

**RIVERFRONT
SPECIFIC PLAN**

Prepared for:

Rio del Sol, LLC
P.O. Box 321
Alpine, CA 91903

River Estates LLC
613 West Valley Parkway, Suite 315
Escondido, CA 92025

Prepared by:

Mooney & Associates
9903-B Businesspark Avenue
San Diego, California 92131

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IMPERIAL COUNTY
PLANNING, BUILDING

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1.0 INTRODUCTION

1.1 Purpose

A Specific Plan is a policy and/or regulatory tool used by planners to guide development on a particular parcel or group of parcels using a focused development scheme. It provides a bridge between the generalized, long-range land use goals outlined in a General Plan and detailed development proposals. A Specific Plan offers advantages over a zoning ordinance in that it provides development standards custom fit for a particular site. Projects within Specific Plan boundaries can be made more sensitive to physical constraints and opportunities, as well as to the development objectives of Specific Plan property owners, nearby property owners and the community as a whole. Specific Plans are defined by California Government Code - Title 7, Chapter 3, Article 8, Section 65450 et. seq.

The purpose of the Riverfront Specific Plan is to describe the proposed land uses and provide a comprehensive program of guidelines, regulations and design standards to insure the development of the land use on the project site is in conformance with the Imperial County General Plan. This Specific Plan is prepared in recognition of the desirability to coordinate the land uses of two adjacent property owners, assure the availability of public services and provide mitigation for environmental impacts created by the project.

1.2 Issues Addressed

The Riverfront Specific Plan addresses a wide variety of issues associated with the development of the proposed project. These issues include:

- Providing safe access and circulation for future residents and emergency vehicles to the project;
- Providing public services to the future residents of the project;
- Maximizing use of recreational opportunities provided by the Colorado River;
- Protecting property and residents from potential flooding hazards; and
- Providing pedestrian access to the Colorado River for the public.

1.3 Location

The Riverfront Specific Plan project site is regionally located in the northeastern corner of Imperial County, approximately 33 miles south of the City of Blythe and 60 miles northeast of the City of El Centro (Figure 1). The 80-acre site is on the east side of Walters Camp Road, approximately eight miles southeast of Highway 78 and approximately 13 miles south of the

community of Palo Verde (Figure 2). The western bank of the Colorado River abuts the site's eastern boundary and the California/Arizona State Line runs down the middle of the River.

Directly north of the project site is Palo Verde River Properties, which received approval of a subdivision map in 1996. Palo Verde River Properties is a 37-acre site, currently being developed as a 18-lot residential subdivision. Walters Camp, a private campground and recreational area, is located approximately 0.5 miles north of the property. The property to the west and south is undeveloped (Figure 3).

The Specific Plan is a cooperative effort of the owners of two adjacent parcels (Assessor Parcel No. 030-180-63 and 030-180-52), shown on Figure 4. The northerly parcel is 39.8 acres and the southerly parcel is 40.2 acres. The total project size is 80.0 acres.

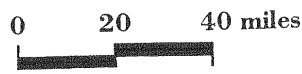
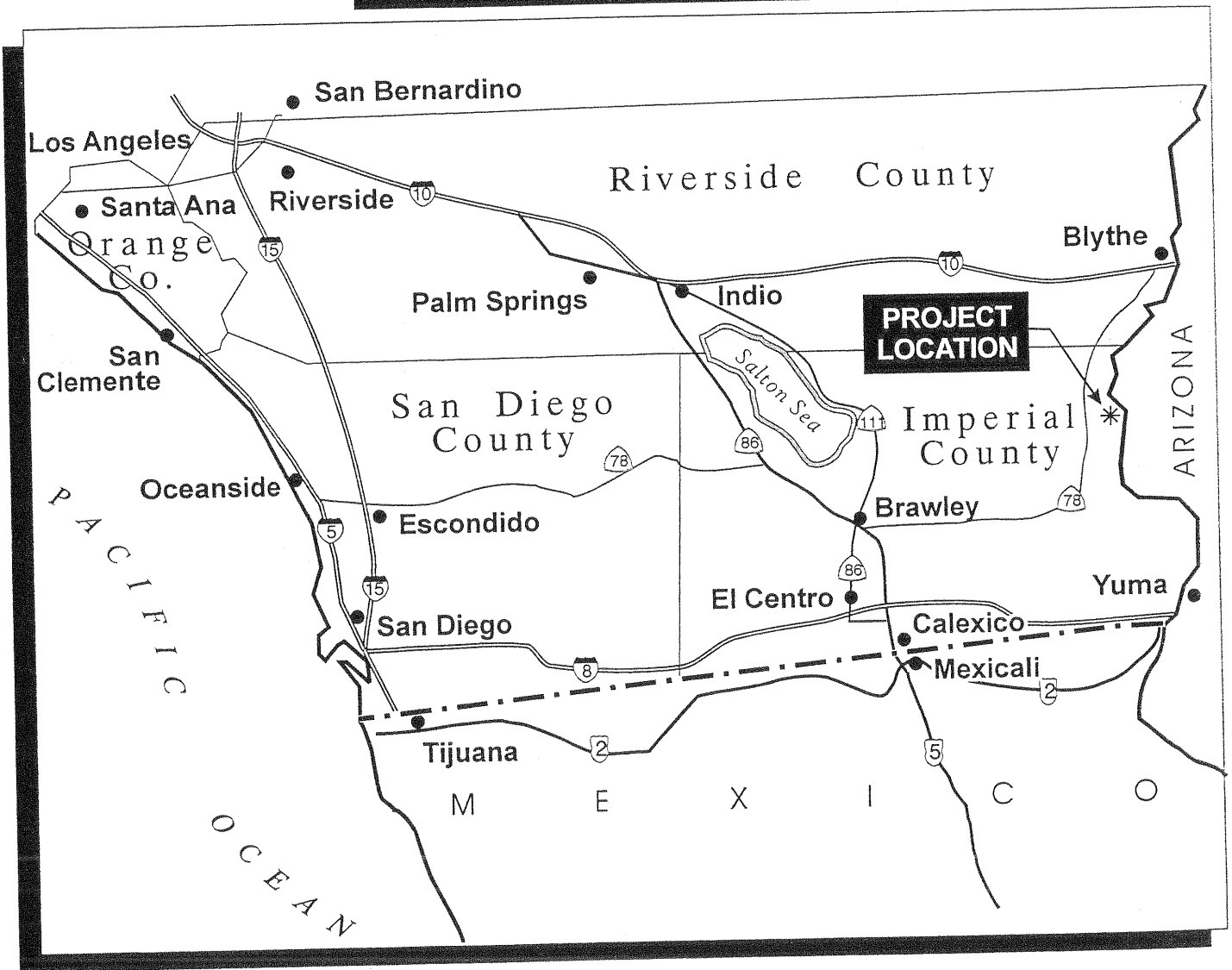
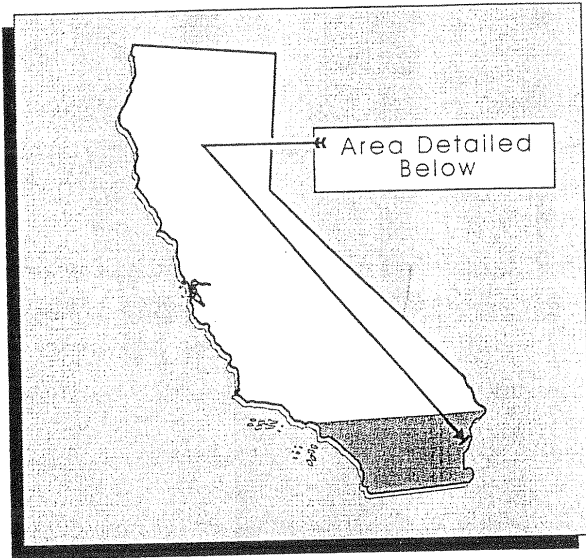
1.4 Regulatory Setting

The Imperial County General Plan designates the project site and surrounding parcels as Recreational/Open Space (Figure 5). This designation recognizes the unique recreational character of the County and includes desert, mountain, and waterfront areas with the potential for development of recreational related uses, including a mixture of seasonally and permanently occupied residential units. The project site was designated as Recreation/Open Space in 1996 when the Imperial County General Plan was updated.

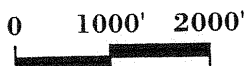
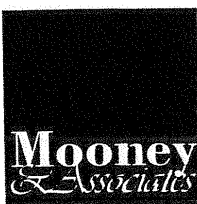
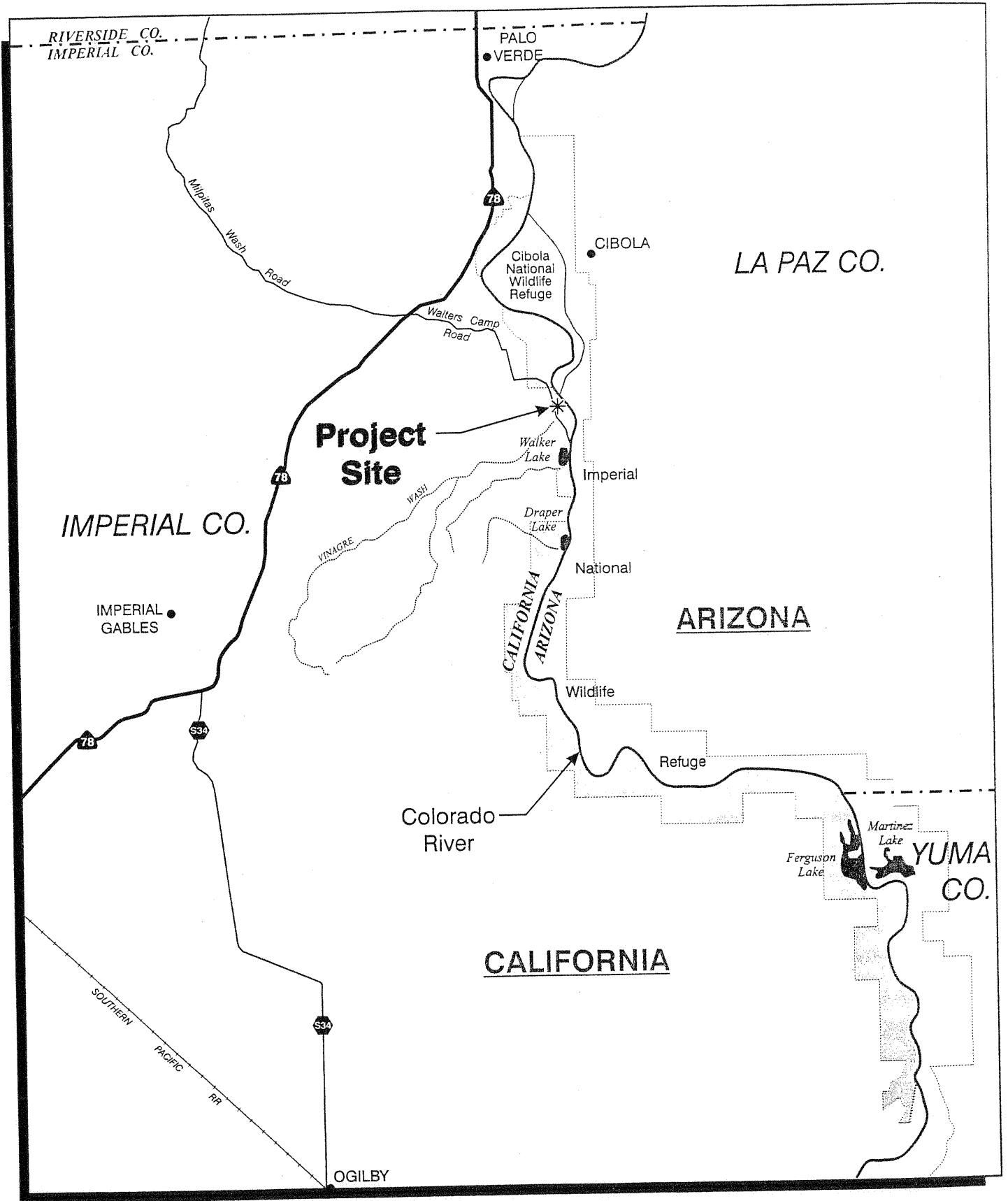
The eastern half of Imperial County is BLM and Military land, with small sections of State land, Reservation and private land, of which a majority is zoned "S-2" Open Space/Preservation (Figure 6). The primary intent of this zone is to preserve the cultural, biological, and open space areas that are rich and natural as well as any cultural resources. The minimum lot size for this zone is 20 net acres, with a minimum of one net acre per dwelling unit.

The property located directly to the north of the project site, Palo Verde River Properties, is zoned "R1-PE" (Low Density Residential/Pre-Existing Allowed/Restricted). The purpose of the low density zone is to designate areas that are and will be suitable for traditional smaller lot(s) with single-family homes and related compatible or accessory uses. The "PE" Pre-Existing Allowed designation permits an existing land use to continue, even though it may be a non-conforming use. The minimum lot size for this zone is 6,000 net square feet. The density is five units per net acre or 4,500 square feet of land per unit.

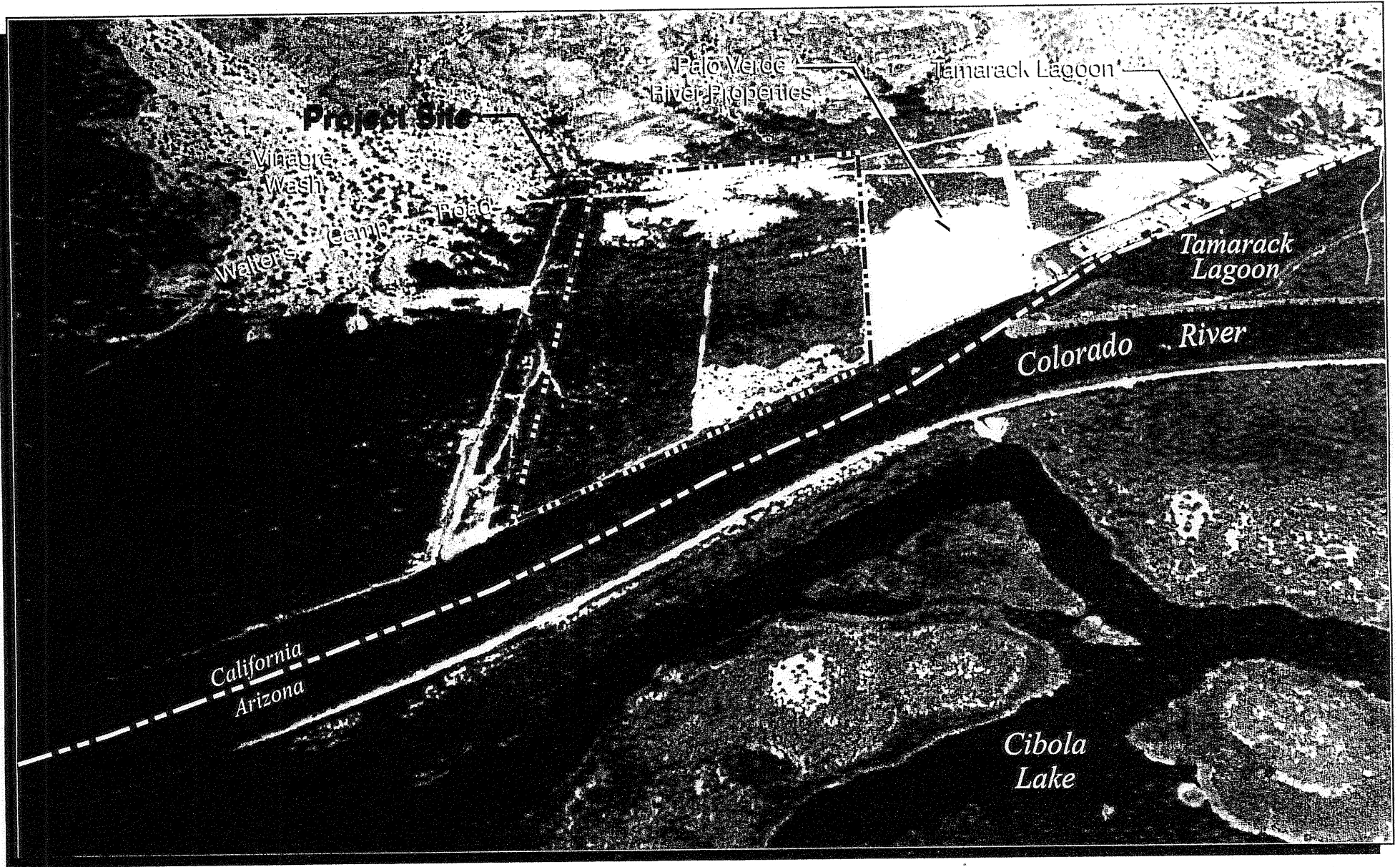
North of the Palo Verde River Properties is Tamarack Lagoon, zoned "S1-PE" (Open Space/Recreation/Pre-Existing Allowed/Restricted). The purpose of this zone is to designate areas that recognize the unique open space and recreational character, including deserts, mountains and water front areas. Like the R1-PE zone, the "S1-PE" zone allows existing non-conforming uses to continue. Minimum lot size is one acre, however, the site contains existing lots ranging from 0.03 to 0.52 acres.



Regional Location Map
Figure 1



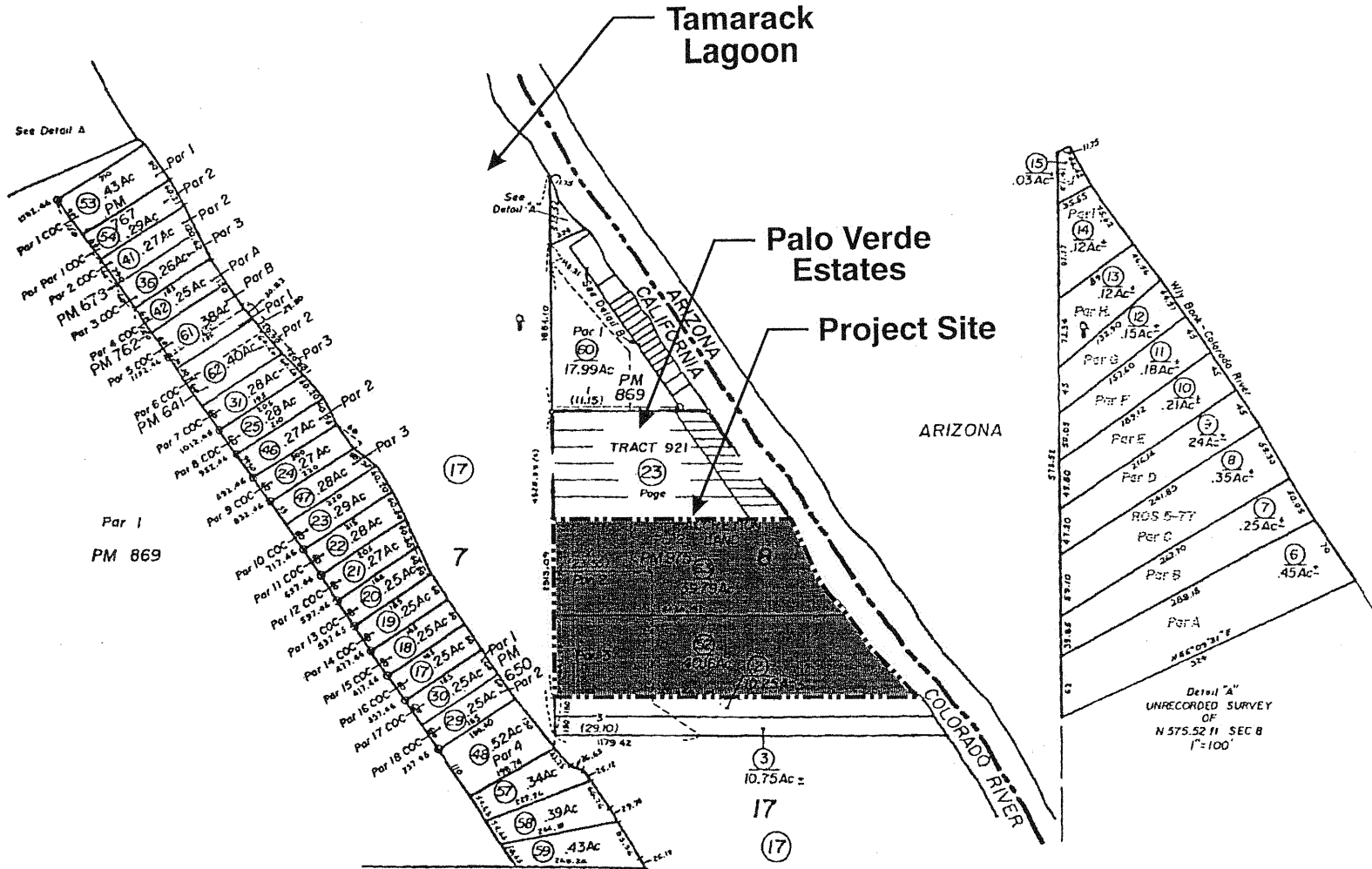
Vicinity Map
Figure 2



SEC. 8, T.11S., R. 22E.

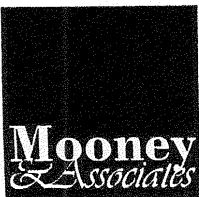
Tax Area Code
94-002

30-18



Detail B
Por of W102111 of 1/2 Sec B
Scale 1"=200'

Assessor's Map Bk.30-Pg.18
County of Imperial, Calif.

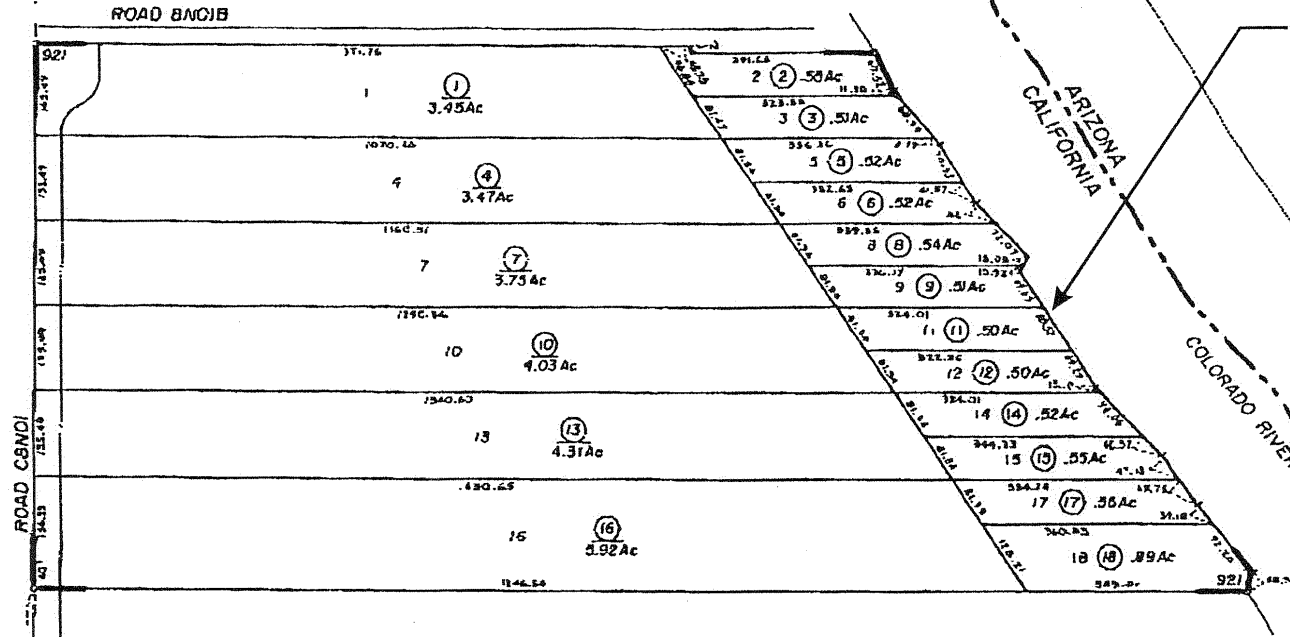


Not To Scale

Assessor's Parcel Map

Figure 4

TRACT 921
 POR SEC 8 T11S, R22E
 FM 18-41 & FM 18-98
 (AMENDED)

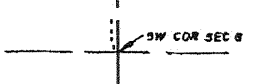


Palo Verde Estates
 (Detail Map)

17

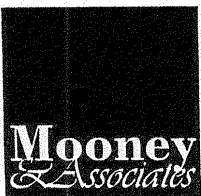
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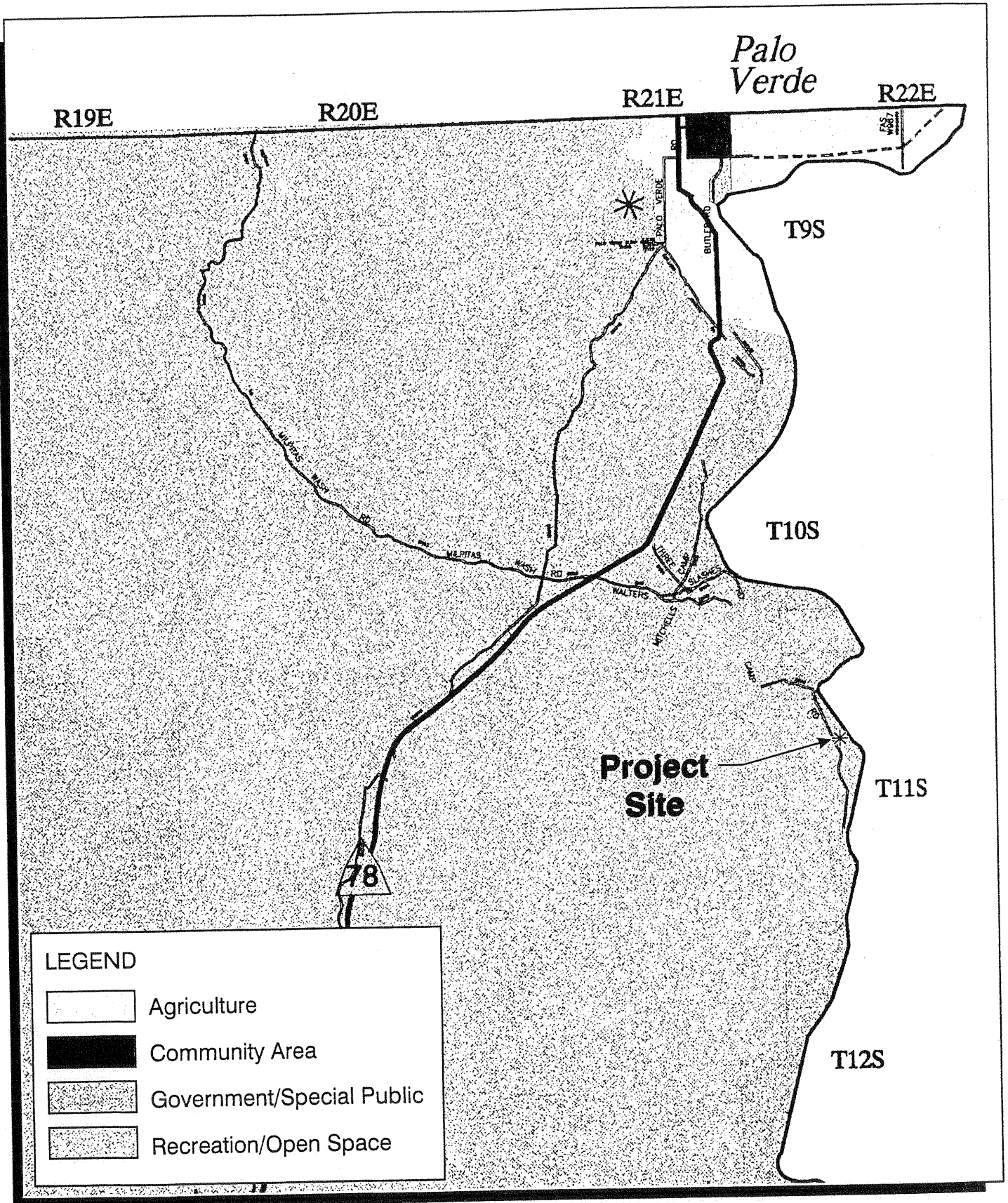
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Assessor's Map Bk. 30-Pg. 23
 County of Imperial, Calif.

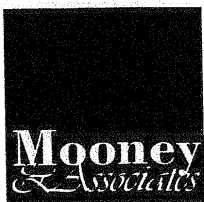


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Assessor's Parcel Map
Figure 4a

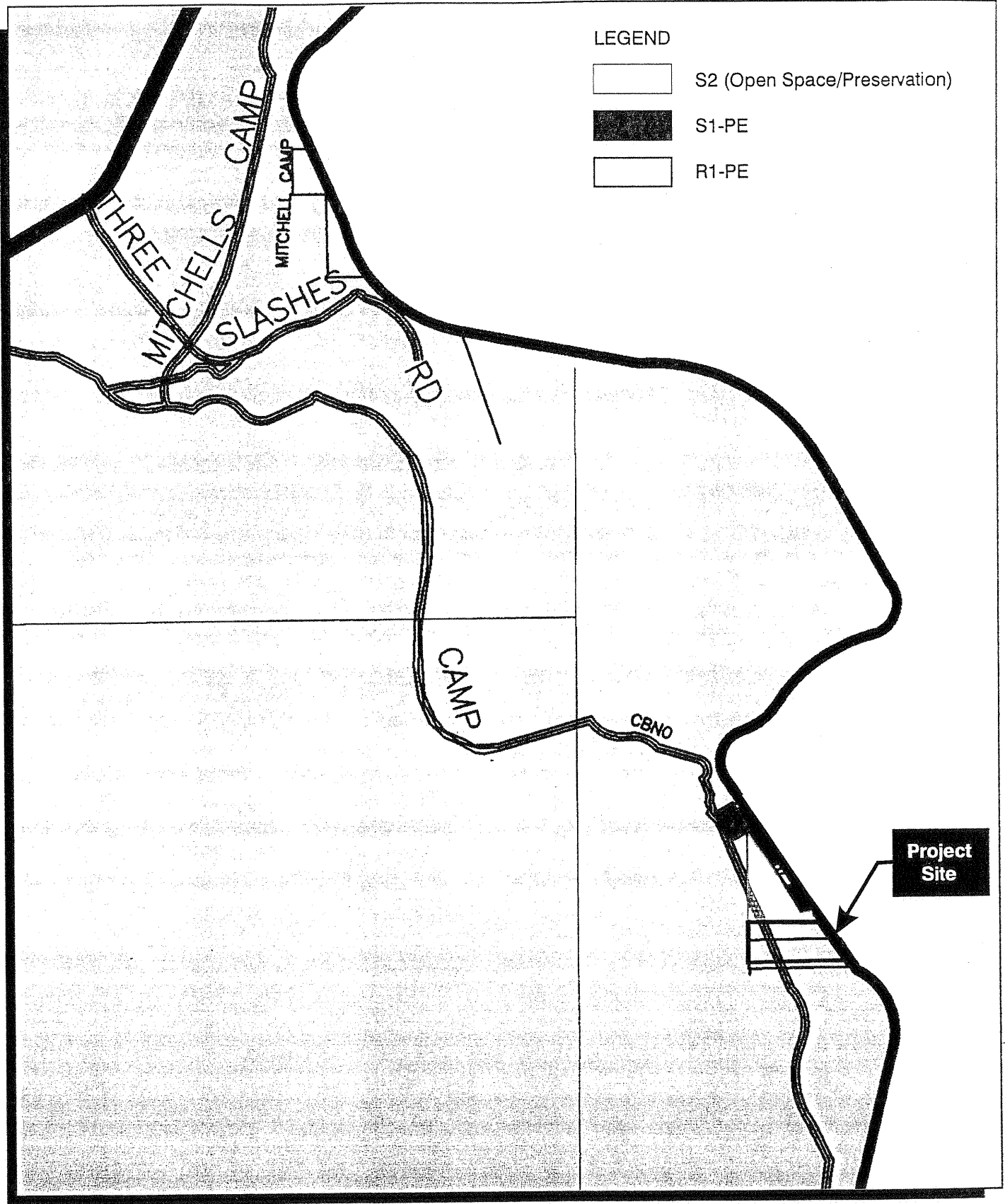


SOURCE: County of Imperial General Plan



Not To Scale

Existing Land Use Designations
Figure 5



1.5 Environmental Setting

The project site is essentially flat at an average elevation of 220 feet above mean sea level. The site varies in elevation from 215 feet adjacent to the Colorado River to 220 feet at Walter Camp's road. Two 10-foot utility line easements, containing one pole line with electric service, traverses the site from north to south near the middle of the property. An existing dirt road traverses the site from Walter's Camp Road to the River along the boundary between Tracts 947 and 946.

According to the Federal Emergency Management Agency Flood Insurance Rate Map for Imperial County (panel 350 of 1175), the project is located in a flood hazard area and almost entirely within the 100-year flood zone (Figure 7). The Vinagre Wash travels in a northeasterly direction ending just south of the Riverfront properties. A "wash" is a dry stream bed that flows only after heavy rains and is often found at the bottom of a canyon. Alluvial materials are carried and left by the movement of water. As it washes down the side of a mountain, sediments form a fan. The Vinegar Wash crosses over Walters Camp Road, primarily south of the project site, then curves in an easterly direction toward the Colorado River.

Two Wildlife Refuge Areas are located along this portion of the Colorado River: the Cibola National Wildlife Refuge and the Imperial National Wildlife Refuge. The Cibola National Wildlife Refuge covers 17,267 acres of river bottom and provides a winter home for a number of migratory birds, including the largest concentrations of Canada geese and sandhill cranes. This refuge also provides habitat for the Harris hawk, Yuma clapper rail, and puddle ducks. The Imperial National Wildlife Refuge protects more than 25,125 acres of desert uplands and wetlands extending 30 miles along the Lower Colorado River. A number of waterfowl, marsh and water birds, shorebirds, songbirds, mule deer and desert bighorn sheep live in the refuge.

A Biological Constraints Report prepared by Robertson Environmental Consulting (January 1999 and updated March 2002) found approximately 68.4 percent, or 54.7 acres, of the project site is currently covered in Tamarisk scrub, a non-native aggressive scrub. Tamarisk Scrub is extremely dense and not suitable for nesting, foraging or roosting habitat of most endemic animal species. A total of 15.51 acres of Sonoran Creosote Brush Scrub was found on the western portion of the site. This habitat is generally open with widely spaced shrubs and with bare exposed ground. The northeastern portion of the site contains 4.06 acres of Mojave Wash Scrub. Arrow weed scrub occupies approximately 2.27 acres of the project site in the north eastern portion of the site. Arrow weed scrub is also located on the levee of the Colorado River, however, the levee is not included in the project site. The remaining 3.27 acres are disturbed and contain no sensitive biological resources.

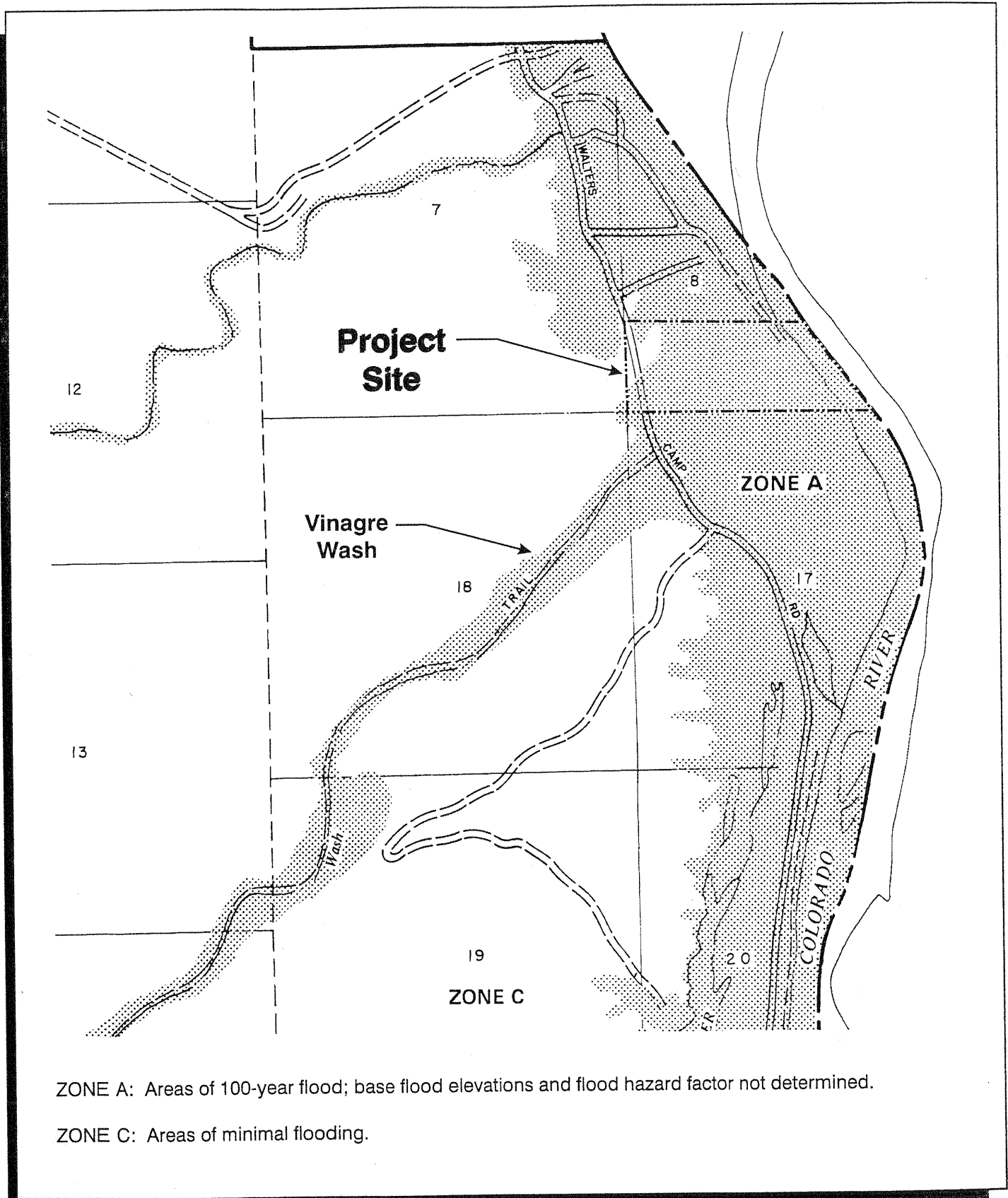
A Cultural Survey conducted by ASM Affiliates, Encinitas, CA, (February 1999) evaluated portions of the Riverfront Specific Plan property and found the property contains two sites and one isolate. The sites are both small prehistoric chipping stations and the isolate is a stone core. ASM Affiliates has stated that "No additional treatment is recommended for the previously recorded or newly recorded sites within the project area as they are not significant or eligible for the California Register of Historic Landmarks." Some potential for buried sites still exists in the

unsurveyed portion of the property that is covered with Tamarisk. Therefore it is recommended that the project's mitigation measures require a monitor be present to inspect any areas when tamarisk removal results in ground disturbance.

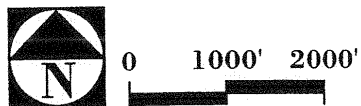
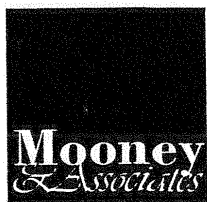
1.6 Specific Plan Adoption

Adoption of the Riverfront Specific Plan shall include both this text, which establishes conformance of the project with existing plans, policies and ordinances, and a Land Use Plan, which graphically identifies the various land use areas. The Riverfront Specific Plan is regulatory in nature and shall be enacted by resolution. Existing regulations and ordinances that are in conflict with the Specific Plan shall be modified or amended to be compatible with the Specific Plan.

In the event that any regulation, condition, program or portion of this Specific Plan is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions, and the invalidity of such provisions shall not affect the validity of the remaining provisions.



SOURCE: Flood Insurance Rate Map (Panel 350 of 1175)



100-Year Flood Zone
Figure 7

2.0 PROJECT DESCRIPTION

2.1 Goals and Objectives

The overall goal of the Riverfront Specific Plan is to create a comprehensive program of regulations and standards to insure the development of the recreation-oriented seasonal residential land use on the project site is in harmony with the natural setting of the project site as well as the surrounding land uses.

◆ Residential Development

Goal: Plan a residential development that will provide a safe and pleasant living environment.

Objective: Design a project that will maximize enjoyment of the recreational and visual amenities provided by the Colorado River.

Objective: Design a project that accommodates the anticipated seasonal occupancy of the residences.

◆ Circulation

Goal: Plan a circulation system that will provide safe and adequate access for residents, guests and emergency vehicles.

Objective: Provide private vehicular access to the residential development and Colorado River that will support varying flows of traffic including RV's and boats on trailers.

Objective: Provide a safe and convenient boat launching facility accessible to all future residents and guests.

Objective: Provide separate public pedestrian access to the Colorado River.

Objective: Provide security gates to control access in and out of the property.

Objective: Establish a clear emergency access route through the security gate.

◆ Public Services

Goal: Public services, including septic systems, water treatment, and fire protection shall be designed and operated to provide adequate services at a reasonable cost to future residents at the time of need.

Objective: Create a small water company/district to provide for storage, treatment and distribution of potable drinking water.

Objective: Design and locate individual septic systems with leach fields on each lot.

Objective: Design and construct free draft fire hydrants to ensure adequate fire protection for each property.

◆ **Flood Control**

Goal: Protect visitors, residents, and property from potential flood dangers created by the Vinagre Wash and the Colorado River.

Objective: Build structures to meet or exceed minimum Imperial County flood protection standards.

Objective: Construct drainage improvements to protect residential structures from danger of flooding created by the Vinagre Wash.

2.2 Design Principles

The following principles are intended to describe how the Riverfront Project is designed to achieve compatibility with the natural setting and adjacent land uses.

- Orient building sites to take advantage of views of the Colorado River and the ridges east of the river.
- Control storm water runoff with drainage improvements to minimize soil erosion and flooding.
- Retain and protect the Colorado River bank to the maximum feasible extent.

2.3 Project Summary

The Riverfront Specific Plan is a 80.0 acre seasonal single-family residential development centered around the recreational opportunities created by the Colorado River. The Riverfront Specific Plan includes a maximum of 18 Primary and 16 Secondary Riverfront Residential lots and nine S-2 Open Space/Preservation lots that will retain the existing S-2 Zone. The Riverfront Residential lots will be located on the easterly one-half of the site, oriented toward the Colorado River. The first row of these river front lots will have direct access to the Colorado River. The second row of Riverfront Residential lots will be set back and separated from the River by the first row of lots. The remaining property will be designated as "S-2 Open Space/Preservation." The existing zoning S-2 Open Space/Preservation will remain on the western half of the site (Figure 8).

Primary access to the project is from State Route 78 via Walters Camp Road. Internal circulation will be provided by a common private road easement, traversing the project site from west to east along the boundary between the two ownerships. Public access to the Colorado River from Walters Camp Road shall be provided by a pedestrian trail paralleling this common private road easement. An additional private road easement will extend north and south, from the common road easement, providing access to the individual residential lots. The second row of river front lots on tract 947 will also have access by a second street. A community boat ramp will be located at the east end of the common private road easement. The boat ramp will serve all properties within the Riverfront Specific Plan. Additional private boat ramps may be added to Primary Residential lots, with proper discretionary approval.

The infrastructure needed to provide public services is an integral part of the Riverfront project. Potable drinking water will be provided by the creation of a small water company or district, which will construct and operate a small water treatment and distribution facility. Wastewater treatment will be accomplished with subsurface sewage treatment systems for each residential dwelling unit. A system of free-draft hydrants connecting with the Colorado River will be constructed to provide fire protection. All residential buildings shall have residential sprinkler systems installed per County of Imperial regulations. To provide protection for the residents and property of Riverfront Specific Plan, all residential structures are required to be in conformance with Ordinance 981, Flood Damage Prevention Regulations adopted in August 1998 by the County of Imperial Board of Supervisors. Drainage improvements may also need to be constructed to protect the residential building sites from flood water flows from the Vinagre Wash.

The Riverfront Specific Plan shall be processed concurrently with a zone reclassification and two major subdivision maps. The purpose of the zone reclassification is to develop the properties using the underlying zoning of R-1 and S-2 of the 1998 Imperial County Zoning Ordinance, while addressing the unique development standards of the property in the Specific Plan. The Riverfront Specific Plan is in conformance with the Recreation/Open Space land use designation in the General Plan because the project's recreational-related uses include a mixture of seasonally and permanently occupied residential units which are permitted in this Designation.

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3.0 LAND USE PLAN & ZONING REGULATIONS

3.1 Introduction

The purpose of these regulations and standards are to guide the future development of the Riverfront Specific Plan in a manner that will protect the public health, safety, comfort, convenience and general welfare of the present and future residents of Imperial County. This section describes the specific manner in which the Riverfront project will be developed to have a compatible relationship with the natural setting, with existing land uses on the site, with adjacent land uses and with the goals and objectives of the Imperial County Plan.

3.2 Land Use Plan

The Riverfront Specific Plan contains three land use areas designed to accommodate the unique characteristics of this property. The County of Imperial's R-1 Residential development regulations (Sections § 90502.00 through § 90502.16) shall serve as the underlying zone for the Primary and Secondary Riverfront Residential areas and the S-2 Open Space/Preservation development regulations (Sections § 90519.00 through § 90519.12) shall serve as the underlying zone for the S-2 Open Space/Preservation area. Each set of regulations has been adapted in this Specific Plan to accommodate the unique features of the site.

- **Primary Riverfront Residential.** The purpose of the Primary Riverfront Residential land use area is to designate areas suitable for single-family homes and to provide customized development standards insuring protection of and direct access to the Colorado River.
- **Secondary Riverfront Residential.** The purpose of the Secondary Riverfront Residential land use area is to designate areas suitable for single family homes, with less restrictive development standards because they will not have direct access to the Colorado River.
- **S-2 Open Space/Preservation.** The purpose of the S-2 Open Space/Preservation is to retain the existing General Plan and zoning designation.

Table 1 identifies how the land uses shall be distributed within the Riverfront Specific Plan and Figure 8 identifies the areas planned for each land use.

Table 1 - Land Use Distribution

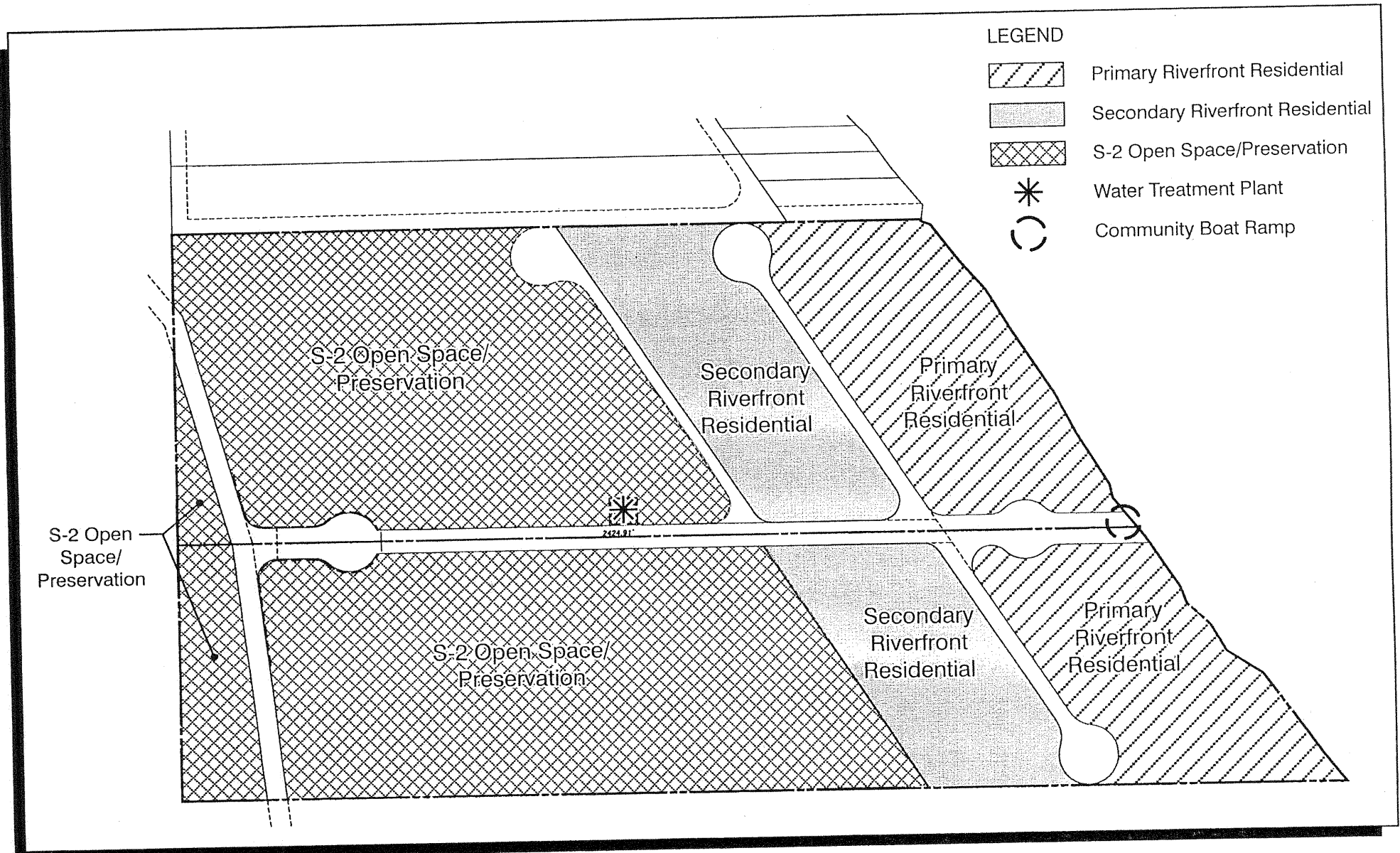
Land Use Category	Lot Size (Acres)	Total Number Lots	Total Area Designated (Acres)	Dwelling units per Acre
Primary Riverfront Residential	0.5	16	16.03	1
Secondary Riverfront Residential	0.5	18	13.16	1.37
	1	5	15.74	0.32
	0.5	8	22.84	
S-2 Open Space/Preservation	0.7	9	38.58	0.25
Infrastructure*	N/A	1	12.23	N/A
TOTAL	N/A	44	80	N/A
*Includes: Public roads, private road easements, pedestrian access, and water treatment plant				

3.3 Permitted Uses

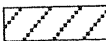

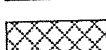


A. Primary and Secondary Riverfront Residential

The following uses are permitted in the Primary Riverfront and Secondary Riverfront Residential land use area:

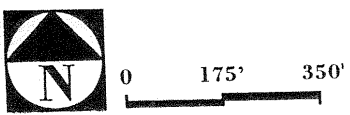
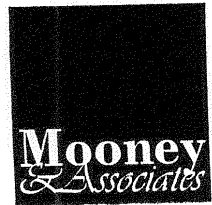
- One conventional, manufactured, or factory built home per legal lot.
- One recreational vehicle or trailer per legal lot to be used as a temporary residence as required under Section 3.7.2 of this Specific Plan.
- Residential accessory structure(s) is defined by Division 14 of the 1998 Imperial County Zoning Ordinance as buildings and structures normally associated with dwellings, such as garages, carports, greenhouses, storage buildings, and swimming pools.
- Solar energy extraction generation at 10 KW or less provided that it is for on-site consumption only.



LEGEND

-  Primary Riverfront Residential
-  Secondary Riverfront Residential
-  S-2 Open Space/Preservation
-  Water Treatment Plant
-  Community Boat Ramp

SOURCE: Waddell Engineering, Inc., El Centro, CA



Land Use Plan
Figure 8

- Recreational Vehicle (R.V.) use shall be in accordance with County of Imperial standards as modified by Section 3.4.

B. S-2 Open Space/Preservation

The following uses are allowed in the S-2 Open Space/Preservation land use area:

- Accessory agricultural buildings, structures and uses including farm buildings, housing of agricultural product, garages and implementation shelters, provided no livestock or any building or enclosure used in connection with livestock shall be closer than 100 feet to the property lines. (not allowed within ONCAP)
- All uses in the S-1 zone
- Apiaries
- Crop and tree farming (not allowed within (ONCAP) Ocotillo/Nomirage Community Area Plan)
- Keeping of poultry, or similar small animals
- Pasturing and grazing, provided however, that it shall not exceed one large animal (horse, mule, cow, etc.) or five medium size animal (hogs, goat, sheep) for each acre of the area of the parcel of land upon which the same are kept, except the temporary pasturing of livestock to feed on vegetable manner grown on said premises made be permitted. The feeding of garbage (cooked or raw), produce, or import materials shall be strictly prohibited. (not allowed with ONCAP)
- Public buildings
- Residence, one per legal parcel
- Stands for the sale of agricultural, horticultural, or farming products grown on the premises
- Storage of agricultural products
- Storage of products used for premises
- Recreational vehicles storage compounds/boat storage and boat trailer storage
- Private fuel storage
- Water Treatment Plant and other incidental utility services

3.4 Recreational Vehicles

While the use of Recreational Vehicles (R.V.'s) are not allowed as permanent residential dwellings, the incidental and occasional utilization of an R.V. may be allowed under the following conditions:

1. R.V. use shall be in compliance with existing County of Imperial ordinances.
2. One recreational vehicle or trailer per legal lot to be used as a temporary residence for no more than one year during construction of the single family residence provided the property has an active building permit application for said single family residence and a functioning septic system.
3. The electrical service supplying the mobile home or recreational vehicle on a temporary basis shall be terminated at the time that the electrical service is approved for the conventional dwelling. Under no conditions shall two (2) electrical services remain on the premises.

4.0 DEVELOPMENT STANDARDS

Design Standards, as described in Title 9, Division 3: Site & Design Standards, shall be modified to conform with the following:

4.1 Minimum Lot Sizes and Density

A. Primary & Secondary Riverfront Residential

Except as otherwise provided within this Specific Plan, no lot/parcel or portion thereof within the Primary River Front and Secondary River Front land use areas shall contain less than 0.5 net acre.

Except as otherwise provided within this Specific Plan, there shall be no more than one (1) dwelling unit per legal parcel in this land use area. In no case shall the density allowed exceed that specified in the Specific Plan, and/or 1 unit per net acre.

B. S-2 Open Space/Preservation

Existing S-2 zoning development standards to remain unchanged, except minimum parcel size shall be 0.7 acres. The maximum density for this land use area is 0.25 dwelling units per net acre.

4.2 Setbacks

The following minimum setback dimensions shall apply to all areas of the Riverfront Specific Plan:

A. Primary Riverfront Residential

1. Front Yard: 20 feet, measured from the edge of road easement or street parcel line (Figure 9).
2. Side Yard: 5 feet, measured from the side property line or edge of the road easement or street parcel line.
3. Rear Yard: 65± feet, measured from the top edge of the levy closest to the Colorado River. The exact setback line shall be defined as two straight line segments connecting three points located 65 feet from the edge of the levy. The points shall be located on the northerly boundary of Tract 947, the centerline of Rio del Sol Way and the southerly boundary of Tract 946. The points in relationship to the centerline of Rio Vista Way shall be the distance from the centerline of Rio Vista Way to the edge of the levy closest to the Colorado River, minus 65 feet.

B. Secondary Riverfront Residential

1. Front Yard: 35 feet for existing lots, measured from edge of road easement. In the case where Secondary residential lots abut road easements on both the western and eastern lot lines, the front yard setback shall apply to the eastern end of the lot and the rear yard setback shall apply to the western end of the lot (Figures 9 & 10).
2. Side Yard: There shall be a minimum five feet from each side of a structure to property line.
3. Rear Yard: 20 foot minimum for all primary structures and 5 feet for accessory structures from edge of road easement. In the case where Secondary residential lots abut road easements on both the western and eastern lot lines, the rear yard setback shall apply to the western end of the lot and the front yard setback shall apply to the eastern end of the lot.

C. S-2 Open Space/Preservation

No change to existing S-2 Zoning.

1. Front Yard-
Minimum of 30 feet from property line
2. Side Yard-
Minimum of 20 feet from property line
3. Rear Yard-
Minimum of 20 feet from property line

4.3 Height

The following height limits shall apply to all Riverfront Specific Plan Residential land use areas (all heights measured from AGL (average ground level) of lot):

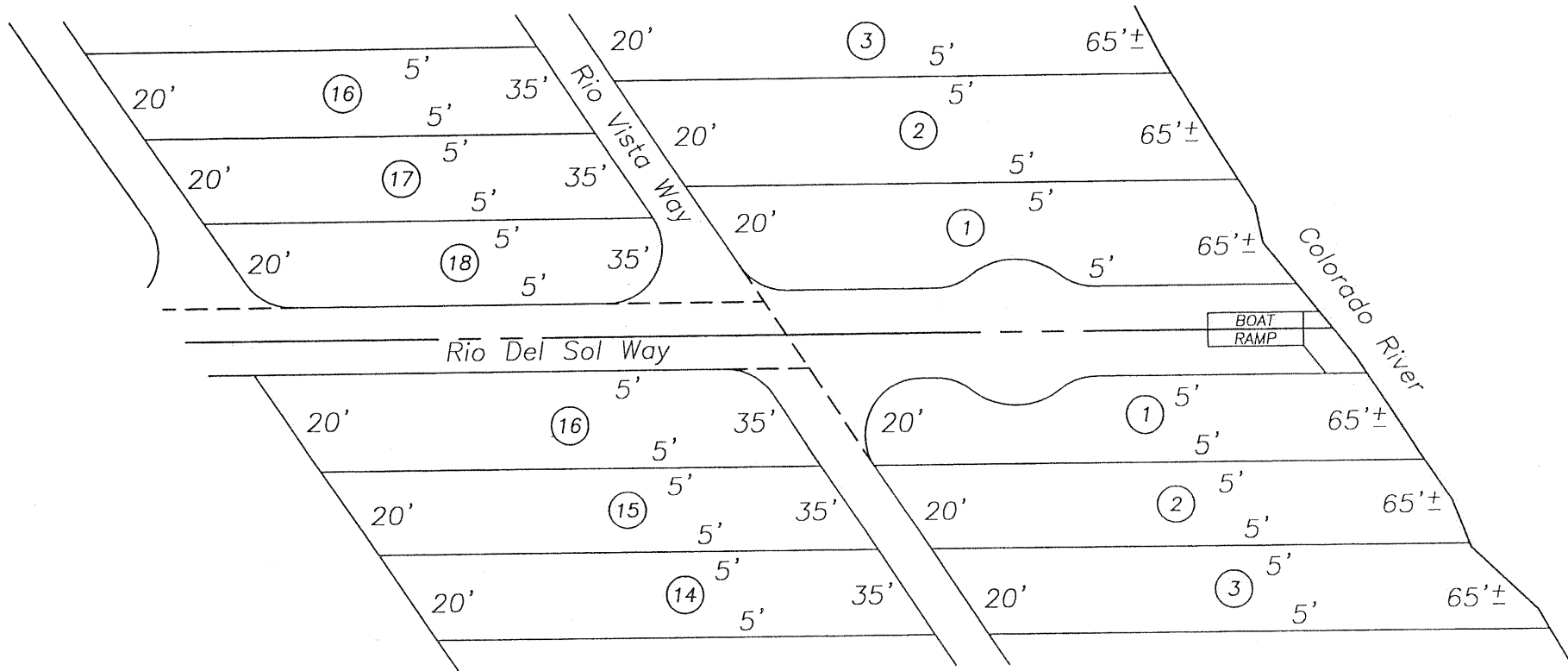
A. Primary & Secondary Riverfront Residential

Residential buildings shall not exceed two (2) stories in height, or 35 feet whichever is less. Detached accessory structures shall not exceed one (1) story or 25 feet whichever is less. Chimneys, or any other architectural feature shall not exceed 5 feet above highest point of roof.

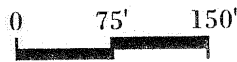
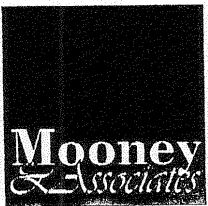
B. S-2 Open Space/Preservation

No change to existing S-2 Zoning requirements. Maximum height limit shall be 40 feet, except for communication towers which are 100 ft.

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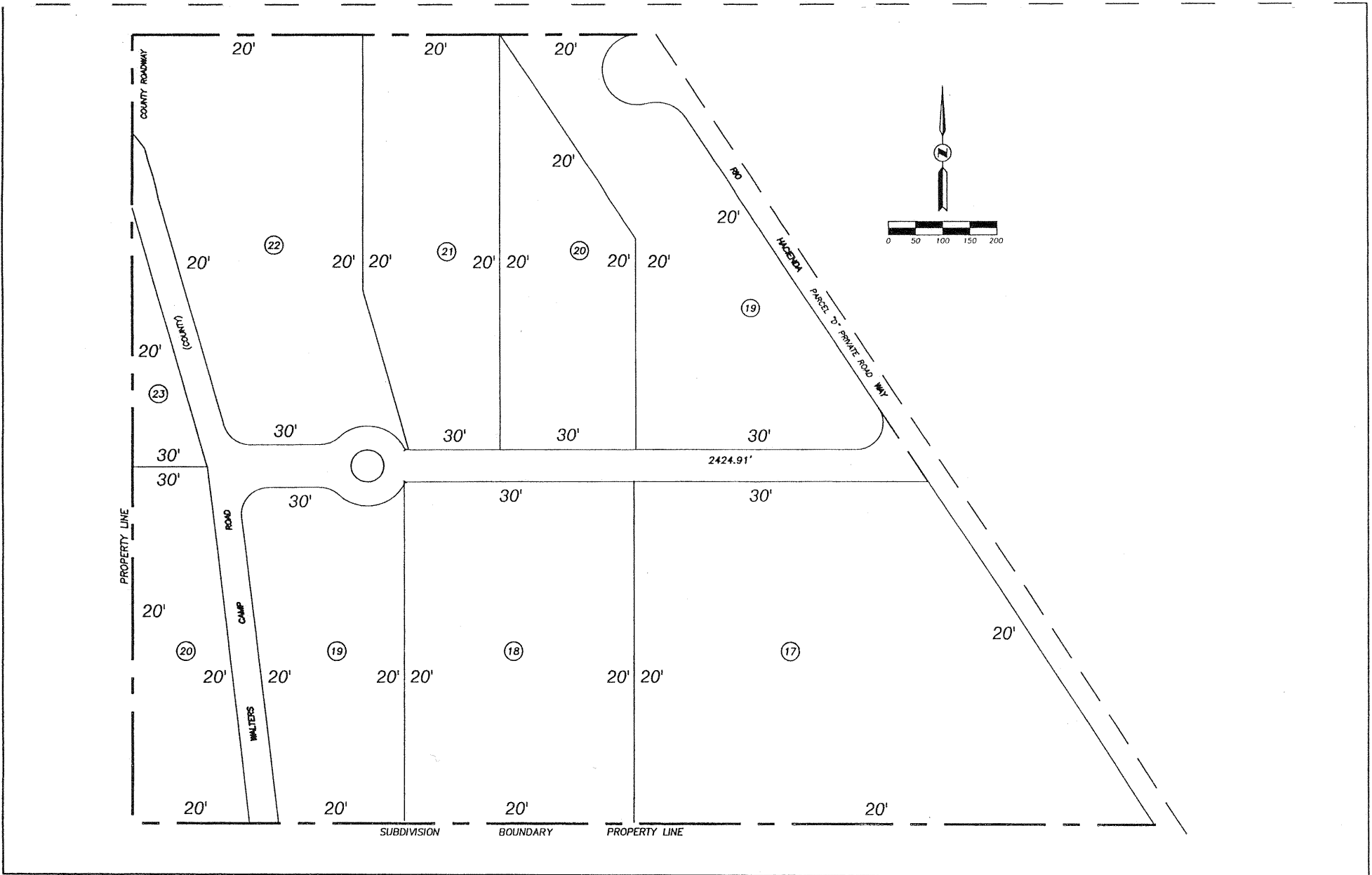


65'± = See Section 4.2 for definition of primary residential rear yard setback.



Primary & Secondary Residential Yard Setbacks

Figure 9



#' Yard Setback Distances

S-2 Open Space/Preservation
Yard Setbacks

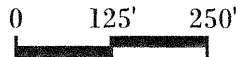


Figure 10

4.4 Separation of Structures

The following requirements apply to the minimum distances between structures in the Riverfront Specific Plan land use areas.

1. There shall be a minimum of ten (10) feet between primary residential use buildings.
2. There shall be a minimum distance of six (6) feet between a residential building and any detached accessory building permitted in this land use area.

Note: A covered walk way or breeze way is not considered attached.

4.5 Signs

All signs shall be subject to Section 90401.00 through 90401.17 of the 1998 Imperial County Zoning Ordinance (see Appendix A) as applicable.

4.6 Parking

Parking shall be provided according to the standards contained in Sections 90402.00 through 90402.15 of the 1998 Imperial County Zoning Ordinance (see Appendix B).

4.7 Yard/Property Maintenance

The areas within a Riverfront Specific Plan shall at all times be maintained so as to not create a fire, life safety, or health hazards either to the occupants or the public.

4.8 Animals

The keeping or maintaining of animals is strictly prohibited, except for:

1. Small domestic pets, such as cats and dogs, for noncommercial uses, and provided there are less than five.

Note: The keeping of animals as designated is only allowed to the extent that said animals do not constitute a nuisance or public health hazard.

4.9 Fencing

Fencing, if installed, shall at a minimum meet the requirements of 1998 Imperial County Zoning Ordinance section 90403 et.seq. (see Appendix C).

4.10 Streets

All streets within the Riverfront Specific Plan shall remain private streets. Streets shall be a unpaved, packed surface. The main street, traveling west to east, shall have a width of 60 feet. Remaining streets, traveling north and south, shall have a width of 40 feet. All cul-de-sacs shall have a minimum of a 65-foot radius.

4.11 Lighting

All exterior lighting shall be directed away from adjacent properties, and away from or shielded form public roads.

4.12 Landscaping

No landscaping shall be required

5.0 INFRASTRUCTURE AND FACILITIES PLAN

5.1 Water Treatment Facility

On January 9, 2002, the Bureau of Reclamation approved an application from Riverfront property owners for use of water from the Lower Colorado Water Supply Project. Water for domestic use has been offered to the property owners through a subcontract with the City of Needles to allocate a total of 40 acre-feet of water annually to the project. The City of Needles will administer facility operations for the Project beneficiaries. For a detailed description of the Lower Colorado River Supply Project please refer to Appendix E.

The property owners have agreed to a fair share reimbursement agreement to construct one water treatment facility to serve both projects. The Riverfront Specific Plan water treatment facility will be built prior to the occupancy of the first residents. A small water company/district must be created to operate the water treatment facility to treat and clean the water.

5.2 Waste Water Treatment Service

There is no sewage treatment district serving the area. All properties in the area use an individual subsurface disposal system composed of a septic tank and leach field. Similar individual septic systems with leach fields are proposed for the Riverfront Specific Plan lots. Septic systems located near the river bank will maintain a 200-foot setback from water's edge, as well as meet other health and safety setback requirements and approval by the Imperial County Environmental Health Services Department.

5.3 Fire

The Palo Verde Volunteer Fire Department provides emergency service to the project area. The response time is approximately 35 to 40 minutes to the project site.

Water for fire protection services will be provided by installing free draft hydrant systems, per requirements of Imperial County. This system will provide adequate water pressure, volume, and availability on an as needed basis.

A free draft hydrant system provides fire protection water when the area is not served by water lines under pressure from a reliable source with the necessary duration of flow. The cistern location for the project site is the Colorado River. The drafting hydrant design will meet dry hydrant requirements and access ways per the Imperial County Fire Department/Office of Emergency Services. Residential sprinkler systems will be installed in all residences. The system will comply with the Imperial County Fire Department (ICFD) and Office of Emergency Services (OES) standards.

5.4 Law Enforcement & Emergency Service

Law enforcement services will be provided by the Palo Verde Area Deputy Sheriff's department in the form of random patrols of area and response to calls for service.

Ambulance service is provided by Blythe Ambulance Service located in Riverside County. Current response time to the Riverfront properties is 27 minutes.

5.5 Utility

Electric service to this area is provided by Southern California Edison. Improvements have been completed to the northern adjacent property, Palo Verde, and will be extended south to the Riverfront properties. All new utility services shall be placed underground, unless the utility supplier requests otherwise.

5.6 Telephone

Telephone service is provided by GTE. The residential areas to the north are currently receiving service and lines shall be extended south to the Riverfront property. All new utility services shall be placed underground, unless the utility supplier requests otherwise.

5.7 School District

The school district servicing this area is San Pasqual Valley Unified School District. Schools are located in Winterhaven, 60 miles to the south. There is currently no bus service available to this area. No school age children are anticipated due to the seasonal nature of the project.

5.8 Transportation

Automobile access to the project site is provided from State Route 78 via Walters Camp Road. Within the project area a common private road easement and private road easements provide access to properties. One road runs easterly to the Colorado River, while the second runs north and south between the Primary and Secondary homes. Boats primarily used for recreational purposes, will have access to areas along the Colorado River from Palo Verde Dam to Imperial Dam.

5.9 Solid Waste

Individual residents can use the landfill located in Palo Verde at no charge. The landfill has a life expectancy of over 100 years. Private companies are also available to contract for on-site pick up.

5.10 Flood Control

A topographic survey and drainage study will be conducted to determine if a drainage improvement is necessary to divert flood waters around residential structures. Residential structures are required to be in conformance with Ordinance 981, Flood Damage Prevention Regulations adopted in August 1998 by the County of Imperial Board of Supervisors. The grading and improvement plans required to construct the private roads and building sites will provide for protection of residential structures from flooding. Plans for the disposal of all surface drainage water originating on-site shall be approved by the Imperial County Public Works Department.

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6.0 IMPLEMENTATION

The Riverfront Specific Plan describes a series of procedures, regulations, standards and guidelines to insure that the various goals and objectives of the specific plan are implemented in an orderly and consistent manner. All future development within the Riverfront Specific Plan shall be subject to these regulations. This section also describes how the project will be in conformance with the mitigation measures included in the Negative Declaration.

6.1 Discretionary Approvals

The Riverfront Specific Plan requires discretionary approvals to allow for the implementation of the project. These approvals include rezoning a portion of the project site, and approving two tentative maps.

The Land Use Element of the Imperial County General Plan shows, in a general way, the best uses that could be made of the lands within Imperial County. The site is currently designated Recreational/Open Space, which permits a mixture of seasonally and permanently occupied residential units.

The Land Use Ordinance in the Imperial County Zoning Ordinance provides comprehensive land use regulations for all unincorporated areas in the County. The project site is currently zoned S-2 (Open Space/Preservation). The zone reclassification will change the designation to an underlying zone of R-1 in the eastern half of the project. Additional development standards shall be described in the Specific Plan to respond to the unique characteristics of the project.

Two tentative maps shall be submitted, representing each existing parcel to create individual lots and access easements.

The Army Corps of Engineers is responsible for administering "The Clean Water Act," specifically Section 401 and 404 of this Act, in relation to impacts on the Colorado River Bank. Section 401 addresses the following activities "the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate" Section 404 of the Clean Water Act " . . . may issue permits, after notice and opportunity for public hearings for the discharge of dredged or fill material into the navigable waters at specified disposal sites." Any activity requiring such permits shall be implemented only after obtaining the required permit.

6.2 Conformance with Negative Declaration Mitigation Measures

It has been determined that development within the area regulated by the Riverfront Specific Plan will create no significant environmental impacts. Therefore the Specific Plan qualifies for a Negative Declaration in accordance with the California Environmental Quality Act (CEQA).

Mitigation measures for a Negative Declaration include addressing traffic, biology and cultural resources.

Mitigation measures include:

- Owners of the property will agree to not oppose the formation of an assessment district for maintenance of Walters Camp Road.
- Mitigation for impacts to wetland as a result of grading and construction of the boat ramp, shall be accomplished through wetland creation and revegetation onsite; or, off-site if an acceptable site is available. The mitigation rate for Riparian scrub revegetation is 2:1.
- A qualified archaeological monitor shall be present to inspect any areas where tamarisk removal results in ground disturbance.

6.3 Phasing

Each property owner has agreed that their respective properties may be developed separately. Public services infrastructure and implementing agreements will be designed to allow for development of ownerships independently or together. If the ownerships are developed independently, the initial developer will construct any common or shared infrastructure at the capacity to accommodate the ultimate project and be reimbursed by the subsequent developer for the fair share cost of providing the infrastructure.

6.4 Administration/Enforcement

The development standards, guidelines, regulations and mitigation measures included in the Riverfront Specific Plan shall be administered and enforced by the following public agencies:

A. Imperial County

1. **Planning and Building Department**
 - Riverfront Specific Plan
 - Tentative Maps
 - Building Permits
 - Mitigated Negative Declaration
2. **Department of Health Services**
 - Septic System
3. **Department of Public Works**
 - Improvement Plans
 - Flood Control

- Grading Permit
- Parcel Maps
- 4. **Fire Department**
 - Fire Protection Improvements and Facilities
- 5. **Sheriff**
 - Law Enforcement
- 6. **Assessment District**
 - Road Improvements and Maintenance

B. State of California

1. **Regional Water Quality Control Board**
 - Water Treatment Plant
 - Septic Systems
2. **State Health Department**
 - Water Treatment Facility
3. **California Department of Fish & Game**
 - Streambed Alteration Agreement, Section 1603

C. Other

1. **Army Corps of Engineers**
 - Section 404 Permit from the Clean Water Act
 - Section 401 Certification from Regional Water Quality Board
2. **Colorado River Board**
 - Water Appropriation Authorization
3. **City of Needles**
 - Water Appropriation Authorization

6.5 Amendments

The Riverfront Specific Plan may be amended with Planning Commission review and Board of Supervisor approval pursuant to the requirements and procedures in effect at the time of the submittal of the application for the amendment.

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7.0 PROJECT CONSISTENCY WITH IMPERIAL COUNTY GENERAL PLAN

This section will describe the relationship of the Riverfront Specific Plan with the Imperial County General Plan. The goals and objectives of the various Elements of the General Plan that are applicable to the Riverfront Specific Plan project are listed below along with a statement of how the project conforms to each goal or objective.

While all adopted Elements of the General Plan and all goals and objectives within each Element were analyzed, it was determined that no goals or objectives of the Noise, Agricultural, and Geothermal & Transmission Elements were applicable to the proposed project.

The Riverfront Specific Plan is consistent with the Imperial County General Plan in that it will further the goals and objectives of the General Plan. The goals and objectives of the General Plan are addressed in the following Elements:

7.1 Land Use Element

The Riverfront Specific Plan site is designated in the Land Use Element as Recreation/Open Space. The proposed recreation-related seasonal residential land use is suited for the proposed site since it is located adjacent to the recreational amenity provided by the Colorado River, has access to State Highway 78 via Walters Camp Road and is able to accommodate the need to provide potable water and sewage disposal satisfactory to the County Environmental Health Services Division. The Riverfront Specific Plan furthers the goals and objectives of the Land Use Element as follows:

Goal 3: Achieve balanced economic and residential growth while preserving the unique natural, scenic, and agricultural resources of Imperial County.

Objective 3.1 Maintain and improve the quality of life, the protection of property and the public health, safety, and welfare in Imperial County.

The Riverfront Specific Plan provides for the development of residential dwellings, in compliance with the Uniform Building Code, that are supported by adequate access, potable water, and sewage disposal satisfactory to the County Environmental Health Services Division.

Objective 3.3 Attain County growth and development patterns that are orderly, safe, and efficient utilizing appropriate financing resources.

The Riverfront Specific Plan is located adjacent to existing similar recreation-oriented residential development that provides the same or similar infrastructure required for the proposed project. Public services will be provided with

infrastructure constructed and operated by the project or with increased property tax generated by the project.

Objective 3.9 Promote water recreation activities in Imperial County in suitable areas along the New, Alamo, and Colorado River, and in the Salton Sea.

The Riverfront Specific Plan provides for recreation-oriented residential opportunities along the Colorado River.

Objective 3.11 All zoning within the County of Imperial will be compatible with the General Plan.

The proposed R-1 underlying zone is compatible with the Recreation/Open Space General Plan land use designation. Specific Plans are compatible with all land use designations in the General Plan.

Goal 4: Preserve and enhance distinctive historic desert towns and newer communities.

Objective 4.5 Specific Plan Area designation should be used for outlying proposed growth areas in order to better determine appropriate land uses and the timing and financing for needed community facilities.

The Riverfront project is a specific plan.

Goal 5: Encourage the compatible development of a variety of housing types and densities to accommodate regional population projections and special housing needs.

Objective 5.1 Provide sufficient, suitable residential sites and housing supply to meet projected housing needs of all segments of the population.

Seasonal recreation-oriented residential sites and housing will be provided along the Colorado River by the Riverfront Specific Plan project.

Objective 5.2 Promote affordable housing for residents of all income groups, including low and moderate income households.

Development standards will provide for the construction of a variety of residential housing types, including , modular housing and traditional single family dwellings.

Goal 8: Coordinate local land use planning activities among all local jurisdictions and state and federal agencies.

Objective 8.2 New developments shall provide improvements to meet the added demands for parks and recreational facilities.

The Riverfront Specific Plan is oriented to use the existing recreational amenity provided by the Colorado River. The project will provide a public access easement to the Colorado River.

Objective 8.3 Ensure that school facilities are adequate to meet the existing and projected needs of the population.

This project is not anticipated to generate students due to the seasonal nature of use.

Objective 8.7 Ensure the development, improvement, timing, and location of community sewer, water, and drainage facilities will meet the needs of existing communities and new developing areas.

Implementation of the Specific Plan will ensure the development and appropriate timing of community sewer, water and drainage facilities to meet the needs of the development.

Objective 8.8 Ensure that the siting of future facilities for the transmission of electricity, gas, and telecommunications is compatible with the environment and County regulation.

No new electric, gas or telecommunication transmission facilities are required for this project.

7.2 Housing Element

Goal 2: Provide the opportunity to obtain affordable housing which is safe, decent, and sanitary and within a suitable living environment with reasonable accessibility to employment.

Policy 2.4 Encourage quality housing in all residential areas compatible with the housing characteristics of the area.

The development standards in the Specific Plan will require the construction of single-family residential structures on individual residential lots in a manner that is compatible with single-family residential development.

Goal 3: Ensure that housing opportunities are available to all income groups in all communities without discrimination on the basis of race, religion, ethnicity, sex, age, marital status, or household composition.

Objective 3.3 Ensure existing and projected housing needs of all income levels, including the County's share of the region's housing needs, are available to the greatest extent.

The proposed residential lots will increase the number and variety of housing opportunities available to existing and future residents of Imperial County.

Objective 3.4 Reduce any effects of discrimination in housing and prevent future discrimination.

The residential lots will be sold without discrimination on the basis of race, religion, ethnicity, sex, age, marital status or household composition.

Goal 4: Promote the inclusion of energy conservation features in new and existing housing as required.

Policy 4.1 Promote architectural design and orientation of residential developments that promote energy conservation.

Dwelling units constructed on the project site will be designed and constructed in conformance with building requirements in place at the time of issuance of building permits.

7.3 Circulation & Scenic Highways Element

Primary access to the Riverfront Specific Plan project is from State Route 78 via Walters Camp Road, which is a 24-foot wide, unpaved graded road within 70 feet of right-of-way that is maintained by Imperial County. The private on-site roads do not connect with any other public streets and are intended for use only by project occupants and emergency vehicles. The private streets will be designed to County standards and maintained by a homeowners association. The Riverfront Specific Plan furthers the goals and objectives of the Circulation and Scenic Highways Element as follows:

Goal 1: The County will provide an integrated transportation system for the safe and efficient movement of people and goods within and through the County of Imperial with minimum disruption to the environment.

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

The County of Imperial currently maintains the existing Walters Camp Road. The additional traffic volume created by the Riverfront Specific Plan does not justify the need or a requirement to improve or pave the road. However, the

project will increase the number of property owners that would be available to participate in a future assessment district for the improvement and maintenance of Walters Camp Road.

Objective 1.2 Require a traffic analysis for any new development which may have a significant impact on County roads. In general, a traffic analysis should be required for projects which generate more than 500 ADT.

The Riverfront Specific Plan will generate less than 500 average daily trips (ADT).

Objective 1.4 In addition to Collector and Arterial roads, maintain and, where appropriate, extend the existing network of Local Streets which have been historically plotted along section and half-section lines and provide local routes to connect with Collector.

On-site streets will be private. Potential connection with other public streets is not feasible due to the property's relationship to the Colorado River.

Objective 1.7 Finance, or seek funding for circulation system maintenance projects.

The project will increase the number of property owners that would be available to participate in a future assessment district for the improvement and maintenance of Walters Camp Road.

7.4 Noise Element

The Riverfront Specific Plan project will not generate noise and there are no known noise sources in the vicinity of the Riverfront Specific Plan that would adversely impact noise sensitive receptors.

7.5 Seismic & Public Safety Element

The majority of the Riverfront project is subject to the danger of flooding due to its location within the 100-year flood plain of the Colorado River and its close proximity to the Vinagre Wash.

Goal 1: Include public health and safety considerations in land use planning.

Objective 1.2 Regulate development within flood-way areas in accordance with Federal Emergency Management Agency (FEMA).

Building sites will be elevated to meet or exceed Imperial County flood standards. In addition, the danger of flash floods from Vinagre Wash will be reduced by the

construction of a drainage facility designed to protect residential structures from the danger of flooding created by the Vinagre Wash.

7.6 Agricultural Element

The project site is not suitable for agricultural production due to its size, topography and relationship to existing residential land uses. There is no agricultural production in the immediate vicinity. The site and adjacent undeveloped property is currently dominated by dense tamarisk shrub. Therefore, no goals or objectives in this element apply to the Riverfront Specific Plan.

7.7 Conservation & Open Space Element

The project site is almost entirely covered in dense tamarisk scrub, thus limiting its natural environmental resources. This non-native scrub is not a natural resource and need not be protected. The Riverfront Specific Plan addresses the Colorado River, a natural resource, and manners in which it will remain protected from wasteful exploitation or destruction.

Goal 1: Environmental resources shall be conserved for future generations by minimizing environmental impacts in all land use decisions.

Objective 1.1 Recognize that the degradation of one natural resource will have a concomitant negative effect upon the total resource base, including water, vegetation, air, wildlife, soil, and minerals.

Impacts to natural resources will either be avoided or mitigated to a less than significant level.

Objective 1.2 Encourage only those uses and activities that are compatible with the fragile desert, aquatic, and marshland environment.

The seasonal residential use proposed in the Riverfront Specific Plan is included as a compatible land use in the Recreation/Open Space designation that covers this site as well as the surrounding area.

Objective 1.8 Encourage the acquisition of scientific knowledge by encouraging the preservation of important ecological, archaeological, and other scientific sites.

An archaeological investigation has been completed on the project site. No known prehistoric or historic resources have been identified on-site. However, due to dense tamarisk scrub on-site, only a limited cultural resources study could be conducted. A monitor will be present to inspect any areas where tamarisk removal results in ground disturbance to determine any important archaeological or scientific sites.

Goal 2: The County will preserve the integrity, function, productivity, and long-term viability of environmentally sensitive habitats, and plant and animal species.

Objective 2.1 Conserve wetlands, fresh water marshes, and riparian vegetation.

Construction of a boat ramp will create minimal impacts to riparian vegetation adjacent to the Colorado River. No other development that will impact the vegetation along the Colorado River is proposed.

Goal 7: The aesthetic character of the region shall be protected and enhanced to provide a pleasing environment for residential, commercial, recreational, and tourist activity.

Objective 7.1 Encourage the preservation and enhancement of the natural beauty of the desert and mountain landscape.

The Riverfront project is designed to preserve the aesthetic character and natural beauty of the site, the Colorado River and the mountain landscape.

Goal 8: The County will conserve, protect, and enhance the water resources in the planning area.

Objective 8.5 Protect and improve water quality and quantity for all water bodies in Imperial County.

Individual septic systems will be designed and installed to meet Imperial County Environmental Health Service requirements. Water from the Colorado River that is allocated for use by the City of Needles will be used for this project.

Objective 8.8 Ensure protection of water bodies that are important for recreational fishing.

No adverse impacts to the Colorado River are anticipated that would affect recreational fishing.

Objective 8.14 Coordinate with the appropriate agencies for the availability of water to meet future domestic, industrial/commercial and agricultural needs.

Water rights have been obtained from the Bureau of Reclamation to use water from the Lower Colorado River Project through a subcontract agreement with the City of Needles.

Goal 10: Open space shall be maintained to protect the aesthetic character of the region, protect natural resources, provide recreational opportunities, and minimize hazards to human activity.

Objective 10.2 Recognize the regional significance of the development and conservation of recreational opportunities in Imperial County.

The proposed recreation-related seasonal residential project is suited for the proposed site because it is located adjacent to the recreational amenity provided by the Colorado River. S-2 Open Space/Preservation zoning will remain on the western half of the project.

7.8 Geothermal & Transmission Element

The Riverfront Specific Plan project is not located near geothermal sites or any transmission planning corridors. Therefore, no goals or objectives in this element apply to the Riverfront Specific Plan.

7.9 Water Element

Goal 1: The County will secure the provision of safe and healthful sources and supplies of domestic water adequate to assure the implementation of the County General Plan and the long-term continued availability of this essential resource.

Objective 1.1 The efficient and cost-effective utilization of local and imported water resources through the development and implementation of urban use patterns.

Water allocated to the project will be drawn directly from the Colorado River. Potable water will be treated at a single treatment plant shared by the developers of both parcels/tracts.

Goal 2: Long-term viability of the Salton Sea, Colorado River, and other surface waters in the County will be protected for sustaining wildlife and a broad range of ecological communities.

Objective 2.3 Preservation of riparian and ruderal habitats as important biological filters as breeding and foraging habitats for native and migratory birds and animals.

Impacts to habitat adjacent to the Colorado River is minimal. No additional disturbance of habitat is proposed in the Riverfront Specific Plan.

Appendix A

**Section 90401 Signs 1998
Imperial County Zoning Ordinance**

Appendix B

**Section 90402 Off-Street Parking 1998
Imperial County Ordinance**

Appendix C

**Section 90403 Fence 1998
Imperial County Zoning Ordinance**

Appendix D

**Section 90502 R-1 Zoning Regulations 1998
Imperial County Zoning Ordinance**

Appendix E

**Section 90519 S-2 Zoning Regulations
1998 Imperial County Zoning Ordinance**

Appendix F

**Process and Procedures for
Obtaining a Subcontract for Water Under the
Lower Colorado Water Supply Act of 1986**

Appendix A

**Section 90401 Signs 1998
Imperial County Zoning Ordinance**

TITLE 9

DIVISION 4: SIGNS, PARKING, FENCES, HOME OCCUPATIONS & SECOND RESIDENTIAL UNIT

- CHAPTER 1: SIGNS
- CHAPTER 2: PARKING
- CHAPTER 3: FENCES
- CHAPTER 4: HOME OCCUPATIONS
- CHAPTER 5: SECOND RESIDENTIAL UNIT

CHAPTER 1: SIGNS

- § 90401.00 PURPOSE/APPLICATION
- § 90401.01 DESIGN/DEVELOPMENT STANDARDS FOR MONUMENT SIGNS
- § 90401.02 DESIGN/DEVELOPMENT STANDARDS/POLE SIGNS
- § 90401.03 DESIGN/DEVELOPMENT STANDARDS/SIGNS ATTACHED TO BUILDINGS
- § 90401.04 DESIGN/DEVELOPMENT STANDARDS/OFF-SITE ADVERTISING SIGNS
- § 90401.05 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY REAL ESTATE SIGNS
- § 90401.06 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY SUBDIVISION SIGNS
- § 90401.07 DESIGN/DEVELOPMENT STANDARDS/PERMANENT SUBDIVISION AREA SIGNS
- § 90401.08 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY CONSTRUCTION SIGNS
- § 90401.09 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY CAMPAIGN SIGNS
- § 90401.10 DESIGN/DEVELOPMENT STANDARDS/AGRICULTURAL SIGNS
- § 90401.11 DESIGN/DEVELOPMENT STANDARDS/AGRICULTURAL INDUSTRY SIGNS
- § 90401.12 DESIGN/DEVELOPMENT STANDARD/INSTITUTIONAL IDENTIFICATION SIGNS
- § 90401.13 EXEMPT SIGNS
- § 90401.14 PROHIBITED SIGNS
- § 90401.15 SPECIAL SIGN PROVISIONS
- § 90401.16 NON-CONFORMING SIGNS
- § 90401.17 ILLUSTRATIONS

§ 90401.00 PURPOSE/APPLICATION

The purpose and intent of this Chapter is to provide and promote for the orderly and attractive construction, placement, and display of signs throughout the County of Imperial. It is the policy of the County of Imperial that the primary purpose of signs is for identification and public information. Signs that cause a distraction and present potential safety hazards, as well as, aesthetic problems or public nuisance problems are discouraged and/or prohibited. The provisions of this Chapter serve as specific development standards to be applied in addition to the sign codes required under the building construction provisions.

§ 90401.01 DESIGN AND DEVELOPMENT STANDARDS FOR MONUMENT SIGNS

Freestanding monument signs shall comply with all of the following standards.

- A. No monument sign shall be located within the existing road right-of-way or designated future road right-of-way.
- B. The maximum height of a monument sign shall not exceed six feet (6') above average lot elevation, measured within radius of thirty feet (30') from the center of the sign.
- C. The monument sign shall be a minimum of ten feet (10') from any common property line, they shall be no closer than twenty feet (20') on center on any property or between properties.
- D. Lighting of monument signs shall be so arranged and installed as not to produce glare on other properties in the vicinity or upon the adjacent highway.

- E. Monument signs shall be no closer than five feet (5') to a public right-of-way.
- F. Monument signs shall be constructed of durable materials and maintained in an aesthetic acceptable fashion.

§ 90401.02 DESIGN AND DEVELOPMENT STANDARDS FOR POLE SIGNS

Free standing pole signs (single, double or triple poles) shall comply with the following standards.

- A. The maximum area of the sign shall not exceed 200 square feet per side.
- B. Pole signs shall be located so that no part of the sign extends into or beyond any existing street right-of-way or any proposed street right-of-way.
- C. The maximum height of a pole sign shall not exceed twenty-four feet (24') to the top of the sign.
- D. Pole signs shall be a minimum of ten feet (10') from any side yard common property line and shall be a minimum of forty feet (40') on center, if on the same property or between properties.
- E. Lighting of pole signs shall be arranged so as not to produce glare on other adjacent properties in the vicinity or upon adjacent highways.
- F. Pole signs shall be at least three feet (3') back from public right-of-way lines.
- G. Pole signs shall be erected to withstand a minimum of 80 mile an hour wind velocities and meet all UBC requirements.

§ 90401.03 DESIGN AND DEVELOPMENT STANDARDS FOR SIGNS ATTACHED TO BUILDINGS

Signs attached to a building or wall shall comply with all of the following standards.

- A. All signs attached to a building or a wall shall be attached flat against the building or wall and parallel thereto and shall not extend more than eighteen inches (18") from the surface of the building/wall. Exceptions to this provision are as follows:
 - 1. Signs may be mounted below the soffit of a canopy, or over-hang or below a porch and may be perpendicular to the building provided that they do not exceed twelve inches (12") above the soffit or beam and maintain a minimum of eight foot (8') vertical clearance above any travel way, corridor, exit or court.
 - 2. Signs may be attached to a building above the wall or parapet provided the sign does not exceed four feet (4') in height, and does not exceed height limitations set forth elsewhere in this Title and does not contribute to the roof loading.
- B. Lighting of signs attached to buildings shall be arranged as not to produce glare on adjacent properties in the vicinity and the source of light shall not be visible from adjacent property or public street.

§ 90401.04 DESIGN AND DEVELOPMENT STANDARDS FOR OFF-SITE ADVERTISING SIGNS

Off-site advertising signs shall comply with all of the following standards.

- A. The total area of any side of any off-site advertising sign (billboard) shall not exceed 700 square feet. Nor shall the sign exceed a length of 50 feet. In no case shall the square footage exceed the amounts specified by the sign regulation of the zone within which the sign is to be located.

- B. Each off-site advertising sign shall be located no less than 500 feet from any other off-site advertising sign located on the same side of the street or highway. No off-site advertising sign shall be located within 1320 feet of the business or activity, which it advertises. No off-site advertising sign may be located closer than 25 feet from any other sign. No off-site advertising sign may be located closer than 10 feet from any public street or right-of-way.
- C. No part of an advertising sign shall be located within an existing right-of-way or proposed street right-of-way.
- D. Maximum height for off-site advertising signs shall be 30 feet to the top of the sign.
- E. Lighting of off-site advertising shall be so arranged as not to produce glare on adjacent properties in the vicinity. The source of lighting shall not be visible from the adjacent property or public street and the lighting shall not cause glare or nuisance to adjacent street or highway traffic.
- F. Off-site advertising signs shall not be located along State, Federal or County highways, which either do not permit such signs or are regulated by another regulatory agency.
- G. Off-site advertising signs shall be installed according to the Uniform Sign Code requirements.

§ **90401.05 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY REAL ESTATE SIGNS**

Temporary real estate signs advertising a particular property on which the sign is located shall comply with the following standards.

- A. Not more than one (temporary real estate sign) shall be placed on any lot, parcel or section of land provided however that auxiliary rider signs may be allowed if attached to the same sign support and further provide that where a lot is bounded by more than one street, one sign with an auxiliary rider may be located along each street frontage.
- B. Temporary real estate signs shall not be illuminated.
- C. Temporary real estate signs shall be minimum of ten feet (10') from any street right-of-way or proposed street right-of-way or property line.
- D. If attached to a building a temporary real estate sign shall not extend above the roofline or the parapet wall of the building.
- E. If free standing, a temporary real estate sign shall not exceed eight feet (8') in height to the top of the sign.
- F. This section does not apply and shall not restrict the number of or size of temporary real estate signs erected outdoors within a courtyard, or mall space below the height of the enclosed building or within buildable areas or within display windows of existing buildings.
- G. This section shall not apply to temporary portable directional real estate signs used in conjunction with open house, real estate sales activity, provided that each portable directional sign not exceed nine square feet (9'), including the support and does not exceed the height of five feet (5') and is not located with any street right-of-way.
- H. All real estate signs shall be removed from the premises within fifteen (15) days after sale of the property or immediately upon being leased.

§ **90401.06 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY SUBDIVISION SIGNS**

Temporary subdivision signs shall comply with the following standards:

- A. Temporary directional subdivision signs shall comply with the following:
 - 1. The sign shall be located at primary streets providing directions to the subdivision.
 - 2. Each sign shall not exceed five feet (5') in height and twenty-four square feet (24') in area.
 - 3. Temporary directional signs shall not be lit.
 - 4. Temporary directional signs shall be located a minimum of three feet (3') back from any street right-of-way or proposed street right-of-way.
- B. On-site subdivision signs shall comply with the following standards:
 - 1. The sign shall be located at primary entrance to the subdivision or entrance to or at the model homes.
 - 2. Each sign shall not exceed six feet (6') in height and shall not exceed thirty-two square feet (32') in area.
 - 3. Subdivision signs shall not be lit.

§ 90401.07 DESIGN AND DEVELOPMENT STANDARDS FOR PERMANENT SUBDIVISION AREA SIGNS

The permanent identification signs including signs for the identification of the subdivision, a mobile home park, an apartment, a townhouse, condominium, or any other residential development project shall comply with the following standards:

- A. Permanent subdivision identification signs may be either attached to an entrance fence or structure or be a monument sign. The sign shall not exceed four feet (4') in height, and thirty-two square feet (32') in size and shall be located in a maintained landscaped area on the parcel for which the advertising is intended.
- B. The sign shall not be illuminated, except for low silhouette spot lighting that does not create glare to adjoining properties or adjacent streets.
- C. The design and materials sign shall be approved by the Planning Director prior to construction and shall meet all UBC requirements.

§ 90401.08 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY CONSTRUCTION SIGNS

Where building is under construction, temporary signs may be erected to identify the project owner, architect, landscape architect, contractor, builder, proposed business, lender, etc., provided that the following standards are met:

- A. There shall be not more than three (3) such temporary construction signs per project.
- B. Each sign shall not exceed thirty-two square feet (32') in area.
- C. The signs shall not be illuminated.
- D. If attached to a building the signs shall not exceed above the roof line or parapet wall and if free standing the maximum height shall not exceed eight feet (8').
- E. The signs shall be stationary.
- F. The signs shall be removed within ten (10) days from final inspection date.

§ 90401.09 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY CAMPAIGN SIGNS

Temporary political, religious or civic campaign signs may be erected for a period of not to exceed 120 days and shall comply with the following standards:

- A. All signs shall be removed within 15 days following the conclusion of the campaign (election day).
- B. In residential areas each sign shall not exceed twenty square feet (20') in area or a height of six feet (6').
- C. Any sign still remaining twenty (20) days after the end of the campaign shall be subject to a \$50.00 fine.
- D. These signs shall not be located at road intersections in a manner that obstructs visibility to the motoring public or be a distraction to the vehicle operator.

§ 90401.10 DESIGN AND DEVELOPMENT STANDARDS FOR AGRICULTURAL SIGNS

Agricultural signs advertising agricultural products that are raised or produced on subject property may be erected in all agricultural zoned areas, provided they comply with the following standards:

- A. There shall not be more than one (1) agricultural sign per legal lot, however, if the lot or acreage fronts on more than one (1) highway, one sign shall be permitted along each such highway.
- B. The sign shall not exceed sixteen square feet (16') in area, for parcels less than ten (10) acres and twenty-four square feet (24') for all other acreage. No sign shall exceed eight feet (8') in height.
- C. The sign shall be a minimum of ten feet (10') from any street or proposed street right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be for off-site advertising use.

§ 90401.11 DESIGN AND DEVELOPMENT STANDARDS FOR AGRICULTURAL INDUSTRY SIGNS

A sign identifying agricultural industry as located on subject property may be erected in all agricultural zoned areas, provided they comply with the following standards:

- A. There shall not be more than two (2) agricultural industrial signs per legal lot.
- B. Each sign shall not exceed 49 square feet in area, nor exceed 20 feet in height.
- C. The sign shall be a minimum of ten feet from any street or road right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be for off-site advertising use.

§ 90401.12 DESIGN AND DEVELOPMENT STANDARD FOR INSTITUTIONAL IDENTIFICATION SIGNS

Signs that identify churches, public and private schools, colleges, hospitals, universities, fraternal, benevolent or social service organizations, located on the same property shall comply with the following standards. When such institutions are located in a commercial zone the sign regulations application to the commercial zone district shall apply.

- A. There shall be not more than two (2) institutional identification signs per street frontage per legal lot and shall not exceed a total of six (6) signs on any single lot.
- B. Each sign shall not exceed forty-eight square feet (48') in area.
- C. Signs shall not extend into any existing or proposed road or street right-of-way.
- D. Free standing signs shall not exceed eight feet (8') in height. Signs attached to buildings shall not exceed above the roof line or parapet wall.
- E. All signs shall be stationary.
- F. Lighting of institutional identifications signs shall be indirect, non-flashing, and shall not produce light or glare onto adjoining properties or adjacent roadways.
- G. Generally recognized and accepted religious symbols that are free standing or attached as part of the church or part of the freestanding sign are exempt.

§ **90401.13 EXEMPT SIGNS**

The following signs except as provided elsewhere in this Title or in other State or Federal laws are exempt from the provisions of this Chapter.

- A. Highway directional signs installed, maintained by appropriate public agency.
- B. Railroad signal signs.
- C. Signs prohibiting trespassing and hunting.
- D. Warning signs required by law or erected by public agencies.
- E. Utility company signs identifying cables, conduits or hazards.
- F. Public notices and announcements authorized by courts and/or public officials.
- G. Advertising signs on buses, taxis, or other vehicles.
- H. Signs attached to bus stops, bus shelters, or kiosks.
- I. Signs on automobiles and trucks that are painted on or attached flat against the vehicle to advertise the associated business, provided that the vehicle is primarily used for the business.
- J. Window display signs.
- K. Signs that are painted and/or attached to the windshield of a vehicle, or the boat.
- L. Public telephone identification signs.
- M. Signs of an instructive nature or which include information required by a county, state or federal enforcement agency, including telephone booth, gas pump instruction, instruction for recreational vehicle dump stations, brake and smog certification, restroom identification, and the like.
- N. Signs erected within enclosed buildings or malls.

- O. Signs erected outdoors within courtyards and malls below the height of the enclosed buildings within buildable portions of the building.
- P. Direction warning or identification signs for patrolling and drilling, geothermal drilling, and excavation activities.
- Q. Residential name and address signs not exceeding three square feet (3') in area.

§ 90401.14 PROHIBITED SIGNS

The following signs are prohibited in all zones, unless specifically designated within the zone.

- A. Moving or rotating signs.
- B. Any sign displaying any obscene, indecent or immoral material.
- C. Advertising signs that include the words stop, look and listen, or any other word phrases symbol, light, motion, sound, fume, mist, or substance that may interfere, mislead or confuse a driving public.
- D. Signs extending above roofs and roof signs except where specific provided within the provisions of this chapter.
- E. Signs projecting from the building, except for where specifically provided for within this Chapter.
- F. Wind activated signs.
- G. Any advertising device attached to a building, fence, pole or structure or vehicle, on display not specifically authorized by this Chapter.

§ 90401.15 SPECIAL SIGN PROVISIONS

- A. An electronic time and temperature sign as part of an approved on-site advertising sign is permitted as regulated by this Division.
- B. Exit, entrance and other on-site traffic and directional signs are permitted provided the signs do not exceed six feet (6') in height and contain no advertising message, other than directional instructions.
- C. Illuminated signs in storefront glazing visible for public street shall be considered signs and complies with this requirement.
- D. Special signing required for drive-in windows, drive through restaurants, drive through banks or similar businesses are allowed, provided a sign is necessary for the information, instruction or direction.
- E. Signs for uses approved in conjunction with conditional use permits shall be as specified in the conditions of approval for that permit.

§ 90401.16 NON-CONFORMING SIGNS

Non-conforming signs shall be subject to the requirements of Section 90105.06.

§ 90401.18 ILLUSTRATIONS

The following drawings are intended as illustrations to further explain the intent of this chapter.

Appendix B

**Section 90402 Off-Street Parking 1998
Imperial County Ordinance**

TITLE 9

DIVISION 4: SIGNS, PARKING, FENCE & HOME OCCUPATIONS

CHAPTER 2: OFF-STREET PARKING

§ 90402.00	PURPOSE/APPLICATION
§ 90402.01	REQUIRED PARKING SPACES
§ 90402.02	CALCULATIONS
§ 90402.03	FLOOR AREA
§ 90402.04	UNLISTED USE
§ 90402.05	SEATING CALCULATION
§ 90402.06	SEATING WHERE NO FIXED SEATING IS PROVIDED
§ 90402.07	PARKING SPACE DIMENSIONS
§ 90402.08	COMPACT CAR PARKING
§ 90402.09	HANDICAPPED PARKING
§ 90402.10	OFF-STREET LOADING SPACE
§ 90402.11	LOCATION OF PARKING
§ 90402.12	JOINT USE PARKING AREAS
§ 90402.13	PARKING AREA DESIGNED DEVELOPMENT STANDARDS
§ 90402.14	OFF-STREET PARKING PLAN REVIEW
§ 90402.15	APPLICATION REVIEW AND APPROVAL
§ 90402.16	ILLUSTRATIONS

§ 90402.00 PURPOSE/APPLICATION

The purpose of this Chapter is to reduce street congestion and promote safety, and provide for the convenience of the residents of the County by requiring provisions for adequate and well designed parking in conjunction with the land use.

Parking required by this Title shall be provided at the time that any building or structure is erected, altered or enlarged, or a use is established, changed or expanded. Development involving individual or cumulative expansion in excess of forty percent (40%) or more of the existing use on the effective date of this Title shall comply with off-street parking requirements of this Chapter. [The forty- percent (40%) shall be applicable to valuation, size, volume, height, or any combination.]

The standards provided in this Chapter are deemed to be the minimum standards.

§ 90402.01 REQUIRED PARKING SPACES

Uses permitted by this Division shall provide off-street parking spaces according to the following schedule.

A. Residential uses:

1. Single-family dwelling, a duplex dwelling, a condominium, a mobile home, or a second residential unit with two (2) bedrooms or less shall provide two (2)-parking spaces per unit. Units with three (3) or more bedrooms shall provide parking spaces per unit.
2. For multi-family projects, one guest space for five (5) units to the minimum under A.

B. Boarding houses, rooming houses, residential hotels, fraternity or sorority houses, dormitories, or similar uses shall provide one (1) parking space per bedroom.

C. Mobile home park:

1. Each park space shall provide two (2) parking spaces per mobile home,

2. One (1) guest parking space for every five-(5) mobile home spaces within said park shall be provided.
- D. Retirement or rest homes, shall provide one (1) space per three residential bed spaces or bedrooms.
- E. Recreation, entertainment and tourism facilities.
1. Bowling alley, four (4) spaces per lane, or one (1) for every 500 square feet whichever is greater.
 2. Dance hall, ballroom, discotheque, one (1) per thirty square feet (30') of gross building area.
 3. A country club shall provide the cumulative combination of spaces required for the various uses within a country club, or one (1) per 50 square feet of building area.
 4. Equestrian establishment, requires parking plan review by Planning Department.
 5. Hotel or motel, one (1) space per room, plus two (2) spaces for a manager's quarters, plus one (1) space for every 1000 square feet of gross building area for general public parking. If hotel provides meeting room accommodations, parking as determined by Planning/Building Department shall be provided.
 6. Golf course, five (5) spaces per hole.
 7. Golf driving range, one (1) per tee.
 8. Miniature golf course, three (3) per hole.
 9. Movie theater, one (1) per two (2) seats.
 10. Pool and billiard parlors, three (3) per pool or billiard table, or one (1) per 100 square feet of building area.
 11. Shooting range or gun club, one (1) per member or one (1) per shooting station.
 12. Swimming pools, one-(1) per 100 square feet of pool and deck area.
 13. Sports arena, one (1) per three seats.
 14. Tennis club, health club, one (1) per 100 square feet of indoor recreational area, plus two (2) per tennis or racquet ball court.
 15. Video game arcades, one (1) per 100 square feet of gross building area.
- F. Office/Business:
1. Business facility or professional offices, one (1) per 250 square feet of gross building area.
 2. Financial institutions including banks, savings and loans, credit unions, etc., one (1) per 200 square feet of gross building area.
 3. Medical or dental office, veterinarian office, clinics, etc., one (1) per 200 square feet of gross building area.
- G. General retail sales.
1. General retail, one (1) per 250 square feet of gross building area.

2. Furniture store, one (1) per 500 square feet of gross building area.
3. Nursery, one (1) per 250 square feet of indoor display area and one (1) per 2000 square feet of outdoor sales area.
4. Automobile sales, one (1) per 10,000 square feet of sales area plus one (1) per 250 square feet of office area.
5. Heavy equipment, recreational vehicle truck sales, one (1) per 2500 square feet of sales area plus one per 250 square feet of office area.
6. Restaurants, cafes, coffee shops, one (1) per 100 square feet of gross building area.
7. Fast food restaurants, one (1) per 75 square feet of gross building area.
8. Bars, taverns, cocktail lounges, one (1) per 75 square feet of gross building area.

H. Service facilities.

1. Auto repair, tire sales, and service establishments, one (1) per 300 square feet of gross building area.
2. Automobile service stations, one (1) per 300 square feet of gross building area.
3. Barber and beauty shops, one (1) per 100 square feet of gross building area.
4. Equipment rental facilities, one (1) per 1500 square feet of display and storage area, plus one (1) per 250 square feet of office area.
5. Laundromat, self-service type, one (1) per three washing machine spaces.
6. Mortuaries or funeral parlors, one (1) per three seats.

I. Industrial uses:

1. Manufacturing or the assembly facilities, one (1) per 500 square feet of gross floor area and one (1) per 250 square feet of gross office area.
2. Contractor's storage yards, one (1) per 3000 square feet of lot area.
3. Warehouse or wholesale distribution facilities, one (1) per 1000 square feet of storage area, plus one (1) per 250 square feet of office area.

J. Institutional uses:

1. Cemetery, one (1) per three seats in the chapel, plus one (1) per 250 square feet of office area, plus two (2) per 5 acres.
2. Church, one (1) per three seats affixed, or one (1) per 50 square feet of gross building area.
3. Auditorium, one (1) per two seats.
4. Convalescent hospitals are sanitariums, one (1) per 5 patient beds.
5. Hospitals, one (1) per two patient beds.

K. Educational and institutional schools.

1. Pre-schools, one (1) per six students for which the facility is licensed, plus one (1) per employee, plus three (3) additional spaces.
2. Elementary and junior high schools, one (1) per employee, plus one (1) per ten (10) students.
3. High school, one (1) per employee, plus one (1) per ten (10) students.
4. College, business schools, trade schools, one (1) per employee plus one (1) per two (2) students.
5. Child care center, one (1) per six (6) children, which the facility is licensed, plus one (1) per employee, plus two (2) additional spaces.

§ 90402.02 CALCULATIONS

If the calculation of parking needs results in the requirement for a fraction of a parking space, in excess of .45 an additional space is required.

§ 90402.03 FLOOR AREA

Floor area shall mean gross floor area unless specified otherwise within this Title.

§ 90402.04 UNLISTED USE

Where a proposed use is not listed within this Chapter, the Planning Department shall determine the parking needs based on the list of uses, which most nearly resemble the proposed use. The Department may use national or state standards or guidelines for determining parking needs.

§ 90402.05 SEATING CALCULATION

Where parking requirements are based on the number of seats, eighteen inches (18") per pew or bench seating shall be equivalent to one seat.

§ 90402.06 SEATING WHERE NO FIXED SEATING IS PROVIDED

Seven (7) square feet of floor area shall be equivalent of one seat for concentrated use. Fifteen-(15) square feet floor area shall be equivalent of one seat for non-concentrated use. The calculation is per the Uniform Building Code.

§ 90402.07 PARKING SPACE DIMENSIONS

All parking spaces shall be a minimum of nine feet (9') in width and twenty feet (20') in length. Handicapped automobile parking spaces shall comply with the requirements of Chapter 2-71, Title 24, California Code of Regulations.

§ 90402.08 COMPACT CAR PARKING

Up to ten percent (10%) of the spaces required for a facility (provided that the facility has more than ten (10) spaces), may be designated for compact cars. Compact car size spaces shall not be less than eight feet (8') in width and eighteen feet (18') in length.

§ 90402.09 HANDICAPPED PARKING

All handicapped parking spaces and access areas between handicapped parking spaces and primary entrances of associated buildings or facilities shall be surfaced in a manner to facilitate wheel chair use.

§ **90402.10 OFF-STREET LOADING SPACE**

In addition to any automobile parking required by this Chapter, for every building or facility occupied by a manufacturing, storage, warehouse, wholesale, retail store, market, passenger terminal, theater, hotel/motel, restaurant, hospital, laundry, dry cleaning plant or other similar use, requiring receipt of or the distribution of vehicle or merchandise, adequate space for loading and unloading shall be provided and maintained on the same lot. Where a facility requires large vehicle (semi truck/trailer) deliveries, designated loading and unloading provisions shall be made and reviewed and approved by the Department of Public Works.

§ **90402.11 LOCATION OF PARKING**

A. Residential

1. Required residential off-street parking space(s) shall be located on the premises that they are intended to serve.
2. Parking shall not be located within the front yard set back area.
3. Required spaces shall not be eliminated unless alternate spaces are provided.

B. Non-Residential

1. Off-street parking for other than residential uses shall be located on the same premise as the use it is intended to serve or within 300 feet thereof. Where required parking is provided on a site other than on the principle use site, the other site shall likewise be owned by the same property owner and said owner shall file an agreement with the County of Imperial (Planning/Building Department) to provide for the maintenance of the parking facility as long as the associated principle use is maintained. Said agreement shall be recorded against said property. In the event that the adjoining property is owned by other than the principle owner, for which the parking is required, an agreement by the owner of record of said parcel shall be filed with the Planning Department, and be recorded designating the lot as a parking facility for the adjacent use for as long as the associated use is maintained.

§ **90402.12 JOINT USE PARKING AREAS**

If a parking area accommodates more than one use, off-street parking shall be provided in an amount equal to the total number of spaces required for the separate uses in accordance with this Chapter.

§ **90402.13 PARKING AREA DESIGN AND DEVELOPMENT STANDARDS**

Off-street parking areas required to be provided by this Chapter shall be designed and developed in accordance with the following standards:

- A. All off-street parking areas, as well as, ingress and egress areas to parking areas shall be surfaced with the following materials.

For all multi-family residential, recreational, entertainment, and tourist facilities, commercial, industrial, and institutional and other high-density uses, parking areas shall be surfaced with one of the following materials, on top of a properly prepared base.

1. Two inch (2") of asphaltic concrete
2. Three and one-half inch (3 1/2") portland cement concrete.

- B. For all other uses, except as specified above, the parking area shall be surfaced with one of the following materials.
1. Three inches (3") of bituminous road mix
 2. Two inches (2") of asphaltic concrete
 3. Three and one-half inches (3 1/2") of portland cement concrete.
 4. Three inches (3") of decomposed granite
 5. Three inches (3") of gravel.
- C. A private drive-way or parking area serving a single family residential dwelling is exempt from the paving requirements specified within this section, and provided further that it is not a requirement of another agency, such as Air Pollution Control District or by Public Works.
- D. In the case of uses subject to discretionary approvals, the required parking spaces shall be surfaced with materials and to the standards specified in accordance with the conditions of approval, notwithstanding this Chapter.
- E. All parking spaces shall be clearly marked and/or striped.
- F. Parking aisles shall comply with the following minimum standards.

<u>Arrangement</u>	<u>Minimum Aisle Width</u>
30 Degrees Single Row	12 feet
45 Degrees Single or Multiple Row	15 feet
60 Degrees Single or Multiple Row	20 feet
90 Degrees Single or Multiple Row	25 feet

- G. Off-street parking facilities shall be designed so that each space can function independently of any other parking space.
- H. Private driveways for residential development on same lot shall be a minimum of fourteen feet (14') in width, with fifteen feet (15') of unobstructed vertical clearance. Driveways for commercial and industrial development shall be a minimum of twenty feet (20') in width with a minimum of eighteen feet (18') unobstructed vertical clearance. These requirements may be reduced by the mutual approval of the Planning Director and the Director of Public Works.
- I. No parking space shall be designed to require backing into a street or right-of-way.
- J. In no case shall any parking intended to meet off-street parking requirement be located within an existing right-of-way, proposed secondary or major highway or within an adopted official or specific plan line, setback area or lot line.
- K. All parking lots shall meet landscaping requirements in Division 3.
- L. Lights used to illuminate parking areas shall be directed away from any adjacent properties and streets.

§ 90402.14 OFF-STREET PARKING PLAN REVIEW

No use shall be established or changed and no development shall occur or be expanded and no building or grading permit or business license for any use or development shall be issued until an application with a plot plan review has been submitted and approved by the Planning Department.

§ 90402.15 APPLICATION REVIEW AND APPROVAL

Where discretionary or ministerial approval is required for the use or uses for which parking is being provided the off-street parking plot plan application shall be reviewed and approved or denied in conjunction with that discretionary or ministerial approval process.

No plot plan application shall be required for lots containing only one single-family dwelling.

§ 90402.16 ILLUSTRATIONS

The following drawings are intended as illustrations to further explain the intent of this chapter.

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Appendix C

**Section 90403 Fence 1998
Imperial County Zoning Ordinance**

TITLE 9

DIVISION 4: SIGNS, PARKING, FENCE & HOME OCCUPATIONS

CHAPTER 3: FENCE

§ 90403.00	PURPOSE
§ 90403.01	APPLICATION
§ 90403.02	PROHIBITED MATERIALS
§ 90403.03	LOCATION
§ 90403.04	CONSTRUCTION STANDARDS
§ 90403.05	PERMITS
§ 90403.06	HEIGHT LIMITS

§ 90403.00 PURPOSE

The purpose of this chapter is to provide standards and promote safety by requiring provisions for adequate and well-designed fence and garden walls.

§ 90403.01 APPLICATION

All fence and other land use separation walls or devices shall meet the regulations established by this chapter.

EXCEPTION:

The following shall not be required to obtain permits:

- A. Animal containment corrals in approved feed yards.
- B. Animal containment field fencing (temporary).
- C. Temporary security fencing for construction sites.
- D. Emergency or security fencing.
- E. Wood, stucco, wrought iron or chain link fencing less than 6' in height in any zone.

§ 90403.02 PROHIBITED MATERIALS

Fences shall be constructed of approved "fencing" or construction materials. Materials such as tires, cans, broken glass, used car components, vehicles or other similar products are not allowed.

Barbed, or razor edge wire is prohibited in all residential zones, or on property abutting residential zones.

Electrified fences are prohibited in all zones except for use in animal containment in the "A" Zones, or security fencing in Federal, State or County institutions.

§ 90403.03 LOCATION:

All fences shall be located on or within the property lines of the applicant's property. Fences on property line may be allowed if a mutual agreement by or between adjacent property owner is recorded at the County Recorder's Office. Absent an agreement between owners, the fence shall set back from property line by a minimum of 2 inches.

§ 90403.04 CONSTRUCTION STANDARDS:

All fences shall meet Code or accepted fence construction standards.

§ 90403.05 PERMITS

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

- A. For all masonry fence walls, retaining walls or separation walls that are thirty six inches (36") or more in height and/or retain more than twenty four inches (24") of fill.
- B. All fences in all zones that are more than seventy-two inches (72") in height.
- C. All razor edge, or barb wire 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, fencing located within the required front yard setback area shall not exceed 30 inches in height if obscure, or 48 inches if translucent.
- 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 30 inches in height.

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Appendix D

**Section 90502 R-1 Zoning Regulations 1998
Imperial County Zoning Ordinance**

TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

CHAPTER 2: R-1 (LOW DENSITY RESIDENTIAL) [SINGLE RESIDENTIAL UNIT PER LOT]

§ 90502.00	PURPOSE AND APPLICATION
§ 90502.01	PERMITTED USES
§ 90502.02	USES PERMITTED WITH CUP
§ 90502.03	PROHIBITED USES
§ 90502.04	MINIMUM LOT/PARCEL SIZE
§ 90502.05	MINIMUM LOT AREA/DWELLING UNIT
§ 90502.06	SETBACKS
§ 90502.07	HEIGHT
§ 90502.08	SEPARATION OF STRUCTURES
§ 90502.09	PARKING
§ 90502.10	SIGNS
§ 90502.11	LANDSCAPING
§ 90502.12	YARD/PROPERTY MAINTENANCE
§ 90502.13	ANIMALS
§ 90502.14	GARAGE/YARD SALES
§ 90502.15	SPECIAL PROCEDURES/STANDARDS
§ 90502.16	FENCING

§ 90502.00 PURPOSE AND APPLICATION

The purpose of the LOW DENSITY RESIDENTIAL ZONE (R-1) is to designate areas that are and will be suitable for traditional smaller lot(s) with single family homes and related compatible or accessory uses. Typically the R-1 Zones are to be characterized by single family residential subdivisions. The maximum density for the R-1 Zone shall not exceed five (5) dwelling units per (net) acre, except that an increase for density bonus consideration, and/or an increase under Division 3, Chapter 1, may be considered. No new R-1 development shall be allowed unless full infrastructure, which at a minimum shall include sewer, water treatment and streets meeting County standards are provided.

§ 90502.01 PERMITTED USES

The following uses are permitted in the R-1 Zone provided they meet the requirements of this Title:

- Community related recreational facility owned publicly or by an association of area property owner(s).
- Community vegetable gardens
- Elementary school (public)
- "Granny Flat residential use" provided it meets the intent of State law and is not a second mobile home
- Guest house, provided it does not contain a kitchen and has no independent utility connections
- High school (public)
- Junior high school (public)
- One Mobile home; or one manufactured home; or one factory built home
- Public fire station/Police station
- Public parks/playgrounds
- Public swimming pool
- 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.)
- Residential accessory structure(s) as defined herein Division 14.
- Residential care facility serving five (5) or less.
- Single family dwelling, (one (1) per legal lot only), [conventional/or manufactured]
- Solar energy extraction generation at 10 KW or less provided that it is for on-site consumption only.

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

- Ambulance station [I] (Intermediate CUP)
- Animals in excess of those allowed in Section 90502.13 [I]
- Mortuary, mausoleum, cemetery [I]
- Church [I]
- Club or Lodge [I]
- Convalescent hospital [I]
- Country Club [I]
- Day care facility for children under 8 and limited to 10 children or less [M] (Minor CUP)
- Flood control facilities by a public entity [I]
- Golf Course [I]
- Golf driving range [I]
- Home occupation per Division 4, Chapter 4. [M]
- Hospital [I]
- Library [I]
- Museum [I]
- One (1) additional single family dwelling, provided it does not exceed the density of one dwelling per 4500 square feet of lot area. A maximum of two manufactured (mobile) homes may be subject to an approved CUP be placed on any lot provided one is "owner" occupied at all times. [M]
- Pre-school (less than 20 children) [M]
- Pre-school (greater than 20 children) [I]
- Private non-profit service clubs or lodges (no alcoholic license) [I]
- Radio, T.V., or commercial communication, transmitter, receiver, or translators [I]
- Residential care facility serving more than 5 people [M]
- Retirement Home [I]
- Senior citizen complex [I]
- Temporary real estate office connected with the sale of a given subdivision [M]
- Tennis or swim club [I]
- Utility substation or utility District conveyance control facility that routinely House employees [I]

§ 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 measured at right-of-way line. Lots created specifically for public purpose and continued public ownership may be less than 6000 square feet.

§ 90502.05 MINIMUM LOT AREA/DWELLING UNIT

Except as otherwise provided within this Title, there shall be no more than one (1) dwelling unit per legal parcel in the R-1 zone. In no case shall the density allowed exceed that specified in the General Plan, and/or 5 units per acre (net) and 4500 square feet of land per unit.

§ 90502.06 SETBACKS

The following minimum setback dimensions shall apply in the R-1 Zone;

A. FRONT YARD:

- Standard: 25 feet for existing lots unless the lot is less than 90 feet in depth in which case the setback is 20 feet. Furthermore, if a minimum of three (3) covered or enclosed off street parking spaces are provided behind the setback line a minimum of 20 feet may be allowed.
- Option 1: 20 feet minimum (averaged) for new subdivisions provided the setback dimensions vary from an absolute minimum of 10 feet, provided further that any lot with a setback of 20 feet or less shall provide a minimum of three (3) covered or enclosed off street parking spaces, behind the setback line.
- Option 2: 10 feet minimum on any new or existing lot where a minimum of three (3) off street parking spaces are located entirely within the rear yard, with access to a street or public (paved) alley (20' in width) from the rear yard, or with access to the street by means of a single driveway not less than 16 feet in width.

NOTE Designated or required on-site parking areas shall be accessible and usable at all times, shall be outside of the front or side yard setback and may not be eliminated or constructed upon in any way that would reduce the minimum number of spaces required. Once allowed, no variance from the parking requirement shall be granted.

B. SIDE YARD

There shall be a minimum five feet (5') on each side of an R-1 structure to property line except as follows:

1. On corner lots the side yard facing a street shall have a 15 feet setback.
2. On designated zero lot line R-1 structures one side may be zero provided that the opposite side is then ten feet (10') minimum, and provided further that the zero lot line portion of the structure meets Uniform Building Code (UBC) fire protection standards. At a minimum, the zero lot line dividing wall shall be fire rated for at least 2 hours and provide a noise attenuation to less than 40 db.

C. REAR YARD:

1. 20 feet minimum for all primary structures on lots that do not have an alley.
2. 10 feet minimum for all primary structures on lots that have a minimum width alley of 20 feet.
3. 5 feet for accessory structures for lots that do not have an alley.
4. 0 feet for accessory structures that abut an alley of 20 feet minimum in width, provided the wall facing the alley meet minimum Uniform Building Code fire protection standards.
5. Structures attached to the primary structure that are open on at least two sides, such as oper patios may be allowed to encroach into the rear yard setback by 25% (maximum) provided they remain open at all times. Converting such patios shall then be strictly prohibited.

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

§ 90502.09 PARKING

Off-street parking shall be provided in the R-1 Zone according to the standards contained in Sections 90402.00 through 90402.15 of this Title. RV's, trailers and other vehicles may be stored on site only if they are within the rear yard and not readily visible or accessible to public view.

§ 90502.10 SIGNS

The following signs shall be permitted in the R-1 Zone; however, all signs shall be subject to Section 90401.00 through 90401.17 as applicable.

- A. Temporary real estate signs not exceeding 10 sq. ft., and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1, of this Title.
- B. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
- C. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
- D. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90502.11 LANDSCAPING

Every R-1 lot, parcel or use shall meet the requirements of Section 90302.06.

§ 90502.12 YARD/PROPERTY MAINTENANCE

The areas within an R-1 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazards either to the occupants or the public.

§ 90502.13 ANIMALS

The breeding, keeping or maintaining of large or medium size animals is strictly prohibited, except as follows:

- A. R-1 lots larger than ½ but less than 1 acre net may keep two small animals per acre provided the separation distances under Section 90502.08 can be achieved.
- B. R-1 lots greater than ¾ acre net may keep and maintain one large animal per ¼ acre up to 5 acres, and one large animal for every 5 acres of lot area thereafter (i.e. 40 acre lot equals 12 large animals). Small animals (i.e. goats, sheep, etc.) shall be allowed at the ratio of 1 large animal equals two small animals. Separation as required under Section 90502.08 shall be met.
- C. R-1 lots allow for the keeping of small fowl, rabbits, birds, provided as follows: they are for domestic or hobby purposes; are maintained within proper structures; are not free to leave the property; and the number of such animals does not exceed 5 of any one or combination thereof.
- D. The keeping of small domestic pets such as cats and dogs are allowed for non-commercial uses, and provided there are less than 5.
- E. Special project animals considered to be 4H or FFA projects may allow for the keeping of one large animal or two small animals per parcel provided that they are:
 - 1. for the duration of the FFA/4H or agricultural fair schedule or 7 months maximum whichever is less;

2. the property owner files an affidavit with the Planning/Building Department to verify it is a legitimate special project, including the name of the club, club leader and other information required by the Planning Director.

NOTE: The keeping of animals as designated is only allowed to the extent that said animals do not constitute a nuisance or public health hazard.

§ 90502.14 GARAGE/YARD SALES

Garage or yard sales are permitted without special use permits, provided they meet the following conditions:

- A. Sales last no longer than two (2) consecutive days.
- B. Sales are held no more than two (2) times a year.
- C. Sales are contained within the property.
- D. No goods purchased for re-sale are evident.
- E. Directional signs shall be removed immediately after sale ends.
- F. Directional signs shall not exceed 9 square feet.
- G. Directional signs may be placed on public right-of-way provided they do not interfere with traffic.
- H. Directional signs on private property shall have property owners (not tenants) permission.
- I. Violation of one or all of items (a) through (h) is a misdemeanor and may be cited as such.
- J. Directional or other signs not removed within 24 hours after sale ends shall be fined \$50.00.
- K. No signs shall be posted on utility posts/pole, or other highway information or directional sign.

§ 90502.15 SPECIAL PROCEDURES/STANDARDS

A mobile home or a recreational vehicle may be permitted as a temporary dwelling within the R-1 zone, provided it complies with and meets the following standards.

A. TEMPORARY DWELLING

1. A building permit for the construction of the conventional single-family residence shall be obtained either prior to or concurrently with the installation/utility permit of the mobile home.
2. The mobile home or recreational vehicle shall be removed from the property as follows:
 - a. Within twelve (12) months from the time the mobile home or recreational vehicle is placed on the property, and/or
 - b. Within ten (10) days from the time of final inspection for the conventional dwelling has been approved, and/or
 - c. Within five (5) days from the time a building permit has lapsed due to lack of activity or other reason(s), as determined by the Building Official.
3. The Planning/Building Department has received adequate assurances, which may include surety in a form acceptable to County.
4. The Planning Director may, upon written request from the property owner, grant an extension for the mobile home or the recreational vehicle for a period of not to exceed six (6) months. Extension of time may only be approved upon the following conditions:
 - a. An active building permit is on file with the Planning/Building Department of the County of Imperial, and actual construction is in progress.
 - b. The construction of the dwelling unit on the site has progressed to a stage of inspection and approval, which is at least in the framing, rough electrical, rough mechanical, and rough plumbing stage.

- c. The construction of a single-family dwelling is nearing completion.
- 5. Any mobile home or recreational vehicle permitted as a temporary dwelling, shall be removed at any time if so determined by the Planning Director.
- 6. The electrical service supplying the mobile home or recreational vehicle on a temporary basis shall be terminated at the time that the electrical is approved for the conventional dwelling. Under no conditions shall two (2) electrical services remain on the premises.

B. TEMPORARY VISITORS USE

While the use of Recreational Vehicles (R.V.'s) is not allowed as temporary or permanent residential dwellings, the incidental and occasional utilization of an R.V. may be allowed under the following conditions:

- 1. Any legal residence may have an R.V. connected to approved utilities and occupied for a period not to exceed two weeks annually (aggregate).
- 2. The R.V. connections are installed to meet applicable Health and Safety Code Regulations, and permitted by Planning/Building Department.
- 3. The R.V. connections are for the primary use and are not independent service connections.
- 4. The R.V. is not allowed in or upon any public street or right-of-way.

§ 90502.16 FENCING

Fencing, if installed, shall at a minimum meet the requirements of Section 90403 et seq. Under no conditions shall the use of barbed, razor edged, or electrified fencing be allowed within this zone.

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Appendix E

**Section 90519 S-2 Zoning Regulations
1998 Imperial County Zoning Ordinance**

TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 19: S-2 (OPEN SPACE/PRESERVATION)

§ 90519.00	PURPOSE & APPLICATION
§ 90519.01	PERMITTED USES IN THE S-2 ZONE
§ 90519.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90519.03	PROHIBITED USES
§ 90519.04	MINIMUM LOT SIZE
§ 90519.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90519.06	YARDS AND SETBACKS
§ 90519.07	HEIGHT LIMIT
§ 90519.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90519.09	PARKING
§ 90519.10	SIGNS
§ 90519.11	LANDSCAPING
§ 90519.12	ANIMALS

§ 90519.00 PURPOSE & APPLICATION

The S-2 Zone is considered to be the Open Space Preservation Zone. The primary intent here is to preserve the cultural, biological, and open space areas that are rich and natural as well as cultural resources. The S-2 Zone is dominated by native desert habitat and stark topographic features. While certain uses are allowed within the S-2 Zone, such uses must be compatible with the intent of the Open Space and Conservation Element of the General Plan.

§ 90519.01 PERMITTED USES IN THE S-2 ZONE

The following uses are allowed in the S-2 Zone:

- Accessory agricultural buildings, structures and uses including farm buildings, housing of agricultural product, garages and implementation shelters, provided no livestock or any building or enclosure used in connection with livestock shall be closer than 100 feet to the property lines. (not allowed within ONCAP)
- All uses in the S-1 zone
- Apiaries
- Crop and tree farming (not allowed within (ONCAP) Ocotillo/Nomirage Community Area Plan)
- Keeping of poultry, or similar small animals.
- Pasturing and grazing, provided however, that it shall not exceed one large animal (horse, mule, cow, etc.) or five medium size animal (hogs, goat, sheep) for each acre of the area of the parcel of land upon which the same are kept, except the temporary pasturing of livestock to feed on vegetable matter grown on said premises made be permitted. The feeding of garbage (cooked or raw), produce, or import materials shall be strictly prohibited. (not allowed with ONCAP)
- Public buildings
- Residence, one per legal parcel.
- Stands for the sale of agricultural, horticultural, or farming products grown on the premises.
- Storage of agricultural products.
- Storage of products used for premises.

§ 90519.02 USES PERMITTED WITH A CONDITIONAL USE PERMIT

- Airports, airparks, heliparks.
- Asphaltic/concrete batch plants
- Boat delivery and launching ramps.
- Communication towers

- Community recreational buildings.
- Equestrian establishment.
- General Store, 2000 square feet maximum.
- Mobile home/RV Park.
- Off road vehicle and or motorcycle events.
- Oil, and gas and geothermal exploration.
- Parks and picnic grounds.
- Recreational camps, resorts, guest and dude ranches.
- Recreational vehicle storage compounds.
- Riding, hiking, and bicycle trials.
- Surface mining
- Tourist information centers.
- 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.

B. SIDE YARD

20 Feet minimum.

C. REAR YARD

20 feet minimum

§ 90519.07 HEIGHT LIMIT

Maximum height limit in the S-2 zone shall be 40 feet, except for communication towers which are 100 feet

§ 90519.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distances between structures in the S-2 Zone.

- A. There shall be a minimum of ten (10) feet between primary residential use buildings, except for 0 lot line approved subdivisions.
- B. There shall be a minimum distance of six (6) feet between a residential building and any detached accessory building, except that any detached structure used to house, keep or maintain animals, permitted in this zone shall be separated as follows:

- 30 ft. from primary residence
- 80 ft. from front lot line
- 25 ft. from any side or rear lot line
- 100 ft. from any school or public park
- 100 ft. from any water well

NOTE: A covered walk way or breeze way is not considered attached.

§ 90519.09 **PARKING**

Off-street parking shall be provided in the S-2 Zone according to the standards contained in Sections 90402.00 through 90402.15 of this Title. RV's, trailers and other vehicles provided they belong to the property owner, may be stored on site only if they are within the rear yard and not readily visible or accessible to public view.

§ 90519.10 **SIGNS**

The following signs shall be permitted in the S-2 Zone; however, all signs shall be subject to Section 90401.00 through 90401.17 as applicable.

1. Temporary real estate signs not exceeding 10 sq. ft., and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1, of this Title.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
1. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90519.11 **LANDSCAPING**

Every S-2 lot, parcel or use shall meet the requirements of Section 90302.06.

§ 90519.12 **ANIMALS**

The keeping of animals in the S-2 zone shall comply with Section 90502.13.

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Appendix F

**Process and Procedures for
Obtaining a Subcontract for Water Under the
Lower Colorado Water Supply Act of 1986**

PROCESS AND PROCEDURES FOR
OBTAINING A SUBCONTRACT FOR WATER
UNDER
THE LOWER COLORADO WATER SUPPLY ACT OF 1986

Background

California's use of Colorado River water is subject to laws, judicial rulings and decrees, contracts, agreements and an international treaty collectively known as the "Law of the River". Consumptive use of Colorado River water is defined as diversions from the mainstream less such return flow thereto as is available for consumptive use in the United States or in satisfaction of the Mexican treaty obligation. The body of law provides that water from the Colorado River downstream of Lee Ferry, Arizona, including reservoirs on the Colorado River, shall be released or delivered to water users, including but not limited to public and municipal corporations and other public agencies in Arizona, California, and Nevada only pursuant to valid water contracts made with such users by the Secretary of the Interior ("Secretary") pursuant to Section 5 of the Boulder Canyon Project Act of 1928 (45 Stat. 1057) or any other applicable federal statute. This contract requirement applies to all diversions made from the Colorado River, whether made directly from the River or via groundwater wells withdrawing water that would be replaced by water from the Colorado River.

The Boulder Canyon Project Act of 1928 apportioned to California the consumptive use of 4.4 million acre-feet (maf) of water from the Colorado River each year plus one-half of any surplus water that may be available collectively for use in Arizona, California, and Nevada. In the past, the Secretary has made available to California water that was apportioned to, but not used by, Arizona and Nevada, on a year-to-year basis. Also, the Supreme Court of the United States ("Supreme Court") has quantified "present perfected rights" in California for the annual diversion of nearly 3.0 maf. "Present Perfected Rights" ("PPRs") as defined by the Supreme Court means perfected water rights, existing as of June 25, 1929, the effective date of the Boulder Canyon Project Act. All PPRs are listed in the Supplemental Decrees entered January 9, 1979, and April 16, 1984, by the Supreme Court in Arizona v. California, as amended or supplemented. In addition, the Secretary has executed surplus water delivery contracts for the diversion of over 291,300 acre-feet of Colorado River water to be made available to entities in California.

For many years, California has been diverting more than its normal 4.4 maf apportionment. Prior to 1996, California utilized unused apportionments of Arizona and Nevada that were made available by the Secretary. Since 1996, California has also utilized surplus water made available by Secretarial determination. California is in the process of developing the means to meet its water needs from within its annual apportionment of Colorado River water. As the amount of Colorado River water made available to California may be reduced in any future year, some entities currently using Colorado River water may be required to limit or cease their diversions from the Colorado River.

In recognition of the future limitation on the amount of Colorado River water available to California, and the fact that several persons and entities are diverting water from the Colorado River without a contractual entitlement or present perfected right or with an insufficient right, Congress on November 14, 1986, enacted the Lower Colorado Water Supply Act of 1986 ("Act"). This Act

authorized and appropriated funds for the Bureau of Reclamation ("Reclamation") to construct the Lower Colorado Water Supply Project ("Project"). The Project consists of well field facilities in the Sand Hills along the All-American Canal in Imperial County. As authorized by Congress, the Project is to "...supply water for domestic, municipal, industrial, and recreational purposes only." Water for agricultural uses is not available under the Act. The Act limits the eligible Project beneficiaries "to persons or Federal or non-Federal governmental agencies whose lands or interests in lands are located adjacent to the Colorado River in the State of California, who do not hold rights to Colorado River water or whose rights are insufficient to meet their present or anticipated future needs as determined by the Secretary."

Under a May 22, 1992 contract with Reclamation, the Imperial Irrigation District ("IID") and the Coachella Valley Water District ("CVWD") have agreed to exchange a portion of their rights to divert water from the Colorado River for an equivalent quantity and quality of groundwater ("exchange water") to be withdrawn from a well field located in the Sand Hills along the All-American Canal in Imperial County. IID and CVWD would reduce their diversions from the Colorado River in an amount equal to the volume of groundwater discharged into the All-American Canal up to a maximum of 10,000 acre-feet per year. An amount of Colorado River water equal to the amount of water that would have otherwise been diverted by IID and CVWD would be made available for beneficial consumptive use by Project beneficiaries. The Project facilities are being developed in stages: Stage 1 has a capacity to provide 5,000 acre-feet of exchange water per year. Stage 1 was declared substantially complete on October 1, 1996, and was officially turned over to the IID for operation and maintenance on January 1, 2000.

The City of Needles, on September 10, 1992, executed a contract with Reclamation providing for the construction and repayment of costs of Stage 1 of the Project and also provided that the City of Needles would assume the administrative responsibility for other Project beneficiaries in San Bernardino County except for federally administered and Indian lands. The City of Needles and Reclamation are in the process of amending that contract to extend the City of Needles' administrative responsibility to include other Project beneficiaries in Imperial County and Riverside County with the exception of federally administered and Indian lands. Thus a Project beneficiary will need to execute a subcontract for Project water with the City of Needles, subject to Reclamation's approval. These subcontracts for Project water will provide for the repayment of the cost to construct the Project facilities plus interest, the costs of Project administration, and the operation, maintenance and replacement costs of that portion of the Project that is used to provide the contracted amount of Project water.

Notice of Subcontract Availability

The Colorado River Board of California ("CRB") will conduct a process for determining eligibility of an applicant for Project water and provide its recommendation to Reclamation as to whether or not the applicant should be offered a Project subcontract.

Existing owners of land in California located within the flood plain of the Colorado River or overlying the accounting surface area, as delineated by the U.S. Geological Survey in its Water-Resources Investigations Report Nos. 94-4005 and 00-4085, will be formally notified by the CRB of the

eligibility requirements to become a Project water user. A formal public notice will be made in conjunction with these individual notices.

The CRB will follow a multi-step process in evaluating each application in order to make a recommendation (affirmative or negative) to Reclamation as to whether the applicant should be offered a subcontract for Project water. The evaluation process will be the same for all applications. However, applicants whose diversions from the Colorado River predate the enactment of the Act will be given a priority over those applicants whose diversions began after the enactment of the Act. Whatever recommendation the CRB makes, Reclamation has sole discretion to determine whether or not an applicant shall be offered the opportunity to become a Project beneficiary. Once the CRB completes its evaluation and sends its recommendations to Reclamation, Reclamation will consider the CRB's recommendations and notify the City of Needles of the successful applicants. The City of Needles will then initiate the subcontracting process with successful applicants.

Evaluation of Eligibility

The following multi-step process will be used by the CRB in evaluating applications for a subcontract for Project water.

(1) **Priority:** Applicants will be placed in either one or both priorities based on the initiation date of the applicant's diversions from the Colorado River. These priorities will determine the order in which applications are processed.

Priority 1: Applicants who diverted Colorado River mainstream water on or before November 14, 1986. Priority 1 applicants must comply with the time requirements specified hereinafter in items 2 and 5 of the section entitled "Process for Applying for and Obtaining a Project Beneficiary Recommendation from the CRB" in order to maintain their Priority 1 status. The volume of Project water that may be requested under a Priority 1 application shall be limited to the applicant's historical annual consumptive use of Colorado River water on or before November 14, 1986.

Priority 2: Applicants in any of the following five categories, all of equal standing: a) those Priority 1 applicants desiring a volume of Project water that exceeds their historical annual consumptive use of Colorado River water on or before November 14, 1986; b) those applicants who diverted Colorado River mainstream water after November 14, 1986; c) those applicants who have never diverted Colorado River mainstream water, but wish to reserve project water for future development; d) those applicants who have entered into a subcontract and subsequently seek to amend that subcontract to increase the amount of Project water available under said subcontract; and e) those potential Priority 1 applicants who fail to comply with the aforementioned time requirements.

Priority 1 applicants will be afforded a 60 calendar day "priority period" within which to submit an application for evaluation by the CRB before it considers any Priority 2 applications. This "priority

period" will begin on September 14, 2001, the date property owners were notified concerning the availability of Project water.

(2) Diversions of Colorado River Water: The CRB will determine whether (i) the applicant is diverting directly from the Colorado River, (ii) the applicant's well or wells are potentially withdrawing water that is replaced by water from the Colorado River, or (iii) the applicant is not diverting water from the Colorado River. Water withdrawn from wells located within the flood plain of the Colorado River will be considered to be replaced by water from the Colorado River and, therefore, such users will be deemed to be diverting water from the Colorado River. CRB's determination for wells located outside of the flood plain of the Colorado River but within the accounting surface area will follow the method described by the U.S. Geological Survey in its Water-Resources Investigations Report Nos. 94-4005 and 00-4085, each of which includes maps delineating the extent of the accounting surface. The accounting surface represents the extent of the unconfined static water table in the aquifer adjacent to and outside the Colorado River flood plain and the reservoirs of the Colorado River that would exist if the Colorado River and its reservoirs were the only source of water to the aquifer. Wells not located within the flood plain of the Colorado River and outside the accounting surface will be determined as not diverting water from the Colorado River.

(3) Type of Use: The CRB will consider whether the applicant is consumptively using, or proposing to consumptively use, Colorado River water for a domestic, municipal, industrial or recreational purpose, which are the only uses of Project water permitted under the Act. Use of Project water for agricultural purposes is not permitted under the Act.

(4) Place of Consumptive Use: The CRB will consider the place of consumptive use for the purpose of determining the applicant's eligibility for a subcontract for Project water:

- (a) Priority 1 and 2 applicants who are consumptively using, or propose to consumptively use, Colorado River water on lands in California that are either within the flood plain, overlying the accounting surface area, or on lands contiguous to the parcel of land within the flood plain or overlying the accounting surface area from which the water is diverted. Such diverters will qualify for a subcontract;
- (b) Priority 1 applicants who are consumptively using Colorado River water on specific lands in California that are not within the flood plain nor overlying the accounting surface and are not contiguous to the parcel of land within the flood plain or overlying the accounting surface area from which the water is diverted. Such diverters will qualify for a subcontract of equal standing with those in category (a) above, but only up to the quantity of their maximum historic annual consumptive use on said specific lands on or before November 14, 1986;

- (c) Applicants who are consumptively using Colorado River water on specific lands that are not within the flood plain nor overlying the accounting surface area and are not contiguous to the parcel of land within the flood plain or overlying accounting surface area from which the water is diverted who initiated such diversion after November 14, 1986. Such applications may be eligible to subcontract for Project water on a temporary, as-available basis. The availability of Project water under such subcontracts would be subject to the availability of the use of Project capacity allocated under subcontracts entered by applicants in categories (a) and (b) above. The availability of Project capacity to a category (c) applicant would be further limited to the quantity of its maximum historic annual consumptive use on said specific lands up to the date of formal public notice of availability of Project water. As demand for Project water by applicants in categories (a) and (b) above force the termination of the temporary, as-available subcontracts, priority will be given in the order of the date applications are received by the CRB from category (c) applicants. That is, the applicant whose application is received last by the CRB would be the first applicant whose temporary, as-available subcontract would be recommended for termination.

Any applicant not classified under category (a), (b), or (c) above will not be recommended by the CRB as eligible for a subcontract.

(5) Beneficial Use: The CRB will consider the intended use of the water and determine whether it is a beneficial use.

(6) Reasonable Use: If the use is determined to be beneficial, the CRB will determine whether the quantity used, or proposed for use, is a reasonable amount necessary to accomplish the designated purpose.

(7) Other Factors: The CRB will also consider other factors including, but not limited to, the point of return flow(s) to the mainstream and the effect that the subject diversion has on existing Colorado River mainstream users holding a valid entitlement for the use of Colorado River water.

Preferences Under Conditions of Insufficient Supply of Exchange Water

Evaluations will generally be limited to consideration of the factors listed in the above "Evaluation of Eligibility" section. In the event there is more than one applicant receiving a favorable recommendation from the CRB for a subcontract for Project water, but the remaining supply of Project water then available under the Act is insufficient to meet the demands of all such applicants, preference will be given in the order that the applications are received by the CRB.

The allocation of the available Project capacity under the Act will be carried out separately and independently for each stage of construction of the Project facilities. The City of Needles has contracted for 3,500 acre-feet of Project water per year from the completed Stage 1 capacity of 5,000 acre-feet per

year for itself and other Project beneficiaries. The U.S. Bureau of Land Management ("BLM") has entered into an intra-agency agreement for 1,150 acre-feet per year of Project water for consumptive use on BLM-administered lands in California. To date, there remains 350 acre-feet of first stage capacity that is not under a repayment contract. The administration of the BLM intra-agency agreement for Project water for BLM administered lands in California will be the responsibility of BLM.

Construction of additional facilities to produce the remaining 5,000 acre-feet of exchange water authorized by the Act will be carried out at the time when there is a demonstrated need and funding for additional facilities. Funding for construction of the additional facilities must be from non-federal funds.

Contract Obligations

The Project is not designed to be subsidized by, nor produce a profit for, any of the governmental entities involved. Under the Act, Project beneficiaries will be required to repay: 1) the Project capital construction costs plus interest during construction, 2) the fixed and variable operation, maintenance, and replacement ("OM&R") costs of the facilities and 3) certain administration expenses. The terms and provisions of the subcontracts for Project water shall be governed by the provisions of the Water Supply Act of 1958 which were in effect on January 1, 1986. These cost elements are explained in detail below and could vary depending on the actual use of Project water.

- 1) Total Project capital costs plus interest during construction for Stage I facilities is \$983,565.83, which will be allocated among each Project beneficiary in proportion to its contracted amount of exchange water. Project beneficiaries will reimburse the City of Needles for its share of the costs plus interest at the time of subcontract execution, which will be charged as a one-time charge of approximately \$300 per acre-foot. (Note: one acre-foot is the minimum amount for each subcontract and should be sufficient to supply a standard single family residence.)
- 2) Each Project beneficiary's annual fixed Project OM&R charges will be paid in advance, based on the operating agent's (IID) cost estimate and shall be allocated in proportion to the respective contracted amount of Project water. An additional charge per acre-foot of Project water used will be assessed to reflect actual pumping and variable OM&R costs as well as annual administrative costs. These costs are estimated to be approximately \$250 per acre-foot per year. This cost will depend on the number of subcontractors, and may be lower.
- 3) A Project beneficiary who does not have plans to develop the property in the near term, can pay the one-time charge of \$300 plus an additional annual "readiness to serve" charge. This "readiness to serve" charge of approximately \$15 per acre-foot per year could change and will depend on the number of actual subcontractors.

During those years in which Reclamation makes a determination that there is sufficient water available to California in excess of the reasonable beneficial use requirements of contractual entitlements

enumerated in the California Seven Party Agreement, California present perfected rights not encompassed by the Seven Party Agreement, and surplus water contracts, the Project well field will not be operated and the Project beneficiaries will be permitted to utilize Colorado River water without exchange. However, Project beneficiaries' annual obligation for fixed OM&R charges for Project facilities and annual administration charges will continue during these periods.

Project beneficiaries that consume in excess of one acre-foot per year shall be required to submit to the City of Needles estimates of monthly use one year in advance, and report, on a monthly basis, the amount of water actually pumped or diverted including any measured return flows to the Colorado River. All Project beneficiaries will also be required to have a measuring device at the well or point of diversion which will be furnished, installed and maintained at the Project beneficiary's expense. At the discretion of Reclamation, Project beneficiaries may be required to develop a water conservation plan.

Water Delivery

The availability of Project water will be contingent upon the ability of the Project well field to pump water into the All-American Canal in sufficient quantity and of acceptable quality in accordance with the Act and the *Contract Among the United States, Imperial Irrigation District, and Coachella Valley Water District for Exchange Water From The Lower Colorado Water Supply Project Well Field for Colorado River Water* dated May 22, 1992 ("All-American Canal Exchange Contract"). None of the parties to the All-American Canal Exchange Contract assumes responsibility with respect to the quantity or quality of the water pumped from Project wells for discharge into the All-American Canal and are under no obligation to construct or furnish facilities except those expressly authorized under the Act.

Process for Applying for and Obtaining a Project Beneficiary Recommendation from the CRB

1. CRB will formally notify all owners of land in California located within the flood plain of the Colorado River and overlying the accounting surface area delineated in the U.S. Geological Survey's Water-Resources Investigations Report Nos. 94-4005 and 00-4085 of the eligibility requirements for obtaining a CRB recommendation to become a Project beneficiary. Also notified will be those potential applicants that have indicated an interest in obtaining a future Colorado River water supply under the Act and/or other means. Simultaneously, a public notice of Project water availability will be made through local publications.
2. Priority 1 applicants, described above under "Evaluation of Eligibility", shall have a 60 calendar day "priority period" within which to submit an application, along with supporting documentation, to the CRB requesting a recommendation. Priority 1 applicants may request an extension of up to an additional 60 calendar days within which to submit supporting documents. If a Priority 1 applicant fails to request and submit an application within the priority period, that applicant will relinquish its Priority 1 status and any subsequent application will be considered by the CRB as a Priority 2 request. All applications shall include supporting documents identifying (a) the date on which diversions from the Colorado River commenced, (b) the historical, present and anticipated future annual use of Colorado River water, (c) the location and

method of past, present, and/or future diversion, (d) the manner in which water is returned to the Colorado River, if any, (e) the past, present and future type of use (which must be either domestic, municipal, industrial, and/or recreational), and (f) the existence of or proposal to install a measuring device for metering diversions from the Colorado River and subsequent returns thereto, if any.

3. Priority 2 applicants are encouraged to submit an application, along with supporting documents described in step 2 above, to the CRB requesting an evaluation. To the extent deemed appropriate, the processing of Priority 2 applications will commence when it is determined that sufficient Project water is available to meet all Priority 1 applications received during the priority period. For those Priority 2 requests received prior to the end of the "priority period", the CRB will treat the request as if it was received at the end of the "priority period." Those received after the "priority period" will be processed as they are received.

4. CRB will notify Imperial, Riverside, and San Bernardino Counties of the number of applications received within each county under Paragraphs 2 and 3, above.

5. Within 30 calendar days after the receipt of an application requesting an evaluation, the Executive Director of the CRB will notify the applicant of any deficiencies in its supporting documents, and will identify any additional information necessary for the CRB to complete the evaluation. An applicant that would otherwise qualify for Priority 1 status will not receive that preferential priority unless said applicant supplies that additional necessary information to the CRB within 30 days of the CRB's notification.

6. Within 60 calendar days after the receipt of an application requesting an evaluation, or the supplemental information subsequently requested, the CRB's staff will complete its review of the application and the CRB's Executive Director will submit his findings and recommendations for consideration by the CRB.

7. Within 90 calendar days after the receipt of an application requesting an evaluation and any supplemental information subsequently requested, the CRB shall consider the findings and recommendation submitted by the Executive Director and will take one of the following actions: a) recommend to Reclamation that the applicant be offered a subcontract for Project water, b) recommend to Reclamation that the applicant be offered a temporary, as-available subcontract, or c) determine that the applicant is not eligible to receive Project water. Notice of the CRB action will be sent to the applicant, each of the three concerned counties, Reclamation, and the City of Needles.

Once the CRB completes its evaluation and sends its recommendation to Reclamation, and Reclamation approves the recommendation, the applicant may then initiate the contracting process with the City of Needles.

Applicants for Project water in excess of the Stage 1 capacity who have received a favorable recommendation from the CRB may initiate the contracting process for Project water with Reclamation under a subsequent stage of the Project. Reclamation's schedule for processing contracts will depend on the need for and timing of construction of additional facilities as evidenced by the need for water and the ability of Reclamation to construct the additional facilities with contributed funds. Full financing of the construction of the additional facilities may be required of those applicants for the additional facilities since federal funds may not be available. The CRB will maintain a list of applications receiving a favorable recommendation in the interests of keeping Reclamation informed of the need, if any, for construction of additional facilities to increase the capacity to produce exchange water up to the amount authorized under the Act.

Those applicants who do not agree with the CRB's recommendation are not bound by that recommendation, since said recommendation is made in its advisory capacity. Reclamation has the discretion to determine whether or not an applicant is entitled to a subcontract for Project water.