



## Clark County 2015 Stormwater Manual Implementation Summary of Procedure

This procedure statement documents discussions and decisions from Environmental Services, Community Development, Public Works and Prosecuting Attorney's office. Implementation of new stormwater regulations require staff to work through specific details of the regulations with applicants. The purpose is to ensure consistent application of county requirements. These procedure statements document decisions for future reference and will be kept on the [ClarkNet web page](#) (Environmental Services).

---

### **Procedure statement #2015-004 – March 29, 2016** **Easements for Dispersion Areas**

The state and county manuals state: “the preserved area *should* be placed on separate tracts...etc.”

The permit center is interpreting the term *should* as *shall*. Development Engineering is requiring controls on the full dispersion areas as an alternative to the stormwater facilities that would have been required by MR 6 and 7.

Chris Horne stated the “*should* language” to require the easements as being needed to be applied in a reasonable and equitable way depending on the project scope. This led to a discussion of whether it was appropriate to require the easement on MR #1-#5 projects vs MR #1-#9 projects.

The conclusion was that it is reasonable to place the dispersion area easement and covenant on the dispersion areas used to reduce or eliminate the stormwater control facilities required by MRs #6 and #7. We also concluded that the easement/covenant language should address the requirement to build stormwater controls if the owner chose to clear or develop the protected dispersion area.

We also concluded that the requirement for an easement and covenant for MR #1-#5 projects was not appropriate considering there was no stormwater control facility to inspect and maintain and burden of creating the easement. Also, no other MR #1-#5 project BMP requires an easement.

Chris Horne also requested that the permit center be informed that they **do not need to require easements on MR #1-#5 dispersion areas required by MR #5.**

*End of procedure*