

COUNTY ENGINEER’S REPORT
FRANCHISE – WATER & SEWER FACILITIES
NORTHSHORE UTILITY DISTRICT

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 Northshore Utility District has applied to Snohomish County (the “County”) for a franchise to construct, maintain, operate, replace, and repair its water distribution and sewage collection 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 Northshore Utility District (“District”) is a special purpose water-sewer district organized under Title 57 RCW, UBI Number 600 373 169, which operates a Group A Community Water System, ID 408005. The District was originally formed in 1947 as King County Water District No. 79. The District operated only as a water purveyor until 1979 when it merged with the Northeast Lake Washington Sewer District. It then became known as the Northeast Lake Washington Water and Sewer District. In 1992, the name was changed to Northshore Utility District. The District is governed by a five-member board of commissioners that are elected by voters to serve 6-year terms. The Board sets the general policies for the operation of the District. A General Manager is selected by the Board and administers the daily operations of the District. The District is one of three members of the Snohomish River Regional Water Authority which formed in 1996 and acquired a water right formerly held by the Weyerhaeuser Timber Company.

Most of the District’s service area and facilities are located within King County where it serves more than 85,000 people with approximately 22,000+ water and sewer service connections. It is generally bordered by Lake Washington on the southwest, the Snohomish-King County line to the north, and the western foothills of the Sammamish River Valley to the east. The boundary encompasses more than 17 square miles including the City of Kenmore, and parts of the cities of Bothell, Lake Forest Park, Kirkland and Woodinville. In Snohomish County, the District provides retail service on an interim basis to a small area within the Alderwood Water & Wastewater District (AWWD) corporate boundary near Lockwood Elementary School between the cities of Brier and Bothell. Although AWWD has facilities in this area, it is more conveniently served by Northshore Utility District at this time.

Snohomish County has previously granted utility franchises to King County Water District No. 79 by ordinance approved on November 26, 1951, and to Northshore Utility District by Ordinance 08-099 approved on September 24, 2008, recorded under Auditors File Number 200811240057, with an expiration date of November 16, 2023.

2. Description of County Roads Included in the Proposed Franchise

The proposed franchise covers one square mile and includes all county rights-of-way located in the portions of unincorporated Snohomish County within the township, range, and section below:

<u>Township</u>	<u>Range</u>	<u>Section</u>
27N	4E	35

Other than Public/Institutional Use, the proposed franchise area has a future land use designation of Urban Low Density Residential in the Snohomish County Comprehensive Plan.

3. Description of Facilities

Northshore Utility District’s systemwide infrastructure includes 281 miles of water mains, 261 miles of sewer conveyance pipes, 11 lift stations, 3 water pump stations, 11 building structures, and 8 storage tanks with a combined capacity of 29 million gallons. In Snohomish County, the District maintains facilities along Lockwood Road, Carter Road and 243rd PI SW, for a total distance of approximately 1,600 feet.

The District’s water facilities in the Snohomish County right-of-way include a 12” ductile iron (DI) main along Carter Rd from the King County line to its intersection with Lockwood Rd, an 8” DI main from said intersection along Lockwood Rd to the King County line, and a 4” DI main in 243rd PI W from Carter Rd to the cul-de-sac. At the intersection of Carter Rd and Lockwood Rd is an intertie with AWWD which can supply water to Northshore Utility District by gravity through a normally closed valve. Sewer facilities in the right-of-way consist of an 8” PVC pipe crossing the 243rd PI SW cul-de-sac. In addition to utility transmission infrastructure, the facilities include water and/or sewer service lines to several residences.

Work proposed in the county right-of-way would consist of the construction, operation, and maintenance of water and sewer facilities, such as water mains, water services, valves, fire hydrants, blow-offs, sample stations, sewer mains, and sewer laterals that provide service to District customers. Facility access is needed for reading water meters, fire hydrants usage, routine maintenance, and emergency repairs. All work shall be performed in compliance with all federal, state, and local laws, rules and regulations (including, but not limited to, the County’s comprehensive plan, zoning code, and other development regulations) that are applicable to any and all work or other activities performed by the District pursuant to or under authority of the franchise as more fully described within the proposed franchise agreement and Section 6 of this report.

4. Insurance

The District 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. As provided in franchise Section 33, the franchise will not take effect until the District provides evidence of insurance acceptable to the Risk Management Division.

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 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 District at any time after the Initial Term, as more fully described in franchise Section 3.3.

6. Provisions of Franchise

Under the proposed franchise, the District will:

- Obtain a right-of-way 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 the requirements of State law, County Charter, Title 13 SCC, the Engineering Design and Development Standards (EDDS), the county’s Utility Accommodation Policy, and all right-of-way use permit application, review and construction standards, 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.
- Not in any event abandon in place all or a 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 administrative expenses in preparing and processing the proposed franchise, as more fully described in franchise Section 15.2.
- Indemnify, defend and hold harmless any County Party from any and all claims, demands, liability, suits, and judgments, including costs of defense thereof, for bodily injury to persons, death, or property damage 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-sewer system franchise, as more fully described in franchise Section 18.
- Be exempt from the requirement to secure the performance of a County-issued permit with a surety bond or other financial security device in accordance with RCW 36.32.590 and SCC 13.10.104(4), 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 30.

COUNTY ENGINEER'S RECOMMENDATION

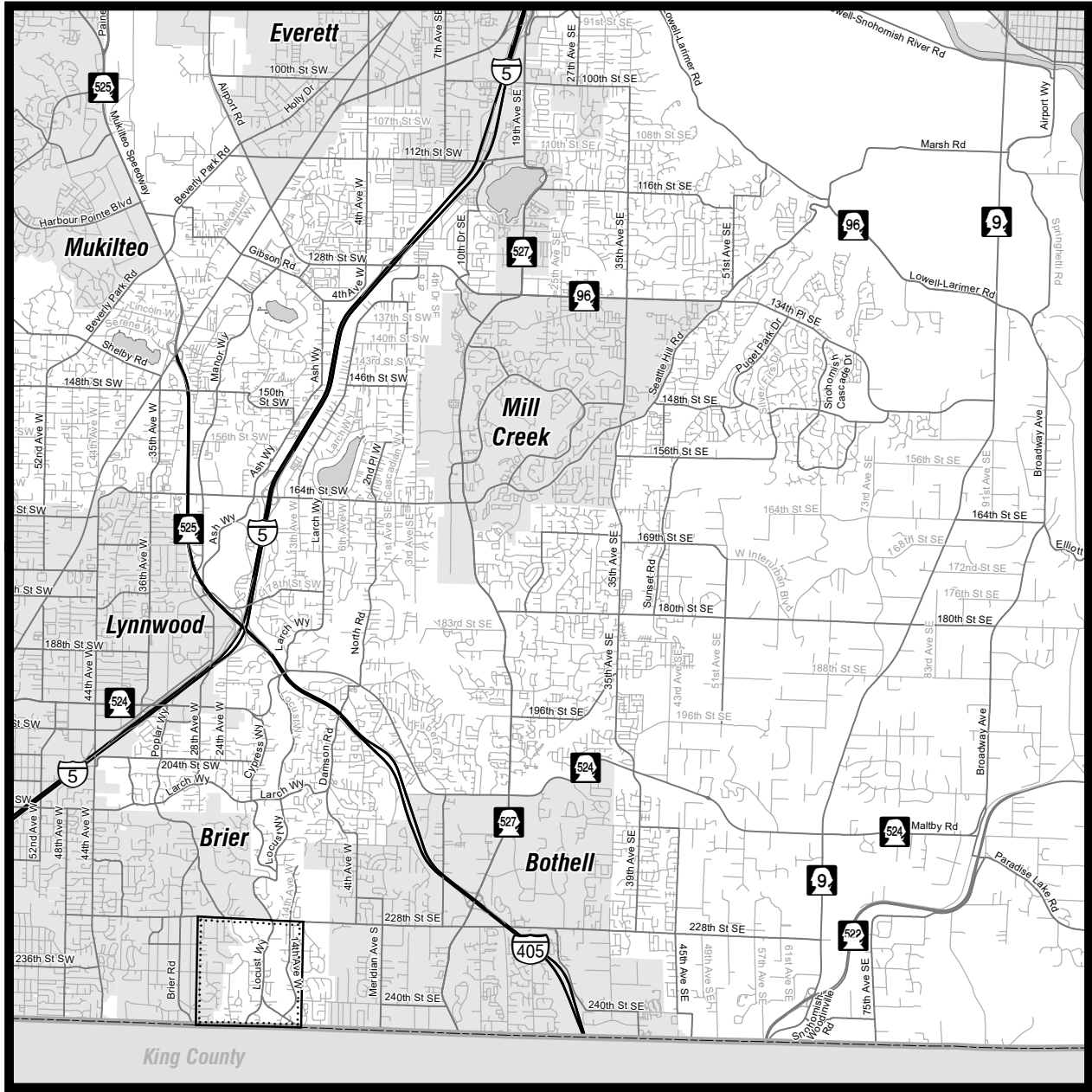
Based on the foregoing findings and pursuant to SCC 13.80.040, the County Engineer recommends the County Council grant a right-of-way franchise to the Northshore Utility District with an initial term of ten (10) years and an automatic renewal for an additional term of ten (10) years, under the terms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

SNOHOMISH COUNTY PUBLIC WORKS

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

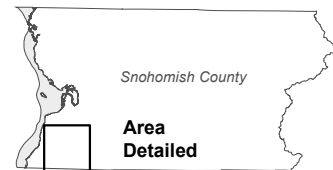
Prepared by:

Mary Madole Date
Senior Planner – Special Projects



Key to Features:

- | | | | |
|--|---------------------------------|--|-------------|
| | District Service Area | | Freeways |
| | Arterial Roads | | Local Roads |
| | Unincorporated Snohomish County | | Cities |
| | Waterbodies | | |



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Exhibit A. Northshore Utility District Proposed Franchise Area

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