

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ALTERATION OF BOUNDARIES OF THE CITY OF MORGAN HILL BY ANNEXATION THERETO OF CERTAIN TERRITORY DESIGNATED "OAK MEADOW PLAZA", AND WITHDRAWAL OF SAID TERRITORY (50.76 ACRES/APNS 767-15-026, 767-19-028, & -024, AND 767-19-020) FROM THE SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT.**

**WHEREAS**, such request was considered by the Planning Commission at its regular meeting of July 28, 2015, at which time the Planning Commission recommends City Council approval of Annexation Application ANX-06-01: Edmundson-Oak Meadow Plaza; and

**WHEREAS** the property, 50.76 acres west of Sunset Avenue (APNS 767-15-026, 767-19-028, & -024, and 767-19-020) is found contiguous to the City of Morgan Hill and is within this urban service area; and

**WHEREAS**, the South Santa Clara Fire Protection District would be affected by the proposed annexation by the removal of the subject area from the district; and

**WHEREAS**, said territory is uninhabited and all owners of land included in proposal have consented to this annexation; and

**WHEREAS**, annexation would provide for use of City services; and

**WHEREAS**, the Planning Commission has determined that the proposed annexation does not split lines of assessment or ownership nor would it create islands of areas to which it would be difficult to provide municipal services; and

**WHEREAS**, this territory is recommended to be pre-zoned under adopted Resolution \_\_\_ on July 28, 2015, as Open Space and R1 (12,000).

**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**, 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 recommends that the City Council find that the said territory is uninhabited and comprises approximately 50.76 acres.

**SECTION 2.** The Planning Commission recommends that the City Council find that the annexation is consistent with the orderly annexation of territory within the City's urban service area and is consistent with the City policy of annexing when providing City services.

Pursuant to Section 56757 of the California Government Code, it is recommended the City Council of the City of Morgan Hill annex to the City of Morgan Hill the territory as described in attached Exhibit "A" and illustrated in attached Exhibit "B".

**SECTION 3.** 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 the custodian of the documents or other material, which constitute the record, shall be the Community Development Department.

**SECTION 4.** The Planning Commission adopted Resolution \_\_\_\_\_ recommending that the City Council enact an ordinance pre-zoning the subject territory with an Open Space and R1 (12,000) zoning designation.

**SECTION 5.** The Planning Commission adopted Resolution \_\_\_\_\_ recommending that the City Council approve Urban Service Area adjustment to be considered by the Local Agency Formation Commission of Santa Clara County.

**SECTION 6.** The proposed annexation is consistent with the City's General Plan in that:

a. The project is consistent with the Morgan Hill General Plan regarding the Development Pattern Goal 2 and Policy 2c:

Goal 2. An orderly and efficient pattern of development

Policy 2c. Consider land within or adjacent to the city as available for urban development only when it is included within the Urban Service Area and Urban Growth Boundary and can be developed in a manner that will be cost-effective to the City.

The subject properties are within the Urban Limit Line and UGB, however, are not within the USA. As a part of this project an adjustment to the USA is proposed. With the approval of the USA, the project is consistent with this policy.

b. The project is consistent with the Morgan Hill General Plan regarding the Urban Growth Boundary Goal 3, Policies 3b, 3d and 3e:

Goal 3. A long-term Urban Growth Boundary and Urban Limit Line around the City

Policy 3b. Allow Urban Service Area expansions only within the long-term Urban Growth Boundary and for lands with urban designations; the timing and extent of Urban Service Area expansion shall remain consistent with established Urban Service Area expansion policies and ordinances.

Policy 3d. Establish and maintain an Urban Limit Line around the City to serve as a longer term version of the Urban Growth Boundary and define the inner limits of potential greenbelt areas.

Policy 3e. The Urban Limit Line should be continuous around the City and located outside of or coterminous with the City limits and Urban Growth Boundary. Greenbelt areas should be located outside of the ULL. The ULL may be located within City limits so that parks or other City-designated open space land at the fringe of the community may be included within the Greenbelt.

The Oak Meadow Plaza project is consistent with Policy 3b, 3d and 3e; the portion of the project that is proposed for residential development is located within the UGB and ULL, and the proposed USA expansion is consistent with the established USA expansion policies and ordinances as discussed in detail in this report. As proposed in the project's Memorandum of Understanding (MOU 2015), the project area that is outside of the UGB and ULL will have development restrictions that will limit the location and intensity of future development to be consistent with the surrounding development located in the County.

c. The project is consistent with the Morgan Hill General Plan regarding the Urban Growth Boundary Goal 4, Policy 4a:

Goal 4. Efficient and appropriate development of land within the UGB

Policy 4a. Support the County's policy to avoid land uses and development in the unincorporated areas which would potentially conflict with future annexation and the optimal utilization of lands within the UGB. Also encourage the County to retain large minimum parcel sizes, and promote agricultural and open space uses on unincorporated lands.

The Oak Meadow Plaza project allows for the expansion of the USA to be consistent with the UGB and ULL on the project site. The project furthers Goal 4 and Policy 4a by granting an open space easement to the City of Morgan Hill that limits future development on the 32 acres adjacent to the UGB, including trailheads and trails.

d. The Project is consistent with the Morgan Hill General Plan regarding the Urban Growth Boundary Goal 5, Policies 5a, and 5b:

Goal 5. Preservation of agricultural and open space uses on unincorporated lands outside the UGB

Policy 5a. Promote the maintenance of current County General Plan policies encouraging low density uses, including large lots and agriculture, for County projects adjacent to the UGB.

Policy 5b. Retain current Rural County and Open Space land use designations in the City's General Plan, applicable to rural unincorporated lands outside the UGB.

The Oak Meadow Plaza project is consistent with Goal 5, Policy 5a and 5b since it proposes to maintain Rural County and/or Open Space designations for all of the project area that is outside of the UGB. In addition, the project's MOU 2015 Agreement commits the application to provide open space easements over steeper portions of the project site (over 10% slope), and limit future development areas.

e. The Project is consistent with the Morgan Hill General Plan regarding Policy 2c, Action 2.6, Policy 2p and Actions 2.17 and 2.18:

Neighborhoods Policy 8d. Complete street connections between neighborhoods to promote efficient circulation and emergency service response time.

The Oak Meadow Plaza project is consistent with Policy 8d since it proposes access from the existing Denali Drive and Bryce Drive within the City of Morgan Hill.

(Policies and Actions regarding Creation of the Greenbelt)

Policy 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.

Action 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.

(Policies and Actions regarding uses within the Greenbelt)

Policy 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.

Action 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 the amount of grading and encouraging location of structures in areas where they are least visible from the valley floor.

Action 2.18. The basic Santa Clara County development review process should be evaluated, updated and strengthened to achieve greater

restrictions on the 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.

The project's MOU 2015 outlines the commitments and obligations proposed by the project, which make the project consistent with Policy 2c and 2p and Actions 2.6, 2.17 and 2.18. These policies and actions all seek to promote the protection of hillsides and limit the development within the greenbelt and hillside areas in and around the City.

**SECTION 7.** The proposed territory to be annexed is contiguous to existing City limits.

**SECTION 8.** Annexation of the subject 50.76 acres as shown in attached Exhibit "B" is recommended for approval, subject to the following conditions:

- a. Fulfillment of City of Morgan Hill and Local Agency Formation Commission (LAFCO) requirements.
- b. Payment of all appropriate state and local fees for processing of the subject annexation.
- c. Prior to application to LAFCO the applicant must complete to the satisfaction of the Building Official the Pre-annexation process with the Morgan Hill Building Division.

**BE IT FURTHER RESOLVED** that upon completion of these reorganization proceedings the territory annexed will be detached from the South Santa Clara County Fire Protection District in accordance with Section 13952 of the California Health and Safety Code.

**PASSED AND ADOPTED THIS 28TH 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:**

\_\_\_\_\_  
**TERESA CRUE, Deputy City Clerk**

\_\_\_\_\_  
**JOE MUELLER, Chair**

**Date** \_\_\_\_\_

**EXHIBIT A**

**Annexation to the City of Morgan Hill  
Edmundson Road No. XX  
July 7, 2015**

All that certain real property situated in the County of Santa Clara, State of California and being a portion of Lots 39 and 40, **AND** all of Lots 50 through 53, as said lots are shown on that certain Map entitled, "Catherine Dunne Ranch Map No. 3", filed for record on May 11, 1894 in Book "H" of Maps, at page 65, at the Office of the Recorder of Santa Clara County, and being more particularly described as follows:

**BEGINNING** at the westerly corner of Lands annexed by "Sunset Avenue Annexation No. 1", adopted on \_\_\_\_\_ as Resolution No. \_\_\_\_\_, which is also coincident to the northwesterly corner of Lot 39, as said lot is shown on that certain Map entitled, "Catherine Dunne Ranch Map No. 3"; thence along the easterly line of said Lot 39, South 24°29'00" East, a distance of 1928.90 feet to a point on the northwesterly line of Lands of Crawford, as said Lands are shown on that certain Record of Survey filed for record on November 14, 1962 in Book 154 of Maps, at page 28; thence coincident with said Record of Survey the next five courses, South 65°31'00" West, a distance of 135.00 feet; thence South 22°46'00" West, a distance of 70.00 feet; thence South 76°06'00" West, a distance of 230.76 feet; thence South 33°21'10" East, a distance of 202.29 feet; thence North 65°31'00" East, a distance of 232.03 feet to a point on the westerly line of Parcel 2, as said parcel is shown on that certain Record of Survey, filed for record in Book 176 of Maps, at page 18; thence South 30°52'28" East, 129.19 feet to a point on the centerline of Edmundson Avenue (60.00 wide); thence along said centerline South 55°44'00" West, a distance of 1,335.79 feet to a point on the westerly line of Lot 50, as said lot is shown upon said Map entitled "Catherine Dunne Ranch Map No. 3", Book "H" of Maps, at page 65; thence along said westerly line, North 24°29'00" West, a distance of 1,433.27 feet to the northerly line of said lot 50; thence along said northerly line, North 65°31'00" East, a distance of 534.51 feet to the most easterly corner of Lands of city of Morgan Hill as described in Document Number 15439518 and shown on that certain Record of Survey, filed for record in Book 737 of Maps, at page 18; thence coincident with the northeasterly line of said Lands of the City of Morgan Hill, North 24°29'00" West, a distance of 1056.00 feet to the northwesterly line of said Lot 39; thence coincident with last said line, North 65°31'00" East, a distance of 917.49 feet to the **POINT OF BEGINNING** and containing an area of 63.752 acres, more or less.

**See Exhibit "B" attached hereto and made a part hereof.**

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors' Act.

\_\_\_\_\_  
William J. McClintock, R.C.E. 24893

\_\_\_\_\_  
Date

Expires: 12/31/2015

