IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

In the Matter of an Ordinance Amending Chapter 17.168, Public Facilities Improvement Standards and Criteria for Utilities, of the Brookings Municipal Code, in its entirety.	)))))	**Ordinance 07-O-596**

The City of Brookings ordains as follows:

Chapter 17.168, Public Facilities Improvement Standards and Criteria for Utilities, of the Brookings Municipal Code, is hereby amended to read as follows:

Chapter 17.168
PUBLIC FACILITIES IMPROVEMENT STANDARDS AND CRITERIA FOR UTILITIES

Sections:

17.168.010 General on-site development standards and requirements.
17.168.020 General off-site development standards and requirements.
17.168.030 Easements.
17.168.040 Underground utilities.
17.168.050 Service extension.
17.168.060 Improvement plans.
17.168.070 Performance bond and improvement agreement.

17.168.010 <u>General on-site development standards and requirements.</u> On-site means utilities on the subject property. Unless otherwise provided by this code, all improvements shall be at the sole cost and expense of the developer, who shall provide, install or cause to be installed, including, but not limited to, the following:

- Water mains and fire hydrants, sanitary sewer mains, storm drain mains and all associated equipment and easements required by the City.

- Electrical, communication, and Cable TV conduits or raceways and transformer bases.

- Street light bases and stanchions.

- Grading and erosion control and drainage plans pursuant to Section 100 of this code.

17.168.020 <u>Off-site development standards and requirements</u>. Off-site means City utilities not on the subject property.

1. New single family or duplex development on an existing lot may not be required to upgrade existing City water, sanitary sewer, or storm drain mains, unless deemed necessary by Site Plan Committee. Site Plan Committee will determine if up-sizing of utility infrastructure is needed to accommodate the proposed development and what funding mechanisms would be employed.

2. New multi-family or commercial development will be considered on a case-by-case basis. Site Plan Committee will determine if up-sizing of utility infrastructure is needed to accommodate the proposed development and what funding mechanisms would be employed. If Site Plan Committee allows deferment of the up-sizing, the Deferred Improvement Agreement (DIA) process will be as described in BMC 17.170.070.

3. Land divisions will be handled as stated in #2 above.

4. Conditional Use Permits will be dealt with as stated in #2 above only if the approval of the application will result in more intense use of the subject property.

5. The Site Plan Committee's decision regarding required improvements to existing City infrastructure may be appealed to the Planning Commission.

6. If the original developer is required to install off-site improvements, future reimbursement may be applicable. The Public Works document, "General Engineering Requirements and Standard Specifications" contains provisions for the reimbursement process.

17.168.030 <u>Easements.</u>

A. Public utility easements (PUE). All development including partitions, subdivisions, and Planned Communities shall provide a continuous five (5) foot "PUE" adjacent to the right-of-way on street frontages to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).

B. Unless determined as unnecessary by the City, an easement dedicated to the City shall be placed over all water and sanitary sewer mains and storm drain facilities, including natural water courses used for engineered drainage, located across private property or common areas. The width of the required easement will be determined at the time of review and approval of construction plans for the

facility.

17.168.040 Underground utilities.

Primary utility lines, including, but not limited to, electricity, communications, street lighting and cable television shall be required to be placed underground, whenever possible. Secondary utility lines must be undergrounded. All such service and facilities shall be located in a public utility easement or right-of-way with a junction box. The developer shall confer with each utility company to determine the necessary conduits and equipment, their location and installation requirements. All costs of such equipment and installation shall be at the developers cost or as agreed to between the developer and the utility provider.

17.168.050 Service extension. Where no City utility mains presently exist, a condition of development permit approval will be provision of basic urban services (water, sanitary sewer, storm drainage and streets) along the full length of all portions of the subject property fronting a public right-of-way. Installation of services shall be according to the provision of the City's current edition of the Infrastructure Development Guidelines.

17.168.060 Improvement plans.

The developer shall cause plans and specifications for all public improvements to be prepared by an engineer registered in the State of Oregon. A security deposit in the amount established by the City ordinance shall be collected by the City to cover the cost of plan review and inspections.

First reading: October 22, 2007
Second reading: October 22, 2007
Passage: October 22, 2007
Effective date: November 21, 2007
Signed by me in authentication of its passage this 23rd day of October, 2007.

Pat Sherman
Pat Sherman, Mayor

ATTEST:

Joyce Heffington, Interim City Recorder