



TETON COUNTY
BOARD OF COUNTY COMMISSIONERS MINUTES
SPECIAL MEETING

October 18, 2024
9:00 a.m.
First Floor Commissioners' Meeting Room
150 Courthouse Dr, Driggs, ID 83422

Commissioners Present: Bob Heneage
 Cindy Riegel
 Michael Whitfield

Staff: Dan Reyes, County Manager
 Kim Keeley, Clerk

1. MEETING CALL TO ORDER

Meeting called to order at 9 AM.

MOVER: Michael Whitfield
SECONDER: Bob Heneage

Approve the agenda.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

2. SPECIAL TOPICS

1. 9:00 am -- ACTION ITEM - PUBLIC HEARING: Natural Resource Overlay (NRO) Revision

Assoc. Planner Torin Bjorklund presented the staff report for the Natural Resource Overlay (NRO) Map Revision. The Board had no questions for staff.

Wildlife Advisory Committee member Kathy O'Neill presented the process undertaken to update the NRO Map. The Committee used the most up to date and credible wildlife information, largely from Idaho Fish & Game data and Land Trust crane data, to create the map revisions. The three layers to be revised are the Big Game Migration Corridors and Seasonal

Range, the Sharp-Tailed Grouse Breeding Habitat, and Waterbird Breeding, Migration, Foraging and Wintering Habitat. The Committee created a Wildlife Habitat Analysis (WHA) to standardize and streamline the process for developers to fulfill the application requirements. The process will begin at the pre-application conference. If it is determined that a development requires a WHA, the WHA will be completed prior to the application being advanced to the Concept Stage of the application. An abbreviated process will exist for building permits. Exemptions for the WHA exist as outlined in the Teton County Idaho WHA Policy. Ms. O'Neill highlighted that the Revised NRO does not change the underlying zoning density. This is not a new concept, but rather an improvement on an old process updated by new data. The goal is to guide development away from indicator habitat with a more efficient development application process. Ms. O'Neill thanked the Board for considering the Committee's recommendation.

The Board asked how a consultant becomes pre-qualified. Ms. O'Neill explained that there is an application process within the policy to qualify consultants. The Board asked about assessing all layers of an overlay if the property falls in only one overlay.

Public hearing was opened at 9:43 AM.

Jeff White, Teton Valley resident, asked the Board to adopt the new NRO Map. Mr. White believes protecting habitat is critical to steering development in the valley.

Adrian Curnow, expressed appreciation for the presentation that Kathy O'Neill gave. Mr. Curnow is concerned about the process for selecting a consultant. He asked if current applications in process will need to adhere to the new policy.

Anthony Wilcox, also thanked Ms. O'Neill for her presentation. His issue is with the process by which the NRO revisions were created. He believes the Committee Chair has a conflict of interest. He is opposed to the concept of requiring qualified consultants.

Tom Hallberg, spoke in favor of incorporating the new data in the revisions and putting the WHA requirements earlier in the development process.

Kay Finley, Teton Valley resident, encouraged the Board to adopt the revisions. In her thirty years of residency she has seen the changes in wildlife that development has brought.

Ida Hansen, long time Teton Valley resident, does not think the way the meeting documents were posted was proper. She does not like the requirement to use qualified consultants. She believes that there are other ways to protect the wildlife. She asked the Board to send the NRO back to the Wildlife Committee.

Anthony Reynolds, disputed the data that was used, specifically he does not consider it to be the most up to date. Mr. Reynolds does not believe there should be exceptions to the WHA requirement. Mr. Reynolds requests that the Board send it back to the Wildlife Committee.

Janna Rankin, long time Teton Valley resident, thanked the committee on the work that they did and urged the Board to adopt the new policy.

Mary Lisa Lombardi, in favor of the County maintaining a list of qualified consultants, and stated that it is done in many other jurisdictions and is legal. Moving the WHA earlier in the process reduces the cost to the developer and the County.

Tayson Rockefeller commented on the list of qualified consultants, stating that he didn't think it should be required to use a consultant off the list. He asked if the requirements for the abbreviated analysis have changed.

Mike Merigliano, long time Teton Valley resident, in favor of the revisions and commented that the perceived inaccuracy in the maps will work themselves out as the public gets more comfortable with the process.

Dawn Felchle, long time valley resident, believed that the revised NRO is necessary to protect the wildlife before it is too late.

Public comment closed at 10:26 AM.

Board deliberation. The Board commented that the update is overdue per County Code. Arguments against this revision focus on burdens to developers and the perception that this will further the affordable housing crisis.

The Board discussed how the NRO Map is the coarse filter to give developers a heads up that getting a wildlife professional on the ground is necessary to protect critical habitat.

The Board expressed some concerns about the policy in regards to the qualification process, specifically who will be doing the qualifying. The Board would like to see what other communities use for the qualification process.

The abbreviated process needs closer scrutiny to be sure it is in fact abbreviated and not cost prohibitive for a single home. The Board discussed creating some sort of funds to help cover the cost for families.

The Board discussed the impacts of development on wildlife populations over the last hundred years. The Board commented that the scattered development approved under the old Code has had significant impacts on wildlife habitat and the changes to the NRO need to be made now.

The Board expressed gratitude to the Committee for the thoughtful consideration in working on the revisions and policy changes.

The Board discussed taking a closer look at the policy over the next few weeks to iron out question around the qualifying consultant process, the abbreviated process, and legal review.

MOVER: Michael Whitfield
SECONDER: Bob Heneage

Having found that the review criteria in LDC 4-4-F can be met, I move to approve the NRO map amendments as presented in the staff report and materials attached and recommended by the Teton County Wildlife Advisory Committee on April 10, 2024.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

MOVER: Michael Whitfield
SECONDER: Bob Heneage

I move to continue deliberation around the amended wildlife habitat assessment policy as presented in the staff report and materials attached and recommended by the Teton County Wildlife Advisory Committee to November 12 at 11AM.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

2. Action Item – Buxton Storage Building Auction

Tristan Kohl, Staff Engineer, presented the item. The auction for the Buxton Storage building occurred on Tuesday and had one bidder, Wade Kaufmann. This item is to approve the sale of the building.

MOVER: Cindy Riegel
SECONDER: Bob Heneage

Approve the sale of the Buxton storage building to the highest bidder, Wade Kaufman, in the amount of \$5,780.00

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

3. **COMMISSIONERS**

1. EXECUTIVE SESSION: 74-206(1)

4. **ADJOURNMENT**

MOVER: Bob Heneage
SECONDER: Michael Whitfield

Adjourn the meeting.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

Cindy Riegel, Chairperson

County Clerk or Deputy