

File: 33325  
Various

March 14, 2016

Mr. John Baty, Senior Planner  
Community Development Department—Planning Division  
City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037

Subject: Morgan Hill 2035 General Plan

Dear Mr. Baty:

Santa Clara Valley Water District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the subject document, received on January 26, 2016. The District is a special district with jurisdiction throughout Santa Clara County. The District acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

We appreciate the opportunity to comment on the DEIR for the City of Morgan Hill's (City) 2035 General Plan. This letter transmits comments that focus on the areas of interest and expertise of the District.

**Page 4.9-3 State Regulations—Porter-Cologne Water Quality Control Act:** The California Department of Health Services (DHS) has changed names and was consolidated with the State Water Resources Control Board. The current name is the Division of Drinking Water.

**Page 4.9-5 State Regulations—State Updated Model Water Efficient Landscape Ordinance:** The current status of adopting an updated Water Efficient Landscape Ordinance should be provided as the State requirement to adopt one by February 1, 2016 has passed.

**Page 4.9-6 Regional Regulations and Agencies—Santa Clara Valley Water District:** The District's Clean, Safe Creeks and Natural Flood Protection Plan was replaced by the voters with the Safe, Clean Water and Natural Flood Protection Program in 2012. The text in the DEIR should be updated to reflect the current Safe, Clean Water and Natural Flood Protection Program. Information can be found on our website at:  
<http://www.valleywater.org/SafeCleanWater.aspx>

The reference to the Santa Clara Basin, in the groundwater discussion of this section, is incorrect. The District manages groundwater in the Santa Clara Subbasin of the Santa Clara Valley Basin and the Llagas Subbasin of the Gilroy-Hollister Valley Basin.

The description of the District's scope of development plan review should include reviewing water supply assessments for consistency with District plans, reviewing creek and floodplain

modifications for adverse impacts, reviewing developments for adverse impacts to the riparian corridor, reviewing the potential of new development to induce flooding on other properties, verifying the adequacy of receiving creeks and channels to receive increased runoff from new development, and assessing impacts to District water supply infrastructure, including source of supply.

**Page 4.9-12 Existing Conditions—Watersheds:** The Uvas-Llagas Watershed does not include parts of the City of San Jose. The Butterfield Channel sub-watershed is a tributary to the East Little Llagas Creek watershed and not related to the Fisher Creek Watershed, which is in the Coyote Creek watershed.

**Page 4.9-14 Existing Conditions—Storm Drain System:** There is a typographical error in paragraph four of this section—“Fisher Creek generally drains...Llagas Roach...”

**Page 4.9-16 Existing Conditions—Groundwater and Figure 4.9-3:** The Groundwater section incorrectly states that the Llagas Subbasin is within the Santa Clara Valley Groundwater Basin. As mentioned earlier, the Santa Clara Subbasin is a subbasin of the Santa Clara Valley Basin and the Llagas Subbasin is a subbasin of the Gilroy-Hollister Valley Basin. Figure 4.9-3 should be revised to reflect the correct nomenclature, as well.

**Page 4.9-34 Hydro-2, General Plan:** This section states that “...Morgan Hill’s 2010 UWMP indicates that there is a sufficient supply of water through 2035 even for multiple dry years.” However, the demands in Morgan Hill’s 2010 UWMP are different than the demands associated with the development in the General Plan and RDGS. The demands and potential impacts on groundwater supplies associated with the General Plan and RDGS should be evaluated. In addition, the discussion of water supplies in Chapter 4.15 Utilities and Service Systems is based on the City’s pumping capacity. It should be based on whether groundwater supplies are sufficient to meet demands rather than pumping capacity.

**Page 4.9-35 Hydro-2, General Plan:** The DEIR states that “The use of retention and detention design features...would reduce the impact of increased impervious surfaces on groundwater recharge and groundwater quality.” However, retention features have the potential to degrade groundwater quality if they bypass the natural groundwater protection afforded by surface soils. The General Plan should include policies and actions to ensure groundwater protection with the use of retention features in order to mitigate for this potential adverse impact.

Further, the conclusion that there is sufficient water supply in all year types with the proposed level of demands and existing and planned water supplies does not appear to be substantiated.

**Page 4.9-44 Hydro-6 General Plan:** The analysis of water quality impacts appears to only consider surface water quality impacts. Implementation of the listed stormwater control measures, such as retention features, has the potential to impact groundwater quality. Again, the District recommends that the General Plan include policies and actions to ensure groundwater protection with the use of retention features in order to mitigate for any adverse impacts to groundwater quality from those features.

**Page 4.9-45 Hydro-7 General Plan:** The DEIR states that “...the SCVWD requires construction/encroachment permits for construction or grading within 50 feet of the bank of a

watercourse.” In addition, footnote 42 references “SCVWD Ordinance 83-2.” The District’s Ordinance 83-2 was superseded by the District’s Water Resources Protection Ordinance whose permit requirements are not related to the distance from the bank of a watercourse. The District’s Water Resources Protection Ordinance permit requirements are properly described on pages 4.4-7 and 4.9-8.

**Page 4.9-46 Hydro-7 General Plan:** Proposed General Plan Policy SSI-5.1 is listed as a mitigation measure for impacts resulting from placing housing or structures within FEMA flood hazard areas. General Plan Policy SSI-5.1 states that development will be regulated to “...be consistent with the federal flood insurance program and Santa Clara Valley Water District regulations.” However, the District does not have any floodplain regulations. The proposed General Plan policy should be amended to remove reference to “Santa Clara Valley Water District regulations.” Alternately, we suggest changing the phrase to “...and Santa Clara Valley Water District recommended guidelines” or a similar phrase reflecting that fact that the District has no regulation for floodplain management since the adoption of the Water Resources Protection Ordinance.

**Page 4.15-6 Regulatory Framework—Local Regulations:** The District does not have an adopted Comprehensive Water Resources Management Plan. The District is currently in the process of developing an integrated water resources master plan. Information on this planning effort can be found here: <http://www.valleywater.org/IWRMP/>

Additionally, the District’s Board of Directors adopted the 2012 Water Supply and Infrastructure Master Plan which provides a water supply strategy for planning activities and projects needed in the future to meet the count’s water needs and provides a roadmap for future District investments in water supply reliability.

**Page 4.15-9 Existing Conditions—Recycled Water:** The reference for the first sentence is not provided. Santa Clara County is currently experiencing severe shortages in the drought. The South County Recycled Water Master Plan update will be completed in June 2016.

**Page 4.15-10 Existing Conditions—Water Demand and Supply Projections:** The DEIR incorrectly states that the available groundwater supply is equal to the City’s maximum well capacity. Groundwater levels may decline during droughts and reduce the amount the City can pump, as noted at the bottom of the page (Nordstrom Well water levels). In addition, the demands provided in the DEIR are from the City’s 2010 UWMP and do not necessarily reflect the demands associated with the General Plan update and RDCS. Lastly, the DEIR should be clearer about long-term water conservation strategies (fixture replacement, turf conversion, etc) compared to the short-term water use reductions that are a drought response strategy.

**Page 4.15-13 Existing Conditions—Drought Response:** The DEIR describes the City’s water use reductions for July 2015 compared to July 2013. The results for a longer period should be provided rather than a single month.

**Page 4.15-16 UTIL-1 General Plan:** As noted above, the City’s pumping capacity is not equivalent to groundwater supply availability. Groundwater supply depends on demands (including other pumpers) and recharge.

**Page 4.15-17 UTIL-1 General Plan:** As noted above, the DEIR should be clearer about the differences between long-term water conservation savings (fixture replacement, turf conversion, etc.) and short-term responses to drought (two day per week watering, etc).

**Page 4.15-18 and 19 UTIL-1 General Plan:** The District strongly recommends adoption of the proposed General Plan policies NRE-7.1 and NRE-7.2 that require water conservation above the level required by the State as mitigation for the impact on water supply associated with all new development projects. Policy NRE-7.1 should be modified to include the same language as proposed Policy NRE-7.2—"Require development to exceed state standards for water efficiency."

The proposed General Plan Water Supply policies and Water Quality and Conservation policies should consistently include language that requires water conservation above the level required by the State.

**Page 4.15-20 UTIL-1-General Plan and 4.15-21 UTIL-2 General Plan:** As demands increase in the future, additional supplies and facilities may be needed to avoid groundwater overdraft. The supply and demand conditions in the current drought are not necessarily indicative of future conditions. Increases in demands and decreases in supplies may require the District to make additional investments in order to maintain groundwater levels.

**Page 4.15-24 UTIL-3 General Plan:** The 2010 UWMP did not analyze the demands associated with the same growth projections as in this DEIR. The conditions in the last four years are not necessarily indicative with future conditions. As demands in Morgan Hill and Gilroy increase and future conditions (increased regulations that affect the availability of local and imported sources and climate change) affect the supplies available for recharge, additional investments in water supply could be necessary to avoid groundwater overdraft.

District staff would add that mandatory demand reductions during this period were in effect. If demand was unrestricted and water supplies for recharged were reduced, a possible supply and demand deficit may have become an issue.

The District recommends the proposed General Plan policies and actions include policies and actions that require new and enhanced water conservation efforts in new development, rather than those similar to what is currently considered. Also, while future droughts may necessitate mandatory water use reductions, this should not be considered a reliable method to meet demands. The goal of the District's future water supply investments is to meet demand without having to require significant and prolonged water use restrictions. We would hope that would be the goal of this General Plan and the City's UWMP as well.

Contrary to the statement in this section, the District's UWMP does not show that carryover supplies are needed in all demand scenarios. Also, it is unclear where the statement about reducing treated water contract supplies comes from.

**Page 4.15 – 25 UTIL-3 General Plan:** The demand projections in the District's 2010 UWMP and 2012 Water Supply and Infrastructure Master Plan do not include all the demands associated with the General Plan update and potential demands associated with Gilroy's General Plan update. As a result, additional supplies and long-term conservation efforts may be

Mr. John Baty  
Page 5  
March 14, 2016

necessary to avoid groundwater overdraft. Further, as noted above, the District's goal is to minimize the need for short-term water use reductions in response to drought.

**Page 4.15-30 Treatment Plant:** Paragraph four should be revised to reflect that the SCRWA produces approximately 680 to 700 million gallons of recycled wastewater each year.

If you have any questions, you may contact me at (408) 630-2319, or by e-mail at [yarroyo@valleywater.org](mailto:yarroyo@valleywater.org). Please reference District File No. 33325 on future correspondence regarding this project.

Sincerely,



Yvonne Arroyo  
Associate Engineer  
Community Projects Review Unit

cc: S. Tippets, Y. Arroyo, V. De La Piedra, J. De La Piedra, T. Hemmeter, C. Tulloch, K. Jessop, H. Ashktorab, File

33325\_58291ya03-14