

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 \$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

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 or modify a single family residence on a parcel greater than five (5) acres in area.
- (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.
- (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 Section 328.1-14(a)(1) of this chapter on or before the date of approval of any such map; or
- (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:
 - a. A bond or bonds by one or more duly authorized corporate sureties.
 - 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 § 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.

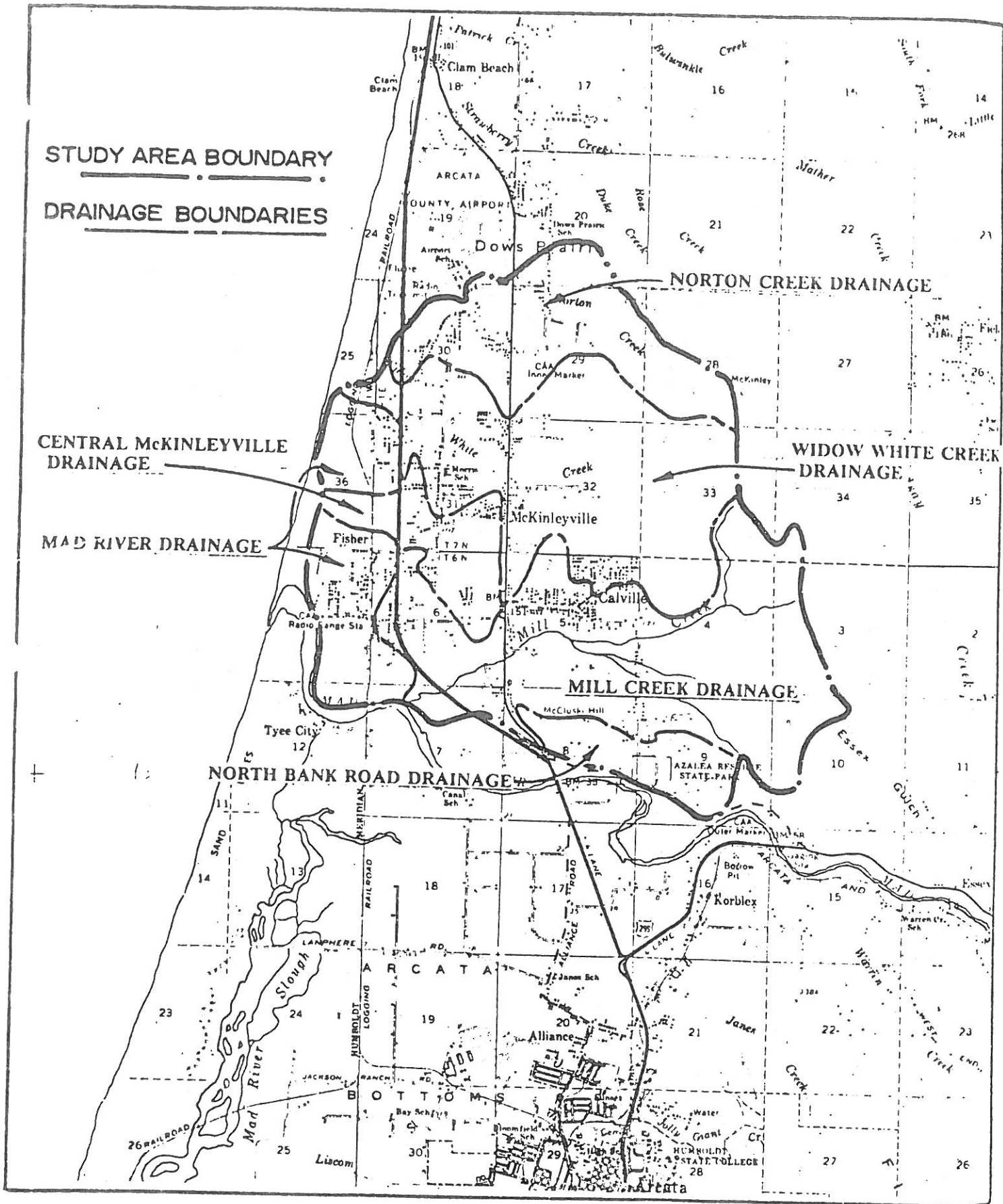
328.1-18. CREDIT FOR LISTED DRAINAGE FACILITIES.

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. 2092, Sec. 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.



STUDY AREA AND DRAINAGE BOUNDARIES

APPENDIX 1

FIGURE II - 1