



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-13

For the meeting of: 10/21/2014

Date: 09/16/2014

To: Board of Supervisors

From:  Thomas K. Mattson, Public Works Director

SUBJECT: ANNUAL REPORT FOR FY 2013/14 REGARDING DRAINAGE FACILITY IMPROVEMENTS AND DRAINAGE FEES IN THE MCKINLEYVILLE DRAINAGE AREA AND DIRECTION TO UPDATE FEES (FUND 3706)

RECOMMENDATION(S): That the Board of Supervisors:

1. Adopt the Resolution accepting the Report and adopting findings related to Drainage Fees in the McKinleyville Drainage Area; and
2. Direct staff to review and update the McKinleyville Drainage Fee as necessary.

SOURCE OF FUNDING:

General Fund

DISCUSSION:

On 11/12/1986, the Board of Supervisors adopted Ordinance No. 1758 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area. This Ordinance was codified in County Code Section 328.1-1 et seq. (Attachment B). This Ordinance set forth the collection of drainage fees related to development on existing and future parcels within the McKinleyville Drainage Area. The purpose of the fee is to correct deficiencies in

 Prepared by Robert W. Bronkall, Deputy Director

CAO Approval 

REVIEW:

Auditor  County Counsel  Human Resources _____ Other _____

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____





PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor  Seconded by Supervisor 

Ayes     Bass
Nays _____
Abstain _____
Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: 

By: 

Kathy Hayes, Clerk of the Board

the storm water conveyance system in the McKinleyville area.

On 05/23/1989 Ordinance No. 1864 was adopted by the Board of Supervisors that clarified application of the fees and on 10/10/1995 Ordinance No. 2092 removed North Bank Road drainage area from being subject to the fees since no improvements were proposed there.

It was brought to the Department's attention that this fee may be subject to AB1600 known as the Mitigation Fee Act (codified in Government Code Section 66000 et seq.). The Mitigation Fee Act requires that a report on the fee be prepared annually and made available to the public within 180 days after the last day of the fiscal year. The Board of Supervisors reviews the information made available to the public at the next regularly scheduled public meeting not less than 15 days after it is made available to the public. Notice of the time and place of the meeting, including the address where this information may be reviewed, has been publicly posted in accordance with the provisions of the Mitigation Fee Act.

The 2013/14 annual report is Exhibit A to Attachment A to this agenda item and includes the following information in accordance with Government Code Section 66006(b):

- A. A brief description of the type of fee in the account or fund.
- B. The amount of the fee.
- C. The beginning and ending balance of the account or fund.
- D. The amount of the fees collected and the interest earned.
- E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in Government Code Section 66001(a)(2), and the public improvement remains incomplete.
- G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- H. The amount of refunds made pursuant to Government Code Section 66001(e) and any allocations pursuant to Government Code Section 66001(f).

Also, pursuant to Government Code Section 66001(d), every fifth year the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- (1) Identify the purpose to which the fee is to be put.
- (2) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- (3) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in Government Code Section 66001(a)(2).

- (4) Designate the approximate dates on which the funding referred to in (3) above is expected to be deposited into the appropriate account or fund.

Since the Department was unaware that the County's 1986 drainage fees may be subject to the Mitigation Fee Act, the annual reporting for the drainage fee has not been done. However, the County has complied with the general requirements of the Act that fees collected are necessary to fund the cost of improvements which benefit or will benefit subject developments. The funds collected have also been segregated from other funds since the outset of collection in compliance with the Act. The County does have unexpended funds that are to be used for constructing the remaining projects.

Lastly, staff is recommending that the entire McKinleyville Drainage Fee be reviewed and updated. As part of the review, the need for the specific improvements in the 1982 report will be evaluated. Since 1982, the ability of the computers to model entire networks of storm water conveyance systems has greatly improved. Staff has been collecting data that will allow a computer model to be prepared for each of the drainage basins in McKinleyville. At this time preliminary computer models have been prepared for the Central Basin and the Mad River Basin, but the models have not yet been reviewed by the Department engineers. Models for the remaining basins still need to be developed. The computer model will be able to assist staff in determining what segments of the storm drain system require further improvement. This model will validate which of the remaining uncompleted improvements listed in the 1982 study are still necessary; as well as identify any other improvements that are necessary that weren't identified in the 1982 study.

FINANCIAL IMPACT:

The cost to update the McKinleyville Drainage fee is included within Budget Unit 1100166.

This item conforms to the Board of Supervisors' Core Role of providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Do not direct staff to review and update the McKinleyville Drainage Fee as necessary. This option is not recommended as the fee has been in place since 1986 and should be reviewed and updated as necessary.

ATTACHMENTS:

- Attachment A: Resolution Of The Board Of Supervisors Of The County Of Humboldt, Making Government Code Section 66001 Findings And Accepting Annual Report With Respect To Drainage Fees In The McKinleyville Drainage Area For The Fiscal Year 2013/14 (The Annual Report for FY 2013/14 is Exhibit A to the Resolution)
- Attachment B: County Code Section 328.1-1 et seq.

Attachment A: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT, MAKING GOVERNMENT CODE SECTION 66001 FINDINGS AND ACCEPTING ANNUAL REPORT WITH RESPECT TO DRAINAGE FEES IN THE MCKINLEYVILLE DRAINAGE AREA FOR THE FISCAL YEAR 2013/14

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of October 21, 2014

RESOLUTION NO. 14-81

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT,
MAKING GOVERNMENT CODE SECTION 66001 FINDINGS AND ACCEPTING ANNUAL
REPORT WITH RESPECT TO DRAINAGE FEES IN THE MCKINLEYVILLE DRAINAGE
AREA FOR THE FISCAL YEAR 2013/14**

WHEREAS, the County has undertaken studies and produced a report analyzing the storm water conveyance infrastructure in the unincorporated area of the County known as McKinleyville; and

WHEREAS, on 11/12/1986, the Board of Supervisors adopted Ordinance No. 1758 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area "Drainage Fee;" and

WHEREAS, Ordinance No. 1758 sets forth the purposes of the fee and demonstrates a reasonable relationship between the fee and the purpose for which it is charged; and

WHEREAS, the County has adopted the McKinleyville Drainage Plan that indicates the approximate location, size, and estimates of costs for new facilities; and

WHEREAS, Government Code Section 66006 requires that the Board of Supervisors make available certain information to the public and hold a public meeting within 180 days of the close of the fiscal year detailing the fiscal year collection and expenditures of the Drainage Fee; and

WHEREAS, the Annual Report has been available to the public for at least 15 days as required; and

WHEREAS, the Board has received and reviewed the information required by Government Code Section 66006 with respect to fiscal year 2013/14 as pertains to the Drainage Fee; and

WHEREAS, pursuant to Government Code Section 66001(d) the use of all existing fee balances are identified in the McKinleyville Drainage Plan and there are no balances in the funds five years or more that are unexpended or uncommitted; and

WHEREAS, there are improvements identified in the McKinleyville Drainage Plan that have not been constructed; and

WHEREAS, no improvements are scheduled for construction at this time; and

WHEREAS, the fees collected are necessary in order to fund the construction of the remaining improvements.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That all of the recitations contained herein above are true and correct.
2. The County of Humboldt hereby accepts the Annual Report for FY 2013/14 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area (attached hereto as

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA


Certified copy of portion of proceedings, Meeting of October 21, 2014

RESOLUTION NO. 14-81

Exhibit A and incorporated herein by reference) as being in accordance with applicable State Law.

3. Regarding five year reporting, the County of Humboldt adopts the findings proposed in Section I of the Annual Report.
4. The County of Humboldt finds that no improvements are scheduled for construction at this time.
5. The County of Humboldt finds that fees collected are necessary in order to fund the construction of the remaining improvements.

Dated: October 21, 2014



REX BOHN, Chair
Humboldt County Board of Supervisors

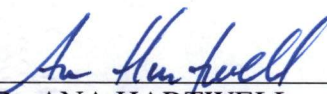
Adopted on motion by Supervisor Sundberg, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT A TO RESOLUTION 14-81:
ANNUAL REPORT FOR FY 2013/14 REGARDING DRAINAGE FACILITY IMPROVEMENTS
AND DRAINAGE FEES IN THE MCKINLEYVILLE DRAINAGE AREA

A. A brief description of the type of fee in the account or fund.

On 11/12/1986, the Board of Supervisors adopted Ordinance No. 1758 regarding drainage facility improvements and drainage fees in the McKinleyville drainage area. This Ordinance was codified in County Code Section 328.1-1 *et seq.* This Ordinance set forth the collection of drainage fees related to development on existing and future parcels within the McKinleyville Drainage Area. The purpose of the fee is to correct deficiencies in the storm water conveyance system in the McKinleyville area.

On 05/23/1989 Ordinance No. 1864 was adopted by the Board of Supervisors that clarified application of the fees.

On 10/10/1995 Ordinance No. 2092 was adopted by the Board of Supervisors that removed North Bank Road drainage area from being subject to the fees since no improvements were proposed in that drainage area.

The Planned Facilities that are identified in the McKinleyville Drainage Plan refer to that certain document, including the plans and maps contained therein, prepared by the firm of Winzler & Kelly, Consulting Engineers, entitled "McKinleyville Drainage Study, Prepared for the County of Humboldt and McKinleyville Community Services District", dated August 1982, copies of which are on file in the Office of the Clerk of the Board of Supervisors.

B. The amount of the fee.

The amount of the fee is codified in County Code Section 328.1-14, which is shown below.

328.1-14. AMOUNT OF FEES.

- (a) New Parcels. For each new parcel created pursuant to the Subdivision Map Act and local subdivision ordinance there shall be imposed the following fees: (Ord. 1864, § 1, 05/23/89)
 - 1. An initial fee of \$250.00 per parcel; and (Ord. 1758, § 1, 11/12/86)
 - 2. If application is made for a building permit, an additional fee calculated in the same manner as the fee for an existing parcel pursuant to subdivision (b) of this section, less the sum paid pursuant to subdivision (a) (1) of this section. (Ord. 1864, § 1, 05/23/89)
- (b) Existing Parcels. For each existing parcel, there shall be imposed the following fees: (Ord. 1864, § 1, 05/23/89)
 - 1. For the construction of any new dwelling (single or multiple unit), the fee shall be \$250.00 per dwelling unit, up to a maximum of \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)

EXHIBIT A TO RESOLUTION 14-81:
ANNUAL REPORT FOR FY 2013/14 REGARDING DRAINAGE FACILITY IMPROVEMENTS
AND DRAINAGE FEES IN THE MCKINLEYVILLE DRAINAGE AREA

2. For the construction of all other new structures subject to the permit requirements of Title 3, Division 3 of this Code, the fee shall be \$0.16 per square foot of impervious area created, up to a maximum of \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)
 3. For additions to existing structures which will result in additional ground coverage in excess of 100 square feet or, in the case of upper—story additions, an additional floor area in excess of 100 square feet, the fee shall be \$0.16 per square foot. The total fee or cumulative fees paid pursuant to this paragraph shall not exceed \$250.00 per dwelling unit, or \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)
- (c) The fee provided for in subsection (a) (1) of § 328.1-14 shall be collected at the time and in the manner specified in § 328.1-16; and the fees provided for in subsections (a) (2) and (b) of § 328.1-14 shall be collected at the time and in the manner specified in § 328.1-15. However, in no event shall the total fee or cumulative fees imposed pursuant to this chapter exceed, in the case of dwellings, \$250.00 per dwelling unit, and in all other cases, \$2,000.00 per acre. For purposes of computing the acreage in a subdivision, the area included in a designated remainder shall be excluded. (Ord. 1864, § 1, 05/23/89)

C. The beginning and ending balance of the account or fund.

The fund name is: Planned Local Drain Facilities

The beginning balance of fund 3706 as of 07/01/2013 is \$354,380.54.

The ending balance of fund 3706 as of 06/30/2014 is \$376,826.02.

D. The amount of the fees collected and the interest earned.

The total amount collected for 2013/14 is \$20,280.24.

Interest earned for 2013/14 is \$2,165.24.

E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

No fees were expended in 2013/14.

EXHIBIT A TO RESOLUTION 14-81:
ANNUAL REPORT FOR FY 2013/14 REGARDING DRAINAGE FACILITY IMPROVEMENTS
AND DRAINAGE FEES IN THE MCKINLEYVILLE DRAINAGE AREA

F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in of Government Code Section 66001(a)(2), and the public improvement remains incomplete.

The projects which the fee is to fund are set forth in the report prepared by Winzler & Kelly, titled "McKinleyville Drainage Study, Prepared for the County of Humboldt and McKinleyville Community Services District", dated August 1982.

There are improvements identified in the McKinleyville Drainage Plan that have not been constructed. No improvements are scheduled for construction at this time. The fees collected are necessary in order to fund the construction of the remaining improvements.

The Department is currently in the process of reviewing all of the projects identified in the McKinleyville Drainage Plan. Once the review is complete, the Department will report back to the Board of Supervisors with the status of each project identified in the Plan; provide updated construction cost estimates for the uncompleted projects; and provide an approximate schedule for completion for the uncompleted projects.

G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

There have been no inter fund transfers or loans from these funds.

H. The amount of refunds made pursuant to Government Code Section 66001(e) and any allocations pursuant to Government Code Section 66001(f).

There were no refunds made pursuant to Section 66001 during FY 2013/14.

I. Fifth Year Special Reporting: The local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- (1) **Identify the purpose to which the fee is to be put.** The purpose for the fee is discussed in Section A above.
- (2) **Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.** County Code Section 328.1-3 sets forth the following findings that establish a relationship between the fee and the purpose of the fee:
 - (a) Subdivision and development of the property within the McKinleyville Drainage Area will require construction of the Planned Facilities;

EXHIBIT A TO RESOLUTION 14-81:
ANNUAL REPORT FOR FY 2013/14 REGARDING DRAINAGE FACILITY IMPROVEMENTS
AND DRAINAGE FEES IN THE MCKINLEYVILLE DRAINAGE AREA

- (b) The estimated costs of constructing the Planned Facilities are based on the findings set forth in subsections (a) and (c) of Section 328.1-3;
- (c) The fees established by this chapter are fairly apportioned within the McKinleyville Drainage Area on the basis of benefits conferred on property proposed for subdivision and development of other property within the McKinleyville Drainage Area.
- (d) The fee established by this chapter as to any property proposed for subdivision within the McKinleyville Drainage Area does not exceed the pro rata share of the amount of the total, actual, or estimated cost of all the Planned Facilities within the McKinleyville Drainage Area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis;
- (e) The Planned Facilities are in addition to existing facilities serving the area at the time of adoption of the McKinleyville Drainage Plan.

(3) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in Government Code Section 66001(a)(2). At this time, projects are anticipated to be constructed utilizing any combination of Drainage Fees, Road Fund, State grants, and Federal grants. The specific amount of the each funding type has not been established.

(4) Designate the approximate dates on which the funding referred to in (3) above is expected to be deposited into the appropriate account or fund. At this time, funding dates have not been established. The dates are unknown due to the unknown availability of the State and Federal grants.

Prepared by:

Department of Public Works
1106 Second Street
Eureka, CA 95501

CHAPTER 8.1

DRAINAGE FACILITY IMPROVEMENTS AND DRAINAGE FEES
IN THE MCKINLEYVILLE DRAINAGE AREA

ARTICLE I - ADOPTION OF PLAN; APPLICATION; FINDINGS; DEFINITIONS

328.1-1. The McKinleyville Drainage Plan is hereby adopted. (Ord. 1758, § 1, 11/12/86)

328.1-2. APPLICATION.

The provisions of this chapter shall apply only in the McKinleyville Drainage Area. (Ord. 1758, § 1, 11/12/86)

328.1-3. FINDINGS.

The Board of Supervisors finds as follows: (Ord. 1758, § 1, 11/12/86)

(a) Subdivision and development of the property within the McKinleyville Drainage Area will require construction of the Planned Facilities; (Ord. 1758, § 1, 11/12/86)

(b) The estimated costs of constructing the Planned Facilities are based on the findings set forth in subsections (a) and (c) of § 328.1-3; (Ord. 1758, § 1, 11/12/86)

(c) The fees established by this chapter are fairly apportioned within the McKinleyville Drainage Area on the basis of benefits conferred on property proposed for subdivision and development of other property within the McKinleyville Drainage Area. (Ord. 1758, § 1, 11/12/86)

(d) The fee established by this chapter as to any property proposed for subdivision within the McKinleyville Drainage Area does not exceed the pro rata share of the amount of the total actual or estimated costs of all the Planned Facilities within the McKinleyville Drainage Area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis; (Ord. 1758, § 1, 11/12/86)

(e) The Planned Facilities are in addition to existing facilities serving the area at the time of adoption of the McKinleyville Drainage Plan. (Ord. 1758, § 1, 11/12/86)

328.1-4. DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the meaning given below: (Ord. 1758, § 1, 11/12/86)

(a) "Channel" is defined as an elongated open depression in the contour of land in which storm water may or does flow. (Ord. 1758, § 1, 11/12/86)

§ 328.1-4

(b) "Conduit" is defined as a general term for any artificial or natural channel intended for the conveyance of storm water, whether open or closed, or any structure through which water flows. (Ord. 1758, § 1, 11/12/86)

(c) "Culvert" is defined as a closed conduit for the free passage of drainage water under a highway, railroad, canal or other embankment. (Ord. 1758, § 1, 11/12/86)

(d) "Designated Remainder" means a designated remainder parcel as defined in § 66424.6 of the Government Code. (Ord. 1758, § 1, 11/12/86)

(e) "Ditch" is defined as a trench for drainage or irrigation artificially made by digging. (Ord. 1758, § 1, 11/12/86)

(f) "Drainage" is defined as: (Ord. 1758, § 1, 11/12/86)

(1) The process of removing surplus surface and storm water by means of channels, conduits, culverts, ditches and other means; (Ord. 1758, § 1, 11/12/86)

(2) The manner in which the waters of an area are removed; (Ord. 1758, § 1, 11/12/86)

(3) The area from which waters are drained; a drainage basin. (Ord. 1758, § 1, 11/12/86)

(g) "Dwelling Unit" is a building or portion thereof designed exclusively for residential occupancy by one family for living purposes and having only one kitchen. (Ord. 1758, § 1, 11/12/86)

(h) "Existing Parcel" means a parcel which existed before the effective date of this chapter. "Existing Parcel" also means a Designated Remainder. (Ord. 1758, § 1, 11/12/86)

(i) "Major Drainage Channels" are the main stream tributaries that are the final discharge points for individual drainage areas. (Ord. 1758, § 1, 11/12/86)

(j) "Minor Drainage Channels" are channels or conduits that tie to the secondary drainage channels. (Ord. 1758, § 1, 11/12/86)

(k) "McKinleyville Drainage Area" means and refers to the unincorporated area in the County of Humboldt which lies within the exterior boundaries of the study area and drainage boundaries shown in appendix 1 to this chapter, which study area and drainage boundaries are more particularly shown and described in the McKinleyville Drainage Study and maps referred to in subsection (k) of § 328.1-4 of this chapter. (Ord. 1758, § 1, 11/12/86)

(l) "McKinleyville Drainage Plan" means and refers to that certain document, including the plans and maps contained therein, prepared by the firm of Winzler & Kelly, Consulting Engineers, entitled "McKinleyville Drainage Study, Prepared for the County of Humboldt and McKinleyville Community Services District", dated August 1982, copies of which are on file in the Office of the Clerk of the Board of Supervisors. (Ord. 1758, § 1, 11/12/86)

236.2

Dated 09/16/2014

f:\pwrk\landdevprojects\mckinleyville drainage fees\2014-09-16 bos agenda item drainage fee annual report 2013-14.doc

§ 328.1-4

(m) "New Parcel" means a parcel created after the effective date of this chapter. It does not include a Designated Remainder. (Ord. 1758, § 1, 11/12/86)

(n) "New Subdivision(s)" means a division or subdivision of land after the effective date of this chapter. (Ord. 1758, § 1, 11/12/86)

(o) "Planned Facilities" means and refers to the proposed drainage facilities and improvements described in the McKinleyville Drainage Plan. (Ord. 1758, § 1, 11/12/86)

(p) "Ponding Area" is defined as a pond used for storage of storm water. It shall always contain some water and will have storage capacity in addition to its normal low flow level. (Ord. 1758, § 1, 11/12/86)

(q) "Secondary Drainage Channels" are channels or conduits typing directly to the major drainage channels. (Ord. 1758, § 1, 11/12/86)

(r) "Storage Basin" is defined as a holding basin for storage of storm water. Under normal circumstances it is dry but has storage capacity when flows exceed the capacity of the storm water drainage system. (Ord. 1758, § 1, 11/12/86)

(s) "Stream" is defined as any course of running water flowing on the earth. (Ord. 1758, § 1, 11/12/86)

(t) "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself/herself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers". (Ord. 1758, § 1, 11/12/86)

(u) "Subdivision" means the division by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. As used in this paragraph, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock. (Ord. 1758, § 1, 11/12/86)

(v) "Subdivision Map Act" refers to Title 7, Division 2 of the Government Code of the State of California, as amended. (Ord. 1758, § 1, 11/12/86)

236.3

ARTICLE 2 - MINIMUM REQUIREMENTS

328.1-5. RUNOFF DESIGN.

Storm water runoff from a subdivision shall be collected and conveyed by a drainage system approved by the Director of Public Works. Maximum runoff shall be computed using the Rational Method. The Rainfall Intensity - Duration Curve, for Eureka, and "C" values approved by the Director of Public Works shall be used in computation. Runoff design shall accommodate the full and anticipated future development within the drainage area. In cases where the drainage areas are undeveloped, fully improved conditions shall be determined by the designation of the area on the General plan or the zoning classification of the area. The drainage system shall provide for the protection of the abutting properties that would be adversely affected by any increase in runoff attributed to the development, for which off-site storm drain improvements may be required. (Ord. 1758, § 1, 11/12/86)

328.1-6. PROTECTION FROM SURFACE WATERS.

All portions of building sites shall be protected from flood hazard, inundation, sheet flow and ponding of storm waters, springs and all other surface waters. All finished floors shall be a minimum of one foot above the water surface of a 100-year frequency storm runoff. (Ord. 1758, § 1, 11/12/86)

328.1-7. ADEQUATE STORM DRAINAGE FACILITIES.

(a) The design of all improvements on any parcel within the McKinleyville Drainage Area shall be such that all surface waters occurring within the parcels, as well as all surface waters flowing onto and/or through the parcel shall be conveyed through the parcel without damage to any improvement, building site, or dwelling which may be constructed on the parcel or on any other parcels in the vicinity. Drainage facilities for any improvement shall be designed to adequately convey the storm water runoff from the ultimate development of the drainage basin or watershed. (Ord. 1758, § 1, 11/12/86)

(b) Site development shall be accomplished wherever possible in a manner that will maximize percolation and infiltration of precipitation into the ground and will minimize direct surface runoff into adjoining streets, water courses, or properties. (Ord. 1758, § 1, 11/12/86)

(c) Site development shall be accomplished wherever possible in a manner to maximize use of natural drainage features. (Ord. 1758, § 1, 11/12/86)

328.1-8. SURFACE WATER FLOWING FROM A SUBDIVISION.

Surface water flowing from a parcel or subdivision in any form or manner shall be conveyed without damage to any improvement, building, or dwelling both within and downstream of the subdivision to a natural watercourse having a definable bed and banks, or to an existing adequate storm drainage facility. Storm drainage facilities to be constructed outside of the parcel or subdivision shall be designed to adequately convey the storm water runoff from the ultimate development of the drainage basin or watershed lying within and above the subdivision. Any surface waters detained or ponded on adjacent property(s) as the result of improvements constructed by the developer or subdivider, shall not cause any damage to said property. (Ord. 1758, § 1, 11/12/86)

§ 328.1-9

328.1-9. STORM WATER DISPOSAL RESTRICTION.

Storm water flowing from a parcel or subdivision in any form or manner shall not be permitted to flow into any sanitary sewer or any other facility not specifically intended for storm water runoff. (Ord. 1758, § 1, 11/12/86)

328.1-10. CAPACITY OF CHANNELS AND CONDUITS.

Drainage channels and conduits shall have the following minimum capacities: (Ord. 1758, § 1, 11/12/86)

(1) Major Drainage Channels. Major drainage channels and conduits shall have sufficient capacity to contain a 100-year frequency or occurrence runoff. (Ord. 1758, § 1, 11/12/86)

(2) Secondary Drainage Channels. Secondary drainage channels and conduits shall have sufficient capacity to contain a ten-year frequency of occurrence runoff, as well as sufficient additional capacity so that floodwaters escaping therefrom shall not reach an elevation within one foot of any dwelling or commercial structure. (Ord. 1758, § 1, 11/12/86)

(3) Minor Drainage Channels. Minor drainage channels, conduits, and appurtenant facilities shall have sufficient capacity to contain a ten-year frequency of occurrence runoff, as well as sufficient additional capacity so that floodwaters escaping therefrom shall not reach an elevation within one foot of any dwelling or commercial structure. (Ord. 1758, § 1, 11/12/86)

328.1-11. FACILITIES DESIGN CRITERIA.

Drainage systems shall conform to the requirements contained in § 4, "Drainage" of the Humboldt County Roadway Design Manual adopted by the Board of Supervisors on February 1, 1972, as it may be amended from time to time. (Ord. 1758, § 1, 11/12/86)

328.1-12. EASEMENTS.

Necessary easement to construct and maintain drainage facilities shall be required. The Director of Public Works, following accepted engineering practices, shall set the widths of these easements as developments warrant, and he is encouraged, consistent with accepted engineering criteria, to make them the minimum size necessary to plan for the ultimate development of McKinleyville. (Ord. 1758, § 1, 11/12/86)

236.5

ARTICLE 3 - DRAINAGE FEES

328.1-13. ESTABLISHMENT OF FEES.

There are hereby established and imposed on each existing parcel and on each new parcel that lies within the "McKinleyville Drainage Area" (excepting therefrom that area shown as "North Bank Road Drainage") drainage fees in the amounts specified in § 328.1-14 of this chapter. (Ord. 1758, § 1, 11/12/86; Ord. 2092, § 1, 10/10/95)

328.1-14. AMOUNT OF FEES.

(a) New Parcels. For each new parcel created pursuant to the Subdivision Map Act and local subdivision ordinance there shall be imposed the following fees: (Ord. 1864, § 1, 05/23/89)

1. An initial fee of \$250.00 per parcel; and (Ord. 1758, § 1, 11/12/86)
2. If application is made for a building permit, an additional fee calculated in the same manner as the fee for an existing parcel pursuant to subdivision (b) of this section, less the sum paid pursuant to subdivision (a)(1) of this section. (Ord. 1864, § 1, 05/23/89)

(b) Existing Parcels. For each existing parcel, there shall be imposed the following fees: (Ord. 1864, § 1, 05/23/89)

1. For the construction of any new dwelling (single or multiple unit), the fee shall be \$250.00 per dwelling unit, up to a maximum of \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)
2. For the construction of all other new structures subject to the permit requirements of Title 3, Division 3 of this Code, the fee shall be \$0.16 per square foot of impervious area created, up to a maximum of \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)
3. For additions to existing structures which will result in additional ground coverage in excess of 100 square feet or, in the case of upper-story additions, an additional floor area in excess of 100 square feet, the fee shall be \$0.16 per square foot. The total fee or cumulative fees paid pursuant to this paragraph shall not exceed \$250.00 per dwelling unit, or \$2,000.00 per acre. (Ord. 1864, § 1, 05/23/89)

(c) The fee provided for in subsection (a)(1) of § 328.1-14 shall be collected at the time and in the manner specified in § 328.1-16; and the fees provided for in subsections (a)(2) and (b) of § 328.1-14 shall be collected at the time and in the manner specified in § 328.1-15. However, in no event shall the total fee or cumulative fees imposed pursuant to this chapter exceed, in the case of dwellings, \$250.00 per dwelling unit, and in all other cases, \$2,000.00 per acre. For purposes of computing the acreage in a subdivision, the area included in a designated remainder shall be excluded. (Ord. 1864, § 1, 05/23/89)

328.1-15. PAYMENT OF FEES - CONSTRUCTION ON NEW EXISTING PARCELS.

The County Building Official shall not issue a building permit for construction on a parcel within the McKinleyville Drainage Area, which results in additional ground coverage in excess of 100 square feet or, in the case of upper-story additions, results in additional floor area in excess of 100 square feet, until the fees set forth in this chapter have been paid. The Building

Official may accept cash, or other consideration in the form of actual construction of a part of drainage facilities by the applicant or his principal in lieu of the fee, when authorized to do so by the Director of Public Works. The fee shall not be required if the requested permit is to perform one of the following: (Ord. 1758, § 1, 11/12/86)

(1) To replace a structure destroyed or damaged by fire, flood, wind or acts of God. This exception is only to the extent that the resultant structure has the same or less ground floor square footage as the original structure; if the ground floor square footage is increased, the square footage of the additional ground floor area shall be used to determine if the fee is due. (Ord. 1758, § 1, 11/12/86)

(2) To construct a swimming pool, patio, patio cover, or driveway.

(3) To construct or modify a single family residence on a parcel greater than five (5) acres in area. (Ord. 1758, § 1, 11/12/86; Ord. 1864, § 2, 05/23/89)

(4) To construct or modify any facilities on parcels greater than 20 acres in area, provided less than ten percent (10%) of the parcel is covered by impervious surfaces. (Ord. 1758, § 1, 11/12/86; Ord. 1864, § 2, 05/23/89)

(5) To construct, enlarge or modify concrete or asphalt concrete surfaces incidental to land uses other than single family residential. This exemption is only to the extent that the increase in impervious area is less than 500 square feet. (Ord. 1758, § 1, 11/12/86)

328.1-16. PAYMENT OF FEES - NEW PARCELS.

(a) No parcel map, tentative map, or final map which divides or subdivides property in the McKinleyville drainage area shall be approved unless and until the subdivider complies with the following requirements: (Ord. 1758, § 1, 11/12/86)

(1) Pays the fees prescribed by Section 328.1-14(a)(1) of this chapter on or before the date of approval of any such map; or (Ord. 1758, § 1, 11/12/86; Ord. 1864, § 3, 05/23/89)

(2) Agrees to pay the per parcel fee referral to in the preceding subsection on or before a building permit is issued for construction on said parcel created by any such map, if a fee would be required for construction on an existing parcel under the provisions of Section 328.1-15 of this Chapter, and furnishes good and sufficient security to ensure performance of such obligation. For purposes of this subsection, the term "good and sufficient security" means any of the following: (Ord. 1758, § 1, 11/12/86; Ord. 1864, § 3, 05/23/89)

a. A bond or bonds by one or more duly authorized corporate sureties. (Ord. 1758, § 1, 11/12/86)

b. A deposit, either with the County or a responsible escrow company or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public moneys. (Ord. 1758, § 1, 11/12/86)

c. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment. (Ord. 1758, § 1, 11/12/86)

§ 328.1-16

d. Subject to approval of the Director of Public Works, a lien upon the property to be divided, created by contract between the owner and the County. Any such lien shall be subject to the provisions of § 326-6.3 of the County Code, except that all references in said section to installation or completion of subdivision improvements shall be deemed to refer to payment of the fees required to be paid pursuant to the provisions of Article 3 of this Chapter. (Ord. 1758, § 1, 11/12/86)

(b) The provisions of subsection (a) of § 328.1-16 shall not apply to a division or subdivision of land which is conveyed to a government agency, public entity, public utility, or abutting property owner, if a new building lot or site is not created as a result of such division or subdivision. (Ord. 1758, § 1, 11/12/86)

(c) The provisions of subsection (a) of § 328.1-16 shall not apply to a division or subdivision of land which is zoned for single family residential purposes and which results in parcels of land which are all larger than five (5) acres in size. (Ord. 1758, § 1, 11/12/86)

328.1-17. MASTER STORM DRAINAGE PLANS REQUIRED FOR SUBDIVISIONS.

With the filing of the improvement plans for the first unit of any subdivision, the subdivider or developer shall submit a master storm drainage plan for the entire area covered by the tentative map. In so doing, the subdivider or developer shall design the system to essentially conform to the McKinleyville Drainage Study plan. The subdivider shall construct and dedicate to the County, the necessary storm water drainage improvements. (Ord. 1758, § 1, 11/12/86)

328.1-18. CREDIT FOR LISTED DRAINAGE FACILITIES.

Whenever drainage facilities (either on or off-site) listed as proposed improvements in Chapter VI, Section C, of the McKinleyville Drainage Plan, or facilities determined by the Director of Public Works to be functionally equivalent, are required by the County to be constructed and installed by the subdivider as a part of the subdivision or by a developer of a parcel(s), the cost of construction of such drainage facilities, as contained in the plan, shall be credited against drainage fees chargeable to such subdivision or development project, provided such facilities are owned by the County at the time such fees are payable, or will be owned by the County upon acceptance thereof by the County. (Ord. 1758, § 1, 11/12/86; Ord. 2092, § 2, 10/10/95; Ord. 1864, § 4, 05/23/89)

If the credit exceeds the fees owed by the subdivider or developer, the County shall reimburse the subdivider or developer in the following manner: At the beginning of each fiscal year, fifty percent (50%) of the drainage fees deposited during the previous fiscal year shall be allocated to reimburse subdividers or developers. If sufficient funds are available, all subdividers and developers shall be reimbursed in full at the end of the fiscal year, and the remaining funds shall become available for construction projects along with the other fifty (50%) of the drainage fees deposited. If sufficient funds are not available to reimburse all subdividers and developers, then they shall be reimbursed in proportion to the amount owed, except that all amounts less than \$1,000 shall be paid in full first. Any deficiency shall be carried over to the next fiscal year. (Ord. 1864, § 3, 05/23/89; Ord. 2092, § 2, 10/10/95)

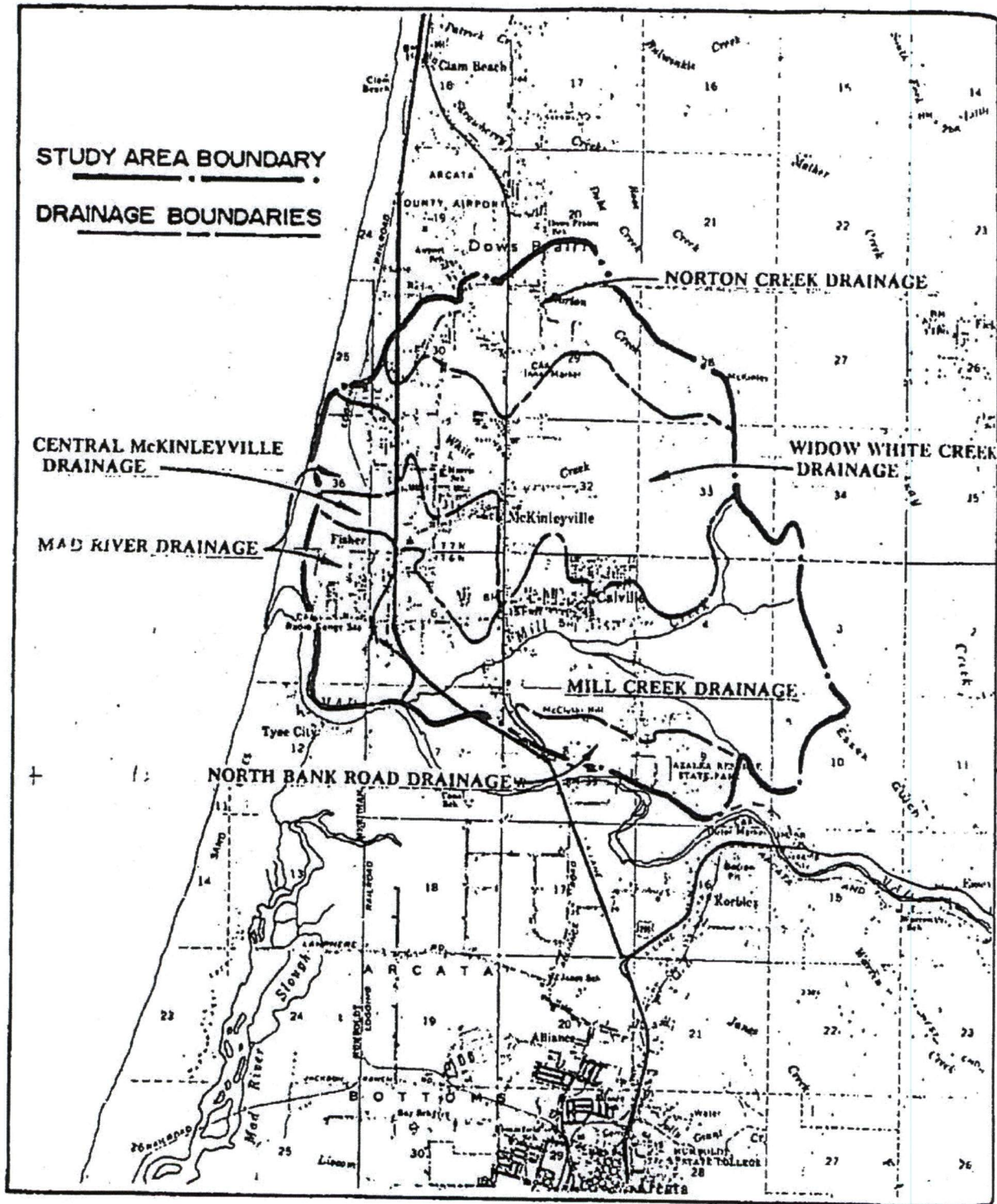
328.1-19. CONFLICTING PROVISIONS.

The provisions of this chapter shall prevail over any other provisions which are in conflict therewith, but only to the extent of such conflict.

236.8

Dated 09/16/2014

F:\pwrk\landdevprojects\mckinleyville drainage fees\2014-09-16 bos agenda item drainage fee annual report 2013-14.doc



STUDY AREA AND DRAINAGE BOUNDARIES

APPENDIX 1

FIGURE II-1

Added by Ord. 1758
11/12/86

236.9

Dated 09/16/2014

f:\pwk\landdev\projects\mckinleyville drainage fees\2014-09-16 bos agenda item drainage fee annual report 2013-14.doc