

Conservation District Recommendations for the Town of Horseheads

Undeveloped floodplains help to protect other areas from flooding by storing vast quantities of water.

The Town of Horseheads regulations for Flood Damage Prevention (Chapter 111 of the Code of the Town of Horseheads) are intended to reduce flood damages by providing minimum standards for any new development in areas mapped as “special flood hazard areas” (with a 0.1 percent or greater annual probability of flooding, based on the Town’s Flood Insurance Rate Maps). These standards do not prevent development of flood-prone areas.

The Town’s Zoning Law (Chapter 204 of the Code of the Town of Horseheads) is another tool that can be used to protect residents from flood hazards, in keeping with the law’s stated purpose of promoting “the health, morals, safety and general welfare of the community.” Zoning is a tool for promoting appropriate development within various parts of the community and can thus be used to restrict the types of development in high hazard areas. One means of achieving this is to establish a Conservation District in the most hazardous portions of the Town’s floodplain.

Conservation District recommendation

It is recommended that a Conservation District be established to encompass the portion of the floodplain that is mapped as the floodway on the Town’s Flood Insurance Rate Map. The floodway is the portion of the floodplain adjacent to the river or stream that should be kept free of obstructions to allow for the flow of flood waters. It is also the portion of the floodplain that is most likely to experience dangerous high velocity flows. Maintaining this area as open space fulfills the objective of limiting development in this high risk area and also protects the natural floodplain functions that moderate the severity of flooding in other areas (by storing water and dissipating its energy).

The proposed Conservation District should be kept free of all new buildings, infrastructure, fill, and other encroachments. The desired uses in this district are low-impact recreation and agriculture, which are consistent with the objectives of minimizing flood losses and preserving floodplain functions.

Proposed language

Proposed intent for the Conservation District:

The intent of the Conservation District is to preserve open space and natural functions of environmentally sensitive floodplain areas; to protect the health, safety and welfare of the public by limiting development that is incompatible with the flood hazard; and to encourage agriculture, low-impact recreation, and other low intensity uses. The purpose of this District is to minimize losses due to flooding, protect natural areas that accommodate floodwaters, minimize the need for rescue and relief efforts associated with flooding, preserve significant wildlife habitat, enhance opportunities for outdoor recreation, and protect agricultural resources. The Conservation District supports low intensity recreational and agricultural uses that are compatible with the flood hazard and do not require the construction of new buildings.

It is recommended that all uses in the Conservation District be subject to site plan approval. The following uses can be permitted if they are compatible with the flood hazard and do not require construction of new buildings:

- *Agriculture*
- *Low-impact recreational uses*
- *Open space uses*

Recommended restrictions (in addition to floodplain development requirements in Chapter 111) include:

- *Filling, storage, and other encroachments on natural drainage and flood flows are prohibited.*
- *Buildings are generally prohibited. However, restrooms and other facilities may be necessary to support desirable low-impact recreation and agricultural uses. Whenever possible, such buildings should be located outside of the Conservation District. When this is not feasible, small buildings are permitted on parcels larger than 10 acres, provided that the building is “a necessary appurtenance” of the recreational, agricultural, or open space use.*
- *Recreational vehicles, trailers, and portable toilets must be adequately anchored to resist flotation.*
- *Open pavilions are not considered buildings, and are thus permitted.*

Conservation District boundaries

It is recommended that the Conservation District boundaries be mapped based on the floodway delineated on the Town of Horseheads Flood Insurance Rate Maps. The current and anticipated land use in this area should be reviewed to assess the desirability of inclusion in the Conservation District. This district should include areas that are currently open space and where future development (except for agriculture and recreation) is not desired.

Community Rating System

Development restrictions that are consistent with the Community Rating System (CRS) criteria for the preservation of open space could enable lower flood insurance premiums through the CRS program. The CRS is a FEMA program that provides discounts for communities that take measures that are beyond the minimum requirements of the National Flood Insurance Program. The Town of Horseheads currently has a Class 9 CRS rating, which enables a 5% reduction in flood insurance premiums for buildings within the Town. Additional discounts could be achieved by implementing additional measures that are credited by the CRS program because they are expected to contribute to reduced flood damage.

Enactment and enforcement of regulations that preserve open space in the floodplain qualify for up to 1,450 CRS points for Element OSP of Activity 420, Open Space Preservation. This credit is adjusted based on the ratio of preserved open space area in the floodplain to the entire regulatory floodplain area. It is anticipated that the proposed Conservation District would qualify for enough activity points to increase the Town’s CRS classification by one level (500 or more points), which would enable an additional 5% reduction in premiums for the higher-cost flood insurance policies.