00'	119.37'	32'34.02"
160	N64°06'50"W	57.51'	
161	156.00'	112.15'	41'11.22"
162	S74°41'48"W	98.46'	
163	270.00'	184.24'	39'05.50"
164	N66°12'22"W	110.41'	
165	118.00'	121.93'	59'12.15"
166	N07°00'07"W	82.11'	
167	48.00'	63.12'	75'20.45"
168	N82°20'52"W	41.35'	
169	170.00'	83.29'	28'04.23"
170	N54°16'29"W	43.66'	
171	144.00'	85.95'	34'11.56"
172	N20°04'33"W	42.96'	
173	25.00'	32.02'	73'22.43"
174	S86°32'44"W	66.82'	
175	120.00'	110.73'	52'52.12"
176	N40°35'04"W	92.62'	
177	40.00'	42.27'	60'33.14"
178	S78°51'42"W	28.96'	
179	113.45'	95.99'	48'28.32"
180	55.00'	46.13'	48'03.04"
181	S79°17'10"W	22.46'	
182	110.96'	121.85'	62'55.05"
183	71.00'	64.65'	52'10.14"
184	N89°57'59"W	83.21'	
185	590.00'	93.26'	09'03.23"
186	N80°54'36"W	177.28'	
187	268.00'	108.88'	23'16.41"
188	N57°37'55"W	129.86'	
189	91.00'	64.83'	40'49.13"
190	S81°32'52"W	59.41'	
191	88.00'	70.76'	46'04.10"
192	S35°26'42"W	99.66'	
193	166.00'	176.58'	60'56.49"
194	N83°34'29"W	59.02'	
195	90.00'	56.85'	23'27.24"
196	S72°58'07"W	208.98'	
197	129.00'	99.13'	44'01.46"
198	N63°00'07"W	77.22'	
199	273.00'	80.53'	16'54.06"
200	N79°54'13"W	29.82'	

COURSE	BEARING/RADIUS	LENGTH	DELTA
201	201.00'	92.60'	26'23.49"
202	N53°30'24"W	165.21'	
203	265.00'	100.29'	21'41.03"
204	N31°49'21"W	62.84'	
205	208.00'	69.39'	19'06.53"
206	N50°56'14"W	91.79'	
207	1140.00'	194.16'	09'45.31"
208	N60°41'45"W	204.02'	
209	279.00'	141.40'	29'02.19"
210	N89°44'04"W	81.25'	
211	120.00'	111.63'	53'18.01"
212	N36°26'03"W	198.84'	
213	194.00'	81.71'	24'07.54"
214	N12°18'09"W	25.47'	
215	224.00'	69.82'	17'51.28"
216	N30°09'37"W	212.27'	
217	206.00'	102.86'	28'36.32"
218	N01°33'05"W	85.10'	
219	65.00'	57.59'	50'45.40"
220	N52°18'45"W	223.57'	
221	45.00'	37.51'	47'45.51"
222	S79°55'24"W	164.12'	
223	440.00'	128.38'	16'43.01"
224	N83°21'35"W	229.91'	
225	1105.00'	123.23'	06'23.22"
226	N76°58'13"W	311.78'	
227	340.00'	130.12'	21'55.40"
228	N55°02'33"W	215.23'	
229	120.00'	61.89'	29'32.56"
230	N84°35'29"W	80.53'	
231	390.00'	73.85'	10'51.00"
232	S84°33'51"W	289.79'	
233	190.00'	93.57'	28'12.58"
234	N67°13'31"W	121.62'	
235	105.00'	82.65'	45'05.53"
236	N22°07'38"W	47.25'	
237	190.00'	84.30'	25'25.20"
238	N47°32'58"W	166.30'	
239	300.00'	45.20'	08'37.54"
240	N56°40'52"W	66.14'	
241	180.00'	135.05'	42'59.14"
242	N13°11'38"W	44.46'	
243	165.00'	83.08'	28'50.58"
244	N42°02'36"W	104.27'	
245	159.48'	67.10'	24'06.28"
246	78.00'	36.76'	27'00.04"
247	N44°56'12"W	123.21'	
248	95.00'	68.77'	41'28.26"
249	N03°27'46"W	52.90'	
250	110.00'	67.76'	35'17.47"

COURSE	BEARING/RADIUS	LENGTH	DELTA
251	N38°45'33"W	53.92'	
252	200.00'	17.28'	16'41.42"
253	N22°03'51"W	17.73'	
254	190.00'	83.87'	25'17.26"
255	N47°21'17"W	64.40'	
256	570.00'	105.63'	10'37.05"
257	N57°58'22"W	88.86'	
258	440.00'	106.74'	13'53.56"
259	N44°04'26"W	99.82'	
260	350.00'	118.76'	19'26.28"
261	N24°37'58"W	163.30'	
262	155.00'	73.78'	27'16.21"
263	N51°54'19"W	112.40'	
264	355.00'	108.42'	17'29.54"
265	N34°24'25"W	136.57'	
266	105.00'	89.77'	48'59.02"
267	N14°34'37"E	26.42'	
268	100.00'	44.33'	25'23.52"
269	N10°49'15"W	26.73'	
270	145.00'	84.48'	33'22.52"
271	N22°33'37"E	34.72'	
272	65.00'	38.97'	34'21.07"
273	N11°47'30"W	21.38'	
274	140.00'	85.05'	34'48.30"
275	N23°01'00"E	48.63'	
276	32.00'	32.67'	58'30.01"
277	N35°29'01"W	25.92'	
278	175.00'	70.70'	23'08.53"
279	N12°20'08"W	22.48'	
280	72.76'	45.35'	35'42.29"
281	260.00'	89.45'	19'42.40"
282	N28°19'57"W	244.80'	
283	230.00'	53.52'	13'19.59"
284	N41°39'56"W	90.56'	
285	50.00'	46.16'	52'53.25"
286	S85°26'39"W	75.54'	
287	93.78'	140.14'	85'37.04"
288	20.39'	28.27'	79'25.53"
289	104.53'	95.00'	52'04.23"
290	191.00'	68.36'	20'30.48"
291	N56°48'35"W	52.65'	
292	175.00'	116.38'	38'06.07"
293	N18°42'28"W	77.85'	
294	135.00'	50.53'	21'26.40"
295	N02°44'12"E	24.23'	
296	66.35'	33.98'	29'20.48"
297	73.10'	97.68'	76'33.30"
298	61.00'	38.70'	36'20.52"
299	N13°36'02"E	38.50'	
300	200.00'	104.86'	30'02.22"

EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
 SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
 OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
 70 WEST HEDDING STREET, 7th FLOOR
 SAN JOSE, CALIFORNIA 95110
 (408) 299-5730 (408) 275-8412 FAX

SCALE:
 DATE: 08/19/14
 DRAWN: CW
 CHECKED: BS
 JOB NO: 14-02
 SHEET: 27 OF 29

COURSE	BEARING/RADIUS	LENGTH	DELTA
301	N43°28'24"E	34.75'	
302	210.00'	92.50'	251'41.3"
303	N68°52'37"E	24.84'	
304	33.00'	33.64'	58'24.55"
305	N102°7'42"E	44.69'	
306	95.00'	29.64'	175'52.28"
307	N07°24'46"W	36.63'	
308	180.00'	84.07'	26'45.41"
309	N19°20'55"E	88.12'	
310	55.00'	48.67'	50'42.02"
311	N31°21'07"W	53.34'	
312	78.00'	75.02'	55'06.29"
313	N23°45'22"E	45.28'	
314	40.00'	38.10'	54'34.37"
315	N30°49'15"W	56.55'	
316	109.00'	129.86'	68'15.46"
317	N37°26'31"E	33.71'	
318	25.00'	28.81'	66'01.52"
319	N28°35'21"W	205.79'	
320	67.73'	45.20'	38'14.19"
321	82.00'	93.81'	65'32.44"
322	N01°16'56"W	75.16'	
323	55.00'	76.56'	79'45.36"
324	N81°02'32"W	157.85'	
325	618.00'	35.59'	03'17.58"
326	N12°15'26"E	50.07'	
327	N75°15'26"W	69.08'	
328	N60°10'00"W	237.82'	
329	N39°00'00"W	258.01'	
330	N63°30'00"W	147.48'	
331	N51°45'00"W	203.77'	
332	N58°45'00"W	280.97'	
333	N73°15'00"W	195.30'	
334	N81°00'00"W	175.18'	
335	N23°30'00"W	130.84'	
336	N04°15'00"W	145.38'	
337	N24°30'00"W	117.94'	
338	N00°30'00"E	143.58'	
339	N15°30'00"W	137.33'	
340	N64°30'00"W	102.19'	
341	S75°30'00"W	199.26'	
342	N71°00'00"W	120.56'	
343	S66°30'00"W	107.94'	
344	N83°05'00"W	206.85'	
345	N52°15'00"W	144.06'	
346	S70°15'00"W	124.83'	
347	N82°00'00"W	244.48'	
348	S68°45'00"W	213.90'	
349	N62°15'00"W	116.19'	
350	N25°15'00"W	40.09'	

COURSE	BEARING/RADIUS	LENGTH	DELTA
351	N08°15'00"E	74.31'	
352	N63°45'00"W	65.08'	
353	S58°45'00"W	163.86'	
354	N89°30'00"W	165.08'	
355	N48°45'00"W	127.78'	
356	N67°00'00"W	273.77'	
357	N30°15'00"W	185.48'	
358	N02°30'00"E	124.19'	
359	N23°45'00"W	96.25'	
360	N56°00'00"W	92.46'	
361	N38°30'00"W	133.36'	
362	N63°30'00"W	114.62'	
363	N52°00'00"W	177.00'	
364	N19°45'00"W	131.34'	
365	N48°30'00"W	185.43'	
366	N60°30'00"W	78.29'	
367	S65°30'00"W	128.69'	
368	S67°15'00"W	107.00'	
369	N85°15'00"W	63.73'	
370	N29°30'00"W	186.18'	
371	N59°30'00"W	74.51'	
372	N77°25'00"W	160.61'	
373	N72°00'00"W	134.13'	
374	N89°30'00"W	112.34'	
375	S69°45'00"W	248.77'	
376	N78°30'00"W	35.71'	
377	N51°30'00"W	237.87'	
378	N07°15'00"W	139.96'	
379	N13°45'00"E	92.66'	
380	N28°45'00"E	135.67'	
381	N06°15'00"W	83.05'	
382	N62°45'00"W	206.51'	
383	N50°00'00"W	70.70'	
384	N88°15'00"W	102.19'	
385	S75°30'00"W	166.76'	
386	N12°00'00"W	140.68'	
387	N30°00'00"W	117.69'	
388	N43°15'00"W	159.30'	
389	N72°15'00"W	172.41'	
390	N85°00'00"W	136.51'	
391	S82°00'00"W	132.22'	
392	N86°15'00"W	151.71'	
393	S82°30'00"W	98.47'	
394	N83°15'00"W	146.09'	
395	N65°00'00"W	146.34'	
396	N17°15'00"W	79.30'	
397	N06°45'00"E	124.61'	
398	N24°35'00"E	181.00'	
399	N08°30'00"W	108.04'	
400	N60°15'00"W	133.42'	

COURSE	BEARING/RADIUS	LENGTH	DELTA
401	N15°15'00"W	145.35'	
402	N61°00'00"W	84.30'	
403	S66°30'00"W	79.48'	
404	S46°00'00"W	116.66'	
405	S78°00'00"W	20.23'	
406	N63°15'00"W	185.42'	
407	N32°15'00"W	77.59'	
408	N54°30'00"W	103.46'	
409	S66°15'00"W	125.25'	
410	N53°45'00"W	107.51'	
411	N68°30'00"W	267.74'	
412	N38°00'00"W	249.19'	
413	N59°45'00"W	311.10'	
414	N80°30'00"W	101.00'	
415	S71°45'00"W	139.22'	
416	N51°00'00"W	110.56'	
417	N66°15'00"W	192.37'	
418	N56°30'00"W	46.55'	
419	N68°15'00"W	106.28'	
420	S82°30'00"W	217.20'	
421	S78°00'00"W	134.84'	
422	S66°15'00"W	291.06'	
423	S74°15'00"W	59.80'	
424	N78°45'00"W	264.00'	
425	N68°30'00"W	67.19'	
426	N48°00'00"W	145.06'	
427	N30°15'00"W	106.27'	
428	N51°45'00"W	61.31'	
429	N78°15'00"W	272.89'	
430	S78°07'30"W	74.92'	
431	S88°45'00"W	168.45'	
432	S59°00'00"W	49.81'	
433	S31°30'00"W	112.85'	
434	N48°00'00"W	123.83'	
435	S82°15'00"W	80.47'	
436	N89°45'00"W	99.13'	
437	S81°30'00"W	130.14'	
438	N79°15'00"W	252.57'	
439	N71°00'00"W	134.35'	
440	S87°30'00"W	193.62'	
441	N83°30'00"W	68.96'	
442	N02°14'00"E	1787.77'	
443	S77°15'00"W	2723.70'	
444	N63°55'00"W	3023.01'	
445	N25°55'46"E	787.95'	
446	N64°05'09"W	5146.61'	
447	N64°05'09"W	1653.06'	
448	S12°40'00"W	825.00'	
449	N79°32'00"W	1617.00'	
450	N12°30'00"E	660.00'	

EXHIBIT "B"

SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-8412 FAX

SCALE:
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 28 OF 29

COURSE	BEARING/RADIUS	LENGTH	DELTA
451	N77.30'00"W	2,310.1	
452	NORTH	2,040.1	
453	NORTH	2,262.5	
454	NORTH	1,348.94	
455	N89.42'58"E	2,672.53	
456	N00.05'55"W	1,322.46	
457	S89.52'55"E	1,261.46	
458	S10'22'18"E	3,394.36	
459	S57'42'00"E	1,423.0	
460	SOUTH	4,716.58	
461	EAST	3,960.1	
462	NORTH	2,213.17	
463	S57.42'00"E	2,340.0	
464	N43'00'00"E	5,669.40	
465	N47'00'00"W	1,760.1	
466	N48.34'00"E	1,188.00	
467	N81'08'00"E	1,724.58	
468	N32.32'00"W	3,343.56	24.32'24"
468A	S97.00	1,70.04	31.03'29"
468B	644.00'	349.09'	95.59'39"
468C	110.00'	184.30'	36.46'15"
468D	165.00'	105.89'	
468E	N70'30'00"W	72.85'	
468F	N80'52'14"E	544.50'	
469	N51'00'00"E	732.60'	
470	N34.30'00"E	937.20'	
471	NORTH	385.44'	
472	S89.08'26"E	822.57'	
473	S58.08'00"E	754.9.08'	
474	S02.00'00"W	498.96'	
475	S06.05'00"E	1,430.88'	
476	S46.00'00"W	884.40'	
477	S07.30'00"E	836.22'	
478	S60.45'00"E	310.20'	
479	S00.15'00"E	574.20'	
480	S03'00'00"E	2,40.90'	
481	S21'00'00"E	312.84'	
482	S25.30'00"E	417.12'	
483	S08.30'00"E	1,040.16'	
484	S06.30'00"E	828.30'	
485	N59.39'20"E	774.01'	
486	S55.29'20"E	238.92'	
487	S55.26'20"E	381.01'	
488	S46.09'20"E	215.82'	
489	S32.45'00"E	345.18'	
490	S17.00'00"E	504.90'	
491	SOUTH	372.90'	
492	S65.00'00"E	197.34'	
493	S13.45'00"E	201.96'	
494	S37.20'00"E	249.50'	

COURSE	BEARING/RADIUS	LENGTH	DELTA
495	S73.00'00"E	232.98'	
496	S61.30'00"E	194.04'	
497	S43.00'00"E	345.18'	
498	N85.34'00"E	226.36'	
499	S64.00'00"E	300.96'	
500	S31.38'01"W	458.81'	
501	S59.41'00"E	25.70'	
502	S28.54'00"E	88.03'	
503	S31.54'20"W	320.763'	
504	S83.07'00"E	122.88'	
505	S65.28'52"E	273.94'	
506	S84.46'00"E	186.12'	
507	S72.38'00"E	545.82'	
508	S79.12'00"E	860.64'	
509	S83.46'00"E	277.86'	
510	S40.41'00"E	652.74'	
511	S83.13'00"E	345.18'	
512	S19.21'00"E	454.74'	
513	S35.31'00"E	355.74'	
514	S44.55'00"E	343.20'	
515	S39.41'00"E	582.12'	
516	S43.34'00"E	283.14'	
517	S58.37'00"E	578.82'	
518	S44.23'00"E	309.54'	
519	S39.38'00"E	351.12'	
520	S34.57'00"E	392.70'	
521	S58.29'00"E	243.54'	
522	S45.09'00"W	1,166.56'	
523	S45.30'00"E	209.76'	
524	S30.30'06"E	512.31'	
525	S13.12'00"E	184.10'	
526	S32.30'00"E	226.63'	
527	S14.55'00"E	460.77'	
528	S53.07'00"E	381.93'	
529	S17.36'00"E	211.72'	
530	S37.16'09"E	239.08'	
531	S49.45'42"E	306.14'	
532	S59.28'00"E	196.61'	
533	S65.20'00"E	72.70'	
534	S46.10'00"W	1,281.88'	
535	S43.50'00"E	681.63'	
536	S46.10'00"W	418.00'	
537	S43.50'00"E	281.12'	
538	S43.50'00"E	490.66'	
539	S46.05'36"W	1,203.1	
540	S46.05'36"W	5889.00'	
541	N10.28'44"W	316.01'	
542	S72.07'20"W	482.79'	
543	S44.20'55"E	330.27'	
544	S43.07'30"E	251.32'	

COURSE	BEARING/RADIUS	LENGTH	DELTA
545	S76.36'55"E	658.95'	
546	S64.28'24"E	575.18'	
547	S65.21'19"E	856.56'	
548	S35.37'02"E	388.76'	
549	S59.02'10"E	291.55'	
550	S68.02'36"E	579.43'	
551	S62.30'39"E	245.84'	
552	S59.03'50"E	327.65'	
553	N81.45'12"E	263.51'	
554	25.00'	66.70'	152.51'50"
555	1030.00'	58.14'	03'14'02"
556	S74.20'40"E	291.69'	
557	770.00'	178.22'	1315'40"
558	380.90'	247.06'	3708'48"
559	S81.45'12"W	532.27'	
560	N79.37'52"W	369.42'	
561	N65.54'13"W	917.18'	
562	N41.39'47"W	499.51'	
563	S84.16'27"W	133.71'	
564	S07.33.30"W	30.00'	
565	S33.17'30"W	85.79'	
566	S30.51'00"W	99.07'	
567	N15.17'28"W	205.21'	
568	N57.06'46"W	565.70'	
569	N43.55'05"W	315.27'	
570	N83.46'07"W	222.67'	
571	S80.11'06"W	306.69'	
572	S34.03'29"E	521.54'	
573	S58.48'22"E	517.44'	
574	S00.00'26"E	588.29'	
575	S87.26'54"W	5161.16'	
576	S89.57'02"W	5137.79'	
577	S87.52'14"W	4913.37'	

SCALE:
DATE: 08/19/14
DRAWN: CW
CHECKED: BS
JOB NO: 14-02
SHEET: 29 OF 29

EXHIBIT "B"
SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2014

COUNTY OF SANTA CLARA, CALIFORNIA



COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX

**AUTOMATIC AID AGREEMENT BETWEEN
SOUTH SANTA CLARA COUNTY FIRE DISTRICT
AND
THE SANTA CRUZ COUNTY FIRE DEPARTMENT**

THIS AGREEMENT, is made and entered this _____ day of _____ by and between South Santa Clara County Fire District (hereinafter referred to as "SCC"), and the Santa Cruz County Fire Department (hereinafter referred to as "CRZ"), collectively referred to as "the Parties."

WITNESSETH:

WHEREAS, the Parties provide fire protection services to contiguous areas located in the County of Santa Clara, State of California; and

WHEREAS, the Parties have determined that it is of mutual benefit that they render reciprocal supplemental assistance in the event of a fire or other local fire department related emergency of a type common to both parties under circumstances not covered by or within the scope of the California Office of Emergency Services and Civil Defense Master Mutual Aid Agreement, but constituting so-called "day-to-day automatic aid" arising out of convenience rather than out of extraordinary necessity;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Parties agree as follows:

I. AUTOMATIC AID RESPONSE

A. GENERAL PROVISIONS

Each Party will provide automatic aid into the service area of the other party as delineated on the attached maps entitled "Service Area Exhibits". Each Service Area Exhibit delineates a specific area to be served and the specific level of emergency response auto aid to be provided in that service area.

B. GUIDELINES GOVERNING RESPONSE TO AN EMERGENCY

1. Calls for public service, post fire investigation, fire prevention and other routine calls, shall not be a part of this Agreement. These responses shall be handled by the jurisdiction having authority.
2. When responding to an emergency under this auto-aid, emergency response companies will be staffed as shown on each Service Area Exhibit.
3. If an engine company designated to respond pursuant to this Agreement, is either not available or out of position, the responding party shall be

relieved from its responsibility to respond to the specific emergency and shall so notify the other jurisdiction.

C. COMMITMENT TO JOINT TRAINING

Both parties to this Agreement shall schedule and participate in joint training exercises at mutually agreed upon times and locations in order to ensure optimal performance levels are maintained.

II. COMMAND AUTHORITY

A. Responsible Party to Have Command Authority

1. The Incident Command System (I.C.S.) shall be the command system used at multiple agency responses. Equipment at an emergency scene will ordinarily be operated by personnel from the department providing the equipment.
2. The first full-time, paid fire officer on scene will assume Incident Command and determine the need for continued response by other dispatched units or call for additional resources.
3. When both Parties are responding to the same emergency, and jurisdictional responsibility has been identified by arriving units, the Party providing automatic aid under this Agreement, shall work under the direction of the Party having jurisdictional authority in accordance with Government Code, Section 8618.
4. Once arriving on the scene, it shall be the responsibility of the senior fire officer from the Party having authority to assume IC and to summon additional personnel and equipment, if needed, to handle the emergency
5. The Party providing auto-aid shall remain on the scene of the emergency until released by the senior fire officer of the Party having authority.

B. Judicious Use of Personnel and Equipment

1. It shall be the responsibility of the senior fire officer of the Party having authority to utilize the staffing and equipment of the Party that is providing auto-aid only to the extent that is required to bring the emergency under control.

2. The Party providing auto-aid shall not be required to provide assistance for overhaul and clean-up operations after the fire or other emergency.

C. Order of Release

The staff and equipment from the Party providing auto-aid shall be the first released from the scene of an emergency.

III. OPERATIONAL PROCEDURES

The Parties will provide automatic aid under this Agreement in accordance with the attached "Operational Procedures" Exhibit 1.

IV. REPORTS

A. Structure or Multi-Jurisdiction Response

The Party having jurisdictional authority, when on the scene and in command of the emergency, will be responsible for completing all reports, including, but not limited to, reports mandated by local and state governmental agencies.

B. Report of Jurisdiction Providing Automatic-Aid

The Party providing auto-aid under this Agreement, upon request, shall provide the Party having jurisdictional authority with a report describing the details of the emergency and the auto-aid services provided.

C. Filing Reports

The Party having jurisdictional authority, when on the scene, shall be responsible for preparing, filing, recording and storing all required reports. If the Party having jurisdictional authority is not on the scene, the Party providing auto-aid shall be responsible for preparing, filing, recording, and storing of all required reports according to its standard procedure.

V. COMPENSATION

The parties acknowledge their mutual intention that the value of the services to be provided and received by each Party is intended to be equal. However, it is agreed that due to the location of available resources in Santa Clara County that this is not likely to be possible for SCC to meet that equally. To address that

inequity and as provided by the County Of Santa Clara Board of Supervisors direction, CRZ will invoice SCC for a sum up to \$25,000.00 annually to cover the inequity in service provided. And that sum to be paid to CRZ annually by SCC or the County of Santa Clara. The parties agree, however, that to the extent that compensation, including but not limited to statutory cost recover is available from third parties as a result of an incident in which response was rendered under this Agreement, it is the intention of the parties to cooperatively pursue such compensation, and to allocate any recovery prorata in accordance with the cost incurred by each party in providing response to the incident.

VI. LIABILITY/HOLD HARMLESS

Nothing in the provisions of this Agreement is intended to affect the legal liability of either party to this Agreement by imposing any standard of care different from the standard of care imposed by law.

Each party shall bear its own exposure for Workers' Compensation on its own personnel while furnished to the other party.

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of other parties hereto, their officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other parties under this Agreement.

VII. AGREEMENT NOT FOR BENEFIT OF THIRD PARTIES

This Agreement shall not be construed as, or deemed to be, an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action hereunder for any cause whatsoever. Any services performed or expenditures made in connection with this Agreement by either Party hereto

shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property which are situated within the respective jurisdictions of the parties.

VIII. TERM

This Agreement shall commence upon execution of this Agreement by both parties, and shall continue in full force and effect unless terminated as provided herein.

This Agreement may be terminated without cause by either CRZ or SCC upon written notice of termination given to the other party at least thirty (30) days in advance of the effective date of termination. Notice of termination shall be personally served or mailed, postage prepaid to the address designated beneath the signature of the parties hereto; or to such other address as may be designated by written notice.

IX. ENTIRE AGREEMENT

This Agreement contains all of the terms and conditions agreed to between the parties with automatic aid for the areas shown in the approved Service Area Exhibits and supercedes all prior agreements between the parties with respect to automatic aid in such areas.

X. AMENDMENTS TO CONTRACT

- A. Except as otherwise specified, the Agreement shall not be amended or altered without the written consent of both parties.
- B. The Fire Chiefs of the Parties shall have the authority to mutually add, delete or amend the Operational Procedures and Service Area Exhibits, including the areas in which auto-aid is to be provided along with the required staffing levels and the "Operational Procedures", as set forth in the Exhibit, and to execute any documents required to implement such amendments to the exhibits.

Any such amendment shall be mutually agreed upon and require the written consent of the Fire Chiefs of the Parties or their designees.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first herein above written.

<p>APPROVED AS TO FORM AND LEGALITY</p> <p>By: _____ (SCC Legal Counsel)</p>	<p>SOUTH SANTA CLARA COUNTY FIRE DISTRICT</p> <p>By: _____ Name: Title:</p>
<p>APPROVED AS TO FORM AND LEGALITY</p> <p>By: _____ Deputy County Counsel</p>	<p>SANTA CRUZ COUNTY FIRE DEPARTMENT</p> <p>By: _____ Name: Title:</p>

**AGENDA ITEM # 4
Attachment E**

South Santa Clara County Fire Annexation Analysis

Summary: TRA 72-001, 72-007, 80-008, 80-002, 72-003, 72-005, 87-034, 87-023, 87-022, 87-016, 87-024

(Remark: TRA 72-011 and APN 575-06-001 in TRA 80-060 have no value. APN 776-17-001, -002, -003 & -004 in TRA 87-004 has South County Fire already.)

Impact to Affected Jurisdictions of annexation (assume effective growth each Fiscal year of 2%)
(Note: Annexation only has impact to affected jurisdictions on AV **Increment**, but not the base)

FY 2013-14 AV \$172,722,100 (a)
 1% Tax Base Tax 1,727,221 (b) = (a)*0.01
 FY 2014-15 Estimated Increment 34,544 (c) = (b)*.02
 (assume growth at 2%)

Jurisdictions	Base Tax		Pre-Annexation		Post-Annexation		Tax Changes due to annex. YEAR 1	Tax Changes due to annex. YEAR 5	Tax Changes due to annex. YEAR 10
	Estimated Amount	Estimated Increment Amount	Estimated Tax Increment Amount	Estimated Total Tax Amount	Estimated Tax Increment Amount	Estimated Total Tax Amount	Estimated Impact	Estimated Impact	Estimated Impact
Santa Clara County	286,300	5,720	4,350	292,020	4,350	290,650	(1,370)	(1,513)	(1,670)
Santa Clara County Library	52,200	1,040	800	53,240	800	53,000	(240)	(265)	(293)
Loma Prieta Union Elementary	69,900	1,400	1,400	71,300	1,400	71,300	-	-	-
Los Gatos Union Elementary	25,900	520	520	26,420	520	26,420	-	-	-
Los Gatos-Saratoga High	68,900	1,380	1,380	70,280	1,380	70,280	-	-	-
Morgan Hill Unified	741,900	14,840	14,840	756,740	14,840	756,740	-	-	-
West Valley-Mission Community College	28,800	580	580	29,380	580	29,380	-	-	-
Gavilan Community College	94,300	1,890	1,890	96,190	1,890	96,190	-	-	-
County School Service	68,600	1,370	1,370	69,970	1,370	69,970	-	-	-
Mid-Peninsula Regional Open Space District	-	-	-	-	-	-	-	-	-
South Santa Clara County Fire Protection Dist.	-	-	3,030	-	3,030	3,030	3,030	3,345	3,694
Zone Santa Clara Valley Water District Central	1,700	30	30	1,730	30	1,730	-	-	-
Zone Santa Clara Valley Water District South	29,700	590	450	30,290	450	30,150	(140)	(155)	(171)
Zone 1	3,400	70	50	3,470	50	3,450	(20)	(22)	(24)
Santa Clara Valley Water District	-	-	-	-	-	-	-	-	-
South Santa Clara Valley Memorial District Bay Area Air Quality Management District	3,800	80	60	3,880	60	3,860	(20)	(22)	(24)
Coyote Resource Conservation District Loma Prieta Resource Conservation District	100	-	-	100	-	100	-	-	-
Santa Clara County Importation Water-Misc. District	800	20	10	820	10	810	(10)	(11)	(12)
ERAF	10,000	200	150	10,200	150	10,150	(50)	(55)	(61)
Total	240,900	4,820	3,640	244,540	3,640	244,540	(1,180)	(1,303)	(1,438)
	1,727,200	34,550	34,550	1,761,750	34,550	1,761,750	-	-	-

OVERVIEW OF LAFCO PROTEST PROCEEDINGS PROCEDURES

This application is a Non-100% Consent annexation proposal because it does not have consent from all of the property owners in the proposed annexation area. Therefore, following LAFCO approval of a Non-100% Consent annexation proposal, the LAFCO Executive Officer must hold protest proceedings (Government Code Section 57000(c)) as follows:

1. Within 35 days of the adoption of the resolution by the Commission, and not prior to the 30-day reconsideration period for a Commission decision, the Executive Officer shall notice the proposal for protest hearing (Government Code Section 57002(a)).
2. Notices are required to be posted and published 21 days prior to the hearing. Notices are required to be sent to each affected city, district or county, all landowners owning land within the subject area, all registered voters within the subject area, and to anyone requesting special notice (Government Code Section 57025(b), (c), and (d)). As part of the protest hearing notice, landowners and registered voters in the affected area will receive a written protest form which they may mail or deliver to the LAFCO office. Protest may be filed with LAFCO from the date of the notice until the conclusion of the protest hearing.
3. The hearing date should be between 21 to 60 days from the date of the notice (Government Code Section 57002(a)).
4. At the protest hearing, the Commission's resolution is summarized and any oral or written protests are heard or received. Protests may be filed with LAFCO from the date of the notice until the conclusion of the protest hearing. Written protests may be withdrawn anytime prior to conclusion of the protest hearing. The law specifies rules for a valid protest. (Government Code Section 57050(b))
5. Within 30 days after the hearing, a finding is made on the value of written protests filed and not withdrawn (Government Code Section 57052), and based on that value ((Government Code Section 57075(a)) a resolution is adopted that:
 - a. Terminates proceedings (Government Code Section 57075(a)(1))
 - b. Orders the proposal without an election (Government Code Section 57075 (a)(3)), or
 - c. Orders the proposal subject to confirmation by the registered voters, i.e., an election must be conducted (Government Code Section 57075 (a)(2)).
6. The finding is based solely on the percentage of valid written protests that were submitted prior to the close of hearing.
7. If an election must be conducted, LAFCO is required to inform the Board of Supervisors of the Commission's determination and request them to direct the elections official to conduct the election.

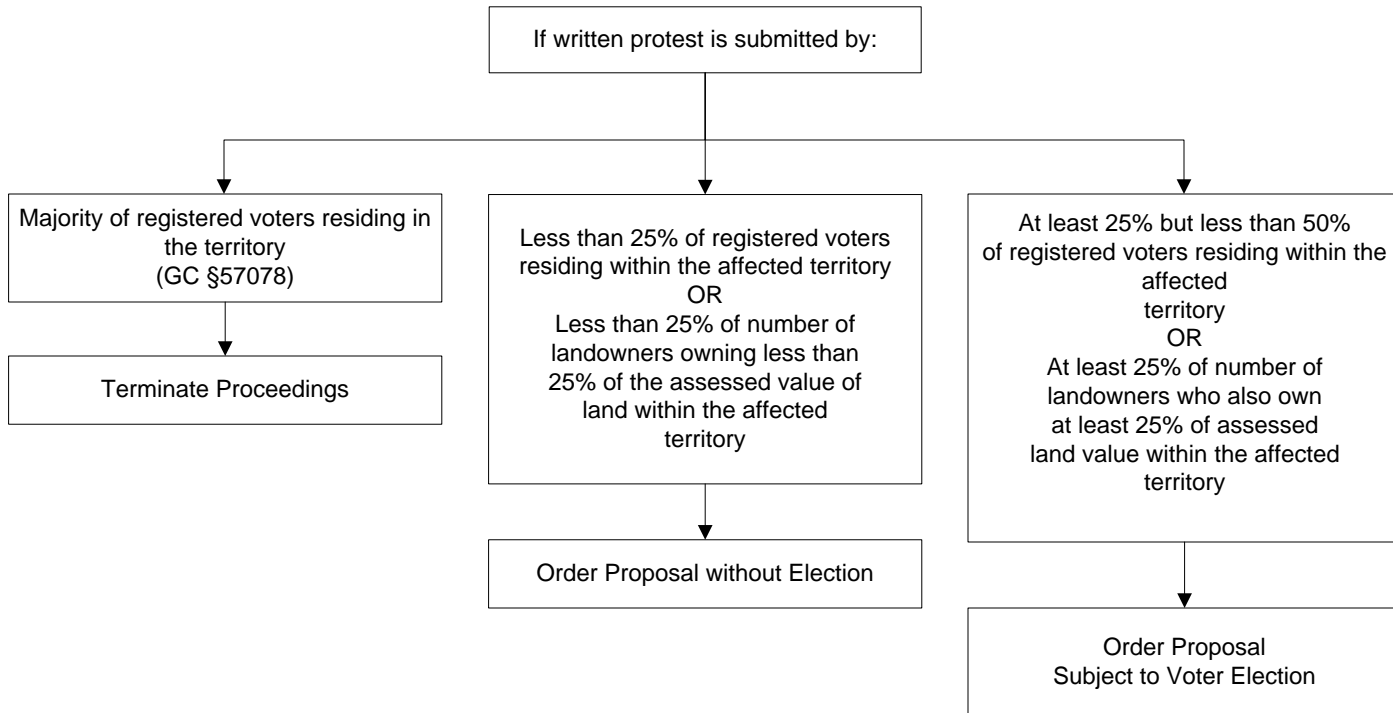
PROTEST THRESHOLDS

GC §57075

For change of organizations or reorganizations involving annexations and/or detachments

Inhabited* Proposals (GC §57075[a])

*Areas in which 12 or more registered voters reside (GC §56046)



LAFCO MEETING: October 1, 2014
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
Emmanuel Abello, Clerk
SUBJECT: LAFCO ANNUAL REPORT

STAFF RECOMMENDATION

Accept the 2013-2014 Annual Report (July 1, 2013 to June 30, 2014).

ANNEXATION & REORGANIZATION ACTIVITY

During Fiscal Year 2013-2014, LAFCO staff processed eleven city-conducted annexations approved by cities. They include one annexation of 9.62 acres to the City of Morgan Hill, six annexations to the Town of Los Gatos totaling 3.05 acres, one annexation of 75.3 acres to the City of Saratoga, and three annexations to the City of San Jose totaling 261.28 acres.

Additionally, LAFCO considered and conditionally approved the annexation of 2.68 acres to the City of San Jose (Evergreen No. 202).

LAFCO reviewed, approved and/or recorded two proposals involving annexations to special districts – one proposal involved an annexation to the Cupertino Sanitary District and the other was an annexation to the West Bay Sanitary District (WBSD) which was jointly processed with San Mateo LAFCO, as the principal LAFCO for WBSD.

ISLAND ANNEXATIONS

The City of Saratoga annexed two unincorporated islands (Area STG01 and Area STG07) totaling 137.20 acres and the City of Sunnyvale annexed one unincorporated island (Sunnyvale Pocket Annexation No. 2 (SV01-Central Expressway) totaling 4.3 acres.

LAFCO staff continues to work with interested cities (most recently the City of Saratoga) to coordinate the preparation of maps and reports by the County Surveyor's and Assessor's Offices and to provide information and advice on annexation policies and process. The City of Saratoga plans to initiate the annexation of their one remaining

unincorporated island (Area STG05) in the next couple of months. This island is greater than 150 acres and is not eligible for the streamlined annexation process.

URBAN SERVICE AREA AMENDMENTS AND SPHERE OF INFLUENCE AMENDMENTS

In March 2014, LAFCO partially approved an urban service area expansion of 10.6 acres to the City of Morgan Hill in October 2013. In December 2013, LAFCO considered and denied a landowner request for reconsideration of an urban service area expansion to the City of Morgan Hill. LAFCO also conditionally approved an amendment of the City of Monte Sereno's Urban Service Area and Sphere of Influence (SOI) consisting of the inclusion of 7.4 acres. In April 2014, LAFCO considered and conditionally approved an amendment of the City of San Jose's Urban Service Area consisting of 1.27 acres.

In December 2013, LAFCO forwarded a favorable recommendation to the San Mateo LAFCO for the amendment of West Bay Sanitary District's SOI to include 9.43 acres. This proposal was then by San Mateo LAFCO, as the principal LAFCO for the West Bay Sanitary District.

Additionally, as part of LAFCO's adoption of the Special Districts Service Review: Phase 2, LAFCO in December 2013:

1. Retracted the Cupertino Sanitary District's (CSD) SOI to include only territory within each city's Urban Service Area and lands outside of the Urban Service Areas that are already within the District's bounds. Additionally, LAFCO expanded CSD's SOI to include one specific area and retracted CSD's SOI to exclude three specific areas. Further details are provided in the service review report.
2. Retracted the West Valley Sanitation District's (WVSD) SOI to include only territory within each city's Urban Service Area and lands outside of the Urban Service Areas that are already within the District's bounds. Additionally, LAFCO expanded WVSD's SOI to include five specific areas and retracted WVSD's SOI to exclude three specific areas. Further details are provided in the service review report.

SERVICE REVIEWS AND SPHERE OF INFLUENCE UPDATES

State law mandates that each LAFCO conduct service reviews prior to or in conjunction with sphere of influence updates for districts and cities. The SOI must be reviewed and updated as necessary, once every 5 years. LAFCO is currently conducting its second round of service reviews and sphere of influence updates.

Special Districts Service Review: Phase 2

The second phase of the Special Districts Service Review includes a review of seven districts that provide sanitary sewer or wastewater collection service (i.e. Lake Canyon Community Services District, Lion's Gate Community Services District, Burbank Sanitary District, County Sanitation District 2-3, Cupertino Sanitary District, West Valley Sanitation District and West Bay Sanitary District) and a review of two open space

districts (Midpeninsula Regional Open Space District and Santa Clara County Open Space Authority). The Final Report, adopted by LAFCO in December 2013, includes recommendations for improving the accountability and transparency of these districts through changes in operations, management, and administration, and includes recommendation on potential governance structure alternatives, where applicable.

As directed by the Commission, staff requested a written response from each of the affected districts on how the agency plans to implement the recommendations presented in the Report, along with a time-frame for implementation, and an explanation if the agency does not plan to implement a recommendation. In April 2014, LAFCO staff provided a report to the Commission on each agency's status of implementation of LAFCO's recommendations.

Saratoga Fire Protection District Special Study

The Saratoga Fire Protection District Special Study Report, prepared to analyze cost savings and fiscal impacts of potential dissolution of the Saratoga Fire Protection District and the annexation of its territory to the Santa Clara County Central Fire Protection District, was released for public review in March 2014. At the June 4, 2014 public hearing, LAFCO accepted the Saratoga Fire Protection District Special Study Report and decided not to initiate dissolution of the District at that time; however, LAFCO requested that the District address specific issues identified in the Report to improve transparency and public accountability.

Work Plan for LAFCO's Cities Service Review

At the June 2014 meeting, LAFCO approved the work plan for LAFCO's Cities Service Review. The Service Review will include a review of the 15 cities. In addition to preparing the legally required determinations, the Cities Service Review will review current practices and explore future opportunities for collaboration amongst cities and other local agencies or organizations to achieve common goals and efficient delivery of services. The review will focus primarily on joint efforts and/or opportunities related to shared services, sprawl prevention/infill development, and preservation of agricultural lands.

IMPLEMENTATION OF RECOMMENDATIONS FROM LAFCO'S SERVICE REVIEWS

In December 2013, LAFCO completed service reviews and SOI updates for all the special districts in the county. LAFCO staff is monitoring the districts' implementation of LAFCO's recommendations. The following is a summary of some of the more complex issues on which LAFCO staff is conferring with and/or assisting the districts.

El Camino Healthcare District (ECHD) Audit and Service Review

In August 2013, LAFCO considered the District's one-year progress report on implementation of recommendations in LAFCO's ECHD Audit and Service Review. LAFCO acknowledged the significant progress made by the District and requested that ECHD continue to make improvements to its budget document and process, adopt a Capital Improvement Plan, integrate the various fund financing decisions into the

District's budget process and provide a copy of the District's FY 2015 Budget to LAFCO. LAFCO also requested that the District encourage the El Camino Hospital Corporation to consider how the Corporation's acquisitions outside ECHD boundaries would benefit the District and its residents. LAFCO staff has received a copy of the District's FY 2015 Budget and continues to work with the District to improve its budget document and process.

South Santa Clara Valley Memorial District

In October 2013 and June 2014, LAFCO considered reports from the District on its progress in implementing LAFCO's recommendations. In November 2013, the District hired an executive director. In May 2014, the District reported that it had made substantial progress in implementing LAFCO's recommendations, including launching its website and including information on the District's Board and each member's term of office. The District, through its website and announcements in local newspapers, has increased public awareness of the District and its facility and rental of the Veterans Hall has increased. A 5-Year audit of the District was conducted by a private firm in spring of 2014 and approved by the District in June 2014. Since that time, the District has implemented LAFCO's three remaining recommendations (i.e. adopting a reserve fund policy, adopting a capital improvement program, and adopting a policy regarding bidding procedures).

Rancho Rinconada Recreation and Park District and the City of Cupertino

As recommended in the Service Review Report, staff from the City of Cupertino and staff from the Rancho Rinconada Recreation and Park District (RRRPD) met on two separate occasions to discuss the identified governance structure alternatives, including the City absorbing the District. The two agencies also discussed ways in which they can partner regarding recreation programs. Based on these discussions, the City of Cupertino reported that it would not pursue further discussions to absorb the District. However, the City and RRRPD are pursuing a partnership in regards to several aquatic offerings in Fiscal Year 2015.

Burbank Sanitary District

Staff from LAFCO, the City of San Jose, and Burbank Sanitary District (BSD) met in April and June 2014 to discuss the service and governance alternatives outlined in the Service Review Report for BSD. Staff continues to work with the District staff and the City staff to identify a preferred alternative and next steps.

Lake Canyon Community Services District

In January 2014, LAFCO staff requested the Office of the County Clerk of the Board's (COB) assistance in encouraging the staff and members of the Lake Canyon Community Services District Board of Directors to submit Form 700 Statements of Economic Interest for proceeding years as required by law. In response, the COB stated that they will follow-up with the District's General Manager concerning his non-compliance and are

slated to report the cases concerning the District's Board of Directors to the Fair Political Practices Commission for further enforcement.

Lion's Gate Community Services District

LAFCO staff continues to work with the staff of the Lion's Gate Community Services District to encourage the District to implement LAFCO's recommendations in order to operate as a public agency, bring the District into legal compliance, and improve the accountability and transparency of the District. The District recently drafted a conflict of interest code. The District's Legal Counsel provided a draft of the code to the County Counsel's Office. In June 2014, County Counsel reviewed the draft and had several concerns with the draft code, as it excluded items from reporting contradictory to law. The District's Legal Counsel indicated that they will seek confirmation from the Fair Political Practices Commission that the District has to file a conflict of interest code. Unless and until the District has an adopted conflict of interest code, the District's staff and the District's Board of Directors cannot file Form 700 Economic Statement of Interest, as required by law.

COMMENT LETTERS ON POTENTIAL LAFCO APPLICATIONS

In order to ensure that LAFCO's concerns are considered as early as possible in the planning and development review process and prior to submittal of a LAFCO application, LAFCO provides comments to an agency during their project scoping and environmental review process. During Fiscal Year 2013-2014, staff provided comments on the following proposed project.

Morgan Hill's Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan Draft EIR and Final EIR

In February 2014, LAFCO, as a Responsible Agency under CEQA, provided a comment letter to the City of Morgan Hill on the City's Draft EIR for the proposed Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan. Staff identified significant deficiencies in the Draft EIR and requested that the City prepare a revised environmental document to address these deficiencies and then circulate the revised document to affected agencies and the public for their review and comment, as required by CEQA. In May 2014, the City released the Final EIR for the proposed project which included a response to LAFCO staff's comment letter. Staff reviewed the Final EIR and the City's response and found that the identified deficiencies still remain. In June 2014, LAFCO staff provided an additional comment letter to the City reiterating these concerns. The proposed project includes the conversion of hundreds of acres of prime agricultural lands and staff has been monitoring and providing comments to the City on this project due to its significance.

ADMINISTRATIVE ACTIVITIES

Preparation and Adoption of Annual Budget

LAFCO, at its February 5, 2014 meeting, established a Finance Committee consisting of Commissioners Khamis, Abe-Koga, and Hall, to work with staff to develop and

recommend the proposed FY 2014-2015 budget for consideration by the full Commission and to work on any other issues of a financial nature, as necessary. The Finance Committee met on March 7, 2014 to discuss several issues, including the status of LAFCO's current year work plan and budget, the need for review and revisions to the LAFCO fee schedule, and LAFCO's proposed work plan and budget for fiscal year 2015. The Finance Committee also met on May 23, 2014 to discuss compensation and classification for the LAFCO Executive Officer and Analyst positions and requested that the County review and consider appropriate compensation and classification for the LAFCO Executive Officer and LAFCO Analyst positions.

LAFCO adopted its Fiscal Year 2014-2015 Budget as recommended by the Finance Committee in June 2014.

Website Redesign

In June 2013, staff provided a preview demonstration of the new LAFCO website to the Commission. As part of the redesign process, LAFCO staff developed new content for the website including profiles of all special districts and revised filing requirements. The website also features a new Google Maps based mapping tool to allow mapping of districts and cities boundaries. The new website www.SantaClaraLAFCO.org was made available on-line in July 2014.

Electronic Agenda Packets for LAFCO

In January 2014, four LAFCO commissioners began using their own devices to access LAFCO's electronic agenda packets. Four other commissioners requested that they continue to receive a paper copy of the agenda packet and did not want a LAFCO issued iPad. One other commissioner and LAFCO staff members are using LAFCO issued ipads. The three remaining commissioners though initially interested in electronic agenda packets, have decided to continue to receive a paper copy of the agenda packet.

Agency Report of Public Official Appointments: Form 806

In March 2014, staff updated and posted the California Fair Political Practices Commission's Form 806 on LAFCO's website. The Form is used by public agencies to report additional compensation that public officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district, or joint powers agency or authority (FPPC Regulation 18705.5). Staff will update this form as applicable changes occur.

Revisions to the Amended and Restated MOU between LAFCO and the County

In October 2013, the Commission approved revisions to the amended and restated Memorandum of Understanding (MOU) between LAFCO and the County of Santa Clara that establishes the terms and conditions upon which the County will provide staffing, facilities and support services to LAFCO. As directed by the LAFCO Finance Committee, LAFCO Counsel worked closely with the County in order to reach agreement on text changes that are necessary to 1) establish a process for Executive Officer performance evaluation, 2) establish a process for hiring/firing of the Executive Officer; and 3)

establish appropriate salary ranges for all LAFCO staff. The County Board of Supervisors considered and approved the revisions to the MOU at its November 5, 2013 meeting.

Procedures for Performance Evaluations of the LAFCO Executive Officer and LAFCO Staff

In February 2014, the Commission approved procedures for conducting a performance evaluation of the LAFCO Executive Officer. As directed by the Commission, LAFCO Counsel worked closely with the County (County Executive's Office, County Counsel's Office and Employee Services Agency) to reach agreement on the procedure and criteria which would be used for the evaluation. Per the approved procedures, evaluations of the LAFCO Executive Officer will occur annually, typically in February.

2014 Performance Evaluations of the LAFCO Executive Officer and LAFCO Staff

LAFCO conducted a performance evaluation of the LAFCO Executive Officer at its April 2nd and June 4th meetings. The LAFCO Executive Officer conducted performance evaluations of the LAFCO Analyst and the LAFCO Clerk in March 2014.

Rescind Policies on Disclosure of Political Expenditures Regarding LAFCO Proceedings

In August 2013, the Commission rescinded LAFCO's "Policies on Disclosure of Political Expenditures Regarding LAFCO Proceedings." In 2008, State law was revised by AB 1998 and then subsequently a clean-up of the legislation occurred. Prior to adoption AB 1998, LAFCOs were responsible for receiving election disclosure reports (or delegating the responsibility to the County) and enforcing these requirements. However, the Fair Political Practices Commission is now generally responsible for enforcing disclosure requirements and receiving disclosure forms. Therefore, LAFCO's policies were no longer applicable and were formally rescinded by the Commission.

LAFCO Bylaws

In 2014, staff, in consultation with LAFCO's Legal Counsel, conducted a review of LAFCO's "Rules and Procedures" and determined that this document was no longer applicable due to changes in State law and changes in LAFCO's operations. In April 2014, LAFCO adopted a set of bylaws to replace the outdated "Rules and Procedures." In June 2014, the Commission revised the bylaws to make a minor clarification.

PARTICIPATION IN CALAFCO ACTIVITIES

As a dues paying member of the California Association of LAFCOs, Santa Clara LAFCO is actively involved in CALAFCO activities. The following is a summary of our participation during this fiscal year:

CALAFCO Legislative Committee

Executive Officer Palacherla serves on CALAFCO's Legislative Committee which meets regularly during the legislative session to propose new legislation to help clarify LAFCO

procedures or to address LAFCO issues, and to discuss and take positions on proposed legislation affecting LAFCOs. In Fiscal Year 2014, the Committee worked on several issues including those related to groundwater management agencies, infrastructure funding for disadvantaged unincorporated communities, and fixing the VLF gap for newly incorporated cities/ inhabited annexations to cities; and preparing the annual CKH Act Omnibus bill.

2014 CALAFCO Annual Conference

In August 2013, LAFCO staff and Commissioner Constant attended the 2013 CALAFCO Conference that was held in North Lake Tahoe. Commissioner Constant was a panelist for a general session entitled "LAFCO Today and Tomorrow" and discussed how Santa Clara LAFCO is using service reviews as a tool for providing greater oversight of local agencies.

CALAFCO Lifetime Achievement Award

Commissioner Vicklund Wilson received the 2013 CALAFCO Lifetime Achievement Award in recognition of her many contributions and dedicated service to LAFCO and CALAFCO over the last 18 years. The award was accepted by Commissioner Constant on Commissioner Wilson's behalf.

2013 CALAFCO Staff Workshop

In late April 2014, LAFCO staff attended the 2014 CALAFCO Annual Staff Workshop in Berkeley which was hosted the Bay Area LAFCOs, including LAFCO of Santa Clara County. Staff participated in the planning of the workshop and Executive Officer Palacherla was a panelist on a session entitled "Municipal Service Reviews for a Brave New World."

CALAFCO U Course

On February 13, 2014, Executive Officer Palacherla served as an instructor for a CALAFCO University Course on protest provisions found in the Cortese Knox Hertzberg Act, titled: Navigating the New Protest Provisions, Charting Future Changes. CALAFCO offers courses for LAFCO commissioners, staff, consultants and stakeholders on various topics throughout the year.

PARTICIPATION ON REGIONAL OR COUNTYWIDE ASSOCIATIONS / ISSUES

The following is a summary of the various meetings that LAFCO staff attends and/ or contributes its expertise.

Participation in the Meetings of Santa Clara County Special Districts Association

Executive Officer Palacherla attends the quarterly meetings of the Santa Clara County Special Districts Association and provides an update to the Association on LAFCO activities that are of interest to special districts.

Participation in the Meetings of the Santa Clara County Association of Planning Officials (SCCAPO)

LAFCO staff continues to periodically attend the meetings of the Santa Clara County Association of Planning Officials and provides an update to SCAAPO on LAFCO activities that are of interest to cities.

Participation on the Inter-Jurisdictional GIS Working Group

Analyst Noel continues to participate in the monthly meetings of the Inter-Jurisdictional GIS Working Group which includes staff from County Planning, County ISD, County Surveyor, County Assessor, County Communications and Dispatching, County Registrar of Voters, and County Roads and Airports. The Group systematically reviews and resolves various city, special district, and tax rate area boundary discrepancies that affect the various county departments, LAFCO, and those that rely on accuracy of the County's GIS data. The decisions of the Group, including references to specific recorded maps and legal descriptions, are documented in a GIS change layer that is maintained by the County Planning Office.

Santa Clara County General Plan Health Element Staff Advisory Committee (SAC) Meeting

LAFCO staff participates on the County of Santa Clara's Staff Advisory Committee (SAC) for the new Health Element to the County General Plan. The Health Element comprehensively addresses the many diverse aspects and policy issues related to public health and planning in the county. Staff attended the June 2014 meeting of the SAC and provided feedback on the final draft Health Element.

OTHER

Resolution Commemorating the 50th Anniversary of LAFCO

In August 2013, the Commission adopted a resolution commemorating the 50th anniversary of LAFCO's founding and honoring Santa Clara LAFCO commissioners, who over these 50 years, served on LAFCO and helped LAFCO fulfill its mandate. LAFCO's resolution was displayed at the 2013 CALAFCO Conference as part of CALAFCO's celebration of this milestone. Additionally, the San Jose City Council adopted and presented a Resolution commemorating LAFCO's 50th Anniversary to the Commission on August 20, 2013. Similarly, the Santa Clara County Board of Supervisors adopted and presented a Resolution commemorating LAFCO 50th Anniversary to the Commission on August 27, 2013.

Annexation Workshop for Cities

In April 2014, staff conducted a workshop for city staff involved in processing annexations. LAFCO staff presented information on how the annexation process works, when protest proceedings and elections are required, and when service responsibilities and taxes get transferred to the city. Staff also discussed LAFCO's policies on orderly development and the filing requirements for annexation applications and informed attendees about recent changes in island annexation law and the incentives that are available for cities for annexing islands. Staff from eight cities and the County, representing various departments, and private consultants attended the workshop and

received detailed handouts outlining and diagramming the specific steps and requirements for processing city-conducted annexations. The workshop also allowed attendees to discuss some of the coordination issues that they have encountered following completion of large annexations, such as code enforcement and obtaining planning and building permit records from the County. Following the workshop staff sent an email to attendees requesting that they provide feedback on the workshop by completing a brief anonymous on-line survey. The workshop and handouts prepared by staff received very high marks from the attendees that responded to the on-line survey.

Certificate of Appreciation for Outstanding Service to LAFCO

In February 2014, LAFCO presented Certificates of Appreciation to Valerie Altham (Graphic Designer II, Office of the County Executive), Greg Bazhaw (GIS Analyst, Santa Clara County Planning), and Steve Borgstrom (GIS Technician II, Santa Clara County Planning) for their outstanding service to LAFCO for their technical assistance in the areas of GIS and graphic design.

COMMISSION AND STAFF CHANGES

In August 2013, the Santa Clara County Board of Supervisors appointed County Supervisor Cindy Chavez as the County's representative to LAFCO replacing the seat vacated by County Supervisor Joe Simitian, who resigned from LAFCO in April 2013. The County Board of Supervisors also appointed County Supervisor Ken Yeager as their alternate representative to LAFCO replacing Alternate Commissioner George Shirakawa who resigned from the Santa Clara County Board of Supervisors in March 2013, thus ending his term on LAFCO.

In January 2014, the San Jose City Council appointed Johnny Khamis as the City of San Jose's representative on LAFCO, replacing Commissioner Pete Constant. The San Jose City Council then appointed Pete Constant as their alternate representative on LAFCO, replacing Alternate Commissioner Johnny Khamis. Commissioner Khamis' and Commissioner Constant's terms on LAFCO will expire in May 2016.

There is no change in the level of LAFCO staffing from the previous year. All three positions (Executive Officer, Analyst and Clerk) are staffed at a full time level. LAFCO continues to retain the firm of Best Best & Krieger for legal services on a monthly basis with Malathy Subramanian serving as LAFCO Counsel. Other staff that regularly assist with LAFCO work include staff from the County Surveyor's Office and staff from the County Assessor's Office.

ATTACHMENT

Attachment A: Record of LAFCO Application Processing Activity FY 2013-2014

LAFCO APPLICATION PROCESSING RECORD
JULY 1, 2013 TO JUNE 30, 2014

CITY CONDUCTED ANNEXATIONS

CITY	PROPOSAL NAME	DATE RECORDED	DOCUMENT #	ACREAGE APPROVED
Los Gatos	Blossom Hill Manor No. 13	05/09/14	22591661	0.41
	El Gato Lane No. 2	06/12/14	22620015	0.87
	Englewood Avenue No. 9	10/29/13	22430629	0.49
	Englewood Avenue No. 10	03/20/14	22548941	0.58
	Shannon Road No. 25	10/29/13	22430630	0.26
	Shannon Road No. 26	07/12/13	22299435	0.44
				<i>City Total</i>
Morgan Hill	Monterey Road No. 6	6/27/2014	22633162	9.62
				<i>City Total</i>
San Jose	Burbank No. 42	02/18/14	22520861	1.20
	Moorpark No. 22	02/18/14	22520862	1.14
	Snell No. 30 (Martial-Cottle Park Annexation)	10/07/13	22408452	258.94
				<i>City Total</i>
Saratoga	The Quarry Annexation	05/09/14	22592473	75.3
				<i>City Total</i>
<i>Total City Conducted Annexations Acreage</i>				273.95

ISLAND ANNEXATIONS

CITY	PROPOSAL NAME	DATE RECORDED	DOCUMENT #	ACREAGE APPROVED
Saratoga	Area STG01	05/09/14	22592475	31.44
	Area STG07	05/09/14	22592474	105.76
				<i>City Total</i>
Sunnyvale	Sunnyvale Pocket Annexation No. 2 (SV01-Central Expressway)	03/03/14	22532326	4.3
				<i>City Total</i>
<i>Total Island Annexations Acreage</i>				141.5

LAFCO HEARD CHANGE OF ORGANIZATION

CITY	PROPOSAL NAME	LAFCO ACTION	DOCUMENT #	ACREAGE APPROVED
San Jose	Evergreen No. 202	Approved with Conditions 04/02/14	None	2.68*

ANNEXATIONS TO SPECIAL DISTRICTS

AGENCY	PROPOSAL NAME	LAFCO ACTION	DOCUMENT # DATE RECORDED	ACREAGE APPROVED
Cupertino Sanitary District	Cupertino Sanitary District (Prospect-Blue Hills)	Approved 02/05/14	22565712 04/10/14	5.88
West Bay Sanitary District	West Bay Sanitary District SOI Amendment and Annexation (830 Los Trancos Road)	Forwarded recommendations to San Mateo LAFCO 04/02/14	LAFCO Resolution No. 2014-02 04/02/14	9.43**

SPHERE OF INFLUENCE AMENDMENTS

AGENCY	PROPOSAL NAME	LAFCO ACTION	DOCUMENT # DATE RECORDED	ACREAGE APPROVED
Monte Sereno	Monte Sereno USA Amendment 2013 – 16290 Lucky Road	Approved with Conditions 12/04/13***	None	7.4*
West Bay Sanitary District	West Bay Sanitary District SOI Amendment and Annexation (830 Los Trancos Road)	Forwarded recommendations to San Mateo LAFCO 04/02/14	LAFCO Resolution No. 2014-02 04/02/14	9.43**

* The city is yet to complete the condition(s) set by LAFCO. The boundary has not changed.

** San Mateo LAFCO will consider the application.

***The approval will expire on 12/04/14 if the City of Monte Sereno does not comply with the conditions.

SPHERE OF INFLUENCE AMENDMENTS (Continued)

AGENCY	PROPOSAL NAME	LAFCO ACTION	DOCUMENT # DATE RECORDED	ACREAGE APPROVED
West Valley Sanitation District	Special Districts Service Review: Phase 2	SOI Amendments as part of Service Review 12/04/13	LAFCO Resolution No. 2013-06 12/04/13	unspecified
Cupertino Sanitary District	Special Districts Service Review: Phase 2	SOI Amendments as part of Service Review 12/04/13	LAFCO Resolution No. 2013-06 12/04/13	unspecified

URBAN SERVICE AREA AMENDMENTS

AGENCY	PROPOSAL NAME	LAFCO ACTION	DOCUMENT # DATE RECORDED	ACREAGE APPROVED
Morgan Hill	Morgan Hill USA Amendment 2012 (Monterey-South Watsonville)	Approved Partially 10/02/13	22535228 03/04/14	10.6
	Request for Reconsideration – 10/02/13 LAFCO Action on Morgan Hill USA Amendment 2012	Denied 12/04/13	None	0.00
San Jose	San Jose USA Amendment 2014 and Evergreen No. 202	Approved with Conditions 04/02/14	None	1.27*
Monte Sereno	Monte Sereno USA Amendment 2013 – 16290 Lucky Road	Approved with Conditions 12/04/13*** ---- Approval expires on 12/04/14	None	7.4*

* The city is yet to comply with the condition(s) set by LAFCO. The boundary has not changed.

*** The approval will expire on 12/04/14 if the City of Monte Sereno does not comply with the conditions.

LAFCO MEETING: October 1, 2014
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, LAFCO Analyst
SUBJECT: AMENDMENT OF LAFCO'S CONFLICT OF INTEREST CODE

For Information Only.

The Political Reform Act requires a public agency to adopt a Conflict of Interest Code, review it every even numbered year and update it as necessary.

The Santa Clara County Board of Supervisors is the code-reviewing body for LAFCO and other local agencies located within this County. As part of the biennial review process, the County Counsel's Office recommended several changes to LAFCO's Conflict of Interest Code and noted that since these are amendments directed by County Counsel and since they are non-substantive changes that do not impact the filer, no formal action is required by the Commission prior to the Board of Supervisors approval of the revisions.

Staff has transmitted the revised Conflict of Interest to the County for approval by the Board of Supervisors.

ATTACHMENTS

- Attachment A: Proposed revisions to LAFCO's Conflict of Interest Code (clean version)
- Attachment B: Legislative version (redlined version showing changes) of LAFCO's Conflict of Interest Code

**CONFLICT OF INTEREST CODE OF THE
LOCAL AGENCY FORMATION COMMISSION
OF SANTA CLARA COUNTY**

The Political Reform Act, California Government Code sections 81000, et seq. (the “Act”), requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations section 18730), that contains the terms of a standard conflict of interest code, which can be incorporated by reference into an agency’s code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference . This incorporation page, Regulation 18730, and the attached Appendix designating positions and establishing disclosure categories, shall collectively constitute the Conflict of Interest Code (the “Code”) of the **Local Agency Formation Commission of Santa Clara County (“LAFCO”)**.

All officials and designated positions shall file their statements of economic interests with the **LAFCO Clerk**, as LAFCO’s Filing Official. If a statement is received in signed paper format, the **LAFCO Clerk** shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If a statement is electronically filed using the County of Santa Clara’s Form 700 e-filing system, both the **LAFCO Clerk** and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously. The **LAFCO Clerk** will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code section 81008).

Amended per County Counsel Notice dated June 27, 2014.

Approved by the County of Santa Clara Board of Supervisors Date: _____

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

LOCAL AGENCY FORMATION COMMISSION

OF SANTA CLARA COUNTY

EXHIBIT 'A'

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

LAFCO Officials who manage public investments, as defined by 2 California Code of Regulations section 18701(b), are NOT subject to LAFCO's Code, but must file disclosure statements under Government Code section 87200, et seq. (2 California Code Regulations. §18730(b)(3).) These positions are listed here for informational purposes only.

It has been determined that LAFCO currently has no officials who manage public investments.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORY</u> <u>ASSIGNED</u>
Commissioner	1
Alternate Commissioner	1
Executive Officer	1
Assistant Executive Officer/ Analyst	1
General Counsel	1
Consultant	2
Newly Created Position	*

***Newly Created Positions**

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in an agency's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Executive Officer may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest

disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

As soon as the Commission has a newly created position that must file statements of economic interests, the Commission shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the Commission shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the Commission shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

EXHIBIT 'B'

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.

Disclosure Category 1: (a) All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in, or own real property within the jurisdiction of LAFCO; and (b) All interests in real property which is located in whole or in part within, or not more than two miles outside, the jurisdiction of LAFCO, or of any land owned or used by LAFCO.

Disclosure Category 2: Individuals serving as a consultant as defined in FPPC Reg 18701 must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

.

**CONFLICT OF INTEREST CODE OF THE
LOCAL AGENCY FORMATION COMMISSION
OF SANTA CLARA COUNTY**

The Political Reform Act, California Government Code sections 81000, et seq. (the “Act”), requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations section 18730), that contains the terms of a standard conflict of interest code, which can be incorporated by reference into an agency’s code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference . This incorporation page, Regulation 18730, and the attached Appendix designating positions and establishing disclosure categories, shall collectively constitute the Conflict of Interest Code (the “Code”) of the **Local Agency Formation Commission of Santa Clara County (“LAFCO”)**.

All officials and designated positions shall file their statements of economic interests with the **LAFCO Clerk**, as LAFCO’s Filing Official. ~~The LAFCO Clerk shall make and retain a copy of all statements and forward the originals to the Clerk of the Board of Supervisors of the County of Santa Clara.~~ If a statement is received in signed paper format, the LAFCO Clerk shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If a statement is electronically filed using the County of Santa Clara’s Form 700 e-filing system, both the LAFCO Clerk and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously. The **LAFCO Clerk** will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code section 81008).

Formatted: Font: Bold

Formatted: Font: Bold

Amended ~~by LAFCO Resolution #: 2012 _____ Date: December 12, 2012.~~ per County Counsel Notice dated June 27, 2014.

Approved by the County of Santa Clara Board of Supervisors Date: _____

Effective: _____

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

LOCAL AGENCY FORMATION COMMISSION

OF SANTA CLARA COUNTY

EXHIBIT ‘A’

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

LAFCO Officials who manage public investments, as defined by 2 California Code of Regulations section 18701(b), are NOT subject to LAFCO’s Code, but must file disclosure statements under Government Code section 87200, et seq. (2 California Code Regulations. §18730(b)(3).) These positions are listed here for informational purposes only.

It has been determined that LAFCO currently has no officials who manage public investments.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS’</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORY</u> <u>ASSIGNED</u>
Commissioner	1
Alternate Commissioner	1
Executive Officer	1
Assistant Executive Officer/ Analyst	1
General Counsel	1
Consultant	2
Newly Created Position	<u>2*</u>

***Newly Created Positions**

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in an agency’s conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Executive Officer may determine in writing that a particular newly created position, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest

Formatted: Justified

disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

As soon as the Commission has a newly created position that must file statements of economic interests, the Commission shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the Commission shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Formatted: Justified

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the Commission shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

Formatted: Justified

EXHIBIT 'B'

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.

Disclosure Category 1: (a) All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in, or own real property within the jurisdiction of LAFCO; and (b) All interests in real property which is located in whole or in part within, or not more than two miles outside, the jurisdiction of LAFCO, or of any land owned or used by LAFCO.

Disclosure Category 2: Individuals serving as a consultant as defined in FPPC Reg 18701 ~~or in a newly created position~~ must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

LAFCO MEETING: October 1, 2014
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: EXECUTIVE OFFICER'S REPORT

7.1 UPDATE ON THE CITY OF MORGAN HILL'S SOUTHEAST QUADRANT PROJECT

For Information Only.

LAFCO Comment Letter on the Final EIR for the Southeast Quadrant Project

In February 2014, LAFCO, as a Responsible Agency under CEQA, provided a comment letter to the City of Morgan Hill on the City's Draft EIR for the proposed Citywide Agricultural Preservation Program and Southeast Quadrant (SEQ) Land Use Plan. Staff identified significant deficiencies in the Draft EIR and requested that the City prepare a revised environmental document to address these deficiencies and then circulate the revised document to affected agencies and the public for their review and comment, as required by CEQA. In May 2014, the City released the Final EIR for the proposed project which included a response to LAFCO staff's comment letter. Staff reviewed the Final EIR and the City's response and found that the identified deficiencies still remain. In June 2014, LAFCO staff provided an additional comment letter to the City reiterating these concerns. **(See Attachment A)**

Meetings of the Local Agencies and Upcoming Meeting with Morgan Hill Staff

Staff from the four local agencies (County, City of Morgan Hill, and Santa Clara County Open Space Authority) continue to meet in order to achieve a more desirable outcome in the SEQ as it relates to agricultural lands preservation and other goals. In addition to abovementioned concerns regarding the City's CEQA analysis for this project, LAFCO staff continues to have concerns about the City's planning process and the proposed project's consistency with LAFCO's mandate and policies. LAFCO staff will be meeting with City staff in the next couple of days and will provide a more comprehensive status report to the Commission at the October 1, 2014 meeting.

7.2 A SUMMIT ON THE IMPORTANCE OF LOCAL FARMLAND TO SANTA CLARA VALLEY'S FUTURE HEALTH AND WELL-BEING

For Information Only.

On September 17, American Farmland Trust in partnership with Santa Clara LAFCO and Committee for Green Foothills held a Summit on the Importance of Local Farmland to Santa Clara Valley's Future and Well-Being. The purpose of the event was to bring together leaders and policy makers with the goal of broadening the dialogue about the need for local farmland preservation in Santa Clara County.

Nearly 70 individuals, including elected officials and staff from state and local agencies, agricultural and open space preservation organizations, and local farmers/ranchers attended the Summit. The Summit included presentations from experts representing various state and local land conservation agencies; national and state farmland preservation organizations; and local organizations that represent and/or work with farmers. The Summit also included a facilitated breakout tables discussion and a town hall discussion.

Opening remarks were provided by Ed Thompson (California Director, American Farmland Trust) who offered a unique perspective on why farmland is and will be even more important to Santa Clara Valley's health and well-being in the future.

In Session #1, Dr. Glenda Humiston (California Director, USDA Rural Development) and Mark Nechodom (Director, California Department of Conservation) each shared their thoughts on why one should care about local agriculture in Santa Clara County. Joseph McIntyre (Executive Director for Ag Innovations Network) then moderated a question and answer session on this topic..

In Session #2, Matt Gerhart (Deputy Program Manager, California Coast Conservation), and Andrea Mackenzie (General Manager, Santa Clara County Open Space Authority) shared their thoughts on why we need to build and grow a viable local agricultural sector to support sustainable communities and what are the opportunities to be gained from safeguarding and investing in local farmland. Bill Shoe (Principal Planner, Santa Clara County) discussed the County's draft Health Element and the connections between local food production and health. This session was moderated by LAFCO Commissioner Susan Vicklund Wilson.

In Session #3, Amie MacPhee (Founder, Cultivate Studio) shared her experience working successfully with communities to plan for agricultural preservation, Pete Aiello (President, Santa Clara County Farm Bureau and Uesugi Farm) discussed the opportunities and challenges of running a major farm operation in the county, and Reggie Knox (Executive Director, California Farmlink) discussed how his organization is assisting new farmers and connecting them with financing and leasing opportunities. This session was moderated by LAFCO Commissioner Linda J. LeZotte.

Mr. McIntyre then moderated a lively town hall discussion on what was needed to promote agriculture and conserve farmlands in Santa Clara County. Some of the major ideas discussed included identifying influential leaders to advocate for this issue, connecting/partnering with the technology sector, exploring opportunities for generating funds for farmland preservation through charitable giving and venture capitalist funds, creating a shared vision, increasing public awareness of the multiple benefits that local farmland provides to communities, and taking a more proactive approach for raising awareness and addressing this issue.

Attendees expressed a strong interest in using the momentum generated from the Summit to keep the discussion moving forward. Staffs from LAFCO, American Farmland Trust, Committee for Green Foothills, and others are currently identifying potential next steps for the group or for individual agencies and organizations.

PowerPoint presentations and other materials related to the Summit are posted on the LAFCO website at www.santaclaralafco.org.

7.3 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETING

For Information Only.

Executive Officer Palacherla attended the quarterly meeting of the Santa Clara County Special Districts Association and provided attendees with information on LAFCO's upcoming Cities Service Review, its new website and the Ag Summit.

7.4 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING

For Information Only.

Analyst Noel attended the August and September meetings of the Inter-Jurisdictional GIS Working Group that includes staff from various county departments that use and maintain GIS data, particularly LAFCO related data. At the meeting, participants shared updates on current GIS and boundary change activities within their department or agency.

7.5 UPDATE ON PACHECO PASS WATER DISTRICT

For Information Only.

On July 24, Analyst Noel attended a meeting with staff representatives of the San Benito LAFCO, Pacheco Pass Water District (PPWD), San Benito County Water District and Santa Clara Valley Water District to discuss potential governance options for the Pacheco Pass Water District (as identified in LAFCO's 2011 Countywide Water Service Review) and how best to manage the District's physical assets and services and complete essential capital improvements for the District's North Fork Dam.

On September 19, Santa Clara LAFCO staff conferred with the Santa Clara Valley Water District staff who expressed interest in further exploring the option of dissolving the

Pacheco Pass Water District and having LAFCO appoint the Santa Clara Valley Water District and San Benito Water District as the two successor agencies, such that PPWD's assets in Santa Clara County (e.g. North Fork Dam and associated revenues) would be transferred to the Santa Clara Valley Water District; and PPWD's assets in San Benito County (e.g. smaller dam and revenues) would be transferred to San Benito Water District. LAFCO staff is currently working with San Benito LAFCO staff to identify appropriate procedures necessary to facilitate this.

ATTACHMENT

Attachment A: LAFCO Letter dated June 9, 2014 to the City of Morgan Hill regarding Comments on the Final EIR for the Citywide Agriculture Lands Preservation Program and the South East Quadrant Land Use Plan



June 9, 2014

VIA E-MAIL [Andrew.Crabtree@morganhill.ca.gov]

Andrew Crabtree
Community Development Director
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

RE: Comments on Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan Final Environmental Impact Report

Dear Mr. Crabtree:

Thank you for providing the Local Agency Formation Commission of Santa Clara County (LAFCO) with an opportunity to review and comment on the Final Environmental Impact Report (FEIR) for the City of Morgan Hill's Agriculture Preservation Program and Southeast Quadrant Land Use Plan ("Project"). As you know, LAFCO has provided numerous comment letters to the City outlining LAFCO's concerns regarding various aspects of the Project. Most recently on February 18, 2014, LAFCO and its legal counsel submitted extensive comments to the City regarding the Project. As stated therein, the Draft EIR for the Project fails to satisfy the requirements of the California Environmental Quality Act.

As limited examples, and as detailed in these previous comment letters, the Draft EIR segments the environmental analysis; improperly defers environmental analysis by conducting programmatic review of project-level proposals; fails to sufficiently mitigate significant impacts to agricultural resources; fails to adequately analyze impacts to agricultural resources, air quality, public services and utilities, and utility systems; and also fails to analyze a reasonable range of alternatives. Furthermore, the Project is inconsistent with several LAFCO policies against which the Project will later be evaluated by LAFCO for its approvals.

Although LAFCO appreciates the City's efforts to address the comments presented in its letters, the Final EIR fails to remedy the identified deficiencies, and the responses themselves do not comport with the requirements of CEQA. When significant environmental issues are raised in comments on a Draft EIR, like those raised by LAFCO, CEQA requires that the response must be detailed and must provide a reasoned, good faith analysis. (State CEQA Guidelines, § 15088(c); see *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615 [Failure of a

70 West Hedding Street • 11th Floor, East Wing • San Jose, CA 95110 • (408) 299-5127 • www.santaclara.lafco.ca.gov

COMMISSIONERS: Cindy Chavez, Sequoia Hall, Johnny Khamis, Margaret Abe-Koga, Linda J. LeZotte, Mike Wasserman, Susan Vicklund Wilson

ALTERNATE COMMISSIONERS: Pete Constant, Yoriko Kishimoto, Terry Trumbull, Cat Tucker, Ken Yeager

EXECUTIVE OFFICER: Neelima Palacheria

lead agency to respond to comments raising significant environmental issues frustrates CEQA's informational purpose and may render the EIR legally inadequate].)

Rather than clarifying the issues raised by LAFCO, and others, including the County of Santa Clara, the Santa Clara County Open Space Authority and various environmental organizations, the Final EIR neglects to adequately respond to the comments, and in many cases adds to the confusion identified in the comments concerning the scope of the Project and the analysis of its environmental impacts.

For the foregoing reasons, we urge the City Council not to certify the EIR or approve the Project because to do so would violate the procedural and substantive mandates of CEQA. We once again thank the City for the opportunity to review the EIR, and LAFCO staff remains available should the City wish to discuss LAFCO's concerns.

Sincerely,



Neelima Palacherla
Executive Officer
LAFCO of Santa Clara County



Malathy Subramanian
General Counsel
LAFCO of Santa Clara County

Attachment A: LAFCO's February 18, 2014 Letter: Draft Environmental Impact Report for the Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan

Attachment B: LAFCO Counsel's February 18, 2014 Letter: Comments on Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan Draft Environmental Impact Report (SCH# 2010102010)



February 18, 2014

VIA EMAIL

Rebecca Tolentino, Senior Planner
Development Services Center
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037-4128

Re: Draft Environmental Impact Report for Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan

Dear Ms. Tolentino

Thank you for providing the Santa Clara County Local Agency Formation Commission (LAFCO) with an opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the City of Morgan Hill's Proposed Southeast Quadrant Land Use Plan and Citywide Agriculture Preservation Program. Furthermore, thank you for extending the public comment period to February 18th and for discussing the proposed project with LAFCO staff on February 5th.

It is our understanding that, as part of the proposed project, the City intends to apply to LAFCO in order to expand its Urban Service Area (USA) boundary to facilitate the City's eventual annexation of certain lands and also in order to annex additional lands outside of its USA boundary. Therefore, LAFCO is a Responsible Agency under CEQA for the City's proposed project. LAFCO staff and LAFCO's Legal Counsel (Attachment A) have reviewed the City's DEIR & Citywide Agriculture Preservation Program and have provided the following comments for the City's consideration.

Separation of the SEQ Land Use Plan from the City's General Plan Update Process that is Currently in Progress is a Violation of Rational Planning Practices and CEQA Procedures

As we understand it, the scope of the City's proposed project is extensive; it involves major changes to the City's General Plan and includes at least the following:

Changes to Existing Growth Management Boundaries and Jurisdictional Boundaries

- Expanding the City's Urban Limit Line to include 840 acres in the SEQ.
- Expanding the City's Urban Growth Boundary to include 659 acres in the SEQ.
- Expanding the City's Urban Service Area to include 305 acres in the SEQ.
- Annexing 759 acres of the SEQ into the City Limits

<p>Creation of a New Land Use Designation in the City’s General Plan and Creation of a New Zoning Districts</p> <ul style="list-style-type: none"> • Create a Sports-Recreation-Leisure land use designation and zoning district
<p>Application of City Land Use Designations to Lands in the SEQ Apply the following land use designations to SEQ lands:</p> <ul style="list-style-type: none"> • Sports-Recreation-Leisure: 251 acres • Residential Estate: 76 acres • Public Facilities: 38 acres • Open Space: 445 acres • Rural County: 480 acres
<p>Application of City Zoning Designations to Lands in the SEQ Apply the following zoning district designations to SEQ lands:</p> <ul style="list-style-type: none"> • Sports-Recreation-Leisure (142 acres in Subdistrict A and 109 acres in Subdistrict B): 251 acres • Residential Estate: 9 acres • Public Facilities (with a Planned Development overlay): 38 acres • Open Space (with a Planned Development overlay): 461 acres • 531 acres will remain under County Jurisdiction with the County’s A-20 Acre (Exclusive Agriculture 20-acre minimum) Designation
<p>Establishment of Citywide Policies / Programs re. Agricultural & Open Space Lands</p> <ul style="list-style-type: none"> • Development of Agricultural Preservation Policies and Mitigation
<p>Development Proposals in the SEQ</p> <ul style="list-style-type: none"> • Private high school on 38 acres • Privately initiated development proposals in the SEQ covering over 375 acres <ul style="list-style-type: none"> • Craiker Sports Retail/Restaurant Uses • Puliafico Sports-Recreation-Leisure Uses • Jacoby Sports-Recreation-Leisure Uses • Chiala Planned Development (Under Chiala Family Ownership)

Given the project’s sizeable scope (as outlined above), the large amount of unincorporated land that will be directly affected by the project (approximately 1,300 acres in the SEQ which is equal to over 15% of current city lands), the fact that these lands are overwhelmingly prime agricultural lands and the long-term significance of planning for these lands not only to the property owners/businesses in the vicinity but to the entire city and the region, the project should be considered in the context of a comprehensive general plan update.

Furthermore, in 1996, the City of Morgan Hill adopted its urban growth boundary (UGB). Subsequently, the County and the City adopted joint policies in their respective general plans to address among other things, how to administer and maintain a dependable UGB and established a rational process for considering changes to the UGB over time. According to these policies, major modifications to the UGB location should be processed only in the context of a “comprehensive City General Plan land use element update , which occurs on an approximately 10 year interval, unless triggered by the established criteria, findings, or prerequisites, to ensure coordination between relevant land use planning issues and growth management considerations.”

This project has the potential to impact the entire city, the surrounding unincorporated lands, and the region. Consideration of these impacts and the overall need, timeliness, and location of such a project are best considered and analyzed through a comprehensive general plan update process.

The DEIR states that the City has begun such a process to create a new General Plan through 2035 and that the process will involve updating the City's master plans and identifying infrastructure needed to service future growth areas. The DEIR also indicates that the SEQ Area will be included in these studies and will contribute to the build-out of the necessary infrastructure as a condition of development and through payment of development impact fees. However, we understand that the proposed SEQ Land Use Plan and Citywide Agriculture Preservation Program were developed and are being considered and are intended to be approved/adopted separate from the City's current General Plan update process.

The proposed Project is a major revision of the City's General Plan and should be considered in the context of a comprehensive general plan update and should involve broad stakeholder participation.

LAFCO Policies and State Law Encourage Cities to Pursue the Development of Vacant and Underutilized Incorporated Lands Before Seeking to Annex Agricultural Lands

As part of the proposed project, the City is seeking to expand its Urban Service Area boundary (USA) and annex portions of the SEQ Area. We understand that the SEQ Area consists of largely prime agricultural land and that the City wants to include these lands in its USA even as the City has substantial amounts of land within its current boundaries that are vacant or underutilized. State law and LAFCO policies discourage the conversion of agricultural land to non-agricultural uses and require that development be guided away from existing prime agricultural lands. The statutes and policies call for a city to exhaust existing vacant or underutilized lands within its boundaries before expanding into agricultural lands because developing lands which are already within a city's boundaries would allow for more effective use of existing city infrastructure, would result in more efficient provision of city services, would discourage premature and unnecessary conversion of irreplaceable agricultural land to urban uses, and would encourage compact development that would be more consistent with greenhouse gas reduction regulations and goals. The County also has similar long-standing policies discouraging the premature conversion of agricultural lands and managing growth. It is unclear how the proposed project is consistent with State law, LAFCO policies, County General Plan policies, and City policies.

Annexation of Lands Outside of City's Urban Service Area is Inconsistent with LAFCO Policies

As part of the proposed project, the City intends to request annexation of lands outside of its Urban Service Area (USA). LAFCO Policies strongly discourage such annexations until inclusion into the Urban Service Area is appropriate because the general purpose

for a city to annex lands is to provide them with necessary urban services (including police, fire, water, wastewater, and storm water management) in order to allow for their subsequent development.

As you know, LAFCO has no authority over lands once they are annexed into a city (irrespective of whether they are in the USA boundary or not). Upon annexation, these lands are under the city's authority for land use and development decisions and a city can amend the zoning and general plan designations for these lands and develop them. As part of any annexation or urban service area amendment request, LAFCO is required to consider whether the city has the ability to provide urban services to the proposed growth areas without detracting from current service levels.

Furthermore, LAFCO would only consider annexations outside of the USA if it is to promote the preservation of open space and/or agricultural land. If it is the City's intent to annex lands outside of its USA for such purposes, LAFCO will require the City to sufficiently demonstrate that the affected lands will be permanently preserved for agricultural/open space purposes. One potential way in which permanent preservation can be demonstrated is by dedicating such lands to a qualified agricultural/open space conservation entity that has a clear preservation program and has the legal and technical ability to hold and manage conservation easements or lands for the purpose of maintaining them in open space or agriculture. According to the DEIR, these lands are planned for residential estate sized lots, sports-recreation-leisure related uses, and agricultural-related uses; and the permanent preservation of all of these lands is not proposed.

The DEIR concludes the proposed project is consistent with LAFCO's policies. However, as indicated above, it is unclear how the proposed annexation of these lands outside of the City's USA would be consistent with LAFCO Policies.

Proposed Southeast Quadrant Land Use Plan Including its Various Project Components is Inconsistent with Many of the Stated Objectives of the Project

Three of the stated objectives of the proposed project are to:

- 1) "Identify lands within the SEQ area viable for permanent agriculture;"
- 2) "Develop a program that fosters permanent agriculture within the SEQ Area and citywide through land use planning, agricultural preservation policies/programs, and agricultural mitigation."
- 3) "Create an open space/agricultural greenbelt along the southern edge of the City's Sphere of Influence boundary."

However, it is unclear how the proposed SEQ Land Use Plan and its various project components will be consistent with the above objectives. According to the DEIR, the proposed project will convert several hundred acres of agricultural lands to non-agricultural uses.

The Southeast Quadrant (SEQ) Area includes approximately 1,290 acres of private land, plus 48 acres of public roadways. Per the DEIR, these lands are currently developed with rural-residential and agricultural uses. The DEIR states that the SEQ contains 707 acres of Important Farmland (approx. 597 acres of Prime Farmland, 87 acres of Farmland of Statewide Importance, and 23 acres of Unique Farmland). When Farmland of Local Importance is accounted for, the SEQ contains approx. 771 acres of agricultural land per the California Department of Conservation's 2010 Important Farmlands Map.

Per the DEIR, the City is proposing to annex 759 acres of the 1,290 total acres (58.8% of the total private land area). The proposed high school site contains 38.63 acres of Important Farmland. The proposed 251-acre Sports-Recreation-Leisure Land Use Designation and Zoning District will overlap with and thus potentially convert a minimum of 120 acres of the Important Farmland to non-agricultural use. Furthermore, it is anticipated that the proposed 461-acre Open Space (Planned Development overlay) Zoning District will include a yet to be determined number of acres of sports-recreation-leisure related uses, residential estate sized lots, and agricultural-related uses. The proposed Open Space District overlaps with and thus potentially could convert hundreds of acres of Important Farmland to non-agricultural use.

Per the DEIR, the remaining agricultural land in the SEQ Area would form an "Agricultural Priority Area" that would be bordered on the north by lands in the existing city limits, on the west by lands zoned for urban development [e.g. commercially oriented uses such as gas stations, restaurants, motels/hotels, and grandstands/stadiums, and potentially two drive-thru uses (restaurants or gas stations)], and on the east by lands also zoned for urban development (e.g. residential estates, adventure sports/facilities, arts and crafts, batting cages, equestrian centers, farmers markets, and indoor/outdoor sports centers). It is unclear how the introduction of urban land uses into one of the last remaining agricultural areas in the county would help achieve the aforementioned project objectives.

Proposed Boundary Adjustments are Illogical and Render Boundaries Meaningless for Planning and Growth Management Purposes

The proposed project includes major adjustments to the City limits (i.e. annexation) urban service area, urban growth boundary, and urban limit line. However, these boundary adjustments and their relation to each other appear illogical from a planning and growth management perspective. For example, the City is proposing to annex lands while keeping these same lands outside of the City's Urban Service Area, but including most of these same lands in the City's Urban Growth Boundary and Urban Limit Line. The proposed use and configuration of boundaries renders each boundary meaningless for planning and growth management purposes.

Additionally, the DEIR identifies an "Agricultural Priority Area" that has been identified as a "priority location to preserve and encourage the long-term viability of agricultural and Open Space Lands." However, the DEIR indicates that the vast majority of the "Agricultural Priority Area" will be located within the City's proposed Urban Limit Line

which would “define the ultimate limits of City urbanization beyond the 20-year timeframe of the Urban Growth Boundary.”

Project’s Adverse Impacts to Agricultural Lands Cannot be Fully Mitigated and Represent a Significant and Unavoidable Impact

Per the DEIR, as part of the proposed project, the City proposes to adopt an Agricultural Preservation Program, which would apply to new development citywide that converts agricultural land to a non-agricultural use. Applicants would be required to mitigate the loss of farmland through measures that may include payment of an agricultural mitigation fee, acquisition of other agricultural land, or dedication of an agricultural conservation easement on eligible agricultural land and payment of a fee to cover ongoing management and monitoring activities. Mitigation would be required at a ratio of 1:1 (1 acre of mitigation for 1 acre of agricultural land converted to a non-agricultural use). While mitigation preserves agricultural land that may otherwise be converted to nonagricultural use in the future, it does not provide additional, new farmland to replace the original acres lost as a result of the proposed project. Therefore, impacts to agricultural resources, even with mitigation in place, would be considered significant and unavoidable and conversion of agricultural land should only be considered when there is no vacant or underutilized land left within a city or existing USA boundary to accommodate growth.

Furthermore, the DEIR notes that the proposed agricultural mitigation fee of \$15,000 per an acre is not sufficient to purchase agricultural conservation easements on land surrounding the City of Morgan Hill at a 1:1 ratio. The DEIR states that the City will use additional funds to augment the mitigation fee in order to accomplish this objective. Given the lack of information provided in the DEIR concerning these additional funds and noted uncertainties on this matter, it is unclear whether 1:1 mitigation will actually occur.

Project’s Potential Adverse Impacts to Williamson Act Lands Cannot be Self Mitigated and Represent a Significant and Unavoidable Impact

The DEIR indicates that the SEQ Area contains 10 properties totaling 91.65 acres that are encumbered by active Williamson Act contracts and that one of the properties is contemplated for annexation, while the other nine are not. The DEIR incorrectly states that should any of the Williamson Act contracts be required to be cancelled as a prerequisite for annexation, such a cancellation would be considered a self-mitigating aspect of the proposed project and would preclude the possibility of a conflict with a Williamson Act contract. If the proposed project could result in the early cancellation of a Williamson Act contract, this impact would be considered significant and unavoidable.

LAFCO Policies and State Law Require LAFCO to Consider Availability of Adequate Water Supply

Given the various identified deficiencies in the environmental analysis discussed here and in Attachment A, it is unclear whether the water supply assessment and water demand analysis conducted for the proposed project is adequate for LAFCO purposes. As part of LAFCO's review of any urban service area amendment or annexation request, LAFCO policies and State law require LAFCO to consider the availability of adequate water supply.

Analysis of Cumulative Effects and Growth-Inducing Impacts is Deficient

As discussed in this letter and Attachment A, analysis of impacts to agricultural resources, land use, population and housing, and greenhouse gas emissions is deficient. These deficiencies render the analysis of cumulative effects and growth-inducing impacts deficient as well.

Key Elements of the Proposed Agricultural Preservation Program Require Clarification and Outcome of Proposed Program is Uncertain

As you know, LAFCO adopted Agricultural Mitigation Policies in 2007 and these Policies encourage cities with potential LAFCO applications involving or impacting agricultural lands to adopt citywide agricultural mitigation policies and programs that are consistent with these policies. We have reviewed the City's Proposed Agricultural Preservation Program and have the following questions and comments about the program and its potential outcome:

Agricultural Priority Area

Under the proposed Program, "the Agricultural Priority Area is defined as an area within the SEQ that has been identified as a priority location to preserve and encourage the long-term viability of agricultural and Open Agricultural Lands..." The boundaries of the proposed Priority Area are illogical, and particularly when coupled with the various elements of the SEQ Land Use Plan are unlikely to fulfill the City's stated objective of preserving and encouraging long-term viability of agricultural lands.

The proposed Agricultural Priority Area is sandwiched between and surrounded on three sides by, lands proposed to be included within the city limits. The surrounding city lands are proposed to be designated for urban uses such as "Sports Recreation and Leisure" which would allow for "private commercial, retail, and /or public /quasi-public, at a scale that creates a destination area for both regional and local users..." Potential applications in the area including a private high school for 1,600 students, 40,000 square feet of sports retail, 3,000 square feet of sports themed, sit-down restaurant, outdoor sports fields, indoor facilities for indoor soccer, batting cages, volleyball courts, ropes challenge course, medical offices for minor sports related injuries, and other commercial recreation and sports fields, provide a picture of the type of development likely to occur in the area. Given the potential for direct land use

conflicts between such high intensity urban uses and agriculture, and the additional impacts of extending roads, and services through the Agricultural Priority Area to serve the new development, it is improbable that the City's efforts to prioritize agriculture in this area will be successful. The City has not provided an explanation for setting these irregular boundaries for its Agricultural Priority Area.

Furthermore, the SEQ Land Use Plan proposes that the proposed City Urban Limit Line include the vast majority of the Agricultural Priority Area. However, the "Urban Limit Line defines the ultimate limits of city urbanization beyond the 20-year timeframe of the Urban Growth Boundary." Adopting an Urban Limit Line that includes lands identified for agricultural preservation will result in increased land values in the priority area due to speculation, drive-up the cost of agricultural mitigation to a point where preservation is financially infeasible, and discourage farmers and conservation entities from making any long-term agricultural investments in the area.

Mitigation Ratio and Agricultural Preservation In-Lieu Fee

The City's proposed Agricultural Lands Preservation Program requires mitigation at a ratio of 1:1, i.e., one acre of in-perpetuity of farmland preservation for each acre of farmland conversion. The Mitigation Fee Nexus study prepared for the City indicates that the cost of acquiring a conservation easement would be approximately \$47,500 per acre in the Morgan Hill area and approximately \$12,750 per acre in the Gilroy area. The City's Agricultural Lands Preservation Program intends to preserve agricultural lands within Morgan Hill's sphere of influence with a focus for land preservation in the City's SEQ area. The City however, proposes to establish an Agricultural Preservation In-Lieu Fee, including the Program Surcharge Fee, in the amount of approximately \$15,000 per acre which would be insufficient to cover the cost of easement acquisitions in the Morgan Hill sphere of influence or in the SEQ area. No explanation is provided for establishing a fee that does not cover the mitigation costs in the preferred / priority area.

Furthermore, the City indicates that additional funds would be needed in order to purchase conservation easements in the Priority Area. However, the City does not provide any detailed or specific information on the source of the City's funds, current amount available, any limitations of these funds, and projected availability.

Given the amount of the proposed in-lieu fee and lack of information on the availability of other funding sources, it is impossible to conclude with any certainty that the proposed program will result in conservation of agricultural lands in the Priority Area.

Agricultural Land Definition

Under the City's proposed Program, lands identified as "Grazing Land" on the 2010 map of the Farmland Mapping and Monitoring Program are not subject to the offsetting preservation/mitigation requirement. However, it is well known that many lands identified as grazing land are simply prime farmland left fallow. Given the limited amount of prime farmland left in the County, the City should not exempt "Grazing Land" from the offsetting preservation/mitigation requirement, without first confirming

that these lands are not prime farmland. If it is determined that these lands are prime farmland, then they too should be considered “Agricultural Land” and be subject to the offsetting preservation/mitigation requirement.

Open Agricultural Land Definition

Please clarify the difference between “Agricultural Land” and “Open Agricultural Land” as defined and used in the City’s Agricultural Lands Preservation Program. What is the significance of open agricultural land to the Preservation Program?

Qualifying Entity Definition

Under the City’s Proposed Program, the qualifying agricultural conservation entity should meet certain technical, legal, management, and strategic planning criteria and the entity’s performance should be monitored over time against those criteria. However, it appears that a public agency could not be considered such an “entity” even if it meets all of the identified criteria. The specific purpose served by eliminating public agencies from being a “qualifying entity,” provided that they demonstrate that they meet the remaining criteria, is unclear. In fact, there are many benefits associated with using a public agency for agricultural conservation purposes, such as greater public accountability and transparency requirements, financial stability, publicly elected Boards, and better access to certain government grants or funding. For these reasons, the City should include public agencies in its consideration of qualifying entities. The proposed program also states that the “third party Qualifying Entity will need to include individuals with direct experience and knowledge of farming activities.” Please clarify the purpose of this requirement and what role the City envisions these individuals might play in the Qualifying Entity. This requirement also has the risk for increased potential for conflicts of interest, which in public agencies can be better disclosed / managed through Fair Political Practices Commission requirements.

Stay Ahead Provision

It is unclear how such a provision would be implemented and why an applicant or the City might choose this option of providing mitigation prior to converting or developing farmland. Without further details on this provision, it is impossible to provide meaningful comments on it.

Measurement of Affected Area

The City’s proposed Program excludes certain portions of property that are left as “open space/ open fields that in the future could be put back to agricultural uses” when calculating the total agricultural mitigation requirement.

Such an exemption is inconsistent with the intent of LAFCO’s agricultural mitigation policy. The urban service area of a city delineates land that will be annexed to the city, and provided with urban services / facilities and developed with urban uses. Based on this, it is implicit that any land proposed for inclusion in a City’s USA will be converted to support urban development unless the land is protected as agricultural land in

perpetuity by a conservation easement. Therefore, it is not appropriate to exclude certain portions of property based on the assumption that they could at some point be put back into use as agricultural lands. Additionally, there is no way to guarantee / enforce that the land will remain "open space" unless the lands are preserved in-perpetuity through a conservation easement.

Conclusion

For the foregoing reasons, we urge the Morgan Hill City Council to not approve the proposed Environmental Impact Report (EIR) at this time. As noted above, LAFCO is a Responsible Agency for certain aspects of the proposed project and therefore has an independent obligation to review the EIR for legal adequacy under CEQA prior to issuing any approvals for the project (CEQA Guidelines, §15096). As detailed in this letter and Attachment A, we have identified significant deficiencies in the DEIR. Therefore, we respectfully request that the City prepare a revised environmental document that addresses the identified deficiencies and then circulate the revised document to affected agencies and the public for their review and comment, as required by CEQA.

If you have any questions regarding these comments, please contact me at (408) 299-5148. Thank you again for providing us with the opportunity to comment on this significant project.

Sincerely,



Neelima Palacherla,
Executive Officer

Attachment A: LAFCO Counsel's February 18, 2014 Letter: Comments on Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan Draft Environmental Impact Report

cc: Andrew Crabtree, Director, Morgan Hill Community Development Department
LAFCO Members
County of Santa Clara Planning and Development Department



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Indian Wells
(760) 568-2611

Irvine
(949) 263-2600

Los Angeles
(213) 617-8100

Ontario
(909) 989-8584

2001 N. Main Street, Suite 390, Walnut Creek, CA 94596
Phone: (925) 977-3300 | Fax: (925) 977-1870 | www.bbklaw.com

Riverside
(951) 686-1450

Sacramento
(916) 325-4000

San Diego
(619) 525-1300

Washington, DC
(202) 785-0600

Malathy Subramanian
(925) 977-3303
malathy.subramanian@bbklaw.com

February 18, 2014

VIA E-MAIL (Rebecca.Tolentino@morganhill.ca.gov)

Ms. Rebecca Tolentino, Senior Planner
Development Services Center
17575 Peak Avenue
Morgan Hill, CA 95037

**RE: Comments on Citywide Agriculture Preservation Program and Southeast
Quadrant Land Use Plan Draft Environmental Impact Report (SCH#
2010102010)**

Dear Ms. Tolentino:

Best Best and Krieger LLP, as counsel for the Santa Clara County Local Agency Formation Commission (“LAFCO”), thanks the City of Morgan Hill (“City”) for the opportunity to review and provide comment on the City’s Draft Environmental Impact Report (“EIR”) for the Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan (“Project”).

According to the EIR, the Project consists of five program-level components—collectively referred to as the Southeast Quadrant (“SEQ”) Project—and one project-level component—the South County Catholic High School. The five program-level components include (1) the establishment of the Agricultural Lands Preservation Program, (2) adjustments to the City limits, urban service area (“USA”), urban growth boundary (“UGB”), and urban limit line (“ULL”) (collectively, “boundary adjustments”), (3) establishment of a new Sports-Recreation-leisure (“SRL”) land use designation in the City’s General Plan and zoning district in the City’s Zoning Code, (4) General Plan amendments and Zoning Code amendments for the new SEQ area, and (5) four separate “programmatic” project applications.

Many of the flaws in the EIR’s analysis are so broad—including flaws in the Project Description and the improper segmentation of the Project—as to infect nearly every aspect of the environmental review contained therein. However, although the comments contained in this letter may only scratch the surface, it is LAFCO’s hope that these comments will lead the City to fully and sufficiently analyze the environmental impacts of the Project as a whole.

As the Project would require approvals from LAFCO for the boundary adjustments, LAFCO is a responsible agency for the Project under State CEQA Guidelines (Title 14 Cal. Code. Regs.) section 15096. The comments contained herein are provided pursuant to State CEQA Guidelines section 15096, subdivisions (d) and (g), on behalf of LAFCO. As required,



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 2

the following comments pertain to those Project activities which are within LAFCO's areas of expertise and which are subject to LAFCO's approval authority. (*Ibid.*)

The EIR Segments the Environmental Analysis

The analysis separately discusses the impacts from the SEQ Area and the proposed high school. This segmenting of the analysis may downplay impacts resulting from development of the Project as a whole, inclusive of the high school (i.e. it inaccurately describes total impacts in SEQ Area). A specific example of this, although it is an issue throughout the entirety of the EIR's analysis, is the analysis of impacts to police services. (EIR at 3.12-22-23.) In this analysis, the high school is stated as having a potentially significant impact, and yet the SEQ Area is stated as separately having a less than significant impact. This evidences how segmentation can incorrectly minimize impacts that would otherwise be considered potentially significant. This type of analysis violates CEQA. (State CEQA Guidelines, §§ 15378, 15003(h); *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1450; *Tuolumne County Citizens for Resp. Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1229.)

The EIR also provides that "the City has begun the process to create a new General Plan for growth through 2035. The process will involve updating the City's utility master plans and identifying infrastructure needed to serve future growth areas. The SEQ Area will be included in these studies and will contribute to the buildout of the necessary infrastructure as a condition of development and through payment of development impact fees." First, by relying on environmental analysis for the 2035 General Plan which has not yet occurred, this improperly defers environmental analysis of the infrastructure improvements for the SEQ Area and the potential development within the Area. The potential infrastructure needs for the Project must be analyzed in this EIR. Second, if the City is preparing an update to its General Plan at this time, the SEQ Area should be included in the 2035 General Plan Update. Although a Notice of Preparation for the General Plan Update has not yet been issued, the fact that the City is in the process of both amending the General Plan for this Project, and also considering other amendments to the General Plan for future planning through 2035 suggests that analysis of the necessary amendments for implementation of Projects over this 20-year horizon, including the Project here, is being improperly and unnecessarily segmented into two projects.

Analysis of Cumulative Impacts

Because the analysis of the Project is improperly segmented, thereby minimizing its environmental effects, the analysis of cumulative impacts cannot be accurate. A "Cumulative Impact" is that when, considered with other effects, compounds to have a significant effect on the environment. (See State CEQA Guidelines, § 15355.) Unless the Project's environmental impacts are accurately evaluated and disclosed, its contribution to a potentially significant cumulative effect also cannot be accurately evaluated. Thus, the EIR's analysis of cumulative impacts is flawed. Should revisions to the analysis disclose new significant individual or



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 3

cumulative impacts, recirculation of the Draft EIR would be required. (See State CEQA Guidelines, § 15088.5.)

Project Description

The Boundary Changes Are Unclear and Conflict with LAFCO Policies

The Project Description is confusing in how it discusses and delineates the various components of the proposed SEQ Area. The Project Description first states that the SEQ Area includes approximately 1,290 acres (EIR at 2-1), and yet later states that only 759 acres is proposed for annexation into the City limits (EIR at 2-41). Some of the area to be annexed is also that which is to be included in the City's UGB and ULL, but not its USA. (EIR at 2-10.) The EIR should explain the purpose of these differing boundaries. In addition to the confusion as to the boundary changes, the Project Description should also make clear how many acres would be subject to the Sports-Recreation-Leisure General Plan and Zoning amendments, the General Plan amendments and "prezoning" of land in the SEQ Area, and the manner in which these two sets of amendments are different and whether there is any overlap within the SEQ Area.

If the entirety of the area proposed for annexation is not proposed for inclusion in the expanded USA, this Project would be in conflict with LAFCO's policies for approving city limit changes that go beyond a USA. It is LAFCO's policy (Policy B.1 for Annexations or Reorganizations of Cities and Special Districts) that such proposals be approved only if the portion of the city not located within its USA is to be placed in permanent protection as open space or for other public lands. Here, the area of the City not within the USA (Chiala Development) would be residential and is intended to be served by septic systems and a private water company.

As to LAFCO Policy Annexation/Reorganization B.5 (see EIR at 3.9-30), the Chiala Planned Development would not be served by City services, and would require water from a private company and the use of septic systems. Further, the EIR states that there is "limited opportunity to extend existing storm drain facilities in the northern portion of the USA expansion." (EIR at 3.14-45.) These facts demonstrate that, contrary to the EIR's conclusions, the Project would "create or result in any areas that are difficult to serve," and therefore the consistency determination for this policy is unsupported.

The City also misinterprets LAFCO Policy 6. Under LAFCO policies, the preferred option is to discourage USA expansions that would impact agricultural lands, keeping those lands in agricultural use. Here, the EIR does not demonstrate that the annexation of these lands is necessary and has not provided the status of the City's vacant and underutilized lands inventory. Further, to the extent it is assumed the Project would preserve agricultural lands, as stated above regarding the Project Description and Agricultural Impacts, the Project appears to



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 4

propose more intense development on these lands. Therefore, the Project is inconsistent with this LAFCO policy as well.

Lastly, the EIR does not even evaluate the Project's consistency with LAFCO's Urban Service Area Policies 5 and 7, which are directly relevant to this Project. Policy 5 provides that "[w]hen a city with a substantial supply of vacant land within its Urban Service Area applies for an Urban Service Area expansion, LAFCO will require an explanation of why the expansion is necessary, why infill development is not undertaken first, and how an orderly, efficient growth pattern, consistent with LAFCO mandates, will be maintained." Nowhere in the EIR has the City explained why this Project cannot be developed on land already within the City's limits. With respect to Policy 7, and as discussed in this Letter below, contrary to the conclusions in the EIR, the nature of the Project demonstrates that it would encourage the conversion of agricultural land to non-agricultural uses resulting in an adverse impact to agricultural resources. This directly conflicts with Policy 7, a fact which the EIR ignores.

If after the City conducts additional analysis to assess the Project's compliance with these policies a new significant impact is disclosed, recirculation of the Draft EIR would be required. (See State CEQA Guidelines, § 15088.5.)

The EIR Defers Environmental Analysis By Conducting Only Programmatic Analysis of Project-Level Proposals

Next, the EIR states that it contains programmatic analysis of project-level applications. (EIR at 2-52.) State CEQA Guidelines section 15168 provides that a program EIR is appropriate where "a series of actions . . . can be characterized as one large project and are related either: (1) Geographically; (2) As logical parts in the chain of contemplated actions; (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."

Although the four applications are related geographically, as shown in Exhibit 2-12, and are being evaluated in connection with the General Plan amendment goals and criteria as outlined in the EIR, evaluation of several projects within a program EIR is intended to provide "an occasion for a more exhaustive consideration of effects" than would otherwise be considered in individual project-level environmental review. (State CEQA Guidelines, § 15168(b).) Here, the EIR provides that the four project applications are reviewed programmatically because "detailed land use proposals" have not yet been submitted. (See EIR at 2-52.) However, this is inconsistent with specific details actually provided in the EIR when describing these applications. For example, the "Craiker Sports Retail/Restaurant Uses" application provides that it would consist of 40,000 square feet of sports retail and a 3,000 square-foot sports-themed restaurant on four acres. As a result, the EIR defers more detailed analysis under the guise of a



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 5

program EIR despite the apparent ability to conduct a more thorough and detailed, project-level review of these applications. This is a violation of CEQA.

Likewise, the EIR discloses that the Chiala Planned Development would add up to 38 new residences on 107 acres, sports-recreation-leisure uses on 86 acres, and agricultural uses on 114 acres. (EIR at 2-55.) The EIR even discloses that the development would be served by a private water company and would use septic systems. Also, as part of the Project, the Zoning Amendments are designed to facilitate the planned development on this site. An analysis of the impacts of future actions should be undertaken when the future actions are sufficiently well-defined that it is feasible to evaluate their potential impacts. (See *Env'tl Protection Info. Ctr. v. Dept. of Forestry & Fire Prot.* (2008) 44 Cal.4th 459, 503.) The level of detail in the application demonstrates that the analysis of this development at a programmatic level is insufficient and improperly defers the analysis of the specific impacts that would result.

This is not an instance where a future development will implement the program identified in the EIR, and therefore programmatic review is appropriate; rather, here, the program (the General Plan and Zoning amendments) is designed to implement the future development. Project-level analysis of the projects described in the four applications and the Chiala Planned Development is warranted.

The Proposed Development Is Inconsistent with the Project's Objectives to Preserve Agricultural Lands

Several components of the Project are inconsistent with its stated objectives. Four of the ten objectives stated for the Project concern the preservation and/or enhancement of agricultural lands. (See EIR at 2-26-35.) Yet the Project consists of a General Plan amendment that would permit "private commercial, retail, and/or public/quasi-public, at a scale that creates a destination area for both regional and local users." (EIR at 2-45.) The SRL zone would likewise permit "gas stations, restaurants, motels/hotels, and grandstands/stadiums." (EIR at 2-46.) The four project applications are consistent with these land designations and zoning, and would develop retail, restaurants, indoor sports facilities, and other such non-agricultural uses. (See EIR 2-52, 55.) However, none of these proposed uses is consistent with the majority of the stated Project objectives as not one of them would "foster permanent agriculture" or "[s]trengthen the City's historic role as an agricultural center." Even more, the Zoning amendments are characterized in the EIR as "urban zoning designations," further undercutting the stated Project objectives. (See EIR 3.9-23.)

This inconsistency is also highlighted by the fact that the proposed "Agricultural Priority Area," as well as existing lands under Williamson Act contracts, would be inside of the proposed ULL adjustment, suggesting that urban development may occur on lands which should be set aside for conservation (or which would require cancellation of Williamson Act contracts). (See EIR at 2-41, Exh. 2-10.) Moreover, as shown in Figure 2-9 of the EIR, the proposed Agricultural



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 6

Preserve Area would be placed in the middle of planned development within the SEQ Area. This, along with the Project objectives and the inclusion of the Agricultural Preserve Area within the ULL, strongly suggests that the purpose of the Agricultural Preserve Area may be undermined by other future developments in the Area.

The Project Would Create a Conflict Between the General Plan and Zoning Code

For the Chiala Planned Development, the EIR states that this area would be zoned Open Space, with a Planned Development overlay, but would be designated as only Open Space by the General Plan. (EIR at 2-55.) Zoning ordinances must be consistent with an applicable general plan. (Gov. Code, § 65860(a).) A zoning ordinance is inconsistent with a general plan if it would authorize land uses that are incompatible with the objectives, policies, general land uses, or programs specified in the general plan. (*Ibid.*) As proposed in the EIR, the Zoning amendment for the Chiala Planned Development would be inconsistent with the General Plan designation for the site, which the EIR states will not be likewise amended. (EIR 2-55.) A zoning ordinance that is inconsistent with a general plan at the time of enactment is “void *ab initio*,” meaning invalid when passed. (See *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 541.) Therefore, to the extent the City asserts that the developer is expected to seek a General Plan amendment once the project proposal is finalized, this would not prevent the proposed zoning for the site from being void. This defect in the EIR’s analysis is also present within the Land Use and Cumulative Effects analysis concerning Land Use impacts. (EIR at 3.9-10, 4-10.)

Agricultural Resources

Analysis of Impacts to Important Farmland Is Deficient

Although the EIR includes the LAFCO’s definition of “prime agricultural land” (EIR at 3.2-3-4), it does not evaluate impacts to agricultural land in light of LAFCO’s broader definition. This analysis is required for the LAFCO to review the boundary change applications, and proposed mitigation should address impacts to lands falling within the LAFCO’s definition.

Also, the analysis states that a minimum of 120 acres would be converted to non-agricultural uses for the SEQ Area. However, this figure does not include the potential conversion occurring for the Chiala Development Plan (307 additional acres). For purposes of analyzing and mitigating impacts to agricultural lands, the analysis should utilize a conservative, worst-case analysis to ensure that all potential impacts stemming from development under the SEQ are encompassed within the EIR’s analysis. To evaluate the boundary changes, LAFCO policies provide that impacts to agricultural land should be mitigated on a 1:1 basis. If all acres potentially converted (under the worst-case scenario) are included in the analysis, then this goal cannot be met with the remaining land available within the SEQ Area.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 7

Moreover, in its consideration of proposals, LAFCO policies require the development of existing vacant lands within City limits prior to conversion of additional agricultural lands. Likewise, LAFCO's USA Amendment Policies require an explanation of why the inclusion of agricultural lands is necessary and how such losses will be mitigated. The EIR contains no such explanation and, as stated above, does not demonstrate how the total potential loss of agricultural land will be mitigated. These deficiencies further render the Project inconsistent with Open Space and Conservation Policy 3q of the City's General Plan, which requires development to "[s]upport policies of the [LAFCO] which would guide urban development away from those agricultural areas with the greatest potential for long-term economic viability."

The Mitigation Measures For Farmland Impacts Are Inadequate

In light of the worst-case conversion of agricultural lands to non-agricultural uses under the Project *as a whole* (465.63 acres), only 242.03 acres of important farmland would remain in the SEQ area, which includes the Agricultural Lands Preservation Program land. (See EIR at 3.2-17, 2-37 [Figure 2-9].) Therefore, unless other lands are identified within the City's sphere of influence, mitigation at a 1:1 ratio would not be possible. In such a case, the conclusion that impacts would be mitigated to less than significant is not supported. In the event additional analysis conducted to address this issue discloses a significant and unavoidable impact with respect to farmland, recirculation of the Draft EIR would be required. (See State CEQA Guidelines, § 15088.5.)

Mitigation Measures 1a and 1b provide that Project applicants will either preserve agricultural land, or pay fees. (EIR at 3.2-20.) On page 3.2-18 of the EIR, the analysis explains that, for purposes of mitigating agricultural impacts, the City may use existing "Open Space Funds." However, the EIR does not state the amount of funds that are available and so does not support the contention that impacts to agricultural lands will be mitigated to a less than significant level. Further, this same discussion provides that the Agricultural Lands Preservation Program contains "Stay Ahead" provisions, but does not explain exactly what these provisions are or how they would be implemented. It is also unclear to what extent these provisions are intended to supplement applicant-initiated mitigation; and it is unclear whether the applicants for the projects in the SEQ Area and/or the City would have sufficient funds available with which to purchase necessary mitigation lands. The uncertainty of this mitigation and the ability to mitigate lands at a 1:1 ratio renders it infeasible. (State CEQA Guidelines, § 15364.)

Agricultural Lands Preservation Program (Appendix K)

Under the proposed program, a public agency could not be a qualifying conservation entity. There are several benefits associated with using a public agency for this type of activity, such as transparency and accountability requirements, financial stability, a publicly-elected board, better access to certain government grants or funding, and other benefits. It is unclear why this option was eliminated. Also, the City has not indicated that there is an existing entity



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 8

that it believes could fulfill the role of the qualifying entity. The ability to identify a qualifying entity is further complicated by the seemingly unnecessary requirement that the entity have farmers on its governing board. While knowledge of farming is important, there are many ways that this knowledge can be addressed, including special technical committees, staff, advisors, or partnerships with farm organizations. Without more details and flexibility, the success of this aspect of the Program, and the mitigation described therein, is uncertain and infeasible. (State CEQA Guidelines, § 15364; see *Kenneth Mebane Ranches v. Superior Court* (1992) 10 Cal.App.4th 276, 291.)

Conflicts with Williamson Act Contracts Are Not Analyzed

The EIR (at 3.2-22, and also for Cumulative Effects at 4-4) provides that cancellation or protest of the ten Williamson Act contracts in the SEQ Area is “self-mitigating.” This is incorrect. Where a project would require the termination of a Williamson Act contract in any way—cancellation or protest—it conflicts with an existing Williamson Act contract and, thus, a potentially significant environmental impact may result. To argue that there would be no conflict because the contract would be cancelled is circular and defeats the purpose of the threshold and the analysis required by CEQA.

The EIR is also incorrect that the only two options are cancellation or protest. In the event that neither of these occurs, the City would succeed to the rights, duties and powers of the County under the existing contract. Regardless, the conclusion that no significant impacts would occur because the contracts could be cancelled or protested is grossly insufficient. Further, public agency cancellations are discretionary agency actions that may, themselves, be subject to CEQA under Public Resources Code sections 21065 and 21080, a fact which the EIR declines to mention or analyze.

The Project May Result In the Conversion of Lands to Non-Agricultural Uses

As stated above concerning the Project Description, the proposed Agricultural Priority Area would be inside of the proposed ULL adjustment, suggesting that urban development may occur on lands which should be set aside for conservation. (See EIR at 2-41, Exh. 2-10.) Also, as shown in Figure 2-9 of the EIR, the proposed Agricultural Priority Area would be placed in the middle of planned development within the SEQ Area. The EIR (at 3.2-24) states that the inclusion of the Agricultural Priority Area would deter the conversion of lands to non-agricultural uses. However, as stated, the circumstances surrounding the Agricultural Priority Area suggest that it would not be much of a deterrent. It is also unclear how the inclusion of lands within the City limits but outside of its USA would deter development on agricultural lands.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 9

The potential conversion of agricultural lands is also inconsistent with the findings contained in the Agricultural Lands Preservation Program, attached as Appendix K to the EIR. As stated therein, “[t]he SEQ of the City is of particular importance as the last major, contiguous area of agricultural land in the Morgan Hill SOI and due to its potential as a permanent ‘greenbelt’ between Morgan Hill and the neighboring rural residential development of San Martin.” (App. K at 4.)

For these same reasons, the Cumulative Effects analysis, which concludes without any support that “neither the SEQ programmatic uses nor the high school would create environmental pressures to prematurely convert neighboring agricultural uses to non-agricultural uses because of the Agricultural Lands Preservation Program,” is defective. (See EIR at 4-7; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435 [conclusions reviewed for substantial evidence].)

Air Quality/Greenhouse Gas Emissions

LAFCO’s policies promote the preservation of agricultural lands, encourage efficient delivery of services and also promote compact urban growth to prevent urban sprawl. Through such orderly development, LAFCO policies seek to reduce total vehicle miles traveled, among other concerns. In doing so, these policies strive to reduce greenhouse gas emissions that would result from poorly planned, sprawling development.

The conclusions regarding the significance of greenhouse gas emissions from the Project are inconsistent with the quantitative analysis conducted for the Project and contained within the EIR. Although the EIR correctly states the threshold for Greenhouse Gas emissions established under BAAQMD’s CEQA Guidelines, the EIR incorrectly states the emissions per service population based on these thresholds to be 3.16. (See EIR at 3.3-65, Table 3.3-14.) However, calculations show the emissions per service population to actually equal 4.64. Under this calculation, the greenhouse gas emissions exceed the BAAQMD thresholds. Thus, this impact would be considered significant, not less than significant as stated in the EIR. (See EIR at 3.3-65.) Therefore, the correction of the error in the greenhouse gas emissions calculations would disclose a new significant impact, and the City is required to recirculate the Draft EIR. (See State CEQA Guidelines, § 15088.5.)

Land Use

The Project Is Not Consistent with the General Plan Policies and Goals

As stated above, the Project Description for the Chiala Planned Development states that this area would be zoned Open Space, with a Planned Development overlay, but would be designated as only Open Space by the General Plan. (EIR at 2-55.) Although the Land Use analysis does not acknowledge this fact (see EIR at 3.9-10), this renders the conclusion that the



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 10

Project would not result in any conflicts with the General Plan inaccurate; and for the reasons stated in the discussion of the Project Description concerns, above, due to this conflict with the General Plan designation, the Zoning amendment for this development is void.

As demonstrated with regard to the deficiencies in the Agricultural Resources analysis, the Project as a whole could convert over 400 acres of agricultural lands to non-agricultural uses and would result in the cancellation of Williamson Act contracts. In light of the uses which would be permitted under the proposed Project, the findings that the Project would be consistent with Policy 2a, Goal 5 and Policy 5b of the General Plan concerning agricultural preservation are unsupported. (See EIR at 3.9-13, 23.)

The proposed amendment to General Plan Policy 2c (see EIR at 3.9-12) suggests that the City may develop lands with urban uses that are not within its USA or UGB so long as the land is in the City's limits. As stated above, this would be inconsistent with LAFCO's policies. This would permit the City to develop lands to which it has not committed to providing services, resulting in potential health and safety concerns. It is also unclear what this measure is intended to "self-mitigate." The amendment would conflict existing policies and could result in additional impacts that are not analyzed in the EIR. The assertion that the amendment is "self-mitigating" is devoid of supporting environmental analysis.

Policy C-GD-3 (EIR at 3.9-19) provides that the USA should generally include only urban uses, and yet the City seeks to expand the USA to encompass uses which it claims will preserve agricultural uses. The fact that the City is seeking to expand the USA contradicts its assertions. And if the City is not planning to develop urban uses on the land, then it need not be included in an expanded USA. Otherwise, the Project is inconsistent with this policy.

Concerning Policy C-GD-8, the EIR claims that "[n]o other areas in the existing Morgan Hill city limits have the attributes of the SEQ area need for the proposed SRL uses." However, this is a conclusory assertion, unsupported by evidence referenced in the EIR.

In determining that the Project would be consistent with Policy SC 1.10, the EIR states that the eastern portion of the SEQ Area would be annexed, but proposed development would not be urban. (See EIR at 3.9-22.) However, the Project would prezone this area with an "urban zoning designation, including SRL, Open Space and Residential Estate (100,000)." (See EIR at 3.9-23 under "Zoning Districts.") It is therefore uncertain whether urban development is allowed or not allowed for this area. It is also unclear how the City is defining "urban development" for this Project, and as stated throughout, the analysis suggests that more intense uses may be permitted on the Project site than are analyzed and disclosed in the EIR.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 11

Population and Housing

The population growth analysis should include a discussion of the Project's impacts as determined by the Morgan Hill Residential Development Control System and indicate whether the housing allocations have been made already. (EIR at 3.11-11.) The 38 residences of the Chiala Planned Development alone constitute approximately 15% of the annual allotment. The EIR should confirm that the Project has been accounted for in the allotment.

More importantly, the analysis also does not disclose the number of new residences expected to be generated by the Project as a whole, and thus there is no analysis of the Project's impacts with respect to ABAG's or the City's General Plan projections. The EIR provides that the Project would designate 76 acres as "Residential Estate," with only 9 acres zoned "Residential Estate." (See EIR at 4-11.) Not only does the General Plan designation anticipate that the entirety of the 76 acres will, at some point, be developed with residential uses, but this acreage is wholly separate from the Chiala Planned Development, which the Project specifically anticipates will contain 38 residences. The EIR should include analysis of impacts resulting from the maximum potential residential development under the Project in order to complete an analysis of the Project *as a whole*. (State CEQA Guidelines, § 15378(a); *Orinda Assn. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.) This is not speculative as the proposed General Plan designations would permit residences consisting of a specific lot size. The EIR should use this information to predict the maximum potential development, and analyze that as the Project.

These deficiencies in the EIR's analysis likewise render the Cumulative Effects analysis for Population and Housing defective because the Project is not fully analyzed and, thus, its contribution to cumulative effects cannot be accurate.

Public Services and Recreation

The Analysis of Impacts to Public Services Is Insufficient Under CEQA

County Growth and Development Policy C-GD 8(b) (see EIR at 3.12-12) provides that expansion of USA boundaries shall not be approved unless "the existing supply of land within the city's USA accommodates no more than five years of planned growth." The EIR should disclose whether the land currently within the City's USA will accommodate no more than 5 more years of planned growth. If this is not the case, then the Project is inconsistent with LAFCO and County General Plan policies.

The analysis of impacts to services assumes that impacts would be less than significant if the distance to the nearest service facility (i.e. fire station) would be less than or equal to the current distance. (EIR at 3.12-20-21.) However, service population should also be taken into account by projecting an approximate number of employees and/or residents that would be present in the SEQ Area as a result of the planned developments (4 project development



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 12

applications *and* the high school) because, even if a facility is nearby, additional uses may place a strain on existing services by increasing demand. This could result in the need for new facilities and should be analyzed in the EIR.

As provided above as an example of improper segmentation of environmental analysis, in the analysis of police services (EIR at 3.12-22-23), the high school is stated as having a potentially significant impact, and yet the SEQ Area alone is stated as having a less than significant impact. This segmentation improperly minimizes impacts that could otherwise be considered potentially significant for the Project as a whole. This type of analysis violates CEQA. (State CEQA Guidelines, §§ 15378, 15003(h); *City of Santee v. County of San Diego*, *supra*, 214 Cal.App.3d at 1450.) Further, this analysis undermines the conclusion that cumulative impacts to public services would be less than significant. (See EIR at 4-12.)

Utility Systems

Mitigation Measure US-3a is a product of the Project's defects concerning the USA, and likewise conflicts with LAFCO policies, as described above, because the Project is proposing to develop urban land uses within its City limits to which it would not provide services. Further, the Measure provides no means of determining whether retention systems unconnected to the City's drainage system are feasible and, therefore, no means of determining whether connection to City systems is necessary. And even if the Measure did contain this information, the EIR is completely lacking in analysis of impacts resulting from the construction of the retention basins for the SEQ (air quality/greenhouse gases, impacts to City systems if site-specific retention systems are infeasible).

Growth-Inducing Impacts

As stated in the EIR, growth-inducing impacts may occur where a project would remove obstacles to population growth, or lead to the construction of additional development in the same area. (See EIR at 6-2-3.) Although the EIR concludes that the Project would not induce growth, as stated above concerning the "Conversion of Lands to Non-Agricultural Uses," the nature of the Project opens the land to non-agricultural uses despite the assertions in the EIR to the contrary. In doing so, even though the extension of services as a result of the USA expansion and the land annexation is currently planned only to connect to those uses specifically identified in the EIR, the very fact that the USA would be expanded and additional land annexed into the City opens these new areas to additional development. Therefore, the EIR's conclusions that the Project would not induce significant growth are unsupported. Where additional analysis on this issue discloses a new significant impact, the City would be required to recirculate the Draft EIR pursuant to State CEQA Guidelines section 15088.5.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Ms. Rebecca Tolentino
Page 13

Alternatives

Project Objectives 4, 5, 6 and 10 actually describe components of the proposed Project. The specificity of these objectives, and their similarity to the Project as proposed, precludes effective consideration of Project alternatives. Any Project alternative that does not include all of these Project components by default fails to meet the Project's Objectives to the extent that the proposed Project would, thereby permitting the City to reject the alternative even if it would reduce the Project's significant and unavoidable impacts. As evidence of this, the only alternatives considered are the various components of the Project and the mandatory No Project alternative. In addition, the EIR discloses that the Project would result in a minimum of eight significant and unavoidable environmental impacts. Almost all of these impacts are directly related to the intensity of proposed land use and resulting noise, traffic and air quality impacts. Therefore, a "reduced scale" alternative should have been included for analysis. However, the ability to analyze alternatives which could reduce the Project's significant and unavoidable impacts is seriously constrained by the targeted Project objectives. Thus, the EIR's analysis of alternatives is deficient: it does not satisfy CEQA's information disclosure purposes, it fails to analyze a reasonable range of alternatives which could minimize Project impacts (State CEQA Guidelines, § 15126.6(a), (c)), and it ignores the California Supreme Court's directive that the alternatives and mitigation analysis be "the core of an EIR" (see *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564).

Conclusion

For the foregoing reasons, we urge the City Council to not approve the Draft EIR at this time. As you know, LAFCO is a Responsible Agency for the Project and will require adequate CEQA documents to complete its review of the proposals. Therefore, on behalf of LAFCO, we respectfully request that the City prepare a revised Draft EIR that addresses the identified deficiencies and that the City then circulate the revised documents for review and comment, as required by CEQA.

Sincerely,

Malathy Subramanian
General Counsel for the Local Agency Formation
Commission of Santa Clara County

