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COUNTY COUNCIL

Snohomish County, Washington

W.T. _____	T.C. _____
G.H. _____	J.D. _____
S.R. _____	D.J. _____

ORDINANCE NO. 81-039

PROVIDING FOR STORM AND SURFACE WATER MANAGEMENT

BE IT ORDAINED:

That the following new Chapter is added to the Snohomish County Code.

CHAPTER 25.01

GENERAL PROVISIONS

25.01.010 Legislative Findings. The County Council finds that:

- (a) the specific findings of S.C.C. 24.04.040 (a) through (f) equally apply to this Chapter, and are therefore incorporated herein by reference;
- (b) that a comprehensive approach to managing storm and surface runoff is required to address existing and future needs; and
- (c) that the existing Drainage Ordinance Title 24 SCC, which addresses drainage requirements for new land development, must be augmented by a comprehensive approach.

25.01.020 Declarations of Purpose and Intent. It is the purpose and intent of this Title:

- (a) to establish a storm and surface water utility designed to address existing and future surface water management needs in Snohomish County.
- (b) to require the preparation and implementation of comprehensive drainage basin plans which respect and preserve the County's water courses; minimize water quality degradation; control, accommodate, and discharge storm runoff; provide for groundwater recharge; control sediment; stabilize erosion; establish monitoring capability; and rehabilitate stream and drainage corridors for hydraulic, aesthetic, and fisheries preservation and enhancement reasons;
- (c) to declare the prescriptive right of the public to assign value to and receive benefit from the usage of all streams and other drainage corridors for the conveyance of surface waters as necessary to minimize damage to natural and manmade features and development;
- (d) to declare that all existing surface water conveyances are integral components of the existing and future system for accommodating surface water runoff;

- (e) to recognize that storm and surface water management needs will vary from basin to basin and to declare that specific basin management needs will be determined when drainage basin master programs are developed;
- (f) to foster interagency cooperation on storm and surface water management issues since drainage basins do not conform to political boundaries.

25.01.030 Authority. Pursuant to Chapter 36.89 of the Revised Code of Washington, and the Snohomish County Home Rule Charter Snohomish County is authorized to establish, acquire, develop, construct, maintain and improve stormwater control facilities and/or features within and without its cities and towns for the benefit of all County residents.

25.01.040 Effective Date. This Chapter shall take effect on June 1, 1981.

25.01.050 Severability. If any provision of this ordinance, or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provisions to other persons or circumstances is not affected.

CHAPTER 25.02

DEFINITIONS

25.02.010 Comprehensive Drainage Basin Plan: "Comprehensive Drainage Basin Plan", as used in this chapter, means the plan adopted by the County Council for managing storm and surface water facilities and features within individual drainage basins. Such plans shall at a minimum determine the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and non-structural management alternatives. Such plan shall also recommend the form, location and extent of quantity and quality control measures which would satisfy legal constraints, water quality standards, and community standards, and identify the institutional and funding requirements for plan implementation.

25.02.020 Drainage Basin Master Program: "Drainage Basin Master Program", as used in this chapter, means the overall strategy and framework of the storm and surface water management activity described in this chapter.

25.02.030 Drainage Facilities: "Drainage Facilities", as used in this chapter, shall mean any structural or non-structural feature, element, or mechanism designed to accommodate storm and surface water runoff.

25.02.040 Fees: "Fees", as used in this chapter, shall mean any revenues generated as a result of providing storm and surface water management services.

25.02.050 Program Revenues: "Program Revenues", as used in this chapter, shall mean any financial revenues, generated in any manner, for use in managing storm and surface waters.

25.02.060 Service Charges: "Service Charges", as used in this chapter, shall mean that portion of program revenues generated by specific charges to landowners or users for the service of accommodating storm and surface water runoff.

25.02.070 Rates: "Rates", as used in this chapter, shall mean the formula employed to assess different sizes and types of land uses for the accommodation of storm and surface water runoff.

25.02.080 Storm and Surface Water Management Facilities and Features: "Storm and Surface Water Management Facilities and Features", as used in this chapter, shall mean any facility, improvement, development, property or interest therein, or other structural or non-structural element, made, constructed, or acquired for the purpose of controlling, or protecting life and safety, natural resources, or property from, any storm, waste, flood, surplus, or other surface waters wherever located within the County, and shall include but not

be limited to the improvements and authority described in RCW 86.12.020 and chapters 86.13 and 86.15 RCW.

25.02.090 Storm and Surface Water Utility: "Storm and Surface Water Utility", as used in this chapter, shall refer to the selected concept for the management of storm and surface waters in Snohomish County. In this regard, the term utility refers to the "service provided" aspects of the management of such storm and surface waters.

25.02.100 Surface Water Management Services Area (SWMSA): "Surface Water Management Service Area", as used in this chapter, shall mean that geographical area defined by SCC 25.03.020. Nothing in this chapter shall be interpreted as preventing adjustment of this area by legislative action at a later date.

CHAPTER 25.03

APPLICABILITY

25.03.010 General. The extent of land alteration from its natural state in any given drainage basin is a general measure of the need for surface water management. In consideration of development throughout the County, this Ordinance shall be applied to manage storm and surface water county-wide. Initial management activities shall occur within areas experiencing the greatest need. Nothing in this Chapter shall in any manner preclude redefining SWMSA boundaries at a later date.

25.03.020 Surface Water Management Services Area. The SWMSA shall embody all drainage basins within Snohomish County including the incorporated areas therein.

CHAPTER 25.04

SURFACE WATER MANAGEMENT DIVISION

25.04.010 Storm and Surface Water Management Division. The County hereby establishes a storm and surface water management division within the Department of Public Works, which division is authorized to exercise all lawful powers necessary and appropriate to administer the County's storm and surface water management program including but not limited to planning, financing, acquiring, constructing, developing, improving, maintaining, and operating storm and surface water management facilities and features described by this Title and as may be hereafter amended. The Storm and Surface Water Management Division is authorized to coordinate with other special purpose districts in the fulfillment of this Chapter, and nothing herein shall preclude formal agreements between the County and special purpose districts to accomplish objectives pursuant to this Chapter. The Surface Water Management Division is authorized to perform rate analyses required to establish or modify surface water management rates and charges. Actual establishment or modification of rates and charges to include program administration in addition to the above shall be accomplished by separate ordinance by elected officials representing the affected political jurisdictions.

25.04.020 Divisional Budget. The storm and surface water management division shall become operational upon Council approval of a staffing and budget plan prepared by the County Executive.

CHAPTER 25.05

DRAINAGE BASIN MASTER PROGRAM

25.05.010 General. This title establishes a Drainage Basin Master Program for the Surface Water Management Services Area pursuant to SCC 25.03. Implementation of the Master Program to the entire Service Area cannot occur simultaneously. Therefore, management programs shall be prepared and implemented incrementally.

25.05.020 Drainage Basin Master Program Elements. The Master Program shall establish a consistent policy and basic content for comprehensive drainage basin plans prepared for individual basins. Each basin plan shall contain a minimum of four elements as follows:

- (a) An operational element, which at a minimum specifies administrative, operations and maintenance activities and the assignment of responsibilities to participating jurisdictions.
- (b) A financial element, which at a minimum satisfies the requirements of SCC 25.06.020;

(c) A physical element, which at a minimum specifies a plan for physical improvements to drainage systems. The physical element shall consider structural and non structural improvements and shall outline methods to be utilized in satisfying the requirements of 25.01.020.

(d) A policy-making element, which at a minimum establishes a mechanism for collective decisions by all jurisdictions involved.

25.05.030 Intergovernmental Coordination. In recognition of the need for cooperation of affected political jurisdictions, Snohomish County may enter into Interlocal Agreements pursuant to RCW 36.89.050 for the purpose of preparing and implementing the Drainage Basin Master Program. Such interlocal agreements shall include elements of plan preparation, operations and maintenance, collection of revenue, and the construction of facilities.

25.05.040 Relationship to SCC Title 24. It is the intent of the Drainage Basin Master Program to augment the County's Drainage Ordinance, SCC Title 24, by planning and constructing regional facilities where appropriate. Upon program implementation and storm and surface water management fee collection in individual basins, the County shall assume maintenance and operation of drainage facilities within the basin consistent with SCC

24.28.040, provided such facilities have been constructed and maintained to standards acceptable to the County. Assessments pursuant to SCC 24.28.040(5) shall not apply for properties within basins after program implementation and fee collection. Where assessments have been paid prior to program implementation, a prorated refund shall be paid to applicants under SCC 24.28.040(5).

CHAPTER 25.06

FINANCING

25.06.010 General. Storm water management is a service which benefits all county residents and has administrative, operations, maintenance and management needs similar in many respects to other municipal services. Accordingly, program revenues shall be generated similar to other municipal services wherein those receiving services reimburse the service purveyors. Recognizing that, those contributing to the need for surface water management shall share in program financing.

25.06.020 Financial Plan. Pursuant to this Chapter, the Drainage Basin Master Program, shall be supported by a financial plan which specifically enumerates potential revenue sources, rates and fees, expenditures, and methods of collection. Prior to assessing service charges, specific rates and fees shall be adopted by separate ordinance for unincorporated areas. In multi-jurisdictional basins the financial contribution of incorporated areas shall be defined in Interlocal Agreements. The County shall not, except at the request of the incorporated area, determine said contribution or the method of its generation or collection. Said ordinance shall also address rate policy and structure, billing and collection, treatment of delinquent accounts,

properties subject to charge, exemptions, appeals, and other factors as may be necessary.

25.06.030 Budget Fund. To maintain a high level of accountability, utility service charges and other revenues shall be deposited in a special fund or funds in the County treasury. The funds generated thereby shall be used only for the purpose of paying all or any part of the cost of establishing, administering, maintaining and operating the storm and surface water management utility; including, but not limited to the costs for planning, designing, establishing, acquiring, developing, constructing and improving needed facilities and features, or to pay or secure the payment of all or any portion of any issue of general obligation, councilmanic, or revenue bonds issued for such purpose.

PASSED this 4th day of MAY, 1981.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Donald J. Butler
Chairperson

Elic Snyder
Clerk of Council

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

DATE: 5-7-81

Donna Leigh Johnson
ATTEST

Willis D. Tucker
County Executive

PUBLISHED April 22, 1981 and May 15, 1981

Approved as to form only:

Julia Gilder
3-10-81

AG 4-14-81

Approved as to form:

AG 5-4-81
Deputy Prosecuting Attorney