

FODOR LAW OFFICE, PC



October 13, 2022

Sent Via Email Only

Teton County Board of County Commissioners

nmacker@tetoncountywy.gov; gepstein@tetoncountywy.gov;

mnewcomb@tetoncountywy.gov; mbarron@tetoncountywy.gov; lpropst@tetoncountywy.gov

Re: Legacy Lodge; CUP2021-0005 conditions

Dear Commissioners:

We have reviewed the staff report released this afternoon containing the recommended conditions for the above-referenced Conditional Use Permit application. Please find below the applicant's responses to the conditions, proposed revised language and requests for clarification. With regard to proposed changes to the conditions, we have underlined additional, proposed language and struck through language we are requesting be removed. We look forward to discussing these conditions with you, answering any questions you may have, and hearing public comment on the same.

The owner/applicant has no suggested changes to Conditions 1, 5, 6, 7, 10, 11 and 12.

2. The minimum lease period for apartment occupants shall be 6 months in accordance with the Jackson/Teton County Affordable Housing Rules & Regulations. The minimum lease period for any master leases shall be consistent with the occupant leases to which they apply. The form of each ~~Each~~ occupant lease and master lease shall be reviewed and approved by the Housing Department prior to applicant use solely for the purpose of ensuring compliance with the deed restriction and Housing Department Rules and Regulations. The Housing Department will have 30 calendar days from applicant submittal to review and approve the form of the leases. If the Housing Department fails to respond within 30 calendar days of submittal, the leases shall be deemed approved.

3. For at least 75% of the units a right of first rental refusal shall be offered to qualifying members of the workforce who are critical service providers as defined by the Jackson/Teton County Affordable Housing Department or to employees of education or childcare institutions (public or private) in Teton County, WY.
 - *We recommend clarifying that the education and childcare institutions can be public or private institutions. Moreover, we would like to clarify the mechanics/administration of this condition to ensure compliance. Will the Housing Department be responsible for contacting Critical Service Providers once the owner provides notice to the Housing Department of vacancies/tenant needs, or is the owner responsible for contacting Critical Service Providers from a list provided by the Housing Department?*

4. Annual monitoring reports shall be submitted by the owner to the Teton County Planning Director prior to January 31st of each year, which at minimum shall demonstrate compliance with the conditions of approval including the occupancy restriction and analysis of the Parking and Transportation Demand Management plan. The submittal shall include the property manager's complaint/enforcement log. These reports may be elevated to the Board of County Commissioners if deemed the monitoring report warrants a public review. If deemed necessary the Board may impose additional conditions of approval through a CUP Amendment process at this time to mitigate impacts or respond to changing conditions.
 - *Our understanding is that any changes to the CUP or conditions thereto would be a CUP amendment process—hence, the revised language.*
 - *We would also like clarification from staff and/or the Commissioners as to the components of the Transportation Demand Management Plan ("TDM"). We believe the TDM consists of 3 components: (1) Parking to be a minimum of 1 parking space/unit and 5 guest parking spaces; (2) Bicycle parking or storage to be 1 space/unit; (3) START bus passes for occupants, and if an occupant does not want a bus pass, the owner/operator will make a contribution to START in an amount equal to an unused pass (see Condition #5 in the staff report).*

8. Prior to occupancy of any individual apartment unit, the owner shall install the ~~additional~~ required vehicle parking equal to a minimum of one parking space per unit occupied and 1 guest spot per 10 units occupied~~5 additional guest spaces, for a total of 62 vehicle parking spaces for 57 units.~~ Within six (6) months of permit issuance, the owner shall apply to the Rafter J Development Review Committee for approval to install a minimum of one (1) bicycle parking/storage space per Apartment Unit, if approval is necessary. The applicant shall install the required bicycle parking within one (1) year of the Rafter J Development Review Committee approval.
 - *We are asking that this condition be revised to clarify the required parking is 1 parking space/occupied unit and 1 guest parking spot/10 occupied units. There are currently 36 parking spaces (41 if restriped). Because leasing/occupancy will likely happen in phases (one wing at a time), the owner wants to be able to go ahead and utilize these existing spaces for occupied units prior to constructing any additional parking.*

9. Prior to occupancy of each building wing (4 wings in total), each unit shall, at minimum, include complete kitchen facilities as defined in LDR Division 9.5., and ~~Livability Standard components of the Housing Department Rules & Regulations for existing units,~~ and be inspected by Teton County staff.
 - *Adding Livability Standards into the conditions of approval would require the owner to file for a CUP amendment if unable to meet a standard in the Rules and Regulations. The Housing Department's Rules and Regulations allow for variances (which appear to be administrative variances) to vary certain standards in the Rules and Regulations, including the standards applicable to the conversion of existing housing stock. There are some livability standards, including landscaping requirements and building staining/painting, that the owner may seek to vary and would like to work directly with the Housing Department and/or planning staff on these items rather than have to file a CUP amendment to change conditions.*

Thank you for your continued efforts on this important application. We look forward to continuing this conversation with you on October 18.

Regards,

A handwritten signature in blue ink, appearing to read 'Stefan J. Fodor', is positioned above the typed name.

Fodor Law Office, PC
Stefan J. Fodor

cc: Keith Gingery, *via email*
Chandler Windom, *via email*
Chris Neubecker, *via email*
Kevin Gregory, *via email*