

AGENDA

Planning and Zoning Commission

August 7, 2024 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 8:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting.

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

1. ZOOM LINK FOR PUBLIC PARTICIPATION

The Town reserves the right to close Public Comment via Zoom at any time. In-person comment will continue to be taken and written comments can always be submitted to the Planning Department at planning@jacksonwy.gov.

- I. To join, click link or copy it to your browser: <https://us02web.zoom.us/j/82219719907?pwd=dEo2FBwwpi2VqJaouZhqxlCw1QhjKS.1>

Or join at zoom.com with Webinar ID: **822 1971 9907** and Password: **83001**

2. CALL TO ORDER

- I. Swearing in of Reappointed Commission Member

3. ROLL CALL

4. MATTERS FROM THE PUBLIC

5. APPROVAL OF MINUTES

- I. June 5, 2024 Regular Meeting
- II. June 25, 2024 Special Workshop
- III. July 15, 2024 Special Workshop

6. PLANNING COMMISSION

- I. PM24-004 Large Building Design (Paul Anthony) - *This item will be continued to August 21, 2024.*
- II. P24-094 LDR Text Amendment - Housing Mitigation Change of Use (Katelyn Page)

7. AGENDA FOLLOWUP

8. MATTERS FROM THE COMMISSION

9. MATTERS FROM STAFF

10. ADJOURN

MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
June 5, 2024
UNAPPROVED

The Planning and Zoning Commission met in a regular session on June 5, 2024, in the Town Council Chambers located at 150 E. Pearl in Jackson, at 5:30 pm. This meeting was held in-person and via Zoom.

Upon roll call the following were found to be present:

BOARD: Katie Wilson, Anne Schuler, Thomas Smits, Laura Bonich, Stephanie Wise

STAFF: Paul Anthony, Tyler Valentine, Lynsey Lenamond

MATTERS FROM THE PUBLIC: None.

APPROVAL of MINUTES:

Katie Wilson asked for an amendment to the May 15, 2024 minutes stating that the Commission was “concerned that vehicles would be backing into an established bike route.” A motion was made by Anne Schuler and seconded by Thomas Smits to approve the May 15, 2024, regular meeting minutes. Katie Wilson called for the vote. The vote showed all in favor and the motion carried.

PLANNING COMMISSION:

P23-214, P24-048 CWC Jackson Campus - CUP, Development Plan

STAFF PRESENTATION: Tyler Valentine

Staff reviewed requirements for Development Plans and CUPs. Applicant has increased parking spaces from 37 to 50. Bike parking increased, a new multi-use 10’ pathway was created. Staff reviewed conditions of approval, namely Condition #1 relating to landscaping, Condition #2 relating to a parking lot plan, Condition #3 relating to parking plan and a Travel Demand Management Plan, Condition #4 relating to bike and pedestrian connections, and Condition #5 relating to curb location and final streetscape plan.

QUESTIONS FOR STAFF: None.

APPLICANT PRESENTATION:

Brendan Schulte spoke on behalf of the applicant. He reiterated that the applicant added more parking spaces and will use the management program to make changes as they see fit. They will ensure that they work with the fire department on the WUI.

QUESTIONS FOR APPLICANT:

Commission asked about access into the parking area, and if the private road would potentially become public. Applicant said that they can only plan so much for the future, and at this point don’t want to design far into the future.

PUBLIC COMMENT: Senator Mike Gierau spoke to the history of CWC wanting to have a presence in Jackson. It means a lot to have somewhere for local high school graduates and workforce to advance their education. He also reviewed the funding history for this project. The ARPA funds have a time limit.

COMMISSION DISCUSSION:

Commission discussed their appreciation of efforts on pedestrian improvements and parking. Commission doesn't feel that shifting the project 15-20' is problematic, and in fact favored it. Applicant confirmed that the entire site would move down. Regarding the pathway, Commission feels there may be pedestrian/bike conflict, but the pathway provides improvement. Commission hopes there is collaboration between CWC and the Town regarding the TDM plan. One comment was made that the bus stop is under protected but noted that that is probably a conversation to have with Regional Transportation staff.

MOTION:

ITEM A: A motion was made by Thomas Smits and seconded by Anne Schuler to recommend approval of a Conditional Use Permit P23-214 for a new 20,288 sf Institutional use (i.e., school) for the CWC Jackson campus located at 2020 W. High School Road based upon the findings presented in the staff report, the departmental reviews, and subject to this staff report dated June 5, 2024. Katie Wilson called for the vote. The vote showed all in favor and the motion carried.

ITEM B: A motion was made by Thomas Smits and seconded by Anne Schuler to recommend approval of Development Plan P24-048 for a new 20,288 sf school for the CWC Jackson campus located at 2020 W. High School Road based upon the findings and conditions presented in the staff report, the departmental reviews, and subject to this staff report dated June 5, 2024. Katie Wilson called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSION: None.

MATTERS FROM STAFF: Town Council passed an emergency moratorium on non-residential buildings over 35,000 square feet. LDR revisions will be coming before the DRC and the PC/BOA. The Mogul Capital alley vacation request was denied. Staff and Commission discussed setting a special meeting to discuss big buildings.

Adjourn: A motion was made by Anne Schuler and seconded by Thomas Smits to adjourn the meeting. Katie Wilson called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 6:54 pm.

minutes:ll

MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
June 25, 2024
UNAPPROVED

The Planning and Zoning Commission met in a special workshop on June 25, 2024, in the Town Council Chambers located at 150 E. Pearl in Jackson, at 5:30 pm. This meeting was held in-person and via Zoom.

Upon roll call the following were found to be present:

BOARD: Katie Wilson, Anne Schuler, Thomas Smits, Laura Bonich, Stephanie Wise, Abigail Petri

STAFF: Paul Anthony

MATTERS FROM THE PUBLIC: None.

PLANNING COMMISSION:

PM24-004 Moratorium on Large Buildings

STAFF PRESENTATION: Paul Anthony

Staff reviewed the background of why the moratorium on large buildings was passed. Since 2016, approximately 10 buildings over 35,000 square feet have been built. The reason more have been built is that the Town incentivized large buildings to create more workforce housing. Design guidelines are a part of this conversation along with the LDRs.

COMMISSION and STAFF DISCUSSION:

Staff and Commission discussed the moratorium and priorities for revising the LDRs and Design Guidelines. Commission's ranking of premises was as follows:

- 1 & 2) Building Size (straw poll showed majority agreed this is a priority, but building use is already mandated by zone and doesn't need to be regulated further; parking needs more discussion),
- 3) Architectural Design (Commission feels that massing is the biggest problem, in the long-term Design Guidelines need to be updated)
- 4) Favored Uses – Deed Restricted Housing (Commission felt that all uses should be treated equally)
- 5) Greenspace/landscaping (Commission feels this 2nd tier and could be looked at later)
- 6) Neighborhood Context (not a priority for Commission)
- 7) Development Sites (Commission feels there's better tools than a maximum on lots)
- 8) Additional Council Review (Commission is interested in digging further into this option)
- 9) Workforce Bonus (majority of Commission feels it needs to be evaluated)
- 10) Street Frontage (Commission feel this pairs with massing and should be kept on the list)

Adjourn: A motion was made by Anne Schuler and seconded by Thomas Smits to adjourn the meeting. Katie Wilson called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 8:34 pm.

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minutes:ll

MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
July 15, 2024
UNAPPROVED

The Planning and Zoning Commission met in a special workshop on July 15, 2024, in the Town Council Chambers located at 150 E. Pearl in Jackson, at 1:30 pm. This meeting was held in-person and via Zoom.

Upon roll call the following were found to be present:

BOARD: Anne Schuler, Thomas Smits, Laura Bonich, Stephanie Wise, Abigail Petri

COUNCIL: Hailey Morton Levinson, Arne Jorgensen, Jonathan Schechter, Jim Rooks, Jessica Sell Chambers

STAFF: Paul Anthony, Tyler Valentine, Lynsey Lenamond

PLANNING COMMISSION:

PM24-004 Moratorium on Large Buildings

STAFF PRESENTATION: Paul Anthony

The Planning Director reminded Town Council and Commission that only Council will be making a motion today. Staff's goal is to get enough direction to present a red-line version of the LDRs according to the moratorium timeline. Since 2016 10 buildings larger than 35,000 sq ft have been built. In the previous 20 years, 2 were built.

PD reviewed maximum building size recommendations from Staff, PC and DRC. Square footage refers to above-ground, habitable space. Council asked about lot aggregation. PD feels a compromise would work, but would need to limit project size but not what a developer can buy. Definitions for what constitutes a separate structure would have to be set showing what could be done on side by side sites. Council asked about creating more difficulty when things should be simplified, especially for less wealthy landowners if we set too many guidelines. PD spoke to clarifying existing standards, giving them more teeth as opposed to setting lots of new standards. Council asked for clarification on why we can't limit the size of lots. PD questions the practicality of that but thinks legally it could be done. Lea Colasuonno agreed on legality, but also questioned the practicality.

Commission and Council recessed at 2:15pm and reconvened at 2:25pm.

Council asked for examples on situations that maximum use restrictions could be used. PD spoke about Jack Dennis store. Council spoke about max use restrictions discouraging hotel chains and asked about national retail stores being affected. PD feels the 12,500 sf max in existence has been effective downtown. Council asked about CUPs, if that could include environmental impacts. PD

said it could. Council also asked if CUP would be for buildings over the max size, or for buildings within the max size. PC stated that their intent was to do the CUP for buildings over the max size. Regarding façade, Council spoke to the public wanting more charming facades, and asked about coordinating height and length of buildings. PD spoke to courtyards and open spaces to balance height. Council asked if max sf was set, could the workforce bonus be kept and get what everyone wants. PD said an increment of sf could potentially be added for the bonus; we can write the rules how we want. Council asked about changing the ratio of the workforce bonus. PD said the boards didn't feel that an option to do that didn't fit in with the moratorium timeline. On Design Guidelines, Council asked about "higher design standards" applying to all buildings, not just large ones. PD said it's harder to meet standards the larger a building is, you have to get creative. Council reiterated that it wants the standards to be high across the board. PC spoke to updating the entire Design Guidelines, that they want that done in the future.

PUBLIC COMMENT:

Margie Lynch, Amy Kushak, Michael Stern, Tom Yanyous, Perri Stern, Daniel Ragsdale, Michael Kudar, Jesse Rauch, and Reese Kudar made public comment.

Council asked PD to clarify if we need to be more narrow or broad in changes. PD spoke to the 120-day limit of the moratorium, and staff feels we need to be very targeted in the timeframe given. Council asked Legal to confirm that beyond 160 days, more issues may arise. Lea Colasuonno said the moratorium can be extended, and that no matter the length, progress and diligent work are the important points. One Councilmember feels the size of buildings is absolutely key, but all design aspects must be considered. He doesn't feel we can accomplish what is needed in 120 days. If we need to extend the moratorium fine, but everything needs to be addressed. He felt strongly that the 2 for 1 bonus needs to be addressed, but not taken away. Another Councilmember feels that a stop gap should be created to stop the bleeding so that larger issues can be addressed. The moratorium won't fix everything at this time. A more comprehensive look needs to be taken and she doesn't think an extension helps anyone. She feels lot aggregation needs to be a significant part of the discussion. She wants changes that lead to the feeling of community, not necessarily a look. She also has a large concern regarding affordability in the community. One Councilmember asked for clarification on what can be accomplished in 120 days. PD spoke to Council really needing to answer what they want the moratorium to accomplish. PD spoke to the items being recommended in the staff report, that those items can be changed within the 120 days. Changes should be simple and enforceable and clear. That Councilmember asked for a date when these changes need to be decided on. PD said a redline needs to be done by the end of August if we're sticking to 120 days. Council asked if staff has looked at other communities to see what has/has not worked and if underlying economics of development will be changed with these revisions. PD said staff will wait for recommendations from Council before looking at other communities, but certain things can't be borrowed from other towns. PD confirmed that changes will make costs increase in construction. Council asked if the differences that the DRC suggested were fundamental and how Council should consider their opinion. PD said those differences weren't significant, and that DRC, PC and staff were in the same ballpark. Council asked about the residential restrictions that had been imposed. PD said County could

probably answer that question better. Council asked if staff has considered how the State will be watching what Jackson does. PD doesn't know if this will trigger a reaction in Cheyenne. One Councilmember feels strongly about the CUP or other review process being in place. He would like the flexibility to hire outside parties to review things such as traffic. He thinks projects on corners should have a different façade length. He also felt that the 2 for 1 bonus needs to be addressed, and that it could be handled within the timeframe. He feels we should be willing to extend the moratorium. He added that long-term, the Comp Plan does need to be revisited. He thinks of these revisions as a whole package, it's not just about building size. He would like to see barriers removed for smaller projects that the Town wants to see happen. He also thinks that during DRC and PC review of bigger buildings, we need to put something in place to give them more time for review. The Mayor spoke to not losing sight of the bigger issues that won't be addressed in the moratorium. She asks that Council have a process in place for those items to move forward. She wants to figure out how the building size limit is applied during a full project and asked staff to bring back more information.

PC spoke to the usefulness of having this meeting with Council, that they now have a better understanding of what Council wants.

One Councilmember noted that he likes the Cloudveil - material, presence feel. He doesn't like Springhill or Sagebrush.

Councilwoman Sell Chambers left the meeting at 4:45 pm.

A motion was made by Jonathan Schechter and seconded by Arne Jorgensen to continue the item to a date to be determined. Mayor Morton Levinson called for the vote. The vote showed all in favor with Jessica Sell Chambers absent. The motion carried.

Adjourn: A motion was made by Jonathan Schechter and seconded by Jim Rooks to adjourn the meeting. Mayor Morton Levinson called for the vote. The vote showed all in favor with Jessica Sell Chambers absent. The motion carried.

Adjourn: A motion was made by Laura Bonich and seconded by Abigail Petri to adjourn the meeting. Anne Schuler called for the vote. The vote showed all in favor and the motion carried.

The meeting adjourned at 4:50 pm.

minutes:ll

STAFF REPORT



Meeting Date:	August 7, 2024	Meeting Title:	Regular Planning Commission
Submitting Department:	Planning Department	Presenter:	Katelyn Page
Agenda Item:	P24-094: LDR Text Amendment to Introduce Exemptions to Affordable Housing Mitigation Requirement	Public Comment:	Yes

Purpose & Policy Considerations.

All Text Amendments to the Town of Jackson Land Development Regulations (LDRs) require review and recommendation by the Planning Commission according to LDR Section 8.7.2. The Town Council makes the final decision on all LDR Text Amendments.

Requested Action.

This is a staff initiated request. Staff proposes a Text Amendment to the LDRs to add two exemptions from the Town's affordable workforce housing mitigation requirements for certain changes of use and small residential additions. The proposed amendment would modify the following LDR Sections:

- 6.3.2.C – Affordable Workforce Housing Standards (Exemptions)
- 6.3.3.A.4 – Amount of Affordable Workforce Housing Required (Requirement)

Recommendation.

The Planning Director recommends **approval** of LDR Text Amendment P24-094 as presented in this staff report.

Key Policy Question.

Does the Planning Commission support the proposed changes which would reduce the burden of housing mitigation on small business owners and small residential additions but would also cause some reduction in money going into the affordable housing fund.

Background.

The Town of Jackson and Teton County first adopted Affordable Workforce Housing Standards and associated mitigation policies in 1995. Establishing a legal nexus between the impacts of employee generation from new development and the need for affordable housing forms an essential part of the Town of Jackson and Teton County housing programs and requires frequent and timely revisions and modifications to stay current with the evolving community and economy.

In 2022, the 2013 Employee Generation and Affordable Housing Nexus Study (Nexus Study) was updated, as directed by Town and County elected officials and reflected the most recent data available to help determine potential updated levels of mitigation. Concurrent with the update to the Nexus Study, a stakeholder group composed of a variety of representatives of development, housing, and related interests was used to evaluate the effectiveness of the current mitigation program and identify potential areas of improvement. The process resulted in recommendations on housing standards and mitigation to Town and County officials presented during a JIM Workshop July 12-13, 2023.

One of the primary recommendations from the stakeholder group was to reduce or eliminate the often high mitigation fees required when an existing or new business moves into a new tenant space (i.e., “change of use” fees). Another recommendation of the stakeholder group was to exempt small residential additions from housing mitigation fees to not penalize homeowners for making small improvement to their homes. Both recommendations had initial support from Town and County officials during July 12-13, 2023, JIM Workshop proceedings and directed staff to create a redline draft of all the approved changes.

Ultimately, Town (and County) officials chose not to move forward with updating its housing mitigation requirements in the LDRs due to uncertainty created by the State Regulation Task Force’s proposals to replace local housing mitigation impact fees with a state standard. Specifically, the Town Council chose to remove the housing mitigation LDR update from the Planning Department’s 2024 workplan effectively tabling housing mitigation research and discussion by Town staff for the time being.

However, as long as the hold on the housing mitigation update continues, business owners and homeowners continue to face costly mitigation fees for moving or establishing businesses and minor home additions that often create significant financial burdens on people of modest means. To address this ongoing problem, planning staff are bringing the two proposed LDRs amendments forward for Planning Commission consideration because the changes are warranted at this time and should not wait until the full recommended list of changes is revisited by Town and County officials at a future date.

Proposed Amendment

This staff initiated proposed LDR Text Amendment includes two exemptions to the Town’s housing mitigation requirements. The first proposed exemption would remove the housing mitigation requirement for change of use between all commercial and lodging uses that occur two or more years after a building receives initial Certificate of Occupancy. “All commercial and lodging uses” extends to all non-residential uses defined by LDR Division 6.1 – Allowed Uses. Note that a change of use from a residential use to a commercial use (e.g., residential condo to a short-term rental) would NOT be covered by the exemption. Including the time period of two or more years helps ensure that speculative commercial development does not avoid the mitigation fees currently in place by designating a use mitigated at a lower rate during construction then changing to a higher mitigated use immediately following Certificate of Occupancy. The second proposed exemption would remove the housing mitigation requirement for one residential addition equal to or less than 500 sq ft or 25% of the habitable floor area of the existing dwelling unit.

Table 1 on the following page summarizes the proposed changes. Please refer to the attached redline draft for full language of the proposed text.

Table 1
Summary of Proposed Changes

LDR Section	Regarding	Current Language	Proposed Language
6.3.2.C	Affordable Workforce Housing Standards (Exemptions)	Does not include changes in use or small residential additions (i.e., requires housing mitigation fees in both cases).	1. Change of uses between all commercial and lodging uses that occur two (2) or more years after the existing building received initial Certificate of Occupancy. 2. A one-time addition to dwellings equal to the lesser of 500 sq ft or 25% of the habitable floor area of the existing dwelling unit. One addition per dwelling unit is exempt; further additions are required to comply with the requirements of this Division. 3. Adjust numbering of existing exemptions thereafter.
6.3.3.A.4	Amount of Affordable Workforce Housing Required for Change of Use (Requirement)	Amount of mitigation required for change of use shall be the difference between the requirement for the proposed use and the requirement for the existing use.	Clarifies change of use examples. See redline for draft language for full text of examples. Example 1: Change of use from retail to restaurant only one year after initial Cert. of Occupancy. Example 2: Change of use from retail to restaurant plus expanded floor area three years after initial Cert. of Occupancy.

Analysis.

Staff recommend approval of all proposed changes. The proposed amendment introduces flexibility for property owners and tenants when conducting certain changes of use or small residential additions.

For change of uses, the proposed amendment reduces the financial impact of businesses locating or relocating in Town and allows businesses to move and relocate more easily within the Town, especially when a move is forced by a lease not being renewed or when rent is increased beyond their ability to pay. Currently, businesses with higher employee-generating uses are responsible for the difference in mitigation rates when locating in a tenant space that previously had a lower employee generating use. An example is a restaurant use assuming a

lease at a 15 year old structure that previously housed a retail use. The proposed text amendment would exempt the housing mitigation requirement for that change of use scenario. It is frequently the case that businesses, rather than property owners, pay for the mitigation fee during a change of use and many businesses cannot afford to move, or are reluctant to do so, as a result. Staff recommends eliminating all change of use mitigation requirements except for changes from a residential use to a commercial use (e.g., residential condo to a short-term rental) because of the direct impact on individual businesses, many of which are small.

For small residential additions, the proposed amendment would reduce the mitigation requirement for property owners and tenants when constructing small additions to existing homes. An example of a small addition would be enclosing a porch to create habitable floor area to accommodate a laundry room or bedroom. This proposed amendment would reduce the expense of building small additions, many times allowing residents to remain in the community in existing housing stock as their housing needs evolve. This directly supports Comprehensive Plan policies to preserve and enhance existing stable neighborhoods, promote infill development, provide workforce housing solutions locally, and house at least 65% of workforce locally. Staff recommends the text amendment introducing an exemption for small residential additions in order to lessen some development impact on, and offer housing solutions for, property owners and tenants.

Staff find the proposed amendments meet the findings of approval required by LDR Sec. 8.7.2 as described below.

Public Comment.

No public comment was received by staff at the time of this report.

Staff Findings.

Pursuant to Section 8.7.2 of the Town of Jackson Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to recommend adopting, modifying, or denying a proposed LDR Text Amendment the Planning Commission shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;

Complies. The purposes of the LDRs per Division 1.3 are generally to implement the Comprehensive Plan and to promote the health, safety, and general welfare of the present and future inhabitants of the community. The proposed amendments directly support Comprehensive Plan Policies 3.3.b (Provide predictability in land use decisions), 4.1.c (Promote compatible infill and redevelopment that fits Jackson's neighborhoods), 4.3.a (Preserve and enhance stable subareas), 5.1.a (House at least 65% of the workforce locally), and 5.2.c (Provide workforce housing solutions locally).

Staff finds the proposed amendment improves the ability of the LDRs to support the above policies.

2. Improves the consistency of the LDRs with other provisions of the LDRs;

Complies. There are no inconsistencies of the LDRs regarding housing mitigation requirements that the proposed amendment needs to improve. Rather, the introduction of the two exemptions create consistency with other exemptions to required housing mitigation (ex: day care or early childhood education use) currently available that are intended to support certain desirable uses, businesses, and residents within the Town.

3. Provides flexibility for landowners within standards that clearly define desired character;

Complies. The proposed amendment increases such flexibility for property owners and tenants by simplifying change of use and small residential addition mitigation requirements and providing predictability in land use decisions in currently defined character zones in the Town of Jackson.

4. Is necessary to address changing conditions, public necessity, and/or state or federal legislation;

Complies. The amendment responds to increased cost of construction for residential uses property owners and local workforce by creating an exemption for small additions. It also responds to the reality that tenants, rather than property owners, typically bear the cost of commercial changes of use within the Town of Jackson.

5. Improves implementation of the Comprehensive Plan; and

Not Applicable. Not applicable per Wyoming State statute.

6. Is consistent with other adopted Town Ordinances.

Complies. The proposed amendment does not conflict with any other Town Ordinances.

Fiscal Impact.

Staff estimates the proposed amendment will have a fiscal impact of approximately \$15,000-\$200,000 per year. Over the past five years the Town has averaged a total of \$513,832 yearly in mitigation fees. During FY2023 the Town received a total of \$910,585 in housing mitigation fees (July 1, 2022-June 30, 2023). Of that total, approximately \$16,000 resulted from changes of use or small residential additions. There were no significant mitigation fees for commercial change of uses during FY2023.

Should the proposed amendment be approved, staff estimates \$15,000-\$200,000 per year in mitigation fees will be forfeited by the Town. This amount includes an expected increase in commercial changes of use due to the lessened financial burden on property owners or tenants when moving locations in town or accurately reporting a change of location where previously not reported in order to avoid mitigation fees. This amount will fluctuate as it is dependent on the amount and scope of building permits issued by the Town of Jackson in any given year.

Staff Impact.

The amount of Staff time to review this Text Amendment, including research and report drafting, is approximately 15 hours.

Attachments or Links.

Redline Text Amendment
Blackline Text Amendment
Department Reviews

Suggested Motion.

I move to **recommend approval** to the Town Council of LDR Text Amendment P24-094 based upon the findings presented in the staff report, the departmental reviews, minor changes by staff, and subject to this staff report dated August 7, 2024.

6.3.2. Applicability.

C. Exemptions

8. **Changes in Use.** Changes in uses between all commercial and lodging uses that occur two (2) or more years after the existing building received initial Certificate of Occupancy.
9. **Small Residential Additions.** A one-time addition to dwellings equal to the lesser of 500 sq ft or 25% of the habitable floor area of the existing dwelling unit. One addition per dwelling unit is exempt; further additions are required to comply with the requirements of this Division.
- ~~6.10~~ **Mobile Home.** A mobile home (6.1.4.E) or mobile home park (Section 7.1.4).
- ~~7.11~~ **Reserved.**
- ~~8.12~~ **Group Home.** A group home (6.1.4.G).
- ~~9.13~~ **Daycare.** A day care or early childhood education use.
- ~~10.14~~ **Accessory Use.** An accessory use (Section 6.1.11).
- ~~11.15~~ **Temporary Use.** A temporary use (Section 6.1.12).
- ~~12.16~~ **Workforce Housing Unit Incentive.** A residential unit approved pursuant to Division 7.8, whether deed restricted or not.
- ~~13.17~~ **Public/Semi-Public Zone.** Employee generating development in the public/semi-public zone.
- ~~14.18~~ **Short-term rental unit** in the following residential zones: NL-1, NL-2, NL-3, NL-4, NL-5, NM-1, NM-2, NH-1, MHP, OR, and R.

6.3.3. Amount of Affordable Workforce Housing Required.

A. Requirement

4. **Change of Use.** In the case of a change of use from a residential use to a commercial or lodging use, or between all commercial and lodging uses in buildings for which the initial Certificate of Occupancy was issued within the past 2 years, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use (6.3.2.A.1). Where a change in use includes additional square feet, the additional square feet shall be mitigated at the mitigation rate for the proposed use.

~~EXAMPLE: A proposal to use a 2,000-sf retail space as an office would be required to include 0.062 affordable workforce housing units ($0.000247 \times 2,000 - 0.000247 \times 2,000 = 0.062$).~~

EXAMPLE 1: A 2,000 sf retail space was built in 2020. In 2021, only one year after the Certificate of Occupancy was issued, a proposal to use the 2,000 sf retail space as a restaurant would be required to include 0.904 affordable workforce housing units ($0.000784 \times 2,000 - 0.000332 \times 2,000 = 0.904$).

EXAMPLE 2: A 2,000 sf retail space was built in 2020. In 2023, three years after the Certificate of Occupancy was issued, a proposal to use the 2,000 sf retail space as a restaurant and to add 1,000 sf of space is submitted. No mitigation is required for the change of use from retail to restaurant because CO was issued over 2 years ago. For the 1,000 sf addition of space to use as a restaurant, 0.784 affordable workforce housing units ($0.000784 \times 1,000 = 0.784$).

6.3.2. Applicability.

C. Exemptions

8. **Changes in Use.** Changes in uses between all commercial and lodging uses that occur two (2) or more years after the existing building received initial Certificate of Occupancy.
9. **Small Residential Additions.** A one-time addition to dwellings equal to the lesser of 500 sq ft or 25% of the habitable floor area of the existing dwelling unit. One addition per dwelling unit is exempt; further additions are required to comply with the requirements of this Division.
10. **Mobile Home.** A mobile home (6.1.4.E) or mobile home park (Section 7.1.4).
11. **Reserved.**
12. **Group Home.** A group home (6.1.4.G).
13. **Daycare.** A day care or early childhood education use.
14. **Accessory Use.** An accessory use (Section 6.1.11).
15. **Temporary Use.** A temporary use (Section 6.1.12).
16. **Workforce Housing Unit Incentive.** A residential unit approved pursuant to Division 7.8, whether deed restricted or not.
17. **Public/Semi-Public Zone.** Employee generating development in the public/semi-public zone.
18. Short-term rental unit in the following residential zones: NL-1, NL-2, NL-3, NL-4, NL-5, NM-1, NM-2, NH-1, MHP, OR, and R.

6.3.3. Amount of Affordable Workforce Housing Required.

A. Requirement

4. **Change of Use.** In the case of a change of use from a residential use to a commercial or lodging use, or between all commercial and lodging uses in buildings for which the initial Certificate of Occupancy was issued within the past 2 years, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use (6.3.2.A.1). Where a change in use includes additional square feet, the additional square feet shall be mitigated at the mitigation rate for the proposed use.

EXAMPLE 1: A 2,000 sf retail space was built in 2020. In 2021, only one year after the Certificate of Occupancy was issued, a proposal to use the 2,000 sf retail space as a restaurant would be required to include 0.904 affordable workforce housing units ($0.000784 \times 2,000 - 0.000332 \times 2,000 = 0.904$).

EXAMPLE 2: A 2,000 sf retail space was built in 2020. In 2023, three years after the Certificate of Occupancy was issued, a proposal to use the 2,000 sf retail space as a restaurant and to add 1,000 sf of space is submitted. No mitigation is required for the change of use from retail to restaurant because CO was issued over 2 years ago. For the 1,000 sf addition of space to use as a restaurant, 0.784 affordable workforce housing units ($0.000784 \times 1,000 = 0.784$).



PERMIT NOTES

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2024 08:40

Permit # P24-094

Parcel # :

Site Address:

Project Name: Housing Mitigation - Change of Use and Small Residential Additions

Note Type	Note Code	Text	Created By	Begin Date	End Date
GENERAL		See staff report	KPAGE@JACKS ONWY.GOV	08/02/24	8/2/24
