

Chapter VIII

General Plan Implementation

A. INTRODUCTION

This chapter presents a variety of tools available to the City of Modesto (City) to help build the physical city envisioned in Chapter III. While the Modesto Urban Area General Plan provides a comprehensive “vision” for the future physical development of the City, the General Plan can only be successful if the vision is realistic and can be implemented. The City implements the General Plan through the review of privately initiated development requests, such as subdivisions, rezonings, conditional use permits, and building permits. In addition, the City undertakes public development through construction of infrastructure. Finally, the City considers a variety of administrative and financial tools that facilitate public and private development activities. This chapter presents the tools to guide development in the City by implementing the policies contained in earlier chapters.

B. SUBMITTAL AND APPROVAL OF SUBSEQUENT PROJECTS

In order to fully utilize the Modesto Urban Area General Plan Master Environmental Impact Report (MEIR), streamlining provisions Section 21157(b)(2)D of the Public Resources Code requires the MEIR to include “A capital outlay or capital improvement program, or other scheduling or implementing device, that governs the submission and approval of subsequent projects.” Sections VIII-C through VIII-T, which follow, present those implementing devices which meet the State Law requirements of PRC 21157(b)(2)(D).

C. SPHERE OF INFLUENCE

The Sphere of Influence is defined by Section 56076 of the Government Code as a “plan for the probable physical boundaries and service area of a local agency.” The Sphere of Influence for the City of Modesto is adopted by the Stanislaus County Local Agency Formation Commission (LAFCO), in accordance with Section 56425 of the Government Code. Following adoption of the Modesto Urban Area General Plan, Modesto’s Sphere of Influence should be expanded to include the Planned Urbanizing Area boundaries as presented on the Growth Strategy Diagram. In this way, Land Use policy direction would be provided for all land within the (expanded) Sphere of Influence.

D. ANNEXATION

Annexations are defined by State law as the “annexation, inclusion, attachment, or addition of territory to a city or district.” Annexations, like Spheres of Influence, are approved by the Stanislaus County LAFCO. To the extent that the LAFCO considers Sphere of Influence amendments to be consistent with the Urban Area General Plan, LAFCO can be considered an MEIR “responsible agency” for purposes of CEQA. Infrastructure within County “island” areas should be improved to City standards prior to annexation.

E. SPECIFIC PLANS

Specific Plans are used by the City to implement the Comprehensive Planning Districts (CPDs) presented in Chapter III. Specific Plans are authorized under Section 65450 of the Government Code for “the systematic implementation of the general plan for all or part of the area covered by the general plan.” In October 2004, the City of Modesto adopted the Specific Plan Procedures and Preparation Guide. This document outlines the procedures for the initiation, preparation, review, and implementation of Specific Plans. In addition, Specific Plans should follow the policies and procedures established in the City’s adopted “Guidelines for Small-Lot Single-Family Residential Developments,” as applicable, and the “Design Guidelines for Commercial and Industrial Development,” as applicable.

A CPD shall consist of one or more Specific Plans (as defined by Section 65450 of the State Government Code) and shall include a text narrative and a map or diagram conforming to the requirements of the relevant CPD. The minimum size of Specific Plan areas for each CPD is established in Chapter III.

The Specific Plan implements the City’s General Plan by creating a bridge between general plan policies and individual development proposals. Ideally, a Specific Plan directs all facets of future development; from the distribution of land uses, to the location and sizing of supporting infrastructure; and, from methods of financing public improvements, to standards of development. In addition to establishing land use policies, development standards, and infrastructure requirements, it may directly impose exactions and payment schedules in conjunction with its capital improvement policies. If exactions are included in the plan, the plan shall include the required “nexus” between the development exactions being imposed and the development-induced impacts being mitigated by those exactions. Establishment of a nexus and reasonable proportionality between impacts and exactions is important to ensure the legal defensibility of the exactions.

The City’s Specific Plan Procedures and Preparation Guide provides the direction for adopting and amending Specific Plans. All Specific Plans shall be prepared in accordance with this document.

F. GENERAL PLAN AMENDMENTS

Proposed General Plan Amendments that will result in a change in land use designation shall be accompanied by a concept plan, if deemed appropriate. The concept plan will be used to evaluate the environmental impacts of the proposed General Plan Amendment and to evaluate subsequent development proposals for consistency with the changed land use designation. See Chapter I for relevant policies.

G. ZONING

The City's Zoning Ordinance is Title 10 of the Modesto Municipal Code. The purpose of zoning is to regulate the use of buildings, structures, and land for industry, business, residences, and open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes. Title 10 of the Modesto Municipal Code governs the amendment and approval of Zoning, which must be adopted by ordinance. At least one public hearing before the Planning Commission and City Council will be required, prior to adoption of zoning by the City Council.

H. SUBDIVISIONS

Subdivisions are the process by which land is divided and subsequently developed. Subdivisions are governed by the Subdivision Map Act (Section 66410, et seq. of the Government Code), and the City's Subdivision Regulations (Section 4-4.4101 et seq. of the Modesto Municipal Code).

The creation of four or fewer lots is considered a minor subdivision, or parcel map. The creation of five or more lots is a major subdivision.

I. DEVELOPMENT AGREEMENTS

Development Agreements are the means by which private developers and the City can each receive certain assurances regarding a given development proposal and its entitlements. Development Agreements are authorized by Chapter 4 (commencing with Section 65864) of the Government Code.

J. PARKS FACILITIES PLANS

The City may adopt plans or policy documents in order to implement the Open Space and Park policies presented in Chapter VII of this General Plan. These subsequent policy documents will be considered “anticipated subsequent projects” in the context of Section 21157.7 of CEQA. Commonly used anticipated subsequent projects are described below.

The City Parks, Recreation and Neighborhoods Department is charged with the responsibility of constructing and maintaining public parks and recreation facilities throughout the community. To guide development of these facilities, the City uses a variety of tools, which include, but are not limited to, the following: Parks Master Plan and Design Development Reports for Neighborhood, Community, and Regional Parks; and the City of Modesto’s Non-Motorized Transportation Plan.

K. MODESTO CITY-COUNTY AIRPORT LAND USE PLAN

State law allows for the creation of comprehensive land use plans "that will provide for the orderly growth of each public airport and the area surrounding each public airport within the jurisdiction of the commission..." In formulating a Land Use Plan, the Airport Land Use Commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area. This general plan acknowledges the adopted Airport Land Use Compatibility Plan (Adopted October 6, 2016), and the Airport Land Use Commission’s responsibility to administer it. The City of Modesto should refer development proposals within the vicinity of the airport to the Commission for review and comment regarding airport compatibility matters.

L. WASTEWATER MASTER PLAN

The City has developed a Wastewater Master Plan in order to construct, operate, and maintain various wastewater facilities. The purpose of the Wastewater Master Plan is to implement the Wastewater policies presented in Section VI-B of this General Plan. In developing the Wastewater Master Plan,

consideration shall be given to rehabilitation of existing facilities, expansion for current excess demand, and the timely expansion for future demand. As the City's population increases, the City shall update the Wastewater Master Plan as appropriate to adequately address the sewage collection and treatment needs anticipated at General Plan continuing growth.

M. WATER MASTER PLANS

The City may develop master plans such as a "conjunctive groundwater–surface-water management program" in order to construct, operate, and maintain various water facilities. The purpose of these master plans would be to implement the Water policies presented in Section VI-A of this General Plan.

N. STORMWATER FACILITIES PLANS

Stormwater drainage facilities may be constructed, operated, maintained, and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration may be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development. The purpose of these facilities plans is to implement the policies contained in Section VI-C of this General Plan.

O. CAPITAL IMPROVEMENT PROGRAM

The City's ten-year Capital Improvement Program (CIP), which is the list of project types listed at the end of this paragraph, shall be consistent with the goals and policies contained within this general plan. CIP projects shall be systematically planned, scheduled, managed, monitored and funded to ensure cost-effectiveness and conformity with this general plan and any applicable adopted specific plan. CIP projects include all public improvements constructed by the City, including water and wastewater infrastructure components and systems, streets and parks.

Funding sources and programs for maintenance of any/all CIP project(s) shall be established prior to construction of said CIP project(s). Funding priority should be afforded to projects that promote economic development and job creation within the downtown area, and along the Kiernan Avenue corridor near State Route 99. Funding for maintenance of CIP projects constructed shall also be deemed a high priority.

P. PUBLIC FACILITIES FINANCING PLANS

The City's role in implementing a financing strategy is crucial to the planning and provision of public facility and service needs. There are a number of options available to local government to finance public facilities such as streets, sewers, water, drainage, schools, parks, fire and police stations, and public utilities. Examples of these options currently used or contemplated by the City of Modesto include, but are not limited to, the following: Mello-Roos Community Facilities Districts, Landscaping and Lighting Districts, Capital Facilities Fees Programs, Assessment Districts, Area of Benefit procedures, and a Long-Range Financial Plan. California law limits developments' required contributions for the construction of

public facilities to a proportional fair-share based on a clear nexus. Therefore, the City is responsible for its fair-share of public facility and infrastructure costs to address current needs. The ultimate implementation of the City of Modesto’s strategy is contingent upon the City’s ability to provide and maintain its facilities in a timely fashion.

1. Implementation Actions

- a. Address current and future public facility needs by pursuing, adopting, implementing, and maintaining a diverse funding and management strategy. Continue to develop, evaluate, and apply innovative public infrastructure and facility financing mechanisms and strategies.
- b. Investments in capital improvements are to be increased through maintaining or enhancing existing funding sources, maximizing joint-use efficiencies, strategically prioritizing capital investments, and allocating additional revenues for infrastructure.
- c. Adopt new, or increase existing, Capital Improvements Program funding sources for needed public facilities and infrastructure. The CIP shall include the upgrading of existing facilities that have experienced deterioration or obsolescence.
- d. Integrate all planning and development policies and strategies into the annual development of the CIP to ensure projects are programmed in a cost efficient manner.
 - (1) Review all capital projects for consistency with adopted planning documents, including the General Plan, community plans, financing plans, and others.
 - (2) Evaluate the fiscal impact and timing of needed capital improvements to minimize the burden on operations and maintenance budgets.
 - (3) Conduct annual conformance and audit reports of the CIP.
 - (4) Ensure the annual CIP is coordinated and developed in a timely manner to allow for required consistency and prioritization reviews.
- e. Create an organization-wide method for identifying and ranking capital improvement projects for proposed inclusion in the annual CIP and to guide the City’s applications for regional, state, federal, or other funds.
 - (1) Establish an objective rating system which includes criteria that are appropriate for each facility type (bridges, roadways, traffic signals, pedestrian, drainage, water, sewer, parks, libraries, fire, police, etc.).
 - (2) Ensure projects conform to community plans and infrastructure financing plans (IFP) and incorporate community-level priorities identified in each of the plans in the ranking process.
 - (3) Develop broad-based regional financing options for regional-serving capital projects.

- (4) Assign a high priority to projects within existing and potential Specific Plan Areas that are also located within communities not meeting General Plan-identified public facilities guidelines or acceptable levels of service for the type of facility or service being considered. The next preference are areas generally outside existing and potential Specific Plan Area locations, as previously described, in areas that are not meeting public facilities guidelines or acceptable levels of service as identified in the General Plan for the type of facility or service being considered.
 - (5) Include in the ranking process preference for funding new or expanded public facilities and services which can address needs in multiple areas.
 - (6) Coordinate with other public, private, and not-for-profit entities to include areas with existing needs as a major criterion for allocating resources for new or expanded infrastructure, facilities, or amenities.
- f. Evaluate and arrange prioritized community needs within a Community Facilities element of a Community Plan, giving consideration to management, operation, and maintenance requirements.
 - g. Ensure effective management and optimal allocation of all financial resources for both capital and operational needs. Maximize operational and capital efficiencies.
 - h. Support state and local government fiscal reform efforts which provide an equitable redistribution of property tax proceeds or other revenues to the City from the state.
 - i. Assume an active leadership role in planning and implementing infrastructure investments on a collaborative regional basis and apportion, as applicable and appropriate, eligible infrastructure expenses to support regionally beneficial capital improvements projects.
 - j. Coordinate with all appropriate authorities and agencies for a more efficient use of shared resources and increased joint-use of facilities and services.
 - k. Adopt facilities, infrastructure, improvements, and/or maintenance districts, and other special assessments for locally prioritized facilities and/or services.
 - l. Continue to use and seek a broad range of funding sources to finance public facilities and infrastructure.
 - (1) Evaluate City real estate assets for opportunities to address multiple public facility needs.
 - (2) Partner with other agencies and organizations to leverage public financing and resources with private funds and assets.
 - (3) Utilize development, reimbursement, and other agreements to provide timely public facilities.
 - m. Maximize the procurement of grants, endowments, and private donations for public facility and services needs.

Q. REVIEW OF APPLICATIONS OUTSIDE THE MODESTO CITY LIMITS

The City of Modesto reviews developments proposed within the Sphere of Influence and in the General Plan Area of the City outside the Sphere of Influence. These projects may or may not be discretionary. The following policy direction governs project review based on the geographical location of the projects proposed outside the City limits. In accordance with an agreement between the City of Modesto and Stanislaus County, executed on the 13th of March, 1990, the County shall limit development within the City of Modesto's Sphere of Influence to "agricultural uses, churches, and such other uses that may be mutually agreed upon by the parties." Pursuant to the 1990 policy, and the County's General Plan, the City is responsible to determine which discretionary projects (except churches and agricultural uses) would be approved – and what specific requirements or conditions of approval would be applied.

Projects submitted to the City of Modesto for comment and information purposes by Stanislaus County Planning and Community Development Department shall be subject to the following:

1. Within the City of Modesto Sphere of Influence, the County shall apply City standards for development, where the County's and City's development standards conflict.
2. Within the City of Modesto Sphere of Influence, City staff shall be authorized to review, make recommendations, and condition County referrals for development projects.
3. For provision of water and wastewater services outside the City limits, see Policies VI.A.5 and VI.E.15, respectively.