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

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

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

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

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

DISCUSSION

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

A. FACTORS

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

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

B. OBJECTIVES

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

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

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

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

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

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

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

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

8. Incorporation of Cities or Towns or Annexation to Cities or Towns of Unincorporated Areas Which Are Urban in Character. The Board determined that this objective does not apply.

9. Protection of Agricultural and Rural Lands. The Board determined this objective does not apply.

DECISION

NOW THEREFORE, the Board finds:

1. The jurisdiction of the Board was properly invoked and the Board has jurisdiction over this matter.
2. Overall, the objectives of RCW 36.93.180 that are most pertinent to the proposal would be hindered by the assumption.
3. A decision to deny the proposed assumption is consistent with RCW 36.70A.020, RCW 36.70A.110, and RCW 36.70.210

Based upon the above findings, a motion was made, seconded and passed on a vote of 5:0 to **Deny** the City's proposed assumption of Ronald Wastewater within Snohomish County.

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

WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY

Dennis L Kendall

Dennis Kendall, Chair

FILED THIS 11th day of September, 2014.

Heidi Turner

Heidi Turner, Clerk of the Board

NOTICE

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

FINALIZED
SNOHOMISH COUNTY COUNCIL
9/17/14 D.9
Randy Reed
ASST. CLERK OF THE COUNCIL

Exhibit A

CO00040491

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 10-185

CONCERNING APPROVAL OF THE RONALD WASTEWATER DISTRICT
2010 COMPREHENSIVE SEWER PLAN

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

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

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

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

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

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

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

NOW, THEREFORE, ON MOTION:

A. The county council finds that the proposed Ronald Wastewater District's Comprehensive Sewer Plan, dated January 2010, is in general compliance with the applicable criteria for approval prescribed in RCW 57.16.010.
B. The Snohomish County Council approves the Ronald Wastewater District's Sanitary Sewer Comprehensive Plan, dated February 2010, based on the foregoing plus review of the entire record and pursuant to RCW 57.16.010(6), subject to the following conditions:

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

2. The land use map (Figure 3.1) in the plan should be revised when the Urban Centers designation approved by the Snohomish County Council has taken effect.

PASSED this 14th day of April, 2010.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Dave Somers

Council Chair

ATTEST:

Barbara Ritorski

Asst. Clerk of the Council

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