**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF THE INCLUSION OF 19.99 ACRES LOCATED WEST OF SUNSET AVENUE, INTO THE CITY'S URBAN SERVICE AREA (APNs PORTIONS OF 767-15-026, 767-19-028, -020 AND -024)**

**WHEREAS,** Urban Service Area restrictions are codified in the Morgan Hill Municipal Code Section 18.78.070; and

**WHEREAS**, the Morgan Hill City Council has adopted a policy defining criteria for adjustment of the Urban Service Boundary as provided for in Morgan Hill Municipal Code Section 18.78.070(B) referenced herein as CP 94-02 (amended from time to time); and

**WHEREAS,** a Mitigated Negative Declaration (MND) was adopted for the project on February 4, 2015 in accordance with the California Environmental Quality Act (CEQA). Changes to the project since that time have been evaluated. On the basis of substantial evidence in the light of the whole record no new significant impacts have been identified. As such, an Addendum to the previously adopted MND is warranted; and

**WHEREAS**, such request was considered by the Planning Commission at its regular meeting of July 14, 2015, at which time the Planning Commission recommended approval of Urban Service Area application, USA-05-02: Edmundson-Oak Meadow Plaza; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS**:

**SECTION 1.** The Planning Commission finds that the proposed inclusion of territory into the Urban Service Areas is consistent with the General Plan, Desirable Infill Policy defined by Morgan Hill Municipal Code Section 18.78.070.B, and CP 94-02.

**SECTION 2.** The Planning Commission finds that the project complies with CP 94-02 Physical Criteria 1.a and 1.b because:

- The 19.99-acre Area 1 shown on Exhibit A, is proposed to be included in the USA boundary; and

- Areas 2 and 3 that are outside of the USA would have its General Plan land use designation changed to Open Space, and a conservation easement would be recorded on it for the benefit of the City. Areas 1, 2 & 3 are proposed for annexation into the City.

**SECTION 3.** The Planning Commission finds that the project has been evaluated and would receive a passing score under Part 1 of the City's Residential Development Control System.

**SECTION 4.** The Planning Commission finds that the project is consistent with the CP 94-02 "Beneficial Criteria" in that the project proposes to record open space easement on all lands over 10 percent slope owned by applicant, with the exception of Area 1 and building envelopes identified in the Memorandum of Understanding (MOU 2015). This commitment would result in approximately 30.77 acres of land recorded in open space easements of the project site. In addition, the project proposes to establish trailheads and easements for trails throughout the project. These commitments would meet the beneficial criteria for inclusion in the USA boundary by "allowing the establishment of public facilities such as parks, open space and greenbelt lands under conservation easements".

**SECTION 5.** A Mitigated Negative Declaration (MND) was adopted for the project on February 4, 2015 in accordance with the California Environmental Quality Act (CEQA). Changes to the project since that time have been evaluated. On the basis of substantial evidence in the light of the whole record no new significant impacts have been identified. As such, an Addendum to the previously adopted MND is warranted

**PASSED AND ADOPTED THIS 14TH DAY OF JULY 2015, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

**ATTEST:** **APPROVED:**

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**TERESA CRUE, Deputy City Clerk** **JOE MUELLER, Chair**

Date: _____