

AMEND "OPEN SPACES AND SCENIC RESOURCES" ON PAGE 46 TO ADD THE FOLLOWING:

"Of particular concern is the maintenance of scenic resources along the roadways of the Town. These scenic qualities serve to differentiate the Town from the more urban character of the City of Rutland.

Pastoral and scenic views of mountains and ridges must be preserved. While some development has already occurred that impairs those views, no further development should be permitted that adversely affects those scenic resources. The scenic resources of the Town belong to all residents of the Town and to the Town itself. The Town's scenic settings are easily lost by ill-advised development. Once lost, they are irreplaceable.

It is the policy of this Plan that these locations, to the extent not previously developed, undergo no further development that reduces or diminishes their scenic or visual qualities. Most roadways that are scenic in nature have occasional locations where distant views cannot be seen. These parcels are mere interruptions in a unified experience of scenic beauty, and these parcels should be preserved to avoid disruption of a continuous scenic experience.

Little or no development shall occur that disturbs or alters these scenic resources. While small, low, relatively inconspicuous uses may be allowed where such scenic resources are located, if a project or use has an undue impact upon the visual or scenic resources of other locations within the Town from which it can be seen, it shall not be allowed even if the proposed use is allowable generally in the district in which the subject property is located. While projects and uses can be relocated, there can be no replacement of a scenic or visual resource that has been lost.

In considering the question of "undue impact" upon visual or scenic resources hereunder, the standard that shall be utilized is the so-called "Quechee Lakes" standard, and the examination of any such development respecting the appropriateness of any such development respecting impact on the scenic or visual resources outlined herein shall be under the Quechee Lakes standard.

Therefore, in areas that have an impact on visual or scenic resources of the Town noted herein, the following guidance shall apply in a non-exhaustive manner to review of development in such areas. At a very minimum, all such development:

1. Must take into account the impact of the proposed project on the scenic and visual impacts of the project.
2. Must be located at a distance from the road that will lessen the visual impact of such project to the extent reasonably feasible. In determining what is reasonably feasible, mitigation methods such as setback, buffers, plantings, and berming must be considered as means to reduce visual and scenic impact.

3. Must provide in any plan for development a list, itemization, and drawing, map, or plat plan, of all measures that will be taken to reduce visual impact including but not limited to such measures (this list is non-exhaustive) as berming, planting, recontouring of land, shielding, reduction of lighting (including consideration of appropriate Dark Sky or similar measures), etc.
4. Excepting (a) projects in the Industrial district, (b) barns, silos, agricultural out-buildings actually used in agriculture, and/or (c) public safety facilities or projects, development within the Town:
 - a. Must not include or involve large roof, parking, driveway, reflective, flat, curved, or other surfaces that are visible from areas of regular (meaning more than occasional) travel or occupancy. The term “large” shall be interpreted by reference to the road, parking, driveway, etc., surfaces of other projects and properties visible from the same point in roadways or residences from which the subject property can be seen.
 - b. If replacing an existing building, structure, or facility, must not be taller than or have more volume than any project or building it replaces;
 - c. Must be of a color and surface texture that is compatible with or consistent with the natural surroundings in which it is located;
 - d. Must not result in more curb cuts, roads, driveways, or other visual connectors from road to building, than are reasonably necessary to provide access to the project;
 - e. Must not result in utility lines, fuel storage, or other visible services that are unduly visible from areas of regular travel or occupancy.
5. Because distance from places of regular travel or occupancy can in some cases (but not all cases) reduce visual impact, buildings shall be constructed as far from the roadway affected as is feasible in order to reduce visual or scenic impact, in areas from which scenic resources are visible. It is the policy of this Town Plan that the larger a project is, the more distant it shall be from any roadway or residence that experiences the scenic resource. The point and purpose of this provision is to reduce scenic impact. The fewer degrees of azimuth and altitude that are affected, the less the impact will be.

The fact that a proposed project or structure does not violate the guidance of paragraph 1-5 above shall NOT mean that the project does not create an undue impact as described above. Rather, a project that does not comply with the guidance of paragraph 1-5 above is presumed to create an undue impact on scenic and visual resources. In addition, while considering undue impact, the cumulative impact of adding another project to the viewshed may be, but need not be, considered on a case-by-case basis, depending on the particular circumstance before the panel or commission considering the project’s compliance with this Town Plan.

While the terms “visual” and “scenic” are used within this section, the terms are often used interchangeably herein. No significance shall be given to the use of one term as opposed to the other within the provisions of this Section.

To provide guidance to developers, townspeople, stakeholders, tribunals, commissions, or agencies respecting the intent and purpose of the above, the following locations are declared to be “scenic resources” of the Town of Rutland within the meaning of that term as described above. The inclusion of a location herein shall be conclusive evidence that the Town of Rutland has declared such location to be a “scenic resource.” However, the fact that certain locations are expressly defined herein to be a “scenic resource” shall NOT be considered to exclude other locations. The inventory listed here is to be considered as examples of the scenic resources of the Town:

(LIST forthcoming)

DRAFT