



# TOWN COUNCIL

## WORKSHOP AGENDA DOCUMENTATION

**PREPARATION DATE:** August 16, 2018  
**MEETING DATE:** August 20, 2018

**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Tyler Sinclair  
**PRESENTER:** Tyler Sinclair

**SUBJECT:** Snow King Projects - Process Next Steps

### PURPOSE OF WORKSHOP ITEM

The purpose of this item is to take public comment and receive Council direction on the process only for the upcoming Snow King Master Plans and lease agreement(s) reviews. There will be no comment or discussion of the content of the Master Plans or leases at this time.

### DESIRED OUTCOME

The desired outcome is for Council to provide direction on the three separate yet interrelated upcoming Snow King review processes generally related to scheduling dates and times, locations and coordination.

### BACKGROUND/ALTERNATIVES

The purpose of this item is to provide Council an overview and receive direction on the three separate yet interrelated upcoming Snow King review processes generally described as follows:

#### **1. Snow King Planned Resort District Master Plan**

- Review and Final Approval by the Town of Jackson
- Subject to the process, procedures and findings of the Town Land Development Regulations
- Contains private property at the base of Snow King Mountain currently zoned Planned Resort and subject to the current Snow King Planned Resort District Master Plan approved by the Town in 2000

As a starting point staff has provided public notification of the following public hearing dates as required by the Land Development Regulations:

- Town/County Parks and Recreation Board: August 9, September 13
- Town Council Workshop: August 20
- Teton County Planning Commission: September 10
- Teton County Board of County Commissioners: September 18
- Town Planning Commission: September 19
- Town Council: October 15, three ordinance readings required

Due to the extent and complexity of the proposed amendment staff is recommending that the Planning Commission and Town Council and staff review and provide comment on the Master Plan, chapter by chapter. Each chapter addresses a separate topic required by the Land Development Regulations. Staff

plans to structure the staff report in this manner indicating the current approval, the proposed amendments and staff analysis and recommendation for each chapter.

Due to the public interest in these projects to date, staff is seeking Council direction on whether to schedule Special Meetings and locations to best accommodate the public and allow for a thorough and consistent review process by Council. Staff provides the following options for consideration.

- A. **Regular Meetings** - Schedule the required hearings on regularly scheduled Council and Planning Commission meeting dates and set aside a specific time and duration for consideration of the item out of respect for other items on the agenda. These meeting could be held at Town Hall or Council could consider scheduling the meeting at an off-site location for at least the first meeting, when public comment would be received.
- B. **Special Meetings** - Schedule special hearings not on regularly scheduled Council and Planning Commission meeting dates with this item being the only item on the agenda. This option utilizes the lessons learned through large LDR updates and replicates the approach taken for Engage 2017. This would allow for a focused review of the application by Council, the Planning Commission, and the public. In addition, as utilized in Engage 2017 this allows for scheduling meetings in an efficient time period to allow continuous discussion and progress from meeting to meeting without need for backtracking to review and familiarize. Potential dates should Council want to consider this option would include the following:
  - Week of October 22 (no regular meetings)
  - Week of October 29 (no regular meetings)

These meetings could be held at Town Hall or Council could consider scheduling the meeting at an off-site location at least for the first 1-2 meetings when Council would be receiving public comment.

Under this option, the Planning Commission would be directed to complete its review by a certain date and would then set its own schedule of meetings.

2. **Snow King Mountain Resort On-Mountain Improvements Project Proposal - United States Forest Service**
  - Review and Final approval by the United States Forest Service
  - Subject to the process, procedures and requirements of the United States Forest Service
  - Town of Jackson provides comment on the proposal as a Cooperating Agency
  - Contains public property within the existing and proposed expanded lease area on the Bridger Teton National Forest

This project proposal has been submitted to the Forest Service and is currently in the required public review period. Public comment is due by September 13. Staff has provided a copy of the project proposal to Council previously and has asked the applicant to include the portions related to the Master Plan discussed in Item 1 as part of that application, which they have done to allow Council to consider improvements within both plans at once as they are interrelated to each other. The Town has requested and been granted Cooperating Agency status as it relates to this project. Cooperating Agency status is defined as:

#### ***National Environmental Policy Act 40 CFR 1500-1508***

##### ***§1508.5 Cooperating agency.***

*“Cooperating agency” means any federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major federal action significantly affecting the quality of the human environment.*

*The selection and responsibilities of a cooperating agency are described in §1501.6. A state or local agency of similar qualifications or, when the effects are on a reservation, an Indian tribe, may by agreement with the lead agency become a cooperating agency.*

### **§1501.6 Cooperating agencies.**

*The purpose of this section is to emphasize agency cooperation early in the NEPA process.*

*Upon request of the lead agency, any other federal agency which has jurisdiction by law shall be a cooperating agency. In addition any other federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency.*

*(a) The lead agency shall:*

- (1) Request the participation of each cooperating agency in the NEPA process at the earliest possible time.*
- (2) Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.*
- (3) Meet with a cooperating agency at the latter's request.*

*(b) Each cooperating agency shall:*

- (1) Participate in the NEPA process at the earliest possible time.*
- (2) Participate in the scoping process (described below in §1501.7).*
- (3) Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.*
- (4) Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.*
- (5) Normally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies.*

*Potential lead agencies shall include such funding requirements in their budget requests.*

*(c) A cooperating agency may in response to a lead agency's request for assistance in preparing the environmental impact statement (described in paragraph (b) (3), (4), or (5) of this section) reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement. A copy of this reply shall be submitted to the Council.*

Staff from the Forest Service will be available at the workshop to better explain the role of the Town in the Forest Service process and the timing for when Council will need to provide comment to the Forest in order to be considered. The deadline for cooperating agency comment is a significant milestone for the combined review of Items 1 and 2. It is staff's understanding at this time that cooperating agency comment is not due until 2019, but has not been provided an exact date by the Forest Service. It will be important that the Item 1 process accommodate the deadline if the deadline is in the fall of 2018.

Staff recommends that Council place this item on an agenda to receive a presentation of the project by the applicant, and allow for a question/answer period. At that meeting or a subsequent meeting Council could direct staff to provide formal comment to the Forest Service on the project. Staff anticipates that Council comment on this proposal will be focused on impacts to the Town as a result of the project including but not limited to parking, transportation, housing, impact on Town facilities and property and coordination with the Master Plan discussed in Item 1 above.

Staff is seeking direction on whether Council wants to receive public comment on this project separate from the Forest Service process. Staff provides the following options for consideration.

- A. **Utilize Forest Service Comment** – The public comment deadline to the Forest Service is September 13. In this option public comment submitted to the Forest Service would be provided to Council and Council would ask that public comment be limited to Item 1. The benefit of this option is that it does not create a public comment opportunity outside of the process established by the reviewing agency.
- B. **Take Additional Public Comment** – If Council would like to receive additional oral public comment on the Forest Service Master Plan, staff recommends that the comment be coordinated with Item 1 above to allow the public a one stop shop approach similar to the Snow King Public engagement process recently completed. In this option Council would allow public comment on Item 1 or Item 2. Staff will have to coordinate with the Forest Service on whether this has any impact on its public process.

Similar to Item 1 Staff is also seeking direction at this time whether to schedule review of this project during regular Council meetings or Special Meetings. Staff recommends that this item be considered concurrently with Item 1, but it could be considered separately. Based upon Council direction appropriate dates/times and locations will be selected.

### 3. Town of Jackson and Snow King Mountain Lease Agreements

- Review and Final Approval by the Town of Jackson and Snow King Mountain
- Subject to review and approval of the two entities
- Contains public property at the base of Snow King Mountain including portions of Phil Baux Park that is currently subject to a lease agreement or is proposed to be leased between the two entities

Staff finds that the need for and content of amended or new lease agreements between the Town and Snow King will largely be based upon the outcome of direction provided by Council during review of the two Master Plans (Items 1 and 2 above) including but not limited to use of public Town property by Snow King Mountain for placing a gondola, zip line, park improvements, shared parking, public improvements, etc. In addition to items being discussed in the Master Plans, items that staff suggests be included in future lease agreements may include but not be limited to the following:

- Agreement on future improvements to the public land/park
- Agreement on ownership of improvements
- Agreement on who is responsible to pay for agreed to improvements, who is responsible to maintain, does this change by season
- Agreement on public access to public land by season
- Ground lease or other mechanism to allow improvements on public land i.e. gondola, expanded ski club and lodge facilities, second ice sheet, etc.

Below staff has provided a high level process chart outlining the approximate blocks of time and steps required to complete each project for consideration. The purpose of the meeting will be further define the dates, locations and coordination of the projects to be able to communicate this information to the applicant and public prior to moving forward.

	Aug. 18	Sep. 18	Oct. 18	Nov. 18	Dec. 18	Jan. 19	Feb. 19
Town Master Plan	Staff Review	PC Rec.	TC Review + Approval	Applicant Revisions	3 Readings		
FS Master Plan		Staff Review	TC Review	Staff Draft of Comment to FS	Approval of Comment to FS		
Lease Agreements					Drafting of Agreements	Signing of Agreements	

## ALIGNMENT WITH COUNCIL'S STRATEGIC INTENT

### **Economic Sustainability**

This item provides the opportunity to enhance the ski area and grow skier visits. Improvements to the top of the mountain may provide the opportunity for increased summer visitation for guests and for small meetings and conferences.

### **Maintain the Unique Character of Jackson Hole**

Snow King is an important component of Jackson's Unique Character. It serves as the visual backdrop for our community and provides recreation for many community members. Whether skiing on the chairlift or skinning or hiking to the top, this area provides a venue for community concerts, farmers markets and other public events.

## STAKEHOLDER ANALYSIS

The stakeholders involved in this issue include Snow King Mountain Recreation, the Town of Jackson organization, all patrons and users of Snow King Mountain, and the community at large.

## FISCAL IMPACT

No additional fiscal impacts are anticipated related to review process. To date, the Town has spent \$37,800 on the Snow King Master Plan update process for a Facilitator and other logistical support of the Snow King Vision Stakeholder Group.

## STAFF IMPACT

The staff impact will be significant by many Town/County Departments reviewing and making recommendations on the proposed plans. To date, Town staff has invested about 250 hours on the Snow King Master Plan update process to coordinate and support the Snow King Vision Stakeholder Group. Most of that time is from the Town Planning Director.

## LEGAL ISSUES

Not applicable at this time.