

Special Town Council Workshop
August 16, 2021
2:00PM
VIRTUAL VIA ZOOM AND SWAGIT

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. **PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

I. ZOOM LINK FOR PUBLIC PARTICIPATION

To join, click the link or copy to your browser: <https://us02web.zoom.us/j/83670739842?pwd=Y092eHdMdU5FRFU0NUJFaHJHTmZwZz09>
If the link does not work, join at zoom.com with Webinar ID **836 7073 9842** Password: **83001**
or join by phone **1.253.215.8782** with Webinar ID **836 7073 9842** and Passcode **83001**

II. CALL TO ORDER AND ROLL CALL

III. WORKSHOP ITEMS

- A. Director Updates (Housing, Finance, Parks & Rec, Community Development, 20 mins)
- B. Bike Lane Connectivity (Brian Schilling, 30 mins)
- C. Policy Consideration Sewer Water (Tyler Sinclair/Floren Poliseo, 45 mins)
- D. Title 15 Buildings & Construction Code Update (Tyler Sinclair/Kelly Sluder, 30 mins)

IV. PROPOSED ITEMS FOR FUTURE WORKSHOPS

- A. 8/23 Special Meeting for Retail and Bar/Grill Liquor Licenses (6 hours)
- B. 8/24 Special Meeting for Retail and Bar/Grill Liquor License Discussion (2 hrs)
- C. 8/30 Council Priority Item – Future Funding of Local Government (Larry Pardee, 45 mins)
- D. 8/30 Council Priority Item - Equity Commission (Susan Scarlata, 45 mins)
- E. 8/30 State Legislative Agenda (Larry Pardee, 30 mins)
- F. 9/13 Council Priority Item - Early Childhood Education (Susan Scarlata, 60 mins)
- G. 9/13 Council Priority Item - Work Plan Review from Retreat (Larry Pardee, 60 mins)
- H. 9/20 Director Updates (START, Legal, Personnel, Police, 20 mins)
- I. 10/16 Title 10 Vehicles and Traffic (Lea Colasuonno, 30 mins)
- J. 10/16 Director Updates ()
- K. 10/16 Rec Center Expansion Follow-Up (Steve Ashworth, 60 mins)
- L. 10/16 Council Chambers AV Discussion (Michael Palazzolo, 20 mins)
- M. 10/16 Jackson Hole Historical Society New Museum Presentation (Paul Anthony, 30 mins)
- N. 11/15 North Cache Streetscape as a Town Gateway (Floren Poliseo, 30 mins)

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.

O. 11/15 Public Art Ordinance Discussion (Tyler Sinclair, 30 mins)

P. 11/15 Public Art Ordinance Discussion (Tyler Sinclair, 30 mins)

V. ADJOURN

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STAFF REPORT



Meeting Date:	July 19, 2021	Meeting Title:	Workshop
Submitting Department:	Pathways	Presenter:	Brian Schilling
Agenda Item:	Downtown Bike Lane Connectivity	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to discuss the existing and future bicycle network in east Jackson between Snow King and North Cache, present background materials on bicycle networks, and discuss the possibility of planning an improved multimodal transportation corridor on Willow St. and Snow King Ave.

Requested Action.

The requested action item is to provide direction to staff on initiating the design and public outreach process for improving the multimodal transportation corridor between Snow King and North Cache.

Recommendations.

Staff recommends that Council direct staff to start the design and public outreach process for developing concepts for an improved bicycle connection on Snow King Ave. and/or Willow St.

Background.

The Comprehensive Plan, Chapter 7. Multimodal Transportation states that:

Travel by walk, bike, carpool, or transit will be more convenient than travel by single occupancy vehicle.

This item directly addresses several core principles in the Comp Plan and other Town planning documents such as the Pathways Master Plan and the Town of Jackson Bicycle Network Plan. It also addresses comments received in recent public input from the Teton Mobility Project regarding the need to provide improved safety and options for people on bikes trying to get to Phil Baux Park, Snow King, Jackson Elementary (JES), and to the North 89 Pathway. The overarching issue that this discussion will address is providing safe and connected bicycle and pedestrian facilities for all ages and abilities, with an additional focus on creating Safe Routes to Schools and other public destinations.

Policy considerations include: evaluating if creating a connected bicycle network/route is consistent with the Comp Plan; considering whether it is a priority to connect the Snow King Ave. bike lanes to the North 89 pathway and destinations in between, such as Phil Baux Park, Snow King Resort, JES, and the Rec Center; and evaluating what an improved transportation corridor along Snow King Ave. and Willow St. might look like and what the impacts of implementing improvements might be.

There is a known need to provide a better connection for bicyclists and pedestrians on the corridor between Snow King Ave. and the North 89 Pathway and to the numerous destinations along the route. Existing facilities in this corridor range from painted bike lanes to signed bike routes to no facilities at all, are of mixed quality, and are not adequate for users of all abilities or ages. There are several projects either in planning or under construction that will fill some of the gaps in this corridor with high quality bicycle and pedestrian facilities, but the segment from the Snow King Ave./Cache St. intersection up to Jackson Elementary at the intersection of Willow and Gill remains unaddressed. (Staff will provide an exhibit detailing the existing and planned facilities as part of the workshop presentation).

Prior community engagement and planning efforts have identified Willow St. as the most logical route to complete the connection from Snow King Ave. to JES, and provide a safe, low-stress route that avoids the highly congested areas around the Town Square. Staff has worked with Friends of Pathways and Mobycon (a

transportation planning firm that specializes in network planning and active transportation design) to develop preliminary draft concepts of a range of available options for improving this corridor, including:

- No change
- Short-term: Unidirectional bollard-protected bike lane (one-way bike lane on both sides).
- Short-term: Bidirectional bollard-protected bike lane (two-way bike lane on one side of the street).
- Long-term: permanent uni- or bidirectional cycle track

Staff will also provide background on the general bike network concepts of cohesion, directness, safety, comfort, and attractiveness.

Analysis.

Staff anticipates that the main concern with any proposed improvement will be potential impact to on-street parking on Willow St. and Snow King Ave. Scenarios that add protected bike facilities and maintain two-way vehicle traffic on Willow would result in the removal of parking from at least one side of the street. If the highest priority is to maximize parking, converting Willow to a one-way street could retain most, if not all, on street parking. However, converting Willow to a one-way street would have implications for vehicular traffic patterns that would need to be analyzed.

There are also safety considerations for non-motorized users to consider with regards to unidirectional vs. bidirectional bike lanes. Unidirectional bike lanes are generally much safer than bidirectional facilities, but bidirectional facilities can occupy a smaller footprint where space is limited.

Integration with existing and planned future facilities on Snow King Ave., the intersection of Gill Ave. and Willow St., and the future shared-use pathway along the King St. extension in front of the Rec Center are other factors that need to be taken into consideration and planned carefully. The facility type in one segment will impact what the best choice is in the adjoining segment and how intersections are designed.

Staff has collected ground measurements of existing conditions and has worked with Friends of Pathways and Mobycon (consulting firm) to prepare preliminary layouts of possible options. These concepts are in early development and have not yet been vetted with the Council or presented for public consideration.

Staff recommends the following components be included in the process for developing short-term improvements (not necessarily in this order):

- Draft concept development
- Council review of draft concepts
- Public outreach on draft concepts
- Council approval of final plan

Staff also recommends that long-term improvements for the Snow King to JES segment be considered concurrently with the short-term plan, as this segment will eventually need to be integrated with the other projects already underway in the larger corridor area.

Alternatives (Optional).

Council could direct staff to pursue any of the following:

- No further planning efforts for improved multimodal connection between Snow King and JES (no action).
- Initiate planning of short-term improvements with the process as outlined and direction to evaluate a range of concepts.

- Initiate planning of short-term improvements with modifications to the process and/or direction to pursue a specific concept.
- Other

Comprehensive Plan & Priority Alignment.

This concept of creating a safe, connected bicycle network in the Town of Jackson is directly in line with the foundational principle of the Comprehensive Plan's transportation policy (Section 7), which reads:

Travel by walk, bike, carpool, or transit will be more convenient than travel by single occupancy vehicle.

Principle 7.1 states that the community will "Meet future transportation demand with walk, bike, carpool, transit, and micro-mobility infrastructure." This will be accomplished by creating a transportation network that is an "interconnection of walking, biking, carpool, and transit infrastructure that makes the single-occupancy vehicle the least convenient mode of travel" and includes a network of complete streets that "prioritize the movement of pedestrians [and] bicyclists."

Principle 7.2 states the goal to "Reduce greenhouse gases from vehicles to below 2012 levels," and that "cleaner vehicles, fewer trips, and trips that move more people will be prioritized over strategies focused on reducing congestion." This will be accomplished by discouraging the use of single-occupancy vehicles (Policy 7.2.b) and exploring and pilot innovative transportation solutions (Policy 7.2.c).

The plan also goes on to state:

The community's transportation vision is to create a multimodal transportation system by enhancing the current automobile-oriented system to include a network of complete streets, transit, and pathways system accessible by residents and visitors of all ages and abilities. By pursuing this vision the community will ensure all users of the public right-of-way, including: pedestrians, bicyclists, automobile drivers, trucks and transit riders can do so safely and efficiently.

The Plan even speaks directly on the concept of Safe Routes to School as part of a TDM strategy, stating as a goal to "Encourage or require students in all grades to use active modes of transportation rather than driving or being driven to school."

The Comp Plan provides very clear direction that the community will prioritize safe, connected networks that promote the use of alternative (active) transportation modes over a system that only encourages single-occupancy vehicle usage. It emphasizes numerous times the concepts of connectivity, safety, and accessibility for users of all ages and abilities, which are all critical components for bicycle networks and are directly related to this discussion item.

Fiscal Impact.

This item has not been specifically identified in the FY22 budget. Funding from the Professional Services account (general) and/or the TOJ Bike Network account (capital) could be used for planning and design.

Staff Impact.

Pathways staff would be responsible for leading the planning and public outreach effort. It is estimated this would require 25-35 hours total time over the next 4-6 months. Time for selected Planning staff and Public Works staff would also be expected, but would be on the order of 5-10 hours.

Attachments or Links.

None.

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items.*

I move to direct staff to initiate planning of bicycle network improvements on Snow King Avenue and Willow St. between Cache Dr. and Jackson Elementary School with the proposed process as outlined above and evaluating a range of concepts for Council consideration.

STAFF REPORT



Meeting Date:	August 16, 2021	Meeting Title:	Workshop
Submitting Department:	Community Development and Public Works	Presenter:	Tyler Sinclair and Floren Poliseo
Agenda Item:	Sewer and Water Connection Policy	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to present issues and options for Council regarding setting policy for considering sewer and water connection requests outside of the Town and existing contracted service areas. Staff would like guidance from Council on how to prioritize water/sewer capacity allocations and whether or to what extent to consider increasing the current planned capacity. Establishing policies can ensure the Council's vision is carried forth regarding how current remaining water and sewer capacity is allocated within and outside of Town and ensure the financial mechanisms to maintain and construct water and sewer systems to meet future needs.

Requested Action.

1. Direction from Council on desired policies for considering requests for water and/or sewer connections outside Town and existing Contract Service Areas (CSA).
2. Propose an amendment to the Teton County Land Development Regulations.

Recommendations.

1. Refer to the Analysis section for staff recommendations for specific items related to setting Town policy on water/sewer connections outside Town and existing contracted service areas.
2. Staff recommends the Town work with Teton County to process a text amendment to change the current requirement that developments within 500 feet of public sanitary sewer (and legal access) connect thereto.

Background.

Overview

The Town of Jackson owns, operates, and maintains a water supply and distribution system, a sewer collection system, and a sewer treatment plant. The primary function of these utility systems are to provide the residents, businesses, and visitors to the Town water and sewer services. Secondly, these systems regionally serve areas within the County beyond the Town's boundary. These areas served in the County are Contract Service Areas (CSA) and are administered through connection and use agreements to provide the same level of service as Town, though in most cases the Town does not own or maintain the infrastructure.

Within the Town, connection to the water and sewer systems is required by the Jackson Municipal Code and essential to maintaining the health and welfare of the community.

Within the County, water and sewer services can be provided in a variety of ways. Typically, there are private wells and on-site sewer disposal, aka "septic systems." Second, there are other community utility systems, e.g., Teton Village and the Aspens. As costs to construct, operate, and maintain community utility systems increase and/or regulations impact private and community system construction, larger regional systems may be practical and preferred.

Given the regional nature of the Town's water and sewer systems, and the potential for future development outside the Town in proximity to its system or private systems connected to its systems, it is important that the Town understand its obligations to its current CSAs and define its role as a regional system while providing guidance for staff to improve efficiency in processing connection applications.

Process

The 2021 Water and Sewer Systems Evaluation Report (the “Capacity Study”) was the first step in assessing the state of the Town’s utility systems and capacity as it relates to the Town’s current commitments. This workshop is the next step in understanding how the Council would like to direct staff to handle county sewer and water applications, i.e. what is the Town’s role in providing regional water and sewer services to the community as a whole.

Capacity

Capacity is the ability of the Town to meet the demands of customers. It is considered in two parts: Physical capacity and time. For example, there is capacity at the sewer treatment plant now, but in 45 years based on projected development in the Town and in existing CSAs, the capacity is allocated. Thus, if more service areas are added or additional density is approved and constructed, the timeline to reach capacity is shortened. In the case of water, the Town is currently working to increase capacity for the Zone 3 (western Jackson) part of the water system.

The Capacity Study Report only considered development in the Town and existing CSAs. Assuming full build-out to current zoning allowances in the Town and its existing CSAs is achieved, existing capacity will be exceeded. Any water or sewer connections beyond what was included in the Capacity Study will require additional capacity. (The full report and executive summary can be found on the [Town Engineering website](#))

Past Policy

2000 Resolution

In 2000, the Council adopted Resolution 00-18 *A Resolution Establishing a Town Policy Regarding Connection of Properties Lying Outside the Town’s Corporate Limits to the Town Sanitary Sewer Collection Network*. The Resolution allowed staff-level approval for connections either 1) within the service area used to design the 1995 sewer treatment plant expansion or 2) properties developed in accordance with the Jackson/Teton County Comprehensive Plan and associated LDRs.

All approved connections were required to

- Meter,
- Install infrastructure at the connecting party’s cost,
- Be designed to Town standards,
- Obtain Town approval to include inspection by the Town,
- Pay Town fees, and
- Forfeit the right to object to annexation

Analysis.

Based upon Council direction on the four key questions set forth below, staff will determine next steps. Depending on the direction given by Council on these policy questions, staff would draft the appropriate resolutions, ordinances, or other documents necessary to implement Council direction for review at a future meeting. Staff notes that for the purposes of this report, sewer and water will primarily be used interchangeably, although there are different considerations regarding capacity and future improvements which will need be addressed during next steps in this discussion and the update process.

1. Should the Town prepare a policy (supersede the 2000 Resolution) on how future sewer and water connection requests are evaluated and processed?

Currently, the Town processes connection requests for both sewer and water on a case-by-case basis without review against set factors. Many communities establish factors upon which individual applications are evaluated, thus providing consistent and predictable review. Relatedly, certain policies could allow staff to approve requests at the staff level and only present the connection and use agreements to Council for approval; thus, minimizing staff and Council burden and creating a predictable system for applicants. Staff notes that although the 2000 Resolution provides guidance on this issue, it has not been consistently implemented for some time.

Recommendation: Staff recommends Council develop a sewer and water connection policy with factors, superseding the 2000 Resolution, and evaluate all applications pursuant to the new policy moving forward.

Note: Should Council choose not to pursue a new sewer and water policy, discussion of this topic would end here, and applications would continue to be presented on a case-by-case basis. Should this option be chosen Council would need to discuss the status of the 2000 Resolution, specifically whether to begin to consistently follow it or remove it.

2. What should be the basis for a Town sewer and water connection policy?

Below, staff have provided three (3) options for Council consideration regarding a basis for a Town sewer and water connection policy.

Option 1: Existing Service Area: Town would establish a sewer and water connection policy that would only allow properties to connect within the corporate boundaries of the Town and within existing CSAs. Such a policy would be consistent with the 2020 Capacity Study and allow the Town to plan for and budget for the operation and maintenance and expansion of its systems as described in the Capacity Study. Properties would also be allowed to connect through annexation to the Town. Such a policy would not allow the Town to provide its infrastructure to address environmental, housing, or other factors outside this predefined area. This option would provide predictability to both the Town and property owners on what the Town policy is, it would reduce staff and elected official time considering applications on a case-by-case basis and would provide predictability for the public.

Recommendation: Staff does not recommend Council use the existing service area option as the basis for a Town sewer and water connection policy. Staff finds that this approach may be too limiting not allowing the Town to consider requests outside the Town and existing service areas to address environmental, housing, and/or other community issues.

Option 2: Unlimited Service Area: With this option the Town would not create a service area boundary or establish any factors/requirements for connections and would allow all properties within the Town and County to connect to the Town sewer and water infrastructure. The key to this policy would be to ensure that the Town accurately passes along the full cost of connecting to the Town systems, both in upfront one-time fees and on-going rates, to ensure overall systems upgrades, expansions and operation and maintenance were the responsibility of the applicant and not the Town rate payers. This option would allow applicants to choose to connect or not to the Town systems based on economic factors comparing the cost to connect to the Town with private onsite sewer and water systems. This option would also allow Teton County to set policy for connection to the Town system based upon their County-wide study looking at environmental sensitive areas and ground water conditions, etc. This option would have significant impact on the size of the Town sewer and water programs, provision of service, and a shortened time for expansion of the Town's systems including the sewer treatment plant.

Recommendation: Staff does not recommend Council use an unlimited service area as the basis for a Town sewer and water connection policy. Staff finds that this approach may be too broad not allowing the Town to deny requests that are not economically feasible, consistent with our capacity timeline, or consistent with prioritized community goals including protecting the environment, housing, etc. This option also requires significantly more staff time for activities such as review of more connection applications, review and management of proposed capital infrastructure additions, and evaluation of the rates to keep pace with costs of maintenance related to a larger system reach.

Option 3: Case-by-Case Consideration Based Upon Prioritized Factors: With this approach the Town would review applications for connection outside the Town and existing CSAs on a case-by-case basis against a consistent set of factors and preferences. This option would create the most flexibility for the Town maintaining the current case-by-case review, while adding some consistency and transparency to the process by establishing a set of factors that all applications would be reviewed against. Staff have identified the following factors for Council to consider including

in a new sewer and water connection policy. Council may choose to include all, some, council suggested, or none of these factors.

A. Existing Versus New Development

Analysis: Existing developments are more likely to be in immediate need of connection because, often, they apply when their current system is failing, and such systems contribute to environmental degradation. As a result, prioritizing existing development, overall, likely improves environmental health. Conversely, however, prioritizing existing development also transfers the responsibility from the property owner (as originally intended) to the Town and would increase sewer treatment plant operation and maintenance costs (but not infrastructure costs because the Town does not take ownership of that upon connection). Finally, since taking on existing development places an immediate impact on the capacity of Town systems, this shortens the timeline for when Town infrastructure upgrades will be required.

Recommendation: Staff recommends this factor be included in a Town sewer and water connection policy and that preference be given to requests that are existing development with currently failing or substandard systems leading to environmental degradation.

B. Expanded Service Area and Capacity Timeline

Analysis: If the geographic area applying for connection was not accounted for in the Capacity Study, connecting these areas would add unaccounted capacity, thus reducing the future capacity as identified in the 2021 Capacity Study. To place this in context, it requires approximately 150 single family units to advance the timeline for upgrades or expansion to the treatment plant by one year. For reference 1 unit is the equivalent of 1, 3-bedroom home. Impacts on the water system were not quantified. If additional/not modeled units are allowed, they should be tracked as they are approved and connected so that the Town understands remaining capacity and appropriately tracks the timeline for necessary infrastructure improvements.

Recommendation: Staff recommends this factor be included in a Town sewer and water connection policy and that preference be given to requests that either do not have significant impact on the capacity timeline or that meet the majority of the other identified factors.

C. Zoning Consistent with Comprehensive Plan

Analysis: This factor would allow the Town to determine whether the proposed application and associated zoning and land use is consistent with the Comprehensive Plan ensuring consistent implementation. This factor would allow the Town to review County applications against the Comprehensive Plan separate from Teton County.

Recommendation: Staff recommends this factor be included in a Town sewer and water connection policy and that preference be given to applications that are consistent with the Comprehensive Plan, specifically the Illustration of Our Vision section.

D. Deed Restricted And/or Workforce Housing

Analysis: There is clear community benefit, and it is a Council priority, to add deed restricted housing in and near the Town as described in the Comprehensive Plan. Based upon this community benefit, the Town may choose to prioritize deed restricted and/or workforce housing over other types of development when considering sewer and water connections.

Recommendation: Staff recommends this factor be included in a Town sewer and water connection policy and that a preference be given to applications that include significant amounts of deed restricted housing.

E. Potential For Reduced Environmental Impact

Analysis: While Section A, existing vs new development, touches on this, there are other relevant environmental aspects in regard to sewer and water connections. For example, when construction activity, long-term operation and maintenance, and discharge water quality impacts are considered, the environmental harm of installing a local or regional system versus the additive impacts of connecting to the Town systems for any individual property

will vary. Given that the local and regional ecosystems are the foundation of the Town and County's vision statement this factor is relevant.

Recommendation: Staff recommends this factor be included in a Town sewer and water connection policy and that preference be given to applications that, if connected, would have lesser environmental impact.

F. Geographical Location

Analysis: Properties physically located in proximity to the Town, or its existing CSAs, are more likely able to connect with less impact. Properties farther away from the Town's current services require larger construction projects to connect. Terrain is also relevant: Constructing utility service conveyances that need to be pumped uphill or tunneled through changing elevations (hills/mountains) are far more challenging and environmentally costly than those over flatter areas or slopes that better match the intended flow paths and operate with gravity.

Recommendation: Staff recommends this factor be included in a Town sewer and water connection policy and that preference be given to applications in close proximity to existing infrastructure and that minimize environmental impacts.

G. Magnitude Of Request (i.e., 2 vs 1000 Units/Connections At A Time)

Analysis: The greater the number of units in an expansion, the larger impact on the Town system as a whole and the shorter the timeline for system upgrades and expansion.

Recommendation: Staff recommends this factor be included in a Town sewer and water connection policy and that preference be given to requests that have minimal impact on the capacity timeline.

H. Costs To Upgrade and Impacted User Classes

Analysis: Water and sewer user classes, base fees, and usage rates were recently updated based on the actual cost to provide water and sewer services. Connecting properties outside existing CSAs, or creating new service areas, requires significant capital costs which should not be borne by existing rate payers. Analyses should be conducted to determine the fiscal impacts to applicable existing user class(es) or if a new user class or rate is warranted. A fair and equitable rate structure should be one of the highest priority considerations.

Recommendation: Staff recommends this factor be included in a Town sewer and water connection policy.

Recommendation: Staff recommends Council adopt a sewer and water connection policy as described in Option 3: Case-by-Case Consideration Based Upon Prioritized Factors. Staff is recommending this option to provide consistency and transparency upon which all requests would be reviewed while still allowing the flexibility and discretion of a case by case review. Staff notes that should Council choose to proceed with this option staff would draft a resolution for implementation for review by Council at a future meeting.

3. Should annexation to the Town be required for applications adjacent to the Town corporate limits?

Analysis: In researching other communities, most require annexation for properties adjacent to the municipality. Justification for this includes ensuring areas that are adjacent to the Town boundary are subject to the Town's development standards and inspections and ensuring the desired standards for community development and infrastructure quality are achieved. Notably, annexation and infrastructure ownership are not synonymous: Mandating annexation does not correlate to, and may *not* involve, the Town taking ownership of infrastructure in an annexed area. However, should the Town ultimately take ownership of the infrastructure with or after annexation, mandating compliance with Town standards (subdivision, streets, infrastructure, etc.) ensures the propriety of the system components that the Town may take on. Finally, and critically, when the Town does take ownership of private systems it increases the daily workload for Public Works and exponentially increases repair and replacement costs that comprise long-term capital planning and asset management.

Recommendation: Staff recommends that annexation be required where new and existing development is being proposed adjacent to the Town. Staff notes that should Council choose to proceed with this requirement staff would draft an

ordinance for implementation for review by Council at a future meeting. For all other properties not immediately adjacent, staff recommends that properties agree to not oppose annexation. Should council proceed with this requirement annexation language will be included in all connection and use agreements.

4. Should the Town request a Text Amendment to the Teton County Land Development Regulations to clarify that connection to Town sewer cannot be required by Teton County?

In addition to the policy discussion included above staff is seeking Council direction on whether to work with Teton County to process a text amendment to the Teton County Land Development Regulations. Currently, the LDRs state, in all County zones, that:

Required Utilities		(Div. 7.7.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required	
Sewer		
Connection to a public sanitary sewer required		within 500'
Small Wastewater Facility (septic) approval required		otherwise

Recommendation: Staff recommends that the sewer requirement be amended to list connection as an option, similar to the water requirement in the County LDRs. Staff recommends this amendment to ensure County applicants and the County are clear that the Town, in its sole discretion, determines whether a property outside the corporate limits of the Town, will be allowed to connect to Town sewer and/or water infrastructure. Specially staff finds that the County should not have a requirement which a property may not be able to meet, as the decision to connect to Town sewer and water is at the sole discretion of the Town. Furthermore, this requirement often creates confusion for County property owners because it implies they are required to connect to Town sewer or private infrastructure connected to the Town's sewer and that they need not apply, while in reality they must apply and may be denied. Staff understands the County's intent to identify efficiencies in water and sewer service provision and to protect natural resources, but for the reasons stated above, finds the text should be updated to honor that intent while addressing the identified issues.

Alternatives (Optional).

Staff have identified Council alternatives in the Analysis section above.

Comprehensive Plan & Priority Alignment.

Development goals stated throughout the Comprehensive Plan were used as assumptions in the capacity study models. Additionally, the following Comprehensive Plan items specifically relate to the Town's assets and services:

Chapter 8: Quality Community Service Provision:

Principle 8.1 - Maintain current, coordinated service delivery

Principle 8.2 - Coordinate the provision of infrastructure and facilities needed for service delivery

Fiscal Impact.

By statute, the sewer and water systems are funded by independent enterprise funds that must be managed to be fiscally solvent and independent. These funds receive revenue from capacity fees paid when a customer connects to the system and customer base and volume charges are billed monthly for ongoing service. Additionally, the Town may receive grants or loans from the state or federal government for larger capital improvement projects. Additional costs of supply and treatment must be offset by additional revenue. Further detailed discussion of fiscal impact, including a fee for applying for connection, can be addressed at a future meeting based on direction received.

Staff Impact.

Staff spent approximately 1,000 hours to complete the capacity study project. Administration and staff from Community Development, Legal, and Public Works Departments have contributed approximately 40 hours to this subsequent staff report. If Council directs staff to draft policies, the anticipated staff contributions from these same Departments would be approximately 80 hours.

Attachments

1. Resolution 00-18 *Establishing a Town Policy Regarding Connection of Properties Lying Outside the Towns' Corporate Limits to the Town Sanitary Sewer Collection Network*

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items.*

Item 1:

I move to direct staff to draft a Town sewer and water connection policy(ies) for Council consideration based on Option ____ in this staff report and the Council discussion thereof and to provide the draft document(s) at a future Council meeting.

Item 2:

I move to direct staff to work with Teton County to draft/propose a text amendment to the Teton County Land Development Regulations that encourages, but does not require, property owners to consider connecting to available public sanitary sewer.

RESOLUTION 00-18

**A RESOLUTION ESTABLISHING TOWN POLICY REGARDING
CONNECTION OF PROPERTIES LYING OUTSIDE THE TOWN'S CORPORATE
LIMITS TO THE TOWN SANITARY SEWER COLLECTION NETWORK.**

WHEREAS, the Mayor and Town Council of the Town of Jackson wish to reduce administrative burdens placed upon Town staff where possible; and

WHEREAS, the Mayor and Town Council of the Town of Jackson wish to streamline administrative review processes carried out by Town staff where possible; and

WHEREAS, the Mayor and Town Council of the Town of Jackson wish to give clear policy direction to Town staff regarding connection of properties lying outside the Town's corporate limits to the Town's sanitary sewer collection network;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Jackson, in regular session duly assembled, that the following Policy Regarding Connection of Properties Lying Outside the Town's Corporate Limits to the Town Sanitary Sewer Collection Network is hereby adopted:

When a request for connection to the Town's sanitary sewer collection network is received from an owner of property located outside the Town's corporate limits, that request shall be allowed to be granted by action of Town staff without resort to specific approval by the Town Council if the following circumstances obtain:

- A. The subject property is located within the Town's Wastewater Treatment Plant Service Area, as that area was identified in the "Facilities Plan Study" prepared by Engineering Associates during 1992 and 1993 during the design process for the expansion of the Town's wastewater treatment plant that took place in 1996 and 1997.
- B. The subject property is either developed or proposed to be developed to a density or an intensity that falls within the limits established by the Jackson/Teton County Comprehensive Plan and associated Land Development Regulations adopted in 1994 and 1995.
- C. The requesting party (the owner of the property) shall, prior to connection to the Town's sanitary sewer collection network, sign a standard, recordable document prepared by the Town Attorney and Town Engineer that stipulates the following:
 1. Town standard water meter(s) shall be installed upon the individual water service(s) of the connecting party at the cost of the connecting party.
 2. The sanitary sewer collection infrastructure serving the connecting party shall be installed at the cost of the connecting party.
 3. The design of the sanitary sewer collection infrastructure serving the connecting party, if any, shall be to the standards of the Town of Jackson and shall be approved by the Town Engineer prior to its construction.
 4. The performance testing of the sanitary sewer collection infrastructure serving the connecting party, if any,

STAFF REPORT



Meeting Date:	August 16, 2021	Meeting Title:	Workshop
Submitting Department:	Building & Legal	Presenter:	Kelly Sluder/Tyler Sinclair
Agenda Item:	Jackson Municipal Code Title 15 Buildings and Construction - Update	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to discuss Title 15 of the Jackson Municipal Code with Council and receive direction on key policy issues in order to subsequently provide a revised version of Title 15 for Council consideration.

Requested Action.

Staff requests Council review the key policy changes presented and provide direction on each.

Recommendations.

Recommendations are provided for the item below.

Background.

The Town periodically updates the Municipal Code to ensure its applicability and content match the community's and municipality's needs and are relevant to current times. The Town Legal Department is currently reviewing one title at a time with the relevant departments and staff.

This item was previously presented to Town Council at the June 21, 2021, Workshop (see attached) when Council provided staff direction to proceed with the following items as presented in that staff report:

- Removing the Building Official as an ex officio member of the Board of Examiners.
- Adding Specialty Licenses that are not addressed in Title 15.36.
- Moving the policy for denial, suspension and revocation of a Contractor's License to Title 5 and violations specific to Contractors Licenses.

In addition, Council discussed and directed staff to complete additional research and present alternatives for how to proceed with the homeowner exemption option of the Town Contractor Licensing Program.

Analysis.

Staff previously presented the following key issue and associated current policy and policy decision considerations for Council discussion.

1. Should the Town amend the Code to clarify the Homeowners Exemption to the Contractors Licensing Requirement?
 - a. **Current Policy:** Currently JMC §15.36.040.B does not clearly state that a homeowner can construct or remodel their primary residence in which they live, without using a licensed contractor or obtaining a Class C License to do their own work.
 - b. **Policy Decision Considerations:** The recommended change is to better clarify when a homeowner can act as their own contractor and a clear time frame when a homeowner can construct multiple residences without confusion. The amendment would clarify that an Accessory Residential Unit (ARU) cannot be constructed utilizing the exemption.

The Contractor Licensing Program was established to help homeowners and property owners know that a Licensed Contractor has a minimum competency in the trade/s that they are licensed in and that the contractor is currently bonded and insured.

Council discussion at the previous workshop focused on whether the Town should/could allow homeowners to use the homeowner's exemption to construct attached and detached Accessory Residential Units (ARUs) on their own property, which is not currently allowed. Discussion focused on the desire to allow this as an option to address affordable housing while maintaining the life safety requirements of the Town's building's codes and not requiring the Building Department staff to act as the general contractor for these projects.

In considering whether to add ARU construction under the homeowner's exemption, staff identified the following advantages and disadvantages:

Advantages

- Allows flexibility for homeowners to construct ARUs possibly allowing homeowners to save money by not having to hire licensed contractors.
- Allows homeowners to contract with a modular company to install approved inspected modular homes on their property.
- Helps address the current contractor shortage.
- Homeowner pride in doing it yourself.
- Potentially could minimize construction traffic and parking in the neighborhood if owner does their own contracting.
- If the ARU is deed restricted, it could help alleviate some of the housing shortage.

Disadvantages

- Contractors that are not licensed, bonded, and insured could work under the homeowner's exemption.
- Homeowners assume all liability for the work performed on project, without bonding or insurance.
- Homeowners become developers and contractors without any training or licensing.
- Undermines the contractor licensing program.
- May increase Town liability.
- Homeowners usually do not know the building code, how to build to it and when to call for inspections, potentially leading to missed inspections and unfinished projects.
- Homeowners believe that Building Department staff can address quality control and design issues when they cannot, requiring significant increased time to inspect and "supervise" the project.
- Potential for longer construction times leading to increased overall costs of the project. This also has an impact on the neighborhood due to the increased length of the project.
- Potential for creating unhappy homeowners, when inspections are missed, or items are not code compliant and Building Department staff must require costly changes and corrections to bring the project into code compliance.
- Town already has a problem with homeowners that do not work on their projects and do not live on the property. We have multiple projects where homeowners are hiring unlicensed contractors to work on their projects and the unlicensed contractors either do not know how to build to approved plans and/or the building code or just do not build to the approved plans.

Alternatives:

Upon considering Council discussion/direction and staff analysis of the issue, staff have prepared the following alternatives for consideration:

- 1. Prohibit the construction of ARUs under the Homeowners Exemption** - Revise the Code to add new verbiage to better clarify the current staff policy of the Homeowners Exemption requirements stating that homeowners can only work

on their primary residence or accessory structures (i.e. detached garage, shed or shop). Attached or detached ARU's would not be allowed and would require a minimum of a Class C Contractor License to construct ARU's.

2. **Residential Proprietary License** - Add a Residential Proprietary License to allow a homeowner to build their primary home and attached and detached ARU's on the property on which they reside. This would require the homeowner to take and pass the Class C Contractors test, but not require the owner to have the 4 years of experience required for a regular Class C license. Owners would not be allowed to work on any property in which they do not reside. Bonding and insurance requirements would be required. Applications would be required to submit building permit plans prepared and stamped by a licensed architect in the State of Wyoming.
3. **Allow ARUs under the Homeowners Exemption** - Revise the Code to add new verbiage allowing the construction of a primary residence and attached and detached ARUs under the Homeowners Exemption with no licensing, bonding, or insurance. Applications would be required to submit building permit plans prepared and stamped by a licensed architect in the State of Wyoming.

Staff recommends Alternative 1.

Staff notes that Council may choose to direct staff to move forward with one of the identified alternatives, a combination of the alternatives, or a modified alternative at the workshop.

Comprehensive Plan & Priority Alignment.

Section 8.1 and 8.2: Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.

Fiscal Impact.

Revenue: Licensing fees have already been approved for Contractor Licensing within the Town Fee Resolution. If an additional license type is added, the Fee Resolution would need to be revised to include it.

Expense: The Town hired a consultant to review the entire Code for consistency with state law at a cost of \$5,000.

Staff Impact.

The staff impact of updating the Municipal Code is significant. The Code provisions regulating Contractor Licensing were put in place in 2002 and have not been changed or updated from their original content. The Town Building Official, Building Department, Legal and Community Development Department worked on these changes over the past year for approximately 100 hours.

Attachments or Links.

Town Council Workshop June 21, 2021, Title 15 Buildings and Construction Update Staff Report

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items.*

Item 1

I move to direct staff to revise the Contractor Licensing portion of Title 15 Buildings and Construction of the Jackson Municipal Code consistent with Alternative ____ described in this staff report, incorporating any changes thereto discussed today.

Item 2

I move to direct staff to revise Titles 5 and 15 of the Jackson Municipal Code bring back a full revised draft thereof at a future meeting 1) with the policy changes as presented in the June 21 staff report, and as directed today, including any further minor amendments identified by staff and incorporating any changes thereto discussed on June 21 and today and 2) with a full update to the Titles for technical matters as identified by staff.

STAFF REPORT



Meeting Date:	June 21, 2021	Meeting Title:	Workshop
Submitting Department:	Building & Legal	Presenter:	Kelly Sluder/Tyler Sinclair
Agenda Item:	Jackson Municipal Code Title 15 Buildings and Construction, Update	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to discuss Title 15 Buildings and Construction, of the Jackson Municipal Code with Council and receive direction on key policy issues in order to subsequently provide a revised version of Title 15 for Council consideration.

Requested Action.

Staff requests Council review the key policy changes presented and provide direction on each.

Recommendations.

Recommendations are provided for each item below.

Background.

The Town periodically updates the Municipal Code to ensure its applicability and content match the community's and municipality's needs and are relevant to current times. The Town Legal Department is currently reviewing one title at a time with the relevant departments and staff.

Analysis.

Key Policy Questions:

1. Should the Town remove the Building Official or designee as an ex officio member of the Board of Examiners?
 - a. **Current Policy:** Currently the Code states that the Building Official or designee is an ex officio member of the Board of Examiners. Although stating this Town staff typically the Building Official or Building Inspector have acted in a staff only role supporting the administrative function of the Board and providing professional recommendations but have not participated, in Board discussion, debate, or voting.
 - b. **Policy Decision Considerations:** The advantages of this recommended change are to have the Code reflect the current practice; to align the staff role with the Board of Examiners to that similar of staff for all other Town/Joint Boards; and to clarify the roles of staff versus the members of the Board of Examiners. There are no disadvantages.
 - c. **Staff Recommendation:** Revise the Code to remove the Building Official or designee as an ex officio member of the Board of Examiners
2. Should the Town amend the Code to clarify the Homeowners Exemption to the Contractors Licensing Requirement?
 - a. **Current Policy:** Currently JMC §15.36.040.B does not clearly state what a homeowner can construct without using a licensed contractor or obtaining a Class C License to do their own work.
 - b. **Policy Decision Considerations:** The advantage of this recommended change is to better clarify when a homeowner can act as their own contractor and a clear time frame when a homeowner can construct multiple residences without confusion. The amendment would clarify that an Accessory Residential Unit (ARU) cannot be constructed utilizing the exemption. There are no disadvantages of this amendment.
 - c. **Staff Recommendation:** Revise the Code to add the new verbiage to better clarify the Homeowners Exemption requirements.
3. Should the Town amend the Code to add Specialty Licenses that are not addressed in Chapter 15.36 at this time?

- a. **Current Policy:** Currently Title 15 does not address certain contractors that are becoming more frequent in our area, such as solar panel installations, cell tower contractors, etc.
 - b. **Policy Decision Considerations:** The advantages of this recommendation would be to eliminate the current practice of “Specialty Contractors” not being licensed and working without a Contractor’s License or working under another contractor’s license, thus eliminating the practice of “using another contractor license” and allowing the Building Department to better oversee these types of contractors. Each Specialty Contractor will have to show competence in their respective trades. There are no disadvantages of this amendment.
 - c. **Staff Recommendation:** Revise the current Code to allow a Specialty License that the Building Official will approve on a case-by-case basis.
4. Should the Town revise its policy for denial, suspension, and revocation of a Contractor’s License?
- a. **Current Policy:** Currently Title 15 states:
 1. *The Board of Examiners shall review any complaint concerning the activities of the holder of a certificate of qualification and, upon finding good cause for certificate suspension or revocation, shall notify the holder in writing of the grounds for suspension or revocation.*
 2. *The holder shall have ten (10) days from receipt of said notice in which to file a written request for an appeal hearing before the Board of Examiners. The hearing shall be held within thirty (30) days of the request and shall be conducted in accordance with the provisions of the Wyoming Administrative Procedures Act for contested cases-type hearings. Failure to file a written request for the hearing in a timely manner shall constitute a waiver by the holder of any right to a hearing on the matter.*
 3. *After the hearing, or after the ten (10) day notification period runs, in the event that there is not written request for hearing, the Board of Examiners shall take whatever action it deems appropriate as to the suspension or revocation of said certificate. The Board of Examiners decision may be appealed to the Town Council within 30 days of the Board of Examiners decision, such decision being final. Further appeal may be made to the district court by the town or the holder pursuant to the Wyoming Rules of Appellate Procedure.*
 - b. **Policy Decision Considerations:** The advantages of revising this section include making Contractor Licensing consistent with and subject to the Business License provisions located in Title 5, meaning all violations listed in Title 5 apply to contractor licenses. In addition this amendment would add contractor license specific violations and ensure all appeal and hearing procedures are consistent and in one location of the Code for all licenses. Staff recommends specifying that, in addition to the general violations set forth in Title 5, the following violations be included for contractor licenses:
 - The Building Official, or their designee, may deny, suspend or revoke a license when the holder commits any one or more of the following acts or omissions:
 - o Working without one or more required permits.
 - o Allowing other(s) to use their Contractor’s License that are not directly supervised or managed to the Licensed Contractor.
 - o Physically or verbally threatening and/or abuse to an employee of the Town of Jackson. Nothing herein prevents, denies, or abridges the freedom of speech or of the press, or the right of the people peaceably to assemble to consult for the common good, to make known their opinions, and to petition for the redress of grievances.
 - Staff notes that the hearing/appeal body for Contractor License issues would be the Board of Examiners, not the Town Council as it is for other business licenses.A disadvantage will be that applicants will need to refer to two separate Titles of the Code.
 - c. **Staff Recommendation:** Staff recommends amending the Code as described above, including the removal of the Suspension and Revocation section from Title 15, Building and Construction, and adding Contractor Licensing language to Title 5, Business Licenses and Regulations.

Alternatives (Optional).

Council may choose from the alternatives described above including making no changes to the current code.

Comprehensive Plan & Priority Alignment.

Section 8.1 and 8.2: Timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.

Fiscal Impact.

Revenue: None. The Licensing fees have already been moved to the Fee Resolution.

Expense: The Town hired a consultant to review the entire Code for consistency with state law at a cost of \$5,000.

Staff Impact.

The staff impact of updating the Municipal Code is significant. The Code provisions regulating Contractor Licensing were put in place in 2002 and have not been changed or updated from their original content. The Town Building Official, Building Department, Legal and Community Development Department worked on these changes over the past year for approximately 80 hours.

Attachments or Links.

None.

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items.*

I move to direct staff to revise Titles 5 and 15 of the Jackson Municipal Code 1) with the policy changes as presented in this staff report, including any further minor amendments identified by staff and incorporating any changes thereto discussed today and 2) with a full update to the Titles for technical matters as identified by staff; and, further, I move to direct staff to bring back a full revised draft of Titles 5 and 15 to Council at a future meeting.