APPROVED: 11/10/26
EFFECTIVE:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 26-054

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

WHEREAS, as authorized by chapter 36.89 RCW, title 25 of the Snohomish County Code (SCC) imposes storm and surface water management service charges on real property located within the unincorporated area of Snohomish County; and

WHEREAS, the cost of providing water quality restoration and storm and surface water management services has significantly increased in recent years and continues to increase due to general inflation, the rising cost of construction, and the increasing cost of regulatory compliance; and

WHEREAS, to keep pace with inflation, implement new National Pollutant Discharge Elimination System (NPDES) permit requirements, and maintain capital project delivery commitments, this ordinance provides a one-time increase to the utility rate and maintains a modified Annual Cost Adjustment (ACA) factor; and

WHEREAS, to facilitate a change in rates that is more closely tied to changing inflationary factors, the proposed ordinance modifies the ACA to be based on the June-to-June Seattle-Tacoma-Bellevue CPI-W with a floor of 1% and ceiling of 5% instead of a fixed index; and

WHEREAS, this ordinance removes code language that prohibits county road right of way from eligibility for the NPDES credit, thereby recognizing the ongoing NPDES compliance work performed by the Snohomish County Department of Public Works; and

WHEREAS, on November 10, 2026, 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 25.20.020, last amended by Ordinance No. 23-019 on April 12, 2023, is amended to read:

25.20.020 Rate structure for the surface water management utility district.

(1) The director shall assign all developed real property located in the surface water management utility district to service charge rate categories according to the land use classification and the degree of impervious surface coverage of the real property. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of conservation and natural resources and incorporated by this reference. When assigning real property to appropriate service charge rate categories, if portions of any tax parcel or legal lot have been placed into separate taxation categories by the county assessor, the director shall treat each of those separate portions of the tax parcel or legal lot as separate properties and assign an appropriate service charge rate category to each. When assigning the real property to appropriate service charge rate categories, if the property exhibits mixed use, the director shall assign the rate category based on the use associated with the majority of the impervious surface area on the real property or portion thereof.

(2) Except as provided in SCC 25.20.070, SCC 25.20.080, and SCC 25.20.100, ((~~for the period beginning January 1, 2020, and ending December 31, 2020,~~)) developed real property located in surface water management utility district areas shall be subject to annual service charges as follows:

Table 25.20.020(2)(a)

Annual Service Charge for Residential and Farm

Rate Category	Impervious Surface Coverage	Annual Service Charge
Single Family Residential	N/A	$ ((~~122.00~~)) 179.00 per dwelling unit
Condominium	N/A	$ ((~~109.80~~)) 161.09 per dwelling unit
Farm	N/A	$ ((~~122.00~~)) 179.00 per parcel

Table 25.20.020(2)(b)

Annual Service Charge for Commercial, Non-residential and Other Uses

Rate Category	Impervious Surface Coverage	Annual Service Charge
Exempt	Less than 1%	$0.00
Very Light	1% to 19%	$ ((~~36.59~~)) 53.67 per quarter acre
Light	20% to 39%	$ ((~~122.00~~)) 179.00 per quarter acre
Moderate	40% to 59%	$ ((~~203.27~~)) 298.22 per quarter acre
Heavy	60% to 79%	$ ((~~276.49~~)) 405.66 per quarter acre
Very Heavy	80% to 100%	$ ((~~365.96~~)) 536.91 per quarter acre

(3) Except as provided in SCC 25.20.070, SCC 25.20.080, and SCC 25.20.100, for the period beginning January 1, ((~~2021~~)) 2028, and annually thereafter until the county council establishes different service charges, the annual service charge shall be the annual service charge for the previous year increased by ((~~2.8%. On or before the end of the second quarter of 2024 and at least every five years thereafter, the director shall provide to the County Council a recommendation for future annual service charges with supporting analyses and documentation~~)) the greater of 1% or the June-to-June Seattle-Tacoma-Bellevue Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W); however, no annual increase shall be more than 5%.

Section 3. Snohomish County Code Section 25.20.070, last amended by Ordinance No. 25-053 on November 12, 2025, 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~~)) 62 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).

(6) 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 rate for the annual service charges imposed pursuant to this chapter under authority of chapter 36.89 RCW shall be reduced by 35 percent. The property owner requesting a rate adjustment under this subsection (6) 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.

Section 4. Snohomish County Code Section 25.20.080, last amended by Ordinance No. 25-053 on November 12, 2025, 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 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)~~)) (2) 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 5. 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.

PASSED this 10th day of November 2026.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

_____
Clerk of the Council

_____
Council Chair

( ) APPROVED
( ) EMERGENCY
( ) VETOED

DATE: _____

_____
County Executive

ATTEST:

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ATTEST:

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Approved as to form only:

_____8/17/26
Deputy Prosecuting Attorney