

LAFCO MEETING:	JUNE 1, 2016	
ТО:	LAFCO	
FROM:	Neelima Palacherla, Executive Officer Dunia Noel, Analyst	
SUBJECT:	REQUEST FOR RECONSIDERATION OF MARCH 11, 2016 LAFCO ACTION TO DENY CITY OF MORGAN HILL URBAN SERVICE AREA AMENDMENT 2015	

TWO-STEP PROCESS REQUIRED FOR RECONSIDERATION HEARINGS

- 1. The Commission is first required to vote on whether or not to grant the reconsideration of the proposal based on Section 56895 of the Cortese Knox Hertzberg Act.
- 2. If the Commission grants the reconsideration, the Commission may consider the request to expand the Urban Service Area of Morgan Hill by approximately 60 acres, to include the three South County Catholic High School properties (APNs 817-17-001, 817-17-025, 817-17-026), and the three adjacent parcels (APNs 817-13-037, 817-13-011, 817-13-008), (reconsideration project), in order to establish contiguity with the City's current urban service area (USA) boundary.

STAFF RECOMMENDATIONS

PROJECT ACTION

- 1. Deny the request for reconsideration.
- 2. If the Commission votes in favor of granting the reconsideration, staff recommends denial of the proposed inclusion of APNs 817-17-001, 817-17-025, 817-17-026, 817-13-037, 817-13-011, 817-13-008 into the Morgan Hill Urban Service Area (USA).
- 3. Deny applicant's request for waiver of LAFCO fees.

CEQA ACTION

Reconsideration and 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 Final Environmental Impact Report (FEIR) for this reconsideration project:

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COMMISSIONERS: Sequoia Hall, Johnny Khamis, Linda J. LeZotte, Cat Tucker, Mike Wasserman, Susan Vicklund Wilson, Ken Yeager ALTERNATE COMMISSIONERS: Cindy Chavez, Ash Kalra, Yoriko Kishimoto, Tara Martin-Milius, Terry Trumbull EXECUTIVE OFFICER: Neelima Palacherla

- 1. Find that, prior to making a decision on this reconsideration project, LAFCO reviewed and considered the environmental effects of the reconsideration project as shown in the FEIR.
- 2. Find that (a.) The Final EIR identified potentially significant adverse impacts resulting from the reconsideration project in the areas listed below, and (b.) Appropriate mitigation measures have been proposed for each of the potential impacts identified in each of the listed categories that will reduce the impacts to a less than significant level. See **Attachment G** "Findings of Fact and Statement of Overriding Considerations by the City of Morgan Hill Regarding the Final EIR for Citywide Agriculture Preservation Program and Southeast Quadrant Land Use Plan" for a summary of impacts.
 - Aesthetics, Light and Glare
 - Agricultural Resources
 - Biological Resources
 - Cultural Resources
 - Geology, Soils, and Seismicity
 - Hazards and Hazardous Materials
 - Hydrology and Water Quality
 - Public Services and Recreation
 - Utility Systems
- 3. Find that the Final EIR identified three potentially significant impacts resulting from the reconsideration project that cannot be mitigated to less than significant level. These impacts are listed below:
 - Air Quality/Greenhouse Gas Emissions
 - Noise
 - Transportation
- 4. Find that the City of Morgan Hill submitted a mitigation monitoring program, and that monitoring program ensures compliance with the mitigation measures identified in the Final EIR that would mitigate or avoid some of the significant impacts associated with the Urban Service Area expansion, over which LAFCO has responsibility.
- 5. Find that, despite imposition of all feasible mitigation measures and alternatives, the reconsideration project's air quality/greenhouse gases, noise, and transportation impacts will remain significant. Therefore, in order to approve the project, LAFCO must find that the project's benefits outweigh the reconsideration project's significant, unavoidable environmental impacts. LAFCO staff suggest the following overriding considerations if the Commission approves the reconsideration project:

Economic, social, and other considerations justify the approval of this reconsideration project in spite of the existence of unavoidable environmental

effects that are deemed significant and that cannot be mitigated to a level of insignificant and that these benefits outweigh the risks of its potential significant adverse environmental impacts, specifically:

- The reconsideration project provides an avenue to meet the educational needs of the community and support student population growth.
- The reconsideration project includes sports, recreation, and leisure uses that are intended to attract visitors to Morgan Hill and is in support of the Morgan Hill General Plan policy of promoting recreation and tourism opportunities.
- 6. Designate the LAFCO Executive Officer as the location and custodian of the documents and other materials that constitute the record of proceedings on which this decision is based.

PROJECT DESCRIPTION

The South County Catholic High School is requesting reconsideration of the March 11, 2016 LAFCO action denying the City of Morgan Hill's USA amendment application. The request for reconsideration is specific to LAFCO's denial to include within the City of Morgan Hill's urban service area, approximately 60 acres including the three properties (APNs 817-17-001, 817-17-025, 817-17-026) proposed to be developed with the South County Catholic High School and three adjacent parcels (APNs 817-13-037, 817-13-011, 817-13-008) to establish contiguity with the City's current USA boundary. The February 15, 2016 Staff Report for Area 1 refers to this as Option 2 on page 1 and page 14 under "Other Options for Commission Consideration". Please see **Attachment B** for the letter dated April 7, 2016, from Mr. Barton Hechtman, requesting reconsideration and stating the reasons for requesting reconsideration.

Existing and Proposed Land Uses and Designations

All of the six properties proposed for inclusion in the City's USA are currently located in the unincorporated county, as depicted on the map in **Attachment A**. Upon LAFCO approval of the proposed USA expansion and city annexation of these lands, the City General Plan and Zoning designations would apply to the properties as depicted in Table 1 below.

As per the information in the Morgan Hill USA Amendment 2015 application, the development of the South County Catholic High School is proposed on approximately 38 acres of land (APNs 817-17-001, 817-17-025, 817-17-026), located to the east of Murphy Avenue. The project is planned in phases and will lead to the development of 210,441 square feet of indoor facilities, sufficient to accommodate 1,600 students and 125 staff. Phase I is projected to begin in late 2017 and will include the development of 65,100 square feet of facilities to accommodate 600 students and 55 staff. The remaining project is contingent on fundraising.

APN 817-13-008 includes approximately 4 acres, located along Condit Road, north of Tennant Avenue. According to the original application, the anticipated development on this site includes 40,000 square feet of sports oriented retail and 3,000 square feet of sports-themed restaurant space. The original application did not indicate any specific development proposals for APNs 817-13-037 and 011. The City envisions that the two parcels will be developed with uses such as indoor sports facilities, sports fields, hotels, gas stations, or retail upon inclusion in the USA and annexation to the City. The City indicates that there are currently no development projects proposed for the three parcels totaling approximately 22 acres, and any anticipated development is only speculative at this time.

Table 1:

APN	ACRES	EXISTING LAND USE	COUNTY GENERAL PLAN	COUNTY ZONING	CITY GENERAL PLAN	CITY PRE-ZONING
817-17-001	18.68	Agriculture / Residential	Agriculture Medium Scale	A-20 Acre	Public Facilities	PF PD
817-17-025	10	Agriculture / Residential	Agriculture Medium Scale	A-20 Acre	Public Facilities	PF PD
817-17-026	10	Agriculture / Residential	Agriculture Medium Scale	A-20 Acre	Public Facilities	PF PD
817-13-008	3.85	Uncultivated	Agriculture Medium Scale	A-20 Ac-sr	Sports/Recreation/ Leisure	SRL B
817-13-037	9.18	Uncultivated	Agriculture Medium Scale	A-20 Ac-sr	Sports/Recreation/ Leisure	SRL B
817-13-011	9.04	Uncultivated	Agriculture Medium Scale	A-20 Ac	Sports/Recreation/ Leisure	SRL B

BACKGROUND

Government Code Section 56895 allows any person or affected agency to file a written request for reconsideration of a LAFCO decision within 30 days of Commission decision. The request must state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.

On April 11, 2016, LAFCO received a request for reconsideration from Mr. Barton Hechtman on behalf of the South County Catholic High School.

Request for Special Meeting to Consider the Reconsideration Request

The applicant has requested that LAFCO hold a special meeting on or before May 31st to consider this request for reconsideration. The applicant claims that only commissioners who voted on the original proposal must vote on the reconsideration request and since Commissioners Tucker and Khamis' terms on LAFCO end on May 31, 2016 the applicant is requesting a special meeting before May 31st.

Back in 2013, a similar issue was raised about whether a commissioner who did not consider the original application could vote on the reconsideration. LAFCO Counsel

concluded that: "Any Commissioner who did not consider the entirety of the Original Application may participate and vote on the reconsideration. However, for due process they should review the minutes and audio tape of the Original Application and disclose such prior to participating in the reconsideration." Please see **Attachment C** for LAFCO Counsel's memo dated November 21, 2013 regarding this issue. Based on this information, there is no requirement that LAFCO hold a special meeting to consider this request for reconsideration.

However, as permitted under the Brown Act, Chairperson Tucker requested that LAFCO hold a special meeting to consider the reconsideration request and directed that commissioners be polled to find a convenient time/date for holding the special meeting.

Taking into consideration the time requirements for noticing and for preparing the staff report, and the availability of the meeting facility etc., staff proposed some potential meeting dates/times for a special meeting. A special meeting was not scheduled because we were unable to obtain a quorum of regular members for the proposed meeting dates. Therefore, the request for reconsideration is being heard at the June 1, 2016 Regular LAFCO meeting.

Request for Waiver of LAFCO Fees

Please see **Attachment D**, for a letter from the applicant, dated April 11, 2016, requesting a waiver of fees on behalf of the South County Catholic High School. The applicant states that they believe that staff misadvised the Commission after the close of LAFCO's March 11, 2016 public hearing and that it would be inappropriate to cause members of the public to bear the financial burden of correcting a LAFCO mistake. As discussed in greater detail within this staff report, staff believes that the Commission was not misadvised and therefore a waiver of LAFCO fees is not warranted.

As allowed under Government Code Section 56383, LAFCO has established a fee for a reconsideration request. The applicant has submitted the required LAFCO Reconsideration Fee of \$2,169 under protest. Pursuant to the LAFCO Fee Schedule, this is an initial deposit payment towards actual costs of processing the reconsideration application. If actual costs are less than the deposit, LAFCO will refund the difference to the applicant. If processing costs begin to exceed the deposit, additional fees are required.

To date, LAFCO has expended \$9,311.44 on the reconsideration request, which is \$7,194.65 in excess of the initial deposit.

Reconsideration Hearing Procedures

In a separate letter dated April 11, 2016 (See **Attachment E**), the applicant argues that LAFCO has no discretion, but to hold the reconsideration hearing, accept testimony, and render a decision. LAFCO Counsel has reviewed this information and concluded that LAFCO may continue to process reconsideration requests in a two-step process and that Government Code Section 56895 authorizes LAFCO to utilize a two-step process for

requests for reconsideration where the first step is whether the applicant has identified any new or different facts that could not have been previously presented, to warrant a reconsideration. Please see **Attachment F**, for LAFCO Counsel memo dated May 17, 2016.

Comment Letters on the Proposal

To date, LAFCO has received several comment letters (**Attachment I**) concerning the proposed reconsideration.

DENY RECONSIDERATION: NO NEW OR DIFFERENT FACTS THAT COULD NOT HAVE BEEN PRESENTED PREVIOUSLY

As mentioned above, state law requires that the applicant include in their written request any new or different facts that could not have been presented previously.

The applicant asserts that at the March 11, 2016 LAFCO meeting, in response to commissioners' questions after the close of the public hearing, LAFCO staff incorrectly informed that if the Commission desired to approve Option #2, the Commission would first have to approve the entire EIR. As described in his letter (**Attachment B**), the applicant claims that LAFCO could approve Option #2 by making findings limited to the High School Only Alternative rather than the entire EIR. Further, the applicant states that they were unable to present this information to the Commission at the March 11, 2016 hearing because the discussion occurred after the public hearing was closed. Based on this, the applicant is seeking a reconsideration of the Commission's action.

The information that LAFCO staff provided to the Commission at the March 11, 2016 meeting regarding the nature/extent of necessary CEQA findings is consistent with the information included in the staff report (dated February 15, 2016) which clearly noted the CEQA findings that LAFCO must make to approve Option #2. Further, the staff report was published on February 15, 2016, which was sufficient time for the applicant or other members of the public to present any new information to the Commission regarding the findings that LAFCO must make in order to approve Option #2.

Because this is not information that could not have been presented previously, it does not warrant reconsideration. Staff recommends that the Commission deny the request for reconsideration.

Additionally, LAFCO Counsel has reviewed the applicant's claims regarding CEQA findings that the commission must make in order to approve Option # 2 and has prepared an analysis. LAFCO Counsel, in her memo dated May 16, 2016 (See **Attachment G**), concludes that the staff report dated February 15, 2016, and staff comments at the March 11, 2016 meeting properly concluded that if the commission wished to approve Option #2, it would first be required to make CEQA findings on the entire EIR as outlined and discussed in the staff report.

DENY PROPOSED URBAN SERVICE AREA AMENDMENT

At the March 11, 2016 meeting, LAFCO denied the Morgan Hill Urban Service Area Amendment 2015 in its entirety. The staff report for Area 1, dated February 15, 2016, provided the Commission with various options including Option #2 (under "Other Options for Commission Consideration" on page 1 and page 14), for approval of the High School properties which the commission considered, and likewise did not approve.

On May 18, 2016, the applicant submitted a letter with additional information regarding the reasons for approving the USA expansion for the High School. (See **Attachment H**). The letter states that the March 11th LAFCO staff report did not include an analysis of the High School alternative's consistency with LAFCO Policies.

The LAFCO staff report for Area 1, dated February 15, 2016, includes a detailed analysis of the City's USA Amendment request's consistency with LAFCO policies. This analysis is applicable to the High School Only alternative as well, because this alternative is a subset of the City's USA Amendment request. Additionally, Pages 14 and 15 of the LAFCO staff report summarizes the analysis and explains the specific reasons for not recommending this option. The summary also notes that the City has a substantial supply of vacant land within its existing boundaries, that the proposed USA expansion would result in unnecessary conversion of prime agricultural lands, and that the proposed development would create further land use conflicts with the surrounding agricultural lands and encourage development of additional lands. This summary also notes that LAFCO approved an urban service area expansion for a Catholic High School in 2003 which was later developed with single family homes. The staff report dated February 15, 2016 is available on the LAFCO website at this link:

http://www.santaclaralafco.org/images/resumes/agenda_packet/StaffReport_2016021 5.pdf

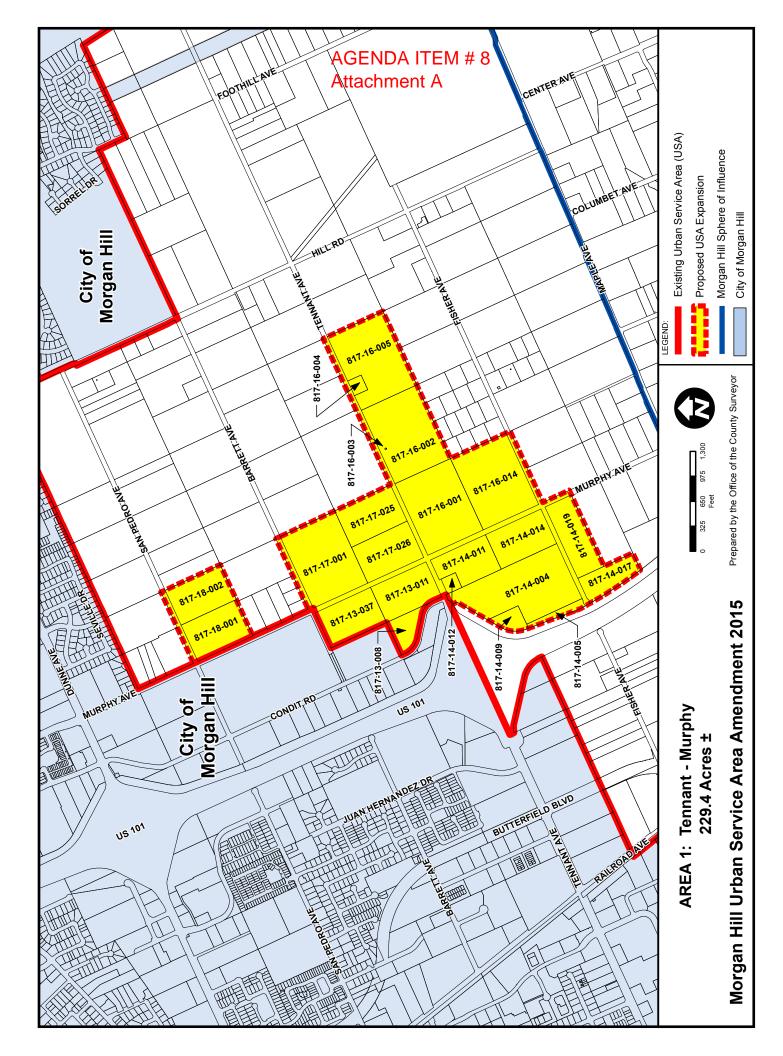
The information presented by the applicant in **Attachment H** is not new information that could not have been presented previously.

Staff recommends denial of the expansion of the USA because the proposal is not consistent with LAFCO policies which discourage the premature conversion of agricultural lands, guide development away from existing agricultural lands and require the development of existing vacant lands within city boundaries prior to conversion of additional agricultural lands.

ATTACHMENTS

Attachment A:	Map of the area depicting the subject properties
Attachment B:	Letter from Mr. Bart Hechtman, re. Request for Reconsideration of Denial of USA Amendment for High School Only Alternative; Request for Special Meeting (dated April 7, 2016)

Attachment C:	LAFCO Counsel Memo re. Reconsideration and Commission Participation (dated November 21, 2013)
Attachment D:	Letter from Mr. Bart Hechtman re. SCCHS Reconsideration; Fees Paid Under Protest (dated April 11, 2016)
Attachment E:	Letter from Mr. Bart Hechtman re. Reconsideration Procedures (dated April 11, 2016)
Attachment F:	LAFCO Counsel Memo re. Hearings for Requests for Reconsideration (dated May 17, 2016)
Attachment G:	LAFCO Counsel Memo re. Analysis of CEQA Claims Contained in Request for Reconsideration of Denial of USA Amendment for High School Only Alternative (dated May 16, 2016)
Attachment H:	Letter from Mr. Bart Hechtman re. Reconsideration regarding High School Only Alternative (dated May 18, 2016)
Attachment I:	Written Comment Letters received to date



AGENDA ITEM # 8 Attachment B

April 7, 2016

Norman E. Matteoni Peggy M. O'Laughlin Bradley M. Matteoni Barton G. Hechtman Gerry Houlihan

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Neelima Palacherla, Executive Officer
 Local Agency Formation Commission of Santa Clara County
 70 W. Hedding Street, 8th Floor
 San Jose, CA 95110

Re: Request for Reconsideration of Denial of USA Amendment for High School Only Alternative; Request for Special Meeting

Dear Ms. Palacherla:

On behalf of the South County Catholic High School ("SCCHS"), and pursuant to Government Code Section 56895, I hereby request that LAFCO reconsider its March 11, 2016 decision resolving to deny the City of Morgan Hill's application for an Urban Service Area Amendment for "Area 1-Southeast Quadrant", described in item 3.1 of LAFCO's March 11, 2016 meeting agenda. This request for reconsideration only seeks reconsideration regarding the "High School Only Alternative" described in Section 5.6 and elsewhere in the Final Environmental Impact Report ("Final EIR") and also referenced as Possible Action #2 in the LAFCO meeting agenda for March 11th. Reconsideration is not requested for any part of the Southeast Quadrant beyond the approximately 60 acres described in Section 5.6 of the Final EIR (pages 5-19 through 5-25). The requested specific modifications to LAFCO's March 11, 2016 decision regarding agenda item 3.1 are described in Attachment A attached hereto and incorporated herein.

The Final EIR analyzed the entire Southeast Quadrant at a program level, but analyzed the High School Only Alternative at a project level. That project level review included analysis of each HSOA impact separate and apart from the analyses of the Southeast Quadrant impacts, and a project alternative specific to the High School Only Alternative. Thus the Final EIR included segregated analyses of the High School Only Alternative that were capable of being the subject of LAFCO findings without reference to the portions of the Final EIR which regarded the larger Southeast Quadrant project.



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Neelima Palacherla, Executive Officer Local Agency Formation Commission of Santa Clara County

New or different facts that could not have been presented previously warrant the requested reconsideration. After the close of the public hearing regarding the Southeast Quadrant, the Commissioners deliberated. In response to questions from the Commissioners, LAFCO staff instructed the Commissioners on four occasions that if the Commission desired to approve an USA Amendment for any portion of the Southeast Quadrant (such as the limited areas described in possible project actions 2 and/or 3 on the agenda), the Commission would first have to approve the <u>whole</u> Final EIR, including those portions of the Final EIR unrelated to the limited portion of the Southeast Quadrant which the Commission desired to approve.

In fact, as described below, CEQA provides LAFCO, as a responsible agency, with the power and ability to make limited CEQA findings as to only those portions of a final environmental impact report which pertain to a project alternative identified in the Final EIR. This fact could not have been presented by SCCHS to LAFCO previously because the issue was not raised by the Commissioners, nor the incorrect instruction given by LAFCO staff, until after the close of public hearing, when members of the public, including representatives of SCCHS, were no longer allowed to provide any information to the Commissioners for their deliberation.

CEQA requires that an EIR identify alternatives to the project (P.R.C. § 21002.1(a)), and that where feasible alternatives to a project are identified which would substantially lessen the significant environmental effects of a project, the agency should approve the alternative rather than the project (P.R.C. § 21002). Similarly, CEQA Guidelines Section 15002(h) provides that when an EIR shows that a project would cause substantial adverse changes to the environment, "the governmental agency must respond to the information by one or more of the following methods: . . . (4) choosing an alternative way of meeting the same need." In this way, CEQA directs that agencies should approve project alternatives rather than the project, as a means to reduce environmental impacts.

LAFCO is a "responsible agency" regarding the Final EIR for the Southeast Quadrant. The CEQA Guidelines expressly provide responsible agencies with flexibility regarding projects and associated environmental impact reports presented to them by lead agencies. CEQA Guidelines Section 15096(a) states that the responsible agency is to consider the EIR and reach "its own conclusions on whether <u>and how</u> to approve the project involved." As with lead agencies, responsible agencies are directed by CEQA to approve project alternatives where it would reduce impacts:

"When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the Agency finds <u>any feasible alternatives</u> or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment." (CEQA Guidelines § 15096(g)(2).)

When a responsible agency intends to approve a feasible alternative it first makes the findings for each significant effect of that project alternative as required by CEQA Guidelines Section 15091, and, if that project alternative requires a statement of overriding considerations, then it makes the CEQA Guidelines Section 15093 findings as well (CEQA Guidelines § 15096(h)). The findings provided in Section 1 of <u>Attachment A</u>, which were adapted from the findings provided by LAFCO staff in the March 11, 2016 agenda, provide the minimum findings required by Sections 15091 and 15093 specifically for the High School Only Alternative.

It was within the Commission's power as a responsible agency to make findings on the Final EIR limited to the High School Only Alternative described in Section 5.6 of the Final EIR. The Commissioners were incorrectly informed after the close of the public hearing that they did not have that power, and that they must make findings for the entire Final EIR, or none at all. On the basis of this fact which could not have been presented to the Commissioners at the March 11, 2016 hearing, SCCHS seeks reconsideration solely as to the High School Only Alternative, and looks forward to presenting written and oral testimony at the reconsideration hearing.

Request for Special Meeting

Additionally, SCCHS requests that this hearing occur at a special meeting on or before May 31st (or that LAFCO advance its regular meeting scheduled for June 1). This is a request for reconsideration. It should be heard by the same Commissioners who "considered" the matter when it first came before LAFCO because those Commissioners received all of the information presented at and before the March 11th hearing. Two of the Commissioners who heard this matter when it originally came before the Commission on March 11th have LAFCO terms which expire on May 31, 2016. Accordingly, a special

Neelima Palacherla, Executive Officer Local Agency Formation Commission of Santa Clara County April 7, 2016 Page 4

meeting is warranted, and there is sufficient time to set the special meeting and provide notice for it to occur on or before May 31, 2016.

Respectfully submitted,

Barton Hechtman

BARTON G. HECHTMAN

BGH:cab Attachment cc: SCCHS Supervisor Mike Wasserman Gary Baum, Esq. Elizabeth Pianca, Esq.

Clients\SOUTH COUNTY CATHOLIC HIGH SCHOOL\correspondence\N. Palacherla LAFCO.docx

ATTACHMENT A

SCCHS requests that LAFCO modify its March 11, 2016 decision by making the following findings required to approve the High School Only Alternative, including findings to approve the Final EIR solely as to the portions relevant to the High School Only Alternative (Final EIR Section 5.6):

- 1. The following findings regarding the Final Environmental Impact Report (Final EIR) for the High School Only Alternative:
 - a. Find that, prior to making a decision on the High School Only Alternative, LAFCO reviewed and considered the environmental effects of the High School Only Alternative as shown in the Final EIR.
 - b. Find that (a.) The Final EIR identified potentially significant adverse impacts resulting from the High School Only Alternative in the areas listed below, and (b.) Appropriate mitigation measures have been proposed for each of the potential impacts identified in each of the listed categories that will reduce the impacts to a less than significant level.
 - Aesthetics, Light and Glare
 - Agricultural Resources
 - Air Quality/Green House Emissions
 - Biological Resources
 - Cultural Resources
 - Geology, Soils, and Seismicity
 - Hazards and Hazardous Materials
 - Hydrology and Water Quality
 - Land Use
 - Public Services and Recreation
 - Utility Systems
 - c. Find that the Final EIR identified one potentially significant impact resulting from the High School Only Alternative that cannot be mitigated to a less than significant level. That Impact is listed below:
 - Transportation
 - d. Find that the City of Morgan Hill submitted a mitigation monitoring program, and that monitoring program ensures compliance with the mitigation measures identified in the Final EIR that would mitigate or avoid all but one of the significant impacts associated with the USA expansion for the High School Only Alternative, over which LAFCO has responsibility.

- e. Find that, despite imposition of all feasible mitigation measures and alternatives, the High School Only Alternative's transportation impacts will remain significant, but the High School Only Alternative's benefits outweigh the High School Only Alternative's significant, unavoidable environmental impacts: Economic, Social, and other considerations justify the approval of the High School Only Alternative in spite of the existence of unavoidable environmental effects that are deemed significant and that cannot be mitigated to a level of insignificant, and these benefits outweigh the risks of its potential significant adverse environmental impacts, specifically:
 - The High School Only Alternative provides an avenue to meet the educational needs of the community and support student population growth.
- f. Designate the LAFCO Executive Officer as the location and custodian of the documents and other materials that constitute the record of proceedings on which this decision is based.
- 2. Approve an USA amendment to include only those properties described as the High School Only Alternative in Section 5.6 and elsewhere in the Final EIR, specifically APNs 817-17-001, 817-17-025, 817-17-026, 817-13-008, 817-13-011 and 817-13-037.

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AGENDA ITEM # 8 Attachment C

MEMORANDUM

To:	Neelima Palacherla, Executive Officer
FROM:	Mala Subramanian, General Counsel
DATE WRITTEN:	November 21, 2013
Re:	Reconsideration and Commission Participation

Background

At its October 2, 2013 meeting, LAFCO Commissioners approved Resolution No. 2013-04 approving the expansion of the Urban Service Area ("USA") of Morgan Hill to include APNs 779-040-056, 001, 003 and 004, and to exclude the Santa Clara Valley Water District Parcel (APN 779-04-067) from the City limits and USA so it will serve as a natural buffer to limit impacts to adjacent agricultural lands and to limit growth inducing impacts on adjacent unincorporated lands ("Original Application").

On October 31, 2013, LAFCO received a timely request for reconsideration from Royal Oaks Mushroom requesting inclusion into the USA. A question has been raised as to which LAFCO Commissioners should participate in the reconsideration and whether Commissioners who did not originally vote on the application, can participate in the reconsideration.

Analysis

When the Commission has adopted a resolution, any person or affected agency may request amendments to or reconsideration of the resolution. (Gov. Code 56895(a).) The Executive Officer shall place the request on the agenda of the next meeting of the Commission and at that meeting, the Commission shall consider the request and receive any oral or written testimony. (Gov. Code 56895(f).) At the conclusion of the consideration, the Commission may approve with or without amendment, wholly, partially, or conditionally, or disapprove the request. (Gov. Code 56895(g).)

Here, when the Commission heard the Original Application, various alternates participated in the final decision. The question has been raised as to who should vote on the reconsideration. The Cortese Knox Hertzberg Act ("Act") provides that each Commission may adopt regulations with respect to disqualification of members or alternates from participating in review of a proposal. (Gov. Code 56336.) In the absence of such regulations, Section 56332 or 56335 shall apply. Here, the Commission does not have any applicable regulations regarding the disqualification of members. Furthermore, in both the case of the City and Special District members, neither selection committee imposed a requirement that a member or alternate is disqualified from voting on proposals affecting the city/district of which the member is a representative as found in Sections 56332 or 56335. Therefore, there are no special requirements under the Act that are applicable to the reconsideration. However, for due process we do recommend that any Commissioner who did not consider the entirety of the Original Application and wishes to participate in the reconsideration should review the minutes and audio tape of the Original Application.

Conclusion

Any Commissioner who did not consider the entirety of the Original Application may participate and vote on the reconsideration. However, for due process they should review the minutes and audio tape of the Original Application and disclose such prior to participating in the reconsideration.



AGENDA ITEM # 8 Attachment D

April 11, 2016

Norman' E. Matteoui Peggy M. O'Laughlin Bradley M. Matteoni Barton G. Hechtman Gerry Houlihan

Via Hand-Delivery

Neelima Palacherla, Executive Officer Local Agency Formation Commission of Santa Clara County 70 W. Hedding Street, 8th Floor San Jose, CA 95110

Re: SCCHS Reconsideration; Fees Paid Under Protest

Dear Ms. Palacherla:

Enclosed please find a check made payable to SCC LAFCO in the sum of \$2,169.00. As indicated on the check, this fee for reconsideration is being paid under protest.

State law requires and governs the reconsideration process under which process SCCHS is proceeding. That State law, codified in Government Code Section 56895, makes no provision allowing a LAFCO to charge a fee for reconsideration which is, in essence, analogous to the continuation of a hearing for the purpose of presenting additional information (or fee charged). All required fees regarding the original hearing on March 11th, if any were due, were paid by the applicant City of Morgan Hill. It is for that reason that no fees accompanied my April 7, 2016 letter making the request for reconsideration.

Equally important, the charging of a fee for reconsideration by SCC LAFCO is unconscionable where, as here, the request for reconsideration is based upon mistaken advice provided to the Commissioners by LAFCO staff after the close of the public hearing. It is inappropriate to cause members of the public to bear the financial burden of correcting a LAFCO mistake.



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On behalf of SCCHS, I request that as a part of these reconsideration proceedings, LAFCO determine that no fee is due from SCCHS or otherwise waive the fee and either return the enclosed check or reimburse SCCHS the amount of the fee. The payment of the fee is timely (Gov't Code §56895, C.C.P. §12a.).

Very truly yours,

BARTON G. HECHTMAN

BGH:cab Enclosure cc: SCCHS



Norman E, Matteoni Peggy M. O'Laughlin Bradley M. Matteoni Barton G. Hechtman Gerry Houlihan

Malathy Subramanian, Esq. SCC LAFCO Counsel Best Best & Krieger LLP

2001 N. Main Street, Suite 390 Walnut Creek, CA 94596

Re: Reconsideration Procedures

Dear Ms. Subramanian:

I believe that you are aware that I am counsel for SCCHS regarding its request for reconsideration. I write to you in advance of the reconsideration hearing in an effort to avoid a potential procedural dispute at the hearing.

Many jurisdictions have reconsideration ordinances. Generally, those ordinances provide for a two-step process whereby the decision-makers first decide if they will reconsider the matter, and if so, a second decision is made upon reconsideration. However, Government Code Section 56895, which sets forth the mandatory process for all LAFCOs in California, omits that first decision. Upon timely submission of a request for reconsideration, LAFCO has no discretion but to hold the reconsideration hearing, take oral and written testimony, and render a decision.

Further, while Section 56895 requires the request to "state what new and different facts that could not have been presented previously are claimed to warrant the reconsideration," that section does not give LAFCO the power to decline reconsideration based upon its view that the proffered facts do not warrant reconsideration. By the plain language of the statute, the assertion of the new facts which are



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AGENDA ITEM # 8 Attachment E

April 11, 2016

Malathy Subramanian, Esq.

April 11, 2016 Page 2

claimed to warrant reconsideration obligates LAFCO to conduct the hearing.

I raise this latter point because I am informed that a couple of years ago SCC LAFCO declined to reconsider a matter for which a timely request was made. If that were to occur regarding SCCHS's request for reconsideration, it would violate State law and be a denial of its due process rights.

I look forward to meeting you at the reconsideration hearing, and hope that you concur regarding the required procedure for that hearing.

Very truly yours,

BARTON G. HECHMAN

BGH/jm

cc: Neelima Palacherla South County Catholic High School

F:\Clients\SOUTH COUNTY CATHOLIC HIGH SCHOOL\correspondence\SUBRAMANIAN Malathy 04112016.docx



AGENDA ITEM # 8 Attachment F

BEST BEST & KRIEGER

ATTORNEYS AT LAW

Memorandum

То:	Neelima Palacherla, Executive Officer
FROM:	Mala Subramanian Josh Nelson
DATE WRITTEN:	May 17, 2016
RE:	Hearings for Requests for Reconsideration

Background

LAFCO has not historically provided parties requests for reconsideration with a hearing unless they can demonstrate that their request is based on new or different facts. Essentially, LAFCO has established a two-step process for reconsideration requests. First, LAFCO will consider whether the applicant has identified new or different facts that could not have been presented previously that warrant the reconsideration hearing. Second, assuming that they have, LAFCO will hold a public hearing on the merits of the request. You have received a letter dated April 11, 2016 from Mr. Hechtman arguing that LAFCO has no discretion, but to hold a reconsideration hearing, take oral and written testimony, and render a decision. He argues that Section 56895 "does not give LAFCO the power to decline reconsideration based upon its view that the proffered facts do not warrant reconsideration."

As explained below, it is our opinion that LAFCO may continue to process requests for reconsideration in a two-step process. As part of this process, the first step may occur outside of a public hearing for all requestors except affected school districts.

<u>Analysis</u>

Government Code section 56895 allows any person or affected agency to submit a request for reconsideration by filing the written request within 30 days of the adoption of the commission resolution making determinations. (Gov. Code, § 56895(b)¹.) This request must identify any new or different facts justifying reconsideration that could not have been presented previously. (Gov. Code, § 56895(a).) For affected school districts only, LAFCO must consider this request at a public hearing.

In addition, section 56895 requires the executive officer to "place the request on the agenda of the next meeting of the commission for which notice may be provided...." (§ 56895(e).) Prior to the meeting, LAFCO must provide notice of the reconsideration request in the same manner as the original proposal. At the meeting, LAFCO must "consider the request and receive any oral or written testimony. The consideration may be continued from time to time but not to exceed 35 days from the

¹ Unless otherwise noted, all future statutory references are to the Government Code. 38030.0000\27147882.5

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date specified in the notice." (§ 56895(f).) LAFCO may then "approve with or without amendment, wholly, partially, or conditionally, or disapprove the request." (§ 56895(g).)

We believe section 56895 gives the Commission the discretion to decide requests for reconsideration as a one or two-step process. As a one-step process, section 56895 would provide for LAFCO placing the request on its agenda, even if the requestor has not identified new or different facts. Under this interpretation, LAFCO would place the item on its agenda and consider this threshold issue (the existence of new facts and circumstances underlying the request) as well as the merits of the request in a single public hearing.

Under the two-step process, separate consideration of the existence of new or different facts that could not have been previously presented is a separate prerequisite to considering the reconsideration. Without meeting this threshold, there is no valid request for reconsideration and thus no need to set the hearing.

For the reasons discussed below, this second interpretation is the better approach. Section 56895(a) implicitly anticipates that LAFCO may use a two-step process because it expressly requires a public hearing on the new evidence question for requests received by affected schools. In so doing, it suggests that this is not required for non-school requests. In other words, if the determination that the requestor has identified new or different facts needed to be consolidated in all cases with the consideration of the merits of the request, this special rule for schools would be unnecessary.

Moreover, this interpretation is consistent with the legislative history of section 56895 and its predecessor section 56857. Section 56857 was added to govern reconsideration requests as part of the Cortese-Knox Local Government Reorganization Act of 1985. In its 1985 form, this section permitted reconsideration requests on any grounds and permitted LAFCO to consider these requests with or without a public hearing. (See Stats. 1985, Ch. 541, § 3.) In 1988, this section was modified to require that LAFCO consider all reconsideration requests at a public hearing. (See Stats. 1988, Ch. 826, § 6.) However, there were still no limitations on the grounds for a request.

This language remained in the law until the adoption of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (C-K-H Act). The C-K-H Act moved reconsideration requests to section 56895 and significantly narrowed the reconsideration opportunity by adding the current requirement that requests identify new or different facts justifying reconsideration that could not have been previously presented. This limitation was recommended by the Commission on Local Governance for the 21st Century in its *Growth Within Bounds* report, to reduce the number of frivolous requests that were used to delay proceedings or submitted simply because the requestor disagreed with the initial decision. "If reconsideration is requested, LAFCO has no option under current law. It must convene another public hearing and take testimony regarding the reconsideration request, even if no reason is given for the request. To limit abuses, LAFCOs could be authorized to require that the appellant requesting reconsideration state what new facts or circumstances have become available since the previous hearing. This would permit LAFCO to evaluate whether or not a new hearing

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would be productive." (See *Growth Within Bounds*, Recommendation 3-14; see also Off. of Sen. Floor Analyses, 3d reading analysis of Assem. Bill No. 2838 (1999-2000 Reg. Sess.), p. 11.)²

This evidence of intent is a compelling suggestion that section 56895 is intended to reduce the number of reconsideration hearings in general and, to that end, to impose a threshold determination of whether new or different facts exist before the entire hearing process is re-initiated. In other words, LAFCO's current practice of conducting a two-step process where LAFCO initially reviews the request to determine whether it actually contains new or different facts that could not have been previously presented before considering its merits best captures the Legislature's intent to reduce the number of frivolous requests.

Conclusion

Section 56895 authorizes LAFCO to utilize a two-step process for requests for reconsideration where the first step is whether the requestor has identified any new or different facts that could not have been previously presented. This conclusion is supposed by (1) the text of the Act providing for consolidation of these steps for school district requests, but not for others and; (2) a clear connection during the 2000 amendments between the "new or different facts" requirement and the legislative intent to limit reconsideration opportunities in order to expedite closure on LAFCO decisions.

² *Growth Within Bounds* played an important role in formulating the C-H-K Act. When adopting the C-K-H Act, the Legislature expressly recognized the importance of this report. (See Off. of Sen. Floor Analyses, 3d reading analysis of Assem. Bill No. 2838 (1999-2000 Reg. Sess.), p. 2.) In fact, *Growth Within Bounds* provided draft language on reconsideration that substantially mirrors the current requirements. Specifically, the report proposed requiring that reconsideration requests "…shall state what new or different facts which could not have been presented previously, or applicable new law, are claimed to warrant the reconsideration." (*Growth Within Bounds*, at App. C, p. 152.) The phrase "applicable new law" was actually included in the C-H-K Act but removed by subsequent legislation. (Stats 2002, Ch. 548, § 25.) Accordingly, the exact language proposed by *Growth Within Bounds* was included in the C-H-K Act and remains operative law.



AGENDA ITEM # 8 Attachment G

Memorandum

 To: Members of the Commission
 From: Mala Subramanian Sarah E. Owsowitz
 Date: May 16, 2016
 Re: Analysis of CEQA Claims Contained in Request for Reconsideration of Denial of USA Amendment for High School Only Alternative

Introduction

On April 11, 2016, the South County Catholic High School (High School) requested that LAFCO reconsider its March 11, 2016 decision denying the City of Morgan Hill's (City) application for an USA (USA) Amendment. Specifically, the High School requests reconsideration of the Commission's denial of the City's USA Amendment Application for Area 1: Tenant-Murphy (Southeast Quadrant) to expand the USA to include those properties proposed for the development of the High School (such an expansion also would be required to include 22 acres of neighboring properties in order to create contiguous boundaries with the City). The proposed expansion of Area 1 that is the subject of the High School's Request for Reconsideration is referred to in the Commission's Staff Report as Possible Action #2.

The High School contends that the Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan Environmental Impact Report's (EIR) analysis of the High School was "separate and apart from the analyses of the Southeast Quadrant impacts, and a project alternative specific to the High School Only Alternative" and thus was "capable of being the subject of LAFCO findings without reference to the portions of the Final EIR which regarded the larger Southeast Quadrant project." (Request for Reconsideration, p. 1.)

The High School asserts that the Commission was provided an incorrect description of its duties and powers under the California Environmental Quality Act¹ (CEQA) during its March 11th deliberation and that it should have found that "CEQA provided LAFCO, as a responsible agency, with the power and ability to make limited CEQA findings as to only those portions of a final environmental impact report which pertain to a project alternative identified in the Final EIR." (Request for Reconsideration, p. 2.)

¹ Public Resources Code section 21000 *et seq.* 38030.0000\27144183.3

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Background

As discussed during the Commission's March 11th deliberations, the Commission must accept the EIR, in its entirety, as adequate under CEQA. Specifically, CEQA Guidelines² section 15096(e) provides that, if a responsible agency does not file a lawsuit challenging the adequacy of a lead agency's action pursuant to a certified EIR, the responsible agency shall "be deemed to have waived any objection to the adequacy of the EIR." This provision of the CEQA Guidelines is consistent with Public Resources Code section 21167.2, which provides that if no action or proceeding is filed alleging that an environmental impact report does not comply with CEQA, the environmental impact report shall be conclusively presumed to comply with CEQA for purposes of its use by responsible agencies. It is beyond dispute that no lawsuit was filed by LAFCO, or by any third party, to challenge the City's actions pursuant to its certified EIR. Thus, pursuant to CEQA Guideline section 15096(e) and Public Resources Code section 21167.2, any action the Commission might wish to take to approve any or all of the City's USA Amendment Application for Area 1: Tenant-Murphy (Southeast Quadrant) must be based on the presumption that the EIR complied with the provisions of CEQA and was adequate.

Here, a review of the EIR confirms that the document includes a program-level analysis of the impacts of the 1,290 acre Agricultural Preservation Program and Southeast Quadrant Land Use Plan (the "SEQ Area") (*see e.g.* Impact AG-1a, EIR, pp. 3.2-17 - 3.2-20, and Impact AIR-4a, EIR, pp. 3.3-51 - 3.3-59) and a project-level analysis of the impact of developing the 38 acre High School site, a site located within the SEQ Area (*see e.g.* Impact AES-3, EIR, pp. 3.1-17 - 3.1-19 and Impact CUL-1, EIR, pp. 3.5-15 - 3.5-17). The EIR does not contain a stand-alone analysis of the environmental impacts of expanding the City's USA to include the High School *plus* the approximately 22 acres of neighboring properties that would need to be included in such an expansion in order to create a contiguous boundary (a 60 acre expansion of the USA).

Further, while there are two references in the EIR's discussion of the High School Only Alternative which state that approximately 22 acres of the SEQ Area would need to be part of the expansion of the USA in order to create a contiguous boundary (*see* EIR, p. 5-19, and EIR, p. 5-20, Table 5-5), the actual analysis of the High School Only Alternative contained in the EIR considers only the potential impacts of an "alternative [that] would result in the development of the private High School on 38 acres and *the elimination of the SEQ Area programmatic aspects of the project.*" (EIR, pp. 5-20 - 5-24 [emphasis added].) Accordingly, there is no discrete analysis of the impact of expanding the City's USA by 60 acres (the High School site plus the 22 acres of neighboring properties), nor is there any discussion as to what uses or development the City proposed for the 22 acres of properties neighboring the High School site - though a reasonable interpretation of the EIR would conclude that the City would consider those 22 acres to be part of the Southeast Quadrant Land Use Plan.

² Cal. Code of Regulations, Title 14, Chapter 3

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Analysis

The High School contends that "it was within the Commission's power as a responsible agency to make findings on the Final EIR limited to the High School Only Alternative described in Section 5.6 of the Final EIR." (Request for Reconsideration, p. 3.) To support this argument, the High School cites to CEQA Guideline section 15096(g)(2), which states:

When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.

The High School also cites to CEQA Guideline section 15096(h), which states that "the responsible agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093, if necessary." Based on these citations, the High School asks LAFCO to approve Possible Action #2 via a two-page summary of CEQA findings that are included with its Request for Reconsideration as Attachment A.

Viewed in the light most favorable to the High School, and presuming there are grounds for reconsideration in order to approve Possible Action #2 (expansion of the USA to include the High School site plus 22 acres of neighboring properties in order to create contiguous boundaries with the City), the Commission would still first have to make findings as to the significant impacts, mitigation measures, and significant and unavoidable impacts of such an approval. (CEQA Guideline section 15096(h).) But, as detailed above, the EIR does not appear to contain the information necessary to make such findings. This is because the EIR does not evaluate the impact of amending the City's USA by 60 acres to accommodate the High School Site plus the approximately 22 acres of neighboring properties needed to be included in order to create a contiguous boundary.³ (EIR, pp. 5-20 - 5-24.) Accordingly, contrary to the contentions of the High School Only Alternative, as those findings do not address the impacts of approving the USA expansion by 60 acres and so would not fulfill the Commission's duties as a responsible agency under CEQA Guideline section 15096.

As detailed in the Staff Report for the Area 1 application, the only way that the Commission could approve Possible Action #2 would be to approve the CEQA findings that the City adopted when it originally voted to submit the USA Amendment application for Area 1. (Staff Report, 1- 3.) The City's CEQA findings are the only existing set of findings that details

³ If the City believes that the record before it at the time it approved the Project contained substantial evidence supporting the issuance of findings regarding the impacts of the expansion of the USA to accommodate the High School, plus the 22 acres of neighboring properties needed to be included in order to create a contiguous boundary we would gladly review such information and such proposed findings.



the potential impacts and mitigation measures that the EIR identified for the development of the High School and the annexation of 22 acres of neighboring properties that must be included in any Commission approval action in order to create a contiguous boundary. Those CEQA findings are already outlined and discussed in the Staff Report that was prepared for the Commission's March 11, 2016 meeting. (Staff Report, p. 2 - 3.) A complete copy of the City's CEQA findings is included as part of Attachment G to the Staff Report.

Conclusion

The March 11, 2016 Staff Report and the staff comments at the March 11, 2016 meeting properly concluded that, pursuant to CEQA Guideline section 15096(d) and Public Resources Code section 21167.2, the Commission was required to accept the whole of the EIR as legally adequate and compliant with CEQA. The March 11, 2016 Staff Report and staff comments at the March 11, 2016 meeting also properly concluded that, if the Commission wished to approve Possible Action #2 (to accommodate the High School site plus the approximately 22 acres of neighboring properties needed to be included in order to create a contiguous boundary), it would first be required to make CEQA findings as outlined and discussed in the March 11, 2016 Staff Report.

AGENDA ITEM # 8 Attachment H

From: Bart Hechtman [mailto:bgh@matteoni.com]
Sent: Wednesday, May 18, 2016 4:31 PM
To: Palacherla, Neelima <<u>Neelima.Palacherla@ceo.sccgov.org</u>>
Cc: Andy Pashby <<u>APashby@lbinc.com</u>>
Subject: High School Reconsideration

Neelima,

Attached please find an advance copy of the High School's letter in support of approval of the High School Only alternative upon reconsideration, and the four attachments referenced in the letter. A hard copy is being mailed to you today. Please distribute copies of the letter to each Commissioner as part of the staff packet for the June 1 hearing. We'll look forward to reviewing the staff report on May 25th, and to the hearing. Sincerely, Bart



BARTON G. HECHTMAN **Matteoni, O'Laughlin & Hechtman** 848 The Alameda San Jose, California 95126 T: (408) 293-4300 F: (408) 293-4004

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SOUTH COUNTY CATHOLIC HIGH SCHOOL

May 18, 2016

Advance Copy Via Email

Local Agency Formation Commission of Santa Clara County c/o Neelima Palacherla, Executive Officer 70 W. Hedding Street, 8th Floor San Jose, CA 95110

Re: Reconsideration regarding High School Only Alternative

Dear Members of the Commission,

The South County Catholic high school committee, a religious non-profit, thanks you for your time in the reconsideration of the boundary changes to accommodate the Catholic high school. The following information is provided in order to clarify and correct information from the March 11, 2016 LAFCO meeting. The High School Only alternative to the South East Quadrant (SEQ), studied in the Environmental Impact Report, is a logical and important component of the City of Morgan Hill's plan. The High School Only alternative conforms with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 which states "it is the policy of the State to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the State." The boundary changes we are seeking accomplish these stated goals and is necessary because there is no opportunity for the development of the Catholic high school within the current city limits.

The proposed South County Catholic High School (High School) site is located in unincorporated Santa Clara County, within the western portion of the SEQ Area. The High School site is also located within the City of Morgan Hill's Sphere of Influence. The 38-acre High School site is bounded by Tennant Avenue on the south, Murphy Avenue on the west, and Barrett Avenue on the north, and consists of Assessor's Parcel Numbers (APNs) 817-17-001, 817-17-025, and 817-17-026. The High School Only project alternative involves development of a private high school (grades 9 through 12) on 38 acres located north of Tennant Avenue and east of Murphy Avenue.

The project is proposed generally in three phases to accommodate the student population growth. Phase 1 includes construction of classrooms to accommodate 600 students, as well as a multi-purpose building and administration space. Related improvements including a gymnasium, library, theater, music room, chapel, track and field facility, sport fields, and baseball/basketball/tennis courts would be constructed as funding permits. The High School would be built to California Green Building Standards or LEED Standards. Because of its proximity to the existing Morgan Hill city limits, the expansion of the various city boundaries would be limited to encompass only the High School site and neighboring properties (22 acres, some of which are already in the UGB), thereby obviating any changes to existing land use activities elsewhere in the SEQ Area.

The benefits of a new Catholic high school in Morgan Hill are numerous. A new Catholic high school will bring educational choice to the south county and increase high school capacity for the area. Every day, 450 to 500 students leave the south county to attend existing non-public schools outside the region. Keeping these students in the community will reduce the impact of their commute on our roads and on our environment. Catholic high school students will make a huge impact on the south county through thousands of hours of community service. The school will positively impact local businesses and will increase home values throughout the region.

The "Summary of Analysis: Consistency with LAFCO Policies" table provided in the March 11 staff report addressed the *entire* SEQ annexation. Staff did not provide a similar analysis of the High School Only alternative, and we expect that the staff report for the June 1 reconsideration hearing regarding the High School Only alternative will include that analysis. Additionally, there were a number of inaccuracies regarding the High School Only alternative stated by LAFCO staff in its written report for the March 11th hearing, and/or during the hearing itself. SCCHS provides the following information to correct those errors so that they are not repeated in the staff report for the June 1st hearing or at that hearing, and to address other LAFCO policies that LAFCO staff has not yet directly addressed regarding the High School Only alternative.

1. There are Adequate Utilities Available to serve the High School.

The City's ability to provide and fund services was well documented in the Final Environmental Impact Report (FEIR), fiscal analysis and follow up data provided by the City to LAFCO in preparation for the March 11 hearing. Nonetheless, page 14 of the LAFCO Staff Report stated that "urban services such as public sewer and water are

not available with the intent to construct a private high school". That statement is incorrect, as clearly reflected in the FEIR:

- Regarding the sanitary sewer, page 3.14-42 of the FEIR states: "In summary, adequate wastewater treatment and collection capacity is available to serve the High School." Moreover, the current City sewer line is directly adjacent to the High School site on Barrett Avenue.
- Regarding water supply, page 3.14-35 of the FEIR states: "Based on the analysis in this study, the 2030 water demand projections are not anticipated to exceed the supply capacity of the sub basins."
- Regarding storm drainage, page 3.14-46 of the FEIR states: "Onsite or offsite retention is the most appropriate method of storm drainage management. With implementation of this mitigation measure, impacts would be less than significant."
- Regarding power energy consumption, page 3.14-52 of the FEIR states that "impacts would be less than significant."

Thus the FEIR explains that the proposed location has enough water, enough storm water retention when onsite mitigation takes place, adequate sanitary sewer services, and enough power to support the SCCHS.

2. The High School Only Alternative would provide Logical, Contiguous Boundaries.

Page 14 of the LAFCO Staff Report mentions the lands proposed for the High School are not contiguous to the Morgan Hill city limits. That statement, while technically correct, is misleading. The High School Only alternative studied in the EIR includes six parcels, totaling approximately 60 acres. Three of those parcels (approximately 22 acres) border the city limits on their eastern boundaries and have been inside the City's Urban Growth Boundary for years. Immediately to the east of those three parcels are the three parcels (approximately 38 acres) upon which the high school would be built. Those three parcels were brought into the City's Urban Growth Boundary last year. Consequently, the land mass which is the subject of the High School Only alternative is contiguous to the city limits, and entirely within Morgan Hill's current Urban Growth Boundary.

3. The Impacts to Agriculture are Insignificant with the Required Mitigation.

It is not LAFCO policy to preclude development of agricultural lands. Rather, the policy is to require mitigation when such lands are taken out of agricultural production. The LAFCO Staff report states that agricultural land will be severely impacted by annexation of the properties that comprise the High School Only alternative. No factual support is offered for this statement, which conflicts directly with the FEIR, which states that with the mitigation required by compliance with the City's agricultural mitigation ordinance, the impact on agricultural land will be less than significant (page ES-12). Further, as required by CEQA, the agricultural mitigation will be in place prior to the project area being taken out of possible agricultural production (i.e., before commencement of construction of the High School); requiring a mitigation to be completed long before the impact occurred for which the mitigation measure was being imposed would inconsistent with standard CEQA practices and contradictory to legal guidance for CEQA mitigation.

4. There is Not Sufficient Land within City's Existing Boundaries for the High School

LAFCO staff asserted, in various parts of the March 11 staff report, that there is ample vacant land within existing Morgan Hill boundaries for the high school. The staff report fails to support that position. According to the staff report, there are 230 acres of vacant industrial land and 164 acres of vacant commercial land supply, leading to staff's conclusion that annexation for the high school would cause an unnecessary conversion of nearly 40 acres. At no point in the staff report did staff identify a specific location where a 38-acre high school could be located. Nor did the staff report contain any analysis of the actual availability for purchase of any such locations.

As reflected in the documents attached to this letter, a proper analysis demonstrates that there are no 38-acre vacant industrial or commercial sites within the current City limits. 45% of Staff's total vacant commercial figure are parcels smaller than 10 acres. 50% of staff's industrial totals are parcels less than 5 acres. Nor are these industrial and commercial parcels located such that a number of them could be assembled to create a parcel large enough for development of a high school – they are scattered across the City.

Local Agency Formation Commission of Santa Clara County c/o Neelima Palacherla, Executive Officer

May 18, 2016 Page 5

Further, the high school could not realistically fit on a smaller site. Attached are two documents on that topic. The first is a "Guide to School Site Analysis and Development" from the California Department of Education. Per the Guide, a 1401-1,600 student high school requires 40.8 acres. The second is a letter from the Morgan Hill Unified School District in response to the City's recent Draft EIR for their on-going General Plan Update. Page two indicates there is not sufficient land within the city limits to accommodate the District's needs.

Even if the high school could fit on a smaller site, the largest vacant commercial and industrial designated sites in the City are not available for purchase. The attached May 2, 2016 letter from John Telfer of South County Realty explains the current status of the largest commercially-zoned sites. The attached May 11, 2016 letter from Jeff Barnes of Colliers International is to the same effect: there are no commercial or industrial properties within the current city limits both large enough and available where the High School could be built. Further, cities generally discourage educational uses from locating on commercially designated property (because it limits the city's ability to generate sales tax revenue), and in fact under Morgan Hill's zoning code, educational uses are not permitted uses in the commercial zones (Morgan Hill Municipal Code, Chapter 18.22 (General Commercial) and Chapter 18.26 (Highway Commercial).

Turning to the four largest vacant industrial sites, one is the 12-acre Olin toxic cleanup parcel on Tennant – not appropriate for a school. A second site is an 18-acre parcel that is being re-designated to residential under the General Plan Update. A third (30.7 acres) is owned by a landowner who is holding on the property for later development and has no interest in selling. The fourth, which is a 36-acre site in Morgan Hill Ranch is not available for other than industrial uses since the adjacent area was earlier rezoned to accommodate housing as suggested in an earlier LAFCO staff report. This site is also adjacent to the railroad tracks which is generally discouraged for schools (see attached documents from California Department of Education). Further, it is universally recognized that it is undesirable to locate schools near industrial uses both because those industrial uses can pose health risks to the students and because the presence of nearby children results in additional and typically costly regulations being imposed on the industrial users.

SCCHS hopes that LAFCO staff will not persist in its prior position that there is adequate available land within the current City limits to accommodate a new high school. But if staff continues to assert that position, then we believe that in the interest

of providing the Commission with accurate information, it is staff's duty to identify for the Commissioners at least two existing sites within the City limits of sufficient size for a high school that SCCHS could actually purchase.

5. SCCHS did not Profit from the Sale of the Land formerly Identified for the School Site.

Approximately 14 years ago, the SCCHS was planned to be built just north of Cochrane/Monterey Road on 30 acres. Prior to the March 11th hearing the *Mercury News* incorrectly stated in an editorial that SCCHS caused this land to be annexed with the promise of a high school, then "flipped" it to a developer for a huge profit. We were greatly troubled with this same false statement was repeated by LAFCO staff during the hearing.

These are the facts. At the time of its annexation, SCCHS had an option to buy this land from the McKelvey family. During its due diligence, SCCHS learned that a future roadway would bisect the land, and that they would have to build a flyover to cross the adjacent railroad tracks. SCCHS determined after the annexation was completed that these factors made the parcel both too small and undesirable for use as a high school, and the SCCHS did not exercise its option to purchase the parcel. SCCHS was not involved in the McKelvey's subsequent sale of the property, and did not receive any money from that sale.

6. The High School Only alternative does not have Growth Inducing Impacts.

There is an existing, unmet demand in the South County for a parochial high school. The SCCHS project is intended to address that demand – to provide a parochial education for students who currently must travel outside the area to obtain that education. As such, it is not growth inducing, and was not found to be growth inducing in the FEIR.

7. The High School Only alternative is Consistent with Plan Bay Area.

Plan Bay Area has a goal of growth within Urban Growth Boundaries, not within existing urban areas, and the 60 acres included in the High School Only alternative are entirely within the City's Urban Growth Boundary, and therefore consistent with Plan Bay Area. Additionally, the annexation is not inconsistent with the regional Local Agency Formation Commission of Santa Clara County c/o Neelima Palacherla, Executive Officer May 18, 2016 Page 7

transportation plan – Government Code Section 65080.01 defines "farmland" as being located outside a city's sphere of influence; the 60 acres SCCHS seeks to annex is entirely within Morgan Hill's sphere of influence, so the project would not take "farmland" as defined by State law out of agricultural production for transportation purposes.

8. The High School Only alternative is Consistent with the City and County General Plans.

The High School Only alternative is consistent with Morgan Hill's General Plan, as the City explicitly brought the 38 acre site into its Urban Growth Boundary in 2015. A primary thrust of the County's General Plan is that County lands should have rural uses, and that lands for which urban uses are envisioned should be annexed into the cities (i.e., the urban areas). A high school is an urban use, and the annexation of this land to enable the construction of the High School within the city limits is consistent with the County's General Plan.

SCCHS looks forward to addressing the Commission at the June 1 reconsideration hearing. As reflected in this letter, it is our firm belief that it would be consistent with State law and LAFCO policies for the Commission to approve the annexation of the lands which are part of the High School Only alternative. We ask that the Commission approve our request.

Date: <u>5/18/16</u>

SOUTH COUNTY CATHOLIC HIGH SCHOOL

By: _______ Andy Pashby/

Attachments

Guide to School Site Analysis and Development 3/7/16 Letter from the Morgan Hill Unified School District 5/2/16 Letter from South County Realty 5/11/16 Letter from Colliers International



Home / Learning Support / Facilities / Facility Design

Guide to School Site Analysis and Development

2000 Edition

California Department of Education Sacramento, 2000

Developed in 1999 in compliance with the Administrative Procedures Act

Prepared by School Facilities Planning Division California Department of Education

Contents

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Introduction

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<u>Historical Perspective</u> <u>Rule-of-Thumb Approach</u> <u>Functional Approach</u> <u>Need for Increases in Recommended Site Size</u>

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The Site Master Plan and Educational Specifications Development of the Site Master Plan How to Use the Tables and Layouts

Section 3. Layouts of Facilities

Section 4. Procedures for Developing a Site Plan

Appendix. Site Requirements for Very Large Schools

List of Tables

- 1. Comparison of School Site Sizes, 1966 and 2000
- 2. Site Requirements for Small Schools
- 3. Site Requirements for Elementary Grades
- 4. Site Requirements for Grades Six Through Eight
- 5. Site Requirements for Grades Six Through Nine
- 6. Site Requirements for Grades Nine Through Twelve
- 7. Site Requirements for County Community Schools, Community Day Schools, and Continuation High Schools

1,000 square feet	3	4	4	4
Percentage factor for				
layout	20	20	20	20

Site requirements for grades six through nine (cont)

Area Use	Enrollment up to 75 Usable Acres Required	Enrollment 76 to 150 Usable Acres Required	Enrollment 151 to 300 Usable Acres Required	Enrollment 301 to 450 Usable Acres Required	Enrollment 451 to 600 Usable Acres Required	Enrollment 601 to 750 Usable Acres Required	Enrollment 751 to 900 Usable Acres Required		Enrollment 1051 to 1200 Usable Acres Required
Physical Education	4.2	4.5	6.5	8.7	13.4	13.7	15.4	15.4	15.7
Buildings and Grounds	0.8	1.6	2.3	3.0	3.6	4.2	4.9	5.8	6.6
Parking and Roads	0.3	0.3	0.3	0.4	0.4	0.5	0.6	0.7	0.8
Total Acres without CSR	5.3	6.4	9.1	12.1	17.4	18.4	20.9	21.9	23.1
Added Buildings and Grounds for CSR	0.1	0.2	0.3	0.5	0.7	0.9	1.0	1.2	1.4
Added Parking and Roads for CSR	0.1	0.1	0.1	0.2	0.2	0.3	0.3	0.4	0.4
Total Acres with CSR	5.5	6.7	9.5	12.8	18.3	19.6	22.2	23.5	24.9

Site requirements for grades six through nine (cont)

Area Use	Enrollment 601 to 750 Usable Acres Required	Enrollment 751 to 900 Usable Acres Required	Enrollment 901 to 1050 Usable Acres Required	Enrollment 1051 to 1200 Usable Acres Required
Physical Education	13.7	15.4	15.4	15.7
Buildings and Grounds	4.2	4.9	5.8	6.6
Parking and Roads	0.5	0.6	0.7	0.8
Total Acres without				

CSR	18.4	20.9	21.9	23.1
Added Buildings and Grounds for CSR	0.9	1.0	1.2	1.4
Added Parking and Roads for CSR	0.3	0.3	0.4	0.4
Total Acres with CSR	19.6	22.2	23.5	24.9

Note: These specifications are intended for any combination of grades six, seven, eight, and nine and include area requirements for football and track.

Table(s) 6 - Site Requirements for Grades Nine Through Twelve

Type of Outdoor Facility	Enrollment up to 400 Facilities Required	Enrollment 401 to 600 Facilities Required	Enrollment 601 to 800 Facilities Required	Enrollment 801 to 1000 Facilities Required	Enrollment 1001 to 1200 Facilities Required
G Field Area 260 feet by 260 feet	1	1		1	1
H Field Area 260 feet by 460 feet			1	1	1
K Hardcourt Area 100 feet by 120 feet	2	2	3	3	3
L Field Area 360 feet by 360 feet	1	1	1	1	1
M Field Area 300 feet by 750 feet	1	1	1	1	1
N Hardcourt Area 100 feet by 110 feet	3	4	5	5	6
O Field Area 200 feet by 360 feet		1	1	1	1
P Apparatus Area 1000 square feet	2	3	3	4	4
Percentage factor for layout	25	20	20	20	20

Site requirements for grades nine through twelve (cont)

Type of Outdoor Facility	Enrollment 1201 to 1400 Facilities Required	Enrollment 1401 to 1600 Facilities Required	Enrollment 1601 to 1800 Facilities Required	Enrollment 1801 to 2000 Facilities Required	Enrollment 2001 to 2200 Facilities Required	Enrollment 2201 to 2400 Facilities Required
G Field Area 260 feet by 260 feet						
H Field Area 260 feet by 460 feet	2	2	3	3	3	3
K Hardcourt Area						

100 feet by 120 feet	3	3	3	4	4	4
L Field Area 360 feet by 360 feet	1	1	1	1	1	1
M Field Area 300 feet by 750 feet	1	1	1	1	1	1
N Hardcourt Area 100 feet by 110 feet	6	6	7	7	7	8
O Field Area 200 feet by 360 feet	1	1	1	1	2	2
P Apparatus Area 1000 square feet	5	5	6	6	7	7
Percentage factor for layout	15	15	15	15	10	10

Site requirements for grades nine through twelve (cont)

Area Use	Enrollment up to 400 Usable Acres Required	Enrollment 401 to 600 Usable Acres Required	Enrollment 601 to 800 Usable Acres Required	Enrollment 801 to 1000 Usable Acres Required	Enrollment 1001 to 1200 Usable Acres Required
Physical Education	13.8	15.6	17.6	19.5	19.8
Buildings and Grounds	3.3	4.0	5.1	6.3	7.6
Parking and Roads	2.1	3.6	4.4	5.2	6.1
Total acres without CSR	19.2	23.2	27.1	31.0	33.5
Added Buildings and Grounds for CSR	0.4	0.6	0.8	1.0	1.2
Added Parking and Roads for CSR	0.1	0.2	0.2	0.3	0.3
Total acres with CSR	19.7	24.0	28.1	32.3	35.0

Site requirements for grades nine through twelve (cont)

Area Used	Enrollment 1201 to 1400 Usable Acres Required	Enrollment 1401 to 1600 Usable Acres Required	Enrollment 1601 to 1800 Usable Acres Required	Enrollment 1801 to 2000 Usable Acres Required	Enrollment 2001 to 2200 Usable Acres Required	Enrollment 2201 t0 2400 Usable Acres Required
Physical Education	20.4	20.4	23.9	24.2	25.0	25.3
Buildings and Grounds	8.9	10.1	11.4	12.7	13.9	15.2
Parking and Roads	7.1	8.2	9.2	10.2	11.2	12.2
Total acres without CSR	36.4	38.7	44.5	47.1	50.1	52.7
Added Buildings and Grounds for CSR	1.4	1.6	1.8	2.0	2.1	2.3
Added Parking and Roads		2				

for CSR	0.4	0.5	0.5	0.6	0.6	0.7
Total acres with CSR	38.2	40.8	46.8	49.7	52.8	55.7

Note: If field area L, Baseball Field, includes bleachers and dugouts, the site should be increased 0.3 acres.

If field area M, Football Field and Track, includes a stadium, the site should be increased by 1.7 acres.

If the school program includes aquatics and requires both swimming and diving pools, the site should be increased 0.6 acres.

Table 7 - Site Requirements for County Community Schools, Community Day Schools, and Continuation	n
High Schools	

Area Use	Enrollment 5 to 20 Square Feet and Usable Acres Required	Enrollment 21 to 40 Square Feet and Usable Acres Required	Enrollment 41 to 60 Square Feet and Usable Acres Required	Enrollment 61 to 90 Square Feet and Usable Acres Required	Enrollment 91 to 120 Square Feet and Usable Acres Required	Enrollment 121 to 150 Square Feet and Usable Acres Required	Enrollment Over 150 Square Feet and Usable Acres Required
Buildings and Grounds in Square Feet	5,000	10,000	15,000	20,000	28,000	34,000	34,000 plus 200 square feet per pupils in excess of 150 enrollment
Parking and Roads in Square Feet	8,000	16,000	24,000	36,000	48,000	60,000	400 square feet per pupil for the total number of pupils
Physical Education in Square Feet	16,000	16,000	24,000	36,000	48,000	60,000	400 square feet per pupil for the total number of pupils
Total Square Feet Recommended	29,000	42,000	63,000	92,000	124,000	154,000	
Acres	0.7	1.0	1.5	2.2	2.9	3.6	

Figure 1. Basic Unit A (Illustrated)

Basic Unit A space module is 90 feet by 120 feet. Instructor may mark courts with chalk lines to make one teaching station of end soccer 60 feet by 100 feet or one teaching station of two hand polo courts 40 feet by 60 feet or other field games as desired for grades 1, 2, 3

Back to top

Figure 2. Field Areas for Grades 1, 2, and 3 (Illustrated)

Use one Unit A space module that is 90 feet by 120 feet (10,800 square feet) for an enrollment up to 150.

Use two Unit A space modules (each module 90 feet by 120 feet for a total of 21,600 square feet) for a maximum enrollment of 300. The two units are placed side by side.

Use three Unit A space modules (each module 90 feet by 120 feet for a total of 32,400 square feet) for a maximum enrollment of 450. The three units are placed side by side.

Use four Unit A space modules (each module 90 feet by 120 feet for a total of 43,200 square feet) for a maximum enrollment of 600. The four units could be placed side by side or placed as a square.

The modules may be blocked into various geometrical patterns or planned as separate units. The architect is free to make the site layout as he/she thinks best, provided the appropriate number of modules is included and the facilities are identified and dimensioned.

Figure 3. Basic Unit B (Illustrated)



MORGAN HILL UNIFIED SCHOOL DISTRICT

15600 CONCORD CIRCLE . MORGAN HILL, CA 95037 . (408) 201-6023

Delivery: USPS Email: John.Baty@MorganHill.CA.gov

March 7, 2016

John Baty, Senior Planner Community Development Department - Planning Division City of Morgan Hill 17575 Peak Avenue Morgan Hill, CA 95037

Re: Morgan Hill 2035 Draft EIR (SCH#2015022074)

Mr. John Baty:

Morgan Hill Unified School District ("MHUSD") appreciates the opportunity to communicate with you concerning the Draft Environmental Impact Report for the Morgan Hill 2035 Project ("DEIR"). We oppose the DEIR because it fails to recognize that the City has been unable to identify sufficient land within the City of Morgan Hill ("City") to meet the District's needs thereby requiring the MHUSD to identify land for acquisition outside the current city limits.

The DEIR appears inconsistent with the City's General Plan and General Plan Amendment which indicate that the City shall work in partnership with the MHUSD to develop school facilities. School districts and local government depend on each other. A growing community places greater demands on the school system, thereby creating a need for more or expanded schools. Likewise, a new school often stimulates significant traffic as well as residential development near the new school site. Thus, the actions of one entity affect the interests of the other. Given this fact, it is imperative that MHUSD and the City work together to site schools.

The Santa Clara County Local Agency Formation Commission ("LAFCO") has given written objections to schools being built outside of City limits. As LAFCO is the state mandated local agency established to oversee the boundaries of cities and special districts, MHUSD has shared with LAFCO's its present concerns about lack of available land within the current City of Morgan Hill boundaries as the justification for the need to purchase and develop property in the South East Quadrant ("SEQ").

DEIR Response March 7, 2016 Page 1

Insufficient Land

The DEIR fails to recognize that there is not sufficient land within the city limits to accommodate the District's needs. Based on the DEIR, which currently recommends increasing the population limit for the City of Morgan Hill to 64,600, the District anticipates that it would need to construct a minimum of four elementary schools and two secondary schools. According to tables 4.13-4 and 4.13-5 of the DEIR, MHUSD enrollment is projected to be between 11,864 and 13,611 students, which greatly exceeds the current facility capacity of 9,754.

MHUSD has the responsibility of anticipating the changing school facility needs of the Morgan Hill community to ensure a physical environment that is comfortable, safe, secure and accessible. The District believes that "neighborhood schools" enhance the social, economic and physical character of the City. In addition to educating young people, "neighborhood schools" provide physical places for the community to gather for cultural or sporting events, walk the dog, or play in the playground or school field.

Acquiring new school sites is a big challenge, in part because of the California Department of Education's regulations which determine the acreage requirements. According to the California Department of Education, MHUSD is required to obtain a minimum of 10 acres to build an elementary school, 25 acres for a middle school and 40 acres for a high school.

The District has requested the assistance of the City of Morgan Hill Planning Department in determining potential locations within the City's current boundaries for future schools and planning for serving our community with sensible education school building placement. In discussions with the City of Morgan Hill staff, it was determined that they are few available parcels within the City that currently meet District's requirements. The lack of available land within the City's current boundaries has forced the District to examine potential school sites along the urban periphery including the unincorporated county. Locating a school outside of the City is contrary to the District's belief in "neighborhood schools" but at this point the District has very limited options.

Conflicts with the City's Current General Plan

The City's Current General Plan Goal of useful, accessible and high-quality park, recreation and trail facilities and programs includes (page 49 and page 50):

18.2 Encourage partnerships with other agencies and organizations, including the Morgan Hill Unified School District (MHUSD) and other schools, Santa Clara Valley Water District, and the Santa Clara County Parks and Recreation Department, to acquire and develop parks and recreation facilities.

18.3 Work in partnership with MHUSD and other schools where appropriate to identify potential locations for future parks adjacent to future schools in areas currently underserved by parks. Where feasible, the lead agency (MHUSD or the City) shall acquire the full amount of land needed for the school/park, with the other agency agreeing to pay its fair share. Also consider partnerships to enhance community recreational use of existing and proposed school facilities.

18.4 Joint use agreements between the City and MHUSD shall be developed for all new school/neighborhood parks identifying maintenance responsibilities and maximizing shared use of resources where mutually beneficial. Also consider partnerships to enhance community recreational use of existing and proposed school facilities.

The DEIR fails to recognize the need to develop parks and recreation facilities in partnership with MHUSD and the plan does not identify areas where future facilities and schools can likely be placed for with adequate land needed for a park/school. The areas specified for development and school use are, in fact, ignoring any public school need to meet general plan goals. The document does not recognize any predictable public school placement in the area to be annexed. The DEIR disregards the impacts the necessary school development will have on traffic, land use, noise, and planned recreational facilities.

No conversations or agreements have been reached between the City and MHUSD for cooperative activities and partnerships to enhance community recreational use of proposed school facilities. MHUSD has communicated to City staff that the District is currently seeking to acquire property for future school development. Given where the MHUSD schools are currently located and where the population needs and trajectories are going, we have explained that one of the preferred places for the two additional secondary schools is in the SEQ.

MHUSD looks forward to working cooperatively with the City to develop a new secondary site in the SEQ which would allow MHUSD access to the City's sports and recreation facilities in accordance with action 18.4 of the current General Plan.

LAFCO's Objections

Due to the land restrains within the city limits of Morgan Hill, building school sites outside of city limits would be necessary. However, MHUSD in receipt of a letter from LAFCO, dated February 2, 2016, regarding their objections to "urban sprawl" and is encouraging the District to look within city limits for future facility needs. The letter also reitterates Santa Clara County's refusal to allow urban developments in unincorporated areas, its inability to provide "urban services such as sewer and water service" as well as the need for LAFCO's approval to provide services outside of its boundaries, per State law.

Without LAFCO's support, expanding MHUSD's school sites outside of the city limits is improbable and increases the burden placed on the District to locate preferred sites within the city limit.

Conclusion

The impact of the DEIR is quite significant to the facility needs of MHUSD. Without proper consideration, it would cause issues in the future as the District will not have sufficient sites to accommodate the projected population growth. MHUSD requests that the DEIR take into account the needs of the students of Morgan Hill for preferred school sites.

Regards,

Kirsten Perez

Assistant Superintendent Business Services

cc: Steve Betando, Morgan Hill Unified School District, Superintendent
 Steve Rymer, City of Morgan Hill, City Manager
 Neelima Palacherla, Local Agency Formation Commission of Santa Clara County,
 Executive Director
 Anessa Espinosa, Morgan Hill Unified School District, Director Facilities,

Attachments: LAFCO Letter dated February 2, 2016

DEIR Response March 7, 2016 Page 4



17045 Monterey Hwy. Suite A Morgan Hill, CA 95037

May 2, 2016

To Whom It May Concern,

I am writing in regards to the recent LAFCO hearing of March 11, 2016. It has been brought to my attention that there were suggestions by LAFCO staff that several of the commercial sites I happen to represent should be considered for a Private High School site location. I am writing today to state my opinion that these sites would not be a viable option for said school site use as summarized below.

The first site is a 13 acre General Commercial PUD site located at the corner of Murphy/Condit and Dunne Avenue and is known as APN 817-12-11 & 13, owned by China Bay Inc. This site is presently being marketed at \$15 million for a community shopping center. The owner and his partners also own adjacent and nearby properties and thus have been substantially selective in the type of uses that may eventually develop here due to a real or perceived impact on their remaining nearby land holdings. The owners have been known to reject offers for would be development projects solely due to their believe that it would not be up to the standards they are wishing to see developed upon property they have owned since 1981. My understanding is also that a school use is neither a permitted or condition use allowed under general commercial zoning. China Bay Inc. would not be interested in entertaining an offer for a school site.

The next site know as APN 728-17-029 & 030 is owned by Omura and Sons Inc. and Pat and Pravin Patel et.al. This approximate 17 acre site just north of the Ford Store is zoned Highway Commercial with an approved PD in place. This site is the only approved auto mall site in Morgan Hill with the first dealership, The Ford Store, being wildly successful. We are also currently under contract for an additional 6 acres of said 17 acres for a new Chrysler Dealership with Josh Tobin of Las Vegas. Needless to say this site is being reserved by both the city and the property owners for additional dealerships and in fact we are under discussions with a third possible dealership at this time. In addition this site would not be an option for a school site due to the PD master plan for the exclusive auto mall concept. In addition I do not believe a school site is even an allowed conditional use for this classification of commercial zoning. If interested the asking price for this land is \$16.50 a foot or \$718,000 per acre.

The last site is a group of 5 parcels on the south side of Tennant Avenue adjacent to the freeway and again zoned Highway Commercial with a PD overlay. APN 817-8-014, 015, 019, 026 and 030. These 5 parcels are all owned by different entities which has made assembling them for a possible shopping center use a challenge through the years. Note that the smallest parcel in the middle of the group is an existing Baptist Church (parcel 014). They have not surprisingly been reluctant to participate in the sale and/or surrounding development of a shopping center which would necessitate the need for relocation of their long time location as a church. All 5 parcels do have a PD zoning overlay thus they cannot be developed separately without the need to prepare and have approved a "precise development plan"

(master plan) for the entire group of parcels due to the PD overlay. Additionally the approximate 4.6 acre parcel (parcel 030) just west of the church parcel is owned by Devi Oil Company and that owner was recently approached to sell just his parcel which he turned down. This owner has a specific use in mind, he is an end user, and is willing to wait until the entire shopping center project can move forward. Mr. Goyal has recently informed me he is not interested in any offers to sell his parcel at this time.

In summary I do not think LAFCO staffs statements regarding these sites being possible alternative sites for a private school is desirable of even achievable. I would be glad to share any additional details needed relative to the above sites.

Sincerely, John Telfer Owner/Broker South County Realty



May 11, 2016

To Whom It May Concern:

RE: Vacant Industrial/Commercial Properties in Morgan Hill

It is my understanding that the LAFCO Commission and staff, at their March 2016 hearing, encouraged the City of Morgan Hill to change their land use strategy on some of their vacant industrial and commercial sites. I understand further that the Commission specifically denied an "option" to approve a proposed 38-acre Catholic High School because the Commission felt the high school should be located on a site within the City's vacant commercial or industrial properties.

For the past 25 years I (working for Colliers International) have been one of the most active real estate brokers of industrial and commercial property in south Santa Clara County. I represent currently large, multi-parcel business parks as well as large-to-small individual parcels and industrial buildings in Morgan Hill and Gilroy.

As a professional who is active in this South County market, I think it is shortsighted and impractical to redirect these vacant sites to future uses as schools or baseball fields. The current vacant supply of industrial and commercially-zoned properties is part of the normal business cycle. In the early-to-mid 1990's Morgan Hill started to realize its goal of having a balanced community with both jobs and housing. It did so with the creation of several attractive business parks. The new business parks were successful in attracting a number of new companies. In so doing, Morgan Hill began to balance its housing supply, which in prior years primarily served central and north Santa Clara County employment. The period between 1995 to about 2001 accounted for much of its new employment, on roughly 200 acres. Shortly thereafter all of Silicon Valley went through two significant economic downturns and Morgan Hill experienced little new industrial/office building. Finally, the overall market started to turn and the vacant sites are positioned for expansions or new companies.

Some of the current vacant parcels are being held specifically for expansion of the adjoining companies. A number of the vacant parcels are within special assessment finance districts, whose property-owners support the bonds used for the public improvements. These current property owners are relying on similar industrial or office neighbors for financial stability. They will resist potential conflicts from adjacent schools or playfields and unexpected safety or environmental regulations normally associated with such public uses.

May 11, 2016 Page 2 of 2



There are no remaining vacant 40-acre industrial/commercial sites in Morgan Hill – whether as individual or consolidated parcels. I represent two of Morgan Hill's largest consolidated sites, both of which are located in Morgan Hill Ranch, a business park I have been associated with for over 20 years. Neither of these two sites is large enough for a high school nor are they well suited for such a use. The largest site (33-net acre/36.5 gross acres) is located at the southwest corner of Butterfield Boulevard and Jarvis Drive and is being actively marketed by the property owner for industrial development. The site's current configuration is a result of a 2015 rezoning of an additional 19.5 gross acres from industrial to residential. This recent rezoning was opposed by some of the current business park companies. In making this rezoning, both the property owner and the Morgan Hill City Council committed that there would be no further industrial parcel reductions on the site.

The second Morgan Hill Ranch site I represent is a 20-acre commercial site and too small for a 40-acre high school. This site (3 contiguous parcels) is located at Cochrane Road and Butterfield and it now has a purchase contract of sale pending. Therefore, it is no longer available.

In summary, I can envision no circumstances under which either of these two larger sites would be available for a high school. (Of course, the various smaller (less than 5-10 acres) vacant industrial/commercial sites scattered throughout the City do not lend themselves for larger-scaled uses such as schools or playfields.) Therefore, the LAFCo proposal would be unworkable.

I would be pleased to provide additional information should it be helpful.

Sincerely,

COLLIERS INTERNATIONAL

Jeff Barnes Executive Vice President + 1 408 842 7000 jeff.barnes@colliers.com CA License No. 00862186

AGENDA ITEM # 8 Attachment I

May 27, 2016

Dear Ms.Palacherla,

I write to you today to urge you to vote in favor of the property annexation for the proposed South County Catholic High School.

I understand that the property under consideration will be developed for the sole purpose of this high school. We are fortunate that the Diocese of San Jose continues its long term commitment to this project. They recognize it as a most unique opportunity for the Diocese of San Jose and Santa Clara County communities to provide an institution of learning in symbiosis with the environment in which it will be built. The proposed construction of this school will meet and most likely exceed and improve current LEED standards.

Additionally, it is my understanding that the curriculum may include interdisciplinary instruction in agriculture and environmental studies incorporating technology, engineering and the arts. Thus students can be a part of an ecological, sustainable campus environment that will teach them about real world ecological issues. I am also to understand that the City of Morgan Hill has agreed to permit the school to use of the athletic facilities located basically across the street from the proposed school site indicating a current environment of cooperation between the City of Morgan Hill and the Diocese of San Jose.

There is not a parcel of land within the city limits of Morgan Hill that can accommodate this visionary educational endeavor. I believe that if the entire county were educated and aware of the vision of this school and what it will add to the entire area for generations there would be an overwhelming support for this project. As it is community, parish and Diocese support for the school runs very high.

It has been over fifty years since the Diocese of San Jose has built a high school campus and citizens in the South County have never been offered this alternative educational opportunity at the high school level. This type of education has proven time and time again to improve the standards of other schools and provide numerous benefits to communities in which they are located for generations.

It stands to reason that the Bay Area and, in particular, Silicon Valley, Santa Clara County and then the South County region set an example to the world how an educational facility can be incorporated in open space through sustainable best practices in construction and development of the school. Actually this could be a fine example of what LAFCO is trying to achieve - a balance of open space and development to accommodate the growing need of an exceptional and beautiful high school that will serve citizens of all economic levels in Santa Clara County and beyond for generations.

Your kind attention to this issue is most appreciated as is a vote in favor of the land annexation.

Sincerely,

Mary Beth Anderson Gilroy Resident and County Property Owner

From: Sent: To: Subject: Diane <dianeholmes@charter.net> Thursday, May 26, 2016 1:05 PM Abello, Emmanuel Catholic High School LAFCO Reconsideration

Dear Mr. Abello,

I'd like to thank you so much for reconsidering the annexation of the 40 acres necessary to build the Catholic high school in the SEQ. I also ask for your support especially since the intent of the annexation is to provide an educational environment and definitely not contribute to urban sprawl. The area is designated specifically for a school and the Diocese of San Jose is committed to building the much needed Catholic high school whose high academic standards and excellent values would benefit the community and Morgan Hill's youth. Currently, all students seeking a Catholic high school education must travel to San Jose. Mountain View, Watsonville, or Salinas spending many hours commuting and face extremely long days, especially with any extracurricular activity (sports, drama, etc.). Instead of exporting them we need to keep these motivated, talented students close to home, adding value and supporting the community in which they live. We have lived in Morgan Hill for 40 years and have witnessed an excellently managed city and growth. The city has many outstanding amenities providing opportunities to all of its citizens: the athletic complex, aquatics center, cultural center and recreation center with senior center. A Catholic high school would be a tremendous asset. Catholic schools stress the values of self-discipline and commitment, have excellent success rates educating minority students and encourage each student to accept the challenges of being a better person in tomorrow's world. Catholic schools foster leadership, creativity and cooperation and encourage students to give of their time and talents to community service projects, which are integral to Catholic education.

Therefore, I strongly encourage you to vote to annex the 40 acres needed to realize this important asset to our community.

Sincerely, Diane Holmes



March 26, 2016

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

VIA E-MAIL: Neelima.Palacherla@ceo.sccgov.org

Re: Request for Reconsideration of Denial of USA Amendment for High School Only Alternative

Dear LAFCO Commissioners,

The South County Catholic High School ("SCCHS") has requested reconsideration of LAFCO's decision to deny the application for the Urban Service Area Amendment only as it applies to the High School. As the Open Space Authority wrote in a letter to the Commissioners on February 11, 2016, the Urban Service Area Amendment threatens Santa Clara County's finite agricultural resources.

SCCHS claims that LAFCO staff misinformed the Commissioners when it stated that the Commission would have to approve the whole EIR if it desired to approve a USA Amendment for a portion of the quadrant. In fact, LAFCO staff correctly informed the Commissioners that as a responsible agency, LAFCO was required to make findings on the EIR as a whole that the lead agency has drafted along with its mitigation measures. LAFCO does not have discretion to select a project alternative and pick and choose sections of the EIR that apply to that alternative. LAFCO should not approve a project alternative that the Morgan Hill City Council did not approve. While the OSA disagrees with the conclusions in the EIR, the EIR did not find the High School Only Alternative to be superior to the proposed project. Indeed, the EIR did not select the High School Only alternative as the environmentally superior alternative.

The Open Space Authority recommends that LAFCO deny SCCHS's application for reconsideration because the project alternative was thoroughly evaluated by LAFCO and Morgan Hill's EIR properly determined that the High School Only alternative would have unmitigated significant impacts and would defeat the public purpose of the project. The EIR found that the High School Only alternative would have potentially significant impacts on aesthetics, light, and glare, agricultural resources, air quality/ greenhouse gas emissions, biological resources (special-status species and wildlife movement), cultural resources (historical resources, archaeological resources, paleontological resources, and burial sites),

6980 Santa Teresa Blvd Suite 100 San Jose, CA 95119 408.224.7476 T 408.224.7548 F openspaceauthority.org hazards (seismic hazards, erosion, and expansive soils) and hazardous materials, hydrology and water quality (drainage and solid waste), public service and recreation, utility systems.

Ultimately, LAFCO properly considered the High School Only Project Alternative and determined "The proposed USA expansion would result in unnecessary conversion of nearly 40 acres of prime agricultural lands and the proposed development would create further land use conflicts with the surrounding agricultural lands and encourage development of additional lands." As the Staff Report noted, the City has vast inventory of land supply and therefore there is no need to convert prime agricultural land to allow for the development of a private high school.

For these reasons, the Open Space Authority's encourages LAFCO to deny SCCHS's Request for Reconsideration.

Thank you for the opportunity to comment.

Sincerely Yours,

andered machinger

Andrea Mackenzie General Manager

Cc: OSA Board of Directors

Attachment:

Open Space Authority Letter to LAFCO – *City of Morgan Hill Urban Service Area Amendment Area 1: Tennant - Murphy*



VIA E-MAIL

February 11, 2016

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

Re: City of Morgan Hill Urban Service Area Amendment Area 1: Tennant - Murphy

Dear LAFCO Commissioners,

The Santa Clara Valley Open Space Authority (OSA) appreciates the opportunity to provide this letter of comment on the City of Morgan Hill's application for Urban Service Area (USA) Amendment Area 1 (Tennant-Murphy) within the Southeast Quadrant (SEQ).

The OSA is a public land conservation agency and special district created by the California Legislature in 1993 to balance growth with the protection of open space, natural resources, greenbelts and agricultural land. To date, the OSA has worked with farmers, ranchers, public agencies and non-profit partners to conserve and steward over 20,000 acres of open space and agricultural land through voluntary acquisition of land and conservation easements. The OSA effectively partners with federal, state, regional and local agencies, non-profit organizations and foundations to leverage funding for agricultural land conservation projects.

As one of the few agencies or entities in Santa Clara County responsible for conserving *agricultural land*, conservation of the remaining South County farmland is a high priority for the OSA. The County has already lost over half of its farmland in the past 30 years to development. Approximately 27,000 acres of production farmland remains primarily within the areas of Coyote Valley, Morgan Hill SEQ and Gilroy and half of this acreage is projected to be lost to conversion in the next 30 years. The SEQ is one of the last large areas of aggregated prime farmland remaining in South County. In the OSA's Santa Clara Valley Greenprint, the SEQ is identified as one of 10 important land areas to be conserved through coordinated planning, partnerships and strategic conservation investment.

Many of the OSA's concerns regarding the USA amendment and its effects on the continued viability of surrounding agricultural land were previously stated in a joint letter to the City of Morgan Hill from the OSA, County and LAFCO (see attached letter, November 5, 2014).

The Southeast Quadrant has been the focus of much discussion and study over the past 10 years regarding conservation and development and whether agriculture can still be viable on the City's southern boundary, given relatively small parcel zoning and allowance for single

6980 Santa Teresa Blvd Suite 100 San Jose, CA 95119 408.224.7476 T 408.224.7548 F openspaceauthority.org family residences in this unincorporated area. In the last several years, the City of Morgan Hill completed economic studies that concluded that small scale agriculture is still viable in the SEQ. The County of Santa Clara just released its study that the economic contribution of South County agriculture has never been higher, with the agricultural industry producing \$830 million annually and \$1.6 billion of total output value.

SEQ Annexation and Development Phasing

As stated in the USA amendment application and the City's *Southeast Quadrant Land Use Plan and Citywide Agricultural Preservation Program/EIR* (November 2014), the City plans to develop over 400 acres of sports, commercial and residential uses in the SEQ over several phases. The first phase of the development is addressed in the Area 1 application before LAFCO which proposes to expand the USA by converting approximately 229 acres of agricultural land within the 310-acre Sports, Recreation and Leisure (SRL) Zoning Designation to sports fields, hotels, restaurants, a Catholic High School and other unknown uses. The City plans to mitigate the conversion of 229 acres of farmland through its *Citywide Agricultural Lands Preservation Program*, adopted in November, 2014. Stated elements of the City's program include mitigating farmland loss on a 1:1 basis and generating in-lieu fees through development to acquire agricultural conservation easements. The City believes that annexing and developing farmland and mitigating farmland conversion by using in lieu fees to acquire agricultural easements is preferable to leaving the SEQ within the County. We respectfully disagree.

City's Agricultural Land Preservation Program is Infeasible

The OSA acknowledges the City has put considerable time and effort toward developing a *Citywide Agricultural Preservation Program* that includes elements that LAFCO would look for in evaluating USA amendments. These include 1:1 mitigation, payment of an agricultural mitigation (in-lieu) fee, acquisition of other agricultural land or dedication of a permanent agricultural conservation easement, and payment of a fee to cover ongoing management and monitoring activities. Indeed many of these elements are important components of agricultural preservation programs. However, <u>implementation of the City's preservation/mitigation</u> program and financial plan, as currently structured, is infeasible and would be difficult for any third party conservation entity such as an open space agency or agricultural land trust to administer for the following reasons:

The cost of a conserving agricultural land in the SEQ through in lieu fees is underestimated. The City's in lieu fee requirements rely on lower land values more appropriate to acquiring agricultural easements around Gilroy. A 2013 Market Analysis and Nexus Study prepared for the City that provided the foundation for the *Citywide Agricultural Lands Preservation Program* found that the cost to acquire agricultural easements in the SEQ would be \$47,500 per acre. The in lieu fee proposed by the City in its Agricultural Preservation Program for the purchase of agricultural conservation easements is set at \$15,000 per acre. Thus, though the program requires 1:1 mitigation, the funding generated by the proposed mitigation fee would not be

<u>able to meet the 1:1 mitigation requirement in the SEQ</u>. Instead, mitigation will likely be directed to other parts of the County. It is also likely that the fees would be insufficient to fully fund a qualified entity to administer and implement the agricultural easement program.

The City recently estimated that approximately \$11 million would be needed for acquisition of conservation easements in the SEQ to mitigate for the 229 acres of farmland converted to development in the Area 1 annexation. Yet there has been no clear estimate of the amount of in lieu fees that could be generated by proposed development for purchase of agricultural conservation easements. An SEQ project applicant recently estimated approximately \$1 million of in lieu fees could be generated by development within the SEQ. The City has stated it would cover the shortfall of in-lieu fees by contributing up to \$9-10 million from City Open Space funds. Given that the in lieu development fees would generate little of the necessary funds to adequately fund the agricultural preservation without development or a with a reduced development footprint along Hwy. 101, increasing the in-lieu fee to what the actual per acre cost of an agricultural easement is in Morgan Hill, and creating an agricultural overlay zone with the County to incentivize agricultural land uses and productivity.

Based on the Southeast Quadrant Land Use Plan and Citywide Agriculture Preservation Program/EIR and Draft 2016 General Plan update (in preparation), implementation and feasibility of the City's agricultural preservation program appears to rely on continued annexation and development of land within the SEQ to generate land and easement dedications and in-lieu fees, but this is not addressed in the Area 1 application before LAFCO. This phasing or piecemeal approach makes it difficult to fully evaluate the City's plans for development and the efficacy of the City's Agricultural Preservation Program. Specifically, the City's approved Southeast Quadrant Land Use Plan and Citywide Agriculture Preservation Program/EIR proposes to transfer 38 development rights on existing lots of record on Chiala parcels to the northeast corner of the SEQ which would then be annexed to the City to create a cluster of rural residential homes and conservation easements. However, the 2016 update of the City's General Plan now in preparation increases the number of units at this location from 38 to 160 homes through a post annexation rezoning, with single family medium (3-5 units/acre), single family low (1-3 units/acre) and Residential Estate (1 units per acre) zoning designations. Since this level of both commercial and residential growth is not addressed in the Area 1 application before LAFCO, it is difficult to evaluate both the anticipated growth and mitigation for loss of agricultural land in the SEQ. Lastly, a linear strip of agricultural parcels separating the Area 1 development and the future residential area would remain in the County for the stated purposes of creating a priority agricultural preserve through the acquisition of conservation easements.

The purpose and need for annexation is not entirely clear

It is still unclear whether there is land inventory within the existing city limits to accommodate all or some of the total development proposed for the SEQ (ballfields, visitor-serving commercial and residential uses) to decrease the amount of farmland converted to development. The City has stated that there are no feasible sites for locating sports complexes within the existing City and that the importance of annexing Area 1 is to provide revenue through sports, recreation and other public, quasi-public uses. However, should those uses prove to be financially infeasible in the future, could those annexed lands be converted to residential use? The City's *Desirable Infill Standards* (originally drafted 1997 and updated as of 2007) state "the City may petition LAFCO for expansion of the USA irrespective of the amount of vacant land available for residential development; and that properties with public and quasipublic land uses would be eligible for conversion to residential use two years after the properties are officially annexed to the City."

The City is now updating its General Plan 2035 and voter-approved *Residential Development Control System (RDCS),* a growth management mechanism that meters out building permits to maintain a cap on population growth. Updates of these two important policy tools presents an opportunity to work with the County, LAFCO, OSA and other conservation entities to incentivize infill development, thereby taking pressure off prime agricultural land in the unincorporated area.

Inconsistency of Application with State and Regional Plans

LAFCO should ensure that the Morgan Hill Area 1 Annexation and other applications for urban service area amendments are consistent with State and Regional goals, including climate change mitigation and sustainable communities. State, regional and local agencies are increasingly linking the protection of agricultural land with infill development as key climate change/greenhouse gas emission (GHG) reduction strategies. Yet as stated in the USA application, the City of Morgan Hill's certified environmental impact report for the Citywide Agricultural Preservation Program and Southeast Quadrant Land Use Plan necessitated a finding of overriding consideration with respect to greenhouse gas emissions generated by proposed development.

In 2015, Santa Clara County and the Santa Clara Valley Open Space Authority were awarded a \$100,000 *Sustainable Agricultural Lands Conservation Strategy Grant (SALC)* from the State's Strategic Growth Council to create a regional policy framework and implementation plan to protect South County agricultural lands and reduce GHG emissions. The grant is one of only 5 awarded across the State and is funded by cap and trade revenues. The purpose of the grant is to identify and preserve high priority South County farmlands and coordinate the preservation policies and programs of the County, LAFCO, OSA and cities of San Jose, Morgan Hill and Gilroy. This endeavor, the first of its kind in the county, could result in more efficient growth, protect

bigger blocks of high priority South County farmland, make the region more competitive for land conservation funding (from cap and trade revenues), provide greater certainty to landowners and farmers and reduce speculation that threatens farmland viability on the edge of cities. In summary, a comprehensive agricultural preservation strategy and easement program developed through the SALC Grant and coordinated amongst the County, Cities, LAFCO and the OSA and other key partners, offers a better chance of implementing the stated goals of the County, LAFCO and cities than project by project mitigation.

In closing, Santa Clara County's remaining agricultural lands are a finite resource at risk of being lost forever, with potential impacts to the local economy, agricultural viability and quality of life. The Open Space Authority urges LAFCO to not approve the urban service area amendment for Area 1 as proposed and encourage the City of Morgan Hill to work with the County, OSA, LAFCO, Farm Bureau and other agricultural conservation entities to create a feasible and fundable strategy and program based on the needs of agriculture and consistent with state, regional, LAFCO and county policies.

Thank you for the opportunity to comment.

Sincerely Yours,

andrea madengie

Andrea Mackenzie General Manager

Cc: OSA Board of Directors

From: Sent: To: Subject: Theresa Fianamore <theresafinamore@ymail.com> Thursday, May 26, 2016 12:34 PM Abello, Emmanuel South County Catholic High School

May 26, 2016

LAFCO Representatives

Re: St. John XXIII Prep - South County Catholic High School

Dear Mr. Abello:

As a Catholic in the South Valley living in Morgan Hill, my family has a son who in a few years will be choosing a Catholic High School to attend. We would truly love to see a Catholic High School in Morgan Hill, which would serve all South Valley Cities/Town's. Currently many of my friends in Morgan Hill are having to drive their high school students into San Jose, Mountain View etc. for the closest Catholic High Schools. A Catholic High School is truly needed here and now. The population has grown so much out in the South of Santa Clara County, and with the traffic increase it is more and more time for families to be spending on the roadways commuting there children to these other schools. To have a local Catholic High School as a choice for families would be so valuable to Morgan Hill and South Santa Clara Valley. The impact would be great financially for everyone, as well as, preventing so much time spent on the road for families. Also, for parents as our children begin to drive on there own it causes great stress and worry for parents knowing their children are driving in heavy traffic and long hours of commutes to and from school. Also, the impact of traffic on the freeway from Morgan Hill and surrounding community is cut down because students locally will be able to walk and bike to school. This is less cars on the highway. We are sure you can see how the continued growth going on in the South Valley now is needing a Catholic High School for this South Valley. Please consider the impact this would have for many of the Catholic families in Morgan Hill and the surrounding South County areas. This would be a great benefit again for Morgan Hill and Santa Clara County.

God Bless You in Your decisions.

Sincerely,

Theresa Finamore

susan@svwilsonlaw.com
Thursday, May 26, 2016 6:52 AM
Gerrie Reinhardt
Palacherla, Neelima
RE: South County Catholic High School

Thank you for your comments. I will take same into consideration at the hearing in June. Susan Wilson

From: Gerrie Reinhardt [mailto:greinhardt@rnpadvisory.com]
Sent: Wednesday, May 25, 2016 5:36 PM
To: District2@sanjoseca.gov; Mike.wasserman@bos.scgov.org; roland.velasco@bos.sccgov.org; Ken.Yeager@bos.sccgov.org; board@valleywater.org; District2@openspeaceauthority.org; susan@svwilsonlaw.com; TaraMilius@gmail.com; Emmanuel.abello@ceo.sccgov.org; Neelima.Palacherla@ceo.sccgov.org
Subject: South County Catholic High School

Please consider letting the City of Morgan Hill annex the property for the proposed Catholic High School. The site that the Diocese has chosen was formally the T-1 site chosen by the Morgan Hill Unified School District and environment impact studies were done years ago and repeated for the proposed Catholic High School. It wasn't until the Sobrato family graciously gave the land north of Morgan Hill that the second high school plans actually changed and Sobrato High School was built.

We both grew up attending Catholic Schools. When our children were ready for high school they had to actually leave our community and struggle with the commute. It meant many hours on the road to attend school, football games, dances and being with their friends. The development of a Catholic High School in our area would be a real blessing and I'm hoping my grandchildren will have that opportunity. A Catholic High School would improve the area and give students from Hollister, Gilroy, Morgan Hill and South San Jose a chance to learn, plan and enjoy, with more time, instead of spending hours commuting. It would be great to have a Catholic High School in our area, giving parents more choices for education.

Thank you for your time, consideration and effort in helping us to achieve our goals.

Carl and Gerrie Reinhardt Residents and Business Owners Morgan Hill, CA

From: don holmes [mailto:holmesdon@charter.net] Sent: Thursday, May 26, 2016 1:19 PM To: Velasco, Roland <<u>Roland.Velasco@bos.sccgov.org</u>> Subject: LAFCO vote

I ask your support and approval vote to get the catholic school started immediately in Morgan Hill. Please support the "carve-out". It would be a positive addition to the community, beautiful bridge to agricultural land with minimum impact on agricultural property. It would draw students with a value foundation.

Every time I have out-of-town friends visit Morgan Hill they marvel at what a wonderful city we have, filled with community facilities. The catholic high school is another positive addition that broadens the city offerings. It will reduce the traffic that now commutes to catholic high schools outside our city. It is a beautiful extension of the sports venue currently on Condit Avenue. I see only positive impact with no negatives. Any school would be a healthy addition to our city. Benefits of the catholic high school include:

Vigorous academic excellence. A Catholic Education means College-bound peers. The vast majority of all elementary and secondary Catholic school students go college. Ninety-nine percent (99%) of catholic secondary school students graduate and ninety-seven percent (97%) go on to college. At catholic schools, preparation for college is a clear goal and catholic school graduates are often pursued by prestigious colleges.

emphasis on positive values. Education of the Whole Child with virtue driven programs.

healthy social relationships, a good example to other students in the community a supportive environment. Often scholarships are offered to needy students in the local community.

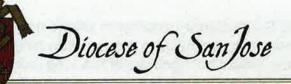
strong sense of community with positive influence and and development of our community leaders. Look at past leaders in Morgan Hill and their catholic education background (e.g. Dennis Kennedy, et al.).

Self-discipline – The emphasis on external discipline in Catholic schools is intended to teach internal, self-discipline. Students are expected to accept responsibility for their actions, to respect others and to make good decisions in the context of their faith experience. There won't be gangs formed at a catholic school.

Committed parents – Parents are a child's first teacher. At Catholic schools, parents take an active role in their children's education. The school supports families and works with them for the benefit of children. When problems come up, parents are contacted and asked, "How can we work together to solve this problem?" These parents will be active leaders with service-commitment in our city beyond their high school involvement.

Please vote to get the catholic high school approved and started immediately.

Office of the Bishop



May 26, 2016

Dear Commissioners of the LAFCO Board:

In preparation for the LAFCO meeting scheduled to take place on June 1st, please allow me to write this letter to request your support for the South County Catholic High School, currently proposed to be erected on the site at the corner of Tennant and Murphy Avenue in Morgan Hill. At this time, I would also like to sincerely thank you for your willingness to reconsider the application to change the boundaries in order to annex the land into the City of Morgan Hill.

It is our impression that some of the information originally provided to the LAFCO Board of Commissioners regarding the March 11 Hearing was erroneous and that the misinformation possibly accounted for the denial of our request for annexation. The Diocese of San Jose and the South County Catholic High School Committee are very grateful for the opportunity that has been given us to come before you on June 1st so that we may correct some of those points and hopefully eliminate the concerns that you might have as members of the LAFCO Board.

With this letter, I would like to clarify the following points:

- The original property for the Catholic high school in the northern part of Morgan Hill near Monterey Avenue was never owned by the Diocese (2002 timeframe); therefore, the Diocese never profited from the sale of the property after the high school project was cancelled due to land constraints.
- The Diocese of San Jose has no plan for the land in question (Murphy/Tennant) other than to be the site of a Catholic high school;
- Within the City of Morgan Hill's current boundaries, there is no available property large enough to house a high school of 1,600 students;
- The impacts to agriculture are insignificant with the required mitigation; and
- There are adequate utilities available to service the high school.

Another important reason for our request to have the land annexed to the City of Morgan Hill is the fact that the Diocese of San Jose is in great need of a Catholic high school in the southern part of Santa Clara County. Every day, more than 450 high school students are obliged to commute outside South County in order to attend nonpublic schools in other areas. Some of the round trip commutes are greater than ninety miles. There are many other students living in the area who, because of the long daily commute or the family's socioeconomic level, do not really have the option of attending a Catholic high school.

The number of families in the southern part of the Diocese of San Jose is growing rapidly. A new Catholic high school in Morgan Hill would benefit not only the Catholic families in the area but also the entire local community by increasing home values in the area, by increasing business for local proprietors, by reducing freeway congestion, and by providing many hours of community service in the years to come!

As the Bishop of the Dioceses of San Jose, I know that the hope to have a Catholic High School in the southern part of the Diocese has been alive in the hearts of our people for decades!

I would be truly grateful if you would vote "yes" to the request to annex the land on Murphy and Tennant to the City of Morgan Hill so that this hope might become a reality.

With every best wish and kind regard, I remain,

Sincerely yours,

Patrick J. McGrath Bishop of San Jose

From: Sent:	Marilyn Green <mkgreen0301@gmail.com> Wednesday, May 25, 2016 8:09 AM</mkgreen0301@gmail.com>
To:	rbrocato@dsj.org; clbarela@dsj.org; pallen@dsj.org
Cc:	Wasserman, Mike; Velasco, Roland; District2@sanjoseca.gov; Yeager, Ken; District2
	@openspaceauthority.org; board@valleywater.org; Susan@svwilsonlaw.com; Taramilius@gmail.com; Abello, Emmanuel; Palacherla, Neelima; Ronald Modeste; Daniel
	Saccani
Subject:	Message from SCCH Committee

This message is being sent from Marilyn Green (<u>mkgreen0301@gmail.com</u>) on behalf of Daniel Saccani.

You guys should be ashamed of yourselves.

The Catholic Church continues to embarrass itself with moves that demonstrate that the Church considers itself more important than its followers. You really should hire a PR firm to help you with your messaging, YOU OBVIOUSLY NEED HELP!

Let me see if I can tell you what you have said to your community

- YOU FAMILIES AT ST. LAWRENCE DON'T MATTER AS YOUR NOT GOOD ENOUGH TO CONTINUE BEING EDUCATED BY THE CATHOLIC CHURCH, SO WE ARE GOING TO CUT YOU OUT OF OUR EDUCATION SYSTEM – YOUR KIDS ARE JUST NOT GOOD ENOUGH FOR US
 - Without giving the families of St. Lawrence High School any notice or opportunity to fund the high school you close the high school down. Not a bad business decision, just poorly executed. A large number of these students could not get into another Catholic High School. Correct business move, terrible Catholic move. Considering the students that could not find schools were most likely the ones with learning disabilities or just plain not smart enough to get into the other college prep catholic schools. Would Jesus do this??
- WE ARE VERY EXCITED TO ANNOUNCE THAT WE HAVE CLEANED UP OUR TRASH, NOW WE CAN AFFORD TO START A NEW HIGH SCHOOL FOR THOSE KIDS WHO DO MEET OUR HIGH STANDARDS!!
 - Now, you send out this exciting news that your opening a new high school in the south valley – Gee, how do you think the families at St. Lawrence feel - can't wait to hear the Bishop's next sermon on how to treat people who are challenged.

Some day it would really be good to see the church ACTUALLY follow its own preachings and stumble around with inconsistent messages.

Thanks

Daniel Saccani

Here is a copy of the original message received from <u>rbrocato@dsj.org</u>:

"Hello Daniel and Marilyn,

Dear members of St Mary,

I am forwarding the mesage below from the SCCH Committee:

> Dear Supporter of Catholic Education,

> >

> The Diocese of San Jose and the committee for the South County Catholic High School (St. John XXIII) would like to update you on the developments regarding the property annexation.

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- >
- >

> The 38 acre site, located at the corner of Tennant Avenue and Murphy Avenue in Morgan Hill was purchased by the Diocese of San Jose for the use of the new Catholic high school. The property is currently in the county of Santa Clara. The size of the proposed new Catholic high school and the number of people expected to be on campus make it necessary to have the land the school will be built on annexed into the City of Morgan Hill boundary. This will allow the school to build the required space as well as hook up to city sewer and water. On March 11, 2016 the City of Morgan Hill applied to LAFCO (Local Agency Formation Commission of Santa Clara County) to change the boundary lines and allow the City of Morgan Hill to annex the high school property. The request did not pass on a 3-4 vote. We believe that there was some misguided direction given to the LAFCO board by LAFCO staff and council at the time of the vote. The development committee for the high school has been working closely with the Diocese of San Jose and an attorney to file an application of reconsideration to LAFCO to clarify and correct several key facts that we believe should result in successful approval by LAFCO to proceed with the school. The application has been successful and we expect to be on the agenda for the June 1, 2016LAFCO meeting. At this meeting we will be asking the LAFCO board to reconsider the decision and make the boundary adjustments necessary to allow for the development of the new Catholic high school. Although we cannot predict the outcome of the reconsideration we do believe we have a strong case.

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- >

>

> We thank you again for your continued support. The Diocese of San Jose is committed to building this school at this location and we are working toward a successful outcome. Please keep the campaign in your prayers.

- >
- >

> For more on the high school, visit our website at http://stjohn23cp.com/

> >

> Please send email letters in support of the Catholic high school (South County Catholic High School) to the following LAFCO Board commissioners by May 25th. Below are some suggestions.

> >

> 1. Please either reference the South County Catholic high school or the Catholic high school. (they are not using St. John's in their reports and that could be confusing)

>

> 2. Please point out the significant support for the school from your community (school, church, parent - whatever)

> 3. You can reference the benefits of the school to the community - getting kids off of the freeways, raising the level of education for the community, community service, more educational choice, 22nd century education,

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>
>
>
> The letter needs to come from you. the above are just suggestions. If you can, please send your
letter individually through email to each of the LAFCO representatives. Letters in support of the
annexation of the land for the high school and the SEQ will be sent to:
>
>
>
> Mike Wasserman/Roland Velasco
>
> Mike.wasserman@bos.sccgov.org; roland.velasco@bos.sccgov.org
>
>
>
> Ash Kalra
>
> District2@sanjoseca.gov
>
>
>
> Ken Yeager
>
> Ken.yeager@bos.sccgov.org
>
>
>
> Sequoia Hall
>
> District2@openspaceauthority.org
>
>
>
> Linda Lezotte
>
> board@valleywater.org
>
>
>
> Susan Vickland Wilson
>
> susan@svwilsonlaw.com
>
>
>
> Tara Martin-Milius
>
> TaraMilius@gmail.com
>
> CC:
> Emmanuel Abello
```

> Emmanuel.abello@ceo.sccgov.org

> >

> Neelima Palacherla

> Neelima.Palacherla@ceo.sccgov.org

>

> Thank you for your support!"

Subject:

FW: South County Catholic High School

From: Velasco, Roland Sent: Wednesday, May 25, 2016 11:52 AM To: Palacherla, Neelima <<u>Neelima.Palacherla@ceo.sccgov.org</u>> Subject: FW: South County Catholic High School

FYI

Roland Velasco

Land Use Policy Aide Office of Supervisor Mike Wasserman Santa Clara County Board of Supervisors 70 West Hedding St., 10th Floor, East Wing San Jose, CA 95110 (408) 299-5010 (office) I (408) 295-6993 (fax) www.supervisorwasserman.org | roland.velasco@bos.sccgov.org

From: The Findleys [mailto:findley@garlic.com] Sent: Tuesday, May 24, 2016 7:47 PM To: Velasco, Roland <<u>Roland.Velasco@bos.sccgov.org</u>> Subject: South County Catholic High School

To Roland Velasco,

I'm writing in support of building a Catholic high school in South County.

My daughter commuted to Presentation High from Gilroy and had an excellent high school experience and education. She is now a practicing veterinarian. Presentation and St Mary were both advocates of volunteer and humanitarian work. They advocated tolerance of race and religion. She is now in her 30's and continues to contribute in her community and around the world.

Sacrifices were made in order to send our daughter to a Catholic school but the most difficult decision was allowing her to commute. As a parent sending your teen on a congested freeway everyday was extremely stressful. The commute also made it very challenging for her to be involved in our own community, have typical high school friendships, and participate in school sports.

I urge you to approve a Catholic high school in Morgan Hill in order to broaden educational choices and prevent our children from having to make the difficult commute to San Jose, Watsonville, or Salinas.

Thank You, Lynette Findley

From: Sent: To: Cc: Subject: Gicela Del Rio <gdelrio1806@outlook.com> Wednesday, May 25, 2016 12:24 PM Wasserman, Mike; Velasco, Roland Abello, Emmanuel; Palacherla, Neelima South County Catholic High School

LAFCO Representative,

This letter is being provided in support of the proposed annexation of land into the City of Morgan Hill for the purpose of a new Catholic High School (South County Catholic High School). Prior to diving into the details of why we are in support of the annexation, I feel it is appropriate to provide a bit of background on my family. My wife Gicela and I are Professional Traffic Engineers that currently live and work in Gilroy. We have two boys ages 6 and 8. When we married back in 2004, we decided to establish a home for ourselves and future children in Gilroy. With the purchase of our home, we were aware that the education of our children after their middle school grades was unclear given that there was only one high school located in Gilroy at that time. Being the planners that we are and insisting on providing the best education for our children while instilling our Catholic faith, we decided that we must begin to plan on having our children attend one of the existing Catholic High Schools in San Jose.

As absurd as it may seem, we began the planning of our sons high school education when our eldest son entered kindergarten. It was then that we decided that it best to begin a Catholic education for our sons. Both of our sons are currently attending St. Mary Catholic School here in Gilroy. Though life does not always go as planned, we intend on having our sons remain at St. Mary School through 8th grade and hopefully attend a Catholic High School.

My wife and I have been in the traffic consulting business for nearly 20 years. Our work primarily consists of the preparation of traffic impact studies for development projects such as the proposed high school. Land use planning is not our expertise, however, there is a direct correlation between land use and traffic. Over the years we have seeing the goals and approach to land use planning change from maximizing housing and job growth to "smart growth." The later approach intends to reduce the number and length of vehicular trips by providing balanced land uses. The reduction in trips and trip lengths is achieved by providing housing, jobs, and services (including educational facilities) in close proximity to one another.

With that said, our current family plans will require that we join many others on US 101 and travel 40 miles north to a high school in San Jose. With approval of the proposed annexation and construction of a new Catholic High School in Morgan Hill, that travel distance would be reduced to 10 miles. This represents a reduction of trip length equal to 30 miles for our family and many others in the South County.

Both Gilroy and Morgan Hill are currently in the process of updating their General Plans. The General Plans project population increases of 26,000 in Gilroy and 23,000 in Morgan Hill by 2040. It is clear that the existing high schools within the two Cities will not be adequate to serve the projected increase in population and the construction of new

public High Schools will be necessary. The construction of new schools is typically a difficult task given the continual difficulty in obtaining funding for public education and gap in fees collected from new development. The proposed high school will provide an opportunity to reduce the demand on existing and future public high schools in South County without relying on public funding to do so.

One immeasurable benefit of the proposed high school will be an improvement of quality of life for South County residents. The proposed High School will provide an opportunity for families, such as mine, to plan for housing, employment, and their children's education within South County in hopes of spending more time at home as a family rather than commuting on US 101. This in turn results in a reduction in the number and length of vehicle trips.

My family and I appreciate your time and service on the board and hope that you consider our family as well as the many other families in South County and ask that you approve the proposed annexation request to provide a new Catholic High School in South County.

Gicela and Robert Del Rio, T.E.

1806 Club Dr.

Gilroy, Ca. 95020

From: Mark Sochan <<u>marksochan@mac.com</u>> Date: May 25, 2016 at 4:21:13 PM PDT To: <u>mike.wasserman@bos.sccgov.org</u> Subject: South County Catholic High School

Dear Mr. Wasserman,

I am writing to express my support for the South County Catholic High School. We have been waiting for a Catholic High School in the Morgan Hill area for more than 15 years. It would be a great value to the residents of the Morgan Hill and Gilroy area to have additional quality high school options close to our homes. The growth in residents in our area merits the need for having a Catholic High School that is easily accessible for students in our community. The demand for the South County High School is proven by the number of students who travel great distances to attend other private Catholic high schools in the bay area such as Bellarmine, Mitty and St. Francis. Our community has been patient and I now respectfully request that you vote in favor of allowing the annexation of land as recommended by the Morgan Hill city council and other local community leaders.

Thank you for your consideration.

Best regards, Mark Sochan Gilroy resident and father of 3 boys

From: Antonia Bowles [mailto:antoniabowles@hotmail.com] Sent: Wednesday, May 25, 2016 1:24 PM Subject: Support for a South County Catholic High School

Dear LAFCO representative:

I am the mother of twins (boy/girl) currently attending pre-kindergarten at St. Mary's School in Gilroy. My husband and I are two professionals with well-established careers in San Jose but are residents of Hollister, CA. After careful consideration, we chose St. Marys to educate our kids because of the academic strength and strong community and faith based values it has. Now that the school year is coming to an end, we are even more confident and thrilled to see the growth within our children. We are committed to investing in a private high school thereafter. I know this is seemingly a long way out but we are beginning to plan financially regarding what our children's future would look like.

As residents of Hollister, we are not happy with the public school system and in searching for a private high school education, will look south (Salinas, Watsonville) and north (San Jose) of us. My husband and I have discussed the negative consequences of choosing a school south because we'd be farther away from them with our two full-time jobs in San Jose. Therefore, it is very likely we choose something north and as you know there is a finite amount of private schools available while the general San Jose population is growing exponentially due to multi-unit housing developments. My concern, is that slots for private school education will be so heavily impacted in the near future that it will push students out and even greater concern is that our choices will be limited.

My family fully supports the creation of a South County Catholic High School as it will allow Austin and Sophia (the twins) to continue to experience the Catholic Diocese quality education and high moral standards. I urge you to reconsider this annexation request and invest in educating our future community leaders with the hope that someday they will change our world for the better.

With Respect and Appreciation,

Chris & Toni Bowles

150 Dry Creek Road

Hollister, CA 95023

c. 408.661.5353

Subject:

FW: Letter in support of South County Catholic High School /Reconsideration of Morgan Hill Urban Service Area Amendment 2015

From: Jeff Bocchicchio [mailto:jmbocchicchio@yahoo.com]
Sent: Tuesday, May 24, 2016 3:28 AM
To: Abello, Emmanuel <Emmanuel.Abello@ceo.sccgov.org>
Subject: FW: Letter in support of South County Catholic High School /Reconsideration of Morgan Hill Urban Service Area
Amendment 2015

Resending as there was an error in the email spelling on the original email. Thank you

Sent from Mail for Windows 10

From: Jeff Bocchicchio
Sent: Tuesday, May 24, 2016 3:22 AM
To: Susan@svwilsonlaw.com
Cc: emmanuel.abelo@ceo.sccgov.org; Neelima.Palacherla@ceo.sccgov.org; ICE WIFE
Subject: Letter in support of South County Catholic High School /Reconsideration of Morgan Hill Urban Service Area Amendment 2015

Commissioner Wilson,

We are writing to convey our continued strong support regarding the land annexation to build South County Catholic High School. Thank you for the commission's willingness to reconsider the matter the matter during the upcoming 01 June meeting.

Sincerely, Jeffrey and Michelle Bocchicchio 9767 Golden Sky Way Gilroy, CA 95020

Sent from Mail for Windows 10

From: <u>susan@svwilsonlaw.com</u> Sent: Tuesday, March 1, 2016 7:31 PM To: <u>Jeff Bocchicchio</u> Subject: RE: Letter in support of the annexation of the land for SouthCounty Catholic High School

Thank you for your comments. As a public servant and long term Morgan Hill resident, I am sensitive to the concerns of the citizens. I am in the process of reviewing the extensive and comprehensive LAFCO staff report. This matter will be heard at 10:00 a.m. on March 11th at the Santa Clara County Board of Supervisors Chambers. I will be considering all comments received prior to and at the hearing. Susan Wilson

Cc: Neelima.Palacherla@ceo.sccgu.org; ICE WIFE

Subject: Letter in support of the annexation of the land for South County Catholic High School

Commissioner Wilson,

We are writing you to request your support in approving the annexation of land for South County Catholic High School. From our perspective, the high school will be a South County asset as its mission and tenants will honor the legacy and heritage of Morgan Hill and southern Santa Clara County and whose campus and student population will complement and honor the surrounding agricultural environment.

As parents of an eight-year-old girl and future high school student, we look forward to an option to enroll our daughter in a high school that focuses on the mental and spiritual well-being of our daughter as well as her maturation in college preparatory necessities as science, technology, engineering and mathematics. This school will seek to enrich all aspects of the educational experience to include developing each student's entrepreneurial talents, interpersonal skills and positive mental health.

As we speak to parents in Morgan Hill, Gilroy, South San Jose and surrounding areas, there is a strong desire among both Catholics and non-Catholics to see this college preparatory high school built. It is not surprising that support for this school should come from outside of the Catholic Community as most Catholic High Schools in Santa Clara County count among their student populations a percentage greater than 40 percent of non-Catholics. Schools like South County Catholic High School are respected for their moral and ethically based focus as well as their academic rigor in critical thinking and logical problem solving. This school will be for those who seek to learn in a challenging environment with a penchant toward community involvement.

As South County Catholic High School matures, we foresee the school expanding in its role as a community resource. As a center of education for the community, we will seek to sponsor educational events that serve the needs of the many. We seek to collaborate with institutes of higher education and the business community for the benefit of our students and to reach out to integrate students from other schools as well as parents, alumni, the surrounding community. We see South County Catholic High School as a future center of continuing educations for all.

South County Catholic High School will be a center of hope, vision and love. Its merits will be judged not only by the actions and accomplishments of its graduates, but by the role that the school defines for itself with in the community. It will be a place to be part of and not simply a place from which to have graduated or been associated.

Our best course of action against an uncertain future is to create the future that we seek; South County Catholic High School will create that opportunity by casting a future for all it touches.

We seek to usher in a new era in education; please help us by approving the annexation of lands to build South County Catholic High School.

Sincerely, Jeffrey and Michelle Bocchicchio 9767 Golden Sky Way Gilroy, CA 95020

Sent from Mail for Windows 10

From:	
Sent:	
To:	

allen douglas <boscovita@yahoo.com> Tuesday, May 24, 2016 11:21 AM Abello, Emmanuel

I support the Catholic high school proposed for Morgan Hill. -Allen Douglas

From: Gina Anderson <<u>gina@gilroyfoundation.org</u>> Date: May 23, 2016 at 9:29:30 AM PDT To: <<u>Mike.wasserman@bos.sccgov.org</u>> Subject: South County Catholic High School

Good Morning. Thank you for taking time out of your demanding schedule to read my thoughts on the pending approval of the South County Catholic High School. My name is Gina Anderson and I was born and raised here in Gilroy. I attended St. Mary School and then Notre Dame High School in Salinas, CA. I moved away, went to college and inevitably came back to my roots and where I knew I would want to settle down and raise a family. My husband John and I have two boys, William and Matthew who currently attend St. Mary School. I love that my family has come full circle! Our oldest is in 5th grade, and as we begin to prepare for high school there are so many components that led me to this email. I want nothing more for our children than to have a stellar education that encompasses our Catholic identity. I selfishly want to whole package for my boys. St. John XXIII can do just that. We need this high school in South County. Our children should not have to drive 30, 45 or even an hour to receive a 22nd century Catholic education. I remember what it was like to travel every day. I played sports and had friends that were always far from where I lived. I have wonderful memories of high school, but there was a lack of connection to my community. I want my children and all children to be able to be forward thinkers and learn from the best teachers around. I want my kids to play sports under the lights of a beautiful sports complex and be proud to represent their Catholic High School in South County.

We are at a time and place where this High School will add so much value to South County. Less communing for our children, an amazing education that rivals the best Catholic high schools in Santa Clara/San Jose, local community service that inevitably will teach these kids to give back where they live, and the understanding that our community deserves this amazing opportunity to grow.

Thank you for taking the time to read my email.

All the best.

Sincerely, Gína M. Anderson Executive Director

Mailing Address: PO BOX 774 Gilroy, CA 95021

Physical Address: 60 4th Street #208 Gilroy, CA 95020 408.842.3727 408.842.8767

www.gilroyfoundation.org

"Give Where You Live"

From: Emily Lorenzen <<u>emily.lorenzen@gmail.com</u>> Date: May 23, 2016 at 11:23:12 AM PDT To: <u>mike.wasserman@bos.sccgov.org</u>, <u>roland.velasco@bos.sccgov.org</u> Subject: South County Catholic High School

Hello-

I have been a resident of Morgan Hill since 2007 and am proud to have started my family in this great area. I have three young children and would love the opportunity to send them to a Catholic High School that is a mere 10 minutes away instead of long commute to a Catholic High School close to an hour away with commuter traffic. My son is finishing his Kindergarten year at St. Catherine School in Morgan Hill and my daughter will be starting Kindergarten in the fall, with another daughter to follow in two years.

It is in the best interest of my children as well as the community of Morgan Hill, San Martin, and Gilroy to allow our children to have the option of a Catholic High School that is part of their community and near their homes. At the rate the valley is growing their is no telling how much longer commute times will take by the time our children reach high school age. We will be able to keep our kids local when they reach out in their service projects, which will help build community locally.

I know that I am not alone in this huge desire for the South County Catholic High School to be developed. It will be a huge benefit to the entire community.

I pray that you will allow the development of this High School for the well-being of all of our children.

Thank you, Emily Lorenzen

Subject:

FW: South County Catholic High School

From: Shelly Paiva Sent: Sunday, May 22, 2016 6:43 PM To: 'mike.wasserman@bos.sccgov.org' <<u>mike.wasserman@bos.sccgov.org</u>>; 'roland.velasco@bos.sccgov.org' <<u>roland.velasco@bos.sccgov.org</u>> Subject: South County Catholic High School

Hello Mr. Wasserman and Mr. Velasco

I am writing you this letter because I am a strong supporter of the South County Catholic High School. I live in Gilroy with my husband and son who attends St. Mary School in Gilroy. We moved down here 15 years ago so we could purchase a home after growing up in the Campbell/Willow Glen area. We truly love this community and enjoy living here with our family. However, one of the main things missing is a local Catholic High School. It would be a huge benefit to this community by having this high school here is South County. Creating more jobs, the ability for less high school kids on the roads making the long commute to San Jose, Watsonville or beyond. In addition, this would help to increase home values, growth for local businesses and raise the education level of this community. This school has been in the works for many years now and we are finally starting to see the light at the end of the tunnel. Many community leaders, business people and constituents of this area want this school to be built. From my understanding there is a strong plan to preserve the agriculture and building a school where there is the ability to see how the ag land is used and learn how to use it would only benefit generations to come. We are in a unique area where this school will be one of the few where we can teach kids about how important the ag land is and how to properly use and preserve for future generations. When you build a school in a larger area where kids are not introduced to this type of living they will never know the importance of it. By building this school in the heart of it, you are not only building a well needed educational facility, but also building a training center for future land owners, new generations of farmers and the appreciation for the beauty of this land.

In addition, if you don't approve this, it is also my understanding there are grandfathered in uses for this land and if we don't build a school it will be portioned off to build estates. Where this will not have the same effect on education our future generation on the beauty of this land and how to best use it. It would then be used for a select few to have a beautiful home. I would favor the School to be able to bring more to the community then just a few estate houses.

Of course I also have a personal agenda where I want this school built soon so my son would be able to attend.

Thank you for your consideration,

Thank you, Shelly Paiva, President O: 1 408-436-9280 F: 1 408-436-9289 C.H. Reynolds Electric, Inc. http://www.chreynolds.com/



A Please consider the environment before printing this email

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Subject:

FW: new Catholic HS

From: Leticia Palacios [mailto:letpalacios@yahoo.com]
Sent: Sunday, May 22, 2016 8:38 PM
To: Velasco, Roland <Roland.Velasco@bos.sccgov.org>
Cc: Abello, Emmanuel <Emmanuel.Abello@ceo.sccgov.org>; Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: new Catholic HS

May 23, 2016

Dear Mr. Roland:

We would like to let you as a LAFCO Board Commissioner know that we are strongly in support of the annexation of the land for the much needed Catholic high school in South Santa Clara County.

We are Gilroy residents and were extremely surprised to find out that the initial vote did not pass. We have five children. All of them have had or will have a Catholic education up through 8th grade. One has graduated as valedictorian of his public high school and went on to graduate from Yale. Another graduated at the top her class at public high school, and is attending Simmons College in Boston, Mass. So we know the benefits of a Catholic education. We were strongly hoping that our two youngest daughters would be able to apply to the new South County Catholic high school. [Our youngest son is currently in seventh grade at St. Mary, and will likely be graduated from high school before the school is completed.]

Part of the reason the two oldest did not attend Catholic high schools was because we did not want them to be spending too much time on the freeways. This would not be an issue for our youngest children were they to have the opportunity to attend the proposed high school. In addition, and as you may know, the new school would raise the level of education for the community, would emphasis more community service and involvement, and allow more educational choice.

We are both professionals, an attorney and a college counselor, so we know the value of a good education, and how important a good moral foundation can serve you in life. We know that not only the parents of St. Mary school, but friends and family whose children attend public school in the area, including South San Jose, and friends and family who have children at St. Catherine's, are all in overwhelming support of the new Catholic high school in South Santa Clara County. While this support may stem from the Catholic Churches, it includes the community in general.

Thank you for your consideration.

Patrick & Leticia Palacios 6361 Snowberry Ct. Gilroy, CA 95020 (408) 767-2176

From: Sent: To: Subject: mmsielert@comcast.net Thursday, May 19, 2016 9:57 AM LAFCO Proposed Catholic HS in Morgan Hill

To whom it may concern:

I understand that the building of a Catholic High School in Morgan Hill at Tennant and Murphy Avenue is up for consideration again. I am strongly against this proposal as to the size of the school that is being considered. There are other proposals in housing being considered in the same area and may start in 2017. This area already has seen a growth in traffic and noise. I have heard that between Murphy and Condit Roads a Condo and Apartment complex may be built which would bring in over 200 units next to the sports park. The sports park alone creates a large degree of cars in the area without enough parking. These cars have to park along both roads with families walking the streets. To have a Catholic school with 1600 students in the same area will create a burdensome for the homeowners in the area along with more traffic congestion, gas emissions, noise, delivery trucks, and on water conservation. The traffic in the area from the101 highway also has an impact for the area as cars sit in their cars trying to get home for hours. Now we want to add more congestion.

We also have more agricultural land up for sale along the same area. How much can this small area handle with everything that is being considered. I understand that there will be a small development of homes at the corner of Murphy and E Dunn. We also have a school already at this corner which brings in congestion to the area.

Where is agricultural preservation considered with this proposal? We are all seeing agricultural disappear in the City of Morgan Hill. This is a large development that the area will see a hugh impact on conservation and quality of life.

Thank you for your time in hearing my concerns.

Subject:

FW: Support for Building the South County Catholic High School...It's time!

From: susan@svwilsonlaw.com [mailto:susan@svwilsonlaw.com]
Sent: Monday, May 16, 2016 3:20 PM
To: Palacherla, Neelima < Neelima.Palacherla@ceo.sccgov.org>; Abello, Emmanuel < Emmanuel.Abello@ceo.sccgov.org>
Subject: Fwd: Support for Building the South County Catholic High School...It's time!

From: Chuck Berghoff <<u>cberghoff@optoelectronix.com</u>> Date: May 16, 2016 at 3:12:17 PM PDT To: "<u>Susan@svwilsonlaw.com</u>" <<u>Susan@svwilsonlaw.com</u>> Subject: FW: Support for Building the South County Catholic High School...It's time!

Dear Susan,

I appreciate your support for the South County Catholic High School at the upcoming June 1 LAFCO Reconsideration meeting.

I believe that the misunderstandings that some LAFCO staff and Commissioners may have had at the March 11 meeting will be clarified so that the community can finally move forward with the school. As Mike Wasserman and representatives of the largest commercial farmers in the area attempted to clarify at the March 11 meeting, the issue is no longer about saving commercially viable Ag land any more at this site. It's about providing needed quality educational resources to a growing, healthy Morgan Hill community vs. continuing the expansion of McMansion sprawl that the county control of this land is allowing.

The facts are:

- 1. There ARE Adequate Utilities Available to serve the High School.
- 2. The High School Only Alternative DOES provide Logical, Contiguous Boundaries.
- 3. The Impacts to Agriculture are INSIGNIFICANT with the Required Mitigation.
- 4. There is NOT Sufficient Land within the Existing Boundaries for the High School
- 5. SCCHS DID NOT Facilitate nor Profit from the Sale of the Land formerly Identified for a School Site.
- 6. This school is needed now by the residents of Santa Clara County.

Your support for this school is needed by our students, our families, and our community. And it's needed now! It's time.

Thank you for your support on this!

Regards,

Chuck Berghoff Chief Executive Officer **OptoElectronix Inc**. 111 West St. John Street, Suite 588, San Jose, CA 95113 408-482-1430 Mobile

Youth Services Director Rotary of Morgan Hill

From:	John M. Rinaldo <johnrinaldo@gmail.com></johnrinaldo@gmail.com>
Sent:	Friday, May 13, 2016 12:03 AM
То:	Wasserman, Mike; Velasco, Roland; District10@sanjoseca.gov; Yeager, Ken; District2
	<pre>@openspaceauthority.org; board@valleywater.org; susan@svwilsonlaw.com;</pre>
	TaraMilius@gmail.com; Abello, Emmanuel; Palacherla, Neelima
Subject:	South County Catholic High School Reconsideration

Hi LAFCO Commission,

I am a resident of Morgan Hill, an active parishioner at St. Catherine Catholic Parish in Morgan Hill, a St. Catherine Catholic School parent of an incoming kindergartner, and the father of a 5 year old and 1 year old daughter.

I was very glad to hear about your committees reconsideration of the County property owned by the Diocese of San Jose to be held on June 1. My wife and I are huge supporters of the plan to include that acreage as part of the city limits of Morgan Hill. Without that change, a Catholic High School could not be built. A large percentage of the growth in Santa Clara County is happening in south county and there is a huge need for a Catholic High School here. I know so many friends and parishioners who have to send their kids to school in San Jose or Mountain View because there are no viable options in south county. It is a burden for these families, not to mention additional cars on the road heading north into San Jose each day. It will also add to the positive quality of life in Morgan Hill as a city that is focused on the educational needs of all their residents, not to mention toe residents of South San Jose, San Martin, Gilroy, and other locations south that will all benefit from this school (i.e. Hollister).

As a uniformed volunteer at Henry Coe State Park, I understand the importance of keeping open space and ag land in our county. This is an important priority to consider. However, it also must be remembered that since this property is owned by the Diocese of San Jose, at no time will it ever be used for ag land in the future if it were not to be incorporated into the City.

For the future growth of South County and the many residents who would love the opportunity to send their child to a Catholic High School, I hope that you will reconsider the request.

Thanks so much for all you do!

John and Roselynde Rinaldo 17795 McLaughlin Court Morgan Hill, CA 95037