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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@tetoncountywyo.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