

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

804B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
May 15, 2012

SUBJECT: Adoption of a Design Handbook and Ordering the Establishment of a Water Quality Facilities Maintenance Community Facilities District Resolution No. F2012-08

RECOMMENDED MOTION:

The Board adopt Resolution F2012-08 which:

- 1) Adopts the "Design Handbook For Low Impact Development BMPs" as the District's official guide with regard to stormwater Best Management Practices design, construction, operation and maintenance; and
- 2) Directs the General Manager-Chief Engineer to establish a Water Quality Facilities Maintenance Community Facilities District in accordance with the applicable provisions of the Mello-Roos Community Facilities Act of 1982.

BACKGROUND: See Page 2

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	\$	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	\$	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Michael R. Shetler

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY:
NEAL R. KIRNIS
DATE: 5/15/12

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: N/A

District: All

Agenda Number:

11.1

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

SUBJECT: Adoption of a Design Handbook and Ordering the Establishment of Water Quality Facilities Maintenance Community Facilities District Resolution No. F2012-08

SUBMITTAL DATE: May 15, 2012

Page 2

BACKGROUND:

Pursuant to Section 402(p) of the Federal Water Pollution Control Act (Clean Water Act), the California Regional Water Quality Control Boards (Regional Boards) have promulgated three separate NPDES Municipal Stormwater Permits (Permits) regulating stormwater runoff within the urbanized areas of the County of Riverside.

Each Permit prescribes certain measures, often referred to as "Best Management Practices" (BMPs) that must be implemented in order that the stormwater runoff associated with new development and significant redevelopment projects complies with the provisions of the Permits and the Clean Water Act. The County of Riverside now requires nearly all new development and significant redevelopment projects to prepare a project-specific Water Quality Management Plan (WQMP) in accordance with the stipulations set forth in the applicable Permit.

In most cases, the project-specific WQMP will require construction of BMPs that capture, infiltrate or otherwise treat stormwater runoff originating from the project site. Responsibility for inspection, operation and maintenance of these structural BMPs is currently delegated, in the case of residential developments, to an individual homeowner or a home owners association (HOA), or, as in the case of commercial developments, an individual property owner or property owners association (POA). HOAs, POAs and individuals typically lack the expertise and wherewithal to effectively inspect, operate and maintain the BMPs. The failure of an individual property owner, HOA or POA to adequately inspect, operate and maintain the BMPs, as prescribed by the Permits, exposes the County to potential enforcement actions including penalties and fines imposed by the Regional Boards. The District has prepared a BMP Handbook, entitled "Design Handbook For Low Impact Development BMPs", that stipulates acceptable BMPs and BMP design criteria. The District has determined that it can provide, or cause to be provided, the necessary BMP maintenance effort and maintenance program oversight at a reasonable cost. A funding mechanism is necessary to offset the increased cost to the District for the BMP maintenance services that are to be provided under the proposed BMP maintenance program.

FINANCIAL: No financial impact at this time.

1 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

2 RESOLUTION NO. F2012-08

3 ESTABLISHMENT OF A WATER QUALITY FACILITIES MAINTENANCE
4 COMMUNITY FACILITIES DISTRICT (WQFMCFD) IN ACCORDANCE
5 WITH THE APPLICABLE PROVISIONS OF THE MELLO-ROOS
6 COMMUNITY FACILITIES ACT OF 1982

7 WHEREAS, pursuant to Section 402(p) of the Federal Water Pollution Control
8 Act (Clean Water Act), the California Regional Water Quality Control Boards (Regional
9 Boards) have promulgated three separate NPDES Municipal Stormwater Permits (Permits)
10 regulating stormwater runoff within the urbanized areas of the County of Riverside; and

11 WHEREAS, each Permit prescribes certain measures, often referred to as "Best
12 Management Practices" (BMPs), that must be implemented in order that the stormwater runoff
13 associated with new development and significant redevelopment projects complies with the
14 provisions of the Permits and the Clean Water Act; and

15 WHEREAS, the County of Riverside now requires nearly all new development
16 and significant redevelopment projects to prepare a project-specific Water Quality Management
17 Plan (WQMP) in accordance with the stipulations set forth in the applicable Permit; and

18 WHEREAS, in most cases, the project-specific WQMP will require construction
19 of small to medium-sized structures (BMPs) that capture, infiltrate or otherwise treat stormwater
20 runoff originating from the project site; and

21 WHEREAS, responsibility for inspection, operation and maintenance of these
22 structural BMPs is currently delegated, in the case of residential developments, to an individual
23 homeowner or a home owners association (HOA), or, as in the case of commercial
24 developments, an individual property owner or property owners association (POA); and
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FORM APPROVED COUNTY COUNSEL
BY: 
NEAL R. KIPNIS DATE

1 WHEREAS, HOAs, POAs and individuals typically lack the expertise and
2 wherewithal to effectively inspect, operate and maintain the BMPs; and

3 WHEREAS, the failure of an individual property owner, HOA or POA to
4 adequately inspect, operate and maintain the BMPs, as prescribed by the Permits, exposes the
5 County to potential enforcement actions including penalties and fines imposed by the Regional
6 Boards; and

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8 WHEREAS, the Riverside County Flood Control and Water Conservation
9 District (District) has prepared a BMP Handbook, entitled "Design Handbook For Low Impact
10 Development BMPs", that stipulates acceptable BMPs and BMP design criteria for new
11 development and significant redevelopment projects; and

12 WHEREAS, the District has determined that it can provide, or cause to be
13 provided, the necessary BMP maintenance effort and maintenance program oversight at a
14 reasonable cost; and

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16 WHEREAS, a funding mechanism is necessary to offset the increased cost to the
17 District for the BMP maintenance services that are to be provided under the proposed BMP
18 maintenance program; and

19 WHEREAS, pursuant to a study prepared by David Taussig & Associates
20 entitled "Public Maintenance Alternatives Study For the Riverside County Flood Control and
21 Water Conservation District" (November 2007), the District has determined that a Mello-Roos
22 Community Facilities District (CFD) is the most appropriate and flexible means of funding the
23 proposed BMP maintenance program; and

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25 WHEREAS, existing HOAs, POAs or individuals that are currently burdened
26 with maintaining structural water quality BMPs will be afforded an opportunity to annex into
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1 the proposed CFD provided that the existing BMPs are reasonably accessible and meet the
2 criteria stipulated in the District's BMP Handbook.

3 NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of
4 Supervisors of the Riverside County Flood Control and Water Conservation District in regular
5 session assembled on May 15, 2012 that:

6 1. The District's publication entitled "Design Handbook For Low Impact
7 Development BMPs" (September 2011), including any subsequent amendments thereto, is
8 hereby adopted as the District's official guidance with regard to BMP design, construction,
9 operation and maintenance. All new development and significant redevelopment projects shall
10 follow and incorporate the criteria stipulated therein to the maximum extent practicable.
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12 2. The District's General Manager-Chief Engineer is hereby directed to
13 proceed with the establishment of the WQFMCFD in accordance with the applicable provisions
14 of the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section
15 53311) of Part 1 of Division 2 of Title 5 of the California Government Code).
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