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## 3.9 - Land Use

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### 3.9.1 - Introduction

This section describes the existing land use and potential effects from project development on the site and its surrounding area. Descriptions and analysis in this section are based on site reconnaissance, the City of Morgan Hill General Plan, the City of Morgan Hill Municipal Code, the Morgan Hill Design Review Handbook, and the Santa Clara County General Plan.

### 3.9.2 - Environmental Setting

#### **SEQ Area**

The approximately 1,290-acre SEQ Area is generally flat and characterized by rural residences, agricultural lands, farms, and orchards. The majority of the parcels in the SEQ are 10 acres or less, of which half are 5 acres or less. Structures on the parcels generally consist of single-family residences or agricultural-related buildings (barns, sheds, etc.). A network of two-lane roads crosses through the project area at various locations.

#### **High School Site**

The proposed South County Catholic High School project site is approximately 38 acres and is located within the SEQ project area. It is bounded by Barrett Avenue to the north, agricultural operations to the east, Tennant Avenue to the south, and Murphy Avenue to the west. Existing site features include three single-family residences and agricultural accessory structures.

#### **Surrounding Area**

##### **SEQ Area**

##### *West*

The SEQ Area is bounded on the west by Highway 101, Condit Road, and Murphy Avenue. Properties west of Murphy Avenue (north of Barrett Avenue) and Condit Road lie within the City of Morgan Hill. Existing land uses primarily include hotels, recreational vehicle and motorcycle sales, and the City of Morgan Hill Outdoor Sports Center and Aquatics Center.

##### *North*

The northern boundary of the SEQ Area is adjacent to the existing Morgan Hill city limits and San Pedro Avenue. Adjacent land uses to the north within the city limits consist of undeveloped land and residential land uses. The City's Outdoor Sports Center is also located to the north. North of San Pedro Avenue, in the unincorporated county, are agricultural uses, a winery, and a single-family subdivision. Land uses north of Barrett Avenue include a few rural residences and agricultural land.

##### *East*

Carey Avenue, a rural road, generally forms the eastern boundary of the project site and lies at the undeveloped foothills of the Mount Hamilton Range. Land uses east of Carey Avenue are primarily open space and few rural residences.

**Land Use**

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*South*

Maple Avenue forms the southern boundary of the project area. Primary land uses south of the roadway include agricultural and rural residential uses. The Institute Golf Course also lies south of Maple Avenue.

**High School Site**

*West*

Murphy Avenue forms the western boundary of the project site. Agricultural and orchards lie to the west of the project site. Farther to the west is the Morgan Hill Aquatics Center.

*North*

Barrett Avenue forms the northern boundary of the site. Land uses north of Barrett Avenue include a few rural residences and agricultural land.

*East*

Greenhouses used for growing flowers and vegetables, related offices and employee residences occupy land to the east of the project site.

*South*

The proposed High School site is bordered to the south by Tennant Avenue. Rural residences and agricultural lands are located south of Tennant Avenue.

**Land Use and Zoning Designations**

**SEQ Area**

The majority of the project site is currently under Santa Clara County jurisdiction but lies within Morgan Hill's Sphere of Influence (SOI); a narrow, lineal portion of land in the eastern portion of the SEQ is within the Morgan Hill city limits. The site is primarily zoned Agricultural (A-20ac) in the Santa Clara County Zoning Ordinance and designated as Agricultural Medium Scale (AMS) and Hillside in the Santa Clara County General Plan. Most of the project site is designated as Rural County in Morgan Hill's General Plan, with the exception of a few small areas that are designated as Open Space. City zoning classifications only apply to the narrow portion of SEQ Area currently within Morgan Hill city limits.

Table 3.9-1 provides the General Plan and Zoning designations for the SEQ Area. The Morgan Hill General Plan land use map for the project vicinity is provided in Exhibit 2-5. The Morgan Hill Zoning map for the project vicinity is provided in Exhibit 2-7.

**Table 3.9-1: SEQ Area - Surrounding Land Use and Zoning Designations**

SEQ Area				
Relationship to Project Site	General Plan		Zoning	
	County	City of Morgan Hill	County	City of Morgan Hill
North of site	Agriculture Medium Scale	Public Facilities; Residential Estate; Single-Family Medium	A-20Ac	Public Facilities; R1-7000 and R1-9000 w/Planned Development overlay
East of site	Rural Residential; Hillside	Rural County and Open Space w/Hillside Overlay	RR-20AC-d1; HS-d1	N/A
South of site	Agriculture Medium Scale	Open Space	A-20Ac	Planned Development
West of Site	Agriculture Medium Scale	Commercial; Industrial	A-20AC-sr	Planned Development; Planned Development (Highway Commercial)

Source: County of Santa Clara, 2013; City of Morgan Hill, 2013.

**Table 3.9-2: High School Site - Surrounding Land Use and Zoning Designations**

High School Site				
Relationship to Project Site	General Plan		Zoning	
	County	City of Morgan Hill	County	City of Morgan Hill
North of site	Agriculture Medium Scale	Rural County	A-20Ac	N/A
East of site	Agriculture Medium Scale	Rural County	A-20Ac	N/A
South of site	Agriculture Medium Scale	Rural County	A-20Ac	N/A
West of Site	Agriculture Medium Scale	Rural County	A-20Ac; A-20Ac-sr	N/A

Source: County of Santa Clara, 2013; City of Morgan Hill, 2013.

**High School Site**

The proposed High School site is currently under Santa Clara County jurisdiction, but lies within Morgan Hill’s SOI. This site is proposed for annexation into the City of Morgan Hill and is currently designated as Rural County in Morgan Hill’s General Plan. The site is zoned Agricultural (A-20ac) in the Santa Clara County Zoning Ordinance and designated as Agricultural Medium Scale (AMS) in the Santa Clara County General Plan.

Table 3.9-2 provides the General Plan and Zoning designations for surrounding land uses of the proposed High School site.

## **Regulatory Framework**

### **State**

#### ***California High-Speed Rail Authority***

According to the preliminary alternative maps prepared for the San Jose to Merced project section by the California High-Speed Rail Authority in May 2011, the nearest proposed alignment alternative to the project site would follow the US 101 corridor to Downtown Gilroy. Parcels within the SEQ Area that adjoin the US 101 right-of-way may be affected by the high-speed rail alignment.

### **Local**

#### **County of Santa Clara**

##### ***Santa Clara County Local Agency Formation Commission***

The Santa Clara County Local Agency Formation Commission (LAFCO) coordinates logical and timely changes in local governmental boundaries and implements the applicable provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. It is LAFCO's goal to prevent premature or illogically planned development and to see that services are provided efficiently and economically while agricultural and open-space lands are protected. As described in Section 2 of this Draft EIR, approximately 305 acres of land are proposed to be included in the City's Urban Service Area (USA) boundary as part of the SEQ Area project. Expansion of the USA requires approval of both the City of Morgan Hill and LAFCO. The eastern portion of the SEQ Area consisting of the Chiala Planned Development and surrounding areas is proposed to be annexed into the City of Morgan Hill but remain outside the USA. Annexation of lands outside the USA also requires the review and approval of the City of Morgan Hill and LAFCO.

The following LAFCO policies pertain to the proposed expansion of the USA:

- LAFCO Policy 6: The Commission will discourage Urban Service Area expansions which include agricultural or other open space land unless the City has accomplished one of the following:
  - a. Demonstrated to LAFCO that effective measures have been adopted for protecting the open space or agricultural status of the land. Such measures may include, but not limited to, the establishment of agricultural preserves pursuant to the California Land Conservation Act, the adoption of city/County use agreements or applicable specific plans, the implementation of clustering or transfer-of-development-rights policies; evidence of public acquisition; or
  - b. Demonstrated to LAFCO that conversion of such lands to other than open space uses is necessary to promote the planned, orderly, efficient development of the city.

- LAFCO Policy 8 regulates conversion of agricultural land to non-agricultural lands, and requires explanation of why the inclusion of agricultural and open space lands is necessary and how the loss of such lands will be mitigated.

As addressed in Section 3.2, part of the proposed project includes the adoption of a Citywide Agricultural Lands Preservation Program. The Agricultural Lands Preservation Program establishes mitigation for the conversion of agricultural lands and identifies policies and measures to permanently preserve viable agriculture in and around Morgan Hill. The SEQ Area project also includes the creation of a greenbelt on the southern portion of the property, which is part of a larger network of lands that is identified as an Agricultural Priority Area for the City.

### ***City of Morgan Hill***

#### ***General Plan***

The City of Morgan Hill General Plan provides a blueprint for growth within the Morgan Hill city limits and the SOI. The last comprehensive General Plan Update was originally adopted by the Morgan Hill City Council on July 25, 2001 and has been amended several times since that date. It contains seven elements: Community Development, Economic Development, Circulation, Open Space and Conservation, Public Health and Safety, Regional Coordination, and Housing. Each element establishes goals, policies, and actions to guide future land use activities and development within the General Plan boundaries.

The Community Development, Economic Development, and Open Space and Conservation Elements of the General Plan contain goals relevant to the SEQ project. These goals and policies are identified in Table 3.9-3 below.

As discussed in the Project Description, the project involves a General Plan Amendment to establish a new Sports-Recreation-Leisure (SRL) land use designation, adjust city boundaries, and adopt new agricultural goals and policies proposed as part of a citywide Agricultural Lands Preservation Program. Changes to General Plan land use designations within the SEQ Area and existing General Plan policies, actions, and text are also proposed.

#### ***Municipal Code***

Under Title 18, Zoning Ordinance, the Morgan Hill Municipal Code sets forth regulations to ensure that development and land use activities protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare. In addition to the General Plan Amendments described above, the project would involve the creation of a new SRL zoning classification and district, text amendments to the Zoning Ordinance, and the rezoning of lands within the SEQ Area including SRL, Open Space, Residential Estate, and Public Facilities. As part of the rezoning actions, a Planned Development (PD) overlay zone is proposed for the eastern portion of the SEQ Area and the High School site. The proposed High School project would also require the

approval of a Conditional Use Permit (CUP) and Design Permit (DP) as analyzed below under Impact LU-2.

### **Conditional Use Permit**

Chapter 18.54 of the Municipal Code outlines the CUP requirements,. When considering a CUP, the planning commission shall consider the following:

- The suitability and adequacy of the site for the proposed use;
- The estimated effect of the proposed use or design on traffic circulation and on the planned capacity of the street system;
- The compatibility of design with adjacent uses within the district and its surroundings;
- The applicability and conformity of the use with provisions of Chapter 8.40, hazardous materials, as existing or hereafter amended.

### **Design Permit**

Chapter 18.74 of the Municipal Code outlines the findings required for approval of a design permit by the Community Development Director, as listed below. Applicable Morgan Hill design guidelines are identified in the Design Handbook sub-section below.

- That the proposed construction/alterations are in substantial conformance with the General Plan, zoning ordinance, and any applicable plans adopted by the city.
- The proposed construction/alteration is in substantial conformance with all applicable design standards and guidelines, as contained in the Design Review Handbook.
- The construction/alteration will not have significant adverse effects on the public health, safety and welfare.

### **Planned Development Overlay District**

Chapter 18.30 of the Municipal Code describes Planned Development Overlay Districts, which are meant to facilitate and promote coordination of design, access, use intensity, and other features associated with development of mixed use developments, multiple adjacent properties or large single properties; encourage flexibility of site planning when it will enhance the area in which it is proposed; allow construction and reservation of housing units for lower income or senior households, and to regulate the conversion of mobile home parks to resident ownership parks or other uses.

### **Open Space District**

Chapter 18.08 of the Municipal Code outlines the permitted uses of the Open Space District, which includes agriculture, public parks, wildlife refuges, single-family dwellings on a slope less than 20

percent and on lots of five acres or larger, residential care facilities, and secondary dwellings. Uses that are conditionally permitted in the Open Space District include but are not limited to outdoor commercial recreational uses; commercial and private, noncommercial recreational stables and riding academies; and quarters, accommodations or areas for transient labor, such as labor cabins or camps, where incidental to a permitted agricultural use.

The eastern portion of the SEQ Area is proposed to be rezoned Open Space with a Planned Development overlay, as described in Section 2 of this Draft EIR. As part of the Open Space (Planned Development) zoning, a variety of uses are proposed including SRL uses, agriculture, and residential estate-size lots to recognize the existing residential subdivisions established in the unincorporated County along Foothill Avenue. The Open Space (Planned Development) zoning would also allow the transfer of development rights from existing lots of record that are allowed to build a single-family home under existing County zoning. The transfer of development rights would result in only 38 new homesites in the City.

### **Public Facilities District**

The Public Facilities District is intended to accommodate governmental, public utility, educational and community service or recreational facilities, as outlined in Chapter 18.19 of the Municipal Code. Permitted uses in the Public Facilities District include all facilities owned or leased and operated or used by the City, the County, the State, the government of the United States, or the Morgan Hill Unified School District; emergency and transitional housing is also listed as a permitted use. Uses that are conditionally permitted in the Public Facilities District include but are not limited to public or private educational facilities, day care centers, and outdoor recreation services.

The High School site is proposed to be rezoned Public Facilities with a Planned Development Overlay Zone. The Public Facilities (Planned Development) zoning will allow variations to the development standards of the underlying Public Facilities zoning district in order to develop a unified and organized plan that will enhance the area.

### **Residential Estate District**

Chapter 18.10 of the Municipal Code states the Residential Estate District is intended to promote and encourage a suitable environment for family life on large parcels of land. The Residential Estate District is to be used only for suburban single-family homes and appropriate agricultural uses, and the appurtenant community services and facilities. In the Residential Estate District, minimum lot sizes include 40,000 square feet, 100,000 square feet, and 10 acres.

As part of the SEQ Area project, approximately 76 acres of land will be designated Residential Estate in the General Plan, but only 9 acres will be zoned Residential Estate, with a minimum lot size of 100,000 square feet. The remaining 67 acres are located within the proposed Open Space (Planned Development) zoning in the eastern portion of the SEQ Area along Foothill Avenue. As part of the

Open Space (Planned Development) zoning, the minimum lot size for the 67 acres of residential land will also be 100,000 square feet. The proposed Residential Estate designation and zoning is intended only to recognize and acknowledge the existing residential subdivisions that were established in the unincorporated County. With the proposed minimum lot size of 100,000 square feet for both the Residential Estate and Open Space (Planned Development) zoning, no further subdivision would be allowed of these existing residential lots.

### **Morgan Hill CEQA Guidelines**

Chapter 18.70 of the Municipal Code outlines the roles and responsibilities for parties involved in the CEQA process.

### **Right-to-Farm Ordinance**

Chapter 8.5 of the Municipal Code outlines the right to farm as it applies to transfer of real estate and resolution of disputes.

### **Parking Standards**

Morgan Hill Municipal Code Section 18.50.020 includes a schedule of required off-street parking spaces based upon uses. Parking requirements for high schools are not specified. Therefore, pursuant to Section 18.50.040, where the parking requirements for a use are not specifically defined, the parking requirements shall be determined by the Community Development Director, and such determination shall be based upon the requirement for the most comparable use specified herein.

### **Signage**

Chapter 18.76 of the Municipal Code provides design standards for project signage. Proposed signage for future developments within the SEQ Area and the High School project will be evaluated for consistency with the design standards.

### **Design Review Handbook**

The Morgan Hill Design Review Handbook includes guidelines for residential, commercial, and industrial projects. As stated in the Handbook, the purpose of these guidelines is to create usable and attractive streetscapes, achieve higher design quality, protect natural features characteristic of Morgan Hill through sensitive site planning, create attractive, usable, pedestrian-friendly developments, and enhance public safety. The Handbook contains the following guideline sections that are applicable to the proposed projects analyzed in this EIR: Site Planning, Building Design, and Landscape Design. Consistency with these guidelines would be required and determined by the City of Morgan Hill at the time of discretionary application submittal.

## **County of Santa Clara**

### *General Plan*

The County of Santa Clara General Plan provides a blueprint for growth within the unincorporated areas of the County. The General Plan was adopted by the Santa Clara County Board of Supervisors on December 20, 1994. It contains countywide issues and policies related to Growth and Development, Economic Well-Being, Social Well-Being, Housing, Transportation, Parks and Recreation, Resource Conservation, Health and Safety, Land Use and Governance. These issues are addressed for both rural and urban unincorporated areas of the County. The General Plan also contains the South County Joint Area Plan. Each chapter establishes policies to guide future land use activities and development within the General Plan boundaries.

While a portion of the SEQ project area would be annexed into the City of Morgan Hill city limits including the proposed High School site, and therefore subject to compliance with the applicable policies of the Morgan Hill General Plan, a portion of the SEQ project area would remain part of the unincorporated County under the jurisdiction of the County of Santa Clara General Plan.

The Countywide Issues and Policies, Rural Unincorporated Area Issues and Policies, and South County Joint Area Plan sections of the General Plan contain policies relevant to the SEQ project. These policies are identified in Table 3.9-3.

### **3.9.3 - Methodology**

Analysis in this section is based upon reconnaissance of the project site and surrounding land uses. The following documents were also reviewed: City of Morgan Hill General Plan; City of Morgan Hill Municipal Code; Morgan Hill Design Handbook; Santa Clara County General Plan; and Santa Clara County LAFCO Policies on Annexation/Reorganization for Cities and Special Districts, Urban Service Area Policies, and Agricultural Mitigation Policies. Conflicts between a project and applicable policies do not constitute significant physical environmental impacts in and of themselves; as such, the proposed project's consistency with applicable policies is discussed separately from the physical land use impacts associated with the proposed project. A policy inconsistency is considered a significant adverse environmental impact only when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect, and it is anticipated that the inconsistency would result in a significant adverse physical impact based on the established significance criteria.

### **3.9.4 - Thresholds of Significance**

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, land use impacts resulting from the implementation of the proposed project would be considered significant if the project would:

- a) Physically divide an established community? (Refer to Section 7, Effects Found Not To Be Significant.)

**Land Use**

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- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?

### **3.9.5 - Project Impacts and Mitigation Measures**

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

#### **General Plan Consistency**

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**Impact LU-1:**            **The proposed project would be consistent with applicable provisions of the City of Morgan Hill General Plan.**

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#### ***Impact Analysis***

This impact evaluates the proposed project's consistency with the City of Morgan Hill General Plan as well as the County of Santa Clara General Plan.

#### ***SEQ Area (Program Level)***

Proposed SEQ General Plan land use designations are described in Table 2-5 of the Project Description. Approximately 37 percent of the SEQ Area would remain Rural County, followed by 34 percent designated Open Space and 20 percent designated for Sports-Recreation-Leisure. The balance of the SEQ Area would be designated Residential Estate and Public Facilities.. The areas identified as "Rural County" include those lands that will remain in the unincorporated County and continue to be zoned Exclusive Ag-20 acre minimum under the jurisdiction of the County of Santa Clara. The Residential Estate designation for the 76 acres identified in Table 2-5 and Exhibit 2-11a is intended to recognize and acknowledge the existing residential subdivisions established in the unincorporated county. These existing residential lots could not be subdivided any further, and therefore, would not result in any new residential development. The only new residential development anticipated within the entire 1,290-acre SEQ Area is within the eastern portion of the SEQ. As described in further detail in Section 2 of this Draft EIR, the number of new residential units proposed within the Chiala Planned Development would be equal to the number of existing lots of record (up to 38 lots) under common ownership, each of which by right can now be developed with a single-family home under current county regulations.

#### ***High School Site (Project Level)***

The proposed land use designation for the High School is Public Facilities. The Community Development Element of the City's General Plan states Public Facilities-designated lands are composed of land used by the City, service providers (including emergency medical, hospitals and

utility companies), and the Morgan Hill Unified School District. The corresponding zoning designation is also Public Facilities, which allows private educational facilities as a conditionally permitted use.

The High School involves the development of structures of up 55 feet above finished grade. The height limit for the Public Facilities zoning designation is 35 feet. As part of the rezoning action for the High School site, the applicant is requesting approval of a Planned Development Overlay to allow a design exception for the taller structures. This is a self-mitigating aspect of the High School project and resolves any inconsistencies with the General Plan. Impacts would be less than significant.

**General Plan Goals and Policies Consistency Analysis**

Table 3.9-3 summarizes the proposed project’s consistency with all applicable goals and policies of the City of Morgan Hill General Plan. As shown in the table, the project would not conflict with any applicable provisions of the City of Morgan Hill General Plan or County of Santa Clara General Plan. As part of the SEQ project, amendments to existing General Plan Policies, Actions, and text are proposed. This is a self-mitigating aspect of the project and resolves any inconsistencies with the General Plan. Impacts would be less than significant.

**Table 3.9-3: City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
Morgan Hill Community Development	Table 2	Public Facilities General Plan land use designation allows a maximum building coverage of 50 percent and a maximum building height of 35 feet.	<b>Consistent:</b> The proposed High School would be consistent with the building coverage standard of 50 percent, but requires a design exception because the maximum building height would be 55 feet. The proposed zoning of PF(PD) provides a mechanism to permit structures taller than 35 feet, which would serve to reconcile potential inconsistency with this standard. (High School Site)
	Policy 2a	Encourage orderly development of the city, with concentric and infill of existing developed areas.	<b>Consistent:</b> The proposed planning effort for the SEQ Area would guide future development in an orderly manner. Without City planning activity, the SEQ Area would likely continue the trend of gradual cessation of agricultural and orchard uses with rural residential homes sites consisting of large homes on 8- to 10-acre unincorporated parcels. (SEQ Area)

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy 2c	Consider land within or adjacent to the city as available for urban development only when it is included within the Urban Service Area and Urban Growth Boundary and can be developed in a manner that will be cost-effective to the City.	<p><b>Consistent:</b> As part of the project, Policy 2c will be amended as listed below. This is a self-mitigating aspect of the project and resolves any inconsistencies with the General Plan. (SEQ Area and citywide)</p> <p><u>Proposed Amendment:</u></p> <p>Consider land within or adjacent to the city as available for urban development only when it is included within the Urban Service Area and Urban Growth Boundary, <i>or within the city limits</i>, and can be developed in a manner that will be cost-effective to the City.</p>
	Action 2.1	Use the current Urban Service Area and Urban Growth boundaries to identify future urban development areas based on adequacy and availability of municipal services.	<p><b>Consistent:</b> As part of the project, Action 2.1 will be amended as listed below. This is a self-mitigating aspect of the project and resolves any inconsistencies with the General Plan. (SEQ Area and citywide)</p> <p><u>Proposed Amendment:</u></p> <p>Use the current Urban Service Area and Urban Growth boundaries, <i>or the city limit line</i>, to identify future urban development areas based on adequacy and availability of municipal services.</p>
	Goal 3	A long-term Urban Growth Boundary (UGB) and Urban Limit Line (ULL) around the city.	<p><b>Consistent:</b> The proposed project would include the establishment and expansion of the UGB and ULL to accommodate long-term projected growth within the SEQ project area. The project would close an existing gap in the ULL, completing the boundary line around the City. (SEQ Area)</p>
	Policy 3e	The Urban Limit Line should be continuous around the City and located outside of or coterminous	<p><b>Consistent:</b> As part of the project, Policy 3e will be amended as listed below. This is a self-mitigating</p>

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		with the city limits and Urban Growth Boundary. Greenbelt areas should be located outside of the ULL. The ULL may be located within the city limits so that parks or other incorporated, City-designated open space land at the fringe of the community may be included within the Greenbelt.	<p>aspect of the project and resolves any inconsistencies with the General Plan. (SEQ Area and citywide)</p> <p><u>Proposed Amendment:</u></p> <p>The Urban Limit Line should be continuous around the City and located outside of or coterminous with the city limits and Urban Growth Boundary. Greenbelt areas should be located outside of the ULL. The ULL may be located within the city limits so that parks, <i>agricultural lands</i>, or other incorporated, City-designated open space land at the fringe of the community may be included within the Greenbelt.</p>
	Goal 5	Preservation of agricultural and open space uses on unincorporated lands outside the Urban Growth Boundary.	<b>Consistent:</b> Unincorporated lands within the project area outside of the UGB would retain their Agricultural and Rural County General Plan land use designations. This area is also within a proposed Agricultural Priority Area in the citywide Agricultural Lands Preservation Program. (SEQ Area)
	Policy 5b	Retain current Rural County and Open Space designations in the City's General Plan, applicable to rural unincorporated lands outside the UGB.	<b>Consistent:</b> Unincorporated lands within the project area outside of the UGB would retain their Agricultural and Rural County General Plan land use designations. (SEQ Area)
	Policy 9b	Ensure the viability of downtown and other recognized shopping areas, and discourage isolated and sprawling commercial activities along major roads.	<b>Consistent:</b> The SRL district uses are primarily visitor-serving and land-extensive uses that are most appropriately sited near US 101. Moreover, many of these uses would introduce new types of businesses that currently do not exist in Morgan Hill. As such, the proposed project would not threaten the viability of downtown or other shopping areas. (SEQ Area)

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy 10a	Encourage tourist-oriented and sub-regional retail uses at the northeast Cochrane and southwest Tennant freeway interchanges.	<b>Consistent:</b> The proposed project would guide the development of visitor-serving uses in the vicinity of the US 101/Tennant Avenue freeway interchange. (SEQ Area)
	Goal 15	Appropriate transition between urban land uses and surrounding undeveloped areas.	<b>Consistent:</b> Those lands within proposed SRL Subdistrict B would conditionally permit more commercially oriented activities and be located immediately adjacent to US 101. The proposed SRL Subdistrict A would conditionally permit more land-extensive activities that are more appropriate adjacent to undeveloped areas. The proposed SRL zone district would also require appropriate setbacks from adjoining land uses to ensure compatibility. (SEQ Area)
	Goal 18	Useful, accessible and high-quality park, recreation and trail facilities and programs	<b>Consistent:</b> The SRL uses would provide high quality recreational and open space uses accessible to citizens of the City. (SEQ Area)
	Policy 19e	Cooperate with the City of San Jose, Santa Clara County, and the Morgan Hill Unified School District to insure a high quality education experience for school age children by providing adequate and safe school facilities, preventing overcrowding, and providing school locations convenient to the population served.	<b>Consistent:</b> The proposed High School would offer a parochial, private education alternative for grades 9-12. This is consistent with the intent of this policy. (High School Site)  The 38, new residential units within the SEQ Area (e.g., the Chiala Planned Development) would be required to pay school impact fees to the applicable school district at the time building permits are sought. (SEQ Area)
	Policy 19b	Encourage the Morgan Hill Unified School District, Gavilan College, and private schools to develop a strategic plan for and construct schools to coincide with planned future growth of the city.	<b>Consistent:</b> The development of the proposed private High School would offer a parochial secondary educational option that currently is unavailable in Morgan Hill and, thus, would further this policy. (High School Site)

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy 191	Ensure that secondary and college facilities are sited so that impacts typically associated with those uses (such as traffic, noise and lighting) are adequately mitigated.	<b>Consistent:</b> This EIR evaluates the proposed High School’s impacts on traffic, noise, and light/glare and sets forth feasible mitigation measures to reduce impacts on surrounding land uses. (High School Site)
	Policy 20b	Septic systems should be used only for low-intensity uses where they will not have a negative impact on the environment.	<b>Consistent:</b> As part of the project, Policy 20b will be amended as listed below. This is a self-mitigating aspect of the project and resolves any inconsistencies with the General Plan. (SEQ Area and citywide)  <u>Proposed Amendment:</u>  Septic systems should be used <b>only</b> for low-intensity uses <b>or other uses that <del>where they</del></b> will not have a negative impact on the environment. <b><i>Areas annexed into the city outside the urban service area shall be precluded from making application for inclusion in the urban service area in the future.</i></b>
	RDCS provision (also codified in Chapter 18.78 of the MHMC)	The City of Morgan Hill shall grant no new extensions of urban services for residences beyond its Urban Service Area except in the event that 1) Morgan Hill has entered into a mutual aid or reciprocal emergency agreement for police, fire, or other emergency services to be provided by City facilities on County land; or 2) an owner of an existing development requests an extension due to the failure of an existing septic system or well and the City Council makes a finding that denial of services to that development would have a direct adverse impact on the public health and safety.	<b>Consistent:</b> As part of the project, alternate text for the RDCS provision is proposed as listed below. Implementation of the amended text would require a voter-approved initiative, or sunset of the RDCS in 2020. This is a self-mitigating aspect of the project and resolves any inconsistencies with the General Plan. (SEQ Area and citywide)  <u>Proposed Amendment:</u>  The City of Morgan Hill shall grant no new extensions of urban services for residences beyond its Urban Service Area <b>or city limits</b> except in the event that 1) Morgan Hill has entered into a mutual aid or reciprocal emergency agreement for police, fire, or other emergency services to be provided

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			by City facilities on County land; or 2) an owner of an existing development requests an extension due to the failure of an existing septic system or well and the City Council makes a finding that denial of services to that development would have a direct adverse impact on the public health and safety.
Morgan Hill Open Space and Conservation	Policy 1a	Work with the County, the Open Space Authority, appropriate conservancy organizations and land trusts, and property owners to preserve large open space areas, such as agricultural lands and outdoor recreation areas to conserve natural resources, retain the city's unique identity.	<b>Consistent:</b> The SEQ Area would include an Agricultural Priority Area, which is intended to be the focus for acquiring permanent conservation easements to preserve large areas of agriculture and open space. The citywide Agricultural Lands Preservation Program also calls for the partnership with an appropriate third party to oversee the agricultural mitigation lands and program. (SEQ Area and citywide)
	Goal 2	A stable, long-term City boundary reinforced by a greenbelt.	<b>Consistent:</b> The proposed project would include various boundary adjustments within the SEQ Area to close an existing gap in the ULL boundary, accommodate planned growth compatible with the surrounding agricultural uses, and establish an open space/ agricultural greenbelt. These boundary adjustments would promote the goal of a stable, long-term city boundary reinforced by a greenbelt. (SEQ Area)
	Goal 3	A viable agricultural industry.	<b>Consistent:</b> The proposed project would include the adoption and implementation of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area and citywide. (SEQ Area and citywide)
	Policy 3a	Support programs and techniques, including conservation easements and purchase of development	<b>Consistent:</b> As part of the Open Space (Planned Development) zoning proposed in the eastern

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		rights to encourage the retention of agricultural activities and to minimize conflicts in the transition from agriculture to urban uses.	portion of the SEQ Area, the development rights for 38 existing lots of record will be transferred and clustered in areas closer to the urbanized City, allowing for the aggregation and retention of agricultural activities in area. The proposed project would also include the adoption and implementation of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area. The SEQ Area would include an Agricultural Priority Area, which is intended to be the focus for acquiring permanent conservation easements to preserve large areas of agriculture and open space. (SEQ Area and citywide)
	Policy 3h	Take positive action to encourage agriculture by supporting policies favorable to agriculture.	<b>Consistent:</b> The proposed project would include the adoption and implementation of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area. The SEQ Area would include an Agricultural Priority Area, which is intended to be the focus for acquiring permanent conservation easements to preserve large areas of agriculture and open space. (SEQ Area and citywide)
Morgan Hill Regional Coordination	Policy 11	Urban growth should occur in an orderly and contiguous pattern, within designated urban service areas and encouraging infill of vacant urban land.	<b>Consistent:</b> As part of the project, Policy 11 will be amended as listed below. This is a self-mitigating aspect of the project and resolves any inconsistencies with the General Plan. (SEQ Area and citywide)  <u>Proposed Amendment:</u>  Urban growth should occur in an orderly and contiguous pattern, within designated urban service areas <i>or city limits</i> and encouraging infill of vacant urban land.

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy 1m	Base expansion of urban service areas and annexations on the General Plan, consistent with the City’s schedules for development and extension of services.	<p><b>Consistent:</b> As part of the project, Policy 1m will be amended as listed below. This is a self-mitigating aspect of the project and resolves any inconsistencies with the General Plan. (SEQ Area and citywide)</p> <p><u>Proposed Amendment:</u></p> <p>Base expansion of urban service areas and annexations on the General Plan consistent with the City’s schedules for development and extension of services, <b>and as needed to allow uses with unique size and location requirements that cannot be accommodated within existing city limits.</b></p>
Morgan Hill Economic Development	Goal 3	A viable tourist industry	<p><b>Consistent:</b> The proposed project includes SRL uses that are intended to attract visitors to Morgan Hill. This would support the goal of a viable tourist industry. (SEQ Area)</p>
	Policy 3a	Encourage tourism including agritourism, as a local industry	<p><b>Consistent:</b> The proposed project includes SRL uses that are intended to attract visitors to Morgan Hill. This would support the policy of encouraging tourism. The proposed citywide Agricultural Lands Preservation Program also includes policies and measures to promote agritourism in the City. (SEQ Area and citywide)</p>
	Policy 3c	Encourage location of tourist and recreation oriented commercial development along the freeway	<p><b>Consistent:</b> The proposed SRL uses are primarily visitor-serving and would be located near the US 101/Tennant Avenue interchange, near other similar existing uses. (SEQ Area)</p>
Santa Clara County Countywide Issues and Policies Growth and Development Chapter	C-GD-2	Urban development shall occur only within cities’ urban service areas (USAs) and under city jurisdiction. The County shall not allow urban development on unincorporated lands outside of cities’ urban services areas.	<p><b>Consistent:</b> Proposed development associated with the project would only occur under city jurisdiction. No urban development is proposed on unincorporated lands outside of the proposed urban service area.</p>

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			While the eastern portion of the SEQ will remain outside the USA, this area will be annexed into the Morgan Hill city limits, and therefore, will be under city jurisdiction. (SEQ Area)
	C-GD-3	<p>Urban service areas should generally include only those areas suited for urban development. Development of such areas should be:</p> <ul style="list-style-type: none"> <li>a. reasonably serviceable with public facilities and services;</li> <li>b. relatively free from risks associated with natural hazards;</li> <li>c. without substantial adverse environmental impact;</li> <li>d. not likely to create severe off-site impacts on surrounding areas; and</li> <li>e. without cumulative adverse impacts on the county's water supply watersheds or any other natural resource.</li> </ul>	<p><b>Consistent:</b> As proposed, the urban service area would meet the County's criteria outlined within C-GD-3 because it would be served by public facilities and services and not have significant adverse environmental impacts. The eastern portion of the SEQ would be located outside of the urban service area. However, the proposed development would not be urban in nature and is proposed to be served by a private water company and remain on septic systems. (SEQ Area)</p>
	C-GD-5	Lands generally unsuited for urban development may be allowed to annex to cities or be included in urban service areas only if the land is preserved as a non-urban, open space use.	<p><b>Consistent:</b> The proposed project includes the annexation of lands generally unsuitable for urban development as residential estate, open space, and agricultural uses. (SEQ Area)</p>
	C-GD-8	<p>Proposals to annex lands or expand a city's urban service area boundaries shall be approved only if:</p> <ul style="list-style-type: none"> <li>a. the city, special districts and affected school districts have the ability to provide all needed public services and facilities to the area within five years and without lessening existing levels of service;</li> <li>b. the existing supply of land within the city's USA accommodates no more than five years of planned growth;</li> <li>c. the area proposed for urban development is contiguous to existing urbanized areas.</li> </ul>	<p><b>Consistent:</b> The proposed project would annex 759 acres of the 1,290-acre SEQ Area into the Morgan Hill city limits and add 305 acres to the City's USA. The boundary adjustments are being pursued to allow for uses that currently cannot be accommodated within existing city limits because of unique size and location requirements. No other areas in the existing Morgan Hill city limits have the attributes of the SEQ Area needed for the proposed SRL uses, including large parcels under common ownership, proximity to freeway access, and separation from incompatible land</p>

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			uses. Impacts on the city, special districts and affected school districts are evaluated in this EIR and found to be less than significant after mitigation. (SEQ Area)
	C-GD-11	Unincorporated lands intended for urbanization should be annexed to cities at a time consistent with cities' development schedules.	<b>Consistent:</b> The proposed project would annex 759 acres of the 1,290-acre SEQ Area into the Morgan Hill city limits. The timing of the annexation reflects several proposals to develop urban land uses within this area. The remaining 531 acres would remain in unincorporated Santa Clara County, as they are not contemplated to support urban development in the near future. (SEQ Area)
Santa Clara County Rural Unincorporated Area Issues and Policies	R-GD-2	For lands outside cities' Urban Service Areas (USAs) under the County's land use jurisdiction, only non-urban, low density uses shall be allowed.	<b>Consistent:</b> Unincorporated lands within the project area outside of the proposed USA would retain their Agricultural and Rural County General Plan land use designations. (SEQ Area)
	R-GD-6	Urban types and levels of services shall not be available outside of cities' Urban Service Areas from either public or private service providers.	<b>Consistent:</b> The eastern portion of the SEQ Area will remain outside the USA; however, this area will be annexed into the City of Morgan Hill. No urban types and levels of services are proposed for unincorporated lands within the project area outside of the USA. (SEQ Area)
	R-LU 168	Ensure that future proposals to modify the UGB are evaluated according to the considerations which guided its initial establishment, particularly stability and dependability factors. Utilize established criteria, findings or other prerequisites, such as the need to ensure an adequate inventory of available land for accommodating projected growth (approximately 25 years), as the basis for evaluating any	<b>Consistent:</b> The current UGB proposal is a direct result of the last comprehensive City General Plan Update. Action 3.4 of the Community Development Element precludes reconsideration of the UGB location more frequently than in conjunction with a comprehensive City General plan Update every 10 years or so. It further states, however, that "reevaluation of the UGB location may be necessary in conjunction

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		proposals to expand the UGB. Make no provision to reconsider the UGB location more frequently than on a 10 year basis unless triggered by the established criteria, findings, or prerequisites.	with the implementation of Phase 2 of the Urban Limit Line/ Greenbelt Study regarding land use in the Southeast Quadrant.” Any future proposals to modify the UGB after the modifications proposed under this project would comply with the requirements of R-LU-168. Further modification of the UGB would not be anticipated to occur less than 10 years from implementation of the subject project outside a comprehensive City General Plan Update process. (SEQ Area)
	R-LU 169	Ensure the consistency of all future proposals to modify the UGB location with applicable policies of the City’s and County’s General Plan, particularly concerning countywide urban growth management.	<b>Consistent:</b> The current UGB proposal is a direct result of the last comprehensive City General Plan Update. Action 3.4 of the Community Development Element precludes reconsideration of the UGB location more frequently than in conjunction with a comprehensive City General plan Update every 10 years or so. It further states, however, that “reevaluation of the UGB location may be necessary in conjunction with the implementation of Phase 2 of the Urban Limit Line/Greenbelt Study regarding land use in the Southeast Quadrant.” Any future proposals to modify the UGB after the modifications proposed under this project would be subject to subsequent City and County General Plan policy consistency review. (SEQ Area)
	R-LU 177	Retain current large minimum parcel sizes, and promote agricultural and open space uses on unincorporated lands within the UGB.	<b>Consistent:</b> No change to the minimum parcel size requirements or to agricultural and open space uses are proposed for areas planned to remain in the unincorporated County. (SEQ Area)

**Table 3.9-3 (cont.): City of Morgan Hill/County of Santa Clara General Plan Consistency Analysis**

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
Santa Clara County South County Joint Area Plan	SC 1.9	Urban growth should occur in an orderly and contiguous pattern, within designated urban service areas and encouraging infill of vacant urban land.	<b>Consistent:</b> The proposed planning effort for the SEQ Area would guide future development in an orderly manner with the proposed USA. The proposed SRL districts would encourage the development of commercially intensive land uses near US 101 and more land-extensive SRL uses further east to serve as a transition and compatible land use buffer with the existing agricultural uses. (SEQ Area)
	SC 1.10	Urban development should occur only in the cities and where the full array of urban services can be provided.	<b>Consistent:</b> The City would provide full services to those areas proposed for urban development inside the USA within the project area. The eastern portion of the SEQ would be annexed outside of the urban service area; however, the proposed development would not be urban in nature and is proposed to be served by a private water company and remain on septic systems. (SEQ Area)
	SC 1.12	Expansion of urban service areas and annexations should be based on general plans and be consistent with the Cities' schedules for development and extension of services.	<b>Consistent:</b> The proposed expansion of the USA as part of the proposed project also includes a General Plan Amendment to ensure consistency with the proposed expanded urban service area. The City's UGB, ULL, and city limit boundaries would be modified to ensure overall consistency with the proposed expanded urban service area. The areas proposed for inclusion in these boundaries are intended to allow for uses that currently cannot be accommodated within existing city limits due to unique size and location requirements. (SEQ Area)
	SC 14.5	The County should continue the A-20 and A-40 minimum lot size designations in the agricultural area.	<b>Consistent:</b> No change to the minimum parcel size requirements for the A-20 and A-40 designations would occur in the unincorporated agricultural areas. (SEQ Area)
Source: Michael Brandman Associates, 2013.			

**Level of Significance before Mitigation**

SEQ Area (Program Level)

Less than significant impact.

High School Site (Project Level)

Less than significant impact.

**Mitigation Measures**

No mitigation is necessary.

**Level of Significance After Mitigation**

SEQ Area (Program Level)

Less than significant impact.

High School Site (Project Level)

Less than significant impact.

**Municipal Code Consistency**

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**Impact LU-2:**            **The proposed project would not conflict with any of the applicable provisions of the City of Morgan Hill Municipal Code.**

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**Impact Analysis**

The Morgan Hill Municipal Code’s provisions related to zoning, parking, and signage are relevant to the proposed project. Project consistency with each is discussed below.

**Zoning Districts**

SEQ Area (Program Level)

As discussed in the Project Description, the project would include the creation of a SRL zoning classification and district. Proposed allowable and conditionally allowable uses for the SRL zoning district are described in Section 2, Project Description and most uses would be subject to a CUP and Design Permit. Lands that are planned to be annexed into the City would also be rezoned with an urban zoning designation, including SRL, Open Space and Residential Estate (100,000).

The 9 acres proposed to be rezoned Residential Estate will be required to have a minimum lot size of 100,000 square feet. The proposed Residential Estate zoning is intended only to recognize and acknowledge the existing residential subdivisions that were established in the unincorporated County. With the proposed minimum lot size of 100,000 square feet, no further subdivision would be allowed of these existing residential lots.

The eastern portion of the SEQ Area is proposed to be rezoned Open Space with a Planned Development overlay, as described in Section 2 of this Draft EIR. As part of the Open Space (Planned Development) zoning, a variety of uses are proposed including SRL uses, agriculture, and residential estate-size lots to recognize the existing residential subdivisions established in the

unincorporated County along Foothill Avenue. The Open Space (Planned Development) zoning would also allow the transfer of development rights from 38 existing lots of record that could be developed with a single-family home under existing County zoning. The transfer of development rights would result in 38 new homesites in the City.

Consistency with the development standards of the proposed SRL, Open Space and Residential Estate (100,000) zoning districts would be determined by the City at time of application submittals. Impacts would be less than significant.

*High School Site (Project Level)*

The proposed zoning designation for the High School site is Public Facilities (Planned Development) consistent with the proposed General Plan land use designation of Public Facilities. Pursuant to Section 18.19.030.b of the Morgan Hill Municipal Code, the proposed private High School is permitted subject to a CUP.

The High School involves the development of structures of up to 55 feet above finished grade. The height limit for the Public Facilities zoning district is 35 feet. As part of the rezoning action for the High School site, the applicant is requesting approval of a Planned Development Overlay to allow a design exception for the taller structures. This is a self-mitigating aspect of the High School project and resolves any inconsistencies with the Zoning Ordinance.

The proposed High School would be consistent with all other development standards identified in Section 18.19.040, including maximum building coverage and minimum setbacks. Impacts would be less than significant.

***Residential Development Control System***

*SEQ Area (Program Level)*

The RDSC has been codified in Chapter 18.78 of the Morgan Hill Municipal Code. An excerpt from Chapter 18.78 reads, “The City of Morgan Hill shall grant no new extensions of urban services for residences beyond its USA except in the event that 1) Morgan Hill has entered into a mutual aid or reciprocal emergency agreement for police, fire, or other emergency services to be provided by City facilities on County land; or 2) an owner of an existing development requests an extension due to the failure of an existing septic system or well and the City Council makes a finding that denial of services to that development would have a direct adverse impact on the public health and safety.”

The existing ‘Urban Services Extensions’ language precludes the City from extending any urban services (for example, water, wastewater, stormwater, police and fire) to residential uses outside of the City’s USA boundary. As described in greater detail under the Chiala Planned Development discussion, approximately 454 acres of the SEQ Area are proposed to be annexed into the City outside of the USA boundary. The 454 acres includes 67 acres of existing residential lots subdivided in the unincorporated County plus 107 acres within the Chiala Planned Development that would

allow for up to 38 new residential units. A private water company and septic systems are proposed to serve the 454-acre area; however, City police and fire services would be required once the area is annexed into the City. As part of the project, alternate text for the RDCS provision is proposed as follows:

The City of Morgan Hill shall grant no new extensions of urban services for residences beyond its Urban Service Area *or city limits* except in the event that 1) Morgan Hill has entered into a mutual aid or reciprocal emergency agreement for police, fire, or other emergency services to be provided by City facilities on County land; or 2) an owner of an existing development requests an extension due to the failure of an existing septic system or well and the City Council makes a finding that denial of services to that development would have a direct adverse impact on the public health and safety.

In order to be implemented, the amended text would require a voter-approved initiative, or sunset of the RDCS. RDCS is currently scheduled to sunset in 2020. The eastern portion of the SEQ Area would not be able to annex into the City outside the USA until such time the RDCS provision is amended by the voters or the RDCS sunsets. This is a self-mitigating aspect of the project and resolves any inconsistencies with the Municipal Code.

*High School Site (Project Level)*

No residential uses are proposed on the High School site, and therefore, there would be no impacts related to the RDCS.

***Open Space District Zoning Provisions***

*SEQ Area (Program Level)*

Section 18.08.060.E of the Open Space District of the Municipal Code reads as follows:

“Construction of dwellings for which conditional use permits are required shall only be permitted if the proposed dwelling units shall be served by public sewers, public water, city fire and police services, and acceptable access facilities. An exception to the public sewer requirement shall be allowed for secondary dwellings where a private septic tank disposal system has been approved for the primary dwelling on the same parcel of land.”

The eastern portion of the SEQ Area is proposed to be annexed outside the USA, and will include residential uses that will be serviced by private water and septic systems. As part of the project, Section 18.08.060E will be amended as listed below. This is a self-mitigating aspect of the project and resolves any inconsistencies with the Municipal Code.

Proposed Amendment:

Construction of dwellings for which conditional use permits are required shall *only* be permitted *only* if the proposed dwelling units ~~shall be are~~ served by public sewers, public water, city fire and police services, and acceptable access facilities. ~~An~~ ~~e~~Exceptions to the public sewer *and public water* requirements shall be allowed for *areas that were annexed into the City outside the urban service area with approved private water and septic systems and for* secondary dwellings where a private septic tank disposal system has been approved for the primary dwelling on the same parcel of land.

*High School Site (Project Level)*

No residential uses are proposed on the High School site; therefore, there would be no impacts related to the Open Space District zoning provisions.

**Parking Standards**

*SEQ Area (Program Level)*

As discussed above, proposed authorized uses for the SRL zoning district would be subject to a CUP and Design Permit. Pursuant to proposed SRL zoning district Section 18.27.090.C.1, an off-street parking and loading plan would need to be submitted for City review. Parking requirements would be evaluated on a project-specific basis at the time of CUP and Design Permit application submittal. Future development plans for the other zoning districts within the project area would also be subject to City review for compliance with parking standards. Impacts would be less than significant.

*High School Site (Project Level)*

The proposed High School would provide a total of 203 parking spaces for Phase 1, 217 parking spaces for Phase II, 112 parking spaces for Phase III, and 202 parking spaces in future phases. A total of 734 parking spaces would be provided at the High School site upon full project buildout. As noted above, Morgan Hill Municipal Code Section 18.50.020 includes a schedule of required off-street parking spaces based upon uses. Parking requirements for high schools are not specified. Therefore, pursuant to Section 18.50.040, where the parking requirements for a use are not specifically defined, the parking requirements shall be determined by the Community Development Director, and such determination shall be based upon the requirement for the most comparable use specified herein. Accordingly, adequacy of the proposed parking plan for the High School would be determined at time of CUP and Design Permit review. Impacts would be less than significant.

**Signage Requirements**

*SEQ Area (Program Level)*

Onsite signage, such as wall signs and monument signs, would be reviewed on a project-specific basis at time of CUP, Design, or Sign Permit application submittal. Impacts would be less than significant.

*High School Site (Project Level)*

Proposed signage for the High School project would be designed consistent with the applicable provisions of Chapter 18.76, Sign Code, of the Morgan Hill Municipal Code. Impacts would be less than significant.

**Level of Significance before Mitigation**

*SEQ Area (Program Level)*

Less than significant impact.

*High School Site (Project Level)*

Less than significant impact.

**Mitigation Measures**

No mitigation is necessary.

**Level of Significance After Mitigation**

*SEQ Area (Program Level)*

Less than significant impact.

*High School Site (Project Level)*

Less than significant impact.

**LAFCO Policy Consistency**

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<b>Impact LU-3:</b>	<b>The proposed project would be consistent with the applicable policies of the Santa Clara County LAFCO.</b>
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**Impact Analysis**

This impact evaluates the proposed project's consistency with the applicable policies of the Santa Clara County LAFCO.

*SEQ Area (Program Level)*

As discussed in the Project Description, in addition to the proposed General Plan Amendments and zoning changes, the project would also adjust boundaries for the USA, UGB, ULL, and city limits. Expansion of the USA boundary and annexation of lands outside a City's USA (eastern portion of the SEQ Area) require review and approval by the Santa Clara County LAFCO.

Four separate boundaries would be adjusted within the SEQ Area to address an existing gap in a city boundary and to incorporate lands identified for proposed SRL and open space uses. The boundaries to be adjusted are Morgan Hill's (1) city limits, (2) urban service area, (3) urban growth boundary, and (4) urban limit line. Each is described as follows:

- **City Limits.** The Morgan Hill city limits would be adjusted by annexing 759 acres in the SEQ Area. The remaining acres of the SEQ Area would not be annexed and would remain in the unincorporated County.
- **USA.** Of the 759 acres proposed to be annexed into the City, 305 acres would be added to the USA boundary. Lands within the USA boundary represent land expected to be converted to planned City land uses within 5 years and served with city water and sewer services. Within the USA boundary, various sports, recreation, leisure, education/public facility, and single-family residences would be eligible for urban services. The remaining 454 acres proposed for annexation, including the Chiala properties and immediate surrounding area, would remain outside the USA. In lieu of city water and sewer services, the Chiala Properties and immediate surrounding area would be served by a private water company and individual septic systems.
- **UGB.** The UGB boundary would be expanded by 659 acres within the SEQ Area. The proposed location of the UGB would include land expected to be converted to planned City land uses within 20 years.
- **ULL.** The ULL defines the ultimate limits of City urbanization beyond the 20-year timeframe of the UGB. Currently, the ULL is defined around the Morgan Hill city limits, with the exception of the southern SEQ Area where there is a gap in the boundary line. As part of the project, the gap in the ULL boundary would be closed, encompassing approximately 840 acres of the SEQ Area. As shown on Exhibit 2-10, approximately 329 acres of the 840 acres added to the ULL boundary will remain in the unincorporated County and continue to be zoned Exclusive Ag-20 acre minimum under the jurisdiction of the County of Santa Clara.

As illustrated on Exhibit 2-10 in Section 2, Project Description, the city limits, USA and UGB areas would be coterminous along the western boundary. The project does not include modification of the City's SOI. The extension of city limits, USA, UGB, and ULL would occur within the bounds of the City's existing SOI. City regulatory policies and definitions specifically related to the USA, ULL, and UGB would be amended to accommodate areas slated for annexation to the City but subject to restrictions against extending all or some urban services.

In summary, the boundary adjustments are intended to provide logical, orderly, and well-defined jurisdictional boundaries for the City of Morgan Hill and facilitate the development and land use activities contemplated within the SEQ Area.

*High School Site (Project Level)*

LAFCO has jurisdiction over the USA adjustment, which would include the High School site. However, because the USA adjustment includes a much larger area than only the High School site, it is most appropriately discussed in the context of the larger SEQ Area.

**LAFCO Policy Consistency Analysis**

The project’s consistency with the Santa Clara County LAFCO policies is discussed in Table 3.9-4. The analysis pertaining to annexation outside the USA is applicable only to the SEQ Area (Program Level) component of the proposed project.

The Santa Clara County LAFCO would review the proposed project’s petition to expand the City’s USA boundary to include 305 acres of the 1,290-acre SEQ Area. LAFCO would also review the petition to annex the portion of the SEQ Area proposed to remain outside of the USA. This would pertain to the eastern portion of the SEQ Area consisting of the Chiala and surrounding properties. LAFCO policies contain criteria used to determine if an annexation petition is consistent with LAFCO standards. Analysis for consistency with applicable LAFCO policies is contained in Table 3.9-4. As shown in the table, the project would not conflict with any applicable provisions of the Santa Clara County LAFCO Policies on Annexation/Reorganization for Cities and Special Districts, Urban Service Area Policies, and Agricultural Mitigation Policies. Impacts would be less than significant.

**Table 3.9-4: LAFCO Policy Consistency Analysis**

Policy Area	Policy		Consistency Determination
	No.	Text	
Annexations/ Reorganizations for Cities and Special Districts	A.2	Urban development should take place in cities rather than in unincorporated territory.	<b>Consistent:</b> Properties anticipated to be developed as a result of the project are proposed to be annexed into the Morgan Hill city limits.
	A.3	Whenever possible, cities should pursue development of vacant incorporated land before annexation of fringe areas.	<b>Consistent:</b> The contemplated SRL land uses are generally land extensive and associated with the existing sports and visitor-serving uses on Condit Avenue. The larger SRL uses cannot be accommodated within existing city limits due to unique size and location requirements. As such, the SEQ Area is the only area contiguous to the Morgan Hill city limits that provides sufficient land area and adjacency to essential land uses to be economically viable.
	A.4	Annexations and reorganizations should result in logical and reasonable expansions for cities and special districts.	<b>Consistent:</b> The proposed annexation area is contiguous to the existing Morgan Hill city limits and would create logical city boundaries by following readily identifiable features (e.g., roadways). Additionally, as described above, the proposed planning effort for the SEQ Area would guide future development in an orderly manner.

**Table 3.9-4 (cont.): LAFCO Policy Consistency Analysis**

Policy Area	Policy		Consistency Determination
	No.	Text	
			Without City planning activity, the SEQ Area would likely continue the trend of gradual cessation of agricultural uses with rural residential homes sites consisting of large homes on 8- to 10-acre unincorporated parcels.
	B.1	LAFCO will strongly discourage city annexations of land outside Urban Service Areas until inclusion into the Urban Service Area is appropriate. However, the Commission recognizes that in some circumstances, city annexations outside of Urban Service Areas will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCO will reconsider allowance of exceptions if it appears a pattern of such requests is developing.	<b>Consistent:</b> Although the eastern portion of the proposed city limits would lie outside of the proposed Urban Service Area, no intensive urban development is proposed within that area of the SEQ. Uses in this section of the SEQ Area would consist of agriculture, open space, residential estate parcels, and land-extensive sports fields and facilities. The proposed project would also include the adoption of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area.
	B.5	The boundaries of a proposed annexation or reorganization must not create or result in areas that are difficult to serve.	<b>Consistent:</b> The SEQ Area is contiguous to the existing Morgan Hill city limits and would create logical city boundaries by following readily identifiable features (e.g., roadways). As such, there would be no unusually shaped boundaries that would create difficulties in providing urban services.
	B.6	Pre-zoning is a requirement for city annexation. Where territory is pre-zoned agricultural, but has an urban use designation on the city's general plan, the applicant will be required to demonstrate why such an annexation is not in violation of the Cortese-Knox Local Government Reorganization Act, which requires LAFCO to: a. Steer growth away from agricultural uses; and b. Determine	<b>Consistent:</b> Those SEQ Areas proposed for annexation would be zoned for public facilities, sports-recreation-leisure, open space and residential estate. Agriculture is a permitted use within these zoning designations.

Table 3.9-4 (cont.): LAFCO Policy Consistency Analysis

Policy Area	Policy		Consistency Determination
	No.	Text	
		that annexation and development of land for non-agricultural purposes is not premature.	
Urban Service Area	B.6	<p>The Commission will discourage Urban Service Area expansions which include agricultural or other open space land unless the city has accomplished one of the following:</p> <p>a. Demonstrated to LAFCO that effective measures have been adopted for protecting the open space or agricultural status of the land. Such measures may include, but not limited to, the establishment of agricultural preserves pursuant to the California Land Conservation Act, the adoption of city/County use agreements or applicable specific plans, the implementation of clustering or transfer-of-development-rights policies; evidence of public acquisition; or</p> <p>b. Demonstrated to LAFCO that conversion of such lands to other than open space uses is necessary to promote the planned, orderly, efficient development of the city.</p>	<p><b>Consistent:</b> The proposed project would include the adoption of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area and citywide. The Agricultural Lands Preservation Program sets forth mitigation to address the conversion of agricultural lands and create a greenbelt along the southern edge of the City’s SOI. The Agricultural Lands Preservation Program also establishes tools for the protection and preservation of agricultural lands, including but not limited to conservation easements, clustering, and the expansion of the City’s Transfer of development rights policies consistent with Policy B6. Without City planning activity, the SEQ Area would likely continue the trend of gradual cessation of agricultural uses with rural residential homes sites consisting of large homes on 8-10 acre unincorporated parcels.</p>
	B.8	<p>If an Urban Service Area proposal includes the conversion of open space lands or agricultural lands, LAFCO strongly encourages the city to develop effective mitigation measures to address the loss of the agricultural and open space lands. LAFCO will require an explanation of why the inclusion of agricultural and open space lands is necessary and how the loss of such lands will be mitigated.</p> <p>Mitigation measures include, but are not limited to: the acquisition and dedication of farmland,</p>	<p><b>Consistent:</b> The proposed project would include the adoption and implementation of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area and citywide. The Agricultural Lands Preservation Program sets forth mitigation to address the conversion of agricultural lands and create a greenbelt along the southern edge of the City’s SOI. The Agricultural Lands Preservation Program also establishes tools for</p>

**Table 3.9-4 (cont.): LAFCO Policy Consistency Analysis**

Policy Area	Policy		Consistency Determination
	No.	Text	
		development rights, open space and conservation easements to permanently protect adjacent and other agricultural lands within the county, participation in other development programs such as transfer or purchase of development rights, payments to recognized government and non-profit organizations for such purposes, and establishment of buffers to shield agricultural operations from the effects of development.	the protection and preservation of agricultural lands, including but not limited to conservation easements, clustering, and the expansion of the City’s Transfer of development rights policies consistent with Policy B6 and B8. An Agricultural Priority Area is proposed within the SEQ Area, which is intended to be the focus for acquiring permanent conservation easements to preserve large areas of agriculture and open space.
	B.10	LAFCO will require evidence that an adequate water supply is available to the amendment areas and that water proposed to be provided to new areas does not include supplies needed for unserved properties already within the city, the City’s Urban Service Area, or other properties already charged for city water services.	<b>Consistent:</b> As discussed in Section 3.14, Utility Systems, an adequate water supply is available to serve the proposed SEQ Area.
Agricultural Mitigation	2	LAFCO encourages cities with potential LAFCO applications involving or impacting agricultural lands to adopt citywide agricultural mitigation policies and programs consistent with LAFCO agricultural mitigation policies.	<b>Consistent:</b> The proposed project would include the adoption and implementation of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area and citywide. The Agricultural Lands Preservation Program sets forth mitigation to address the conversion of agricultural lands and create a greenbelt along the southern edge of the City’s sphere of influence.
	8	Agricultural lands or conservation easements acquired and transferred to an agricultural conservation entity should be located in Santa Clara County and be lands deemed acceptable to the city and entity.	<b>Consistent:</b> The proposed project would include the adoption of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area and citywide. The Agricultural Lands Preservation Program sets forth mitigation to address the conversion of agricultural lands and establishes

Table 3.9-4 (cont.): LAFCO Policy Consistency Analysis

Policy Area	Policy		Consistency Determination
	No.	Text	
			tools for the protection and preservation of agriculture. Consistent with LAFCO Policy 8, the City’s proposed Agricultural Lands Preservation Program requires conservation easements provided as mitigation to be within Santa Clara County, and furthermore strongly encourages conservation easements within the City’s SOI. An Agricultural Priority Area is proposed within the SEQ Area, which is intended to be the focus for acquiring permanent conservation easements to preserve large areas of agriculture and open space.
	9	The agricultural mitigation should result in preservation of land that would be: a. Prime agricultural land of substantially similar quality and character as measured by the Average Storie Index rating and the Land Capability Classification rating; and b. Located within cities’ spheres of influence in an area planned/envisioned for agriculture; and c. That would preferably promote the definition and creation of a permanent urban/agricultural edge.	<b>Consistent:</b> The proposed project would include the adoption of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area and citywide. The Agricultural Lands Preservation Program sets forth mitigation to address the conversion of agricultural lands and establishes tools for the protection and preservation of agriculture. Consistent with LAFCO Policy 8, the City’s proposed Agricultural Lands Preservation Program requires conservation easements provided as mitigation to be within Santa Clara County, and furthermore strongly encourages conservation easements within the City’s SOI. An Agricultural Priority Area is proposed within the SEQ Area, which is intended to be the focus for acquiring permanent conservation easements to preserve large areas of agriculture and open space.
	13	Cities should provide LAFCO information on how the city will ensure that the agricultural mitigation is provided at the appropriate time.	<b>Consistent:</b> The proposed project would include the adoption of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ

**Table 3.9-4 (cont.): LAFCO Policy Consistency Analysis**

Policy Area	Policy		Consistency Determination
	No.	Text	
			project area and citywide. The Agricultural Lands Preservation Program sets forth mitigation to address the conversion of agricultural lands and establishes tools to protect and preserve agriculture. New development proposed within the City that would convert agricultural lands to a non-agricultural use would be subject to mitigation requirements in accordance with the Agricultural Lands Preservation Program.
	16	A plan for agricultural mitigation that is consistent with these [LAFCO] policies should be submitted at the time that a proposal impacting agricultural lands is filed with LAFCO.	<b>Consistent:</b> The proposed project would include the adoption of a citywide Agricultural Lands Preservation Program intended to ensure the success and viability of agricultural uses within the SEQ project area and citywide. The Agricultural Lands Preservation Program sets forth mitigation to address the conversion of agricultural lands and establishes tools to protect and preserve agriculture. A copy of the city-approved Agricultural Lands Preservation Program will be provided to LAFCO as part of the City’s application to LAFCO for the proposed boundary adjustments.
Source: Michael Brandman Associates, 2013.			

**Level of Significance Before Mitigation**

*SEQ Area (Program Level)*

Less than significant impact.

*High School Site (Project Level)*

Less than significant impact.

**Mitigation Measures**

No mitigation is necessary.

**Level of Significance After Mitigation**

*SEQ Area (Program Level)*

Less than significant impact.

*High School Site (Project Level)*

Less than significant impact.

**HCP/NCCP Policy Consistency**

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**Impact LU-4:**           **The proposed project may conflict with the applicable policies of the Santa Clara County HCP/NCCP.**

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**Impact Analysis**

*SEQ Area (Program Level)*

The project site falls within the boundaries of the Santa Clara Valley HCP/NCCP. The HCP/NCCP was adopted in November 2012, and outlines procedures to minimize take of covered species and undesirable land use changes that have the potential to impact habitat. According to HCP/NCCP Figure 2-2, the plan classifies the SEQ Area as “Agriculture.” Figure 2-3 indicates a small portion of the area is suitable as Type 3 open space, which overlaps with the Agriculture Priority Area shown in Exhibit 2-9. The Type 3 Open Space designation is compatible with the uses contemplated within the proposed Agriculture Priority Area.

Future development and land use activities that occur within the SEQ Area would be subject to the provisions of HCP/NCCP Chapter 2.3.7 Rural Development and Chapter 9.4.1, which establishes fee obligations. As such, Mitigation Measure BIO-6a requires future development and land use activities that occur within the SEQ Area to comply with the applicable provisions of the HCP/NCCP. With the implementation of mitigation, impacts would be less than significant.

*High School Site (Project Level)*

The High School site is also within the boundaries of the HCP/NCCP. HCP/NCCP Figure 2-2 classifies the High School site as Agriculture. Development of the High School would be subject to the provisions of HCP/NCCP Chapter 2.3.7 Rural Development and Chapter 9.4.1, which establishes fee obligations. As such, Mitigation Measure BIO-6b requires the High School to comply with the applicable provisions of the HCP/NCCP. With the implementation of mitigation, impacts would be less than significant.

**Level of Significance Before Mitigation**

*SEQ Area (Program Level)*

Potentially significant impact.

*High School Site (Project Level)*

Potentially significant impact.

**Land Use**

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**Mitigation Measures**

*SEQ Area (Program Level)*

Implement Mitigation Measures BIO-6a and BIO-6b.

*High School Site (Project Level)*

Implement Mitigation Measures BIO-6a and BIO-6b.

**Level of Significance After Mitigation**

*SEQ Area (Program Level)*

Less than significant impact.

*High School Site (Project Level)*

Less than significant impact.