



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Sylvia Richards, Budget and Policy Analyst

DATE: February 7, 2023

RE: Ordinance: Consolidated Fee Schedule Amendment – Public Way Permit

Project Timeline:

Set Date: Feb. 7, 2023

Briefing: February 7, 2023

Public Hearing: March 7, 2023

Action: March 21, 2023

ISSUE AT-A-GLANCE

The Administration has submitted a transmittal requesting a change to the Consolidated Fee Schedule (CFS) specifically adding a fee for the cost of notifying adjacent properties when work is being done in the right of way (ROW defined below). It is proposed that the Council consider adopting this fee so that administrative costs related to the notification process can be recovered by the City.

POLICY ISSUES

Currently there are no fees assessed by the City for the postcards mailed out to adjacent property owners or residents when work is being done in the right of way. The Administration performed a cost analysis and is proposing that applicants pay per notification/postcard.

The Administration indicates the fully-loaded cost of mailing postcards is **\$11.58** per piece. This is based on Finance's cost analysis including direct labor, unbilled building costs, direct materials, unbilled Engineering Division/Public Services/City administrative costs/fees and estimated number of notifications anticipated each year. (See page three for an example of the postcard.)

POLICY QUESTIONS

- ***The Council needs to determine whether the City will charge the fully loaded cost of \$11.58 per postcard or a percentage of that fee. What is the Council's preference?***
(For example, 30% of \$11.58 is \$3.47; 50% is \$5.79; 80% is \$9.26)
- ***The Council may wish to ask whether this additional cost could be burdensome for smaller sized applicants.***

The Administration provided the following supplemental information in response to questions from Council staff:

1. ***Please define the term 'right of way'.***

In this case, the public right of way (ROW) is defined by a recorded plat or subdivision that shows the existence of the public easement. The sidewalk, in many cases is part of that easement which ends at or extends to the private property line or block line of the subdivision as it is recorded by Salt Lake County.



This has been a source of confusion for many of our constituents who often assume the public ROW line stops at, or does not include the sidewalk. In most cases, it includes the sidewalk and might extend inches or several feet behind the sidewalk.

2. To help illustrate the average impact of the new fee, please provide an illustration.

Here's a summary of what the fee will be for each of the four situations listed in the ordinance assuming the fully loaded fee is approved:

Situation	Number of notices required (min.)	Notification Fee
A.1	2	\$23.16
A.2	4	\$46.32
A.3	4	\$46.32
A.4	2 to 200 +	\$23.16 to \$2,316 +

If the assumption of sending 10,000 post cards per year is accurate, the City will collect about \$115,800 in notification fees annually once we start fully implementing our process.

Each permit is unique regarding its impact to the adjoining constituents. In the case of work taking place in front of one business or household, such as a sewer repair, only one or two postcards would be produced to provide notification to the immediately affected parties. Larger projects would have a corresponding larger notification area based on the affected adjoining properties.

The intent of the ordinance changes is that the applicant pays the cost of the City preparing and sending the post card notice(s). In this manner, the City is able to 1) maintain a consistent appearance of all such notifications that would be an easily recognized, standard format and 2) provide a reliable method of delivery by using the U.S. Postal Service.

The CFS cost analysis is based on the estimate of 10,000 post cards per year and amounts to \$11.58 as the total cost per post card sent. Interestingly, the \$8.49 described below comprises > 70% of the total cost.

The ordinance contains four situation descriptions, simply labelled as A.1, A.2, A.3 and A.4 in 14.32.036: Notice Requirements (see attached).

Residents with questions will have the Applicant's name, phone number, and email address as listed on the application by way of the information listed on the postcard. Residents will also have the phone number and email address of a Salt Lake City employee who may contacted for more information regarding the particulars of the permit.

3. Please provide an example of unbilled building costs.

\$8.49 is ONLY the direct labor and unbilled building costs. This is basically the cost of the footprint that the FTE takes up in the building – [which] covers depreciation, maintenance and upkeep of the building. We obtain the rates from Real Estate Services based on similar type office space for rent. This methodology [is used] to allocate those costs {which are} applied to all cost analysis studies and fees."

The postcard is white cardstock with black lettering and the City logo on the side where the English and Spanish description is located. It is a fairly standard postcard size of 4.25" x 5.5".

Salt Lake City Engineering
349 South 200 East
PO Box 144502
Salt Lake City, UT 84111



¿Cuándo?/When?

Mar 8, 2022-Mar 22, 2022

Current Occupant

Applicant Info/Información de Solicitante

Nombre/Name: Americom Technology, Inc.

150 S 200 E

Teléfono/Phone: 801-535-6196

Salt Lake City, UT 84111

Correo/Email: alexander.walker@slcgov.com

Cierre Completo de Calle/Full Street Closure: No

Tipo de Permiso/Permit Type: Power and Light

More Questions/Más Preguntas?

801-535-6579, engineeringinfo@slcgov.com

Postcard Back Side

Permit Pre-Notification Notificación Previa del Permiso

A contractor has applied for a permit to work in the public right of way on your street.

Un contratista ha solicitado un permiso para trabajar en la vía pública de su vecindario.

The public right of way is the City's public easement: sidewalk, park strip area and/or pavement adjacent to private property.

La vía pública es el área de acceso de la Ciudad: acera, área entre la acera y el bordillo y/o pavimento adyacente a la propiedad privada.

**SALT LAKE CITY
ENGINEERING**



Postcard Front Side

Postcards are the preferred delivery method for notification rather than a flier or door hanger. If a supplemental door hanger or flier is required, the information, listed on the postcard, will be formatted to fit the form factor and size of the medium. The information will remain the same. As the notification process expands, other languages and/or accommodations can be implemented to be in concert with Equity and Inclusion provisions. We will work with the City's translation services and the Mayor's Office of Equity and Inclusion as the notification program expands to encompass the entirety of the City.

SALT LAKE CITY ORDINANCE

No. ____ of 2023

(Amendment Related to Notice Requirements for Work in the Public Way Permits and Imposing
a Fee Related to Such Notices)

An ordinance amending Salt Lake City Code Section 14.32.036, and also amending those portions of the Salt Lake City Consolidated Fee Schedule related to notice regarding work in the public way permits.

WHEREAS, on May 17, 2011 the City Council adopted Ordinances 2011-23, 2011-24 and 2011-25 to authorize and create the Salt Lake City Consolidated Fee Schedule; and

WHEREAS, the City Council of Salt Lake City (“City Council”) desires to update portions of the Salt Lake City Code related to notice regarding work in the public way permits, and to also update the corresponding portions of the Salt Lake City Consolidated Fee Schedule;

WHEREAS, it is now proposed that the Salt Lake City Consolidated Fee Schedule be amended to update fees related to notice regarding work in the public way permits as shown in the attached Exhibit A; and

WHEREAS, the City Council finds (i) the fees and fee information set forth in Exhibit A is necessary, reasonable, and equitable in relation to regulatory and service costs incurred by the City; and (ii) adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Salt Lake City Code Section 14.32.036 shall be, and hereby is, amended to read as follows:

14.32.036: NOTICE REQUIREMENTS:

Prior to the City issuing a Work in the ROW permit, notice of the proposed work shall be delivered by the applicant to the adjacent properties, except as otherwise provided herein. Notice will be paid for by the applicant and delivered as determined by the City Engineer in the manner described in subsection 14.32.036B.1.b.

A. "Adjacent properties" means (a) the property(ies) with a boundary contiguous to the portion of the public way where the work is proposed, and (b) one property on each side of the contiguous property(ies).

1. With respect to proposed work located below ground and behind the curb and gutter, notice shall be delivered to the adjacent properties on the same side of the public way as the proposed work.

2. With respect to proposed work located below ground and in the paved section of the public way, notice shall be delivered to the adjacent properties on both sides of the public way.

3. With respect to proposed work located above ground, notice shall be delivered to the adjacent properties on both sides of the public way.

4. Notice shall be provided to every adjacent property contiguous to the work location, regardless of whether the work is below ground or above ground.

B. The notice shall meet the following requirements:

1. Notice shall be given by either:

a. If approved by the city, placing a door hanger or flyer, based on a city-supplied example and containing the information described in subsection 14.32.036B.2 and 3, on the building on each adjacent property in a conspicuous location and affixed in a manner that it won't easily be dislodged by weather, or

b. The city mailing a postcard notice to the occupant and, if a separate address, the record owner of the adjacent property. The notice must be mailed if the adjacent property is a vacant lot. The city will include as part of the permit application fee, and the applicant shall pay to the city, the cost of mailing each postcard notice in the amount specified in the Salt Lake City consolidated fee schedule.

c. If a multi-unit building is located on an adjacent property, notice must be mailed to the owner of the building and occupant of each unit, and to the record owner of each unit if a separate address.

2. Each notice shall state that it is given pursuant to Salt Lake City Code section 14.32.036 and shall contain the name of the permit applicant and a local contact phone number and email address for the permit applicant.

3. Each notice shall describe the reason for the construction, the anticipated date(s) of construction, and whether the street will be closed due to construction.

C. If notice is delivered by the applicant, evidence of satisfactory notice means a construction drawing showing which properties were noticed, a copy of the provided notice, and any of the following: an affidavit from the permit applicant confirming delivery of notice and the date notice was delivered, a photo showing the notice on the building and property address, a certificate of mailing, or a signed receipt

for certified mail delivery. If the City provides the notice, it shall keep a record of how and where the notice was delivered.

D. No notice shall be required in the following situations:

1. Any work where a permit is not required.
2. Emergency situations.
3. Certain maintenance type activities where the street remains passable and unrestricted, such as snow plowing, street sweeping, street patching activities, and pothole repairs.
4. Replacement work where the work is replacing like for like (example: replacing a section of sidewalk with the same width sidewalk).
5. Placement of a dumpster, POD, or other obstruction for less than eight (8) days.

SECTION 2. That the Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to reflect the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 3. That a revised copy of the Salt Lake City Consolidated Fee Schedule that reflects the amendments set forth in the attached Exhibit “A” shall be published on the official Salt Lake City website.

SECTION 4. That this ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____ 2023.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

(SEAL)

Bill No. _____ of 2023.

Published: _____

Salt Lake City Attorney's Office
Approved As To Form

By: Boyd Ferguson
Boyd Ferguson

Date: 1-26-2023

EXHIBIT A