



Washington City Council
Workshop Meeting Agenda
May 24, 2023

PUBLIC NOTICE is hereby given that the Washington City Council will hold a Public Electronic Workshop Meeting on **Wednesday, May 24, 2023 at 4:00 P.M.** hosted at the Washington City Office located at 111 North 100 East, Washington, Utah. The meeting will be broadcast via Youtube Live linked online at <https://washingtoncity.org/meetings>

1. Approval of the Agenda.
2. Legal and Legislative Update 2023. City Attorney Thad Seegmiller
3. EMS/Fire Funding Discussion. City Manager Jeremy Redd
4. Adjournment

POSTED on this 18th day of May 2023
Tara Pentz, City Recorder

In accordance with the Americans with Disabilities Act, Washington City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by calling the City Recorder at 656-6308 at least 24 hours in advance of the meeting to be held.

Legal Update - 2023

HB 206 -- Airport Land Use Amendments SLIDE 2 & 3

Updates the term of "airport hazard" and also adds new defined term of "Airport influence area" which is "land located within 5,000 feet of an airport runway."

In order to avoid airport hazards, requires each political subdivision within an airport influence area to:

- (1) Adopt, administer and enforce land use regulations for the airport influence area, including an airport overlay zone;
- (2) Notify a builder, developer or application in an airport influence area of aircraft overflights and associated noise;
- (3) Require any proposed development within the airport influence area to conform with 14 C.F.R. Part 77;
- (4) May require the builder/developer/applicant, as condition to granting approvals, to grant or sell an aviation easement, appraised at fair market value, to the airport owner

If the above overlay zone and others are not accomplished by Dec. 31, 2024, then it requires that cities must do 2, 3, and 4.

Effective May 3, 2023

HB 280 – Local Government Construction Project Bid SLIDE 4

Modifies provisions relating to noticing requirements for bids for a local government construction project.

In anticipation for a new state procurement website, this bill amends the current requirement to post notice in 5 public places for a building improvement project at least 5 days before opening bids to posting notice on the state procurement website at least 5 days before.

Effective May 3, 2023

SB 43 – Public Notice Requirements SLIDE 5

Creates a classification scale for types of public notices where each classification requires notice to be provided in specific ways. Amends 160+ public notice requirement statutes to implement a new classification system. City notice processes affected: annexation, boundary adjustment, election offices and election notices, fund transfers of enterprise fund, budget hearings, audit notice, call for bids (RFPs), acquisition and disposal of property, general plan, land use, road vacation, bonding, ordinances & resolutions, impact fees, taxes & assessments, and many more.

Effective May 3, 2023

HB 406 – Land Use, Development and Management Act (LUDMA) amendments SLIDE 6

Modifies provisions relating to municipal annexation of unincorporated private property; modifies the process by which a boundary commission considers competing petitions for annexation; clarifies the circumstances under which a municipality may adopt a temporary land use restriction; modifies the use of development agreements.

Residential roadway defined to limit city requiring installation of pavement at a width in excess of 32 feet.

Development agreements may not allow a land use that would otherwise be prohibited by city ordinances. For a development agreement that limits an applicant's rights under Utah law, city must disclose in writing the restriction of rights. Failure to disclose voids the restrictions. City may not require a development agreement as a condition for developing if the city's land use regulations establish all applicable standards for development on the land.

Improvement bonds for landscaping completion may only be required for landscaping on public property, property to be maintained by an HOA, or if required by a development agreement.

Effective Date May 3, 2023

SB 174 – Local Land Use and Development Revisions Slide 7&8

Amends provisions regarding local restrictions and garages in an internal accessory dwelling unit.

Enacts a new process for city or county subdivision review and approval on land use decisions arising from subdivision applications for single-family, two-family, or townhomes. Not applicable zoning or other land use regulation approvals. Defines administrative land use authority as “does not include a municipal legislative body or a member of the municipal legislative body” so city council and mayor excluded. Requires city to designate a single administrative land use authority for the review of preliminary applications to subdivide land. If an applicant requests a pre-application meeting, it requires City to schedule such within 15 days. At the pre-application meeting the City must provide or make available on city's website the following: (i) copies of applicable land use regulations; (ii) complete list of standards required for the project; (iii) preliminary and final application checklists; and (iv) feedback on concept plan.

Administrative Land Use Authority (ALUA) may complete a preliminary subdivision application review in a public meeting or at a municipal staff level. ALUA may receive public comment and hold no more than one public hearing. ALUA must approve if the application complies with the applicable city ordinances and standards.

City staff may review and approve/deny a final plat. City may not require city council or planning commission approval of a final plat. City staff must approve a final subdivision application if it complies with the applicable city ordinances and standards.

Implements a “review cycle” of applicant submittals for subdivision land use. Not applicable to property that is identified within a geological hazard area. For completed applications for residential single-family, two-family, or townhome projects, City has not less than 15 business days to complete the initial review of the application. City must maintain and publish a list of the items comprising the preliminary application requirements. City must publish a list of all the items comprising the final subdivision application requirements. City has not less than 20 business days after submission of a plat to complete a review of the final subdivision land use application. In reviewing land use applications, City may require additional information relating to an applicant’s plans to ensure compliance and modifications to plans that do not meet compliance standards. Such requirements must be specific and include citations to ordinances, standards, or specifications and shall be logged in an index of requested modifications or additions. City may not require more than four review cycles. If on the fourth or final review the city fails to respond within 20 days, the property owner may request an appeal panel for a dispute arising from the review.

New rules do not apply until February 1, 2024.

South Weber City v. Cobblestone Resort, 2022 UT App 63

South Weber City filed suit under Utah Code 10-9a-802, seeking to enjoin a violation of its recently-enacted short-term rental ordinance and obtain a declaration that short-term rental of the property at issue was not a legal nonconforming use that was not subject to that ordinance. The Court of Appeals affirmed the district court’s grant of the injunction, holding that use of the property for short-term rentals was not a legal nonconforming use. Such use did not fall within any of the previously-permitted uses for the Agricultural zone. The zone allowed for “dwelling, one-family.” But, “dwelling” was defined as a “building designed and used for residential purposes including one-, two-, three- or four- family units, but not including apartments, boarding houses, hotels, lodging houses or tourist courts.” “Boarding house” was defined as a “building used for the purpose of providing meals or lodging, or both meals and lodging for pay or compensation of any kind for three (3) or more persons.” Use of the property for short-term rentals fell within that exclusion to the permitted use. The Court additionally held the district court did not err in rejecting the property owner’s equitable arguments.

Fuja v. Woodland Hills, 2022 UT App 140

The Fujas sent demand letters to Woodland Hills complaining about a building permit issued to their neighbors. Not receiving a response, the Fujas appealed the City’s lack of response to the Board of Appeals, which rejected their appeal because a city’s inaction was not a reviewable land use decision, and it was otherwise untimely based on the building permit being issued long before the appeal. The district court affirmed as did the court of appeals, holding that inaction did not amount to an appealable “land use decision” pursuant to Utah Code § 10-9a-802. The only land use decision at issue – the issuance of the initial building permit – was unreviewable as time- barred.

Utah Sage Inc. v. Pleasant Grove, 2023 UT 2

Pleasant Grove City enacted a three-tiered “Transportation Utility Fee” (TUF), under which local property owners would be charged a monthly fee corresponding with the intensity in which they

used city roads. The intensity of use was determined by a study of user demand on the city's roadways. The funds collected were limited for use only to repair and maintain city roads. Plaintiffs questioned whether the city had authority to enact the TUF, and if so, whether the TUF as enacted, is properly characterized as a fee or a tax for which the city was required to satisfy specific truth-in-taxation procedures that were not observed by Pleasant Grove. Court concluded that the city's enactment fell within City's broad authority to provide for the public's safety and welfare. Court also concluded that the TUF's purpose was characteristic of a fee, not a tax, because the TUF was studied and enacted as a specific charge for a specific service and the fee funds were limited in their use to maintain that service.

Briefing Document

Description: EMS/Fire Funding Discussion

Presenter: Jeremy Redd

Submitted By: Jeremy Redd

Recommendation: Item for discussion

Background Information:

Washington City is growing rapidly, and with that growth comes the need to plan ahead for financial needs. One area that needs to be addressed is how to fund future needs of Fire and EMS expansion as the City expands.

I plan to provide information about the projected future funding needs and possible solutions for the Mayor & City Council to consider.

One option was introduced by Rep. Elison during this year's legislative session in HB392, which allows voters to decide to impose a sales tax of up to 1% specifically for emergency medical services provided by a political subdivision. The idea is that everyone can help pay for these needs, rather than just permanent residents of our area in the form of increased property taxes.

Hurricane Valley Fire District, Santa Clara/Ivins Fire, and others have passed resolutions asking the County Commission to add the question to the ballot this fall. Washington City will need to determine whether to pass a similar resolution.

More specific information will be presented to help inform this discussion.



Fire/EMS Funding Discussion

Council Work Meeting 5/24/23

Review Coverage Maps



Washington City
Where Dixie Began

Current Sales Tax & Property Tax Revenue

- 2024 Sales Tax - \$10,024,000
 - 2024 Property Tax - \$4,446,000
 - TOTAL - **\$14,470,000**
-
- 2024 Police & Fire Budget - **\$13,016,000**
 - Leaving **\$1,454,000** in tax revenue for all other general fund departments - parks, streets, cemetery, etc.



Washington City
Where Dixie Began

Fire Dept Future Needs 10-12 yr Time Horizon

Based on projected planned growth - Sienna Hills, Exit 13, Wash Fields, Airport

\$29,806,000 in additional funding needed during the time horizon plus ongoing maint, personnel, and replacement costs

Est. need approx \$3M per year additional

- | | |
|---------------------------------|---------------------------------|
| ● Additional Personnel | \$4,181,000 |
| ● Additional Trucks & Equipment | \$4,625,000 + replacement costs |
| ● Remodel Station 62 | \$5,000,000 |
| ● Build 2 new stations | \$16,000,000 |
| ○ Sienna Hills & Stucki Farms | |



Washington City
Where Dixie Began

Funding Options - Property Tax Increases

Current Property Tax Revenue - \$4.4M

- 10-12% yearly revenue increase from growth only
 - Increases needed to continue to fund all general fund departments
 - **Assuming a 20% property tax increase every other year for 10 years**
 - Increase in revenue of \$4.7M would cover the anticipated needs
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- Unpopular - St. George, Hurricane Valley Fire



Washington City
Where Dixie Began

HB392 - Voter Approved EMS Sales Tax

- Up to 1% sales tax specifically for EMS/Fire
- Washington City voter approved
- Can begin .25% (\$2.5M) and increase as necessary
- Spreads costs to all users of the system, not just City residents
- Requires a resolution from the City, County, and voter approval
 - Santa Clara, many HVF Cities have passed resolutions



Washington City
Where Dixie Began

Status Quo Option

- Add services as available from current funding sources
- Look at new Public Safety Master Plan to add fire station(s)
- Increase in public safety impact fees
 - Only covers buildings - not salaries or ongoing maintenance / replacement costs



Washington City
Where Dixie Began



Washington City
Where Dixie Began

RESOLUTION No. R2023-XX

A RESOLUTION OF THE WASHINGTON CITY COUNCIL REQUESTING THE WASHINGTON COUNTY COMMISSION ENACT A SALES TAX UP TO 1% TO FUND THE PROVISION OF EMERGENCY MEDICAL SERVICES PROVIDED BY WASHINGTON CITY

WHEREAS, Washington City currently operates, with funding from Washington City, the Washington City Fire Department, which provides fire, emergency medical services, and rescue services within Washington City and Washington County; and

WHEREAS, the citizens residing in Washington City have a disparate funding impact due to the disproportionate number of visitors or tourists requiring service from the Washington City Fire Department who do not participate in the funding of the Washington City Fire Department; and

WHEREAS, imposing a sales tax will help to mitigate the need for other new funding sources for the Washington City Fire Department including but not limited to an increase in property taxes, ensuring that a larger portion of the costs of the Washington City Fire & EMS services is funded by sales taxes within Washington City, which are paid by residents of Washington City and visitors to Washington City; and

WHEREAS, the Utah State Legislature has authorized a County of the Second Class which has a National Park and at least two Utah State Parks to fund EMS operations through the enactment of up to a 1% sales tax on eligible items; and

WHEREAS, Utah Code 59-12-802 requires approval to impose the tax from a majority of the members of the county's legislative body, and from a majority of the members of the legislative body of each municipality located within the affected area; and

WHEREAS, in addition to the approval of the county and municipal legislative bodies, the registered voters residing within the affected area must vote on the imposition of the tax; and

WHEREAS, August 15, 2023 is the first available date to present the sales tax proposition to the registered voters residing in the Washington City Fire service area; and

WHEREAS, the County may present a ballot proposition before the voters that may read:

Shall Washington County adopt a sales tax of up to 1% on eligible sales within the boundaries of the Washington City Fire and Rescue service area and use the money collected from the tax to fund fire and emergency medical services ("EMS") provided within said service area?

and

WHEREAS, presenting the ballot proposition to the voters satisfies the requirements established by Code; and

WHEREAS, the enactment of a sales tax will help meet Washington City Fire's future funding requirements, and mitigate the need to establish other sources of revenue from residents of the Washington City Fire service area, including but not limited to a potential increase in property taxes; and

THEREFORE, BE IT RESOLVED that the Washington City Council requests that the Washington County Commission approve the imposition of up to a 1% sales tax on eligible purchases within the boundaries of the Washington City Fire service area, and place the proposition before the voters on the August 15, 2023 ballot

This resolution shall be effective on the date it is adopted.

PASSED AND APPROVED, on this ____ day of XX 2023.

Washington City

Kress Staheli, Mayor

Attest:

Tara Pentz
City Recorder

COUNCIL MEMBERS OF WASHINGTON CITY, UTAH:

Brett Henderson ☐ Aye ☐ Nay

Craig Coats ☐ Aye ☐ Nay

Kurt F. Ivie ☐ Aye ☐ Nay

Kimberly Casperson ☐ Aye ☐ Nay

Ben Martinsen ☐ Aye ☐ Nay

DRAFT





