Contra Costa Clean Water Program
Policy for C.3 Compliance for Subdivisions

Background

The "C.3" stormwater regulations for new development currently apply to any development project which will create one acre or more of impervious area. The threshold drops to 10,000 square feet beginning August 15, 2006.

Contra Costa municipalities have adopted ordinances which state:

> "Every application for a development project, including but not limited to a rezoning, tentative map, parcel map, conditional use permit, variance, site development permit, design review, or building permit that is subject to the development runoff requirements in the City's NPDES permit shall be accompanied by a stormwater control plan that meets the criteria in the most recent version of the Contra Costa Clean Water Program *Stormwater C.3. Guidebook."*

A Stormwater Control Plan is required for applications to subdivide land where the resulting project could create a total amount of impervious area in excess of the threshold. The C.3 requirements must be anticipated at the time of subdivision even if the existing impervious area within the subdivided lots is less than the threshold.

Some subdivision applications do not include detailed improvement plans; the applicant only requests subdivision of the lots without also seeking approval to develop the lots. In this case, the C.3 requirements must be anticipated in the absence of detailed knowledge of the extent and location of impervious areas.

The purpose of this policy is to ensure these subdivisions comply with the stormwater permit and the ordinance.

Policy

Applicants for approval of subdivisions must demonstrate compliance with the new development requirements of the stormwater ordinance by implementing one of the four options below.

The option selected will depend, in large part, on the number of parcels, the area of the parcels, and characteristics of the property to be subdivided.

1. **Applicable to sites where buildable area is limited by easements or dedications.** The applicant may demonstrate that the subdivision could not result in more than one acre (to be 10,000 square feet beginning August 15, 2006) of impervious area when all lots, streets, and sidewalks are fully developed. This can be done by either:
   a. Showing existing zoning, easements, or deed restrictions limit the sum of the potentially buildable area on all lots to be subdivided, plus the area of any new streets, to less than the applicable threshold, or
   b. Providing easements or deed restrictions that limit the sum of buildable area on all lots, plus the area of any new streets, to less than the applicable threshold.

2. **Applicable where houses are to be built on large lots and surrounded by landscaping.** For any one lot, or for all lots if applicable, the applicant may demonstrate that it is possible to comply with C.3 by distributing all runoff from impervious areas, including new or widened streets and new sidewalks, to pervious areas without exceeding the permissible 2:1 ratio of impervious area to pervious area. This can be done by either:
   a. Showing existing setbacks, zoning, easements, or deed restrictions provide that the required area be maintained as pervious landscaping, or
   b. Providing easements or deed restrictions[1] to preserve the suitable amount of pervious area.

   In addition, the building permit application(s) for the subject lot(s) should demonstrate the site is graded and drained to create self-retaining areas, and the site includes no direct or indirect connections to storm drains except for overflow from self-retaining areas. Any new or widened streets or sidewalks should be drained to the surrounding landscape. A Stormwater Control Plan should be prepared and submitted, focusing on self-retaining areas and omitting treatment facilities.

[1] Municipalities may decline to accept deed restrictions because of the inherent difficulty of enforcing these restrictions on future owners.

3. **Applicable to typical subdivisions where each house is not surrounded by substantial landscaped area.) The applicant may agree to construct, as a condition of approval of the proposed subdivision, stormwater treatment facilities and hydrograph modification management facilities, if required.** The treatment facilities should be sized to accommodate drainage from the maximum allowable impervious area on each site,[2] plus the impervious area of any streets, sidewalks, and common areas. A Stormwater Control Plan, prepared in accordance with the *Stormwater C.3 Guidebook* and submitted with the tentative map, should document the preliminary design. The treatment facilities should be located within or adjacent to the public right-of-way. The Stormwater Control Plan should include commitments for treatment facilities maintenance in perpetuity as described in the *Stormwater C.3 Guidebook.*

4. **Applicable to typical subdivisions where each house is not surrounded by substantial landscaped area.** The applicant may prepare a Stormwater Control Plan documenting drainage areas within the site and showing the location and sizing of treatment facilities and hydrograph modification management facilities. In lieu of constructing such facilities, the applicant may include a deed restriction[1] requiring the owner of each subdivided lot to construct and perform other requirements in the Stormwater Control Plan before, or consequent with, construction of any site improvements. Construction of facilities and performance of Stormwater Control Plan requirements must be completed to the municipality's satisfaction. The facilities should be located within or adjacent to the public ROW. The Stormwater Control Plan should include commitments for maintenance of treatment and hydrograph modification management facilities in perpetuity as described in the *Stormwater C.3 Guidebook.*

[2] In the absence of more detailed information about future lot development, the following rule of thumb may be used to estimate future impervious area: First, subtract from the total lot area any portion of the lot to be in permanent conservation easements or otherwise ensured to remain pervious. (Do not subtract area of setbacks from streets or lot lines). Then multiply the remaining buildable area by 0.8 (i.e., assume 20% of buildable area will be pervious landscaping and will not drain to stormwater treatment facilities).