

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO: R2016-700**

**A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON,
ESTABLISHING CITY COUNCIL DIRECTION FOR DETERMINING
SHARED PUBLIC/PRIVATE PROPERTY STORM AND SURFACE
WATER MANAGEMENT RESPONSIBILITIES**

WHEREAS, there is an existing network of formal and informal storm and surface water systems within the City of Sammamish; and

WHEREAS, said storm and surface water systems are located both in the public rights of way and on private property; and

WHEREAS, ownership of the storm and surface water assets depend in part on whether they are located on public or private property; and

WHEREAS, determining ownership responsibilities for storm and surface water management can be difficult since storm water runoff often flows through contiguous public and privately owned systems; and

WHEREAS, the City has set forth the conditions under which it will accept drainage facilities for maintenance under Sammamish Municipal Code 13.20.090; and

WHEREAS, City has set forth the conditions under which it will not accept drainage facilities for maintenance under Sammamish Municipal Code 13.20.100; and

WHEREAS, the City does not have a policy that guides decisions with respect to public investments in private storm and surface water systems; and

WHEREAS, the City Council desires to establish a means for determining the circumstances under which the City may participate in ownership and maintenance responsibilities for a privately owned storm and surface water system in partnership with benefitting property owners;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. City Council Policy Direction. The City Council establishes the following policy in order to guide City Staff in determining whether the City should accept some or all responsibilities for owning, upgrading, operating or maintaining a privately owned storm or surface water system:

The City of Sammamish normally owns and maintains all components of the storm and surface water system located in city-owned rights-of-way and in easements or tracts dedicated to, and accepted by, the City. The City should not acquire, construct or accept additional new or existing storm or surface water system components outside the City-owned right-of-way (through easements, ownership, or other property rights) except when needed for City construction projects, or when all of the following conditions are met:

1. A clear public benefit exists or can be identified, which benefit exceeds the cost to the City;
2. Easement or property for construction, maintenance and operations of the facility is offered by the property owner(s) at no cost to the City;
3. The system meets current City standards or is brought up to current City standards by the owner(s); provided, that the City may choose to provide resources or otherwise to participate in order to accomplish this condition as further detailed below;
4. The City has adequate resources to maintain and operate the system; and
5. If the system component is a detention system, the detention system serves a residential subdivision or short subdivision (rather than a commercial or institutional property).

Section 2. City Council Findings in Support of Policy Direction.

Surface water, which includes surface, storm and ground water for purposes of this City Council direction, impacts properties regardless of land use or ownership. Generally, the City is responsible for managing surface water in public rights-of-way, publicly owned properties, and dedicated easements or other property rights on private property that have been formally accepted by the City for the purpose of managing surface water. Generally, private property owners are responsible for managing surface water on their property. Private drainage conveyance and detention systems are assets for which the City does not have a property interest or responsibility to upgrade, replace, maintain or operate.

All detention systems must be maintained to ensure they function as designed for flow control. Detention system maintenance also benefits water quality when trapped pollutants are removed from the system rather than being flushed downstream during a major storm. The City maintains its facilities through ownership and allocation of maintenance resources. The functionality of private detention facilities is sought through the City's private drainage inspection program. Where practical, and when in the public interest, multi-purpose and regional detention facilities should be encouraged.

The City's historical policy has been to acquire control of system components from newly completed developments or through an approved City capital project. An aggressive program to acquire additional components of the stormwater system (conveyance or detention) is not recommended because:

- Owning and maintaining the stormwater system would not necessarily address the City's water quality and flood control responsibilities because pollutants and runoff originate throughout each drainage basin. Also, most of the primary conveyance systems are streams (riparian corridors), and streams are regulated through local and state laws.

- Acquiring all conveyance systems and bringing them up to standard would be high in capital cost and would also result in increased operation and maintenance costs.
- Assuming substandard systems could increase City liability.
- Continuing to work with property owners to ensure maintenance of privately owned detention systems is an objective of the City's stormwater maintenance and inspection program.
- Assuming ownership of private systems is not necessarily equitable to ratepayers.

If the City considers the acquisition, construction or acceptance of additional new or existing private storm or surface water system components, it should carefully weigh the environmental, capital, operations, maintenance and replacement/rehabilitation costs against the benefits such system would provide to the general public or in reducing the costs for the City to meet its NPDES permit conditions and other regulatory requirements, meet the goals in any City-adopted Plan, or to reduce/mitigate risks of damage to public roads or infrastructure. The City should consider proportionately sharing the capital and ongoing maintenance and operational costs with the benefitting private property owners if the aforementioned benefits, from the City's perspective, outweigh the costs for the City to take on all responsibilities. In all cases, the City should be able to identify a public benefit that would accrue as a result of the acquisition of a private storm or surface water system component, and to quantify that public benefit in relationship to the cost of any such acquisition.

The City responds to private property drainage questions, complaints, and issues and attempts to provide a consistent response to private property owners. City staff reviews existing surface water information on and around the property including historical complaints, GIS information, and plat or construction documents. Staff will look to see if publicly maintained facilities are involved or easements present. Site visits may be conducted to meet with the property owner to assess adjacent ROW conditions to determine if public infrastructure or ROW is associated with the private property issue. If the ROW is associated with a private property surface water issue, staff will assess the situation on a case-by-case to determine a course of action.

Sometimes a property owner will want City Staff to assist them with assessing their problem. Staff may provide general assessments (e.g., determining that groundwater seeps are impacting the property or educating the property owner about the local drainage in the neighborhood and how it is potentially affecting their issue). Staff may walk the site with the owner to inspect drainage structures, look for maintenance issues, or look at downspouts to see where they discharge.

After assessing an issue, property owners will often ask Staff to provide a solution to their problem or recommend a course of action. Staff will not direct or recommend any particular action to be taken on private property, and will always advise the owner to consult a private professional if they are not comfortable managing the issues themselves. Staff may also direct property owners to publicly available resources, such as the City's adopted Surface Water Design Manual. Property owners often ask Staff to recommend a contractor to design or conduct work. The City does not provide recommendations to private property owners for any particular company or individual for surface water management services. In short, Staff will provide general

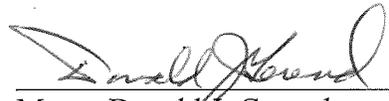
technical assistance to property owners, but it is the responsibility of the private property owner to decide on a course of action, if needed, to address their private drainage issue.

When a private property owner has an issue or dispute arising from a neighboring private property and they want the City to address the issue with the neighboring property or properties and none of which are publicly owned, the City will generally advise the complainant to consult a legal and/or technical professional for assistance. The City may become involved under City code to enforce surface water issues on private property when it involves water quality and critical area (e.g., streams) violations. Otherwise, surface water is considered a “common enemy” to all property owners and some situations may need to be addressed by a court on a case-by-case basis to decide a course of action.

Section 3. Effective Date. This resolution shall take effect immediately upon signing.

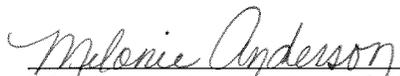
**PASSED BY THE CITY COUNCIL AT THEIR REGULAR MEETING
THEREOF ON THE 18th DAY OF OCTOBER, 2016.**

CITY OF SAMMAMISH



Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Michael R. Kenyon, City Attorney

Filed with the City Clerk: October 13, 2016
Passed by the Council: October 18, 2016
Resolution No: R2016-700