

Establishing a sustainable, family-oriented community requires the application of an orderly phasing, financing, and maintenance process, as well as a system that provides planning flexibility, through Specific Plan modifications and amendments, to meet the needs of a long-term, multi-phase development.

VI. IMPLEMENTATION

A. INTRODUCTION

In order for a project with the scope and breadth of the 101 RANCH to be implemented in an orderly fashion, approval, modification, and/or amendment of numerous discretionary and/or administrative actions have been and will be required over time. Such actions have been and will be accomplished consistent with established policies, guidelines, and regulations of the County of Imperial, state, federal, and other public or quasi-public agencies and organizations. To date these actions have included, or may include, the certification of a Environmental Impact Report and approval of this Specific Plan, a General Plan Amendment, a Development Agreement, and a Tentative Map. This Specific Plan or any future approved amendment thereof, the Vesting Tentative Map and any future modified subdivision maps shall serve to implement this 101 RANCH Specific Plan at the permit level and will provide detailed design standards for development.

Potential environmental impacts arising from implementation of this Specific Plan, General Plan Amendment, and Tentative Map were addressed through an Environmental Impact Report (EIR) prepared and processed in conjunction with the forenamed permit documentation. The EIR was prepared as a companion document to this Specific Plan, and it serves as the required California Environmental Quality Act review for the 101 RANCH project.

As stated in Chapter IV, DEVELOPMENT STANDARDS, development of 101 RANCH shall be subject to review processes established by this Implementation Chapter. The intent of this Chapter is to provide an orderly and clear methodology for the implementation of the adopted entitlement permits, including project phasing rationale, financing, and maintenance, and to establish a procedure for the adoption, modification, and/or amendment of these and future implementing tools. Development of property within the 101 RANCH Specific Plan shall comply with the procedures established in Division 2 of the County Land Use Ordinance. The Director of Planning and Development Services is hereby granted authority to investigate, consider, and approve or deny applications for development of uses permitted by Chapter IV, DEVELOPMENT STANDARDS, of this Specific Plan. Applications for variances, use permits, zone changes, or amendments to the Specific Plan shall be processed and considered by the Director of Planning and Development Services as hearing officer, Planning Commission, and/or Board of Supervisors in accordance with said Division 2.

To streamline the review process and ensure the accomplishment of the goals of this Specific Plan, the following procedure is established:

B. PHASING AND DENSITY TRANSFERS

1. PROJECT PHASING DESCRIPTION

It is anticipated that 101 RANCH will be developed generally by community beginning with the West Community, then the East Community, and finally the Central Community. During implementation, it also is likely that each community will develop in a series of phases that will occur in response to market demands; the requirements of ongoing agricultural uses during build-out; and in accordance with a logical and orderly extension of roadways, public utilities, and infrastructure.

At the time this Specific Plan was adopted, it was intended that the West Community develop first with construction beginning in the northwest quadrant and proceeding through the Community in a west-to-east fashion. Thereafter, development is expected to continue in the East Community and be completed in the Central Community. However, construction of any Community or component therein may proceed without requiring an amendment to this Specific Plan so long as required and fundamental infrastructure and services are provided in a timely fashion.

2. PROJECT PHASING PLAN STANDARDS

A. Density Transfers

In order to accommodate modifications to development patterns that may arise through implementation, the intensity of uses and the number of home sites, or the sizes of lots within each Neighborhood/Planning Area, may vary from those set forth within this Specific Plan and as demonstrated on Figure 1.3, *Land Use Plan*. Under this Specific Plan, the Master Developer and/or his or her designee may implement density transfers and modifications within each Community and Neighborhood in conformance with the following standards:

- The total of 7,481 homes authorized by this Specific Plan may be increased with an amendment of this Specific Plan and/or, as appropriate under the County of Imperial General Plan.
- Under this Specific Plan, the total number of home sites within a Community or Neighborhood may be transferred between Communities or Neighborhoods without requiring an amendment to this document.
- Under this Specific Plan, the size of lots within any single-family detached Planning Area or Neighborhood may be increased or decreased and/or the type and density of any multi-family units in a Planning Area or Neighborhood may be increased or decreased, so long as the substantial conformance process provided below is implemented and that no single-family detached product is transferred into an area designated for attached homes and vice-a-versa.

B. Substantial Conformance Process

From time to time, minor, reasonable, or desirable changes may be made to 101 RANCH to accommodate design changes, engineering changes, new federal and

state laws, changes in market conditions or economic conditions, revisions to the timing, phasing and sequencing of development, or other refinements (“Deviations”). The County Director of Planning and Development Services shall have the authority to administratively approve Deviations that are in substantial conformance with this Specific Plan. The finding of a Deviation will not require an amendment to this Specific Plan, notice, or a hearing. A Deviation will be found in “substantial conformance” with this Specific Plan if the County Director of Planning and Development Services finds all of the following:

- The proposed change is compatible with and does not constitute a substantial change in the intent, purposes, objectives, policies, or goals specified in this Specific Plan;
- The proposed change does not result in the proposal of additional land uses not permitted by this Specific Plan;
- The proposed change does not result in an increase in density or intensity of use authorized in this Specific Plan;
- The proposed change does not result in an increase in the maximum building height and size permitted by this Specific Plan;
- The proposed change does not create new significant unmitigated environmental impacts that would require a subsequent or supplemental Environmental Impact Report pursuant to Public Resources Code Section 21166, as amended; and
- The proposed change does not violate any applicable health and safety regulations.

C. Phasing Standards

In anticipation of the need for certain flexibility with regard to the development of 101 RANCH, project phasing anticipated by this Specific Plan may occur in conformance with the following standards:

- Each planning area shall include development of adjacent landscaped areas and applicable infrastructure; and
- Construction of the development permitted herein may be done progressively in stages, provided such phase of development conforms substantially to the intent and purpose of this Specific Plan and adequate vehicular access, public facilities, and infrastructure are constructed to serve the project appropriately and/or meet the need for public health and safety.

C. PUBLIC AND PRIVATE FINANCING PLAN

California state guidelines and Imperial County procedures require that a plan for the financing of public improvements be devised and included in every Specific Plan. In conformance with these requirements, preliminary financing mechanisms and the parties responsible for financing and/or constructing public services and facilities have been identified and detailed below. In general, the Master Developer and/or its designee will construct or cause to be constructed all on-site roads and associated drainage, lighting and landscaping, and will pay the County Traffic Impact Fee (TIF) for any required off-site roadway segments and/or traffic improvements.

Similarly, the Master Developer and/or its designee will be responsible for on-site utilities or utility improvements, and will pay fair share fees for regional improvements through the Mesquite Lake County Service Area (MLCSA).

In addition to the TIF and MLCSA, several programs may be implemented to fund construction, including but not limited to traditional development capital and finance. These may include 1911 and 1913 Bond Act Assessment Districts, Community Facilities Districts, Mello-Roos Districts, Infrastructure Financing Districts, and/or other private, public, or semi-public bond or finance mechanisms permitted under County policies and procedures. Public facilities will be constructed in a logical and coordinated manner, phased with project development as detailed in Paragraph B, *Phasing and Density Transfers*, above.

Road maintenance will be provided by the County of Imperial. The MLCSA and/or Landscape and Lighting Districts may provide for maintenance of public lighting and landscaping as well as park and recreation acquisition and maintenance.

Other specific construction responsibilities and financing provisions include the following:

1. CIRCULATION

As noted previously, all streets within 101 RANCH shall be constructed as public roads, except for private drives and private roads within multi-family home enclaves and commercial use areas. All streets, roads, and drives shall be constructed in accordance with County of Imperial standards unless otherwise specified within this Specific Plan.

2. WATER, SEWER, AND WASTEWATER RECLAMATION

An analysis of water and wastewater facilities necessary to support the development of 101 RANCH was prepared by The Holt Group, Inc. (North Mesquite Lake Sewer and Water Analysis, December 2007). Potable water and wastewater treatment system improvements associated with the project will be funded and constructed off-site by the MLCSA or similar entity. The Master Developer will be responsible for on-site improvements and any appropriate fair-share costs for off-site facilities.

The Master Developer and/or the County of Imperial has prepared, or will prepare, appropriate studies and adopt a master service agreement pursuant to the requirements of and in accordance with District procedures. Costs associated with the negotiation of a service agreement will be determined by mutual agreement between the Master Developer and the County of Imperial. The MLCSA shall finance, construct, and/or cause to be constructed all necessary sewage treatment and wastewater recycling systems off-site. Notwithstanding this fact, traditional development capital and finance or Assessment District, Community Facilities District, and/or other private, public, or semi-public bond or finance mechanisms permitted by the County of Imperial may be used without amending this Specific Plan.

Likewise, the MLCSA shall fund and construct the required water treatment facility. Traditional development capital and finance or Assessment District, Community Facilities District, and/or other private, public, or semi-public bond or finance mechanisms

permitted under County policies and procedures may be used without amending this Specific Plan.

D. COMPREHENSIVE MAINTENANCE PLAN

The Master Developer may establish the 101 RANCH Homeowner's Association(s) (HOAs) for the purpose of administering and maintaining certain aspects of the 101 RANCH Specific Plan Area. Private Covenants, Conditions and Restrictions (CC&R's) will be prepared for the HOAs that control maintenance, private uses, and development standards. Maintenance responsibilities will include private roads, roadways, and drives; common private landscaping areas, hardscape at project entries; signs and monumentation; and all other appropriate common private areas. Additional maintenance responsibilities may be undertaken by the County, a Lighting and Landscape Maintenance District, the MLCSA, other public or quasi-public agencies, Neighborhood Home Owner Associations, and/or similar maintenance mechanisms. The final identification of maintenance entities shall be made as necessary and at appropriate times within the implementation process. Table 6-1, *Long-Term Permanent Maintenance Plan*, provides a summary of anticipated maintenance responsibilities.

Table 6-1 LONG-TERM PERMANENT MAINTENANCE PLAN

	Private Party	HOAs	Lighting & Landscape Maintenance District	County of Imperial	CSA/Other Public or Quasi-Public Agency
Open Space Buffer Areas		✓	✓		✓
Paseos		✓	✓		✓
Parks			✓	✓	✓
Trails		✓	✓		✓
Public Common Area Landscaping			✓		✓
Private Common Area Landscaping		✓			
Signs & Monumentation	✓	✓	✓		
Sewer Treatment				✓	✓
Wastewater Reclamation System				✓	✓
Water Facilities				✓	✓
Drainage System				✓	✓
Street Lighting and Public Signage			✓	✓	
Public Roads and Associated Landscaping				✓	
Private Roads, Roadways & Drives and Associated Landscaping	✓	✓			
Residential Driveways	✓	✓			