

<h1>POLICY MANUAL</h1>	Date Adopted: August 12, 2020
Classification: ENGINEERING OPERATIONS	Date Last Amended:
Subject: Stormwater Quantity Mitigation	Approved By:

I. Background:

Accomplishment of the District’s objects and purposes, as set forth in the Fresno Metropolitan Flood Control District Act of 1955 (Section 73-7 of the California Water Code Appendix), requires the development and implementation of a Storm Drainage and Flood Control Master Plan (Master Plan). As storm drainage and flood control planning is directly influenced by land use policy and land use changes, the District shall coordinate District Master Planning with the plans of local land use agencies.

When a developer proposes a development inconsistent with the Master Plan, the developer shall be required to mitigate the impacts of the increased stormwater runoff caused by that development.

II. Purpose:

The purpose of this policy is to describe the responsibility of a developer to mitigate the excess quantity of stormwater runoff generated by the development greater than the design capacity of Master Plan conveyance or storage facilities. An agreement to specify the mitigation measures (Private Facilities) is necessary to ensure: (i) perpetual maintenance of the Private Facilities and (ii) no reduction of the required mitigation storage volume.

III. Policy:

It is the policy of the Fresno Metropolitan Flood Control District to ensure consistent stormwater quantity mitigation compliance and to protect the Master Plan against any alterations thereof that would adversely affect the Master Plan system due to generation of additional, unplanned stormwater runoff.

1. The District, therefore, has determined that stormwater quantity mitigation will be required in any of the following cases:
 - A. When a development proposes to develop at a density greater than the design density and capacity of the existing Master Plan system.
 - B. When a development proposes to alter the Master Plan drainage patterns (revised inlet boundary delineations, revised travel time related to system timing due to pipe extensions or revised drainage patterns, or realignment/relocation of Master Plan

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facilities) in a way that adversely affects the system hydrology & hydraulics for the Master Plan storm drainage system.

- C. When a development proposes to re-route the collection of stormwater runoff from the Master Plan service location to another collection point location or storm drain branch line.
2. On-site storm water mitigation includes the option to install Private Facilities with either underground storage or aboveground storage.
- A. **Underground Facilities**
 - (i). These underground facilities include, but are not limited to, underground storage pipes, chambers, reinforced concrete boxes, baffle walls, bleeder pipes with valves, and outlet pipes.
 - (ii). The developer shall execute an agreement that describes the developer's obligation to maintain those underground facilities in perpetuity.
 - B. **Aboveground Facilities**
 - (i). These aboveground facilities include peak-reducing ponds and swales or depressed areas able to release mitigated on-site storm flows with bleeder pipe outlets, drain tubes or pumps.
 - (ii). The developer shall execute an agreement that describes the developer's obligation to maintain those aboveground facilities in perpetuity.
3. It is the policy of the District to ensure the perpetual maintenance of the Private Facilities.
- A. The fully executed and recorded agreement between the District and the developer shall provide that the developer is required to prepare a maintenance plan for the Private Facilities with specific details about the frequency of periodic maintenance and inspection procedures.

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- B. Should the developer, upon written request, fail to submit evidence of on-going maintenance, upon written request, the District may conduct a site inspection and investigation to compel the developer to comply with the provisions of the agreement and restore the Private Facilities, if necessary. If the District determines that the developer failed to maintain the Private Facilities in a timely manner and failed to satisfy the obligations specified in the agreement, the District may perform all necessary work to restore the Private Facilities at the developer's expense. The District shall notify the developer of its defaults, including any amounts due to District for repairs made to the Private Facilities.
 - C. The agreement shall provide for a lien in favor of the District encumbering the property should the developer, within thirty (30) days of receiving notice of its default, fail to reimburse the District for said maintenance. The developer shall have thirty (30) days prior written notification of District's intention to place a lien on the development. The cover or title page of the agreement shall include a prominent legal warning to the developer that its obligations are covenants running with the land and are binding upon not only the developer, but also on its assigns and successors in interest with respect to the property affected by the agreement.
4. The District Engineer-Assistant General Manager shall have the authority to approve, without Board review, developments for which stormwater mitigation is required. The District shall withhold final approval of the project until all of the following documents are approved by the District.
- A. A fully executed and recorded Agreement for Stormwater Quantity Mitigation. The Agreement shall be approved as to form by District General Counsel.
 - B. Fully executed and recorded perpetual storm drain and access easements, where and if necessary.
 - C. A Drainage Report describing the existing pre-development condition of the property, the post-development condition of the property, impacts of the proposed development, the requirement for stormwater quantity mitigation, the method of stormwater quantity mitigation, and all necessary calculations to demonstrate mitigation of the difference in volume between (i) the Master Plan's two-year design storm event based on the Master Plan's land use density

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assumptions, and (ii) the ten-year design storm event based on the proposed development's proposed land use density. The Drainage Report shall also identify all required storm drain easements and major storm drainage patterns, and shall be stamped and signed by the developer's consultant engineer. The Drainage Report shall include a maintenance plan for the mitigation facilities with specific details about the frequency of periodic maintenance and inspection procedures.

5. The Board of Directors may approve the inclusion of a Power of Sale provision in the Agreement for Stormwater Quantity Mitigation, if recommended by staff due to the unusually complicated and expensive nature of the planned mitigation.