

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Wednesday July 14th, 2021, at 9q:00 AM

Rev. 7/29/2021

MEETING REPORT

MEETING CALLED BY:	GARY DAVIS		
COMMITTEE MEMBERS:	GARY DAVIS	JOHN CASEY	CHUCK OYLER
	BOB HILLIARD	TOM SCHWARTZ	
SECRETARY:	KIMBERLY BURKARD		
GUESTS:	TERRY FENNELLY	DOUG FINCH	SHAWNA BONSHAK
	JARED SIMPSON	JOYVE MARTHALLER	CATHY MENIKOTZ
	BARBARA JOHNSTON		

PRIVILEGE OF THE FLOOR

Mr. Davis opened the meeting at 9:04 am.

PRIVILEGE OF THE FLOOR

None.

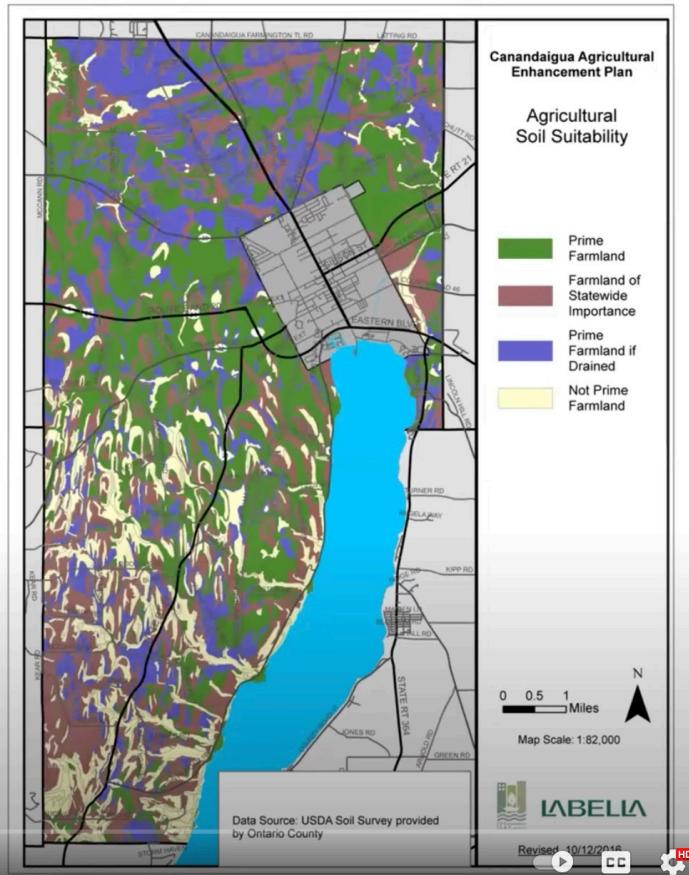
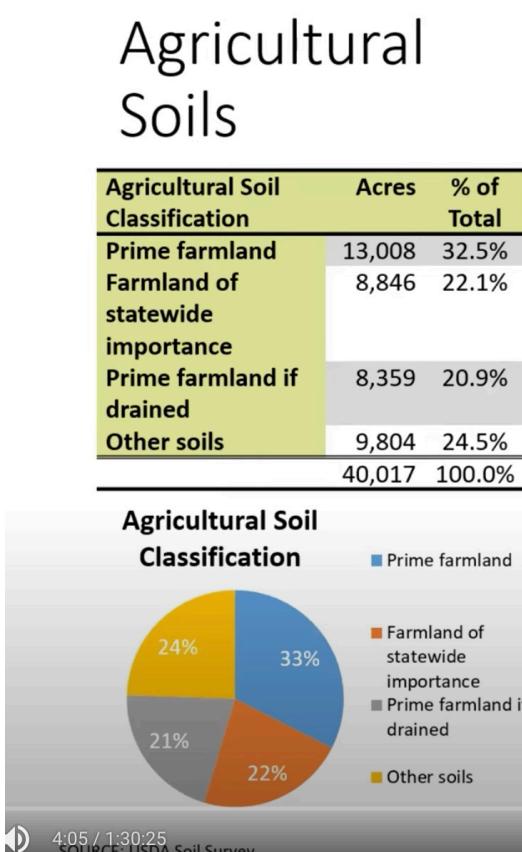
COMMITTEE BUSINESS

Ridgeline/Scenic Viewshed Protection Discussion with presentations from Barb Johnston (LaBella) and Joyce Marthaller on Town Planning Documents

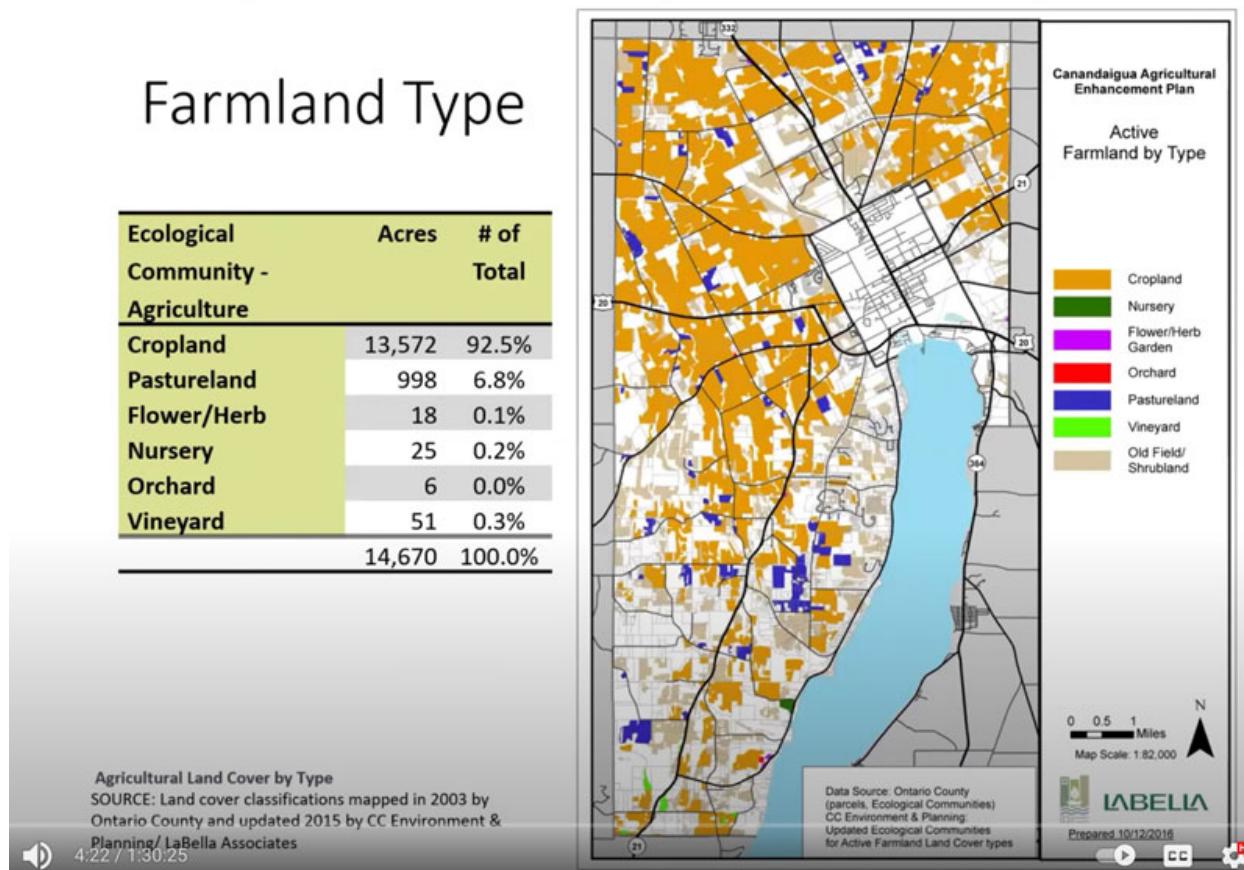
- Mr. Davis introduced Ms. Johnston.
- Ms. Johnston gave an overview of the resources that the Town has available—See later bullet point for links to those resources which include the Agriculture Enhancement Plan, Open Space Plan, and Natural Resource Inventory.
- Ms. Johnston started with a presentation of the Agriculture Enhancement Plan. The plan contains current conditions; issues, opportunities and resources; farmland protection priorities and parcel ratings; and goals, strategies, and recommended actions.
- Ms. Johnston shared slides with information and graphics from the Ag Plan. Snapshots from her presentation during the meeting are included here for notation purposes along with her comments. Please see the plan on the Town's website for better quality images and complete information:

http://www.townofcanandaigua.org/documents/files/Town%20of%20Canandaigua%20Ag%20Enhancement%20Plan_Plan%20Only_Dec%2D8%2D2016.pdf

- She noted that the Ag Plan identifies the soil types with green, blue, and brown identifying high quality farmland. That soil is throughout the Town but with the highest concentration is in the northern areas of the Town.



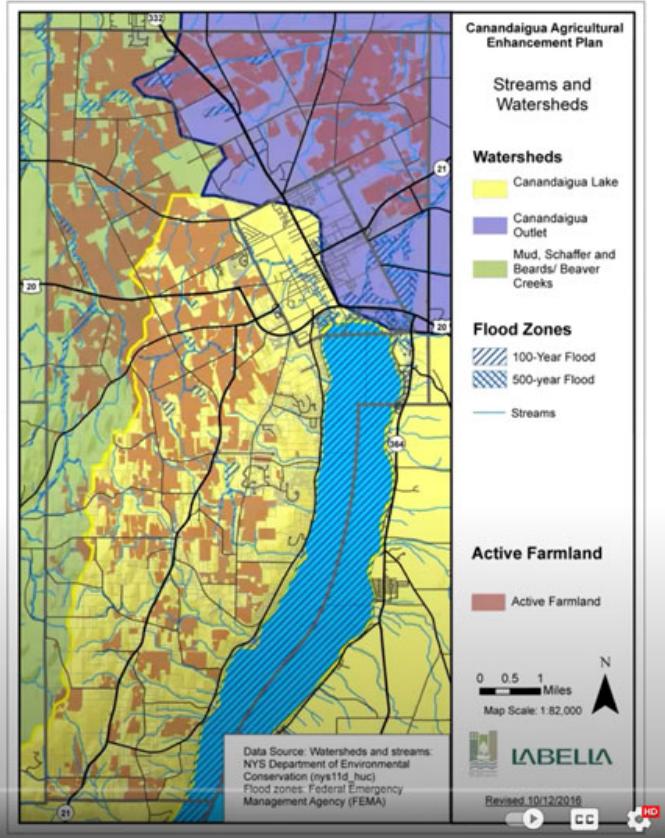
- Ms. Johnston covered the information included in the Ag Plan on farmland types which has color-coded the mapped the farm fields with their crop type. She noted that this information is dated and suggested viewing aerial photos or conducting site visits as that would give a more up-to-date view of the land. She also noted that farmland was and is a large percentage of the Town's land cover.



- She next covered the stream and watershed information included in the Ag Plan. She commented that farmland can carry pollutants to the Lake if not properly managed.

Natural Resources

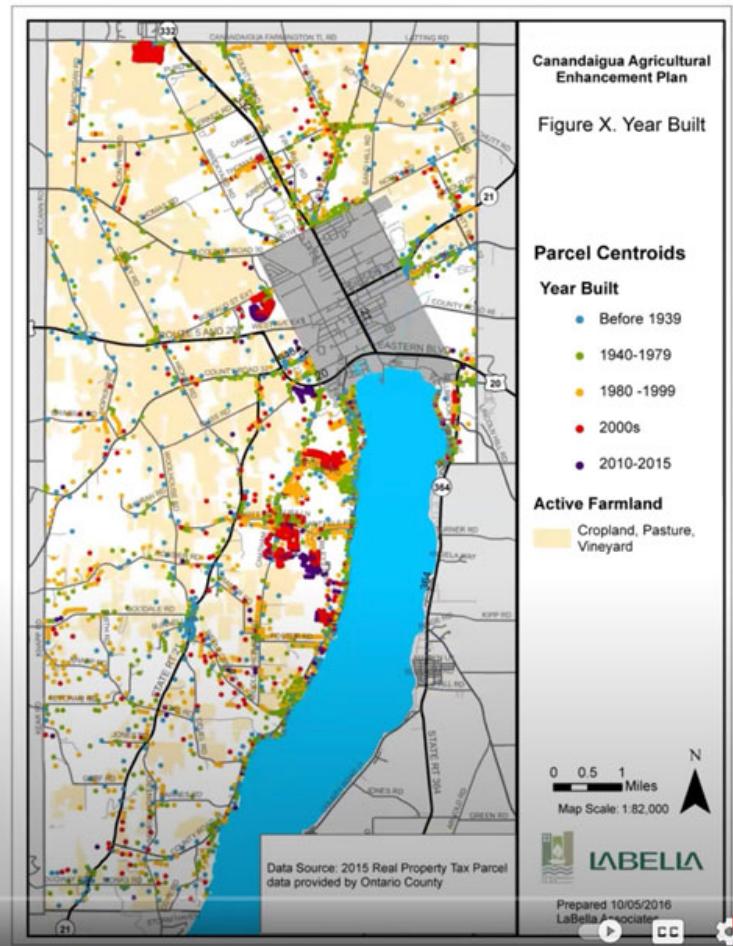
- Canandaigua Lake Watershed
 - 51% of Town within Canandaigua Lake Watershed
 - Streams
 - Flood zones
 - Wetlands



- Ms. Johnston next shared Development Pattern information from the Ag Plan. She added that development has/has not affected farmland and that many dots indicate older “farm house” residences with any newer developments (red and purple) being clustered. Development can impact farming if not properly designed.

Development Patterns

- Increased demand in recent years
- Most new development in sewered areas
- Scattered lots can impact farming

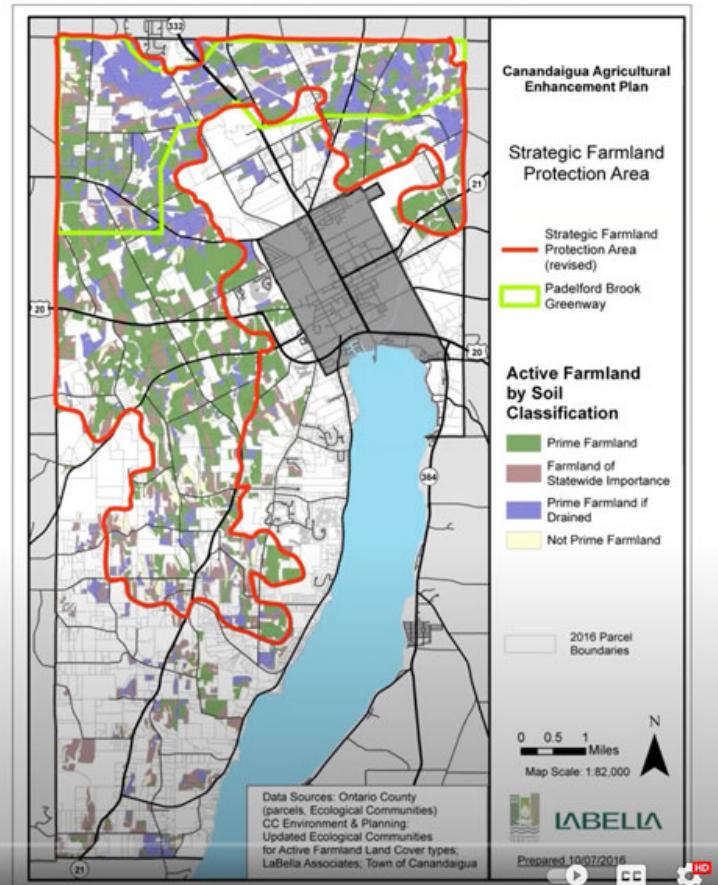


28 / 1:30:25

- Ms. Johnston then covered, in her words, the “final result of the Ag Plan” which was the Strategic Farmland Protection Areas that outlined the areas of highest quality farmland. She added that this is Town policy and that it should be referenced when planning development.
- Mr. Finch noted that there are no current regulations to protect the Strategic Farmland Protection Area. He continued that he has been in discussions with the Agriculture Committee to create an Agriculture overlay district to overlay the Strategic Farmland Protection Area and that will most likely be advanced to the Ordinance Committee in the next couple of months.

Strategic Farmland Protection Areas

- Contiguous areas of active farmland
- High quality soils
- Outside sewer extension areas and SCR zoning district



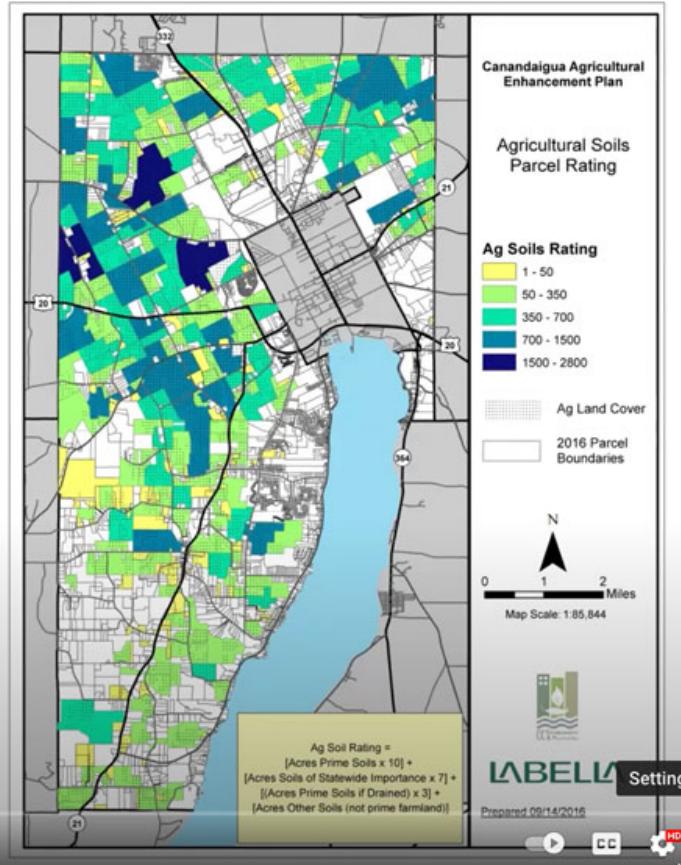
6:47 / 1:30:25

- Ms. Johnston covered the parcel ratings done and included in the Ag Plan for any parcels of 5+ acres. The rating is weighted towards highest quality soils.

Parcel Rating

- Agricultural Soils

<i>Agricultural Soils Classification of Actively Farmed Land (applied to acres in each category)</i>	<i>Rating Factor</i>
Prime Soils:	10
Soils of Statewide Importance:	7
Prime if Drained:	3
Other soils:	1



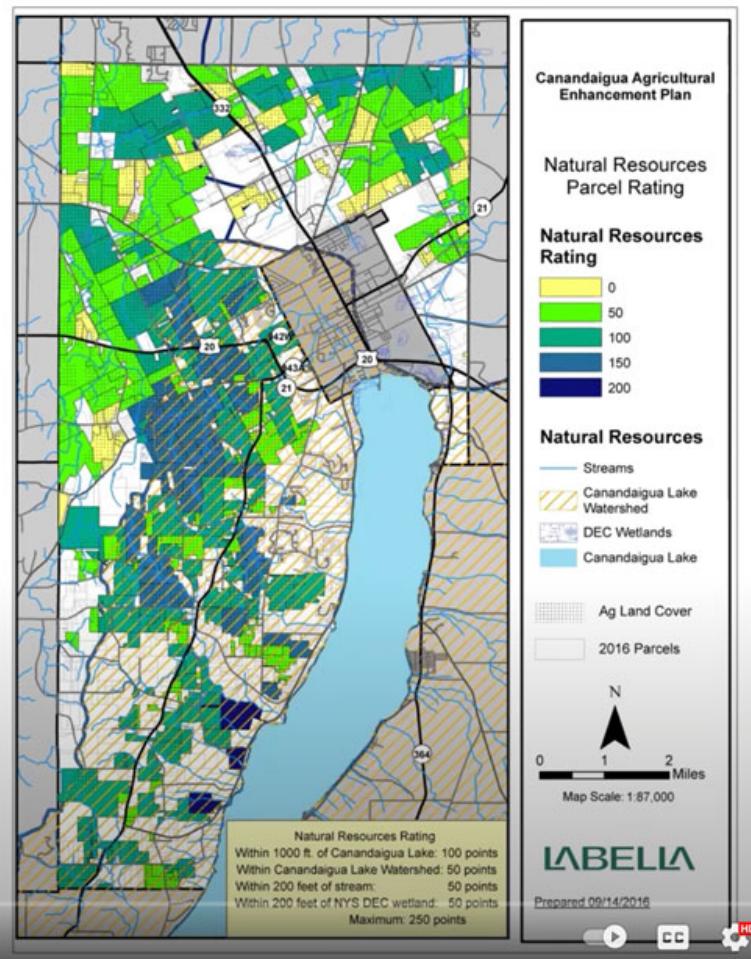
7:56 / 1:30:25

- Next Ms. Johnston shared ratings of natural resources (watershed, lakes, and streams) of the various parcels.

Parcel Rating

- Natural Resources

<i>Natural Resource Factor (applied to entire parcel)</i>	<i>Rating Factor</i>
Within 1000 feet of Canandaigua Lake	100
Within Canandaigua Lake Watershed	50
Within 200 feet of stream	50
Within 200 feet of NYS DEC wetland	50



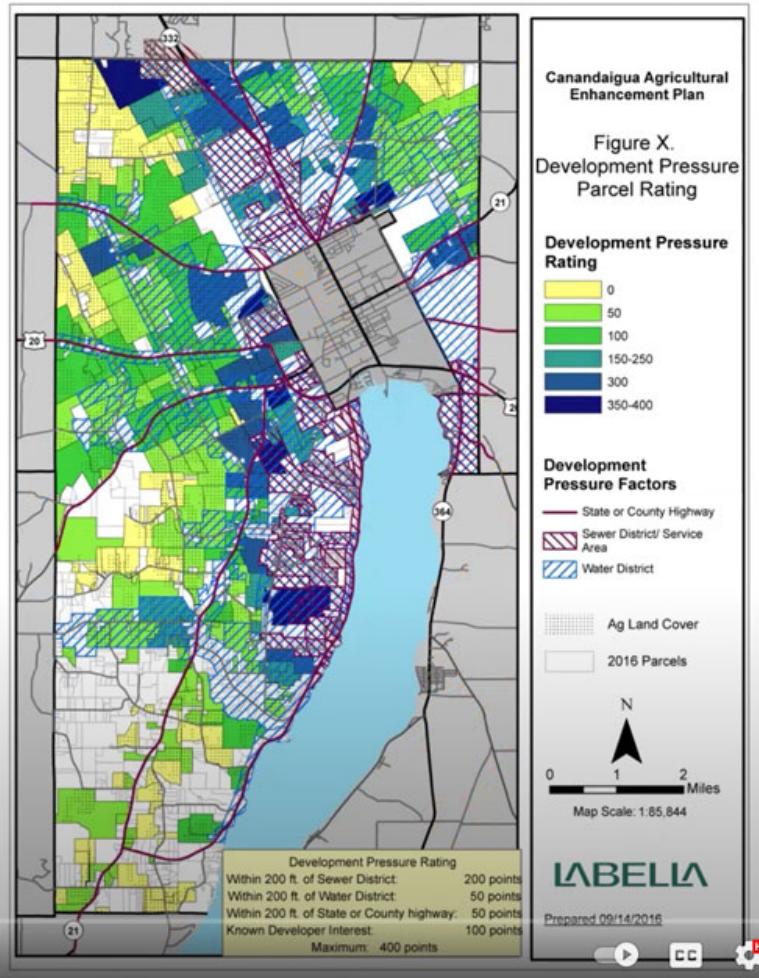
- Ms. Johnston shared parcel rating information with regards to Development Pressure that focused on parcels with developer interest, public water, sewer, and road access. This identified key areas for possible grant work.

Parcel Rating

- Development Pressure

<i>Development Pressure (applied to entire parcel)</i>	<i>Rating Factor</i>
Site of known/ suspected developer interest	100
Within 200 feet of Sewer District	100
Within 200 feet of Water District	50
Within 200 feet of State or County Highway	50

1:30:25

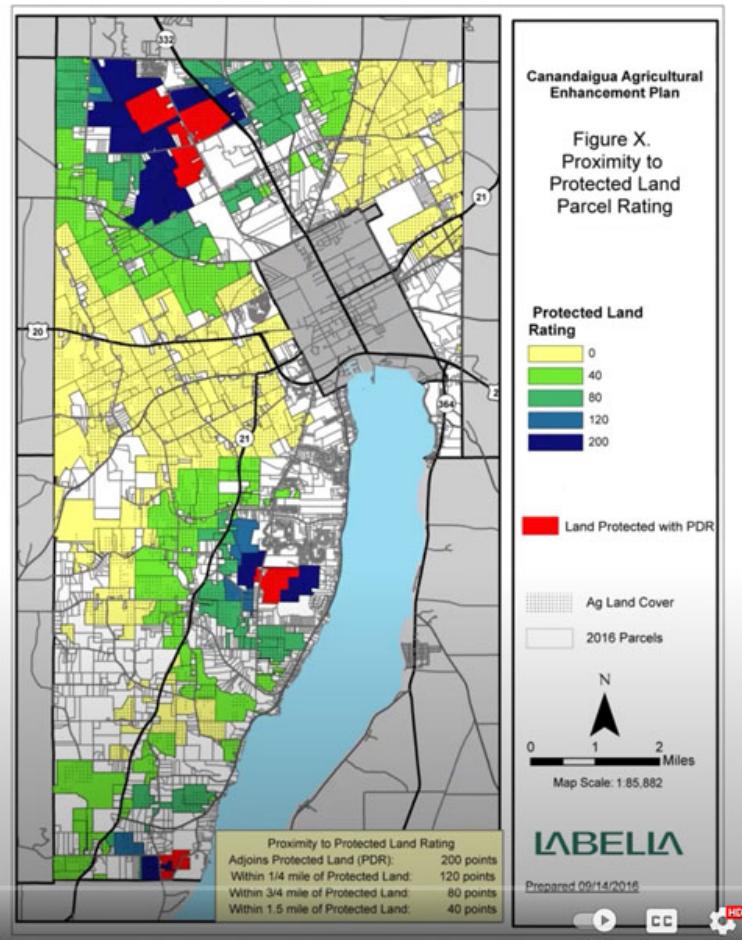


- Next she shared parcel rating information that focuses on the proximity of the parcel to protected farm land.

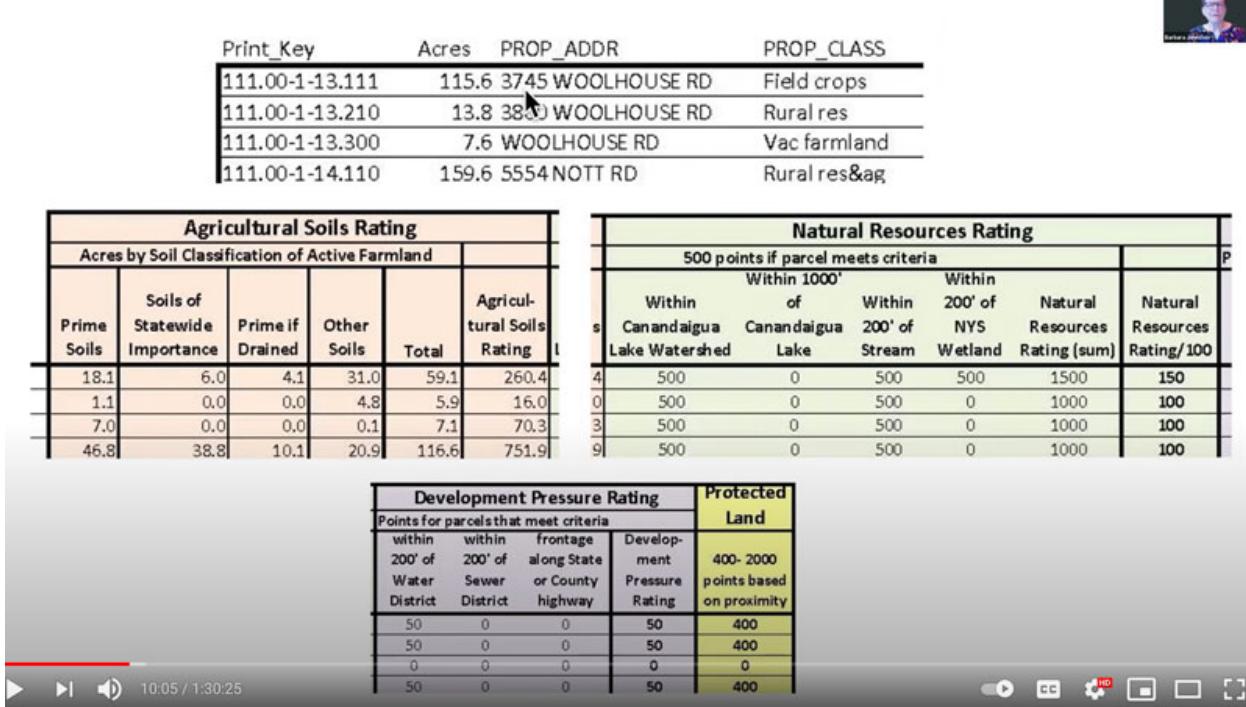
Parcel Rating

- Protected Land

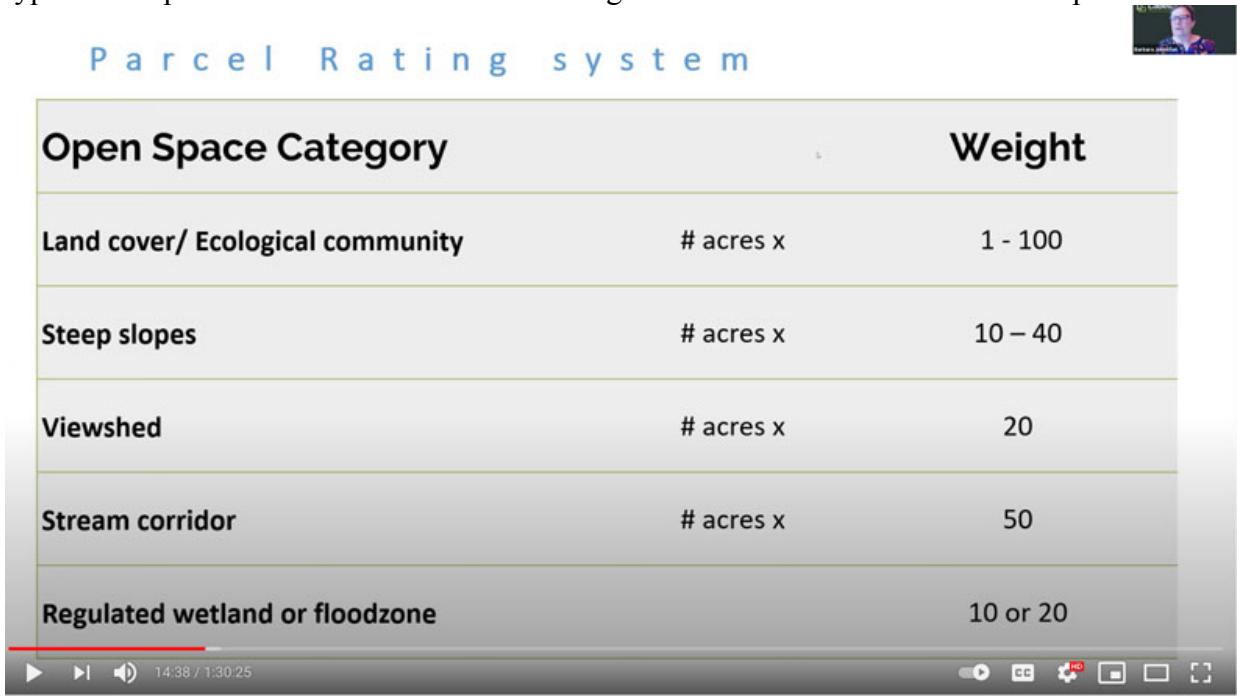
<i>Preserved Land Proximity (applied to entire parcel)</i>	<i>Rating Factor</i>
Adjoins protected land (PDR)	200
Within $\frac{1}{4}$ mile of protected land	120
Within $\frac{3}{4}$ mile of protected land	80
Within 1.5 mile of protected land	40



- Mr. Finch asked Ms. Johnston to touch on the listings of parcel ratings at the end of the Ag Plan. In response, Ms. Johnston shared the following slide that shows ratings in the different categories for some selected parcels. She also noted that the parcel rating is actually an excel spreadsheet that can be searched through to look up individual parcels and their ratings.
 - Ms. Johnston continued that the ONCOR system does a similar process with soil types and streams/wetlands and it may be more user friendly. She encourages using ONCOR in addition to these resources.
 - Mr. Finch asked what was the minimum acreage size to be listed in the Ag Plan. Ms. Johnston answered that she believed it was five acres. Mr. Finch noted that the listing contained most parcels in the Town.



- Ms. Johnston moved on to the Open Space, Conservation & Scenic Views Master Plan document. She said that “open space” is defined as land cover/ecological communities, stream corridors, steep slopes, scenic views, and regulated features. All parcels were rated with a rating developed with regards to the open space elements. The Open Space Master Plan can be found on the Town’s website at:
http://www.townofcanandaigua.org/documents/files/CanandaiguaOpenSpaceMasterPlan_June2018_Adopted_plan%20only.pdf
- Screen shots from Ms. Jonhston’s presentation and answers were included for notation purposes. Please see the plan for better quality images and more detail.
- Ms. Johnston shared the Parcel Rating System. Rare or vulnerable ecological communities were rated higher, example Silver Maple-Ash Swamp. The number of acres multiplied by the rating weight would create the rating score for the parcel. Steep slopes ratings are calculated similarly. Viewshed rating used an earlier study that identified significant views and the parcel’s relation to those. The stream buffer corridor and floodplain ratings were also added to the rating calculation.
- Ms. Johnston commented that the top rated parcels are large and have a variety of open space types. Example: 3066 Goff Road which has large area of woods with wetlands and ponds.



Parcel Rating system		
Open Space Category		Weight
Land cover/ Ecological community	# acres x	1 - 100
Steep slopes	# acres x	10 – 40
Viewshed	# acres x	20
Stream corridor	# acres x	50
Regulated wetland or floodzone		10 or 20

- Ms. Johnston shared an example of a rating breakdown for 6099 Goff Road. She noted that they did model what places were visible from Canandaigua Lake.

Sample Parcel Rating



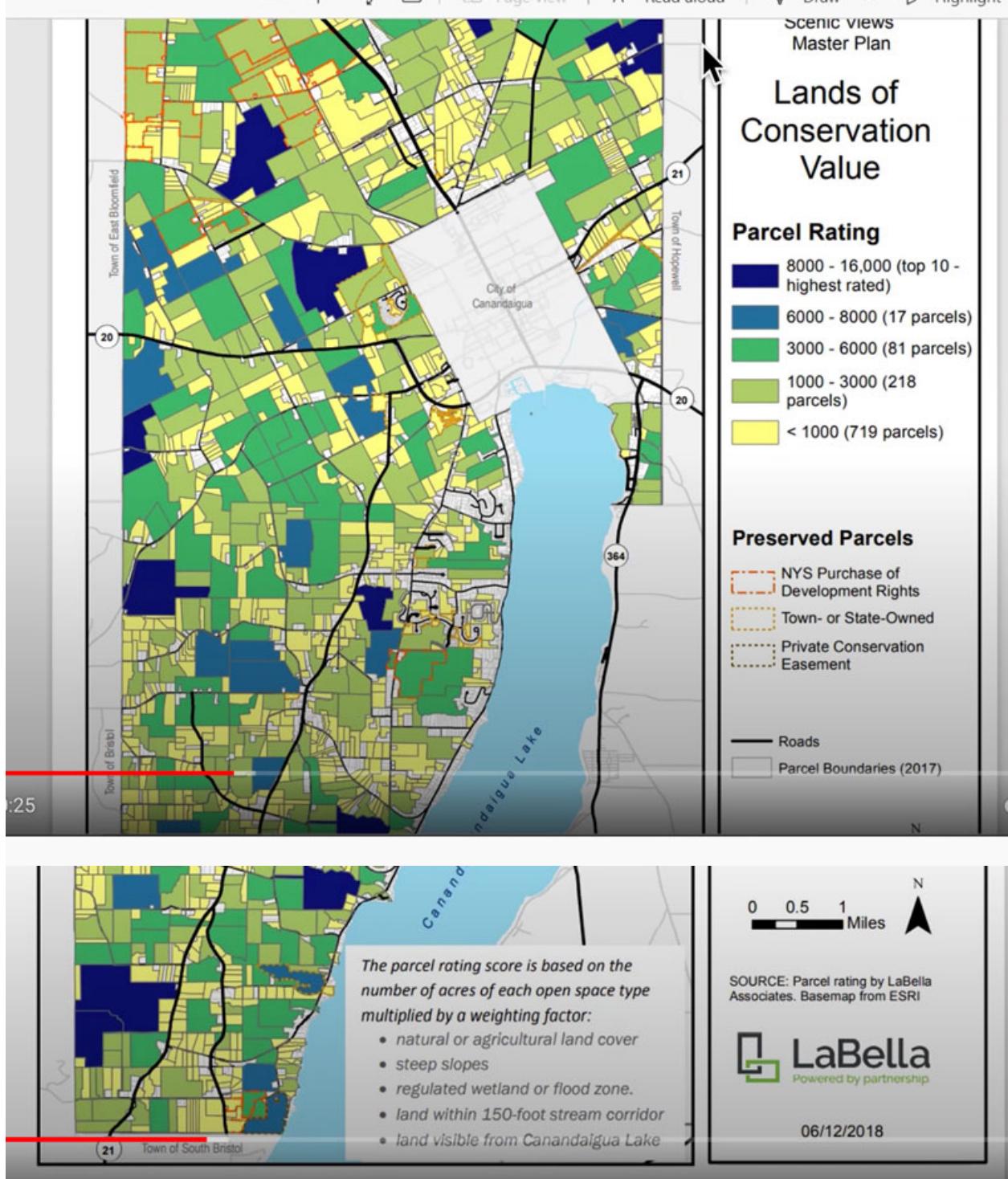
	6099 Goff Road - 340-acre parcel	Score
Land Cover/ Ecological Communities	168 acres woodlands 104 acres of farmland 2-acre pond	10,20 9
Steep Slopes	116 acres steep slopes	1,413
Stream Corridor	27 acres within a stream corridor 16 within Canandaigua Lake watershed	2,167
Scenic Views	74 acres visible from Canandaigua Lake	1,479

- Ms. Johnston added that these parcel ratings are in a searchable spreadsheet. She also noted that most of the maps in the Open Space Plan were carried over into the Natural Resource Inventory documentation. She encouraged any who did not attend the NRI training to view the recording of that.
- Mr. Finch said that the plan includes the ratings of all the parcels in the Town at the back of the plan document. Ms. Johnston corrected that statement and said there was a threshold of 5-10 acres for the listing. Mr. Finch suggested using these ratings in PRC reviews. Ms. Bonshak commented that it would be useful to have this added to the ONCOR system as it would all be in one place.
- Mr. Finch added that in agricultural reviews the rating for the parcel is looked up in the Ag Plan and then that rating is added to the facts and findings. He continued that their recommendation is based largely on that. If it is a good rating, it would be the loss of viable agricultural land.
- Mr. Schwartz commented on the rating status, “Prime, if drained.” Ms. Johnston answered that land functions as well as “prime” rated land if there have been drainage improvements made and that if it is being actively farmed, it probably has already had improvements that make it productive.
- Mr. Davis asked if ratings are updated if a farmer adds drainage improvements. She answered that it is hard to add in drainage today and that much of the existing improvements are decades old. Mr. Schwartz added that we would have to ask to get that information. Ms. Johnston said that if the land has been productive for at least a few years, then artificial drainage has already been added if the soil type is “Prime, if drained.” She continued that they really focused on the resource, such as the land itself, while the management of it was up to the farmer.
- Mr. Finch asked Ms. Johnston to touch on the rating system. She opened the Open Space Plan Excel spreadsheet and noted that it is for 1+ acre parcels and so it covers most of the Town. She said it was easy to find information using Excel functionality and sorts. She pointed out that if it has been sub-divided that it may have a different ending number. She again mentioned that ONCOR is a great companion tool.
- Ms. Johnston pointed out that the spreadsheet has detailed columns for different ecological communities, ex: Silver Map-Ash Swamp/Flood Plain Forest, Other Wetlands, Northern

Hardwood Forest/Conifer Plantation, Successional Field, Farmland, Ponds, Outdoor Recreation.

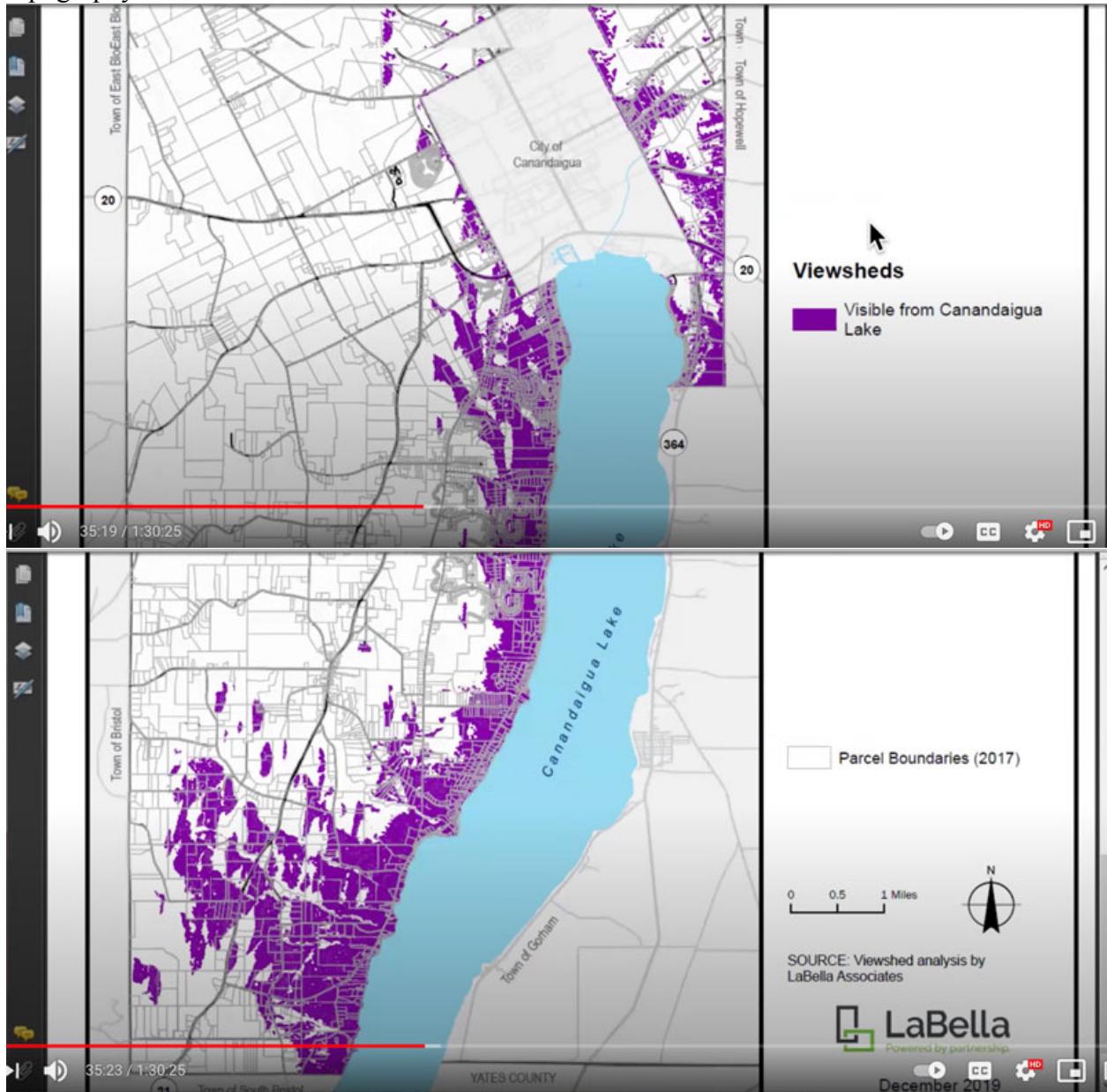
- Ms. Johnston said that they have been working with the County to get this rating system on ONCOR but she is not sure that is the best place for the data. It may be better at the Town level.
- She continued identifying the column headings: 15-24, 25-30, and 40+ percent slope ratings which are used to calculate the slope rating total. There is a column for visibility from Canandaigua Lake. There are columns indicating proximity to streams or the Lake as well as if there are regulated lands (DEC Wetland and 100-year Flood Plane). The columns are totaled to give the rating score.
- Mr. Finch said the spreadsheet is on the website. He also asked if the highest rated parcels were mapped.
- Ms. Marthaller noted there were examples to show how to use this information in the appendices.

- Ms. Johnston shared the Parcel Rating map. She noted easy to identify information on the map. She also pointed out the rating score explanation in the bottom right corner of the map, which is the same noted previously.



- Mr. Fennelly asked if ratings/classifications are updated if, for example, drainage is added for a parcel where the land was “prime, if drained.” Mr. Finch answered that when the Ag Plan was created, that they were basing it in part on regulations from Ag & Markets and the PDR. The PDR program at the time did not recognize “prime, if drained” though some of the regulations have changed since. Mr. Finch continued that keeping those ratings (“prime” and “prime, if drained”) separate helps in reviews by the ECB and Ag Committee for PDR purposes. He said Ag & Markets will not give credit for drainage tiles so it would remain “prime, if drained” and not “prime.”

- Mr. Schwartz said that the land that the Town has gotten to State to preserve is not the highest rated land but it is still valuable.
- Mr. Hilliard noted that he is still struggling with the Ridgeline discussion and was wondering about the viewshed scores. Ms. Johnston shared the map of land visible from Canandaigua Lake. She said that they modeled it in GIS based on elevation plus what was viewable from six feet above the water in the middle of Canandaigua Lake looking at the shorelines. She sees the map as the first part of the Ridgeline discussion and the second part is regulations about what you want to protect. Ms. Johnston added this map does not cover every view such as ridgelines visible from the west and did not account for vegetation. It was only based on topography.



- Mr. Davis informed Ms. Johnston that the Ordinance Committee is looking into having such regulations to apply to the whole Town not just the Lake. Mr. Hilliard followed up and suggested that this color is for views from the Lake and maybe there could be another color for views from the land. Ms. Marthaller said that there is a map in the Open Space Plan that covers 35 scenic views that were identified. That map shows it for the rest of the Town and she believes that the tools are already available for the Ordinance Committee to use. She continued that the Lake view map is a specific protection area and she believes there will be

- problems developing that for the rest of the Town. Ms. Marthaller suggests doing the Lake viewshed regulation first and then doing it for the rest of the Town after.
- Ms. Johnston noted that vegetation complicates the issue. Ms. Marthaller commented that the CBO has to do a field verification if it is in the viewshed protection area as the view may have changed, ex: tree falling down. She also noted that some of the scenic views previously mapped in 2017 may be different in now.
 - Ms. Johnston noted that visual impacts of every project will be needed and that having a guide for developers on what the Town is looking for will be key.

- Mr. Davis introduced Ms. Marthaller.
- Ms. Marthaller gave an introduction to the NRI project and Shoreline Guideline. She said that the Canandaigua Watershed Council planned to developed a shoreline guideline for all the municipalities on the Lake so the CIC decided not to develop their own shoreline code but should the Watershed Council decide that they are not going to pursue this activity, it will then fall back to the Town to address.
- The team Ms. Marthaller was on developed the approved Steep Slope Code. She said the team then looked at Ridgeline Code and came to understand it was a viewshed issue so they expanded the Ridgeline discussion to include viewsheds. She defined “viewshed” as looking up from the Lake to Canandaigua and somewhere into the ridgeline, west of the Lake. She noted that creating a map to use was a sticking point for the team and that LaBella created one for the Open Space Plan. She added that LaBella created a point of reference to use for mapping from the middle of the Lake. Her team attempted to use multiple points around the Lake and did not settle on what point(s) to use. Mr. Finch commented that the map they used was created by Chris Jenson. The LaBella Open Space map was the solution their team needed to move the discussion along.
- Ms. Marthaller said that the Ridgeline Guidelines are code and once that was included in Design Criteria Code, the Planning Board had a tool to use.
- Ms. Marthaller noted that the complimentary document to the draft law is the guideline for this code and she sees the need to bring that piece into the code so there is one source rather than multiple on this topic. She suggests an article that references the Design Criteria be added.
- Ms. Marthaller referenced questions captured in the meeting minutes from the last couple of meetings. She specifically noted the 25' height and the reason why they included that was there were multiple dwellings that had three levels and those can be seen from Canandaigua Lake. She further added that it was to give the builders a clear idea that the Town does not want 3-level buildings that can be seen from the Lake as it is not the type of viewshed the Town is looking to develop for the Lake. Ms. Marthaller pointed out that there is an article in the draft code that gives the Planning Board the authority to waive any articles in the code. She says the articles give the Planning Board the ability to agree or not given the situation involved.
- Ms. Marthaller suggested that this should be approached as a “protection area” of the Town, similar to other protection areas. She also noted the possibility of using an overlay with the code for it.
- Ms. Marthaller referenced a comment made by Mr. Schwartz (that a ridgeline is anything you can see the sky behind). She agreed that is the most basic definition of a ridgeline. In contrast, she noted that a “ridge” is where there is a background behind it where you can see other features (ex: woods, open fields, etc.). She said that a ridge is not a ridgeline and that it is just a ridge, shelf, or protrusion. She continued to say that ridgelines are hard to define as they don’t accommodate that very well as they curve, dip, and change elevation. In a sense, they are all unique and require field verification. She said that defining a line for a ridgeline is an “iffy” thing. She gave the example of Middle Cheshire Road—it starts where you can see a well defined ridgeline but then it transitions into a rolling topography that would require a CBO to field verify that there is a ridgeline there.
- Ms. Marthaller continued that there is a Visual Impact Statement online and cited the Napa Valley example shared by Robin Evans in the last meeting. She noted that their team felt this was too complicated for what they were trying to do. The Visual Impact Statement they created was for subdivisions over four and she added that the Visual Impact Statement was difficult to answer for a single residence. She again stressed the need for field verifications. She continued that a Visual Impact Statement could be created for a single residence as well.
- Mr. Finch asked if the Visual Impact Statement Questionnaire they created was part of the NRI. Ms. Marthaller answered no that it was not and Ms. Bonshak said it was on the website

as a PDF. Ms. Marthaller said that the Questionnaire had not been adopted. She continued that it would require effort on the developer's part to complete. Mr. Oyler commented that the Questionnaire develops an awareness that the developer didn't have and Ms. Marthaller agreed that it was an educational tool. Mr. Oyler said that he and Ms. Bonshak submitted it to the developer of Canandaigua Shores and while they cannot require it to be filled out, they offered it as a tool for the developer to learn about the aspects it entails and what concerns the Town has. He added that the developer has not given any push back and they are hopeful it will be completed. Ms. Marthaller added that it is good for helping to build a relationship between the developer and the Town. Mr. Oyler said it would be a good case study for the Ordinance Committee.

- Ms. Marthaller noted that the number of maps and documents to reference is cumbersome. She said that LaBella developed data and worked with the County (Sherry North) to develop ONCOR options so all the Town data is available through that tool. She also noted that the data is available via the FTP site and that Ms. Bonshak puts the project data there named "Exploratory Summary." Ms. Marthaller noted the data is very detailed including soil and ecological communities data. She added that there are some data elements that LaBella is "stuck" on and they have not yet been added plus all the data will need to be updated regularly for accuracy (ex. drainage tiles). Updates to the parcel's data should be given to Sherry North as she can make the changes.
- Mr. Finch added that the ONCOR tool is a wonderful tool that not every county has with a lot of detailed data that can be accessed. He continued that the ONCOR tool may be able to help the Town with a software need for the Assessor's Office that includes the possibility of storing photos of changes made to the property.
- Mr. Casey commented on the 25' building height allowance Ms. Marthaller discussed earlier. He opposes this restriction and based upon his experience as a builder, he believes that a 25' height does not best building practices as they require shallow roofs which facilitate ice build up and therefore are not practical. He noted common ceiling heights today are 9-10' so if you have 2 x 9.5' ceilings = 19' + 1' of joist in between means over 20' of living space with only an allowance of 4' for a roof which is not practical in New York State. In response, Ms. Marthaller said that in her time, they had never reviewed a ridgeline home. Mr. Casey noted that is not the only place in town where that height restriction is made. He believes that the restrictions should be inline with 2021 building practices. Ms. Marthaller said that building height is flexible as the Planning Board has the authority to waive certain restrictions.
- Mr. Casey answered that building height reviews are passed from the Planning Board to the ZBA and he feels that the ZBA has been legislating via their reviews. Mr. Finch offered that perhaps the Planning Board can have the flexibility of a few feet especially if the view has been mitigated. Mr. Casey said that a 28' height would be more inline with current building practices. Ms. Marthaller said the mitigating factors would be the landscaping plan which can buffer the view of a tall structure in the viewshed. Mr. Casey said that the landscaping is not considered during the ZBA's review of the height. Ms. Marthaller said that with mitigation, the Planning Board can be flexible.
- Mr. Hilliard said that there are negotiations and "gamesmanship" done by savvy builders at the ZBA level with much back-and-forth and multiple meetings. Mr. Casey noted that smart builders can accomplish that 25' height with manipulating the site's grading but that is more destructive for the environment and less desirable than a few extra feet of height. Ms. Marthaller believes that Steep Slope and other regulations will work in concert with this regulation to help keep those types of undesirable things from occurring. Mr. Hilliard added that most builders know to "sweeten the pot" with environmental additions like permeable pavers and rain gardens to demonstrate good faith.
- Ms. Marthaller suggested to do the Lake Viewshed first and then move onto address the rest of the Town with the 35 identified scenic views. Mr. Finch asked if the team had proposed

regulations for the 35 scenic views. Ms. Marthaller said they were working on that but did not complete it.

- Mr. Davis asked what the Committee would like to see happen. Mr. Schwartz said more discussion was needed. Mr. Oyler said that the 2018 draft needs to be reviewed to see what changes need to be made and to focus on the Lake viewshed initially.
- Mr. Simpson asked if the Committee is looking to create a Lake Viewshed Overlay District with other overlays for the other identified viewsheds. There was general agreement to this idea. Mr. Schwartz pointed out that the “common viewing area” was a sticking point—who’s common viewing area are you talking about?
- Mr. Fennelly voiced his concern that separating the viewshed work into separate pieces may cause the subsequent piece(s) to get bumped by other higher priority items. He believes the second piece needs to be discussed immediately after the Lake viewshed segment.
- Mr. Davis suggested that the Committee finalize the Lake Viewshed discussions at the August 2 meeting. The Committee felt more discussion than that meeting would most likely be needed. Mr. Hilliard added that he felt that the Committee needed to be more flexible in their approach to creating regulations as the regulations need not be perfect and permanent in their first iteration. They can be reviewed and updated as needed.
- Mr. Finch shared the Open Space Land Visible from Canandaigua Lake Map that the draft law can reference and suggested that an overlay district would require work to detail the intent and purpose. He felt it was simpler for the draft law to reference the already created Lake Viewshed map. He suggested that could be the first step with the Overlay District coming as a second step. Ms. Marthaller said the Farmland Protection Area was done in a similar manner. Mr. Casey said that the conversation is changing from discussing ridgelines to discussing scenic visibility and viewsheds, though ridgelines will still be included in the identified areas.
- Mr. Davis suggested viewing this map at the next meeting. Mr. Schwartz suggested also fine tuning of the draft ordinance as well.
- Mr. Schwartz brought up the Napa Valley handout from the last meeting. He noted the following details from that document: Napa Valley created a land trust in 1976 and with public funds they have preserved 50,000+ acres (bigger than all of the Town of Canandaigua). He suggested that individuals purchase property to stop developments that they don’t like. Continuing with the Napa information, he noted that the median home value is \$867,000 and median age is 38. Mr. Hilliard added that is how you maintain an exclusive community and that the “little guys” are pushed out.
- Mr. Finch noted that the State Ag & Markets is significantly changing the PDR program and so there needs to be discussion on the Town’s involvement in that and how it will look. He said that himself and Sarah Reynolds are exploring possible strategies and that they will bring it forward in the future.
- Resource links provided by Mr. Finch:
 - Map of Parcels Visible from Canandaigua Lake: http://www.townofcanandaigua.org/documents/files/OpenSpace_VisibleCanLake.pdf
 - (The current draft version) 2018 Viewshed & Ridgeline Protection Draft Law: <http://www.townofcanandaigua.org/documents/files/2018%2D01%2D09%20RID%20GELINE%20PROTECTION%20LAW%20REDLINE%20VERSION%20PDF.pdf>
 - Visual Assessment Questionnaire: <http://www.townofcanandaigua.org/documents/files/2018%2D02%2D05%20Visual%20Impact%20Assessment%20Questionnaire.pdf>
 - Open Space Plan & Maps: <http://www.townofcanandaigua.org/page.asp?id=160>
 - Ag Plan, Advisory Committee & Maps: <http://www.townofcanandaigua.org/page.asp?id=114>
 - Redline version of the draft local law (Images of Word Doc) follows (8 pages):

Doug Finch 7/14/2021 12:04 PM
Deleted: 01.09.18

§ 220-8.2 VIEWSHED AND RIDGELINE PROTECTION LAW

A. INTENT AND PURPOSE: The intent of the Viewshed and Ridgeline Protection Law is to promote new development that blends harmoniously with the natural terrain and vegetation in order to preserve and protect the scenic character and the environmental quality of the Canandaigua Lake viewshed.

- (1) Development within the Viewshed and Ridgeline Protection Areas shall be "Visually Subordinate". The intent of this standard is not to require the complete screening of all new development. The principle of visually subordinate recognizes that development might be visible if sought out by the viewer, but that the development is not a defining feature of the visible landscape. Visually subordinate development shall preserve unique visual resources and the natural harmony of the landscape patterns formed by uninterrupted forests, ridgelines and hillsides.
- (2) The purpose of the Viewshed and Ridgeline Protection Law is to:
- (a) Protect important scenic views and vistas for the general welfare of the residents and businesses of the Town of Canandaigua, for visitors to the Town of Canandaigua, for those traveling on or otherwise enjoying Canandaigua Lake, and for those residents and businesses across Canandaigua Lake whose own scenic views and vistas include those portions of the Town of Canandaigua;
 - (b) Ensure that new development within defined Viewshed and Ridgeline Protection Areas does not negatively impact the scenic qualities of the area;
 - (c) Ensure that tourism and commerce enjoy long-term viability by preserving, protecting, enhancing, and restoring the scenic qualities of the Canandaigua Lake viewshed; and
 - (d) Promote planting and maintenance of trees and shrubs across the viewshed, which stabilizes slopes, protects water quality and improves habitat value.

B. VIEWSHED AND RIDGELINE PROTECTION AREAS

- (1) The Town of Canandaigua Viewshed and Ridgeline Protection Areas has been determined to be those areas of land visible from Canandaigua Lake as identified on the Town of Canandaigua Open Space, Conservation and Scenic Views Master Plan Scenic Viewsheds map in the Town of Canandaigua Open Space Plan created by LaBella dated June 2018.

Doug Finch 7/14/2021 12:06 PM
Deleted: shall publish a map of the Viewshed and Ridgeline Protection Areas ("

Doug Finch 7/14/2021 12:08 PM
Deleted: Map").

Doug Finch 7/14/2021 12:04 PM
Deleted: 01.09.18

- (2) New development on land that has been determined by the Zoning Officer to be partially or wholly within the Viewshed or Ridgeline Protection Areas shall meet the requirements of this Section, 8.2, together with such other requirements imposed by the Town of Canandaigua Town Code. The Town of Canandaigua Planning Board shall make the final determination on whether a new development site is included in a Viewshed Protection and Ridgeline Protection Area based on the Viewshed and Ridgeline Protection Areas Map, the application, site analysis and site visit.
- (3) Applicants shall submit plans that document how the project layout and design minimizes visual impact from Common Public Viewing Areas to the maximum extent practicable for all site development and subdivisions in a Viewshed and Ridgeline Protection Area.

C. VIEWSHED AND RIDGELINE PROTECTION AREA REVIEW PROCESS

- (1) Authority. The Planning Board shall have authority to require that all provisions of this § 220-8.2 shall be complied with, but where it is deemed appropriate by the Planning Board, any of the provisions contained in this § 220-8.2, may be waived by the Planning Board based upon findings as set forth in the Public Record.

The Planning Board shall review the application and the site plan and make its determination thereon in accordance with the site plan review procedures set forth in Article VII of the Zoning Law and, in addition to the requirements established in this Section 220-8.2.

- (2) Site plan review and approval by the Planning Board shall be required within the Viewshed and Ridgeline Protection Areas for the following activities and uses:
 - (a) Construction of any structure greater than 1,000 square feet in footprint area, including residential and residential accessory structures;
 - (b) Filling, excavation, grading or other alteration of the natural landscape in excess of 5,000 square feet, including the construction of private driveways
 - (c) Clear-cutting or tree -topping that impacts more than ¼ acre.
 - (d) Timber harvesting or selective removal of trees designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house-sites and septic

Doug Finch 7/14/2021 12:04 PM
Deleted: 01.09.18

systems or related work, shall be reviewed by the planning board under these regulations.

(3) Requirements for site plan review and approval by the Planning Board within Viewshed and Ridgeline Protection Areas shall not apply to the following:

(a) Agricultural uses

(b) Repair and maintenance of existing structures

(c) Tree removal, thinning of vegetation, and grading associated with construction of unpaved hiking trails, not exceeding 4 feet in width.

(4) Viewshed and Ridgeline Protection Area Application: The Viewshed and Ridgeline Protection Area Review Process shall follow the Town of Canandaigua Site Plan Regulations (Chapter 220 Article VII), in addition to the following criteria:

(a) The Preliminary Site Plan and Final Site Plan shall include the following:

(i) Grading Plan: Existing and proposed contours at a maximum of 2' intervals for the area surrounding the proposed development, such area to be of sufficient size to show the relationship of the development to the surrounding terrain.

(ii) Proposed Tree Cutting Plan: Location of all trees within the Viewshed and Ridgeline Protection Area six (6) or more inches DBH that are proposed to be removed as part of this project. Include a description of view creation plans and maintenance protocols.

(iii) Visibility Studies: Viewshed analysis, line-of-sight profiles, site photography and other means to assess the visual impact and relationship of the proposed development to Ridgeline Areas as viewed from locations within any Common Public Viewing Area.

(iv) Architectural Plans and Renderings: Building design drawings clearly depicting all, elevation plans, proposed structures to scale and their location on the site in relation to the physical and natural features of the parcel, including the proposed grade of the building area and finished floor elevations. Drawings should clearly display building elevation and architectural design; building materials and exterior colors.

Doug Finch 7/14/2021 12:04 PM
Deleted: 01.09.18

- (v) Landscape/Revegetation Plan: Existing vegetation and proposed landscaping and clearing plans showing the proposed type, size and location of all vegetation to be preserved and/or installed. Special attention should be given to existing/proposed vegetation adjacent to buildings for visibility and screening purposes. A species list of existing and proposed landscape should be included. Such a plan shall address specific measures to be taken to ensure the protection and survival, and if necessary, replacement of designated trees during and after construction and/or installation of all site improvements. The plan should have the intention of interrupting building facades, providing additional trees as backdrop to buildings and/or soften the visual impact of new development from common public viewing areas.
- (vi) A narrative statement demonstrating that the improvements were designed to minimize visual impacts to the greatest extent possible.
- (vii) Projects with four or more dwellings or the disturbance of one acre or more shall complete the Town of Canandaigua Visual Impact Assessment Questionnaire

D. GENERAL REQUIREMENTS FOR VIEWSHED AND RIDGELINE

PROTECTION AREAS. Any development in a Viewshed and Ridgeline Protection Area shall conform to the following:

(1) Building Site and Envelope

- (a) Development atop ridgelines should be avoided. Where possible, buildings shall be sited downgrade a distance sufficient to ensure that the roofline does not break the visible horizon as seen from any Common Public Viewing Area.

Building sites shall be selected to utilize natural topography and vegetation to minimize visual impacts.
- (b) The vegetative clearing, site grading or placement of buildings and structures shall not detract from the sense of order or harmony of the landscape patterns formed by the natural topography, forests, agricultural fields and open meadows.

If site development will result in a structure becoming visible above a horizon along a Ridgeline, documentation must be provided to demonstrate that alternatives have been duly considered and (a) are not practicable, (b) would result in greater visibility from Common Public Viewing Areas, or (c) would result in more significant impacts to

Doug Finch 7/14/2021 12:04 PM
Deleted: 01.09.18

vegetative cover, more significant alterations to existing topography, and/or more significant impacts to stormwater runoff and water quality.

(2) Grading

- (a)** Disturbance to or alteration of existing contours, slopes, and natural drainage areas shall be kept to a minimum.
- (b)** As practicable, all grading or earth moving operations shall be planned and executed to assure that final grade is contoured to resemble the existing terrain, both on and adjacent to the site.
- (c)** Site grading shall be conducted to minimize removal of existing vegetation and with emphasis on preserving mature trees.

(3) Architectural Design

- (a)** If the roofline will become visible above the horizon along a Ridgeline as viewed from a Common Public View Area the maximum building height shall be 25 feet as measured from the average finished grade. If the site contains mature vegetation that can screen the roof line of the building, the maximum building height can be increased to the maximum allowable building height for the underlying zoning district.
- (b)** The applicant shall strive to use materials and colors that minimize the visual impact, including reflectivity, of any structure.

(4) Vegetative Clearing

- (a)** Vegetative clearing atop ridgelines should be minimized. Tree removal should not alter the natural form of the upslope treeline where such forms the visible Ridgeline.
- (b)** Existing vegetation shall be preserved to screen buildings and reduce the visual impact of development.
- (c)** At no time shall the vegetation clearing restrictions set forth in this ordinance prohibit the removal of invasive species, diseased vegetation or of rotten or damaged trees or other vegetation that presents safety or health hazards.
- (d)** This section is not intended to limit permitted timber harvesting when practiced in accordance with environmentally sound and sustainable silvicultural principals. Timber harvesting should be conducted to maintain the appearance of an unbroken forested canopy as viewed from a Common Public Viewing Area.

Doug Finch 7/14/2021 12:04 PM
Deleted: 01.09.18

- (e) Site Clearing for Construction – The Building Envelope
- (i) Land disturbance and/or tree removal for the construction of the proposed principle building shall be limited to a distance of forty (40) feet beyond the proposed building foundation/footprint.
 - (ii) Land disturbance and/or tree removal for accessory structures shall be limited to 20 feet beyond the foundation/footprint.
 - (iii) Land disturbance and/or tree removal for driveways shall be limited to the minimum necessary for driveway construction and associated grading.
 - (iv) Absorption area for onsite wastewater treatment systems should be located on previously cleared land where practicable. When necessary clearing for construction of septic fields shall be limited to the amount and location necessary for safe function and maintenance.
 - (v) Clearing shall in no case create a total cleared area of ¼ acre or more in size on any one lot/site, excluding driveways, on site wastewater treatment, and utility corridors.
 - (vi) Additional clearing can be permitted if required for fire safety or to safely construct the proposed structure.
- (f) Additional Site Clearing – View Creation on Treed Lots
- (i) Where practicable a moderate forest density shall remain in place sufficient to ensure that any new proposed structure shall be substantially screened and visually subordinate as viewed from Common Public Viewing Areas. Clearing and trimming practices must minimize visibility of the facade and roof area of any structure(s) as viewed from a Common Public Viewing Area.
 - (ii) Clearing for views should be limited, with narrow view openings between trees and beneath tree canopies being a desirable alternative to clearing large openings adjacent to building facades. Methods to achieve this standard include, but are not limited to:

Doug Finch 7/14/2021 12:04 PM
Deleted: 01.09.18

- (a) Maintaining, planting or allowing to regenerate a well distributed stand of trees next to the proposed building site to interrupt the façade of buildings and to provide a forested backdrop to buildings;
- (b) Selective cutting of small trees and the lower branches of large trees, rather than removing mature trees.
- (iii) Additional vegetative clearing and maintenance shall be no closer than the setback for accessory structures within the underlying zoning district with the exception of driveways and utility lines.
- (iv) Areas of additional vegetative clearing and maintenance shall be clearly identified on the Site Plan.

(g) Sites Lacking Existing Vegetation Trees or Vegetative Buffer

- (i) For development on any site lacking trees, a landscape planting shall be proposed with the intention of interrupting building facades, providing additional trees as backdrop to buildings and/or soften the visual impact of new development from Common Public Viewing Areas.
- (ii) Landscape planting shall include a well distributed mix of indigenous vegetation planted in natural appearing clusters and within good soil, that, can reasonably be expected to render all new buildings visually subordinate as viewed from Common Public Viewing Areas within a reasonable amount of time.

(5) Site Lighting. All lighting shall comply with Town Code and shall be visually subordinate.

(6) Utilities. All utilities shall be located underground whenever possible. Utility housings shall be safely screened by native plant species and located so as to minimize their visual impact to the greatest extent possible. For areas with rocky terrain or for cost prohibitive reasons, placing of utilities near the road edge and offsetting the alignment can assist to screen a cleared utility corridor.

E. BURDEN OF PROOF. The applicant shall in all cases have the burden of proof of demonstrating that the proposed activity is fully consistent with the standards for approval set forth in Section 220-8.2.

Doug Finch 7/14/2021 12:04 PM
Deleted: 01.09.18

F. REMOVAL OF TREES PRIOR TO SITE PLAN APPROVAL

- (1) Where an applicant removes trees in order to enhance views prior to site plan review and/or fails to submit a predevelopment site preparation plan to the planning board for review, the planning board may limit development to the non-impacted portion of the property, require the site to be restored or revegetated to the satisfaction of the Planning Board prior to development, and/or withhold building permits for construction of any structure property for a minimum of 5 years after the clear-cutting violation is discovered to have occurred in the area of the site plan application.
- (2) If a clear-cutting violation is discovered after a building permit is issued, the building permit will be suspended and/or the Certificate of Occupancy will be denied or revoked.

G. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

H. DEFINITIONS.

The following definitions shall be added to the Town of Canandaigua Town Code Section 1-17.

- (a) Common Public Viewing Area – shall include any portion Land visible from Canandaigua Lake or as identified being a portion or all of a parcel on the Land Visible from Canandaigua Lake Scenic Viewsheds Map, created by LaBella June 2018 and found in the Town of Canandaigua Open Space, Conservation and Scenic Views Master Plan..
- (b) Viewshed and Ridgeline Protection Area-any parcel that appears entirely or partially as a Viewshed or Ridgeline Protection Area as depicted on the Land Visible from Canandaigua Lake Scenic Viewsheds Map, created by LaBella June 2018 and found in the Town of Canandaigua Open Space, Conservation and Scenic Views Master Plan.
- (c) Visually Subordinate – The principle of visually subordinate recognizes that development might be visible if sought out by the viewer, but that the development is not a defining or highly memorable feature of the visible landscape. Visually subordinate development shall preserve unique visual resources and the natural harmony of the landscape patterns formed by uninterrupted forests, ridgelines and hillsides.

Doug Finch 7/14/2021 12:13 PM
Deleted: of the northern and eastern shoreline
Doug Finch 7/14/2021 12:13 PM
Deleted: of
Doug Finch 7/14/2021 12:13 PM
Deleted: looking west from which the Town of Canandaigua is visible
Doug Finch 7/14/2021 12:11 PM
Deleted: Viewshed and Ridgeline Protection Areas Map.

Upcoming Meetings:

August 2, 2021 @ 9:00 am

- Discussion of the Viewshed and Ridgeline Protection Draft Law
- Discussion of the Open Space Land Visible from Canandaigua Lake Map

Adjournment @ 10:34 am