CHAPTER 9

IMPLEMENTATION

9.1 Introduction

This chapter delineates the actions necessary for administering and implementing the provisions set forth in this Specific Plan, and provides an overview of the mechanisms, strategies, and actions that may be required as part of the Specific Plan approval process. The authority for these procedures is stated in Chapter 14.09.112 of the current Vacaville Municipal Code (VMC).

9.2 Administration of the Specific Plan

9.2.1 Responsibility

The Community Development Director shall be responsible for administering the requirements and recommendations of the Roberts' Ranch Specific Plan, and in accordance with the California Government Code, The City of Vacaville's General Plan, and the Vacaville Municipal Code.

9.2.2 Applicability

All proposed development within the Specific Plan area shall comply with the guidelines and regulations of this document. Where conflicts exist between the standards set forth in this document and those found in the VMC, the Specific Plan will take precedence. The requirements of the VMC shall apply to areas where this Specific plan is silent or not specifically addressed.

9.2.3 Interpretation

In the event of a question or uncertainty regarding the interpretation of any provision within this Specific Plan, the Community Development Director has the authority to interpret the intent of the provision in context of the overall vision of the Specific Plan. In the case of a reference to the Vacaville Municipal Code that has been repealed, revised, or otherwise changed; the Director shall determine which chapter or section best replaces the referenced text.

The Director may refer interpretation to the Planning Commission at his/her discretion. All interpretations made by the Director may be appealed to the City Council, as per Section 14.09.072.100 in the VMC. Interpretations by the Planning Commission may be appealed to the City Council.

9.3 Development Review Process

9.3.1 Pre-Application Meeting

A pre-application meeting with the Community Development Director or a member of staff designated by the Director will be held for all proposed projects. The intent of this meeting is to notify the applicant of any questions or concerns City staff may have prior to full submittal. Initial design ideas and sketches for the site plan, architecture, landscape, and signage as applicable will be presented at this meeting. More than one meeting may be necessary per the discretion of City staff.

9.3.2 Development Review

The initial development proposal within Roberts' Ranch will consist of this Specific Plan and Tentative Map, and will be submitted per the procedures listed in Chapter 14.09.072 of the Vacaville Municipal Code, along with the additional items listed below.

1. **Tentative Map** – consists of the gross parcelization of large lots as determined by the Community Development Department, Public Works Department, and Master Developer; and small lots including individual residential lots, rights of way, and its ancillary uses.
2. **Parks Design Package** – overall design concept for each of the stroller parks and the agriculture buffer/active open space area.
3. **Phasing Plan** – facilitates the construction process by connecting to existing circulation and infrastructure improvements in a logical and efficient progression.

All proposed development within Roberts' Ranch shall be consistent with the zoning requirements, standards, and guidelines as described in this Specific Plan.

Individual final maps will be submitted for each project within the Specific Plan area based on either the Large Lot or Small Lot parcelizations in the Tentative Map.

Appendix A lists the appropriate review process for conditional use permits based on the proposed use, and whether they will require review by the Director or the Planning Commission.

All proposed development within Roberts' Ranch shall be consistent with the zoning requirements, standards, and guidelines as described in this Specific Plan.

This Specific Plan serves as a planned development approval under Municipal Code Chapter 14.09.111. Therefore, future projects consistent with this Specific Plan will not require a new or separate planned development approval. Individual final maps will be submitted for each project within the Specific Plan area based on the Village divisions in the Tentative Map. Projects within the Specific Plan Area will be required to comply with the design review procedures set forth in Vacaville Municipal Code Chapter 14.09.113.

Notwithstanding anything to the contrary in Vacaville Municipal Code Chapter 14.09.113, the Director of Community Development shall be the decision making authority for project applications that do not require an administrative clearance, minor amendment, or major amendment as defined in Section 9.5. In addition, because this Specific Plan reflects the policy decision on the appropriate uses and circulation pattern within the Specific Plan area and the density and location of uses, the City's design review shall be limited to whether the following two findings could be made:

1. That the proposed project is consistent with the standards and regulations of the applicable zoning district, and is consistent with any other approvals for the site, including the Design Guidelines set forth in the Specific Plan; and
2. That adequate public facilities and services are available to serve the site or will be made available concurrent with the proposed development.

9.3.3 Director Referral

The Director may refer a project with a significant policy issue to the Planning Commission for approval if necessary. Likewise, the Planning Commission may delegate review and approval authority to the Director as stated in Chapter 14.09.113.060 of the VMC.

9.3.4 School Site Credit Variant

For the first two (2) years after the Specific Plan becomes effective, no development applications or building permits shall be processed by the City for the school site (the 16.2 acre CF parcel on Figure 2-3) except for public school uses. If (i) the Vacaville Unified School District does not provide the City written notice prior to the expiration of this two (2) year period that it has entered into an agreement with the owner of the school site to acquire the school site for a public school use in exchange for transferable school fee credits for the fair market value of the school site and that obligates the school district to maintain the school site to City standards prior to construction of a school; or (ii) if the notice described in (i) is give but construction of a public school has not commenced on the school site within five (5) years after the effective date of the Specific Plan, then the school site may be developed with other uses consistent with its CF zoning designation or the owner may submit an application to amend the school site's general plan or zoning designation. Consistent with CEQA Section 21166, further environmental review may be required to amend the school site's general plan or zoning designation.

9.4 Procedure for Environmental Review

9.4.1 Environmental Review

An Environmental Review has been completed under a separate cover for the Roberts' Ranch Specific Plan in compliance with the California Environmental Quality Act (CEQA). This review has taken into account the ultimate buildout of this plan and has indicated how to mitigate or avoid significant impacts on this site. The Community Development Director will assess the environmental impacts of each development application within the Specific Plan area, and determine if the proposed plan is consistent with the Environmental Review, whether additional review is required under CEQA Section 15162, or whether no further review is required.

Additional CEQA review may be required in the following instances: substantial changes are proposed which require a major revisions to the Environmental Review, substantial changes occur to the circumstances under which the project is being undertaken, or new information becomes available that could not have been known upon certification

of the Environmental Review. A supplemental review or an addendum may be required if any of these circumstances ensue.

9.4.2 Mitigation Monitoring

A program to monitor mitigation measures, as specified in the Environmental Review, shall be carried out for all affected projects within the Specific Plan area to ensure compliance during project implementation. An annual review for compliance of required mitigation measures will be conducted as part of the Development Agreement Review Process as stated in Section 9.6 of this chapter.

9.5 Specific Plan Amendments

It is understood that adjustments to the Specific Plan may be necessary over the lifespan of the project. Proposed amendments shall be consistent with the overall goals and intent of the Specific Plan, and may be initiated by the City or at the request of a property owner. The City will refer the action to the appropriate agencies to review the proposed amendment, and provide opportunities for public involvement if necessary. It is not necessary for the Development Agreement to be amended during this process, as long as proposed Specific Plan amendments are consistent with the Development Agreement.

9.5.1 Administrative Clearances

Administrative clearances from certain development standards are available according to the procedures and standards set forth in Vacaville Municipal Code Chapter 14.09.118.

9.5.2 Minor Amendments

Minor amendments include simple modifications to graphics or text that do not change the overall intent of the Specific Plan. Minor Amendments also include changes to the proposed community infrastructure that do not increase or decrease the overall development capacity, and changes to the phasing plan or phasing boundaries reflected in Appendix D, Park Master Plan, and the Monumentation Guidelines that do not alter the overall dwelling unit cap set for the Specific Plan. The Community Development Director is authorized to administer minor amendments, which are appealable to the Planning Commission.

9.5.3 Major amendments

Major amendments include major alterations to exhibits and text that change the intent of standards and guidelines. This also includes changes in land use and zoning that are not consistent with the current zoning designations allowed in the Specific Plan area. Major amendments require the approval of the City Council as stated in Chapter 14.09.112.120 in the Vacaville Municipal Code.

9.6 Administration of the Development Agreement

A Development Agreement (DA) will be established between the Master Developer and the City of Vacaville to facilitate the provision of public improvements and services within the project area, while providing a means to fairly distribute costs associated with providing improvements and services.

The DA will be reviewed on an annual basis as stated in Chapter 14.17.218.010 of the Vacaville Municipal Code. At this time, the Master Developer will submit a report on the status of the agreement and the status of the measures discussed within the DA and Mitigation Monitoring Program.

9.7 Severability

If any portion of the Specific Plan, including future amendments, is determined to be invalid or unconstitutional for any reason by decision of any court, such decision shall not invalidate the remaining portions of the Specific Plan.

9.8 Density transfer

Residential density transfer is allowed in Roberts' Ranch to respond to issues such as site constraints and changing market conditions that may arise throughout the lifespan of the project and is subject to the following conditions:

1. Density may be transferred between neighborhood areas as delineated in Figure 2-1, however, the maximum number of residential units shall not exceed the ultimate buildout number as specified in Table 2-1.

2. If transfers will be applied to an area with a different zoning designation, the transferred density shall comply with the standards and guidelines inherent to that zone.
3. Density transfers shall not increase the overall count of the receiving area by more than 10% of the total unit count for that neighborhood as specified in Table 2-1. This will ensure an adequate mix of product types is maintained throughout the Specific Plan Area.
4. Changes to Table 2-1 as a result of density transfers may be adjusted within this document per approval by the Director of Community Development.

9.9 Project Phasing

The phasing areas and the development sequence is set forth in the Phasing Plan attached as Appendix D.

A Master Utility Plan will be filed to specify required infrastructure to be installed by each developer as the project builds out. The Master Utility Plan will be evaluated during the application process for each submitted project, to determine what improvements will be required for that project.

As further defined in Section 9.10.1 of this Chapter, a Benefit District may be created to define the method of fair share cost distribution for all improvements. If infrastructure items are determined to be required for a project, but not listed in the Master Utility Plan, that developer may be eligible for a partial reimbursement from other developers as may be established in a subsequent benefit district.

9.9.1 Sewer

Existing sewer flows from areas adjacent to and upstream of the Roberts' Ranch Specific Plan area are conveyed to the Easterly Wastewater Treatment Plant through two existing trunk sewers: the CSP-S Trunk Sewer and the Alamo/Fry Trunk Sewer. As discussed in Chapter 7, Phase 1 of the DIF 54A project will combine the flows from these two trunk sewers with flow from a new trunk sewer that will serve the Brighton Landing area, and convey the combined flow to the Easterly Wastewater Treatment Plant along the approximate alignment of the existing CSP-S Trunk Sewer. Phase 1 is currently under

design with construction to immediately follow the completion of the design process. Phase 2 of the DIF 54A project has not yet been scheduled, and its construction schedule will depend on the relative rates of development of the Roberts' Ranch project and upstream tributary developments primarily being the Southtown/Vanden Meadows projects.

9.10 Financing Strategies

A variety of funding mechanisms may be implemented to ensure adequate and fair distribution of costs to be maintained throughout the construction phase of the project. These financing strategies will take into consideration the need to provide some services up front for early phases that may ultimately be used by later phases, and fairly distribute those costs.

9.10.1 Roberts' Ranch Benefit District

The Roberts' Ranch Benefit District may be established to ensure future developers within the project reimburse their fair share of improvements installed that benefit them. This benefit district may also work in conjunction with the Brighton Landing Benefit District to ensure Roberts' Ranch reimburses its fair share of costs from improvements constructed in Brighton Landing that benefit Roberts' Ranch such as the off-site detention basin. The Roberts' Ranch Benefit District may be established and approved by the City of Vacaville City Council.

9.10.2 City Impact Fees

The City of Vacaville has adopted a set of development impact fees to finance citywide capital facilities requirements and sewer, water, storm drain, and traffic improvements. This fee structure requires payment of fees when the building permit is issued, and anticipates the construction of capital facilities in accordance with the City's master infrastructure plans. Fire, police, drainage conveyance, parks, schools, and greenbelt buffers are covered by the City impact fee program.

9.10.3 School Impact Fees

The Developer will pay school the appropriate impact fees in accordance with state law.

9.10.4 Parks and Recreation Fees

The City of Vacaville has adopted a police power ordinance to impose fees for parks and recreational uses on new development. This fee structure requires payment of fees when the building permit is issued, and anticipates the construction of parks and recreation in accordance with the City's park master plan.

9.11 Maintenance

9.11.1 Community Facilities District

A Community Facilities District (CFD) has been established by the City Council to pay for police and fire services in new development areas within the City. Roberts' Ranch is required to annex into the CFD.

9.11.2 Lighting and Landscape District

A Lighting and Landscape District (LLD) shall either be established for the Specific Plan area, or Roberts' Ranch will annex into an existing LLD to provide ongoing maintenance of public areas within the community. The landscape and lighting of entry monumentation, street right-of-way landscape, street lighting, trail landscaping and lighting, stroller park maintenance, maintenance of the active open space/agricultural buffer area, and the maintenance of the detention basin are all included as part of the LLD.

9.11.3 Parks Maintenance District

Roberts' Ranch will either establish its own Parks Maintenance District or annex into the Brighton Landing Parks Maintenance District for ongoing maintenance of the neighborhood park in Brighton Landing which serves the Roberts' Ranch area.