



PLANNING AND BUILDING DEPARTMENT

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Date: November 21, 2024

From: Karen L. Garner, Director, Planning and Building Department

Subject: Director Interpretation - Zoning Ordinance Section 130.51.050.E and Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects; Gates)

INTERPRETATION:

The Public Notice Requirements and Procedures section Table 130.51.050.1 is missing "Gates" as a project type.

There is an existing project type for "Fences, Walls, and Retaining Walls (greater than 7 feet in height)", that requires a 500-foot noticing radius and a minimum 10-day notice. "Gates" will be added as an additional project type and will be subject to the same requirements.

Zoning Ordinance Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) shall be interpreted as follows:

1. "Gates" will be added to the project type column and the same public noticing requirements from Fences, Walls, and Retaining Walls (greater than 7ft in height) will be used.

DISCUSSION:

Pursuant to 130.30.090.B and C – An administrative permit be approved per 130.52.010.A – Administrative Permit of the Zoning Code prior to the gate(s) installation. Gates are not listed on Table 130.51.050.1. Since gates are similar to Fences, Walls, and Retaining Walls (Greater than 7 feet in height), gates should be noticed in the same manner.

Currently, a staff level administrative permit is processed for gates without noticing of neighbors. This creates conflicts for applicants, appellants, and the general public as gates are often installed across previously non-gated sections of roads and right of ways.

Although gate requirements were incorporated into the Zoning Ordinance on August 14, 2018, through the adoption of Title 130 and there have been several major and minor amendments as

part of recent Zoning Ordinance Updates, it was never the intent to not have public noticing requirements for gates as defined in Section 130.30.090 of the Zoning Code. The following Section 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) provides clarification as Fences, Walls, and Retaining Walls (greater than 7 feet in height) is a project type that requires 500-foot neighbor noticing and at least 10-days notice prior to decision. Given the similar impacts and type of structure, it is assumed the intent of this chapter was to have a minimum 10-day and 500-foot neighbor noticing for Gates as defined in Section 130.30.090 of the Zoning Code. Gates are a substantially consistent project type with Fences, Walls, and Retaining Walls (greater than 7 feet in height).

Therefore, adding Gates to project type shown on Table 130.51.050.1 and applying the same public noticing requirements from the Fences, Walls, Retaining Walls (greater than 7 feet in height) is appropriate.

Attachment:

Zoning Ordinance Section 130.51.050 (Public Notice Requirements and Procedures)

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

130.51.050 Public Notice Requirements and Procedures

- A. This Section implements greater public notice requirements than the prescribed requirements in California Government Code (CA Gov. Code § 65090- 65095). The public notice requirements and procedures for the various types of planning actions are set forth below in Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) and Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects). Public notice regarding projects will be mailed to nearby property owners according to the distance radius from the project site parcel boundary as specified in these tables. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.
- B. The notice shall be mailed at least 10 days prior to the hearing to any person who has filed a written request for notice either with the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee, which is reasonably related to the costs of providing this service, and the local agency may require each request to be annually renewed. As used in this Chapter, “person” includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (CA Gov. Code § 65092).
- C. The failure of any person or entity to receive notice pursuant to this Title shall not constitute grounds for any court to invalidate the actions by the Director, Zoning Administrator, Planning Commission, and/or Board of Supervisors for which the notice was given (CA Gov. Code § 65093).
- D. Any public hearing conducted under this Title may be continued from time to time (CA Gov. Code § 65095). If a hearing on a project is continued to a date certain, no additional public notice is required. Projects continued off calendar require new public notice.
- E. **Public Notice Requirements and Procedures - Administrative Projects.** Administrative projects are projects that require the issuance of an Administrative Permit as specified throughout the various matrices of allowed uses set forth in this Title. Administrative project types listed in Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) require public notice prior to a Director decision or no public notice as specified below.

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

Table 130.51.050.1—Public Notice Requirements and Procedures – Administrative Projects

Project Type	Notice Mailed to Property Owners¹ Nearby (distance radius²)	Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)	Physical Sign Posting (publicly visible)	Notice to: Agent/Appellant/Appellant/Property Owners¹/Local Agencies³/Persons Who File for Written Request for	Notice Date prior to decision: (applies to the following: mailed notice, published notice, and physical sign posting)	Notice Mailed via U.S. Postal Service⁴	Notice Published in One Newspaper of General Circulation⁴
Administrative Relief or Waiver	N/A	D	N/A	N/A	N/A	N/A	N/A
Agricultural Setback Reduction	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Fences, Walls, and Retaining Walls (greater than 7ft in height)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Special Setbacks for Mineral Resource Protection	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Sensitive Riparian Habitat Setback Reduction	N/A	D	N/A	N/A	N/A	N/A	N/A
Setback Reduction	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Adult Business Establishment	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Caretaker Unit: Permanent	N/A	D	N/A	N/A	N/A	N/A	N/A
Child Day Care Facilities: Child Day Care Centers Employer-sponsored Child Day Care Centers	100ft	D	N/A	Yes	At least 10 days	Yes	N/A
Co-location on Communication Facilities (Non-building Structures, Public Facilities, Monopoles, and Towers)	N/A	D	N/A	N/A	N/A	N/A	N/A
Commercial Recreation (Arcade; Indoor Entertainment, Sports and Recreation; Outdoor Entertainment, Sports, and Recreation; and Large Amusement Complex)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Contractor's Office: On-site	N/A	D	N/A	N/A	N/A	N/A	N/A

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

Project Type	Notice Mailed to Property Owners¹ Nearby (distance radius²)	Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)	Physical Sign Posting (publicly visible)	Notice to: Agent/Applicant/Appellant/Property Owners¹/Local Agencies³/Persons Who File for Written Request for	Notice Date prior to decision: (applies to the following: mailed notice, published notice, and physical sign posting)	Notice Mailed via U.S. Postal Service⁴	Notice Published in One Newspaper of General Circulation⁴
Commercial Caretaker, Construction Employee, Agricultural Employee, and Seasonal Worker Housing)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Gates	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Legal Nonconforming Use or Structure	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Lodging Facilities (Guest Ranch, Health Resort and Retreat Center)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Marina: Non-motorized craft	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Mobile/Manufactured Home Sales Lots	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Oak Tree and Oak Woodland Removal Permits	N/A	D	N/A	N/A	N/A	N/A	N/A
Off-highway or Off-road Vehicle Area	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Parks (Day Use, Nighttime Use)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Outdoor Retail Sales in Commercial Zones (Permanent, Temporary, Seasonal)	N/A	D	N/A	N/A	N/A	N/A	N/A
Outdoor Retail Sales in Residential, Recreational, Open Space Zones (Seasonal)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Produce Sales (Sale of Produce Grown On-site or Off-Site)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Snow Play Area	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Swimming Pool: Public	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Tennis Court: Public	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Ranch Marketing Use Review	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Stable: Commercial	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Storage Facilities (Storage Yard: Equipment and Material)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Temporary Real Estate Sales Office	N/A	D	N/A	N/A	N/A	N/A	N/A
Trail Head Parking or Staging Area	500ft	D	N/A	Yes	At least 10 days	Yes	N/A

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

Transitional Housing Large	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Project Type	Notice Mailed to Property Owners ¹ Nearby (distance radius ²)	Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)	Physical Sign Posting (publicly visible)	Notice to: Agent/Applicant/Appellant/Property Owners ¹ /Local Agencies ³ /Persons Who File for Written Request for	Notice Date prior to decision: (applies to the following: mailed notice, published notice, and physical sign posting)	Notice Mailed via U.S. Postal Service ⁴	Notice Published in One Newspaper of General Circulation ⁴
Wind Energy Conversion System- Administrative Permit	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Winery Activity Review	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Appeal of Director Decision (Heard by the Planning Commission)	Same as initial application	PC	N/A	Same as previous hearing	At least 10 days	Yes	N/A
Appeal of Zoning Administrator Decision (Heard by the Board of Supervisors)	Same as initial application	BOS	N/A	Same as previous hearing	At least 10 days	Yes	N/A
Appeal of Planning Commission Decision (Heard by the Board of Supervisors)	Same as initial application	BOS	N/A	Same as previous hearing	At least 10 days	Yes	N/A
¹ Property owners includes property owners from the latest assessment roll record and any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code. (CA Gov. Code § 65091)							
² The mailed public notice distance radius is from the project site parcel boundary. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.							
³ Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.							
⁴ The mailed and published notice shall include: date, location, APN, project description, and pending decision.							



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Date: October 1, 2025

To: Honorable Board of Supervisors

From: Karen L. Garner, Director

Subject: **Director's Determination – Self Storage definition to include fully enclosed individual, compartmentalized, controlled storage of vehicles without sales or services (e.g., repair, vacuuming, washing).**

Interpretation

Individual, compartmentalized, and controlled storage of vehicles (e.g., boats, recreational vehicles) that is fully enclosed in a building or a group of buildings would be considered self storage, as defined in Zoning Ordinance Sections 130.80.020 (Definitions of Specialized Terms and Phrases) and 130.40.320 (Storage Facilities), provided that there are no services (e.g., repair, vacuuming, washing) or sales connected to the use.

Background

Introduction

A regular question that has arisen is whether fully enclosed storage of vehicles (e.g., boats, recreational vehicles) is considered as self storage use.

Zoning Ordinance Section 130.10.050.A (Record of Interpretations) states that “whenever the Director determines that the applicability or the meaning of any of the provisions of the Title is ambiguous, the Director may issue an official interpretation. Official interpretations shall be in writing, and cite the provision being interpreted, together with an explanation of its meaning or application in the particular or general circumstances that caused the need for interpretation.”

Zoning Ordinance Definitions (Section 130.80.020)

Section 130.80.020 (Definitions of Specialized Terms and Phrases) defines self storage use as the following:

Storage, Self (Use Type). A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access units, stalls, or lockers for the storage of lessees' goods or wares. (See also Section 130.40.320: Storage Facilities, in Article 4: Specific Use Regulations, of this Title).

Section 130.80.020 (Definitions of Specialized Terms and Phrases) classifies vehicle storage use as a subtype of Automotive and Equipment use. Automotive and Equipment use is defined as “Establishments that are primarily engaged in sales or services for automobiles, motor vehicles, trucks, small engines, or heavy equipment” and includes uses such as fuel sales, paint and body shops, repair shops, sales and rental, wrecking/dismantling yard, and vehicle storage.

Vehicle storage is defined as the following:

Vehicle Storage. The service and storage of operable vehicles, boats and trailers. Typical uses include recreational vehicle storage lots, fleet storage lots, impound lots, and construction vehicle storage areas. It also includes storage of vehicles incidental to a commercial use, such as delivery, taxicab, and towing services.

Zoning Ordinance Specific Use Standards for Storage Facilities (Section 130.40.320 - Storage Facilities)

Section 130.40.320 (Storage Facilities) is applicable to both self storage and vehicle storage uses, as well as commercial and industrial equipment and material storage yards. The section provides the following self storage requirements.

1. Self storage facilities shall be limited to the storage of personal effects of individuals or equipment and materials by businesses inside of a building or buildings. Use of storage facilities for manufacturing, retail, wholesale, or service uses other than storage shall be prohibited. Human occupancy of individual storage units shall be limited to that required for transporting, arranging, and maintaining stored materials.
2. Vehicle storage areas may be allowed as an accessory use of a self storage site provided such use is allowed in the zone in which the self storage facility is located. Such storage area shall be fenced, screened, and landscaped in compliance with Subsections C.1 and C.2 (Equipment and Material Storage Yards) below in this Section.

Discussion

As described in the definition and specific use standards, self storage use is defined as a building or a group of buildings that provide enclosed individual storage units to customers. Services and sales are prohibited within the self storage use.

Vehicle storage is defined as a subtype of automotive and equipment use. Automotive and equipment use is defined as uses that provide sales or services to vehicles and equipment. Vehicle

storage is defined as the service and storage of operable vehicles, boats, and trailers. Both the definition and specific use standard for vehicle storage imply that typical vehicle storage uses often include an outdoor storage component (i.e., not fully enclosed by buildings) by listing different types of outdoor storage lots and specifying the need to fence, screen, and landscape the vehicle storage areas.

Vehicle storage areas are allowed as an accessory use of a self storage site only if the vehicle storage use is allowed in the zone in which the self storage facility is located. In the commercial zones, vehicle storage use is treated the same as the self storage use with the exception of the Commercial, Professional Office (CPO) zone. Both vehicle storage and self storage use types are conditionally permitted in the Commercial, Community (CC) and Rural, Commercial (CRU) zones and are permitted by right in the Commercial, General (GC) zone. CPO zone does not permit self storage but does conditionally permit vehicle storage.

As for the industrial and research & development zones, Light Industrial (IL) zone permits both vehicle storage and self storage. Heavy, Industrial (IH) zone conditionally permits vehicle storage and permits by right self storage. The Research and Development (R&D) zone prohibits vehicle storage and conditionally permits self storage.

Based on the aforementioned information pertaining to self storage and vehicle storage, individual, compartmentalized, and controlled storage of vehicles (e.g., boats, recreational vehicles) that is fully enclosed in a building or a group of buildings would be considered self storage provided that there are no sales or services (e.g., repair, vacuuming, washing) connected to the use.

Effects of Determination

With this determination, self storage facilities may now consist of facilities that only store vehicles in fully enclosed buildings or facilities that store vehicles in fully enclosed buildings along with the fully enclosed storage of other personal effects. Either scenario would prohibit sales or services (e.g., repair, vacuuming, washing) of vehicles.



EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

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Date: June 12, 2023
To: Honorable Board of Supervisors
From: Karen L. Garner, Director
Subject: **Director's Determination - Fulfillment Center/Heavy Distribution/Parcel Hub Uses**

INTERPRETATION:

The Industrial/Research and Development Zones Use Matrix of the Zoning Ordinance (Table 130.23.020) lists uses for Industrial Low (IL), Industrial High (IH) and Research & Development (R&D) zoning. The matrix notes if a use is Permitted (P), not allowed, or if a special permit is required such as an Administrative (AP) or Conditional use Permit (CUP). Specific uses are further defined in the Definitions of Specialized Terms and Phrases (Section 130.80.020).

There is no use listed in the matrix or defined elsewhere in the zoning code for fulfillment centers, heavy distribution, or parcel hub uses. Although the Industrial / R&D Zones Use Matrix (Ord. Code § 130.23.020) includes a use type "Wholesale Storage and Distribution," that use type does not contemplate the unique needs of fulfillment centers, heavy distribution, or parcel hub uses described in the "Discussion" section below.

Section 130.20.030. of the County Zoning Code authorizes the Planning and Building Director to determine if a use not already listed in the Zoning Code is allowable and if so, what the use type is for determining proper zoning. The Planning and Building Director has determined that fulfillment centers, heavy distribution and parcel hub uses shall be classified as the *Industrial – Specialized* use type. To make this determination, Section 130.20.030.3(a) requires that certain findings are made.

1. *The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;*

The Industrial – Specialized use type is defined as follows: "Establishments engaged in activities that generate noise, vibration, odor, dust, or smoke that may extend beyond the confines of the property boundaries; that involve special safety or public health considerations; or that do not clearly fit within another industrial use classification. It includes, but is not limited to bulk storage of gasoline, propane, or other flammable fuel

sources, and material recovery facilities.” Fulfillment centers, heavy distribution, parcel hub uses could have special safety or public health concerns, particularly related to the amount of truck traffic typically generated from such uses similar to the impacts contemplated for the Industrial – Specialized use type. This use type is allowed with approval of a CUP in the IL and IH zones. It is not allowed in the R&D zone. A CUP is a process for reviewing uses and activities that may be appropriate in the applicable zone but the potential for effects on the site and surroundings cannot be determined without a site-specific review. This process will ensure that the characteristics and activities associated with the use are similar to other uses allowed in IL and IH zones and will not involve a greater intensity and is conditioned to address any safety or public health concerns.

2. The use will be consistent with the purposes of the applicable zone;

Industrial—Light (IL). The IL zone is applied to lands for manufacturing and associated retail or service activities, wholesaling, and other industrial uses, where the primary activity is conducted within a building or buildings, or in outdoor storage or activity areas. Conditional Use Permits shall be required for those uses which, by their nature, have the potential to produce or emit noise, odor, fumes, dust, smoke, vibrations, glare, heat, electrical interference or waste material beyond the confines of the property boundaries.

Industrial—Heavy (IH). The IH zone is applied to areas which may also be suitable for more intensive industrial uses, including manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions. A Conditional Use permit is required for uses having the potential to pose a safety hazard or produce particulate matter. Heavy industrial districts are unsuitable adjacent to residential districts and some commercial uses. Dwellings, care centers, and certain commercial uses are not allowed. Uses allowed within IL (Light Industrial) districts are allowed, provided that the uses are subordinate to and do not restrict heavy industrial uses in the zone. Activity at heavy industrial sites consists predominantly of trucks, rather than passenger vehicles, and the road system is built to support truck traffic. Provisions for pedestrians are not required.

Fulfillment center, heavy distribution or parcel hub uses are consistent with the IL and IH zones. These uses typically conduct activities within buildings or outdoor storage or activity areas. They do not typically produce or emit noise, odor, fumes, dust, smoke, vibrations, glare, heat, electrical interference, or waste material beyond the confines of the property. These uses may generate truck traffic which is allowed in the IL and IH zones.

3. The use will be consistent with the General Plan and any applicable specific plan;

Review of any proposed fulfillment center, heavy distribution or parcel hub use will include a General Plan and specific plan consistency analysis. Generally, IL and IH zones are within Industrial Land Use designations which allow for processing, distribution, and storage.

4. The use will be compatible with the other uses allowed in the zone.

Fulfillment center, heavy distribution and parcel hub uses are compatible with other uses allowed in the IL and IH zones. The uses require a CUP and therefore, can be conditioned to include measures that address any potential compatibility issues.

DISCUSSION:

Table 130.23.020 does not currently include a use type for fulfillment centers, heavy distribution, or parcel hub. It is not uncommon for the market to present new types of uses that were not known or contemplated at the time the zoning ordinance was adopted. The last comprehensive update to the County's zoning ordinance was in 2015.

In recent years, the growth of e-commerce has created a use type characterized by facilities primarily involved with receiving and repackaging merchandise and are heavily reliant on logistics and advanced technology to move merchandise quickly and efficiently, typically with the use of automation. The facilities may be "middle mile" delivery that takes products from a factory, port or larger warehouse to a fulfillment center or "last mile" delivery taking products from a fulfillment center to a retail store or customer. The primary "end product" of such facilities are a large volume of parcels that fulfill orders of individual consumers. These facilities are also heavily reliant on vehicles ranging from semi-trucks to vans to move the products and parcels. This use has been determined to be substantially different from any current use types listed in the Industrial and Research and Development Chapter and shall be referred to as fulfillment center, heavy distribution, parcel hub uses. The use type Industrial – Specialized accommodates such uses and is the appropriate zone designation.

Section 130.80.020 defines Industrial – Specialized as:

Establishments engaged in activities that generate noise, vibration, odor, dust, or smoke that may extend beyond the confines of the property boundaries; that involved special safety or public health consideration; *or that do not clearly fit within another industrial use classification*. It includes, but is not limited to bulk storage of gasoline, propane, or other flammable fuel sources, and material recovery facilities.

Although most sections of the definition are likely not applicable to a fulfillment center/heavy distribution/parcel hub use type, this use classification provides for those uses that "do not clearly fit within another industrial use classification."

Section 130.20.030 also notes that the Zoning Ordinance shall be periodically amended to incorporate those uses not listed in this Article which are found to be similar and

compatible. Staff intends to include an update to Chapter 130.23. – Industrial and Research and Development Zones that incorporates this interpretation.

This decision may be appealed in compliance with Section 130.52.090 (Appeals) in Article 5 (Planning Permit Processing) of the Zoning Code.

Should you have any questions, you may contact me via phone or email.

cc: Planning Commission
Tiffany Schmid, Interim CAO
David Livingston, County Counsel
Jefferson Billingsley, Deputy County Counsel