

ORDINANCE NO. 1234.2

AN ORDINANCE OF THE
COACHELLA VALLEY WATER DISTRICT
ESTABLISHING REGIONAL STORMWATER FACILITY DESIGN STANDARDS
AND DEVELOPMENT REQUIREMENTS

WHEREAS, the Coachella Valley Water District (“CVWD”) is organized and operates pursuant to the County Water District Law (Water Code section 30000, *et seq.*). CVWD is authorized to exercise the powers of a stormwater district including, but not limited to, the authority set forth in Water Code section 33135 *et seq.*; and

WHEREAS, CVWD provides regional flood protection with regional stormwater facilities that collect, detain, and convey stormwater flows from the hills and mountains surrounding the Coachella Valley; and

WHEREAS, there are areas within CVWD’s Stormwater Unit Boundary (Jurisdiction) that have been identified as special flood hazard areas by the Federal Insurance Administration (FIA) on maps prepared by the Federal Emergency Management Agency (FEMA) and such areas are subject to Riverside County Ordinance No. 458 (Ordinance No. 458); and

WHEREAS, Ordinance No. 458 regulates development in special flood hazard areas and implements the National Flood Insurance Program and is based on the use of the 100-Year Storm/100-Year Flood stormwater design standard; and

WHEREAS, CVWD serves as Riverside County’s agent in determining whether the requirements of Ordinance No. 458 have been met for development projects within its Jurisdiction; and

WHEREAS, on the 8th day of December 1992, CVWD adopted Ordinance No. 1234 which established requirements relating to stormwater policies and public notification and allowed development projects to utilize the 100-Year Storm/100-Year Flood design standard for integrated regional stormwater facilities if such facilities were not owned, operated or maintained by CVWD; and

WHEREAS, subsequent to the adoption of Ordinance No. 1234, two regional stormwater facilities located within the CVWD regional stormwater system were designed and constructed utilizing the 100-Year Storm/100-Year Flood design standard; and

WHEREAS, on the 25th day of March 2013, CVWD adopted Ordinance No. 1234.1 which provided conditions of approval for development in flood hazard areas within CVWD’s Jurisdiction, adopted Standard Project Storm/Standard Project Flood (SPS/SPF) and the 100-Year Storm/100-Year Flood design standards with additional freeboard requirements (“CVWD 100-Year Plus design standard”), and reclassified its regional stormwater facilities into four groups: (1) Whitewater River/Coachella Valley Stormwater Channel, (2) Existing Tributary Regional Facilities (owned, operated, or maintained by CVWD), (3) Existing Tributary Regional Facilities (owned,

operated, or maintained by a third-party entity), and (4) Proposed Tributary Regional Stormwater Facilities; and

WHEREAS, the Whitewater River/Coachella Valley Stormwater Channel was designed and constructed pursuant to the SPS/SPF design standard and, pursuant to the provisions of Ordinance No. 1234.1, the SPS/SPF design standard continued to be utilized for those facilities and for analyses addressing impacts associated with lands adjacent to such facilities; and

WHEREAS, Existing Tributary Regional Facilities owned, operated, or maintained by CVWD were designed and constructed pursuant to the SPS/SPF design standard and, pursuant to the provisions of Ordinance No. 1234.1, the SPS/SPF design standard continued to be utilized for those facilities and adjacent lands; and

WHEREAS, Certain Existing Tributary Regional Facilities are operated and maintained by CVWD, and designed and constructed by the United States Bureau of Reclamation (USBR) as part of the Protective Works for the Coachella Branch of the All American Canal Project (Protective Works) pursuant to the SPS/SPF design standard; and

WHEREAS, Existing Tributary Regional Facilities owned, operated, or maintained by a third-party entity were designed and constructed pursuant to the 100-Year Storm/100-Year Flood design standard and, pursuant to Ordinance No. 1234.1, the 100-Year Storm/100-Year Flood design standard continued to be utilized for those facilities and for analyses addressing impacts associated with lands adjacent to these facilities; and

WHEREAS, pursuant to Ordinance No. 1234.1, the design of Proposed Tributary Regional Stormwater Facilities was to be based on the CVWD 100-Year Plus design standard; and

WHEREAS, CVWD has reanalyzed its regional stormwater design standards and desires to update said standards by updating Ordinance No. 1234.1; and

WHEREAS, the SPS/SPF design standard for USBR Protective Works was based upon the SPS which was the rainfall recorded at Avalon during the October 21, 1941 thunderstorm, and the SPF was the flood calculated from the SPS; and

WHEREAS, the SPS/SPF design standard for the Whitewater River/Coachella Valley Stormwater Channel and the Existing Tributary Regional Facilities (owned, operated, or maintained by CVWD), was based upon the local SPS which was the rainfall recorded at Indio during the September 24, 1939 thunderstorm, and the SPF was the flood calculated from the SPS; and

WHEREAS, CVWD has reviewed its existing stormwater systems, which were designed and constructed based upon the SPS/SPF design standard, using improved and refined ground elevation data and hydraulic modeling and has determined that the cost to upgrade these systems to meet the SPS/SPF standard based upon the new information is substantial; and

WHEREAS, CVWD has also determined that the continued use of SPS/SPF design standard for the Whitewater River/Coachella Valley Stormwater Channel, the Existing Tributary Regional Facilities (including USBR Protective Works) and/or adjacent lands based upon the

improved and refined ground elevation data and hydraulic modeling is not necessary in every instance and is not economically feasible; and

WHEREAS, CVWD has also determined that use of the CVWD 100-Year Plus design standard for the Whitewater River/Coachella Valley Stormwater Channel and the Existing Tributary Regional Facilities (including USBR Protective Works) provides for a higher level of protection than the 100-Year Storm/100-Year Flood design standard; and

WHEREAS, CVWD has determined that the CVWD 100-Year Plus design standard should now apply to all existing CVWD regional stormwater facilities (including USBR Protective Works) and any future regional stormwater facilities; and

WHEREAS, in accordance with Water Code section 31027, at least 5 days before consideration of this Ordinance, a summary of this Ordinance was published in The Desert Sun, and in the Imperial Valley Press, newspapers of general circulation, and a certified copy of the full text of this Ordinance was posted in CVWD offices.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Coachella Valley Water District as follows:

SECTION 1. The following design standards shall apply to the regional stormwater facilities:

- (a) Whitewater River/Coachella Valley Stormwater Channel: Designed and constructed utilizing the SPS/SPF design standard. The CVWD 100-Year Plus design standard will now be utilized for this facility, and for analyses addressing impacts associated with lands adjacent to this facility. The WWRSC/CVSC is owned, operated and maintained by CVWD.
- (b) Existing Tributary Regional Facilities (Owned, Operated or Maintained by CVWD including USBR Protective Works, or Private Entity): Designed and constructed utilizing the SPS/SPF design standard. The CVWD 100-Year Plus design standard will now be utilized for these facilities and for analyses addressing impacts associated with lands adjacent to these facilities. These existing tributary regional facilities can be owned, operated and maintained by CVWD or by a private entity that has an existing regional stormwater facilities agreement with CVWD.
- (c) Existing Tributary Regional Facilities (Owned, Operated, or Maintained by Private Entity): Designed and constructed utilizing the 100-Year Storm/100-Year Flood design standard. The CVWD 100-Year Plus design standard shall be utilized for changes to these facilities and for analyses addressing impacts associated with lands adjacent to these facilities. These facilities will continue to be owned, operated and maintained by a private entity.
- (d) Proposed Tributary Regional Stormwater Facilities: Design shall be based on the CVWD 100-Year Plus design standard. CVWD shall assume operation and

maintenance of proposed 100-Year tributary regional stormwater facilities. In the event a developer specifically requests to assume the operation and maintenance responsibility, CVWD shall determine, in its discretion, whether to approve such a request. In the event the request is approved, the requirements for private ownership, operation and maintenance of the proposed regional stormwater facilities shall apply as set forth in Section 6.

SECTION 2. The following factors shall be utilized for calculating the CVWD 100-Year Plus design standard for regional stormwater facilities:

- (a) 100-Year Flood: The 100-Year Flood should be estimated using long term streamflow records within the watershed where available. For streams with no gauges or inadequate length of record, the 100-Year Flood will be determined from rainfall-runoff (hydrologic) modeling. CVWD standards for rainfall depth, depth area reduction factors (DARFs) and guidelines for rainfall-runoff modeling are given within the CVWD Development Design Manual.
- (b) Freeboard for Incised Channels: An incised channel is one where the adjacent ground elevation is higher than the 100-Year Flood water surface elevation within the channel. Incised stormwater channels shall be designed to convey the 100-Year Flood with a minimum of 3 feet of freeboard above the design water surface elevation. CVWD may require additional freeboard based on the size and location of the watershed and the associated flood hazard potential.
- (c) Freeboard for Leveed Channels: A leveed condition is one where the 100-Year Flood water surface elevation is higher than the adjacent ground elevation. Levees shall be designed with a minimum of 4 feet of freeboard from the levee crest elevation to the 100-Year Flood water surface elevation. CVWD may require additional freeboard based on the size and location of the watershed and the associated flood hazard potential.

SECTION 3. Regional stormwater facilities constructed by a developer in compliance with the requirements of Ordinance No. 458 shall also meet the design criteria of Sections 1 and 2 herein.

SECTION 4. The developer shall give written notice of the proposed flood control plan in connection with the development to all downstream property owners within a minimum distance of six hundred (600) feet from the development's lower boundary. The General Manager may, in his or her discretion, extend this minimum distance as may be required by geographic circumstances. The notice shall include a statement that regional stormwater facilities are proposed that may affect downstream properties and will be designed and constructed in accordance with Ordinance No. 458 and the provisions herein.

SECTION 5. There are areas within CVWD Jurisdiction designated as Flood Zone D by the FIA with undetermined but possible risk of flood hazard. In these areas, project specific hydrologic

and hydraulic studies are required to determine the flood hazards. The design standards and parameters used shall follow those described in Sections 1 through 2 herein.

SECTION 6. Private ownership of regional stormwater facilities will require a recorded regional stormwater facility agreement with CVWD defining construction, operation and maintenance responsibilities. The matters to be addressed in such an agreement shall include, but are not limited to, the following:

- (a) That upon any transfer of the ownership of the regional stormwater facilities, the operation and maintenance obligations of the developer shall be assumed by the successor and assigns.
- (b) CVWD will be granted a flooding easement for the discharge and conveyance of stormwater flows through the development.
- (c) The developer and successor will seek neither damages nor indemnity from CVWD based on or related to the design of the regional stormwater facilities.
- (d) CVWD shall have the right of entry upon the real property on which the regional stormwater facilities are located to inspect such areas and facilities to determine compliance with CVWD standards. In the event of noncompliance, CVWD may issue a notice of noncompliance which describes the nature of the noncompliance and specifies a period of time within which developer or successor must correct the noncompliance. In the event the noncompliance has not been satisfactorily corrected, CVWD may enter upon the real property on which the regional stormwater facilities are located to make corrections which are necessary, expedient or convenient to eliminate the noncompliance, at the cost of developer or successor.

SECTION 7. The design standards set forth above in Section 1 for existing facilities shall not be construed to imply that the existing capacity can be diminished by altering the existing cross section.

SECTION 8. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

SECTION 9. The General Manager, or his/her authorized designee, is hereby authorized and directed to take all actions necessary to implement, impose and otherwise enforce the policies adopted by way of this Ordinance including but not limited to revising Section 8 of the CVWD Development Design Manual entitled "Design Criteria - Stormwater Facilities".

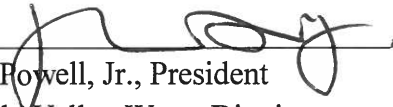
SECTION 10. If any section, subsection, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or

more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 11. All ordinances, resolutions, administrative actions, amendments, revisions, or any other policies or procedures which were in effect prior to the effective date of this Ordinance, which are contrary to the provisions of this Ordinance, are hereby superseded by this Ordinance and shall be of no further force or effect including, but not limited to, Ordinance No. 1234.1.

SECTION 12. The President of the Board of Directors shall sign this Ordinance and the Secretary of the Board of Directors shall attest thereto, and this Ordinance shall be in full force and effect immediately upon adoption. Within 15 days after adoption of this Ordinance, a summary of this Ordinance shall be published with the names of the Directors voting for and against this Ordinance and a certified copy of the full text of this Ordinance, along with the names of those Directors voting for and against this Ordinance, shall be posted in the District offices.

ADOPTED this 12th day of September, 2017.



John P. Powell, Jr., President
Coachella Valley Water District

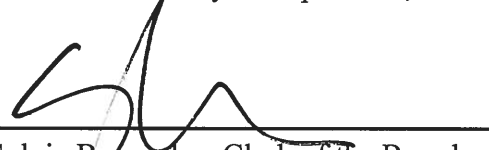
PASSED AND ADOPTED on this 12th day of September, 2017, at a Regular Meeting of the Board of Directors of the Coachella Valley Water District, by the following roll call vote:

Ayes: Powell, Nelson, O'Dowd, Bianco, Estrada

Noes: None

Absent: None

Dated this 12th day of September, 2017



Sylvia Bermudez, Clerk of the Board
Coachella Valley Water District

(SEAL)