

## TITLE 9

### DIVISION 5: ZONING AREA ESTABLISHED

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#### CHAPTER 8: A-2 (GENERAL AGRICULTURE) A-2-R (GENERAL AGRICULTURAL RURAL ZONE)

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#### § 90508.00 PURPOSE AND APPLICATION

The purpose of the A-2 (General Agriculture), [40 Acre minimum] Zone is to designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses.

#### § 90508.01 PERMITTED USES IN THE A-2 ZONE

The following uses and all others determined to be similar to these uses, provided they meet the requirements of this Title, are permitted within the A-2 Zone.

- a) All agricultural and grazing uses, including breeding and/or grazing of animals as follows:
  1. On parcels greater than 30 acres, no limit for temporary or transitory grazing provided primary food source is a product grown on site and any import is a supplement and does not generate significant vector breeding (Strictly prohibited unless approved by CUP are: livestock feed lots; hog ranches, dairies, animal sales yards, cotton gins, dehydration units, labor camps, packing plants and other similar intense uses).
- b) On parcels less than 30 acres and parcels contiguous to four (4) or more homes:
  1. Large animals (cattle, horses, etc.) not to exceed one (1) per half (½) acre;
  2. Medium animals (goats, sheep, swine, etc.) not to exceed five (5) per half (½) acre;
  3. Small animals (poultry, rabbits, etc.) not to exceed five (5) per half (1/2) acre;
  4. (All such animals shall be maintained at least 50 feet from any residence).
- c) Strictly prohibited unless approved by CUP are: livestock feed lots; hog ranches, dairies, animal sales yards, cotton gins, dehydration units, labor camps, packing plants and other similar intense uses.
- d) Animal Grooming, (no boarding of animals)
- e) Any Agricultural use permitted in the A-1 Zone, under § 90507.01
- f) Aquaculture to allow for the growing and harvesting of algae, fish, frogs, shrimp and similar aquatic products. This includes shipping but does not include processing.
- g) A "temporary" mobile home or recreational vehicle serving as a temporary residence during construction of a single family home, meeting the requirements specified in 90508.11 (D).
- h) Employee Housing
- i) Fish farms and frog farms (no processing)
- j) Day Care home for less than five (5) people
- k) Farm stand for products grown locally (no processing)
- l) General retail sales for products grown on site (no processing)
- m) Mineral exploration
- n) Oil, gas and geothermal exploration

- o) One Single family dwelling
- p) Residential accessory structure(s)
- q) Residential care facility serving five (5) or fewer persons
- r) Agricultural accessory structure(s) (including cargo containers)
- s) Single day fund raising event provided it is held no more than twice per year in an approved (meeting all Health and Safety, Traffic & Fire Code regulations) structure or facility. Any such event shall notify the Planning & Development Services Department, Public Works and Fire/OES at least sixty (60) days prior to the event and request a written approval. The County shall inspect the facilities and may upon compliance with applicable regulations approve the use. If the facility does not or cannot meet the minimum requirements the County shall not approve and the event shall not be held at the specified location.
- t) Solar energy extraction generation provided that it is for on-site consumption only.
- u) The growing and harvesting of all types of crops including but not limited to the following: Berry crops, Bush crops, Field crops, Fish farms and Frog Farms, Flowers and horticultural Specialties, Green house, Nursery, Nut and fruit trees, Timber, Vegetables, Vine crops
- v) Wildlife Preserve
- w) Wind driven electrical generator for on-site consumption of electricity.
- x) Home Occupation per Division 4, Chapter 4 (home occupation permit required).

**§ 90508.02 USES PERMITTED WITH CONDITIONAL USE PERMIT**

The following uses and all others determined to be similar to these uses are permitted in the A-2 Zone, subject to securing a Conditional Use Permit in accordance with standards and procedures set forth within this Title.

- a) Abattoir or animal slaughter
- b) Additional dwelling unit (one additional) unit per legal parcel, not to exceed two (2) per legal parcel which cannot then be subdivided at a later date
- c) Agricultural related trucking business (trucking predominantly agricultural products)
- d) Airports or aircraft landing fields Airport for private non-commercial use and agricultural air applicators
- e) Animal hospitals, kennels and veterinarians office
- f) Animal Kennel or boarding facility
- g) Animal sales yards or stockyard
- h) Animal shelters
- i) Animal slaughter and/or meat packing facilities
- j) Animal training facility
- k) Breeding and raising of animals in excess of the limits specified in 90508.01,
- l) Cemetery or Mausoleum,
- m) Cheese & other dairy product manufacturing
- n) Chickory processing facilities
- o) Circus or carnival, Country Club, or other amusement facilities
- p) City, County, State, and Federal enterprises, including buildings, facilities and uses of departments or institutions thereof which are necessary or advantages to the general welfare of the community
- q) Cold storage facilities for agricultural products only,
- r) Commercial nurseries
- s) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc... (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- t) Concrete or Asphalt Batch Plant (Temporary, less than 180 days),
- u) Contract Harvesting businesses.
- v) Cotton gins
- w) Dairies
- x) Dehydration mills
- y) Electrical generation plants (less than 50 mw)
- z) Electrical Power Generating Plant excluding nuclear or coal fired,
- aa) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv).

- bb) Equestrian establishments, stables and riding academies
- cc) Facilities for the transmission of electrical energy (100-200 kv)
- dd) Farm equipment rental agencies
- ee) Farm implement sales and farming related metal fabrication
- ff) Farm labor housing for on site farm employees
- gg) Fireworks; assembly and storage according to §90501.16
- hh) Flood Control Facility
- ii) Fruit and vegetable packing plants
- jj) Geothermal test facilities, Intermediate projects, and major exploratory wells
- kk) Grain storage and loading facilities
- ll) Gun Club
- mm) Hay processing and storage
- nn) Heliports
- oo) Hunting and fishing clubs
- pp) Institutions of a philanthropic nature
- qq) Land application of sludge or similar "waste" material to agricultural land
- rr) Livestock feed yards or stockyards to include onsite agricultural material composting
- ss) Manufacturing building materials from agricultural products
- tt) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under State or Federal law, to be approved exclusively by an agency or agencies of the State and/or Federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters.
- uu) Major Geothermal projects overlay zone
- vv) Meat and fish packing plants
- ww) Mining and Mineral Extraction,
- xx) Poultry farming including hatching, breeding, butchering, processing or shipping of chickens, turkeys or other fowl or poultry, including eggs.
- yy) Public Agency Structure
- zz) Racetrack or Test track including automobile, bicycle, horse or motorcycle,
- aaa) Resource extraction and energy development,
- bbb) Scale repair facility (truck or other large unit)
- ccc) Seed mills
- ddd) Small ethanol plant with a capacity not to exceed one million gallons a year,
- eee) Solar Energy Electrical Generator
- fff) Temporary Real Estate offices or Construction office/yard,
- ggg) Trade Fairs and Exhibits (temporary, less than ten (10) days)
- hhh) Transfer Station for solid waste
- iii) Transportation, Treatment Units (TTU's) which are used to process/treat hazardous and/or non-hazardous waste/material and which may or may not require permit from such agencies as Department of Health Services, Regional Water Quality Control Board and Air Pollution Control Board. TTU's shall not be allowed in any zone without the issuance of a Conditional Use Permit. TTU's shall only be considered for permitting if there is an existing industrial, manufacturing or commercial use, and then only for a limited period not to exceed ninety (90) days.
- jjj) Waste to energy facility less than 10 megawatt,
- kkk) Water and/or Wastewater Treatment Plant,
- lll) Wind Driven Electrical Generator, for commercial sale

**§ 90508.03 PROHIBITED USES**

All other uses not expressly permitted by Section 90508.01 or 90508.02 are prohibited.

**§ 90508.04 MINIMUM LOT/PARCEL SIZE**

No portion of any lot within the A-2 Zone shall contain less than forty (40) acres gross (existing parcels at time of adoption of this Title are legal), except in the case of a conveyance to or from a governmental agency or public entity, for public purpose, public utility purpose (non-fee) right-of-way. The intent is to maintain agricultural and in the largest farmable parcel configurations.

## EXCEPTION:

### LOT REDUCTION EXCEPTION #1

Notwithstanding Section 90508.04, the Planning Director or Planning Commission may approve a parcel map creating no more than two (2) parcels where one or both of the parcels is smaller than the applicable minimum parcel size only if the following conditions can be met.

- a. The subdivision is to authorize conveyance of a single family dwelling which was actually constructed prior to April 1, 1976.
- b. The subdivider agrees to convey and surrender development rights to the County covering a sufficient remainder of property to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zone in which the property is located. Such a conveyance shall be in a form approved by the Planning Director and shall be recorded with the final parcel map.
- c. Compliance is made with all other requirements contained in this Title.

### LOT REDUCTION EXCEPTION #2

Notwithstanding Section 90508.04, the Planning Director or Planning Commission may approve a parcel map creating no more than four (4) parcels where one or all of the parcels is smaller than the applicable minimum parcel size only if all of the following conditions and findings can be met.

### CONDITIONS

There are existing small parcels within identified existing enclaves that meet all (a.-e.) of the following parameters:

- a. The existing and the proposed parcels meet or can meet minimum health and safety standards for potable water, for fire protection, for police protection and for sewage disposal.
- b. There are six (6) or more existing small contiguous parcels (1/2 to 10 acres maximum) within a confined area.
- c. There are at least six (6) existing residences within the enclave.
- d. The enclave consists of parcels sized to allow further division while still meeting minimum parcel sizes that can meet the requirements of this Division.
- e. The further division of land within the enclave does not promote the enlargement of the outer boundary of the area.

### FINDINGS

To allow divisions of land within an identified enclave the Commission and/or Board of Supervisors must be able to make the following findings:

- a. The division is within an impacted enclave that will not adversely impact surrounding agricultural operations,
- b. The division enhances agricultural land protection by converting existing impacted land more efficiently and by keeping other agricultural land protected

- c. The division is within an existing enclave of five (5) or more shall (<10 acre) parcels, and five (5) or more existing residences,
- d. The parcel (s) shall not be less than .5 acres net if a full soils report shows adequate soil conditions to support development and long term sewage disposal capacity. Larger size parcels will be required, if the soil report or other factors necessitate,
- e. The area can be provided adequate fire and police protection services. A written statement from the Fire Department and the Sheriff/Police Department shall be required,
- f. The division can mitigate and comply with added traffic impacts,
- g. The proposed division has an adequate supply of water to each parcel, through an acceptable conveyance system, and can or will provide potable water to each parcel,
- h. Each existing, as well as proposed parcel, abuts a public road or highway and/or has legal and physical access via a County road,
- i. The long term impacts of additional sewage disposal system within the enclave is verified and can sustain the additional loads as shown by acceptable engineering studies.

**§ 90508.05 MINIMUM LOT AREA/DWELLING UNIT**

There shall be no more than one principal single family dwelling per legal lot in the A-2 Zone. There shall be a minimum of one acre per dwelling unit. There shall be a minimum of 30,000 square feet for any additional dwelling unit that may be allowed.

**§ 90508.06 SETBACKS**

The following yard setback requirements shall apply in the A-2 Zone.

**A. FRONT YARD.**

The minimum front yard setback for all buildings within the A-2 Zone shall be 30 feet from the front yard property line or edge of public right-of-way, or in absence of a known (identifiable) property line, 80 feet from centerline of any existing or proposed secondary road or highway. In no case shall the front yard minimum setback be less than 30 feet from the edge of right-of-way.

**B. SIDE YARD**

Side yard setback on each side of any building of not less than five (5) feet, except that on street sides of a corner lot, the building shall be setback a minimum of thirty (30) feet from the edge of right-of-way.

**C. REAR YARD**

There shall be a rear yard setback of not less than ten (10) feet for all structures, except that in the case of through lots that designate rear yard shall be the equivalent of the front yard.

**§ 90508.07 HEIGHT**

The following height limits apply in the A-2 Zone.

- A. Residential buildings shall not exceed three (3) stories in height or forty (40) feet.

- B. Radio and television antennae, chimney and other residential accessory features, structures, shall not exceed sixty (60) feet in height and as may be required by Airport Land Use Compatibility Plan (ALUCP).
- C. Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height, and shall meet ALUC Plan requirements.
- D. All height limits shall also be subject to the restrictions of other divisions including airport approach zones, etc.

**§ 90508.08 MINIMUM DISTANCE BETWEEN STRUCTURES**

The following requirements shall apply to the minimum distance between structures in the A-2 Zone.

- A. There shall be least ten (10) feet between any residential structure and a residential accessory structure and a residential accessory structure.
- B. There shall be at least fifteen (15) feet between residential structures.
- C. There shall be at least fifty (50) feet between any residential structure and a non-residential structure housing animals, including pens, coops, stables, barns.
- D. There shall be a minimum of one hundred (100) feet between any sanitary disposal system and a groundwater well.
- E. There shall be at least one hundred (100) feet between any structure/pen housing animals and a groundwater well or potable water supply.

**§ 90508.09 PARKING**

Off-street parking in the A-2 Zone shall be provided in accordance with the requirements of Section 90402.01A (Residential Uses). Each single family dwelling shall meet this requirement. Additional parking shall be required for accessory or secondary uses.

**§ 90508.10 SIGNS**

The following signs shall be permitted in the A-2 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, of this Title.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Signs approved in conjunction with a Conditional Use Permit approved for the site.
5. Temporary agricultural signs as allowed by Section 90401.10.

**§ 90508.11 LANDSCAPING**

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

§ 90508.12 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards shall apply in the A-2 Zone.

- A. Temporary farm stand for the sale of agriculture, horticultural or farming products, permitted within the A-2 Zone shall comply with the following standards:
  - 1. Comply with standards of Division 17 of the Food & Agricultural Code and Chapter 12.5 of the California Health & Safety Code.
  - 2. The floor area of the farm stand shall not exceed 600 square feet.
  - 3. The farm stand shall not be located closer than 25 feet from the driveway line of the front yard.
  - 4. The stand shall be erected in such a manner that it can be readily removed.
  - 5. The owner shall remove the stand at his or her own expense, when the stand is not in use for a period of sixty (60) consecutive days.
  - 6. 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.
  
- B. A mobile home or recreational vehicle permitted as a temporary dwelling during construction of a conventional dwelling shall comply with the following standards.
  - 1. Building permits for construction of a conventional single family residence shall be obtained prior to or concurrent with the installation of the permit for the mobile home or RV.
  - 2. The mobile home shall be removed from the premises if:
    - a. 6 months has passed since the mobile home or recreational vehicle was installed;
    - b. 7 days has passed since the conventional dwelling was approved for occupancy;
    - c. The building permit has lapsed due to lack of activity.
  - 3. One extension of time for a period not to exceed six (6) months may be directed by the Director of Planning, upon written request by the property owner. Extension may only be approved subject to the following condition:
    - a. An active building permit is on file with Imperial County Planning & Development Services Department.
    - b. The construction of a conventional dwelling unit on the site has progressed to a stage of inspection and approval, for the framing, rough electric, rough mechanical and top out.
  
- C. 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 Section 12.04 et al.
2. The R.V. connections are installed to meet applicable Health and Safety Code Regulations, and permitted 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.

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