



Washington State Boundary Review Board
for Snohomish County

(425) 388-3445
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M/S #409
3000 Rockefeller Ave.
Everett, WA 98201

August 20, 2014

Debra Tarry
City of Shoreline
17500 Midvale Ave N
Shoreline, WA 98133-4905

RE: City of Shoreline Proposed Assumption of Ronald Wastewater within Snohomish County
(BRB 04-2014)

I am providing you with material submitted to the Boundary Review Board on August 12-19, 2014 from the Committee of Elected Officials for Ronald Wastewater District Assumption, King County Sheriff's Office, City of Renton, Olympic View Water and Sewer District and Alderwood Water and Wastewater District. Please note the materials attached from Alderwood Water & Wastewater were not timely submitted according to the timeframe outlined in the Organization and Rules of Practice and Procedure for the BRB of Snohomish County. These materials may be resubmitted at the time of Public Hearing.

Respectively,

Heidi Turner
Chief Clerk of the Washington State
Boundary Review Board for Snohomish County



WASHINGTON STATE
BOUNDARY REVIEW BD.
AUG 19 2014
FOR SNOHOMISH COUNTY

3626 - 156th Street SW • Lynnwood, WA 98087-5021 • 425-743-4605 • 425-742-4562 Fax • www.awwd.com

August 19, 2014

Via U.S. Postal Service and email to Heidi.Turner@snoco.org

Snohomish County Boundary Review Board
3000 Rockefeller, MS 409
Everett, WA 98201

Re: City of Shoreline Notice of Intent to Assume the Ronald Wastewater District

Dear Mr. Beales, Mr. Kendall, and Mr. Sing:

I am writing on behalf of the Alderwood Water & Wastewater District (AWWD) Board of Commissioners, the 175,000 people and businesses we serve directly, and the 113,000 people we serve indirectly through our network of wholesale partners.

We understand that the City of Shoreline, in King County, has filed a Notice of Intent to assume the Ronald Wastewater District. Although this proposed action does not directly affect the Alderwood service area, the Ronald Wastewater District and the Alderwood Water & Wastewater District do abut each other at the Snohomish-King County line, and the proposed action clearly has cross-border implications. Furthermore, decisions made on an assumption such as this one may be seen as precedent for future such actions, so for the benefit of our ratepayers and for those of other utility districts, we have an interest in seeing that the process is thoughtful and thorough.

Our Board has concerns that the proposal in fact has not been carefully evaluated and considered between Shoreline and the cities and districts with whom Ronald has contractual relationships. This raises serious concerns about the viability of regional cooperative working arrangements.

Water and sewer services are critical parts of our community infrastructure. They are essential both for existing homes and businesses and for future development. Furthermore, by their very nature they require both interconnectedness and a consideration for topography. As an example, the Alderwood District buys drinking water from the City of Everett, sells it to our own retail customers, and wholesales it to the cities of Edmonds, Mountlake Terrace and Lynnwood, and the Mukilteo Water and Wastewater District and the Silver Lake Water and Sewer District. Those customers would have a very difficult time securing safe and cost-effective supplies without such cooperation. Similarly, our sewage treatment is provided by our own treatment plant and through contracts with Everett and King County for use of their facilities.

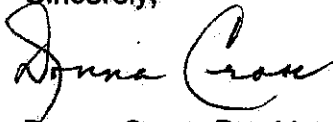
Such interconnections and contractual relationships are both common in this region and vital to the working of the overall system, and they are to be found in the Ronald and Shoreline areas. Our concern is that the Board not approve Shoreline's request before you are confident that the City has presented thorough and accurate documentation of how such relationships will be addressed and maintained.

Shoreline's filings to the two Boundary Review Boards include the statement that "Shoreline will honor all of the District's responsibilities, including the contractual obligations with neighboring jurisdictions." While we appreciate this intent, concerns raised by filings from other agencies leave us less than convinced that an appropriate degree of coordination and problem-solving has taken place prior to your being asked to approve their request.

Again, we would emphasize that actions taken by both the Snohomish County Boundary Review Board and the King County Boundary Review Board will be seen by some as precedent-setting, and therefore could affect proposed assumptions impacting Alderwood and other utility districts. Approving the proposal without requiring thoughtful resolution of issues ahead of time could encourage other cities to try to assume utility districts without thoughtful study of natural service areas and the impact on ratepayers. In this time of increasing infrastructure demands and economic challenges, our citizens deserve careful consideration of any proposals that could affect the provision of basic services.

Therefore, we respectfully ask that you make sure your decision sets a precedent of thorough reviews, careful documentation, and appropriate resolution of interjurisdictional issues before such assumptions proceed.

Sincerely,



Donna Cross, President
Board of Commissioners

Alderwood Water & Wastewater District
3626 156th St SW
Lynnwood, WA 98087
(425) 743-4605

c: Michael Dixon AWWD Commissioner
Larry Jones AWWD Commissioner
Dean Lotz AWWD Commissioner
Paul McIntyre AWWD Commissioner
Jeff Clarke General Manager

OGDEN
MURPHY
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ATTORNEYS

BOARD OF EQUALIZATION

AUG 18 2014

SNOHOMISH COUNTY

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August 18, 2014

Heidi Turner, Clerk of the Board
Washington State Boundary Review Board
for Snohomish County
3000 Rockefeller AVE, MS 409
Everett, WA 98201

RE: City of Shoreline's Proposed Assumption of Ronald Wastewater District
Within Snohomish County (BRB No. 04-2014)

Dear Ms. Turner:

This letter is the Town of Woodway's response to the City of Shoreline's hearing brief, dated August 7, 2014, and filed with the Board.

In Section III B of Shoreline's brief, Shoreline makes a number of factual misstatements and legal errors. Shoreline states that its proposal "preserves an existing service area".¹ There are several problems with this statement. First, the proposal does not preserve an existing service area because there is no service area to preserve. As indicated in the Town's August 8 letter to the Board, neither Drainage District 3 nor Ronald has ever legally annexed any territory in Snohomish County.² Second, even assuming the legality of the annexation in 1985, the territory in Snohomish County that was allegedly annexed includes the entire unincorporated area west of Woodway, and the four lots located within Woodway.³ Shoreline's proposal is only for the unincorporated area of Snohomish County. While Shoreline says it will continue to honor the existing (temporary) contract with the four lots in Woodway, the service area will not be preserved. Finally, the contract between Standard Oil and Drainage District 3 was only for service to the then existing industrial plant and was not an agreement for the extensive residential and commercial development now contemplated.

¹ Shoreline's brief, page 7

² Town's Letter, pages 1-3.

³ See Addendum A to Agreement Transferring Sanitary Sewer System, provided as Attachment 4 to the Town's Letter. This same legal description was incorporated in the November 20, 1985 court order, Attachment 5 to the Town's Letter.

In footnote 11 of Shoreline's brief, page 8, Shoreline again misstates the fact that under their theory, the four lots in Woodway were annexed into Ronald pursuant to the November 20, 1985 court order. If this is in fact true, then the four lots in Woodway are within Ronald's service area. Shoreline cannot pick and choose what parts of the court's order they wish to honor.

In footnote 12 of Shoreline's brief, page 8, Shoreline professes to be unaware of any action by Woodway to regain control of its sanitary system. Shoreline should now be aware of Resolution 13-370 B, Attachment 11 to the Town's Letter.

Section III F of Shoreline's brief argues that the Town of Woodway did not comment on the DNS Shoreline issued on ordinance no. 681, which authorized the assumption of Ronald and the filing of the Notice of Intent.⁴ While it is true that the Town of Woodway did not comment on the DNS, what Shoreline fails to explain is that there was no comment period provided. On May 15, 2014, the City of Shoreline Planning Director issued the SEPA DNS. On May 19, 2014, the SEPA DNS was published.⁵ There was no administrative appeal or public comment period specified. On May 19, 2014, the Shoreline City Council approved the Boundary Review Board's submission. WAC 197-11-502(3)(b) states that "For DNSs issued under WAC 197-11-340(2), agencies shall provide public notice under WAC 197-11-510, and receive comments on the DNS for fourteen days."

Furthermore, WAC 197-11-502(3)(a) provides agencies shall send DNSs to other agencies with jurisdiction, if any, as required by WAC 197-11-340(2) and WAC 197-11-355." According to the Declaration of Eric Faison, Woodway's Town Administrator, no notice of the DNS was provided to the Town of Woodway. In any case, such notice (even if sent) would have been futile since Shoreline took action four days later. It is thus disingenuous at best for Shoreline to somehow claim that the Town of Woodway's failure to comment on a DNS it never received, during a fourteen day comment period that did not exist, somehow means the Town cannot now raise objections to the proposed assumption.

Assuming for the moment that the King County judge's order annexing Point Wells and a portion of the Town to Ronald has legal effect in Snohomish County, Shoreline's proposed assumption within Snohomish County is predicated on two essential arguments that are not reasonable.⁶

First, Shoreline states that the purpose of their proposed assumption is to "consolidate public services for present and future Shoreline citizens." As a result, much of their argument hinges on their ability to annex Point Wells – a premise that is very much in doubt. The fact is that Point Wells is located within Snohomish County and the Comprehensive Plans of Snohomish County and the Town identify Point Wells within Woodway's MUGA. Moreover, Snohomish

⁴ Shoreline's brief, page 19.

⁵ See entry in SEPA register, Attachment 1. Note that no comment period is indicated.

⁶ The Town continues to argue that Ronald's corporate boundaries do not extend into Snohomish County.

County has a long-standing policy of requiring an interlocal agreement to address important issues related to annexation prior to the filing of notice of an annexation by any city not currently located within the County. Shoreline cannot argue on the one hand that the County's Comprehensive Plan and annexation policies are irrelevant with regard to an assumption, and on the other hand base the logic of their provision of services to Point Wells on a conclusion that future residents of Point Wells will be Shoreline residents. Without annexation, an essential premise to Shoreline's argument fails.

Secondly, Shoreline argues that the proposed boundary and service area are logical because the proposal "does not modify the existing boundaries of the district." It should be emphasized that the boundary that is subject to review by this Board is Shoreline's proposed boundary, not Ronald's alleged existing boundary, and the boundary proposed by Shoreline is not identical to Ronald's. Shoreline's proposed boundary excludes an essential part of Ronald's alleged boundary – that portion that exists within the Town.

The portion of Ronald's alleged boundary not claimed by Shoreline provides not only an essential link between Ronald's existing lift station and the rest of the Ronald's King County facilities, but it also is a critical link between Ronald's King County facilities and all future facilities and services to Point Wells. There is no vehicular access to Point Wells without going through the Town, and there is no reasonable water or sewer access to Point Wells without going through the Town. Other than Lift Station 13, there are no Ronald facilities in Snohomish County that are not located within the Town. Furthermore, Shoreline's proposed boundary includes an area that it never intends to annex – the upper bluff.

Not only is Shoreline's proposed boundary illogical and irregular, it stands in stark contrast to Olympic View's corporate boundary. All of Point Wells is currently located within the corporate boundaries of Olympic View, Olympic View currently provides the entire area with water service, and Olympic View has the ability and willingness to provide sewer service to the area. The Town requests that the Board specifically finds that Shoreline's proposed boundary and service area are illogical.

The Town incorporates the facts and arguments made by Olympic View's response to Shoreline's Brief dated August 18, 2014.

In conclusion, the Town requests the Board deny Shoreline's request finding that Ronald's corporate boundaries do not extend into Snohomish County and that Shoreline has failed to meet the objectives in RCW 36.93.180. Lastly, the Town requests that all Ronald's assets in the Town

Heidi Turner, Clerk of the Board
August 18, 2014
Page 4

of Woodway be transferred to the Town and designate Olympic View as the sewer provider for the four lots in the Town currently being provided temporary service by Ronald.

Very truly yours,

OGDEN MURPHY WALLACE, PLLC

A handwritten signature in black ink, appearing to read "Wayne D. Tanaka". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wayne D. Tanaka

WDT/cm/gjz

ATTACHMENT 1

 REGISTER

 GENERAL INFORMATION

Ecology SEPA Number 201402541
Applicant Name CITY OF SHORELINE
Proposal ASSUMPTION OF RONALD WASTEWATER DISTRICT AS AUTHORIZED BY ORD 681 BY FILING NOTICES OF INTENT WITH K...
Site Location NON PROJECT ACTION
Document Type DNS
Document Sub Type
Document Sub Sub Type
Ecology Region NW
County KING
Document Issue Date 5/15/2014
Comments Due
Notes

 LEAD AGENCY INFORMATION

Lead Agency SHORELINE CITY OF
Lead Agency File Number
Lead Agency Web Address
Contact Name RACHAEL MARKLE
Contact Phone Number 2068012531
Ext #

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BEFORE THE WASHINGTON STATE BOUNDARY REVIEW BOARD

FOR THE COUNTY OF SNOHOMISH

In Re: City of Shoreline Proposed)	
Assumption of Ronald Wastewater)	No. BRB 04-2014
District in Unincorporated Snohomish)	
County)	DECLARATION OF ERIC FAISON

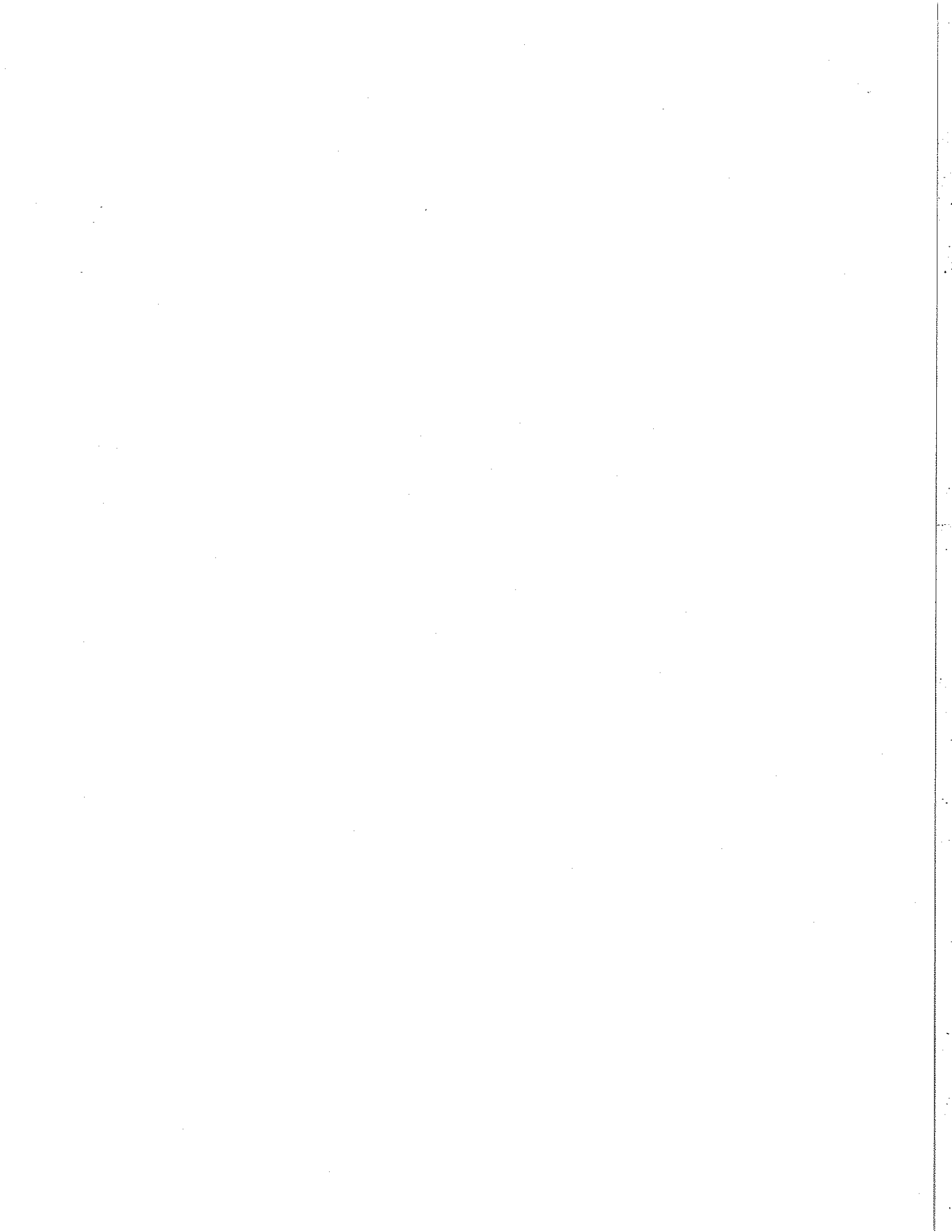
I am the duly appointed and acting Town Administrator for the Town of Woodway ("Town"), and make this declaration based upon personal knowledge.

I have directed Town staff to make a careful and diligent search of all relevant Town records related to the DNS issued by the City of Shoreline in connection with Shoreline Ordinance No. 681. The Town received no notice of a comment period for the above-referenced DNS.

DATED this 18th day of August, 2014, at Woodway, Washington.



 ERIC FAISON, Town Administrator



**WASHINGTON STATE
BOUNDARY REVIEW BD.**

AUG 18 2014

FOR SNOHOMISH COUNTY

BRB No. 04-2014

**WASHINGTON STATE BOUNDARY
REVIEW BOARD FOR SNOHOMISH COUNTY**

**In Re: City of Shoreline Proposed Assumption of
Ronald Wastewater District**

**OLYMPIC VIEW WATER & SEWER DISTRICT'S
RESPONSE TO THE CITY OF SHORELINE'S
HEARING BRIEF**

Thomas M. Fitzpatrick
Talmadge/Fitzpatrick PLLC
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Third Floor, Ste. C
Seattle, WA 98126
(206) 574-6661
Counsel for
Olympic View Water & Sewer District

INTRODUCTION

Pursuant to Chief Clerk Heidi Turner's letter of August 11, 2013, Olympic View Water & Sewer District ("Olympic View") was given the opportunity to respond in writing to the Hearing Brief and other materials filed by the City of Shoreline ("Shoreline") by August 18. Olympic View submits this response, along with the Second Declaration of Lynne Danielson filed contemporaneously.

Olympic View is a combined water and sewer district. Its mission is to provide services to customer ratepayers in an efficient and cost effective manner. If a development is approved and constructed within its boundaries and service area, Olympic View's job is to provide water and sewer service. Olympic View's role is not to decide what sort of development should be permitted. That is a decision of other governmental entities with jurisdiction over those matters.

Shoreline has a different agenda. While it claims that its proposed assumption of the Ronald Wastewater District ("Ronald") is good for its citizens, it went to court to prevent them from being able to vote on whether Ronald should be assumed. King County Cause No. 13-2-24208-7SEA. From its Notice of Intent ("NOI") and its Hearing Brief, it appears that Shoreline is mostly concerned, not about its current citizens, but about annexing in future residents in Point Wells that it wants to be in Shoreline. If it was genuinely interested in those future residents, it would want them to have the cheapest sewer rates which Olympic View can provide. To further its Point Wells annexation cause, Shoreline pursues its assumption of Ronald in unincorporated Snohomish in a cavalier fashion. The fundamental issue which this Board must consider is whether the assumption of Ronald in Snohomish County is consistent with the objectives of RCW 36.93.180 including the "*creation and preservation of logical service areas.*"

Olympic View and other entities have pointed out that Shoreline's NOI is ill suited to the task at hand. It is essentially a King County document not tailored to Snohomish County, rife with misstatements and unsupported conclusions. Shoreline had the opportunity to correct that with its Hearing Brief. It failed to do so. Sadly it "doubled down" on its strategy of obfuscation. For instance, the County legitimately raises the issue as to how future service to areas other than Point Wells will be handled, since Shoreline is proposing to assume those areas and no interlocal is in place. Instead of answering that question, Shoreline simply says: "The County need only look to its approval of the District's Comprehensive Plan that addresses the service area." It then says the area involves "61 acres." Hearing Brief p. 16. That fails to address the question.

As discussed in paragraphs 6 and 7 of the Second Danielson Declaration¹ and its Exhibit 3, Shoreline's Comprehensive Plan is that Upland Area of 37 acres of Point Wells is *out* of its MUGA. Shoreline's Comprehensive Plan now provides that area should be exclusively Woodway's growth area because of its affinity to Woodway and its logical access through Woodway. Shoreline provides no explanation as to why or how it is going to provide sewer service to an area which is not in its MUGA and is proposed to end up in a different City. It fails to explain how it will provide sewer service since Ronald's franchise with Snohomish County cannot be transferred to it without County Council written consent that it does not have, or how it will obtain any franchises from Woodway. Shoreline's Comprehensive Plan says it will keep 50.2 acres of Point Wells known as the Lowland area. The two areas (Upland 37 acres and Lowland 50.2 acres) total 87.2 acres, not the 61 acres it referenced in its Hearing Brief. Shoreline never provides justification as to why it should provide sewer service in the Upland portion which is within Olympic View's boundaries and has adjacent existing sewer infrastructure of Olympic View and should be part of Woodway. This studied refusal to address

¹ The Second Danielson Declaration will be referred to hereafter as "D Dec. 2."

the basic issue of how sewer service will be provided to this entire area upon assumption demonstrates Shoreline's failure to meet the objectives of creating or preserving a logical service area.

But the saddest aspect of Shoreline's Hearing Brief is the disingenuous argument regarding SEPA on pages 19-21.

A. Shoreline's Fallacious SEPA Argument.

Shoreline's Hearing Brief says an environmental review was conducted on Ordinance 681. It then states "the purpose of SEPA is to inform the decision making process" and "is structured in such a way as to require consulted agencies to participate in the SEPA process." Hearing Brief pp. 19-20. It then says that not one of the entities seeking review commented on Shoreline's DNS. Shoreline's conduct precludes or estops it from making such an argument.

Shoreline authorized the assumption of Ronald and all acts necessary to file NOIs pursuant to Ordinance 681. Ordinance 681² states in relevant part:

WHEREAS, the SEPA Responsible Official for the City of Shoreline has determined that the assumption of the Ronald Wastewater District is categorically exempt from SEPA review under WAC 197-11-800(14)(h).

Shoreline adopted Ordinance 681 on December 9, 2013 *without any SEPA analysis* having been performed. Thus, in its Hearing Brief Shoreline faults parties for not commenting on its environmental analysis of an ordinance it had already passed which states no environmental analysis is needed.

Apparently Shoreline then decided to do an environmental analysis and issue a SEPA Threshold Determination of Nonsignificance ("DNS") essentially in secret. No notice of any SEPA process was given to Olympic View which has the areas subject to the NOI in Snohomish County within its corporate boundaries and is the water provider. Olympic View is not aware of

² NOI Exhibit C.

Shoreline giving any governmental entity notice except for itself. The DNS was executed on May 15, 2014 and issued on May 19, 2014. Lynne Danielson researched the minutes and agendas of the Shoreline City Council. It had no meeting on May 15, 2014. There was no public hearing regarding the DNS on May 15th or May 19th. The City Council did have a meeting on May 19, 2014, at which time it accepted the purported financial “study” it is relying upon, but there was no hearing or action taken related to the SEPA and the DNS. The Shoreline Planning Commission did have a meeting on May 15, 2014 when the DNS was issued. In the draft minutes of this “retreat” meeting, no mention is made of a public hearing or consideration of the DNS.³ Having failed to give notice or allow for any comment period precludes Shoreline from raising the issue that “consulted agencies” should have commented. Shoreline made sure there were no “consulted agencies.”

In addition, the DNS deals with environmental issues not relevant to this proceeding. It is replete with “Non-project action does not apply.” The issues being raised in this proceeding by Olympic View, Snohomish County, Woodway, and the North City Water District do not relate to the DNS. Shoreline’s contrived SEPA argument should be disregarded.

B. Shoreline Confirms Areas in Snohomish County Could Not Be Conveyed to Ronald by King County.

Shoreline’s NOI, page 2, states: “In 1986, King County Sewer District No. 3, which included the Point Wells area, was transferred to the District.” Shoreline now concedes that statement is incorrect as pointed out in Olympic View’s submission. Exhibits I and J to the Ainsworth-Taylor Declaration demonstrate that District 3 was operated by the King County Road Engineer and later the Public Works Director. In 1984, the relevant King County staff persons entered into an agreement with King County to transfer District 3 to King County and

³ D. Dec. 2 paragraph 2 and Exhibit 1.

dissolve the District. The agreement represents that District 3 was in King County. King County then filed a petition in King County Superior Court to approve the transfer and dissolution. Thus, the only area officially in District 3's boundaries was located in King County. After the transfer in 1984, until the system was transferred to Ronald, it was directly operated by King County under Title 36.94. A county is not allowed to operate a sewer system in another county. RCW 36.94.020. The only thing King County legally had to convey to Ronald was the system in King County. Thus, the areas in Snohomish County could not have been legally transferred to Ronald and annexed by it in the 1986 King County Court order. Ronald has made no other annexations in Snohomish County.⁴

In regard to District 3's providing sewer service to Standard Oil in Snohomish County by contractual agreement, or providing service to the parcels in Woodway, Olympic View has found no evidence notice was ever given to it, nor any record of any Notices of Intent being filed with the Snohomish County BRB.⁵ Providing permanent sewer service outside of an existing service area by a special purpose district requires BRB approval pursuant to RCW 36.93.090(4). While Shoreline is correct that the transfer by King County to Ronald is exempt from the BRB process, that exemption only underscores the improper conduct of King County in the transfer to Ronald. It makes sense that a County transfer to a special purpose district, and vice versa, would be exempt from BRB review because they are all within the same county. The Legislature obviously never contemplated the situation we have here that a county is transferring a system in another county because the Legislature specifically prohibited a county from operating a sewer system in another county.

⁴ D. Dec. 2, paragraph 5.

⁵ D. Dec. 2, paragraph 4.

C. Shoreline Is Legally Precluded From Assuming Ronald's Assets In Snohomish County.

As a threshold matter, the issue of whether the four parcels located in Woodway are within the boundaries of Ronald needs to be addressed. Shoreline admits Ronald provides service to those parcels, but without explanation claims they are not within Ronald's boundaries. Its Hearing Brief, footnote 11, says these parcels "are not within its service boundaries." What that means is unclear since it does not differentiate between corporate boundaries and service boundaries. Footnote 11 then states that service is provided pursuant to an existing agreement which is not identified. Shoreline claims that Ronald obtained Point Wells pursuant to the transfer by King County in 1986. As previously discussed, Olympic View does not believe the Snohomish County areas could have been transferred and annexed into Ronald. If that is correct, Ronald has no territory in Snohomish County within its corporate boundaries. Assuming for the sake of argument that the transfer was effective, then what was transferred was that contained in the legal description attached to the petition in King County Cause No. 85-2-17332-5. That legal description covers the parcels that are now the four residences in Woodway.⁶ Shoreline does not propose to assume anything in Woodway. Thus, its NOI is only for a partial assumption of Ronald.

Shoreline never fully discusses how it obtains the right to assume and obtain Ronald's assets in Snohomish County. It does claim that the assumption is being made pursuant to RCW 35.13A.030. It also claims that it will continue to provide service to the four parcels in Woodway for the useful life of the facilities under RCW 35.13A.050. Thus, Shoreline is proceeding under those two statutes. Those two statutes do not allow Shoreline to assume and obtain Ronald's assets in Snohomish County. For the Board's convenience, all the relevant

⁶ D. Dec. 2, paragraph 3.

statutes from RCW 35.13A are attached in the Appendix. A review of them reveals the following.

RCW 35.13A.020 provides for assumption when all the territory of a district is contained in the city doing the assumption. By its terms, it is not applicable if Ronald has territory in Snohomish County.

RCW 35.13A.030 provides:

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

Under this statute, relied upon by Shoreline for its assumption, no assumption is allowed of anything included within another city. Thus, Shoreline cannot assume anything in Woodway. This statute then allows Woodway (another city under the statute) to assume what is located within its boundaries under RCW 35.13A.020. More significantly, this statute only provides for the assuming city to obtain "management and control" of the district. No assets are conveyed.

RCW 35.13A.050 relates to territory containing facilities within or without a city. It provides in relevant part:

When electing under 35.13A.030 ... to proceed under this section, the city may assume, by ordinance, jurisdiction of the district's responsibilities, property, facilities and equipment *within the corporate limits of the city*; [Emphasis added]

Thus, in this statute, the district assets which are assumed are limited to those within the corporate limits of the city. All Snohomish County assets are outside Shoreline's corporate limits.

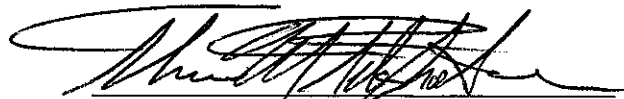
There is no doubt that if a district is in more than one city, the principal city (with more than 60%) can assume operations and maintenance in the other city, only with the approval of the other city under RCW 35.13A.060.

Shoreline is precluded from claiming that its agreement with Ronald gives it the right to obtain its assets in Snohomish County. The agreement with Ronald is subject to RCW 35.13A.070. However, that statute refers to assumptions under a statutory provision that no longer exists, or under RCW 35.13A.030 and .050, discussed above, that allow the assumption of assets only within the boundaries of the city.

CONCLUSION

As demonstrated above, Shoreline's Hearing Brief provides no basis to approve the assumption in Snohomish County. Its SEPA argument is disingenuous and inapt. It provides no information as to how its proposed assumption furthers the objectives of RCW 36.93.080. It fails to state how Shoreline proposes to provide sewer services, or why it should do so, in areas it now says are properly in Woodway's future growth area. It provides no discussion as to how it is entitled to obtain Ronald's assets in Snohomish County under applicable assumption statutes. The entity that is best placed to serve the sewer needs of the future in this portion of Snohomish County is Olympic View. It asks this Board to so rule.

Submitted this 18th day of August, 2014.



Thomas M. Fitzpatrick
Talmadge/Fitzpatrick PLLC
2775 Harbor Ave. S.W., Third Floor, Ste. C
Seattle, WA 98126
(206) 574-6661
Counsel for Olympic View Water & Sewer District

APPENDIX

West's Revised Code of Washington Annotated

Title 35. Cities and Towns (Refs & Annos)

Chapter 35.13A. Water or Sewer Districts--Assumption of Jurisdiction (Refs & Annos)

West's RCWA 35.13A.020

35.13A.020. Assumption authorized--Disposition of properties and rights--Outstanding indebtedness--Management and control (*Effective until January 1, 2015*)

Effective: June 10, 2010 to December 31, 2014

Currentness

(1) Except as provided in RCW 35.13B.030, whenever all of the territory of a district is included within the corporate boundaries of a city, the city legislative body may adopt a resolution or ordinance to assume jurisdiction over all of the district.

(2) Upon the assumption, all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water, sewer, and drainage facilities, and all other facilities and equipment of the district shall become the property of the city subject to all financial, statutory, or contractual obligations of the district for the security or performance of which the property may have been pledged. The city, in addition to its other powers, shall have the power to manage, control, maintain, and operate the property, facilities and equipment and to fix and collect service and other charges from owners and occupants of properties so served by the city, subject, however, to any outstanding indebtedness, bonded or otherwise, of the district payable from taxes, assessments, or revenues of any kind or nature and to any other contractual obligations of the district.

(3) The city may by resolution or ordinance of its legislative body, assume the obligation of paying such district indebtedness and of levying and of collecting or causing to be collected the district taxes, assessments, and utility rates and charges of any kind or nature to pay and secure the payment of the indebtedness, according to all of the terms, conditions and covenants incident to the indebtedness, and shall assume and perform all other outstanding contractual obligation of the district in accordance with all of their terms, conditions, and covenants. An assumption shall not be deemed to impair the obligation of any indebtedness or other contractual obligation. During the period until the outstanding indebtedness of the district has been discharged, the territory of the district and the owners and occupants of property therein, shall continue to be liable for its and their proportionate share of the indebtedness, including any outstanding assessments levied within any local improvement district or utility local improvement district thereof. The city shall assume the obligation of causing the payment of the district's indebtedness, collecting the district's taxes, assessments, and charges, and observing and performing the other district contractual obligations. 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.

When a city assumes the obligation of paying the outstanding indebtedness, and if property taxes or assessments have been levied and service and other charges have accrued for this purpose but have not been collected by the district prior to the assumption, the same when collected shall belong and be paid to the city and be used by the city so far as necessary for

payment of the indebtedness of the district existing and unpaid on the date the city assumes the indebtedness. Any funds received by the city which have been collected for the purpose of paying any bonded or other indebtedness of the district, shall be used for the purpose for which they were collected and for no other purpose. Any outstanding indebtedness shall be paid as provided in the terms, conditions, and covenants of the indebtedness. All funds of the district on deposit with the county treasurer at the time of title transfer shall be used by the city solely for the benefit of the assumed utility and shall not be transferred to or used for the benefit of the city's general fund.

Credits

[2010 c 102 § 6, eff. June 10, 2010; 1999 c 153 § 28; 1998 c 326 § 2; 1971 ex.s. c 95 § 2.]

Notes of Decisions (2)

West's RCWA 35.13A.020, WA ST 35.13A.020

Current with 2014 Legislation effective on June 12, 2014, the General Effective Date for the 2014 Regular Session, and other 2014 Legislation effective through October 1, 2014

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West's Revised Code of Washington Annotated

Title 35. Cities and Towns (Refs & Annos)

Chapter 35.13A. Water or Sewer Districts--Assumption of Jurisdiction (Refs & Annos)

West's RCWA 35.13A.030

35.13A.030. Assumption of control if sixty percent or more of area or valuation within city (*Effective until January 1, 2015*)

Effective: June 10, 2010 to December 31, 2014

Currentness

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

Credits

[2010 c 102 § 7, eff. June 10, 2010; 1999 c 153 § 29; 1971 ex.s. c 95 § 3.]

West's RCWA 35.13A.030, WA ST 35.13A.030

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West's Revised Code of Washington Annotated

Title 35. Cities and Towns (Refs & Annos)

Chapter 35.13A. Water or Sewer Districts--Assumption of Jurisdiction (Refs & Annos)

West's RCWA 35.13A.050

35.13A.050. Territory containing facilities within or without city--Duties of city or district--Rates and charges--Assumption of responsibility--Outstanding indebtedness--Properties and rights

Currentness

When electing under RCW 35.13A.030 or 35.13A.040 to proceed under this section, the city may assume, by ordinance, jurisdiction of the district's responsibilities, property, facilities and equipment within the corporate limits of the city: PROVIDED, That if on the effective date of such an ordinance the territory of the district included within the city contains any facilities serving or designed to serve any portion of the district outside the corporate limits of the city or if the territory lying within the district and outside the city contains any facilities serving or designed to serve territory included within the city (which facilities are hereafter in this section called the "serving facilities"), the city or district shall for the economically useful life of any such serving facilities make available sufficient capacity therein to serve the sewage or water requirements of such territory, to the extent that such facilities were designed to serve such territory at a rate charged to the municipality being served which is reasonable to all parties.

In the event a city proceeds under this section, the district may elect upon a favorable vote of a majority of all voters within the district voting upon such propositions to require the city to assume responsibility for the operation and maintenance of the district's property, facilities and equipment throughout the entire district and to pay the city a charge for such operation and maintenance which is reasonable under all of the circumstances.

A city acquiring property, facilities and equipment under the provisions of this section shall acquire such property, facilities and equipment, and fix and collect service and other charges from owners and occupants of properties served by the city, subject to any contractual obligations of the district which relate to the property, facilities, or equipment so acquired by the city or which are secured by taxes, assessments or revenues from the territory of the district included within the city. In such cases, the property included within the city and the owners and occupants thereof shall continue to be liable for payment of its and their proportionate share of any outstanding district indebtedness. The district and its officers shall continue to levy taxes and assessments on and to collect service and other charges from such property, or owners or occupants thereof, to enforce such collections, and to perform all other acts necessary to insure 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.

Credits

[1971 ex.s. c 95 § 5.]

West's RCWA 35.13A.050, WA ST 35.13A.050

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West's Revised Code of Washington Annotated

Title 35. Cities and Towns (Refs & Annos)

Chapter 35.13A. Water or Sewer Districts--Assumption of Jurisdiction (Refs & Annos)

West's RCWA 35.13A.060

35.13A.060. District in more than one city--Assumption of responsibilities--Duties of cities

Currentness

Whenever more than one city, in whole or in part, is included within a district, the city which has within its boundaries sixty percent or more of the area of the assessed valuation of the district (in this section referred to as the "principal city") may, with the approval of any other city containing part of such district, assume responsibility for operation and maintenance of the district's property, facilities and equipment within such other city and make and enforce such charges for operation, maintenance and retirement of indebtedness as may be reasonable under all the circumstances.

Any other city having less than sixty percent in area or assessed valuation of such district, within its boundaries may install facilities and create local improvement districts or otherwise finance the cost of installation of such facilities and if such facilities have been installed in accordance with reasonable standards fixed by the principal city, such other city may connect such facilities to the utility system of such district operated by the principal city upon providing for payment by the owners or occupants of properties served thereby, of such charges established by the principal city as may be reasonable under the circumstances.

Credits

[1999 c 153 § 31; 1971 ex.s. c 95 § 6.]

West's RCWA 35.13A.060, WA ST 35.13A.060

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West's Revised Code of Washington Annotated

Title 35. Cities and Towns (Refs & Annos)

Chapter 35.13A. Water or Sewer Districts--Assumption of Jurisdiction (Refs & Annos)

West's RCWA 35.13A.070

35.13A.070. Contracts

Currentness

Notwithstanding any provision of this chapter to the contrary, one or more cities and one or more districts may, through their legislative authorities, authorize a contract with respect to the rights, powers, duties, and obligation of such cities, or districts with regard to the use and ownership of property, the providing of services, the maintenance and operation of facilities, allocation of cost, financing and construction of new facilities, application and use of assets, disposition of liabilities and debts, the performance of contractual obligations, and any other matters arising out of the inclusion, in whole or in part, of the district or districts within any city or cities, or the assumption by the city of jurisdiction of a district under *RCW 35.13A.110. The contract may provide for the furnishing of services by any party thereto and the use of city or district facilities or real estate for such purpose, and may also provide for the time during which such district or districts may continue to exercise any rights, privileges, powers, and functions provided by law for such district or districts as if the district or districts or portions thereof were not included within a city or were not subject to an assumption of jurisdiction under *RCW 35.13A.110, including but not by way of limitation, the right to promulgate rules and regulations, to levy and collect special assessments, rates, charges, service charges, and connection fees, to adopt and carry out the provisions of a comprehensive plan, and amendments thereto, for a system of improvements, and to issue general obligation bonds or revenue bonds in the manner provided by law. The contract may provide for the transfer to a city of district facilities, property, rights, and powers as provided in RCW 35.13A.030, 35.13A.050, and *35.13A.110, whether or not sixty percent or any of the area or assessed valuation of real estate lying within the district or districts is included within such city. The contract may provide that any party thereto may authorize, issue, and sell revenue bonds to provide funds for new water or sewer improvements or to refund any water revenue, sewer revenue, or combined water and sewer revenue bonds outstanding of any city, or district which is a party to such contract if such refunding is deemed necessary, providing such refunding will not increase interest costs. The contract may provide that any party thereto may authorize and issue, in the manner provided by law, general obligation or revenue bonds of like amounts, terms, conditions, and covenants as the outstanding bonds of any other party to the contract, and such new bonds may be substituted or exchanged for such outstanding bonds. However, no such exchange or substitution shall be effected in such a manner as to impair the obligation or security of any such outstanding bonds.

Credits

[1997 c 426 § 2; 1971 ex.s. c 95 § 7.]

West's RCWA 35.13A.070, WA ST 35.13A.070

Current with 2014 Legislation effective on June 12, 2014, the General Effective Date for the 2014 Regular Session, and other 2014 Legislation effective through October 1, 2014

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DECLARATION OF SERVICE

On said day below I Served Via Legal Messenger for service a true and accurate copy of Olympic View Water & Sewer District's Response to the City of Shoreline's Hearing Brief, and the Declaration of Lynne Danielson to the Washington State Boundary Review Board for Snohomish County to the following:

Will Steffener Prosecutor's Office, Civil Division Robert J. Drewel Bldg., 8 th Floor 3000 Rockefeller Ave., Everett, WA 98201	Robert Ransom Board of Commissioners Ronald Wastewater District 17505 Linden Ave. North Shoreline, WA 98133-0490
Ian Sievers Shoreline City Attorney 17500 Midvale Ave. N. Shoreline, WA 98133-4905	Debbie Tarry Shoreline City Manager 17500 Midvale Ave. N. Shoreline, WA 98133-4905
P. Stephan Di Julio Foster Pepper PLLC 1111 Third Avenue, Suite 3400 Seattle, WA 98101-3299	Wayne Tanaka, Ogden Wallace Murphy *Sent Via E-mail
Lynne Danielson, General Manager Olympic View Water and Sewer District *Sent Via E-mail	Gary Huff BSRE Point Wells LLP Karr Tuttle Campbell 701 5 th Avenue, Suite 3300 Seattle, WA 98104
Diane Pottinger, North City Water District *Sent Via E-mail	Eric Faison, Town of Woodway *Sent Via E-mail

Original Sent by Legal Messenger to:

Ms. Terry O'Leary, Chief Clerk
Washington State Boundary Review
Board for Snohomish County
M/S #409
3000 Rockefeller Ave.
Everett, WA 98201

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: August 18, 2014, at Seattle, Washington.

A handwritten signature in cursive script, appearing to read "Roya Kolahi".

Roya Kolahi, Legal Assistant
Talmadge/Fitzpatrick

BRB No. 04-2014

WASHINGTON STATE BOUNDARY
REVIEW BOARD FOR SNOHOMISH COUNTY

In Re: City of Shoreline Proposed Assumption of
Ronald Wastewater District

SECOND DECLARATION OF
LYNNE DANIELSON

Thomas M. Fitzpatrick
Talmadge/Fitzpatrick PLLC
2775 Harbor Ave. S.W.
Third Floor, Ste. C
Seattle, WA 98126
(206) 574-6661
Counsel for
Olympic View Water & Sewer District

Lynne Danielson declares and states as follows:

1. I am over the age of eighteen, competent to testify, and familiar with the facts herein. I am the general manager of Olympic View Water & Sewer District ("Olympic View"). My testimony is based upon personal knowledge. I am familiar with the sewer plans for Ronald Wastewater District ("Ronald"). I am familiar with the topography and the sewer infrastructure of southwest Snohomish County for both Olympic View and Ronald. I am familiar with the history and development of Olympic View and Ronald.

2. I have reviewed the history of the City of Shoreline's ("Shoreline") actions in regard to a SEPA determination relating to the assumption of Ronald. I am familiar with the SEPA process because on occasion Olympic View takes actions which require following the procedures mandated under SEPA. According to Shoreline's Notice of Intent ("NOI"), Shoreline authorized the assumption of Ronald and all acts necessary to file NOIs pursuant to Ordinance 681. NOI, page 3, and Attachment C. Ordinance 681 states in relevant part:

WHEREAS, the SEPA Responsible Official for the City of Shoreline has determined that the assumption of the Ronald Wastewater District is categorically exempt from SEPA review under WAC 197-11-800(14)(h)

Shoreline adopted Ordinance on December 9, 2013 without any SEPA analysis having been performed.

Shoreline then decided issue a SEPA Threshold Determination of Nonsignificance ("DNS"). However, no notice of any SEPA process was given to Olympic View which has the areas subject to the NOI in Snohomish County within its corporate boundaries and is the water provider. I am not aware of Shoreline giving any governmental entity notice except for itself. The DNS was executed on May 15, 2014 and issued on May 19, 2014. I have researched the minutes and agendas of the Shoreline City Council. It had no meeting on May 15, 2014. There

was no public hearing regarding the DNS on May 15, or May 19th. The City Council did have a meeting on May 19, 2014, at which time it accepted the “study” it is relying upon, but there was no hearing or action taken to SEPA and the DNS. True and correct copies of the meeting agenda and minutes which I obtained from the Shoreline website are attached hereto as Exhibit 1. The certified copy of the meeting minutes filed by Shoreline makes no mention of SEPA or the DNS either. The Shoreline Planning Commission did have a meeting on May 15, 2014 when the DNS was issued. I have reviewed the draft minutes of this “retreat” meeting. No mention is made of a public hearing or consideration of the DNS.

3. In Shoreline’s NOI it contends in Exhibit A-1 that the four residences in Woodway currently served by Ronald are not within Ronald’s corporate boundaries. In its hearing brief, footnote 11, Shoreline contends “Those four residences are not within the District’s service boundary.” Shoreline does not explain the basis for these representations, nor does it explain the difference between a corporate boundary and a service boundary. As explained in Olympic View’s submission, Olympic View does not believe any of the areas in Snohomish County have ever been properly annexed into Ronald because , what Ronald has, was ostensibly conveyed to it by King County that had no legal right to be operating a sewer system in Snohomish County. However, Shoreline contends the Point Wells area was annexed pursuant to the order of the King County Superior Court in Cause No. 85-2-17332-5 (Ainsworth Dec. Ex. M). I have reviewed the legal description which includes areas in Snohomish County referenced in that order. The legal description covers the parcels that are now the four residences in Woodway in addition to the Point Wells area.

4. I have researched and found no record that King County Sewerage District #3 ever gave notice to Olympic View that it was going to provide sewer service to Standard Oil

in Point Wells or to any parcels in Woodway. I have found no record of any proceedings, or Notices of Intent, with the Snohomish County BRB to permit King County Sewerage District #3 to provide sewer service outside its existing service area or corporate boundaries, which was just in King County, to any areas in Snohomish County, including the Standard Oil plant at Point Wells.

5. I have researched the Ronald sewer plans. From 1985 until 2007, Ronald had no District plan for areas in Snohomish County. Ronald has never formally annexed any area in Snohomish County, with the possible exception of the Court order transferring the Richmond Beach Sewer System in 1986, the validity of which is being challenged here.

6. The 2010 Ronald Comprehensive Sewer Plan was approved by Snohomish County which found it was "in general compliance" with the criteria for compliance. A true and correct copy of Snohomish County Motion 10-185 is attached hereto as Exhibit 2. However, Snohomish County only provided a conditional approval. Paragraph B, 1 provides:

No portion of any existing or proposed sewer facilities that the Ronald Wastewater District constructs, places, maintains, operates, or otherwise uses within Snohomish County right-of-way pursuant to the authority granted to the Ronald Wastewater District by that certain Franchise Agreement authorized by Snohomish County Ordinance No. 94-030 may be sold, assigned, or otherwise transferred to King County or to any other third party without first obtaining the written consent of the Snohomish County Council, as required by the terms of the Franchise Agreement.

The Franchise Agreement expires in 2019 and is limited to 276 feet of Heberlein Road north of the King County line. The Snohomish County Council has not given its written consent to transferring the Franchise to Shoreline. Whether Shoreline can obtain consent from Snohomish County or obtain any franchises with Woodway, both of whom are opposing this assumption, is within the discretion of those entities. As I noted in my prior declaration,

Olympic View has the franchises necessary to provide sewer service to the entire area of unincorporated Snohomish County being considered here.

7. In its NOI, Shoreline is attempting to assume, and ostensibly provide, sewer service to the entire area of unincorporated Snohomish County which currently has almost no sewer infrastructure. Yet Shoreline does not plan to annex this entire area. Rather, its subarea plan for Point Wells in its Comprehensive Plan, specifically provides that what it calls the "Upland Areas" of 37 acres will no longer be in its urban growth area. A true and correct copy of the Subarea Plan is attached hereto as Exhibit 3. It provides in relevant part:

After a review of the topography and access options for Point Wells, the City of Shoreline no longer wishes to include the upland portion of this unincorporated island within its designated urban growth area. Because of the upland portion's geographic proximity and potential for direct vehicular access to the Town of Woodway, the City of Shoreline concludes that the upland portion should be exclusively within the Town of Woodway's future urban growth area. Any people living in future developments in the upland portion of the Point Wells Island would feel a part of the Woodway community because they would share parks, schools, and other associations facilitated by a shared street grid.

I have seen no explanation from Shoreline as to how it proposes to provide sewer services to an area that it plans will be in a different city or why it is more efficient for it to do so when the area is within Olympic View's boundaries and its sewer system is adjacent to this area and can easily provide service. I have seen no explanation from Shoreline as to why future residents of this area should have their sewer rates and hook-up charges determined by a city council they cannot vote for when those future residents would be able to vote for the governing board of Olympic View.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed at Edmonds, Washington, this 15th day of August, 2014.



Lynne Danielson

EXHIBIT 1



**CITY OF
SHORELINE**
AGENDA

CLICK HERE TO COMMENT ON AGENDA ITEMS

STAFF PRESENTATIONS

PUBLIC COMMENT

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, May 19, 2014
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Avenue North

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. FLAG SALUTE/ROLL CALL		
3. REPORT OF THE CITY MANAGER		
4. COUNCIL REPORTS		
5. PUBLIC COMMENT		
<p><i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i></p>		
6. APPROVAL OF THE AGENDA		7:20
7. CONSENT CALENDAR		7:20
(a) <u>Correction to Approved April 7, 2014 Business Meeting Minutes</u>	<u>7a1-1</u>	
<u>Minutes of Business Meeting of April 28, 2014</u>	<u>7a2-1</u>	
(b) <u>Adoption of Council Goals</u>	<u>7b-1</u>	
(c) <u>Authorize the City Manager to Execute a Contract with Doolittle Construction, LLC for 2014 BST Project</u>	<u>7c-1</u>	
(d) <u>Adoption of Urban Forest Strategic Plan</u>	<u>7d-1</u>	
(e) <u>Authorize the City Manager to Approve a Contract with OTAK, Inc. for the 145th Street Station Subarea Plan</u>	<u>7e-1</u>	
8. ACTION ITEMS		

- | | | | |
|------|---|-------------|------|
| (a) | <u>Adoption of Ordinance No. 686 Extending the Seattle City Light Franchise Agreement</u> | <u>8a-1</u> | 7:20 |
| (b) | <u>Acceptance of the Utility Unification and Efficiency Study and Authorizing Notices of Intent for Assumption of Ronald Wastewater District in Accordance with the 2002 Interlocal Operating Agreement</u> | <u>8b-1</u> | 7:35 |
|
 | | | |
| 9. | STUDY ITEMS | | |
| (a) | <u>Introduction to 185th Street Station Subarea DEIS</u> | <u>9a-1</u> | 8:15 |
|
 | | | |
| 10. | ADJOURNMENT | | |
| 9:00 | | | |

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the web page at www.shoreline.wa.gov. Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shoreline.wa.gov>.

DOWNLOAD THE ENTIRE CITY COUNCIL PACKET FOR MAY 19, 2014

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, May 19, 2014
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Winstead, Deputy Mayor Eggen, Councilmembers McGlashan, Hall, McConnell, Salomon, and Roberts

ABSENT: None

1. CALL TO ORDER

At 7:03 p.m., the meeting was called to order by Mayor Winstead, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Winstead led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, reviewed language that staff is recommending be added to the Urban Forest Strategic Plan, agenda item 7d. Ms. Tarry provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Councilmember Roberts reported attending the Sound Cities Association's Public Issues Committee Meeting and stated the position opposing the rate increase proposed by the Puget Sound Clean Air Agency was adopted. He reported that estimates for purchasing Metro Service hours were presented by Metro Transit representatives at the Pre-PIC meeting, and stated details still need to be worked out.

Deputy Mayor Eggen reported attending the Sound Cities Association Financial Committee meeting and the King County Metropolitan Solid Waste Management Advisory Committee Meeting, and stated both agencies anticipate increasing rates by 5% to meet rising inflation and cost.

Mayor Winstead announced the formation of a joint assumption transition subcommittee of two City Councilmembers and two Ronald Wastewater District Boardmembers. Councilmembers McConnell and Roberts have been appointed to serve on the Committee.

5. PUBLIC COMMENT

Diane Pottinger, General Manager, North City Water District, commented on the Utility Unification and Efficiency Study (UU&ES), and noted it is unclear why the City desires to go into the water and

sewer utility business. She questioned the addition of a fifth assumption to the study, and the status of the SPU acquisition, and commented on utility, sewer, City overhead, water and general capital fund assumptions and costs. She requested that Council postpone adoption of the UU&ES and asked that staff and consultants review her comments as well as comments from the public.

Ginny Scantlebury, Shoreline, asked Council to think about their pending decision to assume the Ronald Wastewater District (RWD) and commented that citizens continue to express a desire for a vote. She remarked on the disposition of the law suit, the length of the study, RWD efficiencies, a potential for rate increases, and commented that a vote is needed on this matter.

Alvin Rutledge commented that he would like to see more community events that get new residents involved. He recommended continuing the parade at Celebrate Shoreline.

Tom Mailhot, Save Richmond Beach, commented on the Point Wells Traffic Corridor Study and the effects of the project. He reviewed a list of questions and stated that all needed mitigation cannot be anticipated. He expressed the need to see the results of the study prior to identifying mitigations.

Lance Young, Shoreline, Interurban Trail Tree Society, commented on his proposed recommendation to the Vegetation Management Section on the Seattle City Light Franchise Agreement to provide clearer guidelines for replacement trees.

Tom Jamieson, Shoreline, commented on the UU&ES, provided a history of decisions voted on by the people of Shoreline, and questioned why Council does not want a vote on the Ronald Wastewater Assumption.

John Demuri, Shoreline, stated he commented about earthquakes at a previous City Council Meeting. He read information about seduction type earthquakes and asked if there is liquefaction at the Point Wells area. He left reports for Council's review.

Tom McCormick, Richmond Beach, commented on an email he sent the City requesting release of the draft Transportation Corridor Study (TCS) to allow residents the opportunity to scrutinize the document and provide input. He commented that the developer and staff are conducting a peer review of the study and believes citizens should be able to do the same. He recalled the history of City's adoption of the Point Wells Subarea Plan and commented on extension requests made by the City to put off BSRE's appeal against the 4,000 limit.

Ms. Tarry commented on the release of the TCS and stated the City is currently reviewing the traffic impact analyses developed by BSRE that model traffic behavior. She explained there are questions regarding the assumptions made developing the model, and anticipates this process taking another two weeks. She agreed with the speakers regarding the mitigation issues. Ms. Tarry stated the peer review process provides an opportunity to clarify differences, better understand assumptions, and resolve engineering technical issues that will enable the staff to explain the information and correctly respond to the public. She stated the City is in the process of responding to the public record requests, and commented that the UU&ES is on the agenda for discussion this evening. She stated that she responded to Ms. Pottinger's questions, and recalled that the North City Water District was invited to participate in the study but declined.

6. APPROVAL OF THE AGENDA

The agenda was adopted by unanimous consent.

7. CONSENT CALENDAR

Councilmember Salomon requested that Adoption of the Urban Forest Strategic Plan, item 7d, be removed from the Consent Calendar and placed as Action Item 8a. Upon motion by Councilmember Salomon, seconded by Councilmember McGlashan and unanimously carried, the following Consent Calendar items were approved as amended:

- a) Correction to Approved April 7, 2014 Business Meeting Minutes
Minutes of Business Meeting of April 28, 2014
- b) Adoption of Council Goals
- c) Authorize the City Manager to Execute a Contract with Doolittle Construction, LLC for
2014 BST Project
- d) **Moved to item Action Item 8a.**
- e) Authorize the City Manager to Approve a Contract with OTAK, Inc. for the 145th Street
Station Subarea Plan

8. ACTION ITEMS

- a) Adoption of Urban Forest Strategic Plan

Councilmember Salomon moved adoption of the plan without the amendments received today. Councilmember Roberts raised a point of order and asked for a motion to adopt the plan and then have Councilmember Salomon offer an amendment motion to remove the language.

Councilmember McGlashan moved adoption of the Urban Forest Strategic Plan. The motion was seconded by Councilmember McConnell.

Dick Deal, Parks, Recreation and Cultural Services Director, commented on the language reviewed in the City Manager's Report and stated that it strengthens the document, does not change the intent, and provides further guidance for tree planting.

Councilmember Salomon moved to remove the proposed language received today "views", and "and recognize that listed species may not be appropriate in some circumstances (for example, where they interfere with infrastructure and views)". The motion was seconded by Deputy Mayor Eggen.

Councilmember McGlashan stated he will not be supporting the amendment and recognizes the listed tree species may not be appropriate in some circumstances, for example, when they interfere with infrastructure and views. Councilmember Hall commented that the language does not change the regulatory requirements, communicated the challenge of introducing new information at the last minute, and stated he will be supporting the amendment. Councilmember Roberts questioned the affect of adding the recommend language, specifically the word "views", and asked who selects the trees to put in a right-of-way. Mr. Deal explained adding the word "views" to the plan formalizes the

replacement process and commented on the process which takes into consideration the width of the right-of-way. Deputy Mayor Eggen expressed concern about evaluating last minute changes and commented on the value in taking time when making legislative decisions.

Councilmember Salomon withdrew his motion to amend the main motion.

Deputy Mayor Eggen moved to postpone the item to the June 2, 2014 Council Meeting. Councilmember McConnell seconded the motion. The motion failed 3-4 with Deputy Mayor Eggen, and Councilmembers McConnell and Salomon voting in favor; and Mayor Winstead and Councilmembers McGlashan, Hall, and Roberts in opposition.

Councilmember Salomon moved to remove the proposed language received today “views, and recognize that listed species may not be appropriate in some circumstances (for example, where they interfere with infrastructure and views)”. Councilmember Hall seconded the motion. The motion failed 3-4 with Councilmembers Hall, Salomon, and Roberts voting in favor; and Mayor Winstead, Deputy Mayor Eggen, and Councilmembers McGlashan and McConnell voting in opposition.

A vote was taken on the main motion to adopt the Urban Strategic Plan. The main motion to adopt the Urban Forest Strategic Plan with the recommended language was unanimously approved.

- b) Adoption of Ordinance No. 686 Extending the Seattle City Light Franchise Agreement

John Norris, Assistant City Manager, recalled the May 5, 2014 presentation regarding adoption of Ordinance No. 686 Extending the Seattle City Light Franchise Agreement. He explained, at City Council’s direction, additional language was negotiated in the Vegetation Management Clearance Distances Section 6.9.4, and that language was added acknowledging that currently established and replacement trees are subject to clearance distances. He stated that the Seattle City Light’s standard D9-80 has been attached to the franchise, and reviewed the Shoreline Municipal Code Franchise Consideration requirements.

Councilmember McGlashan moved adoption of Ordinance 686. Councilmember McConnell seconded the motion.

Councilmember McGlashan stated his support for the motion and expressed appreciation for the work completed by everyone involved in the process. Councilmember Hall asked for clarification on the franchise signing process. Mr. Norris stated typically the other party accepts the franchise after City Council authorization.

The motion was unanimously approved.

- c) Acceptance of the Utility Unification and Efficiency Study and Authorizing Notices of Intent for Assumption of Ronald Wastewater District in Accordance with the 2002 Interlocal Operating Agreement

Councilmember Roberts commented on the public comments received this evening from North City Water District and asked how long will it take staff to respond to the comments. Councilmember

McConnell expressed her desire to proceed with the staff report and the adoption of the study. Councilmember McGlashan stated his preference to have staff respond to public comments prior to proceeding with the discussion.

Councilmember Hall moved Acceptance of the Utility Unification and Efficiency Study and Authorizing Notices of Intent for Assumption of Ronald Wastewater District in Accordance with the 2002 Interlocal Operating Agreement.

Councilmember Hall spoke to the motion and stated he understands that the North City Water District (NCWD) does not support the Utility Unification & Efficiency Study (UU&ES); however, the City Council needs to move forward with the City's business. He commented that the UU&ES is a study and not a decision, and explained that dialogue regarding the study will continue. Deputy Mayor Eggen commented that the UU&ES will form future decisions, asked if staff is able to speak to the comments, and inquired as to impending deadlines. Ms. Tarry responded that the Letter of Intent needs to be filed within 180 of December 9, 2013, and therefore Council needs to act by June 2, 2014. She stated that previous questions presented by Ms. Pottinger have not impacted the data and conclusions in the report, and that after skimming the letter provided tonight, stated the comments do not affect the outcome of the study. She recalled that NCWD was invited to participate in the study and declined.

Mayor Winstead affirmed that staff will continue to work with Ms. Pottinger and address her concerns. Councilmember Roberts commented on the scope of the study. Mr. Relph responded that is it an overview and broad based study.

Mark Relph, Public Works Director, introduced Gail Tabone, EES Consulting, and stated that tonight's report focuses on the changes since the April 21, 2014 Draft Report presentation. Ms. Tabone presented the objectives of the final study, an overview of options, a list of direct saving to the utility, responded to questions from Ronald Wastewater District and NCWD, and highlighted the benefits to other city departments.

Deputy Mayor Eggen asked questions regarding administrative services and employees costs. Ms. Tabone responded the employee costs would be charged to the appropriate department. Councilmember Roberts asked if there are scenarios where the City's cost will increase as a result of the assumptions, such as the use of the City Attorney, and asked about the potential for rate increases or additional cost to ratepayers and the City resulting from the mergers. Mr. Relph responded that the intent is to evenly distribute costs and he does not anticipate an additional increase in the general fund, but rather a demonstrated savings to Surface Water Utilities. He stated the study reveals a strong opportunity for savings for ratepayers and city functions.

Councilmember Hall commented that his RWD bills have nearly doubled in the last 10 years and asked if there is a limit to how fast or how high a utility can raise its rates. Mr. Relph responded that he is not aware of a limit, and Ms. Tarry added that excess fund balance and fund reserve are not permitted. Ms. Tabone concurred that there are no legal requirements to raising rates but utilities must cover their costs. Councilmember Hall recounted the past two election cycles and commented that the public elected RWD candidates that support the merger.

Councilmember McConnell commented on being visible and accountable to Shoreline citizens and stated she is comfortable that the public wants the City Council to move forward on this issue. Deputy Mayor Eggen commented on the special purpose districts formed by cities as presented in Ms.

Pottinger's comments, noted that they are all out of state, and asked if staff is aware of municipalities moving to special purpose districts. Both Mr. Relph and Ms. Tabone stated they were not aware of municipalities moving to form special purpose districts.

The motion was unanimously approved.

Mayor Winstead complimented the staff on the hard work involved in the preparation of the study.

9. STUDY ITEMS

a) Introduction to 185th Street Station Subarea DEIS

Miranda Redinger, Senior Planner, and Mandy Roberts, Otak, provided the staff report. Ms. Roberts reviewed the project timeline, and presented the Draft Environmental Impact Statement (DEIS) Process scheduled for publication on May 30, 2014; the final EIS and Subarea Plan Adoption process; DEIS Content and Highlights; Related Alternatives, and DEIS Topics for Analysis. She stated the next step in the process includes selecting a preferred alternative and preparing a planned action ordinance and final EIS. She anticipates the City Council's preferred alternative and further analysis taking place in July or early August, the final EIS to be completed in October, and ready for City Council review and adoption in November/December.

Ms. Roberts commented on the volume of public input and explained the public review period for the DEIS is scheduled for May 30 through July 10, 2014, culminating with the Planning Commission's Public Hearing on July 10, 2014. She reviewed Alternate 1 which has no proposed zoning changes; Alternative 2 supporting some growth; and Alternative 3 which supports substantial growth to the substation area. She explained that Alternatives 2 & 3 require zoning changes. Ms. Redinger presented mitigation measures and commented on housing affordability and choices, green buildings, mix use options, zoning, utilizing incentive versus mandates, and stated staff will be looking for direction from the City Council. Ms. Roberts recommends advocating for state and federal funding for infrastructure improvements, and commented on increasing pedestrian and bicycle accessibility on 185th Street to the light rail station.

Councilmembers commended staff on the work completed and expressed appreciation for public and community participation; reflected on the importance of this project; commented on the value of seeing the full build out scenario; and shared that the growth rate of 2.5% per year over sixty-one years does not make the growth so scary. Councilmembers questioned how staff arrived at the growth scenario numbers; asked about the future use of school properties; inquired on the level of difficulty to reconfigure the street grids and sidewalks; and questioned cottage housing zoning. It was pointed out that cottage housing is not appropriate in a station area zoned under 12 units per acre; and preference was shown for using land more efficiently supporting multi-story developments. Councilmembers also remarked on Alternative 3, expressed interest in seeing more height and density off Interstate 5, and commented on only receiving four scoping comments. Ms. Roberts explained that growth scenario numbers were calculated based on existing zoning and proposed zoning at full capacity, and that the up-zoning land maximum build ability was used. She also reviewed proposed school use recommendations, stated that the proposed zoning map has been vetted with the public, and emphasized that good transitions are buffered with a R-18 zone. Ms. Redinger stated the reconfiguration of the street grid can be addressed in the capital project process or as redevelopment occurs, and commented that staff has received several comments requesting up-zoning.

Ms. Redinger announced walking tours for 185th are scheduled for the second Friday in the months of June, July, August and September from 2:00-4:00 p.m.; and for 145th they are scheduled for the fourth Friday in the months of June, July, August and September from 2:00-4:00 p.m.

10. ADJOURNMENT

At 9:34 p.m., Mayor Winstead declared the meeting adjourned.

/S/ Jessica Simulecik Smith, City Clerk

EXHIBIT 2



**SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington**

MOTION NO. 10-185

**CONCERNING APPROVAL OF THE RONALD WASTEWATER DISTRICT
2010 COMPREHENSIVE SEWER PLAN**

WHEREAS, the Ronald Wastewater District (RWWD) has prepared and submitted a comprehensive sewer plan, dated January 2010, prepared by BHC Consultants, to the Snohomish County Council on February 09, 2010; and

WHEREAS, RCW 57.16.010 requires that any sewer system comprehensive plan be submitted to and approved by the county legislative authority before becoming effective; and

WHEREAS, the legislative authority, in reviewing the comprehensive plan pursuant to RCW 57.16.010, must consider three criteria: 1) whether the proposed action is in compliance with the development program outlined in the county comprehensive plan; 2) whether the action is in compliance with the basin wide sewage plan as approved by the state; and 3) whether the plan is in compliance with policies in the county comprehensive plan for sewage facilities; and

WHEREAS, statutory criteria 2 is inapplicable because the state has no applicable basin wide sewage plan for this entire area; and

WHEREAS, the Snohomish Health District officer has given approval to the plan via letter dated February 19, 2010 as required by Title 57 RCW; and

WHEREAS, the county engineer has given conditional approval of the plan via letter, dated February 25, 2010, to Ronald Wastewater District pursuant to Title 57.16.010; and

WHEREAS, the district's plan has been reviewed by the Department of Planning and Development Services and found to be generally consistent with the county's adopted GMA Comprehensive Plan, with issues related to the franchise agreement with Snohomish County and the Snohomish County Council's Docket XIII action in the Point Wells area on August 12, 2009;

NOW, THEREFORE, ON MOTION:

- A. The county council finds that the proposed Ronald Wastewater District's Comprehensive Sewer Plan, dated January 2010, is in general compliance with the applicable criteria for approval prescribed in RCW 57.16.010.
- B. The Snohomish County Council approves the Ronald Wastewater District's Sanitary Sewer Comprehensive Plan, dated February 2010, based on the foregoing plus review of the entire record and pursuant to RCW 57.16.010(6), subject to the following conditions:
 - 1. No portion of any existing or proposed sewer facilities that the Ronald Wastewater District constructs, places, maintains, operates, or otherwise uses within Snohomish County right-of-way pursuant to the authority granted to the Ronald Wastewater District by that certain Franchise Agreement authorized by Snohomish County Ordinance No. 94-030 may be sold, assigned, or otherwise transferred to King County or to any other third party without first obtaining the written consent of the Snohomish County Council, as required by the terms of the Franchise Agreement.
 - 2. The land use map (Figure 3.1) in the plan should be revised when the Urban Centers designation approved by the Snohomish County Council has taken effect.

PASSED this 14th day of April, 2010.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:

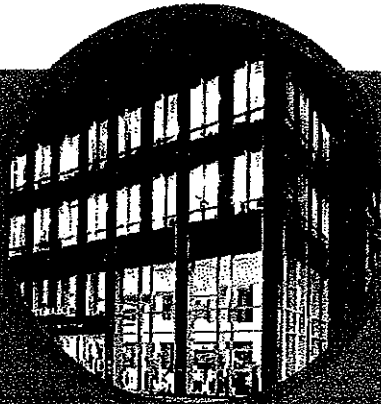
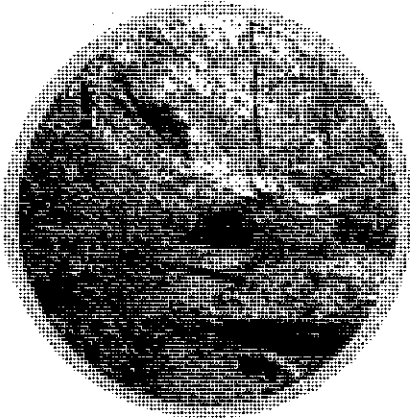
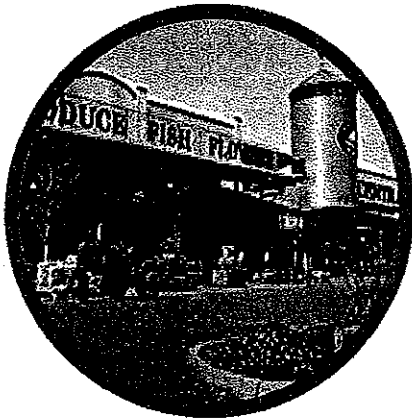
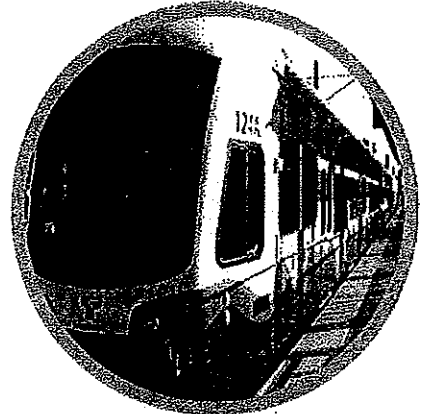
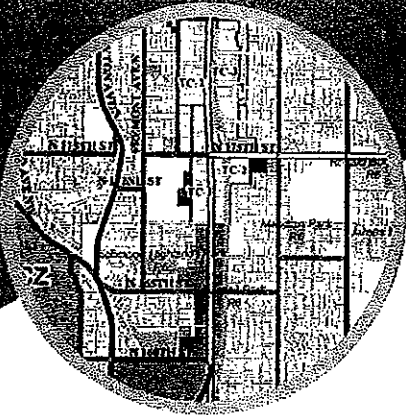


Asst. Clerk of the Council

D-14

EXHIBIT 3

Comprehensive Plan



Subarea Plan 2 – Point Wells

Geographic and Historical Context

Point Wells is an unincorporated island of approximately 100 acres in the southwesternmost corner of Snohomish County. It is bordered on the west by Puget Sound, on the east by the Town of Woodway, and on the south by the town of Woodway and the City of Shoreline (see Fig. 1). It is an "island" of unincorporated Snohomish County because this land is not contiguous with any other portion of unincorporated Snohomish County. The island is bisected roughly north-south by the Burlington Northern Railroad (B.N.R.R.) right-of-way.

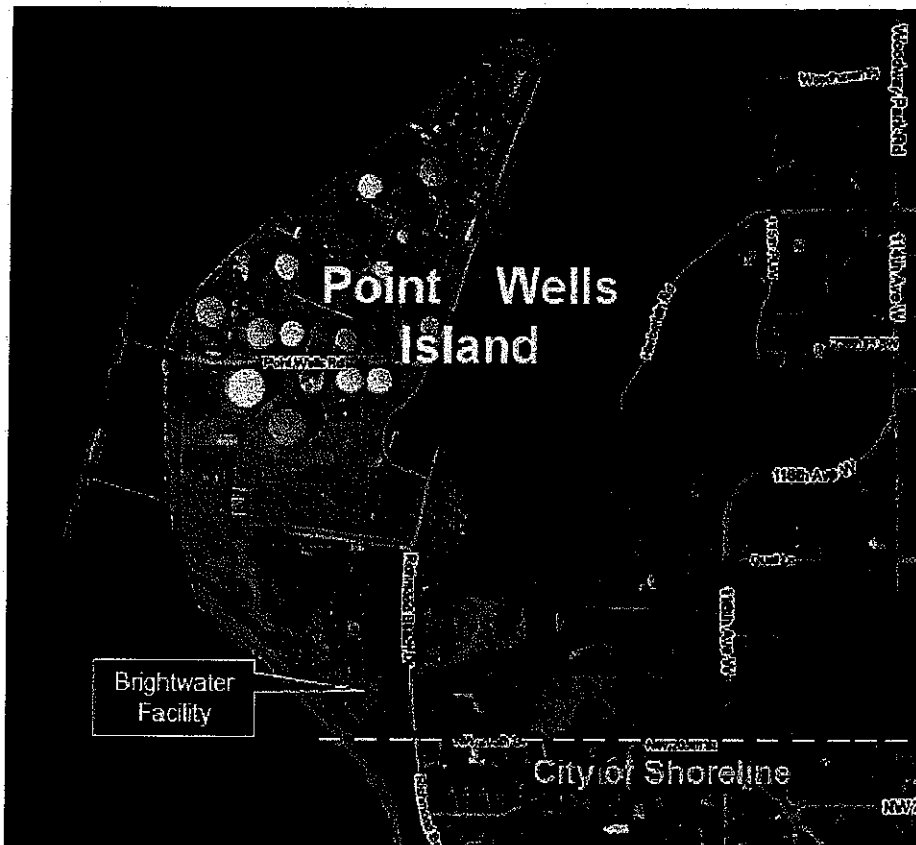


Figure 1 – Point Wells unincorporated island

The lowland area of this unincorporated island (see Fig. 2) is approximately 50 acres in size. The only vehicular access to the lowland portion is to Richmond Beach Road and the regional road network via the City of Shoreline.

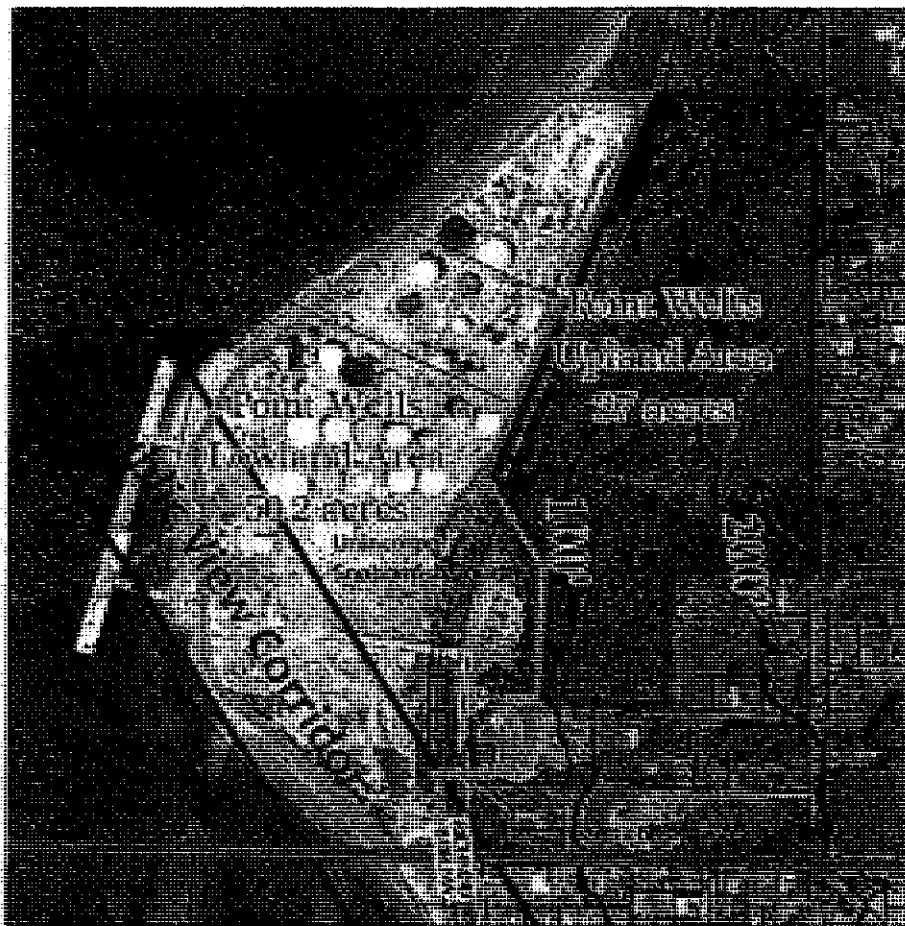


Figure 2 – Upland and Lowland Areas at Point Wells

The upland area of the Point Wells Island (see Fig. 2) is approximately 37 acres in size. The upland does not have access to Richmond Beach Drive due to very steep environmentally sensitive slopes that separate the upland portion from the lowland portion. However, the upland portion does have potential easterly access through the Town of Woodway via 238th St. SW.

All of the Point Wells Island was previously designated by the City of Shoreline as a "Potential Annexation Area" (PAA). The Town of Woodway, and Snohomish County, have previously identified all of the Point Wells unincorporated island as within the Woodway "Municipal Urban Growth Area" (MUGA). The Washington State Court of Appeals, in a 2004 decision, determined that the overlap of Shoreline's PAA and Woodway's MUGA does not violate the provisions of the Growth Management Act.

Snohomish County's designation of Point Wells as an "Urban Center"

In April of 2009, the Shoreline City Council adopted Resolution 285 which opposed the pending Snohomish County designation of Point Wells as an "Urban Center." The resolution cited the likely excessive impacts of up to 3,500 dwelling units on Shoreline streets, parks, schools, and libraries. The City submitted several comment letters to the County Council detailing the reasons for the City's opposition, reiterating the City's support for a mixed use development of a more reasonable scale at Point Wells, and pointed out that an "Urban Center" designation would be inconsistent with provisions of the County's plan as well as the Growth Management Act.

Designation of a Future Service and Annexation Area (FSAA) at Point Wells

After a review of the topography and access options for Point Wells, the City of Shoreline no longer wishes to include the upland portion of this unincorporated island within its designated urban growth area. Because of the upland portion's geographic proximity and potential for direct vehicular access to the Town of Woodway, the City of Shoreline concludes that the upland portion should be exclusively within the Town of Woodway's future urban growth area. Any people living in future developments in the upland portion of the Point Wells Island would feel a part of the Woodway community because they would share parks, schools, and other associations facilitated by a shared street grid.

Applying the same rationale to the lowland portion of the Point Wells Island, the City of Shoreline wishes to reiterate and clarify its policies. These lands all presently connect to the regional road network only via Richmond Beach Drive and Richmond Beach Road in the City of Shoreline. Therefore future re-development of the lowland area would be most efficiently, effectively, and equitably provided by the City of Shoreline and its public safety partners, the Shoreline Fire Department and Shoreline Police Department.

At such future time that the lowland portion of the Point Wells Island annexes to the City of Shoreline, the urban services and facilities necessary to support mixed use urban development would be provided in an efficient and equitable manner. These would include police from the Shoreline police department and emergency medical services and fire protection from the Shoreline Fire Department. In addition, the City would be responsible for development permit processing, code enforcement, parks, recreation and cultural services, and public works roads maintenance.

Future residents of the lowland portion of Point Wells would become a part of the Richmond Beach community by virtue of the shared parks, schools, libraries, shopping districts and road grid. As citizens of the City of Shoreline, they would be able to participate in the civic life of this "community of shared interests," including the City's Parks Board, Library Board, Planning Commission, or other advisory committees, and City Council.

Policy PW-1 The Lowland Portion of the Point Wells Island, as shown on Figure 3, is designated as the City of Shoreline's proposed future service and annexation area (FSAA)

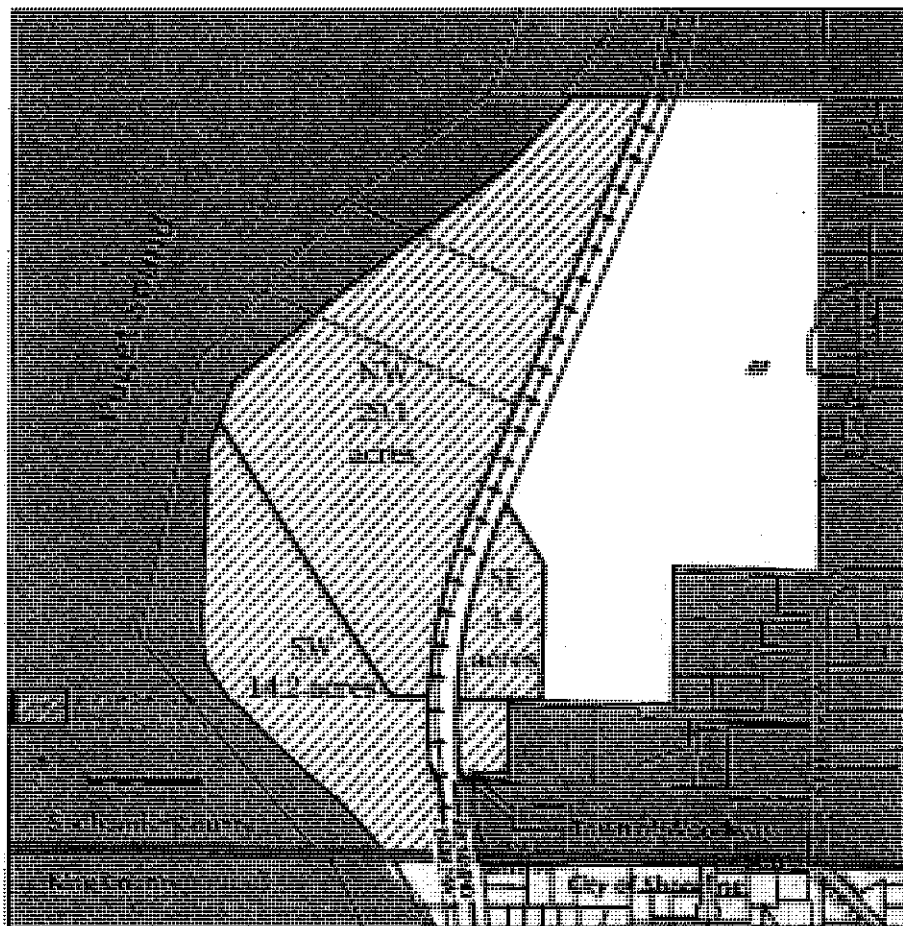


Fig. 3 – City of Shoreline Future Service and Annexation Area

A Future Vision for Point Wells

The Subarea Plan, intended to be a 20-year plan document, envisions a Point Wells development that could take longer than 20 years to become fully realized. Because of the time horizon of the plan and future development, the City, in its decision-making, should consider the long-term costs of near-term actions and make choices that reflect a long-term perspective.

The City's vision for Point Wells is a world class environmentally sustainable community, both in site development and architecture. The redevelopment of the site should be predicated on remediation of the contaminated soil, and the restoration of streams and native plant regimes appropriate to the shoreline setting. New site design and improvements should incorporate low impact and climate friendly practices such as

alternative energy sources, vegetated roofs, rainwater harvesting, rain gardens, bioswales, solar and wind technologies. Development at Point Wells should exhibit the highest quality of sustainable architecture, striving for gold or platinum LEED (Leadership in Energy and Environmental Design) certification.

Policy PW-2 The Vision for Point Wells is an environmentally sustainable mixed-use community that is a model of environmental restoration, low-impact and climate-friendly sustainable development practices, and which provides extensive public access to the Puget Sound with a variety of trails, parks, public and semi-public spaces.

Point Wells also represents a major opportunity to create a new subarea consistent with City objectives for economic development, housing choice, and waterfront public access and recreation. With almost 3,000 linear feet of waterfront, and sweeping 180 degree public views from Admiralty Inlet off Whidbey Island to Rolling Bay on Bainbridge Island, this site has unparalleled opportunity for public access, environmental restoration, education, and recreation oriented to Puget Sound.

The City's vision for Point Wells includes a mix of land uses, including residential, commercial, and recreational. The City recognizes that the site may be suited to a wide range of residential uses (e.g., market rate housing, senior housing, special needs housing, hotels, extended stay, etc.) as well as a range of commercial uses (e.g., office, retail, restaurant). Rather than proscribe the number or type of residential units, or the floor area of various types of commercial uses, the City prefers that flexibility be left to the developer to respond to market realities. However, whatever use mix is proposed must demonstrate that it conforms to adopted parking requirements, site design and building form policies cited below.

There are at least three distinct sub-areas within the FSAA, identified on Fig. 3 with the notations NW, SW, and SE. Because of their proximity to the single family neighborhoods to the east and south, maximum building heights in the SW and SE areas should be lower than in the NW subarea. Because of the large difference in elevation between the NW subarea and lands east of the railroad tracks, much taller buildings could be placed in this area without significantly impairing public views. Building placement in this area should avoid obstruction of the public view corridor shown on Fig. 2. The appropriate number, placement and size of taller buildings in NW subarea should be determined through the development permit and environmental review process.

The portion of the Puget Sound shoreline in the SW subarea is the most environmentally sensitive area and a candidate for habitat restoration. This area has sandy substrate, supports some beach grass and other herbaceous vegetation, and contains a fair amount of driftwood. This area should be a priority for open space and restoration including elimination of invasive plants, re-establishing native riparian and backshore vegetation.

Policy PW-3 Use and development of and near the Puget Sound shoreline and aquatic lands at Point Wells should be carefully designed and implemented to minimize impacts and achieve long-term sustainable systems. New bulkheads or over-water structures should not be permitted and the detrimental effects of existing bulkheads should be reduced through removal of bulkheads or alternative, more natural stabilization techniques.

Any improvements in the westernmost 200 feet (within the jurisdiction of the Shoreline Management Act) of the NW and SW subareas should be limited to walkways and public use or park areas. Outside that shoreline area, buildings should be located and configured to maintain as much openness and public views across the site as possible, with taller structures limited to the central and easterly portions.

Policy PW-4 A public access trail should be provided and appropriate signage installed along the entire Puget Sound shoreline of the NW and SW subareas and secured with an appropriate public access easement document.

The relatively lowland area west of the tracks (between 10 and 20 feet above sea level) is abutted east of the tracks by a heavily forested slope. See Fig. 1. The slope rises steeply (15% to 25% grades) from the railroad tracks to the top of the slope, which is at approximately elevation 200. See Figure 2. The tree line at the top of the slope consists of mature trees from 50 to 100 feet in height, which further obscures public views of Point Wells from the portions of Woodway above elevation 200.

Policy PW-5 New structures in the NW subarea should rise no higher than elevation 200.

New buildings east of the railroad tracks would be much closer to existing single family homes in Woodway and Richmond Beach. To reflect this proximity, buildings of a smaller scale are appropriate.

Policy PW-6 New structures in the SE Subarea should rise no higher than six stories.

In order to promote maximum openness on the site and prevent bulky buildings, the City should consider innovative regulations such as design standards and guidelines, building floor plate maxima, requiring a minimum separation between taller structures and the protection of public view corridors. Public views from city rights-of-way in the Richmond Beach neighborhood are a major part of the area's character, and provide a sense of place, openness, beauty and orientation. A prominent public view corridor across the lowland area, shown in Fig. 2, affords a public view from Richmond Beach Drive northwest to Admiralty Inlet and Whidbey Island. Placement and size of structures at Point Wells should be located and configured so as not obstruct this important public view corridor.

Policy PW-7 The public view from Richmond Beach Drive in Shoreline to Admiralty Inlet should be protected by a public view corridor across the southwest portion of the NW and SW subareas.

Policy PW-8 New structures in the NW subarea should be developed in a series of slender towers separated by public view corridors.

Transportation Corridor Study and Mitigation

A traffic and safety analysis performed by the City in the summer of 2009 evaluated the nature and magnitude of impacts likely to accrue from the development of Point Wells as an "Urban Center" under Snohomish County zoning, as well as development scenarios

assuming lesser orders of magnitude. This background information provided a basis for the City to conclude that, prior to the approval of any specific development project at Point Wells, the applicant for any development permit at Point Wells should fund, and the City oversee, the preparation of a detailed Transportation Corridor Study.

Corridor Study

The Transportation Corridor Study and Implementation Plan should include an evaluation of projected impacts on vehicular flow and levels of service at every intersection and road segment in the corridor. If a potential alternative access scenario is identified, it should be added to the corridor study. The Study should also evaluate and identify expanded bicycle and pedestrian safety and mobility investments, and identify "context sensitive design" treatments as appropriate for intersections, road segments, block faces, crosswalks and walkways in the study area with emphasis on Richmond Beach Road and Richmond Beach Drive and other routes such as 20th Ave. NW, 23rd Place NW, NW 204th Street and other streets that may be impacted if a secondary road is opened through Woodway.

Implementation Plan

The corridor study would be a step in the development of such a plan. The scope of the implementation plan should include a multimodal approach to mobility and accessibility to and from Point Wells, as well as detailed planning for investments and services to improve multimodal travel for adjacent communities between Point Wells and I-5. This could well include an integrated approach to accessing Point Wells, the Richmond Beach neighborhood, and Richmond Highlands with the Bus Rapid Transit system along Aurora Avenue, the I-5 corridor itself - focusing on the interchanges at N. 205th and N. 175th, as well as the Sound Transit light rail stations serving Shoreline.

While the analysis of vehicle flows is appropriate as part of the study, the solutions should provide alternatives to vehicle travel to and from Point Wells - as well as more transportation choices than those that currently exist today for the Richmond Beach neighborhood and adjacent communities.

Policy PW-9 To enable appropriate traffic mitigation of future development at Point Wells, the developer should fund the preparation of a Transportation Corridor Study as the first phase of a Transportation Implementation Plan, under the direction of the City, with input and participation of Woodway, Edmonds, Snohomish County and WSDOT. The Study and Transportation Implementation Plan should identify, engineer, and provide schematic design and costs for intersection, roadway, walkway and other public investments needed to maintain or improve vehicular, transit, bicycle and pedestrian safety and flow on all road segments and intersections between SR 104, N 175th Street, and I-5 with particular attention focused on Richmond Beach Drive and Richmond Beach Road. Road segments that would be impacted by an alternate secondary access through Woodway should also be analyzed, which would include 20th Avenue NW, 23rd Place NW and NW 204th Street. The Study and Transportation Plan should identify needed investments and services, including design and financing, for multimodal solutions to improving mobility and accessibility within the Richmond Beach neighborhood and adjacent communities, including but not limited to investments on Richmond Beach Drive and Richmond Beach Road.

Policy PW-10 The needed mitigation improvements identified in the Transportation Corridor Study and Implementation Plan should be built and operational concurrent with the occupancy of the phases of development at Point Wells.

Richmond Beach Road and Richmond Beach Drive provide the only vehicular access to Point Wells at this time. Therefore, it is critical that identified impacts be effectively mitigated as a condition of development approval. It is also vital that the traffic generated from Point Wells be limited to preserve safety and the quality of residential neighborhoods along this road corridor. In the event that secondary vehicular access is obtained through Woodway to the Point Wells site, the mitigation and improvements of the impacts to those additional road segments must also occur concurrent with the phased development.

Historically, mobility and accessibility in Richmond Beach and adjacent communities has been dominated by the single occupancy vehicle. Provision of bicycle and pedestrian facilities has been limited because retrofitting an existing road network with these facilities is an expensive undertaking. The Richmond Beach Road corridor is served by limited Metro bus service and is beyond a reasonable walking distance from potential development within Point Wells. Though rail service to a station in Richmond Beach was evaluated by Sound Transit, no service is envisioned in the transit agency's adopted 20 year plan. Improved transit, bicycle and pedestrian mobility is a long-term policy objective, but the majority of trips in the area will likely continue to be by automobiles utilizing the road network. The City's traffic study completed in 2009 shows that if more than 8,250 vehicle trips a day enter the City's road network from Point Wells, it would result in a level of service "F" or worse at a number of City intersections. This would be an unacceptable impact.

Policy PW-11 The City should address opportunities to improve mobility, accessibility, and multimodal east-west movement in the Richmond Beach Road Corridor between Puget Sound and I-5 as part of the update of the city-wide Transportation Management Plan. The City should also work with neighboring jurisdictions Woodway and Edmonds to improve north-south mobility. These opportunities should be pursued in a manner that reduces existing single occupancy vehicle trips in the corridor.

Policy PW-12 In view of the fact that Richmond Beach Drive between NW 199th St. and NW 205th St. is a local road with no opportunities for alternative access to dozens of homes in Shoreline and Woodway, the City designates this as a local street with a maximum capacity of 4,000 vehicle trips per day. Unless and until 1) Snohomish County and/or the owner of the Point Wells Urban Center can provide to the City the Transportation Corridor Study and Mitigation Plan called for in Policy PW-9, and 2) sources of financing for necessary mitigation are committed, the City should not consider reclassifying this road segment.

Interjurisdictional Coordination

The City should work with the Town of Woodway and Edmonds to identify ways in which potential future development in the lowland portion of Point Wells could be configured or mitigated to reduce potential impacts on Woodway. There is no practical primary vehicular access to the lowland part of Point Wells other than via Richmond Beach Road. However,

the City should work with property owners and Woodway to provide a bicycle and pedestrian route between Woodway and Point Wells.

The Growth Management Act states that cities, rather than county governments, are the preferred providers of urban governmental services. Because urban governmental services and facilities in Shoreline are much closer to Point Wells than are similar services and facilities located in Snohomish County, it is most efficient for the City to provide those services.

Working with its public safety partners, Shoreline Fire Department and Shoreline Police Department, the City should invite Snohomish County to discuss an interlocal agreement to address the timing and methods to transition local governmental responsibilities for Point Wells from the County to the City. Included in these discussions should be responsibilities for permitting and inspection of future development at Point Wells, and possible sharing of permitting or other local government revenues to provide an orderly transition.

Policy PW-13 The City should work with the Town of Woodway, City of Edmonds and Snohomish County toward adoption of interlocal agreements to address the issues of land use, construction management of, urban service delivery to, and local governance of Point Wells. A joint SEPA lead-agency or other interlocal agreement with the County could assign to the City the responsibility for determining the scope, parameters, and technical review for the transportation component of the County's Environmental Impact Statement prepared for a future project at Point Wells. Under such agreement, this environmental analysis, funded by the permit applicant, could satisfy the policy objectives of the Transportation Corridor Study and Implementation Plan referenced at PW-10.

Policy PW-14 In the event that development permit applications are processed by Snohomish County, the City should use the policies in this Subarea Plan as guidance for identifying required mitigations through the SEPA process and for recommending changes or additional permit conditions to achieve greater consistency with the City's adopted policies.

Denis Law
Mayor



Mayor's Office

August 14, 2014

Snohomish County Boundary Review Board
Administration East Building
3000 Rockefeller, M/S 409
Everett, WA 98021

SNOHOMISH COUNTY
AUG 14 2014
BOARD OF EQUALIZATION

RE: City of Shoreline's Potential Assumption of the Ronald Wastewater District

Dear Boundary Review Board Members:

The City of Renton appreciates the opportunity to provide comment on the City of Shoreline's assumption of the Ronald Wastewater District (RWD). The City of Renton supports this initiative and requests the Boundary Review Board approve the proposal. Shoreline's assumption of the RWD is consistent with the Growth Management Act (RCW 36.70A.110(4)) which states, "In general, cities are the units of local government most appropriate to provide urban governmental services..."

In addition, this proposal is also consistent with the Multicounty Planning Policies (MPP). MPP-PS-6 states, "Obtain urban services from cities or appropriate regional service providers, and encourage special service districts, including sewer, water, and fire districts, to consolidate or dissolve as a result." Finally, the proposal is consistent with the King County Countywide Planning Policies and the City of Shoreline Comprehensive Plan.

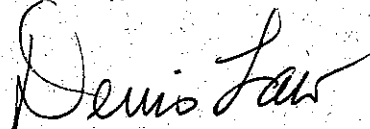
The City of Shoreline has complied with all rules and regulations applicable to assuming the utility. RCW 35.13A.030, states "...whenever a portion of a district equal to at least sixty percent of the assessed valuation of the real property lying within such district, is included with the corporate boundaries of a city, the city may assume by ordinance the full and complete management and control of that portion of the entire district not included within another city..." Considering that 99 percent of its residents are served by the district, the statute grants the City of Shoreline the authority to assume the entirety of utility district.

Utilities are a critical service allowing cities to provide services to their respective residents and businesses efficiently and of high quality. Assumptions, such as the City of Shoreline's, enable a city to decrease overhead costs and streamline operational costs.

Evidence of this fact, is a study of the assumption by the City of Shoreline of RWD showing that assuming the RWD will result in nearly \$5 million of savings.

Approving the City of Shoreline's assumption of the RWD upholds the rights and abilities of all cities in the Puget Sound region to better serve their residents.

Sincerely,

A handwritten signature in black ink that reads "Denis Law". The signature is written in a cursive, flowing style.

Denis Law
Mayor

cc: Jay Covington, City of Renton Chief Administrative Officer
C. E. "Chip" Vincent, City of Renton CED Administrator
Gregg Zimmerman, City of Renton Public Work Administrator
Debbie Tarry, City of Shoreline City Manager
Alex Herzog, City of Shoreline Management Analyst
Deanna Dawson, Sound Cities Association Executive Director



WASHINGTON STATE
BOUNDARY REVIEW BD.

AUG 13 2014

KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104

FOR SNOHOMISH COUNTY

John Urquhart
Sheriff

Heidi Turner, Clerk of the Board
Snohomish County Boundary Review Board
Administration East Building
3000 Rockefeller, M/S 409
Everett, WA 98021

Dear Snohomish County Boundary Review Board members:

The King County Sheriff's Office currently provides police and public safety services to the City of Shoreline via an inter-local contract. We have provided this service since 1995.

In addition, the King County Sheriff's Office jointly plans with the Shoreline and its partners, including utilities, to prevent and prepare for emergencies. As an important regional partner, we support the efficiencies and consolidated planning our partnership helps to bring to the Shoreline community. The consolidation of the Ronald Wastewater District (RWD) with Shoreline will provide an opportunity for a more seamless service, and will not have any negative impacts to our service contract.

It is my understanding that Shoreline has planned to assume the RWD since the execution of the 2002 Interlocal Operating Agreement, signed by the city and the district, which includes assumption at the completion of the agreement. In addition, the RWD supports the orderly transition to consolidation with Shoreline, for which planning has already begun.

Therefore, please let this letter convey our support of the City of Shoreline's assumption of the Ronald Wastewater District. I urge your approval in order to provide for comprehensive, coordinated, economic wastewater services within the City of Shoreline

Very truly yours,



John Urquhart
Sheriff

August 11, 2014

WASHINGTON STATE
BOUNDARY REVIEW BD.
AUG 12 2014
FOR SNOHOMISH COUNTY

Committee of Elected Officials for Ronald Wastewater District Assumption
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

Snohomish County Boundary Review Board
Heidi Turner, Clerk of the Board
Administration East Building
3000 Rockefeller, M/S 409
Everett, WA 98021
Heidi.Turner@co.snohomish.wa.us

Dear Snohomish County Boundary Review Board members:

As part of the planned assumption of the Ronald Wastewater District (RWD), the Shoreline City Council and the RWD Board formed the Committee of Elected Officials (CEO) for RWD Assumption. The CEO is comprised of two RWD Commissioners, Commission President Robert Ransom and Commissioner Gretchen Atkinson, and two Shoreline Councilmembers, Councilmember Doris McConnell and Councilmember Chris Roberts. The purpose of the CEO is to develop and recommend to our respective elected bodies a Transition Plan for the assumption of RWD by the City, which will identify and address all policy issues related to assumption.

As per Section 5.6 of the 2002 Interlocal Operating Agreement agreed to by both the Shoreline City Council and the RWD Board, the City and RWD shall negotiate the terms of assumption transition no later than 24 months prior to the end of the term of the 15-year interlocal agreement, which is October of 2017. Given this direction in the interlocal agreement and the proposed action before your Board, the City and RWD felt it was important to start the assumption transition planning process this year.


We, the members of the CEO, think it imperative and our responsibility to provide a transition plan that insures a continuation in quality service delivery to the ratepayers of the sewer utility. As we work to transition the ownership and management of the utility from one governmental entity to another, we want to make sure that the assumption process is as seamless as possible.


As you have probably heard from other stakeholders already, the benefits of assumption of RWD by the City are numerous. Assumption achieves efficiencies through reduced overhead and streamlined operational costs; provides a more comprehensive and coordinated approach to reinvesting in Shoreline infrastructure, aiding in redevelopment of different parts of the City; and provides more financial and human resources to the utility in the event of an emergency. Financially, a study of the issue has shown that assuming the RWD will result in a savings of \$4.9 million from 2020 through 2040.

The benefits are not limited to the City however. Unifying RWD with City operations provides an improved customer experience through combined utility billing, coordinated information responses, and "one stop" customer service and permitting. Ratepayers will have a more transparent process for rate-setting and decision-making by having a single group of Shoreline-elected officials accountable to Shoreline voters. Customers will also have better access to information and channels of communication with a single website and integrated customer service operations for utilities and the City.

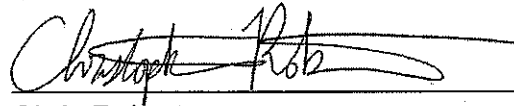
As the combined entity responsible for ensuring a smooth assumption process, we urge you to please approve the assumption of RWD. We know that this will provide for comprehensive, coordinated, and economic wastewater services within the City of Shoreline.

Sincerely,


Robert Ransom
Ronald Wastewater District President


Gretchen Atkinson
Ronald Wastewater District Commissioner


Doris McConnell
Shoreline City Councilmember


Chris Roberts
Shoreline City Councilmember