

Midway City Council
1 September 2020
Regular Meeting

Resolution 2020-15 /
Fee Schedule Amendment

Memo



Midway

Date: September 1, 2020
To: Midway City Council
From: Michael Henke
Re: Fee Schedule Amendment

Staff has identified several potential fee schedule amendments and some new fees for the City Council to consider. The main goal, whenever a fee is required, is for that fee to cover the cost of processing the application. This includes the time for meeting with applicants, noticing, creating staff reports and other documents, creating presentations, and answering questions of the public regarding the application, to name several. Some applications take more time and effort than others, even if the proposals are, for example, both conditional uses. Therefore, the fee is based on an average amount of time and effort for the type of application. One item that has been very time consuming is when an applicant would like to amend an existing agreement (development, annexation, master plan). There is not a fee for amending development or annexation agreements though many hours are spent on each one. Staff has required that master plan amendment applicants pay a fee, but we would like to make the fee clear in the fee schedule. The following is a list of the items that staff has discovered that should either have a fee assigned to them or the existing fee should be adjusted:

- Appeal fee – When an administrative decision is appealed to the City Council, staff and our attorneys spend hours preparing. Currently there is no fee in the fee schedule.
- Conditional Use Permit – The proposal would require a professional review deposit for engineering review, legal review, or other third-party review when those reviews are needed. Because CUPs vary from minor to major (i.e. mixed use to transmission lines) the amount of the deposit would be set by staff based on the type of proposal based on an estimation of the amount of professional review required. After the review has concluded, any remaining funds would be returned to the applicant.

- Residential treatment and elderly care facility – The City adopted code that allows residential treatment facilities and elderly care facilities as permitted uses. A fee should be adopted into the fee schedule to cover the cost of processing applications for both types of facilities.
- Development conceptual plans – Periodically developers choose to submit a conceptual plan to the Planning Commission and, infrequently, to the City Council. The reason for the concept plan is to look at the proposed plan and identify any big picture issues but not review detail items. Preparation for the concept plan takes time and effort and staff is proposing a fee to cover processing costs.
- Meeting time with staff – Sometimes staff has meetings with individuals about a property several times before an application is submitted or, many times, an application is never submitted. Since there is not application, Midway residents are paying for the time to meet with these individuals. Staff is proposing that when an individual meets with staff about a property, the first hour is free, but any additional time spent with that individual on that same property would pay an hourly rate.
- Midway review architect – As Midway’s Main Street and resort areas develop over time, staff feels that it would be a benefit to the City to have an architect that reviews commercial construction proposals before the item is reviewed by the Visual and Architectural Committee. The idea as that the review architect and staff work with the applicant to assure that the vision for the commercial zones and resort zone is being met. For each application that requires architectural compliance with Midway’s theme, a review deposit would be required based on an hourly rate. Any unused deposit funds would be returned to the applicant.
- Annexation, development, and master plan amendments – The City has received many proposals to amend agreements for developments that have been approved by the City Council and developers. When the developer requests an amendment, many hours are spent preparing staff reports, presentations, and documents for the proposed amendment. There has been no fee to cover the cost of all the time and effort spent. Many of the proposals cost the City thousands of dollars with no compensation from the developer. Staff is proposing an application and review deposit for any proposed amendments to these types of agreements.

The following exhibits are included:

Exhibit 1: Compilation of Midway’s and surrounding cities’ fee schedules

This item was first heard by the City Council on June 2nd. In that meeting, City Council directed staff to gather information from other cities regarding their fee schedules so we could consider the rates required by those cities.

Exhibit 2: Proposed amendments and additions to Midway's Fee Schedule

Based on the information gathered from other cities' fee schedules and from our experience with the time, effort, and cost required for the following items, staff is proposing the following revisions. The highlighted items in blue are out of pocket deposits. These deposits are required at the time of application submittal to cover professional review costs which are mostly for legal and engineering review. Any unused deposits are returned to the applicant once all billing is final and has been paid. If any out of pocket is drawn down to $\frac{1}{4}$ of the original amount, then the applicant must deposit more funds to return the fund to the original required amount. The applicant is always responsible for any required professional review costs. Also, any of the items below that have a current fee of \$0 are items that are not currently part of the fee schedule but would be added if approved by the City Council.

Exhibit 3: Proposed public parking stall lease

The City has received a request to "lease" parking from the City in a public parking area. In order for the City to lease any stalls a lease fee must be adopted in the fee schedule. Section 16.13.39 (B) (2) states the following:

75% of the required parking may be located off-site at a city approved and designated area. If outdoor dining required parking stalls, 100% of the required parking for the outside dining area may be located off-site at a city approved and designated area. A parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. The required fee will be adopted by the City Council as part of the City's fee schedule.

The City Council has discretion on this option and several items must be considered. If the City does allow a business to lease from a public parking lot then a fee must be adopted into the fee schedule. As part of the upcoming proposed fee schedule amendment on the next City Council meeting, the Council could adopt a fee.

Please contact me if you have any questions.

Exhibit 1

| | | | | | | | |
|--|----------------------------|--------------------|---------------------|------------------|------------|-------------------|---------------|
| Land Use Code Text Amendment | \$1,000.00 | \$1,100.00 | \$1,500.00 | | \$1,000.00 | \$1,000.00 | |
| Plus any costs of Engineering and legal | will vary | | | | | | |
| Board of Adjustments | \$200.00 | \$600.00 | \$200.00 | | \$300.00 | | \$940.00 |
| Plus any costs of Engineering and legal | will vary | | | | | | |
| Prelim/Final Application Small Scale Sub | \$300.00 per lot | \$1,100.00 | \$1,500.00 | \$100+ | | \$1,930.00 | |
| Plus Review Deposit | \$1000 or \$400 Per lot | \$30.00 per lot | \$100.00 per lot | \$90. per lot | | \$6.20 per lot | |
| Plus .50 per letter | will vary | | Eng. Fees+ | Eng Fees | | | |
| Prelim Application Standard Sub (no roads) | \$150.00 Per Lot | \$1,100.00 | \$2,400.00 | \$100+ | | \$1,930.00 | \$290 per lot |
| Plus Review Deposit | \$500 or \$200 per lot | \$30.00 per lot | \$100.00 per lot | \$90. per lot | | \$6.20 per lot | |
| Plus .50 per letter | will vary | | Eng. Fees+ | Eng Fees | | | |
| Prelim Application Standard Sub (new roads) | \$300.00 Per Lot | \$1,100.00 | \$2,400.00 | \$100+ | | \$1,930.00 | \$290 per lot |
| Plus Review Deposit | \$2000 or \$400 per lot | \$30.00 per lot | \$100.00 per lot | \$90. per lot | | \$6.20 per lot | |
| Plus .50 per letter | will vary | | Eng. Fees+ | Eng Fees | | | |
| Final Application Standard Sub (no roads) | \$150.00 Per Lot | \$300.00 | \$4,000.00 | \$100+ | | \$1,940.00 | \$290 per lot |
| Plus Review Deposit | \$500 or \$200 per lot | \$30.00 per lot | \$100.00 per lot | \$90. per lot | | \$6.20 per lot | |
| Plus .50 per letter | will vary | | Eng. Fees+ | Eng Fees | | | |
| Final Application Standard Sub (new roads) | \$150.00 Per Lot | \$300.00 | \$4,000.00 | \$100+ | | \$1,940.00 | |
| Plus Review Deposit | \$2000 or \$400 per lot | \$30.00 per lot | \$100.00 per lot | \$20. per lot | | \$6.20 per lot | |
| Plus .50 per letter | will vary | | Eng. Fees+ | Eng Fees | | | |
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|--|-------------------------|-----------------|------------------|---------------|----------|----------------|---------------|
| Prelim Application PDU | \$300.00 Per Lot | \$1,100.00 | \$2,400.00 | \$100+ | | \$1,930.00 | |
| Plus Review Deposit | \$2000 or \$400 per lot | \$30.00 per lot | \$100.00 per lot | \$90. per lot | | \$6.20 per lot | |
| Plus .50 per letter | will vary | | Eng. Fees+ | Eng Fees | | | |
| Final Application PDU | \$100.00 Per Lot | \$300.00 | \$4,000.00 | \$100+ | | \$1,940.00 | |
| Plus Review Deposit | \$2000 or \$400 per lot | \$30.00 per lot | \$100.00 per lot | \$90. per lot | | \$6.20 per lot | |
| Plus .50 per letter | will vary | | Eng. Fees+ | Eng Fees | | | |
| Prelim/Final Application Rural Preservation Sub | \$300.00 per lot | \$1,100.00 | \$4,000.00 | \$100+ | | \$1,940.00 | \$290 per lot |
| Plus Review Deposit | \$1000 or \$400 Per lot | \$30.00 per lot | \$100.00 per lot | \$90. per lot | | \$6.20 per lot | |
| Plus .50 per letter | will vary | | Eng. Fees+ | Eng Fees | | | |
| Conditional Use Permit | \$250.00 | \$900.00 | \$1,000.00 | \$250.00 | \$485.00 | \$400.00 | \$1,140.00 |
| Plus .50 per letter | will vary | | | | | | |

Exhibit 2

| Fee Schedule Item | Current Fee | Proposed Fee |
|---|-------------|---|
| Zone Compliance | \$0 | \$100 |
| Lot of Record Determination | \$100 | \$300 |
| Concept Plan Review for Planning Commission or City Council | \$0 | \$500 per meeting |
| Plat Amendment Out of Pocket Deposit | \$0 | \$1,000 (required at staff's discretion) |
| Plat Approval Extension | \$100 | \$150 |
| Board of Adjustment Hearing (variance) | \$200 | \$500 |
| Pre-Application Meeting | \$0 | \$75 per hour |
| Preliminary Application for Standard Subdivisions (no new roads) | \$150 | \$300 per lot |
| Conditional Use Permit | \$250 | \$500 |
| Condition Use Permit Out of Pocket Deposit | \$0 | \$1,000 (required at staff's discretion) |
| Master Plan Amendment | \$0 | \$1000 + \$100 per lot/unit that is amended |
| Master Plan Amendment Out of Pocket | \$0 | \$1,000 |
| Development Agreement Amendment | \$0 | \$1000 + \$100 per lot/unit that is amended |
| Development Agreement Amendment Out of Pocket Deposit | \$0 | \$1,000 |
| Annexation Agreement Amendment | \$0 | \$1000 + \$100 per lot/unit that is amended |
| Annexation Agreement Amendment Out of Pocket Deposit | \$0 | \$1,000 |
| Culinary Water Connection Petition | \$0 | \$250 |
| Culinary Water Connection Petition Out of Pocket Deposit | \$0 | \$500 (required at staff's discretion) |
| Administrative Decision Appeals | \$0 | \$100 |
| Miscellaneous Land Use Reviews by the City Council | \$0 | \$100 |
| Miscellaneous Land Use Reviews by the City Council Out of Pocket Deposit | \$0 | \$500 (required at staff's discretion) |
| Residential Treatment Facilities and Elderly Care Facilities | \$0 | \$2,000 |
| Residential Treatment Facilities and Elderly Care Facilities Out of Pocket Deposit | \$0 | \$1,000 |
| Residential Treatment Facilities and Elderly Care Facilities Special Accommodations | \$0 | \$2,000 |

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|---|-----|---|
| Residential Treatment Facilities and Elderly Care Facilities Special Accommodations Out of Pocket Deposit | \$0 | \$1,000 |
| Public Parking Stall Lease | \$0 | \$343.31 (annually & prorated for first year) |
| Town Architect Out of Pocket Deposit | \$0 | \$200 per hour (2 hours maximum) |

Exhibit 3

In order for the City to lease any stalls a lease fee must be adopted in the fee schedule. Section 16.13.39 (B) (2) states the following:

75% of the required parking may be located off-site at a city approved and designated area. If outdoor dining required parking stalls, 100% of the required parking for the outside dining area may be located off-site at a city approved and designated area. A parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. The required fee will be adopted by the City Council as part of the City's fee schedule.

The City Council has discretion on this option and several items must be considered. If the City does allow a business to lease from a public parking lot then a fee must be adopted into the fee schedule. As part of the upcoming proposed fee schedule amendment on the next City Council meeting, the Council could adopt a fee.

Staff has found the following items that could be considered as part of the formula for a lease fee:

- Cost of 300 sq. ft. of property for stall and access (parking stall is 9' x 18' = 162 sq. ft + a proportionate amount of land for access 138 sq. ft. for a total of 300 sq. ft)
- Cost of improvements (grading, paving, striping, concrete curb, storm drain system, landscaping, etc.)
- Cost of maintenance (plowing, restriping, resurfacing, crack seal, etc.)

Staff has arrived at the following proposal for the cost of leasing a stall from the City each year:

Property: 300K per acre paid over 20 years = \$103.31 (43,560 sq. ft. = \$300,000; 300 sq. ft = \$2,066.12; \$2,066.12/20 years = \$103.31 per year)

Improvements: \$6 per sq. ft. paid over 20 years = \$90 (6 x 300 / 20 = \$90 per year)

Maintenance: \$0.50 per square foot per year (0.5 x 300 = \$150 per year)

Total per stall per year: \$343.31



RESOLUTION 2020-15

A RESOLUTION AMENDING THE MIDWAY CITY FEE SCHEDULE FOR MUNICIPAL SERVICES AND RELATED MATTERS.

WHEREAS, Pursuant to Utah Code Ann. §10-3-717, Midway City has previously adopted a fee schedule which applies to the provision of municipal services by the City; and

WHEREAS, the Midway City Council finds it in the best interests of the City and the public to amend the fee schedule from time to time, in order to both update the fees to more accurately reflect the costs incurred by the City, and to add additional line items to the fee schedule to cover municipal services that were not previously included; and

WHEREAS, the Midway City Council desires to amend the fee schedule as set forth herein.

NOW THEREFORE, be it hereby **RESOLVED** by the City Council of Midway City, Utah, as follows:

The Midway City Fee Schedule is hereby amended as shown on the attached Exhibit “A”.

This Resolution shall take effect upon publication as required by law.

PASSED AND ADOPTED by the Midway City Council on the day of 2020.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, Recorder

(SEAL)

DRAFT

Exhibit A

DRAFT

Exhibit "A" to Midway City Resolution 2020-15

| Fee Schedule Item | Current Fee | Proposed Fee |
|---|--------------------|---|
| Zone Compliance | \$0 | \$100 |
| Lot of Record Determination | \$100 | \$300 |
| Concept Plan Review for Planning Commission or City Council | \$0 | \$500 per meeting |
| Plat Amendment Out of Pocket Deposit | \$0 | \$1,000 (required at staff's discretion) |
| Plat Approval Extension | \$100 | \$150 |
| Board of Adjustment Hearing (variance) | \$200 | \$500 |
| Pre-Application Meeting | \$0 | \$75 per hour |
| Preliminary Application for Standard Subdivisions (no new roads) | \$150 | \$300 per lot |
| Conditional Use Permit | \$250 | \$500 |
| Condition Use Permit Out of Pocket Deposit | \$0 | \$1,000 (required at staff's discretion) |
| Master Plan Amendment | \$0 | \$1000 + \$100 per lot/unit that is amended |
| Master Plan Amendment Out of Pocket | \$0 | \$1,000 |
| Development Agreement Amendment | \$0 | \$1000 + \$100 per lot/unit that is amended |
| Development Agreement Amendment Out of Pocket Deposit | \$0 | \$1,000 |
| Annexation Agreement Amendment | \$0 | \$1000 + \$100 per lot/unit that is amended |
| Annexation Agreement Amendment Out of Pocket Deposit | \$0 | \$1,000 |
| Culinary Water Connection Petition | \$0 | \$250 |
| Culinary Water Connection Petition Out of Pocket Deposit | \$0 | \$500 (required at staff's discretion) |
| Administrative Decision Appeals | \$0 | \$100 |
| Miscellaneous Land Use Reviews by the City Council | \$0 | \$100 |
| Miscellaneous Land Use Reviews by the City Council Out of Pocket Deposit | \$0 | \$500 (required at staff's discretion) |
| Residential Treatment Facilities and Elderly Care Facilities | \$0 | \$2,000 |
| Residential Treatment Facilities and Elderly Care Facilities Out of Pocket Deposit | \$0 | \$1,000 |
| Residential Treatment Facilities and Elderly Care Facilities Special Accommodations | \$0 | \$2,000 |

| | | |
|---|-----|---|
| Residential Treatment Facilities and Elderly Care Facilities Special Accommodations Out of Pocket Deposit | \$0 | \$1,000 |
| Public Parking Stall Lease | \$0 | \$343.31 (annually & prorated for first year) |
| Town Architect Out of Pocket Deposit | \$0 | \$200 per hour (2 hours maximum) |