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 ownerships, 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 build out, Fairview Village will include two elementary schools, the new school plus the existing Fairview School, the central neighborhood park and a commercial center with shops, offices and apartments.

Figure 1.1: General View of Fairview Village
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 implementation 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
ordinarily private development. The Specific Plan is intended to prevent the piecemeal,
random development of an area by requiring a rational sharing of resources and
responsibilities.

The Specific Plan is not a rigid book of rules nor does it attempt to control every design
detail of future development projects. By focusing on land use, infrastructure, design
standards for public improvements and on 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
developers 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 often 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 improvements. Planners found it difficult to project growth impacts and to provide adequate public facilities and services. The Specific Plan was conceived as a valuable subset to the General Plan. It was designed to provide a bridge that did not previously exist between public interests and resources, including requirements for necessary infrastructure and services, on the one hand and 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 Plans. This action was seen as a necessary response to preventing 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 Specific 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 standards and guidelines that have proved cumbersome, if not ineffective, in other plans. It does not intend to limit private initiative, creativity or market flexibility during any or all phases of build out. 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. The central neighborhood park and school, together with a distribution of development into two Sub-Areas, are the signature features of the Plan, which establishes market feasible land uses and provides the infrastructure design and financing concepts necessary for annexation and development of the Plan Area.
1.3 Fairview Village Setting

1.3.1 Location

The Fairview Village Plan Area is located just outside the southwestern boundary of Modesto, in Stanislaus County. It is contiguous to the Bret Harte neighborhood on the east and is bounded by three existing major streets on the other sides, Whitmore Avenue on the south, Carpenter Road on the west, and Hatch Road on the north. The Tuolumne River is nearby, just north of Hatch Road. The Area is within easy access of both Highway 99 and State Route 132.

The City’s Growth Management Planning policy identifies Fairview Village as a logical location for new development and the County designates it an “Urban Transition” area.
1.3.2 Boundaries and Area

The Fairview Village Plan Area is essentially square with each edge being approximately 3/4 mile. It is comprised of 8 parcels in 4 ownerships as shown on the accompanying Ownership and Parcel Area diagram. Two utility easements are located diagonally across the Plan Area. One is 50 feet wide and contains the Turlock Irrigation District (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 properties being planned for new development are held in 3 major ownerships and the reference to “property owners” in subsequent sections of the Plan is to be understood as meaning one or more of these ownerships. Gross acreage for the development properties, school and park is summarized in Table 1.1, below:

<table>
<thead>
<tr>
<th>Property</th>
<th>Gross Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bava Brothers</td>
<td>169.12 * **</td>
</tr>
<tr>
<td>TPD &amp; Partners</td>
<td>99.14 *</td>
</tr>
<tr>
<td>Galas Brothers</td>
<td>81.66 * **</td>
</tr>
<tr>
<td>Fairview Elementary School</td>
<td>9.63</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>359.55</strong></td>
</tr>
</tbody>
</table>

* Includes TID Lateral No. 1  
** Includes City of Modesto Sewer Easement

Table 1.1: Parcel Areas

The TPD property is not in agricultural use. The western parcels, owned by the Bava Brothers, currently are subject to the provisions of the Williamson Act. No application for reversion has been made. The Galas Brothers’ property is also subject to Williamson Act provisions which have been protested by the City. Because of the City’s protest, the Galas Brothers’ property can be withdrawn from the Williamson Act contract upon annexation without penalty.
For purposes of analysis, the Fairview Village FEIR divides the proposed development program into two sub-areas. Sub-Area A includes the TPD & Partners' property and the Galas Brothers' property. Sub-Area B comprises the Bava Brothers' property. The boundaries for properties and easements within the Plan Area, as well as for Sub-Areas A and B, are shown on the Ownership and Parcel Area Map, below.

Figure 1.3: Ownership and Parcels, Also Showing Sub-Areas A & B
1.3.3 Summary of the Environmental Setting

The overall site, having 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 plain.

The Fairview Village FEIR has determined that 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. Where implementation of the Specific Plan is subject to mandated mitigation measures identified by the FEIR, those measures have been incorporated into the Specific Plan discussion of project requirements and specifications and are cross referenced in Section 3.2.3 of the Implementation Element of the Plan.

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. Adoption of the Specific Plan and certification of the Fairview Village FEIR establishes and defines the planning criteria and necessary mitigation measures that will be used to guide the subsequent stages of the established planning process, when initiated by private developers and public agencies, as follows:

- Annexation
- Tentative Subdivision Map Application
- Land Use and Site Design Review

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 CPDs comprise the Planned Urbanizing Area, one of three Growth Strategy Designations that also includes the City’s Redevelopment Area and what is called the Baseline Developed Area, both of which essentially are built out and are identified as locations only for infill type development.

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

The Fairview Specific Plan Area is one of five CPDs where development can be approved without necessitating an advisory election, as provided by Section 5353 of the California Elections Code. Annexation of the Plan Area must consider a number of factors which include population density, City boundaries, the need for services, impacts on adjacent areas and agricultural uses, ownership patterns, and consistency with General and Specific Plan policies. Annexation of the Plan Area can be staged to accommodate comprehensive stages of development.

1.4.2 Severability

In the event that any regulation, 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.