

3. AUTHORITY AND SCOPE

AUTHORITY

The State of California Government Code authorizes cities and counties to adopt Specific Plans¹. Upon its adoption by the City of Imperial Board of Supervisors, the Imperial Center Specific Plan will serve as a tool to the County's General Plan and will provide policy guidelines for the 77.64-acre project site.

The Imperial Center Specific Plan is policy and regulatory by design. The project not only will identify objectives and policies to meet its goals, the Plan will include detailed development requirements that will set the scope of the development. Specific policy requirements such as the plans and objectives are discussed in Chapter 4. Examples of development regulations can be found in Chapter 5.

Existing regulations and ordinances that are in conflict with the Specific Plan may be modified or amended to be compatible with The Specific Plan, unless plan specific equivalent regulations are imposed within the plan. This is discussed further in Chapter 12.

This Specific Plan is limited to the 77.64-acre project area identified in Section I of this document, which is located within the "Heber Specific Plan Area." In accordance with the goals and objectives of the General Plan, Land Use Element, the Imperial Center Specific Plan would reduce overall available acreage for future development in the Heber Specific Plan Area by 1.6%, from 4770 acres to 4692.36 acres. The State, the County's General Plan and the Heber Service Area Plan are the authorities that regulate the Imperial Center Specific Plan.

The following will detail County, and local requirements.

¹ State of California Government Code Section 65450 through 65457

STATUTORY REQUIREMENTS

Section 65451 of the Government Code mandates that a specific plan contain:

A specific plan shall include a text and a diagram or diagrams, which specify all of the following in detail:

a. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

b. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

c. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

d. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

e. The specific plan shall include a statement of the relationship of the specific plan to the general plan.

This Specific Plan is also designed with the guidelines outlined by the Governor's Office of Planning and Research "The Planner's Guide to Specific Plans". This model outline recommends guidelines when designing a Specific Plan (See Appendix A).

IMPERIAL COUNTY GENERAL PLAN REQUIREMENTS

Specific Plans may be adopted by Resolution of the County Board of Supervisors. In accordance with the Imperial County's General Plan Specific Plan requirements, the

Imperial Center Specific Plan shall clearly demonstrate economic, social, public facility, or other local public benefit. The County of Imperial General Plan states that the following Standards and Criteria shall be evaluated for each proposed Specific Plan during a "Specific Plan Pre-Application Assessment" with recommended findings presented to the Board of Supervisors by the Planning & Development Services Department and Planning Commission. In order to adopt a Specific Plan, the Board of Supervisors shall consider the findings of the following five criteria:

1. Will the Specific Plan have a positive fiscal impact for the County of Imperial?

Response: Yes, the project is expected to have a positive fiscal impact to the County. As identified in the Imperial Center Summary of Information (Appendix B), the center "would be a real boost for the local economy". As with any commercial facility, the Imperial Center is expected to provide employment and tax revenue. The project is expected to prosper and succeed due to the following events:

- **Automotive and truck traffic going to and coming from the Border;**
- **Border crossing business from Mexico;**
- **The Gateway of the Americas Project – a 1,570 acre multi use industrial, distribution and warehousing project;**
- **The Center's strategic location along State Route Highway 111;**
- **The continuing effects of the North America Free Trade Agreement (NAFTA); and**
- **Expected growth of population in the region.**

2. Will the Specific Plan create new and permanent jobs?

An acceptable project will be able to demonstrate through an independent market analysis that jobs to be created by the project will not be achieved to the detriment of existing jobs or businesses within the County. In other words, there will be a net increase in countywide employment.

Response: Yes, the project will create new and permanent jobs for the various proposed commercial services. A Fiscal Impact analysis shall be undertaken as part of this project application to identify new jobs and revenue sources.

3. Will the Specific Plan minimize or mitigate adverse environmental impacts and be compatible with existing or planned land uses of nearby cities or communities?

Response: Yes, the project is expected to mitigate all potential impacts identified in the environmental analysis. These include improved infrastructure projects and land use compatibility measures that will be implemented during and after development.

4. Will the Specific Plan offer diverse or unique opportunities to the County and its citizens?

An acceptable project will be able to demonstrate benefits of the project, which are not generally or adequately available in the County. Examples include, but are not limited to, increased cultural activities, convention or conference facilities, or unique recreational opportunities.

Response: Yes, unlike your standard retail services, the Center is expected to provide a varied and unique shopping experience that includes outlet center retail and wholesale goods. Outlet Center and wholesale goods may include clothing, furniture, sporting goods and many other types of goods. The Center is also expected to provide diverse and compatible highway commercial uses.

5. Will the Specific Plan result in the achievement or significant progress toward accomplishing an unmet goal of the County General Plan?

Response: The Imperial Center will provide various methods that will either meet or exceed goals of the General Plan, primarily the Economic Growth, Goal 2 that states:

Diversify employment and economic opportunities in the County while preserving agricultural activity.

Objective 2.1 Achieve a balanced and diversified local economy with a variety of economic and employment opportunities.

Objective 2.2 Provide adequate space and land use classifications to meet current and projected economic needs for commercial development.

Objective 2.3 Continue to evaluate economic development strategies, including new industrial, commercial, and tourist-oriented land uses. Tourist-oriented uses must be compatible with BLM management goals in areas near BLM lands.

The Project also meets specific objectives that are listed in various components of the General Plan, including:

Objective 1.1 Maintain and improve the existing road and highway network, while providing for future expansion and improvement based on travel demand and the development of alternative travel modes.

Objective 1.3 The efficient regulation of land uses that economizes on water consumption, enhances equivalent dwelling unit demand for domestic water resources, and that makes

available affordable resources for continued urban growth and development.

Objective 4.2 The provision of safe and efficient community wastewater treatment facilities which adequately service the present and future needs of residential, commercial, and industrial development within the Imperial Irrigation District service area.

Overall, the Imperial Center is expected to provide a significant social and economic benefit to the County by providing a vital economic and employment center.

HEBER SPECIFIC PLAN AREA

The project area is located within a marginal section of the Heber Specific Plan Area, and is therefore subject to the requirements that are identified in the Imperial County's General plan. The following objectives are taken from the County's General Plan, Heber Specific Plan requirements. Each objective and policy is followed by a response that indicates conformity to the General Plan:

Objectives

- a. *The Heber Specific Plan Area is intended to allow commercial, residential, and industrial and other employment oriented development in a mixed-use orientation.*

Response: The Imperial Center Specific Plan will create a commercial employment oriented development.

- b. *The Specific Plan will be coordinated with both the City of El Centro, Calexico and any other affected agencies.*

Response: Copies of draft and final plans will be sent to the City of El Centro, the City of Calexico, Heber Utility District, Caltrans, and the County of Imperial.

- c. *Public services will be provided concurrent with need.*

Response: Wastewater and water services are addressed in the Heber Public Utility District Area Plan.

Policies

- i. *The Specific Plan shall allow for a wide range of development opportunities, which can conform in a mixed-use setting.*

Response: The Imperial Center Specific Plan provides a diverse commercial area that will “open the door” for a compliment of mixed uses along the State Route Highway 111.

- ii. *The Specific Plan shall include architectural and landscape design guidelines, which assure sensitivity to the regional corridor of Highway 111.*

Response: Chapter 8 and 9 provide architectural and landscape guidelines.

- iii. *The Specific Plan shall include public facilities financing plan outlining capital improvement needed for the project, feasible financing mechanisms, and timing for their construction. This*

includes sewer, water, and fire and police protection.

Response: Chapter 10 details the implementation measures that will be required to finance the required infrastructure.

IV. The Specific Plan shall be accompanied by an Environmental Impact Report which includes the analysis of project impacts to include the following: Agriculture, air and water quality, biology, cultural resources, growth inducement, traffic, visual/aesthetics, and such other issues as required by the County of Imperial and other Responsible Agencies.

Response: The project area is only a nominal area of the over all Heber Specific Plan area. Mitigation measures will reduce the project impacts to less than significant. All mitigation measures have been included herein.

The Imperial Center Specific Plan is shown to be consistent with the Heber Specific Plan Area because it meets or exceeds the specified Goals, Objectives and Policies within the plan.

APPLICABILITY

The Imperial Center Specific Plan is a planning tool document of the Imperial County General Plan. The project will require General Plan consistency and approval from the Board of Supervisors. The project is effective upon the date of adoption as stated in the adopted resolution approving the Imperial Center Specific Plan. The Specific Plan is valid until such time that the Plan is amended or rescinded by the County Board of Supervisors.