

# Planning Commission Agenda Memo

**From:** Ryan Miller, City Planner

**Meeting:** March 2, 2021

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

**Person(s) Responsible:** Ryan Miller, City Planner

**Summary:**

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

**Background:**

The Planning Commission reviewed the first draft of the amended subdivision regulations at the October 6, 2020 meeting. After the initial review, staff was directed to look further into the drainage easement changes as well as discuss the proposed public street acceptance process changes with engineering firms to further vet changes.

The first part of the proposed amendment is cleaning up language in the existing ordinance to ensure accurate cross-referencing of ordinances as well as ensuring requirements are placed in the appropriate sections of the ordinance.

The proposal is to move language in 51-42 to section 51-65 as the language is more appropriate in this area. The cross referencing of the second change is a language clean up issue as the Premises Identification was changed during a recodification process and was inadvertently missed. This cleanup provides accurate cross-referencing of ordinances.

The third proposed change pertains to 51-64 Street Standards and identifies the process for accepting public streets from a developer. The proposal would require a developer to retain a licensed engineer to provide a professional opinion that streets and associated work were constructed in accordance with the approved plans and specifications. Prior to the City accepting street maintenance responsibilities, the developer will be required to submit a signed Certificate of Completion by the licensed engineer as well as submit a warranty security in the amount of %10 of the engineer's estimate of construction based on the approved plans and specifications. The warranty will name the City of Brookings as the additional insured and shall have a duration of one year.

The fourth proposed change is reducing the warranty period for street workmanship, materials, deterioration or any other deficiencies from three years to one. This change

aligns the warranty period with the proposed one-year warrant security added as part of the street acceptance policy.

The fifth proposed change is adding the language removed from section 51-42 into section 51-65, which creates consistency within the subdivision ordinance.

The sixth proposed change clarifies section (d) as pertaining to drainage easements as well as providing clarification on restrictions within a drainage easement. Specifically, this would allow the City to require the removal of structures within a drainage easement.

**Item Details:**

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.

**Options and Recommendation:**

The Planning Commission has the following options:

1. Approve as presented
2. Approve as amended
3. Deny

The Development Review Team (DRT) recommends approval of the ordinance amendment.

**Supporting Documentation:**

1. Notice
2. Ordinance – Marked Up
3. Ordinance – Clean