

COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON  
AMENDED  
ORDINANCE NO. 93-078



CREATING TITLE 25A SNOHOMISH COUNTY CODE  
WATER QUALITY RESTORATION AND WATER QUANTITY MANAGEMENT  
AND CREATING A SPECIAL FUND

BE IT ORDAINED:

Section 1. In establishing the Lower Stillaguamish River Clean Water District, it is the INTENT of the County Council to:

1. Provide services to citizens who experience drainage problems, to restore the water quality of the Stillaguamish River and its tributaries, and to protect and restore vital fish habitat through:
  - Construction of drainage improvements to address neighborhood flooding;
  - Construction of capital improvements to restore or protect lives, property, and habitat;
  - Direct assistance to farms in the development of farm management plans and the construction of improvements;
  - Development of a loan program to repair failed onsite septic systems;
  - Establishing a watershed steward to be responsible for achievement of watershed goals and for coordinating activities and efforts of government agencies;
  - Action-oriented, focussed studies of watershed issues to identify immediate and long-term solutions;
  - Water quality monitoring to document water resource conditions, improvements, and guide proposed actions;
  - Provision of educational materials and opportunities to provide technical assistance to property owners and an understanding of the watershed resource to adults and school children.
2. Authorize the Lower Stillaguamish River Clean Water District only through December 31, 1996. It is also the intent of the Council to consider re-authorization of the District during the third trial year based on a performance review of the funded programs and input gathered from citizens at community meetings and at a public hearing.

3. Create an advisory board which has eleven rate payers, including eight citizens from the Single Family rate category, one citizen from the Farm rate category, one citizen from the Retail/Industrial/Other rate category, and one citizen from Drainage District 7, to advise the County Council on the distribution of funds amongst implementing entities and the private sector and to recommend priorities for implementation of projects and programs.
4. Assure residents that funds collected from their area are spent in their area. Therefore, revenues and expenditures collected from the western portion of the Lower Stillaguamish River Clean Water District (Portage Creek, Church Creek, Seven Lakes, and Lake Ketchum) accounted for separately from those collected from the eastern portion of the Clean Water District (Pilchuck Creek, the North Fork Stillaguamish, and South Fork Stillaguamish).
5. Have the Department of Public Works act aggressively and in a cooperative manner with all appropriate enforcement agencies to emphasize enforcement of existing water quality regulations rather than create new regulations for the District.
6. Create or fund no new divisions of county government with the proceeds from the Clean Water District. Nor is it the intent of the Council to use District funds to support the creation of new divisions of county, state, or federal government.
7. Use the private sector whenever practical to achieve the purposes, goals, and objectives of the District.
8. Have the Department of Public Works take full advantage of alternative funding sources to supplement and leverage the fees collected.
9. It is the Councils intent that the Department of Public Works work diligently with the commissioners and land owners from Drainage District 7 to develop water pollution prevention plans for the district and that Public Works develop a Memorandum of Agreement with the district so that the district can take maximum advantage of the credits provided for in SCC 25A.20.070(5) in 1995 and beyond.

Section 2. The Snohomish County Council makes the following FINDINGS OF FACT:

- A. Snohomish County is required by the federal Clean Water Act of 1972, the Puget Sound Water Quality Management Plan, and the State Water Quality Standards, to manage and regulate water quality.

- B. The U.S. Environmental Protection Agency's 1983 report titled Results of the Nationwide Urban Runoff Program - Volume 1, Final Report indicates that stormwater runoff typically contains high concentrations of fecal coliform bacteria, suspended solids, organic pollutants such as solvents and pesticides, and toxic metal such as copper, cadmium, and lead.
- C. In 1987, as a result of their study titled Water Quality Study of Port Susan: October 1986 to March 1987 (Jerry Lukes, 1987) the Washington State Department of Social and Health Service downgraded 6,100 acres of commercial shellfish growing area in Port Susan from approved to restricted.
- D. The report titled Shellfish Protection Strategies, prepared for the Washington State Department of Ecology by R. S. Saunders in 1984, attributed water quality problems to poor animal waste management practices, failing onsite sewage systems, and rural nonpoint pollution.
- E. In 1987 the Stillaguamish River watershed was nominated for "Early Action Watershed Planning" by the Stillaguamish Tribe and the Tulalip Tribes, and was subsequently selected by the Puget Sound Water Quality Authority as one of twelve watersheds requiring special early action planning.
- F. The Stillaguamish Watershed Action Plan - Technical Supplement (Snohomish County, July 1989) provides a detailed assessment of the Stillaguamish River's water quality.
- G. In January 1990, the Stillaguamish Watershed Action Plan (Snohomish County, 1990) was the first early action watershed plan approved by the Washington State Department of Ecology. The Plan contains ten recommendations intended to improve agricultural practices, seven recommendations meant to improve failing onsite sewage disposal systems, and twelve recommendations designed to improve stormwater runoff.
- H. Since January 1990, the Snohomish County Public Works Division of Surface Water Management along with the Stillaguamish Tribe, the Tulalip Tribes, the Department of Ecology, the Puget Sound Water Quality Authority, the Department of Fisheries, the Snohomish Conservation District, the Snohomish Health District, and Pilchuck Audubon Society have worked together to implement these 29 afore mentioned recommendations.
- I. Since January 1988, 140 drainage problems have been reported to the Surface Water Management Division from citizens within the Stillaguamish River watershed. Repairs have been completed in only 21 cases (where the County road was threatened or was the direct cause of the problem) because there have been no Watershed Management Area or Clean Water District funds.

- J. Snohomish County is authorized by Chapter 90.72 RCW - Shellfish Protection Districts, Chapter 36.89 RCW - Stormwater Control, and the Snohomish County Home Rule Charter, to create Title 25A Water Quality Restoration and Water Quantity Management.
- K. State law (RCW 36.89.020) recognizes that stormwater control facilities protect life and property throughout the County from stormwater damage and they require planning and development over the entire watershed.
- L. State law (RCW 36.89.080) authorizes a county to plan, design, establish, acquire, develop, construct, maintain, operate and improve stormwater control facilities and to impose rates and charges for the furnishing of service to those served or receiving benefits from a stormwater control facility or contributing to an increase of surface water runoff.
- M. The consulting firm of Brown and Caldwell prepared for Snohomish County in December, 1981, the Storm and Surface Water Utility Rate Study in order to establish the rates which apply to the eleven existing Watershed Management Areas created under Title 25 SCC.
- N. State law (RCW 85.38.160) requires that when a county imposes rates and charges for stormwater or surface water control facilities pursuant to Chapter 36.89 or 36.94 RCW, credit be given to owners of parcels who pay an assessment to a flood control district for the management of water quantity.
- O. In amending State law (Chapter 90.72 RCW) in 1992 the legislature found that failing onsite sewage systems and animal waste are the two most significant causes of shellfish bed closures over the past decade and that remedial actions at the local level are required to effectively address these problems.
- P. State law (Chapter 90.72 RCW) authorizes a county having shellfish tidelands within its boundaries to establish a shellfish protection district and manage, regulate, and control a program to decrease nonpoint pollution from stormwater runoff, onsite sewage systems, and animal grazing and manure management practices that threaten water quality, and to impose fees, rates, or charges for the program and related services.
- Q. Pursuant to State law (RCW 90.72.040) additional rates and charges for shellfish protection district programs may not be imposed if another program to eliminate or decrease contamination in stormwater runoff already exists.

- R. Pursuant to State law (RCW 90.72.070) confined animal feeding operations subject to the national pollutant discharge elimination system and implementing regulations shall not be subject to rates and charges by a shellfish protection district.
- S. Pursuant to State law (RCW 90.72.070) facilities permitted and assessed fees for wastewater discharge under the national pollution discharge elimination system shall not be subject to rates and charges for wastewater discharge by a shellfish protection district.
- T. Pursuant to State law (RCW 90.72.070) lands classified as forest land under Chapter 84.33 RCW and open space timber land under Chapter 84.34 RCW shall not be subject to rates and charges by a shellfish protection district.
- U. Pursuant to State law (RCW 90.72.030) the County Council may appoint an advisory board to make recommendations on matters related to the preparation and implementation of a shellfish protection program.
- V. In order to correct substandard onsite sewage disposal systems, State law (Chapter 70.118 RCW) authorizes the Snohomish Health District to identify failing septic tank drainfield systems, use reasonable effort to determine new failures, and use discretionary judgement to implement corrections, and authorizes the County to adopt regulations consistent with this purpose.
- W. In order to conserve renewable resources, including water, vegetation, fish, wildlife, wild rivers, and open space, State law (Chapter 89.08 RCW) authorizes the Snohomish Conservation District to conduct surveys, investigations, and research; conduct educational and demonstration projects; and to carry out preventive and control measures and works of improvement for the conservation of renewable natural resources.
- X. The County Council is authorized by State law (Chapter 90.72 RCW) to use the Snohomish Conservation District, the Snohomish Health District, and other existing entities to address water quality problems.
- Y. Snohomish County is authorized by State law (RCW 70.150.010) to enter into agreements with service providers for the furnishing of service in connection with water pollution control facilities.
- Z. On January 13, 1993, Snohomish County and Snohomish Conservation District entered into a five-year agreement for the purpose of fostering the wise stewardship of the County's natural resources. Through the Memorandum of Understanding and Agreement the District is provided funds in exchange for professional services of value to the County and its citizens.

- AA. The Department of Public Works has proposed a Clean Water District program which is set out in Section 3 of this ordinance.
- BB. Each single family residence within the City of Stanwood is charged a drainage fee of \$72.00 each year. Each single family residence within the City of Bothell, the City of Lake Stevens, and the City of Marysville pays for surface water management services at the rate of \$22.00 per year. Each single family residence within the City of Lynnwood pays for surface water management services at the rate of \$30.00 per year. Each single family residence within the City of Everett pays for surface water management services at the rate of \$44.00 per year. Each single family residence in unincorporated Snohomish County in the following watersheds pays for surface water management services at the rate of \$22.00 per year: Chase Lake/Lake Ballinger, Puget Sound Tributaries, Swamp Creek, North Creek, Tributaries to Marshland, Lake Stevens, Sunnyside, Smokey Point, Quilceda Creek/Allen Creek, Bear Creek/Little Bear Creek, and Snohomish Uplands.
- CC. Only residents of the Lower Stillaguamish River Clean Water District will pay the service charges imposed by this ordinance. No property already paying for surface water management services will be double charged.

Section 3. Based on the foregoing Findings of Fact, the Snohomish County Council makes the following CONCLUSIONS:

- A. There is a need, in order to protect public health, safety, and welfare, to establish for the Lower Stillaguamish River, a single Clean Water District to carry out the functions of both a watershed management area created under the authority of Chapter 36.89 RCW and a shellfish protection district created under the authority of Chapter 90.72 RCW.
- B. Activities essential to a shellfish protection program have been included in the Clean Water District program.
- C. Activities essential to a stormwater control program have been included in the Clean Water District program.
- D. Program needs for restoring water quality and managing water quantity may vary from watershed to watershed.
- E. Land use activities on developed parcels generate nonpoint source pollution and also increase the amount of stormwater runoff.
- F. Some components of a Clean Water District program may address both water quality and water quantity.

- G. It is desirable to use the rate structure established in SCC 25.20.030 for Watershed Management Areas for Clean Water Districts. These rates will remain in effect through December 31, 1996.

Section 4. A new title is added to the Snohomish County Code to read:

Title 25A

WATER QUALITY RESTORATION AND WATER QUANTITY MANAGEMENT

Chapters:

- 25A.05 General Provisions
- 25A.10 Definitions
- 25A.20 Charges for Water Quality Restoration and Water Quantity Management Services
- 25A.30 Advisory Board

Chapter 25A.05

GENERAL PROVISIONS

Sections:

- 25A.05.010 Purpose.
- 25A.05.020 Authority.
- 25A.05.030 Program established.
- 25A.05.040 Reporting.
- 25A.05.050 Liability.
- 25A.05.060 Severability.

25A.05.010 Purpose. It is the purpose and intent of this title to:

- (1) Establish a water quality restoration and water quantity management program for Snohomish County to be administered by the Snohomish County Department of Public Works;
- (2) Create service areas defined by ordinance to be known as "Clean Water Districts";
- (3) Provide a comprehensive approach to managing and regulating surface water in order to respect and preserve the County's rivers, streams, lakes, and other waterbodies; protect and restore water quality; control, accommodate, and discharge storm runoff; provide for groundwater recharge; control sediment; stabilize erosion; monitor water quality and stream flow; and rehabilitate stream and drainage corridors for hydraulics, aesthetics, and fisheries benefits;

- (4) Restore water quality in saltwater tidelands to allow the upgrading of conditionally approved, restricted, and prohibited shellfish beds;
- (5) Facilitate the implementation of watershed action plans, watershed management plans, and lake restoration plans;
- (6) Recognize that programs to restore water quality and manage water quantity will vary from watershed to watershed and that specific watershed management needs may be refined when watershed action plans, watershed management plans, or lake restoration plans, are developed or revised;
- (7) Foster interagency cooperation on water quality restoration and water quantity management issues because watersheds do not conform to political boundaries.

25A.05.020 Authority.

- (1) Pursuant to Chapter 36.89 RCW, Chapter 90.72 RCW, and the Snohomish County Home Rule Charter, Snohomish County is authorized to provide water quality restoration and water quantity management services throughout unincorporated Snohomish County and within 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.

25A.05.030 Program established. There is hereby established a water quality restoration and water quantity management program to provide water quality restoration and water quantity management services, facilities, and regulations within Snohomish County. The program shall be administered by the Snohomish County Department of Public Works. The program shall be described in the County's Annual Budget and may include, but shall not be limited to the following: preparing and implementing watershed action plans, watershed management plans,



nonpoint source pollution prevention plans, lake restoration plans, lake management plans, and comprehensive flood hazard management plans; complying with federal, State, and local water quality regulations; developing and implementing public involvement and education activities; performing water quality and streamflow monitoring; developing, proposing, and analyzing policies and regulations; inventorying, rehabilitating, and restoring drainage systems; investigating drainage problems; planning, designing, establishing, acquiring, developing, constructing, maintaining, and improving needed water pollution control and stormwater control facilities; administering programs; imposing and collecting fees, rates, and charges; receiving grants, loans, taxes, and other revenues; and paying for or securing general obligation, councilmanic, or revenue bonds issued for any such purposes.

25A.05.040 Reporting. By December 31, 1994, the Snohomish County Department of Public Works shall provide the County Council with a report and recommendations on the rate categories and service charges applied to the land use classifications in the "Resource" and "Undeveloped Land & Water" subclassifications of the August 5, 1993 "Index of Land Use Classification and Rate Categories".

25A.05.050 Liability. Administration of this title shall not be construed to create the basis for any liability on the part of the County, its appointed and elected officials, and employees while working within the scope of their duties, for any action or inaction thereof authorized or done in connection with the implementation of this title.

25A.05.060 Severability. If any provision of this title, or its application to any person or circumstances, is held invalid, the remainder of this title, or the application of the provisions to other persons or circumstances, shall not be affected.

Chapter 25A.10

DEFINITIONS

Sections:

- 25A.10.010 Application of definitions.
- 25A.10.020 Aquatic system.
- 25A.10.030 Clean water district.
- 25A.10.040 Director.
- 25A.10.050 Drainage basin.
- 25A.10.060 Impervious surfaces.
- 25A.10.070 Land use classifications.
- 25A.10.080 Nonpoint source pollution.
- 25A.10.090 Property owner of record.
- 25A.10.100 Rates.
- 25A.10.110 Service charges.
- 25A.10.120 State highway right-of-way.
- 25A.10.130 Stormwater control facilities.
- 25A.10.140 Water pollution control facilities.
- 25A.10.150 Water quality restoration activities.
- 25A.10.160 Water quality restoration and water quantity management services.
- 25A.10.170 Water quantity management activities.
- 25A.10.180 Watershed.
- 25A.10.190 Watershed action plan or watershed management plan.

25A.10.010 Application of definitions. Unless clearly stated otherwise, the definitions in this chapter apply throughout this title.

25A.10.020 Aquatic system. Creeks, streams, rivers, marshes, lakes, wetlands, and tidelands.

25A.10.030 Clean water district. The geographical area in which service charges may be imposed. Such areas are described in SCC 25A.20.020.

25A.10.040 Director. The director of the Snohomish County Department of Public Works or his or her designee.

25A.10.050 Drainage basin. See "Watershed".

25A.10.060 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, walkways, and paving; patio areas, driveways, parking lots, and storage areas; and graveled, oiled, or other surfaces which similarly impede the natural infiltration of surface water or alter runoff patterns that existed prior to development.

25A.10.070 Land use classifications. 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 director of the Department of Public Works. Land use classifications are used to determine rate categories because they are indicators of impervious surfaces and hydrologic intensity.

25A.10.080 Nonpoint source pollution. Pollution that enters storm and surface waters from dispersed sources (such as surface runoff) rather than through pipes. Nonpoint sources include, but are not limited to: forest practices, agricultural practices, onsite sewage disposal systems, developed lands, motor vehicles, and recreational boats. These nonpoint sources may contribute pathogens, suspended solids, nutrients, oils, metals, and toxicants.

25A.10.090 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.

25A.10.100 Rates. The dollar amount charged per unit of surface area 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.

25A.10.110 Service charges. Charges to property owners for water quality restoration and water quantity management services.

25A.10.120 State highway right-of-way. The right-of-way of a state limited-access highway. 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.

25A.10.130 Stormwater control facilities. Any facility, improvement, development, property, stream channel, aquatic system, 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 may include, but shall not be limited to, the improvements and authority described in Chapters 86.12, 86.13, and 86.15 RCW.

25A.10.140 Water pollution control facilities. Any facilities or systems, natural or built, that control, collect, store, treat, dispose, or recycle wastewater, including but not limited to sanitary sewage, stormwater, residential waste, commercial wastes, industrial wastes, and agricultural wastes, that are causing or threatening the degradation of subterranean or surface bodies of water due to concentrations of conventional, nonconventional, or toxic pollutants.

25A.10.150 Water quality restoration activities. Any activity, routine, or project developed and implemented to comply with federal, State, or local regulations and policies designed to protect surface water quality and shellfish beds. Such activities may include, but shall not be limited to those that: plan, design, regulate, establish, acquire, develop, construct, maintain, and improve water pollution control facilities; regulate water quality; develop and implement watershed and lake management plans, nonpoint source pollution prevention plans, and comprehensive flood hazard management plans; develop and provide public involvement and education; collect and analyze water quality data; implement, encourage, and promote agricultural best management practices related to animal grazing and manure management; and repair and promote the proper function of onsite sewage systems.

25A.10.160 Water quality restoration and water quantity management services. The services provided by the Department of Public Works to plan, design, regulate, establish, acquire, develop, construct, maintain, and improve water pollution control facilities, stormwater control facilities, water quality restoration activities, and water quantity management activities throughout unincorporated Snohomish County and within its cities and towns for the benefit of all County residents.

25A.10.170 Water quantity management activities. Any activity, routine, or project developed and implemented to comply with federal, State, or local regulations and policies designed to minimize drainage problems. Such activities may include, but shall not be limited to those that: plan, design, regulate, establish, acquire, develop, construct, maintain, and improve stormwater control facilities; inventory, rehabilitate, and restore drainage systems; investigate and address drainage problems; and collect and analyze streamflow data.

25A.10.180 Watershed. The geographic region within which water drains into a particular aquatic system or other body of water.

25A.10.190 Watershed action plan or watershed management plan. A plan adopted by the County Council or the Department of Ecology for a specific watershed. A plan may include, but shall not be limited to voluntary, educational, structural, and/or regulatory approaches to the following: source control program strategies, program goals, and recommended actions.

Chapter 25A.20

CHARGES FOR WATER QUALITY RESTORATION AND WATER QUANTITY  
MANAGEMENT SERVICES

Sections:

- 25A.20.010 Applicability.
- 25A.20.020 Clean water districts.
- 25A.20.030 Rate structure.
- 25A.20.040 Rate adjustments and appeals.
- 25A.20.050 Billing errors.
- 25A.20.060 Exemptions and reductions.
- 25A.20.070 Credits.
- 25A.20.080 Billing.
- 25A.20.090 Delinquent charges.
- 25A.20.100 Special operating funds.
- 25A.20.110 Administrative procedures.
- 25A.20.120 Effective date and phasing.

25A.20.010 Applicability. The requirements of this chapter shall apply to all properties located within the clean water districts defined in SCC 25A.20.020.

25A.20.020 Clean water districts.

- (1) Clean water districts shall consist of all properties in unincorporated Snohomish County which are located within the following watersheds or portions of the watershed as shown on the map described in subsection (2) below. Clean water districts may also include properties within cities and towns lying within said watershed by interlocal agreement between the County and such cities or towns.

Clean Water Districts

- (a) Lower Stillaguamish River
- (2) The exact boundary of said watershed and clean water district shall be determined based on topographic maps. A detailed map of the watershed and clean water district boundary is attached and incorporated by reference.
- (3) Nothing in this chapter shall be interpreted as preventing adjustment of the clean water district by legislative action at a later date.

25A.20.030 Rate structure.

- (1) The director shall assign a rate category to each tax parcel in the clean water district. Rate categories shall be determined according to land use classification and/or degree of impervious surface coverage. The "Index of Land Use Classifications and Rate Categories" dated August 5, 1993, is available in the Department of Public Works and incorporated by this reference.
- (2) Each tax parcel in the clean water district, except as noted in SCC 25A.20.050, SCC 25A.20.060, and SCC 25A.20.070, shall be subject to annual service charges as follows:

RATE CATEGORY	IMPERVIOUS SURFACE COVERAGE	ANNUAL CHARGE RCW 90.72	ANNUAL CHARGE RCW 36.89	TOTAL ANNUAL SERVICE CHARGE
Single Family	---	\$14.96 per parcel	\$7.04 per parcel	\$22.00 per parcel
Condominium	---	\$13.60 per unit	\$6.40 per unit	\$20.00 per unit
Farm, no building		\$0.00	\$0.00	\$0.00
Farm, w/ building		\$0.34 per 1/4 ac. <----- 44 acre maximum charge ----->	\$0.16 per 1/4 ac.	\$0.50 per 1/4 ac.
Farm, implemented plan		\$0.17 per 1/4 ac. <----- 44 acre maximum charge ----->	\$0.08 per 1/4 ac.	\$0.25 per 1/4 ac.
RETAIL, INDUSTRIAL, AND OTHER LAND USES:				
Exempt	Less than 1%	\$0.00	\$0.00	\$0.00
Very Light	1% to 19%	\$4.76 per 1/4 ac.	\$2.24 per 1/4 ac.	\$7.00 per 1/4 ac.
Light	20% to 39%	\$14.96 per 1/4 ac.	\$7.04 per 1/4 ac.	\$22.00 per 1/4 ac.
Moderate	40% to 59%	\$24.48 per 1/4 ac.	\$11.52 per 1/4 ac.	\$36.00 per 1/4 ac.
Heavy	60% to 79%	\$34.00 per 1/4 ac.	\$16.00 per 1/4 ac.	\$50.00 per 1/4 ac.
Very Heavy	80% to 100%	\$44.88 per 1/4 ac.	\$21.12 per 1/4 ac.	\$66.00 per 1/4 ac.

- (3) In 1994, from the funds collected under the authority of Chapter 90.72 RCW:
- (a) 23% of all service charges collected under the authority of this chapter shall be allocated to reduce water pollution that is generated by poor pasture management or improper or inadequate animal waste management. Snohomish County intends to use this allocation of funds to contract with Snohomish Conservation District to perform services and activities that reduce these sources of water pollution.
  - (b) 11% of all service charges collected under the authority of this chapter shall be allocated to reduce water pollution that is generated by failing onsite septic systems. Snohomish County intends to use this allocation of funds to contract with Snohomish Health District to perform services and activities that reduce this source of water pollution.
  - (c) 5% of all service charges collected under the authority of this chapter shall be allocated to collect and analyze water quality data.
  - (d) 20% of all service charges collected under the authority of this chapter shall be allocated to lake management programs and education programs for adults, school teachers and students, and businesses.
  - (e) 9% of all service charges collected under the authority of this chapter shall be allocated to implement other recommendations of the Stillaguamish Watershed Action Plan.
- (4) In 1994, the funds collected under the authority of Chapter 36.89 RCW shall equal 32% of all service charges collected under the authority of this chapter and they shall be allocated to prevent and reduce problems associated with water quantity.

25A.20.040 Rate adjustments and appeals.

- (1) Any person receiving a billing statement for water quality restoration and water quantity management service charges and making a timely payment thereof, may apply to the director of the Department of Public Works for a rate adjustment based on any of the circumstances listed in SCC 25A.20.050, 25A.20.060, or 25A.20.070.
- (2) 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 thirty days of the billing date. Applications received after thirty days of the billing date shall only be effective for subsequent years. If the director grants an adjustment which reduces

the service 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 service charge for the current year, the applicant shall submit the additional amount due within forty-five days of the notice of additional service charge.

- (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 in writing and shall be final unless appealed by the applicant to the Superior Court of Snohomish County by writ of certiorari within thirty days of the notice of decision.

25A.20.050 Billing errors. If there is an error in watershed boundary, rate category, impervious surface coverage, land use classification, or acreage, the director shall correct the error.

25A.20.060 Exemptions and reductions.

- (1) Property shall be exempt from annual 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.
- (2) The rate charged for state highway right-of-way shall be thirty percent of the rate for comparable real property in terms of impervious surface coverage, or as otherwise provided by RCW 90.03.525.
- (3) Pursuant to RCW 90.72.070, each parcel permitted and assessed a fee for a Dairy Waste National Pollution Discharge Elimination System permit shall be exempt from the portion of the annual service charge collected under the authority of Chapter 90.72 RCW.
- (4) Pursuant to RCW 90.72.070, lands classified as forest under Chapter 84.33 RCW and as open space timber under Chapter 84.34 RCW shall be exempt from the portion of the annual service charge collected under the authority of Chapter 90.72 RCW.

25A.20.070 Credits.

- (1) Parcels with the rate category light, moderate, heavy, or very heavy shall have their rate category reduced one category if the stormwater runoff discharges into an onsite stormwater control facility built to comply with the detention and water quality regulations and standards set forth in the Snohomish County Drainage Ordinance, Title 24, and said facility is adequately operated and maintained by the owner.



- (2) Parcels with the rate category light, moderate, heavy, or very heavy shall have their rate category reduced one category if the site contains wholly or partly, an aquatic system that complies with the detention and water quality regulations and standards set forth in the Snohomish County Drainage Ordinance, Title 24, and said aquatic system is maintained in its natural state by the property owner.
- (3) Public and private schools that provide water quality and/or watershed instruction approved by the director shall be given credit equal to the dollar value of the instruction offered. This credit shall be applied against the annual service charge billed under the authority of Chapter 90.72 RCW; provided however, that this annual credit shall not exceed the annual service charge authorized by Chapter 90.72 RCW.
- (4) Pursuant to RCW 85.38.160, parcels within diking, drainage, or flood control districts shall be given a credit equal to the dollar value of the annual special district assessment. This credit shall be applied against the annual service charge billed under the authority of Chapter 36.89 RCW, provided however, that this annual credit shall not exceed the annual service charge authorized by Chapter 36.89 RCW.
- (5) Within each diking, drainage, or flood control district which has an annual surface water pollution prevention work plan approved by the director, each parcel shall be given a credit equal to the dollar value of the pollution prevention work performed. This credit shall be applied against the annual service charge billed under the authority of Chapter 90.72 RCW, provided however, that this annual credit shall not exceed the annual service charge authorized by Chapter 90.72 RCW.
- (6) Parcels with the rate category "farm, w/ building" shall have their rate category reduced to "farm, implemented plan" if they are included in a farm plan that has been certified to be fully implemented by the Snohomish Conservation District.

25A.20.080 Billing.

- (1) All property subject to service charges shall be charged 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 SCC 25A.20.030.
- (2) 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 before the 31st day of October and shall be delinquent after that date.

25A.20.090 Delinquent charges.

- (1) Clean water district service charges or any part thereof which become delinquent pursuant to SCC 25A.20.080 shall bear interest at the rate of twelve 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 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. The lien shall be effective for a total not to exceed one year's service charges without the necessity of any writing or recording of the lien with the auditor, as provided in RCW 36.89.093.
- (3) The County may foreclose the lien in the same manner as the foreclosure of real property tax liens, and the court may allow the county a reasonable attorney's fee, as provided in RCW 36.89.090 and RCW 36.94.150.

25A.20.100 Special operating funds.

- (1) All service charges collected under the authority of Chapter 36.89 RCW shall be deposited in a subfund within the special fund established by SCC 25.20.070 and held by the Department of Finance. This subfund shall be used for the purposes of providing water quantity management activities.
- (2) A special fund is hereby created, to be held by the Department of Finance, into which shall be deposited all service charges collected under the authority of Chapter 90.72. RCW. The County Executive shall designate a fund manager. These funds shall be used only for the purposes of restoring water quality.

25A.20.110 Administrative procedures. Pursuant to SCC 2.68, the director is authorized to develop administrative procedures relating to the provisions of this title.

25A.20.120 First charging day. The rates and charges authorized under this chapter shall become effective on a phased schedule for the clean water districts described in SCC 25A.20.020 as follows:

<u>Clean Water Districts</u>	<u>First Charging Day</u>
(a) Lower Stillaguamish River	January 1, 1994

### Chapter 25A.30

#### ADVISORY BOARD

##### Sections:

- 25A.30.010 Applicability.
- 25A.30.020 Purpose.
- 25A.30.030 Authority and responsibility.
- 25A.30.040 Advisory board composition.
- 25A.30.050 Nominations, appointments, and terms.
- 25A.30.060 Organization.

25A.30.010 Applicability. The requirements of this chapter shall apply to the Lower Stillaguamish River Clean Water District as defined in SCC 25A.20.020.

25A.30.020 Purpose. Pursuant to RCW 90.72.030, the Lower Stillaguamish River Advisory Board is hereby created. The board shall make recommendations to the Snohomish County Department of Public Works and the Snohomish County Council, the Snohomish Conservation District and its Board, the Snohomish Health District and its Board, any other agency or entity obligated by interlocal agreement or contract to provide water quality restoration and water quantity management services within the Lower Stillaguamish River Clean Water District, and any diking, drainage, or flood control district within the Lower Stillaguamish River Clean Water District with an annual surface water pollution prevention work plan approved by the director. However, nothing in the advisory board's recommendation shall prevent the director from developing his/her own recommendation to the County Council.

25A.30.030 Authority and responsibility. The Lower Stillaguamish River Advisory Board shall review the annual work plans of the Surface Water Division of the Snohomish County Public Works Department, each agency or entity obligated by interlocal agreement or contract to provide water quality restoration and water quantity management services within the Lower Stillaguamish River Clean Water District, and each diking, drainage, or flood control district within the Lower Stillaguamish River Clean Water District with an annual surface water pollution prevention work plan approved by the director.

The board shall make its recommendations to the above entities by May 31 of each year and to the respective legislative authorities by October 31 of each year. Recommendations shall pertain to the funding levels and priorities of all water quality restoration and water quantity management programs, water pollution control facilities, water quality restoration activities, stormwater control facilities, and water quantity management activities within the Lower Stillaguamish River Clean Water District.

25A.30.040 Advisory board composition. The Lower Stillaguamish River Advisory Board shall be composed of:

- (1) Eight positions which shall be for rate payers from the Single Family rate category. Each of the following subwatersheds or geographic areas shall be represented: Portage Creek, Church Creek, Lake Ketchum, Seven Lakes, Pilchuck Creek, North Fork Stillaguamish (north of State Route 530), North Fork Stillaguamish (south of State Route 530), South Fork Stillaguamish;
- (2) One position which shall be for a rate payer from the Farm rate category;
- (3) One position which shall be for a rate payer from any one of the Retail, Industrial, or Other Land Use rate categories;
- (4) The Stillaguamish Flood Control District and Drainage District 7 shall each be entitled to one position.
- (5) Each city adjoining the Lower Stillaguamish River Clean Water District that has an interlocal agreement with the County for cooperation on water resource issues shall be entitled to one position.
- (6) One position each for the following: the Stillaguamish Tribe, the Tulalip Tribes, the State Department of Fisheries, the Snohomish Conservation District, and the Snohomish Health District.

25A.30.050 Nominations, appointments, and terms.

- (1) The director shall develop a pool of applicants for the rate payer positions by advertising vacancies in the County's newspaper of record. The director is encouraged to use other reasonable means to recruit other interested applicants. The director shall recommend and the County Executive shall nominate candidates for the rate payer positions.
- (2) Each agency or entity shall nominate at least one candidate from its organization.
- (3) The Snohomish County Council shall confirm or reject board members nominated by the County Executive in accordance with Snohomish County Charter Section 2.20(6). Each term shall be for four years. Board members may serve a maximum of three consecutive terms.

25A.30.060 Organization. At its first meeting and annually thereafter, the board shall organize by electing a chairperson and vice chairperson, each to serve for one year. The board shall adopt bylaws to govern its other internal affairs.

Section 5. Repealer. This ordinance is hereby repealed December 31, 1996, unless amended or reenacted prior to that date.

# # # # #

PASSED this 22nd day of November, 1993.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

*[Signature]*  
Chairperson

APPROVED AS TO FORM:

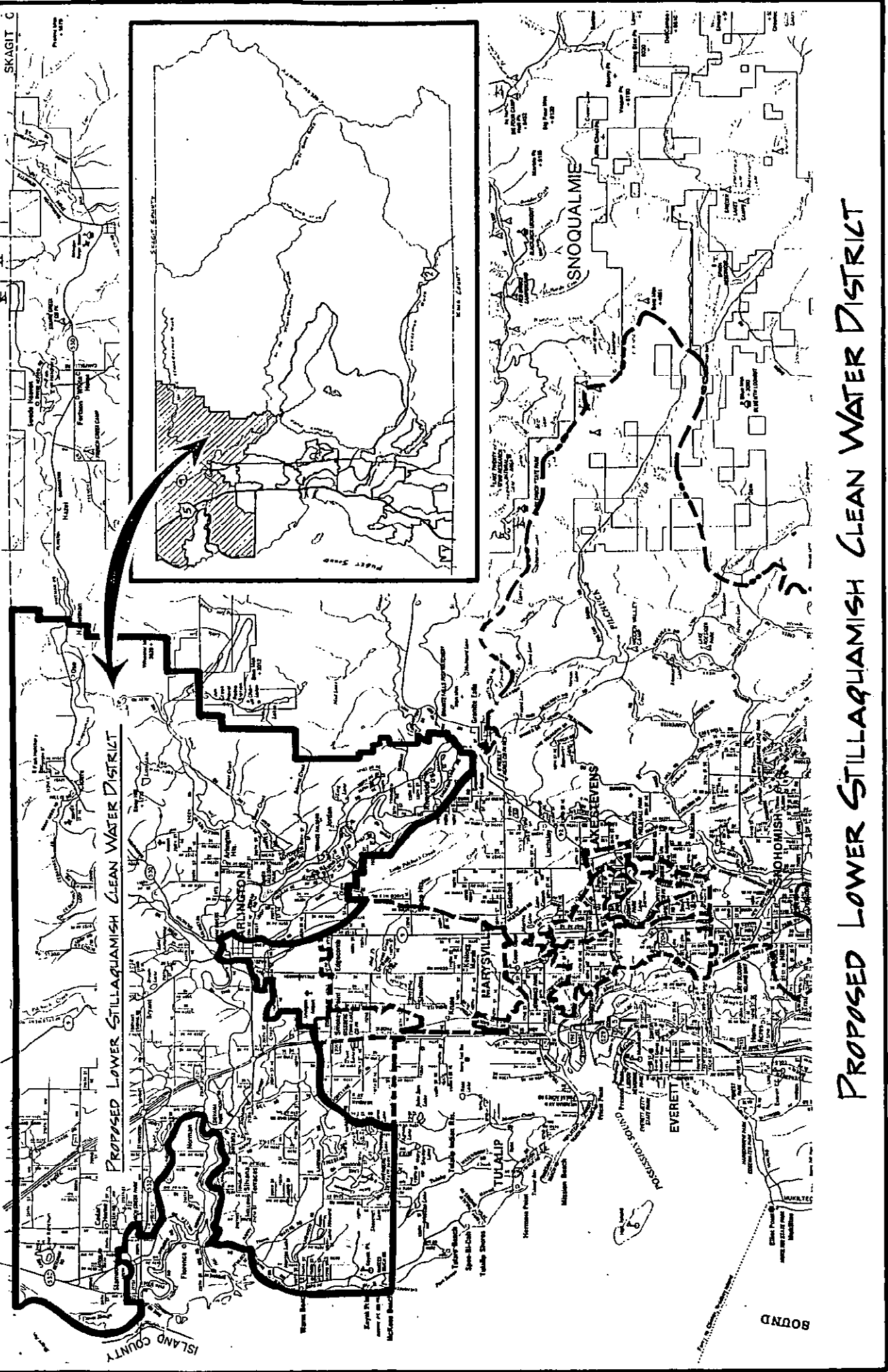
\_\_\_\_\_  
Deputy Prosecuting Attorney

ATTEST:

*[Signature]*  
Clerk of the Council, *asst.*

(  ) APPROVED  
(  ) VETOED  
(  ) EMERGENCY  
*[Signature]*  
\_\_\_\_\_  
County Executive

11/23/93  
Date



PROPOSED LOWER STILLAGUAMISH CLEAN WATER DISTRICT

PROPOSED LOWER STILLAGUAMISH CLEAN WATER DISTRICT

BOUND

INDEX OF LAND USE CLASSIFICATIONS AND RATE CATEGORIES  
August 5, 1993

RATE CATEGORIES

SF = Single family  
CO = Condominium  
FA = Farm  
EX = Exempt

VL = Very light  
LI = Light  
ME = Moderate  
HE = Heavy  
VH = Very heavy

RATE            LAND USE  
CATEGORY      CLASSIFICATION

	LIVING UNITS	
CO	11001	Residential condominium
CO	11021 to 11069	Non-residential condominium
SF	11101 to 11109	Single family residence
SF	11201 to 11209	Common-wall single family residence
SF	12100 to 12199	Two family residence
ME	12203 to 12299	Three family residence
ME	12304 to 12399	Four family residence
HE	13105 to 13109	5 to 9 units
HE	13210 to 13214	10 to 14 units
VH	13315 to 13319	15 to 19 units
VH	14120 to 14129	20 to 29 units
HE	14230 to 14239	30 to 39 units
HE	14340 to 14349	40 to 49 units
HE	14450 to 14499	50 to 99 units
HE	14500 to 14599	100 to 199 units
HE	14600 to 14699	200 to 299 units
HE	14700 to 14799	300 to 399 units
HE	14800 to 14899	400 to 499 units
HE	15000 to 15099	500 or more units
HE	15100 to 15199	Rooming house
ME	15200 to 15299	Membership lodging
HE	15300 to 15399	Dormitory
ME	15410 to 15419	Retirement home
ME	15420 to 15429	Orphanages
SF	15500 to 15599	Religious residence
ME	15900 to 15999	Other group quarters
HE	16000 to 16999	Residential hotel
HE	17000 to 17999	Mobile home park
HE	18000 to 18999	Hotel/motel
SF	19111	Mobile home/real
SF	19121	Mobile home/pers.
EX	19201	Houseboat
SF	19300 to 19399	Non-residential structure
SF	19801	Cabin
SF	19900 to 19999	Other residential

MANUFACTURING

HE 21000 to 21999 Food product manufacturer  
HE 22000 to 22999 Textile manufacturer  
HE 23000 to 23999 Apparel manufacturer  
HE 24000 to 24999 Wood product manufacturer  
HE 25000 to 25999 Furniture manufacturer  
HE 26000 to 26999 Paper manufacturer  
HE 27000 to 27999 Printing manufacturer  
HE 28000 to 28999 Chemical manufacturer  
HE 29000 to 29999 Petroleum manufacturer  
HE 31000 to 31999 Rubber Manufacturer  
HE 32000 to 32999 Stone/clay manufacturer  
HE 33000 to 33999 Metal manufacturer  
HE 34000 to 34999 Prefab metal manufacturer  
HE 35000 to 35999 Instruments manufacturer  
HE 36000 to 39999 Other manufacturer

TRANSPORTATION

ME 41000 to 41999 Railroad transportation  
HE 42000 to 42999 Motor vehicle transportation  
HE 43000 to 43999 Aircraft transportation  
HE 44000 to 44999 Marine transportation  
HE 45000 to 45999 Highway transportation  
VH 46000 to 46999 Auto parking transportation  
HE 47000 to 47999 Communication transportation  
VL 48000 to 48229 Utilities transportation  
ME 48300 to 48330 Water storage  
VL 48331 to 48999 Utilities transportation  
ME 49000 to 49999 Other transportation

RETAIL - TRADE

HE 51000 to 51999 Wholesale trade  
HE 52000 to 52999 Retail building  
HE 53000 to 53999 Retail - general merchandise  
HE 54000 to 54999 Retail - food  
HE 55000 to 55999 Retail - transportation  
HE 56000 to 56999 Retail - apparel  
HE 57000 to 57999 Retail - furniture  
HE 58000 to 58999 Retail - eating  
HE 59000 to 59999 Retail - other trades

SERVICES

HE 61000 to 61999 Finance service  
HE 62000 to 62999 Personal service  
HE 63000 to 63999 Business service  
HE 64000 to 64999 Repair service  
HE 65000 to 65999 Professional service  
HE 66000 to 66999 Contract service  
HE 67000 to 67999 Government service  
ME 68000 to 68999 Education service  
HE 69000 to 69999 Other service



CULTURAL ACTIVITIES

HE	71000 to 71999	Cultural activities
HE	72000 to 72999	Public assembly
HE	73000 to 73999	Amusement park
HE	74000 to 74999	Recreation activities
VL	75000 to 75999	Resort/camp activities
VL	76000 to 76999	Parks
VL	77000 to 79999	Other cultural activities

RESOURCES

FA	81000 to 81999	Agricultural farms
ME	82000 to 82199	Agricultural processing
ME	82200 to 82229	Animal Services
ME	82230 to 82999	Other agricultural services
EX	83000 to 83999	Classified timber
EX	84000 to 84999	Fishing
EX	85000 to 85999	Mining
EX	86000 to 89999	Other resources

UNDEVELOPED LAND & WATER

EX	91000 to 91499	Undeveloped land
EX	91500	Common area
EX	91501 to 91999	Undeveloped land
EX	92000 to 92199	Non-commercial forest
EX	92200	Undeveloped forest land
EX	92300 to 92399	Reforested land
EX	93000 to 93999	Water areas
EX	94000	Vacant floor
ME	95000 to 95999	Under construction
EX	98100	Open space - general
FA	98200	Open space - agriculture
EX	98300	Open space - forest
EX	98400 to 98499	Designated forest
EX	99000 to 99999	Other undeveloped land