



King County
Department of Development
and Environmental Services
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: February 10, 1995

TO: Bob Derrick
Greg Kipp
Terry Brunner
Harold Vandergriff
Mike Sinsky

Gary Kohler
Lisa Pringle
Anna Nelson
Ken Dinsmore
Ikuno Masterson

FM: Jerry Balcom *B 2/24/95*

Present: Terry Brunner, Anna Nelson, Henryk Hiller, Jerry
Balcom

1. Are retention/detention ponds and other surface water drainage facilities subject to setback requirements under Title 21A? If so, how is the setback to be measured?

Under Title 21A, all "structures" must meet setback requirements unless specifically exempted elsewhere in the code (see KCC 21A.06.1070, 21A.12.110-.170, 21A.24.200). "Structures" are defined as anything constructed on or in the ground, excluding fill (KCC 21A.06.1255). Surface water drainage facilities (including retention/detention ponds, swales, wetponds, and pipes), since they are built to store or convey water, are "structures" except to the extent that they are solely fill. There are no exemptions from setback requirements for these types of facilities. As a result, those facilities must meet the setback requirements. This would apply to fully underground facilities as well as those that are fully or partially open.

For example, an R/D pond may have fill placed outside the bounds of the excavated area. The excavated area (even if it has fill at its bottom) is part of the "structure," along with any outlet pipes, connecting swales, etc. The fill area outside the pond proper is not part of the "structure" because it is solely fill. Only the portions that fall within the definition of "structure" must meet the setback requirements.



Setbacks are measured from the point on the "structure" that is nearest to the line being set back from (see KCC 21A.12.110).

We will consider a code amendment to exempt some or all of these facilities from setback requirements. This will also involve an analysis of the setback standards and measurements found in the Surface Water Design Manual.

JB:HH

cc: Wilsey Hamilton
Joe Miles
Henryk Hiller