

## Tarra Jolly

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**Subject:** Storm water and ADU's Question

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**From:** Julie Magness <[julie.l.magness@gmail.com](mailto:julie.l.magness@gmail.com)>

**Sent:** Monday, November 15, 2021 3:34 PM

**To:** Keith Huff <[keithh1@cityofws.org](mailto:keithh1@cityofws.org)>

**Cc:** Chris Murphy <[chrism@cityofws.org](mailto:chrism@cityofws.org)>; Aaron King <[aaronk@cityofws.org](mailto:aaronk@cityofws.org)>; Desmond Corley <[desmondc@cityofws.org](mailto:desmondc@cityofws.org)>

**Subject:** Re: [EXTERNAL] Storm water and ADU's Question

Thank you, Keith.

Julie

On Mon, Nov 15, 2021 at 1:03 PM Keith Huff <[keithh1@cityofws.org](mailto:keithh1@cityofws.org)> wrote:

Property owners are allowed to develop property, however, if upstream or downstream properties are damaged through negligence or ill intent, then the offending party can be held responsible. Pendergast v. Aiken is case law that frames riparian rights law and has been referenced numerous times in drainage cases. A lot of private property owner drainage disputes turn to this case law. Unfortunately it's up to a judge to determine on a case by case basis.

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**From:** Julie Magness <[julie.l.magness@gmail.com](mailto:julie.l.magness@gmail.com)>

**Sent:** Monday, November 15, 2021 12:26:55 PM

**To:** Chris Murphy <[chrism@cityofws.org](mailto:chrism@cityofws.org)>

**Cc:** Aaron King <[aaronk@cityofws.org](mailto:aaronk@cityofws.org)>; Desmond Corley <[desmondc@cityofws.org](mailto:desmondc@cityofws.org)>; Keith Huff <[keithh1@cityofws.org](mailto:keithh1@cityofws.org)>

**Subject:** Re: [EXTERNAL] Storm water and ADU's Question

Which is my point.

But while everyone has a right to develop their property it does not give them the right to destroy another's.

With no notice requirement, digging and destruction of existing, and unmapped storm water conveyances could be destroyed in minutes giving a property owner no opportunity to work with or mitigate a situation.

On Mon, Nov 15, 2021 at 12:22 PM Chris Murphy <[chrism@cityofws.org](mailto:chrism@cityofws.org)> wrote:

I have no response on this one as it isn't anything that we deal with/examine.

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**From:** Julie Magness <[julie.l.magness@gmail.com](mailto:julie.l.magness@gmail.com)>

**Sent:** Monday, November 15, 2021 12:16 PM

**To:** Chris Murphy <[chrism@cityofws.org](mailto:chrism@cityofws.org)>; Aaron King <[aaronk@cityofws.org](mailto:aaronk@cityofws.org)>; Desmond Corley <[desmondc@cityofws.org](mailto:desmondc@cityofws.org)>; Keith Huff <[keithh1@cityofws.org](mailto:keithh1@cityofws.org)>

**Subject:** [EXTERNAL] Storm water and ADU's Question

I know that new construction may allow storm water run-off to simply follow the topography.

However, is new construction allowed to damage and eliminate concealed stormwater pipes from one property to another when those follow the topography and have been in existence since a structure was built and the pipes installed?

Would construction of an ADU be required to submit that the construction would not be doing so?

I have no proof of why my terra cotta pipes quit working. I was too naive to even think that they failed when an addition to a garage and a new driveway were installed behind me. But I feel very sure that it is a real possibility.

While mine is gone due to my naivety, I would hate to see others have their torn up due to the construction of an ADU.

In our older urban band neighborhoods, we have so much concealed piping, both on the City maps and not, that this could have very real impacts if new ADU dwellings are built in our backyards.

Thank you.

Julie Magness