



MEMORANDUM

TO: Mayor Roberts and City Councilmembers

FROM: Jessica Simulcik Smith, City Clerk

DATE: December 13, 2016

RE: Documents received at 12/12/16 Council Meeting

CC: Debbie Tarry, City Manager
John Norris, Assistant City Manager

Attached hereto are documents received from the public at your December 12, 2016 City Council Regular Meeting.

- 1) Written comment regarding 145th Station Subarea Non-Motorized Bridge submitted by Tom Poitras.
- 2) Letter regarding Resolution 398 (Re-filing Notice of Intent to Assume portion of RWD with Snohomish Co. BRB) submitted by Lynne Danielson, Olympic View Water & Sewer District.
- 3) Copies of emails regarding proposed Comprehensive Plan Amendment #8 submitted by Tom McCormick.

I thought that some of Will Hall's remarks about the Non- Motorized Bridge at the Dec. 4 meeting were either false or grossly exaggerated. So, I decided to look at the Nov. 14 and the Nov 21 City Council videos for more information.

I am very much against this bridge because it will only benefit a small fraction of the station subarea riders, and if it is never built, that small fraction won't be inconvenienced much because there will be a new equally safe pedestrian/bike bridge at 145th St. This is explained below. The likely cost of the 147th St Bridge will be a ridiculous price to pay for the benefit of so few (Northgate's bridge is estimated to cost \$35 million). No one who is supporting this bridge is a fiscal conservative. It would be profligate to have two new Non-Motorized Bridges 400 feet apart.

It was implied that use of the 145th St. overpass pedestrian path will be so dangerous and unpleasant, that you will be lucky if you make it across alive. This is ridiculous because WSDOT (See WSDOT Design Manual Chapters 1510, 1515, and 1520) requires that any large scale alteration to an overpass, like the expected upgrade at 145th St, must include a safe path for pedestrians and bikes. I believe that path needs to be 14' wide and will either be appended to the current overpass or a bridge right next to it.

It was stated that the on and off ramps couldn't be crossed safely. There is new technology like stop lights and wait lights, that will be very helpful. WSDOT requires other features as well to insure safety. All of these upgrades are needed because not every pedestrian and biker using 145th St wants to go to the train station, and therefore they don't want to detour to 147th St.

I think you can say with certainty that a high percentage of people from west of I5, inclined to walk to the station if there is a 147th St bridge, will still walk to the station using the 145th St pedestrian bridge. Also, about 1/3 of the walk shed supposedly added by the 147th St Bridge is in Seattle, either not re-zoned to high density or its school property. For these two reasons, to claim that without the 147th St Bridge, thousands of extra people will be driving to the station every morning, adding tons of CO2 gasses every single day is not likely. Some of these people may even take buses or ride bikes. Metro can run a bus down 1st Ave to the station. If the Council now believes it has created a disaster unless the 147th St Bridge is definitely built, then you were irresponsible to up zone west of the freeway, in the first phase, without assurance that the bridge would be built. In the process, you have destroyed the life plans and dreams of many people in Parkwood.

City Council Comment Form

Shoreline City Council Meeting

Date: 12-12-16

Please use this form if you wish to provide written comments to the City Council. The form can be turned in to the City Clerk or left in the Comment box on the table. This comment form is Public Record, so any contact information you provide may be disclosed as part of a Public Record.

Name Lynne Danielson, Olympic View Waters Sewer Det

Address 8128 228th St SW Edmonds WA 98026

Phone Number 425-714-7169

Agenda Item (if applicable) 7(g) Consent

Comment:

see attached.



OLYMPIC VIEW WATER & SEWER DISTRICT

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December 12, 2016

Phone (425) 774-7769
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Board of Commissioners

John Elsasser
Mike Harrigan
Lora Petso

Shoreline City Council
17500 Midvale Ave N
Shoreline, WA 98133-4905

Re: Resolution 398 Authorizing the City Attorney to Re-file with the Snohomish County Boundary Review Board a Notice of Intent to Assume that Portion of the Ronald Wastewater District located in Snohomish County as provided in Chapter 36.93 RCW

Dear Councilmembers,

I would like to take this opportunity to address Item 7(g) on your Consent Agenda. This item requests authorization to re-file a Notice of Intent to Assume Ronald Wastewater District located in Snohomish County.

The facts of the case are as follows:

1. King County BRB approved the assumption in King County on September 18, 2014, not October 16, 2014 as stated in the staff report and the Resolution, (EXHIBIT A)
2. Snohomish County BRB stated three items on which its' denial was based;
 - a) No inter-local agreement between the City of Shoreline and Snohomish County to plan and provide cross county wastewater service by the City,
 - b) Citizens in Snohomish County would not have the right to vote in regards to the service rates and officials elected in the wastewater district, and
 - c) Snohomish County Council Motion 10-185 specifically addresses Ronald Wastewater and the sale, assignment or transfer thereof requiring Snohomish County Council approval before the sale, assignment or transfer of asset located within Snohomish County, (EXHIBIT B)
3. On October 7, 2014 the City of Shoreline filed an appeal to the Snohomish County BRB decision,
4. In April 2016 the City and Ronald jointly filed a motion for dismissal of the appeal which was granted "with prejudice",
5. On May 11, 2016, Snohomish County Council held a public hearing regarding the approval of the 2007 Sewer Comprehensive Plan Amendment 2 addressing sewer service in the Southwest Sub-regional area of the District.

It was during these hearings that both the City of Shoreline's legal representative and the Ronald Wastewater's legal representatives indicated that if approval is not given for the assumption of Ronald in Snohomish County that Ronald Wastewater may continue to exist as a special purpose District for six (6) customers or that the City might not assume Ronald. It was also stated that the appeal of the Snohomish County BRB decision was filed as a "place holder" for the City.

Olympic View Water and Sewer District is concerned about effects of the City's ongoing processes of legal action that directly affect the District and our customers. These are our customers regardless of actions at Point Wells since we currently provide water to the entire area. With the addition of the new BRB submission, there will be three ongoing actions initiated by Ronald Wastewater and the City, being worked on by City legal staff, all related to the same issue, all having outcomes that will affect Olympic View's current and future customers.

In addition there are substantial costs associated with the multiple public records requests by the City and Ronald Wastewater where records have been requested and never viewed. The mounting costs of legal fees for filings, responses and defenses are substantial for both District and City constituents and to what avail.

If the City staff has done nothing to address the deficiencies noted in the first filing, why drag all of us back for the second filing, hoping for a different outcome.

Thank you.

A handwritten signature in blue ink that reads "Lynne Danielson". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Lynne Danielson, General Manager
Olympic View Water and Sewer District

Exhibit A

PROCEEDINGS OF THE
WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY
RESOLUTION AND HEARING DECISION

IN RE: CITY OF SHORELINE
Ronald Wastewater District
Proposed Assumption
King County, Washington

FILE NO. 2357

I. PUBLIC HEARING OVERVIEW

In May 2014, the proponent, the City of Shoreline filed a Notice of Intention with the Boundary Review Board to assume that portion of the Ronald Wastewater District lying within King County of approximately 7076 acres.

The Ronald Wastewater District Assumption Area essentially coincides with the boundaries of the City of Shoreline within King County. Exhibit I and Exhibit II (attached hereto) comprise the official legal and description and maps for File 2357.

The City of Shoreline invoked the jurisdiction of the Boundary Review Board for the purpose of providing the affected citizens a public hearing before an independent body in order to obtain information and comment upon the proposed Ronald Wastewater District Assumption.

The Board held Special Meetings/Public Hearings on August 19 and 20, 2014 to consider the proposal by the City of Shoreline to assume the Ronald Wastewater District (District). The Public Hearings were concluded on August 20, 2014. On August 20, 2014, the Board deliberated to come to a preliminary decision in the matter of File No. 2357.

The Board reviewed File No. 2357 in accord with RCW 36.93 et seq., (Local Governments – Boundaries – Review Boards.) The Board focused its attention on RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives.) The Board also considered RCW 36.70A, the Growth Management Act, the King County Comprehensive Plan, the City of Shoreline Comprehensive Plan, and other applicable state, regional, and local regulations and guidelines.

The Board is required by Washington law, to: (1) examine the record in its entirety (e.g., application materials; technical studies; fiscal studies; regulatory analyses; other documents, exhibits, statements and testimony); (2) determine the specific policies and guidelines applicable to the proposed action; (3) review and weigh these elements; and (4) take the action that best advances its statutory objectives.

In the process of deliberation and reaching its preliminary decision in the matter of File No. 2357, the Board found the following:

- The record for File No. 2357 contains sufficient documentation (e.g., legal analyses, technical reports, fiscal studies), evidence of community information programs, and certification of petitions and/or legislative action to complete its review of the Ronald Wastewater District Assumption.
- On the basis of the testimony, evidence, and exhibits presented at said hearing, and the matters on record in said File No. 2357, it is the decision of the Board to **approve** the action proposed in said **Notice of Intention**.
- The legal description of the Ronald Wastewater District is attached hereto and marked as "Exhibit I", together with a map showing the boundaries of the area herein marked as "Exhibit II."

II. FINDINGS

RCW 36.93.170 FACTORS AFFECTING THIS PROPOSAL

The Boundary Review Board finds, based upon the written record and oral testimony, that the following Factors (RCW 36.93.170) are applicable to the proposal for assumption of Ronald Wastewater District (District) by the City of Shoreline. The key issues related to each applicable element are as follows:

RCW 36.93.170 (1) POPULATION AND TERRITORY

The Board finds the following factors to be applicable: Population Density; Proximity to Other Populated Areas; Land Area/Land Uses; Comprehensive Land Use Plans; Topography, Natural Boundaries and Drainage Basins; Likelihood of Significant Growth in the Area During the Next Ten Years; and Population Density/Proximity to Other Populated Areas.

The record establishes that the existing City of Shoreline (and the overlying District) is defined as an urban area. The area under consideration for assumption is 7076 acres. The City – and the District which serves the jurisdiction – is characterized by a diverse, yet connected demography, economic characteristics, built communities, and natural environments.

Specifically, the City of Shoreline is generally unified with respect to its land area and its built community. It is substantially developed with single-family homes and multi-family residences. There is also sizeable commercial property within City of Shoreline District boundaries. Public facilities and open spaces are also present in these overlapping jurisdiction(s). Further the City (and, therefore, the overlying District) is linked by natural features such as topography, drainage basins, open space, and other ecosystems. The City of Shoreline Comprehensive Plan provides support for the natural environment through guidelines and regulatory controls.

The Shoreline Comprehensive Plan identifies Ronald Wastewater District (District) as lying within the City's Potential Assumption Area. The proposed assumption is consistent with City's Comprehensive Plan goals and policies which support inclusion of urban areas within the City for local governance. The City of Shoreline Comprehensive Plan recognizes the City's commitment and resources to assume the District. The City of Shoreline is prepared to provide wastewater services to the community under local, regional, and state standards. Assumption of the Ronald Wastewater District will allow implementation of consistent and coordinated service standards throughout the community.

The City of Shoreline assumption of the District will promote a stable (and/or increased) populace over time. Some continuing growth is anticipated over the next ten years. As such, the Shoreline Comprehensive Plan provides for growth at urban levels of density generally consistent with the existing built environment and the natural environment.

The City of Shoreline officials testified that they are committed to continue to work with citizens of the area to determine specific long range land use designations and zoning requirements for the community. The City will retain responsibility for land use management through the City's Comprehensive Plan and land use regulations. The record demonstrates that the City of Shoreline has established plans and standards for residential uses, commercial uses, as well as public facilities/open spaces permitted in the entire community (and served by the District) in a manner that is consistent with and support the proposed assumption of the District.

Upon assumption the City of Shoreline has made a commitment to continue to provide environmental review (including evaluation and regulation of environmentally sensitive areas) for the protection of areas. The City will support the preservation of environmentally sensitive areas through its Comprehensive Plan, Critical Areas Ordinance, open space preservation programs, storm water/flood control programs and various regional and state regulatory authorities. Shoreline has adopted the King County Surface Water Design Manual (2005) for provision of storm water management.

The State Growth Management Act (RCW 36.70A) also supports the City of Shoreline Assumption of the District. The proposed action is consistent with RCW 36.70A.020 which calls for assumption of urban areas into communities which can accommodate these areas through community planning goals, services, facilities, and infrastructure, and environmental preservation. (Please also see the following section: "Consistency with Growth Management Act.")

King County defines the entire proposed Ronald Wastewater District Assumption (7076 acres) as an Urban Growth Area. The proposed Assumption is consistent with the King County Comprehensive Plan and Countywide Planning Policies for assumption of and service to urban territories. (Please also see following section: "Consistency with King County Comprehensive Plan.")

RCW 36.93.170 (2) Municipal Services

The Board finds the following factors to be applicable: need for municipal services; effects of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; probable future need for such services; costs; effect on the finance, debt structure and contractual obligations; and prospects of government services from other sources, and rights of other affected governmental units.

The City of Shoreline (and the Ronald Wastewater District) are defined as urban communities that are substantially developed with residential uses, comprising single-family homes and multi-family dwelling units. Approximately 53,670 persons (53,440 persons after reduction for the Highlands Area) reside in the City (and, therefore, the District.) Sizeable commercial areas, public facilities (e.g., schools), and public open spaces are also located within the boundaries of the City. Thus, the City of Shoreline requires a full array of municipal services and facilities. Presently the City provides – directly or by contract – those municipal services necessary to support public health and welfare.

The City of Shoreline -- in anticipation of moving forward with this assumption -- commissioned an independent Fiscal Analysis from EES Consultants, *City of Shoreline Water & Wastewater Unification and Utilities Study (UUES)*, to address and examine current City function and structure with respect to these services. The UUES is a policy planning document that analyzes the anticipated effects of assumption of the District for the years 2013 – 2022. The Fiscal Analysis addresses immediate fiscal impacts as well as long term fiscal impacts to the community. The UUES considers both a full array of expenditures and various revenue streams upon the community.

The UUES examines various elements required for governance and service to the District. The UUES addresses City of Shoreline plans – together with fiscal resources – to govern and serve the community in a manner equivalent to governance and services provided to the existing municipality by the District. The UUES finds that a comprehensive range of public utilities, public facilities and public services are currently – and/or are planned -- to be provided to the residents and businesses now receiving services from the District as well as future customers in the City of Shoreline.

The UUES states that the City plans to address funding requirements for the provision of wastewater management services at rates consistent with those currently charged by the District. While the rates would remain constant, it is possible that there may be changes in the type of fees and/or taxes established to support wastewater management. The rates could be changed, however, in response to economic inflation or recession.

The City of Shoreline proposal for the assumption of the District— through the UU ESS and other documentation – is consistent with the authorities and criteria established in the Shoreline Comprehensive Plan and other regulatory authorities. For example, Shoreline's Comprehensive Plan establishes policies and standards for plans and programs to provide coordinated governance and comprehensive services to all properties within its corporate boundaries. Upon assumption, the City of Shoreline will serve the properties currently served by the District under unified regulatory authorities administered by a single local government unit.

The City of Shoreline testified that it is committed, under the provisions of the Interlocal Agreement (2002), to taking necessary steps to efficiently coordinate governance and service to the entire community under unified regulatory authorities administered by a single local government. The City of Shoreline and the District have agreed that the City is well-positioned (e.g., government standards and resources) to serve the municipality. The assumption of the District will further enhance the provision of essential public services.

The State Growth Management Act (RCW 36.70A) also supports the Ronald Wastewater District Assumption. The proposed action is consistent with RCW 36.70.020A which addresses community planning goals for urban growth, services and infrastructure, and environmental preservation. RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities. RCW 36.70A.110 (4) states that "(in) general, cities are the units of local government most appropriate to provide urban ... services." RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

King County supports the Ronald Wastewater District Assumption in its King County Comprehensive Plan/Countywide Planning Policies (CPP's). The CPPs, as noted above, identify cities as the appropriate providers of urban services within the UGA. The proposed assumption is consistent with policies calling for assumption of urban areas by local governments. The evidence shows that assumption will create a logical municipal service area. The City can provide more cohesive policies, standards, programs, coordinated operations, and efficient, economic control of services. Thus, services will be more effective, more efficient, and less costly to both government and citizens of the City of Shoreline.

RCW 36.93.170 (3) Effects of Proposal

The Board finds the factors of mutual economic and social interests, and local government structure effects to be applicable to the City of Shoreline Ronald Wastewater District assumption. The following is a brief review of key issues related to these factors.

The record demonstrates that the City of Shoreline shares mutual social and economic links with the overlying District. Utility services are coordinated under the aegis of regional service providers.

The City of Shoreline addresses the mutual social and economic factors relating to assumption of the District, in the independent fiscal analysis, UU ES, prepared by EES Consultants. The UU ES documents are reported to be based upon a plan to provide District citizens with governance, services and facilities equivalent to those systems provided to the existing City of Shoreline. The UU ES document offers a fiscal analysis of benefits and costs that the City would incur in providing immediate and long-term governance and service to Ronald Wastewater District as a part of the greater City of Shoreline. The UU ES examines impacts on cost and adequacy of services, finances, debt structure, and rights of other governmental units. The record demonstrates that UU ES provides reasonable assurance that existing and anticipated municipal funds will provide sufficient resources to ensure governance and service to the Ronald Wastewater District and to maintain services to communities in the City of Shoreline.

Assumption by the City of Shoreline of the District – based upon the reported sufficient level and type of necessary resources – is an appropriate, timely action that will permit citizens to participate in local governance by the City of Shoreline, to develop properties under City of Shoreline regulations, and to enjoy efficiently coordinated public services (e.g., water services, sewer services, policing, emergency services) from the City of Shoreline. The City is committed to taking the necessary steps (e.g., establishing funding, hiring staff members) to ensure equivalent levels of service for the Ronald Wastewater District both at current development and at estimated maximum development.

The City of Shoreline will be required to work with the Ronald Wastewater District to adopt Interlocal Agreements to ensure the ongoing provision of services and appropriate benefits (e.g., pensions) to both entities. The Boundary Review Board strongly encourages the City of Shoreline and Ronald Wastewater District to immediately move forward to work together under the existing Interlocal Agreement to ensure continuing wastewater management services to the City of Shoreline. There is testimony in the record indicating that negotiations are underway to achieve these Agreements.

The City of Shoreline reports that upon assumption, citizens will benefit from a governance system linking the District to the jurisdiction for land use planning, service planning, fiscal planning and planning for public amenities to serve the community. More specifically, Ronald Wastewater District residents would receive basic services, infrastructure, and facilities immediately upon assumption. The City would also provide for parks, surface water management facilities, and other similar facilities. Additional enhancements to levels of service would occur over time to address community interests and as permitted by available resources.

The quality of life for the City of Shoreline community would be improved by placing this entire area under a single municipal jurisdiction. Coordinated integration of citizens of the District into Shoreline would preserve social organization, support economic health, and protect public safety and welfare.

The State Growth Management Act (RCW 36.70A) also supports the Ronald Wastewater District Assumption. The proposed action is consistent with RCW 36.70A.020 which calls for assumption of urban areas into communities which can accommodate these areas through community planning goals, services, facilities, and infrastructure, and environmental preservation. (Please also see following section "Consistency with Growth Management Act.")

King County establishes all of the land within the proposed Ronald Wastewater District assumption (7076 acres) as an Urban Growth Area. King County Comprehensive Plan/Countywide Planning Policies encourage local governance of communities. Assumption of the Ronald Wastewater District is also consistent with the King County policies which call for transfer of urban lands – and service providers -- to local jurisdictions at the earliest feasible date.

King County Comprehensive Plan policies favor placing the District within the City of Shoreline for governance and service provision based upon social and economic connections.

Further, the assumption of Ronald Wastewater District by the City of Shoreline is consistent with the VISION 2040 regarding cities as the preferred providers of urban services, as noted above. This action will not affect the overall governmental structure of King County.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT

RCW 36.93.157 mandates that Boundary Review Board decisions must be consistent with three sections of the Growth Management Act:

- RCW 36.70A.020 Planning Goals
- RCW 36.70A.110 Urban Growth Areas
- RCW 36.70A.210 Countywide Planning Policies

The record demonstrates that assumption of Ronald Wastewater District by the City of Shoreline addresses Growth Management Act (GMA) criteria for governance of urban areas. This action is supported by RCW 36.70A requiring community planning goals for urban growth, services and infrastructure, and environmental preservation. The GMA calls for local jurisdictions to govern urban lands. GMA supports timely incorporation of urban lands to local jurisdictions.

Key Growth Management Act policies that guide the provision of public services and that are relevant to the proposed Ronald Wastewater District include:

- RCW 36.70A.020 (1) Urban Growth: Encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently.
- RCW 36.70A.020 (10) Environment: Protect and enhance the environment and quality of life.
- RCW 36.70A.020 (11) Citizen participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts.
- RCW 36.70A.020 (12) Public Facilities and services: Ensures that adequate public services and facilities are available to serve land developments.
- RCW 36.70A.110 (3) Directs urban growth to areas with existing or available public services and facilities.
- RCW 36.70A.110 (4) states that "(in) general, cities are the units of local government most appropriate to provide urban ...services."
- RCW 36.70A.110 (16) calls for each county to designate an urban growth area.
- RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

CONSISTENCY WITH THE KING COUNTY COMPREHENSIVE PLAN/ COUNTYWIDE PLANNING POLICIES

King County Comprehensive Plan/Countywide Planning Policies support the proposed City of Shoreline Assumption of Ronald Wastewater District (District.)

King County defines the proposed Assumption area as Urban Growth Area and its Potential Assumption Area (PAA.) The King County Plan establishes cities as the appropriate units to govern, develop, and serve Urban Areas. King County Comprehensive Plan policies call for near-term assumption of lands within the Urban Growth Area to facilitate governance and service.

Of key importance are the King County Comprehensive Plan policies that call for King County to work with cities to address transition of services to local jurisdictions. To that end, the proposed City of Shoreline Ronald Wastewater District Assumption complies with other established King County Comprehensive Plan/Countywide Planning Policies as well, including, but not limited to:

- FW-13: Cities are the appropriate providers of local urban services to Urban Areas.
- RF-5: Transitions from regional to local government are encouraged to take place in a timely manner and based upon interlocal agreements between appropriate jurisdictions.
- LU-37: Adjacent jurisdictions shall cooperate in developing consistent comprehensive plans.

Further, assumption is appropriate under Countywide Policy CO-1, when a jurisdiction has "identified and planned for (a) full range of urban services."

As proposed, the assumption would achieve considerable advancement of the goals established in the County Comprehensive Plan that promote local jurisdiction of urban growth areas.

CONSISTENCY WITH THE CITY OF SHORELINE COMPREHENSIVE PLAN

The Board finds that the City proposed Ronald Wastewater District assumption is consistent with the elements and criteria established in the City of Shoreline Comprehensive Plan. For example, Shoreline's Comprehensive Plan includes:

- Capital Facilities Goal (CF-I) seeks provision of adequate public facilitiesthrough prudent use of fiscal resources;
- Capital Facilities Goal (CF-III) provides for continuous, reliable, and cost effective capital facilities and public services in the City and its Urban Growth Area in a phased, , effective manner.
- Capital Facilities Goal (CF-18) calls for provision of public services in a manner that protects the natural environment. Capital Facilities Goal (CF-19) calls for the promotion of community involvement in capital facilities planning.
- Capital Facilities Goal (CF-19) calls for resolution of conflicts pertaining to level of service standards and improvement plans.

- Utilities Goal (U-II) calls for the City to pursue effective services to residents, including "potential assumption of the Ronald Wastewater District.
- Further, City officials have stated that the municipality is willing to undertake Assumption in order to govern and provide services to the Ronald Wastewater District in a manner that is equivalent to governance and the array of essential public services provided to the entirety of the City of Shoreline.

RCW 36.93.180 OBJECTIVES

The Boundary Review Board has considered RCW 36.93.180 (Objectives), with respect to the Ronald Wastewater District Assumption as follows:

RCW 36.93.180 (1) PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES

The Board finds that the City of Shoreline and Ronald Wastewater District is a "neighborhood" as that term is defined by case law (i.e., "either geographically distinct areas or socially... distinct groups of residents".) The District, as an overlying entity to the City, exhibits identical features that support its link with the City.

The record shows that the City of Shoreline and the overlying District within the boundaries of King County (by their virtually identical boundaries) share demographic, social, and economic profiles. Further, therefore, the communities share both built and natural geographic environments (e.g., array of land uses, open spaces, topography) and are linked by social fabric (e.g., similar residential and business developments, open spaces, community activities.)

Note: The assumption area within Snohomish County has a geographic and an historic connection to the District and the Shoreline community, a proposed Snohomish County Assumption of the District is an action proposed under a distinct and separate Notice of Intention.

The City of Shoreline Interlocal Agreement (2002) with the District currently includes the District in community planning programs to enable the City to guide growth and to provide coordinated services. Assumption will allow the City of Shoreline to guide synchronized wastewater management services in a manner which considers public health and welfare throughout the community.

Shoreline officials are committed to providing Ronald Wastewater District customers with a voice and a vote in planning for the future development of the built community and preservation of environmentally sensitive areas. Venues will be provided for citizens to observe and comment upon plans for the transition of the District to the City of Shoreline. Citizens can vote for City Councilmembers to select those individuals whom they believe to best support their preferred structure and goals(?) for wastewater management services.

The State Growth Management Act and King County Comprehensive Plan/Countywide Planning Policies support the City of Shoreline Assumption of Ronald Wastewater District. This action is consistent with other state, regional and local guidelines. King County has stated a preference for immediate assumption of urban areas to advance uniform governance for citizens of the Ronald Wastewater District.

The Board finds that assumption of the Ronald Wastewater District will preserve an existing, well-defined community and provide an appropriate connection to the greater City of Shoreline. As such, this action will advance preservation of natural neighborhoods and communities as defined in RCW 36.93.180 (1.)

RCW 36.93.180 (2) USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS

The Board finds that the proposed Ronald Wastewater District Assumption is based upon boundaries that primarily follow jurisdictional borders (which may coincide with physical boundaries.) There are also land

contours affecting and affected by land contours in light of the necessary connection of topography to the specific requirements for provision of wastewater services. As such, the assumption of the District would further the establishment of a cohesive community.

The record demonstrates that the assumption of the District advances the planning goals established by the State Growth Management Act for providing local governance to defined unincorporated urban territories.

The City assumption of the District advances progress toward coordinated, seamless provision of services by the Cities of King County and, therefore, is consistent with the King County Comprehensive Plan.

The Board finds that the City of Shoreline assumption of the Ronald Wastewater District will advance assumption of lands defined by physical boundaries (e.g., jurisdictional, social, boundaries) as set forth in RCW 36.93.180 (2.)

RCW 36.93.180 (3) CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS

The Board finds that the proposed Ronald Wastewater District assumption would create and preserve logical service areas throughout the City of Shoreline.

The record demonstrates that the City of Shoreline Comprehensive Plan (approved by the State of Washington) specifically establishes the Ronald Wastewater District for assumption by the jurisdiction. The assumption area within King County will preserve the District's logical service area, which largely coincides with the City's corporate boundaries.

The City's Comprehensive Plan establishes that the jurisdiction must govern and serve built lands and the natural environment. The City must also provide basic services and facilities (e.g., potable water, wastewater management, surface water management facilities, ground water facilities, and other facilities.) The City of Shoreline assumption of Ronald Wastewater District will enable planning, design, and implementation of efficient, consistent, consolidated wastewater management service programs throughout the greater community.

The City of Shoreline is required, pursuant to the Interlocal Agreement (2002) and various service contracts, to work with the District to establish Interlocal Agreements to ensure the ongoing provision of services and appropriate benefits to both entities. Negotiations are reportedly underway to achieve these goals pursuant to the 2017 Assumption. The Boundary Review Board strongly encourages the City of Shoreline and District to continue to move forward toward establishment of a transition plan for the anticipated assumption.

The City of Shoreline plans to develop a detailed future Capital Investment Program to ensure that the jurisdiction can provide basic levels of service and provide future improvements to levels of service as/if required over time to meet the needs/interests of the community and as permitted by available resources.

The City will endeavor to remain flexible in order to coordinate/fund improvements to the community. The City plans to take the necessary direct steps (e.g., seeking funding, hiring staff members) to ensure equivalent or better levels of service for the customers of the Ronald Wastewater District both at current development and at estimated maximum development. Coordinated governance and services should immediately benefit the citizens of the City of Shoreline.

In anticipation of the assumption, citizens of Shoreline will be notified of – and welcome to attend -- public meetings and to provide comments to the City of Shoreline. Following the assumption, citizens can vote for City Councilmembers who support their preferred structure and function for wastewater management services.

The State Growth Management Act identifies cities as the logical providers of local governance and urban services (RCW 36.70A.) For example, RCW 36.70A.020 (1) encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently. RCW 36.70A.020 (11) calls for citizen participation in the planning of a coordinated service system to ensure coordination

among communities/jurisdictions to reconcile conflicts. RCW 36.70A.020 (12) ensures that adequate public services and facilities are available to serve land developments. RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities. RCW 36.70A.110 (4) states that "(in) general, cities are the units of local government most appropriate to provide urban ... services." RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

King County Comprehensive Plan/Countywide Planning Policies and other County guidelines strongly support assumption of unincorporated urban areas such as the Ronald Wastewater District by local jurisdictions in order to provide citizens with more effective, efficient governance. The County testified it lacks sufficient resources to manage land uses or serve properties in these urban areas.

The Board finds that governance and service to the Ronald Wastewater District would be improved by placing this entire area under a single municipal jurisdiction for provision of public services. Services would be equal to or better than the services currently provided by the Ronald Wastewater District. As such, the assumption of Ronald Wastewater District to the City of Shoreline advances the creation and preservation of logical services areas consistent with RCW 36.93.180 (3.)

RCW 36.93.180 (4) PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES

The Board finds that assumption of the Ronald Wastewater District by the City of Shoreline would provide a reasonable and essentially regular boundary owing to the fact the City of Shoreline boundaries within King County are virtually identical to the District boundaries in King County.

The record demonstrates that the District boundaries are generally geometric in form and coincide with the established Urban Growth Area and with the boundaries of the City of Shoreline.

Note: The Assumption area within Snohomish County has a geographic and an historic connection to the District and the Shoreline community, a proposed Snohomish County Assumption of the District is an action proposed under a distinct and separate Notice of Intention.

Further, the State Growth Management Act and the King County Comprehensive Plan/Countywide Planning Policies encourage the assumption of urban unincorporated areas into a local jurisdiction. The Ronald Wastewater District is considered to be appropriate for assumption to the City of Shoreline so that the community would benefit from more effective local governance including coordinated wastewater management services.

The Board finds that assumption of Ronald Wastewater District to Shoreline achieves the boundaries necessary to facilitate coordinated land uses and provide for more effective, efficient services to the community and therefore would be consistent with RCW 36.93.180 (4.)

RCW 36.93.180 (5) DISCOURAGEMENT OF MULTIPLE INCORPORATIONS

The Board finds that the State Growth Management Act and the King County Comprehensive Plan encourage governance of urban areas by local jurisdictions.

The record demonstrates that assumption to achieve local governance is consistent with this Objective preferred over incorporation of multiple jurisdictions. Assumption of the District by the City of Shoreline, in order to establish a single jurisdiction for service provision, is preferred over retaining the District as a separate jurisdiction.

The Board finds that assumption of Ronald Wastewater District to the City of Shoreline would, therefore, be consistent with RCW 36.93.180 (5.)

RCW 36.93.180 (6) DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS

RCW 36.93.180 (6) is not applicable to File No. 2357.

RCW 36.93.180 (7) ADJUSTMENT OF IMPRACTICAL BOUNDARIES

The Board finds that the Assumption of Ronald Wastewater District to the City of Shoreline would create more reasonable and practical boundaries necessary to achieve coordinated governance of the community.

Assumption will result in more practical boundaries for the provision of coordinated public facilities and services that, in turn, will support effective local governance, directed planning activities and preservation of environmentally sensitive areas.

The Board finds that assumption of Ronald Wastewater District to the City of Shoreline would, therefore, be consistent with RCW 36.93.180 (7.)

RCW 36.93.180 (8) INCORPORATION AS CITIES OR ANNEXATION TO CITIES OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER

The Board finds that the proposed City of Shoreline assumption of Ronald Wastewater District is based upon the designation of this territory within the Urban Growth Area established by the State Growth Management Act and the King County Comprehensive Plan. The City of Shoreline Comprehensive Plan also designates Ronald Wastewater District as "Urban."

The record demonstrates that the City of Shoreline assumption of the District will promote uniform governance, development, and services appropriate for this urban territory. Coordinated governance and services should immediately benefit District customers. In conjunction with the planning of the assumption for 2017, citizens will be notified of – and may be invited to participate in the planning of – the completion of the transition of wastewater management from the City to the District.

The Board finds that assumption of Ronald Wastewater District to the City of Shoreline is consistent with RCW 36.93.180 (8.)

RCW 36.93.180 (9) PROTECTION OF AGRICULTURAL AND RURAL LANDS FOR LONG TERM PRODUCTIVE AGRICULTURAL/RESOURCE USE

RCW 36.93.180 (9) is not applicable to File No. 2357 as the Ronald Wastewater District lies in the Urban Growth Area as established for King County.

III. BOUNDARY REVIEW BOARD FINDINGS AND DECISIONS

The Boundary Review Board conducted review and deliberation of File No. 2357 based upon the record of written documents and oral testimony, in keeping with applicable state, regional and local regulations. The Board focused upon RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); King County Comprehensive Plan/Countywide Policies; City of Shoreline Comprehensive Plans, RCW 35.13 (Assumption of Cities); and other relevant regulations and guidelines.

As prescribed by statutory mandate, the Boundary Review Board considered the following options:

- Ronald Wastewater District assumption could be approved as submitted by the City of Shoreline, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan, City of Shoreline Comprehensive Plan.)
- Ronald Wastewater District assumption could be modified, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan, Shoreline Comprehensive Plan.)
- Ronald Wastewater District assumption could be denied in its entirety if assumption is found to be inconsistent with RCW 36.93 and other applicable regulations (e.g., Chapter 36.70A RCW, King County Comprehensive Plan, City of Shoreline Comprehensive Plan.)

The Boundary Review Board finds that the record for File No. 2357 is detailed and extensive. Affected parties have provided substantial materials supporting their positions or questioning the position of their counterparts. The Board finds that the City of Shoreline's proposed assumption of the Ronald Wastewater District is consistent with the provisions of Chapter 36.93 RCW, 36A.70 RCW, the King County Comprehensive Plan, the City of Shoreline Comprehensive Plan, and other applicable state, regional, and

local standards. By way of example, but not limitation:

- **RCW 36.93:** The Board finds that the City of Shoreline assumption of the Ronald Wastewater District achieves criteria established in RCW 36.93.170 with respect to factors including, but not limited to: population, territory, comprehensive planning, land uses, natural environment, municipal service needs and service resources, effects upon finances, debt structure, and contractual obligations, and mutual social and economic needs of the local governmental structure.
- **RCW 36.93:** The Board finds that the Ronald Wastewater District assumption advances the criteria established in RCW 36.93.180 as follows:

RCW 36.93	RONALD WASTEWATER DISTRICT (7076 ACRES)
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ADVANCES CRITERION AS ASSUMPTION INCLUDES PROPERTIES IN A NATURAL, WELL-DEFINED COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES	ADVANCES CRITERION AS ASSUMPTION IS CONSISTENT WITH ESTABLISHED BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES CRITERION AS SHORELINE CAN SERVE ENTIRE AREA TO PROTECT PUBLIC HEALTH AND WELFARE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ADVANCES CRITERION AS REGULAR BOUNDARIES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	ADVANCES CRITERION AS A SINGLE JURISDICTION IS PREFERRED TO ENSURE A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ADVANCES CRITERION AS PRACTICAL BOUNDARIES ARE CREATED TO SUPPORT A UNIFIED COMMUNITY AND TO STREAMLINE SERVICE PROVISION
OBJECTIVE 8 – INCORPORATION ...OR ASSUMPTION TO CITIES OF UNINCORPORATED URBAN AREAS	ADVANCES CRITERION AS SIGNIFICANT DESIGNATED URBAN AREA WILL BE INCORPORATED INTO A SINGLE LOCAL JURISDICTION
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS ...	DOES NOT APPLY

- **State Growth Management Act (Chapter 36.70A RCW)** policies call for logical and orderly growth. RCW 36.93.157 mandates that Boundary Review Board decisions must be consistent with the Growth Management Act, including, but not limited to the following key provisions of the Act:
 - RCW 36.70A.020 Planning Goals
 - RCW 36.70A.110 Urban Growth Areas
 - RCW 36.70A.210 Countywide Planning Policies

The Board finds that assumption of Ronald Wastewater District advances the provisions of the RCW 36.70A by providing for effective local governance to the overlying urban community.

- **King County Comprehensive Plan/Countywide Policies:** The King County Comprehensive Plan/Countywide Policies contemplate logical and orderly growth of communities. These County plans support local governance (including provision of public services) to assure balanced, sound, cost-effective governance for this community.

The Board finds that the proposed Ronald Wastewater District assumption achieves the provisions of the King County Comprehensive Plan/Countywide Policies. Assumption of the Ronald Wastewater District would accomplish the balance that the County seeks from assumption of urban areas into local communities.

- City of Shoreline Comprehensive Plan: The City of Shoreline Comprehensive Plan also plans for logical and orderly growth of this community. City plans support local governance, including provision of urban services, to ensure balanced, sound, cost-effective governance for this community.

The Board finds that the proposed Ronald Wastewater District Assumption achieves the provisions of the City of Shoreline Comprehensive Plan. Assumption of the Ronald Wastewater District will accomplish that balance that the City seeks from assumption of urban areas into local communities.

IV. CONCLUSION

The Boundary Review Board finds that approval of the Ronald Wastewater District assumption to the City of Shoreline advances the standards established in RCW 36.93. (Local Governments – Boundaries – Review Boards), the State Growth Management Act (RCW 36.70A), King County Comprehensive Plan, the City of Shoreline's Comprehensive Plan, and other state and local guidelines for incorporation of urban areas.

The Boundary Review Board finds that approval of the City of Shoreline Notice of Intention to assume the Ronald Wastewater District is timely based upon the City of Shoreline's current and future commitment to guide development and provide municipal services to this area.

The Board finds that the City of Shoreline Ronald Wastewater District assumption will enable the City to provide a harmonious, efficient plan for the governance of the built community, preservation of the environment, and protection of the public health and safety of the citizens.

(Note: Under state law, the City of Shoreline must adopt an Ordinance or Resolution affirming the Ronald Wastewater District Assumption following action by the Boundary Review Board. Under state law, the City must confirm the action as approved by the Boundary Review Board. Alternatively, the Council may decide not to pursue the action. However, the City cannot modify the boundaries that have been approved by the Boundary Review Board.)

NOW, THEREFORE,

BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY THAT, for the above reasons, the action proposed in the Notice of Intention contained in said File No. 2357 be, and the same is, hereby **approved** as described in Exhibits attached hereto and incorporated herein by reference.

ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY by a vote of 8 in favor, 0 in opposition, and 0 abstentions, on this 19 day of September, 2014, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY


Mary Lynne Evans, Acting Chair

FILED this 19 day of September, 2014 BY:

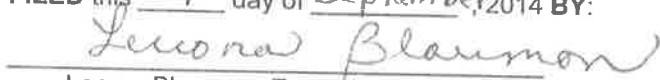

Lenora Blauman, Executive Secretary

Exhibit B

BEFORE THE STATE OF WASHINGTON BOUNDARY REVIEW
BOARD FOR SNOHOMISH COUNTY

In re:

CITY OF SHORELINE PROPOSED
ASSUMPTION OF RONALD
WASTEWATER DISTRICT WITHIN
SNOHOMISH COUNTY

BRB NO. 04-2014
FINDINGS AND DECISION

DECISION SUMMARY

The City of Shoreline's proposed assumption of the Ronald Wastewater District within Snohomish County (BRB No. 04-2014) is hereby **DENIED**.

PROCEDURAL HISTORY

On May 28th, 2014, the City of Shoreline (the "City") filed a notice of intention with the Washington State Boundary Review Board for Snohomish County (the "Board") proposing an assumption of Ronald Wastewater District within Snohomish County. The City authorized initiation of the assumption by Shoreline Ordinance No. 681.

The Board's jurisdiction was invoked by Snohomish County on July 7, 2014, Olympic View Water and Sewer District on July 8, 2014 and the Town of Woodway on July 9, 2014.

HEARING

1
2 On August 28, 2014, a quorum of the Board held a public hearing in public
3 meeting rooms 1 & 2 on the first floor of the Robert J. Drewel Building, 3000
4 Rockefeller Avenue, Everett, WA. Notice of the hearing was given pursuant to
5 RCW 36.93.160. During the hearing, the Board heard testimony from
6 representatives of the City, Snohomish County, Olympic View Water and Sewer,
7 the Town of Woodway, Ronald Wastewater District, The Committee of Elected
8 Officials for the Ronald Wastewater District Assumption, Alderwood Water and
9 Wastewater District, The City of Edmonds and members of the public. The Board
10 considered all written materials and other evidence that was timely submitted to the
11 Board, including but not limited to the notice of intention and attachments,
12 supplemental documentation submitted by the City, materials from Snohomish
13 County, and items submitted by Olympic View Water and Sewer, The Town of
14 Woodway, other affected governmental entities and Citizens.
15
16

17 Following testimony from all parties of record, the public hearing was closed
18 and a meeting was set for deliberation and decision by the Board for September 4,
19 2014.

20 The Board convened on September 4, 2014 to discuss the factors identified
21 in RCW 36.93.170, the objectives stated in RCW 36.93.180, and the Board's
22 authority under chapter 36.93 RCW, as applied to the proposed assumption.
23

24 On September 11, 2014, the Board met again at the same location to enter
25 and file its written decision as set forth herein.

DISCUSSION

1
2 Following the closure of the public hearing on August 28th, 2014, the Board
3 discussed the assumption proposal, pertinent testimony, and other evidence in the
4 record and reached a unanimous decision to deny the assumption at the meeting
5 of the Board on September 4th, 2014. In denying the assumption, the Board, as
6 discussed more fully below, considered all of the factors identified in RCW
7 36.93.170 and the objectives of RCW 36.93.180 and determined its decision is
8 consistent with the growth management act pursuant to RCW 36.93.157.
9

A. FACTORS

10
11
12 The Board considered and discussed the factors identified in RCW
13 36.93.170. The Board found that the City's notice of intention did not adequately
14 address the relevant statutory factors to support its proposal to assume this area.
15

16 The Board specifically considered the absence of an Interlocal agreement
17 between the City of Shoreline and Snohomish County to plan and provide cross
18 county wastewater service by the City. Citizen participation is also a factor that the
19 board discussed if the assumption was to occur. The citizens in Snohomish County
20 would not have the opportunity to vote in regards to the service rates and the
21 officials elected in this wastewater district. The Snohomish County Council Motion
22 10-185 (Exhibit A) that specifically addresses Ronald Wastewater and the sale,
23 assignment or transfer thereof is also a factor that the Board considered in making
24 a decision. No evidence was presented that indicated the Council had approved
25 the sale, assignment or transfer thereof as Motion 10-185 requires.

1 B. OBJECTIVES

2
3 The Board considered each of the nine (9) objectives set forth in RCW
4 36.93.180 and whether each objective is applicable to this assumption, and if so,
5 whether it would be hindered or furthered.

6 1. Preservation of Natural Neighborhoods and Communities. The Board
7 determined that this objective is hindered.

8 2. Use of Physical Boundaries, Including But Not Limited to Bodies of
9 Water, Highways, and Land Contours. The Board determined that this objective
10 does not apply.

11
12 3. Creation and Preservation of Logical Service Areas. The Board
13 determined that this objective is hindered.

14 4. Prevention of Abnormally Irregular Boundaries. The Board
15 determined that this objective does not apply.

16 5. Discouragement of Multiple Incorporations of Small Cities and
17 Encouragement of Incorporation of Cities in Excess of Ten Thousand Populations
18 in Heavily Populated Urban Areas. The board determined that this objective does
19 not apply.

20
21 6. Dissolution of Inactive Special Purpose Districts. The Board
22 determined that this objective does not apply.

23 7. Adjustment of Impractical Boundaries. The Board determined this
24 objective does not apply.

1 Adopted by the Washington State Boundary Review Board for Snohomish
2 County by a vote of 5 to 0 this 11th day of September, 2014.
3

4 WASHINGTON STATE BOUNDARY REVIEW BOARD
5 FOR SNOHOMISH COUNTY

6 
7 _____

8 Dennis Kendall, Chair
9

10 FILED THIS 11th day of September, 2014.

11 
12 _____

13 Heidi Turner, Clerk of the Board
14

15
16 NOTICE

17
18 Pursuant to RCW 36.93.160(5), this decision shall be final and conclusive
19 unless within thirty (30) days from the date of this decision a governmental unit
20 affected by the decision or any person owning real property or residing in the area
21 affected by the decision files a notice of appeal in the Superior Court.
22
23
24
25

Exhibit A

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



CO00040491

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

From: **Tom McCormick** tommccormick@mac.com
Subject: **Comprehensive Plan Amendment #8 and 4,000 ADTs**
Date: **December 12, 2016 at 4:14 PM**



To: **Mayor Chris Roberts** croberts@shorelinewa.gov, **Deputy Mayor Shari Winstead** swinstead@shorelinewa.gov, **Keith Scully** kscully@shorelinewa.gov, **Doris McConnell** dmcconnell@shorelinewa.gov, **Will Hall** whall@shorelinewa.gov, **Jesse Salomon** jsalomon@shorelinewa.gov, **Keith McGlashan** kmcglashan@shorelinewa.gov
Cc: **Debbie Tarry** dtarry@shorelinewa.gov, **Kendra Dedinsky** kdedinsky@shorelinewa.gov, **Bill Willard** bill@billwillard.com, **John John** JJohn@GrahamDunn.com, **Tom Mailhot** tmailhot@frontier.com, **Jerry Patterson** jerryapat08@gmail.com, **Tom McCormick** tommccormick@mac.com

Councilmembers:

Councilmember Scully apparently will be proposing tonight to amend the first phrase of Amendment #8 to read as follows:

"Adopt a volume to capacity ratio (V/C) ratio of 0.65 or lower to match an Average Daily Trip rate (ADT) of 4,000 trips for Richmond Beach Drive north of NW 196th Street."

We support Councilmember Scully's proposal.

The 4,000 ADT limit in the Point Wells Subarea Plan is a duly adopted limit that remains in effect. Councilmember Scully's proposal ensures that no other standard that the City might adopt will allow traffic volume to exceed the 4,000 ADT limit. As stated in Resolution 377, passed by the City Council in 2015,

"the current 4,000 daily traffic volume limit remains in full force and effect until such time that Policy PW-12 in the Point Wells Subarea Plan is amended by the Council to increase or remove the 4,000 daily traffic volume limit. ... Until such time as policy PW-12 of the Point Wells Subarea Plan is repealed or amended by the City Council, the City shall not take any action or enter into any agreement, arrangement, or understanding that is inconsistent with the 4,000 vehicle trips per day limit set out in PW-12"

(Please note that there is nothing in either the Point Wells Subarea Plan or in the 2013 Memorandum of Understanding that requires the City Council to take action to increase the 4,000 ADT limit.)

Internal Consistency

Under State law, a comprehensive plan must be "an internally consistent document." RCW 36.70A.070 and WAC 365-196-400.

Councilmember Scully's proposal assures that any V/C ratio that the City adopts for Richmond Beach Drive will be consistent with the existing 4,000 ADT limit, thereby satisfying the internal consistency requirement of RCW 36.70A.070 and WAC 365-196-400.

Without Councilmember Scully's proposal, Amendment # 8 would violate State law. It would be inconsistent with the current 4,000 ADT limit for Richmond Beach Drive.

External Consistency

Under State law, a comprehensive plan must "be coordinated with, and consistent with, the comprehensive plans ... of other counties or cities with which the county or city has, in part, common borders or related regional issues." RCW 36.70A.100.

Councilmember Scully's proposal assures that any V/C ratio that the City adopts for Richmond Beach Drive will be consistent with the existing LOS "A" that the Town of Woodway has adopted for its roadways, which the Town interprets as being no more than 273 vehicles per hour. A 273 vehicles-per-hour limit is roughly equivalent to 4,000 ADTs.

Without Councilmember Scully's proposal, Amendment # 8 could allow more than 4,000 ADTs on Richmond Beach Drive, violating the external consistency requirement of RCW 36.70A.100.

City's Right to Regulate its Roads

The City "has absolute control" over its streets. Mackie v. Seattle, 19 Wn. App. 464 (Wash. Ct. App. 1978). As stated by City staff:

"The City has a great deal of control over its streets and has the authority to implement a number of regulatory controls. ... Under Washington law, it appears the City can regulate and restrict traffic on its streets if, for any reason, unrestricted use or continued use by vehicles will damage city streets, be dangerous to traffic, impede street maintenance and in some cases affect the quality of life in the area." Staff Report presented to the City Council on Jan. 12, 2015.

RCW 35.22.280(7) gives cities the power to establish and improve streets, "and to regulate and control the use thereof." As stated in Mackie (above), "this statute has been interpreted to grant a city both "the exclusive control of [its] streets," and the power to regulate "their use in a reasonable manner." Schoenfeld v. Seattle, 265 F. 726, 730 (W.D. Wash. 1920)."

Given the broad brush of RCW 35.22.280(7), the City Council has complete power to mandate that any V/C standard for Richmond Beach Drive "must match [or not exceed] an Average Daily Trip rate (ADT) of 4,000 trips." But more than that, given the internal and external consistency requirements discussed above, I believe that the City has an affirmative duty to ensure that any V/C standard for Richmond Beach Drive "must match [or not exceed] an Average Daily Trip rate (ADT) of 4,000 trips."

11/03/16
"Core Plan text"
"adopted"
TMP 11/14

Wenham Beach Drive must match (or not exceed) an Average Daily Trip Rate (ADTR) of 4,000 trips.

Thank you in advance for voting to approve Councilmember Scully's proposed amendment to Amendment #8.

Tom McCormick

From: **Tom McCormick** tommccormick@mac.com
Subject: **Re: Deleting Amendment #8 and the 0.65 V/C ratio**
Date: **December 9, 2016 at 3:48 PM**



To: **Debbie Tarry** dtarry@shorelinewa.gov
Cc: **Mayor Chris Roberts** croberts@shorelinewa.gov, **Deputy Mayor Shari Winstead** swinstead@shorelinewa.gov, **Keith Scully** kscully@shorelinewa.gov, **Doris McConnell** dmccConnell@shorelinewa.gov, **Will Hall** whall@shorelinewa.gov, **Jesse Salomon** jsalomon@shorelinewa.gov, **Keith McGlashan** kmcglashan@shorelinewa.gov, **Kendra Dedinsky** kdedinsky@shorelinewa.gov, **Bill Willard** bill@billwillard.com, **John John** JJohn@GrahamDunn.com, **Tom Mailhot** tmailhot@frontier.com, **Jerry Patterson** jerryapat08@gmail.com, **Tom McCormick** tommccormick@mac.com

Debbie,

Thanks for reaching out to me.

Your email (below) does not change our position. In fact, your point that Amendment #8 does not adopt a specific V/C ratio is a big part of what concerns us. With Amendment #8, we could end up with a V/C ratio of 0.65, 0.60, 0.40, or some other value that is totally inconsistent with the 4,000 ADT limit.

The Point Wells Subarea Plan contains a 4,000 ADT limit for Richmond Beach Drive. It was duly adopted after careful consideration by the Planning Commission and the City Council, with guidance and approval by then City Attorney Sievers. On Jan. 20, 2011, the Planning Commission held a Public Hearing on the 4,000 ADT limit that lasted nearly three hours; the meeting minutes are 15 pages long. The Commission voted unanimously to recommend approval of the 4,000 ADT limit. Then on Feb. 14, 2011, after due deliberation, the City Council voted 6-0 to approve the 4,000 ADT limit.

We oppose any effort that could erode or dilute the 4,000 ADT limit. The City Council expressed a similar stance in support of the 4,000 ADT limit when it passed Resolution 377 last year.

As I stated in my Wednesday email to Councilmembers, "Amendment #8 could be salvaged: We would not object to employing a V/C standard on Richmond Beach Drive as a supplemental LOS, if it results in limiting traffic on Richmond Beach Drive to 4,000 ADTs. The way the math works, my guess is that the V/C ratio would need to be around 0.27-0.30; staff could calculate the exact ratio."

Thank you.

Tom McCormick

On Dec 9, 2016, at 12:40 PM, Debbie Tarry <dtarry@shorelinewa.gov> wrote:

Tom –

I just want to make sure that you understand that the language of Amendment #8 does not adopt a specific V/C ratio – the language is still a Policy – “Adopt a volume to capacity ratio (V/C) of 0.65 or lower for Richmond Beach Drive north.....” Adopting a specific V/C ratio would be part of a future update to the City’s Transportation Master Plan.

I think there may be some confusion that we are adopting a specific V/C ratio at this time. I will agree that the discussion has been that staff would recommend a 0.6 to 0.65 V/C – but that is not what is happening under the language of the amendment. Just want to make sure we are on the same page. It may not change your position, but wanted to clarify.

Let me know.

Debbie Tarry
City Manager
City of Shoreline
17500 Midvale Ave N.
Shoreline, WA 98133

From: Tom McCormick [<mailto:tommccormick@mac.com>]

Sent: Wednesday, December 07, 2016 9:57 AM

To: Chris Roberts; Shari Winstead; Doris McConnell; Will Hall; Keith McGlashan; Jesse Salomon; Keith Scully

Cc: Debbie Tarry; Margaret King; Kendra Dedinsky; Tom Mailhot; Tom McCormick; Bill Willard; Jerry Patterson; John John

Subject: Deleting Amendment #8 and the 0.65 V/C ratio

Dear Councilmembers:

At Monday night's meeting, City staff asked you to support its Amendment #8 to the Comprehensive Plan, which would add to the Point Wells Subarea Plan, "a volume to capacity ratio (V/C) ratio of 0.65 or lower for Richmond Beach Drive north of NW 196th Street."

At the meeting, Councilmember Scully suggested that Amendment #8 be deleted. Presumably, Councilmember Scully's suggestion will be presented as a formal amendment to delete Amendment #8. Please join Councilmember Scully, and vote to delete Amendment #8.

I. The proposed 0.65 V/C ratio is inconsistent with the current 4,000 ADT limit for Richmond Beach Drive

In the Point Wells Subarea Plan, there is currently a 4,000 average daily trip (ADT) limit for Richmond Beach Drive.

The Staff Report discussing the City's proposed 0.65 V/C ratio (page 9b-13) has misled you into believing that, "this [0.65 V/C] supplemental LOS standard is generally consistent with the previously established 4,000 ADT cap." This is simply not true. A 0.65 V/C ratio for Richmond Beach Drive would allow nearly 10,000 ADTs — a staggering 2-1/2 times the current limit of 4,000 ADTs. Contrary to what staff has told you, the proposed 0.65 V/C standard in Amendment #8 is totally inconsistent with the current 4,000 ADT limit, and thus, Amendment #8 should be deleted.

In addition to the above, please note that Amendment #8 would violate Resolution 377, which Council adopted on September 21, 2015: "Until such time as policy PW-12 of the Point Wells Subarea Plan is repealed or amended by the City Council, the City shall not take any action or enter into any agreement, arrangement, or understanding that is inconsistent with the 4,000 vehicle trips per day limit set out in PW-12"

Current City staff has stated that a V/C ratio is generally more defensible than the 4,000 ADT hard cap, but has not offered any proof in that regard. It hasn't offered a single example where a hard cap ADT limit has been found to be unenforceable by either the Growth Management Hearing Board (GMHB) or by a Washington court. Keep in mind that prior staff recommended the 4,000 ADT limit (not to mention an 8,250 ADT cap before that), and that the City Council adopted the 4,000 ADT limit (in 2011), and the 8,250 ADT limit before that (in 2010).

Amendment #8 could be salvaged: we would not object to employing a v/c standard on Richmond Beach Drive as a supplemental LOS, if it results in limiting traffic on Richmond Beach Drive to 4,000 ADTs. The way the math works, my guess is that the V/C ratio would need to be around 0.27-0.30; staff could calculate the exact ratio.

II. Inconsistency with Town of Woodway's Comprehensive Plan

The Town of Woodway's Comprehensive Plan, updated June 2015, includes a policy TP-11, "To maintain the Town's adopted Level of Service standard A, as described in the Highway Capacity Manual. This applies to all movements at all intersections and driveways onto Town streets." The Town's Comprehensive Plan states that the Town has "determined that one vehicle turning onto a street from a side street or driveway would experience a LOS less than A if the two-way major street volume exceeds 273 vehicles per hour. Thus, an equivalent corridor LOS can be maintained as long as volumes do not exceed 273 vehicles per hour."

The Town's 273 vehicles-per-hour limit applies to all of the Town's streets, including the portion of Richmond Beach Drive that is within the Town's jurisdiction.

A 273 vehicles-per-hour limit is roughly equivalent to 4,000 ADTs, the City's limit for Richmond Beach Drive. If the City were to adopt a V/C ratio or other standard that would allow more than 4,000 ADTs on Richmond Beach Drive, that would violate the consistency requirement of RCW 36.70A.100, and be subject to challenge. RCW 36.70A.100 reads as follows:

"Comprehensive plans—Must be coordinated.

The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with which the county or city has, in part, common borders or related regional issues."

Summary

For all of the above reasons, please delete Amendment #8 and refuse to adopt the City's proposed 0.65 V/C ratio for Richmond Beach Drive.

As Amendment #8 concerns Point Wells and would amend the Point Wells Subarea Plan, I trust that Deputy Mayor Winstead will be recusing herself from the vote on Amendment #8.

Thank you.

Tom McCormick