

**Clark County Stormwater Code Update Project**  
**Per Ecology 2014 Permit requirements**



**PROPOSED CLARK COUNTY CODE UPDATES -PART 2 - TITLE 40 CCC- v. 6.16.15**

**Remove barriers to low impact development and code consistency**

Line	Code Section	Code Title	Updated language	Reason for change
1	<b>40.100</b>	<b>Introductions and administration</b>		
2	40.100.070	Definitions	<u>Bioretention Facility - Bioretention areas are shallow landscaped depressions, with a designed soil mix and plants adapted to the local climate and soil moisture conditions, that receive stormwater from a contributing area.</u>	New definition to match Ecology
3			<u>Hard surface - "Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.</u>	New definition to match Ecology
4			<u>Land-disturbing activity - "Land-disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction is also considered a land-disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.</u>	Updated definition to match Ecology
5			<u>MS4 - "MS4" means Municipal Separated Stormwater Sewer System.</u>	New definition to match Ecology
6			<u>Pavement or paved surface - "Pavement or paved surface" means an uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy impact uses. Paved areas include both permeable and impermeable hard surfaces. Graveled areas are not paved areas.</u>	New definition to match Ecology
7			<u>Permeable pavement - "Permeable pavement" means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section.</u>	New definition to match Ecology
8			<u>Stormwater facility - "Stormwater facility" means the natural or constructed components of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, open channels, culverts, street gutters, storage basins, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch-basins, manholes, dry wells, oil/water separators, and sediment basins biofiltration swales.</u>	Updated definition to match Ecology
9	<b>40.200</b>	<b>Land Use District</b>		
10	40.200.090.E.2	Sustainable Community Pilot Program	<u>Chapter <del>40.385.020</del> 40.386 - Standards – Stormwater Control</u>	New code reference
11	<b>40.210</b>	<b>Rural Districts</b>		
12	40.210.050.B (table 3)	Setbacks, Building Heights, .....	<u>Maximum lot coverage - Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter <del>40.385</del> 40.386), and all other applicable standards.</u>	New code reference
13	<b>40.230</b>	<b>Commercial, Business, Mixed use and Industrial Districts</b>		
14	40.230.010.D. 4	Development standards - landscaping	<u>4. Landscaping. Not less than fifteen percent (15%) of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities, and low impact development stormwater management facilities may be used to meet the required landscaping at a one to one (1:1) ratio.</u>	Remove LID barrier
15	40.230.050.C.4.e	University District - landscaping	<u>e. Areas which are to be preserved and maintained in their natural setting shall be so designated on a landscape plan, and subject to the review and approval of the responsible official. Preserving native vegetation can be used to meet stormwater requirements as designated in Chapter 40.386.</u>	Add language to clarify native plant preservation
16	40.230.085.D.3.d(2)		<u>(2) Parking areas adjacent to rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three (3) feet. A combination of walls, berms and landscape materials is preferred. Sidewalks may be placed within this landscaping if the street is defined as a collector or arterial with a speed limit of thirty-five (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic on adjacent roads. The creation of a perimeter feature shall not interfere with the implementation of low impact development stormwater management features on site.</u>	Remove LID barrier
17	40.230.085.D.3.d(6)		<u>(6) A minimum fifteen percent (15%) of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy this requirement. To qualify as a pedestrian plaza, the plaza must:</u>	Clarify terminology
18	40.230.085.D.5.b(7)		<u>(5) If any materials would likely attract animals, birds or vermin; and (6) In fire lanes; and (7) In areas where outdoor storage may have the potential to create polluted stormwater runoff without proper containment or treatment prior to collection in the designated stormwater facility.</u>	Reduce potential for source pollution

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19	<b>40.240</b>	<b>Columbia Gorge Scenic....</b>		
20	40.240.050.A.4.h	Applications and procedures	h. A preliminary stormwater plan pursuant to <del>Section 40.385.040</del> Chapter 40.386;	New code reference
21	<b>40.250</b>	<b>Overlay Districts</b>		
22	40.250.022.D.6	Surface Mining Overlay District	6. Stormwater and erosion control must meet the standards of Chapter <del>40.385</del> 40.386.	
23	<b>40.260</b>	<b>Agricultural Stands and Markets</b>		
24	40.260.025.C.1.c	General requirements for Road side	c. Compliance with Chapter <del>40.385</del> 40.386 (Stormwater and Erosion Control) and Chapter 13.26A; Subtitle 40.4 (Critical Areas and Shorelines); and Titles 14 (Buildings and Structures), 15 (Fire Prevention), and 24 (Public Health) is required, if applicable. No building permit is required.	New code reference
25	40.260.025.D.1.c	General requirements for Ag markets	c. Compliance with Chapter <del>40.385</del> 40.386 (Stormwater and Erosion Control) and Chapter 13.26A; Subtitle 40.4 (Critical Areas and Shorelines); and Titles 14 (Buildings and Structures), 15 (Fire Prevention) and 24 (Public Health) is required.	New code reference
26	40.260.055.C.4	Coffee and food stands	4. Paving. Gravel parking and maneuvering areas may be approved, if it provides an adequate all-weather surface. Dust shall not become a nuisance, and gravel shall not be allowed to track onto sidewalks or streets. The creation of additional impervious surface may be subject to the stormwater requirements of Chapter <del>40.385</del> 40.386.	New code reference
27	<b>40.320</b>	<b>Landscaping and Screening</b>		
28	40.320.010.B.1(a)	Intent	a. Intent. The L1 standard is for open areas. It is intended to be used where distance is the principal means of separating uses or development, and landscaping enhances the area between them. The L1 standard consists principally of groundcover plants, trees, and <del>high and low shrubs also are required.</del>	Clarification of requirement
29	40.320.010.B.1(b)	Intent	b. Required Materials. There are two (2) ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. <u>See Figure 40.320.010-1 for conventional and LID cross-sections that comply with the L1 standard.</u>	Remove LID barrier
30	40.320.010.B.1(c)	Intent	c. Within the commercial districts where a building is to be placed at the buffer line for a front setback, <del>concrete or brick pavers permeable pavement</del> may be used in place of the required groundcover for the length of the building for the front setback only; provided, the required trees are still supplied, the paved area is connected to the public sidewalk, and pedestrian amenities are provided such as benches or pedestrian plazas. <del>The building</del> need not be placed at the required buffer line to utilize this section if the area between the buffer line and the building is devoted entirely to pedestrian only areas.	Remove LID barrier
31	40.320.010.B.2(b)	Low screen	b. Required Materials. The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area <u>with the exception of energy dissipation points at location of stormwater inlets. LID bioretention facility plantings may be used in combination with perimeter shrubs provided a continuous screen three (3) feet high and ninety-five (95) percent opaque year-round can be achieved with two (2) years of planting.</u> A three (3) foot high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 40.320.010-2.	Remove LID barrier
32	40.320.010.B.3(b)	High screen	b. Required Materials. The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area <u>with the exception of energy dissipation points at location of stormwater inlets. LID bioretention facility plantings may be used in combination with perimeter shrubs provided a continuous screen six (6) feet high and ninety-five (95) percent opaque year-round can be achieved with two (2) years of planting.</u> A six (6) foot high wall or fence that complies with the F2 standard (Figure 40.320.010-7) with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 40.320.010-3.	Remove LID barrier
33	40.320.010.B.4(b)	High wall	b. Required Materials. The L4 standard requires a six (6) foot high wall that complies with the F2 standard (Figure 40.320.010-7). When abutting another property, the wall shall abut the property line. When abutting a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One (1) tree is required per thirty (30) lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area <u>with the exception of energy dissipation points at the location of stormwater inlets. LID bioretention facility plantings may be used, and are encouraged, to satisfy plant requirements.</u> In addition, four (4) high shrubs are required per thirty (30) lineal feet of wall. Groundcover plants must fully cover the remainder of the landscaped area. See Figure 40.320.010-4.	Remove LID barrier

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34	40.320.010.B.6(b)	Partially sight-obscuring wall	a. Intent. The F1 fence standard provides partial visual separation. The standard is applied where a proposed use or development has little impact, or where visibility between areas is more important than a total visual screen. <u>and the installation of fencing will not interfere with the implementation of LID stormwater management on the site.</u>	Remove LID barrier
35	40.320.010.C.5	Landscaping for stormwater	5. Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this section even though those areas may be inundated by surface water. <u>All stormwater facility designs shall meet the standards as defined in Chapter 40.386.</u>	Clarify requirements
36	40.320.010.E.3	Parking islands	3. Parking areas that contain at least seven (7) spaces shall contain landscape islands equally distributed at a ratio of one (1) island for every seven (7) parking spaces. A landscape island shall contain at least twenty-five (25) square feet, shall be at least four (4) feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb. <u>Islands may include stormwater facility design components, such as bioretention.</u>	Remove LID barrier
37	40.320.020C.3	Public rights-of-way locations	3. <del>Hardscape</del> <u>Hard surface, including permeable pavement,</u> may be allowed for a portion of the area to be landscaped per Table 40.350.010-1.	Remove LID barrier
38	<b>40.340</b>	<b>Parking and loading standards</b>		
39	40.340.010.8	Surfacing	8. Surfacing. All parking and loading spaces and related access drives, maneuvering, and vehicle storage areas shall be paved to standards, <u>including the use of permeable pavements,</u> as approved by the responsible official except as follows:	Remove LID barrier
40	40.340.010.9	Stormwater	9. Drainage. Stormwater drainage facilities for parking and loading spaces and related access drives and maneuvering areas shall comply with Chapter 40.385 <u>6</u> .	New code reference
41	40.340.010.10.a	Wheel stops and curbs	a. Parking and/or loading spaces on the perimeter of a parking lot or abutting interior landscaped areas or sidewalks shall include a wheel stop or curb at least four (4) inches high located three (3) feet back from the front of the parking and/or loading space. <u>Include break in curbs, as necessary, to allow flow of stormwater to LID stormwater facilities.</u>	Remove LID barrier
42	40.340.010.10.b	Curb stops	b. The front three (3) feet of a parking space may be improved with a <u>low-growing vegetated LID feature groundcover landscape material,</u> instead of asphalt or concrete pavement; <del>provided, that</del> <u>This</u> area shall not be counted toward landscape or open space area requirements <u>unless it is part of a LID stormwater feature.</u>	Remove LID barrier
43	40.340.010.10.c	Perimeter curb	c. The perimeter of a parking or loading area and access and maneuvering drives associated with them shall be improved with a curb, rail or equivalent so that vehicles do not extend over a property line, sidewalk or public or private street. <u>Breaks must be provided along the perimeter feature to allow stormwater movement to LID stormwater features.</u>	Remove LID barrier
44	40.340.020.3.a	Access and circulation	a. Required pedestrian circulation routes shall be paved or improved with asphalt, concrete, <u>permeable pavement</u> or other approved all-weather surface; provided, pedestrian circulation routes through recreational or open space areas may be improved with a material consistent with their purpose and the characteristics of their location.	Remove LID barrier
45	<b>40.350</b>	<b>Transportation and Circulation</b>		
46	40.350.030.C.1.b(6)	Street and Road Standards	(6) Chapter <del>40.385</del> <u>40.386</u> , Stormwater and Erosion Control;	New code reference
47	<b>40.360</b>	<b>Solid Waste and Recycling</b>	<u>3. Design of exterior storage areas shall comply with standards outlined in Chapter 40.386, including roof cover, paving, and runoff containment to prevent non-stormwater discharges prohibited by Chapter 13.26A from entering the stormwater drainage system.</u> <del>34.</del> Exterior storage areas shall be enclosed by a screen to at least an F2 standard. A gate(s) through the fence shall allow access to users and haulers. The gate(s) for haulers shall be capable of being secured in a closed and open position. <del>45.</del> Storage containers shall be clearly labeled to indicate the type of materials accepted.	Reduce potential for source pollution
48	<b>40.386 (former 40.385)</b>	<b>Stormwater and Erosion Control</b>	(40.385 is rewritten.....refer to full 40.386 text)	Meet current Ecology requirements, remove technical information, remove LID barrier.
49	<b>40.430</b>	<b>Geologic Hazard Areas - Administration</b>		
50	40.430.030.C.5.c(9)	Submittal requirements	(9) Description of erosion vulnerability and an erosion control plan as required in Chapter <del>40.385</del> <u>40.386</u> ;	New code reference
51	40.430.030.C.5.c(10)	Submittal requirements	(10) An evaluation of proposed surface and subsurface drainage in a stormwater control plan as required in Chapter <del>40.385</del> <u>40.386</u> ;	New code reference
52	40.430.020.B	Standards - Erosion Requirements	B. Erosion Requirements. All activities on hillsides subject to severe erosion hazard must minimize erosion by following management practices prescribed by the erosion control standards of Chapter <del>40.385</del> <u>40.386</u> .	New code reference

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53	<b>40.450</b>	<b>Wetland Protection</b>		
54	40.450.040.C.1.a.3.(b)	Surface water management	(b) Change in Water Regime. Infiltrate and/or disperse stormwater runoff from impervious surfaces and drainage from lawns and landscaping treated in accordance with Chapter <del>40.385</del> <u>40.386</u> into the buffer at multiple locations.	New code reference
55	40.450.040.C.1.b(1) b		(i) Meeting the standards for full dispersion in Chapter <del>40.385</del> <u>40.386</u> for the entire site; or (ii) Infiltration of all stormwater runoff from the site; or (iii) Using low impact development BMPs pursuant to Chapter <del>40.385</del> <u>40.386</u> to match the pre-development stormwater runoff volume from the site.	New code reference
56	40.450.040.C.1.b(2)		(2) Enhanced Stormwater Management. Reduction of high land use intensity buffer to moderate land use intensity buffer for implementation of stormwater treatment measures that exceed the standards of Chapter <del>40.385</del> <u>40.386</u> . This could include measures such as pre-treatment or tertiary treatment of runoff and limiting discharge from the site to pre-development runoff flow and volume.	New code reference
57	40.450.040.D.5.c	Indirect wetland impacts	c. Unavoidable loss of wetland function due to stormwater discharges that do not meet the wetland protections standards in Chapter <del>40.385</del> <u>40.386</u> .	New code reference
58	40.450.040.D.8.b		b. Stormwater runoff is treated for water quality in accordance with the requirements of Chapter <del>40.385</del> <u>40.386</u> prior to discharge into the wetland.	New code reference
59	<b>40.460</b>	<b>Shoreline Master Program</b>		
60	40.460.53.G.3.a(1)	Standards stormwater facilities	(1) Stormwater dispersion practices and facilities that comply with the standards of Chapter <del>40.385</del> <u>40.386</u> shall be allowed in all wetland buffers where no net loss of shoreline ecological functions can be demonstrated. Stormwater outfalls for dispersion facilities shall comply with the standards in Section 40.460.530(G)(3)(b).	New code reference
61	40.460.53.G.3.h(3)		(3) Unavoidable loss of wetland function due to stormwater discharges that do not meet the wetland protection standards in Chapter <del>40.385</del> <u>40.386</u> .	New code reference
62	40.460.560.A.2	Site planning and development	2. Impervious surfaces shall be minimized to the extent feasible as specified in Chapter <del>40.385</del> <u>40.386</u> . <u>Low impact development techniques shall be utilized where feasible to minimize increases to stormwater runoff.</u>	New code reference. Remove LID barrier.
63	40.460.590.B & C	Water Quality	B. All shoreline development shall comply with the applicable requirements of Chapters 13.26A, Water Quality, <del>40.385</del> <u>40.386</u> , Stormwater and Erosion Control, and 40.410, Critical Aquifer Recharge Areas. C. Best management practices (BMPs) for control of erosion and sedimentation (Chapter <del>40.385</del> <u>40.386</u> ) and for meeting water quality standards (Chapter 13.26A) shall be implemented for all shoreline development.	New code reference
64	40.460.630.F.2.g.(2)	Use Specific Devel. Requirements	(2) Stormwater shall be managed consistent with Chapters 13.26A and <del>40.385</del> <u>40.386</u> ; and	New code reference
65	40.460.630..J.11.b	Golf course requirements	b. Consistent with Chapters 13.26A and <del>40.385</del> <u>40.386</u> .	New code reference
66	40.460.630.N.6	Utility facilities	6. Stormwater control facilities, limited to detention/retention/treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the stormwater facilities are designed to mimic and resemble natural wetlands, ponds, or closed depressions, and meet applicable water quality requirements of Chapter <del>40.385</del> <u>40.386</u> .	New code reference
69	<b>40.510</b>	<b>Application submittal requirements</b>		
70	Table 40.510.050-1 (13)	Submittal requirements	13. Project Engineer Statement of Completeness and Feasibility. The project engineer shall include a statement that all information required by Chapter <del>40.385</del> <u>40.386</u> , Stormwater and Erosion Control, is included in the preliminary stormwater plan and that the proposed stormwater facilities are feasible.	New code reference
71	<b>40.520</b>	<b>Site Plan Review</b>		
72	40.520.040.E.5.i	Approval criteria	i. Stormwater and erosion control standards in Chapter <del>40.385</del> <u>40.386</u> ;	New code reference
73	40.520.040.F.1.c (1)	Final Site Plan Review	(1) Final grading plan pursuant to Chapter <del>40.385</del> <u>40.386</u> ;	New code reference
74	40.520.040.F.1.c (4)	Final Site Plan Review	(4) Final stormwater plan and Technical Information Report (TIR) pursuant to Chapter <del>40.385</del> <u>40.386</u> ;	New code reference
75	40.520.040.F.1.c (5)	Final Site Plan Review	(5) Proposed erosion control plan pursuant to Chapter <del>40.385</del> <u>40.386</u> ;	New code reference
76	<b>40.570</b>	<b>SEPA and County Decisions</b>		
77	40.570.080.C.3.a(1)	SEPA Policies - Earth	(1) Chapter <del>40.385</del> <u>40.386</u> , Stormwater and Erosion Control;	New code reference
78	40.570.080.C.3.c(1)	SEPA Policies - Water	(1) Chapter <del>40.385</del> <u>40.386</u> , Stormwater and Erosion Control;	New code reference
79	40.570.080.C.3.d(1)	SEPA Policies - Plants and animals	(3) Chapter <del>40.385</del> <u>40.386</u> , Stormwater and Erosion Control;	New code reference