

EXHIBIT A

Chapter 12.15
STORM DRAINAGE AND SURFACE WATER MANAGEMENT

12.15.015 Definitions.

For the purposes of this chapter, the following additional definitions apply:

- A. “Conveyance system nuisance problem” means a flooding or erosion problem that does not constitute a “severe flooding problem” or “severe erosion problem” and that results from the overflow of a constructed storm drainage system.
- B. “Director” means the Director of Engineering or duly authorized representative.
- C. “Homeowners' association” or “association” shall have the same definition as described in RCW 64.38.010.
- D. “Severe building flooding problem” means there is flooding of the finished floor area of a habitable building, or the electrical/heating system of a habitable building for runoff events less than or equal to a 100-year storm event.
- E. “Severe erosion problem” means there is an open drainage feature with evidence of or potential for erosion/incision sufficient to pose a sedimentation hazard to downstream conveyance systems or pose a landslide hazard by undercutting adjacent slopes. Severe erosion problems do not include roadway should rilling or minor ditch erosion.
- F. “Severe flooding problem” means a “severe building flooding problem” or a “severe roadway flooding problem.”
- G. “Severe roadway flooding problem” means there is flooding over all lanes of a roadway, or a sole access driveway is severely impacted, for runoff events less than or equal to the 100-year event. A severely impacted sole access driveway is one in which flooding overtops a culverted section of the driveway, posing a threat of washout or unsafe access conditions due to indiscernible driveway edges, or flooding is deeper than 6 inches on the driveway, posing a severe impediment to emergency access.

12.15.032 Fees.

A. Storm drainage and surface water management fees shall be as follows:

Land Use Category	2009	Basis
Residential per single unit (current)	\$191.15	Per dwelling unit
Duplex per duplex unit	\$246.59	Per duplex
Duplex/Condo	\$123.29	Per duplex/condo dwelling unit
Multifamily		
Minimum charge per parcel	\$0.000000	
Gravel rate per sq. ft.	\$0.054358	Per sq. ft. impervious
Pavement rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Building rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Mobile Home Parks		
Minimum charge per unit	\$105.50	Per occupied site, plus
Gravel rate per sq. ft.	\$0.054358	Per sq. ft. impervious
Pavement rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Building rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Office/Condo		
Minimum charge per unit	\$0.000000	
Building rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Vacant Undeveloped		
Minimum charge per parcel	\$0.000000	
Area charge per acre	\$0.000000	
Gravel rate per sq. ft.	\$0.054358	Per sq. ft. impervious
Pavement rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Building rate per sq. ft.	\$0.072477	Per sq. ft. impervious

Forest and Timberland

Minimum charge per parcel	\$0.000000	
Area charge per acre	\$0.000000	
Gravel rate per sq. ft.	\$0.054358	Per sq. ft. impervious
Pavement rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Building rate per sq. ft.	\$0.072477	Per sq. ft. impervious

State, County and Federal Highways

Gravel rate per sq. ft.	\$0.016248	Per sq. ft. impervious
Pavement rate per sq. ft.	\$0.021662	Per sq. ft. impervious

Roads (other than State/County/Federal)

Minimum charge per parcel	\$0.000000	
Gravel rate per sq. ft.	\$0.054358	Per sq. ft. impervious
Pavement rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Building rate per sq. ft.	\$0.072477	Per sq. ft. impervious

All Other Parcels

Minimum charge per parcel	\$0.000000	
Gravel rate per sq. ft.	\$0.054358	Per sq. ft. impervious
Pavement rate per sq. ft.	\$0.072477	Per sq. ft. impervious
Building rate per sq. ft.	\$0.072477	Per sq. ft. impervious

B. The annual surface water management fee shall be calculated based on impervious area and parcel status as of January 1st each year. The surface water management fee shall be due on or before April 30th of each year and shall be paid together with payment of real property tax upon the parcel, if any, and shall be delinquent thereafter. Provided, that if real property tax upon the parcel payable in that year exceeds \$30.00, and one-half of the tax, together with one-half of the surface water management fee provided by this section are paid on or before April 30th of such year, the remaining one-half of the fee shall be due and payable on October 30th, next following, or at the time of payment of the remaining tax on the parcel, whichever is earlier, and shall be delinquent

after that date. The surface water management fee shall be incorporated on the Pierce County Real Property Tax Statement.

C. Parcel characteristics affecting the surface water management fee which are altered after January 1st of any year shall not be the basis for recalculation of the fee until the next year.

(Ord. 538 § 1, 2008; Ord. 462 § 1, 2005; Ord. 427 § 1, 2004; Ord. 400 § 1, 2003; Ord. 355 § 1, 2002; Ord. 353 § 1, 2002; Ord. 328 § 1, 2001; Ord. 289 § 1, 2000; Ord. 256 § 1, 1999; Ord. 202 § 1, 1998).

12.15.034 Service Charge Credits.

A. Property owners with privately maintained storm drainage facilities meeting the criteria of this section may be eligible for a service charge credit. To qualify for ~~a service charge~~this credit, the following must be completed before October 1st of the year preceding the year for which the owner is requesting credit. Service charge credits as provided for in this section will become effective January 1st of the following year.

1. Credit will apply to all categories listed in this section.
2. To qualify for a credit, the owner of record shall provide ~~the city~~ engineering calculations to the city in accordance with design criteria acceptable to the city and “As Constructed Plans” stamped and signed by the owner’s engineer to verify that the drainage system has adequate capacity to meet the design criteria for which the owner is requesting a credit. The owner’s engineer shall prepare and stamp an operation and maintenance manual for the owner to follow in maintaining any drainage ~~pond~~facility. The city shall be provided a copy of the maintenance manual. New calculations, “As Constructed Plans,” and a maintenance and operation manual shall be prepared and stamped by the owner’s engineer if the drainage ~~pond~~facility is increased or decreased in size from the original credit request.
3. Annually, each owner of record shall provide to the city a certified statement by October 1st of the year preceding the year for which the owner of record is requesting credit on a form provided by the city verifying that all specified maintenance has been performed in accordance with the operation and maintenance manual prepared by the owner’s engineer ~~on the facility for the calendar year the credit is being requested~~. Once every five years, the certified statement shall be stamped and signed by the owner’s engineer.
4. Each owner of record shall provide a “hold harmless” statement on a form provided by the city that indemnifies the city from any loss incurred arising from the construction and maintenance

and operation of the owner's drainage facilities for both water quantity and quality runoff from the owner's property. This statement shall be signed by the owner and will be recorded with the county auditor by the owner of record. The owner of record shall provide the city a copy of the agreement with the county auditor recording number stamped on it before the application will be deemed completed.

5. Each owner of record must enter into an agreement with the city that allows the city to enter onto the owner's parcel to inspect the drainage facility and verify all information submitted by the owner and his/her engineer. The agreement form will be provided by the city. This agreement will be recorded with the county auditor by the owner of record. The owner of record shall provide the city a copy of the agreement with the county auditor recording number stamped on it before the credit application will be deemed completed.

6. Homeowners' associations comprised of a minimum of 20 properties may provide the documentation required in this section, and other such documentation as may be required by the Director, on behalf of those properties within the homeowners' association. Any submission by a homeowners' association must include a complete list of property owners' names and parcel numbers for any properties requesting the service charge credit.

7.6. The following credits shall apply to on-site improvements which in the opinion of the ~~city's community development d~~Director meet or exceed the following guidelines:

CREDIT PERCENTAGES

Retention <u>Infiltration</u> Facility	Percent Credit
100-year storage	25%
50-year storage	0 <u>15</u> %
25-year storage	0 <u>10</u> %
10-year storage	— <u>0</u> %
Detention Facility <u>Design Storm</u>	Percent Credit
100-year storage; release rate of 50% of predeveloped discharge rate for 2-year storm	25%

50-year storage; 2-year release	15%
25-year storage; 2-year release	10%
10-year storage; 2-year release	—0%

B. The annual service charge credit will be calculated by multiplying the annual ~~service charge~~surface water management fee by the applicable credit percentages when all ~~of~~ the conditions established for a service charge credit have been met.

In order to determine the credit percentage for a ~~retention/detention~~ facility, the following shall apply:

1. For a ~~retention/detention~~ facility whose year storage is not listed in this section, the next lower year storage category will be used.
2. The release rate shall be equal to or less than ~~a two-year release rate for a detention facility with a 10-, 25-, or 50-year storage. The release rate for a detention facility with a 100-year storage shall be equal to or less than 50 percent of the predevelopment discharge rate for a two-year storm.~~the predeveloped historic (forested) rates for each storm event up to the design event.
3. No credit shall be given for a ~~retention/detention~~ facility with less than a ~~10~~25-year storage.

~~C. The annual service charge shall be calculated based on impervious area and parcel status as of January 1st each year. The annual service charge shall be due and payable to the city of University Place on or before April 30th of each year and shall be paid together with payment of real property tax upon the parcel, if any, and shall be delinquent thereafter. Provided, that if real property tax upon the parcel payable in that year exceeds \$30.00, and one-half of the tax, together with one-half of the annual service charge provided by this section are paid on or before April 30th of such year, the remaining one-half of the annual service charge shall be due and payable on October 30th, next following, or at the time of payment of the remaining tax on the parcel, whichever is earlier, and shall be delinquent after that date. The service charge shall be incorporated on the Pierce County Real Property Tax Statement.~~

~~D. Parcel characteristics affecting the service charge which are altered after January 1st of any year shall not be the basis for recalculation of the service charge until the next year.~~

(Ord. 423 § 32, 2004; Ord. 256 § 2, 1999; Ord. 202 § 2, 1998).

12.15.035 Facility Improvement Credits.

A. Property owners constructing improvements to existing storm drainage facilities may be eligible for a facility improvement credit under this section. To qualify for this credit, the following must be completed before October 1st of the year preceding the year for which the owner is requesting credit. Facility improvement credits as provided for in this section will become effective January 1st of the following year.

1. Credits will apply to all improvements that provide public benefit as specified in this section.

2. To qualify for a credit, the owner of record shall provide to the city a description of the improvements and associated public benefit, documentation of improvement cost, and engineering calculations and "As -Built Plans" stamped and signed by the owner's engineer to verify that the drainage system improvement provides the benefit and meets the criteria for which the owner is requesting a credit. The owner's engineer shall prepare and stamp an operation and maintenance manual for the owner to follow in maintaining any drainage facility.

3. Annually, each owner of record shall provide to the city a certified statement by October 1st of the year preceding the year for which the owner of record is requesting credit on a form provided by the city verifying that all specified maintenance has been performed in accordance with the operation and maintenance manual prepared by the owner's engineer.

4. Each owner of record shall provide a "hold harmless" statement on a form provided by the city that indemnifies the city from any loss incurred arising from the construction and maintenance and operation of the owner's drainage facilities for both water quantity and quality runoff from the owner's property. This statement shall be signed by the owner and will be recorded with the county auditor by the owner of record. The owner of record shall provide the city a copy of the agreement with the county auditor recording number stamped on it before the application will be deemed completed.

5. Each owner of record must enter into an agreement with the city that allows the city to enter onto the owner's parcel to inspect the drainage facility and verify all information submitted by the owner and his/her engineer. The agreement form will be provided by the city. This agreement will be recorded with the county auditor by the owner of record. The owner of record shall provide the city a copy of the agreement with the county auditor recording number stamped on it before the credit application will be deemed completed.

6. Homeowners' associations comprised of a minimum of 20 properties may provide the documentation required in this section, and other such documentation as may be required by the Director, on behalf of those properties within the homeowners' association. Any submission by a homeowners' association must include a complete list of property owners' names and parcel numbers for any properties requesting the service charge credit.

7. The following credits shall apply to on-site improvements which in the opinion of the Director meet or exceed the following guidelines:

CREDIT PERCENTAGES

<u>Improvement Public Benefit</u>	<u>Percent Credit</u>
<u>Major benefit</u>	<u>75%</u>
<u>Moderate benefit</u>	<u>50%</u>
<u>Minor benefit</u>	<u>10%</u>

B. The annual facility improvement credit will be calculated by multiplying the annual surface water management fee by the applicable credit percentages when all of the conditions established for a facility improvement credit have been met.

In order to determine the credit percentage for an improvement, the following shall apply:

1. Improvements qualifying as a major benefit include improvements that eliminate a severe flooding problem, eliminate a severe erosion problem, provide water quality treatment to current standards for storm water draining to threatened or impaired water bodies, or any other improvement determined by the Director to be of comparable magnitude.

2. Improvements qualifying as a moderate benefit include improvements that eliminate a conveyance system nuisance problem, reduce the occurrence of severe erosion and/or flooding problems, provide water quality treatment to current standards for storm water draining to water bodies not included in paragraph 1 above, or any other improvement determined by the Director to be of comparable magnitude.

3. Improvements qualifying as a minor benefit include improvements that provide additional stormwater conveyance capacity and/or water quality benefits not included in paragraphs 1 and 2 above.

C. The credits set forth in this Section may be aggregated with those credits set forth in UPMC 12.15.034; provided however, that in the event that such credits exceed 100%, the credit shall be reduced to 100%.

D. The credits set forth in this Section shall be eligible for five (5) years up to the amount of the actual improvement cost attributed to each property.

12.15.070 Appeals

A. A property owner or applicant may appeal a determination relative to an application for a credit issued under authority provided by this chapter, as set forth in this section.

B. The notice of appeal shall be filed within 14 days of service of the determination.

C. The notice of appeal shall be filed with the City Clerk and contain the following: (1) be conspicuously identified as a notice of appeal; (2) set forth a brief statement setting forth the legal interest of the appellants; (3) the specific order or action protested, together with any material facts claimed to support the contentions of the appellants; (4) the relief sought, and reasons why it is claimed, and why the protested action or notice and order should be reversed, modified or otherwise set aside; (5) the signatures of all persons named as appellants, and their official mailing addresses; (6) the verification (by declaration under penalty of perjury) of each appellant as to the truth of the matters stated in the appeal. No fee shall be required for the filing of the notice of appeal.

D. As soon as practicable after receiving the written appeal, the City Clerk shall fix a date, time, and place for the hearing of the appeal by the Hearing Examiner. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing by the City Clerk, by mailing a copy addressed to each appellant at his or her address shown on the notice of appeal.

E. At the hearing, the appellant or appellants shall be entitled to appear in person, and to be represented by counsel and to offer such evidence as may be pertinent and material to the denial or to the notice and order. The technical rules of evidence need not apply.

F. Only those matters or issues specifically raised by the appellant or appellants in the written notice of appeal shall be considered in the hearing of the appeal.

G. Within 10 business days following conclusion of the hearing, the Hearing Examiner shall make written findings of fact and conclusions of law, supported by the record, and a decision which may affirm, modify, or overrule the denial or order of the City.

H. A decision by the Hearing Examiner under this chapter shall be final and conclusive unless within 21 days from the date of the decision, a party makes application to a court of competent jurisdiction for appropriate relief.