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Meeting date (8/16) and File No. 16-0760

1 message

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To: edc.cob@edcgov.us

DATE 8/8/16
BOS 8/16/16

Clerk of the Board;

Attached please find information of potential interest for the BOS workshop on 8/16 (File No. 16-0760) concerning the proposed Scenic Highway Ordinance.

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MEMORANDUM**August 8, 2016****TO:** Tom Purciel, Associate Planner**WITH:** El Dorado County Long Range Planning**FROM:** Kate Kirsh, PLA**SUBJECT:** California Scenic Highway Program Review 2001

Mr. Purciel;

I understand El Dorado County will be developing a Scenic Corridor Ordinance as directed by General Plan Policy 2.6.1.1 and wanted to share some background with you that may be helpful in this process.

In 2001, Caltrans contracted with Foothill Associates to conduct a comprehensive statewide review of all the designated Scenic Highways, including the portion of SR 50 from the Placerville Government Center to the South Lake Tahoe city limit and SR 89 in El Dorado County. This project included various components, including interviews with local jurisdiction planners about attitudes towards the Scenic Highway Program; a review of all Corridor Protection Plans; and field assessment of all the designated corridors to evaluate the condition of the scenic resource.

The field assessment was based on Caltrans "*Guidelines for the Official Designation of Scenic Highways.*" A rating system was used to evaluate visual quality and how well each corridor complied with the five elements of corridor protection specified by Caltrans. The visual assessment looked at the three criteria of vividness, intactness, and unity; the five corridor protection elements address:

- Regulation of land use and density of development
- Detailed land and site planning
- Control of outdoor advertising
- Attention to and control of earthmoving and landscaping
- The design and appearance of structures and equipment

I have sent you the review of the El Dorado County Corridor Protection Plan because it points out some areas that you may wish to address in a future ordinance. The quality of the CPP was ranked as Moderate due primarily to lack of an adopted Scenic Corridor Ordinance to implement the relevant General Plan policies. At the time of the review, the County relied on the State criteria, General Plan policies, and zoning regulations to protect scenic quality on a project-by-project basis.



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SR 50 was ranked as being Scenic with Significant Issues. The main visual intrusions on SR 50 had to do with outdoor advertising; erosion due to landslides, fire damage, and billboards; and unscreened views of unsightly development.

SR 89 was ranked as being Scenic with Minor Issues, these being some areas where unscreened development detracts from the scenic quality.

Please let me know if you have any further questions.

Corridor Protection Program Review and Evaluation

El Dorado County

SR 89 (Alpine CL to Placer CL)

Post Miles 0.0-27.406

SR 50 (Eastern Limit Govt. Ctr IC in Placerville to S Lake Tahoe CiL)

Post Miles 16.780-74.40

Date of Designation:

Last Statement of Compliance: July 1997

Next Scheduled Compliance Monitoring: July 2002

I CRITICAL PROGRAM EVALUATION – INCLUSION AND ADEQUACY OF MINIMUM REQUIREMENTS UNDER SECTION 261 OF THE STREETS AND HIGHWAYS CODE

Protection Program Overview. Presently, the protection program consists of general plan policies and zoning ordinance regulations. As explained in a cover letter written by the Planning Director, dated August 28, 1997, the County is in the process of updating the General Plan, but it has been placed on hold due to a pending lawsuit. General plan policy amendments and corresponding zoning regulations regarding scenic corridors have been proposed but not adopted. The draft ordinance was not included among the materials evaluated.

The current General Plan contains a well-organized Goal and Objective section regarding identifying and establishing Scenic Corridors. This section includes policy language detailing the requirements of the Scenic Corridor Ordinance upon which the draft was based. The staff currently provides case-by-case analysis of proposed projects based on the state criteria, existing general plan policies and zoning regulations.

A. Regulation of land use and density of development

- A1. How does the Corridor Protection Program regulate land use and density within the Corridor? For example, does the Corridor Protection Program identify specific:
- Density Classifications? (i.e. General Plan densities)
 - Allowable Uses?
 - Other parameters?
 - Conditional Uses?

Yes. El Dorado County Policy 2.6.1.1 requires that a Scenic Corridor Ordinance be prepared that complies with the minimum standards set forth in the State's guidelines. A draft of the Scenic Highways Ordinance, which covers Route 50 and Route 89, was completed in 1992. At the same time, the county was updating its General Plan (GP),

and subsequently its Zoning Ordinance. It was determined that approval of the Scenic Highways Ordinance would be postponed until after the adoption of the GP. The updated GP has not yet been adopted due to a pending lawsuit. Consequently, the Zoning Ordinance update, including a section on “Scenic Corridor Design Review (DS) Combining Zone District”, has not been officially implemented. Policy 2.6.1.2 of the GP states, “until such time as the Scenic Corridor Ordinance is adopted, the County shall review all projects within the designated State Scenic Highway corridors for compliance with State criteria.”

General Plan Policy 2.6.1.6 provides for a Scenic Corridor (SC) Combining District that may be applied to lands within an identified scenic corridor (with the exception of single-family residential and agricultural uses). The future Scenic Highways Ordinance will outline density classifications and allowable uses within a scenic highway corridor.

- A2. Describe the impact these land use and density regulations have had on scenic corridor protection.

Land use and density have been effectively controlled by staff’s case-by-case analysis of proposed projects in the scenic corridor based on state criteria, existing GP policies and zoning regulations

- A3. Rate the impact of these land use and density regulations on scenic corridor protection (circle one):
- 3 Land use and density in the corridor are highly consistent with the CPP**
 - 2 Land use and density in the corridor are moderately consistent with the CPP, with some notable exceptions
 - 1 Land use and density in the corridor are not consistent with the CPP

B. Detailed land and site planning

- B1. Does the Corridor Protection Program identify specific regulations/provisions for detailed land and site planning, such as:
- Regulations and/or a process for the review of development?
 - Building/structure height and design criteria?
 - Setbacks? (i.e., design guidelines?)
 - Other criteria?

Yes. The current GP and Zoning Code provide basic regulation of proposed corridor development. However, upon adoption the proposed Scenic Corridor Ordinance and the Scenic Corridor Combining Zone District (SC) in the Zoning Code will provide detailed site planning requirements. The proposed Scenic Corridor Ordinance will establish project site review design guidelines for land uses other than single family residential and agricultural. Residential setbacks will be established at the 60 CNEL

noise contour line along state highways, local county scenic roads, and within the Gold Rush Parkway and Action Program area. Until the Ordinance is adopted, projects within the corridor will be evaluated by staff on a case-by-case basis.

- B2. What impact have these detailed land and site regulations/provisions had on scenic corridor protection?

Currently, staff analysis is provided on a case-by-case basis, providing effective control of land and site development. Development control will be further improved through the future General Plan and Zoning Ordinance adoptions. The detailed land and site regulations/provisions included in these documents will provide additional corridor protection in the future.

- B3. Rate the impact of these detailed land and site planning provisions on scenic corridor protection (circle one):

- 3 Detailed land and site planning in the corridor are consistent with the CPP**
- 2 Detailed land and site planning in the corridor are moderately consistent with the CPP, with some notable exceptions
- 1 Detailed land and site planning in the corridor are not consistent with the CPP

C. Prohibition of off-site outdoor advertising and control of on-site outdoor advertising

- C1. Does the Corridor Protection Program identify specific regulations for on-site and off-site signage?

Yes. Policy 2.7.1.1 in the General Plan provides for design review of signs within the foreground and background of scenic corridors. Policy 2.7.1.2 requires that existing signs located within scenic corridors be removed or relocated.

- C2. What impact have these regulations had on scenic corridor protection?

According to planning staff, these policies have effectively regulated signs within the corridor.

- C3. Rate the impact of these regulations scenic corridor protection (circle one):

- 3 Prohibition of off-site outdoor advertising and control of on-site outdoor advertising in the corridor are highly consistent with the CPP**
- 2 Prohibition of off-site outdoor advertising and control of on-site outdoor advertising in the corridor are moderately consistent with the CPP, with some notable exceptions

- 1 Prohibition of off-site outdoor advertising and control of on-site outdoor advertising in the corridor are not consistent with the CPP

D. Careful attention to and control of earthmoving and landscaping

- D1. Does the Corridor Protection Program identify specific regulations/provisions to address control of earthmoving and landscaping, such as:
- Grading ordinances?
 - Grading permit/grading plan requirements?
 - Landscaping and vegetation requirements?
 - Other provisions?

Yes, however they will be expanded with the adoption of the updated GP policies and correlating zoning regulations. Existing standards concerning development on a hillside are found in Volume II Section 12 of the County *Design and Improvement Standards Manual*. The proposed Scenic Corridor Ordinance will address earthmoving and landscaping, as provided for in GP Policy 2.6.1.1. In addition, proposed GP Policy 2.6.1.5 will limit discretionary development on ridgelines within identified scenic corridors.

- D2. What impact have these regulations/provisions had on scenic corridor protection?

Grading and zoning are adequately addressed by the case-by-case analysis currently provided by staff for projects proposed in the corridor, using existing GP policies, zoning regulations and the state program criteria.

- D3. Rate the impact of these regulations/provisions on scenic corridor protection (circle one):
- 3 Earthmoving and landscaping activities in the corridor are highly consistent with the CPP**
 - 2 Earthmoving and landscaping activities in the corridor are moderately consistent with the CPP, with some notable exceptions
 - 1 Earthmoving and landscaping activities in the corridor are not consistent with the CPP

E. Design and appearance of structures and equipment

- E1. Does the Corridor Protection Program contain provisions to address design and appearance of structures and equipment, such as:
- Placement of buildings, utility structures, antennas, etc.
 - Building exteriors
 - Walls, fences, building heights that obstruct views
 - Other features

Yes, to a limited extent at present. However, with the adoption of the updated GP and correlating zoning regulations, corridor protection will be expanded. As drafted, Chapter 17.14 of the Zoning Code includes County Design Review Districts. Section III of this chapter is the Scenic Corridor Design Review (DS) Overlay Zone District. As drafted, this chapter outlines scenic corridor design review requirements and provides explanation of purpose and intent.

E2. What impact have these provisions had on scenic corridor protection?

Currently, the design and appearance of structures and equipment are adequately addressed by the staff's case-by-case analysis for projects in the corridor based on existing regulations. Control of design will be further improved when the new General Plan and Zoning Code are adopted.

E3. Rate the impact of these provisions on scenic corridor protection (circle one):

- 3 The design and appearance of structures and equipment in the corridor are highly consistent with the CPP**
- 2 The design and appearance of structures and equipment in the corridor are moderately consistent with the CPP, with some notable exceptions
- 1 The design and appearance of structures and equipment in the corridor are not consistent with the CPP

II ADDITIONAL EVALUATION CRITERIA

1. Is the program assembled in an easy to read and consolidated format? Briefly describe.

Yes. This evaluation was based in large part on a letter from El Dorado County's Planning Director, dated August 28, 1997. As previously discussed, the Scenic Highways Ordinance was in draft form at that time and is anticipated to be formally adopted in the future, upon the conclusion of a pending law suit. The entire draft ordinance was not included among the materials evaluated; however, the current General Plan contains a well-organized Goal and Objective section that discusses identifying and establishing Scenic Corridors. In addition, this section includes policy language detailing the requirements of the Scenic Corridor Ordinance upon which the draft was based.

2. Does the program contain a statement of intent or objectives consistent with the original intent of the California Scenic Highway Program?

Yes. Policy 2.6.1.1 of the General Plan mandates the preparation of the ordinance and provides the standards to be included. The standards are an expanded version of the criteria included in the state program requirements.

3. Is **referenced material missing?**

Yes. Much of the information on which this evaluation is based comes from the cover letter by the Planning Director. Attached to the letter is the general plan policy on scenic highways and the policies amendment. However, the proposed draft of the updated General Plan and correlating zoning regulations were not provided.

III Agency Interview Questions

Agency: El Dorado County Planning Department

Name, Title, Address, Zip, Phone and Fax Number of Contact:

Peter Maurer

2850 Fairline Court, Placerville, CA 95667

Phone: 530-621-5355 Fax: 530-642-0508

1. Has the agency accepted or processed development applications within the designated Scenic Corridor(s) in the past 5 years? **Yes...a few.**
2. If so, has the Corridor Protection Program been actively and consistently used in the review of those projects? **Yes, in a qualitative sense. Since the new General Plan and Zoning Code have not been adopted yet due to a pending lawsuit, the staff reviews projects individually for impacts on the corridor, based on existing policies and regulations.**
3. Has your agency developed specific visual standards of significance for the scenic corridor for consistent use in the CEQA review process? Is there a clear link between the Corridor Protection Program and CEQA review for visual resources? **Yes, there is a clear link. CEQA review done by the County does address issues relating to potential impacts of proposed projects within the corridor.**
4. Has the agency developed a checklist or any other analysis tool to assist with the review of projects and confirm consistency with the Corridor Protection Program? **No. However, the combination of CEQA review and General Plan policies serve as the basis for analysis.**
5. What conflicts, if any, has the agency experienced between private development interests and the development requirements or restrictions of the Corridor Protection Program? **None. When the corridor program is expanded through the adoption of the updated General Plan and Zoning Code requirements, conflicts are anticipated. Landowners will probably consider the requirements another layer of bureaucracy.**
6. Have any lawsuits resulted from the Program? If yes, explain. **No.**
7. Has the agency identified inconsistencies between the Corridor Protection Program and other sections of the General Plan or zoning code that have lead to conflicts? **No.**
8. In your opinion and experience, what changes have occurred (no change, positive change or negative change) within the scenic corridor since the scenic route was designated? **Little change has occurred along the corridor since the route was designated.**

9. In your opinion, has the Corridor Protection Program enhanced or contributed positively to economic conditions or tourism in the area? Are there quantifiable data available to support this assessment, through an Economic Development Department or other organization? **Yes. The designation may have contributed a bit to tourism, but most people using the route would be using it anyway as a commute route.**
10. Has the Corridor Protection Program been used to further any purpose other than protecting and enhancing scenic beauty? (For example, to generate support or funding for landscape or other programs, to regulate growth, to influence urban design, or indirectly protect other resources.) **Yes. The program is used to influence urban design along the corridor. However, this will be made more apparent when the Scenic Corridor Design Review Combining Zone District Ordinance section is adopted and implemented.**
11. Have there been any updates to the policies, codes and ordinances that make up the Corridor Protection Program? **Yes. Updating is in process, but has been delayed due to a lawsuit regarding the General Plan update.**
12. Is there an awareness of the Corridor Protection Program by this agency's elected and/or appointed officials? **Yes. The officials are vaguely aware of the program, but it is not discussed regularly.**
13. Has the Corridor Protection Program been uniformly implemented by the different Councils, Commissions and Boards acting within this jurisdiction? **Yes. However, the program is primarily implemented by Planning staff in the form of design review. Other boards or commissions have rarely been involved.**
14. Assuming there are other eligible roadways within the agency's jurisdiction, would you consider additional nominations? Why or why not? **Yes. The updated General Plan identifies Highway 49 west of Placerville as a potential road for scenic corridor designation. This designation helps to control urban design along the designated routes and may encourage tourism.**
15. Is there anything you would change about the Corridor Protection Program? **No.**

IV CONCLUSIONS/RECOMMENDATIONS

Based on the critical review of the El Dorado County CPP and interview with County staff, the CPP appears to be working adequately. Significant improvements in policy and regulation of the corridor will be achieved upon adoption of the pending update of the General Plan and correlating zoning regulations. If the entire proposed update cannot be adopted at this time, it is recommended that staff pursue adoption of the policies and regulations affecting the corridor independently.