

# Town of Leeds

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## Town Council and Planning Commission Work Session for Wednesday, July 26, 2023

### Work Session 5:00 PM

#### ROLL CALL: TOWN COUNCIL

	<u>Present</u>	<u>Absent</u>
MAYOR: BILL HOSTER	_____	X
COUNCILMEMBER: DANIELLE STIRLING	X	(Zoom)
COUNCILMEMBER: RON CUNDICK	X	_____
COUNCILMEMBER: STEPHEN WILSON	X	_____
COUNCILMEMBER: KOHL FURLEY	X	_____

#### ROLL CALL: PLANNING COMMISSION

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X	_____
COMMISSIONER: ALAN ROBERTS	X	_____
COMMISSIONER: TOM DARTON	X	_____
COMMISSIONER: KEN HADLEY	_____	X
COMMISSIONER: ALT. ABBY STUDDERT	X	_____
	<u>Present</u>	<u>Absent</u>
TOWN PLANNER: SCOTT MESSEL	_____	X

Oath of Office for Abby Studdert as Alternate Planning Commissioner term July 2023 to June 30, 2028.

Chairman Swenson open the discussion by informing the officials that the current consolidated fee schedule dates back to 2016, specifically December 15, 2016. This is the current fee schedule that we are working with, and it's available on the front page of the document packet. The existing fee schedule we currently have is outdated and needs to be updated. We can examine the fee schedules of neighboring towns such as Ivins, Hurrricanes, LA Verkin, Springdale, and Toquerville. Our objective today is to modernize our fee schedule, as many of the existing rates may be considered obsolete or lower than they should be.

Ultimately, the information we discussed will be integrated into the consolidated fee schedule document, specifically in Section Five, which pertains to civil penalties for ordinance violations. The changes we make will replace the current values in the existing consolidated document.

Given the abundance of information, we have a couple of approaches we can take. We could systematically go through each item on the list for discussion, or we could divide sections among individuals to analyze and then come together to compare

findings in about ten minutes. What approach do you find most productive, and what would you prefer to do?

The response is that going through each item one by one, considering their lack of knowledge about other matters is preferred, all concur, suggesting that going through each item individually would be the best approach. The discussion then progresses to specific fee items such as certified mail, copies, and maps, with input and suggestions from different participants on adjusting the fees based on comparisons with other towns and external sources. Some items, like electronic copies and larger maps, are discussed in terms of feasibility and equipment limitations.

Throughout the conversation, the participants aim to reach a consensus on updating the fee schedule based on information from various sources and considering the changing landscape since the last revision in 2016.

Excavation fees discussion was based flat rate per permit or on volume removed from the site. However, a cubic yard measurement would need to be determined, which can be complex and time-consuming. It might be more practical to consider a flat fee or a fee based on the scope of the project rather than attempting to calculate cubic yard measurements. The goal is to ensure fairness and simplicity for both the town and the individuals or contractors seeking permits.

It was agreed that charging based on the amount of space occupied is truly the most equitable approach available. It's the most practical method I'm aware of, as it's already a calculation undertaken by engineers and mandated in the building codes. According to the Leeds regulations, if the excavation area is less than a quarter or half an acre for residential properties, no excavation permit is necessary. This exemption applies unless the lot exceeds half an acre, at which point the situation changes.

Lynn Potter asked if he could offer his viewpoint. He said he owns 12 acres, but his strategy involves carrying out excavation on only half an acre at a time. This is why I'm proposing an excavation fee. This fee aligns with the ordinance's provisions. If any alterations are desired, it means revising the existing ordinances.

He said, This stands as a distinct category and is a valid point to consider. However, I disagree with this approach because it seems like you're trying to add various aspects under these conditions. It's akin to transforming our town from a small one in Utah to a small one in California, which doesn't sit well. We're already mirroring the practices of a larger California town. For example, putting up a sign within the town entails adhering to specific colors and size guidelines. I wouldn't recommend calculating fees based on volume; I'd suggest a flat rate for the excavation fee.

Chairman Swenson said The primary goal of an excavation fee is to ensure that individuals who intend to move earth on their property go through a process that defines what is permissible and what might infringe on others. This ties into the permitting process and isn't about generating revenue for the municipality.

Commissioner Roberts observed, The idea behind the consolidated fee schedule should be to cover the true expenses incurred by the town for overseeing permits within its jurisdiction. It doesn't seem fair for taxpayers to fund something administrative that individuals want to do. This is why, particularly in terms of professional fees, it makes sense for individuals to pay whatever the town incurs as expenses. This aligns with the concept that permits exist to help individuals understand the regulations they need to follow for excavation. Consequently, the associated fee should realistically represent the

town's costs in issuing that permit. This includes any inspections required, as seen in our building permit package. Thus, fees should also encompass the town's expenses in conducting those inspections, whether by contracted inspectors or town staff.

Commissioner Darton observed, There might be a need to revise the ordinance if it currently states that there's no charge for excavations on lots half an acre or smaller. Usually, you'd pay based on inspections. If an inspection needs to be repeated due to errors, an additional fee would be charged. This is the ongoing practice. Now, regarding your question about tearing up your backyard for a garden, it wouldn't typically require an excavation permit. Landscaping endeavors like creating a garden, even if it involves moving a significant amount of soil, aren't typically considered excavation. For instance, constructing a swimming pool necessitates a permit due to the excavation involved. So, if you're just engaging in gardening or landscaping, you likely wouldn't fall under the excavation permit requirements.

Councilmember Stirling agreed with the others on the concept that government should not interfere with individuals' landscaping activities. Scrutinizing or quantifying activities like gardening with fees and permits doesn't seem appropriate.

Commissioner Darton added that these considerations are typically covered under building permits, not landscaping or gardening sections. The discussion here pertains to substantial earth-moving activities that are part of construction, not routine landscaping like leveling your lawn or adding a patio.

The conclusion was to table the decision because charging by volume, especially for landscaping, isn't the right approach. Our goal isn't to charge based on volume; rather, the fee structure should primarily cover the costs associated with processing and overseeing permits. It's generally best to calculate fees based on what's needed to cover the administrative aspects of permitting, rather than focusing on the volume of earth moved.

The key points of these fee categories were as follows:

#### Excavation Permits and Fees:

- The idea of having flat fees for residential and calculated fees based on volume for commercial excavations was discussed.
- The need to cover costs for inspections and potential unforeseen challenges was acknowledged.
- There was a suggestion to table the discussion and gather more information before making a decision.

#### Impact Fees:

- Impact fees were discussed in the context of development, with the understanding that they need to be reasonable and justified.
- Different types of impact fees (e.g., for roads, parks) were mentioned, and their purpose was explained.
- The importance of having a reasonable basis for impact fees and avoiding overcharging was emphasized.

#### Cemetery Plots:

- The discussion focused on whether the town should buy back cemetery plots at the original cost or a different amount. State code requires the plot buy back amount match the original purchase price. The \$100 fee is a compensation for town expenses.

- Different viewpoints were presented, including the idea that the town shouldn't profit from reselling cemetery plots.
- A need for clear language and fair policies for open/close grave service was discussed and it was concluded that the town contracts Brett Comas who uses his own equipment and is not on town payroll there for therefore the elevated cost over other municipality is justified. .

#### Liquor Licensing:

- Different tiers of alcohol licenses (categories) were discussed, with suggestions for license fees coordinated with the category.
- Clarification was sought regarding the differences between full-service licenses, restaurant wine and beer licenses, and other types.
- It was agreed to keep the fees reasonable and in line with the work required for processing licenses.

#### Animal Licensing:

- The importance of encouraging responsible pet ownership and vaccination was highlighted.
- A discussion followed about fees for spayed/neutered and unspayed/unneutered dogs, kennel licenses, and late fees. It was focused that the current policy may be construed to discourage spayed/neutered pets license over unspayed/unneutered pets.
- The need for balance between promoting responsible pet ownership and avoiding excessive fees was acknowledged

#### Late Fees:

- There was some confusion about whether the late fee was meant to be an additional fee on top of the original license fee or not.
- It was clarified that the late fee is indeed an additional fee applied if the license renewal is not done on time.

#### Conclusions:

- The members agreed to adopt a \$5 flat fee for dog licenses, regardless of whether the dog is spayed/neutered or unspayed/unneutered.
- The members agreed to charge a \$25 fee for a kennel license, with an additional \$5 fee for each dog.
- The late fee for license renewal was clarified to be an additional fee rather than a separate fee.

Overall, the participants recognized the need to balance revenue generation with encouraging responsible behaviors and keeping fees reasonable. Many topics required further research and in-depth consideration.

It was agreed to have another Work Session on September 6 at 5:00pm before the standard 7:00 pm Planning Commission to gather more information before making final decisions. It was also noted that some fee adjustments might require changes to existing ordinances. The conclusion emphasized the importance of thorough deliberation and clear communication.

Meeting adjourned: 7:04

Approved this Sixth Day of September 2023.

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Kohl Furley, Councilmember

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Danny Swenson, Chairman

ATTEST:

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Aseneth Steed, Town Clerk/Recorder