



Board of County Commissioners - Staff Report

Meeting Date: October 20, 2020

Presenter: Rian Rooney

Submitting Dept: Planning & Building Services

Subject: Authorization to Begin 45 Day Comment Period to Amend the Teton County Planning and Building Services Schedule of Fees on October 28, 2020

Statement / Purpose:

Request for authorization to begin 45-day comment period on October 28, 2020 to consider amendments to the Teton County Planning and Building Services Department Schedule of Fees, pursuant to the Wyoming Administrative Procedures Act (Wyo. Stat. §16-6-103).

Background / Description (Pros & Cons):

Pursuant to the Wyoming Administrative Procedures Act, a 45-day comment period must be advertised and comments invited prior to adoption of new rules.

The Planning and Building Services Department has not updated its Schedule of Fees for Planning Permits and Building Permits since 2014, when a revised Schedule was adopted to match the restructured Teton County Land Development Regulations (LDRs) that went into effect January 1, 2015. The Teton County Engineering Department updated the Engineering Permit Fees section of the Schedule earlier this year.

Planning staff has identified several fees that were not included in the 2014 update for various reasons that should be included to reflect current procedures and administrative processes since that update. To enhance predictability for the public and accurately reflect current procedures, staff is proposing to update the fee schedule to add those fees to be effective on January 1, 2021.

The fees that are proposed to be added to the fee schedule are:

- **Teton County Scenic Preserve Trust Stewardship Fee (\$13,200).** The Teton County Open Space Resolution informs us that annual stewardship expenses shall be calculated based on an estimate of the average annual hours spent by staff on landowner correspondence, easement compliance reviews, notification of violations, resolution of violations, and other stewardship duties, plus the cost of completing an annual monitoring visit and report. This \$13,200 one-time stewardship fee due at time of recording an easement to Teton County Scenic Preserve Trust was established in the mid-2000s but was subsequently removed from the fee schedule in 2014 since, at that time, Teton County encouraged landowners to pursue easements with other land trusts due to a lack of staffing and management resources at the County. Since last year, the Board of County Commissioners expressed an interest in encouraging landowners to pursue easements with Teton County Scenic Preserve Trust, this fee needs to be added back onto the fee schedule for transparency and public information.
- **Teton County Scenic Preserve Trust Easement Amendment Fee (\$500):** This \$500 fee is for review of a proposed new or amendment of an existing Teton County Scenic Preserve Trust Easement. The \$500 fee value is the same as the existing cost for any administrative decisions that are elevated to public hearing for a decision by the Board of County Commissioners, which is consistent with the process for easement reviews in which a public hearing is held with the Board of County Commissioners convened as the Board of Trustees of the Teton County Scenic Preserve Trust.
- **Basic Use Permit fees specific to Small Wireless Facilities (\$500 up to five + \$100 for each additional):** Recommendation from Federal Communications Commission.
- **Planning Review of Building Permit Fee (varies):** This fee has historically been collected for Planning Staff review of building permit applications. Although this fee was removed from the



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fee schedule in a previous update, this review still occurs. Staff requests to add this fee back in to reflect existing procedures for transparency and public information.

- **Exaction for Residential Subdivision Fee-in-Lieu (\$19,883.67 per parcel):** This fee is incurred when residential subdivision results in creation of a new residential parcel(s) and dedication of land for parks and school facilities to support the new density is not feasible. The purpose of the park and school exactions is to ensure that new subdivisions include adequate land for parks, recreation and educational facilities in order to maintain the level of service in the community as growth occurs. The fee in-lieu value of \$19,883.67 is due for each newly created lot of record and is calculated using the Teton County Assessor's 2020 median market land value per acre (\$662,788.86) then allocating 3% of the cost of an acre as a development exaction fee. The 2019 calculated values were \$591,690 median market value of an acre and \$17,750.70 exaction fee in-lieu of land dedication.
- **Physical address change fee (\$200).** This fee is proposed to reflect administrative staff time required to change addressing. Staff is currently developing formal administrative procedures and application request forms for this task as well.
- **Assignment of physical address (free).**

Staff is also requesting to remove the fee for "Renaming of a road" as this process can only be done through a plat vacation. No increase, decrease, or adjustment of existing Planning or Building fees from the 2014 rates is proposed at this time.

In addition to adding these fees, the proposed changes also include cleanup items including updating the Planning and Building Services Department title, the County website address, adding a reference to the affordable housing calculator, rewording text for clarity, and specifying when fees are due.

Stakeholder Analysis & Involvement:

The proposed updates to the fee schedule have been compiled and reviewed by staff from the Planning and Building Services Department. Beginning this 45-day comment period will involve stakeholders and the public by inviting feedback on the proposed fee updates.

Fiscal Impact:

There is no fiscal impact resulting from authorization of the proposed updates to be released for public comment.

Staff Impact:

There is no staff impact resulting from authorization of the proposed updates to be released for public comment. Preparation of the revised fee schedule required approximately 20 hours of staff time.

Legal Review:

Gingery

Staff Input / Recommendation:

Staff recommends that the Board of County Commissioners authorize the beginning of the 45-day comment period to review proposed amendments to the Teton County Planning and Building Services Department Schedule of Fees represented in the attached draft dated October 9, 2020.

If this draft is released for public review and comment on October 28, 2020, a public hearing to consider approval of the amendments will be tentatively scheduled for the December 15, 2020 regular Board of County



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Commissioners' meeting. If approved, staff recommends that the updated fee schedule become effective January 1, 2021.

Attachments:

1. Redlined version of the Teton County Planning and Building Services Schedule of Fees showing proposed updates, dated October 9, 2020

Suggested Motion:

I move to authorize beginning the 45-day period on October 28, 2020 for public review and comment on proposed amendments to the Teton County Planning and Building Services Department Schedule of Fees represented in the October 9, 2020 draft.