

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
January 24, 2022**

The regular meeting of the Planning Commission meeting was called to order at 6:00 PM in the Board of County Commission Chambers with Alex Muromcew, Chair, presiding.

ROLL CALL: Karen Rockey, Sue Lurie, Alex Muromcew, Devon Viehman (Absent: Kasey Mateosky)

STAFF: Ryan Hostetter, Chris Neubecker, Keith Gingery.

APPROVAL OF MINUTES: 1/10/22

MOTION: Viehman **SECONDED:** Rockey

VOTE: The vote showed 4 in favor. None opposed. The motion Passed.

ADOPTION OF AGENDA: 1/24/22

MOTION: Lurie **SECONDED:** Rockey

VOTE: The vote showed 4 in favor. None opposed. The motion Passed.

MATTERS FROM THE PUBLIC: None

OLD BUSINESS / NEW BUSINESS

NEW BUSINESS

Permit: [AMD2021-0006 – Staff Report](#)

Applicant: Teton County Department of Planning and Building Services

Presenter: Ryan Hostetter

Request: Pursuant to Wyoming Statute §16-3-103 and §18-5-202(b) and (c) that Teton County is considering adoption of amendments to the Teton County Land Development Regulations (LDRs) to update the wildlife feeding and bear conflict area standards. This amendment proposal is made by the Teton County Planning Division at the direction of the Teton County Board of County Commissioners to update the Natural Resource Land Development Regulations in phases. The proposed amendments would update and clarify certain standards related to wildlife feeding requirements in 5.1.3 of the LDRs, bear conflict areas in 5.2.2 of the LDRs, and requirement for bear resistant trash containers county-wide.

Location: Countywide

STAFF PRESENTATION:

Chair Muromcew introduced the application and thanked the audience for their interest in this topic. Special

thanks for staff for scheduling and arranging the panelists that are in attendance.

APPLICANT PRESENTATION:

Ryan Hostetter, Principal Long-Range Planner, suggested that the Commission ask questions to the presenters during or after their presentations. We have several panelists that are from out of the area, and we would like to respect their time and thank them for participating.

Heather Beresford, Whistler BC – Our community needed to take action. Local government has limited tools. She described the Bear Smart program in Whistler, BC. There is a lot more to preventing conflict, not just by-laws. We received Bear Smart status in 2011. We developed a human-bear management plan, had to spend a lot of time in the community to explain by-laws and best practices to the citizens. Parks and public spaces now have bear-proof trash cans, and they are also required for residential areas. In British Columbia, community plans are required to address bear issues at local level. Challenges in resort areas due to constant changing populations; we are including this issue in staff training programs. Had problems at restaurants, but there is a lot of staff turnover at restaurants and not a priority for restaurant owners. Local neighborhoods are more than half the problem, it's not just in tourist areas. Multi-pronged approach: waste haulers, community service officers. We have monthly meetings and public education Spring to Fall. Also using social media to spread the message. Solid waste infrastructure, we added specifications for design of bear resistant storage sheds for trash cans. Removed attractants in green spaces, including removal of vegetation with berries. Cooperation is crucial, public needs to also take responsibility. It will take time.

Rockey – What efforts did not work?

Beresford – Document you are working on tonight is important. We tried to identify every attractant; we added language that “if it’s an attractant, you need to manage it”. We learned some things are attractants that we did not previously consider. It takes time and a lot of communication.

Lurie – What have been the most consistent compliance challenge?

Beresford – Around landscaping, people are attached to their plantings. On emotional issues it’s hard to communicate.

Muromcew – How do you address gardens and bird feeders?

Beresford – We do not specifically mention gardens, but if it’s an attractant, you must manage it. We have a clause on bird feeders that they must be “inaccessible to wildlife”. Originally had design requirements for bird feeders then changed to “inaccessible to wildlife”.

Heather Johnson, USGS – Wildlife Researcher in Alaska, formerly in Colorado. Discussed research in Durango, Colorado to test effectiveness of bear-proofing. Bears were primarily feeding on trash. Study area included 2 treatment areas and 2 control areas. Test was from 2011-2016. Not everyone was locking the trash cans provided to them. Performed site visits on trash pickup days. Trash conflicts were 60% lower after in treatment areas. Strong correlation between increased compliance and reduction of bear conflicts. Surveys after the study showed increased support for ordinances. City of Durango purchased 1500 self-locking cans, and charge residents additional \$4 per month. Compliance was 92% for self-locking vs 39% for manual locking.

Lurie - Other than the cans, what else will be important for implementation?

Johnson – Try to take the human element and error out through self-locking cans.

Muromcew – Presentation addressed residential, what about commercial and restaurants? Also, is the trash collection private or municipal?

Johnson – We selected Durango because trash collection is by the municipality. We did not look at commercial, that is private collection. City is in the process of converting commercial dumpsters to be bear resistant. Initially we paid for the cans as part of the study. Later the city found ways to fund the cans. At \$4 more per month, it was affordable.

Dan Thompson, Wyoming Game & Fish, Large Carnivore Section – Provided a PowerPoint presentation. He showed a map of bear conflicts in Teton County from 2000 to 2021. About 75% of conflicts in past were with black bears, but in 2021 there were more grizzly bear conflicts than black bears. Biggest issue is with garbage, then second is pet food/livestock food and bird seed. Bear Wise Wyoming program has been in place for a while, since 2005. Try to prevent conflicts through fencing, education, hazing, capture and relocation. Outreach and education are vital. Updates to website “Bear Wise Wyoming” and trying to make experience more interactive. In Teton County, some things we do include electric fencing, Door to Door messaging, PSA and media coverage, and bear spray giveaways, and harvesting of apples for use as cider. Use a teamwork approach. Upcoming workshops on electric fencing, fruit tree replacement, workshops on Living in Large Carnivore Country. He introduced Mike Boyce and Kyle Garrett.

Rockey – Had a previous interaction with Wyoming Game & Fish department when I had a coyote and cougar in my yard three years ago. What can we do in our role of drafting the LDRs to make your job easier or more effective?

Dan Thompson – Don’t make it too cumbersome for public.

Lurie – How do you work with those that are exempted? How do you work with people with agriculture uses?

Mike Boyce – Most conflicts on apple trees are ornamental trees. Not too many orchards in area. Most agriculture conflicts are with livestock.

Viehman – Is the pet conflict with the feed?

Kelly Hatch- 4H - Yes, pet feed, livestock feed, and bird seed are all issues lumped together.

Lurie – Interested in learning how you teach about bear attractant through 4H. We discuss generally about food containment. I know of one chicken coop attacked in Bondurant; it was a sturdy structure.

Viehman – Please discuss the feed as attractant vs. the birds (chickens).

Hatch - Most conflicts in my neighborhoods is dog feed. We try to keep chicken food locked up. Mostly how you manage the feed itself, in a barrel inside a structure.

Muromcew – Are electric fences unnecessary if the feed is well secured?

Hatch - Due to nature of the environment with sturdy structure and insulation, we are already protecting the animals. Free range chickens may attract fox, racoon, but not bears.

Keelan Schupman, Teton Trash – Supply chain is an issue. We ordered 100 cans last May, about half were received in December, rest expected in April or May this year. We have had a bear proof can for about 10 years, so anyone who wants one has been able to get one. Today we do not have the inventory for the new demand. There is a lack of compliance if people do not use the bear proof cans or dumpsters properly. Most problems are overnight; Putting trash out at 8:00 am would reduce conflicts. Some bear resistant dumpsters might not fit in existing enclosure buildings. Some people have damaged fingers or get cut from the bear resistant cans. We don't have a lot of overhead to order cans. Financially challenging to order lots of cans. How do we dispose old, non-compliant cans?

Andy Ewing, West Bank Sanitation – Self-locking cans seem to work better with more compliance. He showed photos of different types of bear resistant cans. We recoup the cost through a monthly fee. They are about 4 times more expensive. We have about 350 cans ordered. Supply chain issues have been a concern. On enforcement, what do we tell people if they don't want to pay for the more expensive containers, then they change to another hauler that will collect their non-compliant cans?

Rockey – How big of a problem are commercial bins with bear access?

Schupman – Biggest issue will be wear-and-tear and other abuse. They get beat up quickly, since dumpsters move around a lot. Bears in alley, I don't know if it will be a big issue in alleys. May want to first target the restaurants.

Ewing – Consider looking at containers that do not contain food for construction sites.

Lurie – What is the life span of a cart?

Ewing – About 5 years. They can crack due to weather.

Schupman – Depends on the user. Some can last 10-12 years. Some people will take care of their cans. Renters may not use and store cans properly. But 5 years sounds about right on average.

Muromcew – What percent of cans already in use are bear proof?

Andy Ewing – About 75%. But not those in Rafter J area.

Schupman – Don't have data on that. We allow customers to purchase their own cans from Home Depot. We added 140 bear proof cans that we built ourselves.

Muromcew – So, if required in all of the County and Town, it could take years.

Keelan - About 250 – 300 cans can fit on a flatbed truck.

Hostetter – There are about 1400 residential properties in Conflict Priority Area #2.

Ewing – We want to be part of the solution. May take a year to get all properties into compliance.

Keelan – Not just an issue getting cans to Teton County, but getting them to each residential property is a challenge, too.

Muromcew – On commercial dumpsters, there is no simple solution. Issue with where they are positioned, and how trucks can access and tip them.

Andy Ewing – Yes, that is right. In big alley behind Pinky Gs. Metal dumpsters weigh 2-3 times (empty) more than plastic.

Schupman – Alleys are a problem rolling or winching the dumpsters, they break often, need two guys on each truck to move dumpsters. Often can't back the truck into the dumpster areas. We get a lot of complaints about noise.

Kate Wilmot, Grand Teton National Park - Thrilled to be here, we are in this together. We have a Bear Management Plan. Bear resistant infrastructure, we have had bear resistant cans in park for over 30 years. Also bear resistant recycling containers. New endeavor is composting. We are partnering with the Grand Teton National Park Foundation. When you make it easy to do the right thing, people will do the right thing. We have a lot of information through signs, brochures, visitors center. We don't have problems in developed areas, since we don't have gardens, bird feeders, etc.

Rockey – Thanks to Grand Teton National Park and Foundation for all the infrastructure work. Do you have any metrics on bear conflicts?

Wilmot – Yes, we do keep track of metrics.

Rockey – Is there any specific attractant where you have most of your problems?

Wilmot – Unsecured attractants, food, and cooking in campgrounds. We have very few problems with our bear resistant infrastructure.

Chip Jenkins Grand Teton National Park Supervisor – We have over 1500 people that live in the park.

Lurie – What is your advice for us? What is most effective? What do we need to keep in mind?

Wilmot – Infrastructure and education is first. Enforcement is also important, but infrastructure first.

Muromcew – Do you have any tips on how to educate the population?

Wilmot – One on one seems to work well.

Jenkins – Consistent messaging that is delivered multi-channel. Don't rely on one magic bullet, but working collaboratively with NGOs, government, and business with consistent message.

Bernie McHugh – Thanked Ryan Hostetter for all of her work. I am Secretary of Jackson Hole Bird and Nature Club, living in Wilson. I was asked about language on birdfeeders. We have a list of 450 people that we email. When we had 399 and cubs wandering through Wilson, people took their feeders in. Educating people about the issues is the place to start. Proposed language may alienate some people who want to comply. If you want to ban certain practices, such as ground feeding and open platform feeders, that is a first start. If you are 75 years old living alone, they will not install a 10 – 14 foot pole. Best way for compliance is education. I am only person I know that has every had a 10-foot-tall birdfeeder. All catch pans spill seed. Encourage people to take in feeders at night.

Rockey – Thank you, very helpful information.

Lurie – This is going to require some changes. Had not thought about taking in feeders at night.

Viehman – Thanks, I took some good notes based on what you said.

Muromcew – Is a seasonal ban on bird feeders an option?

McHugh – Most people feed in winters. Those that feed in summer tend to be hummingbird feeders and they want them on the deck near the window. Birders talk to other birders and can help with education. Don't want to alienate a supportive community.

Carlin Girard, Teton Conservation District – My comments are around gardening and fruit trees. Current language seems a bit unenforceable. In our community, crab apple trees are a problem. There may be an option to ban new apple trees. There may be programs to replace trees. Replacement program may be an option. We are working with Town and County on Good Neighbor Handbook. Would like to present voluntary options on crab apple trees.

Rockey – Many local professionals in landscaping are not aware of the handbook and regulations. Have you found any effective ways to get the message to the community?

Girard – Planning to make the handbook modular – Each section could become a one-page handout.

Lurie – Ornamental crab apples were a recommended trees from the Extension office 40 years ago. To reduce conflicts will also need to address landscaping.

Girard – Most people are not harvesting apples for food.

Viehman – How much conflict are vegetable gardens?

Girard – I have done some inquiries on gardens as attractants. Gardens will be eaten by animals, but don't think they are the type of attractants that will keep wildlife in a neighborhood. People will address gardens as an issue, vs. apple trees that have fruit all summer long, and vs. landscaping fruit trees not used as food.

Muromcew – Is it accurate to say that apple trees are only a problem when fruit falls to ground?

Girard – Its more of a concern in fall when there are lots of overripe fruit and other foods less available.

Renee Seidler – Jackson Hole Wildlife Foundation – We heard concern about January 2023 implementation date. Given logistical challenges, we think the proposed timeline is fair. We are working on an updated outreach campaign funded by a grant from Community Foundation. Updated PSA for radio station, print ads for local newspaper, all aligned with message and regulations in the LDRs and in alignment with other Bear Wise partners. We are also developing a cost share program to help with enforcement and possibly funding for people that can't afford bear proof cans.

Chelsea Carson – Jackson Hole Conservation Alliance – We support the timeline as proposed and support a phased in effort. She described some of the alliance programs, staffing levels, monitoring report, partnerships, collaborations with other foundations and NGOs. Once regulations are adopted, we will help with outreach efforts to educate community about regulations and compliance. Our community is behind the update regulations.

Rockey – Great to know how many different organizations have been involved and dedicated.

Lurie – Appreciate hearing these messages, thanks very much.

Chris Colligan, Teton County – New position as Public Works Project Manager – Thanks to all of the experts working hard on this issue. I was part of the Stakeholder group on the Natural Resource regulations in 2016. This issue was one of the least contentious issues at the time. Important to remember that there are many human-wildlife conflicts. It took about 8 years to get campgrounds bear proofed. This effort will require funding, including for public properties.

Brenda Ashworth, Teton County ISWR Superintendent – Appreciate bringing ISWR into this conversation early. We do need time to implement the infrastructure thoughtfully, and not be an undue burden to trash haulers and citizens. I support the 2023 timeframe for implementation.

Rockey – Thanks Chris, Brenda and all the speakers tonight, and thanked Planning Department and Ryan Hostetter.

Lurie – I heard suggestion that trash should not be placed overnight. There may be an option to limit the time of day that trash can be put out at the curb (8:44 pm)

Ashworth – We open at 7:00 am and have haulers waiting when we open. It can be a problem if trash cans can't be out earlier than 6:00 am. Commercial trash is picked up earlier than that.

Schupman – Yes, we do commercial pickup earlier in the morning. Residential we aim for 7:30 or 8:00 am.

PC DISCUSSION:

Gingery – Public will likely want to comment on the new version of the proposed language. Ryan and I should meet to write the revisions based on what you heard tonight, so that the public has something to comment on. February 14th is a full meeting, or you could have a special meeting.

General discussion on making edits tonight or continuing the hearing to a later date. February 28, 2022, Planning Commission meeting currently does not have any schedule items.

Rockey – I would be comfortable with next meeting February 28th.

Hostetter – Displayed the current language of the text amendment, and described changes since last hearing.

Suggested Edits:

Lurie – On bird feeders, state “ no bird feeder shall be installed or maintained on any property unless the bird feeding is installed so that the bird feeder is inaccessible to any wildlife except birds.”

Viehman – Agree, use the same language from Whistler, BC

Rockey – Agree, but do not list specific attractants. If something becomes an attractant, it shall be addressed and managed by the property owner.

Lurie – Property owner is responsible to manage any attractant.

Suggested Language by Commissioner Lurie brought up: E.

5. In the event any property and/or service area associated with the property shall be found to contain any wildlife attractant(s) not otherwise specified in the foregoing standards, the attractant(s) shall be removed or secured consistent with the foregoing standards within 15 days' notice unless an alternate time frame is agreed to with the applicable enforcement entity or entities.

Muromcew – Agree, we do not need to be exhaustively detailed.

Gingery – Keep going, since you are having some good feedback for staff. If you have other comments you can send to staff also.

Rockey – There might be a different phase-in for commercial properties.

Ryan – More of an issue in town for commercial properties. County issues are mostly residential.

Muromcew – Do we need to update building codes to ensure commercial enclosures are bear resistant?

Gingery – You previously discussed having two lists, one is a list of LDR text amendments, and another on other non-LDR issues, such as building codes, education, programs.

Hostetter – They do not require electric fences, but need to be enclosed.

Viehman – Would prefer a special meeting, since I don't want to wait another month.

Lurie – Supply chain issue may make it not possible to implement by 2023. Add “no later than 2023”

Rockey – Would not support adding language into LDRs on supply chain issues.

Viehman – Think we should have implementation this year. Would the Commission support requiring inside storage of trash cans until trash day? Also support language on self-locking trash cans. Do we require electric fence for poultry?

Neubecker – Many people don't have a garage or other location to store trash cans inside. On implementation, I like having an earlier date. Staff would use 2022 as education period rather than waiting until 2023 for regulations to go into effect.

Gingery – Perhaps a timeframe of July 1, 2022, but understand if we came to your house for enforcement on July 2nd you would have to prove that you can't get one and we could not enforce in that case. Can say starts July 1 but trash hauler may not have enough cans by then. Or, you can wait until trash haulers have them all in. We would not enforce if resident did not have ability to get the can.

Viehman – Must have can June or July 1st of this year but keep can inside until you can get one. Put in effect now, keep inside and everyone has to have one by 2023.

Neubecker – Not everyone has option of storing inside. On implementation date – earlier date good idea to start and include education/phase in period.

Muromcew – Recommend a program to help people that can not afford a \$400 trash cans, through loans or another subsidy. If people get hit with a huge bill they may dig in their heels.

Neubecker – That suggestion can be included in list of separate recommendations on programming.

MOTION: Rockey - Continue hearing to February 28, 2022

SECONDED: Lurie

VOTE: The vote showed 4 in favor. None opposed. The motion Passed.

MATTERS FROM COMMISSION - None


AGENDA FOLLOWUP – None

MATTERS FROM STAFF - None

ADJOURNMENT

A motion for adjournment was made by Lurie and Viehman seconded. The meeting was adjourned at 9:29 p.m.

Respectfully submitted:



Alex Muromcew, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-