



**COMMITTEE FOR
GREEN FOOTHILLS**

March 14, 2016

John Baty
City of Morgan Hill
17575 Peak Ave.
Morgan Hill CA 95037

Re: Comments on Morgan Hill 2035 Draft EIR

Dear Mr. Baty,

The Committee for Green Foothills (CGF) submits the comments below on the Morgan Hill 2035 Draft EIR. We note as a preliminary matter that on the substance of the General Plan and the Residential Development Control System revision process to date, the City has erred in changes and should instead:

1. retain the essential aspects of voter-approved control over sprawl that have been removed the Draft General Plan, most importantly that the City shall not support the addition of any land to its Urban Service Area unless “the amount of undeveloped, residentially developable land within the existing Urban Service Area is insufficient to accommodate five years’ worth of residential growth” beyond the next development allotment competition
2. keep the level of consultation with County-level agencies on outward growth of the City found in the existing General Plan as opposed to cutting that consultation short
3. retain the best aspects of the existing General Plan that are proposed for removal

The following comments address how the above errors and others make the DEIR inadequate and insufficient basis to approve a new General Plan.

DEIR fails to describe the significant adverse impacts from conflicting with the reasonably foreseeable circumstance that the existing RDCS will still be in place.

The DEIR Chapter 3 Project Description purports to describe the project as both a revised General Plan and a revised Residential Development Control System (RDCS). This description is inadequately vague because the two components require approval by separate bodies – the City Council for the General Plan and the voters for the RDCS – and the description fails to describe how and when the two portions of the supposedly single project will interact.

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Specifically, the existing RDCS conflicts with the proposed General Plan and cannot be superseded by the proposed General Plan, only by Morgan Hill voters. The DEIR creates a situation where the new General Plan could be approved by the City Council when the revised RDCS has not yet been approved (or has been voted down) by City residents. It is therefore unclear what the project is that this DEIR purports to evaluate.

A revised General Plan without a revised RDCS, allowable under the DEIR Project Description, has unaccounted-for, significant, adverse environmental impacts.

As described above, the DEIR permits a revised General Plan to be enacted without a revised RDCS, and the revised GP directly conflicts with the existing RDCS. In particular, the existing RDCS states the Urban Service Area can be expanded only when “the amount of undeveloped, residentially developable land either within the existing Urban Service Area is insufficient to accommodate five years’ worth of residential growth”. That language is removed from the proposed General Plan that corresponds with the proposed RDCS, which calls for an “average” instead of a maximum of five years. By conflicting with a controlling land use policy (the existing RDCS) that could be in effect at the same time as the revised General Plan, the project creates a foreseeable, significant land use policy impact that is not disclosed in the DEIR.

Significant agricultural impacts are not disclosed in the DEIR.

Section 4.2 of the DEIR correctly acknowledges significant impacts to agriculture from the General Plan but inadequately describes their extent, characterizing them as “Significant and Unavoidable” when the impacts could be reduced by retaining the existing restriction on City expansion – not allowing the City to apply for or support an expansion of the Urban Service Area unless the current area is insufficient for five years’ residential growth. By allowing Urban Service Area expansions to occur even when more than five years’ residential growth is available, the DEIR allows for agricultural impacts that would not occur under the existing baseline – and as existing conditions have shown, those impacts are avoidable. The DEIR is incorrect in characterizing them as unavoidable. CEQA further requires agencies to apply feasible mitigations that reduce significant impacts, and retaining the existing maximum requirement before pursuing a USA expansion is shown to be a feasible mitigation.

LAFCO denial of the Morgan Hill USA Amendment 2015 (both Area 1 and 2) is significant new information requiring recirculation of the DEIR.

The recent decision by LAFCO denying the City’s request to expand their USA boundary into the Southeast Quadrant renders inaccurate all projections in the DEIR and the General Plan for the City. That one planned expansion likely had a larger effect on Morgan Hill than any other ones proposed in the revised GP, and it has now been disallowed. The project description

inaccurately describes the future use of SEQ that has been denied, including the additional residential development in a northeast area of the SEQ (to accommodate a purported transfer of development rights involving Chiala property elsewhere in the SEQ) that was not contemplated in the previously-approved SEQ proposal. Projections of the City's overall population, number of jobs, and relevant infrastructure all need to be revised. Whether the DEIR accurately describes numerous impacts as "significant and unavoidable" is also brought into question because City resources that would have been used to accommodate expansion into the SEQ may now be available and make feasible some mitigations that were not considered feasible before.

For the above reasons, the City should not proceed with approving the revised General Plan and RDCS based on the inadequate DEIR.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Julie Hutcheson". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke extending to the right.

Julie Hutcheson
Legislative Advocate