

Adopted: 03/29/17

Effective: 04/10/17

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 17-008

RELATING TO STORM AND SURFACE WATER MANAGEMENT; ADDRESSING
SERVICE CHARGES FOR LAKE SERENE LAKE LEVEL MANAGEMENT; ADDING
NEW SECTION SCC 25.20.065 AND AMENDING SCC 25.20.080, 25.20.090 AND
25.20.110

WHEREAS, as authorized by chapter 36.89 RCW, Title 25 of the Snohomish County Code ("SCC") imposes service charges for storm and surface water management services on real property located within the South County Watershed Management Area as provided for therein; and

WHEREAS, Lake Serene suffers from increasingly high water levels during and after rain events that are damaging to lakefront property due to failed outfall infrastructure on private property; and

WHEREAS, Snohomish County developed a plan to address high water levels in Lake Serene by replacing the failed private outfall infrastructure with new publicly owned and maintained outfall infrastructure; and

WHEREAS, lakefront property owners and three property owners on whose land the failed outfall infrastructure is located will receive a special benefit by the County's replacement and maintenance of outfall infrastructure to manage lake water levels; and

WHEREAS, imposing additional service charges for real properties abutting Lake Serene will provide \$197 per parcel per year for a period of ten years to be used solely to reimburse the County for restoration and maintenance of the outfall infrastructure; and

WHEREAS, the county council held a public hearing on March 22, 2017 and March 29, 2017 to solicit comments from the public and to consider whether to adopt the amendments to Title 25 SCC contained herein; and

WHEREAS, the county council has determined that imposing the additional service charges to address high lake levels at Lake Serene is in the public interest, will benefit lakefront property owners and the three property owners on whose land the failed outfall infrastructure is located, and will protect property from storm, waste, flood or surplus waters; and

WHEREAS, the county council concludes that Title 25 SCC should be amended as set forth herein.

1 NOW, THEREFORE, BE IT ORDAINED:
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3 Section 1: The county council hereby adopts the foregoing recitals as findings of
4 fact and conclusions as if set forth in full herein.
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6 Section 2. A new section, 25.20.065, is added to Chapter 25.20 of the
7 Snohomish County Code to read:
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9 **25.20.065 Service charges for Lake Serene lake level management.**

10 (1) In addition to the annual service charges established in SCC 25.20.020, all real
11 property abutting the shore of Lake Serene and lots A, B and C of short plat SP 295 (6-
12 78) recorded under Auditor File Number 8003120189, hereinafter the "affected
13 properties," shall be subject to an additional annual service charge for the purpose of
14 restoring and maintaining outfall infrastructure at Lake Serene.

15 (2) For the period beginning January 1, 2018, and ending December 31, 2027, the
16 rate categories and additional annual service charges for affected properties shall be as
17 follows:
18

19 Rate Category	Annual Service Charge
20 Affected Property	\$197.00 per affected property

21 (3) All service charges collected under this section shall be used solely to replace and
22 maintain outfall infrastructure at Lake Serene.

23 (4) A detailed map of the affected properties subject to the additional service charges
24 established in this section is available in the department of public works and
25 incorporated herein by this reference.
26

27 Section 3. Snohomish County Code Section 25.20.080, added by Amended
28 Ordinance 15-069 on November 16, 2015, is amended to read:
29

30 **25.20.080 Credits.**

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

33 (1) For real property having a rate category of light, moderate, heavy, or very heavy,
34 the rate category shall be reduced one category if the storm water runoff discharges into
35 an onsite storm and surface water management facility built to comply with the
36 detention and water quality regulations and standards set forth in chapter 30.63A SCC,
37 and said facility is adequately operated and maintained by the property owner.

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

43 (3) For real property located in a watershed management area, if all or any portion of
44 the real property is regulated by a valid and active permit issued by the Washington
45 State Department of Ecology or the federal Environmental Protection Agency pursuant

1 to the National Pollutant Discharge Elimination System (NPDES) permit program
2 established by the federal Clean Water Act, codified at 33 U.S.C. § 1251 et seq., then
3 the portion of the annual service charges imposed pursuant to SCC 25.20.020₁ ((and
4))SCC 25.20.060 and SCC 25.20.065 under authority of chapter 36.89 RCW shall be
5 reduced by 35%. This rate adjustment shall not be available to real property that is a
6 right-of-way owned by a municipality, the county, or the state subject to the rates
7 provided in SCC 25.20.070(2) or SCC 25.20.070(3). The property owner requesting a
8 rate adjustment under this subsection (3) shall provide the director with sufficient
9 documentation to verify that the real property at issue is subject to a valid NPDES
10 permit. The property owner shall also provide the director with written notice promptly
11 upon the expiration of or other termination of coverage under the NPDES permit.

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

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

22 (6) Except for automatic credits granted pursuant to subsections (3) and (5) above,
23 credits granted under this section shall be subject to renewal every two years in
24 accordance with administrative procedures developed by the director pursuant to SCC
25 25.20.150.

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27 Section 4. Snohomish County Code Section 25.20.090, added by Amended
28 Ordinance No. 15-069 on November 16, 2015, is amended to read:

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30 **25.20.090 Billing.**

31 (1) All real property subject to service charges shall be assessed annually on
32 January 1st based upon the rate categories and property characteristics then applicable
33 to the real property and at the rates set forth in SCC 25.20.020, SCC 25.20.040₁ ((and
34))SCC 25.20.060 and SCC 25.20.065.

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

43 (3) All service charges billed on the annual property tax statement shall be due and
44 payable on or before the 30th day of April and, except as provided in this section, shall
45 be delinquent after that date. If one half of the service charge owed is paid on or before
46 the 30th day of April, the remainder of such service charge shall be due and payable on

1 or before the 31st day of October following and shall be delinquent after that date.
2 Service charges billed under alternative methods shall be due within the calendar year
3 in which they are billed on such date as set by the director.

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

11
12 Section 5. Snohomish County Code Section 25.20.110, added by Amended
13 Ordinance 15-069 on November 16, 2015, is amended to read:

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15 **25.20.110 Rate adjustments and appeals.**

16 (1) Any person receiving a billing statement for water quality restoration and storm
17 and surface water management service charges pursuant to SCC 25.20.020, ~~((or))~~ SCC
18 25.20.060 or SCC 25.20.065 and making a timely payment thereof may apply to the
19 director for a rate adjustment based on any of the circumstances listed in SCC
20 25.20.070, SCC 25.20.080 or SCC 25.20.100.

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

25 (3) Applications for rate adjustments shall be made to the director. The burden of
26 proof shall be on the applicant to show that the rate adjustment sought should be
27 granted. The director shall make a written decision on an application for rate adjustment
28 within 60 days after receipt of the application, except when additional information is
29 needed in which case the director shall provide the applicant with an estimated timeline
30 for a written decision. The estimate shall be based on reasonable limits for obtaining the
31 required information to render a decision. In the event that the applicant does not
32 provide the additional information needed, the director shall notify the applicant that the
33 application is cancelled. The director may also initiate a rate adjustment or correct a
34 billing error for a property at any time when new information becomes available to the
35 director.

36 (4) Applications for rate adjustments submitted pursuant to SCC 25.20.100 must be
37 submitted within three years of the date of payment of the water quality restoration and
38 storm and surface water management service charges. Applications for rate
39 adjustments submitted pursuant to SCC 25.20.070 or SCC 25.20.080 must be
40 submitted by April 30th to be effective for the current billing year. Applications for rate
41 adjustments submitted pursuant to SCC 25.20.070 or SCC 25.20.080 received after
42 April 30th shall only be effective for subsequent years. If the director grants an
43 adjustment which reduces the charge for the current year, or, for requests submitted
44 pursuant to SCC 25.20.100 only, for up to three prior years, the applicant shall be
45 refunded the amount overpaid with interest at the rate specified in RCW 84.69.100, as
46 set forth in WAC 458-18-220 or any successor regulation thereto. If the director

1 determines that an adjustment should be made which increases the service charge due
2 for the current year, an amended bill shall be issued and the applicant shall submit the
3 additional amount due within 30 days of the notice of additional service charge.

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

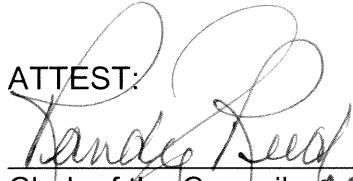
8 (6) Except for requests submitted pursuant to SCC 25.20.070(1)(a) or SCC
9 25.20.100, rate adjustments shall not be retroactive and are subject to renewal every
10 two years.

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

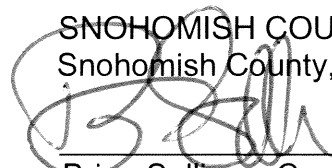
13
14 Section 6. Severability and Savings. If any section, sentence, clause or phrase
15 of this ordinance shall be held invalid or unconstitutional by a court of competent
16 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
17 constitutionality of any other section, sentence, clause, or phrase of this ordinance.
18 Provided, however, that if any section, sentence, clause, or phrase of this ordinance is
19 held to be invalid by a court of competent jurisdiction, then the section, sentence,
20 clause, or phrase in effect prior to the effective date of this ordinance shall be in full
21 force and effect for that individual section, sentence, clause, or phrase as if this
22 ordinance had never been adopted.

23
24 PASSED this 29th day of March, 2017.

25
26
27 ATTEST:

28 
29 _____
30 Clerk of the Council, *A.S.S. Staff*

31
32 SNOHOMISH COUNTY COUNCIL
33 Snohomish County, Washington

34 
35 _____
36 Brian Sullivan, Council Chairperson

- 37
38 APPROVED
39 EMERGENCY
40 VETOED

41
42 DATE: 3/31/17

43 
44 _____
45 County Executive

46 ATTEST:



Approved as to form only:

44  *2/10/17*
45 _____
46 Deputy Prosecuting Attorney

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