



# PLANNING AND BUILDING DEPARTMENT PLANNING DIVISION

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**Date:** May 3, 2021

**From:** Tiffany Schmid, Director, Planning and Building Department

**Subject:** Director Interpretation – Zoning Ordinance Section 130.30.090 (Gates)

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**INTERPRETATION:**

Zoning Ordinance section 130.30.090 (Gates) regulates the placement of gates across non-county maintained roads or private driveways entering residential and nonresidential development. The intent of the section is to provide relief from development standards for gates which serve primarily agricultural uses. Application of this relief for gates within residentially zoned areas where residential development is intended to be the primary use, but where agricultural uses are also considered compatible, can create incompatibilities by restricting access to residentially zoned properties that do not participate in agricultural pursuits.

Chapter 130.30, Section 130.30.090 (Gates) shall be interpreted as follows:

*The placement of gates across county-maintained rights-of-way shall be prohibited. The following regulations establish a supplemental review and approval procedure for placing gates across non-county maintained roads or private driveways entering residential and nonresidential development. The regulations in this section do not apply to gates serving exclusively agricultural uses.*

**DISCUSSION:**

Chapter 130.30, Section 130.30.090 (Gates) contains the following provisions:

*The placement of gates across county-maintained rights-of-way shall be prohibited. The following regulations establish a supplemental review and approval procedure for placing gates across non-county maintained roads or private driveways entering residential and nonresidential development. The regulations in this section do not apply to gates serving agricultural uses.*

As currently written, the provisions of Section 130.30.090 could be interpreted to apply to any gate crossing a non-county maintained road or private driveways to any property where agricultural uses exist. This interpretation could create conflicts in residential zone districts that allow for agricultural uses. An example would be properties within residential zoning districts, such as R1A, R2A, R3A, RE-5, or RE-10, where residential uses are intended to be the primary use of land but where agricultural uses are also considered compatible with the zone district. Allowing for unregulated gates across shared accesses to residentially zoned areas could impact neighboring residential uses that don't participate in agricultural pursuits by creating non-standard barriers, resulting in potential safety issues for those adjoining residences. Therefore, it is clear that an interpretation of the section is required to address the potential conflicts that this relief for gates to agricultural uses can create when they are intended for access to areas where agricultural uses are not the exclusive use.

There are no additional changes necessary with respect to this interpretation for the remaining provisions of Chapter 130.30, Section 130.30.090, Subsections A to D.10.