

# PROJECT REPORT

TO: **Planning Commission**

AGENDA DATE: January 26, 2022

FROM: **PLANNING & DEVELOPMENT SERVICES**

AGENDA TIME 9:00 a.m./ No.4

Zone Change #21-0006/Initial Study #21-0034 Title 9  
PROJECT TYPE: Land Use Ordinance Revisions to Divisions 5, 8, 14 and 16 SUPERVISOR DIST: All

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

PARCEL SIZE: N/A

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

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

GENERAL PLAN FINDINGS  CONSISTENT  INCONSISTENT  MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 01/26/2022

APPROVED  DENIED  OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: N/A

APPROVED  DENIED  OTHER

ENVIRONMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: N/A

INITIAL STUDY: IS #21-0034

NEGATIVE DECLARATION  MITIGATED NEG. DECLARATION  EIR

## DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
E.H.S.	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER				

## REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU TAKE THE FOLLOWING ACTIONS:

- 1) FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO ARTICLE 19, SECTION 15308 AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND
- 2) APPROVE THE CODIFIED ORDINANCE FOR THE APPROVAL OF ZONE CHANGE #21-0006 AND INITIAL STUDY #21-0034 TO UPDATE TITLE 9 LAND USE ORDINANCE DIVISIONS 5, 8, 14 AND 16 AND APPROVE FINDINGS.

**STAFF REPORT**  
**Planning Commission Meeting**  
**January 26, 2022**

**Project Name:**       **Zone Change #21-0006/Initial Study #21-0034 Title 9 Land Use Ordinance Revisions to Divisions 5, 8, 14 and 16**

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

**Location:**           **Countywide**

**Project Description:**

The proposed project consists of updating Title 9 Land Use Ordinance Divisions 5, 8, 14 and 16 to make them consistent with recent changes regarding National Flood Insurance Program (NFIP) Floodplain Management Regulations, specifically with 2020 California Department of Water Resources (CDWR) and Title 44 of the Code of Federal Regulations (44 CFR), Sections 59 and 60.

**Land Use Analysis:**

These revisions apply Countywide and are meant to reflect consistency with recent State and Federal regulations regarding floodplain management. No environmental impacts are expected to occur and the changes are instead intended to better protect the Imperial County residents from damages related to floods.

**Environmental Review:**

The project is exempt from CEQA pursuant to Section 15308, Actions by Regulatory Agencies for Protection of the Environment, states as follows: "Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment..." The proposed County Ordinance revisions to Division 5, 8, 14 and 16 is intended to implement the most recent State regulations regarding Floodplain Management.

In summary, the proposed revisions are provided as follows:

- *Division 5 (Zoning Areas Established)* – Adds requirements for detached garages and accessory storage structures used only for parking or storage permitted below the base flood elevation. Also includes requirements to utility and miscellaneous

group U buildings and structures as well as temporary structures and temporary storage of goods and materials in flood hazard areas.

- *Division 8 (Subdivision)* – Adds requirements to subdivision proposals in flood hazard areas, including proposals for manufactured home parks and subdivisions. It also includes requirements for subdivisions with more than 50 lots or larger than 5 acres.
- *Division 14 (Definitions/Clarifications) Ordinances* – Added clarification or new definitions for floodplain management purposes:
  - Accessory structure
  - Development (added clarification)
  - Flood or flooding (added clarification)
  - Functionally dependent use (added clarification)
  - Highest Structure (removed)
  - Historic Structure (added)
  - Manufactured home (added clarification)
  - Mudslide (replaced definition)
  - Nuisance (added clarification)
  - Recreational vehicle (added clarification)
  - Special Flood Hazard Area (replaced definition)
  - Watercourse (added clarification)
- Minor grammatical or editorial edits were done (added/removed spaces).

**Staff Recommendations:**

It is requested that you conduct a public hearing and that you hear all the opponents and proponents of the proposed project. Staff would then recommend that you take the following actions:

1. Find that the project is categorically exempt from CEQA pursuant to Article 19, Section 15308 and that no further environmental document is necessary;
2. Approve the Codified Ordinance for the Approval of Zone Change #21-0006 and Initial Study #21-0034 to update Title 9 Land Use Ordinance Divisions 5, 8 14 and 16 and approve Findings.

**Prepared By:** Diana Robinson, Planning Division Manager



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**Reviewed By:** Michael Abraham, Assistant Director  
Planning & Development Services



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**Reviewed By:** Jim Minnick, Director  
Planning & Development Services



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**Attachments:**

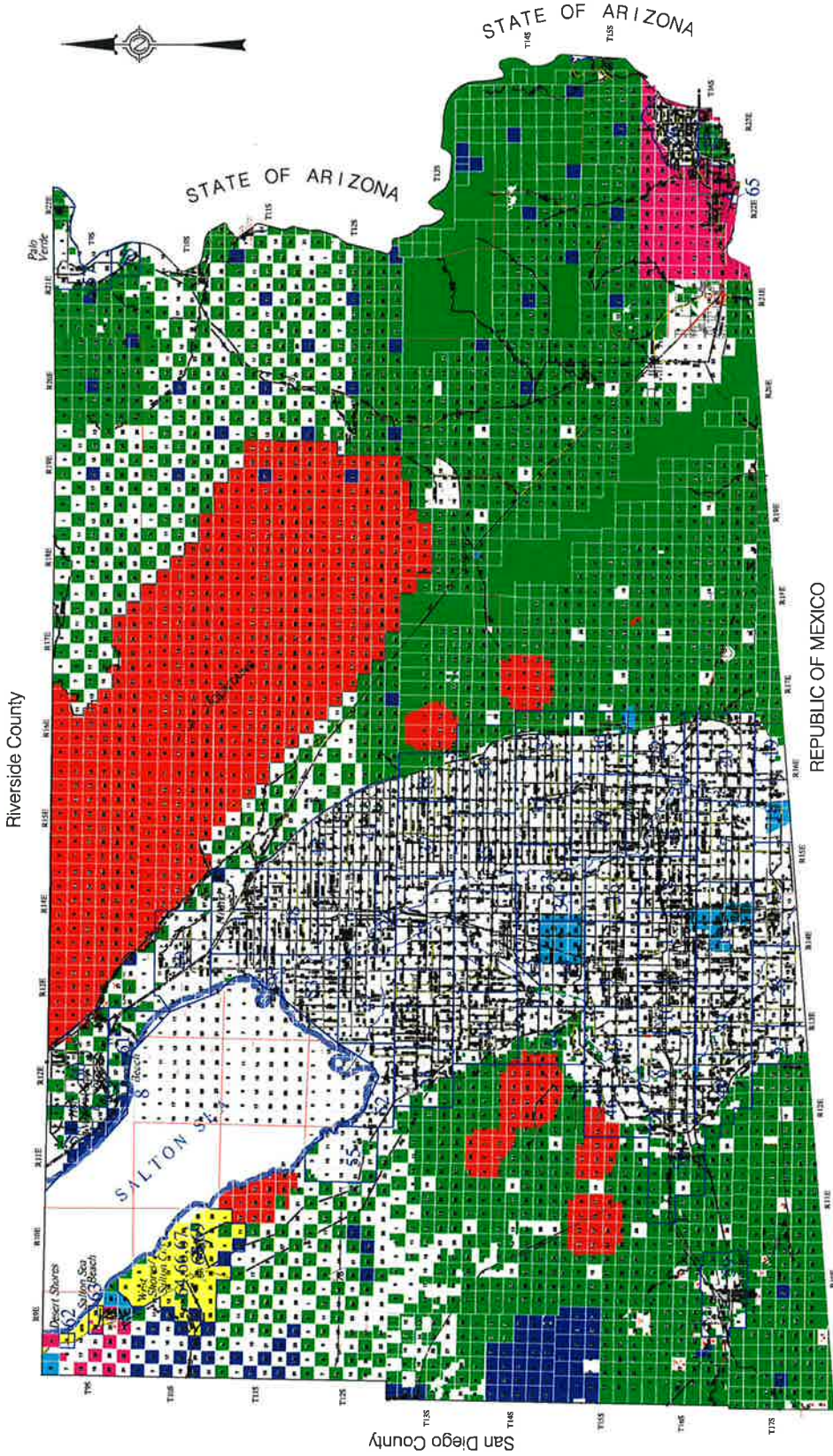
- A. Location Map
- B. Zone Change Ordinance and Findings
- C. Codified Ordinance for Divisions 5, 8, 14 and 16

**Attachment A.**  
**Location Map**

# IMPERIAL COUNTY

Title 9 Division 25 Section 92570.00

# MAP 70



- LEGEND**
- Indian Reservations
  - Private Lands (62.1 Union Owned Lands)
  - Specific Plan Area Zone (SPA)
  - Military
  - State
  - BLM

**Revision Notes:**  
 March 5, 2002 - Zone Change on APN 030-180-23 & 59 into 53-01  
 zones R1-PE and 030-170-04 to 15-01 zoned S1-PE  
 October 16, 2002 - Map Correction to include sections 26 & 35 of T.16 S. R.21 E. into Indian Reservation area  
 February 19, 2003 - Zone Change on APNs 030-180-52 & 63-01 zoned S2-SPA & R1-SFA.  
 January 15, 2004 - Various map corrections and updates.  
 January 31, 2013 - Added Travertine Point SPA

NOTE: Efforts have been made to insure zoning accuracy; however, this map may be revised at any time. Therefore this map is generally accurate, for zoning information only! Neither the County of Imperial nor the Planning/Building Department are responsible for erroneous information or improper use of this map.  
 Adopted by M. O. # (c) on June 9, 1998 effective July 1, 1998.

Director

Revision Dates:

March 5, 2002 - Map Correction
October 16, 2003 - Map Correction
February 19, 2003 - Map Correction
January 15, 2004 - Map Correction
January 31, 2013 - Map Correction

**Attachment B.**

**Zone Change Ordinance and Findings**

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF  
THE COUNTY OF IMPERIAL RELATING TO ZONE CHANGE #21-0006**

The Board of Supervisors of the County of Imperial, State of California, ordain as follows:

**SECTION 1:** The Imperial County Title 9 Land Use Ordinance Divisions 5, 8, 14 and 16 are hereby amended to make them consistent with recent changes regarding National Flood Insurance Program (NFIP) Floodplain Management Regulations, specifically with 2020 California Department of Water Resources (CDWR) and Title 44 of the Code of Federal Regulations (44 CFR), Sections 59 and 60. These revisions apply Countywide.

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**SECTION 2:** This Ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, State of California, together with the names of the Board of Supervisors voting for and against the same.

**SECTION 3:** That in accordance with State Planning and Zoning law and the County of Imperial General Plan and zoning ordinances, the following findings for the approval of Zone Change #21-0006 and Initial Study #21-0034 have been made as follows:

1. The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of this project.
2. The Zone Change is consistent with the General Plan's underlying land use designation for the County as a whole. The Zone Change will allow for the County of Imperial to be consistent with State and Federal recent regulations regarding flood damage prevention regulations.
3. The proposed Zone Change subject to this recommendation is consistent with the uses allowed by Imperial County's Land Use Ordinance and the



Divisions on which the revisions are triggered by State and Federal regulations.

4. The changes apply to the County as a whole; therefore, it is a Countywide project.
5. The change of zone will not conflict with any easements required by the public at large for access through or use of certain properties with the proposed zone change.
6. The Project is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
7. The Project is not likely to cause serious health problems.
8. There will be no adverse impacts upon wildlife or natural resources, and no intrusion upon any known habitat, nor is it likely to have a future impact.

**NOW, THEREFORE**, based on the above findings, the Planning Commission of the County of Imperial **DOES HEREBY RECOMMEND** that the Board of Supervisors approve the Codified Ordinance for the Approval of Zone Change ZC #21-0006 and Initial Study #21-0034 to update Title 9 Land Use Ordinance Divisions 5, 8, 14 and 16 and approve Findings.

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**Rudy Schaffner, Chairperson**  
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on January 26, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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**Jim Minnick, Director of Planning & Development Services  
Secretary to the Planning Commission**

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**Attachment C.**

**Codified Ordinance for Divisions 5, 8, 14 and 16**

**Ordinance No. \_\_\_\_\_**  
**AN ORDINANCE AMENDING**  
**CERTAIN CODIFIED ORDINANCES OF THE COUNTY OF IMPERIAL RELATING TO**  
**TITLE 9 LAND USE ORDINANCE REVISIONS TO DIVISIONS 5, 8, 14 AND 16.**

The Board of Supervisors of the County of Imperial, State of California, hereby ordain as follows:

**SECTION 1: Chapters 1 through 20 (Sections 90501.1200 through 90501.20) of Division 5 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2: Chapters 1 through 20 (Sections 90501.00-12 through 90501.20) of Division 5 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 90501.12 ACCESSORY BUILDINGS/STRUCTURES**

The following regulations shall apply to the location or development of any accessory building/structure, unless otherwise provided in this Division:

- A. No detached accessory buildings in the R-1, R-2, R-3 or R-4 zones may exceed three (3) stories, or thirty-five (35) feet in height.
- B. No detached accessory buildings in the R-1, R-2, R-3 or R-4 zones shall be located in front of or in the front yard of the primary use unless otherwise allowed herein.
- C. On a corner lot no detached accessory buildings in the R-1, R-2, R-3 or R-4 zones shall be located at a distance less than fifteen (15) feet from the side street line.
- D. No accessory buildings in the R-1, R-2, R-3 or R-4 zones, if more than one (1) story in height shall be located nearer than five (5) feet to any interior property line.
- E. No accessory buildings on the rear twenty five (25) feet of a reversed corner lot in the R-1, R-2, R-3 or R-4 zones shall be located nearer to the side lot line on the street side of such reversed corner lot than the front yard depth required on the key lot in the rear.
- F. A private garage of not to exceed one thousand (1000) square feet may be a part of the main building if the garage and the main building have a common wall of not less than five (5) feet in length, or if not more than six (6) feet from the main building and connected thereto by a roof of not less than five (5) feet in width. Such attached garage may extend into the required rear yard for a setback distance of not more than twenty (20) feet.

- 1. EXCEPTION: If an attached private garage is located outside of an Urban Area, as identified by the land use designation or a zoning overlay, the building/structure's area may exceed the above requirement (as indicated on the table below), which may require the approval of an Administrative Permit, processed according to Section(s) 90404.04-10, if:
  - a. The parcel/lot's zoning is A-2, A-3, S-1, and S-2.
  - b. The building/structure is not located in the front yard or front yard setback.
  - c. The building/structure meets the setbacks established for the primary use.
  - d. The square footage of the building/structure does not exceed a 2:1 (garage to house) ratio to the square footage of the house for structures 4,000 sq. ft. or greater.
  - e. The building/structure meets any and all wastewater and water well requirements regarding separation and sanitation.

Acreage	Garage (maximum) Sq. Ft.	House (minimum) Sq. Ft.
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<0.5	1,000	1,000
0.5<1	1,500	1,500
1<2	2,000	2,000
2<3	3,000	2,000
3<4	4,000*	2,000
4<5	5,000*	2,500
5<6	6,000*	3,000
6<7	7,000*	3,500
7+	8,000*	4,000

\* Garages 4,000 SF and over not to exceed twice the SF of living space and requires an administrative permit.

- G. One (1) detached access building for use as a private garage or similar private use may be permitted to occupy the front yard, outside of the front and side yard setbacks, of an interior lot in the R-1, R-2, R-3 and R-4 zones, when the slope of the front half of such lot is greater than two (2) foot rise or fall in the horizontal distance of four (4) feet from the established street elevation at the front property line, provided that no such building shall exceed fifteen (15) feet in height.
- H. Swimming pools refer to Section 90501.16
- I. Detached garages and accessory storage structures used only for parking or storage are permitted below the base flood elevation provided the garages and accessory storage structures:
- (1) Are one story and not larger than 600 square feet in area when located in special flood hazard areas.
  - (2) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
  - (3) Have flood openings in accordance with the building code.
  - (4) Have flood damage-resistant materials used below the base flood elevation.
  - (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation.
- J. Utility and miscellaneous Group U includes buildings that are accessory in character and miscellaneous structures not classified in any specific occupancy in the building code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, private garages, retaining walls, sheds, stables, and towers. In addition to the building code requirements for fire and life safety, the following shall apply to utility and miscellaneous Group U buildings and structures in flood hazard areas:
- (1) New construction and substantial improvement of such buildings and structures shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions of the design flood.
  - (2) New construction and substantial improvement of such buildings and structures, when fully enclosed by walls, shall be elevated such that the lowest floor, including basement, is elevated to or above the design flood elevation in accordance with ASCE 24 or shall be dry floodproofed in accordance with ASCE 24.
  - (3) Unless dry floodproofed, fully enclosed areas below the design flood elevation shall be constructed in accordance with ASCE 24 and limited to parking, storage, and building access.
  - (4) When fully enclosed by walls, flood openings shall be installed in accordance with ASCE 24.
  - (5) Flood damage-resistant materials shall be used below the design flood elevation.
  - (6) Mechanical, plumbing and electrical systems, including plumbing fixtures, shall be located or installed in accordance with ASCE 24.

K. Temporary structures shall be erected for a period of less than 180 days and temporary storage of goods and materials shall be permitted for a period of less than 180 days. Extensions may be granted in accordance with Section 91604.02 G and H of Title 9 Land Use Ordinance Division 16. In addition, the following apply:

(1) Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

(2) Temporary stored materials shall not include hazardous materials.

(4)(3) The requirements of Section 91605.06 A of Title 9 Land Use Ordinance Division 16, when located in floodways.

**SECTION 1: Chapter 1 (Section 90501.16 A.) of Division 5 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2: Chapter 1 (Section 90501.16 A.) of Division 5 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 90501.16 SWIMMING POOLS**

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

**SECTION 1: Chapter 5 Section 90805.00 of Division 8 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2: Chapter 5 Section 90805.00 of Division 8 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 90805.00 MINOR SUBDIVISIONS**

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

- A. The land is divided into four (4) or fewer parcels,
- B. The whole land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required,

- C. Each parcel created by the land division has a gross area of 20 acres or more and each parcel has an approved access to a maintained public street or highway,
- D. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises a part of a tract of land zoned for industrial or commercial development, and has approval as to street alignments and widths,
- E. Each parcel created by the land division has a gross area of no less than 40 acres, or not less than a quarter of a quarter section,
- F. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Government Code Section 66418.2.
- G. Reversion to acreage of land previously subdivided and consisting of four (4) or less contiguous parcels under the same ownership, where the provisions of Government Code 66499.20.1 are complied with,
- H. Merging and re-subdividing four (4) or less contiguous parcels, where the provisions of Government Code Section 66499.20.2 are complied with.
- I. Subdivision proposals in flood hazard areas, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
  - (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
  - (2) All public utilities and facilities, such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage in accordance with Section 91605.02 D of Title 9 Land Use Ordinance Division 16, as applicable.
  - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.
- J. In addition to the requirements of Section 91605.02 and 91605.03 of Title 9 Land Use Ordinance Division 16, where any portion of proposed subdivisions, including proposals for manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
  - (1) The flood hazard area, including floodways, as appropriate, shall be delineated on preliminary subdivision plats.
  - (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 91604.02 B. 4 of Division 16.
  - (3) When, as part of a proposed subdivision, fill will be placed to support buildings, the fill shall be placed in accordance with the building code and approval of the subdivision shall require submission of as-built elevations for each filled pad certified by a licensed land surveyor or registered civil engineer.

**SECTION 1: Chapters 1 through 11 (Sections 9100.00 through 91011.06) of Division 10 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapters 1 through 11 (Sections 91001.00 through 91011.06) of Division 10 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

§ 91401.04 "D"

<b>DAY-CARE CENTER</b>	"Day-care center" means a public or private enterprise which provides full day-care services to four (4) or more children
<b>DEAD STORAGE (RV)</b>	"Dead storage" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to any utilities and/or occupied as living quarters, either temporarily or permanently.
<b>DEAD STORAGE (M/H)</b>	"Dead storage" means the storage of the owner's or occupant's mobile home on the site in such a manner that it is not connected to any utilities and/or occupied as living quarters, either temporarily or permanently.
<b>DECIBEL, db</b>	"Decibel" or "db" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micro newtons per square meter).
<b>DECISION-MAKING AUTHORITY</b>	"Decision-making authority" means the Director of Planning, the Planning Commission, or the Board of Supervisors, depending on which has been assigned the responsibility and authority for reviewing and approving a particular permit pursuant to this Title, or other County Ordinance.
<b>DEDICATION</b>	"Dedication" means a conveyance of land to some public use, especially streets, made by the owner and accepted for such use by or on behalf of the public.
<b>DEEP SOLAR PONDS AND HYPER-SALINE BRINE POND:</b>	A salty and shallow body of water may present a unique opportunity for an on-demand source of renewable energy. In salty and shallow bodies of water, both natural and man-made, high salty water may sink to the bottom with the less saline water rising to the top, virtually stopping convection, decreasing heat loss through evaporation, and creating a high temperature gradient from the surface to the bottom of the water with the temperature of the brine at the bottom potentially approaching the boiling point. When this occurs, the high water temperature on the bottom can be used to heat a working fluid that is used to run an organic Rankine cycle generator utilizing an expansion turbine like in a conventional steam power plant.
<b>DENSITY</b>	"Density" means the number of dwelling units per unit of land.
<b>DENSITY BONUS</b>	"Density bonus" means a density increase over the otherwise maximum residential density allowable by the applicable General Plan land use category.



**DESIGNATED URBAN AREA**

"Designated urban area" means any area within the unincorporated County designated for urban development within the General Plan Land Use Element.

**DEVELOPMENT**

"Development" means the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, grading, or land disturbance; and any use or extension of the use of land.

For the purpose of Division 16, it shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials

All proposed development in flood hazard areas shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
- (2) Where the proposed development has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 91604.02 B.1 of Title 9 Land Use Ordinance Division 16.
- (3) All public utilities and facilities, such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage.

Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

**DISCRETIONARY DECISION**

"Discretionary decision" means a decision requiring the exercise of judgment or deliberation when the public official or body decided to approve or disapprove a particular activity.

**DISTRICT ATTORNEY**

"District Attorney" means the District Attorney of the County of Imperial or a designee.

**DOMESTIC AGRICULTURE**

"Domestic agriculture" means agriculture activities carried on for noncommercial purposes.

**DOUBLE-FRONTAGE LOT**

See "lot, through".

**DUPLEX**

"Duplex" means a building with two (2) attached dwelling units, each with its own roof, oriented in a common wall relationship as one (1) building.

**DWELLING**

Any building, or portion thereof, which contains not more than two dwelling units.

**DWELLING (SINGLE FAMILY)**

A detached building or structure designed for, or occupied exclusively by, not more than one family.

**DWELLING (TWO FAMILY)**

A detached building or structure designed for, or occupied exclusively by, not more than two families living independently of each other. May also be known as a duplex.

**DWELLING (MULTIPLE FAMILY)** A building, or portion thereof, designed for or occupied by three or more families living independently of each other.

**DWELLING UNIT** Any building, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation as required by the Uniform Building Code for not more than one family.

**SECTION 1: Chapter 1 (Section 91401.05) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 1 (Section 91401.05) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

§ 91401.05 "F"

**FACTORY BUILT HOUSE** A residential structure constructed in conformance with the State of California Factory Housing Code.

**FAMILY** An individual, or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

**FARMERS' MARKET** "Farmers' market" means a retail market where agricultural produce is offered for sale to the general public, either within an enclosed building or outdoors.

**FARM LABOR HOUSING CONTRACT LABOR** "Farm labor housing, contract labor" means living quarters, single-family or group housing, provided by a labor contractor for farm laborers which are not full-time farm employees on lands owned or leased by the owner of the living quarters.  
Section 17021.5 and 17021.6 of the California Health and Safety Code

**FARM LABOR HOUSING ON SITE EMPLOYEE** "Farm labor housing, on-site employee" means living quarters, either single-family or group housing, provided for full-time farm laborers employed on the site or on lands owned or leased by the owner of the living quarters.

**FARM STAND** "Farm stand" means a permanent or temporary structure utilized for the sale of agriculture, horticultural, or farming products grown or produced by the owner or lessee of the property on which the structure is located.

- A. A "permanent farm stand" is one that is used throughout the year and no thirty (30) day time period elapses where the stand is not utilized.
- B. A "temporary" farm stand is one that is used seasonally and normally periods of time in excess of thirty (30) days pass where the stand is not utilized. A temporary farm stand shall not be used in excess of one hundred and eighty (180) cumulative days within a calendar year.

**FAST-FOOD RESTAURANT** "Fast-food restaurant" means an establishment whose principal food business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises

<b>FESTIVALS AND SIMILAR EVENTS</b>	Events such as amusement rides, art shows, concerts, craft fairs, itinerant shows and religious revival meetings.
<b>FENCE</b>	"Fence" means an artificially constructed barrier of any approved material or combination of materials erected to enclose or screen areas of land.
<b>FLOOD, FLOODING OR FLOOD WATER</b>	A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows); and the condition resulting from flood-related erosion.
<b>FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)</b>	The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
<b>FLOOD HAZARD BOUNDARY MAP</b>	The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
<b>FLOOD INSURANCE RATE MAP (FIRM)</b>	The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
<b>FLOOD INSURANCE STUDY</b>	The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
<b>FLOOD-RELATED EROSION</b>	The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as unforeseeable event which results in flooding.
<b>FLOOD-RELATED EROSION AREA or FLOOD-RELATED EROSION PRONE AREA</b>	A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
<b>FLOOD-RELATED EROSION AREA MANAGEMENT</b>	The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.
<b>FLOODPLAIN OR FLOOD-PRONE AREA</b>	Any land area susceptible to being inundated by water from any source – see "Flooding".
<b>FLOODPLAN ADMINISTRATOR</b>	The individual appointed to administer and enforce the floodplain management regulations.
<b>FLOODPLAIN MANAGEMENT</b>	The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency

preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN  
MANAGEMENT  
REGULATIONS**

This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

**FLOODPROOFING**

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood proofing.)

**FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway".

**FORTY ACRES**

"Forty acres" means an aliquot division of a section of land consisting of one-quarter (1/4) of one-quarter (1/4) section of land.

**FOUNDATION SYSTEM**

An assembly of materials constructed below, or partially below grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external natural forces as defined by the Health and Safety Code.

**FUNCTIONALLY  
DEPENDENT USE**

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities ~~that are~~ necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

**FUNERAL HOME**

"Funeral home" means an establishment with facilities for the preparation of the deceased for burial or cremation, for the viewing of the body, and for funerals.

**SECTION 1: Chapter 1 (Section 91401.07) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 1 (Section 91401.07) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 91401.07 "H"**

**HABITABLE STRUCTURE**

"Habitable structure" means any structure intended for living purposes, including working, sleeping, cooking, eating, or recreation.

**HARDSHIP**

As related to Section 6, of this ordinance, "Variances" means the exceptional hardship that would result from a failure to grant the requested variance. The governing body requires that the variance be exceptional,

unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HAZARDOUS WASTE**

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- B. Pose a substantial present or potential hazard to human health or environmental when improperly treated, stored, transported, or disposed of or otherwise managed.

**HEDGE**

"Hedge" means a fence or barrier formed of bushes set close together.

**HEIGHT**

"Height" means the vertical distance from the base to the top of any structure, measured from lowest ground level point of the structure.

**HELIPORT**

An area of land or water or a structural surface which is used, or intended for use, for the landing and take-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

**HERBICIDE**

"Herbicide" means a substance used to destroy plants, especially weeds.

**HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HIGHEST STRUCTURE**

~~Any structure that is:~~

- ~~1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~2. certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;~~
- ~~3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or~~
- ~~4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.~~

~~4.~~

**HISTORIC STRUCTURE**

For floodplain management purposes, the term means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the inventory of historic places maintained by the California Office of Historic Preservation; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the California Office of Historic Preservation.

<b>HOG RANCH OR FARM</b>	"Hog ranch or farm" means any premises used for the commercial breeding or raising of hogs which are kept confined, at a stockyard, and fed concentrated food for the purposes of developing or fattening the animals for retail or wholesale sale. (Hogs raised as an FFA, 4-H, or Junior Farmer project are not to be classified as a hog ranch or farm unless the express purpose is for the commercial wholesale or retail sales market.)
<b>HOME OCCUPATION</b>	"Home occupation" means any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.
<b>HORTICULTURAL</b>	"Horticultural" activity means the cultivation of an orchard or garden on small or large scale.
<b>HOSPITAL</b>	"Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including sanitariums.
<b>HOTEL</b>	Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.
<b>HUNTING CLUB</b>	"Hunting club" means a designated area where wild game birds or animals may be hunted and that may allow a clubhouse. Normally membership or entry fee is required as a prerequisite to hunting.
<b>HYPER-SALINE BRINE POND:</b>	See DEEP SOLAR PONDS.

**SECTION 1: Chapter 1 (Section 91401.12) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 1 (Section 91401.12) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

§ 91401.12 "M"

<b>MAIN BUILDING</b>	"Main building" means the building in which the principal use of a lot is located.
<b>MAJOR HIGHWAY</b>	"Major highway" means a highway which is used, designed to be used, or is necessary to carry heavy volumes of traffic, and designated as a "major highway" in the Circulation Element of the General Plan and described in the Imperial County Subdivision Standards.

<b>MAJOR PROJECT</b>	Any reference to a Major Project also includes an Electric Generation Project.
<b>MANUFACTURED HOME</b>	<p>A dwelling unit manufactured, either whole or in part, at a factory location other than the lot upon which it is to be placed and which is transported from the factory to the site either whole or in parts, <u>that is built on a permanent chassis, designed for use as a single-family dwelling with or without permanent foundation when connected to the required utilities, and constructed to the Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development. Also see definitions in Health and Safety Code sections 18000.(a)(2) and 18001.(a).</u></p> <p><u>For the purposes of floodplain management, the term also includes mobile homes and recreational vehicles, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.</u></p>
<b>MANUFACTURED HOME PARK OR SUBDIVISION</b>	A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
<b>MAUSOLEUM</b>	"Mausoleum" means a tomb for one (1) or more deceased persons.
<b>MEAN SEA LEVEL</b>	For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
<b>MEDIUM HOUSEHOLD</b>	The income figure which represents the "middle" of the income range in the County of Imperial. The medium figure indicates that half of all households have incomes larger than that value and half have less. The current medium income figure is obtained from the State Department of Housing and Community Development.
<b>MINING</b>	A form of mineral resource development involving the extraction and removal of more than 1,000 cubic yards of material from the same site, through such activities and uses as borrowed areas, sand, gravel and rock quarries, etc. Mining does not include extraction and removal of material from construction sites or following floods, landslides or natural disasters where the land is being restored to its prior condition.
<b>MINING, ACCESSORY USES</b>	Uses customarily incidental, appropriate and subordinate to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching, and maintenance facilities.
<b>MINING, PUBLIC WORKS MAINTENANCE</b>	Mining, and its accessory uses, for periods of less than 9 months, which have been declared in writing by the Public Works Department to be under its administrative control and which is necessary to alleviate immediate or foreseen threats to public health and safety, or the preservation of public facilities structures. Said uses include such operations as cleaning out and aligning of channels and floodways, removing material to avert potential landslides, and accessory processing such as stockpiling, sorting, screening, washing, crushing, and batching of on-site material.
<b>MINERAL EXPLORATION</b>	"Mineral exploration" means exploration by scientific means, in a manner similar to the exploration for petroleum products, for the purpose of determining the existence and extent of commercial mineral deposits.

<b>MINIMUM DISTANCE BETWEEN BUILDINGS</b>	"Minimum distance between buildings" means the distance between the walls of buildings, measured at the nearest point to an adjacent building.
<b>MINISTERIAL DECISION</b>	"Ministerial decision" means a decision requiring the application of the statutes, ordinances, or regulations to the facts as prescribed and involving little or no personal judgment by the public official or decision-making body as to the wisdom or manner of carrying out a project.
<b>MINI-WAREHOUSE</b>	"Mini-warehouse" means a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
<b>MINOR PLAN MODIFICATION</b>	"Minor plan modification" means a minor change or modification of an approved development plan which is not in conflict with the intent, policy, or expectations of original project approvals.
<b>MOBILE HOME</b>	"Mobile home" means a structure transportable in one (1) or more sections, designed and equipped to contain not more than two (2) dwelling units to be used with or without a foundation system. "Mobile home" does not include a recreation vehicle, commercial coach, or factory built housing.
<b>MOBILE HOME ACCESSORY STRUCTURE</b>	"Mobile home accessory structure" means any awning, cabana, ramada, storage cabinet, storage building, private garage, carport, fence, windbreak, or porch or any residential building or structure established for the use of the occupant of a mobile home on a lot.
<b>MOBILE HOME PARK</b>	"Mobile home park" means an area or tract of land where two (2) or more lots are rented or leased or held out for rent or lease to accommodate mobile homes for human occupancy.
<b>MODULAR HOME</b>	"Modular home" means a prefabricated dwelling unit constructed to Uniform Building Code; not a mobile home.
<b>MORTUARY</b>	"Mortuary" means a place in which the deceased are kept until burial.
<b>MOTEL</b>	A building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material) and with accessible parking spaces on the premises, or adjacent premises under the same ownership, for each unit.
<b>MOTION PICTURE TELEVISION PRODUCTION</b>	All use related to the production of motion pictures and television film and tape, including motion picture and television stages; exterior sets; laboratories; construction, repair and storage facilities; caretaker and temporary housing; and accessory fabrication activities.
<b>MUDSLIDE</b>	<u>"Mudslide" means a general and temporary movement down a slope of a mass of sand, gravel, rock or soil, artificial fill, or a combination of these materials, caused or precipitated by the accumulation of water on or under the ground. describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the</u>



mudflow, and not the landslide, is the proximate cause of damage that occurs.

**MUDSLIDE AREA-  
MUDSLIDE PRONE AREA**

"Mudslide area" or "mudslide-prone area" means an area characterized by unstable slopes and land surfaces whose history, geology, soil and bedrock structure, and climate indicate a potential for mudslides.

**SECTION 1: Chapter 1 (Section 91401.13) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 1 (Section 91401.13) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 91401.13 "N"**

**NATURE OR WILDLIFE  
PRESERVE**

"Nature or wildlife preserve" means an area set aside for the preservation of natural vegetation or wildlife where the general public may view the vegetation or wildlife, with or without charge.

**NEIGHBORHOOD**

"Neighborhood" means an area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics or boundaries defined by physical barriers, such as major highways and railroads, or natural features, such as rivers.

**NEW CONSTRUCTION  
(FLOODPLAINS)**

For floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

**NEW MANUFACTURED  
HOME PARK OR  
SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**NOISE AUDIBLE**

Sound pressure levels having a frequency greater than one hundred and twenty-five (125) Hz.

**NONCONFORMING  
BUILDING**

"Nonconforming building" means a structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.

**NONCONFORMING LOT**

"Nonconforming lot" means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.

**NONCONFORMING USE**

"Nonconforming use" means a use which was lawful prior to the adoption, revision, or amendment of this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.

**NUISANCE**

"Nuisance" means an interference with the enjoyment and use of property, that which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**SECTION 1: Chapter 1 (Section 91401.17) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2: Chapter 1 (Section 91401.17) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 91401.17 "R"**

**RECHARGE FACILITIES**

"Recharge facilities" means those works, structures, and equipment, including, but not limited to, spreading basins, wells, pumps, canals, weirs, pipelines, or streams, which permit water to reach the saturated zone of an aquifer.

**RECREATIONAL VEHICLE**

"Recreational vehicle" means a motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency use, that is built on a single chassis, 400 square feet (37.16 m<sup>2</sup>) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

A recreational vehicle is ready for highway use when it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. Also see definitions in Health and Safety Code section 18010.

**RECREATIONAL VEHICLE PARK**

"Recreational vehicle park" means an area or tract of land where one (1) or more spaces are rented or held out for rent to owners or users of recreational vehicles or tents and which is occupied for sixty (60) consecutive days or less.

**REGULATORY FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**REHABILITATION**

"Rehabilitation" means the upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.

**REHABILITATION FACILITY**

"Rehabilitation facility" means any short-or long-term residential facility, serving more than six (6) individuals, designed to provide medical or social rehabilitation on an inpatient basis to individuals in a group giving arrangement, in which meals and twenty-four (24) hour staffing is provided. Such facilities would include alcohol and chemical dependence recovery homes, group living quarters for physically or developmentally disabled adults or children, stress-reduction retreats, and residential facilities serving young adults or teenagers, which area operated by a nonprofit

corporation for the purpose of providing moral or spiritual guidance to such persons. Rehabilitation facilities do not include hospitals, convalescent hospitals, sanatorium, rest homes, jails, prisons, or state-operated detention facilities.

<b>REMEDY A VIOLATION</b>	To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
<b>RENEWABLE ENERGY</b>	"Renewable Energy" means all forms of energy developed through renewable resources such as Geothermal, Wind, Solar, Concentrated Solar, Deep Solar Pond, Hyper-Saline Brine Pond, Biofuels or new technology utilizing natural resources.
<b>REPLACEMENT WELL</b>	A geothermal well drilled to replace another well which is no longer maintained and is legally abandoned, or a geothermal well drilled to maintain a constant energy supply to a consuming facility necessitated by declining production from the original supply well(s).
<b>RESIDENCE</b>	"Residence" means a home, abode, or place where an individual family is actually living at a specified point in time.
<b>RESIDENTIAL ACCESSORY STRUCTURES</b>	"Residential accessory structure" means buildings and structures normally associated with dwellings, such as garages, carports, greenhouses, storage buildings, and swimming pools.
<b>RESIDENTIAL FACILITIES</b>	"Residential facility" means any family home, group care facility, or similar facility, determined by the Director of the State Department of Social Services, for twenty-four (24) hour non-medical care of person in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, as provided in Section 1502, California Health and Safety Code.
<b>RESIDENTIAL HOTEL</b>	"Residential hotel" means a hotel offering accommodations on a weekly or monthly basis. Single-room occupancy units (SROs) and boarding/rooming houses can serve as an affordable housing option for lower-income households and those with special housing needs, including persons who are homeless or near-homeless, persons with substance abuse problems, and farmworkers.
<b>REST HOME</b>	"Rest home" means a health facility or a health facility which provides skilled nursing care to patients whose primary need is for availability of skilled nursing care on an extended basis.
<b>RETAIL SERVICES</b>	"Retail services" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption.
<b>RETIREMENT HOME</b>	"Retirement home" means a group housing arrangement chosen voluntarily by residents who are over sixty-two (62) years of age and who are provided varying levels of non-medical supportive services or care and in which meals are provided in central eating facilities or prepared by employees of the retirement home and delivered to individual living areas.

<b>RE-ZONE</b>	"Re-zone" means to change the zoning classification of particular lot(s) or parcel(s) pursuant to provisions of this Title.
<b>RIGHT-OF-WAY</b>	"Right-of-way" means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.
<b>RIVERINE</b>	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
<b>ROAD</b>	See "street."
<b>ROOF</b>	"Roof" means the outside top covering of a building.
<b>ROOMING HOUSE</b>	See "boarding house."

**SECTION 1: Chapter 1 (Section 91401.18) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 1 (Section 91401.18) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 91401.18 "S"**

<b>SAND DUNES</b>	Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
<b>SANITARY LANDFILL</b>	"Sanitary landfill" means a disposal site employing an engineered method(s) of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest practical volume, and applying cover material over all exposed wastes at the end of each operating day.
<b>SALVAGE YARD</b>	See "junk yard".
<b>SCHOOL, ELEMENTARY OR HIGH</b>	"Elementary school" or "high school" means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. (High schools include Junior and Senior.)
<b>SEATAINERS (SEA CONTAINERS)</b>	See "cargo containers"
<b>SECONDARY HIGHWAY</b>	"Secondary highway" means a street or highway designed to carry moderate volumes of traffic and designated as a "secondary highway" in the Circulation Element of the General Plan and described in the Imperial County Subdivision Standards.
<b>SECONDARY RESIDENTIAL UNIT (SECOND UNIT)</b>	"Secondary residential unit" or "second unit" means a detached or attached dwelling unit which provides complete independent living facilities for one (1) or more persons.

<b>SELF-SERVICE LAUNDRY</b>	An establishment for laundering where there is no pick-up or delivery service and no steam or hand laundry or any type; provided however that all washing machines and accessory extractors and dryers shall be installed on a single floor without double-decking and there shall be no inter-mingling of customers' laundry.
<b>SEPTAGE DISPOSAL SITE</b>	"Septage disposal site" means a site designated for the disposal of material pumped from septic tanks, cesspools, seepage pits, holding tanks, and privies.
<b>SERVICES, COMMERCIAL</b>	Establishments providing services or entertainment, as opposed to products, to the general public.
<b>SETBACK</b>	The required minimum distance between the street centerline or any property line and any part of the structure or parking stall.
<b>SETBACK, FRONT</b>	An open yard area extending between side lot lines across the front of a lot, the depth of which is the required minimum horizontal distance between the front lot line and a line parallel thereto on the lot.
<b>SETBACK, REAR</b>	An open yard area extending across the rear of the lot between the inner site lot lines which is the required minimum horizontal distance between the rear lot line and on line parallel thereto on the lot.
<b>SETBACK, SIDE</b>	An open yard area extending from the front yard, or the front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest part of the side lot line.
<b>SEWAGE COLLECTION AND DISPOSAL SYSTEM</b>	Any system for the collection and disposal of sewage, domestic wastewater of a liquid nature, including various devices for the treatment of such sewage.
<b>SEWAGE DISPOSAL SYSTEM</b>	Any system for the disposal of sewage, domestic wastewater of a liquid nature, including various devices for the treatment of such sewage.
<b>SEWAGE TREATMENT PLANT</b>	"Sewage treatment plant" means a facility for treatment and disposal of sewage.
<b>SHEET FLOW AREA</b>	See "Area of shallow flooding".
<b>"SHALL" AND "MAY"</b>	"Shall" is mandatory; "May" is permissive.
<b>SIDEWALK</b>	"Sidewalk" means a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
<b>SIGN</b>	"Sign" means any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, color, illumination, or projected images.
<b>SIGN, AGRICULTURAL</b>	"Agricultural sign" means an on-sign identifying a farm, ranch, or agricultural activities or products.
<b>SIGN, AGRICULTURAL</b>	

<b>INDUSTRY</b>	"Agricultural industry sign" means a sign identifying industrial activities related to the manufacture or processing of agricultural products.
<b>SIGN, ANIMATED OR MOVING</b>	"Animated or moving sign" means any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
<b>SIGN AREA</b>	"Sign area" means the entire face of a sign, including the advertising surface, and any framing, trim, or molding, but not including the supporting structure.
<b>SIGN, BILLBOARD</b>	See "sign, off-site."
<b>SIGN, DIRECTIONAL</b>	"Directional sign" means a sign limited to direction messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
<b>SIGN FACE</b>	"Sign face" means the area or display surface used for the message.
<b>SIGN, FLASHING</b>	"Flashing sign" means any directly, indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
<b>SIGN, FREESTANDING</b>	"Freestanding sign" means any non-movable pole or monument sign not affixed to a building.
<b>SIGN, GOVERNMENTAL</b>	"Governmental sign" means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.
<b>SIGN, IDENTIFICATION</b>	"Identification sign" means a sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development, or establishment on the premises where it is located.
<b>SIGN, ILLUMINATED</b>	"Illuminated sign" means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
<b>SIGN, MONUMENT</b>	"Monument sign" means a sign constructed upon a solid base or pedestal, the total width of which is at least fifty percent (50%) of the overall width of the sign.
<b>SIGN, NAMEPLATE.</b>	"Nameplate sign" means a sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.
<b>SIGN, OFF-SITE</b>	"Off-site sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
<b>SIGN, ON-SITE INFORMATIONAL</b>	On-site informational sign" means a sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and delivery areas.

<b>SIGN, POLE</b>	"Pole sign" means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.
<b>SIGN, POLITICAL, RELIGIOUS, OR CIVIC CAMPAIGN</b>	"Political, religious, or civic campaign sign" means a temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election, or civic or religious campaign.
<b>SIGN, PORTABLE</b>	"Portable sign" means a sign that is not permanent, affixed to a building, structure, or the ground.
<b>SIGN, REAL ESTATE</b>	"Real estate sign" means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
<b>SIGN, TEMPORARY</b>	"Temporary sign" means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.
<b>SIGN, TEMPORARY CONSTRUCTION</b>	"Temporary construction sign" means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest in the structure or project.
<b>SIGN, TEMPORARY</b>	"Temporary subdivision sign" means a temporary sign pertaining exclusively to the development or sale of residential land subdivisions and located within the same subdivision.
<b>SUBDIVISION</b>	"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, canals, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1351(f) of the Civil Code, a community apartment project as defined in Section 1351(d), and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 1351(m) of the Civil Code. "Subdivision" includes any division of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.
<b>SIGN, WALL</b>	"Wall sign" means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than twelve (12) inches from such building or structure.
<b>SIGN, WARNING</b>	"Warning sign" means a sign limited to messages of warning, danger, or caution.

<b>SIGN, WIND</b>	"Wind sign" means a sign or objects, some or all of which is moved by wind as method of attracting attention.
<b>SIGN, WINDOW</b>	"Window sign" means a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.
<b>SINGLE ROOM OCCUPANCY</b>	"Single Room Occupancy" means a single room that is the primary residence of its occupant. The unit may contain food preparation or sanitary facilities.
<b>SITE</b>	"Site" means any lot or parcel of land or combination of contiguous parcels of land.
<b>SITE DEVELOPMENT PLAN</b>	"Site development plan" means a plan graphically describing proposed buildings, structures, and other required information submitted in conjunction with an application for discretionary review and approval.
<b>SMALL FOWL</b>	"Small fowl" means birds raised or grown for hobby purposes, show, or racing, normally no larger than a small chicken (e.g., pigeon, parrot, or cockatiel).
<b>SOFFIT</b>	"Soffit" means the horizontal underside of an eave.
<b>SOLID WASTE</b>	"Solid waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.
<b>SOUND LEVEL MEASUREMENT</b>	The sound pressure level measured with a sound level meter and associated octave band analyzer, conforming to the standards prescribed hereinafter, and by the American National Standards Institute relating to sound and noise measurements.
<b>SPECIFIC PLAN LINE</b>	"Specific plan line" means the designated centerline of any road or highway as adopted by resolution of the Board of Supervisors from which the ultimate right-of-way is determined in accordance with the Circulation Element of the General Plan.
<b>SPECIAL FLOOD HAZARD AREA (SFHA)</b>	<u>Means the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AO, AH, A1-30, AE, A99, AR, AR-A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. [Also defined in CCR Title 24 Part 2.] An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.</u>
<b>SPECIAL OCCASION FACILITY</b>	An indoor or outdoor facility or area which is used for special occasions such as weddings, parties, concerts, conferences, charity events, and fundraiser events for a specified period of time in return for compensation.
<b>STANDBY WELL</b>	A geothermal well maintained ready for use, but which is put into use only upon another well being taken out of use.
<b>START OF CONSTRUCTION</b>	Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual



start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

<b>STOCKYARD</b>	"Stockyard" means an enclosed area where livestock are temporarily confined and fed concentrated food while waiting for shipping to market, slaughter, or resale.
<b>STORY</b>	"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.
<b>STORY, HALF</b>	"Half story" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.
<b>STREAM</b>	"Stream" means a watercourse having a source and terminus, banks, and channel through which waters flow at least periodically.
<b>STREET,CUL-DE-SAC</b>	"Cul-de-sac street" means a street with a single common ingress and egress and with a turnaround at the end.
<b>STREET, LOCAL</b>	"Local street" means a street designed to provide vehicular access to abutting property.
<b>STREET, PRIVATE</b>	"Private street" means a street owned and maintained by a person or persons and intended for access to a limited number of private lots.
<b>STREET, PUBLIC</b>	"Public street" means a street built to standards required and maintained by the County of Imperial.
<b>STRUCTURAL</b>	"Structural" means an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
<b>STRUCTURAL ALTERATION</b>	Any change in roof lines or exterior walls, or in the beams, girders, floor joists, roof joists, or rafters. This includes any physical change which could affect the integrity of a wall, including partial or total removal, moving a wall to another location or expanding the wall in terms of height or length. Minor actions such as adding a doorway, walkway, passage or window, or attaching architectural features or adornments, are not considered to be structural alterations.

<b>STRUCTURAL FLOOR</b>	"Structural floor" means the floor sheathing, structural beams, floor joists, or concrete slab of a building.
<b>STRUCTURE</b>	A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
<b>SUBSTANTIAL DAMAGE</b>	<p>Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or</p> <p>Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss".</p>
<b>SUBSTANTIAL IMPROVEMENT</b>	<p>Any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either</p> <ol style="list-style-type: none"> <li>1. any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or</li> <li>2. any alterations of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".</li> </ol>
<b>SUBDIVISION</b>	"Subdivision" means the division of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease, or financing, whether immediate or future, except for leases of agriculture land for agricultural purposes.
<b>SUBSTANTIAL IMPROVEMENT</b>	"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the actual cash value of the structure, either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.
<b>SUPER SERVICE STATION</b>	An automobile service station which supplies gasoline and diesel fuel to motor vehicles and may include grease racks or elevators, wash racks or pits, tire repair, battery servicing and repairing, ignition service, sales of motor vehicles accessories and other customary services for automobiles, but not including painting, body work and/or steam cleaning.
<b>SUPPORTIVE HOUSING</b>	Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

**SURFACE MINING OPERATION**

"Surface mining operation" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to: (1) in place distillation or retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities. Unless excluded under the provisions of California Public Resources Code Section 2712 or Section 3505 of Title 14, California Code of Regulations, borrow pitting, streambed skimming, segregation, and stockpiling of mined materials (and recovery of same) are deemed to be surface mining operations.

**SURROUNDING AREA**

An area extending 300 feet from the exterior boundaries of the subject property.

**SWAP MEET**

An open-air market operating during daylight hours on weekends and holidays for the sale or exchange of merchandise at retail by a number of sellers.

**SECTION 1: Chapter 1 (Section 91401.22) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 1 (Section 91401.22) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

§ 91401.22 "W"

**WASHROOM**

"Washroom" means a room equipped with washing and, usually, toilet facilities.

**WATER SURFACE ELEVATION**

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATER TREATMENT PLANT**

"Water treatment plant" means a plant or facility for treatment or purification of water to make it usable.

**WATERCOURSE**

"Watercourse" means a natural or man-made, intermittent or perennial drainage channel which includes, but is not limited to, the terms river, tributary stream, or creek, channel or other topographic feature in, on, through, or over which water flows at least periodically.

**WILD ANIMAL KEEPING**

"Wild animal keeping" means keeping or maintaining any dangerous, wild, carnivorous, or exotic animal that is wild by nature and not customarily domesticated by man so as to live and breed in a tame condition.

**WIND-DRIVEN ELECTRICAL GENERATORS, EXPERIMENTAL**

"Experimental wind-driven electrical generators" means wind systems that are the first of their kind, and their use constitutes a testing of a new concept or design.

**WIND-DRIVEN  
ELECTRICAL  
GENERATORS,  
PRODUCTION**

"Production wind-driven electrical generators" means electrical generators that have progressed beyond the prototype stage, and the construction of a significant number on a continuing basis has occurred.

**WIND-DRIVEN  
ELECTRICAL  
GENERATORS,  
PROTOTYPE**

"Prototype wind-driven electrical generator" means electrical generators that have progressed beyond the experimental stage, and construction of a limited number to test operations in field conditions has occurred.

**SECTION 1: Chapter 3 (Section 91603.01) of Division 16 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 3 (Section 91401.22) of Division 16 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 91603.01 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard, and areas of mudslide (i.e. mudflow) hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study: Imperial County, California Unincorporated Areas," dated September 15, 1983 with an accompanying Flood Insurance Rate Map(s) for Imperial County dated March 15, 1984 ~~September 26, 2008~~ and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be part of this division is hereby adopted by reference and declared to be a part of this ordinance. The 24-14 Edition of the Flood Resistant Design and Construction Standard published by the American Society of Civil Engineers (ASCE) and the Structural Engineering Institute (SEI) is also adopted by reference. This Flood Insurance Study is on file at the 801 Main Street, El Centro, CA (Planning & Development Services Department). In addition, the Board of Supervisors hereby also includes any area of land located around the Salton Sea and lying at or below the -220 foot elevation contour. This Flood Insurance Study is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Board of Supervisors by the Floodplain Administrator.

**SECTION 1: Chapter 4 (Section 91604.02) of Division 16 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 4 (Section 91404.02) of Division 16 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 91604.02 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

- A. Permit Review.
  - 1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
  - 2. All other required State and Federal permits have been obtained.

3. The site is reasonably safe from flooding.
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

B. Use of the Other Base Flood Data.

1. Require the applicant to include base flood elevation data prepared by a qualified CA Licensed Civil Engineer in accordance with currently accepted engineering practices. Such analyses shall be performed and sealed by a qualified CA Licensed Civil Engineer. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.
2. When base flood elevations data has not been provided in accordance with Section 91603.01 the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer this ordinance. Any such information shall be submitted to the Board of Supervisors for adoption; or
3. If no base flood elevation data is available from a federal or state agency, or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer this ordinance:
  - a. Simplified method
    - i. 100 year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
    - ii. base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
  - b. Detailed method
    - i. 100 year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program; and
    - ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.
4. Pursuant to 44 CFR 60.3(b)(3) requirement of: "Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data."
5. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area

boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

- C. Notification of other agencies whenever a watercourse is to be altered or relocated:
1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation;
  2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
  3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- D. Determination of Floodplain Development. Obtain and maintain for public inspection and make available as needed documentation of floodplain development:
1. The certification required in Section 91605.00 (C) and 91605.03 (lowest floor elevation).
  2. Certification required by Section 91605.00 (C) (elevation or floodproofing of nonresidential structures),
  3. The certification required in Section 91605.00 (C)(3) (wet flood-proofing standard).
  4. The certification elevation required in Section 91605.02 (B) (subdivision standards).
  5. The certification required in Section 91605.06 (A) (floodway encroachment).
  6. Reports required by Section 91605.07 (C) (mudflow standards).
- E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, or areas of mudslide (i.e., mudflow). Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided for in Chapter 6 below.
- F. Remedial Action. Take action to remedy violations of this ordinance as specified in Section 91603.02 herein.
- G. Expiration. A permit for floodplain development shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each unless FEMA has issued notification of revision to the Flood Insurance Rate Study and Flood Insurance Rate Maps that alter the flood hazard area or floodway boundaries, flood zones, or base flood elevations, in which case the permit is invalid.
- H. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit for floodplain development issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of these regulations or any ordinance or code of this community.

**SECTION 1: Chapter 5 (Section 91605.00) of Division 16 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.**

**SECTION 2 Chapter 5 (Section 91405.00) of Division 16 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:**

**§ 91605.00 STANDARDS FOR CONSTRUCTION**

In all areas of special flood hazards the following standards are required:

- A. Anchoring.
  - 1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - 2. A licensed architect or registered professional engineer shall assess all new construction and any substantial improvements.
  - 3. All manufactured homes shall meet the anchoring standards of Section 91605.03.
  
- B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:
  - 1. With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
  - 2. Using methods and practices that minimize flood damage;
  - 3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
  - 4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
  
- C. Elevation and Floodproofing. (See Division 14 of Title 9 for definitions for "basement", "lowest floor", "new construction", "substantial damage" and "substantial improvement".)
  - 1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
    - a. In an AO Zone, elevated above the highest adjacent grade to height two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified

- b. In an A Zone, elevated to at least two feet above the base flood elevation; said base flood elevation; said base flood elevation shall be determined by one of the methods in Section 91604.02 (B) of this ordinance.
    - c. In all other Zones, elevated at least two feet above the base flood elevation.  
Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the County building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 91605.00 (C) (1) or together with attendant utility and sanitary facilities:
  - a. be floodproofed below the elevation recommended under Section 91605.00 (C) (1) so that the structure is watertight with walls substantially impermeable to the passage of water;
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. be certified by a registered professional engineer or architect that the standards of this Section 91605.00 (C)(2) are satisfied. Such certification shall be provided to the Floodplain Administrator.
3. All new construction or substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-91 and TB 7-93, and must exceed the following minimum criteria:
  - a. have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other covering devices provided that they permit the automatic entry and exit of floodwater; or
  - b. be certified by a registered professional engineer or architect.
4. Manufactured homes shall also meet the standards in Section 91605.03.