

# City Council Agenda Memo

**From:** Ryan Miller, City Planner

**Meeting:** April 27, 2021 / May 11, 2021

**Subject:** Amendment to Chapter 51, Subdivision Regulations, Pertaining to Section 51-42, 51-64, and 51-65

**Person(s) Responsible:** Mike Struck, Community Development Director

**Summary:**

The City of Brookings is seeking approval of an amendment to the Subdivision Regulations pertaining to public street acceptance and drainage requirements.

**Background:**

Staff has been reviewing the City's street acceptance policy over the previous year. The goal is to improve the process for accepting privately built roads during the development process while also ensuring an acceptable level of quality. During the review process, other language within sections 51-42, 51-64, and 51-65 were identified as needing cleaning or updating.

**Item Details:**

The changes include outlining the steps necessary for street acceptance, which include the developer retaining a licensed professional engineer to perform an inspection and opinion that the construction of the streets and associated work was done in general accordance with the approved plans and specifications, submitting to the City a Certificate of Completion signed by the developer's engineer, and submitting to the City Warranty Security in the amount of ten percent of the engineer's estimate of construction. Upon receipt of the Certificate of Completion and Warranty Security, the City Engineer will determine acceptability of the Certificate of Completion, Warranty Security, and site conditions within 30 days of the submission of the documents. With these changes, the warranty period during which developers are responsible for repairs was reduced from three years to one.

The ordinance amendment cleans up portions of the ordinance that are no longer applicable and provides clarity on the public street acceptance process and drainage easement requirements.

An additional amendment will follow related the definition of Warranty Security. Staff and the Planning Commission discussed defining Warranty Security within Section 51-64 but ultimately determined that it would be best to include this in the definitions section of Chapter 51 relating to the entirety of the Subdivision Regulations.

**Legal Consideration:**

City Attorney Steve Britzman has reviewed the ordinance amendments and addressed the Planning Commission related to the amendments at their April 6<sup>th</sup> regular meeting.

**Strategic Plan Consideration:**

Fiscal Responsibility - The ordinance promotes a stable financial environment that is transparent and maintains an outstanding quality of life for our citizens.

Sustainability - The ordinance will help provide and maintain quality infrastructure that supports the community's quality of life and economic vitality.

**Fiscal Consideration:**

None

**Options and Recommendation:**

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Do nothing

The Planning Commission voted 7-0 to recommend approval on April 6, 2021.

**Supporting Documentation:**

Ordinance – Clean

Ordinance – Marked

Planning Commission Notice

Planning Commission Minutes

City Council Hearing Notice