

Chapter 5. Implementation and Financing

A. PLAN IMPLEMENTATION

As shown in Table 5-1, the Empire North Unit 1 Specific Plan defines the implementation measures that will guide development within the Plan area.

The portion of the Plan area proposed for residential use is divided into two subareas. Development of Sub-area A is expected to precede development of Sub-area B. No phasing within these sub-areas is proposed. Infrastructure for each sub-area will be developed concurrently with residential development on a pay-as-you-go basis.

Offsite Improvement Policy

I-1. The only offsite improvements are widening of Parker Road and extension of a City sewer line, from Held Road to the Plan area. These improvements will be made concurrently with development.

1. Actions Required for Implementation of the Empire North Unit 1 Specific Plan

The following actions are required prior to development of land uses proposed in the Specific Plan:

- a. Approval of tentative and final subdivision maps.
- b. Adoption of rezoning prior to annexation.
- c. Annexation of the Specific Plan area to the City and Modesto Municipal Sewer District, and simultaneously detaching this property to other applicable districts.

2. Tentative and Final Subdivision Map Approvals

I-2. Implementation of residential uses in the Plan area will require processing of a tentative map. The tentative map process is governed by the City's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et seq.). Tentative and final subdivision map approval requires conformance to the requirements of the Specific Plan and must be consistent with the mitigation measures of the final focused EIR. Residential development projects may be submitted for development plan review following final subdivision map approval.

3. Implementation of Land Use and Development Standards

I-3. Residential land use and development standards for Empire North Unit 1 will be regulated through the City Planning and Zoning Ordinance R-1 classification, as modified by the SP-O Zone. R-1 will be the Principal Underlying Zone for designated residential areas, in accordance with Article 19, Sections 10-2.1901-05 of the City Planning and Zoning Ordinance. See Policies LU-2 and LU-3 for more details.

4. Specific Plan Amendment Process

From time to time, certain amendments to the Specific Plan may become necessary in the judgement of the City.

I-4. The following steps shall be completed to amend the Empire North Unit 1 Specific Plan:

- a. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.**
- b. Documentation of the need for amendments should indicate the economic, social, or technical issues that generate that need. Proposals to amend the specific plan also must be accompanied by studies that address such issues as conformance with specific plan principles and policies, compatibility with adopted land uses, and infrastructure requirements.**
- c. Applications for specific plan amendments also must provide an impact analysis for levels and types of development other than or in excess of the maximums addressed in the certified final EIR (FEIR). Depending on the nature of the amendment, supplemental environmental analysis may**

be necessary (according to CEQA legislation [Section 15162 of the State CEQA Guidelines]).

- d. **City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action. Clarification of the individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.**
- e. **Both the Planning Commission and City Council must hold public hearings on specific plan amendments (in accordance with Section 65453 of the State Government Code).**

B. FINANCING

The major offsite infrastructure improvements necessary for development of the Plan area are limited to a sewer line extension and improvements to Parker Road. These improvements are expected to be built by the City and repaid by property owners when development occurs. All financing of onsite improvements required to implement development in the Plan area will be provided concurrently with development of the sub-areas on a pay-as-you-go basis.

1. Purpose of Financing Strategy

The Modesto Urban Area General Plan contains the following policy statement:

Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public funding including schools, for any development project 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.

The financing strategy addresses this policy, focusing on the specific needs of Empire North Unit 1.

2. Characteristics of Empire North Unit 1 That Simplify the Financing Strategy

Empire North Unit 1 has several characteristics that simplify public facility funding issues. They are as follows:

a. Its Relatively Small Size. Due to the small size of Empire North Unit 1 (approximately 96 acres), there are no significant public facility deficiencies that cannot be remedied through the typical subdivision process.

b. Few Property Owners and Independent Facility Requirements. There are only two property owners with developable area in Unit 1. Only one owner is proposing development concurrent with the Specific Plan. Each of the properties will be able to provide facilities and develop independent of one another. For this reason, coordination among property owners is not necessary to ensure adequate facilities in the project area. When seeking development approvals, each property owner, upon adoption of the Specific Plan, will be bound to the following set of agreements:

1. Infrastructure improvements shall be built according to the location, size, capacity, and design described in the Specific Plan.
2. Unrestricted access shall be provided, through easements or dedications, for the construction and maintenance of Specific Plan infrastructure projects by other property owners benefiting from such improvements.
3. Reimbursement, where appropriate, shall be paid to or accepted from other property owners for utility infrastructure oversizing or for other extra cost of direct benefit to an owner other than the one making the improvements.
4. Each property owner shall be responsible for the costs of all improvements actually shown on a tentative map subdivision application.

c. Adjacent to Existing Urban Development. Empire North directly fronts on Parker Road. Development will require improvements along this street, but generally speaking, no significant offsite road widenings will be necessary. Similarly all other urban facilities are available to the site. Therefore, the normal subdivision process of the City of Modesto will ensure the timely provision of urban services to each development project.

d. Minimal Offsite Requirements. The following offsite requirements are required for the buildout of Empire North Unit 1:

Sanitary Sewer - increased pipe capacity between the Plan area and Held Road.

Water - none, water is available at the site.

Streets - no street improvements in addition to the Parker Road frontage are required.

Traffic Signals - no additional traffic signals are required

Storm Drainage - no offsite facilities are required.

Schools - no offsite school improvements are required.

3. Public Facility Funding Sources Are Sufficient

The Empire North Unit 1 Specific Plan provides a sufficient level of direction for public improvement and community facility requirements. Infrastructure improvements and their specifications are presented in the Specific Plan.

F-1. The following financing measures will be used to provide infrastructure in Empire North Unit 1.

Facility	Funding Source	Net Cost to City	Specifications
Streets: onsite	Developer dedication and improvement of all onsite streets, unless they are private.	Not applicable, as the developers will provide 100% financing for these improvements	See Chapter 4, section B and Figure 4-1
Streets: offsite	Capital Facilities fees (CFF)	None; City staff believes CFF is sufficient to pay project's fair share of offsite improvements	See Chapter 4, section B
Sanitary Sewer	Existing City fees, developer requirements	None because citywide user and connection fees, which are updated from time to time, are sufficient to pay for needed sewer facilities	See Chapter 4, section C
Water	Existing City fees, developer requirements	None because citywide user and connection fees, which are updated from time to time, are sufficient to pay for needed water facilities	See Chapter 4, section D
Stormwater Drainage*	Existing City fees, developer requirements	None because development will provide 100% financing for these improvements	See Chapter 4, section E

Schools	Developer agreement with school districts	None because collection of school fees is the responsibility of the affect school district	See Chapter 4, section I
Parks	Developer agreement, CFF	None because developer dedication of open space and payment of CFF will cover costs	See Chapter 4, section H
Landscaping within Public Rights-of-way*	Developer requirements, homeowners association	None, because the developers provide for the landscaping	See Figure 4-1 and refer to the City Parks and Recreation Department

* See Policy F-2 (f) regarding maintenance of these facilities

4. Miscellaneous Administrative Policies

F-2. The following policies will be used to implement this long-range financing strategy:

a. *Property Owner Financing and Construction of Improvements.* Unless specifically excepted, each property owner will finance and construct improvements presented in the Specific Plan that are directly on or fronting the property; including frontage improvements, utilities, sewer, and water.

b. *Sizing and Timing of Facilities.* The above-referenced facilities will be sized by each property owner in accordance with the Specific Plan for the benefit of the downstream users. In the event that properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owner. Each property will reimburse the other for their oversize expense at the time of filing a final subdivision map.

c. *Citywide Fees.* The existing Citywide fees for new construction will prevail for development within the Specific Plan area and are intended to pay for all off-site community facilities unless otherwise excepted.

d. *Citywide Fee Credits.* Property owners may receive credits to the payment of Citywide fees to the extent that there exists any duplication of improvements provided by the property owner versus improvements intended by the fee structure.

e. Repayment for Oversizing. Accounting for facility oversizing will be handled by the property owners in accordance with standard accounting practices. Repayment will be enforced by the City at the signing of the aforementioned final subdivision map.

f. Community Facilities District. Maintenance of landscaping within public rights-of-way, except for street trees, shall be accomplished through the establishment of a Mello Roos Community Facilities District.