



**To: Mayor Bill Foulds Jr. & City Council**  
**From: Tory Carpenter, AICP – Planning Director**  
**Date: December 15, 2023**  
**RE: Construction Plan / Pool Review Fee Update**

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## **I. Overview**

The purpose of this fee schedule amendment is to update fees based on changes to State law and to provide a separate fee for planning pool reviews for properties within certain Development Agreement areas that are not required to be reviewed by the City's Building department.

## **II. Public Improvement Construction Plans**

The term "construction plan" is used to describe engineered drawings associated with public infrastructure improvements. The current fee schedule calculates fees for construction plans based on the cost of the improvements. The recently approved House Bill 3492 prohibits fees from being based on the construction cost for these types of permits.

Staff reviewed historical permit and fee data to determine a fee calculation which would closely match what the City is collecting under the current fee schedule and would recoup cost of staff time related to reviews, inspections, and administrative tasks related to the permit. This updated fee calculation would consider the acreage of the subdivision as well as the types of infrastructure being reviewed.

The new proposed fee schedule for Construction Plans involving public improvements is as follows:

- Construction Plans not including City Water or Wastewater infrastructure: \$700/acre of the subdivision section.
- Construction Plans that include either City Water or Wastewater infrastructure, but not both: \$1,400/acre of the subdivision section.
- Construction Plans that include both City Water and Wastewater Infrastructure: \$2,100/acre of the subdivision section.

## **III. Planning Pool Review**

Historically, City Building staff has required building code compliance for pools in the City Limits and within Development Agreements. However, after reviewing existing Development Agreements, staff found the standard wording regarding code compliance: *"Owners agree that all habitable buildings shall be constructed in accordance with all building or construction codes that have been adopted by the City."*

The Building Official interprets the current wording of Development Agreements as restricting the City's authority to require code compliance solely for the construction of primary and accessory dwelling units. This interpretation excludes non-habitable structures like pools, spas, sheds, barns, detached outdoor entertainment areas, etc., from mandatory code compliance.

However, Planning staff needs to review pools within certain development agreement areas to ensure that impervious cover limitations are not being exceeded and that pools are not encroaching within setbacks or easements. The purpose of this fee amendment is to establish a fee for Planning review of pool permits within certain development agreement areas. After considering the staff time related to review and administrative tasks related to these types of permits, staff is recommending a \$75 permit fee for these reviews.