

CHAPTER 10 – MAINTENANCE



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10.1 INTRODUCTION

This chapter establishes the parties responsible to maintain the public and private infrastructure created with development. In addition, it provides a list of documents required to be submitted during project review.

10.2 MAINTENANCE RESPONSIBILITY

10.2.1 PUBLIC STREETS

Upon releasing the warranty surety and acceptance of the public infrastructure, the City maintains all public streets (curb, gutter, and pavement) and public stormwater drainage structures (drywells, inlets and pipes) located within the public rights-of-way and within border easements that serve public street runoff.

The City is not responsible for maintenance of sidewalks or landscaping of swales and grass strips, even if located within the public right-of-way or border easements. Property owners are responsible for the maintenance of these features as described below. Swale maintenance includes preservation of the original area, volume, configuration and function of the stormwater facility as described in the approved plans. Swale maintenance also includes mowing, irrigating, and replacing when necessary the lawn turf within the swales. Property owners are also responsible for maintaining sidewalks free of obstructions and debris, including snow and ice. If the property owners fail to maintain said facilities, the City shall give a notice of such failure to the property owners. If not corrected within the period indicated on said notice, the City has the right to correct the maintenance failure, or have it corrected, at the expense of the property owners.

10.2.2 PRIVATE STREETS AND DRIVEWAYS

The City is not responsible for maintenance of any of the private street or private driveway infrastructure. Private streets and driveways and related facilities shall be contained within a permanently established tract or easement providing legal access to each lot served.

The Applicant shall provide arrangements for the perpetual maintenance of the private streets, private driveways and all elements of the stormwater system (including swales within the right-of-way and border easements), and any other related facilities.

The City shall not furnish, install, or maintain signs for private streets including stop signs or street name signs for private streets intersecting public streets or “No Parking” signs. Signs shall be in accordance with MUTCD. Installation of signs at intersections with public streets require approval from the City..

Access shall be granted to the City to provide emergency maintenance of private facilities. The cost of emergency maintenance shall be the responsibility of the property owners or the Homeowners’ Association in charge of maintenance.

10.3 REQUIRED DOCUMENTS

The following maintenance-related items shall be submitted for all projects with private streets and/or common areas:

- a. A copy of the conditions, covenants and restrictions (CC&Rs) for the homeowners' association (HOA) or property owners' association (POA) in charge of operating and maintaining all elements of the private street system (see Section 10.3.1);
- b. An operations and maintenance (O&M) manual (see Section 10.3.2);
- c. A financial plan outlining the funding mechanism for the operation, maintenance, repair, and replacement of the private street system, related facilities and/or common areas (see Section 10.3.3);
- d. Street maintenance agreements, as applicable;
- e. Reciprocal use agreements, as applicable; and,
- f. Drainage easements, as applicable.

Refer to the *Spokane Regional Stormwater Manual* for maintenance requirements for stormwater facilities.

10.3.1 HOMEOWNERS' AND PROPERTY OWNERS' ASSOCIATIONS

An HOA shall be formed to maintain the private streets, signs, entrance gates, other related facilities and/or common areas. For commercial/industrial and multi-family residential developments with shared access and multiple owners, a POA or similar entity shall be formed, or a reciprocal-use agreement executed.

If the HOA or POA has CC&Rs, a draft copy of the CC&Rs for the HOA or POA shall be submitted with the civil and drainage plans. The CC&Rs shall summarize the maintenance and fiscal responsibilities of the HOA or POA, refer to the O&M Manual, and include a copy of the sinking fund calculations and Financial Plan.

Annual HOA or POA dues shall provide funding for the annual operation and maintenance of private streets, private driveways, related facilities, and common areas. The sinking fund calculations shall also include costs for the maintenance of the stormwater system and all facilities associated with the stormwater system (Refer to Chapter 11 of the *Spokane Regional Stormwater Manual*).

Homeowners' associations and property owners' associations shall be non-profit organizations accepted by the Washington Secretary of State. A standard business license is not acceptable for this purpose.

10.3.2 OPERATION AND MAINTENANCE MANUAL

All projects with private streets and/or common areas used for stormwater management shall have an O&M Manual. Projects with engineered driveways may also be required to submit an O&M Manual. The O&M Manual shall include, at a minimum:

- a. Description of the entity responsible for the perpetual maintenance, including legal means of successorship;

- b. Description of street maintenance tasks to be performed and their frequency. Street maintenance tasks shall include at a minimum street sweeping, snow plowing, signage repair, crack sealing, pot hole repair, overlay, pavement replacement, etc.;
- c. Description of the stormwater maintenance tasks to be performed and their frequency. Tasks shall include, at a minimum, swale maintenance and removing sediment from drywells, catchbasins, and pipe system. Swale maintenance means preservation of the original area, volume, configuration and function of the stormwater facility as described in the plans. Swale maintenance also includes mowing, irrigating, and replacing when necessary the lawn turf within the swales;
- d. Description of emergency maintenance tasks to be performed and their frequency, such as gate operation, “No Parking” signs, access to fire hydrants, fire lanes;
- e. Description of the source control best management practices (BMPs) such as street sweeping;
- f. A list of the expected design life and replacement schedule of each component of the private street and/or stormwater management system;
- g. A general site plan (drawn to scale) showing the overall layout of the site; and
- h. Contact information for the Engineer.

10.3.3 FINANCIAL PLAN

To provide guidance regarding financial planning for maintenance and replacement costs, a Financial Plan is required. The Financial Plan shall include the following items:

- a. A list of all private streets and related facilities, common areas, and/or stormwater management facilities, expected maintenance activities and associated costs;
- b. Sinking fund calculations that take into consideration probable inflation over the life of the infrastructure and estimates for the funds needed to be set aside annually; and,
- c. A mechanism for initiating and sustaining the sinking fund account demonstrating that perpetual maintenance will be sustained.

10.3.4 CONVERSION FROM PRIVATE TO PUBLIC STREET

The Applicant shall submit written authorization from all property owners, any and all available construction drawings of the subject street, along with an engineer-stamped analysis of the pavement and subgrade as determined from test sites separated no greater than 100 feet apart, or as required by the City. Digital photos at every 50 feet, or as the City requires, shall be submitted with the application. The City shall review the information, visually check the street and determine requirements to bring the street up to current City standards.

A letter of requirements shall be issued by the City. The Applicant(s) shall meet the requirements before the street is accepted as a public right-of-way. The Applicant shall prepare a legal description of the street and execute a deed of trust, transferring the property to the City once the physical deficiencies have been corrected and accepted.