

The designation process required adoption of a protection program insuring that the County would maintain the scenic corridors by:

- regulating land use and developmental density,
- creating a review process for land and site planning such as design review or use permits,
- prohibiting off-site and controlling on-site advertising,
- regulating grading and landscaping, and
- requiring review of the appearance and placement of utility structures and equipment, such as cell towers.

The program, usually instituted as an ordinance, required input from affected property owners and interested groups or organizations on the proposed standards and regulations that would be placed on development within the corridor.

A draft *El Dorado County Scenic Highways Ordinance* was prepared in June 1992 (Exhibit C). The process involved community meetings and public input in compliance with State requirements for public involvement. However, the draft ordinance was never officially adopted by the Board. Existing General Plan policies insuring protection until such time as an ordinance was adopted enabled the DTAC to continue to include State Route 89 and that portion of U.S. Highway 50 referenced above into the State Scenic Highway System. Five-year monitoring by the California Department of Transportation (Caltrans) was completed in July 1997 with continued approval based on existing General Plan policies. Further monitoring was stayed under the Writ of Mandate pending the adoption of the 2004 General Plan.

The 1992 draft ordinance included an inventory of views and viewsheds along the U.S. Highway 50 and State Route 49 corridors. State Route 89, which falls under the jurisdiction of the Tahoe Regional Planning Agency (TRPA), is also subject to their design standards as well as shoreland and shorezone development restrictions intended to protect lake and other scenic views. Maintenance and monitoring of TRPA-inventoried viewsheds are currently being regulated under their authority. Once the subject Scenic Corridor Ordinance is adopted, design standards and monitoring of State Route 89 will be regulated by the stricter of the two codes.

Issue #1: What area should be designated as a Scenic Corridor?

As a general rule “if you can see the corridor or resource from the project area, the potential exists for the project to be visible from the same scenic corridor or resource” (*TRPA Basic Scenic Conditions Assessment*). While based on a logical assumption, in practice it would involve site visits by County staff on every permit application within a certain distance from the highway to determine whether a parcel should be subject to the Ordinance. Due to variations in topography, the scenic corridor overlay would have to be expansive in order to capture all parcels that might impact a viewshed. Some parcels with no scenic impact would be included in this arbitrary dimension, potentially subjecting those property owner(s) to proving they are not subject to the Ordinance.

GIS applications exist that can utilize three dimensional data to determine scenic viewsheds from existing topographical information. From this application a clearer determination could be made as to which parcels would have an impact on designated viewsheds. A scenic corridor overlay could then be designed to be parcel specific rather than a dimensioned buffer zone.

Issue #2: What is allowed in the Scenic Corridor and what development standards would be affected?

The ordinance, as it applies to the subsequent overlay district, will allow development consistent with the base zone district. Under the General Plan Draft EIR (DEIR), the ordinance must regulate development and design standards within each district in order to prevent “encroachment of incompatible land uses, maintain existing land forms and preserve important vegetative features”. The new Ordinance could include development standards for land use, limitations on slope and ridgeline development and grading, standards for color, material, architecture and landscape features, as well as retention of native vegetation and landforms in order to reduce impacts on the aesthetic value of adjacent land and scenic viewsheds. Some of these regulations can be based on existing General Plan implementation policies, such as slope development restrictions, stream setbacks, and the Integrated Natural Resource Management Plan when it becomes available. The ordinance will serve to further refine these regulations specific to the scenic corridors, incorporate them into one section of code for ease of use, and allow due process for flexibility, variations and appeals.

Under the Scenic Corridor Ordinance, design standards can either be cross-referenced to pertinent sections of the existing Ordinance, or be delineated within its own section, if different from basic standards. Specific design standards should address, at a minimum, building and roofing colors and material, window glazing, driveway construction, fencing and landscaping in an attempt to minimize visual impacts from development. Flexibility could be given on the base zone setbacks if it would allow better screening of structures. The overall goal would not be to restrict development, but to require that it blend in and be compatible with the surrounding scenic environment.

Issue #3: Does Scenic Corridor apply to single-family residences?

Analysis within the DEIR found that residential development without restrictions, “would present gaps in the County’s ability to protect and preserve scenic views and scenic resources within identified scenic viewsheds”, resulting in a significant impact on designated corridors. Therefore, the ordinance must apply the aforementioned standards to residential development on those parcels determined to be within the Scenic Corridor Overlay District. The application of standards can take the form of an administrative permit requiring staff level review for compliance with the Ordinance. Commercial and industrial development would require the current design review process to remain in effect, but the process would be streamlined under the Ordinance through clearly defined development and design standards.

Issue #4: Billboards in Scenic Corridors.

Specific regulatory direction is given in the General Plan under Objective 2.7.1, which calls for the “elimination of billboards along identified scenic and historic routes”. Policy 2.7.1.2 further specifies billboard removal or relocation outside of the scenic corridors with amortization. Concurrent with the Ordinance update, an amortization period should be established for signs

within the scenic corridor, as well as for other non-conforming signs. A County compensation fund must be established for the removal of non-conforming signs as required under State law. As an incentive for removing signs sooner rather than later, the amortization schedule and reimbursement rate could be inversely proportional.

Issue #5: Official tourist sign program.

The ordinance should encourage the use of existing sign programs offered by Caltrans, specifically the Tourist Oriented Directional Signs (TODS) program (Exhibit D). The purpose of the program is to “guide out-of-town travelers to California’s tourist attractions”, such as wineries, gift and craft shops, restaurants, and the like, if they meet certain qualifications. Under the State *Streets and Highways Code* §229.20, “no signs authorized by this chapter shall be posted on any scenic highway, unless the county board of supervisors of the county in which the sign will be placed grants approval. Approval shall be given upon a modification of, and shall be consistent with, any existing corridor protection ordinance.” The Board could consider approving the use of the TODS program concurrent with their adoption of the Ordinance.

Issue #6: What routes should be considered for scenic highway designation?

Under separate consideration, Policy 2.6.1.8 directs staff to pursue scenic highway designation for portions of State Route 49. State Route 49 in its entirety is considered eligible for scenic highway designation by the State. The nomination process will include submittal of an updated visual assessment of viewsheds listed in Table 5.3-1 of the DEIR that were based on the 1992 draft inventory (Exhibit E). A Resolution of Intention must be enacted by the Board as part of the application package. Following approval of the nomination, the Scenic Corridor Ordinance, if adopted, will be submitted to DTAC as the protection program for State Route 49 under the designation process.

Table 5.3-1 lists other scenic viewpoints along U.S. 193 and U.S. 88. U.S. 88 is already an officially designated scenic highway under Amador County’s authority. However, as a portion of the roadway lies on the boundary between both counties, those parcels along the northern side of the corridor would be subject to the El Dorado County Ordinance. The great majority of these parcels are under federal or El Dorado Irrigation District ownership. Five parcels are under separate, private ownership, and several parcels each are under ownership of both Kirkwood Mountain Resort and Sierra-Pacific Industries. As the two companies’ commercial existence relies on the use, maintenance, enhancement and replenishment of natural resources, very little impact should occur on scenic viewsheds from their parcels. However, any proposed development of private property along this corridor would be subject to review under the El Dorado County Scenic Corridor Ordinance.

Caltrans also allows local roadways to be included in the program as long as they meet the criteria for nomination. Table 5.3-1 lists other major County roadways possessing scenic qualities, as well as U.S. 193. The County needs to decide which of these roads, if any, should be included in the *State Scenic Highway System*.

RECOMMENDATION

Provide staff with comments and direction regarding the draft document, as follows:

1. The Commission should discuss whether to pursue utilizing GIS viewshed technology and whether it can be done with County GIS specialists or would require contracting private consultants.
2. The Commission should discuss hiring a consultant to develop the amortization period and rate of reimbursement schedules for billboard removal.
3. The Commission should discuss whether the TODS program is something the County wants to adopt for the scenic highway corridors.
4. The Commission should discuss when the nomination process for SR 49 should begin.
5. The Commission should discuss whether U.S. 193 or any of the major local roadways listed in Table 5.3-1 of the DEIR should be nominated for inclusion within the scenic highway program.

ATTACHMENTS

- Exhibit A: General Plan Policies
Exhibit B: Caltrans Scenic Highways Guidelines
Exhibit C: 1992 Review Draft El Dorado County Scenic Highways Ordinance
Exhibit D: Caltrans TODS program
Exhibit E: DEIR Table 5.3-1: *Important Public Scenic Viewpoints*
Exhibit F: Sample Ordinances:
- Amador County
 - Lake County
 - Nevada County
 - TRPA