

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION 21-289

CONCERNING APPROVAL OF THE 2007 OLYMPIC VIEW WATER AND SEWER DISTRICT COMPREHENSIVE SEWER PLAN AMENDMENT NO. 2, AUGUST 2019

WHEREAS, on July 26, 2007, the Olympic View Water and Sewer District submitted its Comprehensive Sewer Plan to the Snohomish County Council for review, pursuant to Ch. 57.16 RCW 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 which amendment purported to plan for the future extension of wastewater services into an area commonly known as "Point Wells" which is located within the corporate boundaries of Olympic View Water and Sewer District; and

WHEREAS the Point Wells area was also encompassed with the Comprehensive Sewer Plan of the Ronald Wastewater District as previously approved by the County under Ch. 57.16 RCW and cited in the County's Capital Facilities Plan (CFP) element of its Growth Management Act Comprehensive Plan (GMACP) for purposes of meeting GMA planning requirements for sewer service adequacy to the area; and

WHEREAS, on June 1, 2016, the County Council approved Motion 16-135 approving Amendment No. 2 to Olympic View Water and Sewer District's Comprehensive Sewer Plan; and

WHEREAS, Ronald Wastewater District appealed the County's approval of Olympic View's Amendment No. 2 to the Growth Management Hearings Board ("Board") Case No. 16-3-0004c arguing in part that approval of Olympic View's proposed amendment to serve the Point Wells area under Ch. 57.16 RCW created an internal inconsistency with the County's CFP which identified Ronald as the presumed service provider the Point Wells for purposes of capital facilities planning under the CFP; and

WHEREAS the Board issued a Final Decision and Order dated January 25, 2017, concluding that the County's approval of Olympic View's proposed amendment to plan for the provision of wastewater services to Point Wells constituted a "*de facto*" amendment of the GMACP and created an internal inconsistency with the CFP which

the Board concluded incorporated by reference Ronald's Comprehensive Sewer Plan and relied upon Ronald as the service provider for Point Wells to meet GMA planning requirements for sewer facility adequacy to the area; and

WHEREAS, on June 6, 2018, the County Council approved Motion 18-179 repealing Motion 16-135 in compliance with the Board's Order; and

WHEREAS subsequent litigation between Ronald and Olympic View culminated in a ruling by the Washington State Supreme Court in the matter of *Ronald Wastewater District v. Olympic View Water and Sewer District*, 196 Wn.2d 353 (2020), holding as follows: "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;" and

WHEREAS the foregoing decision of the Court invalidates the County's ability to rely upon Ronald as the designated wastewater service provider to Point Wells in the CFP and renders void that portion of Ronald's Comprehensive Sewer Plan purporting to provide for future wastewater service to the Point Wells area for purposes of meeting GMA planning requirements for sewer facility adequacy for the area; and

WHEREAS the foregoing Court decision dictates that Olympic View be recognized as the authorized wastewater service provider for the Point Wells area under the CFP pursuant to which the County hereby amends the Capital Facilities Plan Maps, Figure 7, as set forth in Appendix B to the CFP, to designate Olympic View as the wastewater service provider for Point Wells; and

WHEREAS, on September 9, 2019, Olympic View Water and Sewer District resubmitted Amendment No. 2 to the County for reconsideration under RCW 57.16 and under RCW 36.70A; and

WHEREAS, Amendment No. 2 revises the Olympic View Water and Sewer District boundary to include the Point Wells area; and

WHEREAS, sewer district boundaries are recognized on capital facility inventory maps and discussed in the Snohomish County Comprehensive Plan's Capital Facilities Plan adopted under the Growth Management Act; and

WHEREAS, amendments to the Capital Facilities Plan are subject to public participation requirements contained in the Growth Management Act; and

WHEREAS, on September 6, 2019, Olympic View Water and Sewer District submitted a docket application to amend the County's Capital Facilities Plan as needed to reflect changes to the sewer comprehensive plan contained in Amendment No. 2;

WHEREAS, the timelines for review and action by the County contained in RCW 57.16.010 are not consistent with the timelines for County review and action under the Growth Management Act; and

WHEREAS, Olympic View Water and Sewer District agreed to process the sewer plan Amendment No. 2 in accordance with timelines stipulated under the Growth Management Act in coordination with the Olympic View's docket request;

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 Nonsignificance (DNS) on September 6, 2019. 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 – August 2019 has been reviewed by Planning and Development Services and, along with amendments contained in Exhibits A and B attached hereto, is found to be consistent with the County's adopted GMA Comprehensive Plan; and

WHEREAS, on October 15, 2020, after several years of legal actions between Olympic View Water and Sewer District and Ronald Wastewater District, the Washington State Supreme Court issued an opinion determining that the Point Wells area of Snohomish County remains within the geographic boundary of Olympic View Water and Sewer District.

NOW, THEREFORE, ON MOTION:


- A. Olympic View Water and Sewer District has submitted an amendment revising the discussion of franchise agreements to include the 2019 renewal of the franchise agreement with Snohomish County Department of Public Works. This amendment is included as Exhibit A.
- B. Olympic View Water and Sewer District has submitted amendments revising the discussion of the Point Wells area. These amendments are included as Exhibit B.
- C. Olympic View Water and Sewer District submitted amendments revising Figures 4 and 5 showing future land use and zoning consistent with the county's comprehensive plan. These amendments are included as Exhibit C.
- D. The County Council finds that the proposed Olympic View Water and Sewer District's Comprehensive Sewer Plan Amendment No. 2 dated August 2019,

prepared by PACE Engineers Inc., along with the amendments in Exhibits A, B, and C complies 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.

- E. Based on the foregoing, the Snohomish County Council approves the Olympic View Water and Sewer District's Comprehensive Sewer Plan Amendment No. 2 dated August 2019, as amended by Exhibits A, B, and C.


PASSED this 6th day of October, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Stephanie Wright
Council Chair

ATTEST:



Debbie Eco, CMC
Clerk of the Council

Exhibit A

**Amendment
Olympic View Water and Sewer District**

**2007 COMPREHENSIVE SEWER PLAN AMENDMENT NO. 2
Appendix H: Southwest Sewer Service Area System Improvements**

August 2019

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~~((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 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.

Exhibit B
Amendment
Olympic View Water and Sewer District
2007 COMPREHENSIVE SEWER PLAN AMENDMENT NO. 2
Appendix H: Southwest Sewer Service Area System Improvements
August 2019

Replacement pages 1-2 and 19-20:



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;





7. SYSTEM ANALYSIS

This report focuses on the new development potential in the southwestern service area and Olympic View's responsibility for providing service to all areas within the District's corporate area, except those areas appropriately served by others through interlocal agreements such as the City of Edmonds. Service by Edmonds occurs in the Esperance neighborhood in the north central portion of the District and a small area in the vicinity of Highway 99 and 228th Street that is logically served by the City through existing infrastructure. Detailed plans for extending sewers to other unsewered areas of the District are not contemplated herein, except as they may be coincidentally linked to the improvements required to serve the Point Wells area and associated Upper Bluff area recently annexed into the Town of Woodway.

As noted earlier, redevelopment of the Point Wells area could add approximately 3,100 residential units and 250,000 square feet of commercial/retail/office space. SEPA documents for the project indicate peak sewer flows of approximately 2.2 MGD. No attempt has been made to verify the estimated average daily or maximum monthly design flows from the proposed development, although it appears conservative for a new development that will presumably consider a myriad of low impact development techniques and include state-of-the-art water conservation measures and devices.

Annexation of the Upper Bluff portion of the Point Wells area has been completed by the Town of Woodway and Olympic View maintains an interlocal agreement to provide service to the current and future residents of Woodway. Olympic View has the authority to provide sewer service within its corporate boundary and is a designated service provider within Snohomish County. An additional benefit comes with the fact that Olympic View is the designated water service provider for the area.

8. ALTERNATIVES ANALYSIS

The following planning level analysis has been performed to determine the feasibility of, and required improvements for, extending public sewer service to the entire Southwest Service Area, including Point Wells. Preliminary facility requirements and cost estimates are conceptual and based on preliminary development proposals initially identified in the EIS that is currently being developed by Snohomish County. This analysis attempts to identify key environmental and permitting considerations, potential issues associated with collection, pumping and conveyance facilities, possible design alternatives, and order of magnitude cost estimates. It does not replace the need for a full engineering report once a specific development proposal is made. It is noted that local collection, pumping and conveyance facility requirements do not differ materially from those proposed in Ronald's 2010 Wastewater System Plan. One exception is that the alternatives evaluated for service by Olympic View circumvents using King County's Richmond Beach pump station and trunk line and eliminates the need to upgrade that facility to accommodate future flows from Point Wells.

All alternatives acknowledge King County's analysis that conveyance north through Woodway is not adequate under existing (2010) flow conditions. This analysis is documented in the "Conveyance System Improvement Program Update – Initial Regional Needs Assessment Results for Discussion with Local Agencies" dated September 2014.





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 Wachusett 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.



Exhibit C
Amendment
Olympic View Water and Sewer District
2007 COMPREHENSIVE SEWER PLAN AMENDMENT NO. 2
Appendix H: Southwest Sewer Service Area System Improvements
August 2019

Replacement Figures 4 and 5:

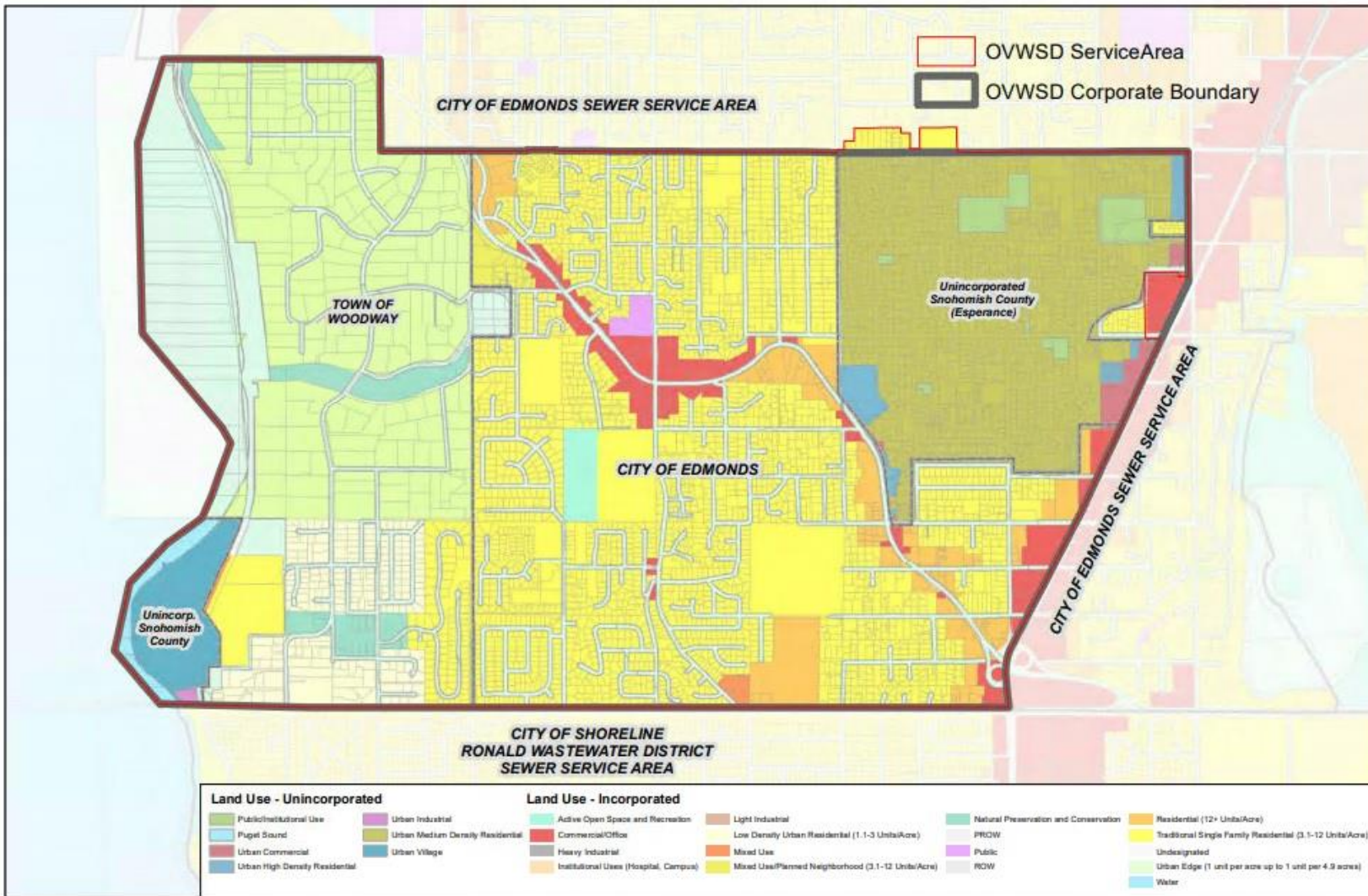


Figure 4
 Land Use
 2019 Sewer Comprehensive Plan Amendment



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Date: 4/5/2021

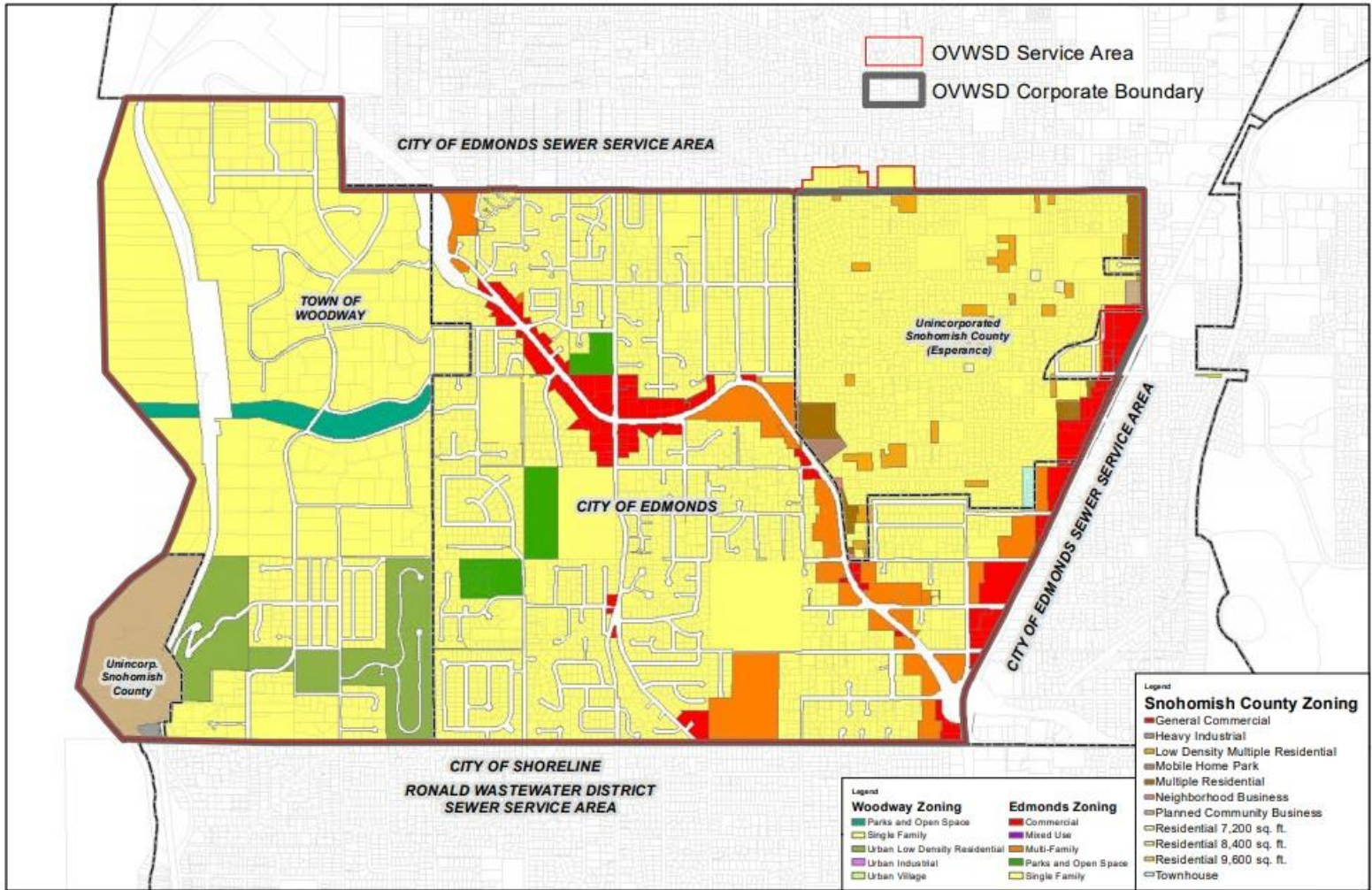


Figure 5
Zoning

2019 Sewer Comprehensive Plan Amendment



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