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BEFORE THE WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR THE COUNTY OF KING

**In re: Assumption of the Ronald
Wastewater District by the City of
Shoreline within King County.**

File No. 2357
**City of Shoreline's
Hearing Brief**

I. INTRODUCTION

Prior to and following the August 31, 1995 incorporation, the Shoreline community has sought to provide strong neighborhoods and coordinated services in a cost-effective and efficient manner. Incorporation was the first step in achieving this goal. The 2002 Interlocal Agreement with the Ronald Wastewater District (District) for the City of Shoreline (Shoreline) assumption of the District is another step. These proceedings before the Boundary Review Board (Board) carries out these planned efforts.

The assumption of the District by Shoreline is authorized by RCW 35.13A.030. The purpose of the assumption is to consolidate public services for Shoreline citizens, including an efficient, high quality sanitary sewer service. The assumption will also place the control and

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3 management of the sewer system under a single, general purpose municipal government that
4 coordinates this essential urban service with the growth and economic development
5 expectations of Shoreline's citizens.

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7 Shoreline's assumption of the District is consistent with the Growth Management Act
8 (GMA), RCW 36.70A, regional planning efforts in King County, the Shoreline Comprehensive
9 Plan, and the factors and objectives to be considered by the Board during its review of the
10 assumption. The Board should find, as has the Shoreline City Council, that the assumption of
11 the District by Shoreline is in the best interests of the present and future citizens of Shoreline.
12

13 **II. STATEMENT OF FACTS**

14 **A. City of Shoreline**

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16 Initiated by a citizen effort called "Vision Shoreline," the incorporation of Shoreline was
17 approved by an overwhelming majority of voters in 1994. Shoreline officially incorporated as a
18 non-charter code city on August 31, 1995. Shoreline covers over 7,500 acres of land and has an
19 estimated population of 53,990.¹ Since its incorporation, Shoreline has sought to provide a
20 community of strong neighborhoods and to serve these neighborhoods in a cost-effective and
21 efficient manner. To achieve this goal over the years, Shoreline has been working to consolidate
22 public services to benefit all of the citizens of the community.
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¹ Washington State Office of Financial Management, April 1, 2014 Population Estimates.

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B. Ronald Wastewater District²

The Ronald Wastewater District is a special purpose district organized under Title 57 RCW. The District was originally formed by petition and election in July 1951 under the name of Ronald Sewer District (and for a period as the Shoreline Wastewater Management District).³ The boundaries of the District's service area have changed since its creation in 1951 as land has been annexed, with the last modification occurring in 2010 when the 79-acre Holyrood Cemetery was annexed to the District. *Declaration of Julie Ainsworth-Taylor (Dec. of Ainsworth-Taylor) Exhibit A, King County Archives Records Database System; Exhibit B, King County Ord. 17019.*

The District now provides a domestic wastewater collection and interceptor system consisting of 16 lift stations, 21 individual grinder pumps, and approximately 190 miles of sanitary sewer mains, not including private sewers, to over 7,000 acres. The District currently serves more than 16,000 accounts, primarily residential uses (single-family and multi-family) with clustered commercial uses along major transportation corridors, such as Aurora Avenue North. The District provides for wastewater collection only; treatment is provided by contract with the City of Edmonds (10 percent of flow) and King County (90 percent of flow).

The District also maintains various agreements with the City of Lake Forest Park, the City of Mountlake Terrace, the Highlands Sewer District, and the Olympic View Sewer and Water District for either the conveyance or receipt of wastewater in certain areas. *Dec. of Ainsworth-Taylor, Exhibit C, Interlocal Agreements.*

² This history is compiled from information contained in the District's Comprehensive Sewer Plan (January 2010).

³ The District has changed its name twice since its creation. First, in 1992 the District became known as the Shoreline Wastewater Management District and then, in 2001, the District's name was change to what we know it as today - the Ronald Wastewater District.

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3 **C. 2002 Interlocal Agreement for Assumption**

4 To effectuate the goal of providing its residents with high quality, efficient urban services,
5 Shoreline and the District entered an Interlocal Operating Agreement (Agreement) in 2002 to
6 provide the orderly assumption of the District by Shoreline at the end of the Agreement's term in
7 2017.⁴ The District provided the City with a limited power of attorney to execute a joint petition
8 for a judicial dissolution following assumption. *Notice of Intent, Exhibit B, Agreement at Sec. 4.8.*

9
10 As provided in the Agreement, in 2014, two subcommittees – the Committee of Elected
11 Officials (CEO) and the Staff Committee (SC)⁵ were created to plan for the eventual assumption of
12 the District by Shoreline according to the Interlocal Agreement. This transition planning, which
13 includes planning for financial and human resources, is to occur no later than 2015. *Id.*
14 *Agreement at Sec. 5.6.* The two subcommittees have met in open public meetings and have drafted
15 a project charter, a financial issues paper, and a work plan. *Dec. of Ainsworth-Taylor, Exhibit D,*
16 *Minutes of Meetings, June 5, 2014 and June 26, 2014; Project Charter.* It is the ultimate
17 responsibility of the CEO to develop, evaluate, and recommend to their respective elected bodies a
18 "Transition Plan" for the assumption of the District by the City that identifies and addresses all
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24 ⁴ Shoreline authorized the execution of the Interlocal Agreement with the passage of Resolution No. 197 in
25 October 2002. *Notice of Intent, Exhibit C.* The District did the same with the passage of Resolution 02-66. *Dec. of Ainsworth-Taylor, Exhibit E.*

⁵ The CEO is comprised of two District commissioners (Robert Ransom and Gretchen Atkinson) and two Shoreline councilmembers (Doris McConnell and Chris Roberts). The SC is comprised of six members, four from Shoreline (City Manager, Assistant City Manager, Public Works Director, Public Works Operations & Utilities Manger) and two from the District (District General Manager and District Accounting Manager).

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3 policy issues necessary for the orderly transfer of the District's operations to Shoreline.⁶ *Id.*,
4 *Project Charter, Section 1.2.*

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6 **D. Shoreline Notice of Intent for Assumption and Requests for Review**

7 As required by RCW 36.93.090, on May 27, 2014 Shoreline filed with the Board its Notice
8 of Intent to assume the District. On July 8, 2014, the Olympic View Water & Sewer District
9 (hereinafter, Olympic View) filed a request for review of the proposed assumption. On July 9,
10 2014, the County Council for Snohomish County (Snohomish County) filed a request for review of
11 the proposed assumption.

12 At its regular meeting of July 10, 2014, the Boundary Review Board approved these
13 requests and set the date for the public hearing on this assumption.
14

15 **III. LEGAL ANALYSIS**

16 **A. Statutory Authority**

17 Under the authority of state law, Shoreline seeks to assume the District. The controlling
18 statute, RCW 35.13A.030, states:

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20 Except as provided in RCW 35.13B.030, whenever a portion of a district equal to at
21 least sixty percent of the assessed valuation of the real property lying within such
22 district, is included within the corporate boundaries of a city, the city may assume
23 by ordinance the full and complete management and control of that portion of the
24 entire district not included within another city, whereupon the provisions of RCW
25 35.13A.020 shall be operative; or the city may proceed directly under the provisions
of RCW 35.13A.050.

⁶ Shoreline has established a page on its website related to the Assumption Transition Committees. This page contains meeting agendas, minutes, and materials for public review. The page can be accessed at: <http://shorelinewa.gov/government/departments/public-works-/utilities/ronald-wastewater-assumption/assumption-transition-committees>.

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3 This statute grants Shoreline the authority to assume the entirety of the District since more than
4 sixty percent lies within Shoreline's municipal boundaries. In fact, with the exception of the 61
5 acres located within the Point Wells area, the District is located in Shoreline and provides sanitary
6 sewer service to approximately 99 percent of Shoreline's residents. *Notice of Intent, Exhibits A, K;*
7 *Dec. of Ainsworth-Taylor, Exhibit F, Excerpt District Comprehensive Sewer Plan (Jan 2010), at*
8 *1-4.*

9
10 **B. Response to Entities filing Requests for Review**

11 **1. Olympic View Sewer & Water District**

12 Like the Ronald Wastewater District, Olympic View is a special purpose district
13 organization under Title 57 RCW. Olympic View is located wholly within Snohomish County.
14 *Notice of Intent, Exhibits H, I; Olympic View Request for Review, July 8, 2014.* With its request
15 for review, Olympic View expressly states that it has "no objection to Shoreline's assumption of
16 Ronald within its [Shoreline's] city boundaries in King County." *Id. at 2.* That should end all
17 issues for the Board. But Olympic View seeks to expand issues by requesting that the Board
18 "modify and/or clarify that any approval of Shoreline's assumption is limited to King County" and
19 to make clear that "any approval by the King County BRB does not allow for the assumption of
20 any facilities and/or service areas located in Snohomish County." *Id. at 3.* The Board need not
21 address these later points.
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24 • **This Assumption pertains to King County. Jurisdiction of the Boundary Review**
25 **Board is limited to King County.**

Shoreline recognizes that the area subject to the jurisdiction of this Board is limited to King
County. The limits of authority requested by Shoreline are consistent with the Notice of Intent
filed by Shoreline and the Board's jurisdiction under state law. Included as Exhibit E to

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3 Shoreline's Notice of Intent is a stamped, certified legal description provided to Shoreline by the
4 District. This legal description represents the entirety of the District, a district that encompasses
5 areas within both King and Snohomish counties. Since the filing of the Notice of Intent, Shoreline
6 has provided the Board with corrected language for the Notice of Intent, clarifying that what is
7 before this Board is only the area of the District within King County, specifically excepting areas
8 in Snohomish County. *Shoreline Letter to Board, July 9, 2014*. The Board is constrained by its
9 jurisdictional authority; any action taken by the Board is limited to King County. Therefore, the
10 Board could not approve an assumption within Snohomish County nor can it address any concerns
11 Olympic View has with Ronald's assets or service area in Snohomish County.
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- 13 • **Shoreline is required to honor all contractual obligations of the District, including**
14 **existing service agreements.**

15 In addition, although Olympic View does superficially raise a concern regarding contracts
16 between the District and neighboring jurisdictions, this concern is addressed under state law. As
17 required by RCW 35.13A.020,⁷ Shoreline will honor all of the District's responsibilities, including
18 the contractual obligations with neighboring jurisdictions.
19

20 ⁷ RCW 35.13A.020 referenced in .030 resolves concerns raised by the Olympic View concerning contracts in
21 place with neighboring service providers. It states in part:

22 (2) Upon the assumption, all real and personal property, franchises, rights, assets, taxes levied but not
23 collected for the district for other than indebtedness, water, sewer, and drainage facilities, and all other facilities and
24 equipment of the district shall become the property of the city subject to all financial, statutory, or contractual
25 obligations of the district for the security or performance of which the property may have been pledged....

(3) ...The legislative body of the city shall act as the officers of the district for the purpose of certifying
the amount of any property tax to be levied and collected therein, and causing service and other charges and
assessments to be collected from the property or owners or occupants thereof, enforcing the collection and
performing all other acts necessary to ensure performance of the district's contractual obligations in the same
manner and by the same means as if the territory of the district had not been included within the boundaries of a
city.
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2. Snohomish County

With its request for review, Snohomish County notes that it will not support the assumption of services inside Snohomish County by a city located outside Snohomish County where an interlocal agreement is not in place⁸. *Snohomish County Request for Review, July 9, 2014*. Shoreline's Notice of Intent before the Board is not such an action. In addition, Snohomish County, in its Motion No. 14-267 invoking jurisdiction, states that it "opposes the assumption of the Ronald Wastewater District by the City of Shoreline to the extent the Notice of Intent creates ambiguity as to the geographic scope of the proposed assumption ..." *Id., Motion 14-267*. Any ambiguity was removed with Shoreline's July 9th letter clarifying the legal description of the portion of the District subject to the King County assumption. In this proceeding, Shoreline seeks approval of the assumption of the District within King County, not Snohomish County.

- **Snohomish County County-Wide Planning Policies and General Planning Policies are not applicable to this assumption.**

Snohomish County Motion 14-267 filed with the Board included Motion No. 14-260 (the action seeking review before the Boundary Review Board for Snohomish County) and a supporting staff report. However, it is unclear what the Snohomish Council expected the Board to do with these documents. It is clear from these documents that the basis of Snohomish County's objections to the assumption in Snohomish County is the lack of an interlocal agreement based on Snohomish County Countywide Planning Policies (CPP JP-3) and General Planning Policies (GPP 1.B.4). While both of these policies do speak to the need for an interlocal agreement, the need for

⁸ Relying on a unilateral contract requirement under county-wide and general planning policies that pertain to annexations.

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3 such an agreement only arises when an annexation (changing of a boundary/addition of territory)
4 of unincorporated land in Snohomish County is being considered by a city or special purpose
5 district.

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7 With this assumption, neither the District nor Shoreline is annexing new territory in
8 Snohomish County; the District already operates in both counties. Furthermore, the cited policies
9 simply have no application to an assumption, King County or otherwise. In addition, this issue is
10 not one which the Board has jurisdiction to address, even if it in some way affects assumption of
11 special purpose district assets and service area in Snohomish County.

12
13 In contrast to Snohomish County's policies, the Board should focus on King County's
14 policies, such as Policy F-102 and U-207,⁹ as those are the policies applicable to this assumption in
15 King County. As Shoreline clearly demonstrated in the Notice of Intent, these policies speak to
16 cities assuming the primary responsibility of coordinating the provision of local services. *Notice of*
17 *Intent, Section II(C).*

18
19 In addition, nothing within the multi-county planning policies (MPPs) mandates an
20 interlocal agreement prior to the assumption of a water-sewer district, regardless of whether it
21 encompasses two counties or not. RCW 36.70A.210(7) requires that contiguous urban counties
22 adopt MPPs which, like the CPPs, provide an integrated multi-county framework. The MPPs,
23 contained in the Puget Sound Regional Council's *Vision 2040*, constitute the regional guidelines
24 and principles for the central Puget Sound region, including Snohomish County. While the MPPs
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⁹ Policy F-102 states that "[O]ver time, cities will assume primary responsibility for coordinating the provision of local services delivery." Policy U-207 states King County's position that it will support a city's desire "to be the designated sewer ... provider .. where this can be done without harm to the integrity of existing systems and without significantly increasing rates."

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3 seek to support joint planning in order to ensure an orderly transition to city governance, as
4 envisioned by the Growth Management Act,¹⁰ a mandatory interlocal agreement is not a required
5 element.

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7 The Board recognizes that this is *an assumption not an annexation*. The simple distinction
8 is that an annexation controls where growth will occur by extending a full range of urban services
9 under GMA, including future services under the assumption statutes, and a change in the planning
10 authority over new territory. In contrast, an assumption is a consolidation of an existing publicly
11 managed urban service under a general purpose government with no change in territory that would
12 affect financing of governmental programs or growth, except to the extent government and the rate
13 payers will realize efficiencies and growth can be better coordinated with services needed for that
14 growth. Neither Snohomish County's CPPs and GPPS, the regional MPPs, or the statutory
15 provisions of Chapter 35.13A RCW call for an interlocal agreement with a neighboring county
16 when a city seeks to assume a Title 57 sewer district, and the Board should not create such a
17 requirement.
18

19 **C. Shoreline's Assumption Satisfies the Boundary Review Board Review Objectives**

20 The Board's objectives applicable to assumptions largely pertain to preserving the existing area
21 in a logical, regular manner that promotes a smooth transition for the impacted community and
22 allows for the seamless establishment of a new form of governance for that community. RCW
23

24
25 ¹⁰ RCW 36.70A.110(4) provides that cities are the units of local government most appropriate to provide urban governmental services. The GMA envisions the transformance of governance to achieve this purpose and this has been recognized since the early days of the GMA. See, e.g. *Assoc. of Rural Residents v. Kitsap County*, CPSGMHB Case No. 93-3-0010, Final Decision and Order (June 3, 1994) (Cities are the focal point of urban growth, delivery of urban services and governance within UGA); *Bremerton v. Kitsap County*, CPSGMHB Case Nos. 95.3.0039c/98-3-0032c, Order/Final Decision and Order (Feb. 8, 1997)(cities should be primary providers of urban services); *Hensley v. Woodinville*, CPSGMHB Case No. 96-3-0031, Final Decision and Order (Feb. 25, 1997)(City must make available and provide urban services).

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3 36.93.180. Full satisfaction of the relevant objectives is set out in the Shoreline's Notice of Intent,
4 Section III(B) and, therefore, Shoreline will not repeat its analysis except to note that no applicable
5 objective was left unsupported by Shoreline.

6
7 **1. Olympic View's Claims on RCW 36.93.180 Objectives are Without Merit.**

8 Olympic View's request for review of the assumption before this Board questions compliance
9 with Objectives 1, 2, 3, 4, and 7, but only if the assumption "if it in any way relates to Snohomish
10 County." *Olympic View Request for Review, July 8, 2014.* Since this assumption is for King
11 County, it does not relate to Snohomish County.

12 **2. Snohomish County's Claims on RCW 36.93.180 Objectives are Without Merit.**

13 As to Snohomish County, the County staff report (attached to its request for review) admits
14 that the Board's objectives either don't apply or are supported by the assumption, and it is clear
15 this staff report was directed at assumption in unincorporated Snohomish County. *Snohomish*
16 *County Request for Review, July 9, 2014.* The only objectives for which any analysis is provided
17 is Objective 1 (preservation of neighborhoods/communities) and Objective 3 (logical service area).
18

19 In regards to Objective 1, Snohomish County states "the portion of the proposal within
20 Snohomish County is already served by the Ronald Wastewater District and assumption by the city
21 of Shoreline will not affect the existing neighborhood." *Id.* at 6 (emphasis supplied). Thus,
22 Snohomish County presents no argument that the assumption before this Board fails to meet the
23 statutory objectives. In fact, Snohomish County's argument action supports the Objective. A
24 similar, unsupported argument, is presented for Objective 3.
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Snohomish County's only complaint that can be pulled from its request for review is that the
Notice of Intent does not state how the future expansion of service would be treated for any other

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3 projects (other than Point Wells) within the Woodway Municipal Urban Growth Area (MUGA),
4 given the lack of an interlocal agreement. *Id. at 11.* However, the District's Comprehensive Plan
5 does review land uses within its service area. This service area, which encompasses the 61 acres
6 that is Point Wells, gives consideration to the different proposed land uses for the area based on
7 Snohomish County's regulations, Shoreline's regulations, and Woodway's regulations and the
8 service needs these uses would require. *Exhibit F, Ronald Comprehensive Plan, Chapter 3.* The
9 District has planned for improvements for its service area, including improvements to Lift Station
10 No. 13, so as to allow for planned development of the Point Wells area. *Id., See Project Summary*
11 *A, B, Alt AB.*

12
13 In addition, Snohomish County has statutory authority to review and approve the
14 comprehensive plans of sewer districts providing services within the county limits;¹¹ authority the
15 County says it exercises to assure consistency with its own comprehensive plan. *Snohomish*
16 *County GPP UT-1.* The District's 2010 Comprehensive Sewer Plan was submitted to Snohomish
17 County. Any objection to the District's Plan should have been provided at that time.¹² But,
18 rather than objecting, Snohomish County found the District's Plan generally consistent with the
19 County's adopted GMA Comprehensive Plan. *Dec. of Ainsworth-Taylor, Exhibit G, Snohomish*
20 *County Motion No. 10-185.*

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11 RCW 57.16.010.

12 The Board should treat this lack of objection similar to the failure of a consulted agency to comment on SEPA. See WAC 197-11-545 (effect of no comment - a consulted agency cannot be later heard to complain about the project or the environmental impacts).

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3 **2. North City Opposition to Shoreline's Assumption is without Merit.**

4 North City Water District¹³ filed a letter with the Board opposing the assumption of the District
5 in King County but not seeking review. *North City Water District Letter, June 30, 2014*. Without
6 authority, North City advocates for the continuation of Balkanized services, and that special
7 purpose districts should be seen as the preferred provider of urban services. North City also
8 challenges several assumptions in the *Shoreline Water and Wastewater Utility Unification and*
9 *Efficiency Study (May 2014)*¹⁴ commissioned by Shoreline and presented for Shoreline City
10 Council review prior to the Council's action authorizing the Notice of Intent. Shoreline filed a
11 response to both these points in a letter to the Board of July 9, 2014, and the first point is briefly
12 summarized below in relationship to the GMA's mandates. *Shoreline Responsive Letter, July 9,*
13 *2014*. The June 30, 2014 letter from North City also attached a previous letter presented to the
14 Shoreline City Council when the Utility Study was being discussed which addressed additional
15 points in the Utility Study. The City Manager responded to the North City Water District in a July
16 7, 2014 letter. *Dec. of Ainsworth-Taylor, Exhibit H*.

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19 **3. City of Lake Forest Park Supports Shoreline's Assumption.**

20 Shoreline's neighbor to the east, the City of Lake Forest Park, filed a letter in support of the
21 assumption. *City of Lake Forest Park Letter, July 11, 2014*. Lake Forest Park notes that the
22 assumption is not only supported by a cooperative relationship between Lake Forest Park and
23 Shoreline but, also, by the fact it is consistent with applicable goals of the GMA, is appropriately
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13 Shoreline request that the Board take notice that until January 2014, North City Water District was known as the Shoreline Water District.

14 This study was noted in Footnote 7 of Shoreline's Notice of Intent. Pursuant to the Board's request, on July 23, 2014, Shoreline clarified the availability of the study via an electronic link. Board Staff informed Shoreline that no paper copy needed to be provided to the Board.

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3 planned for in the Shoreline Comprehensive Plan Shoreline, and the consolidate would generally
4 and inherently be more efficient. *Id.* Working collaboratively, Shoreline and Lake Forest Park
5 have coordinated franchise agreements in the past, most recently for the North City Water District,
6 which serves both cities. These coordinated agreements avoid franchise terms which would
7 frustrate a timely coordination and agreement between the cities to assume the entire District in the
8 future as permitted in the assumption statutes.
9

10 **D. Shoreline's Assumption is Consistent with Growth Management Act.**

11 RCW 36.93.157 states that the Board's decision must be consistent with the Growth
12 Management Act (GMA), RCW 36.70A. As stated above, an overarching goal of the GMA is to
13 achieve the transformation of local governance within the UGA such that cities are, in general, the
14 primary providers of urban governmental services. As Shoreline noted in its letter to the Board in
15 response to the North City Water District, the GMA does not recognize special purpose districts as
16 the governmental entity best suited for the delivery of urban services. *Shoreline Response Letter,*
17 *July 9, 2014.* This policy was emphasized even before the adoption of the GMA when, in 1985,
18 the Local Governance Study Commission noted that a single service special purpose district can be
19 inefficient. *Dec. of Ainsworth-Taylor, Exhibit I, Excerpt from the Quiet Crisis of Local*
20 *Governance in Washington.* In fact, the boundary review boards were formed to remedy the
21 problems caused by the past proliferation of special purpose districts. *King County Water District*
22 *No. 54 v. King County Boundary Review Board, 87 Wn. 2nd 536, 538-539 (1976)* (noting that the
23 state legislative altered the forms of government by reducing the number of fragmented and
24 overlapping jurisdictions so as to make government more efficient and more responsive). The
25 assumption before the Board advances this long-standing State policy and goal.

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3 **E. Sanitary Sewer Service is a Component of the Built Environment under the**
4 **Washington's State Environmental Policy Act.**

5 Environmental review was conducted by Shoreline pursuant to Washington's State
6 Environmental Policy Act (SEPA), RCW 43.21C. On May 15, 2014, Shoreline issued a Threshold
7 Determination of Non-Significance (DNS) on Ordinance No. 681, the ordinance authorizing the
8 assumption process to proceed and the filing of the Notice of Intent with the Boundary Review
9 Boards. *Notice of Intent, Exhibit D.* In addition to Shoreline's DNS, the Supplemental
10 Environmental Impact Statement (SEIS) (draft issued in February 2009; final issued in June 2009)
11 analyzed Snohomish County's amendment to its comprehensive plan, an amendment changing the
12 Point Wells site from Urban Industrial to Urban Center. This environmental analysis limited the
13 provision of sewer service to the District. *Dec. of Ainsworth-Taylor, Exhibit J, Except of DSEIS.*
14 Olympic View did not comment nor appeal this environmental analysis. *Id.*

15
16 As the Board is well aware, the purpose of SEPA is to inform the decision making process.
17 The SEPA rules are structured in such a way as to require consulted agencies to participate in the
18 SEPA process at the time when their participation is meaningful and contributes to the
19 environmental assessment at the earliest possible opportunity. WAC 197-11-502. Where a
20 comment or objection is saved until the agency receives an unfavorable decision, the purposes of
21 SEPA are frustrated. *Kitsap County v. Washington State Dept. of Natural Resources*, 99 Wash. 2d
22 386, 391-92 (1983).
23

24 Public services and utilities are elements of the built environment that are considered during
25 the SEPA process. WAC 197-11-444(2)(d). Neither Olympic View nor Snohomish County
commented on Shoreline's DNS for the Shoreline assumption action but both entities now raise

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3 concerns about a public service – the provision of sanitary sewer by Shoreline after the
4 assumption.

5 Pursuant to WAC 197-11-545, the failure to comment has the effect of being construed as a
6 lack of objection to the environmental analysis. If a consulted agency does not respond with
7 written comments within the time period for commenting on environmental documents, the lead
8 agency may assume that the consulted agency has no information relating to the potential impact
9 of the proposal as it relates to the consulted agency's jurisdiction or special expertise. In essence,
10 a consulted agency which fails to comment cannot be later heard to complain about the project or
11 its environmental impacts. Yet, this is exactly what both Olympic View and Snohomish County
12 are now doing – complaining about the consideration of the built environment as it relates to
13 sanitary sewer.
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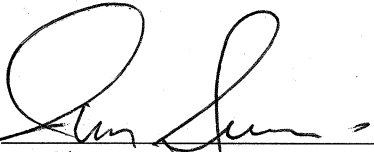
16 IV. CONCLUSION

17 RCW 35.13A grants the City of Shoreline the authority to assume the Ronald Wastewater
18 District since at least sixty percent of the District lies within Shoreline's boundaries. The law
19 provides a comprehensive statutory scheme and the procedures by which assumption is to occur.
20 Shoreline and the District, pursuant to that scheme, entered into an interlocal agreement under
21 RCW 35.13A.070 more than a decade ago for an orderly planning for assumption and have been
22 working collaborately to ensure a smooth transition. In order to ensure the assumption will further
23 the State's goals and objectives for comprehensive, efficient, transparent planning, a notice of
24 intent to assume a sewer district is filed with the Boundary Review Board. Shoreline has
25 complied with the law and its proposed assumption, as articulated above and in its Notice of Intent,
further the factors and objectives the Boundary Review Board of King County is to consider when

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3 its jurisdiction has been invoked. The Board should find that the assumption satisfies these
4 factors and objectives and approve the assumption of the District by Shoreline.
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7 DATED this 31st day of July, 2014.
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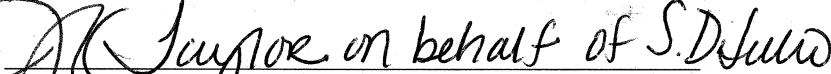
9 CITY OF SHORELINE

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11 _____
12 Ian Sievers, WSBA No. 6723
City Attorney

13 Julie K. Ainsworth-Taylor, WSBA No. 36777
Assistant City Attorney,
14 City of Shoreline - Office of the City Attorney

15 *Per Email authorization*

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17 _____
18 F. Stephen DiJulio, WSBA No. 7139
Foster Pepper PLLC
Special Assistant to the City Attorneys

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DECLARATION OF SERVICE

I, Darcy Greenleaf, declare and state:

I am a citizen of the State of Washington, over the age of 18 years, and not a party to this action. On the 1st day of August, 2014, I caused to be served a true and correct copy of the foregoing Hearing Brief of the City of Shoreline on the Washington State Boundary Review Board for King County by electronic mail and Legal Messenger Service and the following counsel of record using the method of service indicated below:

Thomas M. Fitzpatrick
Philip A. Talmadge
Talmadge/Fitzpatrick
18010 Southcenter Parkway
Tukwila, WA 98188

- By United States Mail
- By Hand Delivery
- By Legal Messenger
- By Facsimile
- By Federal Express/Express Mail

Randy Reed, MMC
Assistand Clerk of the Council
Snohomish County Council
3000 Rockefeller Avenue
Everett, WA 98201-4046

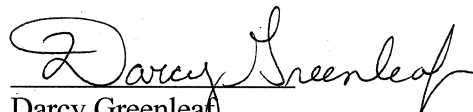
- By United States Mail
- By Hand Delivery
- By Legal Messenger
- By Facsimile
- By Federal Express/Express Mail

Diane Pottinger
General Manager
North City Water District
1519 NE 177th St
Shoreline, WA 98155

- By United States Mail
- By Hand Delivery
- By Legal Messenger
- By Facsimile
- By Federal Express/Express Mail

I make this declaration subject to penalty of perjury under the laws of the State of Washington.

Dated this 1st day of August, 2014 at Shoreline, Washington.


Darcy Greenleaf