

**Sec. 15-64. Master drainage plan identified.**

The city has adopted and now has in effect a master drainage plan, which has been, after notice and public hearing, revised from time to time and which was adopted pursuant to Title 7, Chapter 3, Article 8, section 65450 et seq., California Government Code. The official copy of the current master drainage plan is on file in the offices of the city engineer at 77 Fair Drive, Costa Mesa, California, and any reference in this chapter to the master drainage plan shall be to the maps, plats, plans, specifications and other materials constituting said master drainage plan as on file at the above address. The terms of this chapter shall apply to all of the drainage facilities now in place within the city, as well as drainage facilities described and set forth in the master drainage plan and as may be required periodically by the city engineer.

(Code 1960, § 12.101)

Deleted: city engineer

**Sec. 15-65. Drainage fees established.**

Development of, or construction on, property within the city will require construction of additional drainage facilities, as set forth in the Master Plan of Drainage and/or as may be identified periodically by resolution of the city council or as may be imposed as a condition of development approval by the city engineer. There is hereby established a drainage fee to be set periodically by resolution of the city council, which fee shall be tiered to take into account the intensity of development proposed for the property. The fee tiers shall be as follows: low-density residential; medium-density residential; high-density residential; and commercial/industrial. The drainage fee shall be imposed on a pro rata, per acre basis upon any parcel or other piece of property for which an owner, developer or other applicant has requested approval to develop or redevelop, or to construct or reconstruct any structure upon such property, prior to, and as a condition of, approval being granted for such development or construction. The funds collected hereunder shall be deposited in a separate fund which shall be known as the "Drainage Fee Fund". In the case of development of land subject to the Subdivision Map Act, the drainage fee shall be collected, deposited and expended in accordance with section 66483 through 66483.2 of the California Government Code, in addition to the provisions set forth below, and all other applicable laws of the state. In the case of any development, redevelopment, construction, or reconstruction not subject to the Subdivision Map Act, the drainage fee shall be collected, deposited and expended in accordance with sections 66000 through 66007 of the California Government Code, in addition to the provisions set forth below, and all other applicable laws of the state.

(Code 1960, § 12.102; Ord. No. 71-4, 3-5-71; Ord. No. 94-4, § 13, 3-7-94)

Deleted: [per gross acre of land] being developed as set forth in this chapter on a prorated basis.

Deleted: ,

Deleted: .

Deleted: a

Deleted: "

Deleted: nd shall carry a local drainage area designation, if applicable

Deleted: Said

Deleted: the case of subdivisions and parcel maps in accordance with section 11543.5

Deleted: of the Business and Professions Code, State of California,

Deleted: All

Deleted: fees collected in cases other than the case of subdivisions and parcels subject to parcel maps

Deleted: paid in and deposited in accordance with rules and regulations as set forth by the director of finance for the city

Deleted: .

Deleted: s

Deleted: s

Deleted: the

**Sec. 15-66. Fee refund.**

Refund of the fees set out in section 15-65 shall not be made once such fees have been paid in accordance with this chapter, except in the case where the applicant or developer abandons a subdivision or parcel map prior to final approval of such map by reason of some fortuitous event not within the control of such applicant or developer, and further providing that the city council first makes a finding that said refund is warranted and is authorized; and providing further that the city council may provide for a partial refund, retaining any amount which it finds will compensate the city for the processing of

plans, engineering, inspections or other services performed on behalf of said applicant or developer, [in accordance with section 66014 of the California Government Code](#). (Code 1960, § 12.103; Ord. No. 71-4, 3-5-71)

**Sec. 15-67. Required construction.**

(a) Whenever a development is planned in a location where the master [drainage plan](#) [or condition of approval](#) calls for a storm drain and the applicant or developer is required to construct the storm drain upon a public right-of-way or on private property to be dedicated as a public right-of-way, the applicant or developer shall be required to post appropriate bonds to cover the estimated construction cost of the storm drain and submit copies of bid prices to the [city engineer](#) prior to construction. Any and all such bonds shall be exonerated upon acceptance of construction by the city engineer.

(b) If the the city engineer determines that additional drainage facilities are required in order to adequately provide for drainage, the city engineer may require, as a condition of approval, the construction of those facilities for the detention of storm water or such other means as may be necessary to provide adequate drainage of a particular property without adversely affecting adjacent properties or the City's drainage system.

(c) Notwithstanding anything provided in this Section 15-67 or elsewhere in this Chapter III, any construction of drainage facilities required to be constructed prior to issuance of development approval shall be in addition to, and not in lieu of, imposition of the drainage fee applicable to that property. Subject to approval of the city engineer, any such required construction shall be located within the reasonable vicinity of the property subject to development approval, and nothing in this Section 15-67 or this Chapter III shall be read to require construction that is unrelated to providing adequate drainage for the subject property or mitigating additional drainage requirements created by the proposed development of the subject property.

(Code 1960, § 12.104; Ord. No. 71-4, 3-5-71)

**Sec. 15-68. Reimbursement agreement.**

Where the applicant or developer has entered into an agreement with the city providing that the developer shall construct drainage facilities which may be larger than those necessary to accommodate only the drainage from that site, or where the cost of constructing said facilities exceeds the applicant's proportionate usage of the required facilities, a reimbursement agreement between the applicant and the city may be entered into whereby the city shall reimburse the applicant from the Drainage Fee Fund its share of the cost of constructing the facilities on the following basis:

- (a) Only if and when money is available in the Drainage Fee Fund.
- (b) Providing said money has not been committed by budget for other facilities.
- (c) Reimbursement shall be made according to priorities established by the city Engineer.

(Code 1960, § 12.105; Ord. No. 71-4, 3-5-71)

**Sec. 15-68. Use of fund.**

- Deleted: city engineer
- Deleted: estimated construction cost is less than the drainage fee, the applicant shall pay a fee equal to the total fee based on the gross area being developed minus the estimated construction cost of the storm drain. Prior to exonerating the bonds, the actual cost of the storm drain shall be established by the city engineer, his cost estimate and bid prices to be established from three (3) competitive bids and an added fee charged or a reimbursement made so that the actual construction cost plus the drainage fee paid is equal to, but not in excess of,
- Deleted: one thousand dollars (\$1,000.00) per acre for the gross area developed
- Deleted: the amount set forth by resolution of the city council per acre for the gross area developed or constructed.
- Deleted: r
- Deleted: as
- Deleted: may otherwise require
- Deleted: stated
- Deleted: ¶
- Formatted: Strikethrough
- Deleted: for the cost of drainage facilities by payment by
- Deleted: in addition to payment of the drainage fee
- Deleted: and
- Deleted: os
- Deleted: e
- Deleted: drainage fee,
- Deleted: made from
- Deleted: the drainage fee fund
- Deleted: fund
- Deleted: by
- Deleted: e
- Formatted: Strikethrough
- Deleted: engineer
- Deleted: Intentionally deleted.
- Deleted: 9

The money obtained through payment of drainage fees, as provided for in this chapter may be used by the city to defray the cost of constructing storm drains and related facilities, and said funds shall be expended for repair, maintenance or installation of new drainage facilities, all to implement the master drainage plan, including repair, maintenance and upkeep of facilities already in place, whether or not those facilities are specifically included in the master drainage plan. The city may incur indebtedness for the construction of any drainage facility providing the sole source for repayment of such indebtedness shall be from the Drainage Fee Fund.  
(Code 1960, § 12.106; Ord. No. 71-4, 3-5-71)

**Sec. 15-69. Fees to connect to existing facilities.**

Subject to the provisions of section 66013 of the California Government Code, applicants requesting connection with existing drainage facilities shall be required to pay the drainage fee as provided for in this chapter.  
(Code 1960, § 12.107; Ord. No. 71-4, 3-5-71)

**Sec. 15-70. Applicability of fees.**

Drainage fees shall be imposed in the following cases:

(a) For low- and medium-density residential uses, any improvement, addition or major alteration to an existing structure or construction of an accessory structure, in any form, where the aggregate gross square footage of such improvement equals or exceeds fifty percent (50%) of the gross square footage of the structure as previously constructed.

(b) For high-density residential, commercial and industrial uses, any improvement, addition or major alteration to an existing structure or construction of an accessory structure, in any form, where the aggregate gross square footage of such improvement equals or exceeds fifty percent (50%) of the gross square footage of the structure as previously constructed, or any improvement, addition or major alteration to an existing structure or construction of an accessory structure, in any form, where the aggregate gross square footage of the improvement exceeds five thousand (5,000) gross square feet.

(c) In development of vacant land, construction of new structures, site redevelopment, or complete replacement of an existing structure or structures, regardless of the gross square footage of the previous or new structure.

(Code 1960, § 12.108; Ord. No. 71-4, 3-5-71; Ord. No. 72-23, § 2, 6-15-72)

**Sec. 15-71. Deposit of fees.**

Subject to the provisions of the Subdivision Map Act or sections 66000 through 66007 of the California Government Code, as applicable, a drainage fee paid in accordance with this chapter shall be deposited in the city treasury prior to the approval of the final tract or parcel map in the case of recorded map developments and at the issuance of a building permit in all other instances.

(Code 1960, § 12.109; Ord. No. 71-4, 3-5-71)

- Deleted: s
- Deleted: only
- Deleted: , including those not
- Deleted: d
- Deleted: f
- Deleted: f
- Deleted: 70
- Deleted: Applicants
- Deleted: 71
- Deleted: Exceptions from
- Deleted: No d
- Deleted: s
- Deleted: assessed
- Deleted: or collected
- Deleted: In the case of
- Deleted: does not
- Deleted: In the case of
- Deleted: does not
- Deleted: does not
- Deleted: the case of the
- Deleted: development
- Deleted: (a) The fee shall not be imposed on any construction on any parcel of land with a gross measurement of twenty thousand (20,000) square feet or less, irrespective of the cost of said construction.¶
- Deleted: (b) Any parcel of land over twenty thousand (20,000) gross square feet in size where the following conditions exist:¶
- Deleted: (1) The improvement consists of interior alterations, including electrical, plumbing, heating and ventilating.¶
- Deleted: (2) Any addition or major alteration to an existing building or construction of an accessory building, in any form, where the accumulated value of said improvement does not exceed the assessed valuation of the land and building as shown on the county assessor's current assessment roll.¶
- Deleted: (3) No parcel of land shall be assessed more than once for the drainage fee as provided for in this chapter, irrespective of change in ownership.¶
- Deleted: (c) Any parcel of land located within and a part of the territory of Red Hill Annexation No. 1, which said parcel of land is subject to the "Airport West Development" master plan of drainage, and which said parcel of land was ultimately annexed to the city as a (... [1])
- Deleted: 72
- Deleted: Fees shall be deposited in the city treasury prior to the approval (... [2])

**Sec. 15-73. Credits.**

~~Any parcel of land having installed thereon a drainage system which meets the master plan of drainage for the City of Costa Mesa shall be given a credit upon the fees assessed against said property as heretofore provided, and said credits shall be determined by the city engineer, in accordance with standard specifications of the City of Costa Mesa, and his findings shall be final.~~

~~(Code 1960, § 12.110; Ord. No. 71-4, 3-5-71; Ord. No. 74-52, § 2, 10-1-74)~~

**Sec. 15-72. Private facilities.**

Fees provided for, and the expenditures to be made from, the Drainage Fee Fund are to be applicable to those facilities as provided for in the master drainage plan including previously existing drainage structures and easements or public rights-of-way. Drainage facilities necessary within any development by reason of requirements of the city or the Uniform Building Code shall be at the sole expense of the developer, and funds obtained as provided for in this chapter shall not be expended therefor.

(Code 1960, § 12.111; Ord. No. 71-4, 3-5-71)

Secs. 15-75--15-85. Reserved.

Formatted: Strikethrough

Deleted: (a) Any parcel of land having been assessed for storm drain improvements prior to March 5, 1971, under Improvement Act of 1911 or Improvement Act of 1913 proceedings shall have as a credit on the drainage fee set forth in section 15-65 that portion of said improvement assessment per acre allocated to storm drains. Where said improvement proceedings included more than storm drains, the city engineer shall ascertain the assessment per acre allocated to storm drains in accordance with standard specifications of the City of Costa Mesa, and his findings shall be final.¶

(b)

Formatted: Strikethrough

Deleted: city engineer

Formatted: Strikethrough

Deleted: 4

Deleted: drainage

Deleted: f

Deleted: and

(a) The fee shall not be imposed on any construction on any parcel of land with a gross measurement of twenty thousand (20,000) square feet or less, irrespective of the cost of said construction.

(b) Any parcel of land over twenty thousand (20,000) gross square feet in size where the following conditions exist:

(1) The improvement consists of interior alterations, including electrical, plumbing, heating and ventilating.

(2) Any addition or major alteration to an existing building or construction of an accessory building, in any form, where the accumulated value of said improvement does not exceed the assessed valuation of the land and building as shown on the county assessor's current assessment roll.

(3) No parcel of land shall be assessed more than once for the drainage fee as provided for in this chapter, irrespective of change in ownership.

(c) Any parcel of land located within and a part of the territory of Red Hill Annexation No. 1, which said parcel of land is subject to the "Airport West Development" master plan of drainage, and which said parcel of land was ultimately annexed to the city as a part of the aforementioned annexation.

Fees shall be deposited in the city treasury prior to the approval of the final tract or parcel map in the case of recorded map developments and at the issuance of a building permit in all other instances.