



SHORELINE  
CITY COUNCIL

Shari Winstead  
Mayor

Chris Eggen  
Deputy Mayor

Will Hall

Doris McConnell

Keith A. McGlashan

Chris Roberts

Jesse Salomon

March 16, 2015  
*Hand Delivered*

Lynn Danielson  
Olympic View Water and Sewer District  
8128 - 228th Street SW  
Edmonds, WA 98026-8449  
[lynned@ovwater.com](mailto:lynned@ovwater.com)

Re: Olympic View Water and Sewer District  
2007 Comprehensive Sewer Plan  
Proposed Amendment No. 2

Dear Ms. Danielson:

The purpose of this letter is to provide the City of Shoreline's ("Shoreline") comments with respect to the above-referenced proposal by the Olympic View Water & Sewer District ("Olympic View") to amend Olympic View's 2007 Comprehensive Sewer Plan ("Amendment"), in an attempt to "provide sewer service" to the Point Wells area in Ronald Wastewater District's ("Ronald") current service area.

In sum, Olympic View's proposed Amendment fails to comply with the applicable statutory and regulatory requirements that govern the provision of sewer service in the State of Washington. As a result, Olympic View is without the necessary legal authority to provide sewer service in the area that it is proposing to include in its Amendment to its 2007 Comprehensive Sewer Plan. The City of Shoreline is therefore requesting that you withdraw the proposed Amendment in order to avoid needlessly wasting the limited resources of Shoreline, Ronald Wastewater District and Olympic View.

**Olympic View Lacks Statutory Authority to Include Point Wells in its Service Area**

Olympic View essentially ignores the fact that the Ronald currently provides sewer service to Point Wells, which is located within Ronald's corporate boundaries and service area. Olympic View also glosses over the fact that the City of Shoreline is assuming Ronald as well as the fact that the proposed area is within

the City of Shoreline's approved UGA.<sup>1</sup> These omissions do not appear to be inadvertent, since these facts clearly preclude Olympic View from unilaterally attempting to provide duplicative service in the same area.<sup>2</sup>

Below are some of the statutory provisions that preclude this proposed Amendment.

RCW 57.08.007 provides:

Except upon approval of both districts by resolution, a district may not provide a service within an area in which that service is available from another district or within an area in which that service is planned to be made available under an effective comprehensive plan of another district.

RCW 57.08.065(2) provides:

Where any two or more districts include the same territory as of July 1, 1997, none of the overlapping districts may provide any service that was made available by any of the other districts prior to July 1, 1997, within the overlapping territory without the consent by resolution of the board of commissioners of the other district or districts.

RCW 57.16.010 provides in relevant part:

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authorities of the cities and towns before becoming effective. . . . Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan. However, only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town governing body."

---

<sup>1</sup> The City of Shoreline also includes the arguments and exhibits set forth in the Hearing Brief and Declaration of Julie Ainsworth-Taylor dated August 7, 2014, attached hereto as Attachment A, Supplemental Letter to Washington Boundary Review Board of Snohomish County dated August 14, 2014, attached hereto as Attachment B, and Declaration of Julie Ainsworth-Taylor, dated August 28, 2014, attached hereto as Attachment C, all incorporated into this comment letter by this reference.

<sup>2</sup> See also Comment letter submitted by Ronald Sewer District submitted to Olympic View Water & Sewer District on March 16, 2015. Shoreline additionally adopts and by this reference incorporates herein all of Ronald's comments and exhibits as Shoreline's comments.

The proposed Amendment includes the Point Wells area that is clearly within Ronald's approved Sewer Service Area that has been and continues to be served by Ronald and its predecessor prior to 1997. Additionally, because the area is in Shoreline's approved UGA and Shoreline is in the process of assuming Ronald, Shoreline will obviously be "affected" by the proposed amendment. Accordingly, all three of the above statutory provisions preclude Olympic View from unilaterally deciding to serve this area. The mere fact that Olympic View may or may not have the area within its corporate boundary is completely irrelevant. Before it may move forward with any plans to provide service, it is clear that Olympic View must obtain the consent of both Ronald and Shoreline, and it has neither.

### **The Proposed Amendment Fails to Adequately Address other Legal and Technical Requirements**

Olympic View's proposed Amendment also fails to address other agency rules and to meet necessary technical requirements and issues related to environmental review under the State Environmental Policy Act (SEPA). Some of these issues are set forth in detail in the attached document from CH2M Hill.<sup>3</sup> In addition, please find below some additional comments regarding the SEPA checklist and related issues.

### **SEPA Checklist Comments**

The Environmental Checklist is incomplete and provides inaccurate information on numerous items.

The checklist states that the steepest slope on site is "25 percent."<sup>4</sup> CH2M Hill notes that Snohomish County Landscape Imaging indicates that the proposed forcemain route for Alternative 2 would cross slopes of greater than 33% and that the steep slopes continue along the shoreline adjacent to the forcemain route for Alternative 3.<sup>5</sup> The stated soils for the site are also incorrect. A review of the Point Wells development permit application, Hart Crower November 16, 2010 Preliminary Geotechnical Engineering Study, provides a more accurate description of the actual soil types in the area. Information about the known slide above the project site should also be recounted in detail including the cause of the slide and an analysis of whether additional information is needed to determine slope stability.

---

<sup>3</sup> See letter from CH2M Hill dated March 14, 2015, attached hereto as Attachment D and by reference incorporated fully herein.

<sup>4</sup> SEPA Checklist at 2, B(1)(b), (c), (d).

<sup>5</sup> CH2M Hill letter.

The Checklist identifies “Chase Lake” as being in the immediate vicinity of the proposed site, yet in reality it is several miles away. It also fails to mention or identify any of the streams that are actually located on the site.<sup>6</sup> The site also has artesian conditions including seeps at the toe of the slope. There are reports in the Point Wells project file that provide more detail on the surface water of the area that should be reviewed and incorporated into the SEPA and feasibility analysis.

The Checklist notes that the area “has historically been used as a petroleum storage and transfer facility” but then states that “no known contamination is located within” the area.<sup>7</sup> The Point Wells area, however, is a registered MTCA site with contaminated soil and groundwater. All of the proposed alternatives should explore this impact, they currently do not.

The Checklist also fails to adequately address whether any part of the site has been classified as a critical area by the City or County. There are mapped streams in the project area that are not being identified. Also, no geologic hazards are noted that exist within the project area. Due to the project site and area being intertwined with critical areas, a broader analysis should be completed to more fully understand the environmental impacts of the Alternatives prior to selecting an alternative. It should also be noted that the current development permits for the site are vested and received certificates of sewer availability from Ronald. Accordingly, the statement that the proposed Amendments to the Comprehensive Plan “could affect development within the service area” needs to be more fully explained and addressed.

### **Other**

In addition to the issues identified by CH2M Hill and the above errors and inaccuracies, Figure 4, Current Land Use, in the proposed Amendment does not match the Snohomish County current land use map. The Snohomish County mapping site shows the majority of the site is designated as Urban Village (west of the BNSF); Urban Low Density Residential (east of BNSF); and an Urban Industrial (south end – King County outfall) instead.

### **Conclusion**

Olympic View’s attempt to amend its 2007 Comprehensive Plan to include new infrastructure in order to provide sewer service to the Point Wells area that is currently within the City of Shoreline’s UGA and Ronald’s Service Area, as well as currently being served with sewer by Ronald in accordance with Ronald’s Comprehensive Plan, is violative of state law. Moving forward on this fatally

---

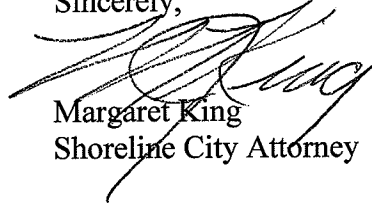
<sup>6</sup> SEPA Checklist at 4, B(3)(a)

<sup>7</sup> SEPA Checklist at 7, B(7)(a)

Lynn Danielson  
March 16, 2015  
Page 5 of 5

flawed proposed Amendment will only needlessly waste taxpayer money in Shoreline, Ronald, and Olympic View. Shoreline requests that Olympic View abandon and withdraw its proposed Amendment to provide sewer service in Ronald's Service Area and its related efforts to plan or provide for sewer service to Point Wells.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret King', is written over the typed name and title.

Margaret King  
Shoreline City Attorney