

# PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: October 29, 2020

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME: 1:30 PM / No. 3

Title 9 Land Use Ordinance

PROJECT TYPE: Revisions Divisions 4, 5, 8, 10, 12, 14 & 16 SUPER. DIST: All Districts

LOCATION: Countywide (Unincorporated Areas of the County) APN: All

PARCEL SIZE: N/A

GENERAL PLAN (existing) N/A GENERAL PLAN (proposed) N/A

ZONE (existing) N/A ZONE (proposed) N/A

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: \_\_\_\_\_

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: \_\_\_\_\_

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIRONMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 10/29/2020

INITIAL STUDY: 20-0020

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS

☒ NONE

☐ ATTACHED

AG

☒ NONE

☐ ATTACHED

APCD

☒ NONE

☐ ATTACHED

E.H.S.

☒ NONE

☐ ATTACHED

FIRE / OES

☒ NONE

☐ ATTACHED

SHERIFF

☒ NONE

☐ ATTACHED

OTHER

☐ ATTACHED

REQUESTED ACTION:

(See Attached)

Planning & Development Services

801 MAIN STREET, EL CENTRO, CA, 92243 442-265-1736

(Jim Minnick, Director)

S:\ALLUSERS\TITLE 9 REVISIONS\2020 REVISIONS\DIVS 4,5,8,10, 12,14 &16\EEC\1520-0020 EEC PROJREPT.DOC

- ☐ **NEGATIVE DECLARATION**  
☐ **MITIGATED NEGATIVE DECLARATION**

*Initial Study & Environmental Analysis  
For:*

**Initial Study #20-0020  
Title 9 Land Use Ordinance Revisions to Divisions 4, 5, 8, 10, 12, 14 & 16**



*Prepared By:*

**COUNTY OF IMPERIAL**  
**Planning & Development Services Department**  
801 Main Street  
El Centro, CA 92243  
(442) 265-1736  
[www.icpds.com](http://www.icpds.com)

**October 2020**

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## SECTION 1 INTRODUCTION

### A. PURPOSE

This document is a ☒ policy-level, ☐ project level Initial Study for evaluation of potential environmental impacts resulting from the proposed Title 9 Land Use Ordinance Revisions to Divisions 4, 5, 8, 10, 12, 14 & 16. For purposes of this document, the proposed revisions (update) will be called "the proposed application".

### B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

☐ According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

☐ According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

☐ According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency,



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in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

### **C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION**

This Initial Study and Negative Declaration are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (30-days if submitted to the State Clearinghouse for a project of area-wide significance) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

### **D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION**

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

#### **SECTION 1**

**I. INTRODUCTION** presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

#### **SECTION 2**

**II. ENVIRONMENTAL CHECKLIST FORM** contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

**PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS** describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

**ENVIRONMENTAL ANALYSIS** evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

#### **SECTION 3**

**III. MANDATORY FINDINGS** presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

**IV. PERSONS AND ORGANIZATIONS CONSULTED** identifies those persons consulted and involved in

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preparation of this Initial Study and Negative Declaration.

**V. REFERENCES** lists bibliographical materials used in preparation of this document.

**VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL**

**VII. FINDINGS**

**SECTION 4**

**VIII. RESPONSE TO COMMENTS (IF ANY)**

**IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)**

**E. SCOPE OF ENVIRONMENTAL ANALYSIS**

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

**F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS**

This Initial Study and Negative Declaration will be conducted under a ☒ policy-level, ☐ project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

**G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE**

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

**1. Tiered Documents**

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared

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for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

## **2. Incorporation By Reference**

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- These documents must summarize the portion of the document being incorporated by reference or briefly

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describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

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## *II. Environmental Checklist*

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1. **Project Title:** Initial Study #20-0020 Title 9 Land Use Ordinance Revisions to Divisions 4, 5, 8, 10, 12, 14 & 16
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Diana Robinson, Planner III, (442)265-1736, ext. 1751
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** dianarobinson@co.imperial.ca.us
6. **Project location:** Countywide (Unincorporated Areas of Imperial County)
7. **Project sponsor's name and address:** Imperial County Planning & Development Services Department  
801 Main Street, El Centro, CA 92243
8. **General Plan designation:** Countywide
9. **Zoning:** Countywide
10. **Description of project:** The Imperial County Planning & Development Services Department (ICPDS) proposes to update its Title 9 Land Use Ordinance Divisions 4, 5, 8, 10, 12, 14 & 16, in a continuing effort to be consistent with recent changes in State Law. Most changes involve modifications regarding building requirements to lessen burdens on the permitting and processing of building permits, and making minor modifications on said Divisions to make them internally consistent. The intent is align the County's goals with the State's goals to allocate as many residential units as possible.

In summary, the proposed revisions which include additions, corrections and minor changes for clarification and internal consistency between Title 9 Divisions, are provided as follows:

- *Division 4 (Signs, Parking, Fence, Home Occupations, Accessory Dwelling Units and Cannabis & Industrial Hemp Operations)* – Add the Imperial Center Commercial Zone (IC CZ) to the list of sites/zones that allow the Cultivation of Cannabis as an allowed use. Also, to make Title 14 of the County of Imperial Codified Ordinance regarding cannabis and industrial hemp, consistent with the latest State code regulations, which have been reflected in Divisions 4 and 5 since the previous Title 9 Land Use Revisions, adopted October 15, 2019.
- *Division 5 (Zoning Areas Established)* – Identifies revisions to various zones where "Special Occasion Facility" will be allowed with a Conditional Use Permit under the A-2, A-3, S-1 and S-2 zones, and under C-2, and C-3 zones as permitted uses as per the recently approved "Similarity of Use" applications. In addition, "tiny homes" will be included in the list of allowed uses in all residential zones, to reflect consistency with State regulations.
- *Division 8 (Subdivision)* – Changes are intended to reflect consistency with the Subdivision Map Act and are meant to correct inconsistencies within the Division itself. Modifications include minor edits to the formatting of the information provided. Code sections have been reviewed and some have been changed to accurately reference State regulations.
- *Division 10 (Building & Grading Regulations)* – Changes are intended to reflect reference to the 2019 Building Codes and to show consistency with the latest State codes regarding Title 25. Additional text has been added regarding cargo containers and tiny homes, and information about the specifics of what and how those will be allowed is detailed. Energy efficiency information has also been added per the latest State requirements.
- *Division 12 (Mobile Home Parks Program)*. Added Chapter 2. Park Models and Recreational Vehicles Standards.

- *Division 14 (Definitions/Clarifications) Ordinances* - Certain concepts have been added and/or clarified to provide guidance to potential developers.
- *Division 16 (Flood Damage Prevention Regulation)*. Adding reference to latest editions regarding flood hazards.
- Minor Revisions include editorial changes, minor corrections in grammar or additional language to provide clarification.

**11. Surrounding land uses and setting:** Countywide

**12. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**

- a) Planning Commission, and
- b) Board of Supervisors

**13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Native American Tribes and members of the Native American Heritage Commission (NAHC) were invited to participate in the "Request for Review and Comment" as part of the Initial Study review process. In addition, letters requesting consultation pursuant to AB 52 were sent at the beginning of the preparation of this Initial Study, but no comments nor letters were received.

**Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.**

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology /Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials
<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

### ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

☐ Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: ☐ Yes ☐ No

EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH SVCS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jim Minnick, Director of Planning/EEC Chairman

Date:

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## PROJECT SUMMARY

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- A. Project Location:** Countywide (Unincorporated Areas of Imperial County)
- B. Project Summary:** The Imperial County Planning & Development Services Department (ICPDS) proposes to update its Title 9 Land Use Ordinance Divisions 4, 5, 8, 10, 12, 14 & 16, in a continuing effort to be consistent with recent changes in State Law. Most changes involve modifications regarding building requirements to lessen burdens on the permitting and processing of building permits, and making minor modifications on said Divisions to make them internally consistent. The intent is align the County's goals with the State's goals, to allocate as many residential units as possible.

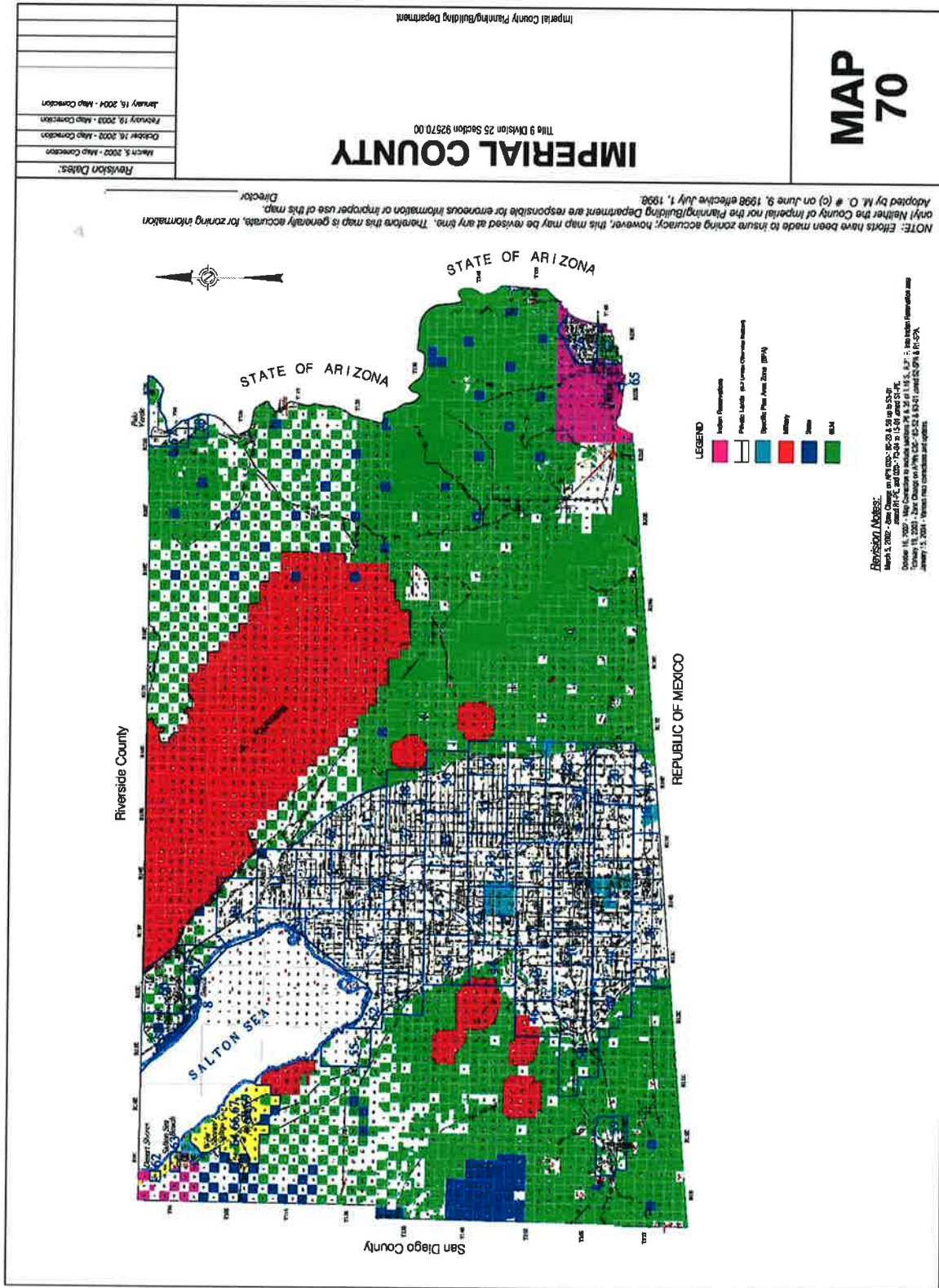
In summary, the proposed revisions which include additions, corrections and minor changes for clarification and internal consistency between Title 9 Divisions, are provided as follows:

- *Division 4 (Signs, Parking, Fence, Home Occupations, Accessory Dwelling Units and Cannabis & Industrial Hemp Operations)* – Add the Imperial Center Commercial Zone (IC CZ) to the list of sites/zones that allow the Cultivation of Cannabis as an allowed use. Also, to make Title 14 of the County of Imperial Codified Ordinance regarding cannabis and industrial hemp, consistent with the latest State code regulations, which have been reflected in Divisions 4 and 5 since the previous Title 9 Land Use Revisions, adopted October 15, 2019.
- *Division 5 (Zoning Areas Established)* – Identifies revisions to various zones where "Special Occasion Facility" will be allowed with a Conditional Use Permit under the A-2, A-3, S-1 and S-2 zones; and under C-2 and C-3 zones as permitted uses as per the recently approved "Similarity of Use" applications. In addition, "tiny homes" will be included in the list of allowed uses in all residential zones, to reflect consistency with State regulations.
- *Division 8 (Subdivision Ordinance)* – Changes are intended to reflect consistency with the Subdivision Map Act and are meant to correct inconsistencies within the Division itself. Modifications include minor edits to the formatting of the information provided. Code sections have been reviewed and some have been changed to accurately reference State regulations.
- *Division 10 (Building & Grading Regulations)* – Changes are intended to reflect reference to the 2019 Building Codes and to show consistency with the latest State codes regarding Title 25. Additional text has been added regarding cargo containers and tiny homes, and information about the specifics of what and how those will be allowed is detailed. Energy efficiency information has also been added per the latest State requirements.
- *Division 12 (Mobile Home Parks Program)*. Added Chapter 2. Park Models and Recreational Vehicles Standards
- *Division 14 (Definitions/Clarifications Ordinance)* - Certain concepts have been added and/or clarified to provide guidance to potential developers.
- *Division 16 (Flood Damage Prevention Regulation)*. Adding reference to latest editions regarding flood hazards.
- Minor Revisions include editorial changes, minor corrections in grammar or additional language to provide clarification



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- C. Environmental Setting:** Countywide (Unincorporated Areas of Imperial County)
- D. Analysis:** These revisions are being made with the intention to make Title 9 of the Land Use Ordinance, especially Division 10 "Building & Grading Regulations", consistent with the recent changes (updates) to State Law.
- E. General Plan Consistency:** All of the proposed changes are consistent with the Imperial County's General Plan. Recent changes in California State Law have triggered an update to the Land Use Ordinance, therefore, ICPDS is proposing an update to all divisions that are being affected by these recent changes: Divisions 4, 5, 8, 10, 12, 14 and 16.

# Exhibit "A" Vicinity Map



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## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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## I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Have a substantial adverse effect on a scenic vista or scenic highway?<br><b>a) This policy level action is Countywide and would not affect any scenic vista or highway within the County; therefore, no impacts are expected.</b>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?<br><b>b) No substantial damage to scenic resources is anticipated; therefore, no impacts are expected.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?<br><b>c) No substantial degradation to existing visual character or quality of the site or surrounding are anticipated; therefore, no impacts are expected.</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?<br><b>d) This is a policy level action and lighting and glare will be assessed at a project level; therefore, no impacts are expected.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?<br><b>a) This policy level action is Countywide and would not convert any lands of prime, unique, farmland of statewide importance into non-agricultural use; therefore, there are no impacts expected.</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act Contract?<br><b>b) No conflicts with existing zoning for agricultural use nor with lands in contract with Williamson Act are anticipated; therefore, no impacts are expected for this policy level project.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?<br><b>c) There are no forest lands in the County; therefore, no impacts regarding forest land nor timberland are expected.</b>                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Result in the loss of forest land or conversion of forest land to non-forest use?<br><b>d) As previously mentioned, there are no forest lands in the County; therefore, no impacts are expected.</b>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Involve other changes in the existing environment which, due  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				
<b>e) This policy level action is Countywide and no conversion of lands of prime, unique, farmland of statewide importance into non-agricultural use are anticipated; therefore, no impacts are expected.</b>				

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>a) This policy level action is Countywide and would not conflict with or obstruct implementation of any applicable air quality plan; therefore, no impacts are expected.</b>  |                          |                          |                          |                                     |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>b) This policy level action is Countywide and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project is non-attainment; therefore, no impacts are expected.</b> |                          |                          |                          |                                     |
| c) Expose sensitive receptors to substantial pollutants concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>c) This policy level action is Countywide and would not expose sensitive receptors to substantial pollutants; therefore, no impacts are expected.</b>   |                          |                          |                          |                                     |
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>d) This policy level action is Countywide and would not result in other emissions affecting a substantial number of people; therefore, no impacts are expected.</b>   |                          |                          |                          |                                     |

### IV. BIOLOGICAL RESOURCES *Would the project:*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>a) This policy level action is Countywide and would not have a substantial effect on any species identified as a sensitive or special species status in local or regional plans, policies or regulations by the CDF&amp;W or USF&amp;WS; therefore, no impacts are expected. Projects requiring environmental review will have to be assessed on a case by case basis as per the project location (at a project level).</b> |                          |                          |                          |                                     |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>b) This policy level action is Countywide and would not have a substantial effect of any riparian habitat or other sensitive natural community found in local or regional plans, policies, and regulations by the CDF&amp;W or USF&amp;WS; therefore, no impacts are expected.</b>  |                          |                          |                          |                                     |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>c) This policy level action is Countywide and would not have a substantial effect on federally protected wetlands; therefore, no impacts are expected.</b>  |                          |                          |                          |                                     |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <b>d) This policy level action is Countywide and would not interfere with the movement of any resident or migratory fish or wildlife species or with native resident or migratory wildlife corridors, or impact wildlife nursery sites; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance? <b>e) This policy level action is Countywide and would not conflict with any local policies or ordinances protection biological resources, or tree preservation policy or ordinance; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <b>f) This policy level action is Countywide and would not conflict with the provisions of an adopted Habitat Conservation Plan, NCCP or other regional or state habitat conservation plan; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. **CULTURAL RESOURCES** *Would the project:*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?<br><b>a) This policy level action is Countywide and is not anticipated to cause a change in the significance of a historical resource; therefore, no impacts are expected. Projects requiring environmental review will have to be assessed on a case by case basis as per the project location (at a project level).</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?<br><b>b) The policy level action will not cause a change in the significance of an archaeological resource; therefore, no impacts are expected. Projects requiring environmental review will have to be assessed on a case by case basis as per the project location (at a project level).</b>                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries?<br><b>c) The policy level action is not anticipated to disturb any human remains; therefore, no impacts are expected.</b>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. **ENERGY** *Would the project:*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?<br><b>a) The policy level action is not anticipated to result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources; therefore, no impacts are expected.</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?<br><b>b) The policy level action is not anticipated to conflict with or obstruct a state or local plan for renewable energy or energy efficiency; therefore, no impacts are expected.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VII. **GEOLOGY AND SOILS** *Would the project:*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) <u>Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:</u><br><b>a) This policy level action is Countywide and is not anticipated to cause for direct or indirect effects including risk of loss, injury or death regarding geology and soils; therefore, no impacts are expected.</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? <b>1) The policy level action is not anticipated to expose people or structures to potential adverse effects relating to the rupture of a known earthquake fault; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Strong Seismic ground shaking? <b>2) The policy level action is not anticipated to generate any strong seismic ground shaking; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Seismic-related ground failure, including liquefaction and seiche/tsunami? <b>3) The policy level action is not anticipated to generate seismic-related ground failure, including liquefaction and seiche/tsunami; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Landslides? <b>4) The policy level action is not anticipated to generate any landslides; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <b>b) The policy level action will not result in substantial soil erosion or loss of topsoil; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? <b>c) The policy level action will not be located on a geologic unit or soil that is unstable, or that could become unstable, or result in on or off-site landslides, lateral spreading, subsidence, liquefaction or collapse; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property? <b>d) The policy level action is not anticipated to be located on expansive soils; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? <b>e) The policy level action is not anticipated to be proposed on soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <b>f) The policy level action is not anticipated to directly nor indirectly destroy a unique paleontological resource or site or unique geologic feature; therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. **GREENHOUSE GAS EMISSION** *Would the project:*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?<br><b>a) This policy level action is Countywide and is not anticipated to generate any greenhouse gas emission impacting the environment; therefore, no impacts are expected.</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?<br><b>b) The policy level action is not anticipated to conflict with a plan or policy or regulation for reducing emissions of</b>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
greenhouse gases; therefore, no impacts are expected.				

**IX. HAZARDS AND HAZARDOUS MATERIALS** *Would the project:*

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☐ ☐ ☒
- a) This policy level action is not anticipated to create a significant hazard to the public or environment through the routine transport, use or disposal of hazardous materials; therefore, no impacts are expected.**
- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☐ ☐ ☒
- b) The policy level action will not create a hazard to the public or environment relating to the release of hazardous materials into the environment; therefore, no impacts are expected.**
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☐ ☒
- c) The policy level action will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school; therefore, no impacts are expected.**
- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☐ ☒
- d) The policy level action is not anticipated to be located on a hazardous material site, nor create a significant hazard to the public or environment; therefore, no impacts are expected.**
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ☐ ☐ ☐ ☒
- e) The policy level action will not result in a safety hazard for people within an airport land use plan or within two miles of a public or public use airport; therefore, no impacts are expected.**
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒
- f) The policy level action will not impact implementation or physically interfere with an emergency response plan or evacuation plan; therefore, no impacts are expected.**
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☐ ☒
- g) The policy level action will not expose people or structures to wildland fires; therefore, no impacts are expected.**

**X. HYDROLOGY AND WATER QUALITY** *Would the project:*

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? ☐ ☐ ☐ ☒
- a) This policy level action is Countywide and is not anticipated to violate any water quality standards or waste discharge requirements; therefore, no impacts are expected.**
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the ☐ ☐ ☐ ☒



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
basin?				
<b>b) The policy level action will not deplete groundwater supplies or recharge; therefore, no impacts are expected.</b>				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c) The policy level action will not alter the existing drainage pattern or alter the course of a stream or river; therefore, no impacts are expected.</b>				
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(i) The policy level action will not result in substantial erosion or siltation on- or off-site; therefore, no impacts are expected.</b>				
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(iii) The policy level action is not anticipated to substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; therefore, no impacts are expected.</b>				
(iv) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(iii) The policy level action is not anticipated to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; therefore, no impacts are expected.</b>				
(v) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(v) The policy level action is not anticipated to impede or redirect flood flows; therefore, no impacts are expected.</b>				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d) The policy level action will not release pollutants due to project inundation in flood hazard; therefore, no impacts are expected.</b>				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>e) This policy level action is Countywide and is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan; therefore, no impacts are expected.</b>				

XI. **LAND USE AND PLANNING** *Would the project:*

- a) Physically divide an established community? ☐ ☐ ☐ ☒  
**a) This policy level action is Countywide and is not anticipated to physically divide an established community; therefore, no impacts are expected.**
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☐ ☒  
**b) The policy level action will not conflict with any land use plan, policy or regulation; therefore, no impacts are expected.**

XII. **MINERAL RESOURCES** *Would the project:*

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

a) This policy level action is Countywide and would not result in the loss of a known mineral resource; therefore, no impacts are expected.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

b) The policy level action would not result in the loss of a locally-important mineral resource recovery site; therefore, no impacts are expected.

XIII. **NOISE** Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

a) This policy level action is Countywide and would not expose persons to or generate excessive noise levels; therefore, no impacts are expected.

- b) Generation of excessive groundborne vibration or groundborne noise levels?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

b) The policy level action would not expose people to groundborne vibration or noise levels; therefore, no impacts are expected.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

c) The policy level action would not impact any private airstrip or airport land use plan within two miles of a public or public use airport; therefore, no impacts are expected.

XIV. **POPULATION AND HOUSING** Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

a) The project is Countywide and would not induce substantial unplanned population growth; therefore, no impacts are expected.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

b) The project is Countywide and would not displace existing housing; therefore, no impacts are expected.

XV. **PUBLIC SERVICES**

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

a) This policy level action is Countywide and would not cause for the need of any provisions or cause for alterations involving governmental facilities; therefore, no impacts are expected. Projects requiring environmental review will have to be assessed on a case by case basis as per the project location (at a project level).

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>1) The policy level action will not require additional fire protection; therefore, no impacts are expected. Projects requiring environmental review will have to be assessed on a case by case basis as per the project location (at a project level).</b>				
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2) The policy level action will not require additional police protection; therefore, no impacts are expected. Projects requiring environmental review will have to be assessed on a case by case basis as per the project location (at a project level).</b>				
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3) The policy level action will not require additional schools; therefore, no impacts are expected.</b>				
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4) The policy level action will not require additional parks; therefore, no impacts are expected.</b>				
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5) The policy level action will not require other public facilities; therefore, no impacts are expected.</b>				

#### XVI. RECREATION

- a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
- a) The policy level action would not increase the use of parks or other recreational facilities; therefore, no impacts are expected.**
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
- b) The policy level action would not impact any recreational facilities or require construction or expansion thereof; therefore, no impacts are expected.**

#### XVII. TRANSPORTATION *Would the project:*

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
- a) This policy level action is Countywide and will not conflict with plans, ordinances, or policy on the circulation system; therefore, no impacts are expected.**
- b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
- b) The policy level action will not conflict with CEQA Guidelines Section 15064.3, subdivision (b); therefore, no impacts are expected.**
- c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
- c) The policy level action will not substantially increase hazards due to a geometric design feature or incompatible uses; therefore, no impacts are expected.**
- d) Result in inadequate emergency access?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
- d) The policy level action is not anticipated to result in inadequate emergency access; therefore, no impacts are expected.**

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

XVIII. **TRIBAL CULTURAL RESOURCES**

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:

☐ ☐ ☐ ☒

**a) This policy level action is Countywide and would not cause for a substantial adverse change in the significance of a tribal cultural resource; therefore, no impacts are expected. Projects requiring environmental review will have to be assessed on a case by case basis as per the project location (at a project level).**

- (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or

☐ ☐ ☐ ☒

**(i) The policy level action would not cause for impacts to occur affecting historical resources; therefore, no impacts are expected.**

- (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

☐ ☐ ☐ ☒

**(ii) The policy level action would not cause for impacts to occur to resources that have been determined to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1; therefore, no impacts are expected.**

XIX. **UTILITIES AND SERVICE SYSTEMS** *Would the project:*

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?

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**a) This policy level action is Countywide and is not expected to result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects; therefore, no impacts are expected. Projects requiring environmental review will have to be assessed on a case by case basis as per the project location (at a project level).**

- b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?

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**b) The policy level action is not anticipated to cause issues with water supply availability regarding future development during normal, dry and multiple dry years; therefore, not impacts are expected. However, projects requiring environmental review will have to be assessed on a case by case basis to assess water availability.**

- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

☐ ☐ ☐ ☒

**c) This is a policy level action and impacts regarding the wastewater treatment's capacity to serve the project demand are not expected to occur.**

- d) Generate solid waste in excess of State or local standards, or

☐ ☐ ☐ ☒

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? <b>d) This is a policy level action and no excess of solid waste nor impairment of attainment of solid waste reductions goals are anticipated; therefore, no impacts are expected.</b>				
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? <b>e) This policy level action is Countywide, but each for each project level study prepared, the applicant shall will comply with federal, state, and local management and reduction statutes and regulations related to solid waste. No impacts are expected to occur at the policy level.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>a) This policy level action is Countywide and is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan related to wildfire; therefore, no impacts are expected.</b>   |                          |                          |                          |                                     |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>b) The policy level action is not anticipated to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire; therefore, no impacts are expected.</b>  |                          |                          |                          |                                     |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>c) The policy level action is not anticipated to require infrastructure that may exacerbate fire risk that may result in temporary or ongoing impacts to the environment; therefore, no impacts are expected.</b>  |                          |                          |                          |                                     |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>d) The policy level action is not anticipated to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability or drainage changes; therefore, no impacts are expected.</b> |                          |                          |                          |                                     |

*Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.*

Revised 2009- CEQA  
Revised 2011- ICPDS  
Revised 2016 – ICPDS  
Revised 2017 – ICPDS  
Revised 2019 – ICPDS

## SECTION 3

### III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

#### **IV. PERSONS AND ORGANIZATIONS CONSULTED**

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

##### **A. COUNTY OF IMPERIAL**

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Diana Robinson, Planner III
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

##### **B. OTHER AGENCIES/ORGANIZATIONS**

- Native American Heritage Commission
- Imperial Irrigation District

***(Written or oral comments received on the checklist prior to circulation)***

## V. REFERENCES

1. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.
2. Title 14 County of Imperial Codified Ordinance
3. Title 9 Land Use Ordinance Division 4
4. Title 9 Land Use Ordinance Division 5
5. Title 9 Land Use Ordinance Division 8
6. Title 9 Land Use Ordinance Division 10
7. Title 9 Land Use Ordinance Division 12
8. Title 9 Land Use Ordinance Division 14
9. Title 9 Land Use Ordinance Division 16



## VI. NEGATIVE DECLARATION – County of Imperial

*The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.*

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**Project Name:** Initial Study #20-0020 Title 9 Land Use Ordinance Revisions to Divisions 4, 5, 8, 10, 12, 14 & 16

**Project Applicant:** Imperial County Planning & Development Services Department (ICPDS)

**Project Location:** Countywide (Unincorporated Areas of Imperial County)

**Description of Project:** The Imperial County Planning & Development Services Department (ICPDS) proposes to update its Title 9 Land Use Ordinance Divisions 4, 5, 8, 10, 12, 14 & 16, in a continuing effort to be consistent with recent changes in State Law. Most changes involve modifications regarding building requirements to lessen burdens on the permitting and processing of building permits, and making minor modifications on said Divisions to make them internally consistent. The intent is align the County's goals with the State's goals to meet the overall State goal to allocate as many residential units as possible.

In summary, the proposed revisions which include additions, corrections and minor changes for clarification and internal consistency between Title 9 Divisions, are provided as follows:

- *Division 4 (Signs, Parking, Fence, Home Occupations, Accessory Dwelling Units and Cannabis & Industrial Hemp Operations)* – Add the Imperial Center Commercial Zone (IC CZ) to the list of sites/zones that allow the Cultivation of Cannabis as an allowed use. Also, to make Title 14 of the County of Imperial Codified Ordinance regarding cannabis and industrial hemp, consistent with the latest State code regulations, which have been reflected in Divisions 4 and 5 since the previous Title 9 Land Use Revisions, adopted October 15, 2019.
- *Division 5 (Zoning Areas Established)* – Identifies revisions to various zones where "Special Occasion Facility" will be allowed with a Conditional Use Permit under the A-2, A-3, S-1 and S-2 zones; and under the C-2, and C-3 zones as permitted uses as per the recently approved "Similarity of Use" applications. In addition, "tiny homes" will be included in the list of allowed uses in all residential zones, to reflect consistency with the State's goal to offer as many housing options as possible and to mitigate the current Housing crisis that the State is facing.
- *Division 8 (Subdivision Ordinance)* – Changes are intended to reflect consistency with the Subdivision Map Act and are meant to correct inconsistencies within the Division itself. Modifications include minor edits to the formatting of the information provided. Code sections have been reviewed and some have been changed to accurately reference State regulations.
- *Division 10 (Building & Grading Ordinance)* – Changes are intended to reflect reference to the 2019 Building Codes and to show consistency with the latest State codes regarding Title 25. Additional text has been added regarding cargo containers and tiny homes, and information about the specifics of what and how those will be allowed is detailed. Energy efficiency information has also been added per the latest State requirements.
- *Division 12 (Mobile Home Parks Program)*. Added Chapter 2. Park Models and Recreational Vehicles Standards
- *Division 14 (Definitions/Clarifications Ordinance)* - Certain concepts have been added and/or clarified to

provide guidance to potential developers.

- *Division 16 (Flood Damage Prevention Regulation).* Adding reference to latest editions regarding flood hazards.
- Minor Revisions include editorial changes, minor corrections in grammar or additional language to provide clarification.

## VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Negative Declaration based upon the following findings:

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The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☐

The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

### NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

Date of Determination

Jim Minnick, Director of Planning & Development Services

*The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.*

Applicant Signature

Date

## **SECTION 4**

### **VIII.                    RESPONSE TO COMMENTS**

(ATTACH DOCUMENTS, IF ANY, HERE)

**IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)**

(ATTACH DOCUMENTS, IF ANY, HERE)

S:\AllUsers\TITLE 9 REVISIONS\2020 REVISIONS\Divs 4,5,8,10, 12,14 &16\EEC\IS20-0020 Initial Study Revs to Divs 4,5,8,10,12,14&16.docx

## **Attachment A.**

### **Title 9 Land Use Ordinance Division 4.**

#### **Signs, Parking, Fences, Home Occupations, Accessory Dwelling Units and Cannabis and Industrial Hemp Operations**

§ 90403.04 CONSTRUCTION STANDARDS

- A. All fences shall meet Code or accepted fence construction standards.

§ 90403.05 PERMITS

A construction permit for the placement of a fence is required for the following:

- A. Retaining walls that are over one (1) feet (914.4 mm) in height measured from natural grade to the top of the wall, or retaining walls that are supporting a sur-charge or impounding Class I, II or IIIA liquids, regardless of the height.
- B. All masonry fences in all zones that are more than four (4) feet in height, including masonry pilasters with solid grouted cells or concrete columns for wall reinforcement or support of chain link, wrought iron, etc. The construction shall follow specifications from the 2013-2019 California Building Code adopted by the County of Imperial, and the construction shall be designed by a registered professional civil engineer or architect, licensed in the State of California. Plans, and calculations and a soils report may be required.

However, even though masonry walls four (4) feet or less in height are exempt from a building permit, the construction must still comply with the minimum requirements contained in the masonry fences handout, available at the Planning & Development Services Department's Building Division, and a compliance inspection for foundation, reinforcement and final must be requested.

- C. All other fences (e.g., wood, chain-link, wrought iron, etc.) in all zones that are more than eighty-four inches (84") in height.
- D. All razor edge, or ~~barb-wire~~barbwire in any authorized location except where used as animal containment or in State or Federal or County approved facilities.

§ 90403.06 HEIGHT LIMIT

- A. Within any "R" Zone, or "A" Zone with primary residential use or characteristics of a residential enclave, fencing located within the required front yard setback area shall not exceed thirty (30) inches in height if obscure, or forty-eight (48) inches if translucent. Decorative ornaments up to twelve (12) inches and not exceeding the width of post will be allowed above the heights shown above in 90403.05.
- B. Within any zone on a corner parcel, the fencing if installed shall not obstruct or hinder the line of sight for traffic conditions; and shall not exceed thirty (30) inches in height.

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## TITLE 9

### DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS

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#### CHAPTER 5: ACCESSORY DWELLING UNITS

§ 90405.00	PURPOSE
§ 90405.01	DEFINITION
§ 90405.02	CONDITIONAL USE PERMIT (REQUIRED)
§ 90405.03	ACCESSORY DWELLING UNITS
§ 90405.04	GENERAL PLAN CONSISTENCY
§ 90405.05	INFRASTRUCTURE/ SERVICE CAPACITY
§ 90405.06	STANDARDS (GENERAL)
§ 90405.07	STANDARDS (MINIMUM)
§ 90405.08	OWNER'S AFFIDAVIT
§ 90405.09	REVIEW AND APPROVAL PROCEDURE
§ 90405.10	LAND USE REVIEW FOR R-1 AND R-2 ZONED PROPERTY (NON CUP)
§ 90405.11	JUNIOR ACCESSORY DWELLING UNITS

#### § 90405.00 PURPOSE

The purpose and intent of this Chapter is to provide by ordinance for the creation of 2<sup>nd</sup> units in single-family and multifamily residential zones, as specified. Allowing accessory dwelling units within these zones provides additional rental housing stock, and which are an essential component of the housing supply in California. Law authorizes the ordinance for the creation of accessory units to include specified provisions regarding areas where Accessory Dwelling Units may be located, standards, including the imposition of parking standards, and lot density.

#### § 90405.01 DEFINITIONS

A. Accessory Dwelling Unit: means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency dwelling unit as defined in Division 14 Section 91401.04
2. A manufactured home as defined in Division 14 Section 91401.12;
3. Tiny homes as defined in Division 14 Section 91401.19, as long as it complies with the Building Code.

B. Living Area: means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

C. Local Agency: means city, county or city and county whether general law or chartered (for the purpose of this section).

D. Junior Accessory Dwelling Unit: A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

E. Passageway: means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

#### § 90405.02 CONDITIONAL USE PERMIT (REQUIRED)

The provisions of this Chapter shall be applicable to zones where residences are not the primary use, A-2, A-3, S-1 & S-2.



- B. All Personal Cultivation of Cannabis shall be conducted either inside a private residence, or within a fully enclosed and secured accessory structure located in the rear yard of a private residence that is not visible by normal unaided vision from a public place and does not exceed one hundred square feet (100 ft<sup>2</sup>).
- C. Personal growth of cannabis is limited to six plants per legal private residence.
- D. The growing area shall not impact areas that are required to satisfy parking requirement (i.e. garage) for the primary use of the lot.
- E. The maximum electrical panel for the Personal Cultivation area shall be fifty (50) amps. Except for temporary use in case of emergency power loss, the use of generators to supply power to any system or activity associated with Personal Cultivation is prohibited.
- F. Light systems used for Personal Cultivation shall not exceed two thousand (2,000) watts total, and shall be shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure. Lighting systems shall conform to all applicable building and electrical codes.
- G. The Personal Cultivation area shall be equipped with odor control filtration and ventilation system(s) adequate to prevent odor, humidity, or mold problems on the premises and adjacent parcels.

**§ 90406.04 COMMERCIAL CANNABIS ACTIVITY ZONING**

Commercial Cannabis activities are permitted within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Cannabis Operations: All Forms (unless otherwise directed below)  
Imperial County permits commercial cannabis: including Cultivation, Nursery, Manufacturing (including processing & storage), Distribution, Testing Laboratories, and Retail (adult-use and medicinal) with Delivery within the Gateway Industrial (GI) Zone of the Gateway of the America's Specific Plan Area, the Light Industrial (MLI1) Zone of the Mesquite Lake Specific Plan (for cultivation, microbusiness and retail only), and the Medium Industrial (MLI2) and Heavy Industrial (MLI3) Zones of the Mesquite Lake Specific Plan Area.

The cultivation of commercial cannabis (non-volatile materials) is also permitted within the Government/Special Public (G/S) Zone and the Imperial Center Commercial Zone (IC CZ) of the Imperial Center Specific Plan.

- B. Cannabis Operations: Retail with Delivery (Retail Sales Only)  
Imperial County permits commercial cannabis: including, Retail with Delivery (adult-use and medicinal) within the Gateway Commercial (GC) and Gateway Central Commercial Overlay (GCCO) Zones of the Gateway of the America's Specific Plan Area, as well as the Light Industrial (MLI1), Medium Industrial (MLI2) and Heavy Industrial (MLI3) Zones of the Mesquite Lake Specific Plan Area and within the Imperial Center Commercial Zone (IC CZ) of the Imperial Center Specific Plan.

**§ 90406.05 COMMERCIAL CANNABIS ZONING (Conditional Use Permit):**

Commercial Cannabis activities are permitted with an approved Conditional Use Permit (CUP) within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Cannabis Operations: All Forms (unless otherwise directed below)  
Imperial County permits with an approved Conditional Use Permit (CUP) commercial cannabis: including Cultivation, Nursery, Manufacturing (including processing & storage), Distribution, Testing Laboratories, Retail (adult-use and medicinal) with Delivery within the Light Industrial (M-1) and Medium Industrial (M-2) Zones of Imperial County, Gateway Industrial (GI), the Agricultural Related Light Industrial (AM-1) (Manufacturing only) and Agricultural Related Medium Industrial (AM-2) Zones

**Attachment B.**  
**Title 9 Land Use Ordinance Division 5.**  
**Zoning Areas Established**

to provide the economic and social advantages resulting from orderly planned land uses and resources. The following classes of use zones and their sub-zones are established as shown in Section 90501.02.

**§ 90501.01 SINGLE BASE ZONING AREA**

Every lot or parcel of land or portion thereof within the unincorporated areas of the County of Imperial shall be classified in only one of the base zoning areas established in this section.

**EXCEPTION**

Parcels greater than 40 acres in net area may be divided by zoning district boundaries (A-2/A-3 Traffic corridor). Parcels less than 40 acres net and currently divided by a zoning boundary shall have the larger of the current designation apply to the entire parcel. Where a zoning map shows two zones on the same parcel the parcel shall have the larger of the two zones applicable to the entire parcel regardless of the map depiction. Unless identified by a Community/ Urban or Specific Plan Area

**§ 90501.02 ESTABLISHMENT OF BASE ZONE AREA**

In order to classify, regulate, restrict, manage and segregate the use of lands and buildings; to regulate, manage and restrict the height, bulk and construction of buildings; to regulate the area of yards and other open spaces around buildings; and to regulate intensity of land use and uses and the density of population, the following base zoning areas are established.

1. Residential Areas
  - R-1 Low Density Residential Area [maximum density of one unit/lot]
  - R-2 Medium Density Residential Area (one to two units/lot)
  - R-3 Medium-High Density Residential Area (density of more than two attached units/lot)
  - R-4 Manufactured Home (Mobile Home Park) Areas/Subdivision
2. Agricultural Areas
  - A-1 Limited/light Agricultural Area [Rural Residential- allowed within Urban Areas only]
  - A-2 General Agricultural Area
  - A-3 Heavy Agricultural Area
  - A-A Conditional Agricultural Area
  - AM-1- Agricultural related Light Industrial
  - AM-2- Agricultural related Medium Industrial
3. Commercial Areas
  - C-1 Light Commercial Area [Neighborhood Commercial]
  - C-2 Intermediate Commercial Area [General Commercial]
  - C-3 Highway Commercial Area
4. Industrial Areas
  - M-1 Light Industrial Area
  - M-2 Medium Industrial Area
  - M-3 Heavy Industrial Area
5. Open Space Areas
  - S-1 Open Space/Recreational
  - S-2 Open Space/Preservation
6. Government/Special Public Areas
  - G.S.- Government/Special Public

§ **90501.16 SWIMMING POOLS**

- A. ~~Swimming pools may occupy rear or side yards if enough room design and setbacks is possible to maintain, but or side yards if enough room design and setbacks is possible to maintain, but not allowed in the front yard.~~
- B. The distance between the swimming pool and the property line shall be five (5) feet or equal to the depth of the pool; whichever is ~~more~~greater.
- C. ~~The distance between the swimming pool and a weight bearing structure shall be at least equal to the depth of the pool or special engineering for the case is required according to one story or multi story building and swimming pool dimensions and depth or special engineering for the case is required according to one story or multi story building and swimming pool dimensions and depth.~~
- ~~C.~~
- D. ~~A minimum of five feet separation between the building wall and the pool wall is required in order to provide for safe walking surface and to avoid major demolition or modification to existing structures containing electrical systems or metal parts that would require compliance with equipotential bonding as required in California Electrical Code Art 280.026 A, B, C.~~
- ~~D.A. A minimum of five feet separation between the building wall and the pool wall is required in order to provide for safe walking surface and to avoid major demolition or modification to existing structures containing electrical systems or metal parts that would require compliance with equipotential bonding as required in California Electrical Code Art 280.026 A, B, C.~~

§ **90501.17 FIREWORKS**

The storage and assembly of commercial and agricultural fireworks, black powder and explosives excluding military munitions and industrial explosives, in the A-2, A-2-R and A-3 Zones, with an approved Conditional Use Permit, for non-retail purposes. Proposal must meet the following criteria:

- A. Parcel must be at least five (5) acres or more in size.
- B. Project site must be located no less than one (1) mile from any school, hospital or other similar institution and any area zoned or planned for residential uses.
- C. All structures, facilities or equipment must be no less than 200 feet from any public road or structure used for human habitation.
- D. The entire perimeter of the site shall be secured and maintained with a fence no less than six (6) feet in height or other approved barrier(s).
- E. Project shall comply with all applicable County, State and/or Federal statutes or laws regulating such uses including the applicable California Fire Code and National Fire Protection Association standards.
- F. Project applicant must possess a valid State and/or Federal pyrotechnics license(s).

§ **90501.18 SPECIFIC PLANS**

Specific Plans, such as Gateway and Mesquite Lake, may have zoning designations and development standards built into their Specific Plan document. These zoning designation development standards, and mitigation measures are explained in detail within the Specific Plan documents which are attached herein as "Exhibits" at the end of this "Title". In the event that zoning and development standards are not specifically identified within a given Specific Plan, then this "Title" shall apply.

§ **90501.19 ELECTRIC VEHICLES CHARGING STATION REQUIREMENTS**

- 1) Electric Vehicle (EV) Charging Space Calculation:

- e) Guest house, provided it does not contain a kitchen and has no independent utility connections
- f) High school (public)
- g) Home Occupation per Division 4, Chapter 4 of Title 9 Land Use Ordinance (Home Occupation Permit required)
- h) Junior high school (public)
- i) Large Family Daycare Home as defined by CA Health & Safety Code Section 1597.46
- j) One (1) Accessory dwelling unit or Junior accessory dwelling unit, subject to Division 4 Chapter 5 of Title 9 Land Use Ordinance
- k) One Mobile home; or one manufactured home; or one factory built home
- l) Public fire station/Police station
- m) Public parks/playgrounds with swimming areas
- n) Residential accessory structure(s) (including cargo containers provided they meet architectural standards as defined herein Division 14)
- o) Residential care facility serving five (5) or less.
- p) R.V. only as a temporary use during construction of the single family residence, and not to exceed one year total time and only with an active building permit, (reference 90405 et seq.)
- q) Single family dwelling [conventional/or manufactured]
- r) Small Family Daycare as defined by CA Health & Safety Code Section 1597.44 & 1597.45
- s) Solar energy extraction generation (on-site consumption only)

s) \_\_\_\_\_.

**§ 90502.02 USE(S) PERMITTED ONLY WITH A CONDITIONAL USE PERMIT**

- a) Ambulance station
- b) Animals in excess of those allowed in Section 90502.13
- c) Church
- d) Club or Lodge
- e) Convalescent hospital
- f) Country Club
- g) Flood control facilities by a public entity
- h) Golf Course/ Driving Range
- i) Hospital
- j) Library
- k) Mortuary, mausoleum, cemetery
- l) Museum
- m) Pre-school (greater than 20 children)
- n) Pre-school (less than 20 children)
- o) Private non-profit service clubs or lodges (no alcoholic license)
- p) Radio, T.V., or commercial communication, transmitter, receiver, or translators
- q) Residential care facility serving more than 5 people
- r) Retirement Home
- s) Senior citizen complex
- t) Temporary real estate office/trailer connected with the sale of a given subdivision
- u) Tennis or swim club
- v) Utility substation or utility District conveyance control facility that routinely House employees

**§ 90502.03 PROHIBITED USES**

All other uses not specifically permitted by Section 90502.01 or 90502.02 are hereby strictly prohibited in the R-1 Zones.

**§ 90502.04 MINIMUM LOT/PARCEL SIZE**

Except as otherwise provided within this Title, no lot/parcel or portion thereof within the R-1 Zone shall contain less than 6000 sq. ft. net. Except as otherwise provided herein no lot/parcel shall have an access width of less than 50 foot net, to a public street, except for "cul-de-sac" lots which will have at least 33 feet of frontage as



allowed to encroach into the rear yard setback by 10 feet (maximum) provided they remain open at all times. Converting such patios shall then be strictly prohibited.

2. 20 feet minimum for all primary structures on lots that do not have an alley. Provided that a patio open on at least two sides is incorporated into the primary structure's building "footprint," and that does not encroach into the rear yard setback. Provided further that said patio is a minimum of 10 feet by 10 feet in size.
3. 10 feet minimum for all primary structures on lots that have a minimum alley of 20 feet width. Provided that a patio open on at least two sides is incorporated into the primary structure's building "footprint," and that does not encroach into the rear yard setback. Provided further that said patio is a minimum of 10 feet by 10 feet in size.
4. 5 feet for detached accessory structures for lots that do not have an alley.
5. 0 feet for detached accessory structures that abut an alley of 20 feet minimum in width, provided the wall facing the alley meet minimum California Building Code fire protection standards.

**NOTE: Any such structure found to have been converted or restored to its previous use without County approval (permits) shall not be allowed and shall be ordered to be removed by the Building Official if and when found to have been enclosed or converted.**

D. INNOVATIVE OPTION (A)

Where the design for all off-street parking in an R-1 area is entirely within the back yard, and no driveway from the front yard, as well as, no on-street parking is allowed, the front setbacks may vary from a minimum of 5 feet and the side yard setbacks may be 0 feet on one side (protected to CBC minimum or two hour minimum fire resistance) with 5 feet on the opposite side and the rear yard shall be a minimum of 15 feet to the primary structure, accessory structures shall be the standard setback options under A., B. and C.

E. INNOVATIVE OPTION (B)

In new subdivisions where the developer submits concurrent with the subdivision application a "site plan review" that clearly shows all lots, their layout, their infrastructure, and the landscaping, as well as, parking and where said subdivision provides for bicycle paths, or walking paths mixed with public open space areas, including parks, playgrounds, community facilities, and/or other INNOVATIVE concepts that support a community atmosphere, the following allowances may be considered during the site review process, and subsequently approved for the subdivision.

1. Lot size reduction to 5,000 square feet minimum, for 25% of total lots
2. Street width without parking minimum 32 feet curb/curb
3. 0 lot line for side yard on one side only and minimum 5 feet on the opposite side yard
4. 10 feet front yard setback for lots with 4 cars off street parking behind setback
5. 15 feet front yard setback for lots with 3 cars off street parking behind setback
6. 20 feet front yard setback for 2 cars off street parking behind setback
7. One-way streets
8. Alleys (one way)

NOTE: Porches, porticos, fireplaces, columns and similar construction elements shall be considered the building for setback purposes. Bay windows, oriel windows no more than thirty (30) inches deep, and balconies on second story no more than forty-eight (48) inches deep will be allowed to encroach within the required setbacks.

~~NOTE: Porches, porticos, fireplaces, columns and similar construction elements shall be considered the building for setback purposes. Bay windows, oriel windows no more than 30 inches deep, and balconies on second story no more than 48 inches deep will be allowed to encroach within the required setbacks.~~

## TITLE 9

### DIVISION 5: ZONING AREAS ESTABLISHED

#### CHAPTER 3: R-2 (MEDIUM DENSITY RESIDENTIAL ZONE)

§ 90503.00	PURPOSE AND APPLICATION
§ 90503.01	PERMITTED USES IN THE R-2 ZONE
§ 90503.02	USES PERMITTED BY CUP ONLY
§ 90503.03	PROHIBITED USES
§ 90503.04	MINIMUM LOT/PARCEL SIZE
§ 90503.05	MINIMUM LOT AREA/DWELLING UNIT
§ 90503.06	YARDS AND SETBACKS
§ 90503.07	HEIGHT
§ 90503.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90503.09	PARKING
§ 90503.10	LANDSCAPING
§ 90503.11	SIGNS
§ 90503.12	YARD/PROPERTY MAINTENANCE
§ 90503.13	ANIMALS
§ 90503.14	GARAGE/YARD SALES
§ 90503.15	SPECIAL PROCEDURE/DEVELOPMENT STANDARDS
§ 90503.16	FENCING

#### § 90503.00 PURPOSE AND APPLICATION

The purpose of the medium density R-2 Zone is to designate and establish standards for single family and duplex, residential uses. This zone is typified with single family and duplex structures. The density shall not exceed ten (10) dwelling units per net acre. While duplex structures typify this zone, other innovative housing techniques including clustering, zero lot line and garden housing unit, may be permitted. No new R-2 development shall be allowed unless full infrastructure, which at a minimum shall include sewer, water treatment and streets meeting County standards is provided.

#### § 90503.01 PERMITTED USES IN THE R-2 ZONE

The following uses are permitted in the R-2 zone provided they meet the standards established for the R-2 zone, as well as, the requirements of this Title.

- a) Community recreational facilities owned by an association or publicly
- b) Community vegetable gardens
- ~~c) Day care facility limited to fourteen (14) children or less~~
- ~~e)d) Duplex, Apartment, Condominium, Etc.~~
- ~~d)e) Elementary School (public)~~
- ~~e)f) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)~~
- ~~f)g) Fire station~~
- ~~g)h) High School (public)~~
- ~~h)i) Home occupation per Division 4, Chapter 4 (home occupation permit required)~~
- ~~i)j) Junior High School (public)~~
- ~~j)k) Parks, playgrounds and swimming areas (public or association maintained)~~
- ~~k)l) Residential accessory structure (including cargo containers provided they meet architectural standards as defined herein Division 14)~~
- ~~l)m) Residential care facility serving 5 or less individuals~~
- ~~m)n) Single-family dwelling (one unit typical- two units maximum/legal lot), (per Section 90405.00).~~
- ~~n)o) Small Family Daycare as defined by CA Health & Safety Code Section 1597.44 & 1597.45~~

- e)p) \_\_\_\_\_ Solar energy extraction generation provided that it is for on-site consumption only.
- q) \_\_\_\_\_ Temporary mobile home/recreational vehicle used during construction only (see Section 90502.15 for standards)
- p) \_\_\_\_\_

**§ 90503.02 USES PERMITTED BY CUP ONLY**

- a) Ambulance station
- b) Cemetery
- c) Church
- d) Community care facility
- e) Country club
- f) ~~Day care facility limited to fourteen (14) children or less~~
- g) Golf course/Driving Range
- h) Hospital
- i) Library
- j) Mausoleum
- k) Medical offices
- l) Museums
- m) Pre-school
- n) Private non-profit club or lodge
- o) Radio, TV of commercial communication transmitter, receiver or translator
- p) Rehabilitation facilities
- q) Residential care facility serving six (6) or more
- r) Sanitarium
- s) Senior Retirement Home
- t) Schools (private)
- u) Tennis/swim club
- v) Utility substations

**§ 90503.03 PROHIBITED USES**

All uses not specifically permitted by Sections 90503.01 or 90503.02 are strictly prohibited.

**§ 90503.04 MINIMUM LOT/PARCEL SIZE**

Except as otherwise provided within this Title no lot, parcel or portion thereof within the R-2 Zone shall be less than 6000 square feet for one dwelling and 3000 square feet/dwelling for multiple dwellings. No parcel within this zone shall have less than 60 feet of street frontage, except for cul-de-sac designs, which will be no less than 33 feet as measured at the right-of-way line.

**§ 90503.05 MINIMUM LOT AREA/DWELLING UNIT**

Except as otherwise provided within this Title there shall be a minimum of 3000 square feet of lot area per dwelling unit in the R-2 zone, provided however that the basic lot minimum is 6000 square feet, for the first unit.

**§ 90503.06 YARDS AND SETBACKS**

The following yard and setback requirements shall apply in the R-2 Zone:

- A. FRONT YARD. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:
  - 1. 25 feet minimum if at a minimum two off-street parking spaces per unit plus one visitor parking space for every two units is provided, which must be behind the setback line.



- o) Residential Care Facility (serving 5 or fewer persons)
- p) Senior Retirement Home
- q) Single-Room Occupancy (SRO) Units and Boarding/Rooming Houses
- r) Solar energy extraction generation provided that it is for on-site consumption only.
- s) Supportive Housing
- t) Temporary On-site Construction Office
- u) Temporary On-site Real Estate Tract Sales/Rental Office
- v) Townhouse
- w) Transitional Housing (as defined in Section 50675.2 of the Health and Safety Code)
- x) Triplex

**§ 90504.02 USES PERMITTED BY CONDITIONAL USE PERMIT ONLY**

The following uses and all those determined to be similar are permitted in the R-3 zone in accordance with the standards set out in this Title, subject to first securing a conditional use permit, in accordance with the standards and procedures set forth in this Title.

- |  |     |
|--|-----|
| a) Ambulance Service   | {H} |
| b) Auto Parking Garage                                       | {H} |
| c) <u>Boarding or Rooming House</u>                          | {M} |
| d) Cemetery  | {H} |
| e) Charitable or Public Service Organization                 | {M} |
| f) Church  | {H} |
| g) Club or Lodge   | {H} |
| h) Community Care Facility                                   | {H} |
| i) Community Center  | {H} |
| j) Fraternity or Sorority                                    | {H} |
| k) Golf Course/Driving Range                                 | {H} |
| l) Library   | {H} |
| m) Mausoleum/Columbarium                                     | {H} |
| n) Museum  | {H} |
| o) Public Tennis or Swim Club                                | {H} |
| p) Radio, Television or Commercial Communication Transmitter | {H} |
| q) Rehabilitation Facility                                   | {H} |
| r) Residential Hotel/SRO's                                   | {M} |
| s) Retirement or Rest Home                                   | {M} |
| t) Sanitarium  | {H} |
| u) Sewage Treatment Plant                                    | {H} |
| v) Utility Sub-station                                       | {H} |
| w) Water Treatment Plant                                     | {H} |

**§ 90504.03 PROHIBITED USES**

All other uses not permitted by Section 90504.01 or 90504.02 are hereby strictly prohibited.

**§ 90504.04 MINIMUM LOT/PARCEL SIZE**

Except as otherwise provided within this Title no lot, parcel or portion thereof within the R-3 Zone shall be less than 6000 square feet, and shall provide a minimum of 2000 square feet/dwelling for multiple dwellings. No parcel within this zone shall have less than 60 feet of street frontage, except of cul-de-sac entrances.

**§ 90504.05 MINIMUM LOT AREA**

There shall be a minimum of 2,000 net square feet of lot area per dwelling unit in the R-3 zone, provided however that the basic lot minimum is 6,000 square feet, for the first unit.

## TITLE 9

### DIVISION 5: ZONING AREAS ESTABLISHED

#### CHAPTER 5: R-4 (MOBILE HOME PARK OR SUBDIVISION ZONE/HIGH DENSITY RESIDENTIAL)

§ 90505.00	PURPOSE & APPLICATION
§ 90505.01	PERMITTED USES IN THE R-4 ZONE
§ 90505.02	USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY
§ 90505.03	PROHIBITED USES
§ 90505.04	MINIMUM LOT SIZE
§ 90505.05	MINIMUM LOT AREA
§ 90505.06	YARDS AND SETBACKS
§ 90505.07	HEIGHT
§ 90505.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90505.09	PARKING
§ 90505.10	SIGNS
§ 90505.11	LANDSCAPING
§ 90505.12	YARD MAINTENANCE
§ 90505.13	ANIMALS
§ 90505.14	SPECIAL PROCEDURES
§ 90505.15	SITE DEVELOPMENT PLAN REVIEW REQUIRED
§ 90505.16	SPECIAL DEVELOPMENT STANDARDS AND CONDITIONS
§ 90505.17	FENCING

#### § 90505.00 PURPOSE & APPLICATION

The purpose of the High Density Residential and Mobile Park/Subdivision Zone, is to allow for areas that are suitable for high density residential environments and mobile home (manufactured home) residential living environments and regulate development within these areas to be in compliance with California Code of Regulations (CCR) Title 25.

#### § 90505.01 PERMITTED USES IN THE R-4 ZONE

The following uses are permitted in the R-4 Zone.

- a) Accessory facilities, such as laundry, a storage facility and a convenience store, with an RV/Mobile home park
- b) All permitted R-3 uses listed in § 90504.01
- c) Commercial Office, related to the park or subdivision
- d) Community Recreational Facilities
- e) Day Care Facility limited to one child per 3 mobile homes
- f) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- g) Manager's/Caretaker or proprietor's quarters
- h) Mobile Home (manufactured home) (one per legal lot within a mobile home park subdivision zone)
- i) Residential accessory structure, (including cargo containers provided they meet architectural standards as defined herein Division 14). When located in a mobile home park or park subdivision only after installation of a mobile home.
- j) Single-Room Occupancy (SRO) Units and Boarding/Rooming Houses
- j)k) Solar energy extraction generation provided that it is for on-site consumption only.

#### § 90505.02 USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY

The following uses are permitted in the R-4 (Mobile Home Park) Zone subject to first securing a conditional use permit in accordance with the standards and procedures set out within this Title.

## TITLE 9

### DIVISION 5: ZONING AREAS ESTABLISHED

#### CHAPTER 7: A-1 (LIMITED AGRICULTURE) (WITHIN URBAN BOUNDARIES ONLY)

§ 90507.00	PURPOSE AND APPLICATION
§ 90507.01	PERMITTED USES IN THE A-1 ZONE
§ 90507.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90507.03	PROHIBITED USES
§ 90507.04	MINIMUM LOT SIZE
§ 90507.05	YARDS AND SETBACKS
§ 90507.06	HEIGHT LIMITS
§ 90507.07	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90507.08	PARKING
§ 90507.09	SIGNS
§ 90507.10	LANDSCAPING
§ 90507.11	ANIMALS
§ 90507.12	GARAGE/YARD SALES
§ 90507.13	SPECIAL REVIEW PROCEDURE AND DEVELOPMENT STANDARDS

#### § 90507.00 PURPOSE AND APPLICATION

The purpose of the A-1 designation is to designate areas and allow uses that are suitable for larger residential living environments. The uses are generally limited to those typical of and compatible with quiet residential neighborhoods. The minimum lot size shall be one-half acre (net), unless required to be larger by other regulatory requirements, such as health and safety standards. The minimum lot size in the A-1 Zone may be reduced if public infrastructure including sewer and potable water are available from either a district or a city. The A-1 designation is only allowed within urban designated areas as reflected on the land use diagram of the County General Plan.

COMMENT: The acreage here needs to be "net" vs. "gross" due to the fact that the absolute minimum amount of land needed for sewage disposal is 20,000 square feet of usable land, and the County already has numerous locations where this creates problems.

#### § 90507.01 PERMITTED USES IN THE A-1 ZONE

The following uses and other uses determined to be similar are permitted in this Zone:

- a) Accessory agricultural building, structures, and uses, including farm buildings, housing of agricultural workers, garages and implement shelter, provided no livestock or any building or enclosure used in connection with livestock shall be located nearer than one hundred (100) feet to the front lot line, nor nearer than fifty (50) feet to any existing dwelling on any contiguous property, or to any public park or school.
- b) Accessory Dwelling Unit provided it complies with Imperial County code sections Title 9 Section 90405.01 and Title 8 Section 8.80.150 Subsection C.
- c) Agricultural accessory structure(s) (including cargo containers)
- d) Agricultural crops, private greenhouses and horticultural collections, flowers and vegetable gardens, fruit trees, nut trees, vines and nurseries for producing trees, vines and horticultural stock
- e) Agricultural uses, (light farming only)
- f) Apiaries
- g) Breeding and raising of animals pursuant to the requirements of this Chapter
- h) Crop and tree farming, pasturing and grazing, provided, however, that not to exceed one horse, mule, or cow; five hogs, goats, sheep or other similar livestock be permitted for each one half (1/2) acre of the area of the parcel of land upon which the same are kept (except suckling animals), except that the pasturing of livestock to feed on vegetable matter grown on said premises may be permitted. Feeding

of garbage, (cooked or raw), shall not be permitted, nor shall a "feed lot" style operation be allowed. Other animals similar to those listed by example and having similar impact may be allowed at the same ratio of the "similar" animal.

- i) Daycare Home for less than five (5) people
- j) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- k) Employee Housing
- l) Growing of agricultural crops for domestic use of the resident occupant
- m) Hatching, raising and fattening of chickens, turkeys or other fowl or poultry and rabbits, fish or frogs for domestic or commercial use provided that no commercial poultry pen or coop or commercial rabbitry shall be maintained within fifty (50) feet of any dwelling or other building used for human habitation. There shall be no killing or dressing of any such animals or poultry on the premises for commercial purposes.
- n) Home occupation per Division 4, Chapter 4 (Home Occupation Permit required)
- o) Keeping of horses and other large animals on lots having an area of one (1) acre or more, providing that the number of horses on any one lot or parcel shall not exceed one horse for every three quarters (3/4) acre, or keeping of farm animals under recognized youth programs. The keeping of such animals shall conform to all other provisions of law governing same, and no horses, nor any stable, barn or corral shall be kept or maintained within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which is located or within one hundred (100) feet of any public park, school, hospital, or similar institution.
- p) Mobile Home or Recreational Vehicle, temporary during construction of a single family dwelling,
- q) Park or Playground (public)
- r) Preschool, Elementary School, Junior High School, Senior High School, College or University
- s) Public buildings
- t) Public Swimming Pool (public)
- u) Residential accessory structures
- v) Residential care facilities serving six (6) or fewer people
- w) Signs advertising the products produced or sold locally or identifying the premises or occupants.
- x) Single family dwelling (conventional or manufactured)
- ~~x)y) Single-Room Occupancy (SRO) Units and Boarding/Rooming Houses;~~
- y)z) Solar energy extraction generation provided that it is for on-site consumption only. .
- z)aa) Storage of agricultural products
- aa)bb) Storage of products for use on the premises
- bb)cc) Transitional Housing (as defined in Section 50675.2 of the Health and Safety Code)
- cc)dd) The keeping of poultry, rabbits and similar small animals
- dd)ee) The sale of agricultural, horticultural or farming products grown or produced on the premises of the owner.
- ee)ff) Wind driven electrical generator for on-site consumption

## **§ 90507.02 USES PERMITTED WITH A CONDITIONAL USE PERMIT**

The following uses and all other determined to be similar are permitted in the A-1 Zone, subject to securing a Conditional Use Permit from the Planning & Development Services Department.

- a) Animal shelters
- b) Birds, including show or racing pigeons, and other small fowl not in excess of 25 per half acre
- c) Cemeteries, Mausoleums, Columbariums
- d) Church
- e) Club or Lodge
- f) Community Care Facility
- g) Community Center
- h) Community Recreational Facility
- i) Construction office/yard, temporary only
- j) Country Club
- k) Emergency shelters

- l) Equestrian Establishment
- m) Facilities for abused people
- n) Fish, frog and shrimp farms
- o) Golf Course, Golf Driving Range
- p) Gun Club
- q) Heliports
- r) Library
- s) Museum
- t) Mineral Exploration
- u) Mineral Extraction
- v) Mortuaries
- w) Oil, gas and geothermal exploration
- x) Potable water treatment and Wastewater Treatment Plant
- y) Preschool, Elementary School, Junior High School, Senior High School, College or University
- z) Public Agency or Public Utility building or structure
- aa) Race Track or Test Track, including automobile, bicycle, horse or motorcycle
- bb) Rehabilitation Facility
- cc) Resource Extraction
- dd) Rest home, Retirement Home
- ee) Sanitarium
- ff) Scale repair facility
- gg) Senior Citizen Center
- hh) Solar Energy generation at more than ten (10) kilowatts
- ii) Tennis or Swim Club
- jj) Utility and Communication Facilities
- kk) Utility Substations not specifically exempted by other statutes

**§ 90507.03 PROHIBITED USES**

All other uses not permitted by Sections 90507.01 or 90507.02 are strictly prohibited.

**§ 90507.04 MINIMUM LOT SIZE**

Except as otherwise provided, no portion of any lot within the A-1 Zone shall be less than one-half acre (net), except in the case of a conveyance to or from a governmental agency, public entity, public utility or community water company or water district, for public purposes, public utility purposes or for rights-of-way, provided such governmental use occupies said parcel. The minimum lot size may be required to be larger than one (1) acre if an OWTS will be used, as required by County Ordinance §8.80.150, ~~Subsection C.~~

**§ 90507.05 YARDS AND SETBACKS**

The following yard and setback requirements shall apply in the A-1 Zone:

- A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:
  - 1. 25 feet from the edge of right-of-way, or
  - 2. 60 feet from the legal center line of any existing or proposed County road. In no case shall the minimum setback be less than 25 feet from the edge of right-of-way as established by the County.
- B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

- l) Industrial Hemp: including the cultivation, harvesting and testing, and light processing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- m) Mineral exploration
- n) Oil, gas and geothermal exploration meeting requirements specified in Division 17
- o) One Single family dwelling
- p) Residential accessory structure(s)
- q) Residential care facility serving five (5) or fewer persons
- r) Single day fund raising event provided it is held no more than twice per year in an approved (meeting all Health and Safety, Traffic & Fire Code regulations) structure or facility. Any such event shall notify the Planning & Development Services Department, Public Works, EHS and Fire at least sixty (60) days prior to the event and request a written approval. The County shall inspect the facilities and may upon compliance with applicable regulations approve the use. If the facility does not or cannot meet the minimum requirements the County shall not approve and the event shall not be held at the specified location. (Temporary Use Permit)
- r) Solar energy extraction generation provided that it is for on-site consumption only
- t) The growing and harvesting of all types of crops including but not limited to the following: Berry crops, Bush crops, Field crops, , Flowers and horticultural Specialties, Green house, Nursery, Nut and fruit trees, Timber, Vegetables, Vine crops
- u) Wildlife Preserve
- v) Wind driven electrical generator for on-site consumption of electricity

**§ 90508.02 USES PERMITTED WITH CONDITIONAL USE PERMIT**

The following uses and all others determined to be similar to these uses are permitted in the A-2 Zone, subject to securing a Conditional Use Permit in accordance with standards and procedures set forth within this Title.

- a) Abattoir or animal slaughter house and/or meat packing facilities
- b) Accessory Dwelling Unit (one additional) unit per legal parcel, not to exceed two (2) per legal parcel which cannot then be subdivided at a later date
- c) Agricultural related trucking business (trucking predominantly agricultural products)
- d) Airports or aircraft landing fields Airport for private non-commercial use and agricultural air applicators
- e) Animal hospitals, kennels and veterinarians office
- f) Animal Kennel or boarding facility
- g) Animal sales yards or stockyard
- h) Animal shelters
- i) Animal training facility
- j) Breeding and raising of animals in excess of the limits specified in 90508.01
- k) Cemetery or Mausoleum
- l) Cheese & other dairy product manufacturing
- m) Chickory processing facilities
- n) Circus or carnival, Country Club, or other amusement facilities
- o) City, County, State, and Federal enterprises, including buildings, facilities and uses of departments or institutions thereof which are necessary or advantages to the general welfare of the community
- p) Cold storage facilities for agricultural products only
- q) Commercial nurseries
- r) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- s) Concrete or Asphalt Batch Plant (Temporary, less than 180 days)
- t) Contract Harvesting businesses (not trucking business)
- u) Cotton gins
- v) Dairies
- w) Dehydration mills

- x) Electrical generation plants (less than 50 mw) excluding nuclear or coal fired and meeting requirements in Division 17
- y) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv).
- z) Equestrian establishments, stables and riding academies
- aa) Facilities for the transmission of electrical energy (100-200 kv)
- bb) Farm equipment rental agencies
- cc) Farm implement sales and farming related metal fabrication
- dd) Farm labor housing for onsite farm employees (Employee Housing)
- ee) Fireworks; assembly and storage according to §90501.17
- ff) Flood Control Facility
- gg) Fruit and vegetable packing plants
- hh) Geothermal test facilities, Intermediate projects, and major exploratory wells, meeting requirements in Division 17
- ii) Grain storage and loading facilities
- jj) Gun Club
- kk) Hay processing and storage
- ll) Heliports
- mm) Hunting and fishing clubs
- nn) Land application of sludge or similar "waste" material to agricultural land
- oo) Livestock feed yards or stockyards to include onsite agricultural material composting
- pp) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under State or Federal law, to be approved exclusively by an agency or agencies of the State and/or Federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters.
- qq) Major Geothermal projects per Division 17
- rr) Manufacturing building materials from agricultural products
- ss) Meat and fish packing plants
- tt) Poultry farming including hatching, breeding, butchering, processing or shipping of chickens, turkeys or other fowl or poultry, including eggs
- uu) Public Agency Structure
- vv) Resource extraction and energy development as per Division 17
- ww) Scale repair facility (truck or other large unit)
- xx) Seed mills
- yy) Small ethanol plant with a capacity not to exceed one million gallons a year
- zz) Solar Energy Electrical Generator
- aaa) Special Occasion Facility
  - aaa)bbb) Temporary Real Estate offices
  - bbb)ccc) Temporary Construction office/yard
  - ccc)ddd) Trade Fairs and Exhibits (temporary, less than ten (10) days)
  - ddd)eee) Transfer Station for solid waste
  - eee)fff) Transportation, Treatment Units (TTU's) which are used to process/treat hazardous and/or non-hazardous waste/material and which may or may not require permit from such agencies as Department of Health Services, Regional Water Quality Control Board and Air Pollution Control Board. TTU's shall not be allowed in any zone without the issuance of a Conditional Use Permit. TTU's shall only be considered for permitting if there is an existing industrial, manufacturing or commercial use, and then only for a limited period not to exceed ninety (90) days
  - fff)ggg) Waste to energy facility less than 10 megawatt
  - ggg)hhh) Water and/or Wastewater Treatment Plant
  - hhh)iii) Wind Driven Electrical Generator, for commercial sale as per Division 17

## § 90508.03 PROHIBITED USES

All other uses not expressly permitted by Section 90508.01 or 90508.02 are prohibited.

## § 90508.04 MINIMUM LOT/PARCEL SIZE

No portion of any lot within the A-2 Zone shall contain less than forty (40) acres gross (existing parcels at time of adoption of this Title are legal), except in the case of a conveyance to or from a governmental agency or public entity, for public purpose, public utility purpose (non-fee) right-of-way. The intent is to maintain agricultural and in the largest farmable parcel configurations.

**EXCEPTION: (The lot sizes in any Lot Reduction Exception may require minimum net land area per dwelling unit if an OWTS will be used, as required by County Ordinance §8.80.150, Subsection C.**

#### LOT REDUCTION EXCEPTION #1

Notwithstanding Section 90508.04, the Planning Director or Planning Commission may approve a parcel map creating no more than two (2) parcels where one or both of the parcels is smaller than the applicable minimum parcel size only if the following conditions can be met.

- a. The subdivision is to authorize conveyance of an existing single family dwelling which was actually constructed prior to April 1, 1976.
- b. The subdivider agrees to convey and surrender development rights to the County covering a sufficient remainder of property to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zone in which the property is located. Such a conveyance shall be in a form approved by the Planning Director and shall be recorded with the final parcel map.
- c. Compliance is made with all other requirements contained in this Title.

#### LOT REDUCTION EXCEPTION #2

Notwithstanding Section 90508.04, the Planning Director or Planning Commission may approve a parcel map creating no more than four (4) parcels where one or all of the parcels is smaller than the applicable minimum parcel size only if all of the following conditions and findings can be met.

#### CONDITIONS

There are existing small parcels within identified existing enclaves that meet all (a.-e.) of the following parameters:

- a. The existing and the proposed parcels meet or can meet minimum health and safety standards for potable water, for fire protection, for police protection and for sewage disposal.
- b. There are six (6) or more existing small contiguous parcels (1/2 to 10 acres maximum) within a confined area.
- c. There are at least six (6) existing residences within the enclave.
- d. The enclave consists of parcels sized to allow further division while still meeting minimum parcel sizes that can meet the requirements of this Division.
- e. The further division of land within the enclave does not promote the enlargement of the outer boundary of the area.

#### FINDINGS

To allow divisions of land within an identified enclave the Commission and/or Board of Supervisors must be able to make the following findings:



- a. The division is within an impacted enclave that will not adversely impact surrounding agricultural operations,
- b. The division enhances agricultural land protection by converting existing impacted land more efficiently and by keeping other agricultural land protected
- c. The division is within an existing enclave of six (6) or more shall (1/2 to 10 acre) parcels, and six (6) or more existing residences,
- d. The parcel (s) shall not be less than .5 acres net if a full soils report shows adequate soil conditions to support development and long term sewage disposal capacity. Larger size parcels will be required, if the soil report or other factors necessitate,
- e. The area can be provided adequate fire and police protection services. A written statement from the Fire Department and the Sheriff/Police Department shall be required,
- f. The division can mitigate and comply with added traffic impacts,
- g. The proposed division has an adequate supply of water to each parcel, through an acceptable conveyance system, and can or will provide potable water to each parcel,
- h. Each existing, as well as proposed parcel, abuts a public road or highway and/or has legal and physical access via a County road,
- i. The long term impacts of additional sewage disposal system within the enclave is verified and can sustain the additional loads as shown by acceptable engineering studies.

**§ 90508.05 MINIMUM LOT AREA/DWELLING UNIT**

There shall be no more than one principal single family dwelling per legal lot in the A-2 Zone, except with a conditional use permit. There shall be a minimum one acre per dwelling unit, for the first unit, and there shall be a minimum of 30,000 square feet for any additional dwelling unit that may be allowed. However, when an OWTS is proposed for any dwelling unit, the lot area per dwelling unit shall be a minimum of (2.5) two and a half acres as set forth in County Ordinance §8.80.150. ~~Subsection C.~~

**§ 90508.06 YARDS AND SETBACKS**

The following yard setback requirements shall apply in the A-2 Zone:

- A. **FRONT YARD.** Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

The minimum front yard setback for all buildings within the A-2 Zone shall be 30 feet from the front yard property line or edge of public right-of-way, or in absence of a known (identifiable) property line, 80 feet from centerline of any existing or proposed secondary road or highway. In no case shall the front yard minimum setback be less than 30 feet from the edge of right-of-way.

- B. **SIDE YARD.** Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

Side yard setback on each side of any building of not less than five (5) feet, except that on street sides of a corner lot, the building shall be setback a minimum of thirty (30) feet from the edge of right-of-way.

## TITLE 9

### DIVISION 5: ZONING AREA ESTABLISHED

#### CHAPTER 9: A-3 (HEAVY AGRICULTURE)

§ 90509.00	PURPOSE & APPLICABILITY
§ 90509.01	PERMITTED USES IN THE A-3 ZONE
§ 90509.02	USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY
§ 90509.03	PROHIBITED USES
§ 90509.04	MINIMUM LOT SIZE
§ 90509.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90509.06	YARDS AND SETBACKS
§ 90509.07	HEIGHT
§ 90509.08	MINIMUM DISTANCE BETWEEN SETBACKS
§ 90509.09	PARKING
§ 90509.10	LANDSCAPING
§ 90509.11	SIGNS
§ 50509.12	SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

#### § 90509.00 PURPOSE & APPLICABILITY

The purpose of the A-3 (Heavy Agriculture) [40 acres or larger typical] Zone is to designate areas that are suitable for agricultural land uses; to prevent the encroachment of incompatible uses onto and within agricultural lands; and to prohibit the premature conversion of such lands to non-agricultural uses. It is a land use that is to promote the heaviest of agricultural uses in the most suitable land areas of the County. Uses in the A-3 zoning designation are limited primarily to agricultural related uses and agricultural activities that are compatible with agricultural uses.

#### § 90509.01 PERMITTED USES IN THE A-3 ZONE

The following uses are permitted in the A-3 Zone.

- a) Agricultural accessory structure(s) (including cargo containers)
- b) Agricultural industry and agricultural services when incidental to and secondary to the primary use of the agricultural parcel and by the same land owner.
- c) All uses shown in § 90508.01 but not § 90507.01
- d) Animal sales yards or stockyard
- e) Contract harvesting, when incidental to and secondary to the primary use of the premise for agriculture.
- f) Cotton gins
- g) Creameries, cheese processing, yogurt manufacturing
- h) Dehydration mills
- i) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- j) Farm stands, temporary in nature, and incidental to the permitted primary use are allowed. Retail sales of processed products, processed under A-3 Zone provided that they are incidental to and secondary to the primary use, subject to Section 90509.12 (A)
- ~~j)k)~~ Feedlots
- ~~k)l)~~ Fruit, vegetable and plant product processing including, cold storage, packaging, preserving, canning, and shipping when the agricultural products are produced or grown by the owner of the processing facility on the premise or on land leased, rented or owned by the owner of the processing facility
- ~~l)m)~~ Home Occupation per Division 4, Chapter 4 of Title 9 Land Use Ordinance (Home Occupation permit required)
- ~~m)n)~~ Honey extraction
- ~~n)o)~~ Industrial Hemp: including the cultivation, harvesting and testing, and light processing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance

- v) Farm labor housing for contract labor
- w) Farm machinery and equipment repair facilities
- x) Fertilizer mixing, storage and transport facilities (not manufacturing)
- y) Fireworks; assembly and storage according to §90501.17
- z) Flower mills
- aa) Fruit and vegetable packing and processing plants
- bb) Geothermal test facilities, Intermediate projects, and major exploratory wells meeting the requirements in Division 17
- cc) Glucose processing
- dd) Government office or public buildings
- ee) Grain elevators for commercial storage and shipping
- ff) Guest ranches
- gg) Hay processing and storage
- hh) Heliport
- ii) Hog ranches
- jj) Hospitals, sanitariums and rest homes
- kk) Industrial Hemp: manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- ll) Labor camps
- mm) Land application of sludge or similar product/waste to agricultural land
- nn) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under state or federal law, to be approved exclusively by an agency or agencies of the state and/or federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters, meeting the requirements in Division 17
- oo) Major geothermal projects, meeting the requirements in Division 17
- pp) Mining and mineral extraction or rock, gravel, sand and crushing processing
- qq) Non-hazardous waste facility
- rr) Oil extraction
- ss) Private airports
- tt) Public agency or public utility buildings and structures
- uu) Race tracks (non-motorized)
- vv) Restricted Produce Sales. This "restricted" produce sales would allow for the retail sales of minor food items and souvenirs generally attributable to items sold at roadside and fruit stands, provided, however, that such use is otherwise allowable by State and local laws.
- ww) Septic disposal systems
- xx) Shooting range
- yy) Solar energy plants meeting the requirements in Division 17

zz) Special Occasion Facility

- zz)aaa) Surface mining operations
- aaa)bbb) Tasting rooms
- bbb)ccc) Temporary construction yard/office
- ccc)ddd) Temporary Real Estate tract offices and signs
- ddd)eee) Transfer stations (solid waste non-hazardous)
- eee)fff) Transportation Treatment Units (TTU's) which are used to process/treat process hazardous and/or non-hazardous waste/material and which may or may not be required permit from such agencies as Department of Health Services, Regional Water Quality Control Board and Air Pollution Control Board shall only be permitted through a Conditional Use Permit. TTU's shall not be allowed in any other zone and only with the issuance of a Conditional Use Permit. TTU's shall only be considered for permitting in the zones if there is an existing industrial, manufacturing or commercial use to which the TTU would be an accessory use, and then only for a limited period not to exceed ninety (90) days.
- fff)ggg) Veterinary clinics
- ggg)hhh) Waste to energy facilities
- hhh)iii) Water treatment plants
- iii)jjj) Wineries
- jjj)kkk) Wool pulling and scouring

- e. The further division of land within the enclave does not promote the enlargement of the outer boundary of the area.

#### FINDINGS:

To allow divisions of land within an identified enclave the Commission and/or Board of Supervisors must be able to make the following findings:

- a. The division is within an impacted enclave that will not further adversely impact surrounding agricultural operations,
- b. The division enhances agricultural land protection by converting existing impacted land more efficiently and by keeping other agricultural land protected
- c. The division is within an existing enclave of six (6) or more (<10 acre) parcels, and six (6) or more existing residences,
- d. The parcel (s) shall not be less than .5 acres net if a full soils report shows adequate soil conditions to support development and long term sewage disposal capacity. Larger size parcels will be required, if the soil report or other factors necessitate,
- e. The area can be provided adequate fire and police protection services. A written statement from the Fire Department and the Sheriff/Police Department shall be required,
- f. The division can mitigate and comply with added traffic impacts,
- g. The proposed division has an adequate supply of water to each parcel, through an acceptable conveyance system, and can or will provide potable water to each parcel,
- h. Each existing, as well as proposed parcel, abuts a public road or highway and/or has legal and physical access via a County road,
- i. The long term impacts of additional sewage disposal system within the enclave is verified and can sustain the additional loads as shown by acceptable engineering studies.

#### **§ 90509.05 MINIMUM LOT AREA PER DWELLING UNIT**

There shall be not more than one (1) principal single-family dwelling on any legal parcel in the A-3 Zone, except that by a conditional use permit, a caretaker residence may be allowed in addition to the principal residence. Where due to a proven need two (2) caretakers residences are needed to service an existing on-site use, two (2) may be allowed upon adequate findings. Where one (1) or more residence is allowed in an A-3 zone, they shall then not be allowed to be subdivided from the existing parcel at a later date. However, when an OWTS is proposed for any dwelling unit, the lot area per dwelling unit shall meet the standards set forth in County Ordinance §8.80.150, ~~Subsection C.~~

#### **§ 90509.06 YARDS AND SETBACKS**

The following yard and setback requirements shall apply in the A-3 Zone.

- A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

- 1. 30 feet minimum from front yard property line or 80 feet from centerline of adjacent street

2. 30 feet from the front yard property line for all non-residential structures.
3. 300 feet from centerline of adjacent major collector roads, if any, adjacent street for any animal, livestock pens
4. 100 feet from centerline of adjacent street for any agricultural processing facility

B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

There shall be a side yard setback on each side of a building of not less than 10 feet.

C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:

There shall be a rear yard of not less than 10 feet for all structures.

#### **§ 90509.07 HEIGHT**

The following height limits apply in the A-3 Zone.

- A. Residential buildings shall not exceed three (3) stories in height or forty (40) feet.
- B. Radio and television antennae, chimney and other residential accessory features, structures, shall not exceed sixty (60) feet in height and as may be required by the Airport Land Use Compatibility Plan (ALUCP).
- C. Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height, and as may be required by the Airport Land Use Compatibility Plan (ALUCP).
- D. All height limits shall also be subject to the restrictions of other divisions including airport approach zones, etc.

#### **§ 90509.08 MINIMUM DISTANCE BETWEEN STRUCTURES**

The following requirements shall apply to the minimum distance between structures in the A-3 Zone.

- A. There shall be least ten (10) feet between any residential structure and a residential accessory structure.
- B. There shall be at least fifteen (15) feet between residential structures.
- C. There shall be at least fifty (50) feet between any residential structure and a non-residential structure housing animals, including pens, coops, stables, barns.
- D. There shall be a minimum of one hundred (100) feet between any sanitary disposal system and a groundwater well.
- E. There shall be at least one hundred (100) feet between any structure/pen housing animals and a groundwater well or potable water supply.

#### **§ 90509.09 PARKING**

- u) Gardening & landscape supply store
- v) Industrial Hemp: including the cultivation, harvesting and testing, and light processing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- w) Industrial Hemp: manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- x) Mineral exploration
- y) Packaging facility for agricultural products
- z) Poultry butchering including processing & shipping
- aa) Processing facility for agricultural products
- bb) Seed processing facility
- cc) Seed stores (retail & wholesale)
- dd) Solar energy extraction generation provided that it is for on-site consumption only.
- dd) \_\_\_\_\_
- ee) Veterinary clinic/hospital

**§ 90510.02 USES PERMITTED WITH A CUP**

- a) Agriculture chemical manufacturing
- b) Commercial Cannabis (Manufacturing), subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- c) Composting facility
- d) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- e) Farm labor bus transport facility
- f) Farm labor housing
- g) Heliports
- h) Mineral extraction facility
- i) Race track for horse or dog racing
- j) Rendering facility
- k) Slaughterhouse
- l) Solar power generation meeting the requirements in Division 17.
- m) Solid waste transfer station
- n) Waste to energy facility
- o) Wind electric power generation, meeting the requirements in Division 17.

**§ 90510.03 PROHIBITED USES**

All uses not expressly permitted either under 90510.01 or 90510.02 are strictly prohibited. In addition, where an agricultural industrial use/business is allowed in an AM-1 zone, it shall not be converted to a non-agricultural use, for a minimum of seven (7) years from date of Certificate of Occupancy for any project developed after adoption of this Title or five (5) years from adoption of this Title for any project operating in compliance with this zone at date of adoption.

Prior to such a conversion, the property owner/operator shall file a written request for a zone change in allowed use. The County may approve or deny such a request upon a public hearing before the Planning Commission and/or the Board of Supervisors. To allow the change the County must be able to find that the proposed change meets all of the following:

- A. The proposed use does not create or impose an adverse impact on the adjoining agricultural land uses.
- B. The proposed use has or will have adequate infrastructure which at a minimum shall include adequate sized and designed roads, waste water treatment and related infrastructure.

- v) Computer Stores (retail and repair)
- w) Confectionery stores
- x) Convenience Market
- y) Dress making or millinery shops
- z) Drive-in food market or dairy
- aa) Driving school
- bb) Drug and pharmacy store
- cc) Dry cleaning, pressing and laundry agencies
- dd) Dry goods and notions stores
- ee) Electric appliance stores and repairs
- ff) Electrical Vehicles Charging Stations as a Primary Use
- gg) Elementary School
- hh) Fast food restaurant
- ii) Financial institutions
- jj) Florists shops
- kk) Food store
- ll) Gift and cards store
- mm) Government office or government building
- nn) Grocery, fruit and vegetable stores
- oo) Hardware stores (general), excluding outside storage of material
- pp) Health club, tennis or swim club (in door use only)
- qq) High school
- rr) Hotels and motels (including bed and breakfasts)
- ss) Household pets (with no outside kennel)
- tt) Ice cream parlor (including yogurt)
- uu) Ice storage houses or not more than 5 ton capacity
- vv) Ice vending machines
- ww) Instruction school
- xx) Interior decorating
- yy) Jewelry stores
- zz) Junior high school
- aaa) Laboratory for medical, dental, optical, or biological
- bbb) Laundry mat/laundry
- ccc) Lawn mower, including repair, sales and service (including service and repairs, provided it is contained within a building)
- ddd) Library
- eee) Locksmith and key shop
- fff) Martial arts school
- ggg) Meat markets or delicatessen stores
- hhh) Museum
- iii) Newspaper, magazine stand
- jjj) Offices, business, professional or public utility
- kkk) Photographic shops
- lll) Pre-school
- mmm) Public buildings
- nnn) Real estate offices
- ooo) Research and development office
- ppp) Restaurant/cafe/coffee shop/team rooms where all customers are served at a table or counter (excluding dancing and entertainment)
- qqq) Retail appliance store (including service and repairs, provided it is contained within a building)
- rrr) Retail store, general
- sss) Satellite dish (sales and repair)
- ttt) School
- uuu) Self-service laundries
- vvv) Shoe stores, shoe repair or shoe sales
- www) Single-Room Occupancy Units (SRO) and Boarding/Rooming Houses

<u>www)xxx)</u>	Solar energy extraction generation provided that it is for on-site consumption only.
<u>xxx)yyy)</u>	Specialized stores including meat, vegetable, health foods.
<u>yyy)zzz)</u>	Stationary and office supply
<u>zzz)aaaa)</u>	Tailor, clothing or wearing apparel shops
<u>aaaa)bbbb)</u>	Taxidermists
<u>bbbb)cccc)</u>	Telegraph
<u>cccc)dddd)</u>	Ticket agency
<u>dddd)eeee)</u>	Tobacco store
<u>eeee)ffff)</u>	Trade school
<u>ffff)gggg)</u>	Travel agency
<u>gggg)hhhh)</u>	Utility sub-station
<u>hhhh)iiii)</u>	Variety Store
<u>iiii)jjjj)</u>	Video Rental

The above specified stores, shops and businesses shall be retail establishments selling new merchandise exclusively and shall be permitted only under the following conditions:

Such stores, shops or businesses except automobile service stations shall be conducted entirely within an enclosed building

Products made incidental to a permitted use shall be sold at retail on the premises.

Any exterior sign displayed shall pertain only to a use conducted within the building.

The accessory building and structures necessary to such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons of the above stores or businesses.

## § 90512.02 USES PERMITTED WITH A CONDITIONAL USE PERMIT ONLY

The following uses are permitted in the C-1 Zone, subject to first securing a conditional use permit in accordance with the procedures and standards established within this Title.

- a) Airports or aircraft landing fields
- b) Ambulance
- c) Apartment building
- d) Auto wash
- e) Automobile parking garage or parking lot
- f) Billboard and advertising structures
- ~~g) Boarding/rooming house~~
- h)g) Cemeteries, columbariums, crematories and mausoleums
- i)h) Cemetery
- j)i) Circus or carnival
- k)j) City, County, State and Federal enterprises, including buildings, facilities and uses of departments or institutions thereof which are necessary or advantageous to the general welfare of the community
- l)k) Club or lodge
- m)l) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- n)m) Community care facility
- o)n) Convalescent home
- p)o) Day nurseries and nursery schools
- q)p) Educational institutions including schools, elementary and high
- r)q) Electrical generation plants
- s)r) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)



- dddd) Recreational vehicle sales and service
- eeee) Rehabilitation facility
- ffff) Sanitarium
- gggg) Self-service auto wash

hhhh) Single-Room Occupancy Units (SRO) and Boarding/Rooming Houses

- hhhh)iiii) Skating rink, roller or ice skating rink

jjjj) Special Occasion Facility

- jjjj)kkkk) Solar energy extraction generation provided that it is for on-site consumption only.
- jjjj)llll) Sporting goods
- kkkk)mmmm) Swim instruction school
- llll)nnnn) Tennis or swim club
- mmmm)oooo) Theaters (Live)
- nnnn)pppp) Toy stores
- oooo)qqqq) Transitional Housing (as defined in Section 50675.2 of the Health and Safety Code)
- pppp)rrrr) Truck fueling station without repair
- qqqq)ssss) Truck sales, including rental provided no repair or service
- rrrr)tttt) Used clothing and household goods
- ssss)uuuu) Utility building
- tttt)vvvv) Veterinarians office
- uuuu)wwww) Video game arcade
- vvvv)xxxx) Wedding chapels

**§ 90513.02 USES PERMITTED BY CONDITIONAL USE PERMIT ONLY**

The following uses are permitted in accordance with the standards set out within this Title.

- a) Adult book stores
- b) Adult movie theater
- c) Airport (private)
- d) Airport (public)
- e) Amusement park
- f) Auto body repair and painting
- g) Auto parking garage
- h) Billboards/Off site advertising signs
- ~~i) Boarding and rooming house~~
- j)l) Bus depot
- k)j) Cemeteries, columbarium, mortuary, crematoriums and mausoleums
- l)k) Circus or carnival
- m)l) College or university
- n)m) Commercial Cannabis Retail Sales, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- o)n) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- p)o) Community care facility
- q)p) Community sewage treatment facility
- r)q) Community water treatment facility
- s)r) Contractors storage yard, provided it is incidental to a contractor's business that is that is wholly enclosed within a building or solid screen fence
- t)s) Drive-in movie theater
- u)t) Equestrian establishment
- v)u) Flea market
- w)v) Flood control facility
- x)w) Fraternity or sorority house
- y)x) Heliport
- z)y) Massage parlor

## TITLE 9

### DIVISION 5: ZONING AREA ESTABLISHED

#### CHAPTER 14: C-3 (HIGHWAY COMMERCIAL DISTRICT)

§ 90514.00	PURPOSE & APPLICABILITY
§ 90514.01	PERMITTED USES
§ 90514.02	USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY
§ 90514.03	PROHIBITED USES
§ 90514.04	MINIMUM LOT/PARCEL SIZE
§ 90514.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90514.06	YARDS AND SETBACKS
§ 90514.07	HEIGHT
§ 90514.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90514.09	PARKING
§ 90514.10	LANDSCAPING
§ 90514.11	SIGNS
§ 90514.12	YARD AND PROPERTY MAINTENANCE
§ 90514.13	SPECIAL PROCEDURES/DEVELOPMENT STANDARDS

#### § 90514.00 PURPOSE & APPLICABILITY

The purpose of the C-3 (Highway/Commercial) Zone is to designate areas for use and services normally associated with the traveling public or for the regional Commercial convenience. The C-3 Zones shall be located adjacent to major highways, freeways, or other significant circulation corridors.

#### § 90514.01 PERMITTED USES IN THE C-3 ZONE

The following uses are permitted in the C-3 Zone in accordance with the standards and procedures set out within this Title.

- a) All permitted uses in the C-2 Zone under § 90513.01
- b) Amusement park
- c) Auto self-service
- d) Auto service station
- e) Auto station (small)
- f) Auto towing
- g) Automobile parking garage or lot
- h) Bus depot
- i) Commercial accessory structure(s) (including cargo containers)
- j) Drive-in
- k) Drive-in food market
- l) Post office
- m) Public agency or utility
- n) Rail station
- o) Solar energy extraction generation provided that it is for on-site consumption only.
- p) Special Occasion Facility
- p)q) Sports arena (in door)
- q)r) Taxi depot

#### § 90514.02 USES PERMITTED BY CONDITIONAL USE PERMIT ONLY

The following uses are permitted in the C-3 Zone in accordance with the standards and procedures contained in this Title.

- f) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- g) Contractors office and storage yard (temporary)
- h) Daycare or nursery school
- i) Equestrian establishments, stables, or riding academies (not allowed within ONCAP)
- j) Establishments or enterprises involving large assemblages of people or automobiles including amusement parks, circuses, carnivals, expositions, fairs, open air theatres, race tracks, recreational and sport centers
- k) Facilities for abused people
- l) Hospital sanitariums
- m) Institutions of a philanthropic nature
- n) Major facilities relating to the generation and transmission of electrical energy provides such facilities are not under State or Federal law, to approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following:
  - Electrical generation plants
  - Facilities for the transmission of electrical energy (100-200 kV)
  - Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)
- o) Meteorological Tower
- p) Oil, gas & geothermal exploration
- q) Planned unit development
- r) Recreational vehicle storage facilities
- s) Real Estate tract office and signs (temporary)
- t) Special Occasion Facility
- t)u) Surface mining operations

#### § 90518.03 PROHIBITED USES

All other uses not permitted by Section 90518.01 or 90518.02 of the Chapter are prohibited in the S-1 Zone.

#### § 90518.04 MINIMUM LOT SIZE

The minimum lot size for the S-1 zone is 1 acre and any parcel existing at less than 1 acre at the adoption of this Ordinance shall be deemed an legal parcel.

#### § 90518.05 MINIMUM LOT AREA PER DWELLING UNIT

The minimum lot area per dwelling unit in the S-1 zone shall be 1 acre for each residence allowed by this Chapter.

#### § 90518.06 YARDS AND SETBACKS

Yards and setbacks in the S-1 zone are as follows:

##### A. FRONT YARD.

The front yard minimum setback for all buildings shall be as follows.

25 feet from the edge of right-of-way or property line or 80 feet from center line or adjacent street, whichever is greater

##### B. SIDE YARD

10 feet minimum.

**§ 90519.02 USES PERMITTED WITH A CONDITIONAL USE PERMIT**

- a) Airports, airparks, heliparks.
- b) Asphaltic/concrete batch plants
- c) Boat delivery and launching ramps.
- d) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- e) Community recreational buildings.
- f) Contractors office and storage yard (temporary)
- g) Equestrian establishment.
- h) General Store, 2000 square feet maximum.
- i) Major facilities relating to the generation and transmission of electrical energy provides such facilities are not under State or Federal law, to approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following:
  - Electrical generation plants
  - Facilities for the transmission of electrical energy (100-200 kV)
  - Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)
- j) Mobile home/RV Park.
- k) Off road vehicle and or motorcycle events.
- l) Oil, and gas and geothermal exploration.
- m) Parks and picnic grounds.
- n) Recreational camps, resorts, guest and dude ranches, organized camps.
- o) Recreational vehicle storage compounds/mini storage provided at least 75% of total use is for RV storage
- p) Riding, hiking, and bicycle trials.
- q) Seasonal Vendor Area
- r) Special Occasion Facility
  - ~~r) Special Events~~
  - s) Surface mining
  - t) Tourist information centers.
  - u) Youth camps.

**§ 90519.03 PROHIBITED USES**

All other uses not permitted by Section 90519.01 or 90519.02 shall be prohibited in the S-2 Zone.

**§ 90519.04 MINIMUM LOT SIZE**

The minimize lot size of the S-2 zone is 20 acres (net).

**§ 90519.05 MINIMUM LOT AREA PER DWELLING UNIT**

There shall be a minimum of one (1) acre (net) of lot area per dwelling unit.

**§ 90519.06 YARDS AND SETBACKS**

Yards and setbacks in the S-2 zone are as follows:

**A. FRONT YARD.**

The front yard minimum setback for all buildings shall be as follows:

30 feet minimum from property line or 80 feet from center line of adjacent road.

**Attachment C.**  
**Title 9 Land Use Ordinance Division 8.**  
**Subdivision Requirements**

The following are considered to be exclusions pursuant to Government Code, Section 66412 and this Division.

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.
- B. Mineral, oil, or gas leases.
- C. Land dedicated for cemetery purposes under the Health and Safety Code.
- D. A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater or lesser number of parcels than originally existed is not thereby created, provided the lot line adjustment is approved by the local agency, or advisory agency. ~~A local agency or~~ The advisory or lead agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment or lot merger will conform to the local general plan, ~~and~~ zoning and building ordinances. ~~An~~ The advisory agency or ~~local-lead~~ agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local general plan, applicable specific plan, ~~and~~ zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. The lead agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1).
- ~~E. Boundary lines or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged land is a party.~~
- ~~F.~~ E. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- ~~G.~~ F. Unless a parcel or final map was approved by the County of Imperial, the conversion of a community apartment project, as defined in Civil Code Section 1351 (d), to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - 1. At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982.
  - 2. A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Government Code Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.
  - 3. The County certifies that the above requirements were satisfied if the County, by ordinance, provides for that certification.
- ~~H.~~ G. Unless a parcel or final map was approved by the County, the conversion of a stock cooperative, as defined in Civil Code, Section 1351 (m) of the Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - 1. At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if an only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.
  - 2. No more than 25 percent of the shares of the cooperative were owned by any one person, as



3. A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.
4. The County certifies that the above requirements were satisfied if the County, by ordinance, provides for that certification.

~~I.H.~~ The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a wind powered electrical generation device on the land, if the project is subject to discretionary action by the County.

~~J.I.~~ The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to: antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.

J. Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.

K. ~~The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a solar electrical generation device on the land, if the project is subject to review under other local agency ordinances regulating design and improvement or, if the project is subject to other discretionary action by the advisory agency or legislative body.~~

L. ~~The leasing of, or the granting of an easement to, a parcel of land or any portion or portions of the land in conjunction with a biogas project that uses, as part of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land if the project is subject to review under other local agency ordinances regulating design and improvement or if the project is subject to discretionary action by the advisory agency or legislative body.~~

~~K.~~

## **§ 90801.03 PUBLIC NECESSITY - DETERMINATION OF RIGHTS-OF-WAY, EASEMENT AND LICENSE**

Prior to any governmental agency, public entity, public utility, or a subsidiary of a public utility effecting any conveyance of a portion of any parcel of land including fee title, the agency shall first submit the following to the Imperial County Planning & Development Services Department for a determination on whether or not a parcel map is required. The determination under this Ordinance shall be administrative and shall determine whether upon substantial evidence that public policy necessitates a Parcel Map.

### **A. AUTHORITY OF THE PLANNING DIRECTOR**

The Planning Director is hereby granted authority to investigate and review proposed conveyances of fee interest, leasehold interests, easements or licenses for rights-of-way that physically divide property and where access to parcels may be effected by any governmental agency, public entity, public utility, or a subsidiary of a public utility or the determination pursuant to Government Code, Section 66428(2) whether public policy necessitates a parcel map. Nothing in this section shall preclude the Planning Director from considering advise from other Departments or Consultants.

~~a Minor Subdivision is required.~~

### **B. FEES**

The required fee for review shall be Time and Materials (T/M) pursuant to this Title.

C. REQUEST FOR REVIEW

A written request shall be provided to the Planning & Development Services Department for the review of proposed rights-of-way/easement and shall be accompanied by the information required below and any other information the Department deems necessary.

D. REQUEST AND CONTENT

Each review under this Section shall be filed with the Planning & Development Services Department and shall include the following information:

1: General Information Required:



- a. Agency name and contact person including address and telephone number
- b. Property owner(s)'s name, mailing address and telephone number
- c. Legal description of ~~property~~the proposed conveyance
- d. Assessors Parcel Number(s)
- e. Specific explanation of the proposed easement or right-of-way alignment
- f. Preliminary Title Report (no more than six (6) months old), and current vesting deed(s)
- g. Any supporting documentation necessary for staff to adequately review request

## 2: Site Plan:

Every submittal for determination under this Section shall include a detailed "site plan" signed sealed and dated by a person legally authorized to practice land surveying. The site plan shall include the following information:

- a. All property boundary lines based upon an accurate boundary line survey
- b. All property boundary dimensions
- c. All existing structures (below & above ground) with labels identifying each one
- d. ~~d.~~ All proposed structures (below and above ground) with labels identifying each one
- e. Distance from all structures to property lines and between structures
- f. North orientation
- g. Scale
- h. Access from adjacent street/road and identify street/road names
- i. All utility locations, (i.e. electrical, plumbing) from the exterior of the parcel to the interior and show how they connect (i.e. overhead)
- j. Assessor's Parcel Number(s)
- k. Public Use Easement, if any
- l. Parking
- m. Drainage

## E. ADMINISTRATIVE PROCESS BY DIRECTOR

In order to streamline the review process and clearly delineate the standards and rules, the following administrative procedure is established and shall be followed by the Department for processing the request:

1. Within thirty (30) days of receipt, the request shall either be deemed complete or be returned to the agency if deemed incomplete with a written explanation.
2. Within the ten (10) working days from the date the request is deemed complete, the Department will consult with the Department of Public Works, and Fire/OES Department and other applicable departments.
3. Within thirty (30) days from the date the request was deemed complete, the Planning Director shall determine whether public policy necessitates a Minor Subdivision/Parcel Map.
4. The Planning Director shall inform the agency in writing of the determination. Upon receipt of the letter of determination there shall be a ten (10) calendar day period during which any party may appeal the decision of the Director to the Planning Commission.

## F. AUTHORITY OF PLANNING COMMISSION

The Planning Commission, upon appeal, shall have the authority to over rule the Planning Director's determination. The Planning Commission's determination is final with no appeal to the Board of Supervisors.

## § 90801.04 DEFINITIONS

of this Title. Whenever the following words or phrases are used in this Division they shall have the meaning ascribed to them in this Section. Where there is a difference the most restrictive definition shall apply. See also definitions under Division 14.

1. "Acreage" shall mean any parcel of land which is not a lot, as defined in this Section, and those areas where a legal subdivision has not been made previously or where a legal subdivision has declared such parcel as "acreage".
2. "Advisory Agency" shall mean the Planning Commission, or the Planning Director as specified in this Ordinance.
3. "Alley" means a secondary means of access to property and is located at the rear or side of the property. Minimum ~~right-of-way~~ alley width shall be 20 feet.
4. "Block" shall mean the area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.
5. "Board" means the Board of Supervisors of Imperial County.
6. "Building Official" means the Director of the Planning & Development Services Department of Imperial County.
7. "Business and Professions Code" (B&P) shall mean the Business and Professional Code of the State of California.
8. "Certificate of Compliance" means a document describing a unit or contiguous units of real property and stating that the other units or the division thereof complies with applicable provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto. A recorded final subdivision map, parcel map, or parcel map waiver certificate shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.
9. "Community apartment project" shall be defined as provided in Civil Code Section 1351(d).
10. "Comprehensive General Plan" means the comprehensive General Plan of the County of Imperial, including all elements thereof, as adopted by the Board of Supervisors.
11. "Condominium" shall mean an estate in real property consisting of an undivided interest in common in or upon a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.
12. "Contiguous Units" means adjacent parcels of land which shall be considered contiguous even if it is separated by roads, streets, utility easements or railroad right-of-way.
13. "Conversion" shall mean the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.
- ~~13.~~ 14. "County" means the County of Imperial.
- ~~14.~~ 15. "County Surveyor" means the County Surveyor of Imperial County.
- ~~15.~~ 16. "Day" shall mean a calendar day unless otherwise specified.
- ~~16.~~ 17. "Department" shall mean the Planning & Development Services Department of Imperial County.

17-18. "Department of Transportation" means the Department of Transportation of the State of California.

18-19. "Design" means the configuration, layout and/or orientation including:

- a. street alignments, grades and widths;
- b. drainage and sanitary facilities and utilities, including alignments and grades thereof;
- ~~c.~~ location and size of all required easements and ~~size and~~  
~~configuration~~ rights of way;
- ~~e-d.~~ d. fire and water facilities;
- e. lot size and configuration;
- f. traffic access;
- g. grading;
- ~~h.~~ land to be dedicated for park or recreational purposes; and
- ~~h.~~ i. such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any applicable specific plan required pursuant to Section 66473.5.

19-20. "Development" shall mean the use or uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

20-21. "Easement" shall mean an easement dedicated to the County, which shall be continuing and irrevocable unless formally abandoned by the County, and any other easement whether owned by a public utility, or private entity.

21-22. "Environmental Constraint Note" means any note or notes required by the conditions of approval to be shown on an Environmental Constraint Sheet and reference made thereto on the final map. This shall be required when constraints involving, but not limited to, any of the following are conditioned by the Planning Director, Planning Commission or the Board of Supervisors: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability and sewage disposal.

22-23. "Environmental Constraint Sheet" means a duplicate of the final map or parcel map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map or parcel map, with the County Surveyor, and labeled "Environmental Constraint Sheet" in the top margin.

23-24. "Environmental Impact Report (EIR)" shall mean a detailed statement prepared pursuant to the provisions of the California Environmental Quality Act (CEQA), State Public Resources Code, Section 21000 et seq., and State and County CEQA Guidelines promulgated pursuant thereto, describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.

24-25. "Final Map" shall mean a map showing a subdivision of five (5) or more parcels for which a tentative and final are required by the Subdivision Map Act and this Division, prepared in accordance with the provisions of the Subdivision Map Act and this Division and designed to be filed for recordation in the office of the County Recorder.

25-26. "Fire Chief" means the Chief of the Fire Protection Agency or designee having jurisdiction of the area in which a land division is located.

27-28. "Government Code" shall mean the Government Code of the State of California.

28-29. "Health Officer" means the Health Officer of Imperial County.

29-30. "Improvement" shall mean any ~~streets, sidewalks, storm drainage facilities, water and sewer facilities, utilities, landscaping, street work and utilities~~ to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as conditioned precedent to the approval and acceptance of the final map thereof. "Improvement" shall also mean other specific improvements or types of improvements, the installation of which, either by or by a combination of, the subdivider, public agencies, private utilities, or any other entity approved by the County, is necessary to ensure consistency with, or implementation of, the General Plan, or any applicable specific plan. Improvements shall be constructed in accordance with standard engineering specifications, where applicable.

30-31. "Improvement Standards" means the standards set forth in this and other ordinances related to the development of land as a subdivision or parcel map division.

31-32. "Interior Lot" means a lot which has side lot lines approximately parallel and has frontage on only one street.

32-33. "Land Use Ordinance" means the Imperial County Ordinance Title 9, as amended.

33-34. "Legal and Physical Access" means direct access without obstruction including encroachment permits for ingress and egress on to a public maintained road or State Highway.

34-35. "Lot Area" means the horizontal areas within the boundary lines of a lot exclusive of:

- a. The area of any street right-of-way or road easement;
- b. Any flood control easement or walkway which is required as a condition of approval of the subdivision map on which the lot is shown; and
- c. Any portion of the lot which is less than 35 feet wide for a distance of 50 feet or more and which is designated or used to provide vehicular or pedestrian access to the part of such lot which is designed for use as a building site.

35-36. "Lot Line Adjustment" means an ~~minor~~ alteration to adjust a ~~lot~~-line or ~~lot~~ lines between adjoining legal lots. It is not a subdivision or re-subdivision procedure and is intended to be used only in those situations where the provisions of the Subdivision Map Act and this Ordinance are applicable to subdivisions s and re-subdivisions do not apply.

36-37. "Lot" or "Parcel" shall mean a unit or portion of land separate from other units or portions by description, as on a Final ~~Map or~~ Parcel Map, ~~or~~ Certificate of Compliance or by such other map approved by the County under the provisions of the Subdivision Map Act and of County ordinances in effect at the time of approval, for the purpose of sale, lease, or financing.

37-38. "Major Subdivision" means a land division creating five (5) or more parcels, five (5) or more condominiums as defined in Section 1351 of the Civil Code, a community apartment project containing five (5) or more parcels, or the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units.

38-39. "Merger" shall mean the joining of two (2) or more contiguous parcels of land under one ownership into one (1) parcel.

39-40. "Minor Subdivision" means a land division where any of the following ~~conditions are~~ present occur:



- a. The land is divided into four (4) or ~~less-fewer~~ parcels,
- b. The ~~whole-parcelland~~ before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedication or improvements are required ~~for the land division~~,
- c. Each parcel created by the land division has a gross area of ~~between-20 acres or moreand-40-acres~~ and each parcel has an approved access to a maintained public street or highway,
- d. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises a part of a tract of land zoned for industrial or commercial development, and has the approval as to street alignments and width,
- e. Each parcel created by the land division has a gross area of not less than 40 acres or ~~more, or each of which~~ is not less than a quarter of a quarter section.
- e. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Business and Professions Code.

40.41. "Notice of Violation" means a document describing the manner in which a unit or contiguous units or real property has been divided or has resulted from a division in violation of the Subdivision Map Act and County Ordinances enacted pursuant thereto. Said document shall name and be directed to the record owners of said property.

41.42. "Parcel Map" shall mean a map showing a subdivision of four (4) ~~of-lessor fewer~~ parcels ~~as when~~ required by the Subdivision Map Act and this division, or a map prepared for purposes other than showing a subdivision of four or fewer parcels; when prepared in accordance with the provisions of the Subdivision Map Act and this division and designed to be filed for recordation in the office of the County Recorder.

42.43. "Peripheral Street" shall mean an existing street whose right of way is contiguous to the exterior boundary of a subdivision.

43.44. "Private Street" shall mean any street, access way, or the like, lying in whole or in part within a subdivision for which dedication and ownership is privately held and is utilized as access to a development. Private streets, where allowed, shall be constructed to meet County minimum standards and private streets shall not be considered as meeting legal and physical access requirements unless the use approved within a "gated" community or subdivision.

44.45. "Public Access" means:

- a. A dedication to public use or to the County of Imperial ~~to-of~~ the required width for road purposes
- b. A permanent written easement for road purposes ~~to-of~~ the required width from the State or Federal Government.

45.46. "Recorder" means the Recorder of Imperial County.

46.47. "Remainder Parcel" shall mean a portion of any unit or units of improved or unimproved land as designated by the Subdivider consistent with Government Code, Section 66424.6.

47.48. "Revised Tentative Map" means a modification of an approved tentative map wherein the design of the land division is changed from the approved tentative map, but there is no substantial change in concept from the original approved map.

48.49. "Specific Plan" means a plan adopted by the Board that is based upon the comprehensive General Plan of Imperial County, as provided in Section 65450 et seq. of the Government Code.

49.50. "Standard Engineering Specifications" shall mean those standard subdivision improvement plans and specifications as prepared and/or approved by the Public Works Director/County

~~51-52.~~ "Street" means a state highway, county road, street, alley, thoroughfare or easement for ingress or egress.

~~52-53.~~ "Subdivider" means a person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for oneself themselves(ves) or for others. Employees and consultants of such persons or entities, acting in such capacity, are not "Subdividers".

~~53-54.~~ "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, canals, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1351(f) of the Civil Code, a community apartment project as defined in Section 1351(d), and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 1351(m) of the Civil Code. "Subdivision" includes any division of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.

~~54-55.~~ "Subdivision Map Act" shall mean Government Code, Section 66410 et seq., inclusive.

~~55-56.~~ "Storm Frequency of One in 100 Years" means a storm that will probably be equaled or exceeded on the average of once every 100 years. It does not follow, however, that such a storm will be equaled or exceeded once in every 100 year period, or that having occurred once, it will not occur again for 100 years. It may occur several times in a 100 year period, but over a sufficient length of time the average is expected to be once in 100 years.

~~56-57.~~ "Tentative Map" shall mean a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it. "Tentative map" shall include a tentative map prepared in connection with a parcel map pursuant to the provisions of Section 90805.00 et seq. and a Final Map pursuant to the provision of Section 90806.00 et seq.

~~57-58.~~ "Vesting Tentative Map" means a Tentative Map, which meets the requirements of Section 66452 of the Government Code and Section 90803.03 of this Division.

## **§ 90801.05 COMPLIANCE WITH SUBDIVISION REQUIREMENTS**

No person shall create a subdivision except in accordance with the provisions of the Subdivision Map Act and this Division. No land shall be subdivided and developed for any purpose which is inconsistent with the General Plan or applicable specific plan of the County.

The type and intensity of land use as shown on the General Plan and any applicable specific plan, together with the requirements of the Subdivision Map Act and this Division shall determine the type of streets, roads, highways, utilities and other public services that shall be provided by the subdivider.

## **§ 90801.06 ADVISORY AGENCY DESIGNATION-MAJOR/MINOR SUBDIVISIONS**

As set forth in Section 90102.03 of this Title, as further provided herein, the Advisory Agency has the following responsibilities with respect to this Division as follows:

### **A. MAJOR SUBDIVISION/REVERSION TO ACREAGE**

The Planning Commission is the advisory agency to the Board of Supervisors on all major subdivisions and Reversions to Acreage. The Board of Supervisors renders the final decision.

**B. MINOR SUBDIVISION**

The Planning Director ~~shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny hears and decides~~ all minor subdivisions. This decision can be appealed to the Planning Commission and only then to the Board of Supervisors.

**C. MERGERS ~~AND LOT LINE ADJUSTMENTS~~**

The Planning Director ~~shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny hears and decides~~ all mergers ~~and lot line adjustments~~. These can be appealed to the Planning Commission and only then to the Board of Supervisors.

**D. LOT LINE ADJUSTMENTS**

The Planning Director shall act as the officer vested with original jurisdiction to investigate, and approve or deny all lot line adjustments. These can be appealed to the Planning Commission and only then to the Board of Supervisors.

**D.E. CERTIFICATE OF COMPLIANCE**

The Planning Director ~~shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny hears and decides~~ all certificates of compliance which can be appealed to the Planning Commission who render the final decision (not appealable to the Board of Supervisors).

**E.F. SUBDIVISION ENFORCEMENT**

The Planning Director conducts and decides all Notice of Violation hearings pursuant to Government Code Section 66499.36. There are no appeals from the Planning Director's decision.

**F.G. APPEALS FROM THE PLANNING DIRECTORS DECISION**

Appeals filed shall be consistent and in the form and content as required in Division 1, Section 90102.04 of this Title. Appeals from the Planning Commission shall be consistent and in the form and content as required pursuant to Section 90104.05 of this Title.

**§ 90801.07 APPEAL BOARD DESIGNATION**

The Planning Commission is hereby designated as the appeal board for minor subdivision appeals from the Planning Director's decision.

**§ 90801.08 ENVIRONMENTAL IMPACT REVIEW**

All tentative maps and tentative parcel maps shall be subject to environmental review in accordance with the most current "Rules and Regulations to Implement CEQA, as Amended", adopted by the Board of Supervisors.

**§ 90801.09 SOILS REPORTS**

A. A soil report, prepared by a civil engineer registered in this State and based upon adequate test boring shall be submitted to the Planning & Development Services Department and the Public Works Department for every subdivision. This report shall be provided prior to recordation, unless waived in writing by Public Works Director.

B. A preliminary soils report may be waived by the Public Works Director providing said Public Works

## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 2: FEES AND DEPOSITS (DEPARTMENT OF PUBLIC WORKS ONLY)

§ 90802.00	APPLICATION AND PROCESSING FEES
§ 90802.01	FINAL MAP AND PARCEL MAP EXAMINATION FEE
§ 90802.02	IMPROVEMENT INSPECTION AND FEES
§ 90802.03	ENVIRONMENTAL CONSTRAINT SHEET REVIEW FEES
§ 90802.04	AMENDMENT OF A PARCEL MAP AND AMENDMENT OF CERTIFICATE FEES
§ 90802.05	REVIEWING AND PROCESSING RECORD OF SURVEY FEES
§ 90802.06	EXEMPTION FROM FEES

#### § 90802.00 APPLICATION AND PROCESSING FEES

Application and processing fees for the Planning & Development Services Department to process applications are contained in Division 9. This Division only applies to Public Works to complete the map processing after a tentative map has been approved.

#### § 90802.01 FINAL MAP AND PARCEL MAP EXAMINATION FEES

##### A. Final Subdivision Maps.

The person or party submitting the final map for review and recordation shall be responsible for the actual cost of the plan checking, map checking, and other necessary activities. At the time a final map is submitted to the Department of Public Works for examination and certification, the subdivider shall deposit \$3,000. In the event that the costs exceed that amount, the additional cost shall be paid to the Department of Public Works prior to recording the final maps. This shall be done within 45 days of recordation. Within 45 days after recordation and after all work has been accounted for, any monies remaining from the deposit, minus any costs, shall be refunded to depositor.

##### B. Parcel Maps.

The person or party submitting the parcel map for review and recordation shall be responsible for the actual cost of plan check, map check and other necessary engineering activities. At the time of submitting a parcel map to the Department of Public Works for examination and certification, the person or party shall deposit \$1,500 with the Department of Public Works. In the event the costs exceed this amount, the additional amount shall be paid prior to recording the parcel map. Any monies remaining of the deposit after all the costs have been deducted and work accounted for shall be refunded.

The Planning & Development Services Department shall not commence processing an application unless and until all requisite fees are paid. The Planning & Development Services Department and the Public Works Department shall not record a final subdivision document of any type until all fees, taxes, liens or other obligations due to the County are satisfied.

#### § 90802.02 IMPROVEMENT INSPECTION AND FEES

All construction and installation of improvements for major subdivisions and minor subdivisions shall be subject to inspection by the Department of Public Works. The subdivider shall arrange for such inspection prior to starting construction or installation of improvements. All monuments and inspection of monuments shall be paid by the subdivider. Subdivider shall pay said actual costs upon demand. Until all fees and costs herein above described have been paid to the County by subdivider, the improvements will be considered to be incomplete and no final map or parcel map shall be certified or approved for recording or recorded.

#### § 90802.03 ENVIRONMENTAL CONSTRAINT SHEET REVIEW FEES



Fees for reviewing, processing, and filing an Environmental Constraint Sheet map required to be filed pursuant to this Section shall be \$315.00. Such fees are payable to the ~~County Surveyor~~Department of Public Works.

**§ 90802.04 AMENDMENT OF A PARCEL MAP OR FINAL MAP AND AMENDMENT OF CERTIFICATE FEES**

Fees for amendment of a parcel map or final map shall be \$115.00. Fees for amendment of a certificate shall be \$75.00. Such fees are payable to the ~~County Surveyor~~Department of Public Works.

**§ 90802.05 REVIEWING AND PROCESSING OF RECORD OF SURVEY FEES**

A. The fees for reviewing and processing a Record of Survey Map required to be filed pursuant to this Division shall be ~~Three Hundred Seventy Five dollars (\$375) plus Seventy Five dollars (\$75) for each additional map sheet.~~Time and Materials.

B. The fees for amending or correcting a Record of Survey Map in accordance with Business and Professions Code Section 8770.5 shall be ~~as follows~~hourly:

~~Amending Map~~ \_\_\_\_\_ ~~\$115.00~~

~~Amending Certificate~~ \_\_\_\_\_ ~~\$75.00~~

C. ~~The fees for examining, indexing, and filing a mini-survey on a corner record card shall be One Hundred Fifty dollars (\$150).~~ The fee for examining, indexing, and filing the corner record card, in accordance with Business and Professions Code, Section 8773.2 shall not exceed the amount required for the recording of a deed pursuant to Government Code, Section 27361, et. seq. as currently provided or may be amended hereafter. All such fees are payable to the ~~County Surveyor~~Department of Public Works.

**§ 90802.06 EXEMPTION FROM FEES**

~~Neither the state nor any county, city, district, or other political subdivision, nor any public officer or body, acting in his or her official capacity on behalf of the state, or any county, city, district, or other political subdivision, shall pay or deposit any fee for the review of survey documents prepared for official purposes. The Director of Public Works may waive Record of Survey (ROS) fees for CalTrans in exchange for in-lieu work provided by CalTrans for the County Public Works Department.~~

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- D. Name and address of owner(s).
- E. Name, address, and license number, seal or stamp, signature and date of signing of the person/firm preparing the map and date.
- F. Show entire existing and proposed lot lay out and design accurately.
- G. Map must be drawn to scale.
- H. Show all existing and proposed structures and their disposition (above and below surface) with dimensions.
- I. Show all existing and proposed easements, rights-of-way, public and private roads, canals and drains.
- J. Show north arrow, scale and date.
- K. Show all existing and proposed utilities (i.e. water, sewer and electrical).
- L. Show approximate existing and proposed net and gross acreage of all lots.
- M. Show roads/streets and rights-of-way providing legal and physical access to the property.
- N. Show radius of all curves.
- O. Show name, location and width of proposed roads/streets.
- P. Show existing culverts, bridges, drain pipes and other existing drainage facilities.
- Q. Indicate proposed drainage facilities including facilities for storm water run-off and provide for erosion control, including prevention of sedimentation or damage to off-site property.
- R. Land subject to overflow, inundation or flood hazard or identified as being in the flood zone per FEMA Flood Rate Maps, must be shown in detail.
- S. Soils report must be provided, prior to recordation of the map unless required by Planning Department during application processing.
- T. Current Preliminary Title Report (no more than six months old), current vesting deed(s) and supporting documentation must be provided.
- U. Existing uses around the proposed subdivision must be shown.
- V. Land identified as being in the earthquake fault zone by the state geologist, pursuant to the Alquist-Priolo Earthquake Fault Act is to be clearly depicted.
- W. Written statement from Environmental Health Services stating the type of sewer and water supply necessary for the subdivision is to be provided.
- X. Additional Tract Map requirements:
  - 1. Contours on a 2 foot interval for 0-2% slopes and 5 foot intervals for steeper slopes.
  - 2. Subdividers Statement.

- D. Name and address of owner(s).
- E. Name, address, and license number, seal or stamp, signature and date of signing of the person/firm preparing the map and date.
- F. Show entire existing and proposed lot lay out and design accurately.
- G. Map must be drawn to scale.
- H. Show all existing and proposed structures and their disposition (above and below surface) with dimensions.
- I. Show all existing and proposed easements, rights-of-way, public and private roads, canals and drains.
- J. Show north arrow, scale and date.
- K. Show all existing and proposed utilities (i.e. water, sewer and electrical).
- L. Show approximate existing and proposed net and gross acreage of all lots.
- M. Show roads/streets and rights-of-way providing legal and physical access to the property.
- N. Show radius of all curves.
- O. Show name, location and width of proposed roads/streets.
- P. Show existing culverts, bridges, drain pipes and other existing drainage facilities.
- Q. Indicate proposed drainage facilities including facilities for storm water run-off and provide for erosion control, including prevention of sedimentation or damage to off-site property.
- R. Land subject to overflow, inundation or flood hazard or identified as being in the flood zone per FEMA Flood Rate Maps, must be shown in detail.
- S. Soils report must be provided, prior to recordation of the map unless required by Planning Department during application processing.
- T. Current Preliminary Title Report (no more than six months old), current vesting deed(s) and supporting documentation must be provided.
- U. Existing uses around the proposed subdivision must be shown.
- V. Land identified as being in the earthquake fault zone by the state geologist, pursuant to the Alquist-Priolo Earthquake Fault Act is to be clearly depicted.
- W. Written statement from Environmental Health Services stating the type of sewer and water supply necessary for the subdivision is to be provided.
- X. Additional Tract Map requirements:
  - 1. Contours on a 2 foot interval for 0-2% slopes and 5 foot intervals for steeper slopes.
  - 2. Subdividers Statement.

## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 4: DESIGN STANDARDS OF SUBDIVISIONS

§ 90804.00	CONFORMANCE
§ 90804.01	LOT REDUCTIONS
§ 90804.02	DESIGN STANDARDS OF SUBDIVISION
§ 90804.03	DEDICATIONS
§ 90804.04	SUBDIVISION STANDARDS (RESIDENTIAL ZONES)
§ 90804.05	SUBDIVISION STANDARDS FOR COMMERCIAL & INDUSTRIAL ZONES
§ 90804.06	MONUMENTS

#### § 90804.00 CONFORMANCE

- A. All land divisions shall conform to the comprehensive General Plan of Imperial County, with all applicable specific plans, with the requirements of the Title 9 and all other ordinances, except as hereinafter provided.
- B. The requirements set forth within this Title are minimum requirements, and the County may impose greater requirements if so justified.

#### § 90804.01 LOT REDUCTIONS

- A. The Board of Supervisors has found that certain dwellings were constructed within agricultural zones prior to the enforcement of minimum parcel size requirements which effectively prevent conveyances of lots smaller than the applicable minimum parcel size. The Board establishes as follows, for those circumstances where dwellings already in existence may be conveyed on undersized parcels, provided adequate assurance is given that residential development on the remainder parcel will not result in an increase in the density of residential uses permitted in the zone in which the property is located.

A minor subdivision creating no more than two (2) parcels in an A-2, A-2-R or A-3 zone may be approved if one or both parcels contains an area less than the minimum lot size for the particular zone, provided that:

1. The subdivision is to authorize conveyance of land occupied by a single family dwelling which was actually constructed prior to April 1, 1976.
  2. The subdivider agrees to convey and surrender development rights to the County covering a sufficient remainder of property to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zone in which the property is located. Such a conveyance shall be in a form approved by the Planning Director and shall be recorded with the final parcel map as required by Section 90805.02(E).
  3. Compliance is made with all other requirements contained in this Division.
- B. Acreage limitations for parcel maps submitted in connection with geothermal projects shall be set forth in Section 91701 et seq.
  - C. Applications for lot reductions shall be made, in writing, stating fully the reasons and justification for the requested exception, and shall be submitted with the application for a land division.
  - D. Notwithstanding Sections 90508.04 and/or 90509.04, the Planning Director or Planning Commission may approve a parcel map creating no more than four (4) parcels where one or all of the parcels is smaller than the applicable minimum parcel size only if all of the following conditions and findings can be met.

## CONDITIONS

There are existing small parcels within identified existing enclaves that meet all (1.-5.) of the following perimetersconditions:

1. The existing and the proposed parcels meet or can meet minimum health and safety standards for potable water, for fire protection, for police protection and for sewage disposal.
2. There are six (6) or more existing small contiguous parcels (1/2 to 10 acres maximum) within a confined area.
3. There are at least six (6) existing residences within the enclave.
4. The enclave consists of parcels sized to allow further division while still meeting minimum parcel sizes that can meet the requirements of this Division.
5. The further division of land within the enclave does not promote the enlargement of the outer boundary of the area.

## FINDINGS

To allow divisions of land within an identified enclave the Commission and/or Board of Supervisors must be able to make the following findings:

1. The division is within an impacted enclave that will not further adversely impact surrounding agricultural operations.
2. The division enhances agricultural land protection by converting existing impacted land more efficiently and by keeping other agricultural land protected.
3. The division is within an existing enclave of six (6) or more shall (<10 acre) parcels, and six (6) or more existing residences.
4. The parcel(s) shall not be less than .5 acres net if a full soils report shows adequate soil conditions to support development and long term sewage disposal capacity. Larger size parcels will be required, if the soils report or other factors necessitate.
5. The area can be provided adequate fire and police protection services. A written statement from the Fire Department and Sheriff/Police Department shall be required.
6. The division can mitigate and comply with added traffic impacts.
7. The proposed division has an adequate supply of water to each parcel, through an acceptable conveyance system, and can or will provide potable water to each parcel.
8. Each existing, as well as proposed parcel, abuts a public road or highway and/or has legal and physical access via a County road.
9. The long term impacts of additional sewage disposal system within the enclave is verified and can sustain the additional loads as shown by acceptable engineering studies.

## § 90804.02 DESIGN STANDARDS OF SUBDIVISIONS

All subdivisions for which a tentative map is required by this Division shall conform to the following requirements as to design:

- A. Every lot shall contain the minimum lot area specified in the applicable zoning ordinance for the zone in which said lot is located at the time the final map is submitted to the Board of Supervisors for its

approval. Provided, however, if no minimum lot area is established by the zoning ordinance, every lot shall contain a net area of no less than 6,000 square feet, in areas where full public services exists otherwise it shall be 20,000 square feet.

- B. Every lot shall front on a dedicated street or a street offered for dedication.
- C. Every lot shall be at least 50 feet wide exclusive of side yards required in the zone in which the lot is located, provided, however, that no lot shall measure less than 60 feet wide measured at the right-of-way line.
- D. Lot widths, depths, and area requirements may be modified when the subdivision is within or contiguous to a subdivided area and when the modifications are necessary to match existing development. Such modifications shall be approved by the Board of Supervisors in each and every case.
- E. Lots whose side lines are approximately radial to the center of a cul-de-sac or the center of the intersection of two dead-end streets shall have at least 33 feet of frontage measured at the right-of-way line.
- F. Through lots shall not be allowed unless vehicular access rights are relinquished to one of the abutting streets.
- G. The side lines of lots shall be at right angles or radial to the street upon which the lots front with a maximum deviation of up to 10 degrees allowed.
- H. Lot depth shall be at least 80 feet and shall be no greater than four (4) times the average width.
- I. Whenever practicable, subdivisions of residential property, abutting major and arterial routes shown on the circulation element of the General Plan, railroads, transmission lines or open flood control channels, shall be designed so that the lots face away from such right-of-way.
- J. Lot size shall not be less than the minimum required by the zoning classifications applicable to the subject property, and shall be consistent with the Comprehensive General Plan for Imperial County.
- K. Corner lots shall be designed to provide a building site equal to that required for interior lots in the same zone.
- L. When lots are crossed by major public utility easements, each lot shall have a net usable area of not less than 5,000 square feet, exclusive of the utility easement.
- M. Panhandle shaped lots or flag shaped lots, if permitted, shall have a minimum frontage of 40 feet or minimum access for emergency vehicles whichever is more on a dedicated street. Panhandles may not serve any lot except the lot in which said panhandle is a part nor shall any panhandle have a length of more than two thirds (2/3) the distance from the street on which the panhandle fronts to the rear lot line.

#### § 90804.03 DEDICATIONS

- A. The subdivider shall offer to dedicate right-of-way for streets within the subdivision in accordance with Imperial County Standards.
- B. No subdivision map shall be approved unless the street or streets providing primary access to the subdivision are dedicated to and maintained by a city, county, or state and said street or streets meet County Standards or right-of-way width.
- C. Streets which are proposed ~~on-along~~ the exterior boundaries of a subdivision shall have a dedicated width of not less than 40 feet together with a one-foot wide strip of land ~~one (1) foot onabutting~~ its outer edge, to be known as a "barrier strip", which shall be offered to the County for street purposes and over which access rights are relinquished.

- D. All streets proposed to be terminated at the ~~subdivision exterior~~ boundary of a subdivision shall include a one-foot wide strip of land ~~one (1) foot, to be known as a "barrier strip",~~ across said street width at its ~~point of~~ termination at said exterior boundary which shall be ~~portions of the adjacent lots,~~ offered for street purposes and over which access rights are relinquished.
- ~~C.E.~~ Where it is necessary to extend a street beyond the boundaries of a subdivision to provide adequate circulation for residents of the subdivision, the subdivider shall cause the required ~~easements~~rights-of-way to be dedicated to the County and shall improve said easements in accordance with the County Standards.
- ~~D.F.~~ Where a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such drainage facilities or flood control facilities shall be offered for dedication to the County or to such other public entities ~~as that~~ the Board of Supervisors designates and shall be shown on the map.
- ~~E.G.~~ Where it is necessary to extend a drainage facility or flood control facility beyond the boundaries of the subdivision for adequate drainage or flood control needs, the required rights-of-way shall be offered for dedication.
- ~~F.H.~~ Drainage facilities and flood control facilities within and without the subdivision shall be provided so as to carry storm run-off both tributary to and originating within the subdivision.
- ~~G.I.~~ The subdivider may be required to dedicate or to offer to dedicate land for park purposes, pay fees in lieu thereof, or do a combination of both.
- ~~H.J.~~ The subdivider shall offer to dedicate, in accordance with the County Standards, the necessary rights-of-way for bicycle routes under the following circumstances:
1. When such routes ~~are~~ shown on the Circulation Element of the Imperial County General Plan, pass through or about the subdivision; and
  2. When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots, and such routes ~~is~~ are necessary and feasible for the use and safety of the residents.

**§ 90804.04 SUBDIVISION STANDARDS (RESIDENTIAL ZONES)**

All residential developments in the R-1, R-2, R-3 or R-4 Zones shall comply with the following:

- A. Street and road dedication shall be made to the County in the manner described by the Imperial County Public Works Department for all existing or proposed local, secondary or collector highways. The required dedication shall be 30 feet from centerline for local streets, 45 feet from centerline for secondary streets, 55 feet from centerline for collector highways, or as required by adopted, official or specific plans. In the case where a street is on the boundary of a development, a minimum of 40 feet shall be dedicated to the County.
- B. All street improvements shall include the required base and pavement to tie existing pavement to proposed entrances, exits, etc. Existing pavement shall be soft cut at a match point. If the project site abuts a state highway, road improvements shall be provided as required by the California Department of Transportation.
- C. Obstructions within street right-of-ways shall be removed or as specified by Imperial County Public Works Department.
- D. Curbs, gutters and sidewalks shall be constructed for all Major Subdivisions.
- E. All access drives, parking areas and vehicular maneuvering areas shall be surfaced with a minimum of three inches (3") of asphaltic concrete paving or material of higher quality.



- G. ~~A-All major~~ subdivision requires drainage plans for the management and disposal of all surface drainage water~~(s)~~ originating on-site and shall be approved by the Imperial County Public Works Department in coordination with the Imperial County Public Health Department, Environmental Health Division as needed. ~~All-necessary-Easements-or,~~ rights-of-way ~~or-grant~~ deeds shall be granted to the County of Imperial for drainage purpose ~~, or access thereto as reviewed and approved by the Department of Public Works.~~
- H. All subdivisions shall provide for methods of potable water supply and sewage disposal that shall meet the requirements of and be approved by the Imperial County Environmental Health Services Division or the California Department of Health Services, whichever has primary jurisdiction. At a minimum, all subdivisions shall be connected to a water system that meets the design and operational standards of the California Safe Drinking Water Act (California Health and Safety Code, commencing with Section 116270) and regulations adopted pursuant thereto. The Act and its implementing regulations shall apply to all systems serving subdivisions regardless of size.
- I. All subdivisions shall provide for methods of sewage disposal that shall meet the requirements of and be approved by the Imperial County Environmental Health Services Division and/or the Regional Water Quality Control Board (Colorado River Basin) of the California Department of Water Resources.
- J. All subdivisions shall provide fire protection facilities and access ways which meet the requirements of and are approved by the Imperial County Fire Department/Office of Emergency Services.
- K. When ~~non~~-residential subdivisions abut ~~adjacent~~ property zoned for non-residential purposes, a six (6) foot solid masonry wall shall be constructed between-entirely within the proposed development and-along the exterior boundary abutting the adjacent adjoining property zoned for non-residential purposes. The wall height shall be reduced to thirty (30) inches within the required front yard setback area. The proposed wall design and materials shall be approved by the Planning & Development Services Department and the Public Works Department.
- L. All major subdivisions shall provide a lighting plan and all exterior lighting shall be directed away from adjacent properties, and away from or shielded from public roads.
- M. For developments with ten (10) or more dwellings, a minimum of five (5) percent of the net total parcel area shall be designated and developed as useable open space provided however no less than 400 square feet of useable area shall be designed and developed. The required useable area may be divided into more than one (1) location, provided no single location is less than 400 square feet.
- N. During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust emissions.

**§ 90804.05 SUBDIVISION STANDARDS FOR COMMERCIAL & INDUSTRIAL ZONES**

All development in the C-1, C-2, C-3, M-1, M-2 and M-3 Zones shall comply with the following:

- A. Street and road dedications shall be made to the County in a manner prescribed by Imperial County Public Works Department, for all existing or proposed local, secondary or collector highways. The required dedication shall be 30 feet from centerline for local streets, 45 feet from centerline for secondary streets, 55 feet from centerline for collector streets.
- B. All subdivisions shall provide road or street improvements as required by the Department of Public Works, and to the standards contained within this Title.
- C. Obstruction within street rights-of-way shall be removed as specified by Imperial County Public Works Department.
- D. Curbs, gutters and sidewalks shall be constructed for all major subdivisions when required as part of



- E. All access driveways, parking areas and vehicular maneuvering areas shall be surfaced with a minimum of three (3) inches of asphaltic concrete paving or higher quality material.
- F. All new on-site utility services shall be placed underground.
- G. All subdivisions require drainage plans for the management and disposal of all surface drainage water originating on site shall be approved by the Department of Public Works in coordination with the Imperial County Public Health Department, Environmental Health Division, as needed. Easements or right-of-ways deeds shall be granted to the County of Imperial for drainage purposes.
- H. All subdivisions shall provide for a method of potable water supply as required and approved by Imperial County Environmental Health Services Division or the California Department of Health Services, whichever has primary jurisdiction. At a minimum, all subdivisions shall be connected to a water system that meets the design and operational standards of the California Safe Drinking Water Act (California Health and Safety Code, commencing with Section 116270) and regulation adopted pursuant thereto. The Act and its implementing regulations shall apply to all systems serving subdivisions regardless of size.
- I. All subdivisions shall provide for methods of sewage disposal that shall meet the requirements of and be approved by the Imperial County Environmental Health Services Division and/or the Regional Water Quality Control Board (Colorado River Basin) of the California Department of Water Resources.
- J. All subdivisions shall provide for fire protection facilities and access ways as may be required by the Imperial County Fire Department.
- K. When the subdivision abuts property zoned for single family residential use, a six (6) foot high masonry wall shall be constructed ~~between entirely within~~ the proposed development along the and the exterior boundary abutting the adjacent adjoining property. The wall height shall be reduced to three (3) feet within the required front yard setback area.
- L. All industrial subdivisions require a lighting plan and all exterior lighting shall be shielded and directed away from adjacent properties and away from or shielded from public roads.
- M. The subdivider shall comply with the Public Works Director's conditions requiring construction of necessary drainage and flood control structures to conform to Imperial County standards.
- N. The subdivider shall provide proof satisfactory to the County that there exists an adequate potable water supply available to each lot or parcel and that subdivider shall install or agrees to install minimum pressure water supply pipe of a diameter conforming to County standards.
- O. The subdivider shall form a water district or mutual water company created to insure the continuity, maintenance, and operation of an adequate water system to the subdivision.
- P. The subdivider shall provide all necessary easements and rights-of-way to accommodate all streets, drainage and flood control structures and facilities and sewer systems extending beyond the boundaries of the subdivision.
- Q. Should the Board of Supervisors determine by reason of the size and shape of the proposed lots, the nature of the terrain to be subdivided, the soil condition of the lots or the development of the area in the vicinity of the proposed subdivision, a public sewer disposal system serving the lots will be required to preserve the public health, the Board of Supervisors shall require the subdivider to install or agree to install a public sewer disposal system serving said lots as a pre condition to the approval of any final map. Said system shall conform to County standards.
- R. The subdivider shall as a condition to the subdivision construct or shall cause to be constructed at his/her cost a street lighting system conforming to County standards. There shall be an association or special district created to maintain said lighting system.

- A. Every final or parcel map shall show the following monuments which shall be set by a licensed land surveyor or registered civil engineer authorized to practice land surveying at the time of making the survey.
1. Boundary monuments. The exterior boundary of the subdivision shall be monumented with permanent monuments of no less than two inch diameter iron pipes at least eighteen inches long at the intermediate points along the boundary not more than one thousand (1,000) feet apart and the beginning and end of points of all curves. I; provided, if any existing record and identified monument meeting the foregoing requirements is found in good condition at any such corner or point, such monument may be used in lieu of any new monument.
  2. A-Ccenter line of street monuments shall be installed.
  3. Lot corner monuments. All lot corners except when coincident with exterior boundary corner, shall be monumented with permanent monuments of one of the following types: (i) a minimum of three quarter (3/4) inch diameter iron pipe at least eighteen inches long bearing the certificate number of the licensee setting the monument; (ii) lead plug and copper or brass identification disks or chipped and "x" permanently set in concrete sidewalks or curbs so as to not be easily disturbed; (iii) two by two by twelve (2x2x12) inch redwood hub with copper identification disk.
  4. Such additional monuments to mark the limiting lines of streets as the Public Works DirectorCounty Surveyor may require.
  5. All other monuments set or proposed to be set.
  6. Bench marks shall be set as directed by the Department of Public Works.
- B. ~~Every parcel map shall show monuments which shall be set by a licensed surveyor or engineer in accordance with Section 90804.06 of this Division provided that two (2) inch (2") iron pipes at least eighteen inches (18") long for exterior boundary monumentation are not required unless the Public Works Director determines that the exterior boundary cannot be adequately monumented by monuments of a lesser standard and further provided that~~The monumentation of the exterior boundary of a remainder parcel or the centerline of streets need not be placed or shown on atthe parcel map, if acceptable to the County Surveyor.
- C. All monuments and their installation shall conform to the County standards.

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## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

#### CHAPTER 5: MINOR SUBDIVISIONS - REQUIREMENTS

§ 90805.00	MINOR SUBDIVISIONS
§ 90805.01	APPLICATION
§ 90805.02	DEDICATION
§ 90805.03	APPLICATION PROCEDURE
§ 90805.04	DISTRIBUTION OF APPLICATION AND TENTATIVE MAP
§ 90805.05	HEARING SCHEDULING
§ 90805.06	NOTICING (PUBLIC/APPLICANT)
§ 90805.07	HEARING PROCEDURE
§ 90805.08	APPEAL FROM PLANNING DIRECTORS/PLANNING COMMISSION ON MINOR SUBDIVISIONS
§ 90805.09	FINAL DECISIONS
§ 90805.10	PARCEL MAP WAIVER PROCEDURES
§ 90805.11	ASSIGNMENT OF CERTAIN RESPONSIBILITIES REGARDING PARCEL MAP WAIVER (CERTIFICATES OF COMPLIANCE) TO THE PLANNING DIRECTOR
§ 90805.12	CONDITION OF PARCEL MAP WAIVER
§ 90805.13	DEDICATION PROCEDURES
§ 90805.14	REQUIRED DEDICATIONS
§ 90805.15	AGREEMENT TO IMPROVE
§ 90805.16	PARCEL MAP REQUIREMENTS
§ 90805.17	PUBLIC WORKS AND PLANNING DIRECTOR TO APPROVE MAPS
§ 90805.18	ADDITIONAL CERTIFICATES ON PARCEL MAPS
§ 90805.19	MAP BOUNDARY REQUIREMENTS
§ 90805.20	PARCEL MAP PROVISIONS AND DATA REQUIREMENTS
§ 90805.21	PARCEL MAP COMPILED FROM RECORDED DATA
§ 90805.22	FILING A PRELIMINARY PARCEL MAP
§ 90805.23	COUNTY SURVEYOR REVIEW PROCESS
§ 90805.24	DELIVERY OF PARCEL MAP TO THE COUNTY RECORDER
§ 90805.25	CERTIFICATE OF CORRECTION

#### § 90805.00 MINOR SUBDIVISIONS

The purpose of this Chapter is to establish procedures for the processing of applications for minor subdivisions, generally described as follows where any of the following occurs:

- A. The land is divided into four (4) or fewer parcels,
- B. The whole parcel-land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required for the land division,
- C. Each parcel created by the land division has a gross area of not less than 20 acres up to 40 acres or more and each parcel has an approved access to a maintained public street or highway,
- D. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises a part of a tract of land zoned for industrial or commercial development, and has approval as to street alignments and widths,
- E. Each parcel created by the land division has a gross area of no less than 40 acres or more, or not less than a quarter of a quarter section,

E.

F. The land being subdivided is solely for the creation of an environmental subdivision pursuant to  
Government Code Section 66418.2

~~F.G.~~ Reversion to acreage of land previously subdivided and consisting of four (4) or less contiguous parcels under the same ownership, where the provisions of Government Code ~~66499.20.1/266499.20.1~~ areis complied with,

~~G.H.~~ ~~Merging and Rre-subdividingsions and merging of~~ four (4) or less contiguous parcels, where the provisions of Government Code Section ~~66599.20.1/266499.20.2~~ are complied with.

## § 90805.01 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a minor subdivision shall be made to the Planning & Development Services Department. The applications shall be accompanied by the proposed Tentative Map, fees, ~~environmental documentation~~project description, current preliminary title report with current vesting deed and supporting documentation (i.e. environmental studies if needed), identification agreement and payment of fees agreement as required by this Title. The proposed Tentative map shall show how the parcels are to receive water, sewer and legal access from a County maintained road.

## § 90805.02 DEDICATION

No minor subdivision application shall be filed or approved by the Planning Director unless and until the minimum requirements of Division 8, Chapter 4 are complied with and the following conditions are satisfied:

- A. Except as hereinafter provided there shall be offered for dedication pursuant to Chapter 4 of this Division rights-of-way and/or streets in accordance with Imperial County Standards.
- B. Streets providing access to the land to be divided shall be offered for dedication to the County in accordance with Imperial County Standards.
- C. Offers of dedication for streets which will be accepted before final approval of the parcel map and streets which are proposed to be terminated at the exterior boundary of the subdivision ~~may be required to shall~~ include a one-foot wide strip of land ~~one foot wide extending, to be known as a "barrier strip"~~ across said street widths at its ~~point of~~ termination at said exterior boundary which shall be ~~portions of the adjacent lots~~, offered for street purposes and over which access rights are relinquished.
- D. Easements for public utilities and drainage shall be offered for dedication in the manner set forth in this Division and as required by the Planning Director, when it's determined that such offers of dedication are necessary to serve the subdivision and/or are reasonable and logical extensions of such facilities as exist in the vicinity.
- E. Where a minor subdivision would create a parcel smaller than the applicable minimum lot size as permitted by Section 90804.01, an instrument conveying residential development rights, shall be executed and shall be recorded by the subdivider with the final parcel map. Said instrument shall by its terms be binding on the owner, his or her heirs, assigns or successors in interest, and may be terminated upon the rezoning of the property or upon the merger of parcels into lots of sufficient size to comply with the minimum parcel size. Said instrument shall be noticed on the parcel map.

## § 90805.03 APPLICATION PROCEDURE

Every application submitted shall be deemed "received" on the date of submittal and shall be stamped and dated by the Department staff. The Department shall, within a maximum of thirty (30) days from receipt, determine whether an application is complete or incomplete, and determine if the subdivision is exempt from CEQA or if further environmental documentation is required. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division.

Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the return of the application and what information is lacking or other reason for

- E. That the design of the proposed land division or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. That the design of the proposed land division or the type of improvements are likely to cause serious public health problems.
- G. That the design of the proposed land division or the type of improvements will conflict with easement, acquired by the public at large, for access through, or use of, property within the proposed land division.

A ~~subdivision tentative map~~ may be approved if it is found that alternate easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by order of a court of competent jurisdiction.

Notwithstanding subsection E. above, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made, pursuant to the California Environmental Quality Act, that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

#### **§ 90805.08 APPEAL FROM PLANNING DIRECTOR/PLANNING COMMISSION ON MINOR SUBDIVISIONS**

Upon the filing of an appeal from the Director's decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Planning Commission on minor subdivisions shall be appealable to the Board of Supervisors.

Any person may appeal the decision of the Planning Director on a minor subdivision provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Directors decision on minor subdivisions.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
  - 1. Name of person(s) filing appeal
  - 2. Address & phone number of person(s) filing
  - 3. Project/decision being appealed
  - 4. Reason for filing appeal
  - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
  - 6. Prior effort(s) made to arrive at acceptable solution, if any
  - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
  - 8. Signature of applicant.

Any person may appeal the decision of the Planning Commission, provided such appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Commission's decision,
- B. The request is filed with the Clerk of the Board of Supervisors,
- C. The requisite fees are included,

D. The written appeal clearly states the following:

1. Name of person(s) filing appeal
2. Address & phone number of person(s) filing appeal
3. Project/decision being appealed
4. Reason for filing appeal
5. Facts, condition(s), information, error, or other specifics to warrant appeal
6. Prior effort(s) made to arrive at acceptable solution, if any
7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
8. Signature of appellant.

The Clerk of the Board shall not accept an appeal if filed after 5:00 p.m. on the 10<sup>th</sup> calendar day from the Planning Commission decision date, and further shall not accept an appeal unless it is in writing and clearly states the information above. The Clerk shall immediately submit a copy of such an appeal to the Planning & Development Services Department and County Counsel.

The Clerk of the Board of Supervisors shall then schedule a hearing for a date and time for which required public notice can be provided.

The Board of Supervisors may deny the scheduling of an appeal hearing if it is determined that the appeal has no standing, or the appeal request does not provide the information required above, or the same policy, procedure or direction has already been heard by the Board of Supervisors in prior case(s).

In the event the Board of Supervisors elects not to schedule an appeal all appeal fees shall be returned to appellant.

Once an appeal has been scheduled by the Board of Supervisors, no appeal fees shall be refunded unless the Board of Supervisors votes to refund on a 4/5 vote.

Any decision made by the Board of Supervisors shall be final with no further appeal to an administrative body, except as provided by law.

## **§ 90805.09 FINAL DECISIONS**

Any decision made by a hearing body (Planning Director, Planning Commission, and/or Board of Supervisors) shall be deemed a final decision unless appealed to the next administrative hearing body as provided under Section 90101.10. No hearing body shall be allowed to re-hear or re-consider its decision, except as provided for under Section 90101.10.

## **§ 90805.10 PARCEL MAP WAIVER PROCEDURES**

Upon compliance with the provisions hereinafter set forth the Planning Director, Planning Commission or Board of Supervisors can consider the waiver of a Parcel Map and, in lieu thereof, issue a Certificate of Compliance and the issuance to the applicant of a Parcel Map Certificate of Compliance, where no parcel map needs be filed or recorded for the following described proposed subdivisions:

- A. A proposed subdivision creating no more than two parcels, each parcel of which abuts and has approved access to a maintained public street or highway and for which no improvements are required as determined by the Planning Director and where physical features indicate the parcel boundaries. A record of survey shall be filed in lieu of the final parcel map.
- B. A proposed subdivision creating no more than four parcels, each of which has a minimum gross area of forty (40) acres or more or is not less than a quarter of a quarter section and for which no improvements are required as determined by the Planning Director, and where physical features such as field breaks, roads, canals and drains indicate boundaries. If the parcel map is based upon a field survey, a record of survey shall be filed in lieu of the final parcel map.



- C. The subdivider shall provide in writing a request for a waiver of the Parcel Map. The request shall accompany the minor subdivision application. Details on the tentative map must support the parcel map waiver request.

**§ 90805.11 ASSIGNMENT OF CERTAIN RESPONSIBILITIES REGARDING PARCEL MAP WAIVER (CERTIFICATES OF COMPLIANCE) TO THE PLANNING DIRECTOR**

The responsibilities of the Board of Supervisors pursuant to Government Code Section 66428 are hereby assigned to the Planning Director with respect to the waiver of the parcel map requirements of the Codified Ordinances of Imperial County with respect to those parcels described in Section 90805.10 herein above.

**§ 90805.12 CONDITIONS OF A PARCEL MAP WAIVER**

Upon approval of a parcel map waiver by the Planning Director, Planning Commission or the Board of Supervisors, the conditions of approval shall be amended to include condition(s) for the recordation of a Certificate of Compliance. Notwithstanding all other conditions of approval of a minor subdivision, at a minimum the following conditions shall be applied:

- A. Secure Tax Certificate(s) from the Tax Collector(s) Office.
- B. Provide full legal description(s) and closure sheets-reports (if applicable) acceptable to the Planning & Development Services Department for review by the Department of Public Works, prepared, signed and stamped by a California Licensed Land Surveyor or a California Registered Civil Engineer (authorized licensed to practice in the category of work performed land surveying), typed on plain bond paper (8 1/2x11"). Letterhead will not be acceptable. The descriptions of land shall clearly indicate that the documents were prepared for a "Parcel Map Waiver".
- C. Provide recording fees as required for the recordation of the Certificate of Compliance, legal descriptions and Tax Certificate(s).
- D. Provide a record of survey for recordation, submitted to the County Surveyor for review.
- E. Provide the payment of fees for the review of the record of survey by the County Surveyor, payable to the Department of Public Works.
- G.

**§ 90805.13 DEDICATION PROCEDURES**

Pursuant to Government Code Section 66447, all dedications or offers of dedications required by the provisions of this Division shall be by separate instrument. An offer of dedication shall be in such terms as to be binding on the owners, their heirs, assigns or successors in interest and shall continue until the County accepts or rejects such offer. Any such dedication ~~or~~ offer of dedication shall be free of any burden or encumbrance which would interfere with the purpose for which the dedication is required. The applicant shall provide a current preliminary title report, current vesting deed(s) and supporting documents or equivalent proof of title satisfactory to the ~~Public Works Director~~ County Surveyor.

**§ 90805.14 REQUIRED DEDICATIONS**

As a condition precedent to the approval of a parcel map for a minor subdivision filed pursuant to the Subdivision Map Act and this Division, it shall be required that the applicant:

- A. Improve in accordance with Imperial County Standards all rights-of-way offered for dedication for street purposes which are accepted by the County prior to the approval of the parcel map.
- B. Install other improvements and facilities in accordance with the requirements set forth in County Standards.
- C. Install necessary hydrants with water facilities and sanitary sewers pursuant to Imperial County Standards.



detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be in a form acceptable to County Counsel.

**§ 90805.16 PARCEL MAP REQUIREMENTS**

- A. All parcel maps shall conform to the requirements of the Subdivision Map Act and this Division and also shall conform to the requirements specified in the report of the Planning Director/Planning Commission approving or conditionally approving the tentative parcel map, unless an appeal is made by the applicant or any interested party to the Planning Commission and/or Board of Supervisors and said body modifies, rejects or overrules the recommendations of the Planning Director/Planning Commission, in which event the map also shall conform to the requirements of the Planning Director/Planning Commission as modified by the Planning Commission and/or Board of Supervisors.
- B. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a parcel map thereof prepared in accordance with the approved or conditionally approved tentative map.

**§ 90805.17 PUBLIC WORKS AND PLANNING DIRECTOR TO APPROVE MAPS**

No final parcel map shall be filed with the County Recorder until said map has been approved (signed) by the Planning Director, the Chairman of the Planning Commission upon appeal, or the Chairman of the Board of Supervisors upon appeal, and Public Works Director.

**§ 90805.18 ADDITIONAL CERTIFICATES ON PARCEL MAPS**

In addition to the certificates and other material required by the Subdivision Map Act and this Division, every parcel map shall bear a certificate by the Planning Director that the map complies with the approved tentative parcel map. If the parcel map is approved by the Planning Director, the certificate required by this section may be combined with the approval of the parcel map as required by section 90805.17 into one certificate or statement.

**§ 90805.19 MAP BOUNDARY REQUIREMENTS**

A. Surveys made in preparation of parcel maps shall be in accordance with standard practices and principles of surveying and all applicable provision of the Subdivision Map Act. At the time of making the survey for the parcel map, unless the survey is not required pursuant to Section 90805.21, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 90804.06 so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required. At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the legislative body security guaranteeing the payment of the cost of setting such monuments.

~~A.~~

- B. The entire boundary of a land division must appear on the first map sheet of the parcel map showing:
  - 1. A boundary survey of the land division, including all courses and distances necessary to compute a closure,
  - 2. Sufficient data, either graphically and/or by disertation, to justify the method by which the boundary was determined, including a description of all corners-monuments found or set, giving data relating thereto, adjoining maps or property lines of record,

detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be in a form acceptable to County Counsel.

**§ 90805.16 PARCEL MAP REQUIREMENTS**

- A. All parcel maps shall conform to the requirements of the Subdivision Map Act and this Division and also shall conform to the requirements specified in the report of the Planning Director/Planning Commission approving or conditionally approving the tentative parcel map, unless an appeal is made by the applicant or any interested party to the Planning Commission and/or Board of Supervisors and said body modifies, rejects or overrules the recommendations of the Planning Director/Planning Commission, in which event the map also shall conform to the requirements of the Planning Director/Planning Commission as modified by the Planning Commission and/or Board of Supervisors.
- B. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a parcel map thereof prepared in accordance with the approved or conditionally approved tentative map.

**§ 90805.17 PUBLIC WORKS AND PLANNING DIRECTOR TO APPROVE MAPS**

No final parcel map shall be filed with the County Recorder until said map has been approved (signed) by the Planning Director, the Chairman of the Planning Commission upon appeal, or the Chairman of the Board of Supervisors upon appeal, and Public Works Director.

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In addition to the certificates and other material required by the Subdivision Map Act and this Division, every parcel map shall bear a certificate by the Planning Director that the map complies with the approved tentative parcel map. If the parcel map is approved by the Planning Director, the certificate required by this section may be combined with the approval of the parcel map as required by section 90805.17 into one certificate or statement.

**§ 90805.19 MAP BOUNDARY REQUIREMENTS**

- A. Surveys made in preparation of parcel maps shall be in accordance with standard practices and principles of surveying and all applicable provision of the Subdivision Map Act. At the time of making the survey for the parcel map, unless the survey is not required pursuant to Section 90805.21, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 90804.06 so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required. At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the legislative body security guaranteeing the payment of the cost of setting such monuments.

~~A.~~

- B. The entire boundary of a land division must appear on the first map sheet of the parcel map showing:
  - 1. A boundary survey of the land division, including all courses and distances necessary to compute a closure,
  - 2. Sufficient data, either graphically and/or by disertation, to justify the method by which the boundary was determined, including a description of all corners-monuments found or set, giving data relating thereto, adjoining maps or property lines of record,

- C. The County Surveyor may waive showing portions of the boundary if sufficient survey information is of record.

**§ 90805.20 PARCEL MAP PROVISIONS AND DATA REQUIREMENTS**

Parcel maps shall conform to all of the following provisions:

- A. Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record ~~in black on tracing cloth or good quality polyester base film, including certificates, except that such certificates or statements, affidavits, and acknowledgements~~ may be legibly stamped or printed upon the map with opaque ~~material ink when recommended by the County Surveyor and authorized by the County Recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance~~ to assure permanent legibility. The size of each sheet shall be 18"x26" ~~or 460 by 660 millimeters~~. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch ~~or 25 millimeters~~.



- B. Each sheet shall bear the number as assigned by the County Planning & Development Services Department, which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record and shall be shown on every sheet of a multi-sheet map.
- C. All sheets shall be numbered, the relation on one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data.
- D. When required by the County Surveyor, a location map shall be placed on the parcel map which indicates the location of the proposed land division and its relationship to existing streets and highways.
- E. The certificates and acknowledgements, required by the Subdivision Map Act and this Ordinance, shall appear on the first sheet only. Statements shall include the following:
1. Owner's statement
  2. Trustee's statement, if applicable
  3. Recorder's statement
  4. Surveyor's/Engineer's statement
  5. County Surveyor's statement
  6. ~~County Planning Director's statement~~
  6. ~~Subdivision Guarantee if any dedication is being made for public use (may be made by separate instrument and referenced on the map)~~
  7. ~~Clerk of the Board of Supervisor's statement~~
  8. Planning Commission Statement or Board of Supervisor's statement if the parcel map is approved upon appeal as provided in Section 90805.08
  9. Tax Collector's statement (may be made by separate instrument and referenced on the map)
- F. ~~The Engineer's or Surveyor's or engineer's certificate statement shall be as defined by Section 66449 of the Subdivisions Map Act, state that the survey was made by him/her or under his/her direction, that the survey is true and complete as shown, that all monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced, that the map conforms to the approved tentative map and conditions of approval thereof, and that all provisions of the applicable state and local ordinances have been complied with. If a field survey was performed, the parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced. The monument statement shall not be combined with the Engineer's or Surveyor's statement.~~
- F. ~~The assigned map number, scale, and north arrow and sheet number shall be shown on each sheet of the map. The particular number of the sheet and the total number of sheets comprising the map shall be shown on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The scale of the map shall be large enough drawn at a suitable engineer's scale to identify and describeshow all essential details clearly, and enough sheets shall be used to accomplish this end. If more than two (2) map sheets are used, an index showing the division of land, with lots numbered as shown on the map, shall be shown. A complete boundary survey shall be shown on one (1) sheet of every phase of unitized subdivision. Said boundary shall also reflect the original boundary as shown on the tentative map of said subdivision.~~
- G. ~~The assigned map number, scale, and north arrow and sheet number shall be shown on each sheet of the map. The particular number of the sheet and the total number of sheets comprising the map shall be shown on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The scale of the map shall be large enough drawn at a suitable engineer's scale to identify and describeshow all essential details clearly, and enough sheets shall be used to accomplish this end. If more than two (2) map sheets are used, an index showing the division of land, with lots numbered as shown on the map, shall be shown. A complete boundary survey shall be shown on one (1) sheet of every phase of unitized subdivision. Said boundary shall also reflect the original boundary as shown on the tentative map of said subdivision.~~
- H. The exterior boundary of the land shown on a land division map shall be indicated by a distinctive delineation and clearly designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel. The designated parcel or omitted parcel shall be clearly labeled as such.

- I. A statement labeled "Surveyor's Notes" or "Engineer's Note" shall be shown on the first map sheet after the signature sheet of a multi-sheet map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, and a key to the symbols and abbreviations and such other information required by the County Surveyor. The basis of bearings shall be based upon the California Coordinate System (CCS83) Zone VI (as defined by the Public Resources Code, Sections 8801-8819).
- J. Lots shall be numbered consecutively, commencing with the Number "1", with no omissions or duplications. Each lot shall be shown in its entirety on one (1) sheet; unless, due to size and/or shape, and after using an acceptable scale, the County Surveyor determines the parcel(s) or lot(s) cannot reasonably be shown on a single sheet. Lots used for streets, alleys, or barrier strips shall be lettered. Easements shall be clearly identified.

The following data shall be shown on each parcel map:

## ENVIRONMENTAL CONSTRAINT SHEET

Environmental Constraint Sheet affecting this map is on file in the Office of the Imperial County Surveyor in Environmental Constraint Sheet Book \_\_\_\_\_, Page \_\_\_\_\_. This affects Lot Numbers \_\_\_\_\_ or Parcel Number \_\_\_\_\_.

### § 90805.21 PARCEL MAPS COMPILED FROM RECORDED DATA

A parcel map of four (4) or less parcels may be compiled from recorded or filed data, if such is acceptable to the County Surveyor.

### § 90805.22 FILING OF A PRELIMINARY PARCEL MAP

After a tentative parcel map is approved, the ~~subdivision~~ Subdivider may cause a parcel map to be prepared and submitted to the County Surveyor.

- A. When the subdivider files his final map for ~~preliminary checking review by~~ in the office of the County Surveyor, ~~five~~ four (45) positive prints shall be distributed as follows (electronic versions may be provided in lieu of hard copies):
1. ~~Two~~ One (12) to the County Surveyor,
  2. One (1) to the Planning Director.
  3. One (1) to the Health Officer.
  4. One (1) to Office of Emergency Services.
- B. The parcel map with map checking fee as required by Chapter 2 of Division 8 of this Ordinance.
- C. Required improvement plans with plan checking fee as required by Chapter 2 of Division 8 of this Ordinance.
- D. Evidence of title in the form of a current preliminary title report issued by a California title company showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests herein, current vesting deed(s) and supporting documents. In the event that any dedication is to be made for public use of any property shown on a parcel map, a subdivision guarantee shall be issued by a California title company.
- E. Prior to the recordation of the parcel map, the following items shall be provided and approved:
1. A copy of the approved conditions along with a written report and support information as to compliance with each condition.
  2. Evidence of title in the form of a current title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a parcel map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of title.
  3. All requests for waivers of signatures as provided in the Subdivision Map Act.

### § 90805.23 COUNTY SURVEYOR REVIEW PROCESS

- A. When a parcel map and all agreements, securities and other required documents have been submitted and found to be in correct form, by the County Surveyor, he or she shall complete his or her certificate or statement, within twenty (20) days from the time the parcel map is submitted for approval. The County Surveyor shall sign, date and below or immediately adjacent to the signature, indicate his or her registration or license number and the stamp or seal and state that thereafter, file a parcel map and documents and then shall certify that:
1. ~~The County Surveyor~~He or she has examined the map,
  2. The land division as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof,
  3. All provisions of the Subdivision Map Act and all County ordinances applicable at the time of approval of the tentative map have been complied with,
  4. He or she is satisfied that the map is technically correct.
- B. The County Surveyor shall deliver the parcel map and a report of the subdivider's condition compliance with the conditions of approval to the Planning & Development Services Department or other appropriate officer if the tentative map was approved upon appeal for review and approval of the parcel map the Planning Director's and signature. The County Surveyor shall within twenty (20) days thereafter, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. When the map is approved by the Planning Director, Chairman of the Planning Commission, or Chairman of the Board of Supervisors, as the case may be, the County Surveyor may accept or reject dedications and offers of dedication that are made by certificate on such map separate instrument with the map, and may sign the certificates for the County. The County Surveyor shall deliver file the approved map and documents with the Clerk of the Board for transmittal by the Clerk to the County Recorder within the same 20-day period.

**§ 90805.24 DELIVERY OF PARCEL MAP TO THE COUNTY RECORDER**

- A. Upon the approval by the County Surveyor, the parcel map shall be transmitted to the County Recorder.
- B. The subdivider shall present to the Recorder evidence that, at the time of the filing of a final map or parcel map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the Office of the Recorder; otherwise the map shall not be filed.
- C. The Recorder shall have not more than ten (10) days within which to examine the final map or parcel map and either accept or reject it for filing.
- D. If the Recorder accepts the parcel map for filing, such acceptance shall be certified on the face thereof.
- E. The Recorder, upon filing the final map, shall attach the recording data to the polyester tape film duplicate original and thereupon deliver the same to the County Surveyor who shall retain custody thereof.

**§ 90805.25 CERTIFICATE OF CORRECTION**

After a parcel map is filed in the Office of the County Recorder, the recorded map may be modified by a Certificate of Correction.

The subdivider may apply to the County Surveyor for a Certificate of Correction upon finding that one (1) or more of the following conditions apply:



## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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CHAPTER 1:	<u>GENERAL PROVISIONS AND DEFINITIONS</u>
CHAPTER 2:	<u>FEES AND DEPOSITS (DEPARTMENT OF PUBLIC WORKS ONLY)</u>
CHAPTER 3:	<u>SUBDIVISION-TENTATIVE MAP PROCEDURE</u>
CHAPTER 4:	<u>DESIGN STANDARDS OF SUBDIVISIONS</u>
CHAPTER 5:	<u>MINOR SUBDIVISIONS - REQUIREMENTS</u>
CHAPTER 6:	<u>MAJOR SUBDIVISIONS - REQUIREMENTS</u>
CHAPTER 7:	<u>LOT LINE ADJUSTMENTS</u>
CHAPTER 8:	<u>LOT MERGERS INITIATED BY PROPERTY OWNER</u>
CHAPTER 9:	<u>LOT MERGER INITIATED BY THE COUNTY</u>
CHAPTER 10:	<u>REVERSION TO ACREAGE</u>
CHAPTER 11:	<u>RECORD OF SURVEYS</u>
CHAPTER 12:	<u>ENFORCEMENT - PENALTY- CERTIFICATES OF COMPLIANCE</u>

#### CHAPTER 1: GENERAL PROVISIONS AND DEFINITIONS

§ 90801.00	TITLE/PURPOSE
§ 90801.01	SUBDIVISIONS REQUIRED
§ 90801.02	EXCEPTIONS TO SUBDIVISIONS
§ 90801.03	PUBLIC NECESSITY- DETERMINATION OF RIGHT-OF-WAY, EASEMENTS AND LICENSE
§ 90801.04	DEFINITIONS
§ 90801.05	COMPLIANCE WITH SUBDIVISION REQUIREMENTS
§ 90801.06	ADVISORY AGENCY DESIGNATION - MAJOR/ MINOR SUBDIVISIONS
§ 90801.07	APPEAL BOARD DESIGNATION
§ 90801.08	ENVIRONMENTAL IMPACT REVIEW
§ 90801.09	SOIL REPORTS
§ 90801.10	ADDITIONAL SUBDIVISION STANDARDS (SEWER SYSTEMS AND OWTS)

#### § 90801.00 TITLE/PURPOSE

This Division shall be known as the "Subdivision Ordinance" and may be cited as such. It is the purpose of this ordinance to regulate and control the division of land within the County of Imperial and to supplement the provisions of the California Subdivision Map Act concerning design, improvement and survey data of subdivisions. This division specifies the form and content of all maps required by the Subdivision Map Act, and the procedures to be followed in securing the official approval of the County. To accomplish this purpose, the regulations contained in this Division are determined to be necessary to preserve the public, health, safety, and general welfare; to provide orderly growth and protection for the proper use of lands; to provide consistency with the General Plan and to insure provisions for adequate traffic circulation, utilities, and other minimum services in the County.

#### § 90801.01 SUBDIVISIONS REQUIRED

The Subdivision Map Act (Government Code, Section 66410 et seq.) requires Imperial County to regulate and control the design and improvement of all subdivisions. Generally a subdivision is any division of land for the purpose of sale, lease, and/or financing. The Subdivision Map Act distinguishes subdivisions in various forms; however, a tentative map is required in Imperial County for all new or proposed subdivisions.

The purpose of a tentative map is to show the design and improvements of a new or the proposed subdivision and the existing conditions in and around it.

#### § 90801.02 EXCLUSIONS TO SUBDIVISIONS



**Attachment D.**

**Title 9 Land Use Ordinance Division 10.**

**Building and Grading Regulations**

## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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CHAPTER 1:	<u>TITLE, PURPOSE, AND DEFINITIONS</u>
CHAPTER 2:	<u>GENERAL PROVISIONS</u>
CHAPTER 3:	<u>CALIFORNIA BUILDING CODE</u>
CHAPTER 4:	<u>CALIFORNIA PLUMBING CODE</u>
CHAPTER 5:	<u>CALIFORNIA ELECTRICAL CODE</u>
CHAPTER 6:	<u>CALIFORNIA RESIDENTIAL CODE</u>
CHAPTER 7:	<u>CALIFORNIA MECHANICAL CODE</u>
CHAPTER 8:	<u>UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS</u>
CHAPTER 9:	<u>INTERNATIONAL ZONING CODE</u>
CHAPTER 10:	<u>PHOTOVOLTAIC SOLAR PROJECTS</u>
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#### CHAPTER 1: TITLE, PURPOSE AND DEFINITIONS

§ 91001.00	TITLE
§ 91001.01	PURPOSE
§ 91001.02	DEFINITIONS

#### § 91001.00 TITLE

This Division (Title 9, Division 10 inclusive) shall be known and may be referred to in all proceedings, actions, and transactions, as the "IMPERIAL COUNTY BUILDING & GRADING REGULATIONS". These regulations, as referred to herein, are contained in the official compilation and publication of the adoption, amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code comprised of twelve parts as follows: Part 1- Administrative Code; Part 2-Building Code; Part 2.5\_ Residential Code; Part 3- Electrical Code; Part 4-Mechanical Code; Part 5-Plumbing Code; Part 6- Energy Code; Part 7- (no longer published in Title 24) Industrial Safety Standards; ~~Part 8 – Historical Building Code; (now included in Part 2 – Building Code Volume 2)~~ Part 9 Fire Code; Part 10; Existing Building Code; ~~(Also includes Part 8 – Historical Building Code & Part 12 Reference Standards Code)now included in Part 2 – Building Code Volume 2)~~ and Part 11 Green Building Code; ~~Part 12 Reference Standards Code.~~

#### § 91001.01 PURPOSE

The provisions in this Division shall be liberally construed and applied to promote its intent which is:

- A. To provide minimum standards to safeguard life, health, and property by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and/or structures within the unincorporated areas of Imperial County.
- B. To encourage and instruct the public to build safely and economically.

§ 91001.02 DEFINITIONS

Words and/or phrases not specifically defined herein or within any of the referenced codes or within Division 14 shall have the meaning as defined in Webster's Dictionary.

In addition to the definitions specified in any of the Codes adopted by this Division, or within Division 14, whenever the following names, terms or phrases are used herein, or in any of said codes, such names, terms or phrases shall have the meaning ascribed to them as follows:

- A. "Administrative Authority" shall mean the Building Official as designated by this Division.
- B. "Appointing Authority" shall mean the Board of Supervisors of Imperial County.
- C. "City Attorney" shall mean the County Counsel of Imperial County.
- D. "City Council" shall mean the Board of Supervisors of Imperial County.
- E. "City" shall mean the unincorporated areas of Imperial County.
- F. "Chief of the Fire Department" shall mean the Imperial County Fire Marshal, or such other person designated from time to time by the Board of Supervisors, having charge of, and responsibility for fire protection in the unincorporated areas of Imperial County.
- G. "Habitable Space" shall mean space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage, garages, shade structures, patios, ~~or~~ utility spaces and/or similar areas, are not considered habitable space.
- H. "Mayor" shall mean the Chairman of the Board of Supervisors of Imperial County.
- I. "Municipality" shall mean the Imperial County as a political entity.
- J. "State" shall mean the State of California.
- K. "Person" shall mean any person, firm, business, partnership, corporation or association.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 2: GENERAL PROVISIONS

§ 91002.00	BUILDING AND SAFETY DIVISION OF THE COUNTY
§ 91002.01	PLANNING & DEVELOPMENT SERVICES DEPARTMENT
§ 91002.02	PLANNING DIRECTOR DESIGNATED AS THE BUILDING
§ 91002.03	OFFICIAL
§ 91002.04	INTERFERENCE WITH BUILDING OFFICIAL
§ 91002.05	DUTIES OF THE BUILDING OFFICIAL
§ 91002.06	RIGHT OF ENTRY
§ 91002.07	DANGEROUS, INSANITARY AND UNLAWFUL
§ 91002.08	CONSTRUCTION
§ 91002.09	PERMIT REQUIRED
§ 91002.10	DEMOLITION PERMIT FEE REFUND
§ 91002.11	PARCEL REQUIRED TO BE MARKED (STAKING)
§ 91002.12	TEMPORARY SANITATION FACILITIES
§ 91002.13	WASTE COLLECTION AND DISPOSAL
§ 91002.14	APPLICATIONS FOR PERMIT
§ 91002.15	COMPLIANCE WITH TITLE 9 OF THE CODIFIED ORDINANCE
§ 91002.16	OF THE COUNTY OF IMPERIAL
§ 91002.17	PERMIT FEES
§ 91002.18	EMERGENCY WORK
§ 91002.19	FEE REFUNDS
§ 91002.20	EXPIRATION OF PERMITS
§ 91002.21	FEE FOR ISSUANCE OF RENEWAL OF EXPIRED PERMITS
§ 91002.22	BOARD OF APPEALS
§ 91002.23	APPEALS
§ 91002.24	APPEALS TO THE BOARD OF SUPERVISORS
§ 91002.25	NON-LIABILITY OF COUNTY OFFICERS AND EMPLOYEES
§ 91002.26	BUILDINGS AND STRUCTURES TO WHICH THIS DIVISION IS
§ 91002.27	NOT APPLICABLE
§ 91002.28	LOCATION OF UNIFORM CODES / CALIFORNIA CODES
§ 91002.29	CONFLICT WITH STATE LAW
§ 91002.30	OWNER CONSTRUCTION
§ 91002.31	PREFABRICATED BUILDING
§ 91002.32	<u>SHADE STRUCTURES</u>
§ 91002.33	<u>CLOTHES, WASHER AND DRYER PROTECTION</u>
§ 91002.34	<u>CARGO CONTAINERS</u>
§ 91002.35	<u>SPECIAL REQUIREMENTS FOR GEOLOGIC HAZARD ZONE</u>
§ 91002.36	<u>FEES</u>
§ 91002.37	<u>VIOLATIONS AND PENALTIES</u>
§ 91002.38	<u>CITATIONS</u>
§ 91002.39	<u>CERTIFICATE OF OCCUPANCY</u>
§ 91002.40	<u>VECTOR TREATMENT</u>
§ 91002.41	<u>SEPARATION WALLS</u>
§ 91002.42	<u>FOUNDATION PATES OR SILLS</u>
§ 91002.43	<u>INSTALLATION TEST (MH-UNIT/COMMERCIAL MODULAR)</u>
§ 91002.44	<u>AIR CONDITIONING REQUIREMENTS</u>
§ 91002.45	<u>APPLYING BUILDING CODES TO TINY HOMES</u>

- D. Any official notice and/or order, and/or citation shall be mailed via certified, return receipt mail, or shall be personally served upon the property owner of record and any other person determined by the Building Official to receive such notice.

**§ 91002.06 PERMIT REQUIRED**

Unless otherwise provided herein, it shall be unlawful for any person, firm or corporation including local government to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, structure or facility or to install, alter, move, repair, or replace or cause to be installed any plumbing, gas or drainage work or any fixtures or water heating equipment or electrical equipment within the unincorporated areas of the County of Imperial without first obtaining a permit to do such work from the Building Official. The permits described by this section are required in addition to any other permits required herein, or that may be required by any other law whether specified herein or not. A separate permit shall be obtained for the work herein described for each building or structure or facility wherein said work is to be performed. It shall also be unlawful and a misdemeanor to perform any such work in violation of this Ordinance or the technical standards of adopted Code.

**§ 91002.07 DEMOLITION PERMIT FEE REFUND**

Once the required demolition permit is obtained, the owner or applicant will be entitled to a full refund of the paid fee, minus the \$15 of administrative fee, as incentive for compliance, if the proposed work is performed, field verified and finalized by a County Inspector before the expiration time limitation of the permit (before 180 days of its issuance, pursuant to the 2019<sup>3</sup> California Building Code Section 105.5). A County check will be mailed to verified mailing address on the permit application.

**§ 91002.08 PARCEL REQUIRED TO BE MARKED (STAKED)**

The Building Official may, prior to the issuance of any permit and/or prior to the first inspection, require that the corners of the lot/parcel be clearly marked or located. If in the opinion of the Building Official, the corner markers need to be located by a "surveyor", the applicant (permittee) shall be required to obtain a surveyor and have the corners properly marked.

**§ 91002.09 TEMPORARY SANITATION FACILITIES**

Temporary sanitation facilities shall be provided for all construction sites, at the ratio of one (1) water closet and one urinal for each twenty persons per workplace. Said facilities shall be in place prior to any inspections being performed by the Department.

**EXCEPTION:** Minor permits as determined by the Building Official, such as replacement of electrical services or plumbing work, may not require facilities. Furthermore, if the work site has unrestricted access to an adjacent facility with adequate restrooms temporary facilities need not be provided.

**§ 91002.10 WASTE COLLECTION AND DISPOSAL**

Applicants shall provide solid waste disposal bins for all construction projects. Bins shall be of sufficient capacity to meet the waste disposal needs of the project. If a construction site is being managed in a manner that would allow the off-site migration of litter, the

construction site shall install appropriate temporary fencing in order to prevent off-site migration of litter.

All solid waste generated onsite shall be collected by an approved solid waste hauler that is permitted to haul solid waste. All construction wastes generated onsite shall either be transported by a permitted hauler to either an approved recycling facility or a permitted solid waste disposal facility.

**§ 91002.11 APPLICATIONS FOR PERMIT**

A. All applications for permits provided herein shall be made upon the appropriate forms provided by the County of Imperial. The application shall contain at a minimum, the following information:

1. Assessor's Parcel Number
2. Legal Description
3. Name of property owner
4. Address and phone number of property owner (mailing)
5. Street address of project site
6. A description of work to be performed
7. Intended use of structure
8. Size or volume of work proposed
9. Estimated construction cost (total)
10. Name and address of contractor (if required)
11. Name and address of engineer/architect (if required)
12. Proof of Workman's Compensation (if required)

The Building Official shall require plans, specifications or drawings and such other information deemed as necessary. A detailed site plan shall be required with each permit application, except that projects needing only a basic review (ex. minor maintenance, minor repairs, etc.), as determined by the Building Official.-

B. A site plan may not be required for permits involving routine maintenance, remodeling or alteration of existing industrial or commercial facilities that are subject to Section 91002.10 (exception), as determined by the Building Official.

C. A copy of each application filed with the Planning & Development Services Department or any other County Department pursuant to the provisions of this Division shall be transmitted to the Imperial County Assessor, and shall be open to public inspection.

D. The plans/construction drawings submitted as part of the application shall be deemed and managed by the Department as confidential information and shall not be open to random public inspection. Technical drawings and plans shall only be available to the public under the following conditions.

1. Court order
2. To the property owner of record upon proper I.D.
3. To the public with a signed release from the property owner and the architect or engineer of record
4. To the contractor of record
5. To County Counsel.

5. The Imperial Irrigation District (I.I.D.), shall be required to obtain permits for the construction of any structure for human occupancy; warehouse or storage facility. Permits shall not be required for structures used exclusively for power/water distribution (i.e. for structures having none or limited human occupancy (i.e. remote controlled power plants, sub-stations, etc.)
6. Special districts shall be defined as "a service district providing a public service for a given area, such as fire protection, water and/or sewer distribution, etc. and whose governing body is duly-elected by the district constituents". Special districts shall be treated the same as Number 5 above.
7. School district(s) shall be defined as... "All facilities, structures, buildings, not used for instruction of students, classrooms, auditoriums and, under direct control of the Office of the State Architect, shall be subject to all provisions of this Division. Such facilities shall include, but not be limited to, administration facilities, bus repair shops, garages, etc." School districts shall not be exempt from fees except that they shall only be required to pay actual costs.

**§ 91002.14 EMERGENCY WORK**

Any person who commences any work for which a permit is required by this Division without first obtaining a permit therefore shall, if subsequently granted a permit to perform such work, pay double the permit fee fixed herein. The provisions of this subparagraph do not apply to emergency work when it is proved to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to commencement of the work. However, if the person responsible for performing said emergency work fails to obtain a permit within 72 hours after said emergency work is commenced, the double fee as herein provided shall be charged. The provisions of this subparagraph are to apply in addition to the imposition of any other penalties, sanctions, or legal remedies provided elsewhere in the Code for violations thereof.

**§ 91002.15 FEE REFUNDS**

- A. The recipient of a permit issued pursuant to the provisions of this Division shall be entitled to a refund in the amount of 70% of the fees he/she has actually paid for such permit if all the provisions of subparagraphs (1), (2) and (3) hereunder are complied with:
  1. The permit is canceled prior to the commencement of work or construction covered by the permit and no on-site inspections have been made;
  2. A written request for a refund is received by the division not more than 180 days from the date said permit was issued, and
  3. After receipt of the permittee's application for refund, the Building Official is satisfied that said permittee is entitled to such refund.



No permits are required for detached shade structures constructed of cloth or any material allowed by code for nursery, storage or recreational purposes not including service systems, up to an area of 120 square feet and no more than one (1) story or 10 feet high, keeping the required setbacks.

Clothes washer and dryer installed at exterior of buildings must be protected from weather by a laundry room, closet or a roof shade with a minimum of 6 feet beyond the sides and at front of the appliances.

#### A. For Storage

1. Portable cargo containers, and other similar structures shall be subject to building permits. Containers shall be installed on foundations designed by California Registered Engineers; ~~or~~ use standard design for garages; or shall be set as a portable unit with the floor elevated to provide six (6)-inch separation between untreated wood, or metal and the ground.
2. Cargo containers shall be located at least five (5) feet from a side or rear yard property line and ten (10) feet from another building and shall be located as required for accessory structures (i.e. incidental storage) per the zoning ordinance.
3. The area occupied by the container(s) shall comply with the maximum area limitations for storage per the zoning code.
4. Containers shall not be "stacked" on top of each other or joined in any manner.
5. The use shall be limited to incidental storage and shall not be used to store hazardous materials unless approved by the Fire Department.
6. The use shall not ~~or~~ allow human occupancy of the containers. ~~nly and shall not be used as a habitable structure.~~
7. Containers that have been factory-built with any electrical, plumbing, heating or air conditioning system, shall not be connected to a power source.
8. Containers shall be maintained in good condition and free of graffiti at all times.

#### B. Conversion to Building Modules

##### Purpose

1. The purpose of this information is to define the requirements for the conversion of cargo containers to buildings, as accepted by Imperial County Planning & Development Services (ICPDS).

##### Background

The use of cargo containers (also known as shipping containers) in building construction is growing due to sustainability and economic demands.

Cargo containers are manufactured all over the world to meet the standards set by the International Convention of Safe Containers (CSC). The CSC is an international agreement ratified by various countries including United States. Inspection and testing services at the point of manufacture of the cargo containers are provided by a Certified Inspection and Testing Agency (CITA) specifically authorized to certify containers by an administration signatory to the CSC. The selected CITA inspects the cargo containers at the point of manufacture, and if they pass the inspection, places a CSC safety approval placard (CSC plate) on each container and assigns a unique CSC tracking number to each container. The inspected containers will also have the selected CITA organization logo affixed to them.

A Cargo Container is also referred to as a "module". Two or more modules may be joined together to form a unit module. Cargo container conversions to building modules are limited to 2 stories in height.

#### **1. Container Conversions Approved by California Department of Housing and Community Development as Factory-Built Housing (FBH):**

- Cargo container conversions reviewed and approved by the California Department of Housing and Community Development (HCD) are accepted by Imperial County Planning and Development Services (ICPDS) as approved
- Cargo Container conversions, as Factory Built Housing (FBH), are subject to the review of zoning regulations and the review of the building location on the property by the Department. Clearance approval from other County agencies shall be obtained where required.
- Plan review and inspection of factory-built housing modules shall follow the guidelines specified in Information Bulletin, P/BC 2020-112, "Plan Check Guidelines for State Approved Factory-Built Housing".
- Onsite modifications to those container conversions previously approved by HCD are subject to the review and approval by ICPDS if the building is not more than two (2) stories in height. Otherwise, onsite modifications are not permitted, unless approved by HCD.

#### **2. Selection of Containers for Conversion**

The cargo containers selected for conversion to buildings shall meet all of the following requirements:

2.1 Container shall be general purpose container conforming to ISO1496-1 and ISO 6346 issued by the International Organization for Standardization.

2.2 Container shall have an affixed CSC approval placard, and it shall have been surveyed and verified by a Licensed Marine Surveyor as undamaged. The container must not have been used after the above survey. A copy of the survey and verification forms completed and signed by the Licensed Marine Surveyor shall be placed in the container and shall be made available to the in-plant and project inspectors.

2.3 Container shall have one of the following CITA logos affixed to it:

- ABS (American Bureau of Shipping)
- BV (Bureau Veritas)
- DNV (Det Norske Veritas AS)
- DNV GL (Det Norske Veritas Germanischer LloydGL (Germanischer Lloyd)
- LR (Lloyd's Register)



Containers bearing other CITA logos may be used subject to ICPDS's approval. The modular building manufacturer shall submit for ICPDS review the CITA rules and guidelines for container certification.

- Container used in a building shall be of all the same type and from the same manufacturer.

2.4 Container used in a building shall have been manufactured within twenty-four months of the date of ICPDS approval of the site specific building design drawings.

2.5 Container shall be undamaged and have no previous repairs.

2.6 Container type shall be standard dry cargo container, used for the one-way transportation of dry goods only. Container shall not have been used for transporting hazardous materials. Container shall not have been painted with paint containing lead.

2.7 Manufacturer's original design/fabrication drawings for the container, with English translation, shall be provided to the project inspectors for the verification and evaluation of the as-built container material and member properties, and connection details.

2.8 Copies of original design/fabrication drawings of the selected cargo container shall be included as a part of the modular building construction documents. These drawings shall be identified as "For Reference Only". The structural engineer of record shall develop as-built drawings for the cargo container showing the complete as-built information required for verification and evaluation of the unmodified cargo container. This information shall be included as a part of the modular building construction documents. The structural engineer of record shall stamp and sign the as-built drawings.

### **3 Structural Integrity Verification of Each Unmodified Container**

Condition assessment per ASCE 41-13 Section 4.3.3 and non-destructive weld test (NOT) as an alternate means of compliance with the requirements of ASCE 41-13 Section 9.2.2.4.2 (Comprehensive testing) shall be performed in the U.S. by a laboratory accepted by ICPDS after the container is purchased by the company performing the conversion to a building and prior to the start of construction or rehabilitation on the container. The owner shall pay for the structural integrity verification of each unmodified container. The following guidelines shall be used:

3.1 A detailed written report verifying the condition and sealed by a California licensed professional engineer shall be prepared by the laboratory documents the visual inspections, test results, and general condition assessment for each container. Copies shall be distributed to ICPDS, for review as a part of approval requirements, and the owner. A copy of the above report shall be placed in the module and shall be made available for inspections both in the plan and at the site.

### **4. Basic Requirements**

All Portions of container buildings shall conform to all requirements of the California Building Code. The building structure, all structural elements and details shall be analyzed and



justified through established engineering principles, in accordance with the current CBC requirements.

#### **4.1 Lateral Force Resisting System:**

In all cases, a continuous load path of wind and seismic forces from point of origination to foundations must be maintained and demonstrated by sections and details on the approved plans. All connections must be detailed and supported by calculations.

For the corrugated roof metal deck, the roof diaphragm capacity may be determined per the Steel Deck Institute Diaphragm Design Manual. For the floor with plywood sheathing over cold formed steel joists, the floor diaphragm capacity shall be determined per North American Standard for Cold Formed Steel Framing- Lateral Design (AISI S213-07 w/S1-09, 2012).

Adjacent modules within the unit shall be positively connected to each other such that the unit will perform as one module. Adjacent unit shall be either positively connected to each other such that the units together will perform as one structure or structurally separated with adequate gap between them such that each unit will perform as a separate structure. Diaphragms, chords, and collectors shall be designed and detailed to satisfy Section 12.10 of ASCE 7-10.

The required structural separation between the container building and any adjacent structure (elevators, stairs, etc.) shall be shown on the modular building design drawings and the approved plans.

#### **4.2 Allowable Strength of Containers Based on Test Results:**

Allowable structural strength of a whole container (without openings or any parts of original box removed or cut) will be taken of the strength obtained from the test results.

All test reports and results of allowable strength of containers used as building components shall be provided by an approved testing agency.

#### **4.3 Altered Containers:**

When a container is altered by cutting, removing or replacing structural elements, allowable strength derived from test results will not be acceptable unless it meets the following conditions:

- If steel frame elements are replaced, a similar or higher grade of steel shall be used. Cross section of new element must be equal to or larger than the element removed. All new welds and connections must be equal to or larger than original connections and complying with the applicable ASTM steel standards.
- When openings are made in container walls for doors, windows and others, opening must be framed with steel elements resembling or exceeding elements in the original frame and complying with the applicable ASTM steel standards.
- When the length (in the plan view) of openings in any one wall does not exceed 20% of the total length of the wall, allowable strength can be derived from test results as explained in Section 3.2 above with a reduction equal to the maximum ratio of openings in any of the four walls of the container.
- When the length of openings in any one wall exceeds 20% of the total wall length, test results cannot be used to calculate allowable strength of the containers. Structural calculations must be provided to justify allowable strength



based on acceptable engineering practices. Steel grade and yielding strength of original container elements must be documented or determined by tests.

- In all cases, a continuous load path of gravity forces from the point of origination to foundation must be maintained and demonstrated by sections and details. All connection designs must be detailed and supported by calculations.
- Continuous deputy inspection shall be required for all field welding.

#### **4.4 Architectural Criteria:**

1. Due to the fact that most of the containers have a wood floor decking that is possibly impregnated with toxic chemicals to deter rodents and other pests, such floors shall be removed and disposed of in an acceptable manner. The wood floor deck shall be replaced with steel plate, plywood or OSB in accordance with the engineer's design and in accordance with the construction type of the proposed new structure.
2. The existing structure will need to be tested for lead based paint. If any lead based paint is found in the proposed structure, it will need to be addressed in accordance with EPA lead based paint remediation guidelines for existing structures with lead based paint.

#### **4.5 Protection Against Deterioration:**

To reduce problems of deterioration, dry rot, or rust, drainage shall be provided to prevent water from ponding beneath buildings. Under-floor ventilation, under floor clearance, and the treatment of wood members in close proximity to exposed ground, shall be in accordance with the CBC 2019 Edition.

The minimum thickness of steel deck diaphragms and steel structural members permitted is 20 gage. The minimum thickness of non-structural steel roof decking and wall siding is 26 gage, protected with a durability coating. Steel members shall be given a rust inhibitive coating.

#### **4.6 Electrical, Mechanical and Plumbing:**

Electrical, mechanical and plumbing permits shall be required. All utility installations shall conform to the requirements of Title 24, Parts 3, 4 and 5.

Provisions shall be made for grounding the electrical system and equipment for each individual building and this shall be shown on the drawings.

A bonded common grounding electrode shall be provided for each metal building, exposed metal frame, ramp, stair and the electrical system per current code requirements.

A means of access shall be provided per Section 1208.1 of the California Building Code to all under-floor utilities such as electrical, mechanical and plumbing.

#### **4.7 Permanent Foundations:**

Container Buildings shall be installed on permanent foundations in compliance with the 2019 California Building Code. The distance below the underside of the plywood floor sheathing to the exposed soil shall not be less than 18 inches unless the plywood is pressure treated. In cases where the existing marine grade plywood floor sheathing is to be replaced by new

plywood sheathing and the distance to the exposed soil is less than 18 inches, the new plywood shall be pressure treated and have the exposure durability classification- Exterior. All pressure treated plywood shall be verified to be harmless to humans or shall be encapsulated. Encapsulating details shall be submitted to ICPDS for review.

#### **4.8 Roof Drainage:**

The design and installation of roof drainage system shall comply with Section 1502 of the 2019 California Building Code.

#### **4.9 Other code requirements:**

Container building shall comply with the California Energy Code (Title 24, Part 6) Accessibility Regulations of the 2019 California Building Code and the 2019 California Green Code (Title 24, part 11) requirements.

Container buildings shall comply with the Fire Department regulations when applicable.

All of the above information is to be included in the final verified reports by the contractor and the County Inspector.

The permit fee for containers shall be based on the fee schedule as set forth in this ordinance Section 91002.12

### **§ 91002.~~2830~~ SPECIAL REQUIREMENTS FOR GEOLOGIC HAZARD ZONE**

In addition to the requirements of this Ordinance, any applications for a building permit for a structure used for human occupancy that lies within a special studies zone delineated by the State Geologist pursuant to Section 2621, et seq., of the Public Resources Code, shall comply with all of the provisions of Title 9, Division 15, of the Codified Ordinances of Imperial County, and State law and no building permit subject hereto shall be granted except in accordance with the provisions thereof.

### **§ 91002.~~2931~~ FEES**

Each applicant for a permit that is subject to the provisions of Section 91002.26 shall, pay the fees provided for elsewhere in this Division.

### **§ 91002.~~3032~~ VIOLATIONS AND PENALTIES**

Any person, firm, or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues, shall constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

### **§ 91002.~~334~~ CITATION(S)**

The Building Official or his designee(s) having the authority under Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

**§ 91002.342 CERTIFICATE OF OCCUPANCY**

No vacant land in any zone established under the provisions of this Division shall hereafter be occupied or used, except for agricultural uses, and no building hereafter erected, structurally altered, or moved in any such zone shall be occupied or used until a Certificate of Occupancy shall have been issued by the County Building Official.

- A. Certificates of Occupancy for a new building, or the enlargement, alterations or moving of an existing building, shall be applied for and shall be issued within ten

(10) days after the erection or alteration, subject to all Agencies signing off of such building shall have been completed in conformity with the provisions of this and other pertinent laws of the County. A Certificate of Occupancy shall not be required for any of the following:

1. Any buildings not intended primarily for occupancy by human beings.
  2. Any buildings designed and constructed for use as a dwelling by not more than two (2) families.
  3. Any building designed and constructed for use in housing poultry, livestock, hay, grain, or farm implements and supplies.
- B. Certificates of Occupancy for the use of vacant land, or the change in the use of land as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of grazing, tilling the soil and the growing therein of farm, garden or orchard products, and a Certificate of Occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of this and other pertinent laws of the County.
- C. Certificates of Occupancy shall state that the building, or proposed use of a building or land, complies with the provisions of this Title, or that a variance or a conditional use permit has been issued for this proposed use. A record of all certificates shall be kept on file in the office of the County Building Official and copies shall be furnished on request, to any person having a propriety or tenancy interest in the building or land affected.
- D. No fee shall be charged for any original Final Certificate. F, for an original temporary-all other certificates certificate, a \$150 fee shall be charged. For copies of any original Certificates a \$10 fee shall be charged.
- E. Certificates of Occupancy for non-conforming uses existing at the time of the passage of this Title or any amendment thereto may be issued by the County Building Official upon request, and the Certificate shall state that the use is a non-conforming use existing prior to the adoption of this Title and therefore may be continued as provided in this Title.

#### § **91002.353 VECTOR TREATMENT**

The County of Imperial has noted significant structural damage in wood frame buildings due to "termite" infestation. This has the potential to adversely affect the housing stock in the County and result in added housing costs. It is therefore required that all new construction, including additions to existing structures be "pre-treated" for termite control. Proof of pre-treatment shall be provided prior to framing inspection.

#### § **91002.34 SEPARATION WALLS**

Separation walls between "R" occupancies and U" occupancies shall be 1 hour rated. ~~Separation walls between "R" occupancies and "U1" occupancies shall be considered 1 hour construction using 5/8 fire rated sheetrock on the "U" side and 1/2 sheetrock on the "R3" side.~~



§ **91002.365 FOUNDATION PLATES OR SILLS**

Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 of the California Building Code. Foundations plates or sills shall be bolted or anchored to the foundation with not less than ½ inch diameter (12.7 mm) steel bolts or approved anchors spaced to provide equivalent anchorages the steel bolts or anchoring epoxy formulated and tested in accordance with ICC-ES appropriate code listings. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate (0.229 inch x 3 inch x 3 inch). Except that such anchors shall be distributed along the length of the braced wall line. Other anchorage device having equivalent capacity are permitted.

§ **91002.376 INSTALLATION TEST (MH-UNIT/COMMERCIAL MODULAR)**

At the discretion of the Building Official, the installation provisions that apply to MH-units, as required by Title 25, California Code of Regulations, Division 1, Chapter 2, Article 7, Section 1362, shall apply equally to commercial modular.

Installation tests (as printed in Section 1362) are as follows:

- a) The potable water distribution system of the MH-unit and the supply connection shall show no evidence of leakage under normal operating pressures. If water at normal operating pressure is not available, the water distribution system shall be tested by a fifty (50) psi air pressure test for a period of not less than fifteen (15) minutes without leaking.
- b) The MH-unit drainage piping system shall be connected to the lot drain inlet, and tested by allowing water to flow into all fixtures, and receptors, including the clothes washer standpipe, for a period of three (3) minutes. If water under pressure is not available, the drainage piping system shall be tested by letting at least three (3) gallons of water into each fixture and receptor. There shall be no visible evidence of leaks.
- c) The MH-unit fuel gas piping system shall be tested before it is connected to the lot gas outlet. The gas piping system shall be subjected to a pressure test with all appliance shut-off valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shut-off valves ahead of fuel gas cooking appliances may be closed.
  - (1) The test shall consist of air pressure at not less than ten (10) inches nor more than a maximum of fourteen (14) inches water column. (Six (6) ounces to a maximum eight (8) ounces). The system shall be isolated from the air pressure source and maintain this pressure for not less than two (2) minutes without perceptible leakage. Upon satisfactory completion of the test, if the appliance valves ahead of fuel gas cooking appliances have been shut off, they shall be opened and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressures shall be measured with either a manometer, slope gauge, or gauge calibrated in either water inches or psi with increments of either one-tenth (1/10) inch or one-tenth (1/10) ounce, as applicable.

NOTE: The fuel-gas piping system shall not be over-pressurized. Pressurization beyond the maximum specified may result in damage to valves, regulators, appliances, etc.

- (2) Gas appliance vents shall be inspected to insure that they have not been dislodged in transit and are securely connected to the appliance.
- d) The electrical wiring and power supply feeder assembly of the MH-unit shall be tested for continuity and grounding. The electrical wiring system shall not be energized during the test. An MH-unit equipped with a power supply cord shall not be connected to the lot service equipment. An MH-unit equipped with a feeder assembly shall have the flexible metal conduit of the feeder assembly connected to the lot service equipment; however, the supply conductors, including the neutral conductor, shall not be connected.
  - (1) The continuity test shall be made with all interior branch circuit switches or circuit breakers and all switches controlling individual outlets, fixtures and appliances in the "on" position. The test shall be made by connecting one lead of the test instrument to the MH-unit grounding conductor at the point of supply to the feeder assembly, and applying the other lead to each of the supply conductors, including the neutral conductor. There shall be no evidence of any connection between any of the supply conductors and the grounding conductor. In addition, all noncurrent-carrying metal parts of electrical equipment, including fixtures and appliances, shall be tested to determine continuity between such equipment and the equipment grounding conductor.
  - (2) Upon completion of the continuity test, the power supply cord or feeder assembly shall be connected at the lot service equipment. A further continuity test shall then be made between the grounding electrode and the chassis of the MH-unit.
  - (3) If the final electrical connection has been approved by the enforcement agency and electrical energy is available at the lot equipment, a polarity test shall be conducted with the MH-unit energized.
- e) When an MH-unit consists of two (2) or more sections, all utility connections from one section to another shall be visually inspected and included in the tests.
- f) Upon approval of the installation and satisfactory completion of the gas and electrical tests, the lot equipment shall be approved for service connection.
- g) When installed, fire sprinkler systems shall be hydrostatically tested in accordance with Title 25, Chapter 3, Section 4320.

## § 91002.387 AIR CONDITIONING REQUIREMENTS

All habitable structures (conventional or manufactured) on property that is located within the unincorporated areas of the County of Imperial shall include a functional, heating and air-conditioning system that ~~is~~ will maintain indoor temperatures of the structure at a minimum temperature of 68°F for heating and a maximum 75°F for cooling.

## § 91002.39 APPLYING BUILDING CODES TO TINY HOMES

### INTRODUCTION

For the most part, a tiny home is a single-family dwelling on a very small scale. The California Residential Code 2019 Edition defines a tiny home as a dwelling that is 400 square feet or less in floor area, excluding lofts.

Tiny homes are dwellings. A dwelling is considered by building codes to be used as a non-transient occupancy for the purposes of living, which includes sleeping and cooking. Dwellings are not for transient use, where occupants unfamiliar with the building will stay temporarily, such as a hotel room.

Dwellings are therefore generally subjected to the same building code regulations as any other home.

## **SCOPE OF BUILDING CODES**

Tiny Homes are built in different ways, and it is important to identify which types of tiny homes fall within the scope and application of building codes.

Types of tiny homes include the following:

- Recreational vehicles
- Manufactured Homes (Park Models)
- Modular dwellings
- Site-built dwellings

Building codes will apply only to tiny homes in the form of modular dwelling and site-built dwellings. Those taking the form of recreational vehicles and manufactured homes are not regulated by building codes but are under the regulation of park models and recreation vehicles standard. (See Div. 12, Ch. 2)

For the purposes of these guidelines, a tiny home is intended for permanent and non-transitory occupancy or residency. Also for the purposes of these guidelines, tiny homes are not attached to multiple units and would not be configured or used as a bunkhouse.

### **Modular Dwellings**

Modular dwellings are built in whole or in part at a factory, and then taken to a site for installation. These types of dwellings are not built or labeled to the HUD standards for manufactured homes nor labeled as such. Modular dwellings are regulated by building codes.

### **Site-Built Dwellings**

If a tiny home is a building used for occupancy that meets these definitions and is excluded by being considered an RV, manufactured home, mobile home, or park model, then the building code applies.

## **CODE APPLICATION**

There are two nationally recognized, voluntary building construction codes promulgated in the United States that regulate the construction of single-family dwellings: NFPA 5000, Building Construction and Safety Code, promulgated by the National Fire Protection Association (NFPA).

and the international Building Code (IBC) promulgated by the International Code Council (ICC). Generally, the IBC establishes regulations for homes in the International Residential Code (IRC). Provisions in these documents for their 2018 editions are the base for our California Code of Regulations Title 24.

Tiny homes are separate buildings intended for non-transient living purposes. The occupancy that building codes establish for residential living is a dwelling unit: in NFPA 5000, the occupancy is a one-and two-family dwelling; in the IBC/IRC it is an R-3 occupancy.

Tiny homes are single-family dwellings, and under this occupancy description the building code will regulate them. A dwelling is defined as a building provided with permanent provisions for sleeping, cooking, eating, living, and sanitation.

Tiny homes are not accessory structures, as considered by building codes. A dwelling, no matter what the size, is a primary use and a permanent, habitable occupancy.

Following are building code-related issues that may affect the design and construction of tiny homes. This is not intended to be a complete code analysis. These are the general requirements that have the greatest effect, and these citations do not necessarily reflect all the exceptions, allowance, and trade-offs established by the codes.

- Room size and dimensions
- Mezzanines/Lofts
- Headroom
- Means of escape
- Egress Width
- Stairs
- Automatic Fire Sprinklers
- Smoke Alarms
- Carbon Monoxide Alarms
- Sanitation
- Light and Ventilation
- Electrical
- Accessibility
- Plumbing
- Mechanical
- Energy Compliance

## **CONCLUSION**

Building codes apply to tiny homes if they are constructed in ways that fall within the scope of building codes. Recreational vehicles and manufactured homes do not fall within the scope of building codes.

Consideration should be given to the design elements as an equivalent alternate or alternate design as approved by the AHJ.



## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 3: CALIFORNIA BUILDING CODE

§ 91003.00	ADOPTION OF THE CALIFORNIA BUILDING CODE
§ 91003.01	MODIFICATION OF THE CALIFORNIA BUILDING CODE
§ 91003.02	UNDERGROUND STORAGE TANKS (HAZARDOUS SUBSTANCES)
§ 91003.03	FEES
§ 91003.04	CITATIONS

#### § 91003.00 ADOPTION OF THE CALIFORNIA BUILDING CODE

The California Building Code 2016 Edition and all of the Appendices or later version as adopted by the Building Standard Commission of the State of California, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91003.01.

#### § 91003.01 MODIFICATIONS OF THE CALIFORNIA BUILDING CODE

- A. Finish floor elevations in new residential (Group "R" Occupancy) shall be:
1. Eighteen inches (18") above average lot elevation and/or twelve inches (12") above crown of adjacent street.
  2. In lieu of Subsection A (1) above, a grading plan to show adequate drainage away from said structure, signed by a Registered Civil Engineer or Architect may be provided.
- B. Finish floor elevations in all non-group "R" Occupancies (except structures used to store agricultural produce or animal pens/buildings) shall be a minimum of 6" above adjacent street crown or 12" above average lot elevation.
- C. Pursuant to the Health and Safety Code Sections 17958.5 and 17958.7, the County establishes the following local modifications. The requisite findings if applicable for such requirements are set forth in this ordinance.
- D. Section 2210 of the California Building Code is amended to read as follows:

##### 2210 – Adoption

Except for the modifications as set forth in Sections 2211 and 2212 of this division and the requirements of the Building Code, the seismic design, fabrication, and erection of structural steel shall be in accordance with ~~Part I (LRFD) and Part III (ASD) of ANSI/AISC 341-16~~ the Seismic Provisions for Structural Steel Buildings, dated ~~April 15, 1997~~ July 12, 2016, and ~~Supplement No. 2, dated November 10, 2000~~, published by the American Institute of Steel Construction, 1 East Wacker Drive, Suite 3100, Chicago, IL 60601, as if set out at length herein and hereinafter referred to as AISC-Seismic.

E. Where other codes, standards, or specifications are referred to in AISC-Seismic, they are considered as acceptable methods or materials when approved by the Building Official.

~~F. Sole plate anchor bolts shall be as in zone "E" and shall be 5/8 inch diameter.~~

G.F. Swimming Pools; Fencing and Gates.

1. Definition. For the purposes of this section, a swimming pool is any confined body of water, ~~exceeding one hundred fifty (150) square foot in surface area and over~~ two (2) feet in depth, used or intended to be used for swimming ~~bathing or wading purposes; this includes in-ground, above-ground or on-ground pools, hot tubs, spas and fixed-in-place wading pools. or bathing purposes.~~

2. 4. Swimming pool design shall comply with California Residential Code 2019 Edition, Appendix V, Swimming Pool Safety Act, and the California Electrical Code 2019 Edition Article 680.26 (B) equipotential bonding Sections (3)(4)(5)(6)(7) and Article 680.26 (c) Pool water and any other article as applicable to the specific pool design, as well as to comply with Division 5 Chapter 1 Section 90501.16 Swimming Pools of this County Ordinance.

2.3. Fences, etc. Every swimming pool shall be enclosed by a wall, fence or other structure having a minimum height of five (5) feet and constructed or installed so as to obstruct access from a home and by persons other than the owners or occupants of the premises on which such swimming pool is located.

3.4. Gates. Such fences shall include gates or doors therein. All gates and doors installed must be self-closing and self-latching, with latches placed at least ~~four~~ five feet above the ground level. All gates opening through such enclosure shall be kept securely closed and latched at all times.

4.5. Ingress and Egress. Such fence, gate or other protective device as required by these subsections shall be installed in such a manner as to comply with the fire regulations, State laws and the County ordinances. Alternative protective methods include:

- a. The pool shall be equipped with an approved safety pool cover that meets all requirements of ASTM Specifications F 1346.
- b. The residence shall be equipped with exit alarms on those doors and operable windows with a sill height of less than forty-eight (48) inches, providing direct access to the pool.
- c. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372mm) above the floor.

5.6. Variances. The owner of any swimming pool may request approval of variance from the fencing requirements of this section by submitting to the Building Official a written application for such variance, setting forth a description of such pool and alternate safeguard or condition of the site by which unauthorized entry into such swimming pool may be restricted

## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

#### CHAPTER 4: CALIFORNIA PLUMBING CODE

§ 91004.00	ADOPTION OF THE CALIFORNIA PLUMBING CODE
§ 91004.01	MODIFICATIONS OF THE CALIFORNIA PLUMBING CODE
§ 91004.02	WORK NOT REQUIRING A PERMIT
§ 91004.03	BUILDINGS LOCATED WITHIN TWO HUNDRED FEET OF A PUBLIC SYSTEM
§ 91004.04	PLUMBING PERMIT FEES
§ 91004.05	CITATION(S)

#### § 91004.00 ADOPTION OF THE CALIFORNIA PLUMBING CODE

The ~~2016~~ 2019 California Plumbing Code, including the appendices, is hereby incorporated.

#### § 91004.01 MODIFICATION OF THE CALIFORNIA PLUMBING CODE

A. Table H6.9 shall be deemed to be amended to read as follows:

Disposal fields shall be constructed as follows:

	Minimum	Maximum
Number of drain lines per field	2	---
Length of each line	---	100 ft. (30.5 m)
Bottom width of trench	18 inch (457.2 mm)	36 inches
Spacing of lines, center to center	6 feet (1.8 m)	---
Depth of earth cover of lines (preferred- 18 inches (457.2 mm))	12 inches (304.8 mm)	---
Grade of lines	Level	3 inches/100 feet (25 mm/m)
Filter material over drain lines	2 inches (50.8 mm)	---
Minimum total length of leach lines required in area of County bounded on the east by the Highline Canal, on the west by the Westside Main Canal, on the north by Gillespie Road, and on the south by the All American Canal	195 feet	

Minimum spacing between trenches or leaching beds shall be: four (4) feet (1.2 m) plus two (2) feet (.6m) for each additional foot (.3m) of depth in excess of one (1) foot (.3m) below the bottom of the drain line. Distribution drain lines in leaching beds shall not be more than six (6) feet (1.8mm) apart on centers and no part of the perimeter of the leaching bed shall be more than three (3) feet (.9mm) from a distribution drain line.

## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 5: CALIFORNIA ELECTRICAL CODE

§ 91005.00	ADOPTION OF CALIFORNIA ELECTRICAL CODE
§ 91005.01	TITLE
§ 91005.02	APPLICATION TO EXISTING ELECTRICAL SYSTEMS AND EQUIPMENT
§ 91005.03	ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION
§ 91005.04	MODIFICATIONS
§ 91005.05	TESTS
§ 91005.06	POWERS AND DUTIES OF BUILDING OFFICIAL
§ 91005.07	UNSAFE ELECTRICAL SYSTEMS OR EQUIPMENT
§ 91005.08	BOARD OF APPEALS
§ 91005.09	VIOLATIONS
§ 91005.10	PERMITS
§ 91005.11	APPLICATION FOR PERMIT
§ 91005.12	PERMITS ISSUANCE
§ 91005.13	FEES
§ 91005.14	INSPECTIONS
§ 91005.15	CONNECTION APPROVAL
§ 91005.16	MODIFICATIONS OF THE NATIONAL ELECTRICAL CODE
§ 91005.17	WORK NOT REQUIRING A PERMIT
§ 91005.18	MAINTENANCE ELECTRICIANS
§ 91005.19	PUBLIC UTILITIES
§ 91005.20	CITATIONS

#### § 91005.00 ADOPTION OF CALIFORNIA ELECTRICAL CODE

The ~~2016-2019~~ California Electrical Code, by adoption of the ~~2014-2017~~ Edition of the National Electrical Code, including all, administrative sections, and tables as compiled and published by the National Fire Protection Association is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91005.16.

#### § 91005.01 TITLE

These regulations shall be known as the "California Electrical Code", may be cited as such and will be referred to as "this Code" or "CEC".

#### § 91005.02 APPLICATION TO EXISTING ELECTRICAL SYSTEMS AND EQUIPMENT

##### A. Additions, Alterations or Repairs

Additions, alterations or repairs may be made to an electrical system and equipment without requiring the existing electrical system and equipment to comply with all the requirements of this code, provided the addition, alteration or repair conforms to that required for a new electrical system and equipment and



E. Fee Refunds

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 780 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. The Building Official may authorize the refunding of not more than 780 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**§ 91005.14 INSPECTIONS**

A. General

All electrical systems and equipment for which a permit is required by this Code shall be subject to inspection by the Building Official, and the electrical system shall remain accessible and exposed for inspection purposes until approved by the Building Official.

It shall be the duty of the permit applicant to cause the electrical system to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this Code shall not be connected to the energy source until authorized by the Building Official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

B. Inspection Requests

It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting inspections required by this Code to provide access to and means for inspection of such work.

Said Building Official shall have the power to remove, or to require the removal of any obstruction which prevents proper inspection of any electrical equipment.

3. All defects shall be corrected within ten (10) days after inspection, or within such other reasonable time as is permitted by the Building Official.

#### **§ 91005.15 CONNECTION APPROVAL**

##### **A. Energy Connections**

An electrical system or equipment regulated by the CEC for which a permit is required shall not be connected to a source of energy or power until approved by the Building Official.

##### **B. Temporary Connections**

The Building Official may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for use under a temporary Certificate of Occupancy. If a temporary Certificate of Occupancy is issued, the Building Official may order this service terminated without notice if the service is used or maintained in violation of the terms under which it was approved.

#### **§ 91005.16 MODIFICATIONS OF THE 2016 CALIFORNIA ELECTRICAL CODE**

- A. The 2016-2019 California Electrical Code is hereby amended to include the provisions contained in Sections 91005.02, 91005.03, 91005.04, 91005.05, 91005.06, 91005.07, 91005.08, hereinafter set forth shall apply.

- B. Section 89.101.3.3 Subsection (A-F), are deleted and revised to read: "A permit shall not be required for the installation, alteration, or repair of electrical wiring, apparatus, or equipment for the generation, transmission, distribution, or metering of electrical energy, or in the operation of signals or the transmission of intelligence by a public or private utility, provided said work is performed by the utilities own work force in providing its service." Permits shall be required for all new construction of generating plants, sub-station control buildings or buildings where employees of the Utility are regularly at work.

- C. Article 230-28 is hereby amended to read as follows:

"Where a service mast is used for the support of service drop conductors, it shall be 2" diameter nominal rigid metal conduit; and if necessary, by determination of the authority be supported by braces or guy wires to safely withstand all loads imposed." Where raceway-type service masts are used, all raceway fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast.

- D. Article 250.8 is hereby amended to read as follows:

Grounding conductors and bonding jumpers shall be connected by exothermic welding, listed pressure connectors, listed clamps, or other listed means. Connection devices or fittings that depend solely on solder shall not be used.

## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 6: UNIFORM HOUSING CODE

- § 91006.00 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE
- § 91006.01 MODIFICATION OF THE CALIFORNIA RESIDENTIAL CODE
- § 91006.02 CITATIONS

#### § 91006.00 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE (CODE)

The CALIFORNIA RESIDENTIAL 2016-2019 Edition, as adopted by the Planning and Development Services Department and Title 25 is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, as provided by Section 91006.01.

#### § 91006.01 MODIFICATIONS OF THE CALIFORNIA RESIDENTIAL CODE

Section R104 of the California Residential Code is hereby amended to read as follows:

- A. Authority. As herein below set forth, the Building Official and the Director of Environmental Health Division, (hereinafter referred to as "Director" for purposes of this Chapter only) are hereby authorized and directed to administer and enforce all the provisions of this Code.
  - 1. The duties of the Building Official shall include but not be limited to the directing, administering, and enforcing of all provisions of this Code relating to erection, construction, enlargement, alterations, repair, moving, removal convergence or demolition of buildings or structure to which this Code applies.
  - 2. The duties of the Director shall include but are not limited to the directing, administering, enforcing of all provisions of this Code relating to the public health aspects of the maintenance, sanitation, occupancy and ventilation of buildings and structures to which this Code applies.
- B. Right to Entry.
  - 1. The Building Official or the Director, or duly appointed representatives of either such official, may enter and inspect any building or premises when necessary to secure compliance with, and prevent violation of, any provision of the Code, subject to the limitations hereinafter provided.
  - 2. Any occupied dwelling shall not be entered between the hours of 9:00 p.m. of any day and 6:00 a.m. of the succeeding day, without the consent of the owner or the occupants of the dwelling. An unoccupied dwelling shall not be entered without there first being secured a proper written order executed and issued by a court having jurisdiction to issue the order.

## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 7: ADOPTION OF THE CALIFORNIA MECHANICAL CODE

§ 91007.00 ADOPTION OF THE CALIFORNIA MECHANICAL CODE

§ 91007.01 FEES

§ 91007.02 CITATIONS

#### § 91007.00 ADOPTION OF THE CALIFORNIA MECHANICAL CODE

The 2019~~6~~ California Mechanical Code, including the appendix thereof and the standards therein, which has been adopted by the State Building Standards Commission, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91007.01.

#### § 91007.01 FEES

Applications for permits under this Chapter shall be accompanied by fees as set forth in the Imperial County Codified Ordinance Title 9, Division 9, and Sections 90901.00 through 90904.05.

#### § 91007.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 9: ADOPTION OF THE INTERNATIONAL ZONING CODE

- § 91009.00 ADOPTION OF THE INTERNATIONAL ZONING CODE
- § 91009.01 FEES
- § 91009.02 CITATIONS

#### § 91009.00 ADOPTION OF THE INTERNATIONAL ZONING CODE

The International Zoning Code, 2012-2018 Edition, which has been adopted by the International Code Council, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial.

#### § 91009.01 FEES

Fees for the sign permit shall be as per Section 90902.06.

#### § 91009.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

#### CHAPTER 10: PHOTOVOLTAIC SOLAR PROJECTS

<u>91010.00</u>	<u>APPLICATION FOR PERMIT</u>
<u>91010.01</u>	<u>PERMIT, CONDITIONS REQUIRED FOR ISSUANCE</u>
<u>91010.02</u>	<u>FEES</u>
<u>91010.03</u>	<u>APPLICANT'S LIABILITY</u>
<u>91010.04</u>	<u>CERTIFICATE OF OCCUPANCY</u>
<u>91010.00</u>	<u>APPLICATION FOR PERMIT</u>

Applicants for permits shall apply to the Planning & Development Services Department for the photovoltaic system, and shall submit detailed plans and calculations of all proposed grading, structures, electrical installations, MCC buildings, substation, maintenance building, temporary offices and accessory structures; including fences and barricades used in connection with the proposed work. The department may require, in addition, an engineer's geological report and a soil engineering report in connection with the proposed work.

#### 91010.01 PERMIT, CONDITIONS REQUIRED FOR ISSUANCE

Besides the data required to be submitted pursuant to Section 91010.00, approvals from the following County departments will be required before issuance of permit:

Planning & Development Services  
Public Works  
Fire Department  
Air Pollution Control District  
Environmental Health Services  
Agricultural Commissioner  
Chief Executive Officer

After all existing conditions have been reviewed and accepted by these departments, a permit for the photovoltaic solar project may be issued.

#### 91010.02 FEES

The Planning & Development Services Department will assess a fee for zoning, general plan, seismic motion instrumentation, administrative processing, and California Building Standards Commission. Fees applied by the department for Supplemental Plan Check, and inspections to be provided specifically to structural, electrical systems, as well as substations are the result of years of experience working with diverse size of projects, energy production capacity and contractors critical path method throughout the Imperial County; All information from field and office has been gathered, interpolated, and prorated in order to establish a reliable mathematical formula summarized as follows:

##### A. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (1 to 50 MW)

###### 1. Inspections:

1 Megawatt = \$1,174.46 (Fixed) + \$313.78 (Per additional MW up to 50 MW)

###### 2. Plan Check:

1 Megawatt = \$543.39 (Fixed) + \$4.40 (Per additional MW up to 50 MW)

##### B. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (1 to 50 MW)

###### 1. Inspections:

1 Megawatt = \$1,521.82 (Fixed) + \$734.85 (Per additional MW up to 50 MW)

###### 2. Plan Check:



1 Megawatt = \$641.81 (Fixed) + \$5.65 (Per additional MW up to 50 MW)

C. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (51 to 120 MW)

1. Inspections:

First 50 Megawatts = \$16,549.68 (Fixed) + \$573.83 (Per additional MW up to 120 MW)

2. Plan Check:

First 50 Megawatts = \$758.99 (Fixed) + \$60.81 (Per additional MW up to 120 MW)

D. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (51 to 120 MW)

1. Inspections:

First 50 Megawatts = \$22,208.73 (Fixed) + \$461.47 (Per additional MW up to 120 MW)

2. Plan Check:

First 50 Megawatts = \$369.14 (Fixed) + \$102.02 (Per additional MW up to 120 MW)

E. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEM (121 to 200 MW)

1. Inspections:

First 120 Megawatts = \$56,717.78 (Fixed) + \$1,653.74 (Per additional MW up to 200 MW)

2. Plan Check:

First 120 Megawatts = \$5,015.49 (Fixed) + \$12.37 (Per additional MW up to 200 MW)

F. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (121 to 200 MW)

1. Inspections:

First 120 Megawatts = \$54,511.63 (Fixed) + \$742.25 (Per additional MW up to 200 MW)

2. Plan Check:

First 120 Megawatts = \$7,510.54 (Fixed) + \$80.11 (Per additional MW up to 200 MW)

G. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (Above 200 MW)

1. Inspections:

First 200 Megawatts = \$189,016.98

2. Plan Check:

First 200 Megawatts = \$6,005.09

H. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEM (Above 200 MW)

1. Inspections:

First 200 Megawatts = \$113,891.63

2. Plan Check:



## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

#### CHAPTER ~~4011~~: GRADING REGULATIONS

- § ~~9101091011~~.00 WHEN PERMIT REQUIRED, EXCEPTIONS
- § 9101~~10~~.01 APPLICATION FOR PERMIT
- § 9101~~10~~.02 PERMIT, CONDITIONS REQUIRED FOR ISSUANCE
- § 9101~~10~~.03 DECISION AS TO ISSUANCE, APPEAL TO BOARD
- § 9101~~10~~.04 APPLICANT'S LIABILITY
- § 9101~~10~~.05 VIOLATIONS
- § 9101~~10~~.06 VIOLATIONS

#### § 9101~~10~~.00 WHEN PERMIT REQUIRED, EXCEPTIONS

- A. No person, firm, association, corporation or organization except public entities and their officers, employees or contractors who are performing work within publicly owned rights-of-way, shall, within the unincorporated territories of the County of Imperial, do any grading, excavation or earthwork construction without having first obtained a permit therefore from the County Engineer.
- B. This Chapter does not apply to performing the following work:
  - 1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
  - 2. Cemetery graves.
  - 3. Excavation authorized by a valid building permit.
  - 4. Construction of irrigation and drainage appurtenances.
  - 5. Agricultural land leveling.

#### § ~~9101091011~~.01 APPLICATION~~T~~ FOR PERMIT

Applicants for permits shall apply to the Imperial County Engineer and shall submit detailed plans of all existing and proposed elevations and structures; property lines; irrigation and drainage systems; protective devices, including fences and barricades, used in connection with the proposed work. The Imperial County Engineer may require, in addition, an engineer's geological report and a soil engineering report in connection with the proposed work.

#### § ~~9101091011~~.02 PERMIT, CONDITIONS REQUIRED FOR ISSUANCE

1. If the proposed grading, excavation or earthwork construction is of irrigateable land that said grading will not cause said land to be unfit for agricultural use.
  2. The depth of the grading, excavation or earthwork construction will not preclude the use of drain tile in irrigated lands.
  3. The grading, excavation or earthwork construction will not extend below the water table of the immediate area.
  4. Where the transition between the grading plane and adjacent ground has a slope less than the ratio of 1 ½ feet on the horizontal plane to one (1) foot on the vertical plane, the plans and specifications will provide for adequate safety precautions.
- B. Permit Fee – The Planning & Development Services Department will assess a fee for zoning, general plan and supplemental plan check for each grading project application. This permit fee will be independent of any calculated fees required by the Imperial County Department of Public Works to process the grading application and inspections to be provided.
- C. The Imperial County Engineer shall specify the duration of the permit. Permits may be renewed upon application to the Imperial County Engineer.

**§ 9104091011.03 DECISION AS TO ISSUANCE, APPEAL TO BOARD OF SUPERVISORS**

The County Engineer shall consider such application, pursuant to policies established by the Board of Supervisors and either grant to the permit, subject to any condition designed to accomplish the purpose of this Chapter or deny the same or refer the matter to the Board of Supervisors with or without recommendations. The denial of such application or the imposition of any conditions by the County Engineer shall be final unless within ten (10) days after such action the applicant shall appeal therefrom in writing to the Board of Supervisors by presenting such appeal to the Clerk of said Board. At its next regular meeting after the filing of such appeal with the Board of Supervisors, it shall consider the appeal, and any recommendations submitted therewith from the County Engineer. Said Board of Supervisors may issue such permit, if, in the opinion of said Board, the proposed grading, excavation or earthwork construction or use will not be in conflict with the purposes of this Chapter. The Board of Supervisors may refuse to issue such permit or may issue such permit subject to specified conditions designed to accomplish the purpose of this Chapter.

**§ 91010.04 APPLICANT'S LIABILITY**

No person, firm, organization or corporation shall be relieved from responsibility or liability in connection with any grading, earthwork construction or excavation undertaken by it by reason of the issuance of the permit by the Imperial County Engineer.

**§ 9104091011.05 VIOLATIONS**

It shall be unlawful for any person, firm, organization or corporation to violate any of the provisions of this Chapter.

§ **910101.06 CITATION(S)**

The Building Official or his designee(s) having the authority by Division 13 to issue citations against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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**Attachment E.**  
**Title 9 Land Use Ordinance Division 12.**  
**Mobile Home Parks Program**

## TITLE 9

### DIVISION 12: MOBILE HOME PARKS PROGRAM

#### CHAPTER 1: ASSUMPTION OF RESPONSIBILITY FOR MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

#### CHAPTER 2: PARK MODELS AND RECREATIONAL VEHICLES STANDARDS (RESERVED FUTURE USE)

#### **CHAPTER 1: ASSUMPTION OF RESPONSIBILITY FOR MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

§ 91201.00	ASSUMPTION OF RESPONSIBILITY FOR ENFORCEMENT
§ 91201.01	ENFORCEMENT RESPONSIBILITY AND ASSIGNMENT OF PERSONNEL
§ 91201.02	PURPOSE
§ 91201.03	PROGRAM AND OBJECTIVES
§ 91201.04	EFFECTIVE DATE
§ 91201.05	FEES

#### **§ 91201.00 ASSUMPTION OF RESPONSIBILITY FOR ENFORCEMENT**

Pursuant to Section 18300 of the Health and Safety Code, the County of Imperial hereby assumes responsibility for enforcement of Division 13 Part 2.1 (Section 18200 et. Seq.) of the Health and Safety Code as well as the responsibility for enforcing the building standards as published in the State Building Standards Code relating to mobile home parks, travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps, and the related administrative regulations (collectively referred to as "the Act").

#### **§ 91201.01 ENFORCEMENT RESPONSIBILITY AND ASSIGNMENT OF PERSONNEL**

The County of Imperial (Planning & Development Services Department) shall be the enforcement agency as defined by Section 18207 of the Health and Safety Code and will assign, at a minimum, one inspector plus other necessary qualified personnel within the Building Inspection Division of the Planning Department for actual enforcement. The Planning/Building Official shall be the County's responsible project manager and assigned liaison to the State for this purpose.

#### **§ 91201.02 PURPOSE**

The County of Imperial desires to implement the Mobile Home Park Act (Program) at the local level rather than through the Housing and Community Development Department, State of California.

This will allow park residents, owners, operators, and developers to work with the local agencies in a more convenient manner, assist the State in meeting its obligation and facilitates permit streamlining.

#### **§ 91201.03 PROGRAM AND OBJECTIVES**

The County hereby adopts the program and objectives as set forth in the provisions of the Health and Safety Code Division 13 Part 2.1 (Section 18200 et. seq.) and related administrative regulations.

Specified local objectives include, but are not limited to the following: maintenance of open space and adequate light and ventilation; reduction of the threat of fire; and provisions of adequate public utilities, including water and sewer. The County intends to continue the standard of enforcement heretofore assumed by the State and to cause facilities to be brought into compliance as contemplated by the Act. Inspection of the mobile home parks which are in compliance will be undertaken to assure continued compliance with the Act. The County intends to enforce and implement the program to include all parks currently under jurisdiction of the Department of Housing and Community Development and any new parks.

#### **§ 91201.04 EFFECTIVE DATE**

The effective date of the assumption of responsibilities was and shall be December 31, 1984.

#### **§ 91201.05 FEES**

The County of Imperial hereby adopts the fee schedules as contained in the provision of the Health and Safety Code Division 13 Part 2.1 and the related administrative regulations, and as amended from time to time.

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Division 12 Adopted November 24, 1998

## **CHAPTER 2: PARK MODELS AND RECREATIONAL VEHICLES STANDARD**

**§ 91202.00 GENERAL; NEED FOR STANDARD**

**§ 91202.01 DEFINITIONS**

**§ 91202.02 REGULATIONS**



The County of Imperial hereby adopts the fee schedules as contained in the provision of the Health and Safety Code Division 13 Part 2.1 and the related administrative regulations, and as amended from time to time.

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## **CHAPTER 2: PARK MODELS AND RECREATIONAL VEHICLES STANDARD**

### **§ 91202.00 GENERAL; NEED FOR STANDARD**

#### **§ 91202.01 DEFINITIONS**

#### **§ 91202.02 REGULATIONS**

#### **§ 91202.03 UNLAWFUL OCCUPANCY**

#### **§ 91202.04 RV REMOVAL**

### **§ 91202.00 GENERAL; NEED FOR STANDARD**

Members of the engineering profession and others associated with the design, manufacture, and inspection of recreational park trailers have been aware of the need for a standard providing for healthful and safe portable, seasonal housing, arranged and equipped to assure suitable living conditions. They have also recognized that because of conditions of transport, size and use, existing standards for permanent buildings and recreational vehicles are not completely applicable to recreational park trailers. It is with these factors in mind that this standard has been developed.

In determining the acceptability of installation or procedures, equipment or materials, the authority having jurisdiction may base acceptance on compliance with this or other appropriate standards. In absence of these standards, said authority may require evidence of proper installation, procedure or use. The authority having jurisdiction may also refer to the listings or labeling practices of an organization concerned with product evaluation, which is in a position to determine compliance with appropriate standards for current production of listed items.

#### **§ 91202.01 DEFINITIONS**

Recreational Park Trailer. A trailer type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use that meets the following criteria:

- a) Built on a single chassis mounted on wheels.
- b) Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set up mode and if less than 320 square feet (29.72 square meters) in the setup mode would require a special movement permit for highway transit.
- c) Certified by manufacturer as a complying with ANSI A119.5

Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use, that either has its own motive power, or is mounted on, or towed by another vehicle. The basic entities are: camping trailer, fifth wheel trailer, motor home, travel trailer and truck camper.

These definitions are common to:

- The Recreational Park Trailer Standard
- The 2019 Mobile Home Residency Law
- The Health and Safety Code
- The Regulations for Mobile Home Parks and Recreational vehicle parks
- The Manufactured Home Procedural and enforcement regulations.

#### **91202.02 REGULATIONS**

Earlier RV Exemptions did not establish a bright line between RV's, which are designed for temporary, seasonal, or recreational use, and manufactured housing which is designed to be permanent, year- round dwelling.



In the fall of 2014, HUD determined that some manufacturers were producing park model recreational vehicles (PMRVs) also known as recreational park trailer, which were in excess of the recreational vehicle exemption's 400 square feet threshold.

HUD asserts that its requirement is distinguishable from the RV industry association's because (1) HUD's requirement for a manufacturer's notice applies to all RVs built and certified to ANSI A119.5-15 standards, not just RVs with the RV Industry Association seal; and (2) HUD requires its notice to be placed more conspicuously than the RV Industry Association seal and serves to inform consumers about the standards to which the unit was built, which the agency's belief differs from the purpose of an RV Industry Association seal.

"The Manufacturer of this unit certifies that it is a park model recreational vehicle designed only for recreational use, and not for use as a primary residence or for permanent occupancy. The new rule creates a clear distinction between manufactured housing and recreation vehicles. This provides regulatory certainty. The rule took effect on January 15, 2019.

A Recreational vehicle is a vehicle, regardless of size, which is not designed to be used as a permanent dwelling, and in which the plumbing, heating, and electrical system contained therein may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle.

New installation of recreational vehicles in an approved RV Park may be located and occupied for a maximum of 30 days, except that the transient use may be extended for temporary management, seasonal workers or as convenient subject to the following:

- a) Persons occupying vehicles with total hook-up capacity, including sewer, water and electricity, shall not occupy any space in a recreational vehicle park for a period exceeding 150 days in any 12-month period.
- b) Persons occupying vehicles with less than total hook-up capacity shall not occupy any recreational vehicle park for a period exceeding 90 days in any 12-month period.
- c) All vehicles within the park shall be kept mobile so that they may be moved within one hour if required.
- d) Adequate space shall be provided within each recreation vehicle space to accommodate one additional vehicle for the purpose of off-street parking.
- e) All Recreational vehicles within the park shall be duly licensed and active with the Department of Motor Vehicles (DMV) and operational at all times.
- f) The recreational vehicle park manager shall maintain a log of the names of persons and dates of occupancy of spaces. The log shall be made available to a Code Enforcement officer as to compliance with these occupancy limitations.

The County takes into consideration any special condition as location, physical environment, density of usage, type of operation, type of vehicles to be accommodated, and duration of occupancy, reasonable and necessary for the protection of life and property.

If a recreational vehicle (RV or PMRV) with a transient permit is extended and therefore considered a permanent dwelling, it shall conform to the definitions in Chapter 2 of Title 9 Division 10. A certification by a national recreational vehicle inspection association (NRVIA) must be submitted to the Planning & Development services Department. And, every five years since then and must be approved by the department, and the designated RV space or lot must have a permanent constructed utilities closet with the required dimensions, doors, and ventilation; the appliances or equipment with the required hot and cold water; sewer and electrical connections, and transition fittings for the RV

| systems.



Technical Service Fee: Any person or RV Park issued a notice indicating violations pursuant to this section, shall obtain the required permit from the enforcement agency and pay the appropriate fee as prescribed in this article:

a) Fees for technical services provided by the enforcing agency shall be:

a. One hundred ninety six dollars (\$196) providing the technical service does not exceed one hour. When the technical service exceeds one hour, the following fees shall apply:

i. Second and subsequent whole hours: eighty-two dollar (\$82)

ii. Each thirty (30) minutes, or fractional part thereof: forty-one dollars (\$41)

### **91202.03 UNLAWFUL OCCUPANCY**

It is unlawful to rent a space for travel trailer, tent, or other vehicle used for living and/or sleeping, which is unsightly. It shall be refused by the owner or operator of the RV Park to every owner or occupant of a travel trailer, Tent, or other vehicle which is unsightly (including but not limited to: damaged roofing or siding materials, damaged/missing windows, doors or screen doors, cracked or peeling exterior paint, and more) or is a fire hazard, or health menace as determined by the Imperial County Health Department and/or Imperial County Planning & Development Services Department.

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New Occupancy. The person who holds the license for the operation of an RV park shall not allow a newly installed recreational vehicle to be occupied unless he has ascertained that all code and ordinance requirements regarding that installation have been met.

"Defaulting Occupant" means an occupant who fails to pay for his/her occupancy in a park or who fails to comply with reasonable written rules and regulations of the park given to the occupant upon registration.

#### 91202.04 RV REMOVAL

At the entry to a Recreational Vehicle Park, or within the separate designated section for recreational vehicles within a Mobile Home Park, there shall be displayed in plain view on the property a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified under 91202.03 Unlawful occupancy. It shall contain the telephone number of the Local Traffic Law Enforcement Agency. Nothing in this Section shall prevent Management from additionally displaying a sign in other locations within the park.

A written 72-hour notice shall state that if the defaulting occupant does not remove the recreational vehicle from the premises of the park within 72 hours after receipt of the notice, Management has authority to have the Recreational Vehicle removed from the lot to the nearest secured storage facility. Subsequent to serving a copy of the notice specified in this article to the City Police or County Sheriff, whichever is appropriate, and after the expiration of 72 hours following service of the notice on the defaulting occupant, the Police or Sheriff shall remove or cause to be removed any person in the recreational vehicle. Management may then remove or cause the removal exercising reasonable and ordinary care of a defaulting occupant's recreational vehicle parked on the premises of the park to the nearest secured storage facility. The notice shall be void seven (7) days after the date of service of the notice.

**Attachment F.**  
**Title 9 Land Use Ordinance Division 14.**  
**Definitions/Clarifications**

**BUILDING SITE** The ground area of the building, or group of buildings, together with all open spaces as required by this Division.

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**§ 91401.03 "C"**

**CAMPGROUND** A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

**CAMPING TRAILER** See "recreational vehicle".

**CAMPING UNIT** Any tent trailer, R. V. cab, lean-to, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation uses

**CARETAKER** An employee who must be on the property for a substantial portion of each day for security purposes or for the vital care of people, plants, animals, equipment, or other conditions of the site, and who does not have a possessory interest in the property.

**CARGO CONTAINER** A metal storage unit designed to be transported by ship, rail or truck. Manufactured to standards including heavy duty fourteen gauge ribbed steel construction and with typical dimensions of 8ft. in width 10-14ft. in length, and an overall height of 8ft. 6in.

"Cargo containers" may be used as an accessory storage unit, with an approved building permit, which is subordinate to, and the use of which is incidental to, that of the primary structure on the same lot.

For a cargo container located on residentially-zoned lots, in addition to an approved building permit, the container must be modified to "blend-in" with the existing residential structures on-site. ~~Said modification(s) shall include but not be limited to, architectural elements, materials (i.e. T-111, stucco, etc.) color, and other elements of the residential structure.~~

**CARPORT** A permanent roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and/or storage.

**CEMETERY** An area for burial or entombment of the deceased.

**CENTERLINE, (LEGAL)** A line designated by Official Survey to be the center of a future or existing fully developed easement, street, road, or highway, which may or may not coincide with the construction centerline.

**CHEMICALS** Includes such compounds as adhesives, explosives, fertilizers, industrial fazes, ink, lacquer, paints, pesticides, pigments and dyes, sealants, shellac, synthetic rubber, thinner and varnishes, etc.

**CHURCH** A building, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship

or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials

**DISCRETIONARY  
DECISION**

"Discretionary decision" means a decision requiring the exercise of judgment or deliberation when the public official or body decided to approve or disapprove a particular activity.

**DISTRICT ATTORNEY**

"District Attorney" means the District Attorney of the County of Imperial or a designee.

**DOMESTIC  
AGRICULTURE**

"Domestic agriculture" means agriculture activities carried on for noncommercial purposes.

**DOUBLE-FRONTAGE LOT**

See "lot, through".

**DUPLEX**

"Duplex" means a building with two (2) attached dwelling units, each with its own roof, oriented in a common wall relationship as one (1) building.

**DWELLING**

Any building, or portion thereof, which contains not more than two dwelling units.

**DWELLING (SINGLE  
FAMILY)**

A detached building or structure designed for, or occupied exclusively by, not more than one family.

**DWELLING (TWO  
FAMILY)**

A detached building or structure designed for, or occupied exclusively by, not more than two families living independently of each other. May also be known as a duplex.

**DWELLING (MULTIPLE  
FAMILY)**

A building, or portion thereof, designed for or occupied by three or more families living independently of each other.

**DWELLING UNIT**

Any building, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation as required by the Uniform Building Code for not more than one family.

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**§ 91401.04 "E"**

**EASEMENT**

A right given by the owner of land to another party for specific limited use of that land. e.g. a property owner may give or sell an easement on his/her property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.

**EDUCATIONAL  
INSTITUTION**

A grade school, high school, college, or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

**EFFICIENCY DWELLING  
UNIT**

Occupied by no more than two persons which have a minimum floor area of ~~220~~150 square feet. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two. The unit shall be provided with a closet, a kitchen sink, cooking appliances and refrigeration facility, each having a clear working space of no less than 30 inches in front. Light and ventilation conforming to the California Residential Code



~~shall be provided. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bath tub or shower, and which may also have partial kitchen or bathroom facilities.~~

<b>EIGHTY ACRES</b>	"Eighty acres" means an aliquot division of a section of land consisting of one-half (1/2) of one quarter (1/4) of a section.
<b>ELDERLY HOUSEHOLD</b>	A household within which, 1) at least one person is a senior citizen, and 2) all other residents except the spouse or person who resides with and provides primary physical or economic support of the senior citizen are at least 55 years of age or older.
<b>EMERGENCY SHELTER</b>	Immediate and short-term housing with supportive services for homeless persons that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay.
<b>ENCROACHMENT (FLOOD)</b>	The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
<b>EXISTING MANUFACTURED HOME PARK OR SUBDIVISION</b>	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
<b>EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION</b>	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
<b>EXTERIOR NOISE LEVEL</b>	"Exterior noise level" means the noise level as measured near the exterior of a structure usually within fifty (50) feet of the structure.
<b>ELECTRICAL VEHICLE CHARGING STATIONS</b>	Is an element in an infrastructure that supplies electric energy for the recharging of electric vehicles

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§        91401.05        "F"

<b>FACTORY BUILT HOUSE</b>	A residential structure constructed in conformance with the State of California Factory Housing Code.
<b>FAMILY</b>	An individual, or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
<b>FARMERS' MARKET</b>	"Farmers' market" means a retail market where agricultural produce is offered for sale to the general public, either within an enclosed building or outdoors.

<b>GROSSFLOOR AREA</b>	The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and courts.
<b>GROUNDWATER RECHARGE FACILITIES</b>	"Groundwater recharge facilities" means those works, structures, and equipment, including, but not limited to, spreading basins, wells, pumps, canals, weirs, pipelines, and streams, which permit water to reach the saturated zone of an aquifer.
<b>GROUP CARE FACILITY</b>	"Group care facility" means a facility or detached dwelling unit providing twenty-four (24) hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.
<b>GUEST RANCH</b>	"Guest ranch" means a building or buildings and open space for use of transients only, providing housing and meals and having recreational activities of one (1) or more types, for compensation.
<b>GUEST ROOM/HOUSE</b>	Any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.
<b>GUN CLUB</b>	Any building or premises where there are facilities of any sort for the firing of handguns, rifles or other firearms.
<b>GYMNASIUM</b>	An indoor recreational or athletic facility for such uses as aerobics, gymnastics, racquetball, swimming, skating rinks, tennis and table tennis, trampoline operations and weight training; but not including amusement and recreational facilities as defined in this Article.

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**§ 91401.07 "H"**

<b>HABITABLE STRUCTURE</b>	"Habitable structure" means any structure intended for living purposes, including working, sleeping, cooking, eating, or recreation.
<b>HARDSHIP</b>	As related to Section 6, of this ordinance, "Variances" means the <u>exceptional</u> hardship that would result from a failure to grant the requested variance. The governing body requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is <u>not</u> exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
<b>HAZARDOUS WASTE</b>	<p>"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:</p> <ul style="list-style-type: none"> <li>A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.</li> <li>B. Pose a substantial present or potential hazard to human health or environmental when improperly treated, stored, transported, or disposed of or otherwise managed.</li> </ul>



<b>RESIDENTIAL ACCESSORY STRUCTURES</b>	"Residential accessory structure" means buildings and structures normally associated with dwellings, such as garages, carports, greenhouses, storage buildings, and swimming pools.
<b>RESIDENTIAL FACILITIES</b>	"Residential facility" means any family home, group care facility, or similar facility, determined by the Director of the State Department of Social Services, for twenty-four (24) hour non-medical care of person in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, as provided in Section 1502, California Health and Safety Code.
<b>RESIDENTIAL HOTEL</b>	"Residential hotel" means a hotel offering accommodations on a weekly or monthly basis. <u>Single-room occupancy units (SROs) and boarding/rooming houses can serve as an affordable housing option for lower-income households and those with special housing needs, including persons who are homeless or near-homeless, persons with substance abuse problems, and farmworkers.</u>
<b>REST HOME</b>	"Rest home" means a health facility or a health facility which provides skilled nursing care to patients whose primary need is for availability of skilled nursing care on an extended basis.
<b>RETAIL SERVICES</b>	"Retail services" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption.
<b>RETIREMENT HOME</b>	"Retirement home" means a group housing arrangement chosen voluntarily by residents who are over sixty-two (62) years of age and who are provided varying levels of non-medical supportive services or care and in which meals are provided in central eating facilities or prepared by employees of the retirement home and delivered to individual living areas.
<b>RE-ZONE</b>	"Re-zone" means to change the zoning classification of particular lot(s) or parcel(s) pursuant to provisions of this Title.
<b>RIGHT-OF-WAY</b>	"Right-of-way" means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.
<b>RIVERINE</b>	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
<b>ROAD</b>	See "street."
<b>ROOF</b>	"Roof" means the outside top covering of a building.
<b>ROOMING HOUSE</b>	See "boarding house."

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**SAND DUNES**                      Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

<b><u>SPECIAL OCCASION FACILITY</u></b>	<u>An indoor or outdoor facility or area which is used for special occasions such as weddings, parties, concerts, conferences, charity events, and fundraiser events for a specified period of time in return for compensation.</u>
<b>STANDBY WELL</b>	A geothermal well maintained ready for use, but which is put into use only upon another well being taken out of use.
<b>START OF CONSTRUCTION</b>	Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
<b>STOCKYARD</b>	"Stockyard" means an enclosed area where livestock are temporarily confined and fed concentrated food while waiting for shipping to market, slaughter, or resale.
<b>STORY</b>	"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.
<b>STORY, HALF</b>	"Half story" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.
<b>STREAM</b>	"Stream" means a watercourse having a source and terminus, banks, and channel through which waters flow at least periodically.
<b>STREET,CUL-DE-SAC</b>	"Cul-de-sac street" means a street with a single common ingress and egress and with a turnaround at the end.
<b>STREET, LOCAL</b>	"Local street" means a street designed to provide vehicular access to abutting property.
<b>STREET, PRIVATE</b>	"Private street" means a street owned and maintained by a person or persons and intended for access to a limited number of private lots.
<b>STREET, PUBLIC</b>	"Public street" means a street built to standards required and maintained by the County of Imperial.

## **SUBDIVISION**

<b>SIGN, WALL</b>	"Wall sign" means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than twelve (12) inches from such building or structure.
<b>SIGN, WARNING</b>	"Warning sign" means a sign limited to messages of warning, danger, or caution.
<b>SIGN, WIND</b>	"Wind sign" means a sign or objects, some or all of which is moved by wind as method of attracting attention.
<b>SIGN, WINDOW</b>	"Window sign" means a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.
<b>SINGLE ROOM OCCUPANCY</b>	"Single Room Occupancy" means a single room that is the primary residence of its occupant. The unit may contain food preparation or sanitary facilities.
<b>SITE</b>	"Site" means any lot or parcel of land or combination of contiguous parcels of land.
<b>SITE DEVELOPMENT PLAN</b>	"Site development plan" means a plan graphically describing proposed buildings, structures, and other required information submitted in conjunction with an application for discretionary review and approval.
<b>SMALL FOWL</b>	"Small fowl" means birds raised or grown for hobby purposes, show, or racing, normally no larger than a small chicken (e.g., pigeon, parrot, or cockatiel).
<b>SOFFIT</b>	"Soffit" means the horizontal underside of an eave.
<b>SOLID WASTE</b>	"Solid waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.
<b>SOUND LEVEL MEASUREMENT</b>	The sound pressure level measured with a sound level meter and associated octave band analyzer, conforming to the standards prescribed hereinafter, and by the American National Standards Institute relating to sound and noise measurements.
<b>SPECIFIC PLAN LINE</b>	"Specific plan line" means the designated centerline of any road or highway as adopted by resolution of the Board of Supervisors from which the ultimate right-of-way is determined in accordance with the Circulation Element of the General Plan.
<b>SPECIAL FLOOD HAZARD AREA (SFHA)</b>	An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHB as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

<b>THROUGH LOT</b>	See Lot, Through.
<b><u>TINY HOME</u></b>	<u>A dwelling that is 400 square feet or less in floor area, excluding lofts. Tiny houses shall comply with the 2019 California Code of Regulations, Title 24.</u>
<b>TOWNHOUSE</b>	"Townhouse" means a building with three (3) or more attached dwelling units, each with its own roof, oriented in a common wall relationship as one (1) building.
<b>TRAILER</b>	"Trailer" means a structure mounted on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying materials, goods, or objects, or as a temporary office.
<b>TRAILER COURT</b>	See "mobile home park."
<b>TRANSFER/PROCESSING STATION</b>	"Transfer/processing station" means and includes those facilities utilized or receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. Transfer station does not include any facility, the principal function of which is to receive, store, separate, convert, or otherwise process, in accordance with state minimum standards, manure; nor does it include any facility, the principal function of which is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal
<b>TRANSFER STATION, LARGE VOLUME</b>	"Large volume transfer station" means a transfer station which receives more than one hundred (100) tons of waste per operating day.
<b>TRANSFER STATION, SMALL VOLUME</b>	"Small volume transfer station" means a transfer station which receives less than one hundred (100) tons of waste per operating day and requires a locally issued permit rather than a full Solid Waste Facility Permit.
<b>TRANSITIONAL HOUSING</b>	Buildings configured as rental apartment developments, that operate under program requirements which call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months, and no more than two years. Appropriate sites for the transitional housing development should include those close to public services and facilities including transportation.
<b>TRAVEL TRAILER PARK</b>	See "recreational vehicle park."
<b>TRIPLEX</b>	See "dwelling, triplex, townhouse."
<b>TRUCK REPAIR</b>	"Truck repair" means a commercial activity engaged in the service and repair of trucks, including truck tire repair.
<b>TWENTY ACRES</b>	"Twenty acres" means an aliquot division of a section of land consisting of one half (1/2) of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than sixteen (16) gross acres.

**Attachment G.**

**Title 9 Land Use Ordinance Division 16.**

**Flood Damage Prevention Regulation**



## TITLE 9

### DIVISION 16: FLOOD DAMAGE PREVENTION REGULATION (91600.00)

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#### CHAPTER 3: GENERAL PROVISIONS

§ 91603.00	LANDS TO WHICH THIS ORDINANCE APPLIES
§ 91603.01	BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD
§ 91603.02	COMPLIANCE
§ 91603.03	ABROGATION AND GREATER RESTRICTIONS
§ 91603.04	INTERPRETATION
§ 91603.05	WARNING AND DISCLAIMER OF LIABILITY
§ 91603.06	SEVERABILITY

#### § 91603.00 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards and areas of mudslide (i.e., mudflow) hazards within the jurisdiction of Imperial County.

#### § 91603.01 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard, and areas of mudslide (i.e. mudflow) hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study" with an accompanying Flood Insurance Rate Map(s) for Imperial County dated September 26, 2008 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be part of this division is hereby adopted by reference and declared to be a part of this ordinance. The 24-14 Edition of the Flood Resistant Design and Construction Standard published by the American Society of Civil Engineers (ASCE) and the Structural Engineering Institute (SEI) is also adopted by reference. This Flood Insurance Study is on file at the 801 Main Street, El Centro, CA (Planning & Development Services Department). In addition, the Board of Supervisors hereby also includes any area of land located around the Salton Sea and lying at or below the -220 foot elevation contour. This Flood Insurance Study is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Board of Supervisors by the Floodplain Administrator.

#### § 91603.02 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Board of Supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

#### § 91603.03 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### § 91603.04 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements.



**§ 91604.02 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

**A. Permit Review.**

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. All other required State and Federal permits have been obtained.
3. The site is reasonably safe from flooding.
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

**B. Use of the Other Base Flood Data.**

1. When base flood elevations data has not been provided in accordance with Section 91603.01 the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer this ordinance. Any such information shall be submitted to the Board of Supervisors for adoption; or
2. If no base flood elevation data is available from a federal or state agency, or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer this ordinance:
  - a. Simplified method
    - i. 100 year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
    - ii. base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
  - b. Detailed method
    - i. 100 year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program; and
    - ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.

**C. Notification of other agencies whenever a watercourse is to be altered or relocated:**

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation;