

# CITY OF MORGAN HILL

## CITY COUNCIL POLICIES AND PROCEDURES

CP 94-02

**SUBJECT: CRITERIA FOR ADJUSTMENT OF THE URBAN SERVICE BOUNDARY**

**EFFECTIVE DATE: APRIL 7, 1994**

**REVISION DATE: June 15, 1994, September 21, 2005, April 5, 2006, August 22, 2007**

**ORIGINATING DEPT: Planning**

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### **DESIRABLE INFILL STANDARDS**

It shall be the policy of the City of Morgan Hill to utilize the following criteria to evaluate and approve boundary adjustments to forward to the County Local Agency Formation Commission (LAFCO) based on the Desirable Infill exception allowed by Section 18.78.070(B) of the Municipal Code.

#### **Residentially Planned Properties**

The City may petition LAFCO for expansion of the Urban Service Area (USA) irrespective of the amount of vacant land available for residential development currently within the Urban Service Area provided that the property subject to the proposed expansion meets the definition of "Desirable Infill". That definition includes criteria which addresses physical characteristics of the property, provision of services to the property, and benefits to the City from inclusion of the property. All three criteria must be met for a property to be added to the Urban Service Area.

#### **Physical Criteria**

1. Complete or partial properties may be included. Partial properties may only be included subject to the following standards:
  - a. The portions of the properties not proposed for inclusion within the USA must be annexed at the same time as the portions proposed for inclusion; and
  - b. The portions of the properties not proposed for inclusion within the USA must be planned for open space or greenbelt use and owned by a public agency or, if not owned by a public agency, protected by a conservation easement for the benefit of the public;
2. The total acreage of land to be added to the USA shall not exceed 20 acres; and
3. The land to be included shall be within the Urban Limit Line and abutted at least 50% on each of two sides by property within either the city limits or the urban service area; or is abutted at least 50% on one side by property within the urban service area and has two other

sides of the property within 1320 ft. of the urban service area (as determined by perpendicular lines drawn from the two other sides to the urban service area boundary lines). A parcel which does not touch property within the subject boundaries but is on the opposite side of the street from property within the subject boundaries will be considered to abut property within those boundaries.

4. Land not contiguous to the urban service area may be eligible for inclusion in the urban service area if the land meets the standards contained in criteria 1 and 2 above and the property's inclusion is necessary to avoid the potential for creation of an unincorporated peninsula or island within the City. Such non-contiguous land may only be included within the USA if the entire area of consideration in which the land is contained does not exceed 20 acres of residential land.
5. The City Council, prior to approving expansion of the USA, shall make finding(s) documenting that the expansion is not being granted to an applicant, development or land previously included within the USA under the terms of this policy.

#### **City Service Criteria**

The City shall only add land to the Urban Service Area which would potentially be eligible to receive a passing score under Part 1 of the Residential Development Control System criteria (Section 18.78.200 of the Municipal Code).

For the purposes of this determination, properties will be evaluated against Part I of the RDCS using the following standards:

2 Points assigned if the necessary facility is currently in place and is of adequate capacity to serve the potential development of the parcel (as recommended by the City Engineer).

1 or 1.5 points assigned if the necessary facility could be reasonably installed or improved as a condition of a development of the parcel (as recommended by the City Engineer).

0 points assigned if the necessary facility could not be reasonably installed or improved as a condition of development of the parcel (as recommended by the City Engineer).

#### **Beneficial Criteria**

The City shall only add land to the Urban Service Area which would beneficially affect the general welfare of the citizens of the City. Land which would be considered to beneficially affect the citizens of the City includes that which promotes orderly and contiguous development by allowing for the provision of needed infrastructure or allowing for the establishment of

public facilities such as parks, open space and greenbelt lands under conservation easements, schools or other buildings to be owned or operated by the City, School District, Water District or any other public agency.

For the purpose of this determination, the following standards shall apply:

Provision of Needed Infrastructure: To allow for the completion of needed infrastructure, land must be capable of providing for one or more of the following:

- a. The gridding of the existing water system.
- b. The elimination of an existing dead end street(s) or the improvement of an existing substandard street which has been identified as creating a potentially hazardous situation or provision of a new street which substantially improves circulation in an area.
- c. The installation or improvement of a sewer line(s) where the existing line or service levels are determined to be substandard.
- d. The installation or improvement of storm drainage facilities where the existing facilities or service levels are determined to be substandard.
- e. The establishment of water tanks or lift stations in areas where determined necessary by the City.

Establishment of Needed Public Facilities: To allow for the establishment of public facilities, land must be identified as a location for the establishment of a public facility (park, school, public buildings) to be owned or operated by the City, School District, Water District or any other public agency.

The infrastructure improvements that are the basis of the City's findings that the expansion would beneficially affect the general welfare of the City must be installed, or the land needed for public facilities that are the basis of the City's findings that the expansion would beneficially affect the general welfare of the City must be conveyed to the public agency, within five years of the date that the area is added to the Urban Service Area or upon its development, whichever occurs first. The commitment by the applicant to install the needed infrastructure improvements on which the City's findings are based, and/or convey the land needed for the public facilities or record a conservation easement for the benefit of the public, must be secured prior to official action adding the area to the Urban Service Area, through a development agreement or other legally binding agreement recorded against the property. The City shall not require an applicant to provide infrastructure or land in a quantity exceeding that which is needed to fully offset and mitigate all direct and cumulative impacts on services and infrastructure from new development proposed by the applicant.

The City Council may make exceptions to these requirements for, and support the annexation to the City of, Existing County Subdivisions as defined in section 18.78.030.A, “Development allotments – Determination and distribution” of the Residential Development Control System provisions of the Morgan Hill Municipal Code

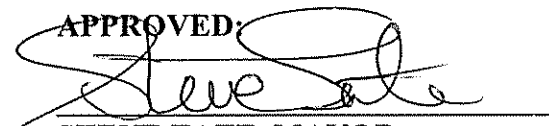
**Commercially and Industrially Planned Properties**

To encourage economic development, the City may approve expansions of the Urban Service Boundary which include properties which are contiguous to the Urban Service Boundary and are designated in the Land Use Element of the Morgan Hill General Plan for commercial or industrial use. Properties so added to the Urban Service Area shall not be eligible for conversion to residential use except as provided by Section 18.62.070 of the Morgan Hill Municipal Code.

**Public and Quasi-Public Land Uses**

To allow for establishment of needed public and quasi-public uses and facilities, the City may approve expansions of the Urban Service Boundary to include properties which are contiguous on at least a portion of one side to the Urban Service Boundary and are designated in the Land Use Element of the Morgan Hill General Plan for Public Facilities or Public/Quasi-Public Use. Properties so added to the Urban Service Area shall not be eligible for conversion to residential use for a period of two years from the date that the property is added to the Urban Service Area and officially annexed to the City of Morgan Hill.

This policy shall remain in effect until modified by the City Council.

**APPROVED:**  
  
**STEVE TATE, MAYOR**