

SECTION C-7

NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT

**PROGRAM EFFECTIVENESS ASSESSMENT
2009-10**



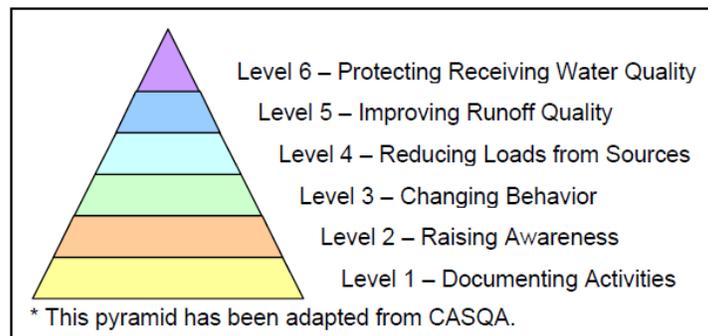


C-7.0 NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT

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.

As described in detail in **Section C-2.5** of this PEA, the County utilizes the California Stormwater Quality Association (CASQA) method of effectiveness assessment in order to demonstrate if program elements, activities, BMPs, etc., are resulting in desired outcomes. CASQA identifies six Outcome Levels (See pyramid below) and for each measure the County reports, the associated Outcome Level (more than one level may apply) is indicated by a colored triangle with a number.



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 have been 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)

The General Plan was reviewed during the reporting period and updates will be made to reflect new requirements set forth in the Fourth Term Permits. A General Plan Amendment will be completed by December 2011 which will incorporate the principles of watershed protection and Low Impact Development.

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

As detailed in **Section A-7.4.2** of its LIP, the County utilizes a customized CEQA Initial Study checklist to ensure that water quality and hydrologic impacts are addressed. The CEQA checklist is included as **Exhibit A-7.II** of the County's LIP.



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

C-7.5.1 Conditions of Approval

During the 2009-10 reporting period, the County made no changes to its conditions of approval which have been integral to meeting the requirements of the Third Term Permits.

C-7.5.2 Water Quality Management Plans (WQMPs)

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

- 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.”
- 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 WQMP Template: This interactive document can be downloaded from the OC Public Works/OC Planning 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.
- WQMP Template Instructions: This document provides instructions to preparers of the WQMP Template.
- Links: The website also provides links to: New Development Best Management Practices (BMPs); Drainage Area Management Plan (DAMP); County of Orange Local Implementation Plan (LIP); and Third/Fourth Term NPDES Permits.

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

WQMP Summary



	Reviewed	Approved	Acres Covered
Preliminary Project WQMP*	2	2	134.5
Final Project WQMP (Private Projects)*	38	28	81.1 acres
Final Project WQMP (Public Projects)	11	8	56.6 acres

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

C-7.5.3 Runoff Management Plans

The County did not review any runoff management plans during the reporting period.



C-7.5.4 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 Guidance Manual, Instruction Manual for Erosion and Sediment Control Plans (ESCPs), sample BMPs and NPDES Inspection Requirements. 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 on-site before 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-7.5.5 Issuance of Flood Encroachment Permits

A flood encroachment permit from the County is required of all projects encroaching on or discharging to Orange County Flood Control District (OCFCD) right of way. These are typically projects that have been issued building/grading permits by another jurisdiction. To protect its stormdrain system and ensure that all DAMP/NPDES requirements are being followed during construction and after, the project applicant is required to provide the following to the County prior to permit issuance:

- Stormwater Pollution Prevention Plan (SWPPP), if the project involves the disturbance of 1 acre or more of soil (All construction projects, regardless of their size, are required to meet requirements of **Section A-8**, Construction, of the County's LIP);
- Approved Water Quality Management Plan (WQMP);
- Selection of post-construction BMPS from **Exhibit A-9.II** of the County's LIP if the project did not trigger a WQMP.

In addition to requiring these items, conditions are placed on the project through the encroachment permit that requires the implementation of BMPs to prevent the discharge of pollutants at any time.



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

The County has formulated the WQMP template to reflect the requirements specified in **Section A-7.6** of the LIP. The document is “user-friendly” and is accessible via the County's OC Planning website. Along with the template, the County has provided the additional guidance information described in **Section C-7.5.2** to make the WQMP process as clear as possible for applicants.

The County's WQMP Template is 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.

Public Works Project WQMP Template

During the 2006-07 reporting period, the County implemented use of a WQMP Template for OC Public Works projects that trigger a WQMP but do not require the issuance of a building or grading permit from either a city or OC Planning. The template is based on the one already in use by the County for private projects but has been modified to fit the characteristics of a typical public works project such as a roadway expansion.

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

The County requires the following condition of approval, **WQ03, Compliance with the WQMP**, on all priority development/redevelopment projects:

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 WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- Demonstrate that 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 or Orange for a date twelve (12) months after 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 WQMP and O&M Plan.



2009-10 Summary of Post-Construction BMP Inspection and Verification

Verification Method	No. of WQMPs Verified	No. of WQMPs Satisfactorily Implemented	No. of WQMPs Not Satisfactorily Implemented	No. of WQMPs Verified
Inspection/Surveys	2	2	0	2
Self Certification	0	0	0	0

The County is working on developing a GIS-based inventory of post-construction BMPs and completion of this task is anticipated during the 2010-11 reporting period. An inventory of post-construction BMPs associated with OC Public Works projects is included as **Attachment C-7.2** of this PEA.

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

The County conducted the following training to assist responsible municipal staff in understanding the New Development/Redevelopment Program during the 2009-10 reporting period:

2009-10 Summary of Training



County Department	Training	Date	Attendees
OC Public Works/OC Planning	WQMP Intake and Review Process for Plan Check and Front Counter Staff	April 14, 2010	20
OC Public Works/OC Planning	NPDES Implementation Program/NPDES Intake Process for Plan Checkers and Front Counter Staff	April 21, 2010	20
OC Public Works (OC Planning & OC Inspection)	Construction BMP/Erosion Sediment Control Plan Training for Plan Reviewers, Plan Checkers, & Inspectors	June 14, 2010 (Classroom)	60
		June 16, 2010 (Field)	
Totals			60

As noted in the table above, a two day training involving both classroom learning and a field visit to an active construction site was conducted in June of 2010 with 60 County staff. The training was aimed at plan review/plan check staff responsible for reviewing erosion & sediment control plans (ESCP), but building and grading inspectors were also included. The classroom session involved breaking up into groups to prepare an ESCP and the field visit to the active construction project was an opportunity to see construction BMPs installed and functioning as part of an effective ESCP.



Public Outreach

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

www.ocwatersheds.com:

- Introduction and background on the New Development/Significant Redevelopment Program (<http://www.ocwatershed.com/WQMP.aspx>);
- All related program documents and ESA watershed maps are posted and available for download (<http://www.ocwatershed.com/ESA.aspx>);
- New Development/Significant Redevelopment BMP Fact Sheets are posted and available for download (<http://www.ocwatershed.com/NewDevSignificantRedev.aspx>);
- An email link is provided for the public to submit comments or questions on the New Development/Significant Redevelopment Program (<http://www.ocwatershed.com/WQMP.aspx>).

www.ocplanning.net:

- WQMP Guidelines Memo (<http://www.ocplanning.net/Documents/pdf/WQMPGuidelinesMemoDec2008.pdf>);
- When is a WQMP required? (<http://www.ocplanning.net/Documents/pdf/WhenWQMPRequiredDecember2008.pdf>);
- WQMP Template (**Exhibit A-7. IV** of the County's LIP) (see **Section C-7.5.2** for a description of these documents) (http://www.ocplanning.net/Documents/doc/WQMP_Template_December2008.doc);
- WQMP Template Instructions (http://www.ocplanning.net/Documents/pdf/WQMP_TemplateInstructions_2003.pdf);
- WQMP Checklist for Preparers;
- Erosion and Sediment Control Plan (ESCP) Instruction Manual (<http://www.ocplanning.net/Documents/pdf/ErosionandSedimentControlPlansInstructionManualDec2008.pdf>);
- Construction Runoff Guidance Manual (<http://www.ocplanning.net/Documents/pdf/ConstructionRunoffGuidanceManualSept2008.pdf>);
- NPDES Notes for Building and Grading Plancheck (http://www.ocplanning.net/Documents/pdf/NPDES_Notes.pdf);
- NPDES Inspection Requirements (http://www.ocplanning.net/Documents/pdf/NPDES_InspectionReq_Dec2008.pdf).

C-7.9 New Development/Significant Redevelopment Program Modifications

As the last step in the PEA, the County has evaluated the results of the program effectiveness assessment for this section to determine if any program modifications are necessary in order to



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comply with the Fourth Term Permits. The Model WQMP for the Santa Ana Region of Orange County is expected to be approved for implementation in May of 2011. It is anticipated that this element of the County's Stormwater Program will undergo significant modification to meet the requirements of the revised Model WQMP. Also, interim hydromodification requirements for the San Diego Region of Orange County take effect on December 16, 2010, and the County will be modifying its program accordingly in advance of this date.

Also, as noted in this section, the County is continuing to resolve technical issues with its Automated Permitting & Planning System (APPS), as previously reported in our letter to the Executive Officers of the Santa Ana and San Diego Regional Boards, dated August 4, 2009.