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October 14, 2022

Chandler Windom  
Teton County Planning Division  
Teton County Administration Building, 2nd Floor  
200 S Willow Street  
Jackson, WY 83001  
- Via email: cwindom@tetoncountywy.gov

**RE: Response to Sufficiency Determination for Legacy Lodge BUP2022-0076 and BUP2022-0077.**

Dear Chandler,

Thank you for your sufficiency review of the applications Basic Use Permits for Miscellaneous Professional Office use (BUP2022-0077) and Accessory Residential Unit use (BUP2022-0076) at the Legacy Lodge property, 3000 Big Trail Drive. Your sufficiency determination found both applications to be insufficient for reasons outlined in your letter dated September 9, 2022.

Please accept this letter as a formal response to the insufficiencies as outlined in your determination letter. Below is a list of each of the insufficiencies for each of the applications that you indicated in your determination letter followed by our response for each.

## **Miscellaneous Professional Office use (BUP2022-0077)**

***“1. Narrative description of use does not identify the type of professional office being proposed. Miscellaneous Professional Office in not a sufficient description for staff to determine compliance.”***

The term “Miscellaneous Professional Office in the BUP2022-0077 application is intended to encompass all professional office uses as described in the 11<sup>th</sup> printing of the 1978 Teton County LUDRs, specifically, “medical, dental, legal, engineering and other types of professional office”. “Other types of professional office” as stated in the 11<sup>th</sup> printing of the 1978 LUDRs and proposed within this application are intended to include those “professional service” office uses that are included under the International Building Code under Occupancy Classification B, including “professional services such as architects, attorneys, dentists, physicians, engineers, etc.”. Based on the above, the originally proposed “Miscellaneous Office Use” can be more appropriately described as “Professional Service Office” use.

***“2. Please expand on why kitchenette areas and bathrooms are not part of the office use in each unit.”***

The existing Legacy Lodge building was constructed to provide private individual living quarters for assisted living occupants. As such, each of the individual units within the existing building that are proposed to contain “professional service office” contain spaces for food preparation and bathroom facilities that are dedicated to each individual unit. The building also contains common bathroom facilities that can be used by the individual “professional service office” use occupants.

The number of bathrooms provided within the portion of the building proposed for professional service office use far exceeds any bathroom requirements for a professional service office use under the International Building Code. This makes the existing bathroom spaces functionally redundant. Furthermore, bathrooms within the building will reasonably and functionally not be occupied by a professional service office use. Therefore, these redundant and functionally superfluous bathroom spaces that exceed any bathroom provision requirements under building codes or planning regulatory requirements will not be used as office space and are not included in the floor area calculations for office use.

Similarly, the existing kitchenette spaces within each of the individual unit collectively far exceed “break room” or kitchenette space requirements for a typical professional service office use. In addition, these kitchenette spaces are located at the entrance to individual office units making them functionally unsuitable to contain an office use.

Finally, having a number of bathrooms and kitchenette spaces within the existing building far in excess of what would otherwise be required by a professional service office use does not increase the number of office spaces or number of professional service office occupants within the building. Considering that the purpose of calculating overall floor area of a particular use is intended to apply development standards that ensuring adequate facilities are provided to support the proposed intensity of use, and the intensity of use will not increase because of these excessive and redundant bathroom and kitchenette facilities, the floor area dedicated to these facilities has not been included in the proposed professional service office use.

***“3. Floor area plans provided only illustrate a residential use and do not sufficiency describe occupation of the existing space by an office use.”***

In an effort to provide you with a detailed response to this comment, we have done a thorough and specific review of each of the three-unit types within the first floor of the Legacy Lodge building. This detailed review included an analysis of the architectural plans for the building and revealed that within the south wing specifically, there is some variation in the floor plan/layout of the studio units. Attached as “Exhibit A – Office Use Floor Plans” are the as built floor plans for each unit type and these show the variation in floor plans. To be specific, there are five different studio unit floor plans. We have shaded in blue the areas

that we propose as office space it each of the unit types on the attached exhibit. The resulting floor area is as follows:

First Floor North Wing

9 x A	292 Sqft	2628
2 x B	398 Sqft	796
2 x C	216 Sqft	432
13 Units	Total	3,856

First Floor South Wing

4 x A	292 Sqft	1168
7 x C	216 Sqft	1512
1 x C-2	257 Sqft	257
1 x C-3	185 Sqft	185
1 x C-4	236 Sqft	236
1 x C-5	204 Sqft	204
15 units	Total	3,562

First Floor Total

28 Units	Total	7,418 Sqft
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Based on the above, the total floor area of the proposed Professional Service Office use under this Basic Use Permit application is 7,418 sqft rather than the previously reported 7,015 sqft.

This results in a change to the proposed affordable housing mitigation requirement discussed below. This increase in Professional Service Office use from 7,015 sqft to 7,418 sqft does not change the parking requirement of 36 spaces for this use as described in the original Professional Service Office Use application (BUP2022-0077)

***“4. Application does not mention any Building Code/Permit requirements for changes of occupancy code from assisted living to office. Would recommend reviewing this to ensure Basic Use Permit application encompasses all potential changes to the space.”***

According to the International Existing Building Code (IEBC), which is included by reference in the Teton County Building Code Resolution, a change of use is required to meet the requirements of the IEBC under various circumstances. Specifically, this applies if the change of use constitutes a change in the occupancy classifications as described in the IEBC. The use under which the Legacy Lodge building was permitted and constructed is “I-1”. The proposed office use is classified as “B” and the ARU use is classified as “R-2” in the IEBC. Both of the proposed uses within Legacy Lodge have an occupancy classification, under the IEBC, that is equal to or less restrictive than the occupancy classification of the assisted living use under which the building was constructed.

Based on this, no changes to the building under the building code is anticipated. If it is determined by the Teton County Building Official that changes to the existing building to accommodate the proposed professional service office use is required, the applicant will undertake the required changes and/or building code revisions/upgrades prior to professional service use occupancy.

#### **Accessory Residential Unit use (BUP2022-0076)**

***“1. A Basic Use Permit application is required for each Accessory Residential Unit. This application proposes on BUP application for 27 individual units.”***

A Basic Use Permit for each of the proposed 27 individual Accessory Residential Units within the Legacy Lodge building, as described in the original application (BUP2022-0076) is included with this response to the sufficiency determination response.

Please note that all proposed 27 ARU application associated with the original BUP application are addressed or otherwise described in the original application. The narrative description for all 27 units is included in the original BUP2022-0076 application. For the sake of clarity, all 27 ARU BUP application forms submitted as part of this sufficiency determination response includes a reference to individual unit numbers as assigned and labeled within the existing building. Each application form also includes a reference to the unit type (number of bedrooms) for each of the individual units as defined by unit numbers. (Please note that while the unit numbers are sequential, two units - unit 205 and 221 - are dedicated as mechanical spaces on the building permit floor plans and are excluded from the proposed ARU units included within this application.)

A separate application for to the Planning Director for a fee waiver request based on duplication of staff efforts is also be submitted under separate cover.

***“2. Several references are made to R-2 zoning which is inaccurate.”***

The existing zoning for the property is correctly identified as Planned Unit Development, Rural 3 (PUD R-3) and was incorrectly identified in the original applications as being zoned PUD R-2). Under current R-2 and R-3 zoning there is no regulatory difference where the proposed ARU use is concerned. This distinction between PUD R-2 and PUD R-3 zoning does not change the justification for the proposed use found within the original application.

***“3. The application BUP2022-0076 makes reference to housing requirements being met by the Accessory Residential Units and that the details would be “more fully described below in the associated ARU Basic Use Permit application. However, upon review of BUP2022-0078 [sic] the application makes no reference to how ARUs may provide affordable housing mitigation (i.e. no reference to affordable deed restrictions). Would recommend using the Housing Mitigation Plan Checklist provided by the Jackson/Teton County Affordable Housing Department to remedy this insufficiency:...”***



As requested, a completed Housing Mitigation Plan Checklist is included with this insufficiency response as “Exhibit B - Housing Mitigation Plan Checklist”. In addition to the Housing Mitigation Plan Checklist, the following is a narrative description of the housing mitigation plan requirement and our proposal for meeting the affordable housing requirement generated by the proposed Professional Service Office use.

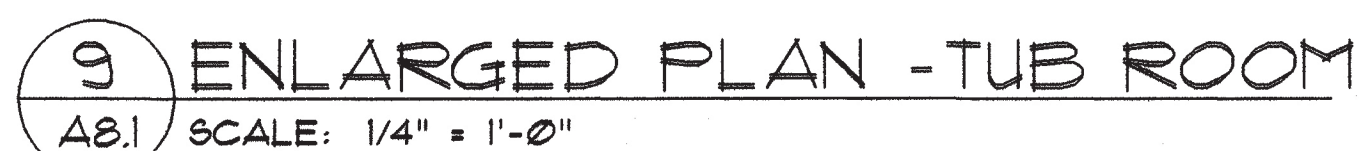
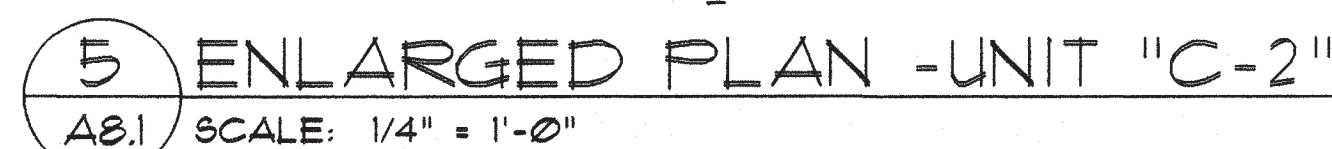
The proposed Professional Service Office use comprises of 7,418 s.f. of office space. The floor area dedicated to this Professional Service Office use is more fully described above under the insufficiency response for BUP2022-0077 and in “Exhibit A – Office Use Floor Plans” included below. This office space generates an affordable housing requirement of 1.597 units. This translates to a total number of persons housed of 2.875 persons. This requirement can be met by deed restricting a single 2-bedroom unit at 120% AMI and providing a fee in lieu for the remaining .597 units.

As an alternative, we propose deed restricting one 1-bedroom/studio unit and one 2-bedroom unit as rental units at 120% AMI. This will result in a total number of persons housed of 3.45 thereby exceeding the number of persons housed under the mitigation requirement.

Furthermore, due to the uniqueness of the existing building and the potential in the future to change the use of the building, we request that the proposed deed restriction of these units be linked directly to the Professional Service Office use under BUP2022-0077. Should the use of the building change in the future, the affordable housing mitigation required by the new use will be met at the time the change of use occurs and may or may not include the units proposed to be deed restricted herein.

## **Exhibit A – Office Use Floor Plans**






- REFER TO FLOOR PLANS FOR PARTITION TYPES OF CORRIDOR PARTITIONS AND LIVING UNIT PERIMETER PARTITIONS.

1. PROVIDE AND INSTALL NEW INSIDE MOUNTED MINI-BLINDS AT ALL LIVING UNIT EXTERIOR WINDOWS.

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SHEET TITLE:	ENLARGED FLOOR PLANS		REVISIONS:							
			DATE:	DESCRIPTION:						
	SHEET NO:		A8.1							
			42 OF 126							
			98169A81							
COMM. NO.			98169							



## **Exhibit B - Housing Mitigation Plan Checklist**



## Jackson/Teton County Affordable/Workforce Housing Checklist - Housing Mitigation Plan (LDR Division 6.3.6)

Every development application must include a Housing Mitigation Plan for sufficiency. Every Housing Mitigation Plan is required to contain the following information:

### Applicability (LDR 6.3.6.A.3.a)

1. Does your development qualify for an exemption from a housing mitigation requirement? Yes ☐ No ☒  
If yes, explain and refer to LDR Section 6.3.2.c \_\_\_\_\_

2. Are there credits associated with your development? Yes ☐ No ☒ If yes, explain where the existing credits came from, provide the calculation, and refer to LDR Section 6.3.5.D.3. \_\_\_\_\_

### Calculation of Requirement (LDR 6.3.6.A.3.b)

3. Does your development require or are you otherwise requesting approval of an Independent Calculation (see LDR section 6.3.3.B)? Yes ☐ No ☒

If yes, provide the calculation according to LDR Section 6.3.3.B.2 along with impact analysis, verifiable local information, industry specific rather than business specific data, etc. The Planning Department is available to help with this calculation prior to submittal of your application. Attach as a separate sheet.

☐ I have attached a separate sheet with the calculation and supporting data for my Independent Calculation

**Housing Mitigation Requirements Calculator.** If no to 1 and 3 above, calculate your development's requirement, using the Housing Mitigation Requirements Calculator. A link to the Town of Jackson download can be found here: [www.jacksonwy.gov/200/Planning](http://www.jacksonwy.gov/200/Planning) A link to the Teton County Calculator can be found (TBD). Attach a copy of the first page of the calculator showing the calculations and requirements with your Housing Mitigation Plan. The Planning Department is available to help with this calculation prior to submittal of your application.

☒ I have attached the first page of the Housing Mitigation Requirements Calculator which includes my requirement and unit types.

**Type of Affordable Housing Provided – Standard Restrictions.** (LDR 6.3.4)

4. How many ownership or rental units are you proposing in which income ranges with how many bedrooms?  
Please complete the matrix below:

Bedrooms	0 – 50%	50% - 80%	80% - 120%	Workforce	Ownership or Rental
1-bedroom			<del>1</del> 1		
2-bedroom			1		
3-bedroom					

**Special Restriction.** The Special Restriction is a contract between The Board of County Commissioners or the Town Council and the owner of real property developed or designated to satisfy the development requirements. The Special Restrictions will be recorded on the property. Appropriate restriction templates can be obtained from the Jackson/Teton County Affordable Housing Department or from their website .

[www.jhaffordablehousing.org/1856/Deed-Restriction-Templates](http://www.jhaffordablehousing.org/1856/Deed-Restriction-Templates)

☐ I have attached a draft of the Standard Restrictions for each unit.

**Livability Standards** (LDR 6.3.4.D and E) (Rules and Regs Section 2-3). Restricted housing must comply with the Livability Standards in the Jackson/Teton County Housing Department Rules and Regulations. The Livability Standards include amount of cabinetry/counter space, storage, closets, room sizes, appliances, laundry facilities, bathrooms, etc. The Rules and Regulations can be found on the Housing Department's website.

[www.jhaffordablehousing.org/1790/Housing-Department-Rules-Regulations](http://www.jhaffordablehousing.org/1790/Housing-Department-Rules-Regulations)

☒ I have reviewed the Livability Standards and understand the requirements. I have/will contact the Housing Department for approval of my units early in the design process to get their approval prior to submitting for building permit.

**Method for Providing Required Housing** (LDR 6.3.5):

One or a combination of the below methods may be proposed to satisfy your housing requirement. They are listed in the order of preference/priority. Highest priority must be used unless it is demonstrated that a higher priority is impracticable (LDR 6.3.5.C)

1. Construction of new units either on-site or off-site (LDR 6.3.5.D.1).
2. Conveyance of land for affordable/workforce housing (LDR 6.3.5.D.2).
3. Utilization of a banked affordable or workforce housing unit (LDR 6.3.5.D.3).
4. Restriction of an existing residential units as an affordable/workforce housing unit (LDR 6.3.5.D.4).
5. Payment of an in-lieu fee (LDR 6.3.5.D.5).

☒ I have attached a detailed explanation of my proposed method of providing Required Housing.

**Phasing Plan** (LDR 6.3.5.A.3). Restricted Housing Units shall be ready for occupancy no later than the free market portion of the development is occupied. If the free market portion is to be developed in phases, then the Restricted Housing Units shall be developed prior to or in proportion to the free market portion.

☒ I have attached a detailed description of my phasing plan as it pertains to Affordable/Workforce units.