

APPROVED: December 22, 2004
EFFECTIVE: January 2, 2005

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 04-139

RELATING TO WATER QUALITY RESTORATION AND WATER QUANTITY
MANAGEMENT; ADDRESSING SERVICE CHARGES FOR LAKE GOODWIN AND
LAKE SHOECRAFT; AMENDING SNOHOMISH COUNTY CODE TITLE 25A

WHEREAS, Snohomish County and the property owners around Lake Goodwin and Lake Shoecraft have been working to control an infestation of Eurasian watermilfoil plants in both lakes; and,

WHEREAS, Snohomish County Lake Management District No. 2 for Lake Goodwin and Lake Shoecraft was established by the Snohomish County Council on October 27, 1999 by adoption of Ordinance No. 99-088 after an affirmative vote of property owners at both lakes; and,

WHEREAS, Lake Management District No. 2 has been collecting approximately \$32,000 per year for five years from properties around Lake Goodwin and Lake Shoecraft to fund a portion of the milfoil control work; and,

WHEREAS, Lake Management District No. 2 expires on December 31, 2004; and,

WHEREAS, there is a need for continued milfoil control work to protect the beneficial uses of these lakes and to prevent the re-infestation of the shorelines of Lake Goodwin and Lake Shoecraft; and,

WHEREAS, imposing additional Stillaguamish Clean Water District service charges for those properties surrounding Lake Goodwin and Lake Shoecraft will provide approximately \$21,000 per year to be used solely for continued milfoil control work; and,

WHEREAS, the Snohomish County Council has determined that imposing the service charges to control invasive aquatic plants at Lake Goodwin and Lake Shoecraft is in the public interest and will protect the beneficial uses of these lakes,

THEREFORE, BE IT ORDAINED:

NEW SECTION Section 1. A new section 25A.20.035 is added to Chapter 25A.20 of the Snohomish County Code to read:

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, 2009, the rate categories and additional annual service charges for parcels abutting Lake Goodwin or Lake Shoecraft shall be as follows:

| Rate Category | Annual Service Charge |
|-----------------------------------|-------------------------------------|
| 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.

Section 2. Snohomish County Code 25A.20.040, last amended by Amended Ordinance No. 02-074 on December 4, 2002, is amended to read:

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 25A.20.035 and making a timely payment thereof, may apply to the director of the department of public works for a rate adjustment based on any of the circumstances listed in SCC 25A.20.050, 25A.20.060, or 25A.20.070.

(2) 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 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 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.

(4) Any person eligible for the low income senior citizen or disabled persons exemption from storm and surface water management 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.

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

(6) 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.

Section 3. Snohomish County Code 25A.20.080, last amended by Ordinance No. 01-130 on January 9, 2002, is amended to read:

25A.20.080 Billing.

(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 rates as set forth in SCC 25A.20.030 and 25A.20.035.

(2) Billing statements shall be included on the annual property tax statements. In order to minimize administrative costs borne by county rate and taxpayers, the property tax statement will be used to bill all properties within 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 the 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.

PASSED this 22nd day of December, 2004.

ATTEST:

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

/s/ Barbara Sikorski
Asst. Clerk of the Council

/s/ John M. Koster
Chairperson

- (X) APPROVED
- () EMERGENCY
- () VETOED

DATE: December 23, 2004

ATTEST:

/s/ Laura Nelson
Weikel

/s/ Gary

Deputy Executive for County Executive

Approved as to form only:

/s/ Gordon W. Sivley 11/18/04
Deputy Prosecuting Attorney

