

13. AN ORDINANCE AND RESOLUTION ON STORMWATER.

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

READING OF ORDINANCE NO. 09-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO STORMWATER SERVICES, RATES, FEES AND CHARGES, ADDING A NEW CHAPTER, 10.30 STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY TO TITLE 10, PUBLIC SERVICES AND UTILITIES OF THE PULLMAN CITY CODE, AND AMENDING PCC 1.18.040 AND ORDINANCE NOS. 99-22 §1, 1999; 85-19 §1, 1985; AND 81-10 §3(2), 1981 AND OTHER MATTERS PROPERLY RELATED THERETO.

READING OF RESOLUTION NO. R-1-09

A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE STORMWATER UTILITY BASE RATE, THE STORMWATER FEE FOR UNDEVELOPED PROPERTY, AND APPEAL FEE PURSUANT TO THE PROVISIONS OF THE PULLMAN CITY CODE 10.30.

DISCUSSION

ACTION TAKEN

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: 01/06/09

### ACTION REQUESTED:

Adopt a Storm Drainage and Surface Water Management Utility Ordinance and a Stormwater Fee Resolution.

### BACKGROUND:

At the Council meeting on December 9, 2009, a Storm Drainage and Surface Water Management Utility Ordinance and a Stormwater Fee Resolution were presented to provide a program and revenue stream to comply with state and federal law expressed in the regulatory requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit for Eastern Washington. After presentations, public testimony, and much discussion among Council members and staff, Council failed to pass the ordinance. Staff was directed to revise the ordinance to provide for the inclusion of undeveloped property (pervious land) into the stormwater utility as the related criteria can be developed in order to more broadly spread the burden of financing the stormwater program and to bring the revised ordinance back to Council at the January 6, 2009 Council meeting. The attached ordinance has been so revised. The fee resolution has also been revised to provide for a fee for undeveloped property, even though said fee will be zero until such time as criteria can be developed and a subsequent fee resolution is adopted by Council.

### RECOMMENDATION:

Pass the attached ordinance creating a Storm Drainage and Surface Water Management Utility and adopt the attached resolution adopting a fee schedule for the Stormwater Utility Base Rate, the Stormwater Fee for Undeveloped Property, and Appeal Fee.

### FISCAL IMPACT:

\_\_\_\_\_  
\_\_\_\_\_  
BARS Code Number

### SUBMITTED BY:

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

### ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Ordinance 09-1
2. Resolution R-1-09

### REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>12/22/08</u>
City Supervisor	<u>JW</u>	<u>1-2-09</u>
City Attorney	_____	_____
(As to Form)		

S.R. #003

ORDINANCE NO. 09-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO STORMWATER SERVICES, RATES, FEES AND CHARGES, ADDING A NEW CHAPTER, 10.30 STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY TO TITLE 10, PUBLIC SERVICES AND UTILITIES OF THE PULLMAN CITY CODE, AND AMENDING PCC 1.18.040 AND ORDINANCE NOS. 99-22 \$1, 1999; 85-19 \$1, 1985; AND 81-10 \$3(2), 1981 AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, The Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities to implement stormwater management programs within prescribed time frames, and the Environmental Protection Agency (EPA), pursuant of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., has promulgated a Phase II rule that extends coverage under the National Pollutant Discharge Elimination System (NPDES) to certain small municipal separate stormwater sewage systems (MS4s), and the State of Washington Department of Ecology (Ecology) chose to include the City of Pullman (the City) in said program, compelling the City to apply for coverage under the NPDES Phase II municipal stormwater general permit; and

WHEREAS, the City applied for coverage under the NPDES Phase II municipal stormwater general permit on July 26, 2006; and

WHEREAS, Ecology's decision to include the City in the NPDES Phase II municipal stormwater general permit program now requires the City to regulate activities that impact stormwater quality; to operate and maintain a stormwater system; to protect surface water quality; to educate and involve the public in stormwater matters; and to provide for the planning, design and construction of necessary stormwater capital facilities; and

WHEREAS, in Washington State, the EPA has delegated primacy for the Federal Clean Water Act to the Washington State Department of Ecology; and

WHEREAS, Chapter 90.48 of the Revised Code of Washington (RCW) - the Water Pollution Control Act of Washington - establishes that it is the public policy of the state of Washington to maintain the highest possible standards to ensure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wild life, birds, game, fish and other aquatic life, and the

industrial development of the state, and to that end requires the use of all known available and reasonable methods to prevent and control the pollution of the surface waters of the state of Washington from discharges including those arising from stormwater runoff; and

WHEREAS, the City is required to comply with these applicable stormwater and surface water regulations under state law and implementation by the City of the stormwater pollution prevention programs required by these regulations is a necessary part of providing stormwater services and operating storm sewer systems and facilities; and

WHEREAS, the City is compelled, in order to remain in compliance with state law, to form a Storm Drainage and Surface Water Management Utility to regulate public and private activities that impact stormwater discharges, and to provide related facilities and services; assure compliance with federal and state storm drainage, surface water management, and water quality regulations; and

WHEREAS, the City is authorized to own and operate a Storm Drainage and Surface Water Management Utility, and to impose charges therefore, pursuant to RCW 35.67.010 - .020 and RCW 35.92.020; and

WHEREAS, the revenues to be generated by the charges set forth in this ordinance will be used solely for purposes of storm drainage and surface water management.

NOW, THEREFORE, the City Council of the city of Pullman do ordain as follows:

Section 1: There is hereby added a new Chapter 30 to Title 10 of the Pullman City Code entitled Storm Drainage and Surface Water Management Utility.

Section 2: There is hereby added a new section 10.30.010 to the Pullman City Code to read as follows:

10.30.010 Legislative Findings and Policy. The City Council finds, determines and declares that the streams, rivers, ponds, waterways, groundwater, and functionally related natural and manmade stormwater control facilities constitute a stormwater control facility.

The City Council finds, determines and declares that the public stormwater control facility including its administration, which provides for the collection, treatment, storage and disposal of stormwater, provides

benefits and services to all property within the incorporated City limits. Such benefits may include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality of the stormwater and its receiving waters. Ecology's decision to include the City in the NPDES Phase II municipal stormwater general permit program now requires the City of Pullman to implement local water quality protection activities and programs to reduce and control the potential to pollute surface waters and groundwaters by storm drainage originating on both public and private properties.

The City Council finds, determines and declares that development of lands alter both the amount of stormwater runoff and the amount of pollution contained in such runoff and that the variation in these two factors constitutes a fair way to determine the burdens imposed upon the system and the benefits of the services received by the customer from the pollution management and regulatory services and facilities provided by a utility for storm drainage and surface water management, and the customer's charges for management of such burdens and provision of such services and facilities.

The City Council finds, determines and declares that the amount of impervious surface, land use, and rainfall will determine the volume of runoff and the general level of pollution from a property, which has been well established in both engineering practice and water quality studies by the Environmental Protection Agency, the Washington Department of Ecology, the United States Geological Survey, the Natural Resources Conservation Service, and others. While the relationships established by the above studies are adequate to assign charges, the City Storm Drainage and Surface Water Management Utility may perform local studies and based upon the results of these, may adjust rates and charges in the future to more accurately reflect the burdens imposed by customer classes

within the City, including the relative burden and appropriate charge for undeveloped property.

The City Council finds, determines and declares that to fund the costs of storm drainage and surface water management in the City, it is appropriate to adopt service charges for stormwater users, with rates varying according to the services furnished, the burdens imposed or benefits received; and the character, use and stormwater runoff characteristics of the land.

Section 3: There is hereby added a new section 10.30.020 to the Pullman City Code to read as follows:

10.30.020 Creation of Storm Drainage and Surface Water Management Utility. Pursuant to RCW 35.67.010 - .020 and RCW 35.92.020, there is hereby created a City Storm Drainage and Surface Water Management Utility.

The Storm Drainage and Surface Water Management Utility, under the legislative policy, supervision and control of the governing body of the City, shall perform the following activities within the City:

- (1) Administer the acquisition, design, construction, maintenance and operation of the public stormwater and surface water system, including stormwater capital improvements designated in the capital improvement program;
- (2) Administer and enforce this ordinance and all regulations and procedures adopted thereto relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;
- (3) Advise the City's governing body and other City departments on matters relating to the utility;
- (4) Prepare and periodically revise, as determined by state and federal law, comprehensive stormwater management and drainage plans for adoption by the City's governing body;
- (5) Develop standards and ordinances relating to stormwater drainage and treatment to apply to new development and redevelopment;
- (6) Enforce regulations to protect and maintain water quality and quantity within the stormwater

and surface water system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;

- (7) Periodically analyze the cost of services and benefits provided to, and burdens imposed by, different classes of customers, and the system and structure of fees, charges, civil penalties and other revenues of the utility, and prepare budgets for adoption by the City's governing body; and
- (8) Perform all other activities allowable by law and required to ensure compliance with state and federal stormwater and surface water quality laws.

Section 4: There is hereby added a new section 10.30.030 to the Pullman City Code to read as follows:

10.30.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Base Rate" means the stormwater user's fee for an equivalent residential unit (ERU).
- (2) "City" means the City of Pullman, Washington, a municipal corporation created and existing under the laws of the state of Washington.
- (3) "Credit" means the extent to which utility customers meeting specified criteria are billed at a reduced fee, such reduction representing a fee credit. The fee credit is provided in recognition that those utility customers who meet the specified criteria provide an in-kind service or contribution that offsets a portion of the burdens on the stormwater system imposed by the credited parcel.
- (4) "Developed Property" means real property that has been altered from its undeveloped state by the creation or addition of impervious surface areas, such as buildings, structures, pavement or other improvements.
- (5) "Duplex, Tri-plex, and Four-plex" mean buildings designed and arranged exclusively for occupancy

in two (2), three (3), and four (4) separate dwelling units, respectively.

- (6) "Dwelling Unit" means a single unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (7) "Equivalent Residential Unit" or "ERU" means, and is equal to, 3,500 square feet of impervious groundcover, which approximates the average impervious surface area contained on single-family residential parcels within the City. An ERU is the unit of impervious groundcover to be used by the utility in calculating service charges for each parcel of property.
- (8) "Family" means either a "traditional" or "functional" household unit as defined in the Zoning Code in Chapter 17 of the Pullman City Code.
- (9) "Fee" or "Stormwater User's Fee" means the charge established under this ordinance for parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City.
- (10) "Finance Director" means the duly appointed Director of the City of Pullman Finance Department or his or her designee. The Finance Director may utilize the services of the Public Works Department as necessary to make decisions.
- (11) "Impervious Surface" means a surface which is covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.
- (12) "Impervious Surface Area" means the number of square feet of horizontal surface covered by buildings and other impervious surfaces.



- (13) "Multiple Family Dwelling Unit" means a building or portion thereof, containing five (5) or more separate dwelling units.
- (14) "National Pollutant Discharge Elimination System" or "NPDES" refers to the federal permit system under the Clean Water Act for discharges of pollutants to surface waters of the United States. Congress amended the Clean Water Act in 1987 to regulate stormwater. Under the revisions, NPDES Phase II permits are required for municipal stormwater discharges to surface waters.
- (15) "Nonresidential Parcel" means a parcel which has been developed for any purpose other than a single-family residence, duplex, tri-plex, or four-plex and includes, but is not limited to, commercial parcels, industrial parcels, parking lots, hospitals, schools, hotels, offices, churches, governmental parcels, mobile/manufactured home parks and multiple family dwelling units.
- (16) "Public Works Director" means the duly appointed Director of the City of Pullman Department of Public Works or his or her designee.
- (17) "Residential Parcel" means a parcel which has been developed as a single-family residence, a mobile/manufactured home on a separate parcel, and other parcels where the primary use is residential, including duplexes, tri-plexes, and four-plexes, but excluding all other apartment complexes.
- (18) "Single-Family Residence" means a parcel which has been developed with a residential structure designated for occupancy by one (1) family or household unit, including mobile homes and manufactured homes on a separate parcel.
- (19) "Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody.

- (20) "Stormwater Control Facility" means the streams, rivers, ponds, waterways, groundwater, and functionally related natural and manmade stormwater control facilities that combined constitute the City stormwater control facility.
- (21) "Stormwater Management Fund" or "Fund" means the fund created by this ordinance to operate, maintain, and improve the City's stormwater system.
- (22) "Storm Drainage and Surface Water Management" means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to stormwater.
- (23) "Stormwater and Surface Water System" or "Stormwater System" means all properties, interest, physical and intangible rights of every kind or nature owned, held or operated by the City, however acquired, insofar as they contribute to the management of storm or surface water. It shall further include without limitation, all such properties, interests and rights acquired by adverse possession or by prescription, directly or through another; in and to the drainage or storage, or both of storm or surface waters, or both; and through, under, or over lands, landforms, watercourses, streams, ponds and swamps. In each case or instance, their inclusion begins at a point where storm or surface waters first enter the stormwater control facility of the City within the City limits, and ends where storm or surface waters exit from the stormwater control facility of the City within the City limits, and in width to the full extent of inundation caused by the largest storm or flood condition.
- (24) "Storm Drainage and Surface Water Management Utility" or "Stormwater Utility" or "Utility" means the Storm Drainage and Surface Water Management Utility created by this ordinance as it may be amended from time to time.

(25) "Undeveloped Property" is property that has no improvements, generates little to no traffic, and generally exists in a natural state, thereby imposing less burden upon the system and receiving less benefit from the utility's services than developed property. This includes property used for agricultural crop production.

(26) "Waiver" means that determination by the Finance Director that a utility customer's property has met the criteria specified in PCC 10.30.120 of this chapter to receive a waiver from paying stormwater fees. Any waiver will require a showing that parcels that meet the specified criteria provide an in-kind service or contribution that offsets the burdens on the stormwater system imposed by the parcels subject to the waiver.

Section 5: There is hereby added a new section 10.30.040 to the Pullman City Code to read as follows:

10.30.040 Funding of Storm Drainage and Surface Water Management Utility. Funding for the Storm Drainage and Surface Water Management Utility's services and facilities may include, but not be limited to, the following:

- (1) Stormwater user's fees;
- (2) Civil penalties and damage assessments imposed for or arising from the violation of this ordinance;
- (3) Stormwater permit, development and/or inspection fees;
- (4) Revenue bonds and/or general obligation bonds; and
- (5) Other funds or income obtained from federal, state, local or private grants and/or loans.

Section 6: There is hereby added a new section 10.30.050 to the Pullman City Code to read as follows:

10.30.050 Stormwater Funds. All revenues generated by, or on behalf of the stormwater utility shall be deposited in the Storm Drainage and Surface Water Management Utility fund as established and maintained by the Finance Director. The revenue deposited into this account shall be used in accordance with state law and used only for the purposes of constructing, acquiring,

adding to, maintaining, replacing, conducting, operating, managing, regulating, and controlling the stormwater system, or to secure the payment of all or any portion of any issue of general obligation bond or revenue bond issued for such purposes, or for other legal purposes consistent with this ordinance.

Section 7: There is hereby added a new section 10.30.060 to the Pullman City Code to read as follows:

10.30.060 Operating Budget. The City Council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the established costs for operations and maintenance, capital improvement projects, and debt service.

Section 8: There is hereby added a new section 10.30.070 to the Pullman City Code to read as follows:

10.30.070 Reserve Account. An operating and emergency reserve account shall be maintained with the designated funds to provide for cash flow, emergencies and capital improvement project needs.

Section 9: There is hereby added a new section 10.30.080 to the Pullman City Code to read as follows:

10.30.080 Stormwater User's Fees Established. Except with respect to those parcels that are waived from paying fees as described in PCC 10.30.120 of this chapter and except for undeveloped property until related criteria and fees are established and adopted by resolution of the City Council, the City shall charge and collect from the owner of each and every property in the City a stormwater user's fee, which shall be set in the manner and amount as determined from time to time by resolution of the City Council. The purpose of this fee is to fund the Storm Drainage and Surface Water Management Utility.

Prior to establishing or amending stormwater user's fees, the City shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the City. The publication date of such advertisement shall meet public notice requirements of local and state laws.

Section 10: There is hereby added a new section 10.30.090 to the Pullman City Code to read as follows:

10.30.090 Equivalent Residential Unit.

- (1) Establishment. The equivalent residential unit (ERU) is hereby established for purposes of calculating the stormwater user's fee.

The ERU is the approximate average square footage of impervious surface area on a single-family residential parcel.

- (2) Setting the ERU. The ERU shall be set by the City Council from time to time by ordinance. The ERU is hereby set as 3,500 square feet. This value was determined through the measurement of impervious surface on a random sampling (average) of single-family residential parcels.
- (3) Source of ERU. The impervious surface area of developed property shall be determined through property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information.
- (4) Minimum Service Charge. Unless otherwise waived, the minimum charge for a developed property shall be based on 1.0 ERU.

Section 11: There is hereby added a new section 10.30.100 to the Pullman City Code to read as follows:

10.30.100 Property Classification for Stormwater User's Fee. As authorized by RCW Chapters 35.67 and 35.92, the City Council finds that variations in land use results in differences in the burdens imposed upon the stormwater system and the costs to serve such parcels. City parcels shall be differentiated from one another based upon the stormwater burdens imposed and the costs of City stormwater services.

- (1) Customer Classification. For purposes of determining the stormwater user's fees, owners of all parcels in the City are classified into one of the following general classes:
  - (a) Residential;
  - (b) Duplex, Tri-plex and Four-plex;
  - (c) Non-residential; and
  - (d) Undeveloped.

To reflect the burdens imposed upon the City stormwater system, parcels with facilities deemed to be more industrial or commercial in nature will have fees determined in the same

manner as the non-residential class regardless of the land use codes assigned by the City.

- (2) Residential Fee. The stormwater fee for residential parcels shall equal the base rate. The fee for commercial mobile/manufactured home parks and condominiums shall be determined using the same methodology as used for non-residential parcels.
- (3) Duplex, Tri-plex, and Four-plex Fee. The stormwater fee for a duplex, tri-plex and four-plex shall equal one half the base rate multiplied by the number of dwelling units.
- (4) Non-residential Fee. Owners of developed non-residential parcels shall pay a stormwater fee equal to the base rate multiplied by the numerical factor obtained by dividing the estimated total impervious surface area of the parcel by one ERU. The minimum stormwater fee for developed non-residential parcels shall equal the base rate for residential parcels.
- (5) Undeveloped Fee. The stormwater fee for undeveloped property shall be based on criteria to be developed and adopted by resolution of the City Council.

Section 12: There is hereby added a new section 10.30.110 to the Pullman City Code to read as follows:

10.30.110 Base Rate and Appeal Fee Establishment and Review.

- (1) Base Rate. The base rate for services to utility customers and the stormwater fee for undeveloped property shall be determined from time to time by resolution of the City Council. The effective date for such rates shall be established as set forth in the appropriate resolution of the City Council.

The utility base rate schedule and fees set by resolution of the City Council shall be reviewed periodically and revised as necessary to reflect any changes in operation and capital costs and to ensure fair funding of the program.

- (2) Appeal Fee. The appeal fee shall be calculated to provide adequate revenues to cover all costs

associated with the review and processing of requests for adjustment to customer charges as described in PCC 10.30.150 of this chapter. The appeal fee shall be determined from time to time by resolution of the City Council. The effective date for such fees shall be established as set forth in the appropriate resolution of the City Council.

The appeal fee set by resolution of the City Council shall be reviewed periodically and revised as necessary to ensure fair and full recovery of costs for review and processing of appeals.

Section 13: There is hereby added a new section 10.30.120 to the Pullman City Code to read as follows:

10.30.120 Adjustments to Stormwater User's Fees.

Credits allowed under this section may be cumulative, to a maximum of 20 percent. Credits or waivers granted by the Finance Director will become effective the billing month or cycle following the approval of the credit or waiver. Credits or waivers are not retroactive to current or prior billings and are only in effect beginning with the next billing cycle. Credits or waivers may be in effect for multiple future billing cycles provided that ongoing qualifying criteria are met. The Finance Director will take such time as necessary to process requests for credits or waivers in an orderly fashion.

- (1) Credits for Properties Covered by Industrial or Municipal Stormwater Permits. The City Council recognizes that some parcel owners have been required or will be required to obtain coverage under a separate NPDES stormwater permit, which authorizes stormwater discharges associated with certain industrial or municipal activities. The City Council further recognizes that such permit holders are required to develop extensive stormwater management programs, which, when properly implemented, can reduce the discharge of pollutants into the public stormwater and surface water system and aid the City in controlling the overall effects of stormwater pollution. Parcels or portions of parcels that

meet one of the criteria listed below, to the Finance Director's satisfaction, shall receive a reduction of 20% from the annual fee charged under PCC 10.30.110 as currently enacted or hereafter amended for that portion of the parcels covered under an applicable NPDES stormwater permit.

(a) Any parcel that has an active and valid NPDES Industrial Stormwater Permit. A copy of the permit and the Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Finance Director.

(b) Any parcel that has an active and valid NPDES Municipal Stormwater Permit. A copy of the permit and current version of the Stormwater Management Plan (SWMP) shall be provided to the Finance Director.

The property owner is responsible for providing all documentation necessary to demonstrate compliance with the above requirements. In the event that an applicable NPDES stormwater permit addresses only a portion of the total parcel, the credit will be applied to only that affected portion. Non-residential category property owners receiving credits shall agree to allow the City to periodically inspect/review any applicable on-site stormwater facilities and/or stormwater management activities conducted by permit holders. Failure to comply with these provisions may be cause for termination of the adjustment authorized by this section.

(2) Credit for Rainwater Harvesting Systems.

(a) Per RCW 35.67.020 (3), owners of new or remodeled commercial/industrial/institutional class buildings that utilize a properly constructed and maintained permissive rainwater harvesting system shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the building upon which the system is used.

(b) Customers desiring this credit shall apply to the Finance Director and shall submit



engineering design and operational information as deemed necessary by the Finance Director to make their evaluation and decision. The Finance Director will consider additional credit in excess of 10%, up to a maximum of 20%, based upon the amount of rainwater harvested. Rainwater harvesting and beneficial reuse of the runoff is found by the City Council to both reduce the burden imposed upon the system by the building by reducing runoff and to also have other beneficial water quality effects such as reduced consumption of potable water.

(3) Credits for Stormwater Best Management Practices.

- (a) Owners of non-residential class properties that utilize a properly constructed and maintained stormwater best management practice designed in accordance with City of Pullman Design Standards to control flow (i.e. detention pond) shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the impervious surface area from which the practice receives runoff.
- (b) Owners of non-residential class properties that utilize a properly constructed and maintained stormwater best management practice designed in accordance with City of Pullman Design Standards to treat stormwater quality (i.e. bio-filtration) shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the impervious surface area from which the practice receives runoff.
- (c) Customers desiring this credit shall apply to the Finance Director and shall submit engineering design and operational information as deemed necessary by the Finance Director to make an evaluation and decision. Properties that employ stormwater best management practices that control flow and improve water

quality are found by the City Council to reduce the burden imposed upon the system.

- (4) Credits for Schools Participating in Stormwater and Surface Water Education. The City Council finds that many of the concerns about stormwater quality are created by a general lack of knowledge about the relationship between human activities and the health of the environment. The City Council also finds that Public and Private schools can provide regional benefits to the City's Stormwater and Surface Water Management Program by carrying out certain types of educational and community activities related to protection and enhancement of surface water, groundwater, and stormwater quality. Kindergarten through grade 12 schools that are in compliance with all requirements for their own stormwater facilities, and that are carrying out surface water, groundwater, and stormwater quality educational and community activities in cooperation with the City may apply to the Finance Director for a credit, up to a maximum of 20%, towards their stormwater fees. The amount of an approved credit shall depend upon the nature and extent of the programs and activities being performed. Schools shall pay the full charge under PCC 10.30.110 as currently enacted or hereafter amended until such time as a credit is granted by the Finance Director.
- (5) Waiver of Utility Fees for Certain Property. The Finance Director shall waive stormwater and surface water utility fees for a parcel falling within the following special categories of property upon a showing that the parcel meets the following applicable criteria for so long as the criteria are met:
- (a) Fees shall be waived for streets, City rights-of-way, and airport runways and taxiways provided that the City transportation system continues to be an integral component of the City stormwater control facility.

- (b) Fees shall be waived for municipal parks, public trails and bike paths so long as their owners cooperate with the utility in the provisions of educational services and water quality control efforts. Parks, trails and bike paths have minimal intensity of impervious development and provide opportunities for natural resource education and development of an appreciation for water quality.

Section 14: There is hereby added a new section 10.30.130 to the Pullman City Code to read as follows:

10.30.130 Property Owners to Pay Fees. The owner of each non-waived parcel within the boundaries of the City, as they now exist or as they may be hereafter amended, shall pay the stormwater user's fee and charges as provided in this chapter. Property owners seeking credits or waivers shall pay the full fee until such time that the credit or waiver is granted by the Finance Director, after which reduced fees will be applied.

Section 15: There is hereby added a new section 10.30.140 to the Pullman City Code to read as follows:

10.30.140 Billing Procedures and Penalties for Late or Non-Payment. The fees and charges as herein provided for shall be computed and billed on a monthly basis, except that, with concurrence of the City, said fees and charges for parcel owners required to obtain coverage under a separate NPDES Municipal Stormwater Permit and owners of undeveloped property, may be computed and billed on an annual basis with said fees and charges due on July 1 of each year. All parcels which are currently served by any City utility services and are within the City shall be assessed their monthly fees and charges each month through their utility account. Parcels not being served by any City utility service (i.e. no water meter) will have new accounts created for stormwater service as needed. If one piece of property is served by more than one account, only one account will be charged stormwater rates for each piece of property, on a case-by-case basis. Property may be charged stormwater rates regardless of use of other City utility services. The charges shall be due on or before the date of billing and shall become delinquent

thereafter if not paid by the thirtieth day following the date of billing.

Collection of delinquencies, interest, penalty, and costs of collection for delinquent utility service charges provided for herein shall be charged interest on the delinquent balance at the rate of eight percent (8%) per annum, computed on a monthly basis. The Finance Director may excuse delinquencies of less than thirty (30) days.

For parcels without City water service, if payment has not been made before delinquency, as set forth above in this Section, the City may submit the delinquent amount to a collection agency per the City's standard collection procedures as determined by the Finance Director and at the Finance Director's discretion.

For parcels with City water service, if payment has not been made before delinquency, as set forth above in this Section, the city shall take the following steps to notify the user and if necessary terminate stormwater service by shutting off water service to any delinquent user:

- (1) On or about the tenth day following the date of delinquency, the finance department shall give notice reasonably calculated under all the circumstances to apprise the user that:
  - (a) the user is delinquent in payments;
  - (b) water service will be shut off if the user is still delinquent in payment of stormwater charges thirty days after the date of delinquency;
  - (c) the user has the right to protest the billing and appeal the amount due to the Finance Director;
  - (d) if the user does not request a hearing with the Finance Director, or his/her designee, within thirty days following the date of delinquency and does not pay the delinquent amount or amounts due in full within this same period or any extensions thereof resulting pursuant to the provisions of 10.30.140(3), the stormwater service will be terminated by shutting off water service to that user.

- (2) If the user requests a hearing on the amount due, a hearing must be held, and the user given an opportunity to be heard. The Finance Director must thereafter determine the amount due and owing and inform the user.
- (3) The user shall be given ten (10) days to pay the amount determined by the Finance Director to be owing. If the amount owing has not been paid within ten days, stormwater service may be shut off by shutting off water service.
- (4) Water service shall be restored if full payment of all amounts owing plus a turn-on charge as authorized in the City Water Utility Code, Section 10A.35.040(1) is made.
- (5) If water service is to be cut off from a known rental unit where the tenant is not the person or entity responsible for paying for stormwater use or stormwater charges as shown on the records of the city finance department then, prior to termination of service for nonpayment and after the city has satisfied the procedures of this Section 10.30.140, the city shall place upon the premises at least five days prior to the scheduled cutoff of service such notice as is reasonably calculated to inform the tenant or tenants of the proposed cutoff of service.
- (6) The city of Pullman or any of its officers or employees shall not be liable for any damages that may occur because of water service being cut off pursuant to the provisions of this Chapter.
- (7) "Notice reasonably calculated under all the circumstances to apprise the user," as used in Pullman City Code Section 10.30.140(1), includes at the minimum, written notice to the user and the owner, if the owner is not the user, and the owner has so informed the city finance department. In addition, the city shall place upon the premises at least five days prior to the scheduled cutoff of service, notice which informs the user of the proposed cutoff of

service, and the opportunity to protest the proposed cutoff in a meaningful manner.

- (8) If termination of water service proves ineffective at securing the delinquent amount, then the City may pursue collection procedures in a manner consistent with delinquent parcels with no water service.

Section 16: There is hereby added a new section 10.30.150 to the Pullman City Code to read as follows:

10.30.150 Appeals of ERU Determination. If an owner of a non-residential parcel subject to this chapter, or other responsible party, believes the ERU applied to their property is incorrect or otherwise disagrees with the utility rate determination; or if an owner of undeveloped property subject to this chapter, or other responsible party, believes the stormwater fee applied to their property is incorrect or otherwise disagrees with the stormwater fee determination; the owner may appeal the correctness of the ERU or stormwater fee to the Finance Director, or his/her designee, within thirty (30) calendar days of the initial mailing of the billing for the fee. Such appeals shall be in writing and shall specify the grounds of the appeal and the requested remedy and shall include a non-refundable appeal fee. The Public Works Director, or his/her designee, shall work with the Finance Director to resolve appeals. Upon resolution of the appeal, an appropriate adjustment to the ERU will be made accordingly. Decisions of the Finance Director regarding such appeals shall be final.

Section 17: There is hereby added a new section 10.30.160 to the Pullman City Code to read as follows:

10.30.160 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

Section 18: Pullman City Code 1.18.040 and Pullman Ordinance Nos. 99-22 §1, 1999; 85-19 §1, 1985; 81-10 §3(2), 1981 are each hereby amended to read as follows:

1.18.040 Director--Duties. The director shall have the following duties:

- (1) Supervise and direct all employees of the department;
- (2) Advise the city supervisor and the City Council on all matters within the jurisdiction of the department of public works;
- (3) Authority to delegate the responsibility to division heads to issue all permits, certificates, orders, and notifications resulting from decisions on the ordinances administered by the department;
- (4) Coordinate and supervise physical inspections made by the department;
- (5) Process all subdivision plats and make recommendations to the City Council on such plats;
- (6) Serve as the ex officio building official;
- (7) Enforce all laws and ordinances in the city relating to the construction, repair, or alteration of buildings or structures and the use of streets, parkways, alleys, or other public rights-of-way in connection therewith; and make or cause to be made all inspections needed for that purpose;
- (8) Have charge of and supervision over all public works property of the city including all streets, utilities, sidewalks, and other property of the city not specifically assigned to any other city department;
- (9) Have charge of and be responsible for the care and maintenance of the water system, the sanitary sewer system and disposal plant, the stormwater and surface water system and stormwater control facilities, the street lighting system and all streets and sidewalks and drainage thereof;
- (10) All construction, repair, or extension of any pavement, building, sewer, or lighting system, water mains, and any appurtenance thereto and all other construction, repair, or maintenance work conducted by the city shall be done under the supervision of the director unless specific direction to the contrary is made by the City Council;
- (11) The director of public works shall also have charge of and be responsible for the maintenance of all motor vehicles, trucks, and other equipment of the city; which responsibilities, however, may be

delegated to the superintendent of transportation. The director shall have charge and responsibility for the building and places in which the motor vehicles and other equipment are stored;

- (12) The director shall attend meetings of the City Council at the request of the Council, mayor, or city supervisor. He shall make such reports to the City Council through the city supervisor as may be required. He shall also make recommendations for ordinances or resolutions respecting the public works department whenever he is so requested or whenever he deems it advisable or necessary;
- (13) Such other duties as prescribed by ordinance or state law.
- (14) Administer floodplain, shoreline codes and environmental laws with the assistance of the department of planning.

Section 19: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

PASSED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

SIGNED by the Mayor in Authentication and Approval Thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor  
ATTEST:

\_\_\_\_\_  
Finance Director

Approved as to form:

\_\_\_\_\_  
City Attorney

Summary Published:\_\_\_\_\_



RESOLUTION NO. R- 1 -09

A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE STORMWATER UTILITY BASE RATE, THE STORMWATER FEE FOR UNDEVELOPED PROPERTY, AND APPEAL FEE PURSUANT TO THE PROVISIONS OF THE PULLMAN CITY CODE 10.30.

WHEREAS, the City Council for the city of Pullman has adopted, by Ordinance No. 09- 1 , the provisions of Pullman City Code 10.30, Storm Drainage and Surface Water Management Utility; and,

WHEREAS, pursuant to the provisions of Pullman City Code 10.30.110(1) and 10.30.110(2), the City Council is to set by resolution a base rate and a fee for undeveloped property to reflect operation and capital costs and to ensure fair funding and an appeal fee to provide adequate revenues to cover all costs associated with the review and processing of requests for adjustment to customer charges; now therefore,

BE IT RESOLVED by the City Council for the city of Pullman that the following fee schedule is hereby adopted for the stormwater utility base rate, the stormwater fee for undeveloped property, and appeal fee required pursuant to the provisions of Pullman City Code 10.30, to-wit:

PCC SECTION	TYPE	AMOUNT	EFFECTIVE DATE
10.30.110(1)	Base Fee	\$3.00	2/1/2009
10.30.110(1)	Base Fee	\$5.00	2/1/2010
10.30.110(1)	Base Fee	\$7.00	2/1/2011
10.30.110(1)	Fee for undeveloped property	\$0.00	N/A
10.30.110(2)	Appeal Fee	\$50.00	8/1/2009

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the fee schedule shall become effective as noted herein, and shall remain in effect until the effective date of any subsequent revisions of the fee schedule.

ADOPTED by the City Council of the City of Pullman at the regular meeting this \_\_\_\_ day of \_\_\_\_\_, 2009.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor  
ATTEST:

\_\_\_\_\_  
Finance Director

Approved at to form:

\_\_\_\_\_  
City Attorney

14. A RESOLUTION TO PETITION THE GOVERNOR FOR RELIEF RELATING TO STORMWATER.

\_\_\_\_\_  
\_\_\_\_\_  
STAFF REPORT\_\_\_\_\_

\_\_\_\_\_  
QUESTIONS FROM COUNCIL ON STAFF REPORT\_\_\_\_\_

\_\_\_\_\_  
READING OF RESOLUTION NO. R-2-09\_\_\_\_\_

A RESOLUTION RELATING TO STORMWATER AND PETITIONING THE GOVERNOR OF THE STATE OF WASHINGTON FOR RELIEF.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DISCUSSION\_\_\_\_\_

\_\_\_\_\_  
ACTION TAKEN\_\_\_\_\_

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: 01/06/09

### **ACTION REQUESTED:**

Adopt a resolution petitioning the Governor for relief from stormwater regulations.

### **BACKGROUND:**

At the December 9, 2008 Council meeting, a suggested resolution was presented by Councilman Waldrop relating to the issue of stormwater in the City of Pullman and petitioning Governor Christine Gregoire to exercise her executive authority to intervene on the City's behalf. The suggested resolution was directed to staff for factual and legal review, which has now been accomplished. The resolution now more accurately states the amount of precipitation experienced in Pullman, the relationship between stormwater and flooding, the relationship between Pullman's designation as a "Bubble City" and its inclusion in the Municipal Stormwater Permit, and the recognition that stormwater charges are fees and not taxes. Also included in the resolution by staff is a statement that Pullman has been requiring stormwater best management practices in the form of detention, biofiltration, and erosion control for construction sites for over 20 years and a statement that water quality impacts from stormwater can adequately be addressed in ongoing TMDL implementation plans.

### **RECOMMENDATION:**

Adopt the attached resolution relating to stormwater and petitioning the Governor of the State of Washington for relief.

### **FISCAL IMPACT:**

\_\_\_\_\_  
BARS Code Number

### **SUBMITTED BY:**

### **ATTACHMENTS FOR COUNCIL REVIEW/ACTION:**

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

1. Resolution No. R-2-09

### **REVIEWED BY:**

	Initial	Date
Department Head	<u>MW</u>	<u>12/22/08</u>
City Supervisor	<u>JSD</u>	<u>1-2-09</u>
City Attorney	_____	_____

(As to Form)

S.R. #004

A RESOLUTION RELATING TO STORMWATER AND PETITIONING THE GOVERNOR OF THE STATE OF WASHINGTON FOR RELIEF.

WHEREAS, the economy of the state of Washington and the nation has changed radically since the subject of stormwater regulation was thrust upon the city of Pullman; and,

WHEREAS, Pullman's average annual precipitation is only 22 inches; and,

WHEREAS, there has been no stormwater resulting in flooding of rivers and creeks in Pullman since 1998; and,

WHEREAS the city of Pullman has required new development to provide stormwater detention and treatment as well as construction erosion control for more than 20 years; and,

WHEREAS, any water quality impacts caused by stormwater can be adequately addressed in ongoing TMDL implementation plans; and,

WHEREAS, the Washington Department of Ecology has nonetheless determined that Pullman's stormwater is impairing streams that flow through Pullman; and,

WHEREAS, the Washington Department of Ecology has determined that Pullman, as a "Bubble City", should be subject to the NPDES Phase II Municipal Stormwater Permit for Eastern Washington; and,

WHEREAS, this determination requires that Pullman create a stormwater utility and charge its citizens almost \$1 million each year to fund said utility; and,

WHEREAS, thousands of acres of agricultural land surrounding and downstream of Pullman drain into the Palouse River and its tributaries, as does Pullman, and are not subject to stormwater regulation; and,

WHEREAS, the runoff from this agricultural land is highly turbid and overwhelms the nominal contributions from Pullman's stormwater system; and,

WHEREAS, any and all stormwater remedial and/or abatement actions taken by Pullman are not anticipated to be scientifically measurable at Palouse Falls (the furthest point upstream that fish can migrate in the Palouse River) and probably not even measurable at Colfax, Washington, the nearest city downstream on the South Fork of the Palouse; and,

WHEREAS, this stormwater regulation is yet another unfunded mandate of the state of Washington; and,

WHEREAS, this stormwater regulation does not pass a reasonable cost/benefit test; and,

WHEREAS, this stormwater regulation and associated charges to fund same will have a substantial dampening effect on development, business and employment in this border city; and,

WHEREAS, Pullman's inclusion as a "Bubble City" in the NPDES Phase II Municipal Stormwater Permit for Eastern Washington is an example of regulatory excess for which government is so frequently criticized; and,

WHEREAS, economists confirm that both the state of Washington and the nation are now in a recessionary spiral; and,

WHEREAS, the imposition on Pullman of an unneeded, costly and unfunded stormwater mandate at this time is economically and politically unwise and an example of wasteful government spending of scarce resources entrusted to the state and its lesser jurisdictions; now, therefore,

IT IS HEREBY RESOLVED that the City Council of the city of Pullman does hereby petition the Governor of the state of Washington, Christine Gregoire, to exercise her executive authority to intervene in this matter and direct the Department of Ecology to negate Pullman's unwarranted inclusion as a "Bubble City" in the NPDES Phase II Municipal Stormwater Permit for Eastern Washington.

BE IT FURTHER RESOLVED that if the above requested remedial action is not possible, that the referenced stormwater regulation be deferred, pending full funding by the state of Washington.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Director

Approved as to form:

\_\_\_\_\_  
City Attorney

15. A RESOLUTION APPROVING THE FINAL PLAT OF LOST TRAIL TOWNHOMES SUBDIVISION.

\_\_\_\_\_  
\_\_\_\_\_  
STAFF REPORT\_\_\_\_\_

\_\_\_\_\_  
QUESTIONS FROM COUNCIL ON STAFF REPORT\_\_\_\_\_

\_\_\_\_\_  
READING OF RESOLUTION NO. R-3-09\_\_\_\_\_

A RESOLUTION APPROVING THE FINAL PLAT OF LOST TRAIL TOWNHOMES SUBDIVISION AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO SIGN THE FINAL PLAT.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DISCUSSION\_\_\_\_\_

\_\_\_\_\_  
ACTION TAKEN\_\_\_\_\_

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: 01/06/09

### **ACTION REQUESTED:**

Accept the final plat of Lost Trail Townhomes Subdivision and authorize the Mayor and Finance Director to sign the final plat.

### **BACKGROUND:**

Lost Trail Townhomes Subdivision is a replat of approximately 3.59 acres of a portion of Whispering Hills Subdivision No. 1 into 20 townhouse building lots, open space, easements, and street right of way (Selway Lane). The location of this property is south of Wawawai Road and north of Lost Trail Drive on Sunnyside Hill. The preliminary plat for this subdivision was approved by Council on April 8, 2008 by Resolution R-35-08 with three conditions, all of which will be satisfied with the completion of the related improvements.

To guarantee the completion of the construction of improvements for Lost Trail Townhomes Subdivision and to appropriately warrant the maintenance of improvements, the developer has been notified of the security that will be required. A copy of that Letter of Direction is attached for reference.

### **RECOMMENDATION:**

Adopt the attached resolution approving the final plat of Lost Trail Townhomes Subdivision and authorizing the Mayor and Finance Director to sign the final plat.

### **FISCAL IMPACT:**

\_\_\_\_\_  
\_\_\_\_\_  
BARS Code Number

### **SUBMITTED BY:**

### **ATTACHMENTS FOR COUNCIL REVIEW/ACTION:**

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

1. Resolution No. R-3-09
2. Letter of Direction

### **REVIEWED BY:**

	Initial	Date
Department Head	<u>MW</u>	<u>12/24/08</u>
City Supervisor	<u>JOS</u>	<u>1-2-09</u>
City Attorney	_____	_____
(As to Form)		

RESOLUTION NO. R- 3 -09

A RESOLUTION APPROVING THE FINAL PLAT OF LOST TRAIL TOWNHOMES SUBDIVISION AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO SIGN THE FINAL PLAT.

WHEREAS, the City Council approved the preliminary plat for Lost Trail Townhomes Subdivision per Council Resolution No. R-35-08; and,

WHEREAS, the City Council finds that the final plat for Lost Trail Townhomes Subdivision is in conformance with the preliminary plat and that the public use and interest will be served by the proposed subdivision; and,

WHEREAS, the City director of public works has indicated that all requirements of state and local law in regards to the final plat have been met; now, therefore,

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the Final Plat of Lost Trail Townhomes Subdivision attached hereto as Exhibit "A" is approved and the dedications made thereon are acceptable to the City Council.

BE IT FURTHER RESOLVED that the Mayor and finance director are hereby authorized and directed to sign the Final Plat.

ADOPTED by the City Council of the City of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Director

Approved as to form:

\_\_\_\_\_  
City Attorney



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WHITMAN COUNTY, STATE OF WASHINGTON,  
CITY OF PULLMAN

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the study. The investigator must first identify the problem and then determine the scope of the study. The next step is to design the study. This involves determining the variables to be studied and the methods to be used. The third step is to collect data. This is done by the investigator who is responsible for the study. The data is then analyzed and the results are reported.

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 08-14-2010 BY 60322 UCBAW/SJS

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the following information is being furnished to you in response to your request for information under the provisions of the Freedom of Information Act, 5 U.S.C. 552, et seq. (Public Law 92-504). This information is being furnished to you in accordance with the provisions of 5 U.S.C. 552, et seq. (Public Law 92-504) and is being furnished to you in accordance with the provisions of 5 U.S.C. 552, et seq. (Public Law 92-504).

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RECEIVED AT THE OFFICE OF THE SECRETARY OF THE ARMY, WASHINGTON, D. C., MAY 10, 1918.

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 PAGE 4

**ADDRESS: (PRINT)**  
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**POSTAL CHECKS ONLY**

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WASHINGTON, D.C. 20250

I hereby certify that all communications and other data in this  
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IN PRESENCE OF: Charles W. King  
Secretary

**CITY ATTORNEY**  
Approved by the Public City Council at its regular meeting of \_\_\_\_\_  
by Resolution No. \_\_\_\_\_  
DATE \_\_\_\_\_

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**Special Agent in Charge**  
U. S. DEPARTMENT OF JUSTICE  
WASHINGTON, D. C. 20535

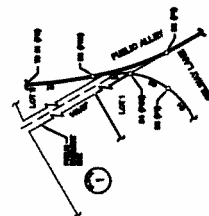
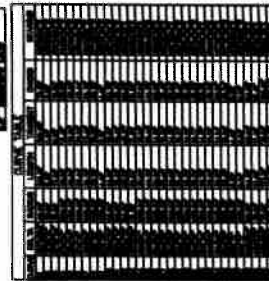
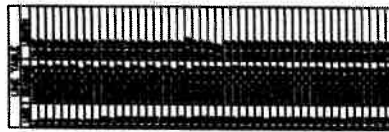
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**ASSIGNMENT OF INTEREST**

Please be assured this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
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**SPECIAL CREDIT ADVISORY**

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PROPOSED CENTER LINE	PROPOSED EASEMENT
EXISTING CENTER LINE	EXISTING EASEMENT
EXISTING POWER AND TELEPHONE EASEMENT	EXISTING RIGHT OF WAY
PLAT BOUNDARY	

7	8	CONSUMER MOTIVE
REC2	REC3	RECOGNITION
ME	MEASURES	
PC	POINT OF CURVATURE	
PT	POINT OF TANGENCY	
POC	POINT ON CURVE	
POC	POINT OF INCREASE CURVATURE	

1. [4] 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 8

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# CITY OF PULLMAN

## Public Works and Planning Departments

325 S.E. Paradise Street, Pullman, WA 99163  
(509) 338-3220 or (509) 338-3213 Fax (509) 338-3282  
[www.pullman-wa.gov](http://www.pullman-wa.gov)

### ***LETTER OF DIRECTION***

**TO:** Copper Basin Construction, Inc. (Developer)  
**FROM:** Mark Workman, Public Works Director (Director)  
**RE:** Lost Trail Townhomes Subdivision (Subdivision)  
**DATE:** December 17, 2008

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Prior to recording of the final plat for the Subdivision, the Developer shall provide the City of Pullman (City) security in the form of a letter of credit toward the completion of construction of all improvements for the Subdivision as shown on the improvement drawings for the Subdivision approved on September 20, 2007. The amount of said security is to be equal to the value of improvements not constructed and approved as of this date, which is hereby established to be \$12,980.00. The form of the letter of credit shall be as approved by the City. The Developer shall construct all required public works improvements within a period of one year of the date of approval of the final plat, i.e., by January 6, 2010, except for sidewalks, which shall be completed within a period of three years of the date of approval of the final plat. All work shall be constructed in conformance with the approved plans and the City of Pullman Standard Construction Specifications and Design Standards to the satisfaction of the Director. Failure to complete said improvements by the noted completion dates will constitute sufficient grounds for the City to foreclose on said letter of credit and to cause all remaining improvements to be completed utilizing the proceeds from said letter of credit to pay for the work. The decision of whether or not to foreclose on said letter of credit as described shall be the Director's.

On acceptance by the Director of all required work as shown on the improvement drawings for the Subdivision, with the possible exception of the sidewalks, warranty security shall be furnished to the City by Developer in the amount of 10% of the total of the estimated cost of all work as maintenance security. The amount of said security is hereby established as \$12,980.00. The purpose of this maintenance security is to guarantee and warrant the public works improvements for a period of one year against defective workmanship and/or materials and to secure payment to all contractors and subcontractors performing work on the Subdivision improvements. If all required sidewalks are not

constructed at this time, performance security shall concurrently be provided to warrant the construction of said remaining sidewalks. The maintenance security and performance security, if provided, shall be cash or a bond, letter of credit, or certificate of deposit in a form acceptable to the City.

Occupancy of any structure in this development will only be allowed when, in the sole opinion of the Director, adequate infrastructure; including but not necessarily limited to water, sewer, storm drainage, electricity, natural gas, and streets; has been provided.

Modifications to the conditions contained herein, such as substituting forms or amount of security, shall be at the sole discretion of the City and shall require the prior approval of the Pullman City Council.

Acknowledged and Accepted

Date: \_\_\_\_\_

By: \_\_\_\_\_

Steve White for:

Copper Basin Construction, Inc.