

City of Modesto

Fairview Village Specific Plan

This document reflects all amendments to the Fairview Village Specific Plan, as of February 8, 2022

Amendments to the Fairview Village Specific Plan

This document contains information from the original Fairview Village Specific Plan adopted December 12, 195, by City Council Resolution No. 95-584, as revised by the following Specific Plan Amendments:

- SPA #1 **Incorporate Changes in Financing Installation and Ongoing Maintenance of Infrastructure within the Specific Plan Area from Various Assessment Districts to a Single, City Mello-Roos Community Facilities District**
- Recommended by Planning Commission Resolution No 97-12
- Adopted by City Council Resolution No. 97-135
- SPA#2 **Delete the Requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee**
- Recommended by Planning Commission Resolution No. 97-15
- Adopted by City Council Resolution No. 97-138
- SPA#3 **Add Language to Allow Changes in Service Providers**
- Recommended by Planning Commission Resolution No. 97-71
- Adopted by City Council Resolution No. 97-622
- SPA#4 **Make Specific Plan Consistent with Policies in the Urban Area General Plan, Change the Land Use and Circulation Plans, and Make Other Revisions**
- Recommended by Planning Commission Resolution No. 2021-22
- Adopted by City Council Resolution No. 2022-101

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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 and 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 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 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.

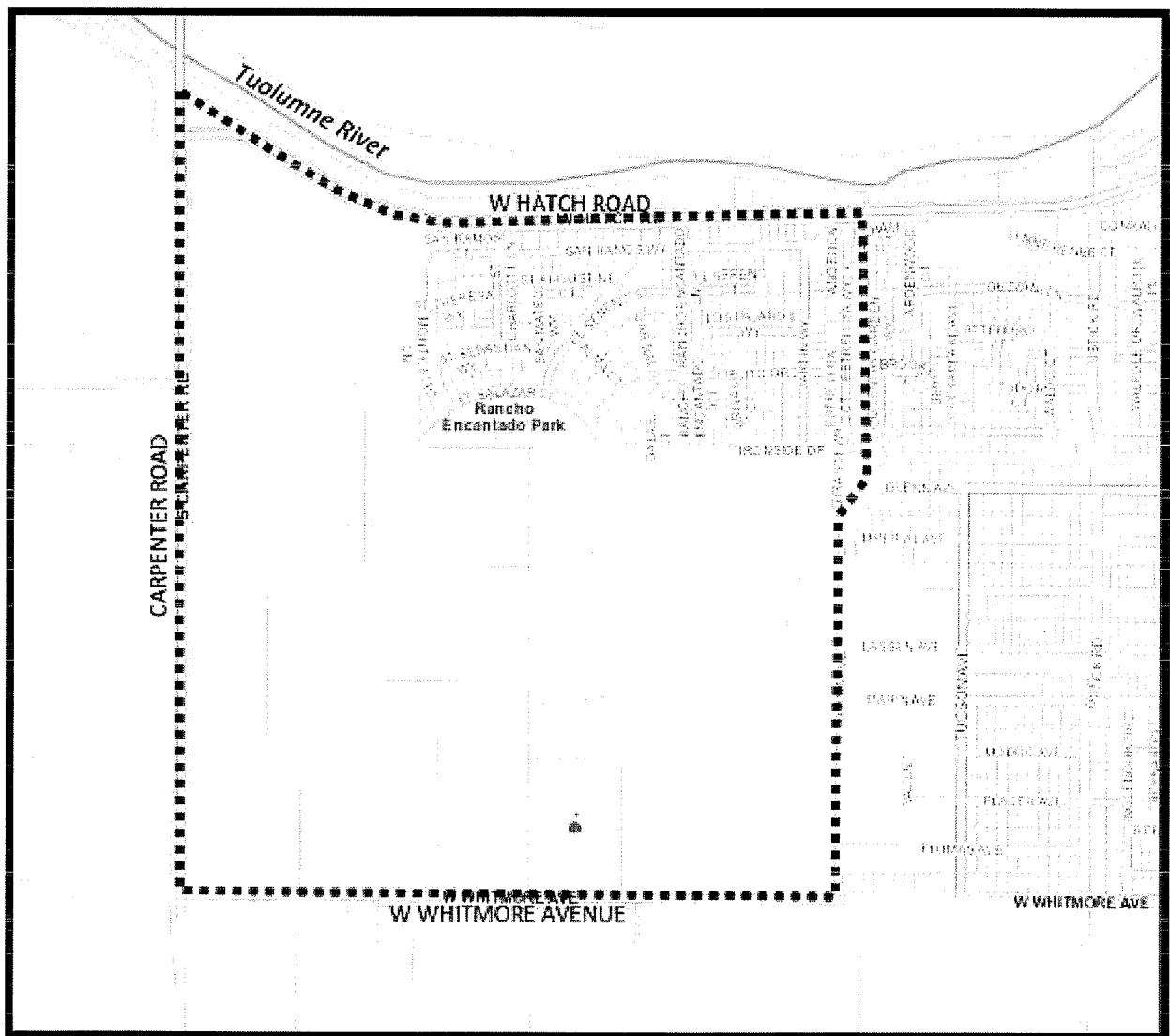


Figure 1: Location and Boundaries of Fairview Village Specific Plan

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.

Chapter 2: Fairview Village

This section describes the physical characteristics of Fairview Village and is organized to address the following elements, as required by Specific Plan legislation and, the considerations of the Plan Area:

- Guiding Principles
- Land Use
- Infrastructure

2.1 Guiding Principles

The Fairview Village Specific Plan based upon a set of guiding principles that are intended to balance requirements for automobile access with those for pedestrian and other modes of access from all points to major community facilities such as schools, parks and neighbor shopping. These principles are:

- The Specific Plan focuses upon a central neighborhood park and elementary school, easily accessible to each residential area
- The open space, including parks, retention basins, school yards and street landscaping, is purposely designed in conjunction with the circulation network to make public green space a significant experience
- Residential densities are kept as high as feasible within the limits of a changing market

The principles guiding the Fairview Village Specific Plan are consistent with City of Modesto General Plan policies for new neighborhoods:

1. Communities or neighborhoods should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other;
2. As many activities as possible should be located within easy walking distance of transit stops;
3. Communities or neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries;
4. Business within a community or neighborhood should provide a range of job types for the communities or neighborhood residents;
5. The location and character of the community or neighborhood should be consistent with a larger transit network;
6. Each community or neighborhood should have a center focus that combines commercial, civic, cultural and recreational uses;
7. Each community or neighborhood should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design; and
8. Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations; their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting by the discouraging high speed traffic; wherever possible, natural terrain, drainage and vegetation should be preserved with superior examples contained within parks or greenbelts.

2.2 Land Use

This section of the Specific Plan established the general distribution and extent of land uses, including open space, within the Plan Area. It contains the Land Use Diagram and Land Use Designations and confirms to Section 65451 (a)(1) of the California Government Code.

2.2.1 *The Village Concept*

The $\frac{3}{4}$ mile square Plan Area allows residential development to be located within an approximately $\frac{1}{4}$ mile walking distance from a central school and neighborhood park site. A neighborhood serving commercial center, which may include residential development, is located in one of the neighborhoods where it will have visibility from the higher volume roads along the edge of the planning area and also be internally accessible to each of the neighborhoods and to the central park and school.

2.2.2 *Residential Neighborhoods*

The residential areas surrounding the central neighborhood school and park site are visually identifiable as separate, distinctive neighborhoods. The physical identity of neighborhoods as being places where there is opportunity for shared space and social interaction usually is the result of certain predominant characteristics that include topography, street layout and landscaping, lot size and geometry, the depth and landscape character of front yard setbacks, and often to a much lesser extent, architecture.

Approximately 1075 to 2150 single family units and 220 to 440 multi-family units are proposed for Fairview Village neighborhoods, for a total of between 1097 and 2590 residential units. A variety of housing types, design styles and lot sizes for single family units is anticipated as the result of zoning standards that allow higher densities and smaller lot sizes in appropriate locations as well as from phasing that accommodates many different builders over many years. Multi-family housing is to be located in and near the village commercial center.

The Fairview Village Specific Plan does not attempt to establish any design guidelines for residential or commercial development beyond that described by zoning and by the standard described in the Land Use Element. Design standards for Fairview Village are concerned primarily with neighborhood form as determined by public infrastructure, including streets and street landscape and by land use and development intensity. Development increments of 70 to 200 lots are anticipated. Project design will determine neighborhood character along the local residential streets.

The overall goal of the Fairview Village Specific Plan, with respect to affordable housing, is to provide housing opportunities within the Village for people with diverse income levels, as is compatible with the range of market rate housing that is planned.

2.2.3 *Commercial Center*

Neighborhood serving commercial development is located in the northwest quadrant of the Plan Area where it has high visibility from both Carpenter and Hatch Roads, each of which are Minor Arterials. The Fairview Village Commercial center is conceived as a pedestrian-friendly neighborhood district.

Community facilities such as churches, child care centers and health clubs also are encouraged in the Village commercial center. More intensive forms of residential development are located adjacent to and, where possible, are integrated into the commercial center. The maximum development program for the commercial center is identified as being 122,000 gross square feet of retail space.

2.2.4 Schools

A new elementary school is located at the center of the Fairview Village Plan Area, which allows it to be equally accessible to each of the residential neighborhoods. The school has a civic function in the community, in addition to its role as a place of education, because it will be used occasionally for public meeting and because many of the parents of the community will be involved in school activities with their children. The new school site also is adjacent to the neighborhood park to increase the sense of open space for both school and park uses. The new elementary school will be a full-serviced facility, to be constructed, as required, to serve an identified level of new residential development in the Pan Area and in conformance with the criteria and standards for the Modesto city School District.

The existing Fairview Elementary School will serve Fairview Village residents in the early phases of development. It will also continue to be an important part of the community dynamic after construction of the new, more centrally located elementary school.

2.2.5 Open Space

1. Neighborhood Parks

A minimum of 7 acres of parkland is required in Fairview Village. There are a number of ways to achieve this requirement.

The Fairview neighborhood park shall be adjacent to the new centrally located elementary school. Park improvements may include both active use playfields and passive recreational use areas such as open expanses of lawn. The final design of the central neighborhood park will be developed as determined by the City's Parks, Recreation and Neighborhoods Department.

2. Street and Drainage Basin Landscape

The connector streets are another important part of the Plan Area landscaping. As stated above, the overall visual character of the Fairview Village neighborhood is defined largely by the alignment and landscape character of the entry street and street adjacent landscape areas.

The landscaping along the connector streets will be a major aesthetic feature of Fairview Village and will be primary concern during the final planning and design of each increment of build out. The street landscape becomes a network of green space that provides a high-quality environment for pedestrians, bicyclist and all others who move about through the Village, including motorists. Landscaping, including planting, will be allowed in the drainage basin only if appropriate to the technical operating characteristics of the drainage basins. Landscape improvement and maintenance costs will be funded through a Mello-Roos Community Facilities District.

The Fairview Village property frontage along Hatch and Carpenter Road and along Whitmore Avenue will be improved, as development occurs, to include a landscaped setback. Along Hatch and Carpenter Roads, well designed sound walls will be provided to mitigate noise levels, as identified in the General Plan. Landscaping shall be designed for the setback area to create a unified edge along these roadways and to complement and break down the scale of what otherwise could be the dominant linear character of the sound walls.

Along Whitmore Avenue, which is a Minor arterial, the landscape setback also shall be designed to accommodate the 40-foot sewer easement that is described in detail in the infrastructure section of the Plan Area. A consistently designed masonry wall will be used to prevent unwanted access into development parcels along Whitmore Avenue. Maintenance of all the landscape setback areas along the

Fairview Village side of the three edge roadways will be maintained through a Mello-Roos Community Facilities District.

3. Utility Easement

Complementary to the landscaped circulation and landscaped drainage basins network is a diagonal, 40-foot sewer easement that is described in detail in the infrastructure section of the Plan. This easement crosses several of the connectors and is an opportunity for an off-street linear trail and bicycle route. A basis level of landscape improvements will be provided for the sewer easement that makes it an amenity. Subject to tentative map design, all landscape improvement for secondary, recreational uses shall be compatible with the primary function of the easement as the location for the underground sewer line. Basic maintenance would be provided by a Mello-Roos community Facilities District.

2.2.6 Land Use Map, Zoning Designations and Area Summary Table

This section of the Specific Plan provides a policy to protect nearby City infrastructure from a potential land use conflict, and the standards and criteria by which development will proceed in compliance with Section 65451 (a) (3) of the Government Code. The word diagram is distinguished from a map in the context of a California Attorney General Opinion (67OPS.CAL.ATTY.GEN.75(3/7/84), To provide a certain limited degree of flexibility in applying the land use designations to specific parcels.

1. Policy: Residential Land Uses Near the City Wastewater Treatment Plant

The Land Use Plan shall ensure that new residential development in areas that may be subject to potential odors from the nearby City Wastewater Treatment Plant, located northeast of the Plan Area, does not adversely restrict future operations and the continuance of present operations at this critical treatment facility. (See Implementation Element 3.2.4)

2. Land Use Plan Diagram

The following diagram is a graphic illustration of the designated land uses for the Fairview Village Specific Plan Area:

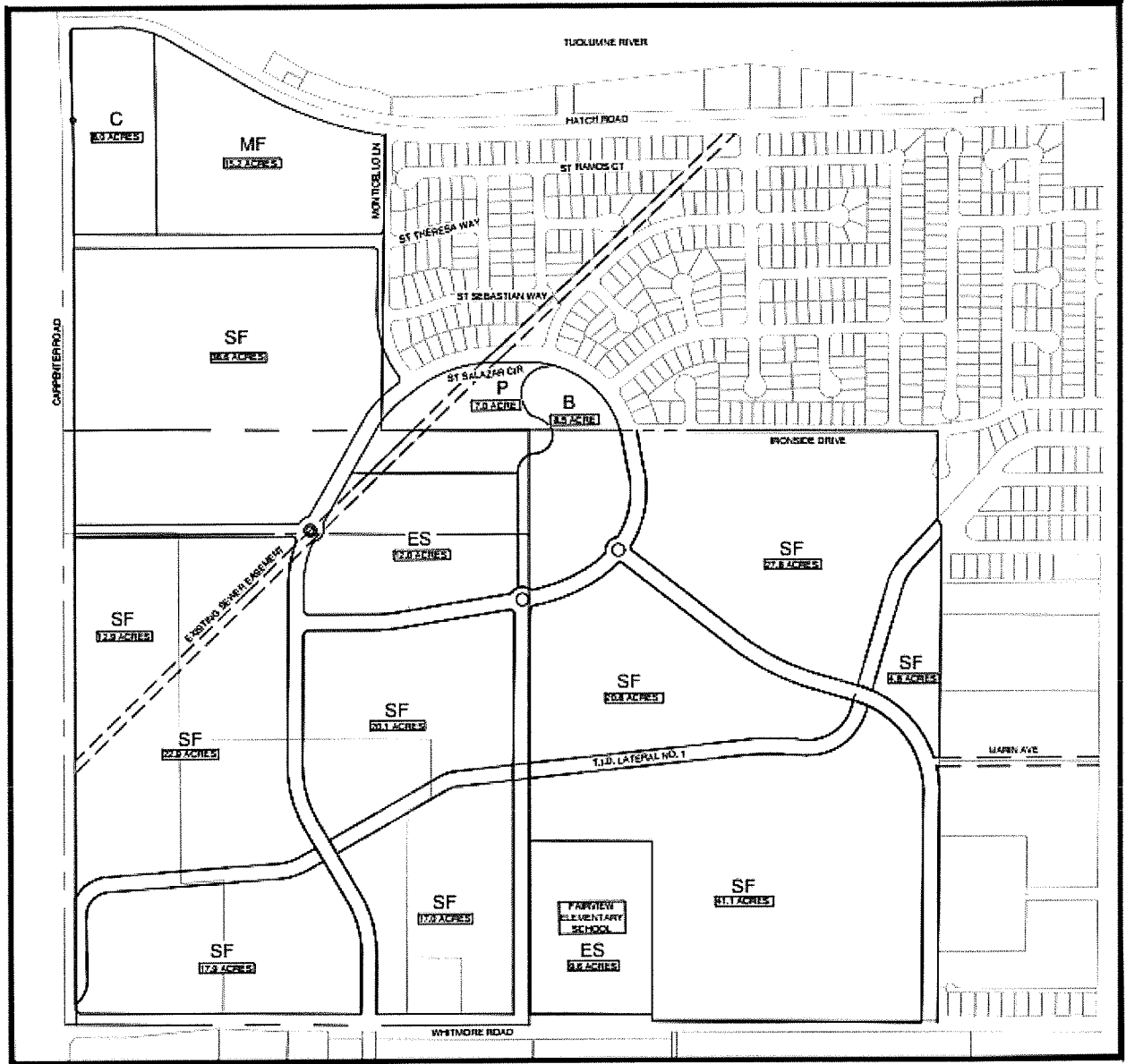


Figure 2: Land Use Diagram

3. Description of Fairview Village Land Use Designations

Single-family homes (SF)

The majority of the homes in Fairview Village will be single-family, generally conforming to the standards set forth in the Modesto Zoning Code under the R-1 designation, with the following exceptions:

For lots that meet or exceed the minimum lot size in the R-1 zone:

Front setback: 12 feet to the house or front porch and side entry garage

For lots that are smaller than the minimum lot size in the R-1 zone, the following setbacks from property lines will apply:

- Front setback: 10 feet to the house or front porch
- Interior side setback: 4 feet
- Garage face setback: 18 feet

Multi-Family Homes (MF)

Areas for multi-family homes, including townhouses and apartment units, are designated where there is convenient access to major bus routes and expressways and near the Commercial Center to promote more diverse types of commercial activity over a longer portion of the day. These areas are identified on the Land Use Diagram by the letters “MF.” Development in the multi-family area shall conform to the uses and standards of the City’s R-3 zone.

- Development Plan Review by staff shall be required prior to approval of any multi-family development to ensure compliance with City standards prior to building permit submittal.

Commercial (C)

In general, the Commercial Center shall conform to the uses and standards allowed for C-1, Neighborhood Commercial Zone, with the following modifications:

- Additional permitted uses in the Commercial Area include R-3 residential apartments as a secondary, mixed use;
- Storefronts should have clear glass display windows;
- Larger surface parking areas are to have convenient, evenly spaced pedestrian walkways that provide access to the main shopping street and public square; Surface parking areas are to be well lit;
- Provisions should be made in the commercial center for places where people can sit outdoors; and
- Development Plan Review (of the Zoning Code) by staff shall be required prior to any development in the Commercial Area to ensure compliance with City Standards prior to building permit submittal

Parks and Storm Drainage

All new parkland shall be designed to City standards.

Storm Drainage

The drainage basins and the 40-foot underground sewer easement also discussed in both the Open Space section above and the Infrastructure section below, may be accessible for public use subject to approval by the City.

Elementary Schools

Two areas are designed as school sites and are identified on the Land Use Diagram by the Letters, “ES”. Both are for elementary schools, as discussed previously in the section on Schools.

- The Fairview Elementary School site is 9.63 net acres and, as an existing facility, is considered to meet current standards for site area;
- The new Fairview Village elementary school site is 12 acres and is a community facility located adjacent to the central neighborhood park.

Use	Gross Acreage	Net Acreage	Yield
Stormwater Basin	8.5	8.5	n/a
Elementary School	12	11.7	n/a
Park	7.0	6.4	n/a
Commercial	8.0	8.0	122,000
Multi-Family	15.2	15.2	220 – 440
Single Family	223.8	215.3	1,075 – 2,150
TOTAL	284.1	265.1	---

2.3 Infrastructure

This section of the Specific Plan describes public facilities, including community services and infrastructure, needed to support the physical development described in the Land Use Section. Descriptions and proposed improvements conform to the requirements of Section 65451(a) (2) of the Government Code for transportation, circulation and access, sewage, water, drainage, solid waste disposal, and energy.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

2.3.1 Circulation and Access

The street layout for Fairview Village is a modified north-south/east-west grid, that connects with a circular, central connector roadway defining a large site for the Village elementary school and neighborhood park. (Six connector streets, which in turn are served by local streets, provide access to the edge arterials for the neighborhoods and commercial center). The residential street alignments are identified in the Specific Plan at a conceptual level actual alignment will be determined at the subdivision level.

The connector intersection with Hatch and Carpenter Roads and Whitmore Avenue, at a distance of ¼ mile or greater in accordance with City Standards. Hatch and Carpenter Roads and Whitmore Avenue will be widened to meet planned future width lines in conjunction with tentative subdivision map approvals as required by the City.

Connector street intersection with the circular, central connector around the neighborhood and park site are to be located at reasonable intervals that equally distribute access to the community facilities and at

points on the curve that do not result in unacceptable intersection geometry. Local residential street intersections with collectors are to be sufficiently well located to allow relatively direct pedestrian routed between neighborhood and community facilities including Fairview central neighborhood park and school and the commercial center.

In concept, street widths and alignment for neighborhood tentative maps, as wells as for connector streets, are designed to encourage low speed traffic and to be friendly places for people as well as for cars. All streets in Fairview Village are amenable for multiple uses, including pedestrian bicycle and automobile traffic with the result that they become shared public space connecting individual residences and neighborhoods with the schools, shopping and parks within the overall area of Fairview Village.

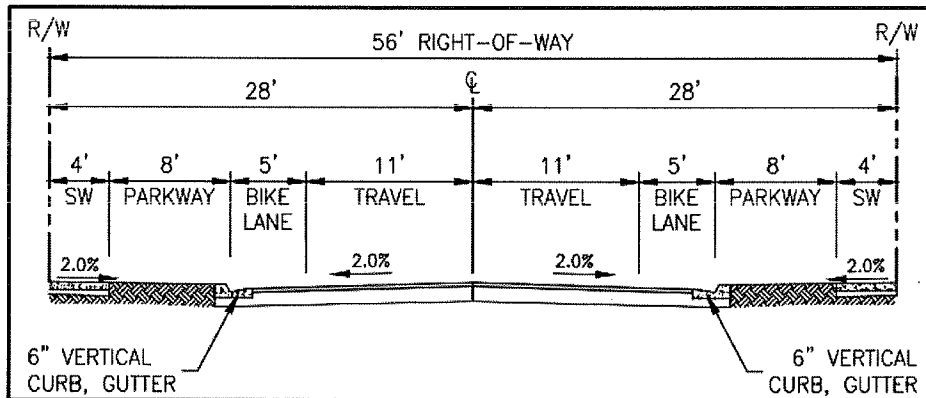
1. Right of Way and Design of Local Streets

Local streets shall be designed in accordance with Modesto’s Standard Specifications Manual.

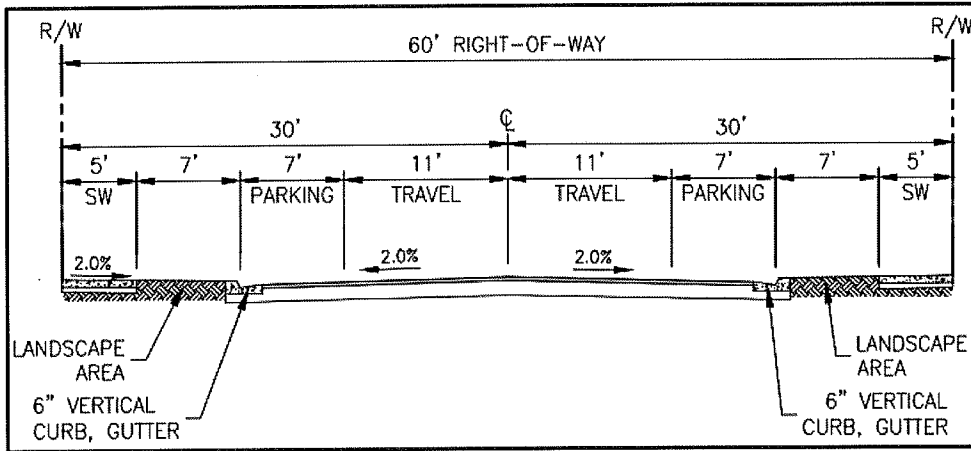
2. Right-of-Way for Connector Street

Connector streets should be designed using the following right of way standards:

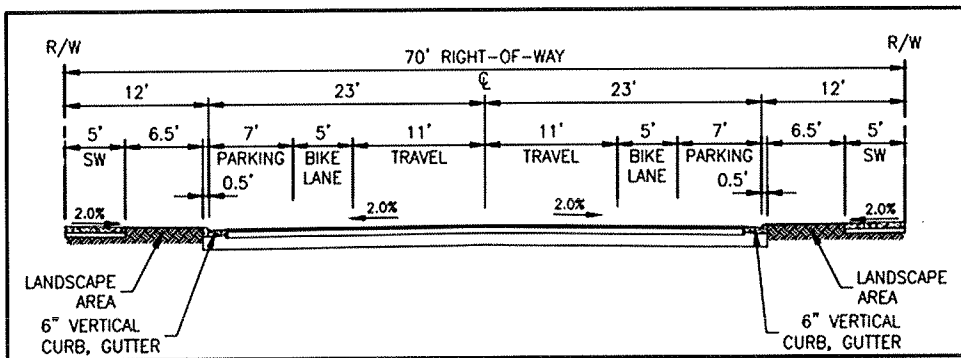
- a) For circular “loop” street around the central park/open space: 70’ ROW (includes parking and bicycle lanes)
- b) For connector streets indicated on as requiring a bicycle lane, but not having parking: 56’ ROW (where residential access is restricted, parking would not be provided)
- c) All other connector street: 60’ ROW (where residential access is allowed, parking would be allowed and bike lanes would not be required)



Typical Section, 56-Foot Right of Way with Bike Lanes



Typical Section, 60 Foot ROW Secondary Connector



Typical Section, 70 Foot ROW Central Park, School Oval

Residential Access to Connector Streets

With regard to Residential Access to Connector Streets (i.e. driveway from single family houses taking direct access to Connectors), the following three policies have been adopted in the Specific Plan:

a) General Policy on Access to Connectors

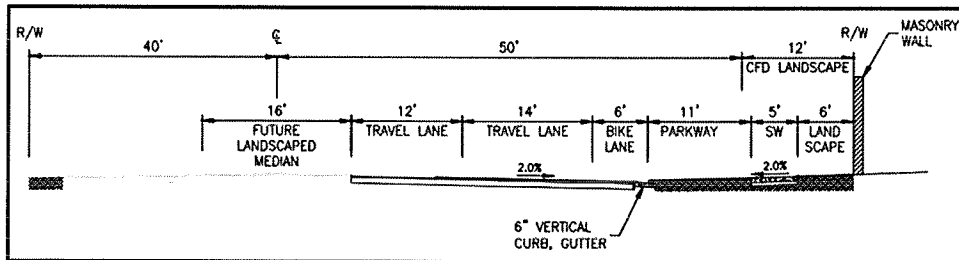
Connectors streets, which provide significant access from the interior of the project to the arterial street to the periphery of Fairview Village, should be designed such that vehicular access, at safe speeds, is not unduly impeded. In general, those most significant Connector Streets, as determined by the City, should be located and designed in such a way that residential lots direct driveway access onto those connectors is minimized.

b) Policy on Access to Connector Streets

Connector Streets may be allowed residential driveway access on a case by case basis. The City may allow residential driveway access to connectors unless said access presents unique safety or congestions problems.

3. Right of Way and Design of Minor Arterials

Three minor arterials border the Fairview Village Specific Plan: Hatch Road on the north, Carpenter Road on the west, and Whitmore Avenue on the south. The cross section of these facilities is shown below.



Typical Section, Minor Arterial

2.3.2 Sanitary Sewer

Sanitary sewer service to Fairview Village will be provided by the existing City of Modesto 33-inch diameter South Trunk, located in Ustick Avenue, which runs north under the Tuolumne River to the City of Modesto Waste Water Treatment Plant, located immediately northeast of the Plan Area. The City General Plan establishes goal to provide for future operations and the continuance of present operations of this facility and the Specific Plan for Fairview Village provides measures to insure implementation of these goals both in the Land Use and Implementation sections.

Three lines have been extended from the South Trunk line the easterly boundary of the Plan Area. These lines are described as: (1) a 15-inch diameter sub-trunk on Ironside Drive, at flowline elevation 74.45 feet, which will serve most of the Plan Area, (2) a 10-inch diameter sub-trunk on Hatch Road at flow line elevation 72.02 feet, which will serve as part of the Plan Area along the Hatch Road frontage, if needed, and (3) a 6-inch diameter lateral on Dezzani Lane elevation 77.74 feet. Finally, a City of Modesto 60-inch diameter sanitary sewer force main traverse the Plan Area over northwesterly corner from northeast to southeast. This force main runs from the Modesto Waste Water Treatment Plan to remote treatment ponds near the San Joaquin River. It should be noted that the City intends to install a second 60-inch diameter pressure pipeline east of the existing 60-inch diameter force main. The existing pipeline is not available to serve Fairview Village.

The 15-inch diameter sanitary sewer on Ironside Drive will be extended west to serve new development in Fairview Village. A sanitary sewer lift station will be required to discharge into the existing line. From the lift station, a 15-inch diameter line will be extended west to the street that fronts the proposed central park and elementary school. At this point, the line will split into two 10-inch diameter lines. The northerly 10-inch line will extend 1250 feet to serve the westerly portion of the Galas property and the northwest portion of the Bava property. From the 10-inch lines at the intersection of the north/south connector and the connector that fronts the park and school, 8-inch lines will be extended north and south. Six-inch laterals are permitted only in cul-de-sacs.

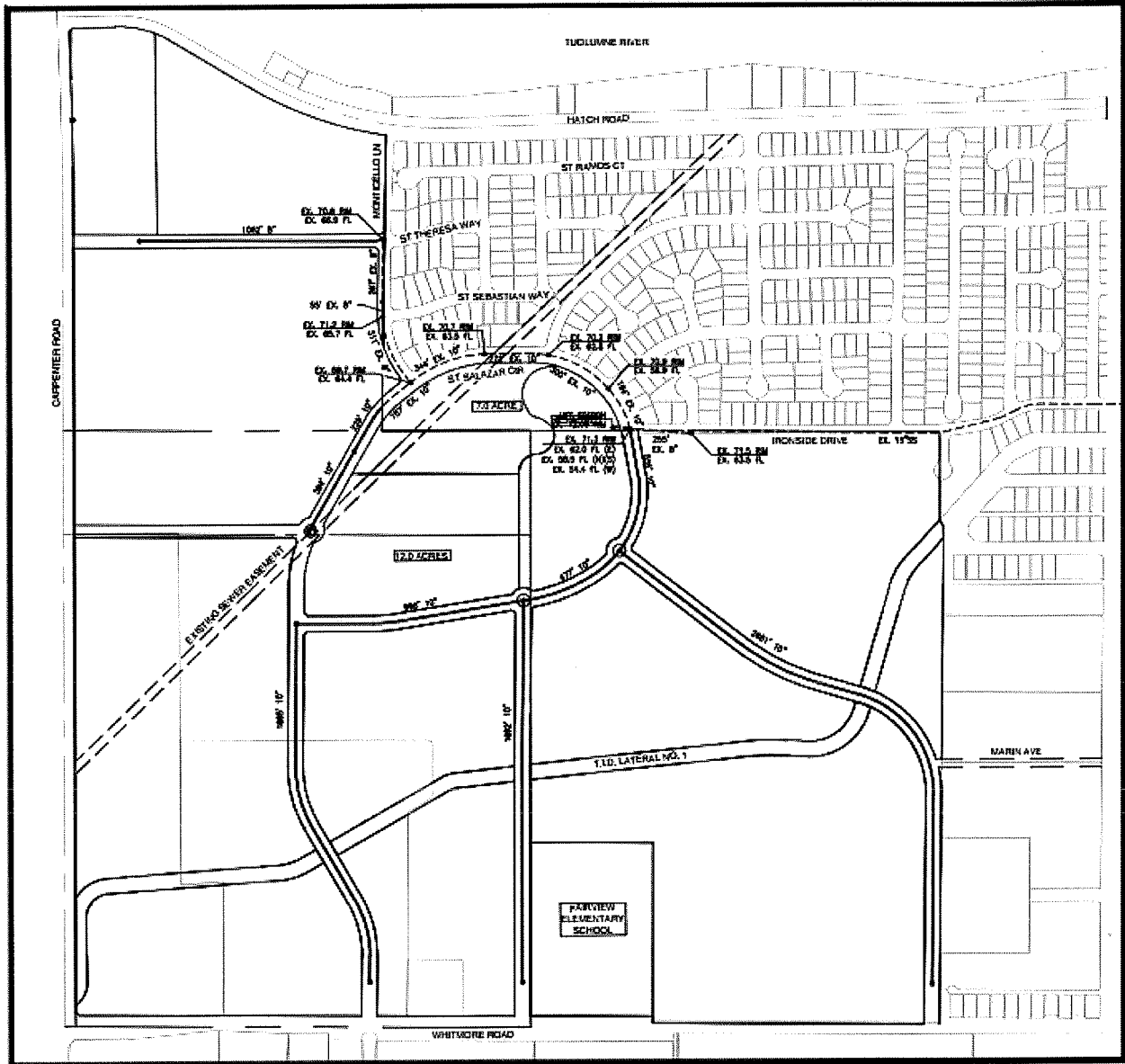


Figure 3: Backbone Sewer Service

2.3.3 Stormwater Drainage

Disposal of stormwater runoff will be via the 30-inch diameter Scenic Drive Storm Drain outfall line. This line runs from Ustick Road, east along Hatch Road, then north along Seine. It discharges into the Tuolumne River. An 18-inch diameter storm drain line has been extended from Ustick Road along Hatch Road to within 340 feet of the northeast corner of the Plan Area at a flow line elevation of 72.45 feet. This line does not have capacity for gravity flow, but can take a metered overflow from the planned drainage basins following a storm.

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As previously discussed in the Open Space section above the landscaping for the drainage basin will be designed so that it does not interfere with technical operating requirements. The drainage basin will not be located over the sewer easement.

After 24 hours, storm water can be discharged from the drainage basins into the City of Modesto's existing 18-inch storm drain on Hatch Road via a lift station. Following a 10-year storm, the system is designed to empty all drainage basin within approximately three days.

The TID Lateral No. 1 traverses the Plan Area over the southerly one third portion from northeast to southeast and west. It is concrete lined canal carrying over 60 to 70 cubic feet per second (cfs) during the irrigation season, from March to October. The TID is generally at elevation 86.0 feet and must remain in use to serve agriculture used in the Plan Area prior to development and to serve other properties to the west of the Plan Area.

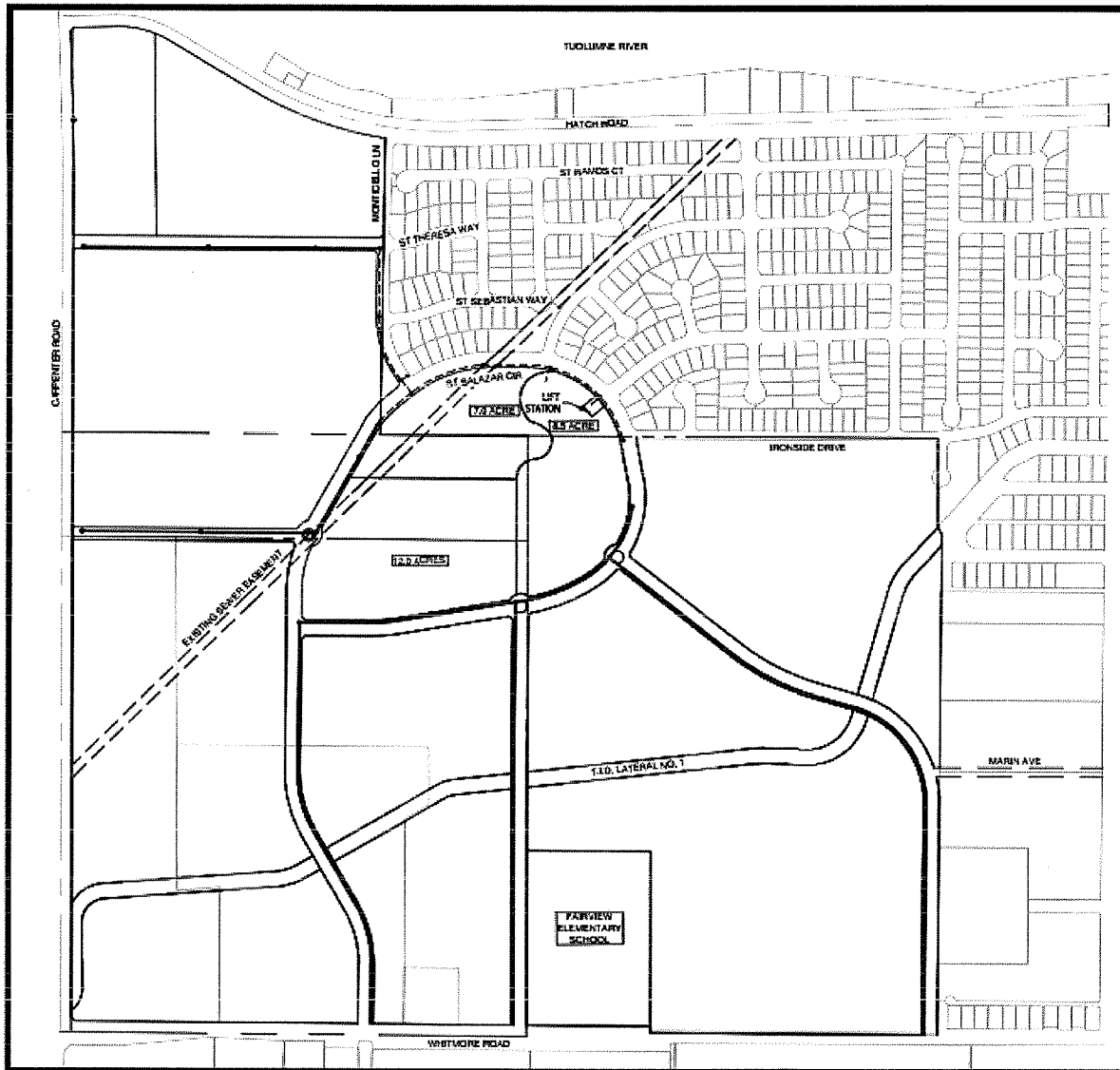


Figure 4: Stormwater Drainage System

2.3.4 *Water*

The City of Modesto will serve Fairview Village with water following annexation to the City of Modesto. At present, there are 16-inch diameter water mains on Carpenter Road, Whitmore Avenue and Tucson Avenue. There is a 12-inch diameter water main on Hatch Road. In addition, there are 8-inch diameter water lines stubbed out to the edge of the Plan Area on Ironside Drive and Dezzani Lane from City's residential development to the east. The City anticipates the need to locate a well site near Whitmore Avenue and Carpenter Road.

Water lines to serve Fairview Village will be installed as development occurs. On the nominal half mile, 12-inch diameter lines will be installed north/south and east/west, beginning and terminating at the existing lines on the boundary streets. On the nominal quarter mile, 8-inch diameter lines will be installed, beginning and terminating at 12-inch and/or 16-inch diameter lines. Finally, 6-inch diameter lines will be installed on all other streets, beginning and terminating at the 8-inch diameter lines. As standard practice, "looping" of water lines shall be designed to avoid any "dead end" lines.

One offsite, 8-inch diameter line will be installed along the extension of Lassen Avenue from Tucson Avenue, to the east edge of the Plan Area. In accordance with City policy, all lines larger than 10 inches in diameter will be funded by the City. All lines smaller than 10 inches in diameter will be funded by the developer.

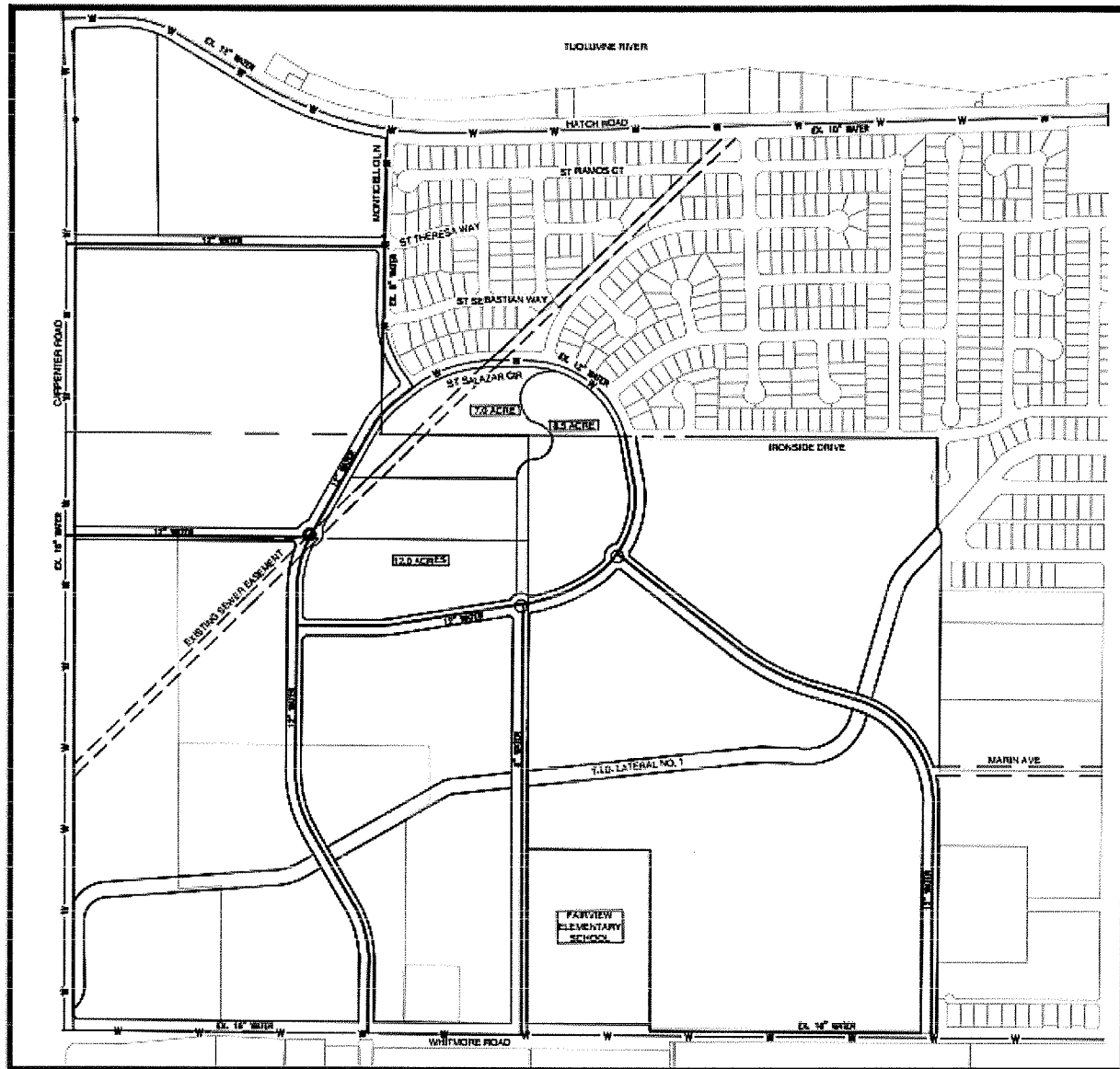


Figure 5: Backbone Water Service

2.3.5 Energy

The California Environmental Quality Act identifies energy conservation as a goal in community development. The City of Modesto General Plan establishes policies to mitigate the use of “fuel, water or energy in a wasteful manner.” The Specific Plan conforms to General Plan policies to mitigate adverse impacts to energy conservation by (a) requiring the use of large-scale shade trees where feasible and appropriate in landscape plans for all new development proposals, (b) encouraging Turlock Irrigation District to establish and promote a program to provide incentives for increasing the number of shade trees, and (c) coordinating with energy conservation plans provided by the Modesto and Turlock Irrigation Districts (for electricity) and by Pacific Gas & Electric (PG&E, for natural gas) on all new, large-scale development proposals in the Plan Area. Finally, the pedestrian oriented design character of

the Fairview Plan Area provides residents the energy conserving option of reduced automobile dependency.

2.3.6 Other Utility Services

The Turlock Irrigation District will provide electric services to the Plan Area. Natural gas is provided by PG&E.

2.3.7 Schools

The Plan Area is within the Modesto City School District. The middle school is Hanshaw, and the high school attendance area is Downey. There are two elementary schools with Fairview Village, the existing Fairview Elementary School and a proposed new elementary school located in the Fairview Central Park. The new elementary school will be a full-service facility to be constructed as required by new residential development in the Plan Area and in conformance to a separate agreement with the School District.

2.3.8 Fire, Police and Other Services

Fire and police services will be provided by the City of Modesto, as will service and maintenance for parks and water, sewer, streets, roads, street lighting, storm drainage, public area, landscaping and general city government services, except as otherwise noted in the Implementation Element of the Plan. Trash disposal is provided by the current franchise holder.

2.4 Agricultural Preservation Policy

The Stanislaus Local Agency Formation Commission (LAFCO) has adopted a policy for the preservation of agricultural land. Every agency in Stanislaus County may choose to adopt its own agricultural preservation policy or to comply with LAFCO's adopted policy. The City of Modesto has chosen to use a portion of LAFCO's policy, as amended, which is summarized below in its current form.

In essence, LAFCO's policy requires the preservation of farmland, either indirectly or directly. The City of Modesto will require the payment of in-lieu fees at a 1:1 ratio of land proposed for annexation and development to land preserved for agriculture through conservation easements or other similar restrictions. Agricultural land preserved must be of an equivalent type to the land proposed for annexation and development, so for example, prime farmland to be developed will result in the preservation of prime farmland.

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 Plan, 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 purposed 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

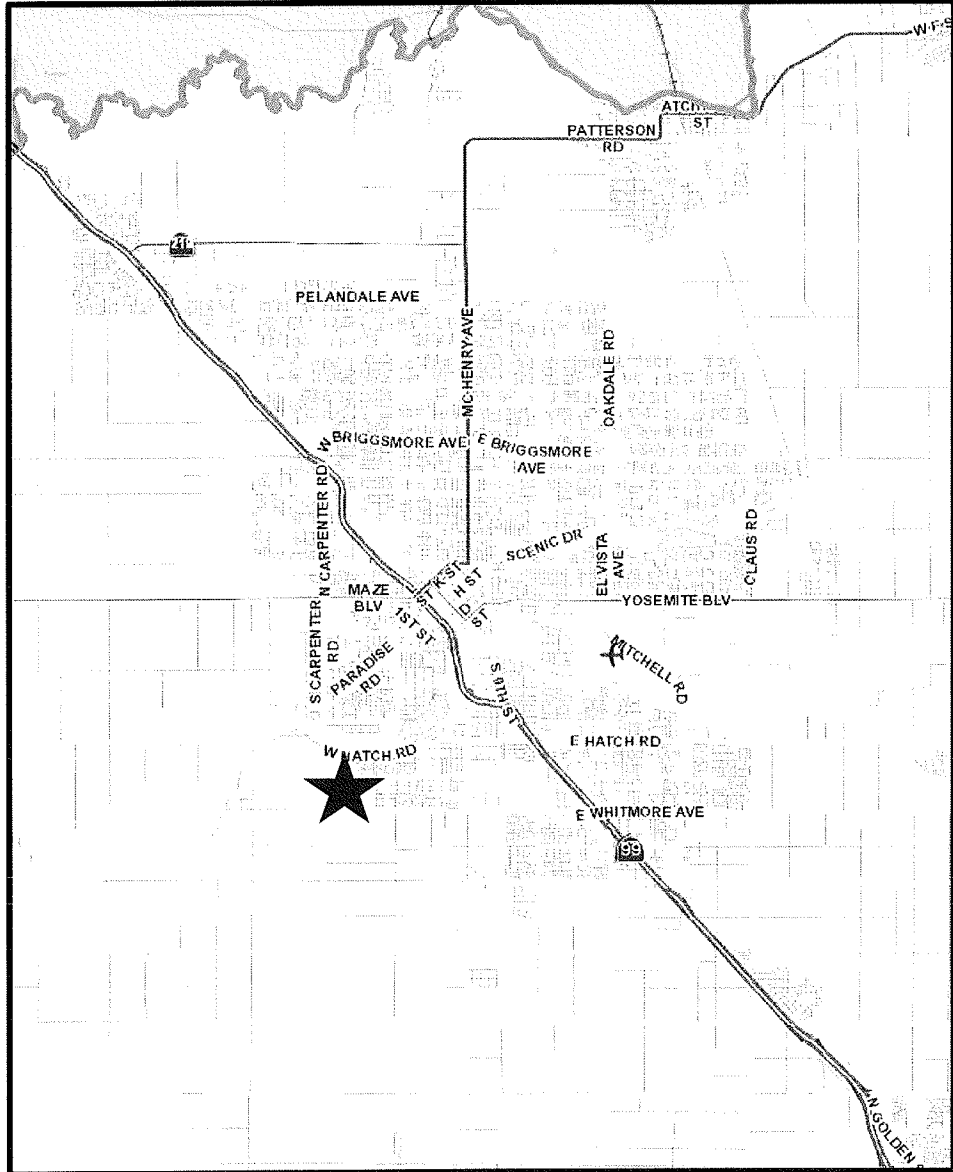
All development will be required to pay the City's adopted water connection fees, which pay for major water facilities needed for the project.

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.



Vicinity Map

Fairview Village 2 Annexation