



## 2016-2017 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

### **LAFCO DENIALS: A HIGH SCHOOL CAUGHT IN THE MIDDLE**

#### **Summary**

Plans for a Catholic high school near Morgan Hill were blocked in 2016 by Santa Clara County's Local Agency Formation Commission (LAFCO). LAFCO also rejected the City of Morgan Hill's application to add the Southeast Quadrant, an area that includes the proposed school site, to its Urban Service Area (USA).

LAFCO regulates the growth boundaries of cities and special districts to preserve agricultural lands and open space, curb urban sprawl, and encourage the efficient delivery of services.

A complaint received by the Santa Clara County Civil Grand Jury (Grand Jury) charged that the high school proposal was not evaluated fairly. The Grand Jury also looked at whether Morgan Hill has received fair and reasonable treatment from LAFCO.

This investigation found that LAFCO administrative staff interpreted Commission policies in ways that appropriated the authority of the LAFCO commissioners. Overlapping lines of authority complicates correcting administrative overreach: LAFCO's executive officer reports both to the appointed commissioners and to the County Executive.

LAFCO staff made erroneous statements about the Catholic Diocese of San Jose (Catholic Diocese) in a report on the high school plan and did not correct the errors after they were pointed out, creating the appearance of bias.

On its part, Morgan Hill created the appearance of pro-growth favoritism. The city excluded the Southeast Quadrant from the normal General Plan update process.

#### **Background**

The California State Legislature established a Local Agency Formation Commission in each county to promote sustainable growth and good governance. In Santa Clara County (County), LAFCO is governed by seven members appointed to four-year terms:

- Two County Supervisors appointed by the Board of Supervisors
- One Council Member from the City of San Jose appointed by the City Council

- One Council Member from any of the other cities appointed by the Cities Selection Committee
- Two Board Members from independent special districts:
  - One appointed by the Santa Clara Valley Water District
  - One appointed by the Independent Special District Selection Committee
- One Public Member appointed by the other members of the Commission

Commissioners set policy, which is carried out by LAFCO staff. The staff consists of four full-time positions, including an executive officer.

LAFCO is an independent agency. However, a Memorandum of Understanding (MOU) enables staff to be treated as County employees and allows LAFCO to receive administrative support from the County.

LAFCO can approve or deny changes in a city's urban service boundary, known as a USA amendment. State law gives the cities in Santa Clara County the authority to annex land within the city's USA boundaries if the proposal is initiated by city resolution.

### **LAFCO says “no”**

Early in 2016, LAFCO considered a proposal by the city of Morgan Hill to add 229 acres of the approximately 1200 acres within the Southeast Quadrant to its USA. (See Appendix A.) The city proposal included a 38-acre site for a proposed South County Catholic High School.

LAFCO staff evaluated the Southeast Quadrant proposal, concluded it violated Commission policies, and recommended denial. At a public hearing on March 11, 2016, commissioners rejected the request on a vote of 5 to 2.

LAFCO also considered approving the USA amendment for the South County Catholic High School only. The staff report recommended denial, concluding the proposal was inconsistent with LAFCO policies. One issue was the Environmental Impact Report (EIR). It dealt with the 38-acre high school site but not with an adjacent 22-acre area needed to connect the high school to Morgan Hill's existing USA boundary. Without the connection, the high school would be an urban island in the midst of unincorporated land, contrary to LAFCO policy. The Morgan Hill General Plan has designated the 22 acres for sports, recreational and leisure activities. A commissioner's motion to approve the USA amendment for the high school failed with 3 “yes” votes and 4 voting “no.”

The Catholic Diocese asked LAFCO to reconsider the high school proposal. The chair of the LAFCO commission hoped to schedule a special meeting before the

same commissioners who had heard the original application: Two were leaving their seats on May 30, 2016. Staff said it was not possible. Therefore, at the regularly scheduled meeting of LAFCO, on June 1, 2016, a public hearing was held to reconsider the denial of the South County Catholic High School. The commission voted 6 to 1 to not reconsider the denial.

### **No place for a high school**

When it denied a site for the South County Catholic High School, LAFCO advised the Catholic Diocese to find a location within the boundaries of Morgan Hill. However, city planners identified only one possible parcel large enough for the high school. Morgan Hill is reserving that site for a major industrial user, which would fulfill a high priority in the city's General Plan.

For nearly two decades the Catholic Diocese has been trying to build a Catholic high school in Morgan Hill to serve students who are commuting long distances to private high schools.

More recently, the Morgan Hill Unified School District has been seeking a site for a possible third public high school. Building a Catholic high school might lessen the demand for a new public high school.

A County official described the Catholic high school as an opportunity for a win for the students, for the community, and for the environment.

## **Discussion**

### **Urban Service Area Policies**

LAFCO commissioners adopted a set of policies on USAs in 2002. Since then, LAFCO staff has interpreted key portions of the policies in ways that redefine their meaning. These questionable interpretations were cited as reasons for the denial of the Southeast Quadrant and high school proposals.

For example, LAFCO policy states, "When a city with a substantial supply of vacant land within its urban service area applies for an urban service area expansion, LAFCO will require an explanation of why the expansion is necessary." LAFCO staff interprets "vacant land" to be all land that is currently undeveloped, regardless of whether it's available for use. This interpretation led to the staff's conclusion that there is a 100-year supply of commercial and industrial vacant land within Morgan Hill's existing USA. According to Morgan Hill officials, this land includes properties that are restricted by land-use entitlements and environmental constraints, as well as land set aside for industrial and commercial use.

A second issue is the determination of what constitutes the premature conversion of agricultural lands. It is LAFCO policy to consider factors such as, "whether the

conversion of agricultural and other open space lands is premature, or if there are other areas into which to channel growth." The LAFCO staff's interpretation is that conversion of agricultural land for an urban use is premature if there is vacant land within the city's USA boundary. No adjustments are made for land that is not available for development due to entitlements, environmental constraints, or the property owner's decision.

Third, LAFCO staff has created criteria to determine if a city can provide urban services to a growth area without detracting from current levels of service. In Morgan Hill's case, LAFCO staff in 2016 concluded that the City has not adequately demonstrated the ability to provide and fund services for fire protection, police service, water supply, recreational, wastewater service and storm water drainage in the Southeast Quadrant. The criteria to make this determination are not specified in LAFCO policies. However, with the exception of storm water drainage, the 2015 LAFCO Final Report on City Service Review concluded that public facilities are adequate to handle Morgan Hill's growth:

- Morgan Hill's General Plan calls for the continuation of non-urban uses beyond the City's USA boundary.
- The need for a full range of public facilities and services is expected to grow modestly in the future.
- The present capacity of public facilities appears adequate, with the possible exception of storm water infrastructure and maintenance systems.

### **Island Annexation Policies**

In LAFCO parlance, an "island" is a pocket of unincorporated land that is "completely" or "substantially" surrounded by incorporated land. Commissioners amended the Island Annexation Policies in 2009 to state that, "In the interest of orderly growth and development, cities *should* (emphasis added) annex urban unincorporated islands existing within their current USAs before seeking to add new lands to the USAs."

LAFCO staff has interpreted this to mean that island annexations are *required* prior to an expansion of the USA without concern for special circumstances or the commission's discretionary power.

Morgan Hill has not annexed two unincorporated islands (see Appendix B) due to special circumstances. The 120-acre Holiday Lake Estates requires an assessment district to finance needed municipal infrastructure improvements; homeowners oppose the increase in property taxes. A 20-acre island south of Llagas Road cannot be annexed because some properties are located outside Morgan Hill's USA. While the LAFCO staff report prepared for the March 11, 2016 meeting stated the reasons why Morgan Hill has not annexed these islands, it also listed the failure to do so as a reason to deny approval of the Southeast Quadrant and high school proposals.

## **Agricultural Mitigation Policies**

Agricultural mitigation refers to efforts to protect farmland from the conversion to other uses and to minimize the impact of urban land uses on agricultural operations. The stated purpose of the LAFCO Agricultural Mitigation Policies adopted in 2007 is to provide guidance to cities: It is meant to be advisory only. The City of Morgan Hill is the only city to have developed an agricultural mitigation program. Appendix C compares the City's program to the LAFCO advisory policy and model programs elsewhere.

LAFCO staff created a detailed set of criteria that was used to judge the adequacy of the Morgan Hill Agricultural Preservation program. The application of staff's criteria is one of the reasons for the rejection of the Southeast Quadrant and high school proposals.

A County official described Morgan Hill's program as fundamentally sound, but inadequately funded. The program relies on fees imposed on new developments to pay for easements that ensure land will remain in agricultural use in perpetuity. LAFCO officials also expressed concern about a lack of adequate funding. Both County and LAFCO officials expressed the need to coordinate the Morgan Hill program with the results of a Countywide study, currently in progress, that will identify other sources of funding for agricultural easements. A recent example of the type of cooperation possible is the collaborative effort by the County, Morgan Hill, and the Santa Clara Valley Open Space Authority to pursue a grant from the State High Speed Rail Authority for the acquisition of a large agricultural conservation easement in the Southeast Quadrant.

## **Misreporting**

The LAFCO staff report regarding the Morgan Hill USA amendment was released to the public in February 2016 and considered at the commission's public hearing on March 11, 2016. The report erroneously described the attempt by the Catholic Diocese to build a high school 13 years earlier. It stated that:

"In 2003, the City (Morgan Hill) requested and obtained LAFCO approval for an USA expansion on behalf of the Catholic Diocese of San Jose - which *owned unincorporated property* (emphasis added) at the northwestern edge of city, in order to develop a private high school. The City's rationale for that USA expansion was that it lacked parcels of the size required for a high school along a major arterial within the city limits. However, the high school was never developed and the site has since been rezoned to allow for residential development and is currently being developed with new single-family homes. Given that State law allows a city to change the zoning designation two years following annexation, there is no guarantee that the

proposed private high school site in the SEQ will not be rezoned to allow more residential development or another type of land use in the future."

The information from the LAFCO report was repeated in an editorial in the *San Jose Mercury News* that ran before the public hearing on March 11, 2016. The editorial included the following statement:

"In 2003 Morgan Hill persuaded LAFCO to annex rural land on its northeast edge that the Diocese of San Jose had already purchased to build a school. LAFCO said, oh well, for a school, OK. The diocese then sold that land. Homes are being built there. Now the diocese has bought land for a campus in the Southeast Quadrant, and Morgan Hill again is using it as an argument to annex. LAFCO would be crazy to do it a second time."

At the public hearing on March 11, 2016, a representative of the South County Catholic High School testified that the 2003 annexation had been misreported: The Catholic Diocese had not purchased the site. A LAFCO commissioner, however, cited the information in the administration's report as one reason for voting to deny the South County Catholic High School USA amendment.

Following the meeting, representatives of the South County Catholic High School and the Catholic Diocese sent two letters to LAFCO to correct points that had been made at the public hearing.

- In 2002, a site in north Morgan Hill was identified as a *potential* location for a Catholic high school and the Catholic Diocese entered into an option to purchase the land.
- During its due diligence of the site, it was determined that a future roadway would bisect the land and that a flyover to cross the adjacent railroad tracks was required.
- These requirements made the land too small and undesirable for a high school.
- The option to purchase was terminated.
- The Catholic Diocese was not involved in the landowners' subsequent sale of the property and did not receive any financial benefit from the sale.

The *San Jose Mercury News* printed a retraction immediately after the March 11, 2016 meeting: "An earlier version of an editorial on a proposal to annex land to Morgan Hill misstated the Diocese of San Jose's dealings with another parcel of land north east of the city in 2003. The diocese had an option to buy that land and later decided to not exercise the option."

The Bishop of San Jose responded to the suggestion that the Catholic Diocese may have plans for the 38-acre site other than a high school: "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."

In the June 1, 2016 LAFCO meeting on the reconsideration of the South County Catholic High School proposal, the LAFCO staff report did not mention any of the above corrections. Instead, it repeated the erroneous statement: "This summary also notes that LAFCO approved an urban service area expansion of a Catholic High School in 2003 which was later developed with single-family homes," and referred the reader to its earlier report from the public hearing on March 11, 2016. Prior to his vote to deny reconsideration of the high school proposal, a LAFCO commissioner stated that the situation that had occurred in 2003 showed that Morgan Hill does not follow its own plans.

### **Miscommunications**

Eleven cities in the County have proposed 41 amendments to their USAs between 2000 and 2016, as shown in Appendix D. LAFCO staff has recommended the denial of city proposals nine times: eight involved Morgan Hill.

Through its interviews, the Grand Jury learned that the City of Morgan Hill and LAFCO staffers do not appear to communicate effectively, and City staff fears retribution from LAFCO if they complain openly about LAFCO.

### **City of Morgan Hill Lacks Representation**

The Grand Jury also heard complaints that Morgan Hill is excluded unfairly from representation on LAFCO. The one seat for a city, other than San Jose, may rotate at the end of every four-year term. Morgan Hill City Council has been ineligible to fill this seat for 20 years because the commissioner who represents the general public, who has served for five four-year terms, is a Morgan Hill resident. By state law, a city may not fill a seat on the commission if the commissioner representing the general public lives in that city. The commissioner who represents the general public is not an elected official, is not accountable to the residents of Morgan Hill and does not represent the Morgan Hill City Council's policies.

Only three cities in the County are directly affected by LAFCO's agricultural mitigation policy: Morgan Hill, Gilroy, and San Jose. Currently, only two commissioners out of seven represent the affected cities.

### **Special-Interest Suspicions in Morgan Hill**

A General Plan, the blueprint for the growth of a city, is updated about every 15 years. In Morgan Hill, hundreds of residents participated in creating the most recent update for the city, with the exception of the land use plan for the Southeast Quadrant. Ten years earlier Morgan Hill had initiated a planning process for the Southeast Quadrant with inputs from a handful of major property owners working with other interested parties. The two separate processes culminated in 2016 with the Morgan Hill City Council's adoption of the 2016 General Plan.

When LAFCO held public hearings on Morgan Hill's proposal for the Southeast Quadrant and the proposed high school, several Morgan Hill residents testified against it, saying that the city's plan favored growth in that area and that the planning process did not allow for the participation of all city residents.

## **Conclusions**

LAFCO's denials of the proposals to expand Morgan Hill's USA and to allow a new high school are complicated issues. Adding to the complexity is the strained relationship between LAFCO and Morgan Hill.

While there is strong support for building a Catholic high school in Morgan Hill, LAFCO insists it be built within the city's USA. Morgan Hill says that's impossible: No site is large enough, except for one parcel reserved for industrial use.

LAFCO commissioners adopt policies in the public forum, not behind closed doors; stakeholders and members of the public participate in the process. However, the administrative staff, acting outside the public eye, interprets these policies in ways that blur the lines between setting policy and executing policy.

LAFCO staff provided incorrect information about the 2003 attempt to build a Catholic high school that misled commissioners when they voted in 2016.

The City of Morgan Hill utilized a bifurcated General Plan update process that created concerns about the objectivity of the plan for the Southeast Quadrant, including the South County Catholic High School.



## **Findings and Recommendations**

### **Finding 1**

The Local Agency Formation Commission staff developed criteria to evaluate the Morgan Hill 2016 Urban Service Area amendment, including the South County Catholic High School, that were not specified in the agency's adopted Urban Service Area Policies. These staff-written criteria include the definition of "vacant land," "premature conversion of agricultural lands," and "adequacy of urban services."

### **Recommendation 1a**

The Local Agency Formation Commission should amend its Urban Service Area Policies to define "vacant land," "premature conversion of agricultural lands," and "adequacy of urban services." The amendment process should provide the opportunity for all affected stakeholders to participate.

### **Recommendation 1b**

The Local Agency Formation Commission should consider a project's specific requirements, such as the size of the parcel needed and proximity to incompatible uses, in determining whether parcels in the Urban Service Area are "vacant land."

### **Finding 2**

The Local Agency Formation Commission staff interpreted the Commission's Island Annexation Policies to be mandatory rather than advisory in the staff's evaluation of the Morgan Hill 2016 Urban Service Area Amendment that includes the South County Catholic High School.

### **Recommendation 2**

The Local Agency Formation Commission should amend its Island Annexation Policies to clarify whether the annexation of all unincorporated urban islands is a prerequisite for Urban Service Area amendments. The amendment process should provide the opportunity for all affected stakeholders to participate.

### **Finding 3**

The Local Agency Formation Commission staff deviated from the Commission's Agricultural Mitigation Policies in the staff's evaluation of the Morgan Hill 2016 Urban Service Area Amendment that includes the South County Catholic High

School. The staff interpreted the policies to be mandatory rather than advisory and established its own criteria for a satisfactory agriculture mitigation program.

### **Recommendation 3a**

The Local Agency Formation Commission should amend its Agricultural Mitigation Policies to clarify whether the policies are advisory or mandatory. The amendment process should provide the opportunity for all affected stakeholders to participate.

### **Recommendation 3b**

The Local Agency Formation Commission should amend its Agricultural Mitigation Policies to define a satisfactory agricultural mitigation program. The amendment process should provide the opportunity for all affected stakeholders to participate.

### **Recommendation 3c**

The Local Agency Formation Commission should amend its Agricultural Mitigation Policies to describe the relationship of a city's agricultural mitigation program to Santa Clara County's agricultural mitigation programs. The amendment process should provide the opportunity for all affected stakeholders to participate.

### **Finding 4**

The Morgan Hill Agricultural Preservation Program requires more funding for the purchase of agricultural easements than is generated from the mitigation fees collected through new development.

### **Recommendation 4**

The County of Santa Clara, the City of Morgan Hill, and the Local Agency Formation Commission should work together to develop a funding mechanism to cover the acquisition and on-going cost of agricultural easements in the Morgan Hill area.

### **Finding 5**

Erroneous information provided through reports and comments by the Local Agency Formation Commission staff cast the Catholic Diocese of San Jose as untrustworthy. Although the erroneous information was corrected through media and other sources, the report to the commissioners was not changed, resulting in the appearance of bias.

## **Recommendation 5**

The Local Agency Formation Commission should investigate and take appropriate action to address the potential of bias by LAFCO staff.

## **Finding 6**

Individuals are concerned about retribution by Local Agency Commission staff if they complain about the treatment they receive.

## **Recommendation 6**

The Local Agency Formation Commission should develop procedures to investigate complaints confidentially and ensure complainants do not face retaliation.

## **Finding 7**

The relationship between the staff of the Local Agency Formation Commission and the staff of the City of Morgan Hill appears to be strained.

## **Recommendation 7**

The Local Agency Formation Commission and the City of Morgan Hill should take steps to improve the working relationships of the staff of the two agencies.

## **Finding 8**

The same individual has held a seat on the Local Agency Formation Commission for 20 consecutive years.

## **Recommendation 8**

The Local Agency Formation Commission should establish by policy that a commissioner can serve in a specified position for a set number of years.

## **Finding 9**

The Local Agency Formation Commission's goal of protecting agricultural land directly impacts only three cities – Gilroy, San Jose and Morgan Hill – which have all of the agricultural land in the urban areas of Santa Clara County. Currently only two LAFCO commissioners, the representative for San Jose and the County Supervisor for District 1, out of seven commission positions represent these cities.

### **Recommendation 9**

The Local Agency Formation Commission should ensure that cities with agricultural land are represented fairly on the commission.

### **Finding 10**

The City of Morgan Hill's update of the 2016 General Plan, which dealt separately with the Southeast Quadrant, gave the appearance of special consideration for the property owners.

### **Recommendation 10**

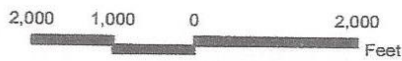
The City of Morgan Hill should adopt a single, open, transparent process in future updates of its General Plan.

**Appendix A**  
**Map: South County Catholic High School and the Southeast Quadrant**



Source: NAIP Santa Clara County, CA (2009)

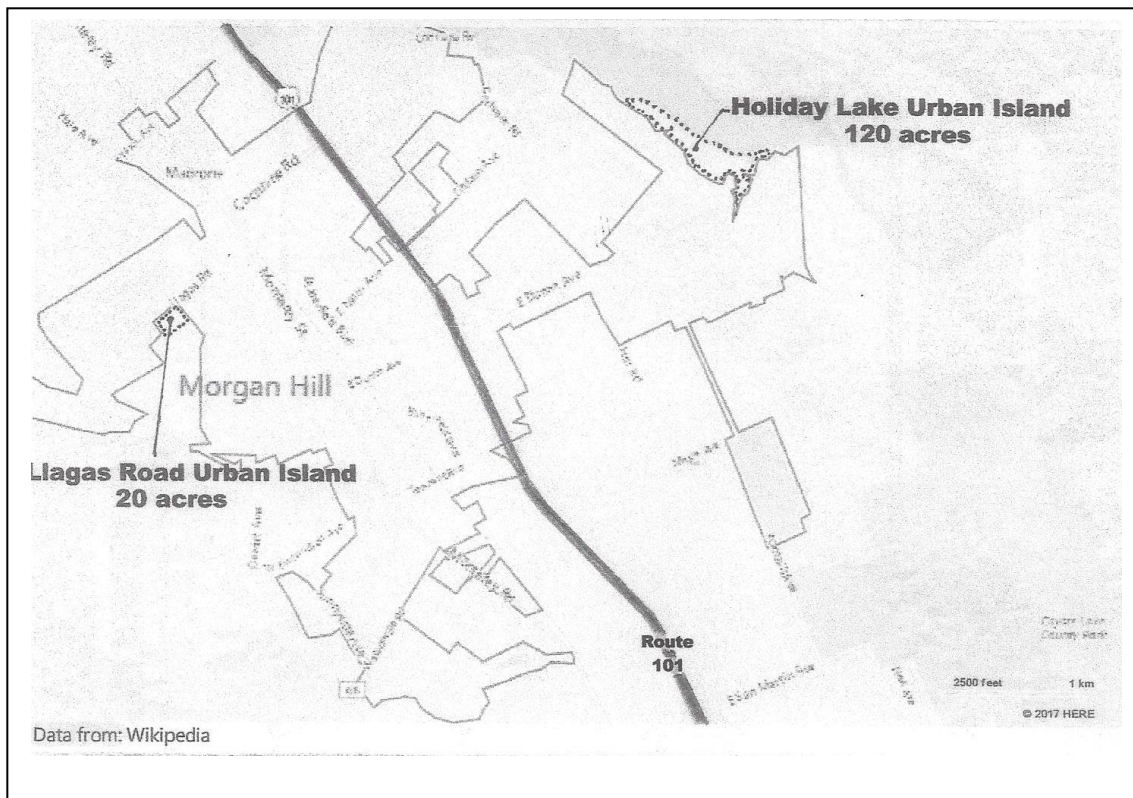

  
 Michael Brandman Associates  
 20860001 • 11/2013 | 2-2\_local\_aerial.mxd



**Exhibit 2-2**  
**Local Vicinity Map**  
**Aerial Base**

CITY OF MORGAN HILL  
 CITYWIDE AGRICULTURE PRESERVATION PROGRAM AND SOUTHEAST QUADRANT LAND USE PLAN

**Appendix B**  
**Map: Unincorporated Urban Islands**



**Appendix C**  
**Comparison of Agricultural Mitigation Programs**

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

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

**Appendix D**  
**Disposition of LAFCO Urban Service Area Proposals: 2000-2016**

Year	# Amendment Proposals			Commission Actions					
	Morgan Hill	Other Cities	Total	Morgan Hill			Other Cities		
				Commissioners		Admin.	Commissioners		Admin.
				Approved	Denied	Deny	Approved	Denied	Deny
2000	6	1	7	6	0	2	1	0	0
2001	0	2	2	0	0	0	2	0	0
2002	4	4	8	3	1	1	4	0	0
2003	3	0	3	3	0	0	0	0	0
2004	0	1	1	0	0	0	1	0	0
2005	2	1	3	2	0	0	1	0	0
2006	0	2	2	0	0	0	2	0	0
2007	1	0	1	1	0	1	0	0	0
2008	0	1	1	0	0	0	1	0	0
2009	0	1	1	0	0	0	1	0	0
2010	0	0	0	0	0	0	0	0	0
2011	0	1	1	0	0	0	1	0	0
2012	0	2	2	0	0	0	2	0	0
2013	3	3	6	1	2	2	3	0	0
2014	0	1	1	0	0	0	1	0	1
2015	0	0	0	0	0	0	0	0	0
2016	2	0	2	0	2	2	0	0	0
<b>Total</b>	<b>21</b>	<b>20</b>	<b>41</b>	<b>16</b>	<b>5</b>	<b>8</b>	<b>20</b>	<b>0</b>	<b>1</b>

Based on information provided by LAFCO in March 2017.



## References

### Bibliography

California Senate Bill #375. (2008). *Sustainable Communities Act*. Retrieved from [http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb\\_0351-0400/sb\\_375\\_bill\\_20080930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_bill_20080930_chaptered.pdf)

City of Davis (2008). *City of Davis Municipal Code, Section 40A.03.0 Farmland Preservation*. Retrieved from [http://www.farmlandinfo.org/sites/default/files/Davis\\_CA\\_Ag\\_Mitigation\\_1.pdf](http://www.farmlandinfo.org/sites/default/files/Davis_CA_Ag_Mitigation_1.pdf)

City of Morgan Hill (2016). Morgan Hill commercial and industrial vacant inventory by parcels. Retrieved from <https://www.morgan-hill.ca.gov/DocumentCenter/View/16910>

City of Morgan Hill. (2016). Morgan Hill residential vacant land inventory by parcels. Retrieved from <https://www.morgan-hill.ca.gov/DocumentCenter/View/16847>

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. *California Government Code*, Title 5, Division 3. Sections 56000-57550. Retrieved from <http://alcl.assembly.ca.gov/sites/alcl.assembly.ca.gov/files/publications/2009LAFCOGuide.pdf>

County of Santa Clara. (2016). Sustainable agricultural lands policy framework - planning commission: PowerPoint. Retrieved from [https://www.sccgov.org/sites/dpd/DocsForms/Documents/SAL\\_PC\\_201604\\_GrantPresentation.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/SAL_PC_201604_GrantPresentation.pdf)

County of Santa Clara and Local Agency Formation Commission of Santa Clara. (2013). Memorandum of understanding between County and LAFCO, approved November 5, 2013. Retrieved from [http://sccgov.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=SplitView&MeetingID=4635&MediaPosition=&ID=69377&CssClass=](http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=SplitView&MeetingID=4635&MediaPosition=&ID=69377&CssClass=)

County of Santa Clara and Open Space Authority. (2016). *Climate and Agricultural Preservation Plan - Webinar for Advisors: PowerPoint*. Retrieved from [https://www.sccgov.org/sites/dpd/DocsForms/Documents/SAL\\_CAPP\\_AdvisorWebinar\\_20160819.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/SAL_CAPP_AdvisorWebinar_20160819.pdf)

County of Santa Clara and Open Space Authority. (2017). *Climate and Agricultural Preservation Plan - Initial Findings: PowerPoint*. Retrieved from [https://www.sccgov.org/sites/dpd/DocsForms/Documents/CAPP\\_TechPanel\\_InitialFindings\\_201702.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/CAPP_TechPanel_InitialFindings_201702.pdf)

Crabtree, A. (2015). Request for Morgan Hill Urban Service Area Amendment: Local Agency Formation Commission Application. City of Morgan Hill. Retrieved from <https://www.morgan-hill.ca.gov/DocumentCenter/View/16977>

Crabtree, A. (2015). Agricultural Lands Preservation Program and Southeast Quadrant Land Use Plan. City of Morgan Hill. Retrieved from <https://www.morgan-hill.ca.gov/965/Southeast-Quadrant>

Crabtree, A. (2016). City of Morgan Hill Urban service amendment, supplemental information. City of Morgan Hill. Retrieved from [http://santaclaralafco.org/pdf/MH2015/letters/Letter\\_MorganHill.pdf](http://santaclaralafco.org/pdf/MH2015/letters/Letter_MorganHill.pdf)

Deviney, J. (2015). Office of the Agricultural Commissioner, Santa Clara County 2014 crop report. Retrieved from [https://www.sccgov.org/sites/ag/news/Documents/2014%20Crop%20Report\\_Web.pdf](https://www.sccgov.org/sites/ag/news/Documents/2014%20Crop%20Report_Web.pdf)

Deviney, J. (2016). Office of the Agricultural Commissioner, Santa Clara County 2015 crop report. Retrieved from [https://www.sccgov.org/sites/ag/news/Documents/CropReport2015\\_FinalWEB.pdf](https://www.sccgov.org/sites/ag/news/Documents/CropReport2015_FinalWEB.pdf)

Eulo, A. (2017). Progress update on city agricultural preservation activities. City of Morgan Hill. Retrieved from <https://morgan-hill.legistar.com/LegislationDetail.aspx?ID=2959661&GUID=5910F2C3-0C2E-4D0D-8A0A-E7CD3840E840>

Gallegos, S. (2014). Agricultural lands preservation program and Southeast Quadrant Land Use Plan. County of Santa Clara. Retrieved from <http://www.morganhill.ca.gov/DocumentCenter/View/12894>

Girard, K. (2016). Morgan Hill Urban Service Area Amendment 2015. County of Santa Clara. Retrieved from [http://santaclaralafco.org/pdf/MH2015/letters/Letter\\_CountyPlanning.pdf](http://santaclaralafco.org/pdf/MH2015/letters/Letter_CountyPlanning.pdf)

Local Agency Formation Commission of Santa Clara County. (2003). Urban service area polices -- effective January 1, 2003. Retrieved from <https://www.morgan-hill.ca.gov/DocumentCenter/View/11862>

Local Agency Formation Commission of Santa Clara County. (2007). Meeting minutes, February 14, 2007 Retrieved from <http://lalafco.org/Agendas/2007/Final%2002-28-07.pdf>

Local Agency Formation Commission of Santa Clara County. (2009). Service review policies -- amended October 14, 2009. Retrieved from [http://santaclaralafco.org/images/pdf\\_files/policies&procedures1/Service%20Review%20Policies.pdf](http://santaclaralafco.org/images/pdf_files/policies&procedures1/Service%20Review%20Policies.pdf)

Local Agency Formation Commission of Santa Clara County. (2009). Island annexation policies -- amended October 14, 2009. Retrieved from [http://santaclaralafco.org/images/pdf\\_files/policies&procedures1/Island%20Annexation%20Policies.pdf](http://santaclaralafco.org/images/pdf_files/policies&procedures1/Island%20Annexation%20Policies.pdf)

Local Agency Formation Commission of Santa Clara County. (2011). Fixing and avoiding mistakes: PowerPoint. Retrieved from <http://calafco.org/sites/default/files/resources/Fixing%20and%20Avoiding%20Mistakes%20-%20Pkg.pdf>

*Local Agency Formation Commission of Santa Clara County. (2007). Agricultural Mitigation Polices -- effective April 4, 2007. Retrieved from <http://morganhill.ca.gov/DocumentCenter/Home/View/297>*

Local Agency Formation Commission of Santa Clara County. (2015). 2015-16 Annual Report. Retrieved from <http://santaclaralafco.org/file/Budget/FY2017WorkPlan.pdf>

Local Agency Formation Commission of Santa Clara County. (2015). *Cities service review final report. Retrieved from [http://santaclaralafco.org/file/ServiceReviews/CitiesSR2015/FullFinalReport\\_CSRR.pdf](http://santaclaralafco.org/file/ServiceReviews/CitiesSR2015/FullFinalReport_CSRR.pdf)*

Local Agency Formation Commission of Santa Clara County. (2016). *Local agency formation commission bylaws - Revised October 5, 2016. Retrieved from <http://santaclaralafco.org/file/Policies/By-Laws%20Revised%20October%202016.pdf>*

Local Agency Formation Commission of Santa Clara County. (2017). Proposed work plan for FY 2017. Retrieved from <http://santaclaralafco.org/file/Budget/FY2017WorkPlan.pdf>

Local Agency Formation Commission of Santa Clara County Special Meeting Minutes, March 11, 2016. Retrieved from [http://www.santaclaralafco.org/images/resumes/agenda\\_packet/StaffReport\\_20160215.pdf](http://www.santaclaralafco.org/images/resumes/agenda_packet/StaffReport_20160215.pdf)

Local Agency Formation Commission of Santa Clara County Meeting Agenda and Reports, June 1, 2016. Retrieved from [http://www.santaclaralafco.org/images/resumes/agenda\\_packet/June%201%202016%20Agenda.pdf](http://www.santaclaralafco.org/images/resumes/agenda_packet/June%201%202016%20Agenda.pdf)

Local Agency Formation Commission of Santa Clara County Meeting Minutes, June 1, 2016. Retrieved from <http://www.santaclaralafco.org/images/resumes/minutes/Jun2016Minutes.pdf>

Morgan Hill land grab has to be stopped (March 9, 2016). *San Jose Mercury News* editorial. Retrieved from <http://www.mercurynews.com/2016/03/09/mercury-news-editorial-morgan-hill-land-grab-has-to-be-stopped/>

Palacherla, N. (2017). MHUSD's potential plans to purchase lands in Southeast Quadrant for future school sites and facilities. Local Agency Formation Commission of Santa Clara County. Retrieved from [http://www.morganhilltimes.com/news/lafco-no-on-se-quad/article\\_631f2906-d5eb-11e5-aaa3-83f1447333fd.html](http://www.morganhilltimes.com/news/lafco-no-on-se-quad/article_631f2906-d5eb-11e5-aaa3-83f1447333fd.html)

Palacherla, N. (2017). Urban service area amendment proposals. Local Agency Formation Commission of Santa Clara County. Retrieved from <http://www.santaclaralafco.org>


Rymer, S. (October 2, 2015). City of Morgan Hill urban service area Amendment, supplemental information). *City of Morgan Hill*. Retrieved from [http://sanjose.granicus.com/MetaViewer.php?meta\\_id=538419](http://sanjose.granicus.com/MetaViewer.php?meta_id=538419)

Setting the Record Straight: Morgan Hill land grab has to be stopped (March 11, 2016). *San Jose Mercury News*. Retrieved from <http://www.mercurynews.com/2016/03/09/mercury-news-editorial-morgan-hill-land-grab-has-to-be-stopped.>

## **Interviews**

The Grand Jury conducted seven interviews between February 22 and March 29, 2017. Four interviewees work in public agencies and three were members of the general public.

This report was **ADOPTED** by the 2016-2017 Santa Clara County Civil Grand Jury on this 31<sup>st</sup> day of May, 2017.

  
\_\_\_\_\_  
Wayne Tanda  
Foreperson