

**SECTION C-7**

**NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT**

**PROGRAM EFFECTIVENESS ASSESSMENT**





## **C-7.0 NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT**

### **C-7.1 Introduction (LIP Section A-7.1)**

One of the most important responsibilities of the County is to provide a framework for decision making for the planning and permitting of new development and redevelopment within the County's jurisdiction. This framework ensures that both new development and redevelopment occur in an organized and orderly fashion that reflects the vision and needs of the community, assesses the environmental issues associated with the proposed changes and provides a regulatory framework to ensure that standards set by the County are implemented.

In May 1997 the County certified to the Santa Ana and San Diego Regional Boards that it was implementing the new development and significant redevelopment water quality requirements developed as the Principal Permittee with the other Permittees as Appendix G of the 1993 DAMP. Since that time all new development and significant redevelopment in the County has occurred in conformance with Appendix G resulting in BMPs being implemented for water quality improvement in over 200 projects.

The Third Term Permits require the County and other Permittees to initiate a comprehensive assessment of their planning and development processes with the intent of providing a greater focus on the protection of water bodies and a more rigorous application of BMPs in development and redevelopment projects. The County, as the Principal Permittee, has coordinated the development of a model program to guide compliance with these requirements (see **DAMP, Section 7**).

### **C-7.2 Organization Structure (LIP Section A-7.2)**

The key Divisions responsible for overseeing, implementing, and enforcing the new development/significant redevelopment program element were identified in an organization chart in **Figure A-7.1** of the County's LIP.

### **C-7.3 General Plan Assessment and Amendment (LIP Section A-7.3)**

During the reporting period, the County reviewed elements of the County's General Plan (And related documents, including development standards, zoning codes, conditions of approval and development project guidance) to identify elements of the General Plan that should be revised to better reflect policies and/or goals that are protective of surface water quality and comprehensive watershed management principles.

The County's schedule to amend the General Plan is as follows:

- January 1, 2003 through June 30, 2003 – Develop draft of proposed amendment.
- July 1, 2003 through February 28, 2004 – Conduct environmental review, refine proposal and conduct necessary reviews and workshops.
- April 2004 – Submit General Plan Amendment to Board of Supervisors for approval.



#### **C-7.4 Environmental Review Process (LIP Section A-7.4)**

As described in the County's LIP, the County utilizes a County-customized CEQA checklist during the project environmental review process. During this reporting period, the County reviewed the CEQA checklist it utilizes to identify whether issues related to surface water quality and watershed management should be reflected more specifically. As a result of this review, the County did not identify any needed revisions to the CEQA checklist it utilizes.

#### **C-7.5 Development Project Review, Approval and Permitting Process (LIP Section A-7.5)**

##### C-7.5.1 Conditions of Approval

During this reporting period, the County reviewed and updated its standard conditions of approval to meet the requirements of the Third Term Permits. The updated conditions are as follows:

##### General Conditions

#### **(WQ01) Water Quality Management Plan**

Prior to the recordation of any final subdivision map (except those maps for financing or conveyance purposes only) or the issuance of any grading or building permit (whichever comes first), the applicant shall submit for review and approval by the Manager, Inspection Services Division, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine structural and non-structural measures specified in the current Drainage Area Management Plan (DAMP). The WQMP may include one or more of the following:

- Discuss regional water quality and/or watershed programs (if available for the project);
- Address Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
- Include the applicable Routine Source Control BMPs as defined in the DAMP;
- Demonstrate how surface runoff and subsurface drainage shall be managed and directed to the nearest acceptable drainage facility (as applicable), via sump pumps if necessary.

#### **(WQ02) WQMP For Priority Projects**

**For those designated "Priority Projects" as determined by the Manager, Inspection Services Division or designee.**

Prior to the recordation of any final subdivision map (except those maps for financing or conveyance purposes only) or the issuance of any grading or building permit (whichever comes first), the applicant shall include in the WQMP the following



additional Priority Project information in a manner meeting the approval of the Manager, Inspection Services Division:

- Include post-construction Structural Treatment Control BMP(s) as defined in the DAMP;
- Include a conceptual Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for the post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the proposed mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).

**(WQ03) Compliance with the WQMP**

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the Manager, Inspection Services Division, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the project's WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP;
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the incoming occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date (12) twelve months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan; and
- Demonstrate that the applicant has agreed to and recorded one of the following: 1) the CC&Rs (that must include the approved WQMP and O&M Plan) for the project Home Owner's Association; 2) a water quality implementation agreement that has the approved WQMP and O&M Plan attached; or 3) the final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

**(WQ04) Stormwater Pollution Prevention Plan**

**For projects subject to California's General Permit for Stormwater Discharges Associated with Construction Activity.**

Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Building Permit Services. Projects subject to this requirement shall prepare and implement a Stormwater Pollution



Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request.

**(WQ05) Erosion and Sediment Control Plan**

Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building Permit Services, to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

Special Conditions

**(WQ06) Chemical Management**

Prior to the issuance of building permits for any tank or pipeline, the uses of said tank or pipeline shall be identified and the applicant shall submit a Chemical Management Plan in addition to a WQMP with all appropriate measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies and disposal) in a manner meeting the satisfaction of the Manager, Building Permit Services, in consultation with the Public Facilities and Resources Department, the Orange County Fire Authority, the Orange County Health Care Agency and wastewater agencies, as appropriate, to ensure implementation of each agency's respective requirements. A copy of the approved "Chemical Management Plans" shall be furnished to the Manager, Inspection Services, prior to the issuance of any Certificates of Use and Occupancy.

**(WQ07) Projects In Areas with Steep Slopes**

**For those projects with an average slope greater than 25%.**

Prior to the issuance of any grading or building permits, the applicant shall include an analysis of any proposed drainage facilities when the average slope exceeds 25% and discharges onto adjacent property to compare the pre- and post-project manner and volume in which natural runoff crosses the adjacent property, in a manner meeting the satisfaction of the Manager, Building Permit Services.

**(WQ08) Industrial Facilities**

**For industrial facilities subject to California's General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) code.**



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Prior to grading or building permit close-out and/or the issuance of a certificate of use and occupancy, the applicant shall demonstrate that compliance with the permit has been obtained by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing to the satisfaction of the Manager, Inspection Services.

C-7.5.2 Water Quality Management Plans (WQMPs)

To assist applicants with preparing Water Quality Management Plans, the County has made the following materials available at its Development Processing Center (DPC) and via its website:

- WQMP Guidelines Memo: This document provides background information on the NPDES permit requirements including the submission of a project WQMP and an Operations and Maintenance (O&M) Plan.
- Orange County Water Quality Management Plan (WQMP) Template: This interactive document can be downloaded from the Planning & Development Services Department (PDSD) website. It provides a format for clients to follow and describes the information required in order to complete the project WQMP and meet permit requirements.
- When Is A WQMP Required?: This document describes the projects that require the submission of a project WQMP and the criteria that are utilized to determine if a project is a “non-priority” or “priority.”

During this reporting period the County received the following number of preliminary project WQMPs and approved final project WQMPs for review and approval as noted in the table:

	<b>Reviewed</b>	<b>Approved</b>	<b>Acres Covered</b>
<b>Preliminary Project WQMP</b>	None Submitted		
<b>Final Project WQMP</b>	45	44	1423

**Table C-7.1**, which is included as an attachment to this section, provides project information for approved final project WQMPs that were approved during the reporting period.

In reviewing project WQMPs, the County found that the three most common deficiencies requiring that an applicant’s project WQMP be revised before it could be approved were:



1	Many project WQMPs simply listed design objectives that were to be met by the proposed project. Applicants were asked to clarify the means by which site design BMPs would be achieved. The BMPs that commonly needed further explanation were: 1) How the project would minimize impervious area/maximize permeability and 2) How the project plans would minimize directly connected impervious areas.
2	Project proponents did not always identify an entity responsible for the long-term operation and maintenance of post-construction BMPs and were asked to update their BMP Maintenance Responsibility/Frequency Matrix and the section in the project WQMP covering Inspection/Maintenance Responsibility.
3	All proposed structural BMPs are not always included on a project WQMP exhibit (typically a site plan). The exhibit is of great importance as it is attached to both grading and building plans and is utilized by field inspectors to ensure the implementation of BMPs.

### C-7.5.3 Issuance of Building or Grading Permits

To ensure that all applicants for building or grading permits understand that there are minimum requirements for all construction sites, the County has compiled a NPDES informational packet that includes the following: Construction Runoff Manual, Instruction Manual for Erosion and Sediment Control Plan (ESCPs) and sample BMPs. During the planning application review process, the County applies conditions of approval that delineate the minimum BMPs that must be in place throughout the construction phase. Additionally, plans are required to include standard NPDES construction notes, BMPs from a final approved project WQMP and an Erosion and Sediment Control Plan (ESCP).

To ensure that all applicants for building or grading permits for sites of one acre or more (1) have submitted a Notice of Intent (NOI) to the State Water Resources Control Board, and (2) understand that a Stormwater Pollution Prevention Plan (SWPPP) must be completed and onsite before any commencement of any construction activities, the County requires the submittal of a copy of a NOI application and WDID Number prior to permit issuance. Notification of this requirement is provided to applicants either during the planning application review process or during plan check. Conditions of approval regarding the SWPPP are applied to planning applications and delineate the requirements that must be met prior to permit issuance. If no previous condition has been applied to the project, the applicants may be notified during plan check.



### **C-7.6 Water Quality Management Plan (WQMP) Preparation (LIP Section A-7.6)**

The County has formulated the WQMP template to reflect the new regulations specified in **Section A-7.6** of the LIP. The document is “user-friendly” and is accessible via the County's Planning and Development Services website. Along with the template, the County has provided additional information to make the WQMP process as clear as possible for applicants. A summary of the additional information provided is listed below and is included as an attachment to this report.

- Cover Letter to WQMP Template – This letter contains a general overview of what the applicant should expect from first submittal of a WQMP to the formation of an Operation and Maintenance Plan. Included in this letter is background information regarding the San Diego and Santa Ana Region Board Orders, a summary of what should be included in a WQMP, the County WQMP submittal and approval process, and a discussion of Operation and Maintenance (O&M) Plans. Contact information for assistance in preparing a WQMP is also provided.
- When Is a WQMP Required – This document assists applicants in determining if the project is a priority or non-priority project and also clearly defines significant redevelopment. Applicants will be able to know early on if treatment control BMPs will be required.

The WQMP Template was customized to outline County requirements. Specifics such as the submittal process, the need to record a project WQMP and O&M Plan, to what should be shown on a Site Plan are all included in the template.

### **C-7.7 Post Construction BMP Inspection and Verification (LIP Section A-7.7)**

The County has initiated the verification of BMP implementation and maintenance for Projects with approved project-specific WQMPs and will report on the initial results in the 2003/04 PEA.

### **C-7.8 Training and Outreach (LIP Section A-7.8)**

County staff having implementation responsibility related to the County's new development/significant redevelopment program received the following training during the 2002/03 reporting period:





**2002/03 Summary of County Sponsored New Development/Significant Redevelopment  
Training Attendance**

<b>Title of Workshop or Training Module:</b>	New Development/Significant Redevelopment Training for Program Managers Training Module, <b>DAMP Appendix B, Exhibit B-7.I</b>
<b>Date of training:</b>	April 23, 2003
<b>Attendee Name</b>	<b>County Department</b>
Chi Tran	PDSO, Water Quality Management Section (WQMP Review)
Chad Brown	
Don Murphy	
Lea Umnas	PDSO, Environmental Planning Services (CEQA Documentation)
Robert Young	
Darryl Adams	
John Buzas	PDSO, Current and Advance Planning Services (General Plan)
Ron Tippets	
Ruby Maldonado	
Chris Crompton	PDSO, Grading and Building Plan Check Services
Zoila Verdaguier-Finch	
Grant Sharp	
Dave Marshall	PFRD, Watershed & Coastal Resources
Bob Parsons	
Bryan McKinney	
Tom Walsh	
Gerald Schubert	
Mike Reetz	
Robin LaMont	
Jim Miller	PFRD, Construction Management
Stan Vander May	
Mehdi Sobhani	PFRD, Engineering & Permit Services
Gene Estrada	
Ali Fayad	
Nadeem Majaj	
Phil Jones	
Ron Gaut	
Steve Sanders	PFRD, Flood Control, Flood Design
Gus Fischer	
Amir Ilkhanipour	PFRD, Internal Services
Vince Rosales	
	PFRD, Facilities Operation
	PFRD, Long Range Planning
	PFRD, Public Works



**2002/03 Summary of County Sponsored New Development/Significant Redevelopment  
Training Attendance  
(Continued)**

<b>Title of Workshop or Training Module:</b>	New Development/Significant Redevelopment In Depth Training Module, <b>DAMP Appendix B, Exhibit B-7.II</b>	
<b>Date of training:</b>	April 30, 2003	
<b>Attendee Name</b>	<b>County Department</b>	
Mahrooz Ilkhanipour	PDSD, Water Quality Management Section (WQMP Review)	
Don Murphy		
Robert Young		
Chi Tran		
Mehrdad Soltani		
Johnnie Ernest		PDSD, Environmental Planning Services (CEQA Documentation)
Alex Ghobadi		
Lea Umnas		PDSD, Current and Advance Planning Services (General Plan)
Don Burdett		
Kyle Soldan		
Pat Stanton		PDSD, Grading and Building Plan Check Services
Jerry Mitchell		
Ruby Maldonado		
Chris Crompton		
Zoila Verdaguer-Finch	PFRD, Watershed & Coastal Resources	
Grant Sharp		
Richard Boon		
Robin LaMont	PFRD, Construction Management	
Safi Popal	PFRD, Public Works, Architecture & Engineering	
Henry Navarro	PFRD, Public Works, Road Capital Projects	
Jamie Lai		
Chris Kubasek	PFRD, Public Works, Regulatory Permits	
George Rakas	PFRD, Property Permits	
Ed Robb	PFRD, Internal Services, Architecture & Engineering	
Ernest Seidel	PFRD, Harbors Beaches & Parks, Landscape Architect	
Joanne Quirk		
David Updegraff	PFRD. Public Works, Road Design	
Ed Kwan		



### 2002/03 Summary of Additional New Development/Significant Redevelopment Training Attendance

<b>Title of Workshop or Training Module:</b>	Overview of the New Development and Redevelopment Handbook focusing on BMPs and application for development projects
<b>Date of training</b>	April 16, 2003
<b>Sponsored by:</b>	CASQA
<b>Attendee Name</b>	<b>County Department</b>
Chris Crompton	PFRD, Watershed & Coastal Resources
Christine Hanson	
George Edwards	

Additionally, the County has conducted special education and outreach activities for developers, engineers/architects, and construction/general contractors to promote awareness of stormwater quality issues and requirements. The In Depth training offered on April 30, 2003 was open to the private sector and the County received such an overwhelming response that an additional workshop was scheduled for August of 2003 and will be reported on in the 2003/04 PEA.

The County has provided valuable information to the public on its New Development/Significant Redevelopment Program through the following websites:

[www.ocwatersheds.com](http://www.ocwatersheds.com):

- Introduction and background on the New Development/Significant Redevelopment Program;
- All related program documents and ESA maps are posted and available for download;
- New Development/Significant Redevelopment BMP Fact Sheets are posted and available for download.
- A link is provided for the public to submit comments or questions on the New Development/Significant Redevelopment Program.

<http://pdsd.oc.ca.gov> (under “documents” section)

- “WQMP Guidelines Memo”;
- “When is a WQMP Required?”;
- “WQMP Template” (**Exhibit A-7. IV** of the County’s LIP) (see **Section C-7.5.2** for a description of these documents).



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In addition, the County, as Principal Permittee, is investigating setting up a web-linked list server to ask questions on the new development/significant redevelopment program to be submitted and answered with distribution to all participants of the list server.

### **C-7.9 New Development/Significant Redevelopment Program Modifications**

Based upon the knowledge gained in preparing this Program Effectiveness Assessment, the County has updated the following items within **Section A-7** of its LIP:

- Organizational Chart (**Figure A-7.1** of LIP)
- Conditions of Approval (**Section A-7.5.3** of LIP);
- General Plan Amendment Schedule (**Section A-7.3** of LIP);
- WQMP Template and associated documents (**Exhibit A-7.IV** of LIP).

The County will continue to refine its LIP to reflect the changes made during the approval process for the Model WQMP (DAMP **Exhibit 7.II**) that occurred on September 30, 2003.