



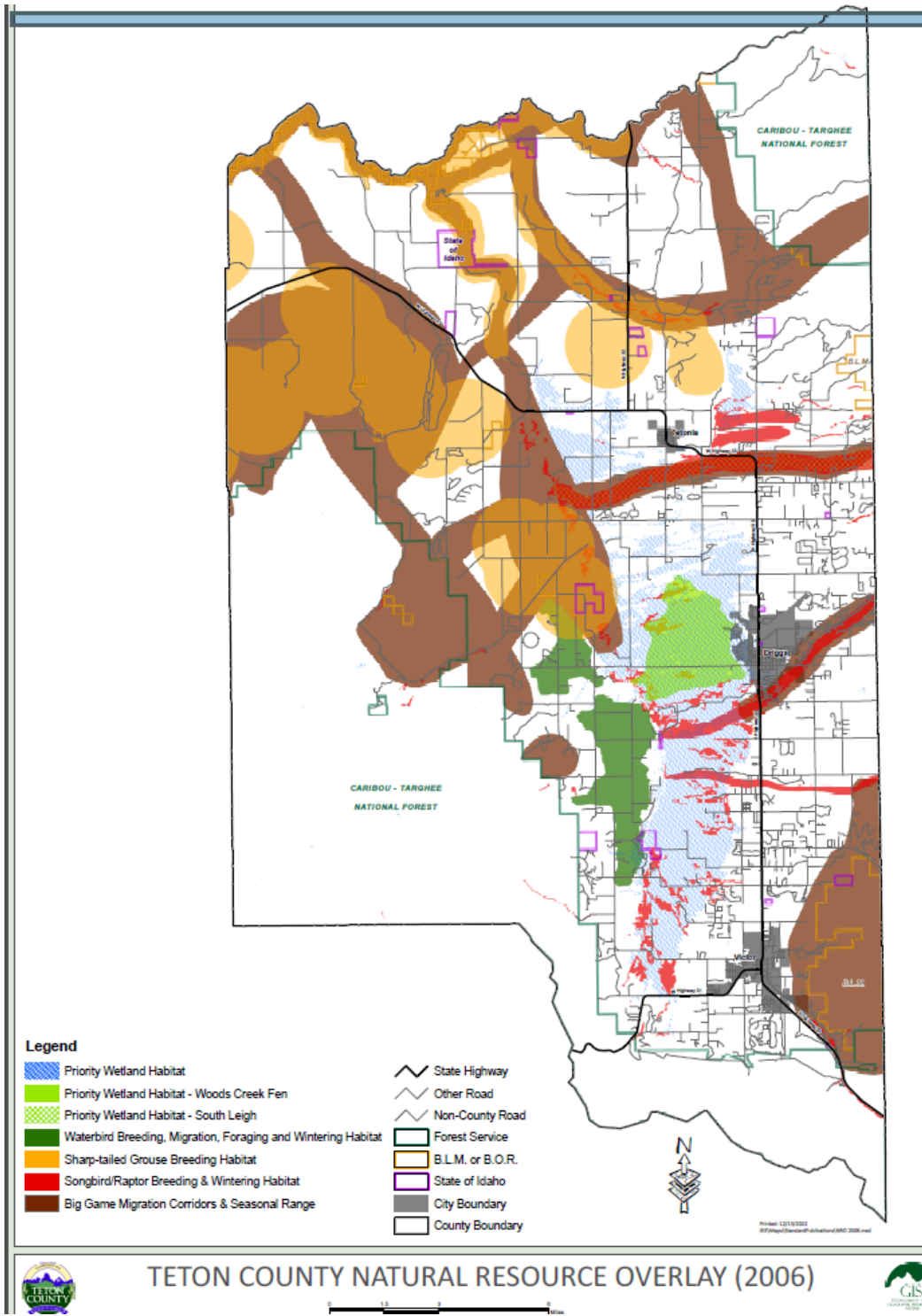
Revisions to the Natural Resource Overlay Map Staff Report – PZC Public Hearing May 14, 2024

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Summary:

The Natural Resource Overlay (NRO) maps were last updated in 2006. The Board of County Commissioners appointed members to a Wildlife Advisory Committee (WAC). One of the tasks assigned to this technical advisory committee was to review the NROs. Previous County Ordinances (Title 9 – now repealed) had indicated that the County would update these maps with the most current data every five (5) years.

At the April 10, 2024 WAC meeting, the committee made a recommendation to update 3 of the 7 NRO layers.



Big Game Migration Corridors and Seasonal Range

-Incorporate updated seasonal mule deer and elk movement overview map (Figure 4, IDFG Summary) which includes winter range.

The Summary describes Figure 4 as based on “past and ongoing collection of data from vhf and GPS radio-collared animals, aerial surveys, and staff observations collected by IDFG for decades”. It specifically states that Teton County is below IDFG elk population objectives and “IDFG’s ability to increase elk population objectives...is limited in Teton County by a lack of suitable winter range and low landowner tolerance”. The Summary goes on to state that populations could decrease further with loss of additional winter range.

In regards to mule deer, the Summary describes their need for varied habitat throughout the year and connectedness of habitats. The Summary specifically states “Teton County leaders can maximize benefits to regional mule deer populations by focusing on winter range and transitional habitats that facilitate migration to and from higher elevation public lands”.

-Incorporate updated mule deer and elk migration data (Figures 5 & 6, IDFG Summary and digitally acquired data). These two figures are generated by movement analyses of elk and mule deer in the northern part of Teton Valley and illustrate corridors utilized in their seasonal movements. Portions of these corridors are not included in Figure 4 so are included as a separate recommendation for incorporation into the NRO.

-Retain elk wintering areas along the Teton River and areas associated with the South Leigh Creek corridor in the 2006 NRO.

The Summary describes elk wintering areas along the Teton River/Teton River valley corridor and fluvial cottonwood corridors extending from the western slope of the Tetons into the valley. These areas are not depicted in Figures 4 or 5 of the Summary.

Sharp-tailed Grouse Breeding Habitat

-Incorporate updated data provided by IDFG Summary (Figure 11) detailing land within Teton County located within 2 kilometers of a known Columbian Sharp-tailed Grouse (CSTG) lek.

As a Teton County keystone species and one currently occupying <5% of its historical range in the US, CSTG has been classified as a Species of Greatest Conservation Need by IDFG and thereby warrants ongoing habitat restoration and conservation efforts. This particular recommendation based around lek locations is supported by research documenting that most nest and brood locations occur within 2 kilometers of the lek where the hen was bred.

-Retain areas along Teton River Canyon, Teton River downstream of Harrops Bridge, and Badger Creek corridors in the 2006 NRO.

The Summary describes that CSTG winter habitat includes shrubby riparian zones and patches of mountain shrubs including along the Teton River Canyon, aspen groves and stringers, fluvial forested riparian habitat, valley reach of the Teton River, and along the National Forest Boundary.

Waterbird Breeding, Migration, Foraging and Wintering Habitat

-Incorporate updated Waterbird Breeding, Migration, Foraging and Wintering Habitat layer.
Include Teton Regional Land Trust's annual monitoring observations from the years 2003-2022 of fall staging greater sandhill cranes (over 100,000 observations), an iconic Teton County species of high ecological and economic importance. Sandhill cranes are a Teton County Idaho indicator species and Idaho Species of Greatest Conservation Need.

-Correct 2006 NRO mapping error.

Through the process of updating the NRO layers, we discovered a technical mapping error that resulted in a portion of the Waterbird Breeding, Migration, Foraging and Wintering Habitat (specifically the Waterbird Migration, Foraging Habitat) not being shown in the current (2006) NRO maps. This map covers wetland habitats generally associated with the Teton River and lands east of the river and west of Highway 33 from Victor to Tetonia. This area includes habitat for nearly all of Teton County's resident and migratory waterbirds and is particularly important for breeding, migration and overwintering. The missing portion of the waterbird map was largely already covered by other 2006 NRO maps, particularly the priority wetland habitat map, amongst others.

Summary

As seen in the narrative, specific recommendations for updating several Teton County NRO layers have been made based primarily on data from the 2022 IDFG Summary, with significant contributions by Teton Regional Land Trust. In addition to these specifics, the Committee recommends that any land parcel under consideration for technical evaluation due to the presence of one or more Natural Resource Overlay layers should be evaluated for all indicator species and all indicator habitats.

Finally, the Committee recommends that regular Teton County NRO map reevaluations occur, initiated by acquisition of data updates at regular intervals from Idaho Department of Fish and Game and other sources.

Process:

This County initiated natural resource overlay map amendment will begin the formal process of adoption. The PZC will review the application and materials on May 14, 2024 with a public hearing and consider making a recommendation to the BoCC on the items presented.

The BoCC will then review and issue a final decision.

Application Items:

Per §4-4 of the LDC Comprehensive Plan & LDC Amendments, the recommendation from the Wildlife Advisory Committee is the written description of the proposed amendments. The proposed 2023 revised NRO map is also included as an attachment.

Review:

The review criteria for these amendments are as follows §4-4-F:

The recommendations of the PZC and the final decision of the BoCC on an application to amend the comprehensive plan/ LDC/ or large scale overlay or map change, will be based on the following criteria:

- a. The comprehensive plan amendment corrects an error or meets the challenge of some changing condition, trend, or fact. *Staff comment: The amendments proposed are correcting errors in the 2006 NRO map. The amendments further the goals of the comprehensive plan:*

Goal NROR 1: Conserve our public lands, trail systems and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space and native vegetation).

Policies

- 1.1 Create benchmarks for monitoring and conserving natural resources.
 - 1.2 Conserve and enhance biodiversity and native ecosystems.
 - 1.3 Regularly update all natural and scenic resource inventories, to assess the incremental impacts of development on the resource and as a basis for regulatory amendments, as necessary.
 - 1.4 Work with municipalities and public water systems to ensure safe and adequate drinking water.
 - 1.5 Ensure adequate wastewater treatment.
 - 1.6 Encourage the conservation of high water quality in rivers and streams.
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Goal NROR 8: Respect sensitive habitat and migration areas for wildlife.

Policies

- 8.1 Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.
- 8.2 Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non-governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.
- 8.3 Minimize the cumulative impacts of development on wildlife and wildlife habitat.
- 8.4 Protect and/or improve the diversity of native vegetation.
- 8.5 Protect and improve riparian and aquatic habitats.
- 8.6 A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Zoning and/or Subdivision Ordinance and shall be the basis for approval of the plan.
- 8.7 Provide incentives for voluntary habitat buffers, seasonal use restrictions, and aquatic connectivity along key drainages.
- 8.8 Work collaboratively with other jurisdictions to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.
- 8.9 Designate and map lands within or buffering Teton River Canyon as an irreplaceable natural area, and work with private landowners and government agencies to protect and conserve the area's ecological resources, including wintering big game and cutthroat trout.

b. The comprehensive plan amendment is in response to changes in state law, as established through amendments to the Idaho Statutes or by court decision. *Staff comment: This is not applicable.*

c. The amendment does not have the effect of creating a regulatory taking under Idaho or federal law. *Staff comment: The amendments proposed are changing the NRO maps. These maps use data to help Teton County understand where wildlife and wildlife habitat exists. They do not dictate density allowance or development entitlement.*

d. The comprehensive plan amendment constitutes a benefit to the County as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time. *Staff comment: The amendments proposed are to the Natural Resource Overlay Map, last updated in 2006. Previous Title 9 required Teton County to update and review the maps with the most current data every five years.*

e. The proposed change is consistent with policies of the comprehensive plan, the requirements of the Planning Act, and state and federally mandated uses. *Staff comment: The amendments proposed are consistent with the Planning Act.*

f. The comprehensive plan amendment substantially conforms to the stated purpose and intent of the LDC. *Staff comment: The Land Development Code guides residential and nonresidential development in unincorporated Teton County, in accordance with the County's adopted comprehensive plan and its existing and future needs, in order to protect, promote, and improve public health, safety, and general welfare. The Land Development Code is enacted to exercise the full range of authority available under Idaho law, including the purposes stated in the Local Land Use Planning Act (Title 67, Chapter 65) of the Idaho Code. The NRO map is furthering the goals of the comprehensive plan and LDC and ensuring Teton County is using current data.*

g. The comprehensive plan amendment will not have a demonstrable adverse impact on the natural environment, including air, water, noise, storm water management, wildlife, scenic corridor views, and vegetation. *Staff comment: The proposed NRO map updates are updating the maps on the most current IDFG data. Therefore this amendment complies and will not have a demonstrable adverse impact on the natural environment.*

h. The comprehensive plan amendment will not have a demonstrable adverse impact on existing conforming development patterns, standards or zoning regulations. *Staff comment: The NRO maps do not change zoning regulations or districts. The LDC requires all new development adhere to Chapter 5-1 of the LDC: Natural Resource Protections. Most developed property ends up not triggering an additional materials to show compliance. Land divisions go through a wildlife habitat assessment; smaller development projects may qualify for an abbreviated wildlife habitat assessment.*

E. General *Development* Standards

All *development* proposed within wildlife habitat, range, breeding grounds, and migration corridors as identified on the Teton County Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals is subject to *site plan* review to ensure that the location of proposed *development* or use avoids or mitigates impacts to indicator species and indicator habitats to the extent practical, given the size and location of the *development* property.

1. The location of proposed *development* shall:
 - a. Reduce fragmentation of functional, intact areas of native vegetation and indicator habitat. Priority habitats shall include: Lower Teton River canyonlands including lower Badger and Bitch Creeks; forested foothills along the public land boundary (Teton Front, Horseshoe Canyon, Northeast foothill, etc.); Teton River corridor (valley reach); fluvial cottonwood corridors; and large wetland complexes on the east side of Teton River;
 - b. Avoid locations that affect landscape elements such as unique rock formations, sheltered draws, drainage ways, or riparian corridors; and
 - c. Maintain connectivity among fish and wildlife habitats and protect sensitive fish and wildlife habitats use for travel, foraging, reproduction, shelter, and security.
2. If impacts cannot be avoided as specified in Section 5-4-1-E, the lost habitat shall be mitigated by replacing it with similar vegetation communities at a one to one (1:1) ratio. The replacement ratio shall be higher within a half mile of *riparian areas* and equal a two-to-one (2:1) ratio or replacement of two vegetative components for every one that is removed.
 - a. Verification of vegetative establishment will be the responsibility of a County appointed Natural Resource Specialist.
3. Identification of indicator habitats, wildlife migration corridors, wildlife breeding areas, and big game wintering habitat may be determined by a qualified professional who has

demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines.

4. Perimeter fencing shall be well maintained and wildlife friendly per suggested details provided by Idaho Fish and Game or the Natural Resource Conservation Service as appropriate to the type of wildlife identified and the following shall apply:
 - a. This requirement does not apply to privacy fencing used to enclose the living space immediately adjacent to a *dwelling unit* (i.e., dog runs, fenced in gardens and play areas within three hundred (300) feet of the *dwelling unit*).

i. The comprehensive plan amendment will not have a demonstrable adverse impact on delivery by any jurisdiction or agency providing public services in the County, including

school districts. *Staff comment: Staff does not believe there will be an impact to agencies from this amendment proposal.*

Noticing Requirements:

This application has been noticed per Idaho Code section 67-6509, and LDC 4-2D. The application was noticed in Teton Valley News on April 24 and May 1, 2024 as a display advertisement and also in the PZC hearing schedule items. Because this proposal affects the entirety of the County, 17 large signs were posted throughout the County on April 24, 2024 advertising the proposed NRO amendments and where to find additional information. All materials were posted and available on Teton County’s website under the Planning Department page.

Public Comment:

Staff received no written public comment as of 5/9/24.

PZC Actions:

1. Recommend approval of the NRO Map revision as proposed by the Wildlife Advisory Committee
2. Recommend approval of the NRO Map revisions as proposed by the Wildlife Advisory Committee with recommended conditions of approval
3. Recommend denial of the NRO Map revisions as proposed by the Wildlife Advisory Committee
4. Continue the application to a future PZC hearing

Motions:

Approval: Having found that the review criteria in LDC 4-4-F can be met, I move to recommend approval of 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.

Denial: Having found that the review criteria in LDC 4-4-F cannot be met, I move to recommend denial of 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.

Continuation: I move to continue the public hearing for the NRO map amendments to [insert specific date and time] in order to obtain [insert the additional information request here]

Attachments:

- A. Wildlife Advisory Committee Recommendation (3 pages)
- B. Current and proposed NRO maps (2 pages)
- C. IDFG Data 2022 (55 pages)