

## STAFF REPORT ON PETITION FOR SUBDIVISION REGULATIONS AMENDMENT

### SRA 2023-1: AMENDMENT TO ARTICLE 4 FOR SURETIES RENEWAL

INITIATED BY: Urban County Planning Commission  
(at the request of the Division of Engineering)

PROPOSED TEXT: See Attached  
(Note: Text underlined indicates an addition and text with a ~~strikethrough~~ indicates a deletion to the Subdivision Regulations.)

#### STAFF REVIEW:

The Planning Commission, at the request of the Division of Engineering, has initiated a Subdivision Regulation text amendment in order to clarify the surety process for subdivisions. The proposed changes are meant to update the surety renewal and release process to match current procedures. A surety is a way for the government to ensure that required infrastructure is constructed to meet established standards and fully completed as required. Acceptable sureties are irrevocable letters of credit, insurance bonds or cash. Sureties, once accepted, can only be released by the Urban County Planning Commission, which occurs on a monthly basis.

In 2004, the Planning Commission amended this section of the Land Subdivision Regulations to address the surety process and the surety amounts in conjunction with changes to the Engineering Manuals being instituted by the Division of Public Works. Subsequently, in the intervening years, the surety process has evolved and these proposed changes will align with the actual procedures currently being performed by the Division of Engineering and those who provide such sureties.

The major changes proposed eliminate unnecessary, somewhat cumbersome, language relative to the reduction process and replace it with simpler, more direct language. These changes do not impact the amount of the sureties required, nor what is required for a surety reduction to be approved by the Division of Engineering.

In conclusion, the attached Subdivision Regulation amendment will bring the surety process in conformance with the Engineering Manuals and the current process pertaining to sureties, without compromising the Urban County Government's ability to require that public improvements are completed and repaired if found to be defective due to improper workmanship or the use of improper materials.

The Staff Recommended: **Approval**, for the following reasons:

1. These Land Subdivision Regulation text amendments will clarify matters pertaining to the posting of sureties and warranties, the reduction of said sureties and the release of the surety when all work has been completed and the warranty periods have ended.
2. The text amendments reflect the Division of Engineering and the Department of Public Works ongoing efforts to improve the development process and ensure quality public improvements.