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BEFORE the HEARING EXAMINER for the **CITY OF SAMMAMISH**  
CITY of SAMMAMISH

**DECISION**<sup>1</sup>

FILE NUMBER: PSUB2017-00542

APPLICANT: William E. Buchan, Inc.  
ATTN: Greg Nelson  
2630 116<sup>th</sup> Avenue NE, Suite 100  
Bellevue, WA 98004

TYPE OF CASE: Preliminary subdivision (*SE 14<sup>th</sup> Street*)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: November 5, 2018

**INTRODUCTION**<sup>2</sup>

William E. Buchan, Inc. (“Buchan”) seeks preliminary approval of *SE 14<sup>th</sup> Street*, a 12-lot single-family residential subdivision of a 3.24 acre site which is zoned R-4.

Buchan filed a Base Land Use Application on July 7, 2017. (Exhibit 8<sup>3</sup>) The Sammamish Department of Community Development (“Department”) deemed the application to be complete on September 1, 2017. (Exhibit 7) The Department issued a Notice of Application on September 14, 2017. (Exhibits 8; 9)

The subject property occupies the southwest quadrant of the SE 14<sup>th</sup> Street/247<sup>th</sup> Avenue SE (a private road) intersection. (Exhibit 2) The addresses of the three parcels which comprise the subject property are 24525 SE 14<sup>th</sup> Street, 24617 SE 14<sup>th</sup> Street, and 1425 247<sup>th</sup> Avenue SE.(Exhibit 5, p. 2)

The Sammamish Hearing Examiner (“Examiner”) viewed the subject property on October 22, 2018.

<sup>1</sup> This written Decision memorializes and expands upon an oral Decision rendered on the record after completion of the open record predecision hearing on October 22, 2018.

<sup>2</sup> Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

<sup>3</sup> Exhibit citations are provided for the reader’s benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner’s Decision is based upon all documents in the record.

The Examiner held an open record hearing on October 22, 2018. The Department gave notice of the hearing as required by the Sammamish Municipal Code (“SMC”). (Exhibit 36) The Examiner requested and Buchan granted five additional working days in which to issue this decision (due to a scheduled vacation). The agreed deadline for issuance of this decision is November 13, 2018. The additional days were not used.

Subsection 20.05.100(1) SMC requires that decisions on preliminary subdivisions be issued within 120 net review days after the application is found to be complete. The open record hearing was held beyond the 120<sup>th</sup> net review day. (Testimony) The SMC provides two potential remedies for an untimely decision: A time extension mutually agreed upon by the City and the applicant [SMC 20.05.100(2)] or written notice from the Department explaining why the deadline was not met [SMC 20.05.100(4)]. Buchan chose to extend the deadline. (Testimony)

The following exhibits were entered into the hearing record during the hearing:

Exhibits 1 - 38: As enumerated in Exhibit 1, the Departmental Staff Report

Exhibit 33 contains “Public Comments.” Correspondence from three separate parties are included in Exhibit 33. To simplify citation to those individual comments, the Examiner directed at the hearing that Exhibit 33 be subdivided into three separate exhibits as follows:

Exhibit 33A: Tran My Tran correspondence  
Exhibit 33B: Gary & Denice Hanson correspondence  
Exhibit 33C: Mary Hall/Bruce Torrenza correspondence

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner’s knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

## FINDINGS OF FACT

1. The subject property is an assemblage of three separate parcels, each of which does or used to contain a single-family residence, which collectively form a near rectangle with about 483 feet of frontage on the south side of SE 14<sup>th</sup> Street and about 318 feet of frontage on the west side of 247<sup>th</sup> Avenue SE. The property slopes gently downward in all directions from a centrally located knoll. The total elevation difference across the property is about six feet. The property is wooded except in the vicinity of the three residences. (Exhibit 2)

There are no regulated critical areas on the subject property. There are regulated wetlands on the property east of 247<sup>th</sup> Avenue SE. The regulatory buffers of those wetlands do not intrude into the subject property. (Exhibits 2; 22)

2. SE 14<sup>th</sup> Street is a dedicated public right-of-way. The north half of the right-of-way contains a “half-street” improvement, consisting of a paved travel lane with curb, gutter, and sidewalk, from 248<sup>th</sup> Avenue SE on the east to a point about 150 feet west of 247<sup>th</sup> Avenue SE. The half-street improvement was constructed as a frontage improvement when the *Windsor Fields* subdivision was developed. From the end of the pavement on to its current, temporary end several hundred feet to the west, it exists as a dirt/gravel road. (Exhibit 2)  
  
247<sup>th</sup> Avenue SE, north of SE 14<sup>th</sup> Street, is a fully constructed, public street within a 57-foot wide right-of-way. South of SE 14<sup>th</sup> Street it exists as a narrow, private, gravel road within a 30-foot wide easement serving four lots. (Exhibits 2; 20, p. 2)
3. The subject property and all nearby properties are zoned R-4. (Exhibit 3)
4. The subject property lies in a transitional area. Except for the *Windsor Fields* subdivision to the immediate north, all other properties in the near vicinity are wooded, acreage parcels. However, extensive small-lot subdivision development lies a few hundred feet to both the west and southeast. (Exhibits 3; 22, Appendix D, WDFW Test Map) A high-voltage Bonneville Transmission Line crosses diagonally from north to south through the parcel on the east side of 247<sup>th</sup> Avenue SE. (Exhibits 26; 38, Esmnt. AFN 8601280927, microfilm image # 001020)
5. The subject property is designated on the City’s adopted comprehensive plan R-4 and zoned R-4, residential development at a maximum density of four dwelling units per acre. (Exhibits 3; 4)
6. The maximum permissible lot yield under the subject property’s R-4 zoning, calculated in accordance with procedures spelled out in the SMC, is 11.56. Fractional results “of 0.50 or above shall be rounded up”, those “below 0.50 shall be rounded down.” [SMC 21A.25.070(4)] Therefore the maximum permissible lot yield is 12 dwelling units. (Exhibits 2, Sheet C1.01; 15)
7. Buchan proposes to subdivide the subject property into 12 single-family residential lots and four tracts. The easterly 35 feet of the subject property will be dedicated to the City as public right-of-way. Half-street frontage improvements will be provided along the property’s frontage on both SE 14<sup>th</sup> Street and 247<sup>th</sup> Avenue SE. (Exhibit 2)

The proposed lots will range in size from 5,520 square feet (“SF”) (Proposed Lot 11) to 10,999 SF (Proposed Lot 1). Proposed Lots 1 and 2 will occupy the southwest corner of the site and access SE 14<sup>th</sup> Street via a shared driveway along the west edge of the property. Proposed Lots 3 – 7 will front on SE 14<sup>th</sup> Street; Proposed Lot 7 will also have frontage on 247<sup>th</sup> Avenue SE as will Proposed Lot 12. Proposed Lots 8 – 11 will access 247<sup>th</sup> Avenue SE via a combination private road (Tract C) and a shared driveway. Tract A, containing 13,338 SF, will be a tree preservation tract in the northwest corner of the property. Tract B, in the east center of the property, will contain the development’s underground stormwater vault with a recreational area above. (Exhibit 2)

The site will be graded such that stormwater runoff will drain easterly to the detention vault. releases from the vault will flow into a wetland on the adjoining property for which Buchan has acquired a drainage easement. (Exhibits 2; 25; 34) Mitigation for disturbance of the wetland's buffer associated with installation of the outfall pipe will be provided. (Exhibit 26)

8. All proposed lots meet applicable zoning standards. (Exhibit 1)
9. The record contains evidence that appropriate provisions have been made for open space (Exhibit 2); drainage (Exhibits 2; 25; 27); streets and roads (Exhibits 2; 13; 14); potable water supply (Exhibits 2; 16); sanitary wastes (Exhibits 2; 16); parks and recreation (Exhibit 1); playgrounds (Exhibit 2); schools and schoolgrounds (Exhibit 1); and safe walking conditions for children who walk to school (Exhibits 1; 31). The plat design does not require alleys or other public ways. (Exhibit 2) The record contains no request for a transit stop.
10. Tree retention is proposed as required by Chapter 21A.37 SMC, Development Standards – Trees. The retention requirement will be fulfilled on the west half of the site, primarily within Tract A in the northwest corner of the site, where 17 significant trees<sup>4</sup> and an unknown number of non-significant trees will be retained. (Exhibit 2)
11. Four neighboring property owners commented on the *SE 14<sup>th</sup> Street* subdivision application. Tran My Tran lives to the west and was concerned about additional drainage flowing onto his property. (Exhibit 33A) As has been noted, the site will be graded so that stormwater runoff flows to the detention vault within Tract B on the east side of the property. No stormwater will be discharged to the west. (Exhibits 2; 27; 34)

Gary and Denice Hanson and Mary Hall/Bruce Torrenga live south of the subject property and access their properties via 247<sup>th</sup> Avenue SE. Both want the rural character of 247<sup>th</sup> Avenue SE preserved to the greatest extent possible. (Exhibits 33B; 33C)

The Noonchesters live on a five-acre parcel on the north side of SE 14<sup>th</sup> Street across from the northwest corner of the subject property. Their concern is increased windthrow potential from clearing of the *SE 14<sup>th</sup> Street* site. (Testimony) As has been noted, the major tree retention area will be directly across SE 14<sup>th</sup> Street from the southeast portion of the Noonchester acreage.

12. Sammamish's State Environmental Policy Act ("SEPA") Responsible Official issued a threshold Determination of Nonsignificance ("DNS") for *SE 14<sup>th</sup> Street* on August 9, 2018. (Exhibit 12) The DNS was not appealed. (Testimony)

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<sup>4</sup> A "significant tree," by definition, is "a tree that is in a healthy condition and is a noninvasive species, including those trees defined as a heritage tree and landmark tree, that is: (1) A coniferous tree with a diameter of eight (8) inches or more DBH [Diameter at Breast Height]; or (2) A deciduous tree with a diameter of twelve (12) inches or more DBH." [SMC 21A.15.1333]

13. The Department's Staff Report (Exhibit 1) provides a detailed exposition of facts related to all criteria for preliminary subdivision approval. Buchan concurred in full in the Findings, Conclusions, and Recommended Conditions set forth in that report. (Testimony) The record contains no challenge to the content of that report. Therefore, the Findings and Conclusions/Analysis within the Staff Report are incorporated herein as if set forth in full with the following exception:
  - A. Page 6, § 2.6. Infiltration of stormwater is not proposed, contrary to the statement in this Finding of Fact. The site's soils would not support stormwater infiltration. (Exhibits 18; 27) Rather, as noted above, stormwater will be conveyed to the detention vault in Tract B and then discharged into the wetland in the adjoining property to the east. (Exhibits 2; 27)
14. The Department recommends approval of *SE 14<sup>th</sup> Street* subject to 25 conditions. (Exhibit 1, pp. 12 - 14)
15. Buchan has no objection to any of the recommended conditions. (Testimony)
16. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

### LEGAL FRAMEWORK <sup>5</sup>

The Examiner is legally required to decide this case within the framework created by the following principles:

#### Authority

A preliminary subdivision is a Type 3 land use application. [SMC 20.05.020, Exhibit A] A Type 3 land use application requires an open record hearing before the Examiner. The Examiner makes a final decision on the application which is subject to the right of reconsideration and appeal to Superior Court. [SMC 20.05.020, 20.10.240, 20.10.250, and 20.10.260]

The Examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications, and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including Chapter 43.21C RCW and the regulations, policies, objectives, and goals of the interim comprehensive plan or neighborhood plans, the development code, the subdivision code, and other official laws, policies and objectives of the City of Sammamish.

[SMC 20.10.070(2)]

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<sup>5</sup> Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

### Review Criteria

Section 20.10.200 SMC sets forth requirements applicable to all Examiner Decisions:

When the examiner renders a decision . . . , he or she shall make and enter findings of fact and conclusions from the record that support the decision, said findings and conclusions shall set forth and demonstrate the manner in which the decision . . . is consistent with, carries out, and helps implement applicable state laws and regulations and the regulations, policies, objectives, and goals of the interim comprehensive plan, the development code, and other official laws, policies, and objectives of the City of Sammamish, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public.

Additional review criteria for preliminary subdivisions are set forth at SMC 20.10.220:

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

- (1) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- (2) The public use and interest will be served by the platting of such subdivision and dedication.

### Vested Rights

Sammamish has enacted a vested rights provision.

Applications for Type 1, 2, 3 and 4 land use decisions, except those that seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

[SMC 20.05.070(1)] Therefore, this application is vested to the development regulations as they existed on September 1, 2017.

### Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof. [City of Sammamish Hearing Examiner Rule of Procedure 316(a)]

### Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

## CONCLUSIONS OF LAW

1. Extensive, detailed conclusions regarding conformance with the criteria for approval are unnecessary since *SE 14<sup>th</sup> Street* is essentially an uncontested case.
2. Section 20.10.200 SMC requires the Examiner to consider a number of items, including “the interim comprehensive plan”. The Examiner’s ability to use the comprehensive plan in project review is constrained by state law which states that the comprehensive plan is applicable only where specific development regulations have not been adopted: “The review of a proposed project’s consistency with applicable development regulations or, in the absence of applicable regulations the adopted comprehensive plan ....” [RCW 36.70B.030(1)]

The state Supreme Court addressed that provision in *Citizens v. Mount Vernon* [133 Wn.2d 861, 947 P.2d 1208 (1997), *reconsideration denied*] in which it ruled that “[RCW 36.70B.030(1)] suggests ... a comprehensive plan can be used to make a specific land use decision. Our cases hold otherwise.” [at 873]

Since a comprehensive plan is a guide and not a document designed for making specific land use decisions, conflicts surrounding the appropriate use are resolved in favor of the more specific regulations, usually zoning regulations. A specific zoning ordinance will prevail over an inconsistent comprehensive plan. If a comprehensive plan prohibits a particular use but the zoning code permits it, the use would be permitted. These rules require that conflicts between a general comprehensive plan and a specific zoning code be resolved in the zoning code’s favor.

[*Mount Vernon* at 873-74, citations omitted]

3. Based upon all the evidence in the record, the Examiner concludes that *SE 14<sup>th</sup> Street* meets the considerations within SMC 20.10.200. All evidence demonstrates compliance with Comprehensive Plan policies, to the extent they can be considered, and zoning code, subdivision code, and Environmentally Sensitive Areas regulations.
4. Given all the evidence in the record, the Examiner concludes that *SE 14<sup>th</sup> Street* complies with the review criteria of SMC 20.10.220(1). The proposed subdivision allows development at the density expected under the Comprehensive Plan, does not thwart future development of surrounding properties, and makes appropriate provision for all items listed in that code section.

Buchan must comply with the 2016 Public Works Standards (“2016 PWS”) in the development of *SE 14<sup>th</sup> Street*. The 2016 PWS require that Buchan provide half-street improvements and dedicate right-of-way (where necessary) for that portion of *SE 14<sup>th</sup> Street* and *247<sup>th</sup> Avenue SE* abutting the subject property. *247<sup>th</sup> Avenue SE* can and will remain in its current rural condition south of the property. Given the area’s zoning, it is entirely likely that other properties abutting *247<sup>th</sup> Avenue SE* will develop at urban/suburban densities at some time in the future. If and when that happens, *247<sup>th</sup> Avenue SE* will convert to a standard City street. But that is not happening now.

5. Given all the evidence in the record, the Examiner concludes that *SE 14<sup>th</sup> Street* will serve the public use and interest and will thus comply with the review criteria of SMC 20.10.220(2).
6. The recommended conditions of approval as set forth in Exhibit 1 are reasonable, supported by the evidence, and capable of accomplishment with the following changes:
  - A. Recommended Conditions 6, 16, and 21. These conditions reference the 2016 King County Surface Water Design Manual (“KCSWDM”). Storm water control regulations are generally not subject to vested rights. The references in Recommended Condition 21 are open ended; the reference in Recommended Conditions 6 and 16 pertain to the imminent development of the subdivision. No change is needed to Recommended Conditions 6 and 16; Recommended Condition 21 will be changed to simply refer to the “applicable” KCSWDM.
  - C. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 1, 4 – 6, 12, 13, and 18 - 24 will improve parallel construction, clarity, and flow within the conditions. Such changes will be made.
7. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

### DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, and the testimony and evidence submitted at the open record hearing, the Examiner **GRANTS** preliminary subdivision approval for *SE 14<sup>th</sup> Street* **SUBJECT TO THE ATTACHED CONDITIONS**.

Decision issued November 5, 2018.



John E. Galt  
Hearing Examiner

## HEARING PARTICIPANTS <sup>6</sup>

Greg Nelson  
Tracy Cui  
Sheri Murata

Lafe Hermansen  
Howard Noonchester

## NOTICE of RIGHT of RECONSIDERATION

This Decision is final subject to the right of any party of record to file with the Examiner (in care of the City of Sammamish, ATTN: Lita Hachey, 801 228<sup>th</sup> Avenue SE, Sammamish, WA 98075) a written request for reconsideration within 10 calendar days following the issuance of this Decision in accordance with the procedures of SMC 20.10.260 and Hearing Examiner Rule of Procedure 504. Any request for reconsideration shall specify the error which forms the basis of the request. See SMC 20.10.260 and Hearing Examiner Rule of Procedure 504 for additional information and requirements regarding reconsideration.

A request for reconsideration is not a prerequisite to judicial review of this Decision. [SMC 20.10.260(3)]

## NOTICE of RIGHT of JUDICIAL REVIEW

This Decision is final and conclusive subject to the right of review in Superior Court in accordance with the procedures of Chapter 36.70C RCW, the Land Use Petition Act. See Chapter 36.70C RCW and SMC 20.10.250 for additional information and requirements regarding judicial review.

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation."

## CONDITIONS OF APPROVAL *SE 14<sup>th</sup> STREET* PSUB2017-00542

This Preliminary Subdivision is subject to compliance with all applicable provisions, requirements, and standards of the Sammamish Municipal Code, standards adopted pursuant thereto, and the following special conditions:

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<sup>6</sup> The official Parties of Record register is maintained by the City's Hearing Clerk.

**General Conditions:**

1. Exhibit 2 is the approved preliminary plat (and supporting plans). Revisions to approved preliminary subdivisions are subject to the provisions of SMC 19A.12.040.
2. The Plator or subsequent owner(s) shall comply with the payment of street impact fees, impact fees for park and recreational facilities, and school impact fees for nine (9) net lots in accordance with SMC Chapters 14A.15, 14A.20, and 21A.105, respectively, prior to building permit issuance.
3. SE 14<sup>th</sup> Street is classified as a local road with 60 feet of existing right-of-way. Half-street frontage improvements are required consistent with Public Works Standards 7.8 and Figure 01-05A.
4. 247<sup>th</sup> Avenue SE is classified as a local road with an existing 30-foot wide ingress/egress and utilities easement. Right-of-way dedication and half-street frontage improvements are required consistent with Public Works Standards 7.8 and Figure 01-07.
5. A pedestrian connection is required to provide a safe route to the school bus stop location at 248<sup>th</sup> Avenue SE and SE 14<sup>th</sup> Street.
6. Drainage plans, Technical Information Reports, and analysis shall comply with the 2016 King County Surface Water Design Manual ("KCSWDM"), the City of Sammamish Addendum to the 2016 KCSWDM, the City of Sammamish Stormwater Management Comprehensive Plan, and the East Lake Sammamish Basin Plan. Wetland hydrology shall be protected in accordance with Reference 5 of the 2016 KCSWDM pursuant to SMC 21A.50.300(7).

***Prior to or Concurrent with Final Plat:***

7. Driveways, frontage improvements, and off-site improvements shall be constructed as required by the Site Development Permit and/or Right-of-Way Permit. Any joint use driveways shall be bonded for or constructed under the Site Development Permit.
8. A public stormwater easement shall be provided for access, inspection, maintenance, repair, and replacement of the detention and water quality facilities within Tract B.
9. Any offsite stormwater easements required by the stormwater design shall be recorded.

10. Illumination shall be fully installed or bonded as approved by the City Engineer.
11. Mitigation plans shall be updated to include planting details, maintenance and monitoring instructions, goals and performance standards in accordance with SMC 21A.50.145 to offset the impacts to the offsite wetland buffer. The plans shall be provided to the City for review and approval under the Site Development Permit.
12. In accordance with the approved Tree Retention Plan, tree protection barriers shall be installed five feet beyond the drip line of significant trees to be protected prior to any land disturbance. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, polyethylene laminar safety fencing, or similar material.
13. The tree replacement plan shall be in accordance with SMC 21A.37.280.

***Conditions to appear on the face of the final plat (italicized words verbatim):***

14. The land use development standards, including setbacks set forth in Title 21A shall be included on the final plat.
15. Trees required for retention in accordance with SMC 21A.37.250 shall be identified on the face of the final plat.
16. Covenant and easement language and a table depicting each lot proposed, the size of the lot, and the amount of impervious surface required to be treated with flow control best management practices according to the 2016 KCSWDM.
17. Unless located within a recreation tract and easements provided, all Surface Water Management Facilities required for this subdivision shall be contained within a separate tract of land and shall be dedicated to the Homeowners Association or equally shared by plat lots for inspection, maintenance, operation, repair, and replacement. An easement shall be provided to the City of Sammamish to inspect the facilities and if needed maintain, operate, repair and replace. Language to this effect shall be shown on the face of the final plat.
18. *Maintenance of illumination along all local and private roads shall be the responsibility of the Homeowners Association or jointly shared by the owners of the development.*
19. *Maintenance of all landscape strips along the plat roads shall be the responsibility of the Homeowners Association or adjacent property owners. Under no circumstances shall the City bear any maintenance responsibilities for landscaping strips created by the plat.*

20. *Maintenance of landscaping within Tract B, including above the stormwater vault, shall be the responsibility of the Homeowners Association or jointly shared by the owners of the development.*
21. *Individual lot flow control BMPs in accordance to the applicable King County Surface Water Design Manual shall be provided with each single family residential building permit unless otherwise incorporated into the subdivision site development plans. Unless directed to individual lot flow control BMP's, all building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain system as shown on the approved plat Site Development permit on file with the City of Sammamish. The connection to the storm system shall be through a perforated tightline in accordance to the applicable King County Surface Water Design Manual. All connections of the drains shall be constructed and approved prior to final building inspection approval.*
22. *Maintenance of all low impact development flow control best management practices (LID BMPs) shall be the responsibility of the Homeowners Association or shared by the plat owners when they are located on commonly owned tracts. Where low impact development features are installed on individual lots, maintenance shall be the responsibility of the owner of the individual lots on which they have been installed. Under no circumstances shall the City be responsible for maintenance of the plat or building permit required LID BMPs.*
23. *The City of Sammamish is granted a public easement to inspect all low impact development flow control best management practices (LID BMPs) located on each individual lot or on commonly shared tracts in the plat.*
24. *The Homeowners Association or jointly shared by individual lot owners of the plat shall be responsible for maintenance of all recreation elements located on the plat, including, but not limited to, landscaping around stormwater facilities, trails, fences, and signage.*

***Prior to City Acceptance of Improvements:***

25. *Prior to acceptance into the Maintenance and Defect period, project close-out documents including the final acceptance construction punch list, as-builts, and final corrected Technical Information Report shall be submitted to Public Works for approval.*