

AN ORDINANCE GOVERNING DRAINAGE FACILITY
IMPROVEMENTS AND DRAINAGE FEES IN THE
MCKINLEYVILLE DRAINAGE AREA

The Board of Supervisors of Humboldt County ordains as follows:

SECTION 1. The Humboldt County Code is hereby amended by adding Chapter 8.1 to Division 2 of Title III of the County Code, to read as shown on pages 236.1 through 236.9.

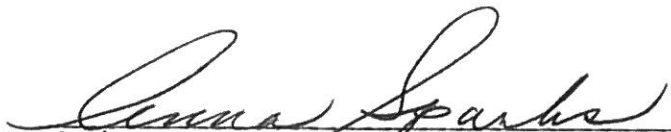
SECTION 2. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 12th day of November, 1986, on the following vote, to wit:

AYES: Supervisors: Renner, Pritchard, Chesbro, Mitchell, Sparks

NOES: Supervisors: None

ABSENT: Supervisors: None


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

(SEAL)

ATTEST:

ROBERT E. HENDRIX
Clerk of the Board of Supervisors
of the County of Humboldt, State
of California.

By Doris L. Smith
Deputy

CHAPTER 8.1

DRAINAGE FACILITY IMPROVEMENTS AND DRAINAGE FEES
IN THE MCKINLEYVILLE DRAINAGE AREA

ARTICLE 1 - ADOPTION OF PLAN; APPLICATION; FINDINGS; DEFINITIONS

328.1-1. The McKinleyville Drainage Plan is hereby adopted.

328.1-2. APPLICATION.

The provisions of this chapter shall apply only in the McKinleyville Drainage Area.

328.1-3. FINDINGS.

The Board of Supervisors finds as follows:

(a) Subdivision and development of the property within the McKinleyville Drainage Area will require construction of the Planned Facilities;

(b) The estimated costs of constructing the Planned Facilities are based on the finding 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 or on the need for the Planned Facilities created by the proposed 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 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;

(e) The Planned Facilities are in addition to existing facilities serving the area at the time of adoption of the McKinleyville Drainage Plan.

328.1-4. DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the meaning given below:

(a) "Channel" is defined as an elongated open depression in the contour of land in which storm water may or does flow.

(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.

(c) "Culvert" is defined as a closed conduit for the free passage of drainage water under a highway, railroad, canal or other embankment.

(d) "Designated Remainder" means a designated remainder parcel as defined in Section 66424.6 of the Government Code.

(e) "Ditch" is defined as a trench for drainage or irrigation artificially made by digging.

(f) "Drainage" is defined as:

(1) The process of removing surplus surface and storm water by means of channels, conduits, culverts, ditches and other means;

(2) The manner in which the waters of an area are removed;

(3) The area from which waters are drained; a drainage basin.

(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.

(h) "Existing Parcel" means a parcel which existed before the effective date of this chapter. "Existing Parcel" also means a Designated Remainder.

(i) "Major Drainage Channels" are the main stream tributaries that are the final discharge points for individual drainage areas.

(j) "Minor Drainage Channels" are channels or conduits that tie to the secondary drainage channels.

(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 Section 328.1-4 of this chapter.

(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.

(m) "New Parcel" means a parcel created after the effective date of this chapter. It does not include a Designated Remainder.

(n) "New Subdivision(s)" means a division or subdivision of land after the effective date of this chapter.

(o) "Planned Facilities" means and refers to the proposed drainage facilities and improvements described in the McKinleyville Drainage Plan.

(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.

(q) "Secondary Drainage Channels" are channels or conduits tying directly to the major drainage channels.

(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.

(s) "Stream" is defined as any course of running water flowing on the earth.

(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 or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers".

(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.

(v) "Subdivision Map Act" refers to Title 7, Division 2 of the Government Code of the State of California, as amended.

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 the 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.

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.

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 parcel, 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.

(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.

(c) Site development shall be accomplished wherever possible in a manner to maximize use of natural drainage features.

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.

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.

328.1-10. CAPACITY OF CHANNELS AND CONDUITS.

Drainage channels and conduits shall have the following minimum capacities:

(1) Major Drainage Channels. Major drainage channels and conduits shall have sufficient capacity to contain a 100-year frequency of occurrence runoff.

(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.

(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.

328.1-11. FACILITIES DESIGN CRITERIA.

Drainage systems shall conform to the requirements contained in Section 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.

328.1-12. EASEMENTS.

Necessary easements 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.

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 drainage fees in the amounts specified in Section 328.1-14 of this chapter.

328.1-14. AMOUNT OF FEES.

(a) The fee for residential parcels created by new subdivisions shall be \$250.00 each. However, in no event shall the total fee collected for a new subdivision be greater than \$2,000 per acre. For purposes of computing the acreage in a subdivision the area included in a Designated Remainder shall be excluded.

(b) The fee for construction of a dwelling on an existing parcel shall be \$250.00.

(c) The fee for additions to existing structures which result in additional ground coverage in excess of 100 square feet or, in the case of upper-story additions, result in additional floor area in excess of 100 square feet, shall be \$.16 per square foot. The total fee or cumulative fees paid in this manner shall not exceed \$250.00 for any one structure.

(d) The fee for commercial and/or industrial development on existing parcel shall be \$0.16 per square foot of impervious area created. The total fee paid for such a development shall not exceed \$2,000 per acre.

(e) The fee for new parcels zoned commercial and/or industrial shall be pro rated at \$2,000 per acre.

(f) No parcel shall be subject to payment of the fee required under the terms of this chapter, once either a fee of \$250.00 per residential parcel or \$2,000 per acre has been paid.

(g) The fee provided for in subsections (a) and (e) of Section 328.1-13 shall be collected at the time and in the manner specified in Section 328.1-16; and the fee provided for in subsections (b), (c), and (d) shall be collected at the time and in the manner specified in Section 328.1-15.

328.1-15. PAYMENT OF FEES - EXISTING PARCELS.

The County Building Official shall not issue a building permit for construction on an existing 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:

(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.

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

(3) To construct a single family residence on a parcel greater than five (5) acres in area.

(4) To construct any facilities on parcels greater than 20 acres in area, provided less than ten percent (10%) of the parcel is covered by impervious surfaces.

(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.

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:

(1) Pays the fees prescribed by 328.1-14 of this chapter on or before the date of approval of any such map; or

(2) Agrees to pay the fees referred to in the preceding subsection on or before a building permit is issued for construction on any 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:

a. A bond or bonds by one or more duly authorized corporate sureties.

Sec. 328.1-16

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.

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.

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 Section 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 Section 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 Section 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 OFF-SITE DRAINAGE FACILITIES.

Whenever permanent off-site storm drainage facilities are required by the County to be constructed and installed by the subdivider as a part of a subdivision, in connection with the development of such subdivision, an amount of money based on the cost of construction of such storm drainage facilities shall be credited against storm drainage fees chargeable to such subdivider, provided such facilities are owned by the County at the time the subdivider pays such fees, or will be

owned by the County upon acceptance thereof by the County, until the amount of such credit is exhausted. In the event that the amount so credited under this section exceeds the storm drainage fees which are chargeable to such subdivider, the amount of such excess shall be reimbursed as determined by the Director of Public Works, based on the estimated cost of facilities at the time of original construction. The reimbursement will be based on the percentage of the area that other benefitted lands are in relation to the total benefit area. The subdivider will be reimbursed by the County from monies received from the benefitting lands pursuant to this chapter. The reimbursements provided for under this section shall terminate ten years after acceptance by the County of the construction and installation of the facilities on which the reimbursement are based.

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.

SUMMARY

Ordinance No. 1758 adds Chapter 8.1 to the Humboldt County Code. Chapter 8.1 adopts the McKinleyville Drainage Plan, establishes minimum drainage requirements in the area subject to the McKinleyville Drainage Plan, establishes and imposes drainage fees in amounts specified in Chapter 8.1, and provides for the time and manner of payment of the fees.