

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of October 10, 1995

**SUBJECT: ADOPTION OF ORDINANCE AMENDING SECTIONS 328.1-13 AND 328.1-18 OF THE HUMBOLDT COUNTY CODE REGARDING MC KINLEYVILLE DRAINAGE FEES**

- ACTION:**
1. MOTION BY Supervisor Fulkerson, second by Supervisor Neely, to open the public hearing, receive testimony, and close the public hearing.
  2. MOTION BY Supervisor Neely, second by Supervisor Heider, to:
    - a. adopt Ordinance No. 2092, amending Section 328.1-13 and 328.1-18 of the Humboldt County Code; and
    - b. direct the Clerk of the Board to give notice of the decision and to publish the summary of the Ordinance within fifteen (15) days after adoption.

**AYES:** Supervisors Dixon, Heider, Fulkerson, and Neely  
**NAYS:** None  
**ABSENT:** Supervisor Kirk  
**ABSTAIN:** None

STATE OF CALIFORNIA )  
County of Humboldt )<sup>ss</sup>

I, LORA FREDIANI, 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.

pc: Public Works  
Land Use Division  
County Counsel  
Clerk of the Board

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

LORA FREDIANI

Clerk of the Board of Supervisors  
of the County of Humboldt, State  
of California

(L-1)

  
October 10, 1995

COUNTY OF HUMBOLDT

For meeting of 10/10/95

DATE: 10/2/95

TO: BOARD OF SUPERVISORS

FROM: John Murray, Director *J Murray*

SUBJECT: ADOPTION OF ORDINANCE AMENDING SECTIONS 328.1-13 AND 328.1-18 OF THE HUMBOLDT COUNTY CODE REGARDING MCKINLEYVILLE DRAINAGE FEES

RECOMMENDATIONS

That the Board of Supervisors

- (1) Open the public hearing and receive testimony.
- (2) Close the public hearing
- (3) Adopt Ordinance No. 2092 amending section 328.1-13 and 328.1-18 of the Humboldt County Code
- (4) Direct the Clerk of the Board to give notice of the decision and to publish the summary of the Ordinance within 15 days after adoption.

Prepared by *[Signature]*  
 HARLESS MCKINLEY, ASSOCIATE ENGINEER

CAO Approval *Joseph L Webster*

REVIEW:  
 Auditor \_\_\_\_\_ County Counsel \_\_\_\_\_ Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
 pc: Public Works  
 County Counsel  
 Land Use Division  
 Clerk of the Board

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT  
 Upon motion of Supervisor  
 seconded by Supervisor  
 and unanimously carried by those members  
 present, the Board hereby adopts the  
 recommended action contained in this report.

Board Order No. D-23  
 Meeting of Sept. 12, 1995

Dated: OCT 10 1995  
 LORA FREDIANI, CLERK OF THE BOARD

by \_\_\_\_\_

## DISCUSSION

The Department of Public Works is recommending that the Board of Supervisors adopt amendments to Article 3- Drainage Fees, Chapter 8.1, Division 2 of Title III of the Humboldt County Code. The purpose of the amendments to the existing ordinance is to clarify the areas that are to be charged and to provide a codified procedure for reimbursement to individuals who perform the construction of drainage facilities that are listed within the text of the McKinleyville Drainage Plan adopted by the Board.

The McKinleyville Drainage Plan currently includes an area known as "North Bank Road Drainage". While this area was included in the drainage plan area, no improvements were recommended in this study area. The Department of Public Works feels this area should be excluded by Code from fees.

The current ordinance does not include a procedure for the monetary reimbursement of funds to individuals who install or construct facilities that are listed within the McKinleyville Drainage Plan. Currently, the ordinance only allows a credit in the form of waiver of future drainage to be issued to the land owners or developers who install facilities. This has created problems when the cost of the improvements exceeded the possible credit. To address this issue, the Department of Public Works is recommending an amendment to Section 328.1-18 of the Humboldt County Code that will establish a procedure that will allow monetary payments to individuals when the credit exceeds the estimated drainage fees.

## FINANCIAL IMPACT

The establishment of a monetary payment system will have an effect on the funds that will be available for construction of listed facilities by the County. In the opinion of this office, it should be negligible. Since the ordinance has been adopted, only three developers have been involved in the issue of credits due that are larger than the anticipated drainage fees for their parcel.

## OTHER AGENCY INVOLVEMENT

None.

## ALTERNATIVES TO STAFF RECOMMENDATIONS

1. The Board could chose to not amend Sections 328.1-13 and 328.1-18.
2. The Board could revise the manner in which monetary credit reimbursements would be granted as described in the proposed amendment of Section 328.1-18.

## Attachments

Attachment #1 - Copy of proposed ordinance

Attachment #2 Summary for publication after adoption of ordinance  
modified

**facsimile**  
**TRANSMITTAL**

to: ANDREA ARNOLD, Times-Standard  
fax #: 441-0565  
re: ORDINANCE ON STOP INTERSECTIONS  
date: October 10, 1995  
pages: 1, including this cover sheet.

PUBLISH ONCE ON FRIDAY, OCTOBER 13, 1995

**SUMMARY OF ADOPTED ORDINANCE**

ON OCTOBER 10, 1995, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS ADOPTED ORDINANCE NO. 2092 AMENDING CHAPTER 8.1 OF DIVISION 2 OF TITLE III, OF THE HUMBOLDT COUNTY CODE, RELATING TO DRAINAGE FEES.

THE VOTES WERE:

AYES: SUPERVISOR DIXON, MEIDER, FULKERSON, AND NEELY

NAYS: NONE

ABSENT: SUPERVISOR KIRK

ABSTAIN: NONE

A COPY OF THE ORDINANCE IS AVAILABLE FROM THE CLERK OF THE BOARD, 825 5TH ST., EUREKA.

LORA FREDIANI  
CLERK OF THE BOARD

From the desk of...  
LORA FREDIANI  
CLERK OF THE BOARD  
HUMBOLDT COUNTY  
825 5TH ST.  
EUREKA, CA 95501  
(707) 448-7839  
Fax: (707) 448-7288

**TRANSMISSION REPORT**

THIS DOCUMENT (REDUCED SAMPLE ABOVE)  
WAS SENT

**\*\* COUNT \*\***  
**# 1**

\*\*\* SEND \*\*\*

| NO | REMOTE STATION I. D. | START TIME     | DURATION | #PAGES | COMMENT |
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XEROX TELECOPIER 7020

**facsimile  
TRANSMITTAL**

to: ANDREA ARNOLD, Legal Notices  
fax #: 441-0565  
re: MC KINLEYVILLE DRAINAGE FEES  
date: September 27, 1995  
pages: 1, including this cover sheet.

**PUBLISH ONCE ON FRIDAY, SEPTEMBER 29, 1995.**

**NOTICE OF PUBLIC HEARING  
AND  
SUMMARY OF PROPOSED ORDINANCE**

ON TUESDAY, OCTOBER 10, 1995, AT 1:45 P.M., OR AS SOON THEREAFTER AS THE MATTER CAN BE HEARD, IN THE CHAMBERS OF THE BOARD OF SUPERVISORS, 825 5TH ST. IN EUREKA, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS WILL HOLD A PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE WHICH WOULD AMEND SECTIONS 328.1-13 AND 328.1-18 OF THE HUMBOLDT COUNTY CODE. THESE PROPOSED AMENDMENTS RELATE TO DRAINAGE FEES IN THE MC KINLEYVILLE DRAINAGE AREA. THE FULL TEXT OF THE PROPOSED ORDINANCE MAY BE OBTAINED FROM THE OFFICE OF THE CLERK OF THE BOARD, 825 5TH ST., RM. 111, IN EUREKA.

LORA FREDIANI  
CLERK OF THE BOARD

From the desk of...  
LORA FREDIANI  
Clerk of the Board of Supervisors  
Humboldt County  
825 5th St.  
Eureka, CA 96001  
445-7529  
Fax: 445-7289

**TRANSMISSION REPORT**

THIS DOCUMENT (REDUCED SAMPLE ABOVE)  
WAS SENT

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**# 1**

\*\*\* SEND \*\*\*

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AN ORDINANCE AMENDING SECTION 328.1-13 AND 328.1-18 OF  
ARTICLE 3- DRAINAGE FEES, CHAPTER 8.1, DIVISION 2 OF TITLE III OF  
THE HUMBOLDT COUNTY CODE

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Section 328.1-13 of Article 3 of Chapter 8.1 of Division 2 of Title III of the Humboldt County Code is hereby amended as shown on the attached page 236.6.

SECTION 2. Section 328.1-18 of Article 3 of Chapter 8.1 of Division 2 of Title III of the Humboldt County Code is hereby amended as shown on the attached page 236.8.

SECTION 3. This ordinance shall take full force and effect thirty (30) days after its passage. A summary shall be published at least five (5) days before the date set for adoption and again within fifteen (15) days after passage of this ordinance. It shall be published once with the names of members of the Board of Supervisors voting for and against the ordinance in a newspaper of


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general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 10th day of October, 1995, on the following vote, to wit:

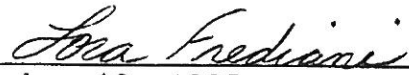
|         |              |                                     |
|---------|--------------|-------------------------------------|
| AYES:   | Supervisors: | Dixon, Heider, Fulkerson, and Neely |
| NOES:   | Supervisors: | None                                |
| ABSENT: | Supervisors: | Kirk                                |

  
Chair of the Board of Supervisors of  
the County of Humboldt, State of  
California.

(SEAL)

ATTEST:

Lora Frediani, Clerk of the Board of Supervisors  
County of Humboldt, State of California

  
October 10, 1995

**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.

**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:

1. An initial fee of \$250.00 per parcel; and
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.

(b) Existing Parcels. For each existing parcel, there shall be imposed the following fees:

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.
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.
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 f\$2,000.00 per acre.

(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.

**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

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.

(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.

(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.

#### 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.

#### 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.

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. (Amended by Ord. , Sec. , / /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.