

1 Adopted: November 16, 2015  
2 Effective: January 1, 2016

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5  
6 SNOHOMISH COUNTY COUNCIL  
7 Snohomish County, Washington

8  
9 AMENDED ORDINANCE NO. 15-069

10  
11 REPEALING TITLE 25 OF THE SNOHOMISH COUNTY CODE AND ENACTING A  
12 NEW TITLE 25 RELATING TO STORM AND SURFACE WATER MANAGEMENT AND  
13 SERVICE CHARGES

14  
15 WHEREAS, as authorized by chapter 36.89 RCW, Title 25 of the Snohomish  
16 County Code (SCC) imposes storm and surface water management service charges on  
17 real property located within the South County watershed management area, the  
18 Snohomish watershed management area and former watershed management areas;  
19 and

20  
21 WHEREAS, the Snohomish County Council ("County Council") recognizes a  
22 need to provide water quality restoration and storm and surface water management  
23 services to all areas of unincorporated Snohomish County; and

24  
25 WHEREAS, Snohomish County desires to create incentives to keep agricultural  
26 lands in production for both crops and livestock; and

27  
28 WHEREAS, the County Council recognizes the benefit of continuing special rates  
29 and charges for properties in Urban Growth Areas (UGAs); and

30  
31 WHEREAS, the County Council acknowledges that water quality and storm and  
32 surface water management needs related to UGAs may not be confined within the  
33 geographic boundary of UGAs; and

34  
35 WHEREAS, the County Council desires to grant authority to the County  
36 Treasurer to foreclose on delinquent property based on delinquent service charges,  
37 where appropriate, and to grant alternative authority to the Department of Public Works  
38 ("Public Works") to contract for the collection of delinquent service charges; and

39  
40 WHEREAS, the County Council desires to extend authority for collection of  
41 delinquent service charges retroactively to the extent permitted under law; and

1 WHEREAS, the County Council desires to grant signature authority to Public  
2 Works for landowner agreements and drainage easements; and  
3

4 WHEREAS, the County Council desires to amend deadlines for service charge  
5 billing; and  
6

7 WHEREAS, the county is required to credit rates and charges imposed under  
8 chapter 36.89 RCW with assessments imposed under RCW 85.38.160(2); and  
9

10 WHEREAS, the County Council recognizes the need to clearly define certain  
11 terms to minimize the need for administrative procedures to interpret and administer  
12 Title 25 SCC; and  
13

14 WHEREAS, several minor code amendments and reorganization of certain code  
15 sections to match the word order and language of Title 25A SCC would improve the  
16 clarity and administration of both titles; and  
17

18 WHEREAS, on October, 28, 2015, November 10, 2015 and November 16, 2015,  
19 the County Council held a public hearing after proper notice and considered public  
20 comment and the entire record related to the code amendments contained in this  
21 ordinance, including the report dated July 1, 2015, prepared by staff members of  
22 Surface Water Management (SWM), a division of Public Works.  
23

24 NOW, THEREFORE, BE IT ORDAINED:  
25

26 Section 1. The County Council hereby adopts the foregoing recitals as findings  
27 of fact and conclusions of law as if set forth in full herein.

28 Section 2. Snohomish County Code Title 25, last amended by Amended  
29 Ordinance No. 13-010 on April 10, 2013, is repealed.  
30

31 Section 3. A new title is added to the Snohomish County Code to read:  
32

## Title 25

### STORM AND SURFACE WATER MANAGEMENT

**Chapters:**

**25.05 General Provisions**

**25.10 Definitions**

**25.20 Charges for Storm and Surface Water Management Services**

1  
2  
**Chapter 25.05**  
**GENERAL PROVISIONS**

3 Sections:

- 4 25.05.010 Purpose.  
5 25.05.020 Authority.  
6 25.05.030 Program established.  
7 25.05.040 Content of a watershed management plan.  
8 25.05.050 Liability.  
9 25.05.060 Severability.

10 **25.05.010 Purpose.**

11 It is the purpose and intent of this title:

12 (1) To establish a water quality restoration and storm and surface water  
13 management program for Snohomish County to be administered by the Snohomish  
14 County Department of Public Works;

15 (2) To create service areas defined by ordinance to be known as "watershed  
16 management areas";

17 (3) To provide a comprehensive approach to managing surface water to respect and  
18 preserve the county's rivers, streams, lakes and other water bodies; protect and restore  
19 water quality; control, accommodate and discharge storm runoff; provide for  
20 groundwater recharge; control sediment; stabilize erosion; monitor water quality and  
21 stream flow; and rehabilitate stream and drainage corridors for hydraulics, aesthetics,  
22 and fisheries benefits;

23 (4) To facilitate the preparation and implementation of comprehensive watershed  
24 action plans and watershed management plans;

25 (5) To recognize that programs to restore water quality and manage storm and  
26 surface water needs will vary from watershed to watershed and that specific watershed  
27 management needs may be determined or refined when watershed action plans and  
28 watershed management plans are developed or revised; and

29 (6) To foster interagency cooperation on water quality restoration and storm and  
30 surface water management issues because watersheds do not conform to political  
31 boundaries.

32 **25.05.020 Authority.**

33 (1) Pursuant to chapter 36.89 RCW and the Snohomish County Home Rule Charter,  
34 Snohomish County is authorized to provide water quality restoration and storm and  
35 surface water management services throughout unincorporated Snohomish County and  
36 within its cities and towns for the benefit of all county residents.

37 (2) Whenever necessary to examine the property characteristics of a particular  
38 parcel of real property for the determination of rates and charges, the director may enter

1 said property or portion thereof at reasonable times in compliance with the following  
2 procedures:

3 (a) If such real property or portion thereof is occupied, the director shall present  
4 identification credentials, state the reason for entry, and request entry.

5 (b) If such property or portion thereof is unoccupied, the director shall first make  
6 a reasonable effort to locate the property owner or other persons having charge or  
7 control of the real property or portion thereof, and request entry.

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

11 (3) The director shall have the authority to enter into an agreement or agreements  
12 with any property owner for any lawful purpose under this title, including, but not limited  
13 to, the creation and maintenance of drainage easements.

#### 14 **25.05.030 Program established.**

15 There is hereby established a water quality restoration and storm and surface water  
16 management program to provide water quality restoration and storm and surface water  
17 management services, facilities, and regulations within Snohomish County. The  
18 program shall be administered by the Snohomish County Department of Public Works.  
19 The program shall be described in the county's budget and may include, but shall not be  
20 limited to, the following elements: preparing and implementing watershed action plans  
21 and watershed management plans; complying with federal, state, and local water quality  
22 regulations; developing and implementing public involvement and education activities;  
23 performing water quality and stream flow monitoring; developing, proposing, and  
24 analyzing policies and regulations; inventorying, rehabilitating, and restoring drainage  
25 systems; investigating drainage problems; planning, designing, establishing, acquiring,  
26 developing, constructing, maintaining, and improving needed water quality and storm  
27 and surface water management facilities; administering programs; imposing and  
28 collecting fees, rates, and charges; participating in and expending revenue on  
29 cooperative management actions and watershed management partnerships for  
30 purposes of water supply, water quality, and water resource and habitat protection and  
31 management; receiving grants, loans, taxes, and other revenues; and paying for or  
32 securing general obligation, councilmanic, or revenue bonds issued for any such  
33 purposes.

#### 34 **25.05.040 Content of a watershed management plan.**

35 Each watershed management plan shall consist of a detailed analysis of a drainage  
36 basin including, but not limited to, a comparison of the capabilities and needs for runoff  
37 accommodation due to various combinations of development, land use, structural and  
38 non-structural management, alternatives, and recommendations as to the form, location  
39 and extent of quantity and quality control measures which would satisfy legal

1 constraints, water quality standards, and community standards. The plan shall also  
2 identify the institutional and funding requirements for plan implementation.

3 **25.05.050 Liability.**

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

8 **25.05.060 Severability.**

9 If any provision of this title, or its application to any person or circumstances is held  
10 invalid, the remainder of this title or the application of the provisions to other persons or  
11 circumstances shall not be affected.

12 **Chapter 25.10**  
13 **DEFINITIONS**

14 Sections:

- 15 25.10.010 Application of definitions.
- 16 25.10.020 Aquatic system.
- 17 25.10.030 Commercial.
- 18 25.10.040 Commercial rainwater harvesting system.
- 19 25.10.050 Developed real property.
- 20 25.10.060 Director.
- 21 25.10.070 Drainage basin.
- 22 25.10.080 Farm.
- 23 25.10.090 Former watershed management areas.
- 24 25.10.100 Impervious surfaces.
- 25 25.10.110 Improved.
- 26 25.10.120 Land use classifications.
- 27 25.10.130 Mean annual rainfall depth.
- 28 25.10.140 Mean annual runoff volume.
- 29 25.10.150 Mixed use property.
- 30 25.10.160 Non-point source pollution.
- 31 25.10.170 Non-residential and other use.
- 32 25.10.180 Ordinary residential improvement.
- 33 25.10.190 Property owner.
- 34 25.10.200 Rates.
- 35 25.10.210 Residential.
- 36 25.10.220 Right-of-way.
- 37 25.10.230 Service charges.
- 38 25.10.240 Storm and surface water management facilities.

- 1           25.10.250   Storm and surface water management services.
- 2           25.10.260   Storm water.
- 3           25.10.270   Surface water.
- 4           25.10.280   Water quality management facilities.
- 5           25.10.290   Water quality restoration services.
- 6           25.10.300   Watershed.
- 7           25.10.305   Watershed management areas.
- 8           25.10.310   Watershed action plan or watershed management plan.

9           **25.10.010 Application of definitions.**

10           Unless the context clearly requires otherwise, the definitions in this chapter apply  
11 throughout this title.

12           **25.10.020 Aquatic system.**

13           Puget Sound, bays, tidelands and other salt waters, rivers, streams, creeks, lakes,  
14 marshes, wetlands and other inland waters.

15           **25.10.030 Commercial.**

16           Any development or use of real property meeting the definition of “commercial  
17 development” in SCC 30.91C.132 or the definition of “industrial development” in SCC  
18 30.911.035.

19           **25.10.040 Commercial rainwater harvesting system.**

20           A system for storing, collecting, and reusing rainwater from a rooftop, installed at a  
21 commercial-use building, that has been designed and constructed in accordance with  
22 the Washington State Building Code Council’s Permissive Rainwater Harvesting  
23 System Guidelines for Non-residential Occupancies (2002 or as amended), has a  
24 storage volume of at least ten percent of the mean annual runoff volume generated from  
25 the contributing roof area, and for which design and construction has been approved by  
26 the director of the department of planning and development services.

27           **25.10.050 Developed real property.**

28           Real property characterized by the addition of impervious surfaces or removal of  
29 native vegetation cover, changing the property from its natural condition. Also known as  
30 improved.

31           **25.10.060 Director.**

32           The director of the Snohomish County Department of Public Works or his or her  
33 designee.

1 **25.10.070 Drainage basin.**

2 The geographic region within which water drains into a particular aquatic system or  
3 other body of water. Also known as a watershed.

4 **25.10.080 Farm.**

5 Property assessed and taxed by the county as farm or agricultural use.

6 **25.10.090 Former watershed management areas.**

7 (1) Former watershed management areas shall consist of all properties meeting the  
8 following criteria: (a) the property is not currently located within a watershed  
9 management area; (b) the property was located within a watershed management area  
10 prior to being annexed or incorporated into a municipal corporation; (c) debt service  
11 charges continue to be due from the property pursuant to RCW 36.89.120; and (d) the  
12 municipal corporation in which the property is now located has not entered into an  
13 agreement with the county for full payment of the debt service charges required to be  
14 imposed by RCW 36.89.120, as described in SCC 25.20.030.

15 (2) The South County Former Watershed Management Area shall include all  
16 properties meeting the definition of a former watershed management area that were  
17 located in the South County Watershed Management Area prior to annexation or  
18 incorporation.

19 (3) The Snohomish Former Watershed Management Area shall include all properties  
20 meeting the definition of a former watershed management area that were located in the  
21 Snohomish Watershed Management Area prior to annexation or incorporation.

22 (4) Maps of historical watershed management area boundaries are available in the  
23 department of public works and incorporated by reference herein. The department of  
24 public works also maintains maps of the current watershed management boundaries  
25 under SCC 25.10.305(2). Where it is questionable whether or not a property is included  
26 in a former watershed management area and subject to the requirements of this title,  
27 inclusion shall be determined on a case by case basis by the director.

28 **25.10.100 Impervious surfaces.**

29 Hard surfaced areas which prevent or retard the entry of water into the soil mantle or  
30 cause water to run off the surface in greater quantities or at an increased rate of flow  
31 than under natural conditions. Common impervious surfaces include, but are not limited  
32 to, rooftops, concrete or asphalt sidewalks and paving, walkways, patio areas,  
33 driveways, parking lots or storage areas and gravel, oiled or other surfaces which  
34 similarly impede the natural infiltration of surface water or runoff patterns existent prior  
35 to development.

36 **25.10.110 Improved.**

37 Real property characterized by the addition of impervious surfaces or removal of  
38 native vegetation cover, changing the property from its natural condition.

1 **25.10.120 Land use classifications.**

2 The type of development on a given parcel of land as indicated in the records of the  
3 Snohomish County Assessor or as determined by inspection by the director. Land use  
4 classifications are used to determine rate categories because they are indicators of  
5 impervious surfaces and hydrologic intensity.

6 **25.10.130 Mean annual rainfall depth.**

7 The mean annual rainfall depth as determined by information set forth in the  
8 Stormwater Management Manual for Western Washington, Volume I, Appendix I-B:  
9 2014 Update, (December 2014 or latest edition, Washington State Department of  
10 Ecology Publication #14-10-055).

11 **25.10.140 Mean annual runoff volume.**

12 The runoff volume calculated as the product of a specified area and the mean  
13 annual rainfall depth, or the equivalent runoff volume statistic from that area calculated  
14 by a continuous-simulation hydrologic model using long-term local rainfall records.

15 **25.10.150 Mixed use property.**

16 Property on which a combination of residential, farm, commercial or other non-  
17 residential uses exist.

18 **25.10.160 Non-point source pollution.**

19 Pollution that enters storm and surface waters from dispersed sources (such as  
20 surface runoff) rather than through pipes. Non-point sources include, but are not limited  
21 to: forest practices, agricultural practices, onsite sewage disposal systems, developed  
22 real property, motor vehicles, and recreational boats.

23 **25.10.170 Non-residential and other use.**

24 Any development or use of real property that does not meet the definitions in SCC  
25 25.10.030, SCC 25.10.080, SCC 25.10.180, SCC 25.10.210 or SCC 25.10.220.

26 **25.10.180 Ordinary residential improvement.**

27 Those structures and facilities that are commonly found with, and are incidental to,  
28 the development and use of a single-family residence including, but not limited to,  
29 garages, decks, driveways and serving utility systems.

30 **25.10.190 Property owner.**

31 One or more persons or any legal entity that owns, or is designated to pay taxes,  
32 fees and service charges on, or is empowered to grant access to or authorize and  
33 approve maintenance of drainage facilities located on, any real property or portion  
34 thereof.



1 **25.10.200 Rates.**

2 The dollar amount charged per unit of surface area of real property, per parcel of  
3 real property or per dwelling unit or ordinary residential improvement based upon the  
4 land use classification and amount of impervious surface coverage for the  
5 accommodation of water quality restoration and storm and surface water runoff and  
6 other surface water management services.

7 **25.10.210 Residential.**

8 Property characterized by dwelling units whose primary function is to be used as  
9 single family housing with impervious surface coverage not in excess of 15,000 total  
10 square feet per tax parcel. The class includes single family residences, condominiums  
11 and mobile homes not in parks, and ordinary residential improvements. Single family  
12 residences used for business purposes or for the storage of vehicles, equipment or junk  
13 as defined by SCC 30.91J.010 are not considered residential. Apartments, hotels,  
14 motels, mobile home parks, dormitories and group housing are not considered  
15 residential.

16 **25.10.220 Right-of-way.**

17 Public or private real property held for road or transportation purposes to allow for  
18 the passage of people or goods, regardless of whether any road or transportation  
19 improvement exists thereon or whether it is used, improved, or maintained for travel.

20 **25.10.230 Service charges.**

21 Charges to property owners for water quality restoration and storm and surface  
22 water management services.

23 **25.10.240 Storm and surface water management facilities.**

24 Any facilities, improvements, developments, properties, aquatic systems or interest  
25 therein, made, constructed or acquired for the purpose of controlling or protecting life or  
26 property from storm, waste, flood, or surplus waters, or for the purpose of protecting  
27 water quality. Such facilities shall include, but not be limited to, the improvements and  
28 authority described in chapters 86.12, 86.13, and 86.15 RCW.

29 **25.10.250 Storm and surface water management services.**

30 Any activity, routine, or project developed and implemented to comply with federal,  
31 state, or local regulations and policies designed to minimize drainage problems. Such  
32 services may include, but shall not be limited to those that: plan, design, regulate,  
33 establish, acquire, develop, construct, maintain, and improve storm and surface water  
34 management facilities; inventory, rehabilitate, and restore drainage systems; investigate  
35 and address drainage problems; and collect and analyze stream flow data.

1 **25.10.260 Storm water.**

2 Surplus waters generated from precipitation events like rain or snowmelt that flow  
3 over land or impervious surfaces with little or no infiltration into the ground.

4 **25.10.270 Surface water.**

5 Water from all sources that occurs on the earth's surface either as diffused water or  
6 as water in natural channels, artificial channels or other surface water bodies and inland  
7 waters including salt waters, lakes, ponds, wetlands, rivers, streams and creeks.

8 **25.10.280 Water quality management facilities.**

9 Any facilities or systems, natural or built, that control, collect, store, treat, dispose of,  
10 or recycle wastewater, including but not limited to sanitary sewage, storm water,  
11 residential waste, commercial wastes, industrial wastes, and agricultural wastes, that  
12 are causing or threatening the degradation of subterranean or surface bodies of water  
13 due to concentrations of conventional, nonconventional, or toxic pollutants.

14 **25.10.290 Water quality restoration services.**

15 Any activity, routine, or project developed and implemented to comply with federal,  
16 state, or local regulations and policies designed to protect surface water quality and  
17 shellfish beds. Such services may include, but are not limited to, those that: plan,  
18 design, regulate, establish, acquire, develop, construct, maintain, and improve water  
19 quality management facilities; regulate water quality; develop and implement watershed  
20 and lake management plans, non-point source pollution prevention plans, and  
21 comprehensive flood hazard management plans; develop and provide public  
22 involvement and education; collect and analyze water quality data; implement,  
23 encourage, and promote agricultural best management practices related to animal  
24 grazing and manure management; and repair and promote the proper function of onsite  
25 sewage systems.

26 **25.10.300 Watershed.**

27 The geographic region within which water drains into a particular aquatic system.  
28 Also known as a drainage basin.

29 **25.10.305 Watershed management areas.**

30 (1) Watershed management areas shall consist of all properties in unincorporated  
31 Snohomish County that are located within the following drainage basins or portions of  
32 drainage basins as shown on the maps described in subsection (2) below. Watershed  
33 management areas may also include properties within cities and towns lying within said  
34 drainage basins by interlocal agreement between the county and such cities or towns.

35 (a) South County Watershed Management Area.

36 (i) Cedar-Sammamish drainage basin.

37 (ii) Puget Sound drainage basin located south of the City of Everett.

1 (b) Snohomish Watershed Management Area. Snohomish drainage basin except  
2 that portion of the Tulalip sub-basin lying in township 31 north and except that portion of  
3 the Snohomish drainage basin lying within the boundary of the Tulalip Tribes  
4 reservation.

5 (2) The exact boundaries of said drainage basins and watershed management  
6 areas shall be determined based on topographic maps, storm drainage infrastructure  
7 maps, and parcel maps. Detailed maps of the drainage basin and watershed  
8 management area boundaries are available in the department of public works and  
9 incorporated by reference herein. Where it is questionable whether or not a property is  
10 included in a watershed management area and subject to the requirements of this title,  
11 inclusion shall be determined on a case by case basis by the director based on actual  
12 topographic and hydrologic characteristics of the property.

13 (3) Nothing in this chapter shall be interpreted as preventing adjustment of the  
14 watershed management areas by legislative action at a later date.

15 **25.10.310 Watershed action plan or watershed management plan.**

16 A plan adopted by the county council, the department of ecology or the department of  
17 public works for a specific watershed. A plan may include, but shall not be limited to,  
18 voluntary, educational, structural and regulatory approaches to source control program  
19 strategies, program goals, and recommended actions. Such plans include, but are not  
20 limited to, plans developed under the following authorities:

- 21  
22 (1) Watershed plans developed under chapter 90.82 RCW;  
23 (2) Salmon recovery plans developed under chapter 77.85 RCW;  
24 (3) Watershed management elements of comprehensive land use plans developed  
25 under the Growth Management Act, chapter 36.70A RCW;  
26 (4) Watershed management elements of shoreline master programs developed  
27 under the Shoreline Management Act, chapter 90.58 RCW;  
28 (5) Nonpoint pollution action plans developed under the Puget Sound water quality  
29 management planning authorities of chapter 90.71 RCW;  
30 (6) Shellfish Protection plans under authority of chapter 90.72 RCW;  
31 (7) Other comprehensive management plans addressing watershed health at a  
32 WRIA level or sub-WRIA basin drainage level;  
33 (8) A comprehensive drainage plan;  
34 (9) A storm water plan;  
35 (10) A lake restoration plan;  
36 (11) A lake management plan;  
37 (12) A flood management plan; and  
38 (13) Any combination of the foregoing plans in an integrated watershed  
39 management plan.  
40

1 **Chapter 25.20**  
2 **CHARGES FOR STORM AND SURFACE WATER MANAGEMENT SERVICES**

3 Sections:

- 4 25.20.010 Applicability.  
5 25.20.020 Rate structure for watershed management areas.  
6 25.20.030 Bond debt service allocable to former watershed management areas.  
7 25.20.040 Rate structure for former watershed management areas.  
8 25.20.060 Service charges for lake management.  
9 25.20.070 Exemptions and reductions.  
10 25.20.080 Credits.  
11 25.20.090 Billing.  
12 25.20.100 Billing errors.  
13 25.20.110 Rate adjustments and appeals.  
14 25.20.120 Delinquent service charges.  
15 25.20.130 Waiver of interest and penalties.  
16 25.20.140 Special operating funds.  
17 25.20.150 Administrative procedures.

18 **25.20.010 Applicability.**

19 The requirements of this chapter shall apply to all real property located within  
20 watershed management areas and former watershed management areas.

21 **25.20.020 Rate structure for watershed management areas.**

22 (1) The director shall assign all developed real property located in watershed  
23 management areas to service charge rate categories according to the land use  
24 classification and the degree of impervious surface coverage of the real property. The  
25 "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any  
26 revision thereafter compiled by the director, is available in the department of public  
27 works and incorporated by this reference. When assigning real property to appropriate  
28 service charge rate categories, if portions of any tax parcel or legal lot have been placed  
29 into separate taxation categories by the county assessor, the director shall treat each of  
30 those separate portions of the tax parcel or legal lot as separate properties and assign  
31 an appropriate service charge rate category to each. When assigning the real property  
32 to appropriate service charge rate categories, if the property exhibits mixed use, the  
33 director shall assign the rate category based on the use associated with the majority of  
34 the impervious surface area on the real property or portion thereof.

35 (2) Except as provided in SCC 25.20.070, SCC 25.20.080, and SCC 25.20.100,  
36 developed real property located in watershed management areas shall be subject to  
37 annual service charges as follows:  
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**Table 25.20.020(2)(a)**

**Annual Service Charge for Residential and Farm**

<b>Rate Category</b>	<b>Impervious Surface Coverage</b>	<b>Annual Service Charge</b>
Single Family Residential	N/A	\$90.00 per dwelling unit
Condominium	N/A	\$81.00 per dwelling unit
Farm	N/A	\$90.00 per parcel

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**Table 25.20.020(2)(b)**

**Annual Service Charge for Commercial, Non-residential and Other Uses**

<b>Rate Category</b>	<b>Impervious Surface Coverage</b>	<b>Annual Service Charge</b>
Exempt	Less than 1%	\$0.00
Very Light	1% to 19%	\$26.99 per quarter acre
Light	20% to 39%	\$90.00 per quarter acre
Moderate	40% to 59%	\$149.95 per quarter acre
Heavy	60% to 79%	\$203.97 per quarter acre
Very Heavy	80% to 100%	\$269.97 per quarter acre

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(3) For the period beginning January 1, 2016, and ending December 31, 2021, the annual service charge for developed real property located in those portions of watershed management areas within urban growth areas shall be based on the rates set forth in subsection (2) above, plus the following amounts:

**Table 25.20.020(3)**

**Annual Surcharge for Urban Growth Areas**

<b>Rate Category</b>	<b>Additional Annual Urban Growth Area Service Charge</b>
Single Family Residential	\$32.00 per dwelling unit
Condominium	\$28.80 per dwelling unit
Farm	\$32.00 per parcel
Exempt	No charge
Very Light	\$9.60 per quarter acre
Light	\$32.00 per quarter acre
Moderate	\$53.32 per quarter acre

Rate Category	Additional Annual Urban Growth Area Service Charge
Heavy	\$72.52 per quarter acre
Very Heavy	\$95.99 per quarter acre

1  
2 (a) The service charges established in subsection (2) above represent the base  
3 rate. All service charges collected under this subsection (3), less the base rate  
4 applicable each year, shall be used solely for surface water management projects  
5 related to impacts originating from or providing benefit to those portions of watershed  
6 management areas within urban growth areas.

7 (b) The first priority for expenditure of service charges collected under this  
8 subsection shall be capital projects as listed in the surface water management annual  
9 construction program.

10 **25.20.030 Bond debt service allocable to former watershed management areas.**

11 As provided in RCW 36.89.120, whenever a city or town annexes an area, or a city  
12 or town incorporates an area, and the county has issued revenue bonds or general  
13 obligation bonds to finance storm and surface water management facilities that are  
14 payable in whole or in part from rates or charges imposed in the area, the county shall  
15 continue imposing all portions of the rates or charges that are allocated to payment of  
16 the debt service on bonds in that area after the effective date of the annexation or  
17 official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued  
18 to refinance the underlying debt is retired; or (3) the city or town reimburses the county  
19 an amount that is sufficient to retire that portion of the debt borne by the annexed or  
20 incorporated area. The county shall construct all facilities included in the storm and  
21 surface water management plan intended to be financed by the proceeds of such  
22 bonds. If the county provides storm and surface water management services to the city  
23 or town by contract, the contract shall consider the value of payments made by property  
24 owners to the county for the payment of debt service. The rates to be charged under  
25 this section are provided in SCC 25.20.040.

26 **25.20.040 Rate structure for former watershed management areas.**

27 (1) The director shall assign all developed real property located in former watershed  
28 management areas to service charge rate categories according to the land use  
29 classification and the degree of impervious surface coverage of the real property. The  
30 "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any  
31 revision thereafter compiled by the director, is available in the department of public  
32 works and incorporated by this reference. When assigning real property to appropriate  
33 service charge rate categories, if portions of any tax parcel or legal lot have been placed  
34 into separate taxation categories by the county assessor, the director shall treat each of  
35 those separate portions of the tax parcel or legal lot as separate properties and assign  
36 an appropriate service charge rate category to each. When assigning the real property

1 to appropriate service charge rate categories, if the property exhibits mixed use, the  
2 director shall assign the rate category based on the use associated with the majority of  
3 the impervious surface area on the real property.

4 (2) Except as provided in SCC 25.20.070(1) through (3) and SCC 25.20.100, all  
5 developed real property in all former watershed management areas shall be subject to  
6 annual service charges as follows:

7 (a) Developed real property located in the South County Former Watershed  
8 Management Area shall be subject to the following annual service charges for bond  
9 debt payment under RCW 36.89.120:

10  
11 **Table 25.20.040(2)(a)**

12 **Annual Service Charge for South County Former Watershed Management Area**

Rate Category	Rate
Single Family Residential	\$12.07 per dwelling unit
Condominium	\$10.86 per dwelling unit
Farm	\$12.07 per parcel
Exempt	No charge
Very Light	\$3.62 per quarter acre
Light	\$12.07 per quarter acre
Moderate	\$20.13 per quarter acre
Heavy	\$27.37 per quarter acre
Very Heavy	\$36.21 per quarter acre

14  
15 (b) Developed real property located in the Snohomish Former Watershed  
16 Management Area shall be subject to the following annual service charges for bond  
17 debt payment under RCW 36.89.120:

18  
19 **Table 25.20.040(2)(b)**

20 **Annual Service Charge for Snohomish Former Watershed Management Area**

Rate Category	Rate
Single Family Residential	\$15.01 per dwelling unit
Condominium	\$13.51 per dwelling unit
Farm	\$15.01 per parcel
Exempt	No charge
Very Light	\$4.50 per quarter acre

Rate Category	Rate
Light	\$15.01 per quarter acre
Moderate	\$25.04 per quarter acre
Heavy	\$34.04 per quarter acre
Very Heavy	\$45.04 per quarter acre

(3) A reasonable administrative fee in an amount sufficient to reimburse the county for its actual, reasonable costs of performing administrative functions related to the service charges shall be added to the amount charged.

(4) Rights-of-way owned by the state shall be subject to annual service charges to the extent permitted by law.

(5) Service charges collected under this section shall be used solely for purposes permitted by RCW 36.89.120.

**25.20.060 Service charges for lake management.**

(1) Each developed tax parcel abutting the shore of Lake Stevens in the Snohomish Watershed Management Area shall be subject to an annual service charge. The charge imposed under this section shall be in addition to the annual service charges established in SCC 25.20.020 and shall be for the purpose of managing the water quality and quantity of Lake Stevens in accordance with RCW 36.89.080 and RCW 36.89.130.

(2) The rate categories and annual service charges for parcels abutting Lake Stevens shall be as follows:

**Table 25.20.060(2)**

**Annual Service Charge for Lake Management**

Rate Category	Annual Service Charge
Lake Front Lot	\$120.00 per parcel
Split Lot	\$85.00 per parcel
Community Beach Lot	\$12.00 per parcel

(3) The lake front lot rate category applies to each land parcel abutting the lake shore and located entirely between the lake shore and the adjacent county road. The split lot rate category applies to each land parcel with a portion of the lot abutting the lake shore and a portion of the lot separated from the lake shore by the county road. The community beach lot rate category applies to each land parcel having an undivided ownership interest in a lake front parcel used for common beach access.



1 (4) All service charges collected under this section shall be used solely for  
2 cooperative watershed management actions for purposes of water quality and water  
3 resource management pursuant to one or more intergovernmental agreements as  
4 authorized by RCW 36.89.130.

5 (5) The department of public works shall maintain and make available to the public a  
6 detailed map of the tax parcels subject to the service charges established in this  
7 section.

8 **25.20.070 Exemptions and reductions.**

9 (1) The following types of real property shall be exempt from annual service charges:

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

13 (b) Real property that is owned by a "public benefit nonprofit corporation," as  
14 defined by RCW 24.03.490, and is used as a cemetery, provided the real property does  
15 not discharge storm water off site through constructed conveyance facilities and a 50-  
16 foot vegetated buffer is maintained on the property along any water body that drains to  
17 a fish bearing stream or lake.

18 (c) Real property taxed as forest land under chapter 84.33 RCW, as timber land  
19 under chapter 84.34 RCW, or as open space land under chapter 84.34 RCW.

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

23 (3) Service charges imposed on rights-of-way owned by the county or municipalities  
24 under authority of chapter 36.89 RCW shall be at the same rate as the rate for  
25 comparable real property in terms of impervious surface coverage, except that the  
26 director may determine that up to 70 percent of the amount due can be paid through in  
27 kind services, as provided in RCW 36.89.085. In kind services include, but are not  
28 limited to, the construction, operation, and maintenance of storm and surface water  
29 management facilities designed to control surface water or storm water runoff.

30 (4) The rate charged for real property with a commercial rainwater harvesting system  
31 shall be reduced from the rate set out in this chapter by a fraction equal to the storage  
32 volume of the rainwater harvesting system divided by the mean annual runoff volume  
33 generated by the total impervious surface area of the property.

34 **25.20.080 Credits.**

35 Real property located in watershed management areas may be eligible for  
36 reductions in service charges as described below:

37 (1) For real property having a rate category of light, moderate, heavy, or very heavy,  
38 the rate category shall be reduced one category if the storm water runoff discharges into  
39 an onsite storm and surface water management facility built to comply with the

1 detention and water quality regulations and standards set forth in chapter 30.63A SCC,  
2 and said facility is adequately operated and maintained by the property owner.

3 (2) For real property having a rate category of light, moderate, heavy, or very heavy,  
4 the rate category shall be reduced one category if the site contains wholly or partly, an  
5 aquatic system that complies with the detention and water quality regulations and  
6 standards set forth in chapter 30.63A SCC, and said aquatic system is maintained in its  
7 natural state by the property owner.

8 (3) For real property located in a watershed management area, if all or any portion of  
9 the real property is regulated by a valid and active permit issued by the Washington  
10 State Department of Ecology or the federal Environmental Protection Agency pursuant  
11 to the National Pollutant Discharge Elimination System (NPDES) permit program  
12 established by the federal Clean Water Act, codified at 33 U.S.C. § 1251 et seq., then  
13 the portion of the annual service charges imposed pursuant to SCC 25.20.020 and SCC  
14 25.20.060 under authority of chapter 36.89 RCW shall be reduced by 35%. This rate  
15 adjustment shall not be available to real property that is a right-of-way owned by a  
16 municipality, the county, or the state subject to the rates provided in SCC 25.20.070(2)  
17 or SCC 25.20.070(3). The property owner requesting a rate adjustment under this  
18 subsection (3) shall provide the director with sufficient documentation to verify that the  
19 real property at issue is subject to a valid NPDES permit. The property owner shall also  
20 provide the director with written notice promptly upon the expiration of or other  
21 termination of coverage under the NPDES permit.

22 (4) Public and private schools that provide water quality or watershed instruction  
23 approved by the director shall be given credit equal to the dollar value of the instruction  
24 offered. This credit shall be applied against the annual service charge billed under the  
25 authority of chapter 36.89 RCW. This annual credit shall not exceed the annual service  
26 charge authorized by chapter 36.89 RCW.

27 (5) Pursuant to RCW 85.38.160, real property within diking, drainage, or flood  
28 control districts shall be given a credit equal to the dollar value of the annual special  
29 district assessment. This credit shall be applied against the annual service charge billed  
30 under the authority of chapter 36.89 RCW. This annual credit shall not exceed the  
31 annual service charge authorized by chapter 36.89 RCW.

32 (6) Except for automatic credits granted pursuant to subsections (3) and (5) above,  
33 credits granted under this section shall be subject to renewal every two years in  
34 accordance with administrative procedures developed by the director pursuant to SCC  
35 25.20.150.

### 36 **25.20.090 Billing.**

37 (1) All real property subject to service charges shall be assessed annually on  
38 January 1st based upon the rate categories and property characteristics then applicable  
39 to the real property and at the rates set forth in SCC 25.20.020, SCC 25.20.040 and  
40 SCC 25.20.060.

1 (2) To minimize administrative costs, where feasible, the billing statement for service  
2 charges imposed under this title shall be included on the annual property tax statement  
3 for the real property at issue. To further reduce administrative costs, the director may  
4 use alternative billing systems for the purposes of billing local, state and federal  
5 government agencies. The director may elect to use alternative billing methods for the  
6 purpose of billing other property owners with real property in the watershed  
7 management areas or former watershed management areas where alternative methods  
8 provide for greater administrative convenience.

9 (3) All service charges billed on the annual property tax statement shall be due and  
10 payable on or before the 30th day of April and, except as provided in this section, shall  
11 be delinquent after that date. If one half of the service charge owed is paid on or before  
12 the 30th day of April, the remainder of such service charge shall be due and payable on  
13 or before the 31st day of October following and shall be delinquent after that date.  
14 Service charges billed under alternative methods shall be due within the calendar year  
15 in which they are billed on such date as set by the director.

16 (4) If a payment is received in conjunction with a combined property tax and service  
17 charge, and the payment is less than the sum of the total property tax plus the total  
18 service charge, or less than the sum of one-half of the property tax plus one-half of the  
19 service charge, and unless otherwise specified by the owner of the real property at  
20 issue, the payment shall be applied first to the annual property tax due for the real  
21 property, pursuant to the provisions of chapter 84.56 RCW, and any remaining amount  
22 to the service charge due for the real property.

### 23 **25.20.100 Billing errors.**

24 If there is an error in billing, such as a mistake regarding the acreage, impervious  
25 surface coverage, watershed boundary, rate category, or land use classification of the  
26 real property at issue, the director shall correct the error. Refunds, if any, shall be in  
27 accordance with SCC 25.20.110(4).

### 28 **25.20.110 Rate adjustments and appeals.**

29 (1) Any person receiving a billing statement for water quality restoration and storm  
30 and surface water management service charges pursuant to SCC 25.20.020 or SCC  
31 25.20.060 and making a timely payment thereof may apply to the director for a rate  
32 adjustment based on any of the circumstances listed in SCC 25.20.070, SCC 25.20.080  
33 or SCC 25.20.100.

34 (2) Any person receiving a billing statement for water quality restoration and storm  
35 and surface water management service charges pursuant to SCC 25.20.040 and  
36 making a timely payment thereof may apply to the director for a rate adjustment based  
37 on any of the circumstances listed in SCC 25.20.070(1) through (3) or SCC 25.20.100.

38 (3) Applications for rate adjustments shall be made to the director. The burden of  
39 proof shall be on the applicant to show that the rate adjustment sought should be  
40 granted. The director shall make a written decision on an application for rate adjustment

1 within 60 days after receipt of the application, except when additional information is  
2 needed in which case the director shall provide the applicant with an estimated timeline  
3 for a written decision. The estimate shall be based on reasonable limits for obtaining the  
4 required information to render a decision. In the event that the applicant does not  
5 provide the additional information needed, the director shall notify the applicant that the  
6 application is cancelled. The director may also initiate a rate adjustment or correct a  
7 billing error for a property at any time when new information becomes available to the  
8 director.

9 (4) Applications for rate adjustments submitted pursuant to SCC 25.20.100 must be  
10 submitted within three years of the date of payment of the water quality restoration and  
11 storm and surface water management service charges. Applications for rate  
12 adjustments submitted pursuant to SCC 25.20.070 or SCC 25.20.080 must be  
13 submitted by April 30th to be effective for the current billing year. Applications for rate  
14 adjustments submitted pursuant to SCC 25.20.070 or SCC 25.20.080 received after  
15 April 30th shall only be effective for subsequent years. If the director grants an  
16 adjustment which reduces the charge for the current year, or, for requests submitted  
17 pursuant to SCC 25.20.100 only, for up to three prior years, the applicant shall be  
18 refunded the amount overpaid with interest at the rate specified in RCW 84.69.100, as  
19 set forth in WAC 458-18-220 or any successor regulation thereto. If the director  
20 determines that an adjustment should be made which increases the service charge due  
21 for the current year, an amended bill shall be issued and the applicant shall submit the  
22 additional amount due within 30 days of the notice of additional service charge.

23 (5) Any person eligible for the low income senior citizen or disabled persons  
24 exemption from service charges under SCC 25.20.070(1)(a) shall be provided a refund  
25 of annual service charges for the subject property for the current year and up to three  
26 prior years when eligibility for each year has been approved by the assessor's office.

27 (6) Except for requests submitted pursuant to SCC 25.20.070(1)(a) or SCC  
28 25.20.100, rate adjustments shall not be retroactive and are subject to renewal every  
29 two years.

30 (7) Decisions of the director on applications for rate adjustments shall be in writing  
31 and shall be final.

### 32 **25.20.120 Delinquent service charges.**

33 (1) Service charges imposed by this title that remain unpaid in whole or in part, when  
34 due pursuant to SCC 25.20.090, shall be considered delinquent.

35 (2) Service charges, or any portions thereof, which become delinquent under  
36 subsection (1) above shall bear interest at the rate 12 percent per annum computed on  
37 a monthly basis from the date of delinquency until paid, as provided by RCW  
38 84.56.020(5).

39 (3) As provided in RCW 84.56.020(5), penalties shall be imposed upon service  
40 charges, or portions thereof, that become delinquent under subsection (1) above as  
41 follows:

1 (a) A penalty of 3 percent of the amount delinquent shall be imposed on any  
2 service charges, or portions thereof, that are delinquent on June 1st of the year in which  
3 the service charges are due.

4 (b) An additional penalty of 8 percent of the amount delinquent shall be imposed  
5 on any service charges, or portions thereof, that are delinquent on December 1st of the  
6 year in which the service charges are due.

7 (4) As provided by RCW 84.60.010, service charges, or portions thereof, that  
8 become delinquent under subsection (1) above, including interest and penalties shall  
9 constitute a lien against the real property upon which they are imposed. As provided by  
10 RCW 84.60.020, such lien shall attach on the first day of January in the year in which  
11 the service charges are assessed and shall continue until the service charges, including  
12 any interest and penalties, are paid in full. The county's lien for delinquent service  
13 charges shall be superior to all other liens and encumbrances except general taxes and  
14 local and special assessments.

15 (5) As provided in RCW 84.64.050, after the expiration of three years from the date  
16 on which service charges, or portions thereof, become delinquent under subsection (1)  
17 above, the county treasurer shall foreclose the liens arising pursuant to this section in  
18 the county's annual tax foreclosure action under chapter 84.64 RCW. Costs of  
19 collection and foreclosure shall be included in the amount of the lien. Approval by the  
20 county council shall be required prior to any foreclosure action taken by the county  
21 treasurer which involves only delinquent charges under subsection (1) above. The  
22 department shall provide such approval to the county treasurer by February 1st of the  
23 foreclosure year. The department shall reimburse the county treasurer for the  
24 department's share of all costs incurred from collection and/or foreclosure under this  
25 section.

26 (6) When the county treasurer does not take foreclosure action pursuant to  
27 subsection (5) above, the director shall take any and all lawful means to collect the  
28 delinquent service charge, or portions thereof, that become delinquent under subsection  
29 (1) above. The amount collected shall include all accrued interest and penalties, as well  
30 as the costs of collection.

31 (7) Nothing herein shall be deemed to require the county treasurer to foreclose on a  
32 lien created hereunder in a manner that is more frequent or inconsistent with other lien  
33 foreclosure procedures and the costs related thereto.

#### 34 **25.20.130 Waiver of interest and penalties.**

35 The director may waive interest and penalties on service charges, or portions  
36 thereof, which become delinquent under SCC 25.20.120(1) under any of the following  
37 conditions:

38 (1) As provided by RCW 84.56.025.

39 (2) When the property owner does not receive a service charge billing due to  
40 incorrect address information in county records.

1 (3) As part of a lawful collection action by the director upon consideration of the  
2 following criteria:

- 3 (a) The property owner's ability to pay;
- 4 (b) The ability of the county to collect the delinquency; and
- 5 (c) The cost to the department in collection efforts.

6 **25.20.140 Special operating funds.**

7 (1) Except as provided in subsection (3) below, all service charges collected from  
8 watershed management areas shall be deposited in a special fund in the department of  
9 finance. The funds generated thereby shall be used only for the purpose of paying all or  
10 any part of the cost of establishing, administering, maintaining and operating the storm  
11 and surface water (water quality restoration and water quantity) management program  
12 created by this title, including, but not limited to, the costs for planning, designing,  
13 establishing, acquiring, developing, constructing and improving needed facilities and  
14 features, or to pay or secure the payment of all or any portion of any issue of general  
15 obligations, councilmanic or revenue bonds issued for such purpose.

16 (2) All service charges collected from former watershed management areas shall be  
17 deposited in a special fund in the department of finance. The funds generated thereby  
18 shall be used only for purposes permitted by RCW 36.89.120.

19 (3) The funds generated by service charges collected from watershed management  
20 areas under SCC 25.20.050 shall be used solely for cooperative watershed  
21 management actions for purposes of water quality and water resource management  
22 pursuant to one or more intergovernmental agreements as authorized by RCW  
23 36.89.130.

24 **25.20.150 Administrative procedures.**

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

27  
28 Section 4. Effective date. This ordinance shall take effect January 1, 2016;  
29 however, SCC 25.20.120 and SCC 25.20.130 shall have retroactive effect to the extent  
30 permitted under RCW 4.16.030 and other law.

31  
32 Section 5. Severability and Savings. If any section, sentence, clause or phrase  
33 of this ordinance shall be held to be invalid or unconstitutional by a court of competent  
34 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or  
35 constitutionality of any other section, sentence, clause or phrase of this ordinance.  
36 Provided, however, that if any section, sentence, clause or phrase of this ordinance is  
37 held to be invalid or unconstitutional by a court of competent jurisdiction, then the  
38 section, sentence, clause or phrase in effect prior to the effective date of this ordinance  
39 shall be in full force and effect for that individual section, sentence, clause or phrase as  
40 if this ordinance had never been adopted.

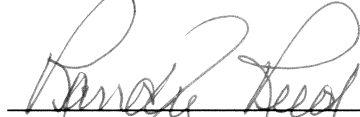
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PASSED this 16<sup>th</sup> day of November, 2015.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Chairperson

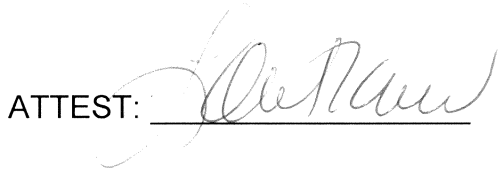
ATTEST:

  
\_\_\_\_\_  
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 11-23-15

ATTEST:

  
\_\_\_\_\_  
Deputy Prosecuting Attorney

  
\_\_\_\_\_  
County Executive

Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney