

1.0001-Parties_of_Record Docket XX CFP1

No.	Name	Organization	Email Address	Street Address	City	State	Zip Code	Notes
1	Dave Barnes	Olympic View Water and Sewer Distri	daveb@ovwater.com					
2	Eileen Davis	Pace Engineering	EileenD@paceengrs.com					
3	Tom Fitzpatrick		tom@tal-fitzlaw.com					
4	Duncan Greene	Van Ness Feldman	dmg@vnf.com					
5	Grant Weed		GrantW@snohomishlaw.com					
6	Julie Ainsworth-Taylor		jainsworth-taylor@shorelinewa.gov					
7	Brett Vinson	Weed, Graafstra and Associates, Inc., P.S.		110 Cedar Ave, Suite 102	Snohomish	WA	98290-2959	
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1.0001-Parties_of_Record Docket XX CFP1

No.	Name	Organization	Email Address	Street Address	City	State	Zip Code	Notes
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Moore, Megan

From: Strandberg, Terri
Sent: Friday, May 21, 2021 11:08 AM
To: dmg@vnf.com; tom@tal-fitzlaw.com; GrantW@snohomishlaw.com; jainsworth-taylor@shorelinewa.gov
Cc: Dave Barnes; Eilean Davis; Dorsey, Brian; Skorney, Steve
Subject: NOTICE: Olympic View Water and Sewer District docket application

Hello –

Snohomish County received a docket application from Olympic View Water and Sewer District requesting: (1) an amendment to the County’s sewer provider inventory and service area map in the Capital Facilities Plan document – an element of the County’s GMA comprehensive plan; and (2) approval of a sewer plan amendment per RCW 57.16.

The Snohomish County Planning Commission will begin their review of the GMA-related action with a briefing on **Tuesday, May 25th at 5:30 pm**. The meeting will be conducted on-line. Links to the meeting materials and to the meeting itself are available on the agenda. Planning Commission agendas can be found here:

<https://snohomishcountywa.gov/164/Planning-Commission>

(Please note the amended agenda for May 25th that was posted on May 18th)

The Snohomish County Planning Commission will follow-up with a public hearing on **Tuesday, June 22nd at 5:30 pm**. The hearing will also be conducted on-line. Once the agenda is published, it will include a link to the hearing. Public testimony (written and/or oral) is encouraged for the hearing. Written testimony can be submitted to the Planning Commission via Megan Moore (megan.moore@snoco.org).

Testimony for the Planning Commission will close at the hearing on June 22nd, unless the Commission holds it open. If comments come in after close of testimony they will be forwarded to the County Council for inclusion in the next step of the county’s legislative process. The Council process of briefings and public hearings is tentatively expected to begin in late July or early August. The County Council will address both the GMA-related action and the sewer plan approval per RCW 57.16.

Council’s calendar and agendas can be tracked here: <https://snohomish.legistar.com/>

If you have questions, please contact me via email.

Terri Strandberg, Principal Planner
Snohomish County Planning and Development Services

Moore, Megan

From: Skorney, Steve
Sent: Wednesday, June 9, 2021 8:54 AM
To: Dave Barnes; Eilean Davis
Cc: Dorsey, Brian; Strandberg, Terri; jainsworth-taylor@shorelinewa.gov; dmg@vnf.com; tom@tal-fitzlaw.com; GrantW@snohomishlaw.com
Subject: RE: NOTICE: Olympic View Water and Sewer District docket application
Attachments: PlanCommAgenda20210622.pdf

Good morning:

Please find attached the Snohomish County Planning Commission agenda for June 22, 2021, which includes a public hearing on Final Docket XX. Olympic View Water and Sewer District's proposal (CFP1) is one of four docket proposals that the commission will take action on at the hearing. As the applicant, you are encouraged to provide comments on your proposal (written and/or oral) in advance of or at the hearing.

You can contact Terri or myself if you have any questions.

Steve Skorney, Senior Planner, Long Range Planning
[Snohomish County Planning and Development Services](#)
3000 Rockefeller Avenue M/S 604 | Everett, WA 98201
425-262-2207 steve.skorney@snoco.org

From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Friday, May 21, 2021 11:08 AM
To: dmg@vnf.com; tom@tal-fitzlaw.com; GrantW@snohomishlaw.com; jainsworth-taylor@shorelinewa.gov
Cc: Dave Barnes <daveb@ovwater.com>; Eilean Davis <EileanD@paceengrs.com>; Dorsey, Brian <Brian.Dorsey@co.snohomish.wa.us>; Skorney, Steve <Steve.Skorney@co.snohomish.wa.us>
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2021 Docket XX - CFP1

Index # - File Name: 1.0003_NOTICE2_ Olympic View Water and Sewer District docket application.pdf

Testimony for the Planning Commission will close at the hearing on June 22nd, unless the Commission holds it open. If comments come in after close of testimony they will be forwarded to the County Council for inclusion in the next step of the county's legislative process. The Council process of briefings and public hearings is tentatively expected to begin in late July or early August. The County Council will address both the GMA-related action and the sewer plan approval per RCW 57.16.

Council's calendar and agendas can be tracked here: <https://snohomish.legistar.com/>

If you have questions, please contact me via email.

Terri Strandberg, Principal Planner
Snohomish County Planning and Development Services

DOCKET APPLICATION

Snohomish County Planning and Development Services
2nd Floor, County Administration East Building
3000 Rockefeller Ave, M/S 604, Everett, WA 98201
(425) 388-3311 snoco.org Search "Docketing Process"

APPLICANT INFORMATION

Name Olympic View Water and Sewer District

Address 8128 228th Street SW, Edmonds, WA 98026-8449

Phone (main) 425-774-7769 Phone (cell) _____

E-mail lynned@owwater.com

CONTACT/CONSULTANT INFORMATION

Name PACE Engineers

Address 11255 Kirkland Way, Suite 300, Kirkland, WA 98033

Phone (main) 425-827-2014 Phone (cell) _____

E-mail eileand@paceengrs.com

GENERAL INFORMATION

Did you attend a pre-application meeting? Yes No Has this proposal been previously submitted? Yes No

If previously submitted - which Docket cycle(s) or year(s) 2015

COMPLETE THIS SECTION IF YOU ARE PROPOSING COMPREHENSIVE PLAN MAP AMENDMENTS (FUTURE LAND USE (FLU) MAP AND ZONING CHANGES)

General location of property _____

Total acres of proposal _____

List the 14-digit tax parcel ID# for each property of the proposal (Example: 444444-444-444-44)
Attach a separate page if necessary :

Tax parcel ID# _____ Tax parcel ID# _____

Tax parcel ID# _____ Tax parcel ID# _____

Tax parcel ID# _____ Tax parcel ID# _____

Is the proposal area located within an Urban Growth Area (UGA)? Yes No

If the proposal is located within an UGA, which one? _____

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Docket # X - CFP1
File Name: 1.0004_SignedDocketApp_6Sep2019.pdf

What is the existing comprehensive plan designation of the property?

Urban village, Residential, Single Family, Medium Density

What is the **proposed** comprehensive plan designation of the property?

No Change

What is the existing zoning of the property?

PCB, R-9,600

What is the **proposed** zoning of the property?

No Change

COMPLETE THIS SECTION IF YOU ARE PROPOSING A POLICY OR CODE AMENDMENT

What is the proposed policy amendment?

Replace Ronald Wastewater 2010 Comprehensive Plan with Olympic View Water and Sewer District 2007 Sewer Comprehensive Plan Amendment No. 2.

What is the proposed code amendment?

No code amendments proposed

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PLEASE ANSWER QUESTIONS 1-10, AS THEY APPLY TO YOUR PROPOSAL

1. Why is the amendment being proposed?

Ronald Wastewater is being assumed by the City of Shoreline, in accordance with a 2002 Interlocal Agreement and under RCW 35.13a, the City of Shoreline does not have an interlocal agreement with Snohomish County, in accordance with County-wide Planning Policy JP-3 and Appendix F. The amendment addresses the District's obligation to provide sewer service to the unsewered portions of the Southwest Sewer Service area including Point Wells and the Town of Woodway.

2. How is the proposed amendment consistent with the Growth Management Act (GMA) - RCW 36.70A?

The proposed sewer plan amendment meets all standards set by the GMA, RCW 36.70A by acknowledging the District responsibility to provide an urban level of water and sewer service to all areas within the District service area.

3. How is the proposed amendment consistent with the Countywide Planning Policies (CPPs)?

This plan provides planning for an urban area where services may or may not be able to be served by the current service provider. This plan is also consistent with the listed future land use plan, which indicates that the urban area is within the Town of Woodway MUGA. The District has a contract with the Town of Woodway to provide all sewer service within the town.

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4. How is the proposed amendment consistent with the goals, objectives, and policies of the county's General Policy Plan (GPP)?

This plan amendment provides a planning document in which current and future plans, as adopted by the County, can be provided wastewater services and is consistent with the goals and objectives of the GPP; provides for review of planning documents, pursues improved coordinated facility planning between utility providers in the County, ensures the availability of a reliable water supply in a manner that is consistent with the County comprehensive plan.

5. If this proposal was previously reviewed by the County Planning Commission or the County Council, what circumstances have significantly changed to justify this resubmitted application?

This plan amendment was submitted and approved by the Snohomish County Council in 2016. A previous Growth Management Hearings Board decision determined that the submission of the plan amendment and the subsequent approval did not go through the docket process needed for approval. A recent County Court decision has agreed that the District has a legal obligation to provide sewer service to the Southwest Sewer Service area within the District Service area.

6. List all buildings and land uses present on the site and on adjacent properties

Asphalt Plant, Sewer outfall test laboratory, four (4) residences and a sewer lift station.

7. How would this proposed map amendment be compatible with neighboring properties?

Map amendment not proposed. This plan amendment provides planning for wastewater services in an area where the District currently provides water service. The amendment addresses the current inadequacies of the existing system, decreases the amount of pipe required to update the current systems to meet projected growth and decreases the amount of energy needed to transfer wastewater from the current location to the treatment plant.

DOCKET APPLICATION

Snohomish County Planning and Development Services
2nd Floor, County Administration East
3000 Rockefeller Ave, M/S 604, Everett, WA 98201
(425) 388-3311 snoco.org Search "Docketing Process"

Docket XX - CFP1

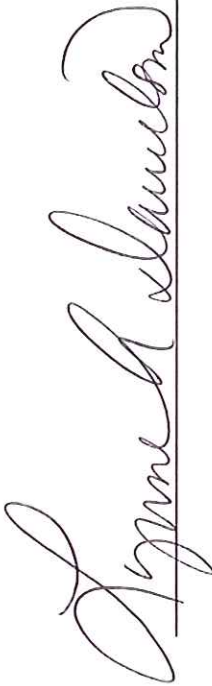
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8. Does this proposal include an Urban Growth Area (UGA) expansion?
 Yes No

9. If yes, would the proposed UGA expansion increase residential or employment land capacity for that UGA?
 Yes No

10. If the proposed UGA expansion does increase residential or employment land capacity, and the most recent Buildable Lands Report indicates that no additional residential or employment land capacity is needed in that UGA, then the proposal must also exclude an equal amount of residential or employment land capacity.

Does this situation regarding removal of land from the UGA so that residential or employment capacity is not increased apply to your proposal?
 Yes No



Signature

Date

Sept. 6, 2019

DOCKET APPLICATION

Snohomish County Planning and Development Services
2nd Floor, County Administration East Building
3000 Rockefeller Ave, M/S 604, Everett, WA 98201
(425) 388-3311 snoco.org Search "Docketing Professions"

Notarized Acknowledgement of Property Ownership for Docket Proposal

STATE OF WASHINGTON)
) SS
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that, _____ is/are the person(s) who appeared before me, and said person(s) acknowledged that (his/her/their) are the owner(s) of property per attached legal description within said docket proposal site.
Applicant(s) Signature(s) _____

Signature: _____
Dated: _____ Dated: _____

Notary Information

Signature: Kelly Boswell
(print name) Kelly Boswell

Seal or stamp) NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON



My appointment expires 4/29/22

Grantor's Initials _____

DOCKET APPLICATION

Snohomish County Planning and Development Services
2nd Floor, County Administration East Building
3000 Rockefeller Ave, M/S 604, Everett, WA 98201
(425) 388-3311 snoco.org Search "Docketing Process"

Docket XX - CFP1

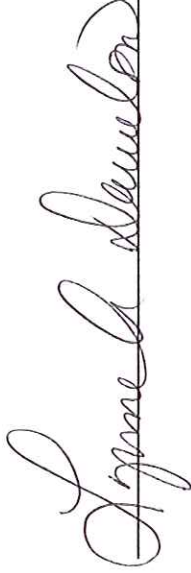
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Acknowledgement of Docket Processing Fees

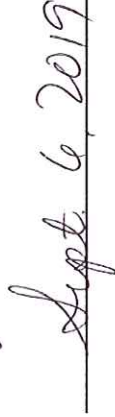
As required by Snohomish County Code Chapter 30.86.700, an applicant is responsible for payment of non-refundable fees to process a docketed comprehensive plan amendment proposal. An initial review fee of \$1,601.65 must be paid at the time the docket application is submitted to Snohomish County PDS. A final review fee of \$2,343.25 is required if the proposed amendment is placed on the final docket by the County Council.

Payment of the initial fee does not guarantee that the proposal will be placed on the final docket by the County Council. If the proposal is placed on the final docket for further processing, payment of the final review fee does not guarantee that the proposal will be approved by the County Council.

Signature



Date



DOCKET APPLICATION

Snohomish County Planning and Development Services
2nd Floor, County Administration East Building
3000 Rockefeller Ave, M/S 604, Everett, WA 98201
(425) 388-3311 snoco.org Search "Docketing Process"

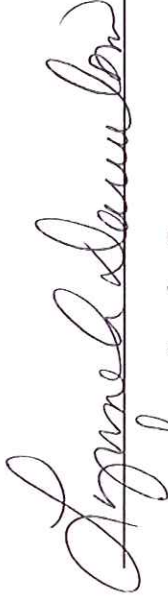
2021 Docket XX - CFP1

File Name: 1.0004_SignedDocketApp_6Sep2019.pdf

Acknowledgement of the Cost of Environmental Review and Studies

As required by Snohomish County Code (SCC) Chapter 30.74.070, any person with a proposal on the final docket shall pay the cost of environmental review and studies under SEPA for proposed amendments with probable significant adverse environmental impacts that have not been previously analyzed, as required under chapter 30.61 SCC. The person may contribute to the cost of other studies required by existing plan policies or development regulations in order to facilitate the preparation of these studies in a timely manner. The person may, at his or her own expense and to the extent determined appropriate by the responsible official, provide additional studies or other information.

Please sign and date below, in acknowledgement of the potential costs of an environmental review:

Signed by 

Date Sept. 6, 2019

Date

DOCKET APPLICATION

Snohomish County Planning and Development Services
2nd Floor, County Administration East Building
3000 Rockefeller Ave, M/S 604, Everett, WA 98201
(425) 388-3311 snoco.org Search "Docketing Process"

Docket XX - CFP1
File name: 1.0004_SignedDocketApp_6Sep2019.pdf

Acknowledgement of Costs Associated with Printing, Publishing and Mailing of Notice for Any Public Hearing and SEPA Notificaton

As required by Snohomish County Code (SCC) Chapter 30.74.060, the docket applicant shall be responsible for the cost of printing, publishing and mailing of notices for any public hearing and SEPA notification required for the applicant's docket proposal by chapters 30.61 and 30.73 SCC.

Please sign and date below, in acknowledgement of these potential costs:

Signed by *Lynne L. Lumb*
Date *Sept. 6, 2019*

**OLYMPIC VIEW WATER AND SEWER DISTRICT
2007 COMPREHENSIVE SEWER PLAN
AMENDMENT NO. 2**

**Appendix H:
Southwest Sewer Service Area System Improvements**



August 2019



PACE ENGINEERS, INC.

2021 Docket XX - CFP1

Index # - File Name: 1.0005_FINAL_OV Sewer Plan Amendment 2_9Sep2019_Reduced.pdf

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2

Appendix H: Southwest Sewer Service Area System Improvements

Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, Washington 98026-8981
(425) 774-7769

GENERAL MANAGER

Lynne Danielson

COMMISSIONERS

Lora Petso
John Elsasser
Fanny Yee



PACE Engineers, Inc.
11255 Kirkland Way, Suite 300
Kirkland, Washington 98033-6715
PACE Project No. 19094.01.21

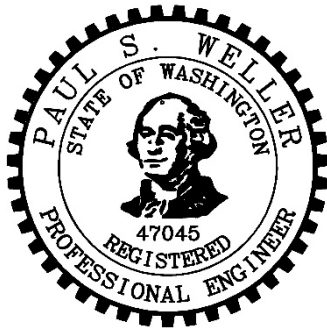
August 2019

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**OLYMPIC VIEW WATER AND SEWER DISTRICT
2007 COMPREHENSIVE SEWER SYSTEM PLAN AMENDMENT NO. 2
SOUTHWEST SEWER SERVICE AREA SYSTEM IMPROVEMENTS
PROJECT CERTIFICATION**

The technical material and data contained in this report was prepared by PACE Engineers, Inc., under the supervision of the below listed individuals. Those responsible staff members who are registered professional engineers are licensed in the State of Washington.



Paul Weller, P.E.
Senior Planner

Eilean Davis, PWIT
Senior Planner

2021 Docket XX - CFP1

Index # - File Name: 1.0005_FINAL_OV Sewer Plan Amendment 2_9Sep2019_Reduced.pdf

**OLYMPIC VIEW WATER AND SEWER DISTRICT
2007 COMPREHENSIVE SEWER SYSTEM PLAN AMENDMENT NO. 2**

APPENDIX H: SOUTHWEST SEWER SERVICE AREA SYSTEM IMPROVEMENTS

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Attachments

- 1 SEPA Documentation
 - Determination of Non-Significance
 - SEPA Checklist
 - Affidavits of Publication
- 2 City of Edmonds Capacity Assessment
- 3 Additional Items Entered into the Record

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Environmental Impact Statement evaluating various alternatives, potential impacts, and mitigation strategies for the proposed development. In accordance with SEPA regulations and requirements, the EIS must also address utility service, including both public water service and wastewater service. Domestic water and fire protection service would be provided by Olympic View Water and Sewer District in accordance with the District's adopted Comprehensive Water System Plan and established Retail Water Service Area.

Sewer service to the existing six (6) connections in the Point Wells area is provided under contract by Ronald Wastewater District.

The southwest service area is within the Town of Woodway's Municipal Urban Growth Area (MUGA). In accordance with the Growth Management Act, the Town retains an interest in ensuring that an appropriate level of utilities and services are provided to the area. That interest has been demonstrated in a series of interlocal agreements pertaining to provision of sanitary sewer service. In 2004, Woodway transferred its entire sewer system and all responsibilities for operating its sewer system to Olympic View. In addition, the Town assigned its existing agreements regarding collection, conveyance and treatment of wastewater to Olympic View. This includes agreements with King County and Ronald Wastewater District, including the aforementioned 2005 agreement addressing sewer service to Point Wells and surrounding area. More recently, Woodway has recently annexed the Upper Bluff area along the eastern boundary of the Point Wells area.

Olympic View and Ronald have worked collaboratively for a number of years on various aspects of providing safe, reliable and efficient public sewer service for areas where the two systems meet. The plan for service to Olympic View's Southwest Service Area is put forth in this Amendment and is irrespective of the City of Shoreline's plans for assumption of Ronald Wastewater District. As demonstrated herein, Olympic View has a legal obligation to serve and is both the logical and most appropriate sanitary sewer service provider authorized to serve the area.

Evaluation of alternatives for extending service to the subject area is predicated on, and based on information put forth in, proposed development plans for the Point Wells property. Analysis and evaluation are provided at a planning level of detail to provide guidance for the District to better plan for service to the area and allow for regional coordination with the City of Edmonds and King County, who currently provide wastewater treatment and disposal generated by customers of the District's service area. Preparation of this Amendment included:

- Review of existing interlocal agreements, planning documents, data, and material pertaining to the proposed development for the currently unsewered Point Wells Area;
- General evaluation of needed local and regional facilities to extend service to the unsewered southwest corner of the District;
- Consideration of alternatives for extending sewer service and diverting flows to Edmonds or King County for treatment and disposal; and,
- Development of recommendations for local and regional facilities needed to effectively

4. SYSTEM OVERVIEW

As indicated on Figures 1 and 2, Olympic View provides public sanitary sewer collection service to approximately 4,550 customers within unincorporated Snohomish County, Edmonds and Woodway. The geographic location and topography of the service area allows the District to direct flows to one of two agencies for treatment and disposal. The majority of flow from the area is directed to the City of Edmonds via several connections to a main interceptor running east west through the District along Edmonds Way. The Edmonds Wastewater Treatment Plant is a regional facility that receives flows from Olympic View, Mountlake Terrace, Ronald Wastewater District, King County and the City of Edmond's direct service connections. Olympic View maintains contractual capacity in the Edmonds Treatment Plant and through the terms of an interlocal agreement, pays a comparative share of capital, operation and maintenance costs. The District was assigned an existing contract with King County in the assumption of the Town of Woodway sewers in 2004. As a result, a small portion of the District's service area relies on the King County regional wastewater system for treatment and disposal of wastewater generated.

Olympic View's wastewater collection and interceptor system includes two sewer lift stations and approximately 44 miles of 6-inch to 24-inch diameter sanitary sewer mains, not including private sewers. The District also has approximately 3,000 side sewer stubs located in the right-of-ways that the District is responsible for and maintains. A complete inventory of the sewer mains within the District is included in Appendix F of the District's 2007 Sewer Plan. Sewer service is generally provided to customers by gravity flow through the collection system or by gravity flow to lift stations and subsequent pumping.

The existing collection system is shown on Figure 3 and as illustrated, a significant portion of Woodway is unsewered. As noted earlier, Olympic View maintains a goal of providing public sewers to all areas within the corporate boundaries in accordance with a Growth Management Act mandate requiring that an urban level of service be available to all areas within the UGA. However, by contract, Olympic View recognizes that large lot (10-acre) zoning in Woodway creates a unique situation where ample land is available for effective use of on-site septic systems. While public sewer service would protect soil and groundwater resources, replacing septic systems is generally not required at this time. Sub-divisions and land use changes will however, result in increased density that will require sewers as a condition of development depending on local land use regulations.

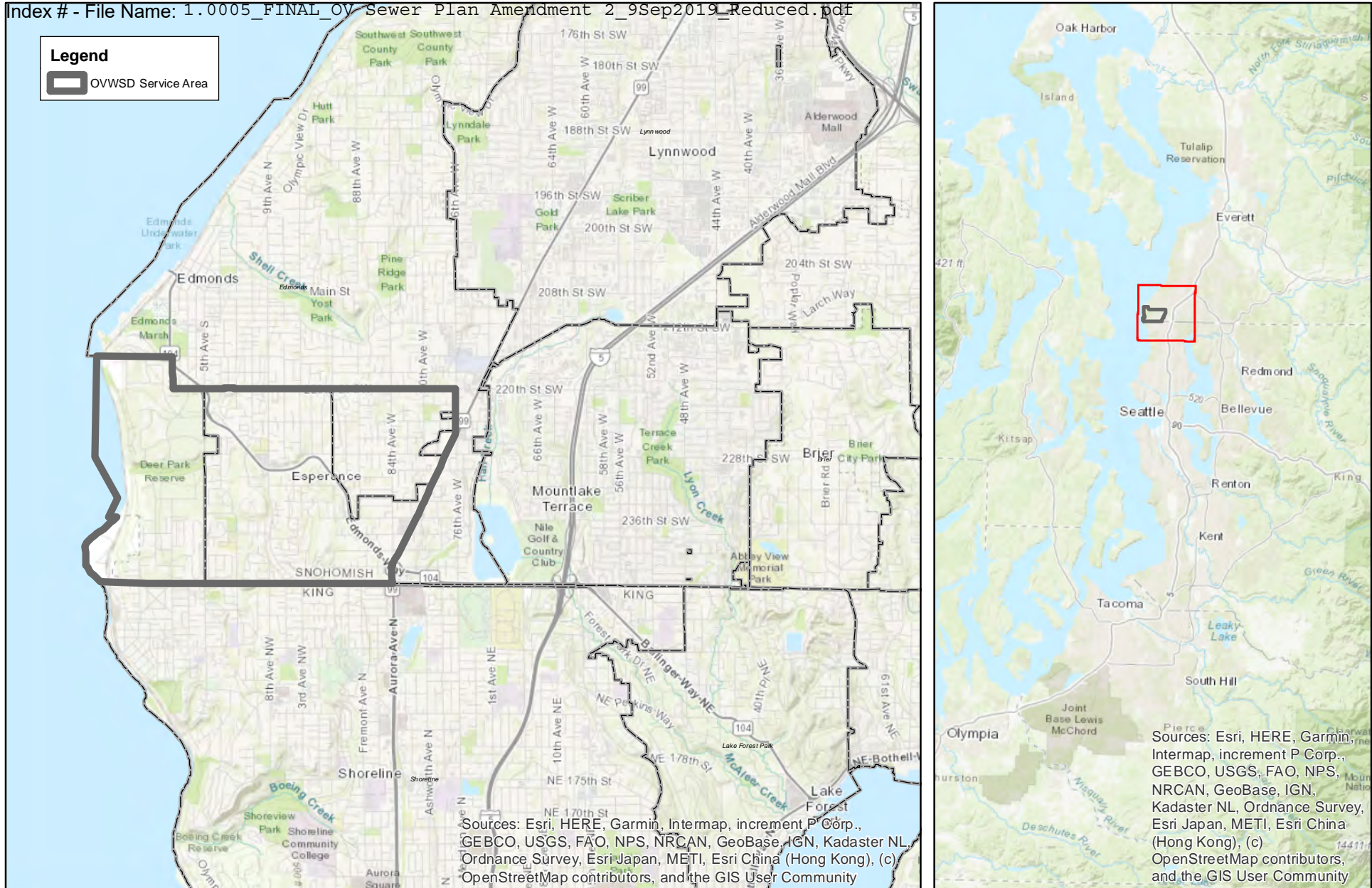


Figure 1
 Olympic View Water & Sewer District Overview
 2019 Sewer Comprehensive Plan Amendment





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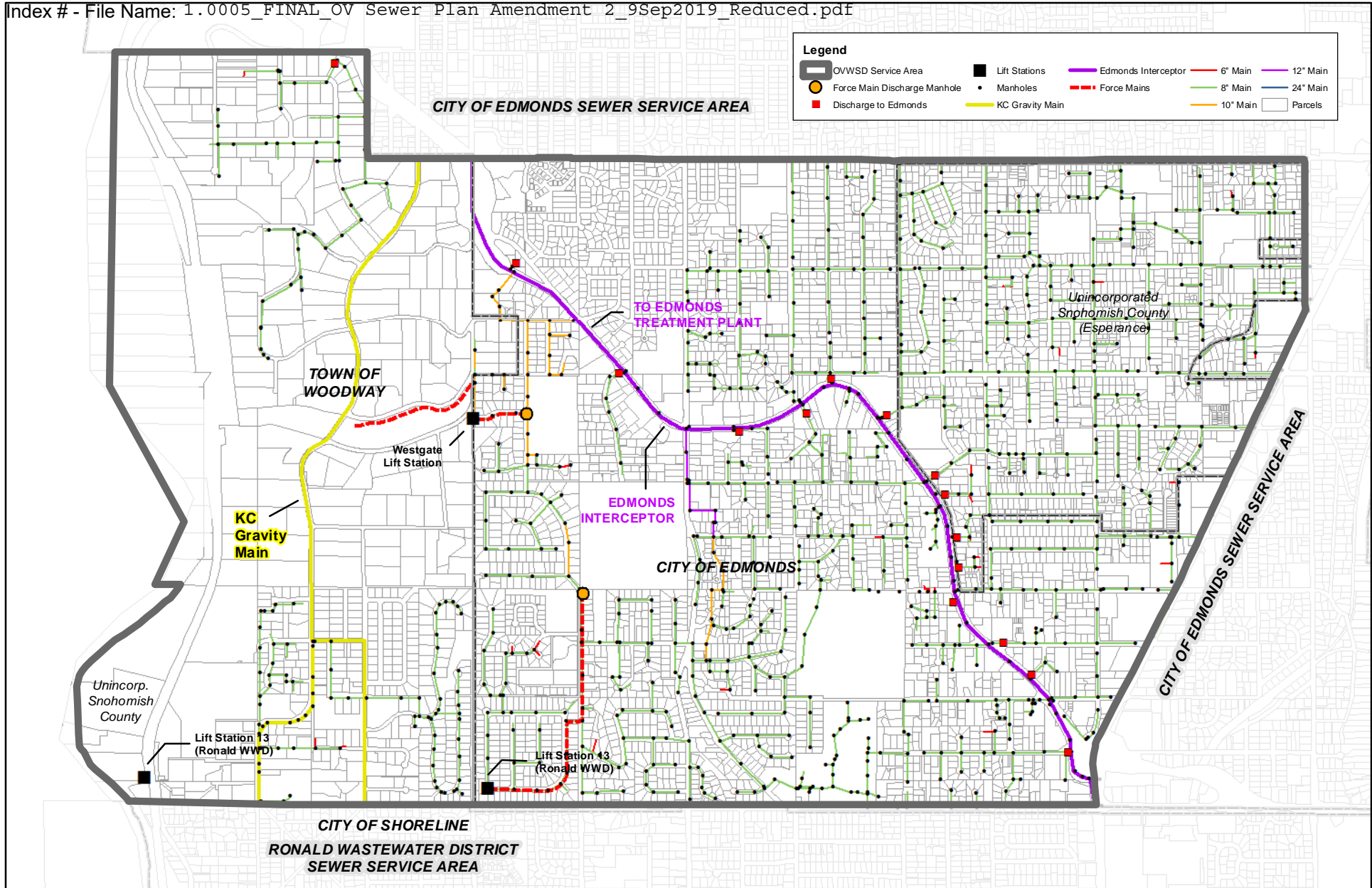


Figure 3
Existing System Map
2019 Sewer Comprehensive Plan Amendment





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In 1966, the District signed an agreement with the City of Edmonds for the City to assume jurisdiction, from the District, of an area east of State Highway No. 2 (SR 99). Water and sewer service that had previously received service from the District would be provided by the City of Edmonds for this area.

In 1967, the District constructed a sewage collection system to transport its wastewater to the Edmonds Way trunk line. The system was built in four separate "units" that convey the wastewater to the 24-inch sewer trunk on Edmonds Way. Each unit was constructed independently and, with this arrangement, the necessary pipe size was kept to a minimum.

In 1968, the District signed a contract with the Ronald Wastewater District transferring ownership of sewer lines in the plats of Sno-King Homes and Michael's 1st Addition, Snohomish County, from the Ronald Wastewater District to the Olympic View Water and Sewer District. The Edmonds Wastewater Treatment Plant treats these flows.

In 1970, the District signed a second agreement with the Ronald Wastewater District to accept additional flows from the Ronald Wastewater District's service area and transfer them to the City of Edmonds Treatment Plant.

In 1988, the District signed an agreement for wastewater treatment disposal and transport services with the City of Edmonds, City of Mountlake Terrace, and Ronald Wastewater District. The District has been operating under this agreement since 1988. The District and related parties have started the process of updating this agreement.

In 1994, the District signed a utility franchise agreement with Snohomish County. The agreement is valid through 2019 and does not include any limitations within the unincorporated area located in the southwestern sub-regional system. During that same year, Snohomish County granted a franchise to Shoreline Wastewater Management District (now known as Ronald Wastewater District) that specifically limits extension of utilities into Snohomish County to 276 feet of pipe along Heberlein Road. That franchise allows for service to restrooms at the Point Wells site. Transfer of the franchise to a third party is prohibited by the franchise agreement as well as a stipulation in Snohomish County's approval of Ronald's 2010 Comprehensive Sewer Plan.

In 2004, the Town of Woodway transferred ownership of the sanitary sewer collection system within the town limits to the District. The existing contracts between the Town of Woodway and the City of Edmonds, King County, and Ronald Wastewater District were transferred with this agreement. Concurrent with this agreement, the Town of Woodway granted the District a franchise agreement, which is valid through 2029, to operate sewer and water utilities within the Woodway right-of-ways. Also in 2004 the District and the City of Edmonds signed Interlocal Operating and Franchise Agreements relating to water and sewer service within Edmonds. The District is currently in negotiations to renew the franchise agreement which expired in 2014.

Having taken over responsibility for sewer service to the Town of Woodway, in 2004 Olympic View signed Amendment No. 1 to the 1992 agreement between the Ronald Wastewater District and the Town of Woodway. This 1992 agreement was specific to the use of the sewer system in the Town of Woodway by the Ronald Wastewater District. The 2004 agreement



allows for one additional discharge location from Olympic View to Ronald.

In 2004, the District and the City of Edmonds signed an agreement transferring ownership of an existing lift station and force main to the City of Edmonds.

In 2005, the District and Ronald Wastewater District passed Amendment No. 2 to the 1992 agreement between the Town of Woodway and Ronald Wastewater District. An additional point of discharge (for a total of three discharge points) was added from the District to Ronald Wastewater District as well as two additional homes that could flow by gravity into Ronald's collection system.

Most recently, Olympic View has considered extension of its sewer service planning area to include all property within the corporate area established in 1937. This is in response to proposals for development of the Point Wells site and adjacent Upper Bluff, now located within the Town of Woodway, the anticipated dissolution and assumption of Ronald by the City of Shoreline, and denial of Shoreline's application to annex territory within Snohomish County. Olympic View maintains an obligation for providing safe and reliable water and sewer service to all properties for the protection of the public health and safety of the residents in the District's corporate area. Current and future residents of the District's corporate area enjoy the benefit of representation through their right to vote for Olympic View's Board of Commissioners. The recent annexation of the Upper Bluff area by Woodway, the possible assumption, by the City of Shoreline, and dissolution of Ronald and denial of Shoreline's annexation request make planning for service to Point Wells by Olympic View imperative.

As demonstrated in this amendment, expansion of the service area used for planning purposes in Olympic View's 2007 Comprehensive Sewer Plan, established for planning purposes to include the entire corporate boundary, creates a logical service area boundary that relies on both natural features (the Puget Sound), political boundaries (Snohomish County line), and longstanding regional wastewater treatment service area planning by the City of Edmonds and King County. As noted previously, the Point Wells Area is entirely within the MUGA of the Town of Woodway. At the time of finalization of this Sewer Plan Amendment, annexation of the Upper Bluff Area has been completed by the Town of Woodway. Service to these areas by Olympic View is consistent with Olympic View's contractual obligation to provide sewer service to the Town of Woodway and is consistent with GMA goals associated with concurrent planning and provision of public sewer service to designated urban areas.

6. POPULATION AND LAND USE

Olympic View Water and Sewer District is located in a mature suburban setting, but its population and housing stock continue to grow at a slow, steady rate. New housing is being created primarily through single-family infill construction and limited new apartments in existing neighborhoods. Many existing homes are being remodeled to meet the needs of their owners.

As of October 2018, the District serves 4,550 sanitary sewer connections including: 4,203 single-family residences, 204 multi-family connection (estimated 1,550 multi-family units) units, 135 commercial buildings, and 8 public facilities. Single-family homes are the predominant type of housing and encompass a wide range of options that span from older homes to new construction. Housing ranges from expansive compounds on large lots

overlooking the Puget Sound to modest homes on tract lots. Many residents reside in apartments, duplexes or condominium buildings that are scattered throughout the community.

Historic population of the District is indicated in Table 1. Based on 2010 Census data, the Puget Sound regional Council indicated the population per household in the District's service area was 2.52.

Based on regional population projections, and assuming the entire service area is connected to the District's system, the District's population could grow to approximately 17,597 people by the year 2035. The population of the service area has increased steadily since 1980 at a rate of slightly more than 1% per year. This growth rate is expected to increase slightly through the year 2035. These estimates are in accordance with Snohomish County's 2013 published population projections which provide reconciled figures for allocation of population throughout the County. These numbers have been agreed upon by the cities within the County in accordance with Growth Management requirements. The population data represents the most current data available from Snohomish County and the Puget Sound Regional Council.

Table 1 lists the current and projected population of Olympic View's sanitary sewer service area by census tract and includes proposed development within the Southwest Sewer Service Area. The criteria of 2.52 persons per unit for single-family developments was used to estimate population per acre for residential land use. The proposed Point Wells development is projected to add approximately 3,100 residential units, and 250,000 square feet of commercial/office/retail space, which could increase the population within the District's corporate boundary by up to approximately 7,800 residents.

Because sanitary sewer systems can have a useful life of up to 100 years, sewer system planning projections extend beyond typical 20 year planning projections.

Table 1: Olympic View Water and Sewer District Sewer Service Area Population Estimates						
Census Tract	Percent within the District	Population Estimates				
		2000¹	2008²	2010²	2025²	Ultimate³
506	100%		1,177	1,271	2,842	11,112
507	100%	6,390	5,198	5,863	5,922	6,305
508	100%	6,378	5,334	6,090	6,611	6,992
Total		12,768	11,709	13,224	15,375	24,409

¹ Historic Data from previous Olympic View Water and Sewer District Comprehensive Plans.

² Information from Population, Household, and Housing Estimates, PSRC, April 2010.

³ Population projections include proposed Point Wells development.

Olympic View's sewer service area is under the jurisdiction of two municipalities and Snohomish County and is therefore subject to the comprehensive land use plans and zoning codes of Snohomish County, the City of Edmonds, and the Town of Woodway. Figure 3 shows existing land use throughout the District. Figure 4 presents actual zoning. Collectively, land use and zoning provide the basis for sewer flow projections and ultimately system capacity analyses. The area is primarily medium density residential with multi-family



residential and commercial activities concentrated along major thoroughfares such as Highway 99 and Edmonds Way.



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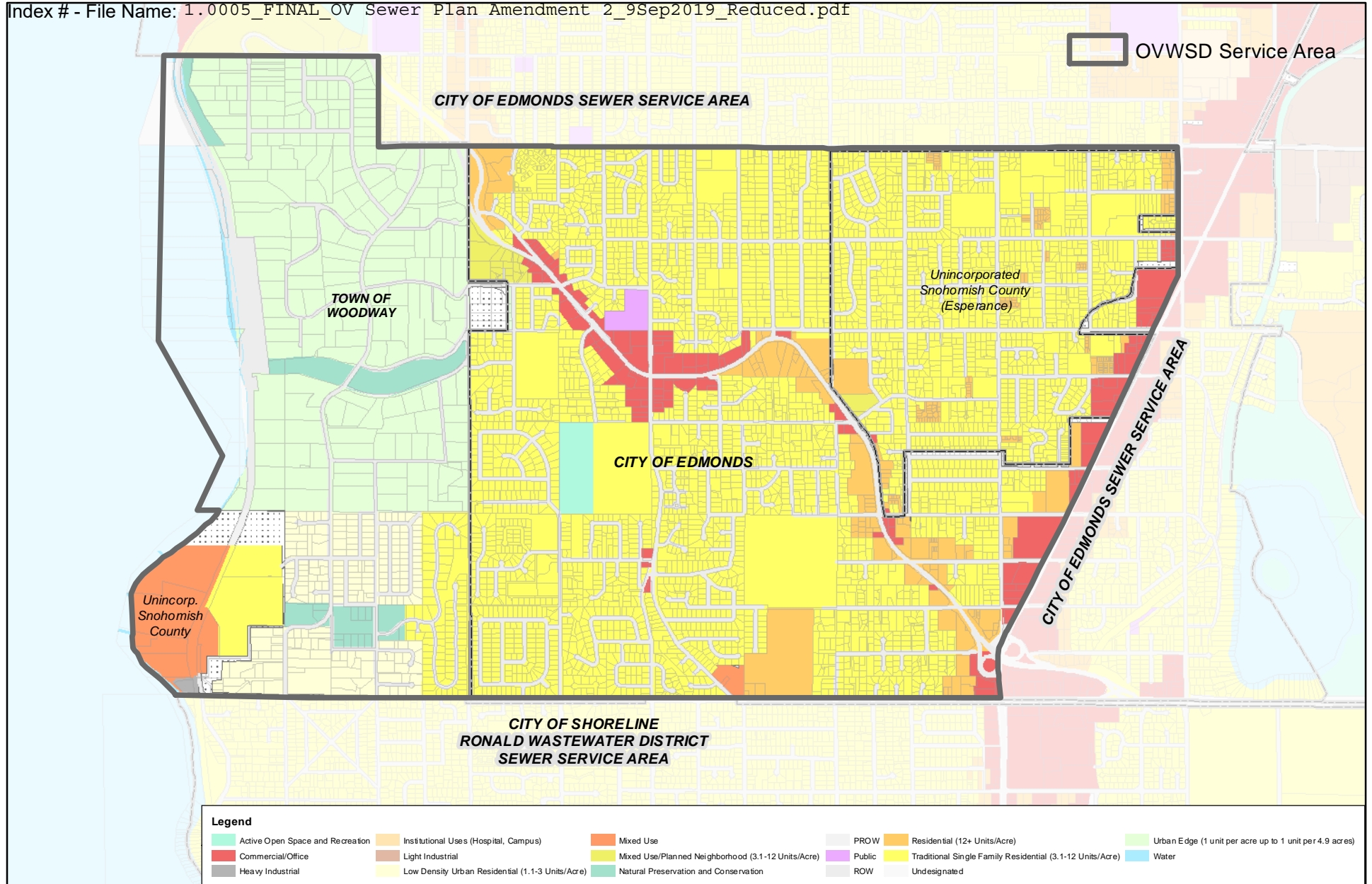


Figure 4
Current Land Use
2019 Sewer Comprehensive Plan Amendment





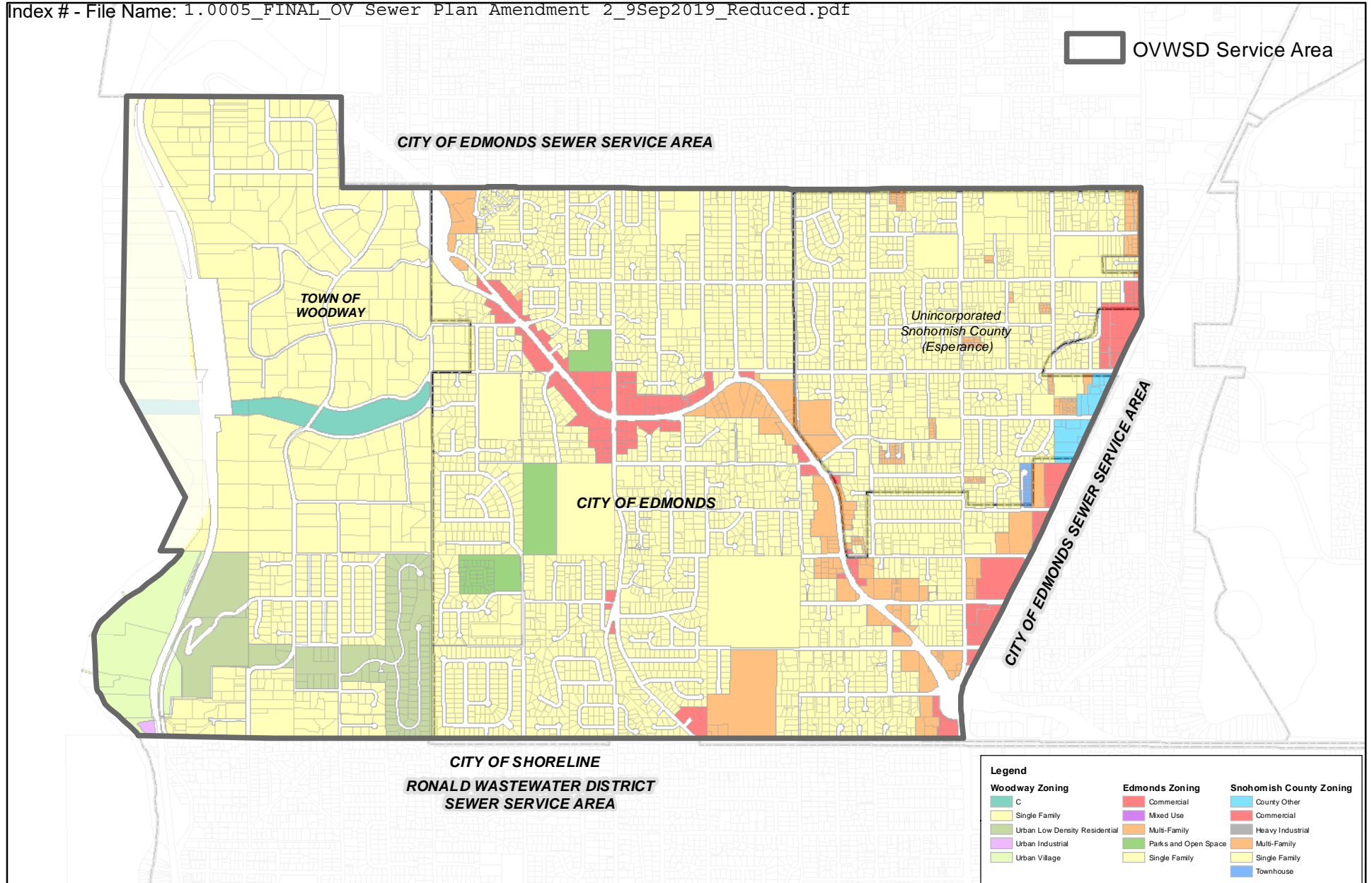


Figure 5
Zoning

2019 Sewer Comprehensive Plan Amendment





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Three alternatives have been considered for evaluation to address Olympic View serving its Southwest Service Area and the development proposed at Point Wells. In developing alternatives, previous analyses by Ronald Wastewater District, King County, and the Town of Woodway have been considered. Alternatives include:

Alternative 1 considers service by a new pump station pumping up to 116th Avenue West and connection to existing King County transmission mains (force and gravity mains) to the Edmonds Treatment Plant.

Alternative 2 contemplates a new pump station pumping up to 116th Avenue West and construction of new force and gravity mains (adjacent to existing King County transmission mains) to the Edmonds Treatment Plant, and replacement of portions of City of Edmonds interceptor as shown in Figure 6.

Alternative 3 evaluates a new pump station and a force main adjacent to the Burlington Northern Railroad tracts (presumably within BNRR right-of-way) north to the Edmonds Treatment Plant.

Two additional alternatives were conceptually evaluated but dismissed. Construction of a pump station and beachfront force main west of the BNRR right-of-way was considered by Woodway but eliminated from consideration in this analysis due to permitting requirements, environmental constraints, and the preference for locating the proposed force main east of the BNRR tracks and right-of-way. Another alternative, routing flows through Olympic View's existing network of primarily 8-inch collection pipes, was dismissed from further evaluation because of the ultimate volume of flows projected from Point Wells. Should the Point Wells development be reduced in scope and magnitude, or if phasing of the project warrants, additional consideration of this option may be appropriate. Evaluation would require construction of a hydraulic model to simulate diurnal flows in downstream pipes. It is noted, however, that other new connections in the Southwest Service Area could be served by the existing pipe network, through extension of sewers to the west in the vicinity of Wachussetts Road and 236th Place.

All alternatives analyzed assume that treatment for the Southwest Service Area and Point Wells will be provided at the Edmonds Treatment Plant, consistent with long-term regional planning efforts regarding treatment and disposal of wastewater from the southwest portion of Snohomish County and northwestern portion of King County. As noted earlier, Olympic View owns a 16.551% share of the 11.8 MGD capacity of the facility based on Maximum Monthly Design Flow (MDDF). This equates to an average day flow of approximately 0.7 MGD. In 2018 the District used approximately 44% of its purchased capacity and maintained an average flow rate of approximately 0.66 MGD. This indicates that Olympic View retains approximately 1.35 MGD of excess capacity in the Edmonds plant for future growth. Preliminary sewer flow projections for the Point Wells development indicate peak sewer flows of 2.2 MGD. Assuming a 2.5 peaking factor, this indicates potential flows of approximately 0.88 MGD from the area on an average day, leaving 0.41 MGD additional capacity available for growth within other areas of Olympic View.

A June 10, 2015, capacity evaluation by Edmonds confirms that the City is able to treat an



additional 4.7 MGD on average without triggering a plan for maintaining adequate capacity as defined by Ecology. The Point Wells site and Upper Bluff area have been considered part of the Edmonds Treatment Plant service area for many years and service treatment of flows from this area is consistent with regional long-range planning efforts. The June 10 evaluation also notes that the existing plant is underutilized and suggests that “*additional flow and loading would benefit the process, our partners and the environment while lowering the average costs to citizens.*” The evaluation also notes that the evaluation of additional flows on the conveyance system is required.

Additional analyses will be required after the scope, scale and details of development of the Point Wells and Upper Bluff areas have been ascertained and approved. Of particular importance is consideration of water conservation measures that could significantly impact preliminary flow projections. An extended period analysis will likely be warranted to consider diurnal wastewater flow patterns and evaluate the potential impact to receiving pipelines and capacity at the Edmonds Treatment Plant.

In that treatment requirements and costs will be identical under any of the scenarios evaluated, the following discussion focuses on local and regional pump station requirements and conveyance facilities required to transport flows from the Southwest Service Area to the Edmonds regional conveyance and treatment systems.

Alternative 1 – Connect to King County Force Main

Alternative 1 would be accomplished using local pump stations and construction of a larger regional pump station that would convey flows from the Southwest Service Area to the existing 20-inch King County force main in 116th Street SW, which discharges to a gravity system along Woodway Park Road that eventually flows to the Edmonds Treatment Plant. Planning level estimates indicate that the new regional pump station would be approximately 1,500 gpm to accommodate full development. The station could be designed for phased upsizing that coincides with development of the Point Wells property. Note that the location of the potential force main from the new pump station to the King County force main would be within an existing District easement that currently contains water facilities that serve the Point Wells site. Connection to the King County system would be in the vicinity of the intersection of 114th Avenue Southwest and 238th Street Southwest.

Issues with this alternative are associated with capacity in the King County conveyance facilities along 116th Ave and Woodway Park Road. In October 2014, Olympic View staff and consultants met with representatives of King County to discuss a September 2014 paper by King County’s Wastewater Treatment Division titled “Conveyance System Improvement Program Update – Initial Regional Needs Assessment Results for Discussion with Local Agencies.” That report and subsequent discussion confirmed that modeling and analyses revealed pre-2010 capacity limitations in the Richmond Beach lift station and conveyance facilities. Capacity issues are noted in both the force main and gravity systems that would be used under Alternative 1. Although Olympic View and King County could collaborate to upgrade existing King County pipelines, due to these system constraints and limitations, this analysis dismisses Alternative 1 and considers



construction of parallel mains under Alternative 2.

Alternative 2 – Construct New Force and Gravity Mains through Woodway

Alternative 2 is similar to Alternative 1 in that flows from the Point Wells area would be routed from local on-site facilities to a regional pump station that pumps east to 116th Avenue West, then north along 116th and Woodway Park Road to the existing interceptor in Edmonds Way. Alternative 2 recognizes that the King County conveyance facilities through Woodway are undersized (as documented in King County's September 2014 report as noted earlier) and proposes constructing parallel facilities. Alternative 2 also recognizes that there may be constrictions in the conveyance system to the Edmonds Treatment Plant (as documented in the City of Edmonds' June 2015 letter). Alternative 2 is considered viable and is likely the preferred alternative, depending on permitting and access requirements associated with Alternative 3. Further analysis of the City of Edmonds interceptor capacity will be required as complete development proposals are made apparent. Important considerations under Alternative 2 include phasing of the regional pump station to accommodate adding pumps as development dictates, location and capacity of required conveyance facilities, methods of construction, and the bridge crossing that will be required to cross Deer Creek.

Based on the City of Edmonds preliminary review, the trunk line receiving flows from Point Wells requires more thorough evaluation of the conveyance system as part of final design evaluation and improvement requirements. Existing facilities may be at or nearing capacity and developer improvements may be required to accommodate additional flows from Point Wells.

Directional drilling or trenchless construction may provide a cost-effective option that reduces environmental impacts as well as restoration costs. Assuming that unsewered parcels in other areas of the Southwest Service Area and Town of Woodway are served by extension of existing local sewers, this project is well-suited for trenchless construction methods due to the lack of local service connections or need for manholes. The planning level cost estimate for Alternative 2 is in the range of \$3.7 to \$4.2 million for regional pumping and conveyance facilities and includes a planning level contingency for additional work identified at time of development. Local collection facilities, pump station, side sewers, and other appurtenances would be the same under any alternative and, due to the lack of detailed plans, have not been estimated. All costs would be borne by the connecting property owner and would not impact existing ratepayers of Olympic View.

Alternative 3 – Conveyance Facilities along BNRR Right-of-Way

Alternative 3 includes construction of a new regional pump station to serve the Point Wells development and construction of a new force main along the east side of the BNRR tracks to the Edmonds Treatment Plant. This new force main would presumably be constructed at the toe of the slope west of the Woodway bluffs. Considerations associated with Alternative 3 are related to permitting and construction in the vicinity of shorelines and steep slopes. Collaboration with the BNRR may, however, identify opportunities for improving access and slope stability through the area. Routing flows from Point Wells to

**Table 2: Olympic View Water and Sewer District
 Southwest Service Area - Project Alternatives and CIP Analysis**

Project Alternative and CIP Requirements Summary	Estimated Year of Completion	Estimated Project Cost (2019) and Funding Source
<p>Alternative 1: Connect to King County Force Main Use of new local pump stations and construction of a larger (1,500 +/- gpm) regional pump station to convey flows north to existing King County force and gravity mains and eventually to the Edmonds Treatment Plant. Construction of at least 3,465 lineal feet of force and gravity mains and a regional pump station would be required, in addition to local on-site improvements and local pump stations. Upsizing of King County force and gravity mains would also be required. Project would occur along existing easement between Richmond Beach Road and 116th Ave W, 116th Ave W, 240th Street, SW, 114th Ave W to 238th Street SW.</p>	<p>At time of development</p>	<p>Not Applicable/ Alternative Dismissed due to system constraints and limitations</p>
<p>Alternative 2: New Force & Gravity Mains through Woodway Construction of approximately 10,590 lineal feet of force main and gravity mains adjacent to the existing King County transmission main and replacement of portions of City of Edmonds interceptor as shown in Figure 6. Flows from the Point Wells area and Southwestern Service Area would be routed from local on-site facilities to a regional pump station. New pipe installed along 116th Ave W, 240th Street SW, 114th Ave W and Woodway Park Road to Edmonds Way Interceptor.</p>	<p>At time of development</p>	<p>\$4.3-4.9 million Developer / Property Owner Funded</p>
<p>Alternative 3: Conveyance Facilities along BNRR Right of Way Construction of a new regional pump station to serve the Point Wells development, construction of approximately 13,300 lineal feet of new force main. Project Alignment would be along east side of BNRR tracks and local streets in Edmonds to the Edmonds Treatment Plant.</p>	<p>At time of development</p>	<p>\$4.7 - 5.8 mil Developer / Property Owner Funded</p>

2021 Docket XX - CFP1

Index # - File Name: 1.0005_FINAL_OV Sewer Plan Amendment 2_9Sep2019_Reduced.pdf

2021 Docket XX - CFP1

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**ATTACHMENT 1 –
SEPA DOCUMENTATION**

2021 Docket XX - CFP1

Index # - File Name: 1.0005_FINAL_OV Sewer Plan Amendment 2_9Sep2019_Reduced.pdf

**OLYMPIC VIEW WATER & SEWER DISTRICT
DETERMINATION OF NON-SIGNIFICANCE
AND NOTICE OF PUBLIC HEARING**

Description of the Proposal: This proposal is for adoption of Amendment No. 2 to Olympic View Water & Sewer District's 2007 Comprehensive Sewer Plan. Amendment No. 2 is titled "Southwest Sewer Service Area System Improvements" and upon adoption will be incorporated into the 2007 Plan as Amendment H. The Amendment addresses the District's responsibility to make sewers available to currently unsewered areas and proposed new development in the southwest portion of the District's service area. Alternatives for serving these areas are addressed in the Amendment and are based on a combination of regional population projections, specific development proposals, planning by local land use authorities and regional planning for wastewater treatment and disposal.

Proponent: Olympic View Water & Sewer District

Location: Olympic View Water and Sewer District's sewer service area is coincidental to its corporate boundary and generally extends from the Puget Sound on the west to State Highway 99 on the east, and from 220th Street Southwest on the north to the Snohomish-King County line on the south.

Lead Agency: Olympic View Water & Sewer District.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by 5:30 pm, September 16, 2019. A public hearing will be held at the District office listed below on September 16, 2019 at 5:30 p.m. or as soon thereafter as may be heard.

Responsible Official: Lynne Danielson

Position/Title: General Manager, Olympic View Water & Sewer District

Phone: (425) 774-7769

Address: 8128 228th Street Southwest
Edmonds, Washington 98026

Date: August 22, 2019

Signature:



2021 Docket XX - CFP1

Index # - File Name: 1.0005_FINAL_OV Sewer Plan Amendment 2_9Sep2019_Reduced.pdf

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Address: 8128 228th Street Southwest
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Date: August 22, 2019

Signature:



SEPA Environmental Checklist

A. BACKGROUND

1. Name of proposed project, if applicable:

*2007 Comprehensive Sewer Plan Amendment No. 2
Appendix H: Southwest Sewer Service Area System Improvements*

2. Name of applicant:

Olympic View Water and Sewer District

3. Address and phone number of applicant and contact person:

Applicant:

*Olympic View Water and Sewer District
Lynne Danielson, General Manager
8128 228th Street SW
Edmonds, WA. 98026
(425) 774-7769*

Contact Person:

*Susan Boyd, Vice President
PACE Engineers Inc.
11255 Kirkland Way, Suite 300
Kirkland, WA. 98033-3511
(425) 827-2014*

4. Date checklist prepared:

August 12, 2019

5. Agency requesting checklist:

Olympic View Water and Sewer District (District)

6. Proposed timing or schedule (including phasing, if applicable):

The Sewer Plan Amendment No. 2 is expected to be approved in winter 2019.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The Sewer System Plan Amendment No. 2 takes into consideration future development and land use changes within the District which includes proposed development within the Southwest Sewer Service Area. Additional amendments to the Plan may occur in the future as improvements are identified to meet the sewer system requirements of the service area.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A Draft Environmental Impact Statement (DEIS) is being prepared for the proposed Point Wells Urban Center development within the Southwest Sewer Service Area of the District.

The District updated their Comprehensive Water Plan in 2018.

The District also updated their Watershed Protection Plan in 2019.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Development permit applications have been submitted to Snohomish County for the proposed Point Wells Urban Center development.

10. List any government approvals or permits that will be needed for your proposal, if known.

In accordance with State regulations, the Sewer System Plan Amendment No. 2 must be approved by the Washington State Department of Ecology, Snohomish County and the Town of Woodway. Opportunity to review and comment has been extended to the City of Edmonds, Ronald Sewer District, and other neighboring service providers and agencies.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Sewer System Plan Amendment No. 2 addresses sewer service needs for the Southwest Sewer Service Area. The area includes unsewered areas within the Town of Woodway and Snohomish County, and the proposed Point Wells development. Ownership and operation of the current sanitary sewer system and projected needs for serving current and anticipated residents of the District is addressed in a new Appendix H to the 2007 Comprehensive Sewer Plan. Appendix H confirms the District's intention to serve the area and establishes guidance for extending sewers to serve existing and proposed development in this area of Olympic View's corporate boundary and sanitary sewer service area. In addition, this amendment addresses the potential change in ownership and operation of Ronald Wastewater District facilities located within the Olympic View corporate / service area.

12. Location of the proposal.

As shown in Figure 1, Olympic View Water and Sewer District is located in southwestern Snohomish County, immediately north of the King County line. The District's service area generally extends from Highway 99 on the east to the Puget Sound on the west, and from 200th Street Southwest on the north to the Snohomish County line at 244th Street Southwest on the south. The District serves areas within the City of Edmonds and Town of Woodway, as well as portions of unincorporated Snohomish County. Amendment 2 to the Comprehensive Sewer Plan addresses service to the southwest sewer service area lying in the southwestern most corner of the District, just north of the King – Snohomish County line and along the shoreline of the Puget Sound.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site

(circle one): Flat, **ROLLING**, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

Approximately 25 percent.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

According to the NRCS (National Resource Conservation Service), the majority of the soils in the District's service area are Alderwood-Urban land complex with some sandy loam and a small percentage of silt loam.

The NRCS soils map indicates the presence of farmlands of statewide importance within the District's service area, however, zoning information from Snohomish County, the City of Edmonds,

and the Town of Woodway do not list farmlands within the District's service area. None of the listed soils would be removed as a result of this Sewer System Plan Amendment No. 2.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There is a history of landslides along the Puget Sound shoreline, parallel to the railroad corridor and unstable soil conditions do occur in other isolated areas within the District's service area. Soil testing and mitigation would be employed as appropriate for construction of individual projects identified in the Plan.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Does not apply to this Sewer System Plan Amendment No. 2. Imported backfill would be required for some pipeline construction projects, however, no significant changes to existing grades would result.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not as a result of this Sewer System Plan Amendment No. 2. Erosion could occur as a result of construction of proposed projects identified in the Comprehensive Sewer Plan, however appropriate erosion control measures would be addressed in the design phase of each individual project.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None as a result of this Sewer System Plan Amendment No. 2. Development of the Point Wells Urban Center would increase the amount of impervious surfaces within the District but is not under the jurisdiction or control of the District.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Does not apply to this Sewer System Plan Amendment No. 2.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None as a result of this Sewer System Plan Amendment No. 2. Emissions from construction equipment and dust are anticipated during construction of the proposed projects discussed in the Amendment and would be addressed at time of development.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Does not apply to this Sewer System Plan Amendment No. 2.

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes. The District borders Puget Sound and its associated estuarine wetland to the west. Chase Lake and Deer Creek are within the District's service area, and the Point Wells development project is located immediately adjacent to the Puget Sound.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Does not apply to this Sewer System Plan Amendment. Individual projects located within 200 feet of surface waters would be constructed in accordance with all appropriate environmental, permitting, and design requirements.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Does not apply to this Sewer System Plan Amendment. Fill and dredge material would not be placed or removed from any of the waters listed above.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No. Surface water withdrawals or diversions would be addressed as part of the environmental analysis associated with specific projects.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The western District boundary along the Puget Sound shoreline is located within a flood hazard area and 100-year floodplain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No groundwater would be withdrawn or discharged as a result of the Sewer System Plan Amendment No. 2. It is noted, however, that the guidance provided for extending public sewers to areas currently served by septic tanks provides a measure of increased protection to surface water and groundwater.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Waste material would not be discharged into groundwater as a result of this Sewer System Plan Amendment.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Does not apply to this Sewer System Plan Amendment. Runoff quantities and sources would be addressed as part of the environmental analysis associated with specific projects.

2) Could waste materials enter ground or surface waters? If so, generally describe.

Not as a result of the Sewer System Plan Amendment No. 2.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Amendment No.2 to the Sewer System Plan would not affect drainage patterns within the District's service area. Drainage patterns affected by development would be addressed as part of the environmental analysis associated with specific projects.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None are proposed; amendments to the sewer plan would not result in impacts to surface, ground or runoff water. Although the majority of sewer system construction typically occurs in dedicated right-of-ways, protection of surface waters may be required in individual projects and for development of the Point Wells Urban Center.

4. Plants

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

No vegetation would be removed as a result of this Sewer System Plan Amendment No. 2. The majority of system improvements discussed in the plan would occur within dedicated right-of-ways. Vegetation removed as a result of project development would be addressed as part of the environmental analysis associated with specific projects.

c. List threatened and endangered species known to be on or near the site.

There are no known listed plant species within the District's sewer service area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Does not apply to this Sewer System Plan Amendment. Any vegetation disturbed as a result of system improvements or project development would be replaced and sites restored to pre-

construction condition where appropriate. Landscaping will be accomplished in accordance with the requirements of the appropriate jurisdiction.

- e. List all noxious weeds and invasive species known to be on or near the site.

The Washington State Noxious Weed Control Board lists several plant species, such as common yarrow, non-native grasses, and thistle, within Snohomish County that may occur within the District's sewer service area.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other: falcon, heron

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____.

- b. List any threatened and endangered species known to be on or near the site.

Chinook Salmon and Steelhead are classified as threatened species (Federal) located in WRIA 8.

- c. Is the site part of a migration route? If so, explain.

The Puget Sound area and Western Washington are part of the Pacific Flyway. The Puget Sound nearshore areas and estuaries are used by salmon for migration, juvenile rearing, refuge and feeding

- d. Proposed measures to preserve or enhance wildlife, if any:

Does not apply; amendments to the District's Sewer System Plan would have no effect on wildlife within the service area.

- e. List any invasive animal species known to be on or near the site.

The Washington Department of Fish and Wildlife lists several prohibited, regulated, and unlisted species, such as tree frogs, that may occur within Western Washington and the District's sewer service area.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Operation of the District's sewer system requires the use of electricity, water, and fuel for the operation and maintenance of the collection and pumping system.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Amendments to the District's Sewer System Plan would not affect energy resources. Impacts on energy resources from project development would be addressed as part of the environmental analysis associated with specific projects.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

Amendment 2 to the District's Comprehensive Sewer Plan will not create environmental health hazards. However, Amendment 2 contemplates extension of service to the Point Wells area that has historically been used as a petroleum storage and transfer facility. Any environmental health risk associated with the development would be addressed under the development proposals under the jurisdiction of Snohomish County.

- 1) Describe any known or possible contamination at the site from present or past uses.
No known contamination is located within of the District service area.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

There are no known hazardous conditions that would affect this Comprehensive Sewer Plan Amendment No. 2.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Does not apply to Comprehensive Sewer Plan Amendment No. 2.

- 4) Describe special emergency services that might be required.

No special services will be required as part of Comprehensive Sewer Plan Amendment No. 2.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Does not apply. No environmental health hazards will be created as a result of Comprehensive Sewer Plan Amendment No. 2.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None as a result of this Comprehensive Sewer Plan Amendment No. 2. A temporary increase in noise levels may be associated with construction of any future proposed system improvements. Noise impacts created by development will be addressed as part of the environmental analysis associated with specific projects.

- 3) Proposed measures to reduce or control noise impacts, if any:

None are proposed; amendments to the District's Comprehensive Sewer Plan will not produce noise impacts.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Land use within the District's service area consists of residential and commercial properties with some government buildings and vacant parcels. Amendments to the Comprehensive Sewer Plan will not affect current land uses, however, proposed system improvements could affect development within the service area.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

It is probable that land use within the District's service area was used as farm or forest lands in the past. However, there are currently no known farm or forest lands located within the District boundary and no farmlands or forest lands will be converted as a result of the proposed action.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Amendments to the District's Comprehensive Sewer Plan will not affect or be affected by surrounding working farms or forest lands.

- c. Describe any structures on the site.

Structures within the District's service area include residential structures with associated buildings, business structures, existing infrastructure and utilities, as well as government buildings.

- d. Will any structures be demolished? If so, what?

Not as a result of this plan amendment. Development of the Point Wells area would require the removal of the existing petroleum storage and transfer facility structures.

- e. What is the current zoning classification of the site?

Zoning within the District's service area varies within the jurisdictions but consists mainly of residential and commercial classifications.

- f. What is the current comprehensive plan designation of the site?

Urban

- g. If applicable, what is the current shoreline master program designation of the site?

Snohomish County zoning designates the Puget Sound shoreline as Aquatic Shoreline Environment and Urban Shoreline Environment.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

The Puget Sound, Deer Creek, and Chase Lake are designated critical areas. Additional areas within Olympic View are classified as environmentally sensitive areas.

- i. Approximately how many people would reside or work in the completed project?

Does not apply to this sewer plan amendment. However, proposed development of the Point Wells area will increase the number of residents and employees in the area. These increases will be addressed at time of development.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Does not apply; Amendments to the Sewer Plan would not result in displacements.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The Comprehensive Sewer System Plan was developed as a guideline for responding to growth and land uses projected by the various jurisdictions within which the District operates.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Amendments to the District's Sewer Plan may be required to address future system needs based on existing and projected land use patterns and sewer demands, and would incorporate elements of the critical areas and natural resource policies in the adopted comprehensive plans of those jurisdictions located within the service area.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None as a result of this plan amendment. The proposed Point Wells development is expected to add about 3,100 medium to high income housing units.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

The proposed action will not have an effect on housing within the District. However, extension of service to unsewered areas could reduce the cost of future development to individual property owners.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Does not apply to the proposed action.

b. What views in the immediate vicinity would be altered or obstructed?

None as a result of this Comprehensive Sewer Plan Amendment No. 2.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None are proposed. Impacts to aesthetics are not anticipated as a result of this sewer plan amendment.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
None.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
No.
- c. What existing off-site sources of light or glare may affect your proposal?
None.
- d. Proposed measures to reduce or control light and glare impacts, if any:
Does not apply to the proposed action adopting an amendment to the District's Comprehensive Sewer Plan.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
There are several parks and recreational opportunities within the District, including the Puget Sound and the Edmonds and Woodway waterfronts.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
Does not apply. Amendments to the Comprehensive Sewer Plan will not affect recreational opportunities within the District's service area.

13. Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.
DAHP (Department of Archaeology and Historic Preservation), WISAARD (Washington Information System for Architectural and Archaeological Records Data) information shows the presence of one registered historic site located within the District's service area; the IOOF Cemetery located "400' North of the Intersection of Edmonds Way and 100th St.", in Edmonds, Washington.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
There are no known landmarks or features of Indian or historic use or occupation within the District's service area.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Does not apply to the proposed action adopting an amendment to the District's Sewer Plan. Assessment of potential impacts to cultural and historic resources would take place on a project basis.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Does not apply to the proposed action.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The District's service area can be accessed via SR 99 to the east and 244th St. SW to the south. Major roads into and within the District include 220th St. SW, Edmonds Way (SR 104), 100th Ave W, and Woodway Park Rd.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The area is served by Snohomish County Community Transit with several stops located throughout the District. King County Metro also serves some portions of the area.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

None. Parking facilities created by future development would be addressed as part of individual development proposals.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

The proposed action does not require new or improved roadways, however, sewer system improvements and extensions may occur along road right-of-ways. Evaluation of impacts to street and roads will be part of individual project review.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

This sewer plan amendment will not impact traffic within the District. Traffic impacts will be addressed by individual project development proposals.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

h. Proposed measures to reduce or control transportation impacts, if any:

Does not apply to the proposed action.

15. Public Services

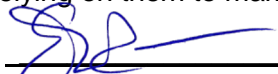
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. *Amendments to the District's Sewer System Plan would not require additional public services.*
- b. Proposed measures to reduce or control direct impacts on public services, if any. *Does not apply; amendments to the District's Sewer System Plan would not impact public services.*

16. Utilities

- a. Circle utilities currently available at the site:
Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, Other: communications
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. *The Comprehensive Sewer Plan proposes improvements to the District's sewer system to serve the needs of the District through 2035.*

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of Signee: Eilean Davis _____

Position and Agency / Organization: Senior Planner, PACE Engineers, Inc. _____

Date Submitted: August 19, 2019 _____

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
Amendments to the Comprehensive Sewer Plan will not result in adverse or increased environmental impacts. Future projects and programs discussed in Amendment 2 would strive to reduce the likelihood of adverse environmental impacts.

Proposed measures to avoid or reduce such increases are:

Does not apply the proposed action.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
Amendment of the Sewer Plan will not affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Does not apply to the proposed action.

3. How would the proposal be likely to deplete energy or natural resources?
The proposed action will not deplete energy or natural resources. Sewer system improvements could require the use of construction materials and could require electricity for operation and would be assessed on a project basis.

Proposed measures to protect or conserve energy and natural resources are:

Efficient planning, design, equipment, and operation of the sewer collection system will be accomplished in a manner that conserves energy and protects natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Amendments to Olympic View's Comprehensive Sewer Plan will not affect environmentally sensitive areas and may provide greater protection of these areas through provision of public sewers and maintaining system efficiency throughout the District's service area.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Any proposed improvements or expansions to the District's sewer system would be consistent with the regulations and policies governing the protection of environmentally sensitive areas.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
Amendments to the Sewer System Plan would not affect, allow, or encourage land and shoreline uses. Future system improvements and expansions could promote development in those areas currently served by on-site septic systems and would be compatible with the goals and policies of

the adopted comprehensive plans and Shoreline Master Programs for Snohomish County and the cities of Woodway and Edmonds.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Does not apply to this Sewer System Plan Amendment No. 2.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Sewer System Plan Amendment No. 2 would not increase demands on transportation or public services and utilities. The Plan addresses future needs for the sewer system as demand grows in the future.

Proposed measures to reduce or respond to such demand(s) are:

Proposed sewer system improvement projects are discussed in the sewer plan and would be evaluated for potential effects on transportation or public services and utilities on a case-by-case basis.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Amendments to the Sewer System Plan, and this SEPA document, are being prepared to ensure compliance with Washington State Department of Ecology, City of Edmonds, Town of Woodway, and Snohomish County requirements. Individual projects would be evaluated for effects on the environment and the need for SEPA compliance.

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2021 Docket XX - CFP1

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**ATTACHMENT 2 –
EDMONDS CAPACITY ASSESSMENT**

2021 Docket XX - CFP1

Index # - File Name: 1.0005_FINAL_OV Sewer Plan Amendment 2_9Sep2019_Reduced.pdf



CITY OF EDMONDS

DAVE EARLING
MAYOR

PUBLIC WORKS DEPARTMENT • OPERATIONS & MAINTENANCE CENTER
7110 210TH STREET SOUTHWEST, EDMONDS, WASHINGTON 98026
PHONE (425) 771-0235 • FAX (425) 744-6057 • WWW.EDMONDSWA.GOV

June 10, 2015

Lynne Danielson, General Manager
Olympic View Water and Sewer District
8128 228th St SW
Edmonds WA 98026

RE: *Request for Conveyance and Treatment Capacity Evaluation*

Dear Lynne,

The City of Edmonds (COE) has conducted a preliminary assessment of the treatment plant and conveyance capacity.

Treatment Capacity

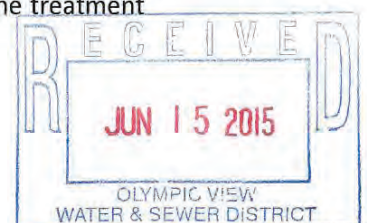
As you know, the COE, City of Mountlake Terrace (MLT), Ronald Sewer District and Olympic View Water and Sewer District (OVWSD) have entered into an agreement that allows for purchasing and/or selling of unused capacity between the partners. While the transfer of capacity to a partner in need is not a guarantee it would benefit all partners to work together to ensure available capacity is utilized.

OVWSD owns 16.551% of the COE Treatment Plant capacity based on Maximum Month Design Flow (MMDF) established by the Department of Ecology. This equates to 1.953 million gallons per day. Currently, the COE WWTP receives on average 47% of rated MMDF. OVWSD utilizes 44% of their purchased capacity. The treatment plant is able to treat an additional 4.7 MGD on average based on this preliminary assessment without triggering a plan for maintaining adequate capacity as defined by the Department of Ecology.

Conveyance System

Flows from Richmond Beach (King County) enter the treatment plant in a dedicated 30" line owned by King County. Flows from Richmond Beach average 1.4 MGD and with peaks as high as 4.76.

Based on the COE Comprehensive Sewer Plan, the MLT (SR104 trunk line) line to the treatment plant is at or nearing capacity in several sections.



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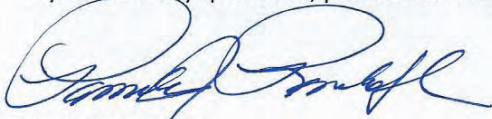
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Our initial assessment is that the existing conveyance system is not capable of handling the rated flow of the COE WWTP. Additional flows outside of the current collection system would need to be evaluated in order to determine the best route and location to tie into the treatment plant.

Summary

The COE WWTP is currently underutilized. Additional flow and loading would benefit the process, our partners and the environment while lowering the average cost to the citizens. The COE would welcome the opportunity to further evaluate options in order to determine the best approach toward conveyance of any additional flows to the treatment plant.

If you have any questions, please don't hesitate to call me at 425-771-0237

A handwritten signature in blue ink, appearing to read 'Pamela Randolph', is written over the typed name.

Pamela Randolph
Wastewater Treatment Plant Manager

**ATTACHMENT 3 –
ADDITIONAL ITEMS ENTERED INTO THE RECORD**

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**OLYMPIC VIEW WATER & SEWER DISTRICT
LIST OF EXHIBIT DOCUMENTS ENTERED INTO THE RECORD**

APRIL 20, 2015

- A. City of Shoreline letter dated March 16, 2015 (with Attachments).**
- B. Van Ness Feldman letter on behalf of Ronald Sewer District dated March 16, 2015 (with Attachments).**
- C. Olympic View Water and Sewer District Response to Comments**
- D. PACE Engineers Memorandum Regarding Technical Challenges to SEPA dated April 6, 2015.**
- E. King County Conveyance System Improvement Program Update - Initial Regional Needs Assessment Results for Discussion with Local Agencies, September 2014. (Capacity Analysis).**
- F. Boundary Review Board for Snohomish County File No 04-2014 Findings and Decision Denying Assumption of Ronald Sewer District by the City of Shoreline (Including Background Materials).**
- G. Snohomish County Ordinance 94-030** granting a Utility Franchise to Shoreline Wastewater Management District.
- H. OVW&SD Letter dated February 23, 2015** addressing King County Wastewater Treatment Division Comments in letter dated February 23, 2015 regarding OVW&SD Sewer Comp Plan Amendment and King County letter dated February 10, 2015 commenting on OVW&SD Comprehensive Plan Amendment.
- I. Talmage Fitzpatrick letter dated April 2, 2015** and documents submitted to the Washington State Boundary Review Board of Snohomish County:

I.1 Olympic View

Olympic View Water & Sewer District's Opposition to Proposed Assumption of Ronald Wastewater District by City of Shoreline in Unincorporated Snohomish County and Request for Action Pursuant to RCW 39.93.150, dated **8.7.2014**

Declaration of Lynne Danielson, dated **8.6.2014**

Olympic View Water & Sewer District's Response to the City of Shoreline's Hearing Brief, dated **8.18.2014**

Second Declaration of Lynne Danielson, dated **8.15.2014**

Third Declaration of Lynne Danielson, dated **8.28.2014**

Letter Regarding City of Shoreline's Proposed Assumption of Ronald Wastewater District within Snohomish County BRB (signed by Lynne Danielson and Eric Faison of Town of Woodway), dated 8.28.2014

I.2 Town of Woodway

Letter from Wayne Tanaka re: City of Shoreline's Proposed Assumption of Ronald Wastewater District within Snohomish County, dated 8.8.2014

Revised Letter from Wayne Tanaka re: City of Shoreline's Proposed Assumption of Ronald Wastewater District within Snohomish County, dated 8.8.2014

Declaration of Eric Faison, acting Town Administrator, dated **8.18.2014**

Letter Regarding City of Shoreline's Proposed Assumption of Ronald Wastewater District within Snohomish County BRB (signed by Eric Faison and Lynne Danielson of Olympic View), dated **8.28.2014**

I.3 North City Water District

Letter to BOTH Snohomish County BRB & King County BRB from Charlotte Haines, President of Board of Commissioners re: Notice of intent - Assumption of Ronald Wastewater District, dated **6.30.2014**
North City Water District's Response to Shoreline's Notice of Intention, dated **8.8.2014**

I.4 City of Edmonds

Letter re: File No. 2357, sent to King County BRB, dated **8.12.2014**
Letter re: File 04-2014 -City of Edmonds Commentary, dated **8.28.2014**

I.5 Snohomish County BRB

Findings and Decision, dated **9.11.2014**



Olympic View Water & Sewer District

2007 Comprehensive Sewer Plan Amendment No. 2

Appendix H: Southwest Sewer Service Area System Improvements



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**OLYMPIC VIEW WATER AND SEWER DISTRICT
2007 COMPREHENSIVE SEWER PLAN
AMENDMENT NO. 2**

**Appendix H:
Southwest Sewer Service Area System Improvements**



August 2019



PACE ENGINEERS, INC.

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Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2

Appendix H: Southwest Sewer Service Area System Improvements

Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, Washington 98026-8981
(425) 774-7769

GENERAL MANAGER

Lynne Danielson

COMMISSIONERS

Lora Petso
John Elsasser
Fanny Yee



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PACE Project No. 19094.01.21

August 2019

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**OLYMPIC VIEW WATER AND SEWER DISTRICT
2007 COMPREHENSIVE SEWER SYSTEM PLAN AMENDMENT NO. 2
SOUTHWEST SEWER SERVICE AREA SYSTEM IMPROVEMENTS
PROJECT CERTIFICATION**

The technical material and data contained in this report was prepared by PACE Engineers, Inc., under the supervision of the below listed individuals. Those responsible staff members who are registered professional engineers are licensed in the State of Washington.



Paul Weller, P.E.
Senior Planner

Eilean Davis, PWIT
Senior Planner

2021 Docket XX - CFP1

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**OLYMPIC VIEW WATER AND SEWER DISTRICT
2007 COMPREHENSIVE SEWER SYSTEM PLAN AMENDMENT NO. 2**

APPENDIX H: SOUTHWEST SEWER SERVICE AREA SYSTEM IMPROVEMENTS

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Attachments

- 1 SEPA Documentation
 - Determination of Non-Significance
 - SEPA Checklist
 - Affidavits of Publication
- 2 City of Edmonds Capacity Assessment
- 3 Additional Items Entered into the Record
- 4 Comment Response Matrix





PREFACE

The following amendment to the Olympic View Water and Sewer District's 2007 Comprehensive Sewer Plan was prepared and provided for review and approval to the Washington State Department of Ecology in 2015. Ecology reviewed and approved the document in December 2015. Minor revisions have been made to the document since 2015 in response to comments received. The revisions made do not constitute substantial changes to the amendment since Ecology approved the document in 2015. The following revisions were made to the 2015 document:

- Text was added to Page 2 to clarify sewer service to six connections being served by Ronald Wastewater District.
- The capacity calculations and document text on pages 11 and 22 were revised to correct inconsistencies
- The maps were revised to show the correct service area boundaries of those areas served by the City of Edmonds
- Figure 3 was revised to correctly name the Forest Glen Lift Station
- Figure 6 has been revised to add existing topography and waterbodies within the District's service area





Governance of the Point Wells Urban Center area is under the jurisdiction of Snohomish County and despite challenges in recent years, Snohomish County is currently preparing an Environmental Impact Statement evaluating various alternatives, potential impacts, and mitigation strategies for the proposed development. In accordance with SEPA regulations and requirements, the EIS must also address utility service, including both public water service and wastewater service. Domestic water and fire protection service would be provided by Olympic View Water and Sewer District in accordance with the District's adopted Comprehensive Water System Plan and established Retail Water Service Area.

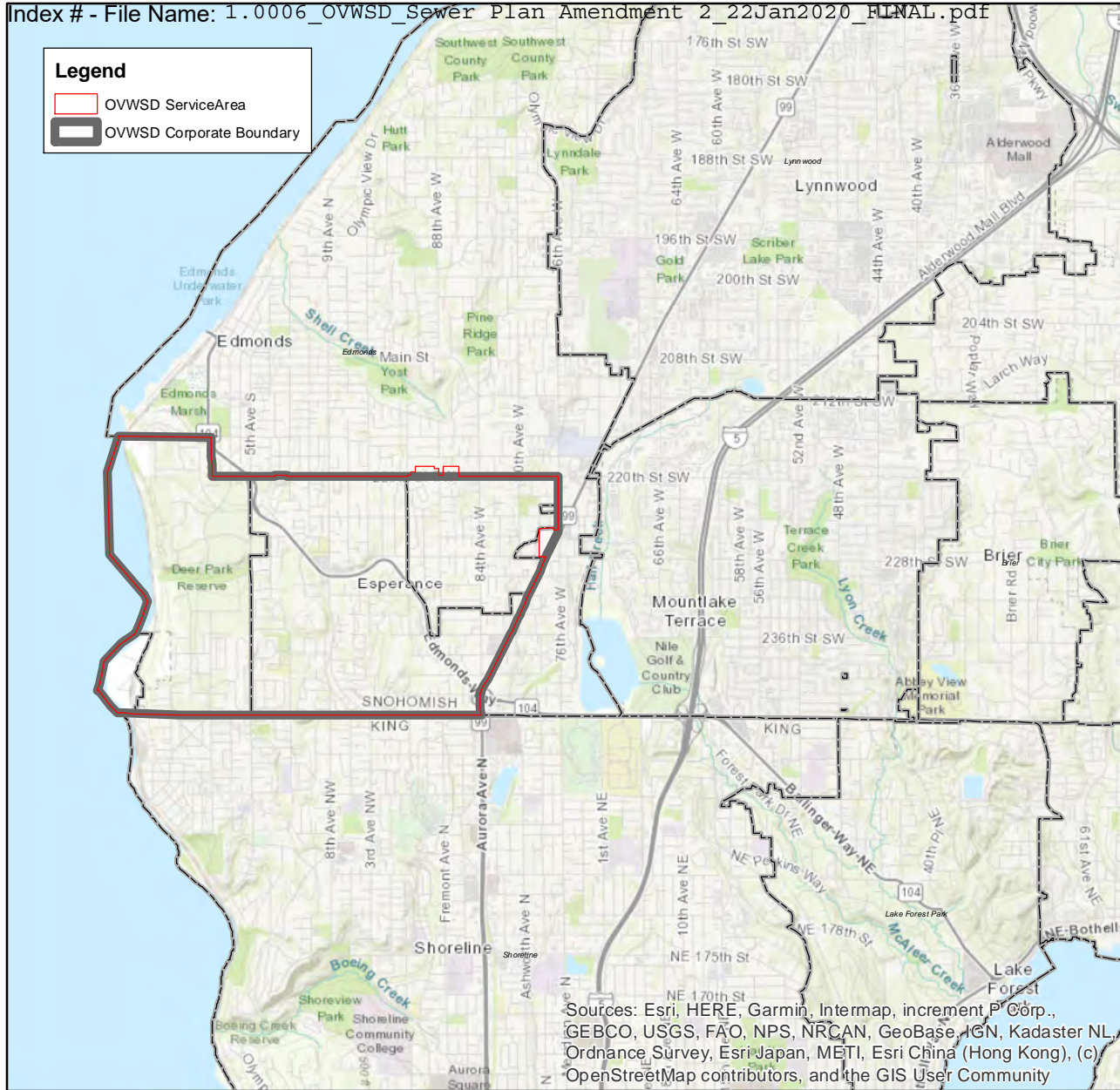
Sewer service to the existing six (6) connections in the Point Wells area is provided by Ronald Wastewater District on an interim basis. Four of these connections are in the Town of Woodway by agreement with Woodway but assigned to Olympic View upon transfer of the sewer system from Woodway to Olympic View in 2004. The remaining two connections are located within Snohomish County; one connection provided by Ronald Wastewater District under a specific contract, transferred to Ronald WD in 1986 by Richmond Beach Sewer District. Transfer of these connections to the Olympic View system can occur at any time with the current wheeling agreements in place.

The southwest service area is within the Town of Woodway's Municipal Urban Growth Area (MUGA). In accordance with the Growth Management Act, the Town retains an interest in ensuring that an appropriate level of utilities and services are provided to the area. That interest has been demonstrated in a series of interlocal agreements pertaining to provision of sanitary sewer service. In 2004, Woodway transferred its entire sewer system and all responsibilities for operating its sewer system to Olympic View. In addition, the Town assigned its existing agreements regarding collection, conveyance and treatment of wastewater to Olympic View. This includes agreements with King County and Ronald Wastewater District, including the aforementioned 2005 agreement addressing sewer service to Point Wells and surrounding area. More recently, Woodway has recently annexed the Upper Bluff area along the eastern boundary of the Point Wells area.

Olympic View and Ronald have worked collaboratively for a number of years on various aspects of providing safe, reliable and efficient public sewer service for areas where the two systems meet. The plan for service to Olympic View's Southwest Service Area is put forth in this Amendment and is irrespective of the City of Shoreline's plans for assumption of Ronald Wastewater District. As demonstrated herein, Olympic View has a legal obligation to serve and is both the logical and most appropriate sanitary sewer service provider authorized to serve the area.

Evaluation of alternatives for extending service to the subject area is predicated on, and based on information put forth in, proposed development plans for the Point Wells property. Analysis and evaluation are provided at a planning level of detail to provide guidance for the District to better plan for service to the area and allow for regional coordination with the City of Edmonds and King County, who currently provide wastewater treatment and disposal generated by customers of the District's service area. Preparation of this Amendment included:

- Review of existing interlocal agreements, planning documents, data, and material



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Figure 1
Olympic View Water & Sewer District Overview
2019 Sewer Comprehensive Plan Amendment





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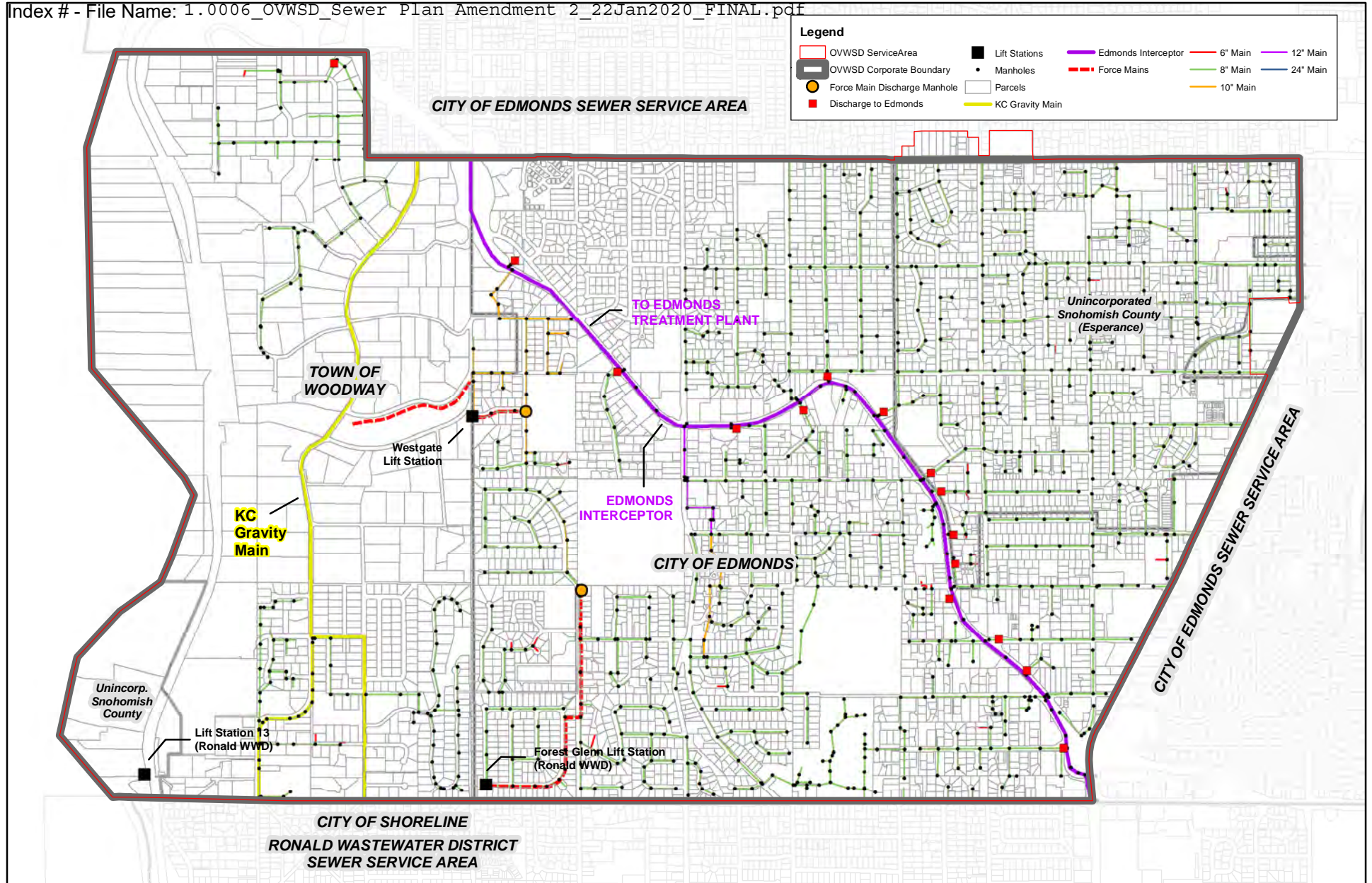


Figure 3
Existing System Map
2019 Sewer Comprehensive Plan Amendment





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jurisdiction, from the District, of an area east of State Highway No. 2 (SR 99). Water and sewer service that had previously received service from the District would be provided by the City of Edmonds for this area.

In 1967, the District constructed a sewage collection system to transport its wastewater to the Edmonds Way trunk line. The system was built in four separate "units" that convey the wastewater to the 24-inch sewer trunk on Edmonds Way. Each unit was constructed independently and, with this arrangement, the necessary pipe size was kept to a minimum.

In 1968, the District signed a contract with the Ronald Wastewater District transferring ownership of sewer lines in the plats of Sno-King Homes and Michael's 1st Addition, Snohomish County, from the Ronald Wastewater District to the Olympic View Water and Sewer District. The Edmonds Wastewater Treatment Plant treats these flows.

In 1970, the District signed a second agreement with the Ronald Wastewater District to accept additional flows from the Ronald Wastewater District's service area and transfer them to the City of Edmonds Treatment Plant.

In 1988, the District signed an agreement for wastewater treatment disposal and transport services with the City of Edmonds, City of Mountlake Terrace, and Ronald Wastewater District. The District has been operating under this agreement since 1988. The District and related parties have started the process of updating this agreement.

In 1994, the District signed a utility franchise agreement with Snohomish County. The agreement is valid through 2019 and does not include any limitations within the unincorporated area located in the southwestern sub-regional system. During that same year, Snohomish County granted a franchise to Shoreline Wastewater Management District (now known as Ronald Wastewater District) that specifically limits extension of utilities into Snohomish County to 276 feet of pipe along Heberlein Road. That franchise allows for service to restrooms at the Point Wells site. Transfer of the franchise to a third party is prohibited by the franchise agreement as well as a stipulation in Snohomish County's approval of Ronald's 2010 Comprehensive Sewer Plan.

In 2004, the Town of Woodway transferred ownership of the sanitary sewer collection system within the town limits to the District. The existing contracts between the Town of Woodway and the City of Edmonds, King County, and Ronald Wastewater District were transferred with this agreement. Concurrent with this agreement, the Town of Woodway granted the District a franchise agreement, which is valid through 2029, to operate sewer and water utilities within the Woodway rights-of-way. Also in 2004 the District and the City of Edmonds signed Interlocal Operating and Franchise Agreements relating to water and sewer service within Edmonds. The District is currently in negotiations to renew the franchise agreement which expired in 2014.

Having taken over responsibility for sewer service to the Town of Woodway, in 2004 Olympic View signed Amendment No. 1 to the 1992 agreement between the Ronald Wastewater District and the Town of Woodway. This 1992 agreement was specific to the use of the sewer system in the Town of Woodway by the Ronald Wastewater District. The 2004 agreement allows for one additional discharge location from Olympic View to Ronald.

Historic population of the District is indicated in Table 1. Based on 2010 Census data, the Puget Sound regional Council indicated the population per household in the District's service area was 2.52.

Based on regional population projections, and assuming the entire service area is connected to the District's system, the District's population could grow to approximately 17,597 people by the year 2035. The population of the service area has increased steadily since 1980 at a rate of slightly more than 1% per year. This growth rate is expected to increase slightly through the year 2035. These estimates are in accordance with Snohomish County's 2013 published population projections which provide reconciled figures for allocation of population throughout the County. These numbers have been agreed upon by the cities within the County in accordance with Growth Management requirements. The population data represents the most current data available from Snohomish County and the Puget Sound Regional Council.

Table 1 lists the current and projected population of Olympic View's sanitary sewer service area by census tract and includes proposed development within the Southwest Sewer Service Area. The criteria of 2.52 persons per unit for single-family developments was used to estimate population per acre for residential land use. The proposed Point Wells development is projected to add approximately 3,100 residential units, and 250,000 square feet of commercial/office/retail space, which could increase the population within the District's corporate boundary by up to approximately 7,800 residents.

Because sanitary sewer systems can have a useful life of up to 100 years, sewer system planning projections extend beyond typical 20 year planning projections.

Table 1: Olympic View Water and Sewer District Sewer Service Area Population Estimates						
Census Tract	Percent within the District	Population Estimates				
		2000¹	2008²	2010²	2025²	Ultimate³
506	100%		1,177	1,271	2,842	11,112
507	100%	6,390	5,198	5,863	5,922	6,305
508	100%	6,378	5,334	6,090	6,611	6,992
Total		12,768	11,709	13,224	15,375	24,409

¹ Historic Data from previous Olympic View Water and Sewer District Comprehensive Plans.

² Information from Population, Household, and Housing Estimates, PSRC, April 2010.

³ Population projections include proposed Point Wells development.

Olympic View's sewer service area is under the jurisdiction of two municipalities and Snohomish County and is therefore subject to the comprehensive land use plans and zoning codes of Snohomish County, the City of Edmonds, and the Town of Woodway. Figure 3 shows existing land use throughout the District. Figure 4 presents actual zoning. Collectively, land use and zoning provide the basis for sewer flow projections and ultimately system capacity analyses. The area is primarily medium density residential with multi-family residential and commercial activities concentrated along major thoroughfares such as Highway 99 and Edmonds Way.



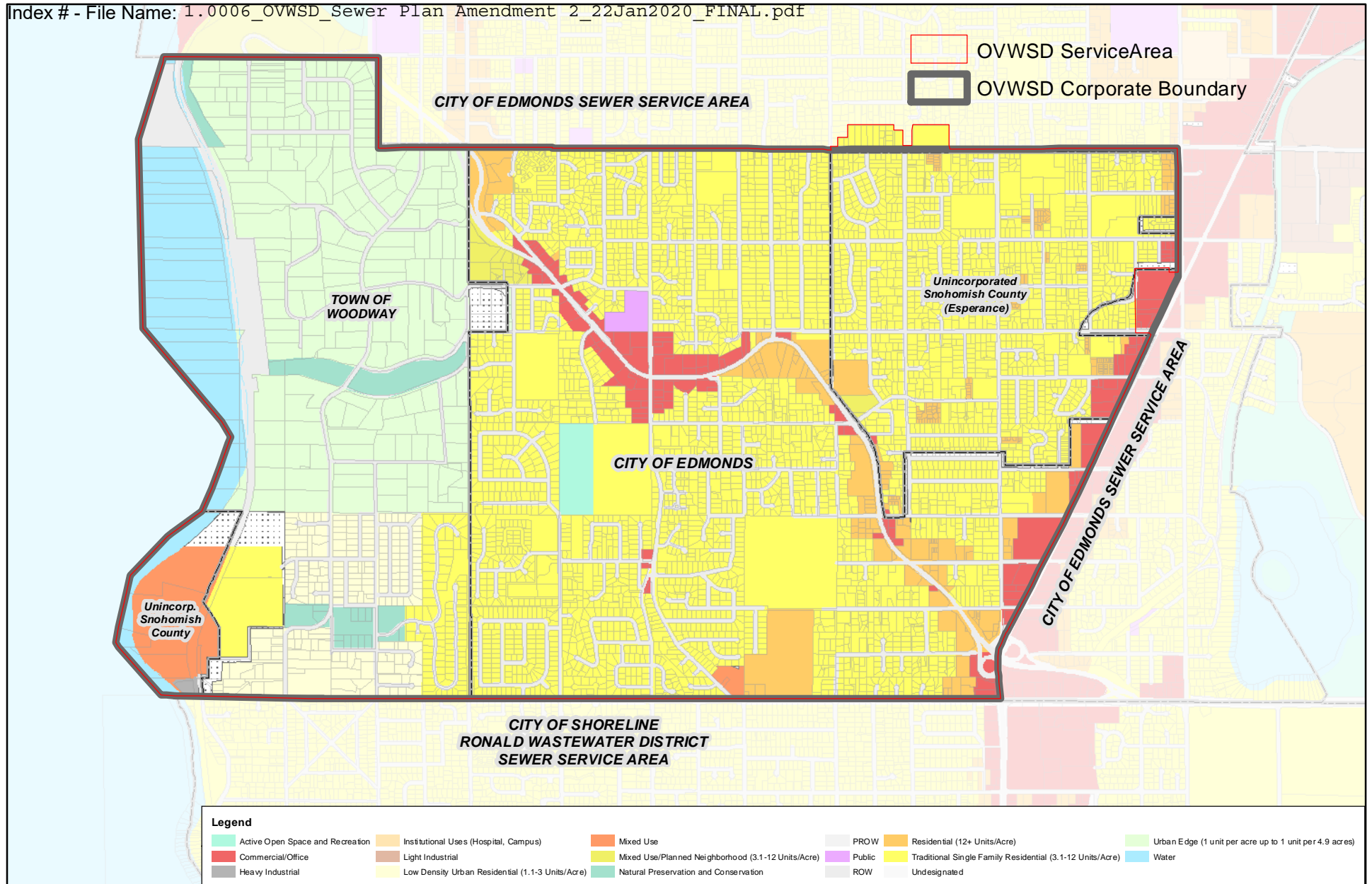


Figure 4
Current Land Use
2019 Sewer Comprehensive Plan Amendment





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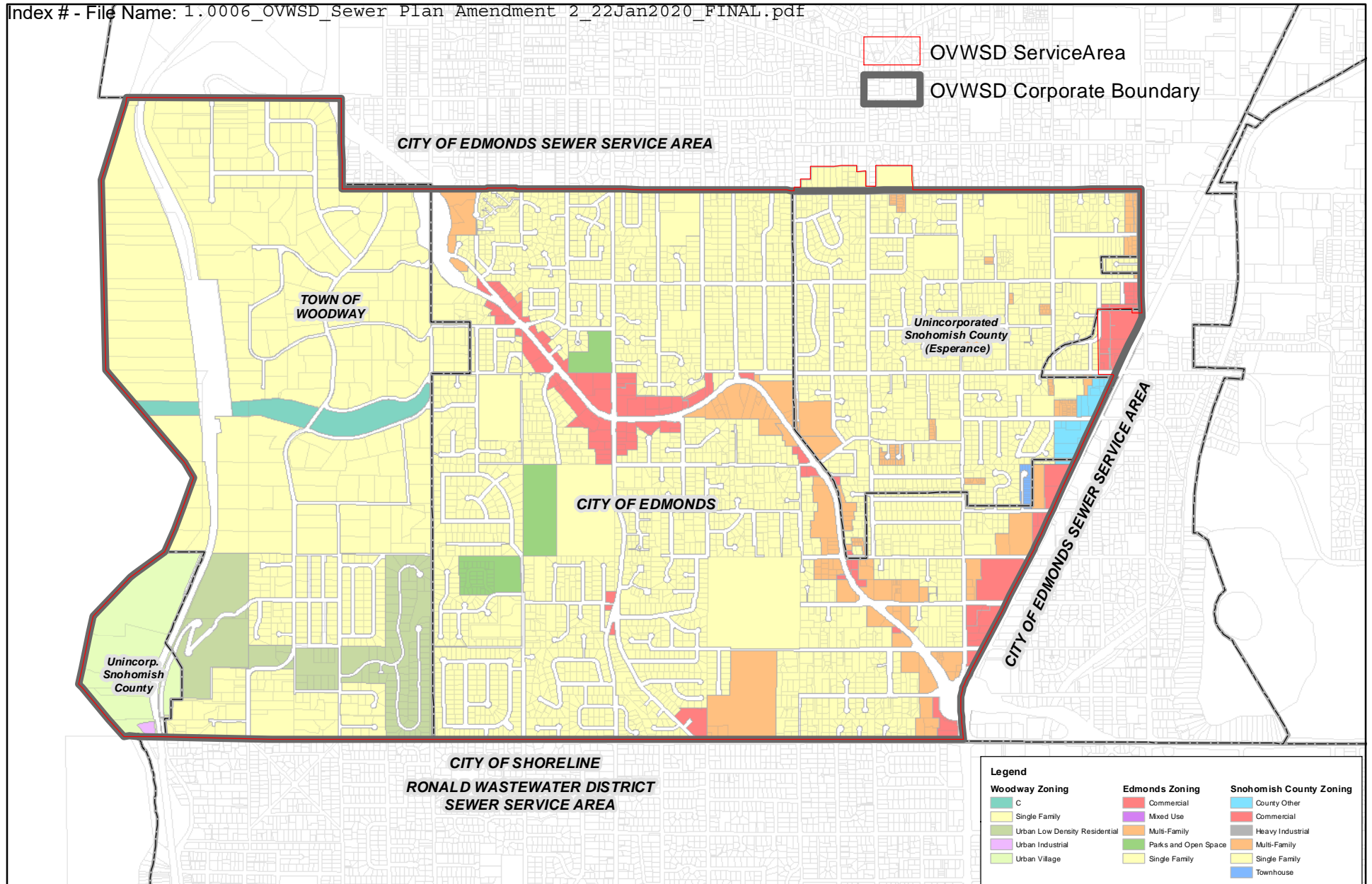


Figure 5
Zoning

2019 Sewer Comprehensive Plan Amendment





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Three alternatives have been considered for evaluation to address Olympic View serving its Southwest Service Area and the development proposed at Point Wells. In developing alternatives, previous analyses by Ronald Wastewater District, King County, and the Town of Woodway have been considered. Alternatives include:

Alternative 1 considers service by a new pump station pumping up to 116th Avenue West and connection to existing King County transmission mains (force and gravity mains) to the Edmonds Treatment Plant.

Alternative 2 contemplates a new pump station pumping up to 116th Avenue West and construction of new force and gravity mains (adjacent to existing King County transmission mains) to the Edmonds Treatment Plant, and replacement of portions of City of Edmonds interceptor as shown in Figure 6.

Alternative 3 evaluates a new pump station and a force main adjacent to the Burlington Northern Railroad tracts (presumably within BNRR right-of-way) north to the Edmonds Treatment Plant.

Two additional alternatives were conceptually evaluated but dismissed. Construction of a pump station and beachfront force main west of the BNRR right-of-way was considered by Woodway but eliminated from consideration in this analysis due to permitting requirements, environmental constraints, and the preference for locating the proposed force main east of the BNRR tracks and right-of-way. Another alternative, routing flows through Olympic View's existing network of primarily 8-inch collection pipes, was dismissed from further evaluation because of the ultimate volume of flows projected from Point Wells. Should the Point Wells development be reduced in scope and magnitude, or if phasing of the project warrants, additional consideration of this option may be appropriate. Evaluation would require construction of a hydraulic model to simulate diurnal flows in downstream pipes. It is noted, however, that other new connections in the Southwest Service Area could be served by the existing pipe network, through extension of sewers to the west in the vicinity of Wachussetts Road and 236th Place.

All alternatives analyzed assume that treatment for the Southwest Service Area and Point Wells will be provided at the Edmonds Treatment Plant, consistent with long-term regional planning efforts regarding treatment and disposal of wastewater from the southwest portion of Snohomish County and northwestern portion of King County. As noted earlier, Olympic View currently owns a 16.551% share of the 11.8 MGD capacity of the Edmonds Treatment Plant facility based on Maximum Monthly Design Flow established by the Department of Ecology. This equates to a flow of approximately 1.95 MGD. In 2018, the District used a total of 257.3 MG which is approximately 0.70 MGD which is approximately 36% of its purchased capacity. This indicates that Olympic View retains approximately 1.25 MGD of excess capacity in the Edmonds plant for future growth. Preliminary sewer flow projections for the Point Wells development indicate peak sewer flows of 2.2 MGD. Assuming a 2.5 peaking factor, this indicates potential flows of approximately 0.88 MGD from the area on an average day, leaving 0.41 MGD additional capacity available for growth within other areas of Olympic View.



constraints and limitations, this analysis dismisses Alternative 1 and considers construction of parallel mains under Alternative 2.

Alternative 2 – Construct New Force and Gravity Mains through Woodway

Alternative 2 is similar to Alternative 1 in that flows from the Point Wells area would be routed from local on-site facilities to a regional pump station that pumps east to 116th Avenue West, then north along 116th and Woodway Park Road to the existing interceptor in Edmonds Way. Alternative 2 recognizes that the King County conveyance facilities through Woodway are undersized (as documented in King County's September 2014 report as noted earlier) and proposes constructing parallel facilities. Alternative 2 also recognizes that there may be constrictions in the conveyance system to the Edmonds Treatment Plant (as documented in the City of Edmonds' June 2015 letter). Alternative 2 is considered viable and is likely the preferred alternative, depending on permitting and access requirements associated with Alternative 3. Further analysis of the City of Edmonds interceptor capacity will be required as complete development proposals are made apparent. Important considerations under Alternative 2 include phasing of the regional pump station to accommodate adding pumps as development dictates, location and capacity of required conveyance facilities, methods of construction, and the bridge crossing that will be required to cross Deer Creek.

Based on the City of Edmonds preliminary review, the trunk line receiving flows from Point Wells requires more thorough evaluation of the conveyance system as part of final design evaluation and improvement requirements. Existing facilities may be at or nearing capacity and developer improvements may be required to accommodate additional flows from Point Wells.

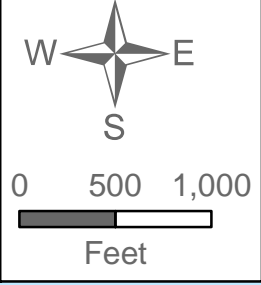
Directional drilling or trenchless construction may provide a cost-effective option that reduces environmental impacts as well as restoration costs. Assuming that unsewered parcels in other areas of the Southwest Service Area and Town of Woodway are served by extension of existing local sewers, this project is well-suited for trenchless construction methods due to the lack of local service connections or need for manholes. The planning level cost estimate for Alternative 2 is in the range of \$3.7 to \$4.2 million for regional pumping and conveyance facilities and includes a planning level contingency for additional work identified at time of development. Local collection facilities, pump station, side sewers, and other appurtenances would be the same under any alternative and, due to the lack of detailed plans, have not been estimated. All costs would be borne by the connecting property owner and would not impact existing ratepayers of Olympic View.

Alternative 3 – Conveyance Facilities along BNRR Right-of-Way

Alternative 3 includes construction of a new regional pump station to serve the Point Wells development and construction of a new force main along the east side of the BNRR tracks to the Edmonds Treatment Plant. This new force main would presumably be constructed at the toe of the slope west of the Woodway bluffs. Considerations associated with Alternative 3 are related to permitting and construction in the vicinity of shorelines and steep slopes. Collaboration with the BNRR may, however, identify opportunities for

**Table 2: Olympic View Water and Sewer District
 Southwest Service Area - Project Alternatives and CIP Analysis**

Project Alternative and CIP Requirements Summary	Estimated Year of Completion	Estimated Project Cost (2019) and Funding Source
<p>Alternative 1: Connect to King County Force Main Use of new local pump stations and construction of a larger (1,500 +/- gpm) regional pump station to convey flows north to existing King County force and gravity mains and eventually to the Edmonds Treatment Plant. Construction of at least 3,465 lineal feet of force and gravity mains and a regional pump station would be required, in addition to local on-site improvements and local pump stations. Upsizing of King County force and gravity mains would also be required. Project would occur along existing easement between Richmond Beach Road and 116th Ave W, 116th Ave W, 240th Street, SW, 114th Ave W to 238th Street SW.</p>	<p>At time of development</p>	<p>Not Applicable/ Alternative Dismissed due to system constraints and limitations</p>
<p>Alternative 2: New Force & Gravity Mains through Woodway Construction of approximately 10,590 lineal feet of force main and gravity mains adjacent to the existing King County transmission main and replacement of portions of City of Edmonds interceptor as shown in Figure 6. Flows from the Point Wells area and Southwestern Service Area would be routed from local on-site facilities to a regional pump station. New pipe installed along 116th Ave W, 240th Street SW, 114th Ave W and Woodway Park Road to Edmonds Way Interceptor.</p>	<p>At time of development</p>	<p>\$4.3-4.9 million Developer / Property Owner Funded</p>
<p>Alternative 3: Conveyance Facilities along BNRR Right of Way Construction of a new regional pump station to serve the Point Wells development, construction of approximately 13,300 lineal feet of new force main. Project Alignment would be along east side of BNRR tracks and local streets in Edmonds to the Edmonds Treatment Plant.</p>	<p>At time of development</p>	<p>\$4.7 - 5.8 mil Developer / Property Owner Funded</p>



Legend

- — — Proposed Alternative 1
- · - · - Proposed Alternative 2
- Proposed Alternative 3
- Manholes
- Lift Station
- - - Force Main
- 6"
- 8"
- 10"
- 12"
- 24"
- KC Regional Conveyance Facilities
- Edmonds Interceptor
- OVWSD Corporate Boundary

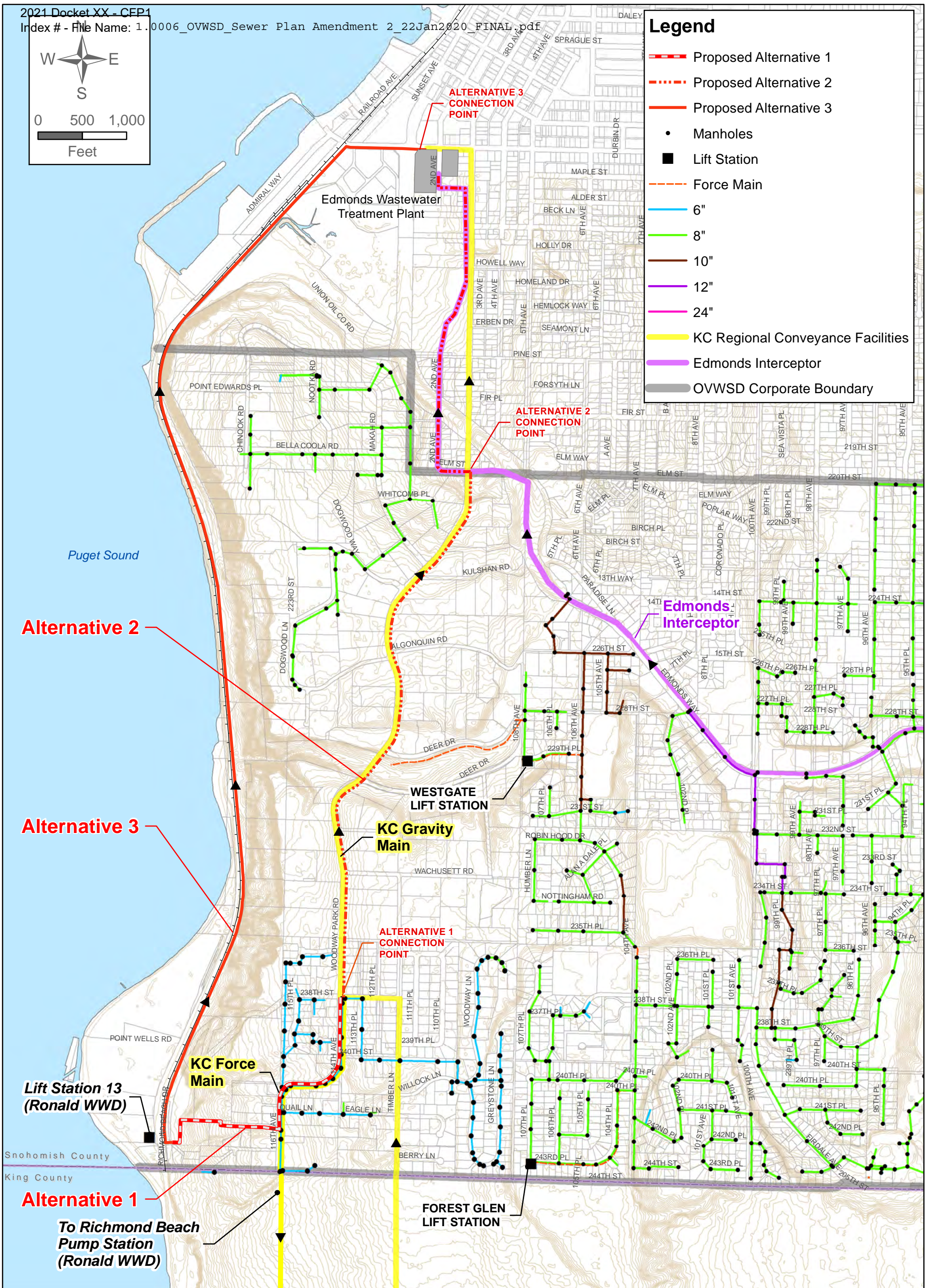


Figure 6
 Southwest Service Area
 Sewer Service Alternatives



2021 Docket XX - CFP1

Index # - File Name: 1.0006_OVWSD_Sewer Plan Amendment 2_22Jan2020_FINAL.pdf

2021 Docket XX - CFP1

Index # - File Name: 1.0006_OVWSD_Sewer Plan Amendment 2_22Jan2020_FINAL.pdf

**ATTACHMENT 1 –
SEPA DOCUMENTATION**

2021 Docket XX - CFP1

Index # - File Name: 1.0006_OVWSD_Sewer Plan Amendment 2_22Jan2020_FINAL.pdf

**OLYMPIC VIEW WATER & SEWER DISTRICT
DETERMINATION OF NON-SIGNIFICANCE
AND NOTICE OF PUBLIC HEARING**

Description of the Proposal: This proposal is for adoption of Amendment No. 2 to Olympic View Water & Sewer District's 2007 Comprehensive Sewer Plan. Amendment No. 2 is titled "Southwest Sewer Service Area System Improvements" and upon adoption will be incorporated into the 2007 Plan as Amendment H. The Amendment addresses the District's responsibility to make sewers available to currently unsewered areas and proposed new development in the southwest portion of the District's service area. Alternatives for serving these areas are addressed in the Amendment and are based on a combination of regional population projections, specific development proposals, planning by local land use authorities and regional planning for wastewater treatment and disposal.

Proponent: Olympic View Water & Sewer District

Location: Olympic View Water and Sewer District's sewer service area is coincidental to its corporate boundary and generally extends from the Puget Sound on the west to State Highway 99 on the east, and from 220th Street Southwest on the north to the Snohomish-King County line on the south.

Lead Agency: Olympic View Water & Sewer District.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by 5:30 pm, September 16, 2019. A public hearing will be held at the District office listed below on September 16, 2019 at 5:30 p.m. or as soon thereafter as may be heard.

Responsible Official: Lynne Danielson

Position/Title: General Manager, Olympic View Water & Sewer District

Phone: (425) 774-7769

Address: 8128 228th Street Southwest
Edmonds, Washington 98026

Date: August 22, 2019

Signature:



SEPA Environmental Checklist

A. BACKGROUND

1. Name of proposed project, if applicable:

*2007 Comprehensive Sewer Plan Amendment No. 2
Appendix H: Southwest Sewer Service Area System Improvements*

2. Name of applicant:

Olympic View Water and Sewer District

3. Address and phone number of applicant and contact person:

Applicant:

*Olympic View Water and Sewer District
Lynne Danielson, General Manager
8128 228th Street SW
Edmonds, WA. 98026
(425) 774-7769*

Contact Person:

*Susan Boyd, Vice President
PACE Engineers Inc.
11255 Kirkland Way, Suite 300
Kirkland, WA. 98033-3511
(425) 827-2014*

4. Date checklist prepared:

August 12, 2019

5. Agency requesting checklist:

Olympic View Water and Sewer District (District)

6. Proposed timing or schedule (including phasing, if applicable):

The Sewer Plan Amendment No. 2 is expected to be approved in winter 2019.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The Sewer System Plan Amendment No. 2 takes into consideration future development and land use changes within the District which includes proposed development within the Southwest Sewer Service Area. Additional amendments to the Plan may occur in the future as improvements are identified to meet the sewer system requirements of the service area.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A Draft Environmental Impact Statement (DEIS) is being prepared for the proposed Point Wells Urban Center development within the Southwest Sewer Service Area of the District.

The District updated their Comprehensive Water Plan in 2018.

The District also updated their Watershed Protection Plan in 2019.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Development permit applications have been submitted to Snohomish County for the proposed Point Wells Urban Center development.

10. List any government approvals or permits that will be needed for your proposal, if known.

In accordance with State regulations, the Sewer System Plan Amendment No. 2 must be approved by the Washington State Department of Ecology, Snohomish County and the Town of Woodway. Opportunity to review and comment has been extended to the City of Edmonds, Ronald Sewer District, and other neighboring service providers and agencies.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Sewer System Plan Amendment No. 2 addresses sewer service needs for the Southwest Sewer Service Area. The area includes unsewered areas within the Town of Woodway and Snohomish County, and the proposed Point Wells development. Ownership and operation of the current sanitary sewer system and projected needs for serving current and anticipated residents of the District is addressed in a new Appendix H to the 2007 Comprehensive Sewer Plan. Appendix H confirms the District's intention to serve the area and establishes guidance for extending sewers to serve existing and proposed development in this area of Olympic View's corporate boundary and sanitary sewer service area. In addition, this amendment addresses the potential change in ownership and operation of Ronald Wastewater District facilities located within the Olympic View corporate / service area.

12. Location of the proposal.

As shown in Figure 1, Olympic View Water and Sewer District is located in southwestern Snohomish County, immediately north of the King County line. The District's service area generally extends from Highway 99 on the east to the Puget Sound on the west, and from 200th Street Southwest on the north to the Snohomish County line at 244th Street Southwest on the south. The District serves areas within the City of Edmonds and Town of Woodway, as well as portions of unincorporated Snohomish County. Amendment 2 to the Comprehensive Sewer Plan addresses service to the southwest sewer service area lying in the southwestern most corner of the District, just north of the King – Snohomish County line and along the shoreline of the Puget Sound.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site

(circle one): Flat, **ROLLING**, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

Approximately 25 percent.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

According to the NRCS (National Resource Conservation Service), the majority of the soils in the District's service area are Alderwood-Urban land complex with some sandy loam and a small percentage of silt loam.

The NRCS soils map indicates the presence of farmlands of statewide importance within the District's service area, however, zoning information from Snohomish County, the City of Edmonds,

and the Town of Woodway do not list farmlands within the District's service area. None of the listed soils would be removed as a result of this Sewer System Plan Amendment No. 2.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There is a history of landslides along the Puget Sound shoreline, parallel to the railroad corridor and unstable soil conditions do occur in other isolated areas within the District's service area. Soil testing and mitigation would be employed as appropriate for construction of individual projects identified in the Plan.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Does not apply to this Sewer System Plan Amendment No. 2. Imported backfill would be required for some pipeline construction projects, however, no significant changes to existing grades would result.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not as a result of this Sewer System Plan Amendment No. 2. Erosion could occur as a result of construction of proposed projects identified in the Comprehensive Sewer Plan, however appropriate erosion control measures would be addressed in the design phase of each individual project.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None as a result of this Sewer System Plan Amendment No. 2. Development of the Point Wells Urban Center would increase the amount of impervious surfaces within the District but is not under the jurisdiction or control of the District.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Does not apply to this Sewer System Plan Amendment No. 2.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None as a result of this Sewer System Plan Amendment No. 2. Emissions from construction equipment and dust are anticipated during construction of the proposed projects discussed in the Amendment and would be addressed at time of development.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Does not apply to this Sewer System Plan Amendment No. 2.

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes. The District borders Puget Sound and its associated estuarine wetland to the west. Chase Lake and Deer Creek are within the District's service area, and the Point Wells development project is located immediately adjacent to the Puget Sound.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Does not apply to this Sewer System Plan Amendment. Individual projects located within 200 feet of surface waters would be constructed in accordance with all appropriate environmental, permitting, and design requirements.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Does not apply to this Sewer System Plan Amendment. Fill and dredge material would not be placed or removed from any of the waters listed above.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No. Surface water withdrawals or diversions would be addressed as part of the environmental analysis associated with specific projects.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The western District boundary along the Puget Sound shoreline is located within a flood hazard area and 100-year floodplain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No groundwater would be withdrawn or discharged as a result of the Sewer System Plan Amendment No. 2. It is noted, however, that the guidance provided for extending public sewers to areas currently served by septic tanks provides a measure of increased protection to surface water and groundwater.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Waste material would not be discharged into groundwater as a result of this Sewer System Plan Amendment.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Does not apply to this Sewer System Plan Amendment. Runoff quantities and sources would be addressed as part of the environmental analysis associated with specific projects.

2) Could waste materials enter ground or surface waters? If so, generally describe.

Not as a result of the Sewer System Plan Amendment No. 2.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Amendment No.2 to the Sewer System Plan would not affect drainage patterns within the District's service area. Drainage patterns affected by development would be addressed as part of the environmental analysis associated with specific projects.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None are proposed; amendments to the sewer plan would not result in impacts to surface, ground or runoff water. Although the majority of sewer system construction typically occurs in dedicated right-of-ways, protection of surface waters may be required in individual projects and for development of the Point Wells Urban Center.

4. Plants

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

No vegetation would be removed as a result of this Sewer System Plan Amendment No. 2. The majority of system improvements discussed in the plan would occur within dedicated right-of-ways. Vegetation removed as a result of project development would be addressed as part of the environmental analysis associated with specific projects.

c. List threatened and endangered species known to be on or near the site.

There are no known listed plant species within the District's sewer service area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Does not apply to this Sewer System Plan Amendment. Any vegetation disturbed as a result of system improvements or project development would be replaced and sites restored to pre-

construction condition where appropriate. Landscaping will be accomplished in accordance with the requirements of the appropriate jurisdiction.

- e. List all noxious weeds and invasive species known to be on or near the site.

The Washington State Noxious Weed Control Board lists several plant species, such as common yarrow, non-native grasses, and thistle, within Snohomish County that may occur within the District's sewer service area.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other: falcon, heron

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____.

- b. List any threatened and endangered species known to be on or near the site.

Chinook Salmon and Steelhead are classified as threatened species (Federal) located in WRIA 8.

- c. Is the site part of a migration route? If so, explain.

The Puget Sound area and Western Washington are part of the Pacific Flyway. The Puget Sound nearshore areas and estuaries are used by salmon for migration, juvenile rearing, refuge and feeding

- d. Proposed measures to preserve or enhance wildlife, if any:

Does not apply; amendments to the District's Sewer System Plan would have no effect on wildlife within the service area.

- e. List any invasive animal species known to be on or near the site.

The Washington Department of Fish and Wildlife lists several prohibited, regulated, and unlisted species, such as tree frogs, that may occur within Western Washington and the District's sewer service area.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Operation of the District's sewer system requires the use of electricity, water, and fuel for the operation and maintenance of the collection and pumping system.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Amendments to the District's Sewer System Plan would not affect energy resources. Impacts on energy resources from project development would be addressed as part of the environmental analysis associated with specific projects.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

Amendment 2 to the District's Comprehensive Sewer Plan will not create environmental health hazards. However, Amendment 2 contemplates extension of service to the Point Wells area that has historically been used as a petroleum storage and transfer facility. Any environmental health risk associated with the development would be addressed under the development proposals under the jurisdiction of Snohomish County.

- 1) Describe any known or possible contamination at the site from present or past uses.
No known contamination is located within of the District service area.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

There are no known hazardous conditions that would affect this Comprehensive Sewer Plan Amendment No. 2.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Does not apply to Comprehensive Sewer Plan Amendment No. 2.

- 4) Describe special emergency services that might be required.

No special services will be required as part of Comprehensive Sewer Plan Amendment No. 2.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Does not apply. No environmental health hazards will be created as a result of Comprehensive Sewer Plan Amendment No. 2.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None as a result of this Comprehensive Sewer Plan Amendment No. 2. A temporary increase in noise levels may be associated with construction of any future proposed system improvements. Noise impacts created by development will be addressed as part of the environmental analysis associated with specific projects.

- 3) Proposed measures to reduce or control noise impacts, if any:

None are proposed; amendments to the District's Comprehensive Sewer Plan will not produce noise impacts.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Land use within the District's service area consists of residential and commercial properties with some government buildings and vacant parcels. Amendments to the Comprehensive Sewer Plan will not affect current land uses, however, proposed system improvements could affect development within the service area.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

It is probable that land use within the District's service area was used as farm or forest lands in the past. However, there are currently no known farm or forest lands located within the District boundary and no farmlands or forest lands will be converted as a result of the proposed action.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Amendments to the District's Comprehensive Sewer Plan will not affect or be affected by surrounding working farms or forest lands.

c. Describe any structures on the site.

Structures within the District's service area include residential structures with associated buildings, business structures, existing infrastructure and utilities, as well as government buildings.

d. Will any structures be demolished? If so, what?

Not as a result of this plan amendment. Development of the Point Wells area would require the removal of the existing petroleum storage and transfer facility structures.

e. What is the current zoning classification of the site?

Zoning within the District's service area varies within the jurisdictions but consists mainly of residential and commercial classifications.

f. What is the current comprehensive plan designation of the site?

Urban

g. If applicable, what is the current shoreline master program designation of the site?

Snohomish County zoning designates the Puget Sound shoreline as Aquatic Shoreline Environment and Urban Shoreline Environment.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

The Puget Sound, Deer Creek, and Chase Lake are designated critical areas. Additional areas within Olympic View are classified as environmentally sensitive areas.

i. Approximately how many people would reside or work in the completed project?

Does not apply to this sewer plan amendment. However, proposed development of the Point Wells area will increase the number of residents and employees in the area. These increases will be addressed at time of development.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Does not apply; Amendments to the Sewer Plan would not result in displacements.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The Comprehensive Sewer System Plan was developed as a guideline for responding to growth and land uses projected by the various jurisdictions within which the District operates.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Amendments to the District's Sewer Plan may be required to address future system needs based on existing and projected land use patterns and sewer demands, and would incorporate elements of the critical areas and natural resource policies in the adopted comprehensive plans of those jurisdictions located within the service area.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None as a result of this plan amendment. The proposed Point Wells development is expected to add about 3,100 medium to high income housing units.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

The proposed action will not have an effect on housing within the District. However, extension of service to unsewered areas could reduce the cost of future development to individual property owners.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Does not apply to the proposed action.

b. What views in the immediate vicinity would be altered or obstructed?

None as a result of this Comprehensive Sewer Plan Amendment No. 2.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None are proposed. Impacts to aesthetics are not anticipated as a result of this sewer plan amendment.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

- c. What existing off-site sources of light or glare may affect your proposal?

None.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Does not apply to the proposed action adopting an amendment to the District's Comprehensive Sewer Plan.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

There are several parks and recreational opportunities within the District, including the Puget Sound and the Edmonds and Woodway waterfronts.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Does not apply. Amendments to the Comprehensive Sewer Plan will not affect recreational opportunities within the District's service area.

13. Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

DAHP (Department of Archaeology and Historic Preservation), WISAARD (Washington Information System for Architectural and Archaeological Records Data) information shows the presence of one registered historic site located within the District's service area; the IOOF Cemetery located "400' North of the Intersection of Edmonds Way and 100th St.", in Edmonds, Washington.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

There are no known landmarks or features of Indian or historic use or occupation within the District's service area.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Does not apply to the proposed action adopting an amendment to the District's Sewer Plan. Assessment of potential impacts to cultural and historic resources would take place on a project basis.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Does not apply to the proposed action.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The District's service area can be accessed via SR 99 to the east and 244th St. SW to the south. Major roads into and within the District include 220th St. SW, Edmonds Way (SR 104), 100th Ave W, and Woodway Park Rd.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The area is served by Snohomish County Community Transit with several stops located throughout the District. King County Metro also serves some portions of the area.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

None. Parking facilities created by future development would be addressed as part of individual development proposals.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

The proposed action does not require new or improved roadways, however, sewer system improvements and extensions may occur along road right-of-ways. Evaluation of impacts to street and roads will be part of individual project review.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

This sewer plan amendment will not impact traffic within the District. Traffic impacts will be addressed by individual project development proposals.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

h. Proposed measures to reduce or control transportation impacts, if any:

Does not apply to the proposed action.

15. Public Services

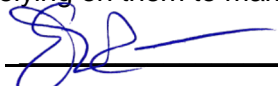
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. *Amendments to the District's Sewer System Plan would not require additional public services.*
- b. Proposed measures to reduce or control direct impacts on public services, if any. *Does not apply; amendments to the District's Sewer System Plan would not impact public services.*

16. Utilities

- a. Circle utilities currently available at the site:
Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, Other: communications
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. *The Comprehensive Sewer Plan proposes improvements to the District's sewer system to serve the needs of the District through 2035.*

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of Signee: Eilean Davis _____

Position and Agency / Organization: Senior Planner, PACE Engineers, Inc. _____

Date Submitted: August 19, 2019 _____

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
Amendments to the Comprehensive Sewer Plan will not result in adverse or increased environmental impacts. Future projects and programs discussed in Amendment 2 would strive to reduce the likelihood of adverse environmental impacts.

Proposed measures to avoid or reduce such increases are:

Does not apply the proposed action.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
Amendment of the Sewer Plan will not affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Does not apply to the proposed action.

3. How would the proposal be likely to deplete energy or natural resources?
The proposed action will not deplete energy or natural resources. Sewer system improvements could require the use of construction materials and could require electricity for operation and would be assessed on a project basis.

Proposed measures to protect or conserve energy and natural resources are:

Efficient planning, design, equipment, and operation of the sewer collection system will be accomplished in a manner that conserves energy and protects natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Amendments to Olympic View's Comprehensive Sewer Plan will not affect environmentally sensitive areas and may provide greater protection of these areas through provision of public sewers and maintaining system efficiency throughout the District's service area.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Any proposed improvements or expansions to the District's sewer system would be consistent with the regulations and policies governing the protection of environmentally sensitive areas.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
Amendments to the Sewer System Plan would not affect, allow, or encourage land and shoreline uses. Future system improvements and expansions could promote development in those areas currently served by on-site septic systems and would be compatible with the goals and policies of

the adopted comprehensive plans and Shoreline Master Programs for Snohomish County and the cities of Woodway and Edmonds.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Does not apply to this Sewer System Plan Amendment No. 2.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Sewer System Plan Amendment No. 2 would not increase demands on transportation or public services and utilities. The Plan addresses future needs for the sewer system as demand grows in the future.

Proposed measures to reduce or respond to such demand(s) are:

Proposed sewer system improvement projects are discussed in the sewer plan and would be evaluated for potential effects on transportation or public services and utilities on a case-by-case basis.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Amendments to the Sewer System Plan, and this SEPA document, are being prepared to ensure compliance with Washington State Department of Ecology, City of Edmonds, Town of Woodway, and Snohomish County requirements. Individual projects would be evaluated for effects on the environment and the need for SEPA compliance.

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**ATTACHMENT 2 –
EDMONDS CAPACITY ASSESSMENT**

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CITY OF EDMONDS

DAVE EARLING
MAYOR

PUBLIC WORKS DEPARTMENT • OPERATIONS & MAINTENANCE CENTER
7110 210TH STREET SOUTHWEST, EDMONDS, WASHINGTON 98026
PHONE (425) 771-0235 • FAX (425) 744-6057 • WWW.EDMONDSWA.GOV

June 10, 2015

Lynne Danielson, General Manager
Olympic View Water and Sewer District
8128 228th St SW
Edmonds WA 98026

RE: *Request for Conveyance and Treatment Capacity Evaluation*

Dear Lynne,

The City of Edmonds (COE) has conducted a preliminary assessment of the treatment plant and conveyance capacity.

Treatment Capacity

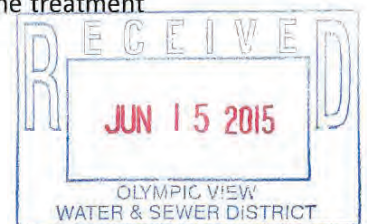
As you know, the COE, City of Mountlake Terrace (MLT), Ronald Sewer District and Olympic View Water and Sewer District (OVWSD) have entered into an agreement that allows for purchasing and/or selling of unused capacity between the partners. While the transfer of capacity to a partner in need is not a guarantee it would benefit all partners to work together to ensure available capacity is utilized.

OVWSD owns 16.551% of the COE Treatment Plant capacity based on Maximum Month Design Flow (MMDF) established by the Department of Ecology. This equates to 1.953 million gallons per day. Currently, the COE WWTP receives on average 47% of rated MMDF. OVWSD utilizes 44% of their purchased capacity. The treatment plant is able to treat an additional 4.7 MGD on average based on this preliminary assessment without triggering a plan for maintaining adequate capacity as defined by the Department of Ecology.

Conveyance System

Flows from Richmond Beach (King County) enter the treatment plant in a dedicated 30" line owned by King County. Flows from Richmond Beach average 1.4 MGD and with peaks as high as 4.76.

Based on the COE Comprehensive Sewer Plan, the MLT (SR104 trunk line) line to the treatment plant is at or nearing capacity in several sections.



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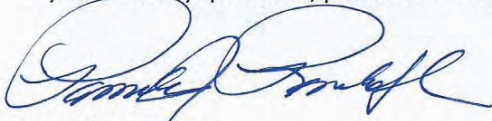
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Our initial assessment is that the existing conveyance system is not capable of handling the rated flow of the COE WWTP. Additional flows outside of the current collection system would need to be evaluated in order to determine the best route and location to tie into the treatment plant.

Summary

The COE WWTP is currently underutilized. Additional flow and loading would benefit the process, our partners and the environment while lowering the average cost to the citizens. The COE would welcome the opportunity to further evaluate options in order to determine the best approach toward conveyance of any additional flows to the treatment plant.

If you have any questions, please don't hesitate to call me at 425-771-0237

A handwritten signature in blue ink, appearing to read 'Pamela Randolph', written in a cursive style.

Pamela Randolph
Wastewater Treatment Plant Manager

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**ATTACHMENT 3 –
ADDITIONAL ITEMS ENTERED INTO THE RECORD**

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**OLYMPIC VIEW WATER & SEWER DISTRICT
LIST OF EXHIBIT DOCUMENTS ENTERED INTO THE RECORD**

APRIL 20, 2015

- A. City of Shoreline letter dated March 16, 2015 (with Attachments).**
- B. Van Ness Feldman letter on behalf of Ronald Sewer District dated March 16, 2015 (with Attachments).**
- C. Olympic View Water and Sewer District Response to Comments**
- D. PACE Engineers Memorandum Regarding Technical Challenges to SEPA dated April 6, 2015.**
- E. King County Conveyance System Improvement Program Update - Initial Regional Needs Assessment Results for Discussion with Local Agencies, September 2014. (Capacity Analysis).**
- F. Boundary Review Board for Snohomish County File No 04-2014 Findings and Decision Denying Assumption of Ronald Sewer District by the City of Shoreline (Including Background Materials).**
- G. Snohomish County Ordinance 94-030** granting a Utility Franchise to Shoreline Wastewater Management District.
- H. OVW&SD Letter dated February 23, 2015** addressing King County Wastewater Treatment Division Comments in letter dated February 23, 2015 regarding OVW&SD Sewer Comp Plan Amendment and King County letter dated February 10, 2015 commenting on OVW&SD Comprehensive Plan Amendment.
- I. Talmage Fitzpatrick letter dated April 2, 2015** and documents submitted to the Washington State Boundary Review Board of Snohomish County:

I.1 Olympic View

Olympic View Water & Sewer District's Opposition to Proposed Assumption of Ronald Wastewater District by City of Shoreline in Unincorporated Snohomish County and Request for Action Pursuant to RCW 39.93.150, dated **8.7.2014**

Declaration of Lynne Danielson, dated **8.6.2014**

Olympic View Water & Sewer District's Response to the City of Shoreline's Hearing Brief, dated **8.18.2014**

Second Declaration of Lynne Danielson, dated **8.15.2014**

Third Declaration of Lynne Danielson, dated **8.28.2014**

Letter Regarding City of Shoreline's Proposed Assumption of Ronald Wastewater District within Snohomish County BRB (signed by Lynne Danielson and Eric Faison of Town of Woodway), dated 8.28.2014

I.2 Town of Woodway

Letter from Wayne Tanaka re: City of Shoreline's Proposed Assumption of Ronald Wastewater District within Snohomish County, dated 8.8.2014

Revised Letter from Wayne Tanaka re: City of Shoreline's Proposed Assumption of Ronald Wastewater District within Snohomish County, dated 8.8.2014

Declaration of Eric Faison, acting Town Administrator, dated **8.18.2014**

Letter Regarding City of Shoreline's Proposed Assumption of Ronald Wastewater District within Snohomish County BRB (signed by Eric Faison and Lynne Danielson of Olympic View), dated **8.28.2014**

I.3 North City Water District

Letter to BOTH Snohomish County BRB & King County BRB from Charlotte Haines, President of Board of Commissioners re: Notice of intent - Assumption of Ronald Wastewater District, dated **6.30.2014**
North City Water District's Response to Shoreline's Notice of Intention, dated **8.8.2014**

I.4 City of Edmonds

Letter re: File No. 2357, sent to King County BRB, dated **8.12.2014**
Letter re: File 04-2014 -City of Edmonds Commentary, dated **8.28.2014**

I.5 Snohomish County BRB

Findings and Decision, dated **9.11.2014**

ATTACHMENT 4
COMMENT RESPONSE MATRIX

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Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
City of Edmonds		
Mike DeLilla	1 The capacity calculations you provided on page 11 and 22 to supplement the data that we had provided previously appears to not be correct. I have been in contact with Pam Randolph and Mike Derrick at the WWTP. They are checking the calculation to ensure that they are accurate. You should be contacted by one of them in the coming days so that the data is revised and reflected accurately.	The calculations have been revised on Pages 11 and 22 of the amendment document
	2 I found a couple of typos in the document. I have attached a scan of the two pages that have the typos for revisions.	Authorization date was revised on page 3 to 2018, "City of Edmonds" was revised to "City of Edmond's" on Page 4
	3 I've started reviewing the document and noticed that the service area maps will need editing because it shows areas that Edmonds currently serves as OVWSD area and vice versa. Since these edits would affect all the figures, it will take some time to do, so I thought it prudent that I would send them over prior to finishing our review of the document for editing/comment purposes.	The service area map and other figures in the amendment document have been revised.
Ronald Wastewater District		
Douglas Wittinger	1 <i>Page 1 and other similar references to "Unsewered" within the Amendment: The Amendment should be more specific about the limits of the study area or the area commonly referred to as the Southwest Sewer Service Area (SSSA) (106 acres). An exhibit should be included to specifically show the study area boundary, and where the Point Wells development (61 acres) is in that study area. Please identify the Ronald Wastewater District (RWD) sewer area vs the unsewered area you mention. Are the 36 acres in the "Upper Bluff part of this Amendment?</i>	<p>Unsewered areas discussed in the amendment include all of the Southwest Subregional Area. This includes the areas currently designated in the Town of Woodway and the Town of Woodway MUGA. This would mean all areas in Point Wells, the upper and lower bluffs, Twin Maples and other currently unsewered areas. Text has been added to the amendment document to clarify this portion of the Olympic View WSD service area.</p> <p>The history of planning for this area by Ronald is limited to Ronald's 2010 Comprehensive Plan, now outdated, which is limited to two pages of diagrams with no detail. Ronald submitted the plan to Snohomish County based upon an erroneous assertion that the area had been annexed into Ronald and it had a right to provide service. Based upon the recent decision of the Court of Appeals, this area that is within the corporate boundaries of Olympic View, was not annexed into Ronald and Ronald has no territory in Snohomish County. Thus, the 2010 Ronald Comprehensive Plan is no longer valid. But even if Ronald's CSP is still an approved plan, Olympic View has now requested Snohomish County to rescind any approval of Ronald's plan and replace it with Olympic View's 2007 CSP and this Amendment #2 to that plan. Moreover, Ronald has no approved plan within the Town of Woodway. Large sections of the area covered by Amendment #2 have already been annexed into Woodway. Shoreline and Woodway have now adopted an Interlocal Agreement providing that the remaining area of Point Wells shall be annexed into Woodway. Olympic View, by contract is the exclusive purveyor of sewer services within Woodway and is designated as the sewer provider in Woodway's comprehensive plan. Ronald no longer operates its sewer utility and Shoreline has announced it will exercise its power of attorney to dissolve Ronald; Ronald WD will cease to exist as a legal entity within months. Shoreline is precluded by law from operating a sewer utility within the boundaries of Woodway without consent, which it does not have, and cannot obtain if Woodway honors its contractual obligations to Olympic View.</p>

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
2	<p>1. <i>Page 1 and 2: RWD Service - the Amendment should identify the area presently served by RWD and what the RWD Comprehensive Sewer Plan and other plans say about that service, including tracing back to agreements to serve Point Wells or Chevron and why RWD currently provides sewer service to the area and what caused RWD to rehabilitate Lift Station # 13. This Amendment should then demonstrate why the service area should be served by OVWSD, despite the history of planning for and service to this area by RWD. It should also discuss how the initiation of service by OVWSD would impact RWD's existing facilities and existing service, including the homes in Shoreline served by Lift Station #13, and explain any potential connections or other relationship between RWD's and OVWSD's infrastructure in the area.</i></p>	<p>Currently, Ronald WD is serving six connections; four within the Town of Woodway by contract until such time as alternate service is provided. Transfer of these six connections can occur as soon as possible with the current agreements in place. Use of Lift Station #13 is addressed in the Woodway Shoreline agreement and now that there are other connections to the Lift Station that are also covered under separate agreements, there should be no issue with transferring the current customers to Olympic View and applying the current agreements to the connections. Text has been added to the amendment document to better clarify the Ronald WD interim connections.</p> <p>Neither Olympic View nor Woodway were consulted when the Lift Station #13 improvements were done. Therefore, Olympic View WSD is not familiar with what consideration, if any, was given to future development within the Town of Woodway or within the Olympic View WSD corporate boundaries. Olympic View agrees the disposition of Lift Station #13, which primarily serves residents of Shoreline, may be operated by Shoreline upon its assumption of Ronald as provided for by law. Any upgrades should address the needs associated with current agreements and should in no way take into consideration the provision of sewer service to any portion of Snohomish County.</p> <p>To the best of Olympic View WSD's knowledge, there have been no upgrades to Lift Station #13 since the submission of this plan amendment.</p>
3	<p><i>Page 2: "aforementioned 2005 Agreement" is that referring to the 6 connections in Point Wells in the previous paragraph? Please add more detail about the agreement and those 6 connections.</i></p>	<p>The 2005 Agreement added an additional connection to the Ronald WD system, located within King County, to provide service via a wheeling agreement, to six connections on 116th Place in Woodway. There are currently three contracts in place that allow for interim sewer service from Ronald WD. These agreements were discussed in detail in the Olympic View WSD's approved 2007 Comprehensive Sewer Plan. This amendment document addresses Olympic View's obligation to serve the unsewered areas within the Olympic View WSD boundary. Please provide information on what additional detail Ronald WD would like to see in this amendment document.</p>

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
4	<i>Page 2: It seems reasonable that OVWSD should evaluate expansion of existing service by RWD as an alternative for service to the area, even if that ends up being by contract with OVWSD.</i>	<p>Olympic View has a contractual obligation that connections to the METRO/King County system are avoided whenever possible. Pursuant to contract requirements between King County and Woodway, a contract Olympic View assumed with consent, sewage generated within Woodway must be delivered to the King County system until the end of the contract term, assuming said contract is still valid. However, there is no such requirement under any contract for areas served or to be served by Olympic View in unincorporated Snohomish County. Ronald WD is aware from submissions made by Olympic View in two different proceedings before the Snohomish County Boundary Review Board in litigation that if Olympic View provides the sewer service to the proposed development in unincorporated Snohomish County, millions of dollars can be saved since the King County hook-up fees and ongoing sewer charges can be avoided. Although it has had five years and numerous opportunities to do so, Ronald WD has never rebutted any of that. Nor has Ronald WD come forth with any data or analysis of its own as to cost and environmental effects if sewage from this area was delivered to King County pursuant to Ronald WD's system. Having failed to do so, Ronald WD has no basis for criticizing Olympic View for not considering that alternative. It is not reasonable to expect Olympic View to do what Ronald WD has failed to do, especially since Ronald WD has expended hundreds of thousands of ratepayer dollars on lawyers and litigation, yet Ronald WD could not undertake the basic task of showing why its concept of sewage treatment from the area is more cost-effective and environmentally sound.</p> <p>Olympic View suspects Ronald WD has made no such analysis, or if it has, it failed to make it public because its approach is deficient. Ronald WD cannot deny the differential in hook-up fees and sewer rates. Ronald WD and its collaborator King County agree the sewage generated in the area will be treated at the sewage treatment plant in Edmonds. Neither disagrees that Olympic View has treatment capacity, or can obtain capacity, for the amount of sewage to be generated from the area covered by Amendment #2. Everyone must concede that Edmonds borders the area covered by Amendment #2. There can be no doubt that taking the sewage directly to Edmonds will minimize infrastructure cost and reduce the possibility of spills. Ronald WD instead proposes not to take the sewage directly to Edmonds that adjoins the area. Rather, Ronald WD wants to pump the sewage out of Point Wells, then south to the Richmond Beach pump station. It would then be pumped east until it connects to the trunk line to Edmonds. It then would be pumped north through Woodway until it finally gets to a gravity feed line to the Edmonds Plant. It costs money and energy to pump sewage through this roundabout way to get the sewage to the same place Olympic View proposes to take it in</p>
5	<i>Page 3: Is the authorization date the same as completion date for the Amendment? -August 2019?</i>	The Authorization in the amendment document discusses Olympic View WSD's authorization for PACE Engineers to complete the amendment process. The authorization date has been corrected to August 2018.
6	<i>Page 3: Last bullet could be refined to state that planning and construction of pump stations and force mains should consider the capacity necessary for phased development and a consideration for facility life.</i>	This is not within the scope of this plan amendment. All infrastructure will be dictated by the type of development approved by the Land Use Authority.
7	<i>Figure 1 - This figure and/or supporting text should clarify that the Amendment establishes a new sewer service area boundary within the SSSA by expanding OVWSD's sewer service area to incorporate the Point Wells area that is currently served by RWD.</i>	This figure does not establish or expand Olympic View WSD's sewer service area boundary. The area shown in this figure is within Olympic View WSD's existing boundary as approved in 1967 when the sewer system was approved.
8	<i>Figure 3: Re-label Forest Glen LS</i>	Figure 3 has been revised to label the Forest Glen Lift Station.
9	<i>Page 11: Please clarify paragraph ending at top of page (last 3 sentences).</i>	This paragraph has been revised.

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
10	<i>Page 11: Please include discussion of current RWD service to a portion of the SSSA, including the served area of the Chevron agreement, LS #13, existing homes, etc .</i>	Comment addressed above. Currently, Ronald WD provides interim services to six connections: four within the Town of Woodway, and two within Snohomish County. These six connections will be assumed by Olympic View per agreement between Ronald WD and Woodway and Olympic View WSD is prepared to provide sewer service on a permanent basis. Olympic View WSD is not aware of how Ronald WD's system works in the area and as this document addresses the Olympic View system, Ronald WD system operations are not included.
11	<i>Page 11 : I believe a table might serve better for the numbers in the third paragraph.</i>	There are only two numbers; therefore, we did not think a table necessary.
12	<i>Page 14: Please include a more specific discussion of full development potential of the SSSA and portion thereof for which the capital facilities were analyzed. Where does the 1,500 gpm (2.2 MGD) capacity come from? Does this include area served by LS #13 or not? Only Point Wells or more?</i>	Full development potential numbers are based on population projections and information provided in the Snohomish County EIS. The actual capacity will be determined by actual development and will come from either Snohomish County or Woodway, depending on the site location. Lift Station #13 will serve Shoreline customers and currently committed customers from Woodway until such time as those connections are assumed by Olympic View. Any other service will be based on new agreements. The 1,500 gpm was based on plan projections and does not include any service from Lift Station #13.
13	<i>Page 21: Summarize RWD service and assumptions about such service continuing or not being in the analysis.</i>	Ronald WD will not serve customers within Olympic View boundaries and it is Olympic View WSD's understanding that Lift Station #13 will be operated by Shoreline primarily for the benefit of customers in Shoreline.
14	<i>Page 21: Summarize flows and clarify 2.2 MGD figure - Is this more than the District's total contracted capacity? The flow evaluation disclaimer seems inappropriate in that it is clearly more than available treatment capacity and the next section presents alternatives for capacity of that magnitude.</i>	The 2.2 MGD is peak flows for the Edmonds Treatment Facility based on average daily demand and therefore would not exceed our 1.85 MGD based on 11.2 MGD and our 16.551% contracted capacity. Additional information is provided in Olympic View WSD's approved comprehensive sewer plan.
15	<i>Page 21: In Section 8, include the option/alternative defined by RWD in their 2010 Comprehensive Sewer Plan to compare and confirm that other options are more cost-effective.</i>	Please see response 4 above.
16	<i>Page 22: Review and refine the calculations and figures in the last full paragraph. For example, 16.551% of 11.8 is 1.95 mgd, and 0.66 plus 1.35 adds up to 2.01 mgd. Treatment capacity is in MMDF - explain conversion to 0.7 mgd ADF. If OVWSD used 44% of its ADF capacity at 0.66 mgd, then their share is 1.5 mgd. The 2.2 mgd figure appears again as a peak flow (likely peak hour?), reduced to 0.88 ADF, concluding that 0.41 is remaining, suggesting that OVWSD's ADF capacity is 1.29 mgd. State the contractual share per the terms of the Edmonds Agreement, then report SSSA and Point Wells development sewer flows in those same terms, relative to unused capacity in those same terms. Indicate estimated peak hour flow for pump station and force main capacity. A table or matrix may serve well here.</i>	The paragraphs on pages 11 and 22 have been revised to better clarify the information provided.
17	<i>Page 26: In Alt 2, add discussion of pump station per Alt. 1 also included in Alt. 2. Add summary of RWD proposed approach and ENR-adjusted cost or similarly developed cost range in current dollars.</i>	Please see response 4 above.
18	<i>Figure 6: Please show RWD 2010 Comprehensive Sewer Plan proposed approach/alternative.</i>	Please see response 4 above.

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
	19 <i>General : Has OVWSD contacted King County Wastewater? King County has bond obligations (based on future customers) and may not be willing to give up potential future customers (Pt. Wells development).</i>	The plan was submitted to King County as a courtesy since Snohomish County has jurisdiction and approval authority. However, no comments were received from King County. Given that flows go to City of Edmonds facilities and the City has stated that current infrastructure is not adequate to handle current needs, a new system will need to be designed for future development and it makes more sense to add a new system than to retrofit an existing system.
Van Ness Feldman, LLP Duncan Greene	The Amendment is Premature	
1	The Amendment is premature. The Amendment was proposed shortly after the Court of Appeals ruled in Olympic View's favor in an appeal involving one of the claims raised in Ronald's declaratory judgment action. Olympic View's proposal of the Amendment appears to be a knee-jerk response to the Court of Appeals decision that wrongly presumes the Court of Appeals will not be reversed, and that none of Ronald's other claims will undermine the fundamental assumptions behind the Amendment. Because those presumptions are false, the Amendment is premature, and Olympic View's proposal of the Amendment will probably end up being another pointless exercise in tactical jockeying — just like Olympic View's previous attempt to have Snohomish County approve an amendment that would invade Ronald's territory in the Point Wells Service Area, which was rejected after the Growth Management Hearings Board ruled that the County's approval of such an amendment was a violation of the Growth Management Act.	The current law supports the preparation and submittal of the 2007 Sewer Comprehensive Plan Amendment 2. Division 1, Appellate Court unpublished ruling Case #78516-8-1.
	As you know, Ronald has asked the Supreme Court to review and reverse the Court of Appeals decision, and if that request is granted, the courts will have confirmed that Ronald's corporate boundary includes the Point Wells Service Area, debunking a key premise of the Amendment. In addition, other legal and equitable claims from Ronald's declaratory judgment action are still pending in the Superior Court, and those claims could likewise confirm Ronald's right to serve the Point Wells Area, regardless of whether the Supreme Court reverses the Court of Appeals decision.	Olympic View acknowledges that the request to review has been submitted to the Supreme Court.
	For these reasons, Olympic View should slow down, withdraw the Amendment, and wait for the courts to resolve all of Ronald's pending claims. There is no time-sensitive need for the Amendment that requires Olympic View to rush ahead rather than waiting for a final judicial resolution of Ronald's claims. If Olympic View presses forward now, it will be undeniable that the Amendment is a legal and political maneuver designed to distract the courts and other decision makers, not a legitimate sewer planning exercise.	
	The Amendment is procedurally defective and substantively inadequate	
	The Amendment is also procedurally defective and substantively inadequate, for several reasons:	

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
	<p>☐ Olympic View's environmental review for the Amendment under SEPA is inadequate. As explained in Ronald's initial comments, the Amendment fails to adequately discuss how Olympic View's planned takeover of sewer service to the Point Wells Sewer Service Area would impact Ronald's and Shoreline's sewer infrastructure and operations in the area, as well as other issues relevant to the environmental impacts of Olympic View's planned takeover. The SEPA Checklist and the Determination of Nonsignificance (DNS) are similarly inadequate in discussing those issues. Olympic View has therefore failed to support its DNS with information that is "reasonably sufficient" to evaluate the impacts of the Amendment. See 197-11-335.</p>	<p>Olympic View has current contracts in place that address service in the Point Wells area that use the infrastructure owned by Ronald. These contracts are included in the 2007 Comprehensive Plan and there have been no changes to them. Service currently provided by Ronald is considered interim to the locations within the Town of Woodway and by contract to Alons. The sixth connection was completed without approval from Snohomish County, the Town of Woodway or Olympic View.</p>
	<p>The Amendment fails to explain how Olympic View has the legal authority to provide sewer service to the Point Wells Service Area. RCW 57.08.007 prohibits districts from providing "a service within an area in which that service is available from another district or within an area in which that service is planned to be made available under an effective comprehensive plan of another district," except "upon approval of both districts by resolution." Here, the Point Wells Service Area is an area in which sewer service is currently available from Ronald (as recognized in Olympic View's current comprehensive plan), and it is also an area "in which that service is planned to be made available under an effective comprehensive plan of another district" (as clearly stated in Ronald's current comprehensive plan). Thus, Olympic View has no legal authority to provide sewer service to the Point Wells Service Area unless Ronald provides its consent by resolution. The Amendment's failure to recognize this legal reality is a fatal flaw.</p>	<p>In accordance with the Division 1 State of Washington Appellate Court ruling, Ronald Wastewater District has no territory north of the King County boundary.</p>
	<p>The Amendment fails to consider alternatives involving continued sewer service by Ronald. As noted in Ronald's initial comment letter, the Amendment fails to consider any alternatives involving continued service by Ronald. This omission of an obvious alternative to Olympic View's proposal renders the Amendment inadequate on its face. It also contributes to the inadequacy of the Amendment's discussion of costs, as detailed below.</p>	<p>Olympic View considered including service through King County and Ronald and determined the cost of doing so was prohibitive and therefore not a valid alternative for the District.</p>

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
	<p>The Amendment's cursory discussion of costs fails to comply with WAC 173-240-050(3)(l). That regulation requires that amendments to comprehensive sewer plans include a discussion and table showing "the cost per service in terms of both debt service and operation and maintenance costs, of all facilities (existing and proposed) during the planning period." Here, the Amendment fails to include such a discussion in terms of debt service and operation and maintenance costs. As noted above, the Amendment also fails to compare the alternatives proposed by Olympic View to the alternatives proposed in Ronald's 2010 Comprehensive Plan, which included a discussion and table showing the cost of upgrading the existing infrastructure for Ronald to provide service to the proposed urban center development at Point Wells. Had the Amendment included the required discussion of Ronald's alternatives and provided a cost comparison, that discussion would have confirmed that it would be much more costly for Olympic View to build new, high-risk infrastructure than for Ronald to upgrade its existing infrastructure.</p>	<p>The costs of the alternatives, in 2015 dollars, was completed and the appropriate alternatives were selected. Olympic View is not subject to similar contractual requirements as Ronald Wastewater.</p>
	<p>The Amendment fails to address other legal and technical barriers. The proposed Amendment fails to address several other legal and technical barriers to Olympic View's provision of service to the Point Wells Service area. These barriers were discussed in a comment letter on Olympic View's previously-proposed amendment that was submitted by the City of Shoreline dated March 16, 2015, which is incorporated by this reference.2</p>	<p>This letter was addressed in the 2007 Sewer Comprehensive Plan Amendment 2 submitted in 2016. This plan was ultimately not approved by Snohomish County. The City of Shoreline did not submit any comments on the current plan.</p>
Dept. of Ecology	<p>3(d)iii Proposed sewers. The location, size, slope, capacity, direction of flow of all proposed trunk sewers, and the boundaries of the areas to be served by each; Condition Not Satisfied. The general sewer plan should include preliminary engineering information in sufficient detail to ensure technical and financial feasibility for implementation. Trunk sewer size, slope and capacity information for alternative's 1-3 is missing. In lieu of slope, approximate depth is also acceptable. Include on Figure 6 or a separate figure as appropriate.</p>	<p>It is not possible to provide information on size, slope, capacity, direction of flow, of any future areas to be served at this time. Until the District knows the size of proposed development, who will have jurisdiction over the area; Woodway or Shoreline, the amount of infrastructure needed cannot be determined. The District can add infrastructure as needed, when needed, when system requirements are known. Currently Woodway and Shoreline have an agreement to add no more than 400 units. Snohomish County is reviewing an application that would add about 3,000 units. Edmonds has stated that their facilities can handle increased flows if needed; King County has stated that they do not have the capacity. Also, there is the possibility that a second access into the Point Wells area will not be allowed. This would greatly limit the number of units that can be developed in the area.</p>
	<p>3(d)iv Topography and elevations. Topography showing pertinent ground elevations and surface drainage must be included, as well as proposed and existing streets; Condition Not Satisfied. Include proposed streets or anticipated street alignments in the Southwest Service Area and Point Wells Urban Center as relevant to alternatives 1-3 and preferred construction methods. Not necessary but would be helpful to show critical elevations. Contour lines in Figure 6 show changes in topography but it's difficult to get a sense of how much change they really represent.</p>	<p>As stated in response 3(d)iii, at this time it is unknown what development may occur in the Point Well Urban Center area and therefore, what if any roads are proposed or anticipated. No new roadways are proposed outside of the Point Wells area, within the Southwest Service Area. Existing topography has been added to Figure 6. Changes in topography are not anticipated at this time and the Figure has been revised to ensure that the correct topography is shown. Critical elevations are shown.</p>

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
3(d)vi	Streams, lakes, and other bodies of water. The location and direction of flow of major streams, the high and low elevations of water surfaces at sewer outlets, and controlled overflows, if any. All existing and potential discharge locations should be noted; and Condition Not Satisfied. Show all surface waters in Figure 6, as relevant to the design or construction of Alternatives 1-3. Specifically, Deer Creek appears to be a consideration for Alternative 2.	All waterbodies within the District service area have been added to Figure 6.
3(d)vii	Water systems. The location of wells or other sources of water supply, water storage reservoirs and treatment plants, and water transmission facilities. Condition Not Satisfied. If this information is not included in Olympic View's 2007 Comprehensive Sewer Plan, please include in this Figure 6 or separate figure as appropriate.	The requested information is provided in the District's 2015 Comprehensive Water System Plan.
3(e)	The population trend as indicated by available records, and the estimated future population for the stated design period. Briefly describe the method used to determine future population trends and the concurrence of any applicable local or regional planning agencies. Condition Not Satisfied. Please clarify what population estimates the District is planning for. Table 1 presents historic census tract data with a 2025 projection. A regional population projection is also presented for 2035. Does the 2035 projection include the Southwest Service Area and Point Wells Urban Center? Which population project is included in the 2007 Comprehensive Sewer Plan?	<p>The population projections were derived from information provided by Snohomish County, and the PSRC (Puget Sound Regional Council). The percentage of the geographies (FAZ – Forecast Area Zone) within Olympic View's boundary was determined using GIS software. The population within the District was then projected by performing an area allocation calculation using the percentage data.</p> <p>The District was planning for 2025 projections in their 2007 plan. The 2035 data was extrapolated data for reference and does not include the Point Wells area as development was not proposed for that area in 2007.</p> <p>Please see the population projection information included in the 2007 Comprehensive Sewer Plan provided by the District.</p>
3(h)	A statement regarding provisions for treatment and discussion of the adequacy of the treatment. Condition Satisfied. Please double check capacity calculations for the Edmonds WWTP. An average day flow of approx. 0.7 MGD doesn't seem accurate as narrated.	The capacity calculations have been double checked and revised as stated in reponse to comments above, received from City of Edmonds.
3(i)	List of all establishments producing industrial wastewater, the quantity of wastewater and periods of production, and the character of the industrial wastewater insofar as it may affect the sewer system or treatment plant. Consideration must be given to future industrial expansion. Condition Not Satisfied. Include a discussion about anticipated future commercial & industrial wastewater. At this stage, this section can be broad and based on what the District anticipates preparing service for.	As stated in response 3(d)iii, at this time it is unknown what development may occur in the Point Well Urban Center area, commercial, industrial and/or residential. Until an actual development plan is approved, the District cannot list wastewater producing establishments, the quantity or periods of production, or anticipate what future wastewater needs will be. The District is prepared to provide service to the area and provide the infrastructure needed.

Olympic View Water and Sewer District 2007 Comprehensive Sewer Plan Amendment No. 2 - Comment Response Matrix

Agency/Commenter	Comment	Response
3(l)	A discussion, including a table, that shows the cost per service in terms of both debt service and operation and maintenance costs, of all facilities (existing and proposed) during the planning period. Condition Not Satisfied. The amendment clearly states all improvements related to extension of service to the Southwest Service Area, including Point Wells, would be at the expense of property owners and developers. The amendment does not include the cost to the District for operations & maintenance of these additional assets. Please include an estimate of O&M that can be added to O&M estimates included in the 2007 Comprehensive Sewer Plan, planning horizon.	Until an approved development plan is provided, the District can only guess at what future wastewater needs and costs may be. Currently there is no approved plan for the area and the area's jurisdiction may change, which would have an impact on the amount of approved development. There is also only one road into and out of the Point Wells area. This would also have a direct impact on the amount of development allowed in the Point Wells area. The District would be willing to provide an amendment to their current sewer system plan to address proposed development in future that would address system needs and costs.
Other Comments - Ecology		
	Section 5. Franchises and Agreements, offers a history of partnership within the region. If the Town of Woodway transferred ownership of the sanitary sewer collection system within the Town limit to the District in 2004, explain why the Southwest Service Area and Point Wells was not included in Olympic View's 2007 Comprehensive Sewer Plan?	When the District's current sewer system plan was approved in 2007, service within the Town of Woodway was discussed, just not as the Southwest Service Area. The Point Wells area had not then been a known consideration and the one wastewater connection into the area was being provided by Ronald Wastewater District. The proposed development of Point Wells was one of the main reasons for the sewer plan amendment currently under review; the other being the unsewered areas within Woodway. It was decided to amend the District's sewer plan to provide for future service to those areas and refer to the two areas collectively as the Southwest Service Area.
	I searched Ecology records and unfortunately was not able to find a copy of Olympic View's 2007 Comprehensive Plan. The Point Wells Urban Center is located in the Town of Woodway's Municipal Urban Growth Area (MUGA) and outside Town limits. Based on the 2004 transfer of ownership and subsequent contracts & agreements, please include verification that the Olympic View Water and Sewer District's jurisdiction includes the Town of Woodway's MUGA.	As discussed, a copy of the District's 2007 Comprehensive Plan has been provided to you for your use and verifies that Olympic View Water and Sewer District's jurisdiction includes the Town of Woodway's MUGA.
	Based on the documents entered into record there appears to be active stakeholder interest in the Southwest Service Area and Point Wells Urban Center. How will the District adjust its plans based on uncertainties at the time of amendment approval?	Per correspondence with Lynne Danielson, General Manager at Olympic Water & Sewer District, November 2019, the District is not aware of documents in the records that create uncertainties. The first time the Amendment was submitted, there was a question regarding Ronald Wastewater District claiming that the area was annexed into their district by court action on 1986. According to a Washington State Court of Appeals, Division 1 ruling in July 2019, Ronald has no territory within Snohomish County. Ronald has requested Supreme Court review but at this time, the current law indicates it is within Olympic View's corporate boundaries and we have the obligation to plan for and provide service within our boundaries. A copy of the District's 2007 Sewer Comprehensive Plan will be provided.

**OLYMPIC VIEW WATER & SEWER DISTRICT
DETERMINATION OF NON-SIGNIFICANCE
AND NOTICE OF PUBLIC HEARING**

Description of the Proposal: This proposal is for adoption of Amendment No. 2 to Olympic View Water & Sewer District's 2007 Comprehensive Sewer Plan. Amendment No. 2 is titled "Southwest Sewer Service Area System Improvements" and upon adoption will be incorporated into the 2007 Plan as Amendment H. The Amendment addresses the District's responsibility to make sewers available to currently unsewered areas and proposed new development in the southwest portion of the District's service area. Alternatives for serving these areas are addressed in the Amendment and are based on a combination of regional population projections, specific development proposals, planning by local land use authorities and regional planning for wastewater treatment and disposal.

Proponent: Olympic View Water & Sewer District

Location: Olympic View Water and Sewer District's sewer service area is coincidental to its corporate boundary and generally extends from the Puget Sound on the west to State Highway 99 on the east, and from 220th Street Southwest on the north to the Snohomish-King County line on the south.

Lead Agency: Olympic View Water & Sewer District.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by 5:30 pm, October 7, 2019. A public hearing will be held at the District office listed below on October 7, 2019 at 5:30 p.m. or as soon thereafter as may be heard.

Responsible Official: Lynne Danielson

Position/Title: General Manager, Olympic View Water & Sewer District

Phone: (425) 774-7769

Address: 8128 228th Street Southwest
Edmonds, Washington 98026

Date: September 6, 2019

Signature:





September 9, 2019

Terri Strandberg
Snohomish County Planning & Development Services
3000 Rockefeller, M/S 607
Everett, WA 98201

**Subject: Olympic View Water & Sewer District
2007 Comprehensive Sewer Plan Amendment 2**

Dear Terri:

Enclosed you will find a copy of Olympic View Water & Sewer District's FINAL Amendment 2 to its 2007 Comprehensive Sewer Plan. This amendment replaces the portion of the Ronald Wastewater 2010 Comprehensive Plan that addresses extension of service into Snohomish County. The plan addresses Olympic View's obligation and ability to provide sanitary sewer service to the southwestern portion of Olympic View's corporate boundary and sanitary sewer service area and their intent to provide this service throughout the whole area.

The comment period has been revised to October 7, 2019.

Please contact me at 425.827.2014, or eileand@paceengrs.co, or Lynne Danielson, General Manager for Olympic View Water & Sewer District at 425.774.7769, or lynned@ovwater.com, if you have questions or comments.

Thank you for your interest in this process.

Sincerely,
PACE ENGINEERS, INC.

A handwritten signature in blue ink, appearing to read "Eilean Davis". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eilean Davis
Senior Planner

cc: OVW&SD
File

Enclosure(s)

Moore, Megan

From: Strandberg, Terri
Sent: Tuesday, October 29, 2019 9:41 AM
To: Dorsey, Brian
Subject: FW: Docket Application - OVWSD

FYI

From: Lynne Danielson [mailto:Lynned@ovwater.com]
Sent: Monday, October 28, 2019 4:52 PM
To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Cc: Skorney, Steve <Steve.Skorney@co.snohomish.wa.us>; Eilean Davis <EileanD@paceengrs.com>; Tom Fitzpatrick <tom@tal-fitzlaw.com>
Subject: RE: Docket Application - OVWSD

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Terri,

The situation you have detailed below is what we believe. It is also what we are requesting with the submission of the docket application. We do realize that due to the extenuating circumstances that the time period dictated in RCW 57.16 cannot be met and agree to extending the period for approval to run concurrently with the docket request.

Please let me know if you need any additional information from us.

Respectfully,

Lynne A. Danielson

Lynne A. Danielson, General Manager
Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, WA 98026-8449
lynned@ovwater.com
p: 425.774.7769 | f: 425.670.1856

From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Friday, October 25, 2019 5:05 PM
To: Lynne Danielson <Lynned@ovwater.com>
Cc: Skorney, Steve <Steve.Skorney@co.snohomish.wa.us>
Subject: Docket Application - OVWSD
Importance: High

Dear Lynne:

As follows up to our recent phone conversation, this e-mail will acknowledge receipt of the Docket Application submitted by Olympic View Water and Sewer District (OVWSD) requesting the county to amend its GMA comprehensive plan to replace the Ronald Wastewater District 2010 Comprehensive Plan with the proposed Amendment No. 2 to the OVWSD 2007 Sewer Comprehensive Plan which governs the provision of sanitary sewer service to the Point Wells area within Snohomish County.

As noted in your Docket Application, the previous decision of the Growth Management Hearings Board requires us to process this amendment to your comprehensive sewer plan (otherwise governed by the procedures in Ch. 57.16 RCW), as an amendment to the County's GMA comprehensive plan (which is governed by the procedures in Ch. 36.70A RCW), because the Capital Facilities Plan Element of the County's GMA comprehensive plan currently identifies Ronald as the sewer service provider to Point Wells. This designation in the County's capital facilities plan was based upon Ronald's previously approved 2010 comprehensive sewer plan which purported to show the Point Wells area as being within Ronald's service area boundaries. However, based on the recent decision by the Court of Appeals, the court has ruled that the Point Wells area was never properly incorporated into the service area boundaries for Ronald and, thus, Ronald cannot be the designated service provider for this area.

In the docket application submitted you provide a generalized statement of the proposed policy amendment which we would like to clarify. Specifically, you identify the policy amendment as "replacing" Ronald's 2010 Comprehensive Plan with proposed Amendment No. 2 to the OVWSD 2007 Sewer Comprehensive Plan." As it relates to the County's GMA comprehensive plan this change will require amendment to Appendix B, Figure 7, of the Capital Facilities Plan (CFP) which is the "Existing Inventories – Capital Facilities Plan Map" for public wastewater system providers, as well as amendments to text and/or tables within the CFP. As we understand your request, you are asking the County to remove Ronald as the designated service provider to Point Wells under the county's Capital Facilities Plan (text, tables and maps) and substitute OVWSD as the designated service provider. Concurrent therewith, you are proposing an amendment to your 2007 Sewer Comprehensive Plan under Ch. 57.16 RCW to include a plan for the provision of sanitary sewer facilities to the area (proposed Amendment No. 2 to the OVWSD 2007 Sewer Comprehensive Plan).

Because your proposed amendment to your Sewer Comprehensive Plan (governed by Ch. 57.16 RCW) is tied to the docket application for amendment of the County's GMA Comprehensive Plan we also want to confirm that the parties have mutually agreed to extend the deadline for processing the proposed Amendment No. 2 as set forth in RCW 57.16.010(7) to run concurrent with the County's GMA amendment timelines. In this regard, your current docket application has been set on the 2021 docket cycle for consideration. If for some reason the appeals process relating to the Court of Appeals decision has not been concluded by that date it may be necessary to continue the matter to the next docket cycle. However, should the Court of Appeals decision become final prior to March of 2020, it may be possible for the County to advance consideration of this amendment as part of the county-initiated amendments in 2020.

If the foregoing proposal for processing your docket request is acceptable to you please just confirm when convenient and we will proceed accordingly. If you have any questions please do not hesitate to call me. Please contact Steve Skorney related to processing of docket applications and the associated fees.

Sincerely,

Terri Strandberg, Principal Planner
Snohomish County Planning and Development Services

Moore, Megan

From: Dave Barnes <daveb@ovwater.com>
Sent: Thursday, March 11, 2021 1:27 PM
To: Strandberg, Terri
Subject: RE: OVWSD Docket Request - questions from SnoCo

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hi Terri,

You are correct, the sewer comp plan is the same.

I reached out to our consultant for this, and this is what we came up with:

“In 1994, the District signed a utility franchise agreement with Snohomish County. The agreement was renewed in 2019 and is valid through 2039. The renewed agreement does not include any limitations within the unincorporated area located in the southwestern sub-regional system. During that same year, Snohomish County granted a franchise to Shoreline Wastewater Management District (now known as Ronald Wastewater District) that specifies the limits of the franchise area as being, *“That portion of Heberlein Road, extending 276 feet North of the northerly King County line, located in the South ½ of the Southwest ¼ of Section 35, Township 27 North, Range 3 East, W.M.”*. That franchise allows for service to restrooms at the Point Wells site. Transfer of the franchise to a third party, without the prior written consent of the Snohomish County Council, is prohibited by the franchise agreement as well as a stipulation in Snohomish County’s approval of Ronald’s 2010 Comprehensive Sewer Plan.”

How does that sound to you?

Thanks,

Dave Barnes, General Manager
Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, WA 98026-8449
daveb@ovwater.com
p: (425) 774-7769 | c: (425) 480-6615

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Email from this address is subject to public disclosure pursuant to RCW 42.56.

From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Wednesday, March 10, 2021 12:29 PM
To: Dave Barnes <daveb@ovwater.com>
Subject: FW: OVWSD Docket Request - questions from SnoCo

2021 Docket XX - CFP1

Index # - File Name: 1.0010_RE_Barnes_OVWSD Docket Request - questions from SnoCo.pdf

Hi Lynne -
I sent this to Lynne but got her notice that she has retired. I am beginning to prepare the county paperwork to address OVWSD docket request and corresponding sewer plan amendment.

I had a few questions ... see below.

Thanks!

Terri Strandberg, Principal Planner
Snohomish County Planning and Development Services

Note: I am working remotely and my phone extension is in transition to a new number – when it gets set up, my number will be 425-262-2795. In the meantime, email is the best way to contact me.

From: Strandberg, Terri
Sent: Wednesday, March 10, 2021 11:16 AM
To: Lynne Danielson <lynned@ovwater.com>
Subject: OVWSD Docket Request - questions from SnoCo

Hi Lynne –

I am beginning to prepare documents related to the adoption process for your docket item. I will be preparing an ordinance to revise the county's Capital Facility Plan (text and maps) and a Motion for Council to approve your system plan amendment.

** Just want to verify – your sewer plan amendment #2 is the same one that the county already approved but then had to rescind due to legal issues – correct?

Our reviewer from Public Works Dept suggested the following edits to the sewer plan amendment:

Comments on this draft pertain to the 6th paragraph on page 12, starting with “In 1994...”:

- Recommend revising language to reflect current status of franchise agreement, 2019 renewal?
- In that same paragraph (3rd sentence), specific extension limits related to Shoreline Wastewater Management District's (SWMD) franchise agreement are mentioned that are not entirely accurate. Per the franchise agreement, SWMD's franchise area is “That portion of Heberlein Road, extending 276 feet North of the northerly King County line, located in the South ½ of the Southwest ¼ of Section 35, Township 27 North, Range 3 East, W.M.” This is to point out, SWMD's franchise agreement makes no mention of limiting the pipe length to 276 feet.
- In the last sentence of that paragraph, see suggested language in red pertaining to transfer of SWMD's franchise agreement (only with County Council approval) “Transfer of the franchise to a third party **without the prior written consent of County Council** is prohibited by the franchise agreement...”

Do you want to send me a revised paragraph updating the franchise info?

Terri

Preliminary Comments on the Olympic View Water and Sewer District 2007
Comprehensive Sewer Plan – Amendment No. 2 – Appendix H

The County Comments are divided into three areas:

- 1. Substantive comments that affect a consistency determination**
- 2. Questions that may need further explanation or clarification or to establish timing**
- 3. Minor Editorial and Typographical comments**

1) Substantive Comments that Affect a Consistency Determination

Introduction and Overview

Pages 1-2: Snohomish County acknowledges that the disposition of Point Wells and the issues of sewer district jurisdiction are still under litigation. Our comments will not in any way attempt to validate or invalidate the scenario presented in this appendix.

Population and Land Use

Page 14: The area representing Census Tract 506, would reach a total population of 4,361 by 2035, using the initial 2035 growth targets adopted by the County Council in Appendix B of the Countywide Planning Policies. This is based on adopted targets for the “Woodway Area,” which contains both the Town of Woodway and the unincorporated Woodway MUGA.

Table 1 shows Census Tract 506 reaching 11,112 total residents by 2035, which exceeds the Council’s adopted population growth target for the “Woodway Area” by 6,751. Olympic View is planning for a higher level of population growth than the adopted targets in the CPPs and assuming maximum population associated with the full build-out of the proposed Point Wells project by 2035 (3,100 units at 2.52 persons per household) . These assumptions generate a higher level of potential population growth for the area than those that were used for establishing the initial CPP targets for 2035.

Alternative Analysis

Pages 20-24: (Alternative 1) Alternative 1 has been depicted as infeasible because of the size of the Edmonds interceptor. More justification on its infeasibility would be helpful. (Alternative 2) It appears that this alternative would violate the current franchise agreement with Snohomish County which limits the extension of utilities into Snohomish County to 250ft of pipe along Heberlein Road. (Alternative 3) No documentation is provided regarding Olympic View WSD having procured right-of-way permission from BNRR to extend pipe lines to the Edmonds WW Treatment Plant.

2) Questions/Issues that may need further explanation or clarification

Alternative Analysis

Page 11: Does the franchise agreement of the extension of utilities into Snohomish County stipulate 250ft or 275ft of pipe along Heberlein Road?

Page 19: “preliminary development proposals initially identified in the EIS that is currently being developed by Snohomish County.” The EIS being referred to should be specified and tense changed as well...” was developed by Snohomish County.”

3) Minor Editorial and Typographical Comments

Authorization

Page 3: Line 5 – “DOE” reference is incorrect. It should read; Washington State Department of Ecology (Ecology).

Page 10: Missing?



Snohomish County
Planning and Development Services

Dave Somers
County Executive

Barb Mock, Interim Director
3000 Rockefeller Avenue M/S #604
Everett, WA 98201-4046
(425) 388-3311 FAX (425) 388-3832

M E M O R A N D U M

To: Terry Ryan, Chair, Snohomish County Council
Brian Sullivan, Vice Chair, Snohomish County Council
Ken Klein, Snohomish County Council
Stephanie Wright, Snohomish County Council
Hans Dunshee, Snohomish County Council

From: Gary Idleburg.
Senior Planner, PDS

Date: May 2, 2016

RE: Supplemental Staff Report - Olympic View Water & Sewer District
Comprehensive Sewer System Plan (CSP) June 2007, Amendment No. 2-
June 2015

This memo is a supplement to the March 9, 2016, report (memo) for the County Council Motion (Exhibit A). The purpose is to depict and highlight the specific criteria by which the Olympic View Water and Sewer District (the District) June 2007 Comprehensive Plan (the Plan) with Amendment No. 2 is consistent with Snohomish County's GMA Comprehensive Plan (SCGMACP).

A. PROCESS AND TIMING FOR REVIEW

A sewerage system comprehensive plan is required by RCW 57.16.010 and RCW Chapter 90.48. Amendment No. 2 amends the District's previous Comprehensive Plan, originally approved by Snohomish County on October 3, 2007. Pursuant to RCW 57.02.040, the Plan and any Amendments must be submitted to the County Engineer, Director of Public Health in the County or the Snohomish County Health Department, and the county legislative authority for review and approval. The Amendment, in concert with the Plan, will meet the requirements of WAC 173-240-050 and 246-290-100.

The Plan was formally submitted to the County Council on February 17, 2016. Consistent with state statute, council action must occur within 90 days (no later than

Tuesday, May 17, 2016), unless an extension is mutually agreed upon or a public hearing is held. When a public hearing is held, final action must be taken within 30 days of the hearing. The hearing must be held within 90 days (or agreed-upon extensions) of submission of the Plan.

B. BACKGROUND INFORMATION

The District Board of Commissioners adopted resolution 1044 that adopts by reference and incorporates the new Amendment No. 2 into the Plan for use by the District. This was adopted by motion at a regularly scheduled meeting of the District held on July 6, 2015.

The Amendment adds an Appendix H which includes the 106-acre un-sewered southwestern portion of the District (in the vicinity of Point Wells) and also includes discussion regarding the operation of sewers within the town of Woodway and Snohomish County.

Potential changes in ownership and operation of the Ronald Wastewater District facilities within the Olympic View's corporate boundary are also addressed. The area has been planned to be served ultimately by the City of Edmonds' Regional Wastewater Treatment Plant.

C. RELATIONSHIP TO COUNTY COMPREHENSIVE PLAN

State law says district system plans must be consistent with the development envisioned in local comprehensive land use plans. Olympic View Water and Sewer District is bounded to the south by the city of Shoreline, by State Highway 99 to the east, by Puget Sound to the west, and by 220th and 216th Street SW to the north. Sewerage for most of the District, as well as some from the Ronald Water and Sewer District, the town of Woodway, and portions of the cities' of Mountlake Terrace and Edmonds, pass through the Olympic View Water and Sewer District collection system and is then conveyed to the Edmonds Wastewater Treatment Plant. A small portion of the OVWSD District drains to the Ronald Sewer District in King County.

GMA requires public sewers within UGA areas, and that new development shall be served by those public sewerage systems.

D. STAFF FINDINGS AND RECOMMENDATION

PDS and Public Works conducted staff reviews; comments on the Plan were provided to the District in 2015. PDS finds the District's plan to be consistent with the planning criteria of RCW 57.02.040. PDS bases its determination of this Amendment No. 2 being consistent with the County's GMA Comprehensive Plan on the following details:

- ✓ The proposed action is completely inside the Southwest Urban Growth Area (UGA) and consistent with General Policy Plan (GPP) Objective UT3.A, UT Policy 3.A.2 and Objective UT 1.B;

- Objective UT 3.A - “Utilize wastewater system plans as a basis for orderly development or expansion within UGAs in accordance with the Countywide Planning Policies.”
 - UT Policy 3.A.2 - “The county shall only permit new individual wastewater treatment systems (such as septic systems) within UGAs to serve single-family homes on legal lots in existence at the effective date of this plan except as may be provided under development regulations which are consistent with LU Policy 2.A.1 related to the phased implementation of minimum urban densities within the un-sewered portion of UGAs, under limited conditions.”
 - Objective UT 1.B - “Achieve and maintain consistency between utility system expansion plans and planned land use patterns.”
- ✓ Population growth estimates for 2035 are consistent with Snohomish County growth estimates for 2035.
- ✓ The Amendment and Capital Facilities Plan are mutually supportive pursuant to GPP Objective CF 9.A;
- Objective CF 9.A – “Establish and sustain interagency planning mechanisms to assure coordinated and mutually supportive capital facility plans from special district and other major non-county facility providers which are consistent with cities’ and county comprehensive plans.”
- ✓ Snohomish County and Olympic View Water and Sewer District coordinated in the process of finalizing this amendment pursuant to Objective UT 1.A and Policy IC 1.A.2;
- Objective UT 1.A – “Pursue improved coordinated facility planning processes among the various utility providers serving Snohomish County.”
 - Policy IC 1.A.2 – “The county shall work with cities, transit agencies utility providers and other stakeholders including private citizens to develop more detailed plans where local conditions and interests demand it – particularly within designated centers and transit emphasis corridors.”

- ✓ Olympic View Water and Sewer District identifies funding sources for proposed improvements similar to how Snohomish County complies with to CF Policy

1.B.1.

- CF Policy 1.B.1 - “The county shall prepare and adopt, a six-year capital improvement program (pursuant to County Charter) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects.”

E. REVIEW BY COUNTY ENGINEER AND DIRECTOR OF HEALTH

The Plan has been submitted by the District to the Snohomish County Department of Public Works and the Snohomish Health District pursuant to Title 57.16.010 RCW. The Snohomish County Engineer approved the plan by a letter dated March 4, 2016. The Snohomish Health District has also given their approval of the plan in March 2016.

F. REVIEW BY AFFECTED CITIES AND DISTRICTS

The cities of Edmonds, Mountlake Terrace, Shoreline, Woodway, and potentially King County are affected by the proposal. PDS has not yet received written comments from other jurisdictions concerning this comprehensive plan.

Moore, Megan

From: Toy, Stephen
Sent: Friday, November 13, 2015 1:39 PM
To: Idleburg, Gary
Cc: Sleight, Randy; Slusser, Frank
Subject: Population data - Olympic View sewer plan amendment #2

Gary –

I reviewed Table 1 (Olympic View Water and Sewer District, Sewer Service Area Population Estimates) on page 14. The table shows a level of 2035 population growth which exceeds that assigned by the County Council under GMA to the area within the Olympic View corporate boundary. It appears that this difference is the result of using different growth assumptions within Census Tract 506 (which contains the Point Wells proposed development). Using the initial 2035 growth targets adopted by the County Council in Appendix B of the Countywide Planning Policies, the area representing Census Tract 506, would reach a total population of 4,361 by 2035 (based on adopted targets for the “Woodway Area,” which contains both the Town of Woodway and the unincorporated Woodway MUGA). Table 1 shows Census Tract 506 reaching 11,112 total residents by 2035, which exceeds the Council’s adopted population growth target for the “Woodway Area” by 6,751. In planning for a higher level of population growth than the adopted targets in the CPPs, Olympic View is assuming maximum population associated with the full buildout of the proposed Point Wells project by 2035 (3,100 units at 2.52 persons per household). These assumptions generate a higher level of potential population growth for the area than those that were used for establishing the initial CPP targets for 2035.

Stephen Toy
Principal Demographer
Snohomish County Planning and Development Services
425-388-3311, ext 2361

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Moore, Megan

From: Chesterfield, Brook
Sent: Friday, March 12, 2021 1:20 PM
To: Strandberg, Terri
Cc: daveb@ovwater.com
Subject: RE: OVWSD Docket Request - questions from SnoCo

Yes, this addresses our comments.

Thanks,

Brook Chesterfield, P.E. | *Special Projects Coordinator*
[Snohomish County Public Works](#) | Director's Office
3000 Rockefeller Ave, M/S 607 | Everett, WA 98201
C: 425-261-9849 | Brook.Chesterfield@snoco.org

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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Thursday, March 11, 2021 1:36 PM
To: Chesterfield, Brook <Brook.Chesterfield@co.snohomish.wa.us>
Cc: daveb@ovwater.com
Subject: FW: OVWSD Docket Request - questions from SnoCo

Hi Brook –

Olympic View has submitted revised language pertaining to the franchise agreement – see below. Does this work for DPW?

Terri

From: Dave Barnes <daveb@ovwater.com>
Sent: Thursday, March 11, 2021 1:27 PM
To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Subject: RE: OVWSD Docket Request - questions from SnoCo

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hi Terri,

You are correct, the sewer comp plan is the same.

I reached out to our consultant for this, and this is what we came up with:

“In 1994, the District signed a utility franchise agreement with Snohomish County. The agreement was renewed in 2019 and is valid through 2039. The renewed agreement does not include any limitations within the unincorporated area located in the southwestern sub-regional system. During that same year, Snohomish County granted a franchise to Shoreline Wastewater Management District (now known as Ronald Wastewater District) that specifies the limits of the franchise area as being, “*That portion of Heberlein Road, extending 276*

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Index # File Name: 20014.Pa. Chesterfield - OVWSD Docket Request - questions from SnoCo.pdf
let North of the northerly King County line, located in the South ½ of the Southwest ¼ of Section 35, Township 27 North, Range 3 East, W.M.”. That franchise allows for service to restrooms at the Point Wells site. Transfer of the franchise to a third party, without the prior written consent of the Snohomish County Council, is prohibited by the franchise agreement as well as a stipulation in Snohomish County’s approval of Ronald’s 2010 Comprehensive Sewer Plan.”

How does that sound to you?

Thanks,

Dave Barnes, General Manager
Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, WA 98026-8449
daveb@ovwater.com
p: (425) 774-7769 | c: (425) 480-6615

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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Wednesday, March 10, 2021 12:29 PM
To: Dave Barnes <daveb@ovwater.com>
Subject: FW: OVWSD Docket Request - questions from SnoCo

Hello Dave –

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I had a few questions ... see below.

Thanks!

Terri Strandberg, Principal Planner
Snohomish County Planning and Development Services

Note: I am working remotely and my phone extension is in transition to a new number – when it gets set up, my number will be 425-262-2795. In the meantime, email is the best way to contact me.

From: Strandberg, Terri
Sent: Wednesday, March 10, 2021 11:16 AM
To: Lynne Danielson <lynned@ovwater.com>
Subject: OVWSD Docket Request - questions from SnoCo

Hi Lynne –

I am beginning to prepare documents related to the adoption process for your docket item. I will be preparing an ordinance to revise the county’s Capital Facility Plan (text and maps) and a Motion for Council to approve your system plan amendment.

Index #, File Name, 1-0014-Re-Chesterfield-OWSD-Docket-Request-Questions-from-SnoCo.pdf
Just want to verify – your sewer plan amendment #2 is the same one that the county already approved but then had to rescind due to legal issues – correct?

Our reviewer from Public Works Dept suggested the following edits to the sewer plan amendment:

Comments on this draft pertain to the 6th paragraph on page 12, starting with “In 1994...”:

- Recommend revising language to reflect current status of franchise agreement, 2019 renewal?
- In that same paragraph (3rd sentence), specific extension limits related to Shoreline Wastewater Management District’s (SWMD) franchise agreement are mentioned that are not entirely accurate. Per the franchise agreement, SWMD’s franchise area is “That portion of Heberlein Road, extending 276 feet North of the northerly King County line, located in the South ½ of the Southwest ¼ of Section 35, Township 27 North, Range 3 East, W.M.” This is to point out, SWMD’s franchise agreement makes no mention of limiting the pipe length to 276 feet.
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Do you want to send me a revised paragraph updating the franchise info?

Terri



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

January 29, 2020

Lynne Danielson, General Manager
Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, WA 98026-8981

RE: Re-approval of Amendment No. 2 to the 2007 Olympic View Water and Sewer District
Comprehensive Plan

Dear Lynne Danielson:

The Department of Ecology reviewed the August 2019 revision of Amendment No. 2 to the 2007 Olympic View Water and Sewer District's (OVWSD) Comprehensive Sewer Plan. The August 2019 version contains minor revisions of the November 2015 amendment previously reviewed and approved by Ecology in 2015. These revisions included clarifications and corrections to existing calculations, text, maps and figures. The revisions are minor and do not constitute an update. Pursuant to RCW 90.48.110 and WAC 173-240-030, Ecology hereby approves the 2019 version of the comprehensive sewer plan amendment. One copy of the approved document is being returned for your records.

As noted in previous approvals and correspondence with the District regarding this amendment, Ecology is aware of an ongoing dispute over proposed service to the Point Wells area that is the subject of this amendment. Ecology does not have jurisdiction to resolve such disputes and this approval is not intended to offer any opinion related to the dispute. Ecology's approval is limited to assessing the plan's compliance with state water quality laws. By approving this amendment, Ecology verifies that the document complies with the requirements of a comprehensive sewer plan, as described in WAC 173-240-050.

If you have any questions concerning this review, please feel free to contact Stephanie Allen at (425) 649-7160 or via email at stephanie.allen@ecy.wa.gov.

Sincerely,

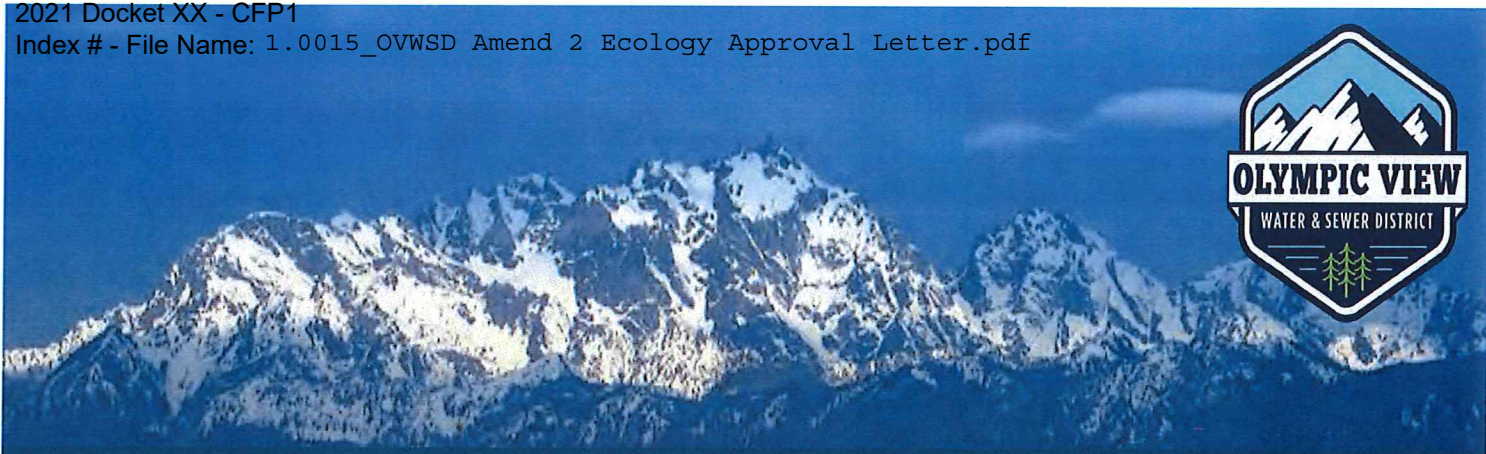
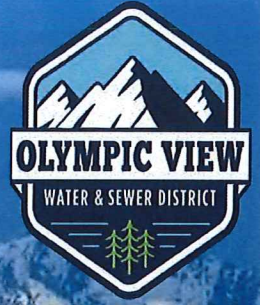
A handwritten signature in black ink that reads "Rachel McCrea".

Rachel McCrea
Water Quality Section Manager
Northwest Regional Office

Encl. As noted

cc: Eilean Davis, PACE Engineers (electronic copy)
Ecology Central Files, Olympic View Water District WQ 4.5





Olympic View Water & Sewer District

2007 Comprehensive Sewer Plan Amendment No. 2

Appendix H: Southwest Sewer Service Area System Improvements



Moore, Megan

From: Eilean Davis <EileanD@paceengrs.com>
Sent: Wednesday, April 7, 2021 10:10 AM
To: Strandberg, Terri
Cc: Dave Barnes; Lynne Danielson; Paul Weller; Eian Ray
Subject: RE: OVWSD Docket Request - questions from SnoCo
Attachments: Pages 1and2 from OVWSD_Sewer Plan Amendment_Rev_6Apr2021.pdf; Pages 19and20 from OVWSD_Sewer Plan Amendment_Rev_6Apr2021-2.pdf; OVWSD_Figure 4 LandUse.pdf; OVWSD_Figure 5 Zoning.pdf

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Fabulous!

Here are revised Figures 4 and 5 and the revised pages in pdf format.

Thank you for your help.

Eilean Davis, PWS
Senior Planner
11255 Kirkland Way | Suite 300
Kirkland WA 98033
425.827.2014



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Voted [Zweig Best Places to Work](#) and [PSBJ Top 100 Fastest Growing Firms in the Northwest](#)

From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Tuesday, April 6, 2021 3:18 PM
To: Eilean Davis <EileanD@paceengrs.com>
Subject: RE: OVWSD Docket Request - questions from SnoCo

Hi Eilean –
Revised figures and revised pages will be fine.
Thanks!

Terri

From: Eilean Davis <EileanD@paceengrs.com>
Sent: Tuesday, April 6, 2021 2:26 PM
To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Cc: Lynne Danielson <lynned@ovwater.com>; Dave Barnes <daveb@ovwater.com>; Paul Weller <PaulW@paceengrs.com>; Eian Ray <EianR@paceengrs.com>
Subject: RE: OVWSD Docket Request - questions from SnoCo

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Index # - File Name: 1.0016_RE_Davis_OVWSD Docket Request - questions from SnoCo.pdf

Once we have the map and the document revised per your comments, I assume you'd like a new and complete pdf of the document. Do you need the dates and signatures revised as well? Or do you just need the revised figure and revised pages of the document for replacement in your copy?

Thank you

Eilean Davis, PWS
Senior Planner
11255 Kirkland Way | Suite 300
Kirkland WA 98033
425.827.2014



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Voted Zweig Best Places to Work and PSBJ Top 100 Fastest Growing Firms in the Northwest

From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Friday, April 2, 2021 2:26 PM
To: Eilean Davis <EileanD@paceengrs.com>
Cc: Lynne Danielson <lynned@ovwater.com>; Dave Barnes <daveb@ovwater.com>
Subject: RE: OVWSD Docket Request - questions from SnoCo

Hi Eileen –

Attached are the map comparisons for Fig 4 and Fig 5 and some requested edits for the text.

Thanks! I appreciate your help on this! OVWSD has been waiting a long time to get this amendment in place.

Terri

From: Eilean Davis <EileanD@paceengrs.com>
Sent: Friday, April 2, 2021 10:38 AM
To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Subject: RE: OVWSD Docket Request - questions from SnoCo

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Great! What do you use for your virtual meetings? Is Teams okay or Zoom or....? Did you have time today or what works best for you?

Thank you

Eilean Davis, PWS
Senior Planner
11255 Kirkland Way | Suite 300
Kirkland WA 98033
425.827.2014



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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Friday, April 2, 2021 10:36 AM

2021 Docket XX - CFP1

Index# - File Name: 1_0016_RE_Davis_OVWSD Docket Request - questions from SnoCo.pdf
To: Eileen Davis <EileanD@paceengrs.com>

Subject: RE: OVWSD Docket Request - questions from SnoCo

Hi Eileen –

Yes, a meeting would be fine.

Terri

From: Eileen Davis <EileanD@paceengrs.com>

Sent: Friday, April 2, 2021 10:19 AM

To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>; Dave Barnes <daveb@ovwater.com>

Cc: Lynne Danielson <lynned@ovwater.com>

Subject: RE: OVWSD Docket Request - questions from SnoCo

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hi Terri,

Would it be possible to set up a meeting with you, the District and myself to get some clarification please? We have some questions and concerns regarding the change to the amendment that you're asking for.

Thank you

Eileen Davis, PWS

Senior Planner

11255 Kirkland Way | Suite 300

Kirkland WA 98033

425.827.2014



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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>

Sent: Thursday, April 1, 2021 5:26 PM

To: Eileen Davis <EileanD@paceengrs.com>

Subject: RE: OVWSD Docket Request - questions from SnoCo

Hi Eileen –

The water and sewer plans need to be consistent with our comp plan (future land use maps) per RCW 57.02.040(3)(a). For your maps you can use our current zoning, or our future land use, or both. We don't have a "current land use" map to verify consistency with our comp plan. We need to be able to document that you are planning for the same type of future growth that we are. "Current land use" does not show that adequate sewer service is available to meet the expected future demand. I'm not sure where the "current land use" info came from, and current as of when? I can't verify accuracy or consistency with the comp plan.

Let me know if I can help further.

Terri

2021 Docket XX - CFP1

Index # - File Name: 1.0016 RE Davis OVWSD Docket Request - questions from SnoCo.pdf

From: Eilean Davis <EileanD@paceengrs.com>

Sent: Thursday, April 1, 2021 2:22 PM

To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>

Cc: Eian Ray <EianR@paceengrs.com>

Subject: RE: OVWSD Docket Request - questions from SnoCo

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hi Terri,

Can you clarify please. Your comment to Dave Barnes said,

Figures 4 and 5 do not show county land use and zoning correctly in the unincorporated areas. These maps need to be revised using current county GIS data for the unincorporated areas. We can't approve the sewer plan amendment unless the maps are consistent with ours. Otherwise, it could be interpreted as an unintentional change to our comp plan and zoning outside the bounds of your docket request.

Our figures show current land use and zoning using the County GIS, but the information provided by Lauren shows future land use. Are you looking for future land use and zoning, rather than current? And do you not need to see current land use and zoning in the amendment? We can revise the figure names, but that will also mean that we need to revise the document to match.

Thank you for your help.

Eilean Davis, PWS

Senior Planner

11255 Kirkland Way | Suite 300

Kirkland WA 98033

425.827.2014



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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>

Sent: Tuesday, March 16, 2021 3:27 PM

To: Sandri, Lauren <Lauren.Sandri@co.snohomish.wa.us>; Coombes, Daniel <Daniel.Coombes@co.snohomish.wa.us>

Cc: Eian Ray <EianR@paceengrs.com>; Eilean Davis <EileanD@paceengrs.com>; Dave Barnes <daveb@ovwater.com>

Subject: RE: OVWSD Docket Request - questions from SnoCo

Hi Lauren -

Please provide our current "future land use" and zoning data to PACE (see email contact below) for use to update Olympic View's wastewater comp plan.

Thank you!

Terri

From: Dave Barnes <daveb@ovwater.com>

Sent: Tuesday, March 16, 2021 9:07 AM

To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>

2021 Docket XX - CFP1

Index # - File Name: 1_0016_RE_Davis_OVWSD Docket Request - questions from SnoCo.pdf
cc: Eian Ray <EianR@paceengrs.com>; Eilean Davis <EileanD@paceengrs.com>

Subject: RE: OVWSD Docket Request - questions from SnoCo

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Good morning Terri,

If you could provide current County GIS data to our consultants from PACE, that would be great.

Thank you,

Dave Barnes, General Manager
Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, WA 98026-8449
daveb@ovwater.com
p: (425) 774-7769 | c: (425) 480-6615



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From: Eian Ray <EianR@paceengrs.com>
Sent: Tuesday, March 16, 2021 8:58 AM
To: Dave Barnes <daveb@ovwater.com>; Eilean Davis <EileanD@paceengrs.com>
Subject: RE: OVWSD Docket Request - questions from SnoCo

Hi Dave,

It's a pleasure to make your acquaintance. I'm PACE's on-staff GIS person. I saw Terri's offer of updated GIS data. That would be great to have if you're able to forward that on to us. We used zoning/landuse designations from the county when the maps were initially developed but it appears there is/was a discrepancy somewhere. As soon as I get that I will do a comparison and then make the needed changes to Figures 4 and 5.

Thanks,
Eian



Eian Ray | Senior GIS Analyst
11255 Kirkland Way | Suite 300 | Kirkland, WA 98033
p. 425.827.2014 | f. 425.827.5043
www.paceengrs.com

2021 Docket XX - CFP1

Index # - File Name: 1.0016 RE Davis OVWSD Docket Request - questions from SnoCo.pdf

From: Dave Barnes <daveb@ovwater.com>

Sent: Monday, March 15, 2021 4:11 PM

To: Eilean Davis <EileanD@paceengrs.com>

Cc: Eian Ray <EianR@paceengrs.com>

Subject: FW: OVWSD Docket Request - questions from SnoCo

Hi Eilean,

Please see Terri's response below.

Thoughts?

Dave Barnes, General Manager

Olympic View Water and Sewer District

8128 228th Street SW

Edmonds, WA 98026-8449

daveb@ovwater.com

p: (425) 774-7769 | c: (425) 480-6615



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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>

Sent: Monday, March 15, 2021 12:57 PM

To: Dave Barnes <daveb@ovwater.com>

Subject: RE: OVWSD Docket Request - questions from SnoCo

Hi Dave –

Figures 4 and 5 do not show county land use and zoning correctly in the unincorporated areas. These maps need to be revised using current county GIS data for the unincorporated areas. We can't approve the sewer plan amendment unless the maps are consistent with ours. Otherwise, it could be interpreted as an unintentional change to our comp plan and zoning outside the bounds of your docket request.

Let me know if you or your consultants need updated GIS data.

Terri

From: Dave Barnes <daveb@ovwater.com>

Sent: Monday, March 15, 2021 11:11 AM

To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>

Subject: RE: OVWSD Docket Request - questions from SnoCo

2021 Docket XX - CFP1

Index # - File Name: 1.0016_RE_Davis_OVWSD Docket Request - questions from SnoCo.pdf

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Good morning Terri,

Here is the final amendment that has the most up to date maps. Hopefully this helps.

Thanks,

Dave Barnes, General Manager
Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, WA 98026-8449
daveb@ovwater.com
p: (425) 774-7769 | c: (425) 480-6615



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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Friday, March 12, 2021 12:46 PM
To: Dave Barnes <daveb@ovwater.com>
Subject: RE: OVWSD Docket Request - questions from SnoCo

Hi Dave –

Since OVWSD Amendment 2 was originally adopted, Woodway has annexed the upper bluff but not the lower portion of Point Wells.

The Figures 1-5 in Amendment 2 don't show accurate boundaries, land use designations or zoning. Some of the maps appear to show that Woodway has annexed the whole SW area, other maps show the old Woodway boundary before the upper bluff was annexed. The attached map shows the current boundary of Woodway.

Can we get revised maps? Shoreline and Woodway have a keen interest in this area.

Terri

From: Dave Barnes <daveb@ovwater.com>
Sent: Thursday, March 11, 2021 1:57 PM
To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Subject: RE: OVWSD Docket Request - questions from SnoCo

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Absolutely Terri. Thank you for being so patient with me!

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Index # - File Name: 1.0016_RE_Davis_OVWSD Docket Request - questions from SnoCo.pdf

Have a great afternoon!

Dave Barnes, General Manager
Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, WA 98026-8449
daveb@ovwater.com
p: (425) 774-7769 | c: (425) 480-6615

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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Thursday, March 11, 2021 1:53 PM
To: Dave Barnes <daveb@ovwater.com>
Subject: RE: OVWSD Docket Request - questions from SnoCo

Thanks Dave –

I sent this up to our reviewer in Public Works. If he is happy, then I'll run with it and include it as an amendment. Thanks for the quick turn-around!

Terri

From: Dave Barnes <daveb@ovwater.com>
Sent: Thursday, March 11, 2021 1:27 PM
To: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Subject: RE: OVWSD Docket Request - questions from SnoCo

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hi Terri,

You are correct, the sewer comp plan is the same.

I reached out to our consultant for this, and this is what we came up with:

“In 1994, the District signed a utility franchise agreement with Snohomish County. The agreement was renewed in 2019 and is valid through 2039. The renewed agreement does not include any limitations within the unincorporated area located in the southwestern sub-regional system. During that same year, Snohomish County granted a franchise to Shoreline Wastewater Management District (now known as Ronald Wastewater District) that specifies the limits of the franchise area as being, “*That portion of Heberlein Road, extending 276 feet North of the northerly King County line, located in the South ½ of the Southwest ¼ of Section 35, Township 27 North, Range 3 East, W.M.*”. That franchise allows for service to restrooms at the Point Wells site. Transfer of the franchise to a third party, without the prior written consent of the Snohomish County Council, is prohibited by the franchise agreement as well as a stipulation in Snohomish County’s approval of Ronald’s 2010 Comprehensive Sewer Plan.”

How does that sound to you?

2021 Docket XX - CFP1

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Dave Barnes, General Manager
Olympic View Water and Sewer District
8128 228th Street SW
Edmonds, WA 98026-8449
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From: Strandberg, Terri <terri.strandberg@co.snohomish.wa.us>
Sent: Wednesday, March 10, 2021 12:29 PM
To: Dave Barnes <daveb@ovwater.com>
Subject: FW: OVWSD Docket Request - questions from SnoCo

Hello Dave –

I sent this to Lynne but got her notice that she has retired. I am beginning to prepare the county paperwork to address OVWSD docket request and corresponding sewer plan amendment.

I had a few questions ... see below.

Thanks!

Terri Strandberg, Principal Planner
Snohomish County Planning and Development Services

Note: I am working remotely and my phone extension is in transition to a new number – when it gets set up, my number will be 425-262-2795. In the meantime, email is the best way to contact me.

From: Strandberg, Terri
Sent: Wednesday, March 10, 2021 11:16 AM
To: Lynne Danielson <lynned@ovwater.com>
Subject: OVWSD Docket Request - questions from SnoCo

Hi Lynne –

I am beginning to prepare documents related to the adoption process for your docket item. I will be preparing an ordinance to revise the county's Capital Facility Plan (text and maps) and a Motion for Council to approve your system plan amendment.

** Just want to verify – your sewer plan amendment #2 is the same one that the county already approved but then had to rescind due to legal issues – correct?

Our reviewer from Public Works Dept suggested the following edits to the sewer plan amendment:

Comments on this draft pertain to the 6th paragraph on page 12, starting with “In 1994...”:

- Recommend revising language to reflect current status of franchise agreement, 2019 renewal?

- In that same paragraph (3rd sentence), specific extension limits related to Shoreline Wastewater Management District's (SWMD) franchise agreement are mentioned that are not entirely accurate. Per the franchise agreement, SWMD's franchise area is "That portion of Heberlein Road, extending 276 feet North of the northerly King County line, located in the South ½ of the Southwest ¼ of Section 35, Township 27 North, Range 3 East, W.M." This is to point out, SWMD's franchise agreement makes no mention of limiting the pipe length to 276 feet.
- In the last sentence of that paragraph, see suggested language in red pertaining to transfer of SWMD's franchise agreement (only with County Council approval) "Transfer of the franchise to a third party **without the prior written consent of County Council** is prohibited by the franchise agreement..."

Do you want to send me a revised paragraph updating the franchise info?

Terri



1. INTRODUCTION AND OVERVIEW

This document constitutes Amendment 2 to Olympic View Water and Sewer District's 2007 Comprehensive Sewer Plan and upon adoption becomes part of that Plan by inclusion as Appendix H. The amendment addresses service to the unsewered southwestern portion of the District in the vicinity of Point Wells and includes discussion regarding ownership and operation of the public sewers in the Town of Woodway and Snohomish County. The southwestern portion of the District includes the areas currently designated in the Town of Woodway and the Town of Woodway MUGA, the Point Wells area, the upper and lower bluffs, Twin Maples and other currently unsewered areas. The purpose of this amendment is to document and clarify service area boundaries and provide guidance for future development of sewer facilities in the 106-acre Southwest Sewer Service Area addressed herein. In addition, future potential changes in ownership and operation of Ronald Wastewater District facilities within Olympic View's corporate boundary are addressed. Planning for service to the Southwest Service Area, including the Point Wells area, is in part necessitated by limitations placed on Ronald Wastewater District serving within Snohomish County as put forth in the County's approval of Ronald's 2010 Wastewater Plan Sewer System Plan and the Snohomish County Boundary Review Board denial of the City of Shoreline's attempt to annex the Point Wells Area. These limitations, coupled with the fact that the entire Southwest Service Area is planned for as part of the City of Edmonds regional wastewater treatment service area, and because the service area is entirely within Olympic View's corporate and water service areas, result in Olympic View's responsibility to plan for sewer service to the area.

In August 2009, a Snohomish County zoning change took place for the area referred to as Point Wells. The zoning change was to accommodate proposed redevelopment of the approximately 61-acre site into a mixed use urban area. Redevelopment of the site would facilitate transformation of the site's historical and current heavy industrial land uses into a sustainable multi-use community with supporting commercial and recreational elements that are pedestrian friendly and take full advantage of the site's unique and attractive waterfront setting. Point Wells is located in the southwesternmost corner of Snohomish County and Olympic View Water and Sewer District, within the Town of Woodway MUGA, and is bounded by the Puget Sound to the west, the City of Shoreline to the south, and the Town of Woodway on the north, south and east. The Burlington Northern Railroad runs north-south through the area and primary road access to the site is currently from Richmond Beach Drive.

A proposal to redevelop 61-acre Point Wells site would include a mix of approximately 3,100 residential units, 250,000 square feet of commercial/retail space, and public recreational uses. Approximately 16 acres of adjoining tidelands would remain undeveloped except for the site's existing deep-water pier. Tidelands along the site's approximate 3,500 feet of beach frontage would retain the current Shoreline Master Program Aquatic Shoreline Environment designation with shoreline areas above the ordinary high-water mark designated as Urban Shoreline Environment. This area also includes approximately 36 acres west of the Town of Woodway municipal limits. This area, known as the Upper Bluff at Point Wells, is currently zoned R-9400 and was annexed into the Town of Woodway in 2018. Development in this area is limited by the topography which includes substantial slopes to the north.

Governance of the Point Wells area is under the jurisdiction of Snohomish County. Domestic water and fire protection service would be provided by Olympic View Water and Sewer District in accordance with the District's adopted Comprehensive Water System Plan and established Retail Water Service Area.

Sewer service to the existing six (6) connections in the Point Wells area is provided by Ronald Wastewater District on an interim basis. Four of these connections are in the Town of Woodway by agreement with Woodway but assigned to Olympic View upon transfer of the sewer system from Woodway to Olympic View in 2004. The remaining two connections are located within Snohomish County; one connection provided by Ronald Wastewater District under a specific contract, transferred to Ronald WD in 1986 by Richmond Beach Sewer District. Transfer of these connections to the Olympic View system can occur at any time with the current wheeling agreements in place.

The southwest service area is within the Town of Woodway's Municipal Urban Growth Area (MUGA). In accordance with the Growth Management Act, the Town retains an interest in ensuring that an appropriate level of utilities and services are provided to the area. That interest has been demonstrated in a series of interlocal agreements pertaining to provision of sanitary sewer service. In 2004, Woodway transferred its entire sewer system and all responsibilities for operating its sewer system to Olympic View. In addition, the Town assigned its existing agreements regarding collection, conveyance and treatment of wastewater to Olympic View. This includes agreements with King County and Ronald Wastewater District, including the aforementioned 2005 agreement addressing sewer service to Point Wells and surrounding area. More recently, Woodway has recently annexed the Upper Bluff area along the eastern boundary of the Point Wells area.

Olympic View and Ronald have worked collaboratively for a number of years on various aspects of providing safe, reliable and efficient public sewer service for areas where the two systems meet. The plan for service to Olympic View's Southwest Service Area is put forth in this Amendment and is irrespective of the City of Shoreline's plans for assumption of Ronald Wastewater District. As demonstrated herein, Olympic View has a legal obligation to serve and is both the logical and most appropriate sanitary sewer service provider authorized to serve the area.

Evaluation of alternatives for extending service to the subject area is predicated on, and based on information put forth in, proposed development plans for the Point Wells property. Analysis and evaluation are provided at a planning level of detail to provide guidance for the District to better plan for service to the area and allow for regional coordination with the City of Edmonds and King County, who currently provide wastewater treatment and disposal generated by customers of the District's service area. Preparation of this Amendment included:

- Review of existing interlocal agreements, planning documents, data, and material pertaining to the proposed development for the currently unsewered Point Wells Area;
- General evaluation of needed local and regional facilities to extend service to the unsewered southwest corner of the District;

Three alternatives have been considered for evaluation to address Olympic View serving its Southwest Service Area and the development proposed at Point Wells. In developing alternatives, previous analyses by Ronald Wastewater District, King County, and the Town of Woodway have been considered. Alternatives include:

Alternative 1 considers service by a new pump station pumping up to 116th Avenue West and connection to existing King County transmission mains (force and gravity mains) to the Edmonds Treatment Plant.

Alternative 2 contemplates a new pump station pumping up to 116th Avenue West and construction of new force and gravity mains (adjacent to existing King County transmission mains) to the Edmonds Treatment Plant, and replacement of portions of City of Edmonds interceptor as shown in Figure 6.

Alternative 3 evaluates a new pump station and a force main adjacent to the Burlington Northern Railroad tracts (presumably within BNRR right-of-way) north to the Edmonds Treatment Plant.

Two additional alternatives were conceptually evaluated but dismissed. Construction of a pump station and beachfront force main west of the BNRR right-of-way was considered by Woodway but eliminated from consideration in this analysis due to permitting requirements, environmental constraints, and the preference for locating the proposed force main east of the BNRR tracks and right-of-way. Another alternative, routing flows through Olympic View's existing network of primarily 8-inch collection pipes, was dismissed from further evaluation because of the ultimate volume of flows projected from Point Wells. Should the Point Wells development be reduced in scope and magnitude, or if phasing of the project warrants, additional consideration of this option may be appropriate. Evaluation would require construction of a hydraulic model to simulate diurnal flows in downstream pipes. It is noted, however, that other new connections in the Southwest Service Area could be served by the existing pipe network, through extension of sewers to the west in the vicinity of Wachussetts Road and 236th Place.

All alternatives analyzed assume that treatment for the Southwest Service Area and Point Wells will be provided at the Edmonds Treatment Plant, consistent with long-term regional planning efforts regarding treatment and disposal of wastewater from the southwest portion of Snohomish County and northwestern portion of King County. As noted earlier, Olympic View currently owns a 16.551% share of the 11.8 MGD capacity of the Edmonds Treatment Plant facility based on Maximum Monthly Design Flow established by the Department of Ecology. This equates to a flow of approximately 1.95 MGD. In 2018, the District used a total of 257.3 MG which is approximately 0.70 MGD which is approximately 36% of its purchased capacity. This indicates that Olympic View retains approximately 1.25 MGD of excess capacity in the Edmonds plant for future growth. Preliminary sewer flow projections for the Point Wells development indicate peak sewer flows of 2.2 MGD. Assuming a 2.5 peaking factor, this indicates potential flows of approximately 0.88 MGD from the area on an average day, leaving 0.41 MGD additional capacity available for growth within other areas of Olympic View.

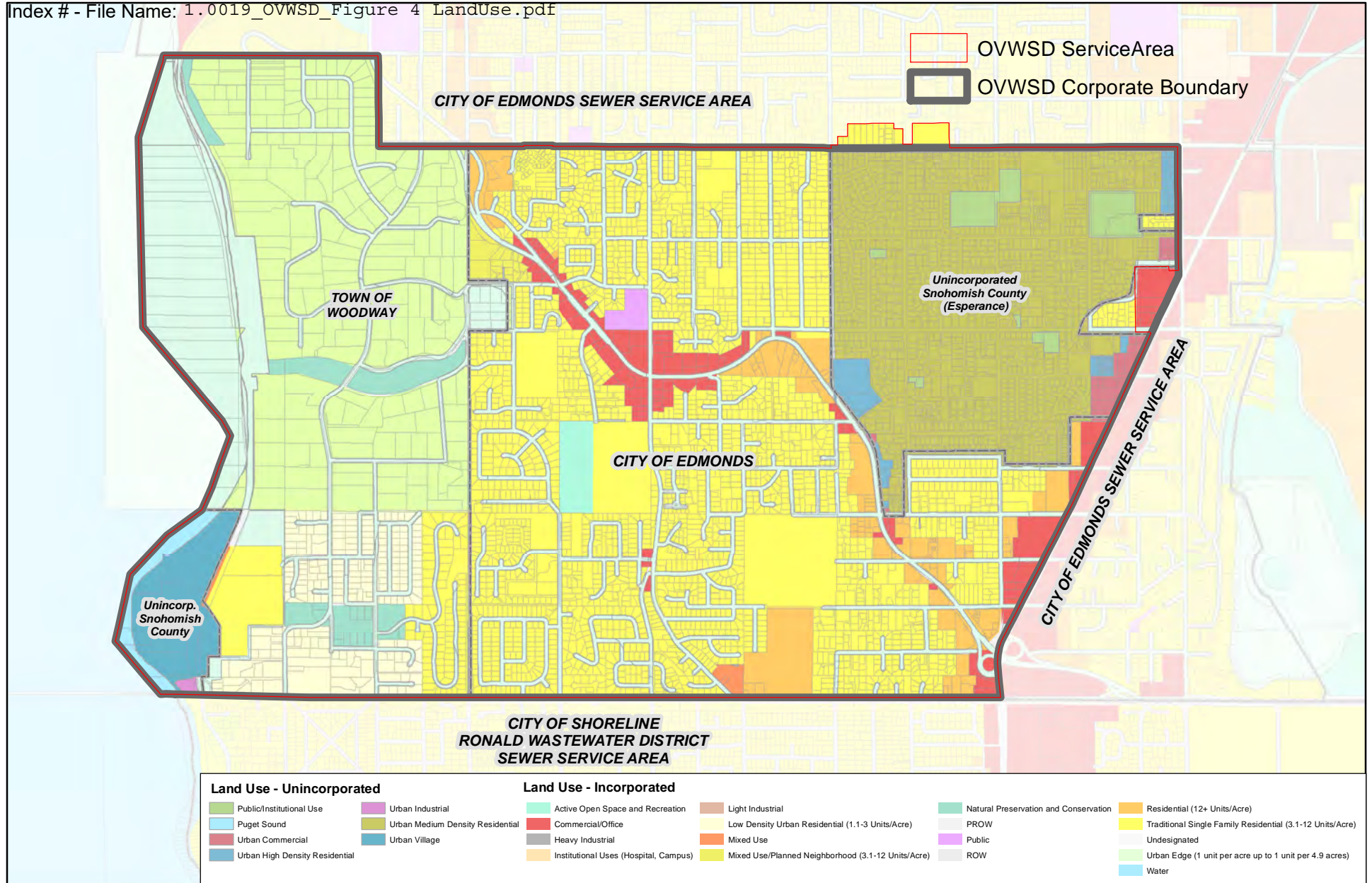


Figure 4
 Land Use
 2019 Sewer Comprehensive Plan Amendment



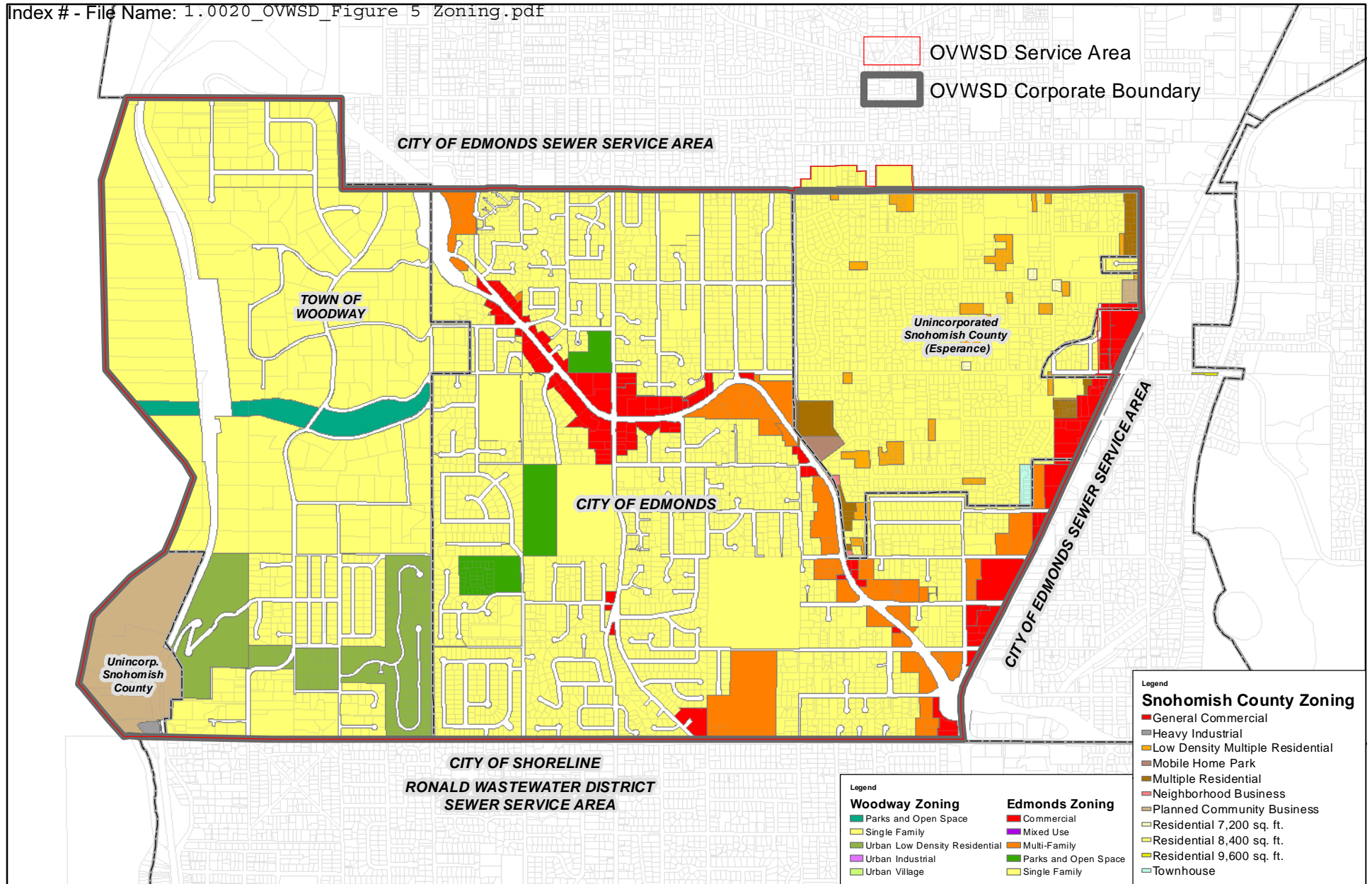


Figure 5
Zoning

2019 Sewer Comprehensive Plan Amendment



Legend

 OVWSD Service Area

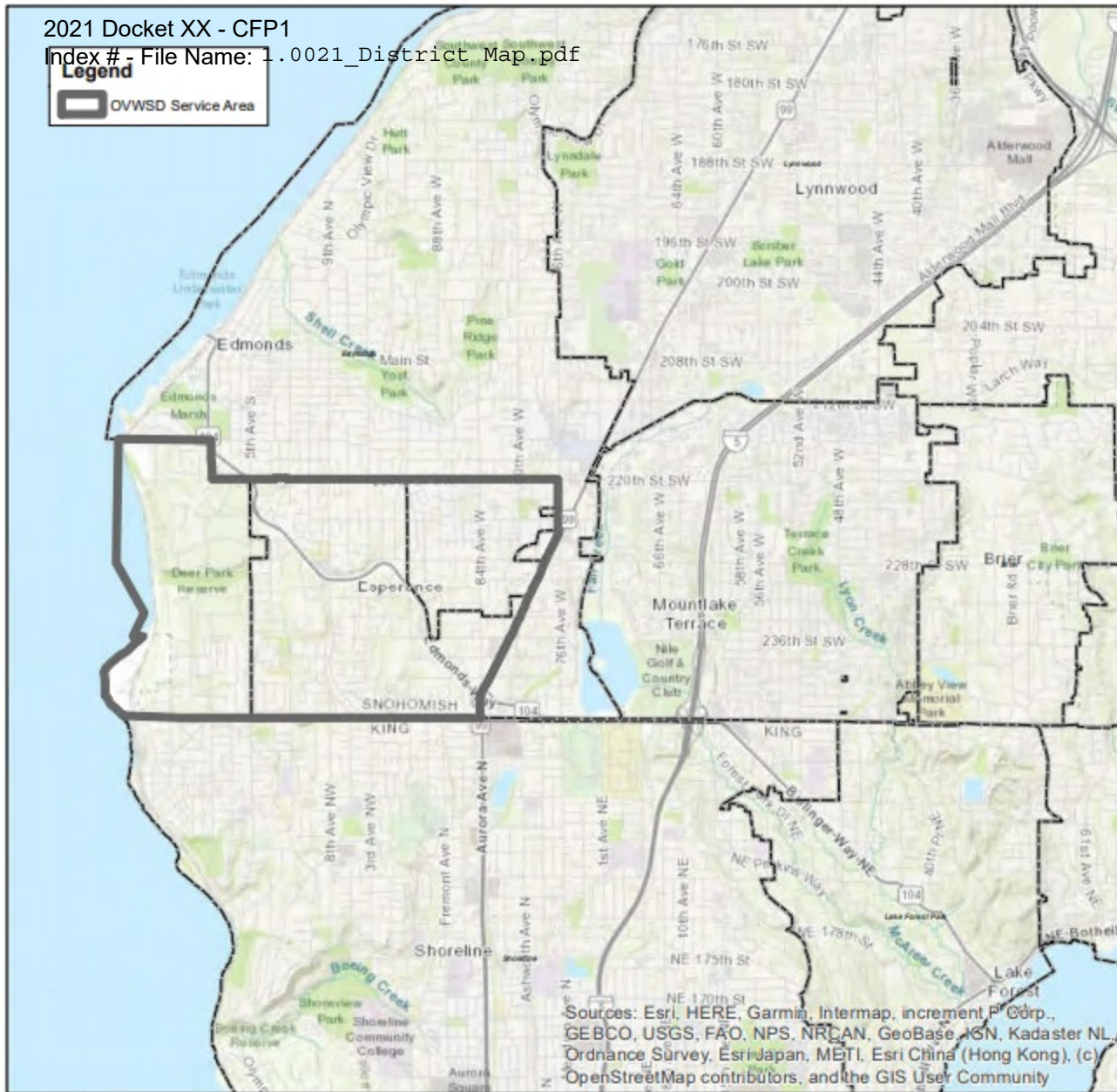


Figure 1
 Olympic View Water & Sewer District Overview
 2019 Sewer Comprehensive Plan Amendment



Legend

- OVWSD Service Area
- City of Shoreline
- Parcels
- Town of Woodway
- City of Edmonds

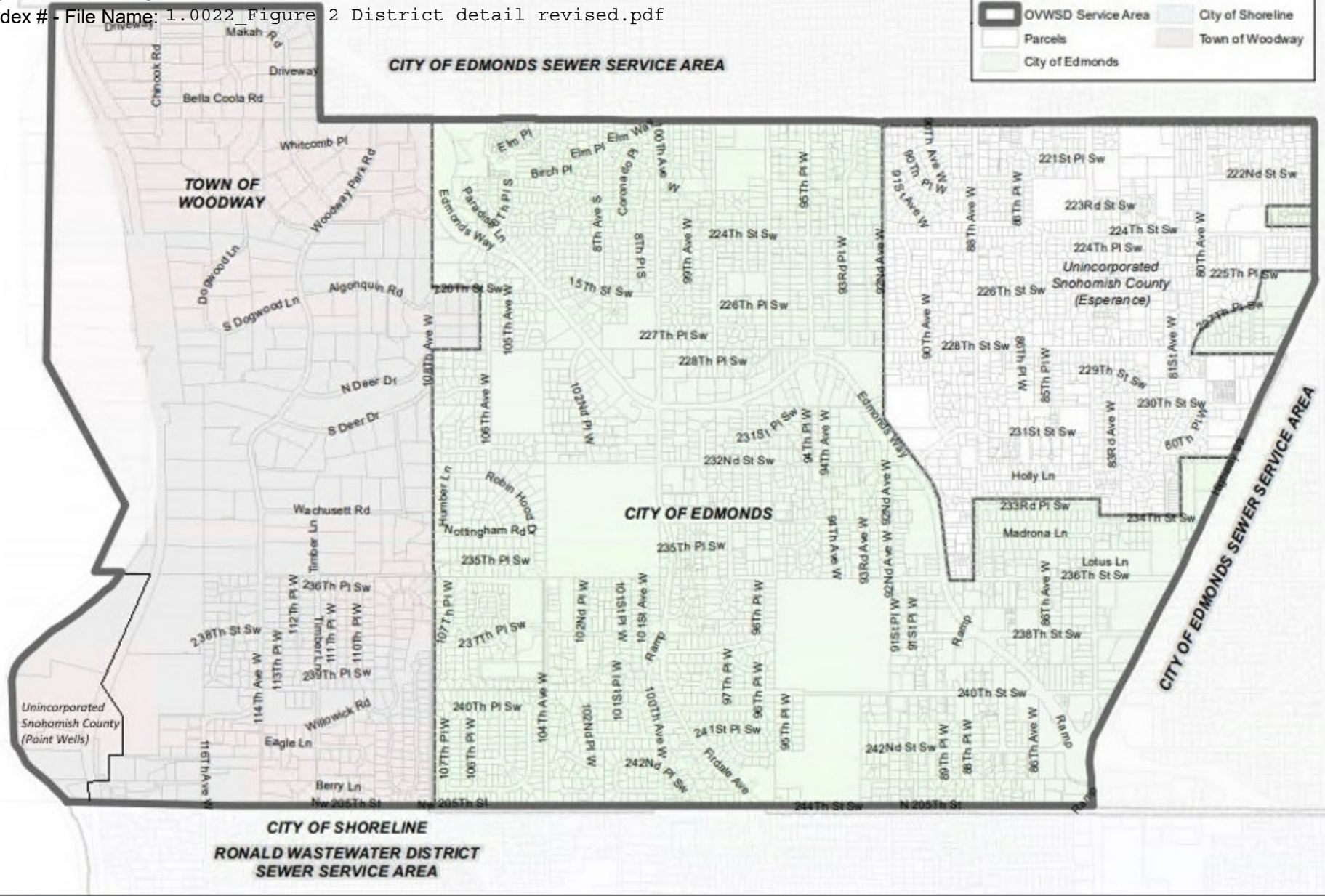
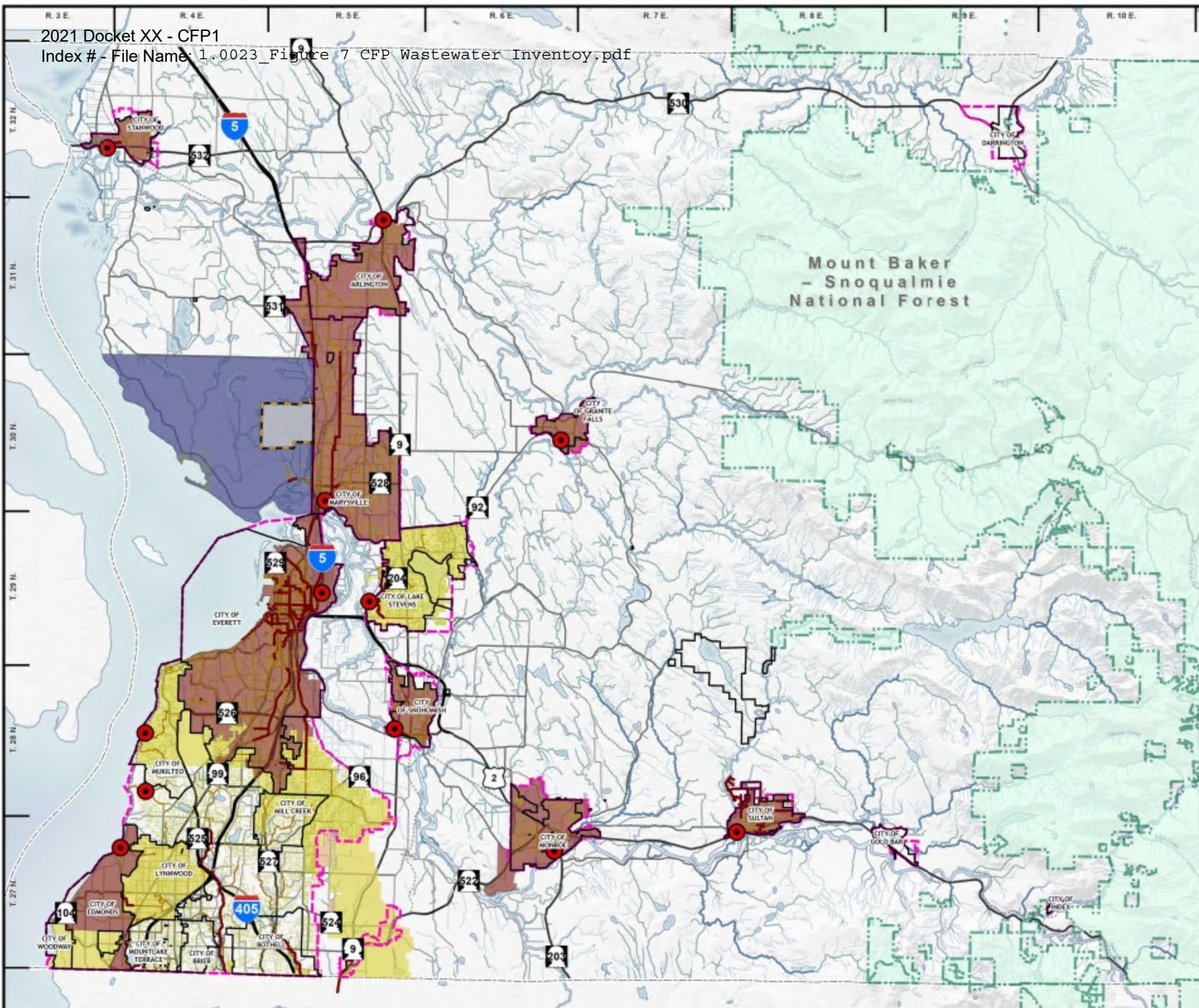


Figure 2
Sewer Service Corporate Boundary Map
2019 Sewer Comprehensive Plan Amendment





PUBLIC WASTEWATER SYSTEMS

Snohomish County Capital Facilities Inventory Adopted: XX-XX-XXXX

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FACILITIES AND DISTRICTS

- Sewage Treatment Plant
- Sewerline Diameter less than 12 Inches
- Sewerline Diameter greater than 12 Inches and less then 24 Inches
- Sewerline Diameter greater than 24 Inches and less then or equal to 84 Inches
- The Consolidated Borough of Quil Ceda Village
- Urban Growth Area Boundary
- Incorporated City Boundary
- National Forest
- Municipal District
- Special Purpose District
- Tribal District
- Unclaimed Service Area



2021 Docket XX - CFP1

City of Edmonds Sewer District

Index # - File Name: 1.0024_Map layer from MapPortal.pdf

Olympic View Water & Sewer District

Ronald Sewer District

CFP1 - Olympic View Water-Sewer District

- ❑ GMA Action: Revise the Wastewater Provider Inventory to show Olympic View as the sewer provider to Point Wells
 - Figure 7, Appendix B, Capital Facilities Plan – *Public Wastewater Systems*
 - Table 1, Section 2.3.A, Capital Facilities Plan

- ❑ Non-GMA Action: Approve a 2019 Amendment to Olympic View's 2007 comprehensive sewer plan
 - Action authorized under RCW 57.16
 - Sewer plan amendment includes revised service area

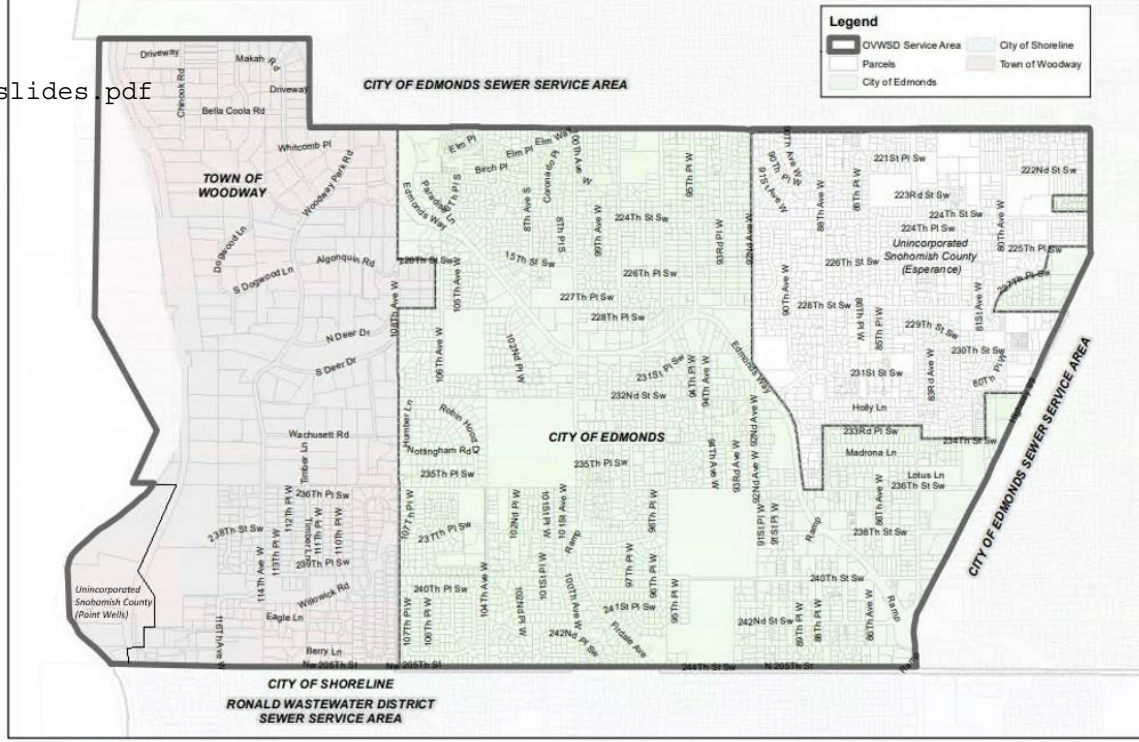


Figure 2
Sewer Service Corporate Boundary Map
2019 Sewer Comprehensive Plan Amendment

Document Path: \\k-fs1\project\P1919094 Sewer Plan Amendment 2 Update\GIS\PlanFigures_2015Amendment\Doc\OVWSD_Figure 2 SewerSystemCorporateBoundary.mxd



Date: 8/28/2019

PUBLIC WASTEWATER SYSTEMS

Snohomish County Capital Facilities Inventory
Adopted: XX-XX-XXXX

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FACILITIES AND DISTRICTS

- Sewage Treatment Plant
- Sewerline Diameter less than 12 Inches
- Sewerline Diameter greater than 12 Inches and less than 24 Inches
- Sewerline Diameter greater than 24 Inches and less than or equal to 84 Inches
- The Consolidated Borough of Quil Ceda Village
- Urban Growth Area Boundary
- Incorporated City Boundary
- National Forest
- Municipal District
- Special Purpose District
- Tribal District
- Unclaimed Service Area



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED MOTION NO. 16-135

CONCERNING APPROVAL OF THE OLYMPIC VIEW WATER AND SEWER DISTRICT
COMPREHENSIVE SEWER PLAN AMENDMENT NO. 2, JUNE 2015

WHEREAS, on July 26, 2007, the Olympic View Water and Sewer District submitted its Comprehensive Sewer Plan to the Snohomish County Council for review, which was subsequently approved by the Council under Motion No. 07-550; and

WHEREAS, on June 22, 2009, the Olympic View Water and Sewer District submitted Amendment No. 1 to its Comprehensive Sewer Plan to the Snohomish County Council for review, which was subsequently approved by the Council under Motion No. 09-385; and

WHEREAS, on February 17, 2016, the Olympic View Water and Sewer District submitted Amendment No. 2 to its Comprehensive Sewer Plan to the Snohomish County Council for review and approval; and

WHEREAS, RCW 57.16.010 requires that water and sewer districts adopt comprehensive plans and their amendments prior to incurring indebtedness or ordering improvements, and that the comprehensive plan be approved by the county legislative authority before becoming effective; and

WHEREAS, the specific criteria for review of the sewer system comprehensive plan are outlined in RCW 57.02.040 and RCW 57.16.010(6); and

WHEREAS, the Snohomish Health District and the County Engineer have reviewed the updated plan and given approval as required by Title 57 RCW; and

WHEREAS, the District issued a Threshold Determination of Non Significance (DNS) on February 4, 2015. The County did not comment on the DNS and PDS has found the DNS to be in order; and

WHEREAS, the District's plan Amendment No 2-June 2015 has been reviewed by Planning and Development Services and found to be consistent with the County's adopted GMA Comprehensive Plan; and

WHEREAS, the County's GMA comprehensive plan recognizes that service overlaps may exist between purveyors within the County; and

WHEREAS, overlaps in service areas are compliant with the County's GMA comprehensive plan;

THEREFORE, ON MOTION:

- A. The County Council finds that the proposed the Olympic View Water and Sewer District's Comprehensive Sewer Plan Amendment No. 2 dated June 2015 prepared by PACE Engineers Inc. is in compliance with (i) the development program outlined in the County's comprehensive plan and supporting documents; and (ii) the policies expressed in the County's comprehensive plan for sewage facilities as prescribed in RCW 57.02.040.
- B. Based on the foregoing, the Snohomish County Council approves the Olympic View Water and Sewer District's Comprehensive Sewer Plan Amendment No. 2 dated June, 2015.

PASSED this 1st day of June, 2016.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/ Terry Ryan
Council Chair

ATTEST:

/s/ Debbie Eco
Clerk of the Council

D-10

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED MOTION NO. 17-250

SUSPENDING AMENDED MOTION NO. 16-135 CONCERNING APPROVAL OF THE
OLYMPIC VIEW WATER AND SEWER DISTRICT COMPREHENSIVE SEWER PLAN
AMENDMENT NO. 2, JUNE 2015, TO THE EXTENT IT CONFLICTS WITH THAT
PREVIOUSLY APPROVED COMPREHENSIVE SEWER PLAN OF RONALD WASTEWATER
DISTRICT AS APPROVED UNDER MOTION NO. 10-185

WHEREAS, on February 17, 2016, the Olympic View Water and Sewer District (“Olympic View”) submitted Amendment No. 2 to its Comprehensive Sewer Plan (“Amendment No. 2”) to the Snohomish County Council for review and approval pursuant to RCW 57.16.010(7); and

WHEREAS, Olympic View’s proposed Amendment No. 2 sought to add a new Appendix H to the previously approved 2007 Olympic View Comprehensive Sewer Plan as approved by the Council under Motion No. 07-550 and that First Amendment thereto as approved by the Council under Motion No. 09-385, which Appendix H revises the Capital Improvement Program (CIP) for Olympic View to provide planning for sewer service to an area comprising 106 acres in the southwestern portion of the Olympic View district encompassing that area commonly known as “Point Wells,” and provides for operation of sewers within the Town of Woodway and unincorporated Snohomish County; and

WHEREAS, at the time Olympic View filed the proposed Amendment No. 2 with the Snohomish County Council, the Point Wells area, or substantial portion thereof, was already encompassed within the approved comprehensive sewer plan of Ronald Wastewater District (“Ronald”) as approved by the Council under Motion No. 10-185 (“2010 Ronald Comprehensive Sewer Plan”); and

WHEREAS, subsequent to the Council’s approval of the 2010 Ronald Comprehensive Sewer Plan, the City of Shoreline filed a Notice of Intent to assume the Ronald Wastewater District both as to those portions of the district located in King County comprising primarily the City of Shoreline, and that portion of the district located in unincorporated Snohomish County comprising the Point Wells area; and

WHEREAS, in 2014 the King County Boundary Review Board approved Shoreline’s assumption of Ronald in King County, but the Snohomish County Boundary Review Board denied Shoreline’s assumption of Ronald’s operations and facilities in Snohomish County; and

WHEREAS, Shoreline’s assumption of Ronald was scheduled to commence October 2017; and

WHEREAS, Olympic View submitted its proposed Amendment No. 2 to its comprehensive sewer plan to provide a plan for sewer service to the Point Wells area in the event Ronald, or that portion thereof within unincorporated Snohomish County, became defunct or otherwise unable to provide sewer service within the Point Wells area consistent with the 2010 Ronald Comprehensive Sewer Plan as a result of the City of Shoreline’s assumption of Ronald in King County; and

WHEREAS, the County recognizes that under RCW 57.08.007 Olympic View may not provide sewage service within those portions of the Point Wells area where service is available from Ronald or within those areas in which the service is planned to be made available under an effective comprehensive plan of Ronald; and

WHEREAS, whether Ronald has an “effective” comprehensive plan for provision of sewer service to the Point Wells area is the subject of litigation pending in King County Superior Court under Case No. 16-2-15331-3 SEA, which litigation will ultimately determine the competing territorial boundaries and rights of Ronald and Olympic View as it relates to the provision of sewer service to the Point Wells area; and

WHEREAS, in light of the pending disputes between Ronald and Olympic View, and the proposed assumption of Ronald in King County by the City of Shoreline, the Snohomish County Council deemed it advisable to allow Olympic View to amend its comprehensive sewer plan to plan for the extension of sewer service to the Point Wells area in the event Ronald is unable or precluded from providing such service as currently set forth in the approved 2010 Ronald Comprehensive Sewer Plan; and

WHEREAS, on June 1, 2016, the Snohomish County Council approved Olympic View’s proposed Amendment No. 2 by Amended Motion No. 16-135 concluding that such amendment was consistent with the County’s GMA Comprehensive Plan for sewage facilities within UGAs including the recognition that overlaps may exist in service areas of abutting purveyors; and

WHEREAS, Ronald and the City of Shoreline appealed the Council’s approval of Amendment Motion No. 16-135 to the Central Puget Sound Growth Management Hearings Board (“GMHB”) under Case No. 16-3-0004c; and

WHEREAS, the GMHB concluded that the Council’s approval of Amendment No. 2 to the Olympic View Comprehensive Sewer Plan by Amended Motion No. 16-135 constituted a *de facto* amendment to the County’s GMA Comprehensive Plan to the extent it created an internal inconsistency between Olympic View’s approved comprehensive sewer plan and the 2010 Ronald Comprehensive Sewer Plan relating to the overlapping provision of sewer service within the Point Wells area which plans are relied upon by the County for purposes of satisfying capital facilities planning requirements under GMA; and

WHEREAS, to the extent the approval of Amendment No. 2 to the Olympic View Comprehensive Sewer Plan constitutes a *de facto* amendment to the County’s GMA Comprehensive Plan such amendment must be processed in accordance with the procedural requirements of Ch. 36.70A RCW governing amendments to GMA Comprehensive Plans; and

WHEREAS, the Final Decision and Order of the GMHB remanded Amended Motion No. 16-135 to the County for action to bring it into compliance with requirements of GMA for internal consistency between the functional plans of the respective sewer providers as relied upon by the County in its Capital Facilities Plan, and for compliance with the procedural requirements of the GMA to the extent such action results in an amendment to the County’s GMA Comprehensive Plan;


NOW, THEREFORE, ON MOTION:

- A. The County Council hereby suspends Amended Motion No. 16-135 approving Olympic View Water and Sewer District's Comprehensive Sewer Plan Amendment No. 2 dated June 2015 prepared by PACE Engineers Inc., to the extent of those provisions within said amendment which plan for the provision of sewer service to those areas in which sewer service is planned to be made available under the 2010 Ronald Comprehensive Sewer Plan; Provided, however, nothing contained herein shall be construed to limit or impair the right of the Town of Woodway to review and approve any such comprehensive sewer plans as may affect the provision of sewer service within said municipality in accordance with Ch. 57 RCW.

- B. In the event a final decree of a court of law should declare that the territorial boundaries/jurisdiction of Ronald do not encompass the Point Wells area within Snohomish County so as to render that portion of the 2010 Ronald Comprehensive Sewer Plan invalid or ineffective; and/or in the event Ronald shall be dissolved or its operations and facilities assumed in such a manner as to materially impair the ability of Ronald to provide sewer service to those portions of unincorporated Snohomish County consistent with the approved 2010 Ronald Comprehensive Sewer Plan, Olympic View shall be entitled to renew its request under RCW 57.16.010 for approval of those portions of Amendment No. 2 which seek to plan for the provision of sewer service within the Point Wells area encompassed within the current 2010 Ronald Comprehensive Sewer Plan. To the extent such amendment is deemed to conflict with any then existing effective comprehensive sewer plan of Ronald such proposed amendment shall be docketed and processed as an amendment to the County's GMA Comprehensive Plan in accordance with Ch. 36.70A RCW.

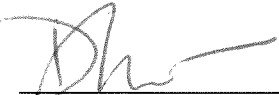
PASSED this 24th day of July, 2017.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Clerk of the Council

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 18-003

REPEALING AMENDED MOTION NO. 16-135 CONCERNING APPROVAL OF THE OLYMPIC VIEW WATER AND SEWER DISTRICT COMPREHENSIVE SEWER PLAN AMENDMENT NO. 2, JUNE 2015, AND REPEALING AMENDED MOTION NO. 17-250 SUSPENDING AMENDED MOTION NO. 16-135 TO THE EXTENT THEY CONFLICT WITH THE PREVIOUSLY APPROVED COMPREHENSIVE SEWER PLAN OF RONALD WASTEWATER DISTRICT AS APPROVED UNDER MOTION NO.10-185

WHEREAS, on February 17, 2016, the Olympic View Water and Sewer District ("Olympic View") submitted Amendment No. 2 to its Comprehensive Sewer Plan ("Amendment No. 2") to the Snohomish County Council for review and approval pursuant to RCW 57.16.010(7); and

WHEREAS, Olympic View's proposed Amendment No. 2 sought to add a new Appendix H to the previously approved 2007 Olympic View Comprehensive Sewer Plan as approved by the Council under Motion No. 07-550 and that First Amendment thereto as approved by the Council under Motion No. 09-385, which Appendix H revises the Capital Improvement Program (CIP) for Olympic View to provide planning for sewer service to an area comprising 106 acres in the southwestern portion of the Olympic View district encompassing that area commonly known as "Point Wells," and provides for operation of sewers within the Town of Woodway and unincorporated Snohomish County; and

WHEREAS, at the time Olympic View filed the proposed Amendment No. 2 with the Snohomish County Council, the Point Wells area, or substantial portion thereof, was already encompassed within the approved comprehensive sewer plan of Ronald Wastewater District ("Ronald") as approved by the Council under Motion No. 10-185 ("2010 Ronald Comprehensive Sewer Plan"); and

WHEREAS, subsequent to the Council's approval of the 2010 Ronald Comprehensive Sewer Plan, the city of Shoreline filed a Notice of Intent to assume the Ronald Wastewater District both as to those portions of the district located in King County comprising primarily the City of Shoreline, and that portion of the district located in unincorporated Snohomish County comprising the Point Wells area; and

WHEREAS, in 2014, the King County Boundary Review Board approved Shoreline's assumption of Ronald in King County, but the Snohomish County Boundary Review Board denied Shoreline's assumption of Ronald's operations and facilities in Snohomish County; and

WHEREAS, Shoreline's assumption of Ronald was scheduled to commence October 2017; and

WHEREAS, Olympic View submitted its proposed Amendment No. 2 to its comprehensive sewer plan to provide a plan for sewer service to the Point Wells area in the event Ronald, or that portion thereof within unincorporated Snohomish County, became defunct or otherwise unable to provide sewer service within the Point Wells area consistent with the 2010 Ronald Comprehensive Sewer Plan as a result of the City of Shoreline's assumption of Ronald in King County; and

WHEREAS, the County recognizes that under RCW 57.08.007 Olympic View may not provide sewage service within those portions of the Point Wells area where service is available from Ronald or within those areas in which the service is planned to be made available under an effective comprehensive plan of Ronald; and

WHEREAS, whether Ronald has an "effective" comprehensive plan for provision of sewer service to the Point Wells area is the subject of litigation pending in King County Superior Court under Case No. 16-2-15331-3 SEA, which litigation will ultimately determine the competing territorial boundaries and rights of Ronald and Olympic View as it relates to the provision of sewer service to the Point Wells area; and

WHEREAS, in light of the pending disputes between Ronald and Olympic View, and the proposed assumption of Ronald in King County by the City of Shoreline, the Snohomish County Council deemed it advisable to allow Olympic View to amend its comprehensive sewer plan to plan for the extension of sewer service to the Point Wells area in the event Ronald is unable or precluded from providing such service as currently set forth in the approved 2010 Ronald Comprehensive Sewer Plan; and

WHEREAS, on June 1, 2016, the Snohomish County Council approved Olympic View's proposed Amendment No. 2 by Amended Motion No. 16-135 concluding that such amendment was consistent with the County's GMA Comprehensive Plan for sewage facilities within UGAs including the recognition that overlaps may exist in service areas of abutting purveyors; and

WHEREAS, Ronald and the City of Shoreline appealed the Council's approval of Amendment Motion No. 16-135 to the Central Puget Sound Growth Management Hearings Board ("GMHB") under Case No. 16-3-0004c; and

WHEREAS, the GMHB concluded that the Council's approval of Amendment No. 2 to the Olympic View Comprehensive Sewer Plan by Amended Motion No. 16-135 constituted a *defacto* amendment to the County's GMA Comprehensive Plan to the extent it created an internal inconsistency between Olympic View's approved comprehensive sewer plan and the 2010 Ronald Comprehensive Sewer Plan relating to the overlapping provision of sewer service within the Point Wells area which plans are relied upon by the County for purposes of satisfying capital facilities planning requirements under GMA; and

WHEREAS, to the extent the approval of Amendment No. 2 to the Olympic View Comprehensive Sewer Plan constitutes a *defacto* amendment to the County's GMA Comprehensive Plan such amendment must be processed in accordance with the procedural requirements of Ch. 36.70A RCW governing amendments to GMA Comprehensive Plans; and

WHEREAS, the Final Decision and Order of the GMHB remanded Amended Motion No. 16-135 to the County for action to bring it into compliance with requirements of GMA for internal consistency between the functional plans of the respective sewer providers as relied upon by the County in its Capital Facilities Plan, and for compliance with the procedural requirements of the GMA to the extent such action results in an amendment to the County's GMA Comprehensive Plan; and

WHEREAS, on July 24, 2017, the Snohomish County Council approved Motion 17-250 suspending Amended Motion No. 16-135 approving Olympic View Water and Sewer District's Comprehensive Sewer Plan Amendment No. 2 dated June 2015 prepared by PACE Engineers Inc., to the extent of those provisions within said amendment which plan for the provision of

sewer service to those areas in which sewer service is planned to be made available under the 2010 Ronald Comprehensive Sewer Plan; and

WHEREAS, on October 19, 2017, the GMHB issued an order of continuing non-compliance finding that the County's action to suspend Amended Motion 16-135 has not resolved the inconsistency between its Capital Facilities Plan and General Policy Plan, Policy UT 1.B.2, and it has not brought the County into compliance with GMA public participation requirements with regard to Amended Motion 16-135; and

WHEREAS, in its analysis, the GMHB suggests that a jurisdiction could cure a failure to comply with consistency and public process requirements by conducting a compliant public process and adopting amendments to cure the inconsistency, or by repealing the non-compliant action, either in its entirety or the relevant portions thereof;

NOW, THEREFORE, ON MOTION:

- A. The County Council hereby repeals Amended Motion No. 17-250 suspending Amended Motion No. 16-135 approving Olympic View Water and Sewer District's Comprehensive Sewer Plan Amendment No. 2 dated June 2015 prepared by PACE Engineers Inc.
- B. The County Council hereby repeals Amended Motion No. 16-135 approving Olympic View Water and Sewer District's Comprehensive Sewer Plan Amendment No. 2 dated June 2015 prepared by PACE Engineers Inc., to the extent of those provisions within said amendment which plan for the provision of sewer service to those areas in which sewer service is planned to be made available under the 2010 Ronald Comprehensive Sewer Plan; Provided, however, nothing contained herein shall be construed to limit or impair the right of the Town of Woodway to review and approve any such comprehensive sewer plans as may affect the provision of sewer service within said municipality in accordance with Ch. 57 RCW.

PASSED this 31st day of January, 2018.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:




Asst. Clerk of the Council

Asst. Clerk of the Council

D-7

IN CLERK'S OFFICE
SUPREME COURT, STATE OF WASHINGTON
OCTOBER 15, 2020


SUSAN L. CARLSON
SUPREME COURT CLERK


CHIEF JUSTICE

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

RONALD WASTEWATER DISTRICT,)	
a Washington municipal corporation,)	No. 97599-0
)	
Petitioner,)	
)	
v.)	En Banc
)	
OLYMPIC VIEW WATER AND SEWER)	
DISTRICT, a Washington municipal)	
corporation; TOWN OF WOODWAY,)	
a Washington municipal corporation; and)	
SNOHOMISH COUNTY, a Washington)	
municipal corporation,)	
)	
Respondents,)	
)	
KING COUNTY, a Washington municipal)	
corporation,)	
)	
Petitioner,)	
)	
CITY OF SHORELINE, a Washington)	
municipal corporation,)	
)	
Defendant.)	
)	Filed: <u>October 15, 2020</u>

JOHNSON, J.—This case involves a dispute over control of sewerage service to Point Wells. Point Wells is located just north of the King County border, within

the boundaries of Snohomish County and Olympic View Water and Sewer District (Olympic). We must determine the effect of a 1985 superior court order (1985 Order), which purports to annex the Point Wells service area from King County to Ronald Wastewater District (Ronald). Resolution of this issue entails interpretation of former Title 56 RCW (1985) and former RCW 36.94.410-.440 (1985) to determine whether the 1985 court had authority to approve the transfer and annexation. The trial court held that the 1985 Order annexed Point Wells to Ronald. The Court of Appeals reversed, holding that King County could not transfer annexation rights that it did not have. We affirm the Court of Appeals.

FACTS

This dispute focuses on two specific properties within Point Wells, the former Standard Oil petroleum plant and Daniel Briggs's residential property. Both are located within Snohomish County and Olympic. In addition, the Briggs property is located within the town of Woodway. For the purposes of this case, references to Point Wells include both properties, unless otherwise noted.

The sewer system subject to this dispute is known as the Richmond Beach sewer system (RBSS). Initially, RBSS was operated by King County Sewer District No. 3 (KCSD #3) and exclusively served King County. In 1970 and 1971, KCSD #3 contracted with Standard Oil to construct a lift station and provide sewer service to Standard's petroleum plant located within Point Wells. King County then

requested permission from Olympic to provide water service to the Point Wells area. Olympic replied with “no objections to permitting the Department of Public Works, King County, to serve the lift station . . . on Richmond Beach Drive, within our service area.” Clerk’s Papers (CP) at 912. In 1972, KCSD #3 also contracted with the property owners to provide sewer service to one lot on the Briggs property. Subsequently, Ronald contracted directly with the Briggs property owner to provide service to the additional lots.

In the 1980s, King County sought to divest its sewer operations and transfer them to local water and sewer districts. To facilitate its divestment plan, King County lobbied for the creation of the transfer annexation process, eventually codified as former RCW 36.94.410-.440. LAWS OF 1984, ch. 147, § 1.

King County initiated the transfer of RBSS to Ronald per the newly established method under former RCW 36.94.410-.440. In doing so, first, KCSD #3 properly transferred RBSS to King County. This transfer is not in dispute. Second, King County proceeded to transfer RBSS to Ronald. King County obtained permission from Chevron, the new property owner of the Point Wells petroleum plant. King County mailed notices and held public hearings for its ratepayers concerning the transfer to Ronald. Ronald and King County also adopted formal plans to provide service to the Point Wells area. King County also passed an ordinance authorizing the transfer.

King County and Ronald then executed a transfer agreement transferring RBSS and the “area served,” which it defined as “those parcels of property within the boundaries described in Addendum A.” CP at 8029. The addendum contained a legal description of Point Wells and expressly recognized that the area was within Snohomish County. The agreement also identified the transfer of contractual obligations. It stated, “The County has certain contractual rights and obligations in connection with the system. These rights and obligations arise under the agreements which are attached as Addenda C and D, and incorporated herein by this reference.” CP at 1092. Attached as addenda were Chevron’s consent to the transfer and KCSO #3’s contractual agreement with Standard regarding ownership of the lift station and service over the petroleum plant area. The parties then filed a petition seeking the superior court’s approval of the transfer.

After holding a hearing, the superior court issued the 1985 Order, which is the subject of our review. The order approved the transfer of the RBSS from King County to Ronald. The court found that the “transfer agreement is legally correct and that there are no owners of related indebtedness to be protected.” CP at 1082. It also stated:

2. The transfer of the System is to be accomplished in accordance with the transfer agreement effective as of January 1, 1986.
3. As provided in the transfer agreement, the area served by the System shall be annexed to and become a part of the District on the effective date of the transfer.

CP at 1083. Ronald has exclusively served the Point Wells area since the transfer became effective in January 1986.

In 2009, the Snohomish County Council redesignated Point Wells as an urban center. The current property owner, BSRE Point Wells LP, began planning a large mixed-use urban development for the area. In 2010, Ronald incorporated the proposed development in its sewer plan. Snohomish County approved Ronald's 2010 sewer plan and incorporated it into its Growth Management Act (GMA), ch. 36.70A RCW, land use plan. In 2014, the city of Shoreline, located within King County, sought to assume Ronald and its service area. Snohomish County and Olympic raised questions over Ronald's service of Point Wells in proceedings with the Boundary Review Board (BRB). Olympic then proposed a sewer plan amendment to build new infrastructure and provide service to Point Wells. In 2016, the Snohomish County Council approved Olympic's amendment.

Ronald then filed this current action, in part, seeking a declaratory judgment to confirm its corporate boundary. Ronald claims that its corporate boundary includes Point Wells, based on the 1985 Order's valid annexation of the Point Wells service area to Ronald's district.¹ Olympic, Woodway, and Snohomish argued that

¹ Ronald also sought review of Snohomish County's action with the Growth Management Hearing Board (GMHB). CP at 1543-78. The GMHB found that the approval of Olympic's plan conflicted with its existing plan recognizing Ronald as the Point Wells service provider and determined that it was a de facto amendment to Snohomish County's comprehensive plan, violating the GMA requirements. This issue is not before us.

the 1985 Order was erroneous and invalid. Both sets of parties filed cross motions for summary judgment. The superior court granted Ronald's partial motion for summary judgment and declared that the 1985 Order lawfully transferred and annexed the area to Ronald. The court also determined that the 1985 Order was valid and binding as a judgment in rem.

Olympic and Woodway appealed. The Court of Appeals reversed, determining that the 1985 Order was erroneous and void for lack of subject matter jurisdiction. The Court of Appeals interpreted former RCW 36.94.420 (1985) and determined that the "area served" subject to transfer and annexation does not include areas beyond the transferring county's geographic boundary.

ANALYSIS

We review summary judgment orders de novo. *Keck v. Collins*, 184 Wn.2d 358, 370, 357 P.3d 1080 (2015). It is undisputed that the service territory within King County's boundary was validly transferred and annexed to Ronald. The issue is whether the Point Wells area was properly annexed; that is, who—Ronald or Olympic—has the right to provide sewer service to the Point Wells area. Point Wells has received sewer service from King County and Ronald but lies within the corporate boundaries of Snohomish County, Olympic, and Woodway. Olympic, Snohomish, and Woodway argue that to the extent that the order purports to annex Point Wells to Ronald, it is erroneous because King County could not transfer what

it did not have. Ronald and King County ask us to uphold the 1985 Order based on the “first in time” principle and the authorization of sewer districts to operate across jurisdictions. We hold that to the extent that the 1985 Order annexed Point Wells to Ronald it is void because under the limited authority of former Title 56 RCW and former RCW 36.94.410-.440, the court lacked subject matter and personal jurisdiction to adjudicate such an annexation.

I. Sewer district authority—former Title 56 RCW

First, we analyze the provisions within former Title 56 RCW to determine whether and when districts generally can annex territory within another jurisdiction. Sewer districts like Ronald and Olympic are governed by former Title 56 RCW and are authorized to provide sewer service and perform functions related to such operation within their service area. Former RCW 56.04.020 (1974); former RCW 56.20.015 (1983); former RCW 56.08.010 (1985). Sewer districts may also provide sewer service to properties beyond their geographic boundaries. Former RCW 56.08.060 (1981).

Notably, sewer districts have the authority to serve multiple counties. Former RCW 56.04.020 (sewer districts “may include within their boundaries portions or all of one or more counties, incorporated cities, or towns or other political subdivisions”). But when a sewer district includes territory in more than one county, approval is needed from the county officer or board. Former RCW

56.02.055 (1982). Sewer districts may also serve areas within other districts—by agreement.

A sewer district may enter into contracts with any county, city, town, sewer district, . . . [and may] exercise sewer district powers . . . in areas within or without the limits of the district: *Provided*, That if any such area is located within another existing district duly authorized to exercise sewer district powers in such area, then sewer service may not be so provided by contract or otherwise *without the consent by resolution of the board of commissioners of such other district*.

Former RCW 56.08.060 (emphasis added).

Consistent with these statutes is the underlying policy that absent permission, districts may not infringe on areas within another district, which we recognized in *Alderwood Water District v. Pope & Talbot, Inc.*, 62 Wn.2d 319, 322, 382 P.2d 639 (1963). In *Alderwood*, we interpreted former RCW 57.08.010 (1959) (permitting water districts to serve areas outside their own boundaries) and former RCW 57.04.070 (1929) (“no lesser water district shall ever be created within the limits in whole or in part of any water district”). 62 Wn.2d at 321-22. We reasoned that a water district could not serve areas that were within another district unless the area was first withdrawn from the original district or the original district refused to serve it. *Alderwood*, 62 Wn.2d at 322-23. We noted that water districts could provide services unilaterally only to areas outside its boundaries that were not within another district.

Here, the language of the applicable sewer district statutes parallels the language of the statute interpreted in *Alderwood*, former RCW 57.04.070. Sewer districts may provide service in areas within another district with the permission of the original district. Former RCW 56.08.060. Additionally, “no lesser sewer district shall ever be created within the limits in whole or in part of any other sewer district, except as provided in RCW 56.36.060 and 36.94.420.” Former RCW 56.04.070 (1985).

Ronald asserts that *Alderwood* does not control under these circumstances because the transfer annexation process of former RCW 36.94.420 is exempt from this general prohibition, indicating that a district may unilaterally annex territory within another district. However, as the Court of Appeals reasoned, former RCW 56.08.060 mandates that overlapping service “by contract or otherwise” is permitted only with the consent of the original district. Altogether these provisions establish that if a district cannot unilaterally *serve* an area within another district without permission, it follows that a district cannot unilaterally *annex* an area within another district without permission. Ronald could not have unilaterally annexed Point Wells because it was already within Olympic’s boundary, and neither Olympic nor Snohomish County consented to Ronald’s annexation of Point Wells.

Where a sewer district seeks to annex a territory within another district, the territory must first be withdrawn from the original district. Former RCW 56.28.010

(1953). Once it is withdrawn, the registered voters within the territory can petition for annexation into another district. Former RCW 56.24.070 (1985). The annexation will be approved either by the county legislative authority or by election. Former RCW 56.24.140 (1967); former RCW 56.24.090 (1967). An annexation that altered the corporate boundaries of a district would also be subject to review by the BRB. Former RCW 56.02.055-.070 (1982). In this case, this process was not followed, and Olympic and Snohomish County were not involved in the annexation process.

In particular, Olympic did not consent to the annexation of Point Wells. Within their borders, sewer districts possess the *primary authority* to operate and regulate a sewer system. Former RCW 56.04.020; former RCW 36.94.170 (1971). A district may relinquish its authority only by written consent or a comprehensive plan amendment and approval by the BRB. Former RCW 36.94.170. Here, in response to the Seattle Water District's request to provide water service to Point Wells, Olympic gave King County permission to serve the area permissively by contract. At most, even if this permission extended beyond water service and included the provision of sewer service, it did not constitute a relinquishment of Olympic's primary sewerage authority. Without Olympic's relinquishment, Ronald and King County had no right to unilaterally annex Point Wells.

II. Annexation under former RCW 36.94.410-.440

The remaining inquiry is whether the unique transfer annexation process under former RCW 36.94.410-.440 would otherwise permit the unilateral annexation of another district's territory. The meaning of a statute is also a question of law reviewed de novo. *Dep't of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 9-12, 43 P.3d 4 (2002). Our ultimate objective is to ascertain and carry out the legislature's intent. Plain meaning is discerned from the ordinary meaning of the language, the statute's context, related provisions, and the statutory scheme as a whole. If the plain meaning is unambiguous, we give it effect. *State v. Armendariz*, 160 Wn.2d 106, 110, 156 P.3d 201 (2007).

Former RCW 36.94.410-.440 uniquely governs a sewer system transfer from a county to a sewer district. Former RCW 36.94.410 (1984) states:

A system of sewerage, system of water or combined water and sewerage systems operated by a county under the authority of this chapter may be transferred from that county to a water or sewer district *in the same manner* as is provided for the transfer of those functions from a water or sewer district to a county in RCW 36.94.310 through RCW 36.94.340.

(Emphasis added.) The procedure follows the process of former RCW 36.94.310-.340 (1975), which governs a transfer from a sewer district to a county. The process is initiated by the adoption of resolutions or ordinances authorizing the transfer. RCW 36.94.330. Then the district and county execute a written transfer agreement, outlining the terms of the transfer. Former RCW 36.94.340 (1975). Finally, a

petition is filed, asking the superior court to “approve and direct the proposed transfer of property.” Former RCW 36.94.340.

Uniquely, the transfer from a county to a sewer district, under former RCW 36.94.410, goes a step further and may culminate in annexation. Upon the superior court’s approval and “[i]f so provided in the transfer agreement, the *area served by the system* shall, upon completion of the transfer, be deemed *annexed to and become a part of* the water or sewer district acquiring the system.” Former RCW 36.94.420 (emphasis added).

The crux of the dispute is whether the subject of annexation, the “area served,” may include territory that is outside of the transferring county’s borders and within another district’s geographical area, where the original district did not consent. Ronald and King County argue that the statute allows a county to unilaterally transfer area outside its own territory. They rely on the ordinary meaning of “area served” as simply the areas receiving sewer service from the system. They contrast it with the language in former RCW 36.94.310, which contains an express boundary restriction: “a municipal corporation may transfer to the county *within which all of its territory lies*, . . . the property constituting its system of sewerage.” (Emphasis added.) Olympic, Snohomish, and Woodway argue that the “area served” does not include territory outside the county boundary, even if the county serves the area by contract.

The statutory context and related statutes support the conclusion that the “area served” is limited to territory within the transferring county’s geographic boundaries. A county cannot transfer the primary service right via annexation to an area outside of its borders where it provides service by contract.² Related statutory provisions support this reasoning because (1) permission is needed whenever districts or counties provide service within another’s geographic boundary and (2) the statutes distinguish between full jurisdiction and contractual provisions of service.

First, the statutes authorizing districts and counties to provide sewer service outside their boundaries require permission from the original entity. Sewer districts may serve areas within multiple counties, cities, towns or other political subdivisions with approval from the original entity, as occurred in this case. Former RCW 56.04.020; former RCW 56.02.055. As already mentioned, sewer districts can also serve areas within other districts with consent. Former RCW 56.08.060. Similarly, counties are authorized to “individually or in conjunction with another county” operate sewer systems “within all or a portion of the county.” Former RCW

² Our interpretation of the area subject to annexation under former RCW 36.94.410-.440 (1984) is limited to the statutory scheme as it existed in 1985. The statutes have been subsequently amended. Notably, chapter 36.93 RCW now defines “service area of a city, town, or special purpose district” as “all of the area within its corporate boundaries” and, for extensions of water and sewer service, “the area outside of the corporate boundaries which it is designated to serve pursuant to a coordinated water system plan approved in accordance with RCW 70A.100.050[] and . . . a comprehensive sewerage plan approved in accordance with chapter 36.94 RCW and RCW 90.48.110.” RCW 36.93.090(4).

36.94.020 (1981). Counties may also operate within the boundaries of an existing sewer district with the district's written consent. Former RCW 36.94.170.

In contrast, the annexation procedure of former RCW 36.94.410-.440 (1984) does not include a consent requirement. The annexation procedure involves two entities: the transferring county and the receiving sewer district. Former RCW 36.94.420. Notice is given only to the ratepayers and by publication. Where certain statutory language "is used in one instance, and different language in another, there is a difference in legislative intent." *Seeber v. Pub. Disclosure Comm'n*, 96 Wn.2d 135, 139, 634 P.2d 303 (1981). The absence of a consent requirement under former RCW 36.94.410-.440 evinces that "area served" does not include territory outside the transferring county's boundaries. This interpretation is also consistent with former Title 56 RCW and its limitation against the unilateral annexation of territory that is within a separate district.

Second, the statutes draw a key distinction between temporary contractual service and full jurisdiction. As occurred here, sewer districts may contract with other entities for the provision of services. Former RCW 56.08.060; former RCW 36.94.170 (1971) (authorizing counties to serve within sewer districts under contract). The provision of services with permission or by contract are by nature revocable. Whereas, districts or counties otherwise retain full jurisdiction to operate a sewer system within their own territories. Former RCW 56.04.020; former RCW

56.08.060; former RCW 36.94.020. Annexation is a grant of full jurisdiction that includes the provision of services and the power to issue bonds and collect taxes; it is more than a contractual relationship. *See* former RCW 36.94.430 (1984); former RCW 56.36.060 (1981). No authority exists showing that this form of permissive service may be converted to full annexation authority

Further, the identified subject of the underlying transfer under former RCW 36.94.410 is the sewer system “operated by a county under the authority of this chapter[, 36.94 RCW].” A county’s power to operate, maintain, and generate funds for its sewer system is limited to territory “within all or a portion of the county.” Former RCW 36.94.020.

The plain meaning of the “area served” subject to transfer and annexation under former RCW 36.94.410-.440 is limited to areas within the transferring county’s geographic boundary. To be properly transferred and annexed under these statutes, the territory must be exclusively within the transferring county’s geographic service area and cannot be within another district’s service area, unless the existing district relinquishes its sewerage authority to the transferring county under former RCW 36.94.170. Here, King County could not transfer annexation authority of Point Wells to Ronald because Point Wells is not within King County, it is within Snohomish County. The annexation is further prohibited because Point Wells was within Olympic’s geographic boundary and Olympic did not relinquish

its sewerage authority to King County. The statutory authority does not permit a hostile takeover of another district's service area without notice or permission, which is what happened here.

However, under the transfer agreement, a county may transfer its existing contractual obligations, which may include the provision of services to areas within other districts. Former RCW 36.94.410; RCW 36.94.330. But service provided permissively as a contractual obligation is not subject to annexation. Ronald's reliance on the "first in time" principle is misplaced. LAWS OF 1981, ch. 45, § 1. The statutory scheme does not permit the transfer annexation process to transform a contractual provision of services into annexation. Although Ronald has served the area since 1986, it has done so by contract under the obligation it inherited from King County. This provision of service was by nature permissive and revocable. The 1985 court lacked the statutory authority to annex the Point Wells area, which was being served by Ronald on a contract basis.

III. Jurisdiction

Ronald and King County assert that the time to properly challenge the order has passed. They argue that because this is a collateral challenge, even if the 1985 Order is erroneous, it was entered with proper jurisdiction and is merely voidable. Olympic, Snohomish County, and Woodway claim that the order is void for lack of personal and subject matter jurisdiction and can be struck down at any time. The

parties further dispute the circumstances under which an order may be declared void.

Relevant to the issue here, our jurisprudence has established that

“[t]here are in general three jurisdictional elements in every valid judgment, namely, jurisdiction of the subject matter, jurisdiction of the person, and the power or authority to render the particular judgment. For the absence of any one of these elements, when properly apparent, the judgment may be vacated at any time.”

John Hancock Mut. Life Ins. Co. v. Gooley, 196 Wash. 357, 370, 83 P.2d 221

(1938) (quoting 1 A.C. FREEMAN, A TREATISE OF THE LAW OF JUDGMENTS § 226

(5th ed. rev. 1925)). Here, the latter two jurisdictional elements are implicated:

personal jurisdiction and authority to render a particular judgment, which in modern cases has been recognized as a component of subject matter jurisdiction. The 1985 Order is flawed in both ways.

First, Snohomish County, Olympic, and Woodway were not parties to the 1985 superior court action, so the court did not have the authority to enter an order affecting their sewerage service rights. These entities were not joined as necessary parties under CR 19 or given personal notice of the 1985 action. To determine whether joinder is needed for a just adjudication, courts engage in a three-step analysis. Courts determine whether the absent party is necessary, whether joinder is feasible, and, if joinder is unavailable, whether the action should still proceed without the party. *Auto. United Trades Org. v. State*, 175 Wn.2d 214, 221-22, 285

P.3d 52 (2012). An absentee is a necessary party where they claim a legally protected interest in the action and their ability to protect that interest will be impaired or impeded by adjudication in their absence. *Auto. United*, 175 Wn.2d at 223. Point Wells was located within the geographic boundaries of Snohomish County, Olympic, and Woodway. The purported transfer and annexation of the Point Wells service area to Ronald directly implicated their interests in the provision of sewerage service to Point Wells. In particular, Olympic possessed the primary authority to provide service to Point Wells, and the 1985 Order purports to extinguish and reassign that authority. Snohomish County, Olympic, and Woodway were necessary parties and joinder would have been feasible.

Ronald and King County assert that the 1985 action was an in rem proceeding and is binding on nonparties. They claim that they followed the required notice procedures of former RCW 36.94.410-.440. As we discussed above, former RCW 36.94.410-.440 does not permit the transfer and annexation of territory outside the transferring county's geographic boundary, so compliance with this procedure was inadequate to adjudicate the annexation of Point Wells. Assuming their characterization of the 1985 proceeding as in rem is correct, it does not excuse their failure to join or adequately notify parties with legally protected interests. *See Port of Grays Harbor v. Bankr. Estate of Roderick Timber Co.*, 73 Wn. App. 334,

869 P.2d 417 (1994) (discussing the required joinder of a party in an in rem condemnation proceeding).

There were two layers of notice required here. At minimum, due process requires that in “any proceeding which is to be accorded finality” notice must be given and “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314, 70 S. Ct. 652, 94 L. Ed. 865 (1950) (emphasis added). Further, to obtain personal jurisdiction over a party, Washington law requires that “[b]eyond due process [requirements], statutory service requirements must be complied with in order for the court to finally adjudicate the dispute between the parties.” *Weiss v. Glemp*, 127 Wn.2d 726, 734, 903 P.2d 455 (1995) (second alteration in original) (quoting *Thayer v. Edmonds*, 8 Wn. App. 36, 40, 503 P.2d 1110 (1972)). Ronald and King County failed to comply with these requirements. Notices of the King County Council hearing and 1985 court hearing were published in the newspaper. Assuming these notices were constitutionally adequate, service by publication remained unavailable. Service by publication is reserved for those instances where the party cannot be found within the state. RCW 4.28.100. Snohomish County, Olympic, and Woodway were not served with process. As a result, the 1985 court never obtained personal jurisdiction over these entities.

We previously held that the municipal court lacked the authority to issue relief that implicated the interests of a nonparty. *City of Seattle v. Fontanilla*, 128 Wn.2d 492, 502, 909 P.2d 1294 (1996). The municipal court declined to order the State to reimburse the litigant under RCW 9A.16.110 because the State was not a party and had no notice of the action. We held that the municipal court acted properly and was “without authority to order an entity that is not a party to the litigation to do anything.” *Fontanilla*, 128 Wn.2d at 502. This is consistent with the general rule that a judgment is not binding on an entity that has not been made a party to the action by service of process.

Similarly, in this case Snohomish County, Olympic, and Woodway were not made parties to the 1985 action, although they possessed a legally protected interest over sewerage service in Point Wells. The 1985 court failed to obtain personal jurisdiction over these parties and, thus, lacked the authority to issue an annexation order that implicated their rights and interests. To the extent that it did so here, that portion of the 1985 Order is void.

Second, the 1985 Order is void because the court lacked the general statutory authority to order the annexation of Point Wells to Ronald. We take this opportunity to expound on the doctrine of subject matter jurisdiction. We hold that subject matter jurisdiction incorporates the court’s authority to issue a particular form of relief, as determined by the nature of the case.

In *Marley v. Department of Labor & Industries*, we reviewed an administrative denial of a worker’s compensation claim. 125 Wn.2d 533, 541, 886 P.2d 189 (1994). The plaintiff argued that the Department of Labor and Industries’ order was void for lack of subject matter jurisdiction because it incorrectly determined that she was living in a state of abandonment under RCW 51.08.020. We held that at most, the department made an erroneous decision regarding abandonment but it had proper jurisdiction to decide the claim, that is, whether Marley was living in a state of abandonment. We adopted the Restatement (Second) of Judgments’ approach to subject matter jurisdiction: “‘A judgment may properly be rendered against a party only if the court has authority to adjudicate the *type of controversy* involved in the action.’” *Marley*, 125 Wn.2d at 539 (quoting RESTATEMENT (SECOND) OF JUDGMENTS § 11 (AM. LAW INST. 1982)). We held that “[a] court or agency does not lack subject matter jurisdiction *solely* because it may lack authority to enter a given order.” *Marley*, 125 Wn.2d at 539 (emphasis added). Rather, a court “lacks subject matter jurisdiction when it attempts to decide a type of controversy over which it has no authority to adjudicate.” *Marley*, 125 Wn.2d at 539. This implies that the tribunal has “no authority to decide the claim at all, let alone order a particular kind of relief.” *Marley*, 125 Wn.2d at 539.

Based on this discussion, Ronald claims that the court’s authority to enter a particular order is wholly separate from subject matter jurisdiction. However, our

discussion in *Marley* stands for the proposition that the court's authority to enter a particular order is simply one part of subject matter jurisdiction. When determining subject matter jurisdiction, the controlling question is whether the court possessed the authority to adjudicate the *type of controversy* involved in the action. We defined "type of controversy" as referring to "the nature of a case and the kind of relief sought." *Dougherty v. Dep't of Labor & Indus.*, 150 Wn.2d 310, 317, 76 P.3d 1183 (2003). Thus, subject matter jurisdiction is composed of two necessary components: (1) the authority to adjudicate the particular claim and (2) the authority to issue a particular form of relief. These two components are intertwined. The form of relief is limited by the nature of the particular claim. For example, in a quiet title property claim, the court's exercise of jurisdiction is confined to issuing the appropriate relief, that is, to quiet title. The court would exceed its relief authority if it were to issue tax relief. To the extent an order did so, that portion of the order would be void. The dispositive inquiry to determine subject matter jurisdiction is whether the court had overall authority to adjudicate the particular claim, and the authority to issue a particular form of relief follows. Logically, we look to the relief issued because it is indicative of whether the court adjudicated a controversy that it should not have. Both are necessary components of subject matter jurisdiction.

Although we reviewed a contempt order in *Dike v. Dike*, our discussion is informative here. 75 Wn.2d 1, 8, 448 P.2d 490 (1968). In that case, we held that

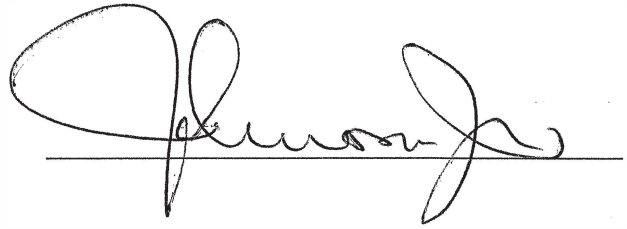
even where the underlying order is erroneous and the party fails to comply with it, the court maintains subject matter jurisdiction to enter a contempt order. We held that this was a legal error, not a jurisdictional deficiency. Notably, we distinguished that where the court ““has jurisdiction of the parties and of the subject matter, and has the power to make the order or rulings complained of, but the latter is based upon a mistaken view of the law or upon the erroneous application of legal principles, it is erroneous,”” as opposed to void for lack of jurisdiction. *Dike*, 75 Wn.2d at 7 (quoting *Robertson v. Commonwealth*, 181 Va. 520, 536, 25 S.E.2d 352 (1943)). The long-standing principle still applies that “[o]bviously the power to decide includes the power to decide wrong, and an erroneous decision is as binding as one that is correct until set aside or corrected.”” *Dike*, 75 Wn.2d at 8 (internal quotation marks omitted) (quoting *Robertson*, 181 Va. at 537). But legal errors occur within a court’s proper exercise of authority, where the court has the authority to adjudicate the claim and errs in its application of law or fact. Whereas, jurisdictional deficiencies result from a court acting outside of its adjudicative authority where it lacks any power to issue relief.

The distinction between the error in this case and the potential errors discussed in *Marley* and *Dike* is that those courts were authorized to exercise discretion and, at best, merely exercised that discretion improperly. Here, the 1985 court was not statutorily authorized to exercise any discretion over the annexation

of Point Wells. The nature of this controversy is annexation. Annexation authority is a plenary power enjoyed by the State, which the legislature may delegate to courts by statute. *Grant County Fire Prot. Dist. No. 5 v. City of Moses Lake*, 150 Wn.2d 791, 83 P.3d 419 (2004). In this case, former RCW 36.94.410-.440 is a grant of authority from the legislature, allowing superior courts to effectuate the transfer and annexation of service area from a county to a sewer district. As discussed above, former RCW 36.94.410-.440 limited the court's adjudicative authority to territory within King County's geographic service area. The inclusion of Point Wells, which is outside King County's geographic service area, without the involvement of Snohomish County, Olympic, and Woodway is void because it exceeded the court's adjudicative authority.

CONCLUSION

We affirm the Court of Appeals and remand to the trial court for further proceedings regarding Ronald's remaining claims. We hold that to the extent the 1985 Order purports to annex Point Wells to Ronald, it is void. Ronald's geographic boundary does not include Point Wells and does not extend into Snohomish County. Point Wells remains within the geographic boundaries of Olympic and Snohomish County.



Handwritten signature of John McLeod, Jr. written on a horizontal line.

WE CONCUR:

Stephens, C.J. John McLeod, Jr.

Madsen, J.

Owens, J.

Whitener J.

I write separately to stress how limited our holding is lest it be seen as an invitation to attack settled judgment on the basis of legal error. Trial judges in Washington State do more than resolve controversies. Among other things, they may preside over marriages and adoptions, administer oaths, and, under certain circumstances, approve the transfer of a sewage system from a water-sewer district to a county and from a county to a water-sewer district. RCW 5.28.010; RCW 26.04.050; RCW 26.33.240; RCW 36.94.310-.340, .410-.440. While the first three judicial functions have their roots in antiquity, a court's subject matter jurisdiction over petitions to recognize transfer of responsibility for water-sewer systems is purely statutory and appears to be a legislative response to the modern difficulties of providing municipal water and sewer services. LAWS OF 1984, ch. 147; LAWS OF 1975, 1st Ex. Sess. ch. 188; *see also generally Cedar River Water & Sewer Dist. v. King County*, 178 Wn.2d 763, 770-74, 315 P.3d 1065 (2013) (discussing delivery of sewer water and sewer services in the upper Puget Sound basin); *Municipality of Metro. Seattle v. City of Seattle*, 57 Wn.2d 446, 448-50, 357 P.2d 863 (1960) (discussing the creation of King County Metro).

While the county is the basic unit of government in Washington State, an enormous number of municipal and quasi-municipal corporations provide the services needed for the health and welfare of our society, both within their districts and by contract outside of them. ROBERT F. UTTER & HUGH D. SPITZER, THE

WASHINGTON STATE CONSTITUTION 187 (2d ed. 2013); Title 52 RCW (fire protection districts); Title 54 RCW (public utility districts); Title 57 RCW (water-sewer districts); *Alderwood Water Dist. v. Pope & Talbot, Inc.*, 62 Wn.2d 319, 322, 382 P.2d 639 (1963). Counties in Washington provide enormously important public goods. According to the United States Census Bureau, as of 2017, there were 1,285 quasi-municipal governments in our state providing everything from air transportation to sewage services to transportation. *2017 Census of Governments: Organization*, tbl. 8, lines 1298-1334, U.S. CENSUS BUREAU, <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html> [<https://perma.cc/F7FF-VYJU>]. There are around 2,000 municipal and quasi-municipal corporations in our state. Hugh D. Spitzer, *Washington: The Past and Present Populist State*, in *THE CONSTITUTIONALISM OF AMERICAN STATES* 782 (George E. Connor & Christopher W. Hammond eds., 2008).

Our legislature has created mechanisms to create these districts and adjust their boundaries. *E.g.*, chs. 52.02-.04 RCW (fire districts); ch. 57.04 RCW (water-sewer districts). Generally, these mechanisms require a proper petition, a public hearing, and a ratifying vote of the people in the relevant area. *E.g.*, RCW 57.04.030-.050. In addition to creating general systems for creating municipal and quasi-municipal districts with taxing authority, our legislature has also created a shortcut that allows counties and water-sewage districts within that county to

transfer water-sewage systems between them by agreement, rather than by petition and election. RCW 36.94.310-.340, .410-.440. Under the statutory shortcut, a county and a water-sewage district wholly within that county have to give notice to ratepayers, publish notice in paper of general circulation, hold a hearing before the county legislative body, and seek approval of the superior court of the county. RCW 36.94.310, .340, .420. The general requirement of a vote of the people is eliminated.

This statutory shortcut is not available for sewer districts that cross county boundaries. RCW 36.94.310, .340, .420. Perhaps the legislature reasoned that since the voters outside of the county had not had an opportunity to vote for the legislative authorities that initiated and consented to the transfer, it would be inappropriate to bypass the normal process and the normal ratifying election. Whatever the reason, no court had the power to confirm cross-county sewer district territorial annexations in 1985 or (as far as I can tell) at common law. Had Snohomish County or Olympic View Water and Sewer District intervened in the 1985 proceedings, the trial court should have promptly granted a motion to dismiss.

Accordingly, I agree with the majority that the 1985 order was entered without subject matter jurisdiction. “The critical concept in determining whether a court has subject matter jurisdiction is the ‘type of controversy.’” *Dougherty v.*

Dep't of Labor & Indus., 150 Wn.2d 310, 315, 76 P.3d 1183 (2003) (quoting *Marley v. Dep't of Labor & Indus.*, 125 Wn.2d 533, 539, 886 P.2d 189 (1994)).

Approving a cross-county sewer district annexation is simply too different a case from one seeking the approval of an in-county transfer of a sewage system. The differences between those two types of cases may seem picayune but are in fact profound. It goes to the very way our state constitution has divided up power and responsibility between the legislature and the courts and between the state, county, and local governments. WASH. CONST. art. II, XI.

I emphasize, however, that Washington State superior courts are courts of general jurisdiction. WASH. CONST. art. IV, § 6; *Wagner v. Alderson*, 91 Wash. 157, 160, 157 P. 476 (1916). If one state superior court possesses subject matter jurisdiction to hear a type of case, all state superior courts possess subject matter jurisdiction to hear that type of case. *Dougherty*, 150 Wn.2d at 317. Here, no court had that subject matter jurisdiction to hear this type of case. I would use our broad authority to craft the appropriate remedy recognized in RAP 12.2 and hold the 1985 order void. *See also* CR 60(b)(5).

With these observations, I respectfully concur.

González, J.

Lu, J

Montoya - Kent, J

Moore, Megan

From: Dorsey, Brian
Sent: Monday, May 24, 2021 9:24 AM
To: Strandberg, Terri
Subject: FW: Notice of E-Service 16-2-15331-3

Terri: Just as an fyi I am forwarding an e-mail with a link to the King County Superior Court's Order on Remand in the Ronald Sewer District v. Olympic View matter which was entered on Friday May 21st. It essentially dismisses the remaining claims of Ronald but Olympic View also had some cross-claims against Ronald so the action as a whole has not been dismissed yet but in any final action on the Olympic View comp plan amendment we may want to reference it in the recitals that the Superior Court entered its Order on Remand on May 21, 2021, explicitly granting the Town of Woodway and Snohomish County's Motions for Summary Judgment holding:

Ronald's geographic boundary does not include Point Wells and does not extend into Snohomish County. Point Wells remains within the geographic boundaries of Olympic View Water and Sewer District.

Brian

From: EService.NoReply@kingcounty.gov <EService.NoReply@kingcounty.gov>
Sent: Friday, May 21, 2021 3:41 PM
To: Dorsey, Brian <Brian.Dorsey@co.snohomish.wa.us>
Subject: Notice of E-Service 16-2-15331-3

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

The document(s) listed below are being electronically served according to your agreement. Case: 16-2-15331-3, Title: RONALD WASTEWATER DIST VS OLYMPIC VIEW WATER & SEWER DISTRICT ET AL.

You may view the documents within 15 calendar days after the date of this email, by clicking on the links below. After that time, the e-filed document(s) can be viewed in person at the clerk's office or may be available for a fee via "ECR Online." We recommend that you download and save a copy of each document during your first viewing.

E-Filed Document(s):

Description: ORDER

Lead Document:

<https://dja-efsp.kingcounty.gov/Efiling/EService/ViewDocument.aspx?u8pVYjoF6bgg9ztyCevtGA==>

Parties:

Thomas Fitzpatrick, Attorney for Respondent/Defendant Duncan Greene, Attorney for Petitioner/Plaintiff Margaret King, Attorney for Respondent/Defendant Julie Ainsworth-Taylor, Respondent/Defendant Verna Bromley, Attorney for Respondent/Defendant Brian Dorsey, Attorney for Respondent/Defendant William Blakney, Attorney for Respondent/Defendant Jessica Kraft-Klehm, Respondent/Defendant Sharon Cates, Respondent/Defendant Beth Ford, Attorney for Respondent/Defendant Greg Rubstello, Respondent/Defendant Ashley Lamp, Other Involved Party Darcy Forsell, Respondent/Defendant Gary Manca, Attorney for Respondent/Defendant

Served by:

Brian McDonald

2021 Docket XX - CFP1

Index # - File Name: 1.0030_FW_ Notice of E-Service 16-2-15331-3.pdf

If you are unable to connect directly to the E-served document by selecting the hyperlink above, please copy and paste the entire URL into your web browser's address bar. Thank you, King County Superior Court Clerk's Office ***Do not reply to this email. Please contact the Clerk's Office at 206-477-3000 or by email at Eservices@kingcounty.gov if you have questions. ***

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Honorable Brian M. McDonald
Hearing Date: May 11, 2021
Without Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

RONALD WASTEWATER DISTRICT, a
Washington Municipal corporation,

Plaintiff/Counter-defendant,
VS.

CASE NO. 16-2-15331-3 SEA

ORDER ON REMAND FROM THE
WASHINGTON SUPREME COURT

OLYMPIC VIEW WATER AND SEWER
DISTRICT, a Washington municipal
corporation; and TOWN OF WOODWAY, a
Washington municipal corporation,

Defendants/Counter-plaintiffs,
And
SNOHOMISH COUNTY, a Washington
municipal corporation; KING COUNTY, a
Washington municipal corporation; CITY OF
SHORELINE, a Washington municipal
corporation,

Defendants.

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KING COUNTY, a Washington Municipal
corporation
Defendant/Cross-Plaintiff

VS.

OLYMPIC VIEW WATER AND SEWER
DISTRICT, a Washington municipal
corporation; SNOHOMISH COUNTY, a
Washington municipal corporation; and
TOWN OF WOODWAY, a Washington
municipal corporation
Defendants/Cross-Defendants

OLYMPIC VIEW WATER AND SEWER
DISTRICT, a Washington municipal
corporation; and TOWN OF WOODWAY,
a Washington municipal corporation
Defendants/Cross-Plaintiffs

VS.

KING COUNTY, a Washington municipal
corporation; CITY OF SHORELINE, a
Washington municipal corporation
Defendants/Cross-Defendants

----and

CITY OF EDMONDS, a Washington
municipal corporation,
Intervenor.

1 The Parties' Claims

2 Ronald Wastewater District (Ronald) filed this matter naming Olympic View Water and
3 Sewer District (Olympic View), Snohomish County, King County, the City of Shoreline, and the
4 Town of Woodway as Defendants. In its Amended Complaint, Ronald asserted claims for the
5 following relief:
6

7 1. FIRST CLAIM FOR DECLARATORY JUDGMENT – RONALD’S CORPORATE
8 BOUNDARY.

- 9 a. The 1985 Annexation Order entered by the King County Superior Court
10 remains legal, valid, of full force and effect, and binding on Olympic View,
11 Snohomish County, and the Town of Woodway.
12
13 b. As a result of the passage of SSB 6091 (1996), codified as RCW 57.02.001,
14 Ronald’s annexation of Point Wells was legal, valid, of full force and effect,
15 and binding on Olympic View, Snohomish County, and the Town of
16 Woodway regardless of the validity of the 1985 Annexation Order.
17
18 c. As a result of the long period of silent acquiescence by Olympic View,
19 Woodway, and Snohomish County, those parties are barred by the doctrine of
20 acquiescence, and by the doctrines of estoppel and laches, from denying the
21 validity of the 1985 Annexation Order.
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23 d. Ronald is also entitled to an order pursuant to RCW 7.24.190 restraining the
24 parties from taking any further action inconsistent with such a declaration.
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2. SECOND CLAIM FOR DECLARATORY JUDGMENT – RONALD’S

EXCLUSIVE RIGHT TO SERVE POINT WELLS.

a. Under RCW 57.08.007 and RCW 57.08.065(2):

i. Ronald has the exclusive right to provide sewer service to the Point Wells area, including the entire area legally described in the 1985 Transfer Agreement.

ii. Olympic view may not provide sewer service to any portion of the Point Wells area without Ronald’s consent.

iii. Ronald is entitled to an order pursuant to RCW 7.24.190 restraining the parties from taking any further action inconsistent with such a declaration.

3. THIRD CLAIM FOR DECLARATORY JUDGMENT – SNOHOMISH COUNTY’S APPROVAL OF AMENDMENT NO. 2.

a. Ronald is entitled to a declaration that Snohomish County’s approval of Amendment No. 2 failed to comply with the approval criteria in RCW 57.02.040 and that Amendment No. 2 is therefore not legally “effective” under RCW 57.16.010(7) and RCW 57.08.007.

b. Ronald is also entitled to an order pursuant to RCW 7.24.190 restraining the parties from taking any further action inconsistent with such a declaration.

c. In the alternative, if this court determines that Snohomish County’s approval of Olympic View’s amendment no. 2 complied with the approval criteria in RCW 57.02.040, Ronald is entitled to a declaration that Snohomish County’s

1 approval of Amendment No. 2 has no effect on Ronald’s exclusive right to
2 provide sewer service to Point Wells.

3 4. PETITION FOR STATUTORY AND CONSTITUTIONAL WRITS OF REVIEW –
4 SNOHOMISH COUNTY’S APPROVAL OF AMENDMENT NO. 2

5 a. In the alternative, should the court determine that Snohomish County’s
6 approval of Amendment No. 2 is not properly reviewed under RCW Ch. 7.24
7 Ronald claimed it was entitled to judicial review of the approval of
8 Amendment No. 2 by way of the court’s statutory and constitutional writ
9 authority.
10

11 Ronald was supported in its claims by Defendants City of Shoreline (Shoreline) and
12 King County (collectively, the King County Plaintiffs).

13 King County asserted three cross claims against Olympic View, Snohomish County, and
14 the Town of Woodway (collectively, the Snohomish County Defendants) similar to the claims
15 asserted by Ronald:
16

17 1. FIRST CROSS CLAIM (Declaratory Judgment Regarding Ronald (And King
18 County’s WTD’s) Exclusive Right To Provide Service To Point Wells):

- 19 a. Ronald has the exclusive right to provide sewer service to the Point Wells
20 area.
21
22 b. King County WTD has the exclusive right to provide sewage and wastewater
23 treatment and disposal services to the Point Wells area by virtue of the
24 Ronald/King County Sewage Disposal Agreement.
25
26 c. Olympic View may not provide sewer service to any portion of the Point
Wells area without Ronald’s and King county WTD’s consent.

1 2. SECOND CROSS-CLAIM (Declaratory Judgment Regarding Snohomish County’s
2 Approval of amendment No. 2)

3 a. King County is entitled to a declaration that Snohomish County’s approval of
4 Amendment No. 2 failed to comply with the approval criteria in RCW
5 57.02.040 and that amendment No. 2 is not legally effective.

6 b. In the alternative, King County is entitled to a declaration that Snohomish
7 County’s approval of Amendment No. 2 has no effect on Ronald’s and King
8 County WTD’s exclusive right to provide sewer service to Point Wells.

9 3. THIRD CROSS-CLAIM (Petition for Statutory and constitutional Writs of Review
10 Regarding Snohomish County’s Approval of Amendment No. 2).

11 Olympic View Water and Sewer District (Olympic View) brought counterclaims and
12 cross-claims against Ronald, City of Shoreline and King County, some of which were joined in
13 by Town of Woodway:
14

15 1. FIRST CLAIM – FRIVOLOUS ACTION BY SHORELINE, RONALD, and KING
16 COUNTY (OLYMPIC VIEW ONLY).

17 a. By way of counterclaim against Ronald and cross claims against Shoreline
18 and King County, who have or will support and join in Ronald’s efforts to
19 litigate claims adversely decided against them, and by seeking relief here
20 when they are, or could have, pursued other remedies available at law,
21 Ronald, Shoreline, and King County have acted frivolously
22

23 2. SECOND CLAIM – RONALD’S CORPORATE BOUNDARY (JOINED BY
24 TOWN OF WOODWAY).

25 a. Olympic view is entitled to a declaration that:
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- i. The 1985 annexation Order was illegal as to territory in Snohomish county and is not binding on Olympic View, Snohomish County, Woodway or any other person or entity.
- ii. RCW 57.02.001 had no effect of legalizing the Annexation Order.
- iii. As a result of the long period of affirmative representations by Ronald that it had no territory in Snohomish county, Ronald, Shoreline, King County, and anyone else in privity with them is estopped and barred by the doctrine of laches from asserting Ronald has any territory in Snohomish County.
- iv. Or, in the alternative that if the Annexation Order is valid, the only annexation was the area actually served by Ronald.
- v. Olympic View is also entitled to an order pursuant to RCW 7.24.190 restraining Ronald, Shoreline, and King County from taking any further action inconsistent with such a declaration.

3. THIRD CLAIM – RONALD HAS NO EXCLUSIVE RIGHT TO SERVE IN THE AREA IT CLAIMS WERE ANNEXED (JOINED BY WOODWAY).

- a. Pursuant to RCW 7.24, Olympic view is entitled to a declaration that:
 - i. Ronald is the alter ego of Shoreline and is one and the same.
 - ii. The provisions of Title 57 relied upon by Ronald/Shoreline/king county that it has the exclusive right to serve are not applicable.
 - iii. Ronald does not have the exclusive right to serve.
 - iv. Ronald does not have an effective comprehensive plan.

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v. For the reasons stated above Ronald/Shoreline/King County are not entitled to a declaratory judgment regarding Snohomish County’s approval of Amendment #2 that is predicated upon its claim to be the exclusive sewer provider.

vi. Or, in the alternative that if Ronald has an exclusive right to serve, it is only in the area where service is actually available.

vii. Olympic View is also entitled to an order pursuant to RCW 7.24.190 restraining the parties from taking any further action inconsistent with such a declaration.

4. FOURTH CLAIM – STATUTORY AND CONSTITUTIONAL WRITS (JOINED BY WOODWAY).

a. If the court determines Olympic View is not entitled to relief under Ch. 7.24, this court should use its statutory and constitutional writ authority to compel and prohibit Ronald/Shoreline/King county from taking any further actions to impede the provision of sewer services by Olympic View within Woodway and its corporate boundaries.

5. FIFTH CLAIM – INJUNCTION (JOINED BY WOODWAY).

a. Olympic View is entitled to an injunction enjoining Ronald/Shoreline/King County from taking any further actions to advance their campaign to invade Olympic View’s corporate boundaries and preclude Olympic view from providing sewer service to customers and future customers within Woodway and Olympic View’s corporate boundaries, and preventing current and future customers from having the right to vote for the officials who set the conditions

1 and rates for public sewer service. Olympic view is entitled to an injunction to
2 preclude Ronald for spending any more public funds on legal efforts to dictate
3 the future of Snohomish County to the advantage of Shoreline and are of no
4 benefit to Ronald, or for the expenditure of public funds on sewer planning
5 efforts.
6

7 6. SIXTH CLAIM – BREACH OF CONTRACT KING COUNTY (OLYMPIC VIEW
8 ONLY).

- 9 a. King County’s actions constitute anticipatory and/or actual breach of the
10 Woodway/METRO contract so that neither Woodway nor Olympic view are
11 any longer bound by it.
12

13 Superior Court’s Summary Judgment Order
14

15 Ronald filed a motion for partial summary judgment and sought a declaratory judgment
16 that (1) the Transfer Order annexed Point Wells to Ronald as of January 1, 1986, (2) the transfer
17 Order was binding on Snohomish County, Olympic, and Woodway, and Edmonds as of January
18 1, 1986, and (3) RCW 57.02.001 validated and ratified Ronald’s annexation of Point Wells,
19 regardless of any defects in the Transfer Order.
20

21 Woodway and Snohomish County filed cross-motions for summary judgments seeking,
22 among other things, a declaratory judgment that Ronald’s corporate boundary does not extend
23 into Snohomish County.

24 On May 9, 2017, the King County Superior Court Judge Hollis Hill granted partial
25 summary judgment and declaratory judgment in favor of Ronald on its First Claim for
26

1 Declaratory Judgment and dismissed Olympic View’s and Woodway’s second counterclaims
2 with prejudice.

3
4 The Appeal

5 On July 1, 2019, the Court of Appeals issued an unpublished opinion (*Ronald*
6 *Wastewater District v. Olympic View Water and Sewer District*, 9 Wash. App. 2d 1046 (2019);
7 WL 2754183) reversing the superior court and remanding for an order granting Woodway’s
8 motion for summary judgment in part. The Court of Appeals held that “the superior court lacked
9 subject matter jurisdiction to grant an annexation by Ronald of territory within the municipal
10 corporate boundaries of Olympic.” Slip Op. at *1. The court “reverse[d] the trial court’s grant
11 of partial summary judgment to Ronald, remand[ed] for an order granting Woodway’s motion for
12 summary judgment in part, and for other proceedings consistent with this opinion. *Id.* The Court
13 of Appeals specifically “order[ed] that Woodway be granted summary judgment as to its
14 argument for a declaration that, based on the Transfer Order, Ronald’s corporate boundary does
15 not extend into Snohomish County.” Additionally, the Court of Appeals stated:

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18 Accordingly, to the extent that the Transfer Order purports to authorize Ronald’s
19 annexation of area within Snohomish County and within Olympic, the order is
void. Ronald’s corporate boundaries do not extend into Snohomish County.

20 *Id.* at *14.

21 The Court of Appeals also addressed Ronald’s equitable claims of estoppel, laches, and
22 acquiescence:

23 Because we conclude that the Transfer Order is void due to a lack of subject
24 matter jurisdiction, we do not reach Ronald’s arguments regarding estoppel,
25 laches, and acquiescence, or Olympic’s remaining arguments that would apply
26 only to a voidable order. A court has a nondiscretionary duty to vacate a void
judgment. *Allstate Ins. Co. v. Khani*, 75 Wn. App. 317, 323, 877 P.2d 724 (1994).
Void Judgments may be vacated regardless of the lapse of time; not even laches

1 bars a party from attacking a void judgment. *Id.* at 323-24. And, unlike personal
2 jurisdiction, a party cannot waive subject matter jurisdiction. *Sullivan v. Purvis*,
90 Wn. App. 456, 460, 966 P.2d 912 (1998).

3 Moreover, the lack of subject matter jurisdiction over the type of annexation King
4 County and Ronald proposed was not a technical defect in the Transfer Order. It
5 was a fatal defect. Nothing in this statute remedies the lack of subject matter
6 jurisdiction in the superior court to approve the annexation. Accordingly, to the
extent that the Transfer Order purports to authorize Ronald's annexation of
Snohomish County territory, RCW 57.02.001 does not render that annexation valid.

7 *Id.*

8 The Supreme Court accepted review and affirmed the Court of Appeals. *Ronald Dist. v.*
9 *Olympic Sewer Dist.*, 196 Wn.2d 353 (2020). The Supreme Court held:

10 We hold that to the extent the 1985 Order purports to annex Point Wells to
11 Ronald, it is void. Ronald's geographic boundary does not include Point Wells
12 and does not extend into Snohomish County. Point Wells remains within the
13 geographic boundaries of Olympic and Snohomish County.

14 *Id.* at 374.

15 On November 9, 2020, the Supreme Court issued its mandate.

16 In May 2021, the parties presented proposed orders for this Court to enter upon remand.

17 As part of its pleadings, Olympic View presented evidence that Snohomish County has rescinded
18 its approval of Olympic View's 2016 Comprehensive Sewer Plan Amendment #2 as set forth in
19 the "Reply of Olympic View Water & Sewer District ("Olympic View"). The King County
20 Plaintiffs did not contest this fact.

21 Olympic View also argued that RCW 57.08.007 and RCW 57.08.065, cited by the King
22 County Parties in their claims, do not apply because (1) those statutes only apply to water and
23 sewer districts with overlapping boundaries, and (2) as a result of the appellate court opinions in
24 this case, there are no overlapping boundaries. The King County Parties did not provide any
25 response to this argument.
26

1 THEREFORE, THIS COURT, BEING FULLY INFORMED HEREBY ORDERS,

2 ADJUDGES, AND DECREES:

3 a. The King County Superior Court’s May 9, 2017 Order and Judgment is
4 REVERSED.

5 b. Ronald’s motion for partial summary judgment is DENIED.

6 c. The Town of Woodway and Snohomish County’s Motions for Summary
7 Judgment are GRANTED:

8 i. Ronald's geographic boundary does not include Point Wells and does not
9 extend into Snohomish County. Point Wells remains within the
10 geographic boundaries of Olympic and Snohomish County.

11 ii. In 1985, the King County Superior Court lacked the statutory authority to
12 annex the Point Wells area. The 1985 Transfer Order is void.

13 iii. Ronald’s arguments regarding estoppel, laches, and acquiescence fail
14 because they do not apply to a void order.

15 iv. RCW 57.02.001 does not render Ronald’s annexation of Snohomish
16 County territory valid.

17 v. Ronald’s First Claim for Declaratory Judgment and King County’s First
18 Cross Claim are DISMISSED with prejudice.

19 vi. RCW 57.08.007 and RCW 57.08.065 do not apply because those statutes
20 apply to water and sewer districts with overlapping boundaries, and, as a
21 result of the appellate court opinions in this case, there are no overlapping
22 boundaries.

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vii. Ronald’s Second Claim for Declaratory Judgment is DISMISSED with prejudice.

d. Ronald’s and King County’s claims regarding Amendment No. 2 are moot because Snohomish County has rescinded its approval of Olympic View’s 2016 Comprehensive Sewer Plan Amendment #2. The following claims are dismissed: Ronald’s Third Claim for Declaratory Judgment, Ronald’s Petition For Statutory and Constitutional Writs of Review – Snohomish County’s Approval of Amendment NO. 2, and King County’s Second and Third Cross-Claims.

- 2. The stay issued by this Court on May 18, 2017 is terminated.
- 3. By June 11, 2021, the parties shall advise the court whether it is necessary to issue a new case schedule for this matter.


DONE THIS ____ DAY OF _____, 2021.

Honorable Brian M. McDonald

King County Superior Court
Judicial Electronic Signature Page

Case Number: 16-2-15331-3
Case Title: RONALD WASTEWATER DIST VS OLYMPIC VIEW WATER
& amp; SEWER DISTRICTET AL
Document Title: ORDER

Signed By: Brian McDonald
Date: May 21, 2021



Judge: Brian McDonald

This document is signed in accordance with the provisions in GR 30.

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Certificate effective date: 9/9/2019 6:12:37 PM
Certificate expiry date: 9/9/2024 6:12:37 PM
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O=KCDJA, CN="Brian McDonald:
yIMMEpRJ6RGYICi3jC11QQ=="



Snohomish County

**Planning and Development
Services**

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Dave Somers
County Executive

TO: Snohomish County Planning Commission
FROM: Terri Strandberg, Principal Planner
DATE: May 7, 2021
**SUBJECT: Staff Report: Docket XX
CFP1 – Olympic View Water and Sewer District**

The purpose of this staff report is to provide an overview of the docket request submitted by Olympic View Water and Sewer District (OVWSD). The docket request is an amendment to the county's Capital Facilities Plan (CFP) to address a wastewater service area boundary change proposed in OVWSD's comprehensive sewer plan, Amendment 2. OVWSD has also requested county action under RCW 57.16 to approve Amendment 2 to the District's 2007 comprehensive sewer plan addressing non-GMA planning requirements.

BACKGROUND

The Growth Management Act requires that the county make a determination that utility services are available as necessary to support future growth as planned for in the Growth Management Act Comprehensive Plan (GMACP). Since the county is not a provider of utility services, the county relies on the external utility providers for these services and for documentation that adequate services will be available for future growth. This documentation is found in the comprehensive utility plans prepared by the utilities themselves. These comprehensive utility plans must be consistent with the county's GMACP: they must use the county's growth forecasts and land use plans to estimate future demand for utility services. The future demand for services is then used by the utility to prepare a capital improvement and expenditure plan. The utility plans are submitted to the county for review and approval to verify consistency with the GMACP. (Reference RCW 57.02.040 and 57.16.010).

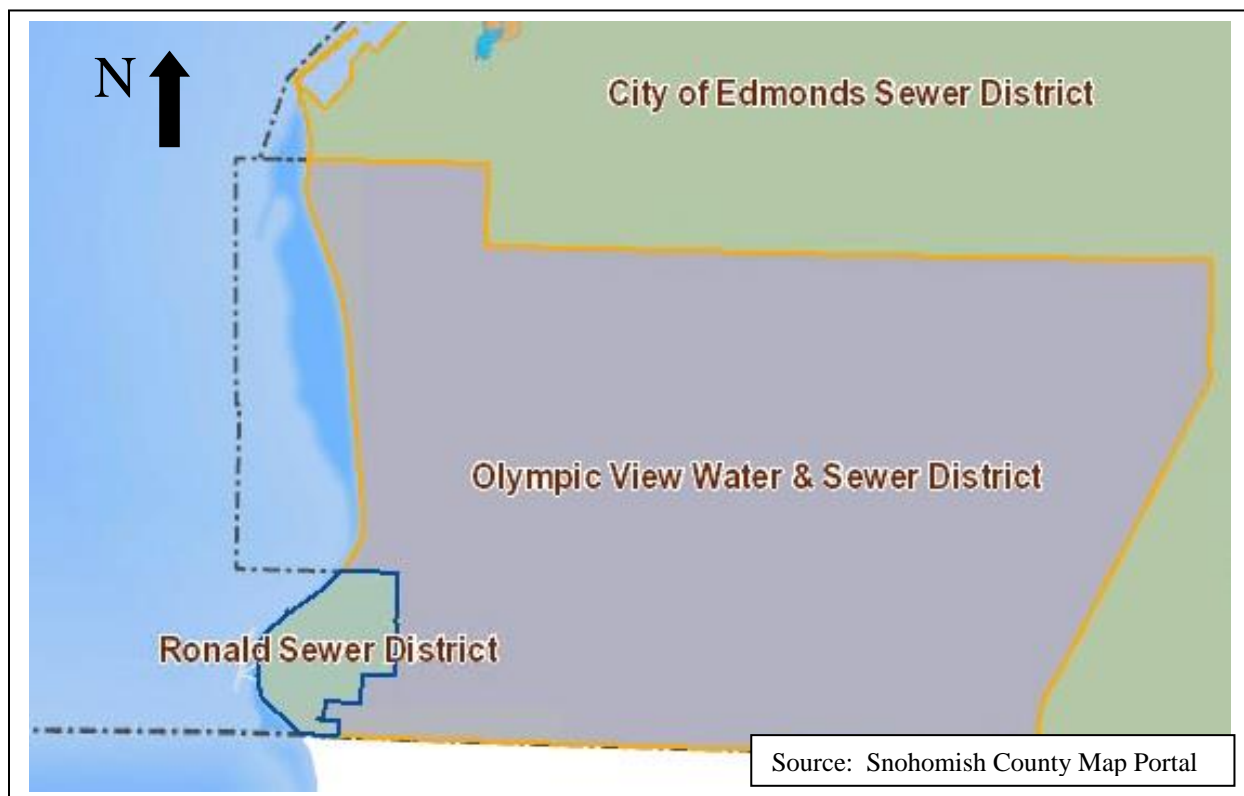
RCW 57.16 requires that water and sewer districts prepare utility comprehensive plans before ordering any capital improvements or submitting to vote any proposition for incurring any indebtedness. These plans are subject to adoption processes and timelines that are described in RCW 57.16, independent of GMA processes and timelines. However, the county relies on these utility comprehensive plans to meet obligations under the GMA. The county's Capital Facilities Plan (CFP), a GMA-required document, includes an inventory and maps based on the utility plans. Any time a utility provider prepares a plan, or an amendment to a plan, that is inconsistent with the county's GMACP or the CFP, the county must apply GMA-required processes and timelines to approve the utility plan because the county action to approve the utility plan under RCW 57.16 acts as a de facto amendment to the CFP. Failure to follow GMA requirements for adopting amendments to the CFP, whether intentional or de facto, makes the action vulnerable to appeal. This is the reason that OVWSD has submitted a docket application and agreed to process

their utility comprehensive plan amendment as a GMA action instead of using the process described in RCW 57.16.

SUMMARY OF OVWSD PROPOSAL - CFP1

OVWSD has submitted a utility comprehensive plan amendment that increases the size of their sewer service area to include an area formerly claimed by Ronald Sewer District. After a lengthy legal dispute finally resolved by the Washington State Supreme Court in favor of OVWSD with regards to sewer service area, OVWSD has submitted this request to revise their sewer service area boundary¹. This requires an amendment to the county's CFP sewer inventory table and map to assign OVWSD as the sewer provider for Point Wells instead of Ronald Sewer District. The utility comprehensive plan amendment prepared by OVWSD is otherwise consistent with the county's GMACP growth forecasts and land use plan.

OVWSD is asking the county to approve the utility comprehensive plan amendment under authority of RCW 57.16 and to make the corresponding changes to the county's CFP under RCW 36.70A. The CFP changes include deletion of Ronald Wastewater District from Table 1, Section 2.3.A of the CFP, and from Map 7 in Appendix B of the CFP. While the change to Map 7 will not be readily apparent due to map scale, the underlying data set used to map the sewer district boundaries, shown in the map below, will be updated to expand OVWSD and remove Ronald Sewer District.



¹ It should be noted that OVWSD is already acknowledged as the water provider for Point Wells both in the utility's water service plans and in the county's CFP.

FINAL DOCKET EVALUATION

Planning and Development Services (PDS) is required to prepare a report including a recommendation on the final docket proposal and forward the report to the Planning Commission. PDS is required to recommend approval if the proposal is consistent with all the following criteria listed in SCC 30.74.060(2):

Criterion “a”: The proposed amendment and any related proposals on the current final docket maintain consistency with other plan elements or development regulations.

Yes. The CFP1 proposal maintains consistency with other elements of the county’s comprehensive plan and the county’s development regulations as described in detail below in Criteria “b” and “c.” CFP1 updates the county utility inventory and supports a determination that services necessary to support urban development will be available to support future growth.

Criterion “b”: All applicable elements of the comprehensive plan, including but not limited to the capital plan and the transportation element, support the proposed amendment.

Yes. Elements of the comprehensive plan, particularly capital facilities, support the proposal since the utility provider is planning for future growth and provision of sewer service within southwest urban growth area. Sewer plans prepared by the utility provider incorporate county growth forecasts and county land use plans as the basis for future capital projects necessary to support customers in the utility service area.

Criterion “c”: The proposed amendment more closely meets the goals, objectives and policies of the comprehensive plan than the relevant existing plan or code provision.

Yes. The CFP1 proposal more closely meets the goals, objectives, and policies of the comprehensive plan than the existing plan or code provisions. The most relevant General Policy Plan policies for purposes of evaluating this proposal support planning coordination and provision of services within urban growth areas:

- Objective UT 1.B Achieve and maintain consistency between utility system expansion plans and planned land use patterns.
- Policy 1.B.1 The county shall map future utility facility and corridor locations on the maps for UGA plans and rural/resource lands where feasible.
- Policy 1.B.2 The county shall maintain consistency between district utility plans and the county’s comprehensive plan; it shall also endeavor to maintain consistency between city utility plans that serve unincorporated areas and the county’s comprehensive plan.
- GOAL UT 3 Work with cities and special districts to produce coordinated wastewater system plans for both incorporated and unincorporated areas within UGAs that are consistent with the land use element and city plans.
- Objective UT 3.A Utilize wastewater system plans as a basis for orderly development or expansion within UGAs in accordance with the Countywide Planning Policies.

Criterion “d”: The proposed amendment is consistent with the countywide planning policies (CPPs).

Yes. The CFP1 proposal is consistent with the CPPs. The most relevant CPP policy for purposes of evaluating this proposal is PS-13 which supports planning coordination between the county and other service providers:

PS-13 Jurisdictions should adopt capital facilities plans, and coordinate with other service providers, to provide the appropriate level of service to support planned growth and development in Urban Growth Areas.

Criterion “e”: The proposed amendment complies with the GMA.

Yes. The CFP1 proposal complies with the GMA. The proposal was analyzed for consistency with the following GMA requirements in RCW 36.70A.:

36.70A.020 Planning goals

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

36.70A.070 Comprehensive plans – Mandatory elements

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

36.70A.110 Comprehensive plans – Urban growth areas

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

Criterion “f”: New information is available that was not considered at the time the relevant comprehensive plan or development regulation was adopted that changes the underlying assumptions and supports the proposed amendment.

Yes. New information is available that was not considered at the time of the adoption of the last major update of the county comprehensive plan in 2015 that changes the underlying assumptions and supports the CFP1 proposal. After lengthy legal proceedings, the Washington State Supreme Court has determined that the Point Wells area belongs in OVWSD’s sewer service area. The CFP1 proposal includes the necessary utility planning and service area boundary adjustments to implement this determination by the court.

Summary of the GF2 proposal's consistency with SCC 30.74.060(2)					
(a)	(b)	(c)	(d)	(e)	(f)
Yes	Yes	Yes	Yes	Yes	Yes

CONSISTENCY WITH MULTICOUNTY PLANNING POLIICIES (MPP):

The CFP1 proposal is consistent with and advances the Puget Sound Regional Council *Vision 2050* Multicounty Planning Policies, in particular:

MPP-PS-7

Obtain urban services from cities or appropriate regional service providers. Encourage cities, counties, and special purpose districts, including sewer, water, and fire districts, to coordinate planning efforts, agree on optimal ways to provide efficient service, and support consolidations that would improve service to the public.

MPP-PS-10

Serve new development within the urban growth area with sanitary sewer systems or fit it with dry sewers in anticipation of connection to the sewer system. Alternative technology to sewers should be considered only when it can be shown to produce treatment at standards that are equal to or better than the sewer system and where a long-term maintenance plan is in place.

STATE ENVIRONMENTAL POLICY ACT (SEPA) ACTION:

A State Environmental Policy Act (SEPA) review is required for the CFP1 Final Docket XX proposal and will be completed prior to the planning commission's public hearing on the CFP1 proposal.

NOTIFICATION OF STATE AGENCIES

Pursuant to RCW 36.70A.106, a notice of intent to adopt the CFP1 Final Docket XX proposal will be transmitted to the Washington State Department of Commerce prior to the planning commission's briefing for distribution to state agencies.

STAFF RECOMMENDATION

Staff recommends holding a public hearing on the CFP1 Final Docket XX proposal on June 22, 2021, at which time PDS will provide a final recommendation on the CFP1 proposal with recommended supporting findings and conclusions.

ACTION REQUESTED

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the code amendments with supporting findings as proposed or modified, denial of the proposal with findings, or amend the proposals with appropriate findings.

2021 Docket XX - CFP1

Index # - File Name: 1.0032_Staff Report_DocketXX CFP1_OVWSD_final.pdf

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Long Range Planning Manager

Attachments:

Exhibit A: Snohomish County Capital Facilities Plan, Section 2.3.A

Exhibit B: Snohomish County Capital Facilities Plan, Appendix B, Figure 7.

Section 2.3 - Public Wastewater Systems

2.3.A Existing Inventories

Wastewater collection and treatment within Snohomish County is a de-centralized public service provided by municipal agencies at a local scale. This is typical of most counties in Washington State. King County is a notable exception.

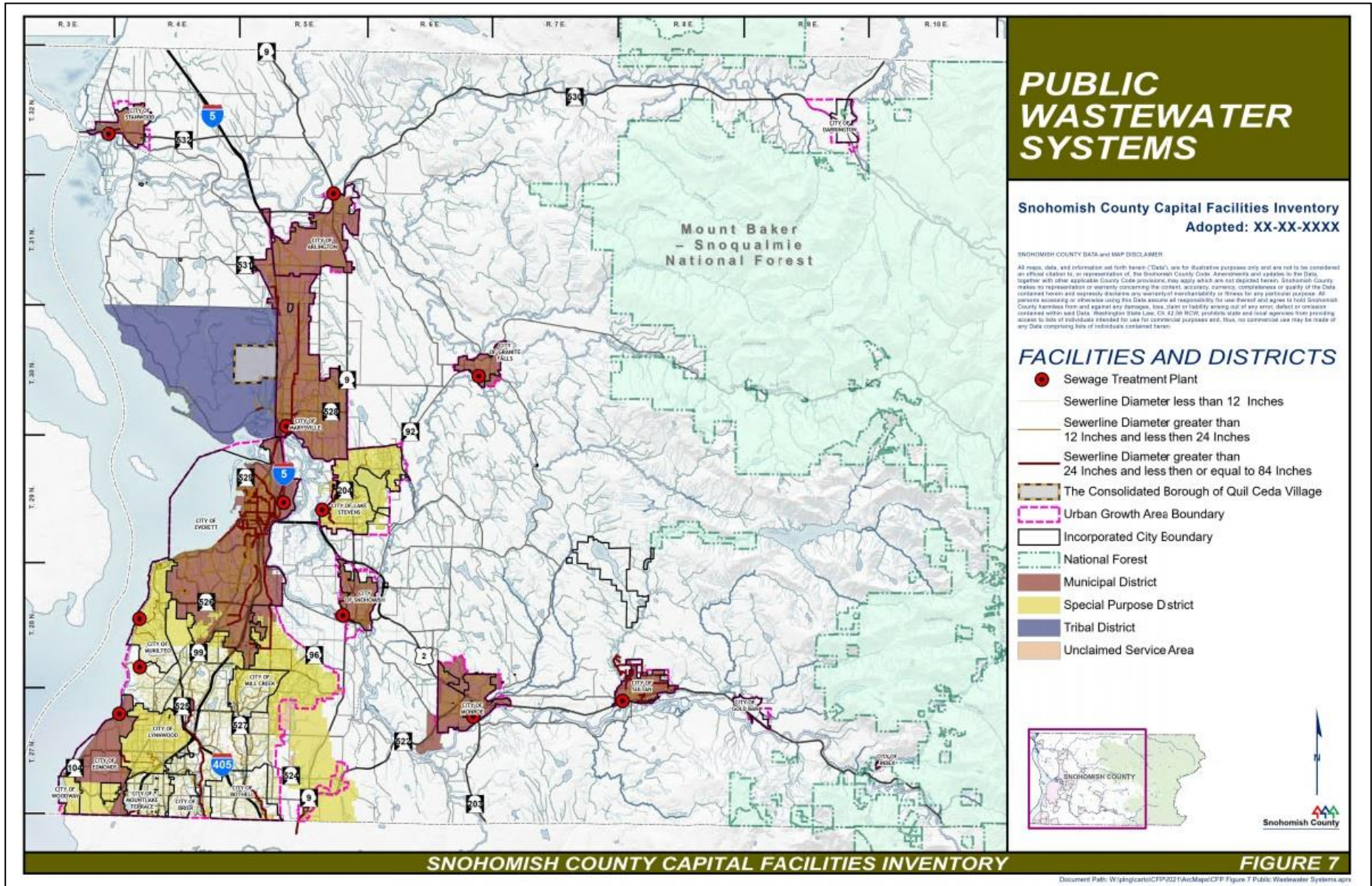
There are twenty-three agencies within Snohomish County that provide wastewater collection (sanitary sewer) facilities and service. Sixteen of those are cities, one is the Tulalip Tribes, and the remaining six are special service districts. Many of these agencies provide service to customers in unincorporated urban growth areas, either directly as the sewer system operator or indirectly through contracts for treatment. Most of the remaining agencies are cities that do not currently provide service to unincorporated customers but who must plan their systems to serve future development within their city's UGA. These agencies are all important facility providers for future growth in the UGAs. These agencies are listed in Table 1, which also provides information about the treatment plants.

Fourteen of the 23 provider agencies provide wastewater treatment through the operation of their own plant. The other nine agencies contract for treatment services with nearby or "downstream" treatment plant operators. Another important provider of treatment for Snohomish County is the King County Wastewater Treatment Division. Its Brightwater plant which opened in 2012 receives wastewater flows from south Snohomish County, primarily from customers of the Alderwood and Cross Valley Water Districts and some from the city of Bothell. Snohomish County first prepared a technical support document in 1993-94 that accompanies and supports the GMA Comprehensive Plan entitled The Countywide Utility Inventory Report for Snohomish County. It describes the major public utility systems in the county, including the wastewater systems. That report draws upon and summarizes the information available from the comprehensive sewer system plans and from surveys and discussions with staff of the agencies. That report has been substantially updated to reflect the many plans that have been prepared and adopted by the provider agencies over the past seven years. Copies of that inventory report can be obtained from Snohomish County Planning and Development Services. Detailed information about projected future needs for a particular system can be obtained from the comprehensive system plan for each provider agency, a copy of which is retained in the Planning Library, or directly from the provider agency.

**TABLE 1
WASTEWATER SYSTEMS AND TREATMENT PLANTS
SERVING UNINCORPORATED SNOHOMISH COUNTY**

Provider Agency	Most Recent Sanitary Sewer Comprehensive Plan	Treatment Plant's Rated	Other Cities/Systems	Treatment Provided by	
		Capacity (MGD) ¹		Served (in whole or part) by WWTP	Own Plant
SOUTHWEST COUNTY					
Alderwood W.W.D.	2017	3.0	---	X	King Co.
City of Bothell	2012 (CFP)	N/A	Served by King Co.		---
City of Edmonds	2010	11.8	Woodway, Olympic View W.D., Mountlake Terrace	X	Lynnwood
City of Everett	2013	31.3	Alderwood W.W.D., Mukilteo W.W.D., Silver Lake W.W.D.	X	---
City of Lynnwood	2012	7.4	---	X	Edmonds
Mukilteo W.D.	2012	N/A	N/A		Everett
Olympic View W.D.	2007	N/A	N/A		Edmonds
((Ronald W.D.	2010	N/A	---		King Co.))
Silver Lake W.D.	2011	N/A	---		Everett, King Co.
King County	2003	Brightwater	Alderwood W.W.D., Cross Valley W.D., Lynnwood, Bothell, Mountlake Terrace, Brier	X	
NORTH COUNTY					
Arlington D.P.W.	2008	4.67	Marysville	X	Marysville
Granite Falls D.P.W.	2013	0.6	---	X	---
Marysville D.P.W.	2011	12.7	Tulalip (East), city of Arlington	X	---
Stanwood D.P.W.	2010	0.7	---	X	---
Tulalip Tribes	2004	0.3	---	X	Marysville
EAST COUNTY					
Cross Valley W.D.	2010	N/A	N/A		King Co.
Lake Stevens S. D.	2016	2.4	Lake Stevens	X	---
Lake Stevens D.P.W.		N/A	N/A		Lake Stevens S.D.
Monroe D.P.W.	1999	1.7	---	X	---
Snohomish D.P.W.	2011 (update)	2.8	---	X	---
Sultan D.P.W.	2010	0.72	---	X	---

FOOTNOTE 1: Generally, the average day of the maximum month, per the NPDES permit. MGD=million gallons/day



Moore, Megan

From: Strandberg, Terri
Sent: Wednesday, June 9, 2021 11:49 AM
To: Moore, Megan
Cc: Dave Barnes; Skorney, Steve
Subject: Clarification for Docket XX, CPF1 - Olympic View Water and Sewer District

Megan – please forward this point of clarification to the Planning Commission. Thank you!

Olympic View Water and Sewer District (OVWSD) has expressed concern about an issue discussed at the Planning Commission briefing. To clarify:

Point Wells is being re-designated as being within the OVWSD service area. This area was previously designated as being within the Ronald Wastewater District service area. However, after a lengthy process in the courts, the courts have determined that Point Wells is within OVWSD’s service area, and not within Ronald’s service area. Ronald is being removed as the designated service provider for Point Wells and being replaced by Olympic View, thus, requiring the County’s Capital Facilities map and inventory table to be amended to reflect the correct service area boundaries of OVWSD.

OVWSD is not “assuming” Ronald. OVSWD is replacing Ronald as the designated sewer provider at Point Wells. (Ronald is being “assumed “ by the City of Shoreline – a completely separate issue outside of the scope of the Snohomish County Planning Commission.)

Terri Strandberg



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

06/01/2021

Mr. Steve Skorney
Senior Planner
Snohomish County
3000 Rockefeller Ave.
Everett, WA 98201

Sent Via Electronic Mail

Re: Snohomish County--2021-S-2723--60-day Notice of Intent to Adopt Amendment

Dear Mr. Skorney:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed 2021 Snohomish County-initiated comprehensive plan amendments: (GPP21-3) Technical corrections to the General Policy Plan (GPP) maps to recognize properties that are no longer under county jurisdiction due to annexations.

We received your submittal on 05/28/2021 and processed it with the Submittal ID 2021-S-2723. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 07/27/2021.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Kirsten Larsen, (360) 280-0320.

Sincerely,

Review Team
Growth Management Services

**ADDENDUM NO. 22 TO THE
FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR THE SNOHOMISH COUNTY GMA
COMPREHENSIVE PLAN 2015 UPDATE**

**Adoption of Amendments to the Snohomish County Growth Management Act
(GMA) Comprehensive Plan and Implementing Development Regulations Related
to Final Docket XX (CFP1, SW5, SW7) and 2021 County-Initiated Technical
Corrections (GPP21-3)**

Prepared Consistent with

The Washington State Environmental Policy Act of 1971

Chapter 43.21C Revised Code of Washington

Chapter 197-11, Washington Administrative Code

Snohomish County Code Title 30



Snohomish County Planning and Development Services

Date of Issuance: June 7, 2021

FACT SHEET

Project Title: Adoption of amendments to the Snohomish County Growth Management Act (GMA) Comprehensive Plan and implementing development regulations related to Final Docket XX (CFP1, SW5, SW7) and 2021 County-Initiated Technical Corrections (GPP21-3)

Proposed Non-Project Actions: The proposed non-project actions considered under this State Environmental Policy Act (SEPA) review consist of the adoption of the following:

Final Docket XX proposal by Olympic View Water and Sewer District (OVWSD), identified as CFP1, proposes to amend the county’s Capital Facilities Plan to address a wastewater service area boundary change proposed in OVWSD’s comprehensive sewer plan;

Final Docket XX proposal by Edward Tokarz, identified as SW5, proposes to amend the Future Land Use (FLU) Map of the General Policy Plan (GPP) and implementing zoning to increase planned residential density on a property in the Southwest Urban Growth Area (SWUGA);

Final Docket XX proposal by Marv Thomas, identified as SW7, proposes to amend the FLU Map of the GPP and implementing zoning to add planned employment density on a property in the SWUGA; CFP1 -

2021 county-initiated comprehensive plan amendments, identified as GPP21-3, to make technical corrections to the maps of the GPP to recognize properties that are no longer under county jurisdiction due to city and town annexations.

Purpose of the EIS Addendum: This addendum adds information relating to the non-project programmatic county actions described above. This information does not change the analysis of previously identified significant impacts of the alternatives to the county’s GMA comprehensive plan within the SEPA documents dated September 8, 2014, (Draft EIS) and June 3, 2015, (Final EIS).

This addendum is being issued in accordance with WAC 197-11-625 and WAC 197-11-630. The adopted environmental documents listed herein, together with this addendum, meet the county’s environmental review needs for the current proposals.

Description of the Proposals: The CFP1 proposal would increase the size of OVWSD’s sanitary sewer service area to include the Point Wells site which was formerly claimed by Ronald Sewer District. This docket proposal requires an amendment to the county’s Capital Facilities Plan (CFP) public wastewater inventory table and map to assign OVWSD as the sanitary sewer provider for the Point Wells site instead of Ronald Sewer District.

The SW5 proposal would amend the FLU Map of the GPP to redesignate 0.72 acres in the SWUGA from Urban Medium Density Residential (UMDR) to Urban High Density Residential (UHDR) and rezone the proposal site from R-8,400 to Multiple

Residential (MR). The SW5 property consists of a detached single-family residence that is served by public water and sanitary sewer service from the Olympic View Water & Sewer District. The SW5 site is located on 228th St SW, which intersects with State Route 99 approximately 550 feet east of the site.

The SW7 proposal would amend the FLU Map of the GPP to redesignate 6.61 acres in the SWUGA from Urban Low Density Residential (ULDR) to Urban Commercial (UC) and rezone the proposal site from R-7,200 to Community Business (CB). The SW7 property consists of one farmhouse with farm structures including a silo and several large barns. The applicant intends to start a winery on the proposal site using existing structures. The SW7 site is located along Lowell-Larimer Road, between the Seattle Hill Road/March Road and State Route 9. The site is served by public water provided by the Cross Valley Water District and is currently on a septic system. Future sewer service to the proposal site would be provided by the Silver Lake Water and Sewer District.

The GPP21-3 technical corrections to the maps of the GPP to recognize three city and town annexations that were finalized since the last county adoption of technical map corrections in 2020: The 108 acre City of Arlington Butler Wetland Annexation located adjacent to the northwest portion of the Arlington city limits; the 107 acre Town of Darrington Annexation located adjacent to the west portion of the Darrington town limits; and the 66 acre City of Lake Stevens Machias Industrial Annexation located adjacent to the east portion of the Lake Stevens city limits.

Action Sponsor Snohomish County Department of Planning and Development Services
Lead Agency: 3000 Rockefeller Avenue, M/S #604
Everett, WA 98201-4066

Required Approval Review: Snohomish County Council – adoption of ordinances amending the comprehensive plan and implementing zoning. Washington State Dept. of Commerce – coordination of state comments.

Circulation and Comment: This addendum, or notice of availability, is being sent to all recipients of the previously issued Final EIS for the Comprehensive Plan 2015 Update as required by WAC 197-11-625, and to all commenters on that EIS. No comment period is required for this addendum under WAC 197-11-502(8)(c).

The EIS Addendum is available by contacting: Steve Skorney, Senior Planner
Snohomish County Department of Planning and Development
3000 Rockefeller Ave., M/S #604
Everett, Washington 98201
Phone: (425) 262-2207
E-Mail: steve.skorney@snoco.org

Date of Issuance: June 7, 2021

**SEPA Responsible
Official:**

Mike McCrary, Director
Snohomish County Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, Washington 98201-4066

Signature _____
Mike McCrary, Director

ENVIRONMENTAL REVIEW

Overview

The adoption of amendments to the GMA Comprehensive Plan is a non-project action under the Washington State Environmental Policy Act (SEPA). This Addendum is not intended to satisfy individual project action SEPA requirements, as that is a level of review needed for site-specific land use or building permit applications. This Addendum does not significantly change the analysis of impacts and alternatives contained in the Environmental Impact Statement (EIS) prepared in 2015 for the Comprehensive Plan 2015 Update, nor does it identify new or significantly different impacts.

Prior Environmental Review

The county issued a Draft EIS (DEIS) for the county's 2015 Comprehensive Plan Update on September 8, 2014 and issued a Final EIS (FEIS) on June 3, 2015. The elements of the environment addressed in both EIS documents included the natural and built environments: earth, air, water, plants and animals, land and shoreline use, population and employment, cultural resources, transportation, energy, public services, and utilities.

Addendum Environmental Review

According to the SEPA Rules, an Addendum to an EIS provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-706, WAC 197-11-600(3)(b)(ii)). An Addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives identified in the prior environmental documents (WAC 197-11-600(4)(e), WAC 197-11-706).

This Addendum to the 2015 Comprehensive Plan Update FEIS is being issued pursuant to WAC 197-11-625 to meet the County's SEPA responsibility. The 2015 Comprehensive Plan Update FEIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use patterns, capital facilities planning, and environmental impacts that are expected to be associated with the proposed amendments identified in this Addendum. No additional significant impacts beyond those identified in the county's FEIS for the 2015 Comprehensive Plan Update are expected to occur as a result of the proposed amendments. No additional programmatic level environmental review will be required to the extent that the existing environmental documents listed in this Addendum and other published documents have analyzed the proposed amendments.

Affected Environment, Significant Impacts, and Mitigation Measures – Natural Environment

1) Earth, Topography, Soils, and Erosion

Any potential earth, topography, soils, and erosion impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

2) Air Quality and Climate Change

Any potential air quality impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to

a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

3) Water Resources (Ground and Surface)

Any potential water resources impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

4) Fish, Wildlife, Vegetation, and Wetlands

Any potential fish, wildlife, vegetation, and wetlands impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

Affected Environment, Significant Impacts, and Mitigation Measures – Built Environment

1) Land and Shoreline Use

Any potential land use and shoreline impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

2) Plans and Policies

The Final Docket XX proposals CFP1, SW5, and SW7, and the GPP21-3 technical corrections implement relevant county, regional, and state plans and policies including the GMA, the Puget Sound Regional Council VISION 2050, Countywide Planning Policies (CPP), the county GMA Comprehensive Plan, and the county Shoreline Master Program.

3) Population, Housing and Employment

Any potential increases in population, housing, or employment that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

4) Cultural Resources

Any potential impacts to cultural resources that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

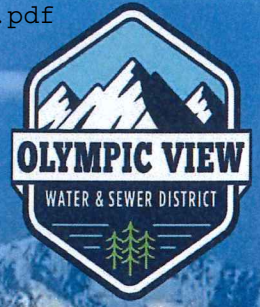
5) Transportation

Any potential transportation impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

6) Energy
Any potential energy impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

7) Public Services and Utilities

The Final Docket XX proposals CFP1, SW5, and SW7, and the GPP21-3 technical corrections would not negatively impact schools, police, fire, or telecommunications. Any potential impacts to other public services and utilities including water, sewer, drainage systems, and solid waste that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.



Olympic View Water & Sewer District

2007 Comprehensive Sewer Plan Amendment No. 2

Appendix H: Southwest Sewer Service Area System Improvements



APPROVED
DEPARTMENT OF
ECOLOGY
ENGINEERING
SIGNATURE Stephano Cell
DATE 1/28/20