

PART 1

PROCEDURES FOR PLAN SUBMISSION AND REVIEW

I. PURPOSE AND INTRODUCTION

- A. All plats recorded with the Register of Deeds must conform to Act 288 of the Public Acts of 1967, as amended. Under this Act, the Drain Commissioner is responsible for ensuring that the drainage or storm water management system of a subdivision is adequate for the development, and for protecting downstream landowners and resources. The procedures, standards and recommendations set forth in these rules are designed for these purposes.
- B. In accordance with the provisions of Act 288, the Drain Commissioner has the authority, through the subdivision review process, to require that county drains and natural water courses, both inside and outside a plat, be improved to the standards established by the Drain Commissioner when necessary for the proper drainage of a proposed subdivision.
- C. Under these rules, the Drain Commissioner will ensure that all storm water facilities necessary for a proposed subdivision have an appropriate governmental unit responsible in perpetuity for performing maintenance or for overseeing the performance of maintenance by a private entity, such as a property owner's association. As specified in Act 288, the County Drain Commissioner may acquire jurisdiction over the drainage systems within subdivisions as deemed necessary for adequate operation and maintenance. The appropriate forms may be obtained from the Drain Commissioner's Office.
- D. The general standards set forth herein will also be applied by the Washtenaw County Drain Commissioner in the review of the following:
 - 1. Site Condominium plans prepared under Act 59, P.A. 1978, as amended, where local government ordinances require.
 - 2. Mobile home plans prepared under Act 96, P.A. 1987.
 - 3. Applications for permits to discharge to a county drain under P.A. 40 of 1956, as amended.
 - 4. Review of storm water system plans in other classes of developments or re-developments, when requested by local governments.
- E. These rules provide minimum standards to be complied with by proprietors, and in no way limit the authority of the local municipality in which the development is situated to adopt and enforce higher standards as a condition of approval of the final plat or site plan. If the local municipality has adopted more stringent standards, the Drain Commissioner's Office will review plans in accordance with those standards.

II. PRELIMINARY PLAN SUBMITTAL AND APPROVAL

A. SUBMITTAL REQUIREMENTS

These requirements have been developed in the context of preliminary plat submittal under the Michigan Land Division Act. However, they shall also be followed as closely as possible for all other categories of development, including site condominiums and site plans.

1. A preliminary plan showing the layout of the area intended to be subdivided or developed will be submitted to the Drain Commissioner's Office by the proprietor. This plan will be prepared under the direction of, and sealed by, a registered professional engineer or a registered land surveyor. The preliminary plan shall be drawn to a standard engineering scale on sheets not exceeding 24" x 36".
2. Three copies of the preliminary plan, prepared in accordance with the rules set forth in this section, will be submitted together with a letter of transmittal requesting that the preliminary plan be reviewed and, if found satisfactory, approved. The names of the proprietor and engineering or surveying firm, with mailing addresses, fax and telephone numbers for each, will be included with the transmittal.
3. Payment of applicable review fees is required before any review will commence. See Fee Schedule, Appendix O.
4. The proprietor will describe the mechanism to be established for long-term maintenance of the subdivision's storm water management system, and the government agency responsible for maintenance oversight if maintenance is to be performed by a private entity. Where jurisdiction exists, the Drain Commissioner may require that a County drainage district be established for future maintenance.

Where maintenance is to be performed by a private entity. Where jurisdiction exists, the Drain Commissioner will require formal documentation from the local government of its intent to assume responsibility for oversight of maintenance and for ensuring that maintenance is performed if the private entity fails to do so.

5. Should the proprietor plan to subdivide or develop a given area but wishes to begin with only a portion of the total area, the original preliminary plan will include the proposed general layout for the entire area. The first phase of the subdivision will be clearly superimposed upon the overall plan in order to illustrate clearly the method of development that the proprietor intends to follow. Each subsequent plat or phase will follow the same procedure until the entire area controlled by the proprietor is subdivided.
6. Final acceptance by the Drain Commissioner of only one portion or phase of the subdivision does not ensure final acceptance of any subsequent phases or the overall general plat for the entire area; nor does it mandate that the overall general plat or plan be followed as originally proposed, if deviations or modifications acceptable to the Drain Commissioner are proposed.

7. Preliminary plan approval shall remain in effect for one year. Extensions must be requested in writing.

B. GENERAL INFORMATION REQUIREMENTS

All preliminary plans will include the following information:

1. The location of the proposed development by means of a small location map.
2. The township, city or village in which the parcel is situated.
3. The section and part of section in which the parcel is situated.
4. The number of acres to be developed.
5. Contours, at 2-foot intervals or less, with U.S.G.S. datum.
6. The proposed drainage system for the development.
7. The proposed street, alley and lot layouts and approximate dimensions.
8. The location and description of all on-site and adjacent off-site features that may be relevant in determining the overall requirements for the subdivision. These features may include, but are not limited to the following:
 - Adjoining roads, subdivisions, and other developments
 - Schools, parks, and cemeteries
 - Drains, sewers, water mains, septic fields and wells
 - High tension power lines, underground transmission lines, gas mains, pipelines or other utilities
 - Railroads
 - Existing and proposed easements
 - Natural and artificial watercourses, wetlands and wetland boundaries, floodplains, lakes, bays and lagoons
 - Designated natural areas
 - Soils description in accordance with the USDA NRCS standard soils criteria
 - Any proposed environmental mitigation features
9. Soil borings may be required at various locations including the sites of proposed retention/detention facilities, and as needed in areas where high ground water tables exist.

B. DRAINAGE INFORMATION REQUIREMENTS

1. Calculations used in designing all components of storm water management systems must be submitted to the Drain Commissioner along with plans.
2. All preliminary plans will include the following required storm water management information:

- a. The overall storm water management system for the proposed development, indicating how storm water management will be provided and where the drainage will outlet.
 - b. The location of any on-site and/or off-site storm water management facilities and appropriate easements that will be dedicated to the entity responsible for future maintenance. Easement information will be consistent with PART 2, Section XI of these Rules.
 - c. A description of the off-site outlet and evidence of its adequacy. See Engineer's Certificate of Outlet, Appendix Q.
 - d. If no adequate watercourse exists to effectively handle a concentrated flow of water from the proposed development, discharge will be reduced to sheet flow prior to exiting the site. Additional volume controls will be required in such cases, as will acquisition of rights-of-way from downstream property owners receiving the storm water flow.
 - e. A map, at the U.S.G.S. scale, showing the drainage boundary of the proposed development and its relationship with existing drainage patterns.
 - f. Any drainage originating outside of the development limits that flows onto or across the development. Drainage from off-site shall not be passed through on-site storm water storage facilities unless alternatives are proposed for the off-site flow that will achieve the water quality objectives of these standards, such as separate basins for water quality treatment and storage of the 100-year storm volume.
 - g. Any natural water courses and/or County Drains passing through the proposed development, along with the following:
 - (1) Area of upstream watershed and current zoning.
 - (2) Preliminary calculations of runoff from the upstream area for both the 100-year and 1.5-year 24-hour design storms, for fully developed conditions according to the current land use plan for the area.
 - h. Any natural watercourses or County Drains that abut the development.
3. The increased volume of water discharged due to development of the site must not create adverse impacts to downstream property owners and water courses. These adverse impacts may include, but are not limited to flooding, excessive soil saturation, crop damage, erosion, and/or degradation in water quality or habitat.
 4. Proposed drainage for the development will conform to any established County drainage districts.
 5. The proposed drainage plan will, in every way feasible, respect and conform to the natural drainage patterns within the site and the watershed in which it is located.

6. In general, the Drain Commissioner will not accept responsibility for roadside ditches serving public roads. The Washtenaw County Road Commission maintains these, if they are within the right-of-way of a public road.
7. Proposed drainage should complement any local storm water management plans that may exist and/or comply with any ordinance in effect in the municipality/ies where the proposed development is located.

D. SUBDIVISION PRELIMINARY PLAT APPROVAL

1. The Drain Commissioner will approve or reject a preliminary plat within 30 days of its submittal. If the proposed preliminary plat is not approved as originally submitted, the Commissioner will notify the proprietor in writing, setting forth the reasons for withholding approval, and will state the changes necessary to obtain approval. If the proposed preliminary plat as submitted meets all requirements, one approved copy of the preliminary plat will be returned to the proprietor. Approval of the preliminary plat is required before the Drain Commissioner will proceed with review of final construction plans.
2. Payment of all fees is prerequisite to approval.

III. CONSTRUCTION PLAN SUBMITTAL AND APPROVAL

A. SUBMITTAL REQUIREMENTS

1. For all projects to be reviewed by the Drain Commissioner, the proprietor will submit construction plans with a letter of transmittal requesting review and a permit application, if required.
2. For platted subdivisions, review of construction plans by the Drain Commissioner will not proceed until preliminary plat approval has been granted. The Land Division Act gives no time limit in which final construction plans must be reviewed. The Drain Commissioner's office will attempt to review these plans in the shortest possible time.
3. For all other developments, if a preliminary plan was not reviewed and approved by the Drain Commissioner, all aspects of PART 1, Section II, must also be adhered to during the construction plan review.
4. If development is proposed in an area where special drainage problems exist or are anticipated at the site, on adjacent properties or downstream, more stringent design requirements than are contained within PART 2 of these Rules may be required.
5. Payment of applicable review fees is required before any review will commence. See Fee Schedule, Appendix O.

B. CONSTRUCTION PLAN REQUIREMENTS

The Drain Commissioner will review construction plans to assure that adequate storm drainage will be provided and that the proposed storm water management system provides adequately for water quantity and quality management to ensure

protection of property owners, lands, and watercourses both within the proposed development and downstream.

1. The names of the proprietor and engineering firm, with mailing addresses, fax and telephone numbers for each, shall be included with the transmittal. Plans will be prepared under the direction of, and sealed by, a registered professional engineer and will be in accordance with PART 2 of these Rules.
2. Two complete sets of construction plans are required, drawn to a scale no smaller than 1" = 50', and on sheets no larger than 24" x 36". The plans shall be drawn to standard engineering scales. The construction plan submittal shall include all required information listed in PART 1, Section II, Articles B and C, as well the following, where applicable:
 - a. The property description, the total acreage, and a project location map. If the project is to be completed in phases, the number of acres in each phase shall also be included.
 - b. The proposed project layout with all dimensions, including the proposed drainage system for the project.
 - c. Topographic maps, at two-foot contour intervals or less on U.S.G.S. datum, showing existing and proposed grades, as well as off-site topography over at least 150' of the adjoining property. Maps will also show all existing watercourses, lakes and wetlands, and the extent of all off-site drainage areas contributing flow to the development.
 - d. Calculations, design data and criteria used for sizing all drainage structures, channels and retention basins, including weighted runoff coefficient calculations.
 - e. Plans and details of proposed retention/detention facilities. Soil borings may be required at the sites of these facilities.
 - f. Plans, profiles and details of all roads and storm sewers. The storm sewer details will include type and class and size of pipe, length of run, percent of slope, invert elevations, rim elevations, and profile of the hydraulic gradient, as specified in PART 2 of these Rules.
 - g. Storm sewer calculations indicating the number of acres, calculated to the nearest tenth of an acre, contributing to each specific inlet/outlet, the calculated hydraulic gradient elevation, maximum flow in cfs and the flow velocities for enclosed systems.
 - h. A drainage area map, overlaid onto a copy of the site grading plan, which clearly shows the areas tributary to each inlet and/or storage basin.
 - i. Plans, profiles and details of all open drains, drainage swales and drainage structures.
 - j. Plans and details of the proposed soil erosion and sedimentation control measures, both temporary during construction and permanent.
 - k. All construction specifications for the storm water management facilities.
 - l. Locations of all drain fields as approved by the Washtenaw County Environmental Services Division and of all expansion areas. Drain fields shall not be located within drainage easements.

- m. A single sheet showing all proposed storm drainage facilities with drainage easements shall be submitted. This sheet shall be overlaid on the overall road and utility plan and drawn to a scale no smaller than 1"=100'.

C. CONSTRUCTION PLAN APPROVAL

1. When plans have been completed with computer aided design technology, copies of the electronic files of the final plan set shall be provided for those items that specifically relate to the storm drainage facilities and information required in these Rules. These items include, but are not limited to, storm sewers, swales, ponds, grading plans, etc., as well as all available information such as complete site layout, sanitary sewer and water main plans, and topographic surveys.
2. A storm water facility maintenance plan, schedule, and budget shall be submitted. This will be used in estimating the costs that will be associated with system maintenance. See PART 2, Section XIII.
3. A cost estimate of the entire stormwater management system shall be submitted. This estimate shall include, but is not limited to, grading, soil erosion control, stabilization, basin construction, and pipe construction. All fees associated with construction inspection, contingencies and letters of credit will be based on this estimate.
4. Construction inspection fees equal to 5% of the cost estimate but not less than \$2500.00 shall be submitted prior to construction plan approval.
5. For site condominiums, all items outlined in PART 1, Section IV, Articles B through F, Article I and Article J regarding final approval must be completed prior to the approval of construction plans. Complete master deed documents, including by-laws and exhibit B Drawings must be submitted for the Drain Commissioner's review and approval prior to recording.
6. The Drain Commissioner shall be invited to all pre-construction meetings with other agencies, utility companies and contractors. Prior to the approval of the final construction plans, the proprietor will make arrangements acceptable to the Drain Commissioner for inspection during construction, including submittal of inspection reports, and for final verification of the construction by a Michigan registered professional engineer. These arrangements will include an inspection schedule that defines the specific junctures during construction when on-site inspection and written verification by a professional engineer will occur. See Appendix G, Engineer's Certificate of Construction.
7. A soil erosion permit under "The Michigan Soil Erosion and Sedimentation Control Act", P.A. 451, Part 91 Public Acts of 1994 as amended, will be obtained from the appropriate agency prior to any construction.
8. Approval of construction plans by the Drain Commissioner's office is valid for one calendar year. If an extension beyond this period is needed, the proprietor will submit a written request to the Drain Commissioner for an extension. The Drain Commissioner may grant a one year extension of the approval. This extension may require updated or additional information if needed, and/or

design modifications to meet the currently prevailing Rules of the Washtenaw County Drain Commissioner.

9. Payment of all fees is prerequisite to approval.

IV. FINAL SUBDIVISION PLAT SUBMISSION AND APPROVAL

Final subdivision plat review will be completed by the Drain Commissioner's office within 10 days of submission by the proprietor. If the plat is not acceptable, written notice of rejection and the reasons there for will be given to the proprietor. If the Drain Commissioner approves the plat, s/he will affix his/her signature to it and the plat will be executed. As a condition of final plat approval, the Drain Commissioner will require the following:

- A. The municipal governing body in which the proposed development is located must approve the preliminary plat. Evidence of this approval will be submitted to the Drain Commissioner's office with the final plat.
- B. Before approval of the final plat, it must be demonstrated that all necessary Wetland, Floodplain, Inland Lakes and Streams, Erosion Control or other needed state, federal or local permits are in place.
- C. A satisfactory agreement that assures long-term maintenance of all drainage improvements will be in place before submission of the final plat. Documentation of maintenance agreement will be supplied to the Drain Commissioner.
- D. Complete subdivision agreements (including deed restrictions) must be submitted for the Drain Commissioner's review and approval prior to recording. These agreements must include the appropriate easement language for the development. See Appendix L, Typical Easement Language.
- E. Reproducible mylar drawings of the as-built storm water management system will be submitted to the Drain Commissioner along with the final plat, or upon completion of system construction. The mylars are to be of quality material and 3 mils in thickness.
- F. The proprietor will post a contingency deposit in an amount of not less than 10% of the approved construction cost estimate of the storm water facilities. This contingency deposit will be held for one year after the date of completion of construction and final inspection of the storm water facilities by the Drain Commissioner, or until construction and soil stabilization is complete on all lots in the development, whichever time period is longer.
 1. This deposit may be in the form of cash, a letter of credit, or an escrow account. A letter of credit or escrow account established as a contingency deposit shall not have an expiration date and will contain the following clause regarding the expiration of the letter or the account:

“This letter of credit (or escrow account) shall expire upon receipt of a written statement by the Washtenaw County Drain Commissioner that the storm water

management system in the above-mentioned development has received final approval by the Washtenaw County Drain Commissioner.”

2. Depending on the nature of the deposit, it will be returned to the proprietor or allowed to expire provided that all storm water facilities are clean, unobstructed and in good working order and that the Drain Commissioner has received all required documents, certificates, and as-builts drawings. It is the proprietor's responsibility to request final inspection.
- G. An Engineer's Certificate of Construction will be submitted by either a contracted registered professional engineer, or the registered professional engineer of the local governing body if it provides construction inspection. See Appendix G, Engineer's Certificate of Construction, for the appropriate language. Where certification is by a registered professional engineer other than that employed by the local governing body, the Washtenaw County Drain Commissioner will approve the registered professional engineer.
- H. The following procedure shall prevail when storm water management facilities are constructed prior to submission of the Final Plat.
1. If the proprietor desires to construct the storm water management facilities necessary in the proposed subdivision before submission of the final plat, construction plans as required in Part 1, Section III will be submitted to, and approved by the Drain Commissioner's office before any work commences.
 2. Construction inspection deposits equal to 5% of the cost estimate but not less than \$2500.00 shall be submitted prior to construction plan approval. The proprietor will be responsible for inspection costs incurred by the Drain Commissioner.
 3. If the drainage work involves crossing, tapping into, or other work within an existing County Drain or its easement, a permit application will be filed with, and approved by the Office of the Drain Commissioner prior to construction. This permit application will be accompanied by any necessary release of rights-of-way in recordable form, executed by all owners of interest. Prior to construction, copies of any required state or local permits shall be submitted to the Drain Commissioner.
- I. The following procedure shall prevail when storm water management facilities are constructed after submission of the Final Plat.
1. If the proprietor desires to have the plat recorded before completing the drainage improvements, he or she will enter into an agreement with the Drain Commissioner and post a cash deposit, letter of credit, or escrow account in an amount sufficient to complete construction of the storm water management facilities, as determined by the proprietor's engineer and approved by the Drain Commissioner.
 2. A letter of credit or escrow account established as completion assurance will contain the following clause regarding the expiration of the letter or the account:

"It is a condition of this letter of credit (or escrow account) that it shall be automatically renewed for additional periods of one (1) year from the present or each future expiration date, unless at least 60 days prior to such date, the Washtenaw County Drain Commissioner is notified in writing via certified mail, that the credit (or account) will not be renewed for such an additional period."

3. Under this agreement, the time of completion of construction of storm water management facilities will not extend for a period greater than one year from the original date of the agreement. If after this period the improvements are not completed, the Drain Commissioner may exercise the right, under the terms of the escrow account or letter of credit, to use proceeds of the proprietor's deposit to fulfill the proprietor's obligation under such agreement, at such time and in such manner as the Drain Commissioner may determine.
 4. The financial assurance mechanism shall remain in place until construction and soil stabilization over 80% of the development is complete. Thereafter, the Drain commissioner may refund portions of the original deposit as the work progresses. However, the amount of deposit retained by the Commissioner will at no time be reduced to less than the cost for completion of the remaining work.
- J. Payment of all fees is prerequisite to approval.
- K. A final plat, when submitted to the Drain Commissioner for signature, will include the Drain Commissioner's Certificate. The form of this certificate is as follows:

<p>County Drain Commissioner's Certificate</p> <p>Approved on _____, as complying with Section 192 of Act 288, P.A. of 1967, and the applicable rules and regulations published by my office in the County of Washtenaw.</p> <p>_____</p> <p>Janis A. Bobrin Drain Commissioner</p>

V. DRAINS UNDER THE JURISDICTION OF THE DRAIN COMMISSIONER

- A. Drainage districts will not be altered when designing development drainage, except as provided under Sections 425 and 433 of Act 40, Public Act 1956 as amended.
- B. Existing county drain easements will be indicated on plans and final plats and will be designated as " _____ " (County) Drain. County drain easements prior to 1956 were not required by statute to be recorded immediately; therefore, it may be necessary to check the permanent records of the Drain Commissioner's Office to see if a drain easement is in existence on the subject property.

- C. Proposed modifications to county drains will require a permit application to the Office of the Drain Commissioner. State and local permits may also be necessary.
- D. A permit will be obtained from the Drain Commissioner prior to any work that affects a county drain, including tapping into or crossing. The permit must be obtained prior to construction plan approval.
 - 1. Detailed construction plans along with the appropriate review fees shall be submitted for review with the permit application. These shall be prepared in accordance with PART 1 Section III.
 - 2. Payment of all fees is prerequisite to permit approval.
 - 3. Upon receipt of an approved permit, the permittee must contact the Drain Commissioner 48 hours prior to the start of construction.
 - 4. All work shall be completed in accordance with the plans and specifications approved by the Drain Commissioner.
 - 5. A cash deposit in an amount satisfactory to the Drain Commissioner shall be deposited to insure satisfactory completion of the project in accordance with the approved plans. The permittee shall contact the Drain Commissioner to perform an inspection of the permitted activity.
 - 6. The Drain Commissioner shall be notified in writing within 10 days of completion of an approved project.
 - 7. Authority granted by a permit from the Drain Commissioner does not convey, provide or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any federal, state, county or local approval or authorization necessary to conduct the activity.

VI. APPEAL PROCEDURES

- A. If the proprietor wishes to appeal a decision made by the Drain Commissioner, a written appeal may be filed 14 calendar days of that decision. If an appeal is filed with the Drain Commissioner's Office, an informal hearing will be scheduled within 20 calendar days from the date of the filing.
- B. The informal hearing will allow the proprietor an opportunity to submit additional information or re-emphasize previously submitted data. The Drain Commissioner will then review the information and make a final decision, within 20 days of the informal hearing, and forward this final decision to the proprietor by first class mail.