

City of Brookings **WORKSHOP Agenda**

CITY COUNCIL

Monday, March 2, 2015, 4:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

1. DIA Process. [PWDS, pg. 2]
 - a. Project valuation form [pg. 5]
 - b. Draft language, BMC Chapters 17.10, 17.128 and 17.136 [pg. 6]
 - c. Proposed sidewalk infill plan [pg. 13]
2. Water Supply Sources. [City Manager, pg. 14]
 - a. Water sources map [pg. 15]

D. Council Member Requests for Workshop Topics

E. Adjournment


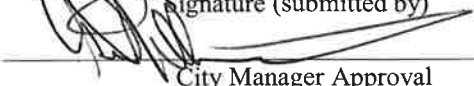
All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 10 days advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: March 2, 2015

Originating Dept: PWDS, Planning


Signature (submitted by)

City Manager Approval

Subject: New process for the deferral of street improvements (DIA)

Recommendation: Discussion on new DIA process and proposed sidewalk infill map

Financial Impact: Minimal.

Background/Discussion: City Council considered revisions to the Land Development Code at the January 26, 2015 City Council meeting to implement a new process for the deferral of street improvements. Due to the numerous questions that required research for answers, this matter was rescheduled for a workshop.

City Council discussed several items at the meeting (*in italics*) below along with staff's response and how it is addressed in the propose land development code amendments (in non italics);

1) *It costs more for the City of Brookings to contract the installation of the sidewalk than a developer. There is no incentive for a developer to make a cash deposit for the City to install the improvement.*

Staff compared a recent developer's costs to install sidewalk verses the City's sidewalk project at Alder and Hemlock Streets. Although it appears developers costs are significantly lower than the City's project, there is no hard evidence that the \$30,000 quote for over 750 feet of sidewalk at Dollar General was the actual cost. It is in the developers best interest to provide the city a low estimate because they pay a public works fee based on this estimate. Public works permit fees are based on estimated cost to construct improvements per Attachment a. Notice Attachment a does not include engineering, sub grade work, traffic control, ADA ramps, driveway approaches, mobilization, clearing and grubbing etc and has outdated unit prices.

Staff reviewed the most recently City sidewalk work for Alder and Hemlock Streets and Cove Road realignment and are more comfortable quoting approximately \$225/foot per 5' wide sidewalk including drainage, curb, gutter and paving work for City facilitated sidewalk installation and DIA cash out amounts. The City is required by State procurement law to pay BOLI wages, and additionally requires bonds and insurance which drives the installation cost higher than a private developer. Yet, it is also important to note than in accordance with the City's approved Engineering Standards, private developers must comply with engineered plans and these construction standards which includes being a licensed contractor to do this type of work.

Staff will update Attachment a with current costs and continue to evaluate private and City bid results to be consistent with the cash DIA deposit amount.

2) Will the developer continue to have the option to construct the improvements even if it creates an "orphan sidewalk."

Orphan sidewalks can create not only drainage concerns, but they trigger 2012 federal ADA accessibility compliance when a street undergoes a paving project. This law means that any pavement improvement project must provide for a continuous path of travel and be brought to ADA compliance in an amount no less than 20 percent of the total street paving budget. Orphan sidewalks create a path of travel thereby triggering completion of the infill sidewalks to maintain a path of travel as a condition of a pavement project under ADA law. It is not in the City's best interest to continue allowing the installation of orphan sidewalks unless the city can afford to extend the sidewalks when the next paving project occurs. Staff addresses this issue in the propose land development changes 17.170.060 1 which states, "Required street improvements that meet the criteria for deferral but are proposed to be installed must demonstrate that all ADA requirements are met and that a nuisance will not be created by storm drainage." Staff further recommends the discretion to allow the contractor to provide an engineering design for the entire street drainage and future sidewalk improvements in lieu of installation of the sidewalks.

In order to proceed with a new policy on cashing out DIAs, it seems imperative to have a map of where sidewalks to be installed in the future. Staff prepared a draft "proposed sidewalk infill plan" as attachment c herein. It is recommended this sidewalk plan be adopted in conjunction with a DIA cash out policy and included in the City's transportation system plan update currently in progress. Approval of this map will eliminate staff discretion as to where a sidewalk will be installed, and where not to install. This will also provide any developer or property owner a clear understanding of the improvement expectations. Further, it will provide staff direction on how when to call in DIAs as a part of future paving projects. The next steps with the sidewalk infill map is to bring to city council workshop as a separate subject, followed by planning commission, the City Council meeting for adoption if the City Council supports this document.

The land development code will continue to require full street improvements with sidewalks on both sides of streets for larger subdivisions creating new streets.

3) How is a refund handled after the improvements are constructed and there is a remaining balance?

Staff recommends returning any remaining balance of funds to the current property owner because it is more effective to administer the program this way.

4) Will an agreement still be recorded requiring the future property owner to pay the difference if the cash deposit is less than the actual cost to construct the improvements at a later date?

Conversely, if the balance is more than the cash amount, staff recommends not charging additional funds at the time of installation. DIA cash balances should provide interest which would offset any additional costs.

5) Reducing the deposit amount from 150% as recommended by the Planning Commission.

Staff changed the percent to 115% per City Council's motion.

6) The ability to convert an existing DIA to a cash deposit and remove the DIA from title.

Language has been added as 17.170.070(G)(4) to provide current property owners with DIAs recorded against their property an opportunity to make a deposit and have those DIAs released. The deposit would then follow the same process as deposits made for new developments.

7) Request for additional research by staff of other cities who have implemented a "cash option" for DIAs.

Staff contacted the City of Grants Pass and the City of Medford to discuss how their process was functioning. Grants Pass adopted the requirement for a cash deposit of 115% in 2002 but also allow a developer to apply for a no cash option DIA on smaller developments. Their cash deposit option requires a DIA to be recorded that provides collection of additional funds from the current property owner if the deposit is not sufficient to cover costs. Grants Pass advises that they have approximately 692 DIAs on record and 192 of these include a cash deposit. Grants Pass has used cash deposits in four to six projects; one was a developer project and the others were City capital projects.

The City of Medford adopted the cash deposit of 125% in 2005. They require an agreement document be recorded that provides the deposit to be credited towards the cost assessed to the property during the construction of a local improvement project. Medford advises that they have accepted approximately 8 deposits and have not used any of the monies for projects.

Policy Considerations: DIA cash outs will provide additional options for developers and reduce future surprises when a DIA is called in.

Adoption of a proposed sidewalk infill ordinance may stimulate controversy for those owners with vacant lots or existing DIAs since it defines who will have to install a sidewalk and who will not.

Attachment(s):

- a) Project valuation for private developer's public works permit
- b) Draft text of Chapter 17.170, Chapter 17.128, and Chapter 17.136.
- c) Proposed sidewalk infill plan

Project Valuation



Project/Location: _____ Date: _____

Name/Contractor: _____ Re: _____

Streets	Description of Work	Cost	Estimated Value By Contractor	Estimated Value City Engineer
Site Preparation	Clearing and grubbing in City Right of Way/ Public Utility Easement - \$3,000 per acre	_____ acre x \$3000 (acre = 43,560 sf)	\$	\$
Curb & Gutter	\$15.00 per lineal foot	_____ lf x \$15	\$	\$
Sidewalk	4" concrete - \$4.75 per square foot	_____ sf x \$4.75	\$	\$
A.C. Pavement	Excavation, aggregate and A.C. pavement - \$5.25 per square foot	_____ sf x \$5.25	\$	\$
Storm Drainage	\$100.00 per lineal foot	_____ lf x \$100	\$	\$
Misc.-signs, hydrants, street lights, etc.	_____ Street Signs x \$250 each _____ Hydrants x \$_____ each _____ Lights x \$1075 each	= \$ _____ = \$ _____ = \$ _____	\$	\$
STREETS TOTAL			\$	\$
Sewer Service	Cost per Lineal Foot			
Pipe Size 4"	Excavation, Backfill & Pipe, Aggregate & A.C. pavement - \$55 per lineal foot	_____ lf x \$55	\$	\$
6"	Excavation, Backfill & Pipe, Aggregate & A.C. pavement - \$60 per lineal foot	_____ lf x \$60	\$	\$
Sewer Main 8"	Excavation, Backfill & Pipe, Aggregate & A.C. pavement - \$120 per lineal foot	_____ lf x \$120	\$	\$
10"	Excavation, Backfill & Pipe, Aggregate & A.C. pavement - \$128 per lineal foot	_____ lf x \$128	\$	\$
SEWER SERVICE TOTAL			\$	\$
Water Service	Cost per Lineal Foot			
3/4"	Service saddle, curb stop, meter stop, and pipe including exc & backfill - \$55 per lineal foot	_____ lf x \$55	\$	\$
1"	Service saddle, curb stop, meter stop, and pipe including exc & backfill - \$63 per lineal foot	_____ lf x \$63	\$	\$
2"	Service saddle, curb stop, meter stop, and pipe including exc & backfill - \$75 per lineal foot	_____ lf x \$75	\$	\$
Water Main 6"	Excavation, Backfill, Pipe & Fittings \$45 per lineal foot	_____ lf x \$45	\$	\$
8"	Excavation, Backfill, Pipe & Fittings \$65 per lineal foot	_____ lf x \$65	\$	\$
10"	Excavation, Backfill, Pipe & Fittings \$90 per lineal foot	_____ lf x \$90	\$	\$
WATER SERVICE TOTAL			\$	\$
Mobilization	10% of all other construction costs	_____ x 10%	\$	\$
TOTAL			\$	\$
Project Valuation Costs:	2% Application Fee + 3% Inspection Fee = 5% x TOTAL Estimated Value		\$	x 5% \$
	10% Warranty Bond -- Amount Due Upon Completion		\$	x 10% \$
	= TOTAL FEES DUE		\$	\$
Approved by:		Date:	Builders Signature:	Date:

Attachment B

Original text to be deleted is ~~stricken~~.

Proposed new text is **bold**.

Text deleted by Planning Commission is ~~**bold stricken**~~

Text added by Planning Commission is **bold underlined**

Text deleted by discussion at City Council is ~~**bold red underlined double stricken**~~.

Text added by discussion at City Council is **bold red underlined**.

Additional language added by Staff is **bold green underlined**.

Brookings Municipal Code

Chapter 17.170 Street Standards

17.170.060 Street standards.

A. All parcels of land subject to the issuance of a development permit shall be provided access to a public or private street as follows:

1. Street improvements are required along the street frontage of all newly created lots and of new development on an existing vacant lot. Improvements shall be to the standards as shown in Table 17.170.060 or as in an approved neighborhood circulation plan, planned unit development or master plan. Deferment of street improvements may be allowed when authorized by the ~~site plan committee~~ **Public Works Director or designee** as described in BMC [17.170.070](#). Some development is exempt from street improvements as described in BMC [17.04.070](#). **Required street improvements that meet the criteria for deferral but are proposed to be installed must demonstrate that all ADA requirements are met and that a nuisance will not be created by storm drainage.**

17.170.070 Off-site street improvements, deferred.

~~Street improvements may include pavement, curbs, gutters, pavement markings, sidewalks, and storm drainage. These improvements may be deferred by the site plan committee. The site plan committee will consider street improvement requirements on a case-by-case basis utilizing the following information:~~

- ~~▲ The condition and standard of the existing, abutting street;~~
- ~~▲ The likelihood and timing of new improvements given existing development on parcels in the vicinity;~~
- ~~▲ Topographic constraints;~~
- ~~▲ Safety concerns;~~

~~• Other details specific to the subject property or vicinity.~~

~~A. When an entire street, or a segment of a street, is on the city's capital improvement project list to be improved within the next five years, the property owner will be required to provide an engineer's estimate of cost for street improvements to the frontage of the subject property. This estimate must be reviewed and approved by the city. These costs must be paid and these funds will be put into an account to be used when the project is initiated.~~

~~B. Deferred Street Improvements. When street improvements are deferred, the developer shall enter into a deferred improvement agreement for each lot fronting the street segment and record said agreement with the Curry County recorder's office. Said agreement shall run with the land and require that the property owner agree to the performance of the work deferred by conformance with one of the following options:~~

~~1. Work Performed by Property Owner. The owner of the property subject to a deferred improvement agreement shall be responsible for performance of the work identified in said agreement and for obtaining contractors therefor. The owner shall cause satisfactory plans and specifications for the improvements to be prepared and to submit said plans and specifications to the city public works department for approval prior to commencement of the work to be done. Such work shall be done in accordance with city standards in effect at the time the improvement plans are submitted for approval. The owner agrees to make payments required by the city including, but not limited to, engineering deposits, permit fees and inspection fees. The owner shall obtain a permit to work in the right of way and notify the city public works department at least 48 hours prior to the start of work.~~

~~Prior to approval of improvement plans by the city, the owner may be required to execute and deliver to the city a security bond in an amount and form acceptable to the city, to be released by the city upon the city's final acceptance of the work performed.~~

~~2. Recordation of a deferred improvement agreement shall be equivalent to consent to the establishment of a local improvement district. If the property owner does not complete the improvement pursuant to BMC 17.80.080(F), the city may do the work as a local improvement project following the procedures established by ordinance for such projects and assess the cost against the property specially benefited. Permission to enter onto the property of the owner is granted to the city or its contractor as may be necessary to construct such improvements.~~

~~3. Activation of Deferred Improvement Agreements. When the city determines the improvements must be constructed, the city shall notify affected property owners in writing. All or any portion of said improvement may be required at a specified time. Each affected owner shall participate on a pro rata basis of the cost of installation of the~~

improvements. The city may require a local improvement district to be formed for a street or segment of a street involving all properties' owners to participate when this street or segment has at least 50 percent of the properties subject to a deferred improvement agreement. As city funds are available, the city may participate in the expense of the project.

~~C. The site plan committee's decision regarding required street improvements may be appealed to the planning commission. [Ord. 07-0-595.]~~

(A) Criteria for Deferral. Subject to the criteria and standards set forth in this section, the improvement of existing streets, alleys, or unimproved rights-of-way may be deferred by the Public Works Director or designee to such time as a complete street segment can be improved to City standards. The Public Works Director's decision regarding required street improvements may be appealed to the planning commission. For purposes of this section, a street segment shall be considered as the length of a street between street intersections on the same side of the street as the project site. Street improvements may only be deferred when the project site complies with the following criteria:

(1) More than 50% of the block between street (not including alley) intersections on which the project site fronts is unimproved (street improvements required within subdivisions and Planned Communities shall not be deferred); or,

(2) There are site conditions confirmed by the City Engineer that justify the deferral.

(B) Financial Deposit. When street improvements are deferred, the developer shall deposit with the City of Brookings a financial deposit acceptable to the City in the amount of ~~125~~ **115** percent of the City Engineer's estimate of the costs for the deferred street improvements, in lieu of the developer constructing the street improvements. This financial deposit shall be deposited with the City prior to the recordation of the Final Plat for land divisions, or prior to submittal of building permit applications or final approval for other approved projects. Said financial deposit shall be held until one of the following conditions has been met:

(1) The required street improvements have been constructed by the developer or property owner, at which time, the deposit may be returned to the property owner in whole or in part; or,

(2) The required street improvements have been constructed as part of a Local Improvement District, in which case, the deposit shall be applied to the proportional share of the property owner's obligation; or,

(3) The project site's Local Improvement District assessment is less than the amount of the deposit required as a condition of the deferral, in which case, the difference between the two amounts shall be refunded to the property owner ~~developer~~.

(4) The Financial deposit will be based on the average of current city unit price bids for similar work. If at the time the City decides to install the improvements, the current owner can install these improvements for less than the deposit collected, the owner may do so and receive reimbursement for the completed work including any unused balance on the DIA.

(5) The City may consider the developer providing engineering for the entire street or street segment in lieu of construction of the required improvements or the deposit.

~~The developer shall record a Deferred Improvement Agreement, on a form provided by the City, for future installation of the deferred public improvements, to be used by the City if the cash deposit is insufficient to construct the public improvements at the time future construction is undertaken.~~

(C) Construction Performed by Developer or Property Owner. If the developer or property owner elects to construct the required street improvements prior to the formation of a Local Improvement District, she/he shall be responsible for performance of the work identified in the conditions set forth in the applicable Final Order from the approving authority or in applicable sections of this code and for obtaining contractors therefore.

(1) The developer or property owner shall cause satisfactory plans and specifications for the improvements to be prepared, and shall submit said plans and specifications to the City Public Works Department for approval prior to commencement of the work. Such work shall be done in accordance with the City's **most current** Engineering Requirements and Standard Specifications **for Public Works Infrastructure** in effect at the time the improvement plans are submitted for approval.

The City Engineer shall review the construction documents, and notify the applicant in writing of any additional requirements for installation of street improvements. If the applicant disagrees with the requirements for installation of street improvements as provided in this section, she/he shall, within 30 days of the date the notice from the City Engineer was mailed, request a review of the requirements by the City Council. The decision of the City Council shall be binding upon both the City and the applicant.

(2) The developer or owner shall make payments required by the City, including, but not limited to, engineering deposits, permit fees and inspection fees. Prior to approval of street improvement plans by the City, the applicant may be required to execute and deliver to the City, a performance bond in an amount and form acceptable to the City, to be released by the City in whole or in part upon the City's final acceptance of the work performed. The developer or owner shall notify the City Public Works Department at least 48 hours prior to the start of construction. The developer or owner shall provide a warranty bond pursuant to BMC 17.80.090 upon completion, inspection, and acceptance of the work by the City.

(D) Construction as Local Improvement District. The financial deposit shall be applied to the property owner's proportional share of the resulting final assessment for the subject property for a future Local Improvement District for street improvements along the property frontage or other locations for which the deposit was made. Should the subject property's resulting assessment be less than the deposit amount required as a condition of the deferral, the difference between the two amounts shall be refunded to the property owner ~~party which paid the deposit~~. At the time the City decides to make the deferred street improvements, permission to enter onto the property of the owner is granted to the City or its contractor as may be necessary to construct such improvements.

(E) Construction Performed by City. The financial deposit shall be applied as a proportional share toward a project which completes the deferred improvements, in whole or in part, if the project is constructed with City funds or resources. If the subject property's proportional share of the improvement project is less than the amount of the deposit, the difference shall be refunded to the property owner ~~party which paid the deposit~~.

(F) Tracking of Payments. Deposit accounts for the financial deposit shall be maintained by the City in a separate fund for Deferred Improvements. The City shall track the original deposit by identifying the developer, the property owner, the map and tax lot number of the parent parcel being developed and for which the payment is being received, and the date and amount of the payment.

(G) Existing Deferred Improvement Agreements. Deferred Improvement Agreements that were recorded prior to the date of adoption of this ordinance shall continue to be in effect, and said agreements shall continue to run with the land.

(1) If the owner of the property subject to a Deferred Improvement Agreement elects to construct the deferred improvements, she/he shall be responsible for performance of the work identified in said agreement and for obtaining contractors therefore. The property owner shall cause satisfactory plans and specifications for the improvements to be prepared, and shall submit said plans and specifications to the City Public Works Department for approval prior to commencement of the work. Such work shall be done in accordance with the City's Engineering Requirements and Standard Specifications in effect at the time the improvement plans are submitted for approval. The City Engineer shall review the construction documents, and notify the applicant in writing of any additional requirements for installation of street improvements. If the property owner disagrees with the requirements set forth for installation of improvements as provided in this section, she/he shall, within 30 days of the date the notice from the City Engineer was mailed, request a review of the requirements by the City Council. The decision of the City Council shall be binding upon both the City and the property owner.

(2) The property owner shall make payments required by the City including, but not limited to, engineering deposits, permit fees and inspection fees. Prior to approval of improvement plans by the City, the property owner may be required to execute and deliver to the City, a performance bond in an amount and form acceptable to the City, to be

released by the City in whole or in part upon the City's final acceptance of the work performed. The property owner shall notify the City Public Works Department at least 48 hours prior to the start of work. The property owner shall provide a warranty bond pursuant to BMC 17.80.090 upon completion, inspection, and acceptance of the work by the City.

(3) Recordation of a Deferred Improvement Agreement shall be equivalent to consent to the establishment of a local improvement district. If the property owner does not complete the improvements under provisions (G)(1) above, the City may do the work as a local improvement project following the procedures established by ordinance for such projects and assess the costs against the property specially benefited. Permission to enter onto the property of the owner is granted to the City or its contractor as may be necessary to construct such improvements.

(4) When the City Engineer determines that the reason(s) for the street improvement deferment no longer exist(s), she/he shall notify affected property owners in writing. The notice shall be mailed to the current owner or owners of the land as shown on the latest adopted county assessment roll. All or any portion of said improvements may be required at a specified time. Each affected owner shall participate on a proportional share basis of the cost of installation of the improvements.

(5) A property owner subject to an existing DIA may elect to convert the DIA to a cash deposit as described in 17.170.070(B) herein. In such an event, the property owner shall be relieved of the obligation to make the improvements and any related recorded document shall be removed.

Chapter 17.128 Interpretations and Exceptions

17.128.050 Access.

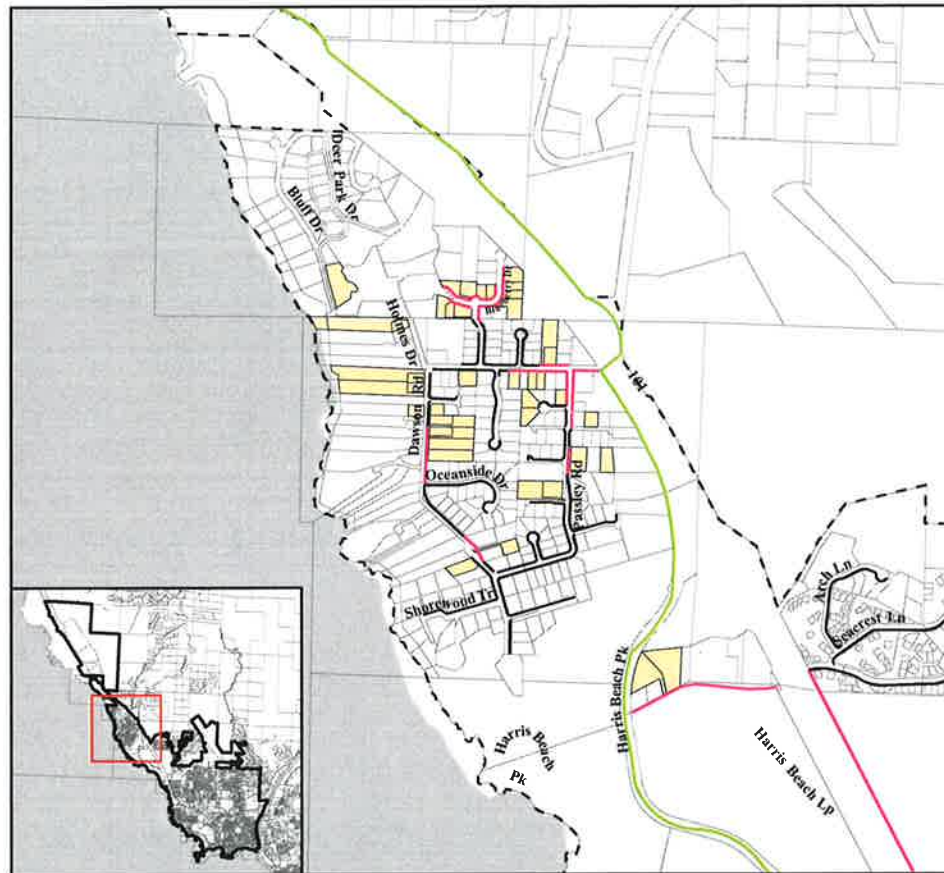
Except as permitted by other provisions of this code, no lot shall contain any building used in whole or in part for residential purposes unless said lot abuts a street, dedicated and improved as a public right-of-way, other than an alley, or an accepted private street, for a distance of at least 20 feet. Residential development is permitted on dedicated but unimproved streets; provided, that the applicant has **satisfied BMC 17.170.070.** ~~signed and recorded a deferred improvement agreement.~~ On all lots created after the date of this amendment, the frontage street is the street providing access to the lot or parcel. The lot or parcel must be addressed to that street. The site plan committee may require that driveway construction be completed and approved by the city prior to the recordation of a subdivision or partition plat. Secondary access may be allowed but cannot replace the primary access from the frontage street. [Ord. 08-O-617 § 2; Ord. 91-O-446.F § 2; Ord. 89-O-446 § 1. Formerly 17.128.060]

Chapter 17.136 Conditional Uses

17.136.050 Action by the planning commission.

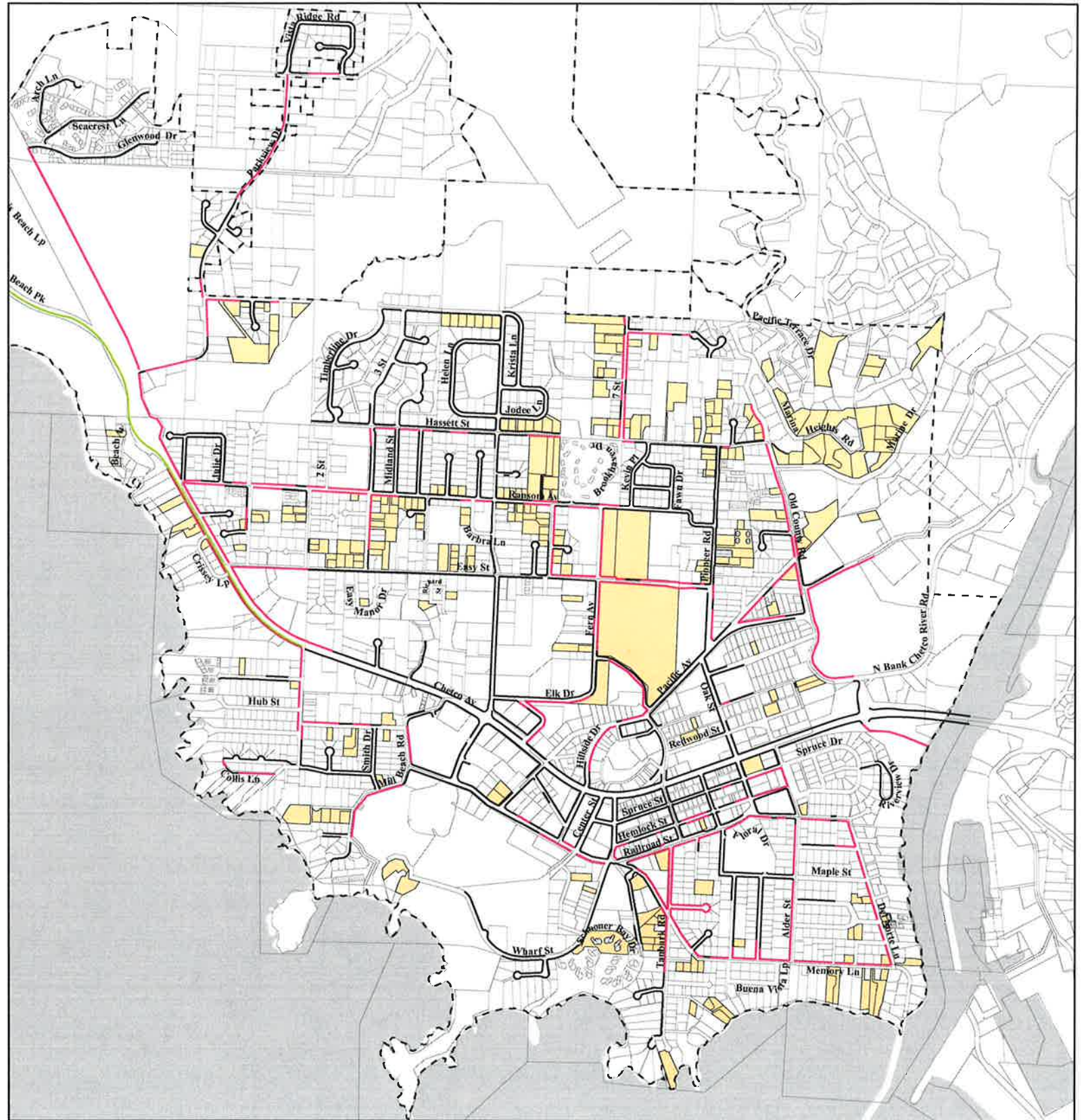
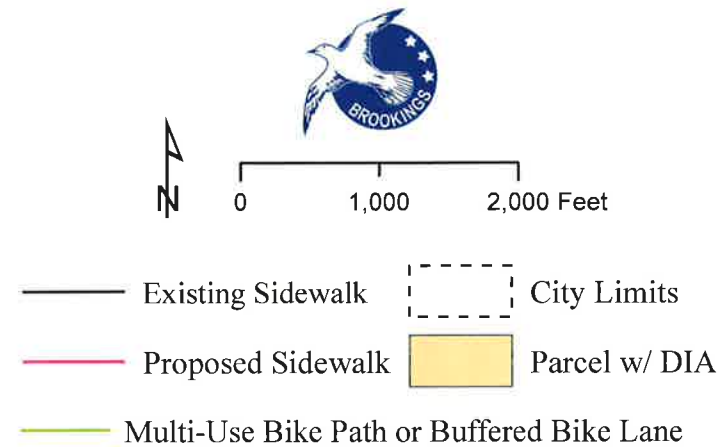
D. Conditions of Approval. In permitting a conditional use, the planning commission may impose, in addition to regulations and standards expressly specified in this code, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

18. Requiring an applicant ~~to record a deferred improvement agreement (DIA)~~ to provide for sharing the cost of future development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to city standards **pursuant to BMC 17.170.070**. If the proposed use is no more intense a use than what exists presently, it is not lawful for the city to require improvements to the above-listed infrastructure;



Sidewalk Infill Plan

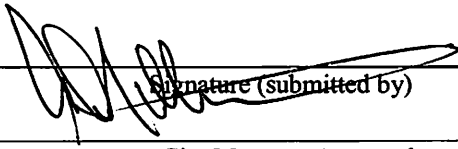
Existing & Proposed Sidewalks,
Deferred Improvement Agreements



CITY OF BROOKINGS
COUNCIL WORKSHOP REPORT

Meeting Date: March 2, 2015

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

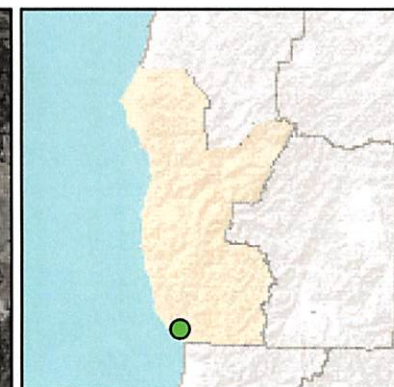
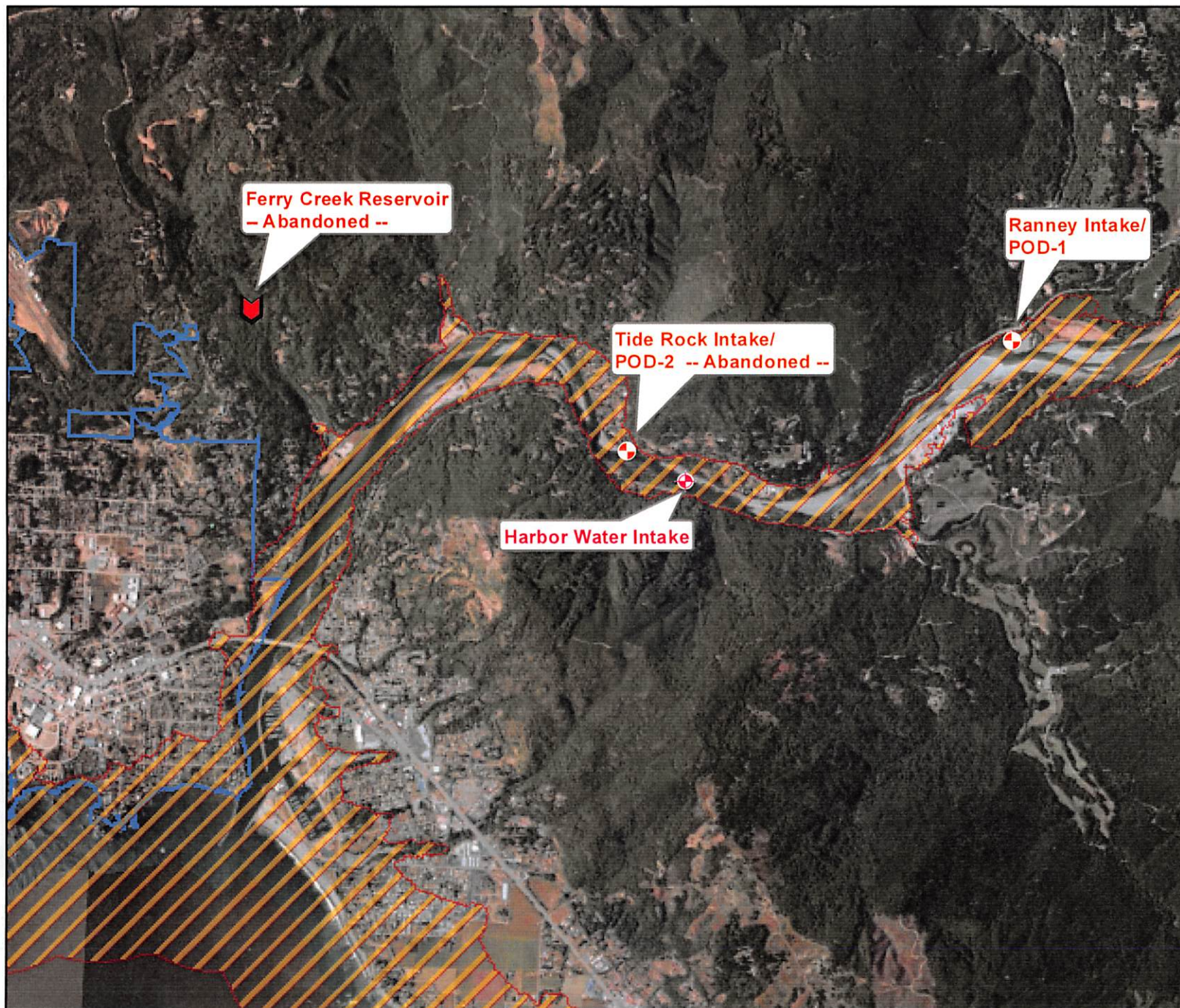
Subject: Water Sources of Supply

Background/Discussion:

Staff will discuss and answer questions concerning water sources of supply, storage capacity and transmission capacity.





Attachment(s):

- a. Water sources map.

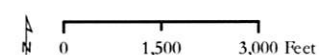


Area of Interest - Curry County, OR

Legend

-  Ferry Creek Reservoir
-  Brookings' Points of Diversion
-  Tsunami Inundation Zone
-  City Limits

Notes:



Ferry Creek Reservoir Feasibility

Brookings, OR



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Projection: NAD83 ORSouth;
 Brookings GIS j; 2/9/2015
 2013 Inundation Zone: Taylote Wille, Kalcena Hughes, Sean Pickner, OR Dept. of Geology and Mineral Industries; Pub. 20130930; spatialdata.org/regonexploreinfo; 1/28/15