

City Council Agenda Memo

From: Mike Struck, Community Development Director

City Council Meeting: May 26, 2020 and June 9, 2020

Subject: Administrative Platting

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

Summary:

Administrative platting is a process whereby final plats are approved by an administrative action of staff. The proposed Subdivision Regulation amendments would allow for administrative platting by streamlining the review and recommendation component of the final plat approval process. The proposed changes would allow the Community Development Director and City Engineer to review and recommend approval of final plats to the City Manager.

Background:

Chapter 51, Subdivision Regulations, of the City of Brookings Municipal Code of Ordinances outlines the procedures for subdividing land. The plat approval process currently goes through a three step development process:

- 1) Sketch Plan – prior to submission of a preliminary plat, the applicant submits a concept plan of the subdivision to Community Development Department for general comments concerning general layout and requirements of the subdivision.
- 2) Preliminary Plat – stage at which the following criteria are required for submittal:
 1. Subdivision name
 2. Names of adjoining subdivision with all lot and block lines, easements, and rights-of-way
 3. Owner, developer, and surveyor contact information
 4. Correct legal description stating acreage, scale, and north arrow
 5. Systematic lot and block numbering pattern, lot lines and street names
 6. Location and width of proposed and existing streets, alleys, easements, parks, and other significant features
 7. Boundary lines of floodways and special flood hazard areas
 8. Existing contours

Other preliminary plans submitted at this phase include grading plan, drainage plan, utility plan, and groundwater control plan when deemed necessary.

- 3) Final Plat – a map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with the owner's dedication and all applicable acknowledgements. The final plat is reviewed against the approved preliminary Plat for consistency. The criteria of a final plat is listed in Section 51-42 of the Municipal Code of Ordinances. Staff developed an internal Plat Checklist (attached) when reviewing preliminary and final plats to ensure the criteria of the Subdivision Regulations are adhered to.

The South Dakota Legislature has provided local units of government the authority to designate an administrative official to approve plats in South Dakota Codified Law 11-3-6, which is provided below.

SDCL 11-3-6. Municipal approval for adjoining addition or subdivision--Conformity to existing plats and regulations--Taxes and special assessments--Certification--Appeal of denial. The provisions of this chapter apply to every addition to, or subdivision within, any county, municipality, or unincorporated town. If the land or any part of the land included in any addition or subdivision is within, adjoining, or contiguous to the boundaries of any municipality, the plat, before being recorded, shall be submitted to the governing body or, if applicable, the planning director of the municipality. If it appears that the system of streets set forth therein conforms to the system of streets of the existing plats of the municipality, that all provisions of any subdivision regulations have been complied with, that all taxes and special assessments upon the tract or subdivision have been fully paid, and that such plat and the survey thereof have been executed according to law, the governing body shall, by resolution, approve the plat. The governing body may by resolution designate an administrative official of the municipality to approve plats in lieu of approval by the governing body. The auditor or finance officer shall endorse on the face of the plat a copy of the resolution or the designated administrative official's approval and certify to the same. No plat of any such addition or subdivision so situated may be recorded unless the plat bears on its face a copy of the resolution or approval and certificate of the auditor or finance officer. If the designated administrative official denies the plat request, the person requesting the plat may appeal to the governing body.

The City of Brookings passed Resolution 43-2000 on July 10, 2000 authorizing the City Manager to approve all plats. The Subdivision Regulations reference Planning Commission review and recommendation of final plats to the City Manager for final approval.

Administrative platting is prevalent in South Dakota municipalities, including, but not limited to, Sioux Falls, Rapid City, Spearfish, Watertown, Brandon, and Tea.

Item Details:

Administrative platting is a process whereby final plats are approved through an administrative action of staff.

Staff is proposing a change to the Subdivision Regulations to create time efficiencies associated with the final plat approval process. The current process requires final plats to be presented to the Planning Commission for their review and recommendation to the City Manager for approval. Staff proposes final plats be reviewed and recommended by the Community Development Director and City Engineer to the City Manager for approval.

The most common question associated with a final plat relates to utility and drainage easements. A vast majority of final plats do not have the final drainage and utility easements shown on the plat at the time the Planning Commission is reviewing such final plat. Therefore, the Planning Commission has implemented a standard practice of approving all final plats subject to all necessary drainage and utility easements and delegating the authority to determine the appropriate easements to staff (i.e. Community Development Director and City Engineer).

Part of the issue associated with final platting is time. Final plats are due in the office of Community Development two (2) weeks prior to the Planning Commission meeting. Staff has one week to complete the review process and prepare staff reports for the agenda packet and have the packet ready for distribution one week in advance of the meeting. A final plat missing the deadline delays the approval by approximately six (6) weeks. The time associated with the delay equates to additional costs for the developer, homeowner, applicant, etc. as they are unable to proceed with closing on the real estate and/or obtaining a building permit.

Staff has been tasked with reviewing ordinances, policies, and procedures and seeking efficiencies while upholding the integrity of the ordinances. The proposed amendment is able to achieve efficiencies while maintaining the integrity of the ordinances. Final plats can be submitted at any time and proceed through administrative review with a recommendation to approve provided to the City Manager.

Legal Consideration:

The statutory authority for administrative platting is granted by SDCL 11-3-6.

Strategic Plan Consideration:

None.

Financial Consideration:

None.

Options and Recommendation:

The City Council has the following options:

1. Approve as presented

2. Amend
3. Deny
4. Move the item to a Study Session
5. Do nothing

The Development Review Team has reviewed the proposed ordinance amendments and recommends approval. The Planning Commission vote 7-1 to recommend approval.

Staff recommends approval of the amendments to the Subdivision Regulations.

Supporting Documentation:

Ordinance – Clean

Ordinance – Marked

Notice

Planning Commission Minutes 5/5/2020

Plat Checklist

Resolution 43-2000