Community & Economic Development

PLANNING DIVISION

Paul Ellis, Director | 238 N. Olympic Ave | 360-403-3551

To: Snohomish County Planning and Development Services

From: Troy Davis, Associate Planner

Date: May 09, 2013

Regarding: Docket XVII Initial Review and Evaluation of Docketing Proposal to the GMA Comprehensive Plan (dated March 29, 2013) **File:** ARL3

On October 31, 2012, the City submitted their Docket Application for consideration by the Snohomish County Planning and Development Services Department. Initial Review completed by the County on March 29, 2013 states that the docket proposal by the City does not meet all of the initial review and evaluation criteria and; therefore, recommends that the proposal not be further processed. The City appreciates the efforts of County staff in clarifying the additional items the City needed to respond to in order to show Arlington has adopted reasonable measures supporting GMA goals. The City respectfully requests that the County consider the City's response to the following findings by the County:

Consistency with the GMA

RCW 36.70A.110(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* (emphasis added).

Subsection 3 of RCW 36.70A.110, when not read in context with the rest of Section 36.70A.110, could easily be misinterpreted to mean that UGAs could never be expanded because if urban growth always had to occur first within areas already characterized by urban growth, and second in areas already characterized by urban growth that will be adequately served by public facilities, and lastly in the remaining portions of urban growth areas, then essentially, no city could ever expand their UGAs unless Counties allow for urban development to occur adjacent to, but outside of, urban growth areas (which is counter to the GMA).

Subsection 1 of RCW 36.70A.110 states "An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, **OR** is adjacent to territory already characterized by urban growth..." (emphasis added). This subsection provides the mechanism for the expansion of UGA

boundaries to include lands not already characterized by urban growth (as is evidenced by other UGA expansions into rural lands permitted by the County). The City's proposed UGA expansion is adjacent to territory already characterized by urban growth immediately to the east and to the south.

RCW 36.70A.215(1): *Subject to the limitations in subsection (7) of this section, a county shall adopt, in consultation with its cities, countywide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:*

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas that will be taken to comply with the requirements of this chapter.

The City has updated its list of Reasonable Measures and has submitted them with this report (see Attachment A). Because the new population targets have not yet been adopted, it is not prudent to base calculations off of draft numbers; however, even the draft number of a 535 person shortfall justifies some level of UGA expansion to provide housing. The City also maintains that it has, and will continue to promote, a strong employment base. The City should have the capacity to house workers and their families in order to reduce commute times and distances.

Consistency with Initial Docket Review Criteria (SCC 30.74.030(1)

Criterion "a": The proposed amendment is consistent with the countywide planning policies (CPPs), the multicounty planning policies (MPPs), the Growth Management Act (GMA) and other applicable state and federal laws.

MPP-DP-2: *Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.*

Contained within the CPPs are criterion for evaluating compliance with MPP-DP-2 which state:

An expansion of the boundary of an individual Urban Growth Area (UGA) that results in a net increase of residential, commercial or industrial land capacity shall not be permitted unless:

a. The expansion is supported by a land capacity analysis adopted by the County Council pursuant to RCW 36.70A.110;

b. The expansion otherwise complies with the Growth Management Act;

c. Any UGA expansion should have the support of affected cities. Prior to issuing a decision on a UGA boundary change, the County shall consult with affected cities and give substantial weight to a city's position on the matter. If the County Council approves an expansion or contraction of a UGA boundary that is not supported by an affected city, it shall include in its findings how the public interest is served by the UGA expansion or contraction despite the objection of an affected city; and

d. One of the following conditions is met:

1. The expansion is a result of the most recent buildable lands review and evaluation required by RCW 36.70A.215 and performed per policy GF-7 following the procedures in Appendix E.

Criterion "a": The City contends that the expansion area of would only include about 160 developable acres based on existing wetlands (and their associated buffers) and WSDOT right of way, including the existing rest area (see Attachment B). If we factor in a 20% reduction of available land for new roads, retention ponds, we're left with approximately 128 developable acres.

Criterion "b": The City contends that it has adequate existing public water and sewer capacity to serve the proposed UGA expansion area (See Attachment C). Our reclaimed water plant is currently running at 1.37 million gallons per day. Our permitted capacity is 2.0 million gallons per day, although our full capacity can handle 2.67 million gallons per day.

Criterion "c": The City of Arlington and the City of Marysville are in the process of finalizing an agreement regarding the expansion of respective UGAs west of Interstate-5 (See Attachment D). The 184th street meridian line would serve as the approximate boundary between future Arlington and Marysville westward expansion.

Criterion "d": The City contends that the currently adopted 2025 population forecast targets must be used per RCW... as opposed to numbers not adopted by the City Council. Also, DP-1, as expanded in the CPPs states that UGAs may accommodate up to 115% of the County's adopted 20-year urban allocated population growth projection.

Consistency with Rezone Criteria (SCC 30.74.040)

Criterion "1": In response to the above issues, the City has demonstrated that the proposed amendment is consistent with the CPPs the MPPs, the GMA, and other applicable state and federal laws.

Criterion "2": The City has demonstrated that it has the capability and capacity to provide services to the proposed UGA expansion area (see Attachment C). With regards to transportation, the City will explore the option of installing an overpass, if not an interchange, at the 188th Street meridian. This crucial connection would provide much needed access to lands not only west of Interstate 5, but commercial lands to the east as well. The proposed UGA expansion area is accessible from the 200th Street overpass that connects to Smokey Point Boulevard, a major north/south arterial. Also, the existing WSDOT rest areas provide ingress and egress to both sides of the freeway immediately north of 188th. There may be potential in the future to transform these facilities into a means of access from the freeway to local arterials in the proposed UGA expansion area.

Attachment A

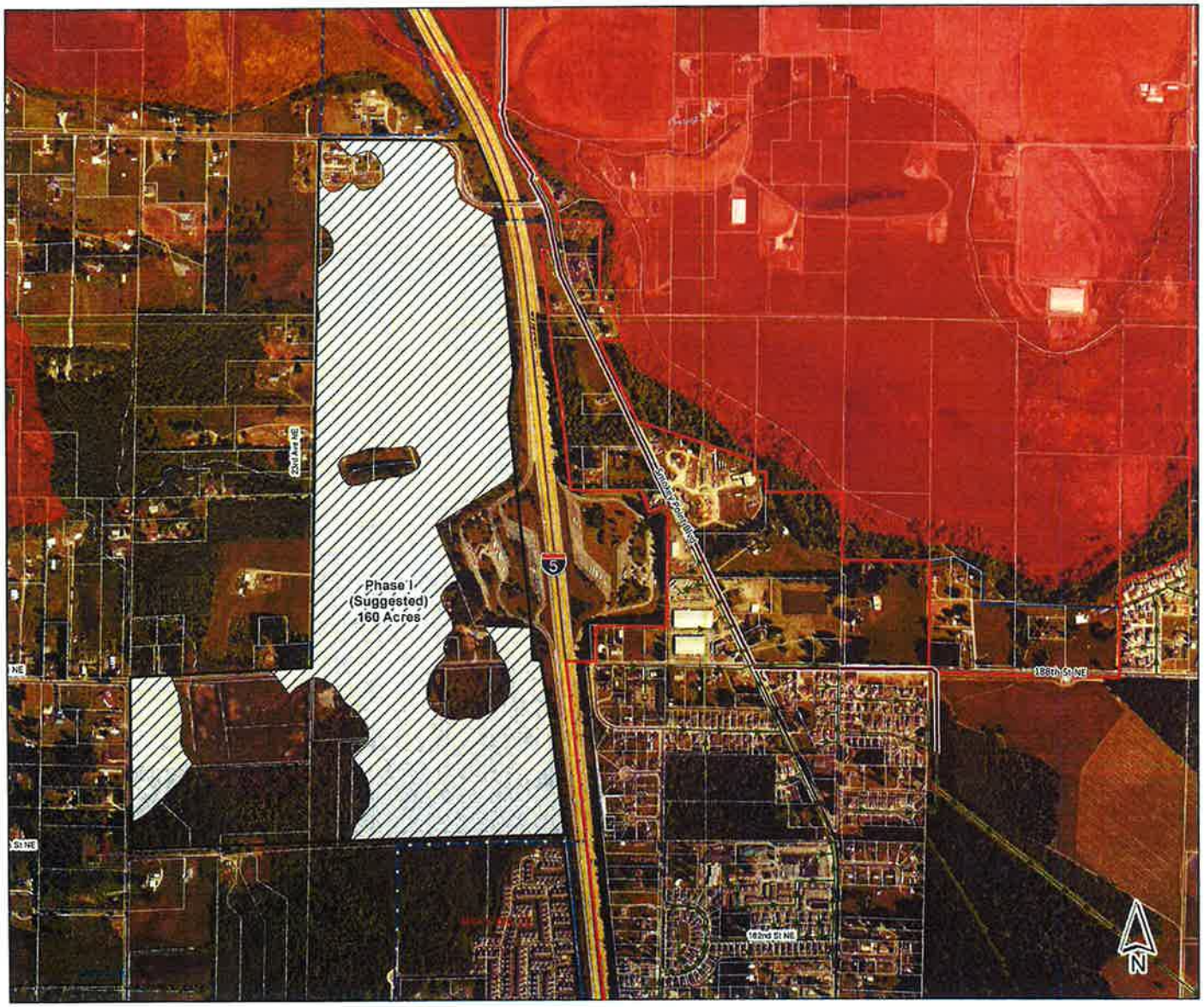
Reasonable Measures Currently Used by the City of Arlington

Reasonable Measure	Has Arlington Adopted?	Implementation	Comments
Measures to Increase density			
Measures that increase Residential Capacity			
Permit Accessory Dwelling Units (ADUs) in single-family zones	Yes	AMC Title 20, Land Use Code	
Provide Density Bonuses to Developers	Yes	Comp Plan, AMC Title 20-Land Use Code	
Transfer/Purchase of Developments Rights	Yes	Comp Plan, AMC Title 20-Land Use Code	City has TDR program
Allow Clustered Residential Development	Yes	Comp Plan, AMC Title 20-Land Use Code	
Allow Duplexes, Townhomes, and Condominiums	Yes	AMC Title 20 – Land Use Code	
Increase Allowable Residential Densities	Yes	Comp Plan, AMC Title 20-Land Use Code	Also, West Arlington Subarea will allow for greater residential densities when implemented by the Form-Based Code.
Mandate Minimum Residential Densities	Yes	AMC Title 20-Land Use Code	
Reduce Street Width Standards	Yes	AMC Title 20-Land Use Code	In 1999, city reduced street widths by up to 10ft.
Allow Small Residential Lots	Yes	AMC Title 20-Land Use Code	4300sf lots allowed in Old Town and High Density Residential zones. Also West Arlington subarea will allow for no minimum lot sizes.
Encourage Infill and Redevelopment	Yes	Comp Plan	Vacant lots in old town continue to be developed.
Plan and zone for affordable and manufactured housing development	Yes	Comp Plan, AMC Title 20-Land Use Code	
Measures that increase Employment Capacity			
Develop an Economic Development Strategy	Yes	Comp Plan	2005 Economic Development Plan
Create Industrial Zones	Yes	Comp Plan, AMC Title 20-Land Use Code	PSRC Manufacturing Center designation – currently working on
Zone areas by building type, not by use	Yes	Comp Plan	Currently working on drafting the implementing form-based code that will include allowed building types
Measures that support increased densities			
Encourage the Development of Urban Centers and Urban Villages	Yes	Comp Plan, AMC Title 20-Land Use Code	

Allow Mixed Uses	Yes	Comp Plan, AMC Title 20-Land Use Code	Allowed by current land use code. West Arlington subarea plan will allow both vertical and horizontal mixed use.
Encourage Transit-Oriented Design	Yes	Development Design Guidelines	
Downtown Revitalization	Yes	Comp Plan, CFP, Development Design Guidelines	Rebuilt N. Olympic Avenue w/o creation of LID allowing businesses to spend money on improving their buildings.
Impose High Development Fees and Exactions	Yes	Fee Schedule set by Resolution	Comparable to surrounding jurisdictions
Impose Restrictions on Physically Developable Land	Yes	AMC Title 20-Land Use Code	
Require Adequate Public Facilities	Yes	AMC Title 20-Land Use Code	
Specific Development Plans	Yes	Comp Plan	Master Plan requirements for Lindsey and Brechus/Beach annexations.
Encourage Transportation-Efficient Land Use	Yes	Comp Plan, AMC Title 20-Land Use Code	West Arlington Subarea Form-Based Code will allow for mixed use while implementing block standards to ensure connectivity.
Urban Growth Management Agreements	Yes	Interlocal Agreements	Recent Interlocal Agreement with Marysville regarding UGA expansion west of I-5
Create Annexation Plans	Yes	Comp Plan	
Encourage developers to reduce off-street surface parking	Yes	AMC Title 20, Land Use Code, Development Design Guidelines	
Implement a program to identify and redevelop vacant and abandoned buildings	Yes		Part of the Economic Development Plan
Concentrate critical services near homes, jobs, and transit	Yes	Comp Plan, AMC Title 20-Land Use code	
Locate Civic Buildings in existing communities rather than in greenfield areas	Yes	Comp Plan, AMC Title 20-Land Use Code, CFP	
Measures to mitigate the impact of density			
Design Standards	Yes	AMC Title 20-Land Use Code, Development Design Guidelines	Also note: The West Arlington Form-Based Code will also have design standards
Urban Amenities for Increased Densities	Yes	Public Facilities Plan	Also note: The West Arlington Form-Based Code will allow for a mixing of uses and creation of new civic spaces.

Conduct community visioning exercises to determine how and where the community will grow	Yes	Comp Plan	Recent visioning exercises were held for the creation of the now adopted West Arlington Subarea Plan.
Other Measures			
Mandate Low Densities in Rural and Resource Lands	Yes		
Capital Facilities Investments	Yes	Public Facilities Plan	
Environmental Review and Mitigation Built into the Subarea Planning Process	Yes	Comp Plan	
Partner with nongovernmental organizations to preserve natural resource lands	Yes	Partnerships	The City continues to work with the Stillaguamish Tribe and non-profit groups to protect and restore critical areas

Attachment B



City of Arlington

West of Freeway UGA Expansion and FEMA Flood Zone

Legend

Draft

- Phase I (Boundary)
- Phase I (Suggested)

Wastewater Pipes

- Force
- Gravity
- CWSP (Arlington)

Flood Zones

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AH
- OPEN WATER

Streams and waterbodies courtesy of Snohomish County Dept of Information Systems, June 2009.

Scale:
1 in = 750 feet

Date:
5/14/2013

File:
WArlingtonBuildableLands11x17landscape_12

Cartographer:
akc

CITY OF ARLINGTON

Attachment C

City of Arlington Comprehensive Sewer System Plan

September 2008

Mayor
Margaret Larson

City Council
Steve Baker
Chris Raezer
Scott Solla
Sally Lien
Marilyn Oertle
Richard Butner
Graham Smith

Utilities Manager
James X. Kelly, P.E.

Prepared by:

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Printed on Recycled Paper

Certification

This Comprehensive Sewer System Plan for the City of Arlington was prepared under the direction of the following registered professional engineers.

RICHARD H. HARBERT
STATE OF WASHINGTON
16727
REGISTERED
PROFESSIONAL ENGINEER

SIGNED: 9/15/2008

Richard H. Harbert, P.E.

EXPIRES 8/2/10

RICHARD L. BALLARD
STATE OF WASHINGTON
32878
REGISTERED
PROFESSIONAL ENGINEER

SIGNED: 9/15/2008

Rick Ballard, P.E.

EXPIRES 10/2/08

APPROVED
DEPARTMENT OF ECOLOGY
ENGINEERING
SIGNATURE Mike Dodd
DATE Oct 14, 2008

SUPPLEMENT A

Proposed Service Area Expansion West of Interstate 5 (Post 2025)

INTRODUCTION

The City of Arlington is planning a 2,000-acre service area expansion west of I-5, projected to take place following the 2025 planning horizon. See Table S-1 for more information on the expansion area and projected flow rates. Three draft alternatives are shown below detailing ways to provide sewer service to this area. Figure S-1 shows the location of the proposed expansion area and the proposed improvements.

ALTERNATIVE A

This alternative consists of two sewer drainage basins with just over 12 miles of collector piping, 2 sewer lift stations (1,800 gallons per minute [gpm] and 5,600 gpm), and about 4 miles of sewer force main from the expansion area to the existing wastewater treatment plant. See Table S-2 for an approximate inventory on the proposed collector piping. The sewer force main alignment is currently shown along State Route (SR) 530. A variety of force main alignment alternatives and pump station locations and configurations are possible, and further evaluation should be performed when more information is available. The construction cost estimate for this alternative is approximately $25 million.

ALTERNATIVE B

This alternative consists of approximately 12 miles of collector piping, and a new wastewater treatment plant to serve the expansion area. The construction cost estimate for this alternative is approximately $58 million.

ALTERNATIVE C

This alternative consists of two sewer drainage basins with just over 12 miles of collector piping, 2 sewer lift stations (1,800 gpm and 5,600 gpm), and a flow diversion with a metered connection to the City of Marysville's sewer system. See Table S-2 for an approximate inventory on the proposed collector piping. The sewer force main alignment is currently shown along SR-530. A variety of force main alignment alternatives and pump station locations and configurations are possible, and further evaluation should be performed when more information is available. The construction cost estimate for this alternative is approximately $23 million – not including any fees from the City of Marysville to account for the additional flow from the City of Arlington.

Table S-1
Service Area Expansion and Projected Flow Summary

Proposed Addition to Coordinated Water Supply Boundary (CWSP)	
Total Area (sf)	86,821,587
Total Area (ac)	1,993
Planning Flow Density (gpad)	1000
Total Average Day Flow (gpd)	1,993,149
Total Peak Hour Flow (gpm)	5,537
Upper Basin Area (sf)	28,353,460
Upper Basin Area (ac)	651
Average Day Flow (gpd)	650,906
Peak Hour Flow (gpm)	1,808
Lower Basin Area (sf)	58,468,127
Lower Basin Area (ac)	1,342
Average Day Flow (gpd)	1,342,244
Peak Hour Flow (gpm)	3,728

Table S-2
Proposed Collector System Piping Inventory

Pipe Diameter (in.)	Northern Basin	Southern Basin
8	17,960	22,107
10	2,773	2,650
12	1,357	2,693
15	4,343	6,720
18	0	1,345
24	0	1,498

City of Arlington Comprehensive Water System Plan

October 2011

Mayor
Margaret Larson

City Council
Steve Baker
Chris Raezer
Scott Solla
Sally Lien
Marilyn Oertle
Richard (Dick) Butner
Linda Byrnes

Utilities Manager
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Certification

This Comprehensive Water System Plan for the City of Arlington was prepared under the direction of the following registered professional engineers.

Richard H. Harbert, P.E.

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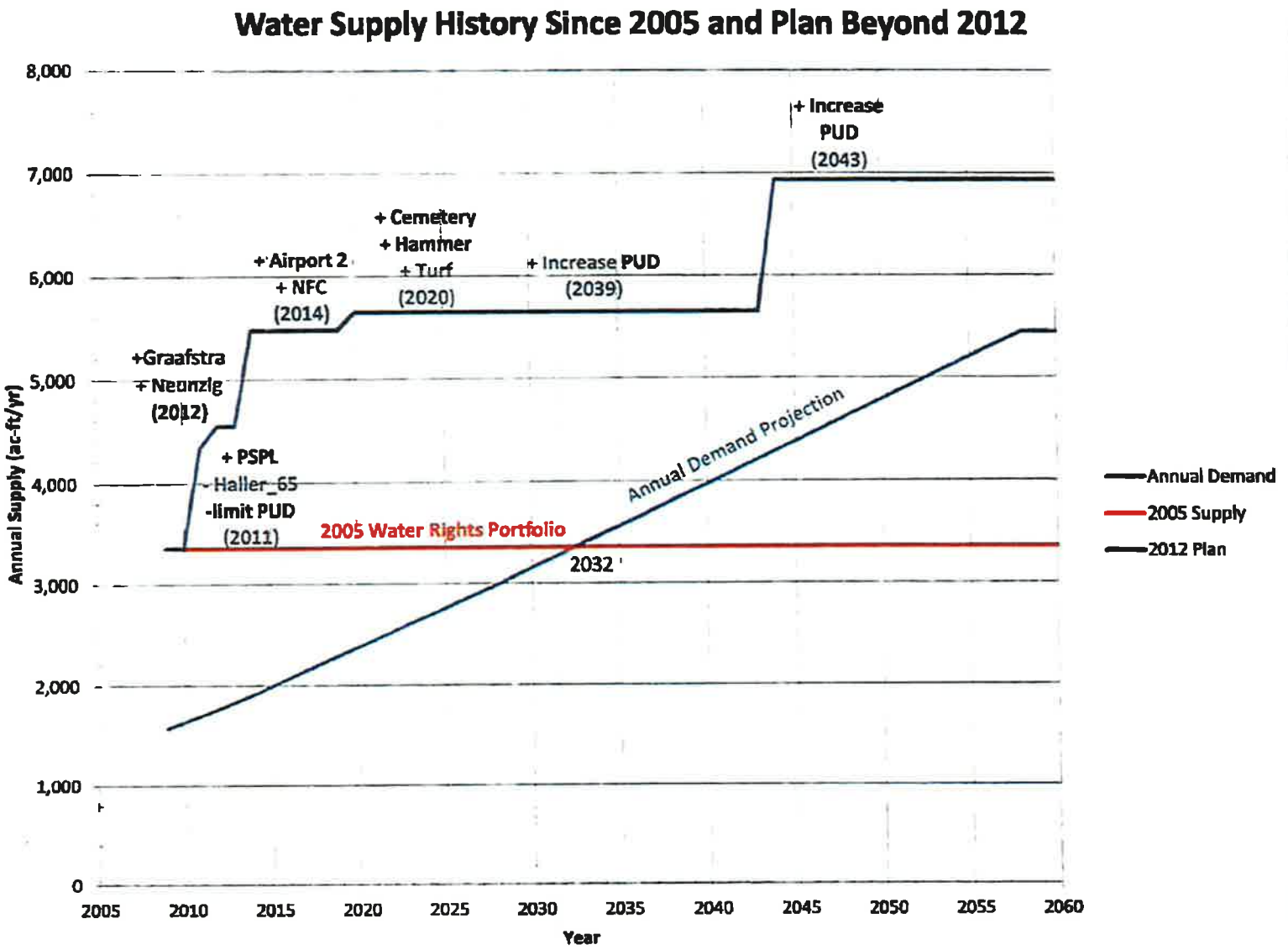
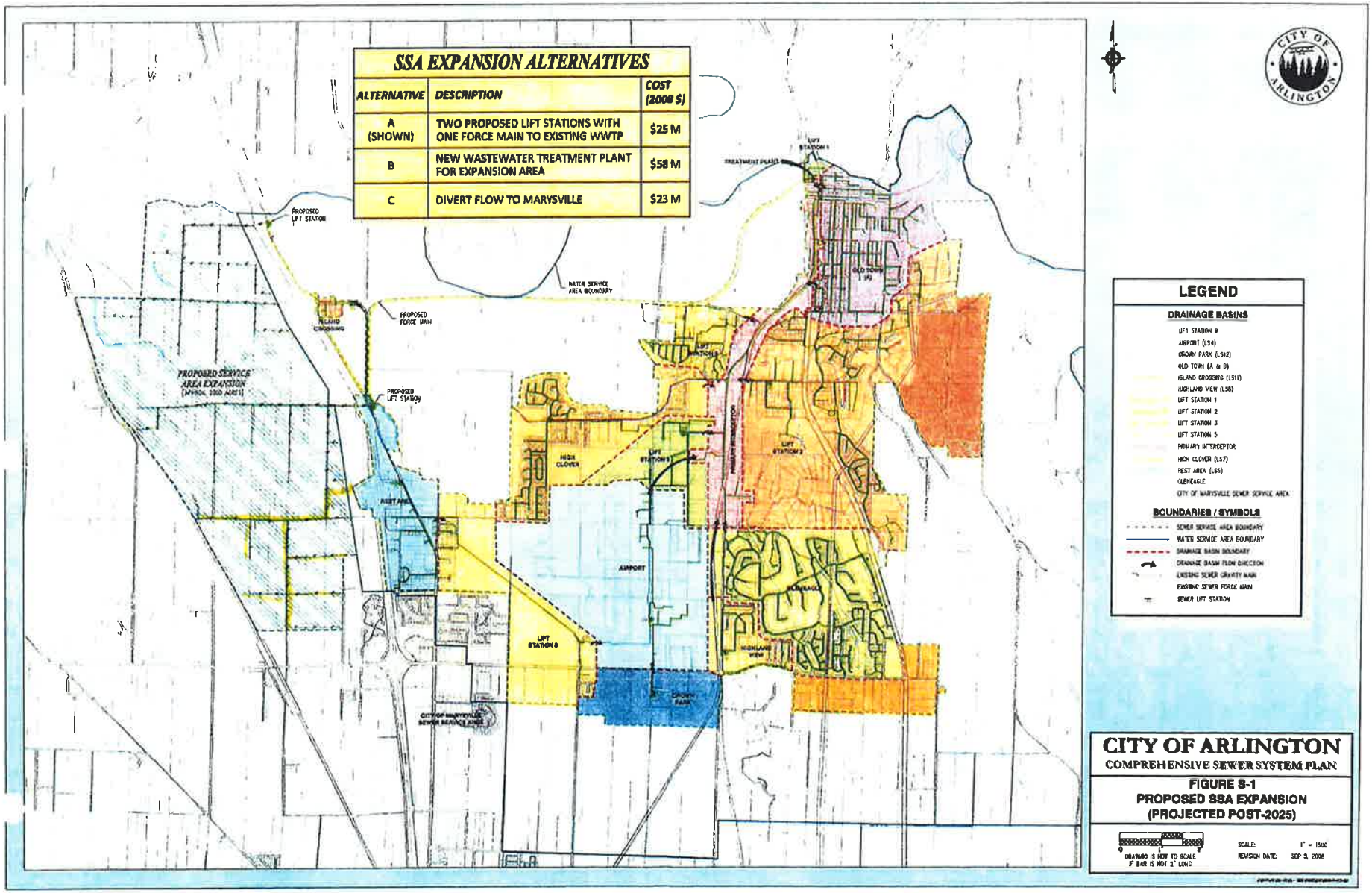
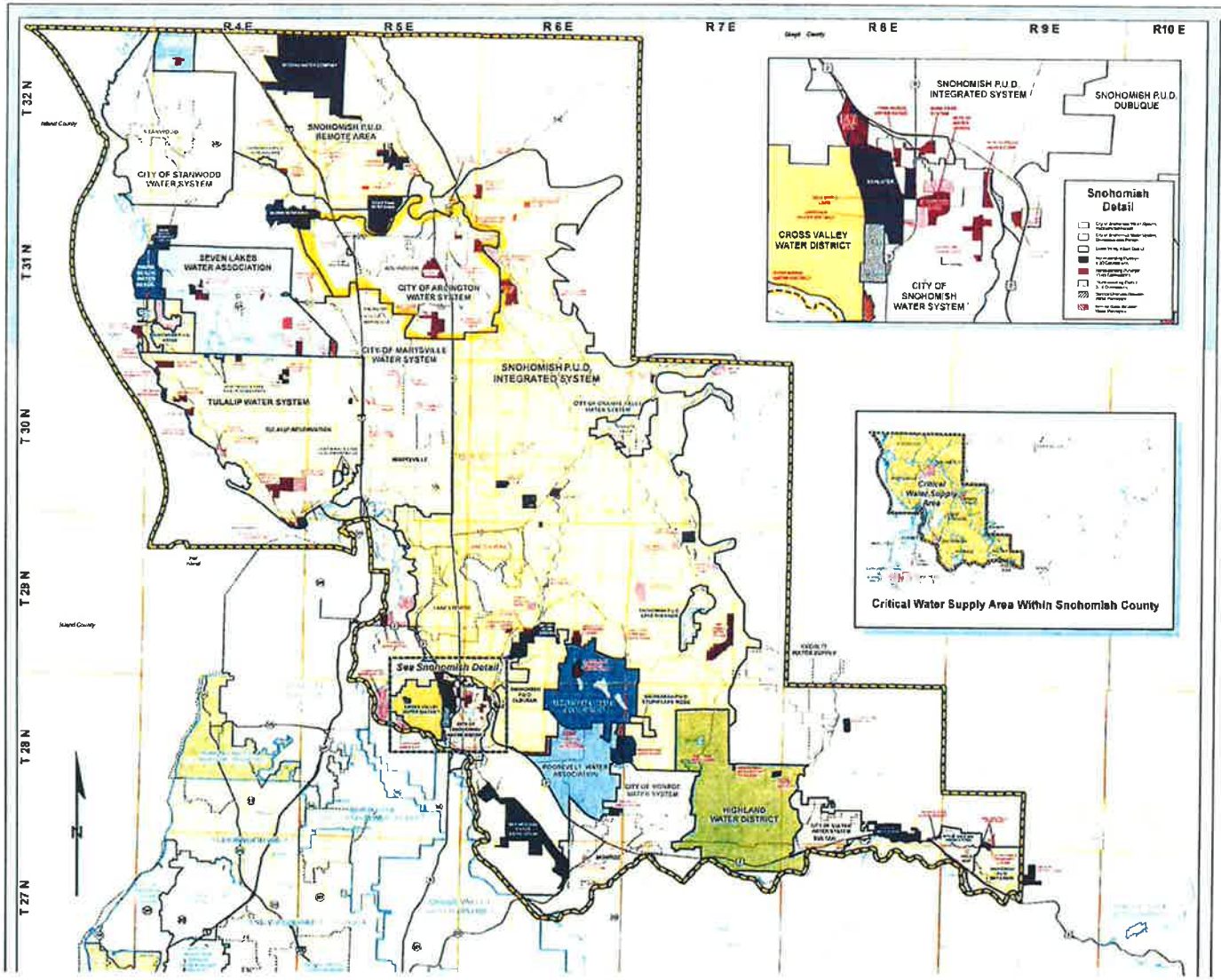

Water Supply History Since 2005 and Plan Beyond 2012
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
0
Annual Supply (ac-ft/yr)
2005
2010
2015
2020
2025
2030
2035
2040
2045
2050
2055
2060
Year
+ Increase PUD (2043)
+ Cemetery + Hammer + Turf (2020)
+ Airport 2 + NFC (2014)
+ Increase PUD (2039)
+Graafstra + Neunzig (2012)
+ PSPL - Haller_65 -limit PUD (2011)
2005 Water Rights Portfolio
Annual Demand Projection
2032
Annual Demand
2005 Supply
2012 Plan


SSA EXPANSION ALTERNATIVES
ALTERNATIVE | DESCRIPTION | COST (2008 $)
A (SHOWN) | TWO PROPOSED LIFT STATIONS WITH ONE FORCE MAIN TO EXISTING WWTP | $25 M
B | NEW WASTEWATER TREATMENT PLANT FOR EXPANSION AREA | $58 M
C | DIVERT FLOW TO MARYSVILLE | $23 M
PROPOSED LIFT STATION
PROPOSED FORCE MAIN
WATER SERVICE AREA BOUNDARY
ISLAND CROSSING
PROPOSED SERVICE AREA EXPANSION
PROPOSED LIFT STATION
REST AREA
HIGH CLOVER
LIFT STATION 3
LIFT STATION 2
LIFT STATION 1
TREATMENT PLANT
OLD TOWN
PRIMARY INTERCEPTOR
AIRPORT
LIFT STATION 0
GLENEAGLE
HIGHLAND VIEW
CROWN PARK
CITY OF MARYSVILLE SEWER SERVICE AREA
LEGEND
DRAINAGE BASINS
LIFT STATION 0
AIRPORT (LS14)
CROWN PARK (LS12)
OLD TOWN (A & B)
ISLAND CROSSING (LS11)
HIGHLAND VIEW (LS6)
LIFT STATION 1
LIFT STATION 2
LIFT STATION 3
LIFT STATION 5
PRIMARY INTERCEPTOR
HIGH CLOVER (LS7)
REST AREA (LS5)
GLENEAGLE
CITY OF MARYSVILLE SEWER SERVICE AREA
BOUNDARIES / SYMBOLS
SEWER SERVICE AREA BOUNDARY
WATER SERVICE AREA BOUNDARY
DRAINAGE BASIN BOUNDARY
DRAINAGE BASIN FLOW DIRECTION
EXISTING SEWER GRAVITY MAIN
EXISTING SEWER FORCE MAIN
SEWER LIFT STATION
CITY OF ARLINGTON
COMPREHENSIVE SEWER SYSTEM PLAN
FIGURE S-1
PROPOSED SSA EXPANSION
(PROJECTED POST-2025)
DRAWING IS NOT TO SCALE
IF BAR IS NOT 1" LONG
SCALE: 1" = 1500
REVISION DATE: SEP 3, 2008



North Snohomish County Coordinated Water System Plan

County Water Purveyors

Plan Adopted By Washington State Department of Health: January 5, 2011

Map Revision Date: December 2010

LEGEND

Critical Water Supply Service Area

Expanding Water System Boundary

Service Gaps Between Water Purveyors

Service Overlaps Between Water Purveyors

EXPANDING MUNICIPAL WATER SYSTEMS
(With More Than 50 Residential Connections)

Municipal Water System, Incorporated Portion

Municipal Water System, Unincorporated Portion

EXPANDING SPECIAL PURPOSE WATER SYSTEMS
(With More Than 50 Residential Connections)

ALDERWOOD WATER AND WASTEWATER DISTRICT

CROSS VALLEY WATER DISTRICT

HIGHLAND WATER DISTRICT

MUKILTEO WATER DISTRICT

OLYMPIC VIEW WATER & SEWER DISTRICT

SILVER LAKE WATER AND SEWER DISTRICT

SNOHOMISH COUNTY PUBLIC UTILITY DISTRICT NO. 1 (PUD)

EXPANDING PRIVATE WATER SYSTEMS
(With More Than 50 Residential Connections)

Beverly Park Water Association

Seven Lakes Water Association

Three Lakes Water Association

Warm Beach Water Association

Waterness Ridge Community Club Water System

EXPANDING TRIBAL WATER SYSTEMS
(With More Than 50 Residential Connections)

Tulalip Water System

NONEXPANDING WATER SYSTEMS (Only Those Within the Critical Water Supply Area Are Shown)

≥50 Connections

15-49 Connections

3-14 Connections

Silvana/Lake Community

Nonexpanding System Absorbed by Highland

GENERAL MAP SYMBOLS

Incorporated City Boundary

Major Road

Public Land Survey Section

Public Land Survey Township

NORTH SNOHOMISH COUNTY
COORDINATED WATER SYSTEM PLAN

DECEMBER 2010

Presented By:

Snohomish County Water Utility Coordinating Committee

SECTION III

WATER UTILITY SERVICE AREAS

1. INTRODUCTION

The Public Water System Coordination Act requires that a procedure be established to identify the existing and future service areas of public water utilities within the Critical Water Supply Service Area (CWSSA).

Two obligations accompany the establishment of service area boundaries. The first obligation is that the county and state governments recognize an identified utility as the responsible agency for providing all public water service within a designated area. The second obligation is that the utility shall assume responsibility, within its service area, for planning and implementing water system development and proper utility management. The manner in which this responsibility is to be fulfilled is to be described in the utility's water system plan. The Utility Service Review Procedures (USRP), for those areas within the CWSSA which are not within any utility's designated service area, give priority to service by a Satellite System Management Agency (SSMA) or an adjacent utility with an approved water system plan. If neither of these service options is available, a new utility may be formed and constructed subject to Coordinated Water System Plan (CWSP) specifications and demonstration of financial viability (WAC 246-290-035).

The Coordination Act provides the legal mechanism, for municipalities and private water utilities alike, to establish an exclusive service area within the unincorporated county areas. This procedure provides the utilities with the assurance that their planning, capital improvement programs, and financial commitments are consistent with state and county requirements.

Designated service areas, from the county's perspective, will mean a specific utility has accepted responsibility for development of cost-effective and efficient service to accommodate the future growth that these areas will experience. Growth Management Act (GMA) objectives (RCW 36.70A) established for these areas by the county's GMA Comprehensive Plans must be accounted for in each utility's approved plan and actual improvements.

The Coordination Act requires that service area boundaries be established by agreement among the purveyors based on a variety of factors. These factors include: topography, readiness and ability to serve, local franchise areas, legal water system or municipal boundaries, future population projections, and sewer service areas. It also specifies that these service areas be developed in conformance with the land use policies of the county.

2. SERVICE AREA COMMITMENTS AND PROCEDURES

The designated service area defines the area within which all future customers will be provided retail water service by the designated utility. An important distinction is that a utility's water facilities, such as sources of supply and reservoirs, can be located outside the utility's future service area. These facilities can be located within another utility's retail service area, provided the facilities are not used for direct retail service without the written concurrence of the designated utility.

The designated service area is the exclusive service area of the identified utility once adopted as part of this CWSP. The utility shall meet the following obligations and commitments as a condition of being granted a designated service area:

A. Water System Plan and Service Area Agreement

Each utility, including an SSMA, was required to prepare and submit to the county and/or the Department of Health (DOH) a water system plan within one year of the date the original CWSP was presented to the county for review. The plan must identify service area boundaries.

B. Conditions of Service by Designated Utility

Water service can be provided by the designated utility either through direct connection to the utility's existing water system or as a detached, remote system managed by the utility or others through agreement. The utility will, in either case, identify for the applicant all of the conditions of service which must be agreed to prior to the provision of water service. The Coordination Act requires that the utility be willing to extend service in a timely and reasonable manner. A building permit or preliminary plat approval can be issued once the applicant agrees to these conditions.

C. Interim Service Agreements

A utility may receive a request for service within its designated service area and may not be able to provide immediate service. If this occurs, interim operating services by an adjacent utility, an SSMA, or homeowner association may be allowed providing the utility to whom the designated area is assigned is responsible owner of the system. Service may be provided either through physical connection to an adjacent utility's system or installation of a detached, remote system. The appropriate level of services shall be stipulated in a written agreement between the designated utility and the operating entity. Service area adjustments are not required for provision of interim services.

D. Service Area Adjustment

If, in the future, a utility determines that its service area is either too large or too small, the service area boundaries may be revised at any time. However, this will require the signing of revised service area agreements by all affected purveyors. Such revised agreements shall be executed by the authorized utility representative(s) and filed with the county Planning Department for inclusion in the official CWSP file.

This CWSP must be reviewed by the Water Utility Coordinating Committee (WUCC) at a minimum of every five years and updated as necessary. Service areas adopted in this Plan may also be revised at that time, if such revisions are considered appropriate by the utilities concerned.

3. SERVICE AREA SELECTION PROCESS

The Public Water System Coordination Act specifies that no new public water systems be created after the boundaries of the CWSSA are established unless an existing system is unable or unwilling to provide service. Therefore, existing systems had to be identified and contacted to establish their existing and anticipated future service areas. All undesignated land is served as prescribed by the USRP which is described in Section V.

The WUCC adopted the following definition of an existing public water system for purposes of clarifying who should be contacted:

Existing Public Water System: Any Group A or Group B water system which, prior to July 5, 1989, had been constructed, in whole or in part, or had been formally proposed for construction, as evidenced by a document from a governmental agency acknowledging the proponent's intention to either construct a public water system or develop a subdivision which is to be served by a public water supply.

The July 5, 1989, date is when the county council declared the final External Boundaries for the CWSSA. That declaration formally initiated implementation of the Coordination Act.

The county initially contacted and mapped those systems which were completely or partially constructed on July 5, 1989, or systems for which a well site inspection was conducted by either the DOH or the Snohomish Health District since July 1, 1987. This was for the purpose of soliciting current information via questionnaires for the CWSP. It was agreed that other systems which conform with the definition of an existing public water system would be added to the CWSP process at a later date if they demonstrate a current interest in being included prior to the submission of the draft CWSP to the County Executive and the DOH.

All larger Group A utilities were asked to verify their existing service area, as well as provide boundaries depicting their anticipated future service area. Over 400 smaller Group A and Group B systems including pending applications, were also contacted by letter to identify expanding systems and the location of their future service area. Systems which only intend to add additional customers up to a pre-approved limit were not considered to be expanding. However, adding customers beyond an approved limit or enlarging the geographic area of service was considered expansion. Utilities not responding were assumed to have no desire for expansion.

Service areas for all Group A systems are shown on Figure I-1. Group B systems are also shown in Figure I-1, to the extent that data is available.

The service area maps are incorporated into the CWSP by reference in Appendix D, and are on file with the Snohomish County Planning Department. Data regarding these systems are on file at the Snohomish Health District.

4. SERVICE AREA AGREEMENTS

A. Service within Transmission Pipeline Corridors

Several situations exist within the planning area where individual customers are served from water transmission lines outside the utilities designated service area.

Individual connections to water transmission pipelines that were existing as of the creation of this plan in May of 1993 should be recognized as valid and continuing service by the supplying agency even though such service may take place within the geographical area designated to another service agency. This recognition exists without explicit designation on the service area maps. However, this service recognition is limited to non-expanding, existing customers unless otherwise defined by mutual written agreement between the affected utilities.

Agencies are encouraged to document the extent of current service along their water transmission pipelines within the designated service areas of other service utilities, and advise these utilities of said service.

B. Service Area Recognition

Recognition of utility service areas and Agreements by the county shall be incorporated into the county franchise review process. If county standards are met, the existing franchise boundaries can be revised to coincide with the designated water service area boundaries of the CWSP. Also, the Boundary Review Board should be notified of those utilities that have signed Service Area Agreements, of the service area boundary of each such utility, and be requested to recognize these boundaries in the conduct of Boundary Review Board responsibilities.

Attachment D

AGREEMENT REGARDING FUTURE URBAN GROWTH AREAS REQUESTS

THIS AGREEMENT is made this 22nd day of April, 2013, by and between the City of Arlington ("Arlington") and the City of Marysville ("Marysville") as follows:

WHEREAS, in October, 1996 Marysville, Arlington and Snohomish County Fire Protection District 12 entered into an agreement entitled "Annexation and Service Area Settlement Agreement"; and

WHEREAS, one of the purposes of the Annexation and Service Area Settlement Agreement was to resolve disputes between the parties and to establish a clear basis for planning and cooperation in the future; and

WHEREAS, Section D(2) of the Annexation and Service Area Settlement Agreement states in part that "the parties agree that they shall continue to study those areas… west of I-5 with the idea of agreeing to annexation and planning boundaries for each City"; and

WHEREAS, Marysville and Arlington each have interest in defining where future annexations, planning boundaries and service areas will be established in the area generally west of I-5 - for Marysville south of 184th Street N.E. as extended and for Arlington north of 184th Street N.E. as extended; and

WHEREAS, the City of Arlington and City of Marysville each agree that it is in their mutual interest to reach agreements in advance concerning those areas generally west of I-5 north and south of 184th Street NE as extended over which each City may, subject to inclusion in its Urban Growth Area assert planning and future jurisdiction resulting from annexation;

NOW, THEREFORE, in consideration of mutual benefits and promises, the parties agree as follows:

A. URBAN GROWTH AREAS REQUESTS

1. The parties agree on the separate urban growth areas (UGAs) as set forth on the map attached hereto as **Exhibit 1** and incorporated herein by this reference. Each party to this Agreement understands that establishment of such urban growth areas are subject to

the docket process and final approval by Snohomish County.

2. Arlington will not propose a docket item to Snohomish County for UGA expansion for any area west of I-5 that is south of 184th Street N.E. as extended and as identified on the attached **Exhibit 1.** Marysville will not propose a docket item to Snohomish County for UGA expansion for any area west of I-5, that is north of 184th Street as extended and as identified on the attached **Exhibit 1.**

3. Marysville agrees not to oppose Arlington's application for docketing and establishment of an urban growth area in the area depicted as Arlington's future UGA on **Exhibit 1**. Arlington agrees not to oppose Marysville's application for docketing and establishment of an urban growth area in the area depicted as Marysville's future UGA on **Exhibit 1.**

4. To the extent either City enters into any interlocal agreement with Snohomish County for the purpose of addressing issues relating to future annexations, such agreement shall be consistent with this Agreement.

B. ADJUSTMENT OF UTILITY SERVICE AREA BOUNDARIES

1. Each City shall adjust its water, sewer and surface water utility service area boundaries consistent with **Exhibit 1** and each City agrees to take such actions as are required under the law to adjust such boundaries so that they are consistent with paragraph A.2 and **Exhibit 1** of this agreement.

2. Both Cities shall take all necessary steps to cause the Northern Snohomish County Water Utility Coordinating Committee (WUCC) to amend water service areas defined in the adopted December 2010 North Snohomish County Coordinated Water System Plan (CWSP) to be consistent with this Agreement. Each City shall apply to have its water and sewer comprehensive plan amended consistent with this Agreement.

3. The amendment of each City's utility service areas shall not be construed as prohibition on existing or future agreements for provision of utility service by either City into the service area of the other so long as each City consents in writing to the same.

4. Marysville and Arlington may separately negotiate a purchase and sale agreement at

fair market value for transfer of Marysville's water service and infrastructure located west of I-5 and north of 188th Ave to Arlington, along with all pipes, valves, appurtenances, and easements conveying the water through the I-5 right of way.

C. MISCELLANEOUS

1. Except as specifically provided in this Agreement, nothing herein is intended to alter the October 1996 Annexation and Service Area Settlement Agreement.

2. Arlington and Marysville agree to the following procedure for resolving disputes in connection with issues arising under this agreement. Except as specifically provided for elsewhere in this settlement agreement, and except where a mandatory specific dispute resolution process is already established by law, this procedure will begin with good faith negotiations between the jurisdictions, followed by mediation should the jurisdictions reach an impasse, followed by binding arbitration should the jurisdictions reach an impasse in mediated negotiations.

3. Nothing contained in this agreement shall be intended to create or otherwise establish any particular class or group of persons or property owners who will or should be especially protected or benefitted by the terms of this agreement. No provision or term of this agreement is intended to limit either City's authority to impose lawful regulations for the provision of services. This agreement shall not be construed as an admission of any duty to provide municipal services absent compliance with all lawful rules, regulations or ordinances.

4. Severability. Should any clause, phrase, sentence or paragraph of the Agreement or its application to any party or circumstance be declared invalid or void by a court of competent jurisdiction, the remaining provisions of this Agreement and/or their application to other parties and circumstances, not declared invalid or void, shall remain in full force and effect.

DATED this 22nd day of April, 2013.

CITY OF ARLINGTON

Barbara Tolbert

Barbara Tolbert, Mayor

CITY OF MARYSVILLE

Jon Nehring, Mayor

ATTEST:

Kristin Banfield, City Clerk

APPROVED AS TO FORM:

Steven J. Peiffle, City Attorney

ATTEST:

Sandy Langdon, City Clerk
APRIL O'BRIEN Deputy

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

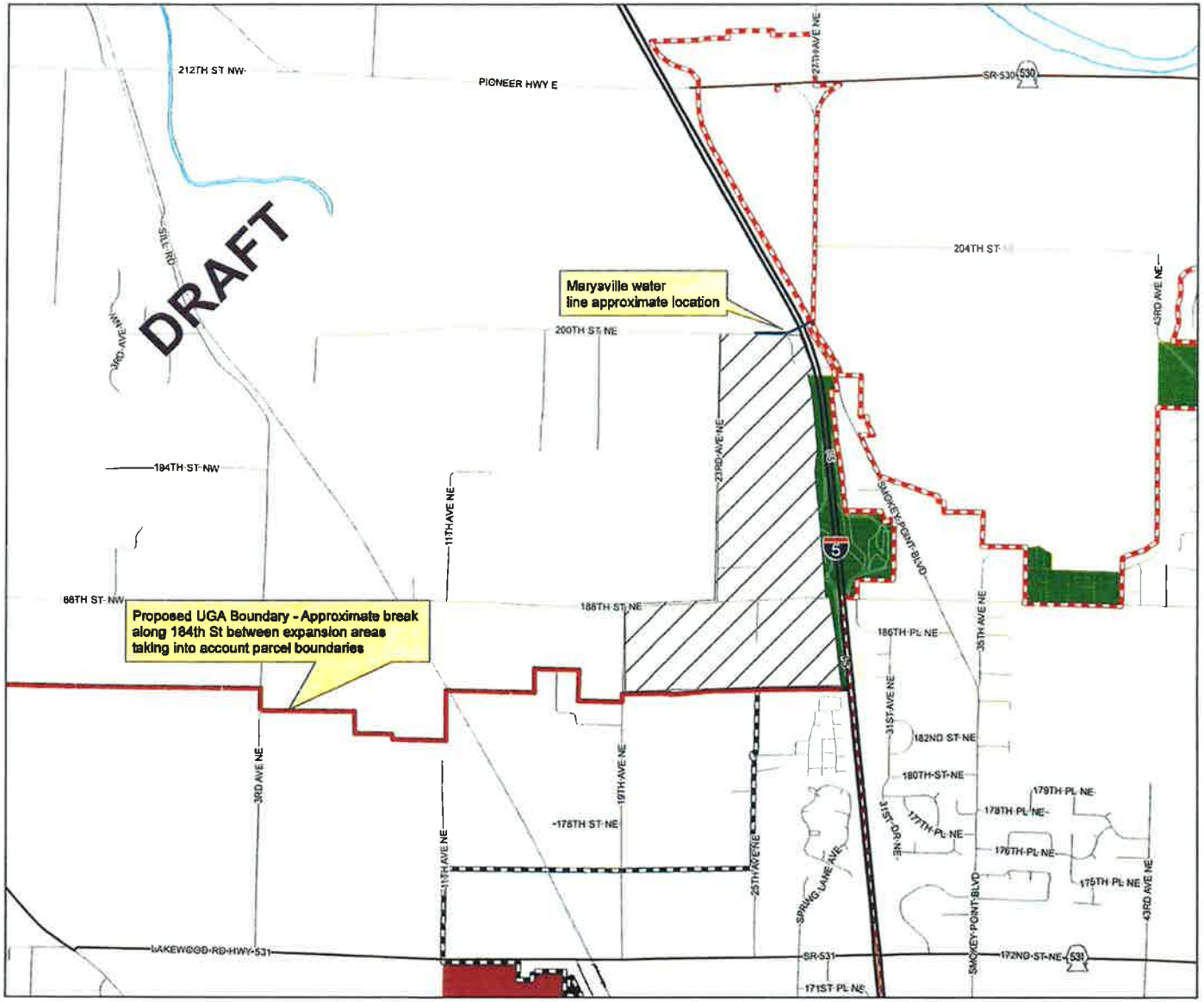


Exhibit 1

Proposed UGA Expansion Areas

Legend

- State Highway
- State Route
- Streets
- Arlington UGA Expansion
- Arlington City Limits
- Marysville City Limits
- Arlington UGA
- Marysville UGA
- Arlington Water Service Area
- Marysville Water Service Area

Streams and waterbodies courtesy of Snohomish County Dept of Information Systems, December 2009.

Maps and GIS data are distributed "AS-IS" without warranties of any kind, either express or implied, including but not limited to warranties of suitability for a particular purpose or use. Map data are compiled from a variety of sources which may contain errors and users who rely upon the information do so at their own risk. Users agree to indemnify, defend, and hold harmless the City of Arlington for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data presented in the maps.

Scale:	1 in = 1,500 feet
Date:	01/14/2013
File:	ProposedUGA11X17_13.mxd
Drawn by:	kdh

CITY OF ARLINGTON

N

CITY OF Marysville WASHINGTON