

**SECTION C-7**

**NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT**

**PROGRAM EFFECTIVENESS ASSESSMENT  
2011-12**





## 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.

The County has incorporated the model new development/significant redevelopment program described in DAMP Section 7.3 as the basis for Section A-7 of its LIP. This model program provides a framework and a process for incorporating watershed protection/stormwater quality management principles into the County's or Permittee's General Plan and environmental review and development permit approval processes. The program covers initial project planning through design, construction and completion, including requirements for long-term maintenance of permanent BMPs.

The new development/significant redevelopment program was developed (see **DAMP Section 7.3**) to meet the new development and significant redevelopment commitments and requirements of the Third Term MS4 Permits for Orange County:

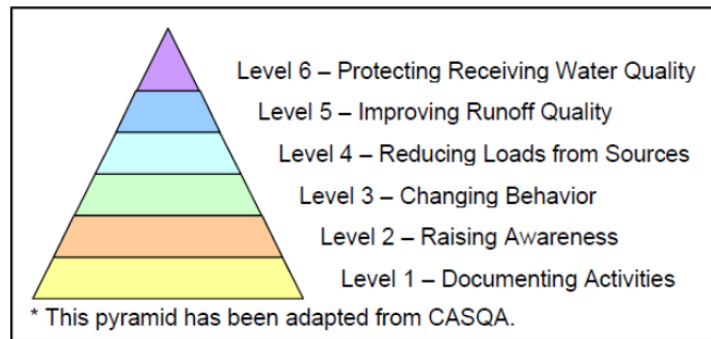
- Section XII of the Santa Ana Regional Water Quality Control Board Municipal NPDES Stormwater Permit, Order No. R8-2002-0010, and
- Section F.1 of the San Diego Regional Water Quality Control Board Municipal NPDES Stormwater Permit, Order No. R9-2002-0001

In 2009, these requirements were superseded by the Fourth Term MS4 Permits for Orange County:

- Section XII of the Santa Ana Regional Water Quality Control Board Municipal NPDES Stormwater Permit, Order No. R8-2009-0030, and
- Section F.1 of the San Diego Regional Water Quality Control Board Municipal NPDES Stormwater Permit, Order No. R9-2009-0002

Implementation of a substantially revised development/significant redevelopment program to meet the requirements of the Fourth Term MS4 Permits occurred on August 17, 2011, for areas of Orange County within the Santa Ana Region. Implementation of a revised program in the San Diego Region of Orange County is anticipated to occur sometime in 2013.

As described in detail in **Section C-2.5** of this PEA, the County utilizes the 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 2009-10 reporting period and updates were scheduled to be completed by December 2011. These will now not occur until late 2013 due to staff constraints.

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

The environmental review process, inclusive of planning procedures and CEQA document preparation, were reviewed during the 2009-10 reporting period to ensure that urban runoff-related issues are properly considered and addressed. 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

The following are the conditions of approval which apply to new development/significant redevelopment projects within the County's jurisdiction:

#### *WQ01 Water Quality Management Plan*

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Permit Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:



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- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

### *WQ03 Compliance with the NPDES Implementation Program*

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Inspection, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the BMP Exhibit from the project's approved 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 (the O&M Plan shall become an attachment to the WQMP);
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the initial occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date twelve (12) 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
- Demonstrate that the applicant has recorded one of the following: 1) the CC&R's (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 O&M Plan.



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### *WQ04 Stormwater Pollution Prevention Plan*

Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance with 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, Permit Intake. 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, Permit Intake, to demonstrate compliance with the County's NPDES Implementation Program 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. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

### *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, Permit Intake, in consultation with 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, OC Inspection, prior to the issuance of any Certificates of Use and Occupancy.

### *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.

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, OC Inspection.



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### C-7.5.2 Water Quality Management Plans (WQMPs)

Project WQMPs identify the water quality BMPs applicable to the project to address pollutants or conditions of concern. The Project WQMP for a Priority Project must include:

- Determination of discretionary permits and water quality conditions that may apply;
- Project description;
- Site assessment;
- Description of selected BMPs, including LID BMPs, site design BMPs, hydromodification control BMPs, and source control BMPs (or determination of any applicable alternative compliance approaches); and,
- The mechanism(s) by which long-term operation and maintenance of all structural BMPs will be provided.

To assist project applicants with preparing project WQMPs, the County has made the following materials available at its Development Processing Center (DPC) and via its website (<http://www.ocplanning.net/WaterQuality.aspx>):

*NOT SURE WHICH REGION YOUR PROPERTY/PROJECT IS IN?*

- [Click here to use this link and your address to find out!](#)

### *SOUTH ORANGE COUNTY (SAN DIEGO REGION) WATER QUALITY REQUIREMENTS*

- [When Is A Water Quality Management Plan \(WQMP\) Required?](#)
- [Checklist for Categorizing Projects as "Priority" or "Non-Priority"](#)
- [South Orange County Water Quality Management Plan \(WQMP\) Template - August 2, 2011](#)
- [Preparation and Submittal of a Water Quality Management Plan \(WQMP\) -Information for Applicants - August 2011](#)
- [South Orange County Electronic WQMP Template Instructions - August 2011](#)
- [WQMP and WQP Review Checklist for Preparers](#)
- [Instructions to Prepare a Conceptual Water Quality Management \(WQMP\)](#)

*SOUTH ORANGE COUNTY HYDROMODIFICATION CONTROL REQUIREMENTS (Effective December 16, 2010)*

The Executive Officer of the San Diego Regional Water Quality Control Board has yet to make a finding of adequacy of the draft Hydromodification Management Plan (HMP) for South Orange County, but Regional Board staff provided a comment letter in April of 2012 encouraging early implementation of provisions likely to be included in the final HMP. Therefore, during the



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2011-12 reporting period, the County transitioned to use of the draft HMP and the accompanying BMP sizing tool for priority development projects in South Orange County, taking into consideration the Regional Board comment letter.

- [Draft Hydromodification Management Plan \(HMP\) for South Orange County](#)
- [South Orange County Hydrology Model \(SOCHM\) BMP Sizing Tool](#)
- [South Orange County Hydrology Model \(SOCHM\) Guidance Manual](#)

*NORTH ORANGE COUNTY REVISED WATER QUALITY REQUIREMENTS (Effective August 17, 2011)*

- [Information Regarding the Revised Water Quality Requirements in North Orange County](#)
- [When Is A Water Quality Management Plan \(WQMP\) Required?](#)
- [Checklist for Categorizing Projects as "Priority" or "Non-Priority"](#)
- [Drainage Area Management Plan \(DAMP\) - Section 7 "New Development and Redevelopment" - Revised May 26, 2011](#)
- [Orange County Model Water Quality Management Plan \(Model WQMP\) - August 17, 2011](#)
- [Orange County Model WQMP Technical Guidance Document - August 17, 2011](#)
- [North Orange County "Priority" Project Water Quality Management Plan \(WQMP\) Template](#)
- [North Orange County "Non-Priority" Project Water Quality Management Plan \(WQMP\)](#)
- [WQMP and WQP Review Checklist for Preparers](#)
- [Instructions to Prepare a Conceptual Water Quality Management \(WQMP\)](#)

During this reporting period the County approved the following WQMPs:

**WQMP Summary**



WQMP Summary		Approved	Acres Covered
Priority Projects	Final Project WQMP - Public Projects	9	263.9
	Final Project WQMP - Private Projects	12	327
Non-Priority Projects	Final Project WQMP - Public Projects	1	1.5
	Final Project WQMP - Private Projects	3	1.4



### C-7.5.3 Runoff Management Plans

The County is currently in the process of reviewing the Runoff Management Plan (ROMP) for the Rancho Mission Viejo (RMV) Ranch Plan Planned Community located in an unincorporated area of South Orange County. It is anticipated that this ROMP will be finalized in 2013.

### 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 Encroachment Permits

An encroachment permit from the County is required for all projects encroaching on or discharging to County or 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.





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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.

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

The County requires condition of approval *WQ03, Compliance with the WQMP*, on all priority development/redevelopment projects (see Section C-7.5.1) which specifies recording and verification requirements for an approved project WQMP.

The County's post-construction BMP inventory is maintained through a web-based GIS integrated database system (CBI MS4 Web). The post construction inventory can be accessed at the following link and login information:

<http://www.ms4web.com/base/wbin/Structures.aspx?ns=36>

User Name: PEA  
Password: ocMS4!

### **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 2011-12 reporting period:



## 2011-12 Summary of Training

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County Department	Training	Date	Attendees
OC Planning, OC Watersheds, OC Waste & Recycling, OC Parks	Model WQMP and Technical Guidance Document Training for Program Managers	July 7 and 14, 2011	8
OC Planning, OC Watersheds, OC Flood, OC Road, OC Waste & Recycling, OC Parks, John Wayne Airport	Model WQMP and Technical Guidance Document Training for Plan Check Staff	July 20 and 27, 2011	28
OC Planning, OC Watersheds, OC Sheriff	Model WQMP and Technical Guidance Document Training for the Land Development Community	July 28, 2011	4
N/A	Model WQMP and Technical Guidance Document Training for the Land Development Community	September 14, 2011	0
OC Planning, OC Watersheds, OC Flood, OC Road, OC Waste & Recycling, OC Parks, John Wayne Airport	Utilizing Infiltration, Rainwater Harvesting and Biofiltration Effectively in an LID design approach	October 17, 2011	25
<b>Totals</b>			<b>65</b>

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

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 comply with the Fourth Term Permits. The major changes during the reporting period were related to implementation of the Draft Hydromodification Management Plan (HMP) for South Orange County and use of the accompanying South Orange County Hydrology Model (SOCHM) BMP sizing tool.