

9 IMPLEMENTATION

This section outlines steps that will be necessary to implement the Specific Plan including zoning changes and annexation. Other implementation tools, such as an approach to project phasing, a conceptual financing strategy for funding necessary infrastructure improvements, and best management practices that new development under the Specific Plan must adhere to, are also described below.

A. General Plan Amendment and Zoning Change

Adoption of this Specific Plan included an amendment to the City's General Plan to change the land use designations in the Plan Area in accordance with the mapping described in Chapter Six. Further, the City also adopted an update to its Zoning Ordinance to make it consistent with the new land use classifications specified in this Specific Plan and General Plan amendment.

B. Annexation

Implementation of this Specific Plan will require an amendment to the City of Chico's Sphere of Influence (SOI) and annexation of the majority of the land in the Plan Area. As a next step, the City will petition the Butte County Local Agency Formation Commission (LAFCO) to amend its SOI and begin annexation proceedings. Following annexation, all development defined in this Specific Plan will occur under the jurisdiction of the City of Chico.

C. Other Butte County Agency Approvals

As discussed in more detail in Chapter Four, implementation of the Specific Plan will require the review and approval of items by different Butte County agencies.

As Figure 4-4 in Chapter Four illustrates, a pedestrian and bicycle dedicated path is planned for the top of the levee that runs along Sycamore and Mud Creeks. This levee path must be approved by Butte County.

Butte County will need to review the storm water drainage facility proposed for just outside the Plan Area, adjacent to the Epick Homes property in the Plan Area's western-most corner. This property falls under County jurisdiction and is outside the Greenline. It is anticipated that use of the parcel for wetland creation as well as a drainage facility is acceptable under the existing County zoning of Agricultural and General Plan land use designation of Orchard Field Crops. These designations allow wetland creation and drainage facilities as permitted uses.

D. Review of Future Development Projects

The concepts described in this Specific Plan have been approved by the City and studied in the Environmental Impact Report for the project. Future development applications that adhere to the concepts described in this Plan will only be subject to minor additional environmental review, such as additional biological studies required at the time of construction. Development proposals that do not conform to these concepts may require significant additional review by the City and under CEQA. The detention/wetland facility and potential new Sycamore Bridge may require their own environmental review.

No land division, use permit, design review application or other entitlements will be authorized for development projects in the Plan Area until a finding has been made that the proposed project is consistent with the Specific Plan.

Several property owners have already prepared preliminary development plans for residential projects in the Plan Area. These projects include:

- ◆ An approximately 80-unit residential development proposed by North Pacific Holding Group LLC, west of the Esplanade, north of Innsbrook Way.

- ◆ Creekside Landing, an approximately 330-unit single-family development on the Alkop Farm properties near the southwest corner of the Plan Area.
- ◆ Approximately 55 units of single-family housing proposed by Epick Homes in the southwest corner of the Plan Area.
- ◆ A single-family housing development by Webb Homes, with approximately 130 homes just south of Nord Highway, west of the Esplanade.

The locations of these development projects are shown in Figure 9-1.

These development projects were studied as part of the Environmental Impact Report (EIR) for the Specific Plan. Separate environmental review documents will not be required for these development projects assuming their applications are submitted to the City in a timely manner and that their plans adhere to the concepts contained in this Specific Plan. The EIR identified a number of mitigations that each of these four projects will need to incorporate during pre-development and construction, including several biological studies, which must be completed closer to construction.

E. Phasing

The west side of the Northwest Chico Specific Plan Area, bounded by Highway 99 and Mud Creek, is likely to develop first, in a two to five year time frame. The development of properties east of Highway 99 is considered more long-term and will likely develop on a five to ten year horizon.

As a described above, the City anticipates four development projects to move forward as part of the first phase of development. These projects were studied in the EIR prepared for the Specific Plan and no additional CEQA review will be required if their plans adhere to the described concepts in this Specific Plan.

In addition, as described in Chapter Four, the All Star Pac cold storage company will likely stay in business during the first phase of implementation of the Specific Plan. As a result, the neighborhood park planned for the intersection of Center Street and Powerline Drive will be constructed in two phases, with a smaller park being constructed in the short-term to accommodate continued operation of the All Star Pac business.

F. Conceptual Financing Strategy

The construction of backbone infrastructure and other public improvements described in this Specific Plan will be funded by a variety of mechanisms, including citywide and countywide impact fees, school district impact fees, other existing fee programs, establishment of other financing mechanisms, and/or developer financing. This section includes a description of these mechanisms and a general framework for financing the improvements. It also includes a description of a more detailed financing study that may be required as a next step in the Specific Plan process.

1. Financing Methods

The following financing methods may be used by the City to fund the infrastructure improvements described in the Specific Plan.

- ◆ **City and County Impact Fees.** The City of Chico and Butte County have adopted a set of development impact fees to finance capital improvements. Certain backbone improvements or public facilities may be incorporated into these programs. In these instances, the fee programs may be updated to include the improvements or facilities.
- ◆ **School Impact Fees.** The Chico Unified School District has established fees, in accordance with State regulations, to be used to construct school facilities.
- ◆ **Plan Area Fees.** City and other existing fee programs may not finance all capital improvements required to serve the Specific Plan. Plan Area fees

may be created to finance the balance of road, water, sewer, drainage, detention, open space, parks and other capital facilities.

- ◆ **Community Facilities District.** A Mello-Roos Community Facilities District (CFD) may be established to help fund the construction or acquisition of backbone infrastructure and facilities in the Plan Area. The 1982 Mello-Roos Community Facilities Act enables cities and other entities to establish a CFD to fund various facilities and services. The proceeds from a CFD bond sale can be used for direct funding of improvements, to acquire facilities constructed by the developer, or to reimburse developers for advance-funding improvements. The annual special tax can be used toward bond debt service or to build infrastructure as needed.
- ◆ **Developer Financing.** Direct developer/merchant builder financing may be used to contribute to backbone improvements and facilities, shortfall financing, and for in-tract subdivision improvements.
- ◆ **Other.** Other financing mechanisms may be used, such as creating homeowner or property owner districts or associations to fund maintenance of certain facilities in the Plan Area. Specific financing requirements, improvement obligations, reimbursements, fees, land and easement dedications and conveyances, and maintenance, and other financing and improvement-related obligations will be detailed in the Specific Plan's development agreements.

2. Financing of On-going Service Delivery and Infrastructure Maintenance.

A services plan may also be created to address how ongoing public services delivery will be managed and financed and how the maintenance of infrastructure will be funded once it is constructed. The City, County, and other agencies may deliver public services and maintain infrastructure. Alternatively, a separate financing district (or districts) may be established for maintenance of certain facilities that provide special benefit to the Specific Plan Area. Such facilities may include landscape corridors and medians, open space areas, trails, bike paths, drainage, detention and retention facilities, storm water quality treatment facilities and parks.

Service delivery and infrastructure maintenance may be funded through:

- ◆ User fees
- ◆ Special tax levies (including a Mello-Roos CFD special tax)
- ◆ Assessments (e.g., a Landscaping and Lighting District)

3. Financing Framework

This section provides a general framework for preparing a more detailed financing plan for funding infrastructure improvements in the Plan Area.

a. Guidelines

In devising a financing strategy to fund the infrastructure improvements required to implement the Specific Plan, the financing plan should adhere to the following guidelines:

- ◆ Use existing City, County, and special district fee programs to the extent possible.
- ◆ Establish project-specific fees to fund major backbone facilities not included in existing fee programs.
- ◆ Make maximum use of “pay-as-you-go” mechanisms.
- ◆ Make appropriate use of special tax/debt-financing mechanisms.
- ◆ Build in flexibility to allow response to market conditions.

b. Financing Phasing

As a general approach to the phasing of financing, backbone infrastructure and public facilities will be constructed as they are needed to serve new development; construction of improvements may be required before or concurrent with initial development of a particular phase, or may be tied to other development triggers (i.e. population benchmarks). The timing of construction will be conditioned accordingly during the subdivision map process. Several different financing sources will be used to fund the infrastructure required to serve the Plan Area and to mitigate impacts on surrounding developments.

The City, County and other special districts serving the Plan Area have established or will establish development impact fee programs to fund a portion of roads, water, sewer, drainage, parks and capital facilities. Plan Area fees will be used to fund the remaining costs for these types of infrastructure.

As with most development impact fee programs, much of the infrastructure may need to be constructed before sufficient fees are generated, particularly in the first phase of development. In such cases, the developers will be required to construct or advance fund these improvements. The developer(s) will receive either fee credits or reimbursements for advancing eligible projects based on the City/County/special district's reimbursement policies; reimbursement agreements will specify the method and timing of these credits and reimbursements.

Debt financing (e.g., an assessment district or a Mello-Roos CFD) may be used to fund facilities toward the beginning of a first phase of development or at other strategic times. Debt financing will be limited, though, to prudent levels and will be consistent with City guidelines. The developer(s) will receive fee credits for facilities funded through debt financing if they participate in debt-financing mechanisms. Should bond capacity be insufficient to fund all improvements, initial infrastructure and phasing may be modified, or additional financing mechanisms (e.g., private financing) will be needed.

It is expected that costs will change over time and therefore each funding mechanism should include a method for adjusting the amount of funding to reflect current costs at the time of construction.

4. Future Financing Plan

As a next step, a separate financing plan may be created to identify the costs of all major backbone infrastructure improvements needed to serve the Plan Area and to identify the specific financing mechanisms that should be used to construct these improvements in a timely manner, based on the list above. The financing plan would also provide the framework within which developers will receive credits and reimbursements for advance-funding of projects

and over-sizing of projects. The financing plan would focus on the major backbone infrastructure improvements, their costs, timing and funding mechanisms.

G. Best Management Practices

Finally, all new development under the Specific Plan will follow all applicable City of Chico Best Management Practices (BMPs), particularly related to construction activity, air quality and noise, as described below. This list is not intended as an exhaustive list of applicable BMPs; rather it is a sampling of the most relevant ones.

1. Construction Activity

All construction activity in the Plan Area, including the construction of buildings and new infrastructure, must follow BMPs related to dust control to minimize impacts on surrounding uses and help protect air quality. These BMPs include:

- ◆ Water all active construction areas at least twice daily. The frequency should be based on the type of operation, soil conditions, and wind exposure.
- ◆ If necessary, apply chemical soil stabilizers to inactive construction areas (disturbed areas that are unused for at least four consecutive days) to control dust emissions. Dust emissions should be controlled at the site for both active and inactive construction areas throughout the entire construction period (including holidays).
- ◆ Portions of the construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown.
- ◆ Limit vehicle speeds to 15 mph on unpaved roads.
- ◆ Suspend land clearing, grading, earth moving, or excavation activities when wind speeds exceed 20 mph.

- ◆ If applicable, apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operation and hydroseed the area.
- ◆ Cover inactive storage piles.
- ◆ Project applicants with projects in the Plan Area should consult with the Butte County Air Quality Management District about the application of a paved (or dust palliative treated) apron onto the project site.
- ◆ Sweep or wash paved streets adjacent to the site where visible silt or mud deposits have accumulated due to construction activities.
- ◆ Maintain equipment engines in good condition and do not allow equipment to be left idling for long periods.
- ◆ Post a publicly visible sign at the construction site with the name and telephone number of the person to contact regarding dust complaints. This person should respond and take corrective action within 24 hours. The telephone number of the BCAQMD should also be visible to ensure compliance with BCAQMD Rules 201 and 207 (Nuisance and Fugitive Dust Emissions).
- ◆ Prior to final occupancy, the applicant must demonstrate that all ground surfaces are treated sufficiently to minimize fugitive dust emissions. Fugitive dust emissions are considered dust clouds caused by wind, traffic, or other disturbances to exposed ground surfaces.

In addition, all construction activity must also adhere to Best Management Practices for controlling noise on construction sites to avoid disturbances to nearby residences and businesses. All development projects under the Specific Plan will:

- ◆ Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.
- ◆ Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.

- ◆ Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- ◆ Prohibit unnecessary idling of internal combustion engine.
- ◆ Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise.

2. Air Quality

In order to conserve energy, reduce emissions and preserve air quality, all new buildings constructed under the Specific Plan will adhere to the following Best Management Practices.

- ◆ Where appropriate, use energy-efficient lighting and process systems.
- ◆ Where appropriate, or as required by the planning department, use energy-efficient and automated controls for air conditioning.
- ◆ Use Environmental Protection Agency (EPA) Phase II (or equivalent) certified wood burning devices.
- ◆ Orient buildings and include landscaping (such as shade trees) to maximize natural cooling.
- ◆ Implement centralized space and water heating and/or use solar water heating.

3. Noise Standards

The City’s BMPs and General Plan contain noise standards that apply to key areas in the Plan Area, as described below.

- ◆ Site-planning techniques should be used to further reduce impacts on outdoor residential areas. Sound walls should be installed along Highway 99 to provide acceptable outdoor noise levels. Residential units along Highway 99, the Esplanade, Nord Highway, Hicks Lane and Center Street should have sound-rated windows and mechanical ventilation (air conditioning) so that windows could remain closed.

- ◆ Commercial development adjacent to the Esplanade would need to conform with standards contained in the Noise Element of the City of Chico's General Plan that specify that noise levels at residential property lines around commercial development should be maintained at an L_{eq} not in excess of 60 dBA during the daytime hours (7:00 am to 10:00 pm) or 50 dBA during the nighttime hours (10:00 pm to 7:00am). Development must meet this standard through proper site design, utilization of barriers and limiting hours of operation as well as other applicable BMPs.

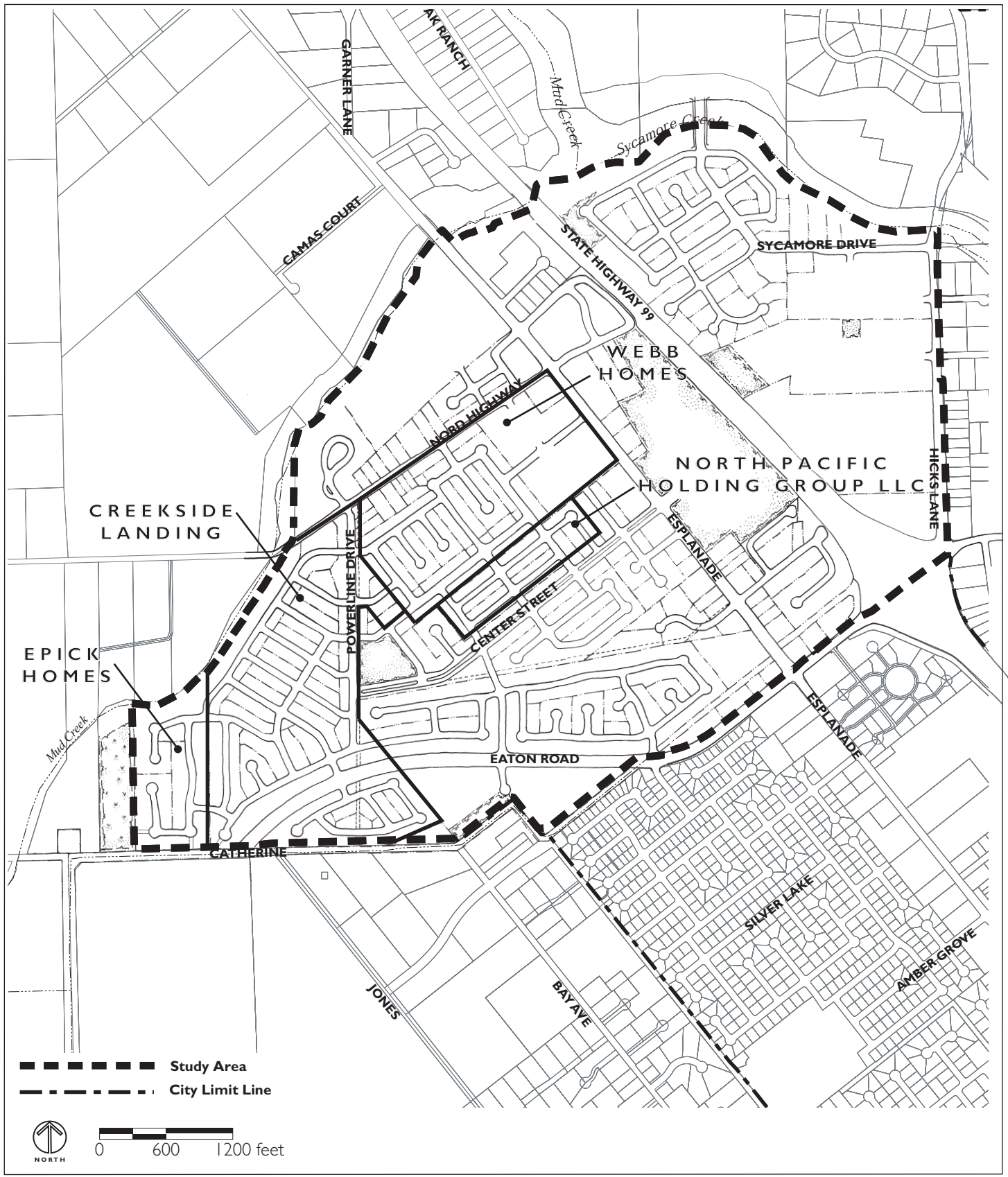


FIGURE 9-1

PHASE I DEVELOPMENT SITES