

Natural Resource Overlay Amendment AMD2024-0004 & ZMA2024-0001

October 14, 2024

Presenters:

**Ryan Hostetter & Megan Smith,
EcoConnect Consulting LLC**

Presentation Contents

- Background
- Layout and Framework of Regulations
- Example Projects (Megan Smith)
- Letters & Comments online & submitted to Planning
- Planning Commission Q & A
- Public Comment
- Continue to October 28, 2024

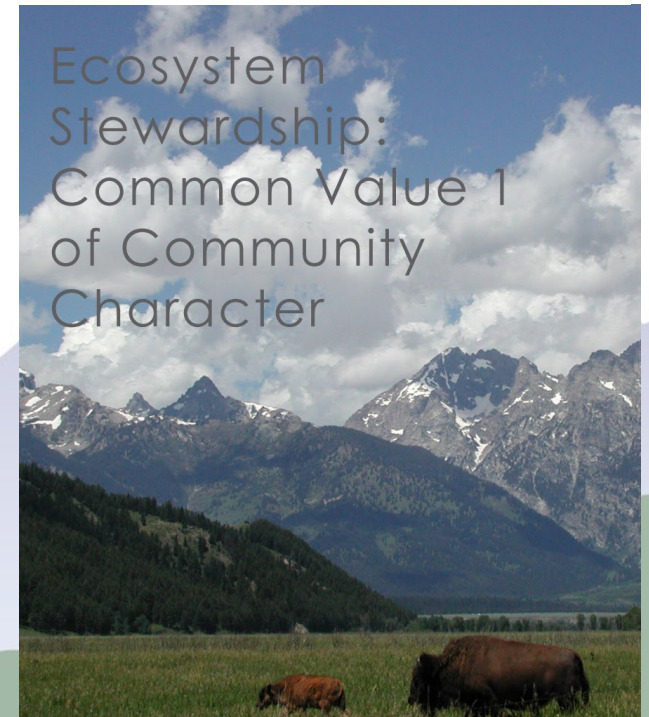
Background

- Comprehensive Plan common values – Chapter 1 Ecosystem Stewardship (Policies 1.1.a Focal Species and 1.1.b. Wildlife)
- 3 sections in the Land Development Regulations regulate Natural Resources
 - 5.1 General Environmental Standards
 - 5.2 Environmental Standards Applicable in Specific Areas
 - 8.2 Common Procedural Standards (Environmental Analysis procedures)

Chapter 1. Stewardship of Wildlife,
Natural Resources and Scenery

Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.

Ecosystem
Stewardship:
Common Value 1
of Community
Character



Background

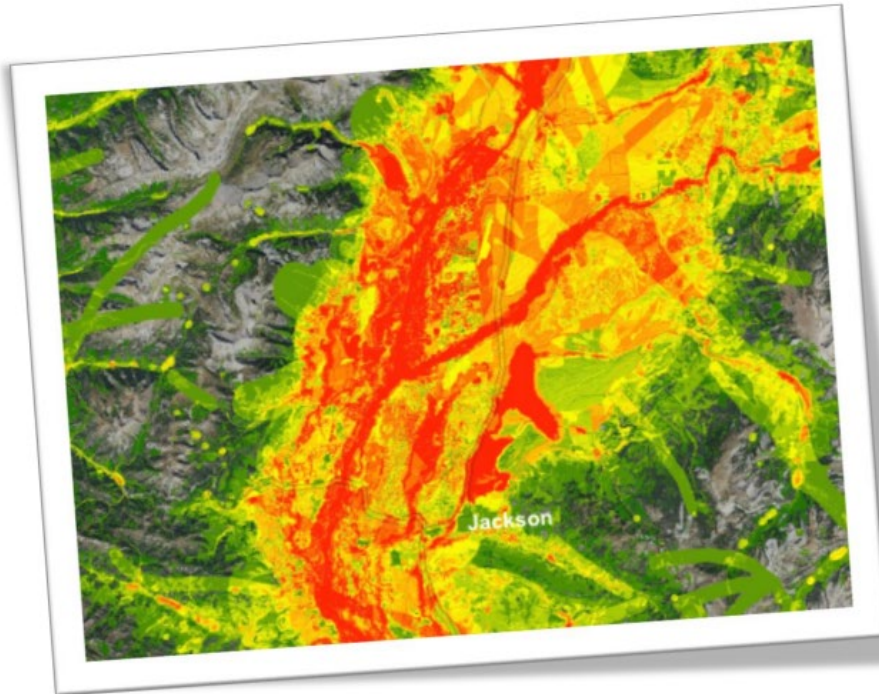
- We have completed amendments to Wildlife Friendly Fencing and Wild Animal Feeding (Jan 2023)
- Remaining update includes
 - 5.1.1 Waterbody and Wetland Buffers
 - 5.2.1 Natural Resources Overlay (NRO)
 - 8.2.2 Environmental Analysis
- Water Quality Amendments – Separate effort out of Water Quality Management Plan

Background

- This project was released for public review September 28, 2018
- Project put on hold – several staff changes
- Project resumed in 2020 and County retained Megan Smith of EcoConnect for assistance with finalizing
- Project has been updated and amended
- Additional new stakeholder involvement
- New and updated public comment/involvement

FOCAL SPECIES HABITAT MAPPING FOR TETON COUNTY, WY

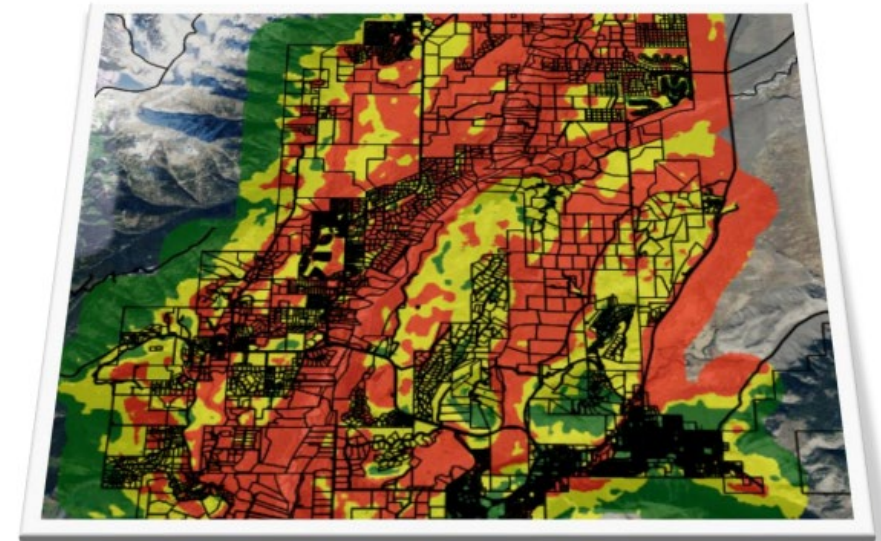
FINAL REPORT



April 21, 2017

ALDER ENVIRONMENTAL, LLC
Water • Wetlands • Ecological Consulting

FOCAL SPECIES HABITAT MAPPING FOR TETON COUNTY, WY REPORT ADDENDUM



EcoConnect Consulting LLC
Connecting Ecology and Community

Megan A Smith, MS
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megan@ecoconnectjh.com

June 22, 2018

Background

- Updated draft utilizes existing information and policy direction
 - Natural Resources Technical Advisory Board (NRTAB)
 - 17 Species chosen in consultation with NRTAB and WGFD
 - “focal” or “important” species that were good indicators of ecosystem health or had economic/cultural significance within Teton County, WY;
 - not rare and were present on private lands (note that “rare” was not associated with definitions used for federally and state listed endangered or threatened species, but simply indicated that a species’ observed population and habitat use in Teton County were relatively small but still large enough to function as an appropriate focal species); and
 - had sufficient data, or demonstrable habitat associations, derived from review of literature or well-documented expert opinion, to be relevant in the Focal Species Habitat Mapping process.
 - Species weighted based on criteria determined by NRTAB
 - Map visualizes weighted criteria

Background

- Tiered map drafted based on scientific approach
- Use of map is at a landscape level – further review is *site specific*
- Updated regulations drafted for future development within each tier
 - Base 5.2.1.F
 - Mid 5.2.1.G
 - High 5.2.1.H

Waterbodies & Wetlands

- Updated Sec. 5.1.1 Waterbody and Wetland “Protection Standards”
 - Updated definitions for clearer implementation
 - Perennial (flows year round), Ephemeral (flows only during storm/runoff) and Intermittent (during wet season)
 - Updated buffer distance
 - Removed variable 50-150 foot setbacks for stream
 - Updated Stream to 100’
 - Ephemeral is 30’

Base Tier

- Base Tier 5.2.1.F
- Vegetation types with lower ordinal ranking or fewer types of natural resources
- Process:
 - Desktop Checklist submitted with Application

Base Tier

- Desktop Checklist Includes:
 - Basic project information
 - Site questionnaire – what resources are present on and around the site
 - General site conditions
 - Description of critical findings
- Can be elevated if necessary

Natural Resources CHECKLIST Planning & Building Services Department Planning Division

DRAFT

This form is meant to demonstrate the requirements for discussion. Submittal will be through Planning's electronic portal.

The Natural Resources Checklist shall to be completed to document the natural resources for properties and projects within the Base Tier. All resources and information required to complete the Natural Resources Checklist should be publicly available through Teton County's GIS Hub, WGFD online resources or in Teton County's Land Development Regulations.

PROJECT

Name/ Description: _____

Physical Address: _____

Lot, Subdivision: _____ Zoning: _____ PIDN: _____

OWNER

Name: _____ Phone: _____

Mailing Address: _____ ZIP : _____

Email: _____

APPLICANT/ AGENT (if applicable)

Name: _____ Phone: _____

Mailing Address: _____ ZIP : _____

Email: _____

DESIGNATED PRIMARY CONTACT

_____ Owner _____ Applicant/ Agent

PURPOSE OF NATURAL RESOURCES CHECKLIST SUBMITTAL

_____ Building Permit

_____ Grading Permit

_____ Planner of the Day Research Request

Mid Tier

- Mid Tier 5.2.1.G – “Environmental Review”
- Pre Application Meeting required
- Environmental Professional required
- Similar to existing EA process without alternatives analysis
- Apply for a “ZCV” (existing process)
- Decision letter submitted to applicant detailing requirements
- Alternatives analysis could be required if necessary – bump process to an EA
- Appeal process existing per 8.8.3 if necessary

High Tier

- High Tier 5.2.1.H
- Similar process as existing 1994 NRO
- Environmental Analysis required
 - Pre Application
 - Must hire environmental professional
 - Alternatives Analysis can be included
 - Planning Director Recommendation
 - Appeal process per 8.8.3 if necessary

EXAMPLES



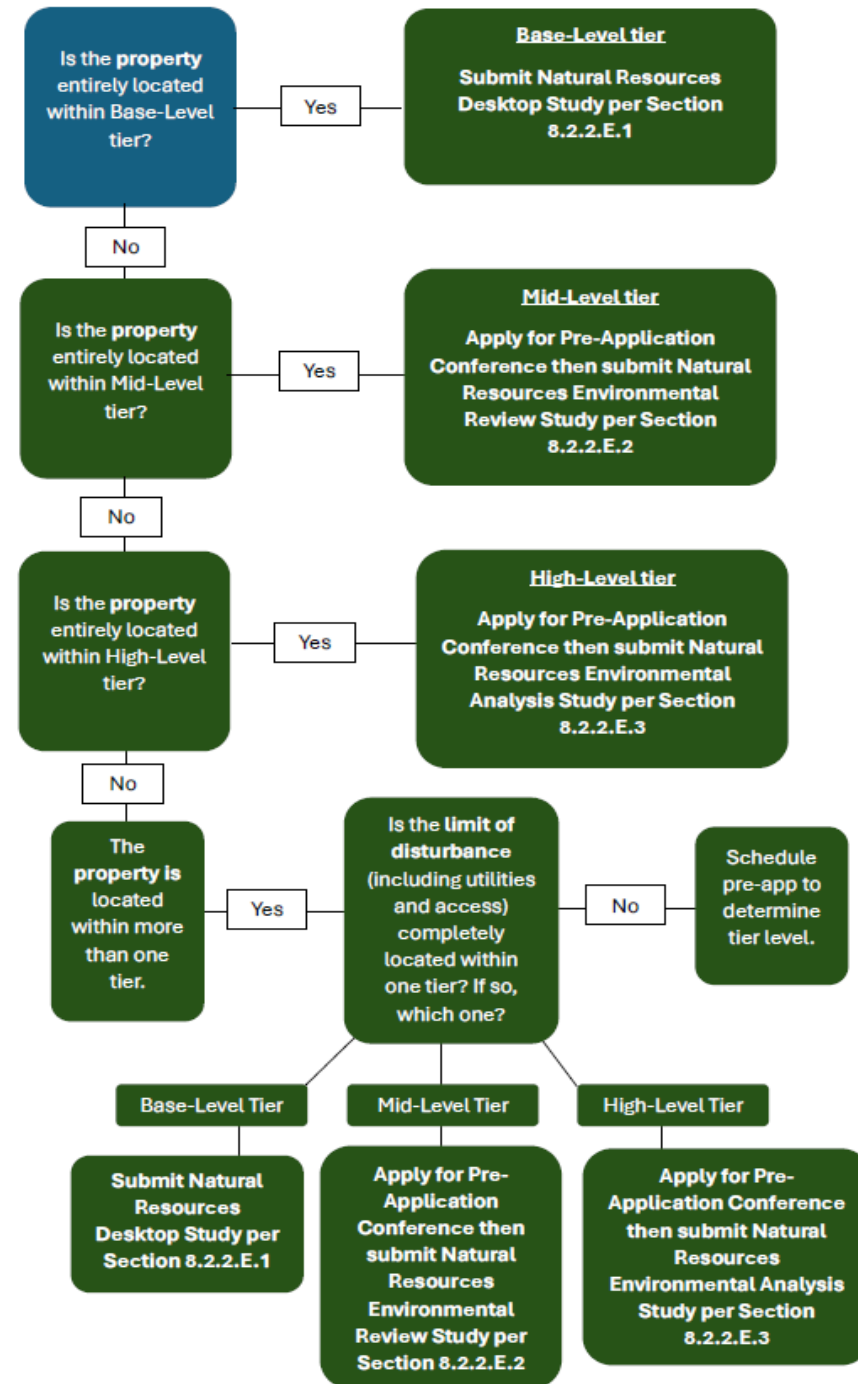
Example Projects

- All properties are 36 acres
- All properties are hypothetical
- An example for each Natural Resources Assessment Level
 - Base = Desktop Study Checklist
 - Mid = Environmental Review
 - High = Environmental Assessment
- Ecological body of knowledge has three levels
 - Landscape – Tiered NRO
 - Population – WGFD Crucial Ranges and TC Suitable Habitat maps, Movement infrastructure and WGFD Designed Migration Corridors
 - Property – Natural Resources present on the property and vicinity

No one of these three levels can adequately inform a development decision. The entire body of knowledge is needed

Process

How do we know where to start?



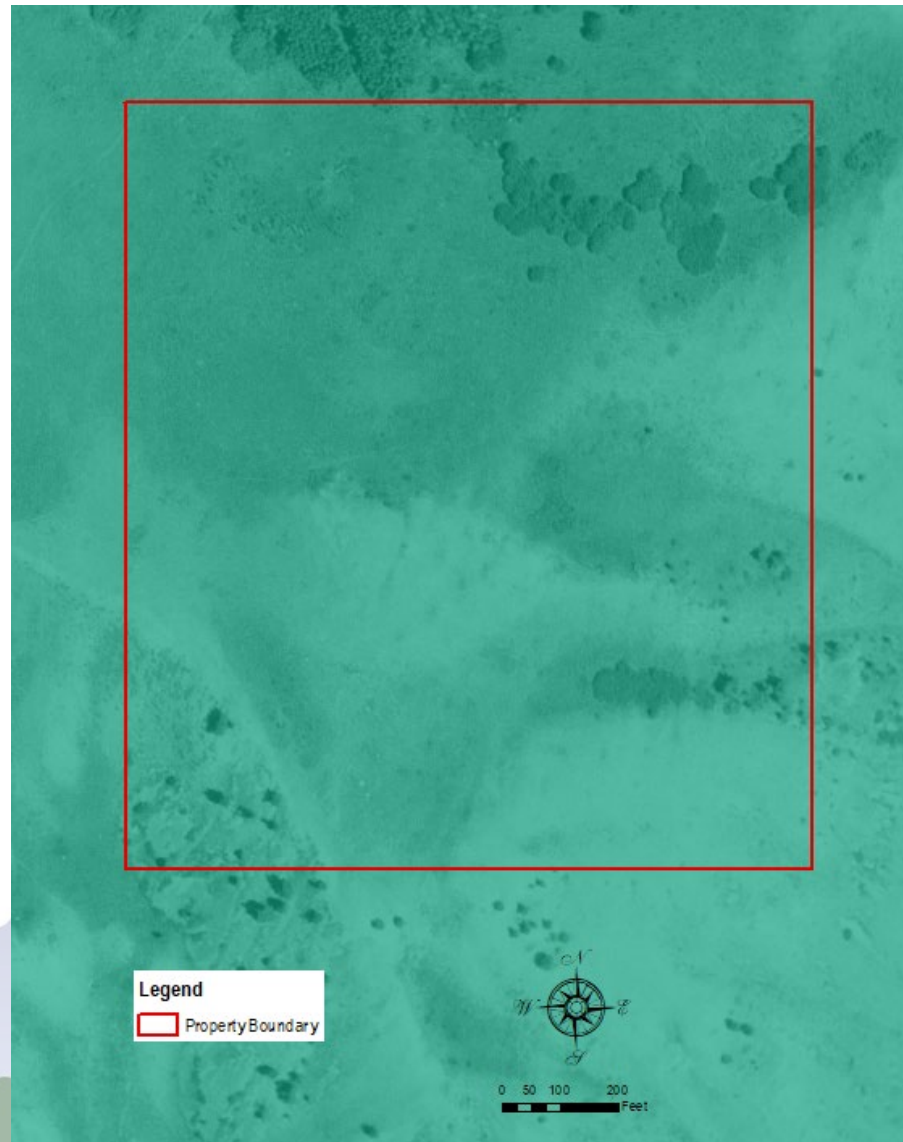
BASE TIER EXAMPLE

DESKTOP STUDY / CHECKLIST



Property Location: Base Tier

Base Tier



CHECKLIST SUMMARY

- ✓ NRO Tier
- ☐ Waterbodies & Wetlands
- ☐ Special Federal Species
- ☐ Trumpeter Swan Nesting & Winter Habitat
- ☐ Bald Eagle Nesting Habitat
- ☐ Vegetative Cover Types
- ☐ Fragmentation
- ☐ WGFD Crucial Range and TC Focal Species Suitable Habitat
- ☐ WGFD Designated Wildlife Corridors
- ☐ Setbacks/ Buffers
- ☐ Wildlife Friendly Fencing
- ☐ Property Setbacks
- ☐ Proposed Development

Natural Resources NOT Present

Landowner acknowledges through the checklist with any supporting materials that none of the following are present on the property:

- ✓ Waterbodies & Wetlands
- ✓ Special Federal Species
- ✓ Trumpeter Swan Nesting & Winter Habitat
- ✓ Bald Eagle Nesting Habitat

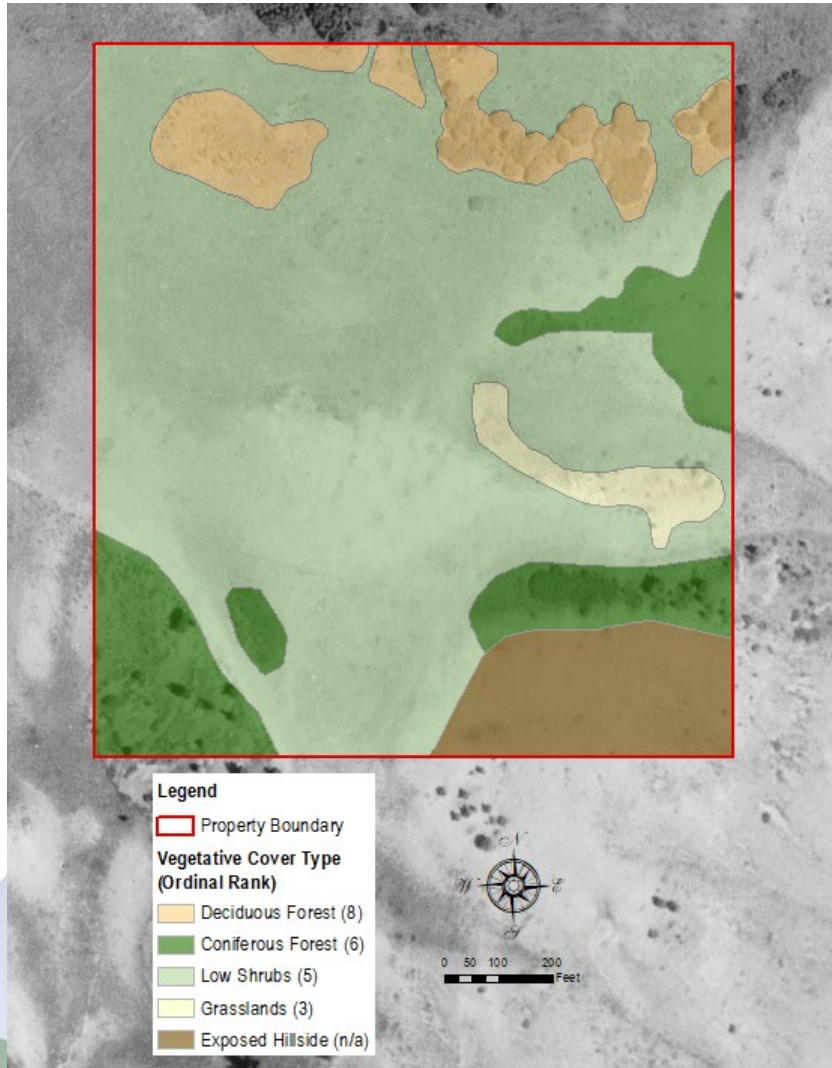
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Vegetative Cover Types

Base Tier



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Vegetative Cover Ordinal Rank

- LDR Section 5.2.1.D.5 – Intact Terrestrial Habitat Patches
- Cover types have been updated from what is currently used for ease of use and transparency.
- Higher ordinal rank *typically* indicate cover types that support more species and/ or are limited on the landscape or associated with water (a highly important resource).

Vegetative Cover Types From the Desktop Study:

6. Per Section ____ [Intact Terrestrial Habitat Patches] are there intact terrestrial habitat patch resources present (including foraging resources) (Y/N): Teton County Land Development Regulations and Vegetation layer (Cogan & Johnson, 2013)
If yes, provide a short description of quantity, quality, and location inclusive of the table below

Ordinal Rank	Patch Overstory	Present (Y/N)	Condition
8	Deciduous	Yes	3.5 acres of mature, aspen stands are present on the northern portion of the property.
6	Conifer	Yes	4.3 acres of mature lodgepole or juniper conifer stands are located within natural depressions on the property's southern and eastern slopes.
5	Shrubs: Sagebrush	Yes	The majority, 24.6 acres, of the property is mature, sagebrush cover.
3	Grasslands	Yes	Less than 1.0 acre (0.88 acres) of grasslands are present within the sagebrush cover on the southeastern, downslope portion of the property.
n/a	Exposed Hillside	Yes	2.7 acres of exposed hillside are present on the southeastern portion of the property.

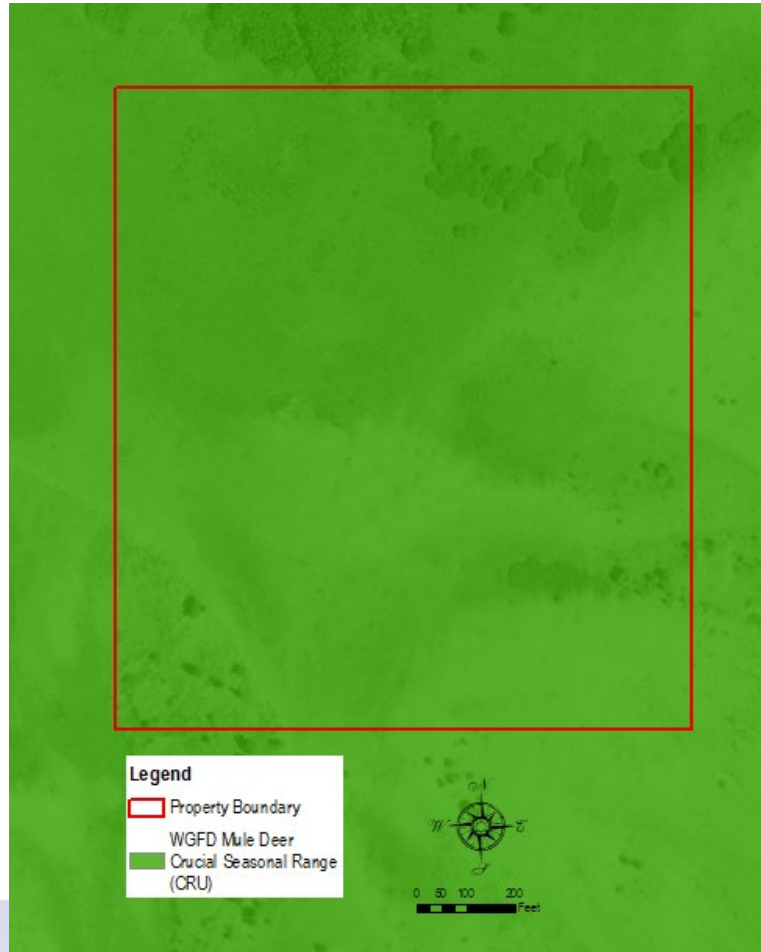
7. Per Section ____ [Fragmentation] will the proposed development or activities create fragmentation of existing habitats (Y/N):
If yes, a short description of impacts (quantity, quality, and location).
Development is proposed within the sagebrush shrub cover type. Of the 24.6 acres of sagebrush present, 1.0 acres are expected to be impacted by the development footprint.

Base Tier

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WGFD Designated Crucial Habitat



No WGFD Designated Wildlife Corridors are present on the property

WGFD Designated Mule Deer Crucial Winter Range

- Present across the property
- Put the landowner on notice but does not inform development decisions on the property

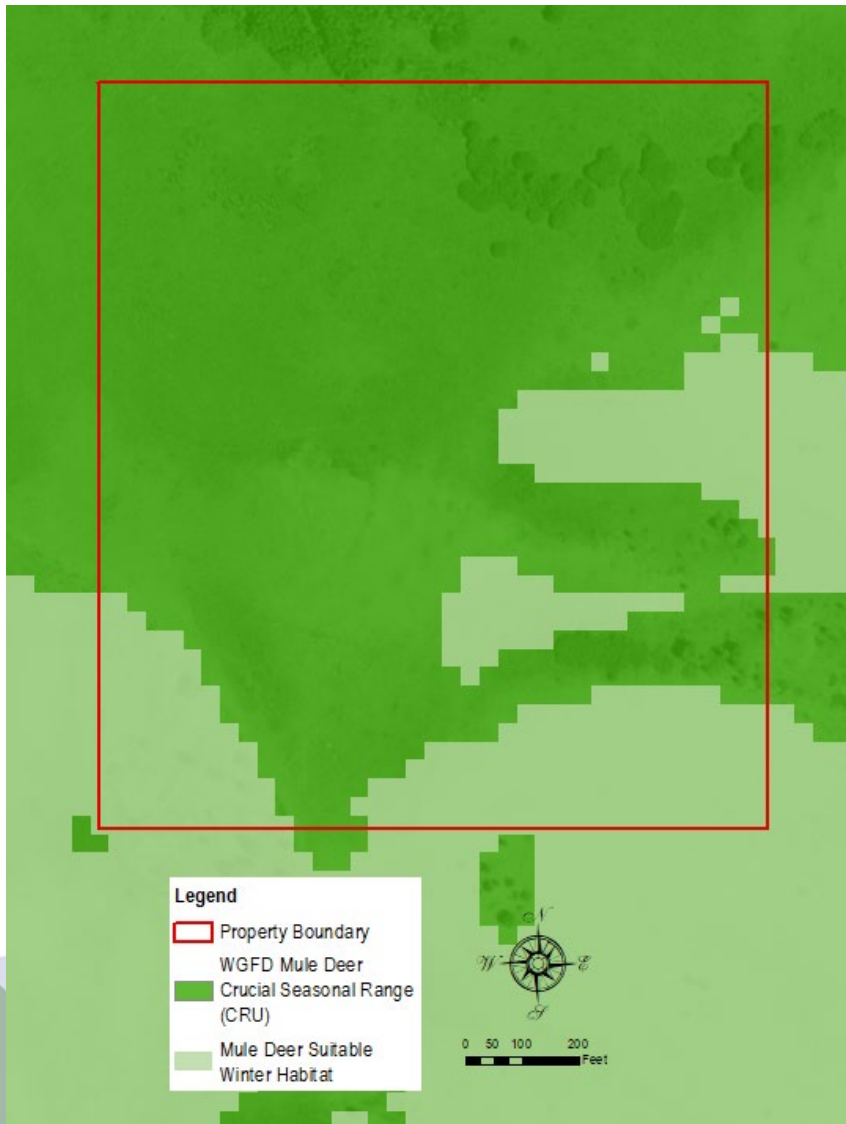
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Crucial & Suitable Habitat

Base Tier



CHECKLIST SUMMARY

- ✓ WGFD Crucial Range Further Refined by TC Focal Species Suitable Habitat

Overlaying Mule Deer Suitable Winter Habitat (darker green) on top of WGFD Designated Mule Deer Crucial Winter (lighter green)

- Specifies *where* on the property suitable mule deer winter habitat resources likely are present
- Informs the landowner's development decisions on the property

Elk & Moose – suitable winter habitat present but not designated crucial range

Review Crucial & Suitable

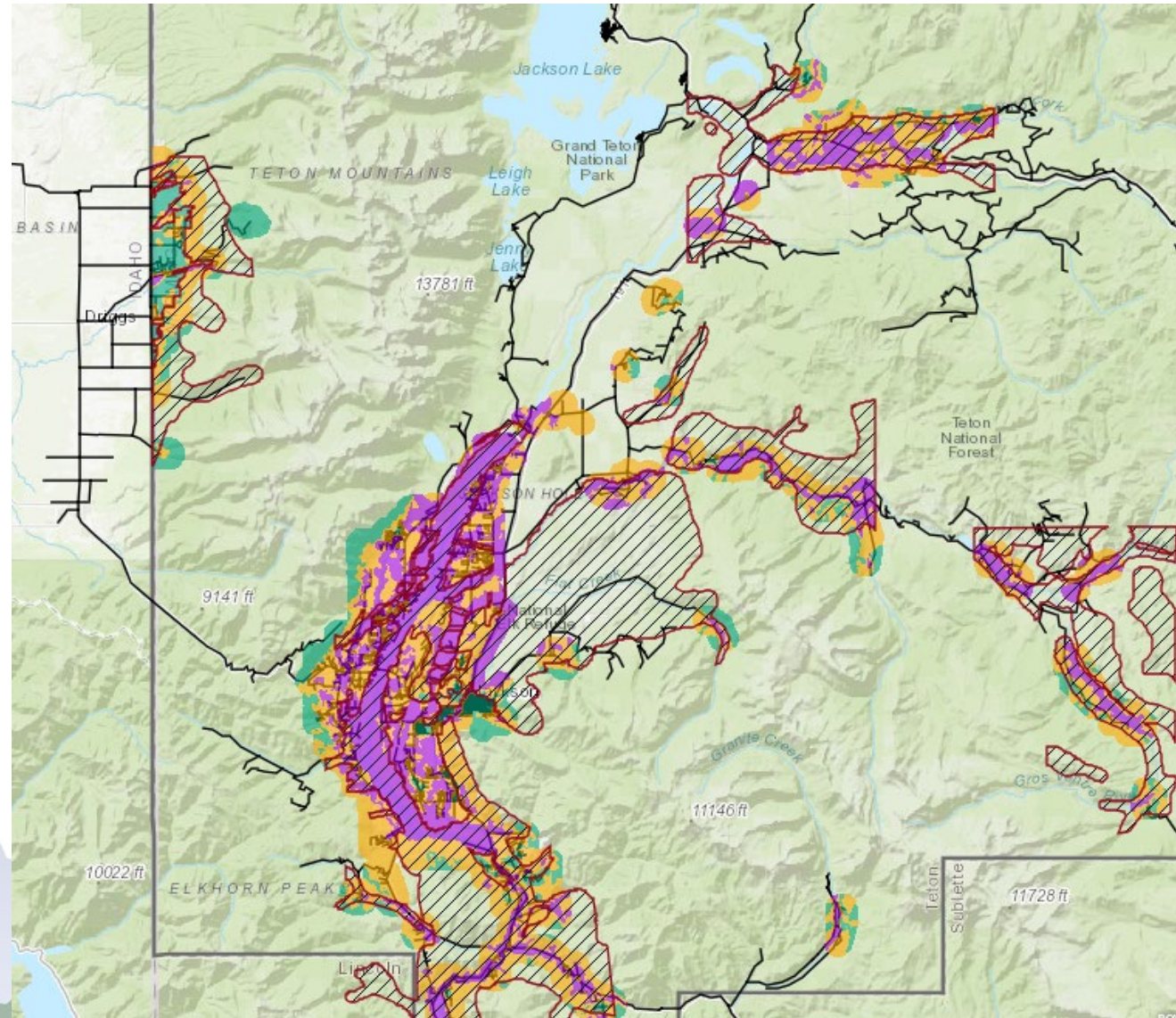
Base Tier

To review:

- **Crucial Range** – Areas Designated by WGFD as crucial to the species populations survival – primarily in winter. Not all resources within these designated areas are crucial to the specific species.
- **Suitable Habitat** –Species specific layers identifying areas that likely contain resources for a specific species in winter. Layers created for each Focal Species and used in the creation of Teton County's Tiered NRO.
- **Overlay** - The **refinement** of crucial range with suitable habitat, identifies areas within the designated crucial range that provide the natural resources needed for species during the most crucial times of the year – typically winter and spring.

Review Crucial & Suitable Landscape View

Base Tier



Natural Resources Setbacks and Fencing

Landowner acknowledges through the checklist with any supporting materials that:

- ✓ No Natural Resources requiring setbacks are present on the property.
- ✓ No fencing is being proposed

An additional item:

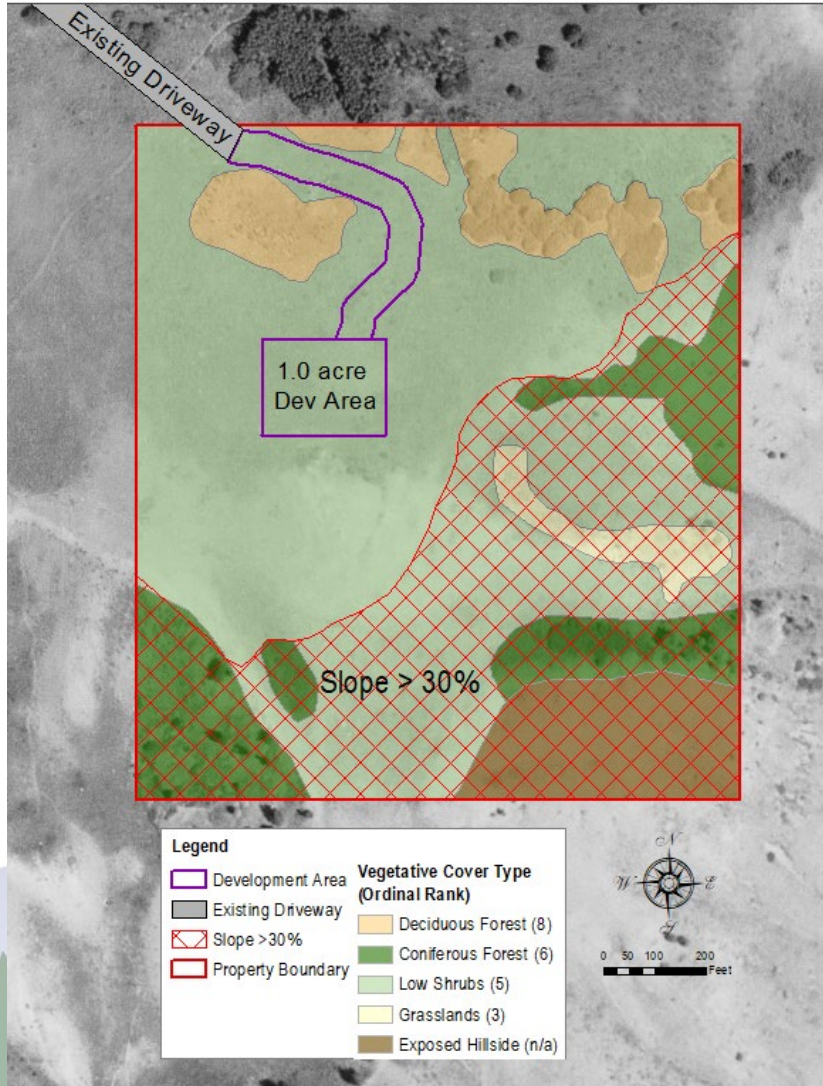
- ✓ Landowner added a note that there is a wildlife crossing located within ½ mile. No adjustments are needed because no fencing is proposed

Base Tier

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General Site Conditions



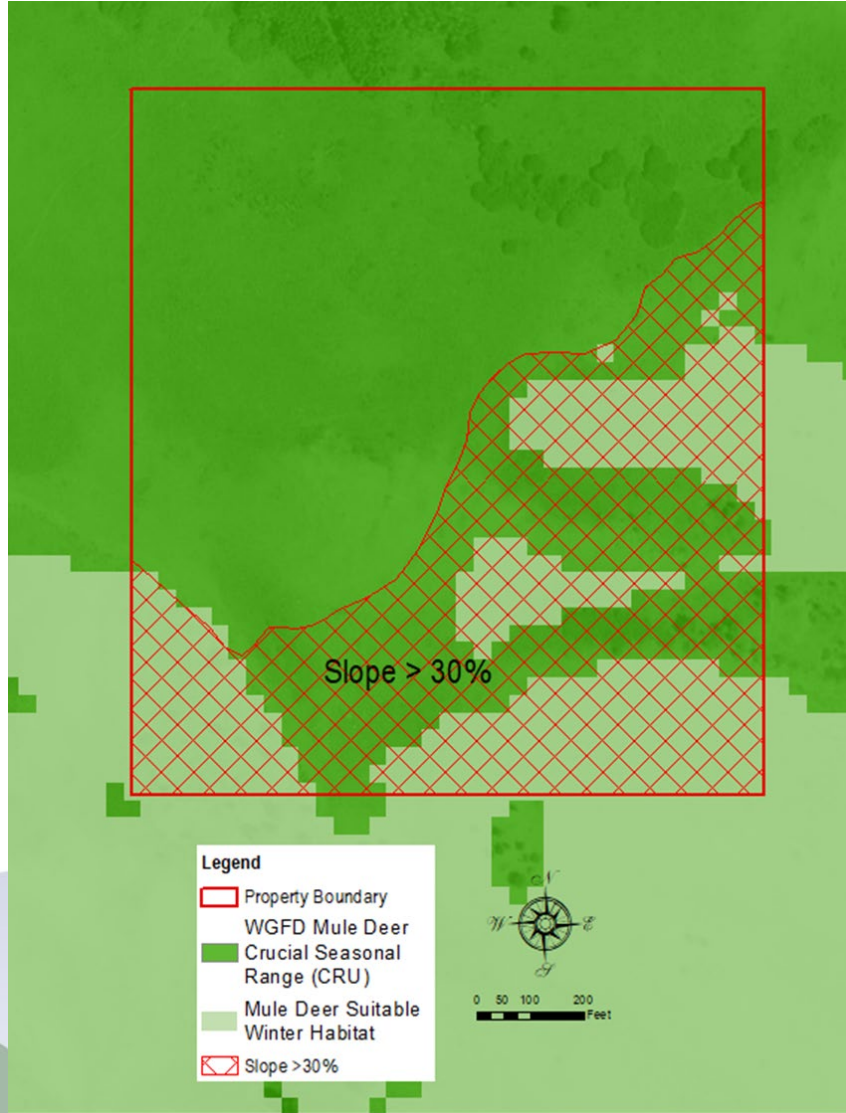
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General Site Conditions

Base Tier



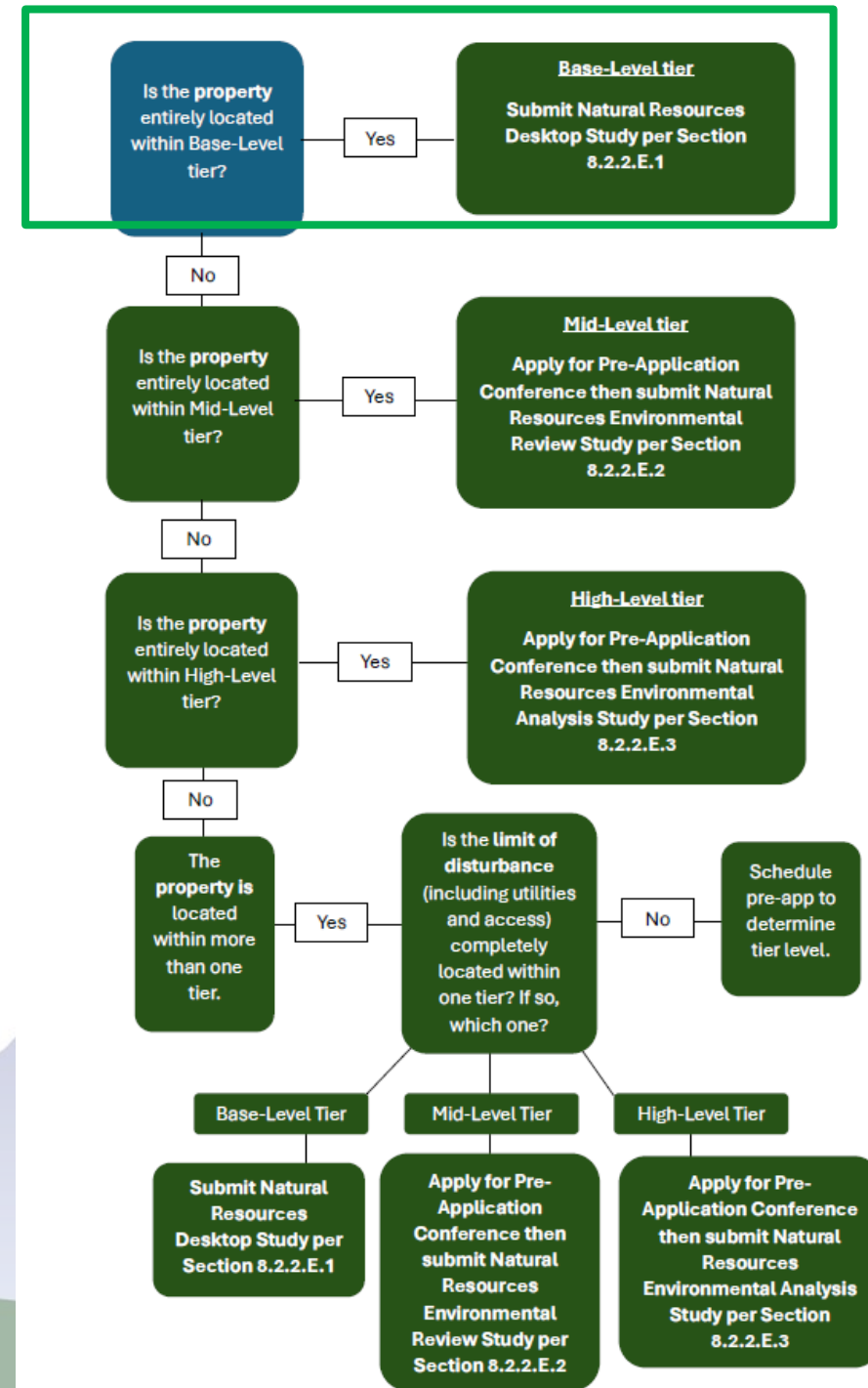
Slope and Mule Deer Suitable Habitat/ Crucial Range :

- ✓ In this example, there is significant overlap between slope regulations and the areas on the property identified as mule deer suitable winter habitat
- ✓ Both slope regulations and mule deer suitable habitats inform the location of development

Base Tier

Natural Resources CHECKLIST for Base Tier	Pg.
DRAFT Form	v

Process



MID TIER EXAMPLE

ENVIRONMENTAL REVIEW DOCUMENTATION

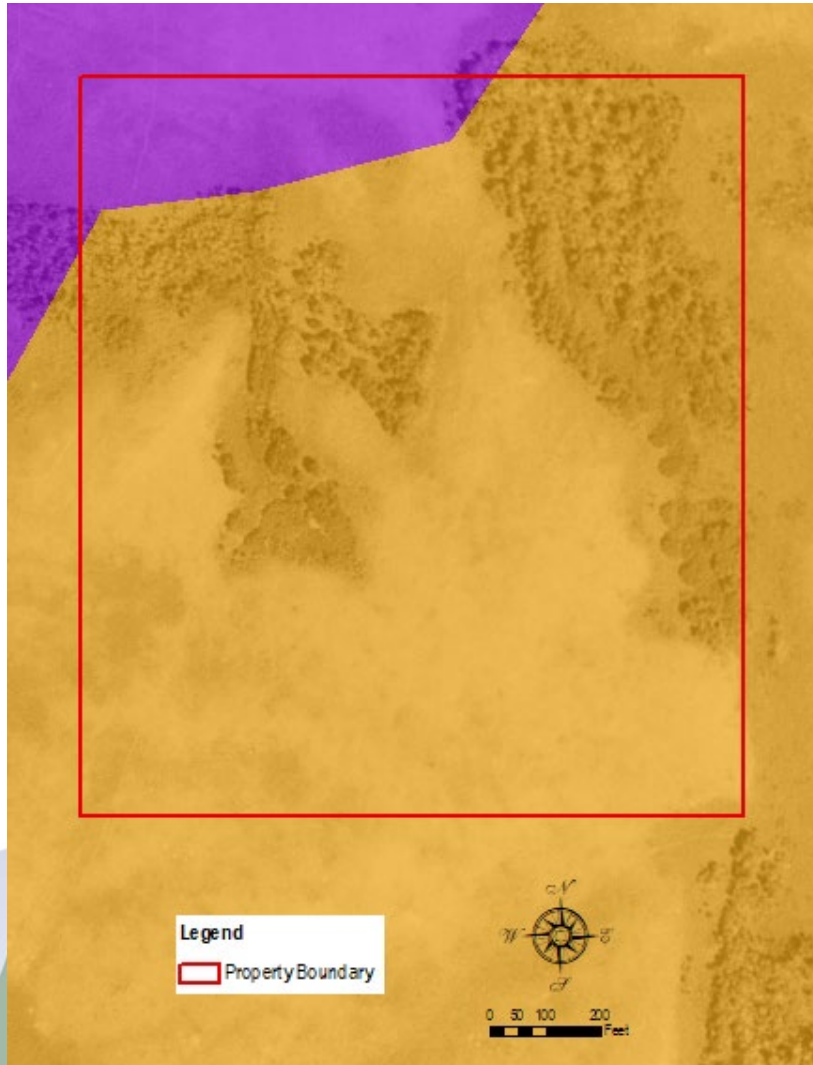


Property Location: Both Mid and High Tiers within property

Mid Tier

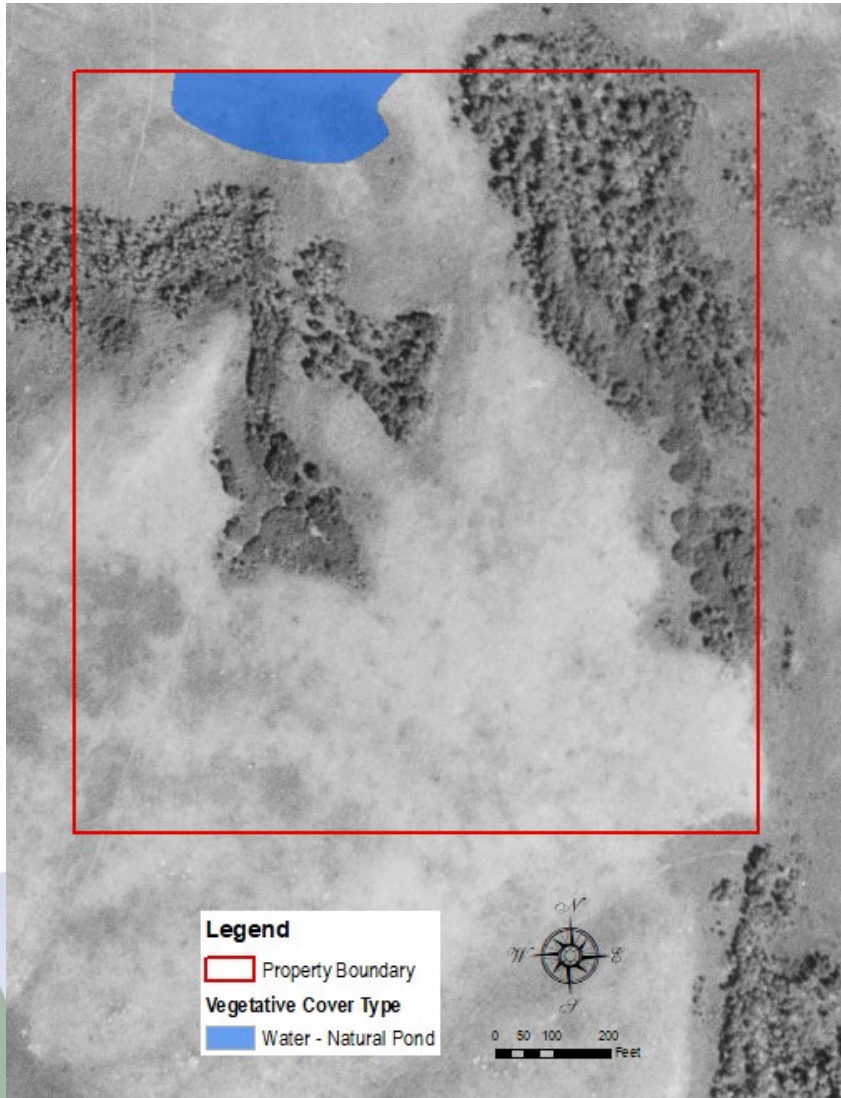
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Natural Resources Present

Mid Tier



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Natural Resources NOT Present

Consultant acknowledges through Environmental Review, with supporting materials, that none of the following are present on the property:

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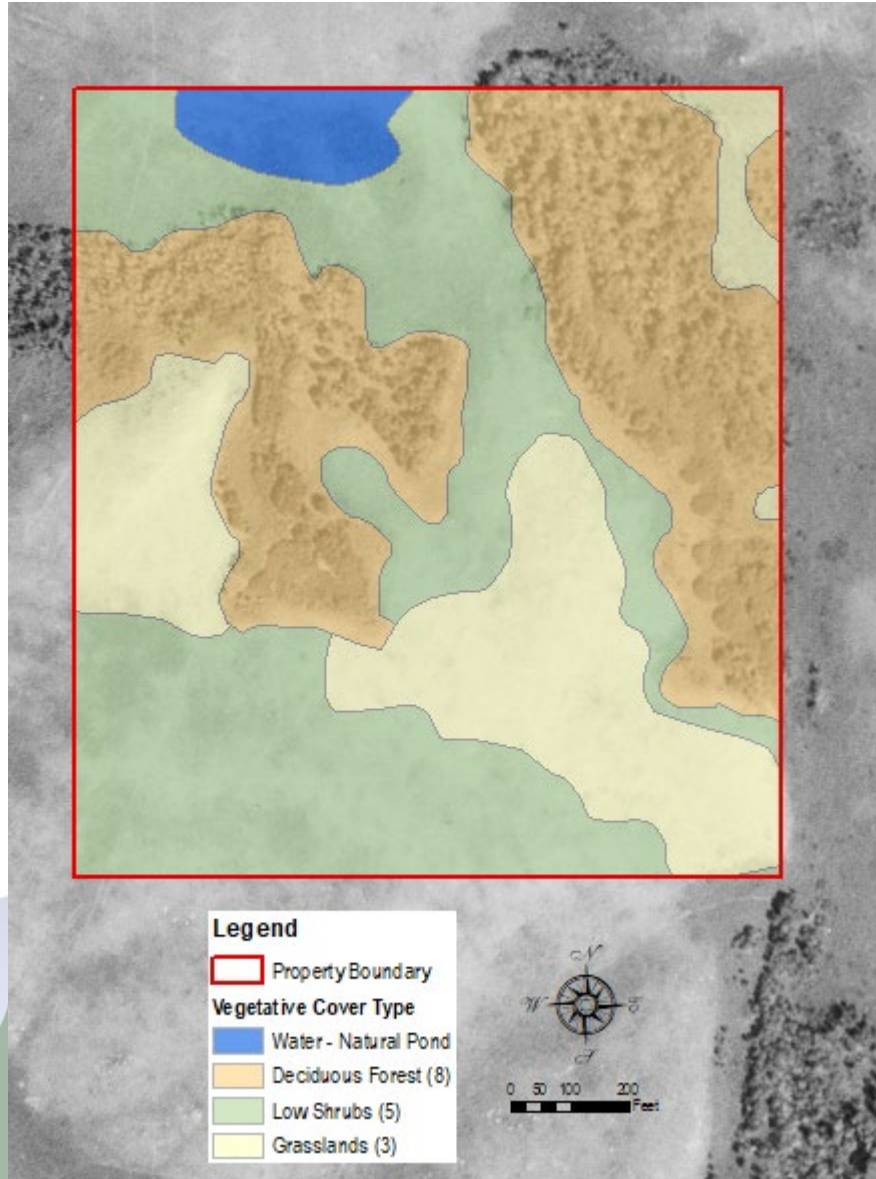
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Vegetative Cover Types

Mid Tier



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Crucial & Suitable Habitat

Habitat Layer	Species	On Property?
Crucial Range	Moose	No
Suitable Habitat	Moose	Yes
Crucial Range	Elk	No
Suitable Habitat	Elk	Yes
Crucial Range	Mule Deer	Yes
Suitable Habitat	Mule Deer	No
WGFD Designated	Wildlife Corridors	No

Moose – Possibility of aspen use in transitional times but unlikely in winter

Elk - Possibility of grasses use in transitional times but unlikely in winter

Mule Deer – While Crucial Range is designed, suitable habitat is not present therefore, may move through but unlikely to be present at most crucial times

Wildlife Movement – No designated corridors present. Wildlife *movement* likely, wildlife natural resources needed during crucial times not likely

Mid Tier

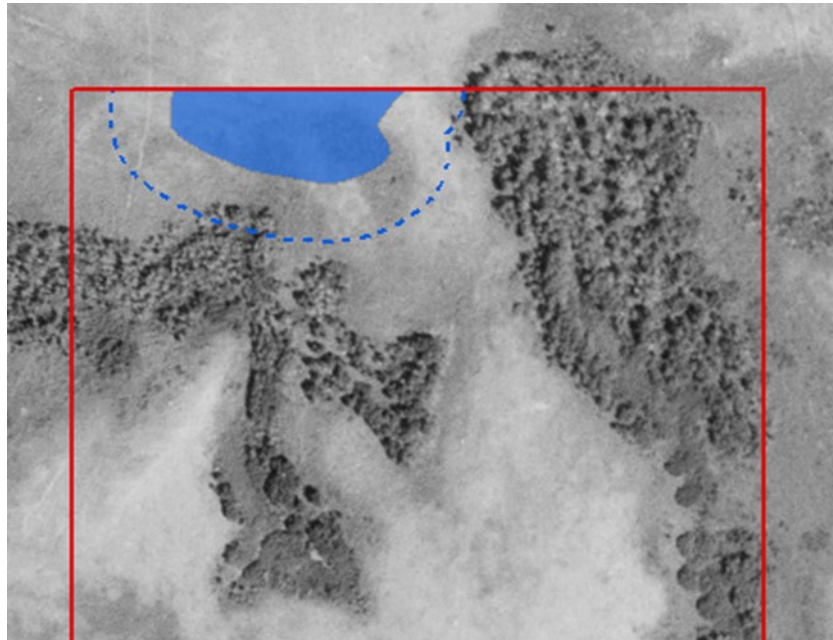
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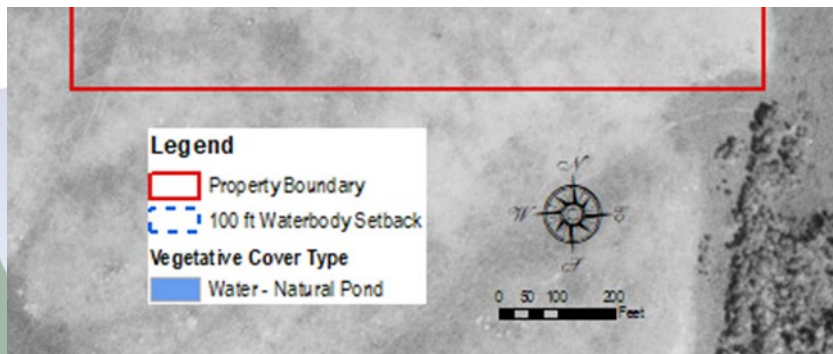
ER would include maps and table displaying this information

Natural Resources Setbacks and Fencing

Mid Tier



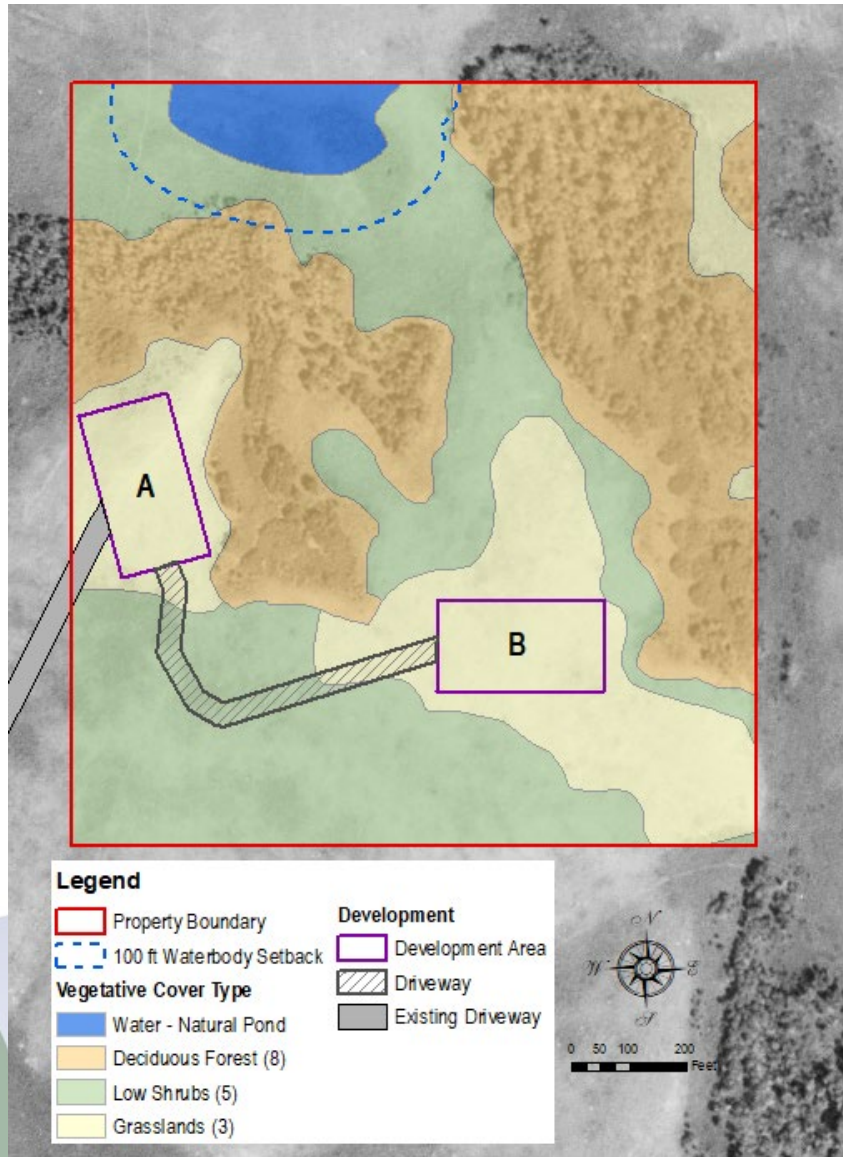
Natural Resource Setbacks – 100 ft Pond
No Fencing proposed



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General Site Conditions



Mid Tier

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Fragmentation

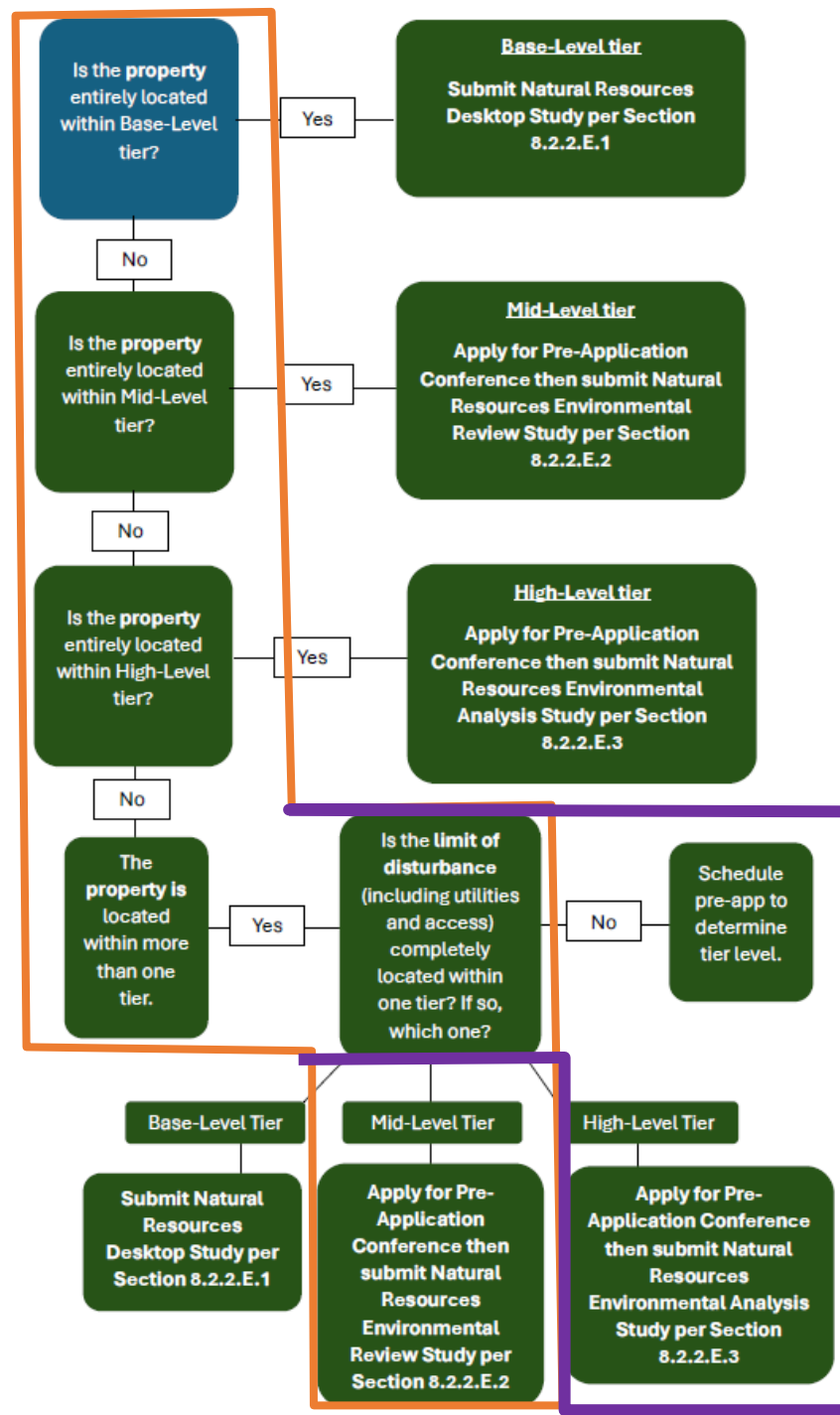
Mid Tier

Vegetative Cover Type	Number of Existing Patches	Patch Size	Edge Length Bordering Development	Perimeter: Area Ratio
Existing Conditions (*patch size includes area within ¼ mi vicinity)				
Grasslands (3)	4	0.1, 0.7, 3.7, 5.2 acres	0	0.08, 0.04, 0.01, 0.01 [§]
Low Shrubs (Sagebrush; 5)	1	Extensive; majority of ¼ mi vicinity	2,000 ft bordering existing driveway	Patch extends beyond ¼ mi vicinity
Deciduous (Aspen; 8)	3	0.9, 7.4, 15.2	0	0.02, 0.01, 0.01
Proposed Conditions Site A				
Grasslands (3)	4	0.1, 0.7, 2.6 , 5.2 acres	+850 ft perimeter of dev. area A	0.08, 0.04, 0.03 , 0.01 [§]
Low Shrubs (Sagebrush; 5)	No change proposed			
Deciduous (Aspen; 8)	No change proposed			
Proposed Conditions Site A & B				
Grasslands (3)	4	0.1, 0.7, 2.6 , 4.0 acres	+1050 ft perimeter of dev. area B + 2 nd drive	0.08, 0.04, 0.03 , 0.02 [§]
Low Shrubs (Sagebrush; 5)	2	Extensive & 0.7 acre	+900 ft 2 nd drive	0.02 new patch
Deciduous (Aspen; 8)	No change proposed			

[§] larger P/A indicate more edge and less interior habitat

Process

- Proposing only development Area A provides a clear path to an ER (orange)
- Proposing Area A *and* Area B areas combined: Depends on specifics and may be resolved by a discussion at the Pre-App Conference (orange) displaying avoidance and minimization
- Desire to display alternatives or disagreement with the Planning Director decision: The applicant may request to do an EA with Alternatives Analysis to display proposal and efforts to minimize impacts (purple extension)



HIGH TIER EXAMPLE

ENVIRONMENTAL ASSESSMENT

DOCUMENTATION

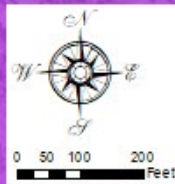


Property Location: Mid & High Tier

High Tier

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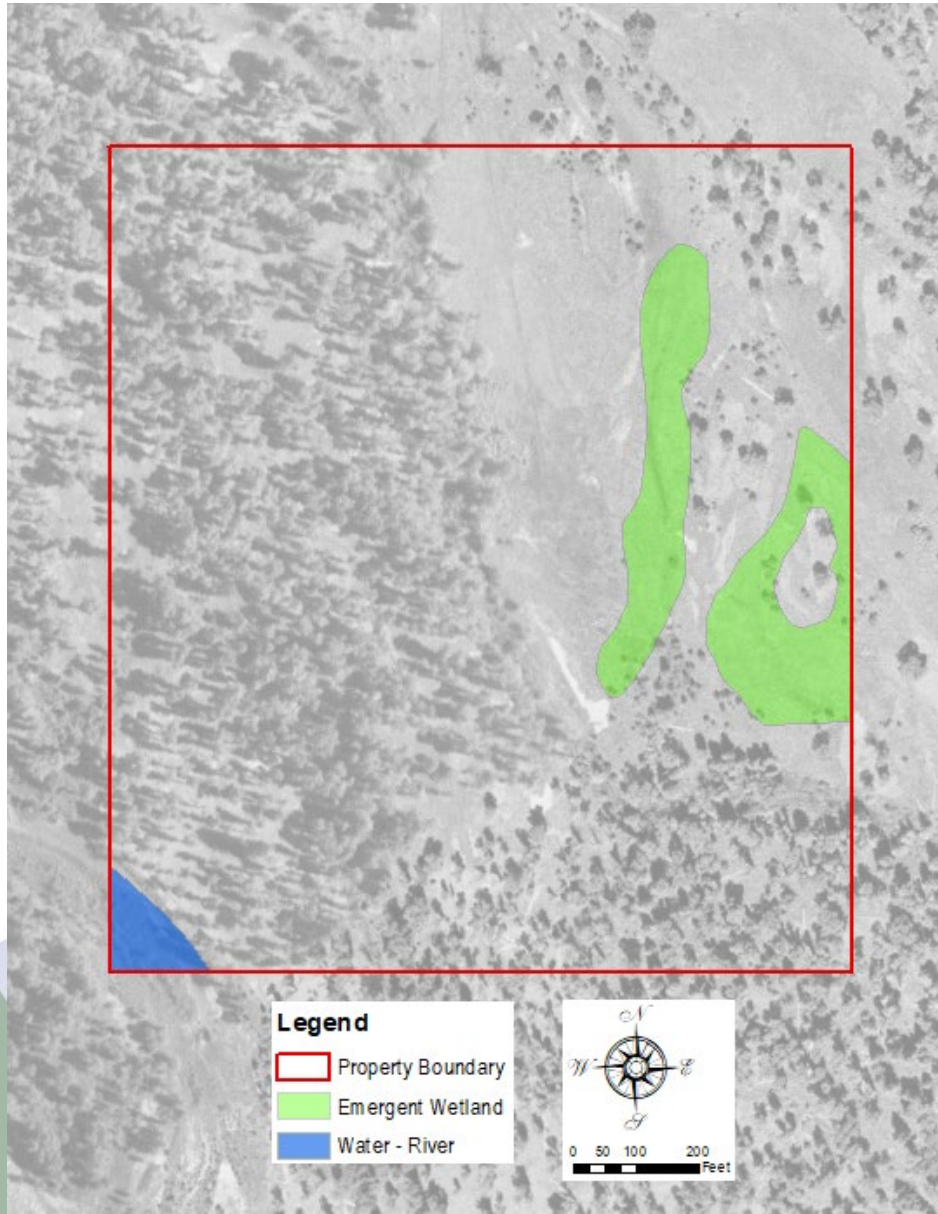


Natural Resources Present

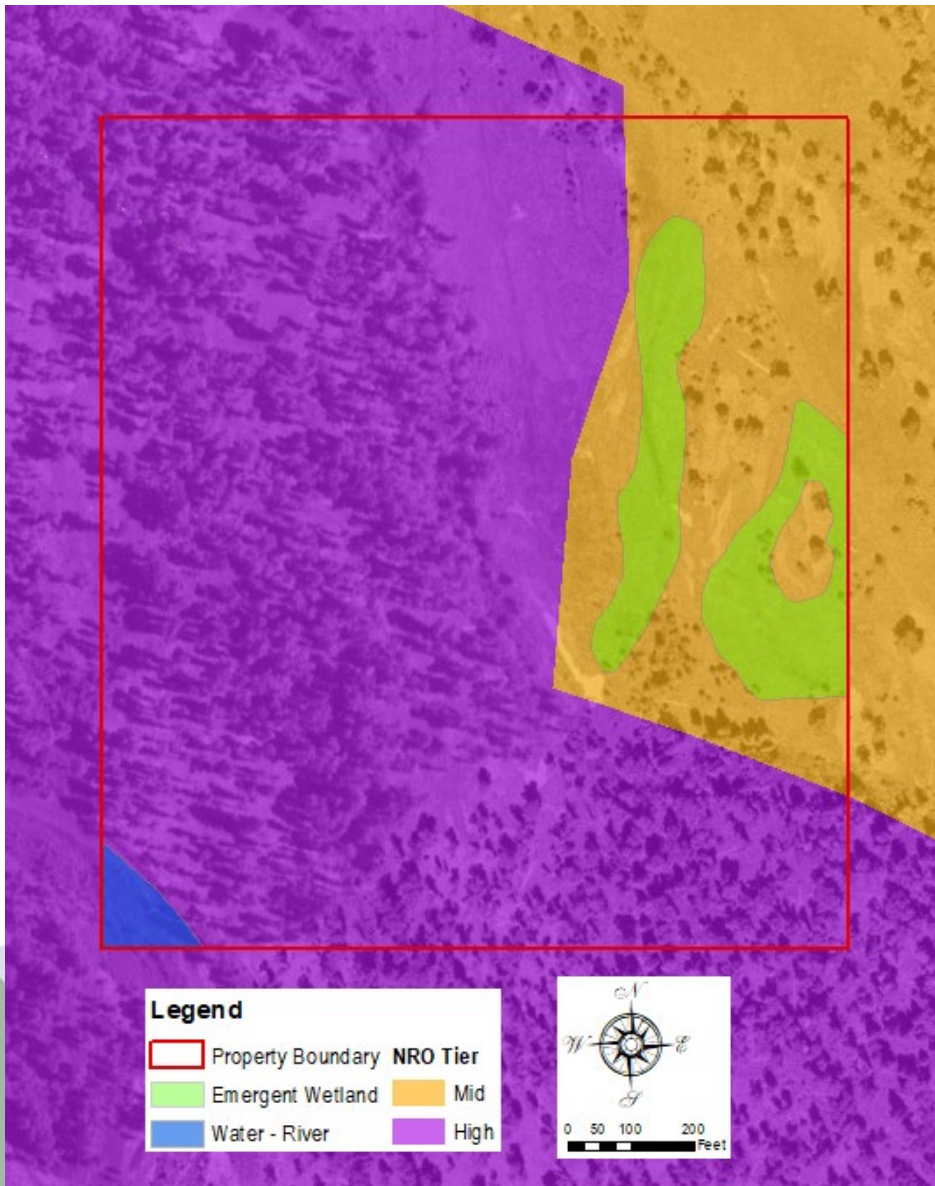
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Vegetative Cover



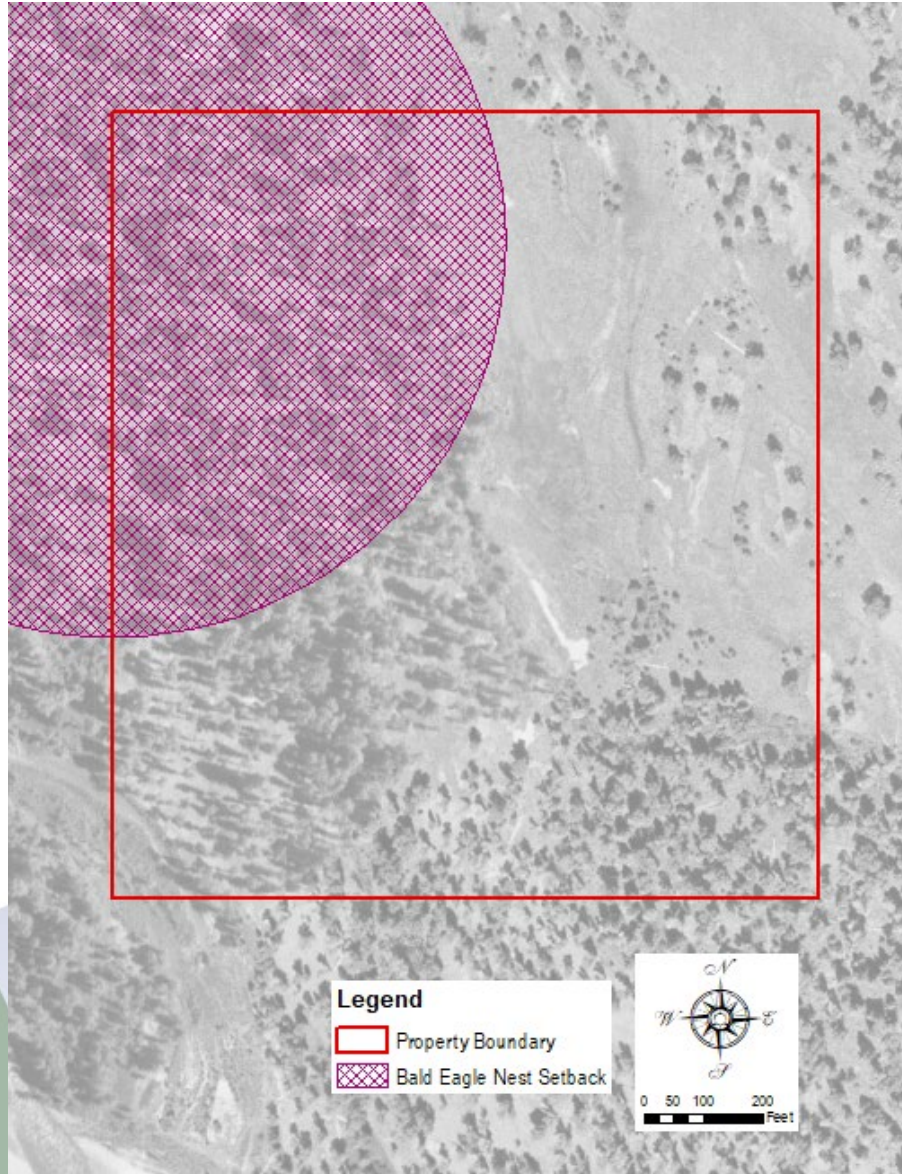
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Natural Resources Present

High Tier



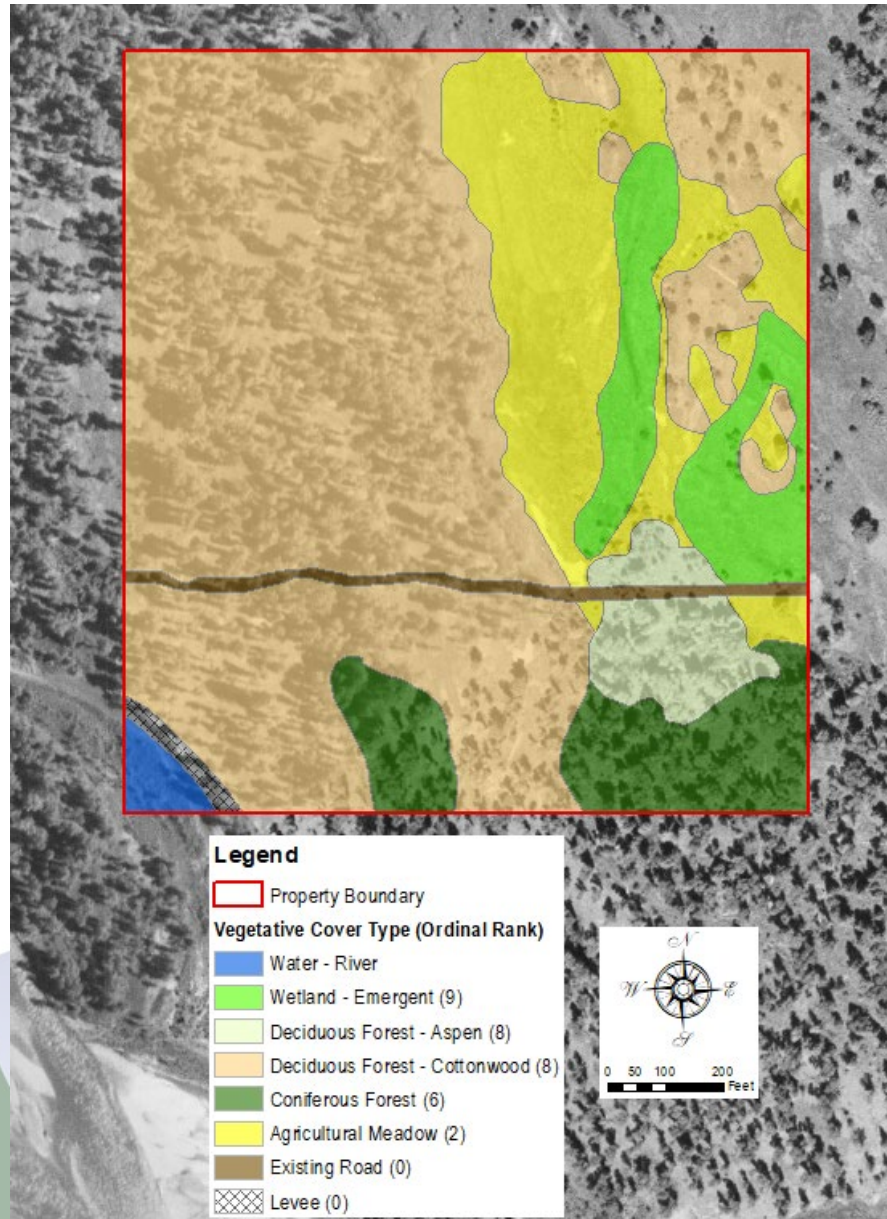
- ✓ Special Federal Species
- ✓ Trumpeter Swan Nesting & Winter Habitat

CHECKLIST SUMMARY

- ✓ NRO Tier
- ✓ Waterbodies & Wetlands
- ✓ Special Federal Species
- ✓ Trumpeter Swan Nesting & Winter Habitat
- ✓ Bald Eagle Nesting Habitat
- ☐ Vegetative Cover Types
- ☐ Fragmentation
- ☐ WGFD Crucial Range and TC Focal Species Suitable Habitat
- ☐ WGFD Designated Wildlife Corridors
- ☐ Setbacks/ Buffers
- ☐ Wildlife Friendly Fencing
- ☐ Property Setbacks
- ☐ Proposed Development

Vegetative Cover Types

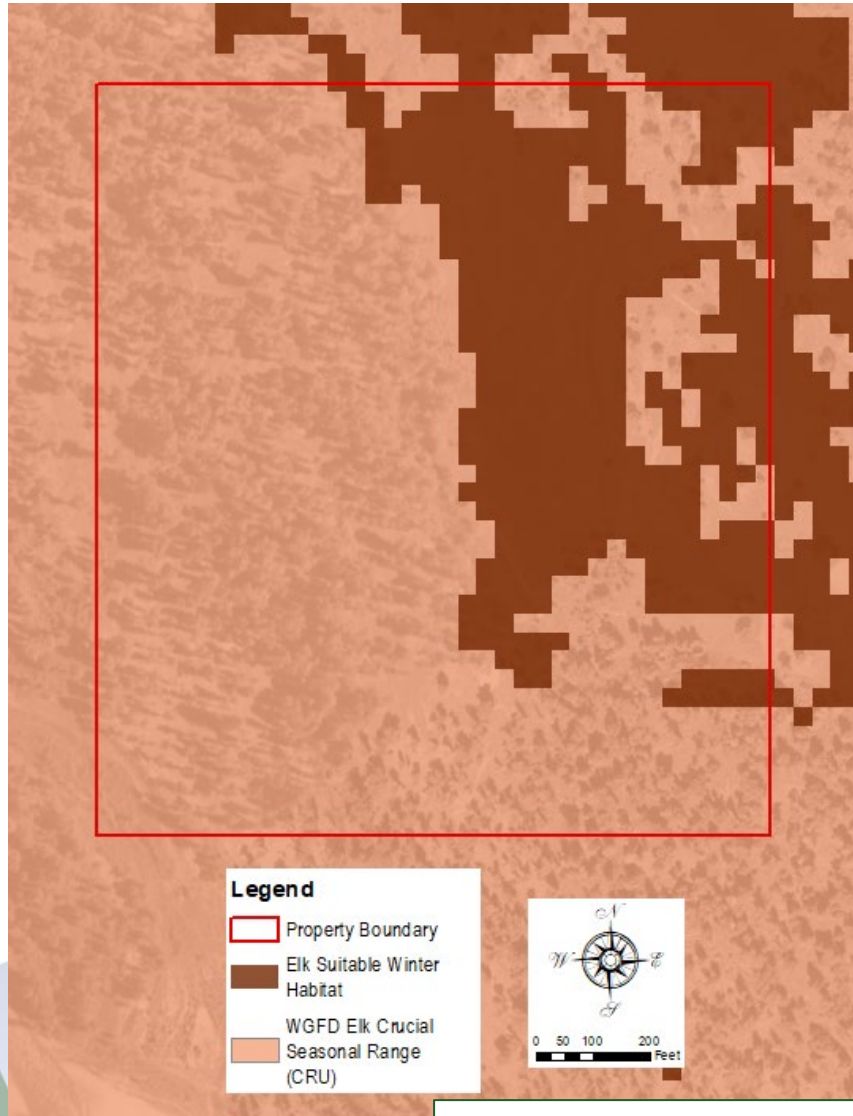
High Tier



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Crucial & Suitable Habitat



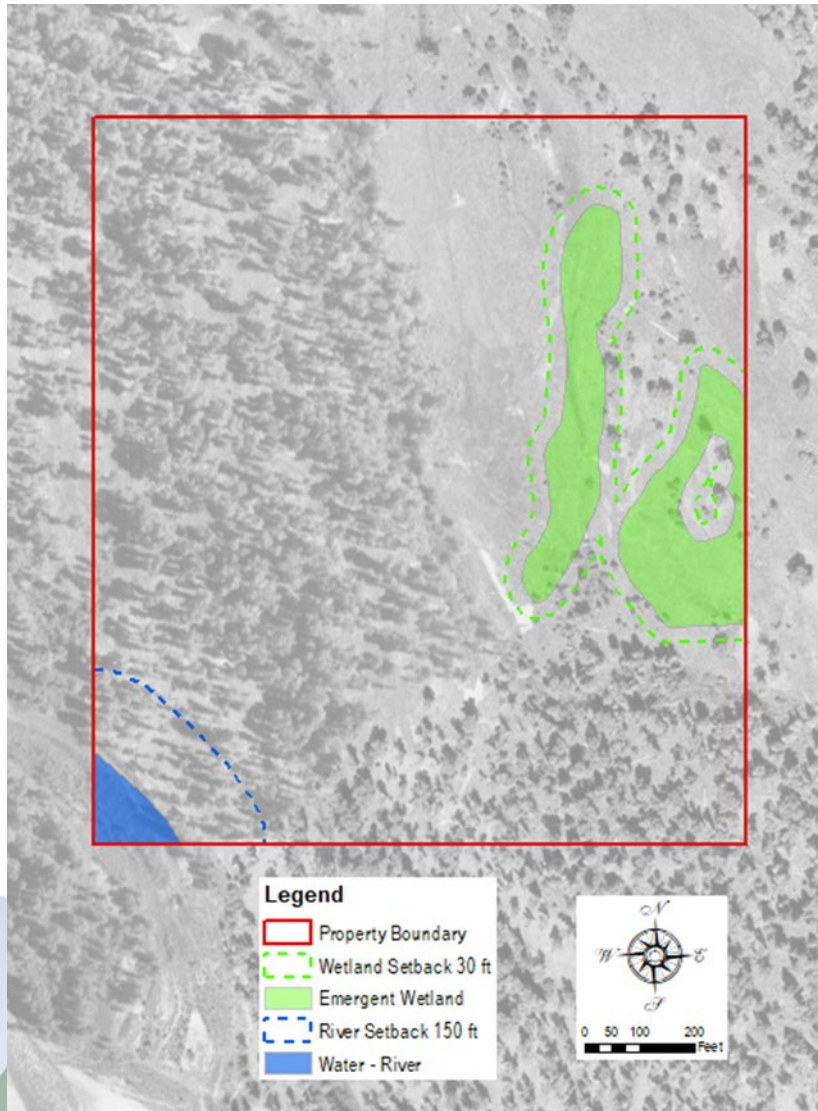
High Tier



No WGFD Designated Wildlife Corridors or Mule Deer Crucial Seasonal Range present on the property

Natural Resources Setbacks and Fencing

High Tier

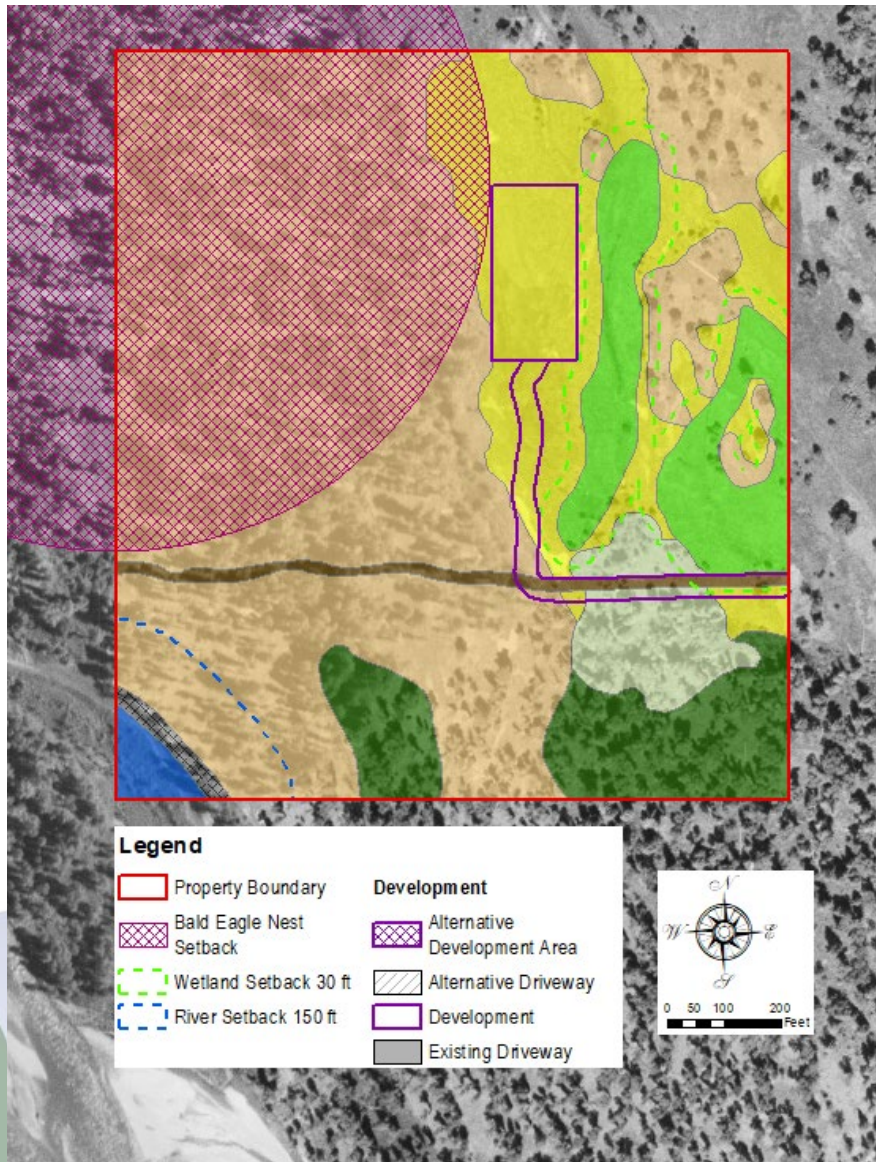


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General Site Conditions & Setbacks

High Tier



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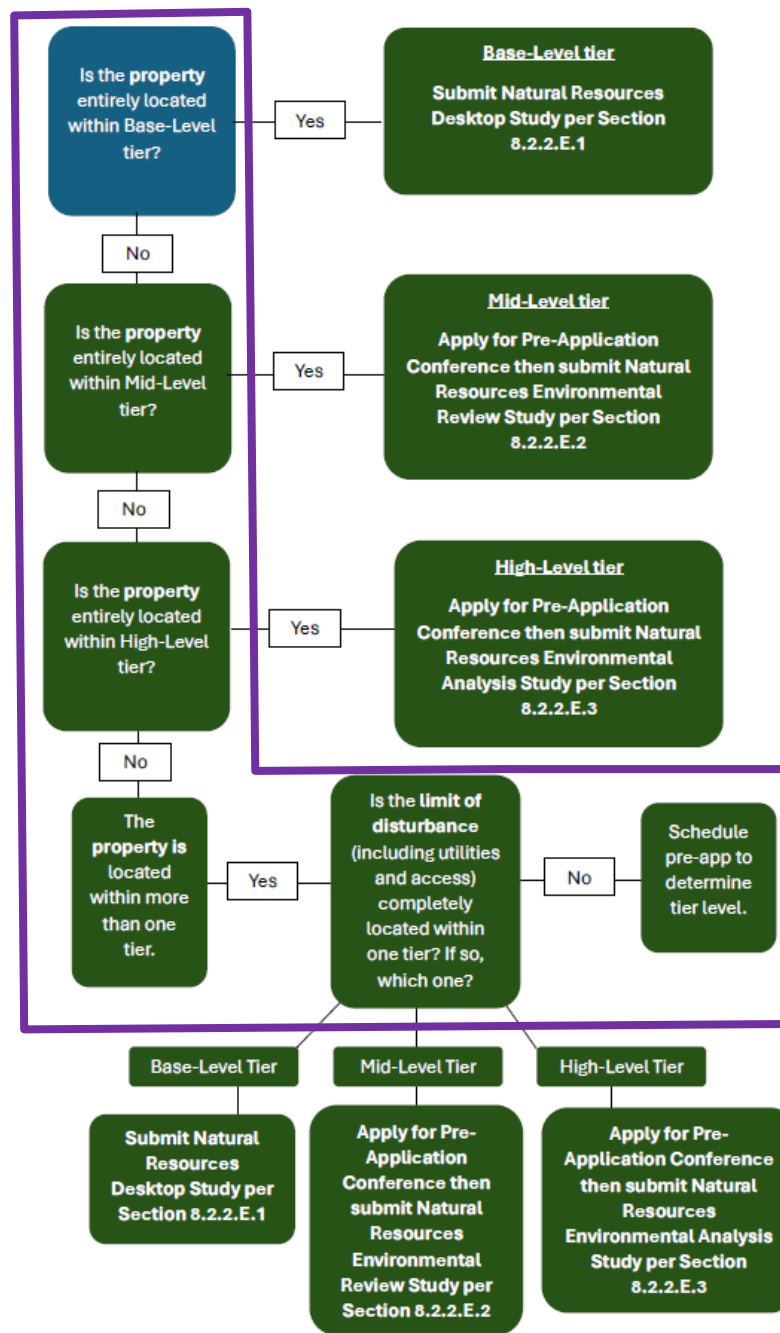
Fragmentation

High Tier

Vegetative Cover Type	Number of Existing Patches	Patch Size	Edge Length Bordering Development	Perimeter: Area Ratio
Existing Conditions (*patch size includes area within ¼ mi vicinity)				
Agricultural Meadow (2)	1	7.5 acres	0	0.03 [§]
Deciduous (Cottonwood; 8)	1	Extensive; majority of ½ mi vicinity	1,570 ft bordering existing two track	Patch extends beyond ½ mi vicinity
Deciduous (Aspen; 8)	2	1.5 acres	415 ft bordering existing two track	0.02
Coniferous (6)	2	4.8, 8.0 acres	0	0.01, <0.01
Wetland – Emergent (9)	2	1.3, 1.8 (approx. not delineated)	0	0.03, 0.03
Proposed Conditions Site A				
Agricultural Meadow (2)	1	6.1 acres	+1,500 ft perimeter of dev. area & drive	0.04[§]
Deciduous (Cottonwood; 8)	No proposed change. Driveway expansion of existing planned to remove no trees.			
Deciduous (Aspen; 8)	No proposed change. Driveway expansion of existing planned to remove no trees.			

[§] larger P/A indicate more edge and less interior habitat

Process





Public Comment

- Letters and Comments
 - Generally positive comments
 - Local community experts and professionals provided technical edits
 - Comments with concerns regarding larger waterbody setbacks
 - Concerns with overall mapping and the tiers received



Next Meeting

- Continue Item to October 28th
- Updated draft will be released with Planning Commission Packet
- PC to review and recommend language with any amendments to the Board of County Commissioners
- Scheduled with the Board of County Commissioners November 19th