

## EXECUTIVE SUMMARY

Steep slopes and adjacent watercourses and wetlands in the Canandaigua Lake Watershed have been and are in jeopardy of being damaged and destroyed by filling, excavating, building, clearing and grading, and other such activities. Steep slopes and watercourses are not only environmental features that contribute to the unique character of the region, but overdevelopment or poorly designed development can endanger the public health, safety, and general welfare of the community. Municipalities in New York State have the power to adopt laws for the “protection and enhancement of its physical and visual environment.” These regulations can help balance the rights of the community as a whole and the rights of the individual property owner.

In the Canandaigua Lake Watershed, rising real estate values and increasing residential and recreational development pressures are leading to construction on increasingly challenging building sites. The unique geography of the Finger Lakes often creates a situation where the greatest pressures are on the most environmentally sensitive areas. Steep slopes, due to natural proximity to lakes and their ensuing views, and watercourses are highly-prized because of their scenic quality. However, development activities threaten the natural functions of steep slopes and watercourses which in turn can affect water quality.

To address this situation, the Canandaigua Lake Watershed Council created the Land Use Subcommittee consisting of planning and zoning officials from several of the watershed municipalities and the Ontario County Planning Department to review existing land use laws, identify possible water quality impacts, and make recommendations on possible changes and additions to the existing regulatory framework as it pertains to water quality. Three priority areas were identified by the Canandaigua Lake Watershed Council: steep slopes, stormwater management, and watercourses.

The project’s goal is to provide guidance to the Canandaigua Lake Watershed municipalities on steep slopes, stormwater management, and watercourse protection. This guidance takes the form of local laws from other municipalities (Appendix D: Steep Slope Law Examples and Appendix E: Watercourse Protection Law Examples) and perhaps, more importantly, model laws that have been reviewed by the Canandaigua Lake Watershed Council’s Land Use Subcommittee (Appendix B: Steep Slope Overlay Model, Appendix C: Watercourse Protection Model, Appendix F: New York State Stormwater Management, Erosion and Sediment Control Model Law, and Appendix G: City of Canandaigua Stormwater Management, Erosion and Sediment Control Ordinance). These model laws are being proposed to the watershed municipalities for their adaptation and/or adoption.

The local laws examined in this report that address development on steep slopes are overlay districts and stand-alone laws. An overlay district is created by the local legislature when a special resource has been identified and new provisions are adopted that apply within that area in addition to the provisions of the zoning law. A stand-alone law is separate from the zoning law and also protects specific environmental features. For example, a steep slope overlay zone may address design and construction techniques together with the underlying zoning classification while a steep slope law establishes a detailed permitting system for development affecting slopes

with a minimum usually beginning at 15% slope. For watercourse protection, a stream buffer system and zoning setback provisions are discussed. A stream buffer system specifies the size and management of the stream buffer and are a specific planning tool to protect stream quality and aquatic habitat. Incorporating setbacks into zoning law allows municipalities to prohibit development near watercourses. Finally, stormwater considerations are based on the New York State Model for Stormwater Management and Erosion & Sediment Control. Municipalities that have zoning, subdivision, and site plan approval can adopt sections of the model law while municipalities that do not have the three basic land use laws can adopt the model law as a stand-alone regulation. Municipalities in the watershed also have the ability to enhance the model law by changing its language to meet their community's stormwater objectives.

It should be noted that this report and the work of the Land Use Subcommittee is intended as recommendations to the Canandaigua Lake Watershed municipalities to assist in their decision-making authority. Municipalities should review this guidance document in their next steps towards water quality improvement and work together with the Canandaigua Lake Watershed Council. Thus municipalities can adopt—if they so choose—new or revised local laws to help protect their special environmental features such as steep slopes and watercourses and upgrade stormwater management at the local level to ultimately improve water quality in the Canandaigua Lake Watershed.