



LAFCO MEETING AGENDA

Board Meeting Chambers, 70 West Hedding Street, First Floor

San Jose, CA 95110

February 7, 2018

1:15 PM

CHAIRPERSON: Ken Yeager • VICE-CHAIRPERSON: Susan Vicklund Wilson

COMMISSIONERS: Sequoia Hall, Sergio Jimenez, Rob Rennie, John L. Varela, Mike Wasserman

ALTERNATES: Sylvia Arenas, Cindy Chavez, Yoriko Kishimoto, Russ Melton, Terry Trumbull

NOTICE TO THE PUBLIC

1. Pursuant to Government Code §84308, no LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party, or his/her agent; or any participant or his /or her agent, while a LAFCO proceeding is pending, and for three months following the date a final decision is rendered by LAFCO. Prior to rendering a decision on a LAFCO proceeding, any LAFCO commissioner who received a contribution of more than \$250 within the preceding 12 months from a party or participant shall disclose that fact on the record of the proceeding. If a commissioner receives a contribution which would otherwise require disqualification returns the contribution within 30 days of knowing about the contribution and the proceeding, the commissioner shall be permitted to participate in the proceeding. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 within the preceding 12 months by the party, or his or her agent, to a LAFCO commissioner. For forms, visit the LAFCO website at www.santaclaralafco.org. No party, or his or her agent and no participant, or his or her agent, shall make a contribution of more than \$250 to any LAFCO commissioner during the proceeding or for 3 months following the date a final decision is rendered by LAFCO.
2. Pursuant to Government Code Sections 56100.1, 56300, 56700.1, 57009 and 81000 et seq., any person or combination of persons who directly or indirectly contribute(s) a total of \$1,000 or more or expend(s) a total of \$1,000 or more in support of or in opposition to specified LAFCO proposals or proceedings, which generally include proposed reorganizations or changes of organization, may be required to comply with the disclosure requirements of the Political Reform Act (See also, Section 84250 et seq.). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. More information on the scope of the required disclosures is available at the web site of the FPPC: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275-3772).
3. Pursuant to Government Code §56300(c), LAFCO adopted lobbying disclosure requirements which require that any person or entity lobbying the Commission or Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them. Additionally every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. For forms, visit the LAFCO website at www.santaclaralafco.org.
4. Any disclosable public records related to an open session item on the agenda and distributed to all or a majority of the Commissioners less than 72 hours prior to that meeting are available for public inspection at the LAFCO Office, 777 North First Street, Suite 410, San Jose, California, during normal business hours. (Government Code §54957.5.)
5. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the LAFCO Clerk 24 hours prior to the meeting at (408) 993-4705.

777 North First Street, Suite 410 • San Jose, CA 95112 • (408) 993-4713 • www.santaclaralafco.org

COMMISSIONERS: Sequoia Hall, Sergio Jimenez, Rob Rennie, John L. Varela, Mike Wasserman, Susan Vicklund Wilson, Ken Yeager

ALTERNATE COMMISSIONERS: Sylvia Arenas, Cindy Chavez, Yoriko Kishimoto, Russ Melton, Terry Trumbull

EXECUTIVE OFFICER: Neelima Palacherla

1. ROLL CALL

2. PUBLIC COMMENTS

This portion of the meeting provides an opportunity for members of the public to address the Commission on matters not on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No action may be taken on off-agenda items unless authorized by law. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

3. APPROVE MINUTES OF DECEMBER 6, 2017 LAFCO MEETING

CONSENT ITEM

4. WEST VALLEY SANITATION DISTRICT 2017-02 (TWELVE OAKS ROAD)

Proposal to annex approximately 1.46 acres of land along Twelve Oaks Road in Los Gatos, to West Valley Sanitation District.

Recommended Action:

CEQA Action

1. As Lead Agency under CEQA, determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a) and (b) and Section 15303(d).

Project Action

2. Approve the annexation of approximately 1.46 acres of land (APN 532-24-003) located within the Town of Los Gatos, to the West Valley Sanitation District.
3. Waive protest proceedings pursuant to Government Code §56662(a).

PUBLIC HEARING

5. MONTE SERENO URBAN SERVICE AREA (USA) AND SPHERE OF INFLUENCE (SOI) AMENDMENT 2017 (LUCKY ROAD)

Proposal to expand Monte Sereno's Urban Service Area (USA) and Sphere of Influence (SOI) boundaries to include approximately 7.4 acres of land, located along Lucky Road.

POSSIBLE ACTIONS

Staff Recommended Action:

1. Deny the proposed Monte Sereno Urban Service Area (USA) Amendment and Sphere of Influence (SOI) Amendment.

Other Possible Project Actions:

2. Approve the USA/SOI Amendment
3. Approve the USA/SOI amendment conditioned on the City annexing its three remaining unincorporated islands

CEQA Action:

1. Denial of the project does not require a CEQA action.

In order to approve the project, LAFCO as a Responsible Agency under CEQA, must take the following actions regarding the Mitigated Negative Declaration for this project:

- a. Find that the Initial Study and Mitigated Negative Declaration approved by the City of Monte Sereno on September 3, 2013 were completed in compliance with CEQA and are an adequate discussion of the environmental impacts of the project.
- b. Find that prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and Mitigated Negative Declaration.

6. PROPOSED AMENDMENT OF LAFCO BYLAWS

Recommended Action: Amend the LAFCO Bylaws to include the proposed policies regarding regular LAFCO meeting agendas.

ITEMS FOR ACTION / INFORMATION

7. FINANCE COMMITTEE FOR FISCAL YEAR 2018-2019

Recommended Action: Establish a committee composed of three commissioners to work with staff to develop and recommend the proposed FY 2018-2019 LAFCO budget for consideration by the full commission.

8. SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) WORKERS' COMPENSATION RESOLUTION

Recommended Action: Approve Resolution # 2018-1 confirming workers compensation coverage by SDRMA for LAFCO commissioners.

9. UPDATE ON COMMUNICATIONS AND OUTREACH PLAN & IMPLEMENTATION

Recommended Action: Accept report and provide direction, as necessary.

10. UPDATE ON THE SANTA CLARA VALLEY AGRICULTURAL PLAN

For Information Only.

11. LEGISLATIVE REPORT

Recommended Action: Accept report and provide direction to staff, as necessary.

12. CALAFCO RELATED ACTIVITIES

12.1 2018 CALAFCO STAFF WORKSHOP

Recommended Action: Authorize staff to attend the 2018 CALAFCO Staff Workshop and authorize travel expenses funded by the LAFCO budget.

12.2 CALAFCO BOARD OF DIRECTORS MEETING

For Information Only.

13. EXECUTIVE OFFICER'S REPORT

13.1 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETING

For information only.

13.2 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO) MEETING

For information only.

13.3 MEETING WITH COMMITTEE FOR GREEN FOOTHILLS LEGISLATIVE ADVOCATE

For information only.

13.4 MEETING WITH CITY OF MORGAN HILL STAFF

For information only.

13.5 LAFCO ORIENTATION SESSION FOR NEW POLICY AIDES

For information only.

13.6 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING

For information only.

14. PENDING APPLICATIONS / UPCOMING PROJECTS

15. COMMISSIONER REPORTS

16. NEWSPAPER ARTICLES / NEWSLETTERS

17. WRITTEN CORRESPONDENCE

18. ADJOURN

Adjourn to the regular LAFCO meeting on April 4, 2018 at 1:15 PM in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

**LAFCO MEETING MINUTES
WEDNESDAY, DECEMBER 6, 2017**

CALL TO ORDER

The meeting was called to order at 1:15 p.m.

1. ROLL CALL

The following commissioners and alternates were present:

- **Vice Chairperson Ken Yeager**
- **Commissioner Sergio Jimenez**
- **Commissioner Rob Rennie**
- **Commissioner John L. Varela**
- **Commissioner Mike Wasserman**
- **Commissioner Susan Vicklund Wilson**
- **Alternate Commissioner Yoriko Kishimoto** (voting in place of Chairperson Hall)
- **Alternate Commissioner Russ Melton**
- **Alternate Commissioner Terry Trumbull**

The following commissioners and alternates were absent:

- **Chairperson Sequoia Hall**
- **Alternate Commissioner Sylvia Arenas**
- **Alternate Commissioner Cindy Chavez**

The following staff members were present:

- **LAFCO Executive Officer Neelima Palacherla**
- **LAFCO Assistant Executive Officer Dunia Noel**
- **LAFCO Analyst Lakshmi Rajagopalan**
- **LAFCO Clerk Emmanuel Abello**
- **LAFCO Counsel Malathy Subramanian**

2. WELCOME NEW STAFF

Neelima Palacherla introduced the new LAFCO analyst, Lakshmi Rajagopalan, and the Commission welcomed her.

3. **RESOLUTION OF COMMENDATION FOR BILL SHOE**

The Commission adopted and presented the Resolution of Commendation to Bill Shoe.

Commission Wasserman commended Mr. Shoe, making particular note of his institutional knowledge, his creativity, his willingness to delve deeply into issues, and for his attendance at countless South County meetings.

Mr. Shoe expressed appreciation to the Commission and to LAFCO staff. He indicated that it has been an honor to work for the County and to have succeeded people like Bob Sturdivant, Don Weden and Eric Carruthers, who have worked on progressive growth management and planning policies.

4. **PUBLIC COMMENTS**

There was none.

5. **MINUTES OF OCTOBER 4, 2017 LAFCO MEETING**

The Commission approved the minutes of the October 4, 2017 LAFCO meeting, with no revisions.

Motion: Varela

Second: Wasserman

AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

6. **WAIVER OF ONE YEAR TIME REQUIREMENT FOR RESUBMITTAL OF MONTE SERENO USA/SOI AMENDMENT PROPOSAL**

Ms. Palacherla presented the staff report.

Nick Petridis, representative of the property owners, expressed appreciation for the opportunity to request a waiver of the one-year time requirement. He indicated that the proposal is an example of good planning and environmental considerations, and that allowing the applicant to connect to sewer is a public benefit. He indicated that waiving the one-year time requirement allows for administrative efficiency as LAFCO members who are familiar with the application would review it instead of waiting until June when there could be changes on LAFCO. He also requested consideration to waive or adjust the fees.

In response to an inquiry by **Commissioner Wasserman**, Ms. Subramanian clarified that the Commission must find that the time requirement is detrimental to public interest. **Commissioner Wasserman** moved for approval of the waiver request based on the finding that the time requirement would delay their

application to obtain sewer connection and that is detrimental to public interest. **Commissioner Varela** seconded.

Alternate Commissioner Kishimoto stated that she is against the motion since she cannot find that the time requirement is detrimental to public interest since the septic system is not failing and does not pose any hazard to public health and safety. She noted that the reason for the one-year time requirement is to promote a more efficient process and avoid repeated reviews.

In response to an inquiry by **Commissioner Wilson**, Vladimir Rubashevsky, property owner, indicated that he is unable to say if their three-year old septic system is failing or not, but that it has odor and is clogging. He stated that his neighbors' plan to develop their property was postponed several times due to unfavorable LAFCO decision, and requested that LAFCO decide soon so they can proceed.

Commissioner Wilson expressed concern that the waiver could create a precedent that allows applicants to bring the same application to LAFCO repeatedly, and she expressed agreement with Alternate Commissioner Kishimoto. She acknowledged that the septic system is not the best option environmentally and noted the statement by the property owner describing the state of the septic system. She expressed support for the motion for this one time only but reiterated that Alternate Commissioner Kishimoto's position on the motion is warranted.

Commissioner Yeager expressed agreement with Commissioner Wilson and indicated that he is also conflicted about the motion since it may send a wrong signal that applicants can keep on resubmitting applications that LAFCO has previously denied. He stated that there are only four months left before the one-year time requirement is completed but stated that he would support the motion to process the application a little faster. In response to an inquiry by **Commissioner Varela**, Ms. Palacherla advised that there has been no request for such a time waiver in the past. **Commissioner Wilson** clarified that she supports the motion to allow resubmission of the application sooner but it does not indicate her support for its approval when it comes back.

Commissioner Jimenez expressed agreement with Commissioner Wilson and stated that he is looking forward to a thorough discussion of the application at the public hearing. In response to his inquiry, Ms. Palacherla informed that the one-year time requirement is State law, which also allows the Commission to make an exception provided it makes a certain finding. In response to his follow-up inquiry, Ms. Subramanian advised that the necessary finding is that the one-year time requirement is detrimental to public interest but State law does not provide more detail.

The Commission made the finding that the one-year time requirement is detrimental to public interest because it delays the application by which the property owners could potentially get off the existing septic systems and connect to the sewer line, and waived that time requirement.

Motion: Wasserman

Second: Varela

AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson

NOES: Kishimoto

ABSTAIN: None

ABSENT: None

MOTION PASSED

7. UPDATE ON COMMUNICATIONS AND OUTREACH PLAN & IMPLEMENTATION

Ms. Palacherla thanked Alternate Commissioner Kishimoto for participating in the consultant interviews and selection process. **Alternate Commissioner Kishimoto** indicated that there were at least three very good applicants and that L Studio was the most impressive.

The Commission accepted the report.

8. 2018 SCHEDULE OF LAFCO MEETINGS

The Commission adopted the schedule of LAFCO meetings and application deadlines for 2018.

Motion: Wilson

Second: Jimenez

AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

9. APPOINTMENT OF 2018 LAFCO CHAIRPERSON AND VICE-CHAIRPERSON

The Commission appointed Vice Chairperson Yeager to serve as the Chairperson for 2018.

Motion: Wasserman

Second: Varela

AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

The Commission appointed Commissioner Wilson to serve as Vice-Chairperson for 2018.

Motion: Kishimoto

Second: Yeager

AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

10. EXECUTIVE OFFICER'S REPORT

10.1 INQUIRY FROM PROPERTY OWNER IN WEST SAN JOSE CONCERNING NEIGHBORHOOD'S POTENTIAL DETACHMENT FROM SAN JOSE AND ANNEXATION TO CUPERTINO

In response to an inquiry by **Commissioner Jimenez**, Ms. Palacherla reported that staff has not heard back from the residents on any further steps they have undertaken. **Commissioner Yeager** indicated that he is familiar with the area.

10.2 LAFCO PRESENTATION TO SANTA CLARA COUNTY FARM BUREAU

The Commission noted the report.

10.3 MEETING WITH CALIFORNIA SPECIAL DISTRICTS ASSOCIATION REPRESENTATIVE

The Commission noted the report.

10.4 MEETING WITH CITY OF MOUNTAIN VIEW STAFF CONCERNING POTENTIAL DEVELOPMENT OF FEDERAL LANDS, INCLUDING MOFFETT FIELD

The Commission noted the report.

10.5 MEETING WITH COUNTY ROADS AND AIRPORTS DEPARTMENT STAFF ON ISLAND ANNEXATIONS

The Commission noted the report.

10.6 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO) MEETING

The Commission noted the report.

10.6 MIDPENINSULA REGIONAL OPEN SPACE DISTRICT'S MT. UMUNHUM SUMMIT TOUR

The Commission noted the report.

10.6 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING

The Commission noted the report.

11. CALAFCO RELATED ACTIVITIES

11.1 REPORT ON 2017 CALAFCO CONFERENCE

Ms. Palacherla congratulated Commissioner Wilson for her election to the CALAFCO Board of Directors. **Acting Chairperson Yeager** expressed appreciation to Commissioner Wilson for representing LAFCO on the CALAFCO Board.

12. PENDING APPLICATIONS / UPCOMING PROJECTS

Ms. Palacherla informed that an application for annexation to West Valley Sanitation District would be brought for Commission consideration at the February 2018 meeting.

13. COMMISSIONER REPORTS

Commissioner Varela provided a brief report on Santa Clara Valley Water District's position regarding the California WaterFix project.

14. NEWSPAPER ARTICLES / NEWSLETTERS

The Sphere, October 2017.

15. WRITTEN CORRESPONDENCE

There was none.

16. ADJOURN

The Commission adjourned at 1:46 p.m., to the regular LAFCO meeting on February 7, 2018 at 1:15 p.m., in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

Approved on _____.

Ken Yeager, Vice-Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, LAFCO Clerk

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: WEST VALLEY SANITATION DISTRICT 2017-02
(Twelve Oaks Road)

STAFF RECOMMENDATION

CEQA ACTION

1. As Lead Agency under CEQA, determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a) and (b) and Section 15303(d).

PROJECT ACTION

2. Approve the annexation of approximately 1.46 acres of land (APN 532-24-003), located within the Town of Los Gatos, to the West Valley Sanitation District, as described and depicted in **Attachment B (Exhibits "A" and "B")**.
3. Waive protest proceedings pursuant to Government Code §56662(a).

PROJECT DESCRIPTION

LAFCO of Santa Clara County received an application, by landowner petition, to annex one parcel (APN 532-24-003) into the West Valley Sanitation District (WVSD) in order to allow the District to provide sanitary sewer services to the parcel. Please see **Attachment A** for an overview map depicting the current WVSD and the Town of Los Gatos boundaries in relationship to the annexation proposal.

The annexation proposal includes one parcel (APN 532-24-003) of approximately 1.46 acres in area, located at 201 Twelve Oaks Road in the Town of Los Gatos and within Los Gatos's Urban Service Area (USA). The property is currently developed with a single-family residence that is served by an onsite septic system. The property owner would like to eventually abandon their onsite septic system and receive sewer service from WVSD. In order to receive sewer service from WVSD, the property must first be annexed to the District.

On April 9, 2017, WVSD adopted Resolution No. 17.08.18 indicating that the District supports the requested annexation and has the ability to provide sewer service to the subject parcel which is currently developed with a single family residence.

Attachment B (Exhibits "A" and "B") describes and depicts the boundaries of the proposed annexation.

WAIVER OF PROTEST PROCEEDINGS

The annexation territory is uninhabited, i.e., fewer than 12 registered voters reside within the territory. The annexation proposal has consent from all landowners of the property proposed for annexation. LAFCO has not received a request from the West Valley Sanitation District (WVSD) or from any other affected local agency, for notice, hearing or protest proceeding on the proposal. Therefore, pursuant to GC §56662(a), LAFCO is considering this proposal without notice or hearing and may waive protest proceedings.

ENVIRONMENTAL ASSESSMENT

Mitigated Negative Declaration and Categorical Exemption

LAFCO of Santa Clara County is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed annexation of APN: 532-24-003 to the West Valley Sanitation District. The proposed annexation is exempt under State CEQA Guidelines Section 15319(a) & (b) and Section 15303(d).

Section 15319: Class 19 consists of only the following annexations:

- (a) Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (b) Annexation of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Section 15303: Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures...The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

CONSISTENCY WITH LAFCO FACTORS AND POLICIES

Impacts to Agricultural Lands and Open Space

The subject parcel is not under a Williamson Act Contract and does not contain open space or agricultural lands as defined in the Cortese Knox Hertzberg Act. Therefore the proposed annexation will not impact agricultural or open space lands.

Logical & Orderly Boundaries

The subject parcel is within the WVSD's Sphere of Influence and is contiguous to the District's boundary. The subject parcel is located in the Town of Los Gatos and within the Town's USA. **Please see Attachment A for Overview Map.**

The County Surveyor has reviewed the application and has found that the boundaries are definite and certain. The Surveyor has also determined that the project conforms to LAFCO's policies regarding the annexation of roads. The proposal will not create an island, corridor, or strip. The County Assessor has reviewed the proposal and found that the proposal conforms to lines of assessment.

Growth Inducing Impacts

The subject parcel is developed with a single family residence and no further development is proposed.

A sanitary district provides an urban service which promotes urban development. However, the Town and WVSD have a joint policy which calls for lands proposed to be annexed into the District to be already located within the Town or concurrently annexed to the Town.

The subject parcel and all of the properties within the immediate vicinity are located within the Town of Los Gatos. As such, both the Town and LAFCO have anticipated that all of these parcels will eventually be provided with urban services.

Annexation of any additional lands to the WVSD would require LAFCO's approval and LAFCO would conduct the required environmental analysis, including the consideration of the growth inducing impacts of such a proposal at that time.

Ability of District to Provide Services

WVSD has indicated that it has adequate sewer capacity to provide sanitary sewer services to the single family home located on the subject parcel without detracting from the existing service levels within the District.

According to WVSD staff, there is an existing public sewer off of Phillips Avenue, located to the northwest of the subject parcel. The subject property owner anticipates obtaining the necessary private easements from the owners of properties located to the northwest of their property in order to construct a private sewer lateral which would connect the subject parcel to the public sewer off of Phillips Avenue. The existing sewer is 6-inches in diameter and has sufficient capacity to serve the subject parcel.

ATTACHMENTS

- Attachment A: Overview Map depicting the proposed annexation in relation to the West Valley Sanitation District and Town of Los Gatos boundaries.
- Attachment B: Legal Description (Exhibit "A") and Map (Exhibit "B") of Proposed Annexation to the West Valley Sanitation District

West Valley Sanitation District 2017-02 (Twelve Oaks Road)

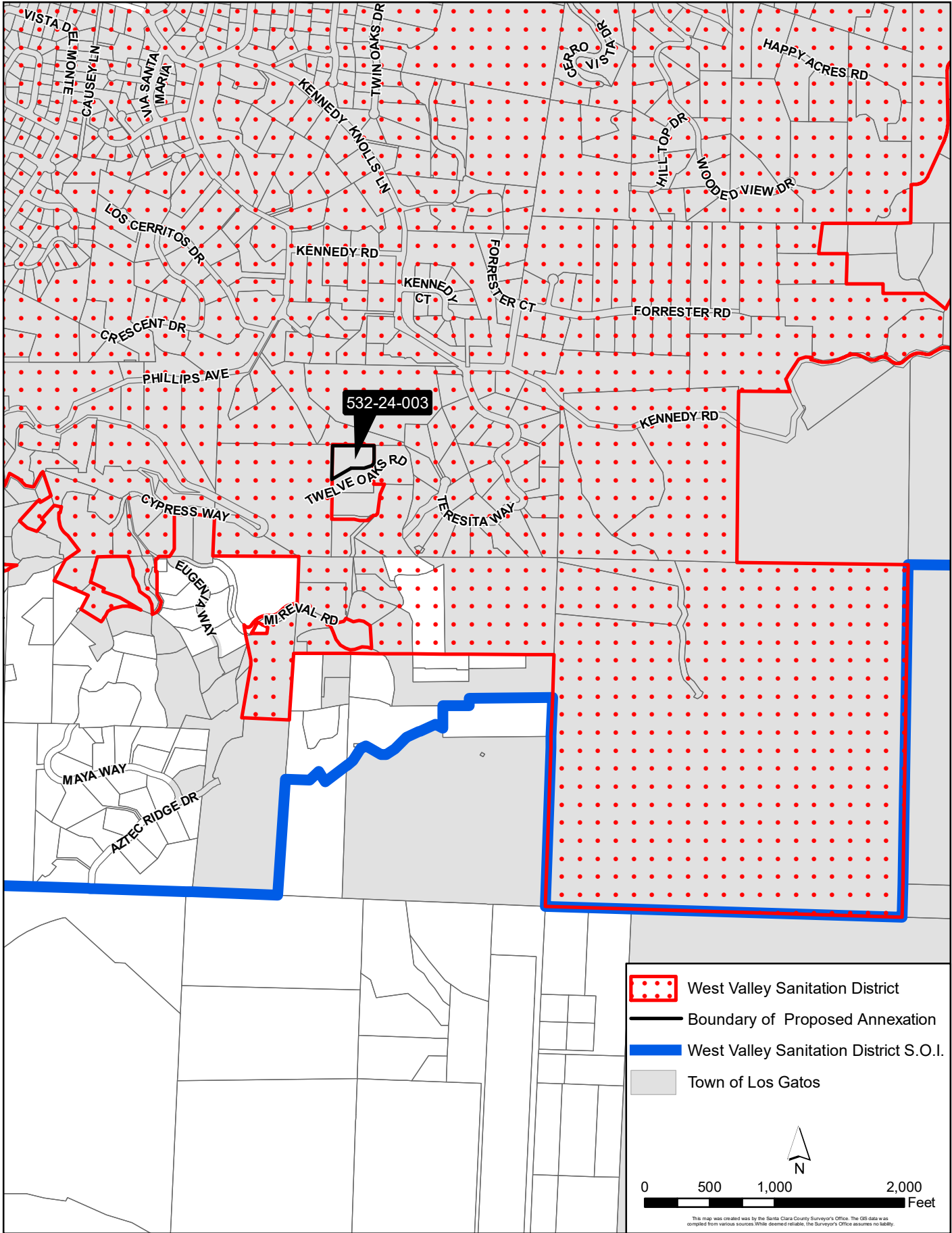


EXHIBIT A
"WEST VALLEY SANITATION DISTRICT 2017-02 (TWELVE OAKS ROAD)"
ANNEXATION TO WEST VALLEY SANITATION DISTRICT
GEOGRAPHIC DESCRIPTION

Situate in Section 22, Township 8 South, Range 1 West, Town of Los Gatos, County of Santa Clara, State of California.

Being all of Parcel One of the lands of Sheldon L. Gilbert and Donna R. Gilbert, trustees of the Sheldon L. Gilbert and Donna R. Gilbert Family Trust dated February 9, 2000, by Grant Deed dated November 29, 2016, and recorded December 2, 2016 as Document Number 23516862, Santa Clara County Records, and

Beginning at the intersection of the Existing West Valley Sanitation District boundary with the center line of a 60 foot wide road commonly known as Twelve Oaks Road, as said 60 foot wide Road is shown and delineated on that certain Record of Survey Map entitled "Record of Survey of a Subdivision of Land of Lilian Morris," filed for record on June 14, 1955 in Book 57 of Maps at Page 56, Santa Clara County Records.

Thence from said point of Beginning leaving said Existing West Valley Sanitation District boundary and along said aforementioned center line of Twelve Oaks Road

(1) S 27° 11' 00" W 33.91 feet to an angle point therein;

Thence (2) S 69° 41' 00" W 58.57 feet to an angle point therein;

Thence (3) S 87° 24' 00" W 104.75 feet to an angle point therein;

Thence (4) S 58° 57' 00" W 169.38 feet to the southwestern corner of lands of Gilbert, said point also being in said existing West Valley Sanitation District boundary;

Thence leaving said center line of Twelve Oaks Road and along the Western, Northern and Eastern boundary of Parcel One of said lands of Gilbert also being the existing West Valley Sanitation District boundary

(5) N 00° 01' 50" W 271.01 feet to the Northwestern corner of said Parcel One of lands of Gilbert;

Thence (6) East 320.31 feet to the Northeastern corner of said Parcel One of lands of Gilbert;

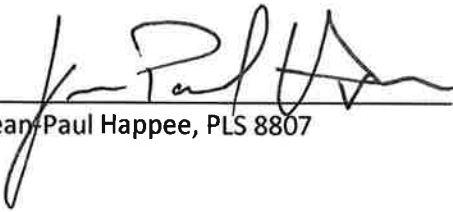
Thence (7) South 128.42 feet to the point of beginning.

Attached hereto is a plat labeled "Exhibit B" and by this reference made a part thereof.

Containing 1.46 acres, more or less.

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

REVISED : DECEMBER 20, 2017


Jean-Paul Happee, PLS 8807

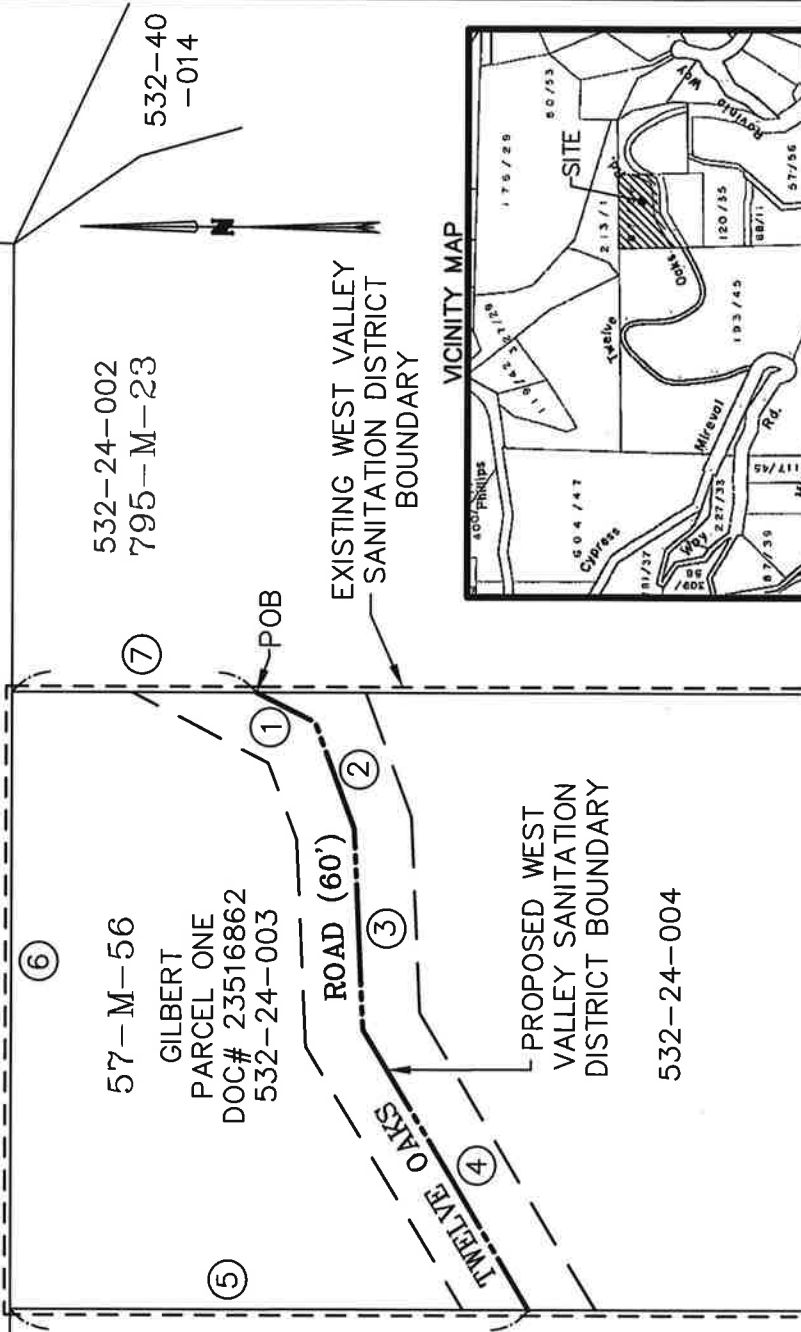


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213-M-1
GILBERT
PARCEL FOUR
DOC# 23516862
532-24-019

532-24-026



193-M-45
532-22-015

57-M-56
GILBERT
PARCEL ONE
DOC# 23516862
532-24-003

532-24-004

LINE	BEARING	DIST.
LINE 1	S 27° 11' 00" W	33.91'
LINE 2	S 69° 41' 00" W	58.57'
LINE 3	S 87° 24' 00" W	104.75'
LINE 4	S 58° 57' 00" W	169.38'
LINE 5	N 00° 01' 50" W	271.01'
LINE 6	EAST 320.31'	
LINE 7	SOUTH 128.42'	

CONTAINING 1.46 ACRES ±

LEGEND & ABBREVIATIONS

- POB POINT OF BEGINNING
- - - - - EXISTING WEST VALLEY SANITATION DISTRICT BOUNDARY
- - - - - PROPOSED WEST VALLEY SANITATION DISTRICT BOUNDARY



1" = 100' (IN FEET)

VICINITY MAP



REV. DEC 20, 2017

JUNE 14, 2017
SCALE 1"=100'
PAGE 3 OF 3

EXHIBIT B
"WEST VALLEY SANITATION DISTRICT 2017-02
(TWELVE OAKS ROAD)"
SEC. 22, T. 8 S., R. 1 W. MDB&M

ALPHA LAND SURVEYS, INC.
4444 SCOTTS VALLEY DRIVE, SUITE 7
SCOTTS VALLEY, CA 95066 (831) 438-4453

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: MONTE SERENO URBAN SERVICE AREA (USA) AND SPHERE OF INFLUENCE (SOI) AMENDMENT 2017 (LUCKY ROAD)

STAFF RECOMMENDATION

CEQA ACTION

1. Denial of the project does not require a CEQA action.

In order to approve the project, LAFCO as a Responsible Agency under CEQA, must take the following actions regarding the Mitigated Negative Declaration for this project:

- a. Find that the Initial Study and Mitigated Negative Declaration approved by the City of Monte Sereno on September 3, 2013 were completed in compliance with CEQA and are an adequate discussion of the environmental impacts of the project.
- b. Find that prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and Mitigated Negative Declaration.

PROJECT ACTION

2. Deny the proposed Monte Sereno Urban Service Area (USA) Amendment and Sphere of Influence (SOI) Amendment.

PROJECT DESCRIPTION

The City of Monte Sereno has resubmitted an application proposing amendment of its Urban Service Area (USA) and Sphere of Influence (SOI) in order to include approximately 7.4 acres of unincorporated land comprising four parcels (APNs 510-31-023, 066, 076, and 077) and a portion of a fifth parcel (APN 510-31-078) located along Lucky Road.

As you are aware, this proposal was most recently considered and denied by LAFCO at its June 7, 2017 public hearing.

Because there is no change in the specifics of the application; or in the City of Monte Sereno's position /policies; or in LAFCO's policies since LAFCO's recent consideration of the application in June 2017 –the staff analysis and recommendation remain the same. Therefore, in order to minimize application processing costs, staff has opted to reuse the previous staff report and provide any new information to the Commission through this memo.

Please see **Attachment A** for the staff report dated October 5, 2016, which contains the staff analysis, a discussion of possible options for Commission action, and the reasons for the staff recommendation.

Notice of Public Hearing & Comment Letters Received to Date

As required, LAFCO provided notice of the public hearing on the application to all affected local agencies, all property owners and registered voters within the affected territory and those within 300' around the affected territory.

Since publication of the public hearing notice, LAFCO has received two (2) comment letters on the proposal from residents in the area. Both the letters express their opposition to and their concerns with the proposed project. Please see **Attachment B** for the comment letters.

Site Visit

LAFCO staff recently visited the subject territory in order to confirm and gain a better understanding of the site's location, physical characteristics and relationship to neighboring properties and properties within the vicinity. The subject territory contains areas that are very steep and is only accessible from Lucky Road, which is a narrow one-lane road that is privately maintained. Portions of this road are steep and winding. The extreme narrowness, steepness, and modest condition of Lucky Road appear to be what most distinguishes the subject territory from nearby properties that are already located within the city.

BACKGROUND

City of Monte Sereno Resubmits USA/SOI Amendment Application

On November 7, 2017, the Monte Sereno City Council adopted a new Resolution # 3665 to seek LAFCO approval for its USA/SOI amendment. In December 2017, the City resubmitted the USA/SOI amendment application to LAFCO. LAFCO had previously considered and acted upon this application twice – once in 2017 and prior to that in 2013

The overall boundaries and reasons for the USA/SOI boundary amendment request are the same as in the City's previous applications. There is also no change in the status of the City's three (3) unincorporated islands or in the City's position with regard to future annexation of the islands or its outward expansion into the West Valley hillsides. LAFCO's island annexation policies also remain in effect without any change.

LAFCO Considered and Denied this Application in 2017

In May 2016, the City of Monte Sereno had submitted an application to LAFCO for an USA/SOI amendment involving the same properties. LAFCO called for and held a public hearing on the application on October 5, 2016, and the public hearing was subsequently continued on several occasions. LAFCO considered the proposal at its June 2017 hearing, and denied the proposal on a 5-2 vote.

LAFCO Rejects Reconsideration Request and Approves Waiver of One-Year Time Requirement to Resubmit Application

At the October 2017 LAFCO meeting, in response to a request by the applicant, the Commission considered whether to allow reconsideration of its June 2017 decision under Rosenberg's Rules of Order even after the legal timeframe had passed for reconsideration under the CKH Act. The Commission concluded that it was not appropriate to use the Rosenberg's Rules for reconsideration and that the better option was for the City to submit a new application rather than request a reconsideration.

Government Code Section 56884 provides that no similar proposal involving the same or substantially same territory shall be initiated for one year after the date of denial resolution. However, the statute allows the Commission to grant an exception to this limitation or waive the time requirement after making a finding that the requirement is detrimental to the public interest.

The Commission then directed staff to place the potential waiver of the one-year time requirement on the next agenda for its consideration and action.

At the December 6, 2017 meeting, LAFCO approved a waiver of the one-year time requirement for the resubmittal of the USA/SOI amendment application by the City of Monte Sereno, after making a finding that the time requirement is detrimental to public interest because the time requirement could delay a potential opportunity to get off of existing septic systems and connect to the sewer system. The applicant subsequently resubmitted the USA/SOI amendment application to LAFCO.

LAFCO First Considered this Application in 2013

LAFCO considered the exact same application from the City of Monte Sereno at its December 2013 hearing. At that time, LAFCO approved the USA/SOI Amendment conditioned on the City first annexing its three unincorporated islands. However, the City did not annex its islands and LAFCO's approval expired on January 4, 2015.

ATTACHMENTS

Attachment A: Monte Sereno USA and SOI Amendment 2016 (Lucky Road) Staff Report, dated October 5, 2016

Attachment B: Comments Letters:

1. Email from JoAnne Swing (1/24/2018)
2. Email from Shane Ryan (1/26/2018)

LAFCO MEETING: October 5, 2016
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: MONTE SERENO URBAN SERVICE AREA (USA) AND SPHERE OF
INFLUENCE (SOI) AMENDMENT 2016 (LUCKY ROAD)

STAFF RECOMMENDATION

CEQA ACTION

1. Denial of the project does not require a CEQA action.

In order to approve the project, LAFCO as a Responsible Agency under CEQA, must take the following actions regarding the Mitigated Negative Declaration for this project:

- a. Find that the Initial Study and Mitigated Negative Declaration approved by the City of Monte Sereno on September 3, 2013 were completed in compliance with CEQA and are an adequate discussion of the environmental impacts of the project.
- b. Find that prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and Mitigated Negative Declaration.

PROJECT ACTION

2. Deny the proposed Monte Sereno Urban Service Area (USA) Amendment and Sphere of Influence (SOI) Amendment.

PROJECT DESCRIPTION

The City of Monte Sereno is proposing an amendment to its Urban Service Area (USA) and Sphere of Influence (SOI) in order to include approximately 7.4 acres of unincorporated land comprising four parcels (APNs 510-31-023, 066, 076, and 077) and a portion of a fifth parcel (APN 510-31-078) located along Lucky Road. **Attachment A** includes a map of the existing and proposed USA and SOI boundaries.

The USA and SOI amendment would facilitate the eventual annexation of the subject parcels to the City of Monte Sereno and allow for provision of services by the City. The City also indicated that the property owners want to eventually receive sewer service from the West Valley Sanitation District (WVSD). The subject parcels are currently located outside of WVSD's boundary and its SOI; and rely on a septic system for management of onsite wastewater. WVSD has stated that the parcels must be annexed into the District in order to receive service. Per WVSD policy, the properties should be within the City or the City's USA, before seeking to annex into the District.

BACKGROUND

LAFCO Considered this Application in 2013

In 2013, the City of Monte Sereno submitted an application to LAFCO for an USA/SOI amendment involving the same properties as the current application. LAFCO considered the application at its December 2013 hearing, and approved the USA/SOI amendment conditioned on the City first annexing its three unincorporated islands. However, the City did not annex its islands and therefore LAFCO's approval expired on January 4, 2015.

In late 2015, LAFCO staff received enquiries from Mr. Nicholas Petredis (attorney/representative of subject property owners), regarding potentially resubmitting a similar USA/SOI amendment application to LAFCO. At the request/suggestion of LAFCO staff, Mr. Brian Loventhal, (Monte Sereno City Manager), Mr. Petridis, and one of the property owners met with LAFCO staff on January 19, 2016, to discuss their plans to resubmit the USA/SOI amendment application. At that meeting, LAFCO staff explained LAFCO's Island Annexation Policies, which state that cities should annex urban unincorporated islands existing within their current USAs before seeking to add new lands to their USAs; and discussed LAFCO's application filing requirements. City staff indicated that the City is only interested in annexing willing landowners and that the landowners in the islands, for the most part, are not interested in annexing to the City; and that the City Council has no plans to annex the islands using the streamlined island annexation provisions available in State law.

Given that the City's position on island annexations has not changed since 2013 and given that LAFCO island annexation policies remain, all parties agreed that the issues that existed when LAFCO considered the application in 2013 still remain. LAFCO staff informed the City, Mr. Petridis, and the property owner that, given no change in circumstances, staff's recommendation was unlikely to differ from its 2013 recommendation and that the final decision rests with the Commission. Mr. Petridis and the property owner indicated that they would consider this information and decide whether to proceed further.

On April 19, 2016, the Monte Sereno City Council adopted Resolution No. 3616 to seek LAFCO approval for the proposed USA/SOI amendment. In late May 2016, the City of Monte Sereno submitted this USA/SOI amendment application to LAFCO – for the same properties as in its 2013 application.

The overall boundaries of the USA amendment request are the same as in 2013. There is also no change in the status of the City’s three (3) unincorporated islands or in the City’s position with regard to future annexation of the islands. LAFCO’s island annexation policies also remain in effect without any change.

EXISTING AND PROPOSED LAND USES AND DESIGNATIONS

The proposed USA and SOI amendment application consists of approximately 7.4 acres of unincorporated lands, southwest of the City of Monte Sereno.

The proposed USA/SOI amendment boundary remains the same as in the 2013 application, however, there have been some internal parcel reconfigurations including a lot line adjustment and the recognition of an existing underlying lot through the issuance of a Certificate of Compliance. **Table 1** summarizes the parcel and land use information for the proposal area.

The City’s General Plan land use designation for the proposal area is “Single Family Residential, 1 D.U./Acre” and the pre-zoning designation is R-1-44. Upon LAFCO approval of the USA/SOI expansion and the City’s annexation of these lands, the City General Plan and Zoning designations would apply to the subject parcels.

The City has stated that no additional development is proposed at this time and that upon annexation the proposal area could potentially be subdivided to create 2 to 3 additional lots under the City’s current zoning regulations.

Table 1: Parcels Proposed for Inclusion in the City’s USA and SOI

APN	APPROX. ACRES	EXISTING LAND USE	COUNTY GENERAL PLAN	COUNTY ZONING	CITY GENERAL PLAN	CITY PRE-ZONING
510-31-023	0.11	Undeveloped, but part of residential estate of APN 510-31-078 located within the City	Hillsides	HS-d1	Single Family Residential, 1 D.U./Acre	R-1-44
510-31-066	4.64	Residential (Same home sits on property line with 510-31-076)	Hillsides	HS-d1	Single Family Residential, 1 D.U./Acre	R-1-44
510-31-076	1.70	Residential (Same home sits on property line with 510-31-066)	Hillsides	HS-d1	Single Family Residential, 1 D.U./Acre	R-1-44
510-31-077	0.64	Undeveloped	Hillsides	HS-d1	Single Family Residential, 1 D.U./Acre	R-1-44
Portion of 510-31-078	0.23	Portion is undeveloped, but rest of parcel consists of residential estate located within the City	Hillsides	HS-d1	Single Family Residential, 1 D.U./Acre	R-1-44

Surrounding Land Uses

The proposed USA and SOI amendment area is surrounded by incorporated and unincorporated lands, which are developed with single-family homes and estates.

ENVIRONMENTAL ASSESSMENT

Initial Study and Mitigated Negative Declaration

The City of Monte Sereno is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed Monte Sereno Urban Service Area and Sphere of Influence Amendment. Per City Resolution No. 3535, the City approved a Mitigated Negative Declaration for the proposal on September 3, 2013. The City is requiring mitigation measures to reduce potential significant environmental effects to a less than significant level for utilities and service systems. The West Valley Sanitation District provided the City of Monte Sereno with comments that the District cannot provide sanitary sewer services to the project site because the project site is located outside of the District's boundary. The City stated in its Initial Study and Mitigated Negative Declaration that "the applicant shall be required to annex into the Sewer District in order to receive service and mitigate any significant impacts that could result from any future development." See **Attachment C** for City's environmental documents.

LAFCO is a Responsible Agency under CEQA for the proposal.

CONSISTENCY WITH CITY POLICIES

The City completed a comprehensive General Plan Update in 2009 and Housing Element Update in 2010 which identified potential areas that the City may annex and efficiently provide services to during the planning period of its General Plan (2009-2025), including its three remaining unincorporated islands (see more detailed discussion under "Annexation of Unincorporated Islands"). However, the subject parcels were not included in those potential areas. In October 2013, the Monte Sereno City Council adopted a General Plan map amendment in order to indicate that the proposed USA/SOI amendment and anticipated annexation of the subject parcels are consistent with the City's General Plan.

CONSISTENCY WITH COUNTY POLICIES

In the mid-1990s the City of Monte Sereno and the other three West Valley cities (Cupertino, Los Gatos and Saratoga) each adopted an Urban Growth Boundary (UGB) in order to delineate areas intended for future urbanization and to minimize further urban encroachment into the hillsides. In return, the County adopted and implemented policies to assure the cities that the development the County allows outside of City urban service areas will be appropriate for rural hillside areas and will have minimal visual impacts when viewed from the valley floor. However, Monte Sereno staff recently reported that the City no longer has an UGB to delineate these areas. According to City staff, references to its UGB were removed during the City's recent General Plan Update. It is not clear why the UGB was removed. The County continues to implement its associated policies and was unaware of this major change in the City's General Plan until LAFCO staff informed them.

The proposal is inconsistent with County General Plan Policy R-LU 200, which states that urban development and the extension of urban services should be limited to those

areas most suitable for urban development and that further substantial expansion of the urban area into the West Valley hillsides should be discouraged.

The proposal is partially inconsistent with County General Plan Policy C-GD 3, which states that urban service areas should include only those areas suitable for urban development by being: reasonably serviceable with public services, relatively free from risks associated with natural hazards, that do not create substantial adverse environmental impacts, and that are not likely to create severe off-site impacts on the surrounding areas or to any natural resource. The subject parcels are all located within a Very High Fire Hazed Severity Zone within the Santa Clara County Wildland Urban Interface Fire Area as declared by the California Department of Forestry and Fire Protection. The proposal would facilitate the eventual annexation of the area and thus allow for further subdivision into 2 or 3 additional parcels and allow for additional development. More intense development is discouraged in this Zone.

The proposal is consistent with County General Plan Policy C-GD 8. The subject parcels are contiguous to the existing urbanized area and the City and the affected service providers are all able to provide public services and facilities within 5 years without lessening existing levels of service.

CONSISTENCY WITH LAFCO POLICIES

Consistency of Proposed SOI with the Service Review for the City of Monte Sereno

The Cortese Knox Hertzberg Act (CKH Act) requires that LAFCO conduct a service review prior to amending a sphere of influence. LAFCO conducted a service review for the City of Monte Sereno in 2015 as part of LAFCO's "Cities Service Review." However, the Service Review report did not identify a need for the City to expand its Urban Service Area (USA) or Sphere of Influence (SOI).

Availability of Vacant Land within Existing Boundaries

According to City's application, the City has no vacant residential land within its USA. State law and LAFCO policies encourage the use of vacant lands within existing boundaries in order to prevent inefficient growth patterns and service responsibilities. LAFCO policies discourage USA expansions when a City has more than a 5-year supply of vacant land within its USA.

Logical, Orderly and Efficient Boundaries

The subject parcels proposed for inclusion in the City's USA and SOI are located adjacent to the current City limits, USA and SOI boundaries. The subject parcels are located adjacent to the southwestern edge of the city and are part of a large unincorporated rural hillside area containing single family residences on large lots.

Growth Inducing Impacts

Including the proposal area within the City's USA/SOI would allow the City to annex the parcels. The three subject parcels have a County General Plan land use designation of Hillsides and a County Zoning designation of HS-d1 (Hillsides with a design review

combining district). The current County General Plan (Hillsides) and Zoning designation of HS –d1 (Hillsides with a design review combining district) would allow one dwelling unit per 20 to 160 acres based on the slope of the property. Therefore, the proposal area cannot be subdivided further under the County regulations.

The City's pre-zoning designation for the proposal area is R-1-44 (Residential Single Family). The R-1-44 City Zoning designation requires a minimum net lot area of 43,560 sq. ft. on lots with a slope of less than 10%. On lots with a slope of 10% or greater, the minimum net lot size will be increased based on the City's Slope Density Formula. According to the City, under the City's Zoning Ordinance, the proposal area could be subdivided into an additional 2 to 3 lots.

Additionally, upon inclusion of these properties into the City's USA, the properties could become eligible for annexation to the WVSD and receive sewer service from the District, which could enable development of new single family residences on the properties.

Directly to the south and west of the proposal area are unincorporated lands that could potentially also seek inclusion into the City's USA in the future (when they become contiguous to the City boundaries following the approval of this USA expansion). Because these adjacent properties also currently do not receive sewer service, and do not have the ability to subdivide under the County regulations, they have similar incentives as the subject properties to seek future annexation to the City. Thus there is potential for further growth inducement into the hillsides as the neighboring properties in turn become adjacent to the City's USA.

Impacts to Prime Agricultural Lands and Open Space

The subject parcels are not under a Williamson Act Contract and do not contain open space or prime agricultural lands as defined in the Cortese Knox Hertzberg Act. Therefore the proposed USA and SOI amendment will not impact agricultural or open space lands.

Ability of City to Provide Urban Services

Fire Protection Services

The Santa Clara County Central Fire Protection District provides fire protection services to the proposal area. The District would continue to provide these services to the subject parcels upon annexation. The District is headquartered in Los Gatos and manages a total of 16 stations. Although none of the stations are located in Monte Sereno, the closest stations to the city are the Quito Fire Station at 18870 Saratoga-Los Gatos Road in the unincorporated area on the western border of Monte Sereno and the Los Gatos Fire Station at 306 University Avenue in Los Gatos on the eastern border of Monte Sereno. The District does not anticipate the need for additional personnel or new facilities to service the subject parcels.

The subject parcels are all located within a Very High Fire Hazard Severity Zone within the Santa Clara County Wildland Urban Interface Fire Area as declared by CalFIRE, due to the slope, aspect (south or west-facing slope), topography, vegetation type and fire history of the subject area. More intensive development is not recommended in this Zone.

Police Services

The subject parcels currently receive police services from the County Sheriff. The Los Gatos-Monte Sereno Police Department serves the City of Monte Sereno under a long-term contract, which the City put into effect July 28, 1995. The Department would provide services to the subject parcels upon annexation. At present, the Department has 64 sworn officers and 150 regular employees. The nearest station is located at 110 East Main Street in the City of Los Gatos. The Department does not anticipate the need for additional personnel or new facilities to serve the subject parcels.

Sanitary Sewer Service

The residential development on subject parcels is currently served by a septic system and the subject parcels are all located outside of the West Valley Sanitation District. In order to receive sewer service from WVSD, the subject parcels must be annexed into the District. However, per WVSD policy, the subject parcels must first be within the City limits or included in the City's USA before WVSD can serve them.

According to the WVSD, the property owners will have to install a new privately maintained sewer system within Lucky Road. The District will not provide maintenance service to this sewer main because this section of Lucky Road is a private road. The future sewer main will connect to the terminus of an existing sewer main at the intersection of Greenwood Lane and Ojai Drive. The District will require that the future sewer be designed and constructed in accordance with the District's "Sanitary Sewerage System Design Standards." Furthermore, the property owners must also demonstrate to the WVSD that the necessary rights and easements for the required sewer services have been obtained.

Water Service

The subject parcels currently receive water service from the San Jose Water Company (SJWC), which also serves all of Monte Sereno.

Storm Drain

The City of Monte Sereno uses a stormwater collection system, in conjunction with a natural creek drainage system, to manage runoff. Stormwater collected through this system ultimately drains into the San Francisco Bay. The subject parcels are not located within a 100-year flood hazard zone as identified by the Federal Emergency Management Agency's Flood Insurance Rate Maps.

Schools

The subject parcels are within the boundaries of the Los Gatos Union School District and the Los Gatos-Saratoga Joint Union High School District. City staff has indicated that further subdivision and new residential development on the subject parcels would typically generate less than 1 public school student per a housing unit according to the Los Gatos Union School District. This translates into a total of 2 or 3 students attributable to the potential new residential lots that could be created under the City's Zoning Ordinance. According to the School Districts, the Districts' existing facilities are adequate to accommodate this very small increase in student enrollment. Furthermore, the City applies a school impact fee of \$2.97 per a sq. ft. to all additions to existing homes and new residential development.

Annexation of Unincorporated Islands

There are three unincorporated islands (see **Attachment B**) located within the City's USA:

- MS 01: Karl Avenue (9.3 acres)
- MS 02: Blythswood-Hillview (127 acres)
- MS 03: Lancaster-Matilija (68 acres)

All three of these islands are completely or substantially surrounded by the City and /or its USA and developed with single family homes or residential estates. These islands are also located within the WVSD which provides sewer service to the homes. Each of these islands are smaller than 150 acres in size. These islands meet the criteria for annexation under the streamlined island annexation provision which allows the City Council to annex the islands at a noticed public hearing without the Council's decision being subject to protests/votes by property owners or voters.

Island Annexation Provisions in the CKH Act

Since 2005, State law allows cities to annex unincorporated islands through a streamlined process that does not require protest proceedings or elections, provided the islands are 150 acres or smaller in size and meet specific criteria.

Unincorporated islands contribute to inefficiencies for local government (both at the city and County level) in terms of service provision and governance. The state legislature recognized the public benefits of eliminating such islands and provided for an expedited process to annex them into the surrounding city. Although this expedited process requires a noticed public hearing, it does not require protest proceedings or elections because the state legislature recognized that the public benefits of their annexation outweigh the individual interests of the residents or property owners to remain within an unincorporated island.

Santa Clara County Island Annexation Program

It has been a longstanding countywide policy that the unincorporated islands should be annexed into the surrounding cities. To encourage cities to actively pursue island annexations, LAFCO, in partnership with the County, has provided staff support and financial incentives to defray the costs of entire island annexations. County prepares the annexation maps, and covers the SBE fees, and prioritizes road maintenance in the islands slated for annexation; LAFCO waives its fees and provides staff support.

Island Annexations: Monte Sereno's Past Efforts and Current Position

In 2005, Monte Sereno was one of the first cities in the County to consider initiating island annexations under the streamlined island annexation provisions. At the City's request, the County and LAFCO, under their Island Annexation Program, provided assistance to the City and prepared annexation maps and reports for the three islands, at no cost to the City. The City conducted a public hearing on the island annexations but due to opposition expressed by some of the island residents, the City Council did not have sufficient votes to continue with the annexation process. Another effort to annex the islands in 2009 also failed for the same reason. The City has since adopted a policy requiring the City to have the support of a majority of affected landowners before annexing these islands (even though under state law, these islands are eligible for annexation without landowner protest and elections). Please see City's letter dated July 26, 2011 (**Attachment D**) regarding City's island annexation plans. Per City staff, this letter represents the City Council's current position on this issue.

LAFCO's Island Annexation Policies

In the interests of encouraging orderly growth and development, LAFCO's Island Annexation Policies #5 and #6 state that "cities should annex urban unincorporated islands existing within their current USAs, before seeking to add new lands to their USAs."

Further, the Policies provide an exception "if the USA amendment is to resolve a significant, demonstrable public health and safety issue or if the USA amendment is a minor corrective action." However, this exception does not apply here because according to City staff, the septic system that serves the existing residences is new and there are no existing public health and safety issues associated with this proposal.

Comment Letters Received to date

LAFCO received the following letters included in **Attachment E**:

1. Letter from Nicholas Petredis, representative of the subject properties
2. Email from Dan and Jeanette Turkus, neighboring property owners
3. Email from Brian and JoAnne Swing, neighboring property owners

Fiscal Impact to the City of Monte Sereno and Affected Agencies

The City of Monte Sereno anticipates that the USA/SOI amendment and potential annexation and subdivision of the project area could result in the development of two to four new residences and generate a population of 11 persons at build-out. The City of Monte Sereno prepared a Fiscal Impact Analysis which concluded that the proposal would have a small positive fiscal impact on the City.

The project is expected to have a positive fiscal impact on the City of Monte Sereno's General Fund and is expected to generate annual surpluses of \$1,473 in Years One and Five, and \$4,747 in Year Ten, at which time it would be built-out.

For the County of Santa Clara, the analyses indicated that the proposed project would have a negative annual fiscal impact on the County's General Fund and generate annual deficits of \$21,243 in Year Five, and \$25,284 in Year Ten.

The Los Gatos Union School District and the Los Gatos-Saratoga Joint Union High School District are both "basic aid" school districts, where local property tax revenues collected by the Districts exceed their entitlement and therefore the Districts do not receive additional money from the State to meet their revenue limit guarantee. Basic Aid districts are also allowed to keep these excess property taxes. The anticipated development and additional population as a result of the proposed project is not expected to significantly impact either District with respect to ongoing operating or instructional costs.

Staff recommended action

1. Deny the USA/SOI amendment proposal.

Reason for Staff Recommendation

The proposed USA and SOI amendment would facilitate annexation of the proposal area into the City of Monte Sereno and to the West Valley Sanitation District which in turn would enable provision of sewer service to the properties and further subdivision of the area into 2 or 3 additional lots.

The County and City had agreed that further urbanization of the West Valley hillsides should be discouraged and the County has prohibited uses of an urban density, intensity or nature outside of the City's USA. The City's current proposal appears contrary to the City and County agreement to keep development from encroaching into the hillsides. Approval of the proposal (which would facilitate annexation to the City and WVSD) could lead to further growth in a hillside area with steep slopes, narrow roads, limited access, and designated as Very High Fire Hazard Severity Zone – where more intensive development is not recommended. Such areas should be kept outside urban service areas.

Moreover, the proposal could set a precedent for similar requests from the owners of lands adjacent to and in the vicinity of the proposal area and there is no means to limit the extent of such requests.

The proposal is inconsistent with LAFCO's island annexation policies as the City is seeking expansion of its USA without first annexing its three unincorporated islands – all of which are eligible for the streamlined annexation process.

Lastly, there does not appear to be a need for the proposed USA and SOI amendment as the existing residential development on the subject parcels is served by a new septic system and there is no existing health or safety issue present.

Staff recommends denial of the proposed USA/SOI amendment for all of the aforementioned reasons.

Other Options for Commission Consideration

2. Approve the USA/SOI amendment.

Reasons for not recommending this option

Although the proposal area is contiguous to the City / USA, inclusion of the area within the City's USA has the potential to induce growth in an area where the County and City have agreed that further urbanization is discouraged. The proposal area and the adjacent lands to the north, south and west, are designated Hillside by the County and are planned for lower densities consistent with the terrain (e.g. steep slopes, narrow roads, limited access, and wildland fire hazard potential) and are not suitable for inclusion within an urban service area.

This proposal also sets a precedent for future requests from adjacent landowners (who would become contiguous to the city boundaries following approval of this proposal) and there is no means to limit the extent of such requests.

While the USA expansion would allow the property to connect to the WVSD sewer system, the property is currently served by a functioning septic system (the expected means of waste water management in such unincorporated areas) and there is no existing health and safety concern.

The proposal is also inconsistent with LAFCO's island annexation policies as the City is seeking expansion of its USA without first annexing its three unincorporated islands – all of which are eligible for the streamlined annexation process.

Therefore staff does not recommend the proposed USA expansion.

If the Commission wishes to approve the proposed USA and SOI Amendment, staff recommends that the Commission direct LAFCO staff to prepare SOI determinations for the Commission to consider and adopt at its next meeting, as required by the CKH Act.

3. Approve the USA/SOI amendment conditioned on the City annexing its three remaining unincorporated islands

Reasons for not recommending this option

As discussed in the "Background" Section of this staff report, in December 2013 LAFCO approved an identical USA/SOI amendment request conditioned on the City first

annexing its three unincorporated islands. However, the City did not annex its islands and therefore LAFCO's approval expired on January 4, 2015.

The City has a policy requiring the City to have the support of a majority of affected landowners before annexing its islands. City staff have indicated that this policy remains effective and that the City will not initiate annexation of its unincorporated islands unless and until property owners in the islands are supportive. There is no indication that the City's position and/or the island property owners' position will change in the near term. Given this situation, an approval conditioned on island annexation is not recommended.

If the Commission wishes to approve the proposed USA and SOI Amendment, staff recommends that the Commission direct LAFCO staff to prepare SOI determinations for the Commission to consider and adopt at its next meeting, as required by the CKH Act.

ATTACHMENTS

- Attachment A: Map of Proposed Monte Sereno USA/SOI Amendment
- Attachment B: Map of Monte Sereno Unincorporated Islands
- Attachment C: City of Monte Sereno's Environmental Documents for the Proposed Monte Sereno USA and SOI Amendment (Lucky Road)
- Attachment D: Letter from the City of Monte Sereno Re: Annexation of Unincorporated Islands (dated July 26, 2011)
- Attachment E: Comment Letters
1. Letter from Nicholas Petredis, representative of subject properties
 2. Email from Dan and Jeanette Turkus, neighboring property owners
 3. Email from Brian and JoAnne Swing, neighboring property owners

10/05/2016 (Item 8)
Attachment A

City of
Monte Sereno

OJAI DR

WITHEY RD

510-31-078

510-31-023

PORTION OF
510-31-078

510-31-077

510-31-076

510-31-066







LUCKY RD

LOS SERENOS ROBLES

LUCKY RD

MATILDA DR

LEGEND:

-  Existing Monte Sereno U.S.A. Boundary
-  Existing Monte Sereno S.O.I. Boundary
-  Area Proposed for Inclusion in U.S.A./S.O.I.
-  City of Monte Sereno
-  Unincorporated Lands
-  Assessor's Parcel Number



**Monte Sereno Urban Service Area and
Sphere of Influence Amendment 2016**

7.4 Acres ±

Prepared by the Office of the County Surveyor
August 8, 2016
William F. Slepniakoff, County Surveyor

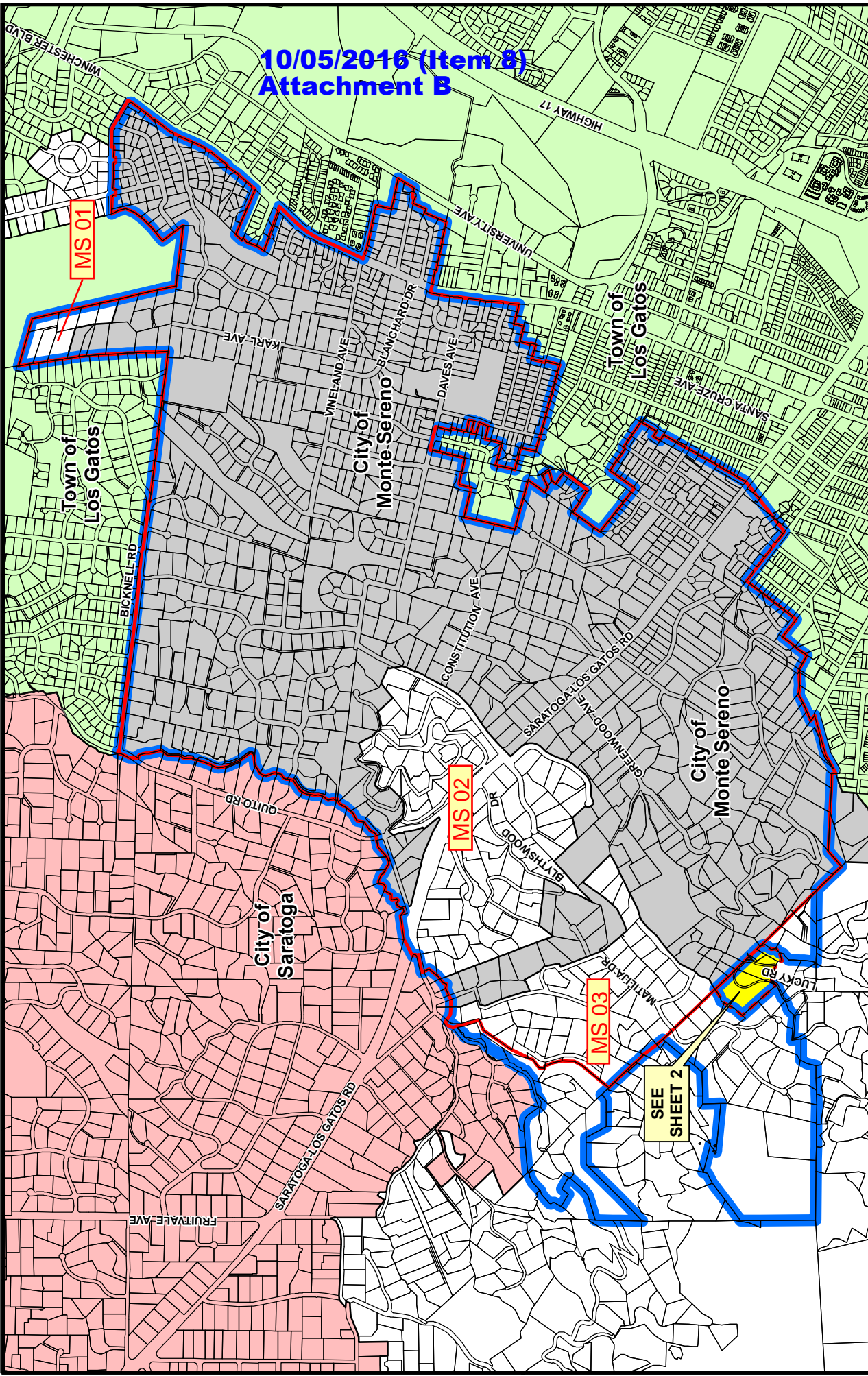
TITLE:

County of Santa Clara
Department of Planning and Development
Office of the County Surveyor

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



**10/05/2016 (Item 8)
Attachment B**



LEGEND:

- Existing Monte Sereno U.S.A. Boundary
- Existing Monte Sereno S.O.I. Boundary
- Area Proposed for Inclusion in U.S.A./S.O.I.
- City of Monte Sereno
- Town of Los Gatos
- City of Saratoga
- Unincorporated Lands

North Arrow

Scale: 0, 375, 750, 1,500 Feet

Monte Sereno Urban Service Area and Sphere of Influence Amendment 2016

7.4 Acres ±

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Department of Planning and Development
Office of the County Surveyor

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
APPROVING A MITIGATED NEGATIVE DECLARATION FOR ANNEXATION OF
TERRITORY KNOWN AS LUCKY ROAD, AMENDMENT TO THE CITY'S GENERAL
PLAN, URBAN SERVICE AREA AND SPHERE OF INFLUENCE TO INCLUDE THE
LUCKY ROAD TERRITORY**

Whereas, Vladimir Rubashevsky applied to annex 3 parcels of land totaling approximately 7 acres (APN 510-31-023, 510-31-065 and 510-31-066) (collectively referred to as the "Properties") into the City limits; and

Whereas, in order to annex the Properties into the City, the City's General Plan, Urban Service Area and Sphere of Influence must be amended to include the Properties (the "Project"); and

Whereas, the annexation and amendment of the General Plan, Urban Service Area and Sphere of Influence are a "project" pursuant to the California Environmental Quality Act ("CEQA"); and

Whereas, a Mitigated Negative Declaration ("MND") has been prepared pursuant to Section 15070 et seq. of the California Environmental Quality Act ("CEQA") for use in conjunction with the General Plan amendment, Urban Service Area amendment, Sphere of Influence amendment and annexation; and

Whereas, the MND has been prepared and circulated for a 20-day review period and the MND was available for review as provided pursuant to the requirements of CEQA; and

Whereas, no comments were received on the MND; and

Whereas, the Project is determined to not have a significant impact on the environment based upon the results of an environmental assessment; and

WHEREAS, a public hearing on the Project was noticed pursuant to the requirements of the Monte Sereno Municipal Code and State Law and a duly noticed public hearing was held by the City Council on September 3, 2013.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO AS FOLLOWS:

SECTION 1: The City Council of the City of Monte Sereno hereby specifically makes the following findings:

1. The MND for the Project has been completed in compliance with CEQA.

2. The Project as mitigated will not result in any significant impacts to the environment.
3. The MND represents the independent judgment of the City Council. The MND was prepared by the City. All reports and supporting information has been reviewed and approved by the City.
4. Documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based will be located at the Office of the City Clerk of the City of Monte Sereno.

SECTION 2: After careful consideration, the City Council hereby approves the MND.

SECTION 3: The approval of the MND does not, in any manner whatsoever, represent or reflect an approval of the Project which shall be considered at a later date.


REGULARLY PASSED AND ADOPTED this 3rd day of September, 2013, by the following vote:

AYES: Council Members Anstandig, Craig, Huff, Wiltshire and Mayor Rogers
NOES: None
ABSTAIN: None
ABSENT: None

By:

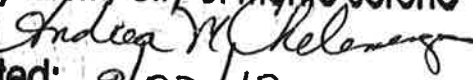

Curtis Rogers, Mayor

Attest:


Andrea Chelemengos, City Clerk

This is a true and correct copy
of the document on file in this office

Attest: Andrea M. Chelemengos
City Clerk, City of Monte Sereno

By: 
Dated: 9/23/13

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Lucky Road General Plan, SOI, USA amendment, pre zoning and annexation

Lead Agency: City of Monte Sereno Contact Person: Brian Loventhal
Mailing Address: 18041 Saratoga Los Gatos Road Phone: 408-354-7635
City: Monte Sereno Zip: 95030 County: Santa Clara

Project Location: County: Santa Clara City/Nearest Community: Monte Sereno
Cross Streets: Lucky Road and Greenwood Lane Zip Code: 95030

Longitude/Latitude (degrees, minutes and seconds): 37 ° 13 ' 51.4 " N / -122 ° 0 ' 11.5 " W Total Acres: 7.12

Assessor's Parcel No.: 510-31-023,065 and 066 Section: Twp.: Range: Base:

Within 2 Miles: State Hwy #: 9 Waterways: None
Airports: None Railways: None Schools: None

Document Type:

- CEQA: [] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[X] Mit Neg Dec Other:

Local Action Type:

- [] General Plan Update [] Specific Plan [] Rezone [X] Annexation
[X] General Plan Amendment [] Master Plan [X] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [X] Other: USA/SOI

Development Type:

- [X] Residential: Units 1 Acres 7.12
[] Office: Sq.ft. Acres Employees [] Transportation: Type
[] Commercial: Sq.ft. Acres Employees [] Mining: Mineral
[] Industrial: Sq.ft. Acres Employees [] Power: Type MW
[] Educational: [] Waste Treatment: Type MGD
[] Recreational: [] Hazardous Waste: Type
[] Water Facilities: Type MGD [] Other:

Project Issues Discussed in Document:

- [X] Aesthetic/Visual [] Fiscal [] Recreation/Parks [] Vegetation
[] Agricultural Land [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Air Quality [X] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [] Wetland/Riparian
[X] Biological Resources [] Minerals [] Soil Erosion/Compaction/Grading [] Growth Inducement
[] Coastal Zone [] Noise [] Solid Waste [] Land Use
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Cumulative Effects
[] Economic/Jobs [] Public Services/Facilities [] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

Hillside/ HS-D1

Project Description: (please use a separate page if necessary)

The proposed project is an amendment to the Monte Sereno General Plan, Sphere of Influence, Urban Service Area, adoption of a pre zoning ordinance and annexation of 16290 Lucky Road (APN's 510-31-065, 510-31-066, 510-31-023. The Sphere of Influence (SOI) and Urban Service Area (USA) of the City of Monte Sereno is proposed to be expanded to include the subject properties. The subject properties are proposed to be pre-zoned with the City of Monte Sereno's existing R-1-44 designation. If the proposed SOI, USA and pre zoning are approved by the City of Monte Sereno and LAFCO then the proposed annexation would be categorically exempt from CEQA as a class 19 exemption.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

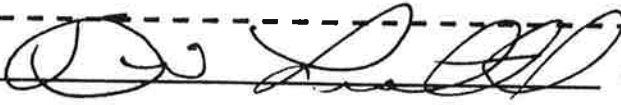
- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | |
| <input type="checkbox"/> Health Services, Department of | Other: _____ |
| <input type="checkbox"/> Housing & Community Development | Other: _____ |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date July 29, 2013 Ending Date August 19, 2013

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative:  Date: 7/25/13

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

A. BACKGROUND

Project Title	Lucky Road General Plan Amendment, SOI amendment, USA amendment, rezoning and annexation
Lead Agency Contact Person and Phone Number	Brian Loventhal, City Manager/City Planner (408) 354-7635
Date Prepared	July 26, 2013
Study Prepared by	City of Monte Sereno 18041 Saratoga Los Gatos Rd. Monte Sereno, CA 95030
Project Location	
Project Sponsor Name and Address	City Council, City of Monte Sereno 18041 Saratoga Los Gatos Rd. Monte Sereno, CA 95030
General Plan Designation	None- Proposed to be designated 1 DU/acre
Zoning	None-Proposed to be pre-zoned R-1-44

Setting

The total project site area is 7.12 acre and is located at 16290 Lucky Road in unincorporated Santa Clara County and contiguous to the existing Monte Sereno Sphere of Influence boundary, Urban Service Area boundary, and City boundary. The project site is comprised of three parcels, including Assessor's parcel numbers: 510-31-065, 510-31-066 and 510-31-023. The project site is surrounded by low density residential neighborhoods.

Description of Project

The proposed project is an amendment to the Monte Sereno General Plan, Sphere of Influence, Urban Service Area, adoption of a rezoning ordinance and annexation of 16290 Lucky Road (APN's 510-31-065, 510-31-066, 510-31-023). The General Plan amendment consists of amending the following figures: Figure 1-2, Figure LU-1 and Figure LU-2. The Sphere of Influence (SOI) and Urban Service Area (USA) of the City of Monte Sereno is proposed to be expanded to include the subject properties. The subject properties are proposed to be rezoned with the City of Monte Sereno's existing R-1-44 designation. The proposed project also includes an application for annexation into the City of Monte Sereno. If the proposed SOI, USA

and rezoning are approved by the City of Monte Sereno and LAFCO then the proposed annexation would be categorically exempt from CEQA as a class 19 exemption (annexation of existing facilities and lots for exempt facilities).

Other Public Agencies Whose Approval is Required

LAFCO of Santa Clara County

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |

C. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier

analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Name and Title	July 26, 2013
	Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated" applies where the incorporation of mitigation measures has reduced an

effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).

5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended October 1998.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. The City’s general plan does not designate specific scenic vistas (signed and accessible to the public) within the City or in the immediate unincorporated areas adjacent to the City. The General Plan does state that the Loma Serena neighborhood have views and vistas (page 21), but this neighborhood is located at a distance from the project site. The general plan also emphasizes the value of scenic resources such as hillsides, natural resource areas and open space.
- b. The project site is not located within or near the scenic highway 9 corridor.
- c.-d. Due to the nature of the project, specific future development activities are not known yet, there is a lack of site specific development knowledge with which to conduct a site specific and development specific environmental review. Therefore, the environmental review is conducted at a “plan” level of analysis, rather than a more detailed site specific level. No, actual site specific development is proposed by the General Plan amendment, SOI amendment, USA amendment, rezoning and annexation..

Analysis which includes more detailed, site specific information about any potential development impacts is not possible at this time and would occur when the City prepares future environmental documents in connection with site specific projects.

Any potential visual impacts caused by a site specific project will be mitigated to a less than significant impact through the existing design review process (Site Development Permit) that is required for new development projects. In order for a Site Development Permit to be approved, the Monte Sereno Site and Architecture Commission must make several affirmative findings. Monte Sereno Municipal Code Section 10.08.050B2 requires an affirmative finding that "...the architectural design proposed to be employed will mitigate any significant visual impact which could result from the proposed improvement and/or use."

Any potential impacts resulting from increased light and glare that may be caused by a site specific project will be mitigated to a less than significant impact because any future development shall conform to the City of Monte Sereno design guidelines for residential development regarding exterior lighting. These guidelines are intended to reduce light and glare to a less than significant level in residential neighborhoods.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a-f. Due to the nature of the project, specific future development activities are not known yet, there is a lack of site specific development knowledge with which to conduct a site specific and development specific environmental review. Therefore, the environmental review is conducted at a “plan” level of analysis, rather than a more detailed site specific level. No, actual site specific development is proposed by the General Plan amendment, SOI amendment, USA amendment, rezoning and annexation.

Analysis which includes more detailed, site specific information about any potential development impacts is not possible at this time and would occur when the City prepares future environmental documents in connection with site specific projects.

The City’s general plan calls for preserving and rehabilitating natural habitat areas that support wildlife, encouraging the retention and re-establishment of native vegetation in all private development projects, and minimizing the disturbance of or removal of existing trees to the extent possible. All new development is required to obtain a site development permit intended to ensure these measures are taken to preserve the natural habitat.

5. CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a-d. The proposed project does not propose any demolition of existing structures, or change to any historical, archaeological or paleontological resource.

6. GEOLOGY AND SOILS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a.-e. Due to the nature of the project, specific future development activities are not known yet, there is a lack of site specific development knowledge with which to conduct a site specific and development specific environmental review. Therefore, the environmental review is conducted at a “plan” level of analysis, rather than a more detailed site specific level. No, actual site specific development is proposed by the General Plan amendment, SOI amendment, USA amendment, rezoning and annexation..

Analysis which includes more detailed, site specific information about any potential development impacts is not possible at this time and would occur when the City prepares future environmental documents in connection with site specific projects.

The Monte Sereno Municipal code regulates development that is located near active, or tract fault zones, or in areas that have expansive or other undesirable soil conditions. Special geological and/or soil reports are required to detail remedial measures necessary to reduce any significant impact to less than significant.

7. GREENHOUSE GAS EMISSIONS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a-b. Due to the nature of the project, specific future development activities are not known yet, there is a lack of site specific development knowledge with which to conduct a site specific and development specific environmental review. Therefore, the environmental review is conducted at a “plan” level of analysis, rather than a more detailed site specific level. No, actual site specific development is proposed by the General Plan amendment, SOI amendment, USA amendment, rezoning and annexation..

Analysis which includes more detailed, site specific information about any potential development impacts is not possible at this time and would occur when the City prepares future environmental documents in connection with site specific projects.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a-h. Due to the nature of the project, specific future development activities are not known yet, there is a lack of site specific development knowledge with which to conduct a site specific and development specific environmental review. Therefore, the environmental review is conducted at a “plan” level of analysis, rather than a more detailed site specific level. No, actual site specific development is proposed by the General Plan amendment, SOI amendment, USA amendment, rezoning and annexation..

Analysis which includes more detailed, site specific information about any potential development impacts is not possible at this time and would occur when the City prepares future environmental documents in connection with site specific projects.

The project site is located in the State designated wildland-urban fire interface area. Any future development is required to comply with the California State Fire Marshall’s requirements and the Monte Sereno Municipal Code requirements for the wildland fire urban interface area.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in <i>substantial erosion or siltation on- or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in <i>flooding on- or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a.-j. Due to the nature of the project, specific future development activities are not known yet, there is a lack of site specific development knowledge with which to conduct a site specific and development specific environmental review. Therefore, the environmental review is conducted at a “plan” level of analysis, rather than a more detailed site specific level. No, actual site specific development is proposed by the General Plan amendment, SOI amendment, USA amendment, rezoning and annexation..

Analysis which includes more detailed, site specific information about any potential development impacts is not possible at this time and would occur when the City prepares future environmental documents in connection with site specific projects.

10. LAND USE AND PLANNING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- b. The proposed general plan amendment is intended to make the City's General Plan consistent with the application to amend the USA and SOI.

11. MINERAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. NOISE

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13. POPULATION AND HOUSING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. TRANSPORTATION/TRAFFIC

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- e. The West Valley Sanitation District provided the City of Monte Sereno with comments that the District cannot provide sanitary sewer services to the project site because the project site is located outside of the Sewer District boundary. The applicant shall be

required to annex in to Sewer District in order to receive service and mitigate any significant impact that could result from any future development.

For sanitary sewer service in the future, the property owner must install a new privately maintained sewer system within Lucky Drive. Because Lucky Drive is a private road, the Sanitation District will not provide maintenance service to this sewer main. This future sewer main will connect to the terminus of an existing sewer main at the intersection of Greenwood Lane and Ojai Drive. The District will require the future sewer be designed and constructed in accordance with the District's "Sanitary Sewerage System Design Standards."

The property owners must also demonstrate that the necessary rights and easements for the required sewer services have been obtained.

18. MANDATORY FINDINGS OF SIGNIFICANCE

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E. SOURCES

All documents referenced above are available for review at 18041 Saratoga Los Gatos Road, Monte Sereno, CA 95030, during normal business hours.



**10/05/2016 (Item 8)
Attachment D**

Councilmember: Marshall Anstandig
Councilmember: Burton Craig
Councilmember: Susan Garner
Councilmember: Lana Malloy
Councilmember: Curtis Rogers

City Manager: Brian Loventhal
City Clerk: Andrea Chelemengos
Finance Officer: Sue L'Heureux
Building Official: Howard T. Bell

City of Monte Sereno

July 26, 2011

Ms. Neelima Palacherla
LAFCO Executive Officer
Santa Clara County
70 West Hedding Street, 11th floor, East Wing
San Jose, CA 95110

RE: Request for status of unincorporated islands within the City of Monte Sereno's
Urban Service Area

Dear Ms. Palacherla:

The City has received your letter dated May 2, 2011, requesting a status update of the unincorporated islands in the Monte Sereno Urban Service Area. Pursuant to your request, I am providing the following response.

Monte Sereno has three islands identified by LAFCO as MS01, MS02 and MS03. The City is aware that these unincorporated islands are eligible for a streamlined annexation process. The City is also aware that the County and LAFCO have provided financial incentives including payment of fees and costs to annex these islands.

Since 2005, the Monte Sereno City Council has formally considered annexation of the islands on two occasions. On October 19, 2006, the City conducted a public hearing and discussed annexation. Ultimately, the motion to annex these islands failed by a 2-3 vote of the City Council. On September 15, 2009, the City Council again conducted a public hearing and discussed annexation of the three islands. Based on opposition of the affected property owners the majority of the City Council indicated that they would not support the continuation of the annexation process for these islands.

The Land Use Element of the Monte Sereno General Plan identifies the potential annexation of islands MS01, MS02 and MS03. The Land Use Element also contains policy LU-4.5 that details the conditions that must exist for the City to continue annexation of areas within the City's Sphere of Influence in the future.

At this point in time, the City is considering annexation of individual parcels, on a case by case basis, as property owners voluntarily avail themselves of development projects that trigger the City right to annex their property. The City has conducted one such annexation in the last year.

If you have any additional questions please feel free to contact me at 354-7635.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Loventhal". The signature is fluid and cursive, with the first name "Brian" written in a larger, more prominent script than the last name "Loventhal".

Brian Loventhal
City Manager

CC: Monte Sereno City Council

Attachments: Monte Sereno City Council meeting minutes (10/19/06 and 9/15/09)
Monte Sereno General Plan, Land Use Policy, LU-4.5

10/05/2016 (Item 8) Attachment E

From: Nicholas Petredis [<mailto:nicholas@petredis.com>]

Sent: Friday, September 23, 2016 12:41 PM

To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>; Noel, Dunia <Dunia.Noel@ceo.sccgov.org>

Cc: Brian Loventhal (BLoventhal@cityofmontesereno.org) <BLoventhal@cityofmontesereno.org>; Vladimir Rubashevsky (vlad@reincloud.com) <vlad@reincloud.com>

Subject: Monte Sereno -- Lucky Road Annexation

Hello Neelima and Dunia,

Attached please find a letter we submit in support of the above captioned application. If you wish to discuss before the hearing, I am very happy to do so.

Thanks,
Nick

Nicholas P. Petredis, Esq.

PETREDIS LAW OFFICES

50 W. San Fernando Street, Suite 1415

San Jose, California 95113

408.521.4532 (T) | 408.521.4533 (F) | 650.533.5010 (M)

Nicholas@Petredis.com | www.Petredis.com | Skype: NPPLAW

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NICHOLAS P. PETREDIS
ATTORNEY AND COUNSELOR AT LAW

Via E-mail

September 23, 2016

LAFCO of Santa Clara County
70 West Hedding Street
11th Floor, East Wing
San Jose, CA 95110

Re: *Proposed Annexation of APN 510-31-066,-076, -077 and a portion of -023*

Dear Chairperson Wasserman, Vice Chairperson Martin-Milius and Commissioners:

I represent the owners of the above captioned properties on Lucky Road. The properties, contiguous to the City of Monte Sereno (not an island), are 80% ± surrounded by the City's Sphere of Influence ("SOE"), and the Urban Service Area ("USA") boundary is literally on the other side of the street in the front of the properties. I attach maps showing the location of the properties and the current SOE and USA boundaries for your convenience.

Some Commissioners are familiar with the previous application made for the same properties and the decision made at the December 4, 2013 LAFCO hearing. At that hearing, the application was viewed favorably and approved contingent on the City annexing its three islands within one year. Unfortunately that timeline proved to be unrealistic given the resistance to annexation by property owners in the unincorporated areas. The property owners submit this new application in the sincere belief that given the balance of interests between LAFCO and the City, discretion to deviate briefly and lightly from LAFCO's policy on annexations and islands is warranted. Our argument falls under three broad categories – sound planning, environmental considerations and a collaborative approach.

Sound Planning: For all intents and purposes, the properties are incorporated into the fabric of the City. When you look at a map of the location you see the properties actually sit in a deep pocket between other parcels already within the City's SOI, and the USA line is on the other side of Lucky Road in front of the existing house. Why these particular parcels were carved out when the SOI and USA lines were drawn is lost in history. The next closest properties further up Lucky Road are geographically removed from what is a contiguous uninterrupted neighborhood of homes. A larger curiosity you see on the maps is a peninsula of an adjoining property that is *already in the City's limits*

(APN 510-31-023) that protrudes into the unincorporated area. If annexation occurs, this would be an additional benefit to have that entire property already within the City's boundaries to come under the City's zoning and building standards. The owner of that adjoining property supports the annexation for that reason. The end result of an annexation would be a more orderly boundary for the SOI and a logical extension of the USA to provide all of the City's services.

Environmental Considerations: My clients went to great effort and cost to remodel a historic house that has stood for decades on one of the parcels. The other parcel (-076) is now vacant but could be built on in accordance with County regulations. When my clients remodeled the existing house they of course had to follow the County's zoning and building standards. An unfortunate result of it being located outside the USA is it could not be tied into the sewer line across the street and instead, required installation of a septic system.

However, a net positive environmental benefit of an annexation of the properties is once the USA is adjusted, the owners are committed to running a main sewer line down Lucky Road to hook up to the sewer system. Once connected, the septic system at the house would be removed. Additionally, once the new line is in Lucky Road, other properties owners in the neighborhood along the sewer line, but now on septic systems, would have the opportunity to hook into the sewer system. The neighbors are aware of this possibility and not only are very supportive of the plan but have also expressed interest in connecting to this sewer line. The option to have multiple properties abandon old septic systems over time has to be viewed as a net beneficial impact for the environment. If the Commission were inclined to approve this application a condition of approval for this applicant to connect to the sewer system may be appropriate, but in any event the owners are committed to doing so. Another benefit supporting annexation concerns the future development on the remaining vacant parcel. If it is in the USA and SOI, it would also connect to the sewer line and we would avoid the environmental impact of another septic system.

From a planning perspective – use, delivery of services, character, and consistency with the surrounding neighborhood – annexation would recognize the obvious that these properties are uniquely situated (because of the arbitrary boundary lines) but completely part of the City. The adjustment of the SOI and USA will not promote urban sprawl and will in fact make for a more orderly border. By allowing these properties to be legally part of the City, the properties would become consistent with the surrounding existing uses, subject to the same City zoning and building regulations, and that makes for sound planning.

Collaborative Approach: Giving all deference to the policies and goals of LAFCO we should acknowledge without judgment that the County's residents have strongly opposed annexation. It should also be noted and credited that the City has tried twice, to second readings, to avail itself of the waiver of fees for annexation that LAFCO has offered. However at the end of those processes, the City Council had no real choice except to represent the will of its constituents as you Commissioners do for the LAFCO mandate.

It may seem obvious but it should be noted there is no fundamental disagreement between LAFCO and the City over the concept of annexation. The two public agencies can build on that meeting of the minds by also accepting there is a difference as to the timing of annexations. Please give keep in mind and give credit that the City is committed to annexation where property owners desire to be annexed, as it is in the case with this application. That is not an insignificant point and more importantly one that can serve to form a foundation on which the island annexation issue can be addressed and resolved over time. The friction between LAFCO and the City over islands does not have to remain a static, binary choice...why not give an alternative approach a try? By jointly agreeing to take an incremental view, a longer term approach to the stalemate we see now could actually move the ball to the goal? That is leadership, which is also is smart government.

As it stands now, clearly in writing and action, the City is on record that it will support a request for annexation. It is equally clear that LAFCO prefers the City exercise its ability to make that happen regardless what its future citizens prefer. So what will it take to make the record skip a groove? A middle ground worth exploring is a collaborative approach where approval of this application is used as a positive example of the benefits of annexation. The property owners are very happy to commit time and money to help "sell" the reasons why annexation into the City is net benefit. LAFCO publishes information on its web site about what it does and the reasons for annexation, but perhaps an outreach effort could be increased with the County and City collaborating to align the zoning codes in the County pockets. If this application were approved, the property owners could be used as a voice to explain why they wanted to be annexed. A team approach by the City and LAFCO that explains facts, corrects misinformation and most importantly explains why being in the City is preferable for many reasons to remaining in an unincorporated area. The positive example of three property owners who wanted their properties to be annexed by the City will hopefully influence property owners in the unincorporated areas to look positively on annexation.

To sum up, we believe the strongest reason for annexing the properties is they are logically and practically already a part of the City. And as was asked of this Commission back in December of 2013, consider the real-life impact on these individual property

owners as you weigh approving this application. Please do not make this application a political football where, if denied, nothing is gained by LAFCO, the City or the property owners. You have the discretion to approve this application by choosing to weigh the facts and benefits of this application against an unrelenting application of the policy on annexations. The property owners sincerely believe the chance for some progress is preferable to the status quo. For these reasons and others, we believe annexation of this property, contiguous to and surrounded by the City's boundary, would be consistent with the policies and purpose of LAFCO.

Thank you for your time and consideration.

Sincerely,



Nicholas P. Petredis

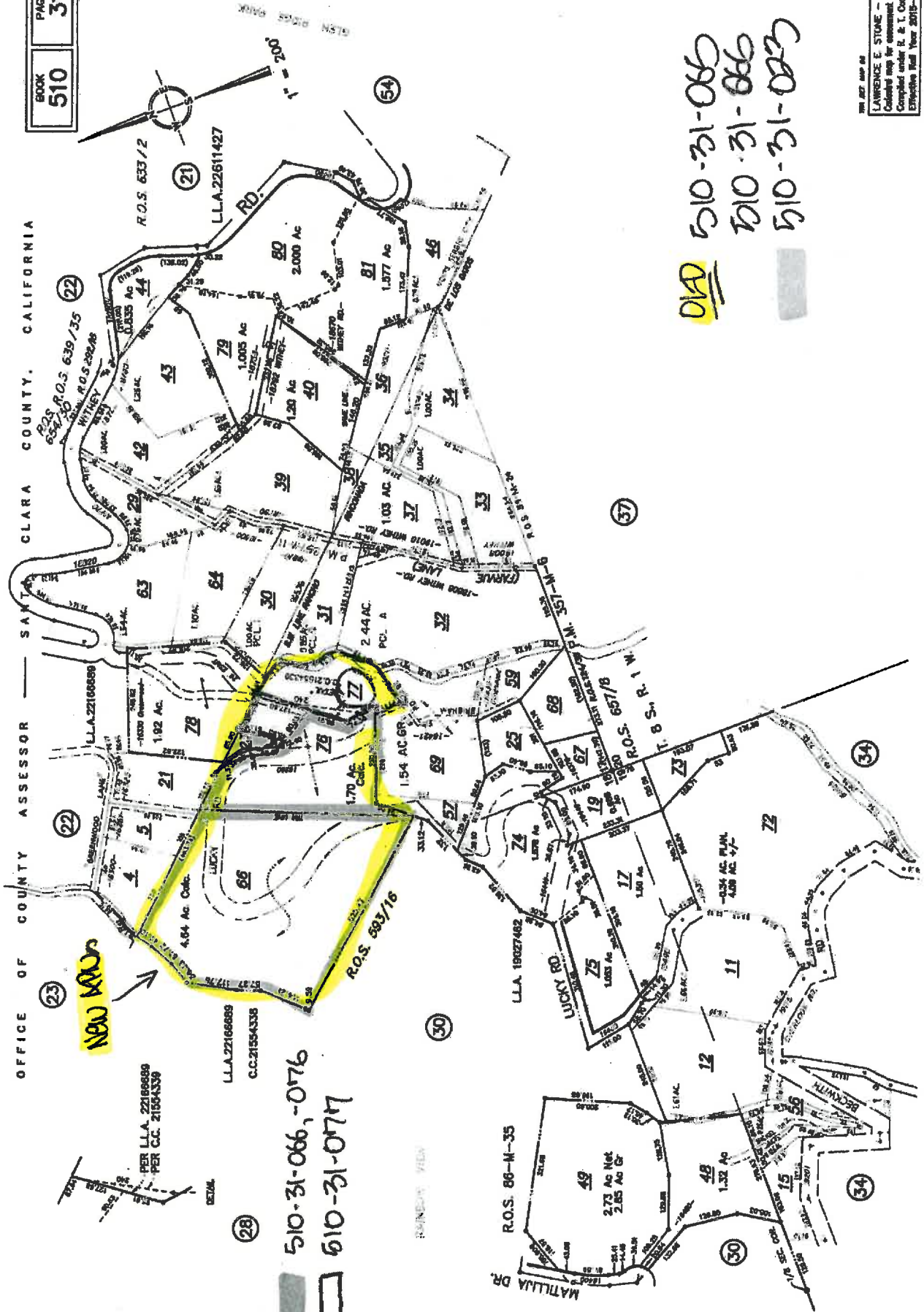
NPP:tp

Cc: Client

Brian Loventhal, City Manager

Enclosure

OFFICE OF COUNTY ASSESSOR - SANTA CLARA COUNTY, CALIFORNIA



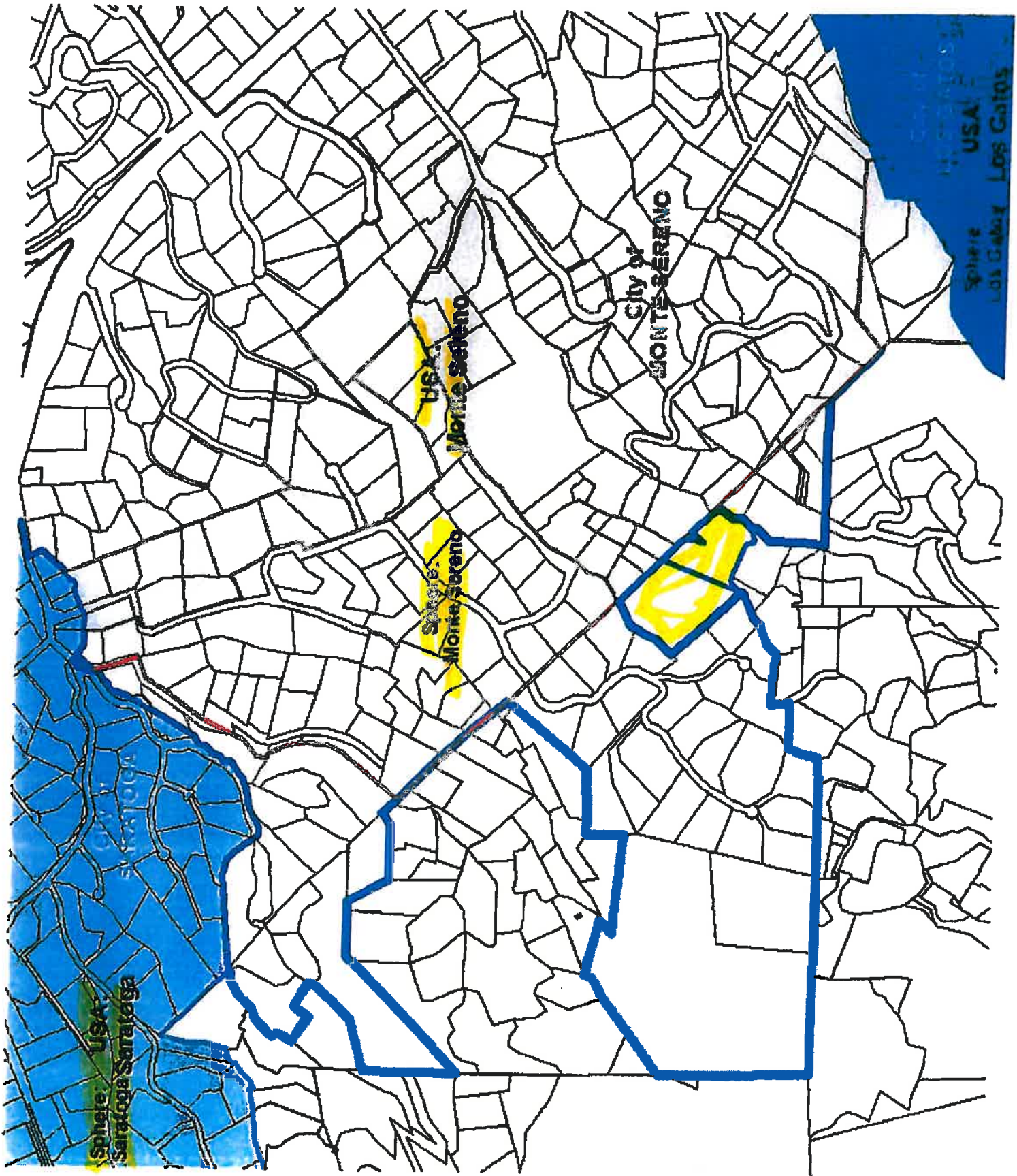
NEW MAPS

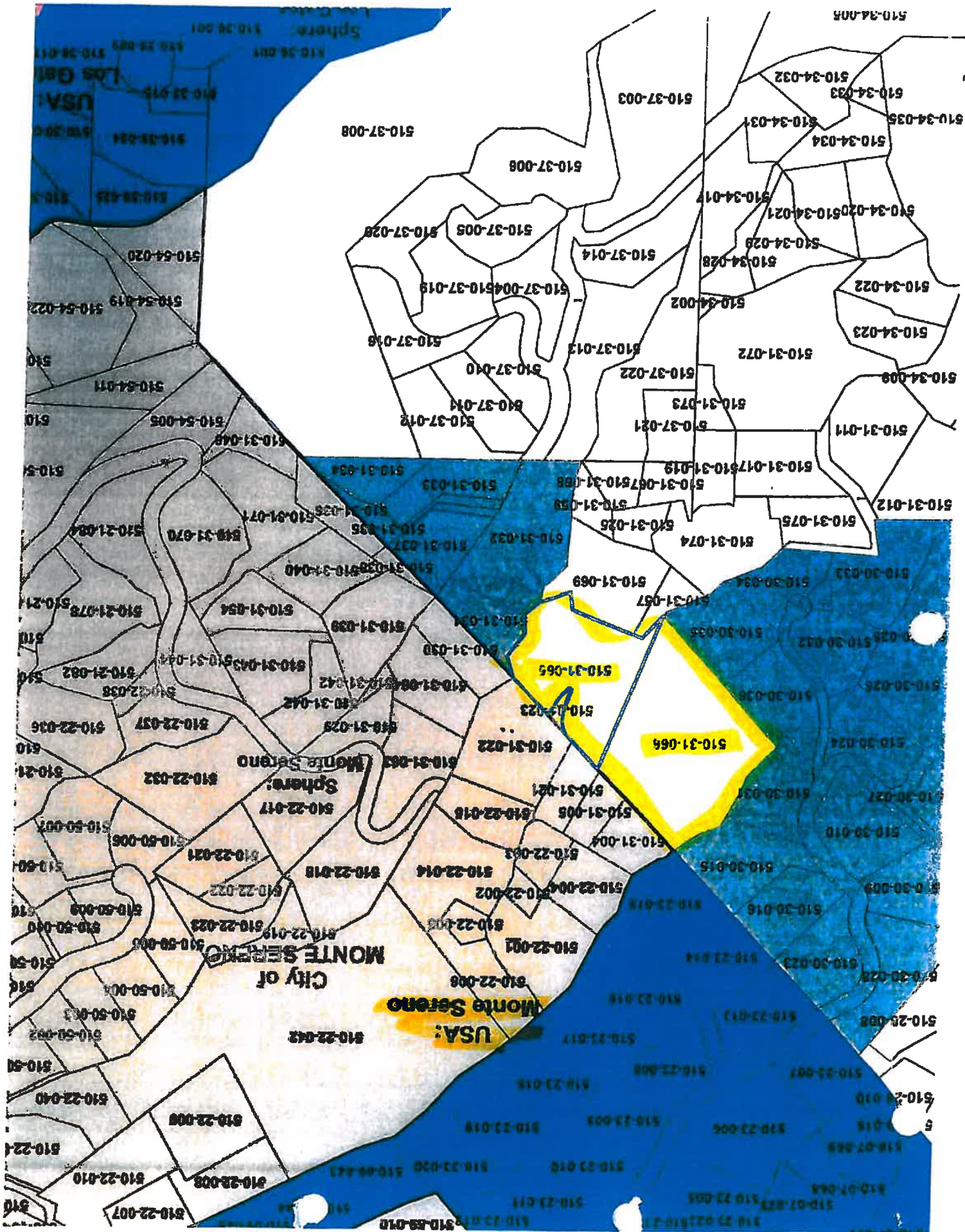
PER L.L.A. 2216689
PER C.C. 21554338

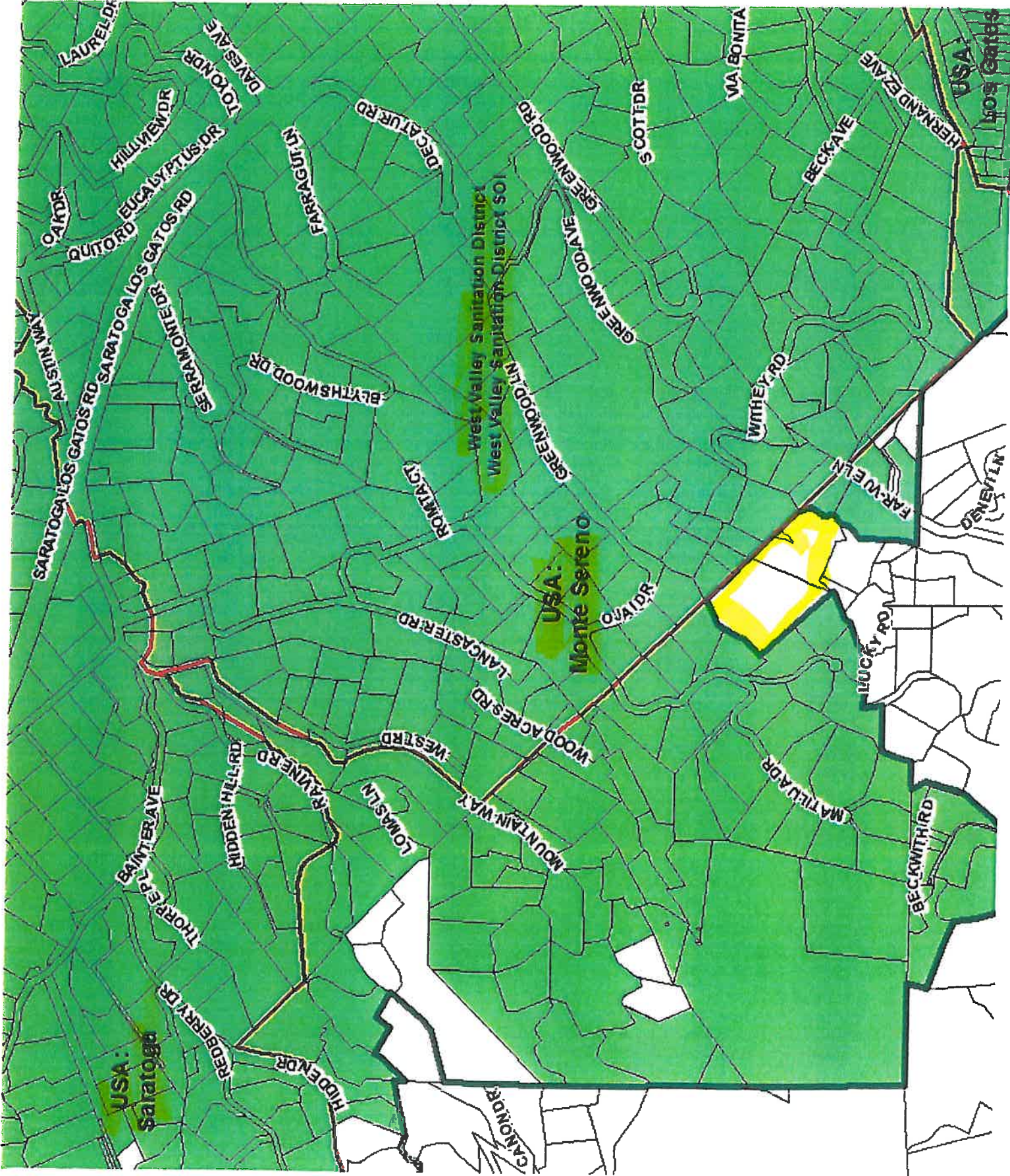
LLA 2216689
C.C. 21554338

510-31-066, -076
510-31-077

510-31-066
510-31-066
510-31-077







From: dturkus@aol.com
Sent: Tuesday, September 27, 2016 7:22 PM
To: Abello, Emmanuel; dturkus@aol.com
Subject: City of Monte Sereno's application to expand its SOI and USA to include 7.4 acres of land located along Lucky Road

Emmanuel Abello
LAFCO of Santa Clara County
70 West Hedding Street
11th Floor, East Wing
San Jose, CA 95110

Re: City of Monte Sereno's application to expand its sphere of influence (SOI) and urban service area (USA) to include approximately 7.4 acres (comprising APNs 531-31-066, 076, 023, 077, and a portion of 078) located along Lucky Road.

We are opposed to said annexation due to the following reasons:

- 1) Access to said parcels is Greenwood Lane which is a very narrow private road, nine (9) feet in some portions,
- 2) In the event of emergency, it is extremely difficult to exit the area, and any further development would compound the unsafe situation,
- 3) Large trucks have come into the area, and have taken several hours to negotiate a U-turn or a path back out,
- 4) We have personally had a retaining wall knocked over by a large truck, and fortunately for us our neighbor witnessed the incident. Other neighbors have had similar incidents with large trucks unable to negotiate these narrow roads,
- 5) The area is not consistent with those areas currently in Monte Sereno, as this is a wooded area with curvy, narrow one lane roads and no sewer system,
- 6) We attempted to get our parcel annexed in the 1987, 1988 time frame. The letter from the City, at that time, told us that they did not want to patrol those one lane roads. Which, still exist as narrow one lane roads.
- 7) The neighbors can already use Monte Sereno as a mailing address, as the zip code is shared with Los Gatos.

If it is the intention of the City of Monte Sereno by such annexation to do the following:

- 1) Annex all the properties along Greenwood Lane from Ojai to Lucky Road, so as not to have isolated parcels (not contiguous to other City parcels), which this annexation would create (some in the City, others not)
- 2) City to widen and maintain Greenwood Lane (currently a private road) from Ojai to Lucky Road, to County minimum standards of no less than sixteen (16) feet with three (3) foot shoulders, and
- 3) Pave the dirt portion of Lucky Road between Withey Road and Greenwood Lane, to create a safer emergency exit route.
- 4) Bring in sewer lines and laterals for the entire neighborhood,
- 5) Provide Los Gatos/Monte Sereno police service to the area.

If these four items are the intention of the City of Monte Sereno by such annexation, I would be in favor of said annexation.

Dan and Jeanette Turkus
16446 Lucky Road
Monte Sereno, CA 95030-3027
Phone: (408) 354-7626
Cell: (408) 313-1586

From: JoAnne Swing <joanne@swings.net>
Sent: Thursday, September 29, 2016 5:28 PM
To: Abello, Emmanuel
Subject: public hearing re: 510-31-066, etc.

Dear Mr. Abello,

We on Lucky Road and Greenwood Road are concerned that the owner of these parcels wants to incorporate them into Monte Sereno so that he can subdivide and build more houses. He advertised that the property could be subdivided into one acre lots after incorporation into Monte Sereno when he put it on the market last year.

Any more houses on Lucky Road and/or Greenwood Road would be problematic. Both roads are narrow. Lucky Road, involving seven neighbors, is only one lane for a half a mile, plus it's steep and curvy. Greenwood Lane, involving about 12 neighbors, narrows to a single lane for most of its upper half mile and parts of its lower mile. Both roads have 90 degree turns which make passage for large trucks difficult to impossible. We have had too many accidents on these roads already. More steady traffic (not to mention the traffic of construction equipment for the time it would take to build) would put us all at greater personal risk on the road.

A second problem is that both roads are privately maintained. In the past the people on Lucky Road were embroiled in a long standing legal battle concerning paving a section of the road. Sections of Greenwood Lane are in need of repair, and have been for quite some time.

Please consider this when you make your decision about allowing Monte Sereno to incorporate parcels: 510-31-066, 510-31-076, 510-31-023, 510-31-077, and a portion of 510-31-078, and **DO NOT ALLOW THE ANNEXATION**. The property is 16290 Lucky Road, Monte Sereno, CA, 95030.

Thank you very much for your time and consideration.

Yours truly, Brian and JoAnne Swing
16370 Lucky Road
Monte Sereno, CA 95030
C 408-202-1651

**10/05/2016 (Item 8)
Supplemental Info No. 1**

From: Palacherla, Neelima
Sent: Monday, October 03, 2016 2:50 PM
Cc: Velasco, Roland; Kelly, Kieran; Strickland, Scott; 'norma.gutierrez@sanjoseca.gov'; 'district2@sanjoseca.gov'; Malathy Subramanian (Malathy.Subramanian@bbklaw.com); Abello, Emmanuel
Subject: Monte Sereno SOI/USA Amendment 2016: Request for Continuance

Dear Commissioners,
Please see below. This is a heads up that the property owners/applicant are requesting a continuance for Agenda Item #8: Monte Sereno USA/SOI Amendment 2016.
Thank you.

Neelima Palacherla
Executive Officer
LAFCO of Santa Clara County
www.santaclaralafco.org

Mailing Address
70 W. Hedding Street, 11th Floor, East Wing
San Jose, CA 95110

New LAFCO Office Location
2310 N. First Street, Suite 106, San Jose

New Phone Number
(408) 993-4713

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From: Nicholas Petredis [<mailto:nicholas@petredis.com>]
Sent: Monday, October 03, 2016 12:56 PM
To: Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Cc: Brian Loventhal (BLoventhal@cityofmontesereno.org) <BLoventhal@cityofmontesereno.org>
Subject: Monte Sereno SOI/USA Amendment 2016 -- Lucky Road Annexation -- Request for Continuance

Hello Dunia.

As we discussed, my client Vladimir Rubashevsky is out of the country this week and therefore will not be able to attend the meeting this Wednesday. For that reason, we respectfully request a continuance of the above captioned application until the December 7th meeting so that he may attend the hearing on the application. I conferred with Brian Loventhal, City Manager, on this request. He agrees and supports the request on behalf of the City. Brian is copied on this message and is available to discuss if you have any questions.

We very much appreciate I will be happy to attend the meeting this Wednesday.

Thank you,
Nick

Nicholas P. Petredis, Esq.

PETREDIS LAW OFFICES

50 W. San Fernando Street, Suite 1415

San Jose, California 95113

408.521.4532 (T) | 408.521.4533 (F) | 650.533.5010 (M)

Nicholas@Petredis.com | www.Petredis.com | Skype: NPPLAW

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Don't print this e-mail unless you really need to.

**10/05/2016 (Item 8)
Supplemental Info No. 2**

From: Mackenzie Mossing <mackenziescvas@gmail.com>
Sent: Monday, October 03, 2016 1:24 PM
To: Wasserman, Mike; TaraMilius@gmail.com; District2@sanjoseca.gov;
Susan@swilsonlaw.com; district3@openspaceauthority.org; board@valleywater.org;
Yeager, Ken
Cc: Abello, Emmanuel
Subject: Please deny the proposed Monte Sereno Urban Service Area (USA) Amendment and
Sphere of Influence (SOI) Amendment
Attachments: 161003_LAFCo_Amendments.pdf

Dear Chairperson Wasserman and Santa Clara LAFCO commissioners,

Please review the attached letter regarding the Santa Clara Valley Audubon Society's comments on the Monte Sereno Urban Service Area.

Sincerely,
Mackenzie Mossing
Advocacy and Conservation Intern
Santa Clara Valley Audubon Society



October 3rd, 2016

Local Agency Formation Commission (LAFCO) of Santa Clara County

RE: Please deny the proposed Monte Sereno Urban Service Area (USA) Amendment and Sphere of Influence (SOI) Amendment

Dear Chairperson Wasserman and Santa Clara LAFCO commissioners,

Santa Clara Valley Audubon Society (SCVAS) is supporting staff recommendation to deny the proposed Monte Sereno Urban Service Area (USA) Amendment and Sphere of Influence (SOI) Amendment. Founded in 1926, SCVAS is one of the largest Audubon Society chapters in California. Our mission is to promote the enjoyment, understanding, and protection of birds by engaging people of all ages in birding, education, and conservation.

For decades, natural and agricultural landscapes in Santa Clara Valley have been consumed by urban sprawl. Habitat and water resources have been diverted to human use, resulting in adverse impacts to populations of many of our native species of birds and wildlife. SCVAS has advocated for frugal and compact use of land resources, and for conservation of open space and the natural environment. As stewards for avian species and their environmental resources, we are always concerned with any projects that may negatively affect birds, wildlife and habitat.

LAFCO is an independent agency with countywide jurisdiction, created by the State Legislature to encourage orderly boundaries, discourages urban sprawl, preserve agricultural lands and open space, and ensure efficient delivery of services. We believe that Santa Clara County can build sustainable communities and meet our population growth needs without encouraging sprawl. Instead, we must embrace nature and safeguard our natural resources to provide quality of life into the future as our climate changes and pressure on natural resources increases.

We support the staff's recommendation to deny the proposed Monte Sereno Urban Service Area (USA) Amendment and Sphere of Influence (SOI) Amendment.

Thank you,

Mackenzie Mossing
Advocacy and Conservation Intern

AGENDA ITEM # 5
Attachment B

From: Shane Ryan <s_ryan5@u.pacific.edu>
Sent: Friday, January 26, 2018 4:29 PM
To: Abello, Emmanuel
Subject: Monte Sereno Expansion Lucky Road

Good Afternoon,

My name is Shane Ryan and I am a register voter within 300 feet of the proposed project.

I am not able to make the meeting time of Feb 7, 2018 at 1:15 pm so I am writing my voice in for this concern.

Let me start by saying I am not supporting this project what so ever! I understand the reasoning of the project but please consider the community around the area.

I am now listing my reasons not to build/ approve

1. We moved here to be in a peaceful area/ community. We have enjoyed the quietness of the area and the nature around us.
2. The ROADS ARE PRIVATE. We own a portion of the road. We have to pay for any repairs that are caused on our portion of the road. If this gets approved we will be getting tons of traffic. If this goes through, hypothetically there will be about 20+ cars more using the single lane roads. That will be more money for us to maintain them.
3. Construction traffic. A couple of years ago when a house on lucky was being constructed we have constant construction traffic. It was not good for the community. Also we talked to the builder/ manager during this and he said that once construction was completed he would fix our road and property (fence, bricks, etc.) back to what it was before any trucks/ construction start using the road. It has been about 4-5 years since they finished and the road/ property has not been fixed like promised. WHAT WOULD THE NEW PROJECT DO???
4. Please think about the community already around the proposed project. I would imagine almost everyone did not expect to have this happen when they first bought their house. Leave the area how it is.

If this project was to be passed (in which I hope never will) builders and new home owners of the new houses need to ask permission to use the road and not take advantage of it. How would you feel if someone damage your property and never repaired it?

Thank you so much for your time, if you have any questions regarding the statement above please reply back at s_ryan5@u.pacific.edu
I will reply as quickly as I can.

Thank you,

Shane Ryan

--

Shane Ryan
Music Education
University of the Pacific
Conservatory of Music
s_ryan5@u.pacific.edu

From: JoAnne Swing <joanne@swings.net>
Sent: Wednesday, January 24, 2018 4:48 PM
To: Abello, Emmanuel
Subject: Monte Sereno Sphere of Influence and Urban Service Area Amend. 2017

Dear Mr. Abello,

RE: Monte Sereno Sphere of Influence and Urban Service Area Amend. 2017

This is in regard to the notice of public hearing before LAFCO to consider the City of Monte Sereno's application to expand its sphere of influence and urban service area to include approx. 7.4 acres, (comprising APNs 510-31-066, 510-31-076, 510-31-023, 510-31-077, and a portion of 510-31-078) located along Lucky Road.

Lucky Road is a one lane mountainside private road with no room for expansion. Sections of Greenwood Lane, the only access road out from the bottom of Lucky, are also one lane. Any more traffic on either road would lead to greater risk of accidents.

The contractor who owns this property remodeled the large house sitting on one parcel of it a few years ago. The construction equipment was a hazard for those of us living along Lucky Road above his property. He is trying to get the entirety of the property incorporated into Monte Sereno so that he can divide the parcels and add more housing. Unfortunately, both Lucky Road and Greenwood Lane (which is the only access out from the bottom of Lucky Road) are one lane roads that are tricky to drive. We are very concerned that adding more residents to this already impacted area will greatly increase our risk while driving on the roads. We are in a situation where cars that meet on Lucky Road must back uphill, up to 1/4 mile, in order to pass. There have been collisions on the road, plus one instance recently when a car had to be towed away after it went off the side of the road.

This proposal was rejected in 2016 and we are requesting another rejection this year. We feel even more strongly opposed to further construction than we did then after the heavy rains of last winter. During these rains Overlook Drive (the road above Lucky Road) was closed several times due to land slippage and downed trees. The excess traffic we had to endure on Lucky Road and Greenwood Lane was very problematic. We are concerned that, especially in the event of a forest fire, getting out to safety could be extremely difficult, especially if there is even more traffic on the road due to more residents from added construction.

Thank you very much for your consideration.

Sincerely,

JoAnne and Brian Swing
16370 Lucky Road
Monte Sereno, CA 95030

February 7, 2018
AGENDA ITEM # 5
Supplemental Information No. 1

From: Pummy DS <pummyds@gmail.com>
Sent: Monday, February 05, 2018 4:43 PM
To: Abello, Emmanuel
Subject: Monte Sereno Sphere of Influence and Urban Service Area Amend. 2017

Dear Mr. Abello,

RE: Monte Sereno Sphere of Influence and Urban Service Area Amend. 2017

This is in regard to the notice of public hearing before LAFCO to consider the City of Monte Sereno's application to expand its sphere of influence and urban service area to include approx. 7.4 acres (comprising APNs 510-31-066, 510-31-076, 510-31-023, 510-31-077 and a portion of 510-31-078) located along Lucky Road.

We as residents of Lucky Road are concerned about the increased risk on Lucky Road and Greenwood Lane should the property 16290 Lucky Road be annexed. The owner has publicly expressed his intent to subdivide the property in order to build and sell more houses. The increased traffic from more houses, as well as the associated construction traffic and equipment, will negatively impact these predominantly single lane roads.

As Lucky Road and Greenwood Lane are private roads, they must be privately maintained and repaired. The owner of 16290 Lucky Road completed a massive overhaul and rebuilding of the house and guest house a few years ago, but still has not repaired the damages that Greenwood Lane and Lucky Road sustained during the construction process by the trucks and equipment.

Moreover, the owner of 16290 Lucky Road is not residing on the property. Between the two different families living in the house and guest house, there are four additional cars on the road; yet, still no effort is being made to repair, let alone improve, the roads.

Lucky Road is not a county road. Lucky Road is a single lane private driveway for the the use of the residents of the homes on this road; accordingly it is privately maintained and repaired by the residents, and we do not want the increased traffic that will come with building more houses.

We appreciate your consideration of our concerns. Thank you.

Sincerely,

Paramjit (Pummy) and Amandip Sehmbeey
16449 Lucky Road
Monte Sereno, CA 95030

From: dturkus@aol.com
Sent: Monday, February 05, 2018 8:09 AM
To: Abello, Emmanuel
Subject: Monte Sereno Sphere of Influence and Urban Service Area Amend. 2017

To: Emmanuel.Abello <Emmanuel.Abello@ceo.sccgov.org>
Sent: Wed, Jan 24, 2018 4:48 pm
Subject: Monte Sereno Sphere of Influence and Urban Service Area Amend. 2017

Dear Mr. Abello,

RE: Monte Sereno Sphere of Influence and Urban Service Area Amend. 2017

This is in regard to the notice of public hearing before LAFCO to consider the City of Monte Sereno's application to expand its sphere of influence and urban service area to include approx. 7.4 acres, (comprising APNs 510-31-066, 510-31-076, 510-31-023, 510-31-077, and a portion of 510-31-078) located along Lucky Road.

Upper Greenwood Lane is the approach to Lucky Road. Both upper Greenwood Lane and Lucky Road are private **one lane** mountain roads (one lane road meaning if two drivers meet on the one lane road, one driver has to back up and try to find a place to pull out of the way for the other car to pass--this is often extremely difficult to navigate). There have been car accidents. (Turkus, Bendixon, Goldman, Swing involved and others we may not know of.)

We strongly object to more Greenwood and Lucky traffic that would directly add to FIRE Risk. In addition to residents and their guests, mapping devices such as Google maps direct traffic to Overlook Road and Beckwith Road using Lucky and Greenwood. We remember the tragic Oakland hills fires of a few decades back, when people were trapped.

We object to any additional development creating more traffic on these already potentially dangerous narrow roads. Use of Lucky Road has been the subject of two lawsuits over the last few decades.

The property owner petitioning to be annexed into Monte Sereno did not repair the damage his construction/remodeling did to the lower portion of Lucky Road, where it meets Greenwood.

Dan and Jeanette Turkus
16446 Lucky Road
(408) 354-7626

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: PROPOSED AMENDMENT OF LAFCO BYLAWS

STAFF RECOMMENDATION

Amend the LAFCO Bylaws to include the proposed policies regarding regular LAFCO meeting agendas. (Attachment A)

BACKGROUND

LAFCO's current Bylaws do not include policies to guide the Commission's procedures and timelines for preparing and posting the Commission's regular meeting agenda and agenda packet. Recently, there has been some confusion concerning the process for placing an item on a Commission agenda and also for amending an agenda. Staff has drafted a new set of policies (**Attachment A**) for the Commission's consideration and adoption that clarify the following:

- Executive Officer's and Chairperson's roles in preparing and approving the agendas
- How commissioners can place items on a future agenda
- Timing requirements for including materials in the agenda packet
- Timing requirements for posting the agenda on the County's bulletin board and for posting the agenda packet on the LAFCO website
- Distribution and availability of materials related to an agenda item received after an agenda packet has been posted on the LAFCO website
- Special legal circumstances under which a posted agenda may be amended

NEXT STEPS

If adopted by the Commission, staff will amend the LAFCO Bylaws to include the new agenda policies. The LAFCO website will be updated to include the revised LAFCO Bylaws.

ATTACHMENT

Attachment A: Proposed policies regarding regular LAFCO meeting Agendas

AGENDA ITEM # 6
Attachment A

AGENDA

1. The Executive Officer shall prepare, for the Chairperson's review and approval, an agenda for each regularly scheduled meeting containing the specific items of business to be transacted.
2. All reports, materials, or other matters to be submitted to the Commission at its regular meeting, as part of the agenda packet, shall be delivered to the Executive Officer no later than 12:00 p.m. (noon) on the Monday, nine days preceding a Regular Commission Meeting.
3. During the Commissioner Reports portion of the meeting, any commissioner may request consideration of an agenda item for a future meeting, and such item shall be added to a future meeting if voted for by a majority of the Commission.
4. The agenda shall be posted on the bulletin board located outside of the County of Santa Clara Government Center in San Jose and shall be available for public inspection at the LAFCO office, no later than seventy-two (72) hours prior to the meeting.
5. The agenda packet for a Regular Commission Meeting shall be posted on the LAFCO website and shall be available for public inspection at the LAFCO office, no later than seventy-two (72) hours prior to the meeting.
6. Materials related to an agenda item submitted after the posting of the agenda shall be provided to commissioners and shall be available for public inspection at the LAFCO office and at the meeting.
7. No commissioner shall amend the agenda after the agenda has been posted. The Commission shall not take action on any items that do not appear on the posted agenda. However, the agenda may be amended to include items not appearing on the posted agenda, in accordance with Government Code Section 54954.2.



February 7, 2018
AGENDA ITEM # 7

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: FINANCE COMMITTEE FOR FISCAL YEAR 2018-2019

STAFF RECOMMENDATION

Establish a committee composed of three commissioners to work with staff to develop and recommend the proposed FY 2018-2019 LAFCO budget for consideration by the full commission.

BACKGROUND

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) which became effective on January 1, 2001, requires LAFCO, as an independent agency, to annually adopt a draft budget by May 1 and a final budget by June 15 at noticed public hearings. Both the draft and the final budgets are required to be transmitted to the cities, the special districts and the County. LAFCO's Finance Committee will discuss and recommend both a preliminary and then a final FY 2018-2019 LAFCO budget to the commission for adoption.

The time commitment for commissioners serving on this committee would be limited to 1 or 2 meetings, between the months of February and May.

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
**SUBJECT: SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA)
WORKERS' COMPENSATION RESOLUTION**

STAFF RECOMMENDATION

Approve Resolution # 2018-1(Attachment A) confirming workers' compensation coverage by Special District Risk Management Authority (SDRMA) for LAFCO commissioners.

BACKGROUND

Santa Clara LAFCO obtains property/liability insurance, and workers' compensation coverage for its commissioners from SDRMA. In December 2017, LAFCO received a letter from SDRMA (Attachment 2) requesting members to adopt a resolution in order to continue workers' compensation coverage for governing body members and /or volunteers. The letter includes a sample resolution and requests that no changes be made to the sample resolution, other than to fill in the agency name and adoption specifics.

Adoption of the resolution reflects current coverage and will not result in any increased costs to Santa Clara LAFCO.

ATTACHMENT

Attachment A: Proposed Resolution # 2018-1

Attachment B: SDRMA Letter

**RESOLUTION OF THE GOVERNING BODY OF
THE LOCAL AGENCY FORMATION COMMISSION OF SANTA CLARA COUNTY
DECLARING THAT GOVERNING BODY MEMBERS AND VOLUNTEERS
SHALL BE DEEMED TO BE EMPLOYEES OF THE DISTRICT FOR THE
PURPOSE OF PROVIDING WORKERS' COMPENSATION COVERAGE FOR
SAID CERTAIN INDIVIDUALS WHILE PROVIDING THEIR SERVICES**

WHEREAS, the Local Agency Formation Commission of Santa Clara County utilizes the services of Governing Body Members and Volunteers; and

WHEREAS, Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a resolution by the Governing Body of the agency so declaring, be deemed to be an employee of the agency for the purpose of Division 4 of said Labor Code while performing such services; and

WHEREAS, the Governing Body wishes to extend Workers' Compensation coverage as provided by State law to the following designated categories of persons as indicated by a checkmark in the box to the left of the descriptions:

- All Members of the Governing Body of the Local Agency Formation Commission of Santa Clara County as presently or hereafter constituted and/or
- All persons performing voluntary services without pay other than meals, transportation, lodging or reimbursement for incidental expenses
- Individuals on Work-study programs
- Interns
- Other Volunteers
- _____
[designate]

NOW, THEREFORE, BE IT RESOLVED, that such persons coming within the categories specified above, including the duly elected or appointed replacements of any Governing Body Member and other designated individuals be deemed to be employees of the Local Agency Formation Commission of Santa Clara County for the purpose of Workers' Compensation coverage as provided in Division 4 of the Labor Code while performing such service. However, said Governing Body Members and other designated individuals will not be considered an employee of the Local Agency Formation Commission of Santa Clara County for any purpose other than for such Workers' Compensation coverage, nor grant nor enlarge upon any other right, duty, or responsibility of such Governing Body Members or other designated individuals, nor allow such persons to claim any other benefits or rights given to paid employees of the Local Agency Formation Commission of Santa Clara County.

PASSED, APPROVED AND ADOPTED this 7th day of February 2018 by the following vote:

AYES:

NOES:

ABSENT:

Ken Yeager, Chairperson
Local Agency Formation Commission of Santa Clara County

APPROVED AS TO FORM:

Mala Subramanian, LAFCO Counsel

ATTEST:

Emmanuel Abello, LAFCO Clerk

AGENDA ITEM # 8
Attachment B

November 30, 2017

Ms. Neelima Palacherla
Executive Officer
Local Agency Formation Commission of Santa Clara County
777 North First Street, Suite 410
San Jose, California 95112

Re: Workers' Compensation Resolution for Governing Body Member and/or Volunteer Coverage

Dear Ms. Palacherla,

Recently our excess carrier has made us aware that SDRMA Workers' Compensation (WC) members need to pass a **new Resolution** if they would like to continue (or start) covering their Governing Body members and/or volunteers.

Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a Resolution by the Governing Body of the agency so declaring, be deemed to be an employee for workers' compensation purposes. Thus, if such a resolution is adopted, and the volunteer is injured while performing duties for the agency, the volunteer is entitled to receive workers' compensation benefits and their exclusive remedy for recovery against the agency is through the Workers' Compensation system.

Such Governing Body members and/or volunteers may be covered for workers' compensation benefits only if a Resolution to that effect is adopted by the Governing Body pursuant to Labor Code § 3363.5 and a copy of the Resolution is filed with SDRMA.

A new Resolution (see attached) has been created by our coverage counsel. The Resolution permits your Governing Body to designate the various categories of persons who the agency desires to "deem" to be employees for purposes of workers' compensation. It declares, on a blanket basis, that the designated categories of volunteers are deemed employees and those categories consist of Governing Body Members, persons performing voluntary service, persons on work study, interns, and other volunteers. In addition, those so designated persons also need to be listed under our Workers' Compensation Program (which includes paying an annual contribution amount) to enable coverage.

When using the sample Resolution provided, please do not make any changes other than the areas highlighted in yellow. **To ensure accurate and timely implementation of your Resolution, please return your Governing Body approved Workers' Compensation Resolution as soon as possible by fax or email.** A Microsoft Word version of the sample Resolution can be downloaded at <http://www.sdrma.org/program-coverages/workers-compensation-program>. If your agency has any questions please contact Ellen Doughty, Chief Member Services Officer, at 800.537.7790 or edoughty@sdurma.org.

Sincerely,
Special District Risk Management Authority


Gregory S. Hall, ARM
Chief Executive Officer

Enclosures: Sample Resolution for Covering Governing Body and/or Volunteers

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Lakshmi Rajagopalan, Analyst
SUBJECT: UPDATE ON COMMUNICATIONS AND OUTREACH PLAN & IMPLEMENTATION

STAFF RECOMMENDATION

Accept report and provide direction, as necessary.

COMMUNICATIONS AND OUTREACH PLAN & IMPLEMENTATION

As you are aware, LAFCO has retained L Studio, a consulting firm, to prepare and implement a Communications and Outreach Plan. The L Studio consultant team includes Marianna Leuschel, Micheal Meehan and Chad Upham. Ms. Leuschel and Mr. Meehan will co-lead the strategic development of the plan for LAFCO and Mr. Upham will take the lead on the implementation of the plan.

As a first step, the consultants reviewed LAFCO's documents and on-line media to obtain an overview of LAFCO and its existing communications and outreach efforts. Staff met with the consultant team to explain LAFCO mandate and policies; and commission structure. The consultant team and LAFCO staff working together, have identified the various LAFCO stakeholder groups. The consultants are now in the process of gathering information on LAFCO's communication goals, challenges and opportunities through stakeholder surveys and/or interviews.

A Commission Workshop is scheduled to be held on March 27th (10:00 AM to 1:00 PM) to discuss the consultant's findings from the surveys/ interviews and to further explore communications and outreach goals with the Commission. Commissioner Jimenez's Office has made arrangements to host the LAFCO Workshop at San Jose City Hall. More information on the Workshop including, agenda and materials will be provided to the Commission in mid-March.

Staff will provide updates to the Commission on this important project as it progresses.

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: UPDATE ON THE SANTA CLARA VALLEY AGRICULTURAL PLAN

FOR INFORMATION ONLY

In December 2017, the Santa Clara County Department of Planning and Development released the draft Santa Clara Valley Agricultural Plan (**Attachment A is link to the Plan**) for public review and comment, in advance of its adoption by the County Board of Supervisors and the Santa Clara Valley Open Space Authority. Previously referred to as the Santa Clara Valley Climate and Agricultural Protection Program or CAPP, this Plan reflects a two-year effort between the agencies. Over the two-year period, LAFCO Staff has provided input on the effort in numerous discussions with the County and at a meeting of its Landuse Planning and Policy Advisor's Group. LAFCO has received periodic updates and/or presentations on the progress of the Plan.

As you know, LAFCO has a major stake in ensuring a successful outcome for the Plan, given LAFCO's unique regulatory authority over future city boundaries and its core mandate to preserve farmland and curb urban sprawl.

LAFCO submitted a comment letter on the Plan (**Attachment B**) to the County requesting that certain text edits be made to the Plan in order to correctly reflect that LAFCO policies discourage premature conversion of agricultural lands and only recommend mitigation where conversion of agricultural lands cannot be avoided or minimized. In response to LAFCO's letter, the County Planning Department recommended (**Attachment C**) that the requested text edits be made in order to accurately characterize LAFCO policies.

The LAFCO letter also expressed concern that the Plan does not identify strategies to address the loss of agricultural lands due to city annexations, even though the Plan states that almost half of the agricultural land conversions were due to city annexations. The Plan does not acknowledge that compact infill development and efficient use of lands are key agricultural lands preservation strategies.

Further, the LAFCO letter also requested that the following important recommendations be considered during implementation of the Plan:

- Plan should not rely on further conversion of agricultural lands in order to fund the agricultural conservation easements program as that would be in direct conflict with the Plan’s goals of reducing greenhouse gas emissions and preserving the remaining agricultural lands.
- Farmworker housing developments are more appropriate in urban areas with convenient access to urban amenities rather than in rural unincorporated areas which lack urban services.

Please see the LAFCO comment letter (**Attachment B**) for a more detailed description of these issues.

The Cities of Morgan Hill and Gilroy also provided separate comment letters (**Attachment D& E**) to the County. Both cities expressed general support for the Plan, but also expressed concern about including certain unincorporated lands surrounding their cities within the Plan’s Agricultural Resource Area as it could impact their ability to grow. Both cities stated that they anticipate needing to grow into these unincorporated agricultural lands in the future. It appears that their long-term vision for these unincorporated agricultural lands does not include agriculture.

On January 9, 2017, the County Board of Supervisors adopted the Plan, with LAFCO’s requested text edits that correctly characterize LAFCO policies. The Board also adopted a resolution establishing an Agricultural Preservation Task Force that will develop specific recommendations for how to implement the Plan and identify potential funding streams to support the strategies in the Plan. County Supervisors Dave Cortese and Mike Wasserman will serve as co-chairs of the Task Force and will jointly appoint up to nine (9) members of the public to serve on the Task Force. It is anticipated that the Task Force will meet for six months, subject to extension by the County Board of Supervisors.

The Santa Clara Valley Agricultural Plan is an important first step in raising local awareness of the importance of the agricultural lands in the county, the current threats/challenges to maintaining this valuable resource long-term, and the potential opportunities to continue to support and grow the county’s agricultural economy. As with any high-level plan, its potential success or failure will be determined at the implementation/action level.

Staff will continue to keep the Commission informed, as implementation of the Plan proceeds.

ATTACHMENTS

- Attachment A: Santa Clara Valley Agricultural Plan Final Draft: January 3, 2018
https://www.sccgov.org/sites/dpd/DocsForms/Documents/SCV_AgPlan_Draft.pdf
- Attachment B: LAFCO Comment Letter on Santa Clara Valley Agricultural Plan
- Attachment C: County Planning Memo Re: LAFCO Request for Text Edits to Ag. Plan
- Attachment D: City of Morgan Hill’s Comment Letter on Valley Agricultural Plan
- Attachment E: City of Gilroy’s Comment Letter on Valley Agricultural Plan

VIA E-MAIL

January 5, 2018

Kirk Girard, Director
County of Santa Clara
Department of Planning and Development

RE: COMMENTS ON THE SANTA CLARA VALLEY AGRICULTURAL PLAN

Dear Kirk:

Thank you for allowing LAFCO of Santa Clara County an opportunity to review and provide comments on the “Santa Clara Valley Agricultural Plan: Investing in Our Working Lands for Regional Resilience”, a Plan which reflects a two-year effort between the County of Santa Clara, and the Santa Clara Valley Open Space Authority.

We view the development of this Plan as an important first step in raising local awareness of the importance of the agricultural lands in the county, the current threats/challenges to maintaining this valuable resource long-term, and the potential opportunities to continue to support and grow the county’s agricultural economy. As with any high-level plan, its potential success or failure will be determined at the implementation/action level.

As you know, LAFCO has a major stake in ensuring a successful outcome for the Plan given LAFCO’s unique regulatory authority over city boundaries and its core mandate to preserve farmland and curb urban sprawl.

Remaining Agricultural Lands are at Significant Risk of Conversion

As the Plan notes, “between 1984 and 2014, Santa Clara County lost 14,807 acres of farmland and 6,364 acres of rangeland resources. And of the 14,807 acres of agricultural land converted to other uses, 42% of the agricultural conversions were attributed to city annexations, while 58% were due to rural residential development.” The Plan estimates that “over 28,391 acres of farmland and rangeland are at risk of conversion in the future, not only diminishing our local food source, but also resulting in a loss of the iconic rural

character of Santa Clara Valley and resulting in losses of important jobs and farms central to our agricultural economy.”

Plan Cites Major Loss of Agricultural Lands due to City Annexations, but does not Offer any Strategies or Recommendations to address this Key Issue

Section 3.2.1 of the Plan indicates that historically 42% of the agricultural land conversions in the county resulted from city annexations. Further, Section 3.3 of the Plan notes that a significant portion of the remaining farmland is located within city urban growth boundaries which puts those farmlands at a higher risk of development. While the Plan identifies various strategies to prevent conversion of agricultural lands within rural areas, it does not address the other half of the problem i.e., city expansions into agricultural lands. **The Plan fails to acknowledge that compact infill development and efficient use of lands are key agricultural lands preservation strategies.** The employment of such strategies is critical to the long-term success of any agricultural preservation program. If there is no stable urban edge to avoid land speculation and land use conflicts, investment in agriculture may be seen as risky and imprudent.

According to the American Farmland Trust, far more U.S. farmland is developed than is needed to provide housing for a growing population; and wasteful land use is typically the problem, not growth itself.

According to a recent study “Moving California Forward” prepared by Calthorpe Analytics and Energy Innovations, smarter growth patterns could conserve thousands of acres of farmland and are essential to meeting California’s ambitious carbon emissions reduction goals. The study also found that “along with reducing emissions, smart growth also delivers an impressive array of co-benefits: cleaner air, improved public health outcomes, lower water use, cost savings for households, reduced dependency on oil, more efficient provision of public infrastructure, reduced congestion, and the preservation of natural and working lands, which provide carbon sequestration and other ecosystem services.”

The Plan Bay Area 2040, a regional transportation and land use plan for achieving greenhouse gas emissions reduction in the San Francisco Bay Area, includes projections for the region’s population, housing, and job growth; and states that the region has the capacity to accommodate expected growth over the next 25 years without sprawling further into undeveloped land on the urban fringe.

And within the last 20 last years, many cities in Santa Clara County have accommodated strong economic growth and population increases within their existing boundaries, without outward expansion.

LAFCO Policies Discourage Premature Conversion of Agricultural Lands & Only Recommend Mitigation Where Conversion of Agricultural Lands Cannot be Avoided or Minimized

Section 2.2 of the Plan summarizes LAFCO’s policy framework concerning agricultural land preservation which merits clarification/correction. While LAFCO has adopted Agricultural Mitigation Policies that recommend a 1:1 mitigation for conversion of

agricultural lands, these policies are not designed to facilitate the premature conversion of agricultural lands.

LAFCO policies first and foremost guide development away from existing agricultural lands, discourage premature conversion of agricultural lands, and require the development of existing vacant lands within city boundaries prior to expansion into agricultural lands. LAFCO policies only recommend a 1:1 mitigation where the conversion of agricultural lands cannot be avoided or minimized and where there is a genuine need for the expansion.

We respectfully request that Section 2.2 of the Plan be revised to correctly reflect the above LAFCO Policy Framework.

Plan Should Not Rely on Further Conversion of Agricultural Lands in Order to Fund Agricultural Conservation Easements

As noted in the Plan, the county's remaining agricultural lands are a finite and diminishing resource. As discussed above, it is expected that growth within the next 25 years can be accommodated within the existing urban footprint.

Until there is a demonstrated need to convert additional agricultural lands and an effective conservation plan is in place, any agricultural conservation easement program should be designed in a way that does not rely on premature conversion of agricultural lands to fund the purchase of agricultural conservation easements.

Prematurely converting additional agricultural lands to fund agricultural easements would result in the direct loss of this valuable resource, introduce incompatible uses into the rural area leading to urban/edge conflicts, and encourage further land speculation. Such an effort would also be in direct conflict with the Plan's goal of reducing greenhouse gas emissions in the county in order to adapt to climate change.

Farmworker Housing Developments More Appropriate in Urban Areas

The Plan notes the scarcity of farmworker housing in the region and encourages the development of farmworker housing models and identification of densities that could be supported in urban and urban edge areas as well as in unincorporated rural communities. LAFCO acknowledges this issue and recognizes the need for affordable housing for farmworkers. However, farmworker housing developments are a more appropriate use for the urban area. As noted in Section 3.2.2 of the Plan, farmworkers and their families need an array of social support services, schools, healthcare services, shopping, etc. Locating farmworker housing developments in urban areas provides the farmworkers and their families with convenient access to urban amenities and enables their involvement in the local community. Given that existing urban areas are within reasonable proximity to most agricultural lands in this county, and given that urban services are not available in the unincorporated rural areas, locating new farmworker housing projects in the rural unincorporated areas could potentially lead to introduction of incompatible land uses into these areas resulting in urban edge conflicts and further development pressures on agricultural lands.

Should the County decide to consider revising the County's zoning and development regulations to allow for greater densities of farmworker housing development in rural areas, we request that the County carefully consider issues such as the long-term availability of essential services (e.g. water, sewer, police, fire, emergency, schools, etc.) to support the current and future farmworker / rural population. As you know, any significant changes in this regard could potentially be seen as precedent setting in terms of the further intensification of land uses and development of unincorporated rural lands; and be in conflict with the County General Plan and the longstanding Countywide Urban Development Policies.

In summary, LAFCO supports the preservation of agricultural lands and the strengthening of the agricultural economy in Santa Clara County and is eager to work with others who are committed to the cause of preserving agricultural lands and containing urban sprawl. We request that Section 2.2 of the Plan be revised to correctly reflect the LAFCO Policy Framework, as discussed in greater detail above. Lastly, we request that the County and Santa Clara Valley Open Space Authority consider the important issues that we have raised in this letter as they develop specific recommendations for how to implement the strategies identified in the Plan and consider potential funding streams.

Sincerely



Neelima Palacherla

LAFCO Executive Officer

Cc: LAFCO Members
Santa Clara County Board of Supervisors
Rob Eastwood, Planning Manager, County of Santa Clara Planning and Development
Andrea Mackenzie, General Manager, Santa Clara Valley Open Space Authority

MEMORANDUM

DATE: January 9, 2018

TO: Board of Supervisors

FROM: Rob Eastwood, Planning Manager

RE: Item #17 of January 9, Board of Supervisors Agenda – Correspondence from LAFCO and corresponding text edits to Santa Clara Valley Agricultural Plan

In response to the January 5, 2018 letter from Neelima Palacherla, LAFCO Executive Officer regarding the Valley Agricultural Plan's description of LAFCO policies, the Department is recommending the following text edit to Section 2.2 of the Valley Agricultural Plan to more accurately characterize LAFCO policies (shown in strikethrough and underline) –

2.2 EXISTING AGRICULTURAL LAND PRESERVATION POLICIES

OTHER AGENCIES – EXISTING POLICY FRAMEWORK

The Santa Clara County Local Agency Formation Commission (LAFCO) approval is required for any expansion of Urban Service Areas ~~and its policies recommend a 1:1 mitigation for conversion of agricultural lands.~~ LAFCO policies guide development away from existing agricultural lands, discourage premature conversion of agricultural lands, and require the development of existing vacant lands within city boundaries prior to expansion into agricultural lands. Where the conversion of agricultural lands cannot be avoided or minimized and where there is a genuine need for the expansion, LAFCO policies recommend a 1:1 mitigation for conversion of agricultural lands. ~~LAFCO policies discourage Urban Service Area expansions into agricultural land, unless effective measures have been accomplished for protecting the agricultural status of the land.~~ The cities of Gilroy and Morgan Hill also have agricultural protection policies intended to preserve agricultural land and maintain a viable agricultural industry.



AGENDA ITEM # 10
Attachment D

17575 Peak Avenue
Morgan Hill, CA 95037-4128
TEL: (408) 778-6480
FAX: (408) 779-7236
www.morganhill.ca.gov

Dave Cortese, President
Santa Clara County Board of Supervisors
70 W. Hedding Street, East Wing, 10th Floor
San Jose, CA 95110

RE: Santa Clara Valley Agricultural Plan
Board of Supervisors Meeting, January 9, 2018

Dear President Cortese:

The City of Morgan Hill is actively acquiring agricultural preservation easements and remains committed to the preservation of agricultural lands. We look forward to growing our collaboration with the County of Santa Clara and other agencies to make this a meaningful endeavor. The City is eager to further discuss the Plan and participate with the Task Force that we understand will be formed to further Plan implementation. The City of Morgan Hill has the following initial comments to the Santa Clara Valley Agricultural Action Plan (Plan); formerly the Climate and Agricultural Preservation Program (CAPP):

- 1) Timing. It is important to move quickly to develop and commit the financial resources and other tools to acquire agricultural easements and manage agricultural conservation. As time goes by, opportunities are lost.
- 2) The branding, education, and awareness campaign should represent the area south of San Jose as a valley that is rich with technology and rooted in agriculture, instead of the current "Tale of Two Valleys" which divorces South County from the rest of Silicon Valley. The proposed concept ignores the fact that Morgan Hill and Gilroy are urbanized areas with unique urban/rural interface issues (and opportunities) that should be acknowledged. The findings of the Plan oversimplify the diverse, robust economy which exists south of San Jose. The City of Morgan Hill embraces this diversity, including the agriculture, food processing and manufacturing industry and the interrelationship with the City of Morgan Hill's primarily industrial/manufacturing demand-side economy, which is contrary to the supply-side economy suggested by the Plan.

The City of Morgan Hill has been and continues to be a leader in agricultural preservation, water conservation, housing production, affordable housing, open space conservation, and economic development. Morgan Hill is proud that its progressive values are keenly aligned with and shared throughout Santa Clara County and is proud to be a part of Silicon Valley. We are gratified by the ecosystem of international companies that call Morgan Hill home who are creating and supporting cutting edge technologies. Over 20 percent of our workforce is associated with computer component

development, sports/recreation, technology and medical device development, and food manufacturing. With this in mind, Morgan Hill's adopted General Plan and Economic Blueprint incorporate our culture of innovation and entrepreneurship, while embracing agriculture and open space. Suggesting that Morgan Hill (or South County) is part of a different valley is not only untrue, but discourteous to those who would be segregated by the proposed branding and strict boundary established by this Plan.

The City of Morgan Hill embraces the Plan, and believes that this effort could be aided by the experience that Morgan Hill has had, learning how to balance agriculture and technology together for the benefit of both, in one unifying identity. Following are links to some of the marketing materials that Morgan Hill uses to illustrate that this mutually beneficial, and not exclusive, campaign and brand is already underway.

City of Morgan Hill Economic Development Page:

<http://www.morgan-hill.ca.gov/628/Economic-Development>

South County Ag Tourism Amenities Map:

<http://www.morgan-hill.ca.gov/DocumentCenter/View/16934>

Tourism Page:

<http://www.morgan-hill.ca.gov/1142/Tourism>

Economic Blueprint:

<https://cld.bz/5cgfQGe>

Tourism Ideas Book (which includes ideas for Agritourism):

<http://www.morgan-hill.ca.gov/DocumentCenter/View/10896>

Lifestyle Video:

<https://www.youtube.com/embed/K6dzDfxfsPw>

Workstyle Video:

<https://www.youtube.com/embed/cXCxGU89xE0>

Meet Morgan Hill Overview:

<https://www.morgan-hill.ca.gov/DocumentCenter/View/16935>

Explore Downtown Morgan Hill:

<http://www.morganhill.ca.gov/DocumentCenter/View/22383>

Morgan Hill respectfully urges further discussion of this vision for the Plan and requests additional discussions prior to any endorsement. We suggest that this concept be referred to the County Economic Development staff to engage a broader community of individuals and organizations, before making any recommendations.

- 3) Providing adequate funding to permanently preserve agricultural lands remains the largest challenge associated with the implementation of the plan. While supporting farming in the variety of measures identified in the plan can assist, the high land values experienced in the Morgan Hill area make farming increasingly difficult to sustain. The embrace of TDR's (Transfers of Development Rights) and Cluster development policy as part of the financial incentive/implementation policy toolbox are good additions. Morgan Hill has had tremendous past success using TDR's to achieve open space/hillside

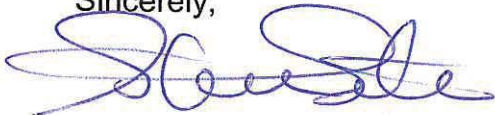
protection goals in conjunction with the Residential Development Control System (RDSCS), and believes these TDR's could provide significant benefits to Agricultural preservation. However, relegating TDR use to existing urban lands only, severely limits the usefulness of this approach as cities are already densifying development within their boundaries. We could collectively and permanently preserve vast areas of agricultural lands with the approval of development on some areas in the County, adjacent to existing urban areas. This should be explored as it has been highly successful in other areas.

- 4) The proposed regional agricultural mitigation fee concept, rather than the City agricultural mitigation fee currently in place, is something that Morgan Hill desires to discuss further. Morgan Hill's public benefit contribution of \$3 million to the major SALC Program - County/OSA/Morgan Hill grant application pending to acquire nearly 70 acres of agricultural easements near Morgan Hill would have been impossible without the City of Morgan Hill's dollar pledge. While the City aspires to achieve the goals of agricultural easement acquisition in as broad-based a manner as possible, our currently operating Local Agricultural Mitigation program, is a tool to implement the objectives of the City's conservation priority areas, established in the Morgan Hill 2035 General Plan adopted in July 2016. We look forward to fully discussing this as outlined in the County's staff report to the Board of Supervisors (BOS) on March 24, 2015 where it is stated the "intention to develop a comprehensive strategy in partnership with the three Cities of Gilroy, Morgan Hill and San Jose.... and other key stakeholders, that targets and preserves key agricultural areas adjacent to the Cities for preservation" is a suggested major policy/approach (outcome) resulting from this program.
- 5) The Framework of the Plan outline, should consider urban interface and the City's Urban Growth Boundary (UGB), and Morgan Hill would respectfully request detailed discussions regarding the unincorporated Live Oak area, surrounded by the City, which by data alone suffers from past rural development patterns which preclude expanded agriculture. The Morgan Hill 2035 General Plan recognized this fact, and concluded that master planning of this area to protect agricultural interface and the preservation of some beloved local farms should ensue. We look forward to engaging in a conversation of consistency with our General Plan.
- 6) Similarly, the proposed SCC Agricultural Plan Framework suggests the agricultural resource area begin directly south of the City boundaries, rather than beyond the city's Urban Growth Boundary. Prior to adoption of a plan, this area should be discussed as it has been shown to be too expensive for State funding to support.
- 7) Based upon City of Morgan Hill/County/OSA recent mutual experience with the aforementioned easement grant application, the goals of preservation by voluntary easement here may be impossible. Use of other tools in the toolbox, TDR's and clustering of development rights, in the city and county adjacent to the urban area, may be appropriate. This experience reinforces the Morgan Hill City Council's resolution supporting the 2015 joint CAPP/SALC grant application, and the City's continued belief that "though preserving existing agriculture lands that are capable of supporting long term, viable agriculture is a focus of the efforts throughout the study area, it is recognized that development of agricultural lands in close proximity to existing development may be beneficial to achieve the overall preservation goal."

- 8) The Plan should discuss water supply protection, recharge policy, and water delivery policy and rates, which costs small agricultural users will no doubt find financially challenging, in terms of both new well construction and the associated delivery fees. The plan may need to provide financing tools to assist small users to bring water to these lands.
- 9) The Plan should recognize the future High-Speed Rail (HSR) and the implications to the urban and rural area, suggesting that careful collaborative review should be exercised, taking into consideration the long-term construction impacts, impacts to the housing supply, fiscal and economic impacts to urban and rural areas, to balance choices and decisions, not just impacts to the agricultural lands.
- 10) Housing and housing costs are serious concerns for the entire State of California, but acutely worrisome in this county. Whereas the City of Morgan Hill's Economic Blueprint sets goals to diversify its manufacturing base by attracting the types of jobs whose wages can support the cost of living in the area, the targeted agricultural processing and manufacturing proposed by the Plan does not generally create jobs which can sustain the local workforce, pushing workers further and further away in search for affordability. The cost of housing is already a serious deterrent to local manufacturers. While the plan acknowledges the need for farmworker housing, to be successful, the "workforce" housing issue must be addressed in parallel.

Finally, the Morgan Hill City Council specifically requested to be updated on the status and findings of the Plan/CAPP process, inviting County and OSA staff to Council meetings for updates. The welcomed delay of the December 12, 2017 SCC Board of Supervisors action on this plan, allowed the Morgan Hill City Council to be briefed on the outcome of this grant process and the findings and conclusions of the Plan at the City Council meeting of December 20, 2017. Thank you. Attached you will find, the City of Morgan Hill's Santa Clara Valley Agricultural Plan strategy-response matrix.

Sincerely,



Steve Tate, Mayor

Cc: Mike Wasserman, District 1
Clerk of the Board of Supervisors

Attachment: Strategy-Response Matrix

Strategy	City Comment
Land Use Policy	
Extend Agricultural zoning to encompass all viable agricultural lands.	Agree with the concept. The City looks forward to discussing this strategy further in the urban interface areas.
Consider designation of agricultural zoning regions specific to subareas in the ARA that share a common identity, for focused application of agricultural protection tools.	Agree
Coordinate with neighboring Santa Clara Valley cities to create consistency in the designation of agricultural areas between the County and Cities' General Plans.	Agree in concept and look forward to further collaboration.
Prevent the establishment of incompatible uses within the ARA which increase land speculation and impair ongoing agricultural production.	Agree in concept. The Morgan Hill General Plan and accompanying Agricultural Lands Preservation Program already has extensive policy language addressing this issue that was the result of extensive research and discussion with the Morgan Hill community.
Prevent conversion of agricultural lands into rural ranchettes that increase land speculation and reduce viability of ongoing neighboring farm operations.	While recognizing that the proliferation of rural ranchettes is the single-greatest source of ag land conversion and appreciating the focus on preventing the development of additional ranchettes, the City is not certain that this action will appreciably reduce land values or prevent speculation. Foreign speculative investment, not individuals developing ranchettes, are what is driving up farmland prices. To the extent that this action may engender ill will between the County and property owners, this particular strategy may be counterproductive. The City encourages the County to continue laying the groundwork for collaborative voluntary actions by property owners that may result in the greatest amount of agricultural lands preserved.

<p>Enact a County-wide agricultural mitigation fee that requires a mitigation fee for development that converts viable agricultural land to other uses.</p>	<p>The City has already established an agricultural mitigation fee of \$15,000 per acre. The City would be happy to explore establishing a consistent fee and countywide mitigation program for all County conversions, not just those located in the proposed ARA. Consider including rangeland conversion fees for the areas lost to annexation in north county. However, preserving agricultural activity within the City's Sphere of Influence should remain a priority of the City's program, consistent with the MH General Plan 2035.</p>
<p>Enact regulatory reform that reduces regulatory barriers to allow the establishment of buildings, infrastructure and uses that support a regional agricultural economy.</p>	<p>Agree</p>
<p>Facilitate construction of more farm worker housing for seasonal and year around farmworkers.</p>	<p>Agree and have been actively discussing this strategy with County staff.</p>
<p>Require setbacks / buffers for new non-agricultural development within or adjacent to agricultural lands to reduce interface between incompatible land uses and farming.</p>	<p>Agree in concept</p>
<p>Strengthen right-to-farm requirements.</p>	<p>Agree. Morgan Hill adopted Right To Farm Policies in 1996.</p>

Regional Agricultural Conservation Easement Program & Other Financial Incentives

<p>Establish a Regional ACE Purchasing Program</p>	<p>Agree with the concept and have appreciated our regional efforts to date. However, without including revenues from transfer of development rights associated with the development of <i>any</i> agricultural lands, the region's opportunities to amass adequate funding for a robust program will be hamstrung.</p>
<p>Increase participation in the County's Williamson Act Program and Establish a Farmland Security Zone Program</p>	<p>Agree</p>
<p>One of the most important means to protect the local agricultural land base is to help ensure that farmers and ranchers can stay profitable over the long-term, reducing the pressure to sell land for development.</p>	<p>Agree and especially appreciate the attention paid to agricultural water conservation. The City is particularly interested in options the Water District is exploring to stimulate water reductions during times of drought or other water shortages.</p>

Agricultural Economic Development

Support farmers in obtaining permits and regulatory compliance associated with actions and activities that support long term agricultural investment and growth of the agricultural economy.	Agree
Create an Agricultural Enterprise Program for specific subareas of the ARA.	Agree
Coordinate and support the small farms initiative effort under way by the SCC Food Systems Alliance.	Agree.
Support expansion of ag tourism	Agree. The City has been an active participant and proponent of ag tourism.
Address the need for additional distribution and processing space for agricultural products; include assessment of 'hubs' for co-located businesses.	Agree. The City's program identifies the need to site regionally needed resources, e.g., packing houses and coolers in the area to support small farms. Attracting these uses also places more demand on regional affordable housing needs as most of the workforce is unable to live in the County and existing uses currently find it difficult to attract talent.
Address the needs of beginning and immigrant farmers, currently in the County or interested in starting farming operations in the County, for land access, technical assistance and financial assistance	Agree
Develop an action plan for implementation of a Farm Incubator or AgPark, with related programs	Agree

Branding, Education and Awareness

Develop a regional brand identity, reclaiming "Santa Clara Valley" with a strong sense of place, associating it with working lands and representing a diversity of people and products.	Agree with the concept. The City is completely opposed, however, to any branding that may imply that South Santa Clara County is separate from the Silicon Valley. The City has worked to develop a diverse economy that is part of the Silicon Valley. Any efforts to separate South Santa Clara Valley from the Silicon Valley will be at cross purposes to our community's economic development and fiscal health.
Explore potential partnerships with local institutions, primarily the region's universities, companies, and restaurants.	Agree
Promote and support local-preference purchasing policies for private companies, public schools and other institutions as a means to foster awareness and build relationships.	Agree

Continue interviewing and updating agricultural stakeholders to build support for and inform this Valley Agricultural Plan.	Agree
In partnership with Cities and natural resource agencies, develop programs and initiatives that connect the health, vitality, resilience, and identity of urban and rural areas.	Agree
Promote agro-ecoliteracy in K-12 education, with focus on local agricultural production and stewardship stories.	Agree



City of Gilroy

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Gabriel A. Gonzalez
CITY ADMINISTRATOR

AGENDA ITEM # 10 Attachment E

January 5, 2018

Santa Clara County Board of Supervisors
70 W. Hedding St.
San Jose, CA 95110

Honorable President Cortese and Members of the Board of Supervisors:

Subject: Draft Santa Clara Valley Agricultural Plan

The City of Gilroy is pleased to submit the enclosed comments regarding the Draft Santa Clara Valley Agricultural Plan (Plan). The City endorses the overall vision and Foundational Goals of the Plan and looks forward to participating in the future implementation efforts. **Our comments, below, focus on the proposed Land Use Policy Focus Area, in particular lands within the City's Urban Growth Boundary yet outside the Urban Service Area that should not be included in the Agricultural Resource Area of the plan.**

The adopted Gilroy 2020 General Plan incorporates many policies consistent with the Plan. These include supporting the economic viability of agriculture and agri-tourism, protecting agricultural and grazing lands from premature conversion and encroachment of urban uses, and encouraging sustainable infill development.

A significant change occurred in the 2020 General Plan with the passage of Measure H, the Gilroy Urban Growth Boundary Initiative (UGB). The outcome was the establishment of a permanent limit to future outward urban expansion, at least until 2040. As a result, approximately 1,200 acres of planned future urban uses are now converted to permanent open space and agricultural use. Much of this land continues in active agricultural use today.

The establishment of the new UGB reduced both the residential and employment capacity of the 2020 General Plan. This has posed new challenges for the 2040 General Plan update, in progress, to identify solutions to critical long-range planning goals shared by all cities. These include continued economic growth, provision of an adequate supply of housing, and protection of agriculture and open space lands and natural resources, among others.

The proposed Agricultural Resource Area (ARA) includes "all currently undeveloped land previously identified as either 'Important Farmland' or as having prime farmland characteristics . . .". Various statements throughout the Plan identify agricultural lands outside city Urban Service Areas (USA) and within the Urban Growth Boundary (UGB) as threatened by development. In particular, Section 3.3 Agricultural Resources and

the Risk of Doing Nothing states "Approximately 14,415 acres of available farmland and 2,641 acres of rangeland within the Santa Clara Valley are within City Urban Growth Boundaries or non-agricultural County zoning districts. Based on these factors, the Valley Agricultural Plan designates these areas at a higher risk for development". Designating these lands at a "higher risk for development" implies that they should, in turn, be the focus or priority for preservation actions.

However, identifying agricultural lands adjacent to existing urban development (and within Urban Growth Boundaries) for long-term and/or permanent preservation conflicts with the City's General Plan goals and policies to implement responsible and sustainable future urban expansion. City and LAFCO policies dictate that such expansion, when deemed appropriate, should occur on the lands directly adjacent to the USA boundary. Such lands should not be included in the Plan's inventory of agricultural lands intended for long-term agricultural preservation. Inclusion of these lands in the Plan would be a detriment and impediment to the City's obligation to meet housing, jobs and school needs. In fact, the amount of land affected by this issue is likely to be relatively small in the context of the entire ARA. As shown on Map 3-6 in the Plan, the large majority of the 14,415 acres of high risk farmlands consist of the Coyote Valley and the greater San Martin areas.

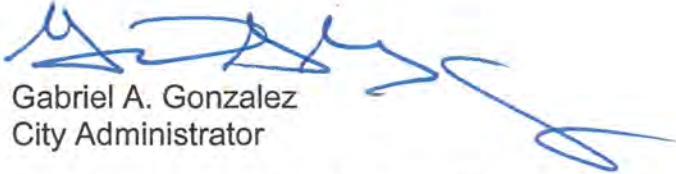
The Land Use Policy Focus Area, beginning on page 41 in the Plan identifies four proposed Strategies/Actions. We have the following comments on those:

1. Strategy - Extend Agricultural zoning to encompass all viable agricultural lands
Comment: We acknowledge that lands outside city Urban Service Areas are within the land use jurisdiction of the County. Rezoning of land to County Agriculture should only occur in conjunction with policies in the Plan that provide direction, e.g., that such lands within the Urban Growth Boundary of a city are appropriate for agricultural use until such time as the land is brought into the Urban Service Area. Such lands should also not be subject to long-term or permanent preservation actions such as conservation easements or purchase by a preservation organization.
2. Strategy - Consider designation of agricultural zoning regions specific to sub-areas in the ARA that share a common identity, for focused application of agricultural protection tools.
Comment – One possible approach to address the issue identified in No. 1, above, would be to create a sub-area designation for agricultural lands within the Urban Growth Boundaries of cities and include policies that identify acceptable parameters for interim agricultural uses, pending approved urban expansion.
3. Strategy – Coordinate with neighboring Santa Clara Valley cities to create consistency in the designation of agricultural areas between the County and Cities' General Plans
Comment – This strategy should include a third action to establish mutually acceptable policy language in the plan to achieve the recommendations included herein.

In conclusion, the City of Gilroy respectfully requests that the lands within the City's Urban Growth Boundary yet outside the Urban Service Area not be included in the Agricultural Resource Area of the plan. Including these lands in the Plan negatively affect the City's obligation to meet housing, jobs and school needs.

Thank you for attention to the enclosed information.

Sincerely,



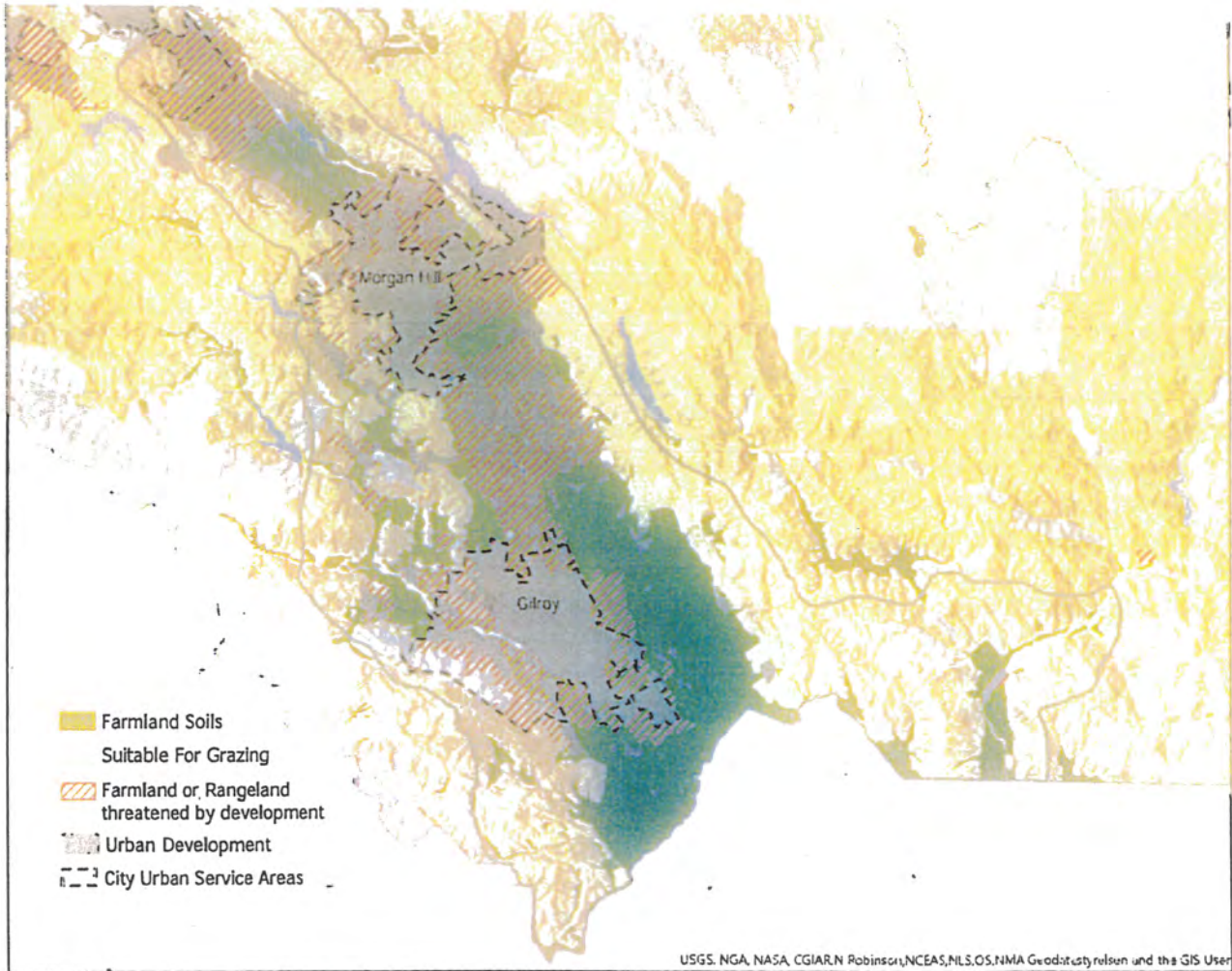
Gabriel A. Gonzalez
City Administrator

Attachments: Final Draft Santa Clara Valley Agricultural Plan, December 5, 2017
Map 3-6 of the Final Draft Santa Clara Valley Agricultural Plan,
December 5, 2017

CC: Mayor Velasco
Council Member Braco
Council Member Harney
Council Member Leroe-Muñoz
Council Member Tovar
Council Member Tucker
Kristi A. Abrams, Community Development Director
Stan Ketchum, Senior Planner Special Projects

Attachment:

Map 3-6 of the Final Draft Santa Clara Valley Agricultural Plan, December 5, 2017



MAP 3-6: THE RISK OF DOING NOTHING

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
SUBJECT: Legislative Report

STAFF RECOMMENDATION

Accept report and provide direction to staff, as necessary.

LEGISLATIVE REPORT

CALAFCO Legislative Committee Meetings

The CALAFCO Executive Board appoints members to the CALAFCO Legislative Committee. Commissioner Wilson was appointed as the CALAFCO Board representative and EO Palacherla was appointed as an alternate staff member. The CALAFCO Legislative Committee met on December 15, 2017 in Sacramento and on January 19, 2018, in San Diego. EO Palacherla participated by telephone and Commissioner Wilson attended the meeting in-person.

At the December meeting, the Committee received a presentation from Dan Carrigg, League of CA Cities Deputy Executive Director and Legislative Director, and Michael Coleman, special Financial Advisor to the League, regarding the League's legislative efforts to restore fiscal incentives that previously supported city incorporations and annexations of inhabited territory. The Committee discussed the issue and established a subcommittee to work with the League. The Committee also discussed CALAFCO's legislative policies and various other current and potential legislation affecting LAFCOs, and considered proposals for inclusion in CALAFCO's annual Omnibus bill. The Omnibus bill is the annual vehicle that CALAFCO uses to make non-substantive, technical corrections to the Cortese-Knox-Hertzberg Act.

At its January meeting, the Committee finalized the items for inclusion in the 2018 Omnibus bill; continued discussion about pursuing potential legislation to authorize funding for LAFCOs to conduct special studies, as recommended in the Little Hoover Commission's report; and discussed various other current and potential legislation affecting LAFCOs.

The next meeting of the CALAFCO Legislative Committee is scheduled for February 16th in Sacramento.

The full list of bills that CALAFCO is tracking is available on the CALAFCO website at – www.calafco.org.

2018 Omnibus Bill Includes Proposal related to Santa Clara LAFCO Composition

CALAFCO has submitted seven items to the Assembly Local Government Committee (ALGC) for inclusion in the 2018 Omnibus Bill. One of the Omnibus Bill items is the reorganization of various sections (sections 56325- 56335) in the CKH Act related to composition of commissions. For the most part, the item does not involve substantive changes, and only makes structural changes to the above sections in order to better organize the information to be more user friendly and clear. One substantive change in the proposal however, relates to Santa Clara LAFCO which has a provision for a special seat (for the City of San Jose), similar to a few other LAFCOs (Kern, Sacramento, San Diego, and Los Angeles) that also have special seats on their commissions.

With respect to Santa Clara LAFCO, the Omnibus Bill proposes to delete the following existing restriction concerning the Public Member (currently found in 56327(d)):

The [public] member shall not be a resident of a city which is already represented on the commission. The commission may also appoint an alternate member, who shall not be a resident of a city represented on the commission.

This restriction is specific to Santa Clara LAFCO and does not apply to public or alternate public members at any of the other LAFCOs including the LAFCOs with the special seats. In effect, the restriction automatically excludes a resident of San Jose from ever serving as a public member on LAFCO, disenfranchising over half the county population.

The Legislative Intent files for AB 2003 (1981-1982), the bill that added the special seat for San Jose and the restriction for the public member, do not document a specific explanation for the restriction. Because there was some opposition to providing a special seat for San Jose, it is likely that the restriction was included to pacify the opposition that LAFCO membership would not be dominated by San Jose representation. This is a less central concern now since Santa Clara LAFCO is now a seven member commission.

Due to timing issues, staff was unable to seek Commission direction on this issue prior to ALGC submittal. The Commission is invited to discuss the item and provide direction to staff as needed. Staff will follow up with the Committee on any direction given by the Commission.

LAFCO MEETING: February 07, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
Lakshmi Rajagopalan, Analyst
SUBJECT: CALAFCO RELATED ACTIVITIES

12.1 2018 CALAFCO STAFF WORKSHOP

Recommendation

Authorize staff to attend the 2018 CALAFCO Staff Workshop and authorize travel expenses funded by the LAFCO budget.

Discussion

The CALAFCO Annual Staff Workshop is scheduled for April 11 – April 13 in San Rafael at the Four Points Sheraton. Marin LAFCo is hosting the Workshop. The workshop provides an opportunity for staff to gain and share knowledge about some of the best practices used by LAFCOs to address various issues facing local agencies across the state. The LAFCO Budget for Fiscal Year 2018 includes funds for staff to attend the Workshop.

12.2 CALAFCO BOARD OF DIRECTORS MEETING

Commissioner Wilson was elected to the CALAFCO Board of Directors to represent the Coastal Region as a public member in October 2017. As a Director, Commissioner Wilson will work with other LAFCO commissioners throughout the state on legislative, fiscal and operations issues that affect LAFCO, counties, and special districts. The Board meets four to five times each year at alternate sites around the state.

Commissioner Wilson attended the CALAFCO Board meeting in Sacramento on December 8, 2017. At the meeting, the Board discussed financial and administrative reports presented by the CALAFCO Executive Director, and made Board appointments to various committees. The Board received a presentation from the League of CA Cities regarding its efforts to restore fiscal incentives that previously supported city incorporations and annexations of inhabited territory; and discussed legislative issues and policies/priorities in order to provide direction to the Legislative Committee.

LAFCO MEETING: February 7, 2018
TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Analyst
Lakshmi Rajagopalan, Analyst
SUBJECT: EXECUTIVE OFFICER'S REPORT

13.1 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETING

For Information Only.

On December 4, 2017, Executive Officer Palacherla attended the quarterly meeting of the Santa Clara County Special Districts Association (SDA) and provided a report on various LAFCO activities of interest to special districts including informing the Association about LAFCO's new responsibility to administer the appointment of the special district representative for the new Countywide RDA Oversight Board by July 1, 2018. EO Palacherla informed the Association that LAFCO anticipates convening the Independent Special District Selection Committee (ISDSC) in April or early May 2018 for the purpose of electing their representative to the RDA Oversight Board.

The meeting also included a presentation by guest speaker, Honorable Greg Scharff, Mayor of Palo Alto. The meeting also included a report by the representative of the California Special Districts Association (CSDA) on various CSDA programs and events. Special district members and staff in attendance at the meeting provided updates on current projects or issues of interest to the group. The next meeting of the SDA is scheduled for March 5th.

13.2 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO) MEETING

For Information Only.

LAFCO hosted the January 10, 2018 meeting of the SCCAPO at the County Government Center. The meeting was attended by Planning Directors from the Cities of Cupertino, Los Gatos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, San Jose, Sunnyvale, the County and various other planning staff. The meeting included an informative

presentation on Origins of Countywide Urban Development Policies by Don Weden, former Santa Clara County principal planner. The presentation focused on the importance of the countywide urban development policies in shaping land development and resource conservation in Santa Clara County; and the role of SCCAPO, the County, the cities, and LAFCO in developing / implementing the policies. Following Mr. Weden's presentation, Executive Officer Palacherla and Analyst Noel made a presentation on LAFCO and its role in promoting sustainable growth and good governance in the county - by curbing sprawl, preserving farmlands and open space and promoting efficient services. The presentation briefly covered the topics of Urban Service Area (USA) Amendments, Island Annexations and Out of Agency Contract for Services. Several cities expressed interest in island annexations and LAFCO staff offered to meet with interested cities to provide additional information.

SCCAPO also recognized Bill Shoe, who recently retired as Santa Clara County principal planner.

The next SCCAPO meeting will be hosted by Saratoga on February 7, 2018.

13.3 MEETING WITH COMMITTEE FOR GREEN FOOTHILLS LEGISLATIVE ADVOCATE

For Information Only.

On January 3, 2018, LAFCO staff met with Paul Ledesma, Committee for Green Foothills Legislative Advocate, and provided a brief overview of LAFCO's mandate and policies. Staff offered to conduct a more in-depth orientation on LAFCO in the future, if desired.

13.4 MEETING WITH CITY OF MORGAN HILL STAFF

For Information Only.

On January 10, 2018, LAFCO staff met with Christina Turner, new City Manager and Jennifer Carman, Community Development Director from the City of Morgan Hill. The discussion focused in general, on various issues concerning LAFCO and the City urban service area amendments and annexations, including island annexations. City staff indicated that the City and the proponents for the Catholic High School project in the Southeast Quadrant are determining the timeline and the additional analyses that needs to be completed for bringing back the proposal to LAFCO. LAFCO and City staff also discussed Holiday Lake Estates, an unincorporated island that is located within Morgan Hill's USA, with a history of septic system failures. City staff expressed interest in revisiting this issue, including exploring the availability of potential grants and other funding sources to support the costs of necessary infrastructure improvements in the area.

13.5 LAFCO ORIENTATION SESSION FOR NEW POLICY AIDES

For Information Only.

On January 17, 2018, LAFCO staff conducted an orientation session on LAFCO for Vanessa Sandoval, Chief of Staff for Commissioner Sergio Jimenez; and Kira Valenta, Policy Aide for Commissioner Mike Wasserman.

13.6 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING

For Information Only.

Analyst Noel attended the January 10, 2018 meeting of the Inter-Jurisdictional GIS Working Group that includes various county departments that use and maintain GIS data, particularly LAFCO related data. The meeting was hosted by County Assessor's Office. The Group received updates from the participants on various GIS boundaries/data changes and discrepancies. The next meeting will be hosted by LAFCO on February 14, 2018.

