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COUNTY COUNCIL

W.T. _____ K.B. _____
T.C. _____ S.W. _____
G.L. *MM* _____ D.J. _____

SNOHOMISH COUNTY, WASHINGTON



CO00028667

AMENDED
ORDINANCE NO. 83-153

RELATING TO STORM AND SURFACE WATER MANAGEMENT RATES AND CHARGES

BE IT ORDAINED:

SECTION 1. The following new chapter is added to the Snohomish County Code.

CHAPTER 25.07

CHARGES FOR STORM AND SURFACE WATER MANAGEMENT
SERVICES AND BENEFITS

- 25.07.010 Applicability
- 25.07.020 Definitions
- 25.07.030 Storm and Surface Water Utility Advisory Board
- 25.07.040 Rate Structure
- 25.07.050 Billing Procedure
- 25.07.060 Rate Adjustments and Appeals
- 25.07.070 Delinquent Charges; Interest; Liens; Foreclosure
- 25.07.080 Special Operating Fund
- 25.07.090 Effective Date
- 25.07.100 Severability

25.07.010 APPLICABILITY

(1) Pursuant to Revised Code of Washington Chapter 36.89, charges shall be imposed for furnishing storm and surface water management services and benefits to all developed properties within unincorporated Snohomish County, and to all such property lying within cities and towns for which such charges are provided by interlocal agreement between the County and such cities or towns, which are served or receive benefits or which are to be served or to receive benefits from County Storm and Surface Water control facilities or which are contributing to an increase of surface water runoff.

(2) Storm and surface water management service charges shall be paid by the owners of record of the properties charged and such other persons as may be liable therefore by law.

(3) Beneficiaries of drainage services shall include all properties within Snohomish County which benefit by the provision, maintenance, operation and improvement of a storm and surface water control system by the Division of Storm and Surface

Water Management, regardless of how that system may be constituted.

25.07.020 DEFINITIONS

(1) Alternate Rate Category - A rate category assigned to a given parcel of land if it is shown that the hydrologic intensity of the development of that parcel is different from that which might otherwise be indicated by the land use classification. For instance, a parcel containing a properly constructed and maintained retention facility has lesser impact on local hydrologic systems than it would without the facility and would be assigned an alternate rate category reflecting this lesser impact.

(2) Comprehensive Drainage Basin Plan - 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 specify 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.

(3) Director - The word "Director" as used in this chapter shall mean the Director of the Department of Public Works or his or her designee.

(4) Drainage Control Facility - As used in Section 25.07.060(3)(a), Drainage Control Facility shall mean structures or systems engineered, designed and constructed expressly for the purpose of retaining or detaining surface water runoff from developed property in a manner which approximates natural runoff and discharge conditions. This definition shall not include structures which are designed and constructed primarily for agricultural or recreational purposes.

(5) Hydrologic Intensity - A relative measurement of the effects or impacts upon storm and surface water movement, collection, storage, volume and/or velocity, created by human modifications to the land. The hydrologic intensity of property subject to charges specified in 25.07.040 shall be indicated by the amount of impervious surface coverage as a proportion of total property acreage. A development with many modifications to the natural drainage system, with large amounts of impervious surface and with little or no provision for accommodating the increased surface water produced is said to be hydrologically intense.

(6) Impervious Surfaces - Those hard surfaced areas which either prevent or retard the entry of water into the soil mantle, as it entered under natural conditions pre-existent to development,

and/or cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, rooftops, concrete or asphalt sidewalks and paving, walkways, patio areas, driveways, parking lots or storage areas and gravel, oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water or runoff patterns existent prior to development.

(7) Land Use Classification - The type of development on a given parcel of land as indicated by records held by the Snohomish County Assessor and/or as supplemented by inspection by the Division of Storm and Surface Water Management. Land use classifications are indicators of impervious surface and hydrologic intensity, and are used to determine rate categories. "Service station," "single-family home," and "shopping center" are examples of land use classifications.

(8) Property Owner of Record - As used herein, the term "property owner of record" refers to that person or persons shown by the records at the County Assessor to be the owner of property and to whom property tax statements are directed by the County Treasurer.

25.07.030 STORM AND SURFACE WATER UTILITY ADVISORY BOARD

(1) The Snohomish County Storm and Surface Water Utility Advisory Board (UAB) is established hereby. The power and duties of the UAB shall be advisory only. It shall be comprised of a county-wide group of people representing local government, private citizens, industry, and community organizations, in order to ensure coordination and information exchange between local governments, private citizens, industry, and community organizations.

(2) The Board shall:

(a) Coordinate information exchange on drainage management issues between Snohomish County and the local governments, citizens and industries of Snohomish County.

(b) Provide policy recommendations to the County on drainage management issues which reflect both the provisions of and Title 25 and any other adopted goals and objectives related to drainage management.

(c) Review and provide comments to the County prior to the adoption of each comprehensive drainage basin plan prepared by the Division of Storm and Surface Water Management and the Executive Branch.

(d) Review all rate change proposals.

(e) Review Division of Storm and Surface Water Management goals and objectives established in annual budgets.

(3) Membership of the UAB shall be as follows:

(a) Regular Members. Members of the UAB shall be County residents and shall be appointed by the Snohomish County Council from individuals recommended by the Executive who represent the following jurisdictions and areas of interest:

One member representing the cities, towns, and/or Indian tribes in each of the five Council districts

Five representatives, one residing in the unincorporated area of each Council district.

Two representatives from drainage-related industry such as engineering consulting firms or drainage facilities construction contractors

One representative from the development or real estate industry

One representative from a community/environmental organization

One person representing all Snohomish County special purpose districts established pursuant to RCW 85.06, 85.08, 85.20, 85.22, 85.24, or 85.36

(b) Auxiliary Members. The regular membership of the UAB may appoint auxiliary members for a specific time period to serve on the Board in a non-voting capacity, for the purpose of providing specific information, technical advice, information of a general nature which is pertinent to the Board's activities or any other form of assistance which will aid the Board in carrying out its purpose.

(c) Term of Office. Terms of office for regular members shall be for a two-year period from the date of appointment, or until replaced.

(4) The Board shall be chaired by a chairperson, assisted by a vice-chairperson; both shall be elected by the Board from within the Board membership and shall serve for a period of one year.

(5) Meetings. The UAB shall meet as required to carry out the purposes of the Board. Meetings may be held at various locations within the County with written notification to the membership and chairperson designating the time and place of such meetings. A quorum shall consist of a majority of the regular members. A majority of the quorum will pass a motion.

(6) The Division of Storm and Surface Water Management shall provide a recording secretary and staff support, as necessary, for the meetings of the Board.

25.07.040 RATE STRUCTURE

(1) The Division of Storm and Surface Water Management shall classify all properties in Snohomish County into rate categories according to their hydrologic intensity.

(2) There is hereby imposed upon all properties in a Surface Water Management Services Area which contribute storm water runoff and/or which benefit or will benefit from the functions of the Division of Storm and Surface Water Management, annual charges as follows:

Rate Category	Impervious Surface Coverage	Hydrologic Intensity	Annual Service Charge
SINGLE FAMILY (SF)	---NA---	Light	\$22.00/parcel regardless of parcel size
CONDOMINIUM (CO)	---NA---	Heavy	\$20.00/unit
FARM (FA)	---NA---	Light	\$22.00/quarter acre; one acre maximum charge
VERY LIGHT (VL)	.01% to 19%	Very light	\$7.00/quarter acre or fraction thereof
LIGHT (LI)	20% to 39%	Light	\$22.00/quarter acre or fraction thereof
MODERATE (MO)	40% to 59%	Moderate	\$36.00/quarter acre or fraction thereof
HEAVY (HE)	60% to 79%	Heavy	\$50.00/quarter acre or fraction thereof
VERY HEAVY (VH)	80% to 100%	V. Heavy	\$66.00/quarter acre or fraction thereof
EXEMPT (EX)	0%	Negligible	\$0.00

(3) The Division of Storm and Surface Water Management shall consult the County Assessor's records and other records as necessary to determine parcel acreage to within 0.01 acre and to estimate impervious surface acreage and to determine the land use classification for the purposes of setting a rate for each individual parcel.

(4) In lieu of the charges imposed by subsection (2) of this section, there is hereby imposed upon all properties in a Surface Water Management Services Area in Snohomish County which contribute storm water runoff and/or which benefit or will benefit from the function of the Division of Storm and Surface Water Management, a charge, effective in 1984 only, of one-half (1/2) the charges imposed by subsection 25.07.040(2). This subsection shall be repealed on January 1, 1985.

25.07.050 BILLING PROCEDURE

(1) All property subject to charges for Storm and Surface Management service and benefits shall be assessed annually on January 1 based upon the rate category, land use classification and acreage then applicable to each such property and at the rate as set forth in Section 25.07.040.

(2) Billing Statements shall be mailed to the property owner of record.

(3) Storm and Surface Water Management charges are payable and due within 45 days of the billing date. Unpaid charges are delinquent thereafter.

(4) Those properties which first become subject to Storm and Surface Water Management charges after January 1 of any year shall be subject to a pro-rated charge for the remainder of the calendar year from and after the date such property first becomes subject to charges. The owner of record of the property receiving such pro-rated charges shall be mailed a billing statement and the charge stated therein shall be due and payable 45 days after the billing date and, if unpaid, shall be delinquent thereafter.

25.07.060 RATE ADJUSTMENTS AND APPEALS

(1) Any person receiving a billing statement for Storm and Surface Water Management charges and making a timely payment thereof, may file a "Request for Rate Adjustment" with the Division of Storm and Surface Water Management on forms as shall be prescribed by the Director. For a request for rate adjustment filed within 30 days of the billing date, such adjustment, if granted, shall be effective for the current billing year. Rate adjustment requests filed after 30 days of the billing date, if granted, shall be effective only for subsequent years.

(2) Requests for rate adjustment may be granted only when:

(a) The recipient of the billing statement is not the owner of the property charged; OR

(b) The acreage of the property charged is in error; OR

(c) The land use classification indicated on the bill does not correspond to the actual land use of the property charged; OR

(d) The actual impervious surface coverage of the property charged places it in a different rate category than the rate category assigned by the Division of Storm and Surface Water Management; OR

(e) The property is owned and is the personal residence of a person or persons over 65 years of age, certified by the County Assessor as qualified for a senior citizen property tax exemption; property qualifying hereunder shall be exempt from charges imposed in 25.07.040.

(3) Upon the adoption of a comprehensive drainage basin plan for each individual basin, parcels within that basin may also be eligible for rate reductions when any of the following conditions exist:

(a) The parcel discharges into an on-site or regional drainage control facility built under the regulatory authority of Snohomish County Drainage Ordinance, Title 24, AND a ten-year operation and maintenance fee has been paid to the County under the provisions of 24.28.040 and 24.28.080. Approved reductions will be prorated, based on the amount of the operation and maintenance fee paid.

(b) The parcel contains, wholly or in part, a stream, creek, lake or pond that has been identified in the comprehensive drainage basin plan as an important drainage facility PROVIDED that said facility is maintained in its natural state by the property owner.

(c) The parcel contains, wholly or in part, a wetland that is maintained in its natural state by the property owner.

(i) For the purposes of this ordinance, wetlands must have one or more of the following attributes: (1) at least periodically, the land supports predominantly wetland plant species, (2) the substrate is predominantly undrained, wet soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

(ii) For the purposes of this ordinance, maps prepared by the U.S. Fish and Game Service of most Snohomish County wetlands which qualify under 25.07.060(c)(i) above may be used to support any request for a rate adjustment.

(4) Upon the adoption of each individual comprehensive drainage basin plan by the County Council, the provisions of Section 25.07.060 may be amended to include additional provisions which shall apply specifically to all parcels in that basin.

(5) The property owner shall be responsible for proving that the rate adjustment sought should be granted.

(6) Decisions on requests for rate adjustments shall be made by the Director based on information submitted by the applicant as verified by the Division of Storm and Surface Water Management. The applicant shall be notified in writing of the Director's decision. If an adjustment is granted which reduces the charge for the current year, the applicant shall be refunded the amount overpaid; if it is determined that an adjustment should be made which increases the charge due for the current year, the applicant shall submit the additional charge within 45 days of the decision date.

(7) Decisions of the Director on requests for rate adjustments shall be final unless appealed to the Superior Court of Snohomish County by writ of certiorari within 30 days of the decision date.

25.07.070 DELINQUENT CHARGES; INTEREST; LIENS; FORECLOSURE

(1) Storm and Surface Water Management service charges or any part thereof which become delinquent as provided in 25.70.060 shall bear interest as provided by RCW 35.67.200 until paid; PROVIDED, that for delinquencies of 30 days or less, such interest charge may be waived.

(2) As provided by RCW 36.89.090, the County shall have a lien for delinquent service charges, including interest thereon, against any property which was charged for Storm and Surface Water Management service. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments.

(3) A lien for delinquent charges shall be effective for up to six months' delinquent charges without the necessity of any writing or recording as provided by RCW 35.67.210. Billing statements issued pursuant to Section 25.07.050 shall contain a notice that liens shall attach to property subject to storm and surface water management charges for up to six (6) months' delinquent charges without further notice. To make a lien effective for more than 6 months' charges, the Director shall cause a notice of lien of record to be filed in the office of the County Auditor. The notice of lien may refer to and be effective against any or all properties for which a lien is claimed provided each such property, the owners of each property and the amount of the lien claimed, is separately stated in such notice.

(4) The County may foreclose its lien in an action in Superior Court. All or any of the properties subject to the lien may be proceeded against in the same action, and all parties appearing of record as owning or claiming to own, having or claiming to have any interest in or lien upon the properties involved in the action shall be impleaded in the action as parties defendant. No action to foreclose a lien pursuant to a lien notice filed as required by law may be commenced more than two years from the date of filing thereof. An action to foreclose a lien for up to six (6) months' charges may be commenced at any time after six months subsequent to the furnishing of service for which payment has not been made. No lien foreclosure shall be commenced without the specific authorization of the County Council. In any action for foreclosure of a lien, the costs of the foreclosure and a reasonable attorney's fee shall be paid by the owner of the property subject to such lien.

25.07.080 SPECIAL OPERATING FUND

All service charges collected shall be deposited in a special fund in the County Treasury, as described in Section 25.06.030 to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating Storm and Surface Water Management facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any such facilities, 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.

25.70.90 EFFECTIVE DATE

This chapter shall be effective on January 1, 1984.

25.07.100 SEVERABILITY

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

PASSED this 23rd day of December, 1983.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Cliff Bailey
Chairperson

Approved as to Form:

Deputy Prosecuting Attorney

ATTEST:

Ullie Snyder
Clerk of Council

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

12-29-83
DATE: _____

Deputy County Executive

PUBLISHED _____ and _____

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