

# PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: 10/25/2023

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME: 9:00 A.M./No. 2

APPEAL #23-0001

PROJECT TYPE: HouseSavers, LLC. DIST #: 2

LOCATION: 294 W Horne Rd. APNs: 054-091-002-000

El Centro, CA. PARCEL SIZES: 4.76 AC

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

ZONE (existing) A-1-U (Limited Agriculture)(Within Urban Boundaries Only) ZONE (proposed) N/A

GENERAL PLAN FINDINGS  CONSISTENT  INCONSISTENT  MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 10/25/2023

APPROVED  DENIED  OTHER

PLANNING DIRECTORS DECISION: HEARING DATE:

APPROVED  DENIED  OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: N/A

INITIAL STUDY: N/A

NEGATIVE DECLARATION  MITIGATED NEGATIVE DECLARATION  EIR

## DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG. COMMISSIONER	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
DEH/EHS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE/OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
SHERRIFF'S OFFICE	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER _____			<input type="checkbox"/>	ATTACHED

## REQUESTED ACTION:

REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING FOR APPEAL #23-0001 OF THE PLANNING DIRECTOR'S INTERPRETATION OF IMPERIAL COUNTY LAND USE ORDINANCE TITLE 9, DIVISION 5, CHAPTER 7 SECTION 90507.01(a). HEAR ALL THE OPPONENTS AND PROPONENTS OF APPEAL #23-0001, THEN MAKE A DECISION ON ONE OF THE FOLLOWING OPTIONS:

- DENY THE APPEAL, UPHOLDING THE PLANNING DIRECTOR'S DETERMINATION AND REQUIRE THE PROPERTY OWNER TO CORRECT THE VIOLATIONS LISTED ON NOV#01776 AND BRING THE PROPERTY TO COMPLIANCE TO THE ZONING AND LAND USE ORDINANCE; OR
- APPROVE THE APPEAL, FINDING THAT ALL VIOLATIONS BE DISMISSED LISTED ON NOV#01776 AND THAT, HOUSESAVERS, LLC., CONTINUE BUSINESS OPERATIONS WITHOUT COMPLIANCE TO THE ZONING AND LAND USE ORDINANCE.

Planning & Development Services Department

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

(Jim Minnick, Director)

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**STAFF REPORT**  
**Planning Commission**

**Appeal #23-0001 for Notice of Violation #01776**

**Appellant:**           **HouseSavers, LLC**  
                              **294 Horne Road**  
                              **El Centro CA, 92243**

**Location:**

The subject area of the appeal is located at 294 Horne Road, El Centro CA, 92243, also known as Assessor's Parcel Number (APN) 054-091-002-000; legally described as LOT 8 MULTNOMAH ACRES 4.76. The violation that is the subject of the appeal is the hay tarps that lies specifically on the northeasterly side of the parcel, adjacent to the fence line, on an un-cultivated portion of land.

**Case Summary:**

On May 22, 2023, a Notice of Complaint was sent to the property owner on record notifying them of the violations on the property, the requirement to correct the violations, and for the immediate removal of the mobile home/modular units, removal of the unpermitted wood framed storage type building with electrical from the property or obtain the required permit from our office, removal of the cargo container or obtain the required permit for the installation from our office, removal of all the rolled up plastic material from the property, and to discontinue the business of any agriculture or repair businesses on the property.

On June 20, 2023, Victoria Escobar, came into the office regarding the Notice of Complaint. She asked for clarification on the ordinance and stated that the hay tarps are related to her business, HouseSavers, LLC. The purpose of the ordinance was read to her, that the primary use was residential, and that the storing of hay tarps was not allowed on the property since there is no agricultural use on the property. Victoria Escobar stated that the hay tarps are an agricultural accessory to her business as the zone allows, that the ordinance does not specifically state what is the primary use nor does it state that hay tarps are not allowed on her property as zoned.

On July 17, 2023, a meeting was held, as requested by JC Gomez and Victoria Escobar, between Imperial County Planning & Development Services Department Director, Jim Minnick and HouseSavers LLC to discuss the Notice of Complaint; of greater interest to Victoria Escobar and JC Gomez was to discuss the hay tarps being stored on the property. Director Minnick interpreted the ordinance and explained the difference between the A-1, A-2 and A-3 zones. Director Minnick also explained what agricultural farming and agricultural products and commodities are and what is produced from the land when the primary use is farming or an agricultural business. Director Minnick stated that Hay tarps are not an agricultural product but a tool that is used by the farmer to protect their harvested crops. JC Gomez and Victoria Escobar opted to appeal Director Minnick's interpretation to the Planning Commission.

On July 24, 2023, JC Gomez and Victoria Escobar, owners of HouseSavers, LLC., submitted a letter to appeal the interpretation of Planning Director's Interpretation of Imperial County Land Use Ordinance Title 9, Division 5, Chapter 7 Section 90507.01(a) regarding Hay Tarps as an Agricultural Accessory Use.

On October 9, 2023, contacted Victoria Escobar to inform her of the scheduled Appeal date and she stated she would be present.

**Existing Parcels Size:**

Total parcel size = 4.76 acres

Area of violation = Northeastern area of the parcel.

**Violations:**

The property was found to be in violation for the following reason(s):

1. Construction of a wood framed structure with electrical without permit.
2. Installation of a cargo container without a permit.
3. Placement of a single wide mobile home unit on the property (missing siding); repairing unit on the property.
4. Installation of an office trailer behind the residence as a business office.
5. Accumulation of piles of rolled up plastic materials on the property where primary use is a residence.

**Code Sections:**

The violations cited above violate the following code sections:

- Imperial County Land Use Ordinance Title 9 Division 5 Chapter 7
- 2019 California Building Code Section 114.1

**For Compliance:**

The Property can be brought into compliance by taking the following action(s):

1. Removing the mobile home/modular units from the property.
2. Removing the unpermitted wood framed storage type building with electrical from the property or obtain the required permit from our office.

3. Removing the cargo container from the property or obtaining the required permit for the installation from our office and properly install.
4. Removing all of the rolled-up plastic material from the property.
5. Immediately discontinue any ag or repair business; and
6. Calling the Imperial County Planning & Development Services Department for all required inspections so that the permit can be finalized (signed off) to clear the Red Tag and the violation file can be closed out.

**Staff Recommendation:**

Staff recommends that the Planning Commission hold a public hearing, hear all the proponents and opponents of the appeal, and then take the following actions:

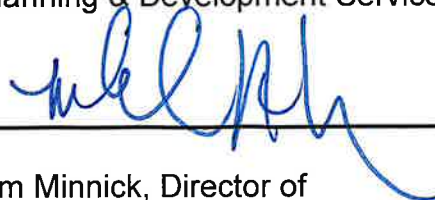
1. Deny the appeal upholding the Planning Director's determination and require the property owner to correct the violations stated on NOV #01776 and bring the property to compliance to the zoning and land use ordinance; OR
2. Approve the appeal, finding that all violations be dismissed listed on NOV #01776 and that HouseSavers, LLC, can continue business operations without compliance to the zoning and land use ordinance.

**PREPARED BY:** Evelia Jimenez, Planner II  
Planning & Development Services



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**REVIEWED BY:** Michael Abraham, AICP, Assistant Director of  
Planning & Development Services



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**APPROVED BY:** Jim Minnick, Director of  
Planning & Development Services



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- ATTACHMENTS:**
- A. Vicinity Map, Zoning Map, and Assessor's Map
  - B. Appeal Letter
  - C. Notice of Complaint
  - D. Photograph of Hay Tarps
  - E. Recap Letter
  - F. Code Section

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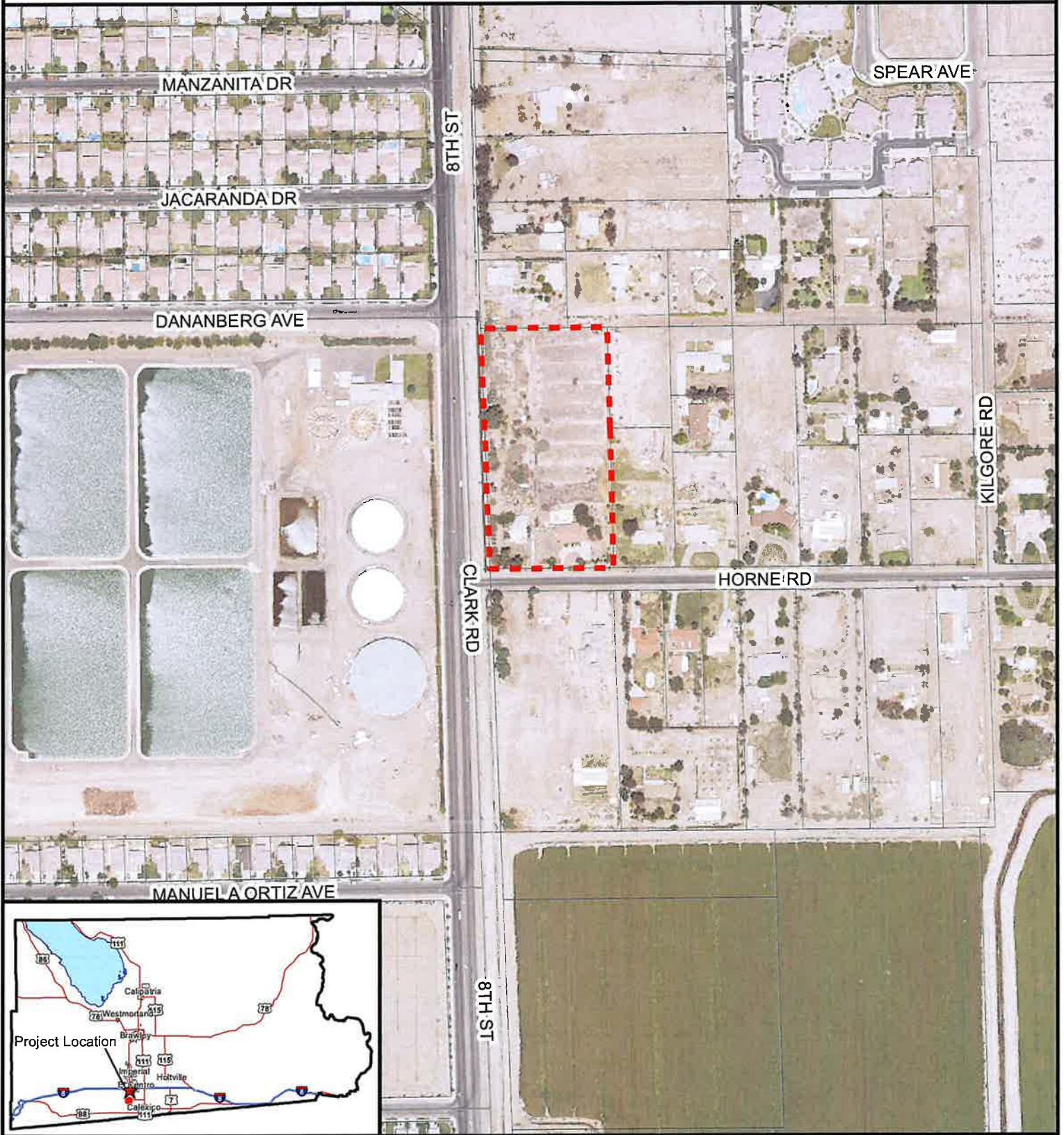
# **Attachment A**

Vicinity Map




Zoning Map

Assessors Map

# PROJECT LOCATION MAP



**APPEAL #23-0001**  
**294 W. HORNE RD EL CENTRO**  
**APN 054-091-002**

-  Project Location
-  Parcels
-  Centerline



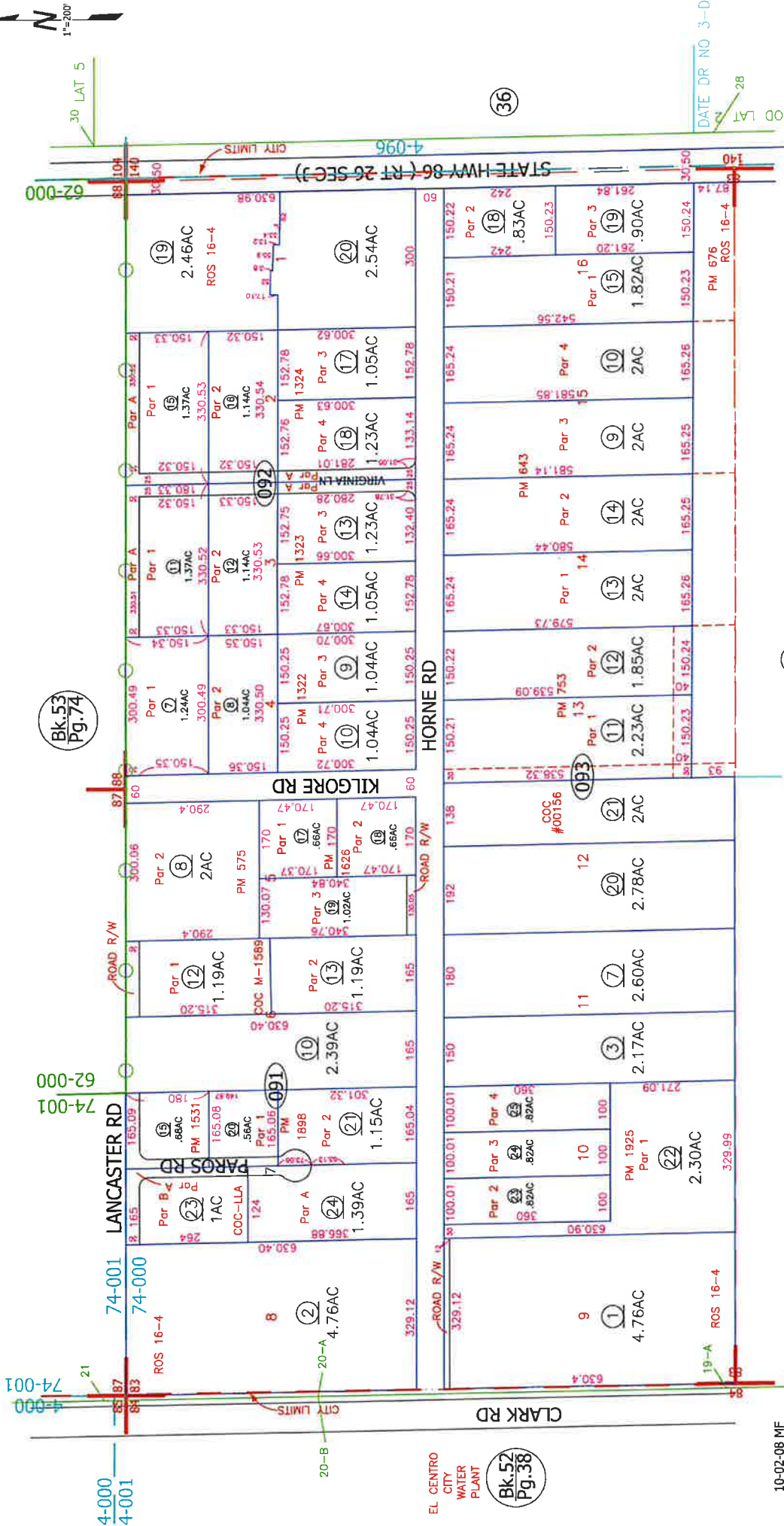




MULTNOMAH ACRES  
N1/2 OF TRACT 83 T16S,R14E  
OM 2-86

Tax Area Code  
74-000

54-09



- 10-02-08 MF
- 08-27-07 MF
- 12-28-05 RM
- 10-14-04 AR
- 05-23-01 AR
- 11-5-98 LS
- 10-28-88 RM
- 3-2-90 LS
- 9-24-98 LS
- 4-2-12 MF
- 9-25-13 MF
- 5-7-09 MF
- 6-26-13 MF

**DISCLAIMER:**  
THIS IS NOT AN OFFICIAL MAP.  
THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR. ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL OR THE ASSESSOR. (REV. & TAX. CODE SEC.327)

Assessor's Map Bk. 54-Pg. 09  
County of Imperial, Calif.

# **Attachment B**

Appeal Letter

JC Gomez  
294 West Horne Rd  
El Centro, CA 92243  
(760)222-5077

Victoria Escobar  
294 West Horne Rd  
El Centro, CA 92243  
(760)222-5014

HouseSavers, LLC  
PO BOX 1700  
El Centro, CA 92244  
(760)222-5077

Re: Appeal of Interpretation of Director

To Whom It May Concern:

This letter is in response to letter dated 7/17/2023, in which we were given the option to file an appeal to the Director's interpretation. As such, we are requesting a hearing date before the Imperial County Planning Commission. The request for this appeal is based on the notion that the Director's interpretation did not fully take into consideration all the available options that are set forth in the Imperial County Land Use Ordinance, Title 9, Division 5, Chapter 7 Sections 90507.01 and Section 90507.02.

Facts:

Imperial County Land Use Ordinance, Title 9, Division 5, Chapter 7 Sections 90507.01(a) reads as follows:

"Accessory agricultural building, structures, and uses, including farm buildings, housing of agricultural workers, garages and implement shelter, provided no livestock or any building or enclosure used in connection with livestock shall be located nearer than one hundred (100) feet to the front lot line, nor nearer than fifty (50) feet to any existing dwelling on any contiguous property, or to any public park or school."

If we analyze this section, specifically the highlighted sections, we can see that there is a permitted use in A-1 zone that allows for *accessory agricultural uses* that includes implements. Accessory agricultural uses can further be defined as:

"Agricultural accessory uses mean those uses and activities that do not meet the definition of "agricultural activities" but that do support, promote, or sustain agricultural activities" (lawinsider.com).

Hay tarps are an important implement to the farming community in the Imperial Valley. They have been proven to help farmers reduce crop waste by up to 50%. Hay tarps not only protect one of the main commodities grown in the Imperial Valley, but they also help in keeping cattle safe from the hot summer sun, another important industry for this County. Accordingly, hay tarps are in integral part for the agricultural community in the Imperial Valley as they help support, promote, and sustain imperative agricultural activities.

While our zoning does not specifically state that we can or cannot run a business on our property. It certainly gives one a lot of options in both Sections 90507.01 and 90507.02, if read upon closely, these sections both give a variety of business-like options that can be applied. Thus, fundamentally allowing for "business-like" operation to occur in zoning like ours.

We are respectfully requesting that hay tarps be considered to be an integral part of the "accessory agricultural uses" outlined in Section 90507.01(a).

Additional supporting documents, will be turned in at a later date.

Regards,



JC Gomez



Victoria Escobar

# **Attachment C**

## Notice of Complaint



# Imperial County Planning & Development Services Planning / Building

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Jim Minnick  
DIRECTOR

May 22, 2023

Housesavers LLC  
P O Box 1700  
El Centro CA 92244

**SUBJECT: NOTICE OF COMPLAINT**  
294 W HORNE ROAD, EL CENTRO, CA (APN 054-091-002-000)

Dear Property Owners:

A complaint was filed with the Imperial County Planning & Development Services Department (ICPDS). The complaint alleges the following:

- Construction of a wood framed structure with electrical without a permit
- Installation of a cargo container without a permit
- Placement of a single wide mobile home unit on the property (missing siding); repairing unit on the property
- Installation of an office trailer behind the residence as a business office
- Accumulation of piles of rolled up plastic materials on the property where primary use is a residence

The above subject property is currently zoned A-1-U (Limited Agriculture within Urban Boundaries Only) per Zone Map 12. The storage and/or repairs of a mobile home or modular office type of business within this zone is strictly prohibited. The construction of a wood storage type of building with electrical without a permit is strictly prohibited. The installation of a cargo container and office trailer without the required permits is strictly prohibited. (ICLUO Title 9 Division 5 Chapter 7; CBC 114.1; CCR Title 25 Section 1018)

*2022 California Building Code Section 114.1 which states "...it shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of the provisions of this code..."*

Please keep in mind that this letter is not an accusation, but is meant as a sincere effort to gain your assistance and bring the problem to your attention and to allow you to correct the problem as soon as possible. If the condition(s) mentioned above is/are not true, please disregard this notice with our apologies.

This letter is being sent to bring the matter to your attention and to allow you the opportunity to correct the violation(s) should the conditions exist. If the condition(s) do exist, we expect that the violation(s) will be taken care of by immediately removing the mobile home/modular units from the property; by removing the unpermitted wood framed storage type building with electrical from the property or obtain the required permit from our office; by removing the cargo container from the property or obtain the required permit for the installation from our office and properly install; by removing all of the rolled up plastic material from the property; and by discontinuing business any ag or repair businesses immediately at this location.

The International Property Maintenance Code Chapter 3 Section 302 states "...the owner of the premises shall maintain the structures and exterior property in compliance...all exterior property and premises shall be maintained in a clean, safe and sanitary condition..."

International Property Maintenance Code Chapter 3 Section 308 states "...exterior property and premises...shall be free from any accumulation of rubbish and garbage..."

Please be aware that a site inspection will be scheduled for on or about June 26, 2023, to check the condition of the property.

**If you should have any questions regarding this matter, please contact our office by calling (442) 265-1736 and this matter with a Planner.**

Sincerely,

Jim Minnick, Director  
I.C. Planning & Development Services

By:

  
Linda Hunt, Permit Specialist

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Jim Minnick, ICPDS Director  
Michael Abraham, AICP, ICPDS Assistant Director  
Diana Robinson, Planning Division Manager  
File: 10.113, APN 054-091-002-000 (NOV01776)

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**Imperial County Codified Land Use Ordinance Title 9 Division 1 Chapter 1 Section 90101.07** states, "...any person, firm or corporation using any facility, building, structure, acreage, lot or parcel of land in violation of any provision of this Title is guilty of a misdemeanor and shall be prosecuted to fullest extent of the law as provided under Division 13..."

**Imperial County Codified Land Use Ordinance Title 9 Division 10 Chapter 2 Section 91002.32**, states "...any person, firm or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment..."

**Imperial County Codified Land Use Ordinance Title 9 Division 13 Chapter 2 Section 91302.01** states, "any condition caused, maintained or permitted to exist in violation of any of the provisions of the County Land Use Ordinances shall be and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law"

# **Attachment D**

Photo of Hay Tarps





Photo Provided by HouseSavers 05/22/2023

# **Attachment E**

## **Recap Letter**



# Imperial County Planning & Development Services Planning / Building

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Jim Minnick  
DIRECTOR

July 17, 2023

Housesavers LLC  
296 W Horne Road  
El Centro CA 92243

**SUBJECT: JULY 11, 2023 MEETING WITH DIRECTOR RE NOTICE OF COMPLAINT (NOV01776)  
296 W HORNE ROAD, EL CENTRO, CA (APN 054-091-002-000)**

Dear Property Owners:

The letter is being generated as a recap (follow up) to your July 11, 2023 (3:00p.m.) meeting with the Imperial County Planning & Development Services Department Director Jim Minnick regarding the Notice of Complaint (NOV01776) sent for the below reasons:

- Construction of a wood framed structure with electrical without a permit
- Installation of a cargo container without a permit
- Placement of a single wide mobile home unit on the property (missing siding); repairing unit on the property
- Installation of an office trailer behind the residence as a business office
- Accumulation of piles of rolled up plastic materials on the property where primary use is a residence

Within said meeting, held at your request, you mention that the office trailer and mobile home will be removed (no problem) you specifically wanted to meet to discuss the "hay tarps" being stored on your property located at the above subject address. Statement was made that the whole intent of purchasing the property was so that you could have the business on the property and store the hay tarps on the property. It was also mentioned that your employees come to the property about 6:00a.m. are gone about 6:15a.m. It was and is your understanding that the "hay tarps" would fall under Imperial County Land Use Ordinance Title 9 Division 5 Chapter 7 Section 90507.01(aa) – storage of agricultural products.

### Interpretation of the Director (07-11-2023)

1. A-1 is for Rural Residential to allow for larger residential living environments
2. A-2, A-3 or Industrial would allow business for farmers to have an implementation yard
3. Agriculture means farming. There is no farming as a primary use at this location.
4. Agricultural products means any agricultural commodity or product, whether raw or processed, coming from the land or derived from livestock. Examples being beef, fruit, vegetables, cotton, sugar, milk, eggs, coffee beans, grains – marketed for human consumption or animal feed
5. Hay tarps is not an agricultural product. Hay tarps are considered a "tool" that is used by the farmer to protect their harvested crop. This property does not have any farming activities or harvested crops. The primary use on this A-1 zoned parcel is rural residential.

### Direction of the Director (07-11-2023)

1. Permit will be needed for the wood structure with electrical and the installation of the cargo container. Please continue to work with staff on your permit application #61700 submitted with our office.

2. The mobile home that was transported to the property without a transportation permit, installation permit or authorization from the County must be removed. A mobile home repair business is not an authorized use in the A-1 Zone.
3. The mobile home trailer/office that was transported to the property and installed towards the rear of the property without a transportation permit, installation permit or authorization from the County must be removed.
4. Hay tarps must be removed from the property. All business activities associated with the hay tarps must be discontinued and
5. Staff will continue reviewing and processing your PM application. The map cannot be recorded until the violations have been cleared on the property.

In the event that any person(s) is aggrieved, by the interpretation of the Imperial County Planning & Development Services Director, the interpretation can be appealed to the Imperial County Planning Commission. The appeal of the interpretation needs to be in writing and needs to provide their specific reason(s) for the grievance.

**Appeal of Decision/Interpretation of Director:**

Appeal must be filed with the Imperial County Planning & Development Services Department within ten (10) calendar days of the Director's decision, requesting a hearing date before the Imperial County Planning Commission. The appeal must be clearly state and include the following:

1. Name of person(s) filing appeal
2. Address and phone number of person(s) filing the appeal
3. Decision or interpretation being appealed
4. Reason for filing appeal
5. Facts, conditions, information, error or other specifics to warrant the appeal
6. Any prior efforts made to arrive at acceptable solution if any
7. Action being requested (i.e. deny, approve, modify condition, etc)
8. Signature of applicant(s)
9. Process Fee = \$650.00

If you should have any questions regarding this matter, please feel free to contact me at (442) 265-1736 extension 1776 or by email at [jimminnick@co.imperial.ca.us](mailto:jimminnick@co.imperial.ca.us).

Sincerely,



Jim Minnick, Director  
IC Planning & Development Services

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Jim Minnick, ICPDS Director  
Michael Abraham, AICP, ICPDS Assistant Director  
Diana Robinson, Planning Division Manager  
File: 10.113, APN 054-091-002-000 (NOV01776)

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Information about the A-1 Zone/Ordinance: <https://www.icpds.com/assets/IS21-0034-TITLE-9-Div-5.pdf>  
I.C. Land Use Ordinance Title 9 Division 5 Chapter 7

**Attachment F**  
Land Use Ordinance

## TITLE 9

### DIVISION 5: ZONING AREAS ESTABLISHED

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

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

#### § 90507.00 PURPOSE AND APPLICATION

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

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

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

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

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

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

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

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

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

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

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

**§ 90507.03 PROHIBITED USES**

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

**§ 90507.04 MINIMUM LOT SIZE**

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

**§ 90507.05 YARDS AND SETBACKS**

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

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



There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of a corner lot, the building shall be setback at least fifteen (15) feet from the edge of right-of-way/property line.

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

There shall be a rear yard setback of not less than five (5) feet, except in the case of a through lot, the designated rear yard shall be equal to the front yard setback.

**§ 90507.06 HEIGHT LIMIT**

Height limits in any district shall be as follows:

1. Residential buildings shall not exceed three (3) stories or forty (40) feet.
2. Detached accessory structures shall not exceed two (2) stories or thirty (30) feet.
3. Radio and television antennae, chimneys and other similar structures shall not exceed sixty (60) feet.

**§ 90507.07 MINIMUM DISTANCE BETWEEN STRUCTURES**

The following requirements apply to the minimum distance separation between structures in the A-1 Zone.

- A. There shall be a minimum distance of ten (10) feet between residential buildings/structures.
- B. There shall be a minimum distance of ten (10) feet between residential buildings and any accessory building. However, there shall be a minimum of fifty (50) feet between any residential building and an accessory structure used to house animals, including pens, coops and other structures. Structures used to house animals shall be a minimum of 100 feet from any public park, school, hospital or similar institution, and a minimum of fifty (50) feet from any adjacent residential structure.

**§ 90507.08 PARKING**

Off street parking in the A-1 Zone shall be provided in accordance with the standards contained in Sections 90402.00 et seq.

**§ 90507.09 SIGNS**

The following signs shall be permitted in the A-1 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Temporary real estate signs not exceeding 20 sq. ft., and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Signs approved in conjunction with a Conditional Use Permit approved for the site.

5. Temporary agricultural signs as allowed by Section 90401.10.

**§ 90507.010 LANDSCAPING**

Landscaping for non-residential development in the A-1 zone shall be the same as the M-1 zone (excluding crop and tree farming). Landscaping for residential development shall be the same as the R-1 zone.

**§ 90507.11 ANIMALS**

The breeding, keeping or maintaining of large or medium size animals shall be limited to the allotted amount as set forth in Section 90507.01 for non-residential uses; however, for residential uses, the following requirements shall apply in the A-1 zone:

- A. Lots greater than  $\frac{1}{2}$  but less than 1 acre net may keep two medium animals per acre provided the separation distances under Section 90507.07 can be achieved.
- B. Lots greater than  $\frac{3}{4}$  acre net may keep and maintain one large animal per  $\frac{3}{4}$  acre up to 5 acres, and one large animal for every 5 acres of lot area thereafter (i.e. 40 acre lot equals 12 large animals). Small animals (i.e. goats, sheep, etc.) shall be allowed at the ratio of 1 large animal equals two small animals. Separation as required under Section 90502.08 shall be met.
- C. Lots allow for the keeping of small fowl, rabbits, birds, provided as follows: they are for domestic or hobby purposes; are maintained within proper enclosed/containment structures; are not free to leave the property; and the number of such animals does not exceed 5 of any one or combination thereof.
- D. The keeping of small domestic pets such as cats and dogs are allowed for non-commercial uses, and the number of such animals does not exceed 5 of any one or combination thereof.
- E. Special project animals considered to be a student oriented fair project that may be sponsored by an agricultural organization such as FFA or 4H may allow for the keeping of one large animal or two medium animals per parcel provided that they are:
  2. For the duration of the FFA/4H or agricultural fair schedule or 7 months maximum whichever is less;
  2. The property owner files an affidavit with the Planning & Development Services Department to verify it is a legitimate special project, including the name of the club, club leader and other information required by the Planning Director.

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

**§ 90507.12 GARAGE/YARD SALES**

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

- A. Sales last no longer than two (2) consecutive days.
- B. Sales are held no more than two (2) times a year.
- C. Sales are contained within the property.
- D. No goods purchased for re-sale are evident.
- E. Directional signs shall be removed immediately after sale ends.
- F. Directional signs shall not exceed 9 square feet.
- G. Directional signs may be placed on public right-of-way provided they do not interfere with traffic.
- H. Directional signs on private property shall have property owners (not tenants) permission.

- I. Directional or other signs not removed within 24 hours after sale ends shall be fined \$50.00.
- J. No signs shall be posted on utility posts/pole, or other highway information or directional sign.
- K. Violation of one or all of items (a) through (j) is a misdemeanor and may be cited as such.

**§ 90507.13 SPECIAL REVIEW PROCEDURE AND DEVELOPMENT STANDARDS**

The following special review procedures and development standards shall apply in the A-1 Zone.

- A. The breeding and raising of livestock permitted pursuant to this section shall be limited to one horse, one donkey, one mule, one cow, one buffalo, one llama, five goats, five sheep, or five other similar size animals per half acre.
- B. Temporary farm stand for the sale of allowed agriculture, horticultural or farming products, permitted within the A-1 Zone shall comply with the following standards:
  - 1. The floor area of the farm stand shall not exceed 600 square feet.
  - 2. The farm stand shall not be located closer than 25 feet from the driveway line of the front yard.
  - 3. The stand shall be erected in such a manner that it can be readily removed.
  - 4. The owner shall remove the stand at his or her own expense, when the stand is not in use for a period of one hundred twenty (120) consecutive days.
  - 5. Customer parking, at the ratio of one car per 100 square feet, with a minimum of two (2) car spaces shall be provided, and shall be surfaced to prevent fugitive dust emissions.
- C. The breeding and raising of livestock in numbers greater than that allowed by subsection A, by minors in conjunction with a student oriented fair project sponsored by a bona fide agricultural organization, such as FFA or 4-H, shall be permitted upon application to and approval by the Director of Planning for a temporary permit. The contents of the application shall contain the following information:
  - 1. Name and address of applicant.
  - 2. Name and address of property owner.
  - 3. Assessor's Parcel Number.
  - 4. Legal description of the property.
  - 5. Name of organization sponsoring applicant.
  - 6. Plot plan showing location of proposed pens, coops, or areas for raising of animals, and principal residential structures, both on site and immediate adjacent to subject site.
  - 7. The signature of the owner of the real property.

**D. TEMPORARY VISITORS USE**

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

1. An R.V. may be connected to utilities and occupied for a period not to exceed two weeks annually per Title 12, Section 04 et al.
2. The R.V. connections are installed to meet applicable Health and Safety Code Regulations, and has been approved by Planning & Development Services Department.
3. The R.V. connections are for the primary use and are not independent service connections.
4. The R.V. is not allowed in or upon any public street or right-of-way or setback area.

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