

City of Brookings **WORKSHOP Agenda**

CITY COUNCIL

Monday, May 4, 2015, 4:00pm

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

A. Call to Order

B. Roll Call

C. Topics

1. Deferred Improvement Agreements [PWDS, pg. 2]
 - a. Draft sidewalk infill map [pg. 4]
 - b. Email correspondence [pg. 5]

Previous Workshop Packet References (accessible on-line from the website agenda):

- March 2, 2015
- January 6, 2014
- September 4, 2012
- June 2, 2012

D. Council Member Requests for Workshop Topics

E. Adjournment

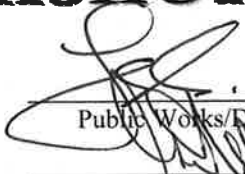

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 10 days advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: May 4, 2015

Originating Dept: PW/DS


Public Works/Development Services Director

City Manager Approval

Subject: SDCs, DIAs, and Sidewalk Infill Plan

Recommendation: Discussion on replacing DIAs and frontage improvements with SDCs and to initiate the next steps in proceeding with this policy change.

Financial Impact: To be determined

Background/Discussion:

The subject of DIAs have been an evolving discussion on options to revamp the policy and make it more effective and less controversial.

Current land development code requires developers to install frontage improvements (curb, gutter, sidewalk and drainage where needed) under the following conditions; a) Building on a vacant lot, b) Change of land use, 3) A lot partition, or 4) Subdivision. Many "orphan" sidewalks exist in Brookings where the developer elected to install the frontage improvement in lieu of a DIA, which now creates an issue of non compliance with Federal Americans with Disability Act (ADA) requirements. When the site condition is not conducive to develop the improvement, the City has recorded a DIA. The problem arises when "calling in " the DIA which some are dated as far back as the 1980s. Even though the DIAs are shown on title reports as recorded documents, "calling in" DIAs has been challenging and usually a surprise expense to the current owner of the property. Usually the current property owner is not the original developer.

Policy continues to allow for DIAs to be recorded for properties or installing "orphan sidewalks." Staff has explored many options on how to discontinue this practice which can be referenced in past workshop reports listed herein.

The most recent and promising idea is to eliminate the frontage requirement (except for developments creating new roads) and require an SDC to pay for a sidewalk infill program. As quoted from attachment b) herein from Gordon Howard, Urban Planning Specialist with Oregon Department of Land Conservation and Development, "We don't have any state rules or regulations that would prohibit or restrict this approach to local street improvements." This issue was also discussed in the same attachment b) with Michael Dees, Dyer Partnership, who is responsible for the City's current SDC studies. Dees supports the approach.

Next Steps:

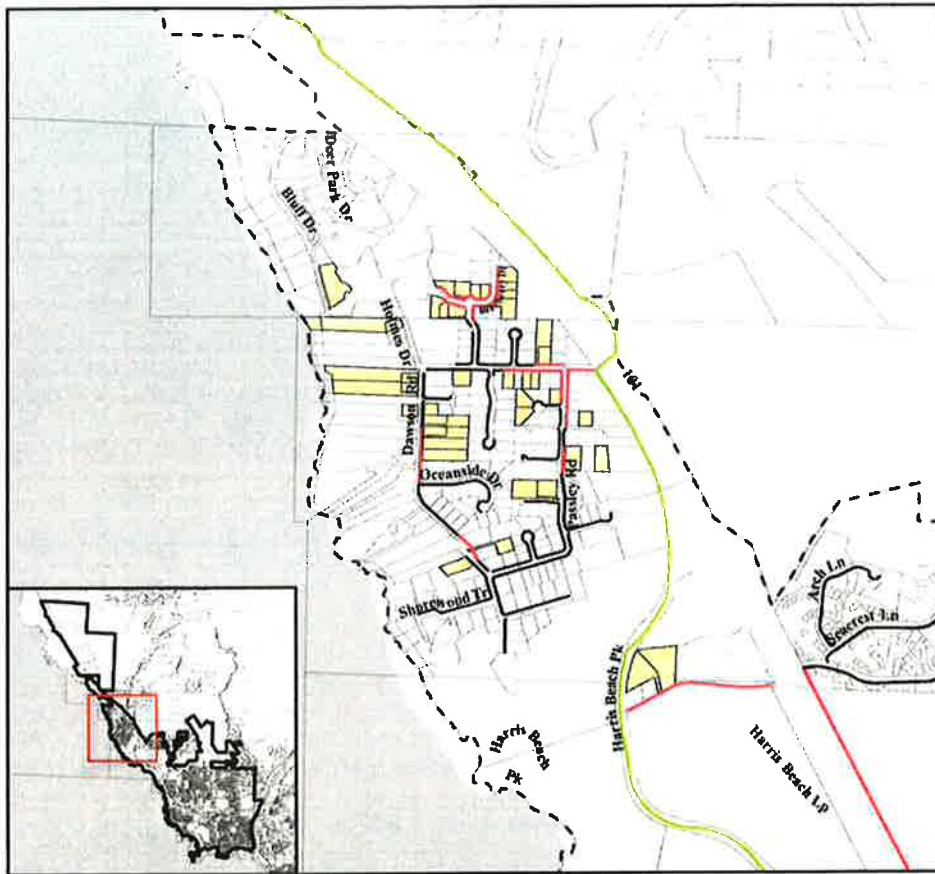
- Complete the Transportation System Plan (TSP) and all Master Plan Studies
- Staff facilitate a public review process for sidewalk infill plan (Attachment a)
- Planning Commission and City Council adopt sidewalk infill plan
- Append the TSP to include the sidewalk infill plan with costs to install the sidewalk infill plan
- Conduct a comprehensive SDC study upon completion of water, sewer, storm master plans and TSP update including sidewalks
- Adopt SDC study
- Update ordinance accordingly

Policy Considerations: Replacing DIAs and frontage improvement requirements with SDCs appears to be a more effective and less contentious approach than the City's current policy.

Attachment(s): a) Draft sidewalk infill map
b) Email correspondence

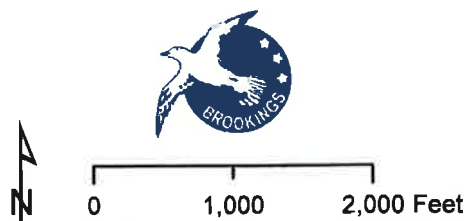
Reference(s): City Council workshop reports:

- a) March 2, 2015
- b) January 6, 2014
- c) September 4, 2012
- d) June 2, 2012



Sidewalk Infill Plan

Existing & Proposed Sidewalks,
Deferred Improvement Agreements



- Existing Sidewalk
- Proposed Sidewalk
- Multi-Use Bike Path or Buffered Bike Lane
- - - City Limits
- Parcel w/ DIA

Loree Pryce

From: Michael Dees
Sent: Monday, April 06, 2015 1:31 PM
To: 'Loree Pryce'
Cc: 'Donna Colby-Hanks'
Subject: RE: SDC question

Loree and Donna

- 1.)
- 2.) Sounds like a reasonable and legal idea to me. It would require that a Citywide sidewalk plan be developed and those costs included with your transportation Capital Improvement Plan and transportation SDC calculations.
- 3.) The difference from your vehicular based transportation SDC assessment is that assessment for the sidewalk should probably be based on different criteria than ITE trip ends. I would recommend that the sidewalk portion of the transportation SDC be assessed based on street frontage. That would make the most sense. The other methods being more difficult to justify, would be square footage of the site to be developed or staying with trip end criteria.
- 4.) Unless you were replacing or upgrading existing sidewalks, I don't think there would be any question that they would be 100% improvement fee eligible portion of the transportation SDC.
- 5.) To be eligible, you will have to determine the specific location and characteristics (location, one or both sides of street, width, thickness, length, estimated cost) for each proposed sidewalk installation project within the SDC study period time frame. Those should be total project costs including construction, engineering, easement acquisition, administration, etc. That is, you CAN NOT simply say X number of sidewalk 6 foot wide - feet per year. City of Bend found this out the hard way when their capital improvement planning on the basis of feet-mile of roadway per year was disallowed as the basis of SDC improvement fees by the State Courts.
- 6.) An interesting consideration of this is that if you removed sidewalks as a condition of approval, and a developer went ahead and installed the sidewalk in accordance to the sidewalk plan himself at the time of development, you would owe him an SDC transportation credit for this work.
- 7.) You can include the study work costs for the SDC relating to sidewalks in the reimbursement portion.

Michael J Dees, PE
The Dyer Partnership

From: Loree Pryce [mailto:lpryce@brookings.or.us]
Sent: Monday, April 06, 2015 11:02 AM
To: Dyer Partnership (SEE Steve Major)
Cc: Donna Colby-Hanks
Subject: SDC question

Michael, FYI

Council is interested in removing frontage improvement requirements on minor land use actions and eliminating future DIAs. IN return, council would adopt a city wide proposed sidewalk plan, calculate the costs to install these sidewalks, and change the SDC fee so instead of a future developer installing an orphan sidewalk or record a DIA, they would pay an SDC to support implementing the sidewalk plan... and that might not be fronting their property.

It appears from the email correspondence below, this approach is legal. I would like to promote this SDC study for next years budget. This would be a project for you next years budget, including sewer, water, storm, and TSP master plan update information SDC update.

Let me know if you have any suggestions or thoughts on this matter.

From: Donna Colby-Hanks [mailto:dcolbyhanks@brookings.or.us]
Sent: Monday, April 06, 2015 10:31 AM
To: Loree Pryce
Subject: Fwd: FW: Frontage Improvements

Hi Loree,

Following is the response from our state rep regarding the SDC question. Thanks.

----- Forwarded message -----

From: Perry, Dave <dave.perry@state.or.us>
Date: Mon, Apr 6, 2015 at 10:01 AM
Subject: FW: Frontage Improvements
To: "Donna Colby-Hanks (dcolbyhanks@brookings.or.us)" <dcolbyhanks@brookings.or.us>

Donna,

I conferred with Gordon Howard about the SDC issue. See his comments below.

Dave Perry | South Coast Regional Representative
Community Services Division | Coastal Services Center
Oregon Dept. of Land Conservation and Development
810 SW Alder Street, Suite B | Newport, OR 97365
Office: (541) 574-1584 | Cell: (541) 270-3279 | Fax: (541) 574-4514
dave.perry@state.or.us | www.oregon.gov/LCD

From: Howard, Gordon
Sent: Monday, April 06, 2015 9:56 AM
To: Perry, Dave
Subject: RE: Frontage Improvements

First of all, we don't have any state rules or regulations that would prohibit or restrict this approach to local street improvements.

In terms of practical matters, the city would need to amend its SDC program to add the type of local improvements to the program that would justify the increased SDC fees. There are a lot of legal machinations regarding the setting of SDC fees so that the city should make sure it has appropriate engineering and legal advice before it proceeds.

I don't know how many other cities do work in this way – while at least theoretically it makes a lot of sense for the city to have a coordinated program of street improvements instead of the haphazard improvements by individual property owners, my sense is that it puts some additional administrative, legal, and engineering burdens on a city that some cities don't want to, or aren't qualified to, get involved in.

Gordon Howard | Urban Planning Specialist
Community Services Division
Oregon Dept. of Land Conservation and Development