

**MINUTES OF THE
PLANNING COMMISSION MEETING
May 22, 2024**

The Imperial County Planning Commission convened a Meeting on Wednesday, May 22, 2024, at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick; Assistant Director, Michael Abraham; Planning Division Manager, Diana Robinson; Clerks- Laryssa Alvarado & Aimee Trujillo.

Chairman Rudy Schaffner called meeting to order at 9:00 a.m.

I. Roll Call: Commissioners present: Schaffner, Cabanas, Medina, Wright, Bergh, Pacheco, Hinojosa

II. Pledge of Allegiance:

III. Public Hearings

- 1. Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **March 27, 2024** meeting as submitted by staff; Commissioner Cabanas made motion to approve minutes seconded by Commissioner Pacheco and carried on the affirmative vote by the Commissioners present Schaffner (yes), Cabanas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes)
- 2. Consideration of Notice of Violation #01907** The property has been reported to be in violation since March 2022. Several notices of violation letters have been issued to the property for the installation of a structure without a permit and installing a stone wall, stones, gravel and other debris in Imperial County right-of-way. No effort has been made to remove all items from the County right-of-way. The project site is located at 1553 Black Sea Avenue, Thermal, CA, on property identified as Assessor Parcel Number 007-242-013-000, and is further described as LOT 13 BLOCK 6 TRACT 713-A FM 8 45; (Supervisorial District #4), [Diana Robinson, Planning Division Manager at 442-265-1736 extension 1751 or email at dianarobinson@co.imperial.ca.us].

Jim Minnick, Director; Gave a brief description of the project, and introduced Public Works Dept, to read the project into the record.

Clarissa Thurston, Counsel; Hi, I'm Clarissa Thurston. I'm an outside counsel for the County of Imperial. I've been working with the Public Works Department for this case. What we wanted to present to you today was a property out in Salton City that has a nuisance on the property and there's been a concern. Over the past few years, the County has been notified the property owner of the construction he permitted on his property without getting permits. That's now in the public right of way and I believe we have a few photos attached with this. Just to give you an idea, this is the property that's in question. You can see that there is a rock wall that was constructed by the property owner that is in the 30 feet right of way of public property of public road out in Salton City. Further, there has also been some rocks that have been moved on the side of the property. That's just been a concern for Public Works, for the County because one it is unpermitted and then two, it is in a dark road in the County. People don't see where they are driving and it's in the road. What Public Works ended up doing, all of the cones and all of the signage was posted by Public Works in an effort to try and notify drivers, passer byers that there is an encumbrance in the road. It doesn't legalize the encumbrance but it simply kind of notifies people that says hey don't drive over this you're going to pop a tire. That's the background of it. This County has issued several notices, tried to work with the property owner over the last few years and we haven't gotten anywhere with working with him. So, we are coming to you all now to declare this unpermitted construction, violation of the code, a public nuisance so that we can enforce an abatement whether that be by the property owner, which would be preferred, or by the County.

John Gay, Public Works Director: To bring the Planning Commission up to date, the property owner has attempted to remedy the work that has been requested. It's just not complete and so we would prefer to violate to at least have something on record showing a violation. Our department is intent on working with the homeowner. There are really 2 areas of concern. You can see in that photo where our cone and our barricade is. Prior to that there was a wall that ran right along the edge of paving. That represented a serious concern for us because of the potential conflict with the vehicle it is just right up against. You are familiar with our rules of County roads and the width of paving, as you can see there it is not that wide. Our streets are considered 55 mph and so this came to us through a complaint. Similar to other complaints we had to deal with it was another resident that complained. We were forced to move forward to investigate and to act. The other concern we had, and I don't know if it's on another photo, we can flip through that. There is an easement in the back and you can see there is an alleyway there as well. There has been problems in the past in this area with ATV's where they are transiting out to the desert and the BLM areas. They take any road necessary and so it gives our Sheriff a lot of worry and concern. To limit this, our resident can speak to this. There was a blockade that was put across the alley with rocks. Again, that could be a hazard. The alleys actually aren't regulated by our department in particular but they are regulated by the County because they are in County easement. We also request a violation in regards to this. He can speak to whether or not the rocks have been moved. I have my staff here as well. I think there's an attempt by the resident to actually remedy and we definitely want to work with this resident. If you go back to the prior photo really quickly, you can see there is still some rocks out there and talking with the resident, he attempted to and he actually succeeded in tearing down the rock wall that was adjacent to the pavement. You can see that rock wall is no longer there. However, there is still debris out there. The reason he wasn't able to finish was because the tractor broke down. So in talking to him, he is willing to get a contractor to go and fix this so our department would definitely be in support of that. What he is needing is he is needing to know how far and our department can work with him I think looking at this. I'm not sure Gus, Gus is with our survey department, but I think from a safety perspective there's 30 feet of right of way we actually have. I would say there's a sidewalk I believe that's in front of your property if that was cleared up adjacent to the sidewalk, I think our department would be able to work with him and then we would be okay with that. That is our request and he probably wants to get up here and speak I think we can afford him that opportunity just so you can hear him. That would be it. I think that would be very typical to what we have here in the city and other areas of the County where people build right up to their sidewalk. That's to be fair even if there is an easement beyond that we can work with him with that wall being there which is shown in that photo. Up to that wall, I think we would be okay.

Commissioner Cabanas; John the sidewalk how much of it is encroaching on to the 30 feet?

John Gay, Public Works Director; Here it is. You can see that and pass it around. This is and he can speak to this as well, he bought the property I think in this condition. He wasn't aware that the prior home owner had done this and unfortunately, he got handed this potential liability. That's where it sits at this point and time.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Jesus Ybarra, Owner; introduced himself.

Jesus Ybarra, Owner; I got a contractor to knock down the furthest wall. First of all, I was not aware of that area there because when I bought the property the builder never told me about it. And I told them I was going to build some kind of flower place in there to you know make the things look better around there because it is all desert. I'm not really familiar with the desert because I grew up in Los Angeles and I came out here. Anyway, I'm willing to work with Mr. John Gay and whatever it takes up to the side wall. Now that's my sidewalk, after that is my property as far as I'm concerned. I think that's it 30 feet. That wall is covering the front part of my house and I have dogs. That's the only way I can keep them in the property because you know you can't have dogs out there running. There's too much traffic. The back in that area there's still some rocks that I put out there because I was unaware that these off-road people were going up and down making all kinds of noise. I

said Well I'll fix this I put some rocks out there and it kind of blocked them for a while but then you know I'm in violation I guess. That has to be cleared up too that's part of what I talked to Mr. Gay about. There's still some rocks back there he can clear it up.

Chairman Schaffner; Normally we have people coming here with junked cars, trash and everything else. This is different. I'm glad to see you're running a tight ship there and everything is looking good. This was handed to you this was no fault of your own. It sounds like you are willing to work with them. So if you are willing to go along

Jesus Ybarra, Owner; I hired this tractor it's a bob, a little tractor. He knocked down the front, it was a 3 foot wall there he knocked it down but it broke down. His little tractor couldn't handle the heavy rocks. It broke down. So I said what am I going to do now? I called other contractors to see if they could come down from here and they say they don't go that far. That's out in the moon somewhere.

Chairman Schaffner; So you are willing to go along with whatever they need out there? You are pretty cooperative.

Jesus Ybarra, Owner; Exactly and I'll pay it. Whatever the price.

Chairman Schaffner; Opened the public portion of the meeting. He then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Cabanas; I do have a question for John. Are you willing to give him more than 45 days?

John Gay, Public Works Director; I think he's made an effort and I think we can help facilitate time. I think the main concern that we had was that the block wall had encroached all the way the edge of paving. To be honest with you I wasn't actually aware that he had knocked it down until just now. I mean seeing that, and that's my fault, seeing that alleviates kind of my immediate concern. We are going to ultimately have to take down those pillars and clean up that. We're good and we can deal with the back. The back is much easier. The easement is much easier in the back. I think we can work with him on that.

Clarissa Thurston, Outside Council; What I will say though to chime in about the 45 days, that is straight from the County code. We get the 45 day language because that's what would be issued with the notice of nuisance being declared from today's meeting. He would have 45 days to abate but that is not something we have to act on is what I think we are communicating.

John Gay, Public Works Director; I think just in support of moving forward, the request today is to go ahead and notice the violation, you have a comment from our department. It can be a 45 day notice but we will most definitely will work with him as long as there's movement. If he cant hire a contractor then we can help step in to get some of this stuff done. Then by letter we can give him more time if it's needed

Commissioner Schaffner; So you're going to put those rocks on a County dump truck and move them, come by my place I know a place I can put them.

John Gay, Public Works Director; Those rocks are really nice rocks and I told him before the meeting, my frustration over this wasn't , I mean there's a safety issue, it's unfortunate that he walked into it but there's a real attempt to make that property look nice. And to your point, typically its vehicles in alleys, things that we see and he was penalized for a nice piece of property. That's how it goes.

Commissioner Cabanas: One more question who can he talk to in the County since you say that those alleys are County jurisdiction, about the traffic in those things? Is there any particular agency ?

John Gay, Public Works Director; Sherriff's. This has been an ongoing community concern actually on both sides of Highway 86 but particularly on the west side because that's where a lot of the vehicles go and the ATV's go. We will have to coordinate with our officers.

Jesus Ybarra, Owner; Also, down the street, the neighbor on the right side there's 2 vehicles that were abandoned there. They are actually in the right of way area.

Chairman Schaffner; Don't bring those.

Jesus Ybarra, Owner; And there's 1553, no 1556, but you can see that they are abandoned.

John Gay, Public Works Director; Okay we will follow up with that.

Jesus Ybarra, Owner; Actually I told the post office, the carrier, those vehicles are in your way. You are supposed to go right through there and deliver the mail because the mailboxes are on that side. He said okay I'll look into it. Those 2 vehicles have been there for 2 years.

Chairman Schaffner; As long as you're working on this and it goes a little over 45 days, don't worry about it you're talking to the most powerful commission in the county here. You can tell them that the Planning Commission said you can go a little over.

Jesus Ybarra, Owner; I'll work with them whatever it takes.

Chairman Schaffner; We need more guys like you.

Commissioner Cabanas: Made a motion of consideration of Notice of Violation #01907 that both sides, the County and the owner will continue to work in resolving all the issues and if more than 45 days are needed that will be granted to the property owner, seconded by Commissioner Bergh and the affirmative vote by the Commissioners present as follow Schaffner (yes), Cabanas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes).

IV. Public Comments, NONE

V. Planning Commissioner Comments,

VI. Director Comments,

Chairman Schaffner; adjourned meeting.

IX. Adjournment: Meeting adjourned at 9:20 a.m.



Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission

Laryssa Alvarado & Aimee Trujillo-PC Recording Clerks

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