



COUNTY OF SAN LUIS OBISPO

# Detailed Agenda:

~~9:00 - 9:10 AM: Welcome, Overview and Introductions (Gillespie)~~

~~9:10 - 9:30 AM: Intake and Plan Review Process (Lambert)~~

**9:30 - 9:50 AM: Operations and Maintenance Procedure (Gillespie)**

**9:50 - 10:00 AM: Break (*Extinguish flaming emails*)**

**10:00 - 12:00 PM: Low Impact Development, Bioretention, Documenting Compliance (Cloak)**

**12:00 - 12:30 PM: Assorted Q & A**



# Department of Planning & Building

## Long Term Operations and Maintenance

- Requirements outside MS4 Area
- Requirements inside the MS4 Area
- Condition Compliance Monitoring Cases
- Completing a Recorded Agreement
- Operations and Maintenance provisions in CC&Rs
- Documenting Maintenance Requirements



# Long Term Operations and Maintenance- Outside MS4 Areas

## Construction General Permit for Stormwater

- Post-Construction rules apply to enrolled projects **outside** the County's MS4 Permit Area.

If your projects requires a Stormwater Pollution Prevention Plan (SWPPP) and enrolls in the Construction General Permit, this provision applies:

*"In order for construction to be found complete, the discharger must install post-construction storm water management measures and establish a long-term maintenance plan." (Section II.D)*

MS4: Municipal Separate Storm Sewer System



# Long Term Operations and Maintenance- Outside MS4 Areas

Construction General Permit for Stormwater includes conditions for Water Board approval of Notice of Termination:

*“Compliance with the Post-Construction Standards of this General Permit has been demonstrated;*

*Post-construction storm water management measures have been installed and a long-term maintenance plan has been established;...*

*(For the purposes of this requirement a long-term maintenance plan will be designed for a minimum of five years, and will describe the procedures to ensure that the post-construction storm water management measures are adequately maintained.)”*



# Long Term Operations and Maintenance- Outside MS4 Areas

Construction General Permit for Stormwater:

- The County **does not** require submission of a copy of the O&M plan for projects outside the MS4.
- Planning & Building **does not** open Condition Compliance Monitoring Cases for stormwater infrastructure outside the MS4 Area.
- Planning & Building **does not** record operations and maintenance Agreements for stormwater infrastructure outside the MS4 Area.



# Department of Planning & Building

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# Long Term Operations and Maintenance- Inside MS4 Areas

## Central Coast Post Construction Requirements

*The Regulated Project applicant shall develop and implement a written O&M Plan that, **at a minimum**, includes:*

- a) A **site map** identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.*
- b) **O&M procedures** for each structural stormwater control measure including LID facilities, retention/detention basins, and proprietorship devices.*
- c) The O&M Plan will include **short-and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost** for maintenance.*

SCM: Structural Control Measures

O&M: Operations and Maintenance



# Long Term Operations and Maintenance- Inside MS4 Areas

## Central Coast Post Construction Requirements

- Maintenance Agreement and Transfer of Responsibility for SCMs

*Prior to issuing approval for final occupancy the permittee [the County] shall require that Regulated Projects...provide verification of ongoing maintenance provisions for Structural Stormwater Control Measures, including but not limited to **legal agreements, covenants, CEQA mitigation requirements, and or conditional use permits.***

SCM: Structural Control Measures



# Long Term Operations and Maintenance- Inside MS4 Areas

## Maintenance Agreements and Transfer of Responsibility:

- *Written text in project deeds, or **conditions, covenants and restrictions** for multi-unit residential projects that require a homeowners association...*

*or*

- *Any other **legally enforceable agreement** or mechanism, such as recordation in the property deed, that assigns responsibility for the O&M of the onsite and/or offsite structural treatment and flow control SCM to the project owner(s)...*

SCM: Structural Control Measures  
O&M: Operations and Maintenance



# Department of Planning & Building

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# Condition Compliance Monitoring Cases Inside MS4 Areas- CCM Cases

How do we keep track of the properties where SCMs are installed and O&M agreements are in place?

- Planning & Building Department opens a **Condition Compliance Monitoring Case (CCM Case)**.
- A permit case that documents lingering conditions or restrictions associated with another permit.
- Permit does not expire or require renewal.
- Permit stays active on the associated parcel(s) throughout ownership transfers.



# Condition Compliance Monitoring Cases Inside MS4 Areas- CCM Cases

- One CCM case can cover **multiple parcels**, or **phased projects on the same parcel**.
- **CCM Case** is identified by a unique individual case number: **CCM2018-00012**.
- **SCM infrastructure** on a property is individually identified by the number associated with the CCM Case: **2018-00012-01, 2018-00012-02, 2018-00012-03...**
- A master tracking mechanism for locations, documents and infrastructure that stays associated with the property.

CCM: Condition Compliance Monitoring



# Department of Planning & Building

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# Long Term Operations and Maintenance- Agreements

“I’m gonna wing it”

– Me, about something I most definitely  
should not wing



# Long Term Operations and Maintenance- Agreements

## Components of Operations and Maintenance Agreements:

1. Agreement recitals (standardized, fillable fields)
2. Notarized signature pages
3. Exhibit A: Legal Description of Parcel(s)
4. Exhibit B: Stormwater System Map and Description Pages
5. Summary of Maintenance Requirements



# Long Term Operations and Maintenance- Agreements

- This is a **recorded Legal Agreement.**
- **Step 1: Read the instructions!**
- Don't fold it,
- Don't staple it,
- Don't print double sided,
- Don't use large paper,
- Don't spill coffee on it,
- Don't use tiny font...

The screenshot shows the County of San Luis Obispo website. The header includes the county logo, navigation links for DEPARTMENTS, JOBS, NEWS, and TRANSLATE, and a search bar. The main navigation bar has links for Services, Apply, Payment, Find, and Contact. The page title is 'Planning & Building'. A green banner at the top of the content area states: 'The San Luis Obispo Permit Center (downtown) will be closing 3:00 pm each day until further notice. The North County Service Center in Atascadero (NCSC) will be closed to the public for permit issuance, permit intake or fee payment until further notice.' The breadcrumb trail is: Home > Departments > Planning & Building > Stormwater > Services > Post-Construction Stormwater Management. The page features a profile for Trevor Keith, Director. The main content is titled 'Post-Construction Stormwater Management' and includes sections for 'Reference' (Stormwater Forms & Documents), 'Property Information' (with a 'Launch Application' button), 'Customer Service Survey' (with a 'Take the Survey' button), 'What is this service?', 'Who can use this service?', 'Is there a charge for this service?', 'What is the process?', and a list of recording procedures.

**Post-Construction Stormwater Management**

**What is this service?**

The Department of Planning & Building is required to track the long-term operation and maintenance of post-construction stormwater control measures installed within the County's Stormwater Management Area. The [Central Coast Post-Construction Requirements](#) order the County to establish operation and maintenance plans with private stormwater system owners. The Department records plans that comply with the Requirements, which document the existence of all structures and require maintenance and operation in perpetuity by any future owners.

**Who can use this service?**

Owners of regulated projects within the County's Stormwater Management Area can use this service. Please review the [Central Coast Post-Construction Requirements](#) to determine whether or not a project is regulated and which performance requirements apply.

**Is there a charge for this service?**

Please refer to the Department of Planning & Building [Fee Schedule](#) for application fees (Minor Condition Compliance Monitoring with a Site Visit - L14).

**What is the process?**

Step 1: Review Operation & Maintenance Plan Instructions

Private stormwater systems may use one of three mechanisms for recording an Operation and Maintenance Plan. Most owners record an Agreement for their stormwater system. Instructions for recording each type of Operation and Maintenance Plan are provided:

- [SWP-2002A Agreement Recording Procedure](#)
- [SWP-2002B CC&Rs Recording Procedure](#)
- [SWP-2002C Notice Recording Procedure](#)



# Long Term Operations and Maintenance- Agreements

- CCM Permit Number and Building Permit # are not the same.
- We check APNs, you should too!
- **THERE CAN BE ONLY ONE.**

**RECORDING REQUESTED BY:**  
County of San Luis Obispo  
Planning and Building Department

**WHEN RECORDED, PLEASE RETURN TO**  
*(SYSTEM OWNER ADDRESS)*

[Redacted]

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**AGREEMENT**  
County of San Luis Obispo  
Private Stormwater Management System  
Operation and Maintenance

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**Condition Compliance Monitoring Permit #:** [Redacted]

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**Property Address:** [Redacted]  
*(Street No. & Street Name, City)*

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**Property APN #:** [Redacted]      **Building Permit #:** [Redacted]

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**Project Description** *(hereinafter referred to as "PROJECT"):*  
[Redacted]

**Legal Description:** Refer to Exhibit A, attached hereto  
**System Description:** Refer to Exhibit B, attached hereto

This Agreement is made and entered into in San Luis Obispo, California, this [Redacted] day of [Redacted], 20[Redacted], by and between [Redacted] (hereinafter referred to as "OWNER") and the County of San Luis Obispo, located in the State of California, (hereinafter referred to as "County"). This Agreement is made in accordance with existing codes and regulations and in accordance with the approved PROJECT Stormwater Control Plan and specifications on file at the County (hereinafter collectively referred to as "PLANS") with respect to the following recitals:



# Long Term Operations and Maintenance- Agreements

## Notary Pages:

- Names must match across **ALL** pages of this document.
- *James is not Jim*
- *Ann is not Annie*
- Out of County notarization may use standard Notary Public form.

OWNER:

\_\_\_\_\_

**System Owner (Signature)** **Date**

\_\_\_\_\_

**System Owner (Printed Name)**

\_\_\_\_\_

**Business Affiliation and Title (if applicable)**

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN LUIS OBISPO )

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, in and for the State of California, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



# Long Term Operations and Maintenance- Agreements

## Exhibit A Legal Description

- This is **not** a description of your project. (*That was on page 1*)
- You may place the legal description text on the Exhibit B template page, or include a separate page(s).

DOC #2018011612 Page 6 of 23

**Exhibit A**  
**Property Legal Description in Full**

Real property in the unincorporated area of the County of San Luis Obispo, State of California, described as follows:

Lot 5 in Block 28 of Map No. 2 of the Town of Oceano, in the County of San Luis Obispo, State of California, according to map recorded January 30, 1899 in Book A, Page 148 of Maps.

APN: 062-083-018

Unofficial Copy

THERE CAN BE ONLY ONE

County of San Luis Obispo  
Form # SWP-3001

Page 6 of 23  
Updated: 7/20/2017



# Long Term Operations and Maintenance- Agreements

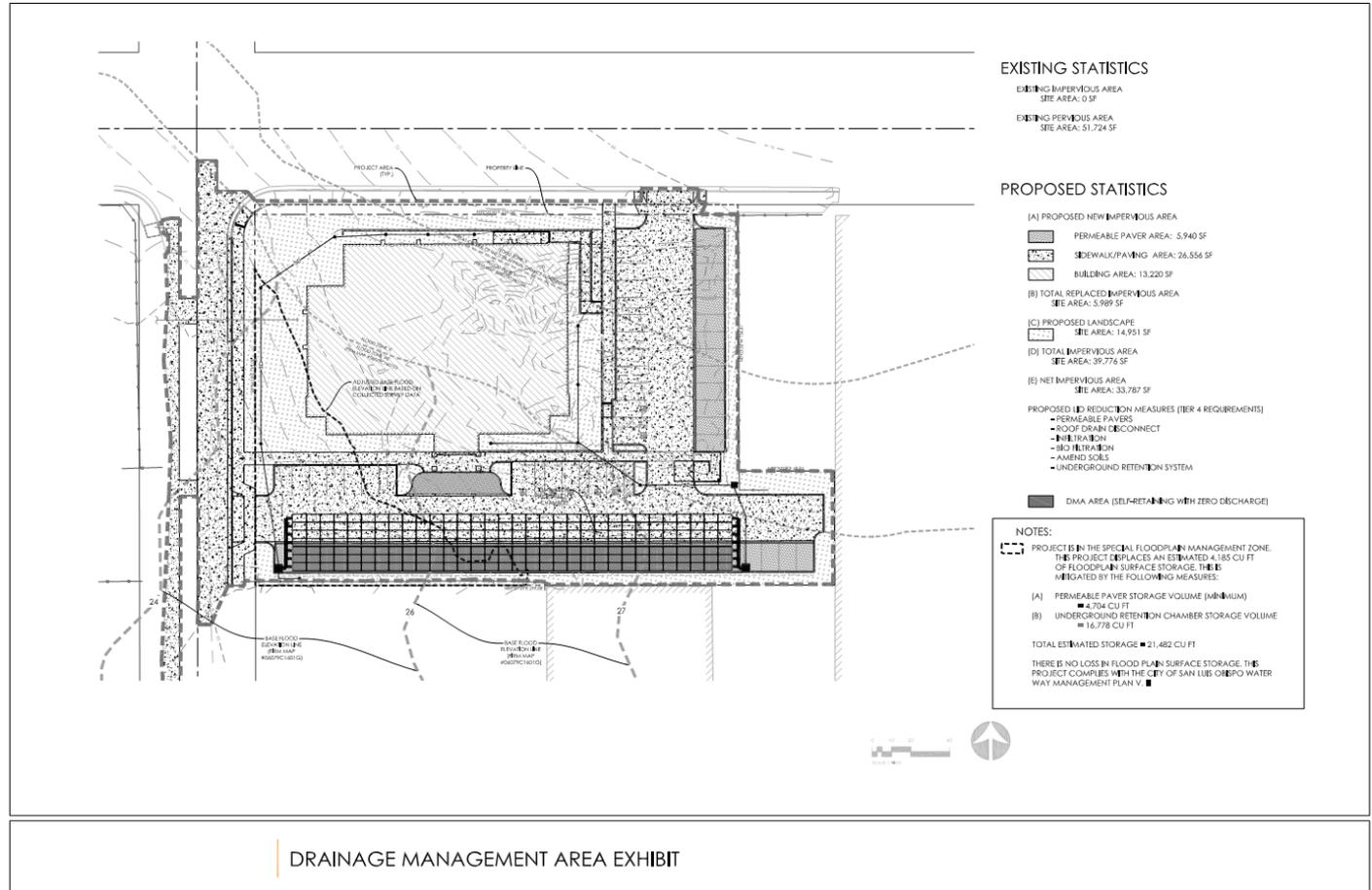
## Exhibit B: System Description

- The requirements for the figure are non-negotiable. Read carefully.
  - *How will we locate these structures 10-years and 3 owners later?*
- You can include multiple pages with figures.
- **The most frequent element that causes rejection by the Clerk at recording is the figure.**
- Rejected if there is any text that won't easily be readable after they scan it.



# Long Term Operations and Maintenance- Agreements

Too much  
for an  
8.5 x 11...

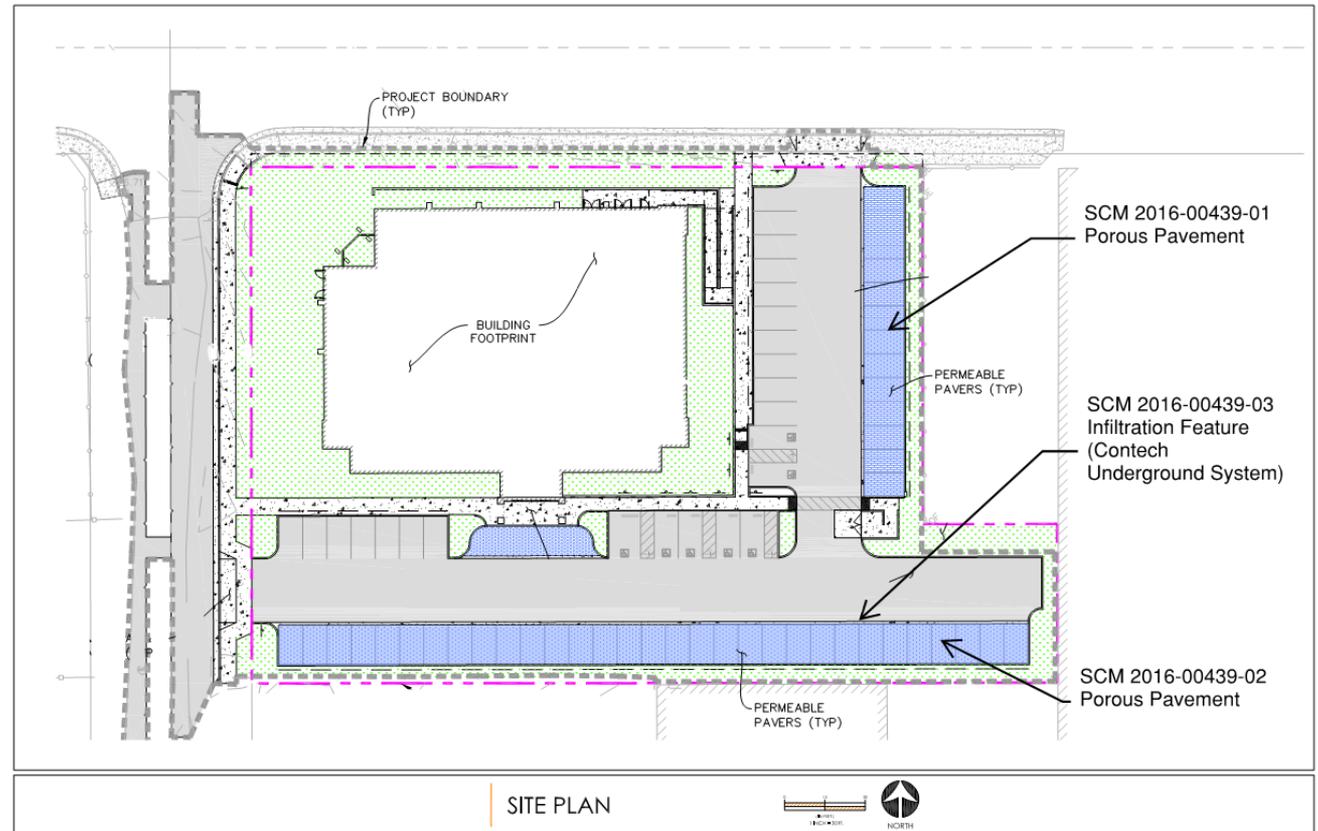


# Long Term Operations and Maintenance- Agreements

Less is better.

Clearly show the  
essentials.

- Remove topo lines.
- Remove elevations.
- Remove details.
- Remove striping/lane details.



# Long Term Operations and Maintenance- Agreements

## Exhibit B System Description

- SCM Descriptions
  - *How will we locate and identify these structures 10-years and 3 owners later?*
- No, you are not constructing a “Settling bioswale infiltration treatment detention basin” 
- Database uniformity

Form SWP-1007

**Exhibit B: Structural Control Measure (SCM) Description**

SCM#:

<b>1. Performance Requirement Addressed</b> <small>(check all that apply):</small>	<input type="checkbox"/> Water Quality Treatment (Performance Requirement #2) <input type="checkbox"/> Runoff Retention (Performance Requirement #3) <input type="checkbox"/> Peak Management (Performance Requirement #4)			
<b>2. Type of SCM Installed:</b> <small>Centralized ≥10 acres drainage area. Decentralized ≤10 acres drainage area.</small>	<b>Decentralized SCM:</b>		<input type="checkbox"/> Biofiltration Feature <input type="checkbox"/> Bioretention Feature <input type="checkbox"/> Bioswale <input type="checkbox"/> Catch Basin Insert <input type="checkbox"/> Infiltration Feature <input type="checkbox"/> Settling Basin <input type="checkbox"/> Pervious Pavement <input type="checkbox"/> Filtration Device	
	<b>Centralized SCM:</b>		<input type="checkbox"/> Dry Basin <input type="checkbox"/> Bed Filter <input type="checkbox"/> Detention Basin <input type="checkbox"/> Infiltration Basin <input type="checkbox"/> Wet Basin <input type="checkbox"/> Media Filter <input type="checkbox"/> Treatment Vault	
<b>3. Location of SCM</b> <small>(Complete ALL fields)</small>	Location: <input type="checkbox"/> Onsite <input type="checkbox"/> Offsite		Contributing Impervious Area (ft <sup>2</sup> ):	
	Narrative Location Description:			
	Drainage Management Area (DMA) Number:	Drainage Area Treated (acres):		
	Latitude:	Longitude:		
<b>4. Drainage Design Criteria:</b> <small>(As applicable):</small>	Design Storm Flow (cfs):			
	Design Storm Capacity (ft <sup>3</sup> ):			
<b>5. Design Details</b> <small>(As applicable):</small>	Width (ft <sup>2</sup> ):		Slope (ft/ft):	
	Depth (ft):		SCM Capacity/Volume (ft <sup>3</sup> ):	
	Length (ft):		Surface Area (ft <sup>2</sup> ):	
	Is this SCM subsurface?	<input type="checkbox"/> YES <input type="checkbox"/> NO	SCM Vegetated?	<input type="checkbox"/> YES <input type="checkbox"/> NO
	Design Vegetation Height (ft):		Does this SCM involve a manufactured product?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>6. Manufactured Product Specifications:</b> <small>(Include manuals and specifications)</small>	Product Name:			
	Manufacturer/Model Number:			
	Total Number Installed Onsite:			
	Estimated Product Life:			
<b>7. Maintenance and Inspection Frequency:</b>	Inspection Frequency:	<input type="checkbox"/> Pre-Rain <input type="checkbox"/> Monthly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually		
	Maintenance Frequency:	<input type="checkbox"/> Monthly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Biennially		

Page \_\_\_ of \_\_\_

Stormwater System Operations and Maintenance Plan Exhibit B  
Form # SWP-1007

Revised 11/4/2018



# Long Term Operations and Maintenance- Agreements

## Exhibit B System Description

- Centralized and Decentralized SCM Types

### Step 2: Complete Forms

Private stormwater system owners submit the following forms to the Department of Planning & Building for review prior to recording an operation and maintenance plan:

- [Structural Control Measure Description \(Exhibit B\)](#)
- [Stormwater System Contact Information](#)
- [Private Stormwater System Notice](#)
- [Private Stormwater System Agreement](#)
- [Stormwater System Plans and Manuals](#)

The components of the system may be Centralized or Decentralized depending on the size of drainage area. Applicants should reference the descriptions of system components to determine what type of structural control measures must be recorded.

- [Centralized Stormwater Structural Control Measures](#)
- [Decentralized Stormwater Structural Control Measures](#)

County staff must review the forms before they are notarized.



YES



YES



NOT A  
REAL  
THING.

# Long Term Operations and Maintenance- Agreements

## Summary of Maintenance Requirements

- Remember this requirement?
- *The O&M Plan will include **short-and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.***
- In addition to these pages, manuals and procedures for manufactured products are welcomed and encouraged.

<b>SWP-1008</b> 06/08/2017	
Private Stormwater System Plans and Manuals	
<b>Vegetated Structural Control Measures Maintenance Information</b>	
<i>Structural Control Measure (SCM) Maintenance Details</i>	Assigned SCM#: <input type="text"/>
	SCM Feature Type: <input type="checkbox"/> Biofiltration Feature <input type="checkbox"/> Bioretention Feature <input type="checkbox"/> Bioswale <input type="checkbox"/> Wet Basin
Does the feature utilize vegetation or specialized soil media? <input type="checkbox"/> YES <input type="checkbox"/> NO	Contact for vendor who can provide replacement plants or soil media: <input type="text"/>
Estimated annual cost for maintenance: <input type="text"/>	
List vegetation species and soil media type originally installed: <input type="text"/>	
Describe short-term maintenance requirements (irrigation schedule, weed control, vegetation height, etc.): <input type="text"/>	
Describe long-term maintenance requirements (litter removal, inlet/outlet maintenance, etc.): <input type="text"/>	
Contact information for local professional qualified to maintain or repair this SCM: <input type="text"/>	



# Department of Planning & Building

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# Long Term Operations and Maintenance- CC&Rs

- Like snowflakes: no two recorded CC&Rs are the same.
- Step 1: Read the instructions
- Step 2: **Contact a lawyer, provide them the CC&R instructions.**
- Similar to the Agreement recitals, but formatted on a case-by-case.

**SWP-2002**  
11/01/2018

**Private Stormwater System Operation & Maintenance Plan Process  
Overview**

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**CC&R RECORDING PROCEDURE**

**I. CC&Rs shall include provisions for stormwater system maintenance and operation.**

The owner or agent shall compile a draft version of the CC&Rs (or amendment to existing CC&Rs) for County review. The CC&Rs (or amendment) shall include the following:

1. Sufficient documentation of all stormwater system components (Utilize Form SWP-1007 to create a summary table of all system components and specifications);
2. An identified funding source for long-term maintenance and repair of the system;
3. An identified responsible party for conducting maintenance, repair, and inspection of the system;
4. Complete contact information for the party that will submit annual inspection reports; AND
5. A provision that allows the responsible party access to all components of the system for the purpose of maintenance, repair, and inspection.

# Department of Planning & Building

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# Long Term Operations and Maintenance- Documenting Maintenance Requirements

- *10 years, 3 owners from now, how will they know what they own, and how to take care of it?*
- The County **cannot advise owners or make recommendations** on who they should contact to help them maintain their SCMs.
- More information is better. Especially for sub-grade features!
  - Is there a vendor on the Central Coast with the equipment to maintain what is proposed? How often will it require maintenance?
- List of plant species or landscape plan **is required** for vegetated features.
  - After mass plant mortality event, County can provide original design or landscape plans to owners to make repairs.



# Long Term Operations and Maintenance- Documenting Maintenance Requirements

- Minimum information gets recorded with the Agreement or CC&Rs. **Additional information remains on file at Planning & Building, can be provided to future owners.**
- Unlike the figure: more is better!
- Vendor contacts for replacement parts:
  - supplier of bioretention soil media,
  - list of plants and local providers,
  - local providers who can maintain sub-surface / confined space structures.



**...we don't know  
how to keep these  
alive anyways.**



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**Anthony Schuetze, Stormwater Program Manager**

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