

Natural Resource Stakeholder Group Meeting

Alternatives Comments

August 30, 2017

Present were:

Facilitator- Tyler Sinclair
Developers- Scott Pierson
A Homeowner/ Builder- Cornelius Kinsey
A Neighbor -Rich Bloom
Agriculture- Bill Resor
Wildlife Advocates -Chris Colligan-
Property Rights Advocates-Kelly Lockhart
At Large-Len Carlman, Sandy Shuptrine
The Teton Conservation District- Tom Segerstrom
Wyoming Game & Fish- Aly Courtemanch and Anna Senecal
Project Manager, Member & Comp Plan Advocate - Roby Hurley
Scribe – Regan Kohlhardt

Absent were:

Environmental Consultants- Anna DiSanto
The Ecological Sciences Community- Bill Rudd
Alta-Lorin and Jack Wilson
Conservation Advocates-Bruce Hawtin
Technical Consultant- Clarion/Alder
Clarion- Chris Duerksen, Nate Baker,
Alder- Megan Smith

8. To what extent should we regulate Wildlife Friendly Fencing?

1. Continue current regulatory program. Clarify regulations that all agricultural operations are exempt from Section 5.1.2 requirements. Including clarification on replacement and new
2. Agricultural operations would not be exempt from regulations, even if greater than 70 acres. All fences, regardless of purpose, new, replacement or retrofitting, would be required to be wildlife-friendly
3. Agricultural operations would not be exempt from regulations, even if greater than 70 acres. Existing non-conforming fences, would have their own rules.
4. A fencing permit should be required to build or replace a fence whether or not associated with a development application or an agricultural operation.

5. Update Ag exemption to exempt Ag sites 70 35ac & greater.

Bill Resor said the alternatives need to comply with Wyoming's 'fence out' policies. He also said that the County should enforce the maintenance of fencing.

Scott suggested including getting rid of all fencing regulations as an alternative.

Len suggested there may be an alternative that permits a type of fencing that is between wildlife friendly requirements and what agricultural purposes need for fencing.

Scott suggested taking 'wildlife friendly' out of question because the regulations really apply to all fencing.

Bill Resor noted that permits should not be requirement for cases where we want fencing (e.g., construction staging).

Roby supported incorporating the word "exclusion" into one of the alternatives to address uses that need to exclude wildlife.

Chris suggested differentiating between decorative fencing and agricultural fencing or fencing with a purpose.

Bill Resor supported standardizing where fencing is appropriate for small operations (e.g., less than two acres). Cornelius suggested criteria for these be based on number of animals or use.

Kelly noted we need to address livestock operations on less than 70 acres. He also noted the need for an alternative that would present guidelines and incentives for having voluntary wildlife friendly fencing.

Aly said there should be incentives for voluntary compliance. Kelly agreed citing existing program where Game and Fish buys the fence materials for ag operations to use.

9. What sorts of development should be exempt from regulations and/or EA?

1. Current standards/exemptions remain, but consolidate and reconcile NRO and EA exemptions into single list.
2. Consolidate and reconcile NRO and EA exemptions. Revisions to current exemptions as set forth below:
 - ~~Ag operations except fencing. Ag definition~~
 - Previous approvals; define and follow low tier
 - Conservation Easements if recent & similar to EA inventory
3. No blanket exemption from all regulations for any development- Update Ag definition

4. Exemptions based on EA Purpose & Tiers. (Combine with Q1)

Cornelius said we need to sync with federal regulations and not require redundant processes.

Bill Resor noted that any previously approved EA should not expire, similar to how a land trust reserves development rights in perpetuity. He also noted that the County should not require additional EA review for properties that have worked with land trusts and met those requirements.

Cornelius suggested we base EA update requirements on a trigger like new migration patterns or other ecologically viable changes on a property.

Tom noted that land trusts' designation of conservation easements should not be exempt properties from County requirements because the County may have different values than the land trust. We should only exempt a qualifying easement that meets County requirements as well. He suggested adding specifications for when County staff should accept easements and when not to. Bill Resor agreed.

Kelly said all uses associated with agriculture should be exempt from EAs, and this should be better reflected in the alternatives.

Scott said alternative #3 should say 'EA' specifically if that is what it refers to.

Len noted that any language included in alternatives to exempt conservation easements should reference the 'qualified easement holding organization' because this term is already defined by the IRS.

Aly critiqued #9 as a question. It is confusing with its reference to both 'regulations' and 'EAs'. She would offer different alternatives for each.

Kelly suggested incorporating an exemption for properties in complete neighborhoods.

10. How should the natural resources LDRs apply to redevelopment?

1. Current/updated resource protection regulations would apply to all redevelopment projects, but no retroactive rehabilitation of past adverse impacts on natural resources.
2. Adopt a sliding-scale approach to required rehabilitation for redevelopment projects.
3. Redevelopment required to meet all standards applicable to new developments. Rehabilitation & restoration requirements for redevelopment vary by tier
4. Redev. based on Tiers. (Combine with Q3) Plus exemptions

Rich suggested reconciling these alternatives with the nonconforming regulations.

The group discussed how incentives might be used to bring redevelopment more into compliance.

11. What incentives should be provided for natural resource protection?

1. ~~Development bonuses, such as~~ Fee waivers, mitigation waiver, floor area and density bonuses that exceed regulatory requirements
2. Regulatory supplements such as a development rights purchase or payment for ecosystem services such as preservation of critical wildlife habitat identified in FSHM
3. Create a transferable development rights system that grants development rights in targeted sending areas of critical habitat for sale to developers in receiving areas in Low Tier
4. Allow impacts to resources on all existing parcels but increase mitigation commensurate with impact
5. Employ tier reduction triggered by incentives

Scott suggested adding parking reduction incentives to Alternative #1.

Aly suggested adding 'and/or' to #1.

Kelly wanted to strike #3. Len disagreed. Kelly suggested that if #3 stays, we need to change 'floor area' in #1 to added floor area. He does not want the County reduce floor area in order to add it back in as an incentive.

Tyler noted that the name for #3 could vary. Could be mitigation bank system or transfer. This type of tool can work but does not necessarily have to be TDRs specifically.

Sandy said she was uncomfortable with using floor area as an incentive because it impacts other community values such as community character and energy, especially within the context of residential development.

Tom criticized the specificity of the kinds of incentives we explore. Bill Resor suggested adding 'and other' to #1 in line with Tom's critique. Bill Resor also suggested adding 'financial' to #2.

Rich cautioned against 'floating density tools' and dropping additional density where it does not belong.

Scott suggested changing 'increase' to 'adjust' in #4.

Chris wants sideboards set to natural resource protection.

Len suggested overlay districts with specific incentives.

Tom said incentives for redevelopment need to be strategic and not parcel-by-parcel. Strategic planning, banking, restoration, etc.

Aly expressed discomfort with #4. Rarely does mitigation replace what was lost. Bill Resor expressed support for this alternative. Anna Senecal agreed with Aly that details need to be carefully spelled out with this kind of program. Anna suggested changing 'allow' to something that grants more discretion to Staff such as 'consider' or 'analyze'. Cornelius also expressed support for using mitigation as an incentive alternative.