

Rafter J Office

From: Mike Keegan
Sent: Tuesday, April 5, 2022 8:05 AM
To: Mark Newcomb; Mark Barron; gepstein@tetoncountywy.gov; Luther Propst; Natalia Macker
Cc: Rafter J Office
Subject: Lot #333 Rafter J
Attachments: LEGACY - Final.docx; Rafter J Peer review traffic study.pdf

Dear Commissioners,

As the President of the Rafter J Homeowners Association, a neighborhood of more than 1600 residents, I have attached two documents.

The first is a letter from The Rafter J Board of Directors outlining how the applicant, Stage Stop, LLC has failed to meet the standards required to modify the Rafter J Planned Unit Development and approve a conditional use permit. In addition, a peer review report of the Y2 Engineering Traffic Impact Study (TIS), used as the basis for Teton County Planning staff's recommendation to approve the application, is attached.

Please note that Y2 Engineering is owned by Zia Yasrobi. Mr. Yasrobi is the principal owner of Wapati Construction (along with Kasey Mateosky of the Planning Commission who voted to approve). Wapati Construction is currently under contract with Stage Stop LLC to expand Hotel Jackson.

Thank you for your consideration.

Michael J Keegan
Rafter J Homeowner's Association
307-413-5844

Dear Teton County Commissioners,

The Rafter J Homeowners Association represents 499 property owners. By way of two Teton County applications, this private Association is being asked by one of its owners – Stage Stop, LLC (the Applicant) - to support their plan to create short-term, residential apartments in a property zoned as Local Convenience Commercial. When you consider these applications and the requested changes, we feel it important that the Teton County Commissioners direct their attentions to the specific wording on page 4 of the Planning Commission – Staff Report dated February 28, 2022 and which acknowledges the regulations currently in effect and which follow here:

New Planned Unit Developments are no longer permitted in any of the zones in Teton County. LDR Section 8.7.3 states the Findings for Approval for a new PUD, however, Section 4.4.1 of the LDRs, All PUD Zones, directs the process and findings for a PUD Amendment. It states that “An amendment to an existing PUD or other special projects listed in 1.8.2.C. shall be reviewed and approved pursuant to 8.2.13.D.” There are no findings associated with this type of PUD since the PUD option utilized by Rafter J no longer exists in the LDRs. Section 8.2.13.D states the following findings for an amendment to an existing PUD where the PUD Option is no longer available.

An amendment to an existing PUD or other special project identified in 1.8.2.C for which the original PUD option is no longer available shall:

- a. Improve the implementation of the desired future character of the area identified in the Jackson/Teton County Comprehensive Plan;*
- b. Comply with the requirements of the underlying base zoning to the maximum extent practicable;*
- c. Complies with the standards of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable; and*
- d. Not adversely impact public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMA facilities.*

Response to “a”

The property that is the subject of this proposed PUD amendment is within Comprehensive Plan District 10: South Park, Sub Area 10.1 Southern South Park. The desired future character of this sub area is to maintain existing development patterns, preserve the resident workforce character of the subarea, and maintain and enhance wildlife habitat connectivity and permeability.

- Rafter J does not have dense housing.
- The Applicant is proposing short-term, residential housing, not long-term housing. The original request was for 6 months, and then they requested 3-month leases. Neither of these options are long-term. Neither of them addresses the need for permanent, workforce housing. They are both short-term leases that do not maintain existing development patterns.
- This proposed change to add short-term rentals will not preserve the resident workforce character of the subarea, because Rafter J is long-term housing. It will also not maintain existing development patterns, because there are no residential apartments in Rafter J. Both of these outcomes would irreversibly alter the character of Rafter J.

Response to “b”

The proposed PUD amendment is a direct contradiction to the zone district requirement. It is not a residential zone. It is a commercial zone that was designated for businesses supporting the Rafter J subdivision.

Response to “c”

N/A - this complies with the Natural Resource Overlay standards.

Response to “d”

Transportation

The Applicant contracted Y2 Consultants in Jackson to perform a Traffic Impact Study (TIS) to determine how residential units would impact traffic flow. The Rafter J HOA contracted Fehr & Peers, a Salt Lake City, UT engineering firm specializing in transportation, to review the Y2 TIS.

Fehr & Peers determined that the Y2 study was not performed to industry standards, was analyzed with antiquated software, and did not meet the Traffic Impact Study guidelines required by the Wyoming Department of Transportation. And it is this study that is being used to support the finding that there would be little to no impact on traffic flow and patterns.

Potable Water and Wastewater Facilities

Rafter J has operated and managed its own water and sewer services, independent of Teton County, since 1998. The Applicant purchased Lot 333 in May 2021 and has never contacted the Rafter J ISD to determine how or if a change to residential use would affect water and sewer services, for their proposed use or Rafter J neighbors.

- A 57-unit apartment building that houses active, working adults requires substantially more water and sewer services than those needed for an assisted living facility at full capacity.
- Despite being asked repeatedly, the Applicant has not committed to a number for maximum capacity but instead uses “no more than two unrelated people” as the benchmark for the number of people that will be permitted to live in the building. “No more than two unrelated people” would allow for the following two scenarios, among others: 4 sisters to share a studio, or a husband and wife and their two cousins to share a one bedroom.
- As can best be calculated, because the Applicant has declined to commit to a maximum capacity, the proposed change would add no less than 130 residents. There can be no doubt that this many additional residents would have an adverse impact on Rafter J’s water system and ISD’s ability to store and deliver water to the other 498 owners.

Parks

Adding 130+ users to the Rafter J subdivision common areas, trail system and pathways will have an adverse impact on an already stressed system. The subdivision is currently undergoing a trail study on the best way to manage the activity and wear and tear on the pathway system which has been experiencing an increasing number of dangerous “near misses.”

Police and EMS

A demographic of 130+ mostly unrelated adults and their visitors in these dormitory-like quarters will undoubtedly cause added activity for the Teton County Sheriff’s Office which is already stretched.

The 1.6.6 *Conflicts with Private Agreements* section of the Teton County Land Development Regulations states:

Nothing in these LDRs is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties, but such agreements shall not excuse a failure to comply with these LDRs. The County shall not be responsible for monitoring or enforcing private agreements.

(Note: Article 1. General Provisions | Div. 1.6. Relationship Between Regulations; 1.6.1. References to Other Laws or Documents; Div. 1.6. Relationship Between Regulations; 1.6.6. Conflicts with Private Agreements)

This section of the LDRs clearly states that Teton County Land Development Regulations cannot interfere with covenants or agreements between private parties. In this case, there is an agreement between two private parties: Rafter J and Stage Stop, LLC. Allowing residential apartments by way of a Conditional Use Permit would be direct interference with the CC&Rs which are Rafter J's governing documents.

When Stage Stop LLC purchased Lot 333, the buyers knew they were purchasing commercial property and, as owners, were bound to abide by the CC&Rs, as all owners are. The Applicant was advised by the Rafter HOA that a change to the existing CC&Rs must be requested; and that the requested change must go out to all Rafter J owners for a vote; and finally, that all there must be 65% approvals from all 499 owners in order for any CC&R change to take effect.

In three separate, written correspondences from the HOA, the Applicant has been asked point-blank if they plan to proceed through this approval process, which is required for any change to the CC&Rs, regardless of who is requesting the change. Since there has been no communication and a refusal to answer the question, the HOA is left to assume that Stage Stop plans to use Teton County approval to circumvent Rafter J and disregard its CC&Rs.

In conclusion, the LDRs – the governing documents - were written to prevent a scenario like this one and others that have yet to be dreamed up. Stage Stop, LLC is attempting to change the rules for their benefit only, something that will have numerous adverse consequences and will do nothing to address the lack of permanent, long-term affordable housing in the local workforce community.

We ask that you deny these applications.

Sincerely,

Rafter J Homeowners Association Board of Directors
Michael J Keegan
President

MEMORANDUM

Date: March 15, 2022

To: Mike Keegan, Rafter J Homeowner's Association Board of Directors

From: Christopher Bender, PE, Fehr & Peers
Seishi Yamagata, PE, Fehr & Peers
Preston Stinger, PTP, LEED GA, Fehr & Peers

Subject: Rafter J Planned Unit Development TIS Peer Review

UT22-2350

INTRODUCTION

This technical memorandum summarizes Fehr & Peers' review of Y2 Consultants' Traffic Impact Study (TIS), dated February 1st, 2022, for the proposed 57-Unit apartment conversion at 3000 W Big Trail Drive in Jackson, Wyoming. The review examines the TIS to assess compliance with WYDOT TIS requirements and industry standard practice.

It should be noted that the recommendations are based on the data presented in the documents delivered to Fehr & Peers. Fehr & Peers did not collect any new data for this review.

PEER REVIEW OF THE FEBRUARY 2022 TIS FROM Y2 CONSULTANTS:

- **Description:** The TIS outlines that the proposed project consists of a property at 3000 W Big Trail Drive, that is looking to convert the existing elderly care facility to workforce housing apartments. The existing elderly care facility provides 63 beds, and the proposed apartment complex would include 57 dwelling units, as shown in a table in the Executive Summary.
- **Location:** The TIS describes the proposed development to be located at 3000 W Big Trail Drive. The TIS includes a project location map, along with two context maps to show where the development is located within Jackson, Wyoming.
- **Site plan:** The TIS does not include a site plan. A parking review was attached to the planning commission report that showed the existing site and project access, so the existing access is assumed to be maintained for use by the workforce housing development. No other accesses are mentioned in the TIS.
 - Fehr & Peers recommends including a site plan to provide context to the proposed development and to meet WYDOT's Traffic Impact Study requirements.
- **Internal circulation & construction phasing:** No internal circulation of the proposed site was analyzed. This analysis assumed that all construction would be performed in a single phase.

- **Project sponsor & contact:** The memo is addressed to Mr. Sadek Darwiche and includes his contact information. We assume that this person is the project sponsor & contact.
- **Existing conditions:** The TIS describes that the proposed development is “served by a 32’ wide public street, connecting to a five-lane highway (US-26). A ten-foot off-street shared-use path crosses the site and leads to the Town of Jackson, and this will promote alternative modes of travel.” Based on counts collected in December 2021 that were increased by a growth factor to reflect September traffic volumes, the TIS indicated that the intersection of US-26/89/191 & Big Trail Drive operates at LOS F in existing conditions. No analysis was performed to describe the operations of the existing site access.
 - Fehr & Peers recommends that the site access should be analyzed to understand how the proposed redevelopment will affect operations at the project’s driveway.
- **Segment & turning movement volumes:** The TIS reports that it collected through traffic counts along US-26/89/191 and intersection turning movement counts at US-26/89/191 & Big Trail Drive. The intersection turning movement counts, as well as adjusted counts are reported in a table on Page 8 of the TIS. The through traffic volumes do not appear to be included in the report. The functional classification of US-26/89/191 and Big Trail Drive is also not discussed in the report.
 - Fehr & Peers recommends including the collected average daily traffic (ADT) counts to meet WYDOT Traffic Impact Study requirements. The functional classification of the roads in the study area should also be provided.
- **Existing traffic control:** The TIS mentions that US-26/89/191 & Big Trail Drive is stop-controlled. No control is mentioned for the access driveway, though it appears to also be stop-controlled in the aerial maps shown in the report figures.
- **Changes in adjacent land uses and traffic generated by approved developments in the area:** No other developments in the area were mentioned in the study, though growth rates were based on historical ADT growth in the area, which is a commonly accepted method to account for potential developments when performing horizon-year analyses.
- **Level of Service (LOS):** The TIS shows that the intersection at US-26/89/191 & Big Trail Drive is already operating at LOS F due to high delays for eastbound left turns from Big Trail Drive to US-26/89/191. It’s also worth noting that the same intersection is anticipated to experience unacceptable LOS for the eastbound right turn movements in the 2042 horizon analyses, regardless of whether the development is converted to workforce housing or not.
 - As mentioned previously, Fehr & Peers also recommends that LOS should be evaluated at the site access driveway.
- **Project trip generation, distribution, and assignment:** Project trip generation, distribution, and assignment are summarized in the TIS and are based on *ITE Trip Generation, 9th Edition*. The existing land use was estimated to generate 173 daily trips, while the proposed land use is estimated to generate 379 daily trips. The report shows that this means the proposed conversion would increase

daily traffic volumes by 206 trips. Trip distribution is outlined in Appendix A: Turn Movement Forecasts.

- It should be noted, however, that Fehr & Peers recommends using *ITE Trip Generation 11th Edition*, which was recently released last year. Using the up-to-date trip rates, the existing land use is estimated to generate 164 daily trips, while the proposed land use is estimated to generate 441 daily trips; this results in a trip difference of 277 daily trips.
- However, since the volume difference is relatively minor, Fehr & Peers does not anticipate that this difference in results would significantly impact the results of the analysis.
- **Total traffic volumes (including build-out):** Total traffic volumes analyzed for each scenario are included in Appendix A of the report and appear to be in line with the traffic data collected and reported on Page 8.
- **95th percentile queue lengths:** Queue lengths don't appear to be included in the report.
 - Fehr & Peers recommends analyzing the 95th percentile queue length to understand potential impacts to queuing in the study area and to meet WYDOT's Traffic Impact Study requirements. The analysis shows significant delays at the US-26/Big Trail Drive intersection, which would likely produce significant queues that potentially affect other intersections including the site access driveway.
- **Impact analysis, recommendations, cost estimates:** The TIS outlines that the study intersection at US-26/89/191 & Big Trail Drive is already operating at unacceptable LOS and will continue to do so without mitigation. Seven potential mitigations are proposed in the study, but the TIS does not include any mitigated scenario analyses. No cost estimates for any of the mitigations were reported in the TIS.
 - While not specifically required by WYDOT's Traffic Impact Study requirements, Fehr & Peers recommends evaluating the various mitigations to estimate which ones will be viable to incorporate at the study intersection and what their benefits to the network would be.
 - Cost estimates should also be provided for the various mitigations to meet WYDOT's Traffic Impact Study requirements.
- **Methodology & Assumptions:** Traffic operations analyses were performed based on the HCM 2010 methodology using HCS 2010 software at the intersection of US-26/89/191 at Big Trail Drive. The analysis was performed for existing (2021), opening year (2022) and 20-year horizon (2042) scenarios. Only the intersection at US-26/89/191 & Big Trail Drive was included in this analysis.
 - While HCS is a commonly used and accepted software for analyzing intersections, the 2010 version is out of date. HCS has since been updated twice, once in 2017 to reflect the HCM 2016 standards, and once in 2022 to reflect HCM 2021 standards.
- **Worksheets used in analysis:** Appendix A includes turning movement forecast for each of the analyzed scenarios and Appendix B includes intersection capacity reports from HCM 2010.

CONCLUSION

Fehr & Peers reviewed the TIS performed by Y2 Consultants for the proposed 57-Unit Apartment Conversion at 3000 W Big Trail Drive in Jackson, Wyoming. Fehr & Peers found that the analysis was not performed in keeping with industry standard practice and that the TIS does not meet the guidelines in the WYDOT Traffic Impact Study Requirements.

It should be noted that the WYDOT may require the following updates to the TIS:

1. A site plan to provide context to the proposed development,
2. Analysis of the project's site access to understand how the proposed redevelopment will affect operations at the project's driveway,
3. Average daily traffic (ADT) counts and discussion of the functional classification of the roads in the study area,
4. An updated analysis that uses trip generation rates from *ITE Trip Generation 11th Edition* and that uses the most up-to-date version of HCS, or another analysis software that follows the recommended methodology outlined in HCM 2021,
5. The 95th percentile queue lengths of all approaches for each study intersection in each analysis scenario,
6. Additional analysis to evaluate the recommended mitigations,
7. And cost estimates for the various mitigations included in the "Recommendations / Alternatives for Evaluation" section.