

**STAFF REPORT TO AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF TUESDAY, JULY 19, 2016**

ITEM NO. 2 – REVIEW AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATIVE TO AN ORDINANCE AMENDING CHAPTER 19.24 DISTRICT REGULATIONS BY CREATING A SCENIC HIGHWAY CORRIDOR OVERLAY ZONE DISTRICT FOR THE PURPOSE OF INCORPORATING THE EXISTING SCENIC HIGHWAY DEVELOPMENT STANDARDS AND REGULATIONS WHICH APPLY TO PROPERTY LOCATED WITHIN THE AMADOR COUNTY SCENIC HIGHWAY 88 CORRIDOR INTO TITLE 19 ZONING, INSTEAD OF IN THE AMADOR COUNTY GENERAL PLAN.

Applicant: County of Amador

Supervisorial District: III

Location: All that portion of those properties lying within 250 feet of the centerline of State Highway 88 between the Dew Drop Fire Station and the Amador/Alpine County line.

In 1985 when the County adopted the Scenic Hwy designation along that portion of State Highway 88 between the Dew Drop Fire Station and the Amador/Alpine County line one of the requirements was to have implemented a plan and program meeting the criteria found in Section 261 of the State Streets and Highways Code. Those regulations were incorporated into the County's General Plan Scenic Highways Element (see attached) for the purpose of providing the land use controls and regulatory safeguards to preserve and enhance this section of the highway corridor which has been identified as being a basic resource in the economy of the County.

The County is now updating the General Plan and has elected to implement these regulations through the adoption of an Overlay Zone instead of including them in the General Plan. The proposed ordinance has merely rewritten the regulations contained in the current General Plan into an ordinance that will become part of the County's Zoning Code and applied to the affected properties as an overlay zone district. If this action is not taken and the proposed Final General Plan is adopted as proposed, there would no longer be any scenic highway regulations and the County would be out of compliance with the State Scenic Highways regulations, jeopardizing the scenic status of this section of Highway 88.

No changes in the existing regulations are proposed. A minor clarification in the description of the definition of the boundary of the overlay zone is proposed to provide clarity as well as some other non-substantive changes/edits (see proposed ordinance).

Because this action is only changing the mechanism through which the existing scenic highway regulations are imposed, that is through zoning instead of the General Plan, there is no environmental impact and the project is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) the "general rule" exemption.

PROPOSED ACTION: Recommend adoption of the proposed Scenic Highway Regulations Ordinance to the Board of Supervisors as presented.

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING CHAPTER 19.24 DISTRICT REGULATIONS BY CREATING A SCENIC HIGHWAY CORRIDOR OVERLAY ZONE DISTRICT FOR THE PURPOSE OF INCORPORATING THE EXISTING SCENIC HIGHWAY DEVELOPMENT STANDARDS AND REGULATIONS WHICH APPLY TO PROPERTY LOCATED WITHIN THE AMADOR COUNTY SCENIC HIGHWAY 88 CORRIDOR INTO TITLE 19 ZONING INSTEAD OF IN THE AMADOR COUNTY GENERAL PLAN.

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION 1. Recitals of Fact.

WHEREAS, the California Streets and Highways Code allows for the designation of Scenic Highway Corridors; and

WHEREAS, Section 261 of the California Streets and Highways Code states, in part,

“The standards for official scenic highways shall... require that local governmental agencies have taken such action as may be necessary to protect the scenic appearance of the scenic corridor... including, but not limited to, (1) regulation of land use and intensity (density) of development; (2) detailed land and site planning; (3) control of outdoor advertising; (4) careful attention to and control of earthmoving and landscaping; and (5) the design and appearance of structures and equipment.”; and

WHEREAS, in 1985 the County adopted a Scenic Highway Corridor designation for a portion of State Highway 88; and

WHEREAS, the standards and regulations for the scenic highway corridor were, at that time, incorporated into the County’s General Plan Scenic Highways Element; and

WHEREAS, the County is now updating the General Plan and desires to transfer the scenic highway standards and regulations from the General Plan to Title 19 Zoning by establishing an Overlay District with the same standards and regulations presently found in the General Plan Scenic Highway Element.

SECTION 2. Chapter 19.24 District Regulations of the Amador County Code is hereby amended by adding the following new Section 19.24.049:

19.24.049 Scenic Highway Corridor Overlay District

A. Goal and Intent of the District Element

The generalized goal of the this Scenic Highway Corridor Overlay District Element is to provide land use controls as regulatory safeguards to preserve and enhance an area of special and unique natural beauty and aesthetic interest in Amador County which has been identified as being a basic resource in the economy of the County. In order to accomplish this goal, this district element establishes design review

controls which go beyond those possible under normal zoning-general plan review procedures. This is to ensure that future development within this corridor will attract rather than detract from the aesthetics and the County will consequently retain the overall scenic value as well as economic resource value of State Highway 88. The general and special regulations listed below are to be utilized by County staff as guidelines and criteria when reviewing projects. They are not meant to preclude nor replace the usual permit and CEQA review process and are meant to supplement the public hearing process. The intent is to satisfy the state requirements for a scenic highway and promote tourism.

B. Implementation – Policies and Regulations.

1. Scenic Highway Corridor Overlay District – Definition of Boundary.

A Scenic Highway Corridor Overlay District 500 feet in width is hereby declared to exist ~~on~~ along State Highway 88 between Dew Drop Fire Station and the Alpine County line ~~(refer to land use element map)~~. This 500-foot Scenic Highway Corridor Overlay District shall be measured two hundred and fifty (250) feet at right angles from the centerline of the paved section of the ~~road sides of the~~ highway except where the 500-foot corridor has already been obtained by fee title or easement by the United States Forest Service ~~as~~. ~~That 500 feet is~~ described in a record of survey ~~recorded in Book 19 of Maps and Plats at Page 1, and described in a deed to the United States of America recorded in Book 36 at Page 295 and Book 39 at Page 391 of the Official Records of Amador County.~~ The new two hundred fifty feet shall be considered as a straight line dimension without regard to terrain features. The Scenic Highway Corridor Overlay District boundary shall be considered as an “overlay” of ~~other land use, open space or conservation element classification within the corridor~~ the underlying zoning designation of that portion of each property within the Scenic Highway Corridor Overlay District boundary.

2. Regulations – Generally.

- a. Notwithstanding the provisions of any ~~other~~ general plan element classification which may be within the scenic highway corridor, the following zone districts are the only ones which may be found to be consistent with the scenic highway corridor overlay district: “R1A,” “TPZ,” “AG,” “X,” “PD.”
- b. All development projects submitted to Amador County which are proposed to be located partially or wholly within the Scenic Highway Corridor Overlay District shall be submitted for review and comment to the Tri-County Technical Advisory Committee so long as it may be in existence. These projects shall include but not be limited to building permits, commercial recreation, ~~or other~~ use permits, land divisions, rezones, variances, grading permits, and advertising signs and structures, ~~etc.~~
- c. Timber Harvest Plans submitted to the California Department of Forestry which are located partially or wholly within the scenic highway corridor and referred to Amador County for review and comment shall be reviewed with regard to any adverse impact on the scenic highway corridor. Amador County will take whatever measures are available to mitigate any significant adverse impacts to scenic values which might result from a Timber Harvest Plan which has not, in the opinion of the County, adequately considered these scenic values.

- d. The California Public Utilities Commission requires undergrounding of utilities “within 1,000 feet from each edge of the right-of-way of designated State Scenic Highways” and “...which would be visible from such scenic highways if erected above ground...”. This State requirement will protect scenic highways from the intrusion of unsightly utility uses, such as poles, lines, etc.
- e. ~~In conjunction with existing policies 13 and 16 of the Land Use Element, n~~Non-appurtenant outdoor advertising structures (billboards) shall not be permitted in the scenic highway corridor. Appurtenant, or on-site adverting structures, shall be considered as projects requiring County review and approval prior to erection.

For the purposes of this section, the advertising structures used as directional and informational aids approved by the U.S. Forest Service and Caltrans for Pacific Gas and Electric concessionaires, private commercial recreation facilities, and public recreational facilities shall be considered as appurtenant on-site advertising structures if located within a reasonable distance of the access road to these facilities. These recreational facilities specifically include but are not exclusively limited to the Bear River Lake Resort, Kit Carson Lodge, Plasse’s Resort, Iron Mountain Ski Resort Sno-Park, Kirkwood Ski Mountain Resort, etc. Alterations or replacement of appurtenant advertising signs shall require an approved permit which shall be treated processed the same as a new permit. Signs advertising the sale or lease of property shall be exempt as long as they are a maximum of two (2) square feet in size.

3. Regulations – Site Specific.

- a. Development or other project applications shall be accompanied by the following if found pertinent by County staff:
 1. A detailed, full property plot site plan indicating the proposed location and nature of improvements in relation to parcel boundaries.
 2. A statement describing the purpose and scope of the project, including both short and long term plans for the project site.
 3. If necessary, an environmental impact assessment form (supplied by the County from the “State CEQA Guidelines”).
 4. Applications for building permits and use permits shall contain architectural and/or artist’s renderings of all structures which show the location of all structures in relation to lot lines; driveways; encroachment design onto State Highway 88; the front, side and rear views of any structures; a detailed description of the types of materials to be used for exterior siding, foundations, roofing, balconies, porches, etc. Incomplete plans will be returned with a specific list of deficiencies. The use of wood or wood façade exteriors and fireproof shake or composition shingle roofing materials shall be required unless “as good or better” materials or design, in the opinion of the County, are proposed by the applicant. These alternative materials may include certain types of metal roofing and sidings if found equivalent in aesthetic appearance to natural materials.

- b. The exterior colors of the sides and roofs of structures and sign supports shall not contrast with the natural colors in the area. Colors of stains, paints or finished building materials shall be shown to harmonize with the forest setting or they shall be denied. In general, natural “earth tones” and soft shades that will blend with the surroundings shall be required to achieve this harmony. Stains are preferable to paints and natural wood colors are encouraged. Examples of earth tone colors may include but are not limited to neutral or soft browns, redwood, weathered gray or gray-green, and dark greens. Artist’s renderings of the proposed colors or actual paint samples shall be submitted as part of the project or permit plans. Roofs and outside trim shall not have colors which sharply contrast with the remainder of the structure. The County may deny incompatible proposed structural coloring and the County may deny colors found to be inconsistent with the objectives of the Scenic Highway Element Corridor Overlay District.

Owners or tenants shall not remodel, repaint or otherwise alter the appearances of approved structures unless the improvements are found to be substantially in conformance with the originally approved plans or the improvements are processed in accordance with the procedures required elsewhere in this element the Scenic Highway Corridor Overlay District.

- c. Commercial structures shall be restricted to having only two occupancy floor levels. Subsurface basement levels or underground parking shall not be considered an occupancy level. Any requested use permits for excessive building or sign height above the 35 foot building height limitation in the Amador County Code, “R1A” District, will be recommended for denial unless the use permit can be found to be in conformance with the objectives of the Scenic Highway Element Corridor Overlay District.
- d. Proposals to cut, fill or otherwise move more than fifty cubic yards of earth shall require an engineered grading plan to be filed with the Building Department of Transportation and Public Works prior to any work taking place. This grading plan shall include a statement as to the effects on off-site drainage. Radical cuts or fills which, in the opinion of the County, are contrary to the Goals and Intent for which the Scenic Highway Corridor was adopted may be denied by the County.
- e. A landscaping plan shall be submitted as part of the application for any project or permit within the scenic highway corridor. The plans shall include a plot site plan showing the locations of existing mature trees and shall indicate their ultimate disposition at the completion of the project. The landscaping plan shall also indicate where the applicant is proposing to plant vegetation and the type of vegetation. Following review by the Tri-County Technical Advisory Committee the County may require landscaping as a condition of project or permit approval. The County may require the retention of mature trees where it can be found that their removal is not essential to construction of the project or permit. Attempts by a property owner to circumvent this requirement by removing trees prior to a project application could result in a much more stringent and expensive landscaping plan being required.

As a condition of the approval of a landscaping plan the County may require the planting of native species of trees and shrubs to ensure high survival rates and low maintenance. “As

good or better” landscaping proposals submitted by the applicant may be approved in lieu of native species.

- f. Project or permit plans shall include any on-site advertising sign plans proposed by the applicant. These sign plans shall show the location of sign(s), the design and construction materials, the colors, and a drawing of the advertising display. Signs shall not have flashing lights and any sign illumination shall be shielded to prevent glare. Signs attached to commercial structures shall not project above the roof line or cornice line of the commercial structure. Free standing signs shall have a minimum setback of twenty five (25) feet from the edge of pavement of any County Road or State Highway 88.

All proposals shall be reviewed and recommendations made by the Tri-County Technical Advisory Committee. Signs that are not found by the County to be compatible with the Goal and Intent of the scenic highway corridor may be denied by the County.

- g. A parking plan shall be submitted with all commercial use applications to the County. Minimum parking requirements shall be one space per two hundred square feet of floor area for all commercial uses. Parking spaces and access driveways shall be paved or concreted prior to the issuance of a certificate of occupancy or an acceptable bonding agreement made with the County. Minimum setback areas may be used for parking if approved by the County but said spaces shall not be used in computing the total number of required spaces. Parking areas shall not be used for any other purpose than parking vehicles. Unless shown to be unfeasible, loading bays and delivery parking shall be located to the rear of a commercial structure. The Tri-County Technical Advisory Committee may recommend to the County denial of a poorly designed parking plan and the County may deny said plan if it is found that the submitted parking plan design will conflict with the stated Goal and Intent of the scenic highway corridor.

4. County Action On Permits.

Applicants shall file their project or permit plans with the County Planning Department which shall forward the project to the Tri-County Technical Advisory Committee and affected agencies for review. ~~has authority over the particular project or permit being submitted for approval. For example, use permits, zonings, subdivisions, land divisions, and variances are filed with the Planning Department. Building permits, sewage disposal permits and grading plans are filed with the Building Department.~~

The County Planning Department may deny permits which are found not to conform to the general and site specific regulations contained in the Scenic Highway Corridor Overlay District. ~~this element.~~

Any interested person including but not limited to the applicant may ultimately appeal the decision of any County department or advisory agency to the Amador County Board of Supervisors pursuant to Chapter 19.64 (Appeals) of the Amador County Code.

C. Severability.

If any part or subsection of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness, or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

SECTION 3. This ordinance or a summary thereof shall be published in the manner prescribed in Government Code Section 25124 and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted at a regular session of the Board of Supervisors of the County of Amador, held on the ____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

CHAIRMAN, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California
By_____

(ORDINANCE NO. XXXX)

(XX/XX/XX)