

9 IMPLEMENTATION

The Woodglen Specific Plan is comprised of residential areas, a central dual-use infiltration basin with open space features, an internal local public street system, and a self-contained project storm drainage system. Improvements to adjacent, off-site public rights-of-way and infrastructure connections to the citywide street system, potable water system, wastewater system and dry utilities are also provided.

This chapter focuses on how these elements of the Specific Plan will be implemented. It includes descriptions of phasing, funding mechanisms and implementation concepts, and entitlement processing. Supplementary State-mandated Specific Plan information regarding infrastructure systems' designs and roles and responsibilities for construction and financing is to be found in the Woodglen Facilities Master Plan and Woodglen Infrastructure Financing Plan, which are separately bound, stand-alone documents prepared by the City of Modesto expressly for this Specific Plan.

9.1 Public Infrastructure

Woodglen public infrastructure must be funded and constructed in a timely and logical manner that ensures public health and safety and provides a livable community at all times. Public infrastructure is a combination of “backbone” infrastructure that benefits the broader community and “project-specific” infrastructure that primarily benefits Woodglen. The financing of backbone and project-specific infrastructure may be a combination of fees, project-wide financing and developer funding. Backbone and project-specific infrastructure improvements include streets, sewer, water, storm drainage, open space and utilities.

9.1.1 Overall Public Infrastructure

Woodglen’s backbone infrastructure elements are:

- improvements to three adjacent perimeter public rights-of-way (Carver, Bangs and Tully)
- the extension of Modesto’s 30-inch North Sewer Trunk in the Bangs right-of-way adjacent to the plan area
- the Woodglen stormwater infiltration basin
- the extension of Modesto’s 10-inch sewer line in the Tully Road right-of-way.

9.1.1.1 Streets

Backbone street improvements include perimeter principal arterial (Tully Road) and collector street (Bangs Avenue and Carver Road). Improvements to Pelandale Avenue are part of an ongoing Capital Facilities Project by Modesto. Project-specific public street improvements include, but are not limited to, local streets (pavement, curb, gutter, sidewalk, pathways, bike lanes, landscaping, traffic control devices, gateways and related traffic accessories).

9.1.1.2 Sewer

Backbone improvements include extension of the City's North Sewer trunk line in the Bangs Avenue right-of way adjacent to the northern boundary of the plan area and the sewer line in Tully Road. Project-specific improvements include a system of residential sewer lines.

9.1.1.3 Water

There are no backbone water system improvements. Project-specific improvements include a network of residential water mains that tie into the existing city system.

9.1.1.4 Storm Drainage

Backbone storm drainage improvements include a central infiltration basin with water quality treatment features that handles plan area stormwater and is over-sized to handle stormwater from the Pelandale Avenue right-of-way adjacent to the plan area. Project-specific improvements are on-site gravity collection stormwater lines.

9.1.1.5 Open Space

There are no backbone open space improvements. Project-specific facilities include the public central open space and the recreation site.

9.1.1.6 Utilities

There are no backbone utility improvements. Project-specific improvements include the extension of underground distribution lines into Woodglen for gas, electricity, cable, telephone and telecommunications.

9.1.2 Facilities Master Plan (FMP) and Infrastructure Financing Plan (IFP)

Pursuant to Section 65450 et seq. of the California Government Code and as defined in Chapter 2, Section 2.1.1 of this Specific Plan, the FMP and IFP contain key elements of the State-mandated Specific Plan “program of implementation measures, including programs, public works projects, and financing measures necessary to carry out the Plan”. As such, the FMP and IFP are implementation components of the Woodglen Specific Plan. They are financed by the Developer and prepared by the City and contain agreements reached between the City and the Developer regarding their respective roles, responsibilities and obligations associated with implementing the Woodglen Specific Plan.

The Woodglen Facilities Master Plan (FMP) provides a detailed analysis and description of the backbone infrastructure required to serve the plan area. It includes calculations and engineering drawings that provide the sizing and capacity of facilities and their layout. The FMP specifies the backbone infrastructure, based on the Public Facilities Infrastructure Concept in Chapter 3 of this Specific Plan.

The Infrastructure Financing Plan (IFP) identifies costs and identifies the funding mechanisms to construct the backbone infrastructure identified in the FMP. The primary funding mechanisms for the backbone infrastructure are the creation of a Community Facilities District (CFD) and existing City fees as described below. The IFP coordinates the developer’s and City’s improvement responsibilities and existing fees by establishing the financing plan for the backbone infrastructure. Oversized backbone infrastructure provided by the Woodglen developers is subject to appropriate reimbursement consistent with City policies.

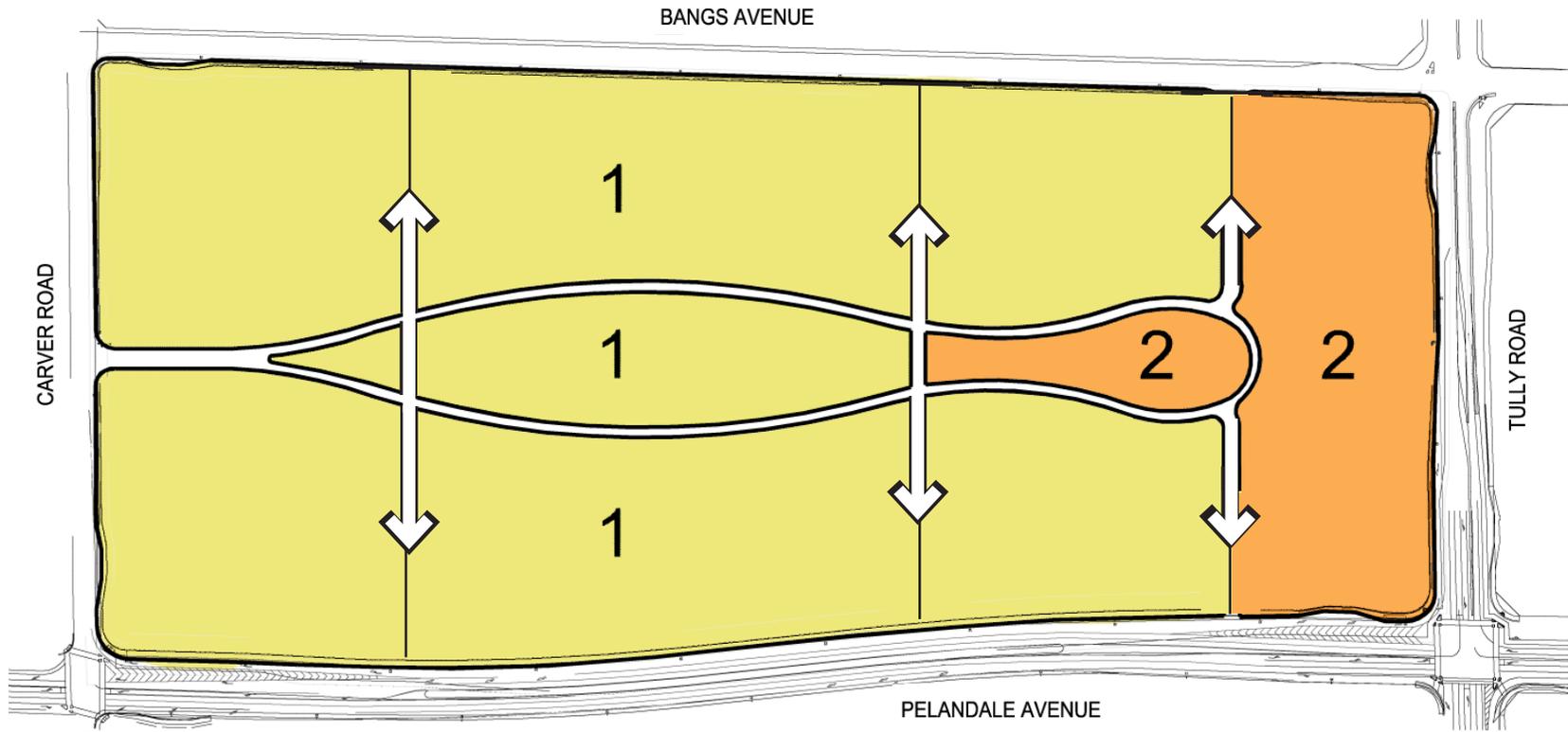
9.1.3 Phasing

Phasing shall proceed in two phases: (1) Single-family residential development, including all off-site roadway improvements, on-site backbone infrastructure and roadways, and the centralized park/basin (2) the multi-family (MHDR) residential area and the private recreation facilities. Each phase may include series of sub-phases to complete build out of infrastructure and roadway improvement. See Figure 9-1: Phasing.

Figure 9-1: Phasing

LEGEND

- PHASE 1
- PHASE 2



9.1.4 Infrastructure Funding Mechanisms

A variety of funding mechanisms are available and commonly used to fund public infrastructure. Following are the funding mechanisms most appropriate for use in Woodglen's implementation. The Infrastructure Financing Plan indicates which mechanisms will be used for each backbone infrastructure element.

9.1.4.1 Community Facilities District for Woodglen

A Community Facilities District (CFD) or similar mechanism provides funding for Woodglen. A CFD is a special taxing district that provides funding for the purchase, construction, expansion or rehabilitation of any real or tangible property with an estimated useful life of five (5) years or longer. Additionally, a CFD may finance the costs of planning, design, engineering, legal assistance and other consultants involved in the construction of improvements or formation of the bonded CFD. The CFD may also cover the maintenance of applicable facilities. No final map, building permit or other development entitlement for any part of the plan area shall be deemed consistent with this Specific Plan until and unless the affected parcel(s) are annexed to the applicable CFD or other funding mechanism at the applicable rate(s) and have paid all applicable taxes and fees.

As a condition of approval for development within Woodglen, the developer shall be required to take all actions necessary to secure and establish a City Mello-Roos CFD for capital improvements and on-going maintenance as set forth in the Woodglen Facilities Master Plan/Infrastructure Financing Plan. Payment of the CFD taxes shall be required upon close of escrow or based upon another schedule for payments established between the City and Developer in the IFP. The developer shall also be required to pay all Capital Facilities Fees, sewer and water capacity charges and other development fees applicable to the property in accordance with City ordinances, resolutions, regulations, policies and procedures.

A CFD for the Woodglen Specific Plan area shall be a bonded CFD providing funding for the backbone infrastructure within the plan area as well as required off-site infrastructure. The improvements may be installed by the City of Modesto through the CFD or the developer who is then reimbursed by the CFD. Developers may have the option of installing the backbone infrastructure and not participating in the CFD for the construction of the backbone infrastructure consistent with the approved CFD, FMP and IFP. Developers must participate in the maintenance CFD.

Developers of properties that proceed ahead of the infrastructure sequencing plan contained in the FMP/IFP shall be required to install and fund the costs of making backbone improvements, subject to future reimbursement in accordance with the sequencing and prioritization contained in the FMP/IFP.

9.1.4.2 Capital Facilities Fees

Capital Facilities Fees pay for citywide improvements for arterials (Tully Road) and expressways, police and fire facilities, parks, air quality, general government, and administration.

9.1.4.3 Water Fees

There are three water fees that Woodglen developers are required to pay for the project's fair share of water service to the project. The Water Development Fee pays for pump stations, wells, fire hydrants and water mains 10 inches or larger. The Water Connection for New Extension Fee pays for new water mains to an existing live main for connecting a new subdivision to an existing main. The Water Service Installation Charge pays for installing the water service from the water main to the property line.

9.1.4.4 Sewer Fees

There are several sewer fees that apply to new development for the project's fair share of sewer service. The Bond Redemption Charge pays for the Wastewater Treatment Plant and sewer trunk system throughout the city. The SubTrunk Charge pays for the construction and maintenance of subtrunk lines. The Lateral Charge pays for specific sewer laterals that extend from the street or lane to the specific property.

9.1.4.5 Sewer Fees for Near Term Sewer Service

The near-term wastewater treatment system improvements needed to serve Woodglen include the completion of the first phase of the tertiary treatment facility. The first phase of the facility is needed for all new development. If funding is not available in a timely manner, then the Woodglen developer(s) shall be required to fund and construct the necessary improvements to serve the plan area.

9.1.4.6 Developer Installation

The developer(s) are responsible for installing the project-specific infrastructure including street dedication and improvements along the perimeter (except Pelandale Avenue right-of-way) and within the plan area. The size, location and design of the project-specific infrastructure shall be determined at the time of the Tentative Map.

The Woodglen developer may be required by the City to install public facilities that do not benefit the project, in part or in whole. One Woodglen backbone improvement, the extension of the City's North Sewer Trunk, benefits the project and other development. The developer shall pay their fair share of that type of improvement, based on an allocation established in the Woodglen FMP/IFP. Also, to make the improvements to Tully Road, Woodglen may be obligated to build a 10-inch sewer line that serves development south and east of the plan area but does not serve Woodglen. Full reimbursement to the Woodglen developer(s) for such an improvement shall be documented in the FMP/IFP.

9.1.4.7 Other Financing Options

The IFP considers other financing options that may include, but are not limited to: Reimbursement Agreements, Landscape and Lighting Districts, Assessment Districts, Area of Benefit Districts and/or other long range financing strategies.

9.1.5 Public Infrastructure Design Standards

The design of required Woodglen public infrastructure shall be in accordance with the City of Modesto Standard Specification, 2006 Edition, or as amended by the City of Modesto and as superseded by this Specific Plan or the Woodglen FMP. The standards applicable shall be those in effect at the time of vesting. Landscape design shall be in accordance with Chapter 1 of Title 12 of the Modesto Municipal Code and this Specific Plan. Standards in this Specific Plan shall prevail where there is a conflict.

9.1.6 Infrastructure Maintenance

9.1.6.1 Public Facilities

Sewer, water, storm drainage, roadways and open space shall be owned and maintained by the City of Modesto upon acceptance of improvements. A CFD is authorized to finance the services authorized by California Government Code Section 53313, et Seq., as may be amended from time to time. Services may include the maintenance of streets and associated facilities, open space, parkways, storm drainage and flood facilities, as well as emergency services. All applicable property must participate in the maintenance CFD. The IFP identifies what eligible public facilities are maintained by the CFD or other funding mechanisms. Landscape irrigation facilities within such areas shall be owned and maintained by the City upon acceptance of improvements. Dry utilities shall be owned and maintained by the respective utility companies.

9.1.6.2 Private Facilities

Maintenance of private common open space, landscape areas, subdivision recreation facilities and plan area entry features shall be the developer's responsibility, through mechanisms such as a landscape and lighting district or homeowner's association for that portion of the plan area. The Codes, Covenants and Restrictions (CC&R's) for each homeowner's association must be reviewed and approved by the City. Individual property owners shall be responsible for the landscaping and maintenance of their own private lots.

Within the MHDR area, maintenance of internal private roads, common open space, walkways, building exteriors, recreation facilities and ancillary facilities (i.e. parking area, signage, irrigation, laundry rooms, and refuse storage areas) shall be the responsibility of a property management entity for that area. The Codes, Covenants and Restrictions (CC&R's) for each homeowner's association must be reviewed and approved by the City.

9.2 Plan Administration

9.2.1 Plan Adoption

The Woodglen Specific Plan is approved by Ordinance [NUMBER] as approved by the City Council on [DATE], following review and recommendation by the Planning Commission. The Woodglen Environmental Impact Report is certified by the City Council as of [DATE] by Resolution [NUMBER]. The Facilities Master Plan and Infrastructure Financing Plan are approved by Resolution [NUMBER] as of [DATE(s)].

9.2.2 Annexation

The entire 72-acre Woodglen Specific Plan Area shall be annexed into the City of Modesto. The developer shall provide all necessary materials as required by LAFCO and the City of Modesto shall file the application with LAFCO, including documentation of the City's ability to provide services to the plan area. The proposed annexation must receive City Council and LAFCO approval. The annexation of the unincorporated Woodglen plan area into the City ensures that future development in the plan area is accomplished in conformance with this Specific Plan, the City's General Plan and applicable City standards.

The annexation of Woodglen is in keeping with the City's intention to develop land contiguous to its city limits, as the Woodglen plan area is in the Planned Urbanizing Area per the Urban Area General Plan and is adjacent on its southern and western sides to land that has been incorporated into the City of Modesto and developed with housing similar to that planned within Woodglen.

9.2.3 Specific Plan Administration Authority

The City of Modesto's Director of Community and Economic Development Director (hereinafter referred to as Director) shall be responsible for administering the provisions of the Woodglen Specific Plan in accordance with the provisions of this Specific Plan, the State of California Government Code, Subdivision Map Act, and the City of Modesto General Plan, and Municipal Code.

9.2.4 Specific Plan Amendment Procedures

Specific Plan amendments shall be classified as either minor or major in significance. Specific Plan Amendments shall be governed by California Government Code Section 65450-65457.

9.2.4.1 Minor Amendments

Minor amendments are defined as those simple modifications to text or diagrams that do not change the meaning or intent nor are contrary to any provision of the Woodglen Specific Plan. Approval of minor amendments to the Specific Plan may be handled administratively so long as the amendment is found to be in substantial conformance with the Specific Plan and shall not cause additional environmental impacts. The administrative approval shall be approved by the Director, or Designee, and are appealable to the Planning Commission.

9.2.4.2 Major Amendments

Major (substantial) amendments are modifications to text or graphics that change the intent, development or other significant provisions of this Specific Plan. Major amendments: result in an increase in the maximum number of residential units; are substantial modifications in the amount of basin; are substantial changes in the general circulation system layout, or development standards and design guidelines; may cause significant environmental impact; or give rise to other issues of substance as determined by the Director, or Designee. Major modifications will require a Specific Plan Amendment and shall be approved by the City Council. Major amendments shall adhere to the following format:

- All amendments will include textual, graphic or other materials suitable to replace or augment the sections being modified.
- The applicant must provide amendments to the text using a strike-out and underline format and amendments to graphics using clouds and delta format.
- The format and style of the original specific plan will be followed for ease of incorporation and consistency.
- All amendments will be analyzed by the City to ensure that the Woodglen Specific Plan remains consistent with the Comprehensive Planning District (CPD) in which it is situated and the Urban Area General Plan.

City staff shall prepare and submit a staff report to the Planning Commission and City Council summarizing the proposed amendments to the Specific Plan. This staff report must contain statements regarding the consistency of the proposed amendments with the General Plan and the need for additional environmental review, if required. Consistent with Government Code Section 65453, both the City Council and the Planning Commission will hold hearings on any proposed Specific Plan amendment.

Notwithstanding the above, Specific Plan amendments shall be subject to the California Environmental Quality Act and may be reviewed for potential environmental effects. If it is determined that additional environmental impacts would be caused by the amendment, additional environmental review may be required (e.g., subsequent or supplemental EIR, focused EIR, new EIR or a subsequent/supplemental mitigated negative declaration).

9.2.5 Interpretation

When there is a question or ambiguity regarding the interpretation of any provision of this Specific Plan, the Director or Designee has the authority to interpret the intent of such provision. The Director, or Designee, may at their discretion, refer interpretations to the Planning Commission for their consideration and action. Such a referral shall be accompanied by a written staff analysis of issues related to the interpretation.

9.2.6 Severability

If any regulation, condition or program or portion thereof of the Specific Plan is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and the invalidity of such provision shall not affect the validity of the remaining provisions.

9.2.7 Indemnification

The Specific Plan applicant shall indemnify, defend and hold harmless the City of Modesto, its agents, officers and employees for any and all claims, actions and proceedings against the City of Modesto, its agents, officers and employees to attack, set aside, void or annul, any approval by the City of Modesto and its advisory agency, appeal board or legislative body concerning the Specific Plan and its related documents (e.g., Environmental Impact Report, Facilities Master Plan and Infrastructure Financing Plan).

9.3 Development Process

9.3.1 Tentative Subdivision Map

Tentative Subdivision Map(s) shall be submitted for Woodglen, pursuant to the Subdivision Map Act and City of Modesto Municipal Code. These maps shall identify all development lots and the exact number of homes or the amount of square footage of any non-residential facilities for sale, lease or financing. Where feasible, development plans are encouraged to be submitted with tentative maps. Once approved, the developer(s) reserves the right to apply for one or more Final Maps, as allowed in the Subdivision Map Act.

9.3.2 Development Plan Review

Development Plan Review, as defined in Title 10 of the Municipal Code, shall be required for all buildings and structures within the plan area, where applicable.

9.3.3 Appeals

Pursuant to Title 10 of the Modesto Municipal Code, any administrative decision by the Director, or Designee, may be appealed to the Planning Commission. Any decision by the Planning Commission may be appealed to the City Council.

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