

APPLICATION FOR FRANCHISE

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NOV 25 2019

WHATCOM COUNTY COUNCIL

TO THE WHATCOM COUNTY COUNCIL:

COMES NOW, Gordon Montgomery and John Milobar

who respectfully petitions the Whatcom County Council for a twenty-five (25) year franchise to lay, construct, maintain, and repair

sewer lines to provide sewer service from the City of Blaine to the Ridge at Semiahmoo, a 26-lotplat, on Parcel No. 4051153184800000

and all necessary appurtenances along, over, and across the following roads situated in Whatcom County, Washington:

Semiahmoo Drive as depicted in the attached engineer's sketch

The petitioner further requests that the Whatcom County Council fix a time and place for a public hearing on the granting of this continuation of franchise, and that public notice be given, at the expense of the petitioner, as provided by law; and that, at said hearing, petitioner be granted the franchise continuation herein requested.

DATED: 11-25-19

Dannon Traxler

Langabeer & Traxler, PS (as agent)
Company Name

2701 Meridian Street
Mailing Address

Bellingham, WA 98225
City State Zip

360-671-6460 ext. 1
Phone Number


Signature of authorized agent/owner

Dannon C. Traxler
Print or type name

Chapter 12.24 FRANCHISE REQUIREMENTS

Sections:

- 12.24.011 Authority.
- 12.24.021 Application requirements.
- 12.24.025 Transfer of ownership or control.
- 12.24.031 Forward to public works.
- 12.24.041 Ordinance.
- 12.24.051 Application – Notice of hearing.
- 12.24.061 Recording of franchise.
- 12.24.070 Submittal of plans and specifications.
- 12.24.080 Time limit.
- 12.24.090 Surety bonds.
- 12.24.100 Inspection.
- 12.24.110 Approval of alteration or revision.
- 12.24.120 Liability for construction or maintenance.

12.24.011 Authority.

This chapter is enacted pursuant to authority contained in Chapter 36.55 RCW and Whatcom County Charter Section 9.30. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.021 Application requirements.

A. Application for franchises on county roads and bridges shall be submitted to the Whatcom County council pursuant to RCW 36.55.040.

B. Every franchise application submitted to the county council shall be accompanied by a franchise application fee as set forth in the current Whatcom County unified fee schedule.

C. Every franchise application submitted to the county council must also be accompanied by a sketch of the proposed installation. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.025 Transfer of ownership or control.

A. A franchise shall not be sold, transferred, leased, assigned or disposed of in whole or in part either by sale, voluntary or involuntary merger, consolidation or otherwise, unless approval is granted by the county council to ensure a review of circumstances not present at the time of the adoption of the original franchise. The council's approval shall not be unreasonably withheld.

Such costs associated with this review process shall be reimbursed to the county council by a new prospective franchisee.

B. An assignment of a franchise shall be deemed to occur if there is an actual change in control or where ownership of 50 percent or more of the beneficial interests, singly or collectively, are obtained by other parties. The word "control" as use herein is not limited to majority stock ownership only, but includes actual working control in whatever manner exercised.

C. A franchisee shall promptly notify the county council prior to any proposed change in, or transfer of or acquisition by any other party of control of a franchisee's company. Every change, transfer, or acquisition by any other party of control of a franchisee's company shall cause a review of the proposed transfer. In the event that the county council adopts a resolution denying its consent and such change transfer or acquisition of control has been effected, the county may cancel the franchise. Approval shall not be required for mortgaging purposes or if said transfer is from a franchisee to another person or entity controlling, controlled by, or under common control with a franchisee.

D. Application for transfer of ownership or control shall be submitted to the county council.

E. Every franchise application for transfer of ownership submitted to the county council shall be accompanied by a franchise transfer of ownership fee as set forth in the current Whatcom County Unified Fee Schedule.

F. Regardless of the circumstances, a franchisee shall promptly notify the county prior to any proposed name change of the franchisee's company. In the event that the county approves a resolution withholding its consent to the name change within 60 days of receipt of notice thereof, the county may cancel the franchise unless the parties to such change reverse its effects within 60 days after the county notifies the franchisee of its intent to cancel the franchise hereunder. (Ord. 2008-005 Exh. A).

12.24.031 Forward to public works.

Upon receipt of franchise application, application fee, and sketch of proposed installation, or application for transfer of ownership and transfer of ownership fee, the clerk of the council shall forward a complete copy to the director of Whatcom County public works or the county engineer. (Ord. 2008-005 Exh. A; Ord. 2004-022; Ord. 93-066 Exh. A; prior code § 4.44.010. Formerly 12.24.010).

12.24.041 Ordinance.

Whatcom County public works director or the county engineer shall prepare an ordinance granting the franchise for consideration by the county council. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.051 Application – Notice of hearing.

The clerk of the council shall schedule a public hearing on the ordinance granting the franchise pursuant to RCW 36.55.050. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.061 Recording of franchise.

The Whatcom County council clerk shall cause the franchise to be recorded by the county auditor pursuant to RCW 36.55.080. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.070 Submittal of plans and specifications.

There shall be submitted to the director of Whatcom County public works or the county engineer three copies of the final plans, specifications or special provisions of the proposed installation, at the time of the granting of a franchise. (Ord. 2008-005 Exh. A; Ord. 2004-022; Ord. 93-066 Exh. A; prior code § 4.44.020. Formerly 12.24.020).

12.24.080 Time limit.

There shall be a time limit imposed upon the construction of any facility granted by franchise on any county road or bridge, subject to the approval of the county engineer. (Ord. 2008-005 Exh. A; Ord. 2004-022; prior code § 4.44.030. Formerly 12.24.030).

12.24.090 Surety bonds.

There shall be a surety bond posted at the time of granting a franchise for any facility upon a county road or bridge to ensure replacement of any county road or bridge to its original condition and shall be in an amount not less than 10 percent of the total estimate of the proposed installation and releasable only by the county engineer. (Ord. 2008-005 Exh. A; Ord. 2004-022; Ord. 93-066 Exh. A; prior code § 4.44.040. Formerly 12.24.040).

12.24.100 Inspection.

There shall be adequate inspection by an inspector approved by the county engineer who shall be responsible to the county engineer for all construction of any facility upon any county road or bridge. (Ord. 2008-005 Exh. A; Ord. 2004-022; prior code § 4.44.050. Formerly 12.24.050).

12.24.110 Approval of alteration or revision.

No alteration or revisions of plans as submitted at the time of granting a franchise shall be permitted by a person or persons, or any franchise-holder, unless prior approval is requested and submitted to the county engineer. (Ord. 2008-005 Exh. A; Ord. 2004-022; Ord. 93-066 Exh. A; prior code § 4.44.060. Formerly 12.24.060).

12.24.120 Liability for construction or maintenance.

The foregoing regulations are not to be construed as relieving the franchise holder of any responsibility or liability for the construction, reconstruction, or maintenance of such facilities as the franchise may grant. (Ord. 2008-005 Exh. A; Ord. 2004-022; prior code § 4.44.070. Formerly 12.24.070).



Freeland and Associates, Inc.

220 W. Champion St.; Ste. 200
Bellingham, Washington
360.650.1408

October 20, 2015

Blaine City Council
435 Martin Street
Blaine, WA 98230

Subject: Sanitary Sewer Service Extension to new subdivision 'The Ridge at Semiahmoo'

Honorable Council Members:

A new residential subdivision project known as 'The Ridge at Semiahmoo' is proposed south of the current Blaine City Limits within Whatcom County. Currently this project is pursuing preliminary plat approval from Whatcom County. In order to move forward and gain preliminary plat approval from Whatcom County, the project owner, Mr. Gordon Montgomery, must show how his subdivision will be served with water and sewer.

Water is already provided in the area from Birch Bay Water and Sewer District. Mr. Montgomery is requesting that a sanitary sewer main be extended from the south end of the current City of Blaine service area to serve his project. Although the site is outside Blaine City Limits and the UGA, it is within the former UGA. Whatcom County has confirmed that the proposed subdivision is vested to UR4 zoning and a Comprehensive Plan designation of short-term UGA and is allowed to develop to that density. In order to gain approval for the sewer, this area must be included in the City sewer service area. In order to have this area included in the City sewer service area, the current City General Sewer Plan as included in the City of Blaine's Comprehensive Plan must be amended. A report outlining the proposal titled *Staff Report to Planning Commission*, dated September 10, 2015, was prepared by Michael Jones, City of Blaine Community Development Director. This Staff Report provides a summary of the project and why a sewer extension is proposed.

Due to the need to amend the current City General Sewer Plan as included in the Comprehensive Plan, our firm has prepared a summary of the proposed sewer extension to serve 'The Ridge at Semiahmoo'. This technical summary is conceptual in nature, providing a framework for the proposal as it moves through the approval process. Design of the proposed sewer extension will require detailed data collection and engineering efforts.

To prepare the technical summary, we spoke with City of Blaine staff, reviewed the current sewer plan, and reviewed applicable sections of the City of Blaine Public Works Standards (Chapter 5 – Sanitary

Sewer). The following summarizes the proposal for extending the City of Blaine existing sewer service area to the project.

Project Location and General Description of Project

The Ridge at Semiahmoo is located approximately 500 feet south of Normar Lane on the east side of Semiahmoo Drive. A vicinity map showing the project location is attached with this letter. A 26-lot single-family subdivision is proposed for this development. Also attached is an aerial photo showing the proposed project, location of the existing sewer, and a conceptual location of the proposed sanitary sewer extension.

Existing Sanitary Sewer Location

Based on review of area as-built plans from the City of Blaine, an existing eight-inch sewer is located within an access easement that connects to the south end of Shearwater Road, approximately ½ mile north of the proposed development. The existing main to be connected into is approximately eight feet deep at this location. Gravity sewer mains flow north downhill eventually reaching the City of Blaine wastewater treatment plant located on Semiahmoo Parkway.

Proposed main extension

A new eight-inch PVC sanitary sewer is proposed located within the right-of-way on Semiahmoo Drive extending south from Shearwater Road approximately 2,000 feet to the proposed development. Proposed slope of the new sewer main would meet City of Blaine Public Works Standards for minimum slope (at least 0.40%).

A high point in elevation appears to exist on Semiahmoo Drive approximately 800 feet south of Shearwater Road. A portion of the gravity sewer main may require a deep excavation for a short horizontal distance.

The proposed depth of the sewer where the subdivision connects into the main would be located at least five feet below ground service to provide adequate gravity service to the property. In general, the subdivision slopes up from Semiahmoo Drive to the east, therefore, gravity sewer mains are proposed.

Expected Sanitary Sewer Flows

Sanitary sewer flows for single family residences were estimated several ways. Based on the Department of Ecology Sewer Works Criteria (2008), flows typically average 100 gallons per person per day. From the previously referenced report *Staff Report for Planning Commission*, the population can be estimated at 2.40 people per household, or a total of 63 people (26 lots x 2.4 = 63 people). Therefore, expected flows from the proposed subdivision would be 6,300 gallons per day.

Using guidelines from the Department of Health for sizing new onsite sewer systems, typical flows of 120 gallons of effluent per day per bedroom are used. Estimating that the homes will typically be four bedrooms, a total flow of 12,480 gallons per day could be expected. Using Mannings equation with a

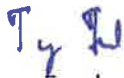


roughness 'n' of 0.013, an eight-inch PVC sanitary sewer pipe laid at minimum slope of 0.4% can adequately handle the conservative estimated flows of up to 12,480 gallons per day.

New Development

This proposed extension restricts connections to the proposed subdivision (The Ridge at Semiahmoo). No new construction will be allowed to connect, nor will existing homes be allowed unless they can demonstrate their septic system has failed and can meet all the requirements of Blaine Municipal Code 13.08.411.

Sincerely,



Tony Freeland, P.E.

Freeland & Associates, Inc.




10-20-15

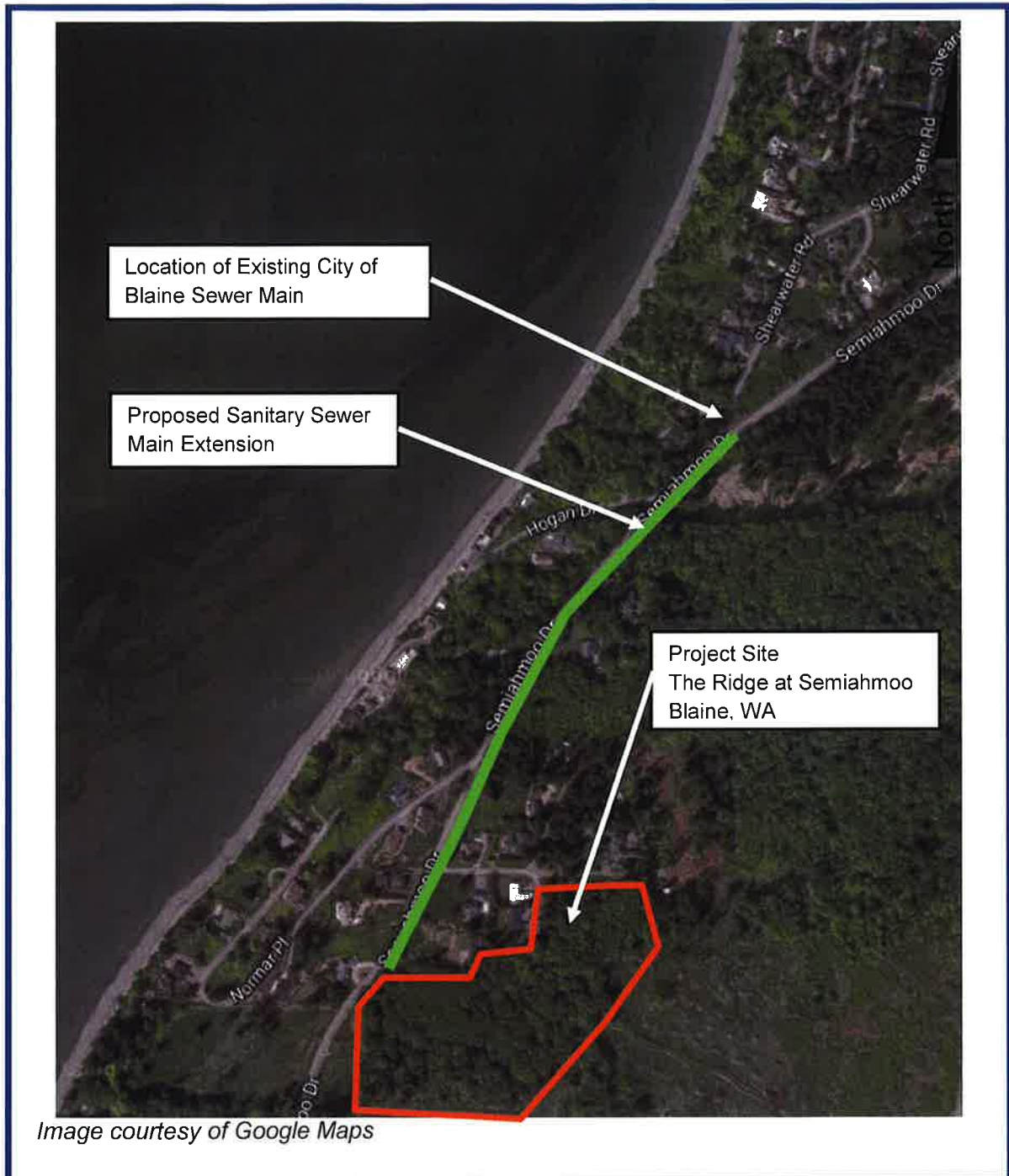
Encl.

Asbuilt Plan "Resort Semiahmoo Boundary Ridge Division 2"

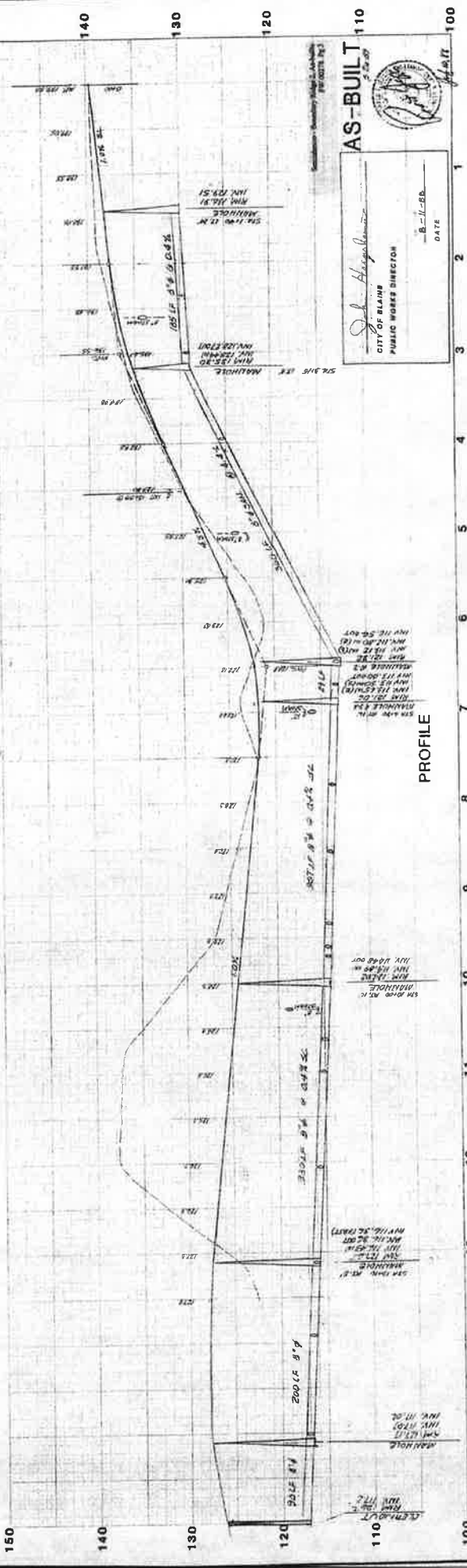
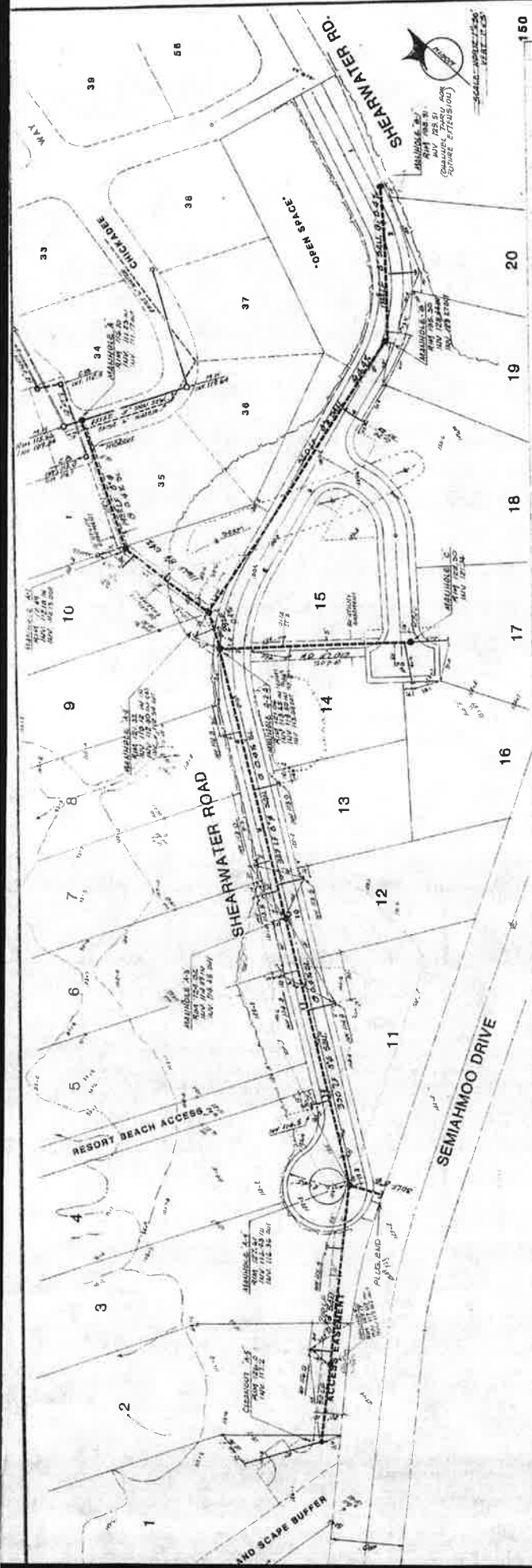




	<p>Vicinity Map</p>	<p>Fig. 1</p>
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	Aerial Photo	Fig. 2
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AS-BUILT
 CITY OF BLAINE
 PUBLIC WORKS DIRECTOR
 DATE

REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYORS
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