

## **Chapter 3: Plan Implementation**

### *3.1 Basic Concepts*

The most important opportunity represented by the Fairview Village Plan Area is that it is held in a small number of property ownerships. A complex implementation program is not required. The Specific Plan is designed so that each owner is made responsible for all of the improvements that are necessary for development of his or her property. In essence, it is a feasible, market driven, pay-as-you-go-plan.

Adoption of the Specific Plan establishes a comprehensive set of polices, land uses, infrastructure improvements and development standards for the Plan Area sufficient to guide the subsequent review process for project applications, which is discussed as one part of the implementation program. This procedural aspect of the implementation program may include the following components:

- Annexation
- Tentative Subdivision Maps
- Staff Level Development Plan Review for Multi Family and Commercial Development

The second part of the implementation program identifies the responsibilities of the property owner to fund and build the community facilities necessary to allow development of the Plan Area. In summary, each property owner, upon adoption of the Specific Plan, will be bound when seeking development approvals to the following set of agreements:

- Infrastructure improvements shall be built according to the location, size capacity and design described in the Specific Plan; and
- Public improvements for individual developments within the Specific Plan will be determined by the City at the time of approval of the development.

The Fairview Specific Plan provides a sufficient level of direction for public improvement and community facility requirements to guide the sequent process necessary to review and approve developer application for tentative subdivision maps and development projects. The following sections discuss in more detail the major features of the Specific Plan implementation and conform to the requirements of Section 65451 (b) of the Government Code.

## **3.2 Submittal and Approval of Subsequent Projects**

### *3.2.1 Tentative Subdivision Map Applications*

The tentative subdivision map application process is governed by the City of Modesto's Subdivision Ordinance and the State Subdivision Map Act (Section 66410 et. seq). The tentative subdivision map application shall provide final design of connector and local roads.

To be approved, tentative subdivision map applications must conform to the requirements of the Specific Plan. Following tentative subdivision map approval, development projects may be submitted for development plan review.

### *3.2.3 Land Use Development Standards*

Development standards shall be in accordance with the Municipal Code unless specified other is in the Specific Plan.

As noted in the Land Use section of the Plan, certain residential properties may be determined to lie within a zone of potential odor impacts from the nearby City of Modesto Wastewater Treatment Plant, which is located to the northeast of the Plan Area. In such cases, a disclosure, or other mechanisms satisfactory to the City Attorney, as determined at the time of subdivision application, may be used to achieve the goal of providing for the present and future operations of the treatment facility. Adjacent and nearby agricultural activity and future home buyers and prospective residents of Fairview Village shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural uses.

### *3.2.4 Amendments to the Specific Plan*

Because of its programmatic nature and as economic conditions dictate, the Specific Plan may require more amendments than other types of plans. Amendments to the Specific Plan will be classified as either minor or major (substantial in significance)

- **Minor Amendments**

Minor amendments include simple modifications to text or graphics that do not substantially change the meaning, intent or are contrary to any provision of the Specific Plan. For example, a minor amendment could be a minor acreage adjustment between adjacent land use designations that does not increase the maximum number of units. Another example could be a minor alignment adjustment with a Collector street that does not affect the general circulation and land use plan. Minor modifications may be accomplished administratively by the Director or designee or the Director may refer the proposed modification to the Planning Commission for decision without public hearing. Any decision by the Director or designee is appealable to the Planning Commission

- **Major Amendments**

Major (substantial) modifications are amendments to exhibits or text that result in significant change to the intent of the Specific Plan. Examples of major amendments would be a significant increase in the maximum number of residential units or commercial area, a substantial modification in the amount of park/basin and school site or the general circulation system layout, or a modification which may cause significant environmental impact, or other issues to be determined by the Director or designee. Major modifications require a Specific Plan Amendment and shall be approved by the Planning Commission and City Council. Major amendments shall adhere to the following format:

- All amendments to the plan will include textual, graphic or other materials suitable to replace or augment the sections being modified in the amendment. The applicant must provide amendments to the text using a strike out and underline format and amendments to graphics using clouds and delta format. The graphic format and style of the original specific plan will be followed for ease of incorporation and consistency
- Amendments to the Specific Plan may be subject to environmental analysis
- Consistent with the provision of Government Code Section 65453, both the City Council and the Planning Commission will hold public hearings on any proposed amendment to the Specific Plan.

### 3.3 Financing Strategy

#### 3.3.1 Purpose

Financing for Fairview Village is provided as part of the Specific Plan, both in accordance with specific plan State Government Code requirements (Section 65451, item 4) and with City of Modesto Urban Area General Plan policy, which states that, “Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimate of the costs of on and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools for any development which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.”

On-site facilities are defined as being located within the property boundaries that define the Plan Area. Off-site facilities are defined as being located outside the property lines that define the overall Plan Area. These boundaries are described in the introductory section of the Plan.

A basic concept of the Specific Plan Financing Strategy is that infrastructure improvements are to be constructed in conjunction with new development. These infrastructures shall be sized according to identified future needs with compensation from property owners who will receive future benefit.

Infrastructure improvements necessary to support proposed new development are the responsibility of individual property owners and financing may include City and or County fees. In general, fees are understood to be both the City and County’s Facilities Fees (CFFs), Community Facilities District (CFDs), the County’s Public Facility Fees (PFF), as well as an allocated portion of School and building permit fees.

#### 3.3.2. Community Facilities Districts

The City intends to create Community Facilities Districts (“CFDs”) or similar funding mechanism to fund construction and maintenance of backbone infrastructure, community facilities and possibly community services necessary to serve the Fairview Specific Plan Area. The purpose of this funding mechanism will be to ensure the City is collecting all funds necessary to construct and maintain the regional, backbone infrastructure and community facilities necessary to serve the Specific Plan Area. This CFD may include police and fire services as well. Subsequent documents shall establish the cost allocation and tax or fee structure for all properties within the Specific Plan area. It is the policy of the City Council that no new development may occur without forming or annexing to the applicable CFD(s) or other capital and maintenance funding mechanisms adopted by the City at the applicable rate(s), and by paying all applicable fees and taxes.

As a condition of approval for development of any parcel within the Specific Plan area, the property owner and/or developer shall be required to take all actions necessary to secure and establish a City Mello-Roos CFD for the Fairview Specific Plan for capital improvements and ongoing maintenance or, if said CFD has been established for the Kiernan Business Park Specific Plan, the property owner and/or developer shall take all actions reasonably necessary to annex its property to said CFD, which shall actually result in annexation of its property to said CFD at the tax rate for the zone of said CFD to which the property is ultimately annexed; or, alternatively, in the event a CFD is not formed or complete annexation of the property does not occur for any reason, the property owner and/or developer may provide a funding mechanism for said capital improvements and ongoing maintenance (and possibly police and fire services) to the same general standard as other similar capital improvements, ongoing

maintenance and community services financed by said CFD, subject to approval of the funding mechanism by the City, which approval shall not be unreasonably withheld. Payment of the CFD tax(es) shall be required prior to issuance of a building permit. Each parcel shall also be required to pay all CFF, sewer and water capacity charges and other development fees applicable to the property in accordance with City ordinances, resolutions, regulations, policies and procedures. It is essential to provide the necessary backbone infrastructure and community facilities at the earliest possible opportunity in order to ensure orderly development, mitigate potential traffic issues, and maintain appropriate service standards for the Specific Plan area. Debt financing in the CFD for the Specific Plan area may be considered for funding the construction of backbone infrastructure and community facilities necessary to serve the Specific Plan area. Developers of properties that proceed ahead of the infrastructure sequencing plan may be required to install and fund the costs of extending backbone infrastructure to their projects, subject to future reimbursement in accordance with the sequencing and prioritization contained in the CFD. Some developments may need to construct roads, sanitary sewer, water and storm drainage facilities through areas that remain undeveloped.

### *3.3.3 Capital Facilities Fees*

Capital Facilities Fees pay for citywide improvements for streets, transit, police and fire facilities, parks, air quality, general government, and administration.

### *3.3.4 Water Fees*

All development will be required to pay the City's adopted water connection fees, which pay for major water facilities needed for the project.

### *3.3.5 Sewer Fees*

There are several primary sewer fees that will apply to new development for the project's fair share of sewer service. The Sewer Capacity Charge pays for the Wastewater Treatment Plant and sewer trunk system throughout the City. The Subtrunk Charge pays for the construction and maintenance of subtrunk lines. The Lateral Charge pays for specific sewer laterals that extend from the street or alley to the specific property.

### *3.3.6 Developer Installation*

Developers are responsible to install the project infrastructure including street dedication and improvements within the Plan Area and those necessary off-site improvements. The size, location, and design of the project infrastructure will be determined at the time of Tentative Map, Final Development Plan and/or Administrative Final Development Plan approval.