

COUNTY ENGINEER’S REPORT
FRANCHISE – WATER FACILITIES
SILVANA WATER ASSOCIATION

Pursuant to chapter 36.55.010 Revised Code of Washington (RCW), Section 9.20 Snohomish County Charter, and Title 13 of the Snohomish County Code (SCC), the Silvana Water Association (the “Association”) has applied to Snohomish County (the “County”) for a franchise to construct, maintain, operate, replace, and repair its water distribution facilities in County public rights-of-way, and for no other purpose or use whatsoever. Chapter 36.55 RCW and Snohomish County Charter Section 9.20 authorize the County to grant nonexclusive franchises for use of County public rights-of-way. Snohomish County’s franchise procedure is contained in Chapter 13.80 SCC. The County Engineer has examined the application and submits the following report to council in accordance with SCC 13.80.040.

FINDINGS

1. Applicant

The Silvana Water Association is a Washington non-profit corporation, UBI Number 602 408 120, which operates a Group A Community Water System, ID 79050-3. It is in unincorporated Snohomish County along the Stillaguamish River west of Interstate 5. The Association was originally established in 1914 and it incorporated in 2004. It is managed by a volunteer Board of Directors and contracts with Water & Wastewater Services (SMA 148) for system operations.

2. Description of County Roads Included in the Proposed Franchise

The proposed franchise area covers 5 square miles, as shown in Exhibit A. It has future land use designations of Rural Residential (1 DU/5 Acres) and Riverway Commercial Farmland in the Snohomish County Comprehensive Plan. The proposed franchise area encompasses the Association’s designated water service area in the Snohomish County Coordinated Water System Plan, and includes all county rights-of-way in the portions of unincorporated Snohomish County within the township, range, and section below:

| <u>Township</u> | <u>Range</u> | <u>Sections</u> |
|-----------------|--------------|-----------------|
| 31N | 4E | 1, 2, 11, 12 |
| 31N | 5E | 6 |

3. Description of Facilities

The Association’s water system consists of a groundwater spring source, two collection tanks, a 37,000-gallon reservoir, and a distribution system comprised primarily of 1-1/2” to 2” high-density polyethylene (HDPE) and 4” asbestos-cement (AC) pipe. The Association provides water service to 42 single-family residential connections with approximately 150 full-time residents,

and 88 non-residential connections including farms, businesses, and temporary accommodations that support an additional population of 78 seasonal residents.

Work proposed in the county right-of-way would consist of the construction, operation, and maintenance of water facilities such as water mains, water services, valves, and other necessary equipment for the distribution of water for domestic use and other purposes. Facility access is needed for water quality monitoring; water main inspections and repair; water main flushing; valve maintenance and repair; meter reading; meter testing, repair, and replacement; and other activities as needed to provide water service to customers.

4. Insurance

The Association has agreed to obtain and maintain insurance for the term of the franchise in accordance with SCC 13.10.100 and Section 18 of the franchise. The Risk Management Division has reviewed and approved the insurance requirements in the proposed franchise. The franchise will not take effect until the Association provides evidence of insurance acceptable to the Risk Management Division, as provided in franchise Section 33.

5. Term of Franchise

The initial term of the proposed franchise is for a period of ten (10) years (the “Initial Term”), beginning on the Effective Date as defined in Section 33 of the franchise, and it would automatically renew for an additional term of ten (10) years (the “Extended Term”). The County would have the right to unilaterally open negotiations with the Association at any time after the Initial Term, as more fully described in franchise Section 3.

6. Provisions of Franchise

Under the proposed franchise, the Association will:

- Obtain a right-of-way use permit pursuant to Title 13 SCC prior to commencing any work within the Public Rights-of-Way, as more fully described in franchise Section 4.
- Comply with all applicable federal, state and local laws, rules and regulations (including, but not limited to, the County’s comprehensive plan, zoning code, and other development regulations), as more fully described in franchise Section 6.
- Promptly, at its own expense, relocate or remove its facilities from county rights-of-way when the County Engineer determines that it is necessary due to: traffic conditions; public safety; dedications, improvements and vacations of rights-of-way; and other reasons more fully described in franchise Section 9.
- In no event abandon in place all or any portion of their facilities without the express written consent of the county as more fully described in franchise Section 14.
- Compensate the county for its expenses incurred in the examination and report of the proposed franchise, as more fully described in franchise Section 15.2.
- Indemnify, defend and hold harmless County Parties from any and all claims arising out of its use of public rights-of-way under the proposed franchise, as more fully described in franchise Section 16.

- Provide the county with adequate insurance appropriate for a water system franchise, as more fully described in franchise Section 18.
- Provide a financial security device sufficient to ensure performance of its obligations when required by the County Engineer, as more fully described in franchise Section 19.
- Not assign any franchise rights or obligations without prior written consent of the county, as more fully described in franchise Section 22.
- Comply with Title VI Assurances and Non-Discrimination requirements, as more fully described in franchise Section 29.

COUNTY ENGINEER’S RECOMMENDATION

Based on the foregoing findings and pursuant to SCC 13.80.040, the County Engineer recommends the County Council grant a right-of-way franchise to the Silvana Water Association with an initial term of ten (10) years and an automatic renewal for an additional term of ten (10) years, under the terms and conditions of County Charter, County Code and the proposed ordinance granting a franchise.

SNOHOMISH COUNTY PUBLIC WORKS

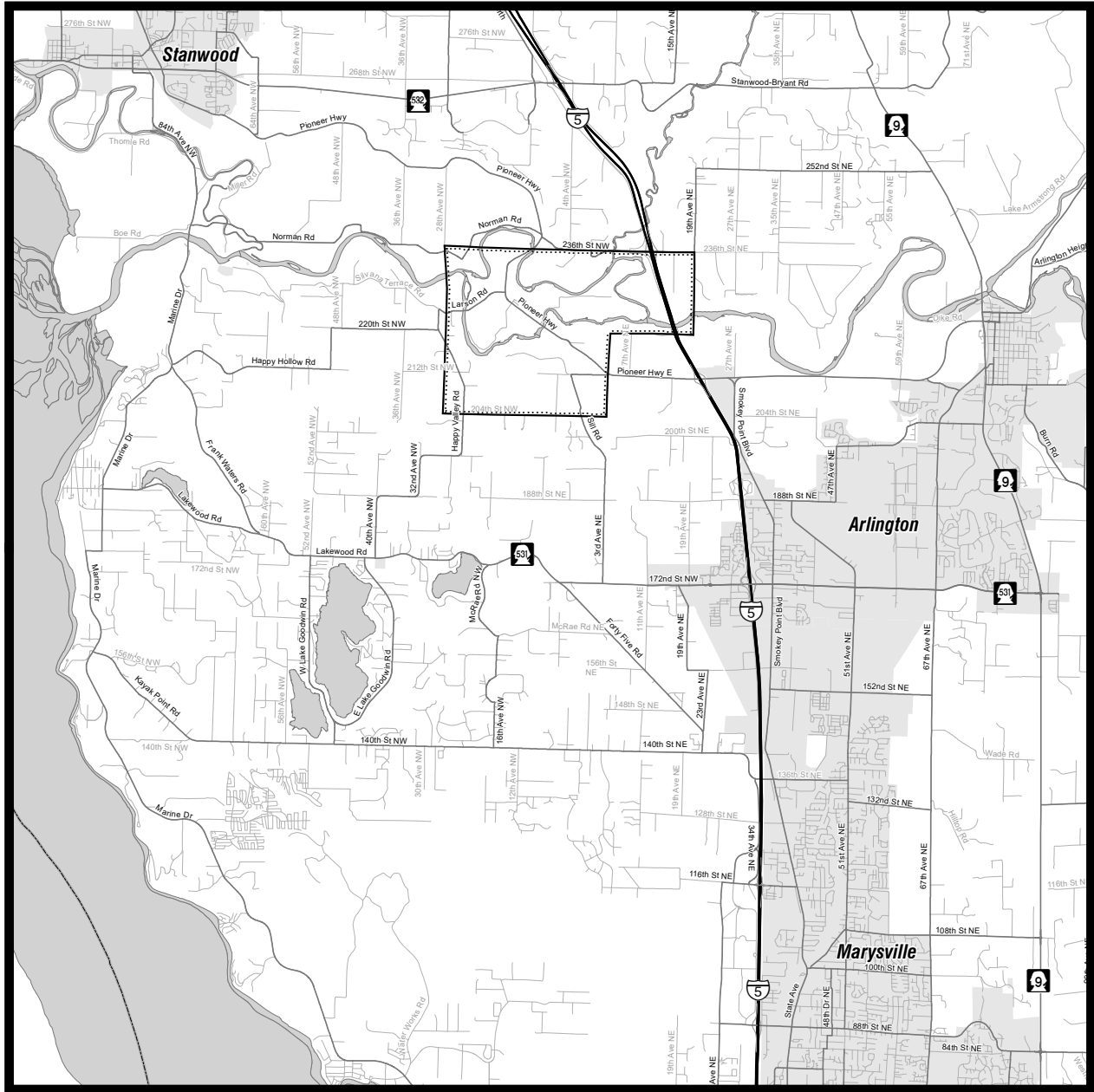
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Douglas W. McCormick, P.E. Date
Deputy Director/County Engineer

Prepared by:

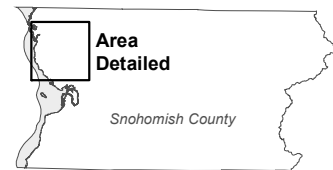
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Mary Madole Date
Senior Planner – Special Projects



Key to Features:

- | | | | |
|--|---------------------------------|--|-------------|
| | Proposed Franchise Area | | Freeways |
| | Arterial Roads | | Local Roads |
| | Unincorporated Snohomish County | | Cities |
| | Waterbodies | | |



Snohomish County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either express or implied. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Snohomish County harmless from and against any damage, loss, or liability arising from any use of this map.

Exhibit A. Silvana Water Association Proposed Franchise Area

(The proposed franchise applies exclusively to county rights-of-way located in the portions of unincorporated Snohomish County depicted above.)