
Title 25
STORM AND SURFACE WATER MANAGEMENT

Chapter 25.05
GENERAL PROVISIONS

25.05.010 Purpose.

It is the purpose and intent of this title:

- (1) To establish a storm and surface water management program for Snohomish county to be administered by the Snohomish county department of public works;
- (2) To create service areas defined by ordinance to be known as "watershed management areas";
- (3) To provide a comprehensive approach to managing surface water in order to respect and preserve the county's streams, lakes and other waterbodies; protect water quality; control, accommodate and discharge storm runoff; provide for groundwater recharge; control sediment; stabilize erosion; establish monitoring capability; and rehabilitate stream and drainage corridors for hydraulics, aesthetics, and fisheries benefits;
- (4) To facilitate the preparation and implementation of comprehensive watershed management plans;
- (5) to recognize that storm and surface water management needs will vary from watershed to watershed and that specific watershed management needs will be determined when watershed management plans are developed;
- (6) To foster interagency cooperation on storm and surface water management issues because watersheds do not conform to political boundaries.

(Added Ord. 87-040, § 2, July 16, 1987; Amended Ord. 89-046, § 1, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.05.020 Authority.

- (1) Pursuant to chapter 36.89 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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.05.030 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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.05.040 Program established.

There is hereby established a storm and surface water management program to provide storm and surface water management services for Snohomish county. The program shall be administered by the Snohomish county department of public works. Activities of the program shall include, but not be limited to, preparing and implementing watershed management plans.

(Added Ord. 89-046, § 2, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.05.050 Content of a watershed management plan.

Each watershed management plan shall consist of a detailed analysis of a drainage basin including, but not limited to, a comparison of the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and non-structural management, alternatives, and recommendations as to the form, location and extent of quantity and quality control measures which would satisfy legal constraints, water quality standards, and community standards. The plan shall also identify the institutional and funding requirements for plan implementation.

(Added Ord. 89-046, § 3, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.05.060 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.

(Added Ord. 89-046, § 3, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

Chapter 25.10 DEFINITIONS

25.10.010 Application of definitions.

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

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.10.020 Aquatic system.

Creeks, streams, rivers, marshes, lakes, and wetlands.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.10.025 Commercial rainwater harvesting system

A system for storing, collecting, and reusing rainwater from a rooftop, installed at a commercial-use building, that has been designed and constructed in accordance with the Washington State Building Code Council's Permissive Rainwater Harvesting System Guidelines for Nonresidential Occupancies (2002 or as amended), has a storage volume of at least ten per cent of the mean annual runoff volume generated from the contributing roof area, and for which design and construction has been approved by the director of the department of planning and development services.

(Added Ord. 05-102, October 26, 2005, Eff date November 6, 2005)

25.10.027 County right-of-way.

County right-of-way is property in which the County has any form of ownership or title and which is held for public road purposes, regardless of whether or not any road exists thereon or whether or not it is used, improved, or maintained for public travel.

(Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)

25.10.030 Director.

The director of the Snohomish county department of public works or his or her designee.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.10.040 Drainage basin.

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

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.10.047 Former watershed management areas.

(1) Former watershed management areas (FMWAs) shall consist of all properties meeting the following criteria: (a) the property is not currently located within a watershed management area, (b) the property was located within a watershed management area prior to being annexed or incorporated into a municipal corporation, (c) debt service charges continue to be due from the property pursuant to RCW 36.89.120, and (d) the municipal corporation in which the property is now located has not entered into an agreement with the county for full payment of the debt service charges required to be imposed by RCW 36.89.120, as described in SCC 25.20.032.

(2) The South County former watershed management area shall include all properties meeting the definition of a former watershed management area that were located in the South County watershed management area prior to annexation or incorporation.

(3) The Snohomish former watershed management area shall include all properties meeting the definition of a former watershed management area that were located in the Snohomish watershed management area prior to annexation or incorporation.

(4) Maps of historical watershed management area boundaries are available in the department of public works and incorporated by reference herein. The department of public works also maintains maps of the current watershed management boundaries under SCC 25.10.130(2). Where it is questionable whether or not a property is included in an FWMA and subject to the requirements of this title, inclusion shall be determined on a case by case basis by the director.

(Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)

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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.10.063 Mean annual rainfall depth

The mean annual rainfall depth based on climatic statistics from the United States National Oceanographic and Atmospheric Administration Atlas 2, Volume IX.

(Added Ord. 05-102, October 26, 2005, Eff date November 6, 2005)

25.10.065 Mean annual runoff volume

The runoff volume calculated as the product of a specified area and the mean annual rainfall depth, or the equivalent runoff volume statistic from that area calculated by a continuous-simulation hydrologic model using long-term local rainfall records.

(Added Ord. 05-102, October 26, 2005, Eff date November 6, 2005)

25.10.068 Municipal right-of-way.

Municipal right-of-way is property in which a municipal corporation has any form of ownership or title and which is held for public road purposes, regardless of whether any road exists thereon or whether it is used, improved, or maintained for public travel.

(Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)

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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.10.080 Service charges.

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

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

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, or for the purpose of protecting water quality. Such facilities shall include, but not be limited to, the improvements and authority described in Chapters 86.12, 86.13, and 86.15 RCW.

(Added Ord. 87-040, § 2, July 16, 1987; Amended Ord. 89-046, § 5, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.10.130 Watershed management areas.

(1) Watershed management areas (WMAs) shall consist of all properties in unincorporated Snohomish County that are located within the following drainage basins or portions of drainage basins all as shown on the maps described in subsection (2) 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) South County watershed management area.
 - (i) Chase Lake/Lake Ballinger drainage basin.

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

(iii) Swamp Creek drainage basin.

(iv) North Creek drainage basin.

(v) Bear Creek/Little Bear Creek drainage basin

(b) Snohomish watershed management area.

(i) 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 Section 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.

(ii) Lake Stevens drainage basin.

(iii) Sunnyside drainage basin.

(iv) Smokey Point drainage basin.

(v) Quilceda Creek/Allen Creek drainage basin.

(vi) Snohomish Uplands drainage basin.

(2) The exact boundaries of said drainage basins and watershed management areas shall be determined based on topographic maps, storm drainage infrastructure maps, and parcel 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 title, inclusion shall be determined on a case by case basis by the director based on actual topographic and hydrologic characteristics of the property.

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

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.10.140 Watershed management plan.

A plan adopted by the county council for a specific watershed management area including, but not limited to, a comprehensive drainage plan and a comprehensive drainage basin plan.

(Added Ord. 89-046, § 6, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

Chapter 25.20

CHARGES FOR STORM AND SURFACE WATER MANAGEMENT SERVICES

25.20.010 Applicability.

The requirements of this chapter shall apply to all properties located within watershed management areas and former watershed management areas.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.20.020 Watershed management areas.

Repealed by Amended Ord. 09-121.

(Added Ord. 87-040, § 2, July 16, 1987; Amended Ord. 89-046, § 8, May 31, 1989; Amended Ord. 90-095, July 11, 1990; Amended Ord. 92-081, July 27, 1992; Amended Ord. 92-082, July 27, 1992; Reenacted by Ord. 92-

126, Dec. 2, 1992; Ord. 03-045, June 11, 2003, Eff date June 26, 2003; Repealed by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.20.030 Rate structure for watershed management areas.

(1) The director shall classify all tax parcels in the watershed management areas into rate categories according to their land use classification and/or degree of impervious surface coverage. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of public works and incorporated by this reference.

(2) Beginning January 1, 2009, tax parcels in all watershed management areas, except as noted in subsections (3), (5) and (6) shall be subject to annual service charges as follows:

Rate Category	Impervious Surface Coverage	Annual Service Charge
Single Family		\$90.00 per parcel
Condominium		\$81.00 per unit
Farm (1 acre maximum charge)		\$90.00 per 1/4 acre, up to a maximum of \$360.00

Retail, Industrial and Other Land Uses

Exempt	Less than 1%	\$0.00
Very Light	1% to 19%	\$26.99 per 1/4 acre
Light	20% to 39%	\$90.00 per 1/4 acre
Moderate	40% to 59%	\$149.95 per 1/4 acre
Heavy	60% to 79%	\$203.97 per 1/4 acre
Very Heavy	80% to 100%	\$269.97 per 1/4 acre

(3) For the period beginning January 1, 2009 and ending December 31, 2015, the annual service charge for properties located in those portions of watershed management areas within the Urban Growth Areas shall be the rates set forth in subsection (2), plus the following amounts:

Rate Category	Additional Annual Urban Growth Area Service Charge
Single Family	\$32.00 per parcel
Condominium	\$28.80 per unit
Farm	\$32.00 per quarter acre; one acre maximum
Exempt	No charge
Very Light	\$9.60 per quarter acre

Light	\$32.00 per quarter acre
Moderate	\$53.32 per quarter acre
Heavy	\$72.52 per quarter acre
Very Heavy	\$95.99 per quarter acre

(a) The service charges established in subsection (2) represent the base rate. All service charges collected under this subsection (3), less the base rate applicable each year, shall be used solely for Surface Water Management drainage improvement projects located in those portions of Watershed Management Areas within Urban Growth Areas.

(b) The first priority for expenditure of service charges collected under this subsection shall be capital projects as listed in the Surface Water Management Annual Construction Program.

(4) The following property shall be exempt from annual service charges:

(a) property that 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. Any person eligible for this low income senior citizen or disabled persons exemption shall be provided a refund of annual service charges for the subject property for the first year the exemption is sought and for up to three prior years, PROVIDED, that eligibility for each year has been approved by the Assessor's office, and PROVIDED FURTHER, that refunds shall not be approved for any year prior to 1999.

(b) property that is owned by a "public benefit nonprofit corporation," as defined by RCW 24.03.490 and is used as a cemetery, provided the property does not discharge stormwater off-site through constructed conveyance facilities and a fifty foot vegetated buffer is maintained on the property along any waterbody that drains to a fishbearing stream or lake.

(5) 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.

(6) The rate charged for county rights-of-way or municipal rights-of-way shall be the same as the rate for comparable real property in terms of impervious surface coverage, except that the director may determine that up to seventy percent of the rate can be paid through in-kind services, as provided by RCW 36.89.085. In-kind services include, but are not limited to, the construction, operation, and maintenance of stormwater control facilities designed to control surface water or storm water runoff.

(7) The rate charged for a parcel with a commercial rainwater harvesting system shall be reduced from the rate set out in this section by a fraction equal to the storage volume of the rainwater harvesting system divided by the mean annual runoff volume generated by the total impervious surface area at the parcel.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, December 2, 1992; Amended Ord 96-094, January 13, 1997; Eff date January 27, 1997; Amended Ord. 97-111, November 24, 1997, Eff date January 1, 1998; Amended Ord 01-057 August 22, 2001, Eff date January 1, 2002; Amended Ord 02-018 June 12, 2002, Eff date January 1, 2003; Amended Ord. 02-076, November 20, 2002, Eff date January 1, 2003, Amended Ord. 02-073, December 4, 2002, Eff date January 1, 2003; Ord. 03-045, June 11, 2003, Eff date June 26, 2003; Ord. 03-136, November 19, 2003, Eff date Jan. 1, 2004; Ord. 05-102, October 26, 2005, Eff date November 6, 2005; Amended by Amended Ord. 07-094, Oct. 31, 2007, Eff date Dec. 1, 2007; Amended by Amended Ord. 08-123, Nov. 17, 2008, Eff date Jan. 1, 2009; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.20.032 Bond debt service allocable to former watershed management areas.

As provided in RCW 36.89.120, whenever a city or town annexes an area, or a city or town incorporates an area, and the county has issued revenue bonds or general obligation bonds to finance storm water control facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued to refinance the underlying debt is retired; or (3) the city or town reimburses the county an amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area. The county shall construct all facilities included in the storm water plan intended to be financed by the proceeds of such bonds. If the county provides storm water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service. The rates to be charged under this section are provided in SCC 25.20.034. (Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)

25.20.034 Rate structure for former watershed management areas.

(1) The director shall classify all tax parcels in former watershed management areas into rate categories according to their land use classification and/or degree of impervious surface coverage. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of public works and incorporated by this reference.

(2) Beginning January 1, 2010, tax parcels in all former watershed management areas, except as noted in SCC 25.20.034(3), shall be subject to annual service charges as follows:

(a) Properties in the South County former watershed management area shall be subject to the following annual service charges for bond debt payment under RCW 36.89.120:

Table 25.20.034(2)(a)

Annual Service Charge for South County Former Watershed Management Area

Rate Category	Rate
Single Family	\$12.07 per parcel
Condominium	\$10.86 per unit
Farm	\$12.07 per quarter acre, one acre maximum
Exempt	No charge
Very Light	\$3.62 per quarter acre
Light	\$12.07 per quarter acre
Moderate	\$20.13 per quarter acre
Heavy	\$27.37 per quarter acre
Very Heavy	\$36.21 per quarter acre

(b) Properties in the Snohomish former watershed management area shall be subject to the following annual service charges for bond debt payment under RCW 36.89.120:

Table 25.20.034(2)(b)

Annual Service Charge for Snohomish Former Watershed Management Area

Rate Category	Rate
Single Family	\$15.01 per parcel
Condominium	\$13.51 per unit
Farm	\$15.01 per quarter acre, one acre maximum
Exempt	No charge
Very Light	\$4.50 per quarter acre
Light	\$15.01 per quarter acre
Moderate	\$25.04 per quarter acre
Heavy	\$34.04 per quarter acre
Very Heavy	\$45.04 per quarter acre

(c) A reasonable administrative fee in an amount sufficient to reimburse the county for its actual, reasonable costs of performing administrative functions related to the service charges shall be added to the amount charged to each parcel, lot, or property, as applicable.

(d) Periodic adjustment to the above rates may be made when necessary to meet the annual debt service payments, when the bonds are retired or refinanced.

(3) Exemptions. The following property shall be exempt from annual service charges:

(a) Property that 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. Any person eligible for this low income senior citizen or disabled persons exemption shall be provided a refund of annual service charges for the subject property for the first year the exemption is sought and for up to three prior years, PROVIDED, that eligibility for each year has been approved by the Assessor's office, and PROVIDED FURTHER, that refunds shall not be approved for any year prior to 1999.

(b) Property that is owned by a "public benefit nonprofit corporation," as defined by RCW 24.03.490 and is used as a cemetery, provided the property does not discharge stormwater off-site through constructed conveyance facilities and a fifty foot vegetated buffer is maintained on the property along any waterbody that drains to a fishbearing stream or lake.

(4) State highway rights-of-way shall be subject to annual service charges to the extent permitted by law.

(5) The rate charged for municipal rights-of-way shall be the same as the rate for comparable real property in terms of impervious surface coverage, except that the director may determine that up to seventy percent of the rate can be paid through in-kind services, as provided by RCW 36.89.085. In-kind services include, but are not limited to, the construction, operation, and maintenance of stormwater control facilities designed to control surface water or storm water runoff.

(Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)

25.20.035 Service charges for lake management.

(1) Beginning on January 1, 2007, each developed tax parcel abutting the shore of Lake Stevens in the Snohomish watershed management area shall be subject to an annual service charge. The charge imposed under this section shall be in addition to the annual service charges established in SCC [25.20.030](#) and shall be for the purpose of managing the water quality and quantity of Lake Stevens in accordance with RCW 36.89.080 and RCW 36.89.130.

(2) The rate categories and annual service charges for parcels abutting Lake Stevens shall be as follows:

Rate Category	Annual Service Charge
Lake Front Lot	\$120.00 per parcel
Split Lot	\$85.00 per parcel
Community Beach Lot	\$12.00 per parcel
Undeveloped Lot	Exempt

(3) The lake front lot rate category applies to each land parcel abutting the lake shore and located entirely between the lake shore and the adjacent county road. The split lot rate category applies to each land parcel with a portion of the lot abutting the lake shore and a portion of the lot separated from the lake shore by the county road. The community beach lot rate category applies to each land parcel having an undivided ownership interest in a lake front parcel used for common beach access. Undeveloped lots include lake front, split lots, and community beach lots that are not developed.

(4) All service charges collected under this section shall be used solely for cooperative watershed management actions for purposes of water quality and water resource management pursuant to one or more intergovernmental agreements as authorized by RCW 36.89.130.

(5) The department of public works shall maintain and make available to the public a detailed map of the tax parcels subject to the service charges established in this section.

(6) The rate charged for a parcel with a commercial rainwater harvesting system shall be reduced from the rate set out in this section by a fraction equal to the storage volume of the rainwater harvesting system divided by the mean annual runoff volume generated by the total impervious surface area at the parcel.

(Added Ord. 06-125, December 13, 2006, Eff date Dec. 28, 2006)

25.20.040 Billing.

(1) All property subject to service charges shall be assessed annually on January 1st based upon the rate categories, land use classifications, and acreage then applicable to each such property and at the rates as set forth in [SCC 25.20.030](#), SCC 25.20.034 and SCC 25.20.035.

(2) Billing statements shall be included on the annual property tax statements. In order to minimize administrative costs, the property tax statement will be used to bill all properties within watershed management areas and former watershed management areas, except for those properties that would not otherwise receive a tax statement. To further reduce administrative costs, the director shall use alternative billing systems for the purposes of billing state and federal government agencies. The director may elect to use alternative billing

methods for the purposes of billing local government agencies with property in the watershed management areas or former watershed management areas

(3) All service charges shall be due and payable on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date. If one half of the service charge is paid on or before the thirtieth day of April, the remainder of such service charge shall be due and payable on or before the thirty first day of October following and shall be delinquent after that date.

(4) 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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended Ord. 99-109, § 1, Dec. 1, 1999, Eff date Jan. 1, 2000; Ord. 06-125, December 13, 2006, Eff date December 28, 2006; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.20.050 Rate adjustments and appeals.

(1) Any person receiving a billing statement for storm and surface water management service charges and making a timely payment thereof may apply to the department of public works for a rate adjustment by demonstrating that one or more of the following situations is applicable:

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

(b) For properties located in a watershed management area, 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, chapter 30.63A SCC, and said facility is adequately operated and maintained by the owner.

(c) For properties located in a watershed management area, 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, chapter 30.63A SCC, and 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. The director shall make a written decision on an application for rate adjustment within 30 days after receipt of the application, except when additional information is needed in which case the decision shall be made within 90 days after receipt of the application. The director may also initiate a rate adjustment or correct a billing error for a property at any time when new information becomes available to the department.

(3) Applications for rate adjustments submitted pursuant to subsection (1)(a) of this section must be made within three years of the date of payment of the storm and surface water management service charges. Applications for rate adjustments submitted pursuant to subsections (1)(b) or (1)(c) must be made by April 30th to be effective for the current billing year. Applications for rate adjustments submitted pursuant to subsections (1)(b) or (1)(c) received after April 30th shall only be effective for subsequent years. If the director grants an adjustment which reduces the charge for the current year, or, for requests submitted pursuant to subsection

(1)(a) only, for up to three prior years, the applicant shall be refunded the amount overpaid with interest at the rate of 12 percent per annum computed on a monthly basis. If the director determines that an adjustment should be made which increases the charge due for the current year, an amended bill shall be issued and the applicant shall submit the additional charge within 45 days of the decision date.

(4) Except for requests submitted pursuant to subsection (1)(a), rate adjustments granted shall not be retroactive to prior years and are subject to renewal every two years. Retroactive rate adjustments requested pursuant to subsection (1)(a) shall not be approved for any year prior to 1999.

(5) Decisions of the director on applications 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.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended Ord. 02-073, December 4, 2002, Eff date January 1, 2003; Ord. 02-098, Dec. 9, 2002, Eff date Feb 1, 2003; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 10-117, Jan. 12, 2011, Eff date Jan. 24, 2011).

25.20.060 Delinquent charges.

(1) Service charges or any part thereof which become delinquent under the provisions of [SCC 25.20.040](#) shall bear interest at the rate 12 percent per annum computed on a monthly basis from the date of delinquency until paid, as provided by RCW 36.89.092. Pursuant to RCW 36.94.150, penalties shall be imposed upon delinquent service charges as follows: (a) A penalty of three percent of the full annual charge imposed on a parcel by [SCC 25.20.030](#), SCC 25.20.034, or 25.20.035 shall be assessed on any service charges delinquent on June 1st of the year in which the charges are due. (b) An additional penalty of seven percent of the full annual charge shall be assessed on any charges delinquent on December 1st of the year in which the charges are due. Notwithstanding these provisions, the total amount of penalties imposed under this section in any year shall not exceed 10 percent of the full annual charges imposed upon a particular property.

(2) The county shall have a lien for delinquent service charges, including interest thereon, against any property for which service charges are delinquent. As authorized by RCW 36.94.150, the director shall certify delinquencies to the County Auditor periodically at which time the lien shall attach. The county's lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments.

(3) The county may foreclose the lien in the same manner as the foreclosure of real property tax liens. Costs associated with the foreclosure of the lien, including but not limited to advertising, title report, and personnel costs, shall be added to the lien upon filing of the foreclosure action and the court may allow the county a reasonable attorney's fee, as provided in RCW 36.94.150.

(Added Ord. 87-040, § 2, July 16, 1987; Amended Ord. 92-124, Dec. 2, 1992; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended Ord. 99-109, § 2, Dec. 1, 1999, Eff date Jan. 1, 2000; Ord. 06-125, December 13, 2006, Eff date December 28, 2006; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 10-117, Jan. 12, 2011, Eff date Jan. 24, 2011).

25.20.070 Special operating fund.

(1) Except as provided in SCC 25.20.070(3), all service charges collected from watershed management areas 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 obligations, councilmanic or revenue bonds issued for such purpose.

(2) All service charges collected from former watershed management areas shall be deposited in a special fund in the department of finance. The funds generated thereby shall be used only for purposes permitted by RCW 36.89.120.

(3) The funds generated by service charges collected from watershed management areas under SCC [25.20.035](#) shall be used solely for cooperative watershed management actions for purposes of water quality and water resource management pursuant to one or more intergovernmental agreements as authorized by RCW 36.89.130.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Ord. 06-125, December 13, 2006, Eff date December 28, 2006; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.20.080 Administrative procedures.

Pursuant to [chapter 2.68](#) SCC, the director is authorized to develop administrative procedures relating to the provisions of this title.

(Added Ord. 87-040, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.20.900 Effective date and phasing.

Repealed by Amended Ord.09-121.

(Added Ord. 87-040, July 16, 1987; Amended Ord. 90-095, July 11, 1990; Amended Ord. 92-081, July 27, 1992; Amended Ord. 92-082, July 27, 1992; Reenacted by Ord. 92-126, Dec. 2, 1992; Ord. 03-045, June 11, 2003, Eff date June 26, 2003; Repealed by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.20.910 Severability.

Repealed by Amended Ord. 09-121.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, December 2, 1992; Repealed by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

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