



## Clark County 2015 Stormwater Manual Implementation Summary of Procedure

This procedure statement documents discussions and decisions from Risk Management, 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](#).

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### **Procedure Statement #2017-012 – February 2017 Prohibits private maintenance agreements for county-owned bioretention facilities**

#### **Problem Statement and Purpose**

This procedure applies to applications for residential subdivision developments and site plan applications such as multi-family, commercial, industrial, or mixed use developments.

Applicants proposing bioretention facilities are required to locate them in county public right-of-way or on separate tracts. The Clark County Stormwater Manual 2015 Errata 2016 provides that facilities located within county right-of-way must be owned by the county. Separate tracts may be dedicated to the county or may be dedicated to a Homeowner's Association.

The county stormwater manual requires the stormwater tract owner be responsible for maintaining stormwater facilities, including bioretention facilities located on the tract. If the owner is a Homeowner's Association, there must be an easement to the county to ensure county access to stormwater facilities for inspection and emergency repair.

Applicants for development projects building bioretention facilities within county right-of-way (thus under county ownership) have proposed to allow maintenance easements to Homeowner's Associations, individual homeowners or other private parties to perform maintenance on county-owned bioretention facilities in the right-of-way.

This procedure statement clarifies limits of maintenance responsibility for bioretention facilities located in county right-of-way or on county-owned tracts.

#### **Maintenance responsibility**

1) As part of a land division or site plan, an applicant shall not make and a development project must not include permanent arrangements for private maintenance of County-owned bioretention facilities. Both facilities located in county right-of-way or on a separate tract are subject to this prohibition.

2) Plat note(s) must clearly state that the county must own and maintain all bioretention facilities within county right-of-way or on separate county-owned tracts.

3) Covenant language must not state or imply that an HOA, individuals, or private groups or associations are allowed to enter or maintain county-owned bioretention facilities.

*End of summary*

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