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RECEIVED

JUL 31 2014

City Manager's Office

July 31, 2014

King County Boundary Review Board
c/o Ms. Lenora Blauman, Executive Secretary
Washington State Boundary Review Board for King County
400 Yesler Way, Room 240
Seattle, WA 98104

Re: City of Shoreline Proposed Assumption of Ronald Wastewater
District
File No. 2357

Dear Members of the King County Boundary Review Board:

I represent Olympic View Water & Sewer District ("Olympic View"), a water-sewer district authorized under RCW Title 57, located in Snohomish County. Pursuant to my letter of July 8, 2014, Olympic View invoked the jurisdiction of the Board to review the Notice of Intent ("NOI") of the proposed assumption of the Ronald Wastewater District ("Ronald") by the City of Shoreline. Pursuant to Executive Secretary Lenora Blauman's letter of July 17, 2014 to the Olympic View Board of Commissioners, this Board requested a position statement from Olympic View. This submission is the position statement of Olympic View in compliance with this Board's request.

The NOI Does Not Support the Requested Action

In its July 8 letter, Olympic View noted that the NOI references areas in Snohomish County, including the legal description. The following day, Shoreline sent a letter to this Board stating that the Town of Woodway notified Shoreline that the NOI had an "inconsistency." It further states: "We received a letter today from Olympic View Water & Sewer District requesting this change." Shoreline then attached a correction to the Section 4 of its NOI stating that legal description subject to its NOI is set forth on Exhibit E except for any portion thereof within Snohomish County. Shoreline provided no legal description specifically limiting what it was seeking to assume to King County. Olympic View never sent any letter to Shoreline requesting the change Shoreline made to Section 4. Perhaps Shoreline is construing Olympic View's letter to this Board

invoking jurisdiction in that fashion, although its letter of July 9 to this Board is misleading, if that is the case. In any event, any effort by Shoreline to make clear that it is only seeking to assume portions of Ronald in King County is appreciated. To insure that the record is clear, attached hereto is a legal description of Ronald limited to its areas in King County.

Unfortunately, Shoreline's minor clarification is insufficient to satisfy Olympic View's concerns. It should not satisfy this Board either. The reason is that the NOI is replete with discussions of areas in Snohomish County, and the approval Shoreline seeks is predicated on Shoreline assuming areas in Snohomish County. The reason for this situation is that Shoreline decided to use essentially the same NOI for the Boundary Review Boards in both King and Snohomish Counties. Because the NOIs are not tailored to each county, what has been submitted is inadequate and confusing. For instance, in Snohomish County, King County Planning Policies are discussed in the NOI, but not the applicable Snohomish County Planning Policies. Here, as discussed more fully below, Shoreline repeatedly uses areas in Snohomish County to justify the approval sought from this Board. This causes great concern to Olympic View because those Snohomish County areas are within its boundaries and/or service area for both water and sewer and Olympic View can provide those services. Since RCW 36.93.150 limits this Board to approving proposals "as submitted," Olympic View has reluctantly come to the conclusion that modification of the proposal to limit it to just King County is not adequate unless the NOI is revised to exclude the Snohomish County areas as a basis to justify approval of assumption in King County.

Since invoking jurisdiction, Olympic View has reviewed the letter of concern about this proposed assumption filed by North City Water District ("North City") with this Board. It is in a similar predicament to Olympic View, although for different reasons. Like Olympic View, North City believes the Shoreline NOI contains inaccurate and incomplete information (although on topics different from those of Olympic View), and is concerned any approval of the assumption based upon such a flawed Shoreline submission could be used to its later detriment. For that reason, North City suggests that if jurisdiction is invoked (as it has been) the assumption should be disapproved at this time. That would allow preparation of a proper NOI with updated information, including what action the Snohomish County BRB took in relation to the proposed assumption. Olympic View believes that is the appropriate way to proceed. Since the targeted date for the assumption in the Ronald/Shoreline Agreement is targeted to happen in 2017, there does not appear to be any prejudice to anyone from such action.

Specific Issues With the NOI

Factual Context

Before discussing specific issues with the NOI, it is appropriate to keep in mind certain facts that omitted or glossed over in Shoreline's NOI. Shoreline is a relatively new city, incorporated in 1995. It has no real experience providing utility service with the exception of surface water management. It has never operated a sanitary sewer utility. This proposed assumption of Ronald will not allow Shoreline to provide all sanitary sewer services within the current Shoreline borders, which is entirely within King County, because in certain portions of Shoreline sanitary sewer service is provided by the Highland Sewer District.

Ronald currently provides sanitary sewer service on a very limited basis in Snohomish County. It essentially has six customers, four of those customers are residences located in Woodway. Shoreline states will not be assuming those, so this is only a partial assumption. That leaves two customers, the old petroleum plant and the King County Brightwater outfall building, in Point Wells. Thus, Shoreline's focus is Point Wells. No one lives in Point Wells. It is not a "neighborhood." It is an industrial site, that *may* be redeveloped into some form of an urban center in the future. Currently, Point Wells and the area east of it are in unincorporated Snohomish County, with the exception of what is currently within the corporate boundaries of Woodway. No one disputes that if Point Wells is redeveloped, the existing sanitary sewer service provided by Ronald is inadequate. Entirely new sanitary sewer infrastructure will have to be put into place to serve any large scale development. What exists now is the result of a developer extension agreement between Standard Oil, which used to own and operate the petroleum plant at Point Wells, and another type of district, not Ronald. Olympic View has not obtained any information that this provision of services into Snohomish County ever went through a Boundary Review Board process.

The entire area in Snohomish County that relates to the Shoreline assumption of Ronald (that area that Shoreline wishes to assume in unincorporated Snohomish County which is pending before the Snohomish County BRB, as well as the area in Woodway that Shoreline says it is not assuming) is within the corporate boundaries of Olympic View. That was the situation when Ronald's predecessor began providing sanitary sewer to Point Wells. Olympic View provides the water service to Point Wells. It can provide sanitary sewer as well. Olympic View assumed all sewer

service within Woodway in 2004. Olympic View has an obligation to serve all areas within its corporate boundaries and currently does serve areas of unincorporated Snohomish County. It will do so for the areas not assumed by Shoreline.

While Shoreline asserts in its NOI that Point Wells is within its Metropolitan Urban Growth Area ("MUGA"), that it has designated the Point Wells area as a potential annexation area or Future Service and Annexation Area ("FSAA"), and that it has adopted a subarea plan to guide the development of this area, none of that has been approved or adopted by Snohomish County. Under the current and proposed Snohomish County Comprehensive Plan, this area is within Woodway's MUGA. Shoreline has no Interlocal Agreement with Snohomish County, a requirement before annexation can proceed.

References to Snohomish County

The following references to Snohomish County are either incorrect or not an appropriate basis to justify an assumption in King County.

Section I. A. 1.

Reference is made to Point Wells as a FSAA and a sub-area plan to develop it.

The section incorrectly states that in 1986, King County Sewer District No. 3, which included the Point Wells area, was transferred to the District. There was no King County Sewer District No. 3, and Point Wells was never within the corporate boundaries of any district, other than Olympic View, when it was ostensibly transferred in 1986.

Section I.A.2.

Reference is made to the 2002 Agreement between Ronald and Shoreline. It is drafted to state the agreement gives Shoreline the right to assume and obtain all of Ronald's assets, including those in Snohomish County. The agreement in Section 3.2 provides that during the term of the agreement, the City will not exercise its statutory authority under chapter 35.13A "to assume jurisdiction over the District or any District responsibilities, property, facilities or equipment within the City's corporate limits, included future annexed areas."

Section I.A.4

This has now been revised by Shoreline to state that boundaries of Ronald are contained in the legal description in Exhibit E except any portion thereof within Snohomish County. However, the legal description contains reference to Snohomish County lands, as does Exhibit A-1.

Section I.B.1

Exhibit F is inaccurate as to Snohomish County property being within Ronald's boundaries. Even if accurate, the map and all similar demarcations on other maps should exclude reference to Snohomish County as not relevant to the approval sought in King County.

Section II.D.2

This entire section relates to Point Wells in Snohomish County and provides no basis for an approval of assumption limited to King County.

Section II.G.3

This section discussed projected growth in Point Wells in Snohomish County and provides no basis for an approval of assumption limited to King County.

Section II.G.6

Included is Exhibit L which purports to be the Ronald Certificate of Sewer Availability relating to Point Wells. Again, that is not relevant and provides no basis for an approval of assumption limited to King County.

Section III Factor 3

This section again discusses Point Wells. It also states that Shoreline intends to assume Ronald in unincorporated Snohomish County. Further, it states that it will continue to serve the four parcels in Woodway without making any provision of Olympic View to do so. None of that supports an assumption in King County.

Most problematical is the final section (III.B) of the NOI. As the proponent, Shoreline has the duty to place into the record substantial evidence that its proposed assumption further the goals contained in RCW 36.93.180. However, its NOI essentially provides no support that the goals

contained in that statute when the material relating to Snohomish County properly is excluded.

Section III.B.1. Preservation of neighborhoods.

This section is inappropriate as to what approval Shoreline seeks from this Board. It is overly broad and states in relevant part: "There will be no modification to the District's boundaries –the integrity of its service area will be maintained in its entirety." There is no doubt this relates to Snohomish County. Assuming Ronald has boundaries in Snohomish County, under Shoreline's NOI those boundaries are going to be changed because Shoreline's NOI states it is not assuming the anything in Woodway. It also states: "The existing sewer service area in Pt. Wells reinforces the neighborhood and community affinity to Shoreline and the assumption will not change this." Point Wells is not a neighborhood to have any affinity to Shoreline; this Snohomish County area is not a basis to justify the assumption in King County. More significantly, although it mentions earlier in the NOI that Ronald has flow services with Olympic View, here no mention is made of maintaining the existing contracts between Ronald and Olympic View.

Section III.B.3 Service Areas

To the extent that this section implies that Point Wells is a logical service area, that is a matter for the Snohomish County BRB.

Section III.B.5

This "goal" is simply listed. It does not appear to be applicable, and Shoreline's NOI provides no text as to why it is even listed.

Section III.B.8 Incorporation as to unincorporated areas which are urban in character.

This portion of the NOI does not support assumption in either King. In King County, the assumption relates to areas that are already incorporated . The only area that is not incorporated is in Snohomish County which is not relevant to this assumption in King County.

Conclusion

As previously stated to this Board, Olympic View does not oppose Shoreline assuming Ronald within its City borders in King County.

July 31, 2014

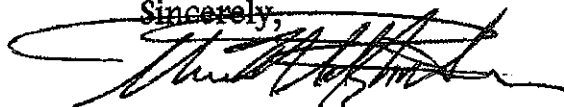
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However, the Shoreline NOI is not limited to King County. As demonstrated above, it is replete with references to Snohomish County areas. Those references are used inappropriately to justify the King County assumption. In doing so, Shoreline attempts to use this process to the detriment of Olympic View, an existing utility service provider to Point Wells. That difficulty along with the information from North City that Shoreline's study that it claims justifies the assumption is flawed should be grounds for concern.

This Board should deny the assumption at this time based upon this NOI. It does not provide sufficient information to provide for an informed decision on the merits. If Shoreline wished to proceed, it should prepare a proper NOI addressed to the King County factors and goals relevant to this Board's decision. If this Board approves the partial assumption of Ronald in King County, Olympic View asks the Board carefully to craft its findings making clear that it does not relate to anything in Snohomish County and that in reaching its decision this Board did not rely upon or approve any Statements made by Shoreline relating to areas located in Snohomish County.

Thank you for your attention to this matter.

Sincerely,



Thomas M. Fitzpatrick

cc: Snohomish County
Ronald Wastewater District
City of Shoreline
Town of Woodway
Olympic View Water & Sewer District
North Shore Water District

**DESCRIPTION OF THE BOUNDARY OF THE
RONALD WASTEWATER DISTRICT
IN KING COUNTY**

This description encompasses all of Section 1, 12 and portions of Sections 2, 11, and 13 in Township 26 North, Range 3 East, W. M., and all of Sections 6, 7, 8, 17, 18 and portions of Sections, 4, 5, 9, and 16, in Township 26 North, Range 4 East, W. M., situate in King County, Washington, and a portion of Section 35, Township 27 North, Range 3 East, W.M., situated in Snohomish County, Washington, being more particularly described as follows:

Beginning at the Northeast corner of said Section 1, Township 26 North, Range 3 East, W.M.;

Thence Easterly along the North line of said Township 26 North to the intersection of the northerly projection of the west margin of 30th Avenue NE and the north line of said section 4, Township 26 North, Range 4 East, W.M.;

Thence Southerly along said westerly margin of 30th Avenue NE to the north margin of Northeast 195th Street;

Thence Westerly along said north margin of Northeast 195th Street to the intersection with the east margin of 25th Avenue NE;

Thence Southerly along the East Margin of 25th Avenue NE to the south line of north margin of said section 4;

Thence westerly along the north margin of said Section 4 to the east line of the Woodford Heights Plat, according to the plat thereof, recorded in Volume 66 of Plats, Page 6, Records of King County, Washington,

Thence North 2° 05' 06" West 305.06 feet

Thence South 89° 18' 15" West 138.11 feet;

Thence North 2° 16' 58" West 75.00 feet;

Thence South 89° 18' 15" West 75.00 feet;

Thence North 2° 16' 58" West 150.00 feet;

Thence South 89° 18' 15" West 220.09 feet;

Thence South 2° 16' 58" East 310.00 feet;

Thence South 89° 18' 15" West along the north margin of NE 195th Place 175.77 feet to the Northeast Margin of Forest Park Drive NE;

Thence Northwesterly along the Northeast margin of Forest Park Drive NE to a point of the southern boundary of Lot 9, Block 4, of Rose Addition Division No. 2, as recorded in Volume 34 of Plats, Page 26, Records of King County, Washington;

Thence Westerly on the South line of the North Margin of said Section 4;

Thence southwesterly perpendicular to Forest Park Drive NE to the northeast corner of Lot 6, Block 2, of Rose Addition Division No. 1 as recorded in Volume 34 of Plats, Page 19, Records of King County, Washington;

Thence Southwesterly along the southerly margin of NE 196th Street to the easterly margin of 15th Avenue NE;

Thence southwesterly along the easterly margin of 15th Avenue NE and a point approximately 230' south and 100' west of the east quarter corner of Section 5 also known as the city limits of the City of Shoreline as annexed under Ordinance No. 31;

Thence easterly, southeasterly, westerly, southerly, southeasterly, and southwesterly along said City Limits as annexed under Ordinance No. 172, to an intersection with the Southerly margin of N.E. 178th Street;

Thence Westerly along said Southerly margin and its Westerly extension to its intersection with the centerline of 25th Avenue N.E.;

Thence Southeasterly and Southerly along the centerline of said 25th Avenue N.E. to its intersection with the North margin of N.E. 168th Street;

Thence Westerly along the North margin of N.E. 168th Street to its intersection with the west line of Block 1, Millers Addition to Lake Forrest Park recorded in Volume 37 of Plats, pages 50 and 51, Records of King County, Washington;

Thence Southerly, Easterly, Southeasterly and Southwesterly along said West line of Block 1, Millers Addition and it's northwesterly extension to the City limits of Lake Forrest Park as established by Ordinance 627 to its intersection with the south line of said Section 9;

Thence Easterly along said South line of Section 9 to its intersection extension of the West line of the Briercrest Addition recorded in Volume 46 of Plats, Page 69, Records of King County, Washington;

Thence southerly along said West line of the Briercrest Addition recorded in Volume 46 of Plats, Page 69, Records of King County, Washington to its intersection with the North margin of Northeast 160th Street;

Thence Southerly to the South margin of Northeast 160th Street;

Thence Southerly along said East margin of 30th Avenue Northeast to its intersection with the South line of the North 21 feet of Lot 13, block 10 of State Plat recorded in Volume 42 of Plats, pages 10 and 11, Records of King County, Washington;

Thence Easterly along the South line of the North 21 feet of said Lot 13 to the West line of the East half of said Lot 13;

Thence northerly along said West line to a point 70 feet North of the South line of Lot 13, Block 10 of State Plat;

Thence Easterly along the North line of said line 70 feet North of the south line of Lot 13 to the west line of Lots 1 through 7, Block 10 of said State Plat;

Thence Southerly along said west line of Lots 1 through 7 to its intersection with the south line of Lot 6, Block 10, of said State Plat;

Thence Easterly along said south line of Lots 6 to its intersection with a line 10.92 feet east of and parallel to the west line of Lots 1 through 7, Block 10, of said State Plat;

Thence southerly along said line 10.92 feet east of and parallel to the West line of Lots 1 through 7, Block 10 of said State Plat to its intersection with the Southerly margin of N.E. 158th Street;

Thence Easterly along the South margin of N.E. 158th Street to its intersection with the West line of lots 1 through 7, block 12 of said State Plat;

Thence Southerly along said West line of lots 1 through 7 to the Southerly margin of N.E. 155th Street and the north line of the of the southeast quarter of said Section 16 and the North line of Acacia Park, recorded in Volume 29 of Plats, page 5, Records of King County, Washington;

Thence westerly along the Southerly margin of N.E. 155th Street, also being the north line of the southeast quarter of said Section 16 to the East margin of 27th Avenue N.E. and the Westerly boundary of said Acacia Park;

Thence southerly along the East margin of 27th Avenue N.E., also being the Westerly boundary of said Acacia Park to the Southerly boundary of Birch Section Acacia Memorial Park, recorded in Volume 80 of Plats, Page 86, records of King County, Washington;

Thence Easterly along said Southerly boundary of Birch Section Acacia Memorial Park and the southerly boundary of said Acacia Park to its intersection with the westerly boundary of the Extension to Holly Section Acacia Memorial Park recorded in Volume 35 of Plats, page 11, Records of King County, Washington;

Thence southerly along said westerly boundary of the Extension Holly Section Acacia Memorial Park to its intersection with the north margin of N.E. 149th Street;

Thence Easterly along the north margin of said N.E. 149th Street to its intersection with the westerly margin of Bothell Way N.E.;

Thence southerly along said Westerly margin of Bothell Way N.E. to its intersection with the Southerly line of Section 16;

Thence Westerly along said South line of Section 16 to the Southwest corner of said Section 18 Township 26 North, Range 4 East, W.M.;

Thence Northerly along the West line of said Section 18 to the West 1/4 corner of said Section, said corner also being the East 1/4 corner of Section 13, Township 26 North, Range 3 East, W.M.;

Thence Westerly along the East-West centerline of said Section 13 to its intersection with the Southerly extension of the West line of Lot 12, Block 3, Highland Terrace Addition as recorded in Volume 48 of Plats, Page 97, Records of King County, Washington;

Thence Northerly along said Southerly extension and along the West line of said Lot 12, and along the West line of Lots 11 through 1 inclusive, of said Block 3, to the Northwest corner of said Lot 1, Block 3;

Thence Easterly along the North line of said Lot 1, Block 3, to its intersection with the West line of Lot 3, Block 4, said Addition;

Thence Northerly along the West line of said Lot 3, Block 4, to the Northwest corner thereof, said corner being on the South line of the North 1/2 of the Northeast 1/4 of Section 13, Township 26 North, Range 3 East, W.M.;

Thence Westerly along said South line to its intersection with the North-South centerline of said Section 13;

Thence Westerly along the South boundary line of Lots 31 and 30 of said Shorewood Hills Division I, to the Southwest corner of said Lot 30;

Thence Northwesterly along the Southwesterly boundary line of Lots 30, 29, and 28 of said Shorewood Hills Division I, to an angle point on the Southwesterly boundary line of said Lot 28;

Thence Northerly along the West boundary line of Lots 27, 26, and 11 of said Shorewood Hills Division I, to the Northwest corner of said Lot 11, said point being the Southwest corner of Lot 20 of Shorewood Hills Division II, as recorded in Volume 112 of plats, Page 48, Records of King County, Washington;

Thence Northerly along the West boundary line of said Lot 20 of Shorewood Hills Division II, to the Southeast corner of Lot 19 of said Shorewood Hills Division II;

Thence Westerly along the South boundary line of Lots 19, 18, 17, 16, 15, 14 and 13 of said Shorewood Hills Division II, to the Southwest corner of said Lot 13;

Thence Northerly along the West boundary line of Lot 13 and 12 of said Shorewood Hills Division II, to its intersection with the North line of Section 13, Township 26 North, Range 3 East, W.M., said point being the Northwest corner of the Northeast quarter of the Northwest quarter of Section 13, Township 26 North, Range 3 East, W.M.;

Thence Westerly along the North line of said Section 13 to a point on said North line 50 feet West of the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 12, Township 26 North, Range 3 East, W.M.;

Thence Northerly to the most Easterly corner of Lot 4, Block 32, Innis Arden No. 3, as recorded in Volume 46 of Plats, Pages 42 through 45, Records of King County, Washington;

Thence Southwesterly along the Southeasterly line of said Lot 4, Block 32, and along said Southeasterly line of Reserve "O" of said plat of Innis Arden No. 3 to the South line of said Section 12;

Thence Westerly along the South line of said Section 12, which is also the South line of said Reserve "O" of Innis Arden No. 3, to the Southwest corner of said Section 12, said corner also being the Southeast corner of Section 11, Township 26 North, Range 3 East, W.M.;

Thence Westerly along the South line of said Section 11 to its intersection with the East margin of the Burlington Northern Railroad right-of-way;

Thence Northerly and Northwesterly along the easterly margin of said Burlington Northern Railroad right-of-way to its intersection with the south line of Section 2, Township 26 North, Range 3 East, W.M.;

Thence Westerly along the south line of said Section 2, to the Easterly shore of Puget Sound;

Thence Northerly along said Easterly shore of Puget Sound to its intersection with the west line of the southeast quarter of said Section 2;

Thence Northerly along said west line of the southeast quarter of said Section 2 to its intersection with the East margin of the Burlington Northern Railroad right-of-way;

Thence Northerly along said Easterly shore of Puget Sound to its intersection with the South line of the North 288.75 feet of Government Lot 2 in said Section 2;

Thence Easterly along said South line of the North 288.75 feet of Government Lot 2 to its intersection with the Westerly margin of Richmond Beach Drive Northwest;

Thence Northerly along the Westerly margin of said Richmond Beach Drive Northwest to its intersection with the North line of said Section 2;

Thence westerly along the north line of Section 2, also being known as the south line of Snohomish County, to the intersection with the inner harbor line;

DECLARATION OF SERVICE

On said day below I Served Via Legal Messenger for service a true and accurate copy of the Letter to the King County Boundary Review Board 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 |
| Eric Faison, Town of Woodway *Sent Via E-mail | Diane Pottinger, North Shore Water District *Sent Via E-mail |
| Lynne Danielson, General Manager Olympic View Water and Sewer District *Sent Via E-mail | |

Original Sent by Legal Messenger to:

Ms. Lenora Blauman, Executive Secretary
Washington State Boundary Review Board for King County
400 Yesler Way, Room 240
Seattle, WA 98104

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: July 31, 2014, at Seattle, Washington.



Roya Kolahi, Legal Assistant
Talmadge/Fitzpatrick