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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. 02-2017
FINDINGS AND DECISION

DECISION SUMMARY

The City of Shoreline's proposed assumption of the Ronald Wastewater District within Snohomish County (BRB No. 02-2017) is hereby **DENIED**.

PROCEDURAL HISTORY

On February 17, 2017, the Washington State Boundary Review Board for Snohomish County ("the Board") received from the City of Shoreline ("Shoreline") a Notice of Intention ("NOI") proposing the assumption of Ronald Wastewater District ("Ronald") within Snohomish County. Shoreline authorized re-initiation of the assumption by Ordinance No. 681 and the filing of the NOI with the Boundary

1 Review Board with Resolution No. 398.¹ The NOI was filed legally sufficient on
2 March 16, 2017 and assigned the BRB File No. 02-2017.

3 The Board's jurisdiction was invoked by Shoreline on March 16, 2017.
4 Jurisdiction was also invoked by Snohomish County (also "the County") on April 26,
5 2017, by Olympic View Water and Sewer District ("Olympic View") on April 26, 2017,
6 and by the Town of Woodway ("Woodway") on April 27, 2017.² Written materials
7 were submitted by the parties to the Chief Clerk by the May 30, 2017, due date.
8 Written materials were distributed to the parties by the Chief Clerk by the June 2,
9 2017 due date.
10

11 HEARING

12 On June 15, 2017, a quorum of the Board held a public hearing in public
13 meeting rooms 1 & 2 on the first floor of the Robert J. Drewel Building, 3000
14 Rockefeller Avenue, Everett, WA. Notice of the hearing was given pursuant to RCW
15 36.93.160. At the opening of the hearing on June 15, 2017, Board Chairman Brian
16 Lambert announced that Board Vice Chairman Henry Veldman had recused himself
17 due to a conflict of interest.
18

19 During the June 15, 2017, hearing, the Board heard testimony from
20 representatives of Shoreline, the County, Olympic View, Woodway, Ronald, North
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23 ¹ On September 11, 2014, the Board denied Shoreline's previous proposed assumption of Ronald
24 (BRB No. 04-2014).

25 ² The invocation of jurisdiction by Olympic View and Woodway was made subject to Woodway's
26 objection to the Board's determination that Shoreline's NOI was legally sufficient. On April 6, 2017,
the Board affirmed that the NOI was legally sufficient. The Board reiterated this fact at the hearing.

1 City Water District, and members of the public. The Board considered all written
2 materials and other evidence that was timely submitted to the Board, including but
3 not limited to: the NOI and attachments; supplemental documentation submitted by
4 Shoreline; and materials submitted by the County, Olympic View, Woodway, and
5 other affected governmental entities and citizens. Supplemental documentation was
6 also submitted to the Board at the hearing by Shoreline, Woodway, Olympic View,
7 Ronald, and King County.

8
9 Following testimony from parties of record, the public hearing was continued
10 to Thursday, June 22, 2017.

11 On June 22, 2017, the Board heard additional testimony from representatives
12 of Shoreline, Olympic View, the County, Woodway, King County, Ronald, and
13 members of the public. Additional supplemental documentation was submitted to the
14 Board at the June 22, 2017, continued hearing. Although supplemental
15 documentation was submitted into the record, the Board was not able to review all
16 supplemental documentation prior to deliberations on June 22, 2017.

17
18 Following testimony from all parties of record and after affording time for
19 public comment, the public hearing was closed. The Board proceeded to deliberate
20 and discuss the factors identified in RCW 36.93.170, the objectives stated in RCW
21 36.93.180, the proposed actions consistency with the Growth Management Act as
22 stated in RCW 36.93.157, and the Board's authority under chapter 36.93 RCW, as
23 applied to the proposed assumption.
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1 On Tuesday, July 11, 2017 the Board met again at the same location to enter
2 and file its written decision as set forth herein.

3 DISCUSSION

4 At the conclusion of the public hearing, the Board discussed the assumption
5 proposal, pertinent testimony, and other evidence in the record, and on June 22,
6 2017, reached a unanimous decision to deny the assumption at the meeting of the
7 Board. In denying the assumption, the Board, as discussed more fully below,
8 considered all of the factors identified in RCW 36.93.170 and objectives of RCW
9 36.93.180, and determined its decision is consistent with the Growth Management
10 Act pursuant to RCW 36.93.157.

12 A. GROWTH MANAGEMENT ACT

13 1. RCW 36.70A.020 Planning Goals. Planning goals (1) through (10) are
14 inapplicable to the decision before the Board. Denial of the proposed assumption is
15 consistent with Snohomish County planning for the area and consistent with
16 planning goals (11) Citizen Participation and coordination; and (12) Public facilities
17 and services, the two goals most applicable to the decision before the Board. If the
18 proposed action were approved, citizens within the Point Wells area served by
19 Shoreline would not have the opportunity to vote regarding the service rates in this
20 area or to the officials elected in the City of Shoreline.

22 2. RCW 36.70A.110 Urban Growth Areas. While the Point Wells area is
23 currently industrial, Snohomish County has designated the Point Wells area as an
24

1 urban growth area and zoned it for urban growth. The proposed assumption does
2 not change the urban designation.

3 3. RCW 36.70A.210 Countywide Planning Policies. Countywide Planning Policy
4 JP-3 and related polices adopted pursuant to RCW 36.70A.210 as interpreted by
5 Snohomish County and this Board require an inter-local agreement ("ILA") between
6 Shoreline, a King County City, and the County prior to any annexation or assumption
7 in Snohomish County. There is no such ILA at this time. Denial is consistent with
8 RCW 36.70A.210.

9
10 **B. RCW 36.93.170 FACTORS**

11 The Board considered and discussed the factors identified in RCW
12 36.93.170. The Board found that Shoreline's NOI did not adequately address the
13 relevant statutory factors to support its proposal to assume this area.

14 1. RCW 36.93.170(1): The Board recognized the current industrial usage of the
15 area and the likelihood of significant future growth in the area, however, Snohomish
16 County's Countywide Planning Policies' requirement for an ILA between Shoreline
17 and the County, specifically in relationship to CPP JP-3, has not met.

18 2. RCW 36.93.170(2): The Board believes that the factors listed in this section
19 are not particularly relevant at this time to their decision on the proposed assumption.

20 3. RCW 36.93.170(3): The Board recognized that future growth would impact
21 the area. However, the Board believes that the factors list in this section are not
22 particularly relevant at this time to their decision on the proposed assumption.
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1 **C. RCW 36.93.180 OBJECTIVES**

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

5 1. Preservation of Natural Neighborhoods and Communities.

6 The area has historically been industrial. The Board has determined that this
7 objective would be **hindered** by approval of the proposed assumption, especially
8 without an ILA consistent with Snohomish County-wide planning policy JP-3.
9

10 2. Use of Physical Boundaries, Including But Not Limited to Bodies of Water,
11 Highways, and Land Contours.

12 The Board determined that this objective **does not apply**.

13 3. Creation and Preservation of Logical Service Areas.

14 The proposed action has the potential to hinder the logical service area
15 outcome of Snohomish County planning and the ultimate annexation of the area, yet
16 to be decided. The Board determined that this objective would be **hindered** by
17 approval of proposed assumption.

18 4. Prevention of Abnormally Irregular Boundaries.

19 The Board determined that this objective **does not apply**.

20 21 5. Discouragement of Multiple Incorporations of Small Cities and
22 Encouragement of Incorporation of Cities in Excess of Ten Thousand Populations
in Heavily Populated Urban Areas.

23 The Board determined that this objective **does not apply**.

24 6. Dissolution of Inactive Special Purpose Districts.

25 The Board determined that this objective **does not apply**.

1 7. Adjustment of Impractical Boundaries.

2 The Board determined this objective **does not apply.**

3 8. Incorporation of Cities or Towns or Annexation to Cities or Towns of
4 Unincorporated Areas Which Are Urban in Character.

5 The Board determined that this objective **does not apply.**

6 9. Protection of Agricultural and Rural Lands.

7 The Board determined this objective **does not apply.**

8 **DECISION**

9 **NOW THEREFORE**, the Board finds:

- 10 1. The jurisdiction of the Board was properly invoked, and the Board has
11 jurisdiction over this matter.
12
13 2. Overall, the objectives of RCW 36.93.180 that are most pertinent to
14 the proposal would be hindered by the proposed assumption.
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16 3. A decision to deny the proposed assumption is consistent with RCW
17 36.70A.020, RCW 36.70A.110, and RCW 36.70.210.

18 Based upon the above findings, a motion was made, seconded and passed
19 on a vote of 4:0 to **deny** Shoreline's proposed assumption of Ronald Wastewater
20 District within Snohomish County, under Snohomish County Boundary Review
21 Board File No. 02-2017.
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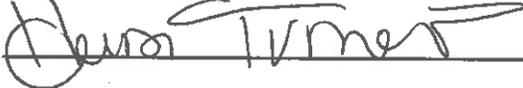
1 Adopted by the Washington State Boundary Review Board for Snohomish
2 County by a vote of 3 to 0 this 11th day of July, 2017.

3 WASHINGTON STATE BOUNDARY REVIEW BOARD
4 FOR SNOHOMISH COUNTY

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6 Brian Lambert, Chair

7
8 FILED THIS 11th day of July, 2017.

9 

10 Heidi Turner, Clerk of the Board

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13 NOTICE

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