

4.0 IMPLEMENTATION AND ADMINISTRATION

This section outlines how the plan is put into place. It begins with a description of the government procedural steps necessary to get started. The plan includes the measures for providing for recommendations and policies as well as financing mechanisms for public improvements.

4.1 SPECIFIC PLAN APPROVAL PROCEDURE

4.1.1 City Actions

The City has taken the following actions:

- **General Plan Amendment.** The Land Use map of the City's General Plan was amended to reflect the land use designation proposed under the West Stowell Specific Plan. The land use is forwarded to LAFCO along with the annexation request.
- **Sphere of Influence Boundary Adjustment.** The City's Sphere of Influence was amended, to include the West Stowell planning area, by LAFCO on August 5, 1993. The annexation of the West Stowell planning area into the City of Santa Maria will be considered by LAFCO subsequent to its inclusion into the City's Sphere of Influence.
- **Prezoning.** The City's Zoning Map reflects the zoning designation proposed by the Land Use component of this Specific Plan. The prezoning is forwarded to LAFCO along with the annexation request.

The following actions must occur:

- **Adoption of the West Stowell Specific Plan.** A resolution adopting the West Stowell Specific Plan must be adopted by the City Council. The ratified specific plan will become effective immediately.
- **Adoption of the SP Zoning Designation.** An ordinance confirming the prezoning designations must be adopted by the City Council. The City's Zoning Map needs to be amended to the Specific Plan (SP) designation and adopting ordinance number. The SP designation and ordinance number will direct the map user to the adopted West Stowell Specific Plan.

4.1.2 Special Assessment Districts

Prior to approval of any development within the West Stowell Specific Plan Area or concurrent therewith, said Specific Plan Area may be incorporated/annexed into existing special assessment districts and/or new Special Assessment Districts may be established. This requirement includes one or more of the following specific Special Assessment Districts that would provide funding for the ongoing Operation and Maintenance.

Districts:

1. Landscaping and Lighting Special Assessment District
Authority: Landscaping and Lighting Act of 1972
Streets and Highway Code, Section 22500
 - a. Park Operation and Maintenance
 - b. Parkway and Median Maintenance
 - c. Bikeway, Jogging and Equestrian Trail Maintenance
 - d. Street Lighting and Traffic Signals

2. Benefit Assessment Districts
Authority: Benefit Assessment Act of 1982
Government Code 54703 et. seq.
 - a. Police Protection
 - b. Fire Protection
 - c. Library Services
 - d. Drainage/Flood Control
 - e. Street Maintenance

4.2 SPECIFIC PLAN REIMBURSEMENT FEES

4.2.1 Justification for Specific Plan and EIR FEES

In 1989, the City Council considered proposals from three consultants for the preparation of an EIR and specific plans that would cover seven areas outside the City limits which the Council desired to include in the City's sphere of influence and eventually annex into the City. The Council accepted a bid for about \$314,000 from McClelland Engineers (now Fugro), because McClelland appeared to be the consultant whose expertise and experience would produce the best documents for the City at reasonable cost.

The City chose to do a single EIR and individual specific plans because this would best take advantage of economics of scale, produce the most comprehensive analysis of environmental impacts (especially cumulative impacts), address regional issues, and result in significant cost savings to property owners (who otherwise would have had to fund environmental review and advocate for changes in land use designations individually).

In part because of the significant cost savings opportunities presented by the project, the City in 1989 approached all property owners within the Sphere Study area and requested a deposit towards the estimated cost of the project. Because of the large scale of the project and unknown land use pattern, it was determined that a flat, per acre charge would be most equitable and would best represent the relative benefit that would be experienced by each potential development applicant as a result of cost savings from avoiding individual environmental review and the need to advocate individually for changes in land use designations.

4.2.2 Calculation of Reimbursement Fee

It should be noted that 46.4 percent of the property owners in the planning area contributed financially to the preparation of the West Stowell Specific Plan and Sphere of Influence and Concurrent Annexation Environmental Impact Report (EIR). To be fair, costs for preparation of these documents were equally distributed amongst the eligible property owners on a per acre basis. These property owners paid fees of \$250 per acre. Out of this fee, \$100 covered the preparation of the EIR and \$150 covered the preparation of the Specific Plan. Because costs of the EIR and Specific Plans exceeded the amounts collected, the City of Santa Maria absorbed some of the costs for preparing the Specific Plan and EIR. Additionally, many of the property owners chose not to pay the initial fee. In those cases, the City of Santa Maria absorbed the total cost for preparing the Specific Plan and EIR. This was done in accordance with the California Government Code (Section 65456(a), which allows the City to charge fees to cover costs of preparing, adopting and administering the Specific Plan. This includes offsetting the costs of evaluating a Specific Plan under the California Environmental Quality Act. For properties with unpaid initial fees, a charge of **\$290.70** (\$250* Annual Adjustments for 5 years) per acre will be levied; this fee will be adjusted annually until it is paid to the City. A supplemental fee of **\$55.02** per acre will be added to all properties; this fee will be adjusted annually until it is paid to the City. Appendix D identifies the parcels of record at the date of the adoption of this Specific Plan. Appendix C contains the formula used for calculating the fees and adjustments assigned to each property.

4.3 IMPLEMENTATION PROGRAM

The following measures shall be carried out by the City of Santa Maria in order to implement the goals, objectives, policies and programs of the West Stowell Specific Plan.

4.3.1 Measures that Implement the Land Use Plan:

LU-M1: Land Use Controls (General Plan/Zoning). The principal method by which a city implements land use policy is through its general plan and zoning ordinance. The authority to designate and zone is inherent in the police power delegated to cities by the California Constitution. The General Plan prescribes uses and densities/ intensities of development. The zoning ordinance consists of two basic elements: 1) a map which delineates the boundaries of districts in which like uses at like standards are to be permitted, and 2) text which explains the purpose of the zoning district, lists permitted and conditional uses and defines development standards. By law (California Government Code 65860), the zoning ordinance must be consistent with the General Plan.

Responsible Party: Planning Commission, City Council

Timing: The general plan and zoning proposed are incorporated into this Specific Plan, and can be adopted concurrently with annexation into the City.

4.3.2 Measures that Implement the Circulation Plan

CIRC-M1: Adopt Circulation Plan. The City shall adopt the recommended street and bicycle path designations and classifications contained in the circulation section of the West Stowell Specific Plan. Where standards contained within this plan differ from operative City standards, those contained in this Specific Plan will apply.

Responsible Party: Planning Commission, City Council

Timing: The general plan and zoning proposed are incorporated into this Specific Plan, and can be adopted concurrently with annexation into the City.

CIRC-M2: Financing: Exactions. The City shall require developers to dedicate real property, or in lieu of property a fee, for the purposes of constructing circulation improvements mandated in this Specific Plan. Pursuant to Section 66000 et seq., of the California Government Code, these exactions may be used to obtain easements and open space provided they do not deprive a land owner of all the economic use of his/her land.

CIRC-M3: Financing: Mello-Roos Funds. The Mello-Roos Act of 1982 authorizes cities to establish districts within which a special tax may be levied to fund public circulation improvements. The city can pay for these undertakings by means of the tax revenue or with bond financing secured by the tax. Formation of a district and the special tax are subject to the voter/landowner protest provisions of Section 53324 of the California Government Code.

CIRC-M4: Financing: Special Assessment District. Unlike Special Districts, special assessment districts are not independent political jurisdictions. Rather, they are geographic areas in which local governments levy assessments to pay for circulation improvements such as streets, sidewalks, streetlights and parking. Two of the more commonly used Acts that the City could potentially implement are: The Municipal Improvement Act of 1913 (Streets and Highways Code Section 10,000 et seq.) in combination with the Improvement Bond Act of 1915 (Streets and Highways Code Section 8500 et seq.).

CIRC-M5: Financing: General Obligation Bonds: Pursuant to California Constitution Article XIII A, Section 1, the city may increase property taxes above the 1 percent limit set by Proposition 13 to secure general obligation bonds "... for the acquisition or improvement of streets or roadways...".

CIRC-M6: Traffic Mitigation Fee Program. Pursuant to AB1600, the City has adopted a Traffic Mitigation Fee Program. This program shall apply to new development located within the planning area.

4.3.3 Measures that Implement the Community Design Plan

CD-M1: Adopt the Standards of the Community Design Plan. All development in the West Stowell area shall comply with the standards set forth in this specific plan. The plan will operate as a separate and distinct guide for the West Stowell planning area. When the Specific Plan is silent on topics, normal City codes and standards will apply. Where standards contained within this plan differ from operative City standards, those contained in this Specific Plan will apply.

Responsible Party: Planning Commission, City Council

Timing: Development standards can be adopted concurrently with annexation into the City.

CD-M2: Planned Development Permits. Planned Development Permit(s) are required for all development proposed in the West Stowell planning area, and will be conducted under the same procedures as all Planned Development Permit(s).

CD-M3: Financing: Special Assessment District. Unlike Special Districts, special assessment districts are not independent political jurisdictions. Rather, they are geographic areas in which local governments levy assessments to pay for public projects such as bicycle paths, sidewalks, and landscaping. Two such assessment acts that the City could potentially implement are the Landscaping and Lighting Act of 1972 (Streets and Highway Code, Section 22500) and the Tree Planting Act of 1931 (Streets and Highway Code, Section 22000).

4.3.4 Measures that Implement the Infrastructure Plan

INF-M1: Adopt Infrastructure Plan. The City shall require water, sewer, and drainage improvements on a case-by-case basis as parcels in this Specific Plan area develop.

INF-M2: Financing: Developer Fees. Onsite improvements will be financed directly by the developer. City costs and the use of offsite facilities are paid by the developer through development fees charged by the City. Once the City accepts the area's infrastructural facilities as public, maintenance costs are assumed by the City and financed from Water Department billings.

INF-M3: Financing: Supplemental Storm Drainage Capacity. City Ordinance provides potential financial relief where supplemental storm drainage capacity is required over and above the minimum required Project capacities. A detailed description of the mechanism is found in Title 11 of the Santa Maria Municipal Code (Subdivision Ordinance). Financing for supplemental drainage improvements within the planning area would be in accordance with Title 11 of the City of Santa Maria Municipal Code.

INF-M4: Financing: Exactions. The City shall require developers to dedicate real property, or in lieu of property a fee, for the purposes of constructing infrastructure improvements mandated in this Specific Plan. Pursuant to Section 66000 et seq., of the California Government Code, these exactions may be used to

obtain easements and open space provided they do not deprive a land owner of all the economic use of his/her land.

INF-M5: Financing: Mello-Roos Funds. The Mello-Roos Act of 1982 authorizes cities to establish districts within which a special tax may be levied to fund public infrastructure improvements. The City can pay for these undertakings by means of the tax revenue or with bond financing secured by the tax. Formation of a district and the special tax are subject to the voter/landowner protest provisions of Section 53324.

INF-M6: Financing: Special Assessment District. Special Assessment Districts are geographic areas in which local governments levy assessments to pay for infrastructure improvements such as sewers, storm drains, flood control systems, and curbs and gutters. Such a method could be employed in the West Stowell planning area.

INF-M7: Financing: Sewer Revenue Bonds. Use of Sewer Revenue Bonds (Health and Safety Code Section 4950 et seq.) would authorize the City to engage in revenue bond funding of sewer system projects. Voter approval of project proposals is unnecessary unless 15 percent or more of the property owners or registered voters petition for an election.

4.4 DEVELOPMENT PHASING PROGRAM

The intent of this specific plan is to preserve existing agriculture while allowing the development of agriculture supporting industries in the same area. Land development within the West Stowell planning area may occur at its own pace; there exists no urgency to develop production agricultural land into ag-related industrial uses. The necessary road and infrastructure improvements are in place to help maintain the status quo and provide for eventual changes likely to occur within the planning area. If the West Stowell area attracts large scale development of agriculture-related industries, additional road improvements may be required. Specifically, West Stowell Road may need to be widened and the "E" Street extension must be dedicated to the City. Underground infrastructure within rights-of-way may need to be constructed prior to the improvement of these streets.

4.5 MONITORING AND MAINTENANCE PROGRAM

4.5.1 Circulation System

Streets. It is anticipated that the roadways proposed within the West Stowell planning area would be constructed to City standards and dedicated as public roads. These public roads and their respective rights-of-way would be maintained by the City of Santa Maria. Industrial local streets constructed as public roads would be maintained by the City of Santa Maria. The City would fund the maintenance program using gas tax and other revenues currently utilized for these purposes.

4.5.2 Infrastructure

Water and Sewer Systems. Water and sewer design would follow the procedures required for any normal subdivision improvement conducted in the City of Santa Maria. Plans would be prepared by a registered civil engineer, checked and approved, if adequate, by the Santa Maria Public Works Department. Financing would be provided by the developer and assured by the proper bonds. Construction would be inspected by the City. When the completed facilities are approved and accepted by the City, the City would own and maintain them.

Drainage Plan Review. Drainage plans for projects in the planning area would be monitored for proper design and construction by the City of Santa Maria Public Works Department. Maintenance of the facilities after construction would be the responsibility of a local property-owners association, community services district, City of Santa Maria, or other management agency.

4.6 SPECIFIC PLAN AMENDMENT PROCEDURE

The West Stowell Specific Plan may be amended to address conditions unforeseen at the time of its approval. The procedure is similar to a general plan amendment (Government Code Section 65350 through 65358). The policy sections of the specific plan may be amended by resolution while the legislative sections must be amended by ordinance. Amendments by both resolution and ordinance will occur when both the policy and legislative sections are modified. A brief summary of the amendment procedure follows.

1. *The applicant should discuss the proposed amendment with the Community Development Department prior to submittal of the application.*
2. *Applicant submits a complete General Plan/zoning amendment application to the Community Development Department which includes a description of proposed land uses, standards and development phasing.*
3. *The applicant meets with the City staff to determine the project's compliance with City standards and to discuss and resolve potential problems. All city comments, including recommended conditions of approval, are forwarded in the planning staff report to the Planning Commission and the City Council, as appropriate.*
4. *The Specific Plan amendment request is scheduled for the Planning Commission. All noticing for Planning Commission public hearings shall be in accordance with the City's noticing requirements. The Planning Commission's recommendation will automatically be presented to the City Council for public hearing.*

The following findings shall be made by the Planning Commission and City Council prior to approval of an amendment to the West Stowell Specific Plan.

- *The proposed Specific Plan amendment is consistent with the goals, objectives, policies, and programs of the General Plan.*

- *The proposed Specific Plan amendment will not adversely affect the public health, safety, and welfare, or result in an illogical land use pattern.*
- *The proposed Specific Plan amendment will not create internal inconsistencies with the Specific Plan and is compatible with the purpose and intent of the adopted West Stowell Specific Plan.*

The Planning Commission is a recommending body for Specific Plan amendments; the City Council has final decision-making authority.

4.7 RELATIONSHIP OF SPECIFIC PLAN TO SUBSEQUENT DISCRETIONARY PROJECTS

4.7.1 Environmental Review

The adoption of the West Stowell Specific Plan does not exempt subsequent individual projects within the planning area from further environmental review. Any proposed project requiring discretionary approval from the City of Santa Maria would be subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000, et seq.). The determination of whether a project is "discretionary" or simply "ministerial" (i.e., exempt from CEQA) shall be made in the same manner as all other projects currently conducted within the City limits. The criteria determining whether a project is exempt under CEQA can be found in Articles 17-19 of the State CEQA Guidelines.

It is the City's objective to utilize the certified Sphere Study EIR whenever possible to avoid duplication of work and expense. In the event that a CEQA-required initial study prepared for a discretionary project consistent with this Specific Plan identifies issues not already sufficiently addressed in the Sphere Study EIR or other documentation, a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report must be prepared by the City of Santa Maria (Public Resources Code, Section 15000, et seq.).

4.7.2 Planned Development (PD) Permitting

The PD permit provides the Planning Commission with a forum for holding a public hearing and making specific findings regarding individual projects within the West Stowell planning area. This permitting process is required of all new development proposals consistent with Chapter 35 of the Zoning Ordinance. Where a use permit is required, the PD permit fulfills the same function.