



Board of County Commissioners - Staff Report

Meeting Date: November 7, 2023
Presenter: Grace Kelley
Property Owner: Hole Food Rescue Corp.
Subject: MSC2023-0051: Hole Food Rescue

Submitting Dept: Planning & Building Services
Agent: Hole Food Rescue

REQUESTED ACTION

Consider a Fee Waiver Request for Hole Foods Rescue Corp. (MSC2023-0051), pursuant to finding 2.a of the Teton County Fee Waiver Policy (Resolution 2014-054).

Background/Description

Hole Food Rescue is requesting a fee waiver for the fees associated with the commercial building permit BDC2023-0010 for the purpose of remodeling their existing facility. The applicant stated the following in their fee waiver application:

“Hole Food Rescue has provided no cost groceries to community members by rescuing excess food donated by grocery stores and restaurants and redistributing it at nine locations throughout Jackson.”

The application fees for BDC2023-0010 totaled up to **\$4,892.78**

The applicant is requesting that these fees be waived in full based on the Teton County Fee Waiver Policy which states in pertinent part:

2. *The Board of County Commissioners of Teton County, Wyoming, may consider and approve a request for a full or partial waiver of fees, when one of the following criteria is demonstrated and met:*
 - a. *An application that demonstrates a bona-fide community benefit for the whole of Teton County, Wyoming.*

Fiscal Impact

Planning Permit fees requested to be waived total **\$4,892.78**

Staff impact

Approval of this fee waiver request would result in reimbursement to the applicant of previously paid application fees for a building permit BDC2023-0010. Staff impact will be unpaid review time.

Legal Review

Gingery

Attachments

- Application
- Teton County Fee Waiver Policy (Resolution 2014-054)

- Summary of Past Fee Waiver Requests

Recommendation

None required, as fee waivers are policy decisions to be made by the Board. Staff would like to remind the Board that although a full fee waiver is requested, partial fee waivers are also allowed per the approved Fee Waiver Policy.

SUGGESTED MOTION

I move to **APPROVE** the Hole Food Rescue Fee Waiver Request **MSC2023-0051**, received September 21, 2023, for a **\$4,892.78** fee waiver as associated with building permit BDC2023-0010, being able to make finding 2.a of the Teton County Fee Waiver Policy (Resolution 2014-054).

Resolution# 2014-0054

TETON COUNTY FEE WAIVER POLICY

WHEREAS, the Board of County Commissioners of Teton County, Wyoming, (the "Board") has the authority pursuant to Wyoming Statutes §§18-2-101, 18-5-201, *et. seq.*, 35-9-120, and 35-9-121 to assess fees related to Teton County Planning and Development, Teton County Engineering, and Jackson Hole Fire/EMS ; and

WHEREAS, on February 17, 2009, the Board of County Commissioners approved a Fee Waiver Policy regarding requests for full or partial waivers of application and/or permit fees; and

WHEREAS, at a properly noticed public hearing of the Board of County Commissioners on December 2, 2014, the Board considered and approved a Fee Schedule for services and permits as required by Teton County for Planning Permit Fees, Building Permit Fees, Plumbing Permit Fees, Mechanical Code and Fuel Gas Code Permit Fees, Energy Mitigation Program Fees, Electrical Permit Fees, Engineering Permit Fees, Floodplain Development Fees, Bridge Permit Fees, and Administrative Fees and Services; and

WHEREAS, the Fee Schedule is intended to set forth the appropriate and necessary costs for applications, fees for services, and/or permits provided or issued by Teton County Planning and Development, Teton County Engineering, and Jackson Hole Fire/EMS; and

WHEREAS, the Board has the discretion to and may desire to waive these required fees by Teton County Planning and Development, Teton County Engineering, and Jackson Hole Fire/EMS, for applications, services, and/or permits as set forth in the Fee Schedule; and

WHEREAS, the Board has established and set forth criteria which establishes when and under what circumstances the Board may consider and approve requests for full or partial waivers of fees for applications, services, and/or permits as set forth in the Fee Schedule; and

WHEREAS, on December 16, 2014, the Board of County Commissioners having duly met at a properly noticed public hearing fully considered the matter of a Fee Waiver Policy, under its authority as set forth in the above Wyoming Statutes to promote the health, safety, and general welfare of Teton County.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, WYOMING, THAT:

1. The Board of County Commissioners of Teton County, Wyoming, hereby approves and adopts this Fee Waiver Policy, on December 16, 2014, which shall be effective on January 1, 2015, for Teton County Planning and Development, Teton County Engineering, and Jackson Hole Fire/EMS.
2. The Board of County Commissioners of Teton County, Wyoming, may consider and approve a request for a full or partial waiver of fees, when one of the following criteria is demonstrated and met:
 - a. An application that demonstrates a bona-fide community benefit for the whole of Teton County, Wyoming.
 - b. An application by a government agency, other than an agency or division of Teton County, Wyoming, or an application by an agency or

division of Teton County, Wyoming with associated fees in excess of \$6,000.

- c. Permits required as a result of criminal acts perpetrated against an applicant.
 - d. Proposed Land Development Regulations Text Amendments or Zoning Map Amendments when the proposed amendment is in the general public interest rather than proposed for the benefit of a single or restricted class of properties or owners, or proposed for a specific development permit or other land use permit.
 - e. Double permit fees associated with an after the fact permit resulting from an enforcement action pursuant to the Land Development Regulations, where the violation to be remedied with the permit is not the fault of the current property owner. Approval of this waiver results in the current applicant being responsible only for the standard permit fee, not the double fee penalty.
3. The Teton County Planning Director may consider and approve a request for a full or partial waiver of fees, when one of the following criteria is demonstrated and met:
- a. An error by Teton County, Wyoming, staff.
 - b. Duplication of staff effort or where costs are substantially reduced or eliminated.
 - c. Permits or fees required as a result of a government action.
 - d. An application by an agency or division of Teton County, Wyoming with associated fees of \$6,000 or less.
4. Any direct costs incurred by Teton County, Wyoming, are not subject to the above provisions and must be fully reimbursed or paid for directly by the applicant, which may include but is not limited to state and/or federal fees and/or outsourced services or fees, etc.

FURTHER RESOLVED that all appropriate action shall be taken in order to officially file and record such Fee Waiver Policy with the Teton County Clerk's Office that will be effective on January 1, 2015.

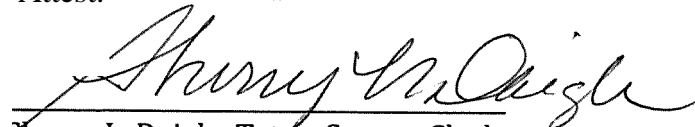
PASSED, APPROVED AND ADOPTED by a majority of the votes of the full Board of County Commissioners of Teton County, Wyoming, at a meeting held this 22 day of December, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF TETON COUNTY, WYOMING**


Hank Phibbs, Chairman



Attest:


Sherry L. Daigle, Teton County Clerk

| Fee Waiver Request History | | | |
|----------------------------|---|--------|---|
| Project Number | Application Name | Status | Comments |
| MFS2006-0014 | Board of County Commission Fee Waiver Policy | APPR | |
| MFS2006-0015 | Fee waiver request for day care application fee | DEN | Private Day Cre in Rafter J |
| MFS2006-0016 | Fee Waiver for Teton Science School | DEN | Lot 60 Indian Springs Ranch DEV and COU applications |
| MFS2006-0021 | Sally Rains fee waiver request | DEN | Sally Rains 2-lot subdivision |
| MFS2007-0010 | Fee waiver request Jackson Hole Thearapeutic Riding Association | DEN | |
| MFS2007-0012 | Teton Science School fee waiver request for final plat | DEN | |
| MFS2007-0021 | Fee Waiver - South Park Pathway | APPR | Fee Waiver request for GEC and NRR |
| MFS2007-0022 | Fee waiver for Teton County Weed and Pest | APPR | \$3000 |
| MFS2007-0023 | Fee Waiver - Teton Science School Connector Pthwy | APPR | Connect Indian Springs Pathway with Science School |
| MFS2007-0027 | Fee waiver. Parks and Rec to construct bathroom on Emily's Pond. | APPR | |
| MFS2007-0029 | Targhee Towne Water District Fee Waiver for new pump house | APPR | \$450.66 |
| MFS2008-0005 | Fee waiver request for 3 Creek-Middle School Connector Pathway | APPR | \$300 |
| MFS2008-0008 | Jackson Hole Community Housing Trust Fee Waiver Request | APPR | Glory View PUD-AH |
| MFS2008-0010 | Fee Waiver for Jackson Hole Golf and Tennis Club Affordable Housing | DEN | |
| MFS2008-0021 | Teton Raptor Center Fee Waiver Request | APPR | BCC approved fee waiver for full amount of \$4304 |
| MFS2008-0022 | 3 Creek-Middle School Connector Pathway GEC fee waiver | APPR | 3 Creek-Middle School Connector Pathway GEC fee waiver |
| MFS2008-0023 | Fee Waiver Request from TVA | APPR | \$5550 plus BP of \$? |
| MFS2008-0024 | Fee waiver request for TC Search & Rescue | APPR | TCS&R Fee Waiver Request |
| MFS2008-0027 | Fee waiver for EA for TC Search & Rescue | APPR | See MFS 08-0024. |
| MFS2008-0031 | TCSD--Schwabacher Meadows Employee Housing Fee Waiver | APPR | Approved for all, estimated at \$4700 |
| MFS2008-0032 | Old Wilson School Community Center BP Fee Waiver | APPR | Estimated at \$262 (County-owned property) |
| MFS2008-0043 | Fee Waiver Request for new Alta Library | APPR | All associated fees waived (except outside reviewers that co has to pay) |
| MFS2008-0052 | BP Fee Waiver Request for house in Solitude destroyed by fire | DEN | (BP 08-0222) Denied by BCC 1/27/9 |
| MFS2008-0054 | Fee Waiver for Rezoning and DEV/CUPs for Trash Transfer Station | APPR | |
| MFS2009-0001 | Fee Waiver for Emerg Ops Center | APPR | Approved fee waiver in the amount of \$19,968 for BP, PAP and Minor DEV costs. See DEV 09-0002. |
| MFS2009-0023 | Fee Waiver- JH Airport | APPR | Renovation/addition at JH Airport - Building & Planning Review Fees |
| MFS2009-0027 | Simonton Building Permit Fee Waiver | DEN | Fee Waiver for building permit |
| MFS2009-0040 | Fee Waiver - Phase I North Highway 89 Pathway | APPR | |
| MFS2009-0046 | Amended Airport Fee Waiver | APPR | Amended fee waiver amount to include electrical permit amounts. |
| MFS2009-0054 | Fee waiver - Moran Elementary School Bldg Permit | APPR | Fee Waiver request for Building Permit BDC 09-0003 for Moran School. |
| MFS2009-0072 | TCSD--Schwabacher Meadow Fee Waiver request | APPR | Plng waiver request includes: Pre-app, Major FDP, CUP, Sewer, GEC, Engineering, Plat |
| MFS2010-0015 | Fee Waiver of DEV and BP Fees for TVA Ranch Lot Structures | APPR | Waiver of \$2,150 approved. |
| MFS2010-0016 | Fee waiver for airport restaurant remodel | APPR | Waiver of \$3,427.30 approved. |
| MFS2010-0021 | TC Recycling Fee waiver request (Honeywell Energy Reduction) | APPR | Waiver of \$250 approved by the Board. |
| MFS2010-0022 | Fee Waiver- Flat Creek path and vehicular bridge So. Park Loop | APPR | Waiver of \$2,587.62 approved. |
| MFS2010-0026 | Fee Waiver Request Teton Science School PRD Sketch Plan | DEN | Mad Dog Ranch Campus |
| MFS2010-0029 | Poole Fee Waiver Request for APL2010-0001 | APPR | |
| MFS2011-0003 | Adam's Canyon Youth Shelter Fee Waiver | APPR | |
| MFS2011-0018 | Fee Waiver Request -- TVA Bus Shelter, Road Realignment | APPR | |
| MFS2011-0023 | Fee Waiver Request --Parks and Rec | APPR | |
| MFS2012-0002 | Schatz PRD Fee Waiver Request | DEN | Requesting waiver of 1/2 (\$150) of fee due to County delays in processing application. |
| MFS2012-0007 | Adams' Canyon Crisis Shelter Fee Waiver Request | APPR | |
| MFS2012-0014 | Fee Waiver Request--Habitat for Humanity at Teton Village | APPR | Four Building Permits |
| MFS2012-0016 | Fee Waiver Request - Variance application fro Millie Parks | APPR | |
| MFS2012-0023 | Fee Waiver Request for Alta Park restrooms and Owen Bircher Park Storage Building | APPR | |
| MFS2012-0025 | Teton Raptor Center - Fee Waiver | DEN | |

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| MFS2013-0001 | Jackson Hole Community Pathways fee waiver request | APPR | \$3,000 for pathway review fees Emily's pond to Stilson Ranch |
| MFS2013-0006 | Fee waiver for Jackson Hole Airport baggage claim area expansion | APPR | \$13,865 for building permit fees |
| MFS2013-0020 | Fee waiver for TC Weed and Pest DEV condition amendment | APPR | \$100 |
| MFS2014-0010 | Fee waiver request for DEV2014-0013 and CUP2014-0007 for TC Weed and Pest | APPR | |
| MFS2014-0012 | Fee waiver request for recycling center - serving EOC | ? | Building Permit |
| MFS2014-0013 | EOC Fee waiver request | ? | Building Permits |
| MFS2014-0020 | Fee Waiver for BDC2014-0015 and DEV2014-0017 (animal shelter) | APPR | Building Permit fees |
| MFS2014-0021 | Fee waiver for Teton Village Park Playground GEC2014-0059 | APPR | |
| MFS2014-0022 | Fee waiver request for PAP2014-0046 (land fill/trash transfer) | APPR | |
| MFS2014-0027 | Fee waiver for Stilson pathways project | APPR | |
| MFS2014-0032 | fee waiver request for the South Park Boat Ramp restroom facility. | APPR | |
| MSC2015-0003 | Fee waiver request for a solar array at the Town of Jackson's wastewater treatment facility | APPR | |
| MSC2015-0019 | Jackson Hole Wildlife Foundation is requesting a fee waiver to construct wildlife ramps on the Teton County levee system. | APPR | |
| MSC2015-0021 | Fee waiver request for electrical permits at the Town of Jackson's wastewater treatment facility | APPR | |
| MSC2015-0027 | Fee waiver request for BDC2015-0034 (Kelly School) | APPR | |
| MSC2015-0035 | fee waiver request for a Formal Interpretation to determine a use classification for a proposed Wildlife Rehabilitation Center. | APPR | |
| MSC2015-0040 | Fee waiver request for LDR Text Amendment (ext. lighting) | APPR | |
| MSC2015-0048 | Fee waiver request for MIS2015-0075 and ELT2015-0518 associated with the installation of solar panels | DEN | |
| MSC2016-0039 | application fees for LDR Text Amendment AMD2016-0006 (BP-TC Building Size Exemption for Recreation Use) | APPR | |
| MSC2016-0044 | application fees for LDR Text Amendment AMD2016-0007 (AC-TC Reduction of Minimum Base Site Area for Uses) | APPR | |
| MSC2017-0004 | Building, Grading & Erosion Control, and all other associated County permits for the Munger Mountain Elementary School construction project. | APPR | |
| MSC2017-0016 | Teton Village Association Improvement and Service District is requesting a fee waiver of building permit fees associated with the construction of a storage and bus parking facility on the maintenance parcel at Teton Village. | APPR | |
| MSC2017-0024 | Fee Waiver Request for FPR2017-0007 WYDOT | APPR | |
| MSC2017-0025 | Fee Waiver Request for FPR2017-0008 WYDOT | APPR | |
| MSC2017-0039 | fees associated with variance application VAR2017-0003 for relief from the river setback requirements | DEN | |
| MSC2017-0043 | fees associated with final plat application S/D2017-0009 to vacate the word "Ancillary" from Plat No. 757 regarding any references to Lot 58, Indian Spring Ranch | DEN | |
| MSC2017-0050 | Fee Waiver Request for new Lift Station. BDC2017-0022 | APPR | |
| MSC2018-0021 | Fees for Building Permit to improve rental car maintenance facility at JH airport | DEN | |
| MSC2019-0004 | Buiding & Planning review fees for indoor sports facility (Joe Rice) | APPR | Partial approval of half the request \$168, 561.04 |
| MSC2019-0007 | GEC & SWP permit fees for WYDOT sewer connection to Munger Mountain | APPR | \$450 for GEC & SWF permits |
| MSC2019-0013 | Trust for Public Lands Energy Mitigation Fees for Astoria Hot Springs | APPR | \$12,100 for EMP fees |
| MSC2019-0019 | Permit fees for the Grand Teton National Park Foundation/Moulton Loop Cabins. | APPR | \$4,050.70 |
| MSC2019-0021 | Teton County School District AMD2019-0003 Exactions | APPR | \$1,500 |
| MSC2019-0022 | Teton County School District Alta School Building Permit Fee | APPR | \$415.49 |
| MSC2019-0049 | Town of Jackson Wastewater Treatment Plant Garage | APPR | Commercial building Permit Fees: \$1,950.70 |
| MSC2021-0016 | Teton Village Association Improvement and Service District waiver of GEC | APPR | \$3,760.00 |
| MSC2021-0013 | Wyoming Outdoor Council waiver of future Formal Interpretation | APPR | \$500.00 |
| MSC2021-0040 | LDR Text Amendment for Cidery additions to the Home Business standards | APPR | \$1,500.00 |
| MSC2020-0024 | WYDOT Fee Waiver for Employee Housing | APPR | \$22,700.00 |
| MSC2022-0041 | Teton Village Water & Sewer District Commercial Building/Grading Permit Fees | APPR | \$7,954.40 |
| MSC2022-0058 | Astoria Park Employee Housing | APPR | \$2,500.00 |
| MSC2022-0063 | Lower Valley Energy DEV Plans | APPR | \$2500.00 Refunding (DEV2022-0011) |
| MSC2022-0074 | Melody Ranch Trailhead Improvements, CUP Pre-app Fee | APPR | \$300.00 |
| MSC2023-0001 | Road & Levee, State Lands Rock Stockpile ZCV Application Fee | APPR | \$500.00 |
| MSC2023-0006 | Melody Ranch Trailhead Improvements, EA Exemption Request Fee | APPR | \$50.00 |
| MSC2023-0012 | Jackson Hole Community Housing Trust Fee Waiver Request | APPR | \$600.00 Refunding (FRP2023-0002) |
| MSC2023-0014 | WYDOT Fee Waiver | APPR | \$500.00 Refunding (BUP2023-0011) |
| MSC2023-0020 | Jackson Hole Community Pathways fee waiver request; Granite Entrance Station Pathway Connector Project | APPR | \$150.00 - not paid at submittal, no refund (PAP2023-0020) |
| MSC2023-0041 | TCSAR Building Windows & Hoist | APPR | \$412.50 , plan review and building permit fees |
| MSC2023-0043 | Wilson Elementary School Remodel | APPR | Plan Review and Building Permit Fees |

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| MSC2023-0046 | Town of Jackson CUP amendment | APPR | Fee for MSC2023-0045 application from Town of Jackson (\$50) |
| MSC2023-0049 | Teton County Stilson Transit Center | PEND | Planning, Building & Engineering Permit Fees (~\$56,731) |
| MSC2023-0051 | Hole Foods Rescue | PEND | Planning & Building Permit Fees (~4,892.78) |