List of Attachments for Item No. 8

– Ballot Measures T & Z

Attachments:

8-A Resolution 7459 and Ordinance No. 264 – Measure T

8-B Resolution 6796 – Measure Z

8-C Measure T & Z Handout

8-D Urban Growth Boundary Map

RESOLUTION NO. 7459

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO PLACE BEFORE THE VOTERS OF THE CITY OF MILPITAS AN ORDINANCE REQUIRING THAT, UNTIL DECEMBER 31, 2018, ANY AMENDMENTS TO THE HILLSIDE ORDINANCE OR THE LAND SUBJECT TO THE HILLSIDE ORDINANCE BE APPROVED BY THE VOTERS OF THE CITY OF MILPITAS

WHEREAS, the City Council desires to submit to the voters at the general election on November 2, 2004 an ordinance that would require that, until December 31, 2018, any amendments to the Hillside Ordinance (Ordinance No. 38.672 adopted by the City Council on September 15, 1992) be approved by the voters.

NOW, THEREFORE, the City Council of the City of Milpitas does hereby resolve as follows:

Section 1. That the City Council orders submitted to the voters at the General Election on November 2, 2004 the following question:

"Shall an ordinance be adopted that requires that, until December 31, 2018, any amendments to the existing "Hillside Combining District" Ordinance and any amendments to the general plan land use designation for lands currently designated as "Hillside" property be approved by the voters before becoming effective?"	YES
	NO

Section 2. The ordinance to be enacted by the voters pursuant to Section 1 above shall be in the form set forth in Exhibit A, attached hereto.

Section 3. This measure is submitted to the voters pursuant to Elections Code § 9222.

Section 4. The ballots used at the election shall be in the form and content as is required by law.

Section 5. The City Attorney is hereby directed to prepare and submit an impartial analysis.

Section 6: The City Council authorizes Vice Mayor Patricia Dixon and Councilmember Althea Polanski to prepare a written argument in favor of the ballot proposition, on behalf of the City Council, not to exceed 300 words. The City Council also authorizes submission of rebuttal arguments not to exceed 250 words. The City Council authorizes Vice Mayor Patricia Dixon and Councilmember Althea Polanski to prepare and submit a written rebuttal argument in the event a written argument opposing the initiative measure is submitted.

Section 7: The City Clerk is hereby directed to deliver forthwith certified copies of this Resolution to the Clerk of the Board of Supervisors of Santa Clara County and the Registrar of Voters of Santa Clara County promptly upon its adoption.

PASSED AND ADOPTED this 29th day of July 2004, by the following vote:

AYES:	(3)	Mayor Esteves, Vice Mayor Dixon, and Councilmember Polanski.
NOES:	(2)	Councilmembers Gomez, and Livengood.
ABSENT:	(0)	None.
ABSTAIN:	(0)	None.

ATTEST:

Gail Blalock, City Clerk

APPROVED:

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

(for Steven T. Mattas)

Steven T. Mattas, City Attorney

EXHIBIT A

REGULAR

ORDINANCE NO. 264

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS REQUIRING THAT UNTIL DECEMBER 31, 2018 ANY AMENDMENTS OR MODIFICATIONS TO THE HILLSIDE COMBINING DISTRICT ORDINANCE OR THE LAND SUBJECT TO THE HILLSIDE ORDINANCE BE APPROVED BY THE VOTERS OF THE CITY OF MILPITAS

HISTORY: This Ordinance was approved by the voters at the general election in November 2004.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITIZENS OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

WHEREAS, in September of 1992, the City Council after an extensive public input adopted Ordinance No. 38.672, which is generally known as the Hillside Ordinance; and

WHEREAS, the purpose of the Hillside Ordinance is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility; and

WHEREAS, the primary regulations of the Hillside Ordinance are set forth at Section 45 of Chapter 10 of Title XI of the Milpitas Municipal Code, which section is entitled "H" Hillside Combining District"; and

WHEREAS, the Hillside Ordinance also made several conforming changes to other provisions of the Municipal Code; and

WHEREAS, the City's General Plan designates certain property within the hillside area of the City as "Hillside Very Low, Hillside Low, and Hillside Medium"; and

WHEREAS, the City now desires that, until December 31, 2018, amendments and modifications to the Hillside Ordinance and the General Plan land use designations for hillside property be approved by the voters before becoming effective.

THE PEOPLE OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

Section 1. Amendments and Modifications to the Hillside Ordinance Must Be Approved by the Voters.

Any amendment or modification of the following provisions of the Milpitas Municipal Code shall be approved by the Milpitas voters before taking effect:

1. Subsection XI-1-8.02(b).
2. Section XI-1-15.02.
3. Section XI-10-54.04.
4. Title XI, Chapter 10, Section 45.

Section 2. Modifications to the Hillside Area Boundary Must Be Approved by the Voters.

Lands classified on the City's General Plan Land Use Map as of November 2, 2004 as "Hillside Very Low," "Hillside Low," and "Hillside Medium" shall not be amended to a land use classification other than a land use classification designated "Hillside" unless the amended land use classification is approved by the Milpitas voters.

Section 3. December 31, 2018 Sunset Date.

Sections 1 and 2 of this ordinance shall have no further effect after December 31, 2018.

Section 4. Publication and Effective Date.

This Ordinance shall take effect ten (10) days after its adoption by the voters of Milpitas, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

Section 5. Severability

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

RES 7459

REGULAR

ORDINANCE NO. 264

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS REQUIRING THAT UNTIL DECEMBER 31, 2018, ANY AMENDMENTS OR MODIFICATIONS TO THE HILLSIDE COMBINING DISTRICT ORDINANCE OR THE LAND SUBJECT TO THE HILLSIDE ORDINANCE BE APPROVED BY THE VOTERS OF THE CITY OF MILPITAS

HISTORY: This Ordinance was approved by the voters at the general election November 2, 2004.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Gail Blalock, City Clerk

APPROVED:

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITIZENS OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

WHEREAS, in September of 1992, the City Council after an extensive public input adopted Ordinance No. 38.672, which is generally known as the Hillside Ordinance; and

WHEREAS, the purpose of the Hillside Ordinance is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility; and

WHEREAS, the primary regulations of the Hillside Ordinance are set forth at Section 45 of Chapter 10 of Title XI of the Milpitas Municipal Code, which section is entitled "H" Hillside Combining District"; and

WHEREAS, the Hillside Ordinance also made several conforming changes to other provisions of the Municipal Code; and

WHEREAS, the City's General Plan designates certain property within the hillside area of the City as "Hillside Very Low, Hillside Low, and Hillside Medium"; and

WHEREAS, the City now desires that, until December 31, 2018, amendments and modifications to the Hillside Ordinance and the General Plan land use designations for hillside property be approved by the voters before becoming effective.

THE PEOPLE OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

Section 1. Amendments and Modifications to the Hillside Ordinance Must Be Approved by the Voters.

Any amendment or modification of the following provisions of the Milpitas Municipal Code shall be approved by the Milpitas voters before taking effect:

1. Subsection XI-1-8.02(b).
2. Section XI-1-15.02.
3. Section XI-10-54.04.
4. Title XI, Chapter 10, Section 45.

Section 2. Modifications to the Hillside Area Boundary Must Be Approved by the Voters.

Lands classified on the City's General Plan Land Use Map as of November 2, 2004 as "Hillside Very Low," "Hillside Low," and "Hillside Medium" shall not be amended to a land use classification other than a land use classification designated "Hillside" unless the amended land use classification is approved by the Milpitas voters.

Section 3. December 31, 2018, Sunset Date.

Sections 1 and 2 of this ordinance shall have no further effect after December 31, 2018.

Section 4. Publication and Effective Date.

This Ordinance shall take effect ten (10) days after its adoption by the voters of Milpitas, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

Section 5. Severability

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

RESOLUTION NO. 6796

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO PLACE BEFORE THE VOTERS OF THE CITY OF MILPITAS AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT TO ESTABLISH AN URBAN GROWTH BOUNDARY AND TO PROCEED WITH RELATED ACTIONS

WHEREAS, the City Council desires to submit to the voters at the general election on November 3, 1998, an urban growth boundary initiative.

NOW, THEREFORE, the City Council of the City of Milpitas does hereby resolve as follows:

Section 1. That the City Council orders submitted to the voters at the General Election on November 3, 1998, the following question:

"Shall an ordinance be adopted that amends the Milpitas General Land Use Plan to create an Urban Growth Boundary near the base of the Milpitas foothills, effective for twenty years, that would limit development within the City to the valley floor and the base of the foothills by prohibiting the City from providing city services such as police, fire, sewer and water to new land use developments in the hillside area?"	YES
	NO

Section 2. The ordinance to be enacted by the voters pursuant to Section 1 above shall be in the form set forth in Exhibit A, attached hereto.

Section 3. This measure is submitted to the voters pursuant to Elections Code § 9222.

Section 4. The ballots used at the election shall be in the form and content as is required by law.

PASSED AND ADOPTED this 7th day of July, 1998, by the following vote:

AYES: (3) Vice Mayor Livengood and Councilmembers Lawson and Lee

NOES: (0) None

ABSENT: (1) Dixon

ABSTAIN: (1) Mayor Manayan

ATTEST:

Gail Blalock, City Clerk

APPROVED:

Robert Livengood, Vice Mayor

APPROVED AS TO FORM:

for Steven T. Mattas, City Attorney

EXHIBIT A

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MILPITAS APPROVING A GENERAL PLAN AMENDMENT TO ESTABLISH AN URBAN GROWTH BOUNDARY AND TO REQUEST RELOCATION OF THE URBAN SERVICE AREA BOUNDARY

THE PEOPLE OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

Section 1. Statement of Purpose and Findings:

A. The hillsides of the Diablo Range within the Milpitas Planning Area are a unique scenic asset to the City, County and region that significantly contributes to the quality of life of Milpitas residents.

B. This initiative is intended to preserve the existing predominantly natural and rural character of the Milpitas hillsides by:

(i) Confining urban land uses to the flatlands/valley floor.

(ii) Recognizing the geologic, topographical and financial constraints on development in rural areas of the hillsides.

(iii) Minimizing development in hillside areas of high visibility.

C. This initiative is also intended to conserve the City's financial resources and prevent any reduction in the quality of City services by:

(i) Minimizing hillside development that would require costly infrastructure including, streets and sewers, storm drains and water lines and would jeopardize police and fire services by extending the area where service must be provided. To that end, if this ordinance is adopted by the voters and if LAFCO approves the relocation of the Urban Service Area boundary area to be coterminous with the Urban Growth Boundary, the City will reissue the General Plan Land Use map to show the relocated Urban Service Area boundary.

(ii) Preventing the City from incurring high infrastructure maintenance costs for services in the hillsides. For example, in fiscal years 1997-1998 and 1998-1999, the City spent over $600,000 from the General Fund to repair storm related damage to the sewer system within the hillsides. As a result of this and similar potential expenditures in the future, less money could be available to pay services in other areas, reducing the quality of services provided to existing neighborhoods on the valley floor.

D. Adequate housing is essential to a thriving community. The Milpitas General Plan promotes efficient housing development for all economic segments of the community through measures such as encouraging infill development, encouraging the creation of affordable housing units, and seeking to diversify housing opportunities in the City. The General Plan provided that 3,662 new units would be constructed to meet the City's share of regional housing needs. Of these units, the General Plan estimated that only 199 (5%) would be constructed in the hillsides. This initiative is consistent with these provisions and predictions because it allows them to be satisfied by development of a variety of housing types, including affordable housing, within the Urban Growth Boundary.

Section 2. General Plan Amendment:

A. Amendments to the General Plan to establish an urban growth boundary and request relocation of the Urban Service Area boundary: The City of Milpitas General Plan, dated July 1997 as amended through August 3, 1998, Land Use Element, Section 2.6 Land Use Principles and Policies, Land Use Implementing Policies 2.a I-2.1 and 2.a I-2.2 are amended as follows:

"2.a I-2.1 Maintain an Urban Growth Boundary in the hillside area, as shown on the General Plan Land Use Map, that shall be effective until December 31, 2018 and, except as otherwise provided below, shall not be moved until that time."

A. City Services Prohibited in Area Outside the Urban Growth Boundary and Outside the City Limits: The City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and outside of the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, police, fire or emergency medical service, including construction of related infrastructure that the City, its agents, its departments, or its contractors, provides to any property or people within the City limits. The City may provide a City service or City service extension to property or people outside of the Urban Growth Boundary only if:

(i) Declared Public Emergency: The City Council declares a local emergency pursuant to Government Code § 8630 et seq. or Milpitas Municipal Code Title V, Chapter V-1 as they presently exist or may be amended in the future and the City Council finds, based on substantial evidence, that: (1) the extension or provision of service on a temporary basis is necessary to ensure public safety and (2) the extension or provision of service is for a specified limited time period;

(ii) Urgent Public Health or Safety Concern Affecting Existing Development: The City Council finds, based on substantial evidence, that: (1) an urgent public health or safety concern exists; (2) an independent, certified professional engineer approved by the City has concluded that the only economically justifiable solution to that public health or safety concern is to provide or extend City service; (3) on or before November 3, 1998, the legal parcel affected by that public health or safety concern had either

a vested right to develop an approved land use or an approved and recorded final subdivision map pursuant to which residential units had been constructed within said subdivision; and 4) the applicant for the provision or extension of such City service has agreed to pay for its proportionate share of the service or service extension costs including, but not limited to, any engineering, design, inspection, land acquisition or review or other capital or operating costs incurred by the City. Any City *service extension constructed under this Policy 2.a I-2.1A.(ii) shall be constructed in accordance with Section XI-1-7 of the Milpitas Municipal Code (regarding developer installation of improvements);*

(iii) *Parks and Open Space: The City Council finds, based on substantial evidence, that: (1) the property is operated as park or open space for the benefit of the general public and owned by either a private open-space trust or a government agency, authority, or district; (2) there would be minimal alteration (e.g. trails and fire roads) of the natural land forms as a result of any land use approval or modification; and (3) the property either will be used exclusively for passive recreational uses consistent with the rural character and indigenous plant and animal species of the hillsides, or contains a designated historic building(s) or setting that will be used for a purpose related to the historic significance of the site. Any property that is extended or provided City service under this Policy 2.a I-2.1.A.(i) shall not be used as golf course, ball field, ball court, amphitheater, amusement park, gymnasium or auditorium; or*

(iv) *Mutual Aid Agreements with Other Public Agencies: The City Council finds, based on substantial evidence, that: (1) the City services to be provided are limited to police, fire or emergency medical services, (2) such services are provided pursuant to a written agreement between the City of Milpitas and another public agency, (3) the agreement provides mutual benefits to both the City of Milpitas and the other agency to the agreement, and (4) the agreement benefits all or substantially all of the residents of the City of Milpitas.*

B. *Limited City Services Available in Areas Outside the Urban Growth Boundary and Within the City Limits: The City may provide police, fire or emergency medical service to any property or people in that area located both outside of the Urban Growth Boundary and within the city limits of the City of Milpitas. "City police, fire or emergency medical service" means any police, fire or emergency medical service, including construction of directly related infrastructure [except new stations] that the City, its departments, agents or contractors provides to any property or people within the City limits. Other than police, fire and emergency medical services specified herein, the City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and within the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. For purposes of this section, "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, including construction of related infrastructure that the*

City, its agents, its departments, or its contractors, provides to any property or people within the City limits. Notwithstanding any prohibition provided in this paragraph, the City may continue to maintain and/or repair that portion of Calaveras Road within the City limits and outside of the Urban Growth Boundary.

C. *Amendments to the Urban Growth Boundary: Until December 31, 2018, the Urban Growth Boundary may only be amended as follows:*

1. *The Urban Growth Boundary may be amended by a vote of the People of the City of Milpitas;*

2. *To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the Urban Growth Boundary to accommodate lands designated or to be designated for residential uses. No more than 3 acres of land may be brought within the Urban Growth Boundary for this purpose in any calendar year. Land added to the Urban Growth Boundary pursuant to this section must be contiguous to land already within the Urban Growth Boundary. Such amendment may be adopted only if the City Council makes all of the following findings, based on substantial evidence:*

   a. *That the land is to be included within the Urban Growth Boundary not designated as existing regional parks in the Santa Clara County General Plan adopted December 20, 1994, as amended through August 3, 1998; and*

   b. *That the land is immediately adjacent to (i) the existing Urban Growth Boundary, and (ii) existing serviceable water and sewer connections;*

   c. *That the proposed development will consist of primarily low and very low income housing pursuant to the Housing Element of this General Plan; and*

   d. *That there is no existing residentially designated land within the Urban Growth Boundary to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands inside the Urban Growth Boundary for low and very low income housing; and*

   e. *That the proposed development is necessary to comply with state law requirements for provision of low and very low income housing and the area of land within the proposed development will not exceed the minimum necessary to comply with state law; or*

3. *The City Council may amend the Urban Growth Boundary if it makes both of the following findings:*

   a. *The application of any aspect of the Urban Growth Boundary*

above would constitute an unconstitutional taking of a landowner's property; and

b. That the amendment and associated land use designation under consideration by the City Council will allow additional land uses approved by the City Council only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.

D. Review of the Urban Growth Boundary: In 2015, prior to its expiration in 2018, the City shall begin a comprehensive review of the Urban Growth Boundary.

2.a I-2.2 Not later than 45 days after approval of this General Plan Amendment, the City shall take all necessary actions to apply for and request that the Santa Clara County Local Agency Formation Commission ("SC LAFCO") relocate the Urban Service Area boundary so that it is coterminous with the Urban Growth Boundary. The City shall take all actions within the scope of its jurisdiction to support and facilitate SC LAFCO's action regarding the City's request to relocate the Urban Service Area Boundary.

B. Amendment to the Milpitas General Plan Land Use Map: The City of Milpitas General Plan Land Use Map is hereby amended to show the location of the Urban Growth Boundary as shown on Exhibit A attached hereto and incorporated herein by reference.

C. Conforming Amendments to the General Plan:

1. The City of Milpitas General Plan, dated July 1997 as amended through August 3, 1998, Land Use Element, is amended as follows. Text to be inserted into the General Plan is indicated in *italic* while text to be stricken is presented in underline, text in standard text currently appears in the General Plan and is not affected by this initiative:

a. Land Use Principles and Policies, Guiding Principle 2.a-G-6 is added which provides:

"Maintain an Urban Growth Boundary to preserve the existing rural character of the hillsides and avoid costly infrastructure extension thereto."

b. Table 2-2, titled "1996 Citywide Land Availability" summarizes the status, as of the Spring of 1996, of developed and vacant land within City limits under different General Plan land use classifications. In this Table, after the heading "Undeveloped" in the third column, a new footnote 2 is added which provides:

"As a result of the Urban Growth Boundary described in Implementing Policies 2.a I-2.1 and 2.a I-2.2, certain of the units and acres of undeveloped hillside land reflected in this table may not be developed until after 2018."

In that Table 2-2, the current footnote 2 is renumbered to footnote 3.

c. Table 2-3, titled "Milpitas General Plan Land Use/Zoning Consistency" summarizes the City of Milpitas zoning districts that are consistent with each General Plan land use classification. In this Table, on the far left text column after the word "HILLSIDE", a new footnote is added which provides:

"See Implementing Policies 2.a I-2.1 and 2.a I-2.2, creating an Urban Growth Boundary, for limitations on City services to most lands under the Hillside land use classification."

d. Section 2.2, titled "Land Use Classifications" discusses the General Plan land use designations classifications. The fourth paragraph of page 2-6 in the general discussion of the land use classifications in Section 2.2 is revised to provide:

"The density/intensity standards do not imply that development projects will be approved at the maximum density or intensity specified for each use. *Where ranges are provided,* other General Plan policies, Z zoning regulations consistent with General Plan policies and/or site conditions may reduce development potential within the ranges."

e. Section 2.2, at page 2-11 and page 2-12, discusses the General Plan land use classifications for the Hillside Area. The fifth paragraph on page 2-11 discusses residential densities within the Hillside Area. That paragraph is revised to provide:

"Residential densities are per gross acre of developable land provided that at least one housing unit may be built on each existing parcel designated for residential use. Densities outlined in the classifications are maximums for the classifications; these decrease with increase in slope as outlined in the classifications and defined in detail in the City's Zoning Ordinance. The City may further reduce the permitted density on a site if such a reduction is necessary or appropriate for reasons of site conditions, *availability of City services*, access, views or geologic hazards. *For example, development in the hillside areas outside the Urban Growth Boundary during the term of the Urban Growth Boundary may be affected because City services will not be provided to the Hillside Area except under limited circumstances.* Second units permitted by local regulations and state access-mandated density bonuses for affordable housing are in addition to densities otherwise permitted."

Section 3. Exemptions for Certain Projects:

This initiative shall not apply to any development project that has, as of the effective date of the initiative, a vested right pursuant to state law.

Section 4. **Severability and Interpretation:**

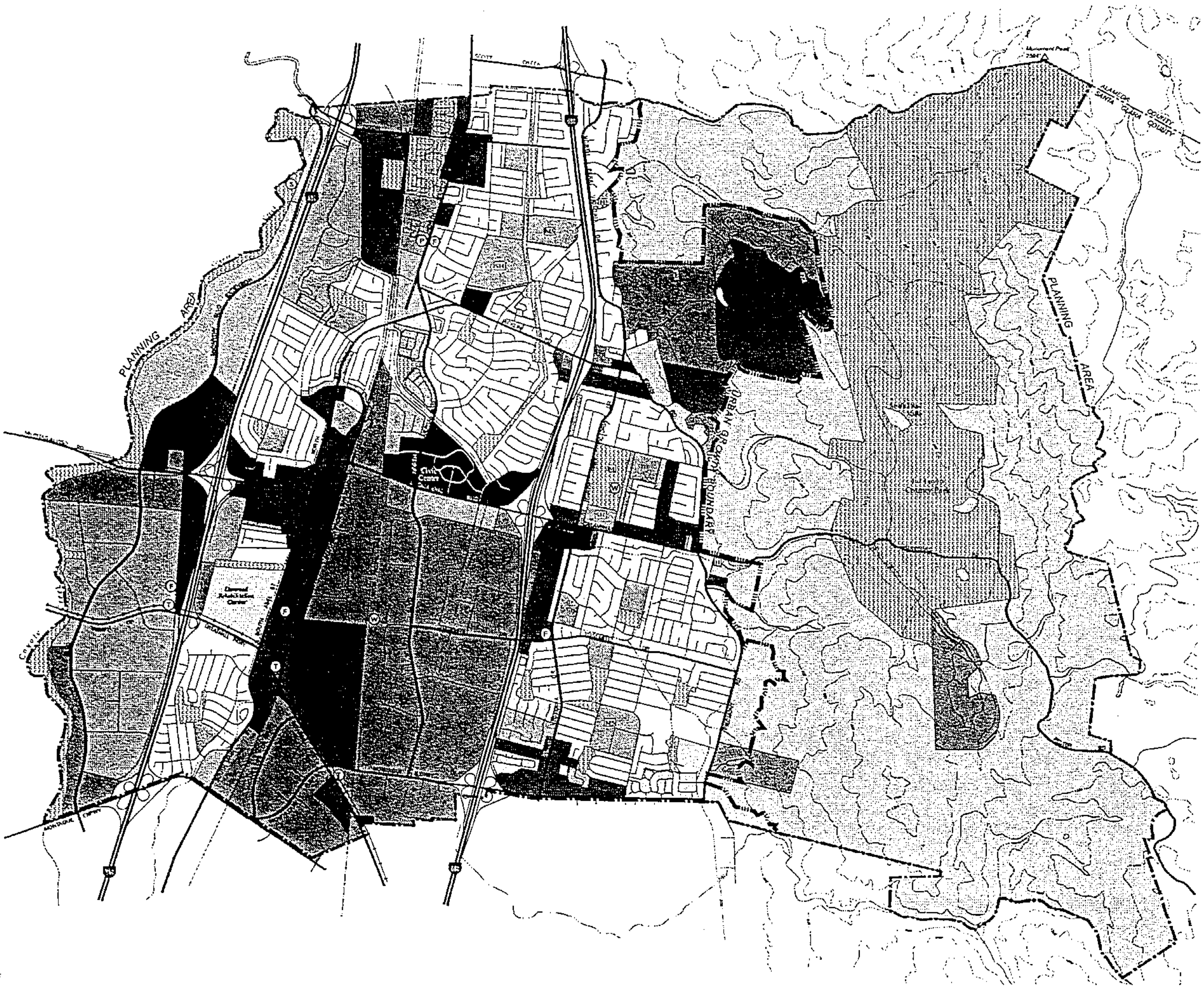
This initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The People of the City of Milpitas hereby declare that this initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application. This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 5. **Amendment or Repeal:**

Except as otherwise provided herein, provisions of this initiative may be amended or repealed only by a vote of the People of the City of Milpitas.

Exhibit List

Exhibit A - Illustrative Map of Urban Growth Boundary



HILLSIDE

Residential

- Hillside Very Low (up to 1.0 unit/10 gross acres)
- Hillside Low (up to 1.0 units/gross acre)
- Hillside Medium (up to 3.0 units/gross acre)

VALLEY FLOOR

Residential

- Single Family Low Density (3-5 units/gross acre)
- Single Family Moderate Density (6-15 units/gross acre)
- Multi-Family Medium Density (7-11 units/gross acre)
- Multi-Family High Density (12-20 units/gross acre; up to 40 units/gross acre with special findings and PUD approval)
- Mobile Home Park

Mixed Use

- Mixed Use (refer to approved master plan)

Commercial

- Town Center
- General Commercial
- Retail Sub-Center
- Professional/Administrative Office
- Highway Service

Industrial

- Manufacturing & Warehousing
- Industrial Park

Public

- Schools
  - MS = Middle School
  - SH = Senior High School
- Parks/Recreation
  - M = Major Park/Sports Center
  - H = Historical
- Correctional Facility

- (F) Fire Station
- (P) Police Station/Corporation Yard
- (S) Sewer Pump Station
- (W) Water Storage Tank
- (T) Light Rail Transit Station

- Freeway
- Arterial
- Collector/Local*
- Light Rail
- Urban Growth Boundary & Urban Service Area#

*Existing local and collector streets shown for information only – the locations of future new local /collector streets is not indicated.

#The UGB and USA line is located along property lines except for APNs 92-35-002, 92-34-008, and the Lee's Orchard Subdivision where the line is located along the 400 foot contour as shown on the City's contour maps.

10 acres

0 1000' 2600' 1 MILE

City of Milpitas

GENERAL PLAN

June 1998

Res # 6796

Measure Z
Urban Growth Boundary

November 3, 1998
General Election

"Shall an ordinance be adopted that amends the Milpitas General Land Use Plan to create an Urban Growth Boundary near the base of the Milpitas foothills, effective for twenty years, that would limit development within the City to the valley floor and the base of the foothills by prohibiting the City from providing city services such as police, fire, sewer and water to new land use developments in the hillside area?"

Yes votes	6,065 / **55.3%**
No votes	4,897 / **44.7%**

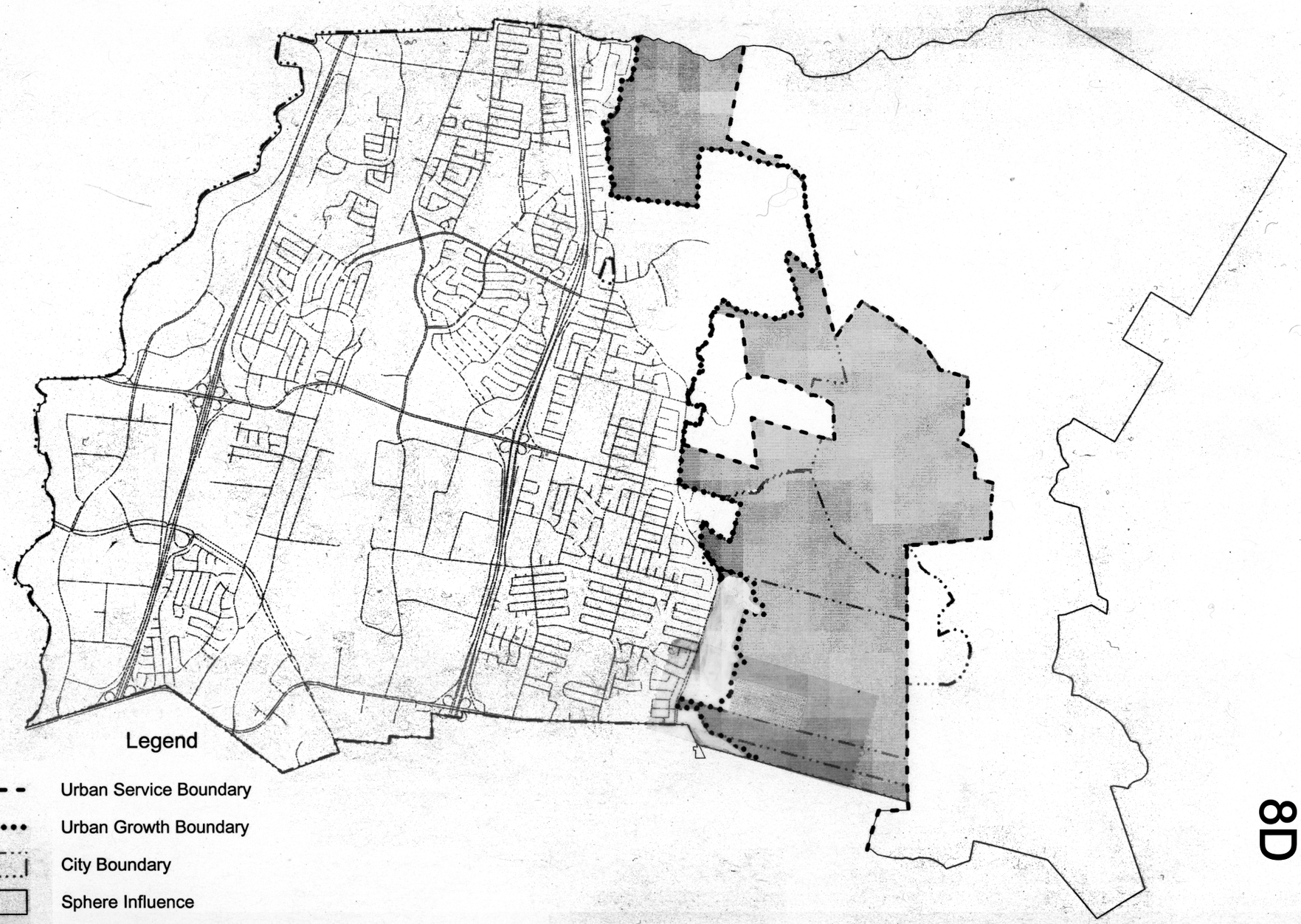
Measure T
Amendments to Hillside Ordinance and General Plan

November 2, 2004
General Election

"Shall an ordinance be adopted that requires that, until December 31, 2018, any amendments to the existing "Hillside Combining District" Ordinance and any amendments to the general plan land use designation for lands currently designated as "Hillside" property be approved by the voters before becoming effective?"

Yes votes	10,466 / 65.85%
No votes	5,428 / 34.15%

CITY OF MILPITAS URBAN SERVICE AREA BOUNDARY RELOCATION MAP



Legend

- Urban Service Boundary
- Urban Growth Boundary
- City Boundary
- Sphere Influence
- Properties affected by USA Relocation

8D