



Natural Resources Overlay (NRO) Update FAQ

How will the New Tier System Impact my Property?

To answer this question, property owners must first determine which natural resource tier(s) exist on the land by referring to the Natural Resources Overlay (NRO) map, which can be determined by using the Teton County GIS Map Server.

You can access the GIS layer on <https://www.ecoconnectjh.com/nro-stakeholders> to see how the tiers are mapped, including information showing the 1994 NRO for reference. Click on the double arrow in the upper left to see the layers, then turn those layers on or off. Use the + and – buttons to zoom in and out. The four squares below the +/- buttons offer a variety of background layers from which to choose. Once adopted, these layers will move to the County's GIS system on the [County GIS Website here](#).

Below is a description of how each Tier works:

Base Tier

If you are proposing new development and your land falls within the Base Tier, you would need to fill out a checklist to submit with your building (use or development) permit application. You do not need to hire a professional to complete this form, however if you have any questions about the form, you may contact a Teton County Planner for assistance.

All of the environmental questions within the form can be answered by reviewing the Teton County GIS layers online (currently located here: <https://www.ecoconnectjh.com/nro-stakeholders>, but after adoption will move to the County GIS system: <https://gis.tetoncountyywy.gov/portal/apps/sites/#/teton-county-gis-hub>) and/or reviewing the existing conditions on the ground for the property.

Much of the form includes basic contact information, project information, and acknowledgement of environmental resources which may/may not be present on the site.

Mid-Tier

If a landowner is proposing new development within the Mid-Tier, this would require a review of the project and an administrative application submitted to Teton County for environmental review, prior to

the building permit application. Applications for development in the Mid-Tier could include an optional pre application meeting (approximately \$300 depending on the application) for new development.

Along with your building or land use permit applications, the developer would apply for a “Zoning Compliance Verification” or “ZCV” (\$500 fee) for an “Environmental Review” for the project. The Environmental Review does not require a public hearing, and a letter will be prepared by a Planner for the project describing the environmental conditions and any required mitigation. The Planner will work with the applicant and/or landowner if any design changes are required.

High Tier

For those familiar with the current Environmental Analysis (EA) process, this is the same process and there is little to no change for this process in the new regulations. Currently any property within Teton County could necessitate a high-level Environmental Analysis (regardless of if the development is in the current NRO or not – meaning any property could require a high level analysis).

As proposed, the High Tier would be the only areas requiring this type of detailed environmental analysis unless there are circumstances demonstrated for the property that would warrant a lower tier process.

For example, if the property is not near water and is currently disturbed agricultural fields, then a more streamlined process following the Mid-Tier process (ZCV for Environmental Review) could be utilized instead (see Sec. 8.2.2.F Adjustment to level of Natural Resource Assessments).

For the best information regarding a particular property, please contact Teton County Planning directly and we can explain how the regulations would or would not apply to a particular property (please e-mail Ryan Hostetter at rhostetter@tetoncountyny.gov).

How do the New Tiers Differ from the Current Natural Resources Overlay?

Many properties currently located within the 1994 NRO will be located in the proposed High Tier. However, some properties which are in the current 1994 NRO are proposed to move to the Mid-Tier and would therefore use the more streamlined Environmental Review (ER) process.

Similarly, some properties that are currently outside of the 1994 NRO are proposed to move into the High Tier and would therefore use the Environmental Analysis process. This realignment of properties between the 1994 NRO (a binary system of “in” or “out”) and the Tiered NRO (a tri-level system) more accurately aligns the natural resources expected to be found on the property with an appropriate level of Land Development Regulations process. The intent of this realignment is to create a more predictable and transparent system for landowners.

Properties that are **not** in today’s 1994 NRO overlay and are proposed to move to the High Tier will require an Environmental Analysis (EA). There are approximately 1,300 properties moving

into the High Tier that were not in the 1994 NRO (including many public properties); conversely, approximately 1,251 properties in the 1994 NRO are proposed to move to the Mid and Base Tiers, which warrants a more streamlined process.

*It is worth noting that the Land Development Regulations today do not require that a property be within the NRO to require an Environmental Analysis. This is an important point because any property (regardless of mapping) under today's regulations could require a Zoning Compliance Verification for Environmental Standards (ZCV) or Environmental Analysis (EA) unless exempt.

The main change as proposed, is more clarity on what type of process is required based on specific property location. This differs from the current regulations, which give more discretion to the Planning Director.

For example, if a property is proposed for development under today's regulations, and the property is not mapped within the current 1994 NRO, the Planning Director could require an Environmental Analysis if resources are being impacted on the property, regardless of mapping.

Are there Exemptions for the NRO?

Currently there are several exemptions for projects from requiring Environmental Analysis. Those exemptions are outlined in Land Development Regulation 8.2.2.B "Applicability."

There will be exemptions for Agriculture, small platted lots and lots with building envelopes, previously approved environmental reviews (3 years old or less), planned resorts, and a discretionary exemption by the Planning Director.

To be clear, the current exemptions from requiring an Environmental Analysis can result in the requirement for a ZCV for Environmental Standards (similar to the proposed Mid Tier), if natural resources covered by Division 5.1 and/or parts of 5.2 are present on the property.

There have been several edits to this section in the proposed draft regulations. The intent is to ensure that future development is context sensitive and environmental resources are being considered.

New development including single-family homes in the County will be required to follow the process for the tier. If your lot is currently in the 1994 NRO, the process would remain the same (or if you will now be in the Mid-Tier this could be streamlined from the current EA requirements). If you are proposing a new home in the Base Tier, you would complete and submit the checklist with your building permit application (see above, "How will the Tiers Impact my Property" for more information on the checklist). For the Mid-Tier, you would apply for a Zoning Compliance Verification (ZCV \$500.00) which is an administrative review.

Teton County data shows that most new single-family homes within the County jurisdiction are very large custom homes that could have great impacts to our local natural resources if not taken into consideration.

What if I am Building in a Platted Subdivision?

If you are within a County Commissioners approved subdivision plat and have a platted building envelope, you would submit a Base Tier checklist regardless of which tier you are mapped.

If you are building within a County Commissioners approved plat of 2 acres or less, you would also submit the Base Tier checklist.

If you are on a lot larger than 2 acres in size (with no building envelope), you would need to follow the process described within the proposed Tier.

How were the Lines on the Map Created?

After the 2012 Comprehensive Plan was approved, the County undertook a multi-year scientific process to map specific wildlife species habitats within Teton County. A technical board was formed, called the Natural Resource Technical Advisory Board (NRTAB), to provide scientific guidance on this process which resulted in the “Focal Species Habitat Mapping for Teton County, WY” which can be [downloaded here](#) (all historic and background documents can be found at this website <https://jacksontetonplan.com/156/Documents>).

The mapping project took several years, and a scientific process was used to weight and rank all of these habitats (vegetative and non-vegetative), which led to the formation of a “heat map” showing where many of the habitats are overlapping. These data were used to create the NRO tiers proposed today. Where more overlapping habitats exist (including being close to water) the land would likely be within a higher “Tier” than where there were fewer overlapping habitats.

It is worth noting that all lands within Teton County have habitat value to some species and just because land is shown in the Base Tier, does not mean that it is not as important or does not contain wildlife habitat.

Further information on how the GIS layers were created can be [found here \(for all original documents you can see the documents page here https://jacksontetonplan.com/156/Documents\)](#).

Can I Change My Tier?

Due to the scientific process of mapping the habitats, and for consistency, you are not able to change your Tier on the map unless a zoning map amendment is approved by the Board of County Commissioners. This is mainly because the map consistently uses the approved ranking process determined by the County and NRTAB back in 2017. However, because the map is at a landscape level, there are circumstances for which a map of this scale will not perfectly describe the nuances of individual parcels, and further parcel review could be warranted.

After review with the Planning Department, a landowner may apply to change to a different tier process if that process is better suited for the project. For instance, if the site does not warrant a full review of an Environmental Analysis, as an example, a Mid-Tier process may be applicable. The draft regulations in Section 8.2.2.F outline how a process adjustment may be done.

Will these New Regulations Limit Development?

The new regulations will have the same effect as the current 1994 NRO, which describes a process where a design for the project would consider environmental resources on a property, but in no way creates a lot or suggests a situation which would render a parcel “unbuildable.”

The updated Tiers are similar to the 1994 NRO, which requires a natural resources application (e.g. Checklist, Environmental Review, or Environmental Analysis) to identify impacts to habitat and site design alternatives; if design modifications are warranted to protect natural resources on the property, those design alternatives would be reviewed and discussed through the appropriate process with the developer on a site by site basis (similar to the processes in place today).

How do I Figure Out Which Tier My Land is in?

For the best information regarding a particular property please contact Teton County Planning directly and we review how the regulations would apply to a particular property (email Ryan Hostetter: rhostetter@tetoncountywy.gov or planneroftheday@tetoncountywy.gov). In short, the updated Natural Resource Overlay (NRO) tiers are very similar to the current NRO. You can find a GIS layer on this [website here \(https://www.ecoconnectjh.com/nro-stakeholders\)](https://www.ecoconnectjh.com/nro-stakeholders) and look for your property to see which tier(s) are mapped on your property. After adoption of the tiers they will be moved to the [County GIS hub here \(https://gis.tetoncountywy.gov/portal/apps/sites/#/teton-county-gis-hub\)](https://gis.tetoncountywy.gov/portal/apps/sites/#/teton-county-gis-hub). The updated NRO will include three separate “[Tiers](#)” instead of the current hatched areas on the map, and this will similarly be reflected on the GIS system and would replace the current map which has been in place since 1994.

What if I Have More Than One Tier on My Property?

The Tier a landowner would look to for the appropriate process would be where any development and disturbance would occur on the ground. For example, if you have a large piece of land with all three Tiers and your proposed development would focus on the Mid-Tier portion of the property, then you would use the Mid-Tier process. If your development would straddle the line of two or more Tiers, you would use the process for the higher Tier. This incentivizes development within areas of a lower tier on large properties.

Where Do I Get a Copy of the Base Tier Checklist?

A copy of the Base Tier checklist can be [found here](https://jacksonteton.konveio.com/base-tier-checklist) (https://jacksonteton.konveio.com/base-tier-checklist):

How Much Land is in the Current NRO vs. the New Tiers?

All Parcels ≥0.10 acre (removes condos; includes big public lands GRTE, NER, BTNF, CTNF)					
	Acres	All Parcels ≥ 0.1 acres	Residential Vacant Parcels ≥ 0.1 acres	Vacant Parcels ≥ 0.1 acres with CE	Ag Parcels ≥ 0.1 acres including with CE
1994 NRO	1,740,175	2,381	518	85	201
ZCV Probable	26,155	885	137	38	145
Base	6,986	759	141	17	67
Mid	38,762	4,580	715	75	162
High	37,022	2,490	545	86	191
1994 NRO is 196,991 acres total including public lands					
The numbers above do NOT remove Planned Resorts or Neighborhoods					
Table does NOT include parcels < 0.10 acres; 7,841 Parcels ≥ 0.1 acres					
ZCV = Zoning Compliance Verification application from the Planning Department					
CE = Conservation Easement					

Does this Apply in the Town of Jackson?

While the 2017 Habitat Mapping Project does contain lands within the Town of Jackson, these updated regulations would only apply to County Lands. The Town of Jackson would need to adopt separate updated regulations which would be different than those in the County and that

process has not begun. Any updates to the regulations within the Town would go through a full Public Hearing Process at a later time as directed by the Town Council.

How are Wetlands and Waterbodies Being Protected?

Currently the Land Development Regulations (LDRs) contain Section 5.1.1. related to [waterbodies and wetlands](#). County Staff have proposed edits to this chapter for streams, amended buffers for streams, and definition clarifications. (see [red text in 5.1.1. here](#)). In 2018 a group of local environmental professionals and landowners reached a consensus and made a recommendation surrounding some of these edits. The most substantial edit of which removes a subjective buffer requirement for streams between 50 feet to 150 feet and sets a flat buffer of 100 feet for consistency and predictability.

Currently comments have been received requesting that this entire section (5.1.1.) be revisited separate from the proposed regulations and NRO map and reviewed again. Please attend or tune into the Teton County Board of County Commissioners for direction on this topic beginning with their January 28, 2025 meeting.

Are Agricultural/Irrigation Induced Wetlands Exempt?

Currently the regulations in Section 5.1.1. exclude irrigation induced wetlands, and this language remains unchanged in the proposed draft regulations.

What is Mitigation, Enhancement and Restoration, and How has this Changed in the Regulations?

Mitigation has moved under a new section titled 5.2.2. "Habitat Mitigation, Restoration and Enhancement." The wetland mitigation (for essential facilities impacts) that had been under Section 5.1.1.D.3.b.iv has moved to the new Section 5.2.2. This section further defines and characterizes the differences between mitigation, enhancement, and restoration of disturbed areas. Clarity is provided through definitions around these types of plantings and projects to help implement the different types of projects (i.e. enhancement vs. restoration). Enhancement is bettering an existing habitat while restoration is fixing something that has been disturbed or impacted. Mitigation is amending for impacts in one location with improvements located elsewhere (preferably on the same property).

The purpose and intent of the habitat mitigation, restoration and enhancement protection standards are to distinguish between projects initiated as a requirement of development impacts, projects initiated to improve an area of previously degraded habitat, and projects intended to enhance existing natural resources.

- Habitat mitigation is the replacement and augmentation of natural resources lost to development.
- Habitat restoration is the process of returning a disturbed site to the previous natural state.
- Habitat enhancement is a stand-alone project intended to improve the existing natural resources and habitat. For all three project types, the proposed resulting natural resources may be the same as previously found at that site or that of a higher ordinal rank cover type (5.2.2.A.Purpose).