8 Implementation and Administration Element

8.1 PURPOSE

Implementation and administration of the Rio Del Oro Specific Plan (RDOSP) includes the review and processing of individual development projects within RDOSP, the anticipated phasing of the development and the methods of financing of the required public improvements. Administration includes the subsequent entitlements necessary to allow construction of individual projects and identifies the procedural steps in implementing the Specific Plan. Phasing describes the anticipated program to develop the project over time and identifies which areas are targeted to build first. Financing describes the basic financing strategies to allow development to proceed in a fiscally responsible manner.

The City of Rancho Cordova is the public agency responsible for the administration of the Specific Plan and related documents. The RDOSP shall be implemented consistent with all adopted City rules, regulations and policies.

8.2 ENTITLEMENTS

Development within the Plan Area is subject to approval of subsequent entitlements by the City, and will be governed by a series of development entitlements between the City and the developers. A multi-tier approach to entitlement execution will establish the conditions of and mitigation measures for project development. Due to the fact that the limited entitlement does not include overall project conditions and financing, there will be multiple phases (Tiers) of development entitlements as follows:

Tier 1 Entitlements. The Tier 1 entitlement process will include approval of the Specific Plan, EIR, amendment of the SPA and a Tier 1 development agreement with identical terms for each of the two developers. The Tier 1 development agreement shall explain Tier 1 and Tier 2 processing in additional detail. The Tier 1 development agreements will include as an exhibit the Large Lot Tentative Maps that serve as the basis for the land use plan described in this Specific Plan.

Tier 2 Entitlements. The Tier 2 entitlement process will occur prior to, or concurrent with, any further entitlement or physical development of the property. Tier 2 entitlement shall complete the master planning, financing planning, and phasing planning for the Specific Plan Area. Aerojet and Elliott Homes (or respective successors in interest as provided for in the Tier 1 development agreements) shall each have the discretion to apply for a Tier 2 development agreement for its portion of the Specific Plan Area at any time during the term of its Tier 1 development agreement. Aerojet and Elliott Homes (or respective successors in interest as provided for in the Tier 1 development agreements) will not be required to simultaneously process the two Tier 2 development agreements.

The first developer to request approval of a Tier 2 development agreement for its property within any portion of the Specific Plan area shall be responsible for working with the City to prepare a single Financing Plan, Phasing Master Plan and set of master Large Lot Tentative Map Conditions of Approval that together will specify the needed infrastructure improvements, the timing and method for financing improvements, and other specific performance obligations that will be applicable to the entire Specific Plan Area. The first of the Tier 2 development agreements shall be approved at the same time as the City approves the Financing Plan and Phasing Master Plan for the entire Specific Plan Area, a Large Lot Tentative Map and Affordable Housing Agreement(s) for the portion of the Specific Plan Area owned by first Tier 2 Developer which map includes the master Conditions of Approval.

The City shall have the discretion to deny approval for any Tier 2 entitlements for any portion of the Specific Plan until every developer in the entire Specific Plan area has agreed to substantially comply with the terms of the Financing Plan and Phasing Master Plan and the master Large Lot Tentative Map Conditions of Approval by either (a) amending its Tier 1 development agreement, or (b) entering into a Tier 2 development agreement. Substantial compliance will require developers to achieve the same timing, level of service, infrastructure and functional outcomes described in the Financing Plan and Phasing Master Plan and the master Large Lot Tentative Map Conditions of Approval.

Subsequent Entitlements. Subsequent entitlements include any entitlements associated with subsequent development of individual portions of the project. These may include, but are not limited to, large lot and subdivision tentative maps, final maps, site improvements, rezones, conditional use permits, variances, tree permits and design review permits. Individual project applications will be reviewed to determine consistency with the RDOSP and other regulatory documents.

The applicant may elect to request Tier 2 Entitlements and Subsequent Entitlements at the same time, however, no Subsequent Entitlements will be granted prior to the approval of Tier 2 Entitlements.

8.2.1 Processing

Individual development projects within the RDOSP are subject to review and approval of subsequent permits and entitlements by the City of Rancho Cordova. Application and processing requirements shall be in accordance with the Rancho Cordova Zoning Ordinance and other adopted regulations, unless otherwise modified by this Specific Plan or the Tier 1 or Tier 2 Development Agreements. All subsequent development projects, public improvements and other activities shall be consistent with this Specific Plan, the Tier 1 or Tier 2 Development Agreements, and all adopted City policies, requirements and standards. In acting to approve a subsequent project or permit, the City may impose conditions as are reasonable and necessary to ensure that the project is in compliance with the Specific Plan and all applicable plans and regulations.

8.2.2 Environmental Review

In addition to consistency with the Specific Plan, all individual project applications will be reviewed to ensure compliance with CEQA requirements. The Environmental Impact Report/ Environmental Impact Statement for the Plan Area (EIR/ EIS) certified concurrent with the Specific Plan document, serves as the base environmental document for subsequent entitlements within the Plan Area. Development applications will be reviewed on a project-by-project basis to determine consistency with the EIR/EIS.

In general, if it is determined that a subsequent project is consistent with the Specific Plan and within the scope of the EIR/EIS, no further environmental review may be necessary. Section 65457(a) of the California Government Code and Public Resources Code Section 15182(a) of CEQA provide that an EIR/EIS or negative declaration is not required for any residential project undertaken in conformity with an adopted Specific Plan for which and EIR/EIS has been certified. However, if the subsequent project is determined as not consistent, then either a negative declaration or subsequent EIR/EIS may be necessary. If it is determined that a development application is inconsistent with the Specific Plan and/or substantial evidence exists that supports the occurrence of any of the events set forth in CEQA Guidelines, Section 15183, a determination will be made as to the appropriate subsequent environmental document.

A mitigation-monitoring program has been adopted with the EIR/EIS in accordance with Public Resources Code 21081.8 to help ensure implementation of EIR/EIS mitigation measures.

8.3 SPECIFIC PLAN AMENDMENTS AND MINOR REVISIONS

During the long-term build-out of the Rio Del Oro Plan Area, amendments to the adopted Specific Plan may be necessary because of changing circumstances. Additionally, because of unforeseen circumstances, some design guidelines or development standards may not be feasible to implement on a particular parcel. In these situations, the procedures listed below will be followed to amend the adopted Specific Plan.

Typically, property owners will request amendments to a Specific Plan. There may also be circumstances where the City may wish to request an amendment to the Plan. For example, the City may propose to the property owners an amendment to the Plan to address shifting land use patterns outside the Plan Area. Any proposal by the City to amend the RDOSP will follow procedures set forth in the Tier 1 Development Agreement(s).

8.3.1 Scope of Amendment

Any proposed changes to the Specific Plan can include, but are not limited to changing land use designations, design criteria, development standards or policies. Changes proposed to this adopted Specific Plan shall be categorized

by the Community Development Director as either an amendment or minor revision.

8.3.1.1 Amendment Procedure, Criteria, Decision and Appeal

An amendment is required when one of the following criteria is met:

- 1. A new type of land use not specifically discussed in this Specific Plan is introduced.
- 2. Significant changes to the distribution of land uses beyond that allowed by Section 3.8 Minor Density Adjustments or other changes affecting land use are proposed which may substantially affect the Project Purpose and Objectives as set forth in this Specific Plan.
- 3. Changes to design guidelines and/or development standards, which, if adopted, would substantially change the physical character of the Plan Area as envisioned by the Specific Plan as determined by the Community Development Director.
- 4. Changes to the approved Phasing Plan are proposed which significantly increases or alters the area boundaries or units allocated by the proposed phasing schedule.
- 5. Any change that would trigger the preparation of any form of negative declaration or environmental impact report.

Amendments require City Council hearing..

Application filing fee and a detailed justification statement which explains in detail why an amendment to the Specific Plan is warranted, and any exhibits deemed necessary by the Community Development Director shall be submitted with the request to change the Specific Plan. All requirements of CEQA will be applicable.

8.3.1.2 Minor Revisions Procedure, Criteria, Decision and Appeal

Minor revisions are intended to apply to the applicable development and improvement standards and not to the allowed use of the property. A minor revision shall be permitted if authorized under the following criteria including but not limited to the following:

 Requests for an adjustment that the Community Development Director determines do not have a significant impact on the character of the Plan. In granting the adjustment, the Community Development Director shall determine the proposed adjustments will result in a superior design or amenity than would otherwise result from strict adherence to the standards. Additionally, the adjustment will not significantly change the anticipated physical characteristics of the development.

- 2. The proposed changes to the alignment of arterial streets, which if adopted, would not substantially alter the land use or circulation concepts set forth in this Specific Plan.
- 3. The proposed changes to the alignment of collector or secondary streets maintain the general land use pattern.
- The proposed changes do not significantly increase any environmental impacts that were determined to be significant in the certified Final Environmental Impact Report.
- 5. The proposed change to the approved Phasing Plan will not result in an increase in the total number of units proposed for the entire Plan Area.
- 6. The request is in compliance with Minor Density Adjustments (Section 3.8).

Minor revisions may be reviewed and acted upon by the Community Development Director. This determination may be appealed to the City Council.

Application filing fee and a detailed justification statement which explains in detail why a minor revision to the Specific Plan is warranted, and any exhibits deemed necessary by the Planning Director shall be submitted with the request to change the Specific Plan. All requirements of CEQA will be applicable.

8.4 PHASING

The RDOSP provides for a comprehensively planned infrastructure system with coordinated phasing and construction of facilities. A total of ten (10) phases are proposed in the RDOSP. The geographic boundaries of each phase are reflected in Exhibit 8-1. The On-Site Phasing Plan is provided in Appendix B, which includes a listing, by phase, of improvements and specific details relating to those improvements.

Infrastructure requirements for each phase of development include all on-site infrastructure necessary for each phase to proceed. The City shall approve a single Phasing Master Plan prior to or contemporaneous with the approval of any Tier 2 Entitlements. The City will require, through map conditions and/or Tier 2 Development Agreement provisions, those off-site improvements which are necessary or beneficial in conjunction with a particular phase of development.

The improvements and requirements described in Appendix B are based on the City standards and policies in effect at the time of this Specific Plan approval. Notwithstanding anything in Appendix B to the contrary, should any of such City standards and/or policies change in the future, then these improvements and requirements may also change. Furthermore, these improvements and requirements may change as provided in the future Phasing Master Plan and/or

the Tier 2 Entitlements, the terms of which shall prevail in the event of any inconsistency with the On-Site Infrastructure Phasing Plan.

8.5 IMPLEMENTATION AND FINANCING

Implementation of the policies set forth in this Specific Plan document will be governed by a series of development entitlements between the City and the developers. A multi-tier approach to entitlement execution will establish the conditions of and mitigation measures for project development. Due to the fact that the limited entitlement does not include overall project conditions and financing, there will be multiple phases, (Tiers) of development entitlements as described in Section 8.2 of this document.

The Tier 1 Entitlement will require participation in a single Public Facilities Financing Plan (Financing Plan) that will be prepared for and cover the entire Rio Del Oro Specific Plan area. The Financing Plan shall be approved by the City prior to or contemporaneous with the approval of the first large lot tentative map for the Rio Del Oro development.

The Financing Plan will describe the financing strategy and mechanisms to fund backbone infrastructure and public facilities needed to serve new development in the Plan area, and will include the following elements:

- Description and associated estimated costs of major backbone infrastructure and public facilities (Phasing Master Plan) to be constructed or acquired in association with Rio del Oro development, including roadways, sewer, drainage, water and public facilities (parks, schools, fire protection, law enforcement, etc). In-tract subdivision costs will not be included.
- Identification of funding mechanisms, both existing and new, to pay for required onsite and offsite backbone infrastructure and other public facilities.
- Specification of phasing requirements for onsite and offsite backbone infrastructure and public facilities.
- Establishment of a policy framework for financing the required major backbone infrastructure and public improvements.
- Identification of costs associated with ongoing operations and maintenance for constructed backbone infrastructure and public facilities.
- Identification of funding mechanisms, both existing and new, to pay for ongoing operations and maintenance costs associated with required backbone infrastructure and other public facilities.
- Incorporation of the Guiding Principles outlined below that create development conditions and triggers for builders regarding infrastructure required for any given builder.

8.5.1 Guiding Principles

A set of Guiding Principles defines the "rules" regarding the funding and construction of infrastructure and the phasing of development within the Specific Plan area. These rules clarify the approach for developing required infrastructure as each project or tentative subdivision map moves forward.

Development in the Rio Del Oro Specific Plan shall be consistent with the following policies, which will be incorporated as Conditions of Approval for Tier 2 Entitlements and Subsequent Entitlements:

8.5.1.1 Responsibility for Infrastructure Funding

Development within the RDOSP shall pay the full costs of infrastructure needed to serve the Specific Plan area, except where other funding sources are appropriate and available. Amounts over and above the developer's fair share will be reimbursed/ credited after subsequent developers pay their fair share of the full costs of infrastructure, as detailed in the Tier 2 Entitlements (Development Agreements or Conditions of Approval). The Financing Plan and the Tier 2 Entitlements will address issues associated with timing of financing and construction, fee credits and reimbursement for developers who install public facilities.

8.5.1.2 Timing of Infrastructure Funding

The Financing Plan shall provide a strategy for funding backbone infrastructure and community facilities consistent with the timing set forth in the Infrastructure Phasing Master Plan, the Tier 2 Entitlements, and these Guiding Principles. Developers within the RDOSP shall be required to construct, or pay for the construction of, public improvements as needed pursuant to the approved phasing plans.

8.5.1.3 General Timing- Offsite & Onsite Infrastructure

Both on-site (in the Rio Del Oro Specific Plan area) and off-site (outside the physical boundaries of the Specific Plan area) public facilities and infrastructure improvements shall be installed to meet projected development demands in accordance with the City's and/or other agency infrastructure requirements and policies, unless otherwise modified by the Tier 2 Entitlements.

8.5.1.4 Linking Requirements to General Plan

Before building permit issuance in the Rio Del Oro Project Area, infrastructure required of a specific project shall be constructed to the satisfaction of the City, consistent with General Plan Circulation Element and Infrastructure Services and Finance Policies in effect at the time of small lot tentative map approval, unless otherwise modified by the Tier 2 Entitlements.

8.5.1.5 Refinement of Onsite Infrastructure

The Financing Plan shall provide the minimum infrastructure required to meet the development demands of each phase of development. These infrastructure requirements will be refined as part of the review and processing of individual projects prior to the approval of small lot tentative maps or prior to building permits for projects that do not require an associated small lot tentative map.

8.5.1.6 Tying Offsite Core to Internal Capital Projects

The City of Rancho Cordova Core Backbone Roadway Phasing Plan (attached as Exhibit 8-2), provides minimum Rio Del Oro offsite infrastructure required to meet development standards throughout the City. These offsite infrastructure improvements are required and will be timed with Rio Del Oro onsite capital improvement requirements as provided in the Tier 2 Entitlements.

8.5.1.7 Offsite Core Infrastructure Timing

Offsite infrastructure timing requirements will be identified in the overall project Conditions of Approval and will be incorporated into the Financing Plan that will be prepared and approved by the City prior to the approval of the first Tier 2 large lot tentative map.

8.5.1.8 Finance Mechanisms and Funding Availability

Finance mechanisms that ensure the availability of funding for delivery of required onsite and offsite infrastructure will be in place prior to the approval of final maps or prior to the issuance of building permits for projects that do not require an associated final map. The required infrastructure will be consistent with defined roadway improvements in each phase of development and consistent with City Core Backbone Plan requirements.

8.5.1.9 Forms of Dedication

All dedications shall be in a form approved by the City, including but not limited to grant deeds, easements, irrevocable offers of dedication, or other approved instruments. The type and form of the dedication shall be at the sole discretion of the City, or as otherwise provided for in the Tier 2 Entitlements.

8.5.1.10 Right-of-Way and Easement Dedication

Developers shall be required to dedicate right-of-way, public utility easements, landscape easements and pedestrian easements for arterial roadway, collector and residential roads consistent with the requirements of the Specific Plan, with the final map prior to improvement plan approval or the issuance of building permits for individual development proposals.

8.5.1.11 Park Dedications

All accepted parklands, paseos and other open space shall be dedicated to the City or the Cordova Recreation and Park District, as determined by the City. The timing for the delivery of parks, recreation facilities, paseos and open space shall be determined before the approval of the first tentative subdivision map in the corresponding phase of the Specific Plan, or as set forth in the Tier 2 Entitlements.

8.5.1.12 Major Roadway Timing and Completeness

The City's goal is to have all infrastructure including onsite and offsite roadway improvements serving a community completed prior to the issuance of building permits in that community.

The Tier 2 Entitlement process will identify the specific timing of the construction of arterial and collector roadway improvements. Clarification of roadway elements that will be subject to this requirement will also be developed and finalized prior to completion of the Tier 2 Entitlements.

8.5.1.13 Internal Streets Timing and Completeness

The City's goal is to ensure that the phasing of construction within each tentative subdivision map provides logical and reasonably complete infrastructure for residents who occupy homes prior to completion of the entire mapped subdivision. As such, the developer shall provide a phasing plan addressing sequencing and build-out of all internal streets depicted on the tentative map.

A detailed agreement on requirements and timing for the tentative map phasing plan will be finalized as part of the Tier 2 Entitlements.

8.5.1.14 Logical Completion of Roadway Segments

All roadways, pedestrian facilities, and bikeways shall be constructed in logical and complete segments, connecting from intersection to intersection, to provide safe and adequate access with each phase of development as conditioned with the approval of each small lot tentative map, or as set forth in the Tier 2 Entitlements.

8.5.1.15 Two Points of Access

Each phase of a project or tentative subdivision map shall include a collector or local street system that provides at least two points of access to arterial roadways, to the satisfaction of the City.

8.5.1.16 Arterial Roadway Completeness

Wherever collector or local roadways intersect an arterial roadway, that arterial roadway shall be improved, in accordance with the "Logical Completion of Segments" and "Major Roadway Timing and Completeness" items above, from that point to the next completed arterial roadway segment, or as otherwise set forth in the Tier 2 Entitlements.

8.5.1.17 Intersection Completion

When intersections are part of the required roadway improvements, they shall be constructed to their planned ultimate configuration, unless otherwise set forth in the Tier 2 Entitlements. Where an intersection is planned for signalization, the new signal shall be installed during construction of the intersection, unless the Tier 2 Entitlements specify otherwise.

8.5.1.18 Ultimate Utility Installation

Underground sewer, water and drainage facilities shall be installed to the ultimate planned capacity as part of required road construction, unless otherwise set forth in the Tier 2 Entitlements.

8.5.1.19 Operations and Maintenance Financing

All properties shall be included in one or more financing districts (or will establish an alternative financing mechanism) to provide adequate funding as determined by the City for the annual operation and maintenance costs of streets, street lights, drainage ways, landscaping corridors, open space, parks, and other public facilities prior to the approval of final maps or prior to building permits for projects that do not require an associated final map, or as otherwise set forth in the Tier 2 Entitlements.

8.5.1.20 Police CFD for Residential Projects

Residential properties will be included in a Community Facilities District that supports police service costs prior to approval of a small lot tentative subdivision map, or for residential properties that do not require subdivision, prior to issuance of building permits.

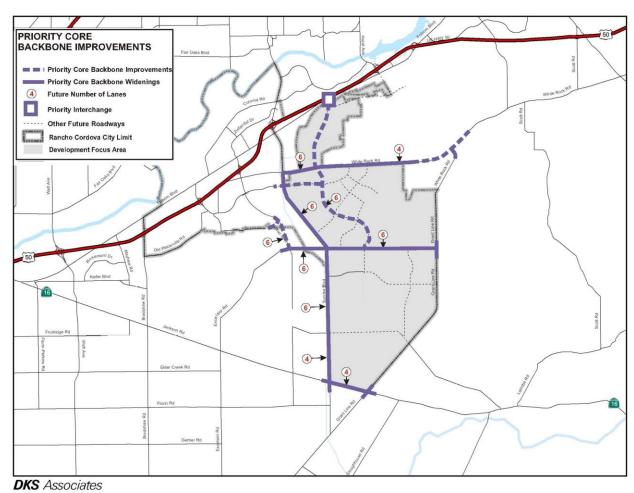


Exhibit 8-2 City of Rancho Cordova Core Backbone Roadway Phasing Plan

8.5.2 Financing of Public Improvements

The construction of public improvements to serve the Plan Area will be funded by a variety of mechanisms including City-wide impact fees; County and other Special District Fees; School District impact fees; establishment of a Special Financing District that could include a Mello-Roos Community Facilities District (CFD), Plan Area Fee, Assessment District, or infrastructure charge; developer financing; and other potential methods. The following is a list of the potential financing methods:

8.5.2.1 City Impact Fees

The City of Rancho Cordova has adopted a set of development fees to finance capital improvements including transportation, park renovation, police, library, and museums, among other community facilities. The Rio Del Oro Project Area will participate in these programs by paying the associated fees. Some of these programs may require updating following approval of Rio Del

Oro, such as to the cost of improvements and the integration of the Rio Del Oro land uses.

8.5.2.2 County/Other District Fees

The County of Sacramento has adopted a set of development fees to finance capital improvements. In addition, various special districts have implemented fees for capital improvements and public facilities that will apply to the Rio Del Oro Project Area. Future updates to these fee programs may include certain improvements in the Rio Del Oro Project Area.

8.5.2.3 School Financing

The Rio Del Oro Area is located within the boundaries of the Folsom Cordova Unified School District (FCUSD). School facilities within the FCUSD will be funded through a combination of school impact fees, state matching program funds, and funds from the FCUSD SFID 1 and FCUSD SFID 3.

Proposition 1A and SB 50 restrict cities and counties from placing school mitigation conditions on development approvals. As a result, the FCUSD has currently adopted the SB 50 Level II school impact fee.

8.5.2.4 Special Financing District

A Special Financing District may be established to help fund the construction and/or acquisition of backbone infrastructure and public facilities within the Rio Del Oro Project Area. As described below, a Special Financing District could be a Mello-Roos Community Facilities District (CFD), Plan Area Fee, Assessment District, or Infrastructure charge.

- Mello-Roos CFD: The 1982 Mello-Roos CFD Act enables cities, counties, special districts, and school districts to establish CFDs and to levy special taxes to fund a wide variety of public facilities and services. Proceeds of Mello-Roos special taxes can be used for direct funding, acquisition, or to pay off bonds. One or more Mello-Roos CFDs may be formed over time to fund the necessary Backbone Infrastructure and Public Facilities. Mello-Roos CFDs tend to be favored over Assessment Districts, described below, because Assessment Districts need to establish special benefit to those being assessed, which can be more challenging than the Mello-Roos requirement of establishing general benefit of facilities.
- Plan Area Fee Program: A plan area fee program establishes a development impact fee typically for a Specific Plan pursuant to local government's police power in accordance with the procedural guidelines established in Assembly Bill 1600 (AB 1600) which is codified in California Government Section 66000 et seq. This code section sets forth the procedural requirements for establishing and collecting development impact fees. These procedures require that "a reasonable relationship or nexus must exist between a governmental exaction and the purpose of the condition."

- Assessment Districts: California statutes give local governments the
 authority to levy several special assessments for specific public
 improvements such as streets, storm drains, sewers, streetlights,
 curbs, gutters, and sidewalks. The agency creates a special
 assessment district that defines both the area to benefit from the
 improvements and the properties that will pay for the improvements.
 Thereafter, each property in the district will be assessed a share of the
 cost of improvements that is proportional to the benefit it receives from
 those improvements.
- Infrastructure Charge: An infrastructure charge is similar to a plan area fee, but the revenue may "be collected privately by the Master Developer(s) either as a specific charge or as a component of the price of the land sale. This funding mechanism is implemented and managed as a private cost-sharing mechanism between developers.

8.5.2.5 Developer Financing

Direct developer/merchant builder financing may be used to contribute towards backbone improvements and facilities, shortfall financing and for intract subdivision improvements. Private capital will be used for in-tract infrastructure that is serving the specific development project, such as standard street frontage improvements, local water distribution lines, local sewer lines, and internal storm drains. In addition, private capital from specific development projects may be required as advance funding if there are insufficient revenues from other funding sources and the development project wants to proceed. Facilities financed with developer capital or by land secured financing districts that are otherwise funded by development impact fee programs will be eligible for fee program credits or reimbursements.

8.5.2.6 Other

As noted, other financing mechanisms may be utilized, to fund maintenance of certain facilities within the RDOSP. Specific financing requirements, improvement obligations, fees, reimbursements, land and easement dedications and conveyances, maintenance and other financing and improvement related obligations will be detailed in the Financing Plan and/or the Tier 2 Entitlements.

8.5.3 Funding of Ongoing Operations and Maintenance Costs

The RDOSP will be required to participate in a series of special financing districts to fund public services and the maintenance and operation of public improvements. Formation of, or annexation proceedings for, these districts will be completed no later than the recordation of a final small lot map, or a building permit for parcels not requiring a small lot map.

A combination of the funding mechanisms will be used to fund ongoing public services and operations and maintenance costs. These funding mechanisms may include, but are not limited to the following:

8.5.3.1 8.5.3.1 Rancho Cordova Police CFD

The RDOSP properties will be included in a Community Facilities District (CFD) to fund a portion of police operation costs.

8.5.3.2 Sloughhouse Fire Protection

The RDOSP includes tax rate areas that were formerly part of the Sloughhouse Fire Protection District until it dissolved into the Sac Metro Fire District, but retained the name. This special tax covers ambulance services.

8.5.3.3 Landscaping and Lighting District

An LLD could be created to fund ongoing operations and maintenance services for the landscape corridors and any lighting.

8.5.3.4 Services CFD

Unless an alternative source of funding from new development is identified, one or more services CFD's, or similar funding mechanisms, will be formed in the RDOSP to fund the costs of maintaining streets, street lights, drainage ways, landscape corridors, open space, parks and other public facilities.