

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP 07-05

**SUBJECT: PROCESSING APPLICATIONS FOR GENERAL PLAN AMENDMENTS AND
URBAN SERVICE AREA (USA) BOUNDARY AMENDMENTS**

EFFECTIVE DATE: AUGUST 22, 2007

REVISION DATE: _____

It shall be the policy of the City of Morgan Hill to utilize the following procedures for accepting and processing applications for General Plan Amendments and Urban Service Area (USA) Boundary Amendments.

GENERAL PLAN AMENDMENTS

The City of Morgan Hill will periodically review the General Plan in order to determine whether amendments of one or more of its elements may be needed or desirable in order to reflect changes in goals, policies, or physical, social and economic conditions. This City Council Policy establishes procedures that apply to proposed General Plan Amendments.

Initiation of Proposed Amendments. General Plan Amendment (GPA) applications may be initiated by the City Council, the Planning Commission, or owners of property included in the subject amendment.

Timing of Filing Applications for Amendments. The Planning Commission and the City Council may initiate General Plan Amendments at any time of the year. **The City will accept applications from private property owners for amendments to the Land Use Element during the months of January and June of each year.** The Community Development Director has the authority to determine how and when to carry out environmental review under the California Environmental Quality Act (CEQA), and may decide to defer processing private applications for General Plan Land Use Amendments for up to six months or more, so that a consolidated environmental review process may be conducted. The Director will also manage scheduling of public hearings, in order to ensure compliance with State laws that limit the frequency of amendments.

Limitations on Frequency of Amendments. Except as specifically provided in State Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times per year. Each amendment may include more than one change. Mandatory elements under State law, and the corresponding element within the adopted 2001 Morgan Hill General Plan, are listed below:

<i>Required Elements</i>	<i>Morgan Hill General Plan (2001) Chapter where Required Element Located</i>
Land Use	Community Development; Economic Development; Regional Coordination
Housing	Housing
Circulation	Circulation
Noise	Public Health and Safety
Conservation	Open Space and Conservation
Open Space	Open Space and Conservation
Safety	Public Health and Safety

One of the exceptions in State law regarding limits of frequency of amendment is that the limitation does not apply to amendments of the General Plan requested and necessary for a single development of residential units, at least 25% of which will be occupied by or available to persons and families of low or

moderate income, as defined by Section 50093 of the Health and Safety Code. The specified percentage of low- or moderate-income housing may be developed on the same site as the other residential units proposed for development, or on another site or sites encompassed by the General Plan, in which case the combined total number of residential units shall be considered a single development proposal for the purpose of applying the exception.

Referral of Plan Amendment Applications. Proposals to substantially amend the General Plan must be referred to other entities prior to Planning Commission and City Council public hearings. The Community Development Director has the authority to determine whether a proposed amendment is substantial. The entities to be sent copies of the project description and environmental document shall include but not be limited to the following:

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| Santa Clara County Planning Department | Morgan Hill Public Works Department |
| Santa Clara County Fire Department | Santa Clara Valley Water District |
| Morgan Hill Unified School District | Gavilan College |
| Santa Clara County Local Agency Formation Commission | Bay Area Air Quality Management District |
| Santa Clara Valley Transportation Agency (VTA) | |

In addition to these agencies, proposals shall be referred to Native American tribes with traditional lands located in Morgan Hill area that are on contact list maintained by Native American Heritage Commission; as well as to the Association of Bay Area Governments (ABAG) if the proposal is regionally significant.

Timing of Planning Commission Public Hearings. Planning Commission public hearings shall be scheduled such that the hearings are held after the public comment period for a Negative Declaration or Mitigated Negative Declaration has concluded, or after a Final EIR is completed.

URBAN SERVICE AREA (USA) BOUNDARY AMENDMENTS

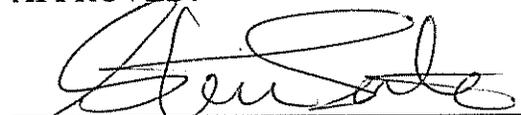
The City of Morgan Hill will periodically review the Urban Service Area Boundary in order to determine whether amendments may be needed or desirable in order to maintain consistency with the goals of the adopted General Plan. This City Council Policy establishes procedures that apply to proposed USA Boundary Amendments. Criteria for evaluating proposed adjustments of the USA Boundary are contained in Council Policy 94-02, as amended.

Initiation of Proposed Amendments. USA Boundary Amendment applications may be initiated by the City Council, the Planning Commission, or owners of property included in the subject amendment.

Timing of Filing Applications for Amendments. The Planning Commission and the City Council may initiate USA Boundary Amendments at any time of the year. **The City will accept applications from private property owners for Urban Service Area Boundary Amendments during January of each year.** The Community Development Director has the authority to determine how and when to carry out environmental review under the California Environmental Quality Act (CEQA), and may decide to defer processing private applications for USA Boundary Amendments to up to six months or more, so that a consolidated environmental review process may be conducted. The Director will also manage scheduling of public hearings and the timing of submittal of the annual USA Boundary Amendment application by the City to the Santa Clara County Local Agency Formation Commission (LAFCO).

LAFCO Limitations on Frequency of Amendments. LAFCO will review/amend the USA once a year, if such review is initiated by city resolution and application. Until the city's application has been heard and acted upon by LAFCO, no further USA amendments are accepted for filing. LAFCO may make an exception to the once a year limitation on USA amendment requests where amendment is needed to carry out some special institutional development or activity that is in the public interest. Such exceptions are not normally extended in connection with proposed residential, commercial, or industrial development.

APPROVED:



STEVE TATE, MAYOR

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