# Board of County Commissioners - Staff Report

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| **Meeting Date:** | October 18, 2022 | **Submitting Dept:** | Planning & Building Services |
| **Presenter:** | Chandler Windom | **Agent:** | Hal Hutchinson, HH Land Strategies |
| **Property Owner:** | Stage Stop, Inc. | | |
| **Subject:** | CUP2021-0005 Legacy Lodge Workforce Apartments | | |

## REQUESTED ACTION

A Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations (LDRs) to allow for Workforce Apartments at the Legacy Lodge.

## BACKGROUND/DESCRIPTION

### *PROJECT DESCRIPTION*

The proposal is to retrofit the vacant assisted living center at 3000 W Big Trail Drive, i.e., the Legacy Lodge, into an Apartment building for members of the Teton County Workforce. The site is Lot 333 of Rafter J Ranch and is subject to the Rafter J Planned Unit Development (PUD). Initially presented concurrent with this application was a proposal to amend the Rafter J PUD to allow for this workforce apartment use on Lot 333 (PUD2021-0001). Without the PUD amendment, apartments are not a permitted use on this site. PUD2021-0002 was approved by the Bord of County Commissioners at their May 3rd, 2022, meeting and recorded against the site on May 17th, 2022.

This Conditional Use Permit application was continued by the Board to their May 17, 2022 meeting. At that meeting the Board did vote 2-2 on a motion to approve the application, which resulting in the motion failing and the decision being one of denial. At the next Board of County Commissioners meeting on May 23, 2022 the Board chose to reconsider their previous decision and instead continued this application to the October 4, 2022 meeting. At the October 4, 2022 meeting the Board directed staff to revise the recommended conditions of approval for review at the October 18, 2022 meeting.

The applicant has separately submitted two Basic Use Permit applications, BUP2022-0076 and BUP2022-0077, for an office use and accessory residential unit(s) respectively, at the Legacy Lodge. The intent of the Basic Use Permits is for the applicant to explore a possible alternative use for the site in case this use application is not approved. These two permits were deemed insufficient as of September 9, 2022 and are not to be considered either under review or a component of this Conditional Use Permit.

### *EXISTING CONDITIONS*

The site contains the Legacy Lodge, which was an operational assisted living center from the completion of construction in 2004 until its closure in early Spring of 2021. Since the closure of the center the ~50,000 sf building has been vacant. The facility contains 57 residential units, which vary from studios to 2-bedrooms. Each unit contains a kitchenette, which lacks an oven and stovetop. The building includes a commercial kitchen, which was previously used to provide facility residents and their guests with meals. The building also includes several common areas and some spaces previously used as salons and medical offices for serving residents. The existing parking lot provides 37 parking spaces but there is room for 41 spaces if restriped.

### *LOCATION*

3000 W Big Trail Drive is situated in the northeast corner of the Rafter J Ranch. The lot is approximately 1,500 linear feet from the northern most entrance into the subdivision. Directly east of the property is S Highway 89 and a Teton County pathway. The site does not have direct access to the highway. There are residential lots to the south and a vacant "corral & stables" lot to the west.

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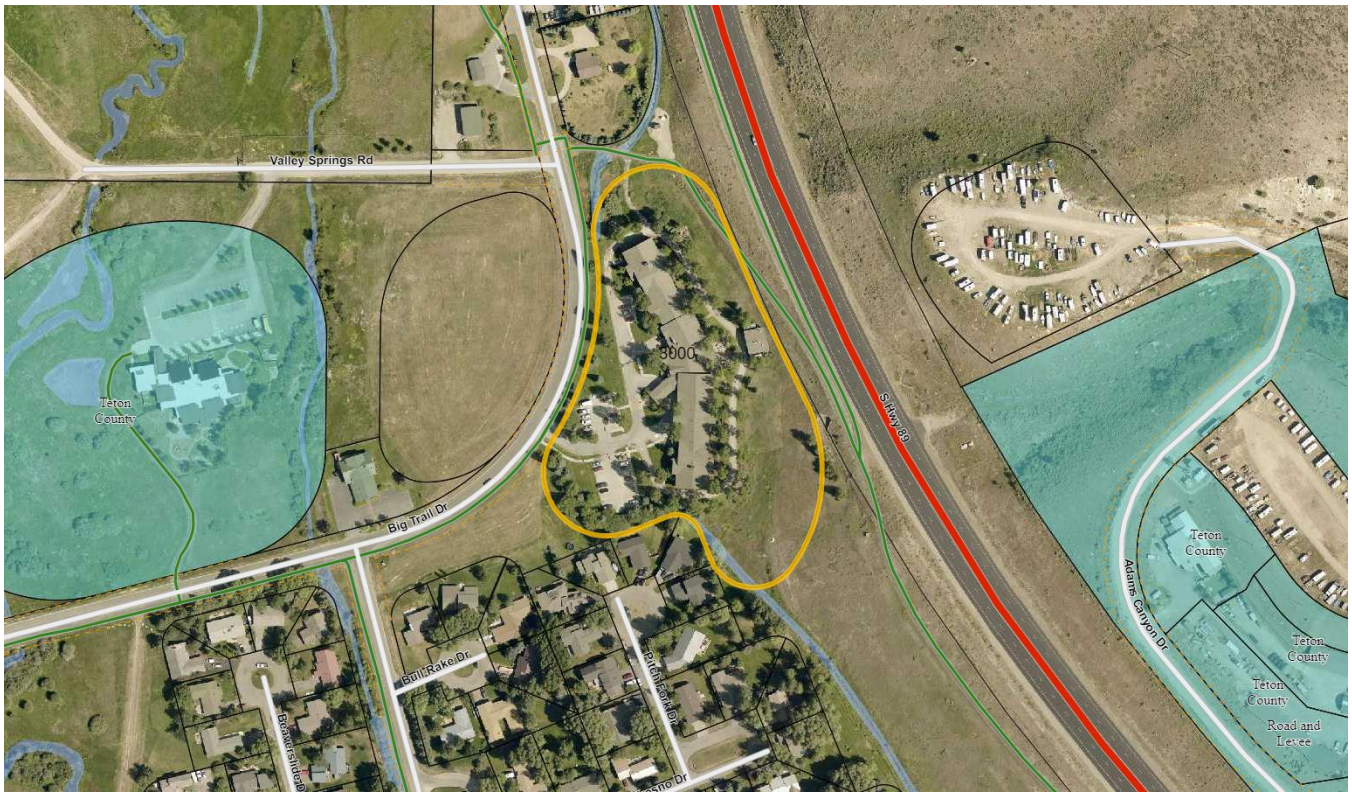
|---|---|---|---|
| Legal Description: | Lot 333 Rafter J Ranch | Subarea: | 10.1: Southern South Park |
| PIDN: | 22-40-16-17-2-03-001 | Zone: | Planned Unit Development- Rural 3 |
| Site Size: | 5.37 acres | Overlay: | None |
| Character District: | 10: South Park | | |

*ZONING/VICINITY MAP*

*AERIAL MAP*



## STAFF ANALYSIS

The decision on this Conditional Use Permit relies on the approval of the Planned Unit Development amendment, PUD2021-0001. According to LDR Section 1.8.2.C, in a Planned Unit Developments with PUD zoning "*The standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply.*" Under the current standards of the Rafter J PUD, this site is subject to the uses and standards of the Local Convenience Commercial (CL) District of the 1978 LDRs. Under these standards (specifically the 11th printing of the 1978 LDRs) an apartment is not a permitted use. The underlying zoning is Rural-3, which also does not permit residential density beyond a single-family zone. Therefore, the applicant applied to amend the Rafter J PUD to include an allowance for workforce apartments on this lot only within the standards of the PUD. Part of that proposal was that workforce apartments would be considered a Conditional Use, and therefore still requires the submittal and review of this Conditional Use Permit.

Therefore, staff is reviewing this change of use application under the recently approved PUD amendment., PUD2021-0001. This application is reviewed under the Rafter J PUD standards, which includes some aspects of the CL District of the 1978 LDRs, as well as the current LDRs. Important to keep in mind that LDR section 1.8.2.C which vests the validity of PUD zoning, also states that *"references to previous LDRs in a project's approval shall be construed to reference the equivalent standard in these LDRs."*

A new component of the proposed Transportation Demand Management strategies is the newly funded START Bus Service to Rafter J. The applicant has proposed providing all occupants of the apartment units with START passes or contributing that same amount directly to START if an occupant does not want a pass. The Board directed staff to include this strategy as a condition of approval in the suggested motion.

### *RELATIONSHIP TO THE CHARACTER DISTRICT*

- Character District: 10- South Park
- Subarea: 10.1- Southern South Park
    - *Classification:* Conservation
    - *Neighborhood Form(s):* Conservation & Residential Forms

Existing and Future Desired Characteristics:

The South Park District is considered an "agricultural gateway into Jackson." There are agricultural operations that provide open space and scenic foreground views. There is important wildlife habitat such as the Flat Creek riparian corridor and migration routes. Existing development is predominately residential, clustered to the southeast, and is mostly occupied by local workforce. The desire is to maintain the existing character of this district. Preservation should be focused on the open spaces and wildlife habitat. START Bus service and the possibility for a school could assist this district's workforce in the future. Interconnectivity of residential neighborhoods and commercial amenities along the Highway could be improved.

Policy Objectives:

This proposal is for reuse of an existing building to provide Workforce housing. See the attached analysis of the Policy Objectives for the South Park Character District.

Subarea Character Defining Features:

The Southern South Park Subarea is defined by clustered residential areas with interior open spaces. These open spaces support agricultural operations and wildlife habitat and movement. The desired future character of this district is to maintain these open spaces while directing new development into a Complete Neighborhood. Residential areas should continue to include workforce housing. Redevelopment should enhance wildlife movement while not decreasing workforce housing opportunities. Residents should be able to travel via pathways, public transit, and potential roadways connections between neighborhoods.

This proposed change of use supports workforce housing opportunities within the Rafter J, which includes some characteristics of a Complete Neighborhood. The proposal will not result in any development of existing open spaces.

## *RELATIONSHIP TO THE APPLICABLE LAND DEVELOPMENT REGULATIONS*

**Affordable Workforce Housing Standards.**

**Complies as conditioned.** The application describes the proposed occupancy of the apartment units as "workforce" however did not propose any formal deed restrictions with the Jackson/Teton County Affordable Housing Department. Without any formal restrictions on the occupancy of the units, the apartments would be considered market units with required Affordable Housing mitigation. The applicant proposed an independent calculation to determine if the previous assisted living facility provides a mitigation credit. However, LDR Section 6.3.3 identifies a Group Home (which includes assisted living) as exempt from the section, and therefore cannot provide a credit.

The building currently houses 18 studio apartments (326 sf each), 33 one-bedroom apartments (474 sf each) and 6 two-bedroom apartments (708 sf each). The requirement for 57 market-rate apartment units is as follows.

| Proposed Use | Housing Requirement (Sec. 6.3.3.A) | Use Size: bedrooms | Use Size: habitable sf | Use Quantity | Housing Required |
|---|---|---|---|---|---|
| Apartment (Unrestricted) | 0.000017*sf+(Exp(-14.17+1.59*Ln(sf)))/2.176 | 1 | 326 | 18 | **0.158** |
| Apartment (Unrestricted) | 0.000017*sf+(Exp(-14.17+1.59*Ln(sf)))/2.176 | 1 | 474 | 33 | **0.458** |
| Apartment (Unrestricted) | 0.000017*sf+(Exp(-14.17+1.59*Ln(sf)))/2.176 | 2 | 708 | 6 | **0.138** |
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Affordable Workforce Housing Required: 0.754 units  Fee-in-Lieu Amount: $ 157,070.41

The total Affordable Housing mitigation requirement is 0.754, or a fraction of a unit. That requires either, 1.) the applicant rounding up to supply a single 2-bedroom apartment unit on the site with an Affordable Housing deed restriction (occupants qualifying for <120% of median income), or 2.) a fee-in-lieu could be paid for the fraction of a unit (amount of $157,070.00).

However, the PUD2021-0001 approval requires that occupants of the apartment units be members of the Teton County Workforce and that the units would be restricted in a form that is acceptable to the Jackson/Teton County Affordable Housing Department. Specifically, many of the findings made by both the applicant and the Planning Director for the purposes of recommending approval of the PUD Amendment and this Conditional Use Permit relied on the proposal being for 100% "workforce apartments." Therefore, based on the condition of approval for PUD2021-0001, the occupancy of the apartment units will be restricted for workforce housing. With all residential units deed restricted in a manner acceptable to the Jackson/Teton County Affordable Housing Department, then there is no additional Affordable Workforce housing mitigation required for the change of use.

The applicant originally proposed an Affidavit Affecting Title in lieu of a typical deed restriction. However, this alternative is not generally supported by the LDRs or the Housing Rules & Regulations. Specifically, the exemption for affordable workforce housing mitigation mentioned above only applies to "*a residential unit subject to a deed restriction administered by the Housing Department*." The applicant is also proposing some variation from the typical Workforce Housing restriction. According to the Housing Rules & Regulations, "*households who purchase or rent Workforce units are required to earn a minimum of 75% of their income from a Local Business. They may not own other residential real estate within 150 miles of Teton County, and at least one person in the household must earn 1,560 hours annually from a Local Business…. The owners of Workforce Rental Units set the rental rates. There is no cap on rental rates."* Additionally, the minimum lease period for a workforce rental is 6 months. The applicant proposes that the occupants meet the description of Teton County Workforce, however in some circumstances be allowed to own residential real estate within 150 miles and have rental periods for less than 6

months. This would allow for some flexibility in the type of housing offered by the employer. For example, a unit might be used to house a visiting medical professional working at the hospital but may be employed on a temporary basis of less than 6 months. Another example might be emergency response personnel who could utilize a unit on a rotating basis while they are on call but live full-time in a neighboring community. If it is determined that allowing this type of occupant is a value to the community, then the necessary modifications could be made to the deed restriction language. However, this would be a change from the direction given by the Board of County Commissioners in the past to prioritize full-time year-round workers through minimum lease permits of six (6) months rather than seasonal workers when considering workforce restricted housing.

Lastly, it should be noted that these workforce deed restrictions would not prevent the owner from changing the use of the site in the future. If the apartment use is discontinued or a change of use is approved for some or all of the units, the deed restrictions on those affected units would no longer be applicable. Nonetheless, with the PUD amendment conditions as approved, there cannot be apartments on this site without a workforce occupancy deed restriction. Master leases could still be issued to businesses or institutions for their employees as suggested in the application, so long as the occupants comply with the workforce deed restriction. The owners do not currently have any agreements or deals to rent to specific local businesses/institutions.

**Environmental Standards**

**Complies.** The site is not within the Natural Resources Overlay; Conditional Use Permits do require environmental analysis unless exempted. The use was exempted from requiring an Environmental Analysis through the review of MSC2021-0054, based upon LDR Section 8.2.2.B.1g.i *"The lot of record is outside the NRO and the application demonstrates compliance with all setback and buffer standards in Div. 5.1.and Div. 5.2."* The site is developed and the structure in question is existing. There is very little high-priority wildlife habitat on this site or in the project vicinity. While wildlife may utilize the area in general, this change of use will not result in any additional development that would negatively impact wildlife. In addition, all required natural resource and wildlife setbacks and buffers are met.

**Parking Standards**

**Complies as Conditioned.** PUD2021-0001 was approved with a condition which requires the parking for this Apartment building to be at minimum, 1 parking space per unit. In addition, based on the proposal for on-site property management at all times, 1 additional parking space will be required for that individual. Therefore, the applicant shall expand the existing parking lot to provide at least 58 parking spaces, to the specifications of LDR Division 6.2. Also proposed by the applicant is 5 additional guest parking spaces. At least 3 of the spaces shall be for ADA accessible parking (some are existing), as well as a designated location for parking at least 6 bicycles. The applicant is proposing additional bike parking as a component of their Parking and Transportation Demand Management Plan, which would be enforced as a condition of PUD2021-0001.

## STAKEHOLDER ANALYSIS

### *DEPARTMENTAL REVIEWS*

The application was sent to the following departments and agencies for review:

- Teton County Road & Levee, Dave Gustafson (no comments)
- Jackson/Teton County Fire/EMS, Kathy Clay (comments attached)
- Teton County Engineer, Amy Ramage (comments attached)
- Teton County Pathways Coordinator, Brian Schilling (comments attached)
- Jackson/Teton County House Department, Stacy Stoker (comments attached)
- Teton County Building Official, Billy Nunn (no comments)
- Teton County Sheriff, Matt Carr (no response)
- Wyoming Department of Transportation, Darin Kaufman (comments attached)
- Teton County Interim START Director, Bruce Abel (no response)

### *PUBLIC COMMENT*

Notice of this hearing was mailed to property owners within 800 feet of the site on December 10, 2021. A notice was also posted on the site on February 17, 2022. As of the publishing of this original report and during the public hearing process over 100 comments have been received, all of which are attached to this report. Comments are primarily focused on the potential traffic implications and maintaining the character of the existing neighborhood. Many comments also mention the Rafter J Subdivision CC&Rs, and the process required by the HOA, which, as detailed in Key Issue #4 in the PUD2021-0001 staff report, are not enforced by Teton County Planning.

## LEGAL REVIEW

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## PLANNING COMMISSION ANALYSIS

This item was first heard at the February 28th, 2022 Planning Commission meeting. After hearing a presentation from staff, from the applicant, and taking public comment the Commission choose to continue this item to their next meeting in order to spend more time in discussion. See the staff report for PUD2021-0001 for the details of that discussion. At their March 14th, 2022 meeting the Planning Commission voted 3-2 to recommend Approval of CUP2021-0005 with 7 conditions. Commissioners Lurie and Muromcew voted against the motion, Commissioner Muromcew specifically voiced his concerns about the details of actual operations and the relations between the property owners and the HOA. Through discussion with the applicant and with staff, some changes were made to the recommended conditions of approval. Specifically, the timing and phasing of kitchen updates was discussed. The applicant requested having one year during which tenants could move into the building and then full kitchen facilities could be installed. This approach is not supported from a livability standpoint, and therefore the idea of phasing remodels and occupation through the four wings of the building was recommended. In addition, some changes to the language and timing of the pathway and parking facility conditions were suggested. Staff supported all the changes to the recommended conditions of approval.

## RECOMMENDATIONS

### *PLANNING DIRECTOR RECOMMENDATION*

Planning Director recommends **APPROVAL** of **CUP2021-0005** dated October 5, 2021, for the proposed Apartment use, with the following conditions, based on the findings recommended below.

1. Prior to the issuance of this permit, the owner shall restrict the occupancy of all apartment units to members of the Teton County Workforce, in a deed restriction form that is acceptable to the Jackson/Teton County Affordable Housing Department.
2. 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 Transportation Demand Management plan. These reports may be elevated to the Board of County Commissioners if deemed the monitoring report warrants a public review.
3. Within one (1) year of permit issuance, the owner of Lot 333 shall improve the Teton County Pathway crossing at the entrance to Lot 333 in a manner that is acceptable to the Teton County Pathways Coordinator and the property owner (Rafter J Ranch Homeowners Association).
4. Prior to the issuance of this permit, the applicant shall request and pass the required Jackson Hole Fire Department inspections.
5. Prior to occupancy, the owner shall install the additional required vehicle and bike parking, for a total of 58 vehicle parking spaces and 6 bike parking spaces. Additional bike parking is also proposed by the Parking and Transportation Demand Management Plan.
6. Prior to occupancy, each unit shall, at minimum, include complete kitchen facilities as defined in LDR Division 9.5., and be inspected by Teton County staff.
7. No more than two (2) unrelated individuals shall occupy each Apartment Unit.

## *PLANNING COMMISSION RECOMMENDATION*

The Planning Commission recommends **APPROVAL** of **CUP2021-0005** dated October 5, 2021, for the proposed Apartments, with the following conditions, based on the findings recommended below.

1. Prior to the issuance of this permit, the owner shall restrict the occupancy of all apartment units to members of the Teton County Workforce, in a deed restriction form that is acceptable to the Jackson/Teton County Affordable Housing Department.
2. 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 transportation demand management plan. These reports may be elevated to the Board of County Commissioners if deemed the monitoring report warrants a public review.
3. **Within six (6) months of permit issuance, the owner of Lot 333 shall apply to the Rafter J HOA for approval of the pathway crossing improvements in a manner that is acceptable to the Teton County Pathways Coordinator. The owner of Lot 333 shall complete the pathway crossing improvements within one (1) year of Rafter J HOA approval.**
4. Prior to the issuance of this permit, the applicant shall request and pass the required Jackson Hole Fire Department inspections.
5. **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, for a total of 58 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. The applicant shall install the required bicycle parking within one (1) year of the Rafter J Development Review Committee approval.**
6. **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 be inspected by Teton County staff.
7. No more than two (2) unrelated individuals shall occupy each Apartment Unit.

## *PLANNING DIRECTOR RECOMMENDED FINDINGS*

Pursuant to Section 8.3.2 of the Land Development Regulations:

1. *Is compatible with the desired future character of the area;*

   **Can be made.** The proposed amendment continues to implement the desired future character by clustering this new residential use within an existing neighborhood without any additional impacts to open spaces. An important component of the Southern South Park Subarea is to include opportunities for workforce housing and preserve that which is existing. This proposal will increase the workforce housing stock in a location that would otherwise be reserved for commercial or other non-residential uses. See Relationship to Character District above for more details.

2. *Complies with the use specific standards of Div. 6.1.and the zone;*

   **Not Applicable.** This Conditional Use Permit is subject to the standards of the Rafter J Planned Unit Development. There are no use-specific standards in Division 6.1 for Apartment Uses, and all other applicable standards are addressed in the PUD rather than the underlying Rural-3 zone.

3. *Minimizes adverse visual impacts;*

   **Can be made.** The proposed use is not anticipated to have any additional visual impacts. There will be minimal physical development and no new structures proposed for this use. The existing structure is visually unobtrusive as seen from Highway 89 due to the topography.

4. *Minimizes adverse environmental impacts;*

**Can be made.** The proposed use is not anticipated to have any environmental impacts. There will be minimal additional physical impacts to the site, which is also outside of the Natural Resources Overlay. There are no wetland or waterbody resources in the project vicinity.

5. *Minimizes adverse impacts from nuisances;*

**Can be made.** The proposed use will minimize potential nuisance impacts. There should be no obtrusive odor or impacts to air quality. Refuse and recycling will all be contained on the site. The apartments will be managed by a professional property management company and an employee of the management company will be on-site at all times. Quiet hours will be enforced to ensure compliance with all noise levels.

6. *Minimizes adverse impacts on public facilities;*

**Can be made.** All the Transportation Demand Management strategies proposed by the applicant shall be implemented to minimize potential adverse impacts to transportation facilities. It is recommended that the crossing of the Teton County Pathway at the Legacy Lodge be improved in a manner that is acceptable to the Teton County Pathways Coordinator. However, that crossing is actually on a roadway lot owned by the Rafter J Homeowners Association and not Stage Stop, Inc. Therefore, the changes will also need to be amenable to the property owner.

The pathway upgrades are necessary to properly implement the Transportation Demand Management strategies proposed by the applicant for alternative modes of transportation. The Wyoming Department of Transportation and the Teton County Road & Levee Department raised no concerns upon their review of the application, except that WYDOT recommended a traffic impact study, which was subsequently provided by the applicant.

7. *Complies with all other relevant standards of these LDRs and all other County Resolutions; and*

**Can be made.** All relevant standards of these LDRs have been met by this proposal. No County Resolutions are applicable to this project except for the Fire Code Resolution as required by the Fire Marshal.

8. *Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

**Can be made.** The previously approved Assisted Living Facility use on the site has been discontinued. The proposal complies with the standards of the Rafter J Ranch Planned Unit Development (PUD), and the recently approved amendment to the Planned Unit Development (PUD2021-0001) and the conditions of approval.

## ATTACHMENTS

- Plan Review Committee Comments
- Supplemental Application Materials
- Public Comment
- Application: https://developmentrecords.tetoncountywy.gov/Portal/Planning/Status?planningId=20901

## SUGGESTED MOTION

I move to **APPROVE CUP2021-0005,** for the proposed Apartments, with the following recommended conditions, based on the recommended findings.

1. Prior to the issuance of the Certificate of Occupancy for the units within each building wing (4 wings in total), the owner shall restrict the occupancy of the apartment units to members of the Teton County Workforce, in a deed restriction form that is acceptable to the Jackson/Teton County Affordable Housing Department.
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. Each occupant lease and master lease shall be reviewed and approved by the Housing Department prior to applicant use.

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 in Teton County, WY.
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 at this time to mitigate impacts or respond to changing conditions.
5. The Transportation Demand Management plan shall include the owner/operator supplying all occupants of the apartment building with START Bus passes annually, at no cost to the occupant. Should individual occupants choose not to receive a pass, then the owner/operator shall make a contribution to START in an amount equal to the cost of the unused passes to support START service to Rafter J. Prior to the occupancy of any apartment units the applicant shall enter into an agreement with START to document the above requirement.
6. Within six (6) months of permit issuance, the owner of Lot 333 shall apply to the Rafter J HOA for approval of the pathway crossing improvements in a manner that is acceptable to the Teton County Pathways Coordinator. The owner of Lot 333 shall complete the pathway crossing improvements within one (1) year of Rafter J HOA approval.
7. Prior to the issuance of any Certificates of Occupancy, the applicant shall request and pass the required Jackson Hole Fire Department inspections.
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 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. The applicant shall install the required bicycle parking within one (1) year of the Rafter J Development Review Committee approval.
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.
10. Maximum occupancy of the apartment building shall be a total of 99 individuals.
11. The applicant shall provide an on-site 24-hour property manager whose responsibilities include parking enforcement. It is the responsibility of the landowner, and by proxy the property manager, to inform, monitor and enforce parking restrictions that prohibit any resident, visitor or employee of the site from parking on any Rafter J roads or rights-of-way or anywhere on site that is not in a designated paved and lined parking space.
12. This permit does not authorize use of the existing commercial kitchen by apartment occupants or for any commercial operation. The kitchen and common areas may however be utilized for activities that directly serve the tenants of the apartments as an incidental use limited to group meal service or private gatherings for residents. Only licensed caterers or food service providers may operate the kitchen.

## Attachment 1: Response to Comprehensive Plan District Policy Objectives.

***1.1.c. Design for wildlife permeability.***
**Complies.** The structure, which is outside of the Natural Resources Overlay, is already existing. No changes or increases to the existing physical development are proposed in any way that would affect wildlife permeability.

***1.2.a. Buffer waterbodies, wetlands, and riparian areas from development.***
**Complies.** There are no waterbodies, wetlands or riparian areas on the project site or in the project vicinity.

***1.3.b Maintain expansive hillside and foreground vistas.***
**No applicable.** The site is not part of a hillside or foreground vista. Due to the drastic change in topography between the lot and the adjacent highway, the development is barely visible from the public roadway. Height limitations already in place for new structures would prohibit development on this lot that would affect the scenic viewshed from the highway.

***1.4.b. Conserve agricultural lands and agriculture.***
**Not applicable.** The site does not contain any agricultural land or operations. The property is already developed.

***1.4.c. Encourage rural development to include quality open space.***
**Not applicable.** This proposal is for a change of use of an existing developed lot. The Rafter J subdivision already includes open spaces that protect quality resources such as Flat Creek.

***3.1.b. Direct development toward suitable Complete Neighborhood subareas.***
**Complies.** Within the South Park District, Rafter J is the closest it gets to a Complete Neighborhood. Rafter J has already been developed as higher density residential housing compared to other rural areas of Teton County. In addition, the physical development on this lot is already existing adjacent to other non-residential uses.

***3.1.c. Maintain rural character outside of Complete Neighborhoods.***
**Complies.** No rural character is being lost by this change of use. The lot and building are existing.

***5.3.b. Preserve existing workforce housing stock.***
**Complies.** The site previously contained housing primarily for retirees and those who required assisted living. This proposal is to retrofit this existing building to provide more workforce housing stock within a neighborhood designed for local workforce.

***7.2.d. Reduce wildlife and natural and scenic resource transportation impacts.***
**Complies.** There is no additional physical development proposed by this application that would impact natural or scenic resources. Transportation impacts are anticipated to be minimal and transportation mitigation strategies will be applied to the future use.

***7.3.d. Develop a land use pattern based on transportation connectivity.***
**Complies.** This development does not physically change the land use pattern, nor does it change any existing roadways. It is a desired future character of this subarea to increase connectivity and the applicant is proposing strategies that involve alternative transportation modes, including working with the START Bus Board to provide expanded bus or micro-transit services to this area.

# Plan Review Committee Comments

JACKSON/TETON COUNTY AFFORDABLE HOUSING

To: Chandler Windom
*Senior Planner*, Teton County Planning and Building

From: Kristi Malone
*Housing Supply Specialist*, Teton County Housing Department

Re: CUP2021-0005 & PUD2021-0001
Legacy Lodge Apartments

Date: February 28, 2022

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The applicant is requesting to convert an existing structure that previously served as an assisted living facility to rental apartments. The location is 3000 W Big Trail Drive and the applicant is requesting a Conditional Use Permit and an Amendment to the Rafter J PUD.

Previously, Stacy Stoker (Housing Manager) provided initial comments (attached) dated November 16, 2021 on the applications. At that time, the Housing Department noted that the proposed apartment units were referenced in the application as "workforce" but that, contrarily, no deed restriction was proposed. A Housing Mitigation Plan was requested to be submitted by the applicant for Housing Department review. Housing Department comments also listed the requirement that all restricted units comply with the Livability Standards in the Jackson/Teton County Housing Department Rules and Regulations and requested that the following occur prior to issuance of any applications:

1. The Livability Standards Questionnaire shall be completed and submitted to the Housing Department for review along with floor plans that include dimensions and a functional furniture placement diagram.
2. A letter from the Housing Department will be issued to the applicant stating whether the unit(s) are approved or whether there are required changes.
3. A Livability Standards Approval Letter is required to be submitted to the Planning Department along with submittal for Building Permit.

Comments also included actions required by the applicant prior to receiving Certificate of Occupancy on the remodeled building:

1. The applicant or applicant's agent(s) shall attend a Compliance Conference with the Housing Department.
2. The Housing Department shall inspect the unit.
3. A Restriction drafted by the Housing Department using the applicable approved Restriction Template will be recorded on the units/property. The applicant will be responsible for payment of recording fees.

On January 19, 2022, Housing Department Staff toured the Legacy Lodge site to make a preliminary evaluation of improvements necessary to meet the Livability Standards required in the Jackson/Teton County Housing Department Rules and Regulations. Via email (attached) to the applicant team on January 21, 2022, the Housing Department requested that a Livability Standards Questionnaire be completed by the applicant team for each unit type in the building. Housing Staff also reiterated that current policy is for housing deed restrictions to be recorded in perpetuity on the property using the template Restriction provided by the Housing Department. Staff requested that any proposal inconsistent with this policy be submitted in writing for review. In accordance with the Jackson/Teton County Housing Department Rules and Regulations, modifications to these Restrictions are only acceptable when an alternate housing program is approved by the County Commissioners.

Housing Staff received an email (attached) from the applicant team on February 16, 2022, that proposes a deviation from current policy by tying abbreviated workforce restrictions to conditions of approval on the Conditional Use Permit instead of recording the standard template Restriction with the County Clerk. After careful review, Housing Staff cannot support this approach and recommend that a permanent deed restriction be recorded based on the Workforce Rental Template (attached) most recently approved by the Board of County Commissioners. In good faith effort to work with the applicant to expediently bring quality workforce housing units to our community, issues are identified, and alternatives are suggested below for consideration by the applicant, Planning Staff, Planning Commission, and the Board of County Commissioners.

**Applicant-proposed condition #4**: While we appreciate the applicant's intention to prioritize provision of housing for government, medical, and education workers, offering rights of first rental to Teton County, the entity ultimately tasked with approving or denying this application, is problematic. To support the mission and ethics of the Housing Department, it is crucial that no real or perceived conflict of interest exists in this Department's support of a housing project, and we are concerned that this condition may be perceived as compromising. As an alternative, the Housing Department suggests that this condition not be considered or that Teton County be removed from the first rights of rental list. Deed restrictions for workforce units include qualifications for residents to ensure that they are working full-time for a local business, regardless of the business function.

**Applicant-proposed condition #5:** We agree with the applicant that, if these apartment units are intended to function as workforce housing, they should have occupancy and use restrictions. For consistent and enduring restrictions (and for the efficiency of administration), the County Attorney's Office and Housing staff have created standard deed restriction templates that are approved annually by the Board of County Commissioners for use by applicants either required or offering to provide affordable or workforce housing. In response to Plan Review Committee comments, the applicant team provided a Housing Mitigation Plan dated February 1, 2022. The proposed Housing Mitigation Plan uses a retrospective independent calculation for the previous residential use to surmise that the proposed apartment use "generates no housing mitigation requirements" and that a condition of approval on the use permit is sufficient to ensure workforce occupancy. The Housing Department respectfully disagrees with this assessment. The previous use of the Legacy Lodge site is classified as a Group Home. Per Teton County Land Development Regulations Sec 6.3.2.C, Group Homes are exempt from affordable workforce housing standards and a retrospective housing "credit" based on an independent calculation is not applicable. Fortunately, the proposed apartment use also qualifies for exemption from housing mitigation standards if subject to a deed restriction administered by the Housing Department. This department recommends that the applicant start with the template Restriction for workforce rental housing provided

by the Housing Department and identify any terms that they feel are in conflict with operations of their business. Specifically, the following should be addressed:

- In discussion, the applicant team expressed hesitancy that placing a deed restriction on the property may be a risk to future redevelopment of the site. Housing Staff is open to the addition of a termination clause in the deed restriction should the use of the site no longer support an apartment or condominium use.
- The applicant proposes eliminating minimum rental period requirements. Based on the direction from both Town Council and County Commissioners in 2018, the LDRs and Housing Rules and Regulations were revised to prioritize housing full-time year-round local workers. Minimum rental periods also support a lesser intensity of use that is more consistent with the character of the area described in the Jackson/Teton County Comprehensive Plan. Housing staff recommends that the standard six-month minimum rental period apply to the proposed apartments unless there is an interest by the Board of County Commissioners to prioritize housing seasonal workers at this site.
- The restriction excerpt proposed by the applicant as a condition of approval lacks many important terms of the standardized deed restriction template. Of note, it does not give the Housing Department the authority to administer compliance of the restriction which places burden on the Planning Department to monitor an "ongoing" condition of use in perpetuity.

**Livability Standards:** The Housing Rules & Regulations provide greater flexibility on Livability Standards for existing units. Previously we identified unit improvements that are likely to be required to meet Livability Standards for these restricted workforce units. We still request that the applicant team provide a completed Livability questionnaire for each unit type, so that the Housing Department can produce a formal letter of necessary improvements. The Housing Department also supports expansion of START service to the site and a minimum of 1 parking space per apartment unit to ensure that access to basic services like food and healthcare are feasible.

Thank you for the opportunity to review these additional application materials. Please contact me with any questions.

Attachments:

1. November 16, 2021 Housing Department comments
2. January 21, 2022 Housing Department comments
3. February 16, 2022 applicant email and attachment
4. Housing Department Template Deed Restriction – Workforce Rental Units

ATTACHMENT 1

JACKSON/TETON COUNTY AFFORDABLE HOUSING

To: Chandler Windom
*Senior Planner*, Teton County Planning and Building

From: Stacy Stoker
*Housing Manager*, Teton County Housing Department

Re: CUP2021-0005 & PUD2021-0001
Legacy Lodge

Date: November 16, 2021

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The applicant is requesting to convert an existing assisted living Institutional Use located at 3000 W Big Trail Drive in Rafter J to residential use and is requesting a Conditional Use Permit and an Amendment to the Rafter J PUD.

The applicant proposes converting the existing 57 units to "Workforce Housing" and also uses the term "Employee Housing" in the application. They have not provided a Housing Mitigation Plan so it is not clear what the Housing Requirement generated by this change of use may be. If the change of use generates a Housing Requirement to provide Units under LDR 6.3, the units would require an Affordable Deed Restriction specific to the Income Range of the required unit(s).

The applicant is proposing not to restrict any of the units but are calling the units "Workforce Housing". The applicant has asserted that this change of use is providing "Workforce Housing", which is a benefit to the community. The Housing Department agrees that these units can be a benefit to the community but will only be a guaranteed benefit to the community if they are restricted. Workforce Housing as defined in the Housing Department Rules and Regulations requires Deed Restrictions. This is the only method that ensures the units will be used for housing the Workforce *in perpetuity*.

The Housing Department requests that a Housing Mitigation Plan be submitted prior to approval in accordance with the LDRs and the Housing Department Rules and Regulations.

All restricted units are required to comply with the Livability Standards in the Jackson/Teton County Housing Department Rules and Regulations.

The following shall occur prior to issuance of any Permits.

1. The Livability Standards Questionnaire shall be completed and submitted to the Housing Department for review along with floor plans that include dimensions and a functional furniture placement diagram.

2. A letter from the Housing Department will be issued to the applicant stating whether the unit(s) are approved or whether there are required changes.

3. A Livability Standards Approval Letter is required to be submitted to the Planning Department along with submittal for Building Permit.

The following shall occur prior to issuance of Certificate of Occupancy:

1. The applicant or applicant's agent(s) shall attend a Compliance Conference with the Housing Department.

2. The Housing Department shall inspect the unit.

3. A restriction drafted by the Housing Department using the applicable approved Restriction Template will be recorded on the units/property. The applicant will be responsible for payment of recording fees.

Thank you for the opportunity to review this application. Please contact me with any questions.

# ATTACHMENT 2

**From:** Kristi M. Malone
**To:** Jill Arnold
**Cc:** April Norton; Stacy Stoker
**Subject:** RE: Legacy Lodge/Lot 333 Rafter J meeting tomorrow (1/19) at 3pm
**Date:** Friday, January 21, 2022 1:08:00 PM
**Attachments:** image001.png
Livability Standards Questionnaire Interactive.pdf
Deed Restriction Worksheet (5) Interactive.pdf

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Hi Jill,

Thanks again for the tour of Legacy Lodge on Wednesday. It was really helpful for our team to better understand the layout and condition of the units. To follow up, the best next step is for you to complete the attached Livability Standards Questionnaire for each unit type (studio, 1-bdrm, 2-bdrm) and return to us so we can evaluate which standards the units are meeting, what elements need to be improved, and which standards we can be flexible on since these are existing units. In addition to the questionnaire, do you have evidence that appliances for the units (refrigerators, microwaves, laundry) were purchased in the last five years? Same question for carpet—carpeting in the units needs to be 5 years old or less. The carpeting in the common areas that we saw appeared to be in good condition, but if there is any damage it needs to be replaced.

Based on our visit, the following improvements are likely required, at a minimum, to meet Livability Standards:

- **Paint:** All unit interiors need to be freshly painted. On common areas, like hallways and reception, the portions of the building we saw looked to be in good shape, but if there are walls that are marked/stained/damaged, you will need to repair and repaint. We will check this at final inspection for Livability Standards.
- **Exterior:** Needs to be freshly painted or stained w/in one year of dedication (excluding stone). Landscaping was difficult to see under the snow, but I recall landscaping already in place at that site so likely nothing new will be required but landscaping is expected to be maintained. Again, we can check this at final inspection.
- **Building Standards**: Must demonstrate that windows, heating, plumbing, electrical systems, fixtures and equipment are in good condition and working order. Also need to meet applicable UBC minimum standards + any applicable housing code. You will need to provide an inspection report from a qualified professional inspector to demonstrate compliance with this standard.
- **Permanent provision for cooking and eating:** Each unit needs a stovetop + oven. The units with the mini-fridges need full-size refrigerators.
- **Additional storage:** In addition to bedroom, linen and entryway storage, additional storage must be provided. The intent of this storage is to provide space for large or outdoor items such as bikes, strollers, recreational gear, etc.
- **I will refine and update this list once we get your completed Livability questionnaires.**

On the deed restriction, current policy is that restrictions are recorded in perpetuity on the property in the form established and approved by the Housing Dept. (i.e. the applicable template restriction). If you are proposing changes to this policy or template, please send us your proposal and draft restriction as soon as it is prepared so we can review and discuss. Alternatively, you can fill out the

attached Deed Restriction worksheet and I can prepare the template restriction for you to review.

For your reference, you can find Landlord and Developer resources on the Housing website for template leases, etc.

Thank you again for the site visit. We are very excited to help so please feel free to reach out with any questions. I also am happy to come by again before the final inspection if you have anything specific you want us to look at.

Kristi Malone
Housing Supply Specialist l Jackson/Teton County Affordable Housing Department
(o) 307-732-0867
www.jhaffordablehousing.org
Follow us on Facebook & Instagram
#housingjh #communityfirstresortsecond
"Stabilizing our community by providing healthy housing solutions."

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**From:** April Norton <aprilnorton@jacksonwy.gov>
**Sent:** Tuesday, January 18, 2022 11:04 AM
**To:** Jill Arnold <jill@fodorlaw.com>; Stacy Stoker <sstoker@tetoncountywy.gov>
**Cc:** Kristi M. Malone <kristi.malone@tetoncountywy.gov>
**Subject:** RE: Legacy Lodge/Lot 333 Rafter J meeting tomorrow (1/19) at 3pm

Hi Jill,

Thanks for reaching out and letting us know. I'm OK with you attending. I'll also be wearing a mask (unvaccinated child at home) and expect everyone to be wearing one given the current infection rates. Yikes!

See you tomorrow,
April

April Norton (she/her/hers)
Director l Jackson/Teton County Affordable Housing Department
(o) 307-732-0867 (m) 307-690-7442
www.jhaffordablehousing.org
Follow us on Facebook & Instagram
#housingjh #communityfirstresortsecond
"Stabilizing our community by providing healthy housing solutions."

**From:** Jill Arnold <jill@fodorlaw.com>
**Sent:** Tuesday, January 18, 2022 11:02 AM
**To:** Stacy Stoker <sstoker@tetoncountywy.gov>; April Norton <aprilnorton@jacksonwy.gov>
**Subject:** Legacy Lodge/Lot 333 Rafter J meeting tomorrow (1/19) at 3pm

Good morning, Stacy and April,

I hope you are both well. I spoke with Hal last week and it sounds like we have a meeting scheduled on site at Legacy Lodge/Lot 333 of Rafter J tomorrow afternoon at 3pm to discuss workforce housing on the property. I am working from home this week as we found out yesterday that my son, Jack, had a COVID exposure last Friday. No symptoms, but he will be tested tomorrow morning. Assuming the test is negative and he is still symptom-free, I'd like to attend the meeting tomorrow and will wear a mask and keep my distance. HOWEVER, if either of you is uncomfortable with that proposal, please let me know and I'll stay away.

Thanks, and I hope you both have a great day. Look forward to working with you on this project.

Best wishes,

Jill

Jill Arnold
Fodor Law Office, PC
307.733.2880

# ATTACHMENT 3

**From:** Jill Arnold
**To:** April Norton; Kristi M. Malone
**Cc:** Stacy Stoker; Chandler Windom; Hal Hutchinson
**Subject:** RE: Legacy Lodge/Lot 333 Rafter J meeting tomorrow (1/19) at 3pm
**Date:** Wednesday, February 16, 2022 5:45:51 PM
**Attachments:** image001.png
Legacy Lodge_PRC Comment Response_220201 SUBMITTED TO COUNTY 22-2-1.pdf
Zoning Conditions Legacy Lodge 22-2-16.docx

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[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi April, Stacy, and Kristi:

Thank you all for your patience here. The delay is entirely on me. I'm looping in Chandler and Hal to this conversation as Chandler is the County planner handling this application and Hal is the land use planner/applicant on the application.

Please find attached the owner's proposed conditions for the pending conditional use permit application (CUP2021-0005). The CUP is a companion application to the PUD Amendment (PUD2021-0001) request. As we discussed briefly a few weeks back, the zoning on this property is CL (Local Convenience) and it is part of the Rafter J PUD. With regard to permitted uses on the property, it is the 11th printing of the LDRs that control (see ZCV2021-00012). The PUD Amendment seeks to add "Apartments" as a conditional use to the CL zoning district and modify the parking requirements for the use/tie parking to the CUP. The CUP is for the actual apartment use since it is being proposed as a conditional use. We propose the attached conditions be tied to the conditional use permit, CUP2021-0005. I've also attached the most recent supplement to the pending applications, which includes a traffic study and responses to staff comments.

Looking at the proposed conditions, the first 3 conditions are straightforward, but if you have any questions or need any background on these, please let me know. The fourth condition is structured as a right of first lease on 14 units to 4 local institutions—Teton County, Town of Jackson, St. John's Health, and the Teton County School District #1 as we feel these 4 institutions have and will have a continuing need to house employees in the types of units being proposed. We recognize that no one housing solution can address all needs, but propose this project as one more tool in the proverbial toolbox used to address our housing crunch. The condition sets forth the process by which these 14 units would be offered to these institutions at and after initial lease. The purpose of this condition is to give these public or quasi-public institutions an opportunity to lease units in this project.

The fifth condition is the proposed workforce restriction. We modeled this restriction on the Workforce Rental template, with some modifications. The "big picture" difference is that the attached workforce restriction encompasses a broader segment of the workforce. For example, the attached restriction would allow occupancy by a traveling nurse who may have a contract with the hospital for 7-8 months and is leasing the unit as his/her primary residence while living in Teton County. I don't read the Workforce Rental template as accommodating this type of occupancy, but

see a need to do so in certain instances. We also added "non-profit" to the Local Business definition. I believe you all consider non-profits to be "businesses"—I just added it for the sake of clarity. The template has "Qualified Employees" in the Local Business definition as if it is a defined term but I could not find a definition in the template or Rules and Regulations so I just made this employees. If I'm missing something here, please let me know. We also modified required documentation to be collected by an owner in qualifying tenants for local income verification—made this an affidavit rather than a W-2 or other tax verification form. There's also no minimum lease term here like in the template.

We welcome your feedback, input, etc. on this proposed restriction. I'm also happy to schedule a call so that we can work through this together. The PUD/CUP is currently scheduled to go before Planning Commission on 2/28, with BCC to follow. My plan is to get the Planning Commissioners a copy of the conditions by next Wednesday (2/23) or Thursday (2/24) unless Chandler tells me we need to get them in sooner. I want to be sure the Planning Commissioners have time to review the conditions prior to the meeting. I expect the Planning Commissioners will have input, feedback, etc. on these conditions as well and we can continue to review as we move through the public hearing process.

Switching gears, I have an update for you all on improvements to the kitchens. It will probably be easiest to discuss by phone, but in short, the owners are willing to improve the kitchens in each unit with a range, venting/hood, and larger refrigerator. The units already have cabinetry/storage, a sink and microwave. This will likely require some electrical upgrades in each unit, and ordering 57 ranges, hoods, refrigerators, etc. is not only a significant financial investment but it will likely take time to get all of these appliances here and ready for installation. Therefore, we've had some thoughts about phasing (know you're not keen on phasing…but I think there's a way we can make it work) that we'd like to discuss. Please let me know when you are available for a call.

Thanks, and look forward to working with you all on this project.

Best wishes,

Jill

Jill Arnold
Fodor Law Office, PC
307.733.2880

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**From:** April Norton <aprilnorton@jacksonwy.gov>
**Sent:** Wednesday, February 16, 2022 8:50 AM
**To:** Jill Arnold <jill@fodorlaw.com>; Kristi M. Malone <kristi.malone@tetoncountywy.gov>
**Cc:** Stacy Stoker <sstoker@tetoncountywy.gov>
**Subject:** RE: Legacy Lodge/Lot 333 Rafter J meeting tomorrow (1/19) at 3pm

Hi Jill,

**DRAFT Conditions for CUP2021-0005**

**2/16/2022**

CUP2021-0005 is subject to the following conditions:

1. No more than 2 unrelated persons may reside in a unit. For the purposes of this condition, "unrelated persons" shall mean persons who are not related by blood, marriage, adoption or guardianship.

2. The owner shall work with START to locate a bike-sharing station on the Property.

3. If START services the Property and/or Rafter J, residents of the property who do not utilize vehicle parking on the property shall be provided discounted START transit passes.

4. Leasing to Teton County, the Town of Jackson, St. John's Medical Center and Teton County School District #1.

    A. At initial lease of the project, 14 units will be offered for lease to (1) Teton County, (2) Town of Jackson, (3) St. John's Medical Center and (4) Teton County School District #1 (the "Institutions"), in that order. The owner will send notice to Teton County with an offer to lease up to 14 units within the project. Teton County will have 7 calendar days from notice being sent to lease some or all of the units. If any of the 14 units remain unleased after 7 calendar days, the owner shall then send notice to the remainder of the Institutions in the order provided above and each of the Institutions shall have 7 calendar days from notice being sent in which to lease some or all of the units. If any of the 14 units remains unleased after the last Institution's rights have expired, the owner may lease any of the unleased 14 units to anyone of owner's choosing. For all notices, email shall suffice.

    B. The following process shall apply after initial lease of the project. When a unit becomes available, if fewer than 14 units within the project are then leased by the Institutions, the owner will offer the available unit in the following order to: (1) Teton County, (2) Town of Jackson, (3) St. John's Medical Center and (4) Teton County School District #1. If the unit remains unleased after following the process set forth in 4A, the owner may lease the unit to anyone of owner's choosing. When another unit becomes available, and assuming fewer than 14 units within the project are then leased by the Institutions, the owner will again offer the unit to the Institutions but rotate the order of who is offered the unit first such that the entity offered a unit(s) first in a previous offering will be fourth in line for the next offering (#1 goes to 4$^{th}$ priority, #2 goes to first priority, etc.).

5. Workforce Restriction.

    A. Use and occupancy of a unit is restricted to Qualified Households as defined herein. "Qualified Households" must meet the following criteria:

i. At least 1 member of the Qualified Household must maintain a minimum of 30 hours per week of employment (as an employee or contractor) by a Local Business during occupancy of the unit; or at least 1 member of the Qualified Household must maintain an average of 30 hours per week employment on an annual basis, or a minimum of 1,560 hours per year, for a local business.

1. A local business means (1) a business or non-profit physically located within Teton County, Wyoming, holding a business license with the Town of Jackson, Wyoming or one that can provide other verification of business status physically located in Teton County, Wyoming, and (2) the business or non-profit serves clients or customers who are physically located in Teton County, Wyoming, and (3) the employees/owners must work in Teton County, Wyoming to perform their job.

   Or

   A business or non-profit physically located in Teton County Wyoming who employs two or more employees, which employees must work in Teton County Wyoming to perform their job.

ii. The Qualified Household must earn at least seventy-five percent (75%) of the Household's income from employment (as an employee or contractor) with a local business (as defined above) during occupancy of the unit.

iii. No member of the Qualified Household may own or have any interest (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company, corporation, association, or the like) in whole or in part in any other residential real estate within one hundred and fifty (150) miles of Teton County, Wyoming at any time during occupancy of the unit.

B. Owner shall obtain written verification of income/earnings and real estate ownership by affidavit from the occupant, and employment in Teton County, Wyoming (affidavit from employer with hours worked and contact information shall suffice) for each Qualified Household proposing to rent the unit prior to such Household's occupancy, and upon each extension or renewal of any lease therefore.

C. Each unit shall be occupied as the Qualified Household's sole and exclusive primary residence during the term of the lease, and each occupant of a unit shall physically reside therein on a fulltime basis, at least eighty percent (80%) of the term of the lease.

D. The occupants of a unit shall satisfy the definition of a Qualified Household at all times during the occupancy of the unit.

E. Occupancy of a unit shall be pursuant to a written lease.

DRAFT

F. No persons other than those comprising the Qualified Household shall be permitted to occupy the unit for periods in excess of ten percent (10%) of the rental term in cumulative days per calendar year.

G. By Jan. 31 of each year, the owner will provide to the Housing Department a summary of the eligibility verification information contained above for each occupant of unit. Upon written request by the Housing Department for supporting documentation, Owner shall provide the same within fifteen (15) business days of receipt of such written request. Owner shall maintain records regarding occupants for a period of at least 2 years.

H. Owner shall maintain the units in a safe, decent and sanitary condition. Upon reasonable notice to owner, the Housing Department shall have the right to inspect the units to determine compliance with this restriction.

DRAFT

**Special Restrictions**

**for Workforce Rental Housing**

**Located at insert Town of Jackson or Teton County, Wyoming**

These Special Restrictions for Workforce Rental Housing, ("Special Restrictions"), are made this _____ day of _____, 20____(the "Effective Date"), by the undersigned Owner ("Owner") and insert the Town of Jackson or Teton County, Wyoming.

**RECITALS:**

**WHEREAS**, Owner holds fee ownership interest in that certain real property, located in insert the Town of Jackson or Teton County, Wyoming, and more specifically described as follows:

Click here to add legal description of property.

PIDN: _____("Land")

**WHEREAS**, as a condition of its approval for permit #Click here to enter Permit #. ("_____Approval"), Owner was required to provide and restrict as follows:

*Owner developed property addressed as_____, _____, Wyoming 830___ for a _____square foot retail/service/office/residential/etc. building. This development generated the obligation to provide Workforce Ownership Housing in accordance with _____ Approval. Owner is restricting:*

- *Unit _____, with _____ number of bedrooms.*
- *Unit _____, with _____ number of bedrooms.*
- *Unit _____, with _____ number of bedrooms.*

*(hereinafter each is a "Residential Unit" and in the aggregate "Residential Unit Complex").*

**WHEREAS,** the Jackson Town Council and Teton County Board of County Commissioners resolved to form the Jackson/Teton County Housing Authority, a duly constituted housing authority pursuant to W.S. §15-10-116, as amended, and its successors or assigns, known as the Jackson/Teton County Housing Authority ("JTCHA");

**WHEREAS**, the Jackson Town Council and Teton County Board of County Commissioners further resolved to create the Jackson/Teton County Affordable Housing Department ("Housing Department") who are employees of Teton County and agents acting on behalf of the JTCHA, empowered to enforce this Special Restriction;

**WHEREAS**, in furtherance of the goals, objectives, requirements and conditions of insert approval type (FDP, CUP, etc.) Approval, and consistent with the insert the Town of Jackson or Teton County's goal of providing decent, safe and sanitary housing to qualified employees working in Teton County, Wyoming, that is affordable, Owner agrees to restrict the use and occupancy of the Residential Unit to a "Qualified Household," which meets employment, income and asset rental qualifications as set forth herein and as further defined in the Jackson/Teton County Housing Department Rules and Regulations;



DRAFT

**WHEREAS**, Owner desires to adopt these Special Restrictions and declare that the Residential Unit and Land shall be held, sold, and conveyed in perpetuity subject to these Special Restrictions, which Special Restrictions shall be in addition to all other covenants, conditions or restrictions of record affecting the Residential Unit and Land, and shall be enforceable by Housing Department and insert the Town of Jackson or Teton County, Wyoming.

**RESTRICTIONS:**

**NOW THEREFORE**, in satisfaction of the conditions in the Insert FDP or other Approval, and in consideration of such Insert FDP or other Approval and further consideration of the foregoing Recitals, which are by this reference incorporated herein, Owner hereby declares, covenants and agrees for itself and each and every person acquiring ownership of the Residential Units, Residential Unit Complex and Land shall be owned, used, occupied, developed, transferred and conveyed subject to the following Special Restrictions in perpetuity.

**SECTION 1. JACKSON/TETON COUNTY HOUSING DEPARTMENT RULES AND REGULATIONS**. References made herein to the "Rules and Regulations" are references to the written policies, procedures and guidelines of the Housing Department, as the same may be amended, modified, or updated from time to time and which policies, procedures, and guidelines are on file with the Housing Department or otherwise with insert the Town of Jackson or Teton County, Wyoming, or if there are no such written policies, procedures or guidelines (or a written policy, procedure or guideline with respect to a specific matter) then the reference shall be to the current applied policy or policies of the Housing Department or its successor. Procedural and administrative matters not otherwise addressed in these Special Restrictions shall be as set forth in the Rules and Regulations.

**SECTION 2. RESTRICTIONS ON OCCUPATION AND USE OF RESIDENTIAL UNIT**. In addition to any restrictions included in the current Housing Rules and Regulations, occupancy and use of the Residential Unit shall be restricted as follows:

A. Qualified Household. The rental, use and occupancy of the Residential Units shall be limited to natural persons who meet the definition of a Qualified Household for Workforce Housing, as set forth below ("Qualified Household").

1. Employment Requirement. At least one (1) member of the Qualified Household must maintain an average of thirty (30) hours per week employment on an annual basis, or a minimum of one thousand five hundred and sixty hours (1,560) per year, for a local business.

A.) A local business means (1) a business physically located within Teton County, Wyoming, holding a business license with the Town of Jackson, Wyoming or one that can provide other verification of business status physically located in Teton County, Wyoming, and (2) the business serves clients or customers who are physically located in Teton County, Wyoming, and (3) the employees/owners must work in Teton County, Wyoming to perform their job.

Or

B.) A business physically located in Teton County Wyoming who employs two or more

Qualified Employees, which qualified employees must work in Teton County Wyoming to perform their job.

2. Income Requirement. The entire Qualified Household must earn at least seventy-five percent (75%) of the Household's income from a local business, as defined above.
3. No Teton County Residential Real Estate. No member of the Qualified Household may own or have any interest (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company, corporation, association, or the like) in whole or in part in any other residential real estate within one hundred and fifty (150) miles of Teton County, Wyoming at any time during occupancy of the Residential Unit.
4. Initial Determination by the Owner. Owner shall require each prospective renter of a Residential Unit to provide information sufficient to show eligibility as a Qualified Household under the Workforce Housing Program pursuant to the requirements of this restriction and the Housing Rules and Regulations. The determination shall be based upon written applications, representations, information and verifications, including *at a minimum*, a W-2 for each adult renter or other IRS filing showing source of earnings, a signed and sworn statement regarding ownership of other real estate and a list of current employer(s), hours worked as well as contact information for each employer(s) and other such information reasonably requested by the Housing Department to verify and substantiate as a Qualified Household.
5. Continuing Obligation to Remain a Qualified Household. The occupants of the Residential Unit shall satisfy the definition of a Qualified Household at all times during the occupancy of the Residential Unit.
6. Occupancy. Each Residential Unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each tenant of a Residential Unit shall physically reside therein on a fulltime basis, at least eighty percent (80%) of the term of the lease. Except for permitted guests, no persons other than the members of the Qualified Household may occupy the Residential Unit.
7. Reporting Requirement – Housing Department Determination. Owner shall, by January 31 of each year, provide to the Housing Department a summary of the eligibility verification information contained above for each occupant of a Residential Unit as set forth on the Housing Department Template that will be provided to Owner. Upon written request by the Housing Department for supporting documentation, Owner shall provide the same within fifteen (15) business days of receipt of such written request. Additionally, Owner shall, by January 31 of each year, provide the Housing Department with its most current lease form for Residential Units. Each Residential Unit Lease must state, and it is a material consideration of this restriction, that the Housing Department has the ultimate and final authority to determine eligibility of households renting Residential Units. If the Housing Department, upon review of supporting documentation determines that an occupant of a Residential Unit does not qualify as a Qualified Household, the Housing Department shall have the authority to require the Owner to terminate the lease between Owner and the occupant of a Residential Unit pursuant to Sections 4 & 5 below.

B. No Legal Action. No Owner of the Residential Unit, prospective purchaser of the Residential Unit, Tenant, renter or occupant, or other party shall have the right to sue or bring other legal process against insert the Town of Jackson or Teton County, Wyoming or the Housing Department, or any person affiliated with insert the Town of Jackson or Teton County, Wyoming or the Housing

Department arising out of these Special Restrictions, and neither shall insert the Town of Jackson or Teton County, Wyoming or the Housing Department have any liability to any person aggrieved by the decision of insert the Town of Jackson or Teton County, Wyoming or the Housing Department regarding qualification of a Qualified Household or any other matter relating to these Special Restrictions.

C. Household Composition. Only members of the Qualified Household may occupy a Residential Unit, except that Owner may restrict who may reside in a Residential Unit, provided that such owner-restriction does not violate Federal or state fair housing laws. Notwithstanding the foregoing, occupancy of the Residential Unit shall be in compliance with any and all building codes (or other relevant law, code, statute, ordinance or the like) regarding maximum occupancy standards or limitations.

D. Written Lease Requirement. Occupancy of the Residential Unit shall be pursuant to a written lease, the form of which may be approved by Housing Department as it may require. Owner of the Residential Unit shall obtain written verification of income, asset ownership, and employment in Teton County, Wyoming for each Qualified Household proposing to rent the Residential Unit prior to such Household's occupancy, and upon each extension or renewal of any lease therefore.

E. Rental Term. The Residential Unit shall be offered for rent in periods of not less than six (6) months.

F. Rental Rate: Owner shall set the rent. There is no cap on rent or rent appreciation.

G. Rental Unit: Except as provided herein, the Residential Unit shall remain a rental unit for Qualified Households.

H. Guests. No persons other than those comprising the Qualified Household shall be permitted to occupy the Residential Unit for periods in excess of ten percent (10%) of the Rental Term in cumulative days per calendar year

I. Vacancies. The Residential Unit may be vacant intermittently between tenancies to allow for proper advertisement and verification for Qualified Households and reasonable maintenance. However, a Residential Unit shall not be vacant for a period greater than sixty (60) days, unless authorized by the Housing Department. If any Residential Unit remains vacant for more than sixty (60) days without approval, the Housing Department has the right, but not the obligation, to identify a Qualified Household to rent the Residential Unit.

J. Business Activity. No business activities shall occur in a Residential Unit, other than a home occupation use that is allowed by applicable zoning and properly permitted.

K. Compliance with Laws, Declaration. The Residential Unit shall be occupied in full compliance with these Special Restrictions and the Rules and Regulations, along with all laws, statutes, codes, rules, or regulations, covenants, conditions and restrictions, and all supplements and amendments thereto, and any other rules and regulations of any applicable homeowner's association, as the same may be adopted from time to time.

L. Insurance. Owner shall keep the Residential Unit Complex continuously insured against physical



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loss for the full replacement value of the Residential Unit Complex.

M. Maintenance. Owner shall be responsible for the cost and expense to keep and maintain the interior of the Residential Unit and all other aspects of the Residential Unit not otherwise maintained by a homeowner's association in a safe, decent and sanitary condition. In the event Owner fails to maintain the Residential Unit in a safe, decent and sanitary condition and such condition continues for fourteen (14) days after notice from the Housing Department, the Housing Department shall have the right but not the obligation to enter the Residential Unit and repair such condition and Owner shall reimburse Housing Department for such reasonable repair costs. Payment to Housing Department from Owner shall be due upon receipt of invoice.

N. Periodic Reporting, Inspection. In order to confirm compliance with these Special Restrictions, each owner shall comply, and cause its tenants to comply, with any reporting or inspection requirements as set forth herein and as may be required by the Housing Department from time to time. Upon reasonable notice to owner, the Housing Department shall have the right to inspect the Residential Unit from time to time to determine compliance with these Special Restrictions and to review the written records required to be maintained by Owner. Owner shall maintain such records for a period of not less than two (2) years.

O. Preference. Owner may give first-priority to rent the Residential Unit to Qualified Households of which a member of the Household is an employee of Owner. In the event there are no persons directly employed by Owner to whom Owner desires to rent the Residential Unit, then Owner may rent to any Qualified Household.

**SECTION 3. SALE OF THE RESIDENTIAL UNIT COMPLEX.** The Residential Unit Complex may be bought and sold as Owner may determine except that all reporting and record-keeping required herein shall be continuous and any new owner shall obtain the required records from the prior owner. Any such conveyance of a Residential Unit Complex shall be subject to these Special Restrictions. Within ten (10) days prior to the closing of the sale or other transfer of the Complex, Owner shall notify the Housing Department of the pending sale or transfer and, prior to closing, provide the Housing Department with contact information (including without limitation, mailing address, phone number and email) for the new owner.

**SECTION 4. DEFAULT**. Subject to the notice and cure provisions, if any, of the Housing Department Rules and Regulations each of the following shall be considered a default ("Default"):

A. A violation of any term of these Special Restrictions, the Rules and Regulations, the Declaration, or any laws affecting a Residential Unit.

B. A violation of any term of these Special Restrictions or any laws affecting the Residential Unit.

C. Vacancy of a Residential Unit for more than sixty (60) days continuously.

D. Fraud or misrepresentation by Owner and/or occupant in the provision of an application, reporting requirement, inspection requirement or any other informational requirement to the Housing Department.

E. If the Residential Unit is taken by execution or by other process of law, or if Owner is judicially



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insolvent according to law, or if any assignment is made of the property of Owner for the benefit of creditors, or if a receiver, trustee or other similar officer is appointed to take charge of any substantial part of the Residential Unit, Residential Unit Complex or Owner's property by a court of competent jurisdiction.

In the event the Housing Department believes there to be a Default, the Housing Manager, or a Designee of the Housing Department, shall send written notice to Owner of such violation, the required action to cure and the timing for such cure. If Owner disputes the Housing Department's decision, Owner shall proceed in accordance with the Rules and Regulations.

**SECTION 5. DEFAULT REMEDIES**. Subject to the notice and cure provisions, if any, of the Housing Department Rules and Regulations in addition to any other remedies the Housing Department may have at law or equity, in the event of a Default, after notice and opportunity to cure as set forth in the preceding section, the Housing Department's remedies shall include, without limitation, as an exercise of its regulatory authority, the following:

A. Specific Performance. The Housing Department shall have the right of specific performance of these Special Restrictions and the Rules and Regulations, and the right to obtain from any court of competent jurisdiction a temporary restraining order, preliminary injunction and permanent injunction to obtain such performance.

B. Equitable Relief. In addition to subsection A, any equitable relief provided for herein may be sought singly or in combination with such other remedies as the Housing Department may be entitled to, either pursuant to these Special Restrictions or any other action authorized under the laws of the State of Wyoming.

C. Enforcement. The Housing Department may, for purposes of enforcing these Special Restrictions or the Rules and Regulations, seek enforcement through the Town or County Land Development Regulations, including but not limited to Division 8.9 Enforcement.

**SECTION 6. TERMINATION, AMENDMENT AND CORRECTION OF SPECIAL RESTRICTIONS**.

A. Termination. These Special Restrictions may be terminated after a determination by the insert the Town of Jackson or Teton County, Wyoming that these Special Restrictions are no longer consistent with the insert the Town of Jackson or Teton County, Wyoming goals for affordable housing.

B. Amendment. These Special Restrictions may be amended by a signed, written amendment executed by the Parties hereto and recorded in the Teton County Clerk's Office against the title to the land, in whole or in part, with the written consent of Owner of the Residential Unit Complex and insert the Town of Jackson or Teton County, Wyoming.

C. Correction. The Housing Department may unilaterally correct these Special Restrictions to address scrivener's errors, erroneous legal descriptions or typographical errors.

**SECTION 7. SPECIAL RESTRICTIONS AS COVENANT**. These Special Restrictions shall constitute covenants running with the Residential Units, as a burden thereon, and shall be binding on all parties having any



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right, title, or interest in the Residential Units, or any part thereof, their heirs, devisees, successors and assigns, and shall inure to the benefit of and shall be enforceable by the Housing Department and insert the Town of Jackson or Teton County, Wyoming. Where these Special Restrictions are silent, the Housing Rules and Regulations govern. These Special Restrictions shall be prior and superior to any mortgage or lien interest encumbering the Land and/or Residential Unit Complex.

**SECTION 8. NOTICES**. All notices required to be served upon the parties to this Special Restriction shall be transmitted by one of the following methods: hand delivery; prepaid overnight courier; or by postage paid certified mail, return receipt requested, at the address set forth below for said party; or at such other address as one party notifies the other in writing pursuant to this paragraph. Notice shall be effective when hand delivered, one (1) day after being deposited with an overnight courier or five (5) business days after being placed in the mail. Either party may change its address and/or owner and/or other contact information in the manner provided for giving notice.

**To Housing Department**
Jackson/Teton County Affordable Housing Department
P.O. Box 714
Jackson, WY 83001

**With a Copy to:**
insert the Town of Jackson or Teton County.
P.O. Box insert 1687 for Town or 3594 for County.
Jackson, WY 83001.

**To Owner**
Insert Name and Address of Owner

**SECTION 9. ATTORNEY'S FEES.** In the event any party shall be required to retain counsel and file suit for the purpose of enforcing the terms and conditions of these Special Restrictions, the prevailing party shall be entitled to recover, in addition to any other relief recovered, a reasonable sum as determined by the court for attorney's fees and costs of litigation.

**SECTION 10. CHOICE OF LAW, FORUM**. These Special Restrictions and each and every related document, are to be governed by and construed in accordance with the laws of the State of Wyoming. The parties agree that the appropriate court in Teton County, Wyoming and/or the Ninth Judicial District for the State of Wyoming shall have sole and exclusive jurisdiction over any dispute, claim, or controversy which may arise involving these Special Restrictions or its subject matter. Owner by accepting a deed for the Land hereby submits to the personal jurisdiction of any such court in any action or proceeding arising out of or relating to this Special Restrictions.

**SECTION 11. SEVERABILITY**. Each provision of these Special Restrictions and any other related document shall be interpreted in such a manner as to be valid under applicable law; but, if any provision, or any portion thereof, of any of the foregoing shall be invalid or prohibited under said applicable law, such provision shall be deemed modified to the extent necessary and possible to render it valid and enforceable, or if such modification is not possible, such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provision(s) of such document.

**SECTION 12. SECTION HEADINGS**. Paragraph or section headings within these Special Restrictions are



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inserted solely for convenience or reference, and are not intended to, and shall not govern, limit or aid in the construction of any terms or provisions contained herein.

**SECTION 13. WAIVER**. No claim of waiver, consent or acquiescence with respect to any provision of these Special Restrictions shall be valid against any party hereto except on the basis of a written instrument executed by the parties to these Special Restrictions. However, the party for whose benefit a condition is inserted herein shall have the unilateral right to waive such condition.

**SECTION 14. INDEMNIFICATION**. Owner shall indemnify, defend, and hold, the Housing Department and insert the Town of Jackson or Teton County, and its directors, officers, agents and employees harmless against any and all loss, liability, claim, or cost (including reasonable attorneys' fees and expenses) for damage or injury to persons or property from any cause whatsoever on or about the Residential Unit, or for an owner's breach of any provision of these Special Restrictions. Owner waives any and all such claims against the Housing Department and insert the Town of Jackson or Teton County.

**SECTION 15. SUCCESSORS AND ASSIGNS**. These Special Restrictions shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, heirs, devisees, administrators and assigns.

**SECTION 16. GOVERNMENTAL IMMUNITY.** Neither insert the Town of Jackson or Teton County, JTCHA, nor the Housing Department waive governmental immunity by executing these Special Restrictions and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. Ann. § 1-39-104(a) and any other applicable law.

**IN WITNESS WHEREOF**, the undersigned have executed this instrument as of the Effective Date.

**Owner:**
Insert Name of LLC or Company

_____
Insert Name of Signer and Title

STATE OF WYOMING )
) ss
COUNTY OF TETON )

On this _____day of _____, 20___, before me, the undersigned Notary Public, personally appeared Insert Name of Signerfor Insert name of Company, LLC, a Wyoming limited liability company, and known to me, or proven by satisfactory evidence, to be the Insert Title of Signerof the company that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the company, by authority of Statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that such person is authorized to execute said instrument on behalf of the limited liability company.



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[SEAL]

_____
Notary Public

DRAFT

**INSERT THE TOWN OF JACKSON OR TETON COUNTY:**

_____
Insert name of Mayor or Chair, insert Mayor or Chair

**ATTEST:**

_____
Insert name of Town or County Clerk, insert Town Clerk or County Clerk

STATE OF WYOMING )
) ss.
COUNTY OF TETON )

On the _____ day of _____, 20__, the foregoing instrument was acknowledged before me by insert name of Mayor or Chair as insert Mayor or Chair of insert the Town of Jackson or Teton County, Wyoming.

Witness my hand and official seal.

(Seal)

_____
Notary Public
My commission expires:

**JACKSON/TETON COUNTY AFFORDABLE HOUSING DEPARTMENT:**

_____
Insert name of Housing Manager, Housing Manager

STATE OF WYOMING )
) ss.
COUNTY OF TETON )

On the _____ day of _____ , 20__, the foregoing instrument was acknowledged before me by Click here to enter name of Housing Manager., as Housing Manager of the Jackson/Teton County Affordable Housing Department.

Witness my hand and official seal.

(Seal)

_____
Notary Public
My commission expires:



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# STAFF MEMO

November 12, 2021

**TO: Chandler Windom, AICP - Teton County Senior Planner**
Delivery via email: cwindom@tetoncountywy.gov

**FROM: Amy Ramage, PE - Teton County Engineer**

**RE: CUP2021-0005 & PUD2021-0001 Legacy Lodge - Rafter J**

Chandler,

Thank you for the opportunity to comment on the above referenced application for a conditional use permit (CUP) and PUD to accommodate proposed future housing development in the existing Legacy Lodge facility. I offer the following comments from my perspective within Public Works:

Parking
According to the application, this development will provide 57 units of employee housing and an associated management office. There are 36 existing parking spaces. Applying standard formulas of 2.5 spaces per unit would require 142 parking spaces. While I am an advocate for reducing standard parking formulas to reduce the infrastructure burden for affordable housing units and encourage less single occupant vehicle use, it seems that the number currently provided is substantially inadequate to meet the needs or residents and employees, even with methods encouraging residents to not have a car, such as bike lockers and robust transit service. This location is also somewhat remote from other supportive infrastructure like grocery stores and schools and further limits residents' ability to live car-free compared to locations that are within the Town of Jackson.

The concern with having a great deficit of parking is that the adjacent roadway, Big Trail Drive, will inevitably bear the burden of overflow parking, even if it is prohibited. The adjacent roadway is not designed to accommodate parking and puts the burden on the Rafter J ISD/HOA to enforce the issues that come with rogue parking and fix roadway shoulders that will become denuded and need signage. Perhaps there is a route to providing parking along the road if Rafter J ISD/HOA was a willing partner, however there are safety issues that would need to be addressed.

In addition, the lack of available parking spots can inadvertently "screen out" people who are critical workers who would greatly benefit from this housing opportunity simply because there is no place for them to park their vehicle that they need for work.

Transportation Demand Management (TDM) Plan
The new Legacy Lodge should have a well-defined TDM plan as part of their approval to put in place measures to reduce single occupant vehicle trips generated by this land use. The TDM plan should

identify multi-modal opportunities that could be supported by infrastructure such as proper bike storage and parking and e-bike charge stations. Programmatic solutions such as ride share, shuttles or rewards could also be considered. It is recognized that while limiting or pricing/leasing parking can be part of a TDM plan, it seems the amount available is well below the threshold that is reasonable to expect, especially in an area that is outside of the corporate limits of the Town and lacks nearby supportive services.

Refuse

As part of this conditional use permitting, trash and recycling facilities should be retrofitted to be bear-proof if they are not already.

Thank you for the opportunity to review this proposal.

## Chandler Windom

**From:** Billy Nunn
**Sent:** Friday, November 12, 2021 2:37 PM
**To:** Chandler Windom
**Subject:** RE: Request for PRC Legacy Lodge

No comments from me at this time.

*Billy Nunn*
Building Official
*Teton County WY*
*(307)732-8415*
bnunn@tetoncountywy.gov
salutem aedificationem

## Chandler Windom

**From:** Kathy Clay
**Sent:** Wednesday, October 27, 2021 4:27 PM
**To:** Chandler Windom
**Cc:** Butch Gosselin
**Subject:** RE: Request for PRC Legacy Lodge

Hi Chandler:

Legacy Lodge was not reviewed or inspected under our jurisdiction as it was owned by the State. For the building to reopen, the following must be met:

- All life safety systems shall be inspected
- Building fire alarm system must be monitored by an alarm company
- Fire inspection shall be conducted to ensure other life safety features are in place; emergency egress lighting, elevator operation, etc.
- Electrical Inspection shall be conducted as well.

We realize this structure is several years old and will be inspected to the year of the code it was built under, however, the rules of IFC Chapter 11 will apply and will be followed.

Kathy Clay
Battalion Chief Fire Marshal
Jackson Hole Fire/EMS
(desk) 307-732-8506
Facebook JHFireEMS
*www.jhfire-ems.org*

CLOSE BEFORE YOU DOZE
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"Getting Ahead of the Call"
3 CRR 7 COMMUNITY RISK REDUCTION
TETON COUNTY 100 WYOMING 1921 ★ 2021

JACKSON/TETON COUNTY AFFORDABLE HOUSING

To: Chandler Windom
*Senior Planner*, Teton County Planning and Building

From: Stacy Stoker
*Housing Manager*, Teton County Housing Department

Re: CUP2021-0005 & PUD2021-0001
Legacy Lodge

Date: November 16, 2021

---

The applicant is requesting to convert an existing assisted living Institutional Use located at 3000 W Big Trail Drive in Rafter J to residential use and is requesting a Conditional Use Permit and an Amendment to the Rafter J PUD.

The applicant proposes converting the existing 57 units to "Workforce Housing" and also uses the term "Employee Housing" in the application. They have not provided a Housing Mitigation Plan so it is not clear what the Housing Requirement generated by this change of use may be. If the change of use generates a Housing Requirement to provide Units under LDR 6.3, the units would require an Affordable Deed Restriction specific to the Income Range of the required unit(s).

The applicant is proposing not to restrict any of the units but are calling the units "Workforce Housing". The applicant has asserted that this change of use is providing "Workforce Housing", which is a benefit to the community. The Housing Department agrees that these units can be a benefit to the community but will only be a guaranteed benefit to the community if they are restricted. Workforce Housing as defined in the Housing Department Rules and Regulations requires Deed Restrictions. This is the only method that ensures the units will be used for housing the Workforce *in perpetuity*.

The Housing Department requests that a Housing Mitigation Plan be submitted prior to approval in accordance with the LDRs and the Housing Department Rules and Regulations.

All restricted units are required to comply with the Livability Standards in the Jackson/Teton County Housing Department Rules and Regulations.

The following shall occur prior to issuance of any Permits.

1. The Livability Standards Questionnaire shall be completed and submitted to the Housing Department for review along with floor plans that include dimensions and a functional furniture placement diagram.

2. A letter from the Housing Department will be issued to the applicant stating whether the unit(s) are approved or whether there are required changes.

3. A Livability Standards Approval Letter is required to be submitted to the Planning Department along with submittal for Building Permit.

The following shall occur prior to issuance of Certificate of Occupancy:

1. The applicant or applicant's agent(s) shall attend a Compliance Conference with the Housing Department.

2. The Housing Department shall inspect the unit.

3. A restriction drafted by the Housing Department using the applicable approved Restriction Template will be recorded on the units/property. The applicant will be responsible for payment of recording fees.

Thank you for the opportunity to review this application. Please contact me with any questions.

# PUBLIC WORKS - PATHWAYS

**Brian Schilling,** *Pathways Coordinator*
bschilling@tetoncountywy.gov
307.732.8573

November 20, 2020

**TO: Chandler Windom, Senior Planner / Teton County Planning Department**

**RE: CUP2021-0005 and PUD2021-0001 - Stage Stop/Legacy Lodge, Lot 333 Rafter J**

Dear Chandler:

Thank you for the opportunity to review the PUD and CUP submitted by Stage Stop, Inc. for residential housing at Legacy Lodge in Rafter J. The Teton County Pathways department submits the comments below as considerations for this application.

**Pathway crossing / Big Trails Dr. access driveway**

The pathway crossing at the Legacy Lodge access driveway from Big Trails Dr. has several existing issues that will need to be remedied to ensure safe conditions for pathway users and motorists given the expected significant increase in daily trips to and from the development.

The existing concrete apron has a drainage issue that causes water to pond within the limits of the pathway. This creates very hazardous conditions, especially during winter months when the pathway can be completely obstructed by ice and/or standing water and slush.

The design of the pathway crossing and access driveway does not reflect the current best practices for pathway crossings at minor side streets and access drives. The FHWA Guide for Small Town and Rural Multimodal Networks describes strategies for designing intersections of sidepaths and driveways that enhance safety by establishing clear right-of-way assignments, slowing speeds, and maintaining visibility for all users. (See the attached excerpt from the FHWA guide for details).

In order to remedy both the drainage and the safety issues, the driveway access will need to be reconfigured to provide an elevated crossing with appropriate striping and signage. The pathway may also need to be realigned slightly in order to provide sufficient offset from the adjacent roadway.

Pathways staff will be happy to provide design assistance and guidance for this.

**Transportation Demand Management**

The applicant should evaluate and implement transportation demand management strategies to reduce the total number of trips to and from the proposed development. The Teton County Comprehensive Plan and Integrated Transportation Plan both note transportation demand management programs as a

primary trip reduction tool for developments that potentially generate a large number of trips. Some ideas the applicant could explore:

- Transit service to Rafter J (staff suggests that the applicant consult with START on future plans for service to the South Park area)
- Providing secure and convenient bicycle parking/storage facilities for residents
- Carpooling or shuttles for residents and on-site staff
- E-bikes and e-bike charging stations for residents and staff
- Integration of transit and active modes (biking and walking) to facilitate use of transit

**Bicycle Parking**

Per the above discussion on TDM strategies, one of the easiest ways to encourage active modes and reduce vehicle trips is to provide convenient, secure bike parking for residents and visitors/staff. Pathways staff will be happy to assist with specific on-site design recommendations and layouts. The following comments are provided for general, preliminary guidance:

- Given the location and type of use of the proposed development, staff expects that there will be a high demand for bicycle parking.
- Staff supports crediting the bike parking toward the development's overall parking requirement.
- The bike parking should ideally be a mix of short-term (for visitors, frequent/regular use) and long-term (for employees, residents, infrequent use/storage). For this development, we anticipate the need for long-term parking will be significantly greater than for short-term.
    - Short-term parking (for visitors or guests parking for a few hours or less): the recommended style for short-term bike parking is one or more "single inverted-U" racks. **"Wave," "ribbon," and "toaster" style racks shall not be used.** The best location for a rack area is immediately adjacent to the entrance it serves. The rack area should be as close as or closer to the front entrance than the nearest car parking space, visible from the front entrance, hardscaped, and should not obstruct pedestrian flow. Short-term parking supply will be a factor of the number of staff and the expected number of visitors to the site, which may not be currently not known.
    - Long-term parking (for employees/residents parking for more than a few hours—i.e. all-day or overnight): the recommendations for long-term parking include providing a secure, conveniently-accessed, well-lit, covered area with racks or lockers that will protect bikes from rain, snow and other elements and deter bike theft. The area does not have to be immediately adjacent to the access door for the residence, but should be located in a secure or monitored location or in a locked enclosure. Clustered inverted-U bike racks, wall racks, and external bike lockers (i.e. not an indoor closet) are all appropriate options.
- At least one bike parking/storage space should be provided for each unit.
- U-rack bike parking should be constructed on a concrete pad. Grass or natural surfaces will quickly deteriorate into mud from foot traffic during wet seasons and will be difficult to keep clear of snow. Also, concrete provides a more secure mounting surface for the racks and will discourage theft.

- Staff supports including the bike parking towards the landscape surfacing requirement so that bike parking does not detract from the applicant's landscape requirements. Conversion of one or more car parking spots to bike parking would also be supported.
- Rack details and locations should be shown on site plans.
- Jackson Hole Community Pathways will be happy to provide additional background information and guidance on site selection, layout, rack specification, and rack installation.

Thank you again for the chance to provide comments on this application. I look forward to working with you and the applicant on addressing these items.

Brian Schilling, Pathways Coordinator

Cc: Amy Ramage, Teton County Engineer
Heather Overholser, Teton County Public Works Director

DECEMBER 2016

# Small Town *and* Rural Multimodal Networks

U.S. Department of Transportation
**Federal Highway Administration**

# Sidepath

## INTERSECTIONS

Operational and safety concerns exist where sidepaths cross driveways and intersections. Refer to section 5.2.2 of the AASHTO Bike Guide 2012 for an identification of potential design issues. Design crossings to promote awareness of conflict points, and facilitate proper yielding of motorists to bicyclists and pedestrians.

### DESIGN STRATEGIES

Collision risk increases as the speed and volume of the parallel roadway increase. The AASHTO Bike Guide 2012 lists a variety of design strategies for enhancing sidepath crossings including:

- Reduce the frequency of driveways.
- Design intersections to reduce driver speeds and heighten awareness of path users.
- Encourage low speeds on pathway approaches.
- Maintain visibility for all users.
- Provide clear assignment of right-of-way with signs and markings and elevation change.

### DESIGN DETAILS

**A** Maintain physical separation of the sidepath through the crossing. Sidepath separation distance may vary from 5 ft–24 ft (1.5–7.0 m). Refer to Table 4-2.

- Use small roadway corner radii to enforce slow turning speeds of 20 mi/h or less. On a high-speed roadway, a deceleration lane may be necessary to achieve desired slow turning speeds.

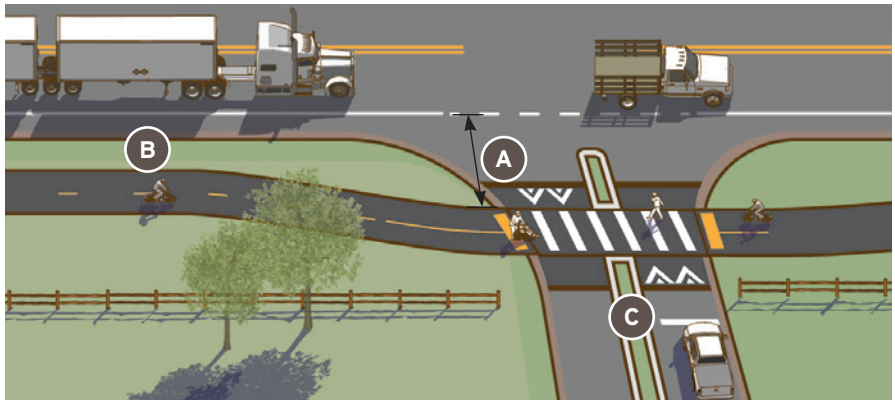


***Figure 4-11.*** *Separation distance should be selected in response to speed and traffic intensity. The pathway may need a shift in horizontal alignment in advance of the crossing to achieve desired separation distance. As speeds on the parallel roadway increase, so does the preference for wider separation distance.*

***Table 4-2.*** *Sidepath Separation Distance at Road Crossings*[vii]

| Adjacent Road Speed Limit (Mi/h) | Recommended Sidepath Separation Distance at Crossings |
|---|---|
| < 25 mi/h | 6.5 ft (2.0 m) |
| 35–45 mi/h | 6.5–16.5 ft (2.0–5.0 m) |
| ≥ 55 mi/h | 16.5–24 ft (5.0–7.0 m) |

**Separation distance may vary in response to available right of way, visibility constraints and the provision of a right turn deceleration lane.*

**B** The roadway and path approaches to an intersection should always provide enough stopping sight distance to obey the established traffic control, and execute a stop before entering the intersection (AASHTO Bike Guide 2012).

- Configure crossings with raised speed table or "dustpan" style driveway geometry to create vertical deflection of turning vehicles. This physically indicates priority of path travel over turning or crossing traffic and helps reduce the risk associated with bidirectional sidepath use.[v]

**C** Where possible, include raised median island on the cross street to provide additional safety and speed management benefits.

- Use crosswalk markings to indicate the through crossing along the pathway. Continental crosswalk markings are preferred for increased visibility. At low-volume residential driveways, crosswalk markings may be omitted.[vi]
- Use stop or yield line markings in advance of the crossing to discourage encroachment into the crosswalk area.

# Sidepath

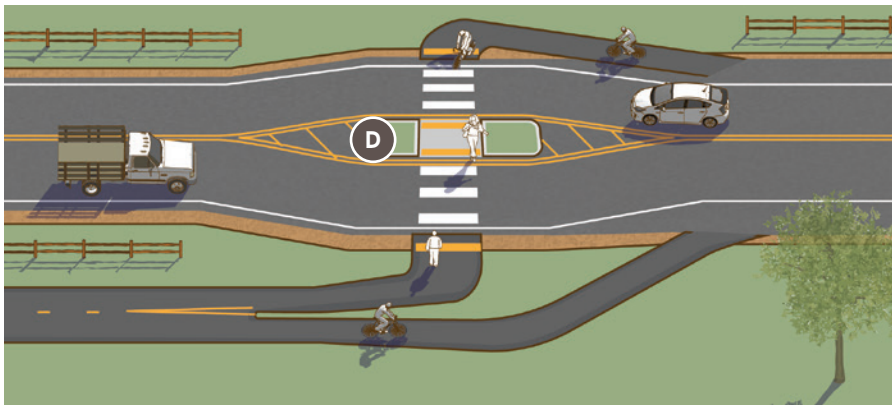


***Figure 4-12.*** *Transition from a sidepath on one side to shoulders on each side of the road.*

### Minor Street Crossings

Give sidepaths the same priority as the parallel roadway at all crossings. Attempts to require path users to yield or stop at each cross-street or driveway promote noncompliance and confusion, and are not effective. Geometric design in these cases should promote a high degree of yielding to path users through geometric design.

- Landscaping, barriers, or other visual obstructions should be low to provide unobstructed sight of the crossing from the major street. Both motorists and path users should have a clear and unobstructed view of each other at intersections and driveways.
- Consider using a R10-15 RIGHT TURN YIELD TO PEDESTRIANS at street crossings with right turn interactions.

### Connections with On-Street Bikeways

Where a sidepath terminates, it may be necessary for path users to transition to a facility on the opposite side of the road.

D Designs should consider the desire for natural directional flows, and the potential for conflicts with adjacent traffic. Use median islands and horizontal deflection of the roadway travel lanes to slow motor vehicle traffic and offer improved crossing conditions for path users.

## ACCESSIBILITY

A sidepath is intended for use by pedestrians and must meet accessibility guidelines for walkways and curb transitions. Sidepaths are required to be accessible by all users, including those with mobility devices and visually-impaired pedestrians.

## IMPLEMENTATION

Where sufficient roadway width or right of way is available, designers should consider the simultaneous provision of both sidepaths and bicycle accessible shoulders to serve a diverse range of user types.

## Chandler Windom

**From:** Darin Kaufman <darin.kaufman@wyo.gov>
**Sent:** Wednesday, January 5, 2022 1:17 PM
**To:** Chandler Windom
**Subject:** Re: FW: Request for PRC Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Chandler,
This is a follow-up to the voicemail I left you the other day, hopefully it is not too late..

Thank you for the opportunity to comment.
Since this project is beyond WYDOT's permitting authority, normally I do not provide comments, however please consider the following:

- WYDOT has no objections for both the Amendment to the PUD and CUP.

Teton County should request additional information:

- The Planning Department should ask for supportive documentation thru a traffic impact study and/or transportation operational analysis, performed and provided by the applicant, to substantiate the statements that the proposed change in use does not adversely impact the surrounding public transportation system, including and not limited to the carrying capacity of the subdivision road and the intersection of US 89 & Big Trail Dr. It is suggested that the traffic study be performed for the proposed change in use; comparing past pre-existing, existing, and proposed future cumulative conditions of Rafter J and Legacy Lodge (Stage Stop).

If you have any questions or concerns, please let me know.

Thank you.
Darin Kaufman, P.E., PTOE
WYDOT District 3 Traffic Engineer
3200 Elk Street
Rock Springs, WY 82902
Office: 307.352.3034
Cell: 307.389.0235

On Tue, Nov 16, 2021 at 8:10 AM Chandler Windom <cwindom@tetoncountywy.gov> wrote:

> Hi all,
>
> This is a reminder that Teton County Planning is soliciting comments on the applications submitted for the Legacy Lodge in Rafter J. If you wish to provide any feedback please do so before the end of this week so that the applicant may have the opportunity to respond. The application is attached again, but please don't hesitate to reach out if you require any additional information.
>
> Thank you,
> Chandler



Chandler Windom, AICP

# Applicant's Response to Plan Review Committee Comments/Supplemental Information

FODOR LAW OFFICE, PC

September 29, 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—Update; CUP2021-0005

Dear Commissioners:

This letter is being submitted in advance of the October 4 Board of County Commissioners meeting to update you on the progress made over the last few months on the above-referenced application, and reiterate the owner's continued commitment to providing deed-restricted workforce housing on the Property.

The owner has worked diligently to further refine its application and better understand the concerns of the Rafter J neighborhood. The owner met with representatives from the Rafter J HOA board and was able to garner helpful feedback on neighborhood concerns, potential solutions and additional mitigation measures. We look forward to discussing these items at the October 4 meeting.

1. **Cap on Number of Residents**

The owner previously volunteered a cap of 132 individuals occupying the units. This is the number approved with PUD2021-0001. To further address the neighborhood's concerns about the number of people living on site and traffic generation, the applicant is amenable to a cap of **99** individuals occupying 55 units on the Property.

There has also been some discussion about possibly combining units to create fewer, yet larger, units. The applicant is not amenable to combining units or changing the layout of the units; doing so does not necessarily reduce occupancy and increases costs and time unnecessarily. The units housed people for over 15 years—we are not aware of anyone complaining of the size of the units when they housed assisted living residents. The space of each unit is adequate and the layout is functional. The applicant has already agreed to update the kitchen facilities of each unit as recommended by the Planning Commission (one wing at a time). The units are livable and, even without the agreed-upon kitchen upgrades, are far superior to the housing units many in our workforce currently utilize.

STEFAN J. FODOR • STEFAN@FODORLAW.COM
PO BOX 551 • JACKSON, WY 83001 • 307.733.2880 (T)

2. **Parking and Screening**

The owner will need to construct additional parking to meet the PUD's requirement of 1 parking space per apartment unit, and the similar condition recommended by staff and the Planning Commission on the CUP. The owner will also be seeking to add 5 guest spaces to alleviate concerns about parking and to facilitate the use and enjoyment of the residents on the property. Additionally, the porte cochere will be utilized for deliveries and unloading. The owner is committed to ensuring that any additional parking on the Property does not negatively impact adjacent and nearby properties and is therefore amenable to adding additional vegetative screening to its southern boundary line to further screen its parking area from residents at 3165, 3155, 3150 and 3160 S. Pitch Fork Drive. If acceptable, the owner would be happy to meet with these neighbors to discuss the specific location and type of vegetation—we imagine the ideal vegetation would be some type of native evergreen to provide year-round screening. If the owner is to expand parking, it intends to do so at the northern portion of the existing property near the bike path, which would limit impacts on adjacent residences.

3. **START potential service**

As noted throughout the application process, the applicant is excited about the possibility of START servicing the Property and greater Rafter J neighborhood. The applicant is interested in discussing potential options for service with START and the HOA.

4. **Critical Service Providers**

The owner welcomes the opportunity to grant rights of first option to lease within this project to critical service providers and nonprofits. With regard to critical service providers, there may be instances where a critical service provider does not meet the current definition of a "Qualified Household" under the Housing Department's Rules and Regulations, or certain other standards in the current workforce template. The current condition proposed by staff (Condition #1 on the CUP) requires the deed restriction to be in a form acceptable to the Housing Department. We are confident that, if directed by you, we could work with the Housing Department on an additional deed restriction that may better accommodate critical service providers, at least for a certain percentage of the units. We understand this restriction will then have to come back to you for review and approval prior to recordation. While it is understood that your policy guidance favors long term deed restrictions for those critical service providers not owning homes in surrounding communities, we would like to suggest that if a deviation from your policy guidance is acceptable for critical service providers, that it be for a 5 year period and then automatically terminate; deferring back to the "standard" deed restriction approved for this project (we have provided a proposed draft to County staff for review). This would allow the County to evaluate the effectiveness of the critical service provider deed restriction. If it does not meet the County's objectives, the critical service provider restriction would end on its own terms and the project would remain governed by the standard workforce deed restriction. If the County's objectives are being met, the County could unilaterally renew the critical service provider restriction. We are trying to offer flexibility and a trial period as the County's needs and the effectiveness of a critical service provider deed restriction may evolve over time.

5. **Workforce Deed Restriction**

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The applicant has previously agreed to work force deed-restricted units so long as the deed restriction is tied to the use and automatically terminates once the use/CUP is terminated. The applicant has drafted a proposed deed restriction, utilizing the County's current template, and provided this to the County back in April. We are optimistic we will be able to come to terms on the proposed workforce deed restriction form. To be clear, the applicant is not willing to agree to an affordable deed restriction on these units---the applicant has never suggested or proposed an affordable deed restriction here. The applicant is ***voluntarily*** deed restricting ***100%*** of the units in this project for local workforce---but is not amenable to income or rental caps as specified in the affordable deed restriction templates. It is important to remember that this is not an offset for additional development, but utilization of an existing building and a voluntary workforce deed restriction.

**6. <u>Meeting with WYDOT</u>**

The owner is amenable to a meeting with WYDOT, the Rafter J neighborhood and the County to discuss the intersection at Highway 89 and Big Trail Drive.

**7. <u>Shuttle Service</u>**

We understand at least one of the Commissioners has voiced a desire to see shuttle service provided to on-site residents until such time as public transportation serves Rafter J---a sort of "gap" measure. Given that the project will be fully parked at a 1 space per unit ration, along with the above referenced plan to build 5 additional guest spaces, the owner does not feel an additional shuttle service is necessary. The owner is interested in working with START to include an e bike kiosk at the property to facilitate transport for those residents who do not have a car or do not already have ebikes.

**8. <u>CCRs</u>**

There has been much discussion since this application was first submitted about how the owner would handle the CCRs. The owner has discussed the CCRs with representatives from the HOA Board of Directors and understands the HOA's position on this matter. We believe the HOA also understands the owner's position on the CCRs, as this was discussed at the meeting with HOA Board during an August meeting. The applicant is willing to commence the CCR amendment process **<u>if the CUP is approved</u>**. Any application to amend the CCRs would occur only if the CUP is approved.

**9. Requested Minor Revision to Condition Recommended by Planning Commission**

The owner does have one proposed modification to Condition #1 recommended by staff and the Planning Commission. Condition #1 recommended by staff and the Planning Commission currently states:

> Prior to issuance of this permit, the owner shall restrict the occupancy of all apartment units to members of the Teton County Workforce, in a deed restriction form that is acceptable to the Jackson/Teton County Affordable Housing Department.

We are asking that this condition be revised to state:

Prior to occupancy ~~issuance of this permit~~, the owner shall restrict the occupancy of the occupied ~~all apartment~~ units to members of the Teton County Workforce, in a deed restriction form that is acceptable to the Jackson/Teton County Affordable Housing Department.

In short, the owner is proposing that the deed restriction be recorded prior to *occupancy* rather than prior to issuance of the CUP. This is because renovation required to install kitchens in each unit as requested by the County and leasing may occur in phases—one wing at a time. The Owner does not want to deed restrict the units until all necessary upgrades have been completed. By way of example, if the deed restriction is recorded at the CUP and each and every unit is not filled with a qualified household within 60 days, the Owner would be in default of its obligations under the deed restriction – even if the unit is still under construction during such 60 day time period.

Thank you for your continued efforts on this important application. We appreciate that this has been a long process and has elicited strong responses within the community both for and against the application. We hope you can see the efforts made by the owner to find common ground with the neighborhood and work through most of the concerns and issues raised to date. We look forward to seeing you on October 4.

Regards,

Fodor Law Office, PC
Stefan J. Fodor

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

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**FODOR LAW OFFICE, PC**

*Stefan J. Fodor*

P.O. Box 551 / Jackson, WY 83001

307.733.2880 (t) / 307.733.2890 (f)

stefan@fodorlaw.com

April 28, 2022

***Sent via Email Only***

Teton County Board of County Commissioners
***Email:*** nmacker@tetoncountywy.gov; gepstein@tetoncountywy.gov; mnewcomb@tetoncountywy.gov; mbarron@tetoncountywy.gov; lpropst@tetoncountywy.gov

Re: Legacy Lodge—History of CL Zoning on the Property; PUD2021-0001 & CUP2021-0005

Dear Commissioners:

This letter is being submitted in response to comments made at the April 12 Board of County Commissioners meeting regarding the zoning for the Legacy Lodge Property for the above-referenced applications. At this meeting, questions were raised regarding the zoning of the Property and applicable standards. From our review of historical planning applications for the Property, it is clear the County has, for at least the past 27 years, consistently viewed the Property to be part of the Rafter J PUD and subject to the uses and standards of the **Local Convenience Commercial (CL)** zoning district as defined by the first printing and subsequent printings of the 1978 LDRs.

**PAP1995-0028: Pre-Application Conference for Commercial Subdivision**

This was a pre-application conference for a proposed commercial subdivision. Teton County staff noted that the zoning of the Property is **Local Convenience Commercial (CL)**. The excerpt below is from the pre-application conference checklist.

**Issues noted and discussed:** PUD approval allows Local Convenience Commercial

Discussed on phone w/ Jim Verdonne

**SKC1998-0056: Sketch Plan for Assisted Living Center**

This was the sketch plan approved for the prior assisted living facility. The staff report prepared for the Board of County Commissioners meeting notes that "Lot 333 is zoned for **local convenience commercial** development, which includes the proposed conditional use." The below excerpt is from the staff report to the Board of County Commissioners held on March 2, 1999. The question at hand in this review was

not whether the proposed use was subject to the CL zoning district standards, that was an established conclusion, but whether the scale of the proposed development was consistent with the scale and character of Rafter J.

> Discussion
> Lot 333 is zoned for local convenience commercial development, which includes the proposed conditional use. The question is whether this proposal is sensitive to the scale and character of Rafter J The revised site plan has downsized the facility by about one-half. The reduced square footage on the lot is more appropriate to the scale of the neighborhood, according to the Rafter J Board.

**CUP98-0008; DEV00-002: Conditional Use Permit and Development Plan for the Assisted Living Facility**

This was the prior approval for the Legacy Lodge assisted living facility and the current building. The County noted the Property is zoned **Local Convenience Commercial (CL)** and classified the proposed assisted living facility as a type of institutional residential use permitted as a conditional use under the 1978 LDRs. The following is an excerpt from the staff report to the Board of County Commissioners, dated March 21, 2000.

> Discussion
> Lot 333 was originally zoned for local convenience commercial development, which included this type of institutional residential use as a conditional use. The question is whether this proposal is sensitive to the scale and character of Rafter J. The applicant revised the original site plan and downsized the facility by about one-half. The PUD used setbacks, building height, and impervious surface as the primary factors for determining how much square footage could be built on the lot. Those limits would allow more than twice as much square footage (over 100,000 square feet) than the present proposal. Given the massive amount of floor area that is theoretically possible, the ALC's downsized building plan is more appropriate to the scale of the neighborhood.

**ZCV2006-0006: Zoning Compliance Verification**

This was a 2006 zoning compliance verification response to certain questions about the Property. Below is an excerpt from the ZCV, which notes the Property is subject to the uses and standards of the **Local Convenience Commercial (CL)** District of the 1978 LDRs.

> The subject property is currently zoned as Neighborhood Conservation – Planned Unit Development (NC-PUD) with no zoning overlays. Because this PUD was approved in 1977 it is subject to the uses and standards of the Local Convenience Commercial (CL) District of the 1978 LDRs. Attached please find a copy of how the development permit application was determined to meet these standards.

**ZCV2009-0006: Zoning Compliance Verification**

This was a 2009 zoning compliance verification response to certain questions about the Property. Below is an excerpt from the ZCV, which again notes the Property is subject to the uses and standards of the **Local Convenience Commercial (CL)** District of the 1978 LDRs.

> The subject property is currently zoned as Neighborhood Conservation – Planned Unit Development (NC-PUD) with no zoning overlays. Because this PUD (Rafter J) was approved in 1977 it is subject to the uses and standards of the Local Convenience Commercial (CL) District of the 1978 LDRs. Attached please find a copy of how the development permit application was determined to meet these standards. This worksheet addresses such things as parking, setbacks, dimensional limitations, development standards, utilities, etc.

**ZCV2021-0012: Zoning Compliance Verification**

This ZCV, issued just last year and provided to the applicant, again confirmed the Property is subject to the uses and standards of the **Local Convenience Commercial (CL)** District according to the 11th Printing of the LDRs, as this last printing of the 1978 LDRs is the most comprehensive list of permitted and conditional uses and appears to have been used by the County in prior zoning approvals.

> This property is subject to the Rafter J Planned Unit Development (PUD) approved in 1977 and PUD-Rural 3 zoning. According to Plat No. 330, this specific Lot 333 is reserved for the "Ranch Head Quarters & Local Commercial." The notes on the plat are considered equivalent to a master plan for the Rafter J PUD. Therefore, this property is subject to the uses and standards of the Local Convenience Commercial (CL) District of the 1978 Land Development Regulations.

**Conclusion regarding CL Zoning**

For *at least* the last 27 years, the County has deemed the Property to be zoned **Local Convenience Commercial (CL)** under the Rafter J PUD, and has consistently looked to the CL uses and standards to determine permitted and conditional uses and development standards for the Property thereby applying the CL standards as the governing land use standards for Rafter J PUD Lot 333.

**Plat Amendment or Vacation Not Necessary**

There was also discussion at the April 12 meeting about whether the pending PUD Amendment request is the appropriate application, or "vehicle", for adding the proposed workforce apartment use to the Property. We agree with staff that the PUD Amendment is the appropriate application for the request, and that an amendment or partial vacation of the Rafter J plat, Plat 330 ("Plat"), is unnecessary.

As noted above, the Property is subject to the uses and standards of the **Local Convenience Commercial (CL)** district as set forth in 11th Printing of the 1978 LDRs. The Plat currently reflects this zoning designation. The pending PUD Amendment is a request to add "Apartments" as a *conditionally* permitted use (as opposed to an *outright* use) on the Property. We are NOT seeking to change the CL zoning of the Property. Because the Property will remain Local Convenience Commercial if the PUD Amendment is approved, as noted on the Plat, the Plat does not need to be, and should not be, amended or vacated with this application.

**Certificate of Developer, recorded Bk. 63, p. 101**

We reviewed the Certificate of Developer/Master Plan ("Master Plan") document recorded at Bk. 63, p. 101 on October 17, 1977. This appears to be a high-level document outlining the benefits to the County of "upzoning" this area for primarily residential uses and preserved open space, documenting the improvements that would be required on the land subject to the Certificate of Developer if subdivided, and the impact this proposal may have on the community *at that time*. There is little to no discussion about non-single-family residential development in this document, or any details regarding specific permitted uses, conditional uses, setbacks, impervious coverage limitations and the like.

First, while the Property appears to be within the boundary of the Master Plan area, it is not designated under this Master Plan or on the attached map for any specific use. The closest (in terms of proximity) designation is Community Commercial (PU7), but this planning unit is 6 acres and is shown on the map to be on the west side of Big Trail Drive where the Lot 332/Tract 2A and Tract 2B are located. The Property at issue sits on the east side of Big Trail Drive, and alone is approximately 5.4 acres. We have seen no documents in the planning records designating the Property as "Community Commercial", nor does this appear to have been a zoning designation in the 1st Printing of the 1978 LDRs, which was adopted mere weeks after this Master Plan was recorded.

Second, the only "Local Commercial" designation (PU8) in the Master Plan document is shown to the east of Highway 89 in the Adams Canyon area. However, even though Local Commercial/PU8 is shown on the map, the Certificate of Developer, Section 4 states that the PU8/Local Commercial area was not approved with the rest of the plan and the County could withhold approval of Local Commercial. Local commercial was later approved for the Property with the approval and recordation of the Plat.

Chronology and context is important. This Master Plan was recorded in **October of 1977**. During this time, Teton County was in the process of preparing and adopting the 1978 LDRs, and presumably drafts of the LDRs were being circulated and discussed at public meetings at that time. Many of the components of this recorded Master Plan document, including the preservation of open space and density bonuses for said preservation calculated in the document, appear consistent with the Planned Unit Development standards adopted in the 1978 LDRs. The 1st Printing of the 1978 LDRs (included in the Teton County Comprehensive Plan and Implementation Program) was adopted on **December 6, 1977**. This 1st Printing of the 1978 LDRs included the Local Convenience Commercial (CL) zoning district. On **January 1, 1978**, the Plat was recorded designating the Property "Local Commercial".

Based on this chronology, the absence of specific standards under the Master Plan, and 27 years' worth of precedent on this Property, <u>CL zoning is the underlying zoning</u>, as noted on the Plat. The Master Plan is irrelevant to this Property and the pending applications, and has not been utilized by the County to review or analyze any prior applications for this Property.

Lastly, there has been discussion about the adequacy of water and sewer for the proposed use. Our team has analyzed water and sewer availability, found the same to be sufficient for the proposed use, and has provided this analysis and supporting documentation to the Rafter J ISD and Rafter J Homeowners Association Board.

Thank you for your time and continued efforts on this application. We understand this proposal has generated significant public input and interest, and elicited strong opinions and responses both for and against the proposal. The owners are committed to providing workforce housing (with a workforce deed restriction) in this existing building if given the opportunity as they see housing our local workforce as one of the most critical needs in this community.

We look forward to continuing this important conversation at your May 3 meeting.

Regards,

Fodor Law Office, PC
Stefan J. Fodor

Encl.

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

**DRAFT Conditions for CUP2021-0005**

**2/16/2022**

CUP2021-0005 is subject to the following conditions:

1. No more than 2 unrelated persons may reside in a unit. For the purposes of this condition, "unrelated persons" shall mean persons who are not related by blood, marriage, adoption or guardianship.

2. The owner shall work with START to locate a bike-sharing station on the Property.

3. If START services the Property and/or Rafter J, residents of the property who do not utilize vehicle parking on the property shall be provided discounted START transit passes.

4. Leasing to Teton County, the Town of Jackson, St. John's Medical Center and Teton County School District #1.

    A. At initial lease of the project, 14 units will be offered for lease to (1) Teton County, (2) Town of Jackson, (3) St. John's Medical Center and (4) Teton County School District #1 (the "Institutions"), in that order. The owner will send notice to Teton County with an offer to lease up to 14 units within the project. Teton County will have 7 calendar days from notice being sent to lease some or all of the units. If any of the 14 units remain unleased after 7 calendar days, the owner shall then send notice to the remainder of the Institutions in the order provided above and each of the Institutions shall have 7 calendar days from notice being sent in which to lease some or all of the units. If any of the 14 units remains unleased after the last Institution's rights have expired, the owner may lease any of the unleased 14 units to anyone of owner's choosing. For all notices, email shall suffice.

    B. The following process shall apply after initial lease of the project. When a unit becomes available, if fewer than 14 units within the project are then leased by the Institutions, the owner will offer the available unit in the following order to: (1) Teton County, (2) Town of Jackson, (3) St. John's Medical Center and (4) Teton County School District #1. If the unit remains unleased after following the process set forth in 4A, the owner may lease the unit to anyone of owner's choosing. When another unit becomes available, and assuming fewer than 14 units within the project are then leased by the Institutions, the owner will again offer the unit to the Institutions but rotate the order of who is offered the unit first such that the entity offered a unit(s) first in a previous offering will be fourth in line for the next offering (#1 goes to 4$^{th}$ priority, #2 goes to first priority, etc.).

5. Workforce Restriction.

    A. Use and occupancy of a unit is restricted to Qualified Households as defined herein. "Qualified Households" must meet the following criteria:

i. At least 1 member of the Qualified Household must maintain a minimum of 30 hours per week of employment (as an employee or contractor) by a Local Business during occupancy of the unit; or at least 1 member of the Qualified Household must maintain an average of 30 hours per week employment on an annual basis, or a minimum of 1,560 hours per year, for a local business.

1. A local business means (1) a business or non-profit physically located within Teton County, Wyoming, holding a business license with the Town of Jackson, Wyoming or one that can provide other verification of business status physically located in Teton County, Wyoming, and (2) the business or non-profit serves clients or customers who are physically located in Teton County, Wyoming, and (3) the employees/owners must work in Teton County, Wyoming to perform their job.

   Or

   A business or non-profit physically located in Teton County Wyoming who employs two or more employees, which employees must work in Teton County Wyoming to perform their job.

ii. The Qualified Household must earn at least seventy-five percent (75%) of the Household's income from employment (as an employee or contractor) with a local business (as defined above) during occupancy of the unit.

iii. No member of the Qualified Household may own or have any interest (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company, corporation, association, or the like) in whole or in part in any other residential real estate within one hundred and fifty (150) miles of Teton County, Wyoming at any time during occupancy of the unit.

B. Owner shall obtain written verification of income/earnings and real estate ownership by affidavit from the occupant, and employment in Teton County, Wyoming (affidavit from employer with hours worked and contact information shall suffice) for each Qualified Household proposing to rent the unit prior to such Household's occupancy, and upon each extension or renewal of any lease therefore.

C. Each unit shall be occupied as the Qualified Household's sole and exclusive primary residence during the term of the lease, and each occupant of a unit shall physically reside therein on a fulltime basis, at least eighty percent (80%) of the term of the lease.

D. The occupants of a unit shall satisfy the definition of a Qualified Household at all times during the occupancy of the unit.

E. Occupancy of a unit shall be pursuant to a written lease.

DRAFT

F. No persons other than those comprising the Qualified Household shall be permitted to occupy the unit for periods in excess of ten percent (10%) of the rental term in cumulative days per calendar year.

G. By Jan. 31 of each year, the owner will provide to the Housing Department a summary of the eligibility verification information contained above for each occupant of unit. Upon written request by the Housing Department for supporting documentation, Owner shall provide the same within fifteen (15) business days of receipt of such written request. Owner shall maintain records regarding occupants for a period of at least 2 years.

H. Owner shall maintain the units in a safe, decent and sanitary condition. Upon reasonable notice to owner, the Housing Department shall have the right to inspect the units to determine compliance with this restriction.

DRAFT

RECEIVED
By Chandler Windom at 4:14 pm, Feb 01, 2022

HH Land Strategies, LLC
PO Box 1902, Wilson, WY 83014
307-699-0265 – hal@hhlandstrategies.com

February 1, 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 Plan Review Committee Comments for Legacy Lodge Planned Unit Development Amendment and Conditional Use Permit applications (PUD2021-001 and CUP2021-0005)**

Dear Chandler,

Thank you for the responses to the above-referenced applications. Please accept the following information as our response to Plan Review Committee comments for the above-referenced applications. Please also note, since we received your comments, we have had an additional two neighborhood meetings with Rafter J residents, a meeting with the Housing Department and a meeting with START to discuss these applications. As a result of those meetings, we have enclosed additional information regarding the project, topics for possible conditions on the CUP, and an operations plan. Please also find enclosed a Parking Plan and a Traffic Impact Study for this proposal, the latter of which looks at the trips generated from the proposed use and the impact this use will have on the north entrance to Rafter J as these were topics of concern for residents in Rafter J.

With regard to responses to staff comments, I have received comments from Chandler Windom, Teton County Planning Department; Amy Ramage, Teton County Engineer; Brian Schilling, Pathways Coordinator; Kathy Clay, Chief Fire Marshall; Stacy Stoker, Teton County Housing Department; and Darin Kaufman with WYDOT. The below responses are organized by topic.

1. **Individual Unit Types and Sizes:**

Chandler Windom requested a more detailed description of the size of each unit within the existing Legacy Lodge facility and how many bedrooms are within each unit size. This information was requested in order more effectively review the CUP application. The table below provides the information requested.

| Unit Type | Number of Units | Number of Bedrooms | Square Footage |
|---|---|---|---|
| **Studio Units** | 18 | 0 bedrooms – 1 bed | 326 s.f. each<br>5,868 s.f. total |
| **1 Bedroom** | 33 | 1 bedroom each | 474 s.f. each<br>15,642 s.f. total |
| **2 Bedroom** | 6 | 2 bedrooms each | 708 s.f. each<br>4,248 s.f. total |

Please see **Attachment 1 – Legacy Lodge Unit Floor Plans by Unit Type** for a graphic depiction of each unit type.

2. **What is the plan for the commercial kitchen within the existing facility?**

The existing commercial kitchen, primary lobby area/central gathering space, and rear patio area will be separate from the apartment use. The owner envisions utilizing the commercial kitchen for culinary classes/demonstrations and for persons, institutions, small businesses or nonprofits needing a commercial kitchen to prepare provisions for sale, all of which would be on a reservation basis to limit the number of persons utilizing the space and parking on site. That is, the commercial kitchen would not be open for informal, "drop in" use.

3. **Clarify if/how individual units within the Legacy Lodge facility will be retrofitted for full kitchens.**

Each of the individual units currently include kitchenettes, that include a refrigerator, sink, and microwave oven. We are working with the Housing Department to ensure these units are functional and livable as individual units.

4. **Parking and Transportation Demand Management Plan.**

Chandler Windom and Amy Ramage both question the adequacy of the existing 35 parking spaces for the proposed use. By restriping, we can accommodate 41 parking spaces on the Property without expanding the existing parking footprint. Please find enclosed at **Attachment 2—Site Parking Review** for a parking plan for the property. Our engineering team has concluded that this restriping and parking configuration complies with the parking regulations (dimensions, drive aisles, etc.) in the Teton County Land Development Regulations. The owner's goal in limiting parking is to incentivize and encourage the use of alternative transportation modes over the use of single occupancy vehicles, and reduce the number of trips generated from this project. If additional parking is needed, it can be accommodated on the 5.3-acre Property.

We met with START to discuss transit strategies and options for this project and the greater Rafter J community. Service to Rafter J, Melody Ranch and south of town is included in START's 2020-2025 Route Plan. Based on our discussion, we understand that START is planning on including some form of transit service to points South of Town, specifically including service to Rafter J

specifically. In speaking with START, it is not yet clear what the service to Rafter J will look like—whether it will be an on-demand service like that just launched in east Jackson or whether it will be a fixed route service, or a combination of the two. Regardless of the type of service, the owner looks forward to partnering with START to get public transit to the Property and, hopefully, the larger Rafter J community. In addition to transit service, the owner is also exploring formal and informal car-sharing arrangements, shuttle services and enhanced bicycle and e-bike facilities and amenities to encourage carpooling and alternative modes of transportation.

Brian Schilling, Pathways Coordinator, in his comments says he expects that there will be a high demand for bicycle parking at the facility and that he supports crediting bike parking provided on site toward the overall parking requirement. The owner will provide ample bike parking onsite, including short term bike parking using "single inverted U" racks as requested and longer-term bike parking. These racks will be installed on an asphalt or concrete pad within close proximity to the apartment entrances and exits on each wing of the building. The owner will also provide long term bike parking within a secure, covered area utilizing bike racks or lockers for resident use.

Please find enclosed at **Attachment 3—Traffic Impact Study** a Traffic Impact Study completed Y2 Consultants. Many of the concerns from the Rafter J community concern traffic, and specifically the left-hand turn from Big Trail Drive north onto US 26. The enclosed Traffic Impact Study analyzes this intersection, and the project's impact on overall traffic within the neighborhood. It is important to note that the Traffic Impact Study does <u>not</u> consider the anticipated reduction in trips attributable to reduced parking, carsharing, bicycle facilities, and future transit services. We anticipate these alternatives to single-occupancy vehicles will reduce overall trip generation.

5. **Pathway Crossing:**

Mr. Schilling, in his comments as the Pathway Coordinator, has stated that the pathway crossing at the Legacy Lodge entrance is inadequate and unsafe. A resident also made a comment to this effect at our third neighborhood meeting. The owner is committed to ensuring that the pathway crossing is safe for pedestrians and bicyclists, although this crossing is not on the Property (it is located on Rafter J HOA property). Mr. Schilling recommends reconfiguring the pathway crossing to provide an elevated crossing with appropriate striping and signage. If the HOA and Rafter J ISD are amenable to improving this crossing on the HOA's property, the owner will certainly work with them to do so. The owner has reached out to Mr. Schilling to discuss the requested improvements in more detail.

6. **Fire Marshal Comments:**

Chief Fire Marshall Ms. Clay provided comments that 1) all life safety systems shall be inspected; 2) the building fire alarm system must be monitored by an alarm company; 3) Fire inspection shall be conducted to ensure other life safety features are in place; emergency egress, lighting, elevator operation, etc.; 4) electrical inspection shall be conducted.

An inspector from the Fire Marshal's office has inspected the property. There are a few minor upgrades needed, including improved signage. The owner will continue to work with the Fire Marshal's office to ensure all concerns and comments are addressed.

**7. Teton County Housing Department Comments:**

Comments from the Teton County Housing Department requested that a Housing Mitigation Plan be provided with this application. A Housing Mitigation Plan necessarily requires that the housing generation and mitigation requirement of the pre-existing legally permitted use be determined as part of the Housing Mitigation Plan. The pre-existing use was an assisted living facility. Based on LDR Section 6.3.3.A, which lists housing mitigation requirements based on use, assisted living facilities are not a recognized use. Therefore, it is necessary to undertake an Independent Calculation pursuant to LDR Section 6.3.3.B.

In an effort to determine the employee generation of an assisted living facility, I have researched assisted living facility staffing requirements, on both a State and Federal level, and found that there are specific staffing requirements for such facilities addressing the number of Registered Nurses that are required to staff an assisted living facility. This does not consider staffing requirements for administrators, housekeeping, kitchen/cooking staff, activity coordinators, etc. Nevertheless, based my research, recommended minimum staffing requirement for Registered Nurses in assisted living facilities ranges between 1 Registered Nurses per 8 residents to 1 Registered Nurse per 3.2 residents. Therefore, the standard staffing requirement for the Legacy Lodge assisted living facility, that includes housing for 63 persons (when taking into account the six 2-bedroom units) ranges from 7.88 nurses to 19.69 nurses. This does not include administrative, housekeeping, kitchen/cooking, activity coordinator, etc. staff. Based on the owners understanding, the Legacy Lodge assisted living facility employed approximately 30 full time employees, which would account for the required employees other than registered nurses.

The above notwithstanding, LDR Section 6.3.3.B. outlines a specific methodology for undertaking an Independent Calculation. Based on this methodology I have undertaken an Independent Calculation based on the following formula as required by LDR Section 6.3.3.B. Please see LDR Section 6.3.3.B for the values for each of the components of the calculation.

(A/30/X*Y)+(B/X*Y)+(C/X*Y)+(D/X*Y)

The initial calculation (A/30/X*Y) is the calculation for employee generation for construction workers. Since the facility exists, and no construction is being requested with this application, I have eliminated this portion of the calculation.

Therefore, by subtracting the construction portion of the calculation, the total employees generated by an institutional use per 1,000s.f./room is 1.602 and the number of units required to house employees per s.f./room is .686 units. Taking into account the County reduction factor of 33%, the resulting "County required units per 1,000 s.f./room" is .226. Considering there were

57 units within the Legacy Lodge assisted living facility dedicated to the assisted living facility residents, this results in a housing mitigation requirement of 12.2 units of housing.

In comparison, the proposal to provide 57 units of apartment use, 18 of which are studios, 33 of which are 1-bedroom units, and 6 of which are 2-bedroom units, the overall mitigation requirement is to provide .754 units of housing.

Based on the above, the proposed change of use generates no housing mitigation requirements.

As we noted in our initial application, the owner is committed to ensuring that these apartments are occupied by our local workforce. To ensure that the apartments are truly workforce housing, the owner proposes to restrict the use and occupancy of all 57 units to the local workforce through a condition on the Conditional Use Permit. We understand that this proposed method of restricting the use and occupancy of the units is unique since it is not in the form of a traditional deed restriction, but believe it achieves the same goal of ensuring the units are occupied by the local workforce. We are working on this conditional language with the Housing Department.

We are also working with the Housing Department to ensure these units are livable, and are reviewing necessary upgrades and improvements with the Housing Department.

**Responses to Comments from Rafter J Residents to Date**

As we noted above, we have held 2 additional neighborhood meetings over the last 2 months. The primary concerns from residents at our meetings in December and January were traffic, parking (too little), and the Rafter J CCRs/neighborhood engagement process. Traffic and parking have been discussed above and in the enclosed materials. We would be happy to sit down with staff, WYDOT, the HOA and any other interested stakeholders to discuss the enclosed Traffic Impact Study and solutions to the Big Trail Drive and US 26 intersection as this issue (the left-hand turn from Big Trail onto US-26) is bigger than this project—it's an existing issue that will only worsen with time *even if* this property sits vacant.

As we told neighbors at our meetings, the owner moved forward with the PUD Amendment Application and CUP application because these are lengthy public review processes with ample opportunity for public involvement and comment. Moreover, as applications move through the planning review process, the project proposal generally changes to some degree in response to comments and requests from the public, staff, Planning Commission, and County Commissioners—in short, it's a refinement process.

With regard to comments about the CCRs, the PUD Amendment and CUP applications currently under review affect the *public* regulations applicable to the Property, not the CCRs. The CCRs are *private* regulations on the Property enforced by the HOA, not the County. Therefore, the CCRs are not relevant to the PUD Amendment and CUP applications with the County. What is relevant, however, is the potential impact this project may have on the surrounding neighborhood and

ways in which we can eliminate or mitigate these impacts to the greatest extent feasible. That is what the owner is trying to accomplish.

We have also seen communications circulated in the neighborhood with misinformation about this project that we would like to correct. First, this is not a rezoning proposal. The Property is zoned Local Convenience Commercial (CL) and will remain zoned CL if the applications are approved. The owner's request is to add a conditional use (apartments) to the CL district for this Property. Accordingly, the plat (Plat 330) does **not** need to be modified or amended as part of this request since the zoning designation (Local Commercial) is not changing, nor is the owner seeking to modify or vacate any other notes on Plat 330 with these PUD and CUP requests. The planning department has confirmed Plat 330 does not need to be amended in light of the current requests.

There is no new development proposed with this application. The owner's proposal is to utilize the existing structure and parking for workforce housing. That being said, this is a 5.3-acre site so additional parking can be accommodated. Our goal is to avoid adding additional parking as a way of reducing the number of trips and encouraging residents to utilize alternative modes of transportation.

A letter was circulated to the neighborhood stating that most tenants would be employees of Hotel Jackson and that residents of this project would be temporary and "will not contribute to our community." Hotel Jackson has its own employee housing. The latter statement is inflammatory and inaccurate. Because this will be a workforce project, where occupants/households will be employed by and support local businesses, these individuals most certainly will contribute to the community.

Our engineering team is working to confirm water and sewer capacity. We anticipate both water and sewer capacity here is sufficient since the building and associated water and sewer infrastructure was designed for a use that housed persons within the 57 existing units (consistent with what is being proposed here—that is, 57 units)---and was likely designed for more users since the prior use also had a staff of 30-36 people as we understand it, not including guests. We are happy to sit down with the HOA and/or ISD to review these results regarding water and sewer capacity.

The owner is currently working on a set of proposed conditions for this project that we hope to be able to present to the Planning Commission on February 14. These conditions include a limitation on the number of unrelated occupants per unit, a restriction limiting use and occupancy of the units to the local workforce, public transit-related incentives, and a reservation of units for certain public institutions.

Our goal with this project and the conditions we are proposing is to ensure we have a successful workforce housing project that has as little impact on the surrounding neighborhood and neighbors as possible.

Thank you for your consideration of our responses to the Plan Review Committee comments. We are happy to answer any additional questions you may have.

Sincerely,

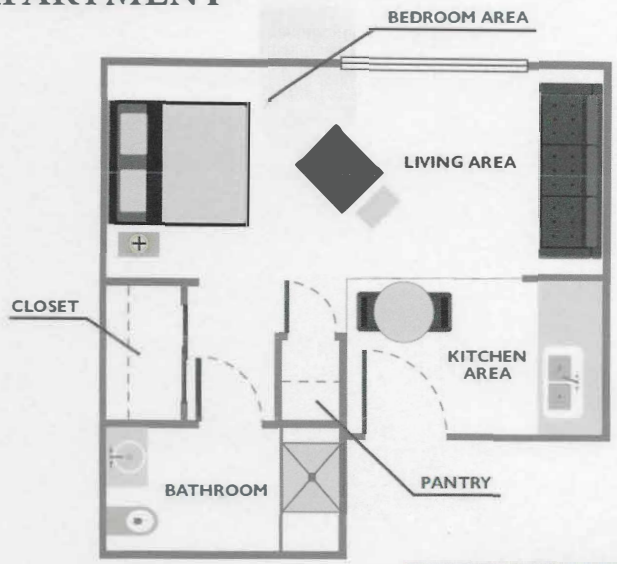
Hal Hutchinson

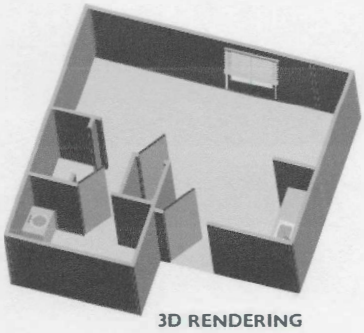
Encl.

**Attachment 1 – Legacy Lodge Unit Floor Plans by Unit Type**

## Studio Apartment Floor Plan

# STUDIO APARTMENT



3D RENDERING

**STUDIO LIVING AREA**
**14'1" X 17' 7"**

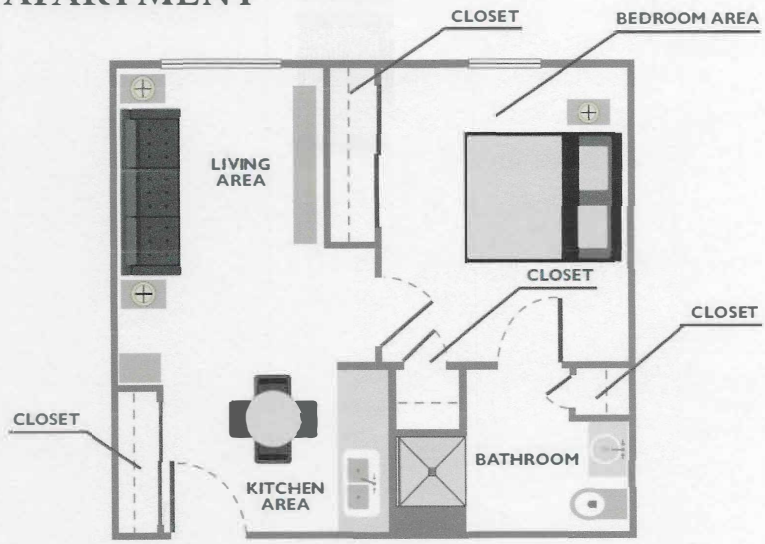
## FEATURES

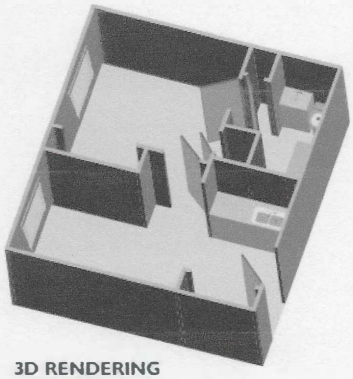
- 326 SQUARE FEET
- ONE BATHROOM
- TWO STORAGE CLOSETS
- UNFURNISHED

LEGACY LODGE
INDEPENDENT & ASSISTED LIVING

# One Bedroom Apartment Floor Plan

## ONE BEDROOM APARTMENT



3D RENDERING

LIVING AREA: 10'8" x 11'6"

KITCHEN AREA: 11'6" x 8'3"

BEDROOM: 10'8" x 11'6"

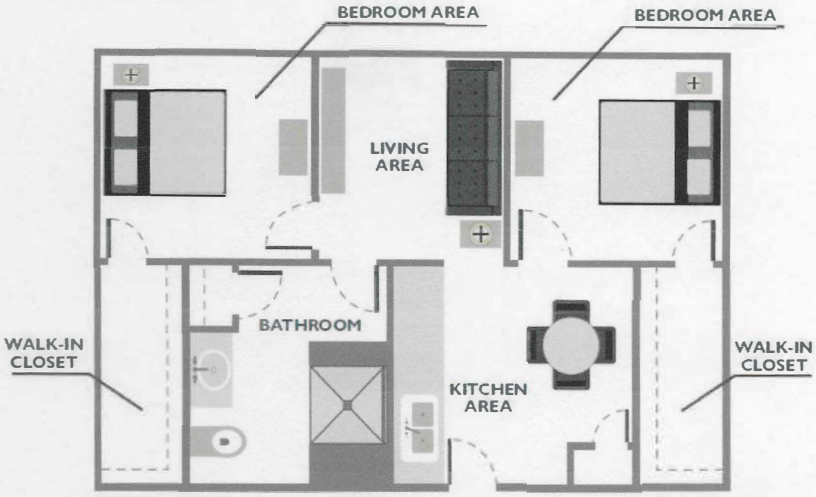
## FEATURES

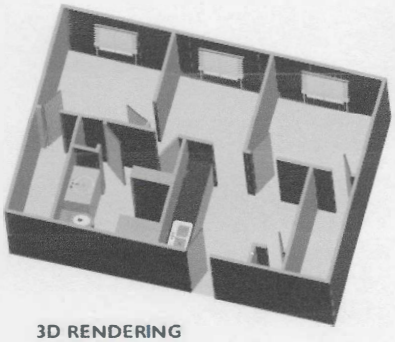
- 474 SQUARE FEET
- ONE BEDROOM
- ONE BATHROOM
- FOUR STORAGE CLOSETS
- UNFURNISHED

LEGACY LODGE
INDEPENDENT & ASSISTED LIVING

## Two Bedroom Apartment Floor Plan

# TWO BEDROOM APARTMENT



3D RENDERING

LIVING AREA: 11'0 x 8'10"

KITCHEN AREA: 13'1 x 8'7"

BEDROOMS: 12'0 x 8'10"

WALK-IN CLOSETS: 6'6" x 9'7"

## FEATURES

- 708 SQUARE FEET
- TWO BEDROOMS
- ONE BATHROOM
- TWO WALK-IN CLOSETS
- TWO STORAGE CLOSETS
- UNFURNISHED

LEGACY LODGE
INDEPENDENT & ASSISTED LIVING

**Attachment 2—Site Parking Review**
**[attached]**

# LEGACY LODGE
# SITE PARKING REVIEW

PROJECT NOTES:

EXISTING SPACES – 35 SPACES

PROPOSED SPACES
RE–STRIPING – 41

TETON COUNTY DEVELOPMENT REGULATIONS
PARKING SPACE LAYOUT REQUIREMENT
90° PARKING

PARKING SPACE DEPTH: 20'
PARKING SPACE WIDTH: 9'
DRIVE AISLE WIDTH: 24'

PARALLEL PARKING

PARKING SPACE LENGTH: 20'
PARKING SPACE WIDTH: 9'
DRIVE AISLE WIDTH: 12'

LEGEND

XX EXISTING SPACES

XX PROPOSED SPACES

LAST SAVED: 2/1/2022 9:33 AM BY: SKYLERH PLOT BY: SKYLER HELFFRICH
F:\2021\21153_Legacy_Lodge\Civil\ACAD\C211153_ParkingLot.dwg

| DATE | DRAWING SET TITLE |
|---|---|
| 02/01/2022 | PARKING REVIEW |

DRAWN BY: SAH
CHECKED BY: SAH JOB #: 21153

Y2 CONSULTANTS
ENGINEERING, SURVEYING & PLANNING
LANDSCAPE ARCHITECTURE, GIS
NATURAL RESOURCE SERVICES
y2consultants.com
307 733 2999

LEGACY LODGE
STAGE STOP, LLC
3000 W BIG TRAIL DRIVE
TETON COUNTY, WY

PARKING REVIEW

C1.1

**Attachment 3 – Traffic Impact Study**
**[attached]**

Y2 CONSULTANTS

y2consultants.com
307 733 2999

ENGINEERING, SURVEYING & PLANNING
LANDSCAPE ARCHITECTURE, GIS
NATURAL RESOURCE SERVICES

February 1, 2022

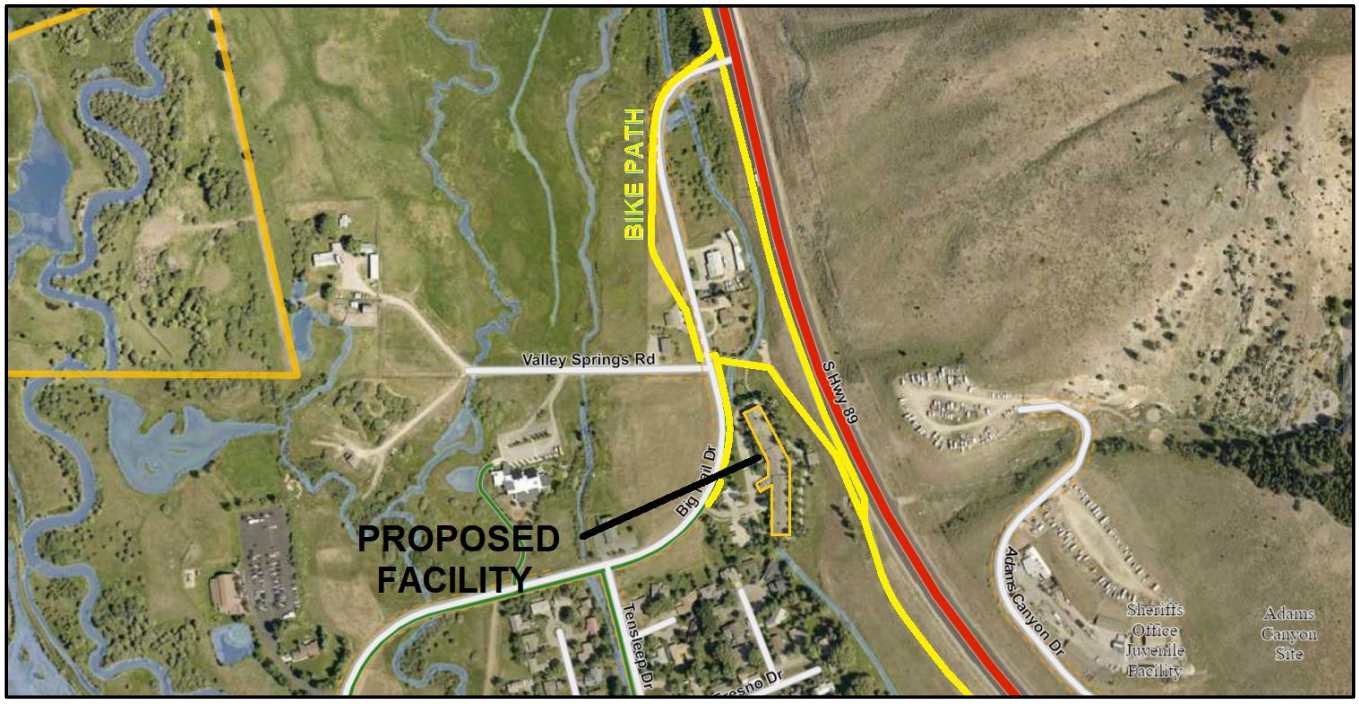
Mr. Sadek Darwiche
PO Box 1677, Jackson, WY 83001
SDarwiche@HotelJackson.com
(307) 733-0004

**RE: Traffic Impact Study - Proposed 57-Unit Apartment Conversion at 3000 W Big Trail Drive**

Dear Mr. Darwiche,

This analysis describes the estimated impact of traffic generated by a proposed conversion of a recently closed elderly care facility to a workforce housing facility on Big Trail Drive, as it may influence traffic operations at the intersection of Big Trail Drive at US-26/191/89. Facility location shown on the aerial maps below.

**Location Maps:**



## EXECUTIVE SUMMARY

The property at 3000 W Big Trail Drive, also known as Legacy Lodge, is looking to convert the existing elderly care facility to workforce housing apartments. No additional development is proposed with the pending applications, and the owner proposes to limit occupancy to no more than 2 unrelated persons per unit. The property currently has 36 parking spaces. By restriping, the paved parking area can accommodate 41 parking spaces without expanding the current parking footprint. 41 parking spaces is below what is typically accepted by both the Teton County Land Development Regulations and the Institute of Traffic Engineers for the proposed use. In order to account for this difference, the owner intends to incentivize and promote the use of transit, carsharing, bicycles and other alternative transportation modes over the use of single occupancy vehicles. While these variables (reduced parking availability, transit, carsharing, etc.) have not been accounted for in this analysis, these variables are expected to lower the anticipated site generated traffic and impact on the overall network. Therefore, the data that follows regarding trip generation and impacts is the upper most bound of what we would expect to see here without any reductions or offsets from the utilization of alternative modes of transportation.

The Institute of Traffic Engineers (ITE) Trip Generation Manual anticipates that an apartment typically generates on average 6.65 trips per day per dwelling unit. The table below provides a comparison of the site generated trips that would be anticipated from both an elderly care facility and an apartment:

| Land Use | Total Generated Trips | | | Distribution of Generated Trips | | | |
|---|---|---|---|---|---|---|---|
| | Daily | AM Hour | PM Hour | AM IN | AM OUT | PM IN | PM OUT |
| Senior Assisted Living (63 Beds, ITE Code 254) | 173 | 11 | 18 | 6 | 5 | 9 | 9 |
| Apartment (57 D.U., ITE Code 220) | 379 | 29 | 35 | 6 | 23 | 23 | 12 |

Key findings from the overall analysis regarding the conversion to workforce housing has been summarized below:

- Based on ITE Trip generation rates, an additional 206 site generated trips during a 24-hour period would be added to the current 5,887contributed by the community as a whole;
- Based on traffic counts, currently 179 and 87 left turn movements are made from Big Trail Drive onto US 26 during the AM and PM peak hours. The conversion would add an additional 16 (8.7%) and 3 (3.1%) vehicles to the left turn movement during the AM and PM peak hours, respectively;
- The intersection, in its current state, is failing to provide users making a Left Turn from Big Trail Drive on to US 26 an adequate level of service and will only deteriorate with time, as shown by the table below. This is driven in large part by the traffic growth along US 26 and a lack of gaps in the flow of traffic and is less effected by traffic growth within the Rafter J community and the development in question.

| Traffic Scenario | Movement | Level of Service | Control Delay per Vehicle (Seconds) |
|---|---|---|---|
| 2021 AM Peak | Eastbound Left Turn | F | 196.9 |
| 2022 AM Peak (No Build) | Eastbound Left Turn | F | 239.2 |
| 2022 AM Peak (Build) | Eastbound Left Turn | F | 288.9 |
| 2042 AM Peak (No Build) | Eastbound Left Turn | F | 4,380.0 |
| 2042 AM Peak (Build) | Eastbound Left Turn | F | 4,626.1 |
| | | | |
| 2021 PM Peak | Eastbound Left Turn | F | 283.7 |
| 2022 PM Peak (No Build) | Eastbound Left Turn | F | 345.5 |
| 2022 PM Peak (Build) | Eastbound Left Turn | F | 436.0 |
| 2042 PM Peak (No Build) | Eastbound Left Turn | F | 11,322 |
| 2042 PM Peak (Build) | Eastbound Left Turn | F | 12,745 |

*"Build" refers to conversion of Legacy Lodge to workforce housing while "No Build" refers to the property being left vacant

## Transportation Network Characteristics

The site 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. Currently there is no transit services offered to Rafter J, however START bus had previously proposed service at a 30 min frequency within its February 2020 operations plan. The implementation of this service was ultimately put on Hold / Suspend under the revised April 2020 operations update due to complications from COVID -19.

The owner met with Bruce Able, START Bus Transit Operations Director and Susan Mick, START Bus Board member on January 13, 2022 to discuss the possibility for START to provide transit service to Rafter J Ranch. Mr. Able said that there is increasing calls for transit service south of Town, including Rafter J. During the START board retreat in November, 2021, the board set priorities and they include providing START transit service to Rafter J. It is not clear what form of transit service will be considered for Rafter J but, it will likely include an on demand (micro transit) service or a combination of an on demand and fixed route service that would connect to traditional fixed route service in town.

## Rafter J Community

Rafter J is comprised of a few different unique land uses that each contribute traffic to the overall network. An approximation of the land uses and associated site generated trips has been provided in the table below:

| Land Use | Total Generated Trips | | | Distribution of Generated Trips | | | |
|---|---|---|---|---|---|---|---|
| | Daily | AM Hour | PM Hour | AM IN | AM OUT | PM IN | PM OUT |
| Single Family House (495 DU, ITE Code 210) | 4,712 | 371 | 495 | 93 | 124 | 312 | 137 |
| Medical / Dental Office (4,500 SF, ITE Code 720) | 163 | 11 | 16 | 8 | 2 | 4 | 12 |
| Day Care Center, CLC (12,000 SF, ITE Code 565) | 889 | 146 | 148 | 77 | 69 | 70 | 78 |
| Gateway Church (13,500, ITE 560) | 123 | 8 | 7 | 5 | 3 | 4 | 4 |

Table 1. Rafter J Community Site Generated Trips

## Previous Land Use

The previous land use was an 50,500 square foot elderly assisted living facility with 57 living units, 63 beds. Estimated traffic for such a facility is as follows:

| Land Use | Total Generated Trips | | | Distribution of Generated Trips | | | |
|---|---|---|---|---|---|---|---|
| | Daily | AM Hour | PM Hour | AM IN | AM OUT | PM IN | PM OUT |
| Senior Assisted Living (63 Beds, ITE Code 254) | 173 | 11 | 18 | 6 | 5 | 9 | 9 |

Table 2. Existing Land Use Site Generated Trips

## Proposed Site Alternatives

The proposed workforce housing apartments use an existing building and parking area. The proposed use will have the following characteristics:

- 57 Apartments, including six two-bedrooms, thirty-three one-bedrooms, and eighteen studios
  - 41 parking spaces, if re-striped
  - Limited to 2 Un-related occupants per unit
- Alternative Land Uses: Standard ITE Trip Generation Rates

## Trip Generation and Site-Generated Traffic

Using Institute of Transportation Engineers (ITE) standard trip rates for Land Use 220 (Apartments with 114 residents), the site will generate the following trip generation pattern shown in the table below. Trip generation is analyzed without consideration of mode choice and therefore excludes the consideration of transit, ride sharing, and or other alternative means of transportation that would lower the anticipated impact to the transportation network.

| Land Use (Variable, Source) | Total Generated Trips | | | Distribution of Generated Trips | | | |
|---|---|---|---|---|---|---|---|
| | Daily | AM Hour | PM Hour | AM IN | AM OUT | PM IN | PM OUT |
| **Apartment (57 D.U., ITE Code 220)** | 379 | 29 | 35 | 6 | 23 | 23 | 12 |
| **Apartment (114 People, ITE Code 220)** | 377 | 31 | 45 | 7 | 24 | 29 | 16 |

Table 3 Proposed Land Use Site Generated Trips

## *Alternative Land Use Site Generated Traffic for Comparison*

Four alternative development scenarios were chosen based on the outcome of the ZCV2021-0012. Based on the review conducted by Teton County, the property is zoned CL per the 11th printing of the 1978 LDRs. From the land uses defined as either conditional or outright for the CL Zone, the following land uses were chosen to reflect an ITE equivalent development to provide estimates on the developments site generated traffic. The site generated traffic estimates are provided below for comparison:

| ITE Land Use | Total Generated Trips | | | Distribution of Generated Trips | | | |
|---|---|---|---|---|---|---|---|
| | Daily | AM Hour | PM Hour | AM IN | AM OUT | PM IN | PM OUT |
| **Convenience Market with Gasoline Pumps (4 Fuel Pumps, ITE code 853)** | 2,170 | 66 | 76 | 33 | 33 | 38 | 38 |
| **Fast Food with Drive-Thru (3,000 SF, ITE Code 934)** | 1,488 | 136 | 98 | 69 | 67 | 51 | 47 |
| **Medical / Dental Office (50,500 SF, ITE Code 720)** | 1,825 | 121 | 180 | 96 | 25 | 50 | 130 |
| **Day Care Center (50,500 SF, ITE Code 565)** | 3,740 | 615 | 623 | 326 | 289 | 293 | 330 |

Table 4 Alternative Land Use Site Generated Trips

**Current Traffic Volumes at the US-26/191/89 / Big Trail Drive intersection**

Through-traffic volumes on US-26 are based on historic counts at WYDOT Automatic Traffic Recorder (ATR) #32 on US 26 located south of the site. Available December 2020 weekday counts were increased 56% to approximate a September weekday, and a further 7.8% to correct from 2020 AADT to 2021 AADT. These adjustment percentages were produced using publicly available historic counts by WYDOT at ATR 32.

Y2 then conducted a traffic count of the peak-hour turn movements entering and exiting Big Trail Drive on Monday Dec 13, 2021. December count volumes were similarly inflated by 56% to replicate AM and PM peak design hours on a September weekday in 2021. Resulting base-year turn movement estimates are on the following page.

**Future Turn Movement Forecasts:**

Turn Movement Forecasts were developed for the years 2022 and 2042 (20 years) using historic growth rates at ATR #32 on US-26. Average annual AADT growth at that location has averaged 3.1% annually since 2010. Because development in the corridor service area (Wilson, Jackson, Grand Teton, Yellowstone, Hoback, Alpine, Star Valley and points south) shows no signs of abating, future Turn movements were also grown at 3.1% annually. Resulting turn Movement Diagrams are provided in Appendix A

## Turn Movement Counts: US-26/191/89 @ Big Trail Drive

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Project # 21153 | Sep/Dec Seasonal Adj. Factor | | | 1.560 | | | | | | | | | | |
| Monday, Dec 13, 2021 | 2021/2020 Annual Adjustment factor | | | 1.078 | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| AM Peak Traffic | Northbound US-191/89 | | | Southbound US 191/89 | | | Eastbound Big Trail Dr. | | | | | | Total | PHF |
| Time | LEFT | THROUGH | | | THROUGH | RIGHT | LEFT | | RIGHT | | | | | 0.936 |
| 07:00 - 07:15 | 0 | | | | | 4 | 9 | | 2 | | | | 15 | |
| 07:15 - 07:30 | 6 | | | | | 3 | 18 | | 4 | | | | 31 | |
| 07:30 -07:45 | 1 | | | | | 2 | 33 | | 3 | | | | 39 | |
| 07:45 - 08:00 | 7 | 508 | | | 215 | 6 | 54 | | 8 | | | | 75 | 160 |
| 08:00 - 08:15 | 2 | | | | | 18 | 49 | | 3 | | | | 72 | 217 |
| 08:15 - 08:30 | 9 | | | | | 14 | 30 | | 3 | | | | 56 | 242 |
| 08:30 - 08:45 | 8 | | | | | 17 | 46 | | 3 | | | | 74 | 277 |
| 08:45 - 09:00 | 7 | 420 | | | 193 | 14 | 47 | | 3 | | | | 71 | 273 |
| TOTAL | 40 | 928 | 0 | 0 | 408 | 78 | 286 | 0 | 29 | 0 | 0 | 0 | 433 | |
| | 4.1% | 95.9% | 0.0% | 0.0% | 84.0% | 16.0% | 90.8% | 0.0% | 9.2% | #DIV/0! | #DIV/0! | #DIV/0! | | |
| AM PEAK VOLUMES | 26 | 508 | - | - | 215 | 63 | 172 | - | 12 | - | - | - | | |
| ADJUSTED AM DHV | 41 | 854 | - | - | 362 | 98 | 268 | - | 19 | - | - | - | | |
| | | | | | | | | | | | | | | |
| Monday, Dec 13, 2021 | | | | | | | | | | | | | | |
| Midday Traffic | Northbound US-191/89 | | | Southbound US 191/89 | | | Eastbound Big Trail Dr. | | | | | | Total | PHF |
| Time | LEFT | THROUGH | | | THROUGH | RIGHT | LEFT | | RIGHT | | | | | |
| 11:00 - 11:15 | | | | | | | | | | | | | 0 | |
| 11:15 - 11;30 | | | | | | | | | | | | | 0 | |
| 11:30 - 11:45 | | | | | | | | | | | | | 0 | |
| 11:45 - 12:00 | | | | | | | | | | | | | 0 | 0 |
| 12:00 - 12:15 | | | | | | | | | | | | | 0 | 0 |
| 12:15 - 12:30 | | | | | | | | | | | | | 0 | 0 |
| 12:30 - 12:45 | | | | | | | | | | | | | 0 | 0 |
| 12:45 - 13:00 | | | | | | | | | | | | | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | | |
| MIDDAY PEAK VOLUMES | - | - | - | - | - | - | - | - | - | - | - | - | | |
| SEASONALLY ADJUSTED | - | - | - | - | - | - | - | - | - | - | - | - | | |
| | | | | | | | | | | | | | | |
| Monday, Dec 13, 2021 | | | | | | | | | | | | | | |
| PM Peak Traffic | Northbound US-191/89 | | | Southbound US 191/89 | | | Eastbound Big Trail Dr. | | | | | | Total | PHF |
| Time | LEFT | THROUGH | | | THROUGH | RIGHT | LEFT | | RIGHT | | | | | 0.967 |
| 16:30 - 16:45 | 3 | | | | | 39 | 29 | | 8 | | | | 79 | |
| 16:45 - 17:00 | 1 | 192 | | | 580 | 39 | 23 | | 2 | | | | 65 | |
| 17:00 - 17:15 | 1 | | | | | 45 | 17 | | 8 | | | | 71 | |
| 17:15 - 17:30 | 2 | | | | | 51 | 18 | | 4 | | | | 75 | 290 |
| 17:30 - 17:45 | 1 | | | | | 40 | 20 | | 0 | | | | 61 | 272 |
| 17:45 - 18:00 | 3 | 181 | | | 708 | 29 | 15 | | 2 | | | | 49 | 256 |
| 18:00 - 18:15 | 0 | | | | | 20 | 15 | | 1 | | | | 36 | 221 |
| 18:15 - 18:30 | 0 | | | | | 29 | 9 | | 0 | | | | 38 | 184 |
| TOTAL | 11 | 373 | 0 | 0 | 1288 | 292 | 146 | 0 | 25 | 0 | 0 | 0 | 474 | 1223 |
| | 2.9% | 97.1% | 0.0% | 0.0% | 81.5% | 18.5% | 85.4% | 0.0% | 14.6% | #DIV/0! | #DIV/0! | #DIV/0! | | |
| PM PEAK VOLUMES | 7 | 192 | 0 | 0 | 708 | 174 | 87 | 0 | 22 | 0 | 0 | 0 | | |
| ADJUSTED PM DHV | 11 | 323 | - | - | 1,191 | 271 | 136 | - | 34 | - | - | - | | |



Y2 CONSULTANTS

**Capacity Analyses of US-26/89/191 at Big Trail Drive:**

Capacity analyses were conducted for a Stop-Controlled intersection using the Highway Capacity Software (HCS) 2010 for the scenarios defined below. The peak hour factor (PHF) was 0.92. The PHF provides a relationship between the peak 15 min window with the total voume during the peak hour.

The table below depicts critical movements at the US-26 / Big Trail drive intersection. Full Capacity Analysis Reports are provided in Appendix B.

| Traffic Scenario | Movement | Level of Service | Control Delay per Vehicle (Seconds) |
|---|---|---|---|
| 2021 AM Peak | Eastbound Left Turn | F | 196.9 |
| | Eastbound Right Turn | A | 10.0 |
| | Northbound Left Turn | A | 8.6 |
| 2022 AM Peak (No Build) | Eastbound Left Turn | F | 239.2 |
| | Eastbound Right Turn | B | 10.0 |
| | Northbound Left Turn | A | 8.6 |
| 2022 AM Peak (Build) | Eastbound Left Turn | F | 288.9 |
| | Eastbound Right Turn | B | 10.1 |
| | Northbound Left Turn | A | 8.6 |
| 2042 AM Peak (No Build) | Eastbound Left Turn | F | 4,380.0 |
| | Eastbound Right Turn | B | 12.3 |
| | Northbound Left Turn | B | 10.7 |
| 2042 AM Peak (Build) | Eastbound Left Turn | F | 4,626.1 |
| | Eastbound Right Turn | B | 12.4 |
| | Northbound Left Turn | B | 10.8 |
| | | | |
| 2021 PM Peak | Eastbound Left Turn | F | 283.7 |
| | Eastbound Right Turn | C | 15.3 |
| | Northbound Left Turn | B | 12.5 |
| 2022 PM Peak (No Build) | Eastbound Left Turn | F | 345.5 |
| | Eastbound Right Turn | C | 15.7 |
| | Northbound Left Turn | B | 12.8 |
| 2022 PM Peak (Build) | Eastbound Left Turn | F | 436.0 |
| | Eastbound Right Turn | C | 16.0 |
| | Northbound Left Turn | B | 13.1 |
| 2042 PM Peak (No Build) | Eastbound Left Turn | F | 11,322 |
| | Eastbound Right Turn | E | 49.4 |
| | Northbound Left Turn | D | 31.4 |
| 2042 PM Peak (Build) | Eastbound Left Turn | F | 12,745 |
| | Eastbound Right Turn | F | 52.4 |
| | Northbound Left Turn | D | 32.9 |

**Findings:**

The general finding is that the eastbound left turn is already failing during peak hours. This occurs because of the high volume and lack of gaps in the opposing north-south through traffic movements on US-26. If north-south traffic continues to grow at 3.1% annually as projected, the level of service at this intersection will continue to worsen for the foreseeable future.

Regarding the specific effect of the conversion of the properties use, there will be an overall increase of approximately 206 trips generated by the site. Focusing on the left turn movement, the AM and PM peak hours will see an additional 16 and 3 left turn movements as a result of the conversion respectively. This equates to an approximate 8.7% and 3.1% increase respectively in the AM and PM left turning movement volumes. This increase in volume can be quantified by an anticpated increase in delay for a vehicle making a left hand turning momvement of approximately 50 seconds during the AM peak periods and 90 secounds during the PM peak.

**Recommendations / Alternatives for Evaluation:**

Recommednations and alternaitves offered below have not been evaluated from a traffic engineering or roadway geometrics perspective and are only offered as possible solutions for further study.

Network Improvements: Proposals exist to connect South Park Loop Road and Tribal Trail Road to WY 22 at a point 1.4 miles west of US-26. This potential connection, combined with a connection from Big Trail Drive to South Park Loop Road, would provide a north-south road parallel to US-26 that would reduce demand for the left turn from Big Trail drive to northbound US-26. This network alternative could reduce traffic demand on US-26 and the US-26/Big Trail Drive intersection

Intersection Improvements: At the US-26 Big Trail Drive intersection itself, other geometric improvement alternatives for evaluation include the following:

1. No Action
2. Traffic-Actuated signal at the Big Trail Drive
3. Median Refuge to facilitate a 2-part left turn onto US-26
4. 2-lane Roundabout N-S with a 1-Lane West Leg
5. 2 X 1-Lane Roundabout with Northbound through Bypass Lane
6. Grade Separation and Northbound Merge Lane (tunnel under US-26)
7. Expanded Regional Transit with Bus Signal Override

Because the Wyoming Department of Transportation is responsible for US-26/89/191, any proposed improvement falls under that agency's jurisdiction. WYDOT should consider the needs at this intersection along with other proposed improvements in the State Long-Range Plan and State Transportation Improvement Program.

**Contact Information:**

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# APPENDIX A: Turn Movement Forecasts

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**AM Peak Site-Generated Traffic**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 27 | NB |
| | 6 | | 21 |
| 6 | 0 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 7 | | |
| TOTAL | 31 | | 21 | LEFT |
| | EB | 24 | 0 | THRU |
| | | | 3 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 1 | 0 | 0 |
| 3 | | 1 | |
| SB | 4 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2021 AM Peak DHV Estimate (No Action)**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 1582 | NB |
| | 460 | | 1122 |
| 98 | 362 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 139 | | |
| TOTAL | 426 | | 268 | LEFT |
| | EB | 287 | 0 | THRU |
| | | | 19 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 41 | 854 | 0 |
| 381 | | 895 | |
| SB | 1276 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2022 AM Peak DHV Base Year Estimate (No Build)**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 1631 | NB |
| | 474 | | 1157 |
| 101 | 373 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | |
|---|---|---|---|
| WB | 143 | | |
| TOTAL 439 | | 276 | LEFT |
| EB | 296 | 0 | THRU |
| | | 20 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 42 | 880 | 0 |
| 393 | | 923 | |
| SB | 1316 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2022 AM Peak DHV BUILD SCENARIO**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 1657 | NB |
| | 480 | | 1177 |
| 107 | 373 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | |
|---|---|---|---|
| WB | 150 | | |
| TOTAL 470 | | 297 | LEFT |
| EB | 320 | 0 | THRU |
| | | 23 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 43 | 880 | 0 |
| 396 | | 923 | |
| SB | 1319 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2042 AM Peak Design Year DHV Estimate (No Build)**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 3004 | NB |
| | 873 | | 2130 |
| 186 | 687 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 264 | | |
| TOTAL | 809 | | 509 | LEFT |
| | EB | 545 | 0 | THRU |
| | | | 36 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 78 | 1621 | 0 |
| 723 | | 1699 | |
| SB | 2423 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Roundabout Diagram:

**2042 AM Peak Design Year DHV Estimate (No Build)**

**Leg 1: US-26/191/89**
North Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0

**Leg 2:** 0
East Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0
**RT Bypass?** no
Bypass Volume 0

**RT Bypass?** no
Bypass Volume 0

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | TOTAL | | | | | |
| | | | | | SB | 3004 | NB | | | | |
| | | | | | 873 | | 2130 | | | | |
| | | | | | 873 | | 2130 | | | | |
| | | | | 951 | | 78 | | 2208 | | | |
| WB | 264 | 264 | | | | | | | 0 | 0 | WB |
| TOTAL 809 | | | | 687 | | | | 2208 | | | 0 TOTAL |
| EB | 545 | 545 | | | | | | | 0 | 0 | EB |
| | | | | 1232 | | 509 | | 2208 | | | |
| | | | | | 723 | | 1699 | | | | |
| | | | | | 723 | | 1699 | | 0 | | Bypass Volume |
| | | | | | SB | 2423 | NB | | no | | RT Bypass? |
| | | | | | | TOTAL | | | | | |

**RT Bypass?** no
Bypass Traffic 0

**Leg 4: Big Trail Drive**
West Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0

**Leg 3: US-26/191/89**
South Leg

**Pct. U-Turns** 0.0%
**Est. U-Turns:** 0

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2042 AM Peak DHV BUILD SCENARIO**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 3030 | NB |
| | 879 | | 2151 |
| 192 | 687 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 271 | | |
| TOTAL | 840 | | 530 | LEFT |
| | EB | 569 | 0 | THRU |
| | | | 39 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 79 | 1621 | 0 |
| 726 | | 1700 | |
| SB | 2426 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Roundabout Diagram:

**2042 AM Peak DHV BUILD SCENARIO**

**Leg 1: US-26/191/89**
North Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0

**Leg 2: 0**
East Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0
**RT Bypass?** no
Bypass Volume 0

**RT Bypass?** no
Bypass Volume 0

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | TOTAL | | | | | |
| | | | | | SB | 3030 | NB | | | | |
| | | | | | 879 | | 2151 | | | | |
| | | | | | 879 | | 2151 | | | | |
| | | | | 958 | | 79 | | 2230 | | | |
| WB | 271 | 271 | | | | | | | 0 | 0 | WB |
| TOTAL 840 | | | | 687 | | | | 2230 | | | 0 TOTAL |
| EB | 569 | 569 | | | | | | | 0 | 0 | EB |
| | | | 1256 | | | 530 | | 2230 | | | |
| | | | | | 726 | | 1700 | | | | |
| | | | | | 726 | | 1700 | | 0 | | Bypass Volume |
| | | | | | SB | 2426 | NB | | no | | RT Bypass? |
| | | | | | | TOTAL | | | | | |

**Leg 4: Big Trail Drive**
West Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0

**Leg 3: US-26/191/89**
South Leg

**Pct. U-Turns** 0.0%
**Est. U-Turns:** 0

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**PM Peak Site-Generated Traffic**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 40 | NB |
| | 26 | | 14 |
| 26 | 0 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 29 | | |
| TOTAL | 45 | | 14 | LEFT |
| | EB | 16 | 0 | THRU |
| | | | 2 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 3 | 0 | 0 |
| 2 | | 4 | |
| SB | 5 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2021 PM Peak DHV Estimate (No Build)**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 1726 | NB |
| | 1267 | | 459 |
| 136 | 1131 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 147 | | |
| TOTAL | 317 | | 136 | LEFT |
| | EB | 170 | 0 | THRU |
| | | | 34 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 11 | 323 | 0 |
| 1165 | | 334 | |
| SB | 1499 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2022 PM Peak Base Year DHV Estimate (No Build)**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 1780 | NB |
| | 1306 | | 473 |
| 140 | 1166 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 152 | | |
| TOTAL | 327 | | 140 | LEFT |
| | EB | 175 | 0 | THRU |
| | | | 35 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 11 | 333 | 0 |
| 1201 | | 344 | |
| SB | 1545 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2022 PM Peak DHV BUILD SCENARIO**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 1819 | NB |
| | 1332 | | 487 |
| 166 | 1166 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 180 | | |
| TOTAL | 371 | | 154 | LEFT |
| | EB | 191 | 0 | THRU |
| | | | 37 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 14 | 333 | 0 |
| 1203 | | 347 | |
| SB | 1550 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2042 PM Peak Design Year DHV Estimate (No Build)**

**Leg 1: US-26/191/89**

North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 3277 | NB |
| | 2406 | | 871 |
| 258 | 2147 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**

West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 279 | | |
| TOTAL | 602 | | 258 | LEFT |
| | EB | 323 | 0 | THRU |
| | | | 65 | RIGHT |

**Leg 3: US-26/191/89**

South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 21 | 613 | 0 |
| 2212 | | 634 | |
| SB | 2846 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Roundabout Diagram:

**2042 PM Peak Design Year DHV Estimate (No Build)**

**Leg 1: US-26/191/89**

North Leg

**Pct. U-Turns?** 0.0%

**Est. U-Turns:** 0

**Leg 2: 0**

East Leg

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | TOTAL | | | | |
| **RT Bypass?** | **no** | | | SB | 3277 | NB | | 0.0% | **Pct. U-Turns?** |
| Bypass Volume | 0 | | | 2406 | | 871 | | 0 | **Est. U-Turns:** |
| | | | | 2406 | | 871 | | **no** | **RT Bypass?** |
| | | | 2426 | | 21 | | 892 | 0 | Bypass Volume |
| WB | 279 | 279 | | | | | | 0 0 | WB |
| TOTAL | 602 | | 2147 | | | | 892 | | 0 TOTAL |
| EB | 323 | 323 | | | | | | 0 0 | EB |
| **RT Bypass?** | **no** | | 2470 | | 258 | | 892 | | |
| Bypass Traffic | 0 | | | 2212 | | 634 | | | |
| | | | | 2212 | | 634 | | 0 | Bypass Volume |
| | | | | SB | 2846 | NB | | **no** | **RT Bypass?** |
| | | | | | TOTAL | | | | |

**Leg 4: Big Trail Drive**

West Leg

**Pct. U-Turns?** 0.0%

**Est. U-Turns:** 0

**Leg 3: US-26/191/89**

South Leg

**Pct. U-Turns** 0.0%

**Est. U-Turns:** 0

# US-26/191/89 at Big Trail Drive

## Crossroad Diagram:

**2042 PM Peak DHV BUILD SCENARIO**

**Leg 1: US-26/191/89**
North Leg

| | | | |
|---|---|---|---|
| | | TOTAL | |
| | SB | 3316 | NB |
| | 2431 | | 885 |
| 284 | 2147 | 0 | |
| RIGHT | THRU | LEFT | |

**Leg 4: Big Trail Drive**
West Leg

| | | | | |
|---|---|---|---|---|
| | WB | 308 | | |
| TOTAL | 647 | | 272 | LEFT |
| | EB | 339 | 0 | THRU |
| | | | 67 | RIGHT |

**Leg 3: US-26/191/89**
South Leg

| | | | |
|---|---|---|---|
| | LEFT | THRU | RIGHT |
| | 24 | 613 | 0 |
| 2214 | | 637 | |
| SB | 2851 | NB | |
| | TOTAL | | |

# US-26/191/89 at Big Trail Drive

## Roundabout Diagram:

**2042 PM Peak DHV BUILD SCENARIO**

**Leg 1: US-26/191/89**
North Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0

**Leg 2: 0**
East Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0
**RT Bypass?** no
Bypass Volume 0

**RT Bypass?** no
Bypass Volume 0

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | TOTAL | | | | | |
| | | | | | SB | 3316 | NB | | | | |
| | | | | | 2431 | | 885 | | | | |
| | | | | | 2431 | | 885 | | | | |
| | | | | 2455 | | 24 | | 909 | | | |
| WB | 308 | 308 | | | | | | | 0 | 0 | WB |
| TOTAL 647 | | | | 2147 | | | | 909 | | | 0 TOTAL |
| EB | 339 | 339 | | | | | | | 0 | 0 | EB |
| | | | | 2486 | | 272 | | 909 | | | |
| | | | | | 2214 | | 637 | | | | |
| | | | | | 2214 | | 637 | | | | |
| | | | | | SB | 2851 | NB | | | | |
| | | | | | | TOTAL | | | | | |

**RT Bypass?** no
Bypass Traffic 0

**Leg 4: Big Trail Drive**
West Leg

**Pct. U-Turns?** 0.0%
**Est. U-Turns:** 0

**Leg 3: US-26/191/89**
South Leg

**Pct. U-Turns** 0.0%
**Est. U-Turns:** 0

# APPENDIX B: Intersection Capacity Reports

# HCS 2010 Two-Way Stop-Control Report

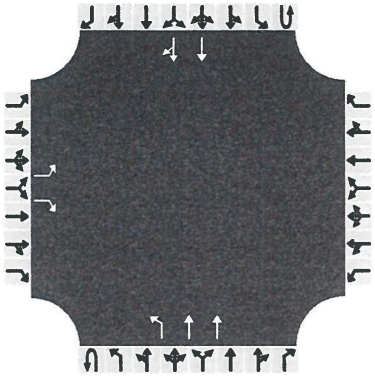
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2021 |
| Time Analyzed | 2021 AM Peak (Existing) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 268 | | 19 | | | | | | 41 | 854 | | | | 362 | 98 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 291 | | 21 | | | | | | 45 | | | | | | |
| Capacity, c (veh/h) | | 228 | | 747 | | | | | | 1054 | | | | | | |
| v/c Ratio | | 1.28 | | 0.03 | | | | | | 0.04 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 15.1 | | 0.1 | | | | | | 0.1 | | | | | | |
| Control Delay (s/veh) | | 196.9 | | 10.0 | | | | | | 8.6 | | | | | | |
| Level of Service, LOS | | F | | A | | | | | | A | | | | | | |
| Approach Delay (s/veh) | 184.3 | | | | | | | | 0.4 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

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# HCS 2010 Two-Way Stop-Control Report

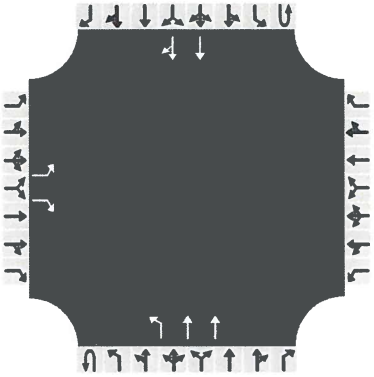
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2022 |
| Time Analyzed | 2022 AM Peak (No Build) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 276 | | 20 | | | | | | 42 | 880 | | | | 373 | 101 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 300 | | 22 | | | | | | 46 | | | | | | |
| Capacity, c (veh/h) | | 218 | | 738 | | | | | | 1040 | | | | | | |
| v/c Ratio | | 1.38 | | 0.03 | | | | | | 0.04 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 16.9 | | 0.1 | | | | | | 0.1 | | | | | | |
| Control Delay (s/veh) | | 239.2 | | 10.0 | | | | | | 8.6 | | | | | | |
| Level of Service, LOS | | F | | B | | | | | | A | | | | | | |
| Approach Delay (s/veh) | 223.5 | | | | | | | | 0.4 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

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# HCS 2010 Two-Way Stop-Control Report

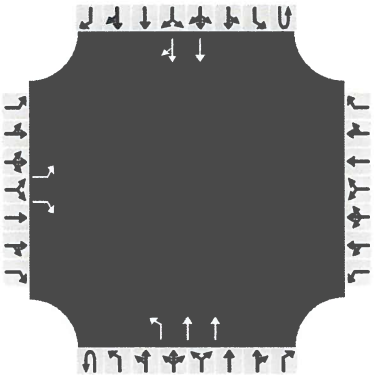
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2022 |
| Time Analyzed | 2022 AM Peak (Build) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 297 | | 23 | | | | | | 43 | 880 | | | | 373 | 107 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 323 | | 25 | | | | | | 47 | | | | | | |
| Capacity, c (veh/h) | | 215 | | 736 | | | | | | 1035 | | | | | | |
| v/c Ratio | | 1.50 | | 0.03 | | | | | | 0.05 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 19.6 | | 0.1 | | | | | | 0.1 | | | | | | |
| Control Delay (s/veh) | | 288.9 | | 10.1 | | | | | | 8.6 | | | | | | |
| Level of Service, LOS | | F | | B | | | | | | A | | | | | | |
| Approach Delay (s/veh) | 268.8 | | | | | | | | 0.4 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

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# HCS 2010 Two-Way Stop-Control Report

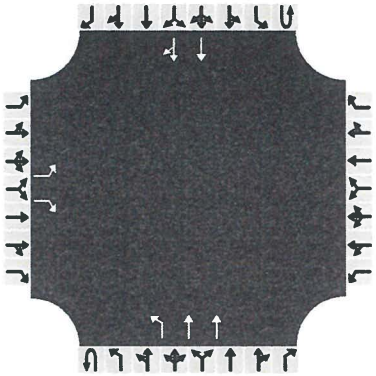
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2042 |
| Time Analyzed | 2042 AM Peak (No Build) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 509 | | 36 | | | | | | 78 | 1621 | | | | 687 | 186 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 553 | | 39 | | | | | | 85 | | | | | | |
| Capacity, c (veh/h) | | 53 | | 534 | | | | | | 713 | | | | | | |
| v/c Ratio | | 10.41 | | 0.07 | | | | | | 0.12 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 65.6 | | 0.2 | | | | | | 0.4 | | | | | | |
| Control Delay (s/veh) | | 4380.0 | | 12.3 | | | | | | 10.7 | | | | | | |
| Level of Service, LOS | | F | | B | | | | | | B | | | | | | |
| Approach Delay (s/veh) | 4092.3 | | | | | | | | 0.5 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

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# HCS 2010 Two-Way Stop-Control Report

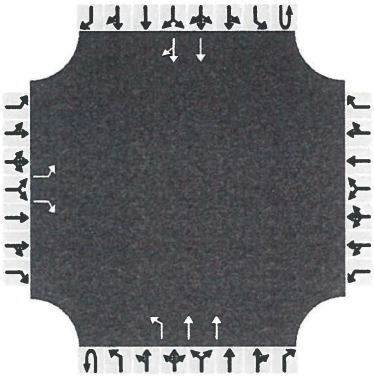
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2042 |
| Time Analyzed | 2042 AM Peak (Build) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 530 | | 39 | | | | | | 79 | 1621 | | | | 687 | 192 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 576 | | 42 | | | | | | 86 | | | | | | |
| Capacity, c (veh/h) | | 53 | | 531 | | | | | | 709 | | | | | | |
| v/c Ratio | | 10.95 | | 0.08 | | | | | | 0.12 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 68.6 | | 0.3 | | | | | | 0.4 | | | | | | |
| Control Delay (s/veh) | | 4626.1 | | 12.4 | | | | | | 10.8 | | | | | | |
| Level of Service, LOS | | F | | B | | | | | | B | | | | | | |
| Approach Delay (s/veh) | 4312.6 | | | | | | | | 0.5 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

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# HCS 2010 Two-Way Stop-Control Report

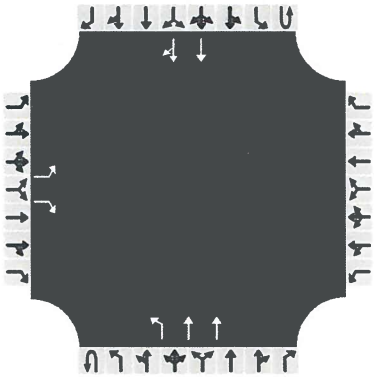
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2021 |
| Time Analyzed | 2021 PM Peak (Existing) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 136 | | 34 | | | | | | 11 | 323 | | | | 1131 | 136 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 148 | | 37 | | | | | | 12 | | | | | | |
| Capacity, c (veh/h) | | 109 | | 387 | | | | | | 489 | | | | | | |
| v/c Ratio | | 1.36 | | 0.10 | | | | | | 0.02 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 10.3 | | 0.3 | | | | | | 0.1 | | | | | | |
| Control Delay (s/veh) | | 283.7 | | 15.3 | | | | | | 12.5 | | | | | | |
| Level of Service, LOS | | F | | C | | | | | | B | | | | | | |
| Approach Delay (s/veh) | 230.0 | | | | | | | | 0.4 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

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# HCS 2010 Two-Way Stop-Control Report

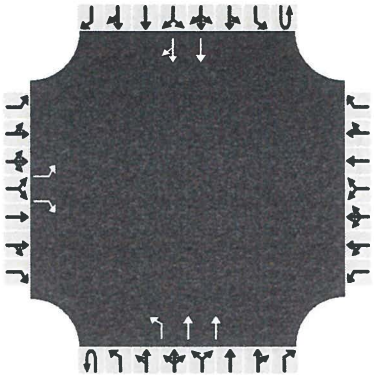
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2022 |
| Time Analyzed | 2022 PM Peak (No Build) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 140 | | 35 | | | | | | 11 | 333 | | | | 1166 | 140 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 152 | | 38 | | | | | | 12 | | | | | | |
| Capacity, c (veh/h) | | 101 | | 374 | | | | | | 471 | | | | | | |
| v/c Ratio | | 1.50 | | 0.10 | | | | | | 0.03 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 11.4 | | 0.3 | | | | | | 0.1 | | | | | | |
| Control Delay (s/veh) | | 345.5 | | 15.7 | | | | | | 12.8 | | | | | | |
| Level of Service, LOS | | F | | C | | | | | | B | | | | | | |
| Approach Delay (s/veh) | 279.6 | | | | | | | | 0.4 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

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# HCS 2010 Two-Way Stop-Control Report

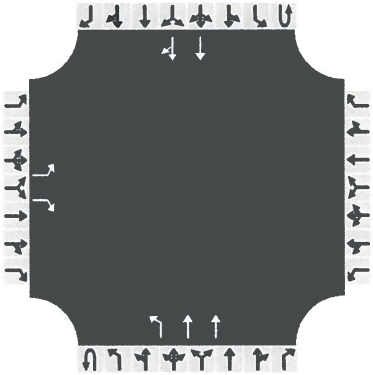
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2022 |
| Time Analyzed | 2022 PM Peak (Build) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 154 | | 37 | | | | | | 14 | 333 | | | | 1166 | 166 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 167 | | 40 | | | | | | 15 | | | | | | |
| Capacity, c (veh/h) | | 97 | | 366 | | | | | | 459 | | | | | | |
| v/c Ratio | | 1.71 | | 0.11 | | | | | | 0.03 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 13.4 | | 0.4 | | | | | | 0.1 | | | | | | |
| Control Delay (s/veh) | | 436.0 | | 16.0 | | | | | | 13.1 | | | | | | |
| Level of Service, LOS | | F | | C | | | | | | B | | | | | | |
| Approach Delay (s/veh) | 354.8 | | | | | | | | 0.5 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

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# HCS 2010 Two-Way Stop-Control Report

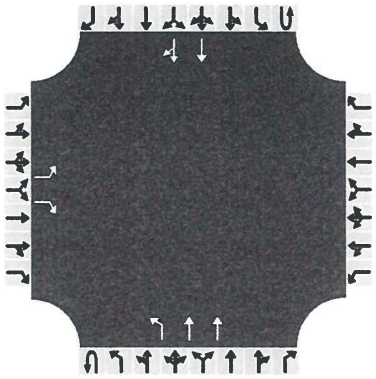
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2042 |
| Time Analyzed | 2042 PM Peak (No Build) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 258 | | 65 | | | | | | 21 | 613 | | | | 2147 | 258 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 280 | | 71 | | | | | | 23 | | | | | | |
| Capacity, c (veh/h) | | 11 | | 149 | | | | | | 159 | | | | | | |
| v/c Ratio | | 24.73 | | 0.48 | | | | | | 0.14 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 36.5 | | 2.2 | | | | | | 0.5 | | | | | | |
| Control Delay (s/veh) | | 11322.4 | | 49.4 | | | | | | 31.4 | | | | | | |
| Level of Service, LOS | | F | | E | | | | | | D | | | | | | |
| Approach Delay (s/veh) | 9042.1 | | | | | | | | 1.0 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

# HCS 2010 Two-Way Stop-Control Report

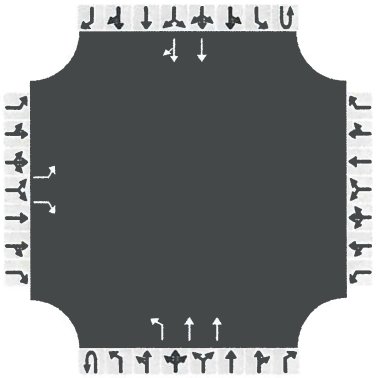
## General Information

| | |
|---|---|
| Analyst | G Grigsby |
| Agency/Co. | Western R&D |
| Date Performed | 1/2/2022 |
| Analysis Year | 2042 |
| Time Analyzed | 2042 PM Peak (Build) |
| Intersection Orientation | North-South |
| Project Description | W Big Trail Dr & US 26 |

## Site Information

| | |
|---|---|
| Intersection | Big Trail Dr & US 26/191/ |
| Jurisdiction | |
| East/West Street | Big Trail Drive |
| North/South Street | US 26/191/89 |
| Peak Hour Factor | 0.92 |
| Analysis Time Period (hrs) | 0.25 |

## Lanes



Major Street: North-South

## Vehicle Volumes and Adjustments

| Approach | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Movement | U | L | T | R | U | L | T | R | U | L | T | R | U | L | T | R |
| Priority | | 10 | 11 | 12 | | 7 | 8 | 9 | 1U | 1 | 2 | 3 | 4U | 4 | 5 | 6 |
| Number of Lanes | | 1 | 0 | 1 | | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 0 |
| Configuration | | L | | R | | | | | | L | T | | | | T | TR |
| Volume, V (veh/h) | | 272 | | 67 | | | | | | 24 | 613 | | | | 2147 | 284 |
| Percent Heavy Vehicles (%) | | 3 | | 3 | | | | | | 3 | | | | | | |
| Proportion Time Blocked | | | | | | | | | | | | | | | | |
| Percent Grade (%) | 0 | | | | | | | | | | | | | | | |
| Right Turn Channelized | No | | | | No | | | | No | | | | No | | | |
| Median Type/Storage | Undivided | | | | | | | | | | | | | | | |

## Critical and Follow-up Headways

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Base Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Critical Headway (sec) | | | | | | | | | | | | | | | | |
| Base Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |
| Follow-Up Headway (sec) | | | | | | | | | | | | | | | | |

## Delay, Queue Length, and Level of Service

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Flow Rate, v (veh/h) | | 296 | | 73 | | | | | | 26 | | | | | | |
| Capacity, c (veh/h) | | 11 | | 145 | | | | | | 155 | | | | | | |
| v/c Ratio | | 27.80 | | 0.50 | | | | | | 0.17 | | | | | | |
| 95% Queue Length, $Q_{95}$ (veh) | | 38.5 | | 2.4 | | | | | | 0.6 | | | | | | |
| Control Delay (s/veh) | | 12745.8 | | 52.4 | | | | | | 32.9 | | | | | | |
| Level of Service, LOS | | F | | F | | | | | | D | | | | | | |
| Approach Delay (s/veh) | 10234.7 | | | | | | | | 1.2 | | | | | | | |
| Approach LOS | F | | | | | | | | | | | | | | | |

# Public Comment

**From:** Hans Flinch <hans@cairnla.com>
**Sent:** Sunday, October 9, 2022 10:20 AM
**To:** Chandler Windom; Chris Neubecker
**Subject:** Legacy Lodge Conditions

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Chandler and Chris -
I hope all is well. I hear that Legacy appears to be moving forwards in an approvals with conditions. I think that is great.

I've been having a few conversations with other people in Rafter J who would support this. Here's a list of conditions as suggestions that I am hearing would have pretty broad reaching support among the under 60 crowd in Rafter J and probably lead to a pretty great project with substantial community benefit (in my opinion) as well as help the project meet the conditions for approval.

1. **Occupancy + Affordability**
-Reduce the total number of occupants permitted at LL to 80-90. Under parking the development is a good idea and the total units should match a 1 spot per unit for the restriped lot, plus a few spaces saved for guests
-100% of units should be deed restricted as workforce with 33% restricted as Capital A affordable housing. I realize that the applicant is against any Capital A, but I personally think this is crucial to getting community support and ensuring the counties goals are achieved in exchange for the massive entitlement the applicant would receive by this approval.
-1 year minimum occupancy requirement for anyone who resides in the building
-On site property manager 24/7. This property manager should be a resident of the building and should have their own reserved parking spot. This person would function as a point person for liaisons with the HOA.
-2 and 3 bedrooms should be added into the unit mix to make it match the neighborhood character more. This could work with the parking and occupancy requirement.
-No pets.
-New HOA fees similar to the townhome developments and in accordance with the density in RJ be negotiated with the Board.

2. **Building Requirements**
-Building needs to be brought up to match apartment building and fire code prior to any occupancy occurring

**3. Transportation**
-Applicant needs to develop a transportation demand management plan. This needs to include the applicant funding and providing public transportation from Rafter J to downtown Jackson until START has a line setup. Best suggestion here is for the applicant to fund START on Demand for Rafter J until START is ready. All Rafter J residents should be able to use this service at the applicants expense. TDM needs to be in place and fully funded before anyone moves into the building
-Add covered bicycle parking
-Improve the pathway intersection with Big Trails in accordance with the Pathways Coordinators recommendations
-No parking except in the LL Lot.

**4. Future Permits**
-Given this CUP is providing entitlements similar to an up zone, any future permits or applications considered should re-open the CUP for consideration. This will provide continuity for the neighborhood as well as ensure that any

development on this lot is considered holistically and not piecemeal. For example, a future application for a commercial kitchen should re-open the CUP.

**5. Enforceability**
-Applicant needs to sign an affidavit once a year that they are complying with the conditions of the CUP and the CC&Rs.
-Teton County Attorney's office and Teton County Housing department to provide legal oversight and ensure that housing regulations and conditions of the CUP are being met.
-The CUP should have a large financial penalty associated with violations

Thank you for your consideration and I hope this helps.
Hans
--
Hans N. Flinch, PLA, ASLA

Cairn Landscape Architects
hans@CairnLA.com
ph: (307)-264-0939
www.cairnla.com

RE: Deny CUP2021-0005 October 10, 2022

Dear Teton County Board of Commissioners,

If you have not done so already - read the opening brief you received last Monday afternoon. The neighbors' appeal of your May 3 PUD2021-0001 amendment decision is persuasive and legally sound.

The Commissioners decision on PUD2021-0001 will be set aside (reversed) by the District Court. The County's reply brief is due no later then November 17.

I ask you to not add to your mistake when on May 3 you: improperly amended a non-existent PUD; wrongly ignored the underlying zoning; ignored the controlling Plat plus Covenants; sanctioned illegal "spot zoning"; and offered changes to extinct LDRs.

I urge you to deny CUP2021-0005 next Tuesday. You cannot make the findings.

There are three of eight findings needed to approve a CUP which still cannot be made. All three of these findings are dependent on the PUD2021-0001 being upheld by the District Court. Planning staff acknowledges that fact in its staff report.

> *1. Is compatible with the desired future character of the area;*
> *2. Complies with the use specific standards of Div. 6.1.and the zone;*
> *8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

To address the issue of Brazinski et al. v. Board of County Commissioners of Teton County (Case No. 18701) - I suggest three new conditions:

- **That CUP2021-0005 does not take effect unless, and until, the District Court affirms the Commissioners' PUD2021-0001 amendment decision.**

  The appeal is now just a number of weeks from decision – this is a reasonable and appropriate condition for you as Commissioners to add.

- **That CUP2021-0005 does not take effect unless, and until, the applicant navigates a partial Plat vacation of note and replat allowing residential use on Lot 333 - which does not destroy or abridge other residents' interests in the Plat.**

  The Court will in all likelihood reverse and set aside your decision granting the PUD Amendment. With that reversal – this CUP will simply disappear.

- **That CUP2021-0005 does not take effect unless, and until, the applicant navigates a successful amendment to the Rafter J CC&Rs which would allow residential uses on Lot 333.**

  This builds on a partial condition offered up by Stage Stop in their September 29 letter to you – and harkens back to a condition Commissioner Epstein brought forward for consideration on the PUD amendment.

Deny CUP2021-0005.

Respectfully,

Rich Bloom

**From:** Jody Donnelly <nettaxi1@icloud.com>
**Sent:** Monday, October 3, 2022 5:50 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Cc:** Jody Donnelly <nettaxi1@icloud.com>
**Subject:** Deny CUP for Stage Stop/Lot 333

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Commissioners,
Please deny this CUP for Stage Stop/Lot 333.
The HOW is as important as the WHAT: taking this insight to heart will shore up your credibility.
Let us engage in the process that is already outlined in the Rafter J CC&Rs, shall we?
The speediness of the applicant's behavior is not a substitute for meeting their obligation to do their homework, despite the use of language as a veil for self-interest in the letter submitted by the applicant's lawyer, just on Friday.
Stage Stop gets a grade of F- for their homework assignment as currently submitted: an F because they didn't do the homework assignment, and the minus because they haven't even tried.
The neighborhood of Rafter J did its homework decades ago in crafting the CC& R language relating to Lot 333.
Now, it is time for you both to do yours: let study hall begin.
Respectfully submitted,
Jody Donnelly

**From:** Anna Knaeble <knaeblea@gmail.com>
**Sent:** Sunday, October 2, 2022 8:43 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** (Re)Vote No: Stage Stop Application

Dear Teton County Commissioners:

- Please **(re)vote NO** tomorrow on the Stage Stop application.
- **Do not allow last minute changes.** This would undermine the planning process and deny stakeholders an opportunity to respond.

Respectfully,

Anna Knaeble

Rafter J Homeowner

**From:** Margaret Creel <margaretcreel22@gmail.com>
**Sent:** Monday, October 3, 2022 5:08 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Fwd: DO NOT APPROVE THE CUP TOMORROW

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Apologies for using a bad address.

Sent from my iPhone

Begin forwarded message:

> **From:** Margaret Creel <margaretcreel22@gmail.com>
> **Date:** October 3, 2022 at 4:24:16 PM MDT
> **To:** commissioners@tetoncountywy.gov
> **Cc:** Luther Propst <lpropst@tetoncountywy.gov>, Mark Newcomb <mnewcomb@tetoncountywy.gov>, Keith Gingery <kgingery@tetoncountywy.gov>, cneubecker@tetoncountywy.org
> **Subject: DO NOT APPROVE THE CUP TOMORROW**
>
> To the esteemed Lady and Gentlemen,
>
> I'll make this brief as it is coming at the 11th hour, just as Mr. Fodor's email did. If you had the time to read his email, I am assuming you have the time to read mine.
>
> In a word, despicable. For an attorney of his caliber to submit, on behalf of his client, something so poorly crafted to make the case for why the CUP should be approved is beyond insulting to all of those who have spent countless hours working on this issue for a better outcome than what has been proposed. And to do it in such a way that should offend you, the Planning Staff, and the County attorney, as well.
>
> You have already received eloquent and compelling letters regarding this issue from any number of people so I don't need to write any more at this time. My views mirror theirs.
>
> I do have one comment to add, however. Mr. Fodor stated in his September 29th email to you that "the units housed many people for over 15 years...we are not aware of anyone complaining of the size of the units when they housed assisted living

residents." Recent statistics from the American Health Care Association show that while over half of assisted living residents are 85 years or older, approximately 27% are between the ages of 75 and 84. Assisted living residents and the JH workforce are like apples and oranges—they are fundamentally different and therefore not suited for comparison. Making any comparison is ludicrous.

I won't be at the meeting tomorrow as I have to be at work.

I will expect you to do what is right in this situation and that is to deny the CUP or request that the applicant submit an entirely new application.

Finally, workforce is one word. To see it spelled "work force" in Mr. Fodor's email was insulting to your intelligence and mine.

Respectfully,

Margaret Creel
Rafter J.

Sent from my iPad

**From:** Mayling OTR/L <mayling.ot@gmail.com>
**Sent:** Saturday, October 1, 2022 8:00 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Stage Stop New proposal

Dear County Commissioners,
I understand that there has been a new proposal that has been submitted by Stage Stop, et.al. which would bypass the required planning and review process. Speaking for myself, this is becoming tiresome (I imagine for you as well) and disheartening to see this former Legacy Lodge property be manipulated to something so heated and political. I imagine this is how so many things have "moved forward" in our beloved Jackson Hole community that have resulted in less than desirable results to put it lightly. Basically, lawyers and developers wearing down the residents and people that actually serve the community. THis is important enough for me to write and request that you deny this last-minute effort and at minimum allow the public and residents of Rafter J the chance to review and respond to any changes. How would this not be the process? Can we agree that this would be pretty shady otherwise?
THink about it.
Respectfully,
May Sumicad

---

**From:** Joe Demarsh <ycajoe@gmail.com>
**Sent:** Sunday, October 2, 2022 10:21 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Fwd: Stage Stop September 30th Application

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Sent from my iPhone

Begin forwarded message:

> **From:** Joe Demarsh <ycajoe@gmail.com>
> **Date:** October 2, 2022 at 9:13:37 AM PDT
> **To:** commissioners@tetoncountywy.gov
> **Subject: Stage Stop September 30th Application**
>
> It has come to to my attention that Stage Stop LLC (SS) is once again attempting to circumvent the required County and Neighborhood planning processes through an application submitted to the County on SEPTEMBER 30th, that requests action during the commissioners during their OCTOBER 4th meeting.
>
> Please deny this last minute effort by SS to by-pass the required planning and review process. SS recent application not only misrepresents the Aug 18th meeting with the Rafter J Board, it fails to address the negative traffic safety impacts, parking issues, transportation needs, and water/sewer infrastructure impacts.
>
> SS full time job is development. I fly airplanes for a living. It is discouraging that I cannot TRUST my country commissioners to uphold existing planning and review process AND our neighborhood CC&R's without this continuing burden of letter writing and monitoring.
>
> Thank you for your consideration
> Joe demarsh
> Sent from my iPhone

**From:** triscelene@aol.com <triscelene@aol.com>
**Sent:** Monday, October 3, 2022 7:34 AM
**To:** commissioners@tetoncounty.gov
**Cc:** Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Stage Stop application

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please vote NO on the last-minute revised application submitted by Stage Stop. It appears to be a bad faith attempt to circumvent the planning process and the Rafter J CC&Rs. It misleads regarding the August 18th meeting between Stage Stop and the Rafter J Board, and it does not address the problems inherent in the initial application.

Tris Dunn, resident of Rafter J

**From:** Donald D. Cooke <doncooke1210@gmail.com>
**Sent:** Sunday, October 2, 2022 11:04 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Stage Stop last minute application for Oct 4th meeting

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To: Honored Commissioners and Directors:

I just received and read the last-minute Stage Stop CUP application and find myself both confused and angry at the aggressive, unyielding tone of the letter.

Why would Stage Stop think that offering a new CUP application before the Oct 4th meeting would somehow be acceptable to all parties?

And what, beyond limiting the number of renters to 99, is different from the original application? Come on, folks! The parking issue is still in play, even with ONLY 99 renters, and most assuredly, the TRAFFIC problem is screaming for attention, and is reason enough to kill this application by itself. The letter totally mis-represents what happened at the AUgust 18th meeting , by the way. This is another greedy, inflexible and angry reaction from an applicant who has mis-handled the process from the beginning by not involving the HOA ,and who continues to believe that they will circumvent both the town approval process and the CCR's governing the other 499 families in the neighborhood. It is disrespectful to you and to Rafter J.

I respectfully ask that you stop this nonsense and send Stage Stop back to the drawing board for an application that is realistic, thoroughly vetted and inclusive of the needs/concerns of all parties, especially the HOA.

I would appreciate a response, but will otherwise see you on the 4th.

Regards,
Don

Donald D. Cooke
President
Alpine Trails Development
PO Box 9207
Jackson, WY 83002

Donald D. Cooke
President
Alpine Trails Development
PO Box 9207
Jackson, WY 83002
203-246-1865

---

-----Original Message-----
From: Steve Baldock <baldockjh@bresnan.net>
Sent: Saturday, October 1, 2022 7:51 PM
To: Chris Neubecker <cneubecker@tetoncountywy.gov>
Subject: Stage Stop proposal

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Please deny the CUP application being put forward by Stage Stop. This is simply another attempt to thwart the covenants of Rafter J for their own personal gain. Please don't let this happen. Thank you, Steve Baldock, resident of Rafter J

Sent from my iPhone

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**From:** Karl Jagstadt <jagstadt@comcast.net>
**Sent:** Saturday, October 1, 2022 6:49 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Stage Stop refined application

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Mr. Neubecker,
Please encourage the county commissioners to vote No on Stage Stop's new refined application. It should go back to your department for analysis. This application does not allow time for public review and comment, it still violates Rafter J CC and Rs. It is not affordable workforce housing, in addition, it will make a dangerous exit from Rafter J even more hazardous.
Thank you for your time,
Karl and Dolores Jagstadt

Sent from my iPhone

Sent from my iPhone

**From:** Mandy Lowe <mandylowe@gmail.com>
**Sent:** Saturday, October 1, 2022 10:36 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Re: VOTE NO on Legacy Lodge lot 333 SUP

Commissioners

> It seems the Applicant is attempting last minute changes to their proposal leading up to the October 4 meeting, which completely circumvents the appropriate processes as stipulated by the county and outlined in previous planning meetings.
> The letter also misrepresents interactions with the Rafter J HOA who are not aligned with any of the CUP proposals.
> The Applicant continues to try to embellish meaning into discussions with WYDOT and START without any solid plan or commitment to following through.
> This is a completely inappropriate application and should not be considered given the number of last minute changes.
> I ask you to DENY this application.
> Mandy Lowe
> Rafter J Resident
>
> On Mon, Sep 26, 2022 at 1:01 PM Mandy Lowe <mandylowe@gmail.com> wrote:
>
> > Dear Commissioners
> > I am writing to you again to request that you DENY the CUP application for Legacy Lodge in Rafter J. I want you all to understand how passionately YOUR constituents feel about this application and the adverse effects it will have on a very successful community.
> > It was previously denied with condition of the applicant making efforts to address issues around adverse visual and environmental impact and significant concerns around the noise and nuisance such a large influx of temporary residents would cause. The time given The Applicant on May 23 when the CUP was denied, was to be used by The Applicant to find more amicable solutions and to resolve issues with the Rafter J HOA, including lack of consultation regards CC&Rs.
> > All the original and well presented arguments against still remain and have not been mitigated in any way. Noise, lack of parking, dangerous vehicle loading of the northern Rafter J entrance during peak times, water & sewer and who would adequately police any of the very loosely proposed ideas that were brought forward by The Applicant. All these issues fall to the Rafter J community as evidenced by neighbors having to call law enforcement for public disturbance and an aggressive dog from tenants at Legacy Lodge.
> > The fact remains that The Applicant purchased the building knowing it was not zoned or permitted for any of his intended purposes and the Commission has an obligation to ensure all

relevant standards of the LDRs and County Resolutions are met and should DENY the application with no further redress.
Choosing expediency over thoughtfully planned and compliant applications does not serve Jackson or its residents in the short term or long term.
Mandy Lowe
Rafter J Resident

On Thu, Sep 15, 2022 at 12:57 PM Mandy Lowe <mandylowe@gmail.com> wrote:

> Dear Commissioners
>
> I have written to you on this subject a number of times and I continue to be very much concerned and passionate about the outcome of the upcoming Planning meeting.
>
> I am increasingly frustrated by the strong bias that appears to be in place for the application over the very real, well articulated and evidenced concerns of the Rafter J residents. All of the original concerns for the CUP have not been addressed and to bring this back to a new vote without any further address to these concerns seems redundant. I am dismayed that transportation, sewer, dangerous conditions of the F entrance way to the highway at the northern entrance, privacy, noise, lack of parking and the Council's own admission that they do not have resource to police any of the resolution of the above, have not been adequately addressed or resolved yet the process seems to continue and the applicant has been able to proceed over the significant concern and protest of the entire Rafter J community.
>
> Recently the applicant has been placing strategic articles (many of them paid) in local news publications which give a very skewed picture of the situation and does not at all indicate or represent the above concerns of the Rafter J community. There is a very clear attempt to sway sentiment whilst completely glossing over the very significant negative impact that will be felt by all Rafter J residents.
>
> Significant to all of this is that any change to the CUP should involve alignment with the Rafter J CCRs and approval by 65% of the home owners. There has been absolutely no attempt to do this and the applicant continues to push the bias at a County level instead of making any attempt to work with the Rafter J community who will be significantly impacted by any future amendments.
>
> The CUP allows for high density and short-term leases at MARKET rate. This is in no way addresses affordable housing (though it has been advertised in this way) and it is completely out of character and inappropriate for the Rafter J Community. Proof of this is the disturbance issues recently occurring at Legacy Lodge where excessive noise on multiple occasions caused law enforcement to be called to manage the safety of nearby residents. This has occurred when there are only <20 occupants. The noise, parking and disruption issues will be exponentially multiplied if the CUP goes through and the Commission has indicated they are not in a position to monitor or enforce any of the requirements they have set forth in the CUP.
>
> I strongly urge you to vote NO. This vote supports your constituents of Rafter J.
>
> Thank you for your time.

> Mandy Lowe
>
> Rafter J Resident.

**From:** Sue Perkins <sueperkins@charter.net>
**Sent:** Monday, October 3, 2022 11:33 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Legacy Lodge/Stage Stop

10/3/22

To: Teton County Commissioners, Chris Neubecker, Keith Gingery,

On 5/16/22 I read this letter at the last Commissioner's meeting. I've decided to send this today so you can read it personally from this hard copy.

My name is Sue Perkins and I've owned my RJ home for 30 years.

Do you realize how small the rooms in Legacy Lodge are?

There are 18 studios w/1 bed @326 sq. ft
There are 33 w/1 bedroom @474 sq. ft.
There are 6 w/2 bedrooms & 1 bath @708 sq. ft.

How can you add a full size refrigerator and a stove to these already cramped, tiny rooms? And then you want to add 4 people to a room?

Here's a question for each of you…Have you taken the time to tour the Legacy Lodge? Have you seen the size of each of those rooms? I have. Please request a tour. You will then understand how tiny & cramped those rooms will be.

At the previous meeting I witnessed something astonishing to me. 3 of you had legitimate, considerate concerns with the Legacy Lodge proposal. I appreciated your thoughtful questions, concerns and suggestions. However, after Stephan Foeder, the Stage Stop representative spoke, with so much disregard to the RJ residents, you appeared to roll over like little puppies AND suddenly voted to accept the PUD??? How did that happen so quickly? I'm only bringing this up because I witnessed this with my own eyes and it was shocking to me. What happened to all of your questions and concerns?

Since the last meeting, I have reread all of the letters/emails/etc that you received & there are so many concerns from my fellow RJ neighbors. You must continue to question the St Stop proposal. From the moment Stage Stop purchased Legacy Lodge, they have pushed through THEIR wishes, with dollar signs in their eyes, and without any consideration of the RJ residents. And now they don't even want to hear from us! How neighborly is that?

You MUST allow the RJ residents to VOTE on this proposal. You know that Stage Stop has rushed through this process for their own benefit and has handled this poorly & with disregard to the RJ homeowners & the rules we all follow in our subdivision.

Please listen to those of us that call RJ our home. Listen to every one of our concerns before you make a rash decision. Reread our letters. Follow the rules & regulations set forth for RJ. Visit the Legacy Lodge building and view each of floor plans for each type of room.
Let the RJ residents VOTE, Let our voices be heard, because this proposal directly affects our lives and our neighborhood.

Vote No to the Conditional Use Permit because there are too many unanswered questions, there is no benefit to the RJ community, and because Stage Stop has tried to ramrod their plan through since this whole process began. Vote No!

Thank you for time.
Sue Perkins

Sent from my iPad

-----Original Message-----
From: Arthur Greger <agreger@bresnan.net>
Sent: Monday, October 3, 2022 10:16 AM
To: Keith Gingery <kgingery@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Lot 333 Rafter J Legacy Lodge

Sorry for another letter, but it's in response to another attempt to circumvent both Rafter J and the planning for the uses of lot 333, the old Legacy Lodge building.
The proposal just adds a little public relations to a proposal that is wrong from the start. The shortcomings of the plan for this building are obvious, as has been pointed out in the many letters that have been sent to the county commission. Having a few less people proposed still irrevocably changes the character of Rafter J. No matter how accommodating the developer tries to sound, they are still bypassing the CCR's of Rafter J. A building used as apartments simply doesn't fit into the neighborhood. There is already been nuisance noise, and there are supposedly only six people living there.
The whole process that has been pursued by stage stop is akin to a hostile takeover. It is no wonder there is such opposition to their proposal.

I feel the bottom line is that they should operate fairly, and comply with the Rafter J CCR's. This would involve a vote of Rafter J residents. This is how it should've been pursued from the start. I think everyone is tired of the unethical end run that has been pursued from the start.

The spot rezoning that is being requested, still fails to address the nuisance noise, lack of parking, road congestion, road safety, as well reasonable transportation solutions. No one will ever know how many people would be in there once it's zoned, and five extra guest spots is almost a joke.

People seem to feel that adding housing, even if it's in the wrong place at the wrong time, is good. I don't think destroying well-planned neighborhoods is the answer. This statement applies not to just Rafter J.

Art Greger
1935 Homestead Dr
Jackson Wy

**From:** tiletime@bresnan.net <tiletime@bresnan.net>
**Sent:** Monday, October 3, 2022 11:26 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Please read before Oct. 4th meeting

I just discovered that the lawyer for Stage Stop LLC has submitted an "update" on the CUP2021-0005 application for Legacy Lodge only a few days ago. This appears to be a last minute attempt to bypass the proper planning process. You as well as the Rafter J homeowners should have the opportunity to review and comment on the changes the applicant is proposing before tomorrow's vote!

In addition, the letter from the lawyer claims the applicant is willing to work on the concerns and issues of the Rafter J homeowners, but they have yet to show any actual action in this regard. The applicant is putting the cart before the horse by expecting you to approve the CUP without acting on these concerns including complying with the Rafter J CC&Rs.

Please deny the CUP application 2021-0005 and this recent update.

Sincerely,

Elizabeth Jacobson

| | |
|---|---|
| **From:** | Chris Neubecker |
| **To:** | Chandler Windom |
| **Subject:** | FW: Rafter J Lot 333 CUP vote Oct.3 |
| **Date:** | Monday, October 3, 2022 5:06:17 PM |

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**From:** lfitz@bresnan.net <lfitz@bresnan.net>
**Sent:** Monday, October 3, 2022 12:37 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Rafter J Lot 333 CUP vote Oct.3

Lee and Mike FitzPatrick
1195 West Hereford Drive
Jackson, WY 83001

Dear Mr. Gingery, Mr. Neubecker, and Teton County Commissioners,

Prior to the October 4 discussion on the CUP for Rafter J lot 333, we have been made aware of Stage Stop Incorporated's latest attempt to circumvent procedure and process in order to enhance their business profits. As discussed multiple times, the high-density apartments on Lot 333 are not in compliance the Rafter J CCRs.
We trust that, as professionals you will not be swayed or threatened by their attorney, Mr.

Fodor's, letter dated Sept. 29, 2022. Frankly, this letter is an attempt to revise the CUP as previously discussed, thereby avoiding the process that a new application would require. Mr. Fodor's letter also falsely represents discussion from their August 18 meeting with the Rafter J HOA board. It is our understanding that this meeting addressed the proper procedure for amending the CCRs. This seems to be a process that Stage
Stop refuses to address, perhaps because a vote by Rafter J residents would not result in their favor.
In addition, the letter from Mr. Fodor reiterates many points that have been discussed at prior meetings and determined to be unviable options. For example:

- WYDOT has indicated that no changes will be made to the Highway 89 intersection.

Please do not be swayed or threatened

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**From:** BobbieCDailey <BobbieCDailey@protonmail.com>
**Sent:** Monday, October 3, 2022 11:36 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Rafter J lot 333

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

The latest last minute effort on the part of Stage Stop LLC is, once again, a transparent tactic to disregard and bypass the required planning & review process. Furthermore, SS has altogether misrepresented their August meeting with Rafter J HOA Board in their newest proposal.
Please do the right thing.
I am asking for a **no vote** on the Stage Stop applications.
Thank you,
Bobbie Dailey
Rafter J resident

Sent from Proton Mail for iOS

-----Original Message-----
From: Art & Christine Denton <jhdentons@gmail.com>
Sent: Monday, October 3, 2022 9:30 AM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Cc: Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
Subject: Stage Stop LLC CUP

To Teton County Commissioners,

When the Stage Stop LLC purchased Legacy Lodge property, Lot 333, in Rafter J they knew what the Rafter J CC&Rs were but they thought they could circumvent our regulations because of their money and contacts. They are proving this time and time again. This proposed CUP misrepresents the meeting between Stage Stop and Rafter J board. Rafter J homeowners deserve the opportunity to review and vote on any change to our CC&Rs before the County Commissioners vote on this issue. I am also against this due to no affordable housing.

I ask you to please deny the Stage Stop LLC CUP application.

Arthur Denton
1945 W Bunk House Dr. Rafter J

**From:** Vickie Lund <1vickster307@gmail.com>
**Sent:** Monday, October 3, 2022 10:04 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** Keith Gingery <kgingery@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Stage Stop's Newest Application

To whom it may concern;

As a concerned resident of Rafter J, I am requesting a No vote on the newest CUP request from Stage Stop.
Stage Stop purchased the property knowing how it was zoned.
They are trying to force the zoning to be changed without due diligence.
The residents of Rafter J have CC&Rs that we abide by and therefore have a desirable community. Community concerns needs to be heard and addressed.
There is a need for affordable housing however- from the meetings I have attended- it sounds like Stage Stop plans on subleasing to other businesses because they already have housing for their employees. What is affordable to a business owner is NOT affordable to a worker bee.
Stage Stop states that they have 2 caretakers on the property. There are at least 5-10 cars every day/night. So 100 residents are going to have 50 cars, when 2 caretakers have 5-10....Hmmmmm
Please don't rush to a yes vote. Please vote No on the current CUP until there is a viable plan in place.

Sincerely,

Vickie Lund
307 413-3133

**From:** Friends of Rafter J <friendsofrafterj@gmail.com>
**Sent:** Monday, October 3, 2022 2:47 PM
**To:** Judy Legg <judylegg@hotmail.com>
**Cc:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Re: Stage Stop's newest request

Wow! Nice email, Judy.

FoRJ

On Mon, Oct 3, 2022 at 10:48 AM Judy Legg <judylegg@hotmail.com> wrote:

> County Commissioners:
>
> I understand that Stage Stop has written a last minute letter to you with new requests for their plans to convert Legacy Lodge into employee housing. This comes as no surprise, as they want to get permission from you without permission from Rafter J homeowners!
>
> You cannot disregard the CC & R's of this community and allow this to happen. Please tell them to apply for a change in our CC & R's before they do anything else.
>
> I am (still) especially bothered by the additional traffic they say will be generated by such a conversion. The statistics they provide have 495 homeowners taking 4,712 trips per day. Impossible! I don't know any 1 homeowner who takes 9.52 trips a day... do you? So, of course their traffic report says here will only be a 3% (and 16%) addition to traffic. Are they serious??
>
> WYDOT has told Rafter J for years that they will not install a traffic light at Big Trails and 89 until after "multiple fatalities". Let's not even think about this. And they cannot get a big bus down into Rafter J to transport riders. At the last meeting, when shuttle services were suggested, Sadak stood up and explained that they could not afford to do that. However, there was a long article in the paper after that, which stated that, if Stage Stop didn't provide a shuttle, it would cost taxpayers $600,000 to subsidize that service.
>
> It seems to me that if a company can charge $1,000 per night to stay at their hotel and will have monthly rental income in excess of $100,000, they could provide such a service. My property taxes increased 57% this year, and my mother's condo, also in Rafter J, increased

76%.  I cannot afford to pay for someone else's transportation.

The editorial in this week's paper addresses short-term lodging, and states 'Residential neighborhoods are designed for member occupancy, not for short term lodging... Let neighborhoods be neighborhoods..."

Please deny this, and all other unreasonable and illegal applications from Stage Stop.

Judy

***Judy Legg***

Mobile: 307-690-9028
judylegg@hotmail.com

**From:** Judy Legg <judylegg@hotmail.com>
**Sent:** Monday, October 3, 2022 10:48 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Stage Stop's newest request

County Commissioners:

I understand that Stage Stop has written a last minute letter to you with new requests for their plans to convert Legacy Lodge into employee housing. This comes as no surprise, as they want to get permission from you without permission from Rafter J homeowners!

You cannot disregard the CC & R's of this community and allow this to happen. Please tell them to apply for a change in our CC & R's before they do anything else.

I am (still) especially bothered by the additional traffic they say will be generated by such a conversion. The statistics they provide have 495 homeowners taking 4,712 trips per day. Impossible! I don't know any 1 homeowner who takes 9.52 trips a day... do you? So, of course their traffic report says here will only be a 3% (and 16%) addition to traffic. Are they serious??

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It seems to me that if a company can charge $1,000 per night to stay at their hotel and will have monthly rental income in excess of $100,000, they could provide such a service. My property taxes increased 57% this year, and my mother's condo, also in Rafter J, increased 76%. I cannot afford to pay for someone else's transportation.

The editorial in this week's paper addresses short-term lodging, and states 'Residential neighborhoods are designed for member occupancy, not for short term lodging... Let neighborhoods be neighborhoods..."

Please deny this, and all other unreasonable and illegal applications from Stage Stop.

Judy

***Judy Legg***

Mobile: 307-690-9028
judylegg@hotmail.com

**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Monday, October 3, 2022 1:05 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** UPDATE regarding CUP 2021-0005 for Legacy Lodge

Chair Macker and County Commissioners,
In light of the "refined application" letter from Stefan Fodor on behalf of Stage Stop, submitted September 19h, there are significant concerns.
Once again, the process Stage Stop is using is highly questionable and disrespectful. The timing of the Fodor letter indicates Stage Stop is solely interested in getting approval for a poorly designed apartment complex in the wrong part of the County-- not providing necessary, affordable housing for long-term workers. The letter was submitted after Chandler Windom wrote the staff report to the Teton County Commissioners (TCC). She had no opportunity to comment on the "refined application." The County Housing Department had no opportunity to review it. Secondly, it is my understanding that the Teton County Planning Director determines whether changes in an application are substantial enough to require a new application, or whether the application can proceed through the process. (LDR 8.2.4- Application Submittal) This has not happened. I believe that CUP 2021-0005 should be withdrawn and a new application filed, or at the very least, sent back to the Planning and Housing Department for review and comment. Please do not endorse and promote a process that circumvents Teton County LDRs a second time.

Stefan Fodor has egregiously misrepresented the August 18th meeting between the Rafter J Board and Stage Stop in his September 29th letter.. The following is a summary of the August 18th meeting from Jon Wylie, the unbiased witness to the meeting hired by Rafter J HOA and Stage Stop> Rafter J HOA worked for weeks trying to set up this meeting with Stage Stop.

> **From:** Jon Wylie <Jon@wyliebaker.com>
> **Date:** Friday, September 23, 2022 at 9:14 AM
> **Subject:** Short Summary of Meeting between Stage Stop and Rafter J HOA Board / Lot 333 Use
> At the direction and suggestion of the Teton County Board of County Commissioners, certain HOA Board members and representatives of Stage Stop met in person on August 18, 2022 to generally discuss Stage Stop's plans for the Legacy Lodge site (Lot 333) and Rafter J HOA concerns. After lengthy discussion, the HOA Board agreed that it would provide a venue for Stage Stop to propose and present a CCR amendment which would allow residential use at Legacy Lodge/Lot 333 (currently Lot 333 is restricted to commercial use). The Board will not take an official position on Stage Stop's proposed amendment to the CCRs but, as an owner of a lot within Rafter J Ranch, Stage Stop has a right like any other owner to present proposed amendments to the CCRs. All parties agreed that Stage Stop would consider submitting a proposal to amend the CCRs to allow residential use on Lot 333 while reserving all rights prior to the Sept 20 BOCC meeting and all parties would further consider the

pros/cons of submitting a declaratory judgment action to the Teton County District Court so that a court could rule on whether or not Stage Stop's proposed use is commercial or residential.

In his September 19th letter, Fodor implies the nine topics he addresses were discussed at the August 18th meeting. This is not the case, as per the summary above. To insinuate that these "refinements" came from the August 18th meeting **is an outright lie**. Please do not base any decisions on the untruths presented in this letter.

**These requests for a more "balanced and appropriate use" of the (Legacy Lodge) building appeared on a Teton County Commissioner website this summer:**

- One-year leases
- Deed restrictions for some apartments to be affordable
- Conversion of some small studios into larger apartments to provide housing suitable for long-term residents and reduce parking constraints
- Mitigations for parking problems, public transportation and an unsafe intersection
- Expedited process for resolving disputes and ensuring compliance

While the above requests closely mirror the concerns of Rafter J residents as mentioned in public comments, they were NOT addressed in the Fodor "refined application" nor were they discussed at the August 18th meeting, as implied in the Fodor letter.

Recent conversations with TCC suggest indicate you are leaning toward passing the CUP with conditions. What a disappointment for all of us because we believe it is harmful to disassemble any opportunity for assisted living to be re-instated in the Legacy building and replace it with market-rate apartments for short-term, seasonal workers of the tourist industry. The complete neighborhoods in Jackson have room for thousands of units, within properly zoned areas. It is not your responsibility, nor the Rafter J residents' responsibility to cannabalize zoning and the Comp Plan vision because one business purchased lot 333 in a neighborhood that does not allow apartments. If there is any doubt as to apartments being allowed in an R3 area of Teton County, please see the brief submitted by Leah Schwartz today on behalf of Friends of Rafter J. Do not compound a mistake on the PUD vote by also approving this poorly constructed CUP.

Please remember that Stage Stop **was** communicating with the proponents of assisted living regarding the sale of Legacy Lodge before Luther changed his mind and rescheduled another vote. If in doubt, speak with Kevin Cochary, co-chair of the assisted living group, who was approached about selling Legacy Lodge.

I know you face great pressure to approve housing. I agree that affordable housing for long-term residents of Teton County is critical. Many Rafter J residents also agree. **Our community is in great danger of losing support for long-term, affordable housing for critical workers when elected officials support EVERY housing proposal that comes their way.** The last time SPET housing proposals were on the ballot, they failed. I have heard many long-term residents of this valley say they will not support SPET money for housing until the Town and County prioritizes housing projects that are affordable, serve critical workers and domicile long-term residents. Stage Stop's CUP is not one of them. Please prioritize the kind of housing developments that you support, so our community doesn't have a knee jerk reaction and oppose ALL housing proposals.

Respectfully-

Jan Lovett

Lee and Mike FitzPatrick

1195 West Hereford Drive

Jackson, WY 83001

October 3, 2022

Dear Mr. Gingery, Mr. Neubecker, and Teton County Commissioners,

Prior to tomorrow's discussion on the CUP for Rafter J Lot 333, we have been made aware of Stage Stop Incorporated's latest, eleventh-hour, attempt to circumvent County process and procedure in order to enhance their business profits. As discussed multiple times, the high-density, market-priced apartments on Lot 333 are not in compliance with the Rafter J CCRs.

We trust that, as professionals you will not be swayed or threatened by their attorney, Mr. Fodor's, letter dated Sept. 29, 2022. Frankly, this letter is an attempt to revise the CUP as previously discussed thereby avoiding the process that a new application would require.

Mr. Fodor's letter falsely represents his client's discussion from the August 18 meeting with the Rafter J HOA Board. It is our understanding that this meeting addressed proper procedure for amending the RJ CCRs. This seems to be a process that Stage Stop refuses to address perhaps because the required vote by Rafter J residents might not result in their favor. In addition, the letter from Mr. Fodor reiterates many points that have been discussed at prior meetings and determined to be unviable options. For example:

> **Fodor's item #2:** Additional parking spaces **will** negatively impact nearby RJ properties. Vegetative screening will not reduce traffic and it will not completely eliminate the noise and light pollution it generates.
>
> **Fodor's item #3:** START bus service to Rafter J actually has been tried in the past. It was quickly determined an unsuccessful endeavor.
>
> **Fodor's item #6**: The Highway 89/Big Trail Dr. intersection **has been** discussed. WYDOT has indicated that no changes will be made to it, citing reasons such as the danger that a traffic light at that location would pose.

It is clear to us that Stage Stop has worked diligently to manipulate the county process and appeal to their political allies. This does not sit well with the Jackson community. Please deny the Conditional Use Permit that will change the character of our rural community that we invested in so many years ago.

With respect,

Mike and Lee FitzPatrick

**From:** Laurel Sanville <lmsanville@gmail.com>
**Sent:** Monday, October 3, 2022 3:50 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** NO VOTE on Stage Stop application

Dear Teton County Commissioners, Mr. Neubecker, and Mr. Gingery;

I am writing as a citizen of Teton County and a resident of Rafter J to request that you please vote NO on the original and the revised CUP submitted by Stage Stop, LLC.

I want affordable housing in our county too. But neither of Stage Stop, LLC's applications propose ANY affordable housing. And importantly to me, they don't address adverse impacts to my family and neighborhood; namely, traffic safety, parking, noise, and respect for the Rafter J HomeOwners Association CC&Rs.

Thank you for voting NO.
Best regards,
Laurel

Laurel M. Sanville, MS, RDN, LD
Registered & Licensed Dietitian
Sanville Consulting, LLC
c: 770.298.3585

| | |
|---|---|
| **From:** | Margaret Creel |
| **To:** | Board Of County Commissioners |
| **Cc:** | County Planning Commission; Natalia Macker; Luther Propst; Mark Newcomb; Mark Barron; Greg Epstein; Chandler Windom; editor@jhnewsandguide.com; county@jhnewsandguide.com |
| **Subject:** | CUP 2021-0005 Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations to allow for Workforce Apartments at the Legacy Lodge |
| **Date:** | Monday, September 26, 2022 9:16:58 AM |

Esteemed lady and gentlemen,

Thank you for the opportunity to submit my written comments regarding your upcoming vote on CUP 2021-0005.

In short, please **DENY CUP 2021-0005** and send the application back to the proverbial drawing board, the most appropriate place for it to go. **DO NOT approve it with conditions**.

To refresh your memories, according to Section 8.4.2 of the Teton County Land Development Regulations, "A conditional use permit shall be approved upon finding the application":

- **1. Is compatible with the desired future character of the area;** and
- 2. Complies with the use specific standards of Division 6.1: Allowed Uses and the zone; and
- 3. Minimizes adverse visual impacts; and
- 4. Minimizes adverse environmental impacts; and
- 5. Minimizes adverse impacts from nuisances; and
- **6. Minimizes adverse impacts on public facilities; and**
- 7. Complies with all other relevant standards of these LDRs and all other County Resolutions.

To refresh my memory, I went back to the recording of the May 17 BCC meeting to listen to the previous discussion regarding the CUP and your subsequent vote(s). As Commissioner Macker was not present, the vote outcome was 2-2, effectively denying the CUP. It was denied because neither Commissioner Newcomb nor Commissioner Propst could make the findings (#1 and #6 specifically).

**NOTHING HAS CHANGED SINCE THEN. "*Since then*" includes the following:**

**1.** Commissioner Propst did make a motion on **May 23** to:

- "*have the application come back before the Board on September 20, 2022, with the understanding that the Applicant* uses *the time to make an effort to resolve issues with the neighbors and* to mitigate the impacts of the CUP."

In his email blast on **June 26, 2022**, Commissioner Propst noted that he made the motion "*because we have a housing crisis and a large empty building.*" His goal was "*to catalyze the landowner (applicant), neighbors, and housing advocates to develop a more acceptable proposal for use for the Legacy Lode building ASAP, so that we can best meet our severe need for housing for diverse members of our community and mitigate impacts on the neighborhood.*"

Commissioner Propst voted to support this measure, which passed 3-1, with Commissioners Epstein and Barron voting "AYE." Commissioner Newcomb voted against the motion.

In Commissioner Propst's e-blast, he wrote about his hopes for a more balanced and appropriate use of the building with:

- Inclusion of one-year leases for long-term residents rather than ALL (my caps) short-term (e.g., 6-month) leases for seasonal employees.
- Deed restricting apartments for affordability rather than entirely rented in blocks to business and then subleased to seasonal employees at the highest going rate-coupled with commitments to offer some apartments for critical service providers (e.g., school and hospital employees).
- Conversion of some of the smallest (e.g., studio) apartments into one or two-bedroom apartments to reduce the overall occupancy of the building and provide housing that is more suitable for long-term leases and a parking-constrained facility.
- Specific and phased commitments to invest in mitigating parking problems, ensuring public transportation (perhaps through gap funding until START service arrives), and supporting analysis of the already unsafe intersection of Big Trails Road and Highway 89.
- An expedited process for resolving disputes and ensuring compliance.

**NOTE:** Not one of these hopes, *although the applicant had from May 23 until mid-August*, was addressed, and instead, the two BUPs mentioned below were filed with the County.

**2.** The Rafter J HOA and their attorney met with the applicant and their attorney on **August 18.** The RJHOA/attorney made it clear that 65% of RJ homeowners had to vote in favor of what they were requesting. To the best of my knowledge, there hasn't been any other communication between the applicant and the RJHOA.

**3.** After this meeting, on **August 26**, Stage Stop, Inc. submitted **two** *Basic Use Permits* requesting commercial offices on the ground floor of Legacy Lodge and apartments on the top floor. **NOTE:** These were submitted 8 days after the meeting with the Rafter J HOA and the applicant. Both applications were deemed **insufficient** by the Planning Department on September 9 for the following reasons:

**The application for BUP2022-0077, Legacy Lodge Misc. Professional Office Basic Use Permit was insufficient for the following reasons.**

- Narrative description of use does not identify the type of professional office being proposed. *Miscellaneous Professional Office* is not a sufficient description for staff to determine compliance.
- Please expand on why kitchenette areas and bathrooms are not part of the office use in each unit.
- Floor Plans provided only illustrate a residential use and do not sufficiently describe occupation of the existing space by an office use.
- Application does not mention any Building Code/Permit requirements for changes in occupancy code from assisted living to office. Would recommend reviewing this to ensure Basic Use Permit application encompasses all

potential changes to the space.

**The application for BUP2022-0076, Legacy Lodge Accessory Residential Unit Basic Use Permit is insufficient for the following reasons.**

- A Basic Use Permit application is required for each Accessory Residential Unit. This application proposes one BUP application for 27 individual units.
- Several references are made to a R-2 zone which is inaccurate.
- The application BUP2022-0077 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, 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.

**4.** On **August 23**, you received an email from Rafter J resident Jan Lovett regarding nuisance behavior at Legacy Lodge with the subject line: **CUP application Stage Stop- nuisance behavior.** This correspondence is in the *0906 Correspondence Detail* provided to you for your BCC Regular Meeting on September 6, 2022. In good conscience, ask yourselves if you can find that the CUP minimizes adverse impacts from nuisances.

**5.** ***Shelter JH***, a local non-profit that is part of the cavalry for affordable housing for community members, just submitted their candidate recommendations for the upcoming elections. They noted their support for Commissioner Propst, commenting that they appreciated his thoughtful approach to issues like Legacy Lodge and his understanding that "**sometimes you have to say no to subpar housing developments that make way for plans that truly support locals."**

The bottom line, even with the above timeline, begs the question: H*ow* can you support such a poor application that does not benefit the community in ways that ALL of you have repeatedly said is essential?

Most importantly, **you cannot make the findings**. I don't think I need to remind you that it is your legal obligation as elected officials to stay true to *that* essential requirement --you have to make the findings to approve applications brought before you.

## DENY THIS CUP. DO NOT CONDITION IT. CONDITIONS WILL *NOT* MAKE THIS A BETTER APPLICATION.

A pig is a pig, regardless of what color lipstick you put on it.

Respectfully,

Margaret E. Creel
Rafter J

| | |
|---|---|
| **From:** | Case Brown |
| **To:** | Board Of County Commissioners; Natalia Macker; Mark Newcomb; Luther Propst; Greg Epstein; Mark Barron |
| **Cc:** | Chris Neubecker; Chandler Windom |
| **Subject:** | CUP 2021-0005 Please find this application not worthy of approval |
| **Date:** | Monday, October 3, 2022 3:30:07 PM |

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Greetings Chairwomen Macker and Teton County Commissioners,

On behalf of myself and the other 700+ registered voters in Rafter J, I would ask you to deny the CUP application submitted by Stage Stop for the old Legacy Lodge property. Since the first application was denied based on very sound and important points made by Luther Probst, no changes can be credited to the applicants approach. There was a meeting with the RJ HOA Board and the entirety of that meeting was the HOA explain the process Stage Stop must go through to bring the "change of use" to a vote. This was the only thing discussed at that meeting and nothing was offered by the applicant to "work together" and come to common ground. Also during this time, the applicate tried to find another loop hole in the system that would take the power out of your TCC hands, by applying for two BUP's.

Stefan Fodor's letter addresses all the same concerns that were presented in the PUD and CUP with no real changes proposed, and even shows they are actually going backwards on some of the "findings" from the Planning Staff report. Specifically they are already asking to increase the parking spaces by 100%. So the argument during the PUD vote, that there will be no negative impact to the traffic because of the limited vehicle parking is already being changed! I fear that the applicant will constantly be asking for changes and modifications to the permits until they get what they want which is over crowded, non rent restricted, non workforce (more than 90 day leases) units that will change the character of Rafter J for ever.

Thank you all for your time and extra effort on this topic and I hope we can count on you to keep our neighborhood great,

Case Brown

307-699-3377
Lot 31 Rafter J

| | |
|---|---|
| **From:** | Richard Bloom |
| **To:** | Board Of County Commissioners; Natalia Macker; Mark Newcomb; Luther Propst; Greg Epstein; Mark Barron |
| **Cc:** | Chris Neubecker; Chandler Windom; Mike Keegan; Tracy Baiotto; Karen Jerger; Kathie Brazinski; Jessica Hendryx Brown |
| **Subject:** | CUP2021-0005 - Significant Modifications - declare original application withdrawn |
| **Date:** | Friday, September 30, 2022 5:24:21 PM |
| **Attachments:** | 22-09-29 Ltr re CUP2021-005 Update Lot 333 Rafter J.pdf |

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Chair Macker and Teton County Commissioners,

By now you have seen the intentional last minute (thus missing Chandler's staff report - or any posting to the County GIS web site) submittal by Stefan Fodor on behalf of Stage Stop - which at this point in the review throws all semblance of fair process on the CUP reconsideration of vote - into the toilet.

It is pasted below.

As Keith Gingery pointed out in previous emails in that case as to proposed conditions submitted by Stage Stop attorney Jill Arnold - substantive changes submitted by the applicant late into the process will *"render previous reviews incomplete or obsolete…"*

See LDR 8.2.4 Application Submittal - Section F - Significant Modifications

> If at any point during the review of an application the Planning Director deems that revisions to the application are significant enough to render previous reviews incomplete or obsolete, the Planning Director may declare that the revision is a resubmittal or a new application and declare the original application withdrawn. Such a declaration resets all review deadlines and processes, and the Planning Director may assess a new application fee.

I contend that this submittal - given its breath, lack of detail in many areas and timing: constitutes "significant modifications" to their application - and that the Planning Director should deem these revisions are a resubmittal - and that the original application is withdrawn.

Consider the introduction of Mr. Fodor's letter: *"The owner has worked diligently to further refine the application…"*

Mr. Fodor then goes on to lie:

*"The owner met with representatives from the Rafter J Homeowners Association board and was able to garner helpful feedback on neighbor concerns, potential solutions and additional mitigation measures."*

Mr. Fodor is completely misrepresenting what did - and did not occur - over the last several

months - and essentially in a single constrained meeting on August 18. I have copied the Homeowners Association board who can adress the manner that this statement completely misrepresents what transpired during their one limited scope meeting.

At the very least you either need to ignore this letter on Tuesday - or if you intend to hear the applicant on these matters - then continue the meeting so the public can study the changes and engage in the process.

Public comment of course will have to be opened up again - but only after a pause of several weeks by you in order for the public to consider this letter.

But I will strongly contend that the scope and timing on an admitted attempt to *"further refine the application…"* - deems it a resubmittal - and declare the original application withdrawn.

Without going into detail - here are my initial reactions to these improper, last minute, substantive changes to their application:

- The most insulting is that if the CUP is granted - they would *"start the CC&R amendment process"*. So they will have their County approval - will move folks in - then tell the 498 lot owners in Rafter J when they eventually lose the vote - "see you in court".

- Shuttle Service - no way they want that

- WYDOT - they will have a conversation with them - meaningless!

- Critical Service Providers - a thinly vailed bribe - again!

- Reducing the number of units - a firm no

- Parking - Hey - we will throw up a few bushes to screen - after we cut down the trees to make room for them.

- START - again they will have a cup of coffee with START and chat.

- Affordability of Units - absolutely they will <u>not</u> consider that - at all!

- Revision to the Current Condition on Deed Restrictions on Occupancy - <u>before</u> they have their CUP - they want that changed. This one is complicated - and deserves a complete review and opinion by the Jackson/Teton County Affordable Housing Department.

- As to the Cap on Residents reduction (in the CUP): we all know CUP conditions can be changed in the future by engaging the public process a second or third time. They will simply let the132 cap remain on the PUD - then come back and move the CUP cap back up towards 132.

Respectfully - but certainly with my hackles up - Rich

| | |
|---|---|
| **From:** | Margaret Creel |
| **To:** | Board Of County Commissioners; Natalia Macker; Luther Propst; Greg Epstein; Mark Barron; Mark Newcomb; Chandler Windom |
| **Subject:** | Correspondence Report and Detail 1004 StageStop_Rafter J only |
| **Date:** | Saturday, October 1, 2022 6:42:49 PM |
| **Attachments:** | 1004-Correspondence Detail_StageStop_RafterJ.pdf<br>1004-CorrespondenceReport_StageStop_RafterJ.pdf |

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Good evening,

Please find attached all submitted correspondence specific to Stagedo not doubtRafter J.

I have no doubt that more letters have been submitted since, especially since the 11th-hour email sent by Stefan Fodor to Keith Gingery.

Please watch for these most recent letters, which will be arriving in your in-boxes this weekend.

Thank you for taking time to read all the correspondence sent your way. Regardless of the issue, and there are always many, we expect you are familiar with our voices and our concerns.

Respectfully,

Margaret Creel

| | |
|---|---|
| **From:** | Chris Neubecker |
| **To:** | Chandler Windom |
| **Subject:** | FW: Correspondence Details and Reports relevant to Lot 333/Stage Stop/CUP 2021-0005 |
| **Date:** | Monday, September 26, 2022 9:23:44 AM |
| **Attachments:** | 0906-CORRESPONDENCE DETAIL_Stage Stop_Legacy Lodge_Rafter J.pdf<br>0906-CorrespondenceReport_Stage Stop_Rafter J.pdf<br>0920-CorrespondenceReport_CUP_Stage Stop_Legacy Lodge_Rafter J_Lot 333.pdf<br>0920-CORRESPONDENCE DETAIL_CUP_Stage Stop_Rafter J_Lot 333.pdf |

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**From:** Margaret Creel <margaretcreel22@gmail.com>
**Sent:** Sunday, September 25, 2022 9:48 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** County Planning Commission <planningcom@tetoncountywy.gov>; Luther Propst <lpropst@tetoncountywy.gov>; Newcomb Mark <marknewcomb11@gmail.com>; Greg Epstein <gepstein@tetoncountywy.gov>; Mark Newcomb <mnewcomb@tetoncountywy.gov>; Natalie Macker <nmacker@tetoncounty.wy.gov>
**Subject:** Correspondence Details and Reports relevant to Lot 333/Stage Stop/CUP 2021-0005

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Greetings,

Please find attached correspondence reports and details relevant to Lot 333/Stage Stop/Rafter J/CUP 2021-0005 from the BCC 0906 and 0920 Regular meetings. I hope these summaries are helpful when preparing for your October 4 meeting.

All the best,

Margaret

**From:** Chris Neubecker
**To:** Chandler Windom
**Subject:** Fw:
**Date:** Monday, October 3, 2022 9:15:57 AM

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**From:** triscelene@aol.com <triscelene@aol.com>
**Sent:** Monday, October 3, 2022 7:37 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:**

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please vote NO on the last-minute revised application submitted by Stage Stop. It appears to be a bad faith attempt to circumvent the planning process and the Rafter J CC&Rs. It misleads regarding the August 18th meeting between Stage Stop and the Rafter J Board, and it does not address the problems inherent in the initial application.

Tris Dunn, resident of Rafter J

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**From:** Mark Schultheis <mago8631@hotmail.com>
**Sent:** Sunday, October 2, 2022 9:34 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge and Lot 333

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Chis Neubecker,

As a property owner in Rafter J and a full time resident with my family, I am have become ever increasingly concerned with Stage Stop's intentions with the former Legacy Lodge property. I am really feeling like Stage Stop is putting up a smoke screen and causing a lot of confusion as to what is going on at Lot 333/Legacy Lodge and I cannot trust anything they do or say. But I can say to NOT vote on their application at the Oct 4th meeting. This last minute effort to bypass the required planning and review process should not occur. The things that Satge Stop wants to do with the property just do not align with what Rafter J is, a neighborhood of families. We are not short term rentals for the service industry and more specifically the business that are part of Stage Stop's owners. If we were putting teachers, nurses, firefighter and such in there I would have less of an issue. But to put in more sushi chefs in just not what we are. We can do better. Please look at Rafter J as a neighborhood. It is time for Stage Stop to be transparent, truthful, and play by the rules.

The below are points brought up by the Friends of Rafter J

- The *refined application* submitted by Stage Stop is essentially a new Conditional Use Permit application and should be denied and sent back to the planning department. This midnight hour request is improper and makes a sham of the planning process.
- The proposal misrepresents the August 18th meeting between Stage Stop and the Rafter J Board.
- The public, and Rafter J homeowners deserve the opportunity to review and respond to these significant changes before a vote is taken by Commissioners.
- Stage Stop LLC has failed to comply with the Rafter J CC&Rs, despite repeated clarifications by the Rafter J Board about the need to do so.
- The original and the revised application still fail to provide any affordable housing or address the adverse impacts to our neighborhood, including traffic safety, parking, permanent transit and shuttle solutions.

Thanks for your consideration in this matter.

Mark and Audra Schultheis
3245 W King Eider

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**From:** Sue Perkins <sueperkins@charter.net>
**Sent:** Sunday, October 2, 2022 11:44 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Legacy Lodge building/Stage Stop

To: Teton County Commissioners, Chris Neubecker, Keith Gingery

My name is Sue Perkins and I've owned my home in Rafter J since 1992. I see that Stage Stop has submitted a new (last minute) proposal in regards to the use of the old Legacy Lodge building in Rafter J.

Stage Stop was well aware of the Rafter J CC& Rs when they purchased the building and they have repeatedly chosen to disregard them. They knew that apartments were not allowed on this commercial property.

This new Stage Stop proposal is inadequate for the following reasons:

1) Proposal was changed from the original at the last minute
2) Rafter J residents deserve time to review & discuss these changes, as do the Commissioners
3) Stage Stop finally agreed to a meeting with the Rafter J Board on August 18, 2022 but has failed to meet the agreed-upon conditions
4) Continual disregard of the Rafter J CC&Rs
5) The proposed housing will not be affordable
6) Impacts to the Rafter J infrastructure have not been sufficiently addressed, including traffic, parking, safety, noise, water impacts, impact on Rafter J neighborhood in general

Please DENY the CUP! Vote NO!

Thank you…Sue Perkins

Sent from my iPad

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**From:** kjbrodell@wyoming.com <kjbrodell@wyoming.com>
**Sent:** Sunday, October 2, 2022 1:10 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Cc:** Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

-------- Original Message --------
Subject: Legacy Lodge
Date: Fri, 30 Sep 2022 21:17:39 -0400
From: kjbrodell@wyoming.com
To: commissioners@tetoncountywy.gov
Cc: cwindom@tetoncountywy.goc

As the StageStop LLC proposal for Legacy Lodge comes before the commission once again I am asking that the request be denied until several issues are resolved. I had hopes last May that StageStop would work with the Rafter J Board and residents to resolve outstanding questions and find a mutual solution. Instead it appears they continue to try to circumvent Rafter J altogether.

Foremost of my concerns are the lack of any mechanisms to enforce violations. I would like to see plans for parking, noise, dogs, enforcement etc spelled out, on paper and presented to the Rafter J Board. Please do not assume they will sort things out after the fact.

It also seems premature to approve the CUP with a lawsuit pending.

Thanks you for your consideration.

Karilyn Brodell, Rafter J

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**From:** Tony Hill <alpental1975@gmail.com>
**Sent:** Sunday, October 2, 2022 3:03 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** No Vote on Stage Stop CUP Application

I am writing to implore you all to reject the revised Stage Stop Conditional Use Permit as it relates to Lot 333.

As a Rafter J resident and homeowner I strongly feel my ability to consider and respond to the revised proposal is being removed. What right does Stage Stop have to do this?

This application is for all intents and purposes a completely new Conditional Use Permit, and as such should be denied and sent to the Planning Department for review. What precedent does this set for the future of land planning in Teton County if such a last minute revision is accepted?

Above all else I still fail to understand how your Board is even considering any applications from Stage Stop LLC when they have not followed their legal obligation to comply with the Rafter J CC&Rs.

Thank you in advance  for your prudent consideration.

Best,

Anthony Hill

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**From:** Gina Lipp <ginalipp@gmail.com>
**Sent:** Monday, October 3, 2022 7:28 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>
**Cc:** steven lipp <stevenlipp@bresnan.net>
**Subject:** Please Deny Stage Stop's CUP application

County Commissioners,

Please deny Stage Stop's CUP application.

On Sept 12, 2022, at the BBC Voucher Meeting, when discussing moving the CUP application agenda from Sept. 20 to Oct.4 so all commissioners could attend, Commissioner Macker asked Mr. Neubecker if there were any significant changes to the CUP. At that time Mr. Neubecker stated no and he would verify if there were any significant changes.. Public comment for the October 4th meeting was closed because of no significant changes to the CUP at this time. The definition of "significant" means important.
On Sept. 30,2022 on a Friday and only 1 full workday before the county commissioner meeting on Tuesday , a letter was sent that discussed important and significant changes to the CUP application.
Rafter J homeowners and the public deserve the opportunity to review and respond to these significant and important changes before a vote is taken by commissioners.

The CUP application still fails to address the adverse impacts to our subdivision regarding traffic safety, parking and nuisance behavior.
This CUP application still puts market rate dormitory style apartments in Rural 3 "preservation and conservation" zoning. This is compromising our Teton County Comp Plan for rural 3 zoning, "preservation and conservation" which only permits single family detached homes.
Some of the very valid concerns we still have:
1) You should all come and try pulling out of Rafter J during rush hour.
2) Traffic at both failing intersections onto a busy highway. Fehr and Peers reviewed the TIS by Y2 Consultants for the proposed 57 apartment conversion. Fehr and Peers found the analysis was not performed in keeping with industry standard practice. The planning department and county commissioners are basing decisions off of questionable data.
Stage Stop has still not mitigated the increased traffic issue.
Rafter J homeowners should not have to depend on public transportation to solve safety traffic issues in a rural subdivision. The traffic concerns are being neglected and placing the burden on the taxpayers. At present, there are no Start Bus services in Rafter J.

Note: Many assisted living centers provide their own transportation, as research shows people in assisted living usually don't drive. We believe the Legacy Lodge Assisted Living provided much of their own transportation.

3) In the Response to Plan Committee Review Comments dated February 1, 2022, on page 2 it states that the commercial kitchen, primary lobby area/central gathering area space, and rear patio area will be separate from apartment use. The owners envision utilizing the commercial kitchen for culinary classes/demonstrations and for persons and institutions, small businesses or non-profit needing a commercial kitchen to prepare provisions for sale. This commercial use is not located in the Y2 Traffic Analysis or in their limited parking arrangement.

4) Parking on Stage Stop's property stated by the county engineer, Amy Ramage even following the recommendation of the county planner to increase parking spaces from 36 existing spaces which is substantially inadequate, to 58 spaces, which is still inadequate for 99-132 renters. Rafter J should not pay the price of rogue parking. Stage Stop will be limiting their ability to draw long term residents without adequate parking. Again, there is no public transportation to Rafter J and anything less than 24/7 will be inadequate with 6+ months of winter and over 2 miles from the town limits.

5) Rafter J residents live where we do for various reasons, but the backbone of that would be peace, quiet, convenience and a safe place to live and raise our families. The common ground which we share in Rafter J provides wildlife habitat and connections between wildlife habitat, and a great area to teach our children about the outdoors. Stage Stop is planning on hiring a professional management team to protect their residence and property of 5.03 acres, but what about the 498 homeowners, their families and the common ground owned by Rafter J? We have already seen what that might look like as you are aware there has already been recent multiple disturbances (sent to both Chris Neubecker and county commissioners) on the Stage Stop property, yelling/screaming obscenities in which police were called, loud TV blaring into neighbors' yards, and loose, unfriendly dog running onto neighbors' private property.

The continued compromise of our Teton County Comp Plan is saddening to us. We are missing the balance of the stated common values of ecosystem stewardship, growth management and quality of life.

Please deny the CUP application.

Steve and Gina Lipp

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**From:** Janis Allen <janislallen@hotmail.com>
**Sent:** Sunday, October 2, 2022 7:59 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** RafterJ - New Stage Stop Application

Commissioners,

I was just made aware of a new letter submitted September 30th from the attorney representing Stage Stop. ***This last minute, well timed correspondence is no mistake.*** A "refined" application by Stage Stop is essentially a new Conditional Use Permit.

All communications of this magnitude deserve careful reflection. This includes adequate time by the public and Rafter J.

Absolutely NO VOTE should take place unti this happens.

Janis Ferrin Allen
Rafter J

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**From:** Jackie Baxa <jackiebaxa@gmail.com>
**Sent:** Monday, October 3, 2022 3:42 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Requesting NO VOTE on Stage Stop application at Oct 4 meeting

Dear Comissioners,

As a Rafter J homeowner, I am emailing you today to urge you to deny the resubmitted CUP from Stage Stop for their planned development at the former Legacy Lodge.

Stage Stops "refined application" appears to be a thinly veiled Conditional Use Permit in disguise. Their submission of this so late in advance before the upcoming meeting is disrespectufl to Rafter J homeowners and shows their contempt of the planning process. **Please deny their request.**

They proposal misrepresents ongoing discussions between Stage Stop and Rafter J HOA board, particularly in claims they make regarding the August 18th meeting between the parties.

The county public, and most importantly, Rafter J homeowners, deserve the opportunity to review the changes requested in their proposal **before any vote takes place by the commissioners**.

Stage Stop LLC continues to defy Rafter J CC&Rs, circumventing the planning process once again, and shows their disregard for our values as a community, prospective relationship as neighbors, and impact of their development to our neighborhood.

Finally, their plan still does nothing to address affordable housing in Jackson Hole nor any of the adverse impacts on quality of life, safey, traffic/congestion, noise and other matters that will impact Rafter J homeowners if their proposal is approved.

I respectfully request a NO VOTE on their application.

Sincerely,

Jackie and David Baxa ~ Beaverslide Drive in Rafter J

**From:** Art & Christine Denton <jhdentons@gmail.com>
**Sent:** Monday, October 3, 2022 8:15 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** Chris Neubecker <cneubecker@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Subject:** Stage Stop LLC CUP application

Good morning, Commissioners,

I am a long-time resident of Rafter J and am in receipt of Stefen Fodor's email letter to the Board of Commissioners dated September 29, 2022, on behalf of his client, Stage Stop LLC, referencing their CUP application.

Frankly, I was shocked at the blatant and disrespectful intention to bypass the county planning processes and to ask the Board of Commissioners, directly, to approve what is essentially a new CUP application, without planning office review and comment.

This new request contains changes that are significant and should and must require review by the planning department. The public, and significantly, the Rafter J residents should absolutely be given a chance to review the changes and respond to them prior to any vote taken to pass any of it.

State Stop LLC has made no effort to comply with Rafter J CCRs and continues to misrepresent their proposed apartment complex as a commercial, as opposed to residential, endeavor. It, and Mr Fodor, have misrepresented the August 18th meeting with the Rafter J HOA board.

Many concerns have been raised about the initial CUP application, Most importantly among them, neither this revision, nor the original application, provides any affordable housing. Stage Stop LLC obviously has no intention to comply with deed restriction outlined by Teton County, as Mr. Fodor's letter makes clear.

I am vigorously requesting that each of you on our Board of Commissioners, under the requirements of our current Teton County planning and permitting processes, deny the CUP application entirely as it is in violation of Rafter J CCRs and every attempt is being made by Stage Stop to bypass those covenants. As well, no attempt has been made to address that and the other serious concerns put forth by Rater J HOA and residents. Thank you.

Most sincerely,

Christine Denton
1945 W Bunk House Dr. , Jackson WY 83001
307-690-6762

| | |
|---|---|
| **From:** | Jan Lovett |
| **To:** | Board Of County Commissioners; Mark Newcomb; Luther Propst; Natalia Macker; Mark Barron; Greg Epstein |
| **Cc:** | planning; Chandler Windom; Chris Neubecker |
| **Subject:** | Legacy Lodge CUP Application and Revote |
| **Date:** | Tuesday, September 27, 2022 3:02:00 PM |
| **Attachments:** | Rafter-J-HOA-Letter-to-BOCC-co-K-Gingery-5-9-2022.pdf<br>Rafter-J-HOA-9.6.2022.pdf<br>8.18.22-Stage-Stop-Meeting-Summary_Wylie.pdf |

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**Dear Commissioners-**

**In light of the length of time since this CUP proposal initially came under consideration, there are three pieces of communication that are relevant to a revote on October 4th, but they may have been forgotten. Please reread them as they provide valid reasons for denying the CUP on October 4th.**

**On May 9th, Kevin Gregory sent a letter explaining the position of the Rafter J Homeowners' Association Board and reasons for denial of the CUP. This legal opinion may differ from other legal opinions you received.**

**On September 6th, Mike Keegan (Rafter J HOA Board Chairperson) correspondence indicating concerns about improper procedures and practices.**

**And the final meeting summary is from Jon Wylie, a hired witness and attorney at the August 18th meeting between Stage Stop and Rafter J Board representatives. This meeting was organized by Rafter J after Stage Stop was given an additional 3 months to improve their proposal for short-term, unaffordable housing in an R3 area of Teton County .**

| | |
|---|---|
| **From:** | Stefan Fodor |
| **To:** | Natalia Macker; Greg Epstein; Mark Newcomb; Mark Barron; Luther Propst |
| **Cc:** | Keith Gingery; Chandler Windom; Chris Neubecker; Kevin Gregory |
| **Subject:** | Legacy Lodge letter |
| **Date:** | Thursday, September 29, 2022 3:49:23 PM |
| **Attachments:** | 22-09-29 Ltr re CUP2021-005 Update Lot 333 Rafter J.pdf |

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[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Commissioners:
Please see the attached letter on behalf of Stage Stop relating to the Legacy Lodge property.
Regards,
Stefan

Stefan J. Fodor
Fodor Law Office, PC
307.733.2880

| | |
|---|---|
| **From:** | Mark Lovett |
| **To:** | Board Of County Commissioners; Chris Neubecker; Chandler Windom; Keith Gingery |
| **Subject:** | Lot 333 CUP |
| **Date:** | Saturday, October 1, 2022 12:01:18 PM |
| **Attachments:** | 8.18.22-Stage-Stop-Meeting-Summary_Wylie.pdf |

---

Dear Commissioners-

Please Deny the CUP! Everything Stage Stop has proposed is to avoid having the Rafter J Homeowner's having any say in what happens to Lot 333.

The County has been complicit in allowing Stage Stop to avoid the Rafter J CC&R's through the approval of the PUD. According to LDR 1.6.6 County electeds cannot interfere with private covenants, and yet you did. This decision is currently under review in District Court. Briefs arguing against your actions will be submitted October 3. You may want to review them .

Strong CC&R's are one of the reasons I built a home in Rafter J. While Fodor states that Stage Stop will engage in the Rafter J CCR process AFTER the CUP is approved, we know this will not occur because Stage Stop continues to claim that apartments are commercial use. And as you can see in the notes from Jon Wylie from the August 18 meeting between Rafter J Board and Stage Stop, they have not requested a declaratory judement from the courts as to whether apartments are commercial or residential. Stage Stop wants approval for the CUP, so they can immediately move people into Legacy Lodge because they have decided apartments are a commercial use. Why would you support this scam?

I will remember your actions in the voting booth as I vote for or against SPET initiatives and Commissioners.

Mark Lovett

mlovett@bresnan.net
307-690-2485

**From:** Jon Wylie <Jon@wyliebaker.com>
**Date:** Friday, September 23, 2022 at 9:14 AM
**To:** Kevin Gregory <kevin@lgrlegal.com>
**Subject:** Short Summary of Meeting between Stage Stop and Rafter J HOA Board / Lot 333 Use

At the direction and suggestion of the Teton County Board of County Commissioners, certain HOA Board members and representatives of Stage Stop met in person on August 18, 2022 to generally discuss Stage Stop's plans for the Legacy Lodge site (Lot 333) and Rafter J HOA concerns. After lengthy discussion, the HOA Board agreed that it would provide a venue for Stage Stop to propose and present a CCR amendment which would allow residential use at Legacy Lodge/Lot 333 (currently Lot 333 is restricted to commercial use). The Board will not take an official position on Stage Stop's proposed amendment to the CCRs but, as an owner of a lot within Rafter J Ranch, Stage Stop has a right like any other owner to present proposed amendments to the CCRs. All parties agreed that Stage Stop would consider submitting a proposal to amend the CCRs to allow residential use on Lot 333 while reserving all rights prior to the Sept 20 BOCC meeting and all parties would further consider the pros/cons of submitting a declaratory judgment action to the Teton County District Court so that a court could rule on whether or not Stage Stop's proposed use is commercial or residential.

Jonathan Wylie

o. 307-733-6688
c. 307-690-9790
US Mail: PO Box 4211, Jackson, WY 83001
Fed ex/UPS/Office: 60 E Simpson, Jackson, WY 83001
Licensed in Wyoming, Idaho and Texas

| | |
|---|---|
| **From:** | Janice Smith |
| **To:** | Board Of County Commissioners |
| **Cc:** | County Planning Commission; Natalia Macker; Luther Propst; Mark Newcomb; Mark Barron; Greg Epstein; Chandler Windom |
| **Subject:** | Lot 333: Deny the CUP 2021-005 Application. No Conditions Will Make it Acceptable |
| **Date:** | Thursday, September 29, 2022 11:46:38 AM |

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

RE: CUP 2021-0005/Conditional Use Permit for Workforce Apartments

Dear Teton County Board of Commissioners,

**We are writing to ask you to DENY the CUP application submitted by Stage Stop, Inc.**

**It's been said that this is a complicated application. It's not – it is very simple. The findings cannot be met and therefore the CUP should be denied.** The findings are the criteria that guide impartial decisions by the Planning Department and Board of County Commissioners. It is obvious even to the lay person that the findings cannot be met and that the application should have been deemed insufficient by the Planning Department and sent back to the applicants. Better yet, the applicants should have been told to discuss their ideas with the Rafter J HOA first and bring it to a vote of the homeowners. Several individuals closely following this matter have stated that previous BOCC's and Planning Commissions have instructed applicants to do just that before addressing matters at the county level. The applicant has strategically circumvented the subdivision level process. To add to the deception with the issue, the applicant is choosing to keep the building empty to create a sense of urgency and angst around the matter. They certainly could be generating revenue from the building with an approved use, while exploring other options with the HOA and bringing it to a vote with the homeowners, and then the county. Their choice is propaganda.

Responsible planning and development lie with the Commission and the Commissioners. Glossing over incomplete and glaringly unrealistic and imaginary answers to the criteria to approve an application promising more workforce housing is negligent and does not support the county's own LDR's and comprehensive plan (affordable housing for long term residents), and steps all over a private agreement, which is in violation of LDR 1.6.6. The application is so flawed that conditions will not create solutions to the myriad of unresolved issues with the proposal. As others have said; a pig is a pig…

The litany of repeated communication over the last 18+ months by concerned homeowners and other informed individuals in the valley urging, demanding, pleading for an absolute

denial of the CUP **should speak volumes to each of you**, and send a clear message that the CUP application is inappropriate (as evidenced by lack of findings) and a blatant attempt to manipulate all governing documents – at the county and subdivision level. Any vote other than a NO on this matter will have tragic and unforeseen ramifications that will ripple through the subdivision and county and affect the valley for decades to come. It's a Pandora's Box best kept closed with a denial of the CUP.

Given the volumes of communication, review of governing documents, obvious lack of regard for even current rules and regulations on the lot by the applicant (**illegal tenancy and subsequent nuisance issues already!!**), breach of LDR 1.6.6 (private agreements), and obvious inability to make ANY of the findings makes the vote an easy NO on the CUP. How in good conscience can any commissioner consider otherwise?

Thank you for your time and consideration, again, on this matter. Vote NO on the CUP, and do not add conditions – any condition will NOT make the application acceptable.

Sincerely,

Janice and Will Smith

Rafter J Residents since 2004

| | |
|---|---|
| **From:** | Janice Smith |
| **To:** | Board Of County Commissioners |
| **Cc:** | County Planning Commission; Natalia Macker; Luther Propst; Mark Newcomb; Mark Barron; Greg Epstein; Chandler Windom |
| **Subject:** | RE: CUP 2021-0005 and Late Submittal of Significant Revisions to Application by Stage Stop, Inc. |
| **Date:** | Saturday, October 1, 2022 11:57:38 PM |

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Board of Commissioners,

As you all know, Stage Stop has slapped together and submitted significant revisions to the CUP application at the 11th hour, and subsequently are not part of the staff report prepared by Ms. Windom preceding the October 4th Commissioners meeting. We wrote to you a mere 2 days ago; Please recall that "the application is so flawed that conditions will not create solutions to the myriad of unresolved issues with the proposal. As others have said; a pig is a pig…".

**This circus, crafted strategically by Stage Stop, is insulting and rife with unprofessional behavior and is a waste of your time and taxpayer's money. Do you really want to attach your name and approval to something so disrespectful and abusive of the system??**

Referencing portions of the letter from Mr. Fodor, he fully admits that the application has been "further refined". Thus, it has **deviated substantially from the original application.** When an application has undergone significant modifications and has not allowed the proper process and opportunity for review and comment to take place, the original application needs to be withdrawn and a new application considered with the modifications presented (LDR 8.2.4 Application Submittal, Section F: Significant Modifications).

Mr. Fodor makes another egregious statement at the beginning of his letter, claiming that the substantial modifications were a product of the conversation with the Rafter J HOA on August 18th –

> *"The owner met with representatives from the Rafter J HOA board and was able to garner helpful feedback on neighborhood concerns, potential solutions and additional mitigation measures."*

This is a blatant misrepresentation of what occurred at that pointed meeting, which only transpired because the Rafter J HOA reached out to the applicant in June after learning of the request from a commissioner, and it took Stage Stop many weeks to respond and agree on a meeting date, which was ultimately set for August 18th. Below is the report from attorney Jon

Wiley, who was dually hired by Rafter J HOA and Stage Stop to be an impartial attendee of the meeting:

> *From: Jon Wylie <Jon@wyliebaker.com>*
> *Date: Friday, September 23, 2022 at 9:14 AM*
> *To: Kevin Gregory <kevin@lgrlegal.com>*
> *Subject: Short Summary of Meeting between Stage Stop and Rafter J HOA Board / Lot 333 Use*
>
> *At the direction and suggestion of the Teton County Board of County Commissioners, certain HOA Board members and representatives of Stage Stop met in person on August 18, 2022 to generally discuss Stage Stop's plans for the Legacy Lodge site (Lot 333) and Rafter J HOA concerns. After lengthy discussion, the HOA Board agreed that it would provide a venue for Stage Stop to propose and present a CCR amendment which would allow residential use at Legacy Lodge/Lot 333 (currently Lot 333 is restricted to commercial use). The Board will not take an official position on Stage Stop's proposed amendment to the CCRs but, as an owner of a lot within Rafter J Ranch, Stage Stop has a right like any other owner to present proposed amendments to the CCRs. All parties agreed that Stage Stop would consider submitting a proposal to amend the CCRs to allow residential use on Lot 333 while reserving all rights prior to the Sept 20 BOCC meeting and all parties would further consider the pros/cons of submitting a declaratory judgment action to the Teton County District Court so that a court could rule on whether or not Stage Stop's proposed use is commercial or residential.*
>
> *Jonathan Wylie*
> *o. 307-733-6688*
> *c. 307-690-9790*
> *US Mail: PO Box 4211, Jackson, WY 83001*
> *Fed ex/UPS/Office: 60 E Simpson, Jackson, WY 83001*
> *Licensed in Wyoming, Idaho and Texas*

Remember that the PUD 2021-0001 application is being challenged at the judicial level for improper and unlawful process (*Brazinski et al. v. Board of County Commissioners of Teton County*). Certainly, this CUP matter and last minute "via email only" submittal of substantial revisions to the original application is being carefully watched by all. It would be prudent to ignore the belated letter and carry on with the application currently before you on Tuesday, October 4th, or deem the revisions as significant and demand resubmittal of the application to allow a proper and fair process for all to ensue. Referencing just one of the substantial changes listed, "Requested Minor Revision to Condition Recommended by Planning Commission" *before the CUP is approved*, a process is in place for reviewing applications for a reason. This type of request cannot be thrown into a last-minute letter and expect to be accepted. It is significant enough to require a review and report from the Jackson/Teton County Affordable Housing Department. Additionally, note that the applicant is not willing to remove or combine any units, which was a request for consideration by Commissioner Propst.

Bottom line –

--[if !supportLists]-->1. <!--[endif]--> This last-ditch effort to bypass proper procedure at the county level is a willful abuse of the system and <u>should not be allowed to happen so a fair review and comment process for all can occur</u> – departments, commissioners, and the public.

--[if !supportLists]-->2. <!--[endif]-->The applicants had 4 months to genuinely address concerns with the application in good faith. Nothing of the sort has transpired. And now they're offering to "have a discussion" with WYDOT and START?? Come on, if any of this was in earnest, it would have been done months ago and there would be actual, measurable, documented intent, contracts, or delivery of such measures already. Instead, they'll agree to talk to said entities and then claim they couldn't get anywhere with either one and drop both topics out of professed futility.

--[if !supportLists]-->3. <!--[endif]-->The proposed significant changes to the application are a thinly veiled and insincere effort to get what the applicant wants without having to go through proper processes at the county OR subdivision level. What is irksome about this effort to claim to address the CCR's AFTER county CUP approval is that the applicant will continue to disregard any rules and regulations prior to a homeowners' vote and will continue to rent out units and move more people in prematurely. Then, given their current pattern, will likely renege on their statement altogether and not go through the CCR amendment process at all. Or, they will ignore anything less than approval to amend the CCR's and challenge the HOA in court in efforts to wear the HOA and homeowners down and drag out the process in attempts to deplete HOA funds.

**With or without these proposed measures or any other conditions, the application does not deserve further consideration, it is fatally flawed and deserves a NO vote by every commissioner on October 4th. or a demand for the application to be resubmitted so it can be considered under <u>fair and proper process.</u>**

Thank you for your time and sincere consideration of these matters.

Sincerely,

Janice and Will Smith

Rafter J residents since 2004

| | |
|---|---|
| **From:** | Kevin Gregory |
| **To:** | Natalia Macker; Greg Epstein; Mark Newcomb; Mark Barron; Luther Propst; Keith Gingery |
| **Cc:** | Chandler Windom; Chris Neubecker; Stefan Fodor |
| **Subject:** | Re: Legacy Lodge letter |
| **Date:** | Monday, October 3, 2022 10:16:12 AM |
| **Attachments:** | Rafter J HOA Letter to BOCC co K Gingery 10 3 2022.pdf<br>Wylie Email re 8 18 2022 Meeting.pdf |

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All,

Please see the attached letter on behalf of the Board of Directors of the Rafter J Ranch HOA.

Thank you,

Kevin

Kevin P. Gregory
Lubing, Gregory and Rectanus, LLC
350 E. Broadway, Top Floor
P.O. Box 3894
Jackson, WY 83001
307-733-7242
307-733-7471(fax)

Alpine, WY Office:
46 Iron Horse Drive #D
Alpine, WY 83128
(307) 654-0756

*Named to America's Top 100 Attorneys, 2017:* https://www.americastop100attorneys.com/listing/kevin-p-gregory/

*Please feel free to view my profile with "Super Lawyers" by clicking on this link:* https://profiles.superlawyers.com/wyoming/jackson/lawyer/kevin-p-gregory/7a52aca9-17ba-4f9b-9ffe-ba65b6a4b5d3.html

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**LUBING, GREGORY & RECTANUS, LLC**
*Attorneys at Law*

James K. Lubing
*Admitted in WY, ID & MT*
Nathan D. Rectanus
*Admitted in WY*
Kevin P. Gregory
*Admitted in WY & MD*

Marca Tanner Brewington
*Admitted in WY & UT*

October 3, 2022

VIA Email Only
Teton County Board of County Commissioners
-and-
Office of the Teton County Attorney
*All above c/o Keith Gingery, Chief Deputy County Attorney*
*kgingery@tetoncountywy.gov*

Re: Lot 333, Rafter J Ranch Subdivision;
CUP Request
My Client: Rafter J Ranch Homeowners Association

Dear Board of County Commissioners and Mr. Gingery,

This letter is sent in response to the letter sent to the Teton County Board of County Commissioners on September 29, 2022 by Stefan Fodor, counsel for Stage Stop, Inc. ("Stage Stop"), in connection with Stage Stop's application to obtain a conditional use permit ("CUP") to permit Stage Stop to convert the Legacy Lodge, located on Lot 333 within Rafter J, into residential apartments. As you know, I represent the Board of Directors of the Rafter J Ranch Homeowners Association (the "Board").

The Board is concerned and has received numerous calls from its constituency for clarification about Stage Stop's reference to a meeting in the second paragraph of Stage Stop's September 29th letter to you. As a result of this concern and the calls for clarification, I am writing to the Commission to clarify what transpired during the August meeting between representatives of the Board and representatives of Stage Stop and the Board's present position with respect to the CUP application.

Attached to this letter is a short summary of the meeting from Jonathan Wylie, who served as a neutral mediator/moderator to facilitate discussion between the Board and Stage Stop on August 18, 2022. As you will note from Mr. Wylie's summary, the result of the meeting was that:

> "the HOA Board agreed that it would provide a venue for Stage Stop to propose and present a CCR amendment which would allow residential use at Legacy Lodge/Lot 333 (currently Lot 333 is restricted to commercial use). The Board will not take an official position on Stage Stop's proposed amendment to the CCRs but, as an owner of a lot within Rafter J Ranch,

> Stage Stop has a right like any other owner to present proposed amendments to the CCRs. All parties agreed that Stage Stop would consider submitting a proposal to amend the CCRs to allow residential use on Lot 333 while reserving all rights prior to the Sept 20 BOCC meeting and all parties would further consider the pros/cons of submitting a declaratory judgment action to the Teton County District Court so that a court could rule on whether or not Stage Stop's proposed use is commercial or residential."

It is important to note that the *Board* has never, at the aforementioned meeting or at any other time, agreed to or accepted any specific conditions or mitigating measures that would assist in addressing the Board's concerns. The Board's concern has been, and remains, that the subject CUP application portends a violation of the Association's CCRs, regardless of conditions, by contemplating residential apartment usage of Lot 333, when Lot 333 is specifically and expressly designated for commercial use under the CCRs. Any suggestions of "neighborhood concerns, potential solutions and additional mitigation measures" discussed during this meeting were expressly voiced from individual Board members in their capacities as owners within the Association, who only mentioned concerns about the project they had heard from the community at-large beyond the fact that the application, as a threshold matter, violates the CCRs as they are currently enacted.

The Board appreciates Stage Stop's commitment to seeking an amendment to the CCRs should the CUP application be approved. That is absolutely necessary and required before the proposed use is instituted and before residential tenants may be moved into occupancy; otherwise, Stage Stop will be in violation of the CCRs and the Board will be forced to take action to abate the violation. However, put simply, Stage Stop's September 29th letter does nothing to change the nature of its CUP application in light of the CCRs- the application still seeks approval of residential apartments on a property that is expressly designated for commercial use. While Stage Stop states its intention to address the CCRs through the amendment process **if** its CUP application is approved, the Board is unaware of any steps or action by Stage Stop to initiate the process to amend the CCRs to permit residential apartment use on Lot 333.

In light of the foregoing, the Board's position with respect to the CUP application is unchanged from its previous position, which has been thoroughly documented to the Board of County Commissioners. The subject application contemplates a use that is violative of the private covenants that all owners within the Association own their properties subject to, and approval of the CUP currently presages an imminent violation of those covenants.

Thank you for your time and attention to these matters. I am happy to address any questions or calls for information that the Board of County Commissioners has in response to this information.

Very truly yours,

*/s/ Kevin P. Gregory*

Kevin P. Gregory

350 E. Broadway, P.O. Box 3894, Jackson, WY 83001. T. 307. 733.7242, F. 307.733.7471
46 Iron Horse Drive, Suite D, Alpine, WY 83128. T. 307-654-0756 F. 307-733-7471

| | |
|---|---|
| **From:** | Kathie Brazinski |
| **To:** | Board Of County Commissioners; Keith Gingery |
| **Cc:** | Chris Neubecker; Chandler Windom |
| **Subject:** | VOTE NO on Stage Stop"s CUP application on Lot 333 |
| **Date:** | Monday, October 3, 2022 4:54:13 PM |

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Hello County Commissioners and Keith Gingery,

On September 29th, Stage Stop's attorney submitted on their behalf a letter that is a misrepresentation of the facts. I am sure that you have received numerous emails over the weekend since Mr Fofor's letter has been made available to all Rafter J property owners. As such, I do not have to repeat what everyone else has said.

I am aware that it was like pulling teeth to get Stage Stop to meet with Rafter J in an effort to comply with Commissioner Probst's request. The Rafter J HOA Board was willing to meet at any time to make the meeting convienment for Stage Stop. Finally, Rafter J arranged a facilitated meeting once Stage Stop finally agreed to do so. On August 18th, Jon Wiley was an unbiased facilitator of the meeting. You have his summary of that meeting. No where at that meeting or at any time has Stage Stop worked with Rafter J to address neighborhood concerns, potential solutions and additional mitigation measures. This assertion is a fabrication.

In an effort not to make this long and repeating what others have told you, I ask that you pay special attention to certain information already sent, as I concur with the content of the following:

1. email sent by Jan Lovett, sent Oct 3rd
2. email sent by Janice Smith, Sept 30th
3. Leaf Schwartz letter, Sept 29th
4. Leah Schwartz brief, filed Oct 3rd
5. Kevin Gregory's Letter, Oct 3rd

Vote no on Stage Stop's CUP application on Lot 333 before you.

Kathie Brazinski
Rafter J Resident and Property Owner

**From:** Margaret Creel <margaretcreel22@gmail.com>
**Sent:** Monday, September 26, 2022 9:17 AM
**To:** Board Of County Commissioners
**Cc:** County Planning Commission; Natalia Macker; Luther Propst; Mark Newcomb; Mark Barron; Greg Epstein; Chandler Windom; editor@jhnewsandguide.com; county@jhnewsandguide.com
**Subject:** CUP 2021-0005 Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations to allow for Workforce Apartments at the Legacy Lodge

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Esteemed lady and gentlemen,

Thank you for the opportunity to submit my written comments regarding your upcoming vote on CUP 2021-0005.

In short, please **DENY CUP 2021-0005** and send the application back to the proverbial drawing board, the most appropriate place for it to go. **DO NOT approve it with conditions**.

To refresh your memories, according to Section 8.4.2 of the Teton County Land Development Regulations, "A conditional use permit shall be approved upon finding the application":

- **1. Is compatible with the desired future character of the area;** and
- 2. Complies with the use specific standards of Division 6.1: Allowed Uses and the zone; and
- 3. Minimizes adverse visual impacts; and
- 4. Minimizes adverse environmental impacts; and
- 5. Minimizes adverse impacts from nuisances; and
- **6. Minimizes adverse impacts on public facilities; and**
- 7. Complies with all other relevant standards of these LDRs and all other County Resolutions.

To refresh my memory, I went back to the recording of the May 17 BCC meeting to listen to the previous discussion regarding the CUP and your subsequent vote(s). As Commissioner Macker was not present, the vote outcome was 2-2, effectively denying the CUP. It was denied because neither Commissioner Newcomb nor Commissioner Propst could make the findings (#1 and #6 specifically).

**NOTHING HAS CHANGED SINCE THEN. "*Since then*" includes the following:**

**1.** Commissioner Propst did make a motion on **May 23** to:

- "*have the application come back before the Board on September 20, 2022, with the understanding that the Applicant* uses *the time to make an effort to resolve issues with the neighbors and* to mitigate the impacts of the CUP."

In his email blast on **June 26, 2022**, Commissioner Propst noted that he made the motion "*because we have a housing crisis and a large empty building.*" His goal was "*to catalyze the landowner (applicant), neighbors, and housing advocates to develop a more acceptable proposal for use for the Legacy Lode building ASAP, so that we can best meet our severe need for housing for diverse members of our community and mitigate impacts on the neighborhood.*"

Commissioner Propst voted to support this measure, which passed 3-1, with Commissioners Epstein and Barron voting "AYE." Commissioner Newcomb voted against the motion.

In Commissioner Propst's e-blast, he wrote about his hopes for a more balanced and appropriate use of the building with:

- Inclusion of one-year leases for long-term residents rather than ALL (my caps) short-term (e.g., 6-month) leases for seasonal employees.
- Deed restricting apartments for affordability rather than entirely rented in blocks to business and then subleased to seasonal employees at the highest going rate-coupled with commitments to offer some apartments for critical service providers (e.g., school and hospital employees).
- Conversion of some of the smallest (e.g., studio) apartments into one or two-bedroom apartments to reduce the overall occupancy of the building and provide housing that is more suitable for long-term leases and a parking-constrained facility.
- Specific and phased commitments to invest in mitigating parking problems, ensuring public transportation (perhaps through gap funding until START service arrives), and supporting analysis of the already unsafe intersection of Big Trails Road and Highway 89.
- An expedited process for resolving disputes and ensuring compliance.

**NOTE:** Not one of these hopes, *although the applicant had from May 23 until mid-August*, was addressed, and instead, the two BUPs mentioned below were filed with the County.

**2.** The Rafter J HOA and their attorney met with the applicant and their attorney on **August 18.** The RJHOA/attorney made it clear that 65% of RJ homeowners had to vote in favor of what they were requesting. To the best of my knowledge, there hasn't been any other communication between the applicant and the RJHOA.

**3.** After this meeting, on **August 26**, Stage Stop, Inc. submitted **two** *Basic Use Permits* requesting commercial offices on the ground floor of Legacy Lodge and apartments on the top floor. **NOTE:** These were submitted 8 days after the meeting with the Rafter J HOA and the applicant. Both applications were deemed **insufficient** by the Planning Department on September 9 for the following reasons:

**The application for BUP2022-0077, Legacy Lodge Misc. Professional Office Basic Use Permit was insufficient for the following reasons.**

- Narrative description of use does not identify the type of professional office being proposed. *Miscellaneous Professional Office* is not a sufficient description for staff to determine compliance.
- Please expand on why kitchenette areas and bathrooms are not part of the office use in each unit.

- Floor Plans provided only illustrate a residential use and do not sufficiently describe occupation of the existing space by an office use.
- Application does not mention any Building Code/Permit requirements for changes in occupancy code from assisted living to office. Would recommend reviewing this to ensure Basic Use Permit application encompasses all potential changes to the space.

**The application for BUP2022-0076, Legacy Lodge Accessory Residential Unit Basic Use Permit is insufficient for the following reasons.**

- A Basic Use Permit application is required for each Accessory Residential Unit. This application proposes one BUP application for 27 individual units.
- Several references are made to a R-2 zone which is inaccurate.
- The application BUP2022-0077 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, 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.

**4.** On **August 23**, you received an email from Rafter J resident Jan Lovett regarding nuisance behavior at Legacy Lodge with the subject line: **CUP application Stage Stop- nuisance behavior.** This correspondence is in the *0906 Correspondence Detail* provided to you for your BCC Regular Meeting on September 6, 2022. In good conscience, ask yourselves if you can find that the CUP minimizes adverse impacts from nuisances.

**5.** ***Shelter JH***, a local non-profit that is part of the cavalry for affordable housing for community members, just submitted their candidate recommendations for the upcoming elections. They noted their support for Commissioner Propst, commenting that they appreciated his thoughtful approach to issues like Legacy Lodge and his understanding that "**sometimes you have to say no to subpar housing developments that make way for plans that truly support locals."**

The bottom line, even with the above timeline, begs the question: H*ow* can you support such a poor application that does not benefit the community in ways that ALL of you have repeatedly said is essential?

Most importantly, **you cannot make the findings**. I don't think I need to remind you that it is your legal obligation as elected officials to stay true to *that* essential requirement --you have to make the findings to approve applications brought before you.

## DENY THIS CUP. DO NOT CONDITION IT. CONDITIONS WILL *NOT* MAKE THIS A BETTER APPLICATION.

A pig is a pig, regardless of what color lipstick you put on it.

Respectfully,

Margaret E. Creel
Rafter J

**From:** tiletime@bresnan.net
**Sent:** Wednesday, September 21, 2022 2:59 PM
**To:** Board Of County Commissioners; Chandler Windom; Chris Neubecker
**Subject:** CUP 2021-0005
**Attachments:** Warranty Deed Legacy Lodge.pdf

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

September 21, 2022

commissioners@tetoncountywy.gov
cwindom@tetoncountywy.gov
cneubecker@tetoncountywy.gov

RE: Stage Stop LLC CUP Application 2021-0005 for Lot 333 in Rafter J

To Whom it May Concern:

I see that the meeting regarding the TCC vote on the CUP for Stage Stop LLC has been moved to October 4th. Wouldn't it be prudent to wait for the decision on the lawsuit regarding the PUD first?

If you do end up voting on the CUP on October 4th, please deny the application for apartments because they are not allowed under the long-standing Covenants, Conditions and Restrictions of the Rafter J subdivision. For this to be changed would require amending the CCRs with approval of 65% of the homeowners. No request has been received by Rafter J to date from Stage Stop LLC to amend the Rafter J CCRs.

They put the stage before the horses!

Regarding the CC&Rs, most neighborhood covenants "run with the Land." This means that they subject the property itself, and not its current owners, to the conditions or restrictions contained in them. Thus, the liability to perform a covenant, refrain from doing something, and/or take advantage of a covenant passes with the land itself to any subsequent owners.

For covenants to run with the land, they must be included in a deed transferring property, and they become part and parcel of the "chain of titles." The covenants remain binding on each successive owner of the property, whether the new owner has been advised of them or not. Attached is a copy of the Warranty Deed which mentions restrictive covenants.

Thank you for your consideration,

Liz Jacobson
Rafter J resident

**From:** Joe Demarsh <ycajoe@gmail.com>
**Sent:** Saturday, September 17, 2022 10:13 AM
**To:** Chandler Windom
**Subject:** CUP application for Rafter J

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I am writing to encourage you to NOT support Stage Stop's application for a CUP for lot 133 in out Rafter J neighborhood during your Oct 4th mtg. Stage Stop is asking you - our county commissioners - to intervene and allow them (Stage Stop) to ignore the very CCR's that have resulted in Rafter J being a desirable neighborhood to HOUSE working class FAMILIES for over 45 years.
Only through your overreach into the self regulating mechanism of Rafter J would Stage Stop be allowed to convert the assisted living facility - which is permitted for lot 133 - into a market rate apartments.
How could you justify ignoring our CCR's by forcing a CUP into an existing WORKING CLASS NEIGHBORHOOD which negatively impacts the hundreds of hard working residents and families. Stage Stop should have considered their employees housing needs prior to overdeveloping their for profit hospitality enterprises.
I know you are very busy and i thank you for taking the time to consider my comments Sincerely joe demarsh

Sent from my iPhone

**From:** Lloyd Dorsey <lloydjdorsey@gmail.com>
**Sent:** Friday, September 9, 2022 1:41 PM
**To:** Board Of County Commissioners
**Cc:** Chandler Windom; Chris Neubecker
**Subject:** Dorsey letter to BOCC re Lot 333 CUP 9-9-22
**Attachments:** Dorsey letter to Teton BOCC re Lot333 CUP 9-9-22.pdf

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

September 9, 2022

From Lloyd and Michele Dorsey

To Teton County Commissioners, cc to Planning and Building Services Department:

As residents of Rafter J we have followed and participated in the lengthy process concerning the attempts to change the zoning and allowed uses of Lot 333 in Rafter J. We and several of our neighbors are currently petitioning the District Court of Teton County to review the unlawful action the Board of County Commissioners took in May 2022 that allows apartments as a primary conditional use on Lot 333 in Rafter J.

It is our understanding that you intend to soon vote on the Conditional Use Permit (CUP) that has been before you previously for the proposed apartments. It is also our understanding that the same proponents have submitted to the Planning and Building Services Department Basic Use Permits (BUPs) for the same property that would also allow apartments in addition to commercial office spaces.

As stated in part in the Petition For Review of Agency Action submitted to the District Court of Teton County, Wyoming on June 2, 2022, the action you took in May 2022 to approve and record the PUD Amendment is, among other violations of law, unlawful spot zoning. Additionally, we and many other concerned residents have explained to you repeatedly that the Rafter J Covenants, Conditions, and Restrictions (CC&Rs) in force for decades do not allow apartments on Lot 333. Such a use would, among other adverse impacts, harm the longstanding character of Rafter J and the surrounding area. Such a change in our CC&Rs necessitates a formal vote and approval of 65% of Rafter J landowners. No such vote has been proposed or taken place.

Alarmingly, despite there being no current legal occupancy allowed for residential use of the Lot 333 buildings, there evidently are people living there. The County Sheriff's Department has already been called to that location because of disruptive screaming and swearing after dark, a loose, aggressive dog, and noisy TVs blaring through open windows and disturbing neighbors at nighttime. Teton County officials have been ineffective in enforcing rules and regulations regarding illegal occupancy and nuisance behaviors at Lot 333.

The hundreds of residential lots in Rafter J are already built out and provide housing for hundreds of daily workers for many businesses in Jackson and elsewhere. Additionally, as you know, there are thousands of existing residences in and around Teton County that currently house workers, and hundreds of newly constructed units of various housing types are built each year. In truth, what is desperately needed in Teton County are assisted living units for residents in need of various levels of care. Please deny the CUP for Lot 333 and the BUP, and please strongly advocate for high quality reasonably priced assisted living facilities in our county.

Sincerely,

Lloyd and Michele Dorsey
1235 Hereford Dr. Rafter J
lloydjdorsey@gmail.com
wyowhitton@gmail.com
307-690-1967

**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Tuesday, August 23, 2022 1:21 PM
**To:** Mark Newcomb <mnewcomb@tetoncountywy.gov>; Luther Propst <lpropst@tetoncountywy.gov>; Mark Barron <mbarron@tetoncountywy.gov>; Greg Epstein <gepstein@tetoncountywy.gov>; Natalia Macker <NMacker@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>
**Cc:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** CUP application Stage Stop- nuisance behavior

Mark Newcomb, Luther Probst, Greg Epstein, Mark Barron-

As the CUP application filed by Stage Stop comes to your agenda on September 20, the following email chain highlights one of the relevant concerns regarding the use of Legacy Lodge as short-term, unaffordable apartment rentals in Rafter J. The concern, expressed in numerous public comments, is that the current CUP proposal for short-term rentals does not fit into the rural Rafter J neighborhood character.

While Stage Stop has assured TCC and Rafter J homeowners that they will be respectful, responsible and responsive neighbors to the Rafter J community, this is not true. Numerous short-term employees are currently living there, supposedly as “caretakers.” Residents of the Lodge have directly told RJ homeowners that they were not caretakers, but employees of town businesses. Law enforcement has been called due to loud yelling and swearing at night, loose, Legacy Lodge residents' unfriendly dogs on neighbors’ decks, TVs blaring in the middle of the night that are so loud neighbors hear them inside homes. (Please see the attached email chain from neighbors living on adjacent lots.) Yet Stage Stop asks you to believe they will manage these nuisance behaviors with an on-site manager. Where was the on-site manager when the reported events occurred? One would think that owners of the property would

be on best behavior while asking for a CUP. If this behavior occurs before a CUP is even approved, what can we expect in the future?

Teton County is not willing to enforce regulations and conditions, despite publicly stating that they could enforce conditions outlined in the CUP application. Numerous requests, starting in November 2021, have been made of the Teton County Planning Department to investigate illegal use of the Legacy Lodge building for employee housing without a certificate of occupancy. This has not occurred. Staff shortages were cited as the reason. If TC will not enforce current regulations and conditions, how can more unenforceable permits be justified? (I believe that some TCC were against mask mandates because they were unenforceable, so why the inconsistency?)

The email chain is from neighbors whose property is directly adjacent to the parking area on lot 333. The original correspondence was sent to Mike Keegan, Rafter J HOA president. Individuals participating in the email chain have agreed that it can be shared with Teton County Commissioners.

Thank you for considering this information.
Jan Lovett

**Begin forwarded message:**

**From:** bmerritt7@aol.com
**Subject: Re: Second night in a row..**
**Date:** August 17, 2022 at 8:58:37 AM MDT
**To:** "allisonmerritt@ymail.com" <allisonmerritt@ymail.com>, "jessica.hendryx@gmail.com" <jessica.hendryx@gmail.com>
**Cc:** "mkeegan@rafterj.org" <mkeegan@rafterj.org>, "casembrown@gmail.com" <casembrown@gmail.com>, "jlovett@bresnan.net" <jlovett@bresnan.net>
**Reply-To:** bmerritt7@aol.com

Hi Mike,

The recurring behavior at the Legacy Lodge lot is both noxious, offensive and is a nuisance to all surrounding homeowners and requires enforcement action. It is beyond unacceptable both from the CCR guidelines and from general human decency standpoint. It is not just saddening, as Jessica noted, it is scary and frightening for the children and residents who are adjacent to the lot.

Brian

-----Original Message-----
**From: Allison Merritt** <allisonmerritt@ymail.com>
To: Jessica Hendryx Brown <jessica.hendryx@gmail.com>
Cc: Mike Keegan <mkeegan@rafterj.org>; Brian Merritt <bmerritt7@aol.com>; Case Brown <casembrown@gmail.com>; Jan Lovett <jlovett@bresnan.net>
Sent: Wed, Aug 17, 2022 8:58 am
Subject: Re: Second night in a row..

We heard the screaming last night. It was 20 mins of yelling and swearing non-stop.

**> On Aug 16, 2022, at 10:52 PM, Jessica Hendryx Brown**
<jessica.hendryx@gmail.com> wrote:
>
> Hi Mike -
> We've had yelling the past two nights from legacy. Tnt was scary so we called police. I videoed it tnt. Last night was more sporadic.
>
> Two weeks ago Reese went over to the place and pounded on the windows because a resident passed out with his tv on. That happened 2 nights in a row.
>
> Last week we had a massive pit bull mix on our deck and the owner came over to get him from legacy. The dog was not friendly and I am grateful our dog was inside. The owner was embarrassed and clearly knew that was not okay.
>
> This is the tip of the iceberg. And I'm sad.
>
> Thanks - just wanted others to know.
> Jessica
>
>
> Jessica Brown

**From:** Russell Scott <skishooting@gmail.com>
**Sent:** Thursday, May 19, 2022 9:25 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge housing

Commissioners, I appreciate you for taking on all the challenges in our County. Certainly the question of rental housing in Rater J is complex.
The residents & property owners there should be involved, but it looks like NIMBYism to me. Change in our valley is inevitable; we can only try to steer it. Perhaps the moral high ground was held by those who "fought for what they believed in" when the "Rafter J" hayfields were first subdivided (oh right, back then ALL development was good).
I believe the Stage Stop folks should be allowed to develop the rentals NOW; the housing is needed now. (Thanks Mr. Barron.) As to whether it is more difficult to change the size of the apartments now or later is the developer's call. Longer term rentals ( thanks Luther), is appropriate, but again, when?
Same with the SPET assisted living proposal; great idea, not shovel ready. It would be a boon to our County, so this is where Government should be advocating and becoming directly involved rather than telling developers what to do.
The transportation issue is important, but why is it a deal breaker now? The residents in RafterJ have been without it all this time and probably wishing (if not begging) for it!
Do your best to get things done NOW, so fewer (!) folks have to live in their cars.
Respectfully, Russell Scott
ps: The assisted living center could be put in the 100 block of Pearl Ave. rather than more luxury condos, which I know are desperately needed.

**From:** Hans Flinch <hnflinch@gmail.com>
**Sent:** Friday, June 3, 2022 7:50 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; sdarwiche@hoteljackson.com
**Subject:** Legacy Lodge

Good morning Mr. Darwiche,
My name is Hans Flinch. I'm a small business owner and a Rafter J resident. I spoke at the last Commissioners meeting on Legacy Lodge. I am in favor of Legacy Lodge turning into a thoughtful affordable and workforce housing project.

I have had a number of conversations with my neighbors about your project and I'd be happy to meet with you to discuss a plan that I think a lot of them would support.

If this is of interest, please let me know what is convenient for you.
Best,
Hans

**From:** Phil Stevenson <phils@tccgjh.com>
**Sent:** Sunday, May 29, 2022 2:58 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Commissioners,

I am writing to express my support for the Darwich's proposal to repurpose the Legacy Lodge for workforce housing, which to me should be a no-brainer. Located immediately off Highway 89, it shouldn't impact traffic in or the character of Rafter J. Residents leaving the neighborhood will probably have to occasionally wait an extra minute or so to turn left on Highway 89, but that seems to be a small price to pay for more workforce housing.

I don't know the Darwich family well, but they seem to be good and honorable people who deserve our support. While I realize there are likely some flaws in their proposal, turning down their request for these flaws would seem to me to be a perfect example of perfect getting in the way of good.

Phil Stevenson

**Phil Stevenson** | *Partner* | *Responsible Broker*

*Office* (307) 732-3400 | *Direct* (307) 732-5922 | *Cell* (307) 690-3503
120 West Pearl Avenue, Jackson, Wyoming 83001
PO Box 10609, Jackson, Wyoming 83002

**From:** Chris Neubecker
**Sent:** Tuesday, September 6, 2022 11:35 AM
**To:** Chandler Windom
**Subject:** FW: Legacy Lodge

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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**From:** Lucinda Krajsky <lucindakrajsky@yahoo.com>
**Sent:** Sunday, September 4, 2022 1:28 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please do not let these people change the zoning on this property and ruin our neighborhood. Please consider that we are the workforce too. It's taken 30 years of work in Teton County to allow my family and I to live in this neighborhood. Please don't take what we've worked for away.

Thank you.

**From:** Chris Neubecker
**Sent:** Monday, September 12, 2022 9:12 AM
**To:** Chandler Windom
**Subject:** FW: Please deny the CUP

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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**From:** Karl Jagstadt <jagstadt@comcast.net>
**Sent:** Saturday, September 10, 2022 3:59 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Please deny the CUP

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Mr. Neubecker,
Since you are the county Planning and Building Services Director, I wanted to let you know my views on the Stage Stop application.
I respectfully ask that you deny the CUP, I understand the county needs more affordable workforce housing, however it should not violate the rights of the Rafter J homeowners.

**REASONS to DENY the CUP:**

- In the Rafter J subdivision documents, apartments are not an allowed use on Lot 333 and require a change of Rafter J Covenants, Conditions, and Restrictions (CCRs) by approval of 65% of the homeowners. Stage Stop, for 18 months, continues to refuse to present an application to Rafter J in order to change our CCRs.
  - The County Commissioners approved apartment use by passing the amendment (PUD) to allow apartments on Lot 333 this spring, but that decision is currently being challenged in the District Court. Both the CUP application and the new BUP applications include apartments, which again are not an allowable use on the Legacy Lodge lot. Why approve applications that will be reversed by the District Court?
- Short-term (90 day) leases in dense, dormitory-style apartments solely benefit and subsidize the hospitality industry that should be housing their employees on site while negatively impacting our neighborhood and completely changing its character.
- Apartments proposed in the applications are not affordable; they are market rate.
- There are no proposed measures to mitigate parking problems, promote use of public transportation, and reduce impacts on what we all know is a dangerous intersection of Highway 89 and Big Trails Drive intersection. Lot 333 proposed apartments are seriously under-parked, and the cost of enforcement of rogue parking will fall on Rafter J residents.
- There is no process to expediently resolve disputes and ensure compliance with Rafter J CCRs and Rules.

- Law enforcement has already been called and responded to disruptive screaming and swearing after dark, a loose, aggressive dog on a neighbor's deck, and noisy TVs blaring through open windows and awakening neighbors in the middle of the night. All these incidents arose from individuals occupying the units illegally.
- For years Teton County has been completely ineffective in enforcing any rules or regulations. Their claims that conditional use permits will be enforced is wishful thinking.

Thank you for your time,
Dolores Jagstadt
Rafter J homeowner
Sent from my iPhone

Sent from my iPhone

**From:** Danette Jolly <jolly5444@hotmail.com>
**Sent:** Wednesday, June 15, 2022 8:52 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J

I understand that you are revisiting the proposal for the changes to Rafter J Legacy Lodge. I hope you approve them as it does nobody any benefit by having that expensive lodge empty.. Folks in Jackson always say we need more housing and here is an opportunity. Please help by approving these proposed changes.

Danette Jolly
3440 S Shorthorn Dr. in Rafter J
Jackson, WY 83001

Sent from my iPhone

**From:** Tracy Baiotto <tbaiotto@rafterj.org>
**Sent:** Monday, June 6, 2022 4:13 PM
**To:** Sadek Darwiche <sdarwiche@hoteljackson.com>
**Cc:** Mike Keegan <mkeegan@rafterj.org>; Brian Remlinger <bremlinger@rafterj.org>; Chuck Rhea <crhea@rafterj.org>; Karen Jerger <kjerger@rafterj.org>; Rafter J Office <office@rafterj.org>; Board Of County Commissioners <commissioners@tetoncountywy.gov>; Jim Darwiche <jim@jimdarwiche.com>
**Subject:** Re: Rafter J Homeowners Association

Good afternoon, Sadek.

Thank you for your email and detailed comments.

The Rafter J HOA Board would like to move forward with scheduling a conversation with your group and a neutral party to guide us. While our powers and duties as a Board are finite in regard to negotiations and agreements, we welcome the opportunity to reset, have clarifying dialogue together and hear more about your plans and next steps.

Jon Wylie of Wylie Baker, LLP in Jackson, WY was recommended as a possible helpful and productive choice for a facilitator. I would be happy to reach out to Jon regarding his availability, or another mediator/ facilitator if you have another to suggest?

With the summer season upon us and September just around the corner, perhaps we could target June for a meeting, depending upon your and the facilitator's availability? We also would be willing to split the cost of the fees associated with the meeting and would be happy to host the meeting at the Rafter J HOA office.

We look forward to a productive discussion.

Tracy Baiotto
Rafter J HOA Board Member
tbaiotto@rafterj.org
303-522-2559

On Jun 1, 2022, at 12:06 PM, Sadek Darwiche <sdarwiche@hoteljackson.com> wrote:

Dear Mike,

We appreciate your email and the time you volunteer to run our HOA,

After more than eight months of going through the county process and finger pointing, I don't see us coming any closer by sending and answering questions via e-mail.

As was suggested by you, the county, and others several weeks ago, our family is more than willing to sit down with you and your board, and a professional mediator, if you would like, to see if we can come to some consensus and work out our differences related to the CUP and what we've presented to the County Commissioners.

Pursuing discussions about the CC&Rs prior to obtaining a CUP does not make a lot of sense. If we do not obtain the CUP, there will be no need to discuss the CC&Rs with the HOA. We believe our collective efforts at this time are best spent working through issues the HOA has with the CUP.

I know your attorney sent Stefan an email stating that any input or feedback on the CUP could be deemed to be a waiver of the HOA's rights to enforce the CC&Rs. I don't believe that to be the case and Stefan has told him that any statement or input from the board regarding the CUP could be qualified with a simple statement that the HOA reserves all rights it has under the CC&Rs. To me, it's kind of like saying we will observe the speed limit [which applies no matter what anyone else agrees to], but if it allows for a thoughtful exchange on the CUP, I am all for it.

Additionally, for the record, we have never privately or openly attempted to circumvent the CC&Rs or the HOA. We have always acted in good faith. Our intentions have always been well placed, regardless of what some have been saying or implying. As a family, we have always placed a high value of being good neighbors and regardless of what has been implied, we have pride of ownership. We're not interested in just profits; we like to reinvest in our community and back into all our projects. We constantly strive to make improvements, not leave things worse. I know this has not been easy for you or the board. Maybe there is an opportunity here to see if we can move beyond where we are today.

Let's agree on a time and mediator. We're open to any suggestions

Sincerely,

Your neighbors, The Darwiche Family

**From:** Mike Keegan <mkeegan@rafterj.org>
**Date:** Wednesday, May 25, 2022 at 11:36 AM
**To:** Sadek Darwiche <sdarwiche@hoteljackson.com>
**Cc:** Brian Remlinger <bremlinger@rafterj.org>, Chuck Rhea <crhea@rafterj.org>, Karen Jerger <kjerger@rafterj.org>, Tracy Baiotto <tbaiotto@rafterj.org>, Rafter J Office <office@rafterj.org>, "commissioners@tetoncountywy.gov" <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Homeowners Association

Dear Sadek,

From what we have read, the Teton County Commissioners have voted to table a decision on the Stage Stop LLC Conditional Use Permit until September 20, 2022.

This is a new opportunity for Stage Stop LLC to work with the Rafter J homeowners to get the support necessary to amend the CC&R's to allow residential use on Lot #333.

Your Rafter J neighbors are looking forward to hearing your plan, and the HOA Board welcomes the opportunity for a conversation.

Rafter J Homeowners Association

Michael Keegan
Tracy Baiotto
Karen Jerger
Chuck Rhea
Brian Remlinger

**From:**
**Sent:**
**To:**
**Subject:** Teton Cty Comm - Lot 333 Rafter J.docx
**Attachments:**

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**From:** Brent Schaffer <schafferbg@gmail.com>
**Sent:** Friday, June 3, 2022 6:51 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** admin@ranckschwartz.com
**Subject:** Rafter J Housing Review

Commissioners,

Initially, I supported the idea of converting **Legacy Lodge** into affordable housing. Please review the [attached] letter I wrote to the Teton County Planning Commission in 2021.

I have changed my position. **I no longer support Stage Stop's efforts.**

In the first or second (?) meeting held at Legacy Lodge, we were told that folks were sleeping in cars; intimating that Legacy Lodge was going to have some (maybe not all) but some affordable housing.

As this unfolded, what began as **"affordable housing**" has morphed into another **"investment property".** I no longer see *any* affordable housing.

**Stage Stop should conduct a traffic study.** This investment property will put a significant traffic load on the north Rafter J / US HWY 89 intersection. And, since the chances of getting a traffic light at that location are slim to none, this sets the stage for traffic accidents. As people wait longer to get through that intersection, they get more anxious, they take more chances, and BANG! - traffic accidents - it's human nature.

I had to abide by the Teton County Planning Commission regulations as well as the Rafter J HOA rules when I put an addition onto my house. Stage Stop needs to play by the same rules as I.

Sincerely,

Brent Schaffer

1265 W Bull Rake Dr, Jackson, WY 83001

schafferbg@gmail.com

**From:** Chris Neubecker
**Sent:** Tuesday, September 6, 2022 11:20 AM
**To:** Chandler Windom
**Subject:** FW: Rafter J lot 333

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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**From:** KC Sanville <kcsanville@gmail.com>
**Sent:** Monday, September 5, 2022 3:02 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Rafter J lot 333

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Greetings:

Please deny the CUP for Lot 333 in Rafter J as proposed by Stage Stop.

As a Family physician with over 25 years practice experience, I relocated here 5 years ago, but I can no longer take care of the needs of my aging patients and their families. When the assisted-living Legacy Lodge closed, patients of mine were displaced, and families impacted by the loss. Although SJH Sage Living and the Senior Center strive to help, they address only a small part of the needs of the county's aging population. Let's put this location to back into use as an assisted living facility.

Additionally, I believe a role of an elected official is to oversee that this location remains congruous with the character and quality of Rafter J, and their CCR's, which aim to preserve its heart as well-run neighborhood. Rafter J is a family place and was not designed with infrastructure to support the impact of a short-term labor force, nor the capability to handle more traffic entering highway 89; The CUP will add more risk to children who bike or walk the pathways to school, and will serve to degrade a characteristic of a family neighborhood, and create environmental impact on sensitive water issues entering Flat creek and Snake River. Stage Stop has neither proven any interest in supporting community stewardship or environmental issues, nor partnership with neighborhood leaders (HOA) in their pursuit of a strictly business endeavor.

*"The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life, the sick, the needy and the handicapped."*
*Hubert Humphry Nov. 1, 1977*

Kevin Sanville MD

**From:** kjbrodell@wyoming.com <kjbrodell@wyoming.com>
**Sent:** Thursday, May 19, 2022 6:15 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** the right thing

Thank you to the county commissioners for fully debating the Legacy Lodge application. It is obvious to me that any application that needs multiple conditions attached is not an application ready for approval. The right thing was to deny it.  Karilyn Brodell

**From:** Arthur Greger <agreger@bresnan.net>
**Sent:** Friday, September 9, 2022 4:00 PM
**To:** Board Of County Commissioners; Chandler Windom; Chris Neubecker
**Subject:** Legacy Lodge

This letter is written in opposition to both the BUP and the CUP Application filed by stage stop to develop legacy lodge into apartments. This property was never meant for dense apartment use, and the zoning has been in place since the 70s. I strongly disagree with the attempt to circumvent Rafter J going directly to the planning department and county commissioners rather than follow the process of talking with Rafter J to develop a mutually agreeable solution. The shortcomings of this plan are obvious. There has already been problems with these supposedly six caretakers, involving loud noise and loose dogs. What is this going to be if there are 130 people living there. Putting a dense apartment complex in our subdivision, which has private roads and water, seems unfair. The subdivision has always been single family houses, or small condominiums. This project is totally out of character with this area.

This building was designed as assisted living. We currently have very little of this in the county, and using it for this purpose seems way more important than a dense apartment complex.

Please don't detract from our subdivision with an ill planned use for this property. It is always been reserved for local convenience of Rafter J residence, and it should remain that way. The process to change Rafter J CCR's seems straightforward. This is the process that should be used, not an end run of the process that Stage Stop is pursuing. There is obviously not enough parking, there is obviously going to be too much traffic going through an already dangerous intersection, and all indications seem to be that this project will be noisy and disruptive to Rafter J.

Please deny both the BUP and the CUP for this change in use.

Thank You

Art and Kathy Greger
1935 Homestead Dr
Jackson Wy 83001

**From:** Lucinda Krajsky <lucindakrajsky@yahoo.com>
**Sent:** Sunday, September 4, 2022 1:28 PM
**To:** Chandler Windom
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please do not let these people change the zoning on this property and ruin our neighborhood. Please consider that we are the workforce too. It's taken 30 years of work in Teton County to allow my family and I to live in this neighborhood. Please don't take what we've worked for away.

Thank you.

**From:** Herb Brooks <herbbrooksiii@gmail.com>
**Sent:** Monday, September 19, 2022 11:20 AM
**To:** Chandler Windom
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

The CUP should not be approved until the lawsuit regarding the PUD is decided.
The Darwiche Family got caught trying to do an end around with trying to go to Teton County for approval first instead of going to the Rafter J residents for their approval or disapproval. This is very underhanded and is cause for mistrust between Rafter J and the Darwiche Family.

CUP allows 90 day leases, not long-term for residents of Teton County this is not what we want in our neighborhood, transient tenants.

Proposed apartments are not affordable as the Darwiche family boasted they would be at the Planning Commission meetings

Proposed apartments are too small, and not useful for long-term residents of Teton County. They will be too crowded two to four people in a unit as proposed.

Stage Stop has proposed no process to resolve disputes or problems with tenants such as parking on Big Trails Drive, noisy events late at night and in the parking lot.

Where will all the NEW Parking spaces go on the existing Lot? Have we seen a Site Plan?

Law enforcement has already been called regarding nuisance behavior at Legacy- from illegal tenants and their visitors.

Teton County has NEVER revoked a CUP because applicants failed to meet the conditions in a CUP.

Past actions of Stage Stop have fostered distrust with neighbors in Rafter J: Stage Stop will not engage in Rafter J process to change zoning, housing 6-12 people who are called "caretakers" yet are paying rent.

I have seen Alex Muromcew entering Legacy Lodge before the latest Primary election along with other Republican candidates. This to me constitutes a Conflict of Interest with his vote to approve and send the issue to the Teton Co. Commissioners. I am not ready to "suck it up and live with it" as he put it with his decision to Approve.

Casey Mateosky is also another Conflict of Interest item. He is currently on the Darwiche payroll at the Hotel Jackson project on Cache Street. His "Yes" vote to approve at the Planning Commission meeting I feel was very tainted.

Herb and Amy Brooks
Rafter J Owners since 1980

**From:** Patti Berlin <pberlin@onewest.net>
**Sent:** Thursday, September 8, 2022 1:55 PM
**To:** Board Of County Commissioners
**Cc:** Chandler Windom
**Subject:** Legacy Situation

To: The Teton County Commissioners
September 8, 2022

Dear Commissioners Barron, Epstein, Macker, Newcomb, and Probst,

I am a 20+ year resident of Rafter J and you have heard from me before. Here I am again.

This Legacy Lodge situation is not going away, and now there is a lawsuit over the matter. I don't understand all of the BUPs, CUPs, PUDs or any of the complicated acronyms that need to be a part of your knowledge in the work you do. TG I'm not a TCC. I do know a little bit about the CCRs that apply to our neighborhood because I have dealt with them for 22 years. In my first letter to you all I asked you to please LET THE PEOPLE VOTE! It states clearly in our CCRs that to require a change in the zoning regulations (to allow apartments) such a change must be approved by 65% of the homeowners. Any change in the Covenants, Conditions, and Restrictions need this approval. These CCRs were set up for a reason. Here's the thing: Many Rafter J residents were upset by Stage Stop's initial actions. Instead of following proper procedures, they jumped over the Rafter J application, requiring the vote, and went instead to the County Planning Commission & the Commissioners. WHY? Perhaps they were afraid they wouldn't get 65% of the homeowners to approve the zoning change? I am not so sure. They may have received 70% approval or even 90%. According to the article I read in the JH News & Guide this week, Mr. Darwiche felt it was only a small few complaining. But at this point we'll never know. It's unfortunate that this matter will inevitably end up in court.

I hope the lawsuit can be resolved without going to court, but the Friends of Rafter J are determined to see this through. I know that a re-vote will be taken at your next County Commissioner's meeting. Please deny Stage Stop's Conditional Use Permit. Encourage Stage Stop to follow the Rafter J CCRs and let our residents vote on this zoning change.

Thank you for your consideration.

Respectfully yours,

Patti Berlin

**From:** Phil Blum <blumofwy@gmail.com>
**Sent:** Sunday, September 18, 2022 4:10 PM
**To:** Board Of County Commissioners; Chandler Windom; cneubeck@tetoncountywy.gov
**Subject:** Legacy,Rafter J

I moved into Rafter J 15 years ago. This is one of several communities in which I've owned and lived where an HOA was responsible for varying degrees of maintaining a predictable and agreeable community environment. I have always read, and thought I've understood, the defined responsibilities of home owners and the HOA. One of the primary things I've always looked at is whether the community, and HOA, can expect changes in the future density and demographics. I have seen no where in our HOA language that allows for increased density, a change in demographics or a probable increase in traffic and noise. This all seems very clear and simple to me: There should be NO change in these variables without specific permission from the homeowners. If these changes take place without the homeowers' permission, I think the HOA can expect more violations and more challenges to the HOA's authority. I, for one, will seek legal consultation as to my options on how to deal with an HOA that seeks to unilaterally change an agreement that I thought was in place.

I don't see why this plan, or any other plan, should move forward without the HOA residents' overwhelming approval and very specific, ENFORCEABLE and understandable rules.

**From:** Jody Donnelly <nettaxi1@icloud.com>
**Sent:** Friday, September 9, 2022 4:26 PM
**To:** commissioners@tetoncounty.gov; Chandler Windom; cneubecker@tetoncounty.gov
**Cc:** Jody Donnelly
**Subject:** Lot 333 in Rafter J

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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Dear County Commissioners,
There are multiple reasons to deny a CUP for Lot 333. Any change to the uses allowed under the Rafter J Covenants, Conditions & Restrictions would require a vote and subsequent approval of 65% of the homeowners in Rafter J.
Parking and impacts at what is well-known to be a dangerous intersection with Highway 89 at the Big Trail Dr. entrance to Rafter J both require further mitigation measures, as none are currently in place.
Also not in place is a process by which it expediently resolve disputes and ensure compliance with Rafter J CC&Rs.
Respectfully submitted,
Jody Donnelly

**From:** Jackie Baxa <jackiebaxa@gmail.com>
**Sent:** Wednesday, September 21, 2022 4:39 AM
**To:** Chandler Windom
**Subject:** OPPOSITION to CUP for Stage Stop at Legacy Lodge

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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Dear Commissioners,

I am a Rafter J homeowner since 2007. Our home is located in the neighborhood closest to the proposed development for market apartments that is currently being considered by the county. I am writing to express our objections to the proposal and the commission's recent failure to protect Rafter J's residents right to enforce its CC&Rs.

As a long time resident of Jackson Hole, we well understand the housing situation, but the proposed development and CUP being sought does nothing to impact the lack of affordable housing. It furthermore flies in the face of what that lot was designated for when Rafter J was incorporated.

Stage Stop has created significant ill will by not only refusing to engage with Rafter J HOA directly by going straight to the county, but already appears to be illegally using the property, with so called caretakers living there who actually pay rent. Law enforcement has already had to intervene due to incidents there, and Stage Stop has made no efforts to create a process to monitor and adjudicate complaints. Their disregard for both Rafter J's bylaws and already illegal use of the property is a clear indicator of how they will treat our community.

I strongly urge you to deny the CUP and to mandate that any development permit, if granted, be executed in complaince with Rafter J residents, through our HOA.

Thank you.

Jackie Baxa

**From:** Gina Lipp <ginalipp@gmail.com>
**Sent:** Monday, September 5, 2022 2:46 PM
**To:** Board Of County Commissioners
**Cc:** steven lipp; Chandler Windom; Chris Neubecker
**Subject:** Please Deny Stage Stop's CUP and BUP applications

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Dear County Commissioners,
As 45 year long-time Teton County residents and 38 year homeowners of Rafter J, we are asking that you please deny the Legacy Lodge CUP and now the BUP application filed by Stage Stop. Both applications will put apartments in the Legacy Lodge building on Lot 333 in Rafter J, in a rural zoned subdivision not designed or intended for apartments.

Both applications are still market-rate, dormitory style apartments with short-term leases. Additionally, there are no deed restrictions with either application.

Neither the CUP or BUP align with the Teton County Comprehensive Plan that does not allow "apartments" in a subdivision that is zoned Rural Subarea, Rural 3. Rafter J is zoned Rural Subarea, Rural 3. Rafter J is conservation and preservation. There are no apartments in the Rural Subarea, only limited, detached single family residential development. (C-V-2-4 of the Teton County Comprehensive Plan)

Apartments belong in town in a "complete neighborhood." Rafter J is not a complete neighborhood. Rafter J is 2.2.miles from Jackson, miles away from many amenities with already 2 failing intersections, both on hills going out onto a very busy highway. To potentially add 132 more renters in Rafter J to already unsafe/failing intersections is hazardous and foolish. There is no plan from Stage Stop to mitigate this added traffic.

Apartments are contrary to the intended use on the Rafter J recorded plat and do not align with Rafter J's CC&R's.

Neither of these applications fit into the desired character of Rafter J or minimize adverse impacts from nuisances. Recent disturbing incidents regarding Legacy Lodge residents/visitors confirm that apartments do not fit into the character or the safety of our Rafter J neighborhood that have been in place for over 40 years. Per recent incident reports sent to Chris Neubecker and Teton County Commissioners, Legacy Lodge residents/visitors were screaming/yelling obscenities at the top of their lungs after dark, waking up Rafter J residents and frightening children from multiple neighborhoods until the police were called to subdue the disturbance. Another incident reported a TV blaring from Legacy Lodge so loudly into neighboring yards, prompting a Rafter J resident to go over to Legacy Lodge, knocking on doors/windows to wake the passed out individual to turn down the TV.

The Planning Department in the 2021 CUP findings for Stage Stop's application assured us Legacy Lodge Workforce Apartments minimize adverse impacts from nuisances (page 7 of the CUP Packet) and is compatible with the future desired character of Rafter J (page 6 of CUP Packet)
Obviously, the Planning Department's "can be made" findings on "minimizes adverse impacts from nuisances" and "being compatible with the future desired character of Rafter J" is a huge error in judgment and findings on the Planning Department's part and these findings cannot be made.

Please deny Stage Stop's request for the CUP and BUP applications.
Apartments belong in complete neighborhoods, in town.

Steve and Gina Lipp

**From:** Karl Jagstadt <jagstadt@comcast.net>
**Sent:** Saturday, September 10, 2022 3:56 PM
**To:** Chandler Windom
**Subject:** Please deny the CUP

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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Dear Mr. Windom,
As you are the Teton County Senior Planner, I wanted to let you know my views on the Stage Stop application.
I respectfully ask that you deny the CUP, I understand the county needs more affordable workforce housing, however it should not violate the rights of the Rafter J homeowners.

**REASONS to DENY the CUP:**

- In the Rafter J subdivision documents, apartments are not an allowed use on Lot 333 and require a change of Rafter J Covenants, Conditions, and Restrictions (CCRs) by approval of 65% of the homeowners. Stage Stop, for 18 months, continues to refuse to present an application to Rafter J in order to change our CCRs.
  - The County Commissioners approved apartment use by passing the amendment (PUD) to allow apartments on Lot 333 this spring, but that decision is currently being challenged in the District Court. Both the CUP application and the new BUP applications include apartments, which again are not an allowable use on the Legacy Lodge lot. Why approve applications that will be reversed by the District Court?
- Short-term (90 day) leases in dense, dormitory-style apartments solely benefit and subsidize the hospitality industry that should be housing their employees on site while negatively impacting our neighborhood and completely changing its character.
- Apartments proposed in the applications are not affordable; they are market rate.
- There are no proposed measures to mitigate parking problems, promote use of public transportation, and reduce impacts on what we all know is a dangerous intersection of Highway 89 and Big Trails Drive intersection. Lot 333 proposed apartments are seriously under-parked, and the cost of enforcement of rogue parking will fall on Rafter J residents.
- There is no process to expediently resolve disputes and ensure compliance with Rafter J CCRs and Rules.
- Law enforcement has already been called and responded to disruptive screaming and swearing after dark, a loose, aggressive dog on a neighbor's deck, and noisy TVs blaring through open windows and awakening neighbors in the middle of the night. All these incidents arose from individuals occupying the units illegally.

- For years Teton County has been completely ineffective in enforcing any rules or regulations. Their claims that conditional use permits will be enforced is wishful thinking.

Thank you for your time,
Dolores Jagstadt
Rafter J homeowner
Sent from my iPhone

Sent from my iPhone

**From:** Judy Legg <judylegg@hotmail.com>
**Sent:** Friday, September 9, 2022 3:40 AM
**To:** Chandler Windom
**Subject:** RAFTER J LOT 333

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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To whom it may concern —

I have lived in Jackson for over 30 years so I consider myself to be almost a 'local'. As such, I moved into Rafter J 20 years ago, precisely because of the covenants and restrictions in the subdivision. It is a wonderful community and is well maintained and appreciated.
How can our CC&R's be changed because someone is so greedy to want to change the living situation for over 1000 residents, some of whom have lived here longer than I have?? I do not understand how the county could even consider contemplating a complete disregard of our CC&R's if they were to approve the Stage Stop request. It is absolutely ludicrous. What sort of a precedent would it set if our CC&R's are completely ignored by the county? Any other subdivision in the county could be in jeopardy! Please, please, please stop this right now!! This cannot be allowed to happen. Here or anywhere.

Judy Legg
Rafter J property owner and resident.
judylegg@hotmail.com
307-690-9028

**From:** Mayling OTR/L <mayling.ot@gmail.com>
**Sent:** Friday, September 16, 2022 10:01 PM
**To:** Board Of County Commissioners; Chandler Windom; Chris Neubecker
**Subject:** Rafter J Community

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Dear Commissioners,
I have written to all of you back in December at the beginning of the Legacy Lodge/Stage Stop proposal. I am writing again to express my strong opposition to turning the former Legacy Lodge into apartments as it is proposed and asking that you deny the CUP.

Stage Stop has created a narrative that their vision is to solve our affordable housing crisis and that this is for long-term residents. This just doesn't match up with the proposal. The CUP allows for 90 day leases. That is not the definition of long term. I am not convinced the apartments will be affordable. This is demonstrated in an unwillingness to address the topic when repeatedly questioned in past meetings. Who is this housing for? teachers, hospital, educators? An unwillingness to address this topic has me concerned that this would be nothing more than employee housing for their self-interest spun as "affordable housing". If truly for the community there would be a willingness to be included in the CUP and I would be supportive. As

proposed, this is not and when idealistic spoken words and proposals in writing do not match up I am suspect and you should be too.

I am further concerned as a resident of Rafter J for 20 years as to how they have addressed disagreement. Rather than working with our community and the CCR's I see evidence over and over again of disregard and dismissive actions that have fostered distrust on my end.
Again, I urge you to deny this as proposed.

Respectfully,
May Sumicad

**From:** Pat Weber <pweber1525@gmail.com>
**Sent:** Tuesday, September 6, 2022 9:00 AM
**To:** Board Of County Commissioners
**Cc:** Chandler Windom; Chris Neubecker
**Subject:** Rafter J Lot 333

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Dear County Commissioners:

As homeowners in Rafter J for over 30 years, we respectfully request that you deny the Stage Stop Conditional Use Permit that is up for a vote at your September 20th meeting.

Stage Stop's CUP request continues to circumvent the Rafter J Board and the Rafter J Covenants, Conditions, and Restrictions that does not allow apartments on Lot 333. To my knowledge, Stage Stop has not yet presented an application to RafterJ requesting a change in the CC and R's to allow apartments on Lot 333. Once a proposal is presented to the Board, it would then need a vote of the homeowners to amend the CC and R's before consideration can be given to the Stage Stop application.

There is a big difference between an assisted living facility and high, density, short-term workforce apartments. The traffic flow from workforce housing will be significantly greater than it was with assisted living residents. This will add to more traffic and increase delays and safety risks already present at the entrance/exit from Rafter J to highway 89.

There is limited parking available on Lot 333 even with the proposed restriping of the parking lot. Rafter J has on-street parking restrictions that need to be considered. Having limited parking available does not equate with having fewer cars. Rogue parking will impact an already busy Big Trails Drive.

I understand that the Commissioners are looking for a way to develop a more acceptable proposal for Legacy Lodge and that Stage Stop is looking for a return on their investment. We need an assisted living facility in the community. I suggest that Stage Stop contact Kevin Cochary to see if there is a way they can reach an agreement to either purchase or lease the building to provide assisted living services for this community. Kevin is proposing a nonprofit, public-private partnership business model for assisted living. This has proven to be successful in Goshen County.

Rafter J is a beautiful, family oriented neighborhood. Short-term, high density apartments will negatively impact our community and change its character.

Please deny the Stage Stop CUP.

Respectfully,

Pat Weber
Tom Windle

**From:** BobbieCDailey <BobbieCDailey@protonmail.com>
**Sent:** Saturday, September 17, 2022 12:40 PM
**To:** Chandler Windom
**Subject:** Rafter J Lot 333

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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Dear Commissioner—

I'm writing **again** concerning Lot 333 in Rafter J.

PLEASE listen to the majority of Rafter J residents and **DENY** the CUP (and the new BUP) application submitted by Stage Stop LLC.

In order for apartments to be legally allowed on this property (Lot 333), a change in the Rafter J Covenants, Conditions, and Restrictions (CCRs), approved by 65% of the Rafter J homeowners would need to be made. However, Stage Stop LLC has never presented an application to the Rafter J Board asking the CCRs to be amended! To try to circumvent a community's covenants is a questionable move, and it is illegal.

Both Stage Stop LLC's CUP and the new BUP application include apartments, which are **not allowed** by Rafter J CCRs.

I have read on social media and in the press comments accusing Rafter J residents of being against affordable housing. This is not true. There are many appropriate places for affordable housing we can support, however, Rafter J is **not** one of those "appropriate" places because from the very beginning of this development **apartments and short-term rentals have not been allowed under Rafter J's CCRs.**

It is interesting that Stage Stop LLC has chosen to do an end-around of the Rafter J Board to try and get these apartments approved. I find it hard to believe that when Stage Stop originally bought Lot 333 they were unaware that this property lies within the Rafter J community and is covered by **Rafter J's** CCRs. I find it hard to believe that they were ignorant when they bought the property that the CCRs specifically **do not allow** apartments or short term rentals.

Meanwhile as all of the back and forth applications, talk, and moving of decisions to the next meeting is going on with the County Commissioners, the building is being occupied illegally. We who are residents have, therefore, gotten a mini-glimpse of what it would be like were Lot333 to be somehow approved by the TCC and fully occupied—speeding vehicles, trailers and vehicles parked long-term in the parking lot, excessive noise (including screaming and profanity), and unrestrained dogs.

It is also interesting to me that the Teton County Commissioners are even thinking, looking into, or otherwise trying to "make a decision" about the CUP and the new BUP applications when they are CLEARLY in violation of the Rafter J Covenants, Conditions, and Restrictions, and therefore ILLEGAL.

Please do the right thing; do the legal thing—DENY the Stage Stop LLC applications for Lot 333.

Thank you,

Bobbie Dailey

Homeowner

NE 40 Townhomes, Rafter J

visit my website—
www.bobbiedaileyart.com
Animal, wildflowers, & country art
Giclée cards and prints available.
Also find my cards at these retailers:
National Museum of Wildlife Art, Jackson
307 Mercantile, Pinedale
Water Wheel Gifts and Books, Dubois

Sent with Proton Mail secure email.

**From:** vje@bresnan.net
**Sent:** Friday, September 9, 2022 11:38 AM
**To:** Board Of County Commissioners; Chandler Windom; Chris Neubecker; Natalia Macker; Mark Newcomb; 'lprobst@tetoncountywy.gov'; Mark Barron; Greg Epstein
**Subject:** Rafter J vs Stage Stop

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

40 yr resident - I am opposed to this employee housing thing. Won't rehash what I'm sure you've already heard from all my neighbors in Rafter J.

P.S. Elections are coming up soon . . . just saying - lots of voters down here.

Valerie Ehrich
3355 S. TenSleep

**From:** tiletime@bresnan.net
**Sent:** Wednesday, September 14, 2022 4:59 PM
**To:** Board Of County Commissioners; Chandler Windom; Chris Neubecker
**Subject:** Re-vote on CUP Application 2021-0005 at Sept. 20th meeting
**Attachments:** Warranty Deed Legacy Lodge.pdf

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

September 14, 2022

commissioners@tetoncountywy.gov
cwindom@tetoncountywy.gov
cneubecker@tetoncountywy.gov

RE: Re-vote on CUP Application 2021-0005 at September 20th meeting (or whenever rescheduled)

As a 35 year residents of Rafter J, we strongly urge you to deny the CUP application submitted by Stage Stop LLC to use the former Legacy Lodge (Lot 333) for apartments for the following reasons:

- The Rafter J Covenants, Conditions and Restrictions (CCRs) do not allow apartments on Lot 333. For this to be changed would require amending the CCRs with approval of 65% of the homeowners. Stage Stop LLC has never submitted an application for such an amendment. This reflects Stage Stop's total disregard for the rights of the residents of the community in which they hope to operate.

- Regarding the CC&Rs, most neighborhood covenants "run with the Land." This means that they subject the property itself, and not its current owners, to the conditions or restrictions contained in them. Thus, the liability to perform a covenant, refrain from doing something, and/or take advantage of a covenant passes with the land itself to any subsequent owners. For covenants to run with the land, they must be included in a deed transferring property, and they become part and parcel of the "chain of titles." The covenants remain binding on each successive owner of the property, whether the new owner has been advised of them or not. Attached is a copy of the Warranty Deed which addresses restrictive covenants.

- There is a need in our community for affordable workforce housing, but the proposed apartments are not affordable. We believe they are intended to primarily benefit the hospitality industry that should be housing their employees on site. Does the ongoing pressure to find housing for employees override the rights of residents of Rafter J as established in our CCRs which we have always relied on to keep the character of our neighborhood as it was intended? We are sincerely concerned about what apartments would do to the appearance, safety and atmosphere of Rafter J.

- Based on the fact that law enforcement has already been called and responded to incidents arising from individuals illegally occupying the units, we seriously doubt that any enforcement of rules and regulations by Stage Stop or Teton County would occur if the facility is fully occupied! The incidents which occurred were disruptive screaming and swearing after dark, a loose, aggressive dog on a neighbor's deck, and noisy TVs blaring through open windows and awakening neighbors in the middle

of the night. This is a definitive foreshadowing of how apartments would negatively impact our neighborhood and change its character.

- There are no proposed measures to mitigate parking problems, promote use of public transportation, and reduce impacts on what we know is a dangerous intersection of Hwy. 89 and Big Trails Drive. Lot 333 proposed apartments are seriously under-parked. One parking spot per unit is obsurd! The cost of enforcement of rogue parking which would no doubt occur would fall on Rafter J residents.

Thank you for your consideration, and we respectfully request that you deny the CUP application for Lot 333.

Sincerely,

Thomas and Elizabeth Jacobson
Lot 50 Rafter J
tiletime@bresnan.net
307-413-1976

**From:** lfitz@bresnan.net
**Sent:** Tuesday, September 6, 2022 7:08 PM
**To:** Chandler Windom
**Subject:** Sept. 20 Rafter J CUP vote comment
**Attachments:** TCC CUP letter Sptember 2022.pdf

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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Dear Chandler,

The attached letter to the TCC with our comments regarding this issue is attached for your review.

Thank You,
Lee and Mike FitzPatrick

**From:** Mark Lovett <mlovett@bresnan.net>
**Sent:** Wednesday, September 7, 2022 4:32 PM
**To:** Chandler Windom
**Subject:** Stage Stop Lot 333

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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September 7, 2022

Dear Chandler

I urge you to deny the CUP for Stage Stop's proposal for Lot 333. I also urge you to talk to the County Planning Department and ask them not to act on the Basic Use Permit and have Stage Stop withdraw the proposal until the current proposal before the Commissioners is acted upon.

All the schemes that Stage Stop is asking the Country to approve are designed to bypass the Rafter J residents property owners' rights recorded in the Rafter J CCRs. Teton County planning department is going out of its way to help one property owner to the detriment of the majority.

The zoning change of the lot by the commissioner's was thru a convoluted process that ignores the current land use regulations. Now Stage Stop has another proposal that is just a different color lipstick on the same pig.

Wouldn't the prudent course of action be to wait until the judicial review is complete

Regards

Mark Lovett

**From:** chinche1@aol.com
**Sent:** Saturday, September 17, 2022 12:50 PM
**To:** Board Of County Commissioners; Chandler Windom; Chris Neubecker
**Subject:** Stage Stop/Rafter J application

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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Dear Esteemed Parties:

I am writing to protest the latest end-run attempt by this entitled developer to ignore the Rafter J bylaws and covenants. Their latest ploy is a further attempt to circumvent the process and lawsuit. Stage Stop has not shown good faith to-date and their actions threaten the liveability and identity of Rafter J. Please deny these constant attempts to "jump the fence"; please deny the CUP and deem the BUPs filed as not sufficient. ALL residents of Rafter J must adhere to the existing CCRs.

Respectfully,

Barbara Bridges
1930 American Brant

**From:** Deb Kuzloski <justdkuz@gmail.com>
**Sent:** Sunday, September 18, 2022 12:25 PM
**To:** Board Of County Commissioners; Chandler Windom; Chris Neubecker
**Subject:** Stage Stop plans in Rafter J

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Dear Teton County Commissioners and County Planners,

As a resident of Rafter J for over 20 years and Teton County for more than 40 years I am writing to encourage you to DENY the approval of the Stage Stop **C**onditional **U**se **P**lan for the old Legacy Lodge. My reasons are as follows:

- The CUP is not designed for affordable long-term Teton County Residents, but for the seasonal workers whose employers will pay Stage Stop top rent dollars. Stage Stop claims they will limit the numbers of people living in these tiny spaces, but who will enforce that? Employers may want to maximize their bang-for-the-buck. How will Stage Stop enforce house or community rules regarding activity in the building, parking lot, and Rafter J streets (parking). Stage Stop has already broken rules by having people live in the space prior to permission.
- A letter to the editor by Greg Smith of Wilson in the September 14, 2022 *Jackson Hole News and Guide* points out the issue of lack of Code enforcement that the Planning Department has. I know of instances of such lack of enforcement regarding the County for the last 20 years. What assurances can you give that Stage Stop will comply with any permits issued OR that they will face consequences beyond a fine, which they will surely consider a minor inconvenience?
- Most importantly, there is a current lawsuit regarding the PUD. This should be resolved before taking further action. Stage Stop has NOT been actively seeking conversation with the Rafter J Board to change the zoning of this property. That seemed like the first logical step to me. Instead, they insisted via community meetings they held with Rafter J residents (not the Board) that it didn't matter which order they moved through the chain of zoning permits. It has been over a year now and they have not responded to invitations from the Rafter J Board for discussion nor have they reached out to the Rafter J Board. They have gone around the Rafter J Board and Rafter J CCRs to the County in much the same way that Foster Friess went around the County determination to get a State decision. It reeks of untrustworthiness and deals made in dark rooms. Stage Stop now appears to be going around the PUD process by filing BUDs as well. I see a pattern here. Don't you?

I am not opposed to employee housing (long or short-term) in our neighborhood. However, I am opposed to a lack of proper process, a lack of proper planning structure and a lack of proper enforcement of those plans. The rest of us need to abide by a common set of rules and laws. Why doesn't Stage Stop?

Deborah Kuzloski
Rafter J Homeowner and Resident

**From:** Sandra Ostdiek <smostdiek@gmail.com>

**Sent:** Monday, May 16, 2022 2:05 PM

**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>

**Subject:** Stage Stop LLC on Lot 333

I am writing to express concern related to the CUP application of Stage Stop LLC on Lot 333 in Rafter J.

I attended the planning commission meeting and the two county commission meetings related to this project. I can't see any point in attending another meeting since it seems clear that the commissioners intend to pass the CUP even though the use requested does not reflect the single-family residential character of our neighborhood.

In light of this, I would ask that you retain "Condition 7. No more than two (2) unrelated individuals shall occupy each Apartment Unit." as written in the original CUP staff recommendations instead of replacing it with an overall cap as you did in the PUD. While I appreciate the overall cap added to the PUD, restricting the number of *unrelated* individuals per unit will encourage small family usage of the larger units as opposed to filling them dorm-style with four or more unrelated individuals. Dorm style usage is totally incompatible with the family nature of our neighborhood.

Respectfully,

Sandy Ostdiek

**From:** lwagner@wyoming.com <lwagner@wyoming.com>
**Sent:** Monday, May 16, 2022 6:43 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Lot #333 Please VOTE NO!

Dear Teton County Commissioners,
Thank you for taking the time to read my letter.

I've lived in Rafter J over 30 years and I was assured that all property owners in our subdivision were held to the same HOA CCRs and Rules & Regulations. Now we have an investor pushing for a market rate apartment rental use in a building that is zoned & designed for senior assisted living.
Every homeowner in Rafter J understood that this monster building would stay an assisted living facility.
A market rate apartment building (We all know that "work force" means no cap on rental rates) is not consistent with this location and does NOT fit with our neighborhood character and is NOT allowed!

We ALL want what is best for our community.

1. Best for our community is a Senior Assisted Living Facility. Rafter J already has this asset!!
Figure out how to facilitate this under utilized asset for its intended purpose.
Our senior population is being forgotten in the push to build more short term condos and hotels.
This owner knows he purchased a Senior Assisted Living Facility that is zoned accordingly.
He does not deserve to damage this established neighborhood to make as much money as possible with market rate rentals in the guise of "work force" housing.

I understand how important Affordable housing is to our community. The Town & County have not kept up with worker housing projects so when an opportunity presents itself for 53 (market rate "work force") apartments with NO public subsidy, I understand how tempting it is to push that through. Even though the average worker in Teton County won't be able to afford it. Do you know what Stage Stop will be charging for a 326 or 474 square foot apartment with at least 2 people in it?

The only downside is the Damage it will do to an established rural neighborhood with over 500 homes and 1000 residents who have been the backbone of this community!!!

The apartment project Stage Stop is proposing is NOT consistent with the rural character of this neighborhood.

If an assisted living facility is not realistic, then deed restrict it as SENIOR AFFORDABLE living. WE ALL need to work toward keeping our senior citizens in our community!!!

2. If this facility were to become Work Force housing then it should be 100% DEED Restricted AFFORDABLE rentals (less than 120% AMI) to actually help out our community! If helping the community is truly the intent of the owner.

3. The Rafter J CCRS and Rules & Regulations do NOT allow the type of facility Stage Stop intends. This location is not an appropriate space for adding 132+ people and 132+ vehicles. (when you state "at least this many vehicles" we all know that this location will become a 132+ space parking lot).

Please vote NO on the Stage Stop proposal.

Thank you for your time,

Lynne Wagner
1550 Percheron Drive
Jackson, WY

**From:** Pamela McIntosh <wyomac4@gmail.com>
**Sent:** Monday, May 16, 2022 10:57 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Lot 333

Dear Teton County Commissioners,

I am curious if any of you have been to Rafter J recently. Have you driven by Legacy Lodge and thought of 130 people living there? The parking lot with 57 cars?
Have you seen how Stage Stop stores their snow plow out in front of the building?

I drive by each day and wonder what problems there will be if you make the approvals that will allow Stage Stop to put in workforce housing. One problem will be parking. What's to prevent renters from parking on Big Trails Drive, the church parking lot, or the side streets in Rafter J? How much more traffic will there be? Will there really only be 130 renters? Is there anyone who will oversee the number in each apartment? Are there any consequences if conditions are broken?

Is this what Teton County wants rural neighborhoods to look like? (Especially now that you have approved apartments in the adjacent lots.)

I have lived in Teton County for over 30 years and always trusted the local government to do the right thing. That there were planners and commissioners overseeing what was going on in the county. But now I wonder how did we get to this? Are developers always getting their way? Are local officials always making changes to the comprehensive plan?

As a Teton County resident and Rafter J homeowner I feel that you are disrespecting our neighborhood if you go through with more approval of workforce (not affordable) housing on Lot 333.

Sincerely,
Pam McIntosh

-----Original Message-----
From: MIKE TURLEY <mjturley34@msn.com>
Sent: Monday, May 16, 2022 11:16 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Lot 333 Formerly Legacy Lodge - Please don't screw over Rafter J Residents so the rich can profit

Dear County Commissioners-
I'm completely disappointed that you have continued with the ridiculous idea presented by Stage Stop to convert the former Legacy Lodge into a private profit center disguised as viable employee housing that will benefit our community.
The infrastructure within Rafter J and the county is not able to handle such a proposal. Traffic, sewer, fire, parking and public safety issues all stand in the way of making Lot 333 into a for profit housing development. Not to mention the negative effects it might have on the character and property values of our neighborhood.
The main reason I'm opposed to Stage Stop's proposal is the simple fact that they have never been honest. Stage Stop has and still is already using the property to house employees. Stage Stop did not purchase the property to enhance or help the housing situation in our community.
Stage Stop purchased lot 333 to fix their own problems and to profit from other businesses who also seek to exploit their employees. Converting Legacy Lodge into a for profit housing development won't help a housing problem it will only perpetuate it.
Stage Stop hasn't been following the rules since they purchased the property so why would anybody think they're going to start once you change the rules for them ?
What happens when a fire breaks out because a temporary workers ramen catches on fire and my neighborhood burns down ? Where's the nearest fire station ? What's the response time for the sheriffs department when a fight breaks out between employees from different employers ?
If housing was such an issue for Stage Stop perhaps their hotel shouldn't have been built years ago.
Converting lot 333 isn't a solution to any housing problem it is only more problems for my neighborhood and a way for rich people to make more money from their employees.
People who don't care about the rules don't follow them and that's exactly what Stage Stop has been and will continue to do.
If Stage Stop honestly wants to convert lot 333 into a for profit housing development they should at least be honest with their intentions and stop using the property as housing before there's approval from the Rafter J HOA.

Thank You
Mike Turley
3160 King Eider
Rafter J
Homeowner & tax payer

**From:** kjbrodell@wyoming.com <kjbrodell@wyoming.com>
**Sent:** Monday, May 16, 2022 8:43 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

While I appreciate the conditions you have put on StageStop LLC concerning The Legacy Lodge property there remain unanswered questions.

With one parking spot per unit (which by the way do not currently exist) where will guests, delivery people, etc. park? With no designated quest spots the likely scenario is parking on the Rafter J roadways or poaching the private parking of the day care, dentist office, Rafter J office. StageStop LLC says they will strictly enforce parking on THEIR property. Not hearing any responsibility for the mess they will create outside their boundaries.

StageStop stated at the two meetings at Legacy Lodge that they planned on leasing the commercial kitchen in the building as a restaurant. Where would restaurant patrons and workers park? They don't seem to be talking about opening a restaurant now but what would keep them from doing this in the future?

Trust is a huge issue. Unfortunately StageStop LLC has done nothing to gain the trust of the Rafter J community. Their refusal work with the HOA and utter disregard for honest discourse sets the stage for future problems. Those of us who live in the subdivision know they currently have tenants in the building, often with vehicles hidden behind the building. What mechanism is there for forcing them to abide by the parameters set out by the county?

I urge you to deny change in status for Legacy Lodge at this time until these and other questions are fully answered and set out in a legally binding document.

Thank you, Karilyn Brodell, Rafter J

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**From:** Carol Schneebeck <carolschneebeck@gmail.com>
**Sent:** Monday, May 16, 2022 9:28 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Please Consider--Lot 333

I've been a resident of Rafter J for nearly 22 years. I was extremely disappointed with the PUD approval as I believe there are valid reasons that "apartments" were not in the list of potential uses of Lot 333. I strongly feel apartments in that location do NOT fit the expectations we had when we purchased our property; apartments will have negative impacts on the community--especially traffic; apartments do not fit the future character of this community. As you consider the CUP, please keep these thoughts in mind.

As Edward Abbey declared, "Growth for the sake of growth is the ideology of the cancer cell." Teton County has grown without using the systems approach--noting all the ramifications of development--especially the demand for employee housing.

Now Rater J has cancer.

--
Carol Schneebeck

*The times are urgent; let us slow down.*
*African Saying*

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**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Saturday, May 14, 2022 6:24 PM
**To:** Luther Propst <lpropst@tetoncountywy.gov>
**Subject:** New thoughts on Stage Stop CUP applicaiton

Luther-

What has become very clear to me through the Stage Stop application for an amendment to the Rafter J PUD and request for a conditional use permit on lot 333 is the lack of support for long-term residents of Teton County who have made JH what it is. BOCC support of irresponsible growth for businesses that will not solve their own housing problems and an unwillingness to accept responsibility for contribution to the workforce housing problem-- but rather hold community residents responsible for the problem created is unacceptable and arrogant.

Recent planning commissioners and TCCs votes indicates most elected and appointed official of Teton County do not

- represent the housing needs of seniors who have been our long-term work force for decades,
- stand behind the Master plan with a goal of providing housing for long-term residents,
- mind stepping on the property rights and CCRs of subdivision residents to support irresponsible business growth,
- think there is anything wrong with passing the buck for irresponsible growth policies onto long-term residents

My family has provided AFFORDABLE workforce housing since 1985, for 11-12 long-term workers in this community. We have always rented to long-term, essential workers at below market rates, yet have made a modest profit. Housing has been available to some of my husband's employees because he owns a business. We have housed young seasonal workers in our own home until they found a place to live as their capricious employers forgot to tell them of the housing shortage in JH when they were hired. I have a number of neighbors in Rafter J who have been providing workforce housing at affordable rates, often in their own home, as well. We have been part of the solutions to workforce housing for decades while town councils and county commissioners condoned and approved irresponsible growth.

Not any longer; and let me explain why. Both TCC, planning commissioners,

JHNG and Shelter JH have accused Rafter J residents of being uncooperative in solving the workforce housing challenge, as though we created the problem. That is blatantly untrue. TCC have aided Stage Stop in doing an end run of Rafter J CCRs to provide unaffordable housing for short term residents, so SS can make more money and diminish my quality of life by contributing to the traffic and congestion in town; crowding in the back country and exacerbating parking problems. TCC have created ongoing expenses and problems for Rafter J, a private subdivision, by changing the allowable uses of not only Lot 333, but all the CL zoned lots in Rafter J. I'm hoping you feel proud of yourselves. While my family and neighbors try to solve workforce housing issues, businesses and government make the problem worse every time an unaffordable, workforce housing development is proposed and approved.

When I see projects like Sagebrush and Stage Stop claiming to provide workforce housing that is not affordable, not for long-term residents and simply another money-making scheme, I am continually surprised that developers are able to dupe the town and county elected officials, repeatedly. I often wonder when electeds are going to represent the long-term residents of Teton County who have also worked multiple jobs, lived with multiple roommates and struggled to find affordable housing without asking the government to support them.

As elected officials continue to support this kind of growth and demonize the actual people who are trying to solve the problem, my family is changing our actions. We will no longer provide affordable housing to long term essential residents because it no longer "pencils out" for us. After studying the market, this means

our 2 bedroom/ 2 bath rental will increase from $2100/months to $4500/month;

our one-bedroom rent will increase from $1300/month to $2400/month;

our studio currently rented at $1000/ month will see and increase to $1700/month- same as Sagebrush rents

bedrooms in a house will increase from $800/room- $1500/ room

We have no doubt the units will remain full. We will no longer sign leases, meaning we can increase the rent at any time to keep up with market rates. Along with our rental increases (effective July 1, 2022) we have explained the reason for the increases- Teton County elected officials support business profiteers not affordable, long-term housing. We have sent TCCs names and contact information to our renters, along with the rent increases, in case they have questions. Thus, the very problem of workforce housing which you claim to be solving will be made worse by your own actions.

Several SPET taxes for workforce housing were defeated the last time they appeared on the ballot. While we in fact voted for them, that will not happen in the future. There is already a significant number of Rafter J residents who are

discussing boycotting all future taxes for workforce housing because of the attempts by planning commissioners and county commissioners to “shame” us into feeling responsible for the “electeds” failure to deal with irresponsible growth.

When I move my 94 year old mother and disabled sister to an assisted living facility that is out of town (several hours away), and I can no longer visit them any day that I want, I will be sure to mention your names, and your lack of support for seniors and people with disabilities. Maybe that will help them understand why they need to move away from their home and their family.

When my 2 sons develop their property in Victor with 16 rental units, I will not encourage them to provide affordable housing; I will encourage them to make as much money as they can. After all, that’s what their elected representatives encourage, while claiming to champion those who need affordable housing.

While it may not sound like it in this email, I am usually an optimist. I have always believed that people will do the right thing when they are educated- my mistake. Thank you for the education. Regrettably, it has changed my life and attitude toward local government and the supportive, accepting community I have tried build.

Jan Lovett

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**From:** Jantina Tuthill <jantina3755@gmail.com>
**Sent:** Tuesday, May 10, 2022 11:19 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** RE Darwich

Rafter J.
Just to write you again.
As an inhabitant of Rafter J we/I are not against affordable housing.. we just dont want Darwich to stuff in those "apartments" more people than what these apartments can support. That is not what I think of affordable housing,. He has thought of a system that would bring him 2000 a month per person! per unit.Most likely there will be 2 plus! per unit. You do the math. These units are small. no full refrigerator, no regular stoves.
I surely don't want to be branded as being against affordable housing.
58% of our neighbors here are the workforce for the town.
We have strict rules!!! in our HOA's . Because of that we have a nice development. Darwich bypassed and trample on our HOA's and with his "creative and deceptive ways" will fill his pockets.
So what is the use of rules and regulations if you know people seem to forget about the basic rules..we get chaos.
Jackson is already turning into the fur, leather, high heel . and deep pockets ,town. More hotels and more luxury apartments need workers. Housing shortages will be forever here. More hotels..more workers.
Darwich is the owner of at least !one hotel and is adding on to it. He needs us to take care of the workers???
This is just one issue... Rafter J ownS our own roads, water and waste, snow plowing and you name it. Our utilities went up over 70%, our property taxes doubled....are all those individuals pay for the use of everything?

Jantina S. Tuthill

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**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Saturday, May 14, 2022 6:20 PM
**To:** Mark Barron <mbarron@tetoncountywy.gov>
**Subject:** New thoughts on the Stage Stop CUP application

What has become very clear to me through the Stage Stop application for an amendment to the Rafter J PUD and request for a conditional use permit on lot 333 is the lack of support for long-term residents of Teton County who have made JH what it is. BOCC support of irresponsible growth for businesses that will not solve their own housing problems and an unwillingness to accept responsibility for contribution to the workforce housing problem-- but rather hold community residents responsible for the problem created is unacceptable and arrogant.

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- mind stepping on the property rights and CCRs of subdivision residents to support irresponsible business growth,
- think there is anything wrong with passing the buck for irresponsible growth policies onto long-term residents of JH

My family has provided AFFORDABLE workforce housing since 1985, for 11-12 long-term workers in this community. We have always rented to long-term, essential workers at below market rates, yet have made a modest profit. Housing has been available to some of my husband's employees because he owns a business. We have housed young seasonal workers in our own home until they found a place to live as their capricious employers forgot to tell them of the housing shortage in JH when they were hired. I have a number of neighbors in Rafter J who have been providing workforce housing at affordable rates, often in their own home, as well. We have been part of the solutions to workforce housing for decades while town councils and county commissioners condoned and approved irresponsible growth.

Not any longer; and let me explain why. Both TCC, planning commissioners, JHNG and Shelter JH have accused Rafter J residents of being uncooperative in

solving the workforce housing challenge, as though we created the problem. That is blatantly untrue. TCC have aided Stage Stop in doing an end run of Rafter J CCRs to provide unaffordable housing for short term residents, so SS can make more money and diminish my quality of life by contributing to the traffic and congestion in town; crowding in the back country and exacerbating parking problems. TCC have created ongoing expenses and problems for Rafter J, a private subdivision, by changing the allowable uses of not only Lot 333, but all the CL zoned lots in Rafter J. I'm hoping you feel proud of yourselves. While my family and neighbors try to solve workforce housing issues, businesses and government make the problem worse every time an unaffordable, workforce housing development is proposed and approved.

When I see projects like Sagebrush and Stage Stop claiming to provide workforce housing that is not affordable, not for long-term residents and simply another money-making scheme, I am continually surprised that developers are able to dupe the town and county elected officials, repeatedly. I often wonder when electeds are going to represent the long-term residents of Teton County who have also worked multiple jobs, lived with multiple roommates and struggled to find affordable housing without asking the government to support them.

As elected officials continue to support this kind of growth and demonize the actual people who are trying to solve the problem, my family is changing our actions. We will no longer provide affordable housing to long term essential residents because it no longer "pencils out" for us. After studying the market, this means

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While it may not sound like it in this email, I am usually an optimist. I have always believed that people will do the right thing when they are educated- my mistake. Thank you for the education. Regrettably, it has changed my life and attitude toward local government and the supportive, accepting community I have tried build.

Jan Lovett

**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Saturday, May 14, 2022 5:43 PM
**To:** Mark Newcomb <mnewcomb@tetoncountywy.gov>
**Cc:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop CUP application

Mark-

I would like you to deny the CUP with NO conditions. Of course, at this point, I have little confidence that this will happen.

I thought assisted living was an important issue for you. Do you realize that the addition of apartment use to the Legacy Lodge lot assures Teton County residents that assisted living will not be re-instated in our County for many years? We have lost the only affordable, specifically built structure. I do not have the energy or will to fight against County Commissioners who care only for unaffordable, dormitory dwellings for short-term residents of our community that will make business owners wealthier and compromise the quality of life of the long-term residents. I need to spend my time and energy finding an assisted living facility outside of Teton County for my 94 year old mother and disabled sister who I cannot take care of in my home.

More than once I heard the words, “I cannot make the findings.” and yet you voted for the PUD amendment. I think those words were said immediately before voting, but perhaps I am remembering incorrectly.

I’m not sure what will happen at the TCC meeting on May 17th, when the CUP is discussed and voted upon. I don’t even think I can attend the meeting, digest the continually changing arguments of the planner, listen to the false assurances of Stage Stop, and face another betrayal by the TCC. I am torn up inside and physically ill by the obvious duplicity that exists in my own local government. The elected officials of TC are complicit in making an end run around the CCRs of a subdivision to enable an irresponsible business to make more money while offering nothing in return to the neighbors and taking away the quality of life of residents.

I have spent many nights in the past few weeks, lying awake at night, wondering how this could have happened. And yet, no explanation has come forth. Do you intend to explain your change of mind, change of heart or perhaps simply the betrayal of the group of people who have actively engaged in the government process regarding the Stage Stop amendment to a PUD? Perhaps not, since nearly 2 weeks have passed since you voted to approve the PUD amendment after you assured us you were going to deny it. I am angry, disappointed and disillusioned.

Jan Lovett

-----Original Message-----
From: Judy Adams <wyoadams@gmail.com>
Sent: Friday, May 13, 2022 7:36 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Lot 333 rafter j

I am in favor of lot 333 be used for housing. It has been unused for 2 years and can't just sit empty while Jackson needs housing for employees

That part of rafter j has always been used for businesses. We have a children's day care that has approximately 60 people there every day with buses coming and going. We have a very active dentist office and a large church with many activities. This is a perfect place for housing. At its peak, there were employees coming and going every 8 hours or so to care for the elderly population so I can't really see a big difference Traffic will only be impacted at certain times each day. This is just like the rest of Jackson When we bought our house in 1998, this was considered a working blue collar community and most people left and return at the same time. I really don't consider this a problem. Maybe things will change but then everything in Jackson has changed in the last few years. Blue collar people can no longer live or work in Rafter J or Jackson. Housing is definitely a problem and , while this will not solve the problem, it might bring some immediate help

Please let lot 333 be used for housing. Sitting empty will not solve Jackson's problems

Judy and Bob Adams
3470 Winding Trail

Sent from my iPhone

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**From:** James Turley <jim@jturleyphoto.com>
**Sent:** Thursday, May 12, 2022 7:38 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Lot 333, Rafter J

The number one item on the list of CUP conditions is "i*s it (the use) compatible with the desired future character of the area"? If you are Stage Stop* I guess that means realizing who butters your bread. If you just paid $4-5 million for a property with 57 rooms built to make elderly people comfortable before they go to the dining room, you'd rather rent those same rooms for, say $2-3,000 per month, to local businesses. It's a beautiful building on a nicely landscaped lot. Your view of the future revolves around the bottom line and making it bigger every year.

What about the neighbors, numbering only about 2,000 or so, (about 10% of Teton County), who purchased their homes for the beautiful building on a nicely landscaped lot, their future home. Great place to raise a family or even retire, the grandkids can come over and play near the lightly traveled roads. These pesky neighbors now see their vision for the future character of Rafter J threatened by people, who even though they live in Jackson, behave as if they are out-of-towners. They say what they think the commissioners want to hear, but do they follow up with their assertions of "good faith" promises to ingratiate themselves in the Rafter J neighborhood. They think it's easier to hire attorneys and land planners and PR people.

Please vote against the money - and FOR the couple of thousand little guys who just want to keep Rafter J a sleepy, safe community with a lot of pride.

**Jim Turley**

-----Original Message-----
From: Danette Jolly <jolly5444@hotmail.com>
Sent: Wednesday, May 11, 2022 12:03 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Rafter J lot 333

Commission
I completely support the proposed changes for Legacy Lodge. It will benefit all of Jackson to have additional employee housing. That properties sitting empty and nobody benefits from that.
Danette Jolly
3440 S Shorthorn Dr
Jackson Wyoming 83001
925-550-2748

Sent from my iPhone

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**From:** Donald D. Cooke <doncooke1210@gmail.com>
**Sent:** Sunday, May 8, 2022 11:12 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge issue--

Hi folks, I attended both of the last two sessions in which the Legacy permitting was discussed. I took off two full days to be there. Thank you for your time and focus on this substantive issue.

I would like to reiterate my displeasure with the process...the clear bias toward approval without including the HOA. How did the PUD get approved, adding hi-density apartments to the list of acceptable uses.....when this is exactly what the CCR's prevent? I thought, for a brief few minutes, that Commissioner Epstein's recommendation to add the need for HOA engagement to the list of required CUP items was at least a nod to the voting rights of 2000 folks who live in Rafter J. Alas, that was removed....why?

**The parking and the traffic issues should not be rubber stamped with "Good Faith Future Efforts" when the immediate impacts will be heavy, bad and permanent once the rules allow it.** The notion that adding (up to)132 cars to that critically bad exit/entrance is only a 3% increase in traffic is ridiculous. Note: t**he idea that renters and their guests will not jam cars somewhere within Rafter J is delirium.** I also have heard that there are longer range plans for expanding the facility greatly. Will the HOA have a say in such matters? **I know that county approval is normally separate from CCR limitations, but not in this case, folks!** You all know that this is going to lead to a prolonged, costly lawsuit....one that will harm the financial state of our HOA and mean very little for deep-pocketed Stage Stop, Inc. to wage. **This is big business money overreaching to force town housing problems onto Rafter J**....problems that need fixing, just not in this location, and not in this heavy handed manner. Why, many ask, didn't the Darwitches approach the HOA *BEFORE* they bought the property? Perhaps they felt secure about their ability to pursue their financial interests, since history and political connections suggest they will win, regardless. I took particular note of Mr. Darwiche's response to having a shuttle service for the renters. He spoke at length about the cost of buying a van, hiring a driver, insurance, etc. --no mention or understanding that a shuttle might help mitigate the parking and traffic problems, "in good faith". The applicant's goals are clearly not inclusive of the neighborhood's concerns, rather, it's "heads on beds" at $2000 per month. **This is, as quoted in the Guide...a plan for a "Man Camp" at the entrance to one of the most desirable neighborhoods in the Valley.**

**Regards,**
**Donald**

Donald D. Cooke

Presidentmik
Alpine Trails Development (Victor,ID Affordable Townhomes)
PO Box 9207
Jackson, WY 83002
203-246-1865

| | |
|---|---|
| **From:** | Margaret Creel |
| **To:** | Board Of County Commissioners; Chandler Windom; County Planning Commission |
| **Cc:** | Mark Newcomb; Luther Propst; Greg Epstein; Mark Barron; Natalia Macker |
| **Subject:** | My final email regarding CUP2021-005 |
| **Date:** | Monday, May 16, 2022 7:38:33 PM |

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Dear commissioners,

My email will be brief. **DENY the CUP**.

I have COVID and don't feel at all well. This is why you won't see me tomorrow at the meeting. Nor will I listen to the meeting.

After the stunning unanimous decision you made on the PUD, I have lost all faith in the public process and in you as our county representatives. But as Mr. Epstein said in the last meeting, "we need housing and we need housing now." That's all that matters. The voices of everyone who lives in a community don't matter. That's pretty much what I heard.

I am weary too, of the Rafter J Community being told that we are the ones that need to work with the applicant, that it appears that you trusted a developer more than an engaged group of citizens who flayed open the numerous flaws in the application.

I am deeply disappointed that your decision to approve the CUP effectively slammed the door shut on assisted living in this community for the foreseeable future. How do you live with that? Of yes, we need housing and we need housing now.

Lastly, because this is about the CUP vote tomorrow, 1) **it is not compatible with the desired future character of the area**, and 2) **it does not minimize adverse impact on public facilities**. I don't know how you could make the findings to the contrary.

I am typically an optimistic person. I will hold on to that tomorrow with the hope that you deny the CUP.

Thank you,

Margaret

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**From:** James Turley <jim@jturleyphoto.com>
**Sent:** Monday, May 9, 2022 4:18 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop Application

The parking and the traffic issues should not be rubber stamped with "Good Faith Future Efforts" when the immediate impacts will be heavy, bad and permanent once the rules allow it. Who is to calculate “Good Faith Efforts? I think Stage Stop committed to make a “Good faith effort” to work with the HOA prior to or concomitant with applying for a use change with the county. There was no apparent effort to work with our HOA.

The notion that adding (up to)132 cars to that critically bad exit/entrance is only a 3% increase in traffic is ridiculous. Note: the idea that renters and their guests will not jam cars somewhere within Rafter J is delirium. I also have heard that there are longer range plans for expanding the facility greatly. Any new parking would restrict this effort. No wonder the applicants don’t want to add parking that would allow for guests, vendors, people renting the kitchen and multiple property management personnel - the extra parking would limit the size of expanding the buildings.

This has the smell of money (Darwiches), connections (Kasey Mateosky with Y2 and 2 construction companies) and an “Old Boys Network.

**Jim Turley**

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**From:** BobbieCDailey <BobbieCDailey@protonmail.com>
**Sent:** Monday, May 9, 2022 4:46 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Darwich proposal

Hello, again, commissioners—
I'm reiterating my last email comments. Please DO NOT approve the CUP for the Darwich project on lot 333. The majority of the 2000 residents of Rafter J are **strongly** against changing anything to allow apartments, and resent that the Darwich family has by-passed the Rafter J HOA Board.
Rafter J IS NOT an appropriate place for this kind of development. The family has voiced vague and contradictory "future plans".
Please **DO NOT** approve this CUP!!
Thank you,Bobbie Dailey

**From:** Laura Bonich <lauraabonich@gmail.com>
**Sent:** Monday, May 2, 2022 10:49 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Please approve Legacy Lodge workforce apartments

Please approve the Legacy Lodge workforce apartments with the conditions suggested in the staff report. The project will provide much needed employee housing (with workforce deed restrictions) without any public subsidy.
Thank you - Laura Bonich

--
Laura Bonich, PE, LEED AP
775-340-5346
lauraabonich@gmail.com

**From:** Donald D. Cooke <doncooke1210@gmail.com>
**Sent:** Sunday, May 8, 2022 11:12 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge issue--

Hi folks, I attended both of the last two sessions in which the Legacy permitting was discussed. I took off two full days to be there. Thank you for your time and focus on this substantive issue.

I would like to reiterate my displeasure with the process...the clear bias toward approval without including the HOA. How did the PUD get approved, adding hi-density apartments to the list of acceptable uses.....when this is exactly what the CCR's prevent? I thought, for a brief few minutes, that Commissioner Epstein's recommendation to add the need for HOA engagement to the list of required CUP items was at least a nod to the voting rights of 2000 folks who live in Rafter J. Alas, that was removed....why?

**The parking and the traffic issues should not be rubber stamped with "Good Faith Future Efforts" when the immediate impacts will be heavy, bad and permanent once the rules allow it.** The notion that adding (up to)132 cars to that critically bad exit/entrance is only a 3% increase in traffic is ridiculous. Note: t**he idea that renters and their guests will not jam cars somewhere within Rafter J is delirium.** I also have heard that there are longer range plans for expanding the facility greatly. Will the HOA have a say in such matters? **I know that county approval is normally separate from CCR limitations, but not in this case, folks!** You all know that this is going to lead to a prolonged, costly lawsuit....one that will harm the financial state of our HOA and mean very little for deep-pocketed Stage Stop, Inc. to wage. **This is big business money overreaching to force town housing problems onto Rafter J**....problems that need fixing, just not in this location, and not in this heavy handed manner. Why, many ask, didn't the Darwitches approach the HOA *BEFORE* they bought the property? Perhaps they felt secure about their ability to pursue their financial interests, since history and political connections suggest they will win, regardless. I took particular note of Mr. Darwiche's response to having a shuttle service for the renters. He spoke at length about the cost of buying a van, hiring a driver, insurance, etc. --no mention or understanding that a shuttle might help mitigate the parking and traffic problems, "in good faith". The applicant's goals are clearly not inclusive of the neighborhood's concerns, rather, it's "heads on beds" at $2000 per month. **This is, as quoted in the Guide...a plan for a "Man Camp" at the entrance to one of the most desirable neighborhoods in the Valley.**

**Regards,**
**Donald**

Donald D. Cooke
Presidentmik
Alpine Trails Development (Victor,ID Affordable Townhomes)
PO Box 9207
Jackson, WY 83002
203-246-1865

**From:** Sharon Parrott <sharonjparrott@yahoo.com>
**Sent:** Friday, April 29, 2022 6:22 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop Consideration

Good morning commissioners -

The proposal from Stage Stop to provide employee housing in the former Legacy Lodge would without a doubt have a negative impact our our little community in Rafter J. It would also negatively impact our infrastructure and our water system. Based on prior decisions for sprawl development outside the Town of Jackson, I would hope the Commissioners would deny the change requested by State Stop to amend the Rafter J Ranch Planned Unit Development and also deny the application for a Conditional Use Permit.

It is appreciated that you are willing to accept comments from those of us who have lived in our Rafter J HOA for many years. A change as requested would forever negatively impact the neighborhood that has been established in Rafter J.

Thank you.

Sharon Parrott
3460 South Winding Trail Drive

**From:** Brian Schilling <brianschilling.wy@gmail.com>
**Sent:** Tuesday, May 3, 2022 8:08 AM
**To:** Luther Propst; Chandler Windom
**Cc:** Steve Foster; EILEEN MOSMAN
**Subject:** Rafter J ISD - Stage Stop

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Commissioner Propst,
Based on the applicant's summary report prepared by Y2 Consultants and an independent analysis by our engineering consultant, the Rafter J ISD does not have cause for concern about the impact on Rafter J's water supply or sewer capacity of the proposed residential use in Stage Stop LLC's application. This is based on the current proposal as of May 3, 2022, of a maximum occupancy of 132 people and a maximum 63 bedrooms. However, as clearly stated in the applicant's summary report, the proposed residential use does not include an assessment of the commercial kitchen, so any future use of the commercial kitchen would need to be evaluated for additional demand.
Thank you,
Brian Schilling
President
Rafter J Improvement & Service District

**From:** Chuck Schneebeck <chuckschneebeck@gmail.com>
**Sent:** Sunday, May 1, 2022 12:09 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Lot 333 Comments

Dear County Commissioners,

This letter concerns the application submitted by Stage Stop, Inc., to change the land use rules on Lot 333 in Rafter J Ranch to allow for the assisted living building to be converted to apartments.

When people buy property in Rafter J, they agree to abide by the CC&Rs, Bylaws & HOA Rules. There is a process for amending these documents which Rafter J has used to change them to be more in line with the changing times. These documents define the way the lots can be used, including Lot 333.

Stage Stop, Inc. purchased Lot 333 with the purpose of using it in a manner that was not allowed by the CC&Rs. Then rather than work with the Rafter J community and follow the guidelines they agreed to when they purchased Lot 333, they chose to go directly to the county to get a Planned Unit Development (PUD) amendment and Conditional Use Permit (CUP) to change the way the property could be used. They had the right to do so, but in the process, they sent a strong message to the Rafter J community that they were not going to abide by the rules to which they agreed. It is not a surprise that many in Rafter J felt betrayed. During this process, the Stage Stop mantra has been we want to be good neighbors, but if we don't get our way we can build a gas station, which is one of the acceptable uses in the Rafter J CC&Rs or we can ignore the CC&Rs by getting the county to change the rules.

This proposed development is presented as workforce housing. That is very different than affordable housing. Where affordable housing is offered at discounted rates, this workforce housing will be offered at market prices. Stage Stop, Inc. is building an addition to its downtown hotel. It will increase the need for workers who could be housed in the proposed facility. Then Stage Stop, Inc. can lease apartments to other businesses with deep pockets and solve the problem of housing their own workers and making a good profit. A brilliant plan for them--they benefit, and Rafter J bears the impacts of the development.

How did we get here? For years our elected officials have approved one development after another. They are intelligent people who knew full well that they were helping to create a worker housing shortage. But they choose not to take a systems approach and address the housing issues in the process. It reminds me of the German rocket scientist, Wernher von Braun. He developed the V-2 missile for the Nazis to use on England during WW2. He was responsible for sending them up, not where they came down. The von Braun approach by our elected representatives has not served our community well.

I suspect the Rafter J community would feel differently if they were involved helping to solve the need for affordable workforce housing. In this case, there is no positive value to the Rafter J community and big value to wealthy business interests.

During the last commission meeting, your legal staff member pointed out that the Commission has no responsibility to enforce Rafter J's CC&Rs. I am unaware that Rafter J has ever asked the Commission to do that. In fact, Rafter J would like to use the process that every landowner signed onto, including Stage Stop, Inc, to decide what is best for our development.

As Commissioners, you are not required to approve a request that clearly is an end run to avoid complying with the Rafter J CC&Rs. If you do so, it is a choice. You have an opportunity to table the request for a PUD and CUP and allow the Rafter J community to deal with the proposed changes in the use of Lot 333 using Rafter J's established processes. There is a mechanism in place that all landowners signed onto. I request that you respect the residents of the Rafter J community and let them go through their established process.

Charles Schneebeck

**From:** Carol Schneebeck <carolschneebeck@gmail.com>
**Sent:** Saturday, April 30, 2022 9:41 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Lot 333 Rafter J Comments

Teton County Commissioners,

After attending the entire meeting on Tuesday April 12, I have a few more thoughts/comments/questions to share.

I think having residents stay in Rafter J for a minimum of six months does not create a community within. If renters leave after the six months, they probably have little invested in this community. I strongly believe that short term rentals do not fit with the character of Rafter J.

Parking/traffic/safety are still issues for me. Even with one parking space per unit, that still adds additional vehicles (as an assisted living facility, there were few cars in the lot) and probably an expansion of the existing lot. Recently, walking on the bike path which runs above and behind Lot 333, there were two vehicles and two trailers parked on the grass--is this the answer to additional parking? And concerns of turning left onto the highway still remain.

The comment that this was not intended to be affordable housing--and never was presented as such--somewhat surprised me. I naively assumed that workforce housing (which seems to have become a buzzword to get approval) would be affordable. Are the apartments only for those who can afford paying perhaps half their paychecks to rent there? Whom in the workforce are these units intended for and available to? It seems making units affordable better solves the housing issue for the workforce.

A red flag for me came when Commissioner Newcomb asked the question about potential future growth--such as making it a two story facility or other additions. If the PUD is approved, there seems to be no real restrictions of what could occur on the property. This potential growth is of concern and certainly does not fit into the community.

The Planning Commission voted 3 to 2 to approve the application. If I heard correctly and it is true, one of those voting should have rescued her/himself because of connections with Stage Stop Inc. thus making it a potential tie vote. I hope the Board will consider looking into why two members voted against the application. Their rationale could be informative.

Looking for a handrail to help make a decision, it seems the focus was on the planning details/findings. I hope that handrail could also sense the humanity of the heartfelt comments of Rafter J residents who oppose the application. Yes, the law should allow for change and evolution, but I hope the law never forgets the people who are affected.

Again, I sincerely hope you'll vote to DENY this application.

Thank you for considering my thoughts,
Carol Schneebeck

*The times are urgent; let us slow down.*
*African Saying*

**From:** Janice Smith <jksmith96@me.com>
**Sent:** Monday, May 2, 2022 5:21 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Comments from Janice and Will Smith regarding Lot 333 in Rafter J

May 2, 2022

Dear Teton County Commissioners,

Thank you for your time in thoroughly reviewing the information before you regarding the Lot 333 PUD and CUP applications proposed by Stage Stop.

As mentioned in previous communications, my husband and I have been following this issue from the beginning. As we have listened to both parties' statements, we look at the big picture with several comments to convey –

1. The recurring theme in the arguments from Rafter J residents, HOA, and ISD is that there is not enough information to make informed decisions on the proposed applications. Not enough is known yet on how an influx of potentially 114 – 250 residents will impact the self-sustaining infrastructure of the subdivision. The applications are incomplete, fail to provide concrete, unbiased data, and it's obvious that the applicants and Planning Commission are glossing over obvious concerns and trying to fit a square peg in a round hole. The applicants say that there will be no impact on practically anything. In fact, at the first BOCC meeting, one completely farfetched statement was that water use would actually decrease with 57 newly installed kitchens, more residents, and a new use of the building compared to the previous use of the building. Common sense is absent with this statement.

2. We have yet to speak to a resident who is concerned in a "NIMBY" sort of way regarding the proposed applications. It was incredibly off-putting that the Planning Commission felt it was their place to lecture those that opposed the applications and demand that Rafter J takes one for the team and that we should be ashamed of ourselves for even challenging the proposal. This, quite rightfully, is a question of if a self-sufficient and hard-working subdivision with HOA dues, ISD assessments, Rules and Regulations, and CC&R's and can actually sustain its infrastructure. And, this is all due to a private buyer's sense of entitlement to purchase a building with a clear and known set of allowed uses and then proceed to ask the County to alter documents for their own idea of how they'd like to use the building, which isn't

currently an approved use nor the correct zoning, knowing full well of the subdivision's regulations, CC&R's, zoning, etc. before they purchased the property.

3. The fact that the applicants chose to pursue County approval first is inappropriate and premature. With the order in which it's been approached, the optics on the Planning Commission and County's consideration is government overreach. It's up to the Rafter J ISD, HOA, and residents to decide if this proposal is something that will be reviewed and approved or denied by a proper vote of the subdivision residents. Then, if approved, the matter should have been presented to the County to review.

4. We support the comments made in the most recent letter submitted from the Rafter J HOA attorneys to the BOCC and County Attorney. Please consider past decisions on similar proposals and the basis for those decisions. If these applications are approved, a Pandora's box of issues not only for the Rafter J community, but the County will ensue.

5. Lastly, with the state of the economy today in the county – rising costs, property taxes, etc., please be mindful that Rafter J has and continues to house individuals that work hard to provide services in the valley with the work that they do. Turning a blind eye to the concerns of nearly 500 existing residents of this valley, many of whom comprise a good portion of the workforce of this community deserve to be heard, and if these applications pass, these residents will be forced to pay more in HOA dues, ISD assessments, and deal first hand with the consequences within the subdivision, should the applications be approved and we are forced to litigate to protect our subdivision rights. And, being that a large majority of the residents in the subdivision work during the day, it will be hard to get the level of attendance at the BOCC meeting tomorrow at 9:00 am. Please don't misinterpret this for lack of interest or silent support for the applications. The residents are hard at work keeping the Teton County economy running.

-

The proposed PUD and CUP applications are not the solution or even part of the solution to housing more workers in the community.

We strongly encourage you to vote NO on the CUP and PUD applications.

Thank you again for your time and consideration of our comments.

Sincerely,

Janice and Will Smith

Rafter J Residents since 2004

**From:** Jeff Stines <iteachwyo@gmail.com>
**Sent:** Monday, May 2, 2022 2:09 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Dear County Commissioners:

I am writing to express my concerns about this board possibly voting to usurp the authority of the Rafter J HOA and its members. All Rafter J property owners (Stage Stop LLC included) purchased their homes/properties with the understanding and expectation that our HOA's CCRs would guide and shape our neighborhood's character and design for the foreseeable future. This board should not override our CCRs without the HOA and its members' consent.

I've said before but it's worth repeating, local control is a concept this board recognizes and appreciates. There have been times in the past few years where the State Legislature in Cheyenne has usurped Teton County's regulations on a variety of issues and this board felt frustrated and undermined. Please do not do this to Rafter J's HOA. If this board acts prior to the HOA giving its approval or denial it would be undermining the legitimacy of all HOAs and CCRs in our county with many possible unintended consequences. Please respect the Rafter J HOA and our CCRs. Please ask for the Rafter J HOA to have an election to see if Rafter J residents would like to amend their CCRs to allow for the proposed changes to Legacy Lodge. Respect the process, respect local control, delay your decision until those most significantly impacted have an opportunity to formally weigh in on this issue.

Thanks

Jeff Stines
1915 W. Bunk House Dr.
Rafter J, WY. 83001

Teton County Commissioners

P.O. Box 3594

Jackson WY 83001

April 11, 2022

Dear Teton County Commissioners,

Thank you for your service and commitment to Teton County management. We recognize the many and often difficult decisions you deliberate over on behalf of the citizens of our county.

We are writing to respectfully ask that you hold off on any decision to advance the interests of StageStop Inc. until they first come to agreement with the Rafter J HOA.

While housing for Teton County workforce is an important and worthy cause, housing for elderly residents of our county requiring assisted living care is equally important. The current Legacy Lodge building is already perfectly suited for assisted living care and is the only one of it's kind in Teton County. The need for assisted living care was never absent, is not absent, and is not going to go away. It is our understanding that Legacy Lodge was growing in resident numbers and then fell victim to the constraints of COVID. Why turn a building that is perfectly suited for needed elderly care into short-term largely unrestricted housing for more town private business workforce? Please do not compromise the value of our HOA covenants or sacrifice our elderly population, many of whom have spent their lives here working for our community, for the primary benefit of a private business interest.

Also if the facility were to encompass workforce housing, the responsible alternative would be to have it house workforce of Rafter J businesses with appropriate deed restrictions. Perhaps we could keep an assisted living facility with a wing of housing for it's employees and those of the already present childcare and dental office and possibly for a few of our essential county workforce such as law enforcement and emergency personnel whom Rafter J residents also derive some benefits.

We do not feel that StageStop has made a good faith effort to work with Rafter J HOA and seeks a side door entrance to avert Rafter J HOA rules. Again, thank you for your service. We are trusting that you will base your decision on what is right for the residents of Teton County.

Sincerely,

Janice Brimeyer

Doug Brimeyer

Jan Brimeyer

Doug Brimeyer

Lot 47 Rafter J Subdivision

1245 W Hay Sled Drive

Jackson Wyoming 83001

**From:** kjbrodell@wyoming.com <kjbrodell@wyoming.com>
**Sent:** Tuesday, April 19, 2022 12:04 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge can or worms

As you consider StageStop LLC's request please think about the problems passing the application would create. I suspect if StageStop LLC gains approval they will move tenants in immediately regardless of the CC&Rs that govern Rafter J. Given that Rafter J will file suit to enforce the CC&Rs that will leave renters in a precarious situation. Would they have to move out? Would tenants want to sign a long term lease with no assurance that they might be able to continue occupancy? Unfortunately StageStop LLC has shown no interest in working on solutions with the Rafter J board. Perhaps denial of the application would force them to work with the Rafter J community. Now is not the time to open this can of worms. Thank you, Karilyn Brodell, Rafter J Ranch

----Original Message-----
From: Celia Dillon <cmdillon@aol.com>
Sent: Wednesday, April 13, 2022 3:09 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Legacy Lodge plan

Dear Commissioners,
I have watched with interest the debate about the old Legacy Lodge. I sold my house in Rafter J in 2021, just about the time Legacy Lodge closed. I am thankful that I no longer live in Rafter J as I see this drama unfolding. My mother lived in Legacy Lodge for two years and then abruptly had to move to the Living center. We were so sad to see Legacy Lodge close but so lucky that they had a space for her in the Living Center and now Sage Living.
I have nothing to gain or lose by the final decision on Legacy Lodge use. However, I feel so sorry for Rafter J residents who will have to deal with so much additional traffic, noise, strangers in the neighborhood, parking issues, and ultimately property values tanking. Rafter J allows two pets per household – – how many dogs will be living in this building? The Rafter J infrastructure has issues as it ages – – how will it accommodate all these new residents?
I have tried to see all sides of this issue and cannot honestly see how the stage stop plan can be fairly implemented. I know there is a need for housing, but this is not affordable housing and if you have ever been in the old Legacy Lodge you would see that these are not apartments, but instead living spaces without even kitchens. I am afraid that if the use is amended there will be no going back, after the mistake is recognized. Please do not let this neighborhood be destroyed for one family's profit.
Sincerely,
Celia Dillon

Sent from my iPhone

**From:** Karen Jerger <kjerger@rafterj.org>
**Sent:** Saturday, April 23, 2022 6:13 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Cc:** Mike Keegan <mkeegan@rafterj.org>; Chuck Rhea <crhea@rafterj.org>; Tracy Baiotto <tbaiotto@rafterj.org>; Chuck Rhea <crhea@rafterj.org>
**Subject:** History of Lots in Rafter J

Dear Commissioners, At your meeting on April 12, 2022, Commissioners Epstein and Newcomb had questions about past decisions for use on commercial lots in Rafter J.

Attached is a brief summary of the history of use on non-residential lots in Rafter J. The information was sourced from both Rafter J HOA and Teton County records. The intent is not to cover every aspect of each property, but to give Commissioners a sense of the approach that Teton County and the HOA have taken in evaluating land use proposals in Rafter J. This also describes current use on each lot.

Also attached is the Rafter J Master Plan. The TC Planning Department is aware of this document, but said repeatedly in public meetings that there was no Master Plan. There may be reasons that Planning Staff does not find this useful as a guiding document, but it does exist.

Respectfully, Karen Jerger, Rafter J HOA Board

Brief History of Development on Non-Residential Lots in Rafter J

**Commercial Lot 334** (now Lots 336 and 337):

1979: Dr. Jack Konitz applied to construct and operate a Veterinary Clinic on **Lot 334**. Notes from a Planning Commission meeting indicate that commissioners were aware that *"this commercial area is classified C-L and vet clinics are not an allowable use in C-L districts."*

Note: Under the 1978 LUDRs:
Chapter II - Land Use Districts, Section 5 – Determination of Similar Use:
In order to permit uses of a similar character to those prescribed in Section 4 of this Chapter as permitted in the C-L, C-I, and I districts, the Planning Commission, on its own initiative or on written request, shall determine whether a use not specifically listed as an authorized use should be an authorized use on the basis of its similarity to uses specifically listed and its appropriateness in the district.

Planning Commissioners voted to allow a Determination of Similar Use, based on the following:

It is a professional office
It serves day-to-day needs of people in this general vicinity, which is both agricultural and residential in nature.
Corals, stables, tackrooms and horse pastures are designated within the development, adjacent to the proposed vet clinic.
It seems to go along with the general character of the Rafter J development.
(Planning Commission meeting, April 2, 1979)

1982: Dr. Konitz was granted a permit to add a building for three horse stalls and storage. Dr. Konitz still owns the property and currently leases it to another commercial business.

1989: **Lot 334** was split, as allowed in Rafter J CCRs (Article XI, Section 1c). Dr. Konitz retained the northern portion (now **Lot 336**) and sold the southern portion (now **Lot 337**).

**Commercial Lot 337**:

Several businesses, including a professional office building, mini-storage facility, small engine repair service and carwash were proposed for **Lot 337**. These were discussed with Rafter J HOA Board and/or TC Planning Department but none went through a full approval process.

On or about 2005: Dr. Alice Richter built a dental office on **Lot 337**, which was an allowed Local Convenience Commercial use. Dr. Richter still owns this property.

**Commercial Lot 333**

1994: Proposal to change the designation of **Lot 333** from commercial to residential.

In a letter to HOA members, the developer says "*Currently, the use of Lot #333 is for commercial use and we would like to change this to residential use. If the use were changed to residential, we would divide the property into no more than 18 single family lots".*
(Letter from Rafter J Meadows Partnership to Rafter J Homeowners, July 7, 1994)

With permission from the HOA board, and after review by the HOA attorney, the developer followed the process for amending the CCRs through a vote of homeowners. The developers were not successful in getting the required votes.

About 1996-97: Proposal to subdivide **Lot 333** into a seven-lot commercial center, where individual lots would be sold to individual businesses. After discussion with Rafter J HOA, the landowner withdrew the proposal.

1998: Proposal to build an Assisted Living Center on **Lot 333.**

A Planning Staff report notes that: *"The 1978 approval for Rafter J created this commercial lot for local convenience type uses that are associated with a large residential area. The nursing home type use was classified then as a conditional use under the old regulations. Those older regulations are referenced in the current land Development Regulations as the pertinent rules for Lot 333."* (Sketch Plan Review, Feb. 18, 1999)

Note: Under the 1994 LDRs:
SECTION 2240. DETERMINATION OF SIMILAR USES
If a proposed use is not listed in Table 2200, Use Schedule. it may be considered a permitted use if the Planning Director determines the proposed use is sufficiently similar to one of the uses listed in Table 2200, Use Schedule. The Planning Director's determination shall be made pursuant to the standards of Section 5130, Interpretations.

The Final Development Plan presented to County Commissioners says "*The assisted living center was determined to be a similar use to nursing homes. Section 1440 of our current regulations references the County's prior regulations, which provided for the outright and conditional uses permitted within the Rafter J PUD."* (BOCC Meeting, March 21, 2000)

American Healthcare Management made formal presentations of their plans to the Rafter J HOA Board, who then sought input from HOA members. The initial proposal was for 71 living units in a 100,000 sq. ft. building. This size of building met considerable resistance from Rafter J neighbors. The final proposal was cut to 57 units in a 50,000 sq. ft. building, subject to the design and construction standards in the Rafter J CCRs. To ensure an adequate water supply, the developer agreed to help finance an additional well in Rafter J.

There was no official HOA vote required in that there was not a proposed change in the land use designation listed in the Rafter J Master Plan and CCRs.

Current Proposal for **Commercial Lot 333**

September 2021: Stage Stop, LLC submitted an application (INT2021-0004) for "Legacy Lodge Formal Interpretation - Similar Use Determination" – in essence that Apartments were a similar use as Assisted Living.

Note: our current LDRs allow the Planning Director to make a final determination on a Formal Interpretation:
Division 6.1.2.E: Similar Use Determination
A use not specifically listed in the Use Schedule may be considered an allowed use if the Planning Director determines the proposed use is sufficiently similar to one of the uses defined in this Division. The Planning Director's determination shall be made based upon the findings for a formal interpretation (Sec. 8.6.1.) but may be made as part of the review of a use permit application.

October 2021: Stage Stop. LLC submitted PUD2021-0001 & CUP 2021-0005. The planning department suggested that Stage Stop withdraw the Similar Use Determination application (INT2021-0004). It was withdrawn the same day as Sufficiency was granted on the PUD &CUP applications (October 19, 2021).

**Miscellaneous Lot 332**: This was originally designated in the RJ Master Plan and CCRs as a Miscellaneous Area, to be used for Horse Corrals & Stables.

1983: Proposal for a 35,200 sq. ft. stable / horse arena / residence / bar.
No clear record of why this did not move forward.

1997: Proposal for transferring Walden Pond Phase B condominium lots to **Lot 332**.
A letter from Rafter J HOA states that *"Your Development proposal for lot 332 will require an amendment to the Rafter J Covenants which designates lot 332 to be developed for livestock corral and stables...The Teton County Planning office has indicated your Development proposal for lot 332 will require an amendment to the Rafter J PUD, which is a separate public process."* (Letter from Rafter J HOA to The Real Estate Co., Oct. 15, 1997)

2006: Request to Rafter J for approval of an initial development plan for an Equestrian Center on Lot 332. No clear record of why this did not move forward.

2014: Dog Jax, LLC investigated purchasing **Lot 332**.
In correspondence from the owner's representative to the County Planning Dept., it was noted that the development potential of that lot *"would be dependent on the Rafter J Master Plan and the regulations in effect at the time the master plan was approved."*
(Letter from Fodor Law Office, PC to Jennifer Anderson, TCPD, dated Dec. 22, 2014)

On or about 2015: Property was purchased by Rafter J Homeowners' Association. Rafter J CCRs state that under Rafter J HOA ownership, the use on that lot may be changed, provided that it is not subdivided for residential or multiple family dwellings.

Other Miscellaneous Areas in Rafter J have been developed for their intended purpose:
**Lot 331** (Public Facility Area) is a Daycare.
**Lot 330** (Church Area) is a Church.
**Lot 335** (RV Storage) is RV Storage for HOA members.

**Tract 2A** was originally the Sales Office for the Rafter J subdivision.

In the late 1980's, the building was converted into a neighborhood convenience store.

About 1990-91: Frannie Huff bought the property and expanded it over time. Initially it housed business offices for Wyoming Wear and Agilite.

Restaurants, Salon & Spa, and various professional offices occupied that building at different times.

About 2015: Dr. Larson established his dental practice on that site.

**Tract 3A** is hillside property east of Hwy. 89, adjacent to Lot 335 (RV storage)

2011: Proposal for a subdivision with 3 large residential lots. (Adams Canyon Estates).
No clear record of negotiations between Rafter J HOA and the developer.

Rafter J HOA purchased this property. The long-term goal is to permanently protect that hillside for wildlife habitat and scenic vistas.

RJ MASTER PLAN

CERTIFICATE OF DEVELOPER

CHARLES E. LEWTON, being first duly sworn upon oath, states as follows:

1. That he is the developer of the Rafter J Ranch, Teton County, Wyoming, the exact legal description of which was included in the permit for subdivision heretofore filed with the Teton County Planning Commission and the Board of County Commissioners of Teton County, Wyoming. Said property is situated in and is a portion of Sections 7, 8, 17 and 18, Township 40 North, Range 116 West, 6th P.M., Teton County, Wyoming.

2. That attached hereto and made a part hereof by this reference is the Master Plan for Rafter J Ranch, dated August 15, 1977, including the maps and exhibits attached thereto.

3. On August 16, 1977, the Board of County Commissioners of Teton County, Wyoming, after a review of the action taken by the Teton County Planning Commission, approved the Master Plan concept and approved the development permit in accordance with the subdivision regulations of Teton County, Wyoming, subject to the following contingencies:

(a) That street right-of-way widths shall be consistent with the applicable County standards at the time such rights-of-way are installed.

(b) That a letter of credit shall be submitted to the Planning Commission to assure the installation of improvements for streets, water and sewage disposal, at the time the developer submits the plans for each planned unit.

(c) That the County be assured that the one hundred yard flood protection shall

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in Book 63 of photo Page 101 to 110
No. 175709 16.50 pd
County Clerk

be adequate to protect the health, safety and welfare of future residents within said subdivision.

The developer does hereby agree to such contingencies and shall comply with them at the appropriate times.

(d) The Planning Commission and Board of County Commissioners agree that the northernmost 142 acres are not presently being considered by the developer, and that the Planning Commission and Board of County Commissioners are not and have not restricted additional development at a future date. Expansion of development into the northernmost 142 acres shall require an additional master plan to be submitted to the Teton County Planning Commission but is not being considered at this time.

4. The Board of County Commissioners approved the Master Plan, subject to the contingencies stated above, and with the understanding that Planned Unit 8 is not being approved at this time, and that the Board of County Commissioners may withhold approval of Planned Unit 8 upon subsequent application for approval.

DATED this 17th day of October, 1977.

Charles E. Lewton

STATE OF WYOMING )
) ss.
County of Teton )

The foregoing instrument was acknowledged before me by Charles E. Lewton this 17th day of October, 1977.

WITNESS my hand and official seal.

MARY T. SCHARP
NOTARY PUBLIC
COUNTY OF TETON
STATE OF WYOMING

Notary Public

My commission expires: [illegible]

~~July~~ 15, 1977
August

Robert LaLonde, Chairman
Teton County Planning Commission
P. O. Box 1727
Jackson, Wyoming 83001

Dear Bob:

As requested by the County Commissioners at their meeting on August 2nd, I am pleased to respond to the questions formulated by the County for interim Master Plan approval.

I would also like to note some changes which have been made on the Master Plan to more accurately reflect my intention to develop only the southern portion of the property and to maintain the northern two hundred acres of the property as permanent open space for agricultural use. However, I am happy to commit to the County that if at some future time development should take place on the northern portion of the property such development would not exceed 135 dwellings on 58 acres of improved land as shown on the plan.

As a further step Planning Unit Six has been redesignated from Residential development to Public or Institutional use. This possible change noted in our submittal of July 18th has now been incorporated in the plan.

While various methods of dedication of open space are still under study, it is my plan to accomplish this to the satisfaction of the County while meeting the requirements of IRS Ruling 64-205.

I hope that the enclosed responses clarify your questions, and we welcome any additional suggestions which you may have.

Sincerely,

Charles Lewton

# MASTER PLAN — RAFTER J RANCH


| | |
|---|---|
| I | LAND USE |
| II | DENSITY |
| III | FINDINGS OF FACT |
| IV | TRAFFIC |
| V | GRADING |
| VI | IRRIGATION |
| VII | IMPROVEMENTS |
| VIII | TITLE |
| IX | ACCESS |
| X | TAXES, IMPACTS |
| XI | NOTIFICATION |
| XII | RESTRICTIONS |
| APPENDIX | MAPS |
| | EXHIBITS |



DEVELOPER — CHARLES LEWTON

PLANNING — CORBETT/DEHNERT ASSOCIATES
POINDEXTER-BAKER
NELSON ENGINEERING


August
15 ~~July~~ 1977

## I. LAND USE

| | USE | ACRES | % |
|---|---|---|---|
| A. | Residential (PU1 - PU5) | 165 | 37.10 |
| B | Community Commercial (PU7) | 6 | 1 35 |
| C. | Local Commercial (PU8) | 8 | 1.80 |
| D. | RV Storage (PU9) | 2 | 0.45 |
| E. | Public & Institutional (PU6) | 14 | 3.10 |
| F. | Undeveloped Open Space | 250 | 56.20 |
| | Total Site | 445 | 100.00 |

## II. DENSITY

A. Total dwelling units· 495, total site area: 445 acres

B. Average gross density $\frac{495}{445}$ = 1.11 du/ac

C. Average developed density $\frac{495}{165}$ = 3.0 du/ac

D. Maximum density/phase 5.0 du/ac

E. Correlation of density with environmental constraints

The developer has commissioned a Water Control Plan to effectively manage irrigation waters, ground water, winter flooding of Flat Creek, and to contain the 100 year flooding of Flat Creek within the designated flood plan. The Water Control Plan is shown in a separate exhibit which has been reviewed and commented upon by the County Planning Consultant. As a result, the RA-6-3 Flood Protection District: Flat Creek Winter Flood Area is not included in the following calculations.

ENVIRONMENTAL PROTECTION DISTRICTS

| Classification | Acres | | DU |
|---|---|---|---|
| RA-10 (Moderately Steep) | 54.62 ÷ 10 | = | 5.46 |
| RA-20 (Steep or Unstable) | 27.12 ÷ 20 | = | 1.36 |
| RA-20 (10 Year Flood) | 67.15 ÷ 20 | = | 3.36 |
| | 148.89 | | 10.18 |

| | | |
|---|---|---|
| 445 - 149 | = | 296 acres w/o constraints |
| 296 - 30 | = | 266 acres for residential development |
| (226 x 3) + 10 | = | 808 allowable du |
| 808 - 495 | = | 313 du (development credit) |

## III. FINDINGS OF FACT

A. The purpose of the project is to improve the health, safety, and welfare of residents of the County by providing moderate cost residential sites and to improve housing opportunities which are currently in inadequate supply to meet the existing demand.

B. The health, safety, and welfare of residents of the project will be assured by meeting or exceeding all applicable local, state, and federal regulations for land development.

The remaining findings of fact (C thru S) are contained in the Land Development Permit Application submitted to the County on July 11, 1977.

## IV. TRAFFIC

A. The Master Plan (including streets and roads) is attached as an exhibit.

B. Total Traffic Generation

495 du x 3 trips/day = 2970 VPD
495 du x 4 trips/day = 3960 VPD

$\frac{2970}{12}$ = 248 VPH

$\frac{3960}{12}$ = 330 VPH

C. Phased Traffic Generation (PU1)

58.2 x 5 du/ac = 291 du
291 x 4 trips/day = 1164 VPD

$\frac{1164}{12}$ = 87 VPH

etc.

## V. GRADING

Three areas of potential grading can be identified within the project area.

1. New access roads from highway.

2. Local commercial and RV storage area east of highway.

3. Gravel removal and restoration of existing cuts and fills from old highway construction east of PU-1.

Of these areas, only the grading necessary for the improvement of the local commercial and RV storage area east of the highway would exceed the criteria given in Paragraph 5A. Detailed plans for grading in this area will be submitted with the plat for review under the criteria given in Section 25 of the Development Regulations.

## VI. IRRIGATION

Existing irrigation systems are shown on the Master Plan. All irrigation water which originates within or transects the project will be delivered to adjacent properties at the existing points of delivery. New perimeter interceptor ditches will be constructed to receive and collect flood irrigation waters from adjacent properties for discharge to the existing system. Control structures will be maintained or reconstructed and maintenance easements will be provided for all structures and primary ditches.

## VII. IMPROVEMENTS

A. Time Table: 1978 initiation of all improvements.

1. Sewage Disposal
   a. Connection to City trunk line
   b. Community public system to EPA standards for developed phases

2. Water Supply: community public system from on-site wells to meet DEQ standards for developed phases.

3. Street System
   a. Collector: to County standards with 26 foot pavement
   b. Minor: 30 foot ROW with 20 foot pavement
   c. Cul-de-sacs: 100 foot ROW with varied pavement patterns.

4. Fire Protection: community public system to meet Jackson City Fire Department standards (mains and hydrants) for developed phases.

5. Phasing: initial development in PU1, phases thereafter in response to market demand.

B. Financial Assurance: Bank letter of credit.

C. Maintenance Responsibility: Owners Association, new public utility company, or existing municipal utility.

## VIII. TITLE

Deed ~~of~~ IN Trust, held by Jackson State Bank, with release provisions.

## IX. ACCESS

Grant easement to City for trunk sewer main if municipal plant located south of project, if local public system, discharge sewage effluent to Flat Creek, surface drainage to open spaces.

Telephone and power from existing trunk systems on property, water source and distribution system within site.

## X. TAXES, IMPACTS

A. CONTRIBUTION (total development)

| | | |
|---|---|---|
| 495 du x $50,000 av cost | = | $24,750,000 |
| 24,750,000 x 30% appraised val | = | 7,425,000 |
| 7,425,000 x .06138 | = | 455,746 prop. tax |

B. POPULATION INCREASE

| | | |
|---|---|---|
| 1. County @ 5% annual | = | 415 (5 yrs.) |
| 2. (15) year 33 du x 3 | = | 99 |
| 3. (10) year 49.5 du x 3 | = | 148.5 |
| 4. (5) year 99 du x 3 | = | 297 |

C. IMPACT COMPARISON

1. Existing County Tax/Resident

$$\frac{35,500,000 \text{ valuation}}{7,500 \text{ population}} = 4,750/\text{resident}$$

2. Projected Project Tax/Resident

495 x 3.1 = 1535 population

$$\frac{7,425,000}{1535} = 4,837/\text{resident}$$

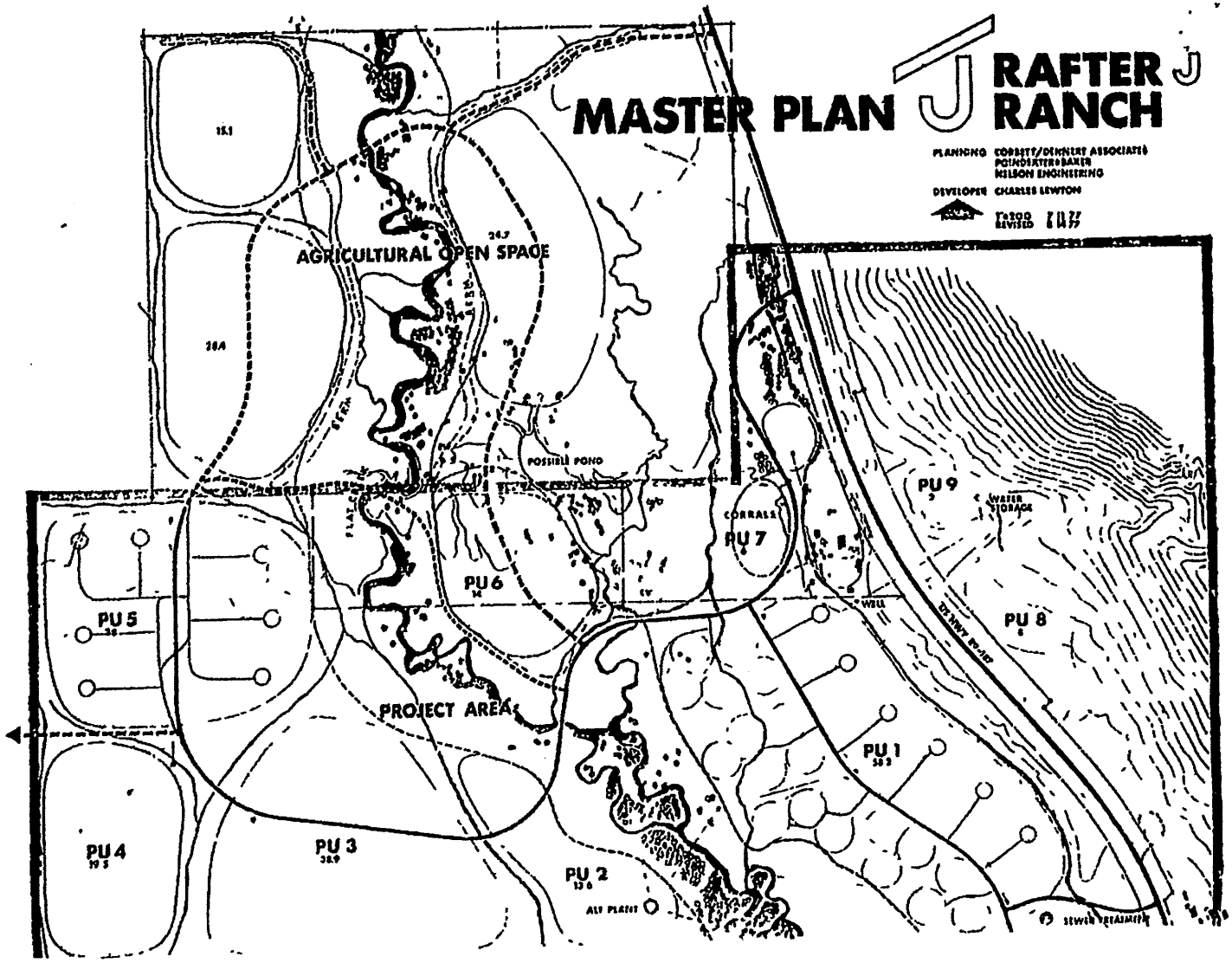
## XI. NOTIFICATION

Published July 13, 20, 27, August 10, 1977.

## XII. LAND USE RESTRICTIONS

A. Restrictive Covenants, Owners Association, Scenic Dedication or Easement

B. Documents filed with Final Plat


MASTER PLAN
RAFTER J RANCH
PLANNING CORBETT/DENNERT ASSOCIATES
POINDEXTER & BAKER
NELSON ENGINEERING
DEVELOPER CHARLES LEWTON
AGRICULTURAL OPEN SPACE
POSSIBLE POND
CORRALS
WATER STORAGE
WELL
PU 1
PU 2
PU 3
PU 4
PU 5
PU 6
PU 7
PU 8
PU 9
PROJECT AREA
ALT PLANT
SEWER TREATMENT

**From:** Mandy Lowe <mandylowe@gmail.com>
**Sent:** Monday, April 11, 2022 8:44 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** StageStop proposal for Legacy Lodge - vote NO

Commissioners
As a resident of Rafter J I have written to you several times but want to send this communication in advance of your meeting tomorrow.
I do hope you will consider all of the concerns raised by Rafter J residents.
This process has felt very rushed and very one sided with StageStop moving quickly on very slim data and Rafter J residents not having the key issues properly addressed or adequately reviewed. StageStop made the purchase of the property knowing full well it was not zoned for the intent of this development then proceeded to push and influence this through the voting process.
The Rafter J residents are a community and have very real concerns that have not been adequately answered yet it seems the process proceeds.
Of key issue;
- short term leases that will introduce a constant transitional population - NOT a community
- this is not affordable workforce housing - it is market rate dorm style. Completely out of character for the Rafter J community
- traffic hazard of north entrance having significantly more strain added to it
- lack of parking which will cause overflow onto Big Trail or necessitate much of the green space to be paved over
- adverse impacts to roads, sewer and water infrastructure which are maintained by Rafter J
- high density apartments are not in keeping with the Comprehensive Plan for the South Park District which classifies Rafter J as a Rural Conservation Subarea.

**I strenuously ask you to DENY this application until a more comprehensive study and report can be completed and greater consultation and collaboration with Rafter J CC&Rs be required.**

Mandy Lowe
310.488.8825

**From:** lorna miller <lornamiller@live.com>
**Sent:** Monday, April 11, 2022 4:04 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** comment re the former Legacy Lodge

Dear Commissioners,

Affordable and workforce housing is certainly an intractable problem. However, another pressing aspect of housing that seems to be almost invisible and not often discussed is that of housing for elders in our community.

An example of one person who recently left the valley permanently because of the lack of suitable housing is Suzanne Young. You may remember how instrumental she was in transforming the Chamber of Commerce when she was ED following the tenure of Ralph McMullen. The fact that this county is unable to provide people who lived here and contributed to the life and economy of this community is a sad commentary indeed.

I appeal to you to explore creative solutions to find a way that the former Legacy Lodge could once again be used for the purpose it was designed for: senior and assisted living.

Sinerely,
Lorna Miller

**From:** Sharon Parrott <sharonjparrott@yahoo.com>
**Sent:** Monday, April 11, 2022 8:09 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Legacy Lodge Use

Dear Commissioners:

The issue of the use of the former Legacy Lodge as rental housing is very concerning to me. It would change the entire character of what we know Rafter J as. The original use, as you know, was for assisted living, which meant there would be minimal traffic and use of our pathways and playgrounds. The proposal from the Darwiche family is not something the majority of homeowners in Rafter J would like to see. It seems that we should be a part of the decision making, rather than having it crammed down our throats. We do have a homeowners association and we should be the ones voting on this change to the character of our neighborhood. The added traffic at the road with no stop light (especially in the summer) will make it next to impossible to access the highway. It is already difficult at certain times of the day when the commuters keep the highway very busy. I am concerned about the safety of everyone with the additional traffic - probably about 100 vehicles. Since the County does not control our roads, sewer, water and any other infrastructure, this would be a huge problem for our infrastructure budget. We have a dire need for assisted living in the County and the best use would be to use the property as the originally designed use.

Thank you for your consideration and I am hoping you will not change the use to allow rental housing.

Sharon Parrott
3460 South Winding Trail Drive
Jackson, WY 83001

**From:** Kristin Vito <kristinvito@aol.com>
**Sent:** Monday, April 11, 2022 8:28 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Dear Teton County Commissioners,

Please deny Stage Coach, Inc's request for a Conditional Use Permit to change the Legacy Lodge into an apartment building. Rafter J is a quiet, family neighborhood full of our valley's essential workers. I don't believe that their neighborhood should be degraded (excessive traffic, insufficient parking, and transient population) for a plan that does not support the majority's interests that live and work in Teton County. Without rental caps, the Legacy Lodge units will be rented to those who can pay the most for them. Employees of high revenue companies such as luxury hotels, property management companies, and other endless high-end tourism and second home industries will be prime candidates for renting the units from Stage Coach, Inc. There is absolutely no reason to believe that any of these units will be affordable to essential workers such as police officers, postal workers, nurses, teachers, social workers, snowplow operators, grocery clerks, plumbers, librarians, etc. Those that work and live in Teton County deserve a plan that actually benefits community members and not just those with deep pockets.

Thank you for your consideration.

Best,
Kristin Vito
1304 Melody Creek Lane (a non-Rafter J property owner)

**From:** Margaret Creel <margaretcreel22@gmail.com>
**Sent:** Monday, April 4, 2022 11:35 PM
**To:** Mark Barron
**Cc:** Board Of County Commissioners; Chandler Windom; County Planning Commission
**Subject:** Deny PUD2021-0001 & CUP2021-0005 applications for the Legacy Lodge Workforce Apartments

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Legacy Lodge

Dear Commissioner Barron,

Have you ever tried to fit a square peg into a round hole? It simply does not work, no matter how hard you try to force it. This idiomatic expression comes to mind when I think of Stage Stop, LLC's PUD2021-0001 & CUP2021-0005 applications for the Legacy Lodge Workforce Apartments.

Before I go further, I need to again make it clear that I hope you will deny these applications, not approve them with conditions. This is a profoundly flawed application for many reasons, even though the Teton County Planning staff and commissioners voted to approve.

I also need you to know how deeply offended I was by comments from some of the planning commissioners, especially from the chair who told Rafter J residents that they "needed to do some soul-searching" when referring to their opposition to the application for workforce apartments. I am still baffled as to how he thought he had the right to say something like that. Or from another, who asked the Y2 engineer who took part in the traffic impact study of Rafter J, "aren't all intersections in Teton County failing?" This question was utterly irrelevant to the issue at hand and clearly made the consultant uncomfortable. Or when another stated that Rafter J residents, like her, should get used to having trailers in their back yards?" If you haven't listened to the transcript from this meeting, I suggest you do so to confirm that I am not making this up. I hope you have far more class and decorum than they exhibited in their March 14 meeting. Quite simply, it was shameful and downright off-putting. Please don't follow their lead.

I'd like to believe that I am far better informed about this project than I was months ago, as I have read the applications, every report, and every letter that has been submitted, have attended every meeting that has taken place at both Legacy Lodge and the county building-either on-site or via zoom, and have read every article in every paper. I have also listened to, spoken with, and subsequently learned from any number of individuals who are deeply invested in being residents of Jackson Hole and Rafter J and have taken deep dives into educating themselves about this application's failings.

As an elected official, I expect you have done the same. You owe it to your constituents, many of who have lived in this valley for decades and have contributed to what has made Jackson Hole the extraordinary place that it is. Like my husband and me. Like you. Like many of the people who have written you letters voicing their opposition to the applicant's intentions.

I want to make it perfectly clear that I am not opposed to workforce housing. My husband and I have opened our home for two summers to an intern at the non-profit where I worked because they could not find housing anywhere. We will do the same this summer if the need once again arises. I am, however, opposed to the application from Stage Stop as presented. This is not a NIMBY issue, nor is it really a workforce housing issue, and I take offense at anyone who says it is.

Among the reasons I am opposed to the approval of Stage Stop's application are bulleted below. I won't address everything because you have only so much time and attention to read all the shortcomings. I also know that others have worked tirelessly to address these in detail. I hope you give their letters/emails the attention they deserve.

- Is Rafter J an appropriate neighborhood for "higher density" workforce housing? **NO.**
- The Joint Comprehensive Plan policy objective 3.1.b for the South Park District is to *Direct development toward suitable* ***complete neighborhoods*** *subareas*.
- Rafter J is **not** a complete neighborhood. It is **Rural Area- Subconservation Area**, per the Joint Comprehensive Plan.
- Although planning staff notes that Rafter J has "convenient access to the pathways which allows for non-vehicular transportation to West and Downtown Jackson," staff fails to note that pathways are not viable for close to 6 months of the year. Walking and biking as reliable means of transportation in Jackson Hole year-round is not tenable, especially at night, with groceries, in a blizzard, etc.
- Is including apartment uses to Lot 333 consistent with the Comprehensive Plan vision? **NO.** Apartments are not consistent with the future desired characteristics of the district; they are a feature of urbanized areas and are appropriate for downtown settings, not "quiet rural settings."
- Under the goal ***Quality of Life: Common Value 3- Workforce Housing***, note *Policy 5.2.b: Housing will be consistent with Character Districts*. Rafter J is part of the South Park District, a Rural Conservation Subarea. The growth management policy objectives for this district are: *3.1.b: Direct development toward suitable complete neighborhood subareas and 3.1.c. Maintain rural character outside of complete neighborhoods.* (This application does not follow either of these policy objectives.)
- Regardless of conditions put on the application, there is insufficient parking for the number of units and people who may live there. Ultimately, issues with this will fall on the Rafter J HOA/ISD, as stated by the Teton County Engineer
- If complete kitchens are required to meet livability standards, why is it okay to try to circumvent that by having people live in less livable apartments with inadequate kitchens to accommodate the needs of employers?
- If conditions are put on this application, who will enforce these? To date, many more people than the stated "5 caretakers at different times 24/7" (Sadek Darwiche quote) have been living at Legacy Lodge for months, with no consequence because the County doesn't have an enforcement officer.
- The traffic study done by Stage Stop's consultant, Y2Y, was insufficient and "did not meet the guidelines in the WYDOT Traffic Impact Study Requirements," according to an independent review of the Applicant by Fehr & Peers.
- How can you approve putting more vehicles (many more) to queue up and turn at a confirmed failing intersection?
- How can you approve an application that does a complete end-run around the Rafter J CCRs? The current Teton County LDRs states that "**Nothing in these LDRs is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties**." Approval of this application would interfere with the Rafter J CCRs (Article IX and Article XII) and is prohibited by the LDRs.
- A PUD amendment is the wrong process to follow to allow apartments on Lot 333.
- Why has Stage Stop failed to recognize its obligations and restrictions under the Rafter J CCRs?

- Why is it that the applicant suggested that the Planning staff/Commission make a concession and approve 3-month leases instead of 6 months or longer if their interest was not for short-term housing for short-term employees?

The hour is late, and I hope I've made it abundantly clear that you should deny this application and send it back to the proverbial drawing board. There is nothing benevolent about this thinly veiled circumvention of the Rafter J CCRs for the benefit of very few, and when I say few, I do not mean the workforce.

Respectfully,

Margaret Creel and Roger Smith

Jackson, Wyoming

April 10, 2022

Dear Commissioners,

I respectfully am submitting my final comments, which are specific only to the postcards that are part of the 04122022 Correspondence Report and Detail.

As there has been ample opportunity to comment on PUD2021-001 and CUP2021-005 over the past months, I was curious about the high volume of postcards, stating:

**It's the right time.**
**It's the right place.**
**Yes to community. Yes to Legacy Lodge for community housing.**

I wanted to share some of my observations which I think are important and should become part of the public record.

To start with, I don't see how this postcard campaign could have come from anyone or anywhere except the Stage Stop/Darwiche group. I'll just call it a Darwiche initiative, for lack of a better word.

One hundred cards were submitted; two were scanned twice, so 98 cards total. If my count is inaccurate, it is at least close.

Of these cards:

- 72 were postmarked on March 16
- One was postmarked on March 22
- Four were postmarked on March 26
- 11 were postmarked on March 29
- All but 5 had stamps from the same series.

According to the Teton County GIS, among the properties that Stage Stop, Inc. owns includes the following.:

- 575 S. Milward
- 120 N. Glenwood
- 125 N. Glenwood
- 145 N. Glenwood
- 135. N. Cache

Of the cards (and letter(s) received listed in the 04122022 Correspondence Report and Detail:

- Two listed their address as 575 S. Millward
- Fine Dining Group occupies 125 N. Glenwood. The Kitchen, one of the Fining Dining Group restaurants, is located at 145 N. Glenwood. Gavin Fine, the owner of Fine Dining

Group, wrote a letter of support for the application; a known employee of one of his restaurants signed a postcard.

- Hotel Jackson is located at 120 N. Glenwood. Three known employees signed postcards.
- The former Old Time Photos was located at 135 N. Cache. The owner of this business signed a postcard.

Additionally, employees of A Touch of Class, a Darwiche business, also signed cards as did the owner of Crazy Horse Jewelry, a store in Gaslight Alley. The Darwiche family is a member of the ownership of Gaslight Alley.

Are the cards all from those associated with the Darwiches? That I can't answer, although I doubt that many who signed were reasonably informed about the application, if at all.

My point is-- if this is the best effort that could be put forth to show support for the amendment to the Rafter J PUD and application for a CUP for apartments, it's pathetic. If a conversion of Legacy Lodge into workforce housing is so critically important to the community, why didn't the Darwiches and Stage Stop do more to engage the community, especially those needing housing, in a thoughtful and productive way?

I will see you on Tuesday. Thank you.

Margaret Creel
Jackson

**From:** BobbieCDailey <BobbieCDailey@protonmail.com>
**Sent:** Tuesday, April 5, 2022 8:19 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop LLC in Rafter J

Dear Commissioners,
I am a long-time Rafter J resident once again writing to you to ask you to reconsider your decision to allow the apartments in the old Legacy Lodge building to proceed. There are too many unanswered questions and considerations for this project to be approved. Rafter J is a family neighborhood and the proposed use of this building for short-term rentals does not comply with the overall use and character of Rafter J. Plans and studies appear to have been fast tracked without consideration to the future impact on Rafter J.

Stage Stop LLC has failed to answer several key questions concerning converting this building to what they call "workforce" housing:

Will they comply with Rafter J CC&Rs?
Have they met with Rafter J ISD board to address and solve concerns about sewer and water?
How many people will be in the building? (This number has varied in interviews from 50 to 250)
The traffic study submitted by Stage Stop is suspect since it was performed by a company closely connected to the company building the addition to Hotel Jackson.

This proposed use of the building in Rafter J seems to benefit no one but Stage Stop LLC.
I want you, the Commissioners elected to represent the people of Teton County, to also consider that the majority of comments received from Rafter J residents prior to this meeting have been **against** approval of this project.

Thank you,
Bobbie Dailey
Rafter J resident

**From:** Stoney Fritz <fritz.stoney@gmail.com>
**Sent:** Monday, April 4, 2022 3:29 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Request to deny the approval of Stage Stop

Good afternoon Commissioners,

I am requesting that you deny Stage Stop's application or at the very minimum place it on hold until Stage Stop has received an approval from the Rafter J HOA. Below are the 2 main reasons I am asking for the denial. I have many other reason but I want to keep this short and to the point.

#1) Applicant's request for change and growth are NOT permitted for a Rural Conservation District. The planning staff undermined and gutted the intent of the Comprehensive Plan by discussing complete neighborhoods. It suggests that Rafter J has "many of the makings of one". This is simply false.
Rafter J is now and intended to be in the future, a Rural Conservation District. Finding #1 is necessary for approval of **both** the PUD and CUP applications. Finding #1 cannot be made since Rafter J is NOT a Complete Neighborhood but rather a Rural Conservation Area focused on the ecosystem and conservation. Apartments are not compatible or allowed in this subarea. (see the Comp Plan) That being the case, neither the PUD or CUP applications can be approved.

#2) Moving on to LDR 1.6.6. It clearly states that the commissioners are NOT to undermine or circumvent CC&Rs. The same is true of Wyoming State Statutes. Stage Stop, Inc is requesting the County Commissioners violate LDR 1.6.6. The County Commissioners must be crystal clear that this is an end run of the Rafter J CC&Rs making a determination that apartments are commercial. The guiding principle of LDR 1.6.6 states that this is not allowed. The applications must be denied based on LDR 1.6.6 and state statutes. Should the County Commissioners approve, Stage Stop, Inc will allege it is not necessary to obtain a CC&R amendment.

If the Commissioners gives approval for Stage Stop to use the building without the approval of the HOA first, there will be a very expensive lawsuit that follow because they will start using the building without HOA permission and it risks the entire Rafter J community. A HOA is not allowed to enforce only parts of the rules thus if Stage Stop is allow to circumvent the rules then none of the HOA rules are valid (this has been show is many court decisions).

In closing, I believe just on the facts above the application should be denied and at a very minimum placed on hold until Stage Stop can get an approval from the HOA.

Regards,

Stoney Fritz
3180 S Beaverslide Dr.
Jackson, WY 83001
415-450-9475

-----Original Message-----
From: Arthur Greger <agreger@bresnan.net>
Sent: Monday, April 11, 2022 6:38 AM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Stage Stop Legacy Lodge Application

This follows up on a previous letter sent opposing this proposal.

The issue at hand is not whether there are enough parking spaces or an increase of traffic, but if you will force a private subdivision to accept a use of this property that was not intended without approval of Rafter J residents. If a property is residential, zone it residential. Don't override long standing agreements on the use of this property for local convenience.

Art Greger
1935 Homestead Dr
Jackson WY 83001

**From:** Chuck Harris <Wyobowbender@msn.com>
**Sent:** Sunday, April 10, 2022 11:48 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop Concerns for the Tuesday Meeting

Commissioners,
Thank you for reading and considering my earlier concerns about Stage Stop Development proposals to you regarding Lot 333, Rafter J. I would like to voice three specific concerns.

1. Any zoning changes that the Commissioners would make/allow from current Convenience-Local Commercial zoning to Residential zoning (without any concern for Rafter J Covenants, Conditions and Restrictions) would set a precedent for other Commercial Properties (currently Dentist offices, Vet Clinic) in this Planned Community and could vastly change the character of our neighborhood, which has been stable and clear in its goals for the last 40+ years.

2. We, as Rafter J Residents have never received any clarity as to the true intentions from Stage Stop LLC or plans for Lot 333. They have made no effort to meet any of the legal requirements for this property with the Rafter J HOA, or homeowners, and appear to be trying to make an "end-run" around our laws, regulations and covenants by approaching Teton County Planning Department, Planning Commission and Commissioners.

3. Concerns exist by many of us in Rafter J that have visited loved-ones in the previous Assisted Living Facility that the proposed kitchenettes/independent apartments would simply not be possible in these small rooms, and we have received no assurances that this would not become another "dumping ground" for visiting workers under the guise of "workforce housing".

Though several years ago, this article and concerns are still pertinent.
https://archive.planetjh.com/2016/01/26/feature-labor-pains/

FEATURE: Labor Pains – Planet Jackson Hole

Jackson, WY – When Oksana* arrived in America last year the very first thing she remembers was the mountains. She was awestruck by their rugged beauty.

archive.planetjh.com

Have the Commissioners ever toured the facility or assessed the feasibility of Stage Stop LLC actually meeting the requirements set out for them by the County Planning Department?
This seems important to your educated decision-making, when the potential impact seems so great.

I would once again respectfully ask the Commissioners, who we have elected to protect our rights as Residents, to deny the proposal for zoning changes to Lot 333, Rafter J.

By law, and current zoning, the onus falls to Stage Stop LLC to come to Rafter J Homeowners with a proposal that we support that will meet the Covenants, Conditions and Restrictions of this property that they have chosen to purchase within our Subdivision.
We expect no less from all property owners here.

Sincerely,
Chuck Harris

Dear Teton County Commissioners,

I have been a homeowner & full-time resident of Rafter J for 35 years. I've been closely following the process of PUD & CUP applications for residential use on the Legacy Lodge property and have read other homeowner comments. I don't feel that I have much to add, but I do want to comment on the Planning Commission discussions that I listened to online.

I was disappointed that Commissioner Mateosky did not recuse himself from this vote. He has past experience as a developer in Rafter J and currently is working directly on a construction project owned by Stage Stop Inc.. His comment was (my paraphrase) that there is housing development planned for his own neighborhood, and we all have to "contribute".

This is not a valid reason to approve these specific applications.

Commissioner Lurie acknowledged that she is a Rafter J homeowner and also chose not to recuse herself. However her thorough analysis and clear comments about the Planning Department report were very helpful for those of us without planning experience, and I for one, appreciated her honesty related to this decision.

I was confused about the votes from Commissioner Rockey. She voted Against the PUD, but For the CUP. I thought that the CUP was moot if the PUD was declined. I'm still not clear about that. She didn't give reasons for her votes, and no one asked her to explain her reasoning.

Commissioner Muromcew also split his votes: For the PUD, Against the CUP. That split made more sense to me, and he (sort of) explained his intent. Some homeowners felt insulted by the chairman's advice that Rafter J do some "soul searching".

I am personally aware of how much time, thought and emotional energy many of my neighbors have put into this. He did not suggest that Stage Stop Inc. examine their own motivations in maximizing profits on this property.

Commissioner Viehman supported all of the findings in the Planning Dept. report, but did not say why. One of her final comments (my paraphrase) was that she didn't think completed kitchens were so important for people who would be moving to that property after living in their cars. That did not help ease neighborhood concerns about who might be occupying that building. She also said (again, I'm paraphrasing) that she puts up with "junk" in her neighborhood. Not very encouraging.

There was apparent bias in the decision by the Planning Department initially to allow this project to go forward, and create more "Workforce Housing in the Valley, regardless of local impacts", and this troubles me as well.

**One of the most troubling aspects of this whole project to me is that the County Planning Department, Planning Board and Board of Commissioners would even consider this significant zoning change, which could have such an impact on Rafter J and it's 500 homeowners and families, without Stage Stop Inc. satisfying ANY of the requirements of the Rafter J CCNRs.**

I understand that your decision about these applications is informed by, but not bound to the findings of the Planning Commission. The Planning Commission vote was not unanimous, and some of the commissioner comments seemed inappropriate. I hope you will take that into consideration in your decision.

Thank you, Chuck Harris

**From:** Karen Jerger <KJ3105@msn.com>
**Sent:** Tuesday, April 5, 2022 8:41 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop / Rafter J

Dear Commissioners,

Thank you for this last opportunity to make a couple of points about the Stage Stop PUD/CUP applications you will be discussing next week. I understand that this note may be too late to be included in the public record, but I respectfully ask you to consider it.

I am concerned that a decision to allow apartments on property designated Local Convenience Commercial sets a precedent for potential redevelopment of other commercial lots in Rafter J. While these specific applications apply only to Lot 333, It would be difficult to deny similar applications from other property owners to redesign their buildings as apartments. All commercial lots are clustered on Big Trails Drive, near the north entrance of Rafter J.

Rafter J is not now a complete neighborhood. If that were a consideration, as implied in the Planning Department report, adding more residential units on lots designated for commercial and institutional uses would not move us further in that direction.

In his final statements at the March 14 Planning Commission meeting, Chairman Muromcew advised a "reset" of negotiations between Stage Stop and Rafter J. From my perspective there hasn't yet been <u>any</u> attempts at negotiation.

There have been missteps and missed opportunities on both sides. I personally feel responsible for some potentially confusing communication with members of the Darwiche family. However, the Rafter J HOA Board has repeatedly encouraged Stage Stop to bring forward a request for change of use on Lot 333, <u>as required by our CCRs</u>. At that point we could have a substantive conversation.

It may be difficult to "reset" the general sense of distrust that has been brewing over the past year. Public meetings were contentious and information requested by our members and board president (for example, a "whitepaper" outlining specific details of their plan and a sample lease contract) was promised but never delivered.

I personally would far prefer mediated negotiations over more contentious litigation. I don't know if the former is possible, but I believe that your approval of these applications would guarantee the latter. Thank you for the thought and care you will put into this decision.

Respectfully, Karen Jerger, Rafter J homeowner & HOA board member

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.*

<u>Response to "a"</u>
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.

<u>Response to "b"</u>
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

Karin W. King
3430 S. Arabian Drive
Jackson, WY 83001

Dear County Commissioners:

I understand an application for a change in the Planning Unit Development and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision. I respectfully ask you to reject this proposal that sees a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences which take pride in our neighborhood and is one of the most desirable places to live in the County. Our residents have been the backbone of the workforce in Jackson and the surrounding area.

The Stage Stop, Inc., development will bring an incompatible density to a quite family-oriented neighborhood and will create problems of noise, traffic, safety and will impact wildlife, pathways, the trail system and open space. It has been purported to be affordable housing but in fact is market rate units with employers renting units for their employees, not being available for individual workers.

There are 57 units available with parking for 36 cars. Even if two people are allowed to reside in a unit there would be 114 residents with not enough parking. Providing adequate parking would result in an asphalt jungle and/or allowing parking on Big Trail would ruin the shoulders and create havoc for traffic. The increased traffic would cause a nightmare in exiting onto the highway and be extremely unsafe for current Rafter J residents. Public transportation would be required as would be facilities for electric bicycles.

I understand that Stage Stop has a legal requirement to present to and obtain approval from Rafter J residents to change our covenants. They are attempting to bypass this requirement and obtain approval for zoning changes from the County. This is unacceptable.

In summary, it seems that we are being railroaded into accepting a development which is diametrically opposed to the covenants and desired and current uses of the Rafter J community. Please do not allow this to happen.

Sincerely,

Karin W. King

karinking31@gmail.com

**From:** Lucinda Krajsky <lucindakrajsky@yahoo.com>
**Sent:** Tuesday, April 5, 2022 10:58 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** Lucinda Krajsky <lucindakrajsky@yahoo.com>
**Subject:** Rafter J - Legacy Lodge proposed use

As a 30-year resident of Rafter J, I am concerned about the zoning change the Darwiche family is requesting for the former Legacy Lodge plot. I attended the meeting the family held for Rafter J residents but felt our questions were dismissed or diminished. I've written a couple of times since this meeting and continue to feel I don't have much information.

Infrastructure
Has Stage Stop provided a maximum occupancy for their proposed use? If this is unchecked, our streets and water/sewer could not accommodate the increased use. Will our well handle the demand? Currently we have periods of no water pressure during high demand.

Traffic
I see large lines every morning waiting to pull out onto the highway becoming much larger. Trying to enter the traffic on busy Hwy 89 is already treacherous, especially during icy weather and with speeds exceeding 60 mph. These speeds will only increase with the continued widening of the highway from the south. I understand a stop light is not even being considered per WYDOT and without this, safety will be further diminished. The residents in Cottonwood have safe access to two routes out of their subdivisions, both with stop lights.

Affordable Workforce Housing

From what I understand, the units will be offered at market rates. Is this true? If so, how has their proposal progressed at all? A Cottonwood subdivision resident called me a NIMBY stating that's it's Rafter's J's turn to contribute to affordable housing as they have in their subdivision. But this isn't affordable housing, right?

Senior Housing
The plot was originally zoned for Assisted Living. Our community has overlooked the need for senior housing, and they are often forced to leave the valley to find assisted living or nursing home care. Pioneer Homestead has very limited availability and Sage Living's $11,500 private pay only rent is not a choice for most. Plus, I understand they have a 2 year wait.

Zoning
What is the purpose of planning and zoning if it can be changed for the profit of developers? If the land is sold again, can the new buyers change the zoning yet again? It seems this zoning change is being fast tracked through without transparency of the Darwiche family's plans. At some point will the Rafter J Homeowners Board have a chance to be heard?

If this project is approved, one family's profit will be achieved at the expense of an entire community.

Thank you,
Lucinda Krajsky

Joseph Lovett
PO Box 3792
Jackson, WY 83001

4 April 2022

Teton County Commissioner Mark Newcomb
*Via email: mnewcomb@tetoncountywy.gov*
200 South Willow Street
Jackson, WY 83001

Dear Commissioner Newcomb,

This letter is in reference to the pending applications for a Planned Unit Development (PUD) Amendment for Lot 333 of the Rafter J Ranch Subdivision. It is informed by my experiences as a resident of Rafter J for over 20 years and my professional experience as a Civil Engineer involved in numerous land development projects. As such, this issue is of both personal and professional interest. Although I am a long-term resident of Jackson, I do not own land here and I share the concerns about the housing challenges facing my age group in Jackson. However, after reading this application and researching the underlying issues, **I urge you to reject the proposed PUD Amendment** for the following reasons.

**County Process**

This application is being evaluated as a PUD Amendment however the application actually seeks to amend the 1978 LUDRs. This does not seem to be the correct process. The Rafter J Ranch Subdivision Plat was not approved under the 1978 LUDRs, rather it was approved in accordance with the previous set of statutes and resolutions governing land use and subdivisions (see the Certificate of Approval on Plat 330). Since the plat predates the existence of zones or districts in Teton County (which came into being with the 1978 LUDRs), the land use was established by a note on the plat which reads "Ranch Headquarters & Local Commercial". Apartments are a multifamily residential use and not consistent with the note. The proper process to allow apartments on this lot is the Subdivision Plat Amendment process (8.2.13.C. of the Current LDRs and 34-12-108 of the Wyoming State Statutes). Not only would this process follow the current State laws and County Regulations, but it would protect the Rafter J Residents/HOA's rights, because the Plat Amendment Process requires "Acknowledgement by all parties affected" that the process "does not abridge or destroy any rights or privileges of other proprietors in the plat". The proposed PUD Amendment should be rejected because it is the wrong process, and it does not provide equal protection of the rights of other property owners.

**Rafter J CCRs**

The Rafter J CCRs specifically designate Lot 333 as a commercial area. The application before the BCC seeks to amend the County regulations to allow Apartments (a non-commercial use) on this lot. It has been stated that the two processes (County and CCRs) are separate process that

must be pursued, and approved independently and I understand that it is not the County's position to enforce CCRs; however, because of historical assumptions about the use of this lot and language of the CCRs, approval of this application will cause an ambiguity that may be seen to change what is allowed by the CCRs while bypassing the CCR amendment process.

Article IX of the Rafter J CCRs reads, "Lot 333 and 334 are designated as commercial areas." The Covenants do not further define "commercial area" however it is well understood in the land planning industry that "commercial" does not include Apartments, which are a residential use. The potential for confusion is introduced because during the original approval process for the assisted living center in 1998, the County Planning Department determined that the allowed uses of this lot were the same as those allowed in the "Local Convenience Commercial District" of the 1978 LDURs. This was an appropriate assumption at the time and did not require any amendment of the CCRs because the uses allowed by the District were "commercial" in nature. However, the application before the Board of County Commissioners seeks to redefine "Local Convenience Commercial" to allow Apartments, a process which, if successful, would allow the applicant to argue that "Apartments" are an allowed commercial use and that no amendment to the CCRs are necessary. This would represent interference with the private subdivision covenants, something that is prohibited by section 1.6.6 of the current LDRs. The application along with the currently proposed conditions does nothing to prevent this from happening and should be rejected to avoid interfering with a private covenant.

A large portion of the vocal public opposition to this application is caused by a feeling among Rafter J residents that it is an attempt to bypass or circumvent their rights. Both the State/County Laws and the Subdivision CCRs provide processes that would allow the homeowners and residents to have their voice heard and I urge the Board of Commissioner to recognize and protect these rights by rejecting this PUD Amendment.

Sincerely,

Joseph M Lovett

Joseph M Lovett

**From:** Mark Lovett <mlovett@bresnan.net>
**Sent:** Monday, April 4, 2022 8:15 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Lot333

To the Teton County Commissioners,

I respectfully request that you deny the Stage Stop application to amend the Rafter J PUD and do not allow apartments.

I have questions about the Stage Stops's application regarding Lot 333 in Rafter J. Why does it seek to change an old regulation that has been repealed, and why are the current Land Use Regulations not being used to make changes for the use of Lot 333? The current LDRs have a process for partially vacating a plat and since the plat note is what established the zoning of this lot, it is the correct process to use.

The county has added several conditions to this application to mitigate community impacts but has a Conditional Use Permit ever been revoked in Teton Co. WY for non-compliance? If the county is not willing to revoke or enforce the conditions of the CUP, they are meaningless and the community will pay the price.

Finally, are the Commissioners willing to alienate the largest subdivision in Teton Co. for this project? The application indicates that this will house short term/seasonal members of the workforce to benefit hotel owners who have irresponsibly expanded their hotels. The application will rewrite history by adding the word "apartments" to an extinct land use document and will allow the applicant to bypass the Rafter J CCR amendment process and HOA vote which is necessary.

Respectfully,

Mark Lovett

**From:** Pamela McIntosh <wyomac4@gmail.com>
**Sent:** Monday, April 4, 2022 11:46 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Dear Teton County Commissioners,

I am a 35 year resident of Jackson, my husband and I purchased our home in Rafter J in 1990. I am writing to you to ask you to not approve the application from Stage Stop to change the zoning on Lot 333, Legacy Lodge to say Apartments.

Under the Teton County Comprehensive Plan Rafter J is listed as a rural neighborhood that is part of the South Park District. I don't understand how the Teton County planning commission could approve a plan that goes against the county's comprehensive plan.

Why is there a plan if local officials choose not to follow it?

An apartment building which could house up to at least 114 residents could not possibly be allowed into a rural neighborhood. There are continually conversations about preserving the character of Jackson Hole and I would think that is one of the reasons there is a county comprehensive plan. Short term rental apartments would definitely change the character of any rural neighborhood.

There are many reasons why the Stage Stop application should not be approved and I know you have heard from many other residents of Rafter J. But I feel that there is one simple reason why you cannot approve this application - as county commissioners you need to follow the Teton County Comprehensive Plan.

Sincerely,
Pamela McIntosh
1240 Haysled Dr.
Jackson, WY

From: Mark and Vickie Memmer, Rafter J Residents

Regarding: Stage Stop and Lot 333 Rafter J

Sent: April 10, 2022

To: Mark Newcomb, Greg Epstein, Luther Propst, Natalia Macker, Mark Barron

Dear Commissioners,

The model of purchasing failing motel/hotels to be used as employee housing has been used in the past in Teton County. Reviewing history might be illuminating for the decisions to be made regarding the Legacy Lodge's ability to be used as workforce housing.

The Snake River Lodge and Spa purchased both the Teton Gables Motel and Stage Coach Motel to be used for housing their employees. If you recall, there was much news reported about the H2B workers from Jamacia who complained about the housing conditions at the previous Cache Creek Lodge that was purchased by the Snake River Lodge to house their employees.

You can review the details at these links:

https://www.jhnewsandguide.com/news/business/stagecoach-motel-for-sale-again/article_832fd891-a5e0-5958-8dbc-4093e61e0f00.html

https://archive.planetjh.com/2016/01/26/feature-labor-pains/

I made a comment at the Planning Commission Meeting in regards to the livability of the Legacy Lodge's apartments. I know the building well as both an employee of Legacy Lodge and as my mother lived at Legacy for five years, and my father also lived at this location when it was River Rock. In my opinion this would be sub-standard housing for the intended use as workforce housing. It is a 17-year-old building, the mechanical systems as far as heat and cooling and plumbing have issues. Other than widows, the apartments have very limited ventilation leading to indoor air quality issues in the winter. The structural components such as leaky windows, no sound proofing between apartments, and no kitchens represent an investment that unless required by the county most likely will not be made.

This is an important issue that I have not seen addressed by the planning commission.

It seems historically that the model of using hotels as employee housing has not been successful in the past. I encourage you to research what the issues were with this model previously, as it appears it was a failure in the past. Also, I would remind you of the Western Motel that Jay Varley owned and used for "workforce" housing and its many issues.

Respectfully,

Vickie Memmer – 307-699-1871

Mark Memmer – 307-699-3275

**From:** Jill Moberg <tetoncountycomments@gmail.com>
**Sent:** Sunday, April 10, 2022 7:15 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop LLC application for Rafter J Lot 333

Dear Teton County Commissioners:

As the former Director of Admissions of Legacy Lodge Assisted Living, I am familiar with the apartment sizes and layouts, the parking lot and its usage by residents, and some of the issues with the building. A significant amount of information put forth by the current owners (or what I have heard attributed to them) of the building as to the configuration of the apartments and prior usage by residents was quite inaccurate and misleading. I hope that you find the following information helpful.

Let me share that I am in favor of finding solutions to the shortage in workforce housing, for true long term (not transient) employees.

Perhaps the biggest misconception is that workforce housing would not be very different from the permitted and prior use as Assisted Living. Workforce housing is in no way comparable to the permitted and past use as an AL facility.

Due to the size and layouts of the apartments and the proposal by the Darwiches to engage in master leases with employers at market rates, nothing approximating workforce housing will be the result. Local workers looking for a long term rental cannot live in tiny apartments without kitchens and/or adequate living space. The studios and one bedroom apartments are designed to house one person. The living rooms in the 2 BR apartments are so small that a full size couch would not fit. A couple with not much need for storage space can co-exist in the 2 BR's if they get along well and don't need much privacy. There isn't anyplace to store bikes and gear either inside the apartments or elsewhere in the building; there is no storage facility.
If the employer controls the lease, what would happen if an employee wants to change jobs? The housing is tied to the employer. If blocks of apartments are rented to employers, how can small business employers compete for a few apartments with the big hospitality companies who are looking for locations to house their constant seasonal turnover of J-1s? The J-1s are not members of the community; they are transient. You would not be solving a problem, but rather just creating a plethora of new problems. The only entities who will benefit (and profit) from the proposed usage are Stage Stop and other hospitality industry employers. Why else would they be asking for 3 month leases? If the apartments were rented in blocks to the employers at market rates, how could they possibly be affordable to the tenants? Let's say the employer subsidizes the apartments, then how does that affect the pay that the employee earns? Wouldn't it be likely that this will result in even greater tenant turnover?
Kitchens and apartment size: All of the apartments are quite small. I will try to find the SF of each apartment and would be happy to provide more information for you. The apartments do not have anything close to approximating a kitchen. There is a sink, a few cabinets, very limited counter space, a microwave, and a small dorm-style under-counter refrigerator. One cannot fit even a pint of ice cream in the tiny freezers inside the refrigerators. Think of a hotel mini-fridge. Which brings up a good point: these apartments are more like hotel rooms than true apartments, especially the studios and one-bedroom's. There are only 6 2BR apartments; and there is only one bathroom in those 2 BR's which is accessible through one of the bedrooms. To state that the kitchens in any of the apartments could be retro-fitted into more substantial kitchens is misleading; due to the very small size of each apartment, a large portion of the very small living area would have to be taken over to allow for even a small, functioning kitchen.
Parking: I recall only 5 residents having vehicles. Only one of them used his vehicle daily. The remaining vehicles mostly sat unused for weeks on end. Thus, please be advised that there will be a VERY significant increase in parking lot usage and traffic entering and exiting Rafter J Ranch should the building be converted to apartments. A larger parking lot would definitely be required. One parking space per apartment would not be sufficient based on the proposed number of residents per unit.

The building is in need of significant repairs. My knowledge is not thorough due to the nature of my role, but I do know that many if not all of the windows need replacing. Some windows cannot be opened at all; many others had to be propped open, and residents often had to stuff towels along the bottom sills to battle the drafts. The HVAC system may need an overhaul or replacement; I do not know for certain. Many residents complained of too little heat or AC. Part of the reason is that the system would have to be switched from all heat to all AC and vice versa in spring and fall and thus the residents could not turn on any heat or AC once it had been switched over. There may be plumbing issues: I recall a sewage backup that occurred in the fall or winter of 2021 that sent contaminated water into the kitchen and dining area. The kitchen and dining areas were not professionally cleaned afterwards. Keep in mind that this occurred with only about 37 residents. Imagine the demands on the plumbing and other systems by tripling or quadrupling the number of residents.

Dining: I have heard that the Darwiches claim that residents didn't all have to participate in the dining plan and that they could opt out, implying that some residents prepared meals in their apartments. That is untrue. None of the residents cooked in their apartments. That was not possible; none of the apartments have stoves or ovens. The rental rates included meals; there was no a la carte pricing. Only the six 2 BR apartments have full sized refrigerators. Everyone was fed by the kitchen, almost all of them came to the dining room 3x/day. A few opted to receive meals in their apartments from time to time.

Conflicts of interest in Planning Commission: I have heard that at least two Planning Commissioners have conflicts of interest. The one that I can recall is Kasey Mateosky who I'm told is a contractor for the Darwiches on the expansion of Hotel Jackson. Via the local news radio, I heard the remarks that he directed to Rafter J residents which I found appalling in their gall, arrogance and obvious lack of impartiality. Why was he not recused from the vote for approval?

The Planning staff seemed eager to approve the proposal based on their assumption that it would indeed result in workforce housing. If only! We all want to support workforce housing. However this proposal is not going to result in

workforce housing. It's time for employers in Jackson Hole to pay a living wage and/or provide employee housing, especially the hospitality industry who charges outrageous prices for hotel rooms but doesn't pass much in the way of benefit along to the community and its long term residents.

One has to wonder why Stage Stop is working so hard to avoid complying with the Rafter J CC&R's, reportedly refused to give a tour to HOA representatives, and is attempting to circumvent the necessary process by going directly to the County for approval of a plan that doesn't solve the workforce housing challenge. Their plan creates more problems than it solves.

Thank you for your time and consideration. Please feel to ask any questions that I may be able to answer based on my experience and knowledge of the former Legacy Lodge facility. I'm sure I can dig up the floor plans with a bit of effort if they would be useful to you.

Jill Moberg

**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Thursday, April 7, 2022 7:46 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Re: Rafter J, Stage Stop Development Proposal

On Apr 7, 2022, at 2:40 PM, Nick Lovett <nlovett94@gmail.com> wrote:

---------- Forwarded message ---------
From: **Nick Lovett** <nlovett94@gmail.com>
Date: Mon, Apr 4, 2022 at 8:28 PM
Subject: Rafter J, Stage Stop Development Proposal
To: <nmacker@tetoncountywy.gov>

Hello Commissioner Macker,

I am writing to you this evening with serious concerns about the proposed project at the former Legacy Lodge in Rafter J. Before I voice my major concerns, I think it is relevant to share that I am a strong proponent of thoughtful workforce housing. I do not own land in Teton County, WY and am very aware of the needs of the local workforce. I am one of those people.

I have grave concerns that it is not legal for the county to approve the proposed addition of "APARTMENT" to the allowable use of the former Legacy Lodge property.

If Stage Stop is asking TCC to change the defunct, repealed 1978 LDRs by adding the word APARTMENTS, then Rafter J **COVENANTS** (CCRs) are being interfered with. Rafter J residents will lose their right to vote on a CCR change because TC will have changed the allowable uses of lot 333 in the LDRs that were repealed in 1994. Stage Stop will not honor the CCRs they agreed to upon purchase of lot 333 because TC has interfered by adding a RESIDENTIAL USE to a LOCAL CONVENIENCE COMMERCIAL ZONING category. There is nothing for Rafter J to vote on. Essentially the TCC have taken away the RIGHT of RAFTER J residents to vote.

It is not acceptable for TCC to APPROVE the application and add CONDITIONS. Teton County cannot assure that conditions will be monitored or enforced. Rafter J has filed a complaint with the PLANNING AND ZONING department to terminate illegal renting of Legacy Lodge that has been going on for months. Since there are NO compliance officers, there has been no investigation. How can citizens or TCC expect CONDITIONS to be monitored when a simple site visit can not be made. When asked how many Conditional Use Permits have been terminated for non-compliance, Keith Gingery (county attorney) said NONE

When people are disenfranchised by their government, when legal advice varies, lawsuits are used to settle disputes. Rafter J will pursue this route, if needed, at great cost to the homeowners. However TCC can DENY this application which would result in several positive outcomes:

Rafter J owners and Stage Stop and would be in a position to negotiate and come to a compromise without legal action. As Alex M. said at the planning commission meeting- A reset is in order. This is something TCC could encourage and support.

Should this proposal be approved, I would have dire concerns about all property rights within Teton County. It would be very dangerous for the County to set a precedent that shows property owners and home owner groups that the County is willing to usurp their property rights and the agreements under which they purchased their own land.

I would urge the Commissioners to uphold the Rafter J Homeowner's rights, and only approve a proposal after the proper process within the rafter J HOA has been followed. To that end, I would urge Stage Stop to work with Rafter J to come up with a proposal that would both address housing needs in the community AND be supported by the Rafter J Residents.

Sincerely,
Nicholas Lovett

**From:** Lee Naylon <leenaylon@icloud.com>
**Sent:** Monday, April 4, 2022 7:10 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop proposal

April 3rd, 2022

I would like to address this to:

County Commissioners

As a resident in RJ for 14 years I have some questions regarding the Darwiche's “Stage Stop” proposal for lot 333, here in Rafter J.

In reading what the Darwich's are proposing I have some questions and concerns.

They suggest making it “commercial apartment” usage and state it will benefit the community.

The Rafter J Master Plan :

1978 PUD was designated as (CL) local convenience, low impact, that is designed to serve the Rafter J community.

Darwich plan is HIGH density use as opposed to “low density use”.

I feel there IS a difference between “workforce” and “local services “ that would benefit local needs for its residences and the Jackson community.

DARWICH PROPOSAL:

“Because the building already exists and converting the 57 units into workforce housing would require minimal work, these units can be put to use almost immediately. Furthermore, the conversion of Legacy Lodge into workforce housing would not require any additional development in a community that is facing traffic and employee generation challenges resulting from significant development pressures. “

CONCERN:

This building was built for minimal usage , as an assisted living facility, where the occupants **did not** cook, and they **did not** have vehicles, there was **no** impact on the community.

Are the 57 units constructed to code for electrical and ventilation to have cooking facilities?

What would the occupancy be in a 57 unit facility ?

Elderly care facility did not have the vehicle traffic to any extent the proposal is suggesting!

At is time there are only 42 spaces... if double occupancy , there would need to be 114 or more spaces.

Where would vehicles park?

If seems there would be major “additional development” for more parking!

Serious traffic issues, not only coming and going from the highway into Rafter J , but with in the neighborhood at all hours.

DARWICH PROPOSAL:

“As part of this application, it is important to address exactly how the workforce apartment would function. The owner plans to offer the units with commercial master leases to employers in blocks who can in turn offer subleases to employers for individual units at affordable rates for their specific employees. “

CONCERN:

Master lease to employers who then sublease to employers who then rent to specific employees ??

We were told there would be 24 /7 front desk personnel. Does that person have the authority to control who is living in each separately subleased block?

What authority would they have to handle any problems immediately, or know who is coming and going or who is living in each room?

DARWICH PROPOSAL:

While not listed specifically in the 1978 LUDRs, workforce housing serves a community need, and that community need can easily be considered a “similar type” of establishment as a

church, day care center or assisted living facility. Assisted living, as permitted within the Legacy Lodge facility, is a residential use providing a community service, and the use of Legacy Lodge as workforce housing is no different. At this time, the owners have not identified specific employers that may be interested in leasing blocks of units,”

CONCERN/QUESTION:

I do not agree with their statement and overall comment that this proposal is “a similar type” as what historically this property was designated for..Historically it was low impact/ minimal usage.

Absolutely, I am for employee housing to help provide for the locals of this town, especially housing for first responders, police, highway patrol, hospital workers, teachers, care givers. These are the “type” of employees that would service our community.

Would Rafter J know who will be subletting the blocks of units?

If the multiple hotels being built will be using the “Legacy Lodge “ facility for its employees, how does that provide a service to the locals? It seems possibly only self serving.

Is occupancy allowed prior to building code approval for legal cooking and ventilation ?

ULTIMATLY:

Is this considered low impact, or a service to the community?

Built to code, Fire Marshal inspection ?

Impact on septic/water ?

Who pays for impact/ upgrades to septic, water, roads?

Occupancy per unit ?

Over Sight/Managing of who is controlling the occupying the facility?

Parking?

Traffic?

Who is ultimately befitting ???

Is this proposal being rushed through with out serious studies?

Thank you for your time and consideration,

Lee Naylon

NE 40

**From:** Vicky O'Donoghue <jhda@wyoming.com>
**Sent:** Sunday, April 10, 2022 10:49 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** Greg Epstein <gepstein@tetoncountywy.gov>; Mark Newcomb <mnewcomb@tetoncountywy.gov>; Luther Propst <lpropst@tetoncountywy.gov>; Mark Barron <mbarron@tetoncountywy.gov>; Natalia Macker <NMacker@tetoncountywy.gov>
**Subject:** Stage Stop Inc and Legacy Lodge

Teton County Commissioners
Natalia D Macker
Greg Epstein
Mark Newcomb
Luther Propst
Mark Barron

Planning Committee,

Dear Teton County Commissioners

This letter is concerning the proposal by Stage Stop,Inc. Seeking to re-develop and change zoning of the former Legacy Lodge Assisted Living Center in Rafter J.

Many homeowners are asking the question why would someone purchase a property knowing that the Zoning needed to be changed?
To answer this question, falls upon the Rafter J Board and the HOA Lawyer who did not apply Rafter J CCR's requirements for the past several years (2008-2021) five pieces of property were rezoned or changed; ( Stated below). Without following the CCR's requirements

The CCRs clearly states:
Any change to our zoning would require an amendment to the 1978 Rafter J Subdivision PUD.
Rafter J homeowners must vote on any proposed change in use in accordance with the Declaration of Covenants, Conditions and Restrictions (CCRs) to ensure that our neighborhood has a say in this decision as described in the legal spelled out in our CCRs.

The sequence of steps for Rafter J covenants/zoning change is for developers to:

1. Submit a request for an amendment to the covenants and bylaws along with a proposal for development change.
2. This request would then go to vote of the Rafter J homeowners
3. If approved, the application requesting a change to the PUD and the Zoning would move on to Teton County

The ISD Rafter J Board has sold water to two business parks,(without the vote of the Rafter J homeowners) and if Stage Stop, Inc is allowed to add apartments this may effect Rafter J water supply.

Property that was rezoned or changed in Rafter J.

- In 2008 Lot 331 and Tract #2. Plat 330 (Learning Center).
- In 1990 Walden Pond Phase B PUD Plat 1317
- In Walden Pond Phase B PUD Plat 711 (King Eider) single family homes.
- In 2010 Tract 3A LLC rezoned
- In Feb, 18, 2021 Lot 332 Corral/stables to a Density Transfer from Tract 3A to build housing on Lot 332

**From:** Sandra Ostdiek <smostdiek@gmail.com>
**Sent:** Tuesday, April 5, 2022 4:40 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Lot 333 Stage Stop LLC

I am writing to express concern related to the application of Stage Stop LLC and their request to change the land use regulations to allow apartments on Lot 333 in Rafter J.

Stage Stop has proposed a maximum of two unrelated residents per unit. They have not, however, restricted the number of *related* individuals. The discrepancy is concerning as it does not allow Rafter J to fully evaluate the impact of their proposal on our infrastructure. It is clear, however, that changing the usage and increasing the building occupancy on Lot 333 will affect Rafter J's water supply, fire suppression pressure, pathways, parking, surrounding wildlife habitats, ***and*** the already dangerous intersections with Highway 89.

As most any Rafter J resident could tell you, the intersection with Highway 89 is scary at times! My understanding is that the Wyoming Highway Department rates it as a failing (F rated) intersection. Increasing traffic at this intersection will make it even *more* dangerous and WYDOT has said that they ***will not*** place a traffic light at this intersection. According to Fehr and Peers, the traffic study provided by Stage Stop LLC does not meet industry standards or WYDOT guidelines. It also did not address impacts like wait times at the intersection of Hwy 89 and Big Trails. Long waits impact more than just the time it takes to get to work. Rightly or not, long wait times compel people to "go for it" instead of waiting for a clear and safe opportunity to pull on to the highway. Increasing traffic at this intersection without a realistic mitigation plan in place would be irresponsible.

If Stage Stop LLC wants to change the usage of Lot 333 from commercial to residential, they should *first* seek approval from Rafter J to change the CC&Rs. Since they have not engaged in this process, Stage Stop LLC appears to be trying to circumvent Rafter J and the covenants, conditions, and restrictions of our subdivision. If Teton County Commission approves a change in conflict with Rafter J CC&Rs, it would set a dangerous precedent for **all** county subdivisions and likely embroil all parties in lawsuits for years to come.

Members of the planning commision have implied that Rafter J residents are opposed to workforce housing. Just to be clear, families in Rafter J are not opposed to workforce housing. We are workforce housing! My neighbors are school teachers, nurses, UPS drivers, restaurant staff, and construction workers. We are not trying to keep something from being built "in our backyard". The building already exists. We are, however, trying to ensure that any potential changes to the approved use of the property do not adversely affect our infrastructure and safety.

I am respectfully asking Teton County leaders to reject Stage Stop LLC's requested change to the land use for Rafter J Lot 333.

--
Sandy Ostdiek

**From:** DOUGLAS R PITMAN <drpitman50@msn.com>
**Sent:** Thursday, April 7, 2022 4:46 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** RE: Legacy Lodge

Dear Commissioners:

I am a Rafter J resident, and I write this with the hope of convincing you to NOT SUPPORT the efforts being made to convert Legacy Lodge into residential housing.

My biggest concern (among many concerns) is the enormous lack of parking available for the proposed use. No adequate solution has been proposed. PLEASE do not ignore this problem. Imagine someone building a large apartment complex right next to your house with parking for less than half of the residents! And no parking at all for quests! Imagine the mess this would create for your own neighborhood and personal residence! That is what we face here in Rafter J.

Please do not embrace this attitude: "Rafter J will just have to take a hit for the team" (to help solve employer housing issues for the Jackson business community). If you think that sentiment is appropriate, then please sacrifice YOUR neighborhood, and YOUR personal residence "for the team", before you sacrifice my neighborhood.

It is particularly irritating that the apparent intention of the new owners of Legacy Lodge is to bypass and ignore the Rafter J HOA Covenants and procedures in order to accomplish their goals. It reminds me of those who refuse to acknowledge or recognize county regulations.

You have the power to stop this now, and prevent the legal expense of pursuing remedies through the courts. Please do not support this proposed development.

Sincerely,

Doug Pitman
drpitman50@msn.com
307-733-7288

From: Tom Pockat <tompockat@mac.com>
Sent: Tuesday, April 5, 2022 5:57 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Stage Stop application for high density apartments in Rafter J

I stand by my previous letter regarding plans to convert the previous Legacy Lodge into high-density apartments housing short-term workforce tenants in a development (Rafter J) that was never intended to have high density apartments. But I also want to comment on the process and the up coming County Commissioners vote on this matter.

I attended the long and thorough Planning Committee meeting virtually on Feb 28, 2022, and I was struck by the detailed presentation by the staff, but was also bothered by the focus. There was extensive consideration of how this project fits into the overall plans and goals for the South Park area of Teton County, but no significant consideration of how high-density apartments fit into the community of Rafter J. There was even discussion of how tourists and visitors driving in from the south will not have any significant visual impact given the terrain, but again there was no notable effort to consider the very real impacts that are likely to confront the folks who actually live in Rafter J. I understand that developers want to make money, and I know workforce housing has long been a problem, but why so little focus on the concerns of the very people who will be most impacted should the County Commissioners approve Stage Stop plans?

And finally, it is my understanding that Stage Stop has ignored Rafter J's CC&Rs thus far. I asked questions regarding these issues at the January meeting held at what has been the Legacy Lodge, but their answers were that they wanted deal with the county first, and that they would start working with our HOA Board later. They denied that their decision to delay working with Rafter J was in fact an "end run" around Rafter J. With regard to our CC&Rs, their lawyer indicated she hadn't, as of January 2022, taken the time to look into our rules and regulations. In an email yesterday, the President of our homeowners Board once again stated that Stage Stop continues to refuse to even answer the question as to whether they will comply with our CC&Rs. That's not OK from my point of view. Do the rules only apply to regular people but not so much to those with money and/or power? It is concerning that there remain so many unresolved issues, mostly due to choices made by the developers, at a time when the commissioners will be voting on this matter next week. I would urge you not to approve this application until those issues are resolved. I do appreciate the work you

all do, and I know some votes are difficult and complicated. But I would hope that the concerns of Jackson Hole residents living here in Rafter J still matter in this day and age.

Sincerely,

Tom Pockat
Rafter J homeowner

Sent from my iPad

**From:** Chuck Rhea <jhchuck.49@gmail.com>
**Sent:** Tuesday, April 5, 2022 12:22 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Fwd: PUD2021-0001 Rafter J Planned Unit Development Amendment

Begin forwarded message:

**From:** Chuck Rhea <jhchuck.49@gmail.com>
**Subject: PUD2021-0001 Rafter J Planned Unit Development Amendment**
**Date:** April 5, 2022 at 12:10:02 PM MDT
**To:** commissioners@tetoncountywy.org

Dear Commissioners;

Stage Stop Inc. cannot reconfigure the Lot 333 Assisted Living Center into residential property without this amendment. I ask that you deny this request.

The existing building was built with the cooperation of Teton County, Rafter J Homeowners Association and the owner at the time. It was a widely accepted use for this lot, designated Commercial in the original Rafter J Plat. When it was opened, I gave a short statement and thanked the people involved for bringing this service to our neighborhood and community. A large crowd cheered. The Company went on to serve a lot of people for several years.

Assisted living was OK with the Rafter J Homeowners Association then, in the many years it operated, and would be OK with it today.

This PUD Amendment allowing conversion to apartments is quite contrary to opinion in the Homeowners Association. In fact, it is so contrary, I don't believe any HOA election will support it.

I see a path to send this back for a better look, and something the community will support. We can do better than this.

Sincerely,

Chuck Rhea,

Present HOA Board member and old HOA Board member, and long time Rafter J resident.

Will and Janice Smith
3070 S. Stirrup Drive
Jackson, WY 83001

April 5, 2022

Teton County Board of County Commissioners
Teton County Administration Building
200 S. Willow Street
Jackson, WY 83001

RE: PUD2021-0001/The Future of Legacy Lodge, Rafter J PUD Amendment and
CUP2021-0005/Conditional Use Permit for Workforce Apartments

Dear Teton County Commissioners,

Thank you for the opportunity to submit comments regarding the PUD and CUP applications referenced above.

We have been closely following and attending all meetings pertaining to the PUD and CUP applications from Stage Stop regarding use of Lot 333. **We strongly request a rejection of the proposed applications for the following reasons:**

1. **There are serious logistical and safety concerns that have not been addressed by this proposal.**
   a. *Infrastructure (roads, pathways, footpaths, water, sewer)*
      i. There has been no communication or desire to collaborate by the property owners with the Rafter J ISD to discuss the proposed change in use of the building and what the demands will be on the subdivision infrastructure. No studies have been done to ascertain utility demands and whether the subdivision infrastructure can even handle the increased demands. At last discussion, retrieval of the DEQ permit from when the building was constructed was still being sought. Additionally, the owners have not announced a maximum allowed capacity per unit, thus projected demands on infrastructure cannot be calculated by the ISD.

      ii. The traffic study conducted on behalf of the property owner did not "meet the guidelines in the WYDOT Traffic Impact Study Requirements" according to Fehr's and Peers review of the Y2 Traffic Study. It is evident that a serious safety risk will be placed on an already F rated intersection at critical times of the day, as well as further delaying traffic flow out of the subdivision and intensifying flow onto Hwy 89 for all drivers.

      iii. The environmental impacts of anywhere from 114 to 285 people ("not more than 2 unrelated persons in each unit" leaves a wide margin for potential occupancy) utilizing the amenities of the subdivision will be significant and detrimental. The footpaths winding through the open space will become degraded and disruption of the recognized wildlife corridor will be negatively affected. Additionally, the increased density on the bike paths for recreation can pose a safety hazard for all users.

   a. *Alteration of the building and lot*
      i. The county engineer was referenced at a Planning Commission meeting indicating that they had concerns regarding the installation of kitchens in the units, thereby nearly eliminating all counter space. Yet, this concern was ignored with the approval of the applications and remains a requirement for the owner to install kitchens in every unit. Even family members of past Legacy Lodge residents have stressed the impractical nature of installing kitchens in the unit footprint and also state that counter space would be all but eliminated.

      ii. The requirement for one parking space per unit is impractical. The Planning Commission is requiring that there will be one parking space per unit and one additional space for the management personnel. This is again unrealistic and is not addressing how even the property owners have indicated the building may be used in addition to housing. The property owners mentioned several times that they would like to make use of the commercial kitchen by allowing people to use it for their own businesses or for culinary educational classes. Where are these people going to park? There are no extra parking spaces and spillover into fire lanes or onto Big Trail Drive or in any other nearby business parking lots cannot be used as extra parking. Thus, there is no logical parking solution proposed for any of the above scenarios or a realistic 4-season transportation plan for getting proposed Lot 333 residents to and from Town, and yet the applications were approved by the Planning Commission.

2. **Lack of integrity and good faith by the property owners**
   a. *The actions to date by the property owners of Lot 333 have failed to promote a sense of neighborliness or good faith in the Rafter J community.*
      i. Without approval, numerous residents are already staying on the premises. When questioned by Rafter J residents and the Rafter J HOA, the owners state that a building needs to be cared for and everyone staying there is helping to keep the building in working order. Certainly, 21 vehicles-worth of residents as witnessed on a Sunday

several weekends ago is overkill for keeping a building in good repair while awaiting County decisions on their applications.

ii. The property owners have not confirmed that they will be seeking approval from the HOA to pursue their proposed amendments to the PUD and requested CUP. In fact, they refuse to answer the question, and now will not speak to the Rafter J HOA or ISD.

iii. The property owners are attempting to request approval of their applications based on incomplete, misleading, and biased information. The application is not and was not complete or appropriate to be brought before the County, and the property owners are not following proper procedure for seeking approval on all levels for their applications.

iiiv. The proposal stipulates market rate apartments. This will not effectively impact the affordable workforce housing issue in Jackson. There has been no mention or requirement of a cap on rent pricing to make the units affordable. With the market rate plan, short term lease agreements mentioned (3 months) and the living environment (limited parking, small living/cooking quarters, lack of transportation to Town with no nearby amenities), this proposed arrangement will see high turnover or inability to sustain a stable local workforce housing option.

3. **Loss of a building designed for assisted living**

a. *Allowing adulteration of the ONLY building in the County designed specifically for assisted living will be an incredible loss for the Rafter J and Greater Jackson community.*

i. Lack of support for senior and retired valley residents is a growing crisis which will only become more pronounced in the future.

ii. To replicate what is being lost if the Legacy Lodge building is approved for workforce housing apartments will be nearly impossible, given the lack of available land and escalating costs for real estate and construction. For Teton County to lack such a critical resource for the aging retired workforce and senior residents is a stain on the reputation of our fine community which strives to be inclusive and supportive of all.

iii. Losing assisted living in Rafter J is an impact felt by many in the subdivision (remembering that the intent of Lot 333 was to provide services which would directly benefit Rafter J residents)

The importance of the assisted living services that Legacy Lodge provided and now are erased, with no available options in the county hit home for us:

*In 2019, we moved my widowed mother to Rafter J to live independently as long as possible. At the time we had peace of mind knowing that Legacy Lodge was there and if she needed the services, she could move into Legacy Lodge and remain in the neighborhood and close to us in her older years. That chance is now gone, and her quality of life will suffer if we are forced to send her away to an unknown community for care when that wasn't in her thoughts nor our thoughts when we moved her from her rural Wyoming community where she lived for 45 years to be closer to family here.*

These scenarios will be similar for many in this subdivision and valley in the upcoming years with no real feasible solution on the horizon if the only assisted living building is allowed to be altered from its intended purpose.

Bottom line, the applications for PUD and CUP amendments are incomplete, lack realistic solutions to real safety and logistical concerns, and are an obvious forced effort being pushed through by all parties involved to "make it work" when clearly there are still too many unanswered questions that do not have satisfying answers; all in the name of attempting to add "workforce" housing to the community where it clearly is impractical and potentially unaffordable.

Thank you for your time and consideration of our many concerns regarding the PUD and CUP applications for Lot 333.

Please also review the attached letter that we submitted to the Planning Commission on January 6, 2022.

Respectfully,

Janice Smith / Will Smith

Janice and Will Smith
Jksmith96@me.com
Willmd911@mac.com

**From:** James Turley <jim@jturleyphoto.com>
**Sent:** Monday, April 4, 2022 5:57 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge/Stage Stop

Dear Teton County Commissioners:

Stage Stop LLC (SS), seeking a change in legal use of the former Legacy Lodge (LL) , has shown little taste for working with our Rafter J (RJ) HOA, despite their pleas of wanting to be a good (RJ) neighbor. SS has refused to answer questions submitted by RJ HOA legal counsel, nor responded to the RJ ISD inquiries re: water and sewer needs for the expanded occupancy of the LL building. And they have held two neighborhood-oriented meetings, but refused to answer some of the tough questions such as: "How will parking near LL building be policed?" "Where will guests park? Vendors? People coming to use the kitchen?" "What will be the maximum number of residents allowed at SS?" "What are the planned rental amounts?" "Why have you ignored the well-established RJ HOA thus far?"

Hopefully the Commissioners will ask SS principals some of the difficult questions and demand on-the-record answers.

And please remember that the RJ community is composed of approximately 500 homeowners and their families, and that we deserve to have a say-so to a change is use which could change the complexion of RJ.

Thank you,

**Jim Turley**
**Jim Turley Photography**
jim@jturleyphoto.com

www.jturleyphoto.com
303-809-5375
Jackson Hole, Wyoming

Dear Teton Planning Commission

We understand an application for a change in the Planned Unit Development and Conditional Use permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022.

We respectfully ask you to accept this great proposal that seeks a zoning change and a change of use with the subdivision.

Rafter J was initially developed for the working-class community. The north end of the subdivision was developed for businesses. These businesses have changed over the past 40 years from Vet clinic, mini mart, restaurant, horse stables, church, day care, dentists' offices, home for the elderly, etc.

The Legacy Lodge would be a great place for workforce housing. We all realize that Teton County needs more workforce housing and this would be an ideal place.

Rafter J is no longer a community for the working-class community since the cheapest house is over one million dollars. Workers are being force to leave Rafter J since their rentals are being sold. Some longtime residents are now moving to Pinedale or Star Valley.

The community has entirely changed and certain people do not want workers to reside at the Legacy Lodge since these workers would not "fit" certain people's perceptions of Rafter J's residents.

We personally believe that Teton County needs this housing. The rooms are already set up with a mini kitchen, bathroom, and bedroom(s). It is located at the North end of Rafter J where other businesses are located.

Rafter J has wanted a stop light at the North entrance and this would help traffic coming and going from the new housing. The Wyoming Highway Department would probably approve the stop signal due to the increase of traffic.
Please vote yes. Thank you.

Robert and Judith Adams
3770 Windy Trail

December 30, 2021

Dear Teton County Planners and Commissioners,

My great grandfather, Si Ferrin, came to this area in the late 1800s. My grandfather, Merritt Ferrin, and my father, Ben Ferrin, were born, raised and passed away in Jackson. I am deeply committed to Jackson, and understand the need we have for workforce housing and other affordable options that make our town function.

I am proud of the Rafter J plan to ensure families have a place to raise their children, have a respite from town life and can enjoy open space peacefully.

I previously lived in the Gill Addition. My grandfather built the home on Moose Street during the 1960s. We sold that home to a family in 2017, when we could be sure it would not be torn down.

Before that time, and what continues today is a complete disregard for the Gill Addition covenants. They required a certain amount of green space….that is gone with the mansions built to the edge of lots. My understanding is nothing over a single story should be allowed. All new homes seem to be two stories in size. Many do not reflect the character of other homes there that were once also "workforce" homes….people making a living in Jackson.

The Gill Addition mistakes cannot be reversed. Today, we have an opportunity to preserve a very well thought out plan in Rafter J, and to follow the rules, allow those who live there to have the voice they are entitled to have and to preserve the quality of life well-crafted property documents provide.

The town can also affirm the need for suitable housing for those seniors desperately in need of long term, safe housing that the Legacy Lodge provided. That was lost with the sale, but can be reinstated by following the property laws and careful planning that preserves that important space for the people who have served this community. The nexus between Legacy Lodge, Rafter J and the Children's Center is one that is unique and beneficial to Jackson.

We understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I (We) respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use - which is why the Rafter J community-supported and benefitted from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Sincerely,

Janis Ferrin Allen
1655 Big Trail Drive #704
Jackson, WY 83001

**From:** adi amar <adi@tetonyoga.com>
**Sent:** Saturday, December 25, 2021 1:02 PM
**To:** Chandler Windom; planning@tetoncounty.gov; Board Of County Commissioners
**Subject:** Reject Lot 333 in the Rafter J Subdivision

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Planners and Commissioners,

We understand an application for a change in the Planned Unit Development ( PUD ) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. We respectfully as you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result our property values have increased and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system and open space.

Most importantly, Stage Stop, Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT zoned for high density** apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas ( primarily in town ) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use - which is why the Rafter J community supported and benefited from Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop. Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with the existing zoning and allowed uses under Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. We urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&R's in the face of inappropriate development pressures.

Sincerely,

Adi Amar and Bernard Tkaczyk
Rafter J Homeowner's of 3425 S Arabian Drive
307-690-3054
307-690-4077

To: Teton County Commissioners
From: Kathie Brazinski
Date: April 4, 2022

I am writing to you regarding The Stage Stop, Inc. applications for Lot 333 in Rafter J Ranch Subdivision. They are PUD 2021-0001 and CUP2021-0005. I will include references to documents in the public record at the end of this email. We suggest you consider reviewing them.

The Planning Commission's Staff Reports for the PUD and CUP amendments are replete with errors. A team of Rafter J property owners have reviewed the alleged facts of Stage Stop, Inc.'s applications. Following are undisputed facts that you should be cognizant of prior to voting on Stage Stop's applications.

Both applications are improper. They are contrary to Wyoming law and current LDRs. The current LDRs are aligned with state law and set forth the proper procedure for amending restrictions on land, vacating notes on plat maps, changes in use, etc. (See Bill Collins' thoughts on this matter) Stage Stop is attempting to circumvent the Rafter J HOA. For this reason alone, these applications must be denied.

The current Jackson/Teton County Joint Comprehensive Plan divides and defines Four (4) "character districts" in Teton County:

Complete Neighborhoods:

1. Stable
2. Transitional

Rural Areas:

3. Conservation
4. Preservation

Rafter J is mapped as a Rural Conservation subarea. Period.

Applicant's request for change and growth are NOT permitted for a Rural Conservation subarea. The planning staff undermined and gutted the intent of the Comprehensive Plan by discussing complete neighborhoods. It suggests that Rafter J has "many of the makings of one". This is a distortion of the facts. Rafter J is now and intended to be in the future, a Rural Conservation subarea. Stretching, twisting and distorting the clear meaning of the LDRs and the Comp Plan threatens the *predictability* throughout our county. "Our Vision and Common Values" described in the Comp Plan is a principle of growth management that includes *predictable* implementation. (See the Comp Plan, "Why Illustrate Our Vision")

Finding #1 is necessary for approval of **both** the PUD and CUP applications. Finding #1 cannot be made since Rafter J is NOT a Complete Neighborhood but rather a Rural Conservation Area focused on the ecosystem and conservation. Apartments are not compatible or allowed in this subarea. (see the Comp Plan) That being the case, neither the PUD or CUP applications can be approved.

Moving on to LDR 1.6.6. It clearly states that the commissioners are NOT to undermine or circumvent CC&Rs. The same is true of Wyoming State Statutes. Stage Stop, Inc is requesting the County Commissioners violate LDR 1.6.6. The County Commissioners must be clear that this is a distortion of the Rafter J CC&Rs to make a determination that apartments are commercial. The guiding principle of LDR 1.6.6 states this is not allowed. The applications must be denied based on LDR and state statutes. Should the County Commissioners approve, Stage Stop, Inc will allege it is not necessary to obtain a CC&R vote.

I draw your attention to the two (2) Wyoming Supreme Court cases included in the public record. They are: Fox v. Miner - April 10, 1970 and Four B Properties v. The Nature Conservancy - February 21, 2020. These decisions confirm the above statements. Both indicate that the law is well settled on the issues before you. Therefore, you must deny both applications submitted by Stage Stop Inc.

References applicable to the above and available in public record:

- Responses to Planning Department Staff Report
    - RESPONSE to PLANNING DIRECTOR: KEY ISSUES
    - RESPONSE to PLANNING DIRECTOR RECOMMENDED FINDINGS
    - Criteria for DENIAL Of a Planned Unit Development (PUD)

- The 2012 Joint Town/County Comprehensive Plan. Updated November 2, 2020

- The Growth Management Review and Comprehensive Plan Update

- Peer Reviews included in the public record with regard to this matter, **including** the Peer Review by Fehr and Peers**,** dated March 15, 2022, of the Y2 Consultants Traffic Impact Study

- The Bill Collins document expressing his thoughts with regard to this matter. (Bill is a long time Teton County Planning professional)

- Two (2) Wyoming Supreme Court Cases, submitted to public record
    - Fox v. Miner  April 10, 1970
    - Four B Properties v. The Nature Conservancy  February 21, 2020

**From:** Steve and Susie Baldock <baldockjh@bresnan.net>
**Sent:** Tuesday, December 21, 2021 5:14 PM
**To:** Chandler Windom; Board Of County Commissioners; planning
**Subject:** Comments on Rafter J Development Proposal

My name is Steve Baldock and my wife Susie and I are long time residents of the Rafter J Subdivision. I respectfully ask that you deny the current proposal by Stage Stop Inc. in regards to lot 333 located in Rafter J.
Our society works best when people of good will adhere to laws, rules and regulations enacted for the common good of that society. When a change to these guidelines is sought it should be pursued through well established methods. The proposal before you presented by Stage Stop Inc. does not do this. It is my view that their proposal seeks to circumvent long established legal requirements for land use in the Rafter J Subdivision thus ignoring the will of the local residents. Stage Stop Inc. should willingly or be forced to adhere to the Rafter J Covenants just like every individual or entity has had to do since the inception of the Subdivision. To allow this commercial group to do otherwise would be a tremendous disservice to the law abiding citizens who live here and have dutifully complied with the regulations that were in place when we bought our properties. Same rules, regulations and covenants in place when Stage Stop Inc bought lot 333.
Thank you for your service.

Respectfully,
Steve Baldock
1920 West Homestead Drive
Jackson, WY 83001
307-690-4062

Theresa Baiotto
1170 W Brangus Dr, Jackson, WY 83001
tbaiotto@yahoo.com 303-522-2559

February 4, 2022

RE: Lot 333, Rafter J Ranch
Stage Stop Inc CUP2021-0005/ PUD2021-0001 Application

Dear Teton County Planning Department, Planning Commission, and Board of County Commissioners.

As a Rafter J homeowner, I, like many of my neighbors, was disappointed to see the assisted living facility, Legacy Lodge, on Lot 333 in Rafter J close. Over the recent months, I have been following the sale of the property and the new owners', Stage Stop Inc, plans for its future, including the conditional use permit and planned unit development amendment application (CUP2021-0005/ PUD2021-0001 application). *After much research, thought and careful consideration, I ask you deny the CUP/ PUD application.* My reasoning is below.

Rafter J is a unique community within our larger community. It houses many of Jackson's permanent, year-round families and community members of all ages. It is a rural neighborhood (R-3) with over 300 acres of open space/ common area, and the majority of the 499 lots are residential and exclusively for single families. Neighbors know one another, take much pride in our community and take great care of our small piece of beautiful Teton County. The non-residential lots include a church, daycare, dental offices, Homeowners Association (HOA) office, RV storage and other local convenience commercial uses.

Lot 333 is classified as "commercial" in the Rafter J Ranch Covenants, Conditions, and Restrictions (CC&Rs). Historical legal interpretations from the 1990s, and prior to the lot's development into an assisted living facility, found it not to be reasonable to use the lot for multiple family dwelling purposes. An assisted living facility was later permitted as a conditional use on Lot 333 under the 11th printing of the 1978 Land Development Regulations (LDRs), subject to the uses and standards of the Local Convenience Commercial (CL) district. A "nursing home" is an allowable public/ institutional conditional use in a CL district. The only residential uses allowed in a CL district are home occupation (outright), caretakers residence (conditional), HOA or service facility (conditional) and residential accessory structure (conditional). At the time of the development of the assisted living facility, the owners worked closely with the neighborhood and Rafter J HOA around the project.

Stage Stop Inc's use change proposal is in no way consistent with the neighborhood or similar to the previous conditional use permit granted for the assisted living facility. Stage Stop Inc is proposing accommodation of individuals on Lot 333 by subleasing units to businesses and organizations at market rate rents. It is uncertain from the application if Stage Stop Inc plans to modify the existing assisted living units to meet apartment standards, meaning units could become hostel-style lodging or dormitory-style living. The occupancy proposed appears to be much higher than that of the assisted living facility. The application indicates units are intended for members of the "workforce," which implies the need for occupants to regularly travel for work purposes, unlike residents of an assisted living facility. Parking capacity on the lot is significantly under the Teton County LDR requirements for apartments and insufficient for the change in use.

Rafter J property owners have purchased property in the neighborhood with the expectation of the neighborhood design adhering to its plat and CC&Rs as well as maintaining its unique character. Stage Stop Inc's application is not aligned with current allowable uses on the lot per the applicable LDRs or the active conditional use permit for the assisted living facility. In Teton County, apartments are not a permitted use in rural-3 zones. The only known existing apartments in a rural-3 area is the Heidelberg apartments near Teton Pass. Apartments are not one of the five land classifications allowed by the Rafter J CC&Rs – residential, multiple dwelling, commercial, common area and miscellaneous area.

In looking to the future, Stage Stop Inc's application is not in alignment with the Teton County Comprehensive Plan for the area. Rafter J sits in District 10.1, South Park, a rural district and conservation subarea. The area is noted for its "limited, detached single family residential development" of which apartments are not. Priorities for the district include improved conservation, increased open space and balancing development with wildlife. The future vision of the neighborhood is to maintain its current character – not expand development or increase residential density.

The application uses vague and unclear language which allows for wide interpretation and leaves uncertainty around potential future development. Occupancy numbers and the details around the day-to-day management of the property are uncertain which makes it difficult to assess the impact upon the neighborhood. With a sublease model, the Rafter J HOA would likely be unable to enforce the CC&Rs and neighborhood rules at the individual occupant level.

The application is grossly inadequate in its response to evaluating the impacts of the proposal on the neighborhood, open space, wildlife and infrastructure elements – such as water, sewer, fire protection, traffic and roads. A thorough, data-based assessment of these items is glaringly missing from the process and must be considered in whether to approve, approve with conditions, or deny the application.

Stage Stop Inc has not endeavored to build trust with the Rafter J neighborhood and has been dismissive of neighbors' concerns and, at times, disrespectful and antagonistic in their approach instead of forthcoming and collaborative. They have not provided clear answers to the HOA Board of Directors' or neighbors' questions during meetings.

Stage Stop Inc has not responded to a letter written by the Rafter J HOA attorney regarding the CC&R amendment process required to change the land classification on Lot 333 from commercial to apartments. Stage Stop Inc also has not responded to a joint letter written by the Rafter J HOA and Improvement & Service District (ISD) Board of Directors regarding infrastructure concerns.

Our county is challenged with items such as growth, traffic and affordable housing. The Rafter J neighborhood is impacted by the issues in our larger community. In its application, Stage Stop Inc repeatedly claims its proposal is of a community benefit by offering workforce housing. However, the detail in the application does not in any way guarantee this will occur. Stage Stop Inc is not planning to use the county's deed restricted workforce housing or affordable housing processes to ensure units are affordably rented to the local, long-term workforce. Instead, the application indicates "workforce" requirements will be managed outside the CUP and county processes with no oversight except by Stage Stop Inc.

From my perspective, it is unfortunate that Stage Stop Inc discarded a rare opportunity to potentially create a truly meaningful affordable housing solution for our community. Imagine what might have been possible if they had brought together private and public partners – the Rafter J neighborhood, county leaders, housing department, foundations, large public service employers (school district, hospital, etc) – to collaborate on an innovative, low density, affordable housing project for families more aligned with the character of the neighborhood. While an uphill challenge, it now seems an impossible one due to the current neighborhood sentiment and incompatibility with current county regulations and Rafter J CC&Rs.

Stage Stop Inc's proposal is not a fit for our community. I ask you deny the CUP/ PUD application for Lot 333 in Rafter J.

Thank you for your service and dedication to ensuring our community is a great place to live.

Theresa Baiotto

*NOTE: While I serve as a Rafter J HOA Board member, this letter is my personal opinion and not an official opinion of the Board of Directors or neighborhood.*

**From:** Jackie Baxa <jackiebaxa@gmail.com>
**Sent:** Thursday, January 6, 2022 8:30 AM
**To:** Chandler Windom; planning@tetoncounty.com; Board Of County Commissioners; Board Of County Commissioners
**Cc:** David Baxa; Jackie Baxa
**Subject:** Objections to Rafter J Change of Use Proposal

Dear Commissioners,

My husband and I are homeowners in the Rafter J subdivision, in the neighborhood immediately adjacent to Lot 333. We are writing today to express our strong objections to the application for a Planned Unit Development and Conditional Unit Purchase for this area and to urge you to reject this application.

We purchased our home in 2007 when our youngest child was just 3 months old. Rafter J provided the family friendly, safe, quiet and community oriented neighborhood that has let us raise two boys in a quality of life that is hard to find in modern day America. It is a place where neighbors -- most of whom have long served as vital members of the workforce of Jackson Hole -- look out for each other.

The proposed development from Stage Stop Inc. is incompatible with everything that the Rafter J community embodies and has worked so hard to preserve. The added density will increase traffic in a neighborhood well know for children playing freely on the streets, cyclists, dog walkers and the many other recreational uses residents enjoy. The added density will bring more noise, pollution, problems with parking and added risk of traffic accidents at the already stressed and clogged intersection of Big Trails Drive and highway 89.

Even more importantly, Stage Stop Inc had a legal obligation to have first brought their proposal to the Rafter J homeowners. The requirements and process are clearly spelled out in the Rafter J covenants when the subdivision was created in the Master Plan approved by Teton County in 1978. Their attempt to circumvent our legal rights as homeowners is, frankly, repugnant, and their application should be rejected on that basis alone. Certainly, such actions reflect a contempt for our neighborhood, residents and values and is a likely sign of how they will treat both people and natural resources should their development be approved.

The bottom line is that Rafter J lot 333 is not zoned for high density housing. While we are well aware of the current workforce shortage, this development does not address that problem at all. There doesn't appear to be any affordable housing built into this proposal and therefore do nothing to address this need. Regardless, even if the development were exclusively for that purpose, to put so many homes in an area of the valley with no access to public transportation will only further add to the horrendous traffic problems we've seen grow in the last several years. Both town and county have already identified better sites for such a purpose.

For all these reasons -- an excessive density ill suited to current location, negative impact on existing community and most notably, violation of the legal rights of all existing Rafter J homeowners -- I strong

urge you to reject this proposal and protect the citizens of Rafter J homeowners, both in terms of quality of life and to uphold our CC&Rs in the face of development pressures.

Sincerely,

Jackie and David Baxa
3190 Beaverslide Dr., Rafter J

To: Teton County Commissioners, Teton County Planning Commission
From: Susan Berger
Re: Legacy Lodge Development

I am a 30 year resident of Rafter J (RJ) and, like many of my neighbors, I have serious concerns about the adverse impacts that the proposed Legacy Lodge development project (development/developers) will have on the community. I have attended the meetings held by the developers as well as those held by the Planning Commission. I have read the developer's submissions to the Planning Commission staff in response to staff recommendations.

As is often the case, the devil is in the details and that applies here. The submissions and representations made by the developers are not rich on detail, especially about the concerns of RJ residents. They either gloss over or omit certain details that, if provided, would detract from their arguments.

I will list some of these details that have not been addressed by the developers in the hopes that members of both Commissions require the developer to present additional specifics that satisfactorily address these problems.

<u>Parking</u>

**The developers have not presented any effective, specific method to enforce the No Parking CCRs. This leaves RJ vulnerable to having many vehicles parked on the streets, against the rules.**

1. 41 parking spaces for 114 resident and their guests is simply unrealistic and untenable. Most adults who live in Teton County, including these 114 residents, have at least one vehicle. Where do the developers expect that these 114 residents park the vehicles that they already own? The most logical option, albeit against the CCRs, is to park near where they live and if no legal spaces are available they will inevitably park on the streets of RJ. There really are no other options available to them and, especially, no negative consequences to them . With 114 residents who own vehicles and 41 parking spaces, it is possible that there will be 10s of vehicles parked on Big Trail Drive.
2. There is no way to enforce the CCR parking rules, even if the developers offered a solution which they didn't. The sheriff won't enforce our CCRs. There would also be no way for anyone but law enforcement to identify the owners of these vehicles. Because the owners can't be identified there will be no way to impose fines on the parking violators and the practice will gain in popularity and generate even more parking on the streets.
3. The suggestions presented by the developers to deal with the overflow parking by encouraging START service, car sharing and biking are more wishful thinking than real solutions.
4. Overflow parking on the streets my not be of great concern to the developers but it certainly is to the residents.

5. The developers state in their submission that they have 5.1 acres that they could convert to additional parking if necessary. This statement brings up more unanswered questions and more missing details.
   *How will converting 5.1 acres to parking effect the footprint of the development?
   *Where on the property will the additional parking be located?
   *How many spaces will be added?
   *Will the existing landscaping be removed and will that adversely impact the neighborhood?
   * How close will parking be to adjacent homes? Have the potential negative impact on those residents been accounted for? E.g. Noise, vehicles coming and going around the clock, additional exhaust on their properties because of idling cars.

   I respectfully request that the commissioners probe the developers more deeply on how they would deal with these likely scenarios. If the development is given the go-ahead and the predicted problems becomes a reality, will it be too late for RJ to do anything about?

   <u>Traffic Impact Report</u>
   1. Why was the study conducted in off season (December 13) instead of peak season July-August? Summer would certainly be a more realistic time to measure the impact of the additional traffic.
   2. The developer states that the alternative land uses available to them would have a greater traffic impact than a residential facility with 114 people. This sounds extremely improbable. They cite a gas station/convenience store/fast food restaurant as an example of other permitted uses of the property. This sounds more like a veiled threat by the developers to RJ residents than a viable land use alternative. It is hard to imagine that opening this type of business is economically viable for the developers. The gas station/ convenience store/fast food restaurant will not be visible to vehicles on the highway and there are more easily accessible alternatives for gas and food within a mile of RJ. It is hard to imagine that the business would survive these limitations. I believe that the developers are trying to scare off the RJ residents by presenting unrealistic options. As for using the facility for daycare or medical at least it would eliminate the overnight and overflow parking and it would be quiet at night.

   These are matters of the utmost importance to me and many RJ residents and I appreciate your time considering these concerns.

**From:** Patti Berlin <pberlin@blissnet.com>
**Sent:** Friday, January 21, 2022 2:31 PM
**To:** planning
**Cc:** Board Of County Commissioners; Chandler Windom
**Subject:** Rafter J - Lot #333

Dear Teton County Planning Commission, Teton County Commissioners, and Mr. Windom,

I am writing regarding the Stage Stop proposal to turn the deserted Legacy Lodge building into workforce housing. We all know that our community is in desperate need for housing for the people who serve us so well. While it seems like a great idea, I do have some concerns. I'm sure you have read letters from others who have expressed the many concerns, so I won't belabor those points.

I have been a Rafter J resident for the past 22 years. It's a lovely neighborhood. One thing I know about living in Rafter J is that there have always been a long list of rules, regulations, and covenants. When I drive through town in the summer I see that residents can park their RVs on the street or even in their driveways all summer long, or longer. We cannot do that in Rafter J. We can't even paint our homes or build a fence without getting approval from the architectural committee. I'm not complaining. The rules & regs have made our neighborhood a very pleasant place to live. These rules (CCRs) need to be respected by our residents and should be respected by the Darwich family and all of you. So in order for the zoning restrictions to change, all of the Rafter J lot owners need to be able to vote on this change. I don't think it's right for the County Commissioners to approve this change without allowing the current homeowners to vote on it. It's stated in our CCRs that zoning changes cannot be made without a favorable vote from the majority of the homeowners. We're allowed 1 vote per lot.

I am hopeful that you will allow us to vote on this zoning change, as is our right, stated in our CCRs.

Thank you so much for all of your hard work. I appreciate you all.

Respectfully,

Patti Berlin
1200 W. Hay Sled Dr.
Jackson, WY 83001

**From:** Patti Berlin <pberlin@blissnet.com>
**Sent:** Sunday, March 20, 2022 2:36 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Our Legacy

To: The Teton County Commissioners

Dear Natalia, Luther, Mark B., Greg, and Mark N.,

I am a 22 year resident of Rafter J and have been retired from teaching (in Teton County School District) for the past 11 years. I have to admit, I am an old lady now…or you could call me a senior citizen. I wrote you all earlier, hoping you would allow the property owners in Rafter J be able to vote on the zoning change that would allow Legacy Lodge to become apartments for employee housing. Now things seem to be progressing without our residents being allowed to approve this change, which is a mandatory step in our CCRs. Yet, I don't think it's too late. Please let us vote! Before I lived here, residents were allowed to vote whether or not Rafter J would become part of the town of Jackson. Those residents voted NO. I would have voted "yes" because I long to be able to vote for the mayor and town council members, but we can't. If we were allowed to vote on such a big issue, why shouldn't we be allowed to vote on this zoning change?

The other issue that troubles me concerns the original intent of the Legacy Lodge, formerly two other names that I can't recall. What a lovely place it was for our senior citizens. Several of our beloved former Teton County teachers resided there. I visited them, had lunch with them, and spent time in their cozy apartments. This assisted living center provided a huge need for the elders of our county, as well as the parents of many TC residents. It was a fantasy of mine to someday live there when my husband or I became too old to live independently. It was a tragedy when COVID hit, most of the residents moved out,

and this valuable asset to our community went belly up. The remaining residents had to find an alternative and many were forced to leave the Valley, away from their families. St. John's assisted living is full. Even the Pioneer Homestead apartments have a 2 page waiting list. Teton Country, my home, presents a dismal future for many of us older folks. Almost all of our older couple friends have been forced to sell out and move away. Some of us love this Valley and want to stay until our dying day. But where will we go when we can't live independently**?**

I can understand the Darwiches wanting to turn our former neighborhood assisted living facility into housing for employees. They run a business and employee housing is much more profitable than assisted living. Plus they see the need for employee housing. They run multiple businesses. Everything in this Valley lately revolves around making $$$$$ $$. But did they know about our CCRs requiring property owners to vote on the zoning change? There is no doubt there is a need for workforce housing and that could/should be synonymous with low income housing, because who can afford paying $4,000, $3,000 or even $2,000 a month for housing? However, you all and various housing groups have multiple projects under construction to help meet this need. I just want to plant a seed in your minds: Please don't forget your elderly. Someday you all will be there. I know you are excellent forward thinkers… that's part of your role as County Commissioners. You are continually thinking about the future of our county. Don't fail to take in to consideration all of the people who have lived here for years and years. If Legacy Lodge is no longer an option, let's work together to find some solutions to meet the needs of this population.

So in conclusion: 1.) Allow the residents of Rafter J to vote on this zoning change and 2.) Work on solutions to provide more assisted living facilities in Teton Country.

I came across this quote today that made me think of you all and the many decisions you have to make in your roles as County Commissioners:
"Progress is a nice word. But change is its motivator. And change has its enemies." Robert F. Kennedy

Thank you again for all of your hard work and dedication to our county. I appreciate you.

Respectfully yours,

Patti Berlin

**From:** zahan billimoria <z@samsaraexperience.com>
**Sent:** Monday, February 28, 2022 8:54 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi,
My name is zahan billimoria and I wanted to send a note to register my support for using the Legacy Lodge for affordable housing. Keeping workers who serve this town, living in this town is key to maintaining an authentic community, where the people who work here, live here. Thanks for reading.
z
--
Zahan Billimoria
Samsara Experience
208 709 0858

From: Laura Bonich <lauraabonich@gmail.com>
Sent: Sunday, February 27, 2022 9:44 AM
To: Chris Neubecker <cneubecker@tetoncountywy.gov>
Subject: Legacy lodge

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hope the legacy lodge rezone with a condition for workforce/affordable deed restrictions is successful!
Laura

Laura Bonich, PE LEED AP
775-340-5346

12/30/2021

Dear Teton County Planners and Commissioners,

I (We) understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I (We) respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use – which is why the Rafter J community-supported and benefitted from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

3145 WEST KING EIDER ROAD, RAFTER J, JACKSON WYOMING 83001

## Chandler Windom

**From:** Kathie Brazinski <kbrazinski@gmail.com>
**Sent:** Sunday, March 20, 2022 4:26 PM
**To:** Chandler Windom
**Cc:** Board Of County Commissioners
**Subject:** Stage Stop Application for Lot 333/ for Public Record
**Attachments:** Fox v Miner.rtf; Four B Properties LLC v Nature Conservancy.doc

Chandler, Please include these cases in the Public Record for the Stage Stop Lot 333 Applications.

467 P.2d 595
Supreme Court of Wyoming.

A. H. FOX and Edith Fox, Appellants (Plaintiffs below),
v.
Walter H. MINER, Arthur H. Wacker, and Edward E. Nation, Appellees (Defendants below).

No 3807.
|
April 10, 1970.

**Synopsis**
Declaratory judgment class action by owners of property in platted city addition seeking to void declaration of protective covenants restricting use of property to residential purposes. The District Court, Laramie County, Allen A. Pearson, j., dismissed complaint and enjoined plaintiffs from using their lots for business or other purposes than residences and plaintiffs appealed. The Supreme Court, Parker, J., held that where property owners were aware at time they bought property for speculative purposes that it was subject to covenant and evidence of trend toward nonconformity in over 20 years since platting was slight although area, which surrounded addition and which at time of platting was undeveloped, had developed for business uses, circumstances did not justify nullification of covenants, notwithstanding that owners' property had been rezoned from residence to business use.

Affirmed.

**Procedural Posture(s):** On Appeal; Motion to Dismiss.

**Attorneys and Law Firms**

***595** William A. Riner, Cheyenne, for appellants.

Kline, Tilker & Lynch and James A. Tilker, Cheyenne, for appellees.

Before GRAY, C. J., and McINTYRE, PARKER and McEWAN, JJ.

**Opinion**

Mr. Justice PARKER delivered the opinion of the court.

Plaintiffs, the owners of Lots 9 and 10, Block 33, Mountview Park Addition, City of Cheyenne, since 1963, brought a declaratory judgment class action, seeking to void and make of no effect the 'Declaration of Protective Covenants,' which had been filed of record in the office of the county clerk and recorder of Laramie County in 1946, shortly after the platting and dedication of the addition to which the covenants applied and of which plaintiffs' lots are two of some three hundred and nineteen ***596** lots restricted to residences.[1] Basis for the clamied relief was that the covenant restricted plaintiffs' lots to single-family residences; that the City of Cheyenne in 1946 established zoning for Mountview Park Addition and in a 1968 ordinance had adopted a different zoning regulation by which plaintiffs' lots were changed from 'Residence A' zone to 'Business D' zone; that presently the area to the north, south, and west of the said Lots 9 and 10 is used for business and has developed for such purposes so as to inhibit the use of Lots 9 and 10 for residences; that plaintiffs have never

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had an inquiry or offer for said lots for residential purposes but have had numerous inquiries for development and improvement of them for business; and that the value of the lots for business would be some $50,000 whereas for residences it would not exceed $7,500, and further that many violations of the covenant have been permitted and countenanced by owners of the lots in Mountview Park Addition.

Defendants answered and in addition to urging that the complaint did not state a claim admitted the respective ownership of the lots to which the complaint referred, the establishment of the addition, the existence of the protective covenant, and the City's zoning arrangements, alleging that the recent changes in zoning in Block 33 were irrelevant to the covenant, which presented an independent issue. Defendants also counterclaimed, asking an injunction to prevent plaintiffs' violation of the covenant.

Trial resulted in a judgment finding that the real property, which is the subject of the action, Lots 9 and 10, Block 33, Mountview Park Addition, has been and still is subject to the protective covenants and that there has been no change in the neighborhood which would nullify such covenants and accordingly denied and dismissed the complaint, enjoining plaintiffs from using the lots for business or for other purposes than residences.

Plaintiffs have appealed, urging that the trial court completely ignored the undisputed evidentiary facts, arguing specifically that (1) the finding of the trial court of no change in the nature of the neighborhood is contrary to the undisputed evidence; (2) the changes which may be considered in determining a change of the character of the neighborhood include those in the area outside the Mountview Park Addition; and (3) the changes in the nature of the neighborhood have been proved without dispute so that the protective covenants are no longer properly applicable to the lots.

In their effort to support the charged errors, plaintiffs point to evidence, oral, documentary, and photographic, showing that in 1946 at the time of platting and dedicating the Mountview Park Addition the land so platted as well as that in all directions from it was undeveloped and over the years from then to the present various businesses have moved out along East Lincolnway, the street immediately south of the lots in question, with business zoning therein being permitted by the City until now there are businesses to the west, south across the street, and on further east, and substantial highway development and realignment to the south and east. Some attempt is also made to show that in such interim there has been in Mountview Park Addition itself a departure from the one-family dwelling requirement of the covenant, but this essayed showing is feeble, disclosing at most a beauty shop in an apartment building, the construction of a church having an accompanying parking area on lots north of those in question, and the approval by the board of adjustment of a nonconforming use unobjected to by residents, including activity for a time of a photographer in his home. Evidence of a trend toward nonconformity in the Mountview Park Addition itself was so slight that counsel mentions the subject only peripherally with no apparent effort to rely ***597** thereon, and we consider that the trial court would have been fully warranted in viewing such evivdnce as wholly insubstantial.

The facts before the court then as either actually or tacitly conceded by the litigants are:

> In 1946 those platting and dedicating the Mountview Park Addition, which was then in and surrounded by undeveloped land, adopted a comprehensive plan providing for residences of different types, service and business areas, one of the latter being the half-block along the East Lincolnway across the street and immediately west of the lots here litigated. Since 1946 business in surrounding subdivisions to the west and south has with the City's consent and approval developed but there has been no real change of neighborhood in Mountview Park Addition.

The question thus presented is whether under such circumstances there has been a showing by plaintiffs, which would have under existing law required the trial court to nullify the restrictive covenants-another way, perhaps, of stating plaintiffs' argument that the trial court completely ignored the undisputed evidentiary facts presented.

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*Effect of Rezoning*

Plaintiffs comment that although the point is not a matter within the appeal the 1968 rezoning of Lots 9 and 10 for business purposes was relevant and the trial court properly admitted evidence thereof over defendants' objections. To substantiate this statement they quote from Brideau v. Grissom, 369 Mich. 661, 120 N.W.2d 829, 832:

> 'The change in the zoning ordinance cannot operate to destroy the obligations involved in the restrictions * * *. Such change is only a factor to be considered in determining whether a change of circumstances has occurred that an equity court will not enforce the restrictions. * * *'

They also rely upon Wolff v. Fallon, 44 Cal.2d 695, 284 P.2d 802; and Hirsch v. Hancock, 173 Cal.App.2d 745, 343 P.2d 959. We think this philosophy should not go unchallenged since it relates in a measure to the basis of plaintiffs' position. While an examination of the mentioned cases shows none of the three sufficiently analogous to have a bearing on the present litigation, each indicates that rezoning after establishment of the restriction may be a factor for consideration in a suit to void the covenant if such rezoning as a matter of fact created a change of conditions so fundamental or radical as to defeat the original purpose of the covenants. However, it is well settled that zoning ordiannces cannot override, annul, abrogate, or relieve land from building restrictions or covenants placed thereon. 2 Yokley, Zoning Law and Practice, p. 453 (1965). We think the trial court here was most generous in admitting evidence which related to the 1968 rezoning of the lots for business since shortly after plaintiffs purchased them in 1963 for speculation, at a figure which they state as many times less than the value of the lots for business, they twice made unsuccessful efforts to have the land rezoned for business by the City. Shortly before this action they made a third attempt by indicating to the city authorities that they desired the rezoning in order that the legal status of the lots might be determined by the court.[2] Under such ***598** circumstances the rezoning could not by any liberality of interpretation be said to have effected a change so as to defeat the original purpose of the covenant.

*Change in Neighborhood*

As we have noted earlier, plaintiffs do not seriously contend there has been any substantial violation of the covenants within the neighborhood but rely entirely on the change-in the establishment of new businesses as well as progressively increased traffic-which has taken place on East Lincolnway to the west of Lots 9 and 10 and across the street to the rear of the southernmost lots which by provision of the covenants fronted north on Forest Drive. As a background for any discussion of the subject, it must be observed that there has been no change as such in that adjacent area but rather a continuous development of the business district, which existed in 1946 along East Lincolnway some blocks west and has since extended eastward past the lots in issue. The testimony shows that plaintiffs were the owners of the Firebird Motel some eight blocks west on that street, having purchased it in 1946, and anticipated the growth of business along the highway to the east. In a somewhat similar situation the Utah court, upholding a covenant, said:

'It has been held that before a change of character in the neighborhood will vitiate a covenant in a deed it must be so great as clearly to neutralize the benefits of the restriction to a point of defeating the object and purpose of

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the restrictive covenant, or in other words the change required to afford relief is where the change is such as to render the covenant valueless. If the change in neighborhood makes the restriction valueless so its object and purpose cannot be carried out, then it sould not be enforced, but in the instant case the restrictive clause was imposed because of the change already in process and as contemplated by the parties in 1956. Therefore the change in the commercial growth of the area made the object and purpose of the restrictive covenant more valuable to the defendants which destroys the force of plaintiff's argument and authorities. * * *' Metropolitan Investment Company v. Sine, 14 Utah 2d 36, 376 P.2d 940, 943-944.

However, even if we could assume arguendo that the extension of the business in this case was a change of neighborhood in the area where such businesses are conducted rather than development, no authorites are presented as holding that the encroachment of business on one side of a relatively large residential subdivision protected by a restrictive covenant brings about such a substantial change that the original purpose of the covenant can no longer be accomplished. To the contrary is another section of the same encyclopedic reference cited by plaintiffs:
'Generally speaking, in determining whether there has been such a change of conditions as to warrant a refusal to enforce, or a cancellation of, restrictions, the court gives greater weight to the changes occurring within the restricted area than to those occurring without the area. Changed conditions outside the restricted area must not be permitted to terminate the restrictions where this would cause property owners within the restricted area to suffer damage. * * *' 20 Am.Jur.2d Covenants s 284.

Courts of neighboring states have spoken on the subject. In Hogue v. Dreeszen, 161 Neb. 268, 73 N.W.2d 159, 163, it was said that the change in certain sections of property adjoining the bordering street did not affect the residential district covered by covenants. The holding in Chuba v. Glasgow, 61 N.M. 302, 299 P.2d 774, 775, was even broader:

> '* * * The area to the north, east, and south is unrestricted and businesses ***599** of various kinds have been established thereon; but these changes, outside the restricted area, do not defeat the purposes of the restrictions. * * *'

Similarly courts have frequently declined to nullify restrictive covenants on residential property because of increase of traffic and attendant commotion on a thoroughfare running alongside the protected area. Finley v. Batsel, 67 N.M. 125, 353 P.2d 350, 353; Wahrendorff v. Moore, Fla., 93 So.2d 720, 723; Weinstein v. Swartz, 3 N.J. 80, 68 A.2d 865, 869.

*Standing in Equity*

It is elementary that good faith and justified relief from hardship constitute the essence of equity which should be accorded in the conscience of the court. Aside from the other aspects of the case which we have discussed, we observe no showing of plaintiffs by pleading or proof that would warrant an extension to them of relief in equity. By their own allegations and evidence, being fully aware of the covenants, they bought the property in issue as a speculation for a figure far less than its value for business purposes. They have failed to present any factor which would warrant a court of equity in granting relief. Although defendants' second defense that the complaint failed to state a claim might well have been utilized by the trial court as basis for denying plaintiffs the requested relief, the judgment as issued was equally proper.

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Affirmed.

**All Citations**

467 P.2d 595

## Footnotes

1 These lots were for the most part restricted to single-family residences although provision was made in certain blocks for multiple dwellings for not more than four families.

2 In evidence was a copy of the minutes of the meeting at which the ordinance was adopted, reading in part:
'The Council informed Mr. and Mrs. Fox that it was their intention to clear this matter for once and for all by this action and not have it return periodically to the Council as it has been done in the past. They stated it was their intention to clear any obstacle preventing Mr. Fox from taking court action with respect to the protective covenants and that they would not issue a building permit for construction on the premises until Mr. Fox had taken this action; that if he did not take such action within a reasonable time, they would entertain application by any resident of the area to again rezone the lots to Residence 'A'. The Council directed that findings of fact and conclusions of law on this matter be appended to these minutes as an exhibit.'

**End of Document**

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458 P.3d 832
Supreme Court of Wyoming.

FOUR B PROPERTIES, LLC, a Delaware limited liability company and Ranch 10, LLC, a Wyoming limited liability company, Appellants (Plaintiffs),
v.
The NATURE CONSERVANCY, a District of Columbia non-profit corporation, Appellee (Defendant).

S-19-0085
|
February 21, 2020

**Synopsis**
**Background:** Landowners brought action against conservation easement administrator seeking declaratory relief and alleging breach of contract and breach of covenant of good faith and fair dealing arising from administrator's rejection of their plan to build a residence, a guest house, and caretaker's quarters on each of the two parcels. The District Court, Teton County, Timothy C. Day, J., granted summary judgment for administrator. Landowners appealed.

**Holdings:** The Supreme Court, Bluemel, District Judge, held that:

conservation easement allowed construction of one single-family residential structure on each parcel along with associated improvements;

associated improvements did not include guest houses and caretaker's quarters;

county zoning regulations did not override easement's restrictions; and

landowners failed to state claims for breach of contract or breach of covenant of good faith and fair dealing.

Affirmed.

Gray, J., filed dissenting opinion in which Davis, C.J., joined.

**Procedural Posture(s):** On Appeal; Motion for Summary Judgment; Motion for Declaratory Judgment; Motion for Judgment on the Pleadings.

***835** ***Appeal from the District Court of Teton County, The Honorable Timothy C. Day, Judge***

**Attorneys and Law Firms**

Representing Appellants: Joshua A. Berman, White & Case, LLP, New York, New York; J. N. Murdock, Murdock Law Firm, LLC, Casper, Wyoming; Patrick J. Murphy, Williams, Porter, Day & Neville, P.C., Casper, Wyoming; Timothy J. Pearse, Pearse Law Firm, LLC, Casper, Wyoming. Argument by Mr. Berman and Mr. Murphy.

Representing Appellee: Kim D. Cannon, Davis & Cannon, LLP, Sheridan, Wyoming; Leah Schwartz, Ranck & Schwartz, LLC, Jackson, Wyoming. Argument by Mr. Cannon.

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Before DAVIS, C.J., and FOX, KAUTZ, and GRAY, JJ., and BLUEMEL, D.J.

**Opinion**

BLUEMEL, District Judge.

[¶1] The district court entered summary judgment finding a conservation easement unambiguously burdened two parcels of property thereby limiting what the owner can construct on those parcels. After additional briefing, the district court entered judgment on the pleadings, dismissing claims of breach of contract and breach of implied covenant of good faith and fair dealing. We affirm.

## *ISSUES*

[¶2] The Appellants raised several issues on appeal, which we rephrase as follows:

1. Did the district court err when it entered summary judgment in favor of the Conservancy and found the Conservation Easement unambiguous?

2. Did the district court err when it entered judgment on the pleadings dismissing Appellants' claims for breach of contract and breach of the covenant of good faith and fair dealing?

3. Do the Appellants have a claim of equitable estoppel?

## *FACTS*

[¶3] At the heart of this case is a conservation easement governing use on two parcels of land owned by Appellants, Four B Properties, LLC and Ranch 10, LLC. Appellants sought declaratory relief after the Conservation Easement administrator, The Nature Conservancy (the Conservancy), rejected Appellants' plan to construct a main residence, a guest house, and a caretaker's quarters on each of the two parcels. Gary Binning, who owns Four B Properties, LLC and Ranch 10, LLC, is a central figure in this case. Throughout this decision, the Court will occasionally refer to the Appellants as Mr. Binning.

[¶4] It all began in 1905 when Gladys Moulton's family homesteaded a 500-acre ranch (the Moulton property) on the scenic Snake River floodplain in an area where the Snake River is to the west and Grand Teton National Park is to the east. The Moulton ***836** property has remained largely undeveloped and provides a rich riparian and wildlife habitat for birds of prey, waterfowl, songbirds, native ungulate species, and a diversity of carnivores.

[¶5] In December 1995, Gladys Moulton, acting as trustee of the Gladys Moulton Trust u/t/a dated as of October 6, 1995, executed and filed with the Teton County Clerk a Warranty Deed and Conservation Easement (1995 Conservation Easement). That deed conveyed two lots, approximately one acre each, to The Nature Conservancy, a charitable organization, and entrusted to the Conservancy a conservation easement imposed "in perpetuity" "over and across" the entirety of the Moulton property.

[¶6] The purpose of the 1995 Conservation Easement is the preservation and protection of the property's natural habitat. That easement specifically states:

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> It is the purpose of this Conservation Easement to preserve and protect in perpetuity and to enhance and restore the significant relatively natural habitat and natural ecosystems of Grantor's Land. Specifically, and without limitation of the general purposes, it is the purpose hereof to preserve, protect, and enhance upon mutual agreement, the natural habitats, including the riparian areas and cottonwood communities on Grantor's Land. In so doing, it is the purpose of this Conservation Easement to permit the continuation on Grantor's Land of such ranching, residential and recreational uses as are consistent with the conservation purposes of this Conservation Easement.

The 1995 Conservation Easement specifically requires its provisions be "liberally construed to effectuate their purpose of preserving and protecting habitat for wildlife, unique native plants, and meadow and riparian vegetation communities." Additionally, the 1995 Conservation Easement states that if its terms conflict with any Teton County zoning restrictions, "the more restrictive provisions shall apply."

[¶7] The 1995 Conservation Easement § 7(J) specifies, "Enforcement of the terms and provisions of this Conservation Easement shall be at the discretion of the Conservancy." Any failure by the Conservancy to enforce a provision within the Conservation Easement is not a waiver. "Any forbearance on behalf of the Conservancy to exercise its rights hereunder in the event of any breach by Grantor shall not be deemed or construed to be a waiver of the Conservancy's rights hereunder in the event of any subsequent breach."

[¶8] The 1995 Conservation Easement authorizes several permissible uses and practices. Any owner of property burdened by the Conservation Easement has the right to, among other things, pasture and graze domestic livestock; build, maintain, and repair fencing related to ranching, recreational and residential uses; and utilize the land for passive recreational and guest ranching activities, such as hiking and horseback riding. In 1995, Section 2(E) of the easement authorized the construction of "no more than (a) four (4) single family residential buildings ... and (b) two (2) additional single family residential structures of up to 2,000 square feet each, plus minor outbuildings, for employee housing at locations reasonably satisfactory to the Conservancy" on the entire Moulton property. Section 2(E) also permitted "[o]utbuildings such as barns, garages, shops, greenhouses, storage sheds and corrals ... under (a) above."

[¶9] Upon Gladys Moulton's passing, the Conservancy received the entirety of the Moulton property. In 2004, the successor trustee to the Gladys Moulton Trust, executed and filed with the Teton County Clerk the First Amendment to Warranty Deed and Conservation Easement (the 2004 Amendment), which amended the 1995 Conservation Easement. Because the 2004 Amendment amended only a portion of the 1995 Conservation Easement, both must be read together. The Court will refer to the relevant portions of the easements collectively, as "the Conservation Easement."

[¶10] The 2004 Amendment divided the Moulton property into four parcels—the Lower Bench Parcel, the Moulton Parcel, the Upper Bench Parcel, and the Remainder Parcel. The parcels owned by the Appellants, and primary to this case, are the Lower ***837** Bench Parcel and the Remainder Parcel—two parcels of approximately 100 acres each. The Lower Bench Parcel is referred to as Ranch 9, and the Remainder Parcel is referred to as Ranch 10.

[¶11] The 2004 Amendment deleted § 2(E) of the 1995 Conservation Easement. Section 2(E) had allowed construction on the Moulton property of no more than four single-family residential buildings and two additional single-family residential structures for employee housing. The 2004 Amendment replaced § 2(E) with specifications for construction allowed on each of the four parcels. On the Remainder Parcel, or Ranch 10, the 2004 Amendment § 1(A) authorizes the following:

> To subdivide, transfer and convey the remainder of the Property, and construct, maintain, and replace if destroyed one additional single family residential structure[ ][1] and associated improvements within Building Envelopes not to exceed 10 acres each, the location of which shall be approved by the Conservancy, in its reasonable discretion, subject to all applicable Teton County Regulations.

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> Associated improvements may include barns, garages, shops, greenhouses, storage sheds and corrals ....

The authorization for construction upon the Lower Bench Parcel (Ranch 9) is essentially the same as that for the Remainder Parcel (Ranch 10). The 2004 Amendment also omits any reference to "outbuildings" replacing that language with the phrase "associated improvements."

[¶12] In or around 2005, a developer named Mercer Reynolds purchased both Ranch 9 and Ranch 10 for about $19 million from The Nature Conservancy. Mr. Reynolds and the Conservancy entered into an Agreement for the Purchase and Sale of Real Estate (Purchase and Sale Agreement) for Ranches 9 and 10. Mr. Reynolds assigned his rights under the Agreement for the Purchase and Sale of Real Estate to his company Linger Longer West, LLC, and the Conservancy assigned Ranch 9 and Ranch 10 to Linger Longer West, LLC.

[¶13] The Agreement for the Purchase and Sale of Real Estate had a few amendments. The Third Amendment to the Purchase and Sale Agreement is relevant in this case because the Conservancy agreed to a meaning of "associated improvements" that would allow the construction of a guest house on each of Mr. Reynolds' parcels. The Third Amendment to the Agreement for the Purchase and Sale of Real Estate between Mr. Reynolds and the Conservancy attempted to clarify, but did not amend, the Conservation Easement. It stated as follows:

> The Conservancy hereby confirms to the Buyer that the Conservation Easements permit one (1) residential subdivision of the Property and that each subdivided parcel may contain one (1) ten acre building envelope ... for a total of two (2) residential parcels with one (1) ten acre building envelope on each parcel. These two (2) residential parcels are referred to as the "Lower Bench Parcel" and the "Remainder Parcel" in the First Amendment. **Further, the Conservancy hereby confirms to the Buyer that the Conversancy construes the Conservation Easements to permit one (1) guest house not exceeding a total of three thousand (3000) square feet in each building envelope as an "associated improvement"** as such term is used on pages 2 and 3 of the First Amendment, provided Buyer obtains authorization under Teton County Land Development Regulations ... to build a structure of such size. Nothing herein shall be deemed to be an amendment of the Conservation Easements.

(Emphasis added.) The record refers to the Third Amendment to the Purchase and Sale Agreement as the "Mercer PSA".

[¶14] In a September 6, 2006 letter from the Conservancy to Berne Evans, the Conservancy allowed the construction of a guest house and a caretaker's residence on the Moulton Upper Bench Parcel. The letter specifies, "In conversations with your representatives and [The Nature Conservancy] employees and keeping with the customs of Teton County at this time, we agreed that ***838** one guest house not to exceed 2500 square feet would be considered an associated improvement." At some point prior to Appellants' purchases of the Lower Bench Parcel and the Remainder Parcel, the Conservancy allowed the owner of the Upper Bench Parcel, which is also burdened by the Conservation Easement, to construct a single-family residential structure, a guesthouse, and a caretaker's quarters.

[¶15] In a November 5, 2012 letter to Doug MacKenzie, the Conservancy offered guidance for developing the Moulton parcels. The Conservancy admitted it was "comfortable with up to two kitchens on each of the building envelopes—one for the single family residential structure and one for the guest house (or accessory residential unit by current Teton County regs)." That letter directed the property owner to look to Teton County regulations to define "associated improvements" and the number of residences that could be built on a property. The letter states, as follows:

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> While we still have to approve any specific building plan, we have no apriori limitations on the number of other structures in the building envelope or square footage, but rather we would look to county regulations to define these, provided that all the habitable spaces would be considered within the square footage set by the county as reasonable for residential use by a single family. Because the list of "associated improvements" in the easement is not exhaustive, we do look to Teton County regulations for guidance on what is customary in the area historically and today.

The Conservancy emphasized that it looked favorably upon "plans that present significant and lasting ecological enhancement to the property and we would also value a plan that minimizes impact."

[¶16] On December 26, 2012, the United States Bankruptcy Court conveyed, by Special Warranty Deed, the Lower Bench Parcel (Ranch 9) to Appellant Four B Properties, LLC. Four B Properties paid about $7.4 million for the Lower Bench Parcel. The Special Warranty Deed conveyed the property subject to "covenants, conditions, restrictions, reservations, encroachments, rights-of-way and easements of sight and/or record, if any."

[¶17] At the time Four B Properties purchased the Lower Bench Parcel (Ranch 9), Gary Binning had notice that the 1995 Conservation Easement and the 2004 Amendment burdened the Lower Bench Parcel.[2] Mr. Binning admitted in deposition that, before purchasing Ranch 9, he read the Conservation Easement. He also stated that he believed he "could build whatever the [Teton County Land Development Regulations] and the county would allow [him] to build." Mr. Binning testified that nobody made any representations to him about what could be built on Ranch 9 before he purchased Ranch 9. He also admitted he never spoke to anybody at The Nature Conservancy before the purchase of Ranch 9. At the time, Mr. Binning planned to build a retirement home on Ranch 9.

[¶18] On December 24, 2012, the United States Bankruptcy Court conveyed, by Special Warranty Deed, the Remainder Parcel (Ranch 10) to G. Douglas Dillard, Jr. and Michele Saba Dillard, Trustees of the Dillard Family Trust dated August 6, 2003. At the time of its conveyance, Ranch 10 was subject to the Conservation Easement and the Conservancy's monitoring activities. The Dillard Family Trust proposed to the Conservancy a plan to construct a main house, caretaker's quarters, and a guesthouse on Ranch 10. The Conservancy rejected the proposed plans by the Dillard Family Trust to build a guesthouse and caretaker's quarters.

[¶19] On May 12, 2017, the Dillards, as trustees of the Dillard Family Trust, conveyed through Warranty Deed the parcel of property commonly referred to as Ranch 10 to Appellant Ranch 10, LLC. In exchange for $6.5 million, Gary Binning, through Four B ***839** Properties, received a 50% share of Ranch 10, LLC. At that point, Gary Binning, through Four B Properties, and Doug Dillard, through Slew Grass Capital, LLC, each owned a 50% interest in Ranch 10. On or before October 1, 2018, Mr. Binning paid the balance of $6,900,875 to purchase the remaining 50% membership interest in Ranch 10.

[¶20] Mr. Binning now owns 100% of Ranch 10, LLC. He also owns 100% of Four B Properties, LLC. The Conservation Easement burdens the land owned by both Four B Properties and Ranch 10, LLC.

[¶21] Since purchasing the Lower Bench Parcel (Ranch 9) and the Remainder Parcel (Ranch 10), Mr. Binning has accomplished extensive, and expensive, conservation work. At the cost of about $2 million, Mr. Binning planted and irrigated "hundreds" of cottonwood and spruce trees, and he excavated three ponds on Ranch 9 and a couple of ponds on Ranch 10. He used the gravel tailings from the excavation of the ponds to build roads on his properties. In the newly constructed ponds and streams, he introduced native cutthroat trout stock.

[¶22] In September 2016, James Luchsinger, the Land Strategies Director at the Wyoming Field Office of The Nature Conservancy, sent an email letter to Mr. Binning interpreting the Conservation Easement language. The Conservancy seemed to approve of the construction of a 2,500-square foot guest house when Mr. Luchsinger wrote the following:

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> In interpreting what "associated improvements" might be allowed in conjunction with a single family residence, in the past, [the Conservancy] has considered, solely as a point of reference and by no means as a binding determination, the Teton County [Land Development Regulations] relating to a "standard single family residence" in the community. Although a guest house is not specifically identified in the Easement as a permitted "associated improvement", [the Conservancy] has previously approved construction of a guest house restricted in size to 2,500 square feet on another portion of the Moulton property known as the Upper Bench Parcel, which is also encumbered by the Easement.
>
> Given the clear language of the Easement intending to restrict the overall number of full time residences on the Property, coupled with past [Conservancy] decisions, the Easement restricts development on each of Ranch 9 and Ranch 10 to one single family residential dwelling, one 2,500 square foot guest house, and other associated improvements as specifically set forth in the Easement's definition of "associated improvements."

When Mr. Binning proposed to construct a main house, caretaker's quarters, and a guest house on Ranch 9, however, the Conservancy rejected the proposed size of the caretaker's quarters and guesthouse.

[¶23] Appellants brought a declaratory judgment action asserting that the Conservation Easement should permit construction of the proposed buildings as "associated improvements." Appellants argued in favor of the Conservancy's historical reliance upon Teton County Land Use Regulations to determine whether to permit construction upon the Moulton property. Additionally, Appellants brought a breach of contract claim that the Conservancy materially breached its obligations. Finally, Appellants brought a claim of breach of implied covenant of good faith and fair dealing asserting that under the alleged contract, the Conservancy engaged in acts that deprived Appellants of the benefit of their agreement.

[¶24] The Conservancy counterclaimed for declaratory relief seeking, among others, a declaration that the Conservation Easement burdens and encumbers Appellants' parcels of property and limits the number of single-family residential structures to one per parcel. The Conservancy also sought a declaration that the phrase "associated improvements" does not include residential structures such as guest houses or caretaker's quarters.

[¶25] The district court granted summary judgment and entered judgment on the pleadings in favor of the Conservancy. Four B Properties and Ranch 10 appealed.

## *STANDARD OF REVIEW*

[¶26] Summary judgment is proper when the movant demonstrates "there is no ***840** genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." W.R.C.P. 56(a). "Summary judgment involves a purely legal determination, and accordingly, we undertake *de novo* review of the district court's decision." *Star Valley Ranch Ass'n v. Daley*, 2014 WY 116, ¶ 11, 334 P.3d 1207, 1210 (Wyo. 2014). The Court examines the facts in the record from the vantage point most favorable to the party opposing the motion, "affording to that party the benefit of all favorable inferences that fairly may be drawn from the record." *Parkhurst v. Boykin*, 2004 WY 90, ¶ 13, 94 P.3d 450, 457 (Wyo. 2004). In this case, the district court found the Conservation Easement unambiguous, interpreted it as a matter of law, and entered summary judgment in favor of the Conservancy.

[¶27] After summary judgment, the parties were charged with briefing the remaining breach of contract claim and breach of the covenant of good faith and fair dealing. The Nature Conservancy moved, in part, for judgment on the pleadings. "Our review of a district court's order granting a motion for judgment on the pleadings is de novo." *Matter of Bruce F. Evertson Dynasty Tr.*, 2019 WY 84, ¶ 24, 446 P.3d 705, 711 (Wyo. 2019).

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***DISCUSSION***

[¶28] Central in this case is the meaning and application of the Conservation Easement. A conservation easement is "a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for ... recreational or open space use, ... or preserving the ... cultural aspects of real property." Wyo. Stat. Ann. § 34-1-201(b)(i) (LexisNexis 2019).

> Conservation servitudes ... are designed to serve primarily public ends. ... The values promoted are protection of life and health for people, plants, and wildlife. They protect historical and cultural resources as well as natural resources for enjoyment by future generations. ... The public subsidizes many conservation servitudes by tax deductions when they are created and by allowing reduced property taxes so long as the restrictions remain in force.

Susan F. French, *Perpetual Trusts, Conservation Servitudes, and the Problem of the Future*, 27 Cardozo L. Rev. 2523, 2526–27 (2006). A conservation easement yields not only social benefits but also economic benefits to the property owner and his successors in interest. *Goldmuntz v. Town of Chilmark*, 38 Mass. App. Ct. 696, 698–99, 651 N.E.2d 864, 866 (1995) (holding in-ground swimming pool was not an "accessory structure" within the plain language of conservation easement). It is reasonable that in exchange for the benefit to the property owner, the conservation easement be protected against "expedient exemptions which defeat the purpose of preserving land in its natural state." *Id.* at 699, 651 N.E.2d at 866.

[¶29] At common law, the conservation easement did not fit neatly within "the traditional categories of easement, real covenant, and equitable servitude." C. Timothy Lindstrom, *Hicks v. Dowd: The End of Perpetuity?*, 8 Wyo. L. Rev. 25, 35 (2008). There remained a question into which type of property interest the conservation easement fit. "Uncertainty about the validity of conservation easements at common law prompted a majority of states to pass legislation clarifying the legal status of such easements." Jon W. Bruce & James W. Ely, Jr., *The Law of Easements & Licenses in Land* § 12:2 (2019). The National Conference of Commissioners on Uniform State Laws, which drafted the Uniform Conservation Easement Act, deliberately classified the conservation easement as an easement, in part, because "lawyers and courts are most comfortable with easements and easement doctrine" and because "non-possessory interests satisfying the requirements of covenant real or equitable servitude doctrine will invariably meet the Act's less demanding requirements as 'easements.' " Unif. Conservation Easement Act Refs. & Annos., Prefatory Note.

[¶30] The Wyoming Uniform Conservation Easement Act §§ 34-1-201 through 207, applies retroactively; therefore, generally speaking, any conservation easement—including the Moulton Conservation Easement—"is now considered an interest in ***841** property within that class of interests known as an 'easement,' regardless of the date the conservation easement was created." Lindstrom, *Hicks v. Dowd: The End of Perpetuity?*, *supra*, 8 Wyo. L. Rev. at 39. "In Wyoming, a landowner will typically donate a conservation easement to an entity, such as a land trust or governmental organization, and the landowner will simultaneously donate a small parcel of the land in fee to the easement holder." Michael R. Eitel, *Wyoming's Trepidation Toward Conservation Easement Legislation: A Look at Two Issues Troubling the Wyoming State Legislature*, 4 Wyo. L. Rev. 57, 65 (2004). Unlike the traditional easement, which allows the holder limited use or enjoyment of the servient owner's land, and unlike the restrictive covenant, which restricts the servient owner's use of his land, the conservation easement imposes a " 'negative' burden on the use of land." Lindstrom, *Hicks v. Dowd: The End of Perpetuity?*, *supra*, 8 Wyo. L. Rev. at 37. The conservation easement is considered "in gross," which means "[t]here is a servient estate, but no dominant estate." *Id.* "The landowner's donation of an appurtenant parcel in fee, in conjunction with recording the conservation restriction, allows the benefit of the easement to run with the land." Eitel, *Wyoming's Trepidation Toward Conservation Easement Legislation*, *supra*, 4 Wyo. L. Rev. at 65.

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[¶31] Even though the Conservation Easement held by The Nature Conservancy was last amended in 2004, the Wyoming Uniform Conservation Easement Act governs as long as the conservation easement "would not have been invalid under the pertinent pre-Act ... case law either because the latter explicitly validated interests of the kind recognized by the Act or, at least, was silent on the issue." Unif. Conservation Easement Act (1981), § 5, cmt. This sentiment is codified by Wyo. Stat. Ann. § 34-1-205(b), which states, "This article shall apply to any interest created before its effective date if it would have been enforceable had it been created after the effective date of this article unless retroactive application contravenes the constitution or laws of this state or the United States." In this case, there has been no argument against the validity of the Conservation Easement and no argument against the applicability of the Uniform Conservation Easement Act.

***I. Interpreting the Conservation Easement***

[¶32] This Court will first review whether the district court erred in granting summary judgment in favor of the Conservancy and in finding the Conservation Easement unambiguous. When the interpretation of a contract is before the Court, the question of whether the contract is ambiguous is a question of law. *Leeks Canyon Ranch, LLC v. Callahan River Ranch, LLC*, 2014 WY 62, ¶ 12, 327 P.3d 732, 737 (Wyo. 2014). "Easements are reviewed under the same principles that have been established for interpretation of contracts." *Davison v. Wyoming Game & Fish Comm'n*, 2010 WY 121, ¶ 9, 238 P.3d 556, 560 (Wyo. 2010) (citations omitted). In keeping with the well-settled rules of contract interpretation, the Court begins its analysis with the easement's plain language. *Claman v. Popp*, 2012 WY 92, ¶ 26, 279 P.3d 1003, 1013 (Wyo. 2012).

[¶33] "Unless the terms of the contract are ambiguous, the language used in the contract expresses and controls the intent of the parties." *State v. Pennzoil Co.*, 752 P.2d 975, 978 (Wyo. 1988). The Court's goal is to determine the drafting parties' intent by closely reading the Conservation Easement and interpreting its language according to its plain and ordinary meaning. *Davison*, ¶ 9, 238 P.3d at 560. "A contract is ambiguous if indefiniteness of expression or double meaning obscure the parties' intent." *Principal Life Ins. Co. v. Summit Well Serv., Inc.*, 2002 WY 172, ¶ 19, 57 P.3d 1257, 1262 (Wyo. 2002). The parties' subsequent disagreement over meaning does not create an ambiguity. *Id.*

[¶34] If the Court determines the Conservation Easement can be understood in only one way, the easement language expresses and controls the drafting parties' intent. *Leeks Canyon Ranch*, ¶ 12, 327 P.3d at 737. If, and only if, the Court cannot determine the plain meaning of the Conservation Easement will the Court find it to be ***842** ambiguous. *Claman*, ¶ 29, 279 P.3d at 1013. The Court will not torture words to import ambiguity where the ordinary meaning of the language leaves no room for ambiguity.

[¶35] The Court uses an objective approach and will avoid "interpreting provisions in a way that makes the other provisions inconsistent or meaningless." *Thornock v. PacifiCorp*, 2016 WY 93, ¶ 13, 379 P.3d 175, 180 (Wyo. 2016). "The contract as a whole should be considered, taking into consideration the relationship between the various parts." *Berthel Land & Livestock v. Rockies Exp. Pipeline LLC*, 2012 WY 52, ¶ 13, 275 P.3d 423, 430 (Wyo. 2012). The Court gives the contract language the meaning that the language would have conveyed to a reasonable person at the time and place of its use. *Id.*

[¶36] We begin by determining whether the trial court properly concluded the Conservation Easement is unambiguous. In making this determination, we look to the printed Conservation Easement, itself. The Conservation Easement § 1 sets out its purpose "to preserve, protect, and enhance upon mutual agreement, the natural habitats, including the riparian areas and cottonwood communities on Grantor's Land" while, at the same time, permitting the continuation "of such ranching, residential and recreational uses as are consistent with the conservation purposes of this Conservation Easement." The Conservation Easement § 2 allows the property owner to engage in specific uses and practices, which include, among others, the following:

A. To pasture and graze domestic livestock; provided ... that range shall be maintained in a "good" or

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> "excellent" condition [and] that such grazing shall not materially and adversely affect the wintering habitat for elk and mule deer or the other significant relatively natural habitat for plants, wildlife, and similar ecosystems ....
>
> * * *
>
> G. To utilize Grantor's Land for passive recreational and guest ranching activities, including but not limited to, hiking, camping, horseback riding, fishing, swimming, picnicking and bird watching, which do not have a material adverse effect on Grantor's Land.

Finally, the Conservation Easement § 5(B) expressly prohibits certain activities including "[t]he construction or placement of any buildings, camping accommodations, mobile homes ... or any structures, except as permitted herein."

[¶37] The 2004 Amendment of the Conservation Easement, at § 1(A), authorizes the owner to construct upon the Lower Bench Parcel (Ranch 9) one single-family residential structure and associated improvements within a building envelope not to exceed 10 acres. Section 1(A) also authorizes the owner to construct upon the Remainder Parcel (Ranch 10) one single-family residential structure and associated improvements within a building envelope not to exceed 10 acres.

[¶38] The language permitting construction upon the Remainder Parcel (Ranch 10) specifically authorizes the owner to do the following:

> To subdivide, transfer and convey the remainder of the Property, and construct, maintain, and replace if destroyed one additional single family residential structure[ ] and associated improvements within Building Envelopes not to exceed 10 acres each, the location of which shall be approved by the Conservancy, in its reasonable discretion, subject to all applicable Teton County Regulations.
>
> Associated improvements may include barns, garages, shops, greenhouses, storage sheds and corrals ....

The Conservation Easement § 1(A) includes similar, but not identical, language permitting construction of "one single family residential structure and associated improvements" upon the Lower Bench Parcel (Ranch 9).

[¶39] The § 1(A) provisions allowing the construction of one single-family residential structure and associated improvements cannot be read in more than one way. When its plain language is read so that no other provision is rendered meaningless, § 1(A) does not create an ambiguity. *Davison*, ¶ 9, 238 P.3d at 560. Considering the Conservation Easement's purposes along with the pertinent ***843** permitted and prohibited activities, the language is clear that the drafting parties agreed to deliberately limit the number of residential structures. *One* residential structure corresponds to the prohibition against any other construction, except as permitted, while also underscoring the easement's conservation purposes. Mr. Binning is permitted to construct *one* single-family residential structure on each of his parcels.

[¶40] The Conservation Easement is not ambiguous, as its provisions include no double meaning that would obscure the drafting parties' intent. Because it is unambiguous, we can read the plain language of the Conservation Easement using common meanings. "One" is "a single unit or thing." *Merriam-Webster's Collegiate Dictionary* 810 (10th ed. 2000). A "residential structure" is something, such as a building, "that is constructed," for use "as a residence or by residents." *Webster's, supra*, at 993 & 1163. A "residence" is defined as "the act or fact of dwelling in a place for some time" or "the place where one actually lives as distinguished from one's domicile or a place of temporary sojourn." *Webster's, supra*, at 993. This Court has defined a "single family residence" as "a residence constructed for the purpose of serving as a dwelling place for ***one family*** in a single living unit ... two separate living units is outside of this meaning." *Anderson v. Bommer*, 926 P.2d 959, 963 (Wyo. 1996) (emphases in original). Under the plain meaning of its terms, we conclude, as a matter of law, that "one single-family residential structure" limits construction to a single building in which one family can live and dwell. *See* *Karaus v. Bank of New York Mellon*, 300 Mich. App. 9, 20, 831 N.W.2d 897, 904 (2012) (holding under the plain language interpretation of construction lien act, "residential structure" is a

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structure in which the owner actually *intends* to reside).

[¶41] In addition to the "single-family residential structure," Mr. Binning is entitled to construct "associated improvements." "Associated improvements," although not defined by the Conservation Easement, "*may* include barns, garages, shops, greenhouses, storage sheds and corrals." The definition does not limit "associated improvements" to "barns, garages, shops, greenhouses, storage sheds and corrals."

[¶42] Mr. Binning argues that the phrase "associated improvements" is ambiguous because it is open to an indefinite expression that could include guest houses and caretaker's quarters. Mr. Binning claims that the all-inclusiveness of the phrase "[a]ssociated improvements *may include*" indicates that the drafters of the Conservation Easement intended to include guest houses and caretaker's quarters. Mr. Binning points to nothing within the four-corners of the Conservation Easement that would support his argument. We are not swayed that there is an ambiguity raised by Mr. Binning's "subsequent disagreement" over the meaning of "associated improvements."

[¶43] The phrase "associated improvements" contrasts with "residential structure," and nothing in the Conservation Easement suggests those phrases should be read interchangeably. *See, e.g.*, *Bethurem v. Hammett*, 736 P.2d 1128, 1131 (Wyo. 1987) (holding, in a land contract, "merchantable" and "marketable" are synonymous and interchangeable); *State Highway Comm'n v. Black*, 417 P.2d 750, 752 (Wyo. 1966) (holding the terms "appraisal" and "estimate" are synonymous and interchangeable when valuing property). The structures included within "associated improvements" are not structures typically associated with activities that occur on a daily basis within a residential structure. Unless they have a special residential apartment within them, barns, garages, shops, greenhouses, storage sheds, and corrals are not structures in which humans typically perform acts of daily living such as cooking meals, bathing, sleeping, or changing clothing. The plain language shows that "associated improvements" do not include residential structures.

[¶44] If we were to interpret "associated improvements," as Mr. Binning would have us, so that they include structures such as guest houses and caretaker's quarters, it would render meaningless other provisions in the Conservation Easement. Each provision within the Conservation Easement has its purpose, *Claman*, ¶ 28, 279 P.3d at 1013, and no provision can render another provision ***844** inconsistent or meaningless, *Thornock*, ¶ 13, 379 P.3d at 180. The Conservation Easement permits *one* single-family residential structure, and § 5(B) explicitly prohibits the construction of any structure, "except as permitted herein." To define "associated improvements" so that they include a second residential structure, such as a guest house or caretaker's quarters, would render meaningless both the allowance for one single-family residential structure and the prohibition against unpermitted structures.

[¶45] The Court rejects any interpretation that results in inconsistent provisions. *Claman*, ¶ 28, 279 P.3d at 1013. Mr. Binning's strained interpretation that employee and guest residential structures are included within the permissive language defining "associated improvements" does not fit within the language allowing *one* single-family residential structure. Interpreting the language of the easement so that no part is rendered meaningless, the Court holds that the phrase "*one* single-family residential structure" would be rendered meaningless if "associated improvements" could also include a second or third residential structure.

**A. Did the Court Incorrectly Apply a Heightened Standard of Strict Interpretation?**

[¶46] Mr. Binning claims the district court incorrectly applied a heightened standard of strict interpretation to the Conservation Easement. Since this is a de novo review case, the district court's decision has no bearing on our analysis. This Court's application of contract interpretation principles has brought us to the same conclusion as the district court—that the Conservation Easement is unambiguous, and that the grantor's intent is evidenced by the plain language of the easement.

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**B. Did The Nature Conservancy, through its Prior Statements and Decisions, Concede to a Meaning of "Associated Improvements"?**

[¶47] Mr. Binning argues that the plain meaning of "associated improvements" becomes clear only upon examination of The Nature Conservancy's previous statements and decisions. He claims that the Conservancy has, essentially, conceded that "associated improvements" include guest houses and caretaker's quarters. He relies upon the Conservancy's past decisions. First, in 2005, the Conservancy agreed to the Mercer PSA where "associated improvements" included one guest house no bigger than 3,000 square feet on the Lower Bench Parcel (Ranch 9) and the Remainder Parcel (Ranch 10). Second, around 2006, the Conservancy permitted the owner of the Upper Bench Parcel, which is also burdened by the Conservation Easement, to construct a single-family residential structure, a guesthouse, and a caretaker's quarters. Third, in November 2012, the Conservancy admitted that up to "two kitchens"—one for the single-family residence and the other for a guest house—could be constructed on each parcel. Then, in a September 2016 email, the Conservancy interpreted "associated improvements" to include a 2,500 square foot guest house.

[¶48] In each of these instances, Mr. Binning is urging this Court to consider evidence outside of the four corners of the Conservation Easement. Mr. Binning has shown that, since the time of the Mercer PSA, The Nature Conservancy has applied definitions of "associated improvements" that differ from the plain language of the Conservation Easement. This Court has held the language of the Conservation Easement is plain and unequivocal. "[T]hat language is controlling." *Hollabaugh v. Kolbet*, 604 P.2d 1359, 1361 (Wyo. 1980). "The parol-evidence rule contemplates that a written instrument that is plain, clear and unambiguous cannot be contradicted, altered, added to, or varied by parol or extrinsic evidence." *Id.* The Conservancy's varying definitions of "associated improvements" cannot be used to contradict the plain language of the Conservation Easement.

[¶49] There is no question that the Conservancy was inconsistent in its interpretation of the Conservation Easement. The Conservation Easement grants the Conservancy discretion in its interpretation and application of the Conservation Easement terms. Section 7(J) of the Conservation Easement specifies, "Enforcement of the terms and provisions of ***845** this Conservation Easement shall be at the discretion of the Conservancy." Likewise, under § 7(J), any interpretation by the Conservancy that was contrary to the Conservation Easement's plain language was not to "be deemed or construed to be a waiver of the Conservancy's rights hereunder in the event of any subsequent breach." The Conservancy is not bound by its previous decisions interpreting "associated improvements" to include guest houses or caretaker's quarters.

**C. Did the Change in Language from the 1995 Conservation Easement to the 2004 Amendment Reveal the Drafters' Intent for the Definition of "Associated Improvements"?**

[¶50] Mr. Binning draws our attention to Section 2(E) of the 1995 Conservation Easement to demonstrate the drafting parties' intent to include employee housing within the phrase "associated improvements." He claims the 1995 Conservation Easement language allowed for "minor outbuildings, for employee housing." This, he claims, demonstrates that the 2004 Amendment intended to include employee housing as a type of "associated improvement."

[¶51] In actuality, the 1995 Conservation Easement language did not define "minor outbuildings" as "employee housing." Instead, it clearly separated those two terms. Section 2(E) allowed for the construction of two residential structures for employee housing *in addition* to minor outbuildings. The 1995 Conservation Easement § 2(E) specifically allows for the following:

> To construct, maintain and replace no more than (a) four (4) single family residential buildings ... and (b) *two (2) additional single family residential structures* of up to 2,000 square feet each, plus minor outbuildings, *for*

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> *employee housing* at locations reasonably satisfactory to the Conservancy.
>
> * * *
>
> Outbuildings such as barns, garages, shops, greenhouses, storage sheds and corrals are also permitted under (a) above.

(Emphasis added.) The 1995 Conservation Easement treated "outbuildings" differently than employee housing, demonstrating that the two phrases were not interchangeable.

[¶52] The plain language of the Conservation Easement § 1(A) states that § 2(E) was deleted and replaced. The reference to "employee housing" was removed, and there remains in the Conservation Easement nothing that suggests there was an intent to include "employee housing" within the definition of "associated improvements." The Court will not rely upon the 1995 Conservation Easement § 2(E) to define the phrase "associated improvements."

**D. Does the Conservation Easement Limit the Number and Size of Proposed Constructions Based Only Upon an Evaluation of Their Impact Upon the Habitat and Natural Ecosystem?**

[¶53] Mr. Binning claims that the definition of the phrase "associated improvements" includes a guest house and caretaker's quarters as long as their construction does not inhibit the environmental preservation purposes set forth in the Conservation Easement. He argues that because the proposed guest houses and caretaker's quarters would not negatively impact riparian areas, cottonwood galleries, or wildlife accessibility and because he has engaged in extensive conservation projects on the properties, the proposed constructions fit within the conservation purposes of the Conservation Easement. Although not stated as such, the argument is that the easement allows Mr. Binning to build whatever structures he wants so long as his construction is within the environmental purposes of the Conservation Easement.

[¶54] As discussed above, the law is that one part of the Conservation Easement cannot render another part meaningless. Each provision of the Conservation Easement has its purpose, and no provision can render another provision inconsistent. *Claman*, ¶ 28, 279 P.3d at 1013; *Thornock*, ¶ 13, 379 P.3d at 180. Mr. Binning must, without question, preserve and protect the delicate riparian area and ungulate habitat; however, he must also adhere to the limitation of construction to one single-family residential structure. Fulfilling the purposes of the Conservation ***846** Easement does not grant license to disregard the limitation of one residential structure. Both provisions must, and do, simultaneously regulate the land use on the Lower Bench Parcel (Ranch 9) and the Remainder Parcel (Ranch 10).

[¶55] Mr. Binning claims the Conservation Easement requires preservation and protection of the natural habitats *and* the continuation of ranching and recreational uses. Mr. Binning claims that in order to meet the ranching and recreational use purposes of the Conservation Easement, he must construct a caretaker's cottage on both the Lower Bench Parcel and the Remainder Parcel. He claims that any "modern" ranching operation in Teton County requires the construction of a caretaker's quarters. The Court does not find such strained reasoning persuasive.

[¶56] In 2004, when the Conservation Easement was amended, the drafting parties could have foreseen the modern ranching need for a caretaker's cottage. Instead of including such a provision, the drafting parties eliminated any reference to "employee housing" in the 2004 Amendment. The modern Conservation Easement includes no reference to employee housing.

> Where a contract is silent on a particular matter that easily could have been drafted into it, a court should refrain from supplying the missing language under the pretext of

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> contract interpretation. ... Courts are not at liberty to rescue parties from the consequences of a poorly made bargain or a poorly drafted agreement by rewriting a contract under the guise of construing it.

*In re CDR*, 2015 WY 79, ¶ 30, 351 P.3d 264, 270–71 (Wyo. 2015) (citations omitted). "[S]ilence does not create 'authorization' for an activity that would otherwise be explicitly prohibited." *Nature Conservancy, Inc. v. Sims*, 680 F.3d 672, 677 (6th Cir. 2012) (holding conservation easement that permitted creating ponds was silent as to what should happen with the excavated dirt, but silence did not authorize landowners to use excavated dirt to fill sinkhole on the property).

[¶57] The reference to "employee housing" was removed from the Conservation Easement, and there is no indication that the change was not purposeful. If the drafting parties intended to include employee housing in the 2004 Amendment, it would have been simple to expressly include it. This Court is not at liberty to rewrite the Conservation Easement by including omitted language under the pretext of a "modern" interpretation.

**E. Does the Conservation Easement Limit Proposed Construction Based Only Upon Teton County's Land Development Regulations?**

[¶58] Mr. Binning claims the Conservation Easement limits construction to one residential structure only if he exceeds the requirements of the Teton County Land Development Regulations. Mr. Binning argues the Teton County Land Development Regulations' definition of "accessory residential units" includes dwelling units incidental or subordinate to the primary residence and includes guest houses or caretaker's quarters. Under the Land Development Regulation § 2220(B)(5) (2002), "An accessory residential unit is a dwelling unit which is clearly incidental and subordinate to the primary residential or nonresidential use of the property." Accordingly, Regulation § 2370(B) restricts occupancy of accessory residential units to employees, family members, and guests. Mr. Binning claims that the Teton County definition and regulation of "accessory residential units" should govern the definition of "associated improvements."

[¶59] The Conservation Easement does not adopt Teton County Land Development Regulations. The Conservation Easement references Teton County Regulations only twice. First, regarding the Lower Bench Parcel (Ranch 9) and the Remainder Parcel (Ranch 10), the Conservation Easement states the Conservancy shall approve the locations of the building envelopes, "in its reasonable discretion, subject to all applicable Teton County Regulations." The plain language of this provision does not suggest that Teton County Land Development Regulations govern the definition of "associated improvements."

[¶60] Second, regarding interpretation, the Conservation Easement § 7(N) states that any conflict between the Conservation Easement ***847** and any Teton County zoning restrictions shall be resolved by the more restrictive provision. There has been no argument or demonstration that there is a conflict in the definition of "associated improvements" and the definition of "accessory residential units." There has been no argument that the Land Development Regulations offered a more restrictive, and therefore, applicable definition of "associated improvements."

[¶61] The Conservation Easement's reference to the Teton County Land Development Regulations does not undermine the Conservation Easement's plain language limitation for construction of one single-family residential structure on each of Mr. Binning's parcels. Zoning regulations cannot override the restrictions placed on the property by the Conservation Easement. *Fox v. Miner*, 467 P.2d 595, 597 (Wyo. 1970) (holding zoning ordinances cannot override, annul, abrogate, or relieve land from restrictive covenants placed thereon). Because the plain language of the Conservation Easement does not include any provision for a guest house or caretaker's quarters within its definition of "associated improvements" and because there has been no demonstration that the Conservation Easement conflicts with or should be controlled by a more restrictive provision from the Land

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Development Regulations, we hold the Teton County Land Development Regulations do not control the issue of whether the Conservation Easement permits the construction of a guest house or caretaker's quarters on each of Mr. Binning's parcels of property.

**F. Did the Court Err in Interpreting the Conservation Easements in Contravention of the Doctrine of Free Use of Land?**

[¶62] Mr. Binning claims the district court ignored the policy to construe restrictive covenants in favor of free land use. He cites *Kindler v. Anderson*, 433 P.2d 268, 271 (Wyo. 1967), for the proposition that restrictions on the use of land should be strictly construed in favor of free use of land. "Restrictions upon the use of land, being in derogation of the common law, are not favored, are to be strictly construed, will not be extended by implication, and in case of doubt the restrictions will be construed in favor of the free use of the land." *Id.* The *Kindler* court, immediately thereafter, adds the following caveat, "Nevertheless, if the language imposing the restrictions is clear and unambiguous the rule of strict construction does not apply." *Id.* Where a conservation easement is unambiguous, "[w]e seek to determine and effectuate the intention of the parties, **especially the grantor(s)**, as it may appear or be implied from the instrument itself." *Anderson*, 926 P.2d at 961 (emphasis added).

[¶63] The district court found, and we agree, the Conservation Easement is unambiguous. Because the Conservation Easement is unambiguous, the Court must determine the grantor's intent, as evidenced by the plain language of the Conservation Easement. As this Court held in *Kindler*, the doctrine of strict construction in favor of the free use of land has no applicability where restrictions are imposed upon the land by a clear and unambiguous conservation easement. The district court was correct in entering summary judgment in favor of the Conservancy.

***II. Motion for Judgment on the Pleadings***

[¶64] Following the district court's entry of summary judgment in favor of the Conservancy, Mr. Binning's claims for breach of contract and breach of the implied covenant of good faith and fair dealing still had not been addressed. In response to those unaddressed claims, the Conservancy moved for judgment on the pleadings, or, in the alternative, summary judgment. In its *Order on Post-Summary Judgment Motions*, the district court held there had been no breach of contract because the Conservancy had adhered to the terms of the unambiguous Conservation Easement when the Conservancy denied permission for the construction of a guest home or caretaker's quarters on the Lower Bench Parcel and the Remainder Parcel. The court also granted judgment on the pleadings on the claim for breach of the covenant of good faith and fair dealing, as follows:

> ***848** The terms of that easement were binding when the property was purchased. Plaintiffs' perception of the benefit of the bargain was based on a misreading or misunderstanding about the limitations imposed in the conservation easement which was contrary to the plain language of the easement documents. The conservation easement has always limited development to one property. Therefore, Plaintiffs could not have been deprived the benefit of the bargain when they were denied the ability to build three houses on their properties. Plaintiffs never had the right under the conservation easement to build three houses on their properties.

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Now, Mr. Binning argues that the Mercer PSA, statements made by the Conservancy, and the Conservancy's interpretation of the Conservation Easement on the Upper Bench Parcel represented additional breaches of contract by the Conservancy. Mr. Binning claims the district court failed to consider these additional breaches of contract and incorrectly granted summary judgment to the Conservancy on the breach of contract claim.

[¶65] "A defendant is entitled to judgment on the pleadings if the undisputed facts appearing in the pleadings, supplemented by any facts of which the district court may take judicial notice, establish that no relief can be granted." *Greeves v. Rosenbaum*, 965 P.2d 669, 671 (Wyo. 1998). The court treats all the allegations stated in the complaint as true viewing the allegations in a light most favorable to the nonmoving party. *Id.* at 672. The court will grant the motion only if the facts demand that judgment should be entered as a matter of law. *Ecosystem Res., L.C. v. Broadbent Land & Res., L.L.C.*, 2007 WY 87, ¶ 8, 158 P.3d 685, 687–88 (Wyo. 2007).

[¶66] Through the parties' post-summary judgment briefings, the district court was barraged with abstruse arguments that, at best, suggested that Mr. Binning intended to assert a contract claim based upon the Mercer PSA. Mr. Binning never included that claim in the complaint and never moved to amend the complaint to include a set of facts that would allege a second contract claim based upon the Mercer PSA or the Conservancy's previous actions. It was not until the court had entered judgment on the pleadings that Mr. Binning criticized the court for failing to perceive his other breach of contract claims.

[¶67] On the motion for judgment on the pleadings, the district court correctly examined the allegations in the pleadings, alone. W.R.C.P. 12(c). Examining the complaint in a light most favorable to Mr. Binning, the district court would have seen the claim for breach of contract and breach of the implied covenant of good faith and fair dealing based upon the Conservation Easement. The court properly disposed of those claims on summary judgment. The complaint does not include any set of facts alleging the presence of a second contract arising through the Mercer PSA or through any of the Conservancy's previous statements or actions. There is no set of facts in the complaint alleging a breach of implied covenant of good faith and fair dealing based upon the Mercer PSA or upon the Conservancy's previous actions. Because there were no allegations of breach of contract or breach of the covenant of good faith and fair dealing based upon the Mercer PSA or the Conservancy's previous actions, the trial court was correct in entering judgment on the pleadings.

***III. Equitable Estoppel***

[¶68] Mr. Binning argues he is entitled to the remedy of equitable estoppel because of the way the Conservancy led him to believe he would be entitled to build more than one residential structure on each of his parcels of property. "Equitable estoppel precludes a party who knows the truth from denying the assertion of any material fact with which he induced another to change his position where such other person is ignorant of the facts, had a right to rely upon the assertions, and suffers an injury." *Roth v. First Sec. Bank of Rock Springs, Wyo.*, 684 P.2d 93, 96 (Wyo. 1984). "The elements of equitable estoppel are a lack of knowledge, reliance in good faith, and action or inaction that results in an injury." *Birt v. Wells Fargo Home Mortg., Inc.*, 2003 WY 102, ¶ 34, 75 P.3d 640, 653 (Wyo. 2003).

***849** [¶69] Mr. Binning neither pled nor argued the equitable estoppel claim in the district court. That argument first appears in the record before this Court. This Court "strongly adheres" to the rule "that it will not address issues that were not properly raised before the district court." *Courtenay C. & Lucy Patten Davis Found. v. Colorado State Univ. Research Found.*, 2014 WY 32, ¶ 36, 320 P.3d 1115, 1126 (Wyo. 2014) (citation omitted); *Davis v. City of Cheyenne*, 2004 WY 43, ¶ 26, 88 P.3d 481, 490 (Wyo. 2004). "We recognize only two exceptions to that rule: when the issue raises jurisdictional questions or it is of such a fundamental nature that it must be considered." *Davis*, ¶ 26, 88 P.3d at 490. "[I]t is unfair to reverse a ruling of a trial court for reasons that were not presented to it, whether it be legal theories or issues never formally raised in the pleadings

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nor argued to the trial court." *Basic Energy Servs., L.P. v. Petroleum Res. Mgmt., Corp.*, 2015 WY 22, ¶ 28, 343 P.3d 783, 791 (Wyo. 2015) (citations omitted).

[¶70] "Parties are bound by the theories they advanced below." *Davis*, ¶ 26, 88 P.3d at 490 (citation omitted). Wyoming Rule of Civil Procedure 8 requires the Court to liberally construe the complaint to do substantial justice; however, there is nothing in the complaint on equitable estoppel for the Court to construe. *Basic Energy Servs.*, ¶ 26, 343 P.3d at 791. "[W]e cannot insert averments into a pleading in order to address an issue presented for the first time on appeal." *Id.* Mr. Binning will not be permitted to try his case on one theory and appeal it on another. *Davis*, ¶ 26, 88 P.3d at 490. Equitable estoppel is not jurisdictional and is not an issue that implicates a fundamental right. This Court will not address it for the first time on appeal.

## *CONCLUSION*

[¶71] The district court was correct in entering summary judgment in favor of The Nature Conservancy. The Conservation Easement is unambiguous, and its language limits the construction upon each of Appellants' parcels of property to one single-family residential structure and associated improvements. The phrase "associated improvements" is also unambiguous and does not include additional residential structures such as guest houses or caretaker's quarters. The district court properly entered judgment on the pleadings on Appellants' breach of contract claim and breach of implied covenant of good faith and fair dealing.

GRAY, Justice, dissenting, in which DAVIS, Chief Justice, joins.

[¶72] I respectfully dissent.

[¶73] Reading the Conservation Easement in its entirety, as we must, the phrase "one single family residential structure and associated improvements within a building envelope" does not unambiguously express an intent to restrict the construction of a guest house or employee quarters which conform to the purposes of the Easement.

[¶74] We review a district court's summary judgment decision de novo. *Questar Expl. & Prod. Co. v. Rocky Mountain Res., LLC*, 2017 WY 10, ¶ 26, 388 P.3d 523, 530 (Wyo. 2017). The facts are considered from the vantage point most favorable to the party opposing the motion, and we give that party the benefit of all favorable inferences that may fairly be drawn from the record. *Symons v. Heaton*, 2014 WY 4, ¶ 7, 316 P.3d 1171, 1173–74 (Wyo. 2014) (citations omitted). In cases involving questions of contract interpretation, the following standard of review applies:

> The initial question of whether the contract is capable of being understood in only one way is a question of law for the court. If the court determines that the contract is capable of being understood in only one way, then the language used in the contract expresses and controls the intent of the parties. In such case, the next question, what is that understanding or meaning, is also a question of law. When we review the district court's summary judgment decisions that a contract is capable of being understood in only one way and what that understanding is, we accord no deference to those decisions.

*Union Pac. R.R. Co. v. Caballo Coal Co.*, 2011 WY 24, ¶¶ 12–13, 246 P.3d 867, 871 (Wyo. 2011) (citations omitted).

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***850** [¶75] "Our purpose in interpreting any contract is to ascertain the true intent of the parties." *Sutherland v. Meridian Granite Co.*, 2012 WY 53, ¶ 8, 273 P.3d 1092, 1095 (Wyo. 2012). The "[i]ntention of the parties is to be determined from the entire context of the instrument, and not from a single clause." *Felix Felicis, LLC v. Riva Ridge Owners Ass'n*, 2016 WY 67, ¶ 18, 375 P.3d 769, 775 (Wyo. 2016) (citations omitted). "Determination of the parties' intentions requires common sense and good faith; it also requires consideration of the context within which the contract was made." *Davison v. Wyoming Game & Fish Comm'n*, 2010 WY 121, ¶ 9, 238 P.3d 556, 560 (Wyo. 2010) (citation omitted). However, "[a]ny examination of the context within which the contract was drawn is limited to ascertaining the intent of the parties in making the agreement [and] cannot be invoked to contradict the clear meaning of the language used." *Id.* (citations and internal quotation marks omitted).

[¶76] The purpose of this Conservation Easement is to "preserve and protect [the land] in perpetuity." More specifically, it is "to preserve, protect, and enhance upon mutual agreement, the natural habitats, including the riparian areas and cottonwood communities on Grantor's Land." However, "[i]n so doing, it is the purpose of this Conservation Easement to permit the continuation on Grantor's Land of such ranching, residential and recreational uses as are consistent with the conservation purposes of this Conservation Easement."

[¶77] The opening paragraph of the 1995 Conservation Easement section entitled Grantor's Rights was not affected by the 2004 Amendment. It states:

> The following uses and practices, though **not an exhaustive recital** of consistent uses and practices, are consistent with this Conservation Easement, and these practices may **not be prevented or limited** by this Conservation Easement except for the requirement of prior approval from the Conservancy where provided herein:

(Emphasis added.)

[¶78] The consistent uses which may not be prevented or limited in the 1995 Conservation Easement, and which were not affected by the 2004 Amendment include:

(1) the right to pasture and graze domestic livestock (with certain environmental conditions);

(2) the right to continue ranching activities to maintain fencing "related to the ranching, recreational and residential uses permitted herein";

(3) to harvest timber and firewood for "non-commercial, domestic purposes";

(4) "[t]o utilize [the land] for passive **recreational and guest ranching activities**," which does not include the use of recreational motor vehicles;

(5) use of minimum agricultural chemicals necessary; and

(6) to "hunt any game animals" in accordance with applicable law. (Emphasis added.)

[¶79] Section 2 (E) of the 1995 Conservation Easement authorized the construction of "no more than (a) four (4) single family residential buildings ... and (b) two (2) additional single family residential structures of up to 2,000 square feet each, plus minor outbuildings, for employee housing at locations reasonably satisfactory to the Conservancy" on the entire Moulton property. Section 2 (E) also permitted "[o]utbuildings such as barns, garages, shops, greenhouses, storage sheds and corrals ... under (a) above." The 2004 Amendment deleted "Paragraph E of Section 2" and revised the Grantor's building rights in the Lower Bench and Remainder Parcels. Those building rights now allow the Grantor "to construct, maintain, and replace if destroyed **one**

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**single family residential structure and associated improvements** within a building envelope." (Emphasis added.) "Associated improvements **may** include barns, garages, shops, greenhouses, storage sheds and corrals." (Emphasis added.)

[¶80] I agree with the majority that the Easement unambiguously prohibits construction of more than "**one single family residential structure**" in the building envelope. I disagree, however, that this phrase unambiguously prohibits a guest house and employee quarters in the same building envelope. We must keep in mind that "the words and acts ***851** of the parties must be given effect in accordance with the meaning which they would convey to reasonable men at the time and place of their use or commission." *Klutznick v. Thulin*, 814 P.2d 1267, 1270–71 (Wyo. 1991); *Wangler v. Federer*, 714 P.2d 1209, 1213 (Wyo. 1986). A contract is ambiguous if reasonable persons can read the terms of it in more than one way. *Davison*, ¶ 9, 238 P.3d at 560; *Dwan v. Indian Springs Ranch Homeowners Ass'n, Inc.*, 2008 WY 74, ¶ 9, 186 P.3d 1199, 1202 (Wyo. 2008).

[¶81] The terms of the Conservation Easement are ambiguous. The majority fails to acknowledge that the definitions it applies to "single family residential structure" inextricably contain the purpose of construction within that definition. *See supra* ¶ 40 (A residential structure "is constructed" **for use** "as a residence" and "or by residents" "as distinguished from one's domicile or a place of temporary sojourn." (emphasis added)). Similarly, a " 'single family residence' is a residence **constructed for the purpose** of serving as a dwelling place for ***one family*** in a single living unit." *Anderson v. Bommer*, 926 P.2d 959, 963 (Wyo. 1996) (first emphasis added); *see also* *Karaus v. Bank of New York Mellon*, 300 Mich.App. 9, 831 N.W.2d 897, 904 (2012) (holding under the plain language interpretation of construction lien act, "residential structure" is a structure in which **the owner actually *intends* to reside**). Under these definitions, a reasonable interpretation of the term "single family residential structure" does not include a building constructed for the sole purpose of guest house accommodations or employee quarters. Such buildings would be associated with a "single family residence" and entirely consistent with the stated purpose of the Easement.

[¶82] The buildings proposed by Four B were never intended to "serv[e] as a dwelling place for ***one family*** in a single living unit." *Anderson*, 926 P.2d at 963. A reasonable person could conclude a structure intended to accommodate guests or to house ranch employees is not a "single family residential structure." *Id.* ("a residence constructed and being used for the purpose of serving as the dwelling place of two separate families or two separate living units is outside of this meaning"); *see also Knadler v. Adams*, 661 P.2d 1052, 1053–54 (Wyo. 1983) (the purpose of a single residential structure "would not be accomplished if the language were interpreted to permit one structure without reference to the occupants").

[¶83] The majority fails to account for the use of the property as a guest ranch and the explicit reservation of this use in the Conservation Easement.[3] For emphasis, we again point out "the words and acts of the parties must be given effect in accordance with the meaning which they would convey to reasonable men at the time and place of their use or commission." *Klutznick*, 814 P.2d at 1270. The provisions in this Conservation Easement could be reasonably construed to differentiate a "single family residential structure" from associated outbuildings which, on a guest ranch, may include guest accommodations and employee quarters.

[¶84] After concluding a guest house or employee quarters are unambiguously "single family residential structures," the majority then decides that "associated improvements" unambiguously exclude a guest house or employee quarters. The majority looks to the nonexhaustive list of potential associated improvements and concludes that a guest house or employee quarters do not qualify because the improvements specifically identified "are not structures typically associated with activities that occur on a daily basis within a residential structure." *See supra* ¶ 43. While true, this reasoning ignores a clearly identified purpose of the Conservation Easement—to "permit the continuation on Grantor's Land of such ranching, residential and recreational uses" which specifically allows the owner to "utilize [the land] for passive recreational and guest ranching activities." The majority's interpretation is contrary ***852** to the directive that "passive **recreational and guest ranching activities**" are not to be limited or prohibited. A guest house or employee quarters, in the context of a dude ranch, are working structures similar to "barns, garages, shops, greenhouses, storage sheds and corrals." They are all structures that facilitate "the continuation on Grantor's Land of such ranching, residential and recreational uses as are consistent with the conservation purposes of this Conservation Easement." They are

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"associated improvements" in the context of a property used for guest ranching.

[¶85] The majority also states that if "associated improvements" were interpreted to include structures such as guest houses and caretaker's quarters, it would "render meaningless other provisions in the Conservation Easement." *See supra* ¶ 44. This relies on the acceptance of the majority's conclusion that these buildings are "single family residential structures." If, as discussed above, it is reasonable to conclude they are not, then allowing guest houses or caretaker's quarters would be a separate consideration from the "one single family residential structure" requirement and would allow both provisions to be given effect.

[¶86] The majority reasons the 1995 Conservation Easement § 2(E)'s reference to "outbuildings" and "employee housing" need not be considered because that section was deleted in the Amendment. As a result, it concludes nothing in the amended Conservation Easement suggests an intent to include employee housing within the definition of "associated improvements." *See supra* ¶ 52. In fact, the amended Easement contains clear reference to the provisions in the original. The Recitals to the 2004 Easement state that the Amendment is drafted "**without negatively impacting the intent and purposes of the original [Easement]**." One cannot determine if the Amendment creates a negative impact without considering the original purpose and intent of the Conservation Easement. A shift from allowing a guest house or employee housing to the prohibition of those structures almost certainly results in a negative impact on the continuation of ranching and guest ranching activities on Grantor's Land.

[¶87] "An ambiguous contract is one which is obscure in its meaning because of indefiniteness of expression or because of a double meaning being present." *BNSF Ry. Co. v. Box Creek Mineral Ltd. P'ship*, 2018 WY 67, ¶ 22, 420 P.3d 161, 167 (Wyo. 2018) (citation omitted); *see also Whitney Holding Corp. v. Terry*, 2012 WY 21, ¶ 14, 270 P.3d 662, 666 (Wyo. 2012) ("A term is ambiguous if, considered in light of the plain language of the entire contract, it is susceptible to more than one reasonable meaning." (citation omitted)). Here, we must determine whether a reasonable purchaser of a large acreage with a 10-acre building envelope could interpret the language in the Conservation Easement in only one way—a total prohibition of a guest house and employee quarters. I do not believe that is the only reasonable interpretation of the Conservation Easement.

[¶88] Given the language of the Conservation Easement and potential varying interpretations of that language, I would conclude that the instrument was ambiguous and reverse the summary judgment because a genuine issue of material fact exists as to the intention of the parties. I would remand the case to the trial court to resolve that issue of fact at a trial on the merits.

**All Citations**

458 P.3d 832, 2020 WY 24

## Footnotes

1 The parties agreed that the language regarding the Remainder Parcel in § 1(A) contains a typographical error. The paragraph should state "residential structure" rather than "structures."

2 In 2000, Henry Phibbs, the successor trustee to the Gladys Moulton Trust, executed and filed with the Teton County Clerk another conservation easement (the 2000 Conservation Easement). About twenty acres of Ranch 9 is governed by the 2000 Conservation Easement. Mr. Binning has not requested approval for the construction of any buildings on property subject to the 2000 Conservation Easement.

3 Wyo. Stat. Ann. § 12-1-101(a)(xxiii) (LexisNexis 2019) states: " 'Guest ranch' means a vacation resort offering accommodations for overnight stays and activities typical of western ranching." These activities normally require employees. *See Beckwith v. Weber*, 2012 WY 62, ¶ 5, 277 P.3d 713, 716 (Wyo. 2012) (the parties "stayed at the ranch and usually rode daily for up to two weeks during their annual visits"); *Halpern v. Wheeldon*, 890 P.2d 562, 563 (Wyo. 1995) ("a ranch employee provided horses for Mr.

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Halpern and his daughter to ride”).

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kbrazinski@gmail.com has invited you to view the following document:
Hello Chandler,
I have reviewed some legal opinions that were submitted and are publically available. These opinions came about over the years and all refer to the Rafter J commercial properties. This is my understanding of what those legal opinions mean. Please include this while you consider Stage Stop's application.
Kathie Brazinski

Rafter J is a middle class family subdivision. It is predominantly zoned residential. There are 8 non-residential lots which are intended to be used to benefit the Rafter J community. All properties in Rafter J are subject to restrictions. Uses and restrictions are defined in the Master Plan and plat map approved by the county in 1978. Lot 333 is zoned Local Convenience Commercial. There are no provisions for residential use on lot 333 in the Master Plan or the final plat.

There have been developers in the past making similar requests. Legal opinions have been filed over the years and as a result, these developer requests were eventually abandoned.

Stage Stop LLC seeks to add apartments as a conditional use on this commercial property. Make no mistake, **Fifty-seven apartments** are residential and commercial zoning is not residential. The developer's request for a change in use is for a zoning change. Zoning changes require that the PUD be amended according to the development plan process of sec 51200 of the LDRs. A major Development Plan would be required. (Sec 5100C.4.c) Seeking a variance in lieu of the intensive Development Plan process is not an option. (Section 5160 of the LDRs). Ultimately, rezoning requires replatting the PUD.

There is nothing ambiguous about re-platting. There are basically three steps:

1. Amend the CC&Rs which must be approved first with a favorable vote by the property owners. Either unanimous vote or 65% depending on the change in use. (See below for more details in WY Law)
2. Then it goes to the county process before replatting can occur.
3. The third and final step is to formalize the change in use and the configuration within the lots by replatting.

Of course, there are many steps within the three listed above.

WY Statute 34-12-106 refers to replatting an entire PUD. This requires **unanimous** approval of property owners within the plat for the change to occur.

WY Statute 34-12-108 refers to a partial vacation of only part of the plat. In this case, unanimous approval is not required, however a partial vacation must "not abridge or destroy any rights and privileges of other proprietors in the plat".

Probable Infringements due to this request for a change in use:

1. Safety issues at the already failing intersection of Big Trail Drive and Hwy 89 (Traffic Study, Y2, 2022), due to a significant increase in traffic on Big Trail Drive.
2. Pathway safety at the pathway intersection with the driveway of Lot 333, especially with children riding bikes and such.
3. ISD and HOA fees will most definitely increase for all property owners as a result of requirements that will be necessary for infrastructure, including but not limited to pathway safety enhancement.
4. Securing common areas for safe family uses.
5. Security and protection of habitat and open space areas within Rafter J.

6. There may develop a need for one more full time Rafter J employee to enforce safety and security concerns. (That remains to be seen at this point but must consider)
7. Inadequate parking that will generate cars parked on roads, other commercial properties, residential cul-de-sacs and require Rafter J to mitigate and pay for it.

This is regarding Stage Stop, Inc's application to the county to amend the 1978 LUDRs. Stage Stop, Inc, purchased Lot 333 in Rafter J Ranch subdivision zoned local convenience commercial (LCC). The conditions and restrictions on Lot 333 have not changed since the development was created in 1978. Stage Stop purchased the property knowing the zoning of that property. Stage Stop Inc. wants to use the property for residential apartments. This use is not a permitted use as outlined in the Rafter J PUD and governing documents. This lot was never intended to be used as residential property. The procedure to change the use of a property is set forth in the subdivision's governing documents. These were created in 1978 by the original developers and approved by Teton County, such that the property owners could decide the fate of their subdivision. To change the use of Lot 333 requires a favorable vote (2/3) of the Rafter J property owners. Stage Stop Inc. has not requested a meeting with The Rafter J Board of Directors. Instead, the petitioner has willfully ignored the CC&Rs and the governing documents outlined as the proper procedure. The petitioner comes directly before the county implying that they are entitled to change the intended use of said property without a vote of the other 498 Rafter J property owners. Stage Stop Inc. has chosen to circumvent the Rafter J HOA. **The question is, can they?**

The concept of ***standing*** as related to the Stage Stop's application to the county, seems to have relevance in this situation. One classic rationale of the concept of standing is that it protects the separation of powers. The CC&Rs, including uses allowed on Lot 333, match what the county approved in 1978 and gives the Rafter J Board of Directors the power to enforce. These governing documents also give the property owners input on decisions concerning the direction of the subdivision. The HOA is the body of power closest to the issue before us. The county's body of power is somewhat removed from a single subdivision within the county. Should not these decisions be made by the HOA property owners, especially if it has adopted CC&Rs, rather than the Teton County Board of Commissioners? Do the governing documents not give ***standing*** to the Rafter J property owners to determine the future of their subdivision?

Should the county grant Stage Stop, Inc's request to amend the LCC zoning to include apartments, what happens to the Rafter J CC&Rs adopted in 1978? What's to stop other property owners in other Teton County subdivisions from doing the same? Furthermore, granting such a request will have unknown consequences and may result in damage to the Rafter J property owners. This petitioner has not been forthcoming with answers to questions asked by the Rafter J property owners. When asked specific questions such as who would reside in these apartments and how many will reside in the building, no answers have been given. As a result, it is impossible to determine the full impact the apartments on Lot 333 would have on the Rafter J Subdivision.

From my perspective, the petitioner's application to the county is premature. I am requesting that the county advise Stage Stop Inc. to return to the Rafter J Ranch HOA with their request and follow the procedures outlined in its governing documents. Should this petitioner come up with a detailed plan that the Rafter J property owners can decide whether or not to support, then and only then, should any request be considered by the Teton County Board of Commissioners.

## The Issue:

Should the Teton County Board of Commissioners grant the Stage Stop Inc request to amend/change zoning for lot 333 in Rafter J Ranch Subdivision to allow apartments?

## History:

1. The formation of the PUD known as Rafter J Ranch was created in accordance with the regulations on January 1, 1978.
2. Land use restrictions, covenants, conditions (CC&Rs), HOA formation, and scenic dedication/easements were filed along with the plat map in 1978.
3. The PUD was created in accordance with the 11th printing of the 1978 LUDRs.
4. The Rafter J development and infrastructure was not intended to support an apartment building on lot 333, nor was it zoned as such.
5. The CC&Rs are and have been ***strictly enforced*** in Rafter J. All property owners are required to comply with the CC&Rs.

## Undisputed Facts:

1. Currently, Rafter J is built out
2. Lot 333 and its improvements are located in the Rafter J Ranch subdivision.
3. Said lot is zoned Local Convenience Commercial. This zoning ***does not allow*** for apartments as a use on that property,
4. Lot 333, zoned Local Convenience Commercial, ***does allow*** for use as an Assisted Living Facility. About 21 years ago, a structure was erected specifically for use as an Assisted Living Facility. Up until 2021, the facility was used continuously as an Assisted Living Facility. (It is possible that Covid had an influence over the decision to close the facility).
5. Property breakdown of the 500 Rafter J Ranch Properties:
    a. 343 Single Family Dwellings
    b. 3 Undeveloped Single Family Lots
    c. 146 Townhomes
    d. 8 Commercial/Other Properties
6. There are 499 property owners who are required to pay HOA and ISD fees.
7. The HOA Board of Directors has the power to levy fees to property owners.
8. The ISD Board of Directors has the power to levy fees to property owners.
9. ISD fees increased 79% for fiscal year 2021/2022.
10. The HOA CC&Rs state *in part* that the purpose of the CC&Rs is "protecting the value and desirability of, *(and which shall run with)*, the real property and be binding on all parties…."
11. The Rafter J Subdivision is designated Rural-3
12. There are no Apartments within a PUD designated as Rural-3 in Teton County.
13. The State of Wyoming requires real estate agents to supply the CC&Rs to prospective buyers.

## Unanswered Questions:

1. Since Rafter J is built out, is its infrastructure adequate to accommodate the needs of 57 or more apartments on lot 333? Note: The developer has not revealed how many people will reside within the current 57 apartments despite being asked repeatedly at the public meetings held in Rafter J. (One could make a conservative estimate of 114 occupants)
2. Will the number of parking spaces be adequate (44) to supply enough parking for the number of tenants in the apartments? Are there no parking space requirements in the county based on the number of apartments on a property? Should emergency workforce such as nursing staff be housed on this property, a vehicle is required when this worker is *"on call"* for emergencies and other staffing issues.

3. Will county, state and federal requirements be met if the developers increase the impervious surface? The developer has discussed doing this at meetings held at their property in December 2021 and January 2022.
4. Will the approval for apartments on lot 333 cause a diminution of Rafter J property values?
5. Should the amendment be granted for lot 333, what will be the consequences for the remaining commercial lots in Rafter J?
6. There are only two entrances/exits in Rafter J with no place to add more unless the ranches grant easements across their properties. If easements were granted, would WYDOT approve such a project? It is already dangerous. Something would have to be done to accommodate the increased traffic. How would the traffic at the entrances/exits be dealt with?

7. Will the rights, privileges and general quality of life of the Rafter J residents be abridged or diluted as a result of granting the developer's request?
8. If increased infrastructure and repairs become necessary as a direct result of having these apartments, what will those costs be and who will bare those costs? Would it make more sense for Rafter J to incorporate so that Rafter J would receive tax monies to help with increased costs?
9. What will be the impact on safety for homeowners and their families by the addition of 114+ apartment dwellers to our subdivision?

## Discussion:

Teton County comprises multiple communities, one of which is the Rafter J Ranch Subdivision. Some business entities come across as geographically mobile actors who are untethered to the actual people who are rooted in these communities. The developers of lot 333 have shown a complete lack of consideration for the Rafter J community. The Developer's request will disrupt the quality of life of the current residents. This disruption is requested by a sole business entity for economic gain at the expense of the 498 property owners in Rafter J. One could surmise that the developer/applicant has little or no concern for the Rafter J community. The developer did not meet with the Rafter J HOA Board of Directors prior to purchasing this property, nor has it met with the board to date. It appears to circumvent the Rafter J HOA. Further evidence of this is the lack of concern and respect by the developer's current behavior. The developer is currently renting rooms on lot 333. Such action is a violation of the current zoning restrictions and the HOA CC&Rs on lot 333. Warnings from the HOA have been ignored. If the developer is in breach of zoning and HOA CC&Rs now, one can be confident that any and all rules and restrictions will be broken for their convenience in the future. This developer believes that the rules do not apply to them. To quote Maya Angelo, "**When someone shows you who they are, believe them the first time."**

The developer has made two claims in their application that must be addressed. The first is that Assisted Living is a similar use to residential apartments. This is false. I could have a long discussion about government and insurance assistance available to people who require an Assisted Living Facility, (Medicare, Medicaid, VA benefits, private insurance, etc). This is similar to what one receives as a patient in a hospital or in nursing homes. Nursing home patients require a higher level of care than those who require the support of an assisted living institution, but it is part of the graduated level of care spectrum.
The second assertion made in the developer's application is that when the 1978 LUDRs were in place and Rafter J was developed, there was no workforce housing shortage. The implication being that this is the reason why apartments were not included as a use for property zoned as *Local Convenience Commercial.* That is false. I myself moved to Jackson in 1976. I immediately found a job. (more than one, actually, since it took more than one full time job to live in Teton County) However, I was without housing for three months. There was no place to live. My story and that of my spouse is a common one in the 1970s.

I understand, first hand, the need for workforce housing. However, Rural-3 zoned property was not then and is not now the logical solution. The reasons are many. Not the least of which is traffic on

highways. The intent for workforce housing is to house people close to work and/or reliable public transportation. (Rafter J Ranch employs only two people and they have housing)
I have friends who are city planners. Although this is not my expertise, I have been told that this is *City Planning 101*. I am sure that I do not need to remind any of you about *the pass* at rush hour.

In 1987, my husband and I studied the governing documents including the CC&Rs prior to making the decision to buy a lot and build a home in Rafter J where we would raise a family. We believed we could be assured that the CC&Rs provided security of our investment. That our family's quality of life would be protected. If the State of Wyoming requires a listing real estate agent to supply the CC&Rs to prospective buyers, does this not imply that the CC&Rs are enforceable and part of the value of the property?
According to Forbes, one's home represents, on average, 80% of a homeowner's total assets. Homes for the middle class are not only their major financial asset. It also supplies a quality of life.

Circling back to assisted living, I ask the Teton County Board of Commissioners why the needs of the vulnerable and elderly citizens of Teton County are overlooked? Where does this belong in the comprehensive plan? Is the message being sent that the *quality of life* for this segment of our county residents has no place in the comprehensive plan? Having worked in healthcare most of my adult life, I do not accept that message. If Teton County is a moral community then we must find a solution for the population of locals who require assistance with day to day living. This segment of our community should not be forced to move far away from family and friends due to a decline in health. Legacy Lodge on lot 333 was built to meet this need. It is the only such building in the county that is specific for this use. I know we cannot force the developer to use it for the use it was designed for. I know the building well. It will need renovations to be used as apartments. It is a shame to take away a perfectly designed property, created for a much needed use and located in a suitable location for that use.

I urge the county officials to carefully consider everything I have stated. I have written this with the utmost sincerity.

The Teton County Board of Commissioners should reject the developer's application to allow apartments as a permitted use on the Rafter J lot 333 zoned *Local Convenience Commercial.*

Respectfully submitted by,

Kathie Brazinski

Rafter J Homeowner since 1987 and Teton County Resident since 1976

# FW: Rafter J Lot 333

Chris Neubecker <cneubecker@tetoncountywy.gov>
Fri 2/25/2022 5:04 PM
To: Chandler Windom <cwindom@tetoncountywy.gov>

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**From:** Kelsey Brehm <kelsey.garrett@hotmail.com>
**Sent:** Friday, February 25, 2022 4:04 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Lot 333

Hello,

My name is Kelsey Brehm and I am a resident of Rafter J, and in fact live only a few blocks away from the old Legacy Lodge building over on Fresno Dr.

I wanted to take this opportunity to express my support of local Workforce Apartments being zoned here. Our valley has seen increasingly less and less housing for our local workforce and I would be proud to have housing solutions for my fellow local workers in my neighborhood. This is an excellent opportunity to give our community more very needed housing options.

Thank you for your time and consideration!

Kelsey Brehm
(303) 489-0703

**From:** chinche1@aol.com
**Sent:** Sunday, January 2, 2022 8:49 AM
**To:** Chandler Windom; Board Of County Commissioners; planning@tetoncounty.gov
**Subject:** Darwiche Development Proposal

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am writing in regard to the application for a change in the Planned Unit Development (PUD) and Conditional Use Permit submitted for Lot 333 in the Rafter J subdivision you will be considering this month. I respectfully request you to reject this proposal that seeks a zoning change and a change of use within our subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County; we have always been the backbone of the workforce in Jackson Hole, and many of us have lived and worked here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety and impacts to our wildlife, pathways, trail system, and open space. Access to highway 89 at the main entrance is already a very dramatic risk and this project would send that problem to the impossible.

Of most concern, Stage Stop Inc has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for ANY proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County. Rafter J is NOT zoned for high density apartments or workforce housing.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures. Please reject this questionable maneuvering on the part of yet another entitled developer.

Respectfully,

Barbara Bridges
1930 American Brant

Teton County Planning Staff and Planning Commission

P.O. Box 1727

Jackson WY 83001-1727

January 6, 2022

Dear Sir or Madam,

It is our understanding that an application has been submitted to Teton County for a Planned Residential Unit (PUD) amendment for the uses allowed on Lot 333 in Rafter J Ranch. We also understand that the project proponents are seeking a conditional use permit to allow for workforce apartments on Lot 333. We have concerns with this proposal and the path, which the project proponents are taking to seek approval for these changes. It appears that the project proponents are seeking county approval prior to working with the subdivision to adequately evaluate impacts these changes may have on traffic volume and utilities. We respectfully request that you reject the proposals from Stage Stop Inc. unless impacts are evaluated and the Rafter J HOA approves an amendment of the subdivision's CCRs.

My wife and I have resided in Rafter J Ranch Subdivision on Hay Sled Drive for over 25 years and we choose to live here because of the quiet family-oriented neighborhood, pathways and open spaces. Subdivision CC&Rs provide the foundation for the character of the Rafter J neighborhood. Lot 333 is not zoned for high-density apartments or workforce housing. We think that Zoning changes without subdivision approval will undermine the integrity of the CCRs in Rafter J.

Teton County's Plan identifies areas suitable for high-density development where workforce residents would live near businesses and places of employment. The Legacy Lodge facility in Rafter J does not fit this template. Many of us living in Rafter J had family and friends working and living at Legacy Lodge and for us to see a proposal move forward that does not comply with the Rafter J Master Plan, and is outside subdivision's CC&Rs is very disappointing.

Please deny the zoning request and require the developers to first seek approval from the Rafter J HOA. Thank you for your consideration.

Sincerely,

Doug Brimeyer

Jan Brimeyer

Doug Brimeyer

Jan Brimeyer

Lot 47 Rafter J Subdivision

1245 W Hay Sled Drive

Jackson Wyoming 83001

**From:** John & Karilyn Brodell <kjbrodell@wyoming.com>
**Sent:** Tuesday, January 4, 2022 6:36 PM
**To:** Chandler Windom
**Cc:** County Planning Commission
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am a homeowner in the Rafter J Ranch subdivision and am concerned with the conversion of Legacy Lodge to residential apartments. I object to StageStop LLC's attempt to circumvent Rafter J homeowners legal rights to vote on this matter through the CCRs. StageStop LLC needs to follow the proper order of steps for a Rafter J covenant/zoing change. Failure to do so will cause problems and bad feelings down the line and trigger a lawsuit. I feel like there is support among homeowners for the establishment of additional workforce housing at the Legacy Lodge location if the developer respects our rights. Please turn down their request to proceed until StageStop LLC complies with the legal rights of Rafter J Ranch.

I would like to see a written proposal from StagStop LLC to residents of Rafter J laying out how they plan to make this work for all of us. It's entirely too easy to stand in front of a room and make promises but until they commit on paper to the homeowners there is no accountably. I worry that once they get the the planning boards approval the needs of the Rafter J community will go out the window. If they are truly willing to work with the homeowners then now is the time to start the process in the correct way.

Thank you for your consideration. Karilyn Brodell, Rafter J

**From:** kjbrodell@wyoming.com <kjbrodell@wyoming.com>
**Sent:** Sunday, April 3, 2022 11:42 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

It seems obvious from the planning commissions split decision that the StageStop LLC proposal is not ready to go forward. As a Rafter J homeowner it is disturbing that many of the same issues that were raised with StageStop LLC last summer remain unanswered. Many Rafter J residents, myself included, went to that first meeting with the Darwich family with high hopes and open minds. Unfortunately their vague responses and visible annoyance at being pressed for answers changed many minds - not in their favor. Meetings since and their refusal to work with the HOA has led to increasingly greater concerns.

The need for housing in this valley is real. However this proposal is not ready to proceed and is plagued with potential problems. Until these are addressed in an honest and clear manner I urge you to deny StageStop LLC's request . Thank you Karilyn Brodell

## Chandler Windom

**From:** Chris Neubecker
**Sent:** Monday, February 28, 2022 4:06 PM
**To:** Chandler Windom
**Subject:** FW: Support Local workforce housing at Legacy Lodge!

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**From:** Kristen Broeder <kristen.piontek@gmail.com>
**Sent:** Monday, February 28, 2022 4:02 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Support Local workforce housing at Legacy Lodge!

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

We are desperately in need of a solution like this one!

- There's no reason a residential building should be empty in this region; let's unlock new residences for local workers!
- With an iron-clad deed restriction, we can ensure that these homes are available to locals in perpetuity.
- We all need to be part of the solution and house workers in our neighborhoods.
- Parking and traffic issues are solvable: add a traffic light and public transportation to reduce dependence on cars.
- Only workers who have worked for a year locally and are employed full-time are eligible for Workforce homes: these are folks we either are a part of or depend on to survive in Teton County.

Kristen Broeder | 314.210.4523
kristen.piontek@gmail.com

## Chandler Windom

**From:** Jessica Hendryx Brown <jessica.hendryx@gmail.com>
**Sent:** Monday, February 7, 2022 8:37 AM
**To:** Chandler Windom; Board Of County Commissioners
**Cc:** Case Brown
**Subject:** PUD2021-0001 - letter of concern

Dear Chandler Windom and County Commissioners,

I am writing this letter to oppose the Planned Unit Development application (PUD2021-0001) submitted by Stage Stop Inc. Specifically to state that my rights and privileges as a property owner directly adjacent to this property are affected negatively by this proposal. The primary areas of concern are:

1. The tenant density of the rental units is not appropriate in both Rafter J and zoning PUD Rural-3 nor has the increase in tenant capacity been fully analyzed.
2. There is no oversight to ensure that these rental units will not become short term, market rate lodging units.
3. The character of Rafter J will be diminished due to the high tenant density at the main entry to the subdivision.
4. My children, along with many others, will have a decreased quality of life due to the high tenant density that has more potential to dangerous tenants.
5. This PUD amendment will diminish my property value and does not adhere to the Rafter J CC&Rs.
6. The CC&R's require a vote by the Rafter J HOA in order to change the designation of Lot 333 and Stage Stop Inc. has not proposed a plan to address this requirement.

It's important for you and your staff to understand that I completely agree that there is need for workforce housing in this area. My husband owns a small construction business in Jackson which employs five year round residents and I work in Grand Teton National Park. My husband is predicting that his business will fail in the next five years if he cannot obtain housing for his employees. And I (like so many others) cannot recruit talented professionals to work at Grand Teton without the guarantee of housing. Both of us know first hand how important housing is for this area.

**1. The tenant density of the rental units is not appropriate in both Rafter J and zoning PUD Rural-3 nor has the increase in tenant capacity been fully analyzed.**

That said the workforce housing being proposed by Stage Stop Inc. is not the type of workforce housing that is appropriate or acceptable within the Rafter J Subdivision. Nor is the density of the housing proposal appropriate for the zoning associated with Planned Unit Development Rural-3. The aim of this proposal is to rent out as many units as possible in order to generate the largest income, targeting a specific type of tenant that is willing to live in dormitory-like conditions so that they can work in this area temporarily and have no long term connections to this community. This arrangement has the potential for the tenants to have two non-family members, each of which could include two or more additional family members (often called domestic partners) in the same studio unit. At 57 units that location could have as many as 220 or more persons (assumes 4 persons per unit) residing there at one time. The tenant density of housing exceeds that of Teton County's zoning for Planned Unit Development Rural-3, in fact apartments are not a permitted usage in the current LDRs under Rural-3. It also exceeds the tenant density that the Rafter J Subdivision would ever permit

within this subdivision. It is not acceptable that a rural subdivision located out of town would offer a potential tenant density increase of this size without first considering if our existing water and wastewater systems can handle the increase. Additionally, the subdivision needs to ensure that the electrical system, roads, trails and more can handle this significant increase in use. An important point here is that the subdivision needs to fully analyze this, we do not need Stage Stop inc. to analyze the impacts with bias intent.

2. **There is no oversight to ensure that these rental units will not become short term, market rate lodging units.**

The proposal submitted by Stage Stop Inc. makes no guarantees that the housing will not become short term lodging. In fact in conversations with Stage Stop Inc. they elude to the exact opposite. Stating that these units will be rented out by businesses who can use the units at their leisure. How is this any different from me, a homeowner, renting my home out for short term arrangements at my leisure to tenants? The LDRs in Section 6.1.4A should apply, but there is simply no way the county can ever guarantee that short term or lodging rentals will not occur. Also, the proposal submitted by Stage Stop Inc. did not mention how they would restrict the rental pricing to ensure that these units meet the definition of workforce housing. Stage Stop Inc. is hiding behind the term workforce housing in hopes to garner community support for this proposal. Simply put, this proposal is not to intended to provide true workforce housing.

3. **The character of Rafter J will be diminished due to the high tenant density at the main entry to the subdivision.**

The proposal made by this for-profit company is nothing short of a money making operation that will tax our existing infrastructure, specifically our water and wastewater systems, and destroy the entry to our beloved quaint community. The Rafter J Subdivision was initially designed to ensure that it had a ranching or rustic feel, emblematic of the west, in which the subdivision would be a calm and peaceful place to live. To this day, when you arrive into Rafter J after leaving a bustling Jackson, you are immediately overtaken by the scenery and the overall serenity of this area. The subdivision lacks urban elements like curbs and gutters, overhead power lines, and large buildings. All of this was intentional and is what maintains the character of this subdivision. If the PUD amendment is approved the tenant density and associated parking area will immediately diminish the overall character of the community. The proposal submitted by Stage Stop sorely lacks the required parking for a 57 unit complex. And while the initial claim is that only 44 vehicles will be permitted, that will not be the case in the future and Stage Stop Inc. knows they will be able to add additional parking spaces in the future. The demand for more parking will be too great and this development will need at least 100 spaces to make it work. At the public open house Stage Stop Inc. stated that overflow parking on adjacent streets would become Rafter J homeowners problem and "was not a big deal," this directly impacts the quaint character of our subdivision. Their monstrous parking area (to come) will become our entry to Rafter J and the calm open entry to our subdivision will no longer exist. Not to mention the increase in up to 220 more people will tax our existing infrastructure with no ability for the HOA to recoup the expenses caused by this potentially 16% increase in occupancy in the entire subdivision (assumes 2.7 residents per unit at 498 units). The facilities being offered will only be desirable for seasonal, transient workers; and while these workers are vital to our area, the living arrangement and density that these workers find acceptable does not belong in the Rafter J Subdivision. The character of the subdivision will greatly impacted by this change.

4. **My children, along with many others, will have a decreased quality of life due to the high tenant density that has more potential to dangerous tenants.**

This proposal will jeopardize the safety of my family. I live next to the back corner of their existing parking area. There is no way that I can know who is renting these units and their past history - especially if the lease holder is a business. My children spend a significant amount of time playing outside in our yard and this proposal, if approved, will drastically change their childhood. If those living next to us became a significant

group of seasonal, rotating tenants I would no longer feel comfortable letting my children play outside without supervision. My children's safety and those of all the children in Rafter J do not deserve to live locked up inside for fear of their safety. My husband and I specifically chose to live in this area so that our children could ride their bikes to the playground and play outside with less worry than if we were in town. The freedom of unsupervised outside play would be stripped from the children of Rafter J if this urban-like density of tenants is allowed in our subdivision.

**5. This PUD amendment will diminish my property value and does not adhere to the Rafter J CC&Rs.**

This PUD amendment will diminish my property value because my view-shed looks directly at what will become a future parking area. If approved, my family will be sitting on our back deck only to be watching the seasonal tenants of this building take away from our serenity. When my husband and I purchased our home in 2015 we bought our property under the pretense that the CC&Rs that established our subdivision would define what the property adjacent to us could become. We have always joked that our past neighbors (The Legacy Lodge) were the best neighbors ever. They were quiet, safe neighbors that invited us to take part in their lives, the former use truly added value our community. If approved this PUD amendment will diminish my property value and if that is the case what recourse do I have to recoup the loss of value in my home? Do I seek compensation from Teton County for allowing this PUD amendment?

**6. The CC&R's require a vote by the Rafter J HOA in order to change the designation of Lot 333 and Stage Stop Inc. has not proposed a plan to address this requirement.**

When I asked Stage Stop Inc. about taking their proposal to a vote in Rafter J they said they had not looked into the requirement. This was a most unfortunate answer as it indicates that Stage Stop Inc. clearly has plans to either circumvent the process or do what other developers are doing to subdivisions – sue the Rafter J HOA. If Teton County approves this PUD amendment and Stage Stop Inc. takes this to a vote within the HOA and the HOA does not approve the change, it is then possible that Stage Stop Inc will sue the Rafter J HOA. I fear that because the Rafter J HOA is comprised of Jackson's working class we have no say because we lack the financial backing to oppose this PUD amendment.

For these six primary reasons, and many other reasons, I ask that you deny the Planned Unit Development application (PUD2021-0001) submitted by Stage Stop Inc.

What I fear will happen is that the need for more workforce housing is too great and that you ( you - being Teton County Planners along with the County Commissioners) will look past the CCRs which were approved by Teton County. You will look past the character and quality of life for those living in Rafter J. You will look past the depreciation in value to the homes affected by this change. And you will look past the safety of the children of Rafter J. All to fill a community-wide need for more seasonal housing that will not be even remotely be satiated by this proposal. The consequences, if this PUD amendment is approved, are so detrimental to me and my family that we have started to look at real estate elsewhere. The worst part of all of this is that we have no options to sell and buy comparable property in Jackson. So we are stuck leaving this important, life changing decision to you all. I urge you to deny this proposal and protect Jackson's important working class from the negative impacts of this proposal.

Sincerely,

Jessica Brown

**From:** Buckland, Anne <abuckland@snowking.com>
**Sent:** Wednesday, January 12, 2022 3:37 PM
**To:** Chandler Windom; planning@tetoncounty.gov
**Subject:** Rafter J-State Stop, Inc

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Planners & Commissioners,
I am writing to you regarding the request from Stage Stop, Inc as my family vehemently opposes their request to develop high density apartments and/or workforce housing in our little community. My family has lived in Rafter J for 6+ years. We are homeowners and we are dedicated to the sustainability of the Rafter J community. We bought in Rafter J as it was a place for families to reside. Had we wanted to be in an area with high density and modified zoning, we would have looked at the Town of Jackson.

Rafter J does not have the infrastructure to support such an endeavor. It is clear that Stage Stop, Inc is doing what they can to circumvent the approval of the Rafter J Homeowners. A true testament to their character and their lack of concern for the residents of Rafter J.

Please heed the Rafter J residents' concerns. Appreciate you reading this email,

Anne Buckland

# FW: Legacy Lodge: Worker housing

Chris Neubecker <cneubecker@tetoncountywy.gov>
Thu 2/24/2022 8:55 AM
To: Chandler Windom <cwindom@tetoncountywy.gov>

**From:** Ryan Burke <ryanburke11@yahoo.com>
**Sent:** Thursday, February 24, 2022 7:52 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge: Worker housing

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Ryan Burke resident here,

I am not a rafterJ resident but wanted to say that I support Legacy Lodge being converted into worker housing. The town and residents desperately need a win for affordable housing and I think this is a good step forward.

Thanks, Ryan

The Mindstrength Project
Adult, Adolescent, and Couples Therapy
307-203-0088

www.mindstrengthproject.com

**From:** Bruce Burkland <bburkland18@gmail.com>
**Sent:** Monday, January 24, 2022 11:53 AM
**To:** Chandler Windom
**Subject:** Stage Stop PUD and CUD

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

We are residents of Rafter J. We have lived in Jackson since 1979 and in Rafter J since 1989. We are opposed to Stage Stop Inc's. application for a Planned Unit Development amendment and Conditional Use Permit.

We believe the increased occupancy of the facility will have negative impacts on traffic, especially entering and exiting onto highway 22, use and maintenance of common areas, and property values. We would be accepting of these impacts if the project was dedicated to providing affordable rentals that are desperately needed for middle class individuals and families. Providing market price rental units for large and wealthy employers to house their staff does nothing to help the small businesses and nonprofits that are struggling to maintain employees, to stay in business and maintain the quality and character of our community.

Unless the project developers dedicate a majority of their units to being affordable rental units ( $1600 per month for one person is not affordable ), we urge you to please deny their application.

Thank you.

Sincerely,
Cathie and Bruce Burkland
1900 Homestead Drive
Jackson, WY.

**From:** Amira Burns <amiraburns@gmail.com>
**Sent:** Monday, February 28, 2022 9:37 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Comment: Legacy Lodge Change of Use

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Chris,

I am writing to voice my support that any change of use for Legacy Lodge in Rafter J includes sufficient permanent Workforce deed restricted apartments. Our community faces a desperate shortage of affordable housing, which drives away valuable contributors to our local society. While new luxury and hospitality developments continue to break ground in the valley, the impetus to sustain a local community that is diverse in income and age becomes even more important.

I am a ten-year full time resident and a local homeowner. Even though I am not on the hunt for affordable housing, I experience the effects of the inequitable housing market by losing friends who leave, and lack of services because workers cannot even find a place to live here, let alone afford it. I hope to make Jackson my forever home, but as this community continues to prioritize money over the local workforce, I worry it will become a place I no longer want to live and raise my family.

Rather than market rate residences or a dormitory rotation of workers for a single employer, please ensure that the future of Legacy Lodge includes permanent deed restrictions for workforce housing.

Thank you,
Amira Burns

--
**Amira L. Burns**

**From:** Chad Strand <cstrand@strandpm.com>
**Sent:** Friday, January 14, 2022 10:45 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Lot 333 Rafter J

Dear Teton County Planners and Commissioners,

Good morning. I'm writing to you today regarding the application for a proposed change for Lot 333 in the Rafter J subdivision that is to be considered by you in February. At this point I ask that you reject this proposal which seeks a zoning and use change within the subdivision. It's being sold as employee housing but without any deed restrictions it might as well be a high end condo application.

I've been directly involved in the development of over 100 permanently affordable deed restricted homes in our County and consider myself a supporter of affordable and employee housing here in Jackson. If the Jackson Hole Community Housing Trust was asking for a zoning change to create housing in this location I would be 100% supportive with minimal questions asked as they are a proven entity. Stage Stop Inc. however is asking for a zoning and use change so they can create free market residential housing.

If I'm hearing them correctly they will house all of the employees they need to house and then any remaining units will be rented at market rate to employers in the community who can then choose to subsidize the rent for their employees or not. If this model fails, and they are granted this zoning and use change, they can just convert the building to condos and sell them for top dollar each. It's a safe bet this pro-forma has already been created. Eventually we know that will happen unless there is a permanent deed restriction.

This group came to the meetings in Rafter J and basically threatened to turn the Lodge into a gas station if we don't fall in line and support this. That tells me a lot about who Stage Stop Inc. is and how they are looking at this site. I cannot see why a zoning and use change would be considered for them without a guarantee that this is permanent employee housing with reasonable rental rates. If they are unwilling to do this, that's all you really need to know about what their true intentions are. I was under the impression Sage Brush Apartments was "employee housing" but clearly I wasn't paying close enough attention.

You all have much more information at your disposal than I do and I trust you will make the right decision. I just wanted to get a letter in to make sure you are aware the neighbors definitely have concerns. Too many pieces of land get entitled with all the long speeches and promises made by the applicant and then the next year the land sells with all the improved entitlements and the original applicant walks away with a giant pile of money, the new buyer takes advantage of the improved entitlements and maximizes their profits despite what the original applicants promises were, and the community plays the fool and suffers the consequences.

And lastly, Rafter J's current entrances cannot handle this many more vehicles. Sadly it's only a matter of time before someone is killed trying to pull out of Rafter J into 55 mph traffic that is actually going 70 mph. I ask you as part of the due diligence on this proposal to just come down and pull out of Rafter J one morning. Imagine having both your kids in the car as you try to pull into that sea of cars that would rather ram into you than allow you to merge in. Now imagine 100 more people pulling out. It's a disaster waiting to happen and this additional load is just adding fuel to the fire. If Stage Stop Inc., can get a stop light installed, that would be an example of community benefit that could warrant supporting this zoning change request.

With permanent deed restrictions on affordability and a stoplight installed at the North Entrance of Rafter J, I could support this change in zoning. Without any permanent deed restrictions, this would just be a gift to another developer that actually ends up making the employee housing problem much worse.

Thank you for your consideration,

Chad Strand

**From:** Bud Chatham <bud@davehansenwhitewater.com>
**Sent:** Monday, February 28, 2022 12:02 PM
**To:** County Planning Commission <planningcom@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge Support

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Commissioners and Planning Commission,

I am writing to you to express our support for a zoning change that would allow Legacy Lodge to be used as employee housing.

Workforce and affordable housing has long been a challenge in this community; however, over the last couple years, the pressures of housing on this community and its workers have increased dramatically. Rents, in particular, have increased by 20% in the valley just over the last year, with rental inventories dropping as more real estate has been snatched up. The need for affordable rental housing is as urgent as it has ever been.

On a personal note, we have many employees and prospective employees who simply cannot find a place to rent in Teton County, let alone afford the rents if they do find an open bedroom. We have raised our wages significantly, but that has not translated into people being able to find a place to live in Jackson. Instead, we are simply paying them more to work through the inconvenience of commuting to our community or, in the summer, choosing to live in their car. We need more units to house local employees and help make rents more affordable.

I understand there are some concerns in relation to parking. Whether it is ride sharing, carpooling, a dedicated transit bus, and/or a Start bus stop, housing is in such a demand that the business community will adapt to whatever parking restrictions seem to be the most fair to help provide housing for employees.

I do understand and very much support the need for assisted living facilities in this community as well; however in this case, sadly, because of rising cost and COVID challenges, the company that was operating the facility felt it was no longer a facility they could operate. Will anyone or company want to take the risk of owning or operating an assisted living facility during this time? Is it more important to wait for someone who is able to operate this facility with the risk that it could sit vacant for a very long time, or is it more important that it could be put to use instantaneously for teachers, first responders, health care providers and local employees. I understand those are tough and scary questions to sort through, but in the end, the **immediate** impact and use of opening Legacy Lodge to rentals units for people who work in this community is the best decision for our community.

In conclusion, I hope you will vote in favor of the Legacy Lodge zoning change.  WIth all residents being required to prove employment status under Jackson/Teton County Housing Authority workforce housing guidelines and 25% of the apartments being offered to Town and County employees, health care providers, and teachers, approving the zoning change for Legacy Lodge will provide immediate relief to our workforce housing crisis.

Thank you for consideration and all of your time,

Bud Chatham
Dave Hansen Whitewater
Snake River RV and Cabin Village

**From:** Mary Chessman <mdchessman@yahoo.com>
**Sent:** Tuesday, March 29, 2022 12:00 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rezoning application in Rafter J

To Commissioners,

I am writing as a resident of Rafter J who opposes Stage Stop's application for rezoning from what was an assisted living facility to apartments rented at market prices. As someone who may be needing an assisted living center soon, I am well aware that I will no longer find anything that meets my needs in this area. Changing the zoning to market rate housing makes a huge profit for Stage Stop without giving a break to anyone other than themselves. Also, the intersection with the highway is dangerous and an increase in traffic with this change in use needs to be avoided. Parking spaces would also need to be increased. I bought a home in a community where zoning changes required approval by our local board as well as Teton County.

Sincerely,

Mary Chessman
3220 Single Tree Drive (Rafter J)
Jackson, WY 83001

**From:** Maria Alyce Clark <mariaalyceclark@hotmail.com>
**Sent:** Sunday, February 27, 2022 3:39 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Zoning Change.

Dear Board,

Informed that your plan is to approve the zoning change. Please reply to this email to this email and let me know how many residents of Rafter J have asked you to approve. I realize you cannot give names but it would be interesting to see if any residents asked you to approve.

Probably next to none, yet your plan is to give Stage Stop their request. It spits in the face of your board representing the voters of Rafter J.

Water issues are a concern and traffic. The traffic at the entrance to Rafter is already a death exit and now you want to add more. Take the time to get in the line between 8:30-900nwhen parents take their children to school. Cars are lined up at least 10-12 deep.

The will of the people means nothing to this zoning commission - the will of big money investors is who you seem to be listening to. As individuals what do you stand to gain? Are you elected to represent voters or big investors. You are not helping the community of Teton County.

This issue is motivating me to support any candidates who run against this board. Hopefully we can elect a board that isn't big business influenced. I also plan to attend Feb and March Meetings.

Pleases do not vote to change the zoning here in Rafter J. Prove you represent the people of Teton County.

Maria Clark 3185 Beaverslide Drive Rafter J.

**From:** Maria Alyce Clark <mariaalyceclark@hotmail.com>
**Sent:** Monday, February 28, 2022 8:48 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Do not re-zone Rafter J.

I've sent others emails. This short and to the point. Do not oppose the will of the people, few in Rafter J want this re-zoning to happen. Plan to attend meeting.

**From:** Maria Alyce Clark <mariaalyceclark@hotmail.com>
**Sent:** Friday, January 7, 2022 10:33 AM
**To:** Chandler Windom; Board Of County Commissioners
**Subject:** Rafter J. Unit. Planning

I am home owner and resident of Rafter J. 3185 Beaverslide. This is the comment to be read to Planning.

The first lie is giving this the Title of "Workforce Apartments". These will not be affordable, there are no rent restrictions in the application, they plan to receive FULL MARKET VALUE. This is a foot in the door to simply have more expensive apartments in Jackson.

The hubris and arrogance that Stagecoach went ahead and applied for zoning change without consulting or going through HOA is typical of developers. They must think that the planning commission could be manipulated or already -they have achieved some sort of influence over the Planning Commission. Did they really think as a Planning Commission you would just "ok" this atrocious overreach. What sort of influence was assumed? Certainly makes me question the integrity of the the Planning Commission. I hope I am wrong and the Commission rejects their request.

Is Stagecoach incompetent as investors or real estate developers- did they NOT DO THEIR HOMEWORK? I bet they did and believed they could push and manipulate the Commission by **conning** everyone that this is a WORKFORCE or AFFORDABLE housing. It is absolutely NOT. They SKIPPED bringing their application to the Rafter J. Home Owners Association- wonder why? They absolutely knew that they needed to change zoning. What a bunch of entitled millionaire minded greedy investors. I know when we purchased our property we were provided with all the HOA guidelines and requirements, whatever realtor brokered this deal showed a lack of competence if they did not provide this information.

Due to covid issues we could not attend the "meet us".meeting offered, I did look up the president and owners of Stage Stop, they show a **Sadek Darwiche** as president of half a dozen corporations, I thought it was appropriate that one was called "Gaslight". A Richard Palmer is their agent, They own quite a few corporations etc,

The nursing home had only 35 residents, adding more is excessive. I have concerns about traffic, lowered property values, density concerns.

Please reject their proposal. They should receive some sort of reprimand or be flagged as dishonest and manipulative.

Please reply that you have received this letter. Maria Clark

☑ It's the right time.
☑ It's the right place.

SALT LAKE CITY UT 840
8 JAN 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

2897?

Name: Bryce Clinton

Physical Address: 575 S Millward St., Jackson, WY 83001

**Board of Teton County Commissioners**
**P.O. Box**
**Jackson, WY 83001**

COMMENTS: Employee housing is essential to the continued function of the Jackson and Teton County Economy. No housing, no employees, no businesses.

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☑ It's the right time.
☑ It's the right place.

SALT LAKE CITY UT 840
8 JAN 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

2897?

Name: Elise Marks

Physical Address: 575 S Millward St.

**Board of Teton County Commissioners**
**P.O. Box**
**Jackson, WY 83001**

COMMENTS: This town needs more employee affordable housing!

YES
COMMUNITY
HOUSING AT
LEGACY LODGE

YES
COMMUNITY
HOUSING AT
LEGACY LODGE

**From:** Kevin Cochary <cochary@gmail.com>
**Sent:** Monday, February 28, 2022 1:04 PM
**To:** County Planning Commission <planningcom@tetoncountywy.gov>
**Subject:** Assisted Living in Teton County

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi,

I am writing to advocate for the return of an Assisted Living facility to Teton County and possibly Legacy Lodge. I am aware that the facility has been sold to Stage Stop LLC and they have submitted an application to change the use to employee housing. Attached at the bottom is a "Guest Shot" that I submitted to the Jackson Hole News and Guide suggesting restructuring the business model as a non-profit, public-private partnership. Please consider the following findings from the original assisted living project from the Board of County Commissioners Meeting dated March 21, 2000:

**RELATIONSHIP TO COMPREHENSIVE PLAN**

**Chapter Two: Population**

The Comprehensive Plan's section that analyzes the County's population age groups shows that between 1970 and 1990, the percentage of residents over age 60 was between 5% and 10% of the total county population. There is no reliable information on the percent of the population that will be elderly in the years to come. However, if we assume that the elderly portion of the county population remains steady, and the total population is growing, then the number of elderly will be increasing. Further, if the county population demographics follow the national trends, then we will have a greater percent of the population as senior citizens in the next two decades. Our community's elderly population will not be different from other American towns and it will therefore need facilities such as this to fill the niche between independent living and nursing home care.

**Chapter 3: Community Character**

" Clearly it is in Teton County's best interest to maintain a high degree of social and economic diversity in the base population".

- " To maintain social and economic diversity"
- "To maintain a balance between visitation and community life"
- Land development regulations shall be formulated that shall "protect the health, safety, and general welfare of the citizens of Teton County by responding to the components of community character."
- "Limit the maximum floor area of residential and non-residential structures by character district and by location as appropriate."
- " Adopt design guides and architectural standards to support the character based regulatory system."

Discussion

The ALC building is designed with the types of materials, landscaping, and architecture that fits

It also went on to say " The ALC will add to and help maintain the balance between generations in this community by allowing a niche of the elderly population to remain part of Jackson Hole."

Are we really willing to give up our only assisted living facility in the county and exclude this group of seniors? Please reject this application that would change this use.

Thank You,
Kevin Cochary
Jackson, WY

Guest Shot Submittal to JH News & Guide

Celebrating Our Seniors

Housing is a hot topic in Jackson Hole as it is in many other ski towns. We know that we need to continue to invest in workforce housing to maintain a vibrant, diverse and inclusive community. The Town of Jackson, Teton County, and several non-profit groups are working hard to find housing for young families and single workers trying to survive here and remain in our workforce. Unfortunately, there is a segment of the community that is often lost, forgotten or not included in the discussions and action plans.

Housing our senior citizens and ensuring their continuum of care is not on the minds of many community members or not considered within their scope of work. The community did rally on a recent SPET initiative to fund and build Sage Living, our skilled nursing and memory care facility associated with St. Johns Health. It seems to be extremely popular, as it immediately filled and has a 1.5 year waiting list despite the $13,000 per month rate. Most would say we checked that box and are done. It is a great start, however I understand there is a waiting list of 50 people. Sadly, we have other gaps in the continuum of senior housing needs.

Many of us are not familiar with the progression of senior care from independent living to assisted living and possibly on to skilled nursing and memory care. Legacy Lodge was an important link in that continuum of senior care and housing. Last year, unfortunately, they closed and residents were left scrambling to find care in Idaho Falls or Dubois, WY. This is the gap that needs to be repaired to maintain a community that is inclusive for all ages and keeps our seniors close to family and friends. Now, instead of being inclusive and treated as celebrities and icons of our community, they are castaways, moved out of the county to Idaho and Dubois. How are they expected to flourish when visits from families and friends are less frequent? It requires a round trip drive of 3.5 hours to either facility. Seniors will start to miss weddings, graduations, birthdays, holidays and even funerals of family and friends. We need to bring assisted living back to Jackson and perhaps Legacy Lodge.

The National Institute of Health reports that approximately 70% of the population will need assisted living or skilled nursing care at some point in their life. Approximately, 2% of the U.S. population is currently using assisted living. In Teton County, that would suggest that 467 members of our population (23,331) could need this care. You can assume that in a wealthy community like Teton County, some residents can remain in their homes with a personal caretaker or nurse. Operating as a for-profit facility, Legacy Lodge failed to make a profit and closed with 36 of 57 apartments

occupied. Previous owners also failed. Labor was expensive and hard to find. Utilities were high. The business model did not work. What is the solution?

Don't repeat the same business model, but consider restructuring as a non-profit, public- private partnership. Start by fundraising, angel donors, SPET, state and federal grants, and a commitment from Teton County, the Town of Jackson, St. Johns Health and non-profit advocates joining in a partnership to support an assisted living facility. As the Darwiche family struggles with zoning and community resistance to their workforce housing plan for Legacy Lodge, it might be the time to consider a win-win-win-win solution. The partnership buys the property, and the Darwiche family gets a financial return and a chance to find a better location. Rafter J residents get the familiar lodge back and residents of Jackson Hole have assisted living available locally. Most important, our seniors can return home to Teton County, their family and friends, and the events that enrich their lives. These seniors committed years to being our teachers, park rangers, snow-plow drivers, nurses, service workers, soldiers and first responders. Let's be inclusive of all ages, include senior housing in everyone's scope of work and keep grandpa and grandma close to home in Jackson Hole.

Persephone

JH WY

Dear Country Commissioners.

I am writing this letter in support of Legacy Lodge being used for the purpose of housing employees who work full time in Teton County.

Each month I say goodbye to incredible and talented people who are leaving this valley because of lack of housing opportunities. The lists are long for the local housing programs, the rents are egregious, and new construction takes years to complete.

Our community members need help today.

An approval of Legacy Lodge means that employers in all sectors of this valley have a fighting to chance to retain and recruit talented and dedicated people – people with different economic and demographic backgrounds who contribute to the *sense of community* that many other resort towns do not have.

An approval of Legacy Lodge means that our workforce has more access to safe homes, stable rents, and can continue giving back through their civic and professional contributions.

We implore you to use all the housing tools in the toolbox and say yes to the hardworking people in Jackson through an approval of Legacy Lodge.

Sincerely,

# Ali and Kevin Cohane

Ali and Kevin Cohane

From: Donald D. Cooke <doncooke1210@gmail.com>
Sent: Monday, April 4, 2022 12:40 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>; Gina Lipp <ginalipp@gmail.com>; Doug Miller <grammy.gutierrez22@gmail.com>; Kathy Richter <richter4mgb@hotmail.com>; Ryan Daley <ryd44@yahoo.com>
Subject: Legacy Lodge/Stage Stop Application

Our esteemed and patient HOA head, Mike Keegan, has had to be rather quiet about the Stage Stop application, as he represents multiple views in the neighborhood, and (I assume) did not want to put too much focus on any singular outcome.....until today. I concur with his review of the process and the lack of good faith engagement by Stage Stop, LLC. Please do not overule our CCR's. Allow the families of Rafter J to determine the outcome of this weighty issue.

From Mike Keegan, Rafter J HOA President:
"The County Commissioners will meet Tuesday April 12 at 9:00am to decide on the Stage Stop application to allow apartments in a commercial zone. Please write the commissioners and attend the meeting if you can. At this point, Stage Stop has refused to answer if they will comply with our CC&Rs, has refused to commit to an occupancy number (50 or 250?), has submitted a suspect traffic study that was performed by Y2 Consulting owned by the same person who owns Wapati Construction which is doing the addition at Hotel Jackson, has not satisfied the concerns of our ISD Board regarding water and sewer capacity, and has not committed to housing anyone but their own employees and will rent these tiny rooms for short term 6 month leases at exhorbanent rents. This corporate greed and money grab should not be at the expense of the Rafter J neighborhood. This change of use doesn't benefit anyone but Stage Stop LLC. "

Regards,

Donald D. Cooke
President
Alpine Trails Development
PO Box 9207
Jackson, WY 83002
203-246-1865

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**From:** Donald D. Cooke <doncooke1210@gmail.com>
**Sent:** Friday, February 25, 2022 5:53 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Regarding the Legacy zoning amendment

I am a longtime Rafter J homeowner and very interested in the Stage Stop effort to create high density housing down the street from me. As a resident, and having attended several of the Darwitch open sessions, i have yet to understand how the increase in traffic at the entrance could be seen as anything but a deal-breaking issue. Without a traffic light or comparable solution, the whole idea is a non starter to me and most of my neighbors.
Additionally, the much-loved pathways around Rafter will suffer increased traffic, both foot and bike, from the **seasonal workers** who will likely be placed in the apartments. It is a fantasy to couch this expansion as anything more than a money-making exercise for the investing family, and has little to do with "Workforce housing" solutions, as the units will be rented at market rates (as outlined in the applicaition). I am all- in for helping with the valley housing problem, but this effort is a ruse to allow a few connected parties to grab housing for their private businesses, and to inconvenience the 400+ families who reside here already. We are the workforce....and we vote.

*Please do not push this amendment through without allowing the Rafter J HOA to vote on it, as clearly outlined in the HOA CC&R's.*

Thank you for your attention to this important matter.
Donald D. Cooke

Donald D. Cooke
President
Alpine Trails Development PO Box 9207
Jackson, WY 83002
203-246-1865

**From:** Donald Cooke <don.cooke0615@me.com>
**Sent:** Monday, January 10, 2022 5:36 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop, Inc Application Permit for Legacy Lodge in Rafter J Subdivision.

To: Distinguished members of the Teton County Board of Commissioners,

I am a long time resident of Rafter J subdivision and I strongly oppose the Stage Stop Inc application requesting a PUD Amendment and Conditional Use Permit on Lot 333, the site of the former Legacy Lodge Assisted Living Facility.

-My neighbors have exhaustively argued, in detail, about the the inefficacy of allowing a PUD zoning change.While their opinions are expressed, and are their own, i do agree with most of the issues and concerns.

In a nutshell, my reasons for opposing the use of the facility as Workforce Housing are as follows"

-There is no clear benefit or enhancement to the current property owners besides a brief "feel good" for helping with the valley housing problem. The reality of allowing the density and use change will be ongoing.
-Vehicle density will increase substantially at the entrance/exit. As all locals know, taking a left turn without a stop sign or a stop-light is frustratingly difficult at peak hours of the work day….and nearly impossible in the summer months. Please note, that i stated in one of the recent neighborhood meetings with the Darwich's that they'd need to deal with that issue before any of the other concerns or plans would matter to me.
-The pathways through the neighborhood, a gem to all it's residents, will likely suffer much more use with adults, kids, pets and bikes. Covid has already strained the use of the paths, as people clamour to get outside.
-I am told that water usage may be an issue, since Rafter has a well that supplies most of the neighborhood.
-And lastly, many of the residents have a sense that Stage Stop, inc. is attempting an "end-run" around the Rafter J CC&R's, which require an 75% owner approval to make such zoning changes as described. It is perplexing, and not well-answered, as to why they need to get the County to approve of the proposal before mustering the required votes from landowners. Is there a way that this could be approved without a vote? Oddly, the Darwich team offered that they "had not deeply reviewed the CCR's yet.".

Copy of my neighbor's letter to this same august body:

1. We have been Teton County private property owners in Rafter J since 1984. These were the only "affordable lots " we could afford in Jackson Hole. This Planned Unit Development and Rafter J's CC&R's have ALWAYS been predictable and protective of our private property here in Rafter J. We know we can't paint our house pink or raise horses on our private property just because we "want to." There were then and are now no "commercial apartments" within the RJ plat map, under the "original design" of Rafter J, nor in our CC&R covenants. For Stage Stop Inc to want to change the zoning and master plan of the Rafter J Subdivision is very disconcerting and disturbing to us as long-term Teton County homeowners. The developer knowingly purchased Lot 333 and the Legacy Lodge building as zoned in the 1978 LDRs as Local Convenience Commercial – which does not include residential apartments.

2. There is a huge difference between Workforce Housing and an Assisted Living Facility, which was allowed as an institutional use under the LCC zoning.

Legacy Lodge was listed as an assisted living facility for older senior citizens, many of whom probably could not live on their own, and were living in Legacy to receive supportive elder care. .
Workforce Housing is typically a planning term referring to younger, "working age"people who make up the majority of our service industry and likely have the capacity to "live independently," yet want housing to be able to live closer to their employment.

Legacy Lodge's Facility is already designed and zoned for the purpose of Assisted Living. Stage Stop's proposal for Workforce Housing would be closing the door for a future assisted living facility. There are currently no other assisted living facilities in Teton County now that Legacy Lodge is closed. St. John's Sage Living Center does not provide assisted living units. Its website states that they provide memory care, long-term nursing care and rehabilitation care. It's website states it has 72 beds.....for all of Teton County. We are hearing there is already a "Waiting List" for Sage Living Center. There is great demand for elder care in our community – and very little supply. One might argue that this need is as important as providing Workforce housing. We now have only the Sage Living Center in our community - which assists some of our older senior citizens, but may not be a good fit, have availability, or be within a senior "fixed income" price range. Sadly, we have no other assisted living facilities for our senior citizens in Teton County and those who formerly lived in Legacy Lodge were literally requested to find new homes in the middle of winter and in the midst of Covid 19 pandemic.. Many of those residents were forced to leave the valley and relocate to other towns for assisted living care.

In comparison, (According to the July 7, 2021 Jackson Hole News and Guide),... there are 8 significant Workforce housing projects in the works in Teton County, excluding Stage Stop Inc.'s recent application which brings that number to 9 workforce housing projects in Teton County. Yes, this is an important need, but private and public entities are already stepping up to address this segment of the population, while no one is helping to house the elderly.

Why aren't any older motels, which are within town limits and close to businesses being considered as a location for this type of seasonal Workforce housing to serve our hotels and restaurants. These units would be a much better location and would not impose more traffic on Highway 22, which is already a big safety concern for subdivision residents trying to get in and out of Rafter J. Perhaps these town commercial units should be pursued by private businesses to house their workforce?

3. The application discusses the square feet of current impervious surfaces. "Based on this, approximately 52,000 s.f. of impervious surface is available on the property."
As a Rafter J Homeowner, what does that mean? Why would the application describe Lot 333 in this way? What do the current owners and developers have in mind for the future on Lot 333?

4. Why was Stage Stop Inc. given an "environmental analysis exemption"?

5. Workforce Housing will have an impact on Rafter J's infrastructure.
The Stage Stop Inc. application states, "The maximum number of occupants within any single unit within Legacy Lodge will not exceed two unrelated family members." As a Rafter J Homeowner, what does that mean? Given that description, will any "related family members" be allowed as well within a unit?

It is unclear even how many more people Stage Stop Inc. plans to house in their building than the Legacy Lodge Assisted Facility allowed. This is a very valid question when considering the limited Rafter J Infrastructure and for our quality of life as Rafter J private property owners. If Stage Stop Inc. allows more workforce housing people to "rent" in Rafter J than what the Legacy Lodge Assisted Living Facility allowed, there will be many more people using our water, sewage, roads, trails, and open spaces. And far beyond the capacity than what our subdivision was designed for and we will be left to pick up the costs. 100+ new residents will have a significant impact on Rafter J's roads, traffic, water, sewage, property values, open space, trails, and wildlife.

To allow "commercial apartments" for workforce housing in our subdivision was clearly not allowed in the development of the Master Plan for Rafter J and in the accompanying CCR's for the subdivision. This is not the premise upon which we bought our private properties, built our homes and maintained Rafter J homeownership for 36 years. To amend and change the 1978 LUDR's to allow this new and unwanted type of zoning would be a total disregard to Rafter J existing CC&R's and is a disservice to Rafter J homeowners - many of us longtime Teton County residents.

We would respectfully ask you to vote NO to the Stage Stop Inc. application.

**From:** Shannon Craig <shancraig22@gmail.com>
**Sent:** Wednesday, March 16, 2022 4:30 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Re: Legacy Lodge

Craig Daniels

PO Box 13611

Jackson, WY 83002

shancraig22@gmail.com

Teton County Commissioners

PO Box 3594

Jackson, WY 83001

commissioners@tetoncountywy.gov

RE: Legacy Lodge

Dear County Commissioners,

I am writing to you in order to voice my support for Legacy Lodge to be zoned for workforce housing. If the request by Stagestop Inc. is approved, and we fill the now vacant apartments with the local workforce – the quality of life in our community would improve.

Housing continues to be a complex issue for Teton County, and it is my hope that we can pave the way for both the public and private sectors to find reasonable and reliable solutions.

Sincerely,

Craig Daniels

**PUBLIC COMMENT (These are not all the letters submitted. I'll add a few more that are not part of this record)**

**Submitted on February 28, 2022, by Margaret Creel to be included in the Public Record for the Stage Stop, Inc./Legacy Lodge application for an amendment to the Rafter J PUD and request for a CUP for apartments.**

**In support: 8 (+ years in Rafter J/occupations for some)**

1. Robert and Judith Adams, 3770 Windy Trail (not a Windy Trail in Rafter J, they must have meant to write Winding Trail)
2. **2** Postcards, Bryce Clinton, 575 S. Millward, Elise Marks, 575 S. Millward (It's the right time, It's the right place. Yes to community, Yes to Legacy Lodge for community housing.) Yes- Community Housing at Legacy Lodge. (Elise Marks is the Assistant Front Office Manager at Hotel Jackson)
3. Melene Dodson, South Single Tree Drive, Rafter
4. Vicky O'Donoghue, Rafter J
5. Brent Schaffer, Rafter J
6. Stan Steiner, 1210 W. Hereford Drive (Since 2014)
7. Dawn Webster, Melody Ranch

**Questions/Concerns: 2**

1. Lee Naylon, NE 40
2. Janice and Will Smith

**Other: 5**

1. Kevin Gregory letter to Stage Stop
2. Gina Lipp,2000 Development Permit
3. Gina Lipp, ISD/HOA fees rate increases
4. Rafter J HOA, BOD Rafter J ISD BOD
5. Rafter J HOA, July 28

**Against: (Not form letter) 69 (+ years in Rafter J/occupations for some)**

1. Janis Ferrin Allen, 1655 Big Trail Drive #704 (some form but not all)
2. Steve and Susie Baldock,1920 West Homestead Drive, 307-690-4062 (South District, GTNP, Road Supervisor)
3. Jackie and David Baxa,3190 Beaverslide Dr. (2007)
4. Patti Berlin, 1200 W. Hay Sled Dr. (22 years) (Teacher)
5. Kathie Brazinski, Legal opinions, microbiologist, medical laboratory scientist, St. John's Medical Center
6. Doug and Jan Brimeyer,1245 W Hay Sled Drive, over 25 years (Jackson Wildlife Management Coordinator/Wildlife Biologist, Wyoming Game and Fish, WIC (Women, Infants, and Children Program)

7. John and Karilyn Brodell (Respiratory therapist, St. John's Medical Center; 30 years at Valley Bookstore)
8. Anne Buckland, 6+ years (Director of Sales, Snow King Resort)
9. Cathie and Bruce Burkland,1900 Homestead Drive, 1989 (former ED for Teton Youth and Family Services (2003-2020)
10. Chad Strand (3050 S. Bridle Drive)
11. Maria Alyce Clark, 3185 Beaverslide
12. Donald Cooke ***see note at end
13. Margaret Creel and Roger Smith, 1680 Quarterhorse Drive, 1992 (TSS, Snake River Fund, Teton Raptor Center)
14. BobbieCDailey, www.bobbiedaileyart.com (retired teacher, graphic artist)
15. Jody Donnelly (member, DEI Collective Steering Committee)
16. Lloyd Dorsey (info sent to homeowners- anonymous against)
17. Lloyd and Michele Dorsey, 1235 Hereford Drive (Conservation Program Coordinator, Sierra Club, Wyoming Chapter)
18. Valerie J. Ehrich,3355 S. Tensleep Drive, 1986
19. Aida Farag, 3065 S. Stirrup Dr. (Dr. Aïda Farag is the Project Leader at the Columbia Environmental Research Center's, Jackson Field Research Station.)
20. Lee FitzPatrick,1195 W. Hereford Drive, 23 years (1998) 2 letters (Speech pathologist/therapist, TCSD)
21. Lara Frances Floreani,1755 W. Diamond Hitch Drive
22. Arthur Greger,1935 Homestead Dr, 2 letters (UPS Delivery Driver)
23. Lisa Husband, Hereford Drive and West King Eider Rd., 2000 (307)-690-5566 School Counselor, TCSD
24. Connie Huspek,1500 W. Percheron Drive. +30 years (Tax preparator, CPA)
25. Elizabeth Jacobson, Lot 50, 34 years (worked for JH Historical Society)
26. Karl and Dolores Jagstadt
27. Karen Jerger,1190 Haysled Drive (husband PA, Grand Teton Medical Clinic)
28. Jan Lovett, 1220 Haysled Drive (former Special Ed teacher, TCSD, JHMS)
29. Kathy Greger,1989 (Home childcare)
30. Michael Keegan, 3075 Stirrup Drive, 1996
31. Anna Knaeble,3325 S. Cow Camp Drive (Husband is a local physician)
32. Ed Krajsky (manages The Lexington at Jackson Hole)
33. Deb Kuzloski
34. Steve and Gina Lipp (House painting business, Special Ed teacher)
35. Joseph Lovett (Engineer at Jorgensen Associates)
36. Lucinda Krajsky, 30 years
37. Burns MacLeod, 1305 West Buck Rake Drive (Chef, wife is a nurse)
38. Sharon Mader, Appaloosa Drive (senior program officer, NPCA, former JHCA senior staff, former ED JH Wildlife Foundation)
39. May Sumicad, 2000 (Developmental Occupational Therapist)
40. Peggy and John McAvoy, 37-year residents (secretary, Teton Wilderness Tours)
41. Terry (Mr. and Mrs.) McClellan (Ski instructor, JHMR- 18 years)

42. Mark Memmer (longtime valley resident, auto shop owner and upright bass player with the Jazz Foundation of Jackson Hole)
43. Allison and Brian Merritt (concerns with crime, safety) Executive Director, Western Design Conference)
44. Evan Molyneaux (President, JH Insurance, BOD- JH Cupboard)
45. Tom and Patti Patterson, 1690 Quarterhorse Drive, 36 years (Town of Jackson Public Works, Real Estate Loan Officer, 1st Interstate) (Shriners, Soroptimists)
46. Susan Perkins
47. Douglas R. Pitman, 3095 S. Stirrup Drive
48. Bonnie Pocket, 1996 (former Public Health Nurse, Lactation specialist)
49. Alice Richter, DDS, 2952 Big Trail Drive (drugs concerns) (Dentist)
50. Kent and Mary Beth Riemondy, 3295 W. King Eider Road
51. Carol and Chuck Schneebeck, 1991
52. Mark and Audra Schultheis, Walden Pond (PT)
53. Arthur Sills
54. Stephen Lipp, 37 years
55. Jeff and Adria Stines, 1915 W. Bunk House Drive (Teacher, TCSC, JHHS, Nurse, St. John's)
56. Rose Strand,15 years (former JHMS math teacher)
57. Jantina Tuthill,
58. Rick and Kim Walters, 3420 S. Appaloosa Drive
59. Wes Krajsky, NE 40 condo, 2015
60. Chuck and Fran Wright, 3385 S. Appaloosa
61. Hans Flinch, Cairn Landscape Architects
62. Janice Sproule, 1255 W. Haysled Drive
63. Tom Pockat, Lot #158, Pediatrician
64. Sandra Ostdiek, 1925 W. Bunkhouse
65. Sarah Graham, clinical coordinator at Sage Living, St. John's Health
66. George and Sally Lindhart, 1205 Hay Sled, General Surgeon, SJMC, 13 years
67. Mike Turley, 3160 King Eider
68. Mike Allen, 1655 Big Trail Dr.
69. Peggy and John McAvoy, 37 years

**Against: (Form Letter) 22 (+ years in Rafter J/occupations for some)**

1. Adi Amar and Bernard Tkaczyk, 3425 Arabian Drive, 307-690-3054, 307-690-4077 (FORM)
2. ??, 3145 West King Eider Road, (FORM)
3. Brad Dickey and Mari Lundgren (FORM), Healthcare (Peak Behavioral Services), teacher
4. Marshall and Deborah Empey, (FORM)
5. Barbara Bridges, 1930 American Brant, (FORM)
6. Maureen Fitzgerald, 1930 W Homestead Dr, (FORM)
7. Karyn and Marc Schiller, 1040 W. Longhorn Dr, (FORM)

8. Rick S. Holding, 1915 Buckrail Drive, (FORM)
9. Marcia Johns, 1905 West American Brant (FORM)
10. Anthony Hill, (FORM)
11. Karin King, 3430 S. Arabian Drive, (FORM)
12. Lee Kunze, (FORM)
13. Jessica and Jake Lancaster, (FORM)
14. John and Dawn Lotshaw, 3315 Cow Camp Drive, (FORM)
15. Mark Lovett, 1220 Hay Sled Drive, (FORM)
16. Mandy Lowe, 3100 S. Stirrup Drive, (FORM)
17. Robert Helean, 3100 S. Stirrup Drive, (FORM)
18. Jeff and Julie Huot, (FORM) (UPS driver, nurse, SJMC)
19. Karen Mertaugh, (FORM)
20. Thomas Mertaugh, (FORM)
21. Diane Peterson And Cary Schaeberle, 3415 S. Shorthorn Dr, (FORM)
22. Lynn Wagner, (FORM)

**TOTAL COMMENTS/Letters/Correspondence: 106**

**TOTAL Comments Against: 91**

**Additional notes, including some occupations of Rafter J residents as part of the JH workforce.**

Donald Cooke

President:

Alpine Trails is an affordable housing development in Victor, Idaho. Victor is the first bedroom community to the town of Jackson Hole and Teton Village. My family and I are developing townhomes and rentals to support the businesses in both Victor and Jackson to allow teachers, chefs, firemen and other professionals and workers to live in the area and enjoy the natural riches of Grand Teton National Park and Yellowstone.
Prices for living in Jackson have become problematic for all but the super rich, so this project struck a nerve for me and my family.
I had the blessing of growing up in this valley, which I describe as "year-round sports camp", and I am at a point in which I want to help others to come enjoy one of the great outdoor regions in America. This is my new passion.

**These are some of the people who live in Rafter J who are opposed to the application for an amendment to the Rafter J PUD and request for a CUP to allow apartments.**

- South District, GTNP, Road Supervisor
- Teacher, TCSC, JHHS, Nurse, St. John's
- former JHMS math teacher
- Cairn Landscape Architects
- Pediatrician

- clinical coordinator at Sage Living, St. John's Health
- PT
- Healthcare (Peak Behavioral Services)
- former Public Health Nurse, Lactation specialist
- General Surgeon, SJMC
- Dentist
- Town of Jackson Public Works, Real Estate Loan Officer, 1st Interstate (Shriners, Soroptimists)
- President, JH Insurance, BOD- JH Cupboard
- Executive Director, Western Design Conference
- longtime valley resident, auto shop owner and upright bass player with the Jazz Foundation of Jackson Hole
- secretary, Teton Wilderness Tours
- Ski instructor, JHMR- 18 years
- Developmental Occupational Therapist
- senior program officer, NPCA, former JHCA, former ED JH Wildlife Foundation
- Chef, wife is a nurse
- Engineer at Jorgensen Associates
- House painting business, Special Ed teacher
- manages The Lexington at Jackson Hole
- Husband is a local physician
- former Special Ed teacher, TCSD, JHMS
- husband PA, Grand Teton Medical Clinic
- Home childcare
- worked for JH Historical Society
- School Counselor, TCSD
- UPS Delivery Driver
- Speech pathologist/therapist, TCSD
- Project Leader at the Columbia Environmental Research Center's, Jackson Field Research Station
- Conservation Program Coordinator, Sierra Club, Wyoming Chapter
- member, DEI Collective Steering Committee
- retired teacher, graphic artist
- employees of TSS, Snake River Fund, founders of Teton Raptor Center, current BOD
- former ED for Teton Youth and Family Services (2003-2020)
- Director of Sales, Snow King Resort
- Respiratory therapist, St. John's Medical Center; 30 years at Valley Bookstore
- Jackson Wildlife Management Coordinator/Wildlife Biologist, Wyoming Game and Fish, WIC (Women, Infants, and Children Program)
- microbiologist, medical laboratory scientist, St. John's Medical Center
- Teacher

Chandler Windom
Senior Planner
Teton County Planning Department
P.O. Box 1727
Jackson, WY 83001

January 20, 2022

Dear Ms. Windom,

Our letter concerns the application submitted by Stage Stop, Inc., owner of Lot 333, Rafter J Ranch, located at 3000 Big Trail Drive, requesting 1) an amendment to the Rafter J Planned Unit Development (Section 8.7.3 of the LDRs) to "allow a residential use on the subject parcel," and 2) a Conditional Use Permit seeking to "govern the intensity and operational characteristics of the proposed residential use." In other words, develop apartments at the former Legacy Lodge.

To date, almost 50 Rafter J homeowners have submitted letters to you, the Planning Commissioners, and the Board of Teton County Commissioners. All but one has clearly voiced opposition to this proposal. Please add ours to the next Correspondence Detail.

We respectfully and unequivocally ask that you **deny** Stage Stop, Inc.'s request for an amendment to the Rafter J Planned Unit Development **AND** their request for a conditional use permit that will allow apartments on Lot 333 for multiple reasons.

First, a little bit of history.

We purchased our home in Rafter J in 1992, 30 years ago. Like so many others who live here, we selected the subdivision as we viewed it at that time as an affordable (barely) option for us and an ideal place to raise a family. Our children are now 24 and 26. Additionally, the amount of open space interspersed with the number of homes was unprecedented in a development in Jackson Hole at that time. The development was very carefully designed in the 1970s with a potential 495 units and 440 acres of open space, much of which flanks Flat Creek. To this day, there is still not a subdivision for the working class in Jackson Hole that rivals Rafter J's acres of open space. **This alone sets it apart as one of the valley's most extraordinary and most desirable neighborhoods**. As Janis Ferrin Allen so succinctly wrote in her 10/27/2021 letter to you and the Board of County Commissioners, "Rafter J was never intended as a place for densely configured employee housing. Not now. Not ever."

Rafter J Lot 333 was created in 1978 as part of the Rafter J Planned Unit Development. The property is zoned Local Convenience Commercial, which allows for a wide range of commercial uses, not residential ones.

In 1993, a group of developers including Cy Richard, Pete Cook, Rod Everett, Larry Buxton, and Tom Evans sought to change the zoning on more than 5 acres near the north entrance to Rafter J (Lot 333) to allow them to build 20 homes. Sound familiar? Change established commercial for the benefit of Rafter J homeowners *to* residential for the benefit of the developers. At that time, just like now, this would have required a two-thirds vote of approval from Rafter J Homeowners. Because of this, developers withdrew their application, and the homes were never built.

In the spring of 2003, construction of an Assisted Living Center (deemed an appropriate commercial use under a CUP and a Development Permit) with 57 units on Lot 333 commenced. According to a 4-30-2003 article in the Jackson Hole News and Guide (JHNG), "Jackson Hole seniors, and their families will soon have another facility to help them enjoy life. The private assisted living facility will offer elderly residents another option to full-time nursing care provided by St. John's Living Center and home nursing." Another article from 5-18-2005 stated that "as the lodge (River Rock at that time) provides a comfortable home for elderly residents in their twilight years, so it provides comfort for family members in the knowledge their relatives are looked after."

And as you know, unfortunately, Jackson Hole's only assisted living facility—most recently known as Legacy Lodge—shuttered its doors last winter after effectively evicting its residents with little notice. Now, private developers, under the cloak of supposed goodwill, are hoping to have the County amend the PUD to allow for residential instead of commercial use and, with a conditional use permit, allow "commercial apartments" for workforce housing.

As politicians like to say, let me be clear. Apples are apples, and oranges are oranges. An assisted living facility is just that--a facility that is intended for elderly residents who need assistance with living. Workforce housing/apartments are just that- residential units intended to provide housing for members of the workforce. The applicant writes:

- "Assisted living, as permitted within the Legacy Lodge facility, is a residential use providing a community service, and the use of Legacy Lodge as workforce housing is no different."

- "When considering the previous use of the property and the proposed workforce housing use, they are really not that different. With the appropriate controls and assurances, the impact of the proposed use can differ little from the previous use while addressing current community workforce housing challenges."

That's like putting lipstick on a pig. Or is it like getting blood from a turnip?

**Other issues and there are many:**

1. Why has the applicant, as a new homeowner in Rafter J, leap-frogged the Rafter J Homeowner's Association (HOA) by going to the County with their application for an amendment to the PUD and a CUP without addressing the need for a two-third homeowner vote for this to take place?

2. The developers first met with the Rafter J HOA on May 25, 2021. At the June 29 HOA board meeting, Sadek Darwiche, representing Legacy Lodge ownership, asked if it was required to have 2/3 approval by Rafter J homeowners for Lot 333 to be used as an assisted living facility, and where in the CCRs does it state this requirement. As Lot 333 was (is) zoned Local Convenience Commercial, assisted living facility conformed to the CC&Rs. Lot 333 **is** subject to the CCRs for the HOA and all amendments and supplements thereto. The proposed apartments do not conform and require amending the CC&Rs.

3. Rafter J's attorney sent a letter to Stage Stop, Inc. on December 13, 2021, clearly stating that "as the proposed use (residential apartments) is in no way similar to an assisted living facility (and corresponding commercial use) previously located on Lot 333, in order to accomplish this stated goal, Stage Stop will first need to obtain

an amendment to the HOA's CCR's designation of Lot 333 as "commercial area, so that the multiple dwelling, resident use proposed will be allowed thereunder." **We assume you are familiar with this letter and its clear and direct message.**

4. When the applicant did their due diligence in providing a "neighborhood meeting," why did they improperly post this meeting on the nonprofit listserve, which essentially invited everyone in the community to attend the meeting that should have been for neighbors only? Additionally, the survey results from the meeting were statistically irrelevant.

5. Why, if the applicant does not yet have a certificate of occupancy, are there at least five people living in the building who are supposed caretakers? On that same note, why have there been multiple vehicles parked in the parking lot? During the summer/fall, there were at times over 10. At midnight on 1/19/2022, seven cars were parked in the parking lot. A direct quote from Sadek Darwich at the last neighborhood meeting was, "there are five caretakers that are here during various times of the day, 24 hours a day/7 days a week." Seven cars at midnight? That doesn't equate to five people at various times of the day.

6. In Kathy Clay's Jackson Hole Fire/EMS peer review of the application, she states that "Legacy Lodge was not reviewed or inspected under our jurisdiction as it was owned by the State. For the building to reopen, the following must be met:
   - All life safety systems shall be inspected
   - Building fire alarm system must be monitored by an alarm company
   - Fire inspection shall be conducted to ensure other life safety features are in place; emergency egress lighting,elevator operation, etc.
   - Electrical Inspection shall be conducted as well."

**Again, why are people living there currently?**

7. If this development will provide 57 units of workforce housing, but only 36 parking spaces exist, where will all the cars go? If each unit has two occupants, at a minimum, this equates to potentially 114 occupants for 36 parking spaces. According to Amy Ramage, Teton County Engineer, applying standard formulas of 2.5 spaces per unit would require 142 parking spaces. She states in her review that "it seems that the number currently provided is substantially inadequate to meet the needs of residents and employees, even with methods encouraging residents to not have a car, such as bike lockers and robust transit service."

8. Again, according to Amy Ramage, "this location is also somewhat remote from other supportive infrastructure like grocery stores and schools and further limits residents' ability to live car-free compared to locations that are within the Town of Jackson." **Having lived in Rafter J for 30 years and without public transportation, we know that people drive ALL THE TIME, all day long.**

9. In her review, Amy Ramage also voices a concern that without enough parking, Big Trail Drive will bear the burden of overflow parking, even if it is prohibited. **How could this be justified to Rafter J homeowners whose ISD/HOA dues go towards maintaining the roads?** As she accurately says, "the adjacent roadway is not designed to accommodate parking and puts the burden on the Rafter J ISD/HOA to enforce the issuesthat come with rogue parking and fix roadway shoulders that will become denuded and need signage."

10. Although there are currently only 36 parking spaces, there is ample acreage on Lot 333 to develop more parking to accommodate more vehicles. The developer has given assurances that they wouldn't do this. A verbal commitment doesn't hold much water. This is very concerning.

11. Lot 333 is located just south of the northern entrance to Rafter J. At a minimum, during commuter hours in the morning and evening, hundreds of vehicles either exit or enter this entrance. They include those going either into town or south of town, those going in or out of the Children's Learning Center (capacity is 98 children; how many employees?), BACKROADS Bicycle Tours with multiple van trips in summer/fall, and Larsen Family Dentistry. How can this entrance accommodate more vehicles when it is already treacherous to make a left turn onto Highway 89 during morning rush hour? Or to make a right turn during afternoon/evening rush hour?

12. With the increase in adults commuting on bikes to and from work, and school kids using bikes and now e-bikes to commute to and from schools, we have serious concerns about the safety of the pathway as it crosses the entrance to the former Legacy Lodge facility. Additionally, pathway commuters from the south, including kids, must cross the northern entrance to Rafter J at the times when residents are trying to exit or enter at rush hours--**the potential for a serious, if not fatal accident, will increase significantly with the addition of more vehicles associated with the proposed workforce apartments**.

13. Why, when the developers committed to a traffic study in the July neighborhood meeting, has one not yet been conducted?

14. The application states that "allowing for the change of use of the existing facility from an existing living facility to employee (note: not workforce) housing will not have an adverse impact to these public services and facilities, including transportation, potable water, and wastewater facilities, parks, school, police, fire, and EMS facilities. **No one could argue that 57 or fewer assisted living residents have the same footprint as potentially 114+ employees, could they?**

15. When were the residents of Rafter J not considered part of the workforce? We have been part of the workforce in Jackson Hole for decades, as have many of the hundreds of other residents here. According to the current LDRs, workforce housing is a defining feature of the community character. LDR Section 6.3.1.B.1 states: "An essential component of the community character and social, economic, and political fabric of Teton County and the Town of Jackson over the years is the presence of those persons and families that work in the community, live in the community, attend schools in the community, worship in the community, and vote in the community." This is Rafter J.

16. The application states that "at the time the category of institutional use was developed in the 1978 LUDRs, workforce housing was not a community issue." Rafter J was developed to meet the needs of the middle/lower-income residents of Jackson Hole- the workforce. Workforce housing has always been a community issue.

17. The application states, "All employees will be required to work at least an average of 30 hours per week in Teton County." How are you determining the average?

18. The application states that this proposed use "will have no impact on wildlife permeability and connectivity." We beg to differ as moose, deer, fox, coyotes, even grizzly bear 399 +4 move through Rafter J, sometimes crossing the highway by Lot 333. Putting 100+ more people onsite, with associated vehicle/bike use, will affect the movements of animals. The same is true if there is significantly increased use from 100+ people on the trails in Rafter J, most of which border rich riparian habitat along Flat Creek.

**Having lived in Jackson Hole for decades, having raised two children here, and still working and or volunteering in the community's nonprofit sector, we are acutely aware of the need for workforce housing. However, due to the reasons stated previously and for many others—which other Rafter J homeowners have addressed in their correspondence to you—the former Legacy Lodge building is not the place for a project like this one, at least with what the applicant has at this time proposed.**

**Once again, we respectfully ask you to deny this application.**

With appreciation for your thoughtful review,

Margaret E. Creel and Roger N. Smith
Rafter J Homeowners since 1992

Cc:
Teton County Planning Commissioners
Teton County Board of County Commissioners

**From:** Adrian Croke <adrian.croke@gmail.com>
**Sent:** Monday, February 28, 2022 10:56 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge Housing Project

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello!

I am writing in support of allowing work force deed-restricted units at Legacy Lodge in Rafter J. Though I am a resident of the town of Jackson, and I do not reside in Rafter J, I am a proponent of fully pursuing any reasonable option for workforce housing in our community. This is an option that will allow us to work towards a solution to a crisis. I hope we as a community can make the right choice and say yes to workforce housing at Legacy Lodge!

Thank you,

Adrian Croke

**From:** BobbieCDailey <BobbieCDailey@protonmail.com>
**Sent:** Sunday, December 26, 2021 5:15 PM
**To:** Chandler Windom
**Cc:** Board Of County Commissioners; Rafter J
**Subject:** Lot 333, Rafter J

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To Teton County Planners and Commissioners--

**I want to voice my strong objection to Stage Stop, Inc.'s request for a change in PUD and CUP permits for Lot 333 in Rafter J.**

Rafter J is not an appropriate place for any type of high-density apartments/workforce housing, nor is Lot 333 even zoned for such. It is also questionable that, if these units were to be approved, they could possibly be, in any way, "affordable" for the average Teton County worker, as the developer has clearly stated they will be rented at full-market rate.

The building has units that must be modified to allow them to function as "apartments", doing so vastly changes the density and function of the building from an assisted living situation: there will be more people living in each unit and consequently an increased need for parking, and an increase of daily traffic. The proposal by the developers to lease blocks of units to employers may further increase the likelihood of short-term tenant occupancy.

Furthermore, this proposal seems to have tried to "fast track" without consideration to the existing Rafter J CC&R amendment process. As residents of Rafter J, we have the right to vote on any proposal to change our covenants. It seems Stage Stop, Inc. would like to by-pass this process.

In my opinion, the County Planners and Commissioners have nixed or stonewalled projects initiated by private individuals to provide low-cost housing in other areas of the Valley much more appropriate for high-density development.

Rafter J is NOT a high-development area. Please reject this proposal.

Thank you,

Bobbie Dailey

visit my website—
www.bobbiedaileyart.com
Animal, wildflowers, & country art
Giclée cards and prints available.
Also find my cards at these retailers:
National Museum of Wildlife Art
307 Mercantile, Pinedale
Water Wheel Gifts and Books, Dubois

Sent with ProtonMail Secure Email.

January 1, 2022
Dear Teton County Planners and Commissioners,

While I do not have a long legacy in the valley, my parents purchased and decided to settle down in Jackson, Wyoming in the mid-1990s. My little sister went to High School here, and my husband and I chose to put roots here, in order to be close to family. I have taught in the school district here since 2013. Needless to say, this community means a great deal to me.

When my husband and I finally chose to bite the bullet and purchase a home in this expensive community we ultimately chose to buy in Rafter J because of the family friendly neighborhood. There are few "neighborhoods" in and around this town, Rafter J, having a more outdoor family activity orientation drew us in. We were drawn to the sidewalks, bikepaths, and the nature trails. We placed our daughter in the care of the local CLC knowing they went on nature walks using the pathways and joined with the local Legacy Lodge for a partnership of intergenerational benefits.

While I am aware that workforce housing is certainly an issue, I would like to stress the importance of the neighborhood haven that Rafter J is for much of the currently employed workforce. We enjoy the slower, more peaceful and safer feel that Rafter J offers and enjoy the respite from the seasonal ebb and flow that this community and its workforce fluctuation brings. We love having neighbors that we know, who are also members of this community and its workforce, but they are a more permanent fixture of this community. We watch out for one anothers kids, take each other's dogs out, shovel the walkway of our neighbors and give and receive holiday goodies to show our appreciation of all we have done to support one another over the year(s). The developers stressed that the current plan would have less impact on the neighborhood than other options, but at least business options like daycares, medical practices and elderly care facilities would not have the highest flows of traffic when children are most active outdoors.

The Rafter J development was very thoughtfully developed to provide a family friendly neighborhood with green space for the residents and local workforce. The Legacy Lodge/Lot 333 was one area in the neighborhood and town where we could commune with, and support our aging community members. Since the closure of the Legacy Lodge during the pandemic, elderly members of my church, aunts and grandparents of friends have had to find assisted living elsewhere, many outside of the community they devoted their lives to. We have a huge and growing need to support our aging community members in addition to the "workforce." I worry that the planners are not giving enough thought to those members of our community; I worry about what will happen to my parents when the time comes for them to be placed in assisted living.

Lot 333 having been used as an assisted living facility, did nothing to detract from the neighborhood feel. There was not a heavy use and burden on the neighborhood streets and pathways. As a parent and teacher, I worry about the safety of our children as they ride their bikes to friends houses or walk to the sledding hill, if there comes a time when a transient

workforce moves into our neighborhood. I worry about the inherent risks associated with the uptick in commuters, and the younger workforce. Not to mention the increase of cars parked along roadways (there is not enough parking with the proposed plan) impairing the vision of drivers and awareness of pedestrains. Lot 333 was not zoned to be dense apartments and the proposed change does not preserve the needed space for senior residents or the atmosphere of the neighborhood.

My concern is for the families, kids and seniors that would be affected by the proposed change, the local wildlife would be affected by a high-density workforce housing. As a community we do so much to live in harmony with the local wildlife and Rafter J is a haven for moose. A dense population increase could shock the wildlife and cause irreparable damage to the population due to traffic and noise.

Finally, In addition to my concerns regarding the impact to Rafter J, the proposed “workforce housing” is not what the local workforce considers affordable. As evidenced by the Sagebrush apartments, workforce housing being built is not “affordable.” What this town now considers “market-rate” rentals are not affordable to the workforce in need of housing; I believe companies like Stage Stop Inc. are writing proposals in such a way that makes the proposal seem admirable and yet, they are not truly providing affordable housing for the seasonal and hospitality workforce that makes up our town needs.

I urge you to reject the Stage Stop Inc. development proposal to uphold the values and family-friendly neighborhood that makes Rafter J the home to many of this community’s long term resident workforce.

Thank you for your thoughtful consideration of this matter,

Katherine Davis

## Chandler Windom

**From:** Heather Thompson
**Sent:** Monday, March 7, 2022 7:56 AM
**To:** Chandler Windom
**Subject:** FW: Stage Stop and government over-reach

-----Original Message-----
From: Joe Demarsh <ycajoe@gmail.com>
Sent: Sunday, March 6, 2022 10:52 AM
To: County Planning Commission <planningcom@tetoncountywy.gov>
Subject: Stage Stop and government over-reach

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Planning Comission
Please stop the government over-reach by the County Commissioners by not recommending Stage Stop's request for zoning changes.

Stage Stop's purchase of the Legacy Lodge has made them a member of the Rafter J Homeowners Association. Those CC&R's clearly state any changes to existing zoning must passed by a majority vote of all association members.

For the County Council to even consider their own zoning changes PRIOR to an association vote is a government over-reach and blatant disregard of the hundreds of working class families who have faithfully lived by their CC&R's for over 40 years.

Many Rafter J homeowners are not apposed to making the old Legacy Lodge Into worker housing. Most of us however are opposed to the county getting involved before Stage Stop honors and abides by the rules of the association they've chosen to join. Soliciting county support at this point in the planning process clearly shows Stage Stop has no intention of abiding by Rafter J CC&R's.

Stop the government over-reach and let Stage Stop deal directly with our association first. We need clarification on several issues vital to our homes, including:

1. How many residents will Stage Stop plan
2. Can Rafter J Asso. Water and sewer system support those number of additional people
3. How does Stage Stop plan on addressing the additional cars at the hwy intersection which Wy. Dept of transportation already designed with an F rating.

Sinserely joe demarsh

Sent from my iPhone

Hello-

My wife and I understand an application change in the PUD and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in 1/22 and 2/22. We respectfully ask you to **reject** this proposal that seeks a zoning change and a change of use within the subdivision.

My wife is a teacher in town, I work locally in healthcare, and we have 2 children. This change would significantly change our neighborhood and the reason we moved to rafter J as a family. This change would substantially increase traffic, impact the wildlife, pathways, trail systems, and use of open space. We live in Rafter J because it is a peaceful family subdivision and are not in support of the changes proposed by The Stage Stop, Inc.

To our knowledge The Stage Stop, Inc has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This is spelled out in the Rafter J covenants. The Rafter J Lot 333 is not zoned for high-density apartments or workforce housing. The town would be a better spot for this due to public transportation, being closer to local businesses, and walking trails. The developer seems to be bypassing the legal rights of Rafter J homeowners and is trying to receive a favorable decision from the county.

This proposal does not comply with existing zoning and allowed uses in the Rafter J Master Plan and has not complied with the Rafter J CC&R's Amendment process requirements. We urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and the individual families that choose to live within these neighborhoods based on the current CC&R's and zoning regulations. This change would significantly impact where our family lives and we do not support any of the changes above proposed by The Stage Stop, Inc.

Thanks for listening,

Brad Dickey & Maria Lundgren
715-829-5195
dickeybn@gmail.com

**From:** Rafter J Office <office@rafterj.org>
**Sent:** Wednesday, December 15, 2021 4:46 PM
**To:** Chandler Windom; Brian Remlinger; Chuck Rhea; Karen Jerger; Mike Keegan; Tracy Baiotto
**Cc:** Melene Dodson (melene53@gmail.com)
**Subject:** Rafter J Update December 2021

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

**From:** melene [mailto:melene53@gmail.com]
**Sent:** Wednesday, December 15, 2021 4:38 PM
**To:** Rafter J Office
**Subject:** Re: Rafter J Update December 2021

Dear Nancy,
Although I'm not the sort to attend public meetings, I would like to express my lack of opposition to utilizing the old Legacy Lodge for employee housing. Given proper constraints, I believe this usage would benefit us all. Issues like road traffic, pathway usage, noise and the like are speculative and can be easily resolved should they arise.
Please convey this to the relevant boards and committees.
Thankfully yours,
Meléne Dodson

**From:** Jody Donnelly <nettaxi1@icloud.com>
**Sent:** Monday, February 21, 2022 3:34 PM
**To:** Chandler Windom; Jody Donnelly
**Subject:** Lot 333 Rafter J Proposal

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Chandler,
I am writing today as a resident of Rafter J to share my opposition to the proposed plan for Lot 333 to be used as housing. I believe it should remain as an assisted living facility, as originally zoned.
I am also acutely aware of the need for an update to the architecture of the intersection of the traffic signal at the North entrance to Rafter J, where car traffic, the bike path & the highway traffic merge: a tunnel under the existing highway with a L to go into town & a R to go South, would separate the flow of traffic of varying speeds & directions and let the bikes have a dedicated through-line, at existing highway grade.
I have seen too many harrowing close-calls between bikes & cars, and cars & cars, to be willing to wait for WYDOT to reach its threshold of action which is, apparently, an actual traffic fatality, in order for WYDOT to start to pay attention.
WYDOT has no current plans to update how the highway & North entrance interface and this simply is not good enough.
We need to expect more from WYDOT & the community since the risk of cyclist fatality & car collisions is so very obvious.
Any commercial development considerations for the Rafter J area needs to come AFTER these updates to the traffic patterns have been made real.
Respectfully submitted,
Jody Donnelly

# Lot 333 Rafter J Proposal

Jody Donnelly <nettaxi1@icloud.com>

Mon 2/21/2022 3:33 PM

To: Chandler Windom <cwindom@tetoncountywy.gov>; Jody Donnelly <nettaxi1@icloud.com>

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Chandler,
I am writing today as a resident of Rafter J to share my opposition to the proposed plan for Lot 333 to be used as housing. I believe it should remain as an assisted living facility, as originally zoned.
I am also acutely aware of the need for an update to the architecture of the intersection of the traffic signal at the North entrance to Rafter J, where car traffic, the bike path & the highway traffic merge: a tunnel under the existing highway with a L to go into town & a R to go South, would separate the flow of traffic of varying speeds & directions and let the bikes have a dedicated through-line, at existing highway grade.
I have seen too many harrowing close-calls between bikes & cars, and cars & cars, to be willing to wait for WYDOT to reach its threshold of action which is, apparently, an actual traffic fatality, in order for WYDOT to start to pay attention.
WYDOT has no current plans to update how the highway & North entrance interface and this simply is not good enough. We need to expect more from WYDOT & the community since the risk of cyclist fatality & car collisions is so very obvious.
Any commercial development considerations for the Rafter J area needs to come AFTER these updates to the traffic patterns have been made real.
Respectfully submitted,
Jody Donnelly

**From:** Lloyd Dorsey <lloydjdorsey@gmail.com>
**Sent:** Wednesday, January 5, 2022 8:19 AM
**To:** Chandler Windom; Chris Neubecker; planning@tetoncounty.gov; Board Of County Commissioners
**Subject:** re Lot 333 in Rafter J
**Attachments:** info re Lot 333 in Rafter J Dec 2021.pdf

January 5 2022

To the Teton County Planning Department, Planning
Commission, and Board of County Commissioners:

My wife, Michele, and I are resident owners of a home in Rafter J and are very concerned
about the proposed changes and amendments to the Rafter J Planned Unit Development and Conditional Use Permit as submitted to your offices by the new owners of Lot 333, formerly known as the Legacy Lodge.
We are opposed to the requested changes and amendments.

Attached to this email is information recently sent to homeowners in Rafter J.
I want to make sure you are aware of and consider the points held by many Rafter J homeowners over the requested changes and amendments to the PUD and CUP for Lot 333.

Thank you for your attention to these matters,

Lloyd Dorsey, homeowner
1235 Hereford Drive, Rafter J
307 690 1967
lloydjdorsey@gmail.com

# Darwiche Development Proposal Violates Rafter J Homeowners' Rights

Dear Rafter J Neighbors,

Over the holiday season, there is a project of concern moving forward through the Teton County planning process that you should know about. A proposal by Stage Stop, Inc. seeks to re-develop and change the zoning of the former Legacy Lodge Assisted Living Center in Rafter J. This move could harm and forever change the character of our neighborhood. **Please read this in its entirety because it is essential to you as a Rafter J Homeowner.**

## BACKGROUND

**Rafter J Ranch Lot 333** (where Legacy Lodge is located) was created in 1978 as part of the Rafter J *Planned Unit Development* (PUD). Lot 333 is designated as a *local convenience commercial ("CL") area*. The "CL" area is small-scale commercial that is designed to serve the Rafter J community. In March 2021, Legacy Lodge, Jackson's **only** assisted living facility, closed its doors. In summer 2021, Stage Stop, Inc. purchased Lot 333 to convert the former assisted living facility into market-rate *residential* rental apartments – even though the property was not zoned for this use. They are now seeking to convert and expand a low-impact senior citizen facility into high-density apartments. This type of development was never intended under the Rafter J Master Plan and is not allowed under current zoning. It also sets a dangerous development precedent for all other commercial properties located at the entrance to Rafter J.

## RAFTER J CC&R REQUIREMENTS

**Any change to our zoning would require an amendment to the 1978 Rafter J Subdivision PUD**. Given the longstanding zoning of Lot 333 *as commercial* that has been in place for 43 years, **Rafter J homeowners must vote on any proposed change in use *in accordance with the Declaration of Covenants, Conditions, and Restrictions (CCRs)* to ensure that our neighborhood has a say in this decision as described in the legal requirement spelled out in our CC&Rs.**

- Rafter J HOA's legal counsel has verified this voting requirement, and both the developer and county have been notified of this requirement before any amendment to our CC&Rs.
- This vote is directly tied to whether the zoning and use of Lot 333 can be changed. In fact, similar proposals were brought to the Rafter J Board by previous property owners and were withdrawn because of these exact requirements – anticipating a lack of community support for high-density residential development.

**The sequence of steps for a Rafter J covenant/zoning change is for the developer to:**

1) Submit a request for an amendment to the covenants and bylaws along with a proposal for the development of residential apartments.

2) This request would then go to a vote of the Rafter J homeowners.

3) If approved, the application requesting a change to the PUD and the zoning would move on to Teton County.

**None of this happened with the Stage Stop, Inc. proposal.**

*Instead, Stage Stop, Inc. opted to* ***bypass the application to the Rafter J HOA and went directly to the county requesting to change the use of the property to allow apartments****. This violates the legal rights of Rafter J homeowners (as required by the covenants) to vote on any change to our CC&Rs and ultimately allow the development to move forward.*

**WHAT DOES THIS MEAN FOR RAFTER J HOMEOWNERS?**

This development could have broad implications for our neighborhood. If the zoning change is approved, the developers could increase the building size, expand the parking lot and significantly increase the number of people living on site. The previous occupancy was approximately 35 people. The projected numbers for Stage Stop, Inc. project are a hundred or more, depending on the number of people permitted to live in each unit.

With this increase in population density, we will likely see increased traffic on our roads and congestion at the Highway 89 intersection, with more accidents likely. More people will mean increased use of our trail system, paved pathways, and open space and playgrounds. This increased use will impact maintenance, increase costs, create more nuisance dog and pet issues, and harm waterfowl and wildlife.

*The Rafter J HOA will not manage the facility and will have limited authority to enforce nuisance behavior. Homeowners could see a substantial increase in noise, late-night activity, and even crime.*

The intent of the local commercial zone in the Rafter J Master Plan was to enhance our subdivision and benefit the residents. This new residential expansion will detract from our quality of life and place a financial burden on existing homeowners. Stage Stop, Inc will only be required to pay one homeowner fee rather than each individual unit being charged.

**STATUS OF THE STAGE STOP APPLICATION**

The application of the Teton County Planning Department from Stage Stop, Inc. has two parts, both of which require changes to Rafter J covenants and zoning.

1) Currently, Lot 333 is zoned **LOCAL CONVENIENCE COMMERCIAL (CL)**, allowing retail businesses and offices, such as dental offices, daycares, and nursing homes – that directly benefit Rafter J residents. **This application would change the zoning to residential** – allowing dense new housing to be added to the Rafter J Subdivision.

(2) The application also asks Teton County to **add the word "apartments" to the permitted uses on Lot 333**–apartments are not one of the uses currently allowed. "Apartments" would be considered a conditional use.

**IMPORTANT DATES**

- **January 7** - Deadline to submit written comments to Teton County Planning Department at planning office and to the Teton County Planning Commission (cc Planning Commissioners)
- **January 10** – Teton County Planning Commission hearing. Commissioners will consider written & public comments and vote on the Stage Stop, Inc. project. Please attend & comment in person or via zoom (info. on next page). A strong turnout will be essential to defeating this project.
- **February 1**- Teton County Board of County Commissioner hearing. Commissioners will consider public input and vote to approve or deny the project and make the final decision. Attend and comment in person or via zoom.

**QUESTIONS AND ANSWERS**

**What is the future development potential for the site?**

- If the zoning change is approved, the developers could increase the building footprint and parking (impervious surfaces) from 52,000 square feet (current) to 82,000 square feet – an increase of 30,000 square feet.
- They potentially could add another building wing that would be half the size of the existing main building.
- Although the current application asks for approval for apartments, these units could ultimately be converted into condominiums and sold for top dollar prices.

**How will this impact traffic and safety on our roads?**

- This substantial increase in residential occupancy will undoubtedly add more traffic to Rafter J roads. We could also see backlogs at the main Rafter J entrance onto Highway 89 and increased severe accidents at this already dangerous intersection.
- There is insufficient parking on site for the number of projected residents. Where will they park? On the road along Big Trail Drive? If parking is added onsite, it will be at the expense of the trees and lawn, which will be turned into a sea of asphalt, making the property much less attractive.
- Increased numbers of cars will also increase conflicts with cyclists, dog walkers, and children using the roads and pathways. Many of these residents will also be workers with varied schedules, which will increase traffic both during the day and at night and at peak commuter times.

**Will the Stage Stop Inc. development provide affordable housing?**

- Remember that most Rafter J residents ***ARE*** the Jackson Hole workforce and have been since the subdivision was built. Rafter J's 498 lots house the workers who are the lifeblood of our community. We shouldn't be shamed into supporting unacceptable density and development in our neighborhood on the grounds of providing more housing for county businesses. This is their responsibility and the Town and County's.

- The word "*AFFORDABLE"* is used just once in the development application. **These units will not be affordable**; there are no rent restrictions included in the application for these apartments. All units will be leased at full market rates and in blocks to employers outside of Rafter J who may or may not provide more affordable pricing. Regardless, Stage Stop, Inc. will receive full market value for every unit rented in our subdivision. (The new Sage Brush Apartments on Broadway were approved as affordable workforce housing. But, renters are charged $1695/ month for 370 sq. ft. studios–hardly affordable.)

**How Could This Affect Property Values and Quality of Life?**
Rafter J homeowners love their neighborhood. We take good care of our properties and support covenants that keep our overall subdivision in excellent condition. We invest in playgrounds, trails, pathways, landscaping, and roads for the enjoyment of all residents. We have pride in providing a safe neighborhood for our families, essentially free from crime with minimal public disturbance. We enjoy our walks on quiet trails, our abundant open space, and wildlife. All of these values could be jeopardized by the Stage Stop, Inc. development.

This influx of traffic and increase in population in our subdivision will predictably decrease our property values. Currently, Rafter J is one of the most desirable places to live in Jackson, with realtors knocking on our doors to see if we would consider selling our homes. Many of us have been here for a long time and intend to stay. It is in our interests to protect our property values from the negative impacts of the Stage Stop, Inc. apartment complex.

**UPCOMING HEARINGS AND CONTACT INFORMATION**

**By January 7: Submit comments to the Teton County Planning Commission**:
Chandler Windom, Senior Planner, Teton County Planning Department, P.O. Box 1727, Jackson, WY 83001; Email: cwindom@tetoncountywy.gov and to the Teton County Planning Commissioners, planning@tetoncounty.gov; Phone: 307-732-8200

**Teton County Planning Commission Hearing**
**January 10, 2022, 6:00 p.m.**
Teton County Administration Building, 200 S. Willow Street, Jackson, WY
Join in person, by telephone (1-699-900-6833) or via Zoom at:
https://us06web.zoom.us/j/87640835305?pwd=Yk8yaTAyd1hXdlp4SDNlMithdFpXZz09
Passcode: 904112

**Teton County Board of County Commissioners Hearing**
**February 1, 2022, 9:00 a.m.**
Teton County Administration Building, 200 S Willow Street, Jackson, WY 83001
Join in person, by telephone (1-669-900-6833) or via Zoom at:
https://us02web.zoom.us/j/83356947928;
Passcode: 833 5694 7928

**Submit comments by February 1 to:**
Teton County Board of County Commissioners, P.O. Box 3594, Jackson, WY 83001
Email: commissioners@tetoncountywy.gov; Phone: 307-733-8094; Fax: 307-733-4451

**SAMPLE LETTER:**

Dear Teton County Planners and Commissioners,

I (We) understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I (We) respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use – which is why the Rafter J community-supported and benefitted from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

**February 28 2022. Lloyd Dorsey's statement before the TeCo Planning Commission re the PUD & CUP Amendment for Lot333 Rafter J PUD:**

**Hi, my name is Lloyd Dorsey, I live in Rafter J. I urge the Planning Commission to deny the requested amendments to the Rafter J PUD and CUP.**

**Rafter J is an amazing community I hope you know. For more than forty years Rafter J has helped realize several of Teton County's Comprehensive Plans. As our remarkable, connected, and diverse neighborhoods grew we protected wildlife and habitat, open spaces, protected the native cutthroat trout stream in Flat Creek that defines and rejuvenates our wetlands and ourselves. We restricted our own outdoor lighting so we and our visitors can see the Milky Way at night. We built and then connected our internal pathways to the County Pathways. We provided mail delivery boxes and newspaper kiosks to cut down on trips to town and to visit with our neighbors. A large daycare facility was built not long ago. We built playgrounds for kids, benches for old folks; we minimized our yard fences so rambunctious bunches kids could play hide and seek always within view of the watchful eyes of one parent or another.**

**Maybe just as important as all of this, over the decades Rafter J has indisputably provided and housed workers for this county. We have provided healthcare professionals and teachers, first responders, construction workers, retail employees, nonprofit staff AND DONORS, elected officials, town and county employees, fishing guides, small business owners, etc.. Workers, employees by the THOUSANDS. We will continue to house and provide workers for years and decades to come.**

**The Vision of our Comp Plan is to "Preserve and Protect the area's ecosystem in order to ensure a healthy environment, community and economy for current and future generations." I challenge anyone to find another community anywhere in Teton County that has a better record addressing that Vision and the Common Values of Ecosystem Stewardship, Growth Management, and Quality of Life than has Rafter J.**

**At one point the PUD Staff Report states, "In comparison to the rest of Teton County Rafter J is generally considered a higher residential density." So already we're a high density development. We currently have about 495 homes, condos, and commercial buildings. Yet, in one fell swoop the County might increase our residences by 11 ½ percent. From 495 to 552. And that's just under this proposal. If the Planning Commission and the Board of County Commissioners make Lot333 residential, there is still tens of thousands of square feet of developable space on that lot. Anyone who thinks that that allowable impervious service square footage expansion would not one day be developed into more dormitory style worker housing, they should see me after this meeting because there are some pointy rocks north of town and a bridge in Brooklyn I'd like to sell them.**

**The definition of the zoning for Lot333, for Local Convenience Commercial in the Comprehensive Plan says in part: "*Nonresidential* use that serves the year-round residents of the area in which it is located . . . " and it goes on to list some of the possible types of use. Not dormitories or apartments for downtown commercial businesses. *It must directly serve the residents of the area.* The "area" of Lot333, is in the Planned Unit Development of Rafter J. *Not* serving the rampant commercial development in Downtown Jackson. It should also be noted that the definition of "nonresidential use" in the Comp Plan includes "institutional", which is exactly what Legacy Lodge was, and that was what the new owners purchased less than a year ago. Beyond the very clear language that it must serve the local neighborhood, and just to reaffirm the point, the Comp Plan describes Local Convenience Commercial as an "amenity", and, " a desirable characteristic and should be maintained."**

**If you make this change to the PUD and CUP, if you allow this to become residential, you effectively take value that has been there for more than forty years from *our* community and give it to Jackson. Obviously you essentially give it to the downtown businesses since the proponent is exactly that. While there are at least six definitions of residential property in the Comp Plan I believe nowhere in Teton County is Local Convenience Commercial considered residential, and it shouldn't be in Rafter J.**

**We all recognize the need for worker housing of a variety of levels and there are many types and levels of affordability. I dare say virtually every resident of Rafter J is aware of the need and as taxpayers of this county- and donors to nonprofits- we have supported many of the housing projects we see around the Town and County. And to all County residents' credit, the 2021 Affordable Housing Supply Plan and the 2021 Comp Plan Annual Indicator Report shows hundreds of new affordable workforce housing units every year. Hundreds.**

**Now the Planning Department staff report referred to Teton County's goal of housing at least 65% of Teton County's workforce locally as impetus for changing the use of Lot333. Sadly, the latest Comp Plan Indicator Report explains that we haven't achieved that 65% for nearly 2 decades. It appears unlikely the community will ever meet that goal of housing at least 65% of our local workforce. Why we might ask? We all know the answer is because the Town and County keep permitting new and expanded commercial buildings every year. When the cranes return to Jackson every year it's not sandhills; it's new highrise construction cranes sprouting above the skyline. And by permitting so much commercial real estate and adding more and more and more jobs every year, the housing supply falls short no matter how many new housing developments are built. Why would the Planning Department and Commission victimize Rafter J for your failures?**

**Now, remember, there are nearly 500 lots in RJ; commercial, headquarters, townhouses, single family, etc.. 500 lots. This process to change the character of the entire development forever is promulgated by only one! It's not as if a majority of the residents of Rafter J approached the county for a zoning change. But you *have* heard from a significant segment of residents who are opposed to this amendment by a ratio of 10 to 1 against. That one owner who has owned that lot for a year or so knew full well what the zoning and allowed uses have been on that lot for more than forty years. Do not be complicit in inflicting high density dormitory style workforce apartments that would affect the quality of life in a successful community. Please vote against these amendments.**

**Thank you.**

**From:** Patti Drui <drui@wyoming.com>
**Sent:** Wednesday, March 23, 2022 2:25 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Apartments on lot 333 (legacy lodge)

To Whom it May Concern:
My name is Patti Drui and I am not a Rafter J homeowner, but have been a resident of Teton County since 1985. I am writing to you because of my concern about putting apartments on a lot i Rafter J designed for assisted living. Apartments are no way similar to the permitted institutional uses such as nursing homes, assisted living, and daycare facilities. I am deeply opposed to apartment use on lot 333 in Rafter J. I feel we need to look out for our seniors, and with waiting lists at Pioneer Homestead and Sage Living, it is becoming less and less available. Legacy lodge is currently the only zoned building designed and built for assisted living and should remain as such.
Thank you,
Patti Drui

**From:** Sarah Duggan <sarduggan3@gmail.com>
**Sent:** Monday, February 28, 2022 1:51 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge for Workforce Housing

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

In light of tonight's meeting, I want to share that I am in support of Legacy Lodge becoming apartments with permanent deed restrictions in place. This residential building is the perfect opportunity to house our local workforce—those who have been driven out of the community due to a lack of affordable housing. Our community is in dire need of workforce housing, or there will be no one to work in our restaurants, our nonprofits or to be effectively serving this community.

As a local that has been working at nonprofits here for the last 5 years, I would be grateful to have the chance to live in workforce housing. I've been lucky enough to have a bedroom that I can currently afford to rent (even though it's not an ideal living situation by any means), however my rent is continuing to increase, and if I were to lose this rental, I would not be able to afford to stay in Jackson. I am on a 6 month lease and am constantly fearing that it will not renew and I'll have to leave. Our local workforce is reaching its tipping point of being able to survive - let's change this and with deed restricted housing, we can ensure that these homes are available to locals forever.

Best,
Sarah Duggan

**From:** vje@bresnan.net
**Sent:** Saturday, January 1, 2022 10:14 PM
**To:** Chandler Windom; planning
**Subject:** FW: Rafter J vs Stage Stop Inc.

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I'm sure you received many of these letters so I won't ramble on about it.

The proposed new use for Legacy Lodge is unacceptable. The population density of that one building is grossly out of proportion with the rest of our neighborhood.

If you'd like me to go on and on about "why" - just let me know.

NB: I am **opposed** to Stage Stop Inc.'s plan for this area.

Valerie J. Ehrich
3355 S. TenSleep Drive
Jackson Hole, WY 83001

(Rafter J resident/homeowner since 1986)

January 5, 2022

Teton County Planning Commission
Planning@tetoncountywy.gov

Chandler Windom. Senior Planner. Teton County Planning Department
P.O. Box 1727
cwindom@tetoncountywy.gov

Teton County Board of County Commissioners
P.O. Box 3594
commissioners@tetoncountywy.gov

Dear Teton County Planners and Commissioners:

We understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted by The Stage Stop, Inc. for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. We respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J subdivision is home to 490 residences that take pride in our neighborhood and invest ourselves and our financial resources in maintaining our community pursuant to our governing documents and the existing permitted uses for the subdivision.

Our concerns are as follows:

1. Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. In submitting this application to Teton County requesting a zoning change and new conditional use without first bringing it to the Rafter J HOA, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County. Furthermore, Stage Stop, Inc. is deceptively characterizing this project as "affordable workforce housing." Yet, they provide no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

2. Rafter J Lot 333 is NOT zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified other areas for this type of development because the areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The Rafter J, Lot 333 property is currently zoned for institutional use — which is why the Rafter J community supported and benefitted from the Legacy Lodge Assisted Living Facility.

3. We believe that The Stage Stop, Inc. proposed development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space. We are governed by the Rafter J Homeowners Association and the Rafter J Covenants adopted when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these obligations and protections and the perpetuity of the existing Local Convenience Commercial zoning.

Since this proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements; we urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Sincerely,

Marshall and Deborah Empey
MDMG Trust

cc. Rafter J HOA
Office@RafterJ.org

1/6/2022

Aïda Farag, Ph.D.

3065 S. Stirrup Dr., Rafter J.

Jackson, WY 83001

To: cwindom@tetoncountywy.gov on behalf of Planning Commission

Regarding: Planned Unit Development Rural-3 Application from HH Land Strategies, on behalf of Stage Stop, Inc., to request amendment to the Rafter J Planned Unit Development pursuant to Section 8.7.3 of the LDRs and also for a Conditional Use Permit to allow Workforce Apartments pursuant to Section 8.4.2. of the LDRs. Subject property is located at 3000 W Big Trail Drive in Rafter J. The land is zoned Planned Unit Development Rural-3

To Whom It May Concern,

The Conditional Use Permit to allow workforce Apartments is a faulty description. Aside from the traffic, noise, congestion, etc. issues related to granting such a use in the Rafter J subdivision, the units within the structure under consideration are not apartments. If the amendment to the Rafter J Planned Unit Development pursuant to Section 8.7.3 of the LDRs and the Conditional Use Permit to allow Workforce Apartments pursuant to Section 8.4.2. of the LDRs is approved, the commission may essentially be approving a hotel or dormitory with 57 rooms located in the residential community of Rafter J. The rooms will likely be used to house temporary clientele moving through Teton County. This is not a use in accordance with the residential community of Rafter J. Please keep in mind that this request was not made by the Rafter J community and it is not in the interest of the Rafter J community to allow such an amendment or permit at this time.

"Apartment always has an attached bathroom and a separate kitchen." apartment definition - Bing One issue at hand is that the units within the building located in Rafter J do not have full kitchens. At best these are kitchenettes without cooking surfaces. When we toured the current facility, the owners had put boxes of sandwich type grills on the counters of the units. There is no plan to make full functioning kitchens in each unit. The Planning Commission needs to consider the living conditions of people that may be proposed to inhabit this building. While the building looks nice, there are not adequate facilities for individuals, couples, or families to live in these units without assistance (as it was formerly designed) on a long-term basis. Rather J is a residential community, we expect that all who live in Rafter J will do so in a manner to become part of the community. Allowing the requested change in status of the property will reward what would be substandard "apartment" living conditions for the excessive number of the people that would inhabit it. It would be a hotel or dormatory situation designed for short stays. This is not something that was or should be envisioned in the Rafter J subdivision. The people of Rafter J have not requested this Amendment or Conditional Use Permit move forward. The matter needs to follow procedure with the Rafter J community before the County decides on whether to change the status of the property.

Regardless of whether the units are remodeled to be actual apartments, their location in a residential community is not part what Rafter J is now or has planned for its future. I urge the Planning Commission to not be swayed by emotional pleas for workforce housing. Housing for working people in Teton County need forethought and planning. This is not planning, it is a recharacterization for something that it was not intended. Keep in mind that this facility was approved for elderly living. Still a need in Teton County. This facility was the only private one of its kind in Teton County. Just because the building was purchased, does not mean that the Planning Commission needs to approve an Amendment and Conditional Use Permit. As a Rafter J resident and a resident of Teton County, I prefer that permits not be given out for changes to our community located on private property without our community approval. During a recent meeting, the owners through their lawyer admitted that they had not looked thoroughly at Rafter J CC&Rs. They never informed us of their intent to apply for an Amendment and Conditional Use Permit. We were informed after the application was submitted and not through the owners. I attended the third meeting provided by the owners and representatives. Little additional information presented at the first meeting was provided for home-owners in Rafter J at the second or third meetings. While I am glad that the owners provide such meetings, it would be more useful if there are additional plans that they be put out before us in a more complete manner. This may reflect fluctuating thoughts on their part and that is understandable. However, I urge the Planning Commission to refrain from awarding an amendment or permit before the thoughts are thoroughly planned in a concrete proposal put to the Rafter J community and HOA.

The current notion that this will be "workforce housing" is also something that the Planning Commission needs to thoroughly investigate. Rafter J is already a community of workforce housing. To imply that we in Rafter J are against workforce housing because we are may not favor the proposed Amendment and Conditional Use Permit is not an accurate characterization of our community. We are the workforce. Do we want Teton County and Rafter J to become a community where worker housing is predominantly attached to their employment? This inhibits freedom of movement and freedom of choice in employment. It minimizes the employee ability to negotiate for higher wages, time off, better work schedules, etc. We are not a community that needs to harken back to the 17th century and indentured servants where people were offered passage to the country in exchange for work. We have a system in place to provide affordable housing. There are multiple apartment buildings currently under construction with adequate facilities for people to live and cook freely in full kitchens. Let's think of ways to provide subsidies to the workforce to inhabit these units. This is a situation that would provide true workforce housing separate from the demands of the employer. With all of this said I have no doubt that the housing employers provide is done in good faith. That is not the issue, the issue is that workers should have freedom of choice with housing, including the choice to keep it separate from their employer.

The addition of likely 120+ people to the Rafter J community is not without consequence. Regardless of the potential addition of a start bus stop or traffic light at the Rafter J south entrance, the traffic leaving/coming into Rafter J is already congested. Adding people to the community will not alleviate the congestion. We understand that added density is a way of life, but Rafter J has done its part to accommodate added density. We have multiple condo complexes, and a new area with more than 75 homes was recently added to our community. We are already working to minimize impacts of the number of residents in this community on our water use/quality/disposal etc. The decision to add more should be left up to Rafter J before the Planning Commission approves any changes. The development

of north South Park and the planning group set up for that process did not include representatives of Rafter J who are located immediately downstream of the proposed development, yet we will potentially see impacts to water quality. The proposed amendment and permit have immediate impact on the Rafter J community and should be left to this community before the Planning Commission makes any decisions. It is time to allow Rafter J residents to have a voice about density in our own community and about what constitutes workforce housing/apartments/added stress on our infrastructure, etc.

None of my statements to this point have addressed other important factors, limited water resources in Rafter J, limited trail system, playground facilities, road upkeep, etc. that will all fall under the responsibility of our HOA. Approving an amendment and permit without considering our situation and allowing us as a private community to define whether our system will be able to absorb these responsibilities, will put undue pressure on an all-volunteer HOA Board. We as the Rafter J community need to be allowed to decide whether we are can absorb these responsibilities.

Thank you for your time. I realize that all are working to meet the needs of Teton County and I appreciate your efforts.

Aïda Farag

Rafter J Resident

-----Original Message-----
From: MAUREEN FITZGERALD <mofitzgerald@bresnan.net>
Sent: Wednesday, January 5, 2022 7:41 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Stage Stop Inc/Rafter J Ranch Lot 333

Dear Teton County Planners and Commissioners,

I understand an application for a change in the PUD and Conditional Use Permit has been submitted for LOT 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J Lot 333 is not zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, are in within walking biking distance of services. Rafter J is not one of those areas. Rafter J Lot 333 is designated for local convenience ("CL") – or small scale commercial designed to serve the Rafter J Community. The Stage Stop, Inc. development would bring an incompatible density to a quiet family-oriented neighborhood and would create problems of traffic, noise, safety, and negatively impact our wildlife, pathways, trail system and open space with increased, concentrated usage. This type of density was and is not the intent of usage for Lot 333.

Most importantly, Stage Stop Inc. has blatantly disregarded a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge and expectation of these protections, and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and a new conditional use, this developer is disregarding and bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

I understand that it's sadly become all about the money here in Jackson, but at some point we need to stop overlooking covenants and protections that have been in place for decades and that many of us have invested our lives in, in order to preserve what is remaining of the character and experience most of us moved here for. What seems to be happening is that more value is being placed on the individual developer who is going to make a profit at the rest of our expense.

This project has been called "affordable workforce housing", but that is misleading as Stage Stop Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Thank you for your consideration.

Best,

Maureen Fitzgerald

1930 W Homestead Dr

Rafter J

Jackson, WY 83001

January 8, 2022

Dear Teton County Planners and Commissioners,

As a constituent, long-time Teton County community member (40+ years), and a 23-year resident of the Rafter J subdivision I am writing with my concerns about the Rafter J Ranch Lot 333 zoning plan proposal.

First of all, I thank you for your time and commitment to making important decisions that will impact the future of our community. I would like to believe that each of you consider the community as a whole and adhere to outlined procedures when development proposals are presented.

My concerns for the Rafter J community that I have loved since purchasing a single-family home in 1998 are many. Particulary, I am left wondering why Stage Stop Inc. purchased this property in the first place. The key stakeholders in Stage Stop Inc., the Darwiche family, have been in the business of developing our community for many years. I find it hard to believe that they would make such a purchase with the intent of developing market-rate residential apartments without knowing that Lot 333 is not zoned for such a purpose. I can't help but think that they made the purchase believing that they could influence the change in zoning. Perhaps Stage Stop Inc. had the intention of by-passing and amending the 1978 Rafter J Subdivision PUD which requires a vote by the Rafter J homeowners before approval.

The RJ community will be monitoring the Commissions' actions on this issue very closely as the outcome could have a negative impact on the community in which we all invested (as it currently operates). I am not in favor of increasing the density in Rafter J. Among other things, this increase would result in:

- A burden on our already-delicate water, sewer, and roadway systems
- Increased traffic and more congestion at the Rafter J entrance/exit at Highway 89
- Increased use of the parks and pathways in our small, child and animal-friendly neighborhood

In closing, I would also like to mention my disappointment in Stage Stop Inc.'s attempt to mislead my fellow town and county members by referring to this as an "Affordable Housing" or "Workforce Housing" project. Honestly it is neither and as a retired teacher and a long-time member of Jackson's struggling workforce, I don't appreciate the implication that Rafter J residents are not doing their part to resolve the county's housing crisis. I believe this issue can be addressed in a more covert and responsible way.

Please feel free to contact me with questions or concerns.

Respectfully,

Lee FitzPatrick

1195 W. Hereford Drive, Jackson, WY (307) 733-6446

January 8, 2022

Dear Teton County Board of Commissioners,

As a constituent, long-time Teton County community member (40+ years), and a 23-year resident of the Rafter J subdivision I am writing with my concerns about the Rafter J Ranch Lot 333 zoning plan proposal.

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In closing, I would also like to mention my disappointment in Stage Stop Inc.'s attempt to mislead my fellow town and county members by referring to this as an "Affordable Housing" or "Workforce Housing" project. Honestly, it is neither. As a retired teacher and a long-time member of Jackson's struggling workforce, I don't appreciate the implication that, by wanting to preserve the integrity of their neighborhood, Rafter J homeowners are not doing their part to resolve the county's housing crisis. I believe this issue can be addressed in an overt and responsible way.

Please feel free to contact me with questions or concerns.

Respectfully,

Lee FitzPatrick

1195 W. Hereford Drive, Jackson, WY (307) 733-6446

I (We) understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I (We) respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use – which is why the Rafter J community-supported and benefitted from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Karyn + Marc Schiller
1040 W Longhorn Dr, Jackson WY 83001

Dear Teton County Planners and Commissioners,

I (We) understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I (We) respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use – which is why the Rafter J community-supported and benefitted from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

RESPECTFULLY - Rick S Holding, LOT 209 -

* VOTE 'NO' TO ALLOWING THIS PROJECT!

PROPERTY OWNER:
RICK S. HOLDING
1915 BUCKRAIL DR.
JACKSON, WY 83001

**From:** franf@bresnan.net <franf@bresnan.net>
**Sent:** Sunday, March 27, 2022 5:10 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Lot 333 - Rafter J Subdivision (Formerly know as Legacy Lodge) - Public Meeting April 12, 2022

To Whom it may Concern:

I am writing again to voice my concerns of the request made by Stage Stop, Inc. to amend the Rafter J Planned Unit Development (PUD) pursuant to Section 8.7.3 of the LDRs and also for a Conditional Use Permit (CUP) to allow Workforce Apartments pursuant to Section 8.4.2 of the LDRs.

I am NOT in favor of this request as I feel it will have too much impact on traffic and our infrastructure system here in Rafter J. I am well aware of the need for housing for employees here in Teton County but feel that workforce housing within the Rafter J Subdivision is just not a good fit for our neighborhood.

I obviously am disappointed in the favorable vote by the Planning Commission. I hope that the County Commissioners have and will put more time and thought into this matter and vote to deny this request by Stage Stop, Inc.

Thank you for your time and consideration in this matter.

Sincerely,
Clara Frances Floreani, Owner
Lot 289 – 1755 W. Diamond Hitch Drive - Rafter J Subdivision
franf@bresnan.net

From: Kathy H Greger <kgreger@bresnan.net>
Sent: Friday, April 1, 2022 9:53 AM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Legacy Lodge/Stage Stop Inc.

Teton County Commissioners:
I am writing to you concerning the request to the change of the Legacy Lodge property by Stage Stop, Inc. Stage Stop wants to change the property that was previously an assisted living facility into what Stage Stop calls "workforce housing". Stage Stop proposal NOT an AFFORDABLE WORKFORCE HOUSING OPPORTUNITY FOR LONG-TERM RESIDENTS as our TC Comprehensive Plan states. In fact, this proposal will ensure private businesses of Jackson have a place to house short term employees (SS requested leases be 3 months) at an unaffordable rate, because there are no assurances for affordability in the application. Turnover will be high, likely every 3-6 months. This is not a place long-term work force would want to live.
Stage Stop is trying to bypass the clear rights of the Rafter J Homeowners and go straight to the county. I urge you to reject this proposal since such a development would cause major changes to Rafter J, and Stage Stop is trying to push through these serious changes without first consulting and going through the community they will be affecting, despite a clear requirement to do so. You have an obligation to stand by the hardworking members of the Rafter J community and not let wealthy developers try and use back door channels to bypass the rights of the people in this neighborhood.

Kathy Greger
Rafter J Homeowner since 1989

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**From:** Arthur Greger <agreger@bresnan.net>
**Sent:** Monday, January 31, 2022 6:40 PM
**To:** Chandler Windom
**Subject:** Legacy Lodge Rafter J

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Add my opposition to this zoning change. This backdoor attempt to circumvent Rafter J is wrong. Local convenience is not residential, it is local inconvenience.Thank you

---

**From:** Arthur Greger <agreger@bresnan.net>
**Sent:** Sunday, January 2, 2022 1:13 PM
**To:** Chandler Windom; planning; Board Of County Commissioners
**Subject:** Legacy Lodge /Stage Stop Request for change of Zoning in Rafter J

This letter is written to object to Stage Stops intent to bypass Rafter J residents and change the zoning of lot 333, formerly Legacy Lodge. This change is at odds with covenants dating back to 1978.
We object to high density residential use on this lot. Please uphold the integrity of our neighborhoods choice in maintaining our Rafter J Master Plan and Covenants. The Stage Stop proposal is inappropriate in this location. Please oppose the zoning change, and instead have Stage Stop come to Rafter J residents and propose the change to our Covenants, as should have been done in the first place.

Art Greger
1935 Homestead Dr
Jackson Wy 83001

**From:** Julien Hass <julien.hass@gmail.com>
**Sent:** Monday, February 28, 2022 10:30 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>; council@jacksonwy.gov
**Cc:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Clare Stumpf <shelterjh@gmail.com>
**Subject:** legacy lodge deed restricted workforce housing

Dear Planning Commissioners,

I am writing to you to ask for you to approve the change of use of Legacy Lodge to deed restricted apartments for local workers.

I believe this is both important and necessary to keep not only local workers in this area, but also local small businesses. Many individuals working and living in the Teton Valley do not have the type of job that permits to drive 1 hour or more to work, each way. The exceptional positive use of the Legacy Lodge being deed restricted for local workers-from security guards at local hotels to front desk operators at the airport, these are the people that fully uphold our great town. These are the ones who WANT to live here. Many of them enjoy the outdoors, while contributing to the community in different ways. With the restrictions of workforce and affordable housing, this location can be a great beginning to housing more of those that are locals and wish to remain here, whether it be for the location, because of their job, their family.

I have many coworkers with families, that support this community through their work. They are continuously looking to live somewhere that is either not related to their job (employee housing) or more stable and slightly larger-from a 1 bd to a 2 bd.
This is a true opportunity to retain more of our local employees, from school teachers to cooks to wildlife tour guides. For these simple reasons, I urge you to approve a change of use for Legacy Lodge to deed restricted workforce housing.

Thank you for taking the time to read this,
Sincerely,

Julien Hass
julien.hass@gmail.com
307 920 0747

Julien Hass
julien.hass@gmail.com
307 920 0747

## Chandler Windom

**From:** Jessica Hendryx Brown <jessica.hendryx@gmail.com>
**Sent:** Monday, February 7, 2022 8:37 AM
**To:** Chandler Windom; Board Of County Commissioners
**Cc:** Case Brown
**Subject:** PUD2021-0001 - letter of concern

Dear Chandler Windom and County Commissioners,

I am writing this letter to oppose the Planned Unit Development application (PUD2021-0001) submitted by Stage Stop Inc. Specifically to state that my rights and privileges as a property owner directly adjacent to this property are affected negatively by this proposal. The primary areas of concern are:

1. The tenant density of the rental units is not appropriate in both Rafter J and zoning PUD Rural-3 nor has the increase in tenant capacity been fully analyzed.
2. There is no oversight to ensure that these rental units will not become short term, market rate lodging units.
3. The character of Rafter J will be diminished due to the high tenant density at the main entry to the subdivision.
4. My children, along with many others, will have a decreased quality of life due to the high tenant density that has more potential to dangerous tenants.
5. This PUD amendment will diminish my property value and does not adhere to the Rafter J CC&Rs.
6. The CC&R's require a vote by the Rafter J HOA in order to change the designation of Lot 333 and Stage Stop Inc. has not proposed a plan to address this requirement.

It's important for you and your staff to understand that I completely agree that there is need for workforce housing in this area. My husband owns a small construction business in Jackson which employs five year round residents and I work in Grand Teton National Park. My husband is predicting that his business will fail in the next five years if he cannot obtain housing for his employees. And I (like so many others) cannot recruit talented professionals to work at Grand Teton without the guarantee of housing. Both of us know first hand how important housing is for this area.

**1. The tenant density of the rental units is not appropriate in both Rafter J and zoning PUD Rural-3 nor has the increase in tenant capacity been fully analyzed.**

That said the workforce housing being proposed by Stage Stop Inc. is not the type of workforce housing that is appropriate or acceptable within the Rafter J Subdivision. Nor is the density of the housing proposal appropriate for the zoning associated with Planned Unit Development Rural-3. The aim of this proposal is to rent out as many units as possible in order to generate the largest income, targeting a specific type of tenant that is willing to live in dormitory-like conditions so that they can work in this area temporarily and have no long term connections to this community. This arrangement has the potential for the tenants to have two non-family members, each of which could include two or more additional family members (often called domestic partners) in the same studio unit. At 57 units that location could have as many as 220 or more persons (assumes 4 persons per unit) residing there at one time. The tenant density of housing exceeds that of Teton County's zoning for Planned Unit Development Rural-3, in fact apartments are not a permitted usage in the current LDRs under Rural-3. It also exceeds the tenant density that the Rafter J Subdivision would ever permit

within this subdivision. It is not acceptable that a rural subdivision located out of town would offer a potential tenant density increase of this size without first considering if our existing water and wastewater systems can handle the increase. Additionally, the subdivision needs to ensure that the electrical system, roads, trails and more can handle this significant increase in use. An important point here is that the subdivision needs to fully analyze this, we do not need Stage Stop inc. to analyze the impacts with bias intent.

2. **There is no oversight to ensure that these rental units will not become short term, market rate lodging units.**

The proposal submitted by Stage Stop Inc. makes no guarantees that the housing will not become short term lodging. In fact in conversations with Stage Stop Inc. they elude to the exact opposite. Stating that these units will be rented out by businesses who can use the units at their leisure. How is this any different from me, a homeowner, renting my home out for short term arrangements at my leisure to tenants? The LDRs in Section 6.1.4A should apply, but there is simply no way the county can ever guarantee that short term or lodging rentals will not occur. Also, the proposal submitted by Stage Stop Inc. did not mention how they would restrict the rental pricing to ensure that these units meet the definition of workforce housing. Stage Stop Inc. is hiding behind the term workforce housing in hopes to garner community support for this proposal. Simply put, this proposal is not to intended to provide true workforce housing.

3. **The character of Rafter J will be diminished due to the high tenant density at the main entry to the subdivision.**

The proposal made by this for-profit company is nothing short of a money making operation that will tax our existing infrastructure, specifically our water and wastewater systems, and destroy the entry to our beloved quaint community. The Rafter J Subdivision was initially designed to ensure that it had a ranching or rustic feel, emblematic of the west, in which the subdivision would be a calm and peaceful place to live. To this day, when you arrive into Rafter J after leaving a bustling Jackson, you are immediately overtaken by the scenery and the overall serenity of this area. The subdivision lacks urban elements like curbs and gutters, overhead power lines, and large buildings. All of this was intentional and is what maintains the character of this subdivision. If the PUD amendment is approved the tenant density and associated parking area will immediately diminish the overall character of the community. The proposal submitted by Stage Stop sorely lacks the required parking for a 57 unit complex. And while the initial claim is that only 44 vehicles will be permitted, that will not be the case in the future and Stage Stop Inc. knows they will be able to add additional parking spaces in the future. The demand for more parking will be too great and this development will need at least 100 spaces to make it work. At the public open house Stage Stop Inc. stated that overflow parking on adjacent streets would become Rafter J homeowners problem and "was not a big deal," this directly impacts the quaint character of our subdivision. Their monstrous parking area (to come) will become our entry to Rafter J and the calm open entry to our subdivision will no longer exist. Not to mention the increase in up to 220 more people will tax our existing infrastructure with no ability for the HOA to recoup the expenses caused by this potentially 16% increase in occupancy in the entire subdivision (assumes 2.7 residents per unit at 498 units). The facilities being offered will only be desirable for seasonal, transient workers; and while these workers are vital to our area, the living arrangement and density that these workers find acceptable does not belong in the Rafter J Subdivision. The character of the subdivision will greatly impacted by this change.

4. **My children, along with many others, will have a decreased quality of life due to the high tenant density that has more potential to dangerous tenants.**

This proposal will jeopardize the safety of my family. I live next to the back corner of their existing parking area. There is no way that I can know who is renting these units and their past history - especially if the lease holder is a business. My children spend a significant amount of time playing outside in our yard and this proposal, if approved, will drastically change their childhood. If those living next to us became a significant

group of seasonal, rotating tenants I would no longer feel comfortable letting my children play outside without supervision. My children's safety and those of all the children in Rafter J do not deserve to live locked up inside for fear of their safety. My husband and I specifically chose to live in this area so that our children could ride their bikes to the playground and play outside with less worry than if we were in town. The freedom of unsupervised outside play would be stripped from the children of Rafter J if this urban-like density of tenants is allowed in our subdivision.

**5. This PUD amendment will diminish my property value and does not adhere to the Rafter J CC&Rs.**

This PUD amendment will diminish my property value because my view-shed looks directly at what will become a future parking area. If approved, my family will be sitting on our back deck only to be watching the seasonal tenants of this building take away from our serenity. When my husband and I purchased our home in 2015 we bought our property under the pretense that the CC&Rs that established our subdivision would define what the property adjacent to us could become. We have always joked that our past neighbors (The Legacy Lodge) were the best neighbors ever. They were quiet, safe neighbors that invited us to take part in their lives, the former use truly added value our community. If approved this PUD amendment will diminish my property value and if that is the case what recourse do I have to recoup the loss of value in my home? Do I seek compensation from Teton County for allowing this PUD amendment?

**6. The CC&R's require a vote by the Rafter J HOA in order to change the designation of Lot 333 and Stage Stop Inc. has not proposed a plan to address this requirement.**

When I asked Stage Stop Inc. about taking their proposal to a vote in Rafter J they said they had not looked into the requirement. This was a most unfortunate answer as it indicates that Stage Stop Inc. clearly has plans to either circumvent the process or do what other developers are doing to subdivisions – sue the Rafter J HOA. If Teton County approves this PUD amendment and Stage Stop Inc. takes this to a vote within the HOA and the HOA does not approve the change, it is then possible that Stage Stop Inc will sue the Rafter J HOA. I fear that because the Rafter J HOA is comprised of Jackson's working class we have no say because we lack the financial backing to oppose this PUD amendment.

For these six primary reasons, and many other reasons, I ask that you deny the Planned Unit Development application (PUD2021-0001) submitted by Stage Stop Inc.

What I fear will happen is that the need for more workforce housing is too great and that you ( you - being Teton County Planners along with the County Commissioners) will look past the CCRs which were approved by Teton County. You will look past the character and quality of life for those living in Rafter J. You will look past the depreciation in value to the homes affected by this change. And you will look past the safety of the children of Rafter J. All to fill a community-wide need for more seasonal housing that will not be even remotely be satiated by this proposal. The consequences, if this PUD amendment is approved, are so detrimental to me and my family that we have started to look at real estate elsewhere. The worst part of all of this is that we have no options to sell and buy comparable property in Jackson. So we are stuck leaving this important, life changing decision to you all. I urge you to deny this proposal and protect Jackson's important working class from the negative impacts of this proposal.

Sincerely,

Jessica Brown

**From:** Ash Hermanowski <ash.hermanowski@gmail.com>
**Sent:** Monday, February 28, 2022 8:51 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge SUPPORT for workforce

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I am a working Teton County resident and I SUPPORT allowing our workforce to live in the Legacy Lodge.

All too often we hear "I do understand our housing crisis and we need more workforce housing, it's just not the best for MY neighborhood". Where is the best neighborhood then? Where am I welcome? When will our neighbors step up to do what it takes to support our ENTIRE community? We can't keep moving further away and commuting from unsustainable distances just to get to work every day. We all have something to compromise.

This is an opportunity to say "YES in my neighborhood". There is already existing infrastructure! Rafter J can be one part of the solution. We all have a role to play.

Lastly, I would not suggest placing limits on the number of unrelated individuals that can occupy each unit. Instead, have a limit based in unit capacity. This was listed in the Planning Directors Recommendation. Linking occupancy to relationships (marriage or biological) is discriminatory towards unconventional families, namely LGBTQ folks. The town just saw huge push back towards Ordinance 473 regarding the same type of discriminatory zoning. As an LGBTQ person myself, I do not support linking occupancy to relationships.

Thank you.
--
**Ash Hermanowski**
she/her/hers
c: 802-585-4061

**From:** Isabel Herring <ivherring@gmail.com>
**Sent:** Monday, February 28, 2022 9:36 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Can we listen to the backbone of this community for once?

There's no reason a residential building should be empty in this region; let's unlock new residences for local workers. With an iron-clad deed restriction, we can ensure that these homes are available to locals in perpetuity. We all need to be part of the solution and house workers in our neighborhoods. Parking and traffic issues are solvable: add a traffic light and public transportation to reduce dependence on cars. Only workers who have worked for a year locally and are employed full-time are eligible for Workforce homes: these are folks we either are a part of or depend on to survive in Teton County.

Cheers,

Isabel Herring

--
Isabel Herring
University of North Carolina at Chapel Hill – Class of 2018
School of Media and Journalism, Advertising Major
ivherring@gmail.com | 252.467.5727

Dear Teton County Planners and Commissioners,

I understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of the county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been there for decades.

The Stage Stop, Inc. development will bring an incompatible density to the quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop, Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In applying to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments of workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use – which is why the Rafter J community supported and benefited from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Sincerely,

Anthony Hill

Rafter J Property Owner and Permanent Resident

December 29, 2021

July 28, 2021

Dear Teton County Commissioners and Planning Department,

We, the Rafter J Homeowner's Association, are concerned with the effort to "fast track" the application process to amend the PUD on Lot 333 in the Rafter J Subdivision.

A neighborhood meeting was hosted by Stage Stop LLC owners on July 19, 2021. As explained by Chandler Windom in an email "*The purpose of the neighborhood meeting is to inform neighbors and other interested parties about the layout and potential impacts of a physical development, use, development option, or subdivision that is to be proposed. It is equally intended to provide the applicant an opportunity to hear comments and concerns about the proposal early enough in the review process to allow for modifications to the proposal to minimize adverse impacts".* At this meeting, the Stage Stop LLC owners talked about housing and a variety of possible uses and said they were open to hearing all Rafter J ideas, but they did not share specific plans. More than 115 Rafter J residents came away from the meeting with more questions than answers.

According to the 1978 Land Use and Development Regulations:

- C-L, Convenience Commercial District is intended to meet the day-to-day needs of local residents
- With respect to amending plats, the *County LDR On Subdivision Plat Amendments, Section 8.2.13.C.5* states that "*an instrument shall be filed with the County Clerk stating that the partial vacation does not abridge or destroy any rights or privileges of other proprietors in the plat."* (*Wyoming Statute 34-12-108 Title 34, Chapter 12* states the same.)
- The filed instrument section also states that the instrument shall include, "*acknowledgement by all parties affected by the vacation."*

It is our understanding that the additional 498 Rafter J lot owners would be included in the context of "all parties affected by the vacation." Relatedly, the Rafter J CC&R's clearly state that Lot 333 is a Commercial Lot. A change of use will, most likely, require an amendment to our CC&R's, and any amendment to the CC&Rs requires 65% approval amongst all (499) property owners.

The purpose of this letter is to ask that this amendment application process not be fast tracked. Until the Stage Stop LLC owners can provide specific plans about property use and are willing to make those plans public, Rafter J cannot understand how change of use will impact our water system, sewage system, roads, entry & exit traffic, pathways & trails, playgrounds, Internet speeds, noise levels and safety.

In conclusion, Rafter J owners are the parties most impacted. For this reason, we ask to be notified in advance, of any meeting that has this PUD amendment application on its agenda.

Thank you for your time and consideration.

Rafter J Homeowner's Association Board of Directors
Kip MacMillan
Mike Keegan
Chuck Rhea
Karen Jerger
Brian Remlinger

**From:** Benton Hodges <bphodges@gmail.com>
**Sent:** Monday, February 28, 2022 10:52 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge

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To whom it may concern,

I am writing to you to express my thoughts on the Legacy Lodge becoming workforce housing. I think it would be foolish to let an opportunity like this go to waste. Other proposed projects and solutions would take years to reach the readyness of Legacy Lodge as workforce housing. I have rented a townhome in Rafter J for a year now, and I'm in FULL FAVOR of this project moving forward.

Thanks,

Benton Hodges
3355 Ten Sleep Dr. Unit 18
Jackson, WY
bphodges@gmail.com
(307)413-4747

**From:** Lisa Husband <lhusband516@gmail.com>
**Sent:** Saturday, January 1, 2022 5:17 PM
**To:** County Planning Commission; Chandler Windom

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Planners and Planning Commissioners,

I am writing you this email to express my concerns as a long time resident of Rafter J. I recently attended the information session presented by the Darwiche Development group and understand that they have moved forward to involve your department in an effort to redevelop and change the zoning of the former Legacy Lodge Assisted Living Center.

I was initially *concerned* and after hearing the messaging that was delivered and I am very *opposed* to any efforts to rezone and go against involving Rafter J residents and HOA CCR's. The most important part of my message is that Rafter J homeowners must vote on any proposed change in use in accordance with the declaration of our CCR's. This step HAS NOT OCCURED! The Darwiche Development group is skipping over this step and proceeding with the process by going directly to the planning commission. With respect I am expressing my opposition and ask that your planning commissioners do the same and reject the proposal to be involved until the homeowners have approved of the proposal.

Sincerely,
Elizabeth "Lisa" Husband
Rafter J resident since 2000 (Herford Drive, and West King Eider Rd)

Lisa Husband
lhusband516@gmail.com
307-690-5566

From: Connie Huspek <connie@hkdcpa.com>
Sent: Tuesday, March 29, 2022 8:37 AM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Rafter J Lot 333 and Stage Stop

Good Morning Commissioners

First of all I would like to thank you all for your service as commissioners. I realize that it is a thankless job. That being said, I am going to add my concerns to one of the issues before you and encourage you all to deny the request of the Stage Stop to convert the Lot 33 facility previously the Legacy Lodge into 57 apartments that could house between 115 and 250 people. I have been a homeowner in Rafter J since the Mid 1980's. I have actually served on the Board of Directors in the 1980"s as well.

Rafter J is a PUD and as such back in the day the developers went through all the required steps to get the zoning of this subdivision approved by the county. The developers created a wonderful subdivision with lots of open space and has become a wonderful subdivision with lots of hard working families as well as retiree's.

I do not believe that the County should be able to approve a change of zoning in a pre-existing PUD. The homeowners in Rafter J have purchased their homes believing that our Subdivision rules and covenants will stand.

If the county commissioners approve this proposal by the Stage Stop to convert Lot 333 to apartments when it is not in compliance with the subdivision covenants and zoning you will be creating a legal battle for Rafter J.

I encourage you all to deny this proposal as it is not in compliance with the zoning and covenants of the subdivision.

Sincerely
Connie Huspek
Rafter J homeowner for more than 35 years

Connie Huspek, CPA
Accountant

**From:** Connie Huspek <connie@hkdcpa.com>
**Sent:** Saturday, December 18, 2021 11:52 AM
**To:** Chandler Windom
**Subject:** Rafter J and Stage Stop

I am writing to voice my objection to any changes to the zoning or amendments to Rafter J's PUD in order to change the zoning of the property previously utilized as Legacy Lodge Lot 333 I believe.

The reason for my objection is that all of the owners of property in Rafter J have purchased property in this PUD with the understanding that the legal status of all the properties in the PUD would remain as originally stated. Any changes to the Zoning or the PUD would or could adversely impact property values and have many other impacts to the community in relation to vehicle traffic, pedestrian traffic and impacts on common ground usage as well as potential impacts on the corridors along Flat Creek and the associated, fish, birds and other wildlife

I have been a resident and property owner in Rafter J for more than 30 years.

Connie Huspek
1500 W. Percheron Drive Lot 146

**Connie Huspek, CPA**
Accountant
Hawkins, Kominsky, DeVries & Associates P.C.
PO Box 8
Jackson, WY 83001
(307) 733-6006

**********
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**********

Rafter J Ranch Homeowners Association
Rafter J Ranch Improvement & Service District
2951 Big Trail Dr, Jackson, WY 83001
Office@RafterJ.org 307-733-5262

January 27, 2022

RE: Lot 333, Rafter J Ranch
Stage Stop Inc. PUD2021-0001 Amendment/ CUP2021-0005 Application

Dear Teton County Planning Department, Planning Commission, and Board of County Commissioners,

The Rafter J Ranch Homeowners Association (HOA) Board of Directors is responsible for the administration, operation, and maintenance of the Rafter J Ranch subdivision, including administering and enforcing the Covenants, Conditions, and Restrictions (CCRs). The Rafter J Ranch Improvement & Service District (ISD) Board of Directors is responsible for infrastructure within the Rafter J Ranch district, specifically water, sewer, roads, and pathways.

We, as the local elected representatives of the Rafter J Ranch community, have heard our residents' concerns regarding the potential change of use impacts proposed in the applications submitted by Stage Stop, Inc. for Planned Unit Development amendment and Conditional Use Permit (CUP2021-0005/PUD2021-0001) on Lot 333 in Rafter J Ranch.

The Rafter J Ranch HOA and ISD Boards of Directors ask the applicant and the County to assess the concerns of health and safety in Rafter J Ranch as part of the application review process and prior to making decisions to approve, approve with conditions, or deny the applications.

- Water – evaluate capacity of the existing Rafter J Ranch domestic water supply to adequately serve the proposed increase in residents on Lot 333 without negatively impacting existing service
- Sewer – evaluate capacity of existing sewer line and Rafter J pump station to adequately serve the proposed increase in residents on Lot 333
- Fire Protection – evaluate capacity of the fire management system in the existing building on Lot 333; evaluate flow and capacity of the Rafter J Ranch domestic water supply to adequately respond to any fire emergency in Rafter J Ranch
- Traffic – evaluate flow and capacity of the highway intersection, roads, and pathways, especially along Big Trails Drive to and through the intersection of Hwy. 191, to ensure safety of residents and other highway users; evaluate the feasibility and capacity of potential public transit to accommodate the proposed increase in residents on Lot 333
- Parking – evaluate the current parking capacity on Lot 333 and required per the Teton County LDRs for apartments; consider on-street parking restrictions enforced in Rafter J Ranch

We thank you for your time and attention to this matter.

Sincerely,

Rafter J Ranch Homeowners Association Board of Directors
Mike Keegan, Brian Remlinger, Karen Jerger, Tracy Baiotto, and Chuck Rhea

Rafter J Ranch Improvement & Service District Board of Directors
Brian Schilling, Steve Foster, and Eileen Mosman

CC: Stage Stop, Inc

**From:** tiletime@bresnan.net
**Sent:** Thursday, January 6, 2022 6:12 PM
**To:** Chandler Windom
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Teton County Planners and Commissioners,

As a Rafter J resident for 34 years, I strongly request that you reject the application by Stage Stop, Inc. for a change in the PUD and CUP for Lot 333 in Rafter J subdivision.

First of all it is disturbing that Stage Stop, Inc. submitted an application to Teton County requesting the zoning change and new conditional use without first bringing an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. The process is clearly spelled out in the Rafter J Covenants and in the Teton County Master Plan. The Rafter J covenants are one reason we selected Rafter J as our home because it's governance maintains the appearance, safety and atmosphere of our neighborhood.

Legacy Lodge Assisted Living was a suitable use for Lot 333. It's occupancy was around 35 people, and not many of the residents had or drove their own cars because Legacy Lodge provided bus transportation. The traffic impact was minimal. With 57 units housing 2.5 residents per unit, it is logical to expect the traffic for workforce housing to increase exponentially. It is already difficult to exit Rafter J safely during heavy traffic. While the residents of Legacy Lodge Assisted Living caused no problems with noise or traffic, I would suggest that the predicted number of residents in workforce housing there would greatly increase both, not to mention the added burden to our maintenance and infrastructure.

Please vote against the Stage Stop, Inc. proposal to change the PUD and zoning in order to respect the rights of the residents of Rafter J as outlined in our covenants and to maintain the character of our neighborhood as it was intended. Thank you for your consideration.

Sincerely,
Elizabeth Jacobson
Lot 50 Rafter J

**From:** D Jagstadt <jagstadt@comcast.net>
**Sent:** Friday, January 14, 2022 2:41 PM
**To:** Chandler Windom
**Subject:** Opposition to Stage Stop request to rezone

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear County Commissioners,
My husband and I oppose the proposed rezoning of Rafter J lot 333 by Stage Stop Inc.
The homeowners have a legal right per the neighborhood CC&Rs to vote whether to change the PUD before the county unilaterally considers the developer's request.
Neighborhood traffic, green-spaces, safety and property values would be negatively impacted, please don't give in to the developers without allowing the homeowners to follow their bylaws.
Respectfully,
Karl and Dolores Jagstadt
Rafter J homeowner

November 10, 2021

Dear Teton County Planning Staff,

I am a long-time Rafter J homeowner & resident, and current member of the HOA Board. This letter expresses my personal opinion, and is not a statement from the Rafter J HOA Board.

I am writing about the PUD/CUP application you are you reviewing for Stage Stop LLC's proposal to re-purpose the building on Lot 333 in Rafter J, generally referred to as Legacy Lodge. I am concerned that the application contains some misleading statements and faulty assumptions that should be questioned as you evaluate this proposal.

Neighborhood Meeting (July 19, 2021): The summary presented in the application does not adequately capture the range of questions & concerns presented to Stage Stop representatives. I understand that a Planning Dept. staff member would have been present at that meeting, and hope that he/she can offer a more accurate perspective.

As stated in the summary, the meeting was well attended by Rafter J residents and other community members (notice was posted on non-profit list serve). The range of comments was broad and I kept notes to share with other HOA board members who were not there. Stage Stop encouraged folks to contact them later via email, and handed out a printed questionnaire at the end of the meeting. The summary in the application does not reference any of the emailed comments, few of the verbal comments, and only 1 of 4 questions on the questionnaire submitted by 47 out of what organizers estimate were 180 participants, not all of them RJ residents.

Verbal comments at the meeting included concerns about the impact of the proposal on traffic, parking, safety, noise, shared infrastructure, shared open space and neighborhood character. The application suggests that since they are not proposing additional physical development, these impacts would be minimal and easily mitigated. They do not offer concrete steps for assessing or mitigating those impacts.

At the meeting, RJ residents questioned the definitions of "workforce", "affordable", "stable housing" and "apartments". The PUD/CUP applications do not clarify those terms.

Conditional Use: I disagree that a high-density apartment complex, with units sublet through multiple master leases is "not really that different" than an assisted living facility. The assisted living facility itself was granted a CUP based on comparison with permitted uses. In order to request a conditional use, Stage Stop should be proving that their concept is "not really that different" than a school, daycare, hospital, nursing home, or other public institutional use permitted in the current LDRs. It seems like a stretch to piggy-back a Conditional Use Permit on a previous CUP.

Hindsight/Foresight: Stage Stop contends that the LDRs currently restricting use on this property would have permitted a commercial apartment complex IF today's conditions had existed in 1978. Hindsight should not be considered in this application. With that logic, Rafter J would not be the housing development it is today. The foresight of planners and developers of that time resulted in a neighborhood of working families that also protected nearly half of it's

land for open space and the protection of wildlife habitat along the Flat Creek corridor. While some things have changed over the years, the basic neighborhood character, and protection of open space are still highly valued in Rafter J. This is consistent with the desired characteristics for District 10, and subarea 10.1 in the Teton County Comprehensive Plan.

Need for Housing: I agree that stable, adequate, affordable housing is a critical need in Teton County. I do not agree that "workforce" housing (still undefined in the application) is the "single biggest challenge facing Teton County", as stated in the application. Nor do I agree that small efficiency units (no kitchens) with short-term leases (6 mo.) controlled by (mostly private) employers are designed to meet the needs of working families, and long-term community members.

Zoning Change: It is clear that the most efficient way for Stage Stop LLC to enact their vision is through a Conditional Use Permit. However, when they use words like "apartment" and "residential unit" in their application, it suggests that what is really required is a change of zoning, from Local Convenience Commercial to Residential. That route would require more input from , and cooperation with the Rafter J neighborhood. Perhaps Stage Stop might then be willing to modify their proposal to make it more compatible with current conditions in Rafter J.

Thank you for your attention to my concerns.

Respectfully, Karen Jerger, 1190 Haysled Drive, Jackson, WY 83001

**From:** Iván Jiménez <ivanjimenez1717@gmail.com>
**Sent:** Monday, February 28, 2022 11:18 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Request for change of Legacy Lodge - Workforce & Affordable Deed Restricted Units Needed

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To the County Planning Commission & whom it may concern,

I am writing to request a change of use for Legacy Lodge to **workforce, deed-restricted housing**. On the cusp of the Housing Needs Assessment being released, our community is well aware the needs of those making less than 120% MFI will outweigh the supply by an entire order of magnitude, and we need not wait for the report to confirm our lived experiences.

We should be utilizing every opportunity we can to provide housing to the working class of this community, which requires **both affordable & workforce deed restrictions**. The concerns of some of the Rafter J residents about changing the character of their neighborhood should be taken into consideration as we unlock new places for local workers to live, but they should not be an obstacle at a time when housing opportunities such as this are so rare.

The owners of Legacy Lodge have indicated their desire to increase workforce housing. Let's be sure that we go beyond just workforce housing & instead provide **affordable, workforce, deed-restricted housing.**

Iván Jiménez
Teton County Resident
Non-profit employee
Shelter JH Board Member

**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Tuesday, January 4, 2022 5:24 PM
**To:** Chandler Windom; Board Of County Commissioners; planning
**Subject:** The request for amendment to the Rafter J Planned Unit Development and Conditional Use Permit

January 3, 2022

Dear Teton County, Wyoming, Planners and Commissioners,

I have been a resident of Teton County since 1978 and our home in Rafter J was built in 1994. My husband and I raised 3 children in the neighborhoods of Rafter J. My sister was evicted from the Legacy Lodge Assisted Living facility in February 2021. The closure of Legacy means there are no assisted living facilities in Teton County. Residents of the facility have been moved out-of-town and away from their families, reside in a nursing home settings which are far more restrictive than they need, or are living with family members in various home situations. My own sister is living with her 94-year-old mother in a Rafter J townhouse. The assistance that they need to live is being organized and purchased each day by our family. The closure of Legacy adds assisted living for seniors and disabled adults to the other critical issues that Teton County faces: affordable worker housing, traffic and parking concerns and public transportation. Teton County is currently considering an application that could, but does not, address both affordable housing AND assisted living. Developers are asking Teton County to amend the 1978 PUD for Rafter J to allow for 57 workforce housing units/apartments. The 57 units in the proposal are neither affordable NOR assisted living units. For this reason, I ask you to reject this proposal.

WORKFORCE HOUSING

Nearly 500 residential units in Rafter J *already* house hundreds of workers who contribute to the economic and social vitality of our region. The PUD that has enabled Rafter J to prosper as friendly and diverse neighborhoods with parks, open spaces, a water system, pathways, a church, daycare and dentist offices for more than four decades is clearly a success meeting the long-term goals of our town and county comprehensive plans. The proposed amendment would needlessly disrupt that undeniable success by adding hundreds more residents to a zoned & planned neighborhood that is near capacity. It would be inappropriate for Teton County to move forward with zoning and use changes in a subdivision that already has by-laws and CCRs that are connected to the master plat (refer to legal opinion in Lubing letter submitted to Teton County Planning Department). Rather, I would hope Teton County would be an active supporter of all the neighborhoods and subdivisions with strong CCRs.

Approval of this application by the County will most probably result in Rafter J Homeowners Association being sued by Stage Stop, if the homeowners vote does not agree with a County vote. It seems prudent for the County to send this application back to Stage Stop until Rafter J has a homeowner vote. The costs involved in a law suit would be born by Rafter J homeowners who are a large portion of THE WORKFORCE and do not have large sums of money to spend defending CCRs that were thought to be legal.

During our decades living and working in Teton County we have been part of a community that has helped support public/private partnerships that used our taxes to provide affordable housing for some of our core education, health,

power, roads, and emergency service employees, as well as for employees of our tourism-based economy, construction trades, nonprofits, and others. Many of these projects supported the goals for affordable workforce housing across the economic spectrum as expressed in a succession of Town and County Comprehensive Plans.

Unfortunately, the onslaught of new private sector commercial development now overwhelming Teton County and Jackson increases the number of new jobs far beyond the availability of new housing; if commercial development continues at this pace there will never be enough housing in or near Teton County. This despite several new high-density workforce housing developments recently completed or still in the pipeline, some from public/private partnerships that provide scores of new affordable housing units.

ASSISTED LIVING

The closure of Legacy and eviction of its residents creates another group of people seeking housing in Teton County. Many of the residents spent their lives living and working in our community, serving as elected officials, teachers, service workers. Assuring them a place to live is a responsibility of this community just as providing affordable workforce housing is. Let's not forget our previous WORKFORCE, who have now retired. Legacy Lodge is the only building specifically built for assisted living in this County. It was built in an area that was zoned for it. It was supported by the residents of Rafter J. Could a public/private partnership continue to provide assisted living on our county. I think this would be worth exploring before giving away the Legacy facility for another use.

FINAL THOUGHTS

There have already been actions taken by Stage Stop Developers that concern me.

- Submitting a proposal that offers
    - no assurances that Legacy Lodge will remain WORKFORCE housing
    - absence of maximum occupancy stipulations
    - inadequate parking plan
    - assurances of affordability, despite requests to do so

- The property was zoned light commercial. It was purchased with this zoning in place. The developers are trying to immediately change this zoning The developer has bypassed the Rafter J written process of requesting a zoning change, despite requests to do so from Rafter J.

- Judging by the cars and the van from a downtown business recently in the Legacy Lodge parking lot, it is a concern that the Legacy Lodge buildings appear to be occupied by more people than a simple caretaker, without a certificate of occupancy.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. Neither is it guarantee for additional affordable housing in our community. It would be a sad reflection on our county leaders if elderly assisted living residents were displaced to make way for seasonal workers solely to support the out of control expansion of private commercial businesses. We urge you to deny the requested amendment to the Rafter J PUD and deny the CUP.

Sincerely,

Jan Lovett

1220 Hay Sled Drive

Jackson, WY 83001

jlovett@bresnan.net

307-690-4470

1059 E. Verde View Circle

Camp Verde, Arizona 86322

28 December 2021

Dear Teton County Planners and Commissioners,

It is my understanding an application for a change to the Planned Unit Development and Conditional Use Permit has been submitted for Lot 333 in Rafter J subdivision and will be considered by the Teton County Commission as well as the Teton County Board of Country Commissioners in January and February 2022. I respectfully and emphatically ask you to reject this proposal seeking a zoning change of use within our subdivision.

Rafter J is home to 490 residences that pride our neighborhood, invest ourselves and our financial resources in maintaining our community. From this we have seen our property values increase making us one of the counties most desireable places to live. By considering this proposal that has claims to provide workforce housing, please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson, many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to our quiet family oriented neighborhood and with it the associated problems of traffic, noise, safety and impacts to our wildlife, pathways, trail system, open spaces, parks and our quality of life we have strived to maintain.

Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Ass. for a vote for any proposal to change our convenants. This is a process that is clearly spelled out in the Rafter J Covenants when our subdivision was created and in the Master Plan that Teton County approved in 1978. We Rafter J homeowners have purchased our homes with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hope of avoiding this

requirement and recieve a favorable decision from the County.

Rafter J lot 333 is NOT zoned for high density housing nor workforce housing. Both the Town of Jackson and Teton County have identified areas for this type of development, reason being that they are serviced by public transportation, are located near businesses and workplaces, and are within walking/biking distances of services. Lot 333 is designated for instatutional use - which is why the Rafter J community supported and benefitted from the Legacy Assisted Living Facility.

This project is being called "affordable workforce housing", yet Stage Stop, Inc. provides no provisions in their application that these units will be affordable for Jackson workers. In acuality, the developer has been very clear that these will be full market-rate rental units.

Their proposal does not comply with existing zoning and allowed uses under Rafter J Master Plan nor has it complied with the Rafter J CC&R Amendment process requirements. I strongly urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold our CC&Rs in the face of inappropriate development pressures.

Respectfully yours,

Marcia L. Johns

Marcia L. Johns

Spring Valley Holdings, LLC

1905 West American Brant

Jackson, Wyoming 83001

**From:** Kathy H Greger <kgreger@bresnan.net>
**Sent:** Tuesday, January 4, 2022 5:36 PM
**To:** Chandler Windom; planning; Board Of County Commissioners
**Subject:** Stage Stop Inc and Rezoning of Rafter J Lot 333

Teton County Planning Commission:

I am writing to you concerning the request to change the zoning of the Legacy Lodge property by Stage Stop, Inc. Stage Stop wants to change the property that was previously an assisted living facility into an apartment complex, which requires getting the lot rezoned. Under the Rafter J covenants, which have been clearly in place since 1978, anyone requesting a property rezoning is required to present an application to the Rafter J Homeowners Association for a vote, which Stage Stop has refused to do. Previous rezoning requests have gone through the proper channels for zoning requests and gone to a vote. Instead, Stage Stop is trying to bypass the clear rights of the Rafter J Homeowners and go straight to the county. I urge you to reject this proposal since such a development would cause major changes to Rafter J, and Stage Stop is trying to push through these serious changes without first consulting and going through the community they will be affecting, despite a clear requirement to do so. You have an obligation to stand by the hardworking members of the Rafter J community and not let wealthy developers try and use back door channels to bypass the rights of the people in this neighborhood.

Kathy Greger

Rafter J Homeowner since 1989

## Chandler Windom

**From:** Chris Neubecker
**Sent:** Monday, February 28, 2022 4:11 PM
**To:** Chandler Windom
**Subject:** FW: Let's keep our community in the community

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**From:** Nikki Kaufman <nikki.kaufman1@gmail.com>
**Sent:** Monday, February 28, 2022 2:26 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Let's keep our community in the community

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Dear County Planning Commissioners,

I work in Teton County. My partner is a wildland firefighter based in Teton County. However, because of the emotional and financial toll of moving six times in seven years, we are now Victor, ID residents.

With permanent workforce deed restrictions, the Legacy Lodge would be a perfect win-win-win for the owners, the town, and our local workforce. Let's start making decisions that will help keep our community members in the community, before it's too late.

Thank you for all that you do,
Nikki Kaufman

--

**Nikki Kaufman**
She/Her/Hers

413 687 5062
nikki.kaufman1@gmail.com
PO Box 3462, Jackson, WY 83001

**From:** Ariel Kazunas <akazunas@gmail.com>
**Sent:** Monday, February 28, 2022 9:15 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Rafter J + Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good morning Commissioner -

I am writing today in regards to the proposal to turn Legacy Lodge into deed-restricted apartments for local community members.

With land at a premium in Teton County and a labor shortage that has a direct connection to our housing crisis, this opportunity to use an existing structure, with infrastructure including parking and a connection to our amazing bike path network already in place, is too good to pass up. Please offer your support to this project.

I have heard some residents of Rafter J are concerned that this chance would adversely impact their "community's character." To me, that speaks to a malaise that sickens and will kill our town: NIMBY-ism, or "Not In My Backyard"-ism.

We are all affected by the housing crisis, whether we have lived here for four generations or four months, whether we own several properties or are struggling month to month to make rent. Addressing said crisis with positive and proactive change only improves our collective character, by ensuring a diversity of residents, with the many talents, ideas, professions and passions they possess, can remain here to strengthen and add richness and depth to our community. (That, and plow our roads, teach our children, nurse our suffering, unclog our drains, stock our stores, treat our water, respond to our emergencies, etc...)

Denying folks from different socioeconomic backgrounds the chance to experience housing security because of concerns that they might bring "more noise" or "increased traffic" puts theoretical possibilities ahead of lived realities - which, to me, is unbelievably inhumane. It also shoots us ALL in the foot: at some point, there will come a day when this town is a shell of its old self, unable to regenerate and flourish as its younger, less-affluent members are forced out, existing businesses are forced to close due to lack of staff, and services are cut across the county because demand cannot be met.

There is also no guarantee that the Rafter J neighborhood will, in actuality, suffer because of any new arrivals Legacy Lodge might attract; those individuals stand to be people just like me, who simply want affordable, low-square-footage units to call their own so that we might lessen our cripping anxieties related to housing - and therefore be able to give back more fully to this town that we so dearly love.

We want to be the neighbor that lends you a cup of sugar... but we need a roof under which to store it first.

(I'd also like to point out the fact that Rafter J was, not so long ago, a problematic development that many living here at the time opposed due to worries that it would negatively alter Jackson's community character. Today, Rafter J is full of families, young professionals, retirees... all the very sorts of "characters" we are so grateful to have as part of our community.)

Renovating and reimagining Legacy Lodge as deed-restricted shelter for our struggling community members is a small step in the right direction when it comes to addressing the housing crisis here in Teton County. I would ask that we all take a step back from worrying about what might happen if we allow this change and ask ourselves, instead, what might happen if we do not.

All my best, and thank you for your time,

Ariel Kazunas
8 year Teton County resident
Ex-Rafter J resident
Current E Jackson resident
Future ex-Jackson resident if we do not collectively choose to put people before profit and community first.

**From:** Mike Keegan <mkeegan@rafterj.org>
**Sent:** Friday, March 11, 2022 1:59 PM
**To:** Luther Propst <lpropst@tetoncountywy.gov>; Mark Barron <mbarron@tetoncountywy.gov>; Mark Newcomb <mnewcomb@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>; Natalia Macker <NMacker@tetoncountywy.gov>; Greg Epstein <gepstein@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>
**Cc:** Rafter J Office <office@rafterj.org>; Tracy Baiotto <tbaiotto@rafterj.org>; Karen Jerger <kjerger@rafterj.org>; Chuck Rhea <crhea@rafterj.org>; Brian Remlinger <bremlinger@rafterj.org>; Kevin Gregory <kevin@lgrlegal.com>
**Subject:** Legacy Lodge LLC Application

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Planning Commission, Board of County Commissioners, Planning Department and Attorney Gingery,

As has been the Rafter J HOA's position since the very beginning of the Stage Stop LLC application process, we do not believe the PUD and CUP changes are the appropriate path to allow apartments on Lot# 333 in Rafter J.

I asked my friend and longtime planning professional, Bill Collins, to provide his thoughts on the Stage Stop LLC. application. With no financial consideration, payment or vested interest, Bill has provided the attached as a favor to me and has agreed to allow me to forward these for your consideration.

Thank you,

Michael J Keegan
Rafter J Homeowner's Association

At the February 28, 2022, Planning Commission meeting on the Stage Stop applications, several statements in the staff presentation require responses.

**Amendment to 1978 LUDR, Not the Rafter J Master Plan or PUD**

The Stage Stop application was repeatedly described as a proposal to amend the Rafter J master plan. The staff report describes the application as an amendment to the Rafter J Planned Unit Development. These statements simply are not correct. The Stage Stop application does not propose amending anything in Rafter J. There is no proposal to change the Rafter J zoning, subdivision plats, CCR or any other document in Rafter J. Instead, the application proposes to amend an outside document, a document that is not specific to Rafter J. The State Stop application proposes to amend the Teton County Land Use and Development Regulations (LUDR) that were in effect from January 1, 1978, to early May 1994.

The Stage Stop application has been incorrectly labeled, described and advertised. Quite simply, the application proposes to amend the 1978 Teton County LUDR.

**Land Uses Allowed in a Zoning District Are Not Automatically Approved for a Lot**

It also was stated that the commercial uses allowed in the Local Convenience Commercial zoning district, under the 1978 LUDR, already have been determined appropriate for Lot 333. On one occasion, it was stated that the determination already has been made that these commercial uses are ideal for Lot 333. Once again, these statements simply are untrue. The uses listed in the LDR as allowed in a zoning district does not automatically approve any of the uses for development on a specific lot.

The best exhibit for rebutting these statements is the staff report for the Stage Stop applications. The report explains that two applications are proposed: 1) an application to amend the LUDR to add apartments to the allowed uses; and 2) a conditional use application to approve an apartment development on Lot 333. If simply including a use among the allowed uses for a zoning district automatically determines that the use is appropriate for a specific lot, then no CUP application would be necessary. Of course, development or conditional use applications are required for the purpose of determining if a use is appropriate for any specific lot. The list of allowed uses in a zoning district does not mean that each of these uses is automatically determined to be suitable for a specific lot.

**No Prohibition to Vacating or Amending Plat Notes**

Staff addressed the topic of notes on subdivision plats. They referred to the current practice and LDR that disallow notes on subdivision plats that contain information ordinarily found in zoning regulations. The practice of recording such notes, like the restriction on use found on Lot 333, began before there were Land Development Regulations and development permits in Teton County. Placing notes on subdivision plats was the only opportunity to record certain restrictions that the developer, or Teton County, wanted to apply to new subdivisions. That practice continued for several years before being abandoned in the early 1990's. However, prohibiting this practice of placing zoning type notes on new plats should not prevent the

County from amending or vacating existing notes on plats that were created decades ago. In fact, vacating such notes from old plats advances the current day practice.

The reason stated for disallowing new notes that include zoning type information is to avoid permanently recording information that may change by future LDR amendments. But approving an application to amend the 1978 LUDR rather than an application to vacate or amend a 1978 plat note perpetuates the very problem the current practice tries to avoid. It continues a zoning type note that designates allowed land uses on Lot 333.

In their ongoing proposal to convert the assisted living center on Lot 333, Rafter J Ranch Subdivision, to an apartment complex, Stage Stop, Inc. is pursuing a highly questionable procedure. This application seeks to amend former Teton County land use regulations (1978 LUDR) that were repealed in May 1994. An alternative procedure is available to State Stop in the currently adopted LDR that is straightforward, clear and routine. In fact, this alternative procedure is so commonly used, the County Commissioners amended the LDR to streamline the procedure for ease of use.

At the center of the proposal is a note on the face of the Rafter J Ranch subdivision plat. The note limits Lot 333 to local commercial uses and Ranch headquarters.

A few historical facts can help establish the context around the apartment building proposal.

1. The developers of Rafter J designated a few lots in the subdivision for non-residential purposes. Two lots were specifically designated for local commercial uses, other lots were expressly designated for a church, public facilities and horse corrals.
2. Before the initial county LUDR became effective January 1, 1978, Teton County had no development regulations. Only the subdivision of land and subdivision plats were regulated by the County. Placing notes on subdivision plats was the most common way to establish certain restrictions that a developer, or Teton County, wished to apply to a new subdivision.
3. The Rafter J Ranch subdivision was planned, and the initial subdivision plat was prepared, prior to the first county LUDR that became effective January 1, 1978. The Rafter J plat was recorded on January 6, 1978, suggesting a 1977 approval by the Commissioners.
4. The 1978 LUDR contained a zoning district called Local Convenience Commercial with a list of allowed uses.
5. The plan for Rafter J, Rafter J subdivision plat, and the initial county LUDR were prepared at the same time. It is understandable that the Rafter J developers, who wished to designate certain lots for commercial uses to serve nearby residents, would adopt the term local commercial as it certainly was being discussed in planning meetings about the LUDR. They memorialized their intentions with the common technique of placing a note on the subdivision plat.
6. The planning department concluded that the plat note does more than simply permit a generic list of local commercial uses, rather it refers to the specific Local Convenience Commercial zoning district in the 1978 LUDR. This has been the department's position for a long time, dating back to the approval of the assisted living center.
7. The LUDR did not allow apartments in the Local Convenience Commercial district. Nursing homes were allowed in the district and the assisted living center was approved under the category of a nursing home.

Notes and other features on subdivision plats can be amended or vacated by following the procedure mentioned above that is in the currently adopted LDR. The local LDR duplicate a section of the State Statute that establishes procedures for approving and amending

subdivisions. Many years ago, the other Rafter J lot that was designated for local commercial use was vacated and replated. The local commercial note was removed from the plat to allow the veterinarian's clinic.

The LDR and Statute both require that any amendment or vacation of a note or other part of a plat not abrogate or destroy the rights of other owners in the subdivision. Under this procedure, Stage Stop would have to demonstrate that converting the assisted living building to an apartment building would not abrogate or destroy the property rights of neighbors or other Rafter J owners.

Instead of pursuing the procedure to amend or vacate the plat note, Stage Stop proposes to amend the 1978 LUDR to add apartments to the land uses that were allowed in the Local Convenience Commercial district. Along with this novel approach comes a host of questions.

- Can the 1978 LUDR be amended now that they were repealed and superseded in May 1994?

  Ordinarily, the obvious answer would be no. And, why would anyone want to?
- Does the note on the Rafter J plat that refers to local commercial uses keep the 1978 LUDR alive and eligible for amendment? Or, were the 1978 LUDR frozen in their specific terms on the day they were repealed in May 1994?

  It would seem unlikely that the LUDR can be amended after they have been repealed, and this would not prevent the plat note from referencing the old list of allowed uses. However, this question may be answerable only via litigation.
- Is there sufficient basis to conclude the reference to local commercial is referencing the Local Convenience Commercial zoning district in the 1978 LUDR?

  This conclusion has been a longstanding position of the planning department dating back to the approval of the assisted living center.
- Is amending the LUDR to allow an apartment complex in the Local Convenience Commercial district consistent with the developers' intent to provide certain lots for local commercial?

  It would reason that if the precise wording of the note is retained and not amended, then the purpose and intent of the note also should be retained.
- Does amending the 1978 LUDR rather that amending or vacating the plat note circumvent the express wording and intent of the LDR and State Statute, as these laws pertain to amending subdivision plats?

  An LUDR amendment would avoid a key requirement imposed by the LDR and State Statue to protect other owners in the subdivision. It avoids the requirement that a change to a plat note, or its vacation, must not abrogate or destroy property rights of neighbors or other Rafter J owners.

Answering these questions is not necessary. Simply following the currently adopted LDR to vacate or amend the note would be a clear and certain procedure. Following this procedure would allow all parties to propose, review, comment and decide upon the application, based solely on the content of the proposal without the distraction of questions and doubts about the process.

Dear Teton County Planning Department and Teton County Commissioners,

Stage Stop, LLC (SS) is asking you to change a long-standing protection of the Rafter J Community. In two applications requesting residential apartments, SS acknowledges that current laws do not allow residential use on their Lot 333 in Rafter J:

*"the use of the Legacy Lodge property is limited under the PUD approval and the 1978 LUDRs to specifically address issues that were prevalent at the time, and excludes residential apartment uses, and with it, workforce housing."*

The need for workforce housing in Teton County is serious and indisputable. However, this building and location prevent that use for many reasons that are still relevant in 2022. That said, I ask that you continue to abide by the intent of the 1978 LDR's and the note on the Lot 333 plat.

In Section 8.2.13.C.5, the law requires that:

*a. An instrument shall be filed with the County Clerk stating that the partial vacation does not abridge or destroy any rights and privileges of other proprietors in the plat. The instrument shall include:*
   *i. Acknowledgment by all parties affected by the vacation; and*
   *ii. Acknowledgment by the Board of County Commissioners.*

These regulations exist for a purpose. They provide the adjacent landowners and the Rafter J subdivision with assurances that future use will conform with the subdivision CC&R's and maintain the neighborhood character, without abridging an owner's rights. Simply put, any change to this current regulation must take into consideration the impact on neighbors and neighborhoods at large. This is not being done.

Despite three private meetings and two public forums, SS has failed to answer the most basic questions:

- How many people will be permitted to live in the building?
- How many people will live in each room?
- What is the maximum number of cars that will be permitted to park?
- What percentage of residents will be employees of Darwiche businesses?

Since SS has chosen not to provide information about their project or their desired residents, we are unable to determine if apartments will: benefit the Teton County community; be a step towards addressing the housing crisis; or be the right decision for Rafter J. There have been no facts for almost a year now, so it sure does appear that Stage Stop, LLC is pushing a self-serving endeavor: to provide housing for employees of Darwiche-owned businesses. To say that this is a solution to the housing crisis is feeble at best.

I conclude by asking that you deny the two applications that Stage Stop LLC has presented.

With thanks,

Michael Keegan
3075 Stirrup Drive, Rafter J since 1996

## Chandler Windom

**From:** Chris Neubecker
**Sent:** Monday, February 28, 2022 4:10 PM
**To:** Chandler Windom
**Subject:** FW: Rafter J Legacy Lodge

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**From:** Anna Kerr <kerranna17@gmail.com>
**Sent:** Monday, February 28, 2022 3:21 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Rafter J Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am writing you today to voice my support for the Legacy Lodge becoming **Workforce deed-restricted housing.** To me, this seems like an absolute no brainer of an easy solution to aid in our ongoing and increasingly dire housing crisis.

We are all aware of how strained this community is for local workforce housing - obviously some people are more affected than others, but the problems are seeping through the cracks and showing themselves for all in our local businesses and services. Understaffing at restaurants might be the most noticeable for all, but goes far beyond that, affecting our health care workers, teachers, first responders, electricians, plumbers, you name it. Kids are coming to school exhausted because they are sharing beds with all their siblings and sharing a small home with other families. Although some may argue that their "neighborhood character" of Rafter J may be altered, I am confident that we all can understand that *everyone* will benefit from housing our workforce locally. No family should be struggling here in one of the wealthiest counties in the world when we have solutions to these problems. Our problem is that we are taking the preferences and comfort of the wealthy over those of the extremely hard-working local workforce. I urge that the health and wellbeing of the *overall* community be taken into stronger consideration than the few who would prefer to keep their "neighborhood character" and continue to watch their fellow community members suffer and be further displaced. This town quite literally cannot afford further gentrification - we MUST look after our local workers.

By implementing a bus stop and potentially a traffic light - traffic increase could have a relatively low impact for the immediate surrounding community - **and in fact would help with the county's overall traffic congestion problems** especially in the summer and peak commuting hours. I am a Board member for the START bus and have been presented with multiple documents proving that housing our local workforce will cut down on traffic by reducing the numbers of vehicles commuting to and from the surrounding communities over the pass and down the canyon. And especially in the summer, when people live closer to their place of work, they are more likely to walk, bike, or bus, taking more cars off the road. We have all seen how terrible traffic has gotten in the summer months - most people would like to blame it completely on the tourists, but a huge amount of the vehicles are local workers that are forced to commute into town because they have been pushed out due to housing shortages.

And with deed-restrictions - we can ensure that these spaces will be available in perpetuity to our local workforce, and those who have already invested their time and energy here by living here for at least one year. Make the right decision here, please. Or continue to see our hospital staff, teachers, service workers, and literally everyone suffer from the housing shortage.

Thank you,
Anna Kerr

**From:** Karin King <karinking31@gmail.com>
**Sent:** Thursday, February 3, 2022 11:03 AM
**To:** Chandler Windom
**Subject:** Rafter J Lot 333

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Karin W. King
3430 S. Arabian Drive
Jackson, WY 83001

Dear Members of the Planning Commission:

I understand an application for a change in the Planning Unit Development and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision. I respectfully ask you to reject this proposal that sees a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences which take pride in our neighborhood and is one of the most desirable places to live in the County. Our residents have been the backbone of the workforce in Jackson and the surrounding area.

The Stage Stop, Inc., development will bring an incompatible density to a quite family-oriented neighborhood and will create problems of noise, traffic, safety and will impact wildlife, pathways, the trail system and open space. It has been purported to be affordable housing but in fact is market rate units with employers renting units for their employees, not being available for individual workers.

There are 57 units available with parking for 36 cars. Even if two people are allowed to reside in a unit there would be 114 residents with not enough parking. Providing adequate parking would result in an asphalt jungle and/or allowing parking on Big Trail would ruin the shoulders and create havoc for traffic. The increased traffic would cause a nightmare in exiting onto the highway and be extremely unsafe for current Rafter J residents. Public transportation would be required as would be facilities for electric bicycles.

I understand that Stage Stop has a legal requirement to present to and obtain approval from Rafter J residents to change our covenants. They are attempting to bypass this requirement and obtain approval for zoning changes from the County. This is unacceptable.

In summary, it seems that we are being railroaded into accepting a development which is diametrically opposed to the covenants and desired and current uses of the Rafter J community. Please do not allow this to happen.

Sincerely,

Karin W. King
karinking31@gmail.com

**From:** Gabe Klamer <gklamer@feuzexcavation.com>
**Sent:** Tuesday, March 22, 2022 6:49 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Good morning,

After reading the news articles regarding the planning commission's approval of the Stage Stop LLC's proposal for Legacy Lodge I cannot help but see a major conflict of interest. Planning Commissioner Mateosky (Wapiti Corp) is the General Contractor Stage Stop, LLC is contracted with for the Hotel Jackson phase II project. I noticed he voted at last week's meeting regarding the Stage Stop proposal at Legacy Lodge.

Here is Wapiti Corp's staff directory:
https://www.wapiticorp.com/team.html

Buckrail article mentioning Wapiti as GC:
https://buckrail.com/hotel-jackson-planning-phase-2-of-development-council-votes-to-continue-discussion/

Hope all is well,

**Gabe Klamer**
Feuz Excavation, LLC, President

FEUZ
EXCAVATION LLC
307-690-1057
PO Box 10640
Jackson, Wy 83002

**From:** Anna Knaeble <knaeblea@gmail.com>
**Sent:** Tuesday, January 25, 2022 8:56 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Lot 333/Stage Stop Inc. Application

Dear Teton County Planners and Commissioners,

It has come to my attention that an application for a change in the Planned Unit Development and Conditional Use Permit has been submitted to Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners. I respectfully ask you to reject this proposal, which seeks a zoning change and a change of use within the subdivision, for the reasons below.

My husband and I relocated from Denver, Colorado to Rafter J Ranch a year and a half ago with our two daughters. We chose Rafter J over other Jackson neighborhoods in part due to its family-friendly nature, its beautiful open spaces, and its location away from the hustle and bustle of town. My husband is a physician at the hospital and serves many of the families in the Jackson community, including Rafter J and workforce families. We love the neighborhood and hope to remain here for years to come.
First and perhaps most importantly, in submitting an application to Teton County requesting a zoning change and new conditional use, Stage Stop Inc. is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County. Despite a letter from the HOA attorney, Stage Stop Inc. has failed to acknowledge the legal requirement to first bring an application to Rafter J Homeowners Association for a vote for any proposal to change the Rafter J covenants, which were approved in 1978 by Teton County. Instead, Stage Stop Inc. held a series of open houses where they informed residents about the project and answered questions. Resident concerns over circumventing the legal process have been brought to Stage Stop Inc.'s attention at these meetings. Yet as of early January, Stage Stop Inc, had not responded to the HOA attorney. Stage Stop Inc. has repeatedly demonstrated its intentions to ignore the voices, opinions and concerns of the Rafter J community.
Second, the Stage Stop, Inc. development would bring incompatible density to our family-focused neighborhood. It would also most certainly worsen traffic and traffic safety issues, and perhaps increase the amount of noise and disturbances in the community. An increase in population and traffic would also have a negative impact on the open spaces, wildlife, water system and housing values.

Third, the project has been pitched as "affordable workforce housing" to draw interest from local businesses and other key community partners. Yet Stage Stop Inc. told residents at multiple meetings that housing will be rented at full market price to businesses. It will then be up to businesses to decide how much rent they charge workers. Under this tiered system, there will be no guarantee that our teachers, firefighters, front line workers, and hospitality workers benefit from this housing at an affordable rate. The project, in fact, is a profit-driven venture aiming to take advantage of Jackson's housing crisis at the expense of local businesses, Jackson's middle and lower class workers and Rafter J residents. Stage Stop Inc. is not offering "workforce housing" directly to workers for the simple reason that they're not willing to rent units at affordable rates; they want maximum profit. This is not goodwill or generosity. This is business for profit at the expense of the community.

Fourth, it should be noted that Rafter J Lot 333 is not zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas primarily in town for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. Lot 333 is far from public transportation and most businesses. In addition, there are only 54 parking spaces on the lot. At a meeting in early January, Stage Stop Inc. informed Rafter J residents that they would not be adding any parking spaces yet planned to house at minimum 108 workers and their families. There are no kitchens within units, however families would need a way to feed their family. Many changes would need to be made to safely accommodate so many people in such a small space. The logistics of the proposal appear vague and unclear. Lot 333is designated for institutional use--which is why the Rafter J community supported and benefitted from the Legacy Lodge Assisted Living Facility.

In summary, the Stage Stop Inc. proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. The proposal has serious ramifications for our families and community. We the people of Rafter J, the families, the young and old, the health care workers, teachers, bartenders and the handymen who keep Jackson afloat, our voice and vote matters. We urge you to reject this proposal and uphold the integrity of our neighborhood. Respect the rights of Rafter J citizens to uphold our CC&Rs in the face of inappropriate development pressures.

I sincerely thank you for taking the time to listen to my concerns.

Respectfully,
Anna Knaeble
Rafter J Resident
3325 S Cow Camp Drive

**From:** Anna Knaeble <knaeblea@gmail.com>
**Sent:** Tuesday, March 29, 2022 2:01 PM
**To:** Natalia Macker <NMacker@tetoncountywy.gov>; Greg Epstein <gepstein@tetoncountywy.gov>; Mark Newcomb <mnewcomb@tetoncountywy.gov>; Luther Propst <lpropst@tetoncountywy.gov>; Mark Barron <mbarron@tetoncountywy.gov>
**Cc:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop Application/Rafter J Lot 333

Dear Teton County Commissioners:

I am writing to you with regard to the application to amend and change zoning to allow apartments for lot 333 in the Rafter J Ranch subdivision. I am a Rafter J homeowner and I have also spent over a decade of my life working in the service industry. I value the workforce and workforce housing, however **I am asking you to reject this application because 1) it fails to include essential data and 2) it asks the Commission to ignore State Statutes and their legal precedence.**

1) The application fails to include essential data:

- The application requests amendment to the Teton County 1978 LUDR, which was repealed and replaced in 1994, in an effort to add the word *apartments* to the allowed uses. The applicant should follow the currently adopted LDR, which is straightforward and in line with State Statutes.
- A review by Fehr & Peer of the applicant's Traffic Impact Study (TIS) by Y2 Consultants 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*." Furthermore, the Y2 TIS used a maximum occupancy of 114 in the study, which does not account for any family members living with workers.
- The applicant defines the proposed project as "Workforce Housing" at market rates. It does not mention the required Deed Restrictions as defined in the Housing Department Rules and Regulations.
- The applicant did not provide any data related to water or sewer usage.
- There is no proposed transportation management plan to address the "F" rated intersection, no public transportation, and an expectation that tenants will walk or bike to Jackson.
- Nowhere in the application does the applicant identify a maximum occupancy. Without a maximum occupancy, it is impossible to accurately analyze and predict the potential adverse effects on the existing Rafter J community.
- The application fails to include whether or not the Rafter J HOA was in agreement with the application (because the applicant skipped this step of the process).

2) An approval of the application would ignore State Statutes and legal precedence:

- The Wyoming Supreme Court decided and reaffirmed that *no government agency shall circumvent or ignore restrictions on land* (Fox v Miner, 1970; Four B Properties v The Nature Conservancy, 2020).
- Unlike the repealed LUDRs, the current LDRs are in alignment with State Statutes and they outline proper procedure. The applicant requests you amend the removed LDRs in an effort to circumvent the current process. However, the repealed LUDR no longer has the force of law.
- An LUDR amendment to include the word *apartments* would circumvent the LDR and State Statute put in place to protect other owners in the subdivision. As such, the Rafter J community would be forced to take legal action.

While there are a plethora of other issues related to adverse effects, safety, traffic, parking, and infrastructure, I believe the two points mentioned above are of greatest consideration. I strongly urge you to reject this application.

Respectfully,

Anna Knaeble
Rafter J Homeowner and Teton County Resident
3325 S Cow Camp Drive
Jackson, WY 83001

**From:** Julia Knowles <juliaknowles207@gmail.com>
**Sent:** Wednesday, March 02, 2022 4:46 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I'm reaching out to express my support in designating Legacy Lodge as workforce housing. Our local labor force is in desperate need for additional housing options of any kind, and I urge you to support this initiative in the continuation of Monday night's meeting on March 14th. As was discussed on Monday, the potential impact of residential traffic would be less significant than that of commercial operations of a gas station or daycare (uses currently permitted at the lodge). Housing with limited parking spots is substantially better than no housing, and with time and support I bet additional parking solutions could be identified. Jackson is the safest community in which I have ever resided; concerns of higher crime rates are meaningless where our real concern here is the ability for local businesses and critical services to staff sufficiently to continue to operate and serve tourists, second homeowners and full-time residents alike. Please support local businesses and local residents by supporting the move to designate Legacy Lodge as workforce housing, a decision that would better our entire community which you serve!

Thank you,
Julia
Julia Knowles
Wilson, WY | 207-504-4107
juliaknowles207@gmail.com

From: Ed Krajsky <edkrajsky@yahoo.com>
Sent: Saturday, February 26, 2022 1:52 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Please do NOT authorize the Stage Stope

Dear Commissioners,

I will keep this short. I have written before.

Please, Please, Please DO NOT authorize this gift of 100, of thousands ( if not millions of dollars) by changing the zoning for this property in Rafter J. And then make all the rest of us have to pay for the degradation of our community.

That property is supposed to be asited living. That was the original deal.
Jackson needs another asited living center. And another company will eventually come in and restart it.

Please vote NO

Ed Krajsky
Rafter J resident for 31 years
Teton county resident 43 years
Hotel Manager 40 years

Ed Krajsky

The Lexington at Jackson Hole
http://www.lexjh.com <http://www.lexjh.comdegredation>
307-733-2648 hotel
307-690-2135 cell

**From:** Ed Krajsky <edkrajsky@yahoo.com>
**Sent:** Saturday, January 1, 2022 4:53 PM
**To:** Chandler Windom
**Cc:** ed krajsky
**Subject:** Legacy Lodge Zoning

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Commissioners,

I will make this brief.

I am a homeowner in Rafter J and have lived here since Oct 1991. Lot 82 at 1255 west Angus drive

When the Legacy Lodge was first approved my wife and I thought " Ok this is great....when we can no longer take care of ourselves 100% we will have a assisted living center right here to move into" . So I lobbied to have their plan approved in Rafter J.

And we all do know that once Covid is past....and it will pass eventually....there will be a need for Assisted Living Centers again.

And the folks who bought the living center are not suppling any benefit to the community. They want to get the financial benefits of market rates on apartments...and want others to pay for this benefit. Namely all the residents of Rafter J.

There is NO benefit to the community to change the zoning on this property.
If they want to help....they can buy a lot that is zoned for apartments and build apartments. Not expect others to give them a huge windfall.

Please vote against this proposed zoning change.

I guess I was not that brief.

Thank you

Ed Krajsky

Ed Krajsky
The Lexington at Jackson Hole
www.lexjh.com
307-733-2648 hotel
307-690-2135 cell

**From:** Jade Krueger <ejadekrueger@gmail.com>
**Sent:** Monday, February 28, 2022 1:14 PM
**To:** Chandler Windom
**Subject:** Legacy Lodge - Public Comment

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Chandler,

I hope you're well. I wanted to submit public comment for planning commission this evening re: Legacy Lodge.

# Rafter J - Legacy Lodge Comments

I would like to voice my support for the Legacy Lodge housing project in Rafter J and subsequently the Conditional Use Permit proposed. I currently reside at 3355 Tensleep Drive in the Rafter J Development.

Workers are residents and the fabric of Jackson just as much as any other resident. We are all essential to this community, and not supporting this project would be detrimental to trying to solve the housing crisis here in Jackson. I would further support deed restrictions to maintain affordability in this area. The current CUP application does not include any restrictions to enforce affordability/attainability. I would not support a fee in lieu (your proposed motion in the staff report addresses this). Impacts and concerns pertaining to noise or traffic could easily be addressed and remedied.

Sincerely,
Jade Krueger

Jade Krueger
218.831.4190
ejadekrueger@gmail.com

**From:** LEE KUNZE <leelizzard_1999@yahoo.com>
**Sent:** Saturday, January 8, 2022 8:19 AM
**To:** Chandler Windom; planning
**Subject:** Fw: Development Proposals in RJ

----- Forwarded Message -----
**From:** LEE KUNZE <leelizzard_1999@yahoo.com>
**To:** cwindom@tetoncounty.gov <cwindom@tetoncounty.gov>; planning@tetoncounty.gov <planning@tetoncounty.gov>
**Sent:** Friday, January 7, 2022, 06:58:23 AM MST
**Subject:** Development Proposals in RJ

Dear Commissioners and Planners,

I understand an application for a change in the Rafter J subdivision has been submitted by Stage Stop, Inc for Lot 333. It is my understanding that Stage Stop, Inc. had a legal requirement to first send an application to the Rafter J Homeowners Association for a vote to change our covenants. It is also my understanding, from being at a meeting on Jan. 5th, that the covenants have not even been read yet. It seems that the developer is bypassing the legal rights of Rafter J homeowners to avoid the covenant requirements and receive a favorable decision from the county. Rafter J Lot 333 is not zoned for High-density apartments or workforce housing. The Stage Stop, LLC proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I urge you to reject this proposal and respect the rights or Rafter J citizens to uphold our CC&R's and not allow inappropriate development.

Sincerely,

Lee Kunze Rj Homeowner

leelizzard_1999@yahoo.com

**From:** Deb Kuzloski <justdkuz@gmail.com>
**Sent:** Monday, February 21, 2022 10:59 AM
**To:** Chandler Windom
**Subject:** Stage Stop, Inc. use of Lot #333 in Rafter J

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To Whom It May Concern:

As a resident of Rafter J I have attended several meetings regarding the conversion of Legacy Lodge from "institution" to "workforce housing."

While I recognize the need for this type of housing in Teton County, I am VERY disappointed in how the Darwiches (Stage Stop, Inc.) are going about the process. Rafter J has CCRs that all homeowners, residents, commercial properties and businesses adhere to. The Darwiches are seeking county approval before involving Rafter J in its own decision-making regarding the use change (which requires a vote of the residents with 65% of Rafter J property ownership in favor of making a change). Some of the possible results of this seemingly inverted process that concern me are:

-The residents of Rafter J embraced having the assisted living facility built. It was AND STILL IS a huge need in the Teton County community. However, its impact was much less than we are anticipating the impact will be of having “workforce housing” use of the same property. The original owners of River Rock Lodge did go through the proper Rafter J procedures for approval.

-Getting the approval of the County first might be tactical so that the County’s employers and residents would think poorly of Rafter J if we want to enforce any CCRs that might block or slow down the process.

-Darwiches thinking that they are above our CCRs and just doing what they want. In the meetings, the Darwiches (and their representatives) said that they were doing the County permit process first and then would deal with the Rafter J process. I wonder if the Darwiches will actually involve Rafter J or if they will run roughshod over the process.

-We in Rafter J are, of course, concerned about how our quality of life will be impacted; infrastructure (water/sewer/roads/pathways), safety within the neighborhood, and the safety of the added traffic entering and leaving the subdivision at the highway.

I personally feel that until ALL of our concerns have been processed and addressed by Rafter J residents, its board, and the CCRs (which we all adhere to) that discussing this at the County level is putting the cart WAY before the horse. It feels as if the Darwiches are trying to do an end run around the homeowners of Rafter J. Most of us aren't NIMBYs, we just want an appropriate due process.

Thank you,

Deborah Kuzloski
Rafter J, Lot 219

JESSICA M. LANCASTER
*Attorney admitted in Oregon, Washington, Idaho, and Wyoming*
Direct: (971) 302-6428
Email: jessica.lancaster@chockbarhoum.com

January 4, 2022

**VIA FIRST CLASS MAIL and EMAIL:**

RE: ***Lot 333 Objection***

Dear Teton County Planners and Commissioners:

We are homeowners in Rafter J and object to the proposed change in the Planned Unit Development and Conditional Use Permit submitted for Lot 333 in Rafter J. We object for multiple reasons.

First, the proposal is procedurally improper. Rafter J Covenants require applicant Stage Stop Inc., to submit the application to the Rafter J Homeowner's association. Stage Stop failed to do so, and Rafter J residents have been stripped of our right to vote on the changes proposed for our neighborhood.

Second, Lot 333 was a retirement and elder care facility that housed approximately 33 residents until it recently closed due to the pandemic. The current lot is not zoned for high density apartments that could more than quadruple the resident capacity to a hundred or more. High density use in this area would strain the Rafter J community's common areas, roads, wildlife, and community resources. That space was never intended for such use.

Third, the proposed amendments are couched in terms of affordable housing, yet there are no guarantees this will be the case. In contrast, it expected the units will be market rate and far from affordable. There are alternative housing solutions with better forethought and lesser repercussions currently being contemplated by the community.

We ask that the County deny the proposed changes to Lot 333 and allow the Rafter J homeowners to vote on the proposed amendments as required by covenant.

Thank you,

Jessica and Jake Lancaster

FINE DINING
restaurant group

Gavin Fine
260 W Broadway, Suite B
PO Box 9250
Jackson, WY 83002
gavin@jhfinedining.com

March 16, 2022

Teton County Commissioners
PO Box 3594
Jackson, WY 83001
commissioners@tetoncountywy.gov
RE: Legacy Lodge

Dear County Commissioners,

I am writing to you in order to voice my support for Legacy Lodge to be zoned for workforce housing. If the request by Stagestop Inc. is approved, and we fill the now vacant apartments with the local workforce – the quality of life in our community would improve.

Housing continues to be a complex issue for Teton County, and it is my hope that we can pave the way for both the public and private sectors to find reasonable and reliable solutions.

Sincerely,

GAVIN FINE

Owner – Fine Dining Restaurant Group

**From:** Judy Legg <judylegg@hotmail.com>
**Sent:** Monday, April 4, 2022 2:06 PM
**To:** Natalia Macker; Greg Epstein; Mark Newcomb; lprobst@tetoncountywy.gov; Mark Barron; Board Of County Commissioners; Chandler Windom
**Subject:** SAVE RAFTER J !!

Teton County Commissioners:

I have been a resident of Teton County for 30+ years, and I actually moved into Rafter J over 20 years ago because of what it IS... a quiet, well-maintained, friendly neighborhood of middle class folks who worked hard to earn their homes and want to live a comfortable rural lifestyle with CC & R's that protect our values. I would like to point out a few things about the potential workforce housing development of Legacy Lodge proposed by Stage Stop that I have not heard others mention.

We all know that the intersection of Big Trails and the highway (US 26) is already rated F by WDOT and is noted as such in the Y2 Traffic Report provided by the developers. The Y2 report is using the Institute of Traffic Engineers (ITE)Trip Generation Manual for the 6.65 anticipated trips per day per dwelling unit. The first table in the executive summary is a comparison of the number of trips generated by senior assisted living (ITE code 254) and workforce housing apartments (ITE coder 220). (AM in and AM out totals = AM hour, and PM in and PM out = PM hour.). However, the next paragraph states that 'an additional 206 site generated trips would be added to the current 5,887...' WHAT?? Since there is no senior assisted living now, ALL 379 trips generated by the 57 units would be 'added'. The only trips generated now from that location are the ones made by renters illegally living there. Therefore, the so-called 'conversion' percentages are also wrong.

And where did 5,887 currently generated trips come from? Looking at the Rafter J Community table of generated trips, there are several more inaccuracies. Using the same equation as used for apartments, (# units X site generated average trips = daily total generated trips), the 495 single family homes (ITE code 210) in Rafter J generate 4,712 daily trips, which is an average of 9.52 trips per day, per household, per each and every single family home in the subdivision. I doubt that any ONE home makes that many trips per day, much less ALL of them, every single day of the week. The table also shows the AM in and AM out totals and PM in and PM out totals. All are correct (or almost correct) except for the Single Family totals. AM in (93) and AM out (124) do NOT equal 371, and PM in (312) and PM out (137) do NOT equal 495. In speaking with the Day care in Rafter J, I found that there are 79 children there, and several 'pairs' from families, resulting in 60-65 parent 'drop off' and 'pick up' trips each day (2 trips each), and 20 staff members (1 trip each). This would total a maximum of 150 trips generated by the day care center (ITE code 565), not the 889 stated in the report. If this same ratio (150 / 889) were to be applied to the number of daily trips by single family units, the total would be 795 instead of 4,712. Including the dental office and Gateway Church, the total of inaccurate information presented totals the 5,887 daily trips 'contributed by the community as a whole'.

Looking at these figures another way, the 5,887 generated daily trips would equal 245 trips per hour or 4.09 trips per minute every single minute of every single day. If the night hours of 10 pm to 6 am are excluded from the calculation, the trips would equal 368 trips per hour or 6.13 trips per minute of that time period. This amount of traffic is completely impossible at this intersection!!!

Please do not base your conclusions on erroneous information and allow this to happen to our community!

I would also like to mention that many of us in Rafter J are already doing our part to support workforce housing by renting out rooms to 1, 2 or even 3 people who already work in town. I, personally, have rented out a room in my home for over 10 years. My housemate of almost 5 years has more private space than the size of a studio apartment at Legacy Lodge and she also has full use of the kitchen, living area, laundry, front and back decks and yards, and even a parking space in the garage. All for less than 1/2 of the rent the developers plan to charge for a 2-person 326 sq. ft. studio unit. I haven't raised the rent since she moved in... in fact, I even lowered it at one point to help her out and kept it there. I also own my mother's condo in Rafter J and have rented it out to working folks for 14 years now, since she moved into River Rock for her last 3+ years. Thank goodness it was available to her, and to me, my daughter and her family (who also live in Rafter J), and we were all able to visit her there.

To conclude, I understand that the Planning Commission is made up of volunteers. However, a couple of comments during the March 14 Planning Commission meeting still bother me. Ms. Viehman stated that 'we have junk all around us and we don't like it, but get used to it!'. Mr. Mateosky, who lives in Hog Island, chided us as NIMBYS, yet he voted down workforce housing in his neighborhood and approved it in ours. He also works for the potential developers of Legacy Lodge and yet refused to recuse himself from the vote because he 'doesn't see a conflict of interest'... really??

Thank you!!

Judy

PS. I want to add one more very scary number mentioned in the Y2 Traffic Report.
The very last table discusses their capacity analysis for the main intersection of Rafter J and the highway.
It states that by 2042, with buildout, the control delay per vehicle in the PM could be 12,745 seconds for an eastbound left turn. Simple math tells me that nobody... NOBODY... will wait 212 minutes to go anywhere!!

PLEASE STOP THIS !!

***Judy Legg***

Mobile: 307-690-9028
judylegg@hotmail.com

**From:** Rafter J Maintenance <maintenance@rafterj.org>
**Sent:** Monday, March 7, 2022 9:51 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Board members

My name is Larry Lennon and serve as RafterJ maintenance supervisor. As such I share duties from both the HOA and ISD and am responsible for the daily monitoring of water and sewer facilities. I'm concerned that no one from Stage Stop, or their representatives, have inquired of current water demand and wastewater capabilities. A representative from Y2 consultants commented at the planning commission hearing but his findings were "very preliminary" and based off of 1998 findings. RafterJ's water system has gone through significant changes since 1998. Without current studies into both systems I believe it irresponsible to proceed as proposed on this property.

Thank you
Larry Lennon

**From:** Gina Lipp <ginalipp@gmail.com>
**Sent:** Monday, April 4, 2022 4:02 PM
**To:** Board Of County Commissioners
**Cc:** County Planning Commission; Chandler Windom; Chris Neubecker; steven lipp
**Subject:** Please Deny Stage Stop Lot 333 application and PC Report Findings

***Teton County Commissioners,***
***We are writing to you again as very concerned long-time Teton County and Rafter J residents regarding Stage Stop's application and the recent Planning Commission Report 2/28 regarding Lot 333. We respectfully ask that you deny the application and the Planning Commission findings regarding Lot 333/formerly Legacy Lodge Assisted Living.***
***We find the SS application as well as the PC Staff Report erroneous in many respects, but will focus on two in this email.***

***On page 9 in the PC 2/28/22 staff recommendations:***

***1) "No more than (2) two unrelated individuals shall occupy each apartment unit."***

***This is a very misleading statement as it doesn't give the maximum occupancy of the "related individuals" who may also occupy the apartment unit as well.***
***(See copied/pasted email from Chandler Windom dated February 3, 2022 below)***

Pikeg}$Pshki$ggyterg}$

Inbox

**Chandler Windom <cwindom@tetoncountywy.gov>**

to me

Hi Gina,

I got your message with questions about the proposed occupancy for the Legacy Lodge. What the applicants are currently proposing is that no more than 2 unrelated individuals could reside in a single unit. So for example, two roommates are considered unrelated. A married couple and their children are all considered related. So in a single unit, no matter the size, there would never be more than 2 individuals who aren't related. However, the occupancy per unit could be more than 2 persons if the persons were related. Such as a married couple and an unrelated roommate sharing a 2 bedroom apartment, for example. Let me know if you have any other questions.

Best,

Chandler

**Chandler Windom, AICP**

*Senior Planner / Teton County Planning and Building*

*PO Box 1727 / 200 S. Willow St.*

*Jackson, Wyoming*

*307-733-3959*

Correspondence, including e-mail, to and from employees of Teton County, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

***Y2 Consultants state , "The number of 114 residents in the Legacy Lodge apartments" in their recent traffic study on page 6 of 13. See excerpt below:***

*"Legacy Lodge Workforce Apartments*

## *TRIP GENERATION AND SITE-GENERATED TRAFFIC*

*Using Institute of Transportation Engineers (ITE) standard trip rates for Land Use 220 (Apartments with 114 residents), the site will generate the following trip generation pattern shown in the table below. Trip generation is analyzed without consideration of mode choice and therefore excludes the consideration of transit, ride sharing, and or other alternative means of transportation that would lower the anticipated impact to the transportation network."*

***How did they get 114 residents?....One can possibly come up with this: 2 unrelated individuals x 57 units = 114. Y2 Consultants is obviously not counting the number of the "related people" who will occupy these units with "unrelated people ". Chandler's email clearly states more than 2 people can be in an apartment unit. This, in our minds, is very disturbing and unsafe, especially when a traffic study should be calculating accurate numbers and data for "public safety."***

***(Apartments with 114 residents) is another misleading and honestly untrue statement as we all know the maximum occupancy for this project will far exceed this number, potentially 200+ people, far exceeding the maximum occupancy of assisted living (80 residents maximum, page 168) that was stated in the 2000-02 Dev. Permit of Lot 333 (Assisted Living)***

***This potential increase of 150% of renters or more who will daily use our private water, sewage pump station, roads, trails, common areas will have an adverse effect on our infrastructure and the Flat Creek corridor/wildlife. Our water usage fees and ISD fees have already gone up 73-79% per our July 2021 ISD Homeowner letter. To allow privately owned market-rate apartments for short term seasonal (6 month lease is short term) renters that benefit private businesses' and not the residents of Rafter J will place a burden on the homeowners of Rafter J. Lot 333 was never intended or designed for residential use.***

***The new owners were fully aware when they bought Lot 333 the Local Convenience Commercial zoning and permitted public institutional uses such as assisted living, nursing homes, daycares, and hospital use on the lot and in the building. Apartment use (residential) is not allowed nor should it be a permitted use on Lot 333.***

***2) Rafter is NOT a complete neighborhood, nor should it ever be eluded as one such as in the Planning Commission report on page 5 under Key Issue #1. That is again, a very misleading statement that is simply not true.***

***Rafter J is zoned Rural Conservation Subarea. Rafter J is zoned Rural 3. Rafter J is a rural area per the Joint Comp Plan.***

***Apartments belong in complete neighborhoods. Complete neighborhoods are 1/4 to 1/2 miles (walking distance) to many amenities such as grocery stores, doctor offices, etc.***

***Rafter J is not within walking distance to amenities. We do not have grocery stores, doctor offices, schools....***

***Rafter J is located appr. 3 miles away from the town of Jackson, where amenities and jobs are located.***

***The pathway connectivity from Rafter J to town is unusable, with dangerous icy and snowy conditions to town 5-6 months out of the year. To determine this will be the mode to reduce traffic and car parking is essentially unrealistic and unsafe.***

***Complete neighborhoods have public utilities.***

***Many of Rafter J utilities are private, our water, our sewage pump station, roads, common areas and trail systems with Flat Creek corridor and its wildlife running through our subdivision common areas.***

***This winter, 13 different types of bird species were counted within a 45 minute walk around Flat Creek corridor and pathway. Moose, deer and coyotes frequent our subdivision. Raptors as well use our common areas and Flat Creek corridor to live and hunt. Research has shown more human presence impacts and alters wildlife habitat. (Craighead Research.org)***

***Apartments are zoned in Complete Neighborhoods. (stable and transitional)***

***Rafter J is zoned Rural Conservation Subarea. (Conservation and Preservation)***

***Please deny the Stage Stop's application and the Planning Commission's Report findings.***

***Thank you,***

***Steve and Gina Lipp***

**From:** Gina Lipp <ginalipp@gmail.com>
**Sent:** Tuesday, January 25, 2022 9:21 AM
**To:** Chandler Windom
**Subject:** Lot 333 and attached 2000 Development Permit
**Attachments:** DEV2000-0002, Permit.pdf

*See attachment here: https://developmentrecords.tetoncountywy.gov/Portal/Planning/StatusReference?referenceNumber=DEV2000-0002*

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Chandler,
I would like to share with you and have on record the attached 2000 Development Plan Permit for Lot 333 in Rafter J. As a long-time (since 1984) Rafter J Homeowner, I'm so impressed with the thoroughness, transparency and preciseness American Healthcare laid out for Rafter J.
In the Stage Stop current application, the maximum number of residents, traffic and infrastructure questions have not been answered. I am very concerned these issues have not been answered.

Please note the following discussions and specific answers given within this document:

**1) Please see page 168: "80 residents maximum, 24 employees maximum in a 24 hour period."**

American Health directly stated the maximum number of residents (80) who will live at their facility. 24 employees who would not live there.

**2) Please see page 168: "Assuming average water usage of 125 gallons per bed per day and assuming an 80 bed facility; then total daily sewage output would be 10,000 gallons per day."**

American Health directly stated the average daily usage of water and sewage of Rafter J's infrastructure given the maximum number of residents.

**3) Please see pages 264 and 265: <u>New Study Shows That Assisted Living Residences Do Not Create Traffic Problems:</u>**
**Excerpts from article:**
**"Assisted Living Residents typically don't drive."**
**"Most Assisted Living facility employees are full-time and are typically scheduled to arrive and depart during non-peak driving hours."**

Additionally, please see in the Development Permit what is written regarding Assisted Living.

**4) Please see page 176: <u>What is Assisted Living?</u> :**
**Excerpt:**
**"Assisted Living is a special combination of housing, personalized supportive services and healthcare designed to respond to the individual needs of those who need help with Activities of daily living but do not need the skilled medical care provided in a nursing home."**

**5) Please see page 175: <u>Who Lives in Assisted Living Residences?</u> :**
**Excerpt:**

**" Assisted Living residents can be young, old, affluent, low-income, frail or disabled. A typical resident is 85 or older, is female, is either widowed or single. Residents may suffer from Alzheimer's disease or memory disorders. Residents may also need help with incontinence or mobility. Assisted Living is appropriate for someone who is too frail to live at home but does not need skilled nursing."**

There is no comparison to an Assisted Living Facility versus Commercial Workforce Apartments. Sadly, in March of 2021, 35 of Teton County Assisted Living residents of the Legacy Lodge were requested to move out in the middle of a pandemic and during winter in JH..Now there is no Assisted Living in Teton County.
Thank you Chandler for taking the time to read my email and review the pages highlighted from the attached Development Plan Permit.

Gina Lipp
Rafter J Homeowner

$

## Chandler Windom

**From:** Gina Lipp <ginalipp@gmail.com>
**Sent:** Monday, January 31, 2022 1:44 PM
**To:** Chandler Windom; Chris Neubecker
**Subject:** Stage Stop Application CONCERNS as a Rafter J and Teton County Resident
**Attachments:** ISD-letter-final-7.2.21.pdf; Lot-333-Rafter-J-HOA-and-ISD-Letter-to-County-1-27-22-final-draft.pdf

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Chandler and Chris,

I am writing again as a very concerned long-time Rafter J Homeowner (since 1984) in regards to Lot 333, formally the Legacy Lodge Assisted Living Center, and the new owners/developers' application to change it into commercial apartments.
Attached is a July 2021 letter from Rafter J's ISD expressing need for increased water usage rates and homeowners annual assessment rate. Also attached is the January 27 letter HOA/ISD concerns regarding Lot 333. Please have my email and attached letters on record. Thank-you.

Copied below is an excerpt from Stage Stop's application on page 19:

**"Minimizes adverse impacts on public facilities;**

The proposed PUD amendment seeks only to allow for a change of use for an existing physical development. The impacts to public facilities, services, including transportation, potable water, and wastewater facilities, parks, schools, police, fire and EMS facilities were addressed at the time the existing facility was developed. Allowing for the change of use of the existing facility from an assisted living facility to employee housing will not have an adverse impact to these public services and facilities. On the contrary, providing up to 57 units of workforce housing has the potential to reduce the pressures on these public facilities and services by providing housing for employees that support these facilities and services."

Stage Stop''s proposed development will adversely impact Rafter J's infrastructure. The 2000 Development Permit, which I sent to you, Chandler, on January 25, on page 168, American Healthcare clearly states the maximum number of residents who would live on Lot 333, would be 80. Stage Stop's application doesn't address the maximum number of renters who will be living on Lot 333, but it will be much more than 80, possibly 130+, which is a 65% increase than American Healthcare's permit. A daily 65%+ potential increase of population (not to mention pet waste) on Lot 333 using our infrastructure; water, pump station, trails, common areas, pathways, roads, traffic and parking will significantly and negatively impact our infrastructure, our wildlife and our quality of life as private property homeowners.

The residents of the assisted living Legacy Lodge for the most part, didn't drive. By not only greatly increasing the number of individuals who will rent the commercially converted apartments on Lot 333, the daily vehicle trip count per resident on our limited road system will dramatically increase. Additionally, given the mobility limitations of the assisted living residents, these potential commercial apartment renters will cause dramatic increased use impacts of our trail systems that surround the Flat Creek corridor, our pathways, and open space common areas.

See Attached July ISD Letter to RJ Homeowners: ADJUSTMENT IN ANNUAL ASSOCIATION ISD FEES FOR ALL HOMEOWNERS

Our water usage rates have already gone up over 73% from 2020/2021 to 2021/2022. In addition, our ISD annual assessment went up 79% this year alone.To potentially add commercial apartments to our subdivision when our infrastructure was clearly not intended or designed for that purpose, is absolutely unfair and will place the burden and responsibility directly on the backs of Rafter J homeowners who have paid into the ISD/HOA fees for years and years. It will be the Rafter J Homeowners who will be left to pick up the costs of the negative impact of Stage Stop's commercial apartments. This is especially true as commercial lots which have always been local convenience commercial, thus a benefit to our residents, are only taxed the same as a single family lot.

Most importantly, Here is an excerpt from Stage Stop application, page 8:

**"C. Proposed Use Provide Public Benefits Similar to Permitted Institutional Uses"**

The proposed change of use from an assisted living facility to "commercial apartments" will have an extreme adverse impact on public facilities that are already at a deficit serving our elderly population. Legacy Lodge was the only such facility in our valley. The potential change of use, conversion, and permanent loss of this custom built facility designed to serve those transitioning from independent living to assisted living will have an extreme adverse impact to our public services that serve our elderly population, most importantly, an already felt deficit in services for those Teton County residents who are currently needing assisted living in our valley, as there is absolutely none.

Definitions of Permitted Institutional Use:

Nursing Home: a public or private residential facility providing a high level of long-term personal or nursing care (such as the aged or the chronically ill) who are unable to care for themselves properly.

Assisted Living: housing that is designed for the elderly or disabled people who need assistance with daily activities but don't require care in a nursing home.

Day Care: daytime care for the needs of people who cannot be fully independent, such as children or elderly people.

Hospital: an institution providing medical and surgical treatment and nursing care for sick and injured people.

Church: the building in which people of faith meet for worship.

**Market Unit/Apartments are not similar or in the same category of use as the Permitted Institutional Uses such as Nursing Homes, Assisted Living facility, Day Care , Hospitals or Churches.**

**To say that apartments are in any way Local Convenience Commercial is simply not true, will not benefit Rafter J Homeowners, but will negatively affect our subdivision.**

**There are currently 8 significant workforce housing projects in the works according to the July 7 JHN&G. Obviously, there are enough zoning standards to put this type of housing elsewhere. There is no assisted living in Teton County. Why would it ever be contemplated to change a PUD that serves our most critical and specialized needs such as a Nursing Home, Assisted Living, Day Care, Hospital and Churches is irresponsible, will close the door to much needed public services, and is just plain wrong.**

**Please deny the PUD Amendment.**

Thank you for your time with reading my email and attached ISD and ISD/HOA letters.

Gina Lipp

Rafter J Homeowner

**RAFTER J IMPROVEMENT AND SERVICE DISTRICT**
**2951 Big Trail Drive, Jackson, WY 83001**
**Phone: 307-733-5262 / Email: Office@RafterJ.org**

**ADJUSTMENT IN ANNUAL ASSOCIATION ISD FEES FOR ALL HOMEOWNERS**

July 1, 2021

Dear Homeowner,

The Rafter J Improvement and Service District (ISD) is a non-profit Wyoming Special District to support the infrastructure needs within the Rafter J Ranch subdivision, including the potable water system, the sewer system, and roads and pathways.

The primary goals of the ISD Board for 2021 are to ensure that funds are available for annual operations as well as reserve balances for capital repairs and replacements in the future, and to update the 2013 capital projects study. From these goals, the ISD Board has identified a new fiduciary plan moving forward and will promote water conservation.

The ISD incurs annual operating expenses (staffing, outsourced services, equipment maintenance, and other routine costs) as well as special/capital (non-routine) projects which vary from year to year. Annual operating expenses averaged $187,450 for the past four fiscal years and is budgeted at $231,933 for 2021/22. The increase is primarily due to required repairs to pathways and road. Overall, our pathways and roads are in good shape; the planned repairs are to maintain their quality and hopefully extend the period before required major repairs are necessary. Detail budgeted expenses for 2021/22 is available on the Rafter J website.

In 2013, the ISD contracted with Meridian Engineering to complete a detailed study of future special/capital projects. Over the past six months, the ISD has worked with Meridian to update this study with current costs as well as perform a thorough review of other major expenditure requirements that were identified by the ISD.

Projects include:

- Surface treatment of collector and local roads
- Asphalt overlay of collector and local roads
- Pathway sealing
- Pathway replacement
- Equipment replacement (Frontloader, Sander, Truck (dump) & Sander, Truck (plow), and Skidsteer)
- Water Main repair/replacement
- Sewer repair/replacement

We have factored in current costs, inflation rates, and standard project life spans. Over the next ten years, there are three periods where significant expenditures are anticipated:

| | |
|---|---|
| 2022/23 | $ 419,294 |
| 2028/29 | $3,020,711 |
| 2030/31 | $ 486,885 |

A schedule of special/capital project requirements is available on the Rafter J website.

The estimated ISD reserve balance as of 6/30/21 is $1,148,505. At a minimum, to have funds available in 2028/29 for anticipated expenditures, we need to increase reserves by $314,477 for fiscal 2021/22.

ISD revenue sources are primarily from the annual assessment and water usage fees. To support 2021/22 annual operating expenses and provide the minimum reserve contribution, both the annual assessment and water usage fees need to increase:

| | 2020/21 | 2021/22 |
|---|---|---|
| Assessment | | |
| Single Family/Commercial Lot | $415.80 | $744.28 |
| Walden Pond | $401.84 | $719.29 |
| King Eider | $401.84 | $719.29 |
| End of Trails | $401.84 | $719.29 |
| Cedarwoods | $401.84 | $719.29 |
| Northeast 40 Townhomes | $401.84 | $719.29 |
| Southeast 40 Townhomes | $401.84 | $719.29 |
| | | |
| Water Usage | $1.50/1,000 gal | $2.60/1,000 gal |

Reserve and homeowner contribution requirements will be reviewed and adjusted each year as part of our annual budget process. The ISD will also actively pursue grants and other revenue sources to minimize required homeowner contributions; until these sources are identified and secured, we support these fee adjustments as fiduciary responsible requirements to potentially avoid future special assessments.

Sincerely,

Rafter J ISD Board

Brian Schilling, President Eileen Mosman, Treasurer Steve Foster, Secretary

**From:** Gina Lipp <ginalipp@gmail.com>
**Sent:** Thursday, November 4, 2021 11:26 AM
**To:** Board Of County Commissioners
**Cc:** Chandler Windom
**Subject:** Please Vote NO to the Stage Stop Inc. application

To Teton County Commissioners,

We are 36-year homeowners in Rafter J. We oppose the Stage Stop Inc application requesting a PUD Amendment and Conditional Use Permit on Lot 333, the site of the former Legacy Lodge Assisted Living Facility.

1. We have been Teton County private property owners in Rafter J since 1984. These were the only "affordable lots " we could afford in Jackson Hole. This Planned Unit Development and Rafter J's CC&R's have ALWAYS been predictable and protective of our private property here in Rafter J. We know we can't paint our house pink or raise horses on our private property just because we "want to." There were then and are now no "commercial apartments" within the RJ plat map, under the "original design" of Rafter J, nor in our CC&R covenants. For Stage Stop Inc to want to change the zoning and master plan of the Rafter J Subdivision is very disconcerting and disturbing to us as long-term Teton County homeowners. The developer knowingly purchased Lot 333 and the Legacy Lodge building as zoned in the 1978 LDRs as Local Convenience Commercial – which does not include residential apartments.

2. There is a huge difference between Workforce Housing and an Assisted Living Facility, which was allowed as an institutional use under the LCC zoning.

Legacy Lodge was listed as an assisted living facility for older senior citizens, many of whom probably could not live on their own, and were living in Legacy to receive supportive elder care. .
Workforce Housing is typically a planning term referring to younger, "working age"people who make up the majority of our service industry and likely have the capacity to "live independently," yet want housing to be able to live closer to their employment.

Legacy Lodge's Facility is already designed and zoned for the purpose of Assisted Living. Stage Stop's proposal for Workforce Housing would be closing the door for a future assisted living facility. There are currently no other assisted living facilities in Teton County now that Legacy Lodge is closed. St. John's Sage Living Center does not provide assisted living units. Its website states that they provide memory care, long-term nursing care and rehabilitation care. It's website states it has 72 beds.....for all of Teton County. We are hearing there is already a "Waiting List" for Sage Living Center. There is great demand for elder care in our community – and very little supply. One might argue that this need is as important as providing Workforce housing. We now have only the Sage Living Center in our community - which assists some of our older senior citizens, but may not be a good fit, have availability, or be within a senior "fixed income" price range. Sadly, we have no other assisted living facilities for our senior citizens in Teton County and those who formerly lived in Legacy Lodge were literally requested to find new homes in the middle of winter and in the midst of Covid 19 pandemic.. Many of those residents were forced to leave the valley and relocate to other towns for assisted living care.

In comparison, (According to the July 7, 2021 Jackson Hole News and Guide),... there are 8 significant Workforce housing projects in the works in Teton County, excluding Stage Stop Inc.'s recent application which brings that number to 9 workforce housing projects in Teton County. Yes, this is an important need, but private and public entities are already stepping up to address this segment of the population, while no one is helping to house the elderly.

Why aren't any older motels, which are within town limits and close to businesses being considered as a location for this type of seasonal Workforce housing to serve our hotels and restaurants. These units would be a much better location and would not impose more traffic on Highway 22, which is already a big safety concern for subdivision residents trying to get in and out of Rafter J. Perhaps these town commercial units should be pursued by private businesses to house their workforce?

3. The application discusses the square feet of current impervious surfaces. "Based on this, approximately 52,000 s.f. of impervious surface is available on the property."
As a Rafter J Homeowner, what does that mean? Why would the application describe Lot 333 in this way? What do the current owners and developers have in mind for the future on Lot 333?

4. Why was Stage Stop Inc. given an "environmental analysis exemption"?

5. Workforce Housing will have an impact on Rafter J's infrastructure.
The Stage Stop Inc. application states, "The maximum number of occupants within any single unit within Legacy Lodge will not exceed two unrelated family members." As a Rafter J Homeowner, what does that mean? Given that description, will any "related family members" be allowed as well within a unit?

It is unclear even how many more people Stage Stop Inc. plans to house in their building than the Legacy Lodge Assisted Facility allowed. This is a very valid question when considering the limited Rafter J Infrastructure and for our quality of life as Rafter J private property owners. If Stage Stop Inc. allows more workforce housing people to "rent" in Rafter J than what the Legacy Lodge Assisted Living Facility allowed, there will be many more people using our water, sewage, roads, trails, and open spaces. And far beyond the capacity than what our subdivision was designed for and we will be left to pick up the costs. 100+ new residents will have a significant impact on Rafter J's roads, traffic, water, sewage, property values, open space, trails, and wildlife.

To allow "commercial apartments" for workforce housing in our subdivision was clearly not allowed in the development of the Master Plan for Rafter J and in the accompanying CCR's for the subdivision. This is not the premise upon which we bought our private properties, built our homes and maintained Rafter J homeownership for 36 years. To amend and change the 1978 LUDR's to allow this new and unwanted type of zoning would be a total disregard to Rafter J existing CC&R's and is a disservice to Rafter J homeowners - many of us longtime Teton County residents.

We would respectfully ask you to vote NO to the Stage Stop Inc. application.

Steve and Gina Lipp

**From:** Gina Lipp <ginalipp@gmail.com>
**Sent:** Saturday, March 5, 2022 11:35 AM
**To:** Board Of County Commissioners; Chandler Windom; Chris Neubecker; County Planning Commission
**Subject:** Ignoring Common Value 3: "Quality of Life" of our elderly residents for the sake of "Workforce Housing"

***Dear Teton County Commissioners, Planning Commissioners, Chandler and Chris,***
***I have read both the current Teton County Comp Plan and the Planning Commission - Staff Report dated 2/28/2022 to allow apartments at the Legacy Lodge (Lot 333)***

Comparing the TC Comp Plan (Red) and Planning Department Report (green)

***Common Value 3: Quality of Life***
( page 25) ***Quality of Life works to protect the emotional aspect of our character.*** We identify as a diverse community with many different lifestyles and employment opportunities. ***We value the ability for all residents to have*** access to a spectrum of employment opportunities, ***affordable housing*** and safe, efficient transportation.
3 areas under graph: *workforce housing *economy *facilities
***TC Comp Plan neglects Assisted Living , affordable housing and continuum of care for the elderly. To take away the only building /lot (Legacy Lodge) zoned, designed, and built for Assisted Living has had and will continue to have an adverse effect on our elderly residents and their families and services to provide safe, specialized care and housing for our elderly in their community.***
***Workforce Housing in the Comp Plan should include ALL RESIDENTS including those who are the "retired workforce." To not include the elderly needs of assisted living housing when making decisions regarding land use regulations is glaringly flawed and supersedes common sense.***
(page 4) Planning Department's Staff Analysis of Quality of Life (Chapter 5 of TC Comp Plan): "*Retaining a stable spectrum of l*ocal employment and housing opportunities preserves our identity as a community of long-term residents who steward our surrounding ecosystem and welcome visitors to do the same." Chapter 5 of the Comp Plan is focused on Local Workforce Housing and the goal to "Ensure a variety of workforce housing opportunities exist so that 65% of those employees locally also live locally." This proposal to add 57 workforce housing units has the potential to help achieve the vision." According to the 2021 Indicator Report, "In ***2019,*** the most recent year for which we have data, the percentage of workforce living locally was 59%"
***The Planning Department uses Chapter 5 titled Local Workforce Housing to determine Quality of Life , Common Value 3.***
***(principle 5.1) is to maintain a diverse population by providing workforce housing.***
***What in essence The Planning Report is doing is taking away the multi-generational neighborhood of Rafter J by changing the land use regulation and adding currently employed workforce housing to a lot/building (Legacy Lodge) specifically designed and built for assisted living (elderly). The finding is not maintaining a diverse (various ages and generations) population in Rafter J, but taking it away, and adversely impacting our subdivision and community. This is discriminatory towards our aging population. The Planning Report is not protecting the emotional aspect of our character (our elderly generation) nor is it valuing the ability of all residents (elderly).***
***This analysis of the findings are very biased against our elderly since allowing land use regulation change on the only assisted living facility in Teton County will close the door to this much CURRENT needed service and housing. It will be impossible to find land and hugely expensive to build a new assisted living facility in Teton County. Their proposal to take away the ONLY 57 Assisted Living units and give to workforce housing when there are over 444 built, being built or in the process between 2019 and 2023 is again extremely prejudiced towards our elderly needs and housing.***
***The data from 3 years ago (2019) for the percentage of workforce living locally at 59% is not updated. One can look at the JH affordable housing website and see between 2019 and 2021, 229 affordable and workforce housing units were built. Not to mention the 215 Affordable and Workforce Housing units and 15 dorms in the pipeline 2022 / 2024.***

***WORKFORCE HOUSING AT 59% (or potentially higher since data is 3 years old)***
***ASSISTED LIVING  AT 0%.***

***Thank you,***
***Gina Lipp***
***44 year Teton County Resident***

January 2, 2022

Attn: Teton County Planners and Commissioners;

My husband and I understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. We respectfully ask you to **reject** this proposal that seeks a zoning change and a change of use within the subdivision.

Let's start by stating what Stage Stop's proposal really is; Stage Stop's proposal is NOT about affordable housing—it's a new hotel model (a business) being passed off as affordable housing at the expense of the family community it is to be based in. It is, purely and simply, another profit-making business trying to skirt the rules to the detriment of a family-oriented community and not paying anything like it's fair share of community expenses. At their Dec. meeting, they even suggested trying to expand the building to house even more people, which would cause even more strain on Rafter J's infrastructure and a decline in property values. They also have stated they'll sub-lease to other companies for these companies to charge whatever they'd like for their employees to stay there, thus negating their claim of "affordable workforce housing."

Rafter J is a quiet subdivision that exists south of the Town of Jackson. It was established in the 1970's as an affordable housing area, carved out of the county. And it remains (unbelievably) one of the most affordable areas in the county. Rafter J is also 'cheap' from the county perspective; we pay for out road maintenance; we pay for our own water system; we pay for our own sewer system. We maintain our own pathway system.

Stage Stop has a **legal requirement** to first present an application to the Rafter J Homeowner's Association for a vote to change our covenants. Until that step is (successfully) completed, there is no point in pursuing this further. This step is required because the proposal would change the business model/zoning for that lot. This process must (legally) be approved by the community BEFORE any change in usage can be considered**. The county should be ensuring that wealthy interests are not subjugating the rights of average citizens in the interests of (yet another) profit making enterprise**.

Rafter J Lot 333 is NOT zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas in town for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use—which is why the Rafter J community supported and benefitted from the Legacy Lodge Assisted Living Facility.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. We urge you to **reject** this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&R's in the face of inappropriate development pressures.

Sincerely,

Dawn Lotshaw

John and Dawn Lotshaw
3315 S Cow Camp Dr
Jackson, WY 83001

**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Tuesday, January 4, 2022 4:33 PM
**To:** Chandler Windom; planning; Board Of County Commissioners
**Subject:** Appication for "The Future of Legacy Lodge"

January 4, 2022

Dear Teton County Planners and Commissioners,

I have been a resident of Teton County since 1978. We built our home in Rafter J in 1993. I have been troubled when over 30 people were evicted from Legacy Lodge (Lot 333 in Rafter J) in February 2021. I understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking

distance of services. The property is designated for institutional use – which is why the Rafter J community-supported and benefitted from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Sincerely,

Mark Lovett

1220 Hay Sled Drive

Jackson, WY 83001

mlovett@bresnan.net

307-690-2485

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

I SUPPORT THIS PROJECT!

Name: Cody Mulligan

Physical Address: 4240 S Wilson rd
Tuckson, WY 83001

COMMENTS:

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

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It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

SALT LAKE CITY UT 840
18 MAR 2022 PM 1 L

I SUPPORT THIS PROJECT!

Name: Christie Schuster

Physical Address: 228 ABBY
Loop, Victor ID 83455

COMMENTS: Born & raised in Jackson, unfortunately
Was forced to move over the hill due to
Lack of Housing. Please help others, Don't let this
happen to others!

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

3001 97 4242

Joseph Lovett
PO Box 3792
Jackson, WY 83001

7 January, 2022

Teton County Planning Department – Ms. Chandler Windom
*Via email: cwindom@tetoncountywy.gov*
200 South Willow Street
Jackson, WY 83001

Dear Commissioners,

This letter is in reference to pending applications for a Planned Unit Development (PUD) Amendment and Conditional Use Permit for Lot 333 of the Rafter J PUD. It is informed by my experiences as a resident of Rafter J for over 20 years and my professional experience as a Civil Engineer involved in numerous land development projects. As such, this issue is of both personal and professional interest. After reading the application and researching the underlying issues, **I urge you to reject the proposed PUD Amendment and Conditional Use Permit** for the following reasons.

**Affordable Housing**

The application alludes to the very real need the Teton County community is facing for affordable housing. Unfortunately, the application does nothing to guarantee affordable housing. The single use of the word "affordable" is in the context of, "The owner plans to offer the units with commercial master leases to employers in blocks who can in turn offer subleases to employers (employees?) for individual units at affordable rates" The use of the word "can" indicates that after approval of this application, it is entirely up to those with the master leases to determine price, and offers no guarantee or even reasonable confidence that affordable units will ever materialize. Furthermore, this proposal specifically notes that "No deed restriction for the property is being proposed." This means there is no guarantee that the property will not be converted into luxury apartments. This could happen in 10 years, or it could happen in 10 days, but the takeaway is that this proposal does nothing to guarantee either affordable or workforce housing.

**Changing the Definition of the Zone**

The Rafter J PUD zones the property in question as *Local Convenience Commercial* per the 1978 LUDRs. The intent of this zone is apparent as a commercial zone according to the LUDRs; the only residential uses listed in the zone are Caretaker's Residence and Residential Accessory Structure. Accordingly, this zone is not and was never intended for high density housing. The applications represent the proposed use (apartment building) as "not really that different" from the previous use (assisted living center). This is a poor representation. Assisted Living Centers and Nursing Homes are considered institutional Uses and Apartments are considered a Residential Use in every way within the planning and engineering disciplines, because they are fundamentally different. Differences include but are not limited to parking needs and traffic generation, water use and wastewater generation and noise impacts.

Furthermore, granting a request to redefine the definition of an entire zone, to allow one property owner to do something that is not currently allowed on their property does not seem logical. The county would never consider changing the definition of any current zone because one property owner wanted to build an apartment building that was not allowed. This would constitute a major change of land use policy and would need much more consideration. Zoning has major, long-lasting consequences. All the homeowners in Rafter J

purchased their lots while the subject parcel was zoned *Local Convenience Commercial* and many chose this community because of the quiet, slow-paced feel of the subdivision, an atmosphere that an assisted living center fits well into, but not one that an apartment building is compatible with.

**Criteria for a Planned Unit Development (PUD) Amendment**

This proposal also falls short on three of the criteria needed to approve a PUD Amendment. Particularly sections 8.2.13.D.2. – PUD Amendment – PUD Option No Longer Available.

*a. Improve the implementation of the desired future character of the area identified in the Jackson/Teton County Comprehensive Plan*

The comprehensive plan describes Rafter J, as part of the South Park District. The Future Desired Characteristics are described as, "the agricultural southern gateway into Jackson. The existing agricultural open space that defines the character of the district provides a scenic foreground for Teton views, wildlife habitat connectivity, reference to our community's heritage and stewardship ethic, and a quiet rural setting for residents." A 57-unit apartment building does not improve the implementation of the desired future character, rather it does the opposite. An apartment building in this location is not compatible with the Comprehensive Plan.

*b. Comply with the requirements of the underlying base zoning to the maximum extent practicable;*

The applicant has also applied to change the definition of the underlying base zoning, proving conclusively that this proposal does not comply with the requirements of the underlying base zoning.

*d. Not adversely impact public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.*

The application requests relief from the on-site parking standards, indicating that this condition is not met. The number of existing parking spots (and no change is proposed) represent less than 1/3 of parking spots required for and apartment building use (using either the 1978 LUDRs or the current LDRs). Ownership has stated at public meetings that parking on the property will be limited to the number of available spaces, leaving one to assume that the remaining 2/3 of the cars will be distributed around surrounding streets and neighboring properties. However, Rafter J neither allows for nor are streets physically wide enough to accommodate on-street parking so the addition of numerous vehicles for which parking is not provided on the subject parcel would constitute both an adverse financial impact on neighbors/Rafter J, who would need to assume the role of parking enforcement, and an adverse impact on road safety and fire/EMS access due to obstructed roads.

The aforementioned proposal does not guarantee affordable or workforce housing, inappropriately changes the definition of an existing zone and neglects to meet the criteria for a PUD amendment by inhibiting the implementation of Comprehensive Plan, not complying with underlying base zoning and adversely impacting public facilities. For these reasons, **I urge the Planning Department to recommend denial of the Stage Stop applications for a PUD Amendment and Conditional Use Permit for Lot 333, Rafter J PUD.**

Sincerely,

Joseph M Lovett

Joseph M Lovett, PE

## Chandler Windom

**From:** Jan Lovett <jlovett@bresnan.net>
**Sent:** Thursday, March 31, 2022 4:30 PM
**To:** Chandler Windom; Chris Neubecker
**Subject:** Responses to the Staff Report for PUD2021-0001 Rafter J Planned Unit Development Amendment
**Attachments:** RESPONSE to FINDINGS Stf Rpt PUD.docx; RESPONSE to Key Issues Staff Rpt PUD.docx

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

A number of people have come together to present a RESPONSE to the Staff Report. We will be sharing this with County Commissioners and wanted you to also have a copy of it. I hope you can be sure to include this in the public record for these applications. Thank you very much.

# RESPONSE to PLANNING DIRECTOR: KEY ISSUES

PUD2021-0001 Rafter J Planned Unit Development Amendment

**Key Issue 1**: **Is Rafter J an appropriate neighborhood for "Higher Density" Workforce Housing?**
Staff describes Rafter J as having many of the markings of a complete neighborhood, but it is NOT; it is *Rural Area – Conservation Subarea,* per the Joint Comprehensive Plan. Public open spaces and streets that allow safe walking and cycling are present, however a key part of a Complete Neighborhoods is schools, childcare, commercial, recreation, and other amenities within walking distance (1/4 to ½ mile) of residences. Rafter J lacks these and also lacks any transit which could bring these services closer to residents. These are particularly critical elements for developments that limit private vehicles, such as the proposal in question, which provides 57 parking spaces while estimating minimum occupancy of 114 unrelated individuals (though potentially much higher when considering family members). This is a key reason why the Joint Comprehensive Plan policy objective 3.1.b for the South Park District is to *Direct development toward suitable complete Neighborhoods subareas*. Staff also notes that the location has, "convenient access to the Pathways which allows for non-vehicular transportation to West and Downtown Jackson". The pathway system provides good connectivity to town and is used by many commuters in the summer and fall months. However, a commute of this length is only seasonally feasible for residents who are able-bodied and without small children. Unfortunately, Jackson's climate makes pathway usage in the winter and spring months cold, wet and slippery which is reflected by the dramatically reduced winter commuter usage (less than 1% of Rafter J residents). Counting on biking or walking as a solution to reduce traffic and car storage demands is a seasonal solution to a year round problem, leaving the residents of the proposed apartments without viable transportation options for 4-5 months a year.

**Key Issue 2**: **Is including apartment uses to Lot 333 consistent with the Comp Plan vision?**
Under the goal Quality of Life: Common Value 3 - Local Workforce Housing there are several policies for implementing the goal. Of note is Policy 5.2.b: Housing will be consistent with Character Districts. Rafter J is part of the South Park District, a Rural Conservation Subarea. The growth management policy objectives for this district are 3.1.b: Direct Development Toward Suitable Complete Neighborhood Subareas and 3.1.c: Maintain rural character outside of Complete Neighborhoods. This application does not follow either of the policy objectives. As staff notes, Rafter J is not a Complete Neighborhood and the missing features make this location particularly ill-suited to this type of development. New or shifted growth per the thrust of our joint Comp Plan and LDRs is from Rural subareas to Complete Neighborhoods. Just the opposite of what this application proposes.

Furthermore the Future Desired Characteristics of the South Park District are described as, "the agricultural southern gateway into Jackson. The existing agricultural open space that defines the character of the district provides a scenic foreground for Teton views, wildlife habitat connectivity, reference to our community's heritage and stewardship ethic, and a quiet rural setting for residents." Apartments per division 6 of the LDRs use tables says apartments as

a primary residential use is NOT allowed. Apartments are not consistent with the Future Desired Characteristics of the district; they are a feature of urbanized areas and appropriate for downtown settings, not "quiet rural settings."

Staff indicates that this proposal supports the Comprehensive Plan Goal Quality of Life: Common Value 3 - Local Workforce Housing. Staff notes that, "Expanding the types of allowed uses to include residential on this Lot could help to alleviate the issues that threaten the Quality of Life community goals." This is an argument that could be applied to any lot, in any zone, anywhere in the county.

**Key Issue 3**: **How will this change of use impact transportation demand?**
Staff notes two transportation related issues: parking and traffic. Based on the current Teton County LDRs, apartments should provide 2.5 parking spots per dwelling unit, 142 parking spots for the 57 proposed units; however, the application, as revised by the recommended conditions only plans to provide 58 parking spots or 1 per unit, a deficit of 84. Staff notes that this is similar to the 1.25 space unit requirement for accessory residential unit, although it is inexplicable why staff has chosen to apply the standard for the ARU use, when apartments, and a corresponding parking space requirement, are part of the LDRs. The 1 space per unit standard is applied to apartments in the Town of Jackson, where grocery shopping, transit, and other amenities are within walking distance; none of this is true of Rafter J. The County Engineer's review of the proposal notes that the, "number (of parking spaces) currently provided is substantially inadequate to meet the needs of residents and employees, even with methods encouraging residents not to have a car" and that, "The concern with having a great deficit of parking is that the adjacent roadway, Big Trail Drive, will inevitably bear the burden of overflow parking, even if it is prohibited. The adjacent roadway is not designed to accommodate parking and puts the burden on the Rafter J ISD/HOA to enforce the issues that come with rogue parking." The staff recommendation of one parking space per unit is overly optimistic and overlooks the adverse impact that this proposal will have on the Rafter J road infrastructure (rogue parking) and the HOA, who will be forced to take on an enforcement role.

The second issue is traffic, which is addressed by staff and by the applicant provided Traffic Impact Study (TIS). One of the key findings of the TIS is,

> *The intersection (Big Trails Drive – Highway 89), in its current state, is failing to provide users making a Left Turn from Big Trail Drive on to (the highway) an adequate level of service and will only deteriorate over time." Furthermore, the study's findings note that, "Regarding the specific effect of the conversion of the properties use, there will be an overall increase of approximately 206 trips generated by the site. (…) This increase in volume can be quantified by an anticipated increase in delay for a vehicle making a left-hand turning movement of approximately 50 seconds during the AM peak periods and 90 seconds during the PM peak.*

Long queues at this intersection, in addition to causing delay to Rafter J residents, result in cars queueing down the hill on Big Trails Drive as the road approaches the highway, an unsafe condition when ice and snow accumulates on the hill. The hill approaching the intersection exceeds maximum slope guidelines for safe queuing areas and there have been many incidents of queued vehicles, including school buses, sliding down this hill while waiting to turn, some leading to accidents and collisions. The findings of the applicant provided traffic study and the unsafe conditions resulting from long queues at the Big Trails-Highway 89 intersection do not support Staff's assertion that the potential increases in traffic are negligible.

A number of other mitigating measures are mentioned in the staff report such as providing increased bike parking, collaborating with START to increase public transportation availability, and encouraging employers to provide carpooling options for their employees who reside in the building. Bike commuting is a seasonal solution. Collaboration with START and encouraging employers to provide carpooling are suggestions, but without written guarantees (which have not been presented) they are not solutions.

An independent review of the Applicant provided TIS by Fehr & Peers found, "that the TIS does not meet the guidelines in the WYDOT Traffic Impact Study Requirements." There were several things left unanalyzed in the TIS and given that traffic impacts are a major concern, it is imperative that the TIS is complete, follows industry standards and meets WYDOT Requirements.

**Key Issue 4**: **How does the County Planning process work with the Rafter J CCRs?**

Part 1:

The current Teton County LDRs address covenants in *Section 1.6.6 – Conflicts with Private Agreements* stating, "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 Rafter J Covenants, Conditions and Restrictions (CCRs) clearly define allowed uses of this lot and how to go about changing the allowed uses. *Article IX – Section 1 – Use of Commercial Area* states that, "Lot 333 and 334 are designated as commercial areas". Apartments are a residential (multifamily residential) use and therefore this section of the CCRs must be amended. The CCR amendment process is defined in *Article XII – Section 3 – Amendment*.

The applicant has asked the county to include "Apartment" as a permitted use under the CL Zone District of the 1978 LUDRs. The Rafter J CCRs designate Lot 333 as a commercial area, which has historically been defined by the uses listed in the CL Zone District. Approval of this application would interfere with the Rafter J CCRs (Article IX and Article XII) and is prohibited by the LDRs.

Part 2: **Is the applicant following the correct COUNTY process?**

A PUD Amendment is the wrong process to follow to allow Apartments on this lot. Lot 333 was created by the original Rafter J Ranch plat. The Certificate of Approval on the plat reads,

> *The Rafter J Ranch Subdivision which is in portions of section 8, 17 & 18 of T40N R116W is hereby approved by the Board of County Commissioners of Teton County, WY, in accordance with section 34-114, and section 18-289.10 through 18-289.24 Wyoming Statutes 1957 as amended, and subject to the provisions of a resolution for approval of subdivisions and townsite plats as adopted on 1 August 1967 & the Subdivision Resolution Effective 1 January 1973.*

This Certificate of Approval indicates that the Rafter J Ranch plat, and the lots created by it were approved prior to the adoption of the 1978 LUDRs and were not subject to them. Prior to the adoption of development regulation (which the 1978 LUDRs were the first in Teton County) the most common way to establish restrictions on the use of a piece of land was a note on the plat. This is exactly what was done on the Rafter J plat, where Lot 333 was designated Ranch Headquarters & Local Commercial.

Later, in 1998 when the original assisted living center application was being reviewed, the County Planning Department determined that the Ranch Headquarters & Local Commercial designation on the plat referred to the Local Convenience Commercial zoning district in the 1978 LDURs. This assumption allowed the assisted living center to be approved under the "Nursing Home" conditional use allowed in the district. This assumption is why the applicant has proposed an amendment to the allowed uses in the Local Convenience Commercial district. This however is not the correct process due plat predating the adoption of the 1978 LUDRs.

Setting aside the highly irregular and legally dubious process of amending (adding Apartments as a conditional use in the Local Convenience Commercial district) a set of regulations (the 1978 LDURs, 11th printing) that has been repealed, the LUDR amendment process is not applicable to a note on a plat that was approved prior to the adoption of the 1978 LUDRs. **Instead, the straightforward, clear and routine process of amending or vacating the note on the subdivision plat, detailed in the current LDRs and State Statutes should be used.**

Authored by stakeholders and experts in the field of engineering, law and planning: Jan Lovett, Kathie Brazinski, Gina Lipp…

# RESPONSE to PLANNING DIRECTOR RECOMMENDED FINDINGS

Pursuant to Section 8.7.3 of the Land Development Regulations

PUD2021-0001 Rafter J Planned Unit Development Amendment

1. **The extent to which the PUD enhances the implementation of the desired future character for the land of the proposal beyond what could be achieved by the base zoning: <u>CANNOT BE MADE</u>**

   The Future Desired Characteristics of the South Park District are described as, "the agricultural southern gateway into Jackson. The existing agricultural open space that defines the character of the district provides a scenic foreground for Teton views, wildlife habitat connectivity, reference to our community's heritage and stewardship ethic, and a quiet rural setting for residents." Apartments are not consistent with the Future Desired Characteristics of the district, they are a feature of urbanized areas and appropriate for downtown settings, not "quiet rural settings."

   > Furthermore, the Comprehensive Plan notes that housing will be consistent with Character Districts. Rafter J is part of the South Park District and a Rural Conservation Subarea. The growth management policy objectives for this district are 3.1.b: Direct Development Toward Suitable Complete Neighborhood Subareas and 3.1.c: Maintain rural character outside of Complete Neighborhoods. Placing apartments in a Rural Conservation Subarea is not consistent with either of the policy objectives.

2. **The finding for the applicable PUD option found in Article 4:**
   **<u>NOT APPLICABLE:</u>** No PUD options are allowed in the county

3. **The applicable findings for the amendment of an existing PUD or other special project found in 8.2.13.D**.:
   **<u>CANNOT BE MADE</u>**

   a. *Improve the implementation of the desired future character of the area identified in the Jackson/Teton County Comprehensive Plan.* **<u>DOES NOT COMPLY</u>**

      The Comprehensive Plan describes Rafter J as part of the South Park District. The Future Desired Characteristics are described as, "the agricultural southern gateway into Jackson … and a quiet rural setting for residents." Furthermore, the Comprehensive Plan states that, "The district should maintain the character that is has today… and development should be directed into a Complete Neighborhood." A 57-unit apartment building is not agricultural, quiet or rural, and an apartment building in this location, which is mapped as a Rural Conservation Subarea, not a Complete Neighborhood, is not compatible with the *Desired Future Characteristics* listed in the Comprehensive Plan.

   b. *Comply with the requirements of the underlying base zoning to the maximum extent practicable.* **<u>DOES NOT COMPLY</u>**

The underlying base zoning is Rural-3 (R-3). The primary allowed uses in this zone are Agriculture and Detached Single-Family Residential. Apartments are NOT an allowed use in the R-3 zone. A 57-unit apartment building is not remotely similar to any of the allowed uses. According to the Joint Comprehensive Plan and LDRs, development should be shifted **from** Rural Subareas **to** Complete Neighborhoods. This application does the opposite. Since Rafter J is a Rural Subarea Apartments should not be allowed.

c. *Complies with the standards of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable:* **NOT APPLICABLE** The property in question is not in the Natural Resource Overlay (NRO) or the Scenic Resources Overlay (SRO.

d. *Not adversely impact public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.* **DOES NOT COMPLY**

This proposal would have numerous adverse impacts, traffic and parking being the most concerning. First, as stated in the Traffic Impact Statement key findings provided by the applicant, "The intersection [Big Trails Drive – Highway 89], in its current state, is failing to provide users making a Left Turn from Big Trail Drive on to [the highway] an adequate level of service and will only deteriorate over time." Furthermore, the study's findings note that, "Regarding the specific effect of the conversion of the properties use, there will be an overall increase of approximately 206 trips generated by the site… This increase in volume can be quantified by an anticipated increase in delay for a vehicle making a left-hand turning movement of approximately 50 seconds during the AM peak periods and 90 seconds during the PM peak." The hill approaching the intersection exceeds maximum slope guidelines for safe queuing areas and there have been many incidents of queued vehicles, including school buses, sliding down this hill while waiting to turn, some leading to accidents and collisions.

The second transportation related adverse impact is parking. Based on the current Teton County LDRs, apartments should provide 2.5 parking spots per dwelling unit, 142 parking spots for the 57 proposed units. However, the application, as revised by the recommended conditions only plans to provide 58 parking spots or 1 per unit, a deficit of 84. The County Engineer's review of the proposal notes that, "the number (of parking spaces) currently provided is substantially inadequate to meet the needs of residents and employees, even with methods encouraging residents not to have a car" and that, "The concern with having a great deficit of parking is that the adjacent roadway, Big Trail Drive, will inevitably bear the burden of overflow parking, even if it is prohibited. The adjacent roadway is not designed to accommodate parking and puts the burden on the Rafter J ISD/HOA to enforce the issues that come with rogue parking." In addition to the enforcement, repair and nuisance issues caused by rogue parking, unauthorized parking on Big Trail Drive

would obstruct emergency service access to one of only two entrances to the Rafter J subdivision.

Water and wastewater for the facility is handled by the Rafter J ISD. The ISD and Rafter J Staff are particularly concerned about water and wastewater, having hiked ISD fees 79% and water rates 73% in July of 2021, but have not received a response to a formal request for water and sewer use from the applicant (January 27, 2022). 57 kitchens will be added to the facility in addition to the currently installed commercial kitchen. Without information from the applicant, it is not possible to determine the level of adverse impacts on the water and wastewater systems.

The Rafter J ISD is also responsible for parks, road and pathway maintenance, safety and repairs. Without a maximum number of residents and a study of their impacts, it is hard to estimate the effects of 114-280 additional people (an increase of 10-15%) on the small parks, trails, pathways and roads. Adverse impacts on roads, mentioned by the Teton County Engineer include repair of "roadway shoulders that will become denuded and need signage."

Finally, the Legacy Lodge facility is the only structure designed and constructed to the comprehensive accessibility standards required for assisted living. Conversion of this building to workforce housing would represent a continuation of the adverse impact to the entire Teton County community of the loss of Assisted Living for elderly and disabled citizens. Loss of this facility means 0% of the Teton County population who need housing in an assisted living facility are receiving it.

**4. The findings of Sec. 8.7.1. LDR Text Amendment**

a. *Is consistent with the purposes and organization of the LDRs:* **DOES NOT COMPLY** Division 1.3. – Purpose and Intent of the LDRs reads, in part, "their purpose is to implement the Jackson/Teton County Comprehensive Plan". As noted above, this application is not consistent with successful implementation of the LDRs because it does not follow the Growth Management Policy Objectives for the South Park District.

b. *Improves the consistency of the LDRs with other provisions of the LDRs*: **DOES NOT COMPLY**. This is not directly applicable to the Current LDRs, however amending the allowed uses in the Local Convenience Commercial District of the previous regulations, 1978 LDURs, to allow a residential use that was clearly never intended to be part of that district is a dubious process.

c. *Provides flexibility for landowners within standards that clearly define desired character*. **DOES NOT COMPLY**. The Comprehensive Plan describes Rafter J as part of the South Park District. The Future Desired Characteristics are described as, "the agricultural southern gateway into Jackson (…) and a quiet rural setting for residents." Furthermore, the Comprehensive Plan states that, "The district should

maintain the character that is has today (…) and development should be directed into a Complete Neighborhood." A 57-unit apartment building is not agricultural, quiet or rural, and an apartment building in this location, which is mapped as a Rural Conservation Subarea, not a Complete Neighborhood, is not compatible with the *Desired Future Characteristics* listed in the Comprehensive Plan.

*d. Is necessary to address changing conditions, public necessity, and/or state or federal legislation.* **DOES NOT COMPLY**
That Teton County is in need of workforce housing is indisputable, however, this is NOT a <u>changing condition.</u> The original Rafter J Master Plan: July 15, 1977, "The purpose of the project is to improve the health, safety, and welfare of residents of the County by providing moderate cost residential sites and to improve housing opportunities which are currently in inadequate supply to meet the existing demand." Lot 333 was created, and approved in 1978 and workforce housing was problem. This issue is not a changing condition.

Affordable housing, for all ages, is a <u>public necessity</u>. The applicant wants to trade specifically approved, designed and built housing for seniors for dorm style apartments for short-term, employees. Senior housing addresses the long-term, stable members of the community who have worked, raised families, built this community and have now retired and need assistance. The loss of Legacy Lodge as assisted living ensures that 0% of the seniors who need assisted living will find it in Teton County. In comparison, according to the 2021 Indicator Report, "in 2019, the most recent year for which we have data, the percentage of workforce living locally was 59%." This proposal tries to address one public necessity at the expense of another.

*e. Improves implementation of the Comprehensive Plan:* **DOES NOT COMPLY**
The Comprehensive Plan describes Rafter J as part of the South Park District. The Future Desired Characteristics are described as, "the agricultural southern gateway into Jackson (…) and a quiet rural setting for residents." Furthermore, the Comprehensive Plan states that, "The district should maintain the character that is has today (…) and development should be directed into a Complete Neighborhood." A 57-unit apartment building is not agricultural, quiet or rural, and an apartment building in this location, which is mapped as a Rural Conservation Subarea, not a Complete Neighborhood, is not compatible with the *Desired Future Characteristics* listed in the Comprehensive Plan.

*f. Is consistent with other adopted County Resolutions:* **COMPLIES**
The building will require certain inspections as required by the Fire/EMS Chief Fire Marshall to ensure compliance with Fire Code and the Fire Resolution. No other County Resolutions appear applicable to this amendment.

**5. The findings of Sec. 8.7.2. [Zoning Map Amendment]: NOT APPLICABLE**

**From:** Mandy Lowe <mandylowe@gmail.com>
**Sent:** Tuesday, March 15, 2022 7:16 PM
**To:** Natalia Macker <NMacker@tetoncountywy.gov>; Greg Epstein <gepstein@tetoncountywy.gov>; Mark Newcomb <mnewcomb@tetoncountywy.gov>; Luther Propst <lpropst@tetoncountywy.gov>; Mark Barron <mbarron@tetoncountywy.gov>
**Cc:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Re: Decision on Lot 333 Legacy Lodge - please vote NO on development of high density housing

Commissioners
I understand that the meeting to review this proposal has been moved to April 12th.

I attended the Planning Meeting on 3/14/22 and would like to have my comments below added to the record as this proposal is being considered.

I was frustrated and dismayed by the tone and the attitude of the Planning Meeting and the flippant way in which the genuine concerns of Rafter J residents were dismissed. It was very clear that expediency was valued far more than due process and a fair balance of well considered, long term planning.

With the sound reel of "housing crisis" and "employee housing" constantly repeated as the only circumstance that matters, the Rafter J residents are being cast as hysterical NIMBYs who are obstructing progress. This is not the case, we are a united community that is **asking the applicant to adhere to the Rafter J CC&Rs as the rest of us residents have to**. We are asking that our opinions and concerns be fairly balanced, and that the processes in place be correctly followed. Both the applicant and Teton County are actively circumventing the Rafter J CC&Rs by proposing that this development move forward in absence of consultation with Rafter J HOA.
There was no public comment allowed in last nights' meeting as the Commissioners indicated "they had heard all they needed" and "there was nothing new". It was put forward that the only solution to the housing crisis is to say yes to this development, effectively indicating that beds for employees is far more important than the consideration of how the Rafter J community could be involved in a more equitable process.
During the meeting Commissioner Mateosky was completely over-riding the room, answering his own questions and leading the other members to support a yes vote with some very crafted questions which clearly showed his bias to the applicant.. His vested interest was very transparent.
Despite clear indications that not enough was known about the impact on water and sewer, the Planning Committee proceeded to vote in favor.
This meeting glossed over the traffic issue again, despite it being clearly outlined that WYDOT gives this intersection an F rating - just plain dangerous and reckless!
There was an intermixing between the use of the words "affordable" and "workforce" housing - not addressing the reality that these will be market rate rentals.
When issues of livability and adequate kitchens were raised, Commissioner Viehman said "it was better than sleeping in your car". This was totally ignorant and tone deaf and represents the attitude of this development objective of seeking quick financial return on investment.
Commissioner Mateosky said he wants to "bring our people back from Victor" - again completely missing the point that the reason people are in Victor is cost. This development does not address cost as there is no commitment on the part of the applicant to make these units affordable.
Commissioner Mateosky said he is sick of NIMBY attitudes and we all have to "bare the burden". He bemoaned the loss of our community and how we do not seem to get along. Development such as this, that completely ignores appropriate development for the area, and that is heavily sponsored by vested interest and financial influence is exactly the reason why this has occurred. The Rafter J community are residents that know everyone's name (and their dogs name too!) and dorm style seasonal turnover is a very poor fit. Rafter J is being painted as being unreasonable and obstructionist. We are asking for a development that better suits our community and collaboration toward that goal. There has been no consultation or effort to collaborate with the Rafter J HOA to attempt to find a more suitable solution, and the process of going directly to the county and bypassing Rafter J CC&Rs completely belies the claim the applicant is making of "trying to do the right thing for our community".
I ask that the application be denied and that a more collaborative and suitable proposal be brought forward.
Regards
Mandy Lowe

On Sun, Mar 13, 2022 at 6:36 PM Mandy Lowe <mandylowe@gmail.com> wrote:

Teton County Planners and Commissioners
As a resident and home owner of Rafter J I ask that you **deny the current proposal** by Stage Stop Inc to develop lot 333 Legacy Lodge.

We are a tight knit community that is extremely concerned about the proposed workforce housing development, as evidenced by the large number of letters and emails written on this matter.
First and foremost I believe the Legacy Lodge should remain as an Assisted Living Community. There has been so much focus on the "housing crisis" caused by overdevelopment in the Valley and absolutely no one advocating for the elderly who need this type of accomodation to be able to remain close to family and friends. These matriarchs and patriarchs of the Valley are being completely discarded and not at all considered in the interests of "progress" and tourism.

The repeated argument of the applicant is that this development will be "adding to the community". The proposed dorm style housing is not at all conducive to long term residency. I question the livability of such a large number of people living in such cramped conditions. I would suggest that none of the council members reviewing this proposal, or certainly not the developer, would find 2 people in <350sq ft to be either livable or acceptable. Yet we somehow feel it is OK to cram people in dorm style so they can fill the employee gap caused by over development? We are not thinking of the livability or comfort of these individuals, just looking to provide a bed so they can work in hotels and restaurants and service the overcrowded tourist industry. This style of development is not going to retain community members who can live and thrive. Additionally there seem to be a mixing of the terms affordable housing and workforce housing. This is not at all affordable, or set to meet the needs of community or family members. This is for profit to house seasonal workers. There has been repeated talk of this being for longer term residents but I see no commitment to comply to this "promise" as the applicant is currently ignoring rules and illegally allowing people to live in the building now. Every day there are as many as 15 cars parked and I see no indication that this lack of compliance will not continue and I expect many of the proposed requirements will be ignored in the same way.
The proposal indicated that this new usage complies with the current character and will have no impact on open space. This most definitely will not be the case. Current 37 parking spaces are proposed to be changed to 58 spaces which will involve significantly more black top and loss of open space. The proposal says there will be no additional visual impact however this much loss of landscaping and the addition of 58 cars parked will certainly impact this site. When operating as assisted living there were minimal cars parked and almost none overnight.
The applicant indicates that this new use will have no additional impact on the north intersection and will be the same as "other commercial buildings" in Rafter J. I strongly disagree and the consultant report indicated "The intersection, in its current state, is failing to provide users making a Left Turn from Big Trail Drive on to US 26 an adequate level of service and will only deteriorate with time." The dentist has minimal traffic and it is spread throughout the day. Similarly the day care has buses, and many children attending from within Rafter J who walk. 58 additional cars trying to turn left from 8.00-8.30am every day will add to the problem of this intersection which is currently under significant strain making a left turn both difficult and very dangerous. START has no commitment to provide transport and while encouraging cycling is admirable, it is hardly practical given the long months of freezing weather.
I ask that you deny the application and not allow it to be rushed through the approval process whilst circumventing the residents of Rafter J.
Thank you for your consideration.
Mandy Lowe

Mandy Lowe
970 W Broadway STE E
PMB 431
Jackson, WY 83002

1/4/2022

Dear Teton County Planners and Commissioners,

I (We) understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I (We) respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use – which is why the Rafter J community-supported and benefitted from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Resident Rafter J : 3100 S. Stirrup Drive

1/4/2022

Robert Helean
3100 S. Stirrup Drive. Rafter J

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12-26-21

DEAR TETON COUNTY PLANNERS AND COMMISSIONERS.

WE UNDERSTAND AN APPLICATION FOR CHANGE IN THE (PUD) AND (CUP) HAS BEEN SUBMITTED FOR LOT 333 IN RAFTER J SUBDIVISION BY STAGE STOP INC. WE RESPECTFULLY ASK THAT YOU REJECT THIS PROPOSAL.

WE HAVE LIVED IN RAFTER J SINCE 1983 ALONG WITH 490 OTHER WORKING HOMEOWNERS, RAFTER J HAS BEEN A QUIET FAMILY ORIENTED NEIGHBORHOOD FROM ITS INCEPTION.

WE TAKE ISSUE WITH STAGE STOP INC. NOT GOING THROUGH NEIGHBORLY PROCEDURES IN BYPASSING THE RESIDENTS LEGAL RIGHTS OF SUPPORTING OR APPOSING THE APPLICATION.

THIS PROPOSAL DOES NOT COMPLY WITH EXISTING ZONING AND ALLOWED USES UNDER THE RAFTER J MASTER PLAN, THEREFORE WE URGE YOU TO REJECT THIS PROPOSAL

SINCERELY

JEFF & JULIE HUOT

Jeff Huot Julie Huot

**From:** Mandy Lowe <mandylowe@gmail.com>
**Sent:** Sunday, March 13, 2022 6:37 PM
**To:** Natalia Macker <NMacker@tetoncountywy.gov>; Greg Epstein <gepstein@tetoncountywy.gov>; Mark Newcomb <mnewcomb@tetoncountywy.gov>; Luther Propst <lpropst@tetoncountywy.gov>; Mark Barron <mbarron@tetoncountywy.gov>
**Cc:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Decision on Lot 333 Legacy Lodge - please vote NO

Teton County Planners and Commissioners
As a resident and home owner of Rafter J I ask that you **deny the current proposal** by Stage Stop Inc to develop lot 333 Legacy Lodge.

We are a tight knit community that is extremely concerned about the proposed workforce housing development, as evidenced by the large number of letters and emails written on this matter.
First and foremost I believe the Legacy Lodge should remain as an Assisted Living Community. There has been so much focus on the "housing crisis" caused by overdevelopment in the Valley and absolutely no one advocating for the elderly who need this type of accomodation to be able to remain close to family and friends. These matriarchs and patriarchs of the Valley are being completely discarded and not at all considered in the interests of "progress" and tourism.

The repeated argument of the applicant is that this development will be "adding to the community". The proposed dorm style housing is not at all conducive to long term residency. I question the livability of such a large number of people living in such cramped conditions. I would suggest that none of the council members reviewing this proposal, or certainly not the developer, would find 2 people in <350sq ft to be either livable or acceptable. Yet we somehow feel it is OK to cram people in dorm style so they can fill the employee gap caused by over development? We are not thinking of the livability or comfort of these individuals, just looking to provide a bed so they can work in hotels and restaurants and service the overcrowded tourist industry. This style of development is not going to retain community members who can live and thrive. Additionally there seem to be a mixing of the terms affordable housing and workforce housing. This is not at all affordable, or set to meet the needs of community or family members. This is for profit to house seasonal workers. There has been repeated talk of this being for longer term residents but I see no commitment to comply to this "promise" as the applicant is currently ignoring rules and illegally allowing people to live in the building now. Every day there are as many as 15 cars parked and I see no indication that this lack of compliance will not continue and I expect many of the proposed requirements will be ignored in the same way.
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I ask that you deny the application and not allow it to be rushed through the approval process whilst circumventing the residents of Rafter J.
Thank you for your consideration.
Mandy Lowe

**From:** Lucinda Krajsky <lucindakrajsky@yahoo.com>
**Sent:** Sunday, January 2, 2022 12:20 PM
**To:** Board Of County Commissioners; Chandler Windom
**Cc:** Lucinda Krajsky
**Subject:** Fw: Rafter J - Legacy Lodge proposed use

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Planning Office,

Please reconsider this letter I sent to your office the day after I attended the meeting with the Darwiche family and Rafter J residents regarding the proposed zoning change for the Legacy Lodge property.

Thank you,
Lucinda Krajsky

----- Forwarded Message -----
**From:** Lucinda Krajsky <lucindakrajsky@yahoo.com>
**To:** commissioners@tetoncountywy.gov <commissioners@tetoncountywy.gov>
**Cc:** Lucinda Krajsky <lucindakrajsky@yahoo.com>
**Sent:** Tuesday, July 20, 2021, 02:03:06 PM MDT
**Subject:** Rafter J - Legacy Lodge proposed use

I am a Rafter J resident of 30 years and am concerned with the Darwiche familys' plan for the former Legacy Lodge. I went to their meeting last night and they were asking for ideas for the best use of the building. As the meeting progressed, it was clear their intention is to turn it into rental units to lease to businesses at market rates. Before this project is fast tracked through the zoning change process, I hope you will consider my views.

I understand this land was originally approved for comercial community use. If the proposed rental units being touted as affordable housing for our workforce are to be offered at market rates; how would this would be affordable to our workforce? I question that any units built behind the Forest Service building are affordable or the new units opening behind Staples at $1600+ for a small studio. A friend's mother lived in Legacy Lodge for several years. I understand the walls are paper thin and there are no kitchens; how would this serve a working family?

The project's density will further strain Rafter J's infrastructure and the traffic flow. The difficulty pulling out onto the highway is a longtime problem and will only worsen as WYDOT widens the road south and traffic speeds increase. The line of cars is long during peak periods and adding all the cars for 55 additional units will be a disaster.

Workforce housing is a need that is being addressed. There is also a need for senior housing which is **not** being addressed. St. John's Sage Living is charging $11,500 for 230 sq. ft. per month which is not a choice for most of us. Plus it's a nursing home and memory care unit, not assisted living. The limited amount of senior apartments at Pioneer Homestead are only for low income residents. Legacy Lodge certainly met the use of commercial community use and there must be a way to have a facility

like that again. It's unfortunate it did not survive but many busineess did not make it through covid. Possibly a partnership could be formed with the hospital to provide an assisted living facility.

If this zoning is changed for the Darwiche family and they proceed with the rentals, what was the use of having it zoned in the first place if it can be changed for a buyer's profits? Could things change yet again after the Darwiche's get their requested zoning? Or if they sell it? I see this as an opportunity for one family to make a profit at the expense of our neighborhood. Please don't push this through without considering what is at stake.

Sincerely,
Lucinda Krajsky

**From:** Trissta Lyman <trisstalyman@gmail.com>
**Sent:** Monday, February 28, 2022 9:34 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Support for Affordable Housing at Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I am writing this letter as a local workforce worker first and a citizen of Teton County second. I have heard that there is a proposal to make Legacy Lodge into affordable housing in Teton County and I am for it. I fully support the move for this existing structure to be reused for a better purpose than to be more offices, commercial space, or torn down and taken to the dump. The sustainability of making this into affordable housing is huge. There is existing parking. There's existing infrastructure. The building has a great setup for being converted into apartments easily.

Over time, I see more and more development spreading South of Jackson anyways-- this is just the beginning of infill that will happen over time. To fight it now, only to have apartments built in 10 years is cutting your nose off to spite your face. Affordability in Jackson will never be attainable for normal working people like my husband and myself--- I urge you to act on this. This could make the difference between having fire fighters and nurses on call within the County, instead of driving the Pass or the Canyon in times of emergency. If this were my backyard, I would still support it and hope that those nearby will support it as well.

Thank you,

Trissta

**From:** Liz Lynch <elizabethnlynch@gmail.com>
**Sent:** Sunday, February 27, 2022 7:34 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Comment: Legacy Lodge is for locals!

To whom it may concern with the Teton County Planning Commission,

I'm writing to you as a resident of "Jackson, sort of" -- how I often describe my work-provided home that sits just north of the Snake River Canyon; I'm not a resident of Rafter J, but I am a member of the local year-round workforce and community -- to voice my support for allowing Legacy Lodge to be converted into Workforce deed restricted apartments.

Legacy Lodge's future presents a fantastic opportunity for Teton County and Town of Jackson leadership to show we're a community that prioritizes-- well, *community*. The workforce that keeps our town, our Parks, our Forest, and our businesses abuzz sits at the heart of our community here. Like many folks around Jackson Hole, I worry constantly about not only keeping a roof over my own head as rental prices continue to soar, but also about my friends' and neighbors' housing security, and what our home will look like both socially and environmentally if the majority of our workforce is pushed out by rising costs of living without their wages keeping up. I believe our county-wide housing crisis is the greatest threat to our community's character and prosperity in the long term. Any chance we have to provide greater housing security to our working class residents (me included!) is not to be missed.

Legacy Lodge is also a unique project in that it has a reduced environmental impact, as compared to other housing projects, because it will at least in part use a structure that's already been built, rather than all-new materials in an area of all-new ground disturbance. It's a wonderful way to prove that we can say "Yes, in my backyard" (YIMBY) to both wildlife/habitat and workforce housing, while the latter still remains profitable for the owners; Jackson and Teton County could establish ourselves as leaders in finding a better balance between nature and human needs.

Thank you for your time, and for your consideration of allowing Workforce deed restricted housing at Legacy Lodge.

Sincerely,
Liz Lynch

**From:** Margie Lynch <lynchmargie978@gmail.com>
**Sent:** Monday, February 28, 2022 8:55 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Support for Stage Stop, Inc. application

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Director Neubecker and Planning Commission members,

I am writing in support of Stage Stop, Inc.'s application for a Planned Unit Development (PUD) Amendment pursuant to Section 8.7.3 of the Teton County Land Development Regulations to amend the Rafter J Ranch PUD, specifically those uses allowed on Lot 333 of the Rafter J Ranch.

You all are well aware of our community's desperate need for affordable housing options for our workforce. The lack of such housing is impacting the prices we pay in town, the services the community receives, and the environment, not to mention the stress that housing insecurity imposes on so many of our residents.

The former Legacy Lodge building presents an excellent opportunity to provide housing at a reasonable cost. The location within short distance to town and on the community pathways system will limit transportation impacts. That could be further improved by the extension of START service to Rafter J. And since the building is on the front edge of the subdivision, it should not impose impacts on the interior.

Please support the application for the PUD amendment.

Margie Lynch
E. Hoback River Road, Jackson

**From:** Pamela McIntosh <wyomac4@gmail.com>
**Sent:** Wednesday, March 9, 2022 10:14 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Dear Teton County Commissioners,

I am writing to ask you to not approve the zoning change at Legacy Lodge in Rafter J. My husband and I purchased our home in Rafter J 32 years ago. We knew there would be some type of development at the north entrance, but there was never to be any high density housing in our rural neighborhood.

When we purchased our property we were told that those commercial properties were to be for the enhancement of the Rafter J residents. We've had a small convenience store, a cafe, a day care, dentist offices and a veterinarian. Having an apartment building which could possibly have up to or more than 125 residents would change the character of the neighborhood that we have invested in for years. I especially feel that it is not fair to the homeowners close to Legacy Lodge. Would they have bought their homes close to a property that was zoned for high density living?

There has been a housing shortage in Jackson for many years. Putting apartments into any rural neighborhoods is not the answer. I am pleased to see that there appears to be new housing being built in town, where the residents will be close to amenities and public transportation. Which is especially helpful for seasonal workers. Stage Stop is planning to have short term leases which means Legacy Lodge would be mostly for seasonal workers. But as we all know there is no public transportation to RJ and there are not enough parking spaces at Legacy Lodge for everyone

who would reside there.  There is no parking along RJ roads and we have no one to enforce parking issues.

I am concerned about the traffic at the north entrance, especially at morning and evening "rush" hours and in the summer.  Not only is it difficult to pull out onto the highway, cars line up in the center line to wait and get into the traffic lane which makes it difficult to see oncoming traffic behind you. WYDOT has said they will not put a traffic light there.

I also question how this application would work.  What if Stage Stop decides to change the apartments from workforce apartments to luxury condos down the road?  Would that be possible if this was approved?  And what about the other lots that are by Legacy Lodge?  If you approve this does that mean others could file an application so they could build apartment buildings in that area?

Rafter J homeowners have always had the right to vote on any changes to the covenants in our neighborhood.  But at this time I do not believe there is an application to the homeowners association from Stage Stop. Many of us have lived here, paid homeowner fees and gone by the rules of our association for decades.  Legacy Lodge was purchased by Stage Stop last year and they knew how it was zoned at that time.

I do not see how the Teton County Board of Commissioners has the right to make decisions for our private homeowners association.

Please respect the residents of Rafter J by not approving this project.

Thank you,
Pam McIntosh

**From:** rmacleod@wyoming.com <rmacleod@wyoming.com>
**Sent:** Sunday, January 16, 2022 4:07 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Opposition to Rafter J Lot 333

Opposed to the present development proposal of Lot 333
in Rafter J.

Burns MacLeod, home owner, 1305 west buck rake dr

Thanks for your time.

January 7, 2022

Chandler Windom
Senior Planner
Teton County Planning Department
P.O. Box 1727
Jackson, WY 83001

Dear Ms. Windom,

I am writing concerning the application submitted by Stage Stop, Inc., (herein referred to as the Developer) requesting an amendment to the Rafter J Planned Unit Development (Section 8.7.3 of the LDRs) and for a Conditional Use Permit seeking to develop apartments on Lot 333 in the Rafter J Subdivision, located on 3000 W. Big Trail Drive.

As a 32-year resident of the Rafter J Subdivision and a former board member of the Rafter J Homeowners Association (RJHOA), I respectfully ask that you **deny this PUD/CUP application**.

Rafter J is one of the few planned residential neighborhoods in Teton County and has consistently provided middle-class families in Teton County with a wonderful community and a place to live and raise our families. Many property owners in the subdivision have lived here for decades. We have worked hard to retain a strong sense of community and a high quality of life for those who have invested in homes here. As neighbors we have made significant investments in our roads, infrastructure, trail systems and open space. These amenities are privately-owned and have been paid for and maintained by the homeowners of the subdivision.

Collectively, we are proud of the community we have created, and for the many of us, our homes here are our primary asset. At nearly 500 units, we are the largest neighborhood in Teton County and represent a large voting constituency. We are, and have always been, the backbone of the county workforce and our varied professions include teachers, healthcare workers, contractors, business owners, support staff for the service industry, nonprofit organization employees, social workers and the list goes on.

**The application before you requests a zoning change to the Rafter J Subdivision Master Plan (approved by Teton County in 1978) based on false claims of providing affordable workforce housing**. The proposal by Stage Stop, Inc. seeks to overturn the zoning of Lot 333 from Local Convenience Commercial (CL) to residential zoning allowing high density apartment development. **As submitted, this proposal does not advance Teton County's affordable housing goals**. **In fact, the apartment units proposed to be developed will be rented at full market value, which is widely understood to be unaffordable for most workers in the community**. In addition, apartments are prohibited under the Rafter J Homeowner Association's Covenants, Conditions and Restrictions (CCRs). Under the process outlined in the CCRs, any amendment requires a 65% approval vote of property owners in order for this proposal to move forward.

**Historical use of the Legacy Lodge and the impact of high-density residential apartments:**

Until last year, Lot 333 was owned and operated as the Legacy Lodge Assisted Living Center for the benefit of our elderly neighbors in need of additional care. Sadly, the facility changed hands and was

sold, likely due to the financial strain on operations caused by the Covid 19 epidemic. The Rafter J HOA and residents had approved of this assisted living facility, which was allowed as an institutional use under the CL zoning in our Master Plan and which provided direct benefit to the Rafter J Subdivision. The facility housed many beloved family members in need of additional support and services.

Under CL zoning, all commercial uses are required to provide direct benefit to the Rafter J Subdivision. As an assisted living facility, this institutional use worked well as part of the subdivision. There was little to no traffic generated from the 37 elderly residents, and very few personal vehicles were parked there, due to the age and health limitations of the clients. This is a far cry from the Stage Stop, Inc. proposal, which seeks to fill 57 units at a currently undefined occupancy, and which could potentially triple the number of residents living at Legacy Lodge. The developer claims that their proposal does not change the "institutional use" which is an incorrect and misleading claim. The zoning clearly defines the allowed uses, and high-density residential apartments are not allowed.

Add to this the increased traffic generated and the insufficient parking (only 44 parking spots on site) and we are looking at huge impacts to our traffic, potential parking violations along subdivision roads, and exponentially higher use of our trails, open space and playgrounds at the expense of Rafter J residents. These 57 units will only pay the equivalent of one property owner fee towards upkeep of the subdivision; yet we will have little to no authority over enforcement if the property is rezoned.

**Legal Issues:**

On December 13, 2021, the applicant and county were informed by Lubing, Gregory and Rectanus, LLC attorneys working on behalf of the Rafter J Homeowners Association. This letter informed Stage Stop, Inc. that Lot 333 is subject to the CCRs and that any request to change the PUD and CUP for the current CL zoning to convert the current building into an apartment complex is subject to Rafter J Homeowner approval of a CCR amendment to "ensure that the community is able to address its concerns and follow its require process." The letter clearly ties the legal obligations under the Rafter J CCRs to any proposed changes of the 1978 Master Plan by Teton County (see attached letter). We understand that the county is currently viewing these as separate processes, however that opinion should be reconsidered based on the legal review provided by Lubing, Gregory and Rectanus. The original developers of the Rafter J Subdivision created and submitted the 1978 Master Plan for County approval and were also directly responsible for forming the RJHOA and writing the CCRs as part of the very process under which the subdivision was approved. The county should rightfully give deference to the legal RJHOA CCR requirements and processes prior to any Teton County decision on Stage Stop, Inc. CUP and PUD approvals.

County staff, planning commissioners and elected commissioners may also be unaware that the original property owners who developed the Rafter J Subdivision, Cy Richards and Associates, were also interested in pursuing high density residential condominiums in the 1990's but opted to withdraw their request in light of the CCR subdivision voting required for an amendment to the CCRs. Stage Stop, Inc. is subject to the same legal process and should be held to the same standards. It is concerning that, to date, they have chosen to bypass the RJHOA requirement and instead move forward with a request for county approval. If the developer was truly interested in working in cooperation and collaboration with the Rafter J subdivision on this development, certainly one would expect that they would immediately comply by satisfying the Rafter J CCR amendment legal requirements first. Clearly, if they were denied by a vote of the Rafter J homeowners, then county approval is mute.

To date, Stage Stop, Inc. has ignored the request to bring their proposal to redevelop Legacy Lodge into a high-density apartment complex to the homeowners for a CCR amendment vote. Instead, the developer is moving forward to advance their proposal through the county planning process in hopes of gaining approval for this project. At best, avoiding a vote required for an amendment of the CCRs is concerning and at worst it puts the county in the unfortunate position of helping to set the stage for a lawsuit between Stage Stop, Inc. and Rafter J.

Clearly, our county has had a long history of respecting the many HOAs that govern and protect the integrity of our community's neighborhoods and would not knowingly want to move forward with any CUP or zoning change that would undermine Rafter J homeowner rights and CCRs.

**Conclusion:**

Clearly the development proposal by Stage Stop, Inc. would have serious impacts on the Rafter J Subdivision. This proposal will dramatically increase the number of people living on site, with the unwanted traffic and parking concerns associated with any high-density development. There could also be serious safety issues with increased numbers of vehicles pulling onto the merging lane on Highway 89 – already considered by many to be an extremely dangerous intersection.

There are too many unknowns in this application. Stage Stop, Inc., has been vague as to the numbers of residents, enforcement issues, parking deficiencies, pet issues, homeowner fee contributions, impacts on trails, pet restrictions, noise concerns stemming from a dorm-like setting in the midst of a residential subdivision, use of pathways, trails and impacts on wildlife and open space. There are also serious concerns about lack of affordability, future redevelopment of the site into high priced condominiums, and expansion of the existing building footprint.

When homeowners purchased their homes and made a significant financial investment in their Rafter J properties, they did so with a solid understanding that the future buildout of the neighborhood was predictable under the Master Plan for the subdivision. It is unfair to those property owners for the county to approve a proposal that would substantially alter the subdivision through a change to high density residential zoning and in disregard of the CCRs that govern our neighborhood.

**Please deny this application and preserve the mutual respect between the Teton County and their neighborhood HOAs by sending this applicant back to the Rafter J Homeowners Association for approval prior to any county action.**

I appreciate your thoughtful consideration of this important issue.

Sincerely,

Sharon Mader
Rafter J Homeowner

CC:
Teton County Planning Commissioners
Teton County Board of County Commissioners

**From:** Mayling OTR/L <mayling.ot@gmail.com>
**Sent:** Wednesday, January 5, 2022 8:03 PM
**To:** Chandler Windom
**Subject:** Fwd: Development proposal Rafter j

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Mr. Windom,
I am forwarding an email that was sent to your office but perhaps to the wrong address and thus the resend. Please confirm receipt.
In addition to my comment in previous email (see below)
I attended the information session today 1/5/22 and am disappointed that this was not offered via zoom for the rafter j residents. I rushed thru dangerous snow conditions and rush hour traffic to be present. I made the suggestion as did other residents considering Covid pandemic, seniors, snow conditions, and families with children to make available via zoom. No response from developers. Clearly, we all are used used to this format and easily done. Many have expressed interest in attendance but time (last one was day before Xmas eve!) and circumstances did not allow for all to be informed as they wanted.
Original email of opposition below…..

Begin forwarded message:

> **From:** Mayling OTR/L <mayling.ot@gmail.com>
> **Date:** January 3, 2022 at 6:24:35 PM MST
> **To:** cneubecker@tetoncountywy.gov
> **Subject: Development proposal Rafter j**

Dear Teton County Planners and Planning Commissioners,

I am writing you this email to express my concerns as a long time resident of Rafter J. I recently attended the information session presented by the Darwiche Development group and understand that they have moved forward to involve your department in an effort to redevelop and change the zoning of the former Legacy Lodge Assisted Living Center.

I should clarify that prior to attending the meeting (12/22/21), I was *concerned* and after hearing the messaging that was delivered I am *opposed* to any efforts to rezone and go against involving Rafter J residents and HOA CCR's. Of course, they are insisting this is not what they are doing, however, the very polished and rehearsed messaging was not only unbelievable it was insulting to the residents of Rafter J. The fact of the matter as I understand it, is that homeowners must vote on any proposed change in use in accordance with the declaration of covenants, conditions, and restrictions (CCRs) and this sequence of steps for the any zoning change is being undermined. Just repeating the same rehearsed message of "this is not what we are doing" (going over the heads of residents) does not make it true nor believable.

My primary concerns are the increased traffic into and out of Rafter J. This has been a historical problem and exacerbated by the increase of commuters very recently for various supposed reasons. Adding 58 units/100plus residents only worsens this dangerous situation. I understand that putting a traffic light is NOT a possibility and has been researched with a firm rejection by WyDOT. What other "potential solutions" are even possible or relevant as the presenter insisted they are looking into other "potential solutions" yet could not give one reasonable alternative?

Another concern is the increase in our neighborhood nature trail system. This has already been changing with the pandemic. The presenter insisted that the 100 plus residents of this new housing would go toward the "pathway system for all to use by the highway." Where does she get this opinion from? And I think we can agree this is a ridiculous belief.

There are many more salient points that need to be addressed but *for now* it is the fact that going over the heads of the neighborhood residents and saying they are not is a disingenuous assertion. I am respectfully expressing my opposition and ask that your planning commissioners do the same and reject the proposal to be involved until the homeowners have approved of the proposal.

Sincerely,
May Sumicad,
Rafter J resident since 2000

Sent from my iPhone

**From:** Heather Thompson
**Sent:** Thursday, December 30, 2021 3:58 PM
**To:** Chandler Windom
**Subject:** FW: The Stage Stop Inc. Planned Unit Development for Rafter J

**From:** Peggy McAvoy <pegmc@hotmail.com>
**Sent:** Thursday, December 30, 2021 3:55 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** County Planning Commission <planningcom@tetoncountywy.gov>
**Subject:** The Stage Stop Inc. Planned Unit Development for Rafter J

Dear Teton County Commissioners and Planning Commission

As 37-year residents of Rafter J we feel that we have a perspective to the changes that have and not happened here. We have always thought of the area as a single family, owner residing place. We have enjoyed the peace and tranquility, the many walking paths, the well-maintained roads and the clean water as all of our neighbors have. When we first moved into the Northwest 40 there wasn't a tree in sight! But always through these many years we have followed the Rafter J Covenants. One of those covenants is that any proposal to change our covenants must be brought before the homeowners for a vote of approval. Rafter J residents feel that this should first and foremost be considered by the homeowners before the PUD is brought before the County Commissioners. This is our neighborhood, and we should have a say in what is allowed to be developed here.

Lot 333 is NOT zoned for high-density apartments nor workforce housing. That was never the intent when the covenants were written. Its intent is small-scale commercial that is designed to serve the Rafter J community, not line the pockets of the current owners. Another assisted living facility should again be considered for the building. The owners like to toss around "Affordable Workforce Housing" but then they say they will rent the apartments at current market value. Where's the "affordable." Rafter J homeowners are the workforce of Teton County.

The density that Stage Stop is requesting would increase traffic on our roads by approximately 100 cars, if they only allow 2 people per room. This would create a traffic mess at the entrance during rush hour. It will be an accident waiting to happen. The other concern is where are all of these vehicles going to park? Thee is only space for about half that amount. Parking is not allowed on Rafter J roads. There will have to be more cars. There is no bus service here. We have had water restrictions in the past. Where will the extra water come from?

This proposal does not comply with existing zoning and uses under the Rafter J Master Plan nor does it comply with the Rafter J Covenants, Conditions and Restrictions. We urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J homeowners to uphold their CC&Rs.

Peggy McAvoy
John McAvoy

**From:** Terry Mcclellan <terrybmcclellan@hotmail.com>
**Sent:** Monday, January 31, 2022 4:28 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** Rafter J HOA <office@rafterj.org>
**Subject:** Lot 333, Rafter J, Stage Stop Inc., PUD 2021-001, Amendment/ CUP 2021-0005 Application

Commissioners.
I am writing to express my objections to the request of Stage Stop Inc. for an amendment to the uses of Lot 333 in Rafter J that was the former property of the retirement community of Legacy Lodge. The requested change in use to allow workforce housing is not appropriate for this property for some of the reasons listed below.

1. Traffic exiting Rafter J currently backs up substantially at the northern entrance of Rafter J. Cars during rush hour("the Jackson 500") coming into Jackson typically are going at least 60 MPH. Trying to exit, crossing 2 lanes of apposing traffic and then trying to merge into two solid lanes of traffic, has been a dangerous nightmare. How long will it take before we have a deadly pileup as traffic continues to increase every year as Jackson turns into the city that everyone was trying to escape from? Having the additional traffic from the proposed workforce housing will only increase the dangerous exit. The more people waiting to exit, the more they get impatient, and the more likely they will take chances to cut into oncoming traffic with disastrous results. Legacy lodge had no impact on traffic.

2. Stage Stop will have to substantially increase the parking spots to accommodate the anticipated number of renters. Increasing the amount of impermeable area that causes more runoff is a detriment to the environment adding to the situation of a 5 lane impermeable highway running above it.

3. Rafter J has acres of open space where there is numerous wildlife that reside within it and along the Flat Creek. Numerous trails traverse this area and are already heavily used by the current residents. Adding the amount of workers (mostly young seasonal workers) proposed by the owners with their mountain bikes and possibly dogs will have a definite detrimental impact on the open space and consequently the wildlife.

4. What kind of police protection will we have in Rafter J if we have issues at this property? One winter I called the police because people attending a party at the end of our col de sac had parked all over the street during a very snowy winter when the roads were already restricted because of the snowbanks. The cars were all over the place such that a fire truck , if needed, could not drive down the street to fight a fire. I called the police who refused to help because it was in a subdivision. They said it was the responsibility of the homeowners association to address. That's impossible. Why isn't this the police's responsibility? How would this be addressed?

5. Is there going to be a full time, round the clock manager on site to manage the building and enforce whatever rules they come up with for the occupants?

6. The covenants of the Rafter J Subdivision require 65% of the homeowners to approve of the changes to the covenants proposed by Stage Stop. I believe that will be a tough threshold to overcome.

I totally support the need for affordable workforce housing. However much of the fault of the current situation is the result of you commissioners continuing to allow more and more hotels to continue to be built, driving up prices of everything except for the wages of the employees. Your continued refusal to say no to any real estate development continues to destroy why we are here. The result is that actual workers can't afford to buy a house or afford the rent in Jackson and the folks that have lived here for a while can no longer afford the ridiculous real estate taxes. These hotels should provide their own workforce housing if they want to do business in Jackson. They know this is a problem and they should be responsible for addressing it. The first step would be to pay a livable wage and reasonable benefit packages. Until then, I have no sympathy for these hotel owners. Stage Stop is not running Lot 333 as a charity. They will be running it as a money making operation as any company would, but they must run it according to the regulations established by the covenants under which they purchased the property, not by trying to railroad us into something we never bargained for when we decided to live here.

Sincerely,

Mr. & Mrs. Terry McClellan
Sent from Mail for Windows

## Chandler Windom

**From:** Chris Neubecker
**Sent:** Monday, February 28, 2022 4:10 PM
**To:** Chandler Windom
**Subject:** FW: I support housing for all

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**From:** john michael mcginn <johnmichael.mcginn@gmail.com>
**Sent:** Monday, February 28, 2022 3:14 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** I support housing for all

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

My name is John Michael McGinn, I have been living in Teton County since 2014 and currently work for Jackson Hole Mountain Guides as well as Slow Food in the Tetons. Since moving to Jackson I have been relatively lucky in regards to finding somewhat "affordable" and "stable" housing, sadly there are many people in our community that can't say the same. Additionally, if many of the people dealing with the housing struggle end up leaving this community, we will be losing the next generation of leaders who truly care about Teton county and its residents, all of its residents.

I wanted to reach out and say I support the conversion of the Legacy Lodge into deed restricted workforce housing. I truly can't think of many reasons why anyone would not support this if they were truly thinking about the greater good for this community. I have been told some current residents of Rafter J are against this conversion focused on housing hard working members of our community because they think it will change the "character" of the neighborhood. I agree with them, it will change the character of the neighborhood but for the better. It will help create a more diverse and truly representative neighborhood of this town and the people that work hard to keep it running.

Jackson is changing, it's that simple. We can either find ways to work together so that change benefits all community members; or we can let the old guard keep saying they don't want the new guard around and this town will fall apart.

JMM

--
John Michael McGinn
Guide
AIARE Instructor
Phone: 615-337-5310

**From:** Pamela McIntosh <wyomac4@gmail.com>
**Sent:** Monday, March 14, 2022 11:00 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Chandler,

I have just looked over your staff report from 2/28/22 on Legacy Lodge.

I have a lot of concerns about his proposal and am most concerned about this -
From page 5....

Lastly, it should be noted that these workforce deed restrictions would not prevent the owner from changing the use of the site in the future. If the apartment use is discontinued or a change of use is approved for some or all of the units, the deed

restrictions on those affected units would no longer be applicable. Nonetheless, with the conditions as recommended, there could not be apartments on this site without a workforce occupancy deed restriction.

There is no assurance for the future of that building if the zoning is changed.

Pam McIntosh$

**From:** Mark Memmer <markforauto@msn.com>
**Sent:** Friday, January 28, 2022 9:01 AM
**To:** Chandler Windom
**Subject:** Comments

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello

As long time Rafter J residents we'd like to state our thoughts and opinions concerning the proposed development and changes to the old Legacy Lodge property Lot 333.

Traffic and parking concerns are high in our list. No one really knows the reality until it's real but the mitigation arguments put forth so far are not real. Start Bus may or may not attempt rafter J service once again despite its last effort being abysmal. No one used it. And with todays hustle and bustle we don't see much hope there in the future. Similarly the dream of pathways use to get to work doesn't jive with the reality of the effort involved to be a bicycle commuting worker!

Another topic of concern is the lack of deed and or rent restrictions and housing that is tied directly to employment. We would like to see free market units with rent restrictions to open the housing to community members without the possibility of unsustainable high rents.

Thank you for your concern and efforts,
Vickie & Mark Memmer

699-3275m

Sent from my iPhone

**From:** bmerritt7@aol.com
**Sent:** Wednesday, January 5, 2022 2:27 PM
**To:** Chandler Windom
**Subject:** Rafter J/Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To the Teton County Planning Commission,

We are writing to express our deep concern and opposition to the Darwiche request to change the zoning of the former Legacy Lodge to residential from commercial. There are so many reasons why this makes no sense, but I will focus on the ones that affect my family, my neighbors and Rafter J as a whole. By changing this zoning, you would be essentially having our government step into the personal lives of a community of well over 1000 people, and telling them that the government is taking away the rights and rules that they have established by rationalizing it under the guise of "workforce housing". That term itself is deceiving— a for-profit business to create "workforce housing" (this is not affordable housing) -- isn't every spare rentable room at market rate considered workforce housing? If you are going to impose your will on our community, what is stopping you from going into anyone's home who has an extra living space, and forcing them to turn that into "workforce housing"?

We have two 12-year old daughters and a 4-year old son. Are you, as the county entity that has the potential to allow this zoning change, willing to ensure their safety? Are you willing to protect the value of our houses that you will inevitably decrease should the County pass this change? We live less than 100 feet from the Legacy property, who is going to monitor and provide security to our children, who will be liable for their safety when they will be constantly in close proximity to a tight concentration of 100+ seasonal/ transient workers? Who is responsible for the actions of these transient workers, is it the Teton County Planning Commission?

How can you make a change that would override the rules and CCRs of Rafter J so that one entity is paying HOA fees, and using our shared land for 100+ people. We need to be realistic about who these 100+ seasonal workers are; yes not everyone will be a potential threat to the my children, but history has shown us that putting a large group of potentially younger, transient workers can be a recipe for bad behavior that can endanger not only them, but the people and children around them. Please see the following incidents from our area and picture this tiny sample of events occurring consistently in the Rafter J community by seasonal/transient workers. If you allow this change, you will be putting unsuspecting children of the community, as well as the innocent preschoolers at the Children's Learning Center, in harms way:

- Yellowstone Park Service Workers Disciplined Amid Reports of Misconduct (AP)
- Individual Arrested for Assault (Grand Teton Park news release)
- Seasonal Yellowstone employees fired for abusing park's natural features (AP)
- Drug Dealers Import the Wild Life to Parks (LA Times)
- Yellowstone Park rife with sexual exploitation, employee says (AP)
- Police try to stay ahead of a rising tide of opiates (JHN&G)

There are so many reasons why this proposal does not work, and so few positives. Housing is a concern in Jackson, but it is not the misleading term of "workforce housing" that we lack in Teton County, there is housing

everywhere, rooms available within houses and guesthouses, as long as the tenant or their employer can pay market-rate. Please do not let 'workforce' housing be confused with affordable housing in the same manner that this market-rate proposal by the Darwiche's is nothing more than a long term dorm for a group of people that, as noted above, will seemingly, in large concentrations, have the ability to damage and harm not only the environment around them, but the people and children who make up that environment.

We moved to Rafter J because we loved the community, it is a safe environment to raise our children, who ride their bikes on the bike path, fish on Flat Creek and go to the playground on their own with never a hint of worry about their safety amongst strangers. Allowing this change to occur will enable 100+ transient workers, who do not have any communal ties to Rafter J or to Jackson, access to our parks and to our children. These workers will not have the same respect for the neighborhood or for the community that the HOA members do; Rafter J is our community, our home. This would be an extremely irresponsible abuse of power to impose your unwanted will on +450 households.

Rafter J is workforce housing, it is a community of working families that have deep rooted ties to the community and the region who have decided to make Teton County their home. Allowing for this change in zoning would not just be a designation change on a map, it would be a potential danger to a community that has been an integral part of the Teton County workforce for decades.

Regards,

Allison and Brian Merritt

Dear Teton County Planners and Commissioners,

I (We) understand an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners in January and February 2022. I (We) respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rafter J is home to 490 residences that pride our neighborhood and invest ourselves and our financial resources in maintaining our community. As a result, our property values have increased, and Rafter J is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson Hole, and many of us have been here for decades.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety, and impacts to our wildlife, pathways, trail system, and open space.

Most importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing Local Convenience Commercial zoning. In submitting an application to Teton County requesting a zoning change and new conditional use, this developer is bypassing the legal rights of Rafter J homeowners in hopes of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is **NOT** zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have identified areas (primarily in town) for this type of development because these areas are served by public transportation, are located near businesses and workplaces, and are within walking/biking distance of services. The property is designated for institutional use – which is why the Rafter J community-supported and benefitted from the Legacy Lodge Assisted Living Facility.

This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Karen K Montour

Dear Teton County Planners and Commissioners,

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This project has been called "affordable workforce housing." Yet, Stage Stop, Inc. provides no provision in their application that these units will be affordable for Jackson workers, and in fact, the developer has been clear that these will be full market-rate rental units.

This proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process requirements. I (We) urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

-- Thomas A. Mertaugh

**From:** Seana Minuth <minuthsea@gmail.com>
**Sent:** Monday, February 28, 2022 2:22 PM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Comment in Support for Legacy Lodge housing project

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am writing to you to express my full support for allowing Workforce deed-restricted units at Legacy Lodge.

I am a 5 year resident of Teton county and work seasonal jobs in addition to my year round job as a medical assistant at a local clinic. I have relatively secure housing, but still rely on the kindness of my landlord to not raise the rent to the unaffordable inflated rates we are seeing all around town. When will my luck run out?

The housing crisis in teton county is lost on no one, and is bleeding into neighboring communities. Seasonal and year round workers can't find housing. Established families who have raised their kids here are moving out of town or to neighboring communities. Tourists and second home owners can't make reservations for dinner because restaurants are short staffed- its a problem for everyone.

Our community is suffering due to the housing crisis. I have many close friends, and many more acquaintances losing housing this spring- their luck has run out and they need to find places to live, or be forced to leave this place they call home.

The legacy lodge would provide essential housing for workers in our community and is a step in the right direction to help end the housing crisis we are facing. Please allow us to take this step as a community and help keep the people who work here living here.

Thank you for your time,
Seana Minuth

**From:** Evan Molyneaux <evanmolyneaux@hotmail.com>
**Sent:** Wednesday, January 5, 2022 8:03 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J variance

I write this email in opposition to the proposed variance request by Stag Stop, Inc. I have come to the conclsion that this is plain and simple an attempt to enrich the Darwiche family. The Rafter J community of which I reside receives zero benefit from the proposed changes. We already have one of the most dangerous intersections in the county. This would only be made worse by adding an additional 100 vehicles.

I find Stage Stop, Inc. to be extremely disingenuous. In a News & Guide piece they are quoted as saying how "mad" they are that seniors couldn't afford to live in Legacy Lodge. Now that they own the property, they have made zero attempt to re-open this facility and help the seniors they say they care so much about. They say they care about the community. Well actions are louder than words. How many rooms in their hotel are being designated for employee housing? As I write this, they are building an addition to their hotel. How much of the addition is designated for employee housing? Zero!. What do they sacrifice in all of this? Nothing!

Converting the Lodge into apartment rentals and CHARGING MARKET RATE IS NOT WHAT THIS COMMUNITY NEEDS. The residents of Rafter J are the working class of the town. We don't want to see renters become indentured workers. People should be able to change jobs without the fear of losing the roof over their heads.

In conclusion, I find this proposal to be a shameless attempt to enrich Stage Stop, Inc. with zero benefit to the Rafter J community.
I hope you will see through this smoke and mirrors request. Thank you.

Respectfully,
Evan Molyneaux

January 30, 2022

I would like to address this to:
Teton Planning Commission, Chandler Windom

As a resident in RJ for 14 years I have some questions regarding the Darwiche's "Stage Stop" proposal for lot 333, here in Rafter J.

I understand that as residences of Rafter J, we have the right to vote on any Amendments and Conditional Usages that are being proposed for the PUD use of parcel Lot 333.

In reading what the Darwich's are proposing I have some questions and concerns. They suggest making it "commercial apartment" usage and state it will benefit the community.

The Rafter J Master Plan :
1978 PUD was designated as (CL) local convenience, low impact, that is designed to serve the Rafter J community.

Darwich plan is high density and I feel there IS a difference between "workforce" and "local services " that would benefit local needs for its residences and the Jackson community.
Example: Churches, Elderly Living facilities, Schools, Rehab facility and or offices example : Curran Seeley center.

PROPOSAL:
"Because the building already exists and converting the 57 units into workforce housing would require minimal work, these units can be put to use almost immediately. Furthermore, the conversion of Legacy Lodge into workforce housing would not require any additional development in a community that is facing traffic and employee generation challenges resulting from significant development pressures. "

CONCERN:
This building was built for minimal usage , as an assisted living facility, where the occupants **did not** cook, and they **did not** have vehicles, there was no impact on the community.

Are the 57 units constructed to code for electrical and ventilation to have cooking facilities?

What would the occupancy be in a 57 unit facility ?

Elderly care facility did not have the vehicle traffic to any extent the proposal is suggesting!
At is time there are only 42 spaces... if double occupancy , there would need to be 114 or more spaces.

Where would vehicles park?
If seems there would be major "additional development" for more parking!

Serious traffic issues, not only coming and going from the highway into Rafter J , but with in the neighborhood at all hours.

PROPOSAL:
"As part of this application, it is important to address exactly how the workforce apartment would function. The owner plans to offer the units with commercial master leases to employers in blocks who can in turn offer subleases to employers for individual units at affordable rates for their specific employees. "

CONCERN:
Master lease to employers who then sublease to employers who then rent to specific employees ??

We were told there would be 24 /7 front desk personnel. Does that person have the authority to control who is living in each separately subleased block?

What authority would they have to handle any problems immediately, or know who is coming and going or who is living in each room?

PROPOSAL:
While not listed specifically in the 1978 LUDRs, workforce housing serves a community need, and that community need can easily be considered a "similar type" of establishment as a church, day care center or assisted living facility. Assisted living, as permitted within the Legacy Lodge facility, is a residential use providing a community service, and the use of Legacy Lodge as workforce housing is no different. At this time, the owners have not identified specific employers that may be interested in leasing blocks of units,"

"Furthermore, the conversion of Legacy Lodge into workforce housing would not

require any additional development in a community that is facing traffic and employee generation challenges resulting from significant development pressures. “

CONCERN/QUESTION:
I do not agree with their statement and overall comment that this proposal is “a similar type” as what historically this property was designated for..Historically it was low impact/ minimal usage

Absolutely, I am for employee housing to help provide for the locals of this town, especially housing for first responders, police, highway patrol, hospital workers, teachers, care givers. These are the “type” of employees that would service our community.

Would Rafter J know who will be subletting the blocks of units?

If the multiple hotels being built will be using the “Legacy Lodge “ facility for its employees, how does that provide a service to the locals?

Are all new hotels required to provide housing for their employees?

ULTIMATLY:
Is this considered low impact, service to the community?
Built to code, Fire Marshal inspection ?
Impact on septic/water ?
Who pays for impact/ upgrades to septic, water, roads?
Occupancy per unit ?
Over Sight/Managing?
Parking?
Traffic?
Study for traffic impact?

Thank you for your time and consideration,
Lee Naylon
NE 40

## Chandler Windom

**From:** niles@bresnan.net
**Sent:** Sunday, February 6, 2022 11:19 PM
**To:** Chandler Windom; 'office@rafterj.org'; planning
**Subject:** FW: Darwiche development proposal violates Rafter J Homeowners Rights

**Importance:** High

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Subject: Darwiche development proposal violates Rafter J Homeowners Rights

Teton County Planning Commission,

I urge you to reject the application for a change in the PUD and CUP submitted for Lot 333 in Rafter J Subdivision by Stage Stop Inc.

Simply put: Rafter J Lot 333 is NOT zoned for high density "apartments". The original Legacy Lodge Assisted Living Facility location, aka Lot 333, is designated for LOW IMPACT institutional use. This proposed development IS HIGH IMPACT. This area cannot support any additional pressure from more traffic, more people, more noise, more disturbance, and extra car trips.

These types of high density developments should stay in the Town of Jackson where everything is walkable, or accessible with public transit, including the very jobs that this transient population will be performing.

I urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

We have concerns with water usage increase, sewer capacity, fire protection, traffic, and parking.

Thank you for the opportunity to provide comments.

Regards,

Suzanne Niles
Homeowner

# FW: Stage Stop Rafter J

Britnee Nelson <bnelson@tetoncountywy.gov>
Wed 2/23/2022 1:25 PM
To: Chandler Windom <cwindom@tetoncountywy.gov>

**Britnee Nelson**
**Administrative Coordinator**
**Teton County Planning and Building**
**PO Box 1727**
**Jackson, WY 83001**
**(Ph)307-733-3959 ext. 8410**
**bnelson@tetoncountywy.gov**

***The Teton County Administration Building has re-opened to the public after several weeks of closure due to the COVID-19 pandemic. However, if you need services from our staff, please consider calling or emailing us ahead of time, since many of our services can be provided remotely.***

***If you do need to come into our building, please follow all public health guidelines and posted signs. We recommend that all members of the public wear a mask when entering our building and maintain a distance of at least 6 feet from other people, including staff, whenever possible.***

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**From:** Vicky O'Donoghue <jhda@wyoming.com>
**Sent:** Wednesday, February 23, 2022 1:25 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Stage Stop Rafter J

Teton County Commissioners
Natalia D Macker
Greg Epstein
Mark Newcomb
Luther Propst
Mark Barron

Planning Committee,

Dear Teton County Commissioners and planning department

The proposal by Stage Stop,Inc. Seeks to re-develop and change zoning of the former Legacy Lodge Assisted Living Center in Rafter J.

I as a Homeowner would like to express the following: From the History of the Pervious, Rafter J President and HOA Board, Design Committee and Lawyers from my research they did not follow the steps stated in the Rafter J CC& R's requirements on the following properties which have been rezoned and changed without a vote from the homeowners.

- In 2008 Lot 331 and Tract #2. Plat 330 (Learning Center).

- In 1990 Walden Pond Phase B PUD Plat 1317 No Vote
- In Walden Pond Phase B PUD Plat 711 (King Eider) single family homes.
- In 2010 Tract 3A LLC rezoned
- In 2018. Lot 332 Coral/stables to a Density Transfer from Tract 3A to build housing on Lot 332

Has a homeowner in Rafter J, I would very like the CCRS requirements to be applied. I feel that The Stage Coach, Inc.. Have done an excellent job of informing the Rafter J Homeowners.
With staying within the CCRs guidelines and following the guideline I feel that they should be allowed to move forward. It would be nice to make commendations for some older people as well.

Rafter J CC & R's requirements:

Any change to our zoning would require an amendment to the 1978 Rafter J Subdivision PUD.
Rafter J homeowners must vote on any proposed change in use in accordance with the Declaration of Covenants, Conditions and Restrictions (CCRs) to ensure that our neighborhood has a say in this decision as described in the legal spelled out in our CCRs.

The sequence of steps for Rafter J covenants/zoning change is for developers to:

1. Submit a request for an amendment to the covenants and bylaws along with a proposal for development change.
2. This request would then go to vote of the Rafter J homeowners
3. If approved, the application requesting a change to the PUD and the Zoning would move on to Teton County
1. **In conclusion, since the leadership of the Rafter J HOA Board have not followed the proper requirements as I have indicated, they have set a precedent which should allow Stage Stop Inc. to move forward with their plans.**

Sincerely,
Rafter J Homeowner Lot 38

**From:** Vicky O'Donoghue <jhda@wyoming.com>
**Sent:** Sunday, February 20, 2022 1:05 AM
**To:** Chandler Windom
**Subject:** Lot 333 Rafter J

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Commissioners/planning department

The proposal by Stage Stop,Inc seeks to redevelop and change zoning of the former Legacy Lodge Assisted Living Center in Rafter J. As a Homeowner I have the following issues. From the History of the previous Rafter J President and HOA Board, Design Committee and Lawyers, my research indicates they did not follow the steps stated in the Rafter J CC&R requirements on the following properties which have been rezoned and changed without a vote from the homeowners.

- In 2008 Lot 331 and Tract #2. Plat 330 (Learning Center).
- In 1990 Walden Pond Phase B PUD Plat 1317
- In Walden Pond Phase B PUD Plat 711 (King Eider) single family homes.
- In 2010 Tract 3A LLC rezoned
- In 2018. Lot 332 Coral/stables to a Density Transfer from Tract 3A to build housing on Lot 332

As a homeowner in Rafter J I feel that The Stage Coach, Inc.. have done an excellent job of informing all the Rafter J Homeowners in following the CC&R guidelines. I feel that Stage Stop Inc. should be allowed to move forward. It would be nice to make accomodations for some older people as well.

Rafter J CC & R's requirements:

Any change to our zoning would require an amendment to the 1978 Rafter J Subdivision PUD.
Rafter J homeowners must vote on any proposed change in use in accordance with the Declaration of Covenants, Conditions and Restrictions (CC&Rs) to ensure that our neighborhood has a say in this decision as described in the legal spelled out in our CC&Rs.

The sequence of steps for Rafter J covenants/zoning change is for developers to:

1. Submit a request for an amendment to the covenants and bylaws along with a proposal for development change.
2. This request would then go to vote of the Rafter J homeowners
3. If approved, the application requesting a change to the PUD and the Zoning would move on to Teton County

In conclusion, since the leadership of the Rafter J have not followed the proper requirements as I have indicated, they have set a precedent which should allow Stage Stop Inc. to move forward with their plans.

Sincerely,
Vicky ODonoghue
Lot 38

**From:** Whitney Oppenhuizen <whitney@beingoppen.com>
**Sent:** Friday, March 04, 2022 11:46 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodges - A Rare Opportunity

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Chris,

I know you've heard from many folks regarding the Legacy Lodge. I appreciate all that the county is doing to consider how this opportunity can support the community and what the best course of action is.

I wholeheartedly believe this is one of few gems that we have available in the near future to create truly affordable housing for the local workforce and community members. The building is standing, I'm sure it needs work here and there, there's already parking and best of all it's in a great location for folks that work in town.

I urge you to look at the proposal for turning Legacy Lodge into apartments as long as there are permanent deed restrictions to ensure that the building will serve the local community members that need it most. I know there's much talk about too much traffic in the area and a lot of NIMBYism going on. The thing is, we can't afford NIMBYism. The valley is too small and land is too precious here, we have to do the most with what we have. What we have here is a billion-dollar opportunity to do the right thing and house people who want to live AND work in Teton County.

Please I urge you to take the road needed by this community, to ensure we have housing for the workforce that is desperately needed. With how strapped so many businesses are already for staff the last thing we need is to turn this into a gas station and other businesses that will honestly make traffic more of a nightmare there than if people lived in those units and would add more pressure on needing to find workers that wouldn't be able to find adequate housing.

Thank you for taking the time to read this, I am hopeful that this opportunity won't pass us by and we'll be able to create support and positive change in our community. It's now or never for us to really ban together and support our community members.

Best,
Whitney Oppenhuizen

PO Box 123
Moose, WY
83012

From: Robert Ottaway <rob@cowboycoffee.com>
Sent: Sunday, February 27, 2022 10:56 AM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Legacy Lodge

Dear Commissioners,

I am writing today to express my support for the Legacy Lodge proposal for a rezone. As a local business owner, I believe this property is an important piece that can help to provide stable housing for our workforce. As our housing crisis deepens, it is extremely important to capitalize on every opportunity we have to provide housing for local workers. This is most certainly such an opportunity.

Although there will always be a few minor issues or details to sort out, those should not distract from the reality that our workforce needs these units, as I'm sure you are all aware. I'm confident there is a solution out there to make this happen. Every day we lose more and more housing to people who don't work in Teton county, or don't work period, and there is little that can be done to curtail this trend.

Seemingly every meaningful housing proposal that comes forward is met with stiff opposition from special interests (funded mostly by wealthy, non working members of this community) and NIMBY's. I'm sure this proposal is no different. I would encourage the commission to look past these narrow minded perspectives and do what is right for the workers of this county by approving the Legacy Lodge rezone. Thank you for your consideration on this matter.

Sincerely,

Rob Ottaway
President
Cowboy Coffee Co.

**From:** patterson44@bresnan.net <patterson44@bresnan.net>
**Sent:** Friday, April 1, 2022 5:03 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** RE: Lot 333- Stage Stop Applicaiton

Dear County Commissioners,

We continue to have great concern over the proposed change of use on Lot 333. We first would like to highlight a few of what we feel are relevant regulations as the application is reviewed.

LDRs:
Conflicts with Private Agreements (1/1/15) 1.6.6 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.

B. Conditional Use Permit ( Sec. 8.4.2.) A conditional use permit (CUP) permits a use that is generally compatible with the character of a zone, but requires project specific conditions to limit and mitigate potential adverse impacts.

Definitions:
6.1.6. Commercial Uses (1/1/17) 6.1.6 A. All Commercial Uses 1. Definition. A commercial use is the sale of goods or services
6.1.4D. Apartment 1. Definition. An apartment is a single-family unit that cannot be owned as a separate, single unit
Rafter J CC&R's:
Article IX
Additional Covenants - Commercial
Section 1. Use of Commercial Area Lots 333 and 334 are designated as commercial areas and may be used for any commercial purpose, subject to these covenants and such restrictions as may be contained in deeds, leases, or other instruments of conveyance.
Potential adverse impacts.
1. Traffic & parking:
Our entrances already have a failed rating by the Wyoming Highway Department with current usage.
Amy Ramage, Teton County Engineer regarding this project dated 11-21-21:
"While I am an advocate for reducing standard parking formulas to reduce the infrastructure burden for affordable housing units and encourage less single occupant vehicle use, it seems that the number currently provided is substantially inadequate to meet the needs or residents and employees, even with methods encouraging residents to not have a car, such as bike lockers and robust transit service. This location is also somewhat remote from other supportive infrastructure like grocery stores and schools and further limits residents' ability to live car-free compared to locations that are within the Town of Jackson. The concern with having a great deficit of parking is that the adjacent roadway, Big Trail Drive, will inevitably bear the burden of overflow parking, even if it is prohibited."
Applicant's traffic study appears to have some flaws.
(Note: Owner of the company that performed the traffic study, Y2 Consultants, for the applicant is also the owner of a construction company that is building a hotel for the applicant.)

"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."
2. Safety:
Excerpt from Teton County Planning Department Report findings -
" All the Transportation Demand Management strategies proposed by the applicant shall be implemented to minimize potential adverse impacts to transportation facilities. It is recommended that the crossing of the Teton County Pathway at the Legacy Lodge be improved in a manner that is acceptable to the Teton County Pathways Coordinator. However, that crossing is actually on a roadway lot owned by the Rafter J Homeowners Association and not Stage Stop, Inc. Therefore, the changes will also need to be amenable to the property owner.
This is necessary properly implement the Transportation Demand Management strategies proposed by the applicant for alternative modes of transportation."

So the report says it is necessary, yet this requirement was reduced to basically if you can during the approval process. Not sure it's very realistic to assume those tenants without parking spaces will be biking/walking into town 12 months of the year. Perhaps they might catch a ride with a co-worker who most likely doesn't live in Rafter J, thus increasing the traffic even more.
3. Utilities:
There has been no formal review of how this potential change in use will impact water and sewer capacities. This is a vital concern for viability of the infrastructure that is owned by Rafter J. Since it is not public, it is not addressed in the findings from the planning department.
In addition, there are a couple of variables that we ask you to keep in mind when reviewing/discussing this application.
Number of occupants:
Chandler Windom
Senior Planner / Teton County Planning and Building
"The maximum number of unrelated persons for the entire building would 114. There is currently no limit proposed on the number of related persons who can occupy each unit so the actual number of persons could be more than 114. It also could end up being less since many of the units are studios or one-bedrooms and may only be occupied by a single person. The Board of County Commissioners could choose to limit occupancy further if they recommend approval but there isn't anything additional proposed by the applicant at this time.
Compliance:
To be performed annually via the planning department. It appears that the applicant is already in violation of not only county housing requirements but also Rafter J covenants as there are tenants that have been living there for quite some time. Enforcement by the county has been nonexistent.
Thank you for your time and your consideration of our concerns with this application.
Sincerely,
Thomas & Patti Patterson
Rafter J Homeowners

---

**From:** patterson44@bresnan.net <patterson44@bresnan.net>
**Sent:** Sunday, January 9, 2022 2:36 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Stage Stop, Inc./Legacy Lodge in Rafter J

Dear Teton County Commissioners and Teton County Planning Department,

We are 36-year residents of Rafter J. The community is quiet and truly has "neighborhoods" with most households working in Teton County. As you know, Lot 333 is designated as "local convenience commercial" designed to enhance/benefit the Rafter J community. While the initial use of the lot became an assisted living facility, it did not directly benefit Rafter J (although several Rafter J homeowners did eventually become residents of the assisted living facility). That use, however, did not detract from the peacefulness or add a burden to our community. They were successful in being good neighbors through the years and company changes.

We are now facing a requested change to not only the current use but also the initial purpose of Lot 333. The request for multi-family housing is concerning as it will significantly change the character of our community. Those concerns include an immense increase to traffic, safety, noise, lack of parking in the current facility, location for snow removal,

management of the tenants, and huge impact to our infrastructure/utilities. The possible issues may increase costs to our HOA and time of our limited HOA staff in dealing with these items as well.

The comp plan places dense, multi-family housing within the city limits of Jackson which in our opinion is a proper place for it. The work of the former Teton County Housing Authority and current Jackson Teton County Housing Department continues to place such density within the town as well.

As a longtime proponent of affordable housing, we support opportunities that will house Teton County working households. This one, however, simply does not fit. Nor would we consider it affordable as the proposal does not tie the rental amount to the tenant's income but rather market rents.

Thank you for taking our comments and concerns into your consideration.

Tom and Patti Patterson
1690 W Quarterhorse Dr, Rafter J
Jackson, WY

**From:** sueperkins@charter.net
**Sent:** Sunday, January 2, 2022 2:52 PM
**To:** planning; Board Of County Commissioners; Chandler Windom; 'Office@Rafterj.org'
**Subject:** Rafter J Lot #333 (Darwiche/Stage Stop, Inc proposal)

January 2, 2022

Teton County Planning & Building Department
200 S. Willow
P.O. Box 1727
Jackson, WY 83001

To: Members of the Teton County Planning Commission, Chandler Windom, & Rafter J HOA Board,

I am a current Rafter J homeowner and have owned my home in Rafter J since 1992. I am writing this letter to express my concerns in regard to the Darwiche family/Stage Stop, Inc. and their proposal to change the Legacy Lodge building/Lot 333 into workforce housing/apartments.

Their Application states:

1) *PUD: Planned unit development amendment to amend the RJ PUD to allow residential use of parcel Lot 333 in RJ.*

This workforce housing/apartment proposal will affect every Rafter J homeowner. Rafter J has about 490 homes in its quaint community. I was under the impression that one cannot change the Rafter J LDRs without a vote from those that own property/homes in Rafter J. Rafter J residents deserve a democratic vote as this PUD amendment affects each of us and our property values.

The Rafter J residents deserve to see a detailed "Residential use" proposal from the Darwiches/Stage Stop, Inc. before any changes are made. What are the regulations as to the amount/limits of human density allowed under the "Residential use" proposal? What are the regulations as to the amount/limits of adding additional buildings/parking spaces, etc under the "Residential use" proposal?

Why does the Darwiche family/Stage Stop, Inc. think they are exempt from following the pre-set Rafter J Covenants?

2) *Conditional use permit: Governs intensity & operational characteristics of the proposed residential use*

Lot 333 is zoned "Local Convenience Commercial". This refers to a store, office units, or small scale commercial use aimed to <u>benefit the residents of the Rafter J community</u>. Local Convenience Commercial does not mean "workforce rental units/apartments".

Why do the Darwiches/Stage Stop, Inc need to seek a conditional use permit and what does this specifically mean? This needs to be presented to the Rafter J community in a more detailed fashion.

3) *Environmental Analysis Exemption:*

There will be a huge impact on the environment in Rafter J. The Stage Stop, Inc proposal which allows for greater human density on their newly acquired property than the Legacy Lodge Assisted Living home, will impact the use our roads, bike paths, and trails. Greater density will affect our wildlife/human interactions. It will put additional stress on our water and sewer systems.

There are 52 units available to rent. If you multiply that my 2, that is 104 additional people. And if bunkbeds are allowed in the units, they can occupy many more than 104 additional people using Rafter J's resources.

These 52 units were set up as "Assisted Living" spaces for the elderly so these units do not have a sufficient kitchen for "workforce housing/apartment" living. We were allowed to tour the Legacy Lodge building during our July 19, 2021 meeting with the Darwiches. There are microwaves in the units, but no cook stoves or ovens. The Darwiches had purchased George Foreman grills that were sitting in their original unopened boxes on the counters of each of the units. Will they allow separate hot plate burners for cooking? These are significant fire safety concerns.

The parking area is not sufficient for the number of people that will occupy the rental units. They will either pave more of the lawn area or park on the streets which is another big concern to the Rafter J residents.

Why do the Darwiches/Stage Stop, Inc feel they can be exempt from conducting a study on the environmental impacts to Rafter J?

The density/occupancy of the 52 units is of great concern. Will this become a transient population with a large turnover? How long can occupants reside there? What are the maximum/minimum days, months, years? How many people per unit/apartment? How many parking spaces per unit? What about the length of time a renter can house their visiting friends or families? What about the use of drugs, alcohol, and designated "quiet hours". What about loud noise or group party concerns both in and around the building? Who

will be in charge of monitoring the comings and goings of this rental community? Will pets be allowed? These questions bring up potential safety issues to the homeowners of the Rafter J community.

Another concern is the traffic, which is already a huge problem for current Rafter J residents trying to make a left hand turn onto Highway 89. This occurs throughout the day, but it is especially difficult during the peak morning and evening hours when people are trying to head into town for work, etc.

It is important that the Darwiches/Stage Stop, Inc consider other uses for this property that follow the current Covenants, Conditions, and Restrictions (CCRs) of Rafter J. Another Assisted Living home would make the most sense because there are currently not enough services available for the elderly in Teton County. Just because they bought the property with workforce housing in mind, doesn't mean they can pursue this without the vote of the Rafter J homeowners. As a Rafter J homeowner, I reject the workforce housing proposal for all of the reasons explained in my letter.

Please do the right thing, the lawful thing, and reject the Darwiche/Stage Stop, Inc current proposal. Please vote NO to the Stage Stop, Inc proposal.

Please share this letter with all concerned parties. Thank you for your time.

Sincerely,

Susan Perkins

**From:** sueperkins@charter.net <sueperkins@charter.net>
**Sent:** Thursday, March 31, 2022 12:57 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Cc:** 'sueperkins@charter.net' <sueperkins@charter.net>
**Subject:** Stage Stop/Darwich housing plan for Rafter J

March 31, 2022

To: The Teton County Commissioners

Dear Natalia, Luther, Mark N., Greg, and Mark B.,

My name is Susan Perkins. I moved to Jackson in 1980. I taught school with the TCSD for 30 years and currently reside in Rafter J. As a fellow Rafter J resident, all of us in RJ strive to follow all the rules and regulations set forth by the HOA.

I am writing in regard to the Stage Stop/Darwiche plan for workforce housing in Rafter J. I sent a previous letter to Chandler Windom and the members of the TC Planning Commission in January. I'm sure all the emails and letters that were sent from the Rafter J residents are still available for you to read. Please take the time to review them before making any decisions in regard to the future plans of the Legacy Lodge purchase.

These are some important issues that need to be considered and have not been fully addressed:

1. Traffic will be an issue when turning left into town. It's difficult to turn & merge with on-coming traffic. It's already a dangerous problem for the RJ residents.

2. Parking of vehicles on the Stage Stop property. There are not enough spaces for all vehicles. The renters & any of their visitors/guests/family members will need a place to park and parking on Big Trails Street is not allowed according to our RJ regulations.

3. There is concern about the number of renters allowed in each unit, especially if this can be considered a revolving door arraignment. How long can a renter stay? What if they decide to leave Jackson? Replacement renters? Visitors/guests/family members length of stay with the original renters. Rules about pets?

4. Manag ent: Who will enforce the rules? Who will be in charge of excess parking? Who will determine the length of time visitors can stay? What about smoking? What about parties vs quiet times since these renters will be on different schedules. Who will enforce noise concerns. When will police be involved?

5. Rooms o y contain a microwave in their kitchens. There are no cook stoves nor ovens in the rooms. George Forman grills and hot plates are a fire hazard. Venting is also a problem. Fire safety is of great concern.

6. Rafter J infrastructure: Impacts on the J water system, sewer system, roads, walking/biking pathways, Flat Creek floating/fishing, wildlife encounters, garbage/trash vs cleanliness on streets/pathways.

7. he Darwiches stated in our neighborhood meeting that they would enhance the Rafter j community. What is their plan, how will it be implemented, and what will it look like to the Rafter J residents? They have not spoken of that since our initial neighborhood gathering.

8. There are currently ny housing options being made available for workforce housing in and around Jackson. With the elderly population, there are very few. Please look into the future needs of our elderly community.

9. A Teton County Commissioners, you have a very important role to play in the future plans of our Jackson community. The Stage Stop/Darwiche plan for workforce housing needs to have a more in-depth look into the concerns of the residents of Rafter J, their wants and needs, their rules and regulations.

10. L lly, the HOA rules require a vote by the Rafter J residents in order to change our current PUDs, CCRs, and regulations. Please do not rush the Stage Stop/Darwich plan through without following the appropriate channels.

11. The missioners should request, in writing, the answers to the concerns/issues still unaddressed from the Stage/Stop Darwiches.

In conclusion, there are many concerns/issues to be dealt with in regard to the Stage Stop/Darwiche housing plan. It is of utmost importance that these issues be looked into at a deeper level before granting this a "done deal".

A democratic vote must be made by the Rafter J residents before any long term changes are made by Stage Stop/Darwiches. This appears to be a "money maker" for the Darwiches with little regard for the wants and needs of the Rafter J residents.

Thank you,

Susan Perkins

**From:** Destin Peters <destin@stinkyprints.com>
**Sent:** Monday, February 28, 2022 5:25 PM
**To:** Britnee Nelson <bnelson@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>; Heather Thompson <hthompson@tetoncountywy.gov>
**Cc:** Rachel Porterfield <rachelporterfield@gmail.com>
**Subject:** Approve workforce housing at Legacy Lodge!

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Planning Commision,

Please support workforce housing in Rafter J. This is a great opportunity for the private sector to provide desperately needed housing to those who make our community tick.

As 25 year community members, business owner & nurse, and now new parents, we are concerned for the future of our community and what may be left as our son grows up here. We understand there are a mix of objections and support from the Rafter J community. Objections seem to be ranging from not wanting "those people" living our neighborhood (let that sink in for a sec), to the tired parking argument. We ask that you look at the big picture when you hear these objections, who serves the objectors at restaurants? who teaches their kids? who administers medical care? who shows up if their house is on fire?

While we live on the other side of town near Cache Creek, I feel we are in a unique position to address the fears of those objecting to workforce housing in their neighborhood. Our home is bordered by de facto affordable housing (mobile home park) on one side, and typical suburban development (trending to lights out, second homeowner, residencies) on the other. Every day I'm encouraged by the true sense of community and family shared with my immediate neighbors in the mobile home park, while we don't even know most of the neighbors (seasonal, at best) as you go up the hill from our home.

We'll take the real folks who make this town tick as neighbors any day!

Regarding parking, this is also a great opportunity to push for public transport options to Rafter J and Melody Ranch. We need to get over our need to design for the automobile, and start considering people and housing in our planning. When I was first trying to get my foot in the door here in Jackson, I lived affordably by having a few roommates, and *we shared a car to save money.* With the bikeability, walkability and our constantly improving public transport, not every residence needs one or two cars per person and this realization won't be made unless we make good planning decisions to promote logical transport. Buy a bigger backpack, you'll fill it. Build a bigger parking lot and more roads, you'll fill 'em. Conversely, stop subsidising automobile use, provide good transport options, limit the parking and we'll all benefit with more housing, less traffic, cleaner air, etc.

Again, please vote in support of workforce housing in Rafter J, it's a rare opportunity, a logical location and we need it!

Sincerely,

Destin, Rachel and Felix Peters
Upper Cache Creek Dr,
Jackson, Wy 83002

Destin Peters | Stinky Prints
www.stinkyprints.com
Jackson, Wy | 307.690.0498

January 7, 2022

cwindom@tetoncountywy.gov; planningcom@tetoncountywy.gov; commissioners@tetoncountywy.gov

Dear Chandler Windom, Senior Planner and the Entire Board of Teton County Commissioners,

My husband and I are writing about the application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Commission and the Teton County Board of County Commissioners this month and next - January / February '22. We respectfully ask you to reject this proposal that seeks a zoning change / change of use within our subdivision.

Rafter J is home to 490 residences that prides our neighborhood and invests ourselves and our financial resources in maintaining our community. As a result, our property values have increased and Rafter is one of our county's most desirable places to live. You are considering a proposal that claims to provide workforce housing for Teton County. Please keep in mind that Rafter J residents have always been the backbone of the workforce in Jackson and many of us have been here for decades. We personally have lived in Rafter J for 26 years.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety and impacts to our wildlife, pathways, trail system and open spaces. ***And please do not forget about traffic entering south highway 89 – already a nightmare - from Rafter J's 2 entrances.***

More importantly, Stage Stop Inc. has a legal requirement to first bring an application to the Rafter J Homeowners Association for a vote by any proposal to change in our covenants. This requirement and the process were clearly spelled out in the Rafter J Covenants when the subdivision was created and in the Master Plan that Teton County approved in 1978. Rafter J homeowners purchased their properties with full knowledge of these protections and the perpetuity of the existing local Convenience Commercial zoning. By ***FIRST*** submitting an application to Teton County requesting a zoning change and new conditional use, the developer is bypassing the legal rights of Rafter J homeowners in hope of avoiding this requirement and receiving a favorable decision from the County.

Rafter J Lot 333 is NOT zoned for high-density apartments or workforce housing. Both the Town of Jackson and Teton County have worked hard to identify areas (primarily in town) for this type of development because they would be served by public transportation, are located near businesses, workplaces and are within walking/biking distance of services. Rafter J Lot 333 is designated for institutional use – which is why the Rafter J community-supported and benefited from the Legacy Lodge Assisted Living Facility.

This project application has been called "affordable workforce housing". Yet, Stage Stop, Inc. provides NO provision in their application that these units will be affordable for Jackson Workers. And, in fact, the developer has been clear that these will be full market-rate rental units.

The proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R Amendment process. We are urging you all to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J citizens to uphold their CC&Rs in the face of inappropriate development pressures.

Very Sincerely,

Diane Peterson & Cary Schaeberle
3415 S Shorthorn Dr., RAFTER J
schaepeter@gmail.com / 307-690-9221

Teton County Planning Commissioners and

Chandler Windom

Senior Planner

Teton County Planning Department

P.O. Box 1727

Jackson, WY 83001

Sir,

I am writing to ask you to deny Stage Stop Inc.'s application for a PUD amendment and a CUP, in regards to the former Legacy Lodge property located in the Rafter J subdivision, Lot # 333.

After listening to the applicant's presentation to the Rafter J home owners, I am convinced the applicant is engaged in what can be most charitably described as "wishful thinking" in regards to their proposed solutions to the obvious lack of parking connected to this project. The applicant is trying to convince everyone concerned that 44 parking spaces will be adequate for 115 or more workforce employees, plus their guests, by implementing a fee and permit system for resident parking (with towing enforced by the property managers) and by relying on a future expansion of the Start Bus transportation system to reduce the need for vehicles. Clearly, this solution is grossly inadequate and unrealistic (thus wishful thinking). It is very reasonable to assume that most of the residents of this new project will want to have their own vehicles! Guests will park wherever they can, mostly outside the applicant's property, because their lot will be overfilled! The result will be continuous parking conflicts for Rafter J homeowners and the Rafter J HOA. Rafter J will be plagued with continuous improper parking in common areas, and in the parking lots of nearby business owners, and the parking lot of the HOA, and on the private roads of Rafter J. The applicant's parking problems will spill over and become everyone's parking problem. I doubt very much that the applicant's property management company can, or will, enforce their parking regulations beyond their own property, and the police will not enforce parking on private roads, thus the burden of enforcement falls upon local business, the Rafter J HOA, and nearby homeowners. A miserable result for all concerned.

I have several other concerns not yet mentioned, but I will close for now by asking you once again to NOT ACCEPT the applicant's proposed amendment for conditional use.

Douglas R. Pitman – Rafter J Homeowner

3095 S. Stirrup Drive

307-733-7288

**From:** Bonnie Pockat <bonniepockat@mac.com>
**Sent:** Tuesday, January 18, 2022 9:41 AM
**To:** County Planning Commission <planningcom@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Lot 333 (formerly Legacy Lodge)

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Planners and Commissioners,

I have been a homeowner in Rafters J since 1996. I have abided by the Rafter J covenants, taken good care of my property, invested in infrastructure needs and improvements, and supported various small low impact businesses that have come and gone over the years. So, it is not without history that I submit these concerns for your consideration as you decide on Stage Stop, Inc's request to change the zoning from a small scale local convenience commercial to a high density rental apartments development. My understanding is this would require amendments the 1978 Rafter J Planned Unit Development (PUD).

I am concerned that this will have a negative effect on the character of the Rafter J neighborhood. The previous owners provided the community with low impact/density assisted living facility. There was very little impact from the residents, except they did provide a nice diversity. It is sad that this building could not continue to be used for our seniors, who now face having to leave Jackson after years of living here because there will be no facility.

I am also concerned that the density proposed will have impacts on our quiet family-oriented neighborhood. In particular, I am concerned that the increase number of people will affect our traffic flow (already a problem leaving Rafter J to enter Hwy 89), infrastructure usage such as water and roads, walking trails and open spaces, facility usage, safety, noise, and to our wildlife. I am surprised a wildlife impact study wasn't required.

I am also concerned that the insufficient parking available (for the number of renters discussed) could result in increasing the number of parking spaces for the apartment density. This would take out present landscaping, trees, and have a negative visual impact entering into Rafter J.
,
I am also concerned and question the intent as to why Stage Stop, Inc went first to the county and not Rafter J HOA. I understand that any changes to Lot 333 would need a vote of the Rafter J homeowners as stated in our CCRs. Does this violate our legal rights?

I sincerely hope you will give this proposal by Stage Stop, Inc your full attention and consider all impacts on the existing neighborhood of Rafter J and its home owners.

Respectfully,
Bonnie Pockat
Lot #158

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Mike Schupman

Physical Address: 3340 Black Baldy Dr.

COMMENTS: Housing in Housing community

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Carolyn Jefferson

Physical Address: 450 East Pearl Street Jackson, WY 83001

COMMENTS: Say yes to affordable housing, say no to a jail.

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

☑ It's the right time.
☑ It's the right place.

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Franklin Powell

Physical Address: 22S Crabtree Lane
Jackson WY 83002

COMMENTS: Housing that local workers can afford is essential to maintaining the community. Don't let Jackson become a ghost town.

**Board of Teton County Commissioners**
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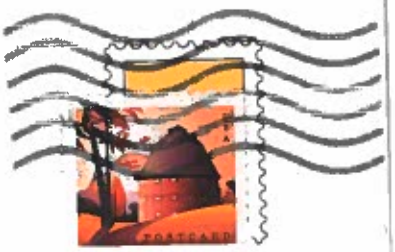
**Jackson, WY 83001**

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L



☑ It's the right time.
☑ It's the right place.

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Katherine Ward

Physical Address:
3955 Sylvester Lane
~~83014~~

COMMENTS: We need this!

**Board of Teton County Commissioners**
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**Jackson, WY 83001**

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

✓ It's the right time.
✓ It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Mike Klecha

Physical Address: 1014 Longhorn (83001)

COMMENTS: Need Local Employee Housing!!!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

✓ It's the right time.
✓ It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Rinu Hansen

Physical Address: 2455 S Millwood St.

COMMENTS: #Neverland

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**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Katie Williams

Physical Address: 20 W Broadway
Jackson, WY 83001

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

COMMENTS: We need more employee housing

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Mckenzie Myers

Physical Address: 125 Aspen Drive
Jackson WY 83001

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

COMMENTS: The cheapest/fastest way to support affordable housing is to protect existing housing or soon there will be none.

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Jim Williams

Physical Address:

1230 W Hereford Dr Jackson 83001

COMMENTS: In Favor of usy this Facility Work Force housing

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: LORA Lynn Davis

Physical Address: 285 Moran St.

Jackson wy 83002

COMMENTS: Would love to See the lodge Put to good use, such as employee housing

**Board of Teton County Commissioners**
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**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840

16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Jordan Dansie

Physical Address: 2247 East Horsecreek Rd. Jackson, WY

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

COMMENTS: I am 100% for employee housing. We need to keep this community alive.

It's the right time.
It's the right place.

SALT LAKE CITY UT 840

16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Wesley Hollinger

Physical Address: 85 McLean Ln Jackson WY 83001

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P.O. Box 3594
Jackson, WY 83001

COMMENTS: We need more Housing

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Jessica Lane

Physical Address: 575 S. Millward, Jackson

COMMENTS:

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**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: jordan Longstreth

Physical Address: 1140 wy-22 Teton Gables Motel

COMMENTS: no reason I should be living in a MOTEL for housing

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

I SUPPORT THIS PROJECT!

Name: PATRICK KRAUSHAAR

Physical Address: 1480 FISH CREEK

Wilson, WY, 83014

COMMENTS:

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**P.O. Box** ~~[illegible]~~ 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

I SUPPORT THIS PROJECT!

Name: Jennifer Rice

Physical Address: 1144 Gregory

Apt 78, Jackson, WY 83002.

COMMENTS:

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**P.O. Box** ~~[illegible]~~ 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Chelsey Davis

Physical Address: 245 South Willow St

COMMENTS: Jackson needs housing!

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Mirna Solano

Physical Address: PO. BOX 9287

COMMENTS:

Board of Teton County Commissioners
P.O. Box
Jackson, WY 83001 3594

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Patricia Theismann

Physical Address: PO Box 6419
Jackson
WY

COMMENTS: Please advocate for employee housing - YES.

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

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It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Lexi Boyer

Physical Address: 205
Sylvia Drive

COMMENTS: Please make this happen! Workers housing!

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**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Stephen Felmndo

Physical Address: 970 W. Broadway Ste E

COMMENTS: We need housing!

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Anastasia Kovyazina

Physical Address: 8976 Jess Dr Victor, ID 83455

COMMENTS: We need it!

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Collin Vaughn

Physical Address: 185 Broadway Jackson

COMMENTS: DO IT...

Board of Teton County Commissioners 3594
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Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Oliver O'Connor

Physical Address: 185 W. Broadway

COMMENTS: Do It!

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It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Seanna Arcnambeau

Physical Address: 7250 S Hwy 89
Jackson, WY 83001

COMMENTS: We Need Housing!

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P.O. Box
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Hailee Brinton

Physical Address: 515 S
Millward #1

COMMENTS: we need more housing!!!

Board of Teton County Commissioners 3594
P.O. Box
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Mary Todd

Physical Address: 320 Aspen Dr.

COMMENTS: Love the idea!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Deanna Hoffinger

Physical Address: 385 E. Broadway

COMMENTS:

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**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Ric + Ellen Fisher

Physical Address: 1245 W Hereford Dr
Jackson Wy 83001

COMMENTS: 100% for project
Concerns about total number of residents allowed to live there.

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

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It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Gabe Robertson

Physical Address: 22 Paintbrush
Ln. Daniel, WY 83115

COMMENTS:

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**Jackson, WY 83001**

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It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Cady Schupman

Physical Address: 3340 Black Bally Dr.

COMMENTS: Yes Please

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**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Jorge Moreno

Physical Address: Po.box 8287

COMMENTS:

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**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Alaina McBride

Physical Address: 515 S Millward Jackson

COMMENTS: The Legacy Lodge was already a long term residential building. Community housing is an obvious choice. Thank you.

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Eunice Nicholson

Physical Address: 1660 J-W Drive Jackson, WY 83001

COMMENTS:

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: AKOP Manoukian

Physical Address: ~~PO~~ 1404 S Park Loop Rd. Jackson WY 83001

COMMENTS:

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Samantha Gilbert

Physical Address: 140 Fenn Drive Wilson 83014

COMMENTS:

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

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**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Jared Marinelli

Physical Address: 110 Rancher Lane, Jackson WY

COMMENTS: More employee housing

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Kevin Donaghy

Physical Address: 7930 Ross Ln

COMMENTS: a shame this project has sat so long! TRAGIC! Needs to be housing NOW!

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Tim Willman

Physical Address: 475 n Cache

COMMENTS: living in a hotel! need housing!!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Eli Hansen

Physical Address: 3455 Millward St.

COMMENTS: #Dorian

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

☑ It's the right time.
☑ It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Katherine Wilkerson

Physical Address: 365 E. Broadway - 83001

COMMENTS: We need housing

Board of Teton County Commissioners 3594
P.O. Box [redacted]
Jackson, WY 83001

☑ It's the right time.
☑ It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: CAITY OWEN

Physical Address: 2925 RED HOUSE RD JACKSON, WY 83001

COMMENTS: WE NEED MORE WORK FORCE HOUSING

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Heather Hendricks

Physical Address: IN A VAN.

COMMENTS: I used to have housing in jackson but got priced out. The Legacy Lodge Needs to be Employee / Contract Housing. This will ensure there's housing for the workers.

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Hayley Knafel

Physical Address: 80 Aspen Dr.

COMMENTS: On a couch — still looking for a room

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Ann Mills Cobb

Physical Address: 420 Vine St. Jackson, WY

COMMENTS:

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**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Christopher Van Slyke

Physical Address: 285 Moran St. Jackson, WY 83001

COMMENTS: I support using Legacy Lodge for community housing.

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Eva Dabill

Physical Address: 35 S. Glenwood Jackson Wyoming 83001

COMMENTS: Yes!

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Susan Thomas

Physical Address: 1230 W Hereford Dr Jackson WY (Rafter J)

COMMENTS: Best use I can think of for the building!

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Summer Nicholas

Physical Address: 3465 N Pine Way
Wilson, WY

COMMENTS: make it affordable housing!

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

NO STREET DELIVERY
BOX # REQUIRED

I SUPPORT THIS PROJECT!

STREET DELIVERY
BOX # REQUIRED

Name: Claire Haynes

Physical Address: 20 W Broadway
Jackson, WY 83001

COMMENTS: we need more employee housing

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

#7
NO STREET DELIVERY
BOX # REQUIRED

Name: MARK LONG

Physical Address: 110 RANGER LANE JACKSON

COMMENTS: WINNER - LEGACY LODGE

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

#7
NO STREET DELIVERY
BOX # REQUIRED

Name: OSCAR MEJIA

Physical Address: 550 W BROADWAY, JACKSON

COMMENTS: WE NEED HOUSING

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Steve Ware

Physical Address: 240 Redmond St

COMMENTS: We need more solutions to fix this housing crisis. No more Airbnb. No more Vrbo.

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Alan Farnsworth

Physical Address: 2001 Corner Crk ln
PO Box 9007-83002

COMMENTS: Jackson NEEDS this housing!

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

☑ It's the right time.
☑ It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Luis F. Gates

Physical Address: 355 W. Deloney Ave A-10.

COMMENTS: I support Housing

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

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☑ It's the right time.
☑ It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Jeff Everson

Physical Address: 1809 Josephine loop

COMMENTS: Please!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

☑ It's the right time.
☑ It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

MAR 18 2022

Name: Aspen Schupman

Physical Address: 3340 Black Baldy Dr.

COMMENTS: Don't Discriminate

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

☑ It's the right time.
☑ It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

MAR 18 2022

Name: Inez Brunson

Physical Address: 6725 Squaw Creek Rd. Jackson, WY 83001

COMMENTS: We are always struggling with housing

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Debashree Mozumder (Debbie) & Luke Green

Physical Address: 301 Hidden Hollow Dr
Jackson WY 83001

COMMENTS: We need a housing in Jackson Hole WY

Board of Teton County Commissioners
P.O. Box [redacted] 3594
Jackson, WY 83001

---

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

#7
NO STREET DELIVERY
BOX # REQUIRED

Name: Rachel Keller

Physical Address: 365 E. Broadway
Jackson, WY 83001

COMMENTS: this should have been done already!

Board of Teton County Commissioners
P.O. Box [redacted] 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

#7
NO STREET DELIVERY
BOX # REQUIRED

Name: Jay Flowgan

Physical Address: 20 N. Jackson St
Jackson, WY 83001

COMMENTS: Get it done.

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Amber Baesler

Physical Address: 540 E Hall Ave
Jackson, WY 83001

COMMENTS: Please have us!!!

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Zac Velarde

Physical Address:
1868 Josephine Loop
Jackson, Wy 83001

COMMENTS: It's needed

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Ethan Schupman

Physical Address:
3340 Black Baldy Dr.

COMMENTS:

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Tiffani Day

Physical Address: 575 S. Milward Jackson

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

**COMMENTS:**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: John Hoffinger

Physical Address: 385 E. Broadway

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

**COMMENTS:**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: MICHAEL BILGER

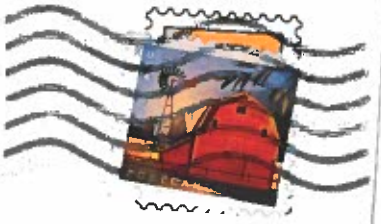
Physical Address: 295 RANCHER
JACKSON, WY 83001

COMMENTS: WE NEED MORE EMPLOYEE HOUSING

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L



Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Kim Van Slyke

Physical Address: 285 Moran St.
Jackson WY 83001

COMMENTS: Let's use this great space for community.

Board of Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Wade Woodhouse

Physical Address: 3475 Cheney Lane, Wilson, WY

COMMENTS:

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Andi Doman

Physical Address: 35 S. Glenwood St Jackson, WY

COMMENTS: DO IT!!!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Cheyenne Cowley

Physical Address: 2247 E. Horse Creek Rd
Jackson 83002

COMMENTS:

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Gisela Sirek

Physical Address:
1240 Hereford, Rafter J

COMMENTS: it is a good idea to use, for housing for employees.

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Cristina Calcai

Physical Address:

454 Willow Street, Jackson WY, 83001

COMMENTS: yes, for sure it's a good idea!

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

---

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Jamantha Diaz

Physical Address: 561 E Hall Ave

Jackson, Wy 83001

COMMENTS: Lets get this approved & DONE!

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Charles Schupman

Physical Address: 3340 Black Baldy Dr.

COMMENTS: Yes

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Sara Nolan

Physical Address: 750 Powderhorn
Jackson 83001

COMMENTS:

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

**LUBING, GREGORY & RECTANUS, LLC**
*Attorneys at Law*

James K. Lubing
*Admitted in WY, ID & MT*
Nathan D. Rectanus
*Admitted in WY*
Kevin P. Gregory
*Admitted in WY & MD*

Madison J. Worst
*Admitted in WY, ID & MT*

December 13, 2021

VIA First Class US Mail
Stage Stop, Inc.
PO BOX 1677
JACKSON, WY 83001-1677
c/o Hal Hutchinson
HH LAND STRATEGIES, LLC
P.O. Box 1902
Wilson, WY 83014

Re: Lot 333, Rafter J Ranch Subdivision;
PUD Amendment

My Client: Rafter J Ranch Homeowners Association

Dear Stage Stop Inc.,

Please be advised that this office represents the Rafter J Ranch Homeowners Association (the "HOA"). This letter is sent to advise Stage Stop, Inc. ("Stage Stop"), the owner of Lot 333, Rafter J Ranch Subdivision, of the HOA's position with respect to Stage Stop's ongoing efforts to amend the Rafter J Ranch Planned Unit Development ("PUD") approval applicable to Lot 333. Please direct future communications pertaining hereto to my attention.

As you are no doubt aware, Lot 333 is subject to the Declaration of Covenants, Conditions and Restrictions for the HOA and all amendments and supplements thereto (collectively, the "CCRs"). The CCRs are recorded against Lot 333 and serve to restrict the use of Lot 333 as set forth therein. Pursuant to the CCRs, Lot 333 is designated as a commercial area and should be used as such in accordance with the CCRs. To be sure, Lot 333 is not within the lots classified as "multiple dwelling" lots within the CCRs.

While Stage Stop has not provided a fulsome plan or proposal for Lot 333 to the HOA to date, it is our understanding that Stage Stop intends to seek a PUD Amendment from Teton County in order to convert Lot 333 into an apartment complex, presumably for subleasing to individual renters. Please be advised that, as the proposed use is in no way similar to the assisted living facility (and corresponding commercial use) previously

located on Lot 333, in order to accomplish this stated goal, Stage Stop will first need to obtain an amendment to the HOA's CCRs' designation of Lot 333 as "commercial" area, so that the multiple dwelling, residential use proposed will be allowed thereunder. This is in addition to any approvals or permissions required from Teton County.

The HOA has obvious and justifiable concerns relative to the community impacts presented by the conversion of Lot 333 from commercial use to large-scale multiple dwelling residential use. Given the longstanding use originally contemplated by the PUD and CCRs, which has continued without change to date, the proposed change in use must be put to vote of the HOA in accordance with the CCRs to ensure that the community is able to address its concerns and follow its required process. These concerns are in addition to any other comments or objections raised by other entities within the community, such as the Rafter J Improvement and Service District.

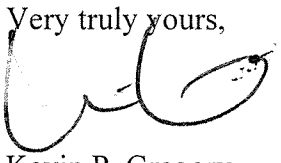
The HOA must be involved and consulted in Stage Stop's efforts to convert Lot 333's historic and recorded use restriction and should be involved and apprised as such effort proceed. According to the 1978 Land Use and Development Regulations:

- C-L, Convenience Commercial District is intended to meet the day-to-day needs of local residents
- With respect to amending plats, the *County LDR On Subdivision Plat Amendments, Section 8.2.13.C.5* states that "*an instrument shall be filed with the County Clerk stating that the partial vacation does not abridge or destroy any rights or privileges of other proprietors in the plat.*" (Wyoming Statute 34-12-108 Title 34, Chapter 12 states the same.)
- The filed instrument section also states that the instrument shall include, "*acknowledgement by all parties affected by the vacation.*"

Surely the HOA and its 498 other lot owners are within the class of "all parties affected by the vacation." As stated above, the proposed change in use, as we understand Stage Stop proposes, will require an amendment to the HOA's CCRs.

Thank you for your time and prompt attention to these matters. I am available to speak should you have any questions. In the event that you have counsel retained for these matters, please do not contact me directly but please refer this communication to such counsel for review and response.

Very truly yours,



Kevin P. Gregory

CC: Teton County Board of County Commissioners
Teton County Planning Department
Office of the Teton County Attorney
All above c/o Keith Gingery, Chief Deputy County Attorney
kgingery@tetoncountywy.gov

350 E. Broadway, P.O. Box 3894, Jackson, WY 83001. T. 307. 733.7242, F. 307.733.7471
46 Iron Horse Drive, Suite D, Alpine, WY 83128. T. 307-654-0756 F. 307-733-7471

**LUBING, GREGORY & RECTANUS, LLC**
*Attorneys at Law*

James K. Lubing
*Admitted in WY, ID & MT*
Nathan D. Rectanus
*Admitted in WY*
Kevin P. Gregory
*Admitted in WY & MD*

Madison J. Worst
*Admitted in WY, ID & MT*

March 2, 2022

VIA Email Only
Stage Stop, Inc.
c/o Jill Arnold
Fodor Law Office, PC
jill@fodorlaw.com

Re: Lot 333, Rafter J Ranch Subdivision;
PUD Amendment / CUP Request

My Client: Rafter J Ranch Homeowners Association

Dear Jill,

As you know, I represent the Rafter J Ranch Homeowners Association (the "HOA"). This letter is sent in follow-up to our previous written communications concerning your client, Stage Stop, Inc.'s ("Stage Stop"), ongoing efforts to amend the Rafter J Ranch Planned Unit Development ("PUD") approval applicable to Lot 333 and to obtain a conditional use permit ("CUP") to permit Stage Stop to convert the Legacy Lodge, located on Lot 333, into residential apartments and in order to rent the same as "workforce housing."

As you know, Lot 333 is subject to the Declaration of Covenants, Conditions and Restrictions for the HOA and all amendments and supplements thereto (collectively, the "CCRs"). The CCRs are recorded against Lot 333 and serve, in part, to restrict the use of Lot 333 as set forth therein. **Pursuant to the CCRs (Art. IX, Sec. 1), Lot 333 is designated as a commercial area and should be used as such in accordance with the CCRs. As the HOA has repeatedly informed Stage Stop, Lot 333 is not within the lots classified as "multiple dwelling" lots within the CCRs and multi-unit residential use is squarely not a permitted use of Lot 333 under the CCRs.**

It is apparent to the HOA that Stage Stop has taken significant steps and efforts towards the PUD Amendment and CUP application with Teton County, but to date has failed to recognize its obligations and restrictions under the CCRs. While you referenced the HOA's private covenants in your remarks during the February 28, 2022 Planning Commission meeting, it was concerning for my client that you appeared to stop well

short of recognizing or acknowledging the CCRs' prohibition against residential use on Lot 333 and you made no commitment to secure an amendment to the CCRs before implementing Stage Stop's planned use. You stated that approval from the County was essential to implementing your client's plan, with the implication (arising from the complete lack of any effort by Stage Stop to pursue a CCR amendment) being that a CCR amendment is somehow less essential. Additionally, it was noteworthy that, in his remarks, Mr. Darwiche said that the use of the Legacy Lodge as residential apartments could "begin tomorrow with a 'yes' vote from the Commission tonight," again suggesting that Stage Stop does not perceive the securing of an amendment to the CCRs to be necessary to its plan. As you may expect, given the import of the private covenants encumbering Lot 333, and my client's duty to enforce the same, these facts are troubling.

To be clear on the issue, the approval of Stage Stop's PUD Amendment or CUP application will not relieve it of its obligation to comply with the plain language of the CCRs, and Teton County's CUP approval cannot and will not abrogate any obligation attributable to Stage Stop under the CCRs, including the obligation to implement only uses approved for Lot 333 therein. Pursuant to the Teton County Land Development Regulations at Section 1.6.6. "Conflicts with Private Agreements," "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." It is well settled under Wyoming law that zoning ordinances or local government decisions cannot annul, abrogate or relieve property owners from private covenants. *See Fox v. Miner*, 467 P.2d 595, 597 (Wyo. 1970). While Teton County is not legally required to consider the CCRs' prohibition against the use Stage Stop proposes, please understand that the HOA will strictly enforce the CCRs and will not permit violation thereof, including any violation that Stage Stop's apparent plan portends.

Given the foregoing, the HOA hereby requests that Stage Stop confirm its commitment to complying with the CCRs and that it will not engage in any use of Lot 333 that is violative of the CCRs. If Stage Stop intends to implement residential use of the Legacy Lodge, or otherwise provide residential housing on Lot 333, it needs to confirm its intention to seek proper amendment of the CCRs, in accordance with Article XII, Section 3 thereof, prior to initiating such use. If Stage Stop intends to ignore this obligation, the HOA will be forced to avail itself of the remedies set forth in the CCRs at Article XII, Sections 1 and 5, along with any other causes of action or remedies available to it under Wyoming law. Please understand that it is not the HOA's desire to escalate this matter. Stage Stop's simple compliance with the private covenants that encumbered Lot 333, and which were known to Stage Stop when Stage Stop purchased the property, will obviate the need for escalation.

As Stage Stop's response to this request is clearly pertinent to the matters pending before the Teton County Planning Commission, we ask that Stage Stop respond in advance of the March 14, 2022 Planning Commission meeting. Stage Stop's failure to respond will be indication that it intends to ignore the import of the CCRs' restrictions upon Lot 333.

Thank you for your time and attention to these matters. I am available to speak should you wish to discuss further.

Very truly yours,

Kevin P. Gregory

CC: Teton County Board of County Commissioners
Teton County Planning Commission
Teton County Planning Department
Office of the Teton County Attorney
All above c/o Keith Gingery, Chief Deputy County Attorney
kgingery@tetoncountywy.gov

350 E. Broadway, P.O. Box 3894, Jackson, WY 83001. T. 307. 733.7242, F. 307.733.7471
46 Iron Horse Drive, Suite D, Alpine, WY 83128. T. 307-654-0756 F. 307-733-7471

SALT LAKE CITY UT 840
29 MAR 2022 PM 2 L

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Jolene Schwab

Physical Address: 4100 S Taylor Creek Rd Wilson WY 83014

COMMENTS: Yes!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

SALT LAKE CITY UT 840
29 MAR 2022 PM 2 L

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Samantha Eddy

Physical Address: 5435 Fallen Pine Drive Wilson WY

COMMENTS: YES!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
29 MAR 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Maia Albers

Physical Address:

PO Box 3724 83001
Jackson, WY

COMMENTS: ✓

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
29 MAR 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Angela Brooks

Physical Address: 305

Alpine View Lane, Jackson WY 83001

COMMENTS: We agree!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
29 MAR 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Gracie-Mae Brooks

Physical Address: 3215 Alpine View Lane

COMMENTS: I strongly agree [redacted]

Board of Teton County Commissioners 3594
P.O. Box ~~1797~~
Jackson, WY 83001

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
SALT LAKE CITY UT 840
29 MAR 2022 PM 1 L
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Ian Schneider

Physical Address: 7552 Mountain Laurel Drive Apt E1 Victor ID 83455

COMMENTS: I am forced to commute [redacted]

TO:
Board of Teton County Commissioners 3594
P.O. Box ~~1797~~
Jackson, WY 83001

3455-464451

It's the right time.
It's the right place.

SALT LAKE CITY UT 840

29 MAR 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: Neveah Carr

Physical Address:
3576 Alta North
Alta, WY. 83414

COMMENTS:

[redacted]

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840

29 MAR 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

**I SUPPORT THIS PROJECT!**

Name: HEIDI OSTE

Physical Address:

3355 S. FALL CREEK RD
WILSON, WY
83014

COMMENTS:

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
29 MAR 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Alyssa Kovacs

Physical Address: PO Box 11598

Jackson, WY 83002

COMMENTS:

**Board of Teton County Commissioners** 3594
**P.O. Box** ~~1727~~
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
29 MAR 2022 PM 2 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

Name: Jenna Martin

Physical Address: 207 Abby Lane

Victor, ID 83455

COMMENTS: yay housing!

**Board of Teton County Commissioners** 3594
**P.O. Box** ~~1727~~
**Jackson, WY 83001**

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

SALT LAKE CITY UT 840
29 MAR 2022 PM 2 L

**I SUPPORT THIS PROJECT!**

Name: Cecilia Ray

Physical Address:
PO Box 14703
Jackson WY 83002

COMMENTS: Full support!

**Board of Teton County Commissioners** 3594
**P.O. Box** ~~3594~~
**Jackson, WY 83001**

SALT LAKE CITY UT 840
26 MAR 2022 PM 1 L

- It's the right time.
- It's the right place.

**Yes** to community, **Yes** to Legacy Lodge for community housing.

MAR 29 2022

**I SUPPORT THIS PROJECT!**

Name: Chelsea Roberts

Physical Address: 575 S. Millward unit #4 Jackson WY 83001

COMMENTS:

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

8001-351414

SALT LAKE CITY UT 840
26 MAR 2022 PM 1 L

- It's the right time.
- It's the right place.

**Yes** to community, **Yes** to Legacy Lodge for community housing.

MAR 29 2022

**I SUPPORT THIS PROJECT!**

Name: Cristina Calcai

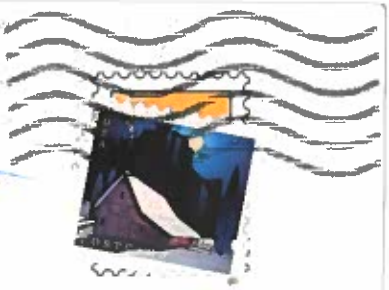
Physical Address: 140 W Broadway, Jackson, Wy, 83001

COMMENTS: we need more housing options in this town

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

8001-351414

SALT LAKE CITY UT 840
26 MAR 2022 PM 1 L



It's the right time.
It's the right place.

**Yes** to community, **Yes** to Legacy Lodge for community housing.

MAR 29 2022

I SUPPORT THIS PROJECT!

Name: Natalia V. G

Physical Address: 1250 E. P.V. Lane

985 P.O. Box

COMMENTS: We need it!

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

83001-359494

It's the right time.
It's the right place.

**Yes** to community, **Yes** to Legacy Lodge for community housing.

MAR 29 2022

I SUPPORT THIS PROJECT!

Name: Jessica Duong

Physical Address:

5000 North Spring Gulch Rd.

COMMENTS: I think this is a great ideal we need this!

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L
MAR 18 2022
BY:

Name: Ana Claudia S. Tomanaga

Physical Address: 1250 Stellaria Ln, Jackson

COMMENTS:

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

Yes to community, Yes to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L
MAR 18 2022
BY:

Name: Christina Butler

Physical Address: 2340 Grand Teton Cir Jackson, WY 83001

COMMENTS:

**Board of Teton County Commissioners**
**P.O. Box 3594**
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

MAR 18 2022

Name: Aspen Schupman

Physical Address: 3340 Black Baldy Dr.

COMMENTS: Don't Discriminate

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

It's the right time.
It's the right place.

SALT LAKE CITY UT 840
16 MAR 2022 PM 3 L

**Yes** to community, **Yes** to Legacy Lodge for community housing.

I SUPPORT THIS PROJECT!

MAR 18 2022

Name: Inez Brunson

Physical Address: 6725 Squaw Creek Rd. Jackson, WY 83001

COMMENTS: We are always struggling with housing

**Board of Teton County Commissioners**
**P.O. Box** 3594
**Jackson, WY 83001**

February 6, 2022

To: Chandler Windom, Senior Planner and Teton County Planning Commission.

From: Chuck and Smokey Rhea

RE: Stage Stop, Lot 333 Rafter J Subdivision, Application for Conditional Use Permit.

Dear Chandler and Commission,

We urge you to reject this proposal and application. Apartments use of this Building and lot was not intended or ever approved. The Master Plan and Plat and Covenants are as applicable today as they were in the past. They restrict each and every property owner in Rafter J to specific uses of property.

We have resided in the Rafter J Subdivision for over 30 years and have come to appreciate the neighborhood for the quality of life and corresponding value. Prior to our lot purchase and the building of our home we inquired carefully of the Rafter J Master Plan and Plat and Covenants to ensure the community had a viable and workable plan. That has proved itself out over time. It works because the promises of the Developer as reflected in the original Master Plan and Plat and Covenants have been upheld. The promises of County Government to the same have been upheld. The promises of each and every property owner to use the lots as designated have been upheld.

This application represents one property owner asking County Planners and Commissioners to let go of that promise, made long ago to the residents of Rafter J, and allow a use not entertained by the Developers, County or individual property owners.

This writer knows from years of experience with Homeowners Association matters and Homeowners Association Board matters, that upholding the integrity of the Master Plan and Plat and Covenants requires diligence. This community is self governing in these matters and we ask for the recognition of this in considering the Stage Stop application. Homeowners cannot convert their homes to businesses and this property owner should not have the ability to convert their business property to homes in the form of apartments. It is contrary to the Rafter J Plan.

Untold hours of volunteer work on Boards and Committees in the neighborhood assure the integrity of the Rules and Regulation of the community, and this is an example of that. We have a valuable community because of this work. An allowance to allow deviation in property use would harm property values and devalue the hard work that has been done for over forty years.

Once again, we ask you to uphold the integrity of our self governing subdivision. Please deny this request for a conditional use of the property in question.

Sincerely,

Chuck Rhea Smokey Rhea

Lot 282, 3230 Doubletree Drive
Rafter J Subdivision
Jackson, Wyoming.

12-20-21

Dear Planning + Building Dept. Mr. Chandler Windom:

I am opposed to the amendment to the amendment to the Rafter J planned Unit Development persuant to Section 8.7.3 of the LDRs and also for a Conditional Use Permit to allow Workforce Apartments to persuant to Section 8.4.2 of the LDRs.

Rafter J is and has been a family and home owner development - subdivision.

This new development will give RSE to a transiant population. Drugs will be a problem with a young and transian ts. I define transiant population persons that have not lived and have no intention of living in Jackson more than 5 years.

Drugs are a problem in Jackson and have been a problem in Jackson for the last 45 years, I have lived here.

I have seen drug deals go down outside of our food stores, outside of our pharmacies and in the Wilson Cemetary.

Rafter J is a stable, hard working community of homeowners. The community is crime & drug free. The development was founded on these principles. It should remain as such a population. If this new proposal goes through, it would be a slap in the face to every home owner in Rafter J. I hope Rafter J as it is will remain as its founders intended it to

be, that is why I put my dental office at 2952 Big Trail Drive – Rafter J.

I OPPOSE THIS NEW Development!

Sincerely,

Alice Eve Richter, D.D.S.

ALICE EVE RICHTER, D.D.S.

-----Original Message-----
From: mary beth riemondy <mbriemondy@yahoo.com>
Sent: Friday, January 7, 2022 12:21 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>
Cc: Kent Riemondy <kriemondy@gmail.com>
Subject: Fwd: Rafter J and Stage Stop

>
>

> As a homeowner in Rafter J subdivision, we would like to voice our opinion to stop the process to change the CC&R's for the this project.
>
> We disagree based on the following concerns:
> 1. Are these units really going to be affordable housing?
>
> 2. Do they all have complete kitchens or will they need to use big commercial, communal kitchen. Otherwise will renters use hot plate, fire hazard.
>
> 3. Provide enough parking spaces for number of rental units.

> 4. This proposal does not allow the voice and vote of Rafter J homeowners for different development of the space.
>
> 5. Too much traffic exiting on to the highway, and safety of traffic during peaks hours.
>
> 6. Wildlife effected by increase traffic.
>
> 7. This is quiet neighborhood that does not need increase density to satisfy a developers need for increased profits, poised as "affordable housing project".
>
> Kent Riemondy
> Mary Beth Riemondy
3295 W King Eider Rd
Rafter J
Jackson WY 83001
307-413-4768

>

**From:** Elisabeth Rohrbach <rohrbach.elisabeth@gmail.com>
**Sent:** Monday, February 28, 2022 10:07 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Support Legacy Lodge Change of Use Permit

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Planning Commission,

Thank you for your hard work and dedication to our amazing community. I am writing to express hope that you recommend the change of use for Legacy Lodge to be used for apartment buildings for Workforce deed restrictions.

It is inarguable that we have a shortage of workforce (let alone affordable) housing and that there is not an easy solution to this challenge. As an employee at the Jackson Hole Chamber of Commerce, I see how detrimental these housing challenges are for our businesses.

We need to take advantage of every opportunity to chip away at this shortage...even if it means displeasing some people. We are at a point where compromise and even some sacrifice is necessary.

Thank you for your consideration, Elisabeth

Elisabeth Rohrbach
Jackson resident since 2010

To: the Teton County Planning Commission

My comments on the Legacy Lodge housing project in Rafter J.

1) My home backs up to Legacy Lodge so I have much more at stake than most other residents in Rafter J. (lot 22 – 1265 W Bull Rake Dr.)
2) I have concerns about the potential for a "noisy" atmosphere that would affect my home and ~3 others that are proximate to Legacy Lodge.
3) Having said that, I think that ALL workers in Jackson are part of our fabric. They are part of our town. And, I don't think we realize just how often these workers impact our lives or how much of a demand Rafter J itself puts on this workforce.

For instance . . . We all enjoy the restaurants around town. I sure do. When our friends or relatives visit, we take them out. We either take them out or tell them about all the other fun things around JH. . . . chuckwagons, horseback riding, rafting, music, night life, or maybe we just go to the Bird for a beer. Our museums, library, recycling center are all operating on reduced hours because of staffing shortages. Rafter J puts a demand on these services!

Even businesses that tourists may never use suffer from the labor shortage. Have you had your car worked on or bought a set of tires? Do you fill your car up with gas? We all can't wait until the new TARGET opens. Does anyone in Rafter J work out at a gym?

Our very own St. John's hospital is losing employees left and right. . . because they can't get housing! Fully qualified medical professionals WANT to work here, but they cannot find a place to LIVE. I think all the housing in JH is inextricably linked – freeing up housing in town with Legacy Lodge would help here.

How many of us in Rafter J hired a building contractor for a home remodel or repair? How many of us called them to fix a leak or get a new roof? How about a landscaper? A plumber? An electrician? More demand.

Those of us who have gone out for a meal or two or hired contractors to work in our homes recognize how much we benefit from these folks.

While I have reservations, I feel this is an opportunity for Rafter J. This is an opportunity to <u>help</u> our community. This is an opportunity to pay it forward.

We can argue this will "disrupt a quiet little community" . . . I think it will be minimal and, I, for one, am willing to live with any inconvenience because . . . **these people work as hard as we do to make Jackson the town we love**. **These people work as hard as we do to make Jackson the town we love**. They are PART of our town, providing a service for you and I.

We, the residents of Rafter J should be part of the solution and not part of the problem.

Sincerely,
Brent Schaffer

**From:** Shannon Schiner <Shannon.Schiner@jacksonhole.com>
**Sent:** Wednesday, March 16, 2022 11:36 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Shannon Schiner
PO Box 7954
Jackson, WY 83002
Shannon.schiner@jacksonhole.com

Teton County Commissioners
PO Box 3594
Jackson, WY 83001
commissioners@tetoncountywy.gov
RE: Legacy Lodge

Dear County Commissioners,

I am writing to you in order to voice my support for Legacy Lodge to be zoned for workforce housing. If the request by Stagestop Inc. is approved, and we fill the now vacant apartments with the local workforce – the quality of life in our community would improve.
Housing continues to be a complex issue for Teton County, and it is my hope that we can pave the way for both the public and private sectors to find reasonable and reliable solutions.
Sincerely,
□□□□□□□□□□ □ □

Shannon Schiner

Chandler Windom
Senior Planner
Teton County Planning Department P.O. Box 1727
Jackson, WY 83001

January 24, 2022

Dear Ms. Windom,

Our letter concerns the application submitted by Stage Stop, Inc., owner of Lot 333, Rafter J Ranch, located at 3000 Big Trail Drive, requesting 1) an amendment to the Rafter J Planned Unit Development (Section 8.7.3 of the LDRs) to "allow a residential use on the subject parcel," and 2) a Conditional Use Permit seeking to "govern the intensity and operational characteristics of the proposed residential use." In other words, develop apartments at the former Legacy Lodge.

When we attended the neighborhood meeting at Lot 333 in July, the new owners message was one of wanting to be good neighbors and fitting into our culture. As you may know, the general atmosphere was not positive for the proposed changes. At the meeting, the Stage Stop representative said he would set up a website for all those who signed in with their email addresses; this was to be an effort to be transparent as the process moved forward. That never happened. In fact, instead of working with our HOA, it seems they worked around us and went directly to the Teton County Planning Commissioners with requests for amendments. This is not being a good neighbor nor being transparent.

We bought our house in 1991 and rented it to workforce folks until we moved in permanently in 2000. Over these twenty plus years, we have enjoyed this community for its open space, friendly people, and diversity. We are retired educators and were pleased to learn that Rafter J was carefully designed for the working class—thus, making it affordable for people like us. We already are a workforce housing area with teachers, nurses, doctors, sheriffs, fire personnel, and many other kinds of workers. We are grateful that Rafter J is such a place for families.

When Legacy Lodge was here, we were pleased to see residents out walking their dogs and, in some summers, being biked through the neighborhood by volunteers. It was a win-win situation. Now there is no place for such residents. Long time valley residents are looking elsewhere for future care because “there’s no place here to go.” Perhaps there is a greater need for assisted living in this aging community. Our wish is that something like Legacy Lodge returned.

However, that is not the issue now. These are some of the issues that concern us:

- We wonder why Stage Stop, Inc. went forward with their supplication without addressing the need for a two-third Rafter J homeowner vote to make these changes.
- We wonder why there are some people living in the building who are supposed caretakers and if the applicant has a certificate of occupancy.

- We wonder how the development will provide 57 units of workforce housing with only 36 existing parking spaces. Even if only one person lived per unit, there is not enough space for the potential number of cars. And it is unrealistic to think less than 100 people could live there. Expanding the parking lot would only compound the problems of so many vehicles coming and going from the area. Concerns about safety, traffic jams, rush hours, entering and existing the development, and overflow parking arise. The potential congestion is alarming.
- We wonder about the potential impact to public services and facilities including transportation, potable water, wastewater facilities, parks, police, fire and EMS access.
- We wonder about the impact on wildlife. We care deeply about the wildlife in Jackson Hole and are grateful for observations of moose, deer, fox, coyotes, and occasional appearances of bear and mountain lion in Rafter J. Our HOA is currently studying ways to protect wildlife while sustaining workable pathways in our area. We know that more people walking, driving, biking will affect the movements of animals. An additional 100+ people will definitely affect the environment needed for the wildlife.

Having lived here for decades, we are acutely aware of the lack of workers for restaurants, businesses, etc. and the need for affordable housing. However, we strongly believe that Lot 333 is not the place for the proposed usage.

We expect the County to respect the Rafter J CCRs which outline the required process for amendment and not proceed until the homeowners have the opportunity to vote. Therefore, we respectfully and unequivocally ask that you **deny** Stage Stop, Inc.'s request for an amendment to the Rafter J Planned Unit Development **and** their request for a conditional use permit that will allow apartments on Lot 333.

Thank you for your thoughtful consideration of this request,

Carol and Chuck (Charles) Schneebeck
Ratfer J Homeowners since 1991

CC:
Teton County Planning Commissioners
Teton County Board of County Commissioners

**From:** Mark Schultheis <mago8631@hotmail.com>
**Sent:** Sunday, February 20, 2022 10:39 AM
**To:** Chandler Windom
**Cc:** Audra Schultheis
**Subject:** LOT 333 (Legacy Lodge) COUNTY PLANNING COMMISSION MEETING

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

2/20/22

Dear Teton County Planning Department, Planning Commission, and Board of County Commissioners,

This letter is in reference to Stage Stop Inc wanting to change Lot 333 from commercial use to large scale multiple dwelling residential use via a PUD amendment. Our household is against this PUD amendment.

We have many concerns with the potential change:
1. The fact that Stage Stop is not going through the HOA first is rather alarming to us as we feel they are circumventing the process of obtaining the correct approvals. The Rafter J HOA must be involved in this process.
2. The change up from an assisted living center to an apartment complex is a big one for our neighborhood community. We do not have the capacity to handle a significant increase in population that is being proposed. This includes traffic, parking, policing the short term rental and the issues that it brings, the demands upon our infrastructure, and use of Rafter J property.
3. While our community as a whole needs more housing for local workers, it is not the burden of Rafter J to provide more. The Rafter J community is workforce housing, it has been and will continue to be that role.
4. The proposed plan in no way ‘fits" with the Rafter J community. We are community of multi generational families. Raising our children in a neighborhood and enjoying the benefits of a peaceful community.

We cannot speak for all Rafter J residents, but Legacy Lodge was a great part of our Rafter J community. The residents were out on the bike paths and included in many Rafter J events. The change up to a large apartment complex would not add to our community but only detract from it. Personally, we see the need for assisted living opportunities as important as workforce housing.

There are other reasons to be against this change in the PUD and we are sure other Rafter J homeowners have expressed those concerns. The HOA is against this, and as far as we know most all homeowners as well.

Thank you for your time and consideration in this very important matter to our neighborhood.

Sincerely,

Mark and Audra Schultheis,
Lot 46 Walden Pond of Rafter J

## Chandler Windom

**From:** rmacleod@wyoming.com
**Sent:** Monday, February 7, 2022 11:24 AM
**To:** Chandler Windom
**Subject:** former Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

As a 17 year homeowner in Rafter J and 24 year RN at St. Johns, I am very aware of the housing crisis that worsens every year. Perhaps the former Legacy Lodge could play a role in providing housing, but I believe that that decision lies with the Homeowner's Association of Rafter J and the votes of the homeowners. I hope that you will support the homeowner's right to determine any changes to the rules, of which the new owners of the property were fully aware upon purchase. Thank you, Mary Sharood

## Chandler Windom

**From:** Paul Sheridan <prs1959@hotmail.com>
**Sent:** Monday, February 7, 2022 8:43 AM
**To:** Chandler Windom
**Subject:** Lot 333, Legacy Lodge - Rafter J

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Mr. Windom - We are writing to express our disapproval of the planned conversion of the Legacy Lodge property to apartments by Stage Stop, LLC. As over 20 year residents of Rafter J, we believe that this conversion, if approved, will have more negative impacts than positive. The impacts to Rafter J's infrastructure, unsolved parking problems, and increased traffic in the subdivision and onto Hwy 89 are the major problems associated with this project. In addition, the developers are trying to bypass the subdivision approval process by going directly to the County for approvals without considering the impact to Rafter J's residents. We recognize the need for affordable housing in the community, but this is not a project that meets that description. There are many other affordable housing projects in the works that address that need. Please recognize our voice as one of Rafter J's residents that strongly object to this proposed development.

Regards,
Paul & Koreen Sheridan

**From:** John or Joan Shipman <jjshipmanwy@gmail.com>
**Sent:** Wednesday, March 2, 2022 11:20 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Fwd: Change in zoning of Rafter J Ranch Lot 333

Please forward the attached letter to the Teton County Commissioners and the Planning Commissioners. Thanks!

---------- Forwarded message ---------
From: **John or Joan Shipman** <jjshipmanwy@gmail.com>
Date: Wed, Mar 2, 2022 at 11:05 AM
Subject: Change in zoning of Rafter J Ranch Lot 333
To: <commissioners@tetoncountywy.gov>, <planning@tetoncounty.gov>

Dear Teton County Commissioners and Planners,

I (we) respectfully ask you to reject the proposal that seeks a zoning change and a change of use within our subdivision.

I purchased and moved to a twinhome in Rafter J the year they were built (1983). I have been a resident of Teton County since moving to Jackson in 1966.

I understand that the definition of the zoning for Lot 333, is Local Convenience Commercial..".*Nonresidential* use that serves the year-round residents of the area in which it is located..." , and the definition of

"nonresidential use" in the Comp Plan includes "Institutional", which is what the The Assisted Living Centers were. I do not understand how dormitories or apartments for downtown commercial businesses can be of service to us residents. If you allow this to become residential, you effectively take value that has been there for more than forty years from our community and give it to the downtown businesses. When this building was vacated, my hope was that St. John's Hospital would purchase the building as a backup for their Sage Living needs which would have benefited all of Teton County and neighboring counties.

By adding over 100 more residents to our neighborhood, it will have a large impact on the use of our pathways, open space and playgrounds. Renters with pets are never as conscientious as homeowners when it comes to picking up after their pets and our pathways and streams would definitely be compromised. The traffic is also a great concern, as residents trying to turn left on Hwy 89, will encounter a lot more vehicles lined up behind them, causing them to become nervous and they will take chances which could result in horrible traffic accidents. I am especially concerned about the parents dropping off their children at the daycare, in a hurry to get to their jobs, or back out on the highway, with their little ones in their vehicles.

I (we) urge you to reject the proposal and uphold the integrity of our County's core neighborhoods and respect the right of Rafter J citizens to uphold their CC&R's in the face of inappropriate development pressures.

Regards,
Joan (John) Shipman
3445 Winding Trail Drive
Jackson, WY 83001

**From:** Arthur Sills <arthur.sills@gmail.com>
**Sent:** Friday, January 7, 2022 11:55 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Lot 333 Stage Stop LLC

Dear Commissioners,

As a long time Rafter J resident, I have attended three of the open house meetings hosted by the Darwiche family.

Listening to their presentations, I have concerns that I want to share with you.

1. When asked directly how many of their Hotel Jackson and other business employees will be tenants in the building, the answer was not direct and meandered into how they have 55 other apartments in town. Never did they give a number. One would have to assume that the number of their employees expected to live in the building is significant. That is why they bought the building. I believe Stage Stop won't reveal the number because it would contradict their messaging of "its workforce house that the community needs". In reality, it is Stage Stop LLC housing with no widespread community benefit.
2. During the July meeting, Sadek Darwiche committed to a traffic study. As we all know, the exit from Rafter J to the north is dangerous. At the December open house, there was a man introduced as doing a traffic study but he offered no data. That man did not attend the meeting this week. It appears that no traffic study was done. It is an indication that the applicant doesn't do what they say.
3. Lastly, the current county zoning is local convenience commercial and no one should be living in the building other than a caretaker. However, there are at least 5-10 people living in the building. Jim Darwiche confirmed this on Wednesday and that they pay $500 a month in rent. An indication that any rules imposed won't be followed.

Because of these and too many safety, infrastructure, CC&R's and property value issues to get into, I ask that you decline both applications before you.
Art Sills
Rafter J

Will and Janice Smith
3070 S. Stirrup Drive
Jackson, WY 83001

January 6, 2022

Chandler Windom, Senior Planner
Planning and Building
PO Box 1727
Jackson, WY 83001

RE: PUD2021-0001/The Future of Legacy Lodge, Rafter J PUD Amendment and CUP2021-0005/Conditional Use Permit for Workforce Apartments

Dear Ms. Windom,

Thank you for the opportunity to submit comments regarding the PUD and CUP applications referenced above.

We have been aware of Stage Stop, Inc.'s (Applicant) desire to amend the Rafter J Planned Unit Development, Section 8.7.3 of the LDR's, and for a Conditional Use Permit to allow workforce housing apartments, Section 8.4.2 of the LDR's, since July 2021, and have followed the county application process currently underway and attended the neighborhood meetings. It's understood that the process is two-pronged. Not only does the Applicant need to gain approval from the County on such measures, <u>it also is required to gain approval from the Rafter J HOA and its 498 voting members to amend the HOA's CCRs.</u>

While the intent of the application appears to be for a noble cause, therein still lies considerable concerns regarding the impact that the proposed use of Lot 333 will have on the existing Rafter J community that have not been addressed to date:

1. The Rafter J HOA recently conducted a study of the trails system within the Open Space of the subdivision. According to the study, this area is a "present wildlife corridor" and "its wild, untamed nature and proximity to wildlife is what makes it such a treasured place to residents" (*2021 Rafter J Open Space and Trails, Summary of Findings, Cairn Landscape Architects, Page 12*)

   In Section 2.2 – Response to PUD Amendment Review Standards of the application, Requirement #1 states that the PUD/CUP is to "Improve the implementation of the desired future character of the area identified in the Jackson/Teton County Comprehensive Plan." The Applicant response states that the proposed use "has no impact on wildlife connectivity and permeability".

   While Lot 333 itself might remain unchanged, its residents are bound to roam. When approximately 114 or more new residents utilize Rafter J amenities (i.e. trails, bike paths, Open Space, Flat Creek), it is guaranteed to impact the present wildlife corridor and use of the Open Space that exists within the subdivision. The study recently conducted did not account for a potential influx of over 114 additional users on the pathways and trails within the subdivision. The Environmental Analysis on the Applicant's application was waived, yet there will be environmental impacts on the existing subdivision's natural resources, wildlife, and amenities, <u>*which directly contradicts Requirement #1 of any amendment to the Rafter J PUD LDR's considered.*</u>

2. The Applicant references an informal poll that was conducted at the initial neighborhood meeting. Of the 498 voting members that were invited to the meeting, roughly 36% (~180 members – IF all were voting members) attended and only 47 Applicant-administered questionnaires were tabulated (.09% of potential voting members). It was reported that responses were "yes" that 22 of those surveyed supported workforce housing on Lot 333. Another 13 responses indicated "maybe, need more information", 10 responses replied "no", and 2 questionnaires left the question blank.

   This data set is insignificant, unofficial, irresponsible to reference, and cannot be relied upon to represent the opinions of the entire subdivision for obvious reasons. Foremost, only an official ballot and vote conducted by the Rafter J HOA should be cited in any official documents regarding consideration of the proposed amendments in any shape or form. *The Applicant has yet to approach the Rafter J HOA to formally request that an amendment to the CCR's be brought before the voting members for consideration.*

3. Traffic on Rafter J Improvement and Service District Roads will increase by potentially 44 additional vehicles multiple times per day. It was mentioned at the January 5th, 6:00 pm neighborhood meeting that the Applicant will attempt to designate 44 parking spaces in the existing parking lot, which currently has fewer than 44 parking spaces. While it's understood that there is potential for more spaces and the Applicant is not pursuing that, 44 more vehicles using subdivision infrastructure will have an impact at an already precarious intersection onto Highway 89. It's been mentioned by the Applicant that a traffic study is being conducted to determine the impact, but the results are apparently not yet complete and/or available.

   Referencing Section 2.2, Response to Requirement #4, the Applicant states that "impacts to public facilities, services, including transportation..." "will not have an adverse impact to these public services and facilities" and in their opinion believes that the additional housing will actually help alleviate stressors on such facilities and services. *This statement is premature, when the Applicant has purportedly chosen to conduct a traffic study (not yet completed or released) to obtain more data around this specific subject.*

4. While not all concerns can be based on citations, studies, or cross-referenced, they remain pertinent and important to consider when reviewing the Applicant's requests.
   *a.* It is perplexing that the Applicant did not make their first step in the amendment process as requesting an amendment to the Rafter J HOA CCR's. Afterall, the residents of this 40+ year old subdivision will be the Applicant's neighbors. And, the Applicant is asking to use subdivision infrastructure and amenities in a different manner than the previous owners. *This lack of connection, respect, collaboration, and outreach to the governing bodies and voting members of the subdivision that it is part of, and what appears to be a circumvention of half of the PUD/CUP amendment process does not present well or show good faith on behalf of the Applicant.*
   *b.* *Therefore, it is suspect that the Applicant is planning to completely dismiss the CCR amendment process altogether, as anytime it is pointedly mentioned by attendees in a neighborhood meeting, a direct answer is not provided and the subject is skirted.*
   c. The Rafter J attorney submitted a letter to the Applicant with pertinent CC's on December 13, 2021, citing the proper process to reference and follow for a request to amend a subdivision CCR and an invitation to involve and consult with the HOA and HOA attorney throughout the process. *As of the January 5th, 6:00 pm meeting, the Applicant had yet to acknowledge the letter.*

d. At this point, actions, or lack thereof, are speaking louder than words.

Rafter J is an incredibly special, highly desirable subdivision which was created with a specific vision in mind in 1978, following specific regulations under the Rafter J PUD which was established under the 1978 Teton County Land Development Regulations. Its design, sense of community, quiet respite from the bustle of Town, access to Open Space and recreation, and the abidance of the existing CCR's and original subdivision documents with careful management at the helm of the ISD and HOA is what has curated the enduring success of the community for 40+ years. It is in the best interest of the subdivision community and the county-wide community to preserve the integrity and original vision of the subdivision to maintain its success for generations to come.

Thus, it is imperative to take utmost care in reviewing the request to amend county regulations and subdivision covenants. *Addressing the concerns of all parties affected and properly following the amendment procedure at all levels is paramount. Both steps of the amendment process ensure that all voices are heard, and all impacts are considered and revisited, if necessary, before approval or dismissal of the application.*

1. *Therefore, we are requesting that the County attach a condition to the application requiring the Applicant to follow the proper amendment procedure outlined by engaging with the subdivision governing bodies and members and ask for a vote on an amendment to the Rafter J HOA CCR's. Pending the outcome of the vote, the application can then continue to be considered at the County level.*
2. *Additionally, we are requesting the County objectively assess the aforementioned concerns and require more information about impacts to the Rafter J subdivision before making a decision on the application.*

Again, thank you for your time and sincere consideration of the concerns outlined above.

Sincerely,

Janice and Will Smith
Jksmith96@me.com
Willmd911@mac.com

## Chandler Windom

**From:** Janice Sproule <janicesproule@yahoo.com>
**Sent:** Monday, February 7, 2022 11:28 AM
**To:** Chandler Windom; Board Of County Commissioners
**Subject:** Conditional Use Permit for Workforce Apartments PUD2021-0001/CUP2021-0005

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Mr. Chandler Windom

Senior Planner

Teton County Wyoming

Dear Mr. Windom,

I am writing in regards to the application from HH Land Strategies (Stage Stop, Inc./Darwich) requesting an amendment to the Rafter J Planned Unit Development for a Conditional Use Permit to allow workforce apartments.

As I am a resident of Rafter J, and am within 800 feet of the development proposal, this amendment will greatly affect my home, my community and the surrounding area, particularly in regards to parking, noise, peace and well being and general aesthetics of the community.

I have attended the public meetings hosted by the Darwich representatives and was dismayed at the lack of understanding and concern for the residents of the Rafter J community. While Darwich assured us that this proposal as a win-win project for the community (with his reference being the Town of Jackson community), I fail to see how this will benefit the *Rafter J Community.* I understand the need for workforce housing in the greater Jackson area, which has been an issue for decades and a current "hot button" for the Town, and definitely feel the crunch of the workforce shortage, but I do not consider the entire Jackson area the community that will be affected by this proposal. The Town of Jackson may receive a few workers in the proposal, but the residential, low density, quiet, serene, neighborhood of Rafter J will be greatly impacted.

Issues and concerns brought up in the meetings included parking, noise level, maximum capacity of renters, pets, trash, traffic congestion and activity, quiet hours and overall change of the "soul" of the community, were not fully addressed by the Darwich representatives. The assurance that the parking issue will be controlled with 44 assigned permits fails to address the underlying issue of "what about the other cars" for the residents who do not have a permit. With 57 units and at least two residents per unit (not including families) there is a potential of 114 cars. With a yet to be confirmed bus route into the area and extended working hours for some renters, the possibility of an overage of cars and a lack of parking will force renters to park within the Rafter J residential streets thus forcing the community to become parking police on its own streets. And this doesn't even address the increased traffic trying to access the highway in the busy rush hour of the morning. With traffic increasing on Highway 89 it becomes more and more difficult and risky to ingress or egress the area. And what happens in the future when the situation becomes untenable and they return to the County for some exceptions or special circumstance permits to address these inevitable problems?

This leads to similar concerns about traffic activity at night (eg., headlights shining into homes when evening workers return home), increased activity for grocery runs and food deliveries as there are not any food facilities in the area, noise levels in the evening and weekend parties. The Darwich representatives again assured us that the property management company would be on the grounds 24/7 to address any issues but they did not agree with the comments on the parking concerns. They offered us "Rental Rules" to address these rental issues but these rules are not cast in stone and are not part of the conditional use permit request and can be changed at any time.

In general, this is a residential community outside of town and does not fit in with the demographics of a workforce population.

Thank you for your consideration on these issues.

Sincerely,

Janice Sproule

1255 W Hay Sled Drive

Jackson, WY 83001

**From:** Stan Steiner <stansteiner@boisestate.edu>
**Sent:** Wednesday, January 5, 2022 9:09 PM
**To:** County Planning Commission <planningcom@tetoncountywy.gov>
**Subject:** Rafter J Lot 333 Proposal

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To the Planning Commission:

As a Rafter J Homeowner I wanted to express my support for Lot 333, former Legacy Lodge conversion into employee housing. We all know there is a need for affordable housing in Teton County. This plan provides one solution.

I would also like to express a need for deliberations with the Start Bus potentially making a run through Rafter J to eliminate some potential traffic into town if the plan comes to reality. I am also in favor of a feasibility study with WY DOT about traffic coming out of the north entrance of Rafter J Is it time to for a traffic light? Changing the speed limit from Melody Ranch to town down to 45 miles per hour. I worry about the wildlife killed each year and the potential of a serious accident in the future if more traffic is on HWY 89 south. Would the aforementioned changes make a difference?

I am not worried about potential noise coming from condensed housing. Lot 333 will have to follow the same noise ordinances the rest of the Rafter J Community follows.

In closing, once again we in our household are in support of Legacy Lodge converting to additional housing for the workforce.

Thanks for your attention to this important matter.
Sincerely,

Stan Steiner

--
Stan Steiner
1210 W Hereford Drive
Phone: 208-631-4054
E-mail: stansteiner@boisestate.edu

**From:** stevenlipp@bresnan.net <stevenlipp@bresnan.net>
**Sent:** Sunday, March 13, 2022 10:48 PM
**To:** County Planning Commission <planningcom@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge Planning Permit Application

**Hello Commissioners,**
**My name is Steven Lipp and I have lived in Rafter J for 37 years. I am opposed to the Planning Permit Application presented by HH Land Strategies on the Future of Legacy Lodge. I have looked over the Staff Report and disagree with some of the key issue findings.**
**Key issue1**. Is Rafter J an appropriate neighborhood for [ high density] marketplace housing.
There is not enough respect given to our neighborhood character. Rafter J homeowners and their families love living here for the peace, quietness, convivence, safety for themselves and their families and the open spaces that provide wildlife habitat and connections between wildlife habitat. We are not a complete neighborhood as defined by the Teton County Comprehensive plan .The planning commission report ignores the fact that Rafter J is over 2 miles away from amenities such as grocery stores, schools, department stores, etc., and not within walking distance of ¼ to ½ mile as stated as a definition of a complete neighborhood. The planning commission report also ignores the fact our water is private, as well as our streets, common areas and trails. Rafter J takes cares of our sewage pump station. They are not public. They are private utilities.
**Key Issue 2**. Is including apartment uses to lot 333 consistent with the comp plan mission.
The proposal to locate high density marketplace housing in a quiet rural subdivision with areas of wildlife habitat and open spaces is inconsistent with the Jackson /Teton county Comprehensive Plan. Proposals like this are supposed to be directed to complete neighbor hoods with the infrastructure, amenities and vitality.
**Key Issue 3.** How will this change of use impact transportation demand
Y2 has stated that the eastbound left turn lane is already failing during peak hours and will continue to get worse with the projection of a 3.1% increase annually on highway 89. Y2 supplied a traffic analysis on the intersection of highway 89 and Big Trails Drive that they observed on December 13,2021 for 4 hours on a sunny dry day. They supplied land use ITE codes and total generated trip counts for the residents, dental office, day care and church, not actual observed total generated trips. The lane use proposed apartments ITE code 220 has 114 people in their total generated trips, all the data we have to date is 2 un-related occupants per unit, let's put the number at 228 and see what the total generated trips add up to . And to think that he can expand impervious surface by another 52,000.00 sf at some time. The commercial kitchen, central gathering place and rear patio area is separate from the apartments use and the owner has visions for this area as a culinary classes/demonstration and for persons, institutions, small businesses or non-profits, needing a commercial kitchen to prepare provisions for sale This again does not have a land use or generated trips in the data. This substantial increase in residential occupancy will undoubtedly add more traffic to Rafter J roads. A traffic study by Y2 indicates there would be a 50-90 second increase [20-25%]in "wait time" for cars turning left onto highway 89 from Big Trails Drive. Not only is increased "wait time" an ADVERSE IMPACT, it causes unsafe driving behavior. When "wait time" increases, drivers take unnecessary risks to cross fast southbound traffic to get into the middle lane. Additionally, drivers will use the middle lane to accelerate {illegal use} in order to enter into 2 lanes of northbound, fast-moving traffic. The hill on BIG Trails Drive approaching

highway 89 intersection is not mentioned in the traffic study. Cars queuing for the intersection back-up into a steep grade which is unsafe when icy. Cars, Trucks and buses slide backwards into other cars while they wait or try to accelerate up the hill. Accidents occur for this reason. Fog caused by the warm springs at the north entrance to Rafter J was not mentioned in the traffic study. Again, more cars at this intersection caused by increased "wait time" exacerbate the issue of safety. Fog is thick enough to prevent even the lights of cars to be seen. This traffic impact study that the staff is using for their report seems that not all scenarios or dangers were thought of, I believe another traffic impact study from another engineering firm should be completed before proceedings with this proposal.

The parking standards are not being met according to Amy Ramage, even following the recommendation of the county Planner to increase parking spots from the current 36 existing spaces which are "substantially inadequate" to 58 spaces [one parking spot per unit], there will continue to be a deficit of 84 spaces. The concern with having a great deficit of parking is that the adjacent roadway Big Trails Drive will inevitably bear the bear the burden of overflow parking, even if it is prohibited. The adjacent roadway is not designed to accommodate parking and puts the burden of overflow parking on Rafter J ISD/HOA to enforce the issues of rouge parking and fix the roadway that will become denuded and need signage. ADVERSE IMPACTS to Rafter J homeowners. Not only would Rafter J need to hire someone to ensure compliance, homeowners would also see an increase in ISD fees that were raised 79% in July 2021 to pay for ensuring compliance. The lack of available parking spots can inadvertently screen out all critical care workers who would benefit from the housing opportunity because there is no place to park a vehicle needed for work. If parking is added onsite, it will be at the expense of trees and lawn, which will be turned into a sea of asphalt, making the property much less attractive. This too would be an ADVERSE IMPACT. Increased numbers of cars will also increase conflicts with cyclists, dog walkers, and CHILDREN using the roads and pathways. Yet another ADVERSE IMPACT.

I AM OPPOSED TO THIS PLANNING PERMIT APPLICATION.

Thank YOU Steven Lipp

**From:** stevenlipp@bresnan.net
**Sent:** Thursday, February 3, 2022 5:53 PM
**To:** Chandler Windom
**Subject:** Please reject Stage Stop's application for Lot 333

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

February ,3 2021
Chandlor Windom
Teton County Planning Commision

I am Steven Lipp and have lived in Rafter J for 37 years. Rafter J homeowners and their families love living in this subdivision with its open spaces and the Flat Creek corridor with its wildlife.
The Rafter J homeowners and their families bought their properties assuming we were going to have our families' homes and the open spaces protected by the 1978 LUDRs, RJ PUD, CUP and RJ CC&Rs.
Stage Stop Inc and their agent HH land Strategies Hal Hutchison filed a planning permit application for lot 333 3000 Big Trail Drive in Rafter J trying to change the 1978 LUDRs, RJ PUD and CUP.
LUDR Page X definition "Cl local convivence commercial district retail business, office, personal service establishments, [ of the type that provide day to day needs of the local residents] within the commercial centers. Application proposal to amend this language [Including the provision to include workforce housing]
LUNDR chapter 11 land use districts and authorized uses section 1 application proposal to amend this language [ Workforce housing, density determined based on dimensional limitations and conditional use permit standards]
LUNDR Chapter 11 Land use districts and authorized uses section 6 authorized uses. This application purposes to add the following line within this section [Apartment C"]

LUNDR Chapter IV Performance section 23 [If apartment or townhouse building units are dedicated to workforce housing total number of parking spaces required shall be determined pursuant to conditional use standards]
The applicant with his would of, could of and should of argument for the above language amendments does not change the fact that the 1978 LUNDRs were written the way they were and the Rafter J residents purchased their homes for their families assuming that these protections were for perpetuity.
In the planning permit application, I read the buzz word workforce housing 40 times but there are no deed restrictions of any type being offered in this application. But what is being offered is market use housing to the highest bidder.
The planning permit application says that the previous assisted living center use differs little from market use housing they are purposing that with appropriate controls and assurances the impact of the proposal will differ little from the previous use. I have to beg to differ on this issue. I live in the same R J subdivision with Legacy Lodge and have lived in apartment complexes in Jackson that were of much smaller scale then what Stage Stop is purposing.

NUMBER OF RESIDENTS AT LEGACY VERSUS STAGE STOP Legacy Lodge = 63 plus staff at full capacity Stage Stop = the number of residents in any single unit will not exceed two unrelated family members is the information that we have received, I don't know how to put a number to that. It's 114+ residents. Stage Stop is not telling us full capacity numbers.

PARKING
Legacy Lodge available parking was always adequate, there was never any rouge parking . Stage Stop Staff memo dated Nov.,12/2021 57 units x 2.5 spaces = 142 spaces The 41 parking spaces that are present is substantially inadequate for the location is remote and Big Trail Drive will bear the burden of overflow parking and that will put the burden on RJ HOA/ISD and residents to enforce the issue.

The commercial kitchen proposed use for culinary classes, demonstrations, for persons, institutions, small businesses or nonprofits needing a kitchen. Where is the data for the parking requirements? The Start Bus system not being sure what and if any service would look like. No Alternative transit system is in not in place, so any proposal is invalid.
TRAFFIC IMPACT 1 DAY STUDY US-26/191/89

Y2 Consultants already states that the eastbound left turn is already failing during peak hours. Legacy Lodge Assisted Living = 63 beds ITE code 254 Total generated trips daily = 173 This data would apply if the assisted living was at full capacity which it was not. Stage Stop apartments = 57 DU ITE code 220 Total generated daily trips = 379 This data has the residents at 114 but the number of residents will exceed this substantially. This data has apartments as its ITE code but these are efficiency apartments and they have no stoves, only microwaves and no laundry machines so the daily trips to town would skew the data above. The commercial kitchen in Stage Stop which will have culinary classes, demonstrations and for persons, institutions, small businesses or non-profits needing a commercial kitchen to prepare provisions for sale is not seen in the above traffic data. The location of Stage Stop being outside corporate limits without local services and being remote is another point not taken in on the data above.

NUISANCES

Residents at Legacy Lodge were on the average around 80 years old and most didn't drive. They were either walking around on the pathways or volunteers were pedaling them around on adaptive bikes. It was about as low of impact as you can have from a neighbor and they were a pleasure to be around. Stage Stop residents, the only information we have is two unrelated family members per unit. The number of residents will certainly increase and the demographic will change. Stage Stop said they will have a property management team on sight 24/7 and have rules and regulations for quiet time at a certain hour of the evening but what will stop them from leaving and becoming a nuisance for the rest of Rafter J at night and having the RJ HOA or RJ homeowners or police from having to deal with the issues.

WATER AND SEWER

Stage Stop says their engineering team is working on answers as to whether the capacity to handle the added requirements are available, but to date that has not been answered.
There are a lot of questions that Stage Stop has not answered. The number of people, parking, traffic, nuisances, water and sewer. And the fact that the LUDRs,RJ PUD,CUPand RJ CCRs do not allow this kind of proposal.
Please reject Stage Stop's Planning Permit application.
Thank You, Steven Lipp

**From:** Jeff Stines <jstines@tcsd.org>
**Sent:** Sunday, January 2, 2022 8:55 PM
**To:** County Planning Commission; Chandler Windom
**Subject:** Rafter J Assisted Living Center

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,
We are writing to express our opposition to changes in the zoning of lot 333 in Rafter J. We do not believe Rafter J is the proper location nor is Legacy Lodge the proper facility for residential workforce apartments. There are numerous reasons for our opposition to this proposal but ultimately we do not feel it is an appropriate location or neighborhood for the Stage Stop proposal.
Jeff and Adria Stines
1915 W. Bunk House Dr.
Jackson, WY 83001
lot 250 Rafter J

**From:** Ryan Stolp <ryan@orijinmedia.com>
**Sent:** Monday, February 28, 2022 10:08 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Legacy Lodge, in favor of workforce housing

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi,

I am a Jackson resident of 6 years and a recent condo owner. I am fully in favor of creating workforce, deed restricted housing at the Legacy Lodge. It seems a unique opportunity to fill a void with immediately available housing that can deliver long-term value.

Thanks,

R

**Ryan Stolp / CCO / Web**
307-200-7899

Orijin
307-200-7899
PO Box 7445
1225 Maple Way, Jackson WY 83002
orijinmedia.com

@liftlines_comics

**From:** Rose Strand <rosestrand4@gmail.com>
**Sent:** Thursday, January 13, 2022 8:51 AM
**To:** planning@tetoncounty.gov; commissioners@tetonwy.gov; Chandler Windom
**Subject:** Regarding application for proposed change for Lot 333

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Planners and Commissioners,

Good morning. I'm writing to you today regarding the application for a proposed change for Lot 333 in the Rafter J subdivision that is to be considered by you in February. I respectfully ask you to reject this proposal which seeks a zoning and use change within the subdivision.

Stop Inc.'s housing proposal is not a long term solution for workforce housing. When I moved here in 1992, housing was limited, but after being a renter for many years, I was able to purchase a deed-restricted house through JHCHT.
Our housing trust home allowed us to eventually buy a small home in Rafter J where my children have grown up. Our family has lived in Rafter J for 15 years. Through sustainable housing programs offered by JHCHT and TCHA combined with thoughtful foresight our family and many others are able to call Jackson home.

The proposal presented to Rafter J homeowners by Stage Stop Inc. is not a suitable option for workforce housing. The units have limited parking, lack Start bus access and proximity to town, and offer only hybrid kitchens. Stage Stop Inc. is not designing units with affordable housing in mind for the myriad of essential county workers and families who are invested in our community. This is not housing for individuals and families who will contribute to and support recreation, nature, art, music, athletics, and nonprofits in our town. It is dorm-style housing for people simply passing through town.

Finally, I would be remiss to not mention the traffic issues the development of Lot 333 will bring with it. Exiting Rafter J during commuter times continues to be problematic. Adding 140 new residents to our neighborhood will only exacerbate the problem that WyDot has unfortunately chosen to ignore until there is a death. I believe this is a county issue your planning and commissioner roles should put before changing zoning anywhere or promoting more development south of town.

Despite the critical need for workforce housing, I respectfully urge you to reject Stage Stop Inc.'s rezoning request.

Kind regards,
Rose Strand

--
My new email is rosestrand4@gmail.com

# FW: Legacy Lodge

Ryan Hostetter <rhostetter@tetoncountywy.gov>
Thu 2/24/2022 12:19 PM
To: Chandler Windom <cwindom@tetoncountywy.gov>

Ryan Hostetter, AICP
Pronouns: She/Her/Hers
Principal Long Range Planner
Planning & Building Services – Teton County
PO Box 3594
200 S. Willow Street
Jackson, WY 83001
(307) 732-8414

-----Original Message-----
From: shirley83001@gmail.com <shirley83001@gmail.com>
Sent: Thursday, February 24, 2022 12:09 PM
To: Ryan Hostetter <rhostetter@tetoncountywy.gov>
Subject: Legacy Lodge

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Just a quick note of support for the Legacy Lodge approval to apartments. We certainly need some less expensive options for our workers. This could be one of them.
Shirley and Dan Thomas
Jackson

Sent from my iPhone

From: MIKE TURLEY <mjturley34@msn.com>
Sent: Friday, February 25, 2022 9:05 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Rafter J lot 333 formerly Legacy Lodge

Teton County Commissioners-

As a resident of Rafter J I would ask you to reject any request from Stage Stop llc to make any changes to the property they purchased. The new owners have been in violation of county regulations and Rafter J HOA regulations since taking possession of the property.
Stage Stop llc has been and is currently using the property in violation of county and HOA regulations. Asking for changes after not following regulations doesn't and should not work.
If Stage Stop wants to have changes made they should have followed the rules regarding the property.
A for profit housing business for temporary workers that is unsustainable is not necessary or needed in Rafter J.
The new owners are already using the property as housing in violation of current regulations so why would they follow any requested changes made ?
I understand that workforce housing in an important issue in Teton County but breaking the rules and asking for changes is not the answer. Stage Stop has not been honest with our neighborhood and has not been honest with the County Commission. Their intention is not to provide housing for workers, their intention is to make money.
Housing that is connected to employment only benefits employers who will profit from their employees hard work.
If the commission is interested in bolstering community and responsible growth I would strongly urge you to reject any requested changes to lot 333 and hold the new owners responsible for their ongoing violations taking place there.

Mike Turley
3160 King Eider
Rafter J

From: James Turley <jim@jturleyphoto.com>
Sent: Saturday, February 26, 2022 2:55 PM
To: Board Of County Commissioners
<commissioners@tetoncountywy.gov> Subject: Legacy Lodge/Stage Stop
Proposal

1. It appears there will not be any parking provided for visitors.

2. Who will provide funds for policing illegal parking?

3. Who has the authority to have illegally parked vehicles removed? Teton County? Rafter J HOA?

4. What will happen if Stage Stop proposal is approved by Teton County but denied by Rafter J? Who will prevail?

Jim Turley
Rafter J Homeowner

Sent from my iPad

**From:** Jantina Tuthill <jantina3755@gmail.com>
**Sent:** Wednesday, January 19, 2022 9:46 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J and Legacy Lodge. Darwiche developer

Many of us here in Rafter J are retirees , professionals and a lot of families.
We have worked hard to live here and tried to stay away from Jackson, the thousands of tourists, and the crazy building frenzy there. We want to stay in Rafter J .
Darwiche chased out the people in Legacy Lodge and under the pretense of "affordable housing" plans to house over 100 people in this retirement house.
This is just totally nuts. 35 rooms and without a kitchen, stuffing over a hundred people in that building.
He said , there is a kitchen in the rooms. Since the previous inhabitants were not allowed to cook in their room...I am not sure how on earth .....
Companies , he said he would pay for their employees to live there etc etc.
There would be a management company there...hard to imagine.

Parking? no! there are only 35 parking places and only 35 people who can have a car. Rest better walk or bike (not sure where they would store their bike).
Our exit into the highway is dangerous as it is. 35 more cars would be creating havoc .
Affordable housing has been a problem here since the 60's.
If they keep building luxury hotels and luxury apartments and restaurants , yes we will have that problem forever. This kind of growth is not benefiting the locals living here other than increase of property taxes, higher water cost , higher everything, while making the rich richer .
Our community is a happy one and safe. Will this be destroyed as well?

I am sorry...Many of us are thinking that when Darwiche gets his rezoning, he will turn around and sell it at a higher price. His plan here is such a cover up.
This land is valuable but not meant for luxury apartments or hotels .
According to his threats....he will put a gas station there...our choice.

Thank you for reading this letter.

Jantina Tuthill

**From:** Lynne Wagner <lwagner@wyoming.com>
**Sent:** Friday, January 7, 2022 11:58 PM
**To:** Chandler Windom; planning@tetoncounty.gov
**Subject:** Rafter J Ranch Lot 333 (Legacy Lodge)

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Chandler Windom and Teton County Planning Commissioners,

I respectfully ask you to reject the proposal that seeks a zoning change and a change of use within the Rafter J Subdivision for Lot 333, formerly Legacy Lodge. I understand an application for a change in the PUD and conditional use permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Planning Commission and the Teton Board of County Commissioners in January and February 2022.

The Stage Stop Inc. is required to first bring an application to the Rafter J Homeowners Association for a vote for any proposal to change our covenants. I have lived in Rafter J for more than 30 years and the new owners of Legacy Lodge are violating my and every other Rafter J homeowners rights by disregarding our Covenants.

Rafter J Lot 333 is NOT zoned for high-density apartments. The 57 units are designed as an assisted living facility. That is the only reason the building exists in Rafter J, because it is meant as an assisted living facility for our community. A low density, low impact facility.

The Stage Stop, Inc. development will bring an incompatible density to a quiet family-oriented neighborhood and the associated problems of traffic, noise, safety and impacts to our wildlife, pathways, roads, trail system and open space.  Our little subdivision can not handle the added impact of more than 114 people living in the Legacy Lodge building and the corresponding vehicle traffic that brings.

Again, this proposal does not comply with existing zoning and allowed uses under the Rafter J Master Plan.
I urge you to reject this proposal and uphold the integrity of our county's core neighborhoods and respect the rights of Rafter J homeowners.

Thank you,
Lynne Wagner
307-690-9570

l

**From:** Mackenzie Walles <mackenziewalles@gmail.com>
**Sent:** Monday, February 28, 2022 7:57 AM
**To:** Chris Neubecker <cneubecker@tetoncountywy.gov>
**Subject:** Yes to Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am writing in support of the redevelopment of Legacy Lodge in Rafter J for workforce housing. Having lived in the valley since 2000, I have watched our housing issues develop into a serious crisis. While I know that this may not be a perfect solution, we need to use all of the available resources at our disposal to house the workforce that keeps our community running. I would like to see restrictions on this rental housing that would make the rent actually affordable for these vital members of our community. I would not support another situation like the Sagebrush development where the rents are so high that our "actual" workforce cannot afford to live there. If we restrict these apartments to people that work in Teton County, we should also make sure that we are not just housing people that have moved here and are working remotely from home. The workers that we see everyday in our schools, doctors offices, restaurants, shops, etc NEED a place they can afford to live. We need to stop talking about our housing crisis and take action. Our workforce cannot wait any longer.

Thank you for your consideration,
Mackenzie Walles
Teton County Resident since 2000

Hello Teton County Planners and Commissioners,

My wife and I are homeowners in Rafter J. We are aware that an application for a change in the Planned Unit Development (PUD) and Conditional Use Permit has been submitted for Lot 333 in the Rafter J subdivision and will be considered by the Teton County Comission and the Teton County Board of Comissioners in January and February 2022. We respectfully ask you to reject this proposal that seeks a zoning change and a change of use within the subdivision.

Rick Walters
Kim Walters
3420 S Appalossa Drive
Jckson, Wyo 83001

**From:** Pat Weber <pweber1525@gmail.com>
**Sent:** Sunday, February 27, 2022 4:19 PM
**To:** Board Of County Commissioners
**Cc:** Chandler Windom
**Subject:** Fwd: Lot 333, Rafter J Subdivision

Dear Teton County Commissioners:
>
>
> We understand that the Teton County Planning Commission recently recommended approval of a request from Stage Stop, Inc. to amend the Rafter J Planned Unit Development and Conditional Use Permit to allow workforce housing on Lot 333, formerly Legacy Lodge. As homeowners in Rafter J for over 30 years, we respectfully request that you vote "no" to these applications.
>
> Stage Stop,LLC is proposing a high density workforce housing on Lot 333 for 50-100 people. There is a big difference between an assisted living facility and workforce apartments. The previous occupancy of Legacy Lodge was about 35 people. Most of these residents did not drive and used the bus provided by Legacy Lodge. The traffic flow from workforce housing will be significantly greater than it was previously with the assisted living residents. This will add to more traffic and will also increase the delays and safety risks already present at the entrance/exits from Rafter J to highway 89.
>
> In addition, the overall impact to the Rafter J infrastructure must be considered. With high density apartment housing, we will see increased use of our trails, pathways, open spaces and playgrounds. There will be increased demand on sewer, water, roads and parking. This increased use will impact Rafter J maintenance, increase cost to homeowners and will impact the overall quality of our neighborhood.
>
> There is limited parking available on Lot 333 even with the proposed restriping of the parking lot. It was mentioned that there was acreage available to increase the size of the parking lot. If the size of the parking lot is increased, this would eliminate some of the trees and lawn which will make the property less attractive. Having limited parking available does not equate with having fewer cars.
>
> Finally, it is our understanding that this proposal does not comply with Rafter J's allowed uses under the Rafter J Master Plan and has not complied with the Rafter J CC&R amendment process requirements. A vote of the homeowners is required to amend the Rafter J CC&Rs which needs to be done before further consideration can be given to the Stage Stop application.
>
> Rafter J is a beautiful, family oriented neighborhood. We take good care of our properties and invest is playgrounds, trails pathways, landscaping, and roads. Stage Stop, Inc. has left many questions unanswered and as homeowners, we need to have vote on the proposed changes to our community.
>
> We request you to reject the request from Stage Stop to amend the Rafter J PUD and CUP.
>
> Thank you for your service to the community.
>
> Pat Weber and Tom Windle
> 1525 W Percheron Dr.
> Lot # 143
>

**From:** Dawn Webster <websterdawn07@gmail.com>
**Sent:** Thursday, January 20, 2022 8:04 PM
**To:** Chandler Windom
**Subject:** Support for rezone of Rafter J Lot 333

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,
I am writing to voice my support for the proposed change in zoning to Rafter J Lot 333, provided it is restricted in some way to workforce housing. I applaud the Darwiches for trying to contribute to the solution for our shortage of rental units and places for workers to live.

thank you,
Dawn Webster
Melody Ranch

**From:** Wes Krajsky <wckrajsky@gmail.com>
**Sent:** Saturday, January 1, 2022 11:18 PM
**To:** Chandler Windom
**Subject:** Legacy lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To The Teton County Planning Office.

I am writing with my comments on the proposed zoning change for The Legacy Lodge property.

I grew up in Rafter J. and then in 2015 bought my own condo here in the NE Forty, because I loved the area so much.

To be brief. This zoning change should not be allowed.

The Market rate apartments will not be a help to the working folks in Jackson.

The developers will profit greatly from this zoning change and the folks that have lived in Rafter J for a life time will have to pay the costs.

Why should the county grant this developer a gold mine with no at most minimal benefits to the county. While we in Rafter J will have to bear the cost of this zoning change.

Please vote AGAINST this zoning change.

Thank you

Wes Krajsky
Unit 34 NE Forty

Sent from my iPhone

**From:** Chuck Wright <clwright1944@aol.com>
**Sent:** Friday, January 7, 2022 12:03 PM
**To:** Board Of County Commissioners; Chris Neubecker
**Cc:** Chandler Windom; mkeegan@rafterj.org
**Subject:** Stage Stop LLC application for a change to Legacy Lodge

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Teton County Planners & Commissioners

I live in Rafter J at 3385 S Appaloosa Dr and my name is Charles L Wright. My wife is Frances Wright.

I and my wife are against Mr. Sadek Darwiche of Stage Stop LLC application for a change in the Planned unit Development (PUD) and Conditional use Permit for Lot
333 in the Rafter J subdivision. Please REJECT this proposal that seeks a zoning change and a change of use within the subdivision.

I do not trust Mr. Darwiche on anything he says. He requested a fast track from the County Commission back in August of 2021 as reported in the Jackson Hole
News and Guide on 4 August 2021.This was a clear attempt to get around the Rafter J HOA rules for any zoning changes.

In addition I attended the first meeting Mr. Darwiche had at Legacy Lodge in July or August. there was a very large crowd to hear what Mr. Darwiche had to say.
He handed out survives/questionnaires for feed back and to contact the people who responded. In my opinion the majority of the people were not in favor
of his proposal. He was telling us how this would help our community and we should all be in favor of it.

What really happen is I never did get a call from Mr. Darwiche or his staff on my written questions. I did not see how his proposal would be of benefit to
my community nor to small business owners and independent workers.

In the meeting he made it clear that the housing for workers would be for employers who would pay "MARKET PRICES" FOR THE ROOMS OR APARTMENTS.
Then the employers would decide what prices they would charge their employees. This would NOT benefit the small business owners nor independent workers we
have in our community nor for the most of the town of Jackson.

The impact to the Rafter J community financially and quality of living would be devastating. The Stage Stop development will bring an incompatible density to a quite
family-oriented neighborhood. The increase in traffic, noise,safety aspects will impact our lives,wildlife,pathways,trail system and open spaces.

Rafter J Lot 333 is NOT zoned for high density apartments or workforce housing.

This developer is by passing the legal rights of Rafter J homeowners in hopes of avoiding the required approval from the homeowners of Rafter J.
This proposal does not comply with existing zoning and allowed uses under Rafter J Master Plan and has not complied with the Rafter J CC&R
amendment process requirements.

I urge you to reject this proposal with PREJUDICE

CHUCK AND FRAN WRIGHT
3385 S APPALOOSA
RAFTER J

forwarded message:
From: Chuck Wright <clwright1944@aol.com>
Date: April 3, 2022 at 5:06:17 PM MDT
To: Natalia Macker <NMacker@tetoncountywy.gov>, Mark Newcomb <mnewcomb@tetoncountywy.gov>
Subject: DENIAL OF STAGE STOP WORKFORCE HOUSING IN RAFTER J
Reply-To: Chuck Wright <clwright1944@aol.com>

Dear Miss Macker

I live at 3385 Appaloosa and I am against Stage Stop effort to convert the senior citizen only facility in Jackson into a Workforce housing.

I am shocked that the zoning commission approved this application. They have not taken into consideration the effect this workforce will have on
our community and for what? The owner want to lease these rooms at market rates that is NOT affordable housing!! The number of workers plus
family can be as high as 228 people. Their statement that "not more than 2 unrelated persons in each room/ unit' is a trick for what the real number
will be. This will without a doubt put a financial burden on the residents of the HOA. If this is approved the residents who are voters will not forget
what has been done to them.

What I mean is it is plain to see that there will be more demand on roads, water, parking, and use of the pathways. It will change the way of living
in this community.

Finally Stage Stage has never tried to work with our HOA and the rules that one must follow when proposing such a major change to lot 333.
Such a change proposed by Stage Stop requires a vote of our members and I believe it has to be 66 % in favor. Stage Stop knows we would not
vote in favor of this change and therefore he wants this done without our consent. That leaves us to sue Stage Stop. Is that what the County
Commissioners want???

Sincerely Yours

Charles Wright
214 289 6155

Teton County Commissioners

P.O. Box 3594

Jackson WY 83001

April 11, 2022

Dear Teton County Commissioners,

Thank you for your service and commitment to Teton County management. We recognize the many and often difficult decisions you deliberate over on behalf of the citizens of our county.

We are writing to respectfully ask that you hold off on any decision to advance the interests of StageStop Inc. until they first come to agreement with the Rafter J HOA.

While housing for Teton County workforce is an important and worthy cause, housing for elderly residents of our county requiring assisted living care is equally important. The current Legacy Lodge building is already perfectly suited for assisted living care and is the only one of it's kind in Teton County. The need for assisted living care was never absent, is not absent, and is not going to go away. It is our understanding that Legacy Lodge was growing in resident numbers and then fell victim to the constraints of COVID. Why turn a building that is perfectly suited for needed elderly care into short-term largely unrestricted housing for more town private business workforce? Please do not compromise the value of our HOA covenants or sacrifice our elderly population, many of whom have spent their lives here working for our community, for the primary benefit of a private business interest.

Also if the facility were to encompass workforce housing, the responsible alternative would be to have it house workforce of Rafter J businesses with appropriate deed restrictions. Perhaps we could keep an assisted living facility with a wing of housing for it's employees and those of the already present childcare and dental office and possibly for a few of our essential county workforce such as law enforcement and emergency personnel whom Rafter J residents also derive some benefits.

We do not feel that StageStop has made a good faith effort to work with Rafter J HOA and seeks a side door entrance to avert Rafter J HOA rules. Again, thank you for your service. We are trusting that you will base your decision on what is right for the residents of Teton County.

Sincerely,

Janice Brimeyer

Doug Brimeyer

Jan Brimeyer

Doug Brimeyer

Lot 47 Rafter J Subdivision

1245 W Hay Sled Drive

Jackson Wyoming 83001

**From:** kjbrodell@wyoming.com <kjbrodell@wyoming.com>
**Sent:** Tuesday, April 19, 2022 12:04 AM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge can or worms

As you consider StageStop LLC's request please think about the problems passing the application would create. I suspect if StageStop LLC gains approval they will move tenants in immediately regardless of the CC&Rs that govern Rafter J. Given that Rafter J will file suit to enforce the CC&Rs that will leave renters in a precarious situation. Would they have to move out? Would tenants want to sign a long term lease with no assurance that they might be able to continue occupancy? Unfortunately StageStop LLC has shown no interest in working on solutions with the Rafter J board. Perhaps denial of the application would force them to work with the Rafter J community. Now is not the time to open this can of worms. Thank you, Karilyn Brodell, Rafter J Ranch

----Original Message-----
From: Celia Dillon <cmdillon@aol.com>
Sent: Wednesday, April 13, 2022 3:09 PM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Legacy Lodge plan

Dear Commissioners,
I have watched with interest the debate about the old Legacy Lodge. I sold my house in Rafter J in 2021, just about the time Legacy Lodge closed. I am thankful that I no longer live in Rafter J as I see this drama unfolding. My mother lived in Legacy Lodge for two years and then abruptly had to move to the Living center. We were so sad to see Legacy Lodge close but so lucky that they had a space for her in the Living Center and now Sage Living.
I have nothing to gain or lose by the final decision on Legacy Lodge use. However, I feel so sorry for Rafter J residents who will have to deal with so much additional traffic, noise, strangers in the neighborhood, parking issues, and ultimately property values tanking. Rafter J allows two pets per household – – how many dogs will be living in this building? The Rafter J infrastructure has issues as it ages – – how will it accommodate all these new residents?
I have tried to see all sides of this issue and cannot honestly see how the stage stop plan can be fairly implemented. I know there is a need for housing, but this is not affordable housing and if you have ever been in the old Legacy Lodge you would see that these are not apartments, but instead living spaces without even kitchens. I am afraid that if the use is amended there will be no going back, after the mistake is recognized. Please do not let this neighborhood be destroyed for one family's profit.
Sincerely,
Celia Dillon

Sent from my iPhone

**From:** Karen Jerger <kjerger@rafterj.org>
**Sent:** Saturday, April 23, 2022 6:13 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>; Keith Gingery <kgingery@tetoncountywy.gov>
**Cc:** Mike Keegan <mkeegan@rafterj.org>; Chuck Rhea <crhea@rafterj.org>; Tracy Baiotto <tbaiotto@rafterj.org>; Chuck Rhea <crhea@rafterj.org>
**Subject:** History of Lots in Rafter J

Dear Commissioners, At your meeting on April 12, 2022, Commissioners Epstein and Newcomb had questions about past decisions for use on commercial lots in Rafter J.

Attached is a brief summary of the history of use on non-residential lots in Rafter J. The information was sourced from both Rafter J HOA and Teton County records. The intent is not to cover every aspect of each property, but to give Commissioners a sense of the approach that Teton County and the HOA have taken in evaluating land use proposals in Rafter J. This also describes current use on each lot.

Also attached is the Rafter J Master Plan. The TC Planning Department is aware of this document, but said repeatedly in public meetings that there was no Master Plan. There may be reasons that Planning Staff does not find this useful as a guiding document, but it does exist.

Respectfully, Karen Jerger, Rafter J HOA Board

Brief History of Development on Non-Residential Lots in Rafter J

**Commercial Lot 334** (now Lots 336 and 337):

1979: Dr. Jack Konitz applied to construct and operate a Veterinary Clinic on **Lot 334**. Notes from a Planning Commission meeting indicate that commissioners were aware that *"this commercial area is classified C-L and vet clinics are not an allowable use in C-L districts."*

Note: Under the 1978 LUDRs:
Chapter II - Land Use Districts, Section 5 – Determination of Similar Use:
In order to permit uses of a similar character to those prescribed in Section 4 of this Chapter as permitted in the C-L, C-I, and I districts, the Planning Commission, on its own initiative or on written request, shall determine whether a use not specifically listed as an authorized use should be an authorized use on the basis of its similarity to uses specifically listed and its appropriateness in the district.

Planning Commissioners voted to allow a Determination of Similar Use, based on the following:

It is a professional office
It serves day-to-day needs of people in this general vicinity, which is both agricultural and residential in nature.
Corals, stables, tackrooms and horse pastures are designated within the development, adjacent to the proposed vet clinic.
It seems to go along with the general character of the Rafter J development.
(Planning Commission meeting, April 2, 1979)

1982: Dr. Konitz was granted a permit to add a building for three horse stalls and storage. Dr. Konitz still owns the property and currently leases it to another commercial business.

1989: **Lot 334** was split, as allowed in Rafter J CCRs (Article XI, Section 1c). Dr. Konitz retained the northern portion (now **Lot 336**) and sold the southern portion (now **Lot 337**).

**Commercial Lot 337**:

Several businesses, including a professional office building, mini-storage facility, small engine repair service and carwash were proposed for **Lot 337**. These were discussed with Rafter J HOA Board and/or TC Planning Department but none went through a full approval process.

On or about 2005: Dr. Alice Richter built a dental office on **Lot 337**, which was an allowed Local Convenience Commercial use. Dr. Richter still owns this property.

**Commercial Lot 333**

1994: Proposal to change the designation of **Lot 333** from commercial to residential.

In a letter to HOA members, the developer says "*Currently, the use of Lot #333 is for commercial use and we would like to change this to residential use. If the use were changed to residential, we would divide the property into no more than 18 single family lots".*
(Letter from Rafter J Meadows Partnership to Rafter J Homeowners, July 7, 1994)

With permission from the HOA board, and after review by the HOA attorney, the developer followed the process for amending the CCRs through a vote of homeowners. The developers were not successful in getting the required votes.

About 1996-97: Proposal to subdivide **Lot 333** into a seven-lot commercial center, where individual lots would be sold to individual businesses. After discussion with Rafter J HOA, the landowner withdrew the proposal.

1998: Proposal to build an Assisted Living Center on **Lot 333.**

A Planning Staff report notes that: *"The 1978 approval for Rafter J created this commercial lot for local convenience type uses that are associated with a large residential area. The nursing home type use was classified then as a conditional use under the old regulations. Those older regulations are referenced in the current land Development Regulations as the pertinent rules for Lot 333."* (Sketch Plan Review, Feb. 18, 1999)

Note: Under the 1994 LDRs:
SECTION 2240. DETERMINATION OF SIMILAR USES
If a proposed use is not listed in Table 2200, Use Schedule. it may be considered a permitted use if the Planning Director determines the proposed use is sufficiently similar to one of the uses listed in Table 2200, Use Schedule. The Planning Director's determination shall be made pursuant to the standards of Section 5130, Interpretations.

The Final Development Plan presented to County Commissioners says "*The assisted living center was determined to be a similar use to nursing homes. Section 1440 of our current regulations references the County's prior regulations, which provided for the outright and conditional uses permitted within the Rafter J PUD."* (BOCC Meeting, March 21, 2000)

American Healthcare Management made formal presentations of their plans to the Rafter J HOA Board, who then sought input from HOA members. The initial proposal was for 71 living units in a 100,000 sq. ft. building. This size of building met considerable resistance from Rafter J neighbors. The final proposal was cut to 57 units in a 50,000 sq. ft. building, subject to the design and construction standards in the Rafter J CCRs. To ensure an adequate water supply, the developer agreed to help finance an additional well in Rafter J.

There was no official HOA vote required in that there was not a proposed change in the land use designation listed in the Rafter J Master Plan and CCRs.

Current Proposal for **Commercial Lot 333**

September 2021: Stage Stop, LLC submitted an application (INT2021-0004) for "Legacy Lodge Formal Interpretation - Similar Use Determination" – in essence that Apartments were a similar use as Assisted Living.

Note: our current LDRs allow the Planning Director to make a final determination on a Formal Interpretation:
Division 6.1.2.E: Similar Use Determination
A use not specifically listed in the Use Schedule may be considered an allowed use if the Planning Director determines the proposed use is sufficiently similar to one of the uses defined in this Division. The Planning Director's determination shall be made based upon the findings for a formal interpretation (Sec. 8.6.1.) but may be made as part of the review of a use permit application.

October 2021: Stage Stop. LLC submitted PUD2021-0001 & CUP 2021-0005. The planning department suggested that Stage Stop withdraw the Similar Use Determination application (INT2021-0004). It was withdrawn the same day as Sufficiency was granted on the PUD &CUP applications (October 19, 2021).

**Miscellaneous Lot 332**: This was originally designated in the RJ Master Plan and CCRs as a Miscellaneous Area, to be used for Horse Corrals & Stables.

1983: Proposal for a 35,200 sq. ft. stable / horse arena / residence / bar.
No clear record of why this did not move forward.

1997: Proposal for transferring Walden Pond Phase B condominium lots to **Lot 332**.
A letter from Rafter J HOA states that *"Your Development proposal for lot 332 will require an amendment to the Rafter J Covenants which designates lot 332 to be developed for livestock corral and stables...The Teton County Planning office has indicated your Development proposal for lot 332 will require an amendment to the Rafter J PUD, which is a separate public process."* (Letter from Rafter J HOA to The Real Estate Co., Oct. 15, 1997)

2006: Request to Rafter J for approval of an initial development plan for an Equestrian Center on Lot 332. No clear record of why this did not move forward.

2014: Dog Jax, LLC investigated purchasing **Lot 332**.
In correspondence from the owner's representative to the County Planning Dept., it was noted that the development potential of that lot *"would be dependent on the Rafter J Master Plan and the regulations in effect at the time the master plan was approved."*
(Letter from Fodor Law Office, PC to Jennifer Anderson, TCPD, dated Dec. 22, 2014)

On or about 2015: Property was purchased by Rafter J Homeowners' Association. Rafter J CCRs state that under Rafter J HOA ownership, the use on that lot may be changed, provided that it is not subdivided for residential or multiple family dwellings.

Other Miscellaneous Areas in Rafter J have been developed for their intended purpose:
**Lot 331** (Public Facility Area) is a Daycare.
**Lot 330** (Church Area) is a Church.
**Lot 335** (RV Storage) is RV Storage for HOA members.

**Tract 2A** was originally the Sales Office for the Rafter J subdivision.

In the late 1980's, the building was converted into a neighborhood convenience store.

About 1990-91: Frannie Huff bought the property and expanded it over time. Initially it housed business offices for Wyoming Wear and Agilite.

Restaurants, Salon & Spa, and various professional offices occupied that building at different times.

About 2015: Dr. Larson established his dental practice on that site.

**Tract 3A** is hillside property east of Hwy. 89, adjacent to Lot 335 (RV storage)

2011: Proposal for a subdivision with 3 large residential lots. (Adams Canyon Estates).
No clear record of negotiations between Rafter J HOA and the developer.

Rafter J HOA purchased this property. The long-term goal is to permanently protect that hillside for wildlife habitat and scenic vistas.

RJ MASTER PLAN

CERTIFICATE OF DEVELOPER

CHARLES E. LEWTON, being first duly sworn upon oath, states as follows:

1. That he is the developer of the Rafter J Ranch, Teton County, Wyoming, the exact legal description of which was included in the permit for subdivision heretofore filed with the Teton County Planning Commission and the Board of County Commissioners of Teton County, Wyoming. Said property is situated in and is a portion of Sections 7, 8, 17 and 18, Township 40 North, Range 116 West, 6th P.M., Teton County, Wyoming.

2. That attached hereto and made a part hereof by this reference is the Master Plan for Rafter J Ranch, dated August 15, 1977, including the maps and exhibits attached thereto.

3. On August 16, 1977, the Board of County Commissioners of Teton County, Wyoming, after a review of the action taken by the Teton County Planning Commission, approved the Master Plan concept and approved the development permit in accordance with the subdivision regulations of Teton County, Wyoming, subject to the following contingencies:

(a) That street right-of-way widths shall be consistent with the applicable County standards at the time such rights-of-way are installed.

(b) That a letter of credit shall be submitted to the Planning Commission to assure the installation of improvements for streets, water and sewage disposal, at the time the developer submits the plans for each planned unit.

(c) That the County be assured that the one hundred yard flood protection shall

Recorded 10-17 1977 at 9:40 o'clock A M
in Book 63 of photo Page 101 to 110
No. 175709 16.50 pd
County Clerk

be adequate to protect the health, safety and welfare of future residents within said subdivision.

The developer does hereby agree to such contingencies and shall comply with them at the appropriate times.

(d) The Planning Commission and Board of County Commissioners agree that the northernmost 142 acres are not presently being considered by the developer, and that the Planning Commission and Board of County Commissioners are not and have not restricted additional development at a future date. Expansion of development into the northernmost 142 acres shall require an additional master plan to be submitted to the Teton County Planning Commission but is not being considered at this time.

4. The Board of County Commissioners approved the Master Plan, subject to the contingencies stated above, and with the understanding that Planned Unit 8 is not being approved at this time, and that the Board of County Commissioners may withhold approval of Planned Unit 8 upon subsequent application for approval.

DATED this 17th day of October, 1977.

Charles E. Lewton

STATE OF WYOMING )
) ss.
County of Teton )

The foregoing instrument was acknowledged before me by Charles E. Lewton this 17th day of October, 1977.

WITNESS my hand and official seal.

MARY T. SCHARP
NOTARY PUBLIC
COUNTY OF TETON
STATE OF WYOMING

Notary Public

My commission expires: [illegible]

~~July~~ 15, 1977
August

Robert LaLonde, Chairman
Teton County Planning Commission
P. O. Box 1727
Jackson, Wyoming 83001

Dear Bob:

As requested by the County Commissioners at their meeting on August 2nd, I am pleased to respond to the questions formulated by the County for interim Master Plan approval.

I would also like to note some changes which have been made on the Master Plan to more accurately reflect my intention to develop only the southern portion of the property and to maintain the northern two hundred acres of the property as permanent open space for agricultural use. However, I am happy to commit to the County that if at some future time development should take place on the northern portion of the property such development would not exceed 135 dwellings on 58 acres of improved land as shown on the plan.

As a further step Planning Unit Six has been redesignated from Residential development to Public or Institutional use. This possible change noted in our submittal of July 18th has now been incorporated in the plan.

While various methods of dedication of open space are still under study, it is my plan to accomplish this to the satisfaction of the County while meeting the requirements of IRS Ruling 64-205.

I hope that the enclosed responses clarify your questions, and we welcome any additional suggestions which you may have.

Sincerely,

Charles Lewton

# MASTER PLAN — RAFTER J RANCH


| | |
|---|---|
| I | LAND USE |
| II | DENSITY |
| III | FINDINGS OF FACT |
| IV | TRAFFIC |
| V | GRADING |
| VI | IRRIGATION |
| VII | IMPROVEMENTS |
| VIII | TITLE |
| IX | ACCESS |
| X | TAXES, IMPACTS |
| XI | NOTIFICATION |
| XII | RESTRICTIONS |
| APPENDIX | MAPS |
| | EXHIBITS |



DEVELOPER — CHARLES LEWTON

PLANNING — CORBETT/DEHNERT ASSOCIATES
POINDEXTER-BAKER
NELSON ENGINEERING


August
15 ~~July~~ 1977

## I. LAND USE

| | USE | ACRES | % |
|---|---|---|---|
| A. | Residential (PU1 - PU5) | 165 | 37.10 |
| B | Community Commercial (PU7) | 6 | 1 35 |
| C. | Local Commercial (PU8) | 8 | 1.80 |
| D. | RV Storage (PU9) | 2 | 0.45 |
| E. | Public & Institutional (PU6) | 14 | 3.10 |
| F. | Undeveloped Open Space | 250 | 56.20 |
| | Total Site | 445 | 100.00 |

## II. DENSITY

A. Total dwelling units· 495, total site area: 445 acres

B. Average gross density $\frac{495}{445}$ = 1.11 du/ac

C. Average developed density $\frac{495}{165}$ = 3.0 du/ac

D. Maximum density/phase 5.0 du/ac

E. Correlation of density with environmental constraints

The developer has commissioned a Water Control Plan to effectively manage irrigation waters, ground water, winter flooding of Flat Creek, and to contain the 100 year flooding of Flat Creek within the designated flood plan. The Water Control Plan is shown in a separate exhibit which has been reviewed and commented upon by the County Planning Consultant. As a result, the RA-6-3 Flood Protection District: Flat Creek Winter Flood Area is not included in the following calculations.

ENVIRONMENTAL PROTECTION DISTRICTS

| Classification | Acres | | DU |
|---|---|---|---|
| RA-10 (Moderately Steep) | 54.62 ÷ 10 | = | 5.46 |
| RA-20 (Steep or Unstable) | 27.12 ÷ 20 | = | 1.36 |
| RA-20 (10 Year Flood) | 67.15 ÷ 20 | = | 3.36 |
| | 148.89 | | 10.18 |

| | | |
|---|---|---|
| 445 - 149 | = | 296 acres w/o constraints |
| 296 - 30 | = | 266 acres for residential development |
| (226 x 3) + 10 | = | 808 allowable du |
| 808 - 495 | = | 313 du (development credit) |

## III. FINDINGS OF FACT

A. The purpose of the project is to improve the health, safety, and welfare of residents of the County by providing moderate cost residential sites and to improve housing opportunities which are currently in inadequate supply to meet the existing demand.

B. The health, safety, and welfare of residents of the project will be assured by meeting or exceeding all applicable local, state, and federal regulations for land development.

The remaining findings of fact (C thru S) are contained in the Land Development Permit Application submitted to the County on July 11, 1977.

## IV. TRAFFIC

A. The Master Plan (including streets and roads) is attached as an exhibit.

B. Total Traffic Generation

495 du x 3 trips/day = 2970 VPD
495 du x 4 trips/day = 3960 VPD

$\frac{2970}{12}$ = 248 VPH

$\frac{3960}{12}$ = 330 VPH

C. Phased Traffic Generation (PU1)

58.2 x 5 du/ac = 291 du
291 x 4 trips/day = 1164 VPD

$\frac{1164}{12}$ = 87 VPH

etc.

## V. GRADING

Three areas of potential grading can be identified within the project area.

1. New access roads from highway.

2. Local commercial and RV storage area east of highway.

3. Gravel removal and restoration of existing cuts and fills from old highway construction east of PU-1.

Of these areas, only the grading necessary for the improvement of the local commercial and RV storage area east of the highway would exceed the criteria given in Paragraph 5A. Detailed plans for grading in this area will be submitted with the plat for review under the criteria given in Section 25 of the Development Regulations.

## VI. IRRIGATION

Existing irrigation systems are shown on the Master Plan. All irrigation water which originates within or transects the project will be delivered to adjacent properties at the existing points of delivery. New perimeter interceptor ditches will be constructed to receive and collect flood irrigation waters from adjacent properties for discharge to the existing system. Control structures will be maintained or reconstructed and maintenance easements will be provided for all structures and primary ditches.

## VII. IMPROVEMENTS

A. Time Table: 1978 initiation of all improvements.

1. Sewage Disposal
   a. Connection to City trunk line
   b. Community public system to EPA standards for developed phases

2. Water Supply: community public system from on-site wells to meet DEQ standards for developed phases.

3. Street System
   a. Collector: to County standards with 26 foot pavement
   b. Minor: 30 foot ROW with 20 foot pavement
   c. Cul-de-sacs: 100 foot ROW with varied pavement patterns.

4. Fire Protection: community public system to meet Jackson City Fire Department standards (mains and hydrants) for developed phases.

5. Phasing: initial development in PU1, phases thereafter in response to market demand.

B. Financial Assurance: Bank letter of credit.

C. Maintenance Responsibility: Owners Association, new public utility company, or existing municipal utility.

## VIII. TITLE

Deed ~~of~~ IN Trust, held by Jackson State Bank, with release provisions.

## IX. ACCESS

Grant easement to City for trunk sewer main if municipal plant located south of project, if local public system, discharge sewage effluent to Flat Creek, surface drainage to open spaces.

Telephone and power from existing trunk systems on property, water source and distribution system within site.

## X. TAXES, IMPACTS

A. CONTRIBUTION (total development)

| | | |
|---|---|---|
| 495 du x $50,000 av cost | = | $24,750,000 |
| 24,750,000 x 30% appraised val | = | 7,425,000 |
| 7,425,000 x .06138 | = | 455,746 prop. tax |

B. POPULATION INCREASE

| | | |
|---|---|---|
| 1. County @ 5% annual | = | 415 (5 yrs.) |
| 2. (15) year 33 du x 3 | = | 99 |
| 3. (10) year 49.5 du x 3 | = | 148.5 |
| 4. (5) year 99 du x 3 | = | 297 |

C. IMPACT COMPARISON

1. Existing County Tax/Resident

$$\frac{35,500,000 \text{ valuation}}{7,500 \text{ population}} = 4,750/\text{resident}$$

2. Projected Project Tax/Resident

495 x 3.1 = 1535 population

$$\frac{7,425,000}{1535} = 4,837/\text{resident}$$

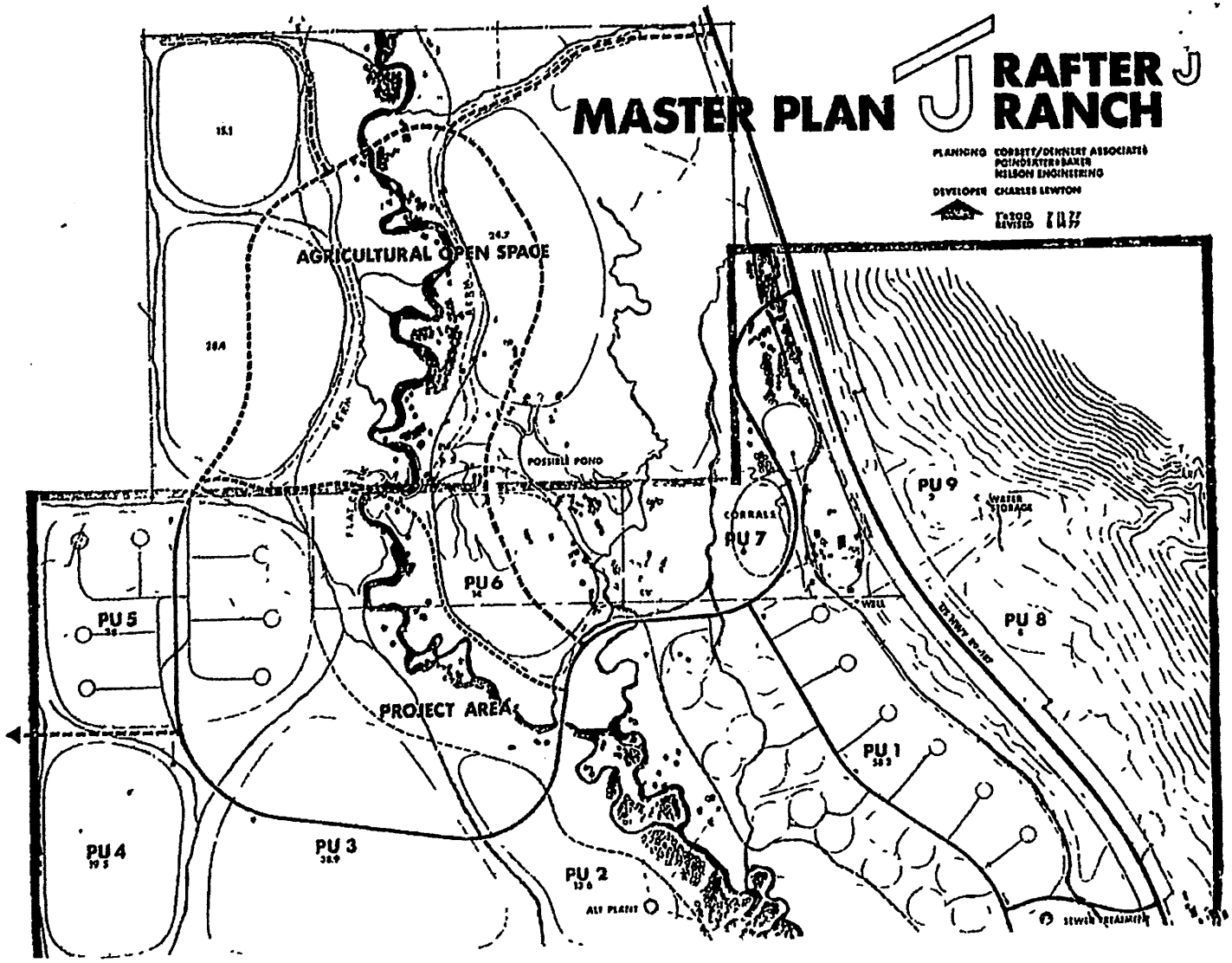
## XI. NOTIFICATION

Published July 13, 20, 27, August 10, 1977.

## XII. LAND USE RESTRICTIONS

A. Restrictive Covenants, Owners Association, Scenic Dedication or Easement

B. Documents filed with Final Plat


MASTER PLAN
RAFTER J RANCH
PLANNING CORBETT/DENNERT ASSOCIATES
POINDEXTER & BAKER
NELSON ENGINEERING
DEVELOPER CHARLES LEWTON
AGRICULTURAL OPEN SPACE
POSSIBLE POND
CORRALS
WATER STORAGE
WELL
PU 1
PU 2
PU 3
PU 4
PU 5
PU 6
PU 7
PU 8
PU 9
PROJECT AREA
ALT PLANT
SEWER TREATMENT

**From:** Mandy Lowe <mandylowe@gmail.com>
**Sent:** Monday, April 11, 2022 8:44 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** StageStop proposal for Legacy Lodge - vote NO

Commissioners
As a resident of Rafter J I have written to you several times but want to send this communication in advance of your meeting tomorrow.
I do hope you will consider all of the concerns raised by Rafter J residents.
This process has felt very rushed and very one sided with StageStop moving quickly on very slim data and Rafter J residents not having the key issues properly addressed or adequately reviewed. StageStop made the purchase of the property knowing full well it was not zoned for the intent of this development then proceeded to push and influence this through the voting process.
The Rafter J residents are a community and have very real concerns that have not been adequately answered yet it seems the process proceeds.
Of key issue;
- short term leases that will introduce a constant transitional population - NOT a community
- this is not affordable workforce housing - it is market rate dorm style. Completely out of character for the Rafter J community
- traffic hazard of north entrance having significantly more strain added to it
- lack of parking which will cause overflow onto Big Trail or necessitate much of the green space to be paved over
- adverse impacts to roads, sewer and water infrastructure which are maintained by Rafter J
- high density apartments are not in keeping with the Comprehensive Plan for the South Park District which classifies Rafter J as a Rural Conservation Subarea.

**I strenuously ask you to DENY this application until a more comprehensive study and report can be completed and greater consultation and collaboration with Rafter J CC&Rs be required.**

Mandy Lowe
310.488.8825

**From:** lorna miller <lornamiller@live.com>
**Sent:** Monday, April 11, 2022 4:04 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** comment re the former Legacy Lodge

Dear Commissioners,

Affordable and workforce housing is certainly an intractable problem. However, another pressing aspect of housing that seems to be almost invisible and not often discussed is that of housing for elders in our community.

An example of one person who recently left the valley permanently because of the lack of suitable housing is Suzanne Young. You may remember how instrumental she was in transforming the Chamber of Commerce when she was ED following the tenure of Ralph McMullen. The fact that this county is unable to provide people who lived here and contributed to the life and economy of this community is a sad commentary indeed.

I appeal to you to explore creative solutions to find a way that the former Legacy Lodge could once again be used for the purpose it was designed for: senior and assisted living.

Sinerely,
Lorna Miller

**From:** Sharon Parrott <sharonjparrott@yahoo.com>
**Sent:** Monday, April 11, 2022 8:09 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Rafter J Legacy Lodge Use

Dear Commissioners:

The issue of the use of the former Legacy Lodge as rental housing is very concerning to me. It would change the entire character of what we know Rafter J as. The original use, as you know, was for assisted living, which meant there would be minimal traffic and use of our pathways and playgrounds. The proposal from the Darwiche family is not something the majority of homeowners in Rafter J would like to see. It seems that we should be a part of the decision making, rather than having it crammed down our throats. We do have a homeowners association and we should be the ones voting on this change to the character of our neighborhood. The added traffic at the road with no stop light (especially in the summer) will make it next to impossible to access the highway. It is already difficult at certain times of the day when the commuters keep the highway very busy. I am concerned about the safety of everyone with the additional traffic - probably about 100 vehicles. Since the County does not control our roads, sewer, water and any other infrastructure, this would be a huge problem for our infrastructure budget. We have a dire need for assisted living in the County and the best use would be to use the property as the originally designed use.

Thank you for your consideration and I am hoping you will not change the use to allow rental housing.

Sharon Parrott
3460 South Winding Trail Drive
Jackson, WY 83001

**From:** Kristin Vito <kristinvito@aol.com>
**Sent:** Monday, April 11, 2022 8:28 PM
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>
**Subject:** Legacy Lodge

Dear Teton County Commissioners,

Please deny Stage Coach, Inc's request for a Conditional Use Permit to change the Legacy Lodge into an apartment building. Rafter J is a quiet, family neighborhood full of our valley's essential workers. I don't believe that their neighborhood should be degraded (excessive traffic, insufficient parking, and transient population) for a plan that does not support the majority's interests that live and work in Teton County. Without rental caps, the Legacy Lodge units will be rented to those who can pay the most for them. Employees of high revenue companies such as luxury hotels, property management companies, and other endless high-end tourism and second home industries will be prime candidates for renting the units from Stage Coach, Inc. There is absolutely no reason to believe that any of these units will be affordable to essential workers such as police officers, postal workers, nurses, teachers, social workers, snowplow operators, grocery clerks, plumbers, librarians, etc. Those that work and live in Teton County deserve a plan that actually benefits community members and not just those with deep pockets.

Thank you for your consideration.

Best,
Kristin Vito
1304 Melody Creek Lane (a non-Rafter J property owner)