



Purpose

The Natural Resources Stakeholder Group will provide direction that will allow staff to draft the natural resource protection regulations.

Desired Outcomes

- Set schedule for NRSG involvement in the remainder of the update of the Natural Resource Protection LDRs
- Decision on whether habitat analysis should apply to a parcel or a site
- Decision on whether habitat analysis should be a 3-step process or 3 distinct processes
- Decision on which map to use as the countywide map
- Decision on the breakpoint between the mid and high levels of protection

Agenda

- I. Start-up (3:00-3:15)
 - Settle in.
 - Review and approve Agenda.
- II. Schedule for Completing the Updates (3:15-3:30)
 - Alex will present the Board of County Commissioner direction from September 4 and answer questions. The September 4 staff report is attached.
 - There is more discussion of the schedule on the following page
 - The Stakeholder Group will discuss how it would like to be involved during the drafting.
 - The Stakeholder Group will discuss availability in late October for 2-3 meetings to review and make a recommendation on the draft.
- III. Answer the 4 Outstanding Questions from August 23 (3:30-4:45)
 - Questions:
 1. Should the applicable level of analysis and protection apply based on the proposed limits of disturbance or the property boundary?
 2. Should the habitat analysis be approached as a 3-step process or 3 separate processes?
 3. What map should be used as the countywide map?
 4. What is the breakpoint between the mid and high level protections?
 - Each question, and the possible answers to the questions are discussed in the following pages.
 - Alex will take an initial straw poll of the group to gauge initial opinion
 - If there is not consensus, Alex will facilitate a “yes if” exercise to see if there is a version of one of the answers that the group can all support.
 - If consensus cannot be reached, an answer supported by 2/3 of the group will be taken as direction.
- IV. Next Steps (4:45-5:00)
 - Next steps will be revisited based on direction in Item II.

Schedule for Completing the Updates

On August 27 staff provided the Board with an update on the NRSG progress. The Board asked for alternative schedules for completion of the updates to the Natural Resource Protection LDRs. Staff presented the attached staff report. On September 4, the Board directed staff to release draft Natural Resource Protection LDRs for public review by September 28, so that they may be adopted by the end of the year. The stakeholders in attendance at the meeting supported the Board's direction.

The Board's direction essentially breaks the NRSG involvement in the remainder of the process into 2 phases. The first phase is the drafting phase in the remainder of September. The second phase is the review and recommendation phase in October.

Drafting Phase – September

Staff will not have time to prepare meeting materials packets like this one as it is drafting. However staff is happy to provide working drafts to the group as they are ready. If the group would like to meet to discuss once a week staff is happy to meet, but the meetings will be less formal. The meetings would have to be more like subcommittee meetings focused on updates, questions, and comments – not on votes and decisions. Drafting is an iterative process that does not lend itself to binding decisions until the whole comes into form. The NRSG time for votes is the Review Phase in October. If the NRSG would like to meet, staff recommends the group set a standing time for the remainder of September. Otherwise, the group can just provide individual comments by email as working drafts are distributed.

Review Phase – October

Once the draft is released for public review on September 28, concurrent reviews will occur by peer review professionals, the public, the County Planning Commission, and the NRSG. The schedule will be roughly as follows:

- September 28: Public release of draft and distribution to peer reviewers
- October 15: Suggested modifications due from peer reviewers and individual members of the public, NRSG, PC, and BCC.
- October 19: Release of the table of all suggested modifications with a staff recommendation on each modification.
- Weeks of October 22 and October 29: NRSG and PC separately review table of suggested modifications and provide a recommendation on each modification.

For past LDR updates, such tables of modifications have been about 100 modifications long and have taken 2 or 3 meetings to review. The NRSG may start whenever it wants after October 19, but the Board has directed that the NRSG review be complete by November 2. The Planning Commission will be completing the same exercise over the same period of time.

With the NRSG and PC recommendations in hand, the Board will direct staff which of the proposed modifications to make prior to Thanksgiving. In early December an adoption draft will be released that incorporates all of the directed modifications, allowing the Board to adopt the updated Natural Resource Protection LDRs prior to Christmas.

Outstanding Questions from August 23

At the August 23 NRSG meeting, staff presented an outline of the natural resource protection LDRs based on the work of the Functional Assessment (FA) subcommittee and work of staff with individual stakeholders and experts. The work of the mapping subcommittee had previously been presented by Megan Smith on June 11 and August 13. August 23 was the first time the NRSG had seen the work of the FA subcommittee and the first

time the work of the FA subcommittee and mapping subcommittee and been reviewed by the NRSG for compatibility.

The NRSG provided the following direction

- The breakpoint value between low and mid value habitat is 7.
- The Habitat Analysis process starts with a Countywide Map (see Question 3 for more detail) then moves to site specific analysis when habitat of value is greater than 7.
- Zoning and lot size should be considerations in determining the applicable protections, but should not be merged into the Countywide Map. However, the NRSG asked staff to produce maps illustrating the implication of the zoning and lot size considerations.
- The NRSG provided additional comment on refinement of the LDRs.

The August 23 meeting concluded with the identification of 4 outstanding questions that need to be answered before staff can produce draft LDRs and Countywide Map. Each question is discussed in more detail below, but first as background are the basic outline, as updated by the NRSG August 23, and required vocabulary for the September 10 meeting.

Outline

1. The level of protection applicable to a site is determined through a habitat analysis. Whether this is a 3-step process or 3 distinct processes is Question 2, but either way there are 3 levels of analysis. Each level of analysis has an inventory – what habitats exist, and a valuation – the relative value of each habitat.
 - a. The low level of analysis involves using the Countywide Map (see Question 3) as the inventory and valuation. The only additional analysis required is that waterbody and wetlands be identified so setbacks can be applied.
 - b. The mid level of analysis requires creation of a Field Verified Habitat Map to confirm or correct the Focal Species Habitat Map for the site (a field verification of the inventory), then applying the Focal Species Habitat Map valuation methodology.
 - c. The high level of analysis requires a Functional Assessment. A Functional Assessment is a site-specific inventory, which is then subject to a site-specific valuation of relative habitat value.
2. Base Level Protection:
 - a. Applies to:
 - i. Areas valued at 7 or less on the Countywide Map or a Field Verified Habitat Map
 - ii. Platted lots less than 1 acre (starting point for discussion)
 - iii. Certain Zoning Districts with high development allowance (staff to define further)
 - b. Waterbody and wetland setbacks apply
 - c. Development/Use can be anywhere with value 0-7
 - d. 1:1 mitigation
3. Mid Level Protection
 - a. Applies to:
 - i. areas with value greater than 7 and 13/14/15 or less on a Field Verified Habitat Map
 - ii. Platted lots less than 6 acres (starting point for discussion)
 - b. Waterbody and wetland setbacks apply
 - c. Development/Use must be located in smallest, lowest value habitat patch
 - d. 2:1 mitigation
4. High Level Protection
 - a. Applies on any site for which a Functional Assessment has been completed
 - b. Waterbody and wetland setbacks apply

- c. Development/Use must be located in lowest value habitat patch per Functional Assessment
- d. CUPs (except Outdoor and Developed Recreation) prohibited
- e. 3:1 mitigation

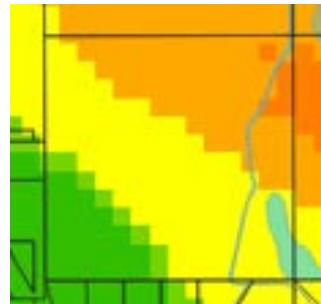
Required Vocabulary

On August 23, the NRSG identified the need for a common vocabulary in order to effectively discuss the outstanding questions. There are many words that have similar, but not identical, meanings to various members of the group. There are other words with a baggage that is not worth continuing to carry. Therefore, from this point forward the following words shall have the following meaning. If something needs to be renamed later, it can be, but for the purpose of the September 10 meeting, please use the following terms in the following ways.

- **Habitat Analysis** is the general term to encompass all three levels of analysis described in the outline, regardless of the answer to Question 2. The terms Environmental Analysis (EA), Environmental Review (ER), and Environmental Checklist (EC) have no meaning in this discussion, do not use them. They served as a useful high-level framework, but are not useful in answering the outstanding questions.
- **Tier** has no meaning, do not use it. The term is being retired for now because it means different things to different people all of which are similar, and none of which right or wrong. There is no benefit in spending time defining the term now, we can work around it. There are levels of analysis and levels of protection.
- The **Countywide Map** is the general term used to describe the starting point of the analysis process. Question 3 will determine whether the Countywide Map is the Focal Species Habitat Map or the Smoothed Habitat Value Map.
- The **Focal Species Habitat Map (FSHM)** is the map produced by Alder Environmental for the Natural Resources Technical Advisory Board (NRTAB) in April 2017, as updated by EcoConnect to remedy inaccuracies in May 2018. It divides the entire County, including public lands, into a 10 meter grid. Each square in the grid has an integer value based on the weighted sum of the individual focal species habitat models that underlay the grid.
- The **Smoothed Habitat Value Map** is the map produced by EcoConnect for the mapping subcommittee of the NRSG. It is based on the Focal Species Habitat Map but is a 30 meter grid and the value of each square in the grid is an average of the Focal Species Habitat Map values within the square and the adjacent squares. The purpose of averaging the adjacent values is to soften the Focal Species Habitat Map so that small vegetation islands and fingers are not represented as habitat patches.
- A **Field Verified Habitat Map (FVHM)** is a map produced by a qualified professional (as it will be defined in the LDRs). It is a field verified version of the Focal Species Habitat Map. The professional will read the habitat definitions of the Focal Species Habitat Map methodology and apply them to a field-verified site inventory of vegetation, slope, aspect, etc. to ensure accurate mapping of habitat boundaries. Once habitat boundaries are mapped the weighed valuation from the Focal Species Habitat Map is applied.
- A **Functional Assessment** is a site specific relative valuation to determine the most appropriate location for development on a site. It does not relate to the scale of values used in the Focal Species Habitat Map, Averaged Value Habitat Map, and Field Verified Habitat Maps. It is created by starting with habitat boundaries from the Focal Species Habitat Map or a Field Verified Habitat Map. Then, other important habitats, that are relevant to the site but were not included in the countywide Focal Species Habitat Map methodology, are added. Once a site-relevant habitat map is created, a site-specific relative valuation is completed to identify the most important habitat patches for protection and the therefore the most appropriate for development.

Question 1: Should the applicable level of analysis and protection apply based on the proposed limits of disturbance or the property boundary?

This question was raised on August 23 because members of the NRSG recalled the group direction in February/March being that there should be a defined process for each property and that that process should be based on the highest value on the property. The approach recommended by the FA subcommittee was to allow an applicant to propose limits of disturbance within a lower value area without further study as a procedural incentive to, “make the right decision easy.” A comparative table is presented below to assist in preparation for the meeting, but the basic question is whether the owner of the property depicted to the right has to do a Functional Assessment, even if she/he is willing to build in the southwest corner of the lot.



| | 1A. Limits of Disturbance | 1B. Property Boundary |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Description | A parcel can have more than one level of process and level of protection, depending on where the owner is willing to build. | The level of analysis and protection applicable to a property is based on the highest value habitat on the property based on the Countywide Map. |
| Intent | Make the right decision easy and make sure no one has to do more analysis than the data indicate is necessary. | Make sure any property that may have mid or high value habitat does enough analysis to ensure the higher value habitat is not developed |
| Source | August FA Subcommittee recommendation. | February/March general discussion. |
| Off-Ramps | Allows landowner to choose a site that minimizes required analysis, mitigation | None. Highest level of analysis required. |
| Map Correction | Allows for correction into a higher or lower level of protection. | Allows for correction into a higher level of protection. |
| Hypothetical Countywide Map for a Parcel | | |
| Low | Base protections apply and no further analysis is required. | Base protections apply and no further analysis is required. |
| Low, Mid | If landowner develops low, base protections apply and no further analysis is required. If landowner disputes map, can elect FVHM, in which case level of protection is determined by FVHM. If landowner disputes FVHM valuation, can elect FA and High Level protection. | FVHM required. Mid Level Protection required, unless FVHM identifies high value habitat, in which case FA and High Level Protection is required. |
| Mid | FVHM required. Level of protection determined by FVHM. If landowner disputes FVHM valuation, can elect FA and High Level protection. | FVHM required. Mid Level Protection applies, unless FVHM identifies high value habitat, in which case FA and High Level protection is required. |
| Mid, High | FVHM required. Level of protection determined by FVHM. If landowner disputes FVHM valuation, can elect FA and High Level protection. | FA required. High Level protection required. |
| High | FVHM required. Level of protection determined by FVHM. If all high, FA and High Level protection required. If not all high, level of protection determined by FVHM, but landowner can elect FA and High Level protection. | FA required. High Level protection required. |
| Low, Mid, High | Same as “Low, Mid” | FA required. High Level protection required. |

Question 2. Should the habitat analysis be approached as a 3-step process or 3 separate processes?

For over a year, the NRSG has been talking about 3 different processes for habitat analysis – EA, ER, EC

(Environmental Analysis, Environmental

Review, Environmental Checklist). The conclusion of the March 22 NRSG meeting was the table at right. The FA subcommittee was tasked with filling in the blanks and fleshing

out the details of the EA and ER processes. As it did so, it kept coming back to the question of what to do when we find out that the map that set the process is inaccurate? The answer the subcommittee recommended was to move away from 3 separate processes to a single 3-step process. On August 23 some stakeholders asked that that shift be affirmed by the full NRSG. A comparative table is presented below to assist in preparation for the meeting.

| March 22 NRSG Meeting Conclusion | | | |
|----------------------------------|------------|----|---------------|
| | EC | ER | EA |
| Habitat Inventory | Countywide | ? | Site-specific |
| Habitat Valuation | Countywide | ? | Site-specific |

| | 2A. 3-Step Process | 2.B. 3 Separate Processes |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Intent | Confirmation or correction so that the public trusts the habitat analysis being used to determine the applicable protections. | Predictability, so that a landowner knows the extent of the required process at the outset. |
| Source | August FA Subcommittee recommendation. | February/March general discussion. |
| Countywide Map Purpose | Identify low value, all habitats with a value above 7 are field verified. | Set level of analysis and protection. |
| Off-Ramps | Applicability of high level protection is only determined after field verification. | Applicability of high level protection determined based on Countywide Map. |
| Correction of Countywide Low Value | The Countywide Map low value boundary is accepted. | The Countywide Map low value boundary is accepted. |
| Correction of Countywide Mid Value | The FVHM could correct a mid value to low, a more accurate mid value, or high based on the field verified inventory. | The FVHM could correct a mid value to low, a more accurate mid value, or high based on the field verified inventory. |
| Correction of Countywide High Value | The FVHM could correct a high value to mid or low. | None. |
| Process Flow Chart | <ol style="list-style-type: none"> 1. Start with countywide map <ol style="list-style-type: none"> a. If area is low value, submit ap, subject to base protections 2. Complete FVHM <ol style="list-style-type: none"> a. If area is low or mid value, submit ap, subject to base or mid protections depending on value 3. Complete Functional Assessment, subject to high protection | <ol style="list-style-type: none"> 1. Start with countywide map <ol style="list-style-type: none"> a. If area is low value, submit ap subject to base protections b. If area is mid value, complete FVHM <ol style="list-style-type: none"> i. If area is low or mid, submit ap subject to base or mid protections depending on value ii. If area is high go to 1c c. If area is high value, complete Functional Assessment, subject to high protection |
| Relation to Question 1 | Makes the most sense with 1A. | Makes the most sense with 1B. |

In the context of the first two questions, it is important to understand the benefits and drawbacks to the Functional Assessment.

- Functional Assessment is subjective. This allows the qualified professional to use her/his brain to evaluate the proper habitats and valuation metrics to use for a specific site, which means context

sensitive habitat protection. The subjectivity also means less trust in the valuation relative to the outcome and a greater need for County review and/or completion of the analysis.

- The reason high level protection is applicable whenever a Functional Assessment is required or elected is because the Functional Assessment has no index to which breakpoints can be applied. Each Functional Assessment is a site-specific valuation that is not quantifiable on the same scale as the FSHM, Smoothed Habitat Value Map, or a FVHM. Therefore, there is no way to apply the breakpoints, and mid or low protections, once a Functional Assessment is completed.

Question 3. What map should be used as the countywide map?

- A. The Smoothed Habitat Value Map
- B. The Focal Species Habitat Map

At the March 22 NRSG meeting, a mapping subcommittee was formed to develop a methodology for turning the Focal Species Habitat Map with values ranging from 0 to 43 into a map with three values – low, mid, and high. The methodology recommended by the subcommittee was to first clip the FSHM to a ½ mile buffer around private land. Next the FSHM was “smoothed” to remove anomalous habitat patches within a larger landscape. The oft-used example for justifying this step is that a single willow within a meadow does not really constitute a separate habitat patch, it is just variation within the overall meadow habitat. The result was the Smoothed Habitat Value Map. Finally, the subcommittee discussed which breakpoints to apply to the smoothed map to create a low, mid, and high classifications. On August 23, some stakeholders questioned why use the Smoothed Habitat Value Map instead of just applying the breakpoints to the Focal Species Habitat Map. A comparative table is presented below to assist in preparation for the meeting. Also attached are the Wilson and South Park comparisons between the two maps from the August 23 presentation.

| | 3A. Smoothed Habitat Value Map | 3B. Focal Species Habitat Map |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Description | Derivative of the FSHM. 30m grid of pixels, with each pixel value considering the FSHM values within 1 acre of the pixels. | 10m grid of pixels, with each pixel value based on which focal species habitats are modeled to exist in that pixel and the weighted value of the modeled habitats. |
| Intent | Remove small islands that appear on the FSHM as different habitats, but are not large enough to be functionally different from their surroundings. Convert abrupt changes in value to gradations that more closely represent natural transitions. | Create a transparent, fact based, replicable model that identifies the countywide relative critical value of focal species habitats. |
| Source | Mapping Subcommittee, August 2018. | Natural Resources Technical Advisory Board, April 2017. |
| Number of Maps Referenced | Two. Use of the Smoothed Habitat Value Map as the Countywide Map does not eliminate the need to also reference the Focal Species Habitat Map as the starting point for a FVHM or Functional Assessment. | One. |
| Islands and Fingers of Habitat | Islands and fingers get absorbed, reducing the incentive for a landowner to site development in a low value area to avoid additional analysis. | Islands and fingers show up without site verification that there is actual localized variation in habitat. |
| Distinct Edges | Distinct edges are smoothed into a gradient. | Distinct edges are preserved. Some are edges between natural and developed areas that could be reclaimed or enhanced, but some are natural, like a steep bank up from a creek. |

| | 3A. Smoothed Habitat Value Map | 3B. Focal Species Habitat Map |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Patch Size | A 30m square (900m ²) is almost ¼ of an acre. By going to a 30m grid, each pixel represents a relatively viable habitat patch size. | A 10m square is 0.025 acres. While a single 10m square is not a viable habitat patch, a 10m grid preserves representation of 900m ² patches that are not squares. |
| Smoothing Method | The two steps used to smooth the map rely on only 44% of the pixels in the FSHM, the other 56% are not part of the calculation of the 30m pixel value. | All FSHM analysis is preserved. Removal of anomalous islands and fingers occurs through FVHM rather than algorithm. |
| Pull of High Values | The range of mid values (0-7) is about the same as the range of mid values (8-13/14/15) meaning a pretty equal push and pull on the mid/low boundary. However the range of high values (13/14/15-33) is much greater giving high values a disproportionate pull on mid values at the mid/high boundary. | Values are discrete based on individual focal species habitat models and do not pull on one another. |
| Low Breakpoint | 7 on the Smoothed Habitat Value Map is closest to 6 on the Focal Special Habitat Map | |
| High Breakpoint | 13 on the Smoothed Habitat Value Map is closest to 13 on the Focal Species Habitat Map 14 on the Smoothed Habitat Value Map is close to 14 or 15 on the Focal Species Habitat Map 15 on the Smoothed Habitat Value Map is closest to 15 on the Focal Species Habitat Map | |

Question 4. What is the breakpoint between the mid and high level protections?

The mapping subcommittee was unable to reach a recommendation on the breakpoint between mid and high level analysis and protection. On August 23 staff presented that the biggest impact is a choice of 13 vs. 14. A choice of 14 vs. 15 has less impact on the Countywide Map and the applicable protections. On August 23, the NRSG divided into 3 small groups for discussion. Only one of the small groups came to a breakpoint recommendation, which was 13. The other two small groups were split and ultimately the NRSG as a whole could not come to a conclusion on the high breakpoint. Please refer to the materials provided for the September 23 meeting for more detail on this issue.

Attachments

- September 4 BCC Staff Report
- September 23 NRSG Presentation



Board of County Commissioners - Staff Report

Subject: Schedule for Completion of the update to the Natural Resource Protection LDRs

Presenter: Alex Norton

REQUESTED ACTION

Board direction on the appropriate process and schedule for completion of the update to the Natural Resource Protection LDRs.

BACKGROUND/DESCRIPTION

The update to the Natural Resource Protection LDRs began in the spring of 2017 as part of the Engage 2017 housing, parking, and natural resource regulations updates. Below is an outline of the major milestones in the process thus far.

- March 6, 2017: Board and Town Council provide direction on process for update
- May 1, 2017: Board contracts with Clarion/Alder to provide professional services
- May 24, 2017: NRSG kick-off meeting
- May 30/June 1, 2017: Public Open House/Discussion of issues
- June 14/29, 2017: NRSG issues identification
- July 17/18, 2017: Board Identification of Issues
- August 24/30: NRSG alternatives development
- October 10, 2017: 90-Day Moratorium placed on Ponds and Berms
- November 6/8, 2017: Public Alternatives Analysis Event
- November 14: NRSG recommendation on alternatives
- November 15/16: PC recommendation on alternatives
- November 28, 2017: Board preliminary direction on alternatives
- December 11, 2017: Board final direction on alternatives
- December 19, 2017: Moratorium on Ponds and Berms extended until August 8, 2018
- January, 2018: County and Clarion/Alder terminate contract
- February, 2018: Alder provides general implementation consultation
- February 14, 2018: NRSG meeting to identify drafting approach
- March 22, 2018: NRSG meeting to identify drafting approach
- March 20, 2018: Contract with EcoConnect to provide mapping services
- May 3, 2018: NRSG meeting on Ponds and Berms
- June 11, 2018: NRSG meeting on wild animal feeding and natural resource mapping
- June 25, 2018: PC recommendation on Ponds and Berms
- July 17, 2018: BCC review of Ponds and Berms
- July 30, 2018: BCC review of Ponds and Berms
- August 7, 2018: BCC adoption of Ponds and Berms
- August 13, 2018: NRSG meeting on natural resource mapping
- August 23, 2018: NRSG meeting on natural resource mapping and LDR outline

In December, the updates to the Natural Resource Protection LDRs were on schedule with the other Engage 2017 updates. However, the decision by the County and Clarion/Alder that Clarion/Alder was not the right consultant to assist in implementing the Board's December direction placed more of a burden on the volunteer NRSG, which has caused the implementation to take much longer than originally scheduled. Also, the direction provided on the Natural Resource Protection LDRs was not as clear as the direction for some of the other Engage projects. This

lack of clarity is due to the questions asked during the alternatives analysis not exactly getting at the true policy issues. The responsibility for that lies with staff, however the consultants that have been contracted to assist in the updates have struggled to identify the true policy issues and alternative answers. In fact, some of the recommendations provided by the consultants have made the process of setting natural resource protection policy less clear.

Even without the clear direction or consultant support, the Natural Resource Stakeholder Group (NRSG) has spent the past 5 months working with staff, as a whole and in subcommittees, to draft Natural Resource Protection standards. In addition to the above dates, subcommittees of the NRSG have had over 30 meetings to work on individual portions of the regulations. The NRSG has completed manmade landform standards (the pond and berm regulations). It has nearly completed draft waterbody and wetland protections and wild animal feeding protections. And, it has made significant progress on tiered habitat protections that are based on a habitat's relative value. At its last meeting the NRSG discussed the all of the work of the various subcommittees and identified some key issues regarding the interface between the map that sets the applicability of the regulations and the regulations themselves. These issues have to be resolved before further drafting can occur.

STAFF ANALYSIS

At the August 27 Regular Voucher Meeting, the Board asked that staff detail options for completing the updates to the Natural Resource Protection LDRs. Staff has identified 3 options. Option A is the Adopt in 2018 option. It is the fast track, requires the most staff resources, and is the only way to finish the Natural Resource Protections update with this Board. Option B is the Status Quo option. It continues to rely on the Natural Resources Stakeholder Group (NRSG) to do the heavy lifting, but imposes a timeframe on the NRSG and allows for this Board to weigh-in. Option C is the New Board option. It places a pause on the process, acknowledging that this Board is not going to make the final decision and that therefore, further work should not continue until direction is provided by the new Board in 2019.

SCHEDULE COMPARISON

| | Option A Adopt in 2018 | Option B Status Quo | Option C New Board |
|----------------------------|---------------------------|------------------------|-------------------------------------------------------------|
| BCC Schedule Direction | Sep. 4, 2018 | Sep. 4, 2018 | Sep. 4, 2018 |
| NRSG Map/Outline Direction | by Sep. 11, 2018 | by Sep. 28, 2018 | by Sep. 28, 2018 |
| BCC Map/Outline Direction | after public review | by Oct. 12, 2018 | Jan. 2019 |
| Internal Draft | n/a | Nov. 2, 2018 | Rest of process to be determined by new Board in Jan. 2019. |
| Peer Review | during public review | by Nov. 21, 2018 | |
| NRSG Review | during public review | by Dec. 7, 2018 | |
| Public Review Draft | Sep. 28, 2018 | by Dec. 28, 2018 | |
| Peer Review | by Oct. 15, 2018 | complete | |
| Proposed Modifications Due | by Oct. 15, 2018 | by Jan. 18, 2019 | |
| NRSG Recommendation | by Nov. 2, 2018 | n/a | |
| PC Recommendation | by Nov. 2, 2018 | by Feb. 8, 2019 | |
| BCC Direction | by Nov. 20, 2018 | by Mar. 1, 2019 | |
| Adoption Draft | Dec. 11, 2018 | Mar. 22, 2019 | |
| BCC Adoption | Dec. 18, 2018 | Apr. 9, 2019 | |

ADDITIONAL ANALYSIS

- Option A – Adopt in 2018
 - Maintains the Engage 2017 process by finishing with the same Board that provided the initial direction in July and December of 2017.
 - Substitutes a Public Review Draft developed by the NRSG with a Public Review Draft developed by Staff, based on NRSG work to date.

- Facilitating an NRSG and PC recommendation by November 2 will require a lot of staff time. (Alternatively, the Board does not have to ask for a formal NRSG recommendation, each member could provide their own comment as a member of the public.)
- Completing the BCC recommendation by November 20 will require a lot of staff time and a lot of BCC time.
- Turnaround times to meet the deadlines will be tight and will limit the time available to review and analyze alternatives.
- Migration corridor protection standards will be represented by a placeholder because the necessary maps will not be available and work led by the Jackson Hole Wildlife Foundation will not be complete.
- Option B – Status Quo
 - Maintains the Engage 2017 approach of relying on the NRSG to determine the content, with staff supporting the NRSG and being a part of the Group in content discussion.
 - Places a deadline on the NRSG to encourage its progress. If the NRSG cannot meet the deadline, staff will complete the draft and release it for public review by the date for the public review draft.
 - There is potential for the new Board in 2019 to change direction from the current Board, which would require work to be redone.
 - Allowing the NRSG more time to develop a public review draft will result in more vetted and broadly supported and understood Public Review Draft, which should facilitate a simpler public review and adoption process.
 - Allowing more time may allow for migration protections to be included in the Public Review Draft.
- Option C – New Board
 - Acknowledges that if Option A is not viable, the current Board cannot bind the future Board and should defer staff resources to other efforts until the new Board can provide direction and own the Natural Resource Protections it will ultimately be adopting.
 - Potentially alienates the NRSG and all of the work it has done in 2018.
 - It is always difficult and resource intensive to get back up to speed after a pause.

STAKEHOLDER ANALYSIS

The stakeholders for the update to the Natural Resource Protection LDRs were identified in 2017 and asked to participate in a Group that would provide direction on the update. Option A allows the Natural Resources Stakeholder Group (NRSG) to provide direction on the regulations prior to drafting and the review the draft regulations and recommend modifications to the Board (in parallel with the Planning Commission's recommendation). Option B represents the process moving forward that is most engaging of the stakeholders and most consistent with the original intent of the stakeholder group, but requires the most stakeholder time. The stakeholder role in Option C will be determined in 2019.

An alternative approach for the Board to consider is to let the stakeholders choose their level of involvement (Option A or B) based on their ability to commit time over the remainder of 2018.

FISCAL IMPACT

To date the update to the Natural Resource Protection LDRs has cost about \$62,000 in professional services. Staff estimates that Option A and B will require about \$10,000 more in small contracts to provide mapping and peer review professional services. The originally estimated project cost was \$75,000.

STAFF IMPACT

To date the update to the Natural Resource Protection LDRs has required about 2,000 hours over the course of 2017 and 2018. Option A will require more staff resources than Option B, and require them in a shorter period of time. Option A will require the Long-Range Planner to work on little else for the remainder of the year, which means that the LDR cleanup and data management projects, identified in the Work Plan to be complete in 2018, will be deferred. The staff resources required for Option C will be determined by the new Board.

LEGAL REVIEW

This report has not been provided for Legal review.

RECOMMENDATION

The Planning Director supports Option A or Option B. If the Board is interested in Option B, the Planning Director recommends allowing the NRSG to select between Option A or Option B based on whether they can commit to Option B. Even if the Board is willing to pursue Option B, the NRSG may not volunteer to meet the deadline.

For most processes the Planning Director would recommend Option A or Option C – either get it done with this Board, or wait for the next. However the Natural Resource Protection LDRs are different. They are the interface between science and policy and the successful relationship can only be found by stakeholders working through the regulations to find the common ground that is right for our specific ecology. It is why the Natural Resource LDRs update was setup differently from the other Engage projects initially, because the Board recognized the need for stakeholder group input before it could make a decision. Option A is rooted in the work the NRSG has done to date and asks them to remain involved, but prioritizes the Engage 2017 schedule of adopting the regulations with the same Board that started the work. Option B pushes the NRSG to reach consensus, or at least compromise, but still relies on the wealth of local knowledge to shape a set of regulations that have no precedent in peer communities, which was the foundation of the original approach to this project. However, Option B relies on the new Board to honor the work of the NRSG and current Board, which is not guaranteed.

ATTACHMENTS

None.

SUGGESTED MOTION OPTIONS

I move to direct staff and the Natural Resources Stakeholder Group to complete the Natural Resource Protection LDRs based on process Option A.

or

I move to direct the Natural Resources Stakeholder Group to select between Option A or Option B for the process to complete the Natural Resource Protection LDRs, and make their selection no later than September 11, 2018.

NRSG Meeting

August 23, 2018

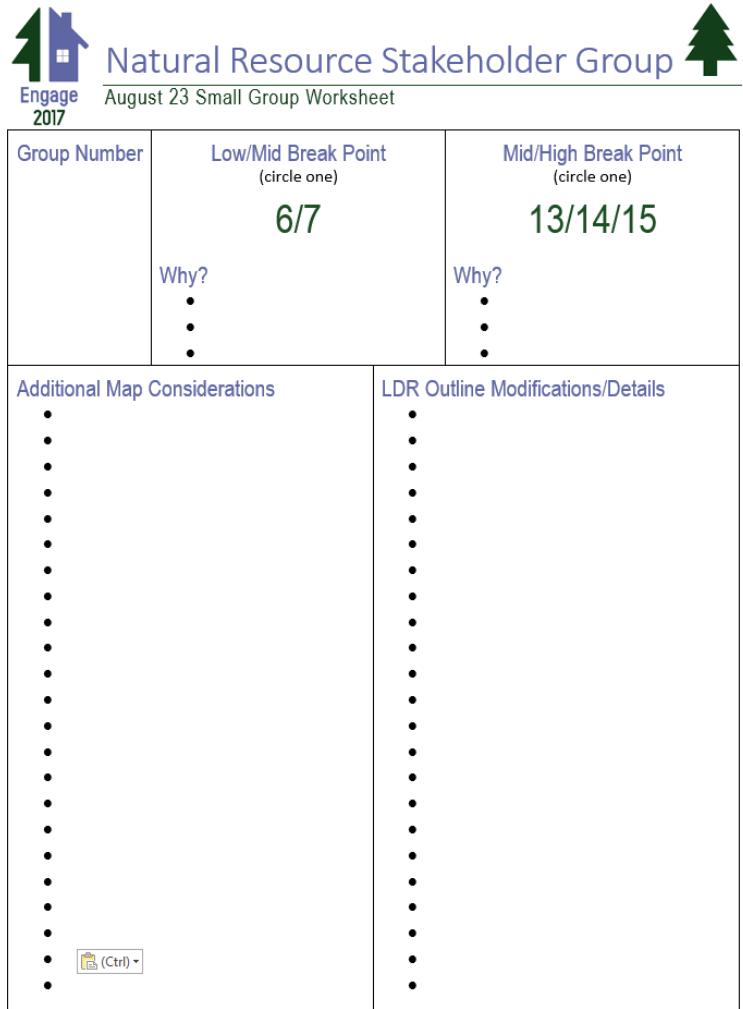


Agenda

- Start-up (8:30-8:45)
- Staff Presentation (8:45-9:15)
 - Natural Resource LDRs Outline
 - Exercise Introduction
- Small Group Worksheet Exercise (9:15-10:00)
- Break (10:00-10:15)
- Full Group Discussion (10:15-11:15)
- Next Steps (11:15-11:30)

Purpose and Outcomes

- Purpose
 - Direction to draft Natural Resource LDRs
- Outcomes
 - Tier Map breakpoints
 - Final Tier Map considerations
 - LDR Outline modifications and details



Background

March 22: What comes first the map or the regulations?

- Mapping Subcommittee
 - Methodology for a 3-Tier FSHM
 - Presented 6/11 and 5/13
 - Outstanding Question: Breakpoints
 - Presented 5/13
 - Consideration: What do the breakpoints actually mean in terms of applicable regulations?
- FA Subcommittee
 - 3 tiers of process and protection standards
 - Outstanding Questions: outline ready for input
 - Consideration: Where would these regulations actually apply?

August 23: Knitting the Subcommittee work together

NATURAL RESOURCE LDRS OUTLINE



Summary of Natural Resource LDRs

- Inventory Habitat Value by:
 - Tier Map for low value areas
 - Site Verified Focal Species Habitat Map for mid value areas
 - Functional Assessment for high value areas
- Avoid Impacts to Habitat by:
 - Prohibiting subdivision in Rural Areas, unless it includes conservation (adopted)
 - Prohibiting development in waterbodies, wetlands, and their buffers
 - Prohibiting CUPs (that can be located elsewhere) in areas of high relative value
- Minimize Impacts to Habitat by:
 - Locating development in the smallest, lowest value habitat
 - Incenting less impact by exempting mitigation for minimized development
- Mitigate Impacts to Habitat

Waterbody and Wetland Protections (Sec. 5.1.3)

- Apply everywhere regardless of habitat valuation
- Setbacks
 - 100' for Rivers, Perennial Streams, Natural Lakes/Ponds
 - 50' for Intermittent/Ephemeral Streams, Manmade Waterbodies
 - 30' for Wetlands
 - 15' for Ditches
- 4:1 Mitigation required for impact
 - Preferred method of mitigation is buffer establishment

Migration/Movement Protections (Sec. 5.1.7)

- State certified Brownian Bridge migration models protected
 - Avoid impact if possible
 - Minimize impact through clustering and avoiding fragmentation
 - Modeled corridors will be made available as completed
- Existing Wildlife Friendly Fencing standards carried forward
 - LDRs may be updated in the future



Habitat Protections by Tier (Sec. 5.1.4 - 5.1.6)

- Applicable protections determined by Habitat Value Inventory

| Habitat Value | Low | Medium | High |
|----------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Inventory | Tier Map; or Verified FSHM | Verified FSHM; or Functional Assessment | Functional Assessment |
| Development Location | Anywhere in low value • Other LDRs apply | Smallest patch of lowest value habitat unless: • water, wetland, migration, natural hazards prohibit | Least valuable habitat based on Functional Assessment |
| Allowed Use | All allowed by zone | All allowed by zone | No Conditional Uses (except water dependent CUPs) |
| Mitigation | 1:1 if impact > $\frac{1}{2}$ ac. or $\frac{1}{2}$ MSD | 2:1 if impact > $\frac{1}{2}$ ac. or $\frac{1}{2}$ MSD | 3:1 if impact > $\frac{1}{2}$ ac. or $\frac{1}{2}$ MSD |

Habitat Value Inventory (Sec. 8.2.2)

1. Is site in Low Tier on Tier Map?
 - If yes go to Step 6, if no go to Step 2
2. Prepare a Verified Focal Species Habitat Map for Site
3. Is site in habitat with value less than 13/14/15?
 - If yes go to Step 6, if no go to Step 4
4. Request Functional Assessment Pre-application Conference
5. Prepare Functional Assessment
6. Submit development application, including applicable Habitat Value Inventory and Mitigation Plan

Functional Assessment

- Map Habitats Based On
 - Verified FSHM
 - Waterbodies and wetlands
 - Migration corridors and stopover areas
 - Habitat of other species with State or Federal protection
- Value Habitats Based On
 - Water and wetland protections
 - Migration corridor protections
 - Federal or State protection status
 - Patch size, considering extension off-site
 - Number of species the habitat supports
 - Natural Hazards
 - Impacts from accessing the habitat (i.e. impact from driveway)

Sec. 5.1.8. Mitigation

- Mitigation shall improve habitat value
- Amount of mitigation based on value of habitat impacted
- Preference
 - On-site restoration of largest, highest value habitat
 - On-site enhancement of largest, highest value habitat patch
 - Off-site restoration or enhancement of habitat with equal/higher value than habitat impacted
 - Fee-in-Lieu
- Mitigation Plan required with development

Sec. 5.1.9. Manmade Features

- Existing Sec. 5.1.6
- Add additional standards as needed



Sec. 6.4.9. Wild Animal Feeding

- Combine existing
 - 5.1.3 Wild Animal Feeding and
 - 5.2.2 Bear Conflict Area Standards
- Implement direction from 6/11 NRSG meeting



Small Group Worksheet Exercise

Full Group Discussion

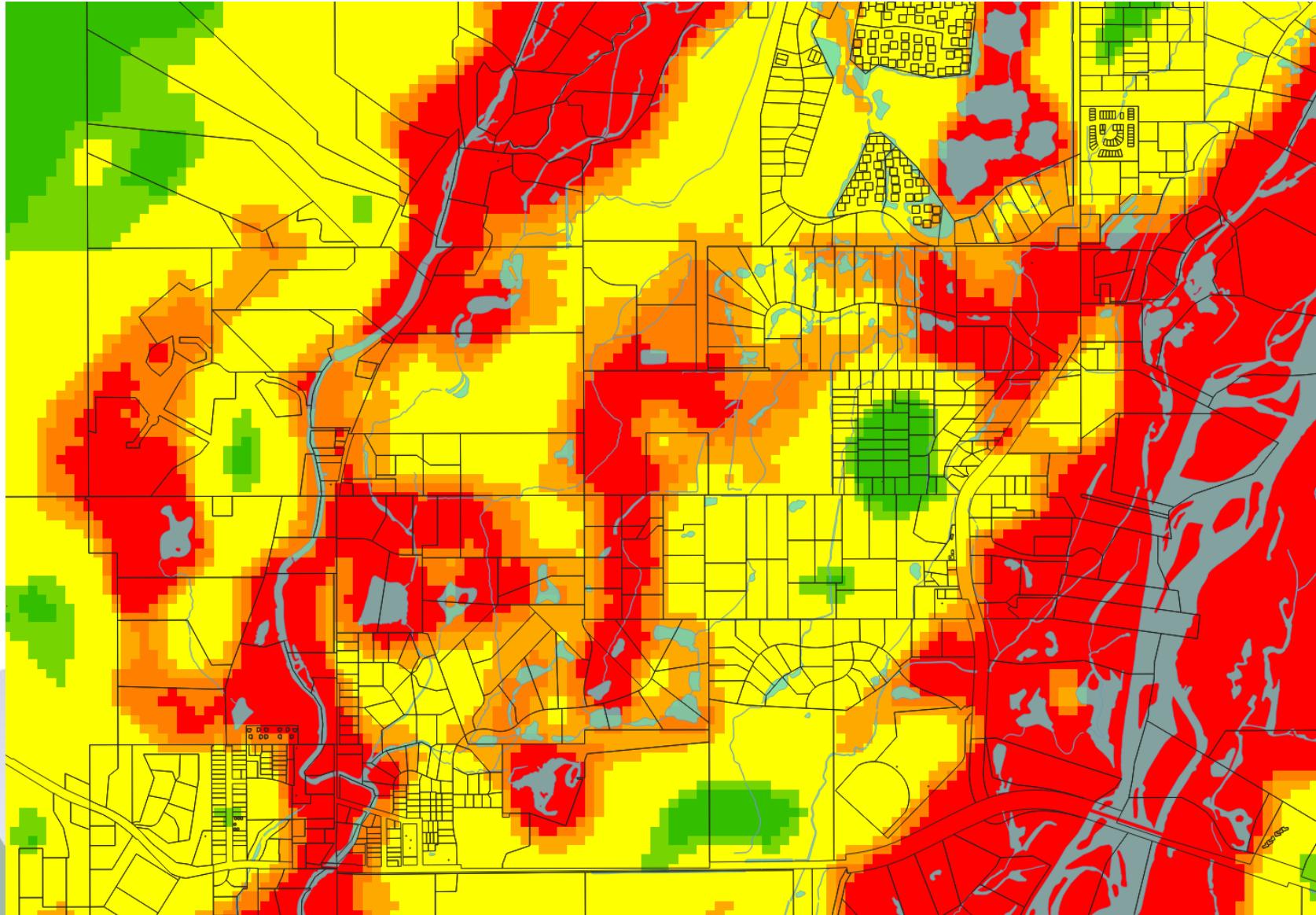
AUGUST 23 EXERCISE



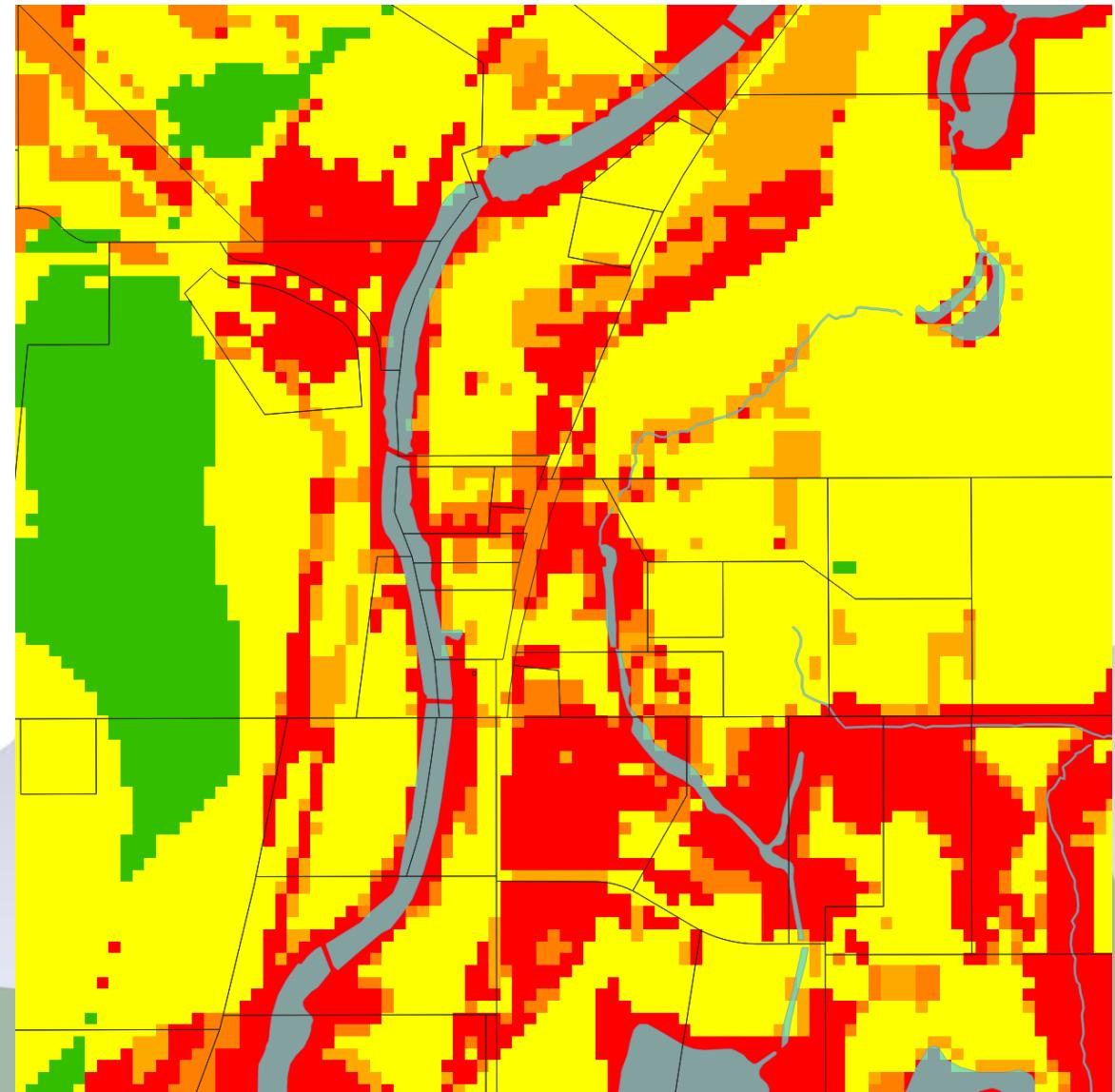
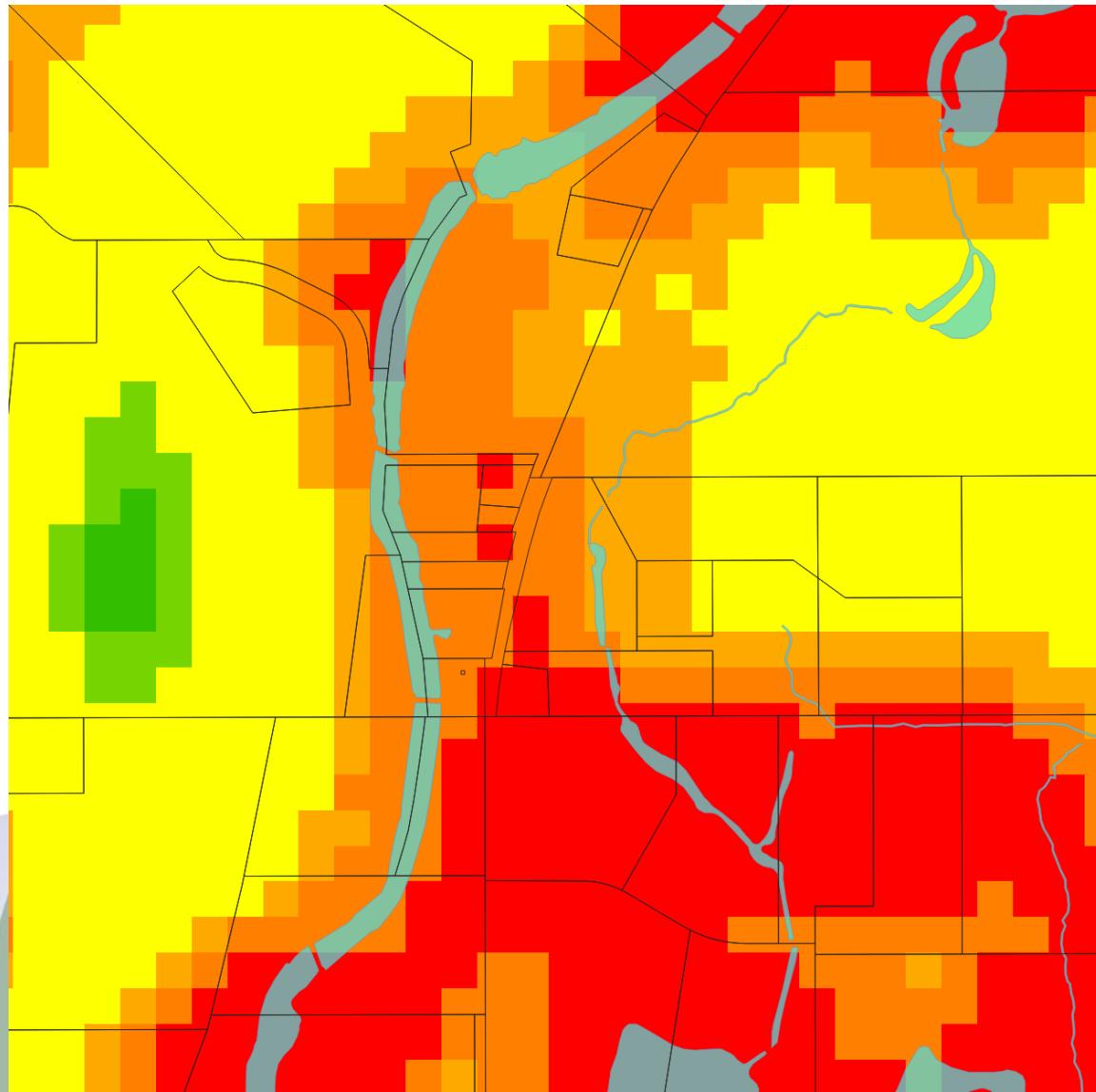
Small Group Worksheet Exercise

- Work with assigned group
 - Answer questions within group
 - If cannot, Alex or Tyler will get answer
- “Yes, If” Exercise
 - Goal is a package that is acceptable to all
- Will need 1 scribe to fill out worksheet
 - Fill out worksheet in any order you want
 - Possible considerations were just a prompt

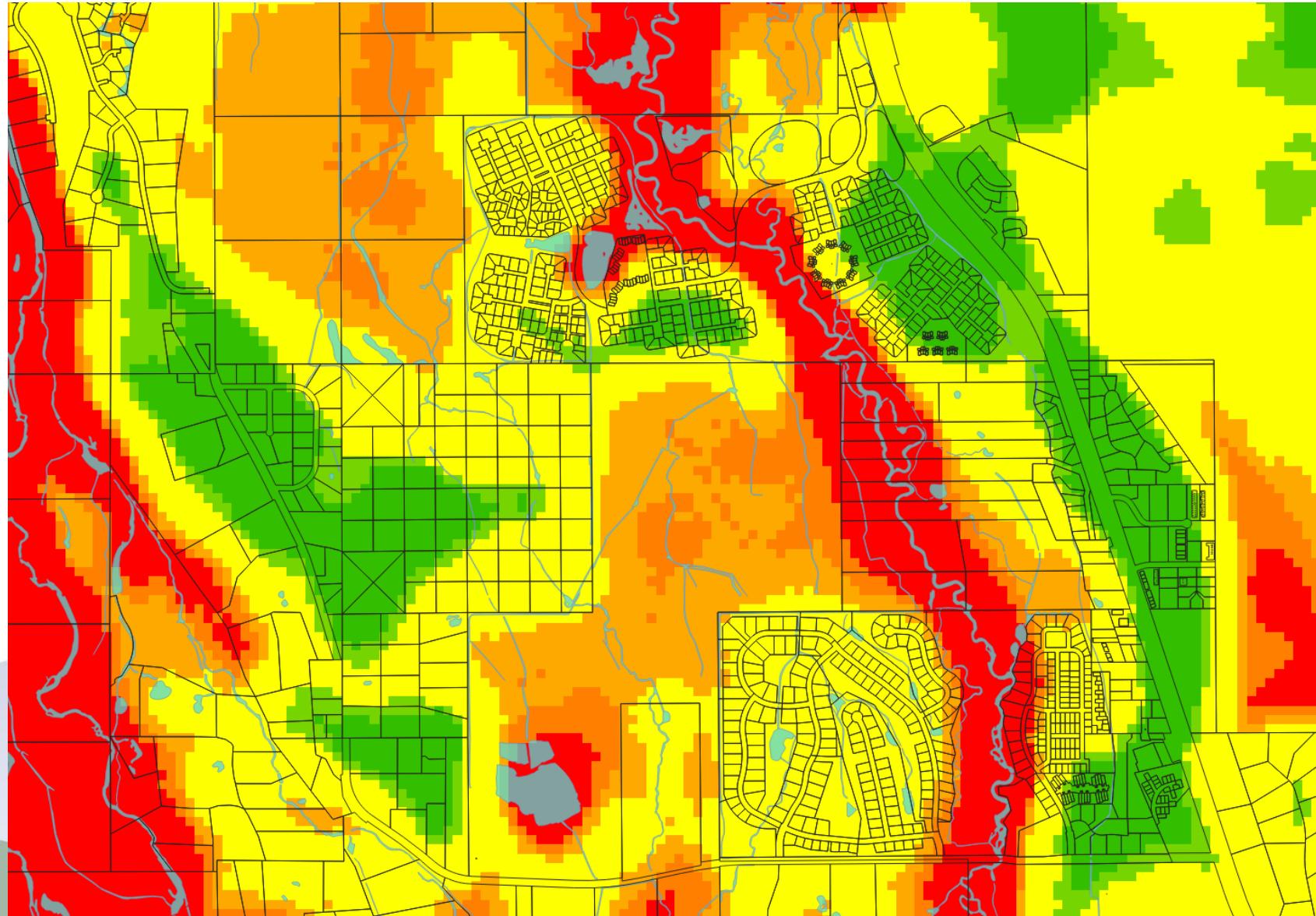
Example Consideration: Creeks



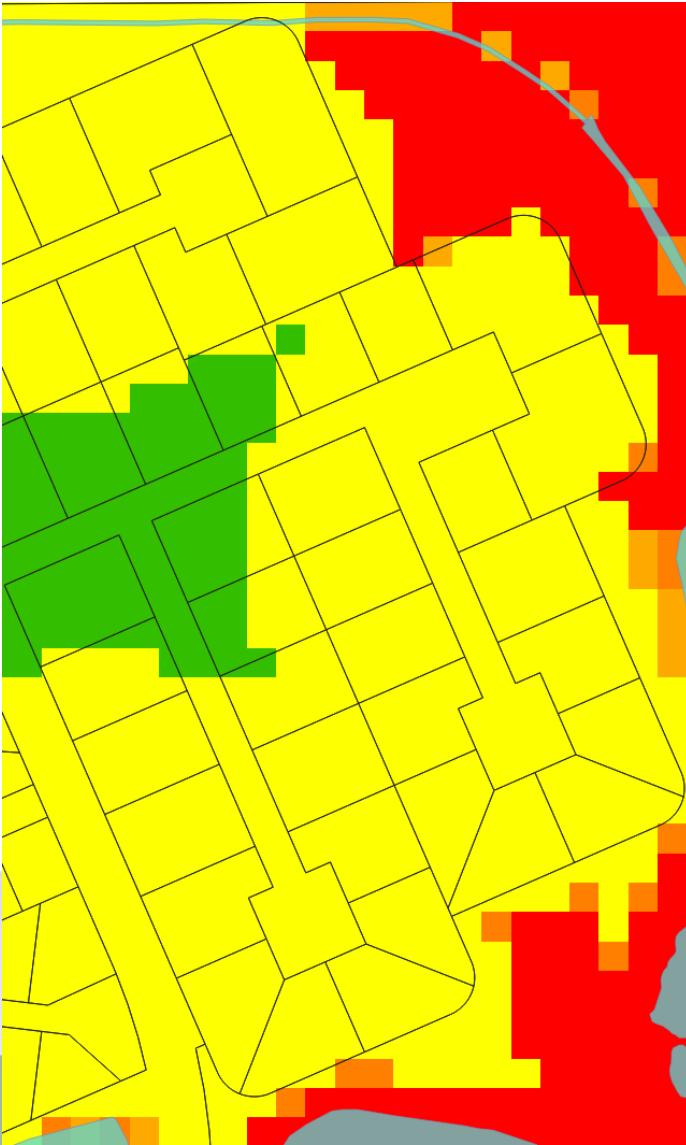
Example Consideration: Greeks



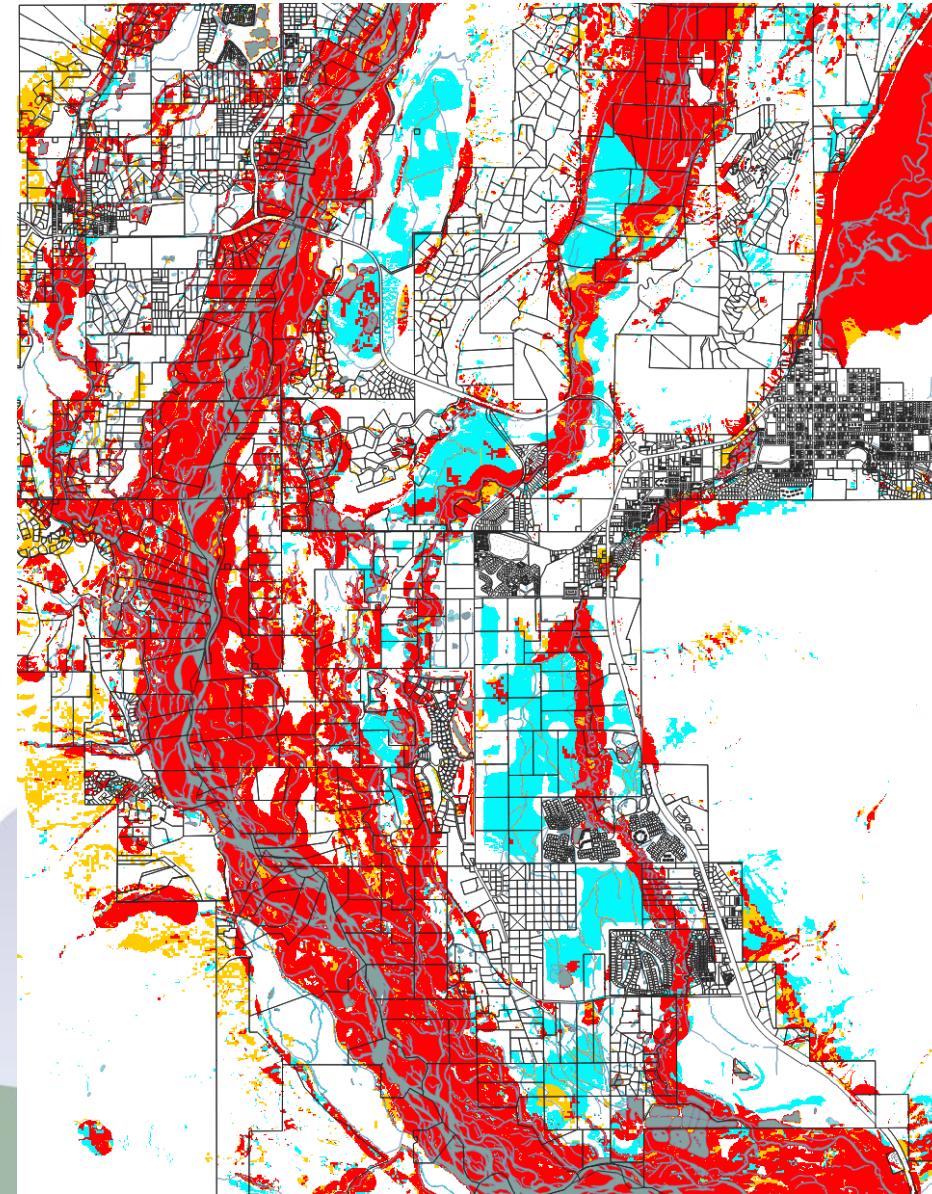
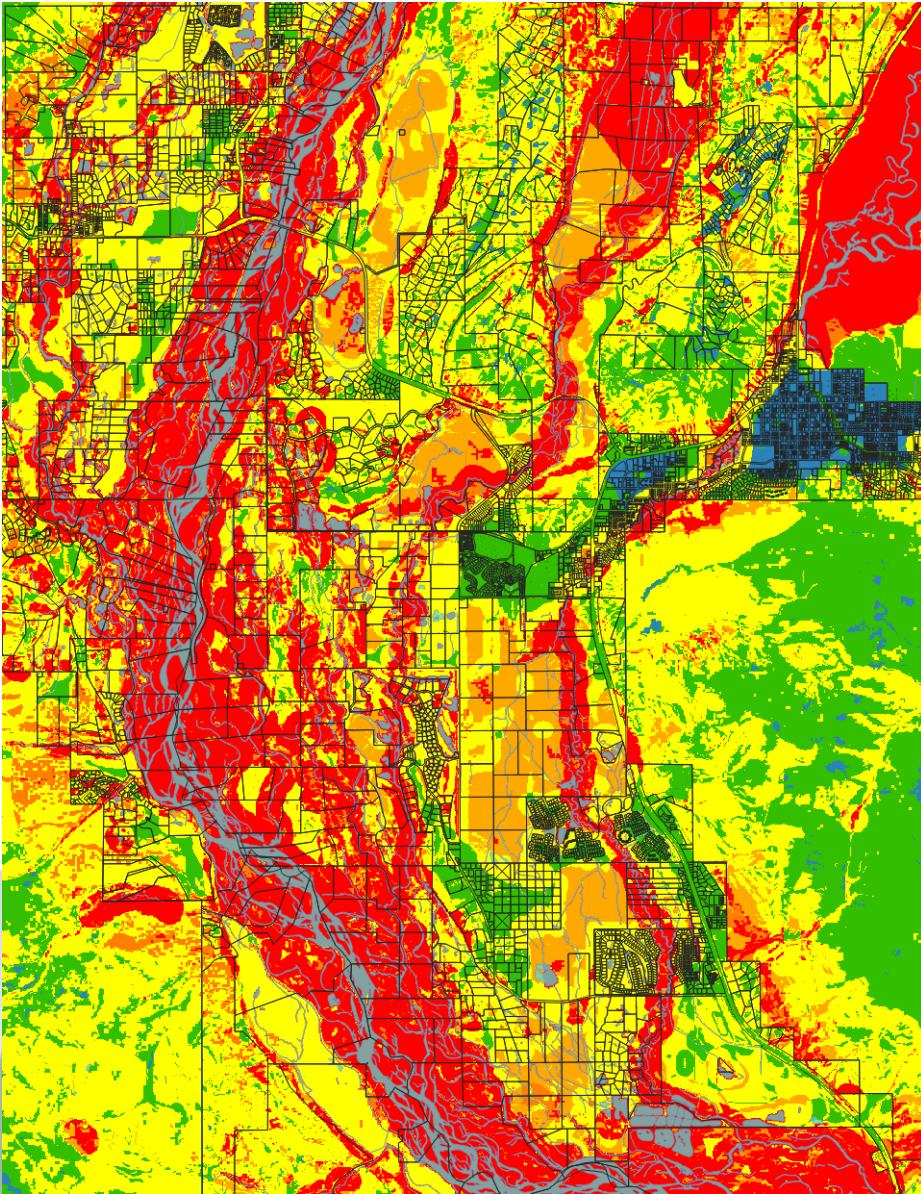
Example Consideration: Lot Size



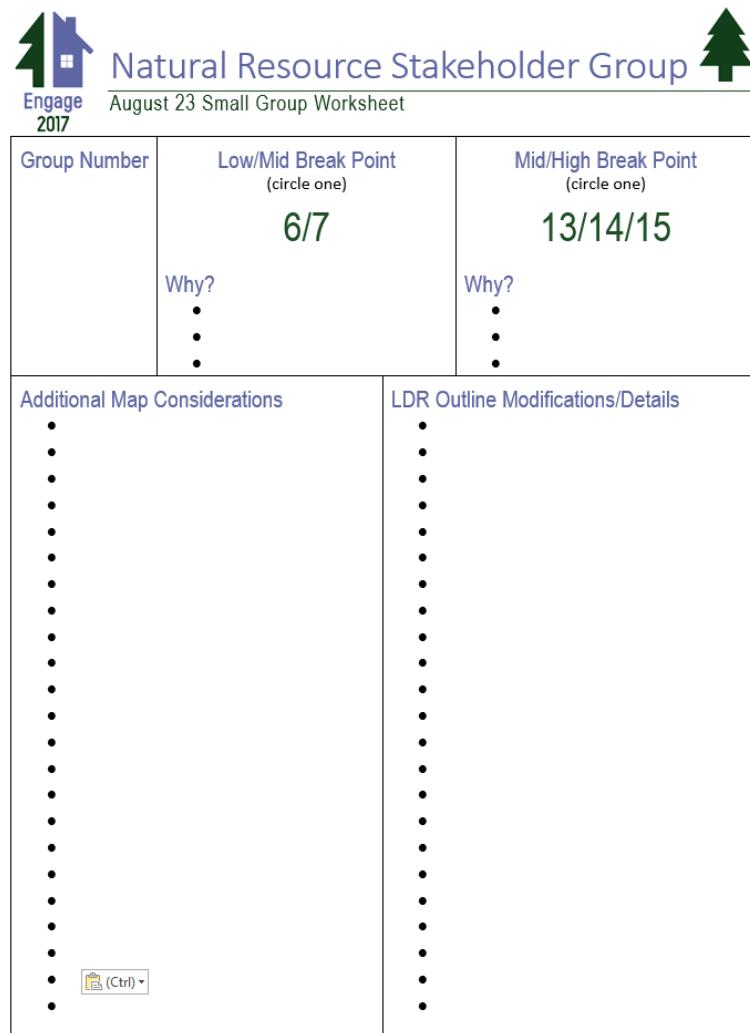
Example Consideration: Lot Size



Example Consideration: CUP Prohibition



Questions about the Exercise?



Full Group Discussion

- Staff will look at the 3 worksheets during Break
- Suggestions that appear on 2 or 3 worksheets will be presented to the group and taken as direction without discussion
- Suggestions that appear on 1 worksheet will be verified with the group before being taken as direction
- A suggestion on one worksheet that conflicts with a suggestion on another worksheet will be discussed by the group as a whole
 - The goal will be a consensus resolution of the conflict
 - The fall back will be a vote, with 2/3 of the quorum needed for direction

Next Steps

- If Needed schedule a follow-up meeting to finish exercise
- Staff will draft Natural Resources LDRs and Tier Map
- NRSG review of drafts
- Modification of drafts and release for public review

