

10-27-08

1 Chapter 40.450 is amended, as follows:

2 **40.450.040**

3 C. Buffer Standards and Authorized Activities.

4 1.

5 a.

6 b. Low Impact Development Design. High intensity buffers may be
7 reduced to moderate or low intensity buffers under the following
8 circumstances: if all of the following mitigation measures are applied to
9 the greatest extent practicable:

10 (1) Limiting stormwater runoff volumes to avoid impacts to receiving
11 waters and wetlands adjacent to the site.

12 (a) Reduction to moderate intensity buffers:

13 i. Meeting the standards for Full Dispersion in Chapter 40.380
14 over 75% of the site; or

15 ii. Infiltration of 50% of the stormwater runoff from the site; or

16 iii. Utilizing Low Impact Development BMPs under Chapter
17 40.380 to reduce stormwater runoff volume generated from
18 the site to at least 50% the runoff volume generated by using
19 standard collection and treatment BMPs.

20 (b) Reduction to low intensity buffers:

21 i. Meeting the standards for Full Dispersion in Chapter 40.380
22 for the entire site; or

23 ii. Infiltration of all stormwater runoff from the site; or

24 iii. Utilizing Low Impact Development BMPs under Chapter
25 40,380 to match the pre-development stormwater runoff
26 volume from the site.

27 ~~(1) Limited Effective Impervious Surface. Limit the extent of~~
28 ~~impervious site area and/or use low impact development~~
29 ~~techniques to limit the extent of effective impervious surface. Areas~~
30 ~~set aside as nonpervious surface must be protected by some type of~~
31 ~~permanent legal protection such as a covenant or easement.~~

32 ~~(a) Less than (threshold to be determined) percent effective~~
33 ~~impervious surface results in a moderate intensity impact.~~

34 ~~(b) Less than (threshold to be determined) percent effective~~
35 ~~impervious surface results in a low intensity impact.~~

36 (2) Enhanced Stormwater Management. Reduction of high land use
37 intensity buffer to moderate land use intensity buffer for
38 implementation of stormwater treatment measures that exceed the
39 standards of Chapter 40.380 of the Clark County Code. This could
40 include measures such as pre-treatment or tertiary treatment of
41 runoff and limiting discharge from the site to pre-development
42 runoff flow and volume.

43

44 4. Stormwater Facilities.

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1 a. Dispersion Facilities. Stormwater dispersion facilities that comply with
2 the standards of Chapter 40.380 shall be allowed in all wetland buffers.
3 Stormwater outfalls for dispersion facilities shall comply with the
4 standards in subsection b below. Enhancement of wetland buffer
5 vegetation to meet dispersion requirements may also be considered as
6 buffer enhancement for the purpose of meeting the buffer averaging or
7 buffer reduction standards in this section.

8 b. Other stormwater facilities are only allowed in buffers of wetlands with
9 low habitat function (less than twenty (20) points on the habitat section
10 of the rating system form); provided, the facilities shall be built on the
11 outer edge of the buffer and not degrade the existing buffer function
12 and are designed to blend with the natural landscape. Unless
13 determined otherwise by the responsible official, the following activities
14 shall be considered to degrade a wetland buffer when they are
15 associated with the construction of a stormwater facility:

16 (1)a. Removal of trees greater than four (4) inches diameter at four and
17 one-half (4-1/2) feet above the ground or greater than twenty (20)
18 feet in height;

19 (2)b. Disturbance of plant species that are listed as rare, threatened or
20 endangered by the county or any state or federal management
21 agency;

22 (3)c. The construction of concrete structures other than manholes,
23 inlets, and outlets that are exposed above the normal water surface
24 elevation of the facility;

25 (4)d. The construction of maintenance and access roads;

26 (5)e. Slope grading steeper than four to one (4:1) horizontal to vertical
27 above the normal water surface elevation of the stormwater facility;

28 (6)f. The construction of pre-treatment facilities such as fore bays,
29 sediment traps, and pollution control manholes;

30 (7)g. The construction of trench drain collection and conveyance
31 facilities;

32 (8)h. The placement of fencing; and

33 (9)i. The placement of rock and/or riprap, except for the construction of
34 flow spreaders, or the protection of pipe outfalls and overflow
35 spillways; provided, that buffer functions for areas covered in rock
36 and/or riprap are replaced.

37
38 D. Standards – Wetland Activities. The following additional standards apply to
39 the approval of all activities permitted within wetlands under this section:

40 5. Indirect Wetland Impacts Due to Loss of Buffer Function or Stormwater
41 Discharges. Wetland mitigation shall be required in accordance with the
42 wetland mitigation standards in this subsection for the following indirect
43 wetland impacts:

44 a. Buffer loss resulting from wetland fills permitted under this section;

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- b. Reduction of wetland buffers beyond the maximum reduction allowed under Section 40.450.040(C)(2); provided, that such reductions are limited as follows:
 - (1) Road and utility crossings in the wetland buffer approved in accordance with Section 40.450.040(C)(5); and
 - (2) The total indirect wetland impact from buffer reductions is less than one-quarter (1/4) acre.
- c. Unavoidable loss of wetland function due to stormwater discharges that do not meet the wetland protections standards in Chapter 40.380.