

SUPPLEMENTAL INFORMATION (MARCH 10, 2016)

Information from the City of Morgan Hill

- [Andrew Crabtree, City of Morgan Hill](#) (March 10, 2016)
- [Steve Rymer, City of Morgan Hill](#) (March 10, 2016)
- [Supplemental Information from the City of Morgan Hill](#) (March 8, 2016)

Letters from Public Agencies

- [Letter from the County of Santa Clara](#) (March 8, 2016)

Letters from other organizations

- [Morgan Hill Tourism Alliance](#) (requesting approval)
- [Morgan Hill Youth Sports Alliance](#) (requesting approval)
- [Committee for Green Foothills and Greenbelt Alliance Joint Letter](#) (requesting denial)
- [Chatten-Brown and Carstens on behalf of Committee for Green Foothills and Greenbelt Alliance](#) (requesting denial)
- [Veggielution Community Farm](#) (requesting denial)
- [Save Open Space Gilroy](#) (requesting denial)

Other letters received:

- | | | |
|--|---|-----|
| • Letters requesting approval | - | 16 |
| • Letters requesting denial | - | 148 |
| • Letters with unstated position | - | 8 |

**INFORMATION FROM THE
CITY OF MORGAN HILL**

Abello, Emmanuel

From: Andrew Crabtree <Andrew.Crabtree@morganhill.ca.gov>
Sent: Thursday, March 10, 2016 4:16 PM
To: Palacherla, Neelima
Cc: Noel, Dunia; Abello, Emmanuel; Steve Rymer
Subject: Additional items for Morgan Hill's USA Expansion Application
Attachments: SE Quad EIR LAFCO Memo 3-10-16.pdf; Ag Mitigation Agreement Forestieri.pdf; Ag Mitigation Agreement City of MH.pdf; Ag Mitigation Agreement Liang.pdf

Neelima,
Please find attached for tomorrow's meeting a peer review of our CEQA process as well as three Property Owner Mitigation Agreements.
Thank you,
Andrew



1871 The Alameda - Suite 200
San Jose, California 95126

(408) 248-3500
Fax (408) 248-9641

MEMORANDUM

TO: Andrew Crabtree, Community Development Director
City of Morgan Hill

FROM: Akoni Danielsén, Principal Project Manager

DATE: March 10, 2016

SUBJECT: Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan
Final EIR

BACKGROUND

At your request, this memo was prepared to address 1) the City's role as Lead Agency and LAFCO's role as Responsible Agency for the above-referenced Final EIR, 2) the proposed LAFCO Statement of Overriding Considerations in relation to the above project, and 3) the conformance of the City's proposed agricultural mitigation program with the requirements of CEQA.

A. City's Role as Lead Agency and LAFCO's role as Responsible Agency

The California Environmental Quality Act (CEQA) and its implementing Guidelines (Section 15367) define the Lead Agency as the public agency principally responsible for approving or carrying out a proposed project. For the Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan Final EIR (SEQ FEIR), the City of Morgan Hill is the Lead Agency. CEQA also defines a Responsible Agency (Section 15381) as a public agency other than the Lead Agency that has discretionary approval power over the project. For the SEQ FEIR, LAFCO is a Responsible Agency.

The CEQA Guidelines specify the Lead Agency prepares the EIR following consultation with any Responsible Agencies in order to assist the Lead Agency in preparing adequate environmental documents for the project. As documented in the City's administrative record, the City as Lead Agency consulted with the LAFCO and other Responsible Agencies in good faith in preparing the SEQ FEIR by, among other things issuing a Notice of Preparation, holding a scoping meeting,

sharing the Draft EIR for comment, and responding to comments received on the Draft EIR in the Final EIR.

CEQA Guidelines Section 15096 identifies the process for a Responsible Agency. This Guideline Section and related Section 15052 (Shift in Lead Agency Designation) are attached to this memo for reference. Section 15096 (e) (Decision on Adequacy of EIR or Negative Declaration) provides that when a Responsible Agency believes that the final EIR or Negative Declaration prepared by the Lead Agency is not adequate for use by the Responsible Agency, the Responsible Agency must either:

- (1) Take the issue to court within 30 days after the Lead Agency files a Notice of Determination;
- (2) Be deemed to have waived any objection to the adequacy of the EIR or Negative Declaration;
- (3) Prepare a subsequent EIR if permissible under Section 15162; or
- (4) Assume the Lead Agency role as provided in Section 15052(a)(3).

Concerning the above options for a Responsible Agency,

- 1) The LAFCO did **not** take the issue to court within the statute of limitations, and
- 2) therefore the LAFCO is deemed to have **waived** any objection to the adequacy of the EIR.
- 3) This option is inapplicable unless and until LAFCO were to find, based on substantial evidence since certification of the SEQ FEIR, any of the conditions triggering a subsequent or supplemental EIR were present under Guidelines Section 15162¹. To date, the SEQ project has **not** changed in any substantive way, and the LAFCO has **not** identified any changed circumstances, that would cause the project to result in any new or substantially more severe impacts than disclosed in the SEQ FEIR, therefore no subsequent EIR shall be prepared.
- 4) Section 15052(a)(3) allows a Responsible Agency (such as LAFCO) to assume the role of Lead Agency if the initial Lead Agency (i.e. City) prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency. LAFCO **cannot** assume the Lead Agency role pursuant to Section 15052(a)(3) since the City as Lead Agency did consult with LAFCO as a Responsible Agency during preparation of the SEQ FEIR.

Conclusion: the LAFCO is a Responsible Agency that has waived its right to any objection to the SEQ FEIR, and has not, based on any substantial evidence in the record, identified conditions under Section 15162 that would allow LAFCO to assume the Lead Agency role and prepare a subsequent

¹ Guidelines Section 15162 provides when an EIR has been certified, no subsequent EIR shall be prepared for that project unless 1) substantial changes are proposed in the project or 2) with respect to the circumstances under which the project is undertaken, which will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, shows the project will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

EIR; therefore, the LAFCO is obligated to rely upon the SEQ FEIR in connection with its decision-making for the SEQ Project.

B. LAFCO's proposed EIR Findings/Statement of Overriding Considerations

CEQA Guidelines Section 15091 (Findings) requires a public agency to make findings concerning the significant environmental effects of a project. In connection with the loss of agricultural lands, the City as Lead Agency made a finding based on the FEIR that the significant impact would be reduced to a less than significant level upon implementation of the identified mitigation, i.e. the Agricultural Lands Preservation Program. Therefore, the City made the finding under Section 15091 (1) that changes or alterations have been required in the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. Therefore, the Statement of Overriding Consideration, pursuant to Section 15093, adopted by the City in connection with the approval of the SEQ Project did **not** address the significant loss of agricultural lands.

The LAFCO staff's proposed draft Statement of Overriding Considerations includes a finding that the SEQ Project would result in a significant and unavoidable impact due to the loss of agricultural lands. This proposed finding is inconsistent with the findings of the Lead Agency's (City's) FEIR, and not based on substantial evidence in the record. As explained in the preceding section, the LAFCO is now obligated to rely upon the City's SEQ FEIR, and cannot adopt findings under Section 15091 and a Statement of Overriding Considerations under Section 15093 that are not based on substantial evidence and inconsistent with the SEQ FEIR. LAFCO cannot make a finding that the SEQ Project resulted in a significant unavoidable impact due to loss of agricultural land at this point based upon the mitigation to a less than significant level approved in the FEIR.

Conclusion: the LAFCO is a Responsible Agency, and its Section 15091 Findings and 15093 Statement of Overriding Considerations must be based on substantial evidence in the record, i.e. the SEQ FEIR, which the LAFCO staff proposed findings are not.

C. City's Agricultural Lands Preservation Program as CEQA Mitigation

The City, as Lead Agency for the SEQ FEIR, is responsible for developing appropriate, feasible mitigation measures after consultation with Responsible Agencies, including LAFCO. With respect to developing a feasible mitigation program for the loss of agricultural lands, the City relied upon prior guidance received from the California Department of Conservation (CDC) in connection with a recent past private development application (Cochrane Borello, SCH# 2011082039) that was the subject of an EIR in Morgan Hill that also involved significant loss of agricultural lands. The CDC's letter is attached to this memo, and provides important guidance as to the approach, ratio, and location for mitigating the loss of agricultural lands.

It is notable the Department 'adamantly' advises the use of permanent agricultural conservation easements on land of at least "equal quality and size" as compensation for the direct loss of agricultural land. The phrase "equal quality and size" indicates the CDC, as a statewide agency concerned with agricultural land preservation, accepts a 1:1 mitigation ratio, consistent with the City's mitigation program. As noted by the CDC, conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370 because it follows an established rationale similar to that of wildlife habitat mitigation.

1:1 Mitigation Ratio

Public comments on the SEQ Project note a 1:1 mitigation ratio translates to 50% loss of farmland, and some groups argue a 2:1 ratio is considered full mitigation, and that some jurisdictions have used 3:1. That view notwithstanding, nothing in CEQA, the Guidelines, nor case law say a Lead Agency has to require 2:1 mitigation. The City has discretion as Lead Agency to set the ratio it determines appropriate, and the time to challenge the 1:1 ratio as a means to reduce impacts to less than significant has passed when the SEQ FEIR statute of limitations expired.

Whether the ratio is 1:1, 2:1, or 3:1, there is always a net loss of farmland (since new land is not being created, the impact under any ratio never is reduced to zero), and the question for the Lead Agency is what amount of preservation elsewhere is sufficient to reduce the impact to a less than significant level (again, not a level of zero impact or no net loss). The City was well within its discretion to set a 1:1 ratio (a suggested by CDC), and the timeframe to challenge that has passed since the SEQ FEIR statute of limitations has expired. The SEQ FEIR is now presumed adequate at that ratio.

In-Lieu Fee and Location

Public comments on the SEQ Project state the mitigation (In-lieu) fee is inadequate and will hinder implementation of mitigation goals. According to the CDC, mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements (ACEs). The City's SEQ mitigation program complies with this guidance.

ACE's can be acquired regionally to effectively mitigate under CEQA since farmland is a statewide resource concern (i.e. the 'environment' for agricultural lands is not the particular jurisdiction, it is broader, as evidenced by CDC's statements), though it remains the City's policy preference for the easements to be acquired locally, i.e. in Santa Clara County. However, the ultimate location of the ACEs does not matter for purposes of the SEQ FEIR's conclusion that a 1:1 ratio would adequately mitigate the impact to less than significant (though not zero impact, i.e. no net loss).

The CDC also indicates the conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area. The City's SEQ mitigation program complies with this guidance in that agricultural preservation through conservation easements will not be limited to within the SEQ area itself, nor within the City's SOI, but will protect land where it is most feasible and appropriate to do so.

Stay Ahead Provision

Public comments argue the City's "Stay Ahead" provision does not ensure easements will be acquired in advance of development. The City as Lead Agency is responsible for ensuring the implementation of this EIR mitigation; once individual projects have paid the fee in-lieu of delivering an ACE, the City will either be responsible for acquiring the ACEs or ensure the Qualifying Entity does on City's behalf. The City is requiring each individual developer to mitigate the agricultural loss. Should the developer instead make an in lieu payment the City will not issue a building permit until the agricultural mitigation has been completed and recorded. This is a normal circumstance for mitigation monitoring, the City doesn't have to require individual projects to deliver

the ACEs to the City to ‘hold them accountable’, rather the City as Lead Agency is ultimately accountable for the mitigation under CEQA, like any mitigation for any project. Nonetheless the City is holding each developer accountable and each developer’s agricultural mitigation must be completed prior to the issuance of building permits.

Conclusion: The City’s Agricultural Lands Preservation Program was developed according to guidance received from the California Department of Conservation, the particular state agency with expertise and authority on the matter to guide Lead Agencies addressing loss of agricultural lands under CEQA statewide. The City’s SEQ Project mitigation program satisfies the requirements of CEQA, consistent with the broad discretion afforded a Lead Agency as to the approach, ratio, and location for mitigating the loss of agricultural lands. As noted above, the SEQ FEIR is now presumed adequate and the LAFCO has waived any objections, including the adequacy of this mitigation.

CEQA Guidelines Section 15096. PROCESS FOR A RESPONSIBLE AGENCY

(a) General. A Responsible Agency complies with CEQA by considering the EIR or Negative Declaration prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved. This section identifies the special duties a public agency will have when acting as a Responsible Agency.

(b) Response to Consultation. A Responsible Agency shall respond to consultation by the Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the project. By this means, the Responsible Agency will ensure that the documents it will use will comply with CEQA.

(1) In response to consultation, a Responsible Agency shall explain its reasons for recommending whether the Lead Agency should prepare an EIR or Negative Declaration for a project. Where the Responsible Agency disagrees with the Lead Agency's proposal to prepare a Negative Declaration for a project, the Responsible Agency should identify the significant environmental effects which it believes could result from the project and recommend either that an EIR be prepared or that the project be modified to eliminate the significant effects.

(2) As soon as possible, but not longer than 30 days after receiving a Notice of Preparation from the Lead Agency, the Responsible Agency shall send a written reply by certified mail or any other method which provides the agency with a record showing that the notice was received. The reply shall specify the scope and content of the environmental information which would be germane to the Responsible Agency's statutory responsibilities in connection with the proposed project. The Lead Agency shall include this information in the EIR.

(c) Meetings. The Responsible Agency shall designate employees or representatives to attend meetings requested by the Lead Agency to discuss the scope and content of the EIR.

(d) Comments on Draft EIRs and Negative Declarations. A Responsible Agency should review and comment on draft EIRs and Negative Declarations for projects which the Responsible Agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a Negative Declaration, or on additional alternatives or mitigation measures which the EIR should include. The comments shall be limited to those project activities which are within the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency. Comments shall be as specific as possible and supported by either oral or written documentation.

(e) Decision on Adequacy of EIR or Negative Declaration. If a Responsible Agency believes that the final EIR or Negative Declaration prepared by the Lead Agency is not adequate for use by the Responsible Agency, the Responsible Agency must either:

(1) Take the issue to court within 30 days after the Lead Agency files a Notice of Determination;

- (2) Be deemed to have waived any objection to the adequacy of the EIR or Negative Declaration;
 - (3) Prepare a subsequent EIR if permissible under Section 15162; or
 - (4) Assume the Lead Agency role as provided in Section 15052(a)(3).
- (f) Consider the EIR or Negative Declaration. Prior to reaching a decision on the project, the Responsible Agency must consider the environmental effects of the project as shown in the EIR or Negative Declaration. A subsequent or supplemental EIR can be prepared only as provided in Sections 15162 or 15163.
- (g) Adoption of Alternatives or Mitigation Measures.
 - (1) When considering alternatives and mitigation measures, a Responsible Agency is more limited than a Lead Agency. A Responsible Agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.
 - (2) When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. With respect to a project which includes housing development, the Responsible Agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.
- (h) Findings. The Responsible Agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.
- (i) Notice of Determination. The Responsible Agency should file a Notice of Determination in the same manner as a Lead Agency under Section 15075 or 15094 except that the Responsible Agency does not need to state that the EIR or Negative Declaration complies with CEQA. The Responsible Agency should state that it considered the EIR or Negative Declaration as prepared by a Lead Agency.

CEQA Guidelines Section 15052. SHIFT IN LEAD AGENCY DESIGNATION

(a) Where a Responsible Agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the Responsible Agency shall assume the role of the Lead Agency when any of the following conditions occur:

- (1) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
- (2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:
 - (A) A subsequent EIR is required pursuant to Section 15162,
 - (B) The Lead Agency has granted a final approval for the project, and
 - (C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.
- (3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(b) When a Responsible Agency assumes the duties of a Lead Agency under this section, the time limits applicable to a Lead Agency shall apply to the actions of the agency assuming the Lead Agency duties.



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

DEVELOPMENT
SERVICES

SEP 19 2011

CITY OF MORGAN HILL

September 12, 2011

VIA FACSIMILE (408) 779-7236

Ms. Terry Linder, Senior Planner
City of Morgan Hill, Planning Department
17555 Peak Ave
Morgan Hill, CA 95037

Subject: Notice of Preparation for the Cochrane-Borello Residential Development Project -
SCH# 2011082039

Dear Ms. Linder:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation for the Cochrane-Borello Residential Development Project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description:

The proposed project includes removal of existing orchards and associated agricultural uses for the development of a gated community consisting of 244 residences, with up to 180 secondary residences, a private recreation center, 23 acres of open space, parks, and landscaping. The residential lots would range in size from 10,000 to 30,000 square feet.

Per the Santa Clara 2008 Important Farmland Maps, prepared by the Department of Conservation, Farmland Mapping and Monitoring Program, the site appears to be designated Prime Farmland and Other Land.

Division Comments:

Therefore, the Division recommends that the DEIR address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities:

Agricultural Setting of the Project

- Location and extent of Prime Farmland in and adjacent to the project area.
- Current and past agricultural use of the project area. Please include data on the types of crops grown.

Project Impacts on Agricultural Land

The Department's data on land use conversion¹ shows that Santa Clara County lost a total of 22,805 acres of Important Farmland from 1984 to 2010, with an annual average loss of 877 acres per year. This cumulative loss represents a significant and permanent impact to the agricultural resources of the County and the State, and shows why the remaining agricultural resources in the County should be protected whenever feasible. In 2009, approximately \$260,139,000 in farm sales was generated in Santa Clara County². That value demonstrates the significance of agriculture to the economy of Solano County. The City of Morgan Hill has important farmland spread throughout different sections of the City. Any loss of this agricultural land should be avoided or mitigated whenever possible.

When determining the agricultural value of the land, it is important to recognize that the value of a property may have been reduced over the years due to inactivity, but it does not mean that there is no longer any agricultural value. The *inability* to farm the land for agriculture, rather than the choice not to do so, is what could constitute a reduced agricultural value. The Division recommends the following discussion under the Agricultural Resources section of the Draft EIR:

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, etc.
- Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely projects in the future.

Under California Code of Regulations Section 15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at:

http://www.consrv.ca.gov/DLRP/qh_les.htm

Mitigation Measures

CEQA is the State's main policy tool for agricultural land preservation. If a project is deemed significant, lead agencies are required to adopt feasible mitigation measures to avoid or substantially lessen them. The loss of agricultural land represents a permanent reduction in the

¹ Department of Conservation. "Important Farmland Data Availability. Land Use Conversion Table"
http://redirect.conservation.ca.gov/dlrp/fmmp/county_info_results.asp

² California Agricultural Resource Directory 2010-2011
http://www.cdfa.ca.gov/statistics/PDFs/ResourceDirectory_2010-2011.pdf

State's agricultural land resources. As such, the Department adamantly advises the use of permanent agricultural conservation easements on land of at least equal quality and size as compensation for the direct loss of agricultural land. Conservation easements are an available mitigation tool and considered a standard practice in many areas of the State.

Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Although direct conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts. Even partial compensation can be accomplished for most projects.

A Statement of Overriding Considerations is not a substitute for the requirement to prepare findings (CEQA Guidelines §15091). CEQA states that the Lead Agency shall describe the specific reasons for rejecting identified mitigation measures. Therefore, all mitigation measures allegedly feasible should be included in the DEIR. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. It is a failure to ignore feasible mitigation measures, which can lessen a project's impacts. Because agricultural conservation easements are an available mitigation tool they should always be considered.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

One source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts, which can be found at:

<http://www.calandtrusts.org>

The California Council of Land Trusts deals with all types of mitigation banks. It is suggested that the County contact them to get an understanding of the fees associated with mitigation banking and the options available.

Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California involving Land Trust Alliance, the California Council of Land Trusts, and the American Farmland Trust. If the County were not able to make arrangements for easement mitigation through one

Cochrane-Borello Residential Development Project
September 12, 2011
Page 4 of 4

of these or many other land trusts operating in California, the Department would be glad to help. Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on the Notice of Preparation for the Cochrane-Borello Residential Development Project. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



John M. Lowrie
Program Manager
Williamson Act Program

cc: State Clearinghouse

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Morgan Hill
City Clerk
17555 Peak Avenue
Morgan Hill, CA 95037

No fee for recording pursuant to
Government Code Section 27383

ABOVE AREA FOR RECORDER'S USE

168-04-16-004

**AGRICULTURAL MITIGATION AGREEMENT AND
DECLARATION OF COVENANTS**

Steve and Julie Forestieri Trust and Marc and Ann Minton Trust

This Agricultural Mitigation Agreement and Declaration of Covenants ("Agreement") is made and entered into as of this 4th day of March, 2016, by and between the City of Morgan Hill, a municipal corporation ("City") and Steve and Julie Forestieri Trust and Marc and Ann Minton Trust ("Owner").

RECITALS

WHEREAS, Owner is the owner of real property having agricultural value in an unincorporated part of County of Santa Clara, California, commonly known as APN 817-14-019, and more particularly described on Exhibit "A" attached hereto (the "Parcel");

WHEREAS, application has been made to the Santa Clara County Local Agency Formation Commission ("LAFCO") to annex the Parcel into the City of Morgan Hill;

WHEREAS, the annexation of the Parcel is conditioned, in part, upon Owner's agreement to adhere to the City's current Agricultural Lands Mitigation Ordinance, a copy of which is attached hereto as Exhibit "B" (the "Ordinance") in order to mitigate the impact of the loss of the agricultural value of the Parcel;

WHEREAS, compliance with the Ordinance will mitigate the agricultural impacts that may occur due to the annexation of the Parcel and its subsequent development. In order to ensure that agricultural mitigation for the annexation and subsequent development of the Parcel occurs, the City and the Owner desire to enter into this Agreement; and

WHEREAS, the effectiveness of this Agreement is contingent upon approval of the application to annex the Parcel into the City of Morgan Hill by LAFCO.

NOW THEREFORE, in consideration of the recitals, hereof, and other mutual covenants and promises contained herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Owner hereby agree as follows.

ARTICLE 1 DEFINITIONS

Section 1.01 When used in this Agreement, the following terms have the respective meanings assigned to them in this Article 1.

- (a) "Agreement" means this Agricultural Mitigation Agreement and Declaration of Restrictive Covenants.
- (b) "Owner" means Steve and Julie Forestieri Trust and Marc and Ann Minton Trust and its successors and assigns to the Parcel.
- (c) "City" means the City of Morgan Hill.
- (d) "Parcel" means the real property described in Exhibit "A", attached hereto and incorporated herein.
- (e) "Term" means the duration of this Agreement, which commences on the date of LAFCO's approval of the annexation of the Parcel into the City of Morgan Hill and continues until the City determines that the requirements of the Agreement and Ordinance have been satisfied by the recording of the Agricultural Conservation Easement.
- (f) "Agricultural Conservation Easement" shall have the meaning set forth in the Ordinance.

ARTICLE 2 COVENANTS

Section 2.01 Owner agrees to abide by the Ordinance in effect as of the date of this Agreement.

Section 2.02 The Parties agree that the farmlands on the Parcel will no longer be available for agriculture use after the Parcel has been annexed and physical alteration of the Parcel for development purposes pursuant to subsequent City approvals occurs. The Owner agrees to mitigate such farmland loss at a 1:1 ratio, with either (a) an Agricultural Conservation Easement(s) on real property elsewhere within Santa Clara County or, (b) the payment of an In-lieu fee to the City pursuant to the Ordinance. In the event that Owner pays an In-lieu fee, the City will take on the responsibility for acquiring and recording the Agricultural Conservation Easement or transfer the In-lieu Fee and accompanying responsibility to a Qualifying Entity. In either event, the Agricultural Conservation Easement must be recorded prior to the City's issuance of the first of a Grading Permit or a Building Permit for development of the Parcel. In the event that the Owner pays an In-lieu fee, the City or the Qualifying Entity, as the case may be, will make a reasonable, good faith effort to acquire and record the Agricultural Conservation Easement in a reasonable timeframe. In the event that Owner records the

Agricultural Conservation Easement, Owner agrees to submit the Agricultural Conservation Easement document to the City for its approval prior to recording such Easement.

Section 2.03 The Agricultural Conservation Easement(s) document shall include the street address, if any, the APN, and the legal description of the property(s) subject to the Easements(s). Upon the recording of said Easement by either Owner or the City, pursuant to the Ordinance, Owner will have fully satisfied the requirements of the Ordinance, and shall have no further obligations pursuant to this Agreement. At such time, the parties shall cooperate in the recording of a document terminating the Agreement so that it no longer burdens title to the Parcel.

ARTICLE 3 MISCELLANEOUS

Section 3.01 Term.

The provisions of this Agreement apply to the Parcel for the entire Term. This Agreement binds any successor, heir or assign of the Owner, whether a change in interest occurs voluntarily or involuntarily, by operation of law or otherwise, except as expressly released by the City.

Section 3.02 Covenants to Run With the Land.

The City and the Owner hereby declare their express intent that the covenants set forth in this Agreement run with the land, and bind all successors in title to the Parcel until the City determines that Owner has satisfied the requirements of the Agreement and Ordinance.

Section 3.03 Enforcement.

If the Owner fails to perform any obligation under this Agreement, and fails to cure the default within thirty (30) days after the City has notified the Owner in writing of the default or, if the default is not capable of being cured within thirty (30) days, failed to commence to cure within thirty (30) days and thereafter diligently pursue such cure and complete such cure within ninety (90) days, the City shall have the right to enforce this Agreement by any remedy provided by law or equity, including, but not limited to, termination of the Agreement.

Section 3.04 Attorneys' Fees and Costs.

In any action brought to enforce this Agreement, the prevailing Party shall be entitled to all costs and expenses of suit, including attorneys' fees. This section shall be interpreted in accordance with California Civil Code Section 1717 and judicial decisions interpreting that statute.

Section 3.05 Recording and Filing.

The City and the Owner shall cause this Agreement, and all amendments and supplements to it, to be recorded in the Official Records of the County of Santa Clara.

Section 3.06 Governing Law.

California law governs this Agreement.

Section 3.07 Waiver of Requirements.

The City may waive any of the requirements of this Agreement only in writing, but no waiver by the City of any requirement of this Agreement shall, or shall be deemed to, extend to or affect any other provision of this Agreement.

Section 3.08 Amendments.

The Parties may amend this Agreement only by a written instrument executed by both Parties hereto or their successors in title, and duly recorded in the Official Records of the County of Santa Clara.

Section 3.09 Notices.

Any notice requirement set forth herein shall be deemed to be satisfied three (3) days after mailing of the notice first-class United States mail, postage prepaid, addressed to the appropriate party as follows:

Owner: Steve and Julie Forestieri Trust and Marc and Ann Minton Trust
1315 Sonny's Way
Hollister, CA 95023

City: City of Morgan Hill
c/o Agency Secretary
17575 Peak Avenue
Morgan Hill, CA 95037

A Party may change its address by giving written notice to the other Party given in the same manner as provided above.

Section 3.10 Severability.

If any provision of this Agreement shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining portions of this Agreement shall not in any way be affected or impaired thereby.

Intentionally Left Blank

Section 3.11 Authorized Signers.

Each signer below represents and warrants that he or she is an authorized signer on behalf the Party for which he or she signs.

IN WITNESS WHEREOF, the City and the Owner have executed this Agreement all on the date first written above.

CITY:

CITY OF MORGAN HILL

By: 

City Manager

Date: 3/10, 2016

OWNER:

Steve and Julie Forestieri

By: 

Date: March 4, 2016

ATTEST:



Marc and Ann Minton Trust



Date: March 4, 2016

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of **CALIFORNIA**

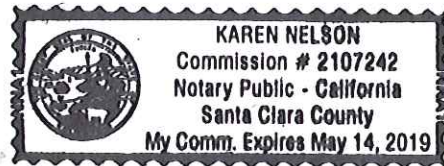
County of **SANTA CLARA**

On March 4, 2016, before me, Karen Nelson a Notary Public in and for said County and State, personally appeared Steven Forestieri and Ann Marie Minton

proved to me on the basis of satisfactory evidence to be the person/s whose name/s is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity/ies, and that by his/her/their signature/s on the instrument the person/s, or the entity upon behalf of which the person/s acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Karen Nelson
SIGNATURE OF NOTARY PUBLIC

(ABOVE AREA FOR NOTARY SEAL)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of **CALIFORNIA**

County of **SANTA CLARA**

On _____, 20__, before me, _____ a Notary Public in and for said County and State, personally appeared _____

proved to me on the basis of satisfactory evidence to be the person/s whose name/s is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity/ies, and that by his/her/their signature/s on the instrument the person/s, or the entity upon behalf of which the person/s acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY PUBLIC

(ABOVE AREA FOR NOTARY SEAL)

A notary or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Clara

On March 10, 2016, before me, Michelle Wilson, a Notary Public in and for said County and State, personally appeared Steve Rymer, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



SIGNATURE OF NOTARY PUBLIC



(ABOVE AREA FOR NOTARY SEAL)

EXHIBIT "A"

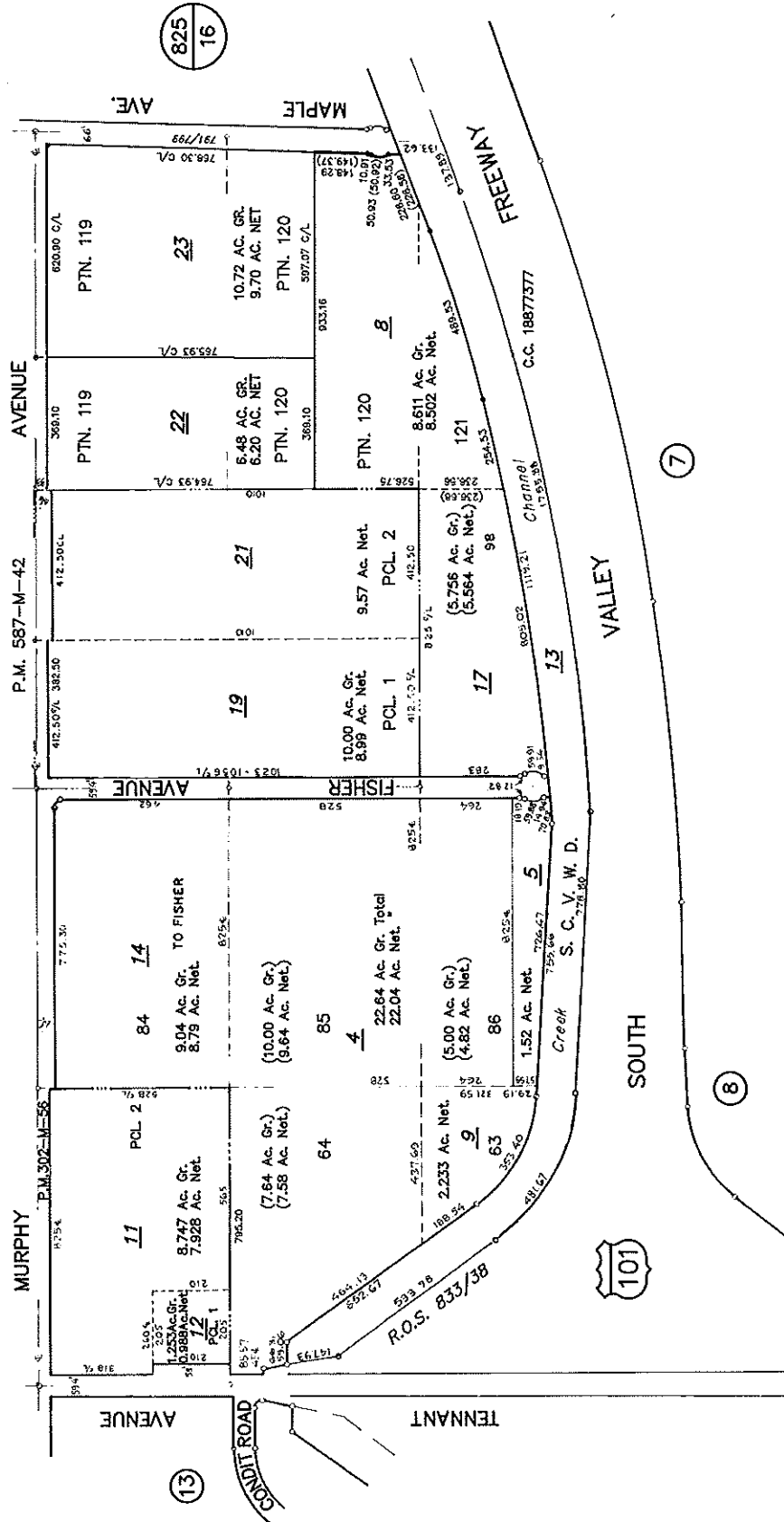
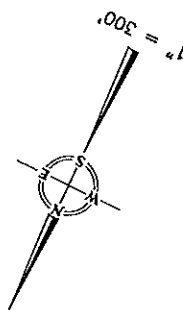


EXHIBIT “B”

18.08.070 Agricultural Mitigation Ordinance

The ordinance codified in this Chapter shall be known and may be cited as the “Agricultural Lands Preservation Program” of the City of Morgan Hill.

18.85.020 Purpose

The City of Morgan Hill has determined that small-scale agriculture is viable in the Morgan Hill Sphere of Influence (SOI) if land use tools are used effectively to protect an adequate agricultural land use supply. Establishing land use policies and an implementation program to preserve agricultural lands will help to preserve open space, provide access to locally grown foods, promote sustainable food production, contribute to a unique cultural environment within Morgan Hill, and address regional land use planning policy objectives. For Morgan Hill, an effective agricultural preservation program will need to focus upon the use of agricultural land use easements supported by agricultural preservation land use policies.

The Morgan Hill Agricultural Lands Preservation Program is intended to promote continued and viable agricultural activities in and around Morgan Hill through a comprehensive set of land use policies and implementation activities that together accomplish the following:

1. Preserve open space agricultural lands and agricultural activity within the Morgan Hill Sphere of Influence.
2. Promote the viability of small-scale agriculture through the preservation of agricultural land and the implementation of supporting General Plan policies.
3. Identify the combination of tools, techniques, mechanisms, and funding sources that form the best agricultural/open space land preservation program for the City of Morgan Hill.
4. Establish CEQA mitigation procedures to mitigate the loss of agricultural lands.
5. Focus land preservation in the City’s Southeast Quadrant

18.85.030 Definitions

The following terms when used in this chapter shall have the following respective meanings:

A. Agricultural Land

For “Agricultural Land” that requires off-setting preservation/mitigation under this Agricultural Lands Preservation Program, Agricultural Land is defined as land that is depicted on the 2010 map of the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance and that was not subsequently developed for non-Agricultural Use prior to August 1, 2014 or subsequently developed per the provisions of this Ordinance. Lands identified as Grazing Land are not subject to the offsetting preservation/mitigation requirements set forth in this Policy.

B. Agricultural Conservation Easement

An Agricultural Conservation Easement is a specific type of easement whose purpose is to enable the encumbered property to remain in productive Agricultural Use by preventing any use or activity that would diminish or impair the agriculturally productive capacity. Therefore, the terms of an agricultural- conservation easement restrict the use of the encumbered property to agriculture, while prohibiting development, subdivision, and commercial use of the property other than as agriculture. Agricultural conservation easements are perpetual, running with the land so that their terms are binding on all future fee-title owners of the property.

C. Agricultural Mitigation Land

Agricultural Land (as defined above) that is encumbered by an Agricultural Conservation Easement or other farmland conservation mechanism acceptable to the City. If the Agricultural Land is also being used to meet Open Agricultural Land preservation goals, the easement or other mechanism must ensure that at least 90% of any property being used as Agricultural Mitigation Land remain as open space free of structures or other impervious surfaces so that it retains its value as Agricultural Land under the FMMP criteria. Uses allowed on Agricultural Mitigation Land shall be consistent with the Agricultural Use described below and pertaining land use regulations, and as further defined in the applicable Agricultural Conservation Easement or other farmland conservation mechanism.

D. Agricultural Priority Area

The Agricultural Priority Area is an area within the SEQ that has been identified within the Agricultural Lands Preservation Program as a priority location to preserve and encourage the long-term viability of agriculture and Open Agricultural Lands, recognizing both the vital contributions agriculture makes to the economy and quality of life within the county and the community preference for maintenance of open space areas. By designating this area, the Program identifies those lands within the Morgan Hill SOI most suitable for agricultural production and related uses. Designating the Agricultural Priority Area provides stability for ongoing agricultural operations and supports new uses necessary to support a viable local agriculture industry. The Agricultural Priority Area is also intended to retain in open space uses any lands that are not being actively farmed until agricultural activities resume on those lands.

E. Agricultural Use

Agricultural Use is defined as the use of the land for agricultural purposes, including crops, or crop trees, including floriculture, horticulture, viticulture, crops grown within greenhouses or other buildings, vineyards, crop harvesting, raising of animals (including apiaries, aviaries, dairying, pasturage, and fish farms), and grazing, and including necessary accessory uses for packing, processing, treating or storing of produce, and consistent with the governing jurisdiction's pertaining land use regulations. Qualifying Agricultural Use activities may include:

1. **Agricultural Processing:** Processing facilities for the handling, processing, packing, packaging, storing and shipping of agricultural commodities grown primarily in Santa Clara County. Does not include processing of meat, poultry, or animal products (butcheries), nor timber or wood processing. Does not include routine harvesting and handling activities incidental to agriculture.
2. **Agriculturally Related Entertainment & Commercial Uses:** Visitor-oriented services, sales and attractions with an agricultural theme that are conducted in conjunction with on-site Agricultural Uses. Such uses include but are not limited to food and retail sales, tasting rooms, reception facilities, outdoor entertainment areas.
3. **Agricultural Research:** Establishments for experimental greenhouse and field growing of agricultural commodities, landscaping and seeds, including experimental use of herbicides, pesticides and other agricultural practices. Agricultural research excludes experiments involving livestock and other animals.
4. **Dairy:** Establishments where cows or goats are maintained for the production of milk or other dairy products for commercial distribution or sale.
5. **Feed Lot:** Establishments primarily engaged in the fattening of livestock in a confined area.
6. **Field Research:** Research activities, field studies and educational activities (e.g., student field research) that are dependent on a natural, open setting. Examples include biological, geological or atmospheric studies.
7. **Mushroom Farm:** Establishments primarily used for the cultivation and subsequent distribution and sale of mushrooms.

8. Nursery: an area where agricultural products are grown for transplanting, for use of stock for building and grafting, or for sale on the premises. Nurseries may include sale and cultivation of ornamental trees, shrubs, and plants, and incidental sale or rental of garden and landscape materials and equipment.

9. Poultry and Egg Farms: Establishments where fowl are raised or kept in confined areas or facilities for the purpose of commercial distribution or sale of birds or eggs.

10. Wildlife Refuge: undeveloped land kept as natural habitat for the purpose of supporting a species or multiple species of wildlife.

11. Wineries: Facilities for the production of wine from fruit or fruit juices through fermentation that are subject to Type 02 licenses by the California Department of Alcoholic Beverage Control.

Wineries shall be entitled to all uses and activities provided under the Type 02 license. Wineries may also include related storage, blending and bottling activities, as well as administrative offices, marketing, tours, public tasting, wholesale and retail sales of wine, and ancillary distilling of wine to produce brandy or similar distilled spirits. Wineries may include outdoor areas for picnics, gatherings and other activities incidental to wine-tasting. Incidental sale of marketing products and accessories related to the winery's brand identity, wine drinking, food pairing, local agriculture and local history is also permitted.

12. Ancillary Uses: Uses conducted subordinate to the primary Agricultural Use being conducted upon a property and which do not occupy in total more than 10% of the property, including:

- a) Direct sales of locally produced agricultural products.
- b) One dwelling of persons regularly employed on the premises for farming or domestic duties;
- c) Ancillary private garages and other structures for parking and storage of equipment, private stables, and other accessory buildings;
- d) Quarters, accommodations or areas for transient labor, such as labor cabins or camps.

F. Agricultural Preservation In-lieu Fee

A fee paid to the City of Morgan Hill which will be credited to the City's Open Space Fund or other City fund created for the purpose of acquiring Agricultural Mitigation Land or transferred to a Qualifying Entity and used by either agency solely for the purpose of acquiring Agricultural Conservation Easements. The Program provides for an in-lieu fee in order to allow the utilization of funding from multiple sources and to maximize the City's ability to preserve open space Agricultural Lands within the Agricultural Priority Area.

G. Agricultural Lands Preservation Program Surcharge Fee

A fee paid to the City of Morgan Hill which will be credited to the City's Open Space Fund or other City fund created for the purpose of acquiring Agricultural Mitigation Land or transferred to a Qualifying Entity and used by either agency for the purpose of administering the Agricultural Lands Preservation Program and/or to cover ongoing management and monitoring of the easements. The Surcharge fee is either incorporated into the overall In-lieu Fee for projects that make use of this option, or charged directly to projects which independently establish an Agricultural Conservation Easement.

H. Open Agricultural Land

Open Agricultural Land is defined as Agricultural Land that is at least 90% free of buildings, structures or other impervious surface and therefore available for planting of outdoor crops, grazing, or other Agricultural Use. The City may make use of open space funding sources to acquire Agricultural Conservation Easements where that Easement specifies that the encumbered property be maintained as Open Agricultural Land.

18.85.040 Applicability

The provisions of this chapter shall apply to all new development/activities under the jurisdiction of the City of Morgan Hill, including both private development and public development projects that directly result in the conversion of Agricultural Land (as defined above) will be required to mitigate loss of Agricultural Land per the provisions of this Policy. This includes projects within the existing City boundaries as well as projects that propose annexation into Morgan Hill. Projects which have received discretionary land use approval prior to the adoption August 1, 2014, including completion of the CEQA process, are not subject to this Policy unless specifically required as mitigation or a condition of project approval.

18.85.050 Mitigation Ratio

A minimum of one (1) acre of Agricultural Land (1:1 mitigation ratio) shall be preserved for each acre of Agricultural Land changed to a non-agricultural use. The required acreage of area to be protected through an Agricultural Conservation Easement or agricultural preservation in-lieu fee will depend on the measurement of affected area as defined below.

18.85.060 “Stay Ahead” Provision

Conservation easements will be established at least at a 1:1 mitigation ratio in advance of the development of Agricultural Lands. Development occurs with either the issuance of Grading Permit or Building Permits that would result in the loss of Agricultural Land. To meet this provision the City may utilize existing open space funding to establish Agricultural Conservation Easements, or individual projects may establish such easements in advance of development activity.

18.85.070 Measurement of Affected Area

Areas subject to agricultural mitigation requirements will be the developed footprint for properties with a General Plan land use designation of Open Space, Public Facilities, or Sports Recreation/Leisure. Areas proposed to be so reserved shall have an aggregated area of at least 10 acres in size to qualify for exclusion from the developed footprint calculation. For the remaining land use designations of residential, commercial, and industrial, the entire site will be used for calculating the required mitigation. Disturbed footprint will include irrigated fields for proposed sports fields or facilities.

18.85.080 Mitigation Mechanism

Conversion of Agricultural Land will require off-setting acquisition and/or dedication of Agricultural Conservation Easements over approved Agricultural Mitigation Land, or payment to the City of the Agricultural Preservation In-lieu Fee, to support agricultural preservation. In addition to land acquisition/dedication, or payment of the Agricultural Preservation In-lieu Fee, in either case developers are also required to pay an Agricultural Lands Preservation Program Surcharge Fee (on a per acre basis) to cover administrative costs and ongoing management and monitoring of the easements.

18.85.090 Eligible Mitigation Lands

In order to meet the goals of this Ordinance, lands proposed to be used as agricultural mitigation shall conform to the above definitions for Agricultural Mitigation Land and/or Open Agricultural Land and shall meet the following criteria:

- a) Agricultural conservation easements resulting from this program shall be acquired from willing sellers only; eminent domain will not be used to acquire lands for conservation;

- b) The property is of adequate size, configuration and location to be viable for continued Agricultural Use;
- c) The land shall have access to an adequate water supply to maintain the purposes of the easement, i.e., to irrigate farmland if the converted farmland is irrigated or capable of irrigation. The water supply shall be sufficient to support ongoing Agricultural Uses, and the water rights on the Agricultural Mitigation Land shall be protected in the Agricultural Conservation Easement;
- d) Other considerations for appropriate conserved Agricultural Lands include: soil type, parcel size, existing irrigation supplies, strong agricultural production history, proximity to agricultural infrastructure, proximity to the first point of processing, uses on surrounding lands, and proximity to urban areas now and into the foreseeable future;
- e) The mitigation land shall be located within Santa Clara County; and
- f) The mitigation land may not overlap with land being acquired as habitat mitigation by the Santa Clara Valley Habitat Agency.

18.85.100 Ineligible Mitigation Lands

A property is ineligible to serve as agricultural mitigation if any of the circumstances below apply:

- a) The property is currently encumbered by a conservation, flood, or other type of easement or deed restriction that legally or practicably prevents converting the property to a nonagricultural use; or
- b) The property is currently under public ownership and will remain so in the future, except to the extent it is included within a mitigation bank that may subsequently be established by the City or other public agency; or
- c) The property is subject to conditions that practicably prevent utilizing the property for a viable Agricultural Use.

18.85.110 Agricultural Priority Area

Dedications inside the Morgan Hill Sphere of Influence (SOI) will be strongly encouraged within the Southeast Quadrant (SEQ) as the first priority. The City has identified an Agricultural Priority Area within the SEQ as the City's first priority for conservation. The City's secondary priority is the preservation of other rural County Agricultural Lands within the Morgan Hill SOI. Dedications outside the SOI are less desirable and must be inside Santa Clara County as described under 'Eligible Mitigation Lands' above. The Agricultural Priority Area encompasses approximately 650 acres of land.

18.85.120 Responsibility for Easement Acquisition

- a) In cases where the mitigation fee is paid, the City of Morgan Hill will either take on responsibility for acquiring the easement or transfer the In-lieu Fee and accompanying responsibility to a Qualifying Entity.
- b) Developments requiring less than 10 acres of agricultural mitigation are required to pay the Agricultural Preservation In-lieu Fee on a per acre basis except that acquisition of Agricultural Conservation Easements of less than 10 acres may be allowed when located immediately adjacent to an existing Agricultural Conservation Easement area that when combined, exceeds 10 acres in size.
- c) Developers may independently establish an Agricultural Conservation Easement on Eligible Mitigation Lands within the County. In such cases, the developer will be required to pay all acquisition costs, the costs of establishing the easement, and the Agricultural Lands Preservation Program Surcharge Fee.

18.85.130 Management and Monitoring Fee

The developer shall pay a one-time per acre fee (Agricultural Lands Preservation Program Surcharge Fee) to cover the average cost administration of the program.

18.85.140 Implementing Entity

The City will hold the easements and collect management and monitoring fees until an alternative implementing entity (Qualifying Entity), such as a nonprofit conservation organization or agricultural consultant, has been identified.

18.85.150 Mitigation Timing and Implementation

Agricultural mitigation will be required prior to the acceptance of a final parcel or subdivision map or prior to issuance of a building permit or grading permit that results in physical development involving the conversion of Agricultural Lands, whichever occurs first.

18.85.160 Planned Developments / Development Agreements

Developers may provide agricultural mitigation through a planned development project that consolidates existing development rights onto a portion of the property so that the remaining undeveloped portion is then reserved for agricultural use. Such an approach may be used within the SEQ or within other areas of the City's SOI in which Agricultural Lands are present. Such a project must be governed by a development agreement. This method of mitigation will only be considered if it results in an equal or greater agricultural benefit as would have resulted from the mitigation measures described above. Factors that may be considered include, but are not limited to: (1) the number, size, and location of permissible clustered home sites; (2) the amount of land dedicated for agricultural conservation; (3) the location of agricultural land in relation to the Agricultural Priority Area and contiguity with existing and already conserved agricultural land; and (4) commitments to actively farm agricultural land within the development agreement area. The developer will be required to enter into a development agreement with the City specifying the terms of the agreement and the extraordinary benefits accruing to the City

18.85.170 Funding for Easements

Given the City's policy objective of agricultural land preservation within the Morgan Hill Sphere of Influence and within the Southeast Quadrant in particular, it is anticipated that the City will need to use multiple funding sources to support the acquisition of easements within the desired area. In addition to use of money obtain through grants and other contributions, the City will use open space funds collected through administration of its Residential Development Control System (RDCS) to supplement the acquisition of conservation easements.

18.85.180 Clustering of Development

The City may work with land owners or developers through the land use entitlement process to preserve agricultural lands by allowing a clustering of existing development rights onto a portion of a site so that a large portion of the site may be preserved for agricultural use. The City should allow such alternate methods of agricultural mitigation through Planned Development Zoning and/or a Development Agreement so that it will result in equal or greater agricultural benefit than would result from standard mitigation requirements. At a minimum, mitigation shall still be required at a ratio of 1:1, but may allow flexibility with respect to timing and location. Also, an Agricultural Conservation Easement shall be recorded over the Agricultural Mitigation Lands subject to the Planned Development Zoning and/or Development Agreement.

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Morgan Hill
City Clerk
17555 Peak Avenue
Morgan Hill, CA 95037

No fee for recording pursuant to
Government Code Section 27383

ABOVE AREA FOR RECORDER'S USE

168-04-16-003

**AGRICULTURAL MITIGATION AGREEMENT AND
DECLARATION OF COVENANTS**

City Ball Field Site

This Agricultural Mitigation Agreement and Declaration of Covenants ("Agreement") is made and entered into as of this 10th day of March, 2016, by the City of Morgan Hill, a municipal corporation, acting as both ("City") and ("Owner").

RECITALS

WHEREAS, Owner is the owner of real property having agricultural value in an unincorporated part of County of Santa Clara, California, commonly known as APN 817-14-004, 817-14-005, 817-14-009, and more particularly described on Exhibit "A" attached hereto (the "Parcel");

WHEREAS, application has been made to the Santa Clara County Local Agency Formation Commission ("LAFCO") to annex the Parcel into the City of Morgan Hill;

WHEREAS, the annexation of the Parcel is conditioned, in part, upon Owner's agreement to adhere to the City's current Agricultural Lands Mitigation Ordinance, a copy of which is attached hereto as Exhibit "B" (the "Ordinance") in order to mitigate the impact of the loss of the agricultural value of the Parcel;

WHEREAS, compliance with the Ordinance will mitigate the agricultural impacts that may occur due to the annexation of the Parcel and its subsequent development. In order to ensure that agricultural mitigation for the annexation and subsequent development of the Parcel occurs, the City and the Owner desire to enter into this Agreement; and

WHEREAS, the effectiveness of this Agreement is contingent upon approval of the application to annex the Parcel into the City of Morgan Hill by LAFCO.

NOW THEREFORE, in consideration of the recitals, hereof, and other mutual covenants and promises contained herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Owner hereby agree as follows.

ARTICLE 1 DEFINITIONS

Section 1.01 When used in this Agreement, the following terms have the respective meanings assigned to them in this Article 1.

- (a) "Agreement" means this Agricultural Mitigation Agreement and Declaration of Restrictive Covenants.
- (b) "Owner" means the City of Morgan Hill and its successors and assigns to the Parcel.
- (c) "City" means the City of Morgan Hill.
- (d) "Parcel" means the real property described in Exhibit "A", attached hereto and incorporated herein.
- (e) "Term" means the duration of this Agreement, which commences on the date of LAFCO's approval of the annexation of the Parcel into the City of Morgan Hill and continues until the City determines that the requirements of the Agreement and Ordinance have been satisfied by the recording of the Agricultural Conservation Easement.
- (f) "Agricultural Conservation Easement" shall have the meaning set forth in the Ordinance.

ARTICLE 2 COVENANTS

Section 2.01 Owner agrees to abide by the Ordinance in effect as of the date of this Agreement.

Section 2.02 The Parties agree that the farmlands on the Parcel will no longer be available for agriculture use after the Parcel has been annexed and physical alteration of the Parcel for development purposes pursuant to subsequent City approvals occurs. The Owner agrees to mitigate such farmland loss at a 1:1 ratio, with either (a) an Agricultural Conservation Easement(s) on real property elsewhere within Santa Clara County or, (b) the payment of an In-lieu fee to the City pursuant to the Ordinance. In the event that Owner pays an In-lieu fee, the City will take on the responsibility for acquiring and recording the Agricultural Conservation Easement or transfer the In-lieu Fee and accompanying responsibility to a Qualifying Entity. In either event, the Agricultural Conservation Easement must be recorded prior to the City's issuance of the first of a Grading Permit or a Building Permit for development of the Parcel. In the event that the Owner pays an In-lieu fee, the City or the Qualifying Entity, as the case may be, will make a reasonable, good faith effort to acquire and record the Agricultural Conservation Easement in a reasonable timeframe. In the event that Owner records the Agricultural Conservation Easement, Owner agrees to submit the Agricultural Conservation Easement document to the City for its approval prior to recording such Easement.

Section 2.03 The Agricultural Conservation Easement(s) document shall include the street address, if any, the APN, and the legal description of the property(s) subject to the Easements(s). Upon the recording of said Easement by either Owner or the City, pursuant to the Ordinance, Owner will have fully satisfied the requirements of the Ordinance, and shall have no further obligations pursuant to this Agreement. At such time, the parties shall cooperate in the recording of a document terminating the Agreement so that it no longer burdens title to the Parcel.

ARTICLE 3 MISCELLANEOUS

Section 3.01 Term.

The provisions of this Agreement apply to the Parcel for the entire Term. This Agreement binds any successor, heir or assign of the Owner, whether a change in interest occurs voluntarily or involuntarily, by operation of law or otherwise, except as expressly released by the City.

Section 3.02 Covenants to Run With the Land.

The City and the Owner hereby declare their express intent that the covenants set forth in this Agreement run with the land, and bind all successors in title to the Parcel until the City determines that Owner has satisfied the requirements of the Agreement and Ordinance.

Section 3.03 Enforcement.

If the Owner fails to perform any obligation under this Agreement, and fails to cure the default within thirty (30) days after the City has notified the Owner in writing of the default or, if the default is not capable of being cured within thirty (30) days, failed to commence to cure within thirty (30) days and thereafter diligently pursue such cure and complete such cure within ninety (90) days, the City shall have the right to enforce this Agreement by any remedy provided by law or equity, including, but not limited to, termination of the Agreement.

Section 3.04 Attorneys' Fees and Costs.

In any action brought to enforce this Agreement, the prevailing Party shall be entitled to all costs and expenses of suit, including attorneys' fees. This section shall be interpreted in accordance with California Civil Code Section 1717 and judicial decisions interpreting that statute.

Section 3.05 Recording and Filing.

The City and the Owner shall cause this Agreement, and all amendments and supplements to it, to be recorded in the Official Records of the County of Santa Clara.

Section 3.06 Governing Law.

California law governs this Agreement.

Section 3.07 Waiver of Requirements.

The City may waive any of the requirements of this Agreement only in writing, but no waiver by the City of any requirement of this Agreement shall, or shall be deemed to, extend to or affect any other provision of this Agreement.

Section 3.08 Amendments.

The Parties may amend this Agreement only by a written instrument executed by both Parties hereto or their successors in title, and duly recorded in the Official Records of the County of Santa Clara.

Section 3.09 Notices.

Any notice requirement set forth herein shall be deemed to be satisfied three (3) days after mailing of the notice first-class United States mail, postage prepaid, addressed to the appropriate party as follows:

Owner: City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

City: City of Morgan Hill
c/o Agency Secretary
17575 Peak Avenue
Morgan Hill, CA 95037

A Party may change its address by giving written notice to the other Party given in the same manner as provided above.

Section 3.10 Severability.

If any provision of this Agreement shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining portions of this Agreement shall not in any way be affected or impaired thereby.

Intentionally Left Blank

Section 3.11 Authorized Signers.

Each signer below represents and warrants that he or she is an authorized signer on behalf the Party for which he or she signs.

IN WITNESS WHEREOF, the City and the Owner have executed this Agreement all on the date first written above.

CITY:

CITY OF MORGAN HILL

By: _____

City Manager

Date: 3/10, 2016

OWNER:

CITY OF MORGAN HILL

By: _____

City Manager

Date: 3/10, 2016

ATTEST:

A notary or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Clara

On March 10, 2016, before me, Michelle Wilson, a Notary Public in and for said County and State, personally appeared Steve Rymer, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



SIGNATURE OF NOTARY PUBLIC



(ABOVE AREA FOR NOTARY SEAL)

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County of Santa Clara

On March 10, 2016, before me, Michelle Wilson, a Notary Public in and for said County and State, personally appeared Steve Rymer, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



SIGNATURE OF NOTARY PUBLIC

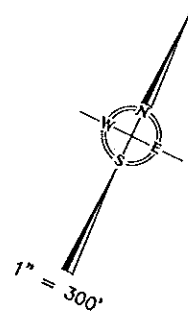


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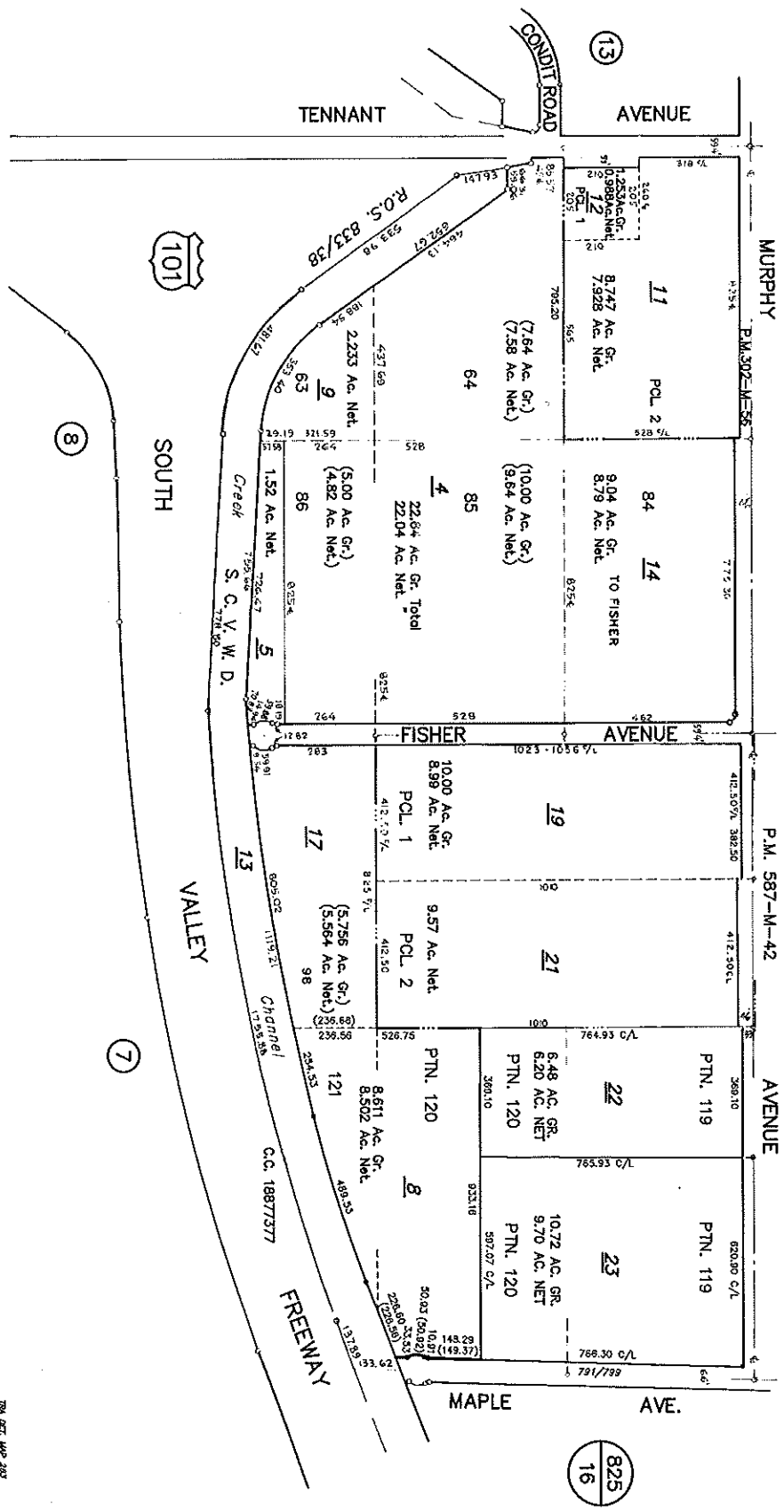
EXHIBIT "A"

CATHERINE DUNNE RANCH MAP NO. 7
L-M-26

(16) (15)



BOOK
817
PAGE
14



LAWRENCE E. STONE - ASSESSOR
Cadastral map for assessment purposes only
Compiled under R. & T. Code, Sec. 327.
Effective Road Year 2015-2016

EXHIBIT "B"

18.08.070 Agricultural Mitigation Ordinance

The ordinance codified in this Chapter shall be known and may be cited as the “Agricultural Lands Preservation Program” of the City of Morgan Hill.

18.85.020 Purpose

The City of Morgan Hill has determined that small-scale agriculture is viable in the Morgan Hill Sphere of Influence (SOI) if land use tools are used effectively to protect an adequate agricultural land use supply. Establishing land use policies and an implementation program to preserve agricultural lands will help to preserve open space, provide access to locally grown foods, promote sustainable food production, contribute to a unique cultural environment within Morgan Hill, and address regional land use planning policy objectives. For Morgan Hill, an effective agricultural preservation program will need to focus upon the use of agricultural land use easements supported by agricultural preservation land use policies.

The Morgan Hill Agricultural Lands Preservation Program is intended to promote continued and viable agricultural activities in and around Morgan Hill through a comprehensive set of land use policies and implementation activities that together accomplish the following:

1. Preserve open space agricultural lands and agricultural activity within the Morgan Hill Sphere of Influence.
2. Promote the viability of small-scale agriculture through the preservation of agricultural land and the implementation of supporting General Plan policies.
3. Identify the combination of tools, techniques, mechanisms, and funding sources that form the best agricultural/open space land preservation program for the City of Morgan Hill.
4. Establish CEQA mitigation procedures to mitigate the loss of agricultural lands.
5. Focus land preservation in the City’s Southeast Quadrant

18.85.030 Definitions

The following terms when used in this chapter shall have the following respective meanings:

A. Agricultural Land

For “Agricultural Land” that requires off-setting preservation/mitigation under this Agricultural Lands Preservation Program, Agricultural Land is defined as land that is depicted on the 2010 map of the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance and that was not subsequently developed for non-Agricultural Use prior to August 1, 2014 or subsequently developed per the provisions of this Ordinance. Lands identified as Grazing Land are not subject to the offsetting preservation/mitigation requirements set forth in this Policy.

B. Agricultural Conservation Easement

An Agricultural Conservation Easement is a specific type of easement whose purpose is to enable the encumbered property to remain in productive Agricultural Use by preventing any use or activity that would diminish or impair the agriculturally productive capacity. Therefore, the terms of an agricultural- conservation easement restrict the use of the encumbered property to agriculture, while prohibiting development, subdivision, and commercial use of the property other than as agriculture. Agricultural conservation easements are perpetual, running with the land so that their terms are binding on all future fee-title owners of the property.

C. Agricultural Mitigation Land

Agricultural Land (as defined above) that is encumbered by an Agricultural Conservation Easement or other farmland conservation mechanism acceptable to the City. If the Agricultural Land is also being used to meet Open Agricultural Land preservation goals, the easement or other mechanism must ensure that at least 90% of any property being used as Agricultural Mitigation Land remain as open space free of structures or other impervious surfaces so that it retains its value as Agricultural Land under the FMMP criteria. Uses allowed on Agricultural Mitigation Land shall be consistent with the Agricultural Use described below and pertaining land use regulations, and as further defined in the applicable Agricultural Conservation Easement or other farmland conservation mechanism.

D. Agricultural Priority Area

The Agricultural Priority Area is an area within the SEQ that has been identified within the Agricultural Lands Preservation Program as a priority location to preserve and encourage the long-term viability of agriculture and Open Agricultural Lands, recognizing both the vital contributions agriculture makes to the economy and quality of life within the county and the community preference for maintenance of open space areas. By designating this area, the Program identifies those lands within the Morgan Hill SOI most suitable for agricultural production and related uses. Designating the Agricultural Priority Area provides stability for ongoing agricultural operations and supports new uses necessary to support a viable local agriculture industry. The Agricultural Priority Area is also intended to retain in open space uses any lands that are not being actively farmed until agricultural activities resume on those lands.

E. Agricultural Use

Agricultural Use is defined as the use of the land for agricultural purposes, including crops, or crop trees, including floriculture, horticulture, viticulture, crops grown within greenhouses or other buildings, vineyards, crop harvesting, raising of animals (including apiaries, aviaries, dairying, pasturage, and fish farms), and grazing, and including necessary accessory uses for packing, processing, treating or storing of produce, and consistent with the governing jurisdiction's pertaining land use regulations. Qualifying Agricultural Use activities may include:

1. Agricultural Processing: Processing facilities for the handling, processing, packing, packaging, storing and shipping of agricultural commodities grown primarily in Santa Clara County. Does not include processing of meat, poultry, or animal products (butcheries), nor timber or wood processing. Does not include routine harvesting and handling activities incidental to agriculture.
2. Agriculturally Related Entertainment & Commercial Uses: Visitor-oriented services, sales and attractions with an agricultural theme that are conducted in conjunction with on-site Agricultural Uses. Such uses include but are not limited to food and retail sales, tasting rooms, reception facilities, outdoor entertainment areas.
3. Agricultural Research: Establishments for experimental greenhouse and field growing of agricultural commodities, landscaping and seeds, including experimental use of herbicides, pesticides and other agricultural practices. Agricultural research excludes experiments involving livestock and other animals.
4. Dairy: Establishments where cows or goats are maintained for the production of milk or other dairy products for commercial distribution or sale.
5. Feed Lot: Establishments primarily engaged in the fattening of livestock in a confined area.
6. Field Research: Research activities, field studies and educational activities (e.g., student field research) that are dependent on a natural, open setting. Examples include biological, geological or atmospheric studies.
7. Mushroom Farm: Establishments primarily used for the cultivation and subsequent distribution and sale of mushrooms.

8. Nursery: an area where agricultural products are grown for transplanting, for use of stock for building and grafting, or for sale on the premises. Nurseries may include sale and cultivation of ornamental trees, shrubs, and plants, and incidental sale or rental of garden and landscape materials and equipment.

9. Poultry and Egg Farms: Establishments where fowl are raised or kept in confined areas or facilities for the purpose of commercial distribution or sale of birds or eggs.

10. Wildlife Refuge: undeveloped land kept as natural habitat for the purpose of supporting a species or multiple species of wildlife.

11. Wineries: Facilities for the production of wine from fruit or fruit juices through fermentation that are subject to Type 02 licenses by the California Department of Alcoholic Beverage Control. Wineries shall be entitled to all uses and activities provided under the Type 02 license. Wineries may also include related storage, blending and bottling activities, as well as administrative offices, marketing, tours, public tasting, wholesale and retail sales of wine, and ancillary distilling of wine to produce brandy or similar distilled spirits. Wineries may include outdoor areas for picnics, gatherings and other activities incidental to wine-tasting. Incidental sale of marketing products and accessories related to the winery's brand identity, wine drinking, food paring, local agriculture and local history is also permitted.

12. Ancillary Uses: Uses conducted subordinate to the primary Agricultural Use being conducted upon a property and which do not occupy in total more than 10% of the property, including:

- a) Direct sales of locally produced agricultural products.
- b) One dwelling of persons regularly employed on the premises for farming or domestic duties;
- c) Ancillary private garages and other structures for parking and storage of equipment, private stables, and other accessory buildings;
- d) Quarters, accommodations or areas for transient labor, such as labor cabins or camps.

F. Agricultural Preservation In-lieu Fee

A fee paid to the City of Morgan Hill which will be credited to the City's Open Space Fund or other City fund created for the purpose of acquiring Agricultural Mitigation Land or transferred to a Qualifying Entity and used by either agency solely for the purpose of acquiring Agricultural Conservation Easements. The Program provides for an in-lieu fee in order to allow the utilization of funding from multiple sources and to maximize the City's ability to preserve open space Agricultural Lands within the Agricultural Priority Area.

G. Agricultural Lands Preservation Program Surcharge Fee

A fee paid to the City of Morgan Hill which will be credited to the City's Open Space Fund or other City fund created for the purpose of acquiring Agricultural Mitigation Land or transferred to a Qualifying Entity and used by either agency for the purpose of administering the Agricultural Lands Preservation Program and/or to cover ongoing management and monitoring of the easements. The Surcharge fee is either incorporated into the overall In-lieu Fee for projects that make use of this option, or charged directly to projects which independently establish an Agricultural Conservation Easement.

H. Open Agricultural Land

Open Agricultural Land is defined as Agricultural Land that is at least 90% free of buildings, structures or other impervious surface and therefore available for planting of outdoor crops, grazing, or other Agricultural Use. The City may make use of open space funding sources to acquire Agricultural Conservation Easements where that Easement specifies that the encumbered property be maintained as Open Agricultural Land.

18.85.040 Applicability

The provisions of this chapter shall apply to all new development/activities under the jurisdiction of the City of Morgan Hill, including both private development and public development projects that directly result in the conversion of Agricultural Land (as defined above) will be required to mitigate loss of Agricultural Land per the provisions of this Policy. This includes projects within the existing City boundaries as well as projects that propose annexation into Morgan Hill. Projects which have received discretionary land use approval prior to the adoption August 1, 2014, including completion of the CEQA process, are not subject to this Policy unless specifically required as mitigation or a condition of project approval.

18.85.050 Mitigation Ratio

A minimum of one (1) acre of Agricultural Land (1:1 mitigation ratio) shall be preserved for each acre of Agricultural Land changed to a non-agricultural use. The required acreage of area to be protected through an Agricultural Conservation Easement or agricultural preservation in-lieu fee will depend on the measurement of affected area as defined below.

18.85.060 "Stay Ahead" Provision

Conservation easements will be established at least at a 1:1 mitigation ratio in advance of the development of Agricultural Lands. Development occurs with either the issuance of Grading Permit or Building Permits that would result in the loss of Agricultural Land. To meet this provision the City may utilize existing open space funding to establish Agricultural Conservation Easements, or individual projects may establish such easements in advance of development activity.

18.85.070 Measurement of Affected Area

Areas subject to agricultural mitigation requirements will be the developed footprint for properties with a General Plan land use designation of Open Space, Public Facilities, or Sports Recreation/Leisure. Areas proposed to be so reserved shall have an aggregated area of at least 10 acres in size to qualify for exclusion from the developed footprint calculation. For the remaining land use designations of residential, commercial, and industrial, the entire site will be used for calculating the required mitigation. Disturbed footprint will include irrigated fields for proposed sports fields or facilities.

18.85.080 Mitigation Mechanism

Conversion of Agricultural Land will require off-setting acquisition and/or dedication of Agricultural Conservation Easements over approved Agricultural Mitigation Land, or payment to the City of the Agricultural Preservation In-lieu Fee, to support agricultural preservation. In addition to land acquisition/dedication, or payment of the Agricultural Preservation In-lieu Fee, in either case developers are also required to pay an Agricultural Lands Preservation Program Surcharge Fee (on a per acre basis) to cover administrative costs and ongoing management and monitoring of the easements.

18.85.090 Eligible Mitigation Lands

In order to meet the goals of this Ordinance, lands proposed to be used as agricultural mitigation shall conform to the above definitions for Agricultural Mitigation Land and/or Open Agricultural Land and shall meet the following criteria:

- a) Agricultural conservation easements resulting from this program shall be acquired from willing sellers only; eminent domain will not be used to acquire lands for conservation;

b) The property is of adequate size, configuration and location to be viable for continued Agricultural Use;

c) The land shall have access to an adequate water supply to maintain the purposes of the easement, i.e., to irrigate farmland if the converted farmland is irrigated or capable of irrigation. The water supply shall be sufficient to support ongoing Agricultural Uses, and the water rights on the Agricultural Mitigation Land shall be protected in the Agricultural Conservation Easement;

d) Other considerations for appropriate conserved Agricultural Lands include: soil type, parcel size, existing irrigation supplies, strong agricultural production history, proximity to agricultural infrastructure, proximity to the first point of processing, uses on surrounding lands, and proximity to urban areas now and into the foreseeable future;

e) The mitigation land shall be located within Santa Clara County; and

f) The mitigation land may not overlap with land being acquired as habitat mitigation by the Santa Clara Valley Habitat Agency.

18.85.100 Ineligible Mitigation Lands

A property is ineligible to serve as agricultural mitigation if any of the circumstances below apply:

a) The property is currently encumbered by a conservation, flood, or other type of easement or deed restriction that legally or practicably prevents converting the property to a nonagricultural use; or

b) The property is currently under public ownership and will remain so in the future, except to the extent it is included within a mitigation bank that may subsequently be established by the City or other public agency; or

c) The property is subject to conditions that practicably prevent utilizing the property for a viable Agricultural Use.

18.85.110 Agricultural Priority Area

Dedications inside the Morgan Hill Sphere of Influence (SOI) will be strongly encouraged within the Southeast Quadrant (SEQ) as the first priority. The City has identified an Agricultural Priority Area within the SEQ as the City's first priority for conservation. The City's secondary priority is the preservation of other rural County Agricultural Lands within the Morgan Hill SOI. Dedications outside the SOI are less desirable and must be inside Santa Clara County as described under 'Eligible Mitigation Lands' above. The Agricultural Priority Area encompasses approximately 650 acres of land.

18.85.120 Responsibility for Easement Acquisition

a) In cases where the mitigation fee is paid, the City of Morgan Hill will either take on responsibility for acquiring the easement or transfer the In-lieu Fee and accompanying responsibility to a Qualifying Entity.

b) Developments requiring less than 10 acres of agricultural mitigation are required to pay the Agricultural Preservation In-lieu Fee on a per acre basis except that acquisition of Agricultural Conservation Easements of less than 10 acres may be allowed when located immediately adjacent to an existing Agricultural Conservation Easement area that when combined, exceeds 10 acres in size.

c) Developers may independently establish an Agricultural Conservation Easement on Eligible Mitigation Lands within the County. In such cases, the developer will be required to pay all acquisition costs, the costs of establishing the easement, and the Agricultural Lands Preservation Program Surcharge Fee.

18.85.130 Management and Monitoring Fee

The developer shall pay a one-time per acre fee (Agricultural Lands Preservation Program Surcharge Fee) to cover the average cost administration of the program.

18.85.140 Implementing Entity

The City will hold the easements and collect management and monitoring fees until an alternative implementing entity (Qualifying Entity), such as a nonprofit conservation organization or agricultural consultant, has been identified.

18.85.150 Mitigation Timing and Implementation

Agricultural mitigation will be required prior to the acceptance of a final parcel or subdivision map or prior to issuance of a building permit or grading permit that results in physical development involving the conversion of Agricultural Lands, whichever occurs first.

18.85.160 Planned Developments / Development Agreements

Developers may provide agricultural mitigation through a planned development project that consolidates existing development rights onto a portion of the property so that the remaining undeveloped portion is then reserved for agricultural use. Such an approach may be used within the SEQ or within other areas of the City's SOI in which Agricultural Lands are present. Such a project must be governed by a development agreement. This method of mitigation will only be considered if it results in an equal or greater agricultural benefit as would have resulted from the mitigation measures described above. Factors that may be considered include, but are not limited to: (1) the number, size, and location of permissible clustered home sites; (2) the amount of land dedicated for agricultural conservation; (3) the location of agricultural land in relation to the Agricultural Priority Area and contiguity with existing and already conserved agricultural land; and (4) commitments to actively farm agricultural land within the development agreement area. The developer will be required to enter into a development agreement with the City specifying the terms of the agreement and the extraordinary benefits accruing to the City

18.85.170 Funding for Easements

Given the City's policy objective of agricultural land preservation within the Morgan Hill Sphere of Influence and within the Southeast Quadrant in particular, it is anticipated that the City will need to use multiple funding sources to support the acquisition of easements within the desired area. In addition to use of money obtain through grants and other contributions, the City will use open space funds collected through administration of its Residential Development Control System (RDCS) to supplement the acquisition of conservation easements.

18.85.180 Clustering of Development

The City may work with land owners or developers through the land use entitlement process to preserve agricultural lands by allowing a clustering of existing development rights onto a portion of a site so that a large portion of the site may be preserved for agricultural use. The City should allow such alternate methods of agricultural mitigation through Planned Development Zoning and/or a Development Agreement so that it will result in equal or greater agricultural benefit than would result from standard mitigation requirements. At a minimum, mitigation shall still be required at a ratio of 1:1, but may allow flexibility with respect to timing and location. Also, an Agricultural Conservation Easement shall be recorded over the Agricultural Mitigation Lands subject to the Planned Development Zoning and/or Development Agreement.

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Morgan Hill
City Clerk
17555 Peak Avenue
Morgan Hill, CA 95037

No fee for recording pursuant to
Government Code Section 27383

ABOVE AREA FOR RECORDER'S USE

1168-04-16-005

**AGRICULTURAL MITIGATION AGREEMENT AND
DECLARATION OF COVENANTS**

Liang Trust

This Agricultural Mitigation Agreement and Declaration of Covenants ("Agreement") is made and entered into as of this 4th day of March, 2016, by and between the City of Morgan Hill, a municipal corporation ("City") and Liang Trust ("Owner").

RECITALS

WHEREAS, Owner is the owner of real property having agricultural value in an unincorporated part of County of Santa Clara, California, commonly known as APN 817-16-014, and more particularly described on Exhibit "A" attached hereto (the "Parcel");

WHEREAS, application has been made to the Santa Clara County Local Agency Formation Commission ("LAFCO") to annex the Parcel into the City of Morgan Hill;

WHEREAS, the annexation of the Parcel is conditioned, in part, upon Owner's agreement to adhere to the City's current Agricultural Lands Mitigation Ordinance, a copy of which is attached hereto as Exhibit "B" (the "Ordinance") in order to mitigate the impact of the loss of the agricultural value of the Parcel;

WHEREAS, compliance with the Ordinance will mitigate the agricultural impacts that may occur due to the annexation of the Parcel and its subsequent development. In order to ensure that agricultural mitigation for the annexation and subsequent development of the Parcel occurs, the City and the Owner desire to enter into this Agreement; and

WHEREAS, the effectiveness of this Agreement is contingent upon approval of the application to annex the Parcel into the City of Morgan Hill by LAFCO.

NOW THEREFORE, in consideration of the recitals, hereof, and other mutual covenants and promises contained herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Owner hereby agree as follows.

ARTICLE 1 DEFINITIONS

Section 1.01 When used in this Agreement, the following terms have the respective meanings assigned to them in this Article 1.

- (a) "Agreement" means this Agricultural Mitigation Agreement and Declaration of Restrictive Covenants.
- (b) "Owner" means Liang Trust and its successors and assigns to the Parcel.
- (c) "City" means the City of Morgan Hill.
- (d) "Parcel" means the real property described in Exhibit "A", attached hereto and incorporated herein.
- (e) "Term" means the duration of this Agreement, which commences on the date of LAFCO's approval of the annexation of the Parcel into the City of Morgan Hill and continues until the City determines that the requirements of the Agreement and Ordinance have been satisfied by the recording of the Agricultural Conservation Easement.
- (f) "Agricultural Conservation Easement" shall have the meaning set forth in the Ordinance.

ARTICLE 2 COVENANTS

Section 2.01 Owner agrees to abide by the Ordinance in effect as of the date of this Agreement.

Section 2.02 The Parties agree that the farmlands on the Parcel will no longer be available for agriculture use after the Parcel has been annexed and physical alteration of the Parcel for development purposes pursuant to subsequent City approvals occurs. The Owner agrees to mitigate such farmland loss at a 1:1 ratio, with either (a) an Agricultural Conservation Easement(s) on real property elsewhere within Santa Clara County or, (b) the payment of an In-lieu fee to the City pursuant to the Ordinance. In the event that Owner pays an In-lieu fee, the City will take on the responsibility for acquiring and recording the Agricultural Conservation Easement or transfer the In-lieu Fee and accompanying responsibility to a Qualifying Entity. In either event, the Agricultural Conservation Easement must be recorded prior to the City's issuance of the first of a Grading Permit or a Building Permit for development of the Parcel. In the event that the Owner pays an In-lieu fee, the City or the Qualifying Entity, as the case may be, will make a reasonable, good faith effort to acquire and record the Agricultural Conservation Easement in a reasonable timeframe. In the event that Owner records the Agricultural Conservation Easement, Owner agrees to submit the Agricultural Conservation Easement document to the City for its approval prior to recording such Easement.

Section 2.03 The Agricultural Conservation Easement(s) document shall include the street address, if any, the APN, and the legal description of the property(s) subject to the Easements(s). Upon the recording of said Easement by either Owner or the City, pursuant to the Ordinance, Owner will have fully satisfied the requirements of the Ordinance, and shall have no further obligations pursuant to this Agreement. At such time, the parties shall cooperate in the recording of a document terminating the Agreement so that it no longer burdens title to the Parcel.

ARTICLE 3 MISCELLANEOUS

Section 3.01 Term.

The provisions of this Agreement apply to the Parcel for the entire Term. This Agreement binds any successor, heir or assign of the Owner, whether a change in interest occurs voluntarily or involuntarily, by operation of law or otherwise, except as expressly released by the City.

Section 3.02 Covenants to Run With the Land.

The City and the Owner hereby declare their express intent that the covenants set forth in this Agreement run with the land, and bind all successors in title to the Parcel until the City determines that Owner has satisfied the requirements of the Agreement and Ordinance.

Section 3.03 Enforcement.

If the Owner fails to perform any obligation under this Agreement, and fails to cure the default within thirty (30) days after the City has notified the Owner in writing of the default or, if the default is not capable of being cured within thirty (30) days, failed to commence to cure within thirty (30) days and thereafter diligently pursue such cure and complete such cure within ninety (90) days, the City shall have the right to enforce this Agreement by any remedy provided by law or equity, including, but not limited to, termination of the Agreement.

Section 3.04 Attorneys' Fees and Costs.

In any action brought to enforce this Agreement, the prevailing Party shall be entitled to all costs and expenses of suit, including attorneys' fees. This section shall be interpreted in accordance with California Civil Code Section 1717 and judicial decisions interpreting that statute.

Section 3.05 Recording and Filing.

The City and the Owner shall cause this Agreement, and all amendments and supplements to it, to be recorded in the Official Records of the County of Santa Clara.

Section 3.06 Governing Law.

California law governs this Agreement.

Section 3.07 Waiver of Requirements.

The City may waive any of the requirements of this Agreement only in writing, but no waiver by the City of any requirement of this Agreement shall, or shall be deemed to, extend to or affect any other provision of this Agreement.

Section 3.08 Amendments.

The Parties may amend this Agreement only by a written instrument executed by both Parties hereto or their successors in title, and duly recorded in the Official Records of the County of Santa Clara.

Section 3.09 Notices.

Any notice requirement set forth herein shall be deemed to be satisfied three (3) days after mailing of the notice first-class United States mail, postage prepaid, addressed to the appropriate party as follows:

Owner: Liang Trust

City: City of Morgan Hill
c/o Agency Secretary
17575 Peak Avenue
Morgan Hill, CA 95037

A Party may change its address by giving written notice to the other Party given in the same manner as provided above.

Section 3.10 Severability.

If any provision of this Agreement shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining portions of this Agreement shall not in any way be affected or impaired thereby.

Intentionally Left Blank

Section 3.11 Authorized Signers.

Each signer below represents and warrants that he or she is an authorized signer on behalf the Party for which he or she signs.

IN WITNESS WHEREOF, the City and the Owner have executed this Agreement all on the date first written above.

CITY:

CITY OF MORGAN HILL

By: 

City Manager

Date: 3/10, 2016

OWNER:

Liang Trust

By: 

Date: March 4th 2016

ATTEST:



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of **CALIFORNIA**

County of **SANTA CLARA**

On March 4, 2016, before me, Karen Nelson a Notary Public in
and for said County and State, personally appeared Fu Mei Alice Liang

proved to me on the basis of satisfactory evidence to be the person/s whose name/s is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity/ies, and that by his/her/their signature/s on the instrument the person/s, or the entity upon behalf of which the person/s acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Karen Nelson

SIGNATURE OF NOTARY PUBLIC



(ABOVE AREA FOR NOTARY SEAL)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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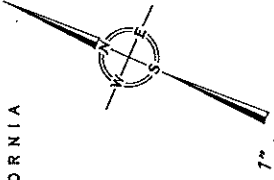


SIGNATURE OF NOTARY PUBLIC



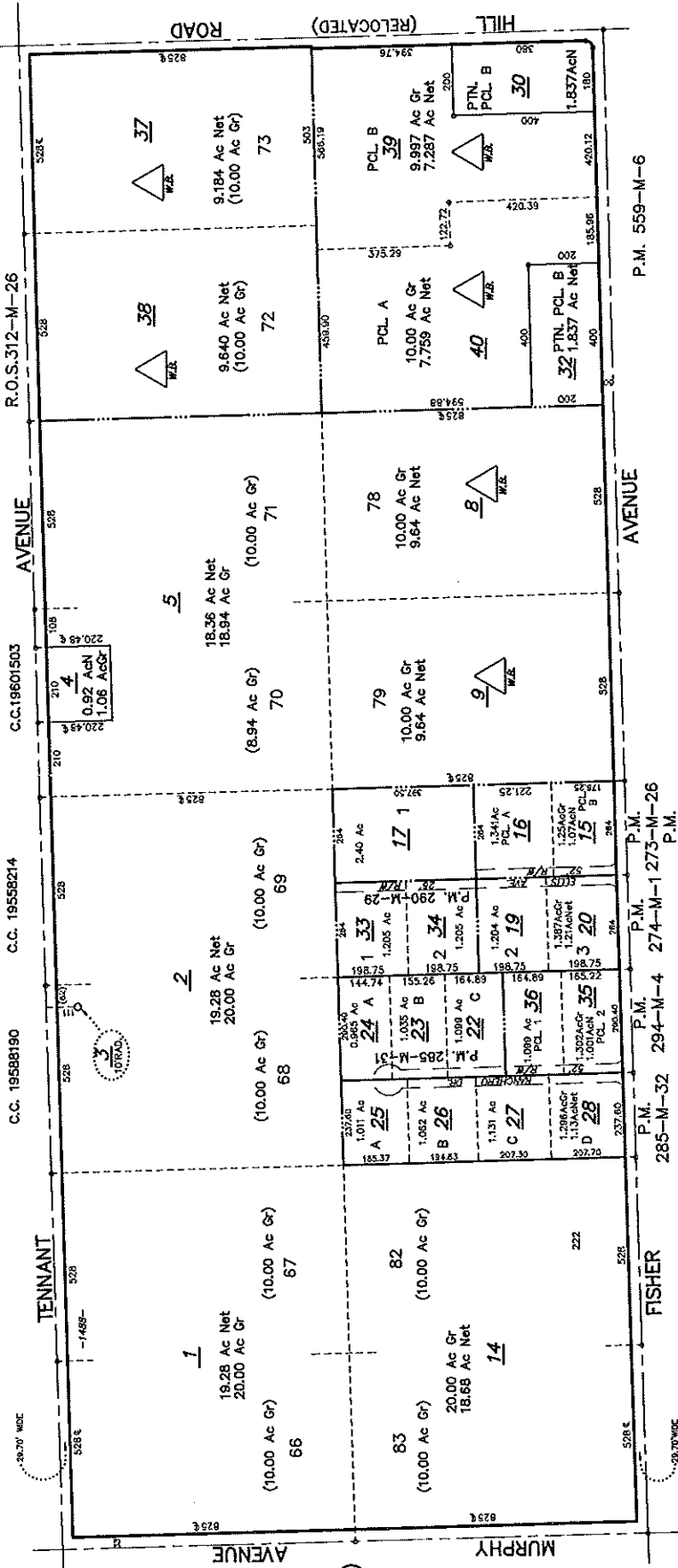
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EXHIBIT "A"



CATHERINE DUNNE RANCH MAP NO. 7
L-M-26

(17)



(15)

EXHIBIT “B”

18.08.070 Agricultural Mitigation Ordinance

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An Agricultural Conservation Easement is a specific type of easement whose purpose is to enable the encumbered property to remain in productive Agricultural Use by preventing any use or activity that would diminish or impair the agriculturally productive capacity. Therefore, the terms of an agricultural- conservation easement restrict the use of the encumbered property to agriculture, while prohibiting development, subdivision, and commercial use of the property other than as agriculture. Agricultural conservation easements are perpetual, running with the land so that their terms are binding on all future fee-title owners of the property.

C. Agricultural Mitigation Land

Agricultural Land (as defined above) that is encumbered by an Agricultural Conservation Easement or other farmland conservation mechanism acceptable to the City. If the Agricultural Land is also being used to meet Open Agricultural Land preservation goals, the easement or other mechanism must ensure that at least 90% of any property being used as Agricultural Mitigation Land remain as open space free of structures or other impervious surfaces so that it retains its value as Agricultural Land under the FMMP criteria. Uses allowed on Agricultural Mitigation Land shall be consistent with the Agricultural Use described below and pertaining land use regulations, and as further defined in the applicable Agricultural Conservation Easement or other farmland conservation mechanism.

D. Agricultural Priority Area

The Agricultural Priority Area is an area within the SEQ that has been identified within the Agricultural Lands Preservation Program as a priority location to preserve and encourage the long-term viability of agriculture and Open Agricultural Lands, recognizing both the vital contributions agriculture makes to the economy and quality of life within the county and the community preference for maintenance of open space areas. By designating this area, the Program identifies those lands within the Morgan Hill SOI most suitable for agricultural production and related uses. Designating the Agricultural Priority Area provides stability for ongoing agricultural operations and supports new uses necessary to support a viable local agriculture industry. The Agricultural Priority Area is also intended to retain in open space uses any lands that are not being actively farmed until agricultural activities resume on those lands.

E. Agricultural Use

Agricultural Use is defined as the use of the land for agricultural purposes, including crops, or crop trees, including floriculture, horticulture, viticulture, crops grown within greenhouses or other buildings, vineyards, crop harvesting, raising of animals (including apiaries, aviaries, dairying, pasturage, and fish farms), and grazing, and including necessary accessory uses for packing, processing, treating or storing of produce, and consistent with the governing jurisdiction's pertaining land use regulations. Qualifying Agricultural Use activities may include:

1. **Agricultural Processing:** Processing facilities for the handling, processing, packing, packaging, storing and shipping of agricultural commodities grown primarily in Santa Clara County. Does not include processing of meat, poultry, or animal products (butcheries), nor timber or wood processing. Does not include routine harvesting and handling activities incidental to agriculture.
2. **Agriculturally Related Entertainment & Commercial Uses:** Visitor-oriented services, sales and attractions with an agricultural theme that are conducted in conjunction with on-site Agricultural Uses. Such uses include but are not limited to food and retail sales, tasting rooms, reception facilities, outdoor entertainment areas.
3. **Agricultural Research:** Establishments for experimental greenhouse and field growing of agricultural commodities, landscaping and seeds, including experimental use of herbicides, pesticides and other agricultural practices. Agricultural research excludes experiments involving livestock and other animals.
4. **Dairy:** Establishments where cows or goats are maintained for the production of milk or other dairy products for commercial distribution or sale.
5. **Feed Lot:** Establishments primarily engaged in the fattening of livestock in a confined area.
6. **Field Research:** Research activities, field studies and educational activities (e.g., student field research) that are dependent on a natural, open setting. Examples include biological, geological or atmospheric studies.
7. **Mushroom Farm:** Establishments primarily used for the cultivation and subsequent distribution and sale of mushrooms.

8. Nursery: an area where agricultural products are grown for transplanting, for use of stock for building and grafting, or for sale on the premises. Nurseries may include sale and cultivation of ornamental trees, shrubs, and plants, and incidental sale or rental of garden and landscape materials and equipment.

9. Poultry and Egg Farms: Establishments where fowl are raised or kept in confined areas or facilities for the purpose of commercial distribution or sale of birds or eggs.

10. Wildlife Refuge: undeveloped land kept as natural habitat for the purpose of supporting a species or multiple species of wildlife.

11. Wineries: Facilities for the production of wine from fruit or fruit juices through fermentation that are subject to Type 02 licenses by the California Department of Alcoholic Beverage Control.

Wineries shall be entitled to all uses and activities provided under the Type 02 license. Wineries may also include related storage, blending and bottling activities, as well as administrative offices, marketing, tours, public tasting, wholesale and retail sales of wine, and ancillary distilling of wine to produce brandy or similar distilled spirits. Wineries may include outdoor areas for picnics, gatherings and other activities incidental to wine-tasting. Incidental sale of marketing products and accessories related to the winery's brand identity, wine drinking, food pairing, local agriculture and local history is also permitted.

12. Ancillary Uses: Uses conducted subordinate to the primary Agricultural Use being conducted upon a property and which do not occupy in total more than 10% of the property, including:

a) Direct sales of locally produced agricultural products.

b) One dwelling of persons regularly employed on the premises for farming or domestic duties;

c) Ancillary private garages and other structures for parking and storage of equipment, private stables, and other accessory buildings;

d) Quarters, accommodations or areas for transient labor, such as labor cabins or camps.

F. Agricultural Preservation In-lieu Fee

A fee paid to the City of Morgan Hill which will be credited to the City's Open Space Fund or other City fund created for the purpose of acquiring Agricultural Mitigation Land or transferred to a Qualifying Entity and used by either agency solely for the purpose of acquiring Agricultural Conservation Easements. The Program provides for an in-lieu fee in order to allow the utilization of funding from multiple sources and to maximize the City's ability to preserve open space Agricultural Lands within the Agricultural Priority Area.

G. Agricultural Lands Preservation Program Surcharge Fee

A fee paid to the City of Morgan Hill which will be credited to the City's Open Space Fund or other City fund created for the purpose of acquiring Agricultural Mitigation Land or transferred to a Qualifying Entity and used by either agency for the purpose of administering the Agricultural Lands Preservation Program and/or to cover ongoing management and monitoring of the easements. The Surcharge fee is either incorporated into the overall In-lieu Fee for projects that make use of this option, or charged directly to projects which independently establish an Agricultural Conservation Easement.

H. Open Agricultural Land

Open Agricultural Land is defined as Agricultural Land that is at least 90% free of buildings, structures or other impervious surface and therefore available for planting of outdoor crops, grazing, or other Agricultural Use. The City may make use of open space funding sources to acquire Agricultural Conservation Easements where that Easement specifies that the encumbered property be maintained as Open Agricultural Land.

18.85.040 Applicability

The provisions of this chapter shall apply to all new development/activities under the jurisdiction of the City of Morgan Hill, including both private development and public development projects that directly result in the conversion of Agricultural Land (as defined above) will be required to mitigate loss of Agricultural Land per the provisions of this Policy. This includes projects within the existing City boundaries as well as projects that propose annexation into Morgan Hill. Projects which have received discretionary land use approval prior to the adoption August 1, 2014, including completion of the CEQA process, are not subject to this Policy unless specifically required as mitigation or a condition of project approval.

18.85.050 Mitigation Ratio

A minimum of one (1) acre of Agricultural Land (1:1 mitigation ratio) shall be preserved for each acre of Agricultural Land changed to a non-agricultural use. The required acreage of area to be protected through an Agricultural Conservation Easement or agricultural preservation in-lieu fee will depend on the measurement of affected area as defined below.

18.85.060 "Stay Ahead" Provision

Conservation easements will be established at least at a 1:1 mitigation ratio in advance of the development of Agricultural Lands. Development occurs with either the issuance of Grading Permit or Building Permits that would result in the loss of Agricultural Land. To meet this provision the City may utilize existing open space funding to establish Agricultural Conservation Easements, or individual projects may establish such easements in advance of development activity.

18.85.070 Measurement of Affected Area

Areas subject to agricultural mitigation requirements will be the developed footprint for properties with a General Plan land use designation of Open Space, Public Facilities, or Sports Recreation/Leisure. Areas proposed to be so reserved shall have an aggregated area of at least 10 acres in size to qualify for exclusion from the developed footprint calculation. For the remaining land use designations of residential, commercial, and industrial, the entire site will be used for calculating the required mitigation. Disturbed footprint will include irrigated fields for proposed sports fields or facilities.

18.85.080 Mitigation Mechanism

Conversion of Agricultural Land will require off-setting acquisition and/or dedication of Agricultural Conservation Easements over approved Agricultural Mitigation Land, or payment to the City of the Agricultural Preservation In-lieu Fee, to support agricultural preservation. In addition to land acquisition/dedication, or payment of the Agricultural Preservation In-lieu Fee, in either case developers are also required to pay an Agricultural Lands Preservation Program Surcharge Fee (on a per acre basis) to cover administrative costs and ongoing management and monitoring of the easements.

18.85.090 Eligible Mitigation Lands

In order to meet the goals of this Ordinance, lands proposed to be used as agricultural mitigation shall conform to the above definitions for Agricultural Mitigation Land and/or Open Agricultural Land and shall meet the following criteria:

- a) Agricultural conservation easements resulting from this program shall be acquired from willing sellers only; eminent domain will not be used to acquire lands for conservation;

- b) The property is of adequate size, configuration and location to be viable for continued Agricultural Use;
- c) The land shall have access to an adequate water supply to maintain the purposes of the easement, i.e., to irrigate farmland if the converted farmland is irrigated or capable of irrigation. The water supply shall be sufficient to support ongoing Agricultural Uses, and the water rights on the Agricultural Mitigation Land shall be protected in the Agricultural Conservation Easement;
- d) Other considerations for appropriate conserved Agricultural Lands include: soil type, parcel size, existing irrigation supplies, strong agricultural production history, proximity to agricultural infrastructure, proximity to the first point of processing, uses on surrounding lands, and proximity to urban areas now and into the foreseeable future;
- e) The mitigation land shall be located within Santa Clara County; and
- f) The mitigation land may not overlap with land being acquired as habitat mitigation by the Santa Clara Valley Habitat Agency.

18.85.100 Ineligible Mitigation Lands

A property is ineligible to serve as agricultural mitigation if any of the circumstances below apply:

- a) The property is currently encumbered by a conservation, flood, or other type of easement or deed restriction that legally or practicably prevents converting the property to a nonagricultural use; or
- b) The property is currently under public ownership and will remain so in the future, except to the extent it is included within a mitigation bank that may subsequently be established by the City or other public agency; or
- c) The property is subject to conditions that practicably prevent utilizing the property for a viable Agricultural Use.

18.85.110 Agricultural Priority Area

Dedications inside the Morgan Hill Sphere of Influence (SOI) will be strongly encouraged within the Southeast Quadrant (SEQ) as the first priority. The City has identified an Agricultural Priority Area within the SEQ as the City's first priority for conservation. The City's secondary priority is the preservation of other rural County Agricultural Lands within the Morgan Hill SOI. Dedications outside the SOI are less desirable and must be inside Santa Clara County as described under 'Eligible Mitigation Lands' above. The Agricultural Priority Area encompasses approximately 650 acres of land.

18.85.120 Responsibility for Easement Acquisition

- a) In cases where the mitigation fee is paid, the City of Morgan Hill will either take on responsibility for acquiring the easement or transfer the In-lieu Fee and accompanying responsibility to a Qualifying Entity.
- b) Developments requiring less than 10 acres of agricultural mitigation are required to pay the Agricultural Preservation In-lieu Fee on a per acre basis except that acquisition of Agricultural Conservation Easements of less than 10 acres may be allowed when located immediately adjacent to an existing Agricultural Conservation Easement area that when combined, exceeds 10 acres in size.
- c) Developers may independently establish an Agricultural Conservation Easement on Eligible Mitigation Lands within the County. In such cases, the developer will be required to pay all acquisition costs, the costs of establishing the easement, and the Agricultural Lands Preservation Program Surcharge Fee.

18.85.130 Management and Monitoring Fee

The developer shall pay a one-time per acre fee (Agricultural Lands Preservation Program Surcharge Fee) to cover the average cost administration of the program.

18.85.140 Implementing Entity

The City will hold the easements and collect management and monitoring fees until an alternative implementing entity (Qualifying Entity), such as a nonprofit conservation organization or agricultural consultant, has been identified.

18.85.150 Mitigation Timing and Implementation

Agricultural mitigation will be required prior to the acceptance of a final parcel or subdivision map or prior to issuance of a building permit or grading permit that results in physical development involving the conversion of Agricultural Lands, whichever occurs first.

18.85.160 Planned Developments / Development Agreements

Developers may provide agricultural mitigation through a planned development project that consolidates existing development rights onto a portion of the property so that the remaining undeveloped portion is then reserved for agricultural use. Such an approach may be used within the SEQ or within other areas of the City's SOI in which Agricultural Lands are present. Such a project must be governed by a development agreement. This method of mitigation will only be considered if it results in an equal or greater agricultural benefit as would have resulted from the mitigation measures described above. Factors that may be considered include, but are not limited to: (1) the number, size, and location of permissible clustered home sites; (2) the amount of land dedicated for agricultural conservation; (3) the location of agricultural land in relation to the Agricultural Priority Area and contiguity with existing and already conserved agricultural land; and (4) commitments to actively farm agricultural land within the development agreement area. The developer will be required to enter into a development agreement with the City specifying the terms of the agreement and the extraordinary benefits accruing to the City

18.85.170 Funding for Easements

Given the City's policy objective of agricultural land preservation within the Morgan Hill Sphere of Influence and within the Southeast Quadrant in particular, it is anticipated that the City will need to use multiple funding sources to support the acquisition of easements within the desired area. In addition to use of money obtain through grants and other contributions, the City will use open space funds collected through administration of its Residential Development Control System (RDSCS) to supplement the acquisition of conservation easements.

18.85.180 Clustering of Development

The City may work with land owners or developers through the land use entitlement process to preserve agricultural lands by allowing a clustering of existing development rights onto a portion of a site so that a large portion of the site may be preserved for agricultural use. The City should allow such alternate methods of agricultural mitigation through Planned Development Zoning and/or a Development Agreement so that it will result in equal or greater agricultural benefit than would result from standard mitigation requirements. At a minimum, mitigation shall still be required at a ratio of 1:1, but may allow flexibility with respect to timing and location. Also, an Agricultural Conservation Easement shall be recorded over the Agricultural Mitigation Lands subject to the Planned Development Zoning and/or Development Agreement.

Abello, Emmanuel

Subject: FW: Moving Forward

From: Steve Rymer [<mailto:Steve.Rymer@morganhill.ca.gov>]

Sent: Thursday, March 10, 2016 2:22 PM

To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>; Andrea Mackenzie <amackenzie@openspaceauthority.org>; Girard, Kirk <kirk.girard@pln.sccgov.org>; Eastwood, Rob <Rob.Eastwood@PLN.SCCGOV.ORG>

Subject: Moving Forward

Hi Neelima, Andrea, Kirk, and Rob...

I wanted to touch base with all of you prior to tomorrow's meeting and thank you for your efforts and focus on our application. We do appreciate the fact that all of us want to preserve agriculture for generations to come. Regardless of the Commission's decision, Morgan Hill is excited to work with all of you (and many others) on the OSA/County led planning process. My teammates and I are committed to a collaborative effort where we spend our time and energy working together. Thanks again and I look forward to seeing all of you tomorrow. Enjoy the rest of your Thursday.

Steve

Steve Rymer

City Manager

CITY OF MORGAN HILL

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March 8, 2016

Local Agency Formation Commission of Santa Clara County
70 West Hedding Street
8th Floor, East Wing
San Jose, CA 95110

Re: City of Morgan Hill Urban Service Area Amendment, Supplemental Information

Dear LAFCO Commissioners,

The City of Morgan Hill appreciates the work of LAFCO staff in preparing its report for your consideration of our *Morgan Hill Urban Service Area Amendment 2015* application. We also appreciate the Open Space Authority (OSA) and County for their dedication to preserving agriculture throughout the County. In summary, as you consider our application, please understand that Morgan Hill:

- Is asking LAFCO to allow us to build ball fields, a high school, and other recreational facilities that will bring real benefit to our community and region
- Must keep its vacant industrial and commercial land for job growth to assist in the region's efforts to reduce traffic congestion and greenhouse gas emissions
- Has adopted an Agricultural Lands Preservation Program based on best practices and which is fully compliant with the California Environmental Quality Act (CEQA)
- Is making a significant and atypical contribution of its own conservation resources to achieve the City's goal of agricultural preservation in the Southeast Quadrant (SEQ)
- Is eager to work in partnership with the OSA, County, and others on the "sustainable agricultural lands policy framework"

Morgan Hill has a long and proud history of environmental stewardship within the Silicon Valley. From successfully protecting over 500 acres of open space and being a leader in water conservation, to participating in the Habitat Conservation Plan and the recently established Community Choice Energy Joint Powers Authority, the City's actions serve as confirmation that we should be trusted when it comes to preserving viable agriculture. We believe that our environmental leadership should be further acknowledged as Morgan Hill is the only agency in the County to invest significant resources to actively pursue agricultural preservation from both a policy and funding perspective. We are proud that Morgan Hill's proposal is based on widely accepted best practices, while also grounded in legal and economic practicality.

As part of the City Council's communications and engagement priority, the City encourages open dialogue, diverse views, and differing opinions for all public policy decisions. However, over the course of the last weeks, there has been a significant amount of communication from many sources to LAFCO, the general public, and local leaders about Morgan Hill's LAFCO application, agricultural mitigation program, and its intentions for the SEQ. Unfortunately, some of the comments directed at the City suggest we are "greedy," approval of our application would "undermine LAFCO's goal of preserving agricultural land" and "hinder efforts to establish a county-wide framework for conserving farmland and ranchland," and our "adopted mitigation policy that aims to preserve some agricultural land is inadequate." These statements have been made by many who have never discussed or contacted the City to learn about our perspective and common goal to preserve viable agriculture. Many of these positions have led to miscommunication and mischaracterization of the City's efforts.

Regardless, the City still believes that we all have the same noble goal; to preserve viable agricultural land in perpetuity for the benefit of the Morgan Hill community, the region, and the state. The City believes that it is responsible to move forward with our conservation efforts immediately as the necessary relationships with land owners and the farming community have been established. At the same time, the City is excited to participate in the OSA/County led "sustainable agricultural lands policy framework" to further our collective goal.

The purpose of this letter is to address issues raised by others in communication to LAFCO, provide the Commission with supplemental information related to the City's application, and update the Commission on City Council actions taken on March 2, 2016. In the following pages, the City is providing additional information regarding the following topics:

1. City Council March 2, 2016 Actions
2. Supplemental Commercial and Industrial Vacant Land Analysis
3. Agriculture Mitigation Consistency
4. Agriculture Conservation Easements
5. City's Financial Position

1. City Council March 2, 2016 Actions

As has been publicly stated for many years in City Council discussions and policy decisions, Morgan Hill is committed to preserving agricultural lands and enhancing its youth and family serving sports, recreation, and leisure services in the SEQ of the City's Sphere of Influence. Even though the City Council has reiterated its position on numerous occasions, there remain questions about the sincerity of the City's commitment to develop sports, recreation, leisure, and public facility uses as currently proposed, both in the near term and into the future for the lands included in the City's LAFCO application.

Questions exist as to whether the City will eventually convert land in the SEQ to permit housing and industrial uses if LAFCO approves the City's USA Amendment application. To address these concerns, and to clarify and unequivocally state that it has never been the City Council's objective to allow housing or industrial uses in the SEQ, the City Council adopted a resolution directing staff to immediately amend the existing zoning ordinance to restrict future land uses, in perpetuity, within the southeast quadrant for sports-recreation-leisure district or public facilities, by requiring that any future development, including that by the City, as a condition of approval include a covenant prohibiting development of residential or industrial uses.

Additionally, the Council took the following actions at the March 2 meeting:

- Renamed the existing Open Space Fund to the "Agriculture and Open Space Preservation Fund"
- Directed staff to establish an Agricultural Lands Mitigation Bank and directed staff to work with the selected consultant to establish the same
- Dedicated an initial amount of \$6 million from the City's Agriculture and Open Space Preservation Fund for Agricultural Land Conservation
- Directed staff to evaluate agricultural land preservation partnership opportunities within the County as detailed in the Open Space Authority's (OSA) "Santa Clara Valley Greenprint" and other complementary plans, especially those in close proximity to Morgan Hill.

2. Supplemental Commercial and Industrial Vacant Land Analysis

The City has very limited vacant land available for development within its borders. Much of this is industrial land that must be preserved for job growth that is critical to our fiscal future and our desire to be a balanced community. Furthermore, loss of this job base would further exacerbate the regional commute imbalances.

Many have suggested that Morgan Hill develop its envisioned sports, recreation, leisure, and public facilities within the City borders. The required acreage for recreational and educational facilities and the availability of appropriate sized parcels makes this problematic. It is not as simple as "develop everything in the City boundary first." It would be extremely difficult for Morgan Hill to maintain an appropriate land use balance if it were required to utilize its existing vacant land for healthy sports, recreation, leisure, and education purposes because the only land large enough to accommodate these 20+ acres would:

- Require the City to choose between land reserved for industrial development (and a healthy jobs-housing balance) and recreation and schools
- Impact the City's ability to create jobs (the City currently has a jobs per employed resident balance of 0.8:1) to meet its greenhouse gas emissions goals by providing residents with opportunities to work in the community

Specifically, there are currently 97 vacant parcels with General Plan designations of commercial or industrial within the City limits of Morgan Hill. The smallest individual vacant parcel is .06 acres to the largest, 18.1 acres. When analyzing all vacant parcels that have adjacencies that could be assembled for a larger development, there are only seven opportunity sites that are a minimum of 20 acres. As currently identified in the General Plan, sports and recreational activities are not an allowed use within the industrial districts, therefore only leaving five commercial opportunity sites that are 20 acres or greater. Two of the five commercial opportunity sites have Letters of Intent with active development and master planning. As a result, there are three vacant commercial opportunity sites that are in excess of 20 acres or more. However, they are more suitable for commercial development to assist in Morgan Hill's economic sustainability.

Regarding jobs, the 147 commercially vacant acres will produce between 3,000-4,000 jobs. Within the industrial designated 220 acres of land (which is slightly lower than previously reported), the amount of job capacity is between 5,000 and 6,500 jobs. Combined, this equates to 8,000 to 10,000 jobs that will be extremely beneficial for the City and the region as we collectively work towards reducing regional traffic congestion and greenhouse gas emissions.

3. Agriculture Mitigation Consistency

It has been suggested that the City's adopted "Agricultural Lands Preservation Program" and "Agricultural Lands Mitigation Ordinance" will not result in preserving agriculture and contain "serious deficiencies." These statements are concerning as the City has incorporated the best practices of existing policies throughout the state and the proposed actions are consistent with LAFCO's advisory agricultural lands policy.

The City recognizes that when comparing any public policies, there are slight variations due to local circumstances. This is the case when comparing agriculture mitigation policies. On the following page is the City's adopted mitigation policies compared to LAFCO's advisory policy, Yolo County's recently updated Policy (considered by many to be a leader in this area), and the California Council of Land Trust model program. The City's mitigation is substantially consistent with all three, and in some areas may be more comprehensive.

| Policies | CA Council of Land Trusts Model Ordinance | Yolo County* | LAFCO Advisory Policy | Morgan Hill |
|-----------------------------------|--|---------------------|------------------------------|--------------------|
| Minimum Mitigation Ratio 1:1 | ✓ | ✓ | ✓ | ✓ |
| Conservation Easements w/i SOI | ✓ | ✓ | ✓ | ✓ |
| Stay Ahead Provision | ✓ | ✓ | ✓ | ✓ |
| In-Lieu fees | ✓ | ✓ | ✓ | ✓ |
| Third Party Administrator | ✓ | ✓ | ✓ | ✓ |
| Right to Farm Ordinance | | ✓ | ✓ | ✓ |
| Public Uses Subject to Mitigation | | | ✓ | ✓ |
| Cortese Knox Farmland | | | ✓ | |
| DOC/DOA Farmland Map | ✓ | ✓ | | ✓ |
| Transfer of Development Rights | | | | ✓ |
| Mitigation Land Bank | | ✓ | | ✓ |
| Local Funding (RDCS) | | | | ✓ |
| Administrative Costs Paid | ✓ | ✓ | ✓ | ✓ |
| Priority Conservation Area | | ✓ | | ✓ |

*Requires up to 3:1 in locations outside its Priority Conservation Area

Additionally, some have expressed concern that the City's Agricultural Lands Preservation Program would not comply with the requirements of the CEQA. Under CEQA law, if an Environmental Impact Report (EIR) has been certified by a local jurisdiction without a legal challenge per the provisions of CEQA (Government Code Section 21167.2), the EIR is deemed to fully meet the legal requirements of CEQA. As required under CEQA, the City prepared a response to all comments received during the EIR circulation period. As no legal challenge was made to the City's response, the EIR must be deemed adequate under CEQA provisions.

Morgan Hill's Agricultural Lands Preservation Program was specifically designed to be consistent with best practice standards as established either in the enacting CEQA legislation or in subsequent CEQA case law. Specifically, the use of the Department of Agriculture definition of farmlands to determine impact, the use of a 1:1 mitigation ratio, and the allowance that mitigation may occur anywhere within the County (Masonite Corporation vs. County of Mendocino and Building Industry Association of Central California vs. County of Stanislaus) are all standards prompted by CEQA compliance. The City's decision to use City conservation resources to favor mitigation within the Southeast Quadrant is a City policy decision and not a CEQA issue. Because the City's Policy allows mitigation to potentially occur elsewhere within the County, it is also directly consistent with established legal precedent.

4. Agriculture Conservation Easements

The City is proud of the fact that it currently has voluntary, developer paid, conservation dollars, coupled with agriculture mitigation funds, to purchase conservation easements. Such funding is an unusual advantage within California. This fact is significant as Morgan Hill is the only organization to both have an adopted Agricultural Lands Preservation Program and to pledge City conservation funds to preserve agriculture, notably outside of the city limits in the Southeast Quadrant.

As demonstrated below, the City anticipates \$12.5M of developer paid fees to be available in its "Agriculture and Open Space Preservation" fund within five years, excluding agriculture mitigation fees, and conservatively projects a total of \$15.5M available when taking into consideration agriculture mitigation fees from the Sports, Recreation, and Leisure District and other locations in the city.

| | |
|--|----------------|
| Current "Agriculture and Open Space Preservation Fund" balance | \$ 6.0M |
| Anticipated developer funds paid from FY17-21 | \$ 6.5M |
| <u>Estimated agriculture mitigation fees</u> | <u>\$ 3.0M</u> |
| | \$15.5M |

While the City is not dependent upon grants to achieve its preservation goal, it would be shortsighted and irresponsible to not participate in leveraging the developer paid fees with other funding sources. As previously mentioned, the City is very interested in participating in the OSA and County led sustainable agricultural lands policy framework discussion and believes the City's work completed to date will be beneficial to the process.

5. City's Financial Position

The City has provided numerous pages on how we fund City service delivery and the expansion of essential infrastructure. It is concerning that LAFCO staff reported that "the City has not adequately demonstrated the ability to provide and fund" our services. We respectfully take exception with these claims as our history clearly demonstrates the contrary and unconditional fiscal prudence.

The City Council and the Leadership Team have a long history of being responsible stewards of public resources, resulting in financial sustainability from both a capital and operating standpoint. As evidenced in our adopted fiscal policies, "the City shall maintain unappropriated fund balance or working capital in the General Fund, Water and Sewer operating funds, Water and Sewer rate stabilization funds, Community Development Fund, and certain internal service funds." For many years, the City has been well served by all of its fiscal policies.

Adherence to these fiscal policies was confirmed in 2015, when Standards & Poor's rating services provided the City with an "AA" long-term rating due to "very strong management,

strong budgetary performance, very strong budget flexibility, very strong liquidity.” Furthermore, it was stated that the rating could be raised with continued economic growth. This directly relates to the need to move vacant industrial and commercial land into jobs and the City’s responsibility to factor in many variables as part of land use decisions.

In closing, the City is committed to ensuring that we amend our City limits in a thoughtful and deliberate manner as we strive to improve Morgan Hill’s high quality of life by preserving our agricultural lands and providing healthy recreational options for our community and region now and in the years to come. We are looking forward to playing a significant role in the OSA/County sustainable agriculture framework process and believe LAFCO approval of our application will allow the City to meet its recreation responsibilities and be beneficial for all agriculture preservation efforts. Furthermore, new recreational and educational facilities would provide a real benefit to the community and region by furthering the City’s and County’s goals for youth, and health and wellness, among other benefits.

We respectfully request that the LAFCO Commissioners take the above information into account, while also carefully considering the impact to Morgan Hill’s responsibility to provide recreation services, support education, create jobs, and protect our environment.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Rymer".

Steve Rymer
City Manager

CC: Morgan Hill City Council
Neelima Palacherla, LAFCO

LETTERS FROM PUBLIC AGENCIES

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



| Administration | Building Inspection | Fire Marshal | Land Development Engineering | Planning |
|---|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Ph: (408) 299-6740 Fax: (408) 299-6757 | (408) 299-5700 (408) 279-8537 | (408) 299-5760 (408) 299-6757 | (408) 299-5730 (408) 279-8537 | (408) 299-5770 (408) 288-9198 |

March 8, 2016

LAFCO Commission Members
LAFCO
70 West Hedding, 11th Floor
San Jose, CA 95110

Re: Morgan Hill Urban Service Area Amendment 2015

Dear LAFCO Members:

Thank you for the opportunity to provide comments on the proposed Morgan Hill Urban Service Area Amendment that will be considered by LAFCO on March 11, 2016. This letter summarizes our Department's review of the proposed Urban Service Amendment, specifically the portion of the proposed Amendment known as the Southeast Quadrant ("SEQ"). We previously communicated to the City of Morgan Hill in November 2014 during the SEQ Plan preparation process, our view and concerns of the project as initially proposed.

The SEQ project remains inconsistent with the County's growth management and resource conservation policies and the South County Joint Area Plan, but we want to recognize the significant modifications made to the project since its inception and express our continued commitment to work collaboratively with both Morgan Hill and LAFCO on urban expansion and protection of agricultural lands.

Our analysis of the SEQ proposal in relation to County policies is provided below.

Conversion of Agricultural Lands

The proposed SEQ Plan will transfer 229 acres of rural unincorporated land into the Urban Service Area of Morgan Hill for future annexation, urban infrastructure extensions, and urban development. As outlined within the SEQ Plan, this land will be developed as either Sports/Recreation/Leisure land uses or Public Facilities Uses (high school). Development of these lands for urban uses will result in the conversion and loss of over 229 acres of valuable farmland.

As our Department recently highlighted during a presentation regarding the Agricultural Lands Framework for Southern Santa Clara County ("Framework") before the LAFCO Committee in February, the ongoing conversion of agricultural lands continues to be a significant issue in southern Santa Clara County. According to the California Farmland Mapping and Monitoring Program, the County lost almost 50 percent of its prime cropland between 1990 and 2008. More recently, the Department of Conservation has estimated that over 1,000 acres of farmland were converted to other uses between 2008 and 2010.

Modification of SEQ to exclude Agricultural Lands in the Urban Growth Boundary

We would like to recognize Morgan Hill for modifying the SEQ proposal to remove approximately 454 acres of land that were originally intended to be included within Morgan Hill's jurisdiction, but remain as agriculture. This proposed action would have been contrary to County policy, increased land speculation in and around the SEQ area and created land use conflicts with adjoining agricultural lands.

Risk and Rate of Agricultural Land Conversion in Unincorporated Areas

Information associated with the SEQ proposal has cited the need to establish an agricultural preservation program in SEQ area to preserve agricultural lands within the County's rural unincorporated area from conversion to residential ("ranchette") or other non-agricultural uses. For example, page 6 of the Morgan Hill LAFCO application (October 2, 2015) states that the SEQ would "provide economic incentive to ensure that agricultural activity and open space are maintained and permanently preserved in the larger SEQ area in locations suitable for agriculture, where they might otherwise be converted to residential as well as non-residential uses currently allowable on these lands under the County jurisdiction."

The County's General Plan land use designation for the area is Agriculture – Medium Scale, and the Zoning designation for the unincorporated SEQ area is A (Exclusive Agriculture)-20ac., which requires a minimum lot size of 20 acres for subdivision purposes and only allows agriculture, single family homes, and uses which support agriculture. The SEQ area does contain a number of existing lots that are smaller than 20 acres that were created by various means, including early 1900s ranch subdivision maps, and grant deed conveyances, prior to the County's adoption of its General Plan and A-20 zoning district. The County recently evaluated the amount of development activity within the unincorporated SEQ area to determine the rate of agricultural conversion, as referenced under the Morgan Hill letter. As shown in the two attached maps, development activity within the SEQ area has been limited. With the exception of the construction of several rural residences on existing legal lots at the northern boundary of the SEQ area, there has been no other substantial development activity in this area within the last 5 years (between 2010 and 2015).

That said, the County is concerned about the loss of agricultural land from residential development in unincorporated areas, particularly as real estate values escalate or owners opt to sell their land if annexation proposals are unsuccessful. Our Board of Supervisors, through the implementation of a Sustainable Agricultural Lands Conservation ("SALC") Grant from the California Department of Conservation will be evaluating this issue and, if necessary, may consider General Plan or Zoning Ordinance revisions to further protect farmland from non-agricultural use and development. This

approach can effectively address this potential problem and is consistent with the County's Land Use and Resource Conservation policy framework. Annexation or development of farmlands by cities as a means to protect unincorporated farmland is inconsistent with our countywide growth management policy framework.

Sustainable Agricultural Lands Framework

As referenced above, the County is in the process of initiating preparation of a Framework for Sustainable Agricultural Lands Preservation in southern Santa Clara County, supported by a Sustainable Agricultural Lands Conservation ("SALC") Grant from the California Department of Conservation. Working with the cities of Morgan Hill, Gilroy, San Jose, and other stakeholders, this program is intended to identify the key agricultural lands and related factors necessary to preserve agricultural lands, foster sustainable agriculture, and maintain a strong farming economy in southern Santa Clara County. This will include mapping of agricultural lands most threatened by land conversion and those most important to sustaining a strong farming industry. This program will entail a new, regional look at agricultural viability and protection in southern Santa Clara County, and present an opportunity to further these goals while balancing the interests of cities, County, LAFCO, landowners and other stakeholders. We very much appreciate and look forward to the cooperation and participation of the cities of Morgan Hill, Gilroy and San Jose, and other community-wide interests. Working together provides the greatest opportunity to forge a regional solution to a region-wide challenge.

Consistency with County Growth Management and Resource Conservation Policies

Over the last 45 years, the 15 cities of Santa Clara County, the County, and LAFCO have jointly and collaboratively maintained a systematic policy framework for urban growth management, including jointly-created policies contained or referenced within the County's General Plan, LAFCO's adopted policies, and variously stated in the cities' general plans. The uniqueness and importance of this policy framework is reflected in state law in terms of the Urban Service Areas that guide and control urban growth and development. This model developed for Santa Clara County among all these participants - cities, county, and other key stakeholders - dates from the 1970's, and it is as relevant today, if not more so, than when it was developed and recognized throughout the nation as a progressive countywide growth management policy. The model is further reflected in the regional land use and transportation plan known as Plan Bay Area, the document encapsulating the Association of Bay Area Government's SB 375 Sustainable Communities Strategy.

The growth management and resource conservation strategies and policies of County are intended to:

- Limit urban expansion and promote infill,
- create compact urban development and stable urban boundaries,
- improve air quality, reduce greenhouse gas emissions and support transportation planning goals of Plan Bay Area,
- conserve water and habitat; and,
- preserve agricultural land to support an agricultural industry and preserve the ecological and cultural values of agricultural land.

Some of the most pertinent County General Plan Growth and Development policies relevant to the SEQ proposal are:

C-GD 6

Hazard and resource areas with the following characteristics shall be considered unsuited for urban development:

a....

.

e. prime agricultural soils;

.

i....

C-GD 7

Urban expansion should be planned on a staged, orderly basis, consistent with applicable plans (e.g. city, County, countywide plans) and the availability of needed urban services and facilities. The discouragement of expansion of cities' Urban Service Areas should be recommended to the LAFCO.

C-GD 8

Proposals to annex lands or expand a city's urban service area boundaries shall be approved only if:

a....

b. the existing supply of land within the city's USA accommodates no more than five years of planned growth;

c....

Pertinent County General Plan Resource Conservation policies include:

C-RC 40

Long term land use stability and dependability to preserve agriculture shall be maintained and enhanced by the following general means:

- a. Limiting the loss of valuable farmland from unnecessary and/or premature urban expansion and development;*
- b. regulating non-agricultural uses in agricultural areas, and their intensity and impacts on adjacent lands;*
- c. maintaining agriculturally-viable parcel sizes; and*
- d. minimizing conflicts between adjacent agricultural and non-agricultural land uses, through such means as right-to-farm legislation and mediation of nuisance claims.*

C-RC 41

In addition to general land use and development controls, agricultural areas of greatest potential long term viability should be identified and formally designated for permanent preservation.

C-RC 42

Inter-jurisdictional coordination and cooperation necessary to achieve agricultural preservation goals and strategies should be encouraged.

These goals should include:

- a. Preservation of remaining areas of large and medium scale agriculture in South County;*
- b. encouragement of retention of agricultural lands in San Benito County adjoining South County agricultural areas ; and*
- c. discouragement of Urban Service Area (USA) expansions into agricultural areas when LAFCO determines that a city's USA contains more land than is needed to accommodate five years of projected growth and development.*

C-RC(i)20

Continuation of the inter-jurisdictional South County Joint Area Planning process, augmented by inter-county cooperation and coordination efforts with other counties such as San Benito County.

Consistency with the South County Joint Area Plan

In the 1980's, the County, together with the cities of Gilroy and Morgan Hill, jointly adopted the South County Joint Area Plan, a set of regional policies and principles intended to create a unified vision for regional growth, preservation of agricultural land and interjurisdictional coordination. Three policies directly pertinent to the SEQ proposal are:

SC 14.7

The County and the Cities should plan for further urban growth to occur in areas which will avoid encroachment into those agricultural lands with the greatest long term potential to remain economically viable.

SC 14.9

The cities should use their policies for urban service area extensions and utility extensions to guide urban growth away from long term agricultural areas.

SC 17.2

The County and the Cities should promote the long term stability of their policies for land use and urban growth so that individuals, organizations, and appropriate entities can make rational decisions about long term land use and investment.

As proposed, the SEQ project remains inconsistent with countywide urban growth management policies, portions of the South County Joint Area Plan, and the County's Land Use and Resource Conservation policies related to agriculture preservation. Specifically, it will result in the urbanization of unincorporated lands rather than compact growth within the city's urban service area (C-GD 7 & 8 (b) and C-RC 42 (c)), resulting in the loss of valuable farmland from premature urban expansion and development (C-RC 40 (a)) and promote growth in an area with prime soils and long-term agricultural viability (C-GD 6 (e), SC 14. 7 & 14.9).

Given these inconsistencies with County policies, the County recommends denial of the Morgan Hill Urban Service Area Amendment.

Thank you for the opportunity to comment.

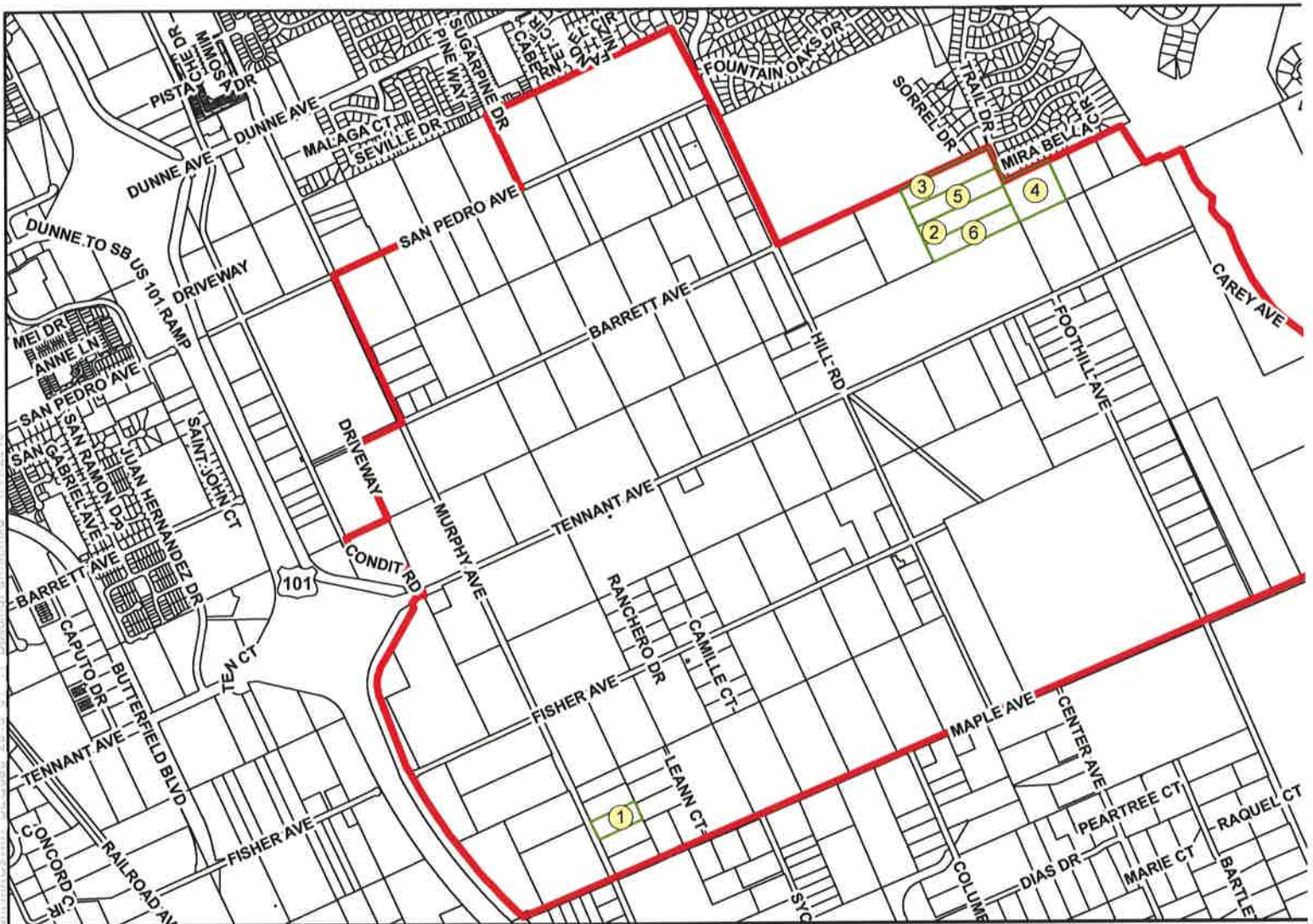
Sincerely,

A handwritten signature in dark ink, appearing to read "Kirk Girard", with a stylized flourish at the end.

Kirk Girard
Director

Attachments: Land Use Development Activity in the South East Quadrant 2010 - 2015
Building Permits for New Dwellings in the South East Quadrant 2010 - 2015

cc: Neelima Palacherla, LAFCO Executive Officer
Steve Rymer, Morgan Hill City Manager
Sylvia Gallegos, Deputy County Executive County of Santa Clara
Roland Velasco, Land Use Policy Aide Office of Supervisor Mike Wasserman
Kieran Kelly, Land Use Policy Aide Office of Supervisor Ken Yeager



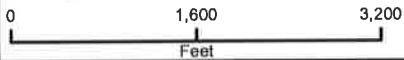
| Index | Permit Issued | Job Description |
|-------|---------------|---|
| 1 | 5/30/2012 | BUILD DETACHED 1000 SF SECONDARY DWELLING |
| 2 | 7/2/2014 | NEW 2 STORY SFR 4,605 sf & 555 sf ATTACHED 2ND UNIT WITH ATTACHED GARAGE 747SF, 36 sf COVERED PORCH AND 40 sf BALCONY |
| 3 | 10/3/2014 | NEW 2 STORY SFR 4,605 sf & 555 sf ATTACHED 2ND UNIT WITH ATTACHED GARAGE 747SF, 36 sf COVERED PORCH AND 40 sf BALCONY |
| 4 | 6/5/2014 | NEW 2 STORY SFR 4,605 sf & 555 sf ATTACHED 2ND UNIT WITH ATTACHED GARAGE 747SF, 36 sf COVERED PORCH AND 40 sf BALCONY |
| 5 | 7/2/2014 | NEW 2 STORY SFR 4,605 sf & 555 sf ATTACHED 2ND UNIT WITH ATTACHED GARAGE 747SF, 36 sf COVERED PORCH AND 40 sf BALCONY |
| 6 | 6/27/2014 | NEW 2 STORY SFR 4,605 sf & 555 sf ATTACHED 2ND UNIT WITH ATTACHED GARAGE 747SF, 36 sf COVERED PORCH AND 40 sf BALCONY |

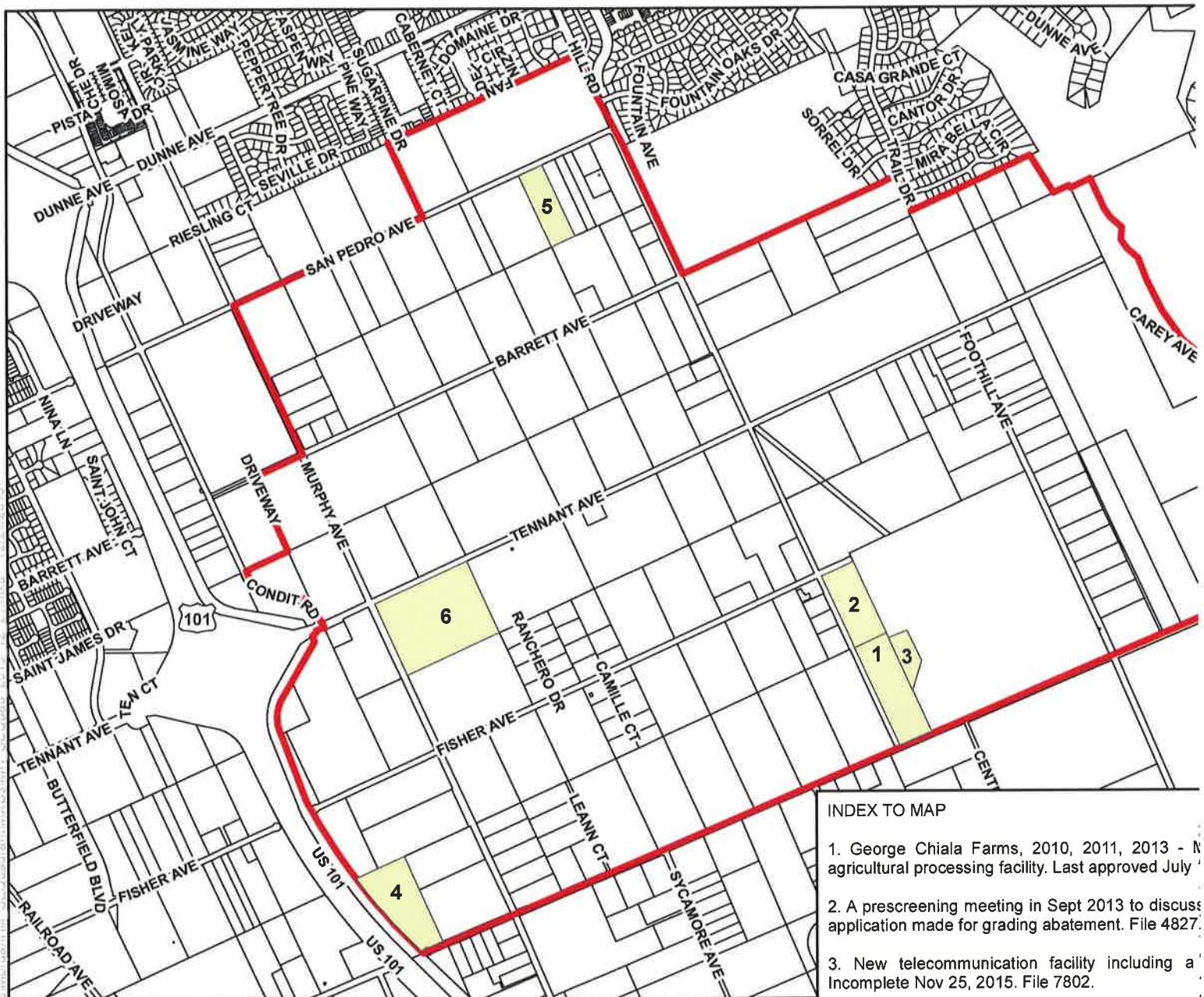


County of Santa Clara
Department of Planning and Development

Planning Office
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose California 95110-1705

Building Permits for New Dwellings
in the South East Quad, Morgan Hill
2010 through 2015





INDEX TO MAP

1. George Chiala Farms, 2010, 2011, 2013 - N agricultural processing facility. Last approved July
2. A prescreening meeting in Sept 2013 to discuss application made for grading abatement. File 4827.
3. New telecommunication facility including a Incomplete Nov 25, 2015. File 7802.
4. Grading for parking lot, drainage, greenhouses, was approved in January 2008. Incomplete Decemb
5. Certificate of Compliance for one legal lot, Reco
6. Farmer's Market Approved Feb 2014. Modifica Grading Violation noticed Nov 3, 2015. File 6910.



County of Santa Clara Department of Planning and Development

Planning Office
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose California 95110-1705

Land Use Development Activity in the South East Quad, Morgan Hill 2010 through 2015

0 1,500 3,000
Feet

LETTERS FROM OTHER ORGANIZATIONS

March 9, 2016

LAFCO of Santa Clara County

70 West Hedding Street
8th Floor, East Wing
San Jose, CA 95110

Attn.: Local Area Formation Commission Staff and Commissioners

Re: Morgan Hill Urban Service Area Amendment 2015

Dear Sirs,

The Morgan Hill Tourism Alliance supports the Morgan Hill Urban Service Area Amendment, 2015 LAFCO Application, as submitted by the City of Morgan Hill on October 2, 2015.

The alliance is made up of City government, business organizations, and advocacy groups based in Morgan Hill and surrounding region. The formation of this alliance was predicated upon the principle that those which might benefit the most from a planned effort to promote Morgan Hill, and the surrounding area, should be involved in the planning and execution of that effort.

The goal of the MHTA is to promote Morgan Hill and the surrounding region that might be of interest to the recreation and leisure visitor. The assets that we have in the way of sports facilities, agri-business (e.g. wineries, farming demonstrations and education, etc.), parks, trails, dining, and shopping all play a vital role in how we present the image of Morgan Hill and nearby region to the prospective visitor.

The image of a rural community nestled in a narrow valley surrounded by the beautiful vistas of rolling hills, farms, parks, and other open spaces is critical to how we promote the getaway destination that Morgan Hill is becoming.

The thought and contrasting image of potentially uncontrolled growth in land immediately adjacent to existing developed, and undeveloped, Morgan Hill land and spread out over the dozens of agriculturally zoned lots in the County poses a problem for our desired image. Each of these County regulated lots comes with the right to build a residence for the owner and we're already seeing how this could play out in the long run without any controls in place. Please consider the five 5,000 square foot homes being built adjacent to smaller scaled Morgan Hill residential units as examples of what we can expect.

To date the MHTA has played an important role in many local and regional promotional efforts, including the Santa Clara Valley Wine Trail signage program. The most recent effort brought the members of the MHTA together to develop and print for distribution a visitor's map that encompasses all of the visitor worthy assets in Morgan Hill and the region, including listings of most farms with public access, wineries, parks and sports facilities as well as the Morgan Hill downtown.

The focus of the MHTA's support for the October 2015 LAFCO application is the benefit that Area 1 (Tennant – Murphy) is anticipated to have in bringing more visitors to our community.

Currently, two of our greatest assets are the Outdoor Sports Center and the Dennis Kennedy Aquatics Center which bring in hundreds of thousands of visitors to their facilities and our community each year.

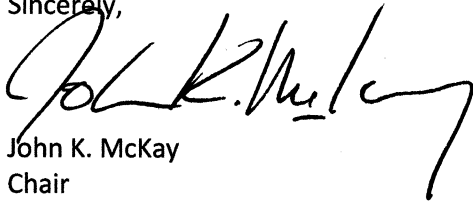
The promise that with the thoughtful development guidelines and Agricultural Mitigation Policy proposed in the current application and the opportunity to have expanded sports oriented offerings in the SRL zoned areas appeals greatly to those of us in the community who support smart growth and economic growth. Adding visitors to the sports facilities will provide a regular stream of visitors to the downtown and other assets as well as filling our lodging and other businesses that will satisfy visitor's general needs.

One of the key elements of Morgan Hill's tourism approach is to simply promote what we already have all around us – and we have that in abundance. We fear that unregulated development on what is currently Santa Clara County regulated agricultural land will diminish the rural feel that is an important part of our charm to the outside world.

In closing, we would like to express the sentiment that the potential for development of additional and expanded sports offerings, another high school, and protection of agricultural lands while overall maintaining our rural feel is a win-win for the community of Morgan Hill and the surrounding region.

Thank you for your time and consideration in approving the Urban Service Area Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. McKay", with a long, sweeping horizontal stroke extending to the right.

John K. McKay

Chair

Morgan Hill Tourism Alliance



March 10, 2016

Local Agency Formation Commission of Santa Clara County
70 W. Hedding St.
6th Floor East Wing
San Jose, CA 95110

Re: City of Morgan Hill Urban Service Amendment

Dear LAFCO Commissioners:

The Morgan Hill Youth Sports Alliance Board of Directors would like to encourage you to approve the aforementioned amendment request. While we are not land use experts, we share everyone's concerns about agriculture preservation. Yet we are acutely aware of how the shortage of sports fields in the Morgan Hill area affect our children's opportunities and future. Sports and recreation are critical to our children leading healthy lives. Our motto says it all. We look for every opportunity to put *More Kids in More Sports*.

The City of Morgan Hill's amendment would preserve enough land to expand the current Outdoor Sports Center and the Aquatic Center facilities, plus enable us to add new ones such as the long overdue diamond field complex planned on Tenant Avenue. While Morgan Hill is fortunate to have the recreational facilities we have, there is such high demand that our kids still play on subpar fields. Conflicts exist providing sufficient playing time at the facilities we do have. In a society fighting childhood obesity and crime, we believe it is important to reserve land for recreation and sports before it is used for other purposes. Our children should come first. Sports and recreation give them positive opportunities to build their lives.

The Morgan Hill Sports Youth Alliance supports local sports leagues, as well as providing non-traditional sports leagues such as flag football, biking, skating and lacrosse. We work closely with the Morgan Hill Unified School District and the city of Morgan Hill with our Community Sports Mentor Program for at-risk youth. We have run the Morgan Hill Outdoor Sports Center since July 2010.

As operator of the Outdoor Sports Center, we understand the value of sports facilities and best practices for running and maintaining a sports facility. Since 2010, we have hosted more than 180 tournaments and events for sports that include soccer, rugby, lacrosse, football, Ultimate Frisbee and even the USDAA Dog Agility World Championships. We have contributed more than \$50,000 per year to local leagues in the form of field and parking cost savings through our Home Field Program.



Morgan Hill Youth Sports Alliance



MORE KIDS IN MORE SPORTS

Since 2010, we have also come to understand the importance of sports tourism and its economic impact. Hosting regional events brings valuable tourism revenue to the City of Morgan Hill and enables us to support local leagues as described. It also gives the city of Morgan Hill additional revenue to use in remaining fiscally responsible.

Clients constantly state how valuable it is to have all the fields in one location. To be competitive in the sports tourism industry, facility operators need to group their fields in a single or adjacent location. One example of such a facility is the Regional Sports Complex in Fresno where soccer, football, baseball and softball fields co-exist within the same complex. This 110 acre facility is built on a previous land fill that is immediately adjacent to farms and other agricultural properties.



Morgan Hill can simulate the same layout with the land being added in this amendment. While the facilities will in fact be separate, the synergy gained by their close proximity will be tremendous. Keeping sports facilities in one part of town will reduce the traffic impact and allow parking to be shared by all. Anyone who has been around a school or city park on the weekend can attest to the challenges and inconvenience for residents brought by the influx of sports teams and families coming into their neighborhoods.

We understand and agree with LAFCO's commitment to preserve open space and agricultural land. Building recreational facilities is not build out of homes or businesses. It answers the crying need for more recreational opportunities for our kids. Properly managed, these facilities can also bring revenue to the City of Morgan Hill, while allowing local leagues to keep their costs down and put *More Kids in More Sports*.

Thank you for your consideration.

Sincerely,
Morgan Hill Youth Sports Alliance, Inc.
Board of Directors



COMMITTEE FOR
GREEN FOOTHILLS



Wednesday, March 9, 2016

Chairperson Cat Tucker and Commissioners
Local Agency Formation Commission of Santa Clara County
70 West Hedding Street, 8th Floor
San Jose, CA 95110

RE: MORGAN HILL URBAN SERVICE AREA AMENDMENT 2015

Dear Chairperson Tucker and Commissioners,

Committee for Green Foothills (CGF) and Greenbelt Alliance (GA) respectfully urge you to deny the Urban Service Area (USA) Amendment requests for Area 1: Tennant-Murphy and Area 2: Monterey Watsonville. Furthermore, we concur with staff's recommendation to not approve any of the other options for the Commission's consideration outlined in the Staff Report.

Committee for Green Foothills protects the open spaces, farmlands, and natural resources of San Mateo and Santa Clara counties through advocacy, education, and grassroots action. Greenbelt Alliance shapes the rules that govern growth to protect the region's open spaces and to ensure neighborhoods within our cities and towns are amazing places for everyone.

While there are similar reasons for our request for denying these USA amendment applications, we will address the two areas separately.

AREA 1: TENNANT-MURPHY

We have been engaged for more than a decade in the City of Morgan Hill's misguided effort to develop a significant portion of the 1200-acre area known as the Southeast Quadrant (SEQ). During this time, we have provided the City with significant and detailed comments on their plan for the SEQ via letters to and discussions with staff, the Planning Commission, and City Council; e-mail messages to staff; and public comment at the Planning Commission and City Council meetings.

Despite some changes to the overall plan – not all of which is before you – we remain deeply concerned with its myriad and substantial shortcomings, including, but not limited to, its:

- inappropriate and unfounded land use plan with illogical boundaries
- ineffective and infeasible Agricultural Mitigation Ordinance and Agricultural Lands Preservation Program
- seriously flawed environmental assessment
- lack of alignment with City, County, and LAFCO policies
- poor planning process and segmented decision-making with limited public input

The City deliberately limited public input and disregarded much of the expert advice it received from public agencies and local, regional, and national organizations. This holds true despite the City's claims to have engaged land use, economic, and agricultural preservation experts, and community stakeholders through extensive planning processes.

The City's proposal will accelerate suburban sprawl and the loss of farmland. The City claims “it is unrealistic to think that if we don’t change anything South County ag land will remain ag.”¹ The City believes this is due to the fact that, per the County zoning code, a primary dwelling is an allowable use on a legal lot of record in the SEQ (and other unincorporated areas).² Although most parcels in the SEQ are already developed (approximately 140 out of 200), the vast majority of the land area remains in open space.³ However, given the present landholdings in the SEQ, the City fears the possibility that many of the remaining undeveloped parcels will eventually be developed with non-agricultural uses and all agricultural operations in the SEQ will cease.⁴

To address this, the City proposed to expand urban development into the SEQ and mitigate for the loss of farmland it would cause. Unfortunately, the City’s proposal is not a reasonable or feasible solution if farmland preservation and the continuation of active agriculture is one of its key goals. Nor does it align with the direction of regional and state planning efforts that call for cities to focus on infill. **The City of Morgan Hill has never demonstrated a factual need to annex and develop the farmlands in the SEQ. Approval of the City’s request would be**

¹ City of Morgan Hill Mayor Steve Tate’s December 2015 OpEd in San Jose Mercury News.

² Provided that the property satisfies all applicable requirements for building site approval.

³ Per the department’s letter to the City dated February 12, 2014.

⁴ A wholesale nursery with a very limited size office is presently being installed on 20 acres in the SEQ. This is an allowable, by right agricultural use per County zoning.

admitting that a better solution other than sprawl cannot be found, and that LAFCO should accept whatever plan is put before it.

Morgan Hill residents have stated through two General Plan updates and several events held by GA and CGF that preserving local farmland is an important part of the community's identity and efforts must be made to preserve agriculture. Finding a sensible balance between responsible growth and preserving and enhancing small-scale urban edge agriculture which can contribute to a healthy local food system is a reasonable and attainable goal.

And while some would say "don't let the perfect be the enemy of the good," one would need to be working from the premise that the current application before you has reached the level of good. Unfortunately, it has not.

The City of Morgan Hill's letter of request (LoR) to LAFCO outlines the City's rationale for their USA amendments. They claim the Area 1 proposal is justifiable due to zoning; location; land inventory; appropriate land use; agricultural preservation; environmental review; economic benefits and development strategy; consistency with City, County, and LAFCO policies; and level of public input.

The detailed information contained in the LAFCO Staff Report provides ample data refuting the City's rationale. However, we wish to offer the following comments in support of the report's conclusions. The rest of this letter addresses some of the reasons how the City's rationale for USA amendment lacks validation.

SPORTS-RECREATION-LEISURE DISTRICT ALLOWS COMMERCIAL USES, DESPITE 45-YEAR VACANT LAND INVENTORY WITHIN EXISTING CITY LIMITS.

According to the City's LoR at pgs. 4 - 5, the Sports-Recreation-Leisure District (SRL) would allow development of sports and recreational uses and a private high school in the SEQ. The Staff Report points out that the zoning for the SRL District allows for uses that are either permitted or conditional uses under existing commercial and/or industrial zoning designations in Morgan Hill's Zoning Code.⁵ The city's existing vacant land inventory for commercial uses is that of 45 years, and its industrial that of 27-67 years.

⁵ See Morgan Hill Municipal Code Chapter 18.26 - HC Highway Commercial District; Chapter 18.32 - CS Service Commercial District; Chapter 18.40 - MC Campus Industrial District

Currently, approximately 60 acres of the proposed 229-acre annexation are committed to ballfields and a private high school ⁶ (although adequate construction funding for these facilities remains questionable). If LAFCO approves the City's request, the remaining 75% of the land can be developed for other commercial uses that are currently only speculative.

The LAFCO report points out that Section 56375 (8) (e) of the Cortese-Knox-Hertzberg (CKH) Act allows a jurisdiction to rezone after a two year period following the LAFCO approval. This section of the CKH Act also includes the provision that the City Council can make "a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the prezoning in the application to the commission" any time after the LAFCO decision has been made.

Believing this is an apparent concern that could affect the approval of their request to LAFCO, City Council adopted, at a March 2, 2016 special meeting, a Resolution to direct staff to immediately amend the existing zoning in the SEQ. The purpose would be to restrict, in perpetuity, all future land uses to Public Facilities and SRL uses as allowed under the zoning designations. All future development would require, as a condition of approval, a covenant that the property would not be redeveloped for residential or industrial uses in perpetuity.⁷ Commercial use – those uses which essentially comprise SRL zoning uses – is not prohibited.⁸

During the City Council discussion of the Resolution,⁹ Council Member Larry Carr pointed out that the reason the City drafted the resolution was to address concerns expressed by everyone including the Santa Clara Valley Open Space Authority (OSA), American Farmland Trust (AFT), CGF, and GA. Our various forms of communication with the City have always raised concerns with the land use plan itself as well as the incompatibility of the SLR and Public Facilities zoning use with surrounding agricultural lands. Locking in that zoning "in perpetuity" certainly doesn't

⁶ See Pages 8 and 9 (of 17) of the Staff Report. The acreage for the South County Catholic High School is approximately 38 acres and the Jacoby/Morgan Hill Ballfields is 22.2 acres. The additional 3.6 acres of the 26 acre site is discounted since its potential future commercial use is speculative.

⁷ Ironically, the ML Light Industrial District permits agriculture and public or quasi-public uses of an educational, vocational or recreational nature.

⁸ Similar to SRL Zoning, the CL-R Light Commercial/Residential District does allow for commercial indoor recreation uses > three 3,000 square feet, retail, medical offices, and schools; the HC Highway District permits hotels, motels, and arts and craft galleries; etc.

⁹ Specifically in reference to Section 2 a. iii. *Specifically prohibit any new residential development or industrial development in perpetuity.*

address our concerns. And further prohibiting residential uses in the SRL District is of no consequence since there is already residential use planned in the SEQ in the northeast end.¹⁰

Council Member Carr also stated AFT, OSA, CGF, and GA were asking for something “more innovative and stronger” with regards to the SEQ. While this is certainly true, we fail to see how this Resolution would accomplish that.

Adding to this entire discussion of zoning is the Morgan Hill Unified School District (MHUSD). The MHUSD Board of Trustees held negotiations to potentially acquire parcels for two separate school facilities in the SRL District during *four* separate Closed Sessions beginning in November 2015 and ending in February 2016 only after LAFCO staff submitted a letter to the MHUSD (a copy of which was sent to the City).¹¹ Despite claims from SEQ landowners to the contrary, a letter from MHUSD to the City dated March 8, 2016 indicates that the idea of additional public facilities/school sites in the SEQ is not outside the realm of possibilities. In fact, it seems the lack of effort to find potential school sites within the 2035 General Plan update process has led the MHUSD with no other option than to plan for sites in the SEQ.

This is yet another missed opportunity to look at Morgan Hill’s future needs in a thoughtful, comprehensive manner within this current General Plan update process.

PROPOSED ANNEXATION CONTINUES A PATTERN THAT FURTHER INCENTIVIZES SPRAWL.

The City claims that lands within existing city boundaries may not be suitably located, or sized, or that it may not be economically feasible to support the envisioned recreational or high school uses on such lands. Attachment B of the LAFCO Staff Report outlines the City’s past pattern of purchasing unincorporated lands *before* obtaining LAFCO approval, using the parcel size and location rationale to justify a USA amendment request. In one instance, parcels annexed on behalf of the Catholic Diocese for a private school were rezoned to residential. It would appear that past approval of USA amendment requests has only served to incentivize Morgan Hill to continue these poor planning practices.¹² Instead of encouraging and

¹⁰ See p. 4.2-15 at *Morgan Hill 2035 DEIR*. Under this proposal, approximately 50 acres of the 284-acre Chiala property would be re-designated from Rural County to a combination of Residential Estate, Single Family Low, Single Family Medium, and Open Space uses. These 50 acres would have capacity for approximately 170 housing units.

¹¹ Closed Sessions were part of the Regular Board Meeting agendas of 11/17/15, 12/15/15, 1/12/16, and 2/2/16.

¹² See also p. 2 of Attachment A for previous USA amendment requests by the City which were approved by LAFCO.

implementing responsible growth, the City has spent the last 10 years promoting a fiscally and environmentally irresponsible land use plan for the SEQ.

INAPPROPRIATE LAND USE IS A REPEAT OF PAST PLANNING MISTAKES.

The City claims the SRL District, in particular sub-district A,¹³ is compatible with adjacent rural agricultural uses. While the entire SEQ land use plan is not before the Commission for its consideration, the City is planning for up to 170 homes in the northeastern area of the SEQ.¹⁴ Together, the SRL District (w/ Public Facility) and new residential area will fragment the SEQ with urban uses, creating an island of unincorporated land north of Tennant Avenue.

The City has an unfortunate history of allowing urban uses adjacent to agricultural lands without consideration of the impacts on agricultural operations. As part of his public comment to the Morgan Hill City Council on December 7, 2011, Don Hordness, owner-operator of Royal Oaks Mushroom in the southwest of Morgan Hill (Area 2 – Monterey-Watsonville), said that the proximity of his agricultural operation to urban uses – a private school and residences - made it difficult for him to run his business and maintain good neighbor status. In a letter to the Morgan Hill 2035 General Plan Advisory Committee dated December 5, 2013, George, Gene and Gary Guglielmo (of Guglielmo Winery) pleaded their case for inclusion in the city's Urban Growth Boundary, stating "[o]ur long range plans are to circle the wagons around our winery parcel and maintain the status quo for as long as we can considering the challenges and obstacles to farming in a small agricultural island in an area surrounded by houses and a high school. We are in a very competitive industry that may require us or future generations to look at the best possible and practical use of our property to survive."¹⁵ And on February 22, 2016, an online San Jose Mercury News article contained the following quote from Andy Mariani, long-time owner-operator of Andy's Orchard located between a residential area and Live Oak High School in Morgan Hill "There's a natural incompatibility between agriculture and urban use and how can you resolve that? You can't."¹⁶

¹³ "...the less intense SRL-A sub district is applied to properties intended to serve as a buffer between the SRL B sub district and adjacent agricultural uses with the goal of enabling the long-term preservation of those agricultural lands." LoR at p. 4.

¹⁴ Per p. 4.2-15, Morgan Hill 2035 General Plan DEIR

¹⁵ See http://morganhill2035.org/wp-content/uploads/2013/12/08_Correspondence.pdf

¹⁶ Santa Clara County taking fresh look at saving farmland http://www.mercurynews.com/breaking-news/ci_29548503/santa-clara-county-taking-fresh-look-at-saving?source=infinite-up

The proposed USA amendment (not to mention the entire SEQ land use plan) does not deviate from these unfortunate past planning efforts. It is in fact just more of the same, making it extremely difficult to reconcile the City's contention that it is "with well thought-out consideration and a commitment to careful stewardship of the City's land resources that the City is submitting the subject USA Expansion request" (LoR at p 4).

AGRICULTURAL LANDS PRESERVATION PROGRAM HAS INEFFECTIVE FRAMEWORK FOR MITIGATION.

The City's Agricultural Lands Preservation Program contains components, policies, and statements that are contradictory amongst themselves and with existing local and regional land use policies and plans. The City Council chose to adopt this flawed Program, despite expert feedback requesting substantial changes.

1) 1:1 mitigation ratio translates to 50% loss of farmland

Figure A illustrates how the 1:1 mitigation ratio actually translates to a 50% loss of farmland: the acre that was converted can never be recovered, but the loss is lessened by preventing the loss of another acre elsewhere via the placement of an agricultural conservation easement over that other acre.

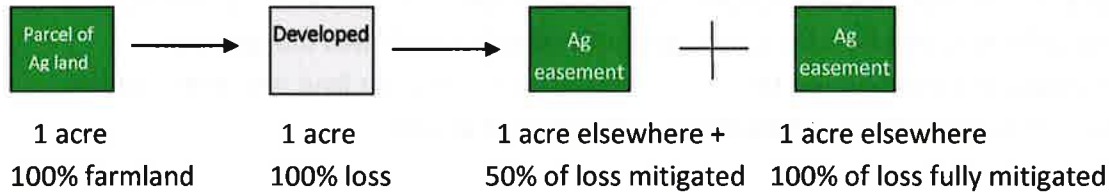
Figure B illustrates the 2:1 ratio which is considered full mitigation of converted agricultural lands because it recognizes the actual net loss of an acre of farmland to other use, therefore mitigating for 100% of the loss. American Farmland Trust recommends the 2:1 mitigation ratio as a minimum ratio in order to adequately compensate for the conversion of agricultural land to non-agricultural uses.

A 3:1 mitigation ratio is considered a combination of full mitigation plus conservation.

Figure A: 1:1 Mitigation Ratio



Figure B: 2:1 Mitigation Ratio



The LoR at p. 6 mentions that the 1:1 mitigation ratio is similar to other agricultural preservation program in California including Yolo County. However, Yolo County recently adopted a 3:1 agricultural mitigation ratio for prime agricultural lands and a 2:1 ratio for non-prime farmland,¹⁷ while the cities of Davis (Yolo County) and Hughson (Stanislaus County) have required 2:1 mitigation ratios for several years.

2) The Mitigation (In-lieu) Fee is inadequate and will hinder implementation of mitigation goals

The LAFCO Staff Report (Appendix Y) along with comments submitted by AFT and the OSA explain the insufficiency of the mitigation fee. The fee is based on the cost of acquisition of an agricultural conservation easement (ACE) in the Gilroy area. The City's own documentation shows that the cost of acquiring an ACE in Morgan Hill is almost 4 times greater.

Using the mitigation fee alone, at least 3 acres of qualifying agricultural land needs to be developed to purchase 1 acre of an agricultural conservation easement within Morgan Hill's SOI. In other words, to meet the preferred 10 acre minimum for an ACE¹⁸ within Morgan Hill's SOI, more than 30 acres of agricultural land must be developed. For instance, the in-lieu fee acquired for mitigation of the private high school site (38.63 acres of agricultural land per the City's FEIR), would be enough to purchase a 10 acre ACE in the SEQ or Morgan Hill's SOI. Clearly, attaining 1:1 mitigation via the in-lieu fee is not possible, particularly if the intent is to purchase ACEs in the Agricultural Priority Area (which is in the SEQ). The City will have to either

¹⁷ See Yolo County Zoning Code, Chapter 2: Zoning Regulations, Sec. 8-2.404 Agricultural Conservation and Mitigation Program

¹⁸ See Page 9 of Agricultural Lands Preservation Program, Policy 15 Minimum Easement Size.

significantly raise the fee¹⁹ or heavily subsidize mitigation to cover the true cost of purchasing an ACE within Morgan Hill's SOI.

The Gilroy City Council voted unanimously in 2015 to eliminate the in-lieu fee option from their Agricultural Mitigation Policy (originally adopted in May 2004).²⁰ The City Staff Report pointed out that while the in-lieu fee was generally the most desirable option for developers, "the adequacy of an in-lieu fee to cover all associated costs and provide a full one to one replacement ratio of agricultural lands pursuant to the Agricultural Mitigation Policy is infeasible." The City Staff Report added that the in-lieu fee option was "also the most complex and time consuming to implement, contributing to the added cost to the City and subsequently the citizens of Gilroy." The cost of an ACE in Gilroy is 4 times cheaper than that in Morgan Hill.

3) Long-term adequate funding for easements is speculative

It may prove difficult for the City to find outside funding sources/grants due to its land use plan for the SEQ.²¹ Consequently, the City may be entirely reliant on its own open space funds²² to bridge the gap between the mitigation fee and the actual cost of an ACE in the city's SOI.²³ While the City Council adopted a Resolution formally committing \$6 million from the fund to an effort to establish an agricultural land mitigation bank, there are still unanswered questions as to the prudence of this decision.²⁴

The Open Space Fund is used to conduct fire safety and weed abatement activities on open space lands; acquire open space (e.g. hillside parcels) through conservation easements or fee title; construct trails in open space areas as planned for in the City's Capital Improvement

¹⁹ As noted in its December 2011 *Public Review Draft Morgan Hill Agricultural Policies and Implementation Program*, "The establishment of a 1:1 mitigation ratio, consistent with LAFCo policy and common California mitigation program practice, would result in an unusually high agricultural mitigation cost when coupled with the urban edge focus preferred by the Morgan Hill community."

²⁰ The Policy now only permits mitigation at a 1:1 ratio via direct purchase of qualifying agricultural land or development rights on agricultural land. Both options must be exercised within the Preferred Preservation Areas and the land or rights transferred to a City approved agency.

²¹ Per comments made to the Morgan Hill Planning Commission at their June 24, 2014 meeting by the General Manager of the Santa Clara Valley Open Space Authority.

²² To be renamed the Agriculture and Open Space Preservation Fund per a Resolution adopted by City Council on March 2, 2016.

²³ In a letter to the OSA Board dated January 28, 2016, the City remarked that "[o]ther sources of available funding are not adequate to preserve the SEQ."

²⁴ See also Qualifying Entity discussion on p. 15 of this letter.

Program; and with the adoption of the Agricultural Lands Preservation Program, it now also serves to heavily subsidize the cost of agricultural mitigation by using funds in the account to acquire agricultural easements within the Morgan Hill Sphere of Influence.

The monies for the Fund come from the City's Residential Development Control System (RDCS). The balance of the Fund is dependent on a number of factors including the actual rate of residential development from year to year and the willingness of developers to contribute more than the baseline fee. Therefore, the long-term balance of the Fund is speculative, and can/should be used for a variety of open space related needs in addition to ACEs.

While the City claims it will have enough funds to mitigate farmland loss in the SEQ, the LAFCO Staff Report and the OSA question this assumption. While the question of funding has been focused on mitigation of lands converted in the SEQ, it does not incorporate the long-term need for the City to fund mitigation for the loss of agricultural lands intended to be annexed over time (per the *Draft Morgan Hill 2035 DEIR*).²⁵

4) "Stay Ahead" Provision does not ensure easements will be acquired in advance of development

The LoR at pgs. 5 - 6 claims that the "Stay Ahead" provision "requires the City insure conservation easements are acquired in advance or concurrent with actual development" including when the in-lieu fee option is chosen. However, the *Responsibility for Easement Acquisition* policy states that the "City's preference is that developers pay the Agricultural Preservation In-lieu Fee so that conservation efforts will be focused within the Agricultural Priority Area and make use of funds from multiple sources. In such cases, the City of Morgan Hill will either take on responsibility for acquiring the easement or transfer the In-lieu Fee and accompanying responsibility to a Qualifying Entity."

The developer's agricultural mitigation obligation is satisfied once it has paid the in-lieu mitigation fee. While the City's Program states that "[d]evelopment occurs with either the issuance of Grading Permit or Building Permits that would result in the loss of Agricultural Land", the developer cannot be held accountable if the City or Qualifying Entity is unable to find a willing seller or has insufficient funds to purchase the required ACE within the defined development timeframe. So, development can occur regardless of the City's ability to meet this provision.

²⁵ See *Secondary Conservation Areas* and *CEQA – Environmental Impact Report* discussions in this letter for details on impacts to agricultural lands under the *Draft Morgan Hill 2035 DEIR*.

5) The eligibility of parcels for mitigation in Agricultural Priority Area is not established

The LoR at p. 6 states that “the City will accomplish the preservation of comparable agricultural land in the City’s Agricultural Conservation Priority Area.” This is a bold statement if one considers the criteria under the *Eligible Mitigation Lands* policy, especially given the land use plan for the SEQ. The requirements of this policy call into question the eligibility of the lands in the SEQ. While the City claims it plans to “preserve” over 600 acres in the SEQ²⁶, there is no indication that the City has assessed these lands to find out their eligibility per the requirements under this policy or whether a Qualifying Entity would agree with their assessment.

6) Majority of farmland in Secondary Conservation Areas is identified for future development

The majority of the lands identified in the Secondary Conservation Areas are earmarked for urban uses through the Morgan Hill 2035 General Plan update. The *Morgan Hill 2035 DEIR* at 4.2-16 states that “the proposed General Plan would designate 1,126 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.” The current total acreage of prime, statewide, and unique farmlands in Morgan Hill’s SOI is 1,816.²⁷ Thus a 62% loss of farmland to non-agricultural uses within the city’s SOI will occur should Morgan Hill reach full build out according to its draft 2035 General Plan. Therefore, the ability for the City to meet a Program goal to “encourage preservation efforts throughout the City’s SOI”, while well-intentioned, would appear highly improbable.

7) Definition of Agricultural Lands allows should be reconsidered

LAFCO’s enabling legislation, the Cortese-Knox-Hertzberg Act, defines prime farmland as an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use. Whether it is currently irrigated is not a factor, but the feasibility of future irrigation is.

²⁶ In a letter to the OSA Board dated January 28, 2016.

²⁷ See Table 4.2-2 in the Morgan Hill 2035 DEIR at 4.2-11.

The City's Agricultural Lands Preservation Program defines prime farmland as land that "must have been used for irrigated agricultural production at some time during the four years prior to the (California Department of Conservation) mapping date." If the City is seeking to be more progressive with its program, it should consider using the Soil Conservation Service's soils classification system to assess whether or not soils qualify as agricultural lands. This system is not reliant on irrigation and is used in other agricultural mitigation programs in California, such as the City of Davis.

8) No established nexus between mitigation/preservation of habitat lands for endangered species and agricultural mitigation lands

As explained in Attachment A of the LAFCO Staff Report, the *Measurement of Affected Area* policy is in conflict with LAFCO policy. Under this policy, mitigation applies only to the developed footprint²⁸ because it is "[c]onsistent with the Santa Clara Valley HCP/NCCP plan." There is no established nexus between mitigation/preservation of habitat lands for endangered species and agricultural mitigation lands. Since there is no basis for this policy and it is in conflict with LAFCO's, the City should require mitigation of an entire site unless the undeveloped portion of the site is specifically designated and used for long-term agricultural purposes.

9) Qualifying Entity should have been engaged before adoption of the Program; now identification of Implementing Entity may prove more difficult

The LoR at p. 6 states that the City is in the process of identifying a third-party entity to administer and implement the Program as it is "consistent with past communication from other organizations (including LAFCO staff) on how to most effectively manage this effort." In fact, numerous past communications from CGF, GA, AFT, OSA, the County and LAFCO requested that this be done before the City adopt the Program to help ensure that the Program met its stated goals and purpose. Incorporating a qualifying entity's knowledge, expertise, and operating needs ahead of adoption of the Program may well have resulted in their full support of the Program. Instead, per their letter to the Commission, the OSA finds the Program "infeasible and would be difficult for any third party conservation entity such as an open space agency or agricultural land trust to administer."

²⁸ 10 acre aggregated area of "open space/open fields" need not be mitigated.

Pursuant to a Resolution that was adopted by City Council on March 2, 2016, the City is currently seeking a consultant to act as the *interim* Implementing Entity for the Program. The consultant would negotiate the purchase of ACEs from willing property owners and help City staff establish an Agricultural Lands Mitigation Bank.

Hiring a consultant to implement the City's Program does not address the concerns raised by conservation and land trust entities. Indeed, hiring a consultant to implement an infeasible program may only further reduce its ability to secure a well-qualified Implementing Entity.

IF ANY LAFCO APPROVAL, STATEMENT OF OVERRIDING CONSIDERATIONS NEEDS TO RECOGNIZE SIGNIFICANT, UNAVOIDABLE IMPACT TO AGRICULTURAL LANDS.²⁹

Under CEQA, the City of Morgan Hill as lead agency must provide written "good faith, reasoned analysis" in response to public comments on the EIR. (Guideline § 15088, subd.(c).) When comments raise significant environmental issues, the lead agency must address the comments "in detail giving reasons why" the comments were "not accepted." (Ibid.)

An agency is under a greater duty to consider and respond to comments put forth by another agency. Despite this obligation, the City failed to adequately respond to well-supported and detailed comments put forth by LAFCO, the County, and the OSA. LAFCO's June 9, 2014 letter to the City noted that 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."

As a Responsible Agency, LAFCO had an independent obligation to review the EIR for legal adequacy under CEQA prior to the Commission issuing any approvals for the project (CEQA Guidelines, §1096). LAFCO staff and legal counsel clearly found the EIR to have significant deficiencies and requested that the City not certify the Final EIR.

In short, the City failed to provide an EIR that met the legal adequacy under CEQA.³⁰ This is evidenced by the fact that LAFCO Staff has included its own Statement of Overriding

²⁹ Letter dated March 9, 2016 from Chatten-Brown & Carstens on CGF and GA's behalf.

³⁰ The City of Morgan Hill's certification of the FEIR represented a flagrant abuse of the spirit of CEQA. Specifically, CEQA's two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564). The certified final EIR for this project failed to clarify what environmental impacts may occur as a result of the project, thus making it impossible to determine what mitigation measures should be considered. In failing to recognize significant

Considerations to which we believe should be added further significant, unavoidable environmental impacts including those to agricultural resources. Indeed, the EIR failed to fully analyze the Agricultural Lands Preservation Program.³¹

Our concern that the Program would not adequately mitigate the impacts to agricultural resources is further validated through the *Morgan Hill 2035 DEIR*. Despite the DEIR recognizing the Program and Agricultural Mitigation Ordinance as mitigation measures, it states that a “number of measures were considered for mitigating or avoiding the impact of the conversion of agricultural lands to other uses; however, no feasible mitigation measures are available that would reduce the agricultural resource impact to less than significant levels.”³² **This is an admission that the Agricultural Lands Preservation Program and Agricultural Mitigation Ordinance fail to reduce the impacts to agricultural resources to a less than significant level.** In contrast, the findings in the *Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan EIR* stipulated that the mitigation would reduce the impacts of converting agricultural lands to non-agricultural uses to a less than significant level.

This discrepancy between the EIRs further calls into question the true effectiveness of the Program to mitigate for the loss of agricultural lands. Should LAFCO adopt any portion of the USA amendment application, the Commission must find that the *Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan Final EIR* identified the potentially significant adverse impacts resulting from the project. Furthermore, it must find that appropriate mitigation measures have been proposed for each of the potential impacts identified in each of the listed categories that will reduce the impacts to a less than significant level, and find that the project’s benefits outweigh its significant, unavoidable environmental impacts, including air quality/greenhouse gases, noise, and transportation.³³ We don’t believe there is any basis for such a finding.

environmental impacts and provide adequate mitigation for those impacts, it failed to afford a respectable degree of government transparency in the planning process.

³¹ See Attachment A: letter dated November 3, 2014 from Chatten-Brown & Carstens which was submitted to the City on CGF’s behalf.

³² Our emphasis. See *Morgan Hill 2035 DEIR* at 4.2-16.

³³ Proposing a project that will needlessly convert agricultural lands to urban uses which will then cause a significant, unavoidable impact with relation to greenhouse gases is disturbingly counterintuitive and irresponsible in the face of regional and state efforts to combine farmland conservation with the reduction of greenhouse gases as a climate change mitigation strategy.

ECONOMIC BENEFIT HIGHLY SPECULATIVE. DEVELOPMENT STRATEGY CONFLICTS WITH 2035 GENERAL PLAN CONSULTANT AND LAFCO COMMISSION RECOMMENDATION.

As previously stated, the allowable uses in the SRL are commercial uses that are currently/can be accommodated inside city limits. There is no need to invent a new district for them outside city limits.

The Economics white paper prepared for the City's 2035 General Plan update notes that, "There is increased interest in healthy eating and fresh, natural, locally-produced foods, and Morgan Hill is well-positioned to capitalize on this trend and serve as a hub for people exploring the area. Morgan Hill can enhance its position by working with area wineries, restaurants, and farm stands to promote the area as a destination for agri-tourism. The City needs to develop targeted strategies that encourage better utilization of the vacant lands located within its existing boundaries." The latter is extremely reminiscent of the motion passed by the Commission at its November 2, 2013 hearing on the last USA amendment brought by the City of Morgan Hill. At that hearing, the Commission requested that the City of Morgan Hill, through its General Plan Update process, examine its inventory of vacant land and develop targeted strategies that encourage better utilization of vacant lands within its boundary.

It has been said that the cost of commercially zoned land is prohibitive to the potential economic benefits of SRL uses.³⁴ This pales in comparison to the cost of sprawl, its negative impacts on urban services, and the loss of farmland and its economic, social, and environmental benefits. The Agricultural Commissioner's Office newly released report *The Economic Contribution of Agriculture to the County of Santa Clara 2014* asserts that agriculture provides diverse stable employment opportunities for both skilled and unskilled laborers – jobs that are not served by other industries in the county. So, agricultural lands are very important job generating lands too that are first and foremost dependent on soil, and finite in availability.³⁵ Neither the community of Morgan Hill nor our region is well served by undervaluing the economic, social, and health benefits of viable farmland. Commercial uses such as those proposed in the SRL District need not be located on prime farmland or have freeway frontage to be successful.

³⁴ One instance was public comment made at the June 23, 2015 Planning Commission hearing on the SEQ plan.

³⁵ At their December 16, 2015, the City Council approved a license agreement (renewable on a yearly basis) with George Chiala Farms for the continuation of its agricultural operation on the 26 acre parcel purchased for the Jacoby/Morgan Hill ballfields.

WELL-ESTABLISHED INCONSISTENCIES WITH CITY, COUNTY, AND LAFCO POLICIES.

The LAFCO Staff Report summarized the many substantial inconsistencies between the City's application and LAFCO policies, and City and County General Plan policies. These inconsistencies between the City's SEQ plan and LAFCO and County policies were well documented over the past 5 years. As an example, the City's plan does not conform with County General Plan policies relating to urban service area expansion, i.e C-GD 3, C-GD 4, C-GD 6, C-GD 7, and C-GD 8 (b.).³⁶

THE CITY FAILED TO SEEK ADEQUATE COMMUNITY PARTICIPATION AND EDUCATION.

The City's public process was significantly flawed. While the City held stakeholder meetings and public hearings on the SEQ throughout the years, the vast majority of the community was unaware of these meetings. The City also segmented discussions and decision-making to the point where even the most civic-minded and tenacious resident struggled to effectively participate and understand.³⁷

Furthermore, the lack of community outreach hindered the community's ability to be informed of the plan at all, or where it was in the planning stage.³⁸ From December 2007 to July 2015, there was no effort to seek community-wide input on the City's plan. This was in stark contrast to the City's efforts pertaining to other major projects such as downtown redevelopment, which encompassed a 117 acre area of already established urban uses/designations within the USA.

Action 3.6 of the Morgan Hill General Plan Community Development Element (at p. 25) states that the '[p]lanning of the Southeast Quadrant may occur as part of the next comprehensive General Plan Update.' However, when the Morgan Hill 2035 General Plan update began, public discussion of the SEQ within the context of the General Plan update was marginalized. Furthermore, at the very first meeting of the General Plan Advisory Committee (GPAC), Mayor Steve Tate instructed the members that they were not to weigh in on the SEQ plan. We are not

³⁶ Book A, Growth and Development, B-5 and B-6.

³⁷ In December 2007, the City Council approved a work program for exploring a variety of items relating to the Southeast Quadrant. In July 2015, they approved the application to LAFCO. Other meeting dates on which the City Council approved SEQ items include November 5, 2014, and February 4, 2015.

³⁸ See Attachment B and C for public notices of SEQ meetings that were not Planning Commission or City Council meetings. Note the exclusivity of the salutation line.

aware of any discussion or vote by City Council that provided that direction. Indeed, every other major General Plan amendment that was proposed before the General Plan update process began was put before the GPAC for a recommendation. This included a controversial USA amendment application known as Edmundson-Oak Meadows which had been in the planning stages pre-2006.

The City, in the LoR at p. 4, stated that its application to LAFCO was “consistent with the desire of respective property owners to be incorporated into Morgan Hill.” Indeed, the application is narrowly focused on the requirements of some, but not consistent with the community’s needs and desires for its future.

CONCLUSION: AREA 1 – OPPORTUNITY STILL EXISTS TO FIND THOUGHTFUL SOLUTION, BUT UNDER A DIFFERENT PLAN.

While the City admits that the majority of uses in the SRL District are “speculative at this time”, the entire SEQ proposal is speculative in nature: funding, development, need, compatibility of uses, economic viability, and agricultural preservation.

The City’s current USA amendment request does not meet the meaningful purpose of LAFCO’s mission and policies. As the LAFCO Staff Report points out, the proposal is a classic example of urban sprawl from half a century ago that led to the State Legislature’s creation of LAFCO.

We believe there is opportunity for a path forward if the City is willing to set aside its current plan and work with its partners and other stakeholders to find a sensible, viable solution to meet its economic development and agricultural preservation goals.

Until that time, we respectfully request the Commission deny – in its entirety – this USA amendment request.

AREA 2: MONTEREY-WATSONVILLE

CGF and GA support the LAFCO Staff recommendation for denial of this USA amendment request. While we are sympathetic with the applicants’ reasons for requesting annexation, there are substantial reasons, as outlined in the LAFCO Staff Report, why the City’s application is inconsistent with LAFCO policies.

AGRICULTURAL LANDS CANNOT BE ADEQUATELY MITIGATED.

As noted above, the City's Agricultural Lands Preservation Program and Agricultural Mitigation Ordinance are ineffective and infeasible to adequately mitigate for the loss of agricultural lands (per LAFCO's definition) to urban uses. Therefore, *at a minimum*, the Commission should not approve any parcel in this USA amendment request that require mitigation of agricultural lands.

CITY HAS SUFFICIENT VACANT COMERCIAL AND RESIDENTIAL LAND WITHIN ITS CITY LIMITS.

As previously discussed, the city has a substantial vacant land inventory: 8 -24 years of vacant residential land and 45 years of vacant commercial land. The City should capitalize on their vacant land inventory and pursue infill development first. Indeed, LAFCO previously denied the inclusion of the majority of Area 2 in order to serve as a natural buffer to limit impacts to adjacent agricultural lands and to limit growth inducing impacts on adjacent unincorporated lands.

The City attempts to make a case for the inclusion of APN 779-04-052 into the City's USA "because its future annexation and development would conform with the City's Desirable Infill policies." (LoR at p. 10.) Interestingly, the draft Morgan Hill 2035 General Plan has eliminated current General Plan references to the Desirable Infill policies. These policies have not been included in the new Public Review Draft Residential Development Control System (RDCS).³⁹ While the RDCS is subject to voter approval, the City is anticipating this will occur given the support of the voters for past RDCS measures.

INCLUSION OF UNINCORPORATED AREAS INTO USA PROBLEMATIC.

According to the City, another primary goal of the Area 2 USA Amendment request is to improve the efficiency of urban service deliveries. For seven of the seventeen parcels, that point is moot as they already receive urban services. Among the unincorporated areas, there

³⁹ This may in part be explained by the change to the section *D. Application to Expand Urban Service Area*. Under the current RDCS (18.78.070), the City "shall neither apply to LAFCO, nor otherwise request or support, the addition of any land to its urban service area, until such time as the city council finds that the amount of undeveloped, residentially developable land within the existing urban service area is insufficient to accommodate five years' worth of residential growth." Under the proposed RDCS, this 5 year requirement has been removed. See draft 2035 General Plan Policy CNF-4.8 **Land Supply**. Include enough land within the Urban Service Area to provide for a minimum of 5 years of urban growth rate, amount, and type of development consistent with the General Plan; review and modify the Urban Service Area boundaries as needed. [Action CD-2.2]

are three of 10 parcels - APNs 779-04-016 and 779-04-061 (Morgan Hill Bible Church) and APN 779-04-052 – where future development plans have been expressed. According to the LAFCO Staff Report, inclusion of these parcels would not affect the current level of urban services. Yet the incorporation of all 3 parcels remains problematic due to the urban/rural conflict it creates. It is a conflict that can encourage outward urban growth.

CONCLUSION: AREA 2 – Again, while we understand the reasons for certain Area 2 applicants requesting inclusion into the city, the larger policy and planning issues call for the Commission to refrain from approving their request.

Thank you for this opportunity to provide our comments and for considering our request to deny these proposals.

Respectfully submitted,



Julie Hutcheson
Legislative Advocate
Committee for Green Foothills



Davin Aoyagi
Regional Representative, South Bay
Greenbelt Alliance

Attachment A: November 3, 2014 letter from Chatten-Brown & Carstens LLP

Attachment B & C: Public notices for SEQ Workshop and Scoping Meeting

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November 3, 2014

Via U.S. Mail and email andrew.crabtree@morganhill.ca.gov

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

Re: CEQA Review of the Citywide Agricultural Preservation Program and
Southeast Quadrant Land Use Plan, SCH No. 2010102010

Dear Mr. Crabtree:

We submit these comments on behalf of Committee for Green Foothills (CGF). CGF was founded in 1962 to protect the open spaces, farmlands, and natural resources of San Mateo and Santa Clara counties through advocacy, education, and grassroots action. CGF and its members have closely followed the City's development of the Citywide Agricultural Preservation Program and the Southeast Quadrant Land Use Plan ("Project").

As proposed, the Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan Project is a nearly-incoherent mix of City expansion and rezoning policies, combined with several unrelated private development proposals that would affect 1,290 acres located mostly southeast of Morgan Hill's existing city limits ("SEQ area"). The Project purports to include:

- (1) Agricultural Lands Preservation Program ("Agricultural Program") aimed at supporting the permanent preservation of open space and agriculture;
- (2) Boundary adjustments, including annexation of additional land to the city limits, expansion of the urban service area, urban growth boundary, and urban limit line;
- (3) General Plan and Zoning Code amendments to prezone lands within the Project area;
- (4) General Plan and Zoning Code amendments to create a Sports-Recreation-Leisure land use designation;

- (5) A 1,600-student private Catholic high school on 38 acres;
- (6) The Craiker development, which would involve 43,000 square feet of sports retail and restaurant use on 4 acres south of the City's aquatics center;
- (7) The Puliafico development, which entails an undisclosed amount of sports-recreation-leisure uses on 38 acres in the SEQ area;
- (8) The Jacoby development, which entails an undisclosed amount of commercial retail and recreation uses on 26 acres in the SEQ area; and
- (9) The Chiala Planned Development, which might involve 86 acres of sports-recreation-leisure uses, 107 acres of residential estates, and 114 acres of agricultural uses on 307 acres in the eastern SEQ area. Although it is presently unknown whether the Chiala development may be included inside city limits, it is still being processed by the City and remains in the EIR.

Confusingly, the Project's EIR claims to be both a programmatic EIR and a project EIR. (DEIR p. 202.) The EIR states that the private high school is analyzed with a project-level of review. Accordingly, further environmental review of the high school will not occur. On the other hand, the EIR states that the Agricultural Program, boundary adjustments, general plan and zoning amendments are evaluated at a programmatic, not project, level of review. Despite this, the EIR notes, "no further environmental review is required for City adoption of Project Components 1-4." (DEIR p. 2-2.) Given the lack of detailed review in the EIR, the City's proposal to approve Project Components 1-4 without further, project-level environmental review is unlawful. "Designating an EIR as a program EIR...does not by itself decrease the level of analysis otherwise required in the EIR." (*Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 533.) Finally, the EIR states that it is conducting programmatic review of the Craiker, Puliafico, Jacoby, and Chiala developments, even though the DEIR fails to disclose the proposed land uses of these developments. (DEIR pp. 2-54-55.) CGF appreciates the City's decision to conduct a more thorough environmental review of the Chiala Planned Development at a later date. However, to comply with CEQA, the City must ensure that the Craiker, Puliafico, Chiala, and Jacoby developments undergo full project-level review in the future and not rely on analysis or mitigation measures developed in the EIR for this Project.

In its current state, the 1,290-acre Southeast Quadrant (SEQ) consists of agricultural lands, farms, and orchards. (DEIR p. 2-7.) Structures present include single-family residences, barns, sheds, and greenhouses. (*Ibid.*) Nearly half of the SEQ is considered "Prime Farmland" by the state of California, and a larger portion is considered "Important Farmland" by the Department of Conservation. Due to its importance to local agriculture, the County of Santa Clara has zoned the SEQ's flat, valley floor land for

Mr. Andrew Crabtree
City of Morgan Hill
November 3, 2014
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exclusive agriculture and for uses that “clearly enhance the long term viability” of agriculture. The SEQ lands also serve as an informal greenbelt buffer from more developed suburban areas within the Morgan Hill city limits.

By changing the general plan designations and zoning and by explicitly approving the construction of a new high school and undisclosed sports-recreation-leisure developments in the SEQ, the Project would leave only 200 of the 1,290-acres contained within the Project site for long-term agriculture. Specifically, the Project would annex 759 acres of agricultural lands into the city limits in the short term and place an additional 329 acres within the urban limit line for future city development. As noted by Committee for Green Foothills, the misnamed Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan ultimately permit non-agricultural development of 80 percent of the Project area.

Various local agencies have criticized aspects of the Project and its environmental review, including, but not limited to, the Local Agency Formation Commission of Santa Clara County (LAFCO), the Santa Clara Valley Water District, the Open Space Authority, and five separate County departments. As pointed out by these agencies, planning of this nature is more appropriately contemplated in the City’s ongoing general plan update. LAFCO’s counsel correctly notes that the EIR’s objectives are crafted so narrowly as to preclude a reasonable choice among alternatives in violation of the California Environmental Quality Act (CEQA).

The October 30, 2014 staff report (“Staff Report”) notes that the proposed changes to the Project “do not go as far as our partner agencies would like.” (Staff Report, p. 2.) For these reasons, and the reasons discussed in further detail below, CGF urges the City of Morgan Hill to continue to work collaboratively with the Santa Clara County Planning Department, the Local Agency Formation Commission, and the Santa Clara County Open Space Authority to align the City’s planning of the southeastern quadrant and agricultural preservation with the general plan update process. More collaboration is necessary before the Project can be approved in a manner that is consistent with sound planning principles and CEQA.

I. Planning for the Southeastern Quadrant and Preservation of Agricultural Resources Should Occur in the General Plan Process.

“The general plan is atop the hierarchy of local government law regulating land use.” (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183.) It has been recognized as “the constitution for future development.” (*DeVita v.*

Mr. Andrew Crabtree
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Napa (1995) 9 Cal.4th 763, 773, internal citations omitted.) All development within a City, including its planning and zoning regulations and land use designations, must be consistent with the general plan. The SEQ Land Use Plan is no exception to this rule.

The proposed Project includes the expansion of city boundaries, service areas, and future growth areas and proposes land use designations and other revisions to land use controls in areas southeast of the existing city limits, as well as a city-wide Agricultural Lands Preservation Program. Planning of this nature and scale is exactly the type that occurs during a general plan update. The citywide nature of the Agricultural Lands Preservation Program requires its consideration in an EIR that analyzes citywide impacts, not in an EIR constrained to the SEQ area. Conveniently, the City of Morgan Hill is currently updating its General Plan. Its refusal to combine the Project with the ongoing General Plan process is contrary to the principles of sound planning and has resulted in a number of inconsistencies between the Project and the City's constitution. CGF agrees with the framing of the issues as raised by LAFCO and its attorneys, the County, and the Open Space Authority.

CGF would like to highlight a few issues raised by these comments:

- As discussed in CGF's June 24, 2014 letter to the City, proposed General Plan modifications to permit the expansion of urban services would conflict with the Residential Development Control System of the General Plan. This would render the General Plan internally inconsistent, in violation of State Planning and Zoning Laws.
- There are inconsistencies between the Project and the General Plan in that areas being considered for inclusion within the city in the General Plan process include areas being identified for preservation areas in the Agricultural Lands Preservation Program. These processes should be consolidated and aligned.
- The County General Plan designates much of the SEQ area as Agriculture Medium Scale, which permits other uses so long as they "clearly enhance the long term viability" of local agriculture and other lands. The Project's retail, commercial, school, and sports-recreation-leisure uses do not "clearly enhance" agriculture, especially if they are built atop existing agricultural uses. Thus, the developments considered in the EIR are inconsistent with the General Plan.

Finally, as discussed in CGF's previous letters, the separation of the EIR for development of the SEQ and the Agricultural Program from the EIR for the General Plan update is unlawful piecemealing of the environmental review for the City's long term

planning. “The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.” (CEQA Guidelines § 15003 (h); *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal. App.3d 151.)

II. The EIR Fails to Adequately Inform Decisionmakers and the Public of the Project’s Environmental Impacts.

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project’s significant environmental effects so that decisionmakers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass’n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) The environmental impact report (EIR) process is the “heart of CEQA” and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.)

As the final EIR fails to remedy the defects noted in Committee for Green Foothills’ February 18, 2014 comments, we hereby incorporate those comments in lieu of repeating them here. CGF also supports the letters submitted by the Open Space Authority, the County of Santa Clara, the Local Agency Formation Commission, and LAFCO’s counsel on these issues.

A. The EIR is Unfocused and Confusing.

Many of the EIR’s failures stem from the City’s use of a single EIR to analyze multiple unrelated projects – at different levels of environmental review. This approach has produced an EIR that fails to clarify the potential environmental impacts of any single project component, rendering it difficult or impossible to tailor alternatives and mitigation measures to avoid or substantially lessen each project’s individual environmental impacts. An EIR must describe a proposed project with sufficient detail and accuracy to permit informed decisionmaking. (CEQA Guidelines § 15124.) This EIR does not. As a result, the EIR cannot “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (CEQA Guidelines § 15003; *People ex rel. Department of Public Works v. Bosio* (1975) 47 Cal.App.3d 495.)

The “project” as defined is incoherent, consisting of the annexation of County lands into the City and related expansions of the urban service area, urban growth boundary, and urban limit line. While these project components might lend themselves to a coherent project and EIR, this Project has been coupled with the adoption of a Citywide Agriculture Preservation Program, which seems to permit development of nearly all of the covered agricultural lands. As discussed above, both of these projects should be incorporated into the ongoing General Plan Update process to allow for consistency with the General Plan and to permit thorough analysis of the Projects and their cumulative impacts. Incomprehensively, however, the EIR’s Project Description also includes the development of two separate sports-recreation-leisure projects, as well as zoning and general plan updates needed to permit these uses, a sports retail development, the 307-acre Chiala development, and the development of a private high school. The result is aptly described by CGF’s February 18, 2014 letter as “a ‘project’ that is too amorphous, vague, and unmanageable to analyze adequately.”

This confusion is demonstrated by the Project Objectives, which seek to “[i]dentify lands within the SEQ area viable for permanent agriculture” and to “[d]evelop a program that fosters permanent agriculture”, while simultaneously converting agriculturally-zoned land uses to “sports-recreation-leisure” and developing “a new private high school...to serve existing and future local demand.” (DEIR p. 2-26, 35.) By its own terms, the Project Objectives will convert agricultural lands to high school and sports and recreation uses.

The Court of Appeal has held:

The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decision makers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey.”

Unfortunately, this EIR is too confusing to provide any details of the roadmap or the price tag. (*NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.)

Put simply, the EIR is “a mass of flaws.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713, 741.) Separate EIRs should be prepared for the private high school, Craiker, Puliafico, Jacoby and Chiala developments. The SEQ planning process, urban boundary changes, and Agricultural Program should be integrated into the General Plan process.

B. The EIR Fails to Fully-Analyze the Citywide Agricultural Land Preservation Program.

The City’s administrative process places the Citywide Agricultural Land Preservation Program within the SEQ Land Use Plan and purports to analyze the environmental impacts of the Agricultural Program within the EIR. Yet the EIR never provides in-depth analysis of the Agricultural Program, the permitted uses of land preserved under the program, or a description of how the program will actually work. Instead, the EIR focuses on the SEQ components of the Project. The Agricultural Program will have serious implications for the future development of Morgan Hill and will control how much agricultural land is preserved in the City, and for how long. The EIR’s failure to analyze the entirety of the Project violates CEQA.

On its face, the Project proposes to annex 759 acres of agricultural lands into the city limits in the short term and place an additional 329 acres within the urban limit line for future city development. Only 20 percent of the 1,290-acre area would remain untouched by urban zoning or development possibilities. Additionally, as discussed in greater detail in other comments submitted to the City, the proposed mitigation fees for the conversion of agricultural lands are too low to fund replacement of agricultural lands at the 1:1 ratio sought by the Agricultural Program. The EIR’s admission that open space funds will be used for agricultural mitigation proves this. Further, even if 1:1 ratio is actually required, such a ratio would permit at the loss of half of the agricultural lands in the SEQ, or all 1,290 acres if off-site preservation is permitted.

The EIR’s failure to provide coherent and comprehensive analysis and mitigation of the Project’s foreseeable impacts on agricultural lands must be remedied before the Project may be lawfully approved.

C. The EIR’s Analysis of Cumulative Impacts is Inadequate.

Throughout the EIR, it is assumed that if a Project’s potential environmental impact is not directly significant, it cannot be cumulatively significant. On the contrary, cumulative impacts analysis is important precisely because:

[T]he full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

(Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal. App. 4th 1184, 1214.) The EIR's failure to recognize as significant cumulative impacts that are not individually considerable violates CEQA. An impact may be directly insignificant, but cumulatively significant. Relevant to the City's consideration of this Project, the loss of one particular parcel of farmland may not be directly significant, but it may be cumulatively considerable when viewed in the context of the loss of farmland in the valley. The City's failure to provide thorough consideration of cumulative impacts is particularly disappointing in the context of a program EIR. "The program EIR can...[e]nsure consideration of cumulative impacts that might be slighted in a case-by-case analysis." (CEQA Guidelines § 15168(b)(2).) The City must revise its assessment of cumulative impacts and recirculate the revised EIR before the Project may be approved.

III. The Mitigation and Monitoring Program Cannot be Relied Upon for The Programmatic Components of the Project.

The mitigation measures described in the EIR and contained in the Mitigation Monitoring and Reporting Program (MMRP) cannot be relied upon to offset the potential environmental impacts of the Craiker, Puliafico, Chiala, and Jacoby developments. The EIR contains almost no information about the Craiker, Puliafico, and Jacoby developments that it purports to analyze at a programmatic level. The Craiker development is described as 40,000 square feet of sports retail and 3,000 square feet of restaurant uses on 4 acres, but no information is provided about the "sports retail" use that permits a decisionmaker or the public to understand the development's potential environmental impacts or to even determine what they might be. The 38-acre Puliafico development is described with even less detail. According to the EIR, the development "may include outdoor sports fields, possible indoor facility to house recreational uses." (DEIR p. 2-52.) No square footage estimates are provided. Similarly, the Jacoby development "may include commercial recreation retail and open fields for recreation" on 26 acres of land. No square footage is provided. This is particularly glaring, given that the City has signed a Letter of Intent with Mr. Jacoby and his partners (Fisher-Granum

Partners) to purchase the property. The City is surely aware of more details about the proposed development. Since insufficient information is provided about these developments, the EIR contains limited information about the developments' potential environmental impacts. As a result, alternatives and mitigation measures cannot yet be developed to reduce the potential environmental impacts of these project components. It is imperative that the City require a thorough analysis and full mitigation of these developments' potentially significant environmental impacts when they are reviewed at a project level.

IV. The Final EIR's Responses to Comments are Inadequate.

The EIR is a document of accountability. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.) CEQA ensures accountability through the requirement that the Lead Agency provide written "good faith, reasoned analysis" in response to comments on an EIR by the public. (Guideline § 15088, subd.(c).) When a comment raises a significant environmental issue, the lead agency must address the comment "in detail giving reasons why" the comment was "not accepted." (*Ibid.*) "Conclusory statements unsupported by factual information will not suffice." (*Ibid.*; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124.) The level of detail of responses to comments must be commensurate with the level of detail of the comments. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 878 ["the determination of the sufficiency of the agency's responses to comments on the draft EIR turns upon the detail required in the responses"].)

This requirement for good faith, reasoned analysis "ensures that stubborn problems or serious criticism are not swept under the rug." (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal. App. 4th 715, 732.) The courts have held that inadequate responses to comments – alone – can be grounds for voiding a project's approval. (See, *Env. Protection Information Center. v. Johnson* (1985) 170 Cal. App. 3d 604, 627.) Failure to respond to a *single* comment is sufficient to invalidate approval of a FEIR. (*Flanders Foundation v. City of Carmel by-the-Sea* (2012) 202 Cal. App. 4th 603.) The final EIR fails to include good faith, specific responses to specific comments and provides responses that are dismissive, off-point, or that fail to respond to the questions asked. These responses include, but are not limited to the following:

In response to CGF's concerns that the Project will result in light and glare impacts that are inadequately disclosed, analyzed, or mitigated in the DEIR (Comment

Foothills-13), the City states that Project lighting would be similar in intensity to existing sources of light and glare. The Project will permit conversion of unlit farmlands into uses that include restaurant, retail, and other commercial uses. Parking lots, exterior lighting, street lighting, and illuminated signage will be introduced to areas that are currently dark. This will have significant impacts that are neither disclosed nor mitigated in the EIR. The significance of these impacts is demonstrated by the EIR's admission that the lighting provided by the private high school's sports fields will have significant impacts due to light and glare. The City's EIR and Mitigation Monitoring and Reporting Program incorporate mitigation measures to offset these impacts. Since the sports-recreation-leisure properties will likely construct outdoor sports fields, outdoor floodlighting for evening and nighttime is almost assured, with lighting and glare impacts very similar to those deemed significant at the high school. The FEIR's dismissal of CGF's concern violates CEQA.

In Comment Foothills-30, CGF described the EIR's failure to actually provide environmental review of the Agricultural Land Preservation Program. As a discretionary action of the City that will have significant impacts on the environment, this is required. Further, CGF explained the importance of this review because the Agricultural Program will impact the entire city, not just the SEQ area. RTC Foothills-30 responds only with a summary of CGF's comment and "[t]he Draft EIR evaluated the consistency of the proposed project's components with the City of Morgan Hill General Plan in Section 3.9, Land Use. Note that the organization did not provide any specific comments on this analysis." This comment is entirely nonresponsive as it fails to direct a reader toward environmental analysis of the Agricultural Program or to mention the environmental review of the Program at all.

An agency is under a greater duty to consider and respond to comments put forth by another agency. (*Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348, 358.) Despite this obligation, the City failed to adequately respond to well-supported and detailed comments put forth by the Local Agency Formation Commission, the Open Space Authority, and the County of Santa Clara. LAFCO's June 9, 2014 letter notes that 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." In doing so, the final EIR appeared to conclude that LAFCO policies are merely "procedural," when in actuality they are substantive requirements that the EIR must address. The final EIR attempted to evade LAFCO requirements for annexation with claims that LAFCO has independent review over such actions. In the context of CEQA, this is incorrect. Unless significant changes are made to the Project or significant new facts emerge, LAFCO cannot prepare its own EIR and

must rely on the EIR prepared by the City of Morgan Hill. (CEQA Guidelines § 15096(a) [“A Responsible Agency complies with CEQA by considering the EIR or Negative Declaration prepared by the Lead Agency “], § 15050(b) [“each Responsible Agency shall consider the Lead Agency’s EIR”], § 15051(b)(2) [“Where a city prezones an area, the city will be the appropriate Lead Agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the pre zoning. The Local Agency Formation Commission shall act as a Responsible Agency”], §15096(e).)

V. The City’s Statement of Overriding Considerations Lacks Substantial Evidence to Support its Conclusions.

CEQA prohibits approval of projects with significant adverse environmental impacts if there are feasible alternatives or mitigation measures that would reduce or eliminate those impacts. (Pub. Resources Code § 21002; Guidelines § 15021(a)(2).) When an agency seeks to approve a project despite its significant unmitigated impacts on the environment, the agency must adopt a statement of overriding considerations. (Pub. Resources Code § 21081.) Here, the Project will have significant and unmitigable impacts on air quality and greenhouse gases, noise, and transportation, and a statement of overriding considerations is required. A statement of overriding considerations must include two specific findings, supported by substantial evidence. The first finding that must be made is that “There is no feasible way to lessen or avoid the significant effect...” of the project. (Guidelines §§ 15043, 15093(b).) The second finding is that the project’s benefits outweigh its significant adverse environmental impacts. (Guidelines § 15093(a).) These findings must both be supported by substantial evidence. (Guidelines § 15093(a)-(b).)

Here, the City proposes to adopt a statement of overriding considerations with a finding that specific considerations make infeasible the mitigation measures or alternatives identified by commenters and in the EIR. Specifically, the City’s statement of overriding considerations found, “Alternatives 1-4 are rejected as infeasible.” (SOC p. 78.) “CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment...unless the measures necessary to mitigate those effects are *truly* infeasible.” (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal. 4th 341, 368 (“*City of Marina*”) emphasis added.) “[I]f the project can be economically successful with mitigation, then CEQA requires that mitigation...” (*Uphold our Heritage v. Town of Woodside* (2007) 147 Cal. App. 4th at 600.) The City is required to substantiate any claims of alternative infeasibility with substantial evidence in the record.

The City's statement of overriding considerations rejects the Sports-Recreation-Leisure/High School/Agricultural Lands Preservation Program Alternative because it "would not fully meet the Project objectives." (SOC p. 79.) The City applies the incorrect standard. A reasonable alternative need only "attain most of the basic objectives" of the Project. (Pub. Resources Code § 21061.1; Guidelines § 15126.6(a), emphasis added.) Moreover, the City claims that the alternative fails to meet objectives regarding transfers of development and agricultural preservation that would occur with the Chiala Planned Development (SOC p. 80), even though the City is exploring ways to pursue transfers of development that do not involve immediate approval of the Chiala development. (See Staff Report p. 6.) Aside from this objective, the alternative meets all objectives. In fact, the Project described by the Staff Report and put forth for approval by the City is essentially the Sports-Recreation-Leisure/High School/Agricultural Lands Preservation Program Alternative. The City clearly lacks substantial evidence supporting its rejection of this feasible and reasonable alternative.

The Statement of Overriding Considerations rejects the Agricultural Lands Preservation Only Alternative for failing to meet the objective of providing a private high school in the Project. The High School Only Alternative is rejected for failing to meet objectives related to agricultural preservation. Again, these rejections lack substantial evidence in support. As proposed, the Project is essentially a blank slate for development of unincorporated areas southeast of City Limits. Reconfiguration of the Project and its components is clearly feasible. In fact, program EIRs such as this one were added to CEQA to "[a]llow the Lead Agency to consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility" and to "[p]rovide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action." (CEQA Guidelines § 15168(b)(4), (1).) As described further in the comments submitted by LAFCO's counsel, the City's EIR failed to undertake the requisite flexible approach to alternatives. Tellingly, neither the City's EIR nor the statement of overriding considerations provide analysis of whether the sports-recreation-leisure or the high school uses in the SEQ can be accommodated within the existing City limits. The City contains sufficient vacant land to accommodate these uses. If these uses can be accommodated elsewhere, there is no reason why the Agricultural Lands Preservation Only Alternative cannot provide a high school and leisure space outside the SEQ. No information has been developed to support conclusions of infeasibility. The City cannot make the required findings.

Thus, the City's rejection of these alternatives is improper, and its statement of

overriding considerations is unsupported.

The Statement of Overriding Considerations claims, without support, that “all feasible changes or alterations have been required in, or incorporated into, the Project” to mitigate its admittedly significant impacts on air quality and greenhouse gases. Yet the Mitigation Monitoring and Reporting Program contains no mitigation measures to limit the Project’s greenhouse gas emissions. Thus, this finding is unsupported by substantial evidence.

The City’s statement of overriding considerations is premised upon the claim that the project will benefit the City and its residents by promoting economic growth, supporting the formation of a greenbelt area, preserving agriculture, and by permitting uses that “clearly enhance the long term viability” of local agriculture and agricultural lands, among others. (SOC pp. 83-84.) CEQA requires there be substantial evidence in the record to support the claimed benefits of the Project that justify proceeding with a project notwithstanding its adverse impacts. (Public Resources Code § 21081; CEQA Guidelines § 15093(b).) However, the record is rife with evidence that the Project will not actually accomplish these goals. The greenbelt area permits development, and the Project will ultimately result in the conversion of most of the SEQ area to urban uses. Neither a private high school nor undefined sports-recreation-leisure uses “clearly enhance the long term viability” of local agriculture. On the contrary, by permitting and encouraging retail, residential uses, and other commercial development in the SEQ, the Project will likely surround the City’s remaining agricultural areas with suburban development, furthering its demise. “[A]n agency’s unsupported claim that the project will confer general benefits” is insufficient to override a project’s significant impacts. (*Woodward Park Homeowners Ass’n, Inc. v. City of Fresno* (2007) 149 Cal.App.4th 892, 717.)

The City’s findings regarding the rejection of alternatives and regarding project benefits lack substantial evidence, thereby violating CEQA (Guidelines § 15091(b)) and failing as a basis for the City’s Statement of Overriding Considerations. (Guidelines § 15093(b).)

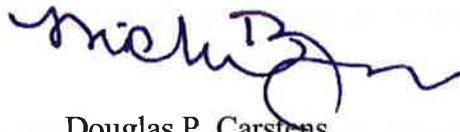
Conclusion

Committee for Green Foothills urges the City to consolidate its planning processes for the SEQ with the ongoing General Plan update process. This is the only way for the City to achieve its goals of planning consistency, agricultural preservation, and the creation of a greenbelt that will benefit the entire community. CGF joins the comments

Mr. Andrew Crabtree
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November 3, 2014
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submitted by the Local Agency Formation Commission, County of Santa Clara, and the Open Space Authority and incorporates these comments by reference. Thank you for the opportunity to comment on this important Project. We look forward to the November 5, 2014 hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas P. Carstens", with a stylized flourish at the end.

Douglas P. Carstens
Michelle N. Black
On behalf of Committee for Green Foothills

| | | |
|-----|-----------------------------------|--|
| cc: | Mayor Steve Tate | steve.tate@morganhill.ca.gov |
| | Mayor Pro Tempore Marilyn Librers | marilyn.librers@morganhill.ca.gov |
| | Council Member Larry Carr | larry.carr@morganhill.ca.gov |
| | Council Member Rich Constantine | rich.constantine@morganhill.ca.gov |
| | Council Member Gordon Siebert | gordon.siebert@morganhill.ca.gov |



DEVELOPMENT SERVICES CENTER

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236

Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

NOTICE OF PUBLIC WORKSHOP

Dear Southeast Quadrant Property Owners & Interested Agencies and Persons,

This notice is to advise you that the Community Development Department of the City of Morgan Hill will conduct a Public Workshop on the following proposal at the date, time and location listed below. All interested persons are invited to attend the workshop and provide comments.

DATE: Thursday, February 18, 2010

TIME: 7:00 P.M.

**LOCATION: Community and Cultural Center
Hiram Morgan Hill Room
17000 Monterey Road
Morgan Hill, California 95037**

SUBJECT:

- 1. Provide Status of Southeast Quadrant (SEQ) Project**
 - a. Agricultural Mitigation Policies and Preservation Program**
 - b. Sports-Recreation-Leisure & Public Facility Land Uses**
 - c. Urban Limit Line**
- 2. Gather Public Input for Refining SEQ Project Scope**

The City Council is moving forward with exploring the possibility of establishing a special Sports-Recreation-Leisure area within a portion of the Southeast Quadrant (SEQ), on private lands that are currently not located within the City but could possibly be annexed to the City. The SEQ is located east of Highway 101, west of Foothill Avenue, south of San Pedro Avenue, and north of Maple Avenue. The Sports-Recreation-Leisure and Public Facility uses will act as a transition between urban and rural uses and assist with establishing a greenbelt character within the Morgan Hill sphere of influence in the SEQ. The City is also developing an Agricultural and Open Space Preservation Program to identify areas where agricultural land uses would be preserved and to establish a mitigation program for projects that would convert agricultural lands to urban uses. The Agricultural Mitigation Policies and Preservation Program are part of the city's continuing effort to establish an Urban Limit Line and Greenbelt Policies for the SEQ.

The upcoming February 18 workshop is intended to provide an update on the SEQ project. City staff and the city's consultants will present the proposed Draft Agricultural Mitigation Policies and Draft Preservation Program; describe individual development applications submitted to the City for the SEQ area; and provide an overview of the proposed city-initiated General Plan and Zoning designation changes to accommodate sports-recreation-leisure and public facility land uses. Comments from the general public are welcomed to assist the City and its consultants in better defining the scope of the SEQ project. Based on the feedback from the workshop, a Notice of Preparation for the Environmental Impact Report will be prepared.

The public workshop will be held on February 18th at 7:00 PM in the Hiram Morgan Hill Room of the Community and Cultural Center, 17000 Monterey Road, Morgan Hill. Questions regarding the workshop or the Sports-Recreation-Leisure Study may be directed to Rebecca Tolentino at Rebecca.Tolentino@morganhill.ca.gov or (408) 778-6480. Questions regarding the Agricultural Preservation Study may be directed to Kathy Molloy Previsich at Kathy.MolloyPrevisich@morganhill.ca.gov or (408) 778-6480.

Mail Date: February 4, 2010

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CITY OF MORGAN HILL

DEVELOPMENT SERVICES CENTER

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236

Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

NOTICE

AVAILABILITY OF NOTICE OF PREPARATION and PUBLIC SCOPING MEETING

Dear Southeast Quadrant Property Owners & Interested Persons,

The City of Morgan Hill Community Development Department and Michael Brandman Associates, environmental consultants, are preparing an environmental impact report for the *Southeast Quadrant General Plan Amendments and Agricultural Mitigation and Preservation Program* project. This notice is to inform you the Notice of Preparation, which outlines the scope of the environmental review process, has been completed and is now available for viewing on the City's website. Agencies, organizations and members of the public are invited to view the Notice of Preparation and provide comments pertaining to the proposed environmental review scope of work. You may either provide written comments to Rebecca Tolentino of the Planning Division no later than **Friday, November 12, 2010**, or attend an upcoming Public Scoping Meeting at the date, time and location listed below.

Please note the Scoping Meeting will be focused specifically on the environmental review process. The City's environmental consultants will outline the scope of work proposed for analyzing potential environmental impacts that may result from implementation of the project. Public agencies and interested parties will then be given the opportunity to provide comments regarding the proposed scope of work. Comments received the night of the Scoping Meeting will be noted for the project record and addressed in the final environmental impact report. All interested persons are invited to attend the meeting and provide comments.

DATE: **Tuesday, November 16, 2010**
TIME: **7:00 P.M.**
LOCATION: **Community & Cultural Center
Hiram Morgan Hill Room
17000 Monterey Road
Morgan Hill, California 95037**

To view the Notice of Preparation, please visit the City's website at www.morganhill.ca.gov > Departments > Community Development > Planning > Current Projects / Reports > Southeast Quadrant

Questions or comments regarding the Scoping Meeting and project in general may be directed to Rebecca Tolentino at Rebecca.Tolentino@morganhill.ca.gov or (408) 778-6480. Written comments on the Notice of Preparation must be received no later than **Friday, November 12, 2010**.

CHATTEN-BROWN & CARSTENS LLP

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November 3, 2014

Via U.S. Mail and email andrew.crabtree@morganhill.ca.gov

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

Re: CEQA Review of the Citywide Agricultural Preservation Program and
Southeast Quadrant Land Use Plan, SCH No. 2010102010

Dear Mr. Crabtree:

We submit these comments on behalf of Committee for Green Foothills (CGF). CGF was founded in 1962 to protect the open spaces, farmlands, and natural resources of San Mateo and Santa Clara counties through advocacy, education, and grassroots action. CGF and its members have closely followed the City's development of the Citywide Agricultural Preservation Program and the Southeast Quadrant Land Use Plan ("Project").

As proposed, the Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan Project is a nearly-incoherent mix of City expansion and rezoning policies, combined with several unrelated private development proposals that would affect 1,290 acres located mostly southeast of Morgan Hill's existing city limits ("SEQ area"). The Project purports to include:

- (1) Agricultural Lands Preservation Program ("Agricultural Program") aimed at supporting the permanent preservation of open space and agriculture;
- (2) Boundary adjustments, including annexation of additional land to the city limits, expansion of the urban service area, urban growth boundary, and urban limit line;
- (3) General Plan and Zoning Code amendments to prezone lands within the Project area;
- (4) General Plan and Zoning Code amendments to create a Sports-Recreation-Leisure land use designation;

- (5) A 1,600-student private Catholic high school on 38 acres;
- (6) The Craiker development, which would involve 43,000 square feet of sports retail and restaurant use on 4 acres south of the City's aquatics center;
- (7) The Puliafico development, which entails an undisclosed amount of sports-recreation-leisure uses on 38 acres in the SEQ area;
- (8) The Jacoby development, which entails an undisclosed amount of commercial retail and recreation uses on 26 acres in the SEQ area; and
- (9) The Chiala Planned Development, which might involve 86 acres of sports-recreation-leisure uses, 107 acres of residential estates, and 114 acres of agricultural uses on 307 acres in the eastern SEQ area. Although it is presently unknown whether the Chiala development may be included inside city limits, it is still being processed by the City and remains in the EIR.

Confusingly, the Project's EIR claims to be both a programmatic EIR and a project EIR. (DEIR p. 202.) The EIR states that the private high school is analyzed with a project-level of review. Accordingly, further environmental review of the high school will not occur. On the other hand, the EIR states that the Agricultural Program, boundary adjustments, general plan and zoning amendments are evaluated at a programmatic, not project, level of review. Despite this, the EIR notes, "no further environmental review is required for City adoption of Project Components 1-4." (DEIR p. 2-2.) Given the lack of detailed review in the EIR, the City's proposal to approve Project Components 1-4 without further, project-level environmental review is unlawful. "Designating an EIR as a program EIR...does not by itself decrease the level of analysis otherwise required in the EIR." (*Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 533.) Finally, the EIR states that it is conducting programmatic review of the Craiker, Puliafico, Jacoby, and Chiala developments, even though the DEIR fails to disclose the proposed land uses of these developments. (DEIR pp. 2-54-55.) CGF appreciates the City's decision to conduct a more thorough environmental review of the Chiala Planned Development at a later date. However, to comply with CEQA, the City must ensure that the Craiker, Puliafico, Chiala, and Jacoby developments undergo full project-level review in the future and not rely on analysis or mitigation measures developed in the EIR for this Project.

In its current state, the 1,290-acre Southeast Quadrant (SEQ) consists of agricultural lands, farms, and orchards. (DEIR p. 2-7.) Structures present include single-family residences, barns, sheds, and greenhouses. (*Ibid.*) Nearly half of the SEQ is considered "Prime Farmland" by the state of California, and a larger portion is considered "Important Farmland" by the Department of Conservation. Due to its importance to local agriculture, the County of Santa Clara has zoned the SEQ's flat, valley floor land for

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exclusive agriculture and for uses that “clearly enhance the long term viability” of agriculture. The SEQ lands also serve as an informal greenbelt buffer from more developed suburban areas within the Morgan Hill city limits.

By changing the general plan designations and zoning and by explicitly approving the construction of a new high school and undisclosed sports-recreation-leisure developments in the SEQ, the Project would leave only 200 of the 1,290-acres contained within the Project site for long-term agriculture. Specifically, the Project would annex 759 acres of agricultural lands into the city limits in the short term and place an additional 329 acres within the urban limit line for future city development. As noted by Committee for Green Foothills, the misnamed Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan ultimately permit non-agricultural development of 80 percent of the Project area.

Various local agencies have criticized aspects of the Project and its environmental review, including, but not limited to, the Local Agency Formation Commission of Santa Clara County (LAFCO), the Santa Clara Valley Water District, the Open Space Authority, and five separate County departments. As pointed out by these agencies, planning of this nature is more appropriately contemplated in the City’s ongoing general plan update. LAFCO’s counsel correctly notes that the EIR’s objectives are crafted so narrowly as to preclude a reasonable choice among alternatives in violation of the California Environmental Quality Act (CEQA).

The October 30, 2014 staff report (“Staff Report”) notes that the proposed changes to the Project “do not go as far as our partner agencies would like.” (Staff Report, p. 2.) For these reasons, and the reasons discussed in further detail below, CGF urges the City of Morgan Hill to continue to work collaboratively with the Santa Clara County Planning Department, the Local Agency Formation Commission, and the Santa Clara County Open Space Authority to align the City’s planning of the southeastern quadrant and agricultural preservation with the general plan update process. More collaboration is necessary before the Project can be approved in a manner that is consistent with sound planning principles and CEQA.

I. Planning for the Southeastern Quadrant and Preservation of Agricultural Resources Should Occur in the General Plan Process.

“The general plan is atop the hierarchy of local government law regulating land use.” (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183.) It has been recognized as “the constitution for future development.” (*DeVita v.*

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Napa (1995) 9 Cal.4th 763, 773, internal citations omitted.) All development within a City, including its planning and zoning regulations and land use designations, must be consistent with the general plan. The SEQ Land Use Plan is no exception to this rule.

The proposed Project includes the expansion of city boundaries, service areas, and future growth areas and proposes land use designations and other revisions to land use controls in areas southeast of the existing city limits, as well as a city-wide Agricultural Lands Preservation Program. Planning of this nature and scale is exactly the type that occurs during a general plan update. The citywide nature of the Agricultural Lands Preservation Program requires its consideration in an EIR that analyzes citywide impacts, not in an EIR constrained to the SEQ area. Conveniently, the City of Morgan Hill is currently updating its General Plan. Its refusal to combine the Project with the ongoing General Plan process is contrary to the principles of sound planning and has resulted in a number of inconsistencies between the Project and the City's constitution. CGF agrees with the framing of the issues as raised by LAFCO and its attorneys, the County, and the Open Space Authority.

CGF would like to highlight a few issues raised by these comments:

- As discussed in CGF's June 24, 2014 letter to the City, proposed General Plan modifications to permit the expansion of urban services would conflict with the Residential Development Control System of the General Plan. This would render the General Plan internally inconsistent, in violation of State Planning and Zoning Laws.
- There are inconsistencies between the Project and the General Plan in that areas being considered for inclusion within the city in the General Plan process include areas being identified for preservation areas in the Agricultural Lands Preservation Program. These processes should be consolidated and aligned.
- The County General Plan designates much of the SEQ area as Agriculture Medium Scale, which permits other uses so long as they "clearly enhance the long term viability" of local agriculture and other lands. The Project's retail, commercial, school, and sports-recreation-leisure uses do not "clearly enhance" agriculture, especially if they are built atop existing agricultural uses. Thus, the developments considered in the EIR are inconsistent with the General Plan.

Finally, as discussed in CGF's previous letters, the separation of the EIR for development of the SEQ and the Agricultural Program from the EIR for the General Plan update is unlawful piecemealing of the environmental review for the City's long term

planning. “The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.” (CEQA Guidelines § 15003 (h); *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal. App.3d 151.)

II. The EIR Fails to Adequately Inform Decisionmakers and the Public of the Project’s Environmental Impacts.

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project’s significant environmental effects so that decisionmakers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass’n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) The environmental impact report (EIR) process is the “heart of CEQA” and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.)

As the final EIR fails to remedy the defects noted in Committee for Green Foothills’ February 18, 2014 comments, we hereby incorporate those comments in lieu of repeating them here. CGF also supports the letters submitted by the Open Space Authority, the County of Santa Clara, the Local Agency Formation Commission, and LAFCO’s counsel on these issues.

A. The EIR is Unfocused and Confusing.

Many of the EIR’s failures stem from the City’s use of a single EIR to analyze multiple unrelated projects – at different levels of environmental review. This approach has produced an EIR that fails to clarify the potential environmental impacts of any single project component, rendering it difficult or impossible to tailor alternatives and mitigation measures to avoid or substantially lessen each project’s individual environmental impacts. An EIR must describe a proposed project with sufficient detail and accuracy to permit informed decisionmaking. (CEQA Guidelines § 15124.) This EIR does not. As a result, the EIR cannot “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (CEQA Guidelines § 15003; *People ex rel. Department of Public Works v. Bosio* (1975) 47 Cal.App.3d 495.)

The “project” as defined is incoherent, consisting of the annexation of County lands into the City and related expansions of the urban service area, urban growth boundary, and urban limit line. While these project components might lend themselves to a coherent project and EIR, this Project has been coupled with the adoption of a Citywide Agriculture Preservation Program, which seems to permit development of nearly all of the covered agricultural lands. As discussed above, both of these projects should be incorporated into the ongoing General Plan Update process to allow for consistency with the General Plan and to permit thorough analysis of the Projects and their cumulative impacts. Incomprehensively, however, the EIR’s Project Description also includes the development of two separate sports-recreation-leisure projects, as well as zoning and general plan updates needed to permit these uses, a sports retail development, the 307-acre Chiala development, and the development of a private high school. The result is aptly described by CGF’s February 18, 2014 letter as “a ‘project’ that is too amorphous, vague, and unmanageable to analyze adequately.”

This confusion is demonstrated by the Project Objectives, which seek to “[i]dentify lands within the SEQ area viable for permanent agriculture” and to “[d]evelop a program that fosters permanent agriculture”, while simultaneously converting agriculturally-zoned land uses to “sports-recreation-leisure” and developing “a new private high school...to serve existing and future local demand.” (DEIR p. 2-26, 35.) By its own terms, the Project Objectives will convert agricultural lands to high school and sports and recreation uses.

The Court of Appeal has held:

The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decision makers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey.”

Unfortunately, this EIR is too confusing to provide any details of the roadmap or the price tag. (*NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.)

Put simply, the EIR is “a mass of flaws.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713, 741.) Separate EIRs should be prepared for the private high school, Craiker, Puliafico, Jacoby and Chiala developments. The SEQ planning process, urban boundary changes, and Agricultural Program should be integrated into the General Plan process.

B. The EIR Fails to Fully-Analyze the Citywide Agricultural Land Preservation Program.

The City’s administrative process places the Citywide Agricultural Land Preservation Program within the SEQ Land Use Plan and purports to analyze the environmental impacts of the Agricultural Program within the EIR. Yet the EIR never provides in-depth analysis of the Agricultural Program, the permitted uses of land preserved under the program, or a description of how the program will actually work. Instead, the EIR focuses on the SEQ components of the Project. The Agricultural Program will have serious implications for the future development of Morgan Hill and will control how much agricultural land is preserved in the City, and for how long. The EIR’s failure to analyze the entirety of the Project violates CEQA.

On its face, the Project proposes to annex 759 acres of agricultural lands into the city limits in the short term and place an additional 329 acres within the urban limit line for future city development. Only 20 percent of the 1,290-acre area would remain untouched by urban zoning or development possibilities. Additionally, as discussed in greater detail in other comments submitted to the City, the proposed mitigation fees for the conversion of agricultural lands are too low to fund replacement of agricultural lands at the 1:1 ratio sought by the Agricultural Program. The EIR’s admission that open space funds will be used for agricultural mitigation proves this. Further, even if 1:1 ratio is actually required, such a ratio would permit at the loss of half of the agricultural lands in the SEQ, or all 1,290 acres if off-site preservation is permitted.

The EIR’s failure to provide coherent and comprehensive analysis and mitigation of the Project’s foreseeable impacts on agricultural lands must be remedied before the Project may be lawfully approved.

C. The EIR’s Analysis of Cumulative Impacts is Inadequate.

Throughout the EIR, it is assumed that if a Project’s potential environmental impact is not directly significant, it cannot be cumulatively significant. On the contrary, cumulative impacts analysis is important precisely because:

[T]he full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

(Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal. App. 4th 1184, 1214.) The EIR's failure to recognize as significant cumulative impacts that are not individually considerable violates CEQA. An impact may be directly insignificant, but cumulatively significant. Relevant to the City's consideration of this Project, the loss of one particular parcel of farmland may not be directly significant, but it may be cumulatively considerable when viewed in the context of the loss of farmland in the valley. The City's failure to provide thorough consideration of cumulative impacts is particularly disappointing in the context of a program EIR. "The program EIR can...[e]nsure consideration of cumulative impacts that might be slighted in a case-by-case analysis." (CEQA Guidelines § 15168(b)(2).) The City must revise its assessment of cumulative impacts and recirculate the revised EIR before the Project may be approved.

III. The Mitigation and Monitoring Program Cannot be Relied Upon for The Programmatic Components of the Project.

The mitigation measures described in the EIR and contained in the Mitigation Monitoring and Reporting Program (MMRP) cannot be relied upon to offset the potential environmental impacts of the Craiker, Puliafico, Chiala, and Jacoby developments. The EIR contains almost no information about the Craiker, Puliafico, and Jacoby developments that it purports to analyze at a programmatic level. The Craiker development is described as 40,000 square feet of sports retail and 3,000 square feet of restaurant uses on 4 acres, but no information is provided about the "sports retail" use that permits a decisionmaker or the public to understand the development's potential environmental impacts or to even determine what they might be. The 38-acre Puliafico development is described with even less detail. According to the EIR, the development "may include outdoor sports fields, possible indoor facility to house recreational uses." (DEIR p. 2-52.) No square footage estimates are provided. Similarly, the Jacoby development "may include commercial recreation retail and open fields for recreation" on 26 acres of land. No square footage is provided. This is particularly glaring, given that the City has signed a Letter of Intent with Mr. Jacoby and his partners (Fisher-Granum

Partners) to purchase the property. The City is surely aware of more details about the proposed development. Since insufficient information is provided about these developments, the EIR contains limited information about the developments' potential environmental impacts. As a result, alternatives and mitigation measures cannot yet be developed to reduce the potential environmental impacts of these project components. It is imperative that the City require a thorough analysis and full mitigation of these developments' potentially significant environmental impacts when they are reviewed at a project level.

IV. The Final EIR's Responses to Comments are Inadequate.

The EIR is a document of accountability. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.) CEQA ensures accountability through the requirement that the Lead Agency provide written "good faith, reasoned analysis" in response to comments on an EIR by the public. (Guideline § 15088, subd.(c).) When a comment raises a significant environmental issue, the lead agency must address the comment "in detail giving reasons why" the comment was "not accepted." (*Ibid.*) "Conclusory statements unsupported by factual information will not suffice." (*Ibid.*; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124.) The level of detail of responses to comments must be commensurate with the level of detail of the comments. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 878 ["the determination of the sufficiency of the agency's responses to comments on the draft EIR turns upon the detail required in the responses"].)

This requirement for good faith, reasoned analysis "ensures that stubborn problems or serious criticism are not swept under the rug." (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal. App. 4th 715, 732.) The courts have held that inadequate responses to comments – alone – can be grounds for voiding a project's approval. (See, *Env. Protection Information Center. v. Johnson* (1985) 170 Cal. App. 3d 604, 627.) Failure to respond to a *single* comment is sufficient to invalidate approval of a FEIR. (*Flanders Foundation v. City of Carmel by-the-Sea* (2012) 202 Cal. App. 4th 603.) The final EIR fails to include good faith, specific responses to specific comments and provides responses that are dismissive, off-point, or that fail to respond to the questions asked. These responses include, but are not limited to the following:

In response to CGF's concerns that the Project will result in light and glare impacts that are inadequately disclosed, analyzed, or mitigated in the DEIR (Comment

Foothills-13), the City states that Project lighting would be similar in intensity to existing sources of light and glare. The Project will permit conversion of unlit farmlands into uses that include restaurant, retail, and other commercial uses. Parking lots, exterior lighting, street lighting, and illuminated signage will be introduced to areas that are currently dark. This will have significant impacts that are neither disclosed nor mitigated in the EIR. The significance of these impacts is demonstrated by the EIR's admission that the lighting provided by the private high school's sports fields will have significant impacts due to light and glare. The City's EIR and Mitigation Monitoring and Reporting Program incorporate mitigation measures to offset these impacts. Since the sports-recreation-leisure properties will likely construct outdoor sports fields, outdoor floodlighting for evening and nighttime is almost assured, with lighting and glare impacts very similar to those deemed significant at the high school. The FEIR's dismissal of CGF's concern violates CEQA.

In Comment Foothills-30, CGF described the EIR's failure to actually provide environmental review of the Agricultural Land Preservation Program. As a discretionary action of the City that will have significant impacts on the environment, this is required. Further, CGF explained the importance of this review because the Agricultural Program will impact the entire city, not just the SEQ area. RTC Foothills-30 responds only with a summary of CGF's comment and "[t]he Draft EIR evaluated the consistency of the proposed project's components with the City of Morgan Hill General Plan in Section 3.9, Land Use. Note that the organization did not provide any specific comments on this analysis." This comment is entirely nonresponsive as it fails to direct a reader toward environmental analysis of the Agricultural Program or to mention the environmental review of the Program at all.

An agency is under a greater duty to consider and respond to comments put forth by another agency. (*Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348, 358.) Despite this obligation, the City failed to adequately respond to well-supported and detailed comments put forth by the Local Agency Formation Commission, the Open Space Authority, and the County of Santa Clara. LAFCO's June 9, 2014 letter notes that 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." In doing so, the final EIR appeared to conclude that LAFCO policies are merely "procedural," when in actuality they are substantive requirements that the EIR must address. The final EIR attempted to evade LAFCO requirements for annexation with claims that LAFCO has independent review over such actions. In the context of CEQA, this is incorrect. Unless significant changes are made to the Project or significant new facts emerge, LAFCO cannot prepare its own EIR and

must rely on the EIR prepared by the City of Morgan Hill. (CEQA Guidelines § 15096(a) [“A Responsible Agency complies with CEQA by considering the EIR or Negative Declaration prepared by the Lead Agency “], § 15050(b) [“each Responsible Agency shall consider the Lead Agency’s EIR”], § 15051(b)(2) [“Where a city prezones an area, the city will be the appropriate Lead Agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the pre zoning. The Local Agency Formation Commission shall act as a Responsible Agency”], §15096(e).)

V. The City’s Statement of Overriding Considerations Lacks Substantial Evidence to Support its Conclusions.

CEQA prohibits approval of projects with significant adverse environmental impacts if there are feasible alternatives or mitigation measures that would reduce or eliminate those impacts. (Pub. Resources Code § 21002; Guidelines § 15021(a)(2).) When an agency seeks to approve a project despite its significant unmitigated impacts on the environment, the agency must adopt a statement of overriding considerations. (Pub. Resources Code § 21081.) Here, the Project will have significant and unmitigable impacts on air quality and greenhouse gases, noise, and transportation, and a statement of overriding considerations is required. A statement of overriding considerations must include two specific findings, supported by substantial evidence. The first finding that must be made is that “There is no feasible way to lessen or avoid the significant effect...” of the project. (Guidelines §§ 15043, 15093(b).) The second finding is that the project’s benefits outweigh its significant adverse environmental impacts. (Guidelines § 15093(a).) These findings must both be supported by substantial evidence. (Guidelines § 15093(a)-(b).)

Here, the City proposes to adopt a statement of overriding considerations with a finding that specific considerations make infeasible the mitigation measures or alternatives identified by commenters and in the EIR. Specifically, the City’s statement of overriding considerations found, “Alternatives 1-4 are rejected as infeasible.” (SOC p. 78.) “CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment...unless the measures necessary to mitigate those effects are *truly* infeasible.” (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal. 4th 341, 368 (“*City of Marina*”) emphasis added.) “[I]f the project can be economically successful with mitigation, then CEQA requires that mitigation...” (*Uphold our Heritage v. Town of Woodside* (2007) 147 Cal. App. 4th at 600.) The City is required to substantiate any claims of alternative infeasibility with substantial evidence in the record.

The City's statement of overriding considerations rejects the Sports-Recreation-Leisure/High School/Agricultural Lands Preservation Program Alternative because it "would not fully meet the Project objectives." (SOC p. 79.) The City applies the incorrect standard. A reasonable alternative need only "attain most of the basic objectives" of the Project. (Pub. Resources Code § 21061.1; Guidelines § 15126.6(a), emphasis added.) Moreover, the City claims that the alternative fails to meet objectives regarding transfers of development and agricultural preservation that would occur with the Chiala Planned Development (SOC p. 80), even though the City is exploring ways to pursue transfers of development that do not involve immediate approval of the Chiala development. (See Staff Report p. 6.) Aside from this objective, the alternative meets all objectives. In fact, the Project described by the Staff Report and put forth for approval by the City is essentially the Sports-Recreation-Leisure/High School/Agricultural Lands Preservation Program Alternative. The City clearly lacks substantial evidence supporting its rejection of this feasible and reasonable alternative.

The Statement of Overriding Considerations rejects the Agricultural Lands Preservation Only Alternative for failing to meet the objective of providing a private high school in the Project. The High School Only Alternative is rejected for failing to meet objectives related to agricultural preservation. Again, these rejections lack substantial evidence in support. As proposed, the Project is essentially a blank slate for development of unincorporated areas southeast of City Limits. Reconfiguration of the Project and its components is clearly feasible. In fact, program EIRs such as this one were added to CEQA to "[a]llow the Lead Agency to consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility" and to "[p]rovide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action." (CEQA Guidelines § 15168(b)(4), (1).) As described further in the comments submitted by LAFCO's counsel, the City's EIR failed to undertake the requisite flexible approach to alternatives. Tellingly, neither the City's EIR nor the statement of overriding considerations provide analysis of whether the sports-recreation-leisure or the high school uses in the SEQ can be accommodated within the existing City limits. The City contains sufficient vacant land to accommodate these uses. If these uses can be accommodated elsewhere, there is no reason why the Agricultural Lands Preservation Only Alternative cannot provide a high school and leisure space outside the SEQ. No information has been developed to support conclusions of infeasibility. The City cannot make the required findings.

Thus, the City's rejection of these alternatives is improper, and its statement of

overriding considerations is unsupported.

The Statement of Overriding Considerations claims, without support, that “all feasible changes or alterations have been required in, or incorporated into, the Project” to mitigate its admittedly significant impacts on air quality and greenhouse gases. Yet the Mitigation Monitoring and Reporting Program contains no mitigation measures to limit the Project’s greenhouse gas emissions. Thus, this finding is unsupported by substantial evidence.

The City’s statement of overriding considerations is premised upon the claim that the project will benefit the City and its residents by promoting economic growth, supporting the formation of a greenbelt area, preserving agriculture, and by permitting uses that “clearly enhance the long term viability” of local agriculture and agricultural lands, among others. (SOC pp. 83-84.) CEQA requires there be substantial evidence in the record to support the claimed benefits of the Project that justify proceeding with a project notwithstanding its adverse impacts. (Public Resources Code § 21081; CEQA Guidelines § 15093(b).) However, the record is rife with evidence that the Project will not actually accomplish these goals. The greenbelt area permits development, and the Project will ultimately result in the conversion of most of the SEQ area to urban uses. Neither a private high school nor undefined sports-recreation-leisure uses “clearly enhance the long term viability” of local agriculture. On the contrary, by permitting and encouraging retail, residential uses, and other commercial development in the SEQ, the Project will likely surround the City’s remaining agricultural areas with suburban development, furthering its demise. “[A]n agency’s unsupported claim that the project will confer general benefits” is insufficient to override a project’s significant impacts. (*Woodward Park Homeowners Ass’n, Inc. v. City of Fresno* (2007) 149 Cal.App.4th 892, 717.)

The City’s findings regarding the rejection of alternatives and regarding project benefits lack substantial evidence, thereby violating CEQA (Guidelines § 15091(b)) and failing as a basis for the City’s Statement of Overriding Considerations. (Guidelines § 15093(b).)

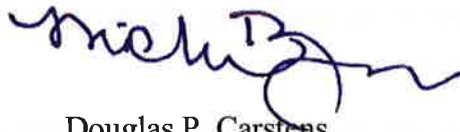
Conclusion

Committee for Green Foothills urges the City to consolidate its planning processes for the SEQ with the ongoing General Plan update process. This is the only way for the City to achieve its goals of planning consistency, agricultural preservation, and the creation of a greenbelt that will benefit the entire community. CGF joins the comments

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submitted by the Local Agency Formation Commission, County of Santa Clara, and the Open Space Authority and incorporates these comments by reference. Thank you for the opportunity to comment on this important Project. We look forward to the November 5, 2014 hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle N. Black", with a stylized flourish at the end.

Douglas P. Carstens
Michelle N. Black
On behalf of Committee for Green Foothills

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|-----|-----------------------------------|--|
| cc: | Mayor Steve Tate | steve.tate@morganhill.ca.gov |
| | Mayor Pro Tempore Marilyn Librers | marilyn.librers@morganhill.ca.gov |
| | Council Member Larry Carr | larry.carr@morganhill.ca.gov |
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NOTICE OF PUBLIC WORKSHOP

Dear Southeast Quadrant Property Owners & Interested Agencies and Persons,

This notice is to advise you that the Community Development Department of the City of Morgan Hill will conduct a Public Workshop on the following proposal at the date, time and location listed below. All interested persons are invited to attend the workshop and provide comments.

DATE: Thursday, February 18, 2010

TIME: 7:00 P.M.

**LOCATION: Community and Cultural Center
Hiram Morgan Hill Room
17000 Monterey Road
Morgan Hill, California 95037**

SUBJECT:

- 1. Provide Status of Southeast Quadrant (SEQ) Project**
 - a. Agricultural Mitigation Policies and Preservation Program**
 - b. Sports-Recreation-Leisure & Public Facility Land Uses**
 - c. Urban Limit Line**
- 2. Gather Public Input for Refining SEQ Project Scope**

The City Council is moving forward with exploring the possibility of establishing a special Sports-Recreation-Leisure area within a portion of the Southeast Quadrant (SEQ), on private lands that are currently not located within the City but could possibly be annexed to the City. The SEQ is located east of Highway 101, west of Foothill Avenue, south of San Pedro Avenue, and north of Maple Avenue. The Sports-Recreation-Leisure and Public Facility uses will act as a transition between urban and rural uses and assist with establishing a greenbelt character within the Morgan Hill sphere of influence in the SEQ. The City is also developing an Agricultural and Open Space Preservation Program to identify areas where agricultural land uses would be preserved and to establish a mitigation program for projects that would convert agricultural lands to urban uses. The Agricultural Mitigation Policies and Preservation Program are part of the city's continuing effort to establish an Urban Limit Line and Greenbelt Policies for the SEQ.

The upcoming February 18 workshop is intended to provide an update on the SEQ project. City staff and the city's consultants will present the proposed Draft Agricultural Mitigation Policies and Draft Preservation Program; describe individual development applications submitted to the City for the SEQ area; and provide an overview of the proposed city-initiated General Plan and Zoning designation changes to accommodate sports-recreation-leisure and public facility land uses. Comments from the general public are welcomed to assist the City and its consultants in better defining the scope of the SEQ project. Based on the feedback from the workshop, a Notice of Preparation for the Environmental Impact Report will be prepared.

The public workshop will be held on February 18th at 7:00 PM in the Hiram Morgan Hill Room of the Community and Cultural Center, 17000 Monterey Road, Morgan Hill. Questions regarding the workshop or the Sports-Recreation-Leisure Study may be directed to Rebecca Tolentino at Rebecca.Tolentino@morganhill.ca.gov or (408) 778-6480. Questions regarding the Agricultural Preservation Study may be directed to Kathy Molloy Previsich at Kathy.MolloyPrevisich@morganhill.ca.gov or (408) 778-6480.

Mail Date: February 4, 2010

R:\PLANNING\WP51\GPA\2008\SOUTHEAST QUADRANT\02-18-10 Workshop Notice.doc



CITY OF MORGAN HILL

DEVELOPMENT SERVICES CENTER

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236

Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

NOTICE

AVAILABILITY OF NOTICE OF PREPARATION and PUBLIC SCOPING MEETING

Dear Southeast Quadrant Property Owners & Interested Persons,

The City of Morgan Hill Community Development Department and Michael Brandman Associates, environmental consultants, are preparing an environmental impact report for the *Southeast Quadrant General Plan Amendments and Agricultural Mitigation and Preservation Program* project. This notice is to inform you the Notice of Preparation, which outlines the scope of the environmental review process, has been completed and is now available for viewing on the City's website. Agencies, organizations and members of the public are invited to view the Notice of Preparation and provide comments pertaining to the proposed environmental review scope of work. You may either provide written comments to Rebecca Tolentino of the Planning Division no later than **Friday, November 12, 2010**, or attend an upcoming Public Scoping Meeting at the date, time and location listed below.

Please note the Scoping Meeting will be focused specifically on the environmental review process. The City's environmental consultants will outline the scope of work proposed for analyzing potential environmental impacts that may result from implementation of the project. Public agencies and interested parties will then be given the opportunity to provide comments regarding the proposed scope of work. Comments received the night of the Scoping Meeting will be noted for the project record and addressed in the final environmental impact report. All interested persons are invited to attend the meeting and provide comments.

DATE: **Tuesday, November 16, 2010**
TIME: **7:00 P.M.**
LOCATION: **Community & Cultural Center
Hiram Morgan Hill Room
17000 Monterey Road
Morgan Hill, California 95037**

To view the Notice of Preparation, please visit the City's website at www.morganhill.ca.gov > Departments > Community Development > Planning > Current Projects / Reports > Southeast Quadrant

Questions or comments regarding the Scoping Meeting and project in general may be directed to Rebecca Tolentino at Rebecca.Tolentino@morganhill.ca.gov or (408) 778-6480. Written comments on the Notice of Preparation must be received no later than **Friday, November 12, 2010**.



March 10, 2016

Neelima Palacherla, Executive Officer
LAFCO
70 West Hedding Street, 8th Floor
San Jose, CA 95110

Subject: Objection to the City of Morgan Hill's annexation of the city's South East Quadrant

Dear Neelima,

I am writing on behalf of Veggielution Community Farm requesting the annexation of the Southeast Quadrant (SEQ) of Morgan Hill be denied.

Although I am not opposed to future planning of the SEQ area, I urge LAFCo to consider a more judicious plan that balances community needs and desires, protects and enhances small-scale and urban agriculture and considers compatible development only at the containment of urban sprawl.

In particular, I am concerned that approval of the project circumvents community informed decisions in Morgan Hill's 2035 General Plan thereby creating a precedent for plans that break from the mission and policies of LAFCo. As an urban focused organization, I understand why there is a concern about the general housing supply, and see why this and more commercial development should be considered. However, I also believe it is a golden opportunity to promote growth within already agreed upon urban boundaries that prevent sprawl while preserving prime farmland to ensure that the next generation of farmers can farm locally. By supporting these local farms we contribute to the sustainability of our regional food system and promote the economic, environmental, and social resilience of our rural communities.

We request annexation in Morgan Hill's SEQ be denied. Preservation of agricultural lands and prevention of urban sprawl benefit all of Santa Clara county through healthier communities and stronger, more sustainable local food systems.

Thanks for your consideration.

A handwritten signature in black ink, appearing to read "Cayce Hill". The signature is fluid and cursive, with a large initial 'C'.

Cayce Hill
Executive Director



Wednesday, March 9, 2016

Save Open Space – Gilroy (SOS-G)
7690 Santa Theresa Drive
Gilroy, CA 95020

Local Agency Formation Commission of Santa Clara County
County Government Center, 11th Floor, East Wing
70 West Hedding St.
San Jose, CA 95110

Re: Comments on the Morgan Hill USA Amendment 2015 requests on the LAFCO special meeting agenda of Friday, March 11, 2016

Dear LAFCO Commissioners and Staff:

Save Open Space – Gilroy (SOS-G) appreciates the opportunity to comment on these regionally important and precedent setting USA requests before the commission. SOS-G is a local citizen group whose central mission is the encouragement and support of smart conservative land use, city planning and growth for the city of Gilroy. As such we find ourselves in accord with the regional mission and policies of LAFCO. Specifically, we are in agreement with the staff report for these MH USA requests that find these proposals to be massively unwarranted, unordered, growth inducing, uncertainly funded, speculative in use, in conflict with numerous regional and local plans and policies and burdened with a significant, unmitigated and premature impact to prime agricultural lands. In short, these proposals are a classic example of the destructive urban sprawl that motivated the establishment of LAFCO in the first place. If LAFCO cannot restrain such blatant proposals then the question has to be asked if the Santa Clara County commission is failing in it's legal duty and mission. An approval of these USA amendments will set precedents of regulatory weakness and give the green light to local sprawl. How can any future USA requests be denied if the bar is set so low? Any such lowered standards will, of course, also apply to Gilroy and, hence explains our strong interest in this matter.

Thank you for accepting our input.

Sincerely,

Connie Rogers, Carolyn Tognetti & David Collier
For Save Open Space – Gilroy

PUBLIC CORRESPONDENCE
LETTERS REQUESTING APPROVAL

LAFCO Commissioner
March 7th 2016

Subject: Annexation of High School to City of Morgan Hill

Dear Commissioner,

My Name is George Chiala and I am writing to you about the South East Quadrant annexation to the City Of Morgan Hill. I am especially addressing the new private San Jose Diocese high school that will be located on approximately 40 acres at the corner of Murphy and Tennant Avenue in Morgan Hill. I have been one of the leaders directing and guiding the development of this school,, along with the San Jose Diocese and a group of community leaders for the past 10 years. The property to be annexed is located in the vicinity of the Morgan Hill City Soccer Fields, the aquatic center, and other sports activities. It is a perfect sight for a private school. The site was originally selected and approved by Morgan Hill School District for a high school. When Mr. Sobrato donated land to the Morgan Hill School District the high school site was moved north and is now Sobrato High School, leaving this exquisite school site undeveloped. We were fortunate to have located the site, and purchase it. There is a need for a private high school in this area. Presently, there are over 500 children being transported to private schools as far as 30 to 40 miles from here. Our present plan and design for this beautiful co-ed college prep high school will be an outstanding asset for this community. The members of the high school development group are leaders in the Morgan Hill area, and take pride in bringing this school into our area to serve families, colleges and friends. It is of great importance that we are annexed into the city of Morgan Hill to forward this outstanding project. In order for me and the high school group members to maintain the motivation and momentum of the work that has to be done we must have the support of LAPCo. The annexation to the City of Morgan Hill is crucial in order to bring this beautiful site to South County and the Morgan Hill Community..

My request to you is that you approve the annexation of the school into the City of Morgan Hill by voting "YES". As you can imagine, with our dedicated hard work in progress for over ten years we must move forward with this project now. Once again we encourage your "YES" vote today. Thank you in advance for your consideration and help. I invite you to call me for further information. 408-592-8708,

Respectfully Yours,

George Chiala

cc: Steve Tate, Major of Morgan Hill

CC: Steve Tate, MH City Mayor

Dwayne and Julie Brown
90 West Main Avenue, Unit 8
Morgan Hill, CA 95037

March 9, 2016

Cat Tucker
CC: Neelima Palacherla

RE: South County Catholic High School

Dear Ms. Tucker,

I am writing to you today about the South County Catholic High School. As a parent of three boys attending K-8 grades at a Catholic school I would not want them to miss the opportunity of having a Catholic local high school.

I know you are hearing concerns about the land not being used for agriculture. Although, Morgan Hill has worked hard to keep agriculture over the years, and has a strong plan to preserve agriculture in place.

Having a local Catholic high school would keep the families off the freeways by traveling to non local schools, keeps the kids safer without traveling on the trains by themselves, and raises the level of education for our Morgan Hill community. Catholic high schools require that the kids give back to their community with community services, which will further enrich our Morgan Hill community.

Thank you for your time in considering my thoughts, and I truly hope that this annexation of land for this high school is approved.

Sincerely,

A handwritten signature in dark ink, appearing to read "Julie Brown". The signature is fluid and cursive, with a large loop at the bottom left.

Abello, Emmanuel

Subject: FW: Catholic High School in Morgan Hill

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:42 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Catholic High School in Morgan Hill

-----Original Message-----

From: Mark Sochan [mailto:marksochan@me.com]
Sent: Monday, March 07, 2016 1:58 PM
To: susan@svwilsonlaw.com
Subject: Catholic High School in Morgan Hill

Dear Susan,

I am writing to encourage support for the proposed building of the South County Catholic High School in Morgan Hill. There is strong support for the building of the Catholic High School from our local communities in Morgan Hill and Gilroy. I believe that the city of Morgan Hill has created a very strong plan to preserve agriculture. This new high school would provide significant benefits to our community in terms of getting our kids off the freeways and increasing the level of education options in our local community.

Thanks for your support of this important initiative.

Regards,
Mark Sochan
Software Executive and Resident of Gilroy
9539 Via Del Cielo
Gilroy, CA

Abello, Emmanuel

Subject: FW: Proposed Annexation of Lands in the Southeast Quadrant/South County Catholic High School

From: Joseph Biafore [<mailto:budbiafore@gmail.com>]

Sent: Tuesday, March 08, 2016 4:19 PM

To: susan@svwilsonlaw.com

Subject: Proposed Annexation of Lands in the Southeast Quadrant/South County Catholic High School

Dear Ms. Wilson,

I strongly support the building of a new, private Catholic High School in Morgan Hill, California on a portion of the land known as the Southeast Quadrant. As a parent of four adult children and a retired educator, I feel that a new Catholic High School will greatly enhance the choices of quality education in South Santa Clara County. Additionally, we can continue to meet the expectations of our parents and students now and in the future.

As you are well aware, we must be prepared to meet the future demands for additional secondary education facilities in our area because of anticipated population growth. A privately funded education facility will not impact an already overburdened public funding system.

The building site for the new proposed Catholic High School will not negatively impact agriculture as it is relatively close to the sports complex already enjoyed by the citizens of south county.

I respectfully urge that as a member of LAFCO that you will vote to approve this very important annexation proposal.

Sincerely,

Barbara Biafore

Abello, Emmanuel

From: carol@machadoproperties.com
Sent: Tuesday, March 08, 2016 5:39 PM
To: Cat.Tucker@ci.gilroy.ca.us
Cc: Palacherla, Neelima
Subject: In Support of SEQ & South County Catholic High School

Dear Mrs. Tucker,

I support the annexation of the SEQ and South County Catholic High School.

The community of Morgan Hill is in a unique position and poised for a win/win situation with the proposed school.

What a great opportunity to have a newly built High School in Morgan Hill and the city does not have to pay for it. I would assume the Santa Clara County Taxpayers would like more schools built with private equity and ownership of the school to fall on the community. A new high school will be a great addition to the Southern Santa Clara region and the value it brings to us all is enormous.

Best regards,
Carol & Ron

Abello, Emmanuel

From: Julie Malech <julie.malech@gmail.com>
Sent: Tuesday, March 08, 2016 6:00 PM
To: Cat.Tucker@ci.gilroy.ca.us
Cc: Palacherla, Neelima
Subject: Support-South County Catholic High School

Hello Ms. Tucker,

I am strongly in favor of going forward with the plan for South County Catholic High School on the current proposed property in Morgan Hill. We currently have 3 young children attending St. Catherine school in Morgan Hill and would love to keep our family within our community for hi-school. I have been following the progress of the school for years and understand the city has created a plan to preserve the agriculture. My husbands family has been in Morgan Hill for over 100 years, and we understand the importance of the Agriculture here.

The benefit of a local Catholic hi-school would be invaluable to the community. The catholic schools require community service hours. I am a lead at the community supper nights at St Catherine and could use hi-school help every night of the week to feed community members in need. Most of the kids can not make it back in time, because they are commuting or taking the train from school.

Please consider the value of this hi-school in our community. Thank you for your support.

Julie Malech

Abello, Emmanuel

From: Brad Mountz <brad.mountz@mountztorque.com>
Sent: Tuesday, March 08, 2016 5:45 PM
To: Palacherla, Neelima
Subject: SEQ Ammendment
Attachments: Lafco.pdf

Please see the following letter supporting the petition to amend the SEQ.

March 8, 2016

LAFCO COMMISSIONERS

This letter is to show support for approval of the urban service area amendment requested by the City of Morgan Hill in its October 2, 2015 letter to LAFCO of Santa Clara County. In particular, I'm a firm believer that Morgan Hill must show a commitment to its community that ensures ongoing activity and focus toward positive social and educational development in a responsible manner, as outlined in their request. I'm a local resident since 1970 and despite the changes in our community we remain a rural town and with the right strategy we can effectively manage much needed community services and retain the charm of a rural environment.

What would be a disaster is to approve SEQ and allow only housing development and urban sprawl. This would not have a sustainable benefit to the overall community. A mix of development that includes rural AG businesses and much needed developments that adds value to the community is a win/win for smart development in the SEQ.

Without sport and recreation facilities our citizens, and especially our youth, are forced to attend clubs, teams and schools in San Jose, Watsonville, Salinas and elsewhere. Our town is growing and we must pay close attention to the activities our youth have for positive development. There has been a good start with recreation facilities added to our community, but we must do more.

A small portion of this quadrant of land is critical to continue to build our academic and youth and community sports infrastructure, which provide a positive impact on its participants, the inhabitants of Morgan Hill and the overall community. We can and must do more.

Dub Baseball/Softball services over 115 families and as many as 700 local players with a baseball development program equal in quality to any in the country. The South County area has been in need of a large-scale baseball/softball complex for many years. The baseball and softball community has been desperate and waiting patiently for a new facility in this area. There is a buzz in the baseball community about the prospect of building fields in Morgan Hill, as the City provides a perfect location to serve local athletes/teams and attract teams from out of the area, consistent with the soccer and swim programs on Condit Avenue. There is very strong support in the local community to enhance the City's recreation program to include baseball/softball fields.

This program, along with other local leagues and teams, are in strong support of the proposed baseball/softball complex in Morgan Hill. We hope that the county can finally approve this project.

In addition, the community has worked diligently to bring a Catholic High School to the south county. St. John XXIII Prep (known as South County Catholic High School) will serve the private education needs of our community and is endorsed by the Catholic Diocese of San Jose. This potential school has strong financial backers in the community and will serve many students and families already making long commutes each day to schools in outlying areas. After years of work to get the property annexed into the city, it is now in the final stages of becoming a reality. The Morgan Hill City Council has identified this school in its petition to LAFCO and has an excellent plan regarding agriculture mitigation in order to preserve agriculture in the county and our community.

This school is needed and builds on the prestige of South County academics. Keeping students and families off the road to enjoy more time together in the community in which they live is a healthy life style and critical to build the fellowship needed to sustain a vibrant community culture. Morgan Hill is a great town and can be improved with your decision to amend the SEQ.

I urge you to vote in favor of the SEQ adjustment for my generation and many to come to our vibrant town.

Respectfully,

Brad Mountz

2135 Lilac Lane

Morgan Hill, CA 95037

408-250-5524

Abello, Emmanuel

From: Dhruv Khanna <dhruvkhanna2002@yahoo.com>
Sent: Tuesday, March 08, 2016 9:30 PM
To: Palacherla, Neelima; Wasserman, Mike; Velasco, Roland; Cortese, Dave; Donohoe, Mike; Simitian, Joe; Yeager, Ken; Chavez, Cindy
Subject: Morgan Hill, Southeast quadrant, and Sports

Dear Honorable Ms. Palacherla and other Honorable LAFCo and other Government Officials,

There has been a long-standing shortage of sports fields in the San Francisco-San Jose Bay Area, and in particular in Santa Clara County. Lines form and endure overnight for sign-ups for the limited sports fields that are available on a time-share basis from the parks and recreation departments of the various cities -- usually with scores of soccer teams under various soccer club umbrellas and kids' baseball teams all waiting for the rationed hand outs of meager time slots. (At the back of the line are the cricketers.)

The fields that are rationed are cramped for parking, often offer only porto-potties, and are almost invariably poorly maintained -- with weed infestations and gopher holes being pervasive.

All of this is beyond factual dispute and has occurred and is occurring in an era where youth obesity is a very major public concern -- and that too in the wealthiest pocket of our planet, Santa Clara County! Our kids lack space to play.

I thank and congratulate the City of Morgan Hill for its soccer fields, for its swimming facilities and its focus on sports. No city in the Bay Area, or elsewhere in California, has done as much for youth sports and fitness as has Morgan Hill. (The City of Palo Alto managed to extort a few soccer fields out of Stanford University at the incredibly charming intersection of El Camino Real and Page Mill Road but it is not easy to lavish praise on the extortion of poorly-sited soccer fields where the air quality fails the government's own standards.)

The record of the various cities in Santa Clara County speaks for itself: we the public have been failed by our city governments and school districts who have sold off their lands to developers and not retained enough land for sports; the one success story in the debris of policy making and abject land use planning stands tall the City of Morgan Hill.

It is time to make amends. Morgan Hill's creation of a "Sports, Recreation, and Leisure" or SRL zoning area is a welcome addition to the fossilized and failed land use planning tools that our cities in Santa Clara County have deployed for scores of decades. High time to make amends, it is.

During the past few scores of decades farming in the County too has been in decline, which decline has been stemmed by the remaining farmers in Santa Clara County. But farmland does not farm itself. There is an acute shortage of skilled and unskilled farm labor. Costs of farming in Santa Clara County are uniquely high -- high labor costs, high housing costs for labor, health care costs, insurance costs, utility costs, with water rates relentlessly going up, etc.

Agri-tourism is a key part of the County of Santa Clara's efforts to retain land in active farming. SRL zoning and the City of Morgan Hill's plans to annex the southeast quadrant are consistent with fostering agri-tourism and thus sustaining the actual farming activities in and around the City of Morgan Hill.

The lead professional lobbyist from Palo Alto's Green Foothills Committee self-confesses to no knowledge of farming -- let alone viable farming. Those of us who have actually invested millions of dollars in actively farming Santa Clara County's lands during the past fifteen years -- despite the odds and despite the obstructionism of groups such as the Green Foothills Committee -- have something to say on these matters that is based on real farming business experience that is not acquired in architecture school, or public policy school or law school. We actually farm various lands in the County; we invest our own money and time and effort daily in farming; and so we know something about making our lands "green" that is not simply a marketing ploy for environmental posturing and fundraising from the Green Foothills Committee's sponsors such as Facebook and Google.

I respectfully ask you all to support the City of Morgan Hill's planned annexation of the southeast quadrant and applaud all of its efforts to promote sports. Thank you.

Respectfully submitted,

Dhruv Khanna for Kirigin Cellars, 11550 Watsonville Road, Gilroy, CA 95020
and a resident of 742 Alester Avenue, Palo Alto, CA 94303

Abello, Emmanuel

From: Dhruv Khanna <dhruvkhanna2002@yahoo.com>
Sent: Thursday, March 10, 2016 9:01 AM
To: Supervisor Yeager; Wasserman, Mike; Donohoe, Mike; Velasco, Roland; Simitian, Joe; Chavez, Cindy; Cortese, Dave; Palacherla, Neelima
Subject: Re: Morgan Hill, Southeast quadrant, and Sports

Ken,

Thanks for your response. Please understand that the economic problems for farmers in the County are real. Focused processing and agri-tourism (higher value direct sales to customers), are the only ways out. Sports and recreation are excellent draws for our fellow County residents from the north to visit our farmlands and retail operations in the Morgan Hill area on weekends. I welcome bicyclist to use my winery restrooms and replenish their water supplies because they all go home to shower, then return to my winery for a picnic lunch with their families.

There is so much un-farmed farmland in the County -- fallow farmland. Why? Because maintaining farmland as fallow causes less economic loss than actually farming the land in Santa Clara County -- which is almost invariably an endless and growing money-losing proposition. In reality, the Green Foothills people (and Facebook and Google management and shareholders) don't give a hoot about whether County farmland is fallow or actively farmed.

Do you feel we should have Facebook, Inc. Google, Inc. and the self-proclaimed (and well-intended but largely ignorant) Committee for Green Foothills tell the Chialas, the Khannas, and other farmers in and around Morgan Hill how exactly to viably maintain our lands in actual farming, and how we should benefit our farming community in the area as a whole and for the long term?

Time does not stand still. Google and Facebook profit nicely from the County. They cause the traffic etc. in the process. They (and companies like them) have (in effect) stolen our sports playing fields within city limits by causing development, population increases etc. (The City of Palo Alto and the Palo Alto Unified Schools District meanwhile maintain 35 acres at Cubberly in a state that the Palo Alto Weekly calls "dilapidated.")

County farmers should not be blamed (or congratulated) for the successes of Google, Facebook, Apple, Intel, Adobe etc. Nor should farmers be blamed for government's own failures to manage the proper availability of sports and recreational facilities. And certainly farmers should not be blamed for the traffic problems that we face.

I hope to see our government officials make the right decisions here and not (under the politically correct burqa of the Green Foothills community) continue to punish farmers who are trying best to deal with the economic realities that have followed from Silicon Valley's technology companies' successes and our local governments' collective, and abject failure to properly deal with the traffic and land use consequences that have followed.

Respectfully,

Dhruv Khanna

On Wednesday, March 9, 2016 4:27 PM, Supervisor Yeager <supervisor.yeager@BOS.SCCGOV.ORG> wrote:

Hello Druv –

Thank you for your email regarding the proposed annexation of the Morgan Hill Southeast Quadrant. You bring up good points in your letter. We need to address future growth through thoughtful planning that considers the long-term consequences of these decisions. Furthermore, I recognize we need to preserve our County's remaining farmlands and discourage urban sprawl. Please know that I will review this proposal carefully with your thoughts in mind.

Best,
Ken Yeager
Santa Clara County Supervisor, District 4

From: Dhruv Khanna [mailto:dhruvkhanna2002@yahoo.com]

Sent: Tuesday, March 08, 2016 9:30 PM

To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>; Wasserman, Mike <Mike.Wasserman@bos.sccgov.org>; Velasco, Roland <Roland.Velasco@bos.sccgov.org>; Cortese, Dave <Dave.Cortese@BOS.SCCGOV.ORG>; Donohoe, Mike <Mike.Donohoe@BOS.SCCGOV.ORG>; Simitian, Joe <Joe.Simitian@bos.sccgov.org>; Yeager, Ken <Ken.Yeager@bos.sccgov.org>; Chavez, Cindy <Cindy.Chavez@bos.sccgov.org>

Subject: Morgan Hill, Southeast quadrant, and Sports

Dear Honorable Ms. Palacherla and other Honorable LAFCo and other Government Officials,

There has been a long-standing shortage of sports fields in the San Francisco-San Jose Bay Area, and in particular in Santa Clara County. Lines form and endure overnight for sign-ups for the limited sports fields that are available on a time-share basis from the parks and recreation departments of the various cities -- usually with scores of soccer teams under various soccer club umbrellas and kids' baseball teams all waiting for the rationed hand outs of meager time slots. (At the back of the line are the cricketers.)

The fields that are rationed are cramped for parking, often offer only porto-potties, and are almost invariably poorly maintained -- with weed infestations and gopher holes being pervasive.

All of this is beyond factual dispute and has occurred and is occurring in an era where youth obesity is a very major public concern -- and that too in the wealthiest pocket of our planet, Santa Clara County! Our kids lack space to play.

I thank and congratulate the City of Morgan Hill for its soccer fields, for its swimming facilities and its focus on sports. No city in the Bay Area, or elsewhere in California, has done as much for youth sports and fitness as has Morgan Hill. (The City of Palo Alto managed to extort a few soccer fields out of Stanford University at the incredibly charming intersection of El Camino Real and Page Mill Road but it is not easy to lavish praise on the extortion of poorly-sited soccer fields where the air quality fails the government's own standards.)

The record of the various cities in Santa Clara County speaks for itself: we the public have been failed by our city governments and school districts who have sold off their lands to developers and not retained enough land for sports; the one success story in the debris of policy making and abject land use planning stands tall the City of Morgan Hill.

It is time to make amends. Morgan Hill's creation of a "Sports, Recreation, and Leisure" or SRL zoning area is a welcome addition to the fossilized and failed land use planning tools that our cities in Santa Clara County have deployed for scores of decades. High time to make amends, it is.

During the past few scores of decades farming in the County too has been in decline, which decline has been stemmed by the remaining farmers in Santa Clara County. But farmland does not farm itself. There is an acute shortage of skilled and unskilled farm labor. Costs of farming in Santa Clara County are uniquely high -- high labor costs, high housing costs for labor, health care costs, insurance costs, utility costs, with water rates relentlessly going up, etc.

Agri-tourism is a key part of the County of Santa Clara's efforts to retain land in active farming. SRL zoning and the City of Morgan Hill's plans to annex the southeast quadrant are consistent with fostering agri-tourism and thus sustaining the actual farming activities in and around the City of Morgan Hill.

The lead professional lobbyist from Palo Alto's Green Foothills Committee self-confesses to no knowledge of farming -- let alone viable farming. Those of us who have actually invested millions of dollars in actively farming Santa Clara County's lands during the past fifteen years -- despite the odds and despite the obstructionism of groups such as the Green Foothills Committee -- have something to say on these matters that is based on real farming business experience that is not acquired in architecture school, or public policy school or law school. We actually farm various lands in the County; we invest our own money and time and effort daily in farming; and so we know something about making our lands "green" that is not simply a marketing ploy for environmental posturing and fundraising from the Green Foothills Committee's sponsors such as Facebook and Google.

I respectfully ask you all to support the City of Morgan Hill's planned annexation of the southeast quadrant and applaud all of its efforts to promote sports. Thank you.

Respectfully submitted,

Dhruv Khanna for Kirigin Cellars, 11550 Watsonville Road, Gilroy, CA 95020
and a resident of 742 Alester Avenue, Palo Alto, CA 94303

Abello, Emmanuel

From: susan@svwilsonlaw.com
Sent: Thursday, March 10, 2016 6:56 AM
To: Palacherla, Neelima
Subject: FW: South County Catholic High School

From: Mary Malech [mailto:pablomaria@verizon.net]
Sent: Wednesday, March 09, 2016 10:17 PM
To: susan@svwilsonlaw.com
Subject: South County Catholic High School

Dear Susan Wilson, I am strongly in favor of going forward with the plan for a South County Catholic High School on the current proposed property in Morgan Hill. I have 3 grandchildren in primary grades at St. Catherine school, and they are getting a quality education there. I pray they will have the local Catholic High School to attend by the time they reach high school age. They need to be close to home and not be spending valuable time traveling freeways to distant schools in order to continue with their Catholic education. I couldn't think of a better use for this land.
Sincerely, Mary Malech, Morgan Hill

Abello, Emmanuel

From: Jim and Glo <jgwerk@msn.com>
Sent: Wednesday, March 09, 2016 2:11 PM
To: Cat.Tucker@ci.gilroy.ca.us
Cc: Palacherla, Neelima
Subject: South County High School

Dear Cat,

This letter is in support to build the South County Catholic high school in Morgan Hill. The City of Morgan Hill has an excellent plan regarding ag mitigation in order to preserve agriculture in the county.

South County is growing. We are in desperate need of a catholic high school in South County! My son Jacob was a promising scholar athlete. He attended Archbishop Mitty High for one semester. During that semester, he was absolutely exhausted mentally and physically. The stress of the long commute took its toll on him and the family. We would spend on average three hours commuting. No child should have to commute that far in order to get a catholic education! A local option will have a positive impact on families, reduce student stress and reduce the number of commuting students on our freeways.

Having a catholic school in our area would benefit the community not only by getting kids off of the freeways but would raise the level of education for the community. Our south county youth would receive a superior education. Community service hours would stay local. A catholic high school would create a strong south county bond. It would give families a local alternative for their children and would also keep some of their spending here which will benefit local businesses. We need this high school!

Sincerely,

Gloria Werkema

Morgan Hill Resident

Abello, Emmanuel

From: Ruth Berghoff <rberghoff@me.com>
Sent: Wednesday, March 09, 2016 2:15 PM
To: Palacherla, Neelima
Subject: Southeast Quadrant in Morgan Hill

I am strongly IN FAVOR of the City of Morgan Hill annexation of any part of the the Southeast Quadrant. Our city council and other fine members of the Morgan Hill community have given of their time, talent and treasure to insure this city's future.

Please approve this annexation!

A. Ruth Berghoff
Resident of Morgan Hill for 43 years

Abello, Emmanuel

From: Byron and Terry <rifspad@pacbell.net>
Sent: Wednesday, March 09, 2016 4:41 PM
To: Cat.Tucker@ci.gilroy.ca.us; Palacherla, Neelima; Wasserman, Mike; district3@openspaceauthority.org; district10@sanjose.ca.gov; board@valleywater.org; susan@svwilsonlaw.com; ken.yeagor@bos.sccgov.org
Subject: South County Catholic High School

Dear Members,

As a community, we have been working diligently to plan for and make St. John XXIII Prep (formerly known as South County Catholic High School) a reality. Our Catholic high schools in the Diocese of San Jose are at full capacity with long waiting lists. My son and his friends make daily trips to San Jose (Bellarmine, Presentation & Notre Dame), Mountain View (St. Francis) and Watsonville (St. Francis) We need another Catholic high school! A local option will have a positive impact on families, reduce student stress and reduce the number of commuting students on our freeways. This decreases pollution, commute times and cars on our roads. South County is continuing to grow. Giving families a local alternative for their children also keeps their spending here in Morgan Hill which will benefit local businesses. A new Catholic school would provide a choice for families as well as elevate the level of education in the community with cutting edge educational programs and it would provide much needed community service that Catholic schools both encourage and require of their students. We need this high school and we need it sooner rather than later!

I have read articles in the local papers about LAFCO members concerns. However, I think the plan being presented by the city protects agriculture in the South County in a responsible way, balancing it with the inevitable growth in our area. What frustrates me is that many of the groups lobbying the LAFCO members don't work or reside in this town and have little ties to the South County in general. WE THE PEOPLE of Morgan Hill want this and should not be dictated to by people who are not even from or are familiar with our small town. I can honestly say that I have not met one person in my parish, in my kids local school, in my neighborhood, in my local organizations and clubs that do not want this!! Please consider what the people of Morgan Hill want and need when you make this decision!

Thank you for your time!

Sincerely,

Terry Rifenburg

Resident of Morgan Hill

Abello, Emmanuel

From: Kim Ambas <kimambas12@gmail.com>
Sent: Wednesday, March 09, 2016 7:31 PM
To: Cat.Tucker@ci.gilroy.ca.us
Cc: Palacherla, Neelima
Subject: Catholic High School

RE: South County Catholic High School

Dear Madam,

Greetings! This is a letter of support for a south county Catholic School. My name is Kim, resident of Morgan Hill and mother of a Kindergartener. He is just 6 years old but I am already planning for his next step in his educational path. To my dismay, the nearest Catholic high school from where we reside is 35-45 minutes away. Why is this so? I was very excited to learn that there has been discussion of building a Catholic High School nearby which would be very advantageous for South Bay residents.

Catholic families are numerous in numbers here and there is a need to build a new one. The long waiting list to get into a Catholic high School should be validation enough that there should be space made available for incoming students.

My son is just beginning his journey in his Catholic life and I want him to have the same upbringing I have. I had a Catholic Education from elementary to high school to the university. I can personally attest to the merits of involving Catholicism and my chosen career. Although having a Catholic University is far fetched to have one over here, a Catholic High School would be a huge help in molding the teenager. Continuing the Catholic education would be a very good foundation to bring with as the teenager brings this learning into college. I believe this Catholic high school would serve as a beacon of standard to other high schools in the community. This would raise the level of education.

I implore to you to please approve this move to develop a Catholic High School in Morgan Hill, You will not regret having more Catholic high school students.

Sincerely,

Mrs. Kimberly Ambas

Abello, Emmanuel

From: Yezdi Dordi <yezdi@dordi.us>
Sent: Wednesday, March 09, 2016 10:00 PM
To: Palacherla, Neelima
Subject: Suppor for Morgan Hill's planned annexation of the southeast quadrant

Dear Honorable Ms. Palacherla & Honorable LAFCo commisioners,

I fully support the City of Morgan Hill's planned annexation of the southeast quadrant to promote sports and respectfully request that you support their plan too.

Morgan Hill's innovative proposal to increase availabilty of recreation facilities for their children (and adults) while maintaining the rural character of the areas being annexed needs to be encouraged. Driving past the pretty farms and taking in the view is nice. But being able to play sports in this beautiful environment (on someone else's private property) is clearly a delight.

Thank you.

Yezdi Dordi
104 Walter Hays Drive
Palo Alto, CA94303

Sent from my iPhone

Abello, Emmanuel

From: Jill Higgins <jillhiggy@icloud.com>
Sent: Wednesday, March 09, 2016 8:48 PM
To: Abello, Emmanuel; cat.tucker@ci.gilroy.ca.us; district3@openspaceauthority.org; district10@sanjoseca.gov; susan@svwilsonlaw.com; Yeager, Ken; Wasserman, Mike
Cc: Palacherla, Neelima
Subject: LAFCO Board in support of the annexation of the land for South County Catholic High School.

LAFCO Board Members.

Thank you for allowing the public to provide feedback regarding the annexation of the land project in Morgan Hill to support the development of the South County Catholic High School.

We are a South County family and we are in support of the South County Catholic High School because today our kids commute to San Jose for their Catholic education from Gilroy.

We made the choice to put our kids in Catholic school, since elementary school, but with that choice to continue into Catholic High School our only option was San Jose or Watsonville - both being very big commutes.

Today, our kids don't have the ability to enjoy their local Morgan Hill/Gilroy communities because they are commuting back and forth to San Jose early in the morning to late into the evening.

We are in favor of allowing this annexation of land to provide to many families just like ours, the opportunity to participate in our city, where we live.

Because this South County Catholic High School is funded by the Santa Clara Diocese and independent investors, we would be so proud to have this development in Morgan Hill where other south county cities like Almaden, South San Jose, Gilroy, Hollister, San Juan Bautista, Aromas, Salinas and even Watsonville could gather.

A new high school in South County would be a great addition to the Morgan Hill community. Not only would it bring commuters into Morgan Hill to frequent local businesses, but it could bring more families into your city to invest in housing developments too. I see this approval and support as a huge win for the future of Morgan Hill and the future of the ever growing population in the South County area. I do hope this passes and you will consider this Catholic High School project as a positive for the future of the City of Morgan Hill.

Thank you.

Regards,
Jill Higgins

PUBLIC CORRESPONDENCE
LETTERS REQUESTING DENIAL

Abello, Emmanuel

From: russell@motorbody.com
Sent: Wednesday, March 09, 2016 3:21 PM
To: Palacherla, Neelima; Abello, Emmanuel; Noel, Dunia; Cat.Tucker@ci.gilroy.ca.us; Wasserman, Mike; district3@openspaceauthority.org; Susan@svwilsonlaw.com; Yeager, Ken
Subject: Please Do not let Morgan Hill Annex

To the LAFCO group,

Please do not allow the Morgan Hill Council to Annex more land with the intend to build on. The community has opposed the plan since day one and it is obvious the Morgan Hill Council is not acting in the communities interest. A few of the City Council still want to keep Morgan Hill small and are outnumbered by the others that want to turn out little community into something bigger many are not interested in having.

Thank you for your time,

Russell Alongi

Morgan Hill Resident on Peebles Ave

Abello, Emmanuel

From: Mark Anderton <markanderton@gmail.com>
Sent: Tuesday, March 08, 2016 2:09 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Mark Anderton

Palo Alto

Abello, Emmanuel

From: Anya <Anya4yoga@yahoo.com>
Sent: Tuesday, March 08, 2016 3:37 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Anya

Cupertino

Abello, Emmanuel

From: Linda Barbosa <lbarbosagarlic@gmail.com>
Sent: Tuesday, March 08, 2016 12:46 PM
To: Palacherla, Neelima
Subject: SEQ Morgan Hill

Dear LAFCO Commissioners,

I am a long time resident of Morgan Hill.

I oppose the annexation of the Southeast Quadrant to the city of Morgan Hill.

The city of Morgan Hill has plenty of open land for development.

I prefer that open space and farm land remain undeveloped.

Thank you,
Linda Barbosa
1835 Bluebonnet Ct
Morgan Hill, CA 95037

Abello, Emmanuel

From: Kirk Bertolet <KBertolet@calhyd.com>
Sent: Tuesday, March 08, 2016 6:02 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Kirk Bertolet

Morgan Hill

Abello, Emmanuel

From: gb136@comcast.net
Sent: Wednesday, March 09, 2016 12:03 PM
To: LAFCO
Subject: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo commissioners,

My name is Gail Bower, avid nature and open space advocate and, as a resident of Cupertino in Santa Clara County, I am writing to you today to state my heartfelt opposition to the City of Morgan Hill's intended annexation and development of the the Southeast Quadrant.

Please deny their request.

It is vitally important that we/you stand strong to preserve our remaining agricultural and open space landscapes in our valley, and avoid sprawl. It's so important to preserving the beauty and diversification of our county.

Please protect us from over development. Thank you very much for reading my letter.

Gail Bower
Cupertino CA resident

Abello, Emmanuel

From: Lauren Bruns <lauren.bruns@cox.net>
Sent: Tuesday, March 08, 2016 10:00 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

At this time, I oppose the City of Morgan Hill's request to have LAFCo approve the annexation of the Southeast Quadrant. This plan will change the charm and uniqueness of our city, increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built on the available vacant city land which is abundant within the Morgan Hill city limits.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Lauren Bruns

Morgan Hill

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:51 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Paul Bickmore [mailto:Paulbickmore@gmail.com]
Sent: Wednesday, March 02, 2016 6:13 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Paul Bickmore
307 Stockton Avenue
San Jose, CA 95126-2778

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Paul Bickmore

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:47 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Val Butler [mailto:Valerieb2001@hotmail.com]
Sent: Wednesday, March 02, 2016 12:22 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Val Butler
6142 monterverde dr
San Jose, CA 95120

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Val Butler

Abello, Emmanuel

From: Thomas Byrd <thomaswbyrd@gmail.com>
Sent: Wednesday, March 09, 2016 8:59 AM
To: Palacherla, Neelima
Subject: Morgan Hill Annexation of San Martin Acreage

Dear Neelima Palacherla,

My name is Thomas Byrd and I live at 14505 Lauredo Court in San Martin, CA. I strongly oppose Morgan Hill's request to annex of any part of San Martin's southeast quadrant and urge the LAFCO to vote against it. I value our region's remaining farmland. LAFCO needs to help Morgan Hill protect open space resources as both green space and productive land. Let growth happen in our urban areas, on land that needs filling in. We already have too much sprawl.

I also want to express my displeasure of how this proposed annexation was communicated to the residents of San Martin -- the ones that would be affected the most by this annexation. To date, I have not received ANY notice from LAFCO or any of the other related agencies regarding the annexation. I found out about this through the "grapevine" on Facebook just two days ago! Each resident of San Martin deserves to be notified of projects like these so as to be given the chance to voice his/her opinion on such matters.

Sincerely,

Thomas Byrd
14505 Lauredo Court
San Martin, CA 95046
(650) 714-3350

Abello, Emmanuel

From: Anthony Chang <anthony@kitchentableadvisors.org>
Sent: Tuesday, March 08, 2016 1:56 PM
To: Palacherla, Neelima
Subject: Letter to support preserving farmland in Morgan Hill and Gilroy

Hi Neelima,

My name is Anthony Chang, and I run a nonprofit, Kitchen Table Advisors, that supports the economic viability of the next generation of sustainable small farms and ranches through practical business advising and long-term relationships.

I am writing this letter to express support for preserving farmland in southern Santa Clara County. We work with a diverse group of sustainable farmers and ranchers who are trying to build thriving farm businesses in the region, and one of the challenges they face is the lack of accessible farmland (and the rate at which farmland is disappearing).

Just this morning, my colleague David Mancera received a call from one of his clients, Sergio Jimenez of Ground Stew Farms, a small organic vegetable farm who farms in Watsonville, because he would like to find 20+ acres of land near Morgan Hill or Gilroy.

Hard working farmers like Sergio are looking for opportunities to continue farming and grow their businesses, steward the land in an ecological manner, create jobs, contribute to the local economy, and grow healthy food for our communities.

I hope that you can support farmland preservation efforts, farmers like Sergio, and the positive economic, environmental and social ripple effects of their businesses.

Sincerely,

Anthony Chang
Executive Director
Kitchen Table Advisors

--

Founder & Executive Director
650-489-5054 | anthony@kitchentableadvisors.org
[Instagram](#) | [LinkedIn](#) | [Facebook](#) | [Web](#) | [Donate](#)

Fueling the growth & long-term viability of the next generation of sustainable small farms

Abello, Emmanuel

From: Patricia Caldwell <trishcaldwell66@gmail.com>
Sent: Tuesday, March 08, 2016 7:03 PM
To: LAFCO
Subject: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo Commissioners:

My name is Trish Caldwell and I moved to California from England in 1959. At the time I arrived, Santa Clara Country was just beginning to turn orchards into housing tracts, and I watched with dismay as the wide open, beautiful countryside that attracted my family to America in the first place, became suburbia. Fifty years later, we have learned more and more of the dangers of urban sprawl contributing to global warming and environmental pollution, and I hope that Morgan Hill will not choose the same path as San Jose and environs. As a resident of Campbell, I oppose the City of Morgan Hill's intended annexation and development of the Southeast Quadrant. Please deny their request. It is very important to me that we preserve our remaining agricultural and open space landscapes in our valley, and avoid urban sprawl.

Thank you,
Trish Caldwell

Abello, Emmanuel

From: Dave Clare <madacres.dc@gmail.com>
Sent: Tuesday, March 08, 2016 3:46 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Dave Clare

Morgan Hill

Abello, Emmanuel

From: Howard J Cohen, Ph.D. <howard@cohensw.com>
Sent: Tuesday, March 08, 2016 3:12 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Howard J Cohen, Ph.D.

Palo Alto

Abello, Emmanuel

From: Martha Cohn <tate@cohnhome.com>
Sent: Tuesday, March 08, 2016 6:51 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses absolutely can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely, Martha Cohn

Martha Cohn

Menlo Park

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:47 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Tracy Corral [mailto:tracylynn85@yahoo.com]
Sent: Wednesday, March 02, 2016 12:10 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Tracy Corral
1702-L Meridian Ave
San Jose, CA 95125

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal is disturbing on so many levels. There aren't enough jobs in the Morgan Hill/Gilroy area of the Bay Area, so, if this property is built out, it will put so many more commuters on the roads to the job centers of San Jose and the Peninsula. The traffic heading north in the morning is already horrendous; this development proposal will have a completely deleterious effect on all the cities in this region, not just Morgan Hill and Gilroy. Please take this into consideration as you debate the merits of the plan.

The second reason I'm opposed to this proposal by the City of Morgan Hill is that it continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Tracy Corral

Abello, Emmanuel

From: Tom Conrad <conrad@garlic.com>
Sent: Thursday, March 10, 2016 8:06 AM
To: Palacherla, Neelima
Subject: Annexation of SEQ

Dear LAFCo Commissioners,

I strongly oppose the City's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. I value our region's remaining farmland. LAFCo needs to help Morgan Hill protect open space resources as both greenspace and productive land. Let growth happen in our urban areas, on land that needs filling in. We already have too much sprawl.

Thank you

Thomas & Phyllis Conrad
16135 Hill Road
Morgan Hill, CA 95037

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:34 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Cathy Correia [mailto:cathydiana8@gmail.com]
Sent: Sunday, March 06, 2016 1:33 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Cathy Correia
1699 Hamilton Avenue, APT 28
San Jose, CA 95125

March 6, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Cathy Correia

Abello, Emmanuel

From: medolan99@gmail.com
Sent: Tuesday, March 08, 2016 10:32 AM
To: Palacherla, Neelima
Subject: Morgan Hill, SE Quadrant annexation

Dear LAFCO Commissioners

As a Morgan Hill resident, I would like to state that I oppose the proposed annexation. The stated purpose of the annexation, preservation of farm land, is not the concern of the City. The annexation, in my view is an attempt to provide opportunities for large land holders in this area to develop their land under the less restrictive City codes when they can not develop under current County codes. Please consider this annexation as unnecessary for the City to provide for residential growth. At some time there can be residential growth in this area, but currently residential growth in Morgan Hill is in the north. Annexed land available for residential development in the south (along Barrett) has been denied by the City.

The County of Santa Clara is in a better position to control development, and work to preserve farm land. Keep the Southeast Quadrant rural.

Mike Dolan
16670 Buckskin Ct.
Morgan Hill, CA 95037

Sent from Mail for Windows 10

Abello, Emmanuel

From: Dianna Dininno <diannayang5@gmail.com>
Sent: Tuesday, March 08, 2016 3:53 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Dianna Dininno

Morgan Hill

Abello, Emmanuel

From: Dani Christensen <danichristensen@ymail.com>
Sent: Wednesday, March 09, 2016 8:42 PM
To: LAFCO
Subject: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo commissioners,

My name is Dani Christensen and I am a resident and college student in Santa Clara County. I oppose the City of Morgan Hill's proposed annexation and development of the the Southeast Quadrant.

I believe we must preserve our remaining agricultural and open space landscapes, and avoid sprawl.

Please deny their request.

Thank you,

Dani Christensen

San Jose, CA

Abello, Emmanuel

From: mrdanesh <mrdaneshm@yahoo.com>
Sent: Thursday, March 10, 2016 8:46 AM
To: LAFCO
Cc: advocate@scvas.org
Subject: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo commissioners,

My name is Morteza Danesh, I live in San Jose for the past 32 years. As a resident of Santa Clara County, I oppose the City of Morgan Hill's intended annexation and development of the the Southeast Quadrant. Please deny their request. To me, it is important that we preserve our remaining agricultural and open space landscapes in our valley, and avoid sprawl.

Best Regards

Morteza Danesh

Abello, Emmanuel

Subject: FW: Please Protect Farmland & Open Space in the SEQ

From: June DeBuhr [mailto:g.junedebuhr@sbcglobal.net]

Sent: Wednesday, March 09, 2016 9:51 AM

To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>

Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Please preserve this precious farmland and view of our coastal hills and oaks. Thank you for this opportunity to provide public comment.

Sincerely,
June DeBuhr
Filoli Docent

June DeBuhr

Los Altos, CA 94022

Abello, Emmanuel

From: LeeAnn Dunn <babiod@hotmail.com>
Sent: Tuesday, March 08, 2016 12:22 PM
To: Palacherla, Neelima
Subject: Annexation of SE Quadrant

Dear Neelima Palacherla,

I am writing today to express my dismay over the proposed annexation of the SE Quadrant. I implore that you vote NO on this project. Being a Morgan Hill resident for 20 years we have seen MH grow up quickly. This project is too large, takes prime farmland and ruins our small town feel. The traffic is already borderline horrific, please do not add to the problem by approving the annexation.

Thank you in advance for your NO vote on the annexation of the SE Quadrant in Morgan Hill.

Sincerely,

LeeAnn Dunn
6666 Croy Road
Morgan Hill, CA 95037

Abello, Emmanuel

From: susan@svwilsonlaw.com
Sent: Thursday, March 10, 2016 6:55 AM
To: Palacherla, Neelima
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Janet Espersen [mailto:hutchesp2000@yahoo.com]
Sent: Wednesday, March 09, 2016 10:21 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Janet Espersen
9780 linnet Ct.
Gilroy, CA 95020

March 10, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Janet Espersen

Abello, Emmanuel

From: Ron Erskine <ronfoxtail@msn.com>
Sent: Tuesday, March 08, 2016 12:09 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I am a 33 year resident of Morgan Hill. I built over 50 homes in this town. I am not against growth, but I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant.

A quick review of LAFCO staff's "Summary of Analysis : Consistency With LAFCO Policies" reveals all:"

Is there a need for the proposed USA expansion based on availability of vacant land within existing city boundaries? NO

Are proposed boundaries logical, and orderly? NO

Does the proposed USA expansion convert prime agricultural lands or adversely impact agricultural lands? YES

Does the City have the ability to provide and fund services without lowering... NO

Is the proposed USA expansion consistent with the Regional Transportation Plan/Plan Bay Area? NO

Has the City annexed all of its unincorporated islands within its USA prior to seeking USA expansion? NO

Is the proposed USA expansion consistent with City and County General Plan Policies? NO

I understand that the founding purpose of LAFCO is to promote infill development, limit sprawl, and preserve farmland. We have decades of residential and commercial lands in our city limits. This "plan" fails miserably on the every one of the most basic objective criteria for sensible growth.

Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Ron Erskine

Ron Erskine

Morgan Hill

Abello, Emmanuel

From: Gabrielle Feldman <gfeldman74@gmail.com>
Sent: Tuesday, March 08, 2016 2:01 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Gabrielle Feldman

San Jose

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:39 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Jan Fenwick [mailto:FenwickJan@mac.com]
Sent: Wednesday, March 02, 2016 12:09 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Jan Fenwick
28011 Elena Rd.
Los Altos Hills, CA 94022

March 2, 2016

Dear Susan Vicklund Wilson,

Once land is gone - it is almost impossible to recover. Let's all practice in-filling in our valley before more development.
THANK YOU! Jan Fenwick

Sincerely,
Jan Fenwick

Abello, Emmanuel

From: William Frazer <cablfrac@charter.net>
Sent: Tuesday, March 08, 2016 9:19 AM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

William Frazer

Morgan Hill

Abello, Emmanuel

From: Robin Fredrickson <robnf2002@yahoo.com>
Sent: Tuesday, March 08, 2016 2:19 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Robin Fredrickson

Robin Fredrickson

San Jose

Abello, Emmanuel

From: Nancy Fomenko <blongomarie@yahoo.com>
Sent: Wednesday, March 09, 2016 8:04 AM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Nancy Fomenko

San Jose

Abello, Emmanuel

From: Rosemary Forgy <rosemaryforgy@gmail.com>
Sent: Wednesday, March 09, 2016 9:50 AM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic around my home, increase noise, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Rosemary Forgy

Rosemary Forgy

Morgan Hill

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:43 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Markus Fromherz [mailto:public@fromherz.us]
Sent: Wednesday, March 02, 2016 5:05 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Markus Fromherz
4020 Amaranta Ave.
Palo Alto, CA 94306

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Markus Fromherz

Abello, Emmanuel

From: Sarah Gadus <sarahgadus@gmail.com>
Sent: Thursday, March 10, 2016 6:52 AM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Dear LAFCo Commissioners,

Please deny the City's request to annex land in the Southeast Quadrant.

I fell in love with Morgan Hill for the magical open space. I am heartbroken to imagine them as housing developments. People move to Morgan Hill for its charm and to escape Silicon Valley. Morgan Hill is special- don't steal its uniqueness and beauty.

The City's request is not reasonable given how much vacant land it has within its current city limit. It should make every effort to focus growth within that limit. Building on prime farmland when there isn't a proven necessity is wasteful and costly to our quality of life. Furthermore, there is no widespread community support for this proposal.

We need to be much more thoughtful in our planning efforts. I support the County's plans to tie farmland protection and climate change mitigation efforts. This is the kind of effort that could help better direct future growth, and potentially protect a significant amount of remaining farmland.

Thank you for considering my comments.

Sincerely,
Sarah Gadus

Sarah Gadus

Morgan Hill

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:47 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Virginia Gelczis [mailto:gelczis@yahoo.com]
Sent: Wednesday, March 02, 2016 11:58 AM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Virginia Gelczis
441 E Washington Avenue
Sunnyvale, CA 94086

March 2, 2016

Dear Susan Vicklund Wilson,

I've lived in the South Bay since 1982 and have seen so many fields and agricultural treasures paved over. New buildings go up when old ones stand vacant. Open space is no longer part of the equation--it's all about development and profit, not quality of life.

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Virginia Gelczis

Abello, Emmanuel

From: Bert Greenberg <bertli@sbcglobal.net>
Sent: Tuesday, March 08, 2016 2:02 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Bert Greenberg

San Jose

Abello, Emmanuel

From: Augusta Graves <augustagraves@hotmail.com>
Sent: Wednesday, March 09, 2016 12:56 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Augusta Graves

Morgan Hill

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:33 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Aaron Grossman [mailto:aagrossman@yahoo.com]
Sent: Wednesday, March 02, 2016 9:32 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Aaron Grossman
817 Montgomery St
Mountain View, CA 94041

March 3, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Aaron Grossman

Abello, Emmanuel

From: Shelly Gordon <sgordon@g2comm.com>
Sent: Wednesday, March 09, 2016 4:04 PM
To: Cat.Tucker@ci.gilroy.ca.us; Wasserman, Mike; district10@sanjoseca.gov; Susan@svwilsonlaw.com; district3@openspaceauthority.org; linda@lezottelaw.com; Yeager, Ken; Chavez, Cindy; ykishimoto@openspace.org; TerryT1011@aol.com; District2@sanjoseca.gov; TaraMilius@gmail.com; Palacherla, Neelima; Abello, Emmanuel
Subject: Future of Agriculture in Santa Clara County

Dear LAFCO commissioners,

I'm on the Executive Committee of the Sierra Club – Loma Prieta Chapter, covering Santa Clara, San Benito and San Mateo Counties. I understand that the Commission is voting on Friday, 3/11/16. As an ExCom member, I ask you to preserve our agricultural and open space lands by directing growth up rather than out. Please follow staff's recommendation to deny the Morgan Hill Urban Service Area amendments.

Sincerely,
Shelly Gordon
Sierra Club, Loma Prieta Chapter

G2 Communications Inc.
www.g2comm.com
sgordon@g2comm.com
650 856-1607



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Get a free copy of our ebook: How to Win Journalists Hearts & Minds

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:33 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Carole Gonsalves [mailto:carolejg@mac.com]
Sent: Wednesday, March 02, 2016 12:22 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Carole Gonsalves
1497 Los Rios Dr
San Jose, CA 95120

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Carole Gonsalves

Abello, Emmanuel

From: susan@svwilsonlaw.com
Sent: Thursday, March 10, 2016 6:58 AM
To: Palacherla, Neelima
Subject: FW: LAFCO: No on SE quadrant

From: shelle [mailto:shelle.thomas@gmail.com]
Sent: Wednesday, March 09, 2016 7:48 PM
To: susan@svwilsonlaw.com
Subject: Fwd: LAFCO: No on SE quadrant

Begin forwarded message:

From: "Nextdoor Nordstrom" <reply@rs.email.nextdoor.com>
Date: March 9, 2016 at 5:38:26 PM PST
To: shelle.thomas@gmail.com
Subject: Re: LAFCO: No on SE quadrant
Reply-To:
reply+G4YTQOJVGYYV64DSN5SHKY3UNFXW4X2QJ5JVIXZSGE3DMOJYGMYPQ====@sanmartin.nextdoor.com

▪
☐ Colleen Grzan, Paradise

This is a smoke and mirrors effort. It has no chance of success. The proposal is to designate AG land for sports and leisure for which no viable investor has indicated interest. Adjacent to this new zoning is the City own Outdoor Recreation Center which has yet to break even, is run by volunteers can not meet service goals (70% of those who use the facility are not Morgan Hill residents) and has not recovered the nearly \$20 million the City invested years ago. Why would anyone invest millions for more or the same type of failed programming? Over a decade ago the City asked for proposals - no viable investor came forth and none have come forth for this renewed effort. Should LAFCO approve a subsequent Council can rezone the area to it's intended purpose - urban housing and sprawl where there is the most profit. There is no guarantee that any AG lands will be preserved or that any sports and leisure facilities will be built. It undermines the fragile infrastructure of small farms in the area that will lead to their demise. This is all about greed - not need. Send an email to Neelima.Palacherla@ceo.sccgov.org rejecting the City's proposal.

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:45 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: Sharae Gunn [mailto:sharaegunn@yahoo.com]
Sent: Thursday, March 03, 2016 9:35 PM
To: susan@svwilsonlaw.com
Subject: Re: Please oppose Morgan Hill's request to annex farmland

Thank you, Susan, for your message and for your consideration and attention to this very important concern preserving what remains of our valley's heritage. I spend many of my summer days in the Morgan Hill area and often think while driving through the farms that I might retire there as it feels like home to me, like the valley I knew growing up. There are so few farm areas that remain in this rich growing region it would be terribly sad to see yet another area lost to development.

Kind Regards,

Sharae' Gunn

On Thursday, March 3, 2016 4:54 PM, "susan@svwilsonlaw.com" <susan@svwilsonlaw.com> wrote:

Thank you for your comments. As a public servant and long term Morgan Hill resident, I am sensitive to the concerns of the citizens. I am in the process of reviewing the extensive and comprehensive LAFCO staff report. This matter will be heard at 10:00 a.m. on March 11th at the Santa Clara County Board of Supervisors Chambers. I will be considering all comments received prior to and at the hearing. Susan Wilson

-----Original Message-----

From: Sharae Gunn [mailto:sharaegunn@yahoo.com]
Sent: Wednesday, March 02, 2016 5:29 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Sharae Gunn
1320 Shelby Creek Lane
San Jose, CA 95120

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant

Abello, Emmanuel

From: Brian Haberly <brianhaberly@gmail.com>
Sent: Wednesday, March 09, 2016 4:56 PM
To: Cat.Tucker@ci.gilroy.ca.us; Wasserman, Mike; district10@sanjoseca.gov; Susan@svwilsonlaw.com; district3@openspaceauthority.org; linda@lezottelaw.com; Yeager, Ken; Chavez, Cindy; ykishimoto@openspace.org; TerryT1011@aol.com; District2@sanjoseca.gov; TaraMilius@gmail.com; Palacherla, Neelima; Abello, Emmanuel
Subject: Santa Clara County's Agriculture Future

Dear LAFCO Commissioners:

I understand that the Commission will be voting this Friday on whether to allow sprawl-style development to continue into some of the last farmlands in the County.

I am strongly opposed to the loss of precious agricultural lands in the County. Pavement is forever.

Please preserve our agricultural and open space areas by directing future growth vertically via higher density development rather than outward by encouraging urban sprawl with all of its attendant problems.

I urge you to follow staff's recommendation to deny the Morgan Hill Urban Service Area amendments. Thank you.

Brian Haberly
San Jose
brianhaberly@gmail.com

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:33 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Brian Haberly [mailto:brianhaberly@gmail.com]
Sent: Wednesday, March 02, 2016 2:28 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Brian Haberly
46 @. 16th St.
San Jose, CA 95112

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years.

The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

Pavement is forever. We MUST save our dwindling agricultural areas!

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Brian Haberly

Abello, Emmanuel

From: Marie H <mariehaka@gmail.com>
Sent: Tuesday, March 08, 2016 4:51 PM
To: LAFCO
Subject: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo commissioners,

My name is Marie, and I am a native plant restoration landscaper (focus on sustainability) in Santa Clara County. Many of our jobs are in the city of Morgan Hill. As a worker in Santa Clara County, **I oppose the City of Morgan Hill's intended annexation and development of the the Southeast Quadrant.**

Please deny their request.

To me, it is important that we preserve our remaining agricultural and open space landscapes in our valley, and avoid sprawl. Do we need more strip malls? Do we need more tract housing that all looks the same? No, we don't. We need sustainable growth and development. This is an issue that is important to all residents of Santa Clara County who appreciate rural and natural landscapes, as this decision sets precedent for the future of all farmland in the region. Thank you for considering our future, which the environment is a necessary part of.

Thank you,

Marie Haka

Abello, Emmanuel

From: Bob Harris <47sawdust@gmail.com>
Sent: Tuesday, March 08, 2016 12:17 PM
To: Palacherla, Neelima
Subject: South East Quadrant

My wife and I ask that you not allow the City of Morgan Hill to begin annexation of Santa Clara County land in the South East Quadrant.

My wife and I have been Santa Clara County residents for more than 40 years, we have been Morgan Hill residents for nearly 30 years.

I feel that we have done adequate research and know enough south Santa Clara County history to understand the basic issues of urbanization, sprawl and the re-purposing of agricultural land for urban development to allow us to voice a strong opinion in the matter that will soon be before your commission.

We moved to this area of the County because of the blend of small town atmosphere, agricultural activity, open space, and unimpeded views of the rural landscape.

I do not see the City's plan to support agriculture in the area as viable in the long or short term, and further I do not see the current City government's views on overall growth as being in line with my views or for that matter the views of my friends and neighbors. We do not need or want viable farming operations to be supplanted by private schools, chain restaurants, fast food outlets, hotels, batting cages, and sporting goods stores.

I would also ask that please you forward this email to each of the Commission members and others who may be called upon to vote on this issue on March 11.

Thank you for your help on this issue.

Robert and Rhonda Harris
Appian Way
Morgan Hill, CA

Abello, Emmanuel

From: Peggy Hennessee <peggyhennessie@gmail.com>
Sent: Tuesday, March 08, 2016 8:56 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Peggy Hennessee

Peggy Hennessee

Los Altos

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:40 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: John Hewitt [mailto:john_d_hewitt@msn.com]
Sent: Wednesday, March 02, 2016 4:11 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

John Hewitt
1405 Lodgepole Ct.
Gilroy, CA 95020

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
John Hewitt

Abello, Emmanuel

From: Higgins Scott <scott@garrettscott.com>
Sent: Tuesday, March 08, 2016 1:06 PM
To: Wasserman, Mike
Cc: Palacherla, Neelima
Subject: Support of the Land for the South County Catholic High School

Dear Mr. Vice Chairman Wasserman,

I am writing to express support of the annexation plan for the Morgan Hill (SEQ) South East Quadrant currently proposed by the City of Morgan Hill.

I feel the development of a Catholic High School in Morgan Hill is a once in a lifetime opportunity for the South County and surrounding communities. This gift the San Jose Dioceses bequeath upon us today is no miracle. It is the hard work and countless hours of our Bishop, Community Leaders and Parents in San Jose and the South County. They have diligently been working on a plan to develop a Catholic High School in our area for the past 10-15 years. I would suggest no group or group members stand in the way of educating our children or lay shadow to the building of a new high school.

A new Catholic High School will help develop our young children with the learning opportunity we wish for our younger generations. I am currently a dad of two young girls, which my wife and I are educating at St. Mary School in Gilroy and our other daughter at Presentation High School in Willow Glen. Both are attending catholic schools for a reason. Our children understand the benefits and disciplines of a strong soul, body and mind of a catholic education and the benefits it has brought to their lives. My wife and I see the impact of their upbringing in a faith base environment and the positive influence our children desire to be a part of their community and give back to the community in a positive way.

A myth about Catholic education is that only children of catholic faith can attend a catholic school. This is not true. All children can attend a Catholic school. The new Catholic High School will accept all faiths and denominations. When people discuss the idea of a Catholic education we all envision a strong education with moral values, enriched discipline and a sense of community, which helps give back to society. Why is this? It's because the Catholics have been educating our children for more than 1500 years and know how to educate the body, soul and mind. We look up to the great standard of excellence of a Catholic education. It is not based on the latest buzz words like "STEM" it is based on a history of educating and the fact that all people publicly educated or not hold high regards for a Catholic education.

Lastly with the passing of the SEQ quadrant proposal there will be economic growth & improvements in our community. Such as the growth of our business, property ownership which will generate millions of dollars for our community and support a sustained economy for the South County for years to come.

Today you have the opportunity to further expand the reach of a Catholic High School education to the South County. I hope you support the next generation the opportunity of a Catholic education in the South County. I support the boundary changes, and factors indicated above as reasons to permit the SEQ quadrant to move forward. Do not delay the wishes of all generations to come.

Regards,
Scott Higgins

Abello, Emmanuel

From: Philip Higgins <philip_higgins@hotmail.com>
Sent: Thursday, March 10, 2016 5:37 AM
To: LAFCO
Subject: RE: Farmland Annexation of the Southeast Quadrant

RE: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo commissioners:

My name is Philip Higgins and as a resident of Santa Clara County and having lived here for 22 years and spent many weekends experiencing the farm life and open spaces surrounding Morgan Hill, I oppose the City of Morgan Hill's intended annexation and development of the Southeast Quadrant.

Please deny their request. To me, it is important that we preserve our remaining agricultural and open space landscapes in our valley, and avoid sprawl. We have already lost so much valuable farm land in our area and have had urban sprawl destroy what was once prime productive land to create additional impermeable surfaces, and increase traffic and noise increasing our dependence on other areas for food production.

Thank you,

Philip Higgins

Abello, Emmanuel

From: Sheila Hill <sheiladh@sbcglobal.net>
Sent: Thursday, March 10, 2016 8:17 AM
To: Palacherla, Neelima
Subject: SE Quadrant

I am writing to ask LAFCO to vote no on the City of Morgan Hill's bid to annex the SE quadrant near San Martin. I believe farmland would cease to exist and urban sprawl would be the end result. California is the leading provider of fruits and vegetables for our nation.

Thank you for your consideration.

Sheila Hill
1140 Easy Street
Morgan Hill, CA 95037

Sent from Yahoo Mail on Android

Abello, Emmanuel

From: Margaret Hinebaugh <margaret_hinebaugh@yahoo.com>
Sent: Tuesday, March 08, 2016 2:00 PM
To: LAFCO
Subject: Morgan Hill SEQ annexation

Dear Chairperson Tucker and LAFCo commissioners,

I oppose the City of Morgan Hill's intended annexation and development of the the Southeast Quadrant. I urge LAFCo to deny the annexation request, and to protect Morgan Hill from incessant rezoning and suburban sprawl.

It is disingenuous for Morgan Hill to say they support agricultural preservation through the development of ag land. This is not a sensible plan. The proposed school and sports fields can and should be placed elsewhere within existing urban areas.

Regards,
Margaret Hinebaugh
Santa Clara County resident

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:42 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Margaret Hinebaugh [mailto:margaret_hinebaugh@yahoo.com]
Sent: Wednesday, March 02, 2016 5:05 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Margaret Hinebaugh
740 Hamilton Ln.
Santa Clara, CA 95051

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Regards,
Margaret Hinebaugh

Abello, Emmanuel

From: Trina Hineser <thineser@e-ecosound.com>
Sent: Wednesday, March 09, 2016 2:05 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,
Trina Hineser

Trina Hineser

San Martin

Abello, Emmanuel

From: Mark Hineser <hinesers@verizon.net>
Sent: Wednesday, March 09, 2016 2:06 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,
Mark Hineser

Mark Hineser

San Martin

Abello, Emmanuel

From: Mark Hoffmann <mjrhoffmann@charter.net>
Sent: Wednesday, March 09, 2016 3:15 PM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Dear LAFCo Commissioners,

I'm a resident of Morgan Hill and deeply concerned about our City officials' intention to annex agricultural land.

Please deny the City's request to annex land in the Southeast Quadrant.

The City's request is not reasonable given how much vacant land it has within its current city limit. It should make every effort to focus growth within that limit. Building on prime farmland when there isn't a proven necessity is wasteful and costly to our quality of life. Furthermore, there is no widespread community support for this proposal.

We need to be much more thoughtful in our planning efforts. I support the County's plans to tie farmland protection and climate change mitigation efforts. This is the kind of effort that could help better direct future growth, and potentially protect a significant amount of remaining farmland.

Thank you for considering my comments.

Sincerely,

Mark Hoffmann

Mark Hoffmann

Morgan Hill

Abello, Emmanuel

From: Tracy Hutcheson <tracyhut@gmail.com>
Sent: Wednesday, March 09, 2016 8:45 PM
To: Palacherla, Neelima
Cc: Cat.Tucker@ci.gilroy.ca.us; district10@sanjoseca.gov; board@valleywater.org; district2@openspaceauthority.org; Yeager, Ken; Wasserman, Mike; susan@svwilsonlaw.com; Julie Hutcheson

Dear LAFCO Commissioners,

As a Morgan Hill resident, one of the primary reasons for moving specifically to Morgan Hill was because of it's attention to farmland boundaries between cities and it's beautiful downtown. Purely by the look of the city and it's perimeter in 2004 (when I moved my family to MH) the city seemed to provide attention to the importance of maintaining farmland and building up it's downtown in a sensible way. The city did not jump on the big box 101 corridor buildup strategy of Gilroy nor the irrational spread and sprawl that San Jose has done. Since then the city's lack of planning and push-through mentality with the South East quadrant seems to have bucked everything I hold dear about Morgan Hill.

I'm a silicon valley executive with plenty of places to choose from if we'd wanted wall to wall city and concrete. We chose differently to preserve sustainability of the land, teach our children about their heritage and be in a place that is different than the rest of the valley. I grew up with my parents and relatives all having been farmers and lived in a farmland community. I treasure that upbringing for my family. I personally live right next door to the South East Quadrant and want the area to be preserved and not encroached upon, a place I can see sustainable farming with new business models, and a place I can teach my kids about their heritage.

This city's unnecessary and thoughtless plan will increase nothing good including taxes, traffic, utility and commercial sprawl. Why would we take this position **against** farmland and new farmers looking for land? The proposed uses can and should be built within city limits on the overabundance of available vacant land.

The region's remaining farmland will be a hot commodity in the approaching years for this area and the area along with LAFCO commissioners will be seen as prescient in the coming years. Please deny this urban service area request by Morgan Hill city so that growth happens in our existing urban areas. Sprawl sucks. Thank you for this opportunity to provide public comment.

Sincerely,
Tracy Hutcheson
Morgan Hill resident and father

Abello, Emmanuel

From: Katja Irvin <katja.irvin@sbcglobal.net>
Sent: Tuesday, March 08, 2016 6:37 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Katja Irvin

San Jose

Abello, Emmanuel

From: John Jenkins <jenkins5289@gmail.com>
Sent: Wednesday, March 09, 2016 11:25 AM
To: Palacherla, Neelima
Subject: Morgan Hill SEQ

I strongly oppose the city of Morgan Hill's request to have LAFCO approve the annexation of any part of the southeast quadrant. I value our region's remaining farmland. LAFCO needs to help Morgan Hill protect open space resources as both green space and productive land. Let growth happen in our urban areas, on land that needs filling in. We already have too much sprawl.

-John Jenkins

Resident of Morgan Hill since 1990

Abello, Emmanuel

From: Lynette Judd <lynjudd@gmail.com>
Sent: Thursday, March 10, 2016 8:44 AM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Dear LAFCo Commissioners,

Please deny the City's request to annex land in the Southeast Quadrant.

The City's request is not reasonable given how much vacant land it has within its current city limit. It should make every effort to focus growth within that limit. Building on prime farmland when there isn't a proven necessity is wasteful and costly to our quality of life. Furthermore, there is no widespread community support for this proposal.

We need to be much more thoughtful in our planning efforts. I support the County's plans to tie farmland protection and climate change mitigation efforts. This is the kind of effort that could help better direct future growth, and potentially protect a significant amount of remaining farmland.

Thank you for considering my comments.

Sincerely,

Lynette Judd

San Jose

Abello, Emmanuel

From: Chetan Kulkarni <chetan.vanderbilt@gmail.com>
Sent: Tuesday, March 08, 2016 2:08 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Chetan Kulkarni

San Jose

Abello, Emmanuel

From: Debra Kenyon <debbiekenyon@mac.com>
Sent: Wednesday, March 09, 2016 3:06 PM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Dear LAFCo Commissioners,

Please deny the City's request to annex land in the Southeast Quadrant.

The City's request is not reasonable given how much vacant land it has within its current city limit. It should make every effort to focus growth within that limit. Building on prime farmland when there isn't a proven necessity is wasteful and costly to our quality of life. Furthermore, there is no widespread community support for this proposal.

We moved out to Morgan Hill to get away from the "big" city - Quit stuffing houses in the small foot print of Morgan Hill. The traffic in the last 5 years has been terrible - and I'm not talking about the freeway!

We need to be much more thoughtful in our planning efforts. I support the County's plans to tie farmland protection and climate change mitigation efforts. This is the kind of effort that could help better direct future growth, and potentially protect a significant amount of remaining farmland.

Thank you for considering my comments.

Sincerely,
Debra Kenyon

Debra Kenyon

Morgan Hill

Abello, Emmanuel

From: Arvind Kumar <chhaprahiya@yahoo.com>
Sent: Tuesday, March 08, 2016 2:06 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Arvind Kumar

San Jose

Abello, Emmanuel

From: Bill Leikam <wcleikam@gmail.com>
Sent: Wednesday, March 09, 2016 11:25 AM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Bill Leikam

Palo Alto

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:33 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Barbara Lo [mailto:lob243@aol.com]
Sent: Wednesday, March 02, 2016 9:52 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Barbara Lo
1388 Suzanne Ct.
San Jose, CA 95129

March 3, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Barbara Lo

Abello, Emmanuel

From: Connie Ludewig <cludewigs2@sbcglobal.net>
Sent: Wednesday, March 09, 2016 10:27 PM
To: Palacherla, Neelima
Subject: NO to Morgan Hill urban sprawl

I am a San Martin resident, and am strongly opposed the city's request to have LAFCO approved the annexation of any part of the southeast quadrant. I value our region's remaining farmland.

LAFCO needs to help Morgan Hill protect open space resources as both green space and productive land. Let growth happen in our urban areas, on land that needs filling in. We already have too much sprawl.

It is very disappointing that the city of Morgan Hill is not only remiss with informing residents in that area, particularly Maple Ave (which divides Morgan Hill and San Martin), but they have been deceptive in claiming that they have informed the public. No residents in that area, that I've talked to, were remotely aware of prospective development.

I urge you to Vote NO, and disallow Morgan Hill to abuse their power to develop much needed farmlands in the south county.

Connie Ludewig

"Every flower is a soul blossoming in nature". Gerard DeNerval

Abello, Emmanuel

From: Elizabeth majewski <lwamaj@icloud.com>
Sent: Tuesday, March 08, 2016 12:19 AM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely, Elizabeth MAjewski

Elizabeth majewski

Gilroy

Abello, Emmanuel

From: Mandy McClellan <mandy@carlquistlaw.com>
Sent: Tuesday, March 08, 2016 2:08 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Mandy McClellan

Mandy McClellan

Morgan Hill

Abello, Emmanuel

From: Dan McCorquodale <dan@senatordan.com>
Sent: Wednesday, March 09, 2016 12:31 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners, As a former County Supervisor, and a Supervisor that proposed the Ordinance that took the County out of the development of housing in the Unincorporated areas, I felt that generally the cities would be much more responsible in approving developments since they would have to provide the majority of services required by the residents. If they were unwilling to consider the impact of their actions on the neighboring cities or the county at large, then LAFCO would act to limit their annexations. For this and other reasons I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Dan McCorquodale

San Jose

Abello, Emmanuel

From: Paul McJunkin <pbmcjunkin@gmail.com>
Sent: Tuesday, March 08, 2016 10:34 AM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

My name is Paul McJunkin. I lived on the Morgan Hill /Coyote area in the late 60,s. I recall Hiking the Eastern Foothills where the Present day 101 is now. The Freeway was Mandatory to meet the Traffic needs of course. It Is ""NOT MANDATORY nor NECESSARY "" to BUILD in the GREEN-BELT eastern foothills of our COYOTE VALLEY . Please Don,t Allow this to occur....

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely, Paul B. McJunkin

Paul McJunkin

Manteca

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:37 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Dan Melin [mailto:Danmelin@comcast.net]
Sent: Wednesday, March 02, 2016 10:02 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Dan Melin
976 Foothill Dr
San Jose, CA 95123

March 3, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Dan Melin

Abello, Emmanuel

From: Mike Meyer <bibspritz@gmail.com>
Sent: Tuesday, March 08, 2016 9:27 AM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Mike Meyer

Gilroy

Abello, Emmanuel

From: Susan Middagh <Suemiddagh@yahoo.com>
Sent: Wednesday, March 09, 2016 4:05 PM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Dear LAFCo Commissioners,

Please deny the City's request to annex land in the Southeast Quadrant.

The City's request is not reasonable given how much vacant land it has within its current city limit. It should make every effort to focus growth within that limit. Building on prime farmland when there isn't a proven necessity is wasteful and costly to our quality of life. Furthermore, there is no widespread community support for this proposal.

We need to be much more thoughtful in our planning efforts. I support the County's plans to tie farmland protection and climate change mitigation efforts. This is the kind of effort that could help better direct future growth, and potentially protect a significant amount of remaining farmland.

Thank you for considering my comments.

Sincerely,

Susan Middagh

Gilroy

Abello, Emmanuel

From: mikemonroe170@gmail.com on behalf of Mike Monroe
<mike.valleyofheartdelight@gmail.com>
Sent: Tuesday, March 08, 2016 11:08 AM
To: Palacherla, Neelima
Subject: Please Deny SEQ USA Amendment/Annexation

Dear LAFCO Commissioners:

I am writing to ask that you deny the City of Morgan Hill's request to annex a portion of Southeast Quadrant (SEQ). This plan for sprawl would seriously detract from the character of Morgan Hill if you approve this request.

As a South County resident and business owner for thirty years I have seen significant changes in our landscapes. Both the economic activity and demographic pressures are increasing so rapidly that I have reluctantly concluded that the result will be the Silicon Valley paradigm - economics up and quality of life compromised. I'm relying on you to turn my vision around.

For most residents, it seems that the landowners are saying that agriculture is no longer viable. Perhaps this is true, maybe we have gone over the tipping point because of the past zoning and development decisions. While the City says it supports agriculture and open space preservation, in reality it seems to be positioning itself through new zoning and boundary lines to make the loss of farmland inevitable.

My understanding is that LAFCO's key goals are to encourage responsible growth and to discourage sprawl and preserve agricultural and open space lands. You have the big picture - either acquiesce to more farmland conversion or force Santa Clara County, the Cities of Morgan Hill and Gilroy, and all stakeholders to come to the table and develop a regional plan that is equitable and smart for us now and for our posterity.

Sincerely,

Mike Monroe

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:48 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Rigmor Munkvold [mailto:rigmor13@yahoo.com]
Sent: Thursday, March 03, 2016 11:22 AM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Rigmor Munkvold
16824 Hilltop Ct
Morgan Hill, CA 95037

March 3, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Rigmor Munkvold

Abello, Emmanuel

From: Christine Nagel <clouise@cox.net>
Sent: Wednesday, March 09, 2016 11:48 AM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Christine Nagel

San Jose

Abello, Emmanuel

From: P <Priscillagarcia05@gmail.com>
Sent: Tuesday, March 08, 2016 5:50 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

P

San Jose

Abello, Emmanuel

From: Curt Palm <cpalm@curtpalm.com>
Sent: Tuesday, March 08, 2016 2:07 PM
To: LAFCO
Subject: Morgan Hill USA Amendment

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Curtis Palm
2315 Arabian Ct.
Morgan Hill, CA 95037-3802

Abello, Emmanuel

From: Cathy Perino <cat16145@gmail.com>
Sent: Thursday, March 10, 2016 7:53 AM
To: Palacherla, Neelima
Subject: annexation

Dear LAFCo Commissioners,

I strongly oppose the City's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. I value our region's remaining farmland. LAFCo needs to help Morgan Hill protect open space resources as both greenspace and productive land. Let growth happen in our urban areas, on land that needs filling in. We already have too much sprawl.

Thank you

Catherine Perino
16145 Hill Road
Morgan Hill, CA 95037

Abello, Emmanuel

From: Dave Poeschel <dave.poeschel@gmail.com>
Sent: Wednesday, March 09, 2016 7:40 AM
To: Council Member Cat Tucker; Wasserman, Mike; Office of Councilmember Khamis; Susan@svwilsonlaw.com; Sequoia Hall; Linda J. LeZotte; Yeager, Ken; Chavez, Cindy; ykishimoto@openspace.org; Terry Trumbull; District2@sanjoseca.gov; TaraMilius@gmail.com; Palacherla, Neelima; Abello, Emmanuel
Subject: LAFCO Morgan Hill USA Letter Attached: Please Deny
Attachments: MH LAFCO Letter DP.docx

Dear LAFCO Chair Tucker and Commissioners,

Pease read the attached letter priory to your March 11, 2016 meeting.

Thank You,
David Poeschel

David W. Poeschel
6004 Crossview Circle
San Jose, CA 95120

March 9, 2016

Santa Clara County Local Agency Formation Commission
70 West Hedding Street, First Floor San Jose, CA 95110

Via email: Cat.Tucker@ci.gilroy.ca.us, Mike.Wasserman@bos.sccgov.org, district10@sanjoseca.gov, Susan@svwilsonlaw.com, district3@openspaceauthority.org, linda@lezottelaw.com, Ken.Yeager@bos.sccgov.org, cindy.chavez@bos.sccgov.org, ykishimoto@openspace.org, TerryT1011@aol.com, District2@sanjoseca.gov, TaraMilius@gmail.com, Neelima.Palacherla@ceo.sccgov.org, emmanuel.abello@ceo.sccgov.org

Re: MORGAN HILL URBAN SERVICE AREA (USA) AMENDMENT 2015

Dear Chair Tucker and LAFCO Commissioners,

Please follow staff recommendations and deny Morgan Hill USA amendments. It is unfortunate but the structure of our economy forces the hand of government to play an active role in preserving food production for national security needs through zoning and subsidies. Government must enforce important regulations in many other aspects of our lives as well. Mustering the will to enforce these policies is not an easy task but is required if we are going to minimize climate change and preserve the farmlands which sustain us.

Preserving the SEQ farmland is important not just for itself but because SEQ helps support the agricultural infrastructure used by the whole of the region. Morgan Hill has not adequately supported its argument that this land is needed for development rather than using infill nor shown that the sports complex idea is economically viable rather than an obfuscation scheme.

However, recent studies show even the small parcels are still viable as agriculture and the area's agricultural economic value is increasing. The City's plan to mitigate their loss is insufficient to accomplish the stated goals (would not be able to purchase easements locally).

The County and the Santa Clara County Open Space Authority have a state Sustainable Agriculture Lands Conservancy Strategy grant to create a South County policy and implementation plan to protect agricultural lands and reduce greenhouse gases. Please give it a chance.

At one time San Jose, Santa Clara, Sunnyvale, and Milpitas, for example, were unique communities surrounded by fertile agricultural lands and orchards in the beautiful Santa Clara Valley. Not so today. Especially with the enactment of Proposition 13, it is clear that sprawl-style development has not provided fiscal stability to cities. California state legislation designed to combat this sprawl provided LAFCO with the authority to deny them when they are proposed. Please support a healthier direction for the region's economy and life style and deny Morgan Hills USA amendments.

Sincerely,

David W. Poeschel

Abello, Emmanuel

From: Sheela Ram-Prasad <bunnyhugger19@gmail.com>
Sent: Tuesday, March 08, 2016 2:46 PM
To: LAFCO
Subject: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo Commissioners,

My name is Sheela Ram-Prasad and I am an active and concerned citizen who has been living in the San Jose bay area since I was born. As a resident of Santa Clara County, I oppose the City of Morgan Hill's intended annexation and development of the the Southeast Quadrant. Please deny their request. To me, it is important that we preserve our remaining agricultural and open space landscapes in our valley, and avoid sprawl. We can only appreciate the beauty of nature and land by preserving it and keeping it alive.

Thank you,
Sheela Ram-Prasad

<http://www.stopanimaltests.com/>

Please always choose cruelty-free products...

"Until we stop harming all other living beings, we are still savages." -- Thomas A. Edison

Abello, Emmanuel

From: dan djc <danbear2k@yahoo.com>
Sent: Tuesday, March 08, 2016 10:36 AM
To: LAFCO
Cc: Frances Nance
Subject: Morgan Hill SEQ

Related to 3/11/16 meeting

My entire family and 90 % of my neighborhood are Strongly Recommending LAFCO board Deny Morgan Hill petition to expand The SEQ application.

The reasons are as stated:

1 traffic Mitigation is inadequate

Peak loads are intolerable as is!

Local and freeway and any additional traffic will be disastrous!

In my small neighborhood.

Without expanding all roads including 101 Watsonville red Monterey Ed Condit ave Maple ave Hill ave Etc.

And all roads north and south of said project are Inadequate!!

2 Air Quality had rapidly deteriorated in the last few years Due to over building and traffic delays.

My asthma is worse due to

Poor air quality.

3 plant life near the SEQ is dying rapidly And wildlife are being destroyed daily by current traffic.

Imagine what will happen if it goes forward!!.

4 I heard the Open Space Authority has also raised these concerns!!

They ate the Professionals!

5 there is no need to expand city limits There are a large number of vacant lots throughout the city that can be used for all purposes.

6 the Water supply has already been compromised by perchlorate and possible graveyard development projects!

I have seen struggling and dead wildlife in the creeks like never seen before!

7 financial inadequacies in Morgan hill.

The city barely maintains its existing open spaces and parks, Maintenance means throwing a load of ugly bark or rocks on the ground , and many areas are weeded 6 feet high with fire hazards! Why add to this problem??

8 inadequate fresh water is already

An issue.

My water Rate and bill has been doubled since 2015 And I have artificial turf!!

Expansion has the result of quadrupling in town that expenses to pay for poorly designed sewers and failing water lines.

9 why expand now when the city is in

Financial crises? Is there a special interest being given preferential treatment?

We the people want to know!!

Abello, Emmanuel

From: Phill Laursen <phidgety@gmail.com>
Sent: Tuesday, March 08, 2016 6:52 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

We urge you not to approve the City of Morgan Hill's request to annex any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

We value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Phill & Kathy Laursen

Phill Laursen

Gilroy

Abello, Emmanuel

From: Stephen Lazarus <Stephen.M.Lazarus.C69@alumni.upenn.edu>
Sent: Tuesday, March 08, 2016 7:03 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Stephen Lazarus

Los Altos

Abello, Emmanuel

From: Neeharika <neeharika.gupta@gmail.com>
Sent: Tuesday, March 08, 2016 7:45 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Neeharika

Sunnyvale

Abello, Emmanuel

From: Emily M. Renzel <marshmama2@att.net>
Sent: Tuesday, March 08, 2016 2:07 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I may have written you previously on this, but want to reiterate my opposition to Morgan Hill's attempt to annex any part of the Southeast quadrant.

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely, Emily M. Renzel

Emily M. Renzel

Palo Alto, CA

Abello, Emmanuel

From: Sarrah Reshamwala <sarrah.reshamwala@gmail.com>
Sent: Tuesday, March 08, 2016 1:09 PM
To: LAFCO
Subject: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo commissioners,

My name is Sarrah Reshamwala and I am a botanist. As a resident of Santa Clara County, I oppose the City of Morgan Hill's intended annexation and development of the the Southeast Quadrant. Please deny their request. To me, it is important that we preserve our remaining agricultural and open space landscapes in our valley, and avoid sprawl.

Thank you,

Sarrah Reshamwala

Abello, Emmanuel

From: Donna Rose <dmtms@aol.com>
Sent: Tuesday, March 08, 2016 11:42 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Donna Rose

Morgan Hill

Abello, Emmanuel

From: Linda roma <Turtleroma1@gmail.com>
Sent: Wednesday, March 09, 2016 6:55 PM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Dear LAFCo Commissioners,

Please deny the City's request to annex land in the Southeast Quadrant.

The City's request is not reasonable given how much vacant land it has within its current city limit. It should make every effort to focus growth within that limit. Building on prime farmland when there isn't a proven necessity is wasteful and costly to our quality of life. Furthermore, there is no widespread community support for this proposal.

We need to be much more thoughtful in our planning efforts. I support the County's plans to tie farmland protection and climate change mitigation efforts. This is the kind of effort that could help better direct future growth, and potentially protect a significant amount of remaining farmland.

Thank you for considering my comments.

Sincerely, Linda Roma

Linda roma

Morgan Hill

Abello, Emmanuel

From: Megan Rotter <Megerotter@gmail.com>
Sent: Wednesday, March 09, 2016 12:13 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,
Megan

Megan Rotter

Morgan hill

Abello, Emmanuel

From: Alex Ross <alexr@stanford.edu>
Sent: Tuesday, March 08, 2016 4:20 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Once it's gone, it's gone forever. A subdivision or a strip mall is no substitute for open country. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Alex Ross

4175 Wilkie Way

Abello, Emmanuel

From: Lisa Ruminski <Lisa.ruminski@gmail.com>
Sent: Thursday, March 10, 2016 8:16 AM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Esteemed LAFCo Commisioners,

Please stop the annexation of Morgan Hill farmland. I was a Monterey Peninsula resident for 30 years and only moved here 9 years ago. Since then, I have watched with horror the rapid and uncontrolled growth of suburban sprawl and the attendant traffic and parking problems.

Please help our little city plan more wisely by denying access to our precious farmland and beautiful views.

Thank you for considering my comments.

Sincerely,

Lisa Ruminski

Morgan Hill

Abello, Emmanuel

From: Carol Ruth <carolruth1@gmail.com>
Sent: Tuesday, March 08, 2016 8:14 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Carol Ruth

Stanford

Abello, Emmanuel

From: PATRICIA SANDO <patriciasando@hotmail.com>
Sent: Tuesday, March 08, 2016 10:22 AM
To: Cat Tucker
Cc: Palacherla, Neelima
Subject: SEQ Comment

My husband and I have lived in this beautiful valley since 1986. We very much appreciate the efforts of many people to preserve as much agricultural look and feel of the area as possible. Having said that, we also are very much in favor of allowing a Catholic High School to be on the forty acres they have requested in the Murphy/Tennant area.

We recognize the dynamic tension between those who say “no development of any kind unless you grow strawberries” and those who say “let’s just build the hell out of it.” In general, we share the goal to preserve the status quo. But, we also recognize the need to think about the future.

That is why we have been active financial and emotional supporters of the proposed new Catholic School. Even though the forty acres would no longer produce hay, it would certainly develop young citizens who can contribute to the fabric of the community.

Thank you for your consideration of our support of the school.

Patricia and Lowell Sando

Abello, Emmanuel

From: Clysta <clysta@igc.org>
Sent: Tuesday, March 08, 2016 2:34 PM
To: LAFCO
Subject: Opposed to annexation of SE Quadant MH

Dear Chairperson Tucker and LAFCO commissioners,

I am a former two term Director of the Santa Clara Valley Open Space Authority. I am well aware of the development pressures in South County and the need for agricultural and green belts on our Valley floor. In my own landlocked City of Santa Clara I worked hard to establish Ulistac Natural Area along the Guadalupe River. It is now a local and regional resource of wetlands, oak woodlands and native plants smack in the middle of the County. It exists because citizens asked for it.

I oppose the City of Morgan Hill's intended annexation and development of the Southeast Quadrant. I ask that you please deny their request.

To preserve our quality of life in this County it is important to stop sprawl and ask communities to thoughtfully plan and develop their existing footprint in environmentally sensitive ways. Our next generations will thank us and you for preserving rural and natural landscapes in our County.

Thank you,

Clysta Seney
Santa Clara, CA

Abello, Emmanuel

From: sherri <sherrisliter@aol.com>
Sent: Wednesday, March 09, 2016 4:30 PM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Dear LAFCo Commissioners,

Please deny the City's request to annex land in the Southeast Quadrant.

The City's request is not reasonable given how much vacant land it has within its current city limit. It should make every effort to focus growth within that limit. Building on prime farmland when there isn't a proven necessity is wasteful and costly to our quality of life. Furthermore, there is no widespread community support for this proposal.

We need to be much more thoughtful in our planning efforts. I support the County's plans to tie farmland protection and climate change mitigation efforts. This is the kind of effort that could help better direct future growth, and potentially protect a significant amount of remaining farmland.

Thank you for considering my comments.

Sincerely, Sherri Sliter

sherri

morgan hill

Abello, Emmanuel

From: Larry Spivak <larry8141@yahoo.com>
Sent: Tuesday, March 08, 2016 11:58 PM
To: LAFCO
Subject: Annexation in Morgan Hill

Dear Chairperson Tucker and LAFCo commissioners,

My name is Lawrence Spivak and I live in San Jose but work in Morgan Hill for a winery on the east side of Highway 101. As a resident of Santa Clara County and as a worker in Agriculture, I am really in opposition to the City of Morgan Hill's intended annexation and development of the the Southeast Quadrant. The city is not totally in-built yet with sufficient land for further development within the current city limits. Please deny their request. To me, it is important that we preserve our remaining agricultural and open space landscapes in our valley, and avoid sprawl. We don't need another San Jose in this valley.

Thank you,
Lawrence Spivak

Abello, Emmanuel

From: It's Ours. Our Morgan Hill <ourmorganhill@gmail.com>
Sent: Wednesday, March 09, 2016 3:11 PM
To: Palacherla, Neelima
Subject: Please deny the City's request to annex land in the Southeast Quadrant

Dear LAFCo Commissioners,

On behalf of It's Ours. Our Morgan Hill. (Morgan Hill's most popular Facebook page with close to 20,000 followers- with a mission to promote the beauty of our town), we strongly ask all LAFCO Commissioners to please deny the City's request to annex land in the Southeast Quadrant.

We are certain that a much better plan for this beautiful area can get worked out that considers the entire SEQ and not just certain pieces.

We do not oppose specific projects, but the process the City of Morgan Hill has chosen with foregoing the inclusion of the SEQ projects as part of the GP 2025 update and lack of conversations with the broader community.

The current plans are flawed and open the gate for broader development in the SEQ. These projects would just be the beginning and not the end. We already know of discussions about the huge Chiala development planned in the SEQ and other projects. There also is no assurance that the annexed land would not be rezoned for housing or used for commercial buildings incl. hotels, gas stations, strip malls and there-like.

The City's track record of walking the talk is not great. Several previous annexation projects ended up not leading to where the City told you it would and ended up being used for residential developments.

We already have too much traffic, growth and urban sprawl happening in our beautiful area! Let's learn from the mistakes of the past and let's do this one right!

Please do NOT approve of these annexation projects and help protect our viable AG land in South County for generations to come! Work with our community and stakeholders on a better plan! It can be done!

Rene Spring for
It's Ours. Our Morgan Hill.
<http://ourmorganhill.com>

It's Ours. Our Morgan Hill

Morgan Hill

Abello, Emmanuel

From: Virginia Smedberg <virgviolin@hotmail.com>
Sent: Tuesday, March 08, 2016 8:58 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. I grew up in Palo Alto and well remember driving down Bayshore Highway between orchards filled with trees and fields full of yellow mustard (and lupine & poppies). We've already lost too much of that fertile farmland to houses. Open land - farmed and wild - is essential to Ma Nature's eons-long designed ecosystem.

Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Virginia Smedberg

Palo Alto

Abello, Emmanuel

From: Alex <alexshoor@aol.com>
Sent: Tuesday, March 08, 2016 8:12 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear Commissioner,

Since 1984, the Bay Area has lost more than 15 percent of its farmland and Santa Clara County has lost 45 percent.

Speaking only on behalf of myself, I oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant.

All of us value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. Our County cannot thrive if we continue to We have more sprawl in our beautiful rural areas.

Thank you for this opportunity to share my perspective.

Sincerely,
Alex Shoor

Alex

San Jose

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:38 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Erica Stanojevic [mailto:ericast@gmail.com]
Sent: Wednesday, March 02, 2016 8:19 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Erica Stanojevic
611 Centennial St.
Santa Cruz, CA 95060

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Erica Stanojevic

Abello, Emmanuel

From: Shelle Thomas <biggspl@aol.com>
Sent: Wednesday, March 09, 2016 7:56 AM
To: LAFCO
Subject: No to SEQ annexation

March 9, 2016

My family has lived in Morgan Hill for more than 100 years. And I have been involved in the city planning process since the 1970s. We are in this for the long run and desire a well planned city. The southeast quadrant plan before you is not needed or well planned.

Morgan Hill currently has sufficient land within the city limits to meet the proposed uses. Morgan Hill citizens favor keeping agricultural and open space lands protected and not replaced by urbanization.

Pleased deny the City of
Morgan Hill request to annex the SEQ.

George Thomas
Morgan Hill, California

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:45 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Susan Trivisonno [mailto:susan_trivisonno@hotmail.com]
Sent: Wednesday, March 02, 2016 1:17 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Susan Trivisonno
2810 Oak Estates Ct
San Jose, CA 95135

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community. There is no need to annex the farmland.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Susan Trivisonno

Abello, Emmanuel

From: Carolyn Tognetti <clyntognetti@aol.com>
Sent: Tuesday, March 08, 2016 3:57 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Carolyn Tognetti

Gilroy

Abello, Emmanuel

From: Yvette Doublet-Weislak <yweislak@yahoo.com>
Sent: Tuesday, March 08, 2016 3:58 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. This plan will increase traffic, reduce our quality of life, affect rural views, and cause the unnecessary loss of farmland. The proposed uses can and should be built within city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. We already have too much sprawl. Thank you for this opportunity to provide public comment.

Sincerely,

Yvette Doublet-Weislak

Morgan Hill

Abello, Emmanuel

From: Susan S. Wicks <susan.wicks@comcast.net>
Sent: Tuesday, March 08, 2016 3:04 PM
To: Palacherla, Neelima
Subject: Please Protect Farmland & Open Space in the SEQ

Dear LAFCo Commissioners,

The land being considered for annexation is one of the last viable wildlife corridors and fly-over stops before hitting San Francisco Bay for migratory birds, particularly the importance the area serves to replenish their reserves. Please reconsider conserving this important habitat for species that rely on native plants, open-spaces for wildlife-habitat, which are so necessary to the survival of endemic wildlife that has been permanently affected by the further encroachment of development in and around the San Francisco Bay area. When planning, consider how far you'd be willing to walk between you, your home, and both your fuel and water sources. We've invaded their territory, much to the detriment of all. Please consider the benefits of wildlife while making your decisions.

I strongly oppose the City of Morgan Hill's request to have LAFCo approve the annexation of any part of the Southeast Quadrant. I do understand the city of Morgan Hill's need to acquire addition revenue for internal operations, as well as the rights of individual property owners to do what they please with their land, however, this plan will increase traffic, reduce our quality of life, affect rural views, cause the unnecessary loss of farmland and will be the detriment to wildlife along both land and air wildlife corridors. The proposed uses can and should be built within Morgan Hill city limits on the abundance of available vacant land.

I value our region's remaining farmland. Please deny this annexation request so that growth happens in our existing urban areas. Develop above and below ground instead of increasing urban sprawl. I appreciate your thoughtful consideration in this matter.

Sincerely,

Susan S. Wicks

San Jose

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:42 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Margaret Wilkes [mailto:margaretwilkes@comcast.net]
Sent: Wednesday, March 02, 2016 12:10 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Margaret Wilkes
429 Patch Ave.
San Jose, CA 95128

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits. Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation.

Sincerely,
Margaret Wilkes

Abello, Emmanuel

From: Christine Wolfe <cwolfe_9898@yahoo.com>
Sent: Tuesday, March 08, 2016 4:22 PM
To: LAFCO
Subject: Opposition to annexation of the Southeast Quadrant

Dear Chairperson Tucker and LAFCo commissioners:

My name is Christine Wolfe and I have lived in Santa Clara County for 60 years and enjoy the open space in the valley. As a resident of Santa Clara County, I oppose the City of Morgan Hill's intended annexation and development of the the Southeast Quadrant. Please deny their request. To me, it is important that we preserve our remaining agricultural and open space landscapes in our valley, and avoid sprawl.

Thank you,

Christine Wolfe

Abello, Emmanuel

Subject: FW: Please oppose Morgan Hill's request to annex farmland

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:46 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Please oppose Morgan Hill's request to annex farmland

-----Original Message-----

From: Swanee Edwards [mailto:swanee@garlic.com]
Sent: Wednesday, March 02, 2016 7:32 PM
To: susan@svwilsonlaw.com
Subject: RE: Please oppose Morgan Hill's request to annex farmland

Susan,

Thank you for your reply! I did not expect it. I think we have met but no matter I am planning to be at the LAFCo Meeting and am a member of several activists "smart Growth" organization and I just joined SPUR. I am a good friend of Dennis Kennedy's.

Ever Onward,

Swanee Edwards
Public Policy Chair Morgan Hill AAUW
408-782-1017

-----Original Message-----

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 02, 2016 5:06 PM
To: swanee@garlic.com
Subject: RE: Please oppose Morgan Hill's request to annex farmland

Thank you for your comments. As a public servant and long term Morgan Hill resident, I am sensitive to the concerns of the citizens. I am in the process of reviewing the extensive and comprehensive LAFCO staff report. This matter will be heard at 10:00 a.m. on March 11th at the Santa Clara County Board of Supervisors Chambers. I will be considering all comments received prior to and at the hearing. Susan Wilson

-----Original Message-----

From: Swanee Edwards [mailto:swanee@garlic.com]
Sent: Wednesday, March 02, 2016 12:10 PM
To: susan@svwilsonlaw.com
Subject: Please oppose Morgan Hill's request to annex farmland

Swanee Edwards
98 Melody Lane
Morgan Hill, CA 95037

March 2, 2016

Dear Susan Vicklund Wilson,

This proposal by the City of Morgan Hill continues a trend which has already resulted in the loss of 40% of all agricultural lands in Santa Clara County over the past 20 years. The City has nearly 100 years worth of vacant industrial and commercial lands to develop on within its city limits.

Instead of trying to develop farmland outside of its boundaries, the City should instead invest in building on its vacant lands to promote a more vibrant community.

I encourage you to fulfill LAFCo's key goals of discouraging urban sprawl and preserving agricultural and open space lands by rejecting the City of Morgan Hill's request for annexation. Please look at this proposal carefully and make the correct decision in rejecting this application

Sincerely,
Swanee Edwards

PUBLIC CORRESPONDENCE
LETTERS WITH UNSTATED POSITION

Abello, Emmanuel

From: susan@svwilsonlaw.com
Sent: Thursday, March 10, 2016 6:59 AM
To: Palacherla, Neelima
Subject: FW: Mobile Web - Opinion - Mercury News editorial: Morgan Hill land grab has to be stopped

-----Original Message-----

From: Shelle Thomas [mailto:biggspl@aol.com]
Sent: Wednesday, March 09, 2016 7:06 PM
To: susan@svwilsonlaw.com
Subject: Mobile Web - Opinion - Mercury News editorial: Morgan Hill land grab has to be stopped

http://www.mercurynews.com/opinion/ci_29617325/mercury-news-editorial-morgan-hill-land-grab-has

Mercury News editorial: Morgan Hill land grab has to be stopped

Mercury News Editorial
San Jose Mercury News

Posted: Wed Mar 09 16:36:40 MST 2016

The future of farmland in Santa Clara County hinges on a decision Friday by the county's Local Agency Formation Commission on an outrageous annexation proposal by the city of Morgan Hill.

LAFCO determines whether cities can annex rural land. The state-mandated agency's mission is stopping sprawl and encouraging orderly and sustainable growth as prescribed in the county's general plan. There's a clear set of criteria for LAFCO's seven commissioners to approve annexation. Morgan Hill's bid to develop 229 acres of prime farmland in what's known as the Southeast Quadrant meets not a single one of them.

If the agency says yes to this, it's game over for a rural South County. Approval would say to other landowners and cities: Hey, all those policies for saving farmland? We were just kidding.

Then the farms will go quickly because each tract that's built up makes the next less viable. Even owners who want to farm will feel forced to sell. Other outrageous attempts at annexation are already in the works. Gilroy is trying to make a huge grab of 721 acres for some 4,000 homes on its northern edge.

LAFCO says Morgan Hill has 45 years worth of vacant commercial land within its borders and lots of additional land zoned for housing and other uses. It has plenty of room for the schools, ball fields and commercial development it wants to put in the Southeast Quadrant.

The city seems to encourage buying rural land for development and asking permission later. It did this itself, purchasing land for ball fields in the Southeast Quadrant.

In 2003 Morgan Hill persuaded LAFCO to annex rural land on its northeast edge that the Diocese of San Jose had already purchased to build a school. LAFCO said, oh well, for a school, OK. The diocese then sold that land. Homes are being built there.

Now the diocese has bought land for a campus in the Southeast Quadrant, and Morgan Hill again is using it as an argument to annex. LAFCO would be crazy to do it a second time.

Morgan Hill claims development of the quadrant will raise money for farmland preservation, but the American Farmland Trust and others did the math and found the city's plan highly inadequate. Besides, farmland is a finite resource. Building on it in order to save it? Really?

Rural landowners want their property annexed so they can sell it at a higher price for hotels, strip malls and particularly for housing, as the diocese did last time. Fortunately, Santa Clara County and the valley's Open Space Authority have a remedy in the works. They received a \$100,000 grant from the state to set up a program to buy conservation easements, giving farmers at least some compensation for keeping their land in agriculture. When the plan is in place, funding is expected to be available to carry it out.

Property rights advocates don't like planning for land uses that can limit profits. But communities need non-glamorous places to get their cars fixed, as an example.

And this region benefits from farming. Land use planning is a trade-off for living in a society.

County Supervisor Ken Yeager, a new LAFCO member, is a big proponent of making fresh, healthy food available to all, especially in neighborhoods where supermarkets are scarce. Farmers markets help, but you need farms nearby.

Yeager has supported creative policies encouraging even urban farms. We're hopeful he'll stand up for South County farmland as well -- and that a solid majority of the commission will join him.

RELATED LINKS

- Morgan Hill Mayor Steve Tate advocating the annexation plan, http://www.mercurynews.com/opinion/ci_29237053
/ Former Councilman Mark Grzan opposing the annexation bid, http://www.mercurynews.com/opinion/ci_29578019
- Mercury News reporter Eric Kurhi on Santa Clara County's farmland preservation initiative, http://www.mercurynews.com/breaking-news/ci_29548503
- LAFCO agenda for Friday including maps and staff reports on the annexation plan, http://santaclaralafco.org/images/resumes/agenda_packet/StaffReport_20160215.pdf

Close Window

Send To Printer

Abello, Emmanuel

From: Annette DiResta <morganhillrealestate@outlook.com>
Sent: Tuesday, March 08, 2016 9:01 AM
To: Palacherla, Neelima; Noel, Dunia
Cc: julie@greenfoothills.org; Trina Hineser
Subject: RE: SEQ
Attachments: MH Comm1.png; MH Comm2.png; MH Comm3.png; MH Comm4.png

Wonderful, flat parcels as alternative locations for recreational facilities and parking, eliminating traffic congestion on the east side of 101.

Parcels in San Martin can be purchased through eminent domain and applicants can purchase properties closer to their constituents where it truly is "local serving".

Annette DiResta
Broker | Owner | BRE 01526376
Morgan Hill Real Estate
Commercial | Residential
408.500.9158 C | 800.696.0753 F

From: morganhillrealestate@outlook.com
To: neelima.palacherla@ceo.sccgov.org; dunia.noel@ceo.sccgov.org
CC: julie@greenfoothills.org; thineser@e-ecosound.com
Subject: SEQ
Date: Tue, 8 Mar 2016 08:54:29 -0800

Good Morning Neelima and Dunia,

I have been a resident of Morgan Hill, Gilroy and now in San Martin; moved to south county in 1997. I worked for Coldwell Banker and Alain Pinel Realtors and have an extensive history of selling properties locally.

After serving a short time on SMPAC, attending SMNA meetings and currently in Leadership Morgan Hill Class of 2016; I've had a rather "condensed" course on MH's General Plan and matters involving south county growth and have contacted Dave Cortese multiple times regarding our issues, lack of being heard by Planners and poor representation by county officials.

I have also expressed my opinions to Supervisor Wasserman and in a public hearing last Wednesday in Morgan Hill about the parcel at California and Monterey in San Martin, I did say that it was a possible breach of the Brown Act to not tell the public, as our representative, about the SEQ.

There are 2 phrases that the City of Morgan Hill uses to strongly advocate their desire to acquire the SEQ, that being:

1. sphere of influence
2. retaining agriculture and recreation

What is obviously being ignored are the acreage parcels on the opposite side of 101 that is flat, vacant and close to the freeway, making it an ideal location for expanded recreational use which I will forward in another email. One parcel is 6 acres, the other for almost 19. Another vast area for use is between Sobrato High School and 101.

I believe the City of Morgan Hill is completely ignoring these options. Last Friday we had "City Government Day" at City of Morgan Hill and I spoke to Andrew Crabtree about the plan. He stated there were no access roads to these parcels. I told him if I hired him as a consultant, he'd figure out a way to make that happen, which I believe can be easily remedied (adding a frontage road or simply off Juan Hernandez).

Mr. Chiala called me last night wanting to discuss my statement at a LAFCO meeting last Friday that I knew of farmers with deep pockets that want to buy land. They have a real estate team already so I would need to be the listing broker before discussing any details.

By keeping important fertile soil as true agriculture, and not "preserved" by adding recreational facilities and parking on top of such valuable soil, the City can indeed obtain a win/win situation--it just takes a willingness to explore a better option.

Another option is to incorporate San Martin into Morgan Hill, keeping its individuality; but having a more effective, local government. My suggestion was to have SMNA as our City Council, Trina Hineser as Mayor, and SMPAC/SMNA members serve as a part of LAFCO since their motives and intent are to truly retain agriculture land as agriculture.

If this were to happen, 2 parcels currently under review: 18 flat acres at California and Monterey, and the former driving range off Monterey and Fitzgerald, would be another ideal location for large recreational facilities. Driving down Monterey/101 can be added retail and restaurants to increase local revenue.

My request is that the SEQ be simply moved to the west side of 101, with no other changes.

Thank You,

Annette DiResta
Broker | Owner | BRE 01526376
Morgan Hill Real Estate
Commercial | Residential
408.500.9158 C | 800.696.0753 F

Abello, Emmanuel

From: susan@svwilsonlaw.com
Sent: Wednesday, March 09, 2016 3:49 PM
To: Palacherla, Neelima
Subject: FW: Possibility to meet?

-----Original Message-----

From: Bob Isaacs [mailto:bisaacs@pacbell.net]
Sent: Wednesday, March 09, 2016 3:26 PM
To: susan@svwilsonlaw.com
Subject: Re: Possibility to meet?

Susan,

Thanks for connecting. Email makes it so difficult to communicate fully but I totally understand your position and your hectic schedule regarding the LAFCO business. I'll try and get to the point quickly here.

One of my major concerns, should the annexation attempt fail, is that emergency services available to the church will never be improved for many, many years to come. On most Sundays there can be 250-300 people on campus all at the same time. A few times during the course of the year 600-700 people will be congregated. Presently the church has access to local fire and sheriff emergency response. On site water storage is very limited and is insufficient for extended fire operations. The nearest hydrant is well over 500 feet away. With the successful annexation there would be hydrants actually installed on the property with an unending supply of water. Morgan Hill PD would be the primary response agency with arrival times usually within the 3-5 minute timeframe. Presently the Sheriff or CHP respond to criminal incidents and of course there is no guaranteed expediency due to their widespread patrol area. I speak with a sense of validity due to my 24 year career in law enforcement and fire services with the city of Sunnyvale.

The existing septic system/leach field is overtaxed whenever there are large gatherings on the church property. These gatherings are made up of residents from Morgan Hill, Gilroy, San Martin, Hollister and south San Jose. With the successful annexation, a direct hook up with the sewer lines located directly in front of the church would alleviate any possible issues with increased nitrate levels.

These two arguments for the annexation are directly health and safety related. There can be no dispute with the need for increased services and LAFCO is the only agency preventing this from happening.

The last point I will make due to limited time on both of our schedules is this; Morgan Hill Bible Church has been located at its present site since the early 90's. During that time there has never been an issue while coexisting with the agricultural areas to the south. The church provides an excellent buffer between the residential areas to the north and the farmland south. The church provides several acres of open space for recreational use i.e....soccer, baseball, field hockey, to the community(roughly half of the total MHBC parcel). I can think of no better buffer area that LAFCO could ever consider than the present situation!

Susan, I know you are a very thoughtful and intelligent person. I believe that if you consider these points and compare them to the opposing views, you will find that the community of Morgan Hill and the county of Santa Clara will greatly benefit from this annexation approval.

Thanks for your time and consideration on this matter!

With best regards,
Bob Isaacs

> On Feb 29, 2016, at 1:05 PM, susan@svwilsonlaw.com wrote:

>

> Good Morning Bob,

> Yes that DeBert litigation was quite something. With regards to the Morgan Hill application affecting the Bible Church, I am in the process of reviewing the lengthy staff report. I am familiar with this area and remember the prior application a few years ago (in fact, I think we may have even spoken then). Please feel free to email me with any comments you would like me to consider. As you are aware as a LAFCO commissioner, I am responsible for upholding LAFCO policies and purpose which can be challenging when there are competing interests. Again, please feel free to email me any comments or concerns you have. S. Wilson

>

> -----Original Message-----

> From: Robert Isaacs [mailto:bisaacs@pacbell.net]

> Sent: Wednesday, February 24, 2016 6:39 PM

> To: susan@svwilsonlaw.com

> Cc: Robert Isaacs

> Subject: Possibility to meet?

>

> Hi Susan,

> I know you clearly remember the Charlene DeBert lawsuit on Armsby Lane. Remember, I was the good guy in all of it? Even though it was many years ago I still feel frustration with someone like that and how she manipulated her way through the court system. I do so appreciate the fact that you were there to represent the water company and communicated with Bruce Douglas so effectively. You know, I took the lawsuit as a personal affront to the entire Armsby Community and knew I needed to step up and use common sense for the common good. Thankfully the court system found in our favor, and I have to acknowledge your commitment to make that happen.

>

> Anyway, my reason for contacting you is to see if there is any possibility that you could sit with me for a few minutes and discuss the upcoming LAFCO hearing next week? I'm sure you're not aware of the fact that Colleene and I have attended Morgan Hill Bible Church for almost 30 years. I have been involved in all aspects of the function of the church and am very aware of the present situation with the proposed annexation. I'm hoping that if you would allow a few minutes of your time to meet with me there may be a possibility that I can provide some added insight and my own dose of common sense.

>

> Again, I know you're incredibly busy and may feel that there is no need for further discussions. I believe there is room for that and look forward to connecting at your convenience.

>

>

> Respectfully,

> Bob Isaacs

>

> Bob Isaacs

Abello, Emmanuel

Subject: FW: Possibility to meet?

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Wednesday, March 09, 2016 2:43 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: FW: Possibility to meet?

-----Original Message-----

From: Robert Isaacs [mailto:bisaacs@pacbell.net]
Sent: Wednesday, February 24, 2016 6:39 PM
To: susan@svwilsonlaw.com
Cc: Robert Isaacs
Subject: Possibility to meet?

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Again, I know you're incredibly busy and may feel that there is no need for further discussions. I believe there is room for that and look forward to connecting at your convenience.

Respectfully,
Bob Isaacs

Bob Isaacs

Abello, Emmanuel

From: Annette DiResta <morganhillrealestate@outlook.com>
Sent: Tuesday, March 08, 2016 8:54 AM
To: Palacherla, Neelima; Noel, Dunia
Cc: julie@greenfoothills.org; Trina Hineser
Subject: SEQ

Good Morning Neelima and Dunia,

I have been a resident of Morgan Hill, Gilroy and now in San Martin; moved to south county in 1997. I worked for Coldwell Banker and Alain Pinel Realtors and have an extensive history of selling properties locally.

After serving a short time on SMPAC, attending SMNA meetings and currently in Leadership Morgan Hill Class of 2016; I've had a rather "condensed" course on MH's General Plan and matters involving south county growth and have contacted Dave Cortese multiple times regarding our issues, lack of being heard by Planners and poor representation by county officials.

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Mr. Chiala called me last night wanting to discuss my statement at a LAFCO meeting last Friday that I knew of farmers with deep pockets that want to buy land. They have a real estate team already so I would need to be the listing broker before discussing any details.

By keeping important fertile soil as true agriculture, and not "preserved" by adding recreational facilities and parking on top of such valuable soil, the City can indeed obtain a win/win situation--it just takes a willingness to explore a better option.

Another option is to incorporate San Martin into Morgan Hill, keeping its individuality; but having a more effective, local government. My suggestion was to have SMNA as our City Council, Trina Hineser as Mayor,

and SMPAC/SMNA members serve as a part of LAFCO since their motives and intent are to truly retain agriculture land as agriculture.

If this were to happen, 2 parcels currently under review: 18 flat acres at California and Monterey, and the former driving range off Monterey and Fitzgerald, would be another ideal location for large recreational facilities. Driving down Monterey/101 can be added retail and restaurants to increase local revenue.

My request is that the SEQ be simply moved to the west side of 101, with no other changes.

Thank You,

Annette DiResta
Broker | Owner | BRE 01526376
Morgan Hill Real Estate
Commercial | Residential
408.500.9158 C | 800.696.0753 F

Abello, Emmanuel

Subject: FW: Morgan Hill SRL Follow Up

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]

Sent: Wednesday, March 09, 2016 8:17 AM

To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>

Subject: FW: Morgan Hill SRL Follow Up

correspondence with city

From: Steve Rymer [mailto:Steve.Rymer@morganhill.ca.gov]

Sent: Tuesday, February 09, 2016 6:01 PM

To: susan@svwilsonlaw.com

Subject: Re: Morgan Hill SRL Follow Up

You are welcome.

Sent from my iPhone

On Feb 9, 2016, at 3:19 PM, "susan@svwilsonlaw.com" <susan@svwilsonlaw.com> wrote:

Thank you. S. Wilson

From: Steve Rymer [mailto:Steve.Rymer@morganhill.ca.gov]

Sent: Wednesday, February 03, 2016 1:41 PM

To: susan@svwilsonlaw.com

Cc: Steve Tate

Subject: Morgan Hill SRL Follow Up

Hi Susan...

Thanks again for meeting with us to discuss the City's LAFCO application...we truly appreciate you spending the time...below and attached are the follow up items you requested.

1. Why is Catholic high school proposed in SEQ and not previous location in the city? I confirmed that they did not continue to pursue the site between Monterey and Hale due to the requirements of the railroad. The second reason is that they did not want the planned road extension to bisect the campus.
2. Has anything changed with the Monterey-Hordness part of the application? Yes, four existing houses next to the Bible Church are now included. In addition, the City did follow-through on its commitment to adopt a City-wide Agricultural Preservation Ordinance that is now in effect.
3. The section of white on the SEQ map you asked about has been revised to include the proper designation: residential estate (orange)
4. We have also attached both location maps

Please let me know if I missed anything or if you have further questions...we look forward to the March 11 LAFCO meeting...thanks again.

Steve

Abello, Emmanuel

From: susan@svwilsonlaw.com
Sent: Wednesday, March 09, 2016 8:16 AM
To: Palacherla, Neelima
Subject: FW: Santa Clara LAFCO

Correspondence with Michael Moore from Morgan Hill Times.

From: susan@svwilsonlaw.com
Sent: Tuesday, March 01, 2016 7:20 PM
To: 'Michael Moore'
Subject: RE: Santa Clara LAFCO

As a public servant and long term Morgan Hill resident, I am sentive to the concerns of the citizens and consider all comments in my decision-making process. I have been the Public Member of Santa Clara County LAFCO since 1995. Throughout my tenures, I have fostered the protection of agricultural lands and open space while promoting orderly and responsible growth following LAFCO's legislative directive. This can be challenging in the wake of economic, social, and political pressures. I remain committed to the purpose and role that LAFCO serves in our communitéis and state. Susan Wilson

From: Michael Moore [<mailto:mmoore@newsvmedia.com>]
Sent: Monday, February 29, 2016 1:11 PM
To: susan@svwilsonlaw.com
Subject: Re: Santa Clara LAFCO

Susan, Thank you. I was hoping to get some comments on your experience on the LAFCO board since you're the only board member who lives in Morgan Hill, and I think you have served on the board longer than any other current member. What is important to you as LAFCO commissioner when you approach each decision the board must make? What has inspired or motivated you to stay on the LAFCO board for as long as you have? Even just a quote or a few sentences along these lines would be greatly appreciated.

"susan@svwilsonlaw.com" <susan@svwilsonlaw.com> writes:

Good morning,

Thank you for your inquiry regarding LAFCO. Feel free to contact the Executive Director, Neelima Palacherla, regarding the general information on LAFCO that you are seeking including commissioners. Also our website www.santaclaralafco.org has information regarding LAFCOs. The 3/15/15 article in Gilroy Dispatch also gives a great summary on LAFCOs purpose and role.

Susan Vicklund Wilson
Attorney At Law
P.O. Box 1287
Morgan Hill, CA 95038

(408)779-4888

Michael Moore
Morgan Hill Times
editor@morganhilltimes.com
(408) 963-0121 desk
(770) 324-4614 cell

Abello, Emmanuel

Subject: FW: Meeting regarding LAFCO March 11th Meeting

From: Issa Ajlouny [<mailto:issaaajlouny@earthlink.net>]

Sent: Thursday, February 18, 2016 3:21 PM

To: susan@svwilsonlaw.com

Subject: Meeting regarding LAFCO March 11th Meeting

Susan, I talked to you in December after the LAFCO meeting regarding Morgan Hill Bible Church and the Morgan Hill application coming up in March. I was hoping we from Morgan Hill Bible could meet with you now that the staff report has been released. Please let me know if this is still possible and what are good times and days for you?

Thank You,
Issa Ajlouny

Abello, Emmanuel

From: susan@svwilsonlaw.com
Sent: Wednesday, March 09, 2016 8:17 AM
To: Palacherla, Neelima
Subject: FW: Royal Oaks

-----Original Message-----

From: Don at Del Fresh Produce [mailto:dhordness@delfresh.com]
Sent: Wednesday, February 24, 2016 2:01 PM
To: susan@svwilsonlaw.com
Subject: Re: Royal Oaks

Thank you for getting back to me. I'm available for questions at any time. Don

> On Feb 24, 2016, at 7:33 AM, "susan@svwilsonlaw.com" <susan@svwilsonlaw.com> wrote:

>

> Thank you for your comments. I am in receipt of our staff report and am reviewing same in preparation for meeting. If I have any questions regarding your application or comments I will contact you. Or if you have any further comments, please feel free to email me.

>

> -----Original Message-----

> **From:** Don at Del Fresh Produce [mailto:dhordness@delfresh.com]
> **Sent:** Monday, February 22, 2016 3:32 PM
> **To:** susan@svwilsonlaw.com
> **Subject:** Royal Oaks

>

> Susan,

> I realized I didn't leave my phone number. Don

>

> 408-968-9404

>