



PLANNING & BUILDING

Building Division
Code Enforcement
Long-Range Planning
Planning Division

January 31, 2023

Stage Stop, Inc.
PO Box 1677
Jackson, WY 83001

HH Land Strategies
PO Box 1902
Wilson, WY 83014

[Sent via email to hal@hhlandstrategies.com]

RE: Basic Use Permits BUP2022-0076, BUP2022-0085-0110 Stage Stop Inc., Accessory Residential Units Decision Letter

Dear Hal,

Attached you will find the supporting Staff Report for BUP2022-0076, and BUP2022-0085 through BUP2022-0110 the Stage Stop Accessory Residential Units. Also attached are the approved permits for BUP2022-0076, and BUP2022-0085 through BUP2022-0107. Please note the following permit conditions as required by the Planning Director:

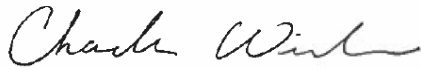
1. Prior to occupancy of any residential units, the applicant shall obtain a building permit to install the required kitchen facilities in each ARU.
2. The rental period for each residential unit shall be a minimum of 6 months.
3. Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of an accessory residential unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure, such as a garage.
4. Prior to issuance of certificate of occupancy for each Accessory Residential Unit, a deed restriction shall be recorded in the Teton County Clerk's Records by the applicant in a form that is acceptable to the Jackson/Teton County Affordable Housing Department that restricts occupancy to members of the workforce. In addition, a 2-bedroom ARU shall be restricted for members of the workforce making <50% of median income and a 1-bedroom or studio ARU restricted for members of the workforce making <120% of median income.
5. Prior to the occupancy of any of the residential units, the primary professional office use shall be active and granted occupancy.

6. If the use approved by CUP2021-0005 is implemented, these use permits shall be considered discontinued.

The Planning Director was unable to make the findings for the final three applications, BUP2022-0108, BUP2022-0109 and BUP2022-0110. The Staff Report outlines the Planning Directors decision of Denial for those permits.

Should you have any questions or concerns about the comments, please feel free to contact me at (307) 733-3959 or via email at: cwindom@tetoncountywy.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Chandler Windom". The signature is fluid and cursive, with the first name "Chandler" and last name "Windom" clearly distinguishable.

Chandler Windom
Senior Planner

BASIC USE PERMITS

BUP2022-0076, & BUP2022-0085 THROUGH -0107

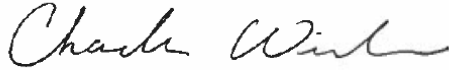
GRANTED TO
Stage Stop, Inc.

FOR 24 ACCESSORY RESIDENTIAL UNITS

HH Land Strategies, having made application on behalf of **Stage Stop, Inc.**, for the above **Basic Use Permits**, to have **Accessory Residential Units** located in the Planned Unit Development- Rural 3 zone, and the Teton County Planning Director, having determined that all of the required standards are met, concludes that the applicant is entitled as a matter of law to the issuance of a permit. **Stage Stop, Inc.** is hereby granted the **Basic Use Permits** for twenty-four (24) Accessory Residential Units located at 3000 W Big Trail Drive as set forth in the application materials received August 26, 2022 and updated October 14, 2022. This Permit is subject to the limitations and conditions outlined in the Staff Report dated January 31, 2023 and listed below.

Dated this 31st day of January, 2023

TETON COUNTY PLANNING AND BUILDING DEPARTMENT



Chandler Windom, Senior Planner

PERMIT ISSUED FOR: To allow 24 Accessory Residential Units (ARUs)

LOCATION: 3000 W Big Trail Drive
Lot 333 Rafter J Subdivision
PIDN 22-40-16-17-2-03-001

LIMITATIONS AND CONDITIONS;

1. Prior to occupancy of any residential units, the applicant shall obtain a building permit to install the required kitchen facilities in each ARU.
2. The rental period for each residential unit shall be a minimum of 6 months.
3. Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of an accessory residential unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure, such as a garage.
4. Prior to issuance of certificate of occupancy for each Accessory Residential Unit, a deed restriction shall be recorded in the Teton County Clerk's Records by the applicant in a form that is acceptable to the Jackson/Teton County Affordable Housing Department that restricts occupancy to members of the workforce. In addition, a 2-bedroom ARU shall be restricted for members of the workforce making <50% of median income and a 1-bedroom or studio ARU restricted for members of the workforce making <120% of median income.
5. Prior to the occupancy of any of the residential units, the primary professional office use shall be active and granted occupancy.
6. If the use approved by CUP2021-0005 is implemented, these use permits shall be considered discontinued.

PERMIT NUMBERS: BUP2022-0076, BUP2022-0085, BUP2022-0086, BUP2022-0087, BUP2022-0088, BUP2022-0089, BUP2022-0090, BUP2022-0091, BUP2022-0092, BUP2022-0093, BUP2022-0094, BUP2022-0095, BUP2022-0096, BUP2022-0097, BUP2022-0098,

BUP2022-0099, BUP2022-0100, BUP2022-0101, BUP2022-0102, BUP2022-0103, BUP2022-0104, BUP2022-0105, BUP2022-0106, and BUP2022-0107

NOTE REGARDING EXPIRATION OF PERMITS: According to Section 8.4.1.D, Basic Use Permit, Permit Expiration of the Teton County Land Development Regulations, this permit shall expire twelve (12) months from the date of approval except under one of the following circumstances:

1. The use is commenced and has not been operationally discontinued or abandoned for a period of one year or more;
2. A physical development permit (Building Permit) has been issued and is active for physical development needed to commence the use; or
3. An alternate expiration is set through the approval of the basic use permit

PERMIT EXPIRATION DATE: JANUARY 31, 2024.



Planning Director - Staff Report

Subject: BUP2022-0076, BUP2022-0085-0110 Stage Stop Inc., Accessory Residential Units
Applicant: Hal Hutchinson, HH Land Strategies
Property Owner: Stage Stop Inc.
Reviewer: Chandler Windom

REQUESTED ACTION

Basic Use Permits, pursuant to §8.4.1 Basic Use Permit (BUP), of the Teton County Land Development Regulations, to allow 27 Accessory Residential Units.

BACKGROUND/DESCRIPTION

PROJECT DESCRIPTION

The applicant proposes to establish twenty seven (27) Accessory Residential Units (ARUs) accessory to the Professional Office Use within the existing structure formally used for an assisted living facility known as the Legacy Lodge. The site is subject to two other recent permit approvals, PUD2021-0001 and CUP2021-0005, to change the use from assisted living to workforce housing (apartments). According to the BUP2022-0076 application, "The PUD amendment application is currently the subject of a lawsuit, rendering the future use of the property for workforce housing, which necessitates significant upgrades to the individual units, infeasible at this time." BUP2022-0077 was approved by the Planning Director on January 17, 2023, for a Professional Office use that is intended to operate within the first floor of the building. The 27 proposed ARUs are intended to operate on the second floor of the building until the possibility for workforce apartments in accordance with PUD2021-0001 & CUP2021-0005 becomes feasible.

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

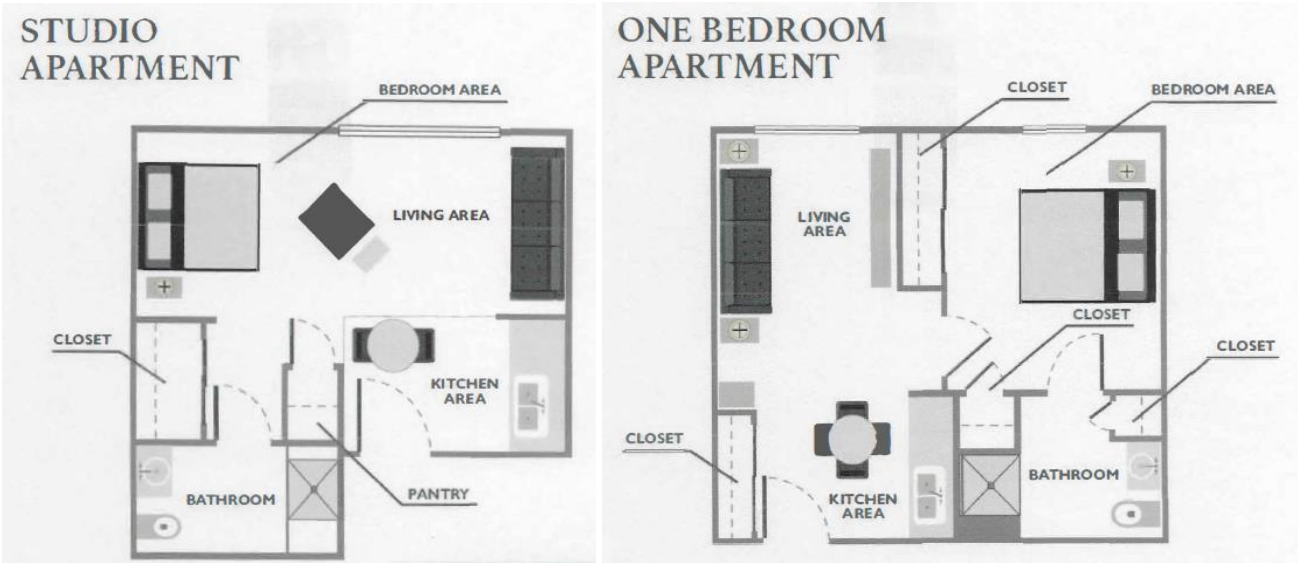
3000 W Big Trail Drive is situated in the northeast corner of the Rafter J Ranch. The lot is approximately 1,500 linear feet from the northern most entrance into the subdivision. Directly east of the property is S Highway 89 and a Teton County pathway. The site does not have direct access to the highway.

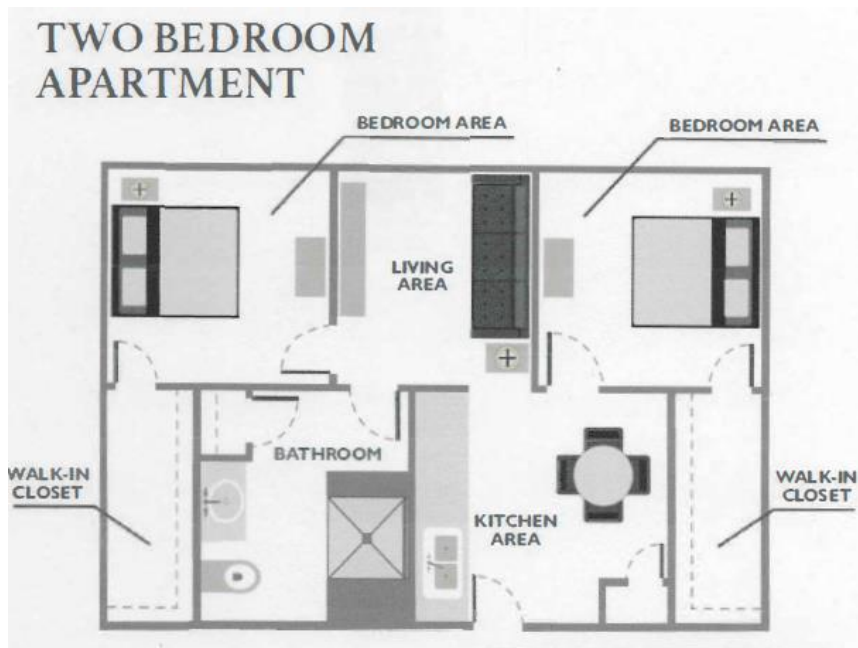
Legal Description: Lot 333 Rafter J Ranch
PIDN: 22-40-16-17-2-03-001
Site Size: 5.37 acres
Character District: 10: South Park
Subarea: 10.1: Southern South Park
Zone: Planned Unit Development- Rural 3
Overlay: None

SITE PLAN



ACCESSORY RESIDENTIAL UNITS FLOOR PLAN (STANDARD UNIT TYPES)





STAFF ANALYSIS

According to LDR Section 1.8.2.C, in 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) the Professional Office use proposed with BUP2022-0077 was proposed. These Accessory Residential Units are intended to be secondary and subordinate to this primary use. The units will all be subject to, at minimum, a workforce housing deed restriction, as required by the Jackson/Teton County Affordable Housing Department Housing Rules & Regulations. Two of the units will also be subject to affordable workforce deed restrictions in accordance with the mitigation requirements outlined in the BUP2022-0077 approval for the primary use. The following table outlines the number, type, and size of the proposed ARUs.

Room Type	Number of Units	Floor Area (sf)
Studio	4	326 sf
One-Bedroom	19	474 sf
Two-Bedroom	4	708 sf
Total:	27 units	13,142 sf

KEY ISSUES

KEY ISSUE 1: WHAT PERMIT TYPE IS REQUIRED?

The use table in the 11th printing of the 1978 LDRs includes a use titled, “Accessory Residential Structure.”

	RA*	RPJ	RTM	CR	CT	CV*	CL*CG	I
Residential Accessory Structure	O	O	O	C	C	C	C	C
Rooming or Boarding House (max 5 rental rooms)	C	O				O		
Single Family Residence	O	O	O		C@			
Townhouse**	O	O	O		C@			
Yurt Park**/**	C	C			C		C	C

In the CL District this use requires a Conditional Use Permit. An Accessory Residential Unit was not a type of use at that time. It was not immediately clear if an Accessory Residential Structure is the same as an Accessory Residential Unit (ARU). Referring to

Section 7 of the 11th printing of the 1978 LDRs, Definitions, Accessory Building is defined as, “A building or structure which is incidental or subordinate to the main building on the same site, or the use of which is incidental or subordinate to the use of the site or the use of the main building on the site. An accessory building that is attached or joined to a main building and shared a common wall therewith, shall be deemed part of the main building.” The proposed ARUs are within the same existing structure as the approved primary office use. Therefore, this proposed change of use does not meet the definition of an Accessory Residential Structure. In accordance with the current 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.” The underlying Rural-3 zone section 3.2.4.C.1, Allowed Uses, requires a Basic Use Permit when requesting an Accessory Residential Unit. In addition, the following standard in LDR section 3.2.4.E.1.b applies to the proposed ARUs, “Primary use non-residential. An ARU accessory to a non-residential use shall not exceed 850 sf of gross floor area including basement floor area. The floor area of an ARU accessory to a non-residential use shall be exempt from FAR and maximum floor area calculations.” In conclusion, the Planning Director has determined that the Basic Use Permits submitted for this proposal are appropriate and the ARUs shall follow the use specific and Rural-3 zone specific standards in the current LDRs.

KEY ISSUE 2: RELATIONSHIP TO PAST APPLICATIONS

The previous approvals on this site include PUD2021-0001 and CUP2021-0005 to amend the Rafter J Planned Unit Development and implement a workforce apartment use in the existing facility on Lot 333. These Accessory Residential uses do not rely upon either of those previous approvals, however, they do utilize the same space as CUP2021-0005. CUP2021-0005 is not yet issued, pending compliance with the required conditions of approval. However, upon that issuance and subsequent establishment of the use permitted by CUP2021-0005, these Accessory Residential Unit Basic Use Permits would be considered discontinued. While multiple primary uses may exist on a single site, that is not the basis of this proposal, and the applicant shall choose which approved use to establish and operate.

As this request follows the original PUD approval for Rafter J, decision on this application is not dependent on the outcome of the appeal of the Board of County Commissioners decision on PUD2021-0001.

RELATIONSHIP TO APPLICABLE LAND DEVELOPMENT REGULATIONS

Parking

Complies. The Rafter J PUD directs this site to utilize the standards of the Local Convenience Commercial (CL) District of the 1978 LDRs. However, as ARUs are not part of the 1978 LDRs, parking requirements will be taken from the current LDRs. In accordance with the underlying Rural-3 zone the ARUs generate a need for 1.25 spaces per unit. Therefore 27 units require at least 34 parking spaces.

The requirement for BUP2022-0077, the professional office use, is 39 parking spaces. There are currently 36 spaces available on the site, however 41 spaces can be accommodated within the existing parking lot through

Percentage of Nonresidential Parking Spaces that May Be Shared		
Nonresidential Use	Affordable Workforce Housing or ARU	Other Residential Use
Retail	100%	25%
Office	100%	75%
Restaurant/Bar	100%	20%
Service	100%	25%
All Industrial Uses	100%	75%
Other nonresidential uses	100%	20%

restriping. In accordance with LDR Section 6.2.2.B, Residential and Nonresidential uses that share a site may also share parking. Specifically, an Office use and Affordable Workforce Housing/ARUs may share 100% of the parking requirements when the residential use provides on-site affordable, or workforce housing and the location and design of the development enhances the shared parking function. Therefore, no

additional parking is required for the Accessory Residential Units which shall provide deed restricted housing. It should be noted that parking on Big Trail Drive is expressly prohibited, and the property owner shall ensure occupants of the ARUs are aware of and complying with this prohibition.

Accessory Uses

Complies as conditioned. The definition of Accessory Uses in LDR section 6.1.11, states that *“An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.”* The following standards apply to all accessory uses;

- a) *An accessory use may only be permitted in association with an active primary use designated for the accessory use.*
- b) *An accessory use must be abandoned upon abandonment of its primary use.*
- c) *An accessory use shall be subject to all dimensional limitations and other development standards applicable to its primary use unless otherwise provided in this Section.*
- d) *A property with an accessory use shall not be subdivided in any way that results in the accessory use being owned separately from its primary use.*

The accessory residential units may only be occupied so long as the primary professional office use is established and active. The method of determining secondary and subordinate is not expressly described in the LDRs. Some methods used in the past have been comparing the site occupied, or the floor area, of the primary and accessory uses. The application describes the layout of the existing building with the two floors, each split into a north and south wing. The first floor contains a large common area and commercial kitchen which functioned as a gathering and eating area for occupants of the assisted living facility. This area will not be used by the primary office use or the ARUs. The rest of the existing “units” that previously housed occupants of the assisted living facility will be retrofitted either for the professional office use on the first floor, or the accessory residential units on the second floor.

Comparing the gross floor area of the primary and secondary uses, the ARUs will exceed the office use by 1,326 sf. However, comparing the number of existing assisted living units that will be dedicated to each use, the office use exceeds the ARUs by 1 unit. The units on the second floor are slightly larger and contain more bedrooms than the first floor. Considering the upstairs units will require the addition of an oven or stove in each unit, it makes more sense logically to dedicate the slightly larger units for that residential occupancy. However, the 27 ARUs are not clearly a minority of the use or character of the property. Therefore, Staff recommends approving only 24 ARUs to ensure the accessory uses are found to be a minority of the use on the site. Removing three one-bedroom units (474 sf each) from the approval would eliminate 1,422 sf of floor area from the accessory use and consequently demonstrate the secondary and subordinate nature of the Accessory Residential Units.

Maximum Scale of Use

Complies. As stated above in Key Issue #1, the Rural-3 zone limits Accessory Residential Units which are accessory to a primary non-residential use to 850 sf of gross floor area. In accordance with the floor plans provided in the application, the largest existing unit is 708 square feet of floor area and therefore all the existing units will comply with this standard.

Dwelling unit/Livability Standards

Complies as conditioned. Accessory Residential Units are defined as a type of Dwelling Unit and therefore must include all the functions as presented in the LDRs for a Dwelling Unit. This includes each unit having a full kitchen as defined by Division 9.5 of the LDRs, *“...which contains a sink and a stove or oven powered by either natural gas, propane or 220-V electric hookup.”* The assisted living facility units currently contain a kitchenette (i.e. refrigerator, sink, and microwave) but do not yet have the required stove or oven. Prior to occupancy the applicant shall obtain the required building permit and complete the installation of the complete kitchen facilities. In addition, deed

restricted dwelling units require compliance with the livability standards in the Housing Rules & Regulations. There are certain exceptions and/or variances that can be obtained to the livability standards, especially when the units in question are existing. The applicant shall comply with all the requirements of the Jackson/Teton County Affordable Housing Department regarding the occupancy of the units.

Affordable Workforce Housing Mitigation

Complies. Accessory Residential Units do not generate any housing mitigation requirements however two of the proposed ARUs are intended to mitigate for the professional office use approved with BUP2022-0077. At minimum the applicant will be required to restrict a 2-bedroom unit for qualified members of the workforce making <50% of median income and a 1-bedroom or studio unit with a <120% of median income restriction. Below is a screenshot from the affordable workforce housing mitigation calculator indicating the required unit types.

Unit Type	Units	Method	Instructions
2 bed, < 50% Median Income	1.000	On-Site Construction	please document compliance with Sec. 6.3.5.D.1
1 bed, < 120% Median Income	1.000	On-Site Construction	please document compliance with Sec. 6.3.5.D.1

Mitigation requirements shall be met prior to the granting of the applicable certificate of occupancy or use permit for the employee generating development. In the case of the office use, a building permit shall be required, therefore restriction of these two units shall be completed prior to occupancy of either the office space or the ARU itself. The remainder of the ARUs shall receive workforce housing deed restrictions, which set no limits on the income of the occupants or the rental rates, but require occupancy by households who earn a minimum of 75% of their income from a Local Business, as defined by the Housing Rules & Regulations.

Transportation

Complies. In accordance with the Institute of Traffic Engineers rates, the floor area that was approved for a general office use with BUP2022-0077 (11,816 sf of gross floor area) is estimated to generate approximately 427 ADT. Utilizing the Trip Generation for Residential Uses in LDR Section 7.6.4, an apartment type residential use as a trip generation factor of 6.7 ADT per unit. Therefore 27 ARUs would generate approximately 181 additional average daily trips. If one were to consider the recommendation for only 24 ARUs rather than 27 then the Average Daily Trips would be estimated at 161 additional.

LDR Section 7.6.4.I., only calls for a Traffic Impact Study to be completed for proposed subdivisions or developments which will generate more than 1,000 vehicle trips per day. The combined traffic generation for the office use approved as BUP2022-0077 and the 24 Accessory Residential Uses would be approximately 588 ADT.

ATTACHMENTS

- [Applications & Supplemental Application Materials](#) (digital only)
- [BUP2022-0077 Decision](#) (digital only)

DECISIONS

BUP2022-0076, BUP2022-0085 THROUGH -0107

The Planning Director **APPROVES** BUP2022-0076, BUP2022-0085, BUP2022-0086, BUP2022-0087, BUP2022-0088, BUP2022-0089, BUP2022-0090, BUP2022-0091, BUP2022-0092, BUP2022-0093, BUP2022-0094, BUP2022-0095, BUP2022-0096, BUP2022-0097, BUP2022-0098, BUP2022-0099, BUP2022-0100, BUP2022-0101, BUP2022-0102, BUP2022-0103, BUP2022-0104, BUP2022-0105, BUP2022-0106, and BUP2022-0107, submitted August 26, 2022 and updated October 14, 2022 for **24 Accessory Residential Units**, subject to the six conditions below, based on the findings below.

CONDITIONS OF APPROVAL

1. Prior to occupancy of any residential units, the applicant shall obtain a building permit to install the required kitchen facilities in each ARU.
2. The rental period for each residential unit shall be a minimum of 6 months.
3. Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of an accessory residential unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure, such as a garage.
4. Prior to issuance of certificate of occupancy for each Accessory Residential Unit, a deed restriction shall be recorded in the Teton County Clerk's Records by the applicant in a form that is acceptable to the Jackson/Teton County Affordable Housing Department that restricts occupancy to members of the workforce. In addition, a 2-bedroom ARU shall be restricted for members of the workforce making <50% of median income and a 1-bedroom or studio ARU restricted for members of the workforce making <120% of median income.
5. Prior to the occupancy of any of the residential units, the primary professional office use shall be active and granted occupancy.
6. If the use approved by CUP2021-0005 is implemented, these use permits shall be considered discontinued.

FINDINGS

Pursuant to Section 8.4.1 of the Land Development Regulations, a basic use permit shall be approved upon finding the application:

1. *Complies with the Use-Specific Standard of Div. 6.1 and the zone;*

Can be made. The proposed Accessory Residential Units comply with the use-specific standards in Section 6.1.11 and the standards specific to ARUs in the Rural-3 zone as stated in the above staff report.

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

Can be made. The proposed ARUs comply with all relevant LDRs and other County Resolutions pursuant to the above staff report.

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

Can be made. The proposal complies with the prior approvals of BUP2022-0077 and those regarding the original Rafter J Subdivision and Planned Unit Development. This proposal is not dependent on the approvals of PUD2021-0001 nor CUP2021-0005.

BUP2022-0108, BUP2022-0109, BUP2022-0110

The Planning Director **DENIES BUP2022-0108, BUP2022-0109 and BUP2022-0110**, submitted August 26, 2022 and updated October 14, 2022 for **3 one-bedroom Accessory Residential Units**, being unable to make the findings pursuant to Section 8.4.1.

FINDINGS

Pursuant to Section 8.4.1 of the Land Development Regulations, a basic use permit shall be approved upon finding the application:

1. Complies with the Use-Specific Standard of Div. 6.1 and the zone;

Cannot be made. The last two Accessory Residential Units complied with the standards specific to ARUs in the Rural-3 zone however did not comply with the use-specific standards in Section 6.1.11 specifically the requirement that all accessory uses be “secondary and subordinate” to the primary use. It was determined that 27 Accessory Residential Units would not constitute a minority of the use of the site, however the first 24 ARUs were deemed secondary and therefore appropriate.

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

Can be made. The proposed ARUs comply with all relevant LDRs and other County Resolutions pursuant to the above staff report.

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

Can be made. The proposal complies with the prior approvals regarding the original Rafter J Subdivision and Planned Unit Development. This proposal is not dependent on the approvals of PUD2021-0001 nor CUP2021-0005.