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**Title 25A**  
**WATER QUALITY RESTORATION AND WATER QUANTITY MANAGEMENT**

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**Chapter 25A.05**  
**GENERAL PROVISIONS**

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**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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

**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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 07-093, Oct. 31, 2007, Eff Date Nov. 25, 2007).

### **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 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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended Ord. 07-015, March 21, 2007, Eff date April 7, 2007).

### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

## **Chapter 25A.10 DEFINITIONS**

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### **25A.10.010 Application of definitions.**

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

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

### **25A.10.020 Aquatic system.**

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

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

### **25A.10.030 Clean water districts.**

(1) Clean water districts (CWDs) 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) Stillaguamish River

(2) The exact boundary of said clean water district shall be determined based on topographic maps, storm drainage infrastructure maps, and parcel maps. A detailed map of the watershed and clean water district boundary is available in the department of public works and incorporated by reference herein.

(3) Nothing in this chapter shall be interpreted as preventing adjustment of the clean water district by legislative action at a later date.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **25A.10.035 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. 05-103, October 26, 2005, Eff date November 6, 2005)

### **25A.10.037 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 any road exists thereon or whether it is used, improved, or maintained for public travel.

(Added by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

### **25A.10.040 Director.**

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

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

### **25A.10.050 Drainage basin.**

See "Watershed".

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

### **25A.10.057 Former clean water districts.**

(1) Former clean water districts (FCWDs) shall consist of all properties meeting the following criteria: (a) the property is not currently located within a clean water district, (b) the property was located within a clean water district prior to being annexed by 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 25A.20.032.

(2) The Stillaguamish River former clean water district shall include all properties meeting the definition of a former clean water district that were located in the Stillaguamish River clean water district prior to annexation or incorporation.

(3) Maps of historical clean water district 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 clean water district boundaries under SCC 25A.10.030(2). Where it is questionable whether or not a property is included in an FCWD 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. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

### **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 inspections 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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

### **25A.10.073 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. 05-103, October 26, 2005, Eff date November 6, 2005)

### **25A.10.075 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. 05-103, October 26, 2005, Eff date November 6, 2005)

### **25A.10.078 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. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **25A.10.110 Service charges.**

Charges to property owners for water quality restoration and water quantity management services.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **25A.10.180 Watershed.**

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

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

#### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

## Chapter 25A.20

# CHARGES FOR WATER QUALITY RESTORATION AND WATER QUANTITY MANAGEMENT SERVICES

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### 25A.20.010 Applicability.

The requirements of this chapter shall apply to all properties located within clean water districts and former clean water districts.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### 25A.20.020 Clean water districts.

Repealed by Amended Ord. 09-120.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002, Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Repealed by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### 25A.20.030 Rate structure for clean water districts.

(1) The director shall assign a rate category to each tax parcel in a 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 January 8, 2002, or any revisions thereafter compiled by the director, 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		\$22.45 per parcel	\$67.55 per parcel	\$90.00 per parcel
Condominium		\$20.20 per unit	\$60.80 per unit	\$81.00 per unit
Farm, no building		\$0.00	\$0.00	\$0.00
Farm, w/building (44 acre maximum charge)		\$0.52 per 1/4 acre	\$1.55 per 1/4 acre	\$2.07 per 1/4 acre
Farm, with implemented plan (44 acre		\$0.25 per 1/4 acre	\$0.76 per 1/4 acre	\$1.01 per 1/4 acre

maximum charge)				
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**Retail, Industrial and Other Land Uses**

Exempt	Less than 1%	\$0.00	\$0.00	\$0.00
Very light	1% to 19%	\$6.73 per 1/4 acre	\$20.26 per 1/4 acre	\$26.99 per 1/4 acre
Light	20% to 39%	\$22.45 per 1/4 acre	\$67.55 per 1/4 acre	\$90.00 per 1/4 acre
Moderate	40% to 59%	\$37.40 per 1/4 acre	\$112.55 per 1/4 acre	\$149.95 per 1/4 acre
Heavy	60% to 79%	\$50.87 per 1/4 acre	\$153.10 per 1/4 acre	\$203.97 per 1/4 acre
Very heavy	80% to 100%	\$67.33 per 1/4 acre	\$202.64 per 1/4 acre	\$269.97 per 1/4 acre

(3) From the funds collected under the authority of chapter 90.72 RCW:

(a) 33.0 % shall be allocated to reduce water pollution that is generated by sources within the jurisdiction of the Snohomish conservation district. Snohomish county intends to use this allocation of funds to contract with the Snohomish conservation district to perform services that reduce these sources of water pollution.

(b) 59.1 % shall be allocated to other water quality restoration activities administered by the department of public works.

(c) 7.9 % shall be allocated to specific local water quality restoration projects administered by the department of public works that have been recommended by the advisory board established under chapter 25A.30 SCC.

(4) For the period beginning January 1, 2009 and ending December 31, 2015, the annual service charge for properties located in those portions of the clean water district within urban growth areas shall be the rates set forth in subsection (2), plus the following amounts:

<b>Rate Category</b>	<b>Additional Annual Urban Growth Area Service Charge</b> <b>RCW 36.89</b>
Single Family	\$32.00 per parcel
Condominium	\$28.80 per unit
Farm no building	No Charge
Farm with building	\$0.74 per quarter acre; 44 acre maximum
Farm with implemented plan	\$0.36 per quarter acre; 44 acre maximum
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 (4), less the base rate applicable each year, shall be used solely for surface water management drainage improvement projects located in those portions of the clean water district 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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord 03-135, November 19, 2003, Eff date December 1, 2003; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Amended by Amended Ord. 08-124, Nov. 17, 2008, Eff date Jan. 1, 2009; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

#### **25A.20.032 Bond debt service allocable to former clean water districts.**

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 25A.20.034.

(Added by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

#### **25A.20.034 Rate structure for former clean water districts.**

(1) The director shall assign a rate category to each tax parcel in a former 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 January 8, 2002, or any revisions thereafter compiled by the director, is available in the department of public works and incorporated by this reference.

(2) All charges imposed by this section are imposed under the authority of chapter 36.89 RCW and not under the authority of chapter 90.72 RCW.

(3) Beginning on January 1, 2010, each tax parcel in a former clean water district, except as noted in SCC 25A.20.050 and SCC 25A.20.060(1) through (3), shall be subject to the following annual service charges for bond debt payment under RCW 36.89.120:

**Table 25A.20.034(3)**

**Annual Service Charge for Former Stillaguamish River Clean Water District**

<b>Rate Category</b>	<b>Rate (RCW 36.89 charge)</b>
Single Family	\$13.87 per parcel
Condominium	\$12.48 per unit
Farm no building	No Charge
Farm with building	\$0.32 per quarter acre; 44 acre maximum
Farm with implemented plan	\$0.16 per quarter acre; 44 acre maximum
Exempt	No charge
Very Light	\$4.16 per quarter acre
Light	\$13.87 per quarter acre
Moderate	\$23.12 per quarter acre
Heavy	\$31.45 per quarter acre
Very Heavy	\$41.60 per quarter acre

(4) Administration fee. An 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.

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

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

(7) Service charges collected under this section shall be used solely for purposes permitted by RCW 36.89.120.

(Added by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

**25A.20.035 Service charges for aquatic plant control.**

(1) In addition to the annual service charges established in SCC 25A.20.030, each tax parcel abutting the shore of Lake Goodwin or Lake Shoecraft shall be subject to an additional annual water quality restoration service charge for the purpose of managing and controlling invasive aquatic plants.

(2) For the period beginning January 1, 2005 and ending December 31, 2014, the rate categories and additional annual service charges for parcels abutting Lake Goodwin or Lake Shoecraft shall be as follows:

<b>Rate Category</b>	<b>Annual Service Charge</b>
Single Family	\$39.00 per parcel
Undeveloped	\$39.00 per parcel
Community beach	\$7.80 per parcel
Public and semi-public recreation	\$0.23 per foot of lake frontage

(3) The single family rate category or the undeveloped rate category applies to each lake front land parcel classified by the Snohomish county assessor as either single family residential or undeveloped, respectively. The community beach rate category applies to each land parcel having an undivided ownership interest in a lake front parcel used for common beach access. The public and semi-public recreation rate category applies to lake front parcels classified by the Snohomish county assessor as resorts, recreational activities, camping activities, or parks, as well as other publicly owned recreational parcels. Lake front parcels are defined as land parcels abutting the lake shore.

(4) All service charges collected under this section shall be used solely for management and control of non-native invasive aquatic plants in Lake Goodwin and Lake Shoecraft.

(5) A detailed map of the tax parcels subject to the additional service charges established in this section is available in the department of public works and incorporated herein by this reference.

(Added Ord. 04-139, Dec. 22, 2004, Eff date Jan. 2, 2005; amended by Ord. 09-114, Oct. 28, 2009, Eff date Nov. 15, 2009)

#### **25A.20.040 Rate adjustments and appeals.**

(1) Any person receiving a billing statement for water quality restoration and water quantity management service charges pursuant to SCC [25A.20.030](#) or SCC [25A.20.035](#) and making a timely payment thereof, may apply to the director for a rate adjustment based on any of the circumstances listed in SCC [25A.20.050](#), SCC 25A.20.060, or SCC [25A.20.070](#).

(2) Any person receiving a billing statement for water quantity management service charges pursuant to SCC 25A.20.034 and making a timely payment thereof, may apply to the director for a rate adjustment based on any of the circumstances listed in SCC 25A.20.050 or SCC 25A.20.060(1) through (3).

(3) 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 pursuant to SCC [25A.20.050](#) must be submitted within three years of the date of payment of the water quality restoration and water quantity management service charges. Applications for rate adjustments pursuant to SCC 25A.20.060 or SCC [25A.20.070](#) must be made by April 30th to be effective for the current billing year. Applications for rate adjustments pursuant to SCC 25A.20.060 or SCC [25A.20.070](#) received after April 30th shall only be effective for subsequent years. If the director grants an adjustment which reduces the service charge for the current year, or, for requests submitted pursuant to SCC 25A.20.050 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 service charge for the current year, an amended bill shall be issued and the applicant shall submit the additional amount due within 45 days of the notice of additional service charge.

(5) Any person eligible for the low income senior citizen or disabled persons exemption from service charges under SCC 25A.20.060(1)(a) shall be provided a refund of annual service charges for the subject

property for the current year and up to three prior years, PROVIDED, That eligibility for each year has been approved by the Assessor's office.

(6) Except for requests submitted pursuant to SCC [25A.20.050](#) and SCC 25A.20.060(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 SCC [25A.20.050](#) and SCC 25A.20.060(1)(a) shall not be approved for any year prior to 1999.

(7) Decisions of the director on applications 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 30 days of the notice of decision.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended Ord. 02-074, December 4, 2002, Eff date January 1, 2003, Ord. 04-139, Dec. 22, 2004, Eff date Jan. 2, 2005; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

### **25A.20.060 Exemptions and reductions.**

(1) The following properties 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.

(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 50 foot vegetated buffer is maintained on the property along any waterbody that drains to a fishbearing stream or lake.

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

(3) The funds collected under RCW 36.89 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 in 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.

(4) 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.

(5) Pursuant to RCW 90.72.070, lands classified as forest under chapter 84.33 RCW as an 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.

(6) The rate charged for a parcel with a commercial rainwater harvesting system shall be reduced from the rate set out in this chapter 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. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 05-103, October 26, 2005, Eff date November 6, 2005; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **25A.20.070 Credits.**

Properties located in clean water districts may be eligible for reductions in rate categories as described below:

(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, chapter 30.63A SCC, 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 Snohomish county drainage ordinance, chapter 30.63A SCC, 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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 02-098, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **25A.20.080 Billings.**

(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](#), SCC 25A.20.034 and SCC [25A.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 clean water districts and former clean water districts, 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 clean water districts or former clean water districts.

(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. 01-130, January 9, 2002, Eff date January 28, 2002, Ord. 04-139, Dec. 22, 2004, Eff date January 2, 2005; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **25A.20.090 Delinquent charges.**

(1) Service charges or any part thereof which become delinquent under the provisions of [SCC 25A.20.080](#) shall bear interest at the rate of 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 property by [SCC 25A.20.030](#), [SCC 25A.20.034](#) or [SCC 25A.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 eight 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 annually in writing in January of each year 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. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **25A.20.100 Special operating funds.**

(1) All service charges collected from clean water districts 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) All service charges collected from former clean water districts shall be deposited in a subfund within the special fund established by [SCC 25.20.070](#) and held by the department of finance. The funds collected from former clean water districts shall be used only for purposes permitted by RCW 36.89.120.

(3) 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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **25A.20.110 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. 01-130, January 9, 2002, Eff date January 28, 2002).

### **25A.20.120 First charging day.**

Repealed by Amended Ord. 09-120.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Repealed by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

## **Chapter 25A.30 ADVISORY BOARD**

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### **25A.30.010 Applicability.**

The requirements of this chapter shall apply to the Stillaguamish River clean water district as defined in SCC 25A.10.030.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, December 17, 2004; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **25A.30.020 Purpose.**

Pursuant to RCW 90.72.030, the Stillaguamish River clean water district 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, and any other agency or entity obligated by interlocal agreement or contract to provide water quality restoration and water quantity management services within the Stillaguamish River clean water district, and any diking, drainage, or flood control district within the 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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

### **25A.30.030 Authority and responsibility.**

The Stillaguamish River clean water district 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 Stillaguamish River clean water district, and each diking, drainage, or flood control district within the 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 31st of each year and to the respective legislative authorities by October 31st 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 Stillaguamish River clean water district.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

#### **25A.30.040 Advisory board composition.**

(1) The Stillaguamish River clean water district advisory board shall include:

(a) Five positions which shall be for rate payers from the single family rate category. Each of the following subwatersheds or geographic areas shall be represented: Lakes, North Fork Stillaguamish and tributaries, South Fork Stillaguamish and tributaries, Mainstem Stillaguamish and tributaries, and unincorporated UGA.

(b) One position which shall be for a rate payer from the farm rate category.

(c) One position which shall be for a rate payer from any one of the retail, industrial, or other land use rate categories.

(d) The Stillaguamish flood control district and drainage district seven shall be entitled to one position.

(e) Three positions for residential rate payers at large.

(f) Each city adjoining the 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.

(g) One position each for the following: the Stillaguamish Tribe, the Tulalip Tribes, the state department of fisheries and the Snohomish conservation district.

(h) The Snohomish health district (until such time as the health district receives funds from the district at which time they will serve as staff to the board).

(i) Washington state department of ecology.

(2) Staff members representing agencies receiving district funds as specified in SCC 25A.20.030(3) shall be present at all board meetings.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

#### **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 and until their successors as appointed.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004).

### **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.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

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