

8.0 OVERVIEW

This section of the McCabe Ranch II Specific Plan describes mechanisms for implementing the Plan and is to be consulted whenever there is a question concerning Plan implementation in relation to subsequent projects that may be developed within Plan area boundaries. As the County of Imperial is the public agency responsible for the administration of the McCabe Ranch II Specific Plan, the tools and procedures described in this section are to be implemented consistent with all County rules, regulation, and policies.

8.1 PROJECT REVIEW PROCEDURES AND FUTURE ENTITLEMENTS

The following sections describe the review and entitlement procedures for future projects within the Plan area.

8.1.1 SPECIFIC PLAN AUTHORITY

The McCabe Ranch II Specific Plan is adopted by Ordinance by the County of Imperial Board of Supervisors and is used as the basis for the review of all subsequent entitlements in the Specific Plan area. As a regulatory document, the Plan establishes the land use and associated development, design and infrastructure standards that must be met to successfully implement the project.

Through the inclusion of development, design and infrastructure standards and incorporation by reference of the applicable County of Imperial Land Use Ordinance provisions, the Plan creates zoning standards specifically applicable to the Plan area. As a regulatory document, all subsequent design documents and development activities in the McCabe Ranch II Specific Plan area are required to be consistent with this Plan. In instances where the requirements of this Plan conflict with the Land Use Ordinance or other County standards, the McCabe Ranch II Specific Plan shall control. Conversely, if this Plan is silent on an issue, regulations within the existing Land Use Ordinance or other adopted County standards shall prevail.

8.1.2 ADMINISTRATION

The Imperial County Planning & Development Services Department is the public agency responsible for the administration, implementation, and enforcement of the McCabe Ranch II Specific Plan. However, the Homeowners and Business-owners Associations established in the Plan area are responsible for enforcing private property maintenance and signage in their respective developments pursuant to the standards identified in the Plan and any separately created Covenants, Conditions, and Restrictions (CC&R).

8.1.3 PROJECT PROCESSING

Individual development projects within the Plan area are subject to review and approval of subsequent permits and entitlements by the County of Imperial. Application, fee, and processing requirements shall be in accordance with the County's Land Use Ordinance and other regulations, unless modified by this Plan. The Imperial County Planning & Development Services Department will conduct an initial review of the application for completeness and consistency with the adopted Plan before distributing it to other County departments for review. Applicants will be advised by County staff of any application deficiencies that must be rectified in order for the application to be deemed complete.

Project applications will be reviewed for consistency with all pertinent Specific Plan Policies, development standards, design standards, EIR mitigation measures, and other applicable

conditions of approval adopted as part of the Plan. Applications, such as tentative maps, use permits, and variances, will be reviewed by the Planning Department using established procedures. All subsequent development projects, public improvements, and other activities shall be consistent with this Plan. In acting to approve a subsequent project or permit, the County may impose conditions as are reasonably necessary to ensure that the project is in compliance with the Plan and all applicable plans/regulations. If the applicant or County staff believes that an amendment to the Plan is warranted, an amendment to the McCabe Ranch II Specific Plan may be prepared. Amendment procedures are described in Section 8.5.

The project processing requirements described within this Plan apply to all development proposed within the Plan area. This description addresses only entitlements the County of Imperial has authority to grant. Permits from other governmental agencies may be required prior to project implementation, and the County assumes no responsibility for identifying or pursuing these permits on behalf of any applicant. The appropriate State, federal, and other local agency approvals are required prior to any development activity within the Plan area.

Tentative Maps

Before the property owner sells areas of the site for separate development by others, approval of a Tentative Map to divide the property is required in accordance with the County's Land Use Ordinance.

Final Maps

Prior to the expiration of a Tentative Map, a Final Map based on a qualified survey shall be submitted to the County of Imperial Department of Public Works. As specified in California Government Code §66474.1, the Final Map must be approved if found to be in substantial compliance with the approved Tentative Map.

Building Permits

Following approval of the Final Map, project applicants within the Specific Plan area may apply for building permits through the County of Imperial Planning & Development Services Department. All project structures must be consistent with the approved Specific Plan and subdivision map and must comply with the California Building Code and all applicable codes adopted and enforced by the County.

8.1.4 RESIDENTIAL PRODUCT FLEXIBILITY

The Specific Plan area is designed with a systematic layout of residential land use areas with a range of densities. This facilitates the creation of housing choices within the community. As the plan area may be built out over a decade, it is important to allow for some flexibility to respond to changing market conditions and community preferences for residential products. This will allow residential building types and lot sizes to be adjusted to respond to changing conditions. These adjustments can be accomplished while still maintaining a balance of density over the Plan area and not exceeding the maximum number of dwelling units allowed in the total Specific Plan area.

The key features of the Residential Product Flexibility are as follows:

- A residential "community" shall be defined as the residential units of each of the phases of the Plan (**Figure 7-1**). A community typically is made up of various residential unit densities.

- The total number of dwelling units in any community may exceed the target total for that density category by a maximum of 10 percent. For example, if the number of *Medium* density dwelling units in a community is 15 percent greater than the target, the numbers of dwelling units in the *Low* and/or *High* density categories needs to be reduced from the target numbers such that the total number of dwelling units does not exceed the maximum allowed for this community. The maximum units in each and every category could not be built as that total would exceed the density category maximum.
- If the total number of dwelling units in a community exceeds the target for that density category (as allowed, up to 10%), then the number of dwelling units provided in one or more of the remaining communities must be decreased to ensure that the total for the entire Specific Plan area is not exceeded by more than 5 percent. Conversely, if the total number of dwelling units in a community is less than the target for that density category, the number of dwelling units in another community(s) may be increased provided that increase does not exceed the maximum number of dwelling units designated in the *Low, Medium, or High* categories, and neither the density category maximum, nor the total Specific Plan maximum is exceeded.

Minor adjustments to the configuration of and the boundaries between the *Low, Medium, or High* density categories are permitted subject to approval by the County of Imperial Planning & Development Services Director. Such minor adjustments would be deemed to be consistent with the intent of the Specific Plan.

8.2 DEVELOPMENT AGREEMENT

The McCabe Ranch II land owners and the County of Imperial shall enter into a development agreement prior to any construction occurring within the Plan area. The agreement will provide a roadmap for all parties to guide the Plan through the approval process. At a minimum, the agreement will address:

- The parties and their roles;
- The term of the agreement;
- The specific development plan and acceptable development options;
- The public benefits;
- Public and private maintenance responsibilities;
- Recovery of public agency costs;
- Applicable milestone and phasing requirements for the components of the Specific Plan; and
- Annual review, amendment procedures, and other requirements.

The development agreement shall require Planning Commission review and recommendation with Board of Supervisor approval authority. The public will have opportunity to review the draft documents and provide comments during the required Planning Commission and Board of Supervisor hearings on the agreement.

8.3 ENVIRONMENTAL REVIEW

Each development project shall be reviewed to ensure compliance with the California Environmental Quality Act (CEQA). The Environmental Impact Report (EIR) to be certified concurrently with the McCabe Ranch II Specific Plan will serve as the base environmental document for all subsequent entitlements within the Plan area. Development applications will be reviewed on a project-by-project basis to determine consistency with the EIR.

No subsequent or supplemental EIR shall be required for a future development project in the Plan area unless the County of Imperial determines that a development application is inconsistent with the McCabe Ranch II Specific Plan and/or substantial evidence exists that supports findings set forth in CEQA Guidelines §15162 or 15163. If the findings of CEQA Guidelines §15162 or 15163 are made, a determination will be made by the County of Imperial Planning Director as to the appropriate subsequent or supplemental environmental documentation.

Also, California Government Code §65457 and CEQA Guidelines §15182 specifically provide that no EIR or negative declaration is required for any residential project undertaken in conformity with an adopted Specific Plan for which an EIR has been certified.

A mitigation monitoring and reporting program (MMRP) will also be adopted in accordance with CEQA Guidelines §15097 to ensure implementation of the EIR mitigation measures. As applicable, future developments within the Specific Plan area will be required to implement the mitigation measures in the MMRP as specified.

The development of the schools on the school sites shall be reviewed by the applicable school district to ensure compliance with the California Environmental Quality Act (CEQA). The Environmental Impact Report (EIR) to be certified concurrently with the McCabe Ranch II Specific Plan will serve as the base environmental document for the development of the school sites within the Plan area and the plans for the development of the school sites shall be reviewed to determine consistency with the EIR.

The State Architect, Office of Public School Construction, Department of Education, and other applicable State Departments and statues shall determine whether or not a subsequent or supplemental EIR shall be required for the school sites in the Plan area unless the applicable school districts determine that the development of the school sites are inconsistent with the McCabe Ranch II Specific Plan and/or substantial evidence exists that supports findings set forth in CEQA Guidelines § 151161 or 151163. If the findings of CEQA Guidelines §15162 or 151163 are made, a determination will be made by the applicable school districts as to the appropriate environmental documentation.

8.4 MINOR REVISIONS AND SPECIFIC PLAN AMENDMENTS

The California Government Code §65453 clearly states that a Specific Plan may be amended as often as deemed necessary by the legislative body. Changes to this Plan may be initiated by the developer or the County. Upon submittal of an application for a change to a Specific Plan, the County of Imperial Planning & Development Services Director shall determine if the proposed change is a minor revision or a Specific Plan Amendment. The processing requirements for both minor revisions and Specific Plan Amendments are described below.

8.4.1 MINOR REVISIONS

The McCabe Ranch II Specific Plan may need to respond to changing conditions and expectations during the course of its implementation. To address this aspect of the planning process, this Specific Plan provides for minor revisions in addition to more encompassing Specific Plan Amendments.

Examples of minor revisions to the McCabe Ranch II Specific Plan include but are not limited to:

- The addition of new or updated information that does not substantially change the Specific Plan.
- Adjustments to land use and land use area boundaries within the established Specific Plan Area location of facilities, and street alignments where the overall land use pattern remains generally consistent with the Specific Plan objectives and community concept.
- Modifications to the design concepts, architectural details, landscape treatments, fencing, lighting, trails, and entry monumentation treatments.
- Transfer of dwelling units between density categories and modification of land uses, provided such transfers and/or modifications do not create conditions where the maximum permissible dwelling unit count is exceeded or a new land use or group of land uses not contemplated within the approved Specific Plan is created.

The County of Imperial Planning & Development Services Director may approve a minor revision to the Specific Plan. In order to approve the minor revision, the Director must find the revision to be in substantial conformance with all of the following:

- The Planning Objectives of the Specific Plan
- The Imperial County General Plan
- The McCabe Ranch II Specific Plan EIR

Any determination or action taken by the Planning Director may be appealed to the Planning Commission. Additionally, any proposed minor revision to the Specific Plan may, at the discretion of the Planning Director be referred to the Planning Commission and Board of Supervisors for action.

If any of the aforementioned decision makers finds that the proposed revision does not meet the above criteria, a Specific Plan Amendment shall be required.

8.4.2 SPECIFIC PLAN AMENDMENTS

Proposed changes to a Specific Plan that do not meet the criteria for a minor revision are classified as amendments to the Specific Plan and shall be processed in the same manner as the initial Specific Plan adoption, requiring review by the Planning Commission and action by the Board of Supervisors pursuant to Land Use Ordinance §90205.03 and §90205.04.