

# Recommendation Boulder Town Fees

John Veranth July 27, 2024

## Objectives and Desired Outcomes

The town general budget is subsidizing providing services that should be paid for by the user. The problems are not consistently collecting fees that are currently authorized; and having a fee schedule that does not reflect actual costs to the town. A superficial review of fee schedules from other jurisdictions indicates that Boulder fees are at the low end of the range. A revised fee schedule and collection policy could help close the current budget shortfall, support community goals, and be able to be administered fairly and effectively.

## Analysis of Fees

The attached file Muni Fee Analysis 2024-07-26.pdf compares the current Boulder Town fees to nearby counties and municipalities where the fee schedules were readily available, and the Zoning Administrator review of fees. Comparisons are indirect because each jurisdiction uses different terms and rules. With the exception of Escalante, the administrative fees for Boulder are low, but the current rates for renting the town hall appear high. The major area of concern is land use fees where considerable ZA and attorney staff time is spent reviewing application documents.

## Alternatives for Town Council Consideration

Alternative 1 Do Nothing: Continue with the fee schedule approved in 2023 and current administrative policies.

Alternative 2 Basis on Services and Costs: Fees should be based on the costs actually incurred by the town when providing services that benefit a specific applicant. In addition, the fee structure should be consistent with providing services that benefit community vision and welfare as described in the general plan.

Alternative 3 Maximize Fee Revenue: Use the fee structure to maximize town income consistent with the authority allowed under state law. Fees may discourage use of the town buildings and may unduly burden local businesses.

The table below lists the major fee categories and the amount proposed under each of the alternatives. Related fees have been grouped to simplify the discussion.

## Alternative Fee Schedules

### Land Use Fees

	Alt 1	Alt 2	Alt 3	
Zoning, general plan, or land use ordinance change requests	435	\$250 plus \$25/hr	\$500 + \$70/hr	Only if related to a specific project and not generally applicable to town.
Subdivision application	\$75	\$250 plus \$25/hr	\$1000 + \$70/hr	Hourly rate for billed time by ZA, planning consultant, attorney, surveyor, or professional engineer
Appeal to Board of Adjustment	\$150	\$150 plus \$25/hr	\$500 + \$70/hr	

### Business Regulation Fees

	Alt 1	Alt 2	Alt 3	
Building permits and other construction project notifications	\$25	\$50	\$100	Additional fees are charged by Garfield County for administering the Building Permits
Excavation on town roads	\$25	\$50	\$250	Bond may be required to insure complete restoration of road.
Business license - retail/commercial	\$25	\$25 one time	\$100/yr	One-time fee assumes continued compliance with CUP and town ordinances.
Business license - home business	\$5	\$0	\$25	Annual.
Residential short-term rental	\$25	\$100 one time	\$150/yr	Annual review for compliance?
Commercial signs	\$35	\$35	\$250	One-time
Conditional use permits	\$25	\$75	\$300 initial + \$50/yr	One-time. Automatic renewal provided ongoing compliance.
Permitted Use	\$25	\$0	\$25	Why charge if use is permitted?
Special use and temporary permits	\$25	\$25	\$100	One-time fee for each distinct permit.
Alcohol (beer) license Class A & B	\$50	\$0	\$300	Repeal the local license or increase to raise revenue

Facility Fees

	Alt 1	Alt 2	Alt 3	
Town hall large meeting room including kitchen	\$250	\$0	\$250	Open to the public - nonprofit
	\$400	\$100	\$400	Commercial, local business
	\$500	\$250	\$500	For Profit - not local
Conference room, meeting room without kitchen, or central hallway	\$30	\$0	\$30	Open to the public - nonprofit
		\$50	\$100	Commercial, local business
		\$200	\$200	For Profit - not local
Town Pavilion	?	\$0	\$50	Open to the public - nonprofit
		\$50	\$100	Commercial, local business
		\$200	\$300	For Profit - not local
Exclusive day use of a portion of Town Park or other outdoor town property	?	\$0	\$50	Open to the public - nonprofit
		\$50	\$100	Commercial, local business
		\$200	\$300	For Profit - not local

Landfill Fees

	Alt 1	Alt 2	Alt 3	
Small load minimum	\$0	\$5	\$10	
Pickup truck / trailer non-commercial	NA	\$15	\$25	
Burnable waste	\$0	\$0	\$10/yd	Incentivize burning at dump and not on private property.
Commercial truck	\$50	\$30 /yd	\$50 /yd	Encourage them to go to Jones Valley
Off-hours fee	\$25	\$50	\$100	
Vehicles	\$500	\$500	\$750	

Cemetery Fees

	Alt 1	Alt 2	Alt 3	
Gladys - do you have anything?				

## **Discussion of Proposed Alternative Rates**

### Subdivision Applications

Currently the town general fund is paying for ZA and attorney time on subdivision applications and there is no financial penalty for submitting incomplete applications that take additional staff time to address. Discussion with the ZA indicates that even a straightforward application (one new lot on an existing road) will take several hours to review plus the time to prepare a staff report and present to the planning commission.

Recommend charging a minimum subdivision application fee of \$250 plus per hour charge for ZA time spent reviewing the application, plus the applicant paying actual billed cost for any necessary review by the town attorney, a planning consultant hired by the town or any engineer or surveyor hired by the town to provide expert advice. The Alt 3 rate of \$70 per hour reflects efforts by town officials, attorney, and staff for incidental assistance to ZA and also the overhead cost of ZA training and conferences.

After passage of the revised Chapter 152 Subdivision ordinance the applicant will pay for review by the administrative land use authority at the (proposed) rate of \$25/hr for ZA, \$40/yr for the professional planner, and \$25/hr for citizen representative.

### Requests for Zoning, General Plan, or other Land Use Ordinance Changes

Historically the few requests of this type have addressed general concerns and were not specific to a particular applicant. As a result, the staff and planning commission work was considered a public good and no fee was charged.

Recommend the Alt 2 option of \$250 fee plus \$25 per hour for ZA or other staff time to process requests for land use ordinance changes that benefit a single project and are not generally applicable. The Alt 3 rate base fee is comparable to other jurisdictions and the \$70 per hour rate is discussed above.

### Appeals and Variances

Recommend retaining the current \$150 fee to file an appeal and also clarify that this also applies to requests for variance by the Board of Adjustment. However, the ordinance should be amended to clarify that this fee should be refunded if the appeal authority finds the town was in error.

### Conditional Use Permits, Special Events, Temporary Permits

Recommend changing the current \$25 fee to a \$75 one-time fee for conditional use permits and eliminate annual renewal requirements. Periodic renewals of ongoing CUPs take staff and applicant time, but address no specific town problems. Special event and temporary permits should also be for the duration of a specific application and reapply (\$25) for each distinct event. Recommend no ZA involvement or fee if the use is already permitted by ordinance.

### Business Licenses

Sales tax, transient room tax, and resort tax are the main source of town revenue and the town should make things easier for business owners. Recommend repealing the \$25

annual business license fee as it is an insignificant source of revenue compared to the paper work cost to administer §110.04 and 110.05 which require processing an annual renewal application, collecting and recording the fee, and sending out a new license certificate. Also repeal the \$5 annual fee for a home business for the same reasons. Many towns exempt "non-impact" home businesses and our General Plan objectives call for small scale cottage industry occupations. Revise §110 as required to retain the requirement for an initial one-time application fee to cover the town's regulatory review.

### Liquor (Beer) License

Local authority to issue Class A (off-premise) beer licenses is granted by Utah Code 32B-7-201 and Class B (on-premise) beer licenses by 32B-6-704. A separate state license is also required. The only purpose of requiring a Boulder Town license under § 111 is to provide revenue because the state provides the regulatory oversight and the town does not do inspections or enforcement. Many towns do not have a local beer license ordinance. Recommendation is to consider the impact on local retailers and restaurants and either repeal the requirement to make running a business easier or raise the current \$50 fee to provide significant revenue, for example to \$300.

### Sign Applications

Keep the current \$35 fee as ZA review requires only reviewing the location and dimensions of the proposed sign compared to the ordinance. The higher Alt 3 option is consistent with other jurisdictions.

### Landfill Fees

The landfill is a valuable service, but only to those who use it. Revenue will be needed to cover new regulatory costs and future expansion. Fees need to be raised substantially and a collection program instituted now. Recommend not charging for burnable waste because the alternative of burning at home is a fire hazard. The higher Alt 3 option is consistent with other jurisdictions.

### Facility Rentals

The town buildings and town park are amenities that provide a general benefit by promoting a sense of community. However, commercial use of town property by non-local businesses should be a source of revenue.

Recommend no fee for civic, educational, social or other non-profit events that are open to the general public. Recommend a nominal fee for commercial use by businesses that pay the municipal sales tax, transient room tax, or resort tax because they already contribute to town revenue. Recommend market rate for non-local commercial use, defined as being restricted to participants who are employed by or pay an admission fee to the sponsor. The Alt 3 rates for commercial use are comparable to those charged by Moab and Brian Head