

## MEMORANDUM

DATE January 9, 2015  
TO State Clearinghouse  
1400 10th Street,  
Sacramento, CA 95814  
FROM Carey Stone  
SUBJECT City of Morgan Hill Health and Safety Element Amendments

The attached document is submitted on behalf of the City of Morgan Hill for State review. The document includes an update of the City's Public Health and Safety Element and an update of the City's Open Space and Conservation Element. The Public Health and Safety Element update has been conducted to address AB 162 Section 650302(g), triggered by the update of the City's Housing Element, as well as to address comments submitted by the Santa Clara Valley Water District (SCVWD). The Open Space and Conservation Element has also been updated to address comments submitted by the SCVWD.

In addition to new policies and actions addressing fire and flooding hazards under AB 162, the update to the Public Health and Safety Element includes several reference maps. These include a map of General Plan Land Uses within State Responsibility Areas and Very High Fire Hazard Severity Zones, as well as others recommended by the SCVWD:

- FEMA National Flood Insurance Map
- Office of Emergency Services Dam Failure Inundation Map
- Areas historically subject to flooding

Additional reference maps recommended by the SCVWD will be included in the City's Open Space and Conservation Element:

- Creeks and Waterways
- Stormwater recharge areas

Enclosed are 16 copies of the two updated elements, including 15 copies for distribution to and review by the State Board of Forestry and Fire Protection and other relevant agencies. The updated sections, including map titles, are formatted in red and underlined.



# Open Space and Conservation

The Open Space and Conservation element advocates preserving open space, agricultural uses, hillsides, riparian areas, wildlife habitat and other natural features. Policies seek to establish a greenbelt around the city, preserve El Toro, conserve resources and protect the city's cultural heritage, all to help Morgan Hill retain its rural atmosphere as it continues to grow. A number of policies in this element derive from the South County Joint Area Plan, which addresses a variety of open space, conservation and regional planning concerns.

## Open Space and Conservation Goals

1. Preservation of open space areas and natural features
2. A stable, long-term city boundary reinforced by a greenbelt
3. A viable agricultural industry
4. Preservation of hillside areas as open space
5. Preservation and reclamation of streams and riparian areas as open space
6. Protection of native plants and animals
7. Conservation of natural resources
8. Preservation of the city's historic identity

## Open Space

The abundance of open space within and around Morgan Hill is a key contributor to quality of life for city residents and visitors. Preserving open space, including in conjunction with new development, is essential to maintaining the uniqueness and quality of life of Morgan Hill. In accordance with Measure C lands that are designated "Open Space" on the Morgan Hill General Plan Land Use/Circulation Elements map, as amended through November 19, 2003 are hereby reaffirmed and readopted through fiscal year 2019/20. This provision shall not prevent the City Council from designating additional lands as open space.

### **Goal 1. Preservation of open space areas and natural features**

#### **Policies**

- 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.
- 1b. Support agricultural uses that can preserve open space.



- 1c. Preserve and maintain the wide variety of open spaces in the South County. Greenbelts should delineate and provide contrast between the city and adjacent urban areas. A system of city and regional parks should be linked by pedestrian ways, trails, and streamside parks. (SCJAP 16.00)
- 1d. A variety of methods shall be used to retain open space and, at the same time, respect the needs and rights of property owners. (SCJAP 16.00)
- 1e. The South County includes a variety of open space areas, including the valley floor, stream corridors, lands around reservoirs, lands adjacent to scenic highways, foothills, inter-mountain valleys, and mountain areas beyond the foothills. Of these geographic areas, stream corridors, lands around the reservoirs, lands which provide greenbelts, and significant hillside features should receive highest priority for preservation as open space and future regional park location. (SCJAP 16.01 & 16.02)
- 1f. Support County programs to: a) acquire and develop regional parks in the South County, providing just compensation for the taking of private lands; b) protect open space resources by regulating land use to prevent the introduction of uses incompatible with open space resource preservation, within legally permissible limits, and preserve open space through planning, regulation, acquisition and/or development rights transfer programs; c) plan and regulate land use to avoid hazardous areas and protect critical natural resources; and d) continue to provide property tax relief via the Williamson Act to land owners who agree to maintain their lands in open space uses. (SCJAP 16.21)

**Actions**

- 1.1 Identify appropriate lands to preserve as open space.
- 1.2 Formulate a program for open space acquisition and maintenance that could involve a variety of funding sources and stewardship agencies.
- 1.3 Continue to require park land dedication or in-lieu fees from all new development to meet the recreation and open space needs of the residents of Morgan Hill.
- 1.4 Pursue further coordinated action with Gilroy and Santa Clara County, as well as effective individual action, to achieve successful implementation of South County open space goals and objectives. (SCJAP 16.19)
- 1.5 Continue City programs to: a) retain important open space lands through planning for orderly, staged urban development; b) acquire and develop City and neighborhood parks, providing just compensation for the taking of private lands; c) implement portions of trail systems and streamside park chains within their boundaries; d) plan and regulate land use to avoid hazardous areas and protect critical natural resources; e) designate future open space areas on the Land Use map; and f) participate in the development of regional open space preservation programs. (SCJAP 16.20)
- 1.6 Use a variety of open space preservation tools to protect open space in the city, including public acquisition, land use regulation, urban development policy, economic incentives to landowners, open space easements, transfer of development rights, planned cluster

development, assessment districts, and dedication of additional lands upon development. (SCJAP 16.17)

## Greenbelt

Maintaining the identity of Morgan Hill by providing a physical separation from San Jose and San Martin has long been important to city residents.

The purpose of the Greenbelt is to help physically define the City and separate it from San Jose and San Martin. The Greenbelt includes both public open space and private properties. Hillside areas within the Greenbelt include those that are the most visually prominent, as viewed from the valley floor. Edges of several Greenbelt areas are at elevations that reflect the beginning of hillside environments. Greenbelt areas on the valley floor include Silveira Park, Malaguerra Park and the Coyote Creek Parkway.

Areas outside of the Urban Limit Line that have been substantially subdivided into parcels smaller than 10 acres generally are not included in the identified Greenbelt areas. These areas are primarily located on the valley floor, outside the city limits. Many of the parcels in these areas are developed or are eligible for construction of single-family homes. The existing and potential density of development in these areas minimize their value as Greenbelt areas. However, the rural character of these areas does help to define and distinguish the urbanized city area from other urban and rural county areas. It is desirable for the City and County to coordinate land use planning activities in these areas.

Identification of areas as “Greenbelt” does not change the development potential or restrictions imposed under Santa Clara County development policies and regulations. Land uses within “Greenbelt” areas would continue to be agriculture, limited new residential uses, parks and other open space with minimal improvements. The City would work with the County to minimize off site visual impacts of new development. In addition, the Greenbelt is intended to identify areas where a targeted program of acquisition of open space easements or fee title to land may occur.

Identified “Greenbelt” areas are shown on Map 6.

### **Goal 2. A stable, long-term city boundary reinforced by a greenbelt**

#### **Policies regarding Creation of the Greenbelt**

- 2a. Establish and maintain a greenbelt to demarcate the urbanized area of the city from surrounding non-urbanized lands.
- 2b. Greenbelt areas should distinguish the urban area of Morgan Hill from San Jose and San Martin. The northern and southern boundaries of the city shall be defined by greenbelts to maintain community identity. (SCJAP 16.13)
- 2c. Protect views of hillsides, ridgelines and prominent natural features surrounding the City. These features help define the City’s historic rural character, sense of place, image and identity.

- 2d. In the area between Monterey Road and Highway 101 at the northern Sphere of Influence line, existing urban development precludes the City from providing a non-urban buffer between it and San Jose. The San Jose Coyote Valley Greenbelt, which includes the area south of Palm Ave. and north of the Morgan Hill city limits and is located within the San Jose Sphere of Influence, will provide the non-urban buffer for that area.
- 2e. Pursue a targeted program for acquisition of Greenbelt land in fee title or conservation easements. Properties that are most threatened with development which, if acquired, would provide significant public benefit should receive the highest priority for acquisition and/or establishment of easement.
- 2f. Acquire undeveloped parcels as a first priority.
- 2g. Acquire easements on properties using an approach that would maintain some appropriate development potential, maximize the use of available funds for greenbelt and open space protection, and minimize land management and maintenance costs.
- 2h. Acquire land in fee title when the City's objectives include allowing public access to the site for recreational or related activities.
- 2i. Acquire properties and easements on a "willing seller" basis. Eminent domain will not be used.

**Policies regarding Location of the Greenbelt**

- 2j. Locate the Greenbelt outside of the Urban Limit Line, where practical.
- 2k. Greenbelt areas should include steep hillside areas and areas with other severe geologic or environmental constraints which are located outside of the ULL.
- 2l. Greenbelt areas should include land designated Open Space in the General Plan and located on the fringe of the community.
- 2m. Greenbelt areas should not include unincorporated areas with residential development on lots of less than 10 acres, except in unusual circumstances.

**Policies regarding Uses within the Greenbelt**

- 2n. Support County policies or prohibiting commercial and industrial uses (excluding agricultural industry) in the unincorporated and greenbelt areas surrounding the city.
- 2o. The land uses appropriate within a greenbelt, might include: a) low-density residential development on lots 10 acres or more in size; b) public parks and recreational areas; c) privately operated recreation areas (e.g., golf courses and riding stables); and, d) agriculture . (SCJAP 16.16)
- 2p. Within Greenbelt areas, parks and other designated open spaces, scenic/open space easements, golf courses, low intensity public facilities involving minimal permanent improvements and agricultural activities are appropriate uses. Existing residential may remain and new residential uses should be located and designed to have minimal visual and other environmental impacts.
- 2q. Greenbelt areas which are privately owned are not intended for public recreational use.

### **Actions regarding Creation of the Greenbelt**

- 2.1 Use a variety of tools to create a greenbelt, including public acquisition, land use regulation, urban development policy, economic incentives to landowners, open space easements, transfer of development rights, planned cluster development, assessment districts, and dedication of additional lands upon development.
- 2.2 Develop a comprehensive program for monitoring land uses and acquiring and maintaining certain Greenbelt areas. Components of the program should include staffing and/or contract resources, identification of and securing funding for acquisition of easements and fee title to property, and administration of the program.
- 2.3 Work with San Jose and Santa Clara County to establish and preserve a defined, permanent greenbelt between Morgan Hill and San Jose in the southern Coyote Valley, comprised of agricultural uses, rural estates, and the Coyote Park chain. (SCJAP 16.13 &16.14)
- 2.4 Work with San Jose, Gilroy and Santa Clara County to implement plans for the preservation of greenbelts between the cities. (SCJAP 16.22)
- 2.5 Work with San Jose, Gilroy and the County to identify and establish a viable source of funding for acquiring and developing regional parks, pathways, and open space. (SCJAP 16.22)
- 2.6 The highest priority areas for Greenbelt preservation include the east side of El Toro, the Edmundson/DeWitt/Sunset area, and the foothills on the eastern side of the valley north of Dunne Ave.
- 2.7 The second highest priority areas for Greenbelt preservation include the west side of El Toro and the hill area south of Edmundson.
- 2.8 The third highest priority areas for Greenbelt preservation include the west side of Paradise Valley, the Baird Ranch (north of Llagas Road), and the Boy's Ranch/Coyote Creek Park area.
- 2.9 When acquiring fee title or easements, offer property owners fair market value using industry standard appraisal techniques.

### **Actions regarding Location of the Greenbelt**

- 2.10 The Greenbelt on El Toro should include all lands recommended for open space protection by Action 4.1 of this Element.
- 2.11 The Greenbelt on the western side of Paradise Valley should include land at or above the 490-foot elevation contour line.
- 2.12 The Greenbelt for the hill area south of Edmundson Avenue and north of Sycamore Avenue should include land that is outside the current Urban Growth Boundary and at or above the 490-foot elevation contour line.
- 2.13 Maintain the Boy's Ranch within the Urban Service Area in recognition of the services it is provided, while also identifying it as a Greenbelt area.
- 2.14 Silveira Park and the City-owned lands along Llagas Creek to the west should be included with the Greenbelt.

### **Actions regarding Uses within the Greenbelt**

- 2.15 Support the County maintaining low densities and large minimum lot size requirements for undeveloped areas not planned for urbanization and lands identified as Greenbelt.
- 2.16 Actively work with the County to find mechanisms that would provide the City with greater influence over development in the unincorporated areas of the City's Sphere of Influence.

- 2.17 Within City hillside Greenbelt areas, new development should be subject to a site and design review process that encourages minimizing environmental impacts including minimizing the amount of grading and encouraging location of structures in areas where they are least visible from the valley floor.
- 2.18 The basic Santa Clara County development review process should be evaluated, updated and strengthened to achieve greater restriction on visibility, from the valley floor and major transportation corridors, of structures in the hillside Greenbelt areas. This updated review process should result in a minimal review process for structures that are not visible from the valley floor and major transportation corridors, and an extensive review process for structures that are visible.

**Map 6. Greenbelt Areas**



## Agriculture

Agriculture has been important to the city as an industry and employment generator throughout its history, in addition to contributing to the city's rural character. Agricultural development policies intend to retain the historic agricultural character of lands surrounding Morgan Hill, and to minimize conflicts between urban development and agricultural uses.

Supporting agriculture requires finding innovative ways to help farming and ranching operations become and remain competitive in an increasingly marginal economic environment.

### Goal 3. A viable agricultural industry

#### Policies

- 3a. Support programs and techniques, including conservation easements and purchase of development rights to encourage the retention of agricultural activities and to minimize conflicts in the transition from agriculture to urban uses.
- 3b. Support agricultural activity by encouraging agriculture-related industry, commercial uses, and community events within the urban area.
- 3c. Support significant agricultural activity within the Sphere of Influence by providing a market for agricultural products (e.g., farmer's market), and decreasing the costs associated with agriculture by allowing such uses to occur in the Sphere of Influence
- 3d. Support use of farming cooperatives within agricultural buffer areas.
- 3e. Support programs to encourage purchase of locally produced agricultural products.
- 3f. Support programs to foster agricultural education.
- 3g. Continue to support the long-term maintenance of agricultural land uses and agriculture as an economic enterprise in South County, since it contributes to the local economy, helps to delineate urban boundaries, and is a productive use for land which is not immediately planned for urban development. (SCJAP 14.00)
- 3h. Take positive action to encourage agriculture by supporting policies favorable to agriculture. (SCJAP 14.01)
- 3i. Protect agricultural lands from encroachment by incompatible land uses, including urban residential development. (SCJAP 14.02)
- 3j. Maintain the economic viability of agriculture using a variety of methods, such as: contiguous urban development, the designation as agricultural lands those lands which are outside of planned urban areas, minimum lot size designations in agricultural areas, the limitation of land uses in agriculturally-designated areas to agriculture and uses necessary for the support of agriculture, and the encouragement of direct marketing methods. (SCJAP14.02)
- 3k. Establish areas for the permanent preservation of agricultural lands and programs to accomplish that objective, such as exclusive agricultural zoning, transfer of development rights (TDR) programs, and right-to-farm legislation. (SCJAP 14.03)
- 3l. Preserve some prime agricultural lands in South County (particularly within the prime agricultural areas east and south of Gilroy) for agricultural use through appropriate agricultural land preservation tools,

- such as exclusive agricultural zoning, transfer of development rights (TDR) programs, and right-to-farm legislation. (SCJAP 14.04)
- 3m. In the County, support continuation of the A-20 and A-40 minimum lot size designations in the agricultural area. (SCJAP 14.05)
  - 3n. Support the expansion of the "uses compatible with agriculture" category in County zoning ordinances and Williamson Act policies only when such additional uses will clearly contribute to the long-term viability of agriculture. (SCJAP 14.06)
  - 3o. Plan for further urban growth to occur in areas which will avoid encroachment into those agricultural lands with the greatest long-term potential to remain economically viable. (SCJAP 14.07)
  - 3p. Convert agricultural land that has been designated for urban growth in an orderly manner to retain the stability and viability of remaining agricultural lands as long as possible. (SCJAP 14.08)
  - 3q. Support policies of the Local Agency Formation Commission (LAFCO) which would guide urban development away from those agricultural areas with the greatest potential for long-term economic viability. (SCJAP 14.10)

#### **Actions**

- 3.1 Use a variety of techniques to protect agricultural land, including land use regulation, urban development policy, conservation easements (with matching grant funds from appropriate agencies, where possible), and transfer or purchase of development rights.
- 3.2 When new development is proposed adjacent to an existing agricultural operation, require the appropriate buffer to be provided from land within the proposed development.
- 3.3 Participate in direct marketing of locally produced agricultural products, as appropriate.
- 3.4 Wherever existing development patterns and existing and planned roads and other public facilities permit, concentrate urban development adjacent to existing developed areas in order to minimize the impact of development on agricultural land.
- 3.5 Use policies for Urban Service Area extensions and utility extensions to guide urban growth away from long-term agricultural areas. (SCJAP 14.09)
- 3.6 In order to separate agricultural from urban activities, and to minimize land use conflicts, establish buffers between viable agricultural areas and urban expansion areas, limiting activities in these buffer zones to uses which are compatible with both agricultural and urban activities. Specific uses should be defined through an open inter-governmental process. (SCJAP 14.11)
- 3.7 Determine the range of activities permitted in agricultural areas of South County through an intergovernmental process, where the range of allowed uses reflect the activities which are necessary to promote the continued economic viability of agriculture in South County. (SCJAP 14.12)



## Hillside Areas

The slopes that flank Morgan Hill have played a major role in shaping the city. They have kept development primarily on the valley floor, provided a scenic backdrop for the community and open areas in residential projects below them, and generally have enhanced property values. Maintaining open views of the hillsides, as well as preserving their important resources, are City priorities.

### Goal 4. Preservation of hillside areas as open space

#### Policies

- 4a. Retain the city's unique identity by preserving its landmark natural feature, El Toro Mountain, in a rugged, undeveloped state.
- 4b. Preserve scenic hillsides around the city in an undeveloped state, wherever feasible.

#### Actions

- 4.1 Preserve El Toro Mountain in open space above the 500 foot contour line on all sides, with the exception of the Llagas and Paradise Valleys (where all land above the 600 foot contour elevation should be preserved).
- 4.2 Provide for retention of hillside areas as open space through the dedication and/or purchase of scenic easements and/or open space easements, transfer of development rights and other appropriate measures.
- 4.3 Purchase lands and/or open space easements on El Toro through funds provided by a general bond election and/or grants from State, Federal, and private sources.
- 4.4 Work with Santa Clara County Parks and Recreation Department and Open Space Authority to incorporate a portion of El Toro Mountain into the Santa Clara County park system.
- 4.5 All hillside areas with an average slope in excess of 10 percent shall be regulated by the Hillside Ordinance.
- 4.6 Limit all building pads located within the hillside areas to an elevation at or below the 80' vertical drop from the ridgeline.
- 4.7 Limit the hillside/mountain areas to the east and west to low-intensity rural uses compatible with open space in order to maintain their integrity as the South County's major scenic and natural resources. (SCJAP 16.08)
- 4.8 Use the Preservation 2020 Task Force recommendations to support the regulation of hillside development. (SCJAP 16.08)
- 4.9 Implement intergovernmental agreements with the County, such as specific plans, to address land use and development policies for hillside areas, including the visual effects of hillside development on the ridgelines. (SCJAP 16.09)
- 4.10 Encourage the Santa Clara County Open Space Authority to designate El Toro as a high priority area for preservation.

## Riparian Areas

Five creeks traverse Morgan Hill: Coyote and Fisher Creeks drain north to the San Francisco Bay, and Edmunson, Tennant and West Little Llagas Creeks flow into Monterey Bay. The city creeks and drainages can complement existing and new development by providing



recreational access, pedestrian and bicycle connections, and places where people can go to appreciate the natural environment. Efforts to retain and rehabilitate water courses and adjacent banks will benefit the entire community. [Map 7 \(Creeks and Waterways\) shows creeks and drainage channels](#) and [Map 8 \(Stormwater Recharge\) shows stormwater recharge areas within Morgan Hill.](#)

### **Goal 5. Preservation and reclamation of streams and riparian areas as open space**

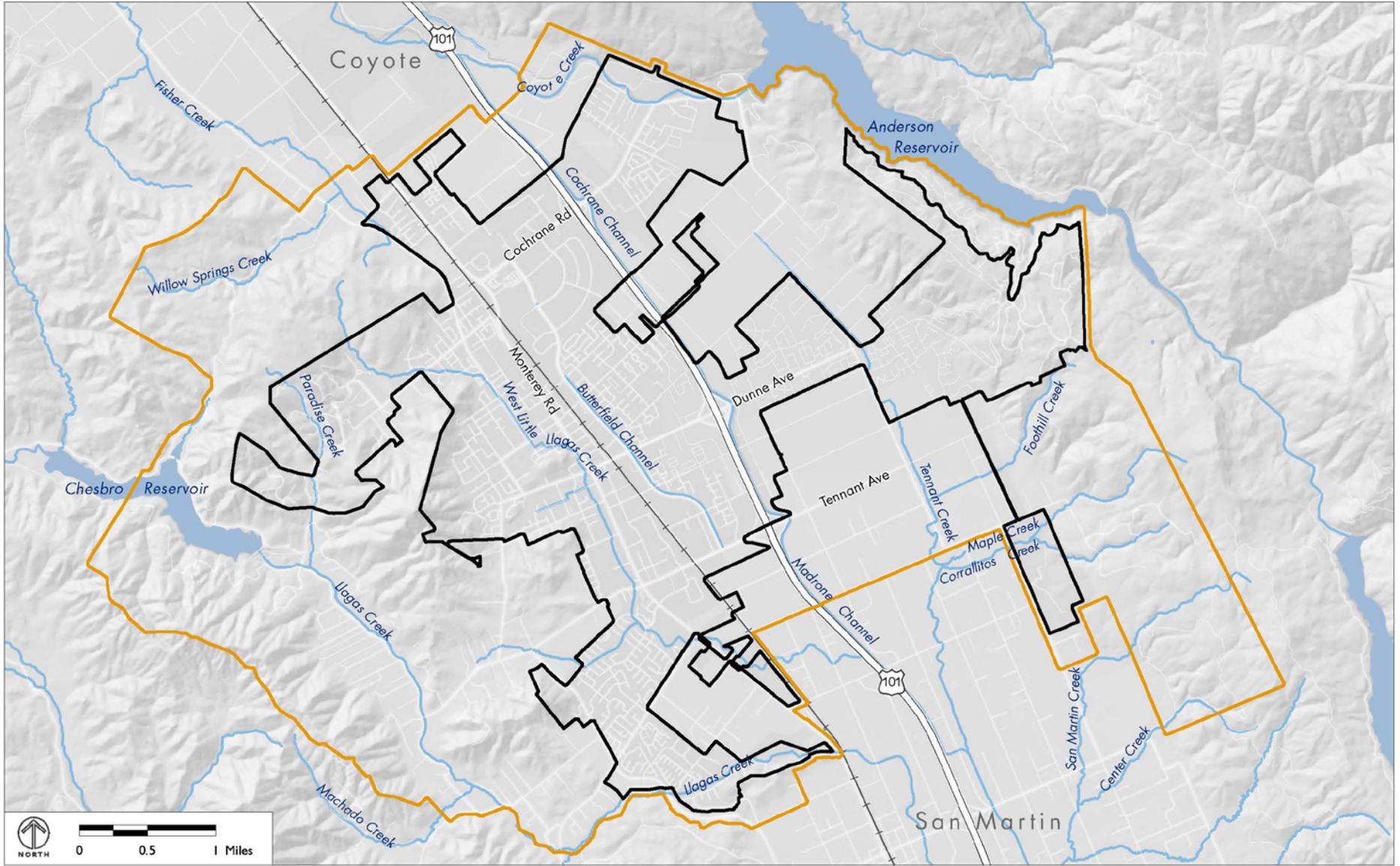
#### **Policies**

- 5a. Encourage reclamation of degraded streams and riparian areas.
- 5b. Maintain riparian systems, stream banks and floodways in open space or related open space uses such as wildlife habitat, recreation or agriculture. (SCJAP 16.10)
- 5c. A proposed streamside park along West Little Llagas Creek should be actively implemented and connected to the County trail system. (SCJAP 16.10 & 16.12)
- 5d. Retain natural streamside and riparian areas in their natural state in order to preserve their value as percolation and recharge areas, natural habitat, scenic resources, recreation corridors and for bank stabilization. (SCJAP 15.08)
- 5e. Where flood control projects are needed to protect existing development, minimize disruption of streams and riparian systems, maintaining slow flow and stable banks through design and other appropriate mitigation measures. (SCJAP 15.08)

#### **Action**

- 5.1 Develop Design Guidelines provisions for preserving, reclaiming and incorporating riparian features into development.
- 5.2 Develop programs for the preservation and reclamation of degraded riparian areas.

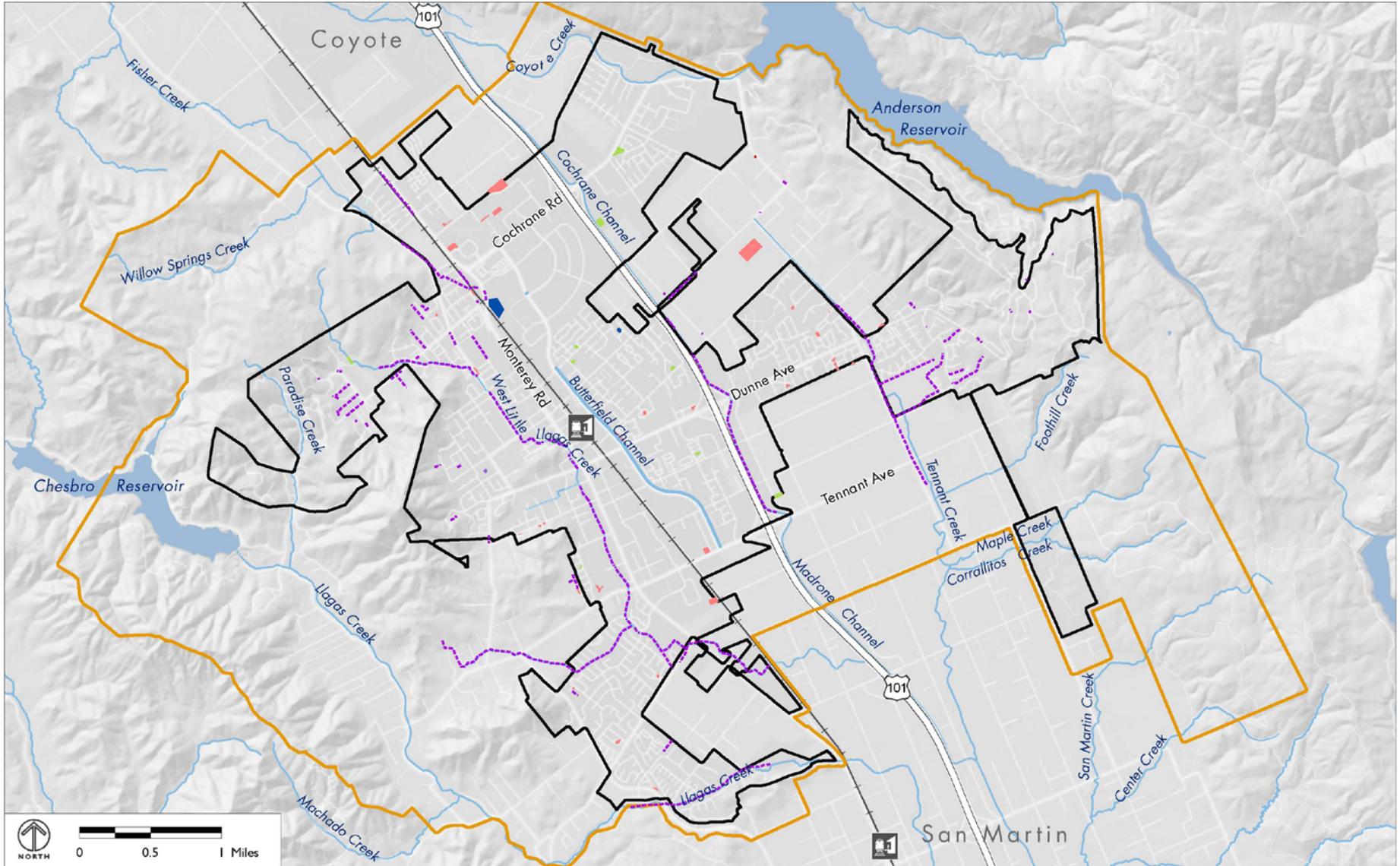
**Map 7. Creeks and Waterways**



Source: City of Morgan Hill; The Planning Center | DC&E, 2013.

- City Boundary
- Creeks and Drainage Channels
- Sphere of Influence (Morgan Hill 2035 Study Area)

**Map 8. Stormwater Recharge Areas**



- |                     |                              |                            |                         |
|---------------------|------------------------------|----------------------------|-------------------------|
| City Boundary       | Creeks and Drainage Channels | <b>Stormwater Facility</b> | Private Retention Pond  |
| Sphere of Influence | Stormwater Creek or Ditch    | Detention Pond             | Retention Pond          |
| Train Station       |                              | Pond                       | SCVWD                   |
|                     |                              |                            | Temporary Private Storm |

Source: City of Morgan Hill; Santa Clara Valley Water District, and PlaceWorks, 2014.  
 Note: This map is included for informational purposes and is not adopted as part of this General Plan.

**Stormwater Management Facilities**

## Plants and Wildlife

The City is committed to protecting significant native flora and fauna. Ensuring that development does not compromise existing habitat will be a part of future land use decisions.

### Goal 6. Protection of native plants and animals

#### Policies

- 6a. Preserve all fish and wildlife habitats in their natural state whenever possible. Consider development impacts upon wildlife and utilize actions to mitigate those environmental impacts.
- 6b. Minimize impacts upon wildlife when considering extending annexations, urban service areas, and other governmental actions that permit urban development of previously undeveloped property.
- 6c. Preserve outstanding natural features, such as the skyline of a prominent hill, rock outcroppings, and native and/or historically significant trees.
- 6d. Development shall be designed to conserve soil and avoid erosion. (SCJAP 13.06)
- 6e. Identify and protect wildlife, rare and endangered plants and animals and heritage resources from loss and destruction. (SCJAP 15.09)
- 6f. Access to creeks should be of sufficient width to accommodate trails, flood control access, and protection of riparian habitat. (SCJAP 16.11)
- 6g. Encourage use of native plants, especially drought-resistant species, in landscaping to the extent possible.

#### Actions

- 6.1 Develop Design Guidelines provisions requiring construction activities to avoid disturbance to natural features to the extent feasible.
- 6.2 Minimize development impacts upon wildlife within hillside areas through regulations of the Hillside Ordinance.
- 6.3 Consider development impacts upon wildlife in riparian areas and utilize actions to mitigate those environmental impacts.
- 6.4 Utilize a land modification matrix to evaluate all land modification and environmental impacts upon wildlife.

## Conservation

Conserving resources often depends on modifying established behavior patterns. The plan intends to encourage residents and businesses to conserve resources by providing programs that are easy to participate in.

### Goal 7. Conservation of natural resources policies

- 7a. New development should be designed to exceed State standards for the use of water and energy.
- 7b. Promote energy conservation techniques and energy efficiency in building design, orientation and construction.
- 7c. Maintain the citywide recycling program, including commercial and industrial efforts, as well as downtown recycling bins.

- 7d. All new public buildings should be designed to exceed state standards for energy and water efficiency.
- 7e. Promote aggressive litter control.
- 7f. Preserve Poppy Jasper as a natural resource unique to Morgan Hill.
- 7g. The landscaping plans for new development should address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.
- 7h. The City shall develop a comprehensive strategy for using water and energy efficiently at all City facilities.
- 7i. Use of renewable energy generation opportunities should be evaluated for all existing and future public buildings and facilities.
- 7j. The incorporation of renewable energy generating features, like solar panels, should be encouraged in the design of new development and in existing development.
- 7k. Promote water conservation and efficient water use in all public and private development projects and landscaping plans.
- 7l. Encourage use of non-potable water for landscape irrigation.

#### **Actions**

- 7.1 Participate in the formation of a cooperative energy network with other local governments, particularly in Santa Clara County.
- 7.2 In cooperation with PG&E, subject all municipal buildings to an energy audit and perform practicable energy conservation alterations on municipal buildings. Such alterations can include modifying automatic heating and cooling systems, lighting, installation of natural ventilation methods and solar hot water systems, etc.
- 7.3 Develop local ordinances that promote energy conservation and efficiency. Examples of such ordinance include: energy audits, solar access, solar swimming pool heating, insulation and solar retrofit, and solar water heating.
- 7.4 Establish programs under HCD Block Grant rehabilitation or Section 220 funds, to weatherize and solar retrofit existing homes.
- 7.5 Emphasize energy conservation building techniques for new residential construction through the implementation of Chapter 18.78 of the Municipal Code.
- 7.6 In compliance with Section 66473.1 of the State Subdivision Map Act, promote subdivision design that provides for passive solar heating and natural cooling through the Development Review Committee subdivision review procedures.
- 7.7 Investigate ways to increase public awareness and participation in recycling programs.
- 7.8 Require litter control considerations in all commercial development.
- 7.9 Work cooperatively with the County to ensure that City and County regulations prohibit the mining of Poppy Jasper.



## Historic Preservation

The City has an inventory of 54 properties noted for potential historic significance, and has designated 12 of those as cultural resources (see *Table 8*). The 12 sites were chosen because they are related to one or more key aspects of city history.

### Goal 8. Preservation of the city's historic identity

#### Policy

- 8a. Encourage the preservation and rehabilitation of the city's historic structures.

#### Actions

- 8.1 Review and update the inventory of historic resources, as appropriate.
- 8.2 Identify and protect heritage resources from loss and destruction. (SCJAP 15.09)
- 8.3 Prior to approving demolition of historically significant buildings, evaluate alternatives, including structural preservation, relocation or other mitigation, and demonstrate that financing has been secured for replacement use.
- 8.4 Designate historically significant structures or sites as cultural resources, and offer said properties rehabilitation loans or grants.

**Table 8. Designated Cultural Resources\***

	Name	Address	Date
1	Hatch House	35 West Main St.	1907
2	Bone House	95 West Main St.	1899
3	Bruzzone House	145 West Main St.	1890s
4	Page House	17100 Monterey Rd.	1908
5	Methodist Church	17175 Monterey Rd.	1893
6	Votaw Building	17400 Monterey Rd.	1905
7	Morgan Hill House	17860 Monterey Rd.	1886
8	Cribari Winery	18980 Monterey Rd.	1904
9	Acton House	17555 Peak Ave.	1911
10	Grange Hall	40 East Fourth St.	1909
11	McCreery House	25 West Fourth St.	1907
12	Newbold House	20 East Fifth St.	1904

*\*This table is included for informational purposes and is not adopted as part of this General Plan.*

# Public Health and Safety



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The Public Health and Safety element aims to protect persons from any detrimental impacts associated with development by requiring new construction to avoid hazardous areas and materials and/or provide adequate mitigation. This element also intends to safeguard public health by ensuring adequate water quality and by minimizing noise impacts.

## Public Health and Safety Goals

1. Reduction of potential harm to persons or property from geologic/seismic hazards
2. Minimal threat to persons, property and the environment from fire hazards
3. Avoidance of exposure to hazardous substances
4. The least possible damage to persons and property from flooding
5. Protection of water quality from contamination associated with urbanization
6. Cooperative efforts to ensure regional water quality
7. Prevention of noise from interfering with human activity or causing health problems
8. Protection from noise associated with motor vehicles and railroad activity

## Environmental Hazards

Several faults have been mapped or are inferred to underlie the eastern portion of the city (see Map 79), and movement associated with more distant and major faults historically has affected Morgan Hill. Hillside areas with landslide potential are of particular concern. Slope stability also requires appropriate treatment of vegetative cover during and after development.

The potential for fire damage increases with distance from the fire stations on Monterey Road and East Dunne Avenue, as well as with elevation above the valley floor. Additionally, a number of serious wildfires have highlighted the need for regulating development in wildland/urban interface areas. Precautions are proposed to protect hillside and developed areas from wildfire potential. Map 10 shows CAL FIRE fire hazard severity zones, and indicates areas for which the Board of Forestry has determined that the State of California has fiscal responsibility for wildland fire protection services as the State Responsibility Area (SRA), and areas for which local jurisdictions have fiscal responsibility as the Local Responsibility Area (LRA). Map 11 shows land uses under the General Plan that are within SRAs and very high fire hazard severity zones.

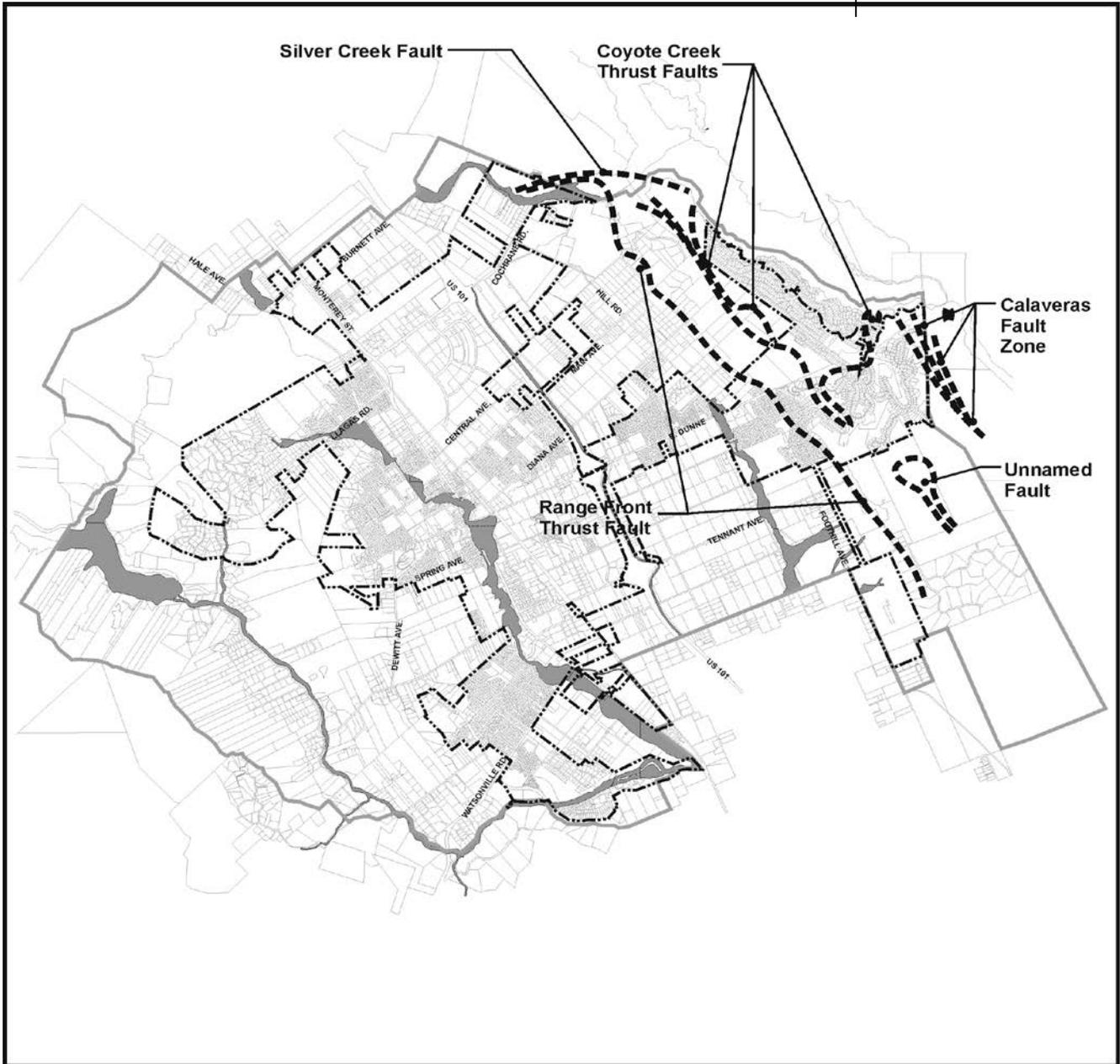
### **Goal 1. Reduction of potential harm to persons or property from geologic/seismic hazards**

#### **Policies**

- 1a. Limit uses on lands with geologic hazards.

- 1b. Where urban development has already occurred and there has been extensive capital improvements made, use mitigation procedures for development on lands with geologic hazards, including geologic investigations on a scale commensurate with development where geologic data indicates there is a known or suspected problem.
- 1c. Direct site preparation in hazardous areas at long-term geologic stability.
- 1d. Known or potential geologic, fire, and flood hazards should be reported as part of every real estate transaction, as well as recordation on documents to be reported for building permits, subdivisions and land development reports. Mitigation of hazards should be noted in the same manner.
- 1e. Design and construct critical structures above and beyond the Uniform Building Code requirements, where such measures are deemed necessary from available geologic and engineering data. Critical structures are those structures: a) needed after a disaster - emergency communications, fire stations, hospitals, bridges and overpasses; b) whose continued functioning is critical - major power lines and stations, water lines, and other public utilities; and c) whose failure might be catastrophic (e.g., large dams).
- 1f. Design and construct critical structures to resist minor earthquakes without damage, resist moderate earthquakes without structural damage, and resist major earthquakes of the intensity or severity of the strongest experienced in California without collapse.
- 1g. New development should avoid hazardous and sensitive areas, and should occur only where it can be built without risking health and safety. New habitable structures should not be allowed in areas of highest hazard such as floodways, active landslides, active fault traces, and airport safety zones. In areas of less risk, development should be limited and designed to reduce risks to an acceptable level. (SCJAP 15.00)
- 1h. Hillside should be protected, and development should be carefully controlled on steep slopes. When hillside land is developed, it should be done with minimum disruption of topography and vegetative cover. (SCJAP 15.00)
- 1i. Continue and improve public education programs that: a) increase awareness of the safety hazards present in South County, b) provide information on mitigation techniques, and c) strengthen public support for adopted policies which might restrict development in hazardous areas. (SCJAP 15.15)
- 1j. Keep development in hazardous areas to a minimum by encouraging low-density, low-intensity uses and the types of uses least disruptive to the soil and vegetative cover. (SCJAP 15.02a)
- 1k. Regulate development in hazardous areas in such a way that it minimizes disruption of the environment and does not trigger or accelerate the hazardous processes which exist in South County. (SCJAP 15.02b.)
- 1l. Prohibit development on known active landslides and limit development in areas where such development might initiate sliding or be affected by sliding on adjacent parcels. (SCJAP 15.02c)
- 1m. Prohibit development in areas where increased runoff from the addition of impervious surfaces and drainage would increase the probability of downslope landsliding, or where additional projects would add to the cumulative effect of increased runoff, unless a downslope drainage improvement plan has been approved. (SCJAP 15.02d)

**Map 9. Earthquake Faults and 100-Year Floodplain**



-  Known or Inferred Faults
-  100-Year Floodplain
-  Parcels
-  City Limit
-  Sphere of Influence



City of  
Morgan Hill

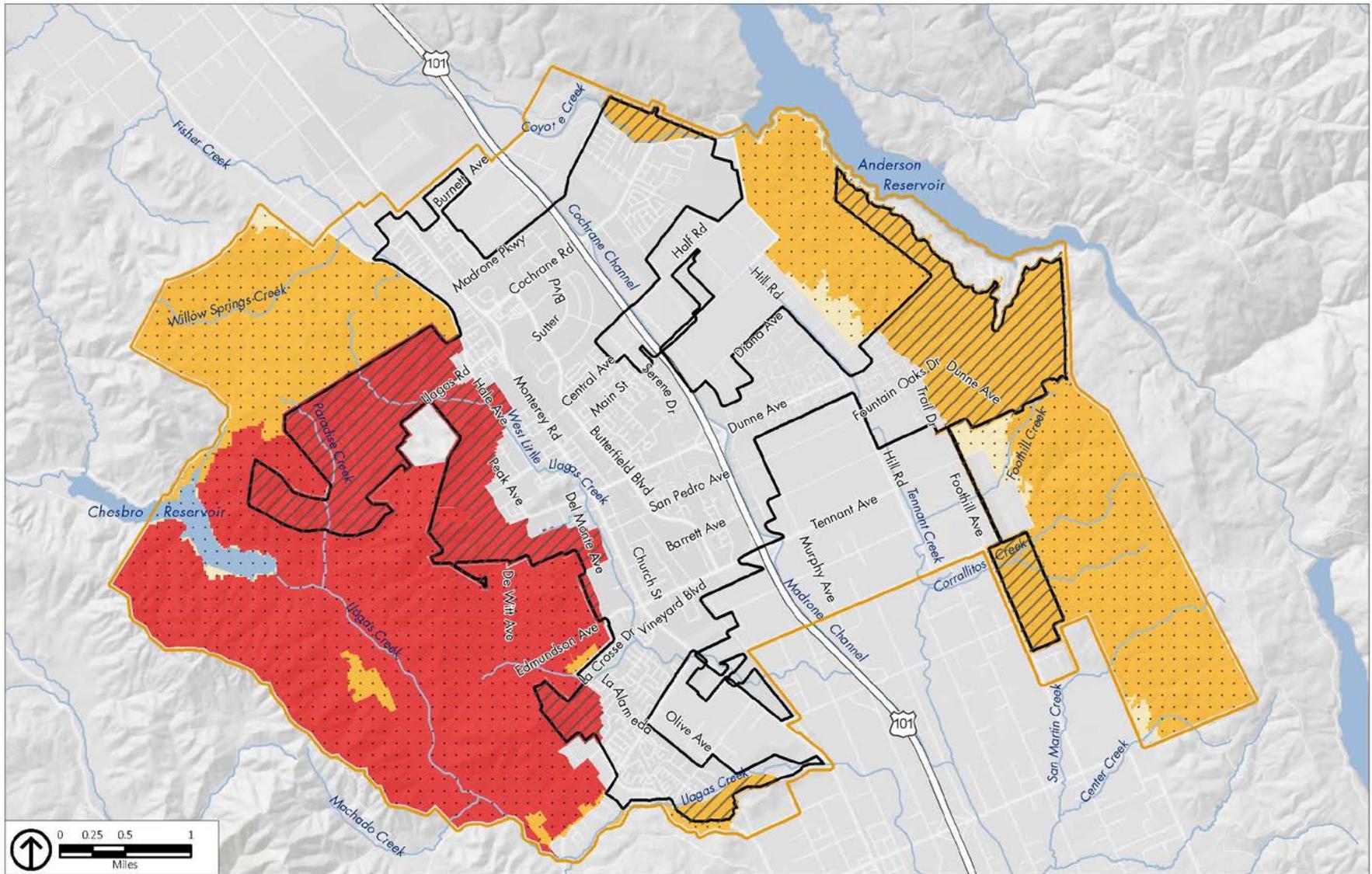
**General Plan**

Map 7. Earthquake Faults and 100-Year



0 2000 4000 8000  
Scale in Feet

**Map 10. Fire Hazard Severity Zones**



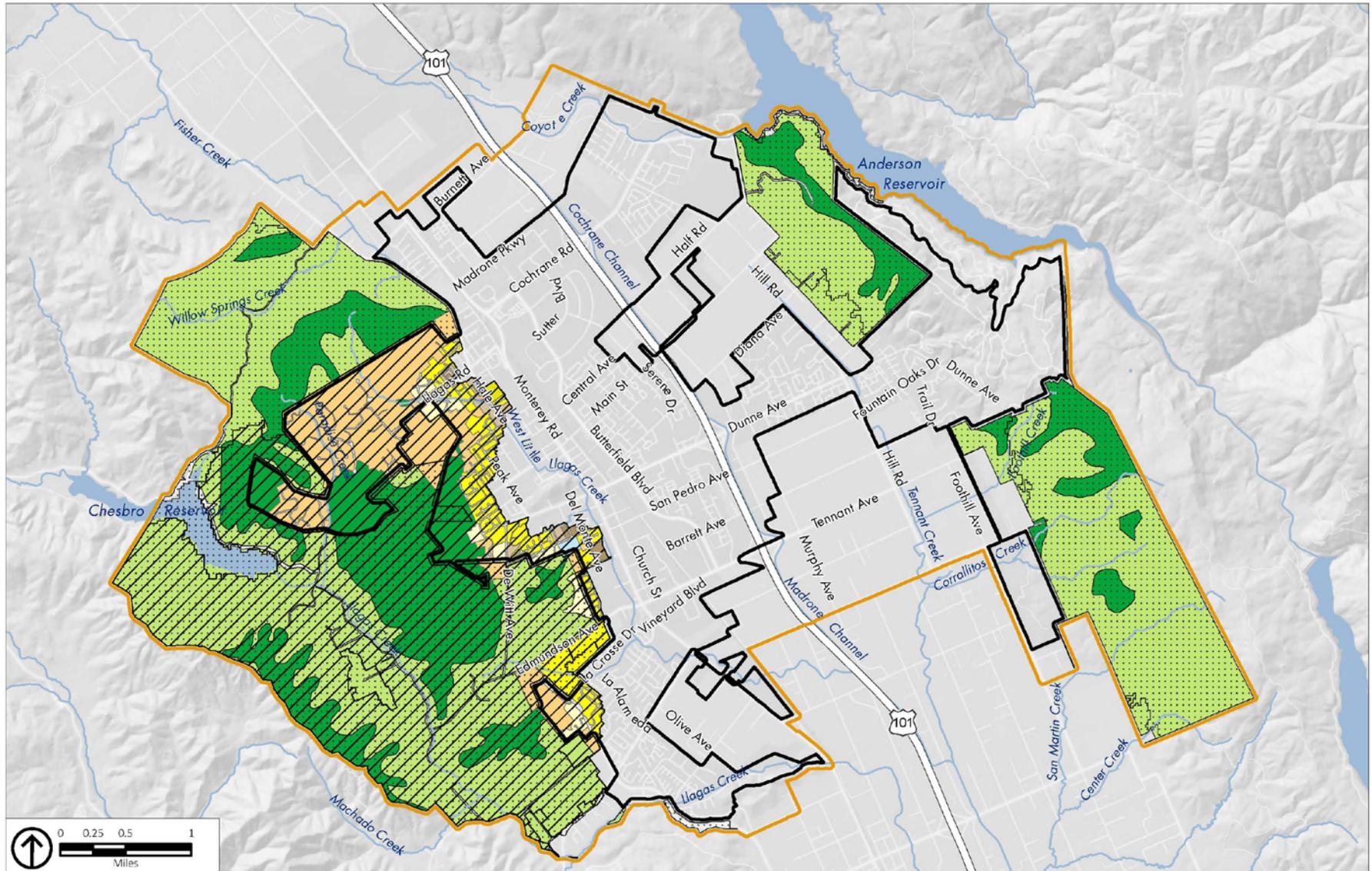
- |                     |           |                           |
|---------------------|-----------|---------------------------|
| City Boundary       | Very High | Local Responsibility Area |
| Sphere of Influence | High      | State Responsibility Area |
|                     | Moderate  |                           |

Source: City of Morgan Hill, 2013; CAL FIRE, 2007; PlaceWorks, 2014.

Note: This map is included for informational purposes and is not adopted as part of this General Plan.

## Fire Hazard Severity Zones

**Map 11. General Plan Land Use Within SRA and VHFHSZ**



- |                                     |                                     |                     |                    |
|-------------------------------------|-------------------------------------|---------------------|--------------------|
| City Boundary                       | General Plan Land Use: Rural County | Residential Estate  | Single Family High |
| Sphere of Influence                 | Open Space                          | Single Family Low   | Multi-Family Low   |
| Very High Fire Hazard Severity Zone | Single Family Medium                | Multi-Family Medium | Public Facilities  |
| State Responsibility Area           |                                     |                     |                    |

Source: City of Morgan Hill, 2013; CAL FIRE, 2007; PlaceWorks, 2014.

Note: This map is included for informational purposes and is not adopted as part of this General Plan.

**General Plan Land Use  
within SRA and VHFHSZ**

- 1n. Cluster development in hazardous areas with dwellings grouped on the least hazardous portion of the property. (SCJAP 15.02e)
- 1o. Limit development in less hazardous areas and design it to reduce risks to an acceptable level. (SCJAP 15.03)

**Actions**

- 1.1 Continue to require geologic studies for development in hillside areas and geotechnical studies for critical facilities in areas with liquifiable soils.
- 1.2 Enact, adopt and enforce an ordinance incorporating the Alquist-Priolo Act requirements to mitigate negative environmental impacts in geotechnical hazard areas.
- 1.3 Maintain and periodically update a Post-Disaster Contingency Plan, and make it available to all agencies normally involved in post-disaster rehabilitation.
- 1.4 Cooperate with the South County jurisdictions to develop a process for sharing information relating to development activity in areas of geological concern. (SCJAP 15.01)

**Goal 2. Minimal threat to persons, property and the environment from fire hazards**

**Policies**

- 2a. Ensure that appropriate precautions are taken during development to minimize the risk of fire and/or explosion associated with high-pressure gas lines.
- 2b. Minimize development in fire hazard areas and plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire. (SCJAP 15.04)
- 2c. Avoid actions which increase fire risk, such as increasing public access roads in fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire. (SCJAP 15.04)
- 2d. Protect public facilities from fire. Locate, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.
- 2e. Adequate infrastructure for fire suppression. Design adequate infrastructure if a new development is located in a state responsibility area (SRA) or in a very high fire hazard severity zone (VHFHSZ) or high fire hazard severity zone (HFHSZ) as indicated on the City of Morgan Hill Wildland Urban Interface map (adopted March 18, 2009), including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
- ~~2e-2f.~~ Reduce fire risks. Work cooperatively with CAL FIRE and other public agencies with responsibility for fire protection to reduce fire risks in Morgan Hill.

## **Actions**

- 2.1 Maintain a long range inspection program for fire prevention with highest priority established by the level of occupancy (high density uses - hotels apartments, offices, theaters and churches) and the nature of occupancy (schools, hospitals, jails and nursing homes).
- 2.2 Continue to support special High Risk Fire Hazard Zones requirements.
- 2.3 Develop alternative north-south access roads through the South County for use in the event that the South Valley Freeway is damaged in a major earthquake. (SCJAP 15.07)
- 2.4 Continue existing development regulations and policies regarding management of hazardous areas, with monitoring to determine their effectiveness. Make policy changes only after review by all three South County jurisdictions. (SCJAP 15.10 & 15.11)
- 2.5 Enforce and maintain current zoning and land development ordinances and policies restricting development on hillsides to low-density, low-intensity uses. (SCJAP 15.12a)
- 2.6 Enforce and maintain strict grading and building regulations to minimize instability of sloping areas and reduce public costs associated with maintaining roads and utilities on unstable slopes. (SCJAP 15.12b)
- 2.7 Require geotechnical investigations on all projects in unstable areas, including areas of expansive soils, prior to construction to insure that the potential hazards are identified and can be properly mitigated. (SCJAP 15.13)
- 2.8 Where appropriate, allow development in areas where a second improved access road has been provided for emergency escape. (SCJAP 15.07)
- 2.9 Update all information regarding hazardous areas to reflect current knowledge. (SCJAP 15.11)
- 2.10 Contract with a consulting geologist for the review of development projects in potentially hazardous areas with costs covered by a fee to the developer. (SCJAP 15.13b)

## **Hazardous Materials**

Some businesses and activities in the city involve the transport, storage, or use of toxic or hazardous chemicals, which are carefully regulated by State and Federal agencies. Hazardous materials that pose a potential threat to human health include radioactive waste explosives, gasoline, pesticides, and household cleaning products, which are routinely transported on Highway 101.

The City seeks to protect citizens as much as possible from hazardous materials by reducing the potential for incidence or damage in the event of accidents or spills, and ensuring that the appropriate agencies are adequately prepared to deal with a hazardous material emergency.

### **Goal 3. Avoidance of exposure to hazardous substances**

#### **Policies**

- 3a. In order to minimize potential hazards, require generators of hazardous waste to use on-site pretreatment prior to discharging treated waste effluent into the sewer system, using such methods as neutralization, precipitation and oxidation. (SCJAP 9.05)

- 3b. Continue a program of regular inspections and monitoring to ensure compliance with local, state, and federal regulations, in order to reduce the risks associated with the use and handling of hazardous materials and wastes. (SCJAP 9.00)
- 3c. Continue to implement the Joint Powers Pretreatment Program for industrial and commercial hazardous material users and/or hazardous waste generators, and coordinate as appropriate with MOU inspections, HMSO regulations, and implementation of applicable state laws. (SCJAP 9.01)
- 3d. Continue to inspect regularly activities that store and/or use hazardous materials, including above-ground and underground storage tanks and related equipment, to ensure compliance with the City's Hazardous Materials Storage Ordinance (HMSO). (SCJAP 9.02)
- 3e. Regularly inspect those facilities which store hazardous waste on site for less than 90 days (a time period for which a hazardous materials storage permit is not required). (SCJAP 9.03)
- 3f. Require submittal of a hazardous materials handling plan as a prerequisite for developments requiring zone changes and use permits. (SCJAP 9.04)
- 3g. Support County and Santa Clara Valley Water District programs to encourage source reduction and waste minimization by smaller firms which generate hazardous wastes. (SCJAP 9.06)
- 3h. Vehicles and other equipment that may threaten the quality of water from leaking fuel tanks or oil spills should be removed from the site and/or repaired. (SCJAP 9.07)
- 3i. Work with Gilroy, Santa Clara County, Santa Clara Valley Water District, Regional Water Quality Control Board, and local community groups to coordinate and implement public education programs regarding hazardous materials and waste management. (SCJAP 9.08)
- 3j. During the implementation of "AB 2185" (Calif. Health and Safety Code Chap. 6.95 Division 20 Section 25500 et seq.) and successor legislation, make major efforts to achieve maximum integration between newly-mandated actions and ongoing hazardous materials programs, particularly as they apply to: a) coordinated permit and fee structure, b) coordinated inspections, c) emergency response ("business") plans, d) training programs, e) evacuation requirements, and f) information requirements. (SCJAP 9.09)
- 3k. Monitor the transportation of hazardous materials and wastes to reduce risks and ensure notification of South County jurisdictions in the event of a leak or spill. (SCJAP 9.10)
- 3l. Consider designating specific transportation routes for the conveyance of hazardous materials and waste, if the City desires hazardous materials and waste to be transported on routes other than designated truck routes. (SCJAP 9.13)
- 3m. Support the County's implementation of a Memorandum of Understanding (MOU) between the Department of Health Services (DOHS) and the County Health Department, whereby the County would act as an agent in requiring hazardous material users and waste generators to provide annual records and in monitoring the haulers of hazardous materials and waste. (SCJAP 9.14)
- 3n. To reduce the risk involved in transporting hazardous waste and decrease the volume of waste that must be disposed of, encourage the generators

- of hazardous waste to use on-site pretreatment, such as: neutralization, precipitation and oxidation. (SCJAP 9.15)
- 3o. Initiate a program to identify and abandon dry wells which have been used to dispose of contaminants. (SCJAP 9.16)
- 3p. Periodic household hazardous waste collection programs and other related activities should occur on a regular basis in order to limit the types and amounts of hazardous waste entering the ordinary waste stream. (SCJAP 8.09)
- ~~3q.~~ The Santa Clara County Hazardous Waste Management Plan is herewith incorporated in this General Plan by reference. It is a City policy to restrict off-site hazardous materials operations (Hazardous Materials Reprocessing uses as defined by the Zoning Ordinance) to industrially-zoned sites which
- ~~3r.~~~~3q.~~ have received Conditional Use Permits and which comply with the Santa Clara County Hazardous Waste management Plan or a City-designated equivalent.
- ~~3s.~~~~3r.~~ Require off-site hazardous materials operations to obtain permits through the process designated in Section 25199 of the California Health and Safety Code, including the Notice of Intent (NOI) and Local Assessment Committee (LAC) steps where applicable.
- ~~3t.~~~~3s.~~ Continue to allow Small Quantity Generators such as photo laboratories and dry cleaners to locate in appropriate commercial and industrial zones without requiring additional hazardous materials permits, providing that such uses comply with other Federal, State and local hazardous materials laws and regulations and providing that the site does not accept hazardous waste from off-site for reprocessing.
- ~~3u.~~~~3t.~~ Provide mitigation to remedy the effects of new or expanding development over areas with environmental contamination of any and all unauthorized discharges.

### Actions

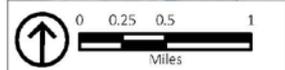
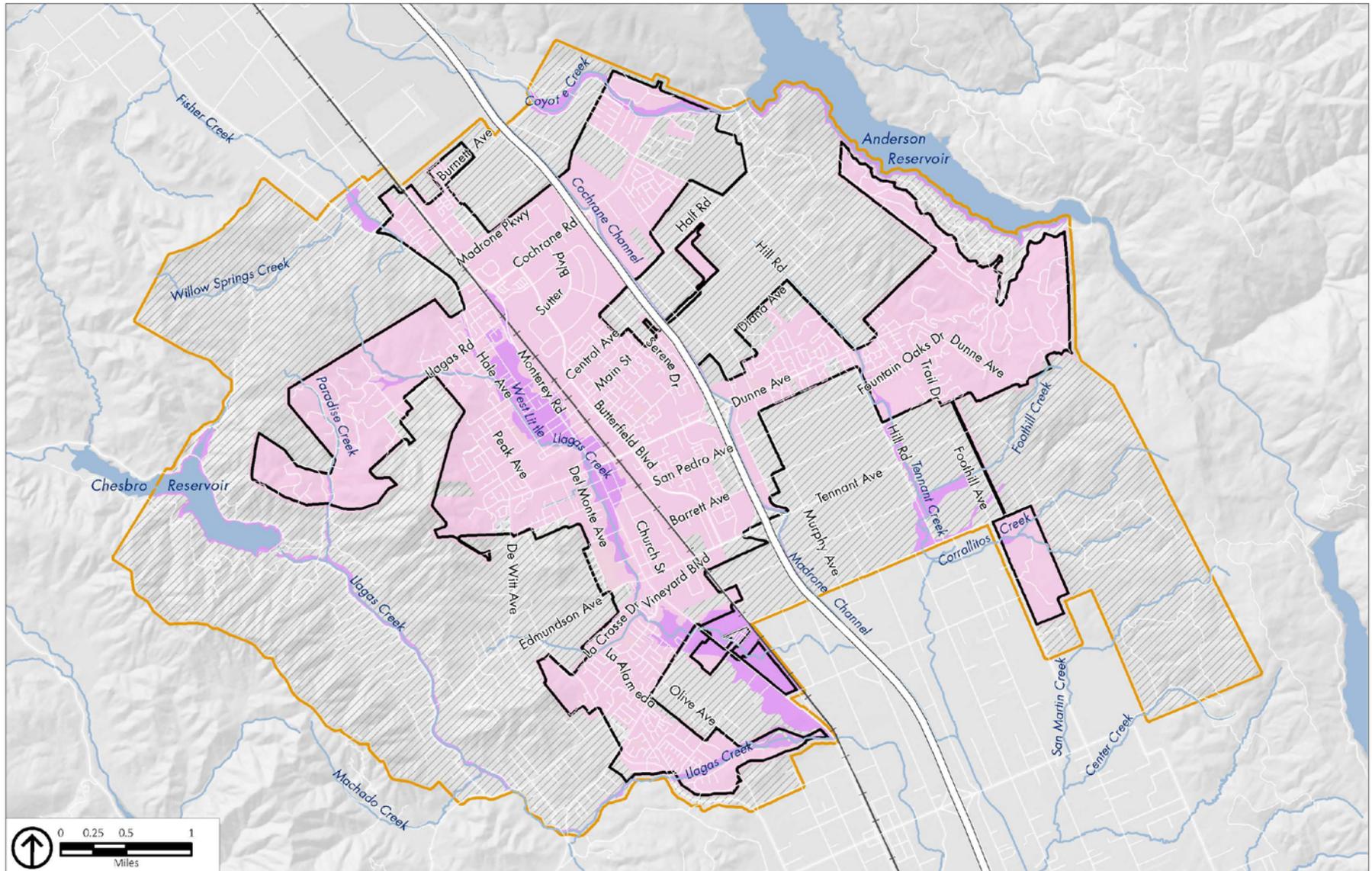
- 3.1 Enforce hazardous waste facility inspection via a Memorandum of Understanding between State Department of Health Services (DOHS) and County Health Department whereby the County Health Department would act as an agent of DOHS in enforcing this provision, and City Hazardous Materials Specialists and Pretreatment Inspectors may conduct inspections. (SCJAP 9.03)
- 3.2 Require that the South County jurisdictions receive reports from the Department of Transportation and the California Highway Patrol regarding spills or leaks on the highway. (SCJAP 9.11)
- 3.3 If a spill occurs while transporting hazardous materials or waste in one of the South County cities or the County, immediately notify the other jurisdictions. (SCJAP 9.12)

### Flood Control

All of the creeks in the city have flooding potential. Federal Emergency Management Agency ([FEMA](#)) standards govern development in the 100-year floodplain (see Map [79](#)), the area with a one percent or greater chance of being flooded in any year. Development in the floodplain must be controlled because it can increase flooding hazards by raising water levels upstream and by adding flow, velocity, and debris downstream. [Map 12 shows both 100-Year and 500-Year FEMA flood zones, and Map 13 shows historic flooding.](#)

Additionally, As illustrated in Map 14, much of Morgan Hill is subject to potential dam inundation from the Anderson and Chesbro Reservoirs. To address this hazard, the SCVWD has begun an extensive retrofit project on Anderson Dam. This retrofit project will strengthen the foundation of the dam and replace outlet pipes underneath the dam. The SCVWD anticipates that construction of the project will start in early 2016. Meanwhile, the SCVWD has lowered the water level to 68 percent of the Anderson Reservoir's capacity to significantly reduce the risk of dam failure or water overtopping the dam during a major earthquake.

**Map 12. FEMA 100-Year and 500-Year Flood Zones**



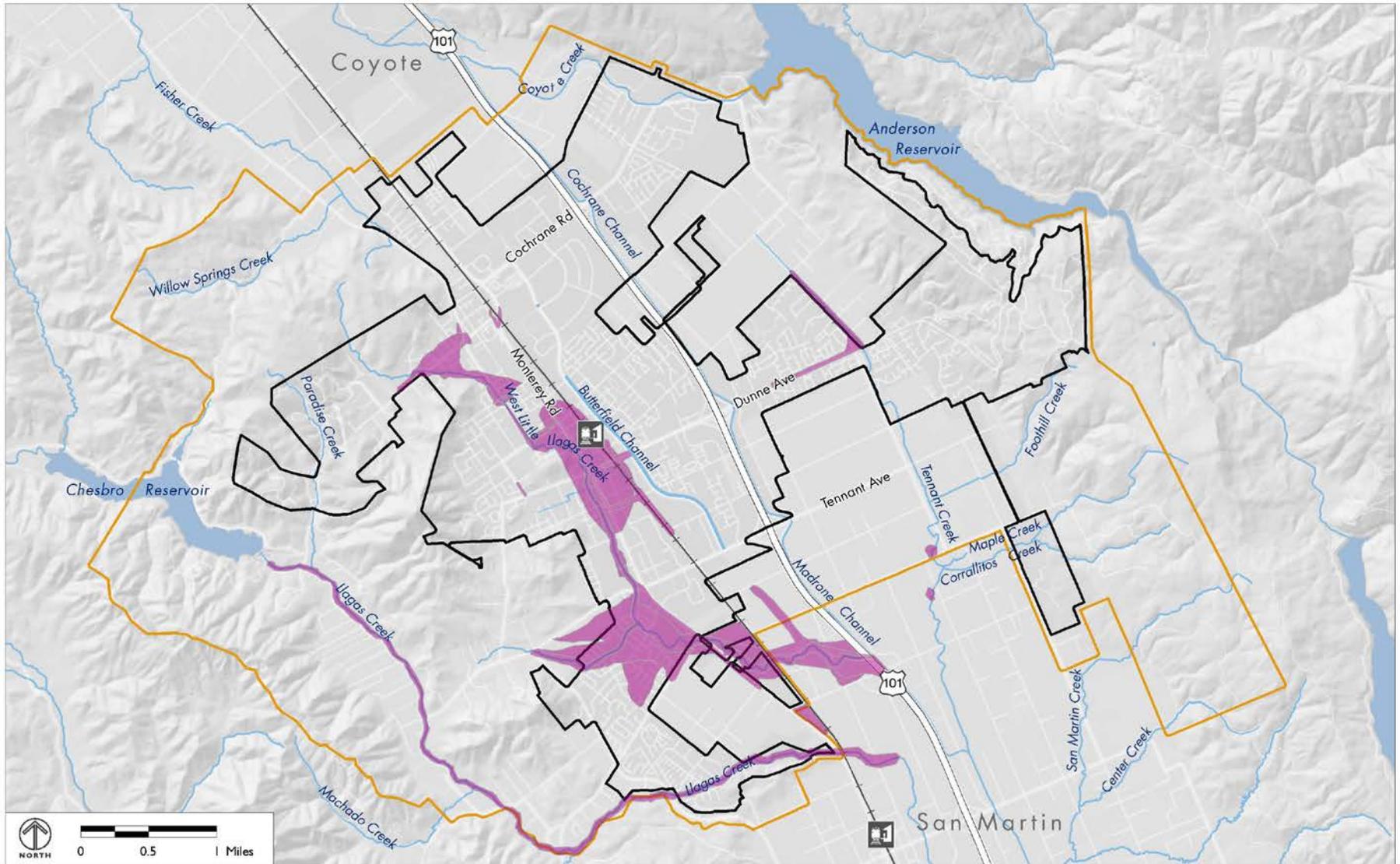
- City Boundary
- Sphere of Influence
- 500-Year Flood Zone
- 100-Year Flood Zone
- Unstudied Area

Source: City of Morgan Hill, 2013.

Note: This map is included for informational purposes and is not adopted as part of this General Plan.

FEMA Flood Zones

**Map 13. Historic Flooding**

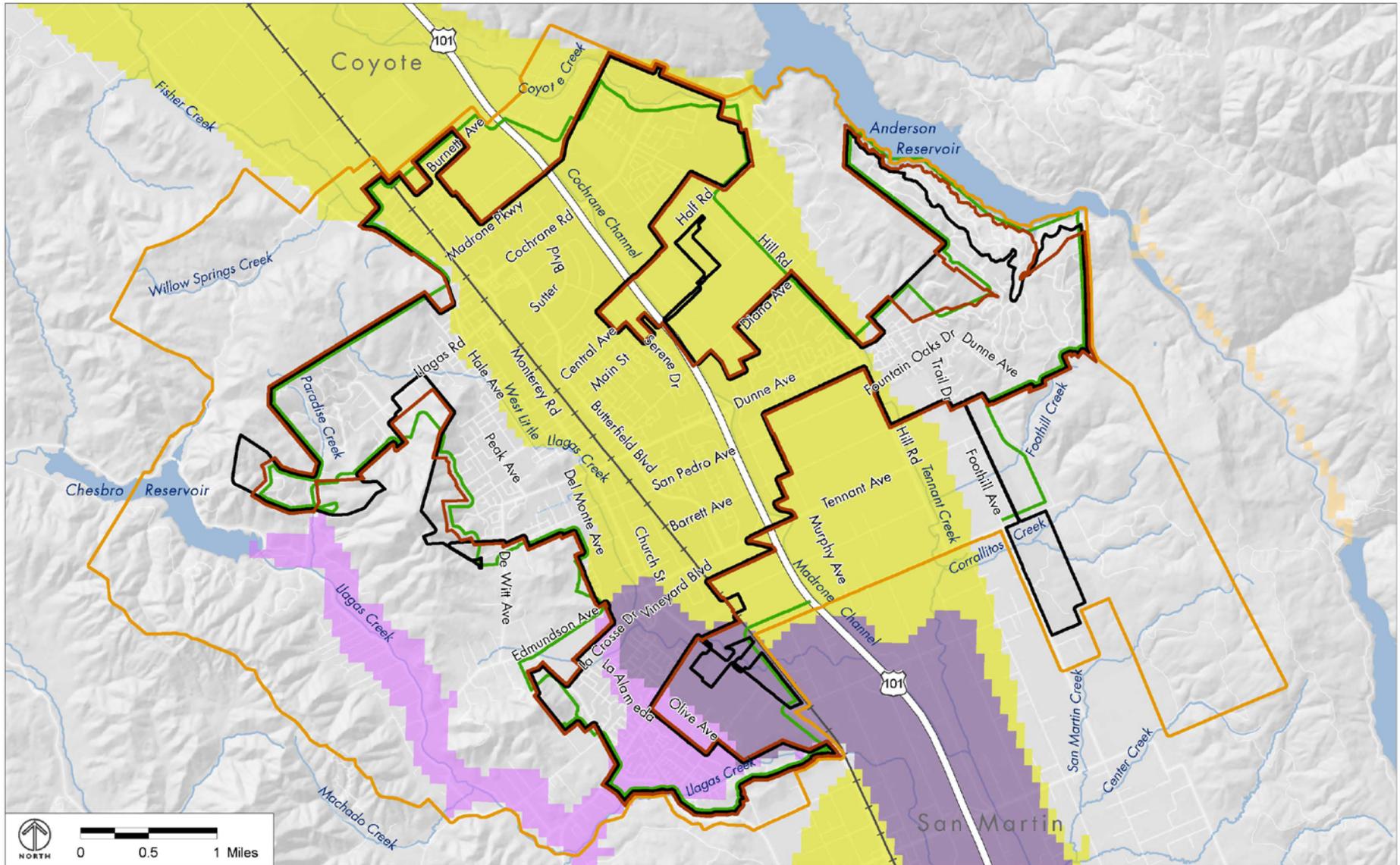


- City Boundary
- Sphere of Influence
- Train Station
- Historic Flooding Areas (1982-2009)
- Creeks and Drainage Channels

Source: City of Morgan Hill; Santa Clara Valley Water District, and PlaceWorks, 2014.  
 Note: This map is included for informational purposes and is not adopted as part of this General Plan.

**Historic Flooding Areas (1982-2009)**

**Map 14. Dam Inundation Areas**



Source: City of Morgan Hill, 2013; Association of Bay Area Governments, 1995  
 Note: This map is included for informational purposes and is not adopted as part of this General Plan.

**Dam Inundation Areas**

## **Goal 4. The least possible damage to persons and property from flooding**

### **Policies**

- 4a. Prepare for impacts associated with potential failure of Anderson Dam.
- 4b. Prohibit development in floodways and regulate in floodplains to minimize flood damage and be consistent with the federal flood insurance program and Santa Clara Valley Water District regulations. (SCJAP 15.05)
- 4c. Limit development along the shores of reservoirs which can be expected to sustain damage from seismically-induced seiche waves. (SCJAP 15.6)
- 4d. Continue restricting development in areas of poor accessibility. Development should not be allowed in areas where access is provided by a single road that could be damaged by faulting or landslides, or where access could be cut off by wildfires, trapping residents or workers. (SCJAP 15.07)
- 4e. Natural streamside and riparian areas should be left in their natural state in order to preserve their value as percolation and recharge areas, natural habitat, scenic resources, recreation corridors and for bank stabilization. (SCJAP 15.08)
- 4f. Minimize disruption of natural riparian areas by flood control projects needed to protect presently existing development by maintaining slow flow and stable banks through design and other appropriate mitigation measures. (SCJAP 15.08)
- 4g. As flooding affects substantial areas of South County, and the flood control projects now being constructed are designed to protect only existing developed and currently planned urban areas, manage land development to mitigate flooding problems and minimize the need for local public funding for additional flood control and local drainage facilities. (SCJAP 12.00)
- 4h. Areas which are developed or planned for development should be protected by the construction of flood control facilities. Development should be managed through advanced planning and design standards to minimize off-site flooding and drainage problems. (SCJAP 12.00)
- 4i. Give highest priority for construction of flood protection facilities as follows: 1) to areas of existing development subject to the highest potential flood damage; 2) to undeveloped areas planned for urban development which would be subject to the highest potential of flood damage; 3) to agricultural lands; and 4) to other undeveloped areas. (SCJAP 12.01)
- 4j. If federal and state funds are not available for future flood control facilities and such facilities must be funded locally, assess the costs to those property owners who would benefit from and those who contribute to the need for such facilities. (SCJAP 12.02)
- 4k. Require developers whose proposed projects would induce downstream flooding to provide mitigation to eliminate the flood-inducing impacts of their projects. (SCJAP 12.03)
- 4l. If development is to be allowed in flood-prone areas, provide flood control facilities or appropriate flood-proofing prior to or in conjunction with development at developers' expense. (SCJAP 12.05)
- 4m. Where other mitigation measures do not solve the flooding problem, permit raising individual foundations (padding up structures) in

- appropriate situations; however, its use must be restricted in order to minimize the cumulative effects on adjacent areas. (SCJAP 12.06)
- 4n. Require mitigation of any storm water runoff produced by development that occurs beyond that described in the General Plans of the City and County as of 1982. (SCJAP 12.07)
- 4o. Require all local development to provide appropriate mitigation of off-site flooding impacts, including limiting runoff to pre-development levels and/or complete solutions to flooding and local drainage problems in the vicinity of the development, using such methods as detention or retention. (SCJAP 12.08)
- ~~4p. Require careful consideration of the cumulative effects of development which would drain into the upper reaches of Llagas Creek and other creeks,~~
- ~~4p. in order to avoid the need for channelization and consequent destruction of its riparian vegetation and natural habitat. (SCJAP 12.09)~~
- ~~4q. Maintain public facilities during flooding. Maintain the structural and operational integrity of essential public facilities during flooding.~~
- ~~4r. Protect public facilities from flooding. Locate, when feasible, new public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communication facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.~~
- ~~4s. Reduce flood risks. Work with the Santa Clara Valley Water District and other agencies with the responsibility for flood protection to reduce flooding risks in Morgan Hill.~~
- ~~4t. Evaluate flood risk in new development proposals. Consider risk of flood hazards and damage in new development proposals within flood hazard areas. Ensure that new construction is consistent with federal regulations to ensure flood protection.~~
- ~~4u. Avoid floodwater impacts on existing structures. Require that new developments within flood hazard areas are done in a manner that will not cause floodwaters to be diverted onto adjacent property or increase flood hazards to properties located elsewhere unless secured through a flood easement or fee title buyout.~~
- ~~4v. Evaluate new development in dam inundation areas. Consider risk of dam inundation in new development proposals within the Anderson, Chesbro, Coyote and Uvas dam inundation areas.~~
- ~~4w. Encourage flood management designs that respect the natural topography and vegetation of waterways while retaining dynamic flow and functional integrity.~~
- ~~4x. Preserve urban creeks and channels to maintain existing floodplain capacity.~~
- ~~4y. Support the efforts of local, regional, State, and federal agencies to improve flood management facilities along creeks and channels while conserving riparian habitat.~~
- ~~4z. Restore and maintain the natural functions of riparian corridors, creeks and channels to reduce flooding, convey stormwater flows, and improve water quality.~~
- ~~4aa. Encourage increased stormwater and flood management infrastructure capacity in order to accommodate changes in climate, precipitation, and extreme weather events.~~

4bb. Maintain, update, and make available to the public, as appropriate, community flood evacuation and rescue maps.

#### **Actions**

- 4.1 Apply floodplain zoning to all flood prone areas to maximize life safety, reduce property loss, and preserve natural vegetation, wildlife and scenic beauty.
- 4.2 Designate all floodways as open space, prohibiting construction except when consistent with State and federal regulations.
- 4.3 Develop, enact and enforce regulations for all floodplains, with specific standards to minimize flooding of existing structures and surrounding properties.
- 4.4 Send all subdivisions and private and public project referrals where activity is located near to floodplain areas to Santa Clara Valley Water District for review prior to City approval.
- 4.5 Require dedication pursuant to the State Map Act sections 66475 and 66478.5 for access to and along all waterways.
- 4.6 Continue to require dedication of floodway and floodplain areas pursuant to the PL566 Drainage Program.
- 4.7 Establish an early warning protocol to alert persons within the dam failure inundation zone.
- 4.74.8 Identify critical facilities. Conduct a study to identify critical facilities, such as levees, in flood hazard areas and within the dam inundation area, and seek ways to improve their level of protection, if possible.

## **Water Quality**

Because the City obtains all of its water from local wells, ensuring that development does not introduce pollutants into groundwater is extremely important.

### **Goal 5. Protection of water quality from contamination associated with urbanization**

#### **Policies**

- 5a. Protect water quality from contamination, and monitor it to assure that present policies and regulations are adequate. Prohibit such uses as waste facilities, septic systems and industries using toxic chemicals where polluting substances may come in contact with groundwater, floodwaters, and creeks or reservoir waters. (SCJAP 8.00)
- 5b. Use continued caution in the siting of landfills and transfer stations, and rigorous enforcement of local and regional regulations, in order to ensure the protection of groundwater quality. (SCJAP 8.05)
- 5c. Continue land use policies that limit the number of individual septic systems in areas vulnerable to groundwater contamination, because of the potential for cumulative degradation of water quality. (SCJAP 8.01)
- 5d. Continue to monitor groundwater and surface water quality conditions throughout the South County to determine if changes in regulations regarding septic systems and land use are needed. (SCJAP 8.04)
- 5e. In areas where future development is expected to be served by sewers, continue large lot policies which allow minimal development and

- limited numbers of septic systems. (This approach increases the feasibility of designing future urban density subdivisions with smaller lots, which are more efficient for sewers in terms of service and cost.) (SCJAP 8.02)
- 5f. Encourage enhancement of sensitive wetlands as part of future development.
  - 5g. Support the continuation of current County policies regarding septic systems and land use, with no lessening of standards. (SCJAP 8.03)
  - 5h. Continue caution regarding the siting of landfills, the construction of landfills (i.e., they should have clay liners, etc.), and the waste allowed in a sanitary landfill in South County so as not to create hazards to groundwater quality. (SCJAP 8.06)
  - 5i. Site and operate solid waste and hazardous waste transfer stations so as to minimize hazards to ground and surface water quality. (SCJAP 8.07)
  - 5j. Protect properties located in areas that have soils with rapid water percolation from future development in order to ensure existing water quality. Permit development in such areas according to the City's Hazardous Materials Storage Ordinance section specifically related to high percolation rates. (SCJAP 8.11)
  - 5k. Permit commercial and industrial developments proposed to be located in areas that have soils with rapid water percolation only under the strict safety limitations required by the City's Hazardous Materials Specialists. (SCJAP 8.12)
  - 5l. In order to provide greater protection of the aquifers which supply drinking water to the South County, give special consideration to the management of contaminants (e.g., hazardous materials, sanitary effluents) in groundwater recharge areas where no protective aquitard layer exists. (SCJAP 8.13)
  - 5m. Continue to monitor wells and provide the results to a central agency which would coordinate the data and make it available to all jurisdictions and agencies. (SCJAP 8.14)
  - 5n. Expand programs for monitoring private wells by including tests of more wells, tests on constituents not yet tested in private wells (i.e., volatile organics, bacteriological, radiological, etc.), and periodic retesting of selected private wells. (SCJAP 8.15)

#### **Action**

- 5.1 Evaluate water quality to ensure compliance with community standards and applicable State and federal provisions.
- 5.2 Develop standards requiring minimization of sediment and hydrocarbon runoff to streams.
- 5.3 Require wetland delineation and mitigation as part of the environmental review of future development.
- 5.4 Coordinate with jurisdictional agencies, as required, as part of the environmental review process for development projects.

### **Goal 6. Cooperative efforts to ensure regional water quality**

#### **Policies**

- 6a. Maintain close coordination with the following agencies and organizations which share jurisdiction and interest relative to South County's water supply and water quality: the Regional Water Quality

Control Boards, Santa Clara Valley Water District, County Health Department, County Executive's Office, County Planning Office, Gilroy Planning Department, and San Martin Planning Committee. (SCJAP 10.02)

- 6b. Encourage the two Regional Water Quality Control Boards which have jurisdiction in South County to agree upon compatible water quality standards and consistent approaches to implementing the State Board's nondegradation policy, so as not to confuse developers and jurisdictions which must carry out the Board's regulations. (SCJAP 10.01)
- 6c. Work with the Regional Water Quality Control Boards to rigorously enforce regulations relating to solid waste disposal. (SCJAP 8.08)
- 6d. Work jointly with Gilroy and Santa Clara County to achieve a balance between potential negative impacts and the benefits associated with the location of solid waste disposal sites and transfer stations. (SCJAP 8.10)
- 6e. Where appropriate, the Regional Water Quality Boards, Cities, County and other local agencies should adopt compatible ordinances (i.e., HMSOs), standards (i.e., septic tank and alternative treatment and disposal methods), and enforcement procedures (i.e., implementing AB 2185, California Health and Safety Code Chapter 6.95, Division 20, Section 25500 et seq.) regarding water quality so that there is no advantage for a company to locate in an area with lower standards. (SCJAP 10.03)
- 6f. Require the protection and/or replacement of essential habitat for rare, threatened, or endangered species and species of special concern as required by state and federal law.
- 6g. Encourage the protection, restoration, and enhancement of remaining native grasslands, oak woodlands, marshlands and riparian habitat.
- 6h. Preserve and protect mature, healthy trees whenever feasible, particularly native trees and other trees which are of significant size or of significant aesthetic value to immediate vicinity or to the community as a whole.

### **Action**

- 6.1 Consider intergovernmental coordination between the Cities, the County and local agencies as an effective means of resolving issues of concern and investigating the feasibility of compatible standards, ordinances and enforcement procedures. (SCJAP 10.00)

## **Noise**

Defined as unwanted sound, noise can be disturbing or annoying because of its pitch or loudness. Pitch refers to relative frequency of vibrations; higher pitch signals sound louder to people. Major noise sources in Morgan Hill in the year 2025 will include Highway 101, railroad activity, and traffic on major streets (see Maps [8-15](#) and [916](#)). Commercial and industrial sources in Morgan Hill contribute very little noise to the community.

A decibel (dB) is a measure based on the relative amplitude of a sound. Ten on the decibel scale marks the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10 decibel increase is perceived as a doubling of loudness.

The California A-weighted sound level, or dBA, gives greater weight to sounds to which the human ear is most sensitive.

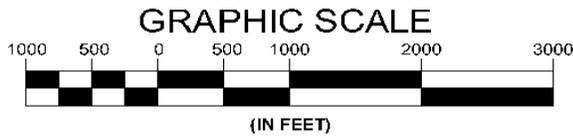
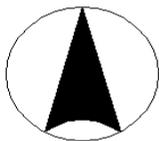
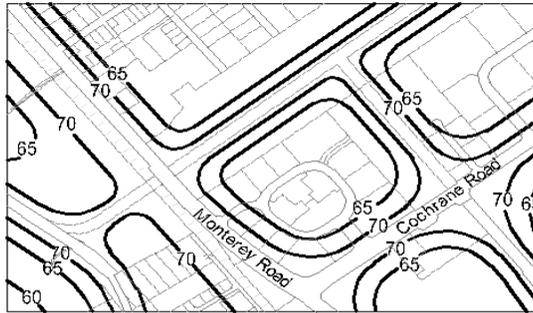
Sensitivity to noise increases during the evening and at night because excessive noise interferes with the ability to sleep. Twenty-four hour descriptors have been developed that emphasize quiet-time noise events. The Day/Night Average Sound Level,  $L_{dn}$ , is a measure of the cumulative noise exposure in a community. It includes a 10 dB addition to noise levels from 10pm - 7 am to account for human sensitivity to night noise.

## **Goal 7. Prevention of noise from interfering with human activities or causing health problems**

### **Policies**

- 7a. New development projects shall be designed and constructed to meet acceptable exterior noise level standards (see *Table 9*), as follows:
- The maximum exterior noise level of 60 dBA  $L_{dn}$  shall be applied in residential areas where outdoor use is a major consideration (e.g., backyards in single family housing developments and recreation areas in multi-family housing projects). Where the City determines that providing an  $L_{dn}$  of 60 dBA or lower cannot be achieved after the application of reasonable and feasible mitigation, an  $L_{dn}$  of 65 dBA may be permitted.
  - Indoor noise levels should not exceed an  $L_{dn}$  of 45 dBA in new residential housing units.
  - Noise levels in new residential development exposed to an exterior  $L_{dn}$  60 dBA or greater should be limited to a maximum instantaneous noise level (e.g., trucks on busy streets, train warning whistles) in bedrooms of 50 dBA. Maximum instantaneous noise levels in all other habitable rooms should not exceed 55 dBA.
  - The maximum outdoor noise level for new residences near the railroad shall be 70 dBA  $L_{dn}$ , recognizing that train noise is characterized by relatively few loud events.

Map 815. Future Noise Contours



**Legend**  
—65— Projected 2025 Noise Contour Level (Ldn dBA)



**City of  
Morgan Hill  
General Plan**

**Map 9. Potential Noise Contours for Circulation Study Areas**

- 7b. The impact of a proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.
- 7c. Appropriate interior noise levels in commercial and industrial structures are a function of the use of the space and should be evaluated on a case-by-case basis.
- 7d. Interior noise levels in office buildings should be maintained at 45 dBA  $L_{eq}$  (hourly average) or less, rather than 45 dBA  $L_{dn}$  (daily average).
- 7e. Noise level increases resulting from traffic associated with new projects shall be considered significant if: a) the noise level increase is 5 dBA  $L_{dn}$  or greater, with a future noise level of less than 60 dBA  $L_{dn}$ , or b) the noise level increase is 3 dBA  $L_{dn}$  or greater, with a future noise level of 60 dBA  $L_{dn}$  or greater.
- 7f. Noise levels produced by stationary noise sources associated with new projects shall be considered significant if they substantially exceed ambient noise levels.
- 7g. Noise levels produced by other noise sources (such as ballfields) shall be considered significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.

#### **Actions**

- 7.1 Assess and track noise levels when specific projects are proposed to determine the continued accuracy of the Noise Contour map. If necessary, based on these assessments, update the future noise contour map to reflect changed conditions.
- 7.2 The Noise Contour map shall be used to screen projects to determine if acoustical studies shall be required.
- 7.3 Require attention to site planning and design techniques other than sound walls to reduce noise impacts, including: a) installing earth berms, b) increasing the distance between the noise source and the receiver; c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise-sensitive areas; d) orienting buildings to shield outdoor spaces from the noise source; and e) minimizing the noise at its source.
- 7.4 Amend the Zoning Ordinance to reflect noise limits intended to protect noise sensitive land uses from intrusion by stationary noise sources.

### **Goal 8. Protection from noise associated with motor vehicles and railroad activity**

#### **Policies**

- 8a. Roadway design, traffic signalization and other traffic planning techniques (such as limiting truck traffic in residential areas) shall be used to reduce noise caused by speed or acceleration of vehicles.

**Table 9. Acceptable Noise Levels**

Land Use Category	Community Noise Exposure Ldn or CNEL, dBA					
	55	60	65	70	75	80
Residential: Single Family Duplexes, Mobile Homes	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Residential: Multi-family	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Transient Lodging: Motels, Hotels	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Schools, Libraries, Churches, Hospitals, Nursing Homes	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Auditoriums, Concert Halls Amphitheaters	Normally Acceptable	Conditionally Acceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Sports Arena, Outdoor Spectator Sports	Normally Acceptable	Conditionally Acceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Playgrounds, Neighborhood Parks	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Golf Courses, Riding Stables, Water Recreation, Cemeteries	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Office Buildings, Business Commercial and Professional	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Industrial, Manufacturing, Utilities, Agriculture	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable	Clearly Unacceptable

**INTERPRETATION**



**NORMALLY ACCEPTABLE**

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.



**CONDITIONALLY ACCEPTABLE**

New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.



**NORMALLY UNACCEPTABLE**

New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



**CLEARLY UNACCEPTABLE**

New construction or development should generally not be undertaken.

Source: Office of Planning and Research, State of California General Plan Guidelines, Appendix A: Guidelines for the Preparation and Content of the Noise Element of the General Plan, 1990.

- 8b. If noise barriers are deemed the only effective mitigation for development along major transportation corridors, an acoustical analysis shall be conducted to determine necessary dimensions.
- 8c. The maximum height of sound walls shall be eight feet. Residential projects adjacent to the freeway shall be designed to minimize sound wall height through location of a frontage road, use of two sound walls or other applicable measures. Sound wall design and location shall be coordinated for an entire project area and shall meet CalTrans noise attenuation criteria for a projected eight-lane freeway condition. If two sound walls are used, the first shall be located immediately adjacent to the freeway right-of-way and the second shall be located as necessary to meet CalTrans noise requirements for primary outdoor areas. The minimum rear yard setback to the second wall shall be 20 feet.
- 8d. Ensure that sound barriers do not become targets for vandalism.

**Actions**

- 8.1 Allow and encourage earth berms in new development projects as an alternative to sound walls if adequate space is available.
- 8.2 Require non-earthen sound barriers to be landscaped, vegetated or otherwise designed and/or obscured to improve aesthetics and discourage graffiti and other vandalism.