

Chapter 1: Introduction

1.1 Forward

Fairview Village is a proposed planned community for approximately 5000 people. It is to be developed on a 364-acre site, held in three contiguous ownership, at the southwest edge of the City of Modesto. Bounded by the expanded Hatch and Carpenter Roads and by Whitmore Avenue, the Village is designed around a large central neighborhood park and elementary school. At completion, Fairview Village will include two elementary schools, the central neighborhood park and a commercial center with shops, offices and apartments.

1.2 Purpose and Nature of the Specific Plan

The purpose of the Fairview Village Specific Plan is to implement the goals, objectives and policies of the City of Modesto General Plan, as authorized by Section 65450 *et. seq.* of the State Government Code. Section 65451 specifies that a Specific Plan shall include text and a diagram or diagrams to describe in detail:

1. The distribution location, and extent of the uses of land, including open space, within the area covered by the plan.
2. The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
3. Standards and criteria by which development will proceed, and standards for the conservation development and utilization of natural resources, where applicable.
4. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out paragraphs (1), (2) and (3).

Specific plan legislation was adopted by the California legislature as an optional planning tool, available to local governments, to facilitate implantation of their General Plan. The primary function of the Specific Plan is to require that an area, or subarea of the General Plan be developed as a unit with regard to land use, public facilities and infrastructure. By grouping properties together for planning purposes, regardless of size, ownership or existing land uses, it was felt that community facilities and public improvement projects could be planned more effectively and could be financed and developed in conjunction with orderly private development. The Specific Plan is intended to prevent the piecemeal, random development of an area by requiring a rational sharing of resources.

The Specific Plan is not a rigid book of rules nor does it attempt to control every design detail of future development project. By focusing on land use, infrastructure, design standards for public improvement and implementation, it seeks to avoid the mistakes of static, end-state plans which leave little if any room for future flexibility or design creativity. The Specific Plan anticipates changing market conditions and acknowledges that developer will play an active role in determining the final design of individual projects that are consistent with Plan policies and requirements, including necessary mitigation measures for identified environmental impacts.

Prior to the Specific Plan process, property owners were able to petition successfully under the General Plan for annexation and development approvals regardless of the planning condition of nearby properties. The problem of piecemeal development was compounded in the late 1980s by a generalized real estate

boom in the State combined with reduced public funding for public improvement. Planners found it difficult to project growth impacts and to provide adequate public facilities and services. The Specific Plan was covered as a valuable subset to the General Plan. It was designed to provide a bridge that did not previously exist between public interest and resources, including requirements infrastructure and services on the one hand a private, one party land interests on the other.

In 1989, the City of Modesto adopted the Urban Growth Management Strategy, which requires that any future development within what is called the Urban Reserve be planned and annexed as villages under the auspices of Specific Plan. This action was seen as a necessary response to preventing new development new development in undeveloped areas prior to there being adequate consideration for public service facilities such as roadways, parks, schools and utility improvements.

The Fairview Village Plan provides a comprehensive, orderly approach to growth within the Sphere of Influence of the City of Modesto. It adheres to the fundamental purposes of the Specific Plan process to prevent urban sprawl by providing coordinated development of public resources and facilities concurrent with private development. As an implementation-oriented plan, it avoids the micro-management of such details as lot design and the use of architectural design standard and guidelines that have proved cumbersome, if not effective in other plans. It does not intend to limit private initiative, creativity or market flexibility during any or all phases. It strives to conform to the critical concepts of comprehensive planning while recognizing that, as a market driven plan, the very essence of successful implementation is to allow adequate flexibility for future, unknown market conditions.

In summary, The Fairview Village Specific Plan is a blueprint for the construction of a new City of Modesto community of approximately 2250 homes, a village commercial center and a new elementary school and central neighborhood park.

1.3.2 Boundaries and Area

The Fairview Village Plan is essentially square with wash edge being approximately $\frac{3}{4}$ mile. Two utility easements are located diagonally across the Plan Area. One is 50 feet wide and contains the Turlock Irrigation (TID) Lateral No. 1. The second is 40 feet wide and contains a City of Modesto, 60-inch force main outfall sewer line that extends to Whitmore Avenue, beyond which it becomes a gravity sewer line. Fairview Elementary School is publicly owned. The reference “property owners” in subsequent sections of the Plan is to be understood as meaning one or more of these ownerships.

1.3.3 Summary of the Environmental Setting

The overall site, have been graded for irrigated agricultural use, is relatively flat, with a gradual downslope from south to north. Soils are generally alluvial deposits of sandy loam with some hardpan, designated as Prime Farmland by the California Department of Conservation. The area North of the TID lateral is designated as being within a 500-year flood plan, although some portion of the specific plan are with in the 200-year flood plain as defined by the Regional Water Quality Control Board (RWQCB). No further mitigation, beyond that identified in the Master EIR for the City General Plan Revision, is required for the Fairview Village Plan Area for loss of sensitive wildlife and Plant habitat or disturbance of archaeological or historical sites.

1.4 Planning Process

This Specific Plan is part of a comprehensive planning process which serves to implement the City of Modesto General Plan goals and objectives according to Specific Plan identified principles policies and key projects. The detailed nature of the Specific Plan is intended to simplify the subsequent planning process and schedule and to clear the way for more efficient and timely approvals of projects in the Plan Area that are consistent with Plan policies, land use designations and infrastructure improvements. The process for developing in the Fairview Village Specific Plan includes:

- Annexation
- Tentative Subdivision Map Application
- Development Plan Review for Commercial and Multi-Family Development

A discussion of each of these subsequent components of the planning process following Specific Plan adoption is found in the Implementation Element of the Plan (Chapter 3)

1.4.1 Relationship of the Fairview Village Specific Plan to the City of Modesto General Plan

The City of Modesto adopted a major revision to the General Plan and certified the Master EIR in August 1995. The Fairview Village Specific Plan Area is identified in the revised General Plan as one of twenty-six Comprehensive Planning Districts (CPDs) which are designated areas for managed urban growth.

The Planned Urbanizing Area is predominantly flat, vacant and/or developed with agricultural uses and minimally if at all serve with urban services and infrastructure, including roads. Because it is an area where substantial development is expected, the General Plan Growth Strategy Diagram established that all new development in the CPDs will be planned comprehensively and implemented according to Comprehensive Plan, which are defined as policy documents meant to “create a bridge between general plan policies and individual development proposals.” The General Plan recognizes Specific Plan (by section 65450 of the State Government Code) as a form of Comprehensive Plan that may be used by the City to implement CPDs. In the Fairview CPD, the General plan proposes the preparation of a Specific Plan to guide of the identified Village Residential land uses. The Fairview Specific Plan for the Fairview

CPD has been developed according to the policies outlined in the revised General Plan for land use housing and public facilities and services.

1.4.2 Severability

In the event that any regulations, condition, program or portion of this Specific Plan is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions. The invalidity of such provisions shall not affect the validity of the remaining provisions of the Specific Plan thereof.