

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING 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 has been completed; and

WHEREAS, such request was considered by the Planning Commission at its regular meeting of July 28, 2015, at which time the Planning Commission, with testimony was received along with exhibits and drawings and other materials. The Planning Commission had a deadlocked vote of the Urban Service Area application, USA-05-02: Edmundson-Oak Meadow Plaza; and

WHEREAS, such request was considered by the City Council at its regular meeting of September 2, 2015 for the 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; and

WHEREAS, at which time the City Council approved the Urban Service Area Expansion application as shown on the attached Exhibit A; and

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council 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 City Council 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 City Council 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 City Council 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 the building envelopes identified in the Memorandum of Understanding (MOU 2015). This commitment would result in approximately 30 acres of land recorded in open space easements of the project site (Areas 1-3) and for a total of approximately 83 acres within the project area and within the County. 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 and has been completed and no subsequent MND is necessary; and the custodian of the documents or other materials which constitute the record shall be the Director (or his delegate) of the Community Development Department.

PASSED AND ADOPTED THIS 2nd DAY OF SEPTEMBER 2015, AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

IRMA TORREZ, City Clerk

CERTIFICATION

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at the meeting held on September 2, 2015.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

Exhibit A

