

**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 28, 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;  
BUP Request for Legacy Lodge BUP2022-0076 and BUP2022-  
0077

My Client: Rafter J Ranch Homeowners Association

Dear Board of County Commissioners and Mr. Gingery,

This letter is sent in response to the supplemental applications submitted by Stage Stop, Inc. (“Stage Stop”), in connection with Stage Stop’s application to obtain basic use permits (“BUP”) to permit Stage Stop to convert the Legacy Lodge, located on Lot 333 within Rafter J, into professional offices and “accessory residential units”. As you know, I represent the Board of Directors of the Rafter J Ranch Homeowners Association (the “Board”).

As the Commission, Staff and its counsel are aware, the supplemental applications, on their face, contemplate residential usage of Lot 333. 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 discussed with the Commission and with Stage Stop, Lot 333 is not within the lots classified as “multiple dwelling” lots within the CCRs and residential use is squarely not a permitted use of Lot 333 under the CCRs.

Stage Stop has represented its intention to seek an amendment to the CCRs, should its CUP application be approved. To date, no action to amend the CCRs has occurred, to

the Board's knowledge.

In light of the foregoing, the Board's position with respect to the BUP application is unchanged from its previously voiced position as to Stage Stop's CUP efforts, 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 BUP currently presages an imminent violation of those covenants. Without an amendment to the CCRs before the BUP is implemented, should residential usage of Lot 333 commence, Stage Stop will be in violation of the CCRs.

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

CC: Chris Neubecker, Planning and Building Services Director  
Via Email [cneubecker@tetoncountywy.gov](mailto:cneubecker@tetoncountywy.gov)

Stage Stop, Inc., c/o Stefan J. Fodor  
Via Email [stefan@fodorlaw.com](mailto:stefan@fodorlaw.com)