

Approved:

Effective:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 25-053

AMENDING CHAPTER 25.20 OF THE SNOHOMISH COUNTY CODE RELATING TO
STORM AND SURFACE WATER MANAGEMENT SERVICE CHARGE CREDITS

WHEREAS, as authorized by Chapter 36.89 RCW, Title 25 of the Snohomish County Code (SCC) imposes storm and surface water management service charges (hereinafter "Service Charges") on real property located within the unincorporated area of Snohomish County and areas annexed to cities since 2009; and

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 (SWM); and

WHEREAS, the Washington State government through the Office of the Superintendent of Public Instruction (OSPI) has developed curriculum standards for environmental and sustainability education (ESE) as part of basic K-12 instructional requirements; and

WHEREAS, the OSPI ESE standards provide a direct benefit to SWM and its ratepayers through the fostering of awareness and practices that further the SWM mission; and

WHEREAS, the ESE standards are required as part of curriculum for all grades under RCW 28A.230.020 and WAC 392-410-115(6); and

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

WHEREAS, the federal Clean Water Act authorizes federal agencies to pay local stormwater charges subject to certain limitations; and

WHEREAS, on _____, 2025, the Snohomish County Council ("County Council") held a public hearing after proper notice and considered public comment and the entire record related to the code amendments contained in this ordinance;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council hereby adopts the foregoing recitals as findings of fact and conclusions as if set forth in full herein.

Section 2. Snohomish County Code Section 25.05.070, added by Amended Ordinance No. 15-069 on November 16, 2015, is amended to read:

1 **25.20.070 Exemptions and reductions.**

2
3 (1) The following types of real property shall be exempt from annual service charges:

4 (a) Real property that is owned by, and is the personal residence of, a person or
5 persons approved by the county assessor for a senior citizen or disabled persons
6 property tax exemption under RCW 84.36.381.

7 (b) Real property that is owned by a "public benefit nonprofit corporation," as
8 defined by RCW 24.03.490, and is used as a cemetery, provided the real property does
9 not discharge storm water off site through constructed conveyance facilities and a 50-
10 foot vegetated buffer is maintained on the property along any water body that drains to
11 a fish bearing stream or lake.

12 (c) Real property taxed as forest land under chapter 84.33 RCW, as timber land
13 under chapter 84.34 RCW, or as open space land under chapter 84.34 RCW.

14 (d) Public and private schools located in facilities that are solely dedicated to K-
15 12 instruction and that provide environmental and sustainability instruction compliant
16 with the environmental and sustainability education standards published by the state of
17 Washington Office of the Superintendent of Public Instruction pursuant to RCW
18 28A.230.020 and WAC 392-410-115(6).

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

22 (3) Service charges imposed on rights-of-way owned by the county or municipalities
23 under authority of chapter 36.89 RCW shall be at the same rate as the rate for
24 comparable real property in terms of impervious surface coverage, except that the
25 director may determine that up to 70 percent of the amount due can be paid through in
26 kind services, as provided in RCW 36.89.085. In kind services include, but are not
27 limited to, the construction, operation, and maintenance of storm and surface water
28 management facilities designed to control surface water or storm water runoff.

29 (4) The rate charged for real property with a commercial rainwater harvesting system
30 shall be reduced from the rate set out in this chapter by a fraction equal to the storage
31 volume of the rainwater harvesting system divided by the mean annual runoff volume
32 generated by the total impervious surface area of the property.

33 (5) The rate charged for federally owned property shall be the same rate for
34 comparable real property in terms of impervious surface coverage, or as otherwise
35 provided in 33 U.S.C. § 1323 (2023).

36
37 Section 3. Snohomish County Code Section 25.05.080, last amended by
38 Ordinance No. 23-019 on April 12, 2023, is amended to read:

39
40 **25.20.080 Credits.**

41
42 Real property located in the surface water management utility district may be eligible
43 for reductions in service charges as described below:

44 (1) For real property having a rate category of light, moderate, heavy, or very heavy,
45 the rate category shall be reduced one category, subject to the limitations found in SCC
46 25.20.110(6), if the storm water runoff discharges into ~~((an on-site storm and surface~~

1 ~~water management facility built to comply with the detention and water quality~~
2 ~~regulations and standards set forth in chapter 30.63A SCC, and said facility is~~
3 ~~adequately operated and maintained by the property owner)) a drainage facility~~
4 ~~providing detention and/or water quality that has been permitted and approved by the~~
5 ~~county. Said facility must be properly maintained by the owner and functioning as~~
6 ~~designed. Maintenance of the facility shall be determined through inspection by the~~
7 ~~director.~~

8 (2) For real property located in the surface water management utility district, if all or
9 any portion of the real property is regulated by a valid and active permit issued by the
10 Washington State Department of Ecology or the federal Environmental Protection
11 Agency pursuant to the National Pollutant Discharge Elimination System (NPDES)
12 permit program established by the federal Clean Water Act, codified at 33 U.S.C.
13 § 1251 et seq., then the portion of the annual service charges imposed pursuant to this
14 chapter under authority of chapter 36.89 RCW shall be reduced by 35%. This rate
15 adjustment shall not be available to real property that is a right-of-way owned by a
16 municipality, the county, or the state subject to the rates provided in SCC 25.20.070(2)
17 or (3). The property owner requesting a rate adjustment under this subsection (2) shall
18 provide the director with sufficient documentation to verify that the real property at issue
19 is subject to a valid NPDES permit. The property owner shall also provide the director
20 with written notice promptly upon the expiration of or other termination of coverage
21 under the NPDES permit.

22 ~~(3) ((Public and private schools that provide water quality or watershed instruction~~
23 ~~approved by the director shall be given credit equal to the dollar value of the instruction~~
24 ~~offered. This credit shall be applied against the annual service charge billed under the~~
25 ~~authority of chapter 36.89 RCW. This annual credit shall not exceed the annual service~~
26 ~~charge authorized by chapter 36.89 RCW.))~~

27 ~~((4))~~ Pursuant to RCW 85.38.160, real property within diking, drainage, or flood
28 control districts shall be given a credit equal to the dollar value of the annual special
29 district assessment. This credit shall be applied against the annual service charge billed
30 under the authority of chapter 36.89 RCW. This annual credit shall not exceed the
31 annual service charge authorized by chapter 36.89 RCW.

32
33 Section 4. Severability and Savings. If any section, sentence, clause or phrase
34 of this ordinance shall be held to be invalid or unconstitutional by a court of competent
35 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
36 constitutionality of any other section, sentence, clause or phrase of this ordinance.
37 Provided, however, that if any section, sentence, clause or phrase of this ordinance is
38 held to be invalid or unconstitutional by a court of competent jurisdiction, then the
39 section, sentence, clause or phrase in effect prior to the effective date of this ordinance
40 shall be in full force and effect for that individual section, sentence, clause or phrase as
41 if this ordinance had never been adopted.

PASSED this ____ day of _____, 2025.

ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Deputy Clerk of the Council

Council Chair

() APPROVED

() EMERGENCY


() VETOED

DATE: _____

ATTEST: _____

County Executive

Approved as to form only:

 2/26/25

Deputy Prosecuting Attorney