

RECEIVED

SNOHO
EXECI

JUL 21 1987 8700457

COUNTY COUNCIL



CO00027438

WDI PCK
UAM KJB WBD

SNOHOMISH COUNTY, WASHINGTON
AMENDED
ORDINANCE NO. 87-040

STORM AND SURFACE WATER MANAGEMENT

An ordinance relating to storm and surface water management; creating charges for storm and surface water management services in defined watershed management areas; adding new chapters to Snohomish County Code Title 25; repealing all existing chapters of Snohomish County Code Title 25; and providing for effective dates on a phased schedule for the individual watershed management areas.

BE IT ORDAINED:

SECTION 1. Snohomish County Code Chapters 25.01, 25.02, 25.03, 25.04, 25.05, and 25.06 enacted as Ordinance No. 81-039, adopted May 4, 1981, as amended by Ordinance No. 83-152, adopted December 29, 1983, and Ordinance No. 84-090, adopted August 22, 1984; and Snohomish County Code Chapter 25.07, enacted as Ordinance No. 83-153, adopted December 29, 1983, as last amended by Ordinance No. 84-090, adopted August 22, 1984, are hereby repealed in their entirety.

SECTION 2. A new title in the Snohomish County Code to be codified as Title 25 with the title heading of "Storm and Surface Water Management" is hereby enacted to read as follows:

Title 25

STORM AND SURFACE WATER MANAGEMENT

Chapters:

- 25.05 General Provisions
- 25.10 Definitions
- 25.15 Surface Water Advisory Board (SWAB)
- 25.20 Charges for Storm and Surface Water Management

Chapter 25.05

GENERAL PROVISIONS

Sections:

- 25.05.010 Purpose.
- 25.05.020 Authority.
- 25.05.030 Severability.

25.05.010 Purpose. There is hereby created a surface water management program for Snohomish County to be administered by the Snohomish County Department of Public Works within service areas defined by ordinance to be known as "watershed management areas".

25.05.020 Authority.

(1) Pursuant to Chapter 36.89 of the Revised Code of Washington (RCW) and the Snohomish County Home Rule Charter, Snohomish County is authorized to provide storm and surface water management services within and without its cities and towns for the benefit of all county residents.

(2) Whenever necessary to examine the property characteristics of a particular parcel for the determination of rates and charges, the Director may enter any property or portion thereof at reasonable times in compliance with the following procedures:

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

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

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

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

Chapter 25.10

DEFINITIONS

Sections:

- 25.10.010 Application of Definitions.
- 25.10.020 Aquatic system.
- 25.10.030 Director.
- 25.10.040 Drainage basin.
- 25.10.050 Impervious surfaces.
- 25.10.060 Land use classification.
- 25.10.070 Property owner of record.
- 25.10.080 Service charges.
- 25.10.090 Rates.
- 25.10.100 State highway right of way.
- 25.10.110 Storm and surface water management services.
- 25.10.120 Surface water management facility.
- 25.10.130 Watershed management areas.

25.10.010 Application of definitions. Unless the context clearly requires otherwise, the definitions in this chapter apply throughout this title.

25.10.020 Aquatic system. Creeks, streams, rivers, marshes, lakes, and wetlands.

25.10.030 Director. The Director of the Snohomish County Department of Public Works or his or her designee.

25.10.040 Drainage basin. The geographic region within which water drains into a particular aquatic system or other body of water.

25.10.050 Impervious surfaces. Hard surfaced areas which prevent or retard the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow than under natural conditions. 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, or other surfaces which similarly impede the natural infiltration of surface water or runoff patterns existent prior to development.

25.10.060 Land use classification. The type of development on a given parcel of land as indicated in the records of the Snohomish County Assessor or as determined by inspection by the Department of Public Works. Land use classifications are used to determine rate categories because they are indicators of impervious surfaces and hydrologic intensity.

25.10.070 Property owner of record. Person or persons recorded by the County Assessor to be the owner of property and to whom property tax statements are directed by the County Treasurer.

25.10.080 Service charges. Charges to property owners for storm and surface water management services.

25.10.090 Rates. The dollar amount charged per unit of surface area of a parcel of real property or per parcel based upon the land use classification and/or amount of impervious surface coverage for the accommodation of storm and surface water runoff and other surface water management services.

25.10.100 State highway right of way. The right of way of a state limited-access highway inside or outside a city or town. The term does not include city or town streets forming a part of the route of state highways that are not limited-access highways or state property under the jurisdiction of the department of transportation that is outside the right of way lines of a state highway.

25.10.110 Storm and surface water management services. The services provided by the Department of Public Works to plan, design, establish, acquire, develop, construct, maintain, and improve surface water management facilities within and without its cities and towns for the benefit of all county residents.

25.10.120 Surface water management facility. Any facility, improvement, development, property, or interest therein, made, constructed or acquired for the purpose of controlling or protecting life or property from storm, waste, flood, or surplus waters. Such facilities shall include, but not be limited to, the improvements and authority described in RCW Chapters 86.12, 86.13, and 86.15.

25.10.130 Watershed management areas. The geographical areas in which service charges may be imposed. Such areas are described in Section 25.20.020.

Chapter 25.15

SURFACE WATER ADVISORY BOARD

Sections:

- 25.15.010 General.
- 25.15.020 Duties.
- 25.15.030 Membership.
- 25.15.040 Chair.
- 25.15.050 Meetings.
- 25.15.060 Staff support.

25.15.010 General. The Snohomish County Surface Water Advisory Board (SWAB) is hereby established. The powers and duties of the SWAB shall be advisory only. It shall be comprised of a countywide group of people representing local government, private citizens, industry, and community organizations to ensure coordination and information exchange between these differing interest groups.

25.15.020 Duties. SWAB shall:

- (1) Coordinate information exchange on drainage management issues between Snohomish County and the local governments, citizens, and industries of Snohomish County;
- (2) Provide policy recommendations to the County on drainage management issues which reflect both the provisions of Title 24, Title 25, and any other adopted goals and objectives relating to drainage management;
- (3) Review and provide comments to the County prior to the adoption of each comprehensive drainage basin plan;
- (4) Review all rate change proposals;
- (5) Review goals and objectives established in annual budgets for surface water management.

25.15.030 Membership. The SWAB shall consist of not more than fifteen (15) members. The membership shall be comprised as follows:

- (1) Members of the SWAB shall be county residents, shall be confirmed by the County Council from individuals nominated by the County Executive, and shall represent jurisdictions and areas of

interest as follows:

(a) Five (5) representatives representing the incorporated areas, one residing in an incorporated area of each council district.

(b) Five (5) representatives representing the unincorporated areas, one residing in the unincorporated area of each council district.

(c) Two (2) representatives from drainage-related industry such as engineering consulting firms or drainage facilities construction contractors.

(d) One (1) representative from the development or real estate industry.

(e) One (1) representative from a community/environmental organization.

(f) One (1) 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.

(2) Terms of office shall be for a two-year period from the date of confirmation, or until replaced.

25.15.040 Chair. The board shall be chaired by a chairperson who shall be assisted by a vice chairperson. Both shall be elected by majority vote and shall serve for a period of one year. The chairperson and vice chairperson may be reelected for an indefinite number of terms.

25.15.050 Meetings. The SWAB shall meet as required to carry out the purpose 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 members. A majority of the quorum will pass a motion.

25.15.060 Staff support. The Director shall provide a recording secretary and staff support, as necessary, for the meetings of the board.

Chapter 25.20

CHARGES FOR STORM AND SURFACE WATER
MANAGEMENT SERVICES

Sections:

- 25.20.010 Applicability.
- 25.20.020 Watershed management areas.
- 25.20.030 Rate structure.
- 25.20.040 Billing.
- 25.20.050 Rate adjustments and appeals.
- 25.20.060 Delinquent charges.
- 25.20.070 Special operating fund.
- 25.20.080 Administrative procedures.
- 25.20.900 Effective date and phasing.
- 25.20.910 Severability.

25.20.010 Applicability. The requirements of this chapter shall apply to all properties located within the watershed management areas defined in Section 25.20.020.

25.20.020 Watershed management areas.

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

(a) Chase Lake/Lake Ballinger drainage basin.

(b) Drainage basins for tributaries to the Puget Sound located south of Everett.

(c) Swamp Creek drainage basin.

(d) North Creek drainage basin.

(e) Those portions of the drainage basins for tributaries to the Marshland Flood Control District lying south of Lowell-Larimer Road; west of the East section lines of Sections 26 and 35, Township 28 North, Range 5 East; and lying north of the South section lines of Sections 34 and 35 of said Township and Range.

(2) The exact boundaries of said drainage basins and Watershed Management Areas shall be determined based on

topographic maps. Detailed maps of the drainage basin and WMA boundaries are available in the Department of Public Works and incorporated by reference herein. Where it is questionable whether or not a property is included in a WMA and subject to the requirements of this chapter, inclusion shall be determined on a case by case basis by the Director based on actual topographic and hydrologic characteristics of the property.

(3) Each watershed management area shall be named for the drainage basin in which it is located as follows: Chase Lake/Lake Ballinger WMA, Puget Sound Tributaries WMAs, Swamp Creek WMA, North Creek WMA, and Tributaries to Marshland WMA.

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

25.20.030 Rate structure.

(1) The Director shall classify all properties in the watershed management areas into rate categories according to their land use classification and/or degree of impervious surface coverage.

(2) All properties in watershed management areas, except as noted in subsections (3) and (4), shall be subject to annual service charges as follows:

<u>RATE CATEGORY</u>	<u>IMPERVIOUS SURFACE COVERAGE</u>	<u>ANNUAL SERVICE CHARGE</u>
Single Family	Flat rate	\$22 per parcel regardless of parcel size
Condominium	Flat rate	\$20 per unit
Farm	Flat rate	\$22 per quarter acre; one acre maximum charge
Exempt	Less than 1%	No Charge
Very Light	1% to 19%	\$7 per 1/4 acre
Light	20% to 39%	\$22 per 1/4 acre
Moderate	40% to 59%	\$36 per 1/4 acre
Heavy	60% to 79%	\$50 per 1/4 acre
Very Heavy	80% to 100%	\$66 per 1/4 acre

(3) Property shall be exempt from service charges when the property is owned by and is the personal residence of a person or persons approved by the County Assessor for a Senior Citizen or Disabled Persons property tax exemption under RCW 84.36.381.

(4) The rate charged for state highway right of way shall be thirty (30) percent of the rate for comparable real property in terms of impervious surface coverage, or as otherwise provided by RCW 90.03.525.

25.20.040 Billing.

(1) All property subject to service charges shall be assessed annually on January 1st 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 25.20.030.

(2) After 1987, billing statements shall be included on the annual property tax statements. Properties which do not receive a property tax statement will receive a separate service charge billing statement.

(3) If a payment is received in conjunction with a combined property tax and service charge, and the payment is less than the sum of the total property tax plus service charge or less than the sum of one-half of the property tax plus one-half of the service charge, and unless otherwise specified by the parcel owner, the payment shall be applied to the annual property tax of the parcel first pursuant to the provisions of Chapter 84.56 RCW and any remaining amount to the service charge.

(4) The total amount of the service charge shall be due and payable on or before the 30th day of April and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the said 30th day of April, the remainder shall be due and payable on or before the 31st day of October and shall be delinquent after that date.

25.20.050 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 apply to the Department of Public Works for a rate adjustment under any the following circumstances:

(a) There is an error in billing; such as acreage, impervious surface coverage, or land use classification.

(b) The property is not classified as "single family home" or "condominium" and discharges into an onsite or regional drainage control facility built to the standards set forth in the

Snohomish County Drainage Ordinance, Title 24, AND said facility is adequately operated and maintained by the owner. For the purposes of this section, drainage control facility shall mean any structure or system 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.

(c) The property is not classified as "single family home" or "condominium" and contains, wholly or in part, an aquatic system that meets the detention standards of Title 24, PROVIDED that said aquatic system is maintained in its natural state by the property owner.

(2) Applications for rate adjustments shall be made to the Director. The burden of proof shall be on the applicant to show that the rate adjustment sought should be granted.

(3) To be effective for the current billing year, applications for rate adjustment must be made within 30 days of the billing date. Applications received after 30 days of the billing date shall only be effective for subsequent years. If the Director grants an adjustment which reduces the charge for the current year, the applicant shall be refunded the amount overpaid. If the Director determines that an adjustment should be made which increases the charge due for the current year, the applicant shall submit the additional charge within forty-five (45) days of the decision date.

(4) Rate adjustments granted for reasons other than billing errors are subject to renewal every two years.

(5) 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 thirty (30) days of the decision date.

25.20.060 Delinquent charges.

(1) Storm and surface water management service charges or any part thereof which become delinquent pursuant to Section 25.20.040 shall bear interest as provided in RCW 36.89.090 and RCW 35.67.200 at the rate of 8 percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Such interest charge may be waived for delinquencies of thirty (30) days or less. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

(2) The County shall have a lien for delinquent service

charges, including interest thereon, against any property for which service charges are delinquent as provided by RCW 36.89.090.

(3) The County may use all legal and equitable methods of enforcing this chapter.

25.20.070 Special operating fund. All service charges collected shall be deposited in a special fund in the Department of Finance. 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 program; 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.

25.20.080 Administrative procedures. Pursuant to SCC 2.68, the Director is authorized to develop administrative procedures relating to the provisions of this title.

25.20.900 Effective date and phasing. The provisions of this chapter shall become effective on a phased schedule for the watershed management areas as described in Section 25.20.020 as follows:

<u>Watershed Management Area:</u>	<u>Effective Date:</u>
Chase Lake/Lake Ballinger	January 1, 1988
Puget Sound Tributaries	January 1, 1988
Swamp Creek	January 1, 1988
North Creek	January 1, 1989
Tributaries to Marshland	January 1, 1989

25.20.910 Severability. If any provision of this chapter, 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 shall not be affected.

25.20.920 Expiration date. This ordinance shall be repealed on the date six years following enactment unless reenacted prior to that date pursuant to 1986 County Charter Section 2.115.

PASSED this 16th day of July, 1987.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Shirley Bartelme
Chairperson

Approved as to Form:

Wendell R. [Signature]
Deputy Prosecuting Attorney

ATTEST:

Kathryn J. Merton
Clerk of Council

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

DATE: 7/22/87

Willis D. Tucker
County Executive
~~JOHN CARLINIS~~
~~Deputy Executive~~

PUBLISHED _____ and _____

s;title25a/lr/5

**THIS DOCUMENT CONTAINED
LARGE FORMAT PAGES.**

**SEE LRG_FORMAT DOCUMENT
TYPE FOR IMAGES.**