

IMPLEMENTATION PLAN

This chapter of the Community Plan outlines the Implementation Program of the Merced County University Community Plan and Area Plans. These describe the comprehensive set of actions, procedures, and relationships necessary to carry out the Plans. While some of the programs are described in considerable detail, they do not necessarily address all policy requirements presented in the preceding sections of the UCP. Consequently, all Plan policies need to be referred to in carrying out these programs.

Each of the policies contained in the preceding sections of the UCP shall be implemented by one or more of the following programs. Applicable implementation programs are referenced for each policy by the notation: (*Imp* ___). Over the course of the buildout of University Community's land uses, it can be expected that the implementation programs may change due to state and federal legislation, court decisions, and funding sources and other unforeseen events. Consequently, the programs defined in this chapter should be reviewed annually and modified as necessary to reflect pertinent changes.

■ OVERVIEW

The Implementation Plan describes the institutional actions and mechanisms necessary for carrying-out the University Community Plan and Area Plans. In reality implementation of the Community Plan will be an ongoing process with future stakeholders and residents building on the actions and decisions made in earlier planning phases. Thus, the Implementation Plan establishes a framework for this process by outlining the individual programs and actions needed to develop and maintain the University Community, consistent with the Community Plan and Area Plan goals and policies.

Implementation covers a wide range of topics including (a) how development will be organized and pursued by the private sector; (b) how the public (the County) will manage the planning and development effort over time, (c) how governance will be established to provide infrastructure and services; and (d) how public facilities and services will be financed and constructed. Of course, these four areas are interdependent and need to be coordinated both initially and as time moves forward.

A key aspect of implementation of the University Community Plan will be the large amount of negotiation that will be necessary. There are many parties-of-interest who each must be satisfied that their interests or obligations are achieved. A variety of "inter-agency agreements" will need to be negotiated between the County and other jurisdictions that will serve the Community. An agreement will need to be reached with UC Merced on a range of topics including infrastructure cost sharing. Property owners and prospective developers will be involved in negotiating aspects of any "master developer" role. State and federal regulating agencies will define mitigation requirements that will need to be met.

Implementation Programs

The following implementation programs, as acted upon, will achieve the goals and policies set forth in the Community Plan and Area Plan. The numbering system used below to identify each implementation program is referenced by applicable UCP policies.

I.0 MASTER DEVELOPMENT PROCESS

The University Community Plan area is currently held by property owners who it is assumed will sell or transfer their land to private real estate developers who will undertake the actual development process. The general outline of this process will need to be specified, to the degree possible, and coordinated with other aspects of the planning effort. The Master Development Process will be managed by the property owners, pursuant to County goals and policies expressed in the UCP. The County may have a coordinating role in the Process. The following key steps are likely to be required:

~~IMP 1.1 MASTER DEVELOPER(S) SELECTION PROCESS~~

~~Due to the integrated and complex nature of University Community planning process, it is likely that one or several “master developers” will coordinate private sector development activity. The general process for selecting and coordinating with the master developer(s) will need to be described and implemented. It is likely that a Request for Qualifications and/or Request for Proposals (RFQ/RFQ) will need to be developed and distributed to potential developers by the property owner(s). The definition of selection criteria and process would benefit through input from the County and UC Merced in recognition of their experience with the specific development issues of the University Community and County and planning objectives and policies.~~

~~IMP 1.2 MASTER DEVELOPER CONTRACT TERMS AND CONDITIONS~~

~~Once the Master Developer(s) team has been selected, the terms and conditions for land disposition and development will need to be negotiated and articulated with the property owner(s). It is likely that a Master Developer Agreement will be created that specifies the financial obligations of various entities as well as the amount, type, and phasing of allowable uses. Ultimately, the Master Developer Agreement will need to be consistent with the University Community Plan as a whole.~~

~~IMP 1.3 PUBLIC/PRIVATE FINANCING STRATEGY~~

Since the development of the University Community will rely on both public and private funds, the coordination and allocation of private and public sector responsibilities will be an essential part of the implementation program. In this regard, the Master Developer will need to play a key role in developing financing strategy, as discussed further below.

~~IMP 1.4 ECONOMIC DEVELOPMENT PROGRAM~~

The Master Developer(s) must be actively engaged in marketing and economic development activity, a role that will be specified in the Contract Terms and Conditions described above. This activity will

include typical marketing and tenant attraction as well as coordination with the University and local government-sponsored economic development efforts. For example, the Master Developer(s) will likely assist in the development of an Economic Development Strategy that will include targeted outreach to business sectors that will enhance academic-professional linkages between the Community and UC Merced.

2.0 DEVELOPMENT MANAGEMENT SYSTEM

The Development Management System describes the role, relationship, and sequencing of key policy documents associated with the University Community Plan. The Development Management System is basically how Merced County will regulate development of the University Community over time. Because of the unique nature of this area a special set of programs must be established, rather than relying solely upon the County's normal procedures that apply throughout the rest of the unincorporated County. These include:

IMP 2.1 MERCED COUNTY GENERAL PLAN

The University Community Plan ~~and Area~~ shall be adopted as an integral chapter of the County of Merced General Plan, consistent with the California Government Code §65300 *et seq.* ~~As such it shall continue.~~ The UCP's policies are intended to apply all adopted supplement and be consistent with countywide General Plan policies to the University Community and supplement these with the goals, objectives, policies, and programs contained in the UCP. All goals, objectives, policies, and programs have equal weight of applicability under State statute and, as a result, are deemed horizontally and internally consistent.

that are applicable to the University Community. Adoption of the UCP will modify the County General Plan Land Use ~~Map/Diagram~~ by applying ~~three designations~~ a "Multiple Use—Urban Development" to the University Community planning area: ~~"Multiple Use—Urban Development," "Urban Reserve," and "Agriculture" (with a "Future Study" overlay),~~ as depicted on Figure 3. Existing land use zoning shall be retained in these areas until such time that Specific Plans, Development Agreements, and, where needed, County General Plan amendments are approved by the County Board of Supervisors in accordance with State Planning Law and the California Environmental Quality Act.

Implementation of the Area Plan goals, objectives, and policies may involve the reconsideration of the County General Plan's land use policies and designations and resource conservation strategies for lands adjoining the University Community. Should ~~any~~ changes of these be proposed by the County, they shall be considered as amendments to the County General Plan, subject to California Environmental Quality Act review and public hearings by the Planning Commission and Board of Supervisors.

Any future amendments to the Merced County General Plan shall be evaluated for their applicability to the University Community ~~and consistency~~ to ensure that the unique role of the University Community is recognized and not in conflict with the UCP. In the event that there are conflicts, the appropriateness of applying the amendment to the Community shall be evaluated. If deemed not to be relevant or contrary to the UCP's intentions, the Community shall be specifically excluded from the amended policy.

~~Updates of the County General Plan Housing Element's Five Year Action Plan shall consider the appropriate contribution of the University Community in meeting Countywide fair share housing obligations and the five year Housing Action Plan for that time period. These shall reflect provisions for affordable housing made in any Specific Plan and/or Development Agreement approved for the University Community.~~

IMP 2.2 UNIVERSITY COMMUNITY PLAN

All land development, infrastructure improvements, public services, capital budgeting, and resource conservation programs in the University Community shall be consistent with the UCP. Specific land use entitlements and actions shall be defined in Specific Plans to be prepared for the Community's planning sub-areas (see below), which must be found to be consistent with the UCP.

In accordance with §65400 of the Government Code, the Board of Supervisors shall provide, as a part of its mandatory review of the County General Plan, an annual report to the State of California Office of Planning and Research and the Department of Housing and Community Development on the status of the Community Plan (and implementing Specific Plans) and progress in meeting the County's share of regional housing needs.

The County Board of Supervisors may amend the UCP a maximum of four times during any calendar year in accordance with Government Code §65358. This limitation does not apply to amendments for a single development of residential units for which at least 25 percent of the total units will be occupied by or available to persons and families of low or moderate income.

At a minimum, the County shall undertake a comprehensive review of the UCP at least once each 10 years to ensure that it accounts for prevailing physical, market and fiscal economic, and social conditions and issues, the needs and visions of community residents, legislation and court decisions, and state-of-the-art planning, design, and community development processes. This review should assess the effectiveness, feasibility, and continued relevance of the Plan's existing goals, objectives, policies, and implementation programs. Those that remain valid should be retained and supplemented where necessary. The UCP should also be comprehensively reviewed concurrent with any substantive revisions of the UC Merced UCP.

Any UCP amendments would be subject to public input and environmental review.

IMP 2.3 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A Program Environmental Impact Report (EIR) has been prepared and will be certified for the University Community Plan in accordance with the procedural and substantive requirements of the California Environmental Quality Act (CEQA). This document describes (1) the proposed project (the UCP); the University Community's existing environmental setting; (2) the environmental impacts that would occur on implementation of the UCP, including cumulative impacts resulting from other know future projects including development of UC Merced; (3) measures that must be implemented to reduce these impacts below a level of significance; (4) impacts that cannot be reduced below a level of significance; (5) alternatives to the proposed project; and (6) the environmentally superior alternative. A companion document, the Mitigation Monitoring Program, defines the process for the monitoring of the implementation of prescribed mitigation measures and evaluation of their effectiveness in reducing impacts. Most of the measures that have been identified to mitigate the impacts of the development of the University Community are incorporated as policies of the UCP.

The Program EIR is written to the level of specificity of the UCP's goals, objectives, policies, and programs. It shall be used as the basis for the preparation of CEQA-required environmental documents for subsequent sub-area Specific Plans, in which the analyses would be tiered from those defined in the Program EIR. Following the certification of an environmental document for a Specific Plan, any residential development project in the University Community that is consistent with the adopted Specific Plan shall be exempt from further CEQA review, as specified in California Government Code §65457.

IMP 2.4 COMMUNITY MASTER PLANS OR FACILITY PLANS

Prior to or concurrent with the formulation of sub-area Specific Plans, it will be necessary to establish the precise locations, development standards, and implementation procedures (governance, funding, etc.) for the backbone elements of UCP infrastructure and public services that will serve all planning sub-areas and to which the land uses and improvements of the sub-areas must connect. This may be accomplished through the preparation and adoption of Community-wide master plans that would include:

1. Areawide public improvements plans—roadways, bicycle paths, transit corridors, and other transportation elements, integrated water systems (sanitary sewers, water distribution and storage, and storm drainage), energy, and telecommunications (refer to *Imp 4.0*).
2. Areawide open space network including parks, trails, and passive open spaces.
3. Urban design and streetscape improvements that unify the entirety of the University Community.

IMP 2.5 PLANNING SUB-AREA SPECIFIC PLANS

~~A set of Separate~~ Specific Plans shall be prepared for the University Community Town Center and Residential Villages ~~1, 2, 3, and 4~~, as generally depicted on Figure 5, each 6, in accordance with California Government Code §65450 *et seq.* ~~Separate Specific Plans~~ These boundaries may be prepared, modified to reflect site conditions and land use development market projections at the time of the preparation of the Specific Plan, provided that the UCP's intentions for Residential Villages 3A, 3B, 4A, urban form and 4B development character are achieved. The number of Residential Villages shown on Figure 6 is correlated with the number of K-6 schools that are estimated to be required to support the Community's population. Should this be modified, the number of Villages may be adjusted accordingly. Specific Plan boundaries shall be confirmed by the County in consideration of objectives for the development of cohesive and integrated neighborhoods and districts. Specific Plan land use designations and development guidelines and standards shall serve as the zoning regulation of the area within the Specific Plan boundary.

UCP Specific Plans will be prepared by the landowners and/or Master Developer(s) in cooperation and pursuant to County of Merced adopted policy and procedures. Accordingly, the County shall adopt a University District Specific Plan Ordinance that specifies the content and procedures whereby Specific Plans within the UCP shall be adopted by the County of Merced, consistent with the description provided in this section. The public shall be provided the opportunity to have input during the preparation of the Specific Plans, as well as during formal hearings to be conducted by the Planning Commission and Board of Supervisors, in accordance with State statutory requirements (California Government Code Sections 65453 and 65351). Environmental documents shall be prepared for the Specific Plans in accordance with CEQA (see above).

Specific Plan Phasing/Sequencing

~~Specific Plans for the Town Center and Residential Villages 1 and 2 may be submitted to the County for consideration at any time following the adoption of the UCP. Specific Plans for Residential Villages 3A and 4A may be submitted for consideration after the County has issued building permits for a minimum of fifty percent of the total residential capacity of Residential Villages 1 and 2 and adopted a resolution extending the urban development boundary to Dunn Road and re-designating this area as “Multiple Use Urban Development” in accordance with the UCP’s phasing policies. Similarly, Specific Plans may be submitted for Residential Villages 3B and 4B when building permits have been issued for fifty percent of the residential development capacity of the area between Dunn Road and Yosemite Avenue and the Board has elected to re-designated this area as “Multiple Use Urban Development.”~~

Consistency with University Community Plan

~~The sub-area~~ Specific Plans shall implement and be consistent with the policies contained in the UCP. They are intended to achieve distinctly identifiable places that integrate a mix of uses into a cohesive district or neighborhood and are integrated with and support the functions and uses of UC Merced.

The mix and amount of uses to be accommodated in a Specific Plan area shall be consistent with Table 2, which prescribes development capacity limits for the Town Center and Residential Villages. ~~The amount of commercial and housing development to be accommodated in the Town Center any planning sub-area may be increased to stimulate pedestrian activity and transit use transferred to another, provided that any increase the Plan’s policies for urban form and community character are achieved and the cumulative development capacity for the Community is offset by not exceeded, nor reduced to a corresponding reduction of development capacity in Residential Villages 3 level that jeopardizes the ability to adequate fund infrastructure, public services, and 4 environmental mitigation.~~ The prescribed mix of single and multi-family housing units may be varied to reflect market conditions prevailing at the time of the Specific Plans’ preparation, provided that there is a commitment to provide sufficient units affordable to meet the needs of the Community’s population (see below). Any variation of use and/or density shall be determined in consultation with the County and supported by market, fiscal impact, affordability needs, and other analyses that justify such a variation.

Collaboration/Consultation with UC Merced for Town Center/Campus Core Edge

~~The Town Center Specific Plan shall be prepared in consultation with UC Merced to ensure the UCP’s objectives for the interface and sharing of uses and continuity of streets, sidewalks/pedestrian paths, bikeways, infrastructure, open space amenities, and other elements are achieved. Specific Plans prepared for Residential Villages 3B and 4B shall incorporate a landscaped buffer of adequate size to protect agricultural lands south of Yosemite Drive and east of the Fairfield and Le Grand Canals.~~

Responsibility for Preparation

Preparation of the Specific Plans may be prepared by one of the following methods:

1. On the initiation by and full funding by a property owner and/or developer, with preference given to one or more master developers, with County input, review, and approval;

2. On initiation by the County upon the formation of an assessment district to fund the plan's preparation;
3. On the initiation by the county using General Funds or other sources with reimbursement by subsequent developers; or
4. A collaborative partnership of the County and UC Merced for the Town Center and campus core edge.

Specific Plan Studies and Content

Additional background data pertaining to the planning sub-area's conditions and constraints shall be compiled to supplement the UCP's data base and as necessary to support the preparation of the Specific Plan. This may include, but not be limited to:

1. Soils and ~~geotechnical~~geotechnical analyses—type, stability, expansiveness, permeability, and so on.
2. Archaeological, cultural artifact, and paleontological surveys.
3. Hazardous materials surveys.
4. Plant and animal surveys.

Sub-area Specific Plans shall contain, at a minimum, the following components. It should be noted that this list is only intended as an overview of key elements that must be incorporated in the Specific Plans, as defined by UCP policies. It is not intended to serve as a comprehensive listing of all topics that must be addressed or studies to be undertaken. Authors of the Specific Plans must carefully review all UCP policies to ensure compliance with their requirements, and to consult with appropriate Federal and State agencies.

1. Physical development plans including:
 - a. Land use plan that depicts the uses to be accommodated by type, density, and/or other descriptive characteristics, consistent the allowable uses stipulated in Table 2 or as modified as described above.
 - b. Land division and parcelization plan.
 - c. Urban design and streetscape plan (landscape, sidewalk and crosswalk paving, street furniture, lighting, signage, public art, and other elements).
 - d. Transportation Improvement Plan (TIP) that defines local streets, and highways, transit facilities, truck routes, bikeways, pedestrian paths, and hiking trails, parking management, demand management, and other elements that are consistent with the community-wide Public Improvements Plan (refer to *Imp 4.1*).
 - e. Parking plan that identifies the location and types of facilities such as on-site for each use and/or shared facilities.
 - f. Infrastructure services plan that defines the network of local integrated water (IWIMP), energy and telecommunications, and solid waste infrastructure systems that connect with backbone

systems and any other local improvements and funding and governance methods (refer to *Imp 4.0*).

- g. Design and engineering plan for the protection of the MID canals, as appropriate.
 - h. Public services plan that prescribes the location and facilities for schools, police, fire, library, and civic uses and funding methods (refer to *Imp 4.0*).
 - i. Parks and recreation plan that prescribes park locations, improvements, and acquisition and funding methods (refer to *Imp 4.0*).
 - j. Open space and habitat mitigation plan (refer to *Imp 4.10*). This may include park lands, trails, habitats to be preserved, restored, or newly developed on-site, ~~as well as productive. Specific Plans prepared for Residential Villages adjoining agricultural lands that may be preserved as community gardens shall incorporate a landscaped buffer of adequate size to protect these lands.~~
2. Housing ~~affordability plan~~Program that stipulates the total number of units that shall be developed and affordable to very low, low, and moderate income households, the methods by which they shall be provided (fee waiver, inclusionary, in-lieu fee, bonus density, state or federal funding, etc.), the timing of their development, County or other agency purchase or rental financial assistance programs, and commitments for preserving the affordability of the units for a 10- to 20-year time period. The ~~housing affordability plan~~Housing Program shall be developed in collaboration with and approved by the County prior to the submittal of the final draft Specific Plan.
 3. Impact mitigation plan that identifies the amount of productive agricultural lands, wetlands, or other habitats (as defined by UCP policy) that will be lost or otherwise affected by development and the method(s) by which these impacts shall be mitigated (e.g., ~~participation in Natural Communities Conservation Plan,~~ replacement of lost habitat, or other strategy as defined in *Imp 4.10* and *4.11*). The mitigation program shall be developed in collaboration with and approved by the County prior to the submittal of the final draft Specific Plan. These requirements are not intended to supplant Federal and State Clean Water Act or Endangered Species Act requirements.
 4. Commitment for participation in:
 - The County Right-to-Farm Ordinance, that requires purchasers of property in the University Community to acknowledge ~~and accept~~ the presence of continued agricultural activity in proximity to the University Community
 - Environmental resource habitat mitigation program and/or ~~Natural Communities Conservation Plan~~Habitat Conservation Plan
 - ~~Agricultural~~Countywide agricultural mitigation program and/or Natural Communities Conservation Plan/Habitat Conservation Planprograms that may be established by the County of Merced and local jurisdictions
 5. Development regulations pertaining to each use to be developed in the Specific Plan sub-area that shall address:
 - Permitted uses

- Residential density (units per acre) and commercial and industrial intensity (floor area ratio)
- Building height
- Lot coverage and property setbacks
- Landscape, including standards for the use of sustainable plant materials (natives, drought tolerant, drip irrigation systems, and so on)
- Lighting
- Signage
- Parking and parking management including on-site showers for bicyclists (in activity centers)
- Sustainable development practices, including for site planning, building design, architecture, landscape, building fixtures, infrastructure improvements and other relevant elements, which shall include the establishment of energy and water conservation budgets and recycling goals

These standards shall constitute the zoning for the Specific Plan sub-area and, where appropriate, be uniquely designed to reflect the intended uses within the Community such as mixed use and pedestrian-oriented buildings/uses in the Town Center and Residential Village Centers.

6. Design guidelines for site layout, architecture, landscape, and grading and public streetscape improvements (paving materials, street furniture, trees and plantings, signage, lighting, public art, and other). These shall reflect the UCP's intentions, as expressed by policy, for the development of a "walkable" and "livable" community (e.g., siting of buildings, concentration and intermixing of development, pedestrian-oriented design, and so on) and the use of sustainable development practices (e.g., recapture of storm runoff on site, orientation and design of structures to reflect climatic conditions and minimize energy consumption, incorporation of solar and wind energy systems, use of native and drought-tolerant landscape, and so on).
7. Capital improvements plan that defines the costs and sources of funding for public infrastructure and services, consistent with the Public Improvement Plan (*Imp 4.0*).
8. Fiscal impact analysis that defines the full public costs associated with development and anticipated revenues.
9. Implementation programs that define the range of actions to carry out the Specific Plan that may include Development Agreements, development fees, County development review and approval processes, governance, and other appropriate programs.
10. Financing plan for public infrastructure and services, identifying costs, financing mechanisms, and projected revenue.
11. Findings that:
 - Levels of development to be accommodated in the sub-area reflect the scale of planned and anticipated student enrollment, faculty, and programs of UC Merced
 - Pertinent interagency agreements have been approved

- Pertinent environmental permits have been committed or approved, in accordance with prescribed procedures
- Criteria specified for Policy LU 4.4 have been achieved.

IMP 2.6 ZONING REGULATIONS AND BUILDING CODES

While the Specific Plans shall serve as the zoning ordinances for the Community, it may be necessary to revise the County Ordinance, as well as the Building Code, to ensure that the more precise standards for the Community can be found to be consistent with these. In some cases, the revisions may be only applicable to the University Community, while in others that may have potential utility throughout the County. Such may include:

- Establishment of a new General Plan land use category, “Multiple Use Urban Development,” that accommodates the mix of uses specified by the UCP
- Establishment of a new land use category for the development of mixed-use structures that integrate housing with retail commercial, office, civic, institutional, public parking, or other uses
- Establishment of new residential categories to reflect the range of housing types and densities in the Community, as well as provide flexibility for the accommodation of innovative and new housing types that may be proposed
- Establishment of flexible commercial and office/research and development land use categories that facilitate the Community to accommodate new uses that may evolve in the marketplace during its buildout
- Modification of noise standards to allow the development of housing units in areas exceeding a 65dBA L_{dn} provided that interior noise levels do not exceed a standard of 45 dBA L_{dn} in the Town Center and other key activity centers
- Modification of building codes to permit the use of sustainable and energy conserving building materials that fully comply with structural design, wind, and seismic requirements such as Rastra, stamped bales, and other innovative materials
- Modification of building codes to permit the use of innovative design techniques that promote sustainability such as the recapture of rain water in cisterns and on-site; gray water recycling plumbing; use of solar and wind generated elements; location of heating, ventilating, and air conditioning in the exposed, “conditioned” space; and incorporation of showers in offices and public buildings (for bicyclists)
- Modification of building codes to preclude the use of wood roofs and other combustible materials in Community areas exposed to high fire hazards

IMP 2.7 DEVELOPMENT AGREEMENTS AND SUBDIVISION MAPS

Development Agreements shall be prepared as contractual agreements between the County and developers of the University Community sub-areas to provide assurances to each party regarding the uses to be entitled and rules of development. Development Agreements shall be adopted by the Board of Supervisors, in consideration of public comments, and be effective for a specified time period. Since the University Community will be developed over an extended time period, such agreements reduce the uncertainty of changing policies, rules and regulations, and conditions of approval that are likely

to occur and which can impact development feasibility and quality. In accordance with Government Code §65865.2, the Agreements shall specify the permitted uses of the property, density and intensity of use, maximum height and size of proposed buildings, and provisions for the reservation or dedication of land for public purposes (schools, parks, and so on), consistent with the adopted UCP and related Specific Plans.

Subdivision maps shall be prepared to implement an approved Specific Plan and Development Agreements in accordance with the California Subdivision Map Act (Division 2 of Title 7 of the Government Code). These will divide the planning sub-area into legal parcels of record to accommodate planned development, including those dedicated for transportation and infrastructure improvements and open spaces. Generally, the subdivision process involves the preparation of a Tentative Map that is submitted for County review and approval, for which conditions of development are normally applied. The Final Map incorporates the approved elements and conditions and provides the legal basis for land division and development.

The County's Subdivision Ordinance shall be revised by Merced County to reflect UCP policies and standards, where appropriate. These may address land use density/intensity and parcel size, grading to reflect the site's topography, and the use of best management (BMPs) and environmental sustainability practices.

IMP 2.8 ENGINEERING REVIEW AND MONITORING

Proposed development projects shall be reviewed for their compliance with applicable building code, subdivision, and other County engineering requirements and standards. At a minimum, this will encompass review of (1) infrastructure improvements consistent with the Public Facilities Plans (*Imp 4.0*), including transportation, potable water, wastewater, storm drainage, electricity, natural gas, and telecommunications; (2) site grading and soils/geological stabilization; (3) building and foundation design for structural stability, fire codes, soils and geologic characteristics, and so on; and (4) compliance with energy and water conservation budgets and environmental sustainability standards. Project applicants will be required to submit studies and analyses that are necessary for an adequate engineering review such as traffic impact studies, soils tests, and percolation test.

Where development or public improvements abut or otherwise impact the Merced Irrigation District (MID) canals and tributary facilities in the University Community, proposed grading and development plans shall be reviewed with MID to ensure that the structural integrity, functionality, and safety of the systems are maintained.

IMP 2.9 DESIGN REVIEW

Proposed development projects shall be reviewed for their consistency with the UCP and Specific Plan design and development standards and guidelines and applicable codes and regulations. Plans and designs may be reviewed and approved by the County Planning Director, the Planning Commission, or an appointed University Community Design Review Board. If the latter, its membership should consist of design professionals (architecture, landscape, urban design, and/or visual arts) and Community residents and businesspersons that would report their recommendations to the Planning Director and/or Planning Commission. Appeals would be submitted to the Board of Supervisors.

IMP 2.10 ENVIRONMENTAL RESOURCE AND IMPACT MONITORING

The County shall maintain a map of the sensitive plant and animal resources within the University Community. The map will be updated to reflect current conditions within the University Community every two years. Any potential unauthorized activities will be reported to the appropriate regulatory agency. These activities include but are not limited to unauthorized fill or draining of jurisdictional waters, the take of threatened or endangered species or their habitats, and the destruction of active raptor nests.

Environmental impacts and the effectiveness of defined mitigation measures of the University Community shall be evaluated in accordance with a prescribed Environmental Monitoring Program, prepared in accordance with CEQA.

3.0 GOVERNANCE

The Governance portion of the Implementation Program describes the institutional process through which key policy decisions related to the University Community will be made and carried-out. It is likely that the actual governance of the University Community will evolve over time with more developed governing bodies created as the area becomes more developed and populated. At the outset, governance will be provided by the county; however as changes in district or municipal boundaries are considered or independent special districts are created, the Merced Local Agency Formation Commission will be involved pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The actual governance will be determined through the following processes.

IMP 3.1 INTERIM GOVERNANCE STRUCTURE

Initially, the County will serve as the governing body and may continue to play an important role in decision-making and public service provision over time. However, the County will need to establish an entity (i.e. a special district) that is responsible for overseeing and coordinating University Community-related infrastructure development and public services delivery.

IMP 3.2 OPTIONS AND MECHANISMS FOR TRANSITION

Given that the form and structure of the governmental entities with jurisdiction over the University Community is likely to evolve over time, a transition plan will need to be developed. The Transition Plan will define the process through which new governing structures are adopted and developed. Options include continued operation as an unincorporated area of the County served by a special district, annexation to the City of Merced, and incorporation of an entirely new City.

IMP 3.3 INTER-AGENCY COORDINATION AND AGREEMENTS

Success of the University Community depends in some measure upon the successful cooperation between the County of Merced and UC Merced. The proximity to the City of Merced and the need for coordination with other regulating agencies also create the need for a range of special agreements.

County and University of California Merced

Development of the University Community is directly linked to the development of UC Merced and its population of faculty, staff, and students. There are numerous issues of common concern that need

to be jointly addressed by the County and UC Merced through collaborative planning processes, formal agreements, and informal coordination. At a minimum, these must address:

- Provision of a connected system of transportation and, where appropriate, water/wastewater and other utility infrastructure
- Provision of recycling and solid waste disposal facilities
- Development of shared or transitional uses in the Town Center and campus core and shared parking facilities at the same locations and Lake Yosemite Park
- Development of connecting open space systems
- Provision of a range of housing in the Community that is affordable in the long-term for UC Merced students, faculty, and staff
- Mitigation of the loss of vernal pools, wetlands, and other environmental resources
- Mitigation for the impacts of the campus on Lake Yosemite Regional Park and replacement of County lands that had been acquired for the purposes of Park expansion
- Use of campus recreational, libraries, and other facilities by residents of the Community and greater Merced
- Provision of adequate public schools to support the needs of campus residents
- Development of lands adjoining the University Community and UC Merced to ensure that it is complementary, compatible, and of a high quality
- Support for economic development strategies designed to attract business sectors that will both complement and benefit from the academic environment fostered by UC Merced

Jurisdictional Agencies

A number of governmental agencies and districts currently have and may continue to have decision-making and service provision responsibilities within the University Community area (e.g. water, irrigation, and wastewater districts). In many cases, development of the University Community will require expanding, modifying, or re-constituting these district and agency responsibilities. Thus, implementation of the Community Plan will require establishing agreements with these agencies and districts.

Development projects that abut or otherwise affect the MID canals and ancillary facilities shall be reviewed with and be subject to approval by MID to assure that their structural and functional integrity is maintained and that there are no adverse impacts on public safety or liability.

Agreements necessary for the development of an integrated water system include the following:

1. Prior to the approval of the first Tentative Map, an agreement between the County of Merced and MID to discharge stormwater to MID facilities from lands outside of the current district shall be approved by the Board of each agency:
 - Land areas north of Sections 10 and 11 and west of Section 4 will require an agreement and fee for discharging stormwater runoff to the Fairfield Canal

- At a minimum the Agreement shall be based on the MID Facilities Master Plan and the Storm Drainage Master Plan (previously prepared and adopted) and shall identify necessary improvements (if any) both within the UCP and outside the UCP that may be required to accept drainage outside of the current district
2. Prior to the approval of the first Specific Plan, develop an agreement between the County and the University of California, Merced related to shared water-related infrastructure systems. At a minimum, the Agreement shall address the following:
 - Definition of those facilities to be shared
 - Governance of the shared facility
 - Cost sharing for the design and construction for each shared facility
 - Cost sharing for on going operation and maintenance of each shared facility
 - Determination of when and how the expansion of proposed facilities would take place to meet Campus and UCP demand
 3. Prior to the approval of the first Specific Plan, develop an agreement between the County and the City of Merced related to the potential connection of the University Community to the City of Merced water distribution grid, if needed. At a minimum, the Agreement shall address the following:
 - Governance of the shared facility
 - Timing of when the connection can be made
 4. If required, prior to the approval of the first Specific Plan, develop an agreement between the County and a local jurisdiction related to the potential connection of the University Community wastewater system to a local municipal wastewater treatment facility. At a minimum, the Agreement shall address the following:
 - Maximum quantity of effluent that will be accepted by the existing collection and treatment infrastructure operated by the local jurisdiction
 - The alignment of the off-site collection facility to the jurisdictions wastewater treatment plant shall be graphically defined and included as an Exhibit to the Agreement
 - The Agreement will constitute a “Will Serve” commitment on the part of the local jurisdiction
 - Fair share of cost to provide collection and treatment shall be included in the Agreement

City of Merced

The County of Merced and City of Merced maintain a number of ~~collaborative~~cooperative relationships regarding land use development and infrastructure and public services. Development of the University Community will necessitate furthering these efforts including:

1. The City of Merced may provide certain services to the University Community (such as infrastructure) by contractual agreement as discussed above, as well as interim police and fire services during the early stages of Community development.
2. The proximity of the University Community to the City raises the issue of development in the North Merced area, the City's Sphere of Influence, and County "Rural Residential" areas located between the City and University Community. While the City's planned long term growth patterns are to the north of Bellevue Road, there has been some interest expressed by the City to reconsider whether or not this growth should be refocused easterly towards the University Community along the Bellevue Road corridor. To resolve these issues, it is recommended that the County and City engage in a ~~collaborative~~ collective process to determine the appropriate land uses, densities, and improvements that should link and serve as transitions between the City's urban area and the University Community. Depending on the outcomes of such a study, this may involve amendments to the County General Plan, County-City Revenue Sharing Agreement, and a revised Sphere of Influence Study for the North Merced Area developed by the City in cooperation with the County that would be submitted to the Merced Local Agency Formation Commission for approval.
3. The County and City may enter into an agreement that:
 - Reiterates the commitment of both jurisdictions for the preservation of agricultural lands east of the City of Merced
 - Establishes appropriate oversight, information exchange, and approval processes by the Board of Supervisors and the City Council for changes of zoning to urban uses within the areas south of the University Community boundary and immediately east of the City of Merced

School Districts

As part of the implementation process, applicable developers shall formalize plans with the school districts that address the implementation of school facilities and support facilities that are needed and required to serve the University Community. Key issues to be addressed shall include:

- Number and Type of Schools: Although the Community Plan estimates the number and type of schools needed to serve the University Community, these estimates will need to be finalized and confirmed based on discussions with and requirements of the school districts. Estimates will be based on school generation factors, service standards, and other considerations. In this regard, it will be important to consider the potentially unique student generation factors associated with the expected population base within the University Community. The County, applicable developers, and the school districts shall agree on the number and type of schools that will be constructed in the UCP as the development proceeds.
- School Location and Phasing: The general locations of the schools estimated to be needed in the University Community are depicted on the Illustrative Land Use Diagram (Figure 4). The County and the school districts shall work together and identify the specific planning sub-areas in which the high, middle, and elementary schools shall be located. These school sites shall be designated in amendments of the County General Plan and the University Community Plan. Prior to adoption of specific plans, Development Agreements, or tentative maps, the school districts shall work with applicable developers to confirm the number and size of schools needed.

and their location consistent with the urban form policies specified by the University Community Plan.

- Funding for School Facilities: The school districts, at a minimum, have indicated that they will levy Level I development impact fees.¹ Since Level I fees may not be adequate, the school districts have the authority under State law to levy and impose Level II and Level III development fees, upon a showing of the proper justification and subject to school district State eligibility and applicable statutory requirements. In the event that school impact fees are not adequate to fund the acquisition and construction of school facilities, landowners and developers may enter into voluntary impact mitigation agreements with the school districts. Landowners and developers also may choose to advance to the school districts the difference in costs between the state-mandated school impact fee and the actual “fair share” costs of providing necessary school facilities. When and if the school districts receive State funds for facilities constructed with funds advanced by landowners or developers, the school districts would then reimburse the landowners/developers on a pro-rata basis. The school districts may also offer to landowners within the Community the opportunity to voluntarily establish one or more Mello-Roos Community Facility Districts (CFD) or School Facility Improvement Districts (SFID) in order to provide a higher level of school facility funding, in the event development fees and State funding are deemed insufficient.² Since both the CFD and SFID can be tailored to the actual areas of new development, they can provide more funding than the state minimum standards without burdening the current district landowners with general obligation bonds. The implementation of CFD’s or SFID’s will require the affirmative vote of the landowners to form the CFD’s or SFID’s and levy special taxes, and shall be in compliance with applicable standards and accepted financing procedures and requirements.

The above issues will need to be addressed in the context of promoting a high quality and financially feasible Community Plan. For example, the development of school facilities will need to be phased to make optimal use of existing facilities and minimize overly burdensome up-front costs on development. Such use shall not, however, result in unreasonable impacts on existing facilities or facility-related services.

¹ Under current State statutes, school districts have the authority to levy fees on new residential and commercial and industrial development. The statutory fees (known as level I fees), currently at \$2.05 per sq. ft. of new residential and \$0.33 per sq. ft. for commercial and industrial development, often do not generate the necessary funding for new schools. Non-unified school districts share the maximum authorized development fee levy based on agreements between the districts. School districts may also establish fees (known as Level II fees) equal to one-half of the cost of providing new school facilities (at State cost standards) if they meet certain conditions that may affect the entire school district, and after non-residential development fees are applied. With Level II fees, it is assumed that the State, through the issuance of statewide general obligation bonds, will provide the other half of the cost of the new schools and thus the impacts of new construction will be “fully mitigated.” In the event that the State does not have funding available (provided through statewide bond elections), then school districts may temporarily increase the fees (known as Level III fees) on new residential development in order to provide full funding for schools. This allows school districts to receive the State’s half of the funding when the State is out of money. When State funding becomes available through future statewide bonds, the Level III fees must be refunded or the district must forego future State funding. Thus, funding (at minimum state standards) to mitigate the impacts of new development may be assured, whether or not State funding is available. The ability of a school district to impose Level III fees is subject to certain statutory conditions and requirements, including but not limited to the State Allocation Board finding and noticing the State legislature that school facility funding apportionments are unavailable. Without this notice school districts are not permitted to levy and impose Level III fees.

² Since State funding levels (Level II fees plus State funding) are often less than the actual cost of providing adequate school facilities, additional local funds may be needed to provide quality school facilities.

IMP 3.4 EXISTING COMMUNITY-SERVING SPECIAL DISTRICTS

Certain infrastructure and services may be provided to the University Community by existing special districts such as the Merced Irrigation District. When such services differ in some fashion from those provided through the jurisdiction of these special districts special agreements may be required.

IMP 3.5 PARTNERSHIPS WITH PRIVATE AND QUASI-PUBLIC AGENCIES

The County shall work with private, quasi-public agencies and organizations, and non-profits to provide selected services for the University Community. This may include partnerships with conservation organizations for the protection of on-site resources and/or participation regional habitat and agricultural conservation programs, development of affordable housing, and the provision of health, seniors, youth, and other social services.

IMP 3.6 CREATION OF NEW SPECIAL DISTRICT(S)

In addition to existing agencies and districts, the University Community may require (as noted above) the establishment of an entirely new service district(s). The creation of a new district will require a resolution of formation by the County to the Merced Local Agency Formation Commission and may require a vote among applicable property owners and/or approval by other agencies with jurisdiction over the area. A determination of which, if any, new districts need to be formed will be based on public service and facility requirements and the preferred provision mechanism. It is anticipated that a general purpose special district, such as a community facilities district will be created early in the development of the Community. Initially this special district would be governed as a “dependent” district by Merced County but over time, as the population in the Community increases to above 5,000 persons a vote to transfer governance to a locally elected board of directors shall occur. This will assure that decisions regarding infrastructure and services are guided by local residents.

4.0 PUBLIC IMPROVEMENT PLAN

The Public Improvement Plan shall specify the type, amount, cost, and phasing for the public improvements and facilities that will support the University Community. A description of these improvements is provided in the Infrastructure and Services Chapters of the UCP, as elaborated below. The actual improvement projects, as well as their cost and timing, will need to be refined and finalized before development can proceed through the formulation of Community-wide master plans (*Imp 2.4*) and sub-area Specific Plans (*Imp 2.5*). The development of these improvements, will require the County, City, University, and project developers, enter into cooperative agreements about service provision, participation, capacity, and funding contributions (see the Governance and Financing Strategy sections of this chapter for further discussion of these issues).

IMP 4.1 TRANSPORTATION INFRASTRUCTURE

The UCP area is largely undeveloped, with limited transportation infrastructure in place. New transportation corridors, roadways, and improvements to existing roads, will be necessary and will be consistent with the Regional Transportation Plan (developed by MCAG) and by guidelines articulated in the UCP. Certain roadway improvements, such as the Campus Parkway, will need to be developed in the early years of Community development in order to link the Campus and Community to Highway 99. Other roadways and improvements will be tied to the construction of various land uses and will be guided by subsequent Specific Plans.

Construction of roadway improvements will require cooperation and funding from a variety of entities including County, State, and Federal agencies, MCAAG, and private developers.

Elements of the Transportation Improvement Plan (TIP) shall be formulated for the entirety of the University Community and relevant components contained and elaborated in the sub-area Specific Plans. The TIP shall incorporate:

- Roadway master plan
- Designated truck routes and ordinance
- Bicycle master plan
- Pedestrian master plan
- Street design and access management standards
- Street plan lines
- Land use-sensitive functional hierarchy of streets (to ensure compatibility between uses and transportation elements)
- Traffic calming guidelines
- Traffic control warrants
- Multi-modal level of service criteria
- Parking management plan (for prioritization of non-polluting vehicles)
- Parking code and ordinance
- Residential permit parking ordinance
- Monitoring program for parking occupancy
- Parking violations and enforcement
- Short-range transit plan
- Transit and bus stop design guidelines
- Transportation demand management program
- Public outreach programs to encourage use of alternative modes

IMP 4.2 INTEGRATED WATER SYSTEMS

~~The construction of integrated water infrastructure will require cooperation between the City, County, and the University to determine participation, service delivery responsibilities, and capacity. The type, amount, and phasing of infrastructure that is actually built will be determined by agreements reached between these three jurisdictions. For example, the Community may develop as established as a priority the development of a self-contained system with a sewer treatment plant on site. Alternatively, it may connect to the City's an existing local municipal treatment plant. Sewer pipes may be sized to serve only the Community or may include additional capacity to serve the Campus and other developing areas in the unincorporated County. Similarly, on-site water wells may be developed to provide potable water for the future Community. However, if conditions warrant, use of off-site wells or connection to the City of Merced water system may be considered most prudent. In~~

the event that connections to local systems are desirable or required, the construction of integrated water infrastructure may require cooperation between the City, County, University, and regional utility districts to determine participation, service delivery responsibilities, and capacity. The type, amount, location, and phasing of infrastructure that is actually built may be determined based on the best information available at the time these systems are designed and by agreements reached between these jurisdictions.

Goals and policies set forth in the Community Plan will guide the decision making process with respect to such issues as governance, technology, environmental sustainability, and level of service.

Prior to the preparation of the first Specific Plan, an Integrated Water Infrastructure Master Plan (IWIMP) shall be developed for the UCP area. The IWIMP shall be prepared through the direction of the County of Merced and reviewed by the UC, MID, City of Merced and City of Atwater (if necessary). The IWIMP shall ~~provide for the phased development of the Community from north to south, as specified by Land Use policy, and shall~~ incorporate the following elements:

- A Potable Water System Master Plan
- A Recycled Water System Master Plan
- A Wastewater Treatment and Disposal System Master Plan
- A Storm Drainage Master Plan (SDMP)
- A Capital Improvement Plan (CIP) to construct the IWIMP elements

The IWIMP shall, at a minimum, achieve the standards identified below in Table 4.

Concurrent with the preparation of each Specific Plan, a design-level MID facilities master plan shall be developed for areas within the UCP.

- The plan shall demonstrate the ability of the MID system to continue to deliver irrigation to downstream users despite modification to the existing system.
- At a minimum, the MID Facilities Master Plan shall incorporate elements of the Storm Drainage Master Plan that identify specific improvement to MID facilities.
- The MID Facilities Master Plan shall be reviewed and approved by MID and the County of Merced prior to or concurrent with the Specific Plan.

**TABLE 4
INTEGRATED WATER INFRASTRUCTURE MASTER PLAN**

Minimum Standards	
Potable Water Systems	<ul style="list-style-type: none"> ▪ Wells and distribution system capable of meeting maximum daily demand and fire flow requirements set by the local governing agency. ▪ Wells shall be equipped with well-head fluoridation and disinfection systems as required to meet State Water Supply Permitting requirements. ▪ Backup well(s) shall be integrated into the potable water supply system. ▪ Wells grouted to minimum depth required by Merced County or State of California, whichever is greater. ▪ Adequate storage shall be provided within the UCP area. ▪ Storage tanks equipped with pumps capable of meeting maximum daily demand plus fire flow. ▪ Community design standards that require use of water conserving devices, such as low-flow showerheads, toilets, washing machines, etc. ▪ Water meters on all potable water connections. ▪ If required, water supply infrastructure that allows for the expansion to the Campus and the City of Merced ▪ <u>Monitoring programs designed to track long-term changes in local groundwater levels</u> ▪ <u>If conditions warrant, consider development of off-site wells or connection to the City of Merced potable water system.</u>
Recycled Water Systems	<ul style="list-style-type: none"> ▪ Modular design of recycling plant to allow expansion to include community and campus demand. ▪ Recycled water distribution system capable of delivering recycled water to all developed and/or landscaped lots. ▪ Recycled water delivery systems that avoid discharge to receiving waters. ▪ Recycled water delivery system that allows for delivery of recycled water to the Campus. ▪ Recycled water delivery system that allows for delivery of recycled water to ongoing agricultural users within the UCP
Wastewater Treatment and Disposal Systems	<ul style="list-style-type: none"> ▪ Seasonal water recycling plant capable of producing Title 22 tertiary treated water <u>or to the level appropriate for agricultural applications.</u> ▪ Gravity wastewater collection system capable of conveying a peak flow of 3.5 times the average flow in areas served by recycling plant. ▪ <u>Gravity On-site seasonal treated wastewater storage capable of accommodative sinterime treated effluent to be used for irrigation purposes during summer seasons.</u> ▪ <u>Alternatively, gravity</u> wastewater connection to local municipal wastewater treatment facility capable of providing treatment and disposal of wastewater during winter or other times when wastewater flow exceeds recycled water demand. ▪ Alternative to the seasonal connection to a local municipal wastewater treatment facility shall include on-site seasonal storage of treated effluent. ▪ Decentralized on-site collection and treatment systems where soils are suitable for year-round dispersal <u>disposal</u> of wastewater.

TABLE 4
INTEGRATED WATER INFRASTRUCTURE MASTER PLAN

Minimum Standards	
Storm Drainage Systems	<ul style="list-style-type: none"> ▪ Stormwater conveyance system with capacity for 100-year storm. ▪ Stormwater conveyance system that can accommodate campus demand. ▪ Detention and retention basins that result in no net increase in stormwater discharge. ▪ Detention basins discharging to MID facilities sized to capture entire 10-year, 24-hour storm volume. ▪ Detention/retention basin design(s) consistent with regional groundwater recharge program. ▪ Detention basins that sustain vegetation beneficial to water quality. ▪ Pump station to discharge stormwater to Fairfield Canal. ▪ In MID receiving canals/creeks, sensor devices that determine when canal/creek is at capacity. ▪ Stormwater quality control devices that prevent sediment, petroleum, and heavy metals from entering receiving waters. ▪ Grass swales that filter “first flush.” ▪ Stormwater quality monitoring program to ensure achievement of SWRCB discharge standards. ▪ Stormwater infrastructure that does not preclude the continued use of existing irrigation facilities to ongoing agricultural users.

IMP 4.3 ENERGY AND TELECOMMUNICATIONS

Energy services will be developed in accordance with an Energy Services Plan that shall be approved either before or in conjunction with the first sub-area Specific Plan. This plan will establish a service agreement with a power distributor and will identify opportunities to purchase power generated from sustainable sources such as solar wind, and fuel cells, including the possible development of these facilities in proximity to the University Community site.

Telecommunications infrastructure will be developed by the phone, cable, and wireless communication providers that will serve the University Community and connect it to UC Merced and other appropriate off-site areas. The UCP will guide the siting of telecommunication facilities so that they may efficiently serve the community while complementing buildings and landscapes.

IMP 4.4 POLICE SUB STATION

Police protection will be provided by the Merced County Sheriff's Department. The Department has expressed interest in siting a substation in the UCP area and therefore one facility has been planned. The County may elect to contract with the City of Merced to provide urban level services to the Community during the initial years of development.

IMP 4.5 FIRE STATION AND FIRE FIGHTING EQUIPMENT

The Merced County Fire Department provides fire, rescue, and emergency medical services to the University Community and all unincorporated areas in the County. McKee Station #85 is the closest facility to the University Community area. Development in the University Community will likely

require the County to construct a new station in order to assure response times and maintain current levels of service.

IMP 4.6 LIBRARY

The Merced County Library system currently serves Merced's residents; however, reduced funding has resulted in the reduction of programs, hours, and staff. The UCP provides for the development of one or more library facilities to serve the community. This may include partnerships with UC Merced and local schools to provide shared facilities, as well as wired/wireless connections between residences and library resources. The County will need to use a creative finance approach to funding capital costs for site acquisition, construction, furnishings, fixtures, and equipment.

IMP 4.7 SCHOOLS

~~It is estimated that seven schools will be developed to serve the University Community, including five K-5 schools, one middle (6-8) school, and one high school. The number of necessary schools was estimated based on data and standards received by the Merced City School District and the Merced Union High School District. As housing development proceeds, elementary, middle, and high schools will be developed within or outside the University Community to serve the University Community. The number of necessary schools shall be based on the planning of the University Community in conjunction with the implementation programs of the applicable school districts. The actual number of schools to be developed will depend on the actual rate of students generated by housing in the University Community and, the school sizes based on enrollment levels, and the standards and requirements of the local school districts. There is a statewide trend to the development of somewhat larger schools on smaller parcels that share facilities with adjoining parks or other schools for efficiency and to reduce costs. Additionally, it can be expected that the student generation rates for the Community will~~may be less than traditionally experienced in Merced due to the expected high occupancy by unmarried UC Merced students without children.

~~These new schools will likely be incorporated as part of existing systems; however, it is possible that an entirely new district could be formed.~~

In order to accommodate K-12 students generated from the University Community, local school districts will be required to obtain school sites, and construct schools and support facilities concurrently with the development activities of the University Community. In order to help ensure that facilities are constructed in a timely manner to accommodate enrollment growth, the Community Plan Financing Strategy and Specific Plan Financing Plans adopted by the County, and containing a schools and schools support facilities financing program approved and accepted by the applicable school districts shall be approved concurrently with the sub-area Specific Plans and specific development activities within the University Community to help ensure that the cost of school facilities, school support facilities, and services are funded through development impact fees, bonding, State funding programs, grants, and/or other public or private sources or techniques, consistent with State law. Additionally, the location and designation, the costs and sources of funding, and the fiscal impact associated with required school sites and facilities, support facilities, and district operations shall be considered, evaluated, and presented in the Public Services Plan, Capital Improvements Plan, Fiscal Impact Analysis, and Implementation Programs as required to be included in the sub-area Specific Plans.

A process shall be defined, incorporated, and consistently implemented by each development sub-area Specific Plan for the resolution of any differences or disputes in the event that the County, the respective school district and the private development applicant are unable to reach an agreement on the schools portion of the contents of the Financing Strategy, Specific Plan Financing Plan, the Public Services Plan, the Capital Improvement Plan, the Fiscal Impact Analysis, and/or the Implementation Program.

IMP 4.8 PARKS AND COMMUNITY FACILITIES

Parks and other community amenities will be important assets to the University Community. A comprehensive network of parks and open space has been planned for the Community. The County will be largely responsible for developing parks and other facilities, although there will also be opportunities for sharing facilities with UC Merced. To facilitate management and funding, Community Facilities Districts (CFDs) may be created.

IMP 4.9 PUBLIC VEHICLE FLEET AND PUBLIC TRANSIT

The County shall purchase and public transit providers shall be encouraged to purchase a fleet of vehicles to serve the University Community that are non-polluting and energy efficient.

IMP 4.10 OPEN SPACE AND HABITAT CONSERVATION/MITIGATION

The eastern Merced County region is part of the largest block of relatively undisturbed, high-density vernal pool grasslands remaining in California. As such, habitat protection is a critical aspect to the UCP, which focuses on preserving and sustaining the vitality and diversity of the relatively undisturbed areas of the UCP district.

Consultation with relevant federal and state permitting agencies will guide the approach and define the constraints for providing habitat conservation and mitigation. Responsibility will fall initially to the County to adopt a land use plan and zoning designations that are acceptable to the regulating agencies. Subsequent development will be responsible for mitigating habitat off-site when necessary.

Habitat Mitigation Plan

The County, in consultation with Federal and State agencies, shall require the project applicant to prepare a Habitat Mitigation Plan that must achieve:

- No net loss of wetland functions and values
- ~~Avoidance of jeopardy to any federally or state listed endangered or threatened species~~
- Minimization of impacts to affected annual grassland and other upland habitats and preservation of similar habitats at a minimum ratio of one acre preserved for each acre lost.

The Habitat Mitigation Plan must address all habitats that will be affected by the implementation of a Specific Plan including:

- All permit conditions provided by the ~~USFWS, RWQCB, CDFG~~United States Fish and Wildlife Service, Regional Water Quality Control Board, California Department of Fish and Game, and/or ~~USACE~~United States Army Corps of Engineers.

- Mechanisms for long-term protection, monitoring, and maintenance of protected habitats, including long-term funding instruments.
- Specific design criteria to protect avoided on-site and off-site protected habitats. Design criteria will include, at a minimum, a 250' vegetated buffer between the building envelope and the edge of a protected habitats. The buffer will be designed to achieve the following:
 - Create a barrier for surface run-off from the UCP area
 - Create a barrier to the movement of domestic pets into natural areas
 - Minimize seed dispersal of exotic plants to the natural areas
 - Reduce noise and light from the Plan area into the natural areas
- The specifications of buffers and other habitat protection measures, including barrier requirements, activity restrictions, signage, monitoring, and reclamation requirements will be developed in coordination with the RWQCB, CDFG, ~~USACE~~USACOE, and USFWS.

Impacts to wetland habitats will ~~compensated~~ be mitigated as follows:

- Mitigation that, at a minimum, meets or exceeds the following: The County shall ensure that three acres of wetlands will be preserved, enhanced, restored, or created for each acre lost. Wetland habitats will be mitigated in-kind to the maximum extent feasible. The mitigation wetlands should be aggregated and located immediately adjacent to other preserved wetlands of similar type whenever feasible and practical to avoid creating isolated preserves where function and value cannot be maintained over the long term.

Impacts to annual grassland habitats will ~~compensated~~ be mitigated as follows:

- Compensatory mitigation that, at a minimum, meets or exceeds the following: The County shall ensure that one acre of annual grasslands will be preserved for each acre lost. The preserved annual grasslands should be aggregated and located immediately adjacent to other preserved annual grasslands of similar type whenever feasible and practical to avoid creating isolated preserves where function and value cannot be maintained over the long term.
- The County shall implement the following measures that address potential indirect impacts to annual grasslands within the UCP area and on adjacent natural lands:
 - Provide a natural or semi-natural buffer between urban development and natural lands to the east (e.g., along the Fairfield Canal)
 - Provide increased wildlife habitat value along interior corridors maintained for other purposes (e.g., canals)

The minimum performance standards for these natural and semi-natural lands shall include: maintenance of existing natural vegetation within buffer lands; minimum width of interior corridors shall not be less than 300 feet; no new permanent improvements, other than unpaved trails, within open space corridors designated for wildlife use (unless undergrounded); annual eradication of non-native weeds that are nuisance species or that substantially reduce wildlife habitat values; annual mowing of undisturbed grassland within interior corridors shall occur only between August 31 and October 31 (after the avian nesting season); and establishment of an open space/natural landscape working group to advise the County on management of the open space corridors for wildlife habitat.

The preparation of Mitigation Plans must involve consultation with the EPA, USCOE, USFWS, CDFG, and other relevant agencies.

A mitigation plan completed as part of the acquisition of a permit under the Clean Water Act, federal Endangered Species Act, or California Endangered Species Act, ~~including but not limited to participation in an approved Special Area Management Plan, HCP, and/or NCCP may serve to meet the purposes of this implementation measure.~~

Open Space Corridor

The County, during project review, will ensure that the designated open space corridors are sited and operated to maximize their conservation value. The County shall ensure that the open space corridors will support at least 30 acres of existing, restored, or created wetlands and allow the movement of wildlife through the Community Plan area, to the extent feasible and applicable.

~~IMP 4.11 AGRICULTURAL CONSERVATION~~

Requirements

~~Agricultural mitigation shall be required for zone changes from an Agricultural Zoning Classification to a Non-Agricultural Zoning Classification or all lands within the UCP planning area (including land designated by the Department of Conservation as Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Grazing Land), prior to or concurrent with the approval of a change in zoning by the County. Preservation of one acre of agricultural land shall be required for each acre of agricultural land changed to a non-agricultural zoning classification (1:1 ratio) or preservation of a specified number of acres of agricultural land shall be required for each acre of agricultural land changed to a non-agricultural zoning classification as deemed necessary and feasible by the Board of Supervisors. Agricultural mitigation shall be satisfied by one of the following:~~

- ~~1. Granting, in perpetuity, a voluntary farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, a qualifying entity acceptable and approved by the County; and, the payment of fees sufficient to compensate for all administrative costs incurred by the County, easement holder inclusive of trust funds for the purpose of legal defense, monitoring and all other services provided; or~~
- ~~2. Upon adoption of an Agricultural Conservation Easement Program by the County, payment of an in-lieu fee sufficient to purchase a voluntary farmland conservation easement, farmland deed restriction, or other farmland conservation easement mechanism consistent with the provisions of this section; and, the payment of fees sufficient to compensate for all administrative costs incurred, inclusive of trust funds for the purpose of legal defense, monitoring and all other services provided. The in lieu fee, paid to a qualifying entity acceptable and approved by the County, shall be used for agricultural mitigation purposes only, i.e. purchases of conservation easements.~~

Eligible Lands

~~Lands shall be of comparable productivity based on the California Department of Conservation and shall meet all of the following criteria to qualify as agricultural mitigation:~~

- ~~1. Lands identified by the California Department of Conservation Farmland Mapping and Monitoring Program as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land.~~
- ~~2. The land shall have an adequate water supply for the purposes of irrigation, if necessary to maintain comparable productivity. The water supply shall be comparable to, or better than, the land that is the subject of a change in zoning classification, and shall be sufficient to support ongoing agricultural uses. The water supply shall be protected through legal instrument acceptable to County Counsel, which ensures that water rights permanently remain with the mitigation land.~~
- ~~3. The mitigation land shall be located within the County of Merced.~~
- ~~4. The mitigation land may overlap partially with existing habitat easement areas, as determined by the County and approved by the California Department of Fish and Game; however, land previously encumbered by any other agricultural conservation easement shall not qualify, or be used for agricultural mitigation.~~

Instruments

~~All voluntary farmland conservation easements, farmland deed restrictions, or other farmland conservation mechanisms shall be implemented through a legal instrument acceptable to County Counsel and signed by all owners with an interest in the mitigation land. The instrument shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the mitigation land.~~

~~Instruments that convey interest in the mitigation land to a qualifying entity, shall name the County the beneficiary. If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the County, or other qualifying entity as acceptable and approved by the County.~~

IMP 4.12 | AFFORDABLE HOUSING

The ability to maintain housing affordability over the long term will be an important challenge for the University Community. Affordable housing goals articulated in the UCP can be achieved through cooperation between the City, County, University, the business community, non-profits, and residents at large. Effective mechanisms for providing affordable housing include land use controls that require inclusionary units, in-lieu fees paid by residential and commercial development, leveraging of state and federal funds, tax credits, and volunteerism (e.g., Habitat for Humanity).

A Housing Affordability Plan shall be required to be incorporated into each Specific Plan. This shall quantify the anticipated housing needs for the planning area, goals for the production of housing for very low-, low-, and moderate-income households, and a specific program of actions for their achievement. The Community's affordable housing goals shall be integrated into the mandated five-year updates of the County General Plan Housing Element.

IMP 4.13 | OFF-SITE INFRASTRUCTURE PROGRAM

At each phase of development, off-site improvements to infrastructure (roads, sewer, etc.) may be required. These improvements, as well as funding mechanisms, will need to be identified throughout

the development process. Guidelines set forth in the UCP will determine appropriate service levels for off-site improvements.

IMP 4.1413 INFRASTRUCTURE PHASING

Infrastructure phasing will be determined by cooperative agreements between the City, County, and University as well as by market factors that drive the pace of development. Certain “backbone” improvements such as arterial roadways, sewer and water trunk lines, energy transmission lines, and possibly a fire station ~~will~~may need to be constructed before or concurrently with the first phase of residential and commercial development. Other items such as in-tract roads, schools, library, and recreation facilities can be phased to match the pace of development and to respond to the growing needs of the community as they arise.

5.0 PUBLIC SERVICES PLAN

The public services plan identifies the parties responsible for providing municipal services to the University Community and their participation as well as level of service standards. The County, City, and University will need to reach cooperative agreements that dictate how services are provided in both the short and long term. For example, in the early years of Campus and Community development, the Merced County Fire Department may provide protection to both the Community and UC Merced. As student enrollment increases, however, the UC Merced may transition to providing its own fire protection on campus or may provide joint services with the County throughout the campus and UCP areas.

Services that will need to be defined include:

IMP 5.1 PLANNING AND DEVELOPMENT MANAGEMENT

Initially, planning and development management will be provided by the County and informed by Memoranda of Understanding (MOUs) between the County and City of Merced. These MOUs will reflect the goals, objectives, and policies of each jurisdiction.

IMP 5.2 POLICE PROTECTION

Initially, the Merced County Sheriff will provide police protection to the University Community at the level of service that is currently enjoyed elsewhere in the unincorporated County. In future years, the level of service may be modified as determined by the appropriate governing body.

IMP 5.3 FIRE PROTECTION

Initially, fire protection will be provided by the Merced County Fire Department. The County and University will need to come to agreement about service responsibilities as well as the possibility of providing reciprocal protection.

IMP 5.4 INTEGRATED WATER UTILITIES

The provision of integrated water service ~~will~~may require cooperation between the City, County, University, and regional utility districts to determine participation, service delivery responsibilities, and fee levels. For example, the County may provide its own water and sewer service or may contract with another agency for service.

IMP 5.5 DRAINAGE, LANDSCAPE, AND HABITAT MAINTENANCE

For maintenance of drainage, landscape, and habitat areas, the County will need to determine whether existing County departments will be responsible or whether the County will need to create a new department. Levels of service will be guided by standards set forth in the UCP.

IMP 5.6 PARKS AND RECREATION

The County will be largely responsible for maintaining parks and other facilities and sponsoring recreation programs. However, there will be opportunities for sharing facilities and programs with UC Merced and the City.

IMP 5.7 LIBRARY

The County will bear the primary responsibility for staffing and maintaining library facilities in the UCP. The County may also participate in reciprocal borrowing and other programs with UC Merced.

IMP 5.8 SCHOOLS

The County will have to come to determine whether the schools in the UCP area will be integrated in the Merced area school districts or if they will form their own district. In any event, operations and maintenance will be provided by the governing district using a combination of property tax and state funds, which are distributed on a per student basis.

The Merced City School District, the Weaver School District, and the Merced Union High School District currently are responsible for providing the K–12 educational programs, operations, and facilities for the future residents residing within the Community Plan. The formation of a new school district, or the annexation or de-annexation of property from one district to another, is subject to State statutory requirements and procedures. In any event, operations, maintenance, and facilities will be provided by the governing district using a combination of property tax revenues, state funds and operational grants, and other local public and private revenues, resources and techniques. Operations, maintenance, and facilities shall be in accordance with the adopted and accepted requirements and standards of the applicable school districts providing service and facilities.

IMP 5.9 FISCAL ANALYSIS

A key component of the Public Services Plan will be an analysis of the public costs and revenues associated with ~~provided~~ providing the services described above. In this regard, a Fiscal Analysis will be conducted as a part of the record during preparation and consideration of individual Specific Plans to ensure that adequate revenues will be available to fund these public services.

IMP 5.10 COMMUNITY EDUCATION

The County shall prepare and make information available to inform residents and businesses within the University Community regarding its services, programs, and key community issues. Representative of the range of information that may be presented include: land use zoning and development processes; development fees; code compliance; property and building maintenance and improvement techniques; financial assistance and affordable housing programs, public transportation; ride-sharing and other transportation demand management programs; neighborhood traffic calming techniques and permit parking programs; status of infrastructure improvements; energy conservation methods

and recycling programs; hazards and emergency response procedures (wind, fire, seismic, and flooding); the County's agricultural industry and compatibility of urban uses with these; natural resources and their value; educational and cultural events and venues; parks and recreation, health and safety, and seniors and youth programs; and access to government services and elected officials. This information may be presented in flyers and newsletters that are distributed to households in the University Community, on the County or a Community Web Page, and/or by cable television broadcasts.

IMP 5.1.1 ECONOMIC DEVELOPMENT

The County will develop or assist in the creation of a public or non-profit entity that focuses on promoting economic development activities within the University Community and related to UC Merced. This entity will sponsor programs and efforts designed to attract business sectors that enhance the University Community environment and foster positive inter-relationships with UC Merced campus.

6.0 FINANCING STRATEGY

The Financing Strategy specifies the sources and uses of funds for the public improvements described in the Public Improvement Plan. The Financing Strategy is developed in part to ensure that the Community Plan as a whole can be developed in a financially feasible manner given available private and public funding sources. In addition to a Financing Strategy for the Community Plan as a whole, each individual Specific Plan for the Community Plan sub-areas will include a detailed Financing Plan, as required by State law and as specified above in the program addressing Specific Plan form and content.

Initial feasibility analysis conducted as a part of the UCP preparation indicates that development of the Community can be financially feasible, given expected infrastructure costs and the financial resources that will become available as development occurs. In general, the Financing Strategy sets forth a "pay its own way" approach consistent with the Merced County General Plan and other development policies. Under this policy, the University Community will be expected, through one mechanism or another, to fund infrastructure and services without any negative effect upon existing taxpayers or ratepayers in other portions of the County.

The key steps in developing the Community Plan Financing Strategy, as well as the more detailed Specific Plan Financing, are as follows:

IMP 6.1 REFINE AND UPDATE PROJECT DESCRIPTION AND COST ESTIMATES

Before the individual funding mechanisms can be implemented a clear and accurate project description, including information about the cost, phasing, location, and amount of development planned for each land use in must be assembled. Although baseline assumptions have already been developed, the County and/or Master Developer(s) will need to update and refine this information on an on-going and iterative basis. Additional research on the exact location of planned development as well as the characteristics of the various product types will need to be conducted. The timing of infrastructure improvements will also need to be specified in further detail and linked to development priorities and absorption assumptions.

IMP 6.2 ASSEMBLE AND ASSESS FINANCIAL RESOURCES

The various funding sources that might be utilized to finance public improvements and facilities in the University Community should be identified and assessed. Factors to be considered include ease of implementation, reliability, availability, and timing. The overall logic of any potential financing mechanism will need to be evaluated and tested to ensure that it is sound and feasible given the perspective of the involved parties including the County, landowners, developers, and other agencies. The key funding sources and mechanisms are likely to include the following:

- University Cost Sharing Agreement
- Specific Plan Fees
- Development Agreement/Map Conditions
- Special District Financing
- Mello-Roos Community Facilities District(s)
- Area Development Impact Fees
- Existing County Fees
- Other County Funding
- Other Local Agency Funding
- Other State/Federal Funds

IMP 6.3 DEFINE INPUT AND PARTICIPATION OF KEY STAKEHOLDERS

Input and participation from the key stakeholders associated with financing the University Community infrastructure development, including the Master Developer(s), the County, the University, and other public agencies should be solicited and their respective roles defined. For example, where appropriate, their position regarding the infrastructure costs, cost allocation, and proposed phasing should be solicited and commitments established. Such consultation with interested parties will help secure necessary funding and equity and allow subsequent implementation steps to take place with more efficiency.

IMP 6.4 IMPLEMENT FINANCING MECHANISMS AND SECURE FUNDING

Based on the analysis described above a preferred Financing Strategy will need to be defined. Implementing this Financing Strategy will require that the County or other applicable governing entities establish financing districts and other funding arrangements and conduct negotiations with regulatory agencies. In addition, in many cases State, federal, and local funding sources will require legislative approval. A strategic approach to these institutional requirements will be needed, wherein individual activities and negotiations are coordinated to ensure that the most advantageous outcome for the County, landowners/developers, University, and other stakeholders is achieved.

Specific actions that may be undertaken include the establishment of a land-secured financing district (e.g. Mello-Roos District), approval of a general obligation bond, or adoption of a development impact fee ordinance. In most cases, supporting technical and financial documents will need to be assembled and required institutional actions taken, including voter approval by affected landowners.