



# Natural Resources Stakeholder Group, Planning Commission, & Public Recommendation



Natural Resource Protections Update

11/21/17

The Land Development Regulations (LDRs) include regulations that protect natural resources such as wildlife and water quality. In 2012 the Town and County adopted the Comprehensive Plan, which commits to updating the natural resource protections in the LDRs. The update is supposed to balance two goals.

1. Better protection of the health of all species native to our area, while also
2. Respecting property right by acknowledging that some natural resources are relatively more valuable than others.

Below are 10 questions that address the balance sought by the Comprehensive Plan. The answers to the questions represent the options for the policy behind the natural resource protections in the LDRs. On December 11, the Board of County Commissioners (Board) will provide direction on each of the questions based on the below recommendations from the public, Natural Resources Stakeholder Group (NRSG), and Planning Commission. For a full schedule of the Policy Options Analysis, and/or to provide comment, please visit the project webpage at: <https://www.engage2017.jacksonetonplan.com/naturalresourceprotections>.

## 1. What does, "healthy wildlife populations," mean? (select all that apply)

Principle 1.1 of the Comprehensive Plan is that the community, "maintain healthy populations of all native species." However, in the context of natural resource protection regulations, "healthy wildlife populations" can mean different things to different people. A combination of options may be selected, but some options contradict others in certain cases. For example, increased elk inhabitance of river bottom subdivisions is viewed by some as good for wildlife, but not considered healthy for the elk population by Wyoming Game and Fish. Policy 1.1.a of the Comprehensive Plan is to protect habitat based on relative value. This question will inform how the regulations value various habitats and types of protections.

Policy Option	Why Choose this Option?	Why Not?
1.A Wildlife movement and habitat should be integrated into development ( <i>close to status quo</i> )	<ul style="list-style-type: none"><li>• For a wildlife protection map and regulations focused on protecting areas where people see wildlife</li></ul>	<ul style="list-style-type: none"><li>○ Wildlife living in development are not necessarily as healthy by scientific metrics</li></ul>
1.B Local experts report wildlife population are healthy	<ul style="list-style-type: none"><li>• For a map and regulations focused on directing wildlife to natural habitats</li></ul>	<ul style="list-style-type: none"><li>○ People may not see as much wildlife in the built environment</li></ul>
1.C Few, if any, human wildlife conflicts occur (e.g. wildlife-vehicle collisions)	<ul style="list-style-type: none"><li>• For a map and regulations focused on separating wildlife/human interface that might harm wildlife</li></ul>	<ul style="list-style-type: none"><li>○ Human wildlife conflicts do not necessarily represent a major threat to species</li></ul>
1.D Wildlife are not reliant on humans (e.g. wildlife feeding, bears in trash) ( <i>status quo</i> )	<ul style="list-style-type: none"><li>• For a map and regulations focused on avoiding a "zoo-like" interaction with wildlife</li></ul>	<ul style="list-style-type: none"><li>○ Supplemental feeding is practiced by agencies in the community and helps wildlife</li></ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
1.E: Permit development in a way that protects sufficient habitat and connectivity to reduce human wildlife conflicts and promote native species resiliency.	1.E modified	1.B (88%), 1.C (57%), 1.D (71%)

Natural Resources Stakeholder Group Recommendation: Option 1.E: Permit development in a way that protects sufficient habitat and connectivity to reduce conflict and promote native species resiliency.

The NRSG finds the wording of the policy options inappropriate as presented because the County does not manage wildlife. All the County can manage is habitat. Instead, the NRSG recommends a new overarching statement with regard to protecting wildlife habitat (Option 1.E). As an overarching statement, the NRSG finds it important to acknowledge that habitat protection is occurring in the context of development. Natural resource protection standards are not intended to prohibit development, they are intended to shape it in a way that protects habitat.

The focus of the NRSG recommendation is that the County should protect habitat and connectivity in a way that allows wildlife to adapt to changes in climate, development patterns, and other pressures. This concept of protecting habitat to accommodate change is the idea of “resiliency.” Resiliency is the ability to recover from or adjust easily to change. The implication of a focus on resiliency is that natural resource mapping and standards should look through the long lens of time to protect habitat in a way that will allow wildlife to respond to change. This represents a shift away from the current standards that are more focused on wildlife use of a property at a specific point in time. Instead of focusing habitat protections on the issues facing wildlife today, protections should prioritize protection that offers the most flexibility in habitat function in order to accommodate future needs. Protections should be based on the best available science, but the science prioritized will be the science focused on resiliency rather than current conditions. For example, the NRSG discussed analyzing a site for the presence of typical moose habitat or connections between moose habitat, instead of the status quo of counting moose tracks and sign to see if moose have been there recently.

The NRSG also discussed weighting connectivity over habitat, and the importance of avoiding human/wildlife conflict, but ultimately decided on resiliency as the overarching focus of the protection regulations. How the standards and mapping reflect the concept of resiliency will be determined through the drafting of updated natural resource protection standards over the winter, which will be reviewed in the spring.

While avoiding conflict between wildlife and humans is a part of the concept of “resiliency,” it goes beyond habitat protection and is important enough that the NRSG includes conflict avoidance in its statement as well. While conflict can never be avoided entirely it can be reduced through natural resource protections.

Planning Commission Recommendation: 1.E modified

The Planning Commission recommends the NRSG’s overarching statement with one modification: that the first word be “Allow” rather than “Permit”. The Planning Commission finds that the NRSG approach makes sense, but recommends going a step further in acknowledging that habitat protection should occur within the context of the allowed development on a site. The Planning Commission recommends beginning the statement with “Allow” rather than “Permit” to convey a recommendation that the County not overregulate the development of the 1% of the County that remains developable.

Public Recommendation: 1.B (88%), 1.C (57%), 1.D (71%)

The public recommendation is based on the online survey, which was phrased in a slightly different way to make it more understandable to a layperson. Because a survey respondent could choose as many options as apply, all options that received more than 50% support are reported. Please see *Documentation of Community Discussion*

and Online Survey (provided November 13) to read the actual public analysis that informed individual survey responses.

## Board of County Commissioners

Preliminary Policy to be released December 1.

### 2. How should the presence of wildlife habitat affect development rights on a property? (select all that apply)

Every property has development rights associated with it. The development rights are established by zoning, which is based on the communitywide vision in the Comprehensive Plan to direct 60% of growth into Town, Teton Village, Wilson, and the Aspens. That vision is intended to reduce development in wildlife habitat and open space while also making the places with existing infrastructure better through redevelopment. Wildlife habitat protections affect the development rights established by base zoning by further restricting where and/or how much you can build. The question is to what extent the presence of wildlife habitat on a property should limit the location and/or amount of development allowed by zoning.

The answer to this question will inform how the wildlife protections will be tiered. Comprehensive Plan Policy 1.1.b calls for different wildlife protections to apply in different places (tiers of protections). This question looks at what those requirements should be and how they might differ from location to location. The policy options for this question can be additive, you could select all of them.

Policy Option	Why Choose this Option?	Why Not?
2.A Wildlife habitat should limit the location of allowed development (e.g. a setback from an eagle nest) ( <i>status quo</i> )	<ul style="list-style-type: none"><li>To locate development in the place on the site with the least impact to wildlife</li></ul>	<ul style="list-style-type: none"><li>Countywide, (at a landscape level) zoning already requires development to occur in the least impactful place (60% of growth in Town, Village, Wilson, Aspens)</li><li>Identifying the place of least impact can be time intensive and subjective, and the answer may be different in 2 years</li></ul>
2.B Wildlife habitat should limit the amount of allowed development (height, size, scale, use, etc.)	<ul style="list-style-type: none"><li>Wildlife are impacted by the amount of human activity, so human activity should be limited near habitat</li></ul>	<ul style="list-style-type: none"><li>Countywide, (at a landscape level) zoning already directs human activity out of habitat areas</li><li>To protect property rights</li></ul>
2.C Standards to protect wildlife habitat should vary by zoning district	<ul style="list-style-type: none"><li>For example, Town has habitat, it is also where the community wants growth to occur</li><li>Zoning already applies one level of habitat protection, additional wildlife protections should build on that, not supersede it</li></ul>	<ul style="list-style-type: none"><li>Wildlife do not recognize political boundaries</li><li>To prioritize wildlife protection over all other community goals</li></ul>
2.D Standards should be more restrictive the more valuable the habitat is	<ul style="list-style-type: none"><li>Habitat that is absolutely crucial and very rare needs more protection than habitat that is abundant</li></ul>	<ul style="list-style-type: none"><li>Ranking value can be subjective and lead to complex regulations, that some view as unfair</li></ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
2.A, 2.B (limit CUPs only), 2.C, 2.D	2.A and 2.C modified	2.A (81%), 2.B (72%) 2.C (57%), 2.D (79%)

### Natural Resources Stakeholder Group Recommendation: Options 2.A, 2.B (limit CUPs only), 2.C, and 2.D

The NRSG finds that the location and intensity of human use of habitat is where the impact to wildlife occurs. A larger building does not represent nearly as much additional impact as more people in an area. As a result standards impacting the location of development and the allowance for Conditional Uses are the types of protections that are appropriate. The NRSG does not recommend limiting the physical size of development because it does not provide much impact. The NRSG would also like to clarify that Options 2.A and 2.B should say “further limit” development because the location and amount of development allowed on a site is already limited by zoning. Habitat protections would be in addition to existing limitations.

The NRSG finds that protections should vary by zone because the reality is that there are some zones that have been identified for development. For example, the Business Park south of Town was mule deer winter habitat, now it is an industrial park. That area should not be “thrown away” as habitat, but the protections should acknowledge the existing and future development allowed in that area. Along the same lines, the NRSG finds that there are some habitat with greater relative value and that those habitats should have a greater level of protection. As discussed in Question 1, the NRSG finds that the habitats and habitat connections that promote the greatest level of resiliency to be the most valuable.

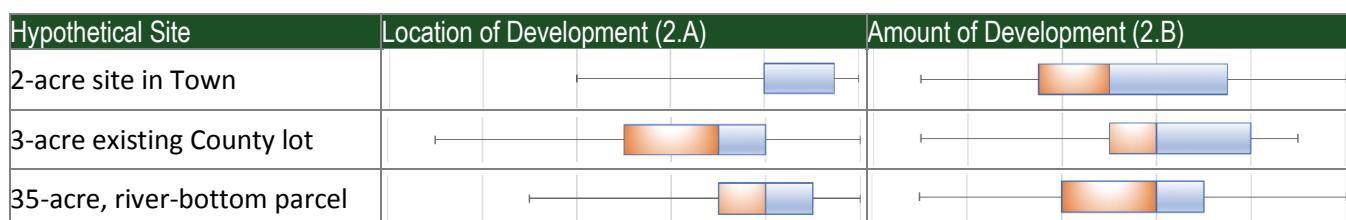
### Planning Commission Recommendation: 2.A and 2.C

The Planning Commission recommends that habitat protections focus on locating development in the best place for wildlife (Option 2.A) acknowledging that there are existing small lots that cannot meet all standards (Option 2.C). The Planning Commission finds that the limitations on the size and intensity of development imposed by zoning are restrictive enough and that landowners should be able to realize those allowances. Instead of protecting the most valuable habitats through greater limitations on development, the Planning Commission recommends incentives be offered on such sites to improve protection (see Question 10).

### Public Recommendation: 2.A (81%), 2.B (72%) 2.C (57%), 2.D (79%)

The public recommendation is based on the online survey, which was phrased in a slightly different way to make it more understandable to a layperson. Because a survey respondent could choose as many options as apply, all options that received more than 50% support are reported. Please see *Documentation of Community Discussion and Online Survey* (provided November 13) to read the actual public analysis that informed individual survey responses.

In addition to the online survey on this question, the 41 attendees of the community discussion on November 9 analyzed 3 hypothetical sites and commented on how willing they were to reduce property rights related to location and amount of development in order to protect natural resources. The “box and whisker plots” below depict the answers from the exercise in quartiles. Half the attendees’ answers are in the box, with the line in the middle of the box representing the median answer. A quarter of the answers are to the right of the box, the other quarter are to the left. Moving from left to right on each scale, natural resource protections increase while flexibility in development location/amount decreases.



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### 3. Why should we protect waterbodies and wetlands? (select all that apply)

Rivers, creeks, streams, ponds, and wetlands have numerous functions. They are wildlife habitat, our source of clean water, beautifully scenic, recreational assets, and corridors through Town. However, not all of those functions can be protected in all cases. One of the most effective ways to protect wetlands and waterbodies is to require a setback or buffer. In creating waterbody and wetland buffer regulations it is important to prioritize the functions being protected so the regulation allowances, incentives, and prohibition achieve the community's goals. If multiple options are chosen, please prioritize your answers.

Policy Option	Why Choose this Option?	Why Not?
3.A Set waterbody and wetland buffers to protect their function as wildlife habitat ( <i>status quo</i> )	<ul style="list-style-type: none"> <li>Water and adjacent areas are the most important habitat</li> <li>To ensure manmade waterbodies enhance wildlife habitat</li> </ul>	<ul style="list-style-type: none"> <li>Proximity to water is the most desirable place for development and recreation</li> </ul>
3.B Set waterbody and wetland buffers to protect water quality ( <i>status quo</i> )	<ul style="list-style-type: none"> <li>Clean water is a basic requirement of healthy species</li> <li>To ensure manmade waterbodies do not degrade water quality</li> </ul>	<ul style="list-style-type: none"> <li>Proximity to water is the most desirable place for development</li> <li>Filtration of runoff is costly</li> </ul>
3.C Set waterbody and wetland buffers to protect scenic values	<ul style="list-style-type: none"> <li>Water is part of the iconic scenery of the community</li> </ul>	<ul style="list-style-type: none"> <li>May allow or require altering native vegetation that impacts wildlife habitat and water quality</li> </ul>
3.D Set waterbody and wetland buffers based on recreational values	<ul style="list-style-type: none"> <li>Recreation on the water is an important part of our culture and economy</li> </ul>	<ul style="list-style-type: none"> <li>May allow or require impacts to the wildlife habitat, water quality, and scenic values of water</li> </ul>
3.E Emphasize waterbodies as corridors through Town	<ul style="list-style-type: none"> <li>Opportunity for walking, biking corridors through developed areas</li> <li>Orient development toward water resources to improve livability</li> </ul>	<ul style="list-style-type: none"> <li>Would allow some impacts to wildlife habitat, water quality, and scenic values of water</li> </ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
3.A, 3.B, 3.F, 3.G in order of priority	3.A and 3.B with allowance for 3.D	3.A (97%), 3.B (96%), 3.C (77%), 3.D (58%), 3.E (66%)*

Natural Resources Stakeholder Group Recommendation: Options 3.A, 3.B, 3.F, and 3.G in order of priority

The NRSG finds that the purpose of waterbody and wetland protections should first be to protect water quality, then to protect wildlife habitat. Water quality is the unanimous top priority for waterbody and wetland protection because without water quality the other functions are degraded. Wildlife habitat protection is nearly a unanimous second priority, because of the importance of water and wetlands for wildlife resiliency.

After those top two priorities, the NRSG finds there is a significant drop to the third priority of protection against impacts from flooding (Option 3.F). The NRSG recommends Option 3.F be included because the issue of flood control is a major issue related to protecting waterbody function and protecting development from natural disaster, especially with changing climates and increasing frequency of natural disasters.

The final protection purpose recommended by the NRSG is protection against impacts from recreation (New Option 3.G). The NRSG recommends Option 3.G as the inverse of Option 3.D. Not only should waterbody and wetland protections not protect recreation opportunities they should acknowledge the impacts recreation has on natural resources and specifically protect against those impacts. Recreation pressures to alter natural waterways and provide additional access to waterways and their adjacent habitats pose a threat similar to that of development and that threat needs to be protected against as well.

### Planning Commission Recommendation: 3.A and 3.B with allowance for 3.D

The Planning Commission recommends that the top priorities be water quality and wildlife habitat protection, for the same reasons as the NRSG. However, unlike the NRSG, the Planning Commission does not distinguish one of the top priorities as being more important than the other because the Planning Commission does not find that protecting one is likely to be in conflict with protecting the other. The Planning Commission did reiterate its comment from Question 2 that the existing approvals and lot configurations should be considered in applying waterbody and wetland protections.

The Planning Commission recommends that the prioritization of water quality and wildlife habitat protection still allow for recreation (Option 3.D). The Planning Commission finds recreation, namely fishing, to be an important part of the culture and economy of the community. While water quality and wildlife habitat need to be protected, recreation, like development, should be allowed in the context of that protection.

### Public Recommendation: 3.A (97%), 3.B (96%), 3.C (77%), 3.D (58%), 3.E (66%)\*

The public recommendation is based on the online survey, which was phrased in a slightly different way to make it more understandable to a layperson. Because a survey respondent could choose as many options as apply, all options that received more than 50% support are reported. Please see *Documentation of Community Discussion and Online Survey* (provided November 13) to read the actual public analysis that informed individual survey responses.

\*Please note that there was a lot of confusion about Option 3.E being a corridor for humans not wildlife so the survey response is not valid. Because the intent of 3.E is to promote redevelopment through incentives and in exchange, improve riparian water quality and habitat and provide access, this option is more appropriately discussed in Question 10.

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#### 4. When is a site specific study of natural resources needed? (select all that apply)

Since 2013 the County has completed a countywide vegetation map and a countywide map of wildlife habitat (the Focal Species Habitat Map). That public information paints a countywide picture of our natural resources, but site specific study is the only way to know what natural resources actually exist on a property. The downside of site specific study is that it is costly and the outcome is unpredictable for a landowner. When it comes to requiring site specific study, when do the benefits to natural resource protection outweigh the costs to the applicant?

Site specific study can mean a full analysis of all vegetation, habitats, and potential development impacts – like the current Environmental Analysis (EA). Or, it can be as simple as a survey of the boundary of a wetland.

Comprehensive Plan Policy 1.1.b calls for different levels (tiers) of site specific study. The answer to this question will inform how those tiers are created. The answer to this question may also affect how the habitat protection map is drawn. For example, a map to identify sites with multiple habitat types (Option 4.A) is different from a map to identify sites with the most habitat value (Option 4.B). Any combination of Options 4.A, 4.B, and 4.C may be selected. Option 4.D is the “all of the above” option, Option 4.E is the “none of the above” option.

Policy Option	Why Choose this Option?	Why Not?
4.A Study the site when many habitats exist	<ul style="list-style-type: none"> <li>Sites with multiple habitats require site specific alternatives analysis to determine which habitat to protect and which to develop</li> <li>Delineates where a study will be required with a hard line map</li> <li>Allows flexibility for creative site designs that improve protection</li> </ul>	<ul style="list-style-type: none"> <li>Habitats can be ranked at a Countywide level</li> <li>Site specific analysis is unpredictable</li> <li>Alternatives analysis can be subjective and inconsistent</li> </ul>
4.B Study sites known to have very valuable habitat	<ul style="list-style-type: none"> <li>Habitat that is absolutely crucial and very rare needs maximum protection</li> <li>Delineates where a study will be required with a hard line map</li> <li>Allows for confirmation of habitat value before regulations are imposed</li> </ul>	<ul style="list-style-type: none"> <li>If we already know its very valuable just impose the protections, no need to study</li> </ul>
4.C Study the site to determine the exact location of a resource so a buffer can be applied (e.g. wetland delineation)	<ul style="list-style-type: none"> <li>Limits site specific study to the survey of objective boundaries rather than subjective habitat analysis</li> <li>Buffers cannot be imposed without a location, and some locations must be determined on-site</li> </ul>	<ul style="list-style-type: none"> <li>Delineations cannot be done year-round and can represent a major delay to development</li> </ul>
4.D Study any site where there might be valuable habitat ( <i>status quo</i> )	<ul style="list-style-type: none"> <li>All habitats and potential impacts are identified</li> <li>The extent of the study needed can only be estimated through an approximate map</li> <li>Any requirements respect actual site conditions</li> </ul>	<ul style="list-style-type: none"> <li>Site specific study is costly and unpredictable</li> <li>Countywide data is adequate in many cases</li> </ul>
4.E Never	<ul style="list-style-type: none"> <li>Countywide studies (vegetation and focal species maps) are adequate to protect wildlife at an ecosystem level</li> <li>Site conditions change</li> </ul>	<ul style="list-style-type: none"> <li>Some impacts will be unidentified and unregulated</li> <li>Some sites will be subject to stricter standards than fit the site</li> </ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
4.A, 4.B, 4.C	4.A, 4.B, 4.C with applicant hired professionals	4.A (61%), 4.B (65%), 4.C (68%)

#### Natural Resources Stakeholder Group Recommendation: Options 4.A, 4.B, and 4.C

The NRSG recommends a “boots on the ground” study anytime there are multiple habitat values that need to be prioritized (Option 4.A), habitat that is known to have great value in promoting resiliency (Option 4.B), or if there is a natural resource that needs delineation such as a wetland (Option 4.C). The NRSG notes that its recommendation interprets “site specific study” to mean a “boots on the ground” study of the natural resources on a site. The NRSG recommendation also assumes that all options would be based on the Focal Species Habitat Map completed in spring 2017 and that the level of detail needed in the site specific study would vary with some sites needing a more in depth study, as advised by the natural resource consultant Clarion/Alder. The NRSG finds Option 4.C to be the most likely need for a site specific study in order to apply protections such as buffers or setbacks. Site specific study to prioritize multiple habitats or have the best possible knowledge of an important habitat is the only way to know what habitat is actually on the ground. Landscape level studies like the Focal

Species Habitat Map are too coarse to answer the fine-grained question of where development should occur relative to wildlife habitat.

The dissenting opinion was that site specific studies such as Option 4.A and 4.B actually threaten protection of habitat function and connectivity to promote resiliency, because they are overly focused on a point in time analysis rather than the longer term characteristics that are captured through a landscape level study, such as the Focal Species Habitat Map (FSHM). Relying solely on the FSHM for natural resources study enables larger scale analysis and provides predictability. There was also related discussion around having the purpose of a site specific study be verification and refinement of the landscape level studies. However, this was not ultimately recommended as one of the purposes of site specific study.

The NRSG does not support requiring boots on the ground for all projects (Option 4.D), there are some sites that can be evaluated based on the landscape level knowledge available without visiting the site. However, some members believe that some level of site visit should be required for all projects.

**Planning Commission Recommendation: 4.A, 4.B, 4.C with applicant hired professionals**

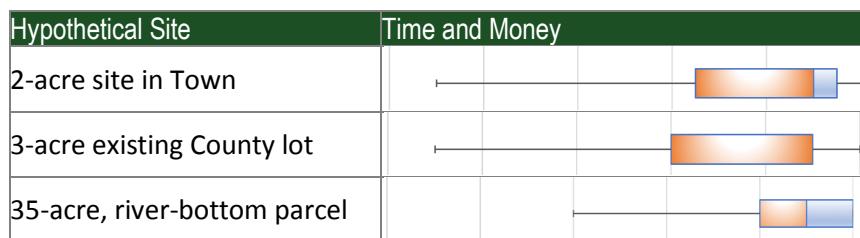
The Planning Commission agreed with NRSG recommendation and rationale. The Planning Commission emphasized the need for the requirements of the site specific study to vary by zoning district and lot size. The Planning Commission suggested that the study of multiple habitats (Option 4.A) and valuable habitats (Option 4.B) may only be needed on larger sites where there is flexibility in the location of development.

In addition the Planning Commission recommended that the County-hired Environmental Analysis process be removed. The Planning Commission finds that it is important for a developer or builder to work with an environmental professional from the outset of a project's design.

**Public Recommendation: 4.A (61%), 4.B (65%), 4.C (68%)**

The public recommendation is based on the online survey, which was phrased in a slightly different way to make it more understandable to a layperson. Because a survey respondent could choose as many options as apply, all options that received more than 50% support are reported. Please see *Documentation of Community Discussion and Online Survey* (provided November 13) to read the actual public analysis that informed individual survey responses.

In addition to the online survey on this question, the 41 attendees of the community discussion on November 9 analyzed 3 hypothetical sites and commented on how willing they were to increase the cost and timeline of development in order to protect natural resources. The “box and whisker plots” below depict the answers from the exercise in quartiles. Half the attendees’ answers are in the box, with the line in the middle of the box representing the median answer. A quarter of the answers are to the right of the box, the other quarter are to the left. Moving from left to right on each scale, natural resource protections increase along with the cost and timeline for development.



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## 5. What, if any, types of impacts should require mitigation? (select all that apply)

The goal of the natural resource protections discussed in the previous questions is to avoid impacts to natural resources. When impacts do occur, mitigation can be required. Mitigation ensures that the impacted habitat or vegetation is replaced. Replacement habitat and vegetation can offset the impacts of development, but replacement habitat and vegetation are expensive and do not always live. The policy options for this question can be additive, you could select all of them. The definition of wildlife habitat will be based on the answers to Questions 1 and 2.

Policy Option	Why Choose this Option?	Why Not?
5.A Mitigate impacts to wildlife habitat ( <i>status quo</i> )	<ul style="list-style-type: none"> <li>Lost habitat should be replaced to retain overall wildlife protection</li> </ul>	<ul style="list-style-type: none"> <li>Replacement habitat does not always live or function as designed</li> <li>Replacement habitat is costly</li> </ul>
5.B Mitigate impacts to rivers, creeks, streams, ponds	<ul style="list-style-type: none"> <li>Water quality impacts need to be mitigated to keep water clean</li> </ul>	<ul style="list-style-type: none"> <li>Water quality filtration can be costly</li> </ul>
5.C Mitigate impacts to wetlands ( <i>status quo</i> )	<ul style="list-style-type: none"> <li>Lost wetland functions can be replicated elsewhere and are crucial to the ecosystem</li> </ul>	<ul style="list-style-type: none"> <li>Replacement wetlands do not always live or function as designed</li> <li>Replacement wetlands are costly</li> </ul>
5.D Mitigate impacts to the buffer areas around waterbodies and wetlands	<ul style="list-style-type: none"> <li>Whether or not the buffer area is habitat, it provides water filtration that should be replaced or artificially replicated</li> </ul>	<ul style="list-style-type: none"> <li>The protective function of a buffer cannot be replaced away from the water it's protecting</li> </ul>
5.E Mitigate impacts from everyday use of a residential lot (e.g. tree cutting for firewood or improved views)	<ul style="list-style-type: none"> <li>Activities like clearing of vegetation have an impact even when not part of a development</li> <li>A mitigation requirement will discourage these types of everyday impacts</li> </ul>	<ul style="list-style-type: none"> <li>Difficult to enforce or costly to County to permit</li> <li>Costly to landowners</li> </ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
5.A, 5.B, 5.C, 5.D	5.A, 5.B, 5.C, 5.D	5.A (84%), 5.B (91%), 5.C (91%), 5.D (81%)

Natural Resources Stakeholder Group Recommendation: Options 5.A, 5.B, 5.C, 5.D

The NRSG recommends mitigation be required for impacts to habitat, water, wetlands, and setbacks around water and wetlands. Sometimes impacts cannot be avoided because the purpose of the natural resource protections is not to prohibit development. However, unavoidable impacts should be mitigated in order to promote resiliency. The NRSG finds that impacts to wildlife habitat and impacts to water (Options 5.A and 5.B) overlap in the context of aquatic habitat. However, mitigating for impacts to water quality is also part of Option 5.B. Mitigating for impacts to wetlands (Option 5.C) is an important part of natural resource protection and already required by the Army Corp of Engineers for some wetlands. The NRSG finds that mitigation required by the Army Corp of Engineers should count toward County required mitigation so that a landowner is not required to mitigate an impact multiple times. Mitigating for impacts to the setback from waterbodies and wetlands (5.D) is important to maintaining water quality and the function of the wetland. The NRSG could not envision an example of Option 5.E that represented a significant impact, but did not fall into one of the other Options.

### Planning Commission Recommendation: 5.A, 5.B, 5.C, 5.D

The Planning Commission recommends Options 5.B and 5.C unconditionally, consistent with their recommendation to prioritize protection of water and water quality. The Planning Commission discussed the need to also protect the setback around water and wetlands, clarifying that the setback around a wetland protects the wetland's function by providing some water filtration before runoff gets to the wetland. There was some discussion that the degree of mitigation with regard to waterbody and wetland setbacks should be less than for the waterbodies or wetlands themselves. The Planning Commission's recommendation to mitigate impacts to habitat is contingent on the mitigation requirement taking into account existing lot size and zone because smaller lots with less opportunity to avoid impacts will also have less opportunity to mitigate and legacy approvals should be honored.

### Public Recommendation: 5.A (84%), 5.B (91%), 5.C (91%), 5.D (81%)

The public recommendation is based on the online survey, which was phrased in a slightly different way to make it more understandable to a layperson. Because a survey respondent could choose as many options as apply, all options that received more than 50% support are reported. Please see *Documentation of Community Discussion and Online Survey* (provided November 13) to read the actual public analysis that informed individual survey responses.

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#### 6. Should the County have a habitat restoration program to improve the success of mitigation? (select one)

As alluded to in Question 5, replacement habitat or vegetation that is not continually cared for can die before it provides any replacement function. Also, there is not always a place to provide required mitigation on the same property as the impact, but identifying an off-site location for habitat restoration is costly and takes time. When mitigation cannot be provided on the same site as the impact, or is unlikely to be successful on that site, the question is whether County resources should be used to facilitate off-site mitigation that is monitored to ensure success, and, if so, to what degree? Unlike the previous questions, the policy options for this question are mutually exclusive, only one can be selected.

Policy Option	Why Choose this Option?	Why Not?
6.A No, a developer should mitigate on-site or be responsible for coordinating off-site mitigation ( <i>status quo</i> )	<ul style="list-style-type: none"><li>• A developer mitigation project usually provides more mitigation than a fee</li></ul>	<ul style="list-style-type: none"><li>○ A private, unmonitored mitigation project may be less impactful or successful</li></ul>
6.B Yes, the County should accept fees in-lieu of mitigation and use them to fund and monitor public restoration projects	<ul style="list-style-type: none"><li>• Mitigation fees would fund restoration that is more likely to be successful and in an identified location of high ecological benefit</li></ul>	<ul style="list-style-type: none"><li>○ Fees rarely provide as much mitigation because of time and processing costs</li><li>○ Requires new County resources</li><li>○ Requires County land or County partnership with a landowner</li><li>○ Applicant may want to control mitigation</li></ul>

Policy Option	Why Choose this Option?	Why Not?
6.C Yes, the County should accept fees in-lieu of mitigation and then direct those funds to the Land Trust, Conservation District, Game and Fish, or other entity for restoration projects that they are responsible for monitoring.	<ul style="list-style-type: none"> <li>• Same as 6.B, except that The County does not have to staff the implementation of the mitigation</li> </ul>	<ul style="list-style-type: none"> <li>○ Fees rarely provide as much mitigation because of time and processing costs</li> <li>○ Mitigation success is not in full County control</li> <li>○ Applicant may want to control mitigation</li> </ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
6.D (6.B or 6.C)	6.A	6.C (34%)

#### Natural Resources Stakeholder Group Recommendation: Option 6.D (6.B or 6.C)

The NRSG recommends the government get involved in facilitating offsite mitigation through a mitigation bank or granting program. The details of the program can be developed as part of the drafting of the updated natural resource protections. The NRSG also recommends continuing to prioritize onsite mitigation (New Option 6.D) when it is likely to better promote resiliency than offsite mitigation, again leaving the details of that determination for the draft protections. The NRSG finds as a group that the drawbacks of government involvement in mitigation can be addressed through the design of the program, and that the potential ecosystem benefits of improved mitigation function outweigh the potential drawbacks.

#### Planning Commission Recommendation: 6.A

The Planning Commission does not recommend the County get involved in mitigation banking. While one commissioner supported the NRSG recommendation, the Commission supports landowners working with nonprofits and other landowners privately. The Planning Commission does not support government involvement that will direct mitigation money away from mitigation itself toward administration of the program and monitoring costs.

#### Public Recommendation: 6.C (34%)

The public recommendation is based on the online survey, which was phrased in a slightly different way to make it more understandable to a layperson. Because a survey respondent could only choose a single option, the option with the most support is reported. Please see *Documentation of Community Discussion and Online Survey* (provided November 13) to see the distribution of answers and read the actual public analysis that informed individual survey responses.

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### 7. What, if any, types of development should be allowed to impact natural resources? (select all that apply)

Some types of development are important to the community or essential to the use of a property and imposing natural resource protections might effectively prohibit them. The question is whether any of the following development types should be exempt from natural resource protections to make sure those protections do not inadvertently prohibit the development.

The policy options for this question can be additive, you could select all of them. Whether or not the exemption should also exempt the development from mitigation requirements (see Question 5) should be specified for each option chosen. All of the exemptions in the policy options currently exist in some way.

Policy Option	Why Choose this Option?	Why Not?
7.A Exempt flood control and other public works projects to protect health and safety	<ul style="list-style-type: none"> <li>To protect public health and safety</li> </ul>	<ul style="list-style-type: none"> <li>Public safety projects should still avoid, minimize and mitigate impacts</li> </ul>
7.B Exempt development on land under conservation easement	<ul style="list-style-type: none"> <li>Conservation easements provide permanent, more-restrictive, actively monitored protection</li> </ul>	<ul style="list-style-type: none"> <li>Not all conservation easements are administered by the County</li> </ul>
7.C Exempt development on “grandfathered” properties that are not currently subject to natural resource protections	<ul style="list-style-type: none"> <li>The properties were configured prior to the protections so the protections are more restrictive</li> <li>Continue current policy of exempting the NC zone</li> </ul>	<ul style="list-style-type: none"> <li>There are a lot of NC properties with unprotected wildlife habitat</li> <li>Option 2.C where standards are tiered based on zoning addresses the issue</li> </ul>
7.D Exempt agricultural operations	<ul style="list-style-type: none"> <li>Requiring ag to protect natural resources may preclude ag operations</li> <li>Preservation of ag is a Comprehensive Plan policy</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture has impacts on natural resources</li> </ul>
7.E Exempt a driveway, waterline, sewerline, powerline, or other “essential” utility	<ul style="list-style-type: none"> <li>Allows basic realization of property rights</li> </ul>	<ul style="list-style-type: none"> <li>Sites that cannot be developed without impacting natural resources should not be developed</li> </ul>
7.F Exempt development dependent on the natural resource, such as a boat ramp or stream restoration	<ul style="list-style-type: none"> <li>Some development, by its nature, must impact a resource, for example a boat ramp cannot be set back from the river, and a restoration must be instream</li> </ul>	<ul style="list-style-type: none"> <li>Such uses are unique and should go through a Variance process to balance impact and protection</li> </ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
7.D and 7.F (for bona fide restoration only) with partial exemptions for other options	NRSG recommendation with one modification to the partial exemption for properties under conservation easement	7.A (68%)

Natural Resources Stakeholder Group Recommendation: Options 7.D and 7.F (for bona fide restoration only) with partial exemptions for other options.

The NRSG was unable to recommend any of the Options as they were presented. Instead, the NRSG broke the question into three parts and broke a number of the options into parts as well. The NRSG looked at whether a certain type of development should be exempt from Environmental Analysis (EA), protection standards to avoid and minimize impact, and mitigation. The NRSG made these distinctions to help convey the nuance in its recommendation. The NRSG discussed whether a development could be exempt from an EA but not exempt from protection standards or mitigation. Given its recommendation that there will be multiple levels of site specific analysis (Question 4), the NRSG finds that exemption from a full EA does not necessarily have to come with exemption from protections or mitigation. Similarly, a development can be exempt from protections that dictate the location of the development, but still have to mitigate for the impacts proposed. Below is a table of the NRSG's specific recommendations.

Development Type	EA?	Protection Standards? (Avoid/Minimize)	Mitigation?
7.A(1) Emergency public works	Exempt	Exempt	Not Exempt
7.A(2) Planned public works	Not Exempt	Not Exempt	Not Exempt
7.B Property under conservation easement	Exempt	Not Exempt	Not Exempt

7.C(1) Platted “Grandfathered” Lot	Not Exempt	Not Exempt	Not Exempt
7.C(2) Unplatted “Grandfathered” parcel	Not Exempt	Not Exempt	Not Exempt
7.D Ag operations	Exempt	Exempt	Exempt
7.E Private “essential” utilities	Exempt	Not Exempt	Not Exempt
7.F(1) Recreation dependent on resource	Not Exempt	Not Exempt	Not Exempt
7.F(2) Restoration of resource	Exempt	Exempt	Exempt

The NRSG finds that agricultural operations (7.D) and natural resource restoration projects (7.F2) should be exempt from all EAs and natural resource protections. Agricultural operations already work with many agencies, such as the Game and Fish and Conservation District, to study the wildlife values of the agricultural land and manage the agricultural operation to minimize and mitigate impacts. The NRSG finds that the best protection of natural resources can be achieved through those existing partnerships and that County intervention is not needed. Resource restoration projects, such a stream bank reestablishment or rehabilitation of a degraded wetland, should be encouraged and not be subject to County processes and review, but only once they have been found to be bona fide restoration. The NRSG recommends the natural resource protections include criteria the County can evaluate to ensure a restoration project is bona fide. Once those criteria are met the project should be exempt from further County review.

Conversely, the NRSG finds that planned public works (Option 7.A2), “grandfathered” lots or parcels created prior to natural resource protections (Option 7.C) and recreation dependent on resources (Option 7.F) should not be exempt from any natural resource protections. The NRSG did not find anything unique about any of these development types that would support exempting them from natural resource protections. This is not to say that these types of development would be prohibited due to presence of natural resources. All that is being recommended is that none of these development types be exempted from any of the protections described by the other policy options and that when unavoidable impacts occur, they must be mitigated. Planned public works and resource dependent recreation will likely have unavoidable impacts, but those impacts should be studied, minimized, and mitigated. Existing parcel configurations will be considered to some extent by regulations that vary based on zoning.

The NRSG finds the other development types deserve partial exemptions. In the case of emergency public works like flood fighting, the NRSG finds that there is no practical time to do an Environmental Analysis and that protection standards are inapplicable because the emergency work needs to happen in a specific location. However, the NRSG does recommend that the site be reclaimed to a natural state to the extent practical as a means of mitigating for the impacts from the emergency work.

The NRSG finds that an EA requirement on a property under conservation easement runs the risk of discouraging conservation easements because a landowner is afraid the conservation easement combined with County EA will prohibit development. The NRSG finds that because a property under conservation easement is already studied and actively stewarded a full EA is counterproductive to the private work already done. That said, the NRSG does find that not all conservation easements provide the same level of protection, and therefore recommends that protection and mitigation standards still apply.

Finally, the NRSG finds that installation of a private utility across natural resources to access an approved site should have to minimize and mitigate impacts, but should not require an EA if an EA is not already required for the entire site.

**Planning Commission Recommendation:** NRSG recommendation with one modification to the partial exemption for properties under conservation easement.

The Planning Commission generally agrees with the NRSG recommendation and supports the NRSG findings. However, the Planning Commission notes that while it does not recommend exempting certain development

types it still recommends that the extent of the requirements should be less on smaller properties with fewer options for realizing the allowed development. The Planning Commission only recommends one change to the NRSG recommendation, that development on property under conservation easement be exempt from mitigation.

Development Type	EA?	Protection Standards? (Avoid/Minimize)	Mitigation?
7.B Property under conservation easement	Exempt	Not Exempt	Exempt

The Planning Commission finds that the conservation easement itself represents mitigation for future impacts by protecting the majority of the property from any impact and subscribing to third party monitoring of the property. Because this mitigation has already been provided, the Planning Commission recommends mitigation for the development that is allowed within the easement be exempt from mitigation.

#### Public Recommendation: 7.A (68%)

The public recommendation is based on the online survey, which was phrased in a slightly different way to make it more understandable to a layperson. Because a survey respondent could choose as many options as apply, all options that received more than 50% support are reported. Please see *Documentation of Community Discussion and Online Survey* (provided November 13) to read the actual public analysis that informed individual survey responses.

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#### 8. What standards should apply when a building (or other development) that is already impacting a natural resource, proposes expansion? (select all that apply)

Development exists that predates the current natural resource protections but is located in areas where development would now be prohibited if it were proposed today. When these existing developments propose remodels or expansions, two questions arise. The first is whether the presence of an existing natural resource impact should affect the protections applied to the expansion. The second question is whether proposed investment in an existing site through expansion of the existing development should trigger a requirement to remove, lessen, or mitigate the existing impact. The balance that has to be achieved is that some level of reinvestment in sites with aging development will improve those sites, and asking too much from such projects will discourage the reinvestment.

Multiple policy options may apply but some policy options do not work in combination. For example Options 8.A and 8.C cannot be simultaneously implemented.

Policy Option	Why Choose this Option?	Why Not?
8.A Ensure an expansion does not make the existing impact worse.	<ul style="list-style-type: none"> <li>To encourage consolidation of impact instead of new impact</li> </ul>	<ul style="list-style-type: none"> <li>Adds impact when a better location might be available</li> </ul>
8.B The location and amount of expansion should be reviewed against current natural resource protections as if the existing impact does not exist. ( <i>status quo</i> )	<ul style="list-style-type: none"> <li>An expansion should be subject to all standards regardless of the existing development</li> </ul>	<ul style="list-style-type: none"> <li>An addition may have less impact than a detached expansion that meets all standards</li> </ul>

Policy Option	Why Choose this Option?	Why Not?
8.C The expansion should only be allowed if the existing building is relocated so that the original impacted natural resource can be returned to its natural state.	<ul style="list-style-type: none"> <li>Reinvestment in a site should include a requirement to minimize impacts to the site</li> </ul>	<ul style="list-style-type: none"> <li>Relocation and reclamation is costly and will discourage reinvestment in sites with aging development</li> </ul>
8.D The expansion must be designed to lessen the existing impact.	<ul style="list-style-type: none"> <li>Reinvestment in the existing development should include measures to reduce its impact</li> </ul>	<ul style="list-style-type: none"> <li>Identifying what reductions are reasonable will be subjective and may discourage reinvestment</li> <li>The impact is likely years old and was legal when it occurred</li> </ul>
8.E The expansion proposal must include mitigation for the existing impact.	<ul style="list-style-type: none"> <li>Regardless of how the expansion is regulated, investment in the site should include mitigation</li> </ul>	<ul style="list-style-type: none"> <li>Mitigation is costly and may discourage reinvestment</li> <li>The impact is likely years old and was legal when it occurred</li> </ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
8.A	8.A	8.A (63%), 8.E. (54%)

#### Natural Resources Stakeholder Group Recommendation: Option 8.A

The NRSG unanimously recommends Option 8.A, that expansion of existing development be allowed in a way that ensures the impact is not worsened. The NRSG recommendation is that some level of expansion should be allowed within the existing area of impact; the recommendation is not that expansion should be prohibited. The level of expansion allowed will be determined through the drafting of the updated natural resource protections. As discussed in Question 2, the NRSG finds that increasing the size of a structure is less of an issue than increasing the number of development sites or the number of people in an area. The NRSG finds that more development in one area is less impactful than more areas of development.

#### Planning Commission Recommendation: 8.A

The Planning Commission recommends Option 8.A. The Planning Commission discussed the example of an existing house near the Snake River that wants to add a detached garage. Should the garage have to be located away from the River (and the house) as if the house does not exist (Option 8.B), or should the garage be allowed near the house? The Planning Commission finds that allowing the expansion near the existing development may actually limit impact and is most consistent with the County's general policy toward existing development that predates the regulations.

#### Public Recommendation: 8.A (63%), 8.E. (54%)

The public recommendation is based on the online survey, which was phrased in a slightly different way to make it more understandable to a layperson. Because a survey respondent could choose as many options as apply, all options that received more than 50% support are reported. Please see *Documentation of Community Discussion and Online Survey* (provided November 13) to read the actual public analysis that informed individual survey responses.

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#### 9. To what extent should we regulate wildlife-friendly fencing? (select one)

Since 2006 the County has regulated fencing to ensure that wildlife can jump over or crawl under the fencing. The fencing standards are broken into three categories: agricultural fencing, special purpose fencing, and all

other fencing. In July, the Board directed staff to focus on clarifying the agricultural exemptions through this effort.

The current wildlife friendly-fencing standards allow a 42-inch high fence for livestock, where generally only a 38-inch fence is allowed. That allowance applies countywide regardless of property size. In addition, the current policy is that agricultural operations on sites over 70 acres are exempt from all wildlife-friendly fencing standards. However, the current LDRs do not clearly state the current policy. The Board set the threshold for all agricultural exemptions, including wildlife-friendly fencing, at 70 acres in 2015 to discourage the sale of large sites as 35-acre ranchettes.

Policy Option	Why Choose this Option?	Why Not?
9.A Clarify current standards <i>(updated status quo)</i>	<ul style="list-style-type: none"> <li>Clarify that any agricultural fence (new, replaced or relocated) is exempt</li> <li>Maintain 70-acre agricultural exemption threshold in place since 1994</li> </ul>	<ul style="list-style-type: none"> <li>Brand new fence on agricultural operations may not be wildlife-friendly</li> </ul>
9.B Option 9.A, except reduce the agricultural exemption threshold to 35 acres for fencing	<ul style="list-style-type: none"> <li>Sync the fencing exemption with the State tax definition of agriculture</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural exemption for fencing would be different from other ag exemptions</li> <li>Potential increase in non-wildlife friendly fencing</li> </ul>
9.C Option 9.A or 9.B, except that the exemption would not apply if in a wildlife migration corridor	<ul style="list-style-type: none"> <li>Same as 8.B except protect permeability</li> </ul>	<ul style="list-style-type: none"> <li>Same as 9.A</li> <li>Some agricultural operations would have to implement wildlife-friendly fencing when fencing is repaired or replaced</li> </ul>
9.D Remove all exemptions and require any structural repair or replacement to come into compliance	<ul style="list-style-type: none"> <li>Align fencing standards with other nonconformity standards</li> <li>Ensure all fencing is wildlife-friendly</li> </ul>	<ul style="list-style-type: none"> <li>Burden on current fence owners as they repair and replace fence, including agriculture</li> </ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
9.B	9.B	n/a

#### Natural Resources Stakeholder Group Recommendation: Option 9.B

The NRSG recommends Option 9.B finding that the combination of revenue and productivity standards in State statute eliminate any concerns over gaming of the agricultural exemption definition. Prior to granting agricultural tax status, the Wyoming Department of Revenue requires a landowner to prove revenue from agriculture and minimum productivity (for example a minimum head of cattle per acre). The NRSG finds that these standards prohibit a horse property from taking advantage of the agricultural exemption from wildlife friendly fencing standards. The NRSG also finds that agricultural operations are not generally the issue when it comes to fencing. There are extreme cases, but the NRSG does not recommend regulations to address those cases because extreme cases yield extreme regulations. There was some interest in Option 9.C related to Path of the Pronghorn and other recognized migration corridors, but still support for the work agricultural operations do to allow wildlife movement through their land.

#### Planning Commission Recommendation: 9.B

The Planning Commission recommends Option 9.B for all the same reasons as the NRSG. The Planning Commission does recommend some reference in the regulations to agricultural fencing best practices even if agricultural operations are exempt. The Planning Commission also discussed issues around compliance and

enforcement of wildlife friendly fencing standards in general, finding that, under the current system of not requiring permits and only enforcing by complaint, compliance is not as high as it could be.

Public Recommendation: n/a

This question was not included in the online survey.

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#### 10. What incentives should be provided for natural resources protection? (select all that apply)

In July, the Board directed staff to analyze incentives for natural resource protection in addition to regulations. Successful natural resource protection programs often include incentives in addition to requirements. Incentives grant landowners and developers additional development or money in exchange for greater protection of natural resources than can be achieved through regulations.

The LDRs currently include three primary incentives that address granting additional development in exchange for conservation of open space.

- The Complete Neighborhood Planned Residential Development (CN-PRD) – grants a significant bonus in density in exchange for permanent conservation of wildlife habitat, scenic vistas, or agricultural land, if the bonus density is built in a Complete Neighborhood identified by the Comprehensive Plan as appropriate for growth.
- The Rural-PRD – grants a lesser bonus in density in exchange for permanent conservation of wildlife habitat, scenic vistas, or agricultural land, for bonus density that is still built outside of a Complete Neighborhood.
- The Floor Area Option – grants a rural landowner additional floor area in exchange for permanent conservation of wildlife habitat, scenic vistas, or agricultural land.

Policy Option	Why Choose this Option?	Why Not?
10.A. Current incentives + provide bonus development to projects that provide additional natural resource restoration	<ul style="list-style-type: none"><li>• Give developer more floor area, expedited review, etc. in exchange for restoration beyond what is required</li><li>• Example a Flat Creek Blueway</li></ul>	<ul style="list-style-type: none"><li>○ Some will find the impact from the bonus greater than the benefit from the restoration</li></ul>
10.B. Current incentives + create a fund to pay landowners for preservation or restoration	<ul style="list-style-type: none"><li>• Financial incentive to conserve land or restore natural resources beyond what is required</li></ul>	<ul style="list-style-type: none"><li>○ Requires a source of funding</li></ul>

NRSG Recommendation	PC Recommendation	Public Recommendation
10.A, 10.B	10.A	n/a

Natural Resources Stakeholder Group Recommendation: Options 10.A and 10.B

The NRSG recommends both development bonus incentives (Option 10.A) and a fund to pay landowners for preservation or restoration (Option 10.B). The NRSG does not consider it an incentive to reduce base development allowances, then give those allowances back contingent on additional natural resource protection or restoration. The Federal and State governments fund natural resource protection and restoration, the NRSG finds that the County should as well. Examples of programs that could be funded are mitigation of impacts from agricultural operations or required fuels mitigation in the Wildland-Urban Interface.

**Planning Commission Recommendation: 10.A**

The Planning Commission recommends the County incentivize increased protection in the areas with the most valuable habitat rather than increase restrictions in those areas (see also Question 2). The Planning Commission recommends incentives that provide development bonuses (Option 10.A) as a way to encourage creativity in development instead of regulating for the lowest common denominator. The Planning Commission does not recommend Option 10.B because it is not in favor of increased government overhead to manage a fund.

**Public Recommendation: n/a**

This question was not included in the online survey.

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