

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.

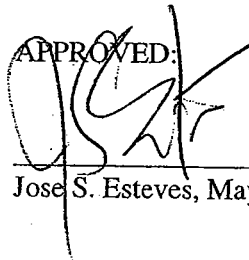
ABSTAIN: (0) None.

ATTEST:



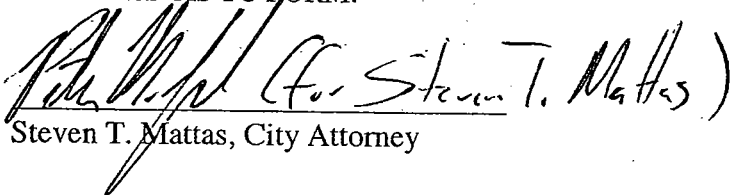
Gail Blalock, City Clerk

APPROVED:



Jose S. Esteves, Mayor

APPROVED AS TO FORM:



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.