



Private Stormwater Systems Operation and Maintenance Agreement Types

The County of San Luis Obispo utilizes two types of Stormwater Operation and Maintenance Agreements for privately owned and operated Post-Construction Stormwater Management Systems designed for projects to meet Post Construction Performance Requirement (PR) 2 and above (i.e., PR2, PR3, PR3). A brief summary of each type of Agreement and its typical application is detailed below.

Private Stormwater Agreement

Agreements are typical for systems owned by a single owner. The Agreement is issued by the County to the system owner for review and recording. An agreement consists of:

- Private Stormwater Agreement that documents the purpose of the agreement, and responsibilities of the system owner (SWP-3001).
- Signature and notarization sheet for system owner.
- Signature and notarization sheet for authorized County signatory.
- Full legal property description for affected parcels (Exhibit A).
- Private Stormwater System Owner, Agent, & Designer Information (SWP-1003).
- Structural Control Measures Description for each feature (SWP-1007).
- A Site Plan (Exhibit B) that details the location and tracking number for each system component.
- Private Stormwater System Plans and Manuals for each feature type (SWP-1008).
- Requirement to maintain the stormwater drainage system to the design conditions in perpetuity are tied to the property, and responsibility transfers to any new property owner.
- The stormwater system owner/operator must submit annual inspection reports to the Planning and Building Department by June 15th each year verifying that the system is maintained and operational per the Operation and Maintenance Agreement.

Following signature and notarization by both parties, the Agreement is recorded at the Clerk Recorders Office by County of San Luis Obispo (County) staff. Maintenance plans and manuals are retained by the County and attached to the tracking Condition Compliance Monitoring case file.

Codes, Covenants and Restrictions (Original or Amendment)

Codes, Covenants and Restrictions are typical of larger subdivisions, tracts, commercial developments, or condominium developments that will have multiple owners. Language and information are added to the CC&Rs to require operation, maintenance, and inspection of private stormwater systems. This includes forms consistent with those required for an Agreement. The CC&Rs language for stormwater systems is similar to language found requiring maintenance and repair of private roads. The CC&Rs must allow for access to private property where components of the system may be located (if not all held on public parcels.)

Existing CC&Rs may be amended to include provisions for operation, maintenance, and inspection of stormwater systems.

CC&R language typically consists of the following:

- Information consistent with language and inclusions for the Private Stormwater Agreement (SWP-3001).

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- Text and a site plan that describes the location, type, and tracking number for all features.
- A brief description of maintenance and inspection requirements.
- Signature and notarization sheet for the owner/representative of the association.
- Private Stormwater System Owner, Agent, & Designer Information (SWP-1003).
- Structural Control Measures Description for each feature (SWP-1007).
- An exhibit (Exhibit B) that details the location and tracking number for each system component.
- Private Stormwater System Plans and Manuals for each feature type (SWP-1008).
- Requirement to maintain the stormwater drainage system to the design conditions in perpetuity are tied to the property, and responsibility transfers to any new property owner.
- The stormwater system owner/operator must submit annual inspection reports to the Planning and Building Department by June 15th each year verifying that the system is maintained and operational per the Operation and Maintenance Agreement.

County staff can review to verify completeness with respect to Stormwater Operation and Maintenance requirements, but CC&Rs are not countersigned or notarized, or recorded by County staff. The final recorded CC&R document number should be supplied to County for records.

Recorded Document Requirements:

- Attaching the full legal parcel description increases the likelihood that the recorded document will be retrieved in a title search. It also safeguards the longevity of the document against changes of address or APN on the property.
- All recorded documents must be 8.5 x 11-inch page size, black and white, with all fonts clearly legible (not smaller than 8 point.) Avoid repetitive or conflicting page numbers.
- The notary acknowledgment forms must be used.

More information can be found here:

<https://www.slocounty.ca.gov/Departments/Planning-Building/Agriculture,-Water,-and-Energy/Stormwater/Post-Construction-Stormwater-Management.aspx>

For additional information please contact the following staff.

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