

10. IMPLEMENTATION MEASURES

This section provides tools to implement the Specific Plan. The three sub-sections that are covered in this section are:

Administration and Enforcement;
Infrastructure Financing; and
Mitigation Measures;

ADMINISTRATION AND ENFORCEMENT

1. Overseeing Agencies

The procedures, regulations and standards included in the Imperial Center Specific Plan and Environmental Determination will be administered and enforced by the following agencies:

a. County of Imperial

- i. Planning & Development Services Department
- ii. Public Works Department
- iii. Fire Department
- iv. Sheriff's Department

b. Heber Public Utility District

- i. Water services
- ii. Sewer services

c. Imperial Irrigation District

- i. Electricity

d. Cal-Trans

- i. State Highway 111
- ii. State Highway 86

2. Concurrent Approvals

Plans and documents that have been prepared and will be processed concurrently with the Imperial Center Specific Plan to include the following:

- a. A subdivision map application.
- b. An amended Heber Utility Service Area Plan per LAFCo actions.

These documents, in combination with the Imperial Center Specific Plan, form the primary framework to guide future development within the Imperial Center project area.

3. Development Review

Projects that are submitted to the Planning & Development Services Department for construction will be reviewed to ensure that they meet the guidelines and standards as set forth within this Specific Plan document. Any submittal for a building permit must include any additional information as required by the County of Imperial.

4. Development Review Process

Imperial County is responsible for the administration of this Specific Plan in the review and processing of individual development project applications intended to implement said plan. All proposed development shall be subject to an approval process.

All proposed development applications shall be submitted on forms provided by the County. Processing fees shall be those fees prescribed by the County that is in effect as of the date of acceptance of said application.

These review processes are more fully explained as follows:

a. Pre-application Process

The Planning & Development Services Department encourages that all potential applicants request a reapplication conference in order to review development proposals prior to filing of a formal application. The purpose of this conference is to acquaint the County with the intentions of the applicant, to acquaint the applicant with any applicable Specific Plan policies and procedures, to identify County Codes and improvement standards applicable to the proposal, and to identify any known significant development opportunities and/or constraints on the proposed site.

b. Subdivision Map

Development of the Imperial Center will be implemented in part through a series of tentative maps, approval submitted to create development lots or parcels. As mentioned previously, a series of master tentative maps have been filed and will be processed concurrently with this Plan. Implementation of this Plan will require the final mapping of these areas and/or the tentative and final mapping of areas outside the initial mapping area.

Subdivision Maps shall be processed and reviewed pursuant to the County's Subdivision Ordinance and the California Subdivision Map Act, and may only be approved if found to be in conformance with the provisions of the Specific Plan.

c. Discretionary/Ministerial Actions

All submittals shall be subject to the filing requirements as outlined in the County's Land Use Ordinance. Submitted plans shall be reviewed for conformance with the standard and guidelines contained in Section IV of this plan as well as all

other applicable County regulations. As a result, two types of actions are warranted:

i. Discretionary Action

Land uses requiring discretionary action are identified in "Uses Permitted by Conditional Permit" in Chapter V of this Specific Plan. Projects requiring a discretionary permit will be processed pursuant to the Imperial County Zoning Code and this document. Public notices shall include the entire Imperial Center Community, regardless of distance.

ii. Ministerial Action

All proposed projects requiring ministerial action shall be subject to Administrative Review by the Planning & Development Services Director or his or her designee. The purpose of Administrative Review is to ensure compliance with the Imperial Center Specific Plan (including the Design Guidelines and the Development Standards) and applicable sections of the Imperial County Zoning Code.

5. Specific Plan Conformance

Future development proposed at the Imperial Center project area will require land development permits for grading and building construction. County review of these permit applications shall ensure consistency of the proposed improvements with the design guidelines and development criteria outlined in this Specific Plan. Subdivision map requirements, public facilities financing plan and any relevant conditions of approval will also be applied to this project.

The Specific Plan Area will be developed in compliance with the criteria outlined in this Specific Plan and its companion documents and in accordance with the land use and zoning regulations of Imperial

County. In cases where discrepancies occur between the Specific Plan and Countywide development standards, the development guidelines contained in the Specific Plan shall prevail.

All proposed developments within the Imperial Center are subject to the provisions of the Imperial Center Specific Plan. Imperial County will review project submittals for consistency with the Specific Plan. In addition to any County of Imperial required determinations of approval of a given development application, the following determinations of approval also must be made:

- a. The proposed project conforms to Imperial Center Specific Plan, including all applicable Development Standards and Design Guidelines.*
- b. The proposed project is compatible with and enhances the established desired development character of the project area.*

6. Specific Plan Amendments And Minor Modifications

The Imperial Center development is expected to be phased over a period of approximately 10 or more years. It is anticipated that market conditions and development practices may change, thereby necessitating Specific Plan Amendments. Amendments may be initiated by an owner of private property within the project area or by the County.

The Planning & Development Services Director for the County of Imperial is responsible for interpreting the provisions of this plan. If the Planning & Development Services Director deems the Amendment major, it will be processed in the manner as a formal amendment to the original Specific Plan. Proposed amendments deemed to be minor modifications by the Planning & Development Services

Director, and as defined herein, will be processed administratively through the Administrative Permit process.

Depending upon the nature of the proposed Specific Plan Amendment, supplemental environmental analysis may be required. It is the application's responsibility to provide an analysis of the environmental impacts.

Any determination that the Director of Planning & Development Services makes may be appealed to the Planning Commission of the County of Imperial in accordance with the appeal process set forth by Imperial County. The enforcement of design guidelines as set forth in this document will be the responsibility of the County's Planning and Development Services Department, County of Imperial.

a. Minor Modifications

The following modifications are considered minor in nature and do not require a Formal Specific Plan Amendment.

- i. Phasing of construction, including combining of planning areas.
- ii. Utility alignments and adjustments to phasing of utilities. Minor adjustments may include earlier construction, substitution of oversized facilities in adjacent phases, and similar adjustments.
- iii. Utility service road alignments.
- iv. Final facility sizing and precise location of water, sewer, and storm drainage improvements.

- v. Change in utility and/or infrastructure servicing agency.
- vi. Arterial or collector road alignment revisions where the roadway centerline moves less than 200 feet.
- vii. Decrease in development density or intensity.
- viii. Transferring of specific uses within the Specific Plan Area may be permitted. For example, the proposed hotel is located currently planned to be located in the southwest corner of the project site. The actual location of the hotel may be located anywhere within the Specific Plan Area as long as the location is consistent with the intent of the Specific Plan. This transfer of specific uses is permitted within the Specific Plan Area.
- ix. Minor landscape and streetscape design modifications, which are consistent with the intent of the design guidelines contained in this document.
- x. Deletion of unnecessary drainage facilities when recommended or approved by the County Engineer.
- xi. Specific modifications of a similar nature to those listed above, which are deemed minor by the Planning & Development Services Director, which is in keeping with the spirit and intent of the Specific Plan, and which are in conformance with the General Plan.
- xii. The Planning & Development Services Director shall have the authority to

allow the "merging of lots currently shown on the Tract Map, in the event developer prior to recordation requests that one or more lots be combined, Planning & Development Services Director shall take into consideration the requirements of the Imperial Center Plan, the Map Act, County Ordinance and the overall integrity of the Map. The Planning & Development Services Director shall not have the authority to further divide any such lots.

b. Formal Specific Plan Amendments

- i. All Specific Plan modifications, which do not meet the criteria for minor modifications stated above, shall be deemed to require a formal Amendment to this Specific Plan.
- ii. Specific Plan Amendments shall be processed pursuant to the provisions of the Imperial County Zoning Code, and this Specific Plan.

7. Monitoring and Enforcement

Except as provided by this plan, no permitted development shall occur, and no building permit or grading permit shall be issued for any permitted use or development until an application for a plot plan review has been submitted to and approved by the Planning & Development Services Department.

If it is the determination by the County of Imperial Planning & Development Services Department that the project is or may not be in full compliance with any one or all of the sections of the Imperial Center Specific Plan specified herein, the conditions of approval for all projects within the center, or the environmental mitigation requirements, the issue shall

be brought immediately to the appropriate enforcement agency or the Planning Commission/Board of Supervisors for hearing to consider appropriate response. The Planning & Development Services Department in the County of Imperial is and has the principle responsibility to coordinate all monitoring, permitting activities for the Imperial Center. This does not mean that the Planning & Development Services Department will exclusively do all the monitoring, but rather will draw upon and coordinate with all involved agencies for the monitoring reporting program. On an annual basis the owner or the owner's legal representative of the project shall provide to the Department, a report relating to compliance with the conditions specified by the project approval.

INFRASTRUCTURE FINANCING

This section describes a series of procedures, regulations and standards to insure that the financing measures are identified for infrastructure at the Imperial Center.

The following strategy has been developed to implement the finance mechanisms of the Imperial Center Specific Plan.

1. Financing Mechanisms

There are various methods for public financing of which one or more in combination may be utilized. They are:

- a. Mello-Roos*
- b. Assessment District*
- c. Impact Fees*

**Table 10-1
Imperial Center Subdivision - Preliminary Engineer's
Cost Estimate for Off-Site Improvements (Alternative No. 3)**

#	Item	Comments	Cost
1.	Dogwood Rd. / Heber Rd. Traffic Signal		TBD
2.	Jasper Rd. / Hwy. 111 Traffic Signal		TBD
3.	McCabe Rd. Hwy. 111 Traffic Signal		TBD
4.	Water	12" & 8" DIA. PVC Pipe Fire Hydrant Assembly 8" & 12" Valve Water Service	1,380,190
5.	Sewer	12" & 15" DIA PVC SDR Pipe Sewer Service Sewer Man Hole	672,960
6.	Testing Lab Services	Jack & Bore pits, Waterline, Sewer Force Main & Gravity Sewer, Special Box	30,090
6.	Storm Drain	48", 36", & 24" DIA. PVC Storm Drain SD Man Hole and Catch Basin	249,033
7.	Curb & Sidewalk	6" Curb & Gutter, Sidewalk, 20' Driveways, Handicap Curb Returns	167,357
8.	Electrical	Street Lights and Underground Electric	31,250
9.	Earthwork	Cut	19,858
10.	A. C. Pavement	12" subgrade, 12" class II AG. Base, 4" Asphalt Concrete	502,653
10.	Miscellaneous	Mobilization, clearing, clean up & demobilization, traffic control & public Safety	<u>35,000</u>
Total			TBD
Source: Development Design & Engineering, January, 2005. Note: The above cost estimates are subject to change.			

a. Mello-Roos

Mello-Roos bonds can be short or long - term obligations. Typically, long-term bonds have either twenty-five or thirty year maturity. Short-term notes or bonds can be issued to provide interim funding; these obligations are then retired when another source of revenue becomes available.

The Imperial Center will anticipate making use of long-term Mello-Roos bonds. Mello-Roos bonds would be issued at various stages throughout build out of the project area by one or more property owners in order to close funding gaps that exit due to the timing of fee revenues. Proceeds of Mello-Roos bonds would likely be used to fund a variety of facilities, including roads, sewer and water improvements, and flood control facilities. Mello-Roos bonds would be retired from special taxes collected from property owners and developers in Imperial Center.

b. Assessment District

Assessment districts or Mello-Roos Community Facilities Districts (CFD) may be considered in place of, or in combination with, the "Imperial Center Fee". Landscaping maintenance within public right-of-way may be funded by a landscape and lighting district fee.

Formation of a Community Facilities District (CFD) authorizes a public agency to levy a special tax on all taxable property within the CFD in the manner prescribed in the formation documents. Property owned or irrevocable offered to a public agency may be exempted from the special tax. Mello-Roos special taxes are collected at the same time and in the same manner as property taxes, unless otherwise specified by the agency. Special tax revenues may be used to pay debt service on bonds sold to provide funding for the construction or acquisition of public capital facilities; special taxes may also be used to pay directly for facilities and public services.

c. Impact Fees

i. Imperial Center Fee

Impact fees are charged by local agencies in conjunction with approval of a development project. Impact fees are levied for the purpose of paying a portion of the costs of a public facility, and improvements. A fee program is implemented by a public agency's adoption of a resolution or ordinance.

It is recommended that an "Imperial Center Fee" be established to address infrastructure impacts to address the following:

- i. Off-site circulation improvements;
- ii. Major Arterial and Collectors;
- iii. Water;
- iv. Sewer;
- v. Landscaping; and
- vi. Lighting.

Maintenance will be funded by a combination of City, County, State, developer financing, and an Imperial Center Impact fee that covers the entire Imperial Center project area. Assessment districts or Mello-Roos Community Facilities Districts may be considered in place of, or in combination with, the set fee.

2. Landscaping and Lighting

The Landscaping and Lighting Act of 1972 authorizes local public agencies to impose assessments on benefited property to fund the installation, construction, and maintenance of the following:

- a. Landscaping
- b. Statues, fountains, and ornamental structures

- c. Improvements appurtenant to the foregoing, including grading, curbs, gutters, sidewalks and water and drainage facilities
- d. Park or recreational improvements, including land preparation, lighting, playground and recreational equipment, and public restrooms
- e. Maintenance or servicing of the foregoing improvements

The assessments placed on benefited properties may be levied on an annual basis, and are typically collected semi-annually as part of the property tax bill. The assessments may be used to pay directly for installation, construction, or maintenance of eligible improvements, or may be used to pay debt service on bonds issued to cover installation and construction costs. Should bonds be sold, they are non-recourse to the issuing public agency, in that the agency has no financial liability associated with these bonds. The bondholders look to the property owners for their semi-annual assessment payments, and will pursue foreclosure proceedings against those properties, which are delinquent in paying their assessments.

Formation of an LLD could serve as a method for the County to maintain landscaping in the project area and would provide a protest opportunity for affected landowners. However, the County may also incorporate the levy of Mello-Roos special taxes for landscape maintenance and other services.