

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing to consider Proposed Ordinance 22-042 on Wednesday, October 26, 2022, at the hour of 10:30 a.m. at 3000 Rockefeller Avenue, 8th Floor, Jackson Board Room, Everett, WA, in conjunction with a remote meeting platform via the following Zoom link:

Zoom Webinar link: <https://zoom.us/j/94846850772>

Dial in: (253) 215 8782 or (301) 715 8592

Meeting ID: 948 4685 0772

Note: Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information <https://snohomish.legistar.com/Calendar.aspx>, or contact the Council Clerk at 425-388-3494 or at contact.council@snoco.org.

PROPOSED ORDINANCE NO. 22-042

AMENDING CHAPTER 25.20 SCC TO ADD A SURFACE WATER SERVICE CHARGE FOR INVASIVE AQUATIC PLANT MANAGEMENT ON LAKE ROESIGER, CLARIFYING THE TITLE OF SCC 25.20.050 AND REPEALING SCC 25.20.060

Section 1. Snohomish County Code section 25.20.050, last amended by Ordinance 20-081 on January 20, 2021, is amended to read:

25.20.050 Service charges for aquatic plant control – Lake Goodwin and Lake Shoecraft.

(1) In addition to the annual service charges established in SCC 25.20.020, 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, 2020, and ending December 31, 2024, the rate categories and additional annual service charges for real property abutting Lake Goodwin or Lake Shoecraft shall be as follows:

Table 25.20.050(2) Annual Service Charge for Aquatic Plant Control

Rate Category	2020	2021	2022	2023	2024
Single Family Residential	\$160.00 per parcel	\$90.00 per parcel	\$95.00 per parcel	\$100.00 per parcel	\$105.00 per parcel
Undeveloped	\$160.00 per parcel	\$90.00 per parcel	\$95.00 per parcel	\$100.00 per parcel	\$105.00 per parcel
Community Beach Lot	\$32.00 per parcel	\$18.00 per parcel	\$19.00 per parcel	\$20.00 per parcel	\$21.00 per parcel
Public and Semi-public Recreation	\$0.93 per foot of lake frontage	\$0.53 per foot of lake frontage	\$0.55 per foot of lake frontage	\$0.58 per foot of lake frontage	\$0.61 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 conservation and natural resources and incorporated herein by this reference.

Section 2. A new section is added to chapter 25.20 of the Snohomish County Code to read:
25.20.053 Service charges for aquatic plant control – Lake Roesiger.

(1) In addition to the annual service charges established in SCC 25.20.020, all affected real property within the lake basin of Lake Roesiger shall be subject to an additional annual service charge for the purpose of managing invasive aquatic plants in Lake Roesiger pursuant to the Lake Roesiger Integrated Aquatic Vegetation Management Plan.

(2) For the period beginning January 1, 2023, and ending December 31, 2027, the rate categories and additional annual service charges for the affected real property shall be as follows:

Table 25.20.053(2)

Annual Service Charge for Lake Roesiger Aquatic Plant Control

Rate Category	Annual Service Charge
Lake Front	\$170.00 per parcel of real property abutting the shoreline of Lake Roesiger
Shared Lakefront	\$35.00 per parcel of real property with an undivided ownership interest in lake front real property used for common beach access
Off Lake	\$20.00 per parcel of developed real property within the Lake Roesiger lake basin that is not lakefront or shared lakefront

(3) All service charges collected under this section shall be used solely for the management and control of invasive aquatic plants in Lake Roesiger.

Section 3. Snohomish County Code section 25.20.060, adopted by Amended Ordinance 15-069 on November 16, 2015, last amended by Amended Ordinance 20-081 on January 20, 2021, is repealed.

Section 4. Snohomish County Code section 25.20.080 last amended by Ordinance 18-089 on November 19, 2018, 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 if the storm water runoff discharges into an onsite storm and surface 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.

(2) For real property having a rate category of light, moderate, heavy, or very heavy, the rate category shall be 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 chapter 30.63A SCC, and said aquatic system is maintained in its natural state by the property owner.

(3) 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 SCC 25.20.020, SCC 25.20.050, SCC 25.20.053, SCC 25.20.055, (~~SCC 25.20.060,~~) and SCC 25.20.065 under authority of chapter 36.89 RCW shall be reduced by 35 percent. 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 SCC 25.20.070(3). The property owner requesting a rate adjustment under this subsection (3) 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.

(4) 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.

(5) 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.

(6) Except for automatic credits granted pursuant to subsections (3) and (5) of this section, credits granted under this section shall be subject to renewal every two years in accordance with administrative procedures developed by the director pursuant to SCC 25.20.150.

Section 5. Snohomish County Code section 25.20.090, last amended by Ordinance 17-020 on July 5, 2017, is amended to read:

25.20.090 Billing.

(1) All real property subject to service charges under this chapter shall be assessed annually on January 1st based upon the rate categories and property characteristics then applicable to the real property and at the rates set forth herein (~~in SCC 25.20.020, SCC 25.20.040, SCC 25.20.060 and SCC 25.20.065~~).

(2) To minimize administrative costs, where feasible, the billing statement for service charges imposed under this title shall be included on the annual property tax statement for the real property at issue. To further reduce administrative costs, the director may use alternative billing systems for the purposes of billing local, state and federal government agencies. The director may elect to use alternative billing methods for the purpose of billing other property owners with real property in the surface water management utility district or areas annexed by cities and towns where alternative methods provide for greater administrative convenience.

(3) All service charges billed on the annual property tax statement shall be due and payable on or before the 30th day of April and, except as provided in this section, shall be delinquent after that date. If one half of the service charge owed is paid on or before the 30th day of April, the remainder of such service charge shall be due and payable on or before the 31st day of October following and shall be delinquent after that date. Service charges billed under alternative methods shall be due within the calendar year in which they are billed on such date as set by the director.

(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 the total 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 owner of the real property at issue, the payment shall be applied first to the annual property tax due for the real property, pursuant to the provisions of chapter 84.56 RCW, and any remaining amount to the service charge due for the real property.

Section 6. Snohomish County Code Section 25.20.110, last amended by Ordinance 17-008 on March 29, 2017, is amended to read:

25.20.110 Rate adjustments and appeals.

(1) Any person receiving a billing statement for water quality restoration and storm and surface water management service charges pursuant to (~~SCC 25.20.020, SCC 25.20.060 or SCC 25.20.065~~) this chapter and making a timely payment thereof may apply to the director for a rate adjustment based on any of the circumstances listed in SCC 25.20.070, SCC 25.20.080 or SCC 25.20.100.

(2) Any person receiving a billing statement for water quality restoration and storm and surface water management service charges pursuant to SCC 25.20.040 and making a timely payment thereof may apply to the director for a rate adjustment based on any of the circumstances listed in SCC 25.20.070(1) through (3) or SCC 25.20.100.

(3) 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 60 days after receipt of the application, except when additional information is needed in which case the director shall provide the applicant with an estimated timeline for a written decision. The estimate shall be based on reasonable limits for obtaining the required information to render a decision. In the event that the applicant does not provide the additional information needed, the director shall notify the applicant that the application is cancelled. 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 director.

(4) Applications for rate adjustments submitted pursuant to SCC 25.20.100 must be submitted within three years of the date of payment of the water quality restoration and storm and surface water management service charges. Applications for rate adjustments submitted pursuant to SCC 25.20.070 or SCC 25.20.080 must be submitted by April 30th to be effective for the current billing year. Applications for rate adjustments submitted pursuant to SCC 25.20.070 or SCC 25.20.080 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 SCC 25.20.100 only, for up to three prior years, the applicant shall be refunded the amount overpaid with interest at the rate specified in RCW 84.69.100, as set forth in WAC 458-18-220 or any successor regulation thereto. If the director determines that an adjustment should be made which increases the service charge due for the current year, an amended bill shall be issued and the applicant shall submit the additional amount due within 30 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 25.20.070(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 when eligibility for each year has been approved by the assessor's office.

(6) Except for requests submitted pursuant to SCC 25.20.070(1)(a) or SCC 25.20.100, rate adjustments shall not be retroactive and are subject to renewal every two years.

(7) Decisions of the director on applications for rate adjustments shall be in writing and shall be final.

Section 7. Snohomish County Code section 25.20.140, last amended by Ordinance 17-020 on July 5, 2017, is amended to read:

25.20.140 Special operating funds.

(1) ~~((Except as provided in subsection (3) of this section, all))~~ All service charges collected from the surface water management utility district 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 (water quality restoration and water quantity) management program created by this title, 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 areas annexed by cities or towns 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 the surface water management utility district under SCC 25.20.060 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.))~~

The Council may also consider alternatives/amendments to the proposed ordinance.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and related documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339, or by e-mailing Contact.Council@snoco.org.

Website Access: The ordinance and related documents can be accessed through the Council's website at <https://snohomish.legistar.com/Legislation.aspx> (File 2022-0937) or <https://snohomishcountywa.gov/2134/Council-Hearings-Calendar> - Hearings Calendar.

Public Testimony: All interested persons may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. Written testimony is encouraged and may be sent to Snohomish County Council, 3000 Rockefeller Avenue, M/S 609, Everett, WA 98201, faxed to 425 388-3496, or e-mailed to contact.council@snoco.org. Submitting testimony 24 hours prior to the hearing will ensure copies are provided to Council and appropriate staff in advance of the hearing. (Note: All public testimony are public records and may be subject to disclosure pursuant to RCW Chapter 42.56. Any contact information provided will be available to the public on the Council's website.)

American Disabilities Act Notice: Accommodations for persons with disabilities are available upon request. Please make arrangements one week prior to the hearing by calling Elena Lao at 425-388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339, or e-mail elena.lao@snoco.org.

DATED this 27th day of September, 2022.



Asst. Clerk of the Council

PUBLISH: October 12 and 19, 2022

Send Affidavit to: Council

Send Invoice to: Council 104482

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

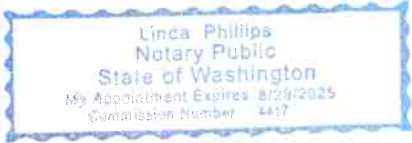
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OCT 24 2022

Snohomish County Council

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH964663 ORDINANCE 22-042 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 2 issue(s), such publication commencing on 10/12/2022 and ending on 10/19/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$948.30. [Signature]



Subscribed and sworn before me on this 20th day of October, 2022.

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing to consider Proposed Ordinance 22-042 on Wednesday, October 26, 2022, at the hour of 10:30 a.m. at 3000 Rockefeller Avenue, 8th Floor, Jackson Board Room, Everett, WA, in conjunction with a remote meeting platform via the following Zoom link:

Zoom Webinar link: <https://zoom.us/j/94846850772>
Dial in: (253) 215 8782 or (301) 715 8582
Meeting ID: 948 4685 0772

Note: Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information <https://snohomish.legistar.com/Calendar.aspx>, or contact the Council Clerk at 425-368-3494 or at contact.council@snoco.org.

PROPOSED ORDINANCE NO. 22-042
AMENDING CHAPTER 25.20 SCC TO ADD A SURFACE WATER
SERVICE CHARGE FOR INVASIVE AQUATIC PLANT
MANAGEMENT ON LAKE ROESIGER, CLARIFYING THE TITLE
OF SCC 25.20.050 AND REPEALING SCC 25.20.050

Section 1. Snohomish County Code section 25.20.050, last amended by Ordinance 20-061 on January 20, 2021, is amended to read:

25.20.050 Service charges for aquatic plant control -
Lake Goodwin and Lake Shoecraft.

(1) In addition to the annual service charges established in SCC 25.20.020, 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, 2020, and ending December 31, 2024, the rate categories and additional annual service charges for real property abutting Lake Goodwin or Lake Shoecraft shall be as follows:

Table 25.20.050(2) Annual Service Charge
for Aquatic Plant Control

Rate Category	2020	2021	2022	2023	2024
Single Family Residential	\$160.00 per parcel	\$90.00 per parcel	\$95.00 per parcel	\$100.00 per parcel	\$105.00 per parcel
Undeveloped	\$160.00 per parcel	\$90.00 per parcel	\$95.00 per parcel	\$100.00 per parcel	\$105.00 per parcel
Community Beach Lot	\$32.00 per parcel	\$18.00 per parcel	\$19.00 per parcel	\$20.00 per parcel	\$21.00 per parcel
Public and Semi-public Recreation	\$0.93 per foot of lake frontage	\$0.53 per foot of lake frontage	\$0.55 per foot of lake frontage	\$0.58 per foot of lake frontage	\$0.61 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 conservation and natural resources and incorporated herein by this reference.

Section 2. A new section is added to chapter 25.20 of the Snohomish County Code to read:

25.20.053 Service charges for aquatic plant control - Lake Roesiger.

(1) In addition to the annual service charges established in SCC 25.20.020, all affected real property within the lake basin of Lake Roesiger shall be subject to an additional annual service charge for the purpose of managing invasive aquatic plants in Lake Roesiger pursuant to the Lake Roesiger Integrated Aquatic Vegetation Management Plan.

(2) For the period beginning January 1, 2023, and ending December 31, 2027, the rate categories and additional annual service charges for the affected real property shall be as follows:

Table 25.20.053(2)

Rate Category	Annual Service Charge
Lake Front	\$170.00 per parcel of real property abutting the shoreline of Lake Roesiger
Shared Lakefront	\$35.00 per parcel of real property with an undivided ownership interest in lake front real property used for common beach access
Off Lake	\$20.00 per parcel of developed real property within the Lake Roesiger lake basin that is not lakefront or shared lakefront

(3) All service charges collected under this section shall be used solely for the management and control of invasive aquatic plants in Lake Roesiger.

Section 3. Snohomish County Code section 25.20.060, adopted by Amended Ordinance 15-069 on November 16, 2015, last amended by Amended Ordinance 20-081 on January 20, 2021, is repealed.

Section 4. Snohomish County Code section 25.20.080 last amended by Ordinance 18-089 on November 19, 2018, 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 if the storm water runoff discharges into an onsite storm and surface 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.

(2) For real property having a rate category of light, moderate, heavy, or very heavy, the rate category shall be 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 chapter 30.63A SCC, and said aquatic system is maintained in its natural state by the property owner.

(3) 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 SCC 25.20.020, SCC 25.20.050, SCC 25.20.053, SCC 25.20.055, (SCC 25.20.060,) and SCC 25.20.065 under authority of chapter 36.89 RCW shall be reduced by 35 percent. 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 SCC 25.20.070(3). The property owner requesting a rate adjustment under this subsection (3) 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.

(4) 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.

(5) 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.

(6) Except for automatic credits granted pursuant to subsections (3) and (5) of this section, credits granted under this section shall be subject to renewal every two years in accordance with administrative procedures developed by the director pursuant to SCC 25.20.150.

Section 5. Snohomish County Code section 25.20.090, last amended by Ordinance 17-020 on July 5, 2017, is amended to read:

25.20.090 Billing.

(1) All real property subject to service charges under this chapter shall be assessed annually on January 1st based upon the rate categories and property characteristics then applicable to the real property and at the rates set forth herein (in SCC 25.20.020, SCC 25.20.040, SCC 25.20.080 and SCC 25.20.065).

(2) To minimize administrative costs, where feasible, the billing statement for service charges imposed under this title shall be included on the annual property tax statement for the real property at issue. To further reduce administrative costs, the director may use alternative billing systems for the purposes of billing local, state and federal government agencies. The director may elect to use alternative billing methods for the purpose of billing other property owners with real property in the surface water

management utility district or areas annexed by cities and towns where alternative methods provide for greater administrative convenience.

(3) All service charges billed on the annual property tax statement shall be due and payable on or before the 30th day of April and, except as provided in this section, shall be delinquent after that date. If one-half of the service charge owed is paid on or before the 30th day of April, the remainder of such service charge shall be due and payable on or before the 31st day of October following and shall be delinquent after that date. Service charges billed under alternative methods shall be due within the calendar year in which they are billed on such date as set by the director.

(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 the total 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 owner of the real property at issue, the payment shall be applied first to the annual property tax due for the real property, pursuant to the provisions of chapter 84.56 RCW, and any remaining amount to the service charge due for the real property.

Section 6. Snohomish County Code Section 25.20.110, last amended by Ordinance 17-008 on March 29, 2017, is amended to read:

25.20.110 Rate adjustments and appeals.

(1) Any person receiving a billing statement for water quality restoration and storm and surface water management service charges pursuant to ~~((SCC 25.20.020, SCC 25.20.060 or SCC 25.20.065))~~ this chapter and making a timely payment thereof may apply to the director for a rate adjustment based on any of the circumstances listed in SCC 25.20.070, SCC 25.20.080 or SCC 25.20.100.

(2) Any person receiving a billing statement for water quality restoration and storm and surface water management service charges pursuant to SCC 25.20.040 and making a timely payment thereof may apply to the director for a rate adjustment based on any of the circumstances listed in SCC 25.20.070(1) through (3) or SCC 25.20.100.

(3) 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 60 days after receipt of the application, except when additional information is needed in which case the director shall provide the applicant with an estimated timeline for a written decision. The estimate shall be based on reasonable limits for obtaining the required information to render a decision. In the event that the applicant does not provide the additional information needed, the director shall notify the applicant that the application is cancelled. 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 director.

(4) Applications for rate adjustments submitted pursuant to SCC 25.20.100 must be submitted within three years of the date of payment of the water quality restoration and storm and surface water management service charges. Applications for rate adjustments submitted pursuant to SCC 25.20.070 or SCC 25.20.080 must be submitted by April 30th to be effective for the current billing year. Applications for rate adjustments submitted pursuant to SCC 25.20.070 or SCC 25.20.080 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 SCC 25.20.100 only, for up to three prior years, the applicant shall be refunded the amount overpaid with interest at the rate specified in RCW 84.69.100, as set forth in WAC 458-18-220 or any successor regulation thereto. If the director determines that an adjustment should be made which increases the service charge due for the current year, an amended bill shall be issued and the applicant shall submit the additional amount due within 30 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 25.20.070(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 when eligibility for each year has been approved by the assessor's office.

(6) Except for requests submitted pursuant to SCC 25.20.070(1)(a) or SCC 25.20.100, rate adjustments shall not be retroactive and are subject to renewal every two years.

(7) Decisions of the director on applications for rate adjustments shall be in writing and shall be final.

Section 7. Snohomish County Code section 25.20.140, last amended by Ordinance 17-020 on July 5, 2017, is amended to read:

25.20.140 Special operating funds.

(1) ~~((Except as provided in subsection (3) of this section, all))~~ All service charges collected from the surface water management utility district 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 (water quality restoration and water quantity) management program created by this title, 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 areas annexed by cities or towns 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 36.59.120.

~~((3) The funds generated by service charges collected from the surface water management utility district under SCC 25.20.060 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 36.59.130.))~~ The Council may also consider alternatives/amendments to the proposed ordinance.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and related documentation are available upon request

by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339, or by e-mailing ContactCouncil@snoco.org.

Website Access: The ordinance and related documents can be accessed through the Council's website at <https://snohomish.legistar.com/Legislation.aspx> (File 2022-0937) or [https://snohomishcountywa.gov/2134/Council-Hearings-Calendar - Hearings Calendar](https://snohomishcountywa.gov/2134/Council-Hearings-Calendar-Hearings-Calendar).

Public Testimony. All interested persons may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. Written testimony is encouraged and may be sent to Snohomish County Council, 3000 Rockefeller Avenue, M/S 609, Everett, WA 98201, faxed to 425-388-3486, or e-mailed to contactcouncil@snoco.org. Submitting testimony 24 hours prior to the hearing will ensure copies are provided to Council and appropriate staff in advance of the hearing. (Note: All public testimony are public records and may be subject to disclosure pursuant to RCW Chapter 42.56. Any contact information provided will be available to the public on the Council's website.)

American Disabilities Act Notice: Accommodations for persons with disabilities are available upon request. Please make arrangements one week prior to the hearing by calling Elena Lao at 425-388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339, or e-mail elena.lao@snoco.org.

DATED this 27th day of September, 2022.

/s/ Elena Lao
Asst. Clerk of the Council
104492

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