

TITLE 9

DIVISION 15: GEOLOGICAL HAZARD(S)

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CHAPTER 1: APPLICABILITY

§ 91501.00 GENERAL

§ 91501.01 DEFINITIONS

§ 91501.00 GENERAL

This ordinance is adopted pursuant to the requirements of the Alquist-Priolo Geologic Hazards Zone Act (Public Resources Code, Section 2621 et seq.) and the adopted Policies and Criteria of the State Mining and Geologic Board. Within the special studies zones shown on the maps prepared by the State Geologist pursuant to the Act, all applicants for permits for any project as defined by Section 91501.01, shall comply with all of the provisions of the Act and this Ordinance. The maps delineating the special studies zones are on file in the office of the Planning Department and the Public Works Department. All maps are periodically reviewed and revised by the State Geologist when warranted by new information. In all cases, the latest edition of adopted maps shall govern.

§ 91501.01 DEFINITIONS

As used herein, the following terms shall have the following meanings:

A. "Project" shall mean:

1. Any subdivision of land which is subject to the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, and which contemplates the eventual construction of structures for human occupancy.
2. All structures for human occupancy.
3. All structures for human occupancy shall meet the construction standards provided for in Section 91502.00.

B. A "structure for human occupancy" is a structure that is regularly, habitually or primarily occupied by humans, including but not limited to the following: all residences, single family or multiple, including trailer and mobile homes, retail stores, theaters, manufacturing buildings, public services structures (such as civic centers) hospitals, schools, clubhouses, churches and recreation buildings.

C. "Residential dwelling unit" is any building or portion thereof which contains living facilities including provisions for sleeping, eating, cooking and sanitation for not more than one family.

D. "Permit" shall include the following:

1. Conditional Use Permits.
2. Variance.
3. Special Use Permit.
4. Certificate of Occupancy.
5. Building Permit.
6. Subdivisions.
7. Zone Changes.
8. Zoning approval or other permits for trailer or mobile home parks as provided by Title 25 of the California Code of Regulations.

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TITLE 9

DIVISION 15: GEOLOGICAL HAZARD(S)

CHAPTER 2: STANDARDS

§ 91502.00 STANDARDS FOR RESIDENTIAL DWELLING UNIT IN SPECIAL STUDIES ZONES

- A. Replacement Residential Dwelling Unit. Any existing residential dwelling unit located within a special studies zone may be altered, repaired, renovated, added to and/or replaced, anywhere within the special studies zone provided the following conditions are met:
1. Prior to issuance of any permit, a public disclosure document, signed by the applicant, the record owner and the County of Imperial, shall be recorded which shall include a copy of the site plan showing the exact location of the structure with respect to the trace of an active fault.
 2. No structure shall be allowed to be replaced without being designed by a licensed architect or registered civil engineer as qualified by the State of California.
 3. Any mobile home shall be required to have a seismic anchor system either approved by the Housing Community Development ("HCD"), State of California or designed by an architect/engineer unless it is placed upon a permanent foundation which is designed by a licensed architect or registered civil engineer as qualified by the State of California.
- B. New residential dwelling units. Any new residential dwelling unit to be located within a special studies zone shall meet the following requirements:
1. Prior to issuance of any permit, a public disclosure document, signed by the applicant, the record owner, and the County of Imperial, shall be recorded, which shall include a copy of the site plan showing the exact location of the structure with respect to the trace of an active fault.
 2. No new residential dwelling unit shall be placed within 50 feet of trace of an active fault.
 3. No new structures shall be allowed without being designed by a licensed architect or registered civil engineer as qualified by the State of California.
 4. Any residential dwelling unit within a special studies zone located beyond the 50 foot setback from the fault shall at a minimum meet the following conditions:
 - a. Any replacement of a wood-frame structure shall require "shear wall" lateral bracing, and foundation anchor bolts at not more than 24" O.C., wall-to-foundation straps and such other seismic safety requirements deemed appropriate by the Building Official.
 - b. Any mobile home shall be required to have a seismic anchor system unless it is placed upon a permanent foundation which is designed by a licensed architect or registered civil engineer as qualified by the State of California.
- C. Warning. Every permit issued shall have the following Warning statement printed thereon:
- "The Applicant/Owner/Contractor is hereby advised that this structure is located within a "special study zone" as shown on maps prepared by the State Geologist. This structure and its occupants may be subject to damage or injury from a seismic activity related to this fault zone. Neither the County nor its staff shall be held liable for any damage or injury resulting from this project."

§ 91502.01 APPLICATION REQUIREMENTS

1. All applications for a permit for a project as defined in Section 91501.01 that lies within a special studies zone shown on the maps prepared by the State Geologist pursuant to the Alquist-Priolo Geologic Hazards Zone Act, shall be accompanied by a geologic report.
2. The report shall be issued by a geologist that is registered in the State of California in accordance with the requirements of the Act, and shall be directed toward the problem of potential surface fault displacement.
3. A geologic report for a project may be waived if the County geologist or a consultant employed or retained by the County finds, based upon information available from previous studies of the same area, that there is no undue hazard of surface fault rupture. Any waiver must be approved by the State Geologist.
4. A fee equal to the County's actual costs in analyzing the geologic report, responding to any appeal, or in otherwise processing the application, shall be charged to the applicant. An initial deposit of \$500 shall be advanced by the applicant. A partial refund shall be made if actual costs do not reach said \$500. As stated, additional payment shall be required where actual costs exceed said amount. All fees charged pursuant to this Section shall be paid to the Director of Public Works Department.

§ 91502.02 APPROVALS

Within every special studies zone delineated on the maps issued by the State Geologist, no permit shall be granted for any project as defined in Section 91501.01 if the permit or approval would allow or require:

- a. A structure, except for replacement structures meeting criteria of Section 91502.00, Subsection A, used for human occupancy to be constructed or placed across the trace of an active fault.
- b. A structure used for human occupancy to be constructed or placed within 50 feet of the trace of an active fault, unless the approved geologic report shows that the site is not underlain by active branches of the fault and that no undue hazard would be created by construction of the structure.
- c. A structure used for human occupancy to be constructed or placed within any other portion of a special studies zone, unless the approved geologic report shows that no undue hazard would be created by the construction of the structure.
- d. If upon analysis of the geologic reported submitted, it is determined by a geologist employed or retained by the County that the proposed development or structure would create an undue hazard within the special studies zone, the requested project, as defined in Section 91501.01 above, shall be denied.
- e. Any denial of a requested permit or approval which is based solely on the determination that the proposed development or structure would create an undue hazard within the special studies zone, may be appealed by the applicant to the State Geologist within 30 days from the date of notification of the denial. The State Geologist shall independently determine whether or not the proposed development or structure would create an undue hazard within the special studies zone and his/her determination shall be final.