



## **Written Decision:**

# **2024 Natural Resource Overlay (NRO) Map Revision & Wildlife Habitat Assessment Policy**

### **Overview**

This is a written decision on the approval of an updated Natural Resource Overlay (NRO) map for Teton County, Idaho as well as an amended policy to assist in addressing the Land Development Code requirements for developing in the NRO. The revisions to the NRO map will be presented as an ordinance.

### **Procedural Background**

The NRO map was last updated in 2006. The NRO map consists of private and public land identified by subject area experts as potentially having one or more of the following important natural resources:

1. Sharptailed Grouse Breeding Habitat
2. Big Game Migration Corridors and Seasonal Range
3. Songbird and Raptor Breeding and Wintering habitat
4. Waterbird Breeding, Migration, Foraging, and Wintering habitat
5. Priority Wetlands

In May of 2022, the Board of County Commissioners (BoCC) created and appointed members to a Wildlife Advisory Committee (WAC) via Resolution 2022-0509B. One of the tasks assigned to this technical advisory committee was to review the NRO map from 2006 and recommend changes to the Wildlife Habitat portions of the NRO map based on new data. Previous County Ordinances (Titles 8 and 9 – now repealed) had indicated that the County would update these maps with the most current data every five (5) years.

8-2-1: E. (WH) Wildlife Habitat Overlay: Those areas designated as wildlife habitat on the Teton County Wildlife Overlay map, as adopted and amended.

This proposal is the first proposal to update any layers within the NRO map since its creation in 2006. The Idaho Department of Fish & Game (IDFG) issued new data in April 2022, which indicated the need to update some aspects of the NRO map to align with the most current data.

At the April 10, 2024 WAC meeting, the committee made a recommendation to update 3 of the 5 NRO layers: Big Game Migration Corridors & Seasonal Range, Sharp-tailed Grouse Breeding Habitat, and Waterbird Breeding, Migration, Foraging and Wintering Habitat.

### **Process**

Per legal staff's recommendation, the NRO map proposal was processed as a large-scale Zoning Map Amendment under the Land Development Code §4-4. The application was reviewed by the Planning and Zoning Commission (PZC), and a recommendation was provided by the PZC following a public hearing on May 14, 2024. The application was heard by the Board of County Commissioners with an additional public hearing on October 18, 2024.

*Planning and Zoning Commission Public Hearing*

The recommendation from the WAC to update these layers of the NRO map was brought to the Planning & Zoning Commission (PZC) at the regularly scheduled May 14, 2024 meeting. The PZC made the following recommendation to the BoCC:

MOTION: (Restated) Mr. Kaufman moved that Fish & Game's report adopts the Figure #4 map minus public lands and city AOIs along with the bird habitat areas proposed with a hard look at the details and the lines correlating to legitimate habitat impact areas with clarification around the cost associated when the map is utilized and a definition of a process on how this would be utilized for development.

ADOPTED: 6-0

MOVER: Wade Kaufman      SECONDER: Wyatt Penfold

AYES: Lindsey Love, Tim Watters, Wyatt Penfold, Wade Kaufman, James Weber, Tyler Wertenbruch

*Board of County Commissioners Public Hearing*

On October 18, 2024, the Teton County BoCC held a public hearing for the revisions to the Natural Resource Overlay Map and the Wildlife Habitat Assessment Policy.

Board Members Present: Cindy Riegel, Michael Whitfield, and Bob Heneage.

Wildlife Advisory Committee Members Present: Kathy O'Neil

Staff Present: Torin Bjorklund

The public hearing opened at 9:43 AM. 12 members of the public spoke. The public hearing closed at 10:43 AM. The BoCC also considered 63 pages of written public comment received before the hearing.

**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)**

The BoCC moved to continue the amended wildlife habitat assessment policy until November 12, 2024. At the continued hearing the BoCC again continued their deliberation until November 13, 2024 because of a noticing error on the hearing

time. It was continued to November 13, 2024 at 1:00 PM, where the BoCC continued their deliberation, and voted unanimously to approve the policy with the following motion:

"Having found that the review criteria in LDC 4-4-F can be met, I move to approve the amended wildlife habitat assessment policy as presented in the staff report, and as revised in this meeting, and materials attached and recommended by the Teton County Wildlife Advisory Committee on April 10, 2024."

**Conclusions**

Having given due consideration to the application and materials presented, and to the review criteria in the Teton County Land Development Code §4-4-F, the Teton County Board of County Commissioners hereby makes the following conclusions:

1. The review criteria in the Teton County Land Development Code §4-4-F for the proposed amendments to the Natural Resource Overlay Map can be satisfied. Further, the updated 2024 NRO map and Wildlife Habitat Assessment Policy supports the goals in the Comprehensive Plan 2012-2030 of respecting sensitive habitat and migration areas for wildlife (Chapter 5) as well as the implementation policies in Chapter 6 related to “reducing impacts in riparian areas, wetlands, floodplains and other sensitive areas” while protecting and enhancing important wildlife habitat. The updated 2024 NRO map and Wildlife Habitat Assessment Policy are hereby approved and adopted by the Board of County Commissioners.
2. The proper legal requirements for noticing for the public hearing have been fulfilled as required per Idaho Code section 67-6509, and LDC 4-2D. The application was noticed in Teton Valley News on September 25 and October 2, 2024 as a display advertisement. Since this proposal affects the entirety of Teton County, 17 large signs were posted throughout the County on September 25th, 2024. All materials were posted and available on Teton County’s website under the Planning Department page.

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Cindy Riegel  
Chair of Teton County Board of County Commissioners

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Date