

1 APPROVED: 11/19/18
2 EFFECTIVE: 12/08/18

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 18-089

8
9 RELATING TO STORM AND SURFACE WATER MANAGEMENT; EXTENDING
10 SERVICE CHARGES FOR LAKE KETCHUM RESTORATION; INCORPORATING
11 REFERENCES TO CREDITS FOR AQUATIC PLANT CONTROL AND LAKE
12 KETCHUM RESTORATION CHARGES; AMENDING SCC 25.20.055 AND SCC
13 25.20.080
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 unincorporated area of Snohomish County and areas
18 annexed to cities since 2009; and

19
20 WHEREAS, Lake Ketchum suffers from severe blue-green algae blooms and
21 toxic algae blooms caused by phosphorus pollution; and

22
23 WHEREAS, Snohomish County and the property owners around Lake Ketchum
24 have been working to control nuisance and toxic algae problems in the lake; and

25
26 WHEREAS, there is a need to continue work to control toxic algae problems in
27 Lake Ketchum; and

28
29 WHEREAS, the lakefront property owners association, known as the Ketchum
30 Shores Improvement Club (KSIC), met on May 19, 2018, and voted to request that the
31 County extend the Lake Ketchum restoration service charges for an additional five
32 years with an increase for lakefront lot owners from \$150 to \$175 and community beach
33 lot owners from \$30 to \$35; and

34
35 WHEREAS, Amended Ordinance 17-020, passed July 5, 2017, did not include
36 two section references related to credits contained in repealed Title 25A SCC; and

37
38 WHEREAS, the County Council intended for the references related to credits be
39 included in Amended Ordinance 17-020; and

40
41 WHEREAS, on November 19, 2018, the County Council held a public hearing
42 after proper notice and considered public comment and the entire record related to the
43 code amendments contained in this ordinance.
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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. Snohomish County Code Section 25.20.055, last amended by
7 Amended Ordinance 17-020 on July 5, 2017, is amended to read:
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9 **25.20.055 Service charges for Lake Ketchum restoration.**

10 (1) In addition to the annual service charges established in SCC 25.20.020, all real
11 property abutting the shore of Lake Ketchum shall be subject to an additional annual
12 service charge for the purpose of managing and controlling blue-green and toxic algae
13 blooms and phosphorus pollution in Lake Ketchum.

14 (2) For the period beginning January 1, ~~((2014))~~2019, and ending December 31,
15 ~~((2018))~~2023, the rate categories and additional annual service charges for real
16 property abutting Lake Ketchum shall be as follows:
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18 **Table 25.20.055(2)**

19 **Annual Service Charge for Lake Ketchum Restoration**
20

Rate Category	Annual Service Charge
Lake Front	(((\$150.00)) <u>\$175.00</u> per parcel of real property abutting the shoreline of Lake Ketchum
Community Beach Lot	(((\$30.00)) <u>\$35.00</u> per parcel of real property with an undivided ownership interest in lake front real property used for common beach access

21 (3) All service charges collected under this section shall be used solely for the
22 management and control of blue-green and toxic algae blooms and phosphorus
23 pollution in Lake Ketchum.
24

25 (4) A detailed map of the real property subject to the additional service charges
26 established in this section is available in the department of public works and
27 incorporated herein by this reference.
28

29 Section 3. Snohomish County Code Section 25A.20.040, last amended by
30 Ordinance No. 12-011 on March 28, 2012, is amended to read:
31

32 **25.20.080 Credits.**

33 Real property located in the surface water management utility district may be eligible
34 for reductions in service charges as described below:

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

40 (2) For real property having a rate category of light, moderate, heavy, or very heavy,
41 the rate category shall be reduced one category if the site contains wholly or partly, an

1 aquatic system that complies with the detention and water quality regulations and
2 standards set forth in chapter 30.63A SCC, and said aquatic system is maintained in its
3 natural state by the property owner.

4 (3) For real property located in the surface water management utility district, if all or
5 any portion of the real property is regulated by a valid and active permit issued by the
6 Washington State Department of Ecology or the federal Environmental Protection
7 Agency pursuant to the National Pollutant Discharge Elimination System permit
8 program established by the federal Clean Water Act, codified at 33 U.S.C. § 1251 et
9 seq., then the portion of the annual service charges imposed pursuant to SCC
10 25.20.020, SCC 25.20.050, SCC 25.20.055, SCC 25.20.060, and SCC 25.20.065 under
11 authority of chapter 36.89 RCW shall be reduced by 35%. This rate adjustment shall not
12 be available to real property that is a right-of-way owned by a municipality, the county,
13 or the state subject to the rates provided in SCC 25.20.070(2) or SCC 25.20.070(3).
14 The property owner requesting a rate adjustment under this subsection (3) shall provide
15 the director with sufficient documentation to verify that the real property at issue is
16 subject to a valid NPDES permit. The property owner shall also provide the director
17 with written notice promptly upon the expiration of or other termination of coverage
18 under the NPDES permit.

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

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

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

33
34 Section 4. Severability and Savings. If any section, sentence, clause or phrase
35 of this ordinance shall be held invalid or unconstitutional by a court of competent
36 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
37 constitutionality of any other section, sentence, clause, or phrase of this ordinance.
38 Provided, however, that if any section, sentence, clause, or phrase of this ordinance is
39 held to be invalid by a court of competent jurisdiction, then the section, sentence,
40 clause, or phrase in effect prior to the effective date of this ordinance shall be in full
41 force and effect for that individual section, sentence, clause, or phrase as if this
42 ordinance had never been adopted.

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Passed this 19th day of NOV., 2018.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Stephanie Wright
Stephanie Wright, Council Chairperson

ATTEST:

[Signature]
Asst. Clerk of the Council

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

DATE: 11/28, 2018
[Signature]
County Executive

ATTEST: Melissa Seragitty

Approved as to form only:
[Signature] ^{10/11/18}
Deputy Prosecuting Attorney

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