

Chapter 1. Specific Plan Introduction

A. PURPOSE OF SPECIFIC PLAN

The North Beyer Park Specific Plan is a tool to guide the orderly development of land within the plan area. The purpose of the North Beyer Park Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 et. seq. of the State Government Code. The Specific Plan provides a bridge between the General Plan's broad base goals and policies and the City's precise zoning and subdivision regulations. The North Beyer site is located within a "Comprehensive Planning District (CPD)", therefore in accordance with the City of Modesto's General Plan adopted policies the adoption of a Specific Plan is required prior to any development. This Specific Plan ensures that the Citywide effects of development projects, especially the need for providing adequate infrastructure, is addressed.

The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in Government Code Section 65453(b).

The Specific Plan area is within the North Beyer CPD and subject to the CPD policies and provisions of the City's General Plan (Exhibit III-5) which include:

1. Maximum of 1,200 dwelling units.
2. Implementing adopted City General Plan policies.

The North Beyer Specific Plan will guide development of land within the Plan area. The Specific Plan will implement Modesto's long-range objective of orderly growth by providing housing, shopping and professional offices for City residents.

B. PLAN AREA DESCRIPTION

The North Beyer Park CPD is located on the north side of Mable Avenue (See Figure 1). The site is bound by Coffee Road on the west, the extension of Claratina Avenue to the north and Oakdale Road on the East Side. The project site contains approximately 160 acres.

The existing land use of the property is primarily agricultural with vineyards occupying the middle portion of the site and peach orchards occupying about the eastern one-third of the site. There are three houses on the site, a Christmas Tree Farm, the Mable Avenue Baptist Church, and the Assyrian of the East Church. There are also barns and other farm buildings on-site.

In September of 2002, an application was submitted to amend the Specific Plan to realign its northerly boundary to add the existing approximately 17-acre Claratina Driving Range and Golf Course (the "Claratina Driving Range") site to the North Beyer Specific Plan, to add a land use designation to the North Beyer Specific Plan of Church (CH), and to designate the Claratina Driving Range for development as a church (CH).

The Claratina Driving Range is located at the northeast corner of Coffee Road and the Claratina Expressway, and Figure 1 has been modified to show the addition of this property to the North Beyer Specific Plan. On February 25, 2003, the City Council adopted Resolution No. 2003-102 approving this amendment application.

1. Surrounding Land Use

The surrounding land uses are as follows:

North – (North of the Eastward Extension of Claratina Avenue) – Claratina Golf and Country Grill (Golf Course Driving Range) adjacent to Coffee Road, and agricultural uses (almond orchards, peach orchards, and vineyards).

South – (South of Mable Avenue all within the City of Modesto) – Vacant lot adjacent to Coffee Road, single-family residences, Stockard Coffee Elementary School, Undeveloped 5 Acre City Park, City Fire Station #7, and Homewood Village Mobile Home Park.

East – (East Side of Oakdale Road) – Agricultural Uses – Almond orchards and a ranchette development.

West – (Opposite side of Coffee Road – The Claratina / Coffee Plan Area) – Silverwood Mobile Home Park, orchard, Exxon Mini-mart, existing residence and open field.

C. PLANNING PROCESS

Adoption of the Specific Plan and adoption of the North Beyer Mitigated Negative Declaration 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:

- Tentative Subdivision Map Application
- Land Use and Site Design Review, Where Applicable

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 4).

D. STATUTORY AUTHORITY

A Specific Plan is a policy document used to implement the "Comprehensive Planning District" concept presented in Section III-D of the City's General Plan. The General Plan acknowledges specific plans (as defined by Section 65450 of the California Government Code) as an appropriate form of comprehensive plan to implement CPD policies. Specific Plans are authorized under Section 65450 of the Government Code for the systematic implementation of all or part of a general plan.

The North Beyer Specific Plan is intended to facilitate development within the Plan area by: 1) defining the types and distribution of land uses and the location and type of infrastructure, 2) setting development standards, and 3) documenting financing of public improvements. The Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a specific plan includes, at minimum, text and diagrams to describe the following:

1. The distribution, location and extent of land use, including open space, within the plan area.
2. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste, energy, and other essential facilities proposed to be located within the plan area and needed to support land uses described in the specific 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 implement the specific plan.
5. A statement of the relationship between the specific plan and the City's general plan.

E. RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN

The City adopted its current General Plan and certified the Master EIR in August 1995. The General Plan identified 25 Comprehensive Planning Districts, including North Beyer within the City's Planned Urbanizing Area. Collectively, the CPDs cover 17,600 acres and represent the City's major urban growth area. The City's General Plan contains a comprehensive range of goals and policies to manage future growth in these districts. In addition to overall community development policies affecting all CPDs (Chapter III), the City's General Plan includes policies for developing its community services and facilities (Chapter V), and managing the City's environmental resources and open space (Chapter VII).

A General Plan Amendment will be required to revise the North Beyer Comprehensive Planning District text and map, Exhibit III-15, to allow the projects proposed non-residential uses. These proposed uses are consistent with the Neighborhood Plan Prototype Policies of the General Plan, Policy III-C-2, and a General Plan amendment will be adopted concurrently with this Specific Plan adoption.

To allow the addition of the Claratina Driving Range property to the North Beyer Specific Plan, a General Plan Amendment was required to shift Comprehensive Planning District boundaries in the General Plan in order to add approximately 17 acres of land to the North Beyer CPD (General Plan Exhibit III-15) and simultaneously remove the property from the Hetch Hetchy CPD (General Plan Exhibit III-8). This General Plan Amendment was adopted prior to the inclusion of the Claratina Driving Range into the North Beyer Specific Plan.

F. SPECIFIC PLAN ADOPTION

Adoption of the North Beyer Specific Plan and adoption of the Mitigated Negative Declaration establishes the standards, criteria, and mitigation measures for tentative and final subdivision map approval, rezoning, and development of the Plan area.

Should any regulation, condition, program, or portion of this Specific Plan be ruled invalid or unconstitutional by a California or federal court of competent jurisdiction, such portions will be deemed separate, distinct, and independent provisions. The invalidity of these provisions will not affect the validity of the remaining portions of the Specific Plan or Mitigated Negative Declaration.

G. CEQA REVIEW

The North Beyer Specific Plan has received environmental review under the California Environmental Quality Act pursuant to the City's General Plan Master EIR (SCH#920852017) through the preparation of an Initial Study leading to adoption of a Mitigated Negative Declaration (CEQA Section 21157.5). A 30-day public review period was provided for the Mitigated Negative Declaration, which included the Specific Plan document. Because earlier analysis was performed on the project area for substantially similar uses, Stanislaus County LAFCO Staged EIR (SCH #91102032), a Mitigated Negative Declaration per CEQA Section 21157.5 rather than a Focused EIR was used.

Project adoption will include a General Plan Amendment exempting the North Beyer Specific Plan from the requirement for preparation of a Focused EIR, Policy III-D-1-g.

As part of the addition of the Claratina Driving Range to the North Beyer Specific Plan, a Mitigated Negative Declaration was prepared, circulated and adopted (SCH # 2002122117).