Approved: 11/12/2025 Effective: 11/27/2025 SNOHOMISH COUNTY COUNCIL 2 Snohomish County, Washington 3 4 ORDINANCE NO. 25-053 5 6 AMENDING CHAPTER 25.20 OF THE SNOHOMISH COUNTY CODE RELATING TO 7 STORM AND SURFACE WATER MANAGEMENT SEVICE CHARGE CREDITS 8 9 WHEREAS, as authorized by Chapter 36.89 RCW, Title 25 of the Snohomish 10 County Code (SCC) imposes storm and surface water management service charges (hereinafter "Service Charges") on real property located within the unincorporated area 11 of Snohomish County and areas annexed to cities since 2009; and 12 13 14 WHEREAS, current SCC 25.20.080(3) allows credit to public and private schools for costs of curriculum related to the mission and goals of Surface Water Management 15 16 (SWM); and 17 18 WHEREAS, the Washington State government through the Office of the 19 Superintendent of Public Instruction (OSPI) has developed curriculum standards for 20 environmental and sustainability education (ESE) as part of basic K-12 instructional 21 requirements; and 22 23 WHEREAS, the OSPI ESE standards provide a direct benefit to SWM and its 24 ratepayers through the fostering of awareness and practices that further the SWM 25 mission; and 26 27 WHEREAS, the ESE standards are required as part of curriculum for all grades 28 under RCW 28A.230.020 and WAC 392-410-115(6); and 29 30 WHEREAS, SCC 25.20.080(1) provides credit to properties that discharging to onsite stormwater facilities meeting certain criteria and the criteria require update; and 31 32 33 WHEREAS, the federal Clean Water Act authorizes federal agencies to pay local 34 stormwater charges subject to certain limitations; and 35 36 WHEREAS, on November 12, 2025, the Snohomish County Council ("County Council") held a public hearing after proper notice and considered public comment and 37 38 the entire record related to the code amendments contained in this ordinance: 39 40 NOW, THEREFORE, BE IT ORDAINED: 41 42 Section 1. The County Council hereby adopts the foregoing recitals as findings of fact and conclusions as if set forth in full herein. 43 44 Section 2. Snohomish County Code Section 25.05.070, added by Amended 45 Ordinance No. 15-069 on November 16, 2015, is amended to read:

25.20.070 Exemptions and reductions.

- (1) The following types of real property shall be exempt from annual service charges:
- (a) Real 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) Real 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 real property does not discharge storm water off site through constructed conveyance facilities and a 50-foot vegetated buffer is maintained on the property along any water body that drains to a fish bearing stream or lake.
- (c) Real property taxed as forest land under chapter 84.33 RCW, as timber land under chapter 84.34 RCW, or as open space land under chapter 84.34 RCW.
- (d) Public and private schools located in facilities that are solely dedicated to K-12 instruction and that provide environmental and sustainability instruction compliant with the environmental and sustainability education standards published by the state of Washington Office of the Superintendent of Public Instruction pursuant to RCW 28A.230.020 and WAC 392-410-115(6).
- (2) The rate charged for right-of-way owned by the state 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) Service charges imposed on rights-of-way owned by the county or municipalities under authority of chapter 36.89 RCW shall be at the same rate as the rate for comparable real property in terms of impervious surface coverage, except that the director may determine that up to 70 percent of the amount due 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 storm and surface water management facilities designed to control surface water or storm water runoff.
- (4) The rate charged for real property 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 of the property.
- (5) The rate charged for federally owned property shall be the same rate for comparable real property in terms of impervious surface coverage, or as otherwise provided in 33 U.S.C. § 1323 (2023).

<u>Section 3.</u> Snohomish County Code Section 25.05.080, last amended by Ordinance No. 23-019 on April 12, 2023, is amended to read:

25.20.080 Credits.

Real property located in the surface water management utility district may be eligible for reductions in service charges as described below:

- (1) For real property having a rate category of light, moderate, heavy, or very heavy, the rate category shall be reduced one category, subject to the limitations found in SCC 25.20.110(6), if the storm water runoff discharges into ((an onsite storm and surface
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water management facility built to comply with the detention and water quality regulations and standards set forth in chapter 30.63A SCC, and said facility is adequately operated and maintained by the property owner)) a drainage facility providing detention and/or water quality that has been permitted and approved by the county. Said facility must be properly maintained by the owner and functioning as designed. Maintenance of the facility shall be determined through inspection by the director.

- (2) For real property located in the surface water management utility district, if all or any portion of the real property is regulated by a valid and active permit issued by the Washington State Department of Ecology or the federal Environmental Protection Agency pursuant to the National Pollutant Discharge Elimination System (NPDES) permit program established by the federal Clean Water Act, codified at 33 U.S.C. § 1251 et seq., then the portion of the annual service charges imposed pursuant to this chapter under authority of chapter 36.89 RCW shall be reduced by 35%. This rate adjustment shall not be available to real property that is a right-of-way owned by a municipality, the county, or the state subject to the rates provided in SCC 25.20.070(2) or (3). The property owner requesting a rate adjustment under this subsection (2) shall provide the director with sufficient documentation to verify that the real property at issue is subject to a valid NPDES permit. The property owner shall also provide the director with written notice promptly upon the expiration of or other termination of coverage under the NPDES permit.
- (3) ((Public and private schools that provide water quality 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 36.89 RCW. This annual credit shall not exceed the annual service charge authorized by chapter 36.89 RCW.))
- (((4))) Pursuant to RCW 85.38.160, real property 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. This annual credit shall not exceed the annual service charge authorized by chapter 36.89 RCW.

Section 4. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

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1 2	PASSED this 12 th day of November, 2025.	
3 4 5 6 7 8 9 10 11 12	ATTEST: MGundo Deputy Clerk of the Council (X) APPROVED () EMERGENCY	SNOHOMISH COUNTY COUNCIL Snohomish County, Washington Council Chair
13 14	() VETOED	
15 16 17 18 19 20 21 22 23	ATTEST:	DATE: November 17, 2025 County Executive
242526	<u>Melíssa Geraghty</u>	
27 28 29 30 31 32 33 34 35 36 37 38 39 40	Approved as to form only: 2/2-/25 Deputy Prosecuting Attorney	