



# BOARD AGENDA FACT SHEET

<b>CLERK USE ONLY</b>
BOS ACTION
# _____

Planning & Development Services Dept.

April 23, 2024

Department /Agency

Requested Board Date

1. Request:

Board Approval

Information  
Only/Presentation  
Schedule Hearing  
Time:

Other (specify)  
\_\_\_\_\_

<b>11:00 a.m.</b>

2. Requested Action: *Type requested action below*

The Imperial County Planning & Development Services Department respectfully requests that the Board of Supervisors conduct a public hearing to consider actions relating to Appeal #23-0002 filed by HouseSavers, LLC (Juan C. Gomez and Victoria Escobar) appealing the Planning Commission's decision 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 with the land use ordinance:

- Consider Approval or Denial of the following:
  - Deny Appeal #23-0002, upholding the Planning Commission's decision requiring the property owner to correct the violations stated on NOV #01776 and bring the property into compliance with land use ordinance, OR
  - Approve Appeal #23-0002, finding that all violations be dismissed listed on NOV #01776 and that HouseSavers, LLC, can continue business operations without compliance with the land use ordinance.

3. Cost \$ N/A Source: N/A

4. If approval of Contract, reviewed/approved by County Counsel on: N/A

By: N/A

Action Request: N/A

*Assigned by County Counsel's Office*

1. If approval of position allocation change, approved by Human Resources on: N/A

By: N/A

2. Electronic copy submittal date: 03/28/2024 By: Laryssa Alvarado, Administrative Secretary

  
 \_\_\_\_\_  
 Department Head/Agency Representative

**INSTRUCTIONS:** Back-up must be submitted **15 BUSINESS days** prior to requested date. (Please Note a Holiday counts as a Business Day.) Back-up submitted must contain an Original and 2 copies. Copies must be submitted to the County Executive Office double sided and three (3) hole punched. Back-up must be submitted in a PDF format to [vanessasalcido@co.imperial.ca.us](mailto:vanessasalcido@co.imperial.ca.us) and [gracielaalvarez@co.imperial.ca.us](mailto:gracielaalvarez@co.imperial.ca.us)

Reviewed By: \_\_\_\_\_  
Deputy CEO

Reviewed By: \_\_\_\_\_  
Deputy CEO

**CEO/CLERK USE ONLY:**

<b>DATE STAMP</b>
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BOARD DATE: \_\_\_\_\_

Action \_\_\_\_\_

Filing \_\_\_\_\_

Consent \_\_\_\_\_

Presentation \_\_\_\_\_

Hearing \_\_\_\_\_

CEO Approval \_\_\_\_\_

Other (specify) \_\_\_\_\_

\_\_\_\_\_  
CEO

\_\_\_\_\_  
Date



# Imperial County Planning & Development Services Planning / Building

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Jim Minnick  
DIRECTOR

TO: Board of Supervisors

April 23, 2024

FROM: Jim Minnick, Director of Planning & Development Services

M/O \_\_\_\_\_

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**SUBJECT: APPEAL #23-0002 OF THE PLANNING COMMISSION DECISION UPHOLDING THE PLANNING DIRECTOR'S INTERPRETATION OF THE IMPERIAL COUNTY LAND USE ORDINANCE REGARDING HAY TARPS AS AN AGRICULTURAL ACCESSORY USE.**

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Dear Board Members:

**REQUESTED ACTION:**

The Imperial County Planning & Development Services Department respectfully requests that the Board of Supervisors conduct a public hearing to consider actions relating to Appeal #23-0002 filed by HouseSavers, LLC (Juan C. Gomez and Victoria Escobar) appealing the Planning Commission's decision 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 with the land use ordinance:

Consider Approval or Denial of the following:

- a. Deny Appeal #23-0002, upholding the Planning Commission's decision requiring the property owner to correct the violations stated on NOV #01776 and bring the property into compliance with land use ordinance, OR
- b. Approve Appeal #23-0002, finding that all violations be dismissed listed on NOV #01776 and that HouseSavers, LLC, can continue business operations without compliance with the land use ordinance.

**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 Juan Carlos Gomez and Victoria Escobar, between Imperial County Planning & Development Services Department Director, Jim Minnick and owners (HouseSavers LLC) to discuss the Notice of Complaint specifically 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. Juan Carlos Gomez and Victoria Escobar opted to appeal Director Minnick's interpretation to the Planning Commission.

On July 24, 2023, Juan Carlos 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 25, 2023, the Planning Commission hearing was held and Appeal #23-0001 was denied.

On November 07, 2023, an appeal letter was submitted by Juan C. Gomez and Victoria M. Escobar, to be filed with the Board of Supervisors, appealing the Planning Commission's decision denying Appeal #23-0001.

### **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.

### **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 the rolled-up plastic material from the property.
5. Immediately discontinue any agriculture 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.

**Land Use Analysis:**

The project site is zoned A-1-U (Limited Agriculture within Urban Boundaries Only) per Zoning Map #12 (Title 9, Section 90507.00). The surrounding land use analysis is as follows: to the East and South, is A-1-U (Limited Agriculture within Urban Boundaries); to the North, A-1-U (Limited Agriculture within Urban Boundaries) and City of El Centro city limits; to the West, is City of El Centro city limits.

Attachment A	Vicinity Map
Attachment B	Appeal letter
Attachment C	Notice of Complaint
Attachment D	Photograph of Hay Tarps
Attachment E	Recap Letter
Attachment F	Code Section
Attachment G	Public Comments
Attachment H	PC Package

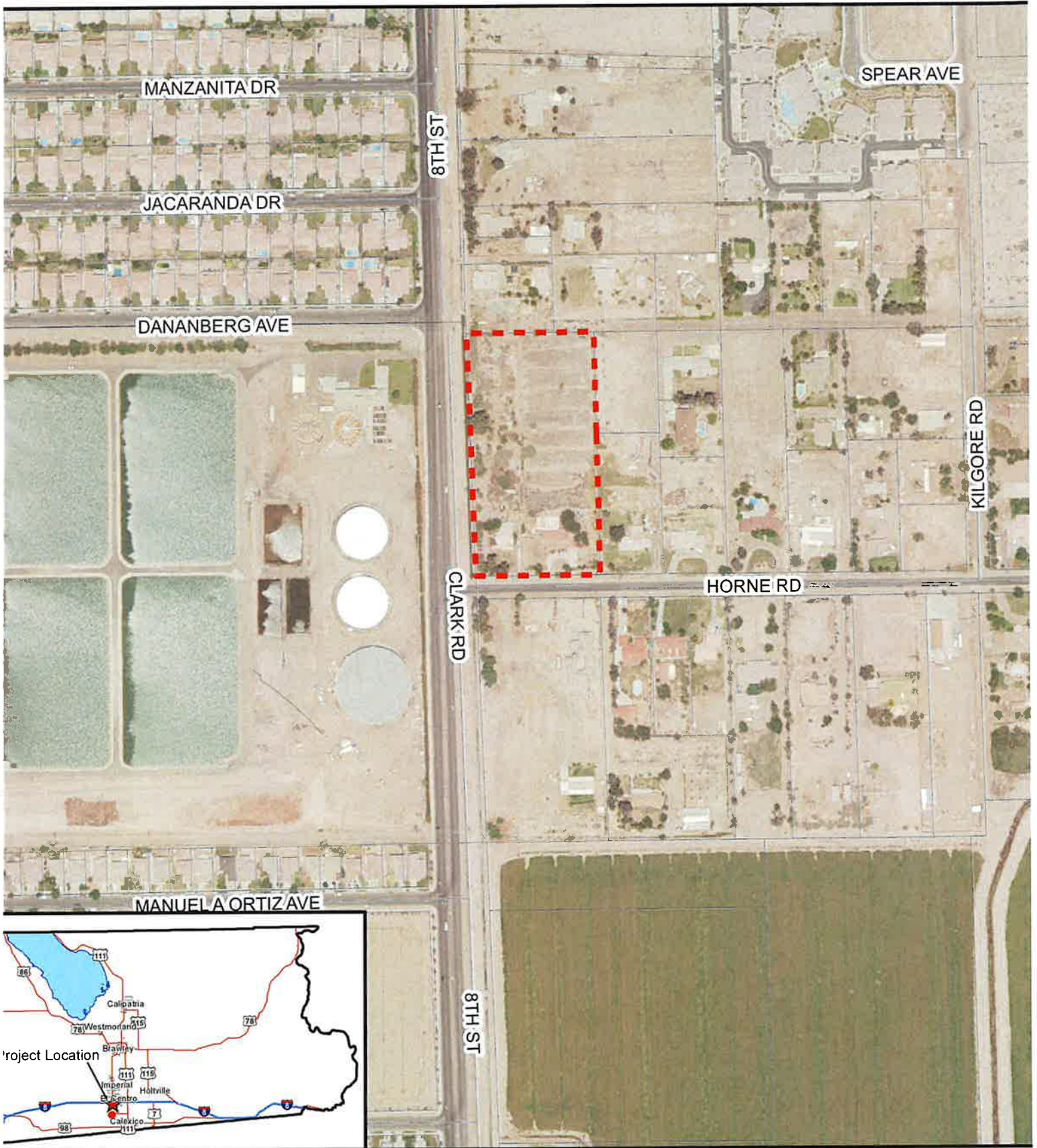
cc: Miguel Figueroa, County Executive Officer  
Erik Havens, County Counsel  
Jim Minnick, Director of ICPDS  
Michael Abraham, AICP Assistant Director of ICPDS  
Diana Robinson, Planning Division Manager  
Evelia Jimenez, Planner II  
APP23-0002; APN 054-091-002-000  
Files 10.105, 10.101, 10.102, 10.110, 10.104; 40.103, 40.110, 40.111



**ATTACHMENT A**  
**Vicinity Map**



# PROJECT LOCATION MAP



**APPEAL #23-0002**  
**294 W. HORNE RD EL CENTRO**  
**APN 054-091-002**

-  Project Location
-  Parcels
-  Centerline





**ATTACHMENT B**  
**Appeal Letter**

**RECEIVED**

**NOV 07 2023**

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**

November 6, 2023

Mr. Jim Minnick, Director of Planning & Development Services  
County of Imperial  
801 Main Street  
El Centro, CA 92243

**SUBJECT: HouseSavers, LLC—Appeal of Planning Commission Decision—Appeal # 23-0001**

Dear Mr. Minnick,

This letter services as the formal request by HouseSavers, LLC (property owner) to appeal the decision by the County of Imperial Planning Commission of the denial of Appeal #23-0001 in accordance with Imperial County, CA—Code of Ordinances Section 90104.5.B.

In accordance with Section 90104.5B., the following is provided via this letter.

1. A written appeal is filed within ten business days from the planning commission's decision;  
**Response: This letter dated November 6, 2023 is provided as the written appeal and is filed with the County on November 6, 2023, within the ten day appeal period.**
2. The request is filed with the planning director;  
**Response: this letter is specifically addressed to Mr. Jim Minnick, Director of Planning and Development Services and was delivered to his office on November 7, 2023.**
3. The requisite fees are included;  
**Response: the fee is \$1000 which was paid upon delivery of this letter.**
4. The written appeal clearly states the following:
  - a. Name of person(s) filing appeal,  
**Response: Victoria M. Escobar and Juan C. Gomez—owner's of HouseSavers, LLC (property owner)**
  - b. Address and phone number of person(s) filing appeal,  
**Response: Address—294 West Horne Rd, El Centro, CA 92243  
Phone—760.222.5014**
  - c. Project/decision being appealed,  
**Response: Appeal #23-0001—Project denied by the Planning Commission on October 25, 2023**



d. Reason for filing appeal,

**Response: The request for this appeal is based on the notion that the Planning Commission and Planning Director did not take into consideration the Imperial County General Plan Agricultural Element, which protects agricultural operations, activities, and industries. As well as the lack of consideration that hay tarps are inherently included under one of 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. Most of the comments and objections stemmed from the idea that an A1U property is strictly residential.**

e. Facts, condition(s), information, error, or other specifics to warrant appeal,

**Response: In order to understand our request, I will provide some background information. Victoria M. Escobar and Juan C. Gomez own HaySavers, an agricultural services company that caters to the hay and cattle industries. HaySavers provides hay covering services to hay presses and farmers throughout the Imperial County. Hay tarps are an important implement to the farming community in the Imperial County as they have been proven to help farmers reduce crop waste by up to 50%. HaySavers not only covers hay, but we also cover seed, fertilizer, provide shades for cattle and pollinating bees, as well as liners for retention ponds and canals. Accordingly, hay tarps are an integral part of the agricultural community as they help support, promote, and sustain imperative agricultural activities.**

**HaySavers' business operations are as follows: we have two Dodge Ram work trucks that are parked in the back of our property. We stage our tarps on our property. We have 3-4 employees, who park their vehicles in our back yard (we have 4.76 acres). Our employees' daily routine consists of them clocking in at 6am, getting their water jugs ready, loading the trucks with the required daily tarps, and leaving our property within 15-20 mins after clocking in to work on haystacks throughout the Imperial County and hay press. Our employees take all their breaks and lunch at the location they are working on and only come back to our property to clock out. There are no loud noises or too much movement at either clock in/clock out. The tarps at our property are organized by size, we are working on getting a privacy fence around the property to reduce visibility. The tarps do not emit any type of smell and are in fact fire retardant. Dust is controlled by gravel, grass, and scheduled water buffalo use.**

**It is no surprise to anyone who lives in Imperial County that the agriculture industry is responsible for 1 in every 6 jobs in the county and the agriculture industry contributed over \$4.3 billion dollars to the local economy in 2019 (Imperial County Farm Bureau).**

In fact, the County of Imperial adopted the Agricultural Element to be used in conjunction with the County's General Plan. The Imperial County General Plan Agricultural Element Section I(A) states the following:

***"The Agricultural Element and the implementing County Ordinances for agricultural operations, activities, and industries shall ensure compatibility with adjacent land uses and provide clear guidelines for decisions in agricultural areas."***

Section I(B) further states,

***"This Element is intended to be a comprehensive, internally consistent, and long-term expression of community goals with regard to agriculture and will serve as the foundation for development decisions by the County Board of Supervisors. An overall purpose of the Element is to describe the status and trends of agricultural resources in the planning area and to identify the goals, objectives, policies, and measures and time frames related to conserving agricultural lands while minimizing or avoiding conflicts with urban and other land uses. "***

Section II(C)(a) even includes the "Right-to-Farm" Ordinance which reads as follows:

**IMPORTANT NOTICE  
FROM THE BOARD OF SUPERVISORS OF IMPERIAL COUNTY DISCLOSURE REQUIRED  
BY IMPERIAL COUNTY CODIFIED ORDINANCE SECTION 62103  
RIGHT TO FARM**

***The County of Imperial permits operation of properly conducted agricultural operations within the County. If the property you are purchasing or own is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconvenience or discomfort arising from such operations. Such discomfort or inconvenience may include, but are not limited to: noises, odors, light, fumes, dust, smoke, insects, chemicals, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the Inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Imperial County has established a grievance committee to assist in the resolution of any disputes which might arise between residents of this county regarding agricultural***

***operations. If you have any questions concerning this disclosure, please contact the Agricultural Commissioner's Office at 339- 4314.***

***Although a major intent of this ordinance is to reduce the loss to the County of its agricultural resources, an important, related purpose is to promote a good neighbor policy by advising purchasers and users of adjacent properties about the potential problems and inconveniences associated with agricultural operations.***

**It is important to further clarify that Division 2, Title 6 of the Codified Ordinances of the County of Imperial § 62951 (a) and (b) define agricultural land and agricultural operations as follows:**

**§ 62951 (a) "Agricultural Land" shall mean all that real property within the boundaries of Imperial County currently used for agricultural operations or upon which agricultural operations may in the future be established.**

**§ 62951 (b) "Agricultural Operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, application of agricultural chemicals, frost protection, cultivation, growing, harvesting, packing and processing of any agricultural commodity, including production of vegetables, fruits, forage, grain seeds, fiber and all other plants; viticulture, horticulture, apiculture, aquaculture; the raising of livestock, fur bearing animals, game birds and all other kinds of animal husbandry; the culture or breeding of livestock, poultry, fish, marine life, and all other types of animal or plant life; and commercial practices performed as incident to or in conjunction with such agricultural operations, inclusive of the operation of equipment (including agricultural aircraft, and machinery); selling, processing, packing, preparation for market, delivery to storage or market or to carriers for transportation to market. Agricultural operations shall also include innovative and experimental methods of accomplishing agricultural operations when such methods are found and determined to be a reasonable alternative, or improvement, to currently accepted methods of operation.**

**The Imperial County General Plan Agricultural Element Section III(B)(3.1) states:**

***"Objective 3.1 The primary use of any parcel designated "Agriculture" on the Land Use Plan shall be agricultural production. Residential uses in such areas must recognize that this primary use of the land may create nuisances such as flies, odors, dust, noise, night light, and chemical spraying. "***

**Section III(B)(9.3)**

***"Objective 9.3 Utilize the following guidelines to analyze the suitability of a proposed agricultural service use:***



- *it does not adversely affect agricultural production in the area;*
- *It supports local agricultural production;*
- *It is compatible with existing agricultural activities and residential uses in the area;*
- *it does not require the extension of sewer or water lines. “*

Finally, Section (IV)(A) of the Imperial County General Plan Agricultural Element states:

*“Imperial County has utilized its productive soils, access to water, climate, and other resources to develop into one of the most agriculturally productive regions in the world. Based on information developed for the Agricultural Element of the General plan, it is clear that the County can and should take additional steps to provide further protection for agricultural operations and at the same time provide for logical, organized growth of urban areas.”*

While our zoning does not specifically state we can or cannot run a business on our property and/or have our hay tarps, it certainly gives on a lot of options in both Sections 90507.01 and 90507.02 of Title 9, Division 5, Chapter 7. If read upon closely, these sections give both a variety of business-like options that can be applied. Thus, fundamentally allowing for ‘business-like’ operations to occur in zoning like ours.

f. Prior effort(s) made to arrive at acceptable solution if any,  
**Response:** Victoria M. Escobar and Juan C. Gomez have met with Mr. Jim Minnick and different County Planners to come to a resolution where we can continue to run our business from our property. We have asked if we would be allowed a variance or Conditional Use Permit, but we have been unsuccessful in moving on from one of the first sentences found in Title 9, Division 5, where if you read further along opens up options that are clearly agricultural in nature and can encompass hay tarps.


g. Action being requested (i.e., deny project, approve project, modify conditions, etc.).

**Response:** The applicant/property owner is requesting that the Board of Supervisors overturn the Planning Commission’s decision to uphold the Planning Director’s interpretation and so allow to HaySavers to continue operations at 294 West Horne Rd, El Centro, as permissible by Title 9, Division 5, in conjunction with the Imperial County General Plan Agricultural Element. Or, grant HaySavers a variance or Conditional Use Permit to continue its operations.

h. Signature of appellant.

Response:

 11/7/23  
Victoria M. Escobar Date

 11/7/2023  
Juan C. Gomez Date

**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)

lh/S:\AllUsers\APN\054\091\002\NOV01776\NOV01776 Notice of Complaint.docx

**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**  
**Photograph of Hay Tarps**





Photo Provided by HouseSavers 05/22/2023

**ATTACHMENT E**  
**Recap letter**





# Imperial County Planning & Development Services Planning / Building

**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)

lh/S:\AllUsers\APN\054\091\002\NOV01776\NOV01776 Meeting Recap - Director Interpretation.docx

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**  
**Code Section**

TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

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

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

§ 90507.00 PURPOSE AND APPLICATION

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

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

§ 90507.01 PERMITTED USES IN THE A-1 ZONE

The following uses 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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**ATTACHMENT G**  
**Public Comments**



# Imperial County Planning & Development Services Planning / Building

**Jim Minnick**  
DIRECTOR

**December 22, 2023**  
**REQUEST FOR REVIEW**  
**AND COMMENTS**

The attached project and materials are being sent to you for your review and as an early notification that the following project is being requested and being processed by the County's Planning & Development Services Department. Please review the proposed project based on your agency/department area of interest, expertise, and/or jurisdiction.

- | To: County Agencies  | State Agencies/Other   | Cities/Other   |
|--|--|--|
| <input checked="" type="checkbox"/> County Executive Office – Rosa Lopez/Miguel Figueroa                               | <input checked="" type="checkbox"/> IC Sheriff's Office – Robert Benavidez/Fred Miramontes/Ryan Kelley     | <input checked="" type="checkbox"/> IID – Donald Vargas  |
| <input checked="" type="checkbox"/> Public Works – Carlos Yee/John Gay   | <input checked="" type="checkbox"/> City of El Centro-Angel Hernandez                                      | <input checked="" type="checkbox"/> IC Fire/OES Office – Andrew Loper/ Sal Flores/Robert Malek/ David Lantzer        |
| <input checked="" type="checkbox"/> Ag. Commissioner – /Margo Sanchez/Antonio Venegas/ Ashley Jauregui/ Jolene Dessert | <input checked="" type="checkbox"/> Fort Yuma- Quechan Indian Tribe – Jordan D. Joaquin/ H. Jill McCormick | <input checked="" type="checkbox"/> EHS – Jeff Lamoure/Mario Salinas/ Alphonso Andrade/Jorge Perez/Vanessa R Ramirez |
| <input checked="" type="checkbox"/> County Counsel- Eric Havens  | <input checked="" type="checkbox"/> Campo Band Of Mission Indians - Marcus Cuero/Jonathan Mesa             | <input checked="" type="checkbox"/> APCD – Monica Soucier/Belen Leon/Jesus Ramirez                                   |
| <input checked="" type="checkbox"/> Board of Supervisors- Luis Plancarte Dist #2                                       |  |  |

From: Evelia Jimenez Planner II - (442) 265-1736 or [ejimenez@co.imperial.ca.us](mailto:ejimenez@co.imperial.ca.us)

Project ID: Appeal #23-0002

Project Location: 294 W. Home Rd., El Centro Ca 92243 APN 054-091-002

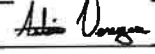
Project Description: The applicant is appealing Planning Commission rejection of Appeal #23-0001. The applicant appealed the Planning Director's Interpretation of the Imperial County General Plan Agricultural Element and the lack of consideration that the applicants hay tarp business be considered under the available zone ordinance options to operate on their property.

Applicants: HouseSavers LLC

Comments due by: **January 3<sup>rd</sup> 2024 at 5:00PM**

COMMENTS: (attach a separate sheet if necessary) (if no comments, please state below and mail, fax, or e-mail this sheet to Case Planner)

No comment (Previous comments from EEC Meeting still stand)

Name: Antonio Venegas Signature:  Title: Agricultural Biologist / Standards Specialist IV

Date: 12/27/2023 Telephone No.: (442) 265-1500 E-mail: antoniovenegas@co.imperial.ca.us

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AIR POLLUTION CONTROL DISTRICT



January 4, 2024

Mr. Jim Minnick  
Planning Director  
801 Main Street  
El Centro, CA 92243

SUBJECT: Appeal 23-0002 for rejection of Appeal 23-0001 – HouseSavers LLC

Dear Mr. Minnick,

The Imperial County Air Pollution Control District (Air District) thanks you for the opportunity to review and comment on Appeal 23-0002 (Project). Appeal 23-0002 is appealing the, October 25, 2023, Planning Commission's rejection of Appeal 23-0001 which appealed Notice of Violation (NOV) #01776, issued by Imperial County Planning & Development Services (ICPDS) on May 22, 2023. The applicant is appealing the Planning Director's interpretation of Imperial County General Plan Agriculture element and zone ordinances applicable to the property seeking to continue operating a hay tarp business from said property. The project is located at 294 W. Horne Rd., El Centro also identified as Assessor's Parcel Number 054-091-002.

Regarding the appeal, the Air District reviewed its rules, regulations, and definitions within, and determined they are neutral to the appeal and do not impact the Planning Director's interpretations or considerations for this project.

As a reminder to the applicant, while the Air District's rules and regulations do not affect the appeal, they are still applicable, and compliance with all Air District rules and regulations is necessary.

For your convenience, the Air District's rules and regulations are available via the web at <https://apcd.imperialcounty.org/rules-and-regulations/>. Please feel free to call our office at (442) 265-1800 should you have any questions or concerns.

Respectfully,

Ismael Garcia  
Environmental Coordinator II

Reviewed by,  
Monica N. Soucier  
APC Division Manager



**ATTACHMENT H**  
**PC Packages**



# 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 _____				

## **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:

1. 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
2. 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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PC ORIGINAL PRG

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

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

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

**Location:**

The subject area of the appeal is located at 294 Horne Road, EI 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.

**PC ORIGINAL PKG**

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



---

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



---

**PC ORIGINAL PKG**



- 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**

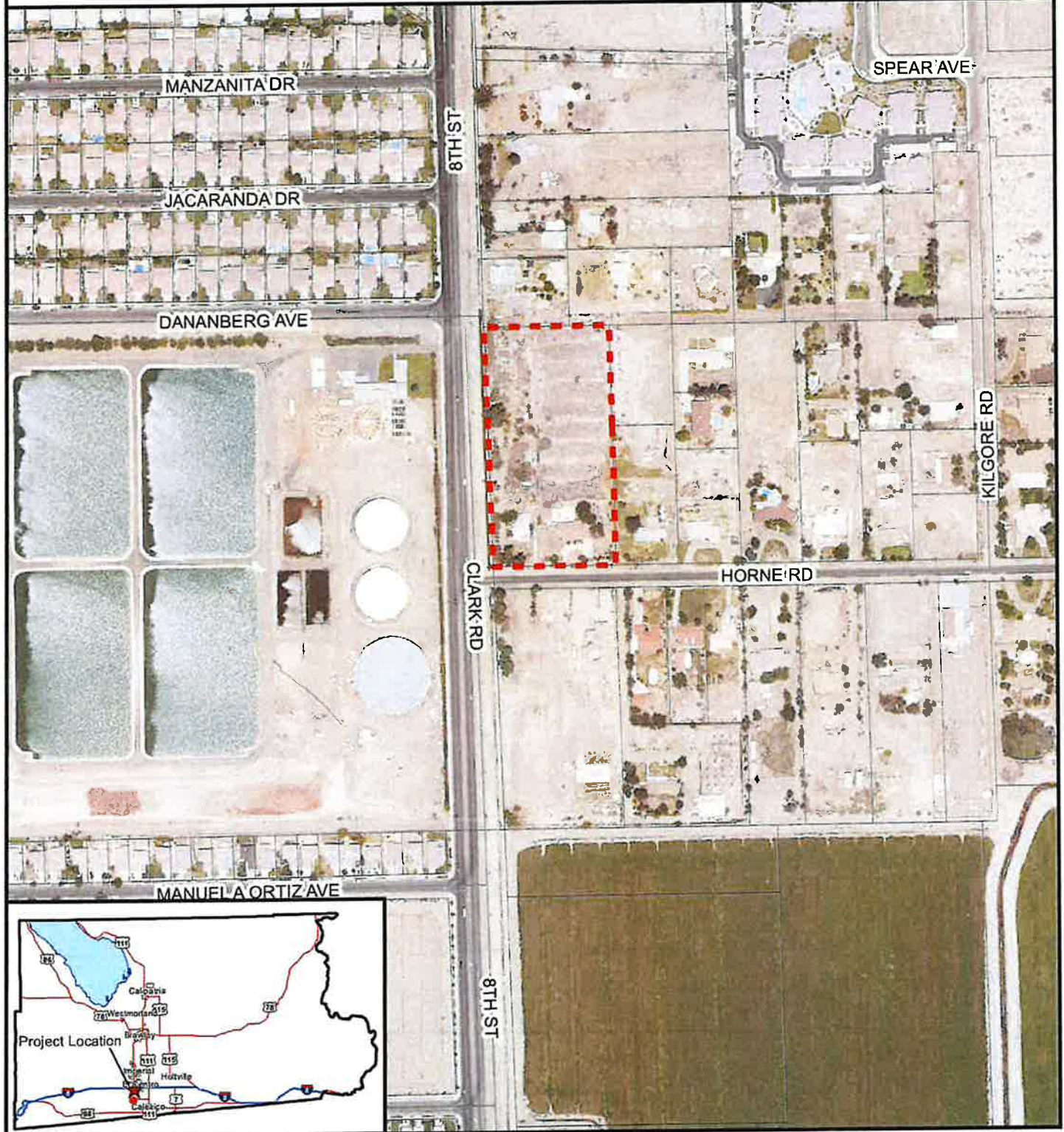
Vicinity Map

Zoning Map

Assessors Map



# PROJECT LOCATION MAP



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

PC ORIGINAL PKG

-  Project Location
-  Parcels
-  Centerline











**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).

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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

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## 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

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**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

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# **Attachment F**

## **Land Use Ordinance**

**PC ORIGINAL PKG**

TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

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

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

§ 90507.00 PURPOSE AND APPLICATION

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

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

§ 90507.01 PERMITTED USES IN THE A-1 ZONE

The following uses 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

Division 5 Adopted November 24, 1998 (Amended December 16, 2003) (Amended August 3, 2004) (Amended October 31, 2006) (Amended January 29, 2008) (Amended July 2, 2013 MO#12) (Amended December 9, 2014) (Amended April 18, 2017) (Amended October 15, 2019) (Amended December 15, 2020) (Amended February 8, 2022)

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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