

Stillaguamish River Clean Water District Advisory Board

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*Snohomish Health
District*

October 8th, 2015

Dave Somers, Chair
Snohomish County Council
3000 Rockefeller Ave., M/S 609
Everett, WA 98201

Dear Councilman Somers,

Pursuant to Title 25A.30.030 Snohomish County Code, the Stillaguamish Clean Water District Advisory Board (the Board) offers the following recommendations regarding the 2016 Surface Water Management (SWM) Work Plan and budget.

Snohomish Health District (SHD) Funding - SWM is proposing \$100,000 in funding for a new SHD sanitarian FTE. The Stillaguamish CWD would contribute \$50,000 (\$25,400 from RCW 90.72 funds and \$24,600 from the Pollution Identification and Control (PIC) grant). The South County WMA and Snohomish WMA would contribute \$25,000 each. **The Board strongly supports this proposal**, for 2016 and beyond. SHD Wastewater Program staffing has fallen to just four FTE to serve the entire county, including municipalities that do not contribute to SHD funding, while the demand for SHD support of clean water efforts, Savvy Septic, PIC, and of on-site septic (OSS) permitting, continues to increase. **The Board also recommends** that Council, through its membership on the Board of Health, pursue an equitable fee structure that includes the cities, and sustain SHD funding.

To speed the hiring process, the Board is urging SWM to develop as soon as possible a scope of work and Inter-Local Agreement with SHD. SHD participation on the Board over the past few years has demonstrated the value of their expertise in evaluating proposed OSS repairs. Also, the Snohomish-Stillaguamish Local Integrating Organization needs SHD collaboration in implementing near-term action items recently approved for the Puget Sound Action Agenda.

Clean Water Loan and Grant Program – **The Board supports** the County's three-year "Savvy Septic" program, funded with money from a Department of Ecology (DOE) Centennial Grant. The program began in April and has already provided 6 grants, 88 rebates, and 6 low-interest loans for OSS maintenance, repairs, and replacements countywide. The CWD is contributing \$20,000 total in RCW 90.72 funding toward the County's match for the DOE grant for 2015 and 2016. Three Savvy Septic grants and two loans were in the CWD, and come in addition to three other OSS repair grants through our Discretionary Fund in 2015, also funded by 90.72.

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Base Funding for RCW 90.72 Projects – New demands on 90.72 funds, including the Savvy Septic match and the SHD sanitarian, combined with the lowest 90.72 revenue in the history of the CWD (see graph in Attachment A), put our clean water program on a fiscally unsustainable path. Without restoration, 90.72 base funding in real dollars is projected to be 34% lower than when the CWD was established 22 years ago, even though real, total revenue will increase 2.5-fold and real 36.89 revenues by 560%. At the current rate of demand, Discretionary Fund and Shellfish Protection fund balances are likely to be exhausted next year, and the Snohomish Conservation District (SCD) fund balance in two years. The PIC grant expires in the coming year as well.


It is hard to overstate the threat this poses to the clean water/shellfish protection goals set out in RCW 90.72, which unlike RCW 36.89, explicitly addresses non-point pollution, livestock waste, failed OSS, and polluted stormwater. **The Board recommends** an amendment (see Attachment B) to the proposed 25A.20.020(2) and 25.A.20.080 SCC, to reduce the disproportionate impact of Ordinance 13-009 on 90.72 revenue. This amendment, originally proposed by the Board in 2014, presents no legal issues. Pursuant to the 2015 budget amendment, a \$229,000 funding shift from 36.89 to 90.72 was achieved with selective 36.89 program cuts. Our proposed amendment results in a \$215,624 shift, but a \$171,000 increase in 36.89 projected 2016 revenue largely offsets it, reducing the need for those cuts, compared to 2015. An estimated \$53,621 loss of CWD revenue also results, but all except \$16,773 is an increase in exemption to Snohomish County Public Works roads department.

The Board thanks Council for its concern on this vital issue. SWM and the Board are continuing to discuss options for restoring viable 90.72 program base funding.

Lakes - The Board commends SWM's work to restore the health of our lakes. Remarkable progress has been achieved at Lake Stevens and more recently at Lake Ketchum where toxic algae pollution threatened human and animal health and posed a risk to shellfish beds downstream in Skagit Bay. Recent monitoring and outreach by SWM and SCD to residents on the highly polluted Sunday Lake are setting the stage for action there as well. This successful effort is currently funded by both 90.72 and 36.89. **The Board recommends** full funding for lakes programs as a priority, including volunteer lake monitoring, milfoil control, and the LakeWise program.

The Board thanks you for your attention and welcomes any comments or questions.

Respectfully,



Steven VanValkenburg, Chair

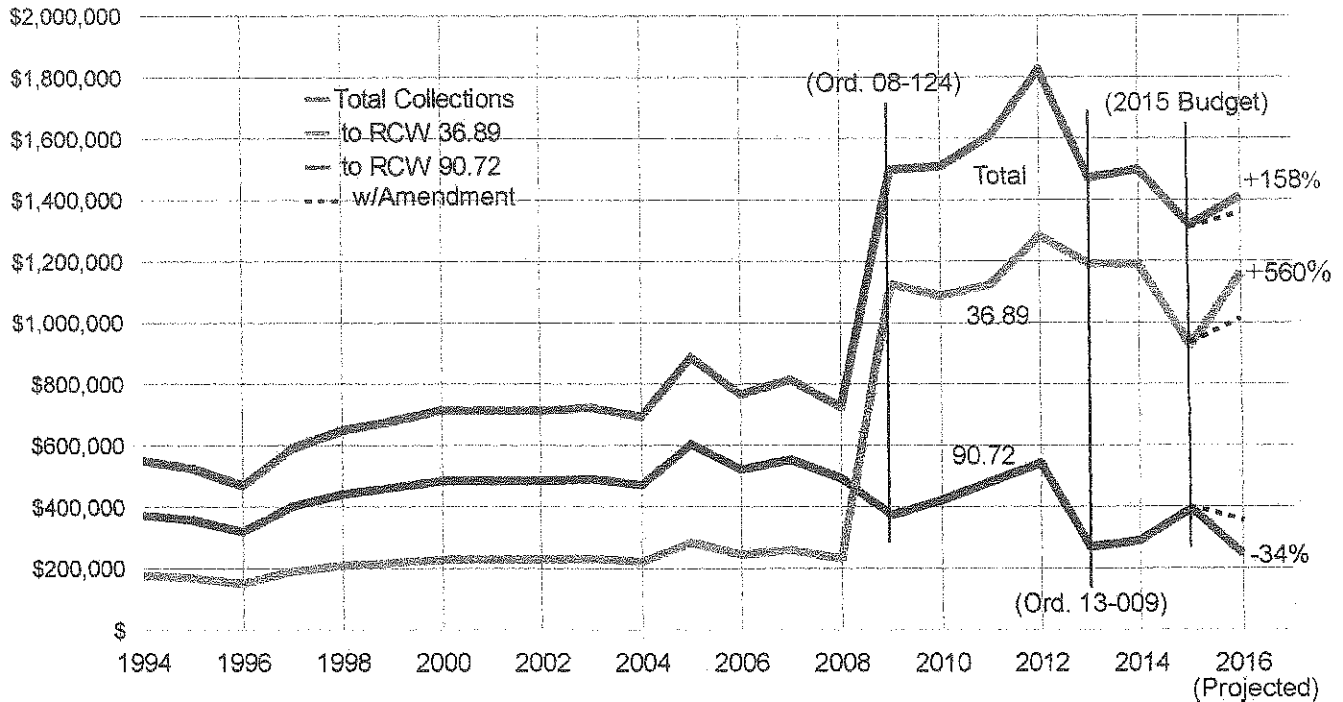


Dale Shelton, Vice Chair

cc:

Gregg Farris, Interim Co-Director, Snohomish County Surface Water Management
Karen Kerwin, Interim Co-Director, Snohomish County Surface Water Management
Lenda Crawford, Executive Director, Snohomish County Executive's Office
Stephanie Wright, 2014 Chair, Snohomish County Board of Health
Dr. Gary Goldbaum, Snohomish County Health Office, Snohomish Health District
Peter Mayer, Deputy Director, Snohomish Health District
Kevin Plemel, Interim Manager, Environmental Health Division, Snohomish Health District

CWD REVENUE IN 1994 DOLLARS



The above graph illustrates the effect of recent ordinances on CWD revenues and the disparate impact on RCW 90.72 collections.

- Total revenue will have increased more than 2½ -fold in real dollars, projected into 2016.
- Even with the amendment real RCW 36.89 collections will have increased nearly 6-fold.
- Without the amendment, real RCW 90.72 funding will be a third lower than when the CWD was founded 22 years ago, and even with it, still 6% less.

The 36.89 collections projected for 2015 did not include \$124k in WSDOT revenue, which was not budgeted and therefore accrues to the 36.89 fund balance. For 2016, 36.89 collections are projected to increase by \$170k over the 2015 budget.

90.72 funding maintains our SCD program for farmers and homeowners, our highly effective Discretionary Fund program, and the Water Quality/Shellfish Protection program, all central to the mission and identity of the Clean Water District and the purpose for which it was founded.

Attachment B (3 pages)

- 1 ~~((25A.20.090))~~ 25A.20.120 Delinquent service charges imposed under the authority of chapter 36.89 RCW.
- 2 25A.20.125 Delinquent service charges imposed under the authority of chapter 90.72 RCW.
- 3 25A.20.130 Waiver of interest and penalties.
- 4 ~~((25A.20.100))~~ 25A.20.140 Special operating funds.
- 5 ~~((25A.20.110))~~ 25A.20.150 Administrative procedures.
- 6 ~~((25A.20.120-- Repealed.))~~

25A.20.010 Applicability.

The requirements of this chapter shall apply to all real property located within the clean water ((districts))district and the former clean water((districts))district.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 12-011, Mar. 28, 2012, Eff date Jan. 1, 2012).

~~((25A.20.020 Clean water districts.~~

~~Repealed by Amended Ord. 09-120.))~~

~~(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002, Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Repealed by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).~~

~~((25A.20.030))~~ 25A.20.020 Rate structure for the clean water ((districts))district.

(1) The director shall assign all developed real property located in ~~((a))~~ the clean water ((districts))district to service charge rate categories according to the land use classification ~~((and/or))~~ and 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 public works 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 ~~((26A.20.060))~~ 25A.20.070, SCC ~~((25A.20.060))~~ 25A.20.080, and SCC ~~((26A.20.070))~~ 25A.20.100, developed real property in ~~((a))~~ the clean water district shall be subject to annual service charges as follows:

Table 25A.20.020(2)(a)

Annual Service Charge for Residential and Farm

Rate Category	Impervious Surface Coverage	Annual Charge RCW 90.72	Annual Charge RCW 36.89	Total Annual Service Charge
Single ((family)) <u>Family Residential</u>	N/A	\$25.46 per ((parcel))dwelling unit <u>\$31.45</u>	\$27.55 per ((parcel))dwelling unit <u>\$38.55</u>	\$90.00 per ((parcel))dwelling unit
Condominium	N/A	\$20.20 per dwelling unit <u>\$29.30</u>	\$26.86 per dwelling unit <u>\$32.70</u>	\$81.00 per dwelling unit
((Farm, no building))	N/A	((0.00))	((0.00))	((0.00))
Farm ((, w/building (44 acre maximum charge))	N/A	((0.52 per 1/4 acre)) <u>\$31.45</u>	((1.55 per 1/4 acre)) <u>\$38.55</u>	((2.07 per 1/4 acre)) <u>\$90.00 per parcel</u>
((Farm, with implemented plan (44 acre maximum charge))		((0.25 per 1/4 acre))	((0.76 per 1/4 acre))	((1.01 per 1/4 acre))

Table 25A.20.020(2)(b)

~~((Retail, Industrial and Other Land Uses))~~ **Commercial, Non-residential and Other Uses**

Rate Category	Impervious Surface Coverage	Annual Charge RCW 90.72	Annual Charge RCW 36.89	Total Annual Service Charge
Exempt	Less than 1%	\$0.00	\$0.00	\$0.00

Very ((light)) Light	1% to 19%	\$6.75 per ((1/4)) quarter acre \$9.43	\$29.96 per ((1/4)) quarter acre \$17.56	\$26.99 per ((1/4)) quarter acre
Light	20% to 39%	\$22.45 per ((1/4)) quarter acre \$28.30	\$67.55 per ((1/4)) quarter acre \$52.70	\$90.00 per ((1/4)) quarter acre
Moderate	40% to 59%	\$37.40 per ((1/4)) quarter acre \$52.40	\$112.55 per ((1/4)) quarter acre \$97.55	\$149.95 per ((1/4)) quarter acre
Heavy	60% to 79%	\$59.87 per ((1/4)) quarter acre \$71.28	\$152.48 per ((1/4)) quarter acre \$132.69	\$203.97 per ((1/4)) quarter acre
Very ((heavy)) Heavy	80% to 100%	\$67.33 per ((1/4)) quarter acre \$94.35	\$202.64 per ((1/4)) quarter acre \$175.62	\$269.97 per ((1/4)) quarter acre

(3) From the funds collected under the authority of chapter 90.72 RCW:

(a) 33.0 % shall be allocated to reduce water pollution that is generated by sources within the jurisdiction of the Snohomish ~~((conservation district))~~Conservation District. Snohomish ~~((county intends to))~~County shall use this allocation of funds to contract with the Snohomish ~~((conservation district))~~Conservation District to perform services that reduce these sources of water pollution.

(b) 59.1 % shall be allocated to other water quality restoration ~~((activities))~~services administered by the department of public works.

(c) 7.9 % shall be allocated to specific local water quality restoration projects administered by the department of public works that have been recommended by the advisory board established under chapter 25A.30 SCC.

(4) For the period beginning January 1, ~~((2009))~~2016, and ending December 31, ~~((2015))~~2021, the annual service charge for developed real property located in those portions of the clean water district within urban growth areas shall be based on the rates set forth in subsection (2) above, plus the following amounts:

Table 25.20.020(3)

Annual Surcharge for Urban Growth Areas

Rate Category	Additional Annual Urban Growth Area Service Charge RCW 36.89
Single F ((amily)) Family Residential	\$32.00 per ((parcel)) dwelling unit
Condominium	\$28.80 per dwelling unit
((Farm no building))	((No Charge))
Farm ((with building))	(((\$0.74 per quarter acre; 44 acre maximum)) \$32.00 per parcel
((Farm with implemented plan))	(((\$0.36 per quarter acre; 44 acre maximum))
Exempt	No charge
Very Light	\$9.60 per quarter acre
Light	\$32.00 per quarter acre
Moderate	\$53.32 per quarter acre
Heavy	\$72.52 per quarter acre
Very Heavy	\$95.99 per quarter acre

(a) The service charges established in subsection (2) above represent the base rate. All service charges collected under this subsection (4), less the base rate applicable each year, shall be used solely for surface water management ~~((drainage improvement))~~projects ~~((located in))~~related to impacts originating from or providing benefit to those portions of the clean water ~~((districts))~~district within urban growth areas.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 05-103, October 26, 2005, Eff date November 6, 2005; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 12-011, March 28, 2012, Eff date Jan. 1, 2012; Amended by Amended Ord. 13-009, April 10, 2013, Eff date Jan. 1, 2013)

~~((25A.20.070))~~ 25A.20.080 Credits.

Real property located in the clean water ~~((districts))~~ 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 ~~((stormwater))~~ storm water runoff discharges into an onsite ~~((stormwater control))~~ storm and surface water management facility built to comply with the detention and water quality regulations and standards set forth in ~~((the Snohomish County drainage ordinance,))~~ 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 ~~((Snohomish County drainage ordinance,))~~ chapter 30.63A SCC, and said aquatic system is maintained in its natural state by the property owner.

(3) For real property located in ~~((a))~~ the clean water 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 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 ~~((25A.20.030))~~ 25A.20.020(2) ~~((, SCC 25A.20.035, and SCC 25A.20.039))~~ under authority of chapter 36.68 RCW shall be reduced by 10.33% and the portion of the annual service charges imposed pursuant to SCC ~~((25A.20.030))~~ 25A.20.020(4), SCC 25A.20.050 and SCC 25A.20.060 under authority of chapter 36.89 RCW shall be reduced by 35%. ~~((; PROVIDED HOWEVER, that this))~~ This rate adjustment shall not be available to real property that is ~~((a municipal, county, or state highway))~~ right-of-way owned by a municipality, the county or the state subject to the rates provided in SCC ~~((25A.20.060(2)))~~ 25A.20.070(2) or ~~((25A.20.060(3)))~~ SCC 25A.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 ~~((and/or))~~ 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 90.72 RCW and chapter 36.89 RCW ~~((; PROVIDED HOWEVER, that this))~~ This annual credit shall not exceed the annual service charge authorized by chapter 90.72 RCW and 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 ~~((; PROVIDED HOWEVER, that this))~~ This annual credit shall not exceed the annual service charge authorized by chapter 36.89 RCW.

(6) For real property located in a diking, drainage, or flood control district which has an annual surface water pollution prevention work plan approved by the director, a credit equal to the dollar value of the pollution prevention work performed shall be provided. This credit shall be applied against the annual service charge billed to the real property under the authority of chapter 90.72 RCW ~~((; PROVIDED HOWEVER, that this))~~ This annual credit shall not exceed the annual service charge authorized by chapter 90.72 RCW.

~~((7))~~ For real property having the rate category "farm, w/building," the rate category shall be reduced to "farm, implemented plan" if the real property is included in a farm plan that has been certified to be fully implemented by the Snohomish Conservation District.

(7) Except for automatic credits granted pursuant to subsections (3) and (5) above, 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 25A.20.150.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 02-098, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 12-011, March 28, 2012, Eff Date Jan. 1, 2012; Amended by Amended Ord. 13-009, April 10, 2013, Eff date Jan. 1, 2013; Amended by Ord. 13-069, Sep. 16, 2013, Eff date Oct. 3, 2013).