

**TOWN COUNCIL WORKSHOP**  
**Monday, August 20, 2018**  
**3:00 PM**  
**Town Council Chambers**

**NOTICE:** The video and audio for this meeting are streamed to the public via the internet and mobile devices with views that may encompass all areas, participants, and audience members. *Please silence all electronic devices during the meeting.*

**I. OPENING / ROLL CALL**

**II. REDUCING PLASTIC BAG WASTE**

Johnny Ziem, 30 Minutes

Documents:

[II\\_PlasticBagDiscussion.pdf](#)

**III. MANAGED PARKING PROCESS**

Tyler Sinclair, 15 Minutes

Documents:

[III\\_DowntownManagedParking.pdf](#)

**IV. SNOW KING REVIEW PROCESS**

Tyler Sinclair, 30 Minutes

Documents:

[IV\\_SnowKingReview.pdf](#)

**V. SIGN CODE**

Lea Colasuonno, 30 Minutes

Documents:

[V\\_SignCode.pdf](#)

**VI. SET NEXT WORKSHOP AGENDA**

- A. 9/17 Cache Creek Drainage Tube Discussion (Brian Lenz, 30 Minutes)
- B. 9/17 Residential Rental Ombudsman (Audrey Cohen-Davis, 30 Minutes)
- C. 9/17 Discussion of Liquor Code Revisions (Sandy Birdyshaw & Lea Colasuonno, 30 Mins)
- D. 9/17 Discussion of Parks & Rec Strategic Plan (Steve Ashworth, 30 Minutes)
- E. 10/15 Hillside Regulations (Tyler Sinclair, 30 Minutes)
- F. 10/15 Flat Creek Corridor (Brian Lenz, 30 Minutes)
- G. 11/19 Stormwater Management (Brian Lenz, 30 Minutes)

**VII. ADJOURN TO EXECUTIVE SESSION**

Adjourn to executive session to consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price in accordance with Wyoming Statute 16-4-405(a)(vii).

*Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.*



# TOWN COUNCIL

## WORKSHOP AGENDA DOCUMENTATION

**PREPARATION DATE:** August 13<sup>th</sup>, 2018

**MEETING DATE:** August 20<sup>th</sup>, 2018

**SUBMITTING DEPARTMENT:** Administration

**DEPARTMENT DIRECTOR:** Larry Pardee

**PRESENTER:** Johnny Ziem

**SUBJECT:** Reducing Single-Use Plastic Bag Waste Discussion

### PURPOSE OF WORKSHOP ITEM

The purpose of this item is to receive direction from the Council on a draft Ordinance P, an ordinance adding Chapter 8.36 to the Municipal Code of the Town of Jackson to address reducing single-use plastic bag waste.

### BACKGROUND/ALTERNATIVES

This item was discussed at the May 21<sup>st</sup>, 2018, Town Council Workshop. At the end of that discussion, staff was directed to bring back a draft ordinance to reduce single-use plastic bag waste by imposing a ban on single-use plastic bags and imposing a minimum fee for the provision of paper bags. In doing so staff reached out to multiple stakeholder groups, including the Chamber of Commerce and local interested citizens. For your consideration today is the first draft of the ordinance reducing plastic bag waste. Policy decisions for Council discussion are listed below and include: Waste Reduction Fees, Exemptions, Violations and Penalties, and an Effective Date.

#### Waste Reduction Fees

This draft ordinance was modeled on other ordinances relating to the ban on single-use plastic bags from other municipalities and includes a Waste Reduction Fee of ten cents (\$.10) for each disposable paper bag that is provided to a customer. The fee is required to be itemized on the receipt provided by each retailer or retail store. The fees collected by the retailers and remitted to the Town of Jackson would be transferred to the Integrated Solid Waste and Recycling (ISWR) division of Teton County to be used for:

1. ISWR sponsored reusable bag distribution and retailer support;
2. Spring and Fall Community litter Clean-Ups; and
3. Zero Waste Infrastructure and Programs.

#### Exemptions

Staff has also crafted a section, Jackson Municipal Code § 8.36.020(F) (1), which allows for certain types of single-use plastic bags to be allowed in this ordinance. These allowances fall in line with other ordinances found within many jurisdictions around the country. Typically, allowances such as these are given to certain products because there are usually no other convenient alternatives to using a single-use plastic bags. For example, in order for newspaper's to be delivered, a single-use plastic bag is used to prevent the paper from getting damaged or wet upon delivery to a location.

### Violations and Penalties

Jackson Municipal Code § 8.36.070 “Audits and Violations”, articulates how retailers and retail stores must keep records and lists the penalties for violating the chapter. Council has a few options in determining the associated penalties:

1. Council could adopt the standard penalty provision allowing for a fine of \$750.00 per day/per violation, which will leave code enforcement and the prosecutor with the discretion to cite/warn for offenses;
2. Council could require the first citation always be a warning, then leave any subsequent charges under the general penalty provision (a fine of up to a max of \$750.00); or
3. Council could require the first citation always be a warning, then have a graduated system of first, second, and third convictions (akin to the ordinance prohibiting cell phone use while driving).

The downside of the third option is that it is difficult for staff to track convictions over time and make sure establishments are properly cited as years pass.

### Effective Date

A final important topic for Council consideration and discussion is when this ordinance will take effect. It is typical for jurisdictions to allow a period for retailers to use existing inventories of single-use plastic bags. Staff discussed this particular issue with ISWR and the Chamber of Commerce and recommends an effective date of July 1, 2019, which also coincides with the beginning of the Town’s fiscal year. Staff feels this is important because some funds will have to be budgeted in order to purchase reusable bags and perform preliminary educational outreach prior to any waste reduction fees being collected for paper bag usage.

Staff recommends Council provide direction to staff to place Ordinance P on the addenda for first reading as presented as the next available Town Council meeting which includes a ban on single-use plastic bags, a \$ .10 cent fee for paper bags, exemptions as outlined, and an effective date of July 1, 2019. Staff also recommends Council provide direction on violations and penalties, section 8.36.070(C) (2) and 8.36.070 (D) in this ordinance.

The Town Council has many options available to it including:

1. Make amendments and additions to the ordinance at today’s Council Workshop Meeting and direct staff to prepare the amended ordinance for first reading at the next Town Council Meeting.
2. Make amendments and additions to the ordinance at today’s Workshop Meeting and direct staff to prepare the amended ordinance for presentation and discussion at a future Council Workshop Meeting.
3. Take no action.
4. Other.

### STAKEHOLDER ANALYSIS

Staff has been working diligently with a local grass roots group of citizens who support this ordinance, the Chamber of Commerce, Town Staff, the Riverwind Foundation, and the Travel and Tourism Board. Each stakeholder has been given copies of the draft ordinance to review and offer constructive suggestions for additions and/or clarifications. The Chamber of Commerce has been in contact with their members seeking feedback on this draft ordinance as well. Further, Town staff has also sent a notice out to all affected business license holders letting them know of the discussion and proposed ordinance that would ban single-use plastic bags and institute a fee for paper bags. Retailers and retail stores will be

affected if this ordinance were to pass, specifically in the increased cost to provide additional paper bags for their customers and potentially purchasing reusable bags for resale.

ISWR is a stakeholder in this issue in that they would be charged with administering the funds collected from the waste reduction fees for paper bags. The Town of Jackson organization is a stakeholder in this issue in that this effort would support the Town's efforts related to environmental stewardship. The citizens of the community are a stakeholder in that the regulations would move the community forward in terms of generating less trash, less County and citizen fees for waste hauling with a reduction in single-use plastic bag waste, and sustainable efforts.

### FISCAL IMPACT

Should the Council choose to provide the direction staff recommends, there would be no immediate fiscal impact. However, ultimate passage of an ordinance banning single-use plastic bags and imposing a minimum fee for paper bags that is remitted to ISWR would have a fiscal impact. There will be a fiscal impact to the Town's FY20 Budget in that funds would be budgeted to implement the initial education and outreach prior to collecting any Waste Reduction Fees. There would be a positive fiscal impact to ISWR in that it would have an additional revenue stream from the Waste Reduction Fees to address education, outreach, and the provision of reusable bags. Additionally, ISWR could avoid the cost of disposal for single-use plastic bags, which reportedly costs taxpayers \$40 per ton.

### STAFF IMPACT

Staff impact included preparing the ordinance for first reading and may include making changes/amendments as directed by Council. If the ordinance is passed after the third and final reading, staff would need to dedicate time to continue working with stakeholders and retailers in order to ensure a smooth transition for implementation before the effective date. Further time would also be needed to coordinate an implementation plan with ISWR, the Chamber of Commerce, and the Travel and Tourism Board to educate retailers. This would involve approximately 10-15 hours of time from the Town's Public Information Officer. Further, there would be additional staff time for the Police Department to investigate any possible violations of this ordinance. The estimated time for each citation would require roughly two hours of Police Department time and an estimated two hours of Legal time per each offense. Should citations proceed to Municipal Court, there would also be time spent by the Municipal Judge and the court staff in processing and disposing of each citation. The Police Department estimates a time of approximately one hour for written warnings. There would also be a notable amount of staff time spent in the Finance Department processing the fees collected by retail establishments, entering those amounts in the Town's accounting system and remitting those fees to ISWR.

### LEGAL ISSUES

Complete.

### ATTACHMENTS

- Draft Ordinance P.
- Public comment received since the last presentation on May 21<sup>st</sup>, 2018.

### RECOMMENDATION

Staff recommends Council provide direction to staff to place Ordinance P on the agenda for first reading as presented at the next Town Council meeting which includes a ban on single-use plastic bags, a \$ .10 cent fee for paper bags, exemptions as outlined, associated penalties for violations, and an effective date of July 1, 2019.

## SUGGESTED MOTION

Should the Council be ready to take action, one possible motion would be:

1. I move to direct staff to place Ordinance P on the agenda for first reading as presented at the next available Town Council meeting which includes a ban on single-use plastic bags, a \$ .10 cent fee for paper bags, exemptions as outlined, associated penalties for violations, and an effective date of July 1, 2019.

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Synopsis for PowerPoint (120 words max): *The information entered in this section will be displayed on the monitors in the Council Chambers during meetings. In 120 words or less, provide a brief synopsis of the agenda documentation and any relevant information that should be displayed on the monitors, for example, purpose, background, or fiscal impact.*

Purpose:

Background:

Fiscal Impact:

## ORDINANCE P

AN ORDINANCE ADDING CHAPTER 8.36 TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON ESTABLISHING DISPOSABLE BAG REQUIREMENTS AND PROVIDING FOR THE COLLECTION AND DESIGNATION OF THE FEE TO THE TETON COUNTY WASTE REDUCTION PROGRAM, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT

### **SECTION I.**

There is hereby added Chapter 8.36 of Title 8 Disposable Bag Requirements of the Municipal Code of the Town of Jackson as follows:

### **CHAPTER 8.36 DISPOSABLE BAG REQUIREMENTS**

#### **Sections:**

<b>8.36.010</b>	<b>Legislative Findings</b>
<b>8.36.020</b>	<b>Definitions</b>
<b>8.36.030</b>	<b>Single-Use Disposable Plastic Bag Prohibition</b>
<b>8.36.040</b>	<b>Disposable Paper Bag Fee Requirements</b>
<b>8.36.050</b>	<b>Collection and Remittance of the Waste Reduction Fee</b>
<b>8.36.060</b>	<b>Exemptions</b>
<b>8.36.070</b>	<b>Audits and Violations</b>

#### **8.36.010 Legislative Findings**

**WHEREAS**, the Town of Jackson, Wyoming (“Town”) is a municipal corporation existing pursuant to the laws of the Wyoming Constitution, the Wyoming Statutes, and the Town Charter; and

**WHEREAS**, the Town has a responsibility to protect the natural environment, economy, and health of its citizens and guests; and

**WHEREAS**, the Town, pursuant to Resolution 15-18 (“A Resolution Adopting Zero Waste as a Guiding Principle and Supporting the Creating of a Zero Waste Plan”) is committed to: pursuing a waste diversion goal of 60% or better; preserving Jackson’s unique environmental resources for generations to come by limiting environmental degradation and waste; and promoting practices that are sustainable and minimize harms to the natural environment; and

**WHEREAS**, the Town, pursuant to Resolution 12-001 (“A Resolution Certifying the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan as Part of the Comprehensive Master Plan for the Town of Jackson, Wyoming and Teton County, Wyoming”) is committed to minimizing the amount of solid waste it directs to landfills with a goal of “zero waste” by increasing efforts such as recycling and composting of waste; and

**WHEREAS**, the Town, pursuant to Resolution 17-08 (“A Resolution Recognizing Jackson Hole as a World-Leading Sustainable Community and Destination”) is committed to be a model of sustainability and support public and private sustainability efforts; and

**WHEREAS**, in the Town, innumerable single use disposable plastic bags are used each year that cannot be recycled in a cost-effective manner; and

**WHEREAS**, single-use disposable plastic bags create waste, pollute the Town’s waterways, roadways, landscapes and harm wildlife populations; and

**WHEREAS**, the Town Council finds and determines that prohibiting single-use disposable plastic bags and requiring a charge for disposable paper bags at grocers and other retailers would address the environmental and health problems associated with such use, would relieve Town taxpayers of the costs incurred by the Town in conjunction therewith, and would be in the best interest of the public health, safety, and welfare of the Town.

#### **8.36.020 Definitions**

As used in this Chapter the following definitions apply:

- A. *Disposable Paper Bag* means a bag made predominantly of paper that is provided to a customer by a Retailer at the point of sale for the purpose of transporting goods which is subject to the Town’s Waste Reduction Fee.
- B. *Fast Food Restaurant* means a retail food establishment where food and beverages are:
  - 1. Prepared in advance of customer orders or are able to be quickly prepared for consumption on or off premises; and
  - 2. Are ordered and served over counters or at drive-through windows; and
  - 3. Are paid for before being consumed.
- C. *Retailer* means any person, corporation, partnership, business, facility, vendor, organization or individual that sells or provides merchandise, goods or materials, including without limitation, clothing, food, or personal items of any kind, directly to a customer.
- D. *Retail Store* includes, without limitations, any department store, grocery store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, gas station, and any other retail store or vendor.
  - 1. *Retail Store* for the purposes of this ordinance does not include:
    - a. Vendors at a farmers’ market, excluding any of the vendors’ associated permanent business location(s);
    - b. Fast Food Restaurants; or
    - c. Art galleries and Art Fairs.
- E. *Reusable Bag* means a bag that is:
  - 1. Designed and manufactured to withstand repeated uses over time; and
  - 2. Is made from a material that can be cleaned and disinfected regularly; and



3. At least 2.25 mil thick if made from plastic.

F. *Single-Use Disposable Plastic Bag* means any bag that is less than two and one quarter millimeters (2.25 mil) thick and is made predominately of compostable or non-compostable plastic that is provided to a customer by a Retailer or Retail Store at the point of sale for the purpose of transporting goods.

1. Single-Use Disposable Plastic Bag does not include the following:

a. Bags used by consumers inside Retail Stores to:

1. Package bulk items including: fruit, vegetables, nuts, grains, candy, or small hardware items; or
2. Contain or wrap fresh or frozen meat or fish; or
3. Contain or wrap flowers or potted plants; or
4. Contain unwrapped prepared foods or unwrapped bakery goods.

b. Bags provided by pharmacists to contain prescription drugs.

c. Newspaper bags, door hanger bags, dry cleaning bags, or bags sold in packages containing multiple bags intended to enclose garbage, pet waste, or yard waste.

G. *Waste Reduction Fee* means the Town fee of \$.10 imposed and required to be paid by each consumer making a purchase from a Retailer or Retail Store for each Disposable Paper Bag used during the purchase.

#### **8.36.030 Single-Use Disposable Plastic Bag Prohibition**

- A. No Retailer or Retail Store shall provide a Single-Use Disposable Plastic Bag to a customer at the point of sale.
- B. Nothing in this section shall preclude any person or organization from making Reusable Bags available for sale or for no cost to customers.

#### **8.36.040 Disposable Paper Bag Fee Requirements**

- A. Retailers and Retail Stores shall collect from customers, and customers shall pay, at the time of purchase a Waste Reduction Fee of Ten Cents (\$.10) for each Disposable Paper Bag provided to the customer.
- B. Retailers and Retail Stores shall record the number of Disposable Paper Bags provided and the total amount of the Waste Reduction Fee charged on the customer transaction receipt.
- C. A Retailer and Retail Store shall not refund to the customer any part of the Waste Reduction Fee nor shall the Retailer advertise or state to any customer that any part of the Waste Reduction Fee will be refunded to the customer.
- D. For the purposes of subsection 8.36.040, a restaurant is not a Retailer or a Retail Store.

#### **8.36.050 Collection and Remittance of the Waste Reduction Fee**

- A. The Waste Reduction Fee collected by the Retailer shall not be classified as revenue for the purposes of calculating sales tax.
- B. The Waste Reduction Fee collected by the Retailer shall be paid to the Town of Jackson Finance Department and shall be deposited into the Waste Reduction Fee account.

- C. A Retailer shall pay and the Town shall collect the Waste Reduction Fee at the same time as the Retailer remits payment of sales tax to the Department of Revenue. The Town shall provide the necessary forms for Retailers to file individual returns.
- D. The Town of Jackson Finance Department shall remit all funds collected pursuant to this ordinance to Teton County Integrated Solid Waste and Recycling Division.
- E. The Waste Reduction Fee shall be administered by Teton County Integrated Solid Waste and Recycling Division.
- F. Waste Reduction Fees deposited in the Waste Reduction Account shall be used for the costs of the Plastic Bag Outreach Plan managed by Integrated Solid Waste and Recycling (ISWR), which includes:
  - 1. ISWR sponsored reusable bag distribution and retailer support; and
  - 2. Spring and Fall Community litter Clean-Ups; and
  - 3. Zero Waste Infrastructure and Program; and
- G. No Waste Reduction Fee collected in accordance with this ordinance shall be used to supplant funds appropriated as part of an annual approved budget.
- H. No Waste Reduction Fee collected in accordance with this ordinance shall revert to the General Fund at the end of the fiscal year, or at any other time.

#### **8.36.060 Exemptions**

A Retailer may provide a Disposable Paper Bag to a customer at no charge to that customer if the customer provides evidence that he or she is a participant in a state or federal food assistance program.

#### **8.36.070 Audits and Violations**

- A. Each Retailer shall maintain accurate and complete records of the Waste Reduction Fees collected, the number of Disposable Paper Bags provided to customers, and any underlying records, including any books, accounts, invoices, or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of each Retailer to keep and preserve all such documents and records, including any electronic information, for a period of three (3) years from the end of the calendar year of such records.
- B. If requested, each Retailer shall make its records available for audit by the Town Manager or his/her designee during regular business hours for the Town to verify compliance with the provisions of this Chapter. All such records shall be treated as confidential commercial documents.
- C. Violation(s) of any of the requirements of this Chapter subject a Retailer to the following penalties:
  - 1. If it is determined that a violation occurred, a warning notice will be issued to the Retailer for the initial violation.
  - 2. The penalty for each subsequent violation after the issuance of the warning notice shall be no more than.
    - a. \$\_\_\_\_\_ for the first conviction.
    - b. \$\_\_\_\_\_ for the second conviction.
    - c. For the third and all subsequent convictions there shall be a mandatory Jackson Municipal Court appearance and such penalty as may be

determined by the Jackson Municipal Court pursuant to Jackson Municipal Code § 1.12.010.

3. No more than one (1) penalty shall be imposed upon a Retailer within any seven (7) calendar day period.
- D. If payment of any portion of the Waste Reduction Fee is not received by the Town Finance Department on or before the applicable due date a \_\_\_\_\_ (\$\_\_\_\_.00) late fee shall be imposed the last day of each month until said payment is received. Late fees shall not exceed \_\_\_\_\_ (\$\_\_\_\_.00).

## **SECTION II**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

## **SECTION III**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance

## **SECTION IV**

This Ordinance shall become effective on July 1, 2019.

PASSED 1ST READING THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

PASSED 2ND READING THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

PASSED AND APPROVED THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

TOWN OF JACKSON

BY: \_\_\_\_\_  
Pete Muldoon, Mayor

ATTEST:

BY: \_\_\_\_\_  
Sandy P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING     )  
                                      ) ss.  
COUNTY OF TETON     )

I hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the \_\_\_\_ day of \_\_\_\_\_, 2018.

I further certify that the foregoing Ordinance was duly recorded on page \_\_\_\_\_ of Book \_\_\_\_\_ of Ordinances of the Town of Jackson, Wyoming.

\_\_\_\_\_  
Sandy P. Birdyshaw  
Town Clerk

## Johnny Ziem

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**From:** Katie R <katie.raitz7@gmail.com>  
**Sent:** Thursday, May 24, 2018 3:18 PM  
**To:** Roxanne DeVries Robinson  
**Cc:** Town Council  
**Subject:** Ban plastic bags!!

Hi Roxanne,

I just read the informative article in Green Matters regarding the recent history on response to plastic bags here in Jackson. I'd love to know how I can support a ban on plastic bags - reuseable bags are so easy and worthwhile!

Thanks for all you do!  
Katie

Sent from my iPhone

## Johnny Ziem

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**From:** jlotshaw@aol.com  
**Sent:** Sunday, May 27, 2018 5:47 PM  
**To:** Town Council  
**Subject:** Fwd: plastic bag issue

Thank you for making the wise decision to ban plastic bags in the community! I can't wait to see this go through. During the May cleanup, it seems like most of the roadside debris are plastic bags. What a welcome relief to see those go away. Hopefully this can be implemented during this summer's visitor season.

Thank you again!

John and Dawn Lotshaw

Begin forwarded message:

**From:** [jlotshaw@aol.com](mailto:jlotshaw@aol.com)  
**Date:** May 15, 2018 at 1:44:54 PM MDT  
**To:** [Council@jacksonwy.gov](mailto:Council@jacksonwy.gov)  
**Subject:** plastic bag issue

Mayor and Councilmen;

I read with interest last week's News & Guide which states that a comprehensive study on the use of plastic bags was done years ago, but yet nothing has been addressed with the issue. Given the fragile nature of our environment, especially where we live, we should be extremely careful about these issues. I know, in traveling around, plastic bags have already been banned in so many towns/areas, and Jackson Hole should be banning them too. As I have read, this will be readdressed on May 21, and I cannot urge all of you enough to adopt a plastic bag ban in our town.

I will look forward to the results of next week's meeting.

Sincerely,

Dawn Lotshaw  
Jackson WY

## Johnny Ziem

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**From:** Molly Absolon <molly.absolon@gmail.com>  
**Sent:** Monday, July 09, 2018 4:43 PM  
**To:** Jim Stanford  
**Subject:** Teton Valley magazine article on plastics

Hi Jim,

Not sure if you remember me, but our paths crossed at the News&Guide on occasion.

I have been assigned to write an article on plastics for next summer's issue of Teton Valley magazine and we'd like to include mention of the town of Jackson's ban on plastic bags (juxtaposed with Idaho's law forbidding towns to ban plastic bags...). You seemed like a good person on the council to talk to about the topic because i seem to remember that you were one of the primary advocates for the ban. Would you be willing to talk to me on the topic? I won't actually be working on the story until the winter, but we'd like to get a source list to our photographer so she can get images in the summer if possible. So, please let me know if you are willing to be included and I will pass your email on so the photographer can contact you. I'll get back to you in a few months!

Thanks,  
Molly

Molly Absolon  
9055 Village Way  
Victor, ID 83455  
[molly.absolon@gmail.com](mailto:molly.absolon@gmail.com)  
307-349-2464

## Johnny Ziem

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**From:** JustinaLindeman <jlindeman88@gmail.com>  
**Sent:** Sunday, June 10, 2018 2:24 PM  
**To:** Pete Muldoon  
**Subject:** The Last Straw (in a good way)

Dear Mayor,

My name is Justina Lindeman, and I am a resident of Teton County. I have lived in Jackson for almost 5 years, working mostly in restaurants and bars and I've been continuously bothered by the amount of plastic waste that I see being tossed out in the form of straws. I want to make a sustainable difference and there is single-use plastic straw trend that I feel the community would really get behind.

Single-use plastic straws are harming earth's environment at an alarming rate. Over 500 million plastic straws are used every day in America. In one year, that is over 175 billion straws. Plastic straws do not biodegrade, they only break down into smaller and smaller pieces. Some straws contain a type of plastic that is not recyclable. Straws that are recycled can barely ever make it to the recycling center because many conveyor belts have too large of gaps, and the straws fall through and go to the landfill. Plastic straws also threaten wildlife because animals eat it and cannot digest. These straws are the fifth most common found piece of trash on coastlines.

Many cities across America and the world have already banned plastic straws (Malibu, Seattle etc.), and I feel that we should follow their lead. Alternatives to single-use plastic straws are paper straws, bamboo straws, or even no straw. Banning plastic straws in the Town of Jackson would create a positive impact on the environment. This simple change could make a huge impact on plastic waste.

I understand that this change would affect businesses, but do we really want to be hurting the environment so badly just because tourists want a plastic straw? I hope to hear a response from you, I can be reached by email, or phone.

Sincerely,

Justina Lindeman  
[jlindeman88@gmail.com](mailto:jlindeman88@gmail.com)

307-699-7803



**Johnny Ziem**

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**From:** Brook Erenstone <adk.skylight@gmail.com>  
**Sent:** Tuesday, May 22, 2018 1:12 PM  
**To:** Roxanne DeVries Robinson; Town Council  
**Subject:** Jackson Plastic Bag Ban Endorsement

Dear Jackson Town Council,

I am writing to wholeheartedly voice my support of a total ban on plastic bags and a fee for paper bags in the town of Jackson.

These single-use bags are extremely wasteful, they take up space in our landfill and many bags inevitably end up in our rivers, streams and forests.

After asking many questions and playing "devil's advocate" a little bit, it is clear that the task force working on this project has looked at it from every angle and has a clear plan. It also seems that they have come up with creative solutions for making this as easy as of a transition as possible.

Please take this step towards reducing our footprint and moving towards a zero-waste destination.

Thank you for your hard work and dedication to making Jackson a better place to live and vacation.

--

Brook M.E. Phillips  
Western Wyoming Vision Services; EcoTour Adventures  
(307)690-3346

## Johnny Ziem

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**From:** Terry C <repealbagfee@gmail.com>  
**Sent:** Friday, June 29, 2018 10:24 AM  
**To:** Town Council  
**Subject:** NO on Plastic bag ban

Dear Mayor and Council members:

I am disappointed that Jackson Town Council is considering adopting a plastic bag ban and fee.

I applaud NY and MS States in BANNING plastic bag bans. Utah and South Carolina are in the process of adopting one.

Plastic bag bans are feel-good eco-fads. They HARM instead of help the environment. They hurt businesses and consumers. I pray that all the other states will preemptively BAN local plastic bag bans.

Plastic bags are made of polymer. It is a by-product of petroleum; something that must be remove, else the gas will combust too hotly. Our clothing; sport wear, yoga pants, polyester and many household items are made of petro-chemical products. They serve us well.

Somehow thin-film plastic bags have been singled-out as scape-goats. These bags are so humble yet so useful. They can be mass produced fast with no water and little energy. We use plastic bags to carry purchases home. We reuse them to line our trash bins, for wet trash, and pick up after our pets. Compare to paper which comes from trees and is heavy and take lots of water and energy to make, plastic costs little to produce.

In California, with this bag ban applied to ALL retails starting 2012, many retail shops have closed. And remain so. Bagging customers' purchase is the most BASIC customer service retailers should do. The "Do you want a bag? It is 10c." is infuriating! Our supervisors do not seem to understand customer service, consumer behavior, and discretionary spending vs. necessities purchases. We also have issue with shop-lifting – how do shopkeepers tell who have paid or not? I saw some people simply put the food in their bags, including some well-dressed customers in premium grocery stores in various cities!

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In this KQED California report here: (<https://www.kqed.org/news/11461251>)

"Eben Schwartz, from the Coastal Commission, said plastic bags were about 9 percent of what they picked up on San Francisco beaches before the local bans went into effect — and are about 6 percent of trash they pick up now."

– We are talking about less than 10% of the debris!

People litter. Irresponsible human IS the problem. NOT the bags! And the severity of plastic bags waste is OVER exaggerated.

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I urge you to watch and read a collection of videos and articles on my blog: <http://repealbagfee.blogspot.com/2013/08>

Bottom line: the plastic bag ban is a trendy feel-good eco-fad that harms instead of helps the environment.

Sincerely,  
Terry Chong  
blogger, [repealbagfee.blogspot.com](http://repealbagfee.blogspot.com)

## Johnny Ziem

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**From:** jlotshaw@aol.com  
**Sent:** Saturday, June 23, 2018 8:07 AM  
**To:** Town Council; Pete Muldoon  
**Subject:** Plastic bags

Council & Mayor;

When will the ban be in effect for plastic bags? It's disturbing to see customers leaving the grocery stores with shopping carts filled with plastic bags. Can't that be put in place immediately?

Thank you.

Dawn Lotshaw

## Johnny Ziem

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**From:** Brigid Mander <brigidmander@gmail.com>  
**Sent:** Thursday, May 31, 2018 4:16 PM  
**To:** rrobinson@jacksonwy.com  
**Cc:** Town Council  
**Subject:** Plastic bags ban

Hi Robin,

I found your email in a little Green Matters news leaflet I picked up somewhere. I'm writing to let you know of my strong support for a plastic bag ban in Jackson. Thoughtless plastic bag use is unreasonable in a time when we are finally seeing mainstream awareness about the enormously detrimental impacts on our world by short lived, one time plastic-based conveniences.

I travel a lot, and have spent a large amount of time in Europe, as well as Chile and Argentina, where in most places free, non-biodegradable plastic bags are banned. It is simply not that hard, when confronted at a checkout, to buy a bag, or better yet a canvas bag to take your groceries in. (In fact its a fun reminder to have a canvas bag from something like an itty bitty local store in the Italian Alps...which I then reuse over and over again here at home.) But for example, Pucon, an action sports resort town in Chile with similar values as JH, banned plastic bags a few years ago. The Chilean national government just enacted a nation-wide ban. Argentines support this from the capital district to tiny rural enclaves in the mountains. Europe is way ahead of us, on this topic.

Part of Jackson's tourism economy is based on showcasing our values and ostensibly, a respect for the environment and for the creatures we share it with - here in the mountains and at the end of the journey where our rivers and snowmelt hit the marine ecosystem. Let's help educate visitors and feel like a town with honest marketing pitch, and ability to adhere to the ideals and the hard work it takes to uphold this place!

Also, I think this would be a super popular topic with plenty of locals, as well, but it's pretty hidden from the general public - nearly all my friends and acquaintances are on board already with canvas and reusable shopping bags.

Thanks for reading and your consideration.

best,  
Brigid

(PS: Maybe we can get rid of plastic straws locally, as well? Just a thought!)

--

Brigid Mander  
[www.brigidmander.com](http://www.brigidmander.com)

PO Box 1666  
Wilson, Wyoming 83014  
**917.847.8734**



## Johnny Ziem

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**From:** Aaron Pruzan <aaron@jacksonholekayak.com>  
**Sent:** Monday, May 21, 2018 6:31 PM  
**To:** Jim Stanford; Jim Stanford; paul vogelheim; Paul Vogelheim  
**Subject:** Plastic Bags

Jim & Paul,

Hope you are both well. I was thinking about this because the Kayak Club did its annual Flat Creek Clean-up the weekend before last. We float the creek from McPhails down to Smiths and while it is getting better, the amount of plastic bags is really sad. Seems like there is a simple solution to start making this better and Jackson and Teton County should do what many, many other counties, towns and states have done and ban plastic bags and have stores charge for paper bags. While I know Wyomingites don't like regulation we are way behind on this and it totally makes sense for our community. Let me know what you think and what you suggest for next steps. I'm ready to move on this.

Thanks,

Aaron

--

Aaron Pruzan  
Rendezvous River Sports  
Jackson Hole Kayak School  
PO Box 9201 945 W. Broadway  
Jackson, WY 83002  
307-733-2471

## Johnny Ziem

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**From:** Katie Weiler <kweiler263@gmail.com>  
**Sent:** Wednesday, June 20, 2018 12:37 PM  
**To:** Roxanne DeVries Robinson  
**Cc:** Town Council  
**Subject:** Jackson Plastic Bag Ban Endorsement

To the Jackson Town Council,

I fully am behind and endorse the plastic bag ban that we are trying to move through to Jackson. I think this is an extremely important move for the town of Jackson to show that we are a leader in sustainability and showing that we are taking action to save our planet that is drowning in single use plastics.

I would like to thank you for taking the time to meet and give this ban a look and backing that we need through all of you. I wasn't able to attend the meeting, but I heard it went very well, and for that I thank you as well.

I think I speak for all the residents in this beautiful town that we appreciate you taking the time to help make this town a leader in the outdoor community and keeping our environment free and clean from plastics, and this ban will help take a few more steps toward that goal!

Best,  
KW

--

Katie M Weiler





# 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: P18-013: Downtown Core Parking Study - Update**

### PURPOSE OF WORKSHOP ITEM

The purpose of this item is to provide Council an update of the status of the Downtown Core Parking Study currently underway. The workshop will include taking public comment and Council direction on the upcoming next steps in the study only. There will be no comment or discussion of the content of the Downtown Core Parking study at this time.

### DESIRED OUTCOME

The desired outcome is for Council to receive the information, ask any questions or for clarification on the information and to provide any comments on the work.

### BACKGROUND/ALTERNATIVES

On December 18, 2017, Council approved a contract with Kimley-Horn LLC to study parking in the Downtown Core and provide a Townwide Parking and Mobility Framework. The scope of work is broken down into the following six tasks:

1. Inventory and Utilization Update
2. Outreach Support
3. Parking Demand Management
4. Purpose of Public Parking Downtown
5. Recommended Alternative
6. Townwide Parking and Mobility Framework

Due to the vacancy of the Transportation Planner position and focus on completing the Engage 2017 projects staff and the consultant have not completed significant work to date. Work has been completed in Task 1 including an inventory of downtown parking spaces primarily within the 3-hour parking limit zone. The next step to be completed over the next 2 weeks will be completion of a utilization study of the downtown area to determine parking occupancy and utilization that will inform the next steps in the project. Staff from throughout all Town departments will be assisting in the work completing parking counts for two days over a 12 hour period.

Staff has worked with the Consultant to revise the remainder of the project schedule as follows:



Task A - Inventory and Utilization Update	June	July	August	September	October	November	December	January
Kickoff Call								
Base Mapping and Establish Study Area								
Inventory of Downtown Parking Assets (Town Staff)								
Database Development and Occupancy/Turnover Analysis								
Task B - Outreach								
Establish Outreach Process								
Educational Material Development								
Online Survey								
Public Meetings								
Outreach Summary Memo								
Task C - Parking Demand Management								
Evaluation of Parking Management Options								
TDM Best Practices Document								
Public Input and Stakeholder Comments on Parking Management Options								
Task D - Purpose of Public Parking Downtown								
Evaluation of Public Provision of Parking								
Public Input and Stakeholder Comments								
Task E - Recommended Alternative								
Downtown Parking Study								
Parking Management Best Practices								
Task F - Parking and Mobility Framework and Implementation Plan								
Draft Report Development								
Submit Draft Report for City Review								
Final Report								
Task G (Optional) - Technology Assessment Support Services								
Incorporate City Comments and Submit Final Report								

◆ Indicates data collection  
★ Indicates a Project Trip to Jackson

Please see attached the complete Scope of Work.

Upon completion of Task 1, staff and the consultant will move into Task 2 Public Outreach and Input. Staff is proposing that this step not begin until after Labor Day weekend to allow Downtown Business owners and the community to better engage in a study once the busy summer season has largely concluded. Staff hopes to partner with the Chamber of Commerce, Downtown Business owners, Friends of Pathways and others to complete the public outreach and education portion of the study. As described above the study and recommendations would largely be completed by the end of the year.

### ALIGNMENT WITH COUNCIL'S STRATEGIC INTENT

Staff finds that the project aligns with Council's strategic intent of Economic Sustainability and Maintain the Unique Character of Jackson Hole.

### STAKEHOLDER ANALYSIS

The stakeholders involved in this item include all residents of the Town of Jackson, Teton County, Downtown Business and Property owners and visitors to the community.

### FISCAL IMPACT

None at this time

### STAFF IMPACT

The staff impact will be significant over the upcoming 4 months working with the consultant to complete the scope of work.

### LEGAL ISSUES

Not applicable at this time.

### ATTACHMENTS

- Kimley Horn Scope of Work
- Revised Schedule



December 12, 2017

Alex Norton  
Town of Jackson  
P.O. Box 16878  
Jackson, WY 83001

**RE: *Additional Scope and Fee to Include “Project 2: Downtown Parking” as Part of Kimley-Horn’s Contract to Complete the Town of Jackson Phase 1 Parking Management Study***

## **PROJECT 2 - DOWNTOWN PARKING**

The Scope of Services documented in this memo are for your consideration for inclusion within Kimley-Horn’s current contract to complete the Town of Jackson Phase 1 Parking Management Study.

### **SCOPE**

An update of the 2003 downtown parking study is specifically called for in the Integrated Transportation Plan and the Comprehensive Plan. But an evolution is also needed. Since the 2003 Parking Study, a new Comprehensive Plan has been adopted that envisions the downtown as a vibrant, pedestrian-oriented, mixed-use area that hides and deemphasizes off-street parking. Since 2003, additional questions have also arisen as more applicants have incorporated housing into downtown development and the use of public parking has come into question in various circumstances. All of the original elements of the 2003 study will be revised along with consideration of new ideas and trends.

#### **Task 2a: Inventory and Utilization Update**

The first step downtown is to update the inventory of parking spaces and study of utilization first completed in 2003, introducing study of parking for all modes. The update will include a quantitative survey as well as a qualitative survey of parking perceptions. Part of the update will be the creation of a database that can be updated on a regular, seasonal basis to understand changes in parking supply and utilization as various programs are implemented. The inventory will also look at where downtown parking spills over and the impacts it has on adjacent neighborhoods. We also need to embrace and plan for future trends in parking and transportation (e.g. ride share, car share, bike share, and lower rates of car ownership).

#### ***Town Staff Responsibilities:***

- Inventory of Parking Downtown
- Utilization Study of Parking Downtown
  - Kimley-Horn to provide preliminary database and training

#### ***Deliverables***

- Educational Materials on Trends in Parking Needs
- Database to Enter and Track Parking

### Task 2b: Outreach Support

Successfully developing and implementing a parking management plan including new parking management strategies requires clear and concise communication and a community outreach strategy that effectively engages a variety of stakeholders in the process. The consultant will support the Town by providing concise educational materials to communicate the benefits of various strategies, develop an online survey if desired, and facilitate up to two public meetings with exercises, presentations, and boards as desired.

#### **Deliverables**

- Educational materials
- Online survey
- Public meeting facilitation

### Task 2c: Parking Demand Management

Managing vehicle parking demand is one of the TDM programs to be considered in implementation of the Integrated Transportation Plan. Teton Village's vehicle parking demand management has had a measurable impact on its parking need, and other locations have seen similar benefits. The first part of this task will be an evaluation of what other communities have done to manage parking demand. The appropriate management options for downtown will depend on the inventory and utilization data, but will include a review of parking allowances, incentives, and requirements such as utilizing paid parking to reduce parking demand and direct parking to appropriate locations. Review of the Parking Demand Management Options will be done both by stakeholders with technical expertise on the issue and the general public.

#### **Deliverables**

- Evaluation of Parking Management Options
- TDM Best Practices Document
- Summary of Public Input and Stakeholder Comments on Parking Management Options

### Task 2d: Purpose of Public Parking Downtown

For the past 10 years the Town has provided public parking downtown in a coordinated manner based on the 2003 Parking Study. Since that time however, additional utilization pressure for that parking has arisen – from the airport shuttle park n' ride to residential demand. This task will build on the utilization survey to discuss what types of parking demand are best provided as a public utility and at what fee. This task will run concurrently with the parking demand management task. The stakeholder and public comment processes for the two tasks may be consolidated.

#### **Deliverables**

- Cost/Benefit Evaluation of Public Provision of Parking Types
- Summary of Public Input and Stakeholder Comments on the Purpose of Public Parking

**Task 2e: Recommended Alternative**

Based on the data and comments from the stakeholders and public, the consultant will develop a recommended alternative, which may be a combination of components of the options analyzed. The recommended alternative will include a description of the philosophy and intent behind the alternative as well as a list of actions to implement the alternative. The recommended alternative will be the final component of the Downtown Parking Study that will pull all of the project deliverables together. An implementation schedule of the recommended alternative will be included with recommended actions.

***Deliverables***

- Downtown Parking Study (as part of the Parking and Mobility Framework)
- Parking Management Best Practices Document

**Task 2f: Townwide Parking and Mobility Framework and Implementation Plan**

The consultant will combine the recommendations from the Phase 1 Parking Management Study and the Phase 2 Downtown Parking Study to create a Townwide Parking and Mobility Implementation Plan that identifies schedule, cost estimates, and key milestones. The Framework will also provide guidance for how future analysis of transit service (discussed in detail in the Phase 3 scope of work) and a more detailed Communitywide TDM assessment (Phase 4) will fit within the Implementation schedule.

***Deliverables***

- Parking and Mobility Framework and Implementation Plan (Including recommendations from Phase 1 and Phase 2)

**(OPTIONAL) Task 2g: Technology Assessment Support Services**

Should paid parking advance as a preferred alternative, the consultant will provide technology assessment support services to 1) assess potential parking technology solutions, 2) recommend a preferred technology, 3) develop a parking technology specifications document, and 4) develop an estimate of probable cost.

As an optional additional task, the consultant may provide parking management procurement services for technology implementation or contracting with a parking operator.

***Deliverables***

- Technology assessment technical memorandum
- Parking technology specifications
- Parking technology estimate of probable cost
- Assistance with technology or operator procurement services

## FEE

Team Member	Role	Rate	Task 2a	Task 2b	Task 2c	Task 2d	Task 2e	Task 2e	Total Hours	Billing
William Reynolds	Transportation Engineer	\$135	24	20	20	30	20	12	126	\$17,010
Ted Ritschard	QA/QC	\$225	3	-	5	4	8	8	28	\$6,300
Dennis Burns	Principal	\$240	6	16	16	12	18	10	78	\$18,720
Bryce Christensen	Sr. Technical Support	\$150	14	-	-	10	6	6	36	\$5,400
Christina Jones	Analyst	\$90	12	16	40	16	32	24	140	\$12,600
Office Support		\$95	8	8	8	8	20	16	68	\$6,460
			67	60	89	80	104	76	476	
Solesbee Group	Outreach Support	\$210	-	16	-	-	-	16		\$6,720
			\$9,295	\$12,100	\$12,025	\$11,530	\$14,500	\$13,760	508	\$73,210
Travel/Lodging										\$6,500
										\$79,710

Please contact me at (651) 643-0462 or [William.reynolds@kimley-horn.com](mailto:William.reynolds@kimley-horn.com) should you have any questions.

Sincerely,



William Reynolds, P.E., AICP, PTP



Town of Jackson		DRAFT Work Plan: Phase 2 Parking Study																															
Task A - Inventory and Utilization Update		June				July				August				September				October				November				December				January			
Kickoff Call																																	
Base Mapping and Establish Study Area																																	
Inventory of Downtown Parking Assets (Town Staff)																																	
Database Development and Occupancy/Turnover Analysis																																	
Task B - Outreach																																	
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# 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 on 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 on 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.



# TOWN COUNCIL

## WORKSHOP AGENDA DOCUMENTATION

**PREPARATION DATE:** August 9, 2018  
**MEETING DATE:** August 20, 2018

**SUBMITTING DEPARTMENT:** Legal  
**DEPARTMENT DIRECTOR:** Audrey Cohen-Davis  
**PRESENTER:** Lea Colasuonno

**SUBJECT: Town of Jackson Sign Code Land Development Regulation**

### PURPOSE OF WORKSHOP ITEM

The purpose of this item is to discuss with Council the types of changes to the Town sign code Land Development Regulation (LDR) necessitated by a recent constitutional law ruling by the United States Supreme Court and gather feedback from the Council on its policy preferences.

### DESIRED OUTCOME

The desired outcome is for Council to provide guidance to staff with regard to amending the sign standards in the current LDR.

### BACKGROUND/ALTERNATIVES

Given the need for this LDR change derives from a shift in the federal legal landscape, staff has outlined its recommended approach for Council consideration, amendment and approval:

1. The Constitutional Standard:
    - The Town sign code should be re-worked so it does not regulate signs based on the content or subject matter of the sign, but rather, based on content-neutral features.
  2. What Changes Are Necessary:
    - Staff recommends the following types of changes specifically:
      - ❖ Eliminate separate rules for categories of signs that are defined by the content or subject matter of their message: e.g. take out rules that set size, height, or duration requirements for “political” signs, “directional” signs, “real estate” signs, etc.
      - ❖ Review “exceptions” to regulations to make sure they are not content based.
      - ❖ Ensure the sign code regulates with content neutral, “time, place, and manner” regulations.
- Examples of these types of regulations already in the sign code include:
- ✓ Size
  - ✓ Location of signs
  - ✓ Amount of time signs are displayed
  - ✓ Distinguish between lighted and unlighted signs
  - ✓ Distinguish between signs with fixed and changing messages and electronic messages
  - ✓ Distinguish between signs on public and private property
  - ✓ Distinguish between “on-premises” and “off-premises” (e.g. a billboard) signs
  - ✓ Distinguish between signs on commercial and residential property

### 3. Schedule for Ordinance Presentation to Council:

- Given the Planning and Legal Departments current workload, staff proposes the following timing for this ordinance:
  - ❖ Town notices the sign code LDR in the paper in late August;
  - ❖ The LDR is reviewed by the Planning Commission on October 3;
  - ❖ The LDR is presented to Council for its initial review on November 5.

### 4. Staff's Recommended Changes:

- Staff recommends presenting an ordinance to repeal the offending provisions of the current code.
- Staff recommends presenting a revised sign code ordinance for Council discussion and consideration.

## STAKEHOLDER ANALYSIS

All residents and visitors are stakeholders for this item because First Amendment speech rights apply uniformly.

## FISCAL IMPACT

The fiscal impact of passage of ordinances after third reading varies between \$250.00 and \$700.00 depending on the length of the ordinance. Shorter ordinances average around \$350.00 and franchise ordinances can reach \$700.00. Ordinances appear in the Jackson Hole News & Guide after third reading, but are sent to the Jackson Hole News & Guide prior to Council action on third reading. Ordinances appear in the Jackson Hole News & Guide the Wednesday following Council's action on third reading (two days after being enacted). If Council makes changes to the ordinance on third reading, the ordinance needs to be re-advertised in its final form.

## STAFF IMPACT

The staff impact of this item is felt most keenly in the Legal and Planning Departments, though also has an impact on the Police Department's enforcement division.

Additionally, the Office of the Town Clerk is affected because that office handles advertising with the Jackson Hole News & Guide for all ordinance amendments.

## LEGAL ISSUES

The United States Supreme Court confirmed in its *Reed v. Town of Gilbert* decision that a content-based sign code violates the First Amendment of the United States Constitution. This decision upended decades-old rules, thus necessitating cities and towns across the nation to rework sign codes. While there is little question that government may regulate signs in general, different standards now apply and this item is intended to keep the Town's sign code current with this changed legal landscape.

The Town sign regulations (which complied with the Supreme Court's previous standards) need to be revised so they comply with the Court's recent interpretation.

## ATTACHMENTS

None.

## RECOMMENDATION

Staff recommends Council direct staff to 1) draft a repeal ordinance for the next Council meeting and 2) begin and complete the LDR update process for the sign code.

## SUGGESTED MOTION

I direct staff to 1) draft and present a repeal ordinance for the necessary portions of the sign code for the next Council meeting and 2) to revise the sign code LDR as necessary under federal law and present such at a future Town Council meeting.