

**COUNTY ENGINEER'S REPORT**  
**FRANCHISE – WATER & WASTEWATER FACILITIES**  
**CITY OF ARLINGTON**

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 City of Arlington ("City") has applied to Snohomish County ("County") for a franchise to construct, maintain, operate, replace, and repair its water distribution and wastewater 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 City of Arlington is a Washington municipal corporation that incorporated in 1903. The city limits comprise an area of approximately 9.7 square miles with an estimated population 21,740. It is organized under the mayor-council form of government. The mayor and seven members of the city council are elected to serve 4-year terms. The mayor serves as the chief executive officer. A city administrator, under the mayor's direction, oversees daily operations.

The City operates a Group A – Community – Public Water System, ID 02950K, which provides service to a population of 18,235 through approximately 5,900 customer accounts in the city limits, its urban growth area (UGA), and surrounding rural residential and agricultural lands. The City operates a wastewater collection, treatment, disposal, and reuse system which provides service to approximately 16,116 residents through 4,650 residential connections and 520 commercial/industrial facilities within the city limits and UGA.

Snohomish County has previously granted utility franchises to the City for construction and maintenance of water and wastewater system facilities in the county rights-of-way by orders approved on August 14, 1947, recorded in V47 P186; on June 23, 1969, recorded in V48 P557-560; and by Ordinance 99-043 approved on July 7, 1999, recorded under Auditors File Number 199912130669, with an expiration date of August 8, 2024.

**2. Description of County Roads Included in the Proposed Franchise**

Approximately 60% of the City's water service area (WSA) is in unincorporated Snohomish County, which extends beyond city limits to encompass an area of approximately 25.3 square

miles. The WSA extends north to the Stillaguamish River, south to 152<sup>nd</sup> St NE, east to 115<sup>th</sup> Ave NE, and to the Burlington Northern Santa Fe Railway located a mile or two west of Interstate 5.

The proposed franchise area includes all county rights-of-way located in the portions of unincorporated Snohomish County within the township, range, and sections below:

<u>Township</u>	<u>Range</u>	<u>Sections</u>
31N	4E	1, 12, 13
31N	5E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 34, 35, 36
31N	6E	7, 8, 17, 18, 19, 30
32N	5E	34

### **3. Description of Facilities**

The City's WSA contains approximately 96 miles of water main ranging in size from 2 inches to 16 inches. More than 89% of all water mains in the water system are constructed of ductile iron pipe (DIP). Most of the remaining mains are constructed of asbestos cement (AC). All new water main installations are required to use DIP. The City's drinking water is supplied from two groundwater wellfields with additional supply from PUD No. 1 of Snohomish County under a wholesale agreement. In addition to its water facilities in the county right-of-way, the City has a 6" sewer force main along Cemetery Rd and 8" gravity sewer mains in 193 St NE/84 Ave NE which provide service to The Eagles subdivision.

Work proposed in the county right-of-way would consist of the construction, operation, and maintenance of water distribution and sewage collection facilities, such as water mains, water services, fire hydrants, blow-off valves, sample stations, water services, sewer mains, and sewer laterals that provide service to their customers. Facility access is needed for reading water meters, fire hydrants usage, routine maintenance, and emergency repairs.

### **4. Insurance**

The City 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 City provides evidence of insurance acceptable to the Risk Management Division, as provided in Section 33 of the franchise.

### **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 City 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 City 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.
- 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 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 City of Arlington 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

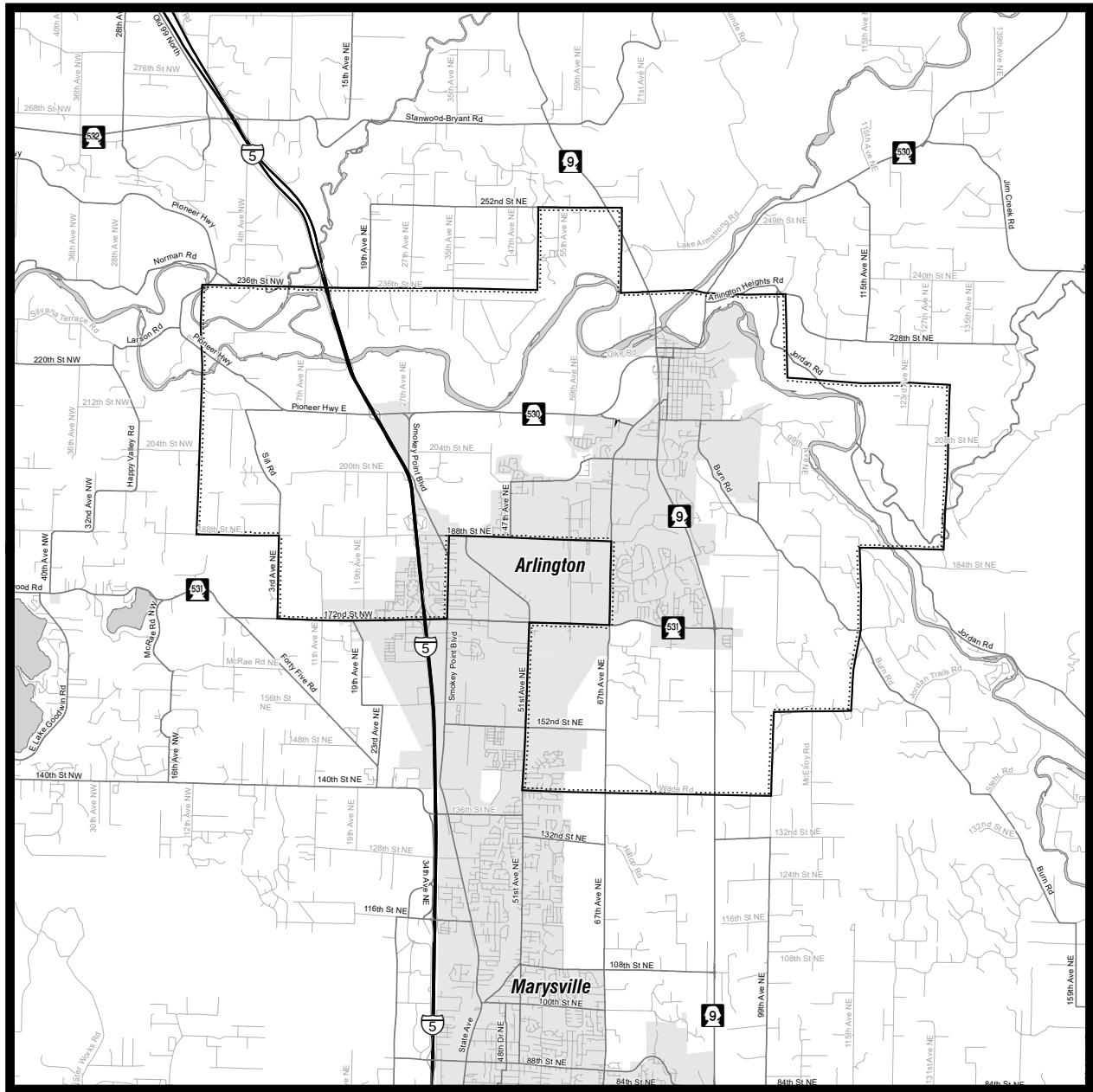
---

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

Prepared by:

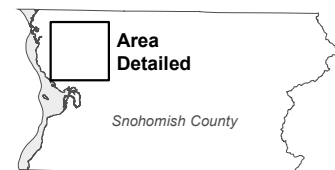
---

Mary Madole, Senior Planner      Date



### Key to Features:

- |       |                                 |   |             |
|-------|---------------------------------|---|-------------|
| ..... | Proposed Franchise Area         | — | Freeways    |
| —     | Arterial Roads                  | — | Local Roads |
| □     | Unincorporated Snohomish County | ■ | Cities      |
| ■     | Waterbodies                     |   |             |



0 1 Miles

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. City of Arlington Proposed Utility Franchise Area

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