

*Rafter J Ranch Homeowner's Association*

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2/6/2023

Dear Owners,

At the HOA's Board of Directors recent Board meeting, the Board discussed the recent approval of a Basic Use Permit "BUP2022-0077" to the Owner of Lot 333 by the Teton County Planning Department, which permits Professional Office Use of Lot 333, and appears to also approve and require two (2) units of on-site deed-restricted housing for affordable workforce housing mitigation. This requirement of on-site housing at Lot 333 obviously calls into question the BUP's compliance with the Declaration of Covenants, Conditions and Restrictions for the HOA as amended and supplemented, which only permit Lot 333 (and the other commercial Lots as designated therein) to be used for "commercial purposes."

Notwithstanding the commercial designation of commercial Lots as set forth in the HOA's Declaration at Art. IX Section 1 and Exhibit C, it has been the practice of the Board to permit caretaking of non-residential Lots to ensure that the Lots are kept in good repair, are secure, and are maintained for use and function as "first rate" commercial properties. Though this practice has occurred in the past, it has never been reduced to an "Association Rule" as called for by the Declaration.

Therefore, in order to clarify this past practice and memorialize the Board's requirements and expectation in a manner that is consistent with the Declaration, the Board is proposing to adopt the attached Association Rule concerning commercial caretaking of the Commercial Lots in the Association. This Association Rule, as proposed, will apply to all Commercial Lots in the Association. The Association Rule, as presently proposed, is as follows:

*The Owners of any Lot designated as a Commercial Lot or commercial area, or otherwise reserved for commercial use, pursuant to the Declaration or any exhibit, supplement or amendment thereto (the "Commercial Lots"), may permit the occupancy of Commercial Lots by up to two (2) "Commercial Caretakers," along with the Commercial Caretakers' "Family" as defined herein. Such occupancy shall comply with Teton County occupancy standards and certificates of occupancy issued for the Lots by any relevant governing authorities. For purposes of this Association Rule, "Commercial Caretaker" shall mean an individual who resides at the Lot in question and who, for compensation, manages the security, maintenance, upkeep and general function of the Lot and its improvements to ensure that the Lot is fit for its intended commercial use. No other residential occupancy of Commercial Lots shall be permitted.*

While the Board intends to deliberate and vote on the attached Association Rule in short order, it is providing the same to the Owners of the Commercial Lots in advance of its vote so that you are able to provide comments if you wish. While the Declaration permits the Board to adopt Association Rules in its sole discretion, the Board is extending this invitation to you as a courtesy so that stakeholders in this decision are afforded an opportunity to provide input.

Thank you for your time and please do not hesitate to reach out to us with any questions or to discuss further.

Thank you,

Mike Keegan, President  
Tracy Baiotto, Vice President  
Karen Jerger, Treasurer  
Jessica Brown, Secretary  
Kathie Brazinski, Member at Large