



## **BUILDING AND CODES DEPARTMENT**

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### **Buffer Averaging Policy**

Stream water quality buffer width averaging may be allowed by the Montgomery County Building Commissioner on a case by case basis. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as the type of project, existing land use and physical conditions that preclude use of these practices.

The following criteria must be met in order to utilize buffer averaging on a development site:

1. The overall average buffer width must be achieved within the boundaries of the property to be developed. Stream buffer corridors on adjoining properties cannot be included with buffer averaging on a separate property, even if owned by the same property owner.
2. The average width must be calculated based upon the entire length of stream bank that is located within the boundaries of the property to be developed. When calculating the buffer length, the natural stream channel must be followed.
3. Stream buffer averaging shall be applied to each side of a stream independently. If the property being developed encompasses both sides of a stream, buffer averaging can be applied to both sides of the stream, but must be applied to both sides of the stream independently.
4. The total width of the buffer shall not be less than the allowed minimum at any location, except at approved stream crossings. Those areas of the buffer having a minimum width (or less at approved stream crossings) can comprise no more than 50% of the buffer length.
5. The reduced buffer shall not encroach into the 100 year flood plain.
6. The stream must not be adversely impacted by narrowed buffers.

Note: Buffer averaging is required for water quality buffers that have stream crossings.

Buffer averaging is prohibited in developments that have or will have after development the land uses listed below:

1. Areas that have slopes steeper than 2.5:1 that are located within 60 feet of the stream to be buffered;
2. Developments or facilities that include on-site sewage disposal and treatment systems (i.e., septic systems), raised septic systems, subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste;
3. Landfills (demolition landfills, permitted landfills, closed-in-place landfills);
4. Junkyards;
5. Commercial or industrial facilities that store and/or service motor vehicles;
6. Commercial greenhouses or landscape supply facilities;
7. Developments or facilities that have commercial or public pools;
8. Animal care facilities, kennels, and commercial/business developments or facilities that provide short term or long-term care of animals, feedlots, and confined animal feed operations; or
9. Other land uses deemed by the Building Commissioner to have the potential to generate higher than normal pollutant loadings.

Examples of projects where a buffer would typically not be able to be retained include sewer line installations, roadway construction, utility line or equipment installation, greenway construction or construction of permanent outfalls or velocity dissipating structures.