June 9, 2021 Draft

Wildlife Friendly Fencing Amendment AMD2021-0003

~~Strikeouts~~= **delete**
Underline = add

5.1.2. Wildlife Friendly Fencing

A. Findings

Fencing is a structural element that can create an impediment for wildlife movement, resulting in both injuries and death to wildlife and damage to the fencing. The purpose of wildlife friendly fencing is to ease wildlife passage to the habitats that sustain them and reduce incidents of injury and mortality. Wildlife friendly fencing allows wildlife to jump over and pass under easily, reduces the chance of entanglement, and may incorporate openings or wildlife passes. It also includes consideration of topography and placement, such as to allow free and safe passage around special purpose or barrier fencing.

B. Applicability

~~New fences erected after September 12, 2006 shall comply with the standards of this Section.~~

~~If over 50% of the linear feet of an existing fence is replaced, the fence shall be considered "new" and shall abide by the standards of this Section.~~ ~~Except that the following shall be exempt from the provision of this Section:~~

~~1. Repair, or relocation of prior or existing fences associated with agricultural use meeting the standards for exemption in Section 6.1.3.B.; and~~ (see new sec. below)

~~2. Fences built for new riding arenas, as defined in these LDRs.~~(see new sec. below)

1. Repair or replacement of legally established non conforming fencing ~~(including fencing erected prior to September 12, 2006)~~ that does not meet the standards of Sec. 5.1.2.C and D. is permissible under the following standards:

    a. Repair of less than 10% of the total linear fence perimeter of each enclosure being repaired;
    b. Approval of a Special Purpose Fence Permit as outlined in this Div 5.1.2.E
    ~~c. Any repair of existing buck and rail or worm fencing shall receive approval of a Special Purpose Fence Permit and comply with the design requirements of 5.1.2 C.~~

2. Exemptions for Wildlife Friendly Fencing outlined in 5.1.2 :

    a. Fences associated with agricultural use on properties meeting the following:

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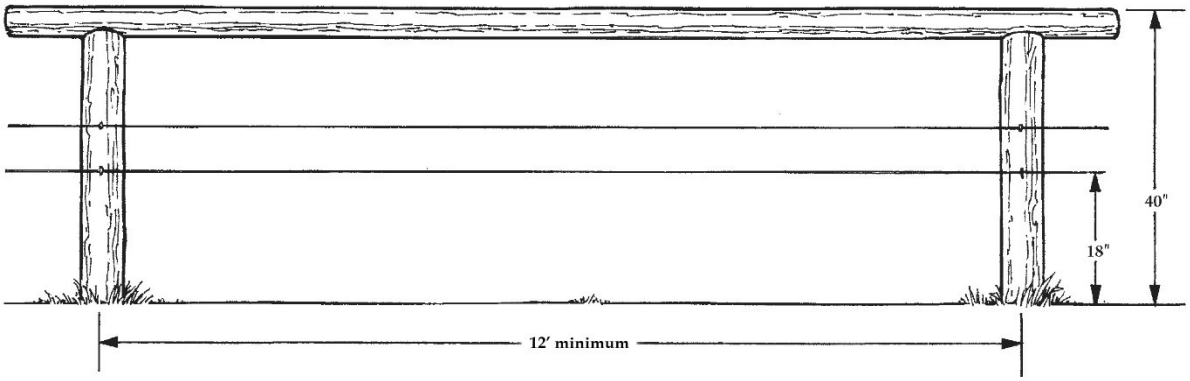
i. Properties of 70 acres or more and meeting the standards in Section 6.1.3.B .;.and;
ii. Properties containing agriculture as assessed by the Teton County Assessor; and
iii. Exempt fencing per this section is used only for agricultural purposes on the property as defined herein.

b. Fences built for new riding arenas, as defined in these LDRs; and
c. Fences erected for exclusionary purposes of small areas ~~to protect~~ such as hotwire around automatic trout feeders, apiaries, vegetable gardens, composting areas, haystacks, livestock feed storage, and ornamental landscaping areas directly adjacent to structures.

C. Fencing ~~Height~~Design

Fencing materials and design shall comply with the following standards:

1. Measurements: The top rail ~~Fencing,~~ for purposes other than livestock control, shall be no higher than 38 inches above the ground~~. Fencing~~ The top rail for livestock control shall be no higher than ~~42~~ *40* inches above the ground. The height between the bottom wire/rail and the ground shall be no less than 18" above grade. There shall be no more than three horizontal strands/rails permitted. These heights allow wild ungulates (deer, elk, moose, antelope) to jump over easily. ~~For both of the above fence types, spacing between the top two wires or top pole/rail and adjacent wire shall be at least 12 inches.~~ The spacing of fence posts shall be a minimum of 12-foot centers unless topography prohibits this spacing. The posts may have extra height to allow for any necessary lower or raising of the top rail.



~~D. Materials and Design~~

2. Materials: Wood (or similar highly visible solid material) top poles, and either wood rails or wire strands are permitted as horizontal elements in fencing, however wire shall not be used as the top most horizontal strand. When using wire, the middle or bottom wire strands shall be smooth or twisted wire. Barbed wire may be used in the middle strand when necessary to control livestock. Barbed wire is prohibited in the top and bottom strands of the fence.

~~2. The required fencing design includes a top level of a wood (or similar material) pole rather than wire. The bottom rail or wire strand shall be at least 16 18 inches above the ground. This bottom height allows easier passage for pronghorn, young deer, elk and moose, and other medium-sized mammals, and smooth wire reduces injury.~~

~~3. The spacing of fence posts shall be on 12-foot centers unless topography prohibits this spacing. The posts shall have extra height to allow for any necessary lower or raising of the top rail. Spacing of the second and third wire shall be evenly spaced. Spacing distances may vary from 7-8 inches depending on the height of the fence~~.

3. Double Fences: The spacing between parallel fencing (regardless of ownership) shall be at least 30 feet as to not create a trap for wildlife.
4. ~~The top level of a newly constructed fence shall be flagged immediately after construction. The flagging shall be white and maintained for at least 1 year~~.
5. ~~All exclusionary fencing shall demonstrate ability for wildlife to safely circumnavigate~~
6. ~~6.~~ New buck and rail ~~or~~, buck and wire, and worm fencing is prohibited unless approved by the Planning Director through a Special Purpose Fencing Exemption. ~~When buck and rail fencing is necessary due to rocky~~ or wet soil, ~~a portion of the fence shall be laid down or constructed to a lower height, not to exceed 38 inches, to allow wildlife movement.~~
7. Land disturbance and vegetation clearing for fence installation and repair shall be the minimum necessary to drive fence posts and installation of fence materials. Any land disturbance shall comply with the requirements of Div. 5.7. of the Land Development Regulations.
8. Fencing adjacent to a swale, gulley, or other topographic feature shall be designed to allow wildlife to safely cross. In these instances, the fence shall require a minimum 8 foot clear area between the fence and the animal landing/takeoff area.
9. Fences shall not be placed in such a manner as to block the natural funneling of wildlife through canyons and areas such as swales, gullies, ridges, canals, streams or other topographic features.

D. Special Purpose Fencing

Notwithstanding the provisions of this Section, the Planning Director may exempt individual special purpose fencing from this Section, provided the fencing meets the below standards. The applicant shall provide a written explanation for how the proposal qualifies for a special purpose fencing request based on the information in this section.

EXAMPLE: Examples of special purpose fencing within a non-qualifying agricultural property include fencing for a dog kennel, certain types of agricultural fencing (such as bull enclosure, pig pens, sheep enclosure, fencing to secure stored livestock feed, fencing for winter livestock feeding sites, and fencing for 4-H projects), fencing for mitigation sites, fencing for restoration areas, securing a construction site, swimming pool enclosure, screening of refuse facilities, recycling containers, dumpsters, and small yard enclosure. See Sec. 5.1.3 Wildlife Feeding.

1. Smallest area. The special purpose fencing shall encompass the smallest area necessary to achieve the purpose.

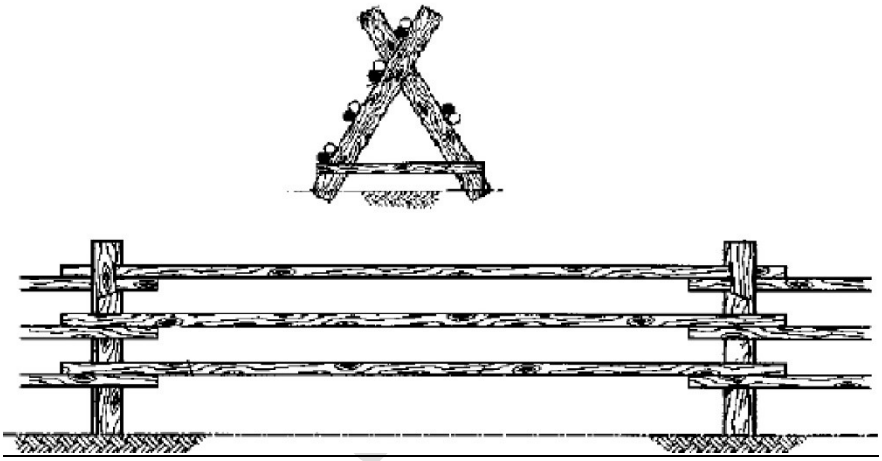
2. Specific design. The applicant shall demonstrate that the Special purpose fencing is constructed for a particular use and requires a specific design to accomplish the purpose of the fence.

3. Height in yards. Special purpose fencing located in a street yard shall not exceed 4 feet in height. Special purpose fencing located in a side or rear yard shall not exceed 6 feet in height.

4. Setback. Special purpose fencing is not subject to a setback from property lines.

5. Rocky or wet soil. Buck and rail or worm fencing may be approved when the applicant demonstrates necessity due to rocky or wet soil. A 10 foot gap in the fence shall be provided every 120 feet or constructed to a lower height, not to exceed 38 inches, to allow wildlife movement. All Buck and rail or worm fencing permitted under this section shall comply with the design requirements of Section 5.1.2 C above.

Worm Fencing



Buck and Rail Fencing

6. The Planning Director may consider other mitigation practices demonstrating improved wildlife passage such as drop down horizontal elements, open gates and other practices recommended by

Wyoming Game and Fish Department or as included in the "Wyoming Landowner's Handbook to Fences and Wildlife: Practical Tips for Fencing with Wildlife in Mind" by Christine Paige, 2015 Wyoming Community Foundation, Laramie.

7. All standards for natural resource protection as recommended by the Planning Director shall be recorded in the permit.

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