



October 31, 2025

Erin Monroe

Via email: emonroe@tetoncountywy.gov

RE: AMD2025-0001 PC Remand Response

Erin,

Please find below an updated proposal for the amendment to the allowed uses in the Workforce Home Business zone (AMD2025-0001). This update is in response to the Board of County Commissioners' (BCC) request that the Planning Commission (PC) "provide guidance" on the following topics:

- Consistency with the Comp Plan
- Other Potential CUP standards
 - Water quality standards
 - A requirement that the owner lives on-site
 - Consider hours of operation and potentially a limit of 7:30 am – 9:30 pm
- Proposed amendments that have been received since their recommendation, including but not limited to:
 - Spatial limitations set forth in 2.2.2.E.c.ii.1 – address the word "partially" and the distances of 200-500 ft
 - Consider removing from paragraph 7, "all heavy equipment shall be stored in a fully enclosed structure."

Attached, you will find

- An updated proposal that reflects the applicant's request with regard to all topics
- An analysis of the options represented by the BCC request

Please let me know if you have any questions.

Thank you,

A handwritten signature in blue ink, appearing to read "Alex Norton".

Alex Norton

CC: Kirk Hogan, John Graham

AMD2025-0001 (October 31, 2025)

Sec. 2.2.2. Workforce Home Business (WHB)

C. Use

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Industrial						
<u>Light Industry</u> (6.1.9.B., E.1.)	<u>C</u>	<u>n/a</u>	<u>n/a</u>	<u>8,082 sf</u>	<u>1/1,000 sf + 1/company vehicle</u>	<u>0.000107*sf</u>
<u>Heavy Industry</u> (6.1.9.C., E.1.)	<u>C</u>	<u>n/a</u>	<u>n/a</u>	<u>8,082 sf</u>	<u>2/1,000 sf</u>	<u>0.000107*sf</u>

E. Additional Zone-specific Standards

1. Conditional Uses.

- a. Setbacks for the conditional use shall be established through the CUP process to ensure compatibility of conditional use with surrounding context and character and to mitigate impacts of use on natural resources and/or neighboring residences.
- b. Conditional institutional uses are prohibited within the NRO.
- c. Conditional Light and Heavy Industry Uses
 - i. Qualifying Uses. The allowed industrial use shall be limited to contractor businesses only. Contractor businesses are limited to building and special trade contractors listed in 6.1.9.B.1.a.ii and the paving, excavation, hauling, and other contracting services involving heavy equipment listed in 6.1.9.C.1.a.iv.
 - ii. Qualifying Sites.
 1. The conditional use site area shall be at no point further than 500 feet of the S. Highway 89 right-of-way.
 2. No more than 1 industrial use per lot of record is allowed.
 - iii. Standards.
 1. On a site larger than 3 acres, the conditional use shall be limited to a gross site area not to exceed 3 acres, to be determined through the CUP process. No business activity, storage of materials, or equipment shall occur outside of the designated use area.
 2. The floor area dedicated to the use shall not exceed 8,082 sf, including basement floor area.

3. A primary industrial use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline business operations to provide clarity and predictability regarding the impacts of the use on neighborhood character. Amendments to an operations plan qualifying as minor deviations (8.2.13.B.2.) may be approved by the Planning Director. The operations plan shall address the following, if applicable:
 - a. How the proposed use will comply with the standards of this section (E.1.c.).
 - b. Anticipated noise, waste and wastewater disposal, and environmental impacts and mitigation plan.
 - c. Site plan, including locations of screening, parking, storage, business operations and water sources,
 - d. Parking and vehicle storage,
 - e. Material storage and management, including locations, maximum quantities, types and compositions of materials, and best practices for hazardous and toxic material storage.
 - f. Hours of operation.
4. Hours of operation shall not exceed 7:30 am to 9:30 pm.
5. At least one primary or accessory residential unit shall be provided prior to the operation of the industrial use on the lot of record or parcel of the conditional use site. A unit provided to meet the Affordable Workforce Housing Requirement of Div. 6.3 may also meet this requirement.
6. All equipment and material storage shall be screened by a building, native landscaping, or fencing. The required enclosed structures and screening shall be included within the designated use area.
7. As part of the Conditional Use Permit application, the applicant shall demonstrate that the use will not decrease water quality through measures such as best practices for stormwater management, snow storage, and material storage, and sewer connection as practicable.

Consistency with the Comprehensive Plan

As stated in our original application, the applicant finds that the proposal is consistent with the Comprehensive Plan. It is an adaptive implementation of Policy 6.2.d, which calls for more opportunities for contracting business, and has become an even greater need given how the Business Park zone has been built out since 2012. While Policy 6.2.d talks explicitly about Light Industry, the Comprehensive Plan is not the LDRs and not strictly limited by LDR definitions. Regardless of its title, intent of Policy 6.2.d is to promote, “uses that can provide stable employment opportunities and middle-class wages,” but, “struggle to compete for leasable floor area with uses that need less room to make more money,” which refers to contractor businesses that are characterized as heavy industry in the LDRs and can only be located in the industrial BP zone.

This application is designed to provide greater flexibility within the existing organization and precedent of the Land Development Regulations, while respecting the desired future character of Hog Island. Adaptive management within character sideboards is the heart of Comprehensive Plan implementation.

The applicant’s impression from the PC and BCC meetings is that both boards recognize the need for additional industrial zoning in the community, but also acknowledge that a landowner proposal is not the typical approach to implementing Comprehensive Plan policy. Yet, the reality is that a community process to implement Policy 6.2.d has not been pursued and remains a low-priority use of staff time. Discussion of how, or whether, to address Policy 6.2.d was not a part of the WHB zoning adoption discussion, which instead focused on housing options. Given that reality, the BCC is interested in exploring how this proposal could be modified to be an acceptable solution. This raises two questions.

- If not Hog Island, where else might Policy 6.2.d be implemented?
- How can standards in the WHB zone be crafted to fit within the desired future character of Hog Island?

The first question is answered here, the second question is at the heart of the rest of the BCC’s direction and will be addressed below.

Where Else?

The only Character Districts where Policy 6.2.d is a policy objective are West Jackson (Character District 5) in Town and South Highway 89 (Character District 7) in the County, which includes the Hog Island subarea. The only subareas where industrial character is mentioned are:

- 5.2: Gregory Lane, the existing Town BP zone, which is essentially built out
- 5.3: High School Butte, the small Town subarea that has since been the site of multiple multi-family housing developments, and is now essentially built out

- 7.1: South Park Business Park, the existing County BP zone, which is essentially built out
- 7.2: Hog Island Home Business, the location of this proposal

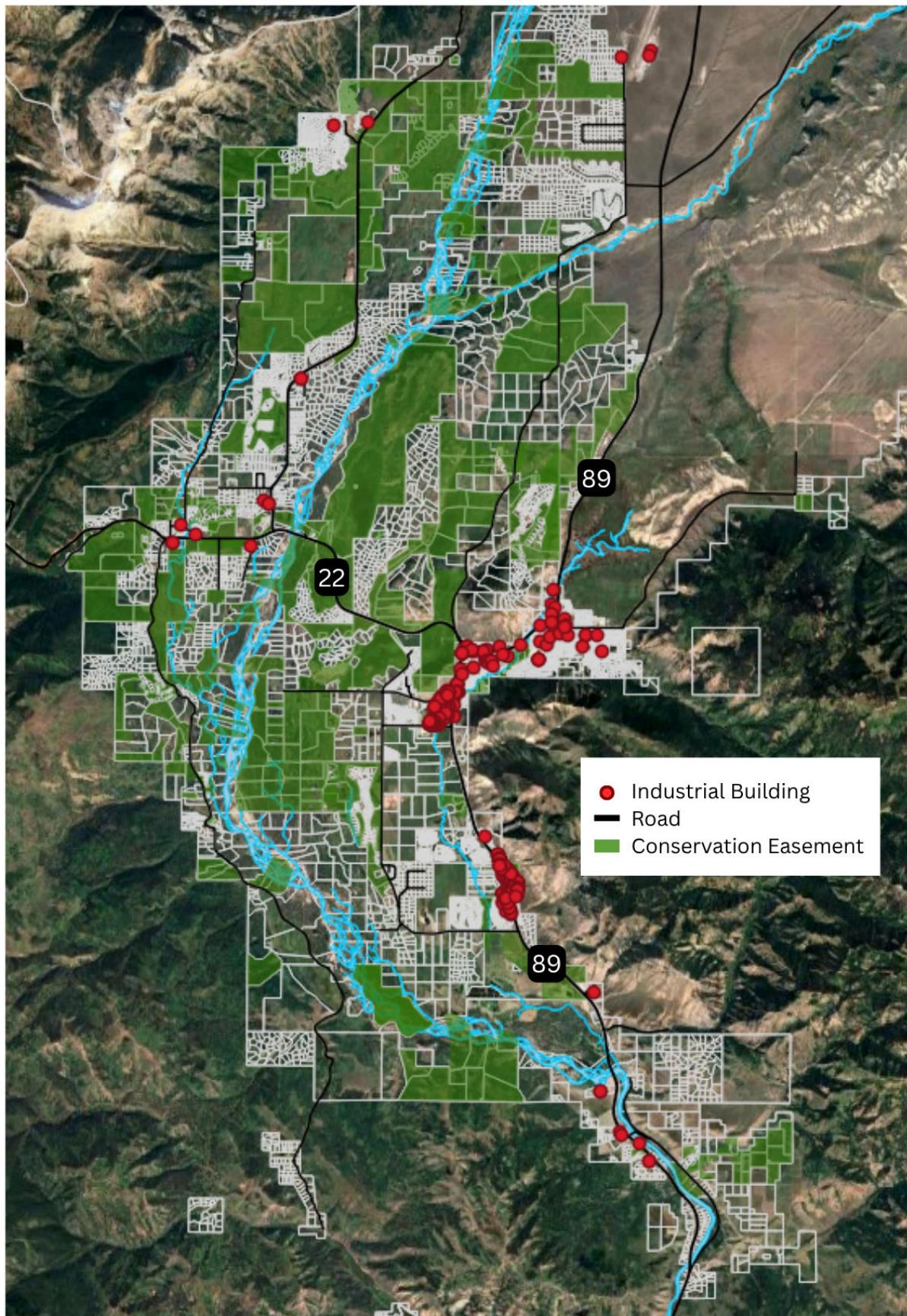
The map on the following page shows the location of buildings coded as industrial in the County and Town's map of existing land use, which was originally developed in 2012 based on review of Assessor and Planning records and has since been updated annually based on building permits. This data does not capture all contractor home businesses in the County, but it does show where existing pockets of industrial character exist.

- The Town of Jackson has an existing cluster of industrial use in the Business Park zone where it is expected, but which is largely built out as detailed in our original application. There are other nonconforming industrial uses throughout town, but those areas are surrounded by other development and have other desired characters
- The Wilson/Nethercott area has legacy primary industrial uses, but they are surrounded and divided by conservation easements and existing residential development, spread across multiple Comp Plan subareas, and are a non-prominent part of the neighborhood character.
- Hog Island has an existing industrial character that is a prominent part of the area because of the lack of surrounding development.

The airport, Teton Village, Aspens, and the transfer station also have existing industrial uses, but they are one-offs rather than clustered. Below is a table that compares the Wilson and Hog Island clusters. The table was presented to the BCC at its original hearing on the application.

Cluster	Hog Island	Wilson/Nethercott
Existing Industrial Use	7 primary, 4 accessory	7 primary, ? accessory
Desired Industrial Character	yes	no
Adjacent Highway	5 lane	2 lane
NRO Tiers	Low and Mid	Mid and High
Vacant Land	opportunity	minimal

Hog Island has existing industrial character, desired industrial character, transportation infrastructure, lower-value habitat, and development opportunity. It is the most logical place to implement Policy 6.2.d. Achieving the Comprehensive Plan policy within the Comprehensive Plan character framework directs you to Hog Island.



Standards that respect the desired character for Hog Island

Since Hog Island is the most logical place to implement Policy 6.2.d, the question becomes what standards are needed to ensure the implementation remains consistent with the desired character of the subarea. This question is the meat of the BCC remand: what standards are needed to blend industrial opportunity into Hog Island successfully?

An important clarification, highlighted by the PC hearing discussion, is that light and heavy contractor uses are already allowed and permitted in Hog Island. This application does not introduce new uses to the WHB zone; it merely allows them as primary uses instead of accessory uses. This is not obvious in the way the LDRs present “Home Business” in the use table, then define the uses and subcategories of uses that can be home businesses in another section, but it is practically the case. The applicant’s neighbor has a heavy industry, excavation home business permit. The same use the applicant intends to locate on his property is permitted as an accessory use rather than a primary use. The structure of the LDRs makes the red line of the proposed changes appear to introduce uses, but the application is really just allowing uses to be primary where they are currently required to be accessory.

This clarification is an essential reference point in evaluating character consistency when looking at the various options for standards applicable to the proposed conditional industrial primary uses. The applicant believes that these standards replicate or improve upon the achievement of the desired character for Hog Island when compared to the home business allowance that exists.

The rest of this analysis will walk through each standard as they are listed in the proposal with reference to the versions reviewed by the PC in August and by the BCC in September and October. .

i. Contractor use requirement

- A. Proposed Language: Qualifying Uses. The allowed industrial use shall be limited to contractor businesses only. Contractor businesses are limited to building and special trade contractors listed in 6.1.9.B.1.a.ii and the paving, excavation, hauling, and other contracting services involving heavy equipment listed in 6.1.9.C.1.a.iv.
- B. PC Reviewed Language: The industrial use shall be a contracting business
- C. BCC Considered Language: [Option A, no additional consideration requested]

The original language, considered by the PC in August, relied on the identical “contracting business” language found in Section 6.1.11.E.1.a, defining the uses allowed as a home business. In preparation for the October BCC meeting, staff and the applicant defined the uses historically considered contracting businesses with references to the sub-uses of light (6.1.9.B.1.a.ii) and heavy industry (6.1.9.C.1.a.iv) in those sections of the LDRs. The BCC did not request any additional consideration of the more detailed definition of the qualifying uses.

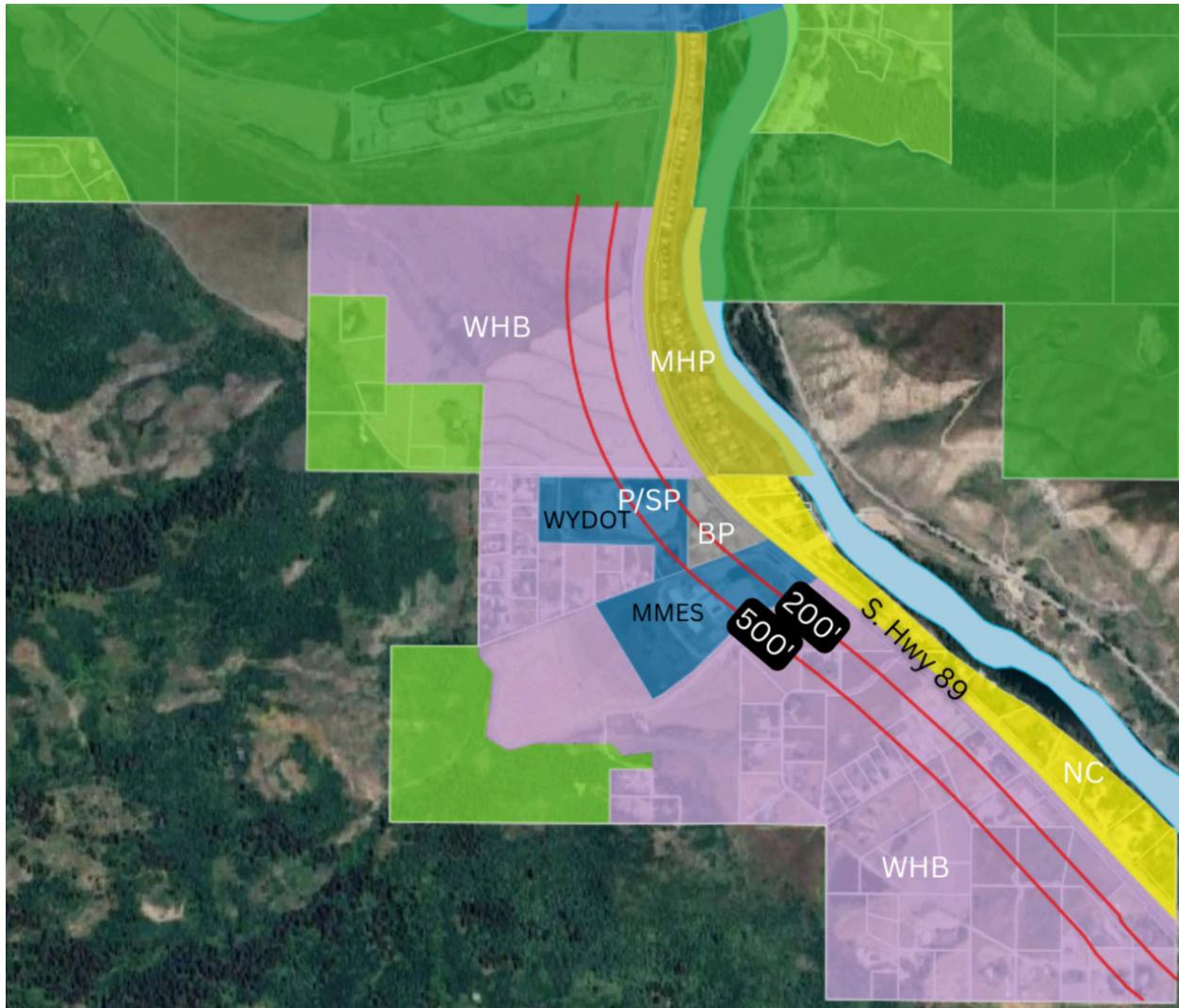
While this provides further specificity, it achieves the goals of exactly matching the current uses allowed as home businesses in the WHB zone.

ii. Site proximity to the highway

- A. Proposed Language: Qualifying Sites.
 - 1. The conditional use site area shall be at no point further than 500 feet of the S. Highway 89 right-of-way.
 - 2. No more than 1 industrial use per lot of record is allowed.
- B. PC Reviewed Language: The site of the conditional use shall be within 200 feet of the right-of-way of S. Highway 89.
- C. BCC Consideration: Qualifying Sites.
 - 1. The conditional use site area shall be at minimum partially within 200 feet of the S. Highway 89 right-of-way, and at no point further than 500 feet of the S. Highway 89 right-of-way. [Consider revising “partially” language]
 - 2. No more than 1 industrial use per lot of record is allowed.

The intent of the original language was to pull the industrial sites toward the highway to limit transportation impacts to the highway corridor where they already exist and protect the habitat at the base of Munger Mountain that is identified in the Hog Island subarea desired character. This standard also limits the applicability of the amendment to only a portion of the Hog Island subarea, successfully avoiding the conversion of the subarea into an industrial park as desired in the Comprehensive Plan language for the subarea. The proposed allowance within 500 feet of the highway would only apply to 24% of the WHB zone and therefore only 12% of the subarea, ensuring that the subarea retains a workforce housing focus as desired, even while creating the industrial opportunity also identified in the Comprehensive Plan.

The BCC and staff wanted to avoid a multiple, narrow “flag-site” interpretation of that standard, and staff drafted the language considered by the BCC, which added a maximum distance from the highway and a limit on the number of use sites per lot. However, the BCC expressed a preference for avoiding the word “partially” within a standard. With the 500-foot maximum distance pushing a site to the highway, the applicant believes the 200-foot minimum standard to pull sites to the highway is redundant and can be removed along with the “partially” clause. The map below shows the 200-foot and 500-foot buffers from the highway right-of-way. In the context of the larger subarea.



iii.1&2. Site area maximum

A. Proposed Language:

1. On a site larger than 3 acres, the conditional use shall be limited to a gross site area not to exceed 3 acres, to be determined through the CUP process. No business activity, storage of materials, or equipment shall occur outside of the designated use area.
2. The floor area dedicated to the use shall not exceed 8,082 sf, including basement floor area.

B. PC Reviewed Language: The site of the conditional use shall be limited to 3 acres, and the floor area of the use shall be limited to the floor area allowed on a 3-acre site.

C. BCC Considered Language: [Option A, no additional consideration requested]

The proposed language was generated by staff to clarify the original language further, but has the same practical effect, and is reiterated in the use table for the WHB zone. 8,082 square feet

is the WHB maximum floor area ratio times 3 acres. At the BCC hearing, the applicant explained that 3 acres was chosen because it is the minimum lot size in the WHB, which was determined to be the appropriate application of the desired character for the subarea. Matching that lot size ensures that primary use contracting businesses are at the same scale as would be allowed for accessory use contracting businesses.

iii.3. Operations plan and standards

- A. Proposed Language: A primary industrial use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline business operations to provide clarity and predictability regarding the impacts of the use on neighborhood character. Amendments to an operations plan qualifying as minor deviations (8.2.13.B.2.) may be approved by the Planning Director. The operations plan shall address the following, if applicable:
 - a. How the proposed use will comply with the standards of this section (E.1.c.),
 - b. Anticipated noise, waste and wastewater disposal, and environmental impacts and mitigation plan,
 - c. Site plan, including locations of screening, parking, storage, business operations and water sources,
 - d. Parking and vehicle storage,
 - e. Material storage and management, including locations, maximum quantities, types and compositions of materials, and best practices for hazardous and toxic material storage,
 - f. Hours of operation.
- B. PC Reviewed Language: An operations plan detailing hours of operation and other operational limits shall be approved as part of the CUP.
- C. BCC Considered Language: [Option B, request to explore other operational standards]

The proposed language is a copy of the language from the operations plan requirement for a home business in the WHB zone. The BCC requested consideration of whether there are any additional operational standards that should be identified. Copying the operations plan standards from the WHB home business standard ensures greater character compatibility within the zone and provides guidance for the types of things the applicant needs to provide in a CUP application, while still keeping the majority of review of the operational characteristics to the CUP process, where they are defined for the specific use being proposed.

iii.4. Hours of operation

- A. Proposed Language: Hours of operation shall not exceed 7:30 am to 9:30 pm.
- B. PC Reviewed Language: Hours of operation shall not exceed 7:00 am to 10:00 pm.
- C. BCC Considered Language: [Option B, with direction to consider Option A]

The proposed hours of operation were requested by the BCC. 7:00 am to 10:00 pm are the hours-of-operation standard for an accessory industrial use in the WHB, so the original proposal

matched the currently allowed character and the BCC suggestion further protects residential character in Hog Island. In addition, the CUP process allows hours of operation to be limited for a specific use if necessary.

iii.5. Residential component

- A. Proposed Language: At least one primary or accessory residential unit shall be provided prior to the operation of the industrial use on the lot of record or parcel of the conditional use site. A unit provided to meet the Affordable Workforce Housing Requirement of Div. 6.3 may also meet this requirement.
- B. PC reviewed Language: Option A.
- C. Original application Language: At least one primary or accessory residential unit shall be provided prior to the operation of the industrial use on the lot of record or parcel of the conditional use site. The residential unit shall be occupied by an employee of the business. A unit provided to meet the Affordable Workforce Housing Requirement of Div. 6.3 may also meet this requirement.
- D. BCC Considered Language: At least one primary or accessory residential unit shall be provided prior to the operation of the industrial use on the lot of record or parcel of the conditional use site. The residential unit shall be occupied by an owner of the business. A unit provided to meet the Affordable Workforce Housing Requirement of Div. 6.3 may also meet this requirement.

The standard aims to replicate the mix of residential and industrial uses represented by the home business allowance, except in the inverse case, where contracting business is the primary use. By ensuring residential use of the site, the mixed-use character of the subarea is preserved. As discussed in the original application, on many of the existing home business sites in the WHB zone the industrial use already accounts for half or more of the use of the site. So the primary/accessory use distinction is practically blurred and the mixed-use component of the character becomes the focus. That focus is achieved by ensuring there is a residential unit on-site.

The BCC was interested in discussion on the public comment that the owner of the business should have to occupy the site. The applicant does not propose adding any language to this effect because it is not currently a requirement of the home business allowance and would be difficult to enforce. The current home business standard applicable in the WHB is that, "A home business be operated by a person residing within the dwelling." That standard does not require the business operator to own the business or the dwelling. It just requires that the occupant of the primary dwelling be an operator of the business.

The applicant's original proposal had analogous language about the occupant of the on-site residential unit being an employee of the business, however the Housing Department review of the application suggested removal of that requirement because that is not something that they or anyone else enforces as part of the current system.

With regard to the BCC request, businesses can be owned in many different structures by a variety of people so the standard of owner-occupancy could be met in so many ways that the standard would not have much effect.

iii.6. Screening

- A. Proposed Language: All equipment and material storage shall be screened by a building, native landscaping, or fencing. The required enclosed structures and screening shall be included within the designated use area.
- B. PC reviewed Language: All equipment and material storage shall be screened by a building, native landscaping, or fencing.
- C. BCC Considered Language: All heavy equipment shall be stored in a fully enclosed structure. All equipment and material storage shall be screened by a building, native landscaping, or fencing. The required enclosed structures and screening shall be included within the designated use area. [consider removing the fully enclosed structure requirement]

The proposed standard is intended to achieve screening of the use from the highway and neighboring residential properties while achieving the desired future character of foreground protection and wildlife movement. The language considered by the BCC was drafted by staff in response to initial BCC discussion at its first hearing, but at the second hearing the BCC discussed the fact that landscaping is often a more effective screening tool than a structure. Landscaping grows and becomes a better screen over time. Landscaping can be placed at the perimeter of site without impeding the use of the site, while structures tend to fill up leading to equipment and materials spilling out of the buildings into the space between the buildings and the edge of the site. Also landscaping is consistent with the goals of creating an attractive foreground that emphasizes the natural features behind it, while structures draw attention away from the background and toward the development. The applicant believes that relying on landscaping for screening will provide a more useful site and better protection of desired character than requiring large structures for equipment storage. With the proposed changes to the operations plan section, the landscaping plan will also be an explicit part of the CUP review.

iii.7. Water Quality

- A. Proposed Language: As part of the Conditional Use Permit application, the applicant shall demonstrate that the use will not decrease water quality through measures such as best practices for stormwater management, snow storage, and material storage, and sewer connection as practicable.
- B. PC reviewed Language: none.
- C. BCC Considered Language: [Option A with additional consideration of Water Quality Master Plan implementation]

Following the PC hearing, the applicant proposed language to ensure water quality is addressed through the CUP review process. With the proposed changes to the operations plan section,

water quality consideration will be an explicit part of the CUP review. The Water Quality Master Plan's primary direction with regard to industrial uses is that they go through a CUP process so that operation specific conditions can be put on use that will protect water quality. This standard achieves that direction. The necessary requirements to preserve water quality for one type of contracting business will be different for another type of contracting business so the CUP is the proper process for determining the appropriate requirements.