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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 01-130

REENACTING AND AMENDING SNOHOMISH COUNTY  
CODE TITLE 25A RELATING TO WATER QUALITY  
RESTORATION AND WATER QUANTITY MANAGEMENT

WHEREAS, the Snohomish County Council adopted Ordinance No. 93-078 on November 22, 1993, which enacted a new Title 25A SCC establishing a water quality restoration and water quantity management program and forming the Lower Stillaguamish River Clean Water District (District); and

WHEREAS, the District has provided funding for drainage, water quality and habitat improvements and services throughout the District; and

WHEREAS, the Lower Stillaguamish River Clean Water District Advisory Board (Board) was formed pursuant to SCC 25A.30.020 to advise the Council and the Executive on matters related to the District; and

WHEREAS, the Board has recommended that Title 25A SCC be reenacted subject to potential sunset on December 31, 2004; and

WHEREAS, the County Council, having considered additional recommendations of the county executive and general public, concludes that Title 25A SCC should be reenacted and amended as set forth herein.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 25A.05.010, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.05.010 Purpose. It is the purpose and intent of this title to:

(1) Establish a water quality restoration and water quantity management program for Snohomish county to be administered by the Snohomish county department of public works;

(2) Create service areas defined by ordinance to be known as "Clean Water Districts";

(3) Provide a comprehensive approach to managing and regulating surface water in order to respect and preserve the county's rivers, streams, lakes, and other waterbodies; protect and restore water quality; control, accommodate, and discharge storm runoff;

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provide for groundwater recharge; control sediment; stabilize erosion; monitor water quality and stream flow; and rehabilitate stream and drainage corridors for hydraulics, aesthetics, and fisheries benefits;

(4) Restore water quality in saltwater tidelands to allow the upgrading of conditionally approved, restricted, and prohibited shellfish beds;

(5) Facilitate the implementation of watershed action plans, watershed management plans, and lake restoration plans;

(6) Recognize that programs to restore water quality and manage water quantity will vary from watershed to watershed and that specific watershed management needs may be refined when watershed action plans, watershed management plans, or lake restoration plans, are developed or revised;

(7) Foster interagency cooperation on water quality restoration and water quantity management issues because watersheds do not conform to political boundaries.

Section 2. Snohomish County Code Section 25A.05.020, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.05.020 Authority. (1) Pursuant to chapter 36.89 RCW, chapter 90.72 RCW, and the Snohomish county home rule charter, Snohomish county is authorized to provide water quality restoration and water quantity management services throughout unincorporated Snohomish county and within its cities and towns for the benefit of all county residents;

(2) Whenever necessary to examine the property characteristics of a particular parcel for the determination of rates and charges, the director may enter any property or portion thereof at reasonable times in compliance with the following procedures:

(a) if such property or portion thereof is occupied, the director shall present identification credentials, state the reason for entry, and request entry;

(b) if such property or portion thereof is unoccupied, the director shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or portion thereof, and request entry;

(c) unless entry is consented to by the owner or person in control of any property or portion thereof, the director, prior to entry, shall obtain a search warrant as authorized by the laws of the state of Washington.

Section 3. Snohomish County Code Section 25A.05.030, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.05.030 Program established. There is hereby established a water quality restoration and water quantity management program to provide water quality restoration and water quantity management services, facilities, and regulations within Snohomish county. The program shall be administered by the Snohomish county department of

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public works. The program shall be described in the county's annual budget and may include, but shall not be limited to the following: preparing and implementing watershed action plans, watershed management plans, nonpoint source pollution prevention plans, lake restoration plans, lake management plans, and comprehensive flood hazard management plans; complying with federal, state, and local water quality regulations; developing and implementing public involvement and education activities; performing water quality and streamflow monitoring; developing, proposing, and analyzing policies and regulations; inventorying, rehabilitating, and restoring drainage systems; investigating drainage problems; planning, designing, establishing, acquiring, developing, constructing, maintaining, and improving needed water pollution control and stormwater control facilities; administering programs; imposing and collecting fees, rates, and charges; receiving grants, loans, taxes, and other revenues; and paying for or securing general obligation, councilmanic, or revenue bonds issued for any such purposes.

Section 4. Snohomish County Code Section 25A.05.050, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.05.050 Liability. Administration of this title shall not be construed to create the basis for any liability on the part of the county, its appointed and elected officials, and employees while working within the scope of their duties, for any action or inaction thereof authorized or done in connection with the implementation of this title.

Section 5. Snohomish County Code Section 25A.05.060, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.05.060 Severability. If any provision of this title, or its application to any person or circumstances, is held invalid, the remainder of this title, or the application of the provisions to other persons or circumstances, shall not be affected.

Section 6. Snohomish County Code Section 25A.10.010, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.010 Application of definitions. Unless clearly stated otherwise, the definitions in this chapter apply throughout this title.

Section 7. Snohomish County Code Section 25A.10.020, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

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25A.10.020 Aquatic system. Creeks, streams, rivers, marshes, lakes, wetlands, and tidelands.

Section 8. Snohomish County Code Section 25A.10.030, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.030 Clean water district. The geographical area in which service charges may be imposed. Such areas are described in SCC 25A.20.020.

Section 9. Snohomish County Code Section 25A.10.040, adopted by Amended Ordinance No. 93-078 on November 22, 1993; and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.040 Director. The director of the Snohomish county department of public works or his or her designee.

Section 10. Snohomish County Code Section 25A.10.050, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.050 Drainage basin. See "Watershed".

Section 11. Snohomish County Code Section 25A.10.060, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.060 Impervious surfaces. Hard surfaced areas which prevent or retard the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow than under natural conditions. Common impervious surfaces include, but are not limited to: rooftops; concrete or asphalt sidewalks, walkways, and paving; patio areas, driveways, parking lots, and storage areas; and graveled, oiled, or other surfaces which similarly impede the natural infiltration of surface water or alter runoff patterns that existed prior to development.

Section 12. Snohomish County Code Section 25A.10.070, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.070 Land use classifications. The type of development on a given parcel of land as indicated in the records of the Snohomish county assessor or as determined by inspections by the director of the department of public works. Land use classifications are used to determine rate categories because they are indicators of impervious surfaces and hydrologic intensity.

Section 13. Snohomish County Code Section 25A.10.080, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.080 Nonpoint source pollution. Pollution that enters storm and surface waters from dispersed sources (such as surface runoff) rather than through pipes. Nonpoint sources include, but are not limited to: forest practices, agricultural practices, onsite sewage disposal systems, developed lands, motor vehicles, and recreational boats. These nonpoint sources may contribute pathogens, suspended solids, nutrients, oils, metals, and toxicants.

Section 14. Snohomish County Code Section 25A.10.090, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.090 Property owner of record. Person or persons recorded by the county assessor to be the owner of property and to whom property tax statements are directed by the county treasurer.

Section 15. Snohomish County Code Section 25A.10.100, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.100 Rates. The dollar amount charged per unit of surface area of real property or per parcel based upon the land use classification and/or amount of impervious surface coverage for the accommodation of storm and surface water runoff and other surface water management services.

Section 16. Snohomish County Code Section 25A.10.110, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.110 Service charges. Charges to property owners for water quality restoration and water quantity management services.

Section 17. Snohomish County Code Section 25A.10.120, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.120 State highway right-of-way. The right-of-way of a state limited-access highway. The term does not include city or town streets forming a part of the route of state highways that are not limited-access highways or state property under the jurisdiction of the department of transportation that is outside the right-of-way lines of a state highway.

Section 18. Snohomish County Code Section 25A.10.130, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.130 Stormwater control facilities. Any facility, improvement, development, property, stream channel, aquatic system, or interest therein, made, constructed, or acquired for the purpose of controlling or protecting life or property from storm, waste, flood, or surplus waters. Such facilities may include, but shall not be limited to, the improvements and authority described in chapters 86.12, 86.13, and 86.15 RCW.

Section 19. Snohomish County Code Section 25A.10.140, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.140 Water pollution control facilities. Any facilities or systems, natural or built, that control, collect, store, treat, dispose, or recycle wastewater, including but not limited to sanitary sewage, stormwater, residential waste, commercial wastes, industrial wastes, and agricultural wastes, that are causing or threatening the degradation of subterranean or surface bodies of water due to concentrations of conventional, nonconventional, or toxic pollutants.

Section 20. Snohomish County Code Section 25A.10.150, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.150 Water quality restoration activities. Any activity, routine, or project developed and implemented to comply with federal, state, or local regulations and policies designed to protect surface water quality and shellfish beds. Such activities may include, but shall not be limited to those that: plan, design, regulate, establish, acquire, develop, construct, maintain, and improve water pollution control facilities; regulate

water quality; develop and implement watershed and lake management plans, nonpoint source pollution prevention plans, and comprehensive flood hazard management plans; develop and provide public involvement and education; collect and analyze water quality data; implement, encourage, and promote agricultural best management practices related to animal grazing and manure management; and repair and promote the proper function of onsite sewage systems.

Section 21. Snohomish County Code Section 25A.10.160, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.160 Water quality restoration and water quantity management services.

The services provided by the department of public works to plan, design, regulate, establish, acquire, develop, construct, maintain, and improve water pollution control facilities, stormwater control facilities, water quality restoration activities, and water quantity management activities throughout unincorporated Snohomish county and within its cities and towns for the benefit of all county residents.

Section 22. Snohomish County Code Section 25A.10.170, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.170 Water quantity management activities. Any activity, routine, or project developed and implemented to comply with federal, state, or local regulations and policies designed to minimize drainage problems. Such activities may include, but shall not be limited to those that: plan, design, regulate, establish, acquire, develop, construct, maintain, and improve stormwater control facilities; inventory, rehabilitate, and restore drainage systems; investigate and address drainage problems; and collect and analyze streamflow data.

Section 23. Snohomish County Code Section 25A.10.180, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.180 Watershed. The geographic region within which water drains into a particular aquatic system or other body of water.

Section 24. Snohomish County Code Section 25A.10.190, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.10.190 Watershed action plan or watershed management plan. A plan adopted by the county council or the department of ecology for a specific watershed. A plan may include, but shall not be limited to voluntary, educational, structural, and/or regulatory approaches to the following: source control program strategies; program goals, and recommended actions.

Section 25. Snohomish County Code Section 25A.20.010, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.20.010 Applicability. The requirements of this chapter shall apply to all properties located within the clean water districts defined in SCC 25A.20.020.

Section 26. Snohomish County Code Section 25A.20.020, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.20.020 Clean water districts. (1) Clean water districts shall consist of all properties in unincorporated Snohomish county which are located within the following watersheds or portions of the watershed as shown on the map described in subsection (2) below. Clean water districts may also include properties within cities and towns lying within said watershed by interlocal agreement between the county and such cities or towns.

Clean Water Districts:

(a) Lower Stillaguamish River

(2) The exact boundary of said watershed clean water district shall be determined based on topographic maps. A detailed map of the watershed and clean water district boundary is attached and incorporated by reference.

(3) Nothing in this chapter shall be interpreted as preventing adjustment of the clean water district by legislative action at a later date.

Section 27. Snohomish County Code Section 25A.20.030, adopted by Amended Ordinance No. 93-078 on November 22, 1993, reenacted by Amended Ordinance No. 96-080 on October 23, 1996, amended by Amended Ordinance No. 96-095 on January 13, 1997, and reenacted and amended by Amended Ordinance No. 97-110 on November 24, 1997, is reenacted and amended to read:

25A.20.030 Rate structure.

(1) The director shall assign a rate category to each tax parcel in the clean water district. Rate categories shall be determined according to land use classification and/or degree of impervious surface coverage. The "Index of Land Use Classifications and Rate Categories" dated August 5, 1993, is available in the department of public works and incorporated by this reference.

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(2) Each tax parcel in the clean water district, except as noted in SCC 25A.20.050, 25A.20.060, and 25A.20.070, shall be subject to annual service charges as follows:

Rate Category	Impervious Surface Coverage	Annual Charge RCW 90.72	Annual Charge RCW 36.89	Total Annual Service Charge
Single Family	Flat Rate	<del>(\$20.40)</del> <u>\$22.45</u> per parcel	<del>(\$9.60)</del> <u>\$10.56</u> per parcel	<del>(\$30.00)</del> <u>\$33.01</u> per parcel
Condominium	Flat Rate	<del>(\$18.36)</del> <u>\$20.20</u> per unit	<del>(\$8.64)</del> <u>\$9.51</u> per unit	<del>(\$27.00)</del> <u>\$29.71</u> per unit
Farm, no building	Flat Rate	\$0	\$0	\$0
Farm, w/ building (44 acre maximum charge)	Flat Rate	<del>(\$0.47)</del> <u>\$0.52</u> per ¼ acre	<del>(\$0.22)</del> <u>\$0.24</u> per ¼ acre	<del>(\$0.69)</del> <u>\$0.76</u> per ¼ acre
Farm, w/Implemented Plan (44 acre maximum charge)	Flat Rate	<del>(\$0.23)</del> <u>\$0.25</u> per ¼ acre	<del>(\$0.11)</del> <u>\$0.12</u> per ¼ acre	<del>(\$0.34)</del> <u>\$0.37</u> per ¼ acre
<b>Retail, Industrial and Other Land Uses</b>				
Exempt	Less than 1%	\$0.00	\$0.00	\$0.00
Very Light	1% to 19%	<del>(\$6.12)</del> <u>\$6.73</u> per ¼ acre	<del>(\$2.88)</del> <u>\$3.17</u> per ¼ acre	<del>(\$9)</del> <u>\$9.90</u> per ¼ acre
Light	20% to 39%	<del>(\$20.40)</del> <u>\$22.45</u> per ¼ acre	<del>(\$9.60)</del> <u>\$10.56</u> per ¼ acre	<del>(\$30)</del> <u>\$33.01</u> per ¼ acre
Moderate	40% to 59%	<del>(\$34.00)</del> <u>\$37.40</u> per ¼ acre	<del>(\$16.00)</del> <u>\$17.60</u> per ¼ acre	<del>(\$50)</del> <u>\$55.00</u> per ¼ acre
Heavy	60% to 79%	<del>(\$46.24)</del> <u>\$50.87</u> per ¼ acre	<del>(\$21.76)</del> <u>\$23.94</u> per ¼ acre	<del>(\$68)</del> <u>\$74.81</u> per ¼ acre
Very Heavy	80% to 100%	<del>(\$61.20)</del> <u>\$67.33</u> per ¼ acre	<del>(\$28.80)</del> <u>\$31.69</u> per ¼ acre	<del>(\$90)</del> <u>\$99.02</u> per ¼ acre

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(3) ~~((On or before October 1 of each year, the county executive shall notify the county council of the most recent annual "Consumer Price Index (CPI) for all Urban Consumers for the Seattle-Tacoma Consolidated Metropolitan Statistical Area as prepared by the United States Department of Labor, Bureau of Labor Statistics - standard reference base period 1982-1984 = 100," along with the service charges that would result by application of the CPI to the service charges then in effect. Unless the county council establishes different service charges, the service charges for the next calendar year shall be the charges for the previous year adjusted by the CPI as described herein.))~~ In 2002, 2003, and 2004, from the funds collected under the authority of Chapter 90.72 RCW:

- (a) ~~((22.4))~~ 33.0 % shall be allocated to reduce water pollution that is generated by sources within the jurisdiction of the Snohomish Conservation District. Snohomish County intends to use this allocation of funds to contract with the Snohomish Conservation District to perform services that reduce these sources of water pollution.
- (b) ~~((72.2))~~ 59.1 % shall be allocated to other water quality restoration activities administered by the department of public works.
- (c) ~~((5.4))~~ 7.9 % shall be allocated to specific local water quality restoration projects administered by the department of public works that have been recommended by the advisory board established under Chapter 25A.30 SCC.

Section 28. Snohomish County Code Section 25A.20.040, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.20.040 Rate adjustments and appeals. (1) Any person receiving a billing statement for water quality restoration and water quantity management service charges and making a timely payment thereof, may apply to the director of the department of public works for a rate adjustment based on any of the circumstances listed in SCC 25A.20.050, 25A.20.060, or 25A.20.070.

(2) The burden of proof shall be on the applicant to show that the rate adjustment sought should be granted.

(3) To be effective for the current billing year, applications for rate adjustment must be made within 30 days of the billing date. Applications received after 30 days of the billing date shall only be effective for subsequent years. If the director grants an adjustment which reduces the service charge for the current year, the applicant shall be refunded the amount overpaid. If the director determines that an adjustment should be made which increases the service charge for the current year, the applicant shall submit the additional amount due within 45 days of the notice of additional service charge.

(4) Rate adjustments granted for reasons other than billing errors are subject to renewal every two years.

(5) Decisions of the director on requests for rate adjustments shall be in writing and shall be final unless appealed by the applicant to the superior court of Snohomish county by writ of certiorari within 30 days of the notice of decision.

Section 29. Snohomish County Code Section 25A.20.050, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.20.050 Billing errors. If there is an error in watershed boundary, rate category, impervious surface coverage, land use classification, or acreage, the director shall correct the error.

Section 30. Snohomish County Code Section 25A.20.060, adopted by Amended Ordinance No. 93-078 on November 22, 1993, reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, and amended by Ordinance No. 01-058 on August 22, 2001, is reenacted to read:

25A.20.060 Exemptions and reductions. (1) The following shall be exempt from annual service charges:

(a) property that is owned by, and is the personal residence of, a person or persons approved by the county assessor for a senior citizen or disabled persons property tax exemption under RCW 84.36.381.

(b) property that is owned by a "public benefit nonprofit corporation," as defined by RCW 24.03.490 and is used as a cemetery, provided the property does not discharge stormwater off-site through constructed conveyance facilities and a 50 foot vegetated buffer is maintained on the property along any waterbody that drains to a fishbearing stream or lake.

(2) The rate charged for state highway right-of-way shall be 30 percent of the rate for comparable real property in terms of impervious surface coverage, or as otherwise provided by RCW 90.03.525.

(3) Pursuant to RCW 90.72.070, each parcel permitted and assessed a fee for a dairy waste national pollution discharge elimination system permit shall be exempt from the portion of the annual service charge collected under the authority of Chapter 90.72 RCW.

(4) Pursuant to RCW 90.72.070, lands classified as forest under Chapter 84.33 RCW as an open space timber under Chapter 84.34 RCW shall be exempt from the portion of the annual service charge collected under the authority of Chapter 90.72 RCW.

Section 31. Snohomish County Code Section 25A.20.070, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.20.070 Credits. (1) Parcels with the rate category light, moderate, heavy, or very heavy shall have their rate category reduced one category if the stormwater runoff discharges into an onsite stormwater control facility built to comply with the detention and water quality regulations and standards set forth in the Snohomish county drainage

ordinance, Title 24 SCC, and said facility is adequately operated and maintained by the owner.

(2) Parcels with the rate category light, moderate, heavy, or very heavy shall have their rate category reduced one category if the site contains wholly or partly, an aquatic system that complies with the detention and water quality regulations and standards set forth in Snohomish county drainage ordinance, Title 24 SCC, and said aquatic system is maintained in its natural state by the property owner.

(3) Public and private schools that provide water quality and/or watershed instruction approved by the director shall be given credit equal to the dollar value of the instruction offered. This credit shall be applied against the annual service charge billed under the authority of Chapter 90.72 RCW; PROVIDED HOWEVER, That this annual credit shall not exceed the annual service charge authorized by Chapter 90.72 RCW.

(4) Pursuant to RCW 85.38.160, parcels within diking, drainage, or flood control districts shall be given a credit equal to the dollar value of the annual special district assessment. This credit shall be applied against the annual service charge billed under the authority of Chapter 36.89 RCW, PROVIDED HOWEVER, That this annual credit shall not exceed the annual service charge authorized by Chapter 36.89 RCW.

(5) Within each diking, drainage, or flood control district which has an annual surface water pollution prevention work plan approved by the director, each parcel shall be given a credit equal to the dollar value of the pollution prevention work performed. This credit shall be applied against the annual service charge billed under the authority of Chapter 90.72 RCW, PROVIDED HOWEVER, That this annual credit shall not exceed the annual service charge authorized by chapter 90.72 RCW.

(6) Parcels with the rate category "farm, w/building" shall have their rate category reduced to "farm, implemented plan" if they are included in a farm plan that has been certified to be fully implemented by the Snohomish conservation district.

Section 32. Snohomish County Code Section 25A.20.080, adopted by Amended Ordinance No. 93-078 on November 22, 1993, reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, and amended by Ordinance No. 99-108 on December 1, 1999, is reenacted to read:

25A.20.080 Billing. (1) All property subject to service charges shall be charged annually on January 1st based upon the rate category, land use classification, and acreage then applicable to each such property and at the rate as set forth in SCC 25A.20.030.

(2) Billing statements shall be included on the annual property tax statements. In order to minimize administrative costs borne by county rate and taxpayers, the property tax statement will be used to bill all properties within clean water districts, except for those properties that would not otherwise receive a tax statement. To further reduce administrative costs, the Director shall use alternative billing systems for the purposes of billing state and federal government agencies. The Director may elect to use alternative billing methods for the purposes of billing local government agencies with property in the clean water districts.

(3) All service charges shall be due and payable on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date. If one

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REENACTING AND AMENDING SNOHOMISH COUNTY CODE  
TITLE 25A RELATING TO WATER QUALITY RESTORATION  
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half of the service charge is paid on or before the thirtieth day of April, the remainder of such service charge shall be due and payable on or before the thirty first day of October following and shall be delinquent after that date.

(4) If a payment is received in conjunction with a combined property tax and service charge, and the payment is less than the sum of the total property tax plus service charge or less than the sum of one-half of the property tax plus one-half of the service charge, and unless otherwise specified by the parcel owner, the payment shall be applied to the annual property tax of the parcel first, pursuant to the provisions of Chapter 84.56 RCW and any remaining amount to the service charge.

Section 33. Snohomish County Code Section 25A.20.090, adopted by Amended Ordinance No. 93-078 on November 22, 1993, reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, and amended by Ordinance No. 99-108 on December 1, 1999, is reenacted to read:

25A.20.090 Delinquent charges. (1) Service charges or any part thereof which become delinquent under the provisions of SCC 25A.20.080 shall bear interest at the rate of 12 percent per annum computed on a monthly basis from the date of delinquency until paid, as provided by RCW 36.89.092. Pursuant to RCW 36.94.150, penalties shall be imposed upon delinquent service charges as follows:

- (a) A penalty of three percent of the full annual charge imposed on a parcel by SCC 25A.20.030 shall be assessed on any service charges delinquent on June 1st of the year in which the charges are due.
- (b) An additional penalty of seven percent of the full annual charge shall be assessed on any charges delinquent on December 1st of the year in which the charges are due. Notwithstanding these provisions, the total amount of penalties imposed under this section in any year shall not exceed 10 percent of the full annual charges imposed upon a parcel.

(2) The county shall have a lien for delinquent service charges, including interest thereon, against any property for which service charges are delinquent. As authorized by RCW 36.94.150, the Director shall certify delinquencies to the County Auditor annually in writing in January of each year at which time the lien shall attach. The County's lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments.

(3) The county may foreclose the lien in the same manner as the foreclosure of real property tax liens. Costs associated with the foreclosure of the lien, including but not limited to advertising, title report, and personnel costs, shall be added to the lien upon filing of the foreclosure action and the court may allow the county a reasonable attorney's fee, as provided in RCW 36.94.150.

Section 34. Snohomish County Code Section 25A.20.100, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.20.100 Special operating funds. (1) All service charges collected under the authority of chapter 36.89 RCW shall be deposited in a subfund within the special fund established by SCC 25.20.070 and held by the department of finance. This subfund shall be used for the purposes of providing water quantity management activities:

(2) A special fund is hereby created, to be held by the department of finance, into which shall be deposited all service charges collected under the authority of chapter 90.72 RCW. The county executive shall designate a fund manager. These funds shall be used only for the purposes of restoring water quality.

Section 35. Snohomish County Code Section 25A.20.110, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.20.110 Administrative procedures. Pursuant to chapter 2.68 SCC, the director is authorized to develop administrative procedures relating to the provisions of this title.

Section 36. Snohomish County Code Section 25A.20.120, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.20.120 First charging day. The rates and charges authorized under this chapter shall become effective on a phased schedule for the clean water districts described in SCC 25A.20.020 as follows:

<u>Clean Water Districts</u>	<u>First Charging Day</u>
(a) Lower Stillaguamish River	January 1, 1994

Section 37. Snohomish County Code Section 25A.30.010, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.30.010 Applicability. The requirements of this chapter shall apply to the Lower Stillaguamish River clean water district as defined in SCC 25A.20.020.

Section 38. Snohomish County Code Section 25A.30.020, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.30.020 Purpose. Pursuant to RCW 90.72.030, the Lower Stillaguamish River advisory board is hereby created. The board shall make recommendations to the Snohomish county department of public works and the Snohomish county council, the

Snohomish conservation district and its board, the Snohomish health district and its board, and other agency or entity obligated by interlocal agreement or contract to provide water quality restoration and water quantity management services within the Lower Stillaguamish River clean water district; and any diking, drainage, or flood control district within the Lower Stillaguamish River clean water district with an annual surface water pollution prevention work plan approved by the director. However, nothing in the advisory board's recommendation shall prevent the director from developing his/her own recommendation to the county council.

Section 39. Snohomish County Code Section 25A.30.030, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.30.030 Authority and responsibility. The Lower Stillaguamish River advisory board shall review the annual work plans of the surface water division of the Snohomish county public works department, each agency or entity obligated by interlocal agreement or contract to provide water quality restoration and water quantity management services within the Lower Stillaguamish River clean water district, and each diking, drainage, or flood control district within the Lower Stillaguamish River clean water district with an annual surface water pollution prevention work plan approved by the director. The board shall make its recommendations to the above entities by May 31st of each year and to the respective legislative authorities by October 31st of each year. Recommendations shall pertain to the funding levels and priorities of all water quality restoration and water quantity management programs, water pollution control facilities, water quality restoration activities, stormwater control facilities, and water quantity management activities within the Lower Stillaguamish River clean water district.

Section 40. Snohomish County Code Section 25A.30.040, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.30.040 Advisory board composition. The Lower Stillaguamish River advisory board shall be composed of:

(1) Eight positions which shall be for rate payers from the single family rate category. Each of the following subwatersheds or geographic areas shall be represented: Portage Creek, Church Creek, Lake Ketchum, Seven Lakes, Pilchuck Creek, North Fork Stillaguamish (north of State Route 530), North Fork Stillaguamish (south of State Route 530), South Fork Stillaguamish.

(2) One position which shall be for a rate payer from the farm rate category.

(3) One position which shall be for a rate payer from any one of the retail, industrial, or other land use rate categories.

(4) The Stillaguamish flood control district and drainage district seven shall be entitled to one position.

(5) Each city adjoining the Lower Stillaguamish River clean water district that has an interlocal agreement with the county for cooperation on water resource issues shall be entitled to one position.

(6) One position each for the following: the Stillaguamish Tribe, the Tulalip Tribes, the state department of fisheries, the Snohomish conservation district, and the Snohomish health district.

Section 41. Snohomish County Code Section 25A.30.050, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.30.050 Nominations, appointments, and terms. (1) The director shall develop a pool of applicants for the rate payer positions by advertising vacancies in the county's newspaper of record. The director is encouraged to use other reasonable means to recruit other interested applicants. The director shall recommend and the county executive shall nominate candidates for the rate payer positions.

(2) Each agency or entity shall nominate at least one candidate from its organization.

(3) The Snohomish county council shall confirm or reject board members nominated by the county executive in accordance with Snohomish county charter section 2.20(6). Each term shall be for four years. Board members may serve a maximum of three consecutive terms.

Section 42. Snohomish County Code Section 25A.30.060, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997, is reenacted to read:

25A.30.060 Organization. At its first meeting and annually thereafter, the board shall organize by electing a chairperson and vice chairperson, each to serve for one year. The board shall adopt bylaws to govern its other internal affairs.

Section 43. Repeal. The following ordinances or parts of ordinances are each repealed:

(1) Snohomish County Code Section 25A.05.040, adopted by Amended Ordinance No. 93-078 on November 22, 1993, and reenacted by Amended Ordinance No. 96-080 on October 23, 1996, and Amended Ordinance No. 97-110 on November 24, 1997; and

(2) Section 5 of Amended Ordinance No. 93-078, adopted on November 22, 1993, and amended by Section 2 of Amended Ordinance No. 96-080 on October 23, 1996.



Section 44. Future repeal. Snohomish County Code Title 25A, as reenacted and amended by this ordinance, and as hereafter amended, shall be repealed on December 31, 2004, unless reenacted prior to that date.

Section 45. Legislative finding. The Snohomish County Council finds that Title 25A SCC having been amended or reenacted prior to December 31, 2001, the condition stated in Section 5 of Amended Ordinance No. 93-078 as amended by Section 2 of Amended Ordinance No. 96-080 has been satisfied, and that Section 5 is therefore moot, has no force or effect, and does not repeal Title 25A SCC or any provision thereof.


Section 46. Effective date. This ordinance shall take effect ((January 1, 2002)) as provided in chapter 2.48 SCC.

PASSED this 9th day of January, 2002.

ATTEST:

  
Clerk of the Council, *ASST.*

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
Chairperson

- ( ) APPROVED
- ( ) EMERGENCY
- ( ) VETOED

DATE: \_\_\_\_\_

ATTEST:

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\_\_\_\_\_

County Executive

PUBLISH \_\_\_\_\_