

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
August 9, 2021**

The regular meeting of the Planning Commission meeting was called to order at 6:04 PM in the Board of County Commission Chambers with Chair Kasey Mateosky presiding.

**ROLL CALL:** Kasey Mateosky, Sue Lurie, Alex Muromcew, Karen Rockey, Devon Viehman

**COUNTY STAFF:** Chris Neubecker, Ryan Hostetter, Kristi Malone

**APPROVAL OF MINUTES:** 07.26.21

**MOTION:** Lurie        **SECONDED:** Viehman

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

**ADOPTION OF AGENDA:** 08.09.21

**MOTION:**     Rockey        **SECONDED:** Muromcew

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

**MATTERS FROM THE PUBLIC:** None

**OLD BUSINESS:**

1. **Permit:**        AMD2021-0003  
   **Applicant:**    Teton County  
   **Presenter:**   Ryan Hostetter  
   **Request:**     Pursuant to Wyoming Statute §16-3-103 and §18-5-202(b) and (c) Teton County is proposing amendments to the Teton County Land Development Regulations (LDRs) to update the wildlife friendly fencing requirements. The proposed amendments would update and clarify certain standards for when wildlife friendly fencing is required, how it shall be constructed, and certain exemptions from the standards for specific uses.  
   **Location:**     Countywide

**STAFF PRESENTATION:**

Ryan Hostetter, Principal Long-Range Planner, introduced the application. This hearing is continued from the meeting of July 12, 2021. Proposal is to update the Wildlife Friendly Fencing regulations as part of the updates the Natural Resources regulations. Goal is to enhance wildlife permeability and update sections of the Land Development Regulations (LDRs) to ensure consistency and enforceability. On July 12<sup>th</sup>, there were many comments and question on repair and replacement exemptions, height of fencing, containing livestock, and fencing for landscaping. On July 29 there was a field trip to see examples of fencing at the Game and Fish property. Hostetter showed photos of fencing from the site visits, including exempt agricultural fences. Some of the fence examples were used to enclose horses, and some were 40 inches or lower. A Special Purpose Fence permit is also an option if a landowner has a special need. An example of buck and rail fencing was also shared

by Hostetter. The fence is about 46 inches in width, adding another layer that makes it tricky for wildlife to cross.

Hostetter showed a list of proposed revisions to the language since the July 12 meeting. These include removing the gap requirements for special purpose livestock containment; added language for nonexempt agriculture; added language describing buck and rail design; temporary single strand electric for livestock is permissible; clarify height on landscape vs. livestock fences. Hostetter described some of the public comments received recently. Suggestions in comments include removing worm fencing, and feedback about fencing around large landscaping fencing. She showed a draft with changes from the last meeting.

Mateosky – What is considered temporary for electric fencing?

Hostetter – As long as needed by property owner. No height requirement.

Lurie – Temporary fences used for rotational grazing, then the fencing is moved to another location to allow grazing. In my experience the fences are about chest high on the horse.

Hostetter – Christine Paige, who helped write the Fencing Guide, is here to discuss fencing and answer questions. Top rail material should be visible. Staff believes that PVC coated wire should be permissible. Top rail does not need to be wood but needs to be visible. Livestock fences are still proposed at 40 inches.

Mateosky – Requested clarification on worm fencing design relative to the graphic for buck and rail. Could you use a PVC fence?

Hostetter – We are only discussing the top rail.

#### **PUBLIC COMMENT:**

Stefan Fodor – I am confused about the change from 42” to 40”. I reviewed the Guide. He read examples from the Guide about height at 40” – 42” maximum height. Please consider allowing for livestock exemptions. I know where the deer and elk pass through my property, and I have gates in those areas that I can leave open when horses are not in field. Corrals and riding arenas need higher fences. Keep at 50% for fence replacement instead of changing to 10%. Why are corrals not exempt? Please leave height at 42”.

Christine Paige, Wildlife Biologist – I have worked on Wildlife Friendly Fencing for 15 years. I wrote similar guides in Montana and Alberta, CA, as well as Wyoming. Jackson Hole has incredibly abundant wildlife. There are daily and seasonal movements of wildlife. Fences are everywhere and they create a network of barriers to wildlife movement. She described problem fences, too high to jump, too low to crawl under, too many strands to pass through. She described statistics in a study of wildlife mortality due to fences. Young fawns and calves cannot cross the fence and can't keep up with the herd. They can't cross the fences and then they die of exposure once separated from mothers. Woven wire topped with barbed wire is most dangerous to wildlife. Female mule deer must cross average of 171 fences and 5 highways in annual migration. She described wildlife friendlier fences. She described fence standards from the 1970s and 1980s from various agencies. We now recommend 38” to 40” fences. New research recommends 18” for the bottom wire for pronghorn to go under. She described design of fences in horse pastures. Three dimensionality of buck and rail is very problematic for wildlife, deer, elk, and moose. Buck and rail fencing is popular for aesthetic purposes. Wildlife friendly fencing can reduce damage and thus reduce repair costs. Wildlife friendly fencing is becoming the normal way of doing business.

Roby Hurley – Explained that temporary use is defined in the LDRs. He responded to a previous public comment about exempting livestock in non-agricultural situations, which could be problematic since it was previously argued by Mr. Fodor in a case that dogs were livestock. Current LDRs were approved in April 2016, but the fencing standards go back to 1994. He described some of the standards that have been in place since 1994. He read from sections of past LDRs, to show that the County has been providing direction and regulations for a long time. Some ungulates and juveniles pass under fences. He described many other initiatives that promote wildlife friendly fencing. I have seen the challenges of the code compliance officer explaining the 50% fence repair rules. The 10% rule clarifies this regulation. There is also an intervention initiative with JH Wildlife Foundation and County Planning. Ryan has been very receptive to community and professional input. Special purpose fences could also be simplified.

Renee Seidler – Executive Director of the JH Wildlife Foundation – Background as researcher, biologist. I have spoken at professional conferences and have written in professional journals in fence ecology. The proposed LDR amendments exclude agriculture uses. For livestock without an agriculture exemption, the Special Purpose Fence is an option. Our suggestion includes: worm fences do not contain livestock, it's very harmful and problematic; landscaping fence should only be allowed as exclusionary fence; add 38" requirement to figure; continue to reach out to local experts; past public comment was not clear on how fence regulation apply or do not apply to agriculture uses. Staff recommendations are based on science.

Lorna Miller – Looking for clarification for electrical fence, which is the white tape and is easy to see. The wires are difficult to see. On buck and rail fences for Special Purpose, could requirement be added to require an opening or lower section while enclosure is not being used by livestock? When properties change hands, new owners don't know about intent to drop the top rail or leave gates open, and over time these practices are not implemented. Now with so much development there is much more fencing for wildlife to cross than many years ago. Over time we need to ensure permeability. Look at addressing the cumulative impacts of fences and development over time.

Julie Hugel – (Zoom) I am a Teton County resident and I recently installed wildlife friendly fence, I have wildlife on my property, and I have seasonal cows. I moved from decrepit barbed wire fence to a wildlife friendly fence, and it has worked beautifully. Please approve this amendment and tighten up the loopholes. Most of our community can accomplish the goals and stay in compliance if they know the regulations.

Chelsea Carson, Conservation Manager at JH Conservation Alliance – Our mission is to protect wildlife and community character of Jackson Hole. Please consider removing worm fencing, and only allow landscaping fencing to protect small vegetation areas.

Sandy Shuptrine – I strongly support the wildlife friendlier fence updates proposed. I agree with those folks that have provided explanation of why. Wildlife is fundamental to economy and environment. Jackson Hole should be a leader and not dragging our feet. Please approve proposed regulations.

#### **PC DISCUSSION:**

Mateosky – There appears to be confusion with Special Purpose Fencing. It could be included with building permits. Would also like to discuss landscaping fencing.

Viehman – We should ditch the worm fencing. If we are trying to be wildlife friendly, it should go. For corals being exempt, there should be a size limit stated. Where do arena fences fit in? We should define a temporary fence.

Lurie – I appreciate Viehman’s comment and defining what we mean by a corral in terms of size and function. Agree on limiting worm fences. On Mr. Fodor’s concern that 40” came out of nowhere, as new knowledge becomes available, we use new information, just like we learn more and update building codes. Based on what we have learned and what others have already done successful, we are not doing anything unusual. We are not writing rules for the exception such as horses jumping fences. I have owned horse, and if they have adequate forage, they will not jump the fence. We have Special Purpose Fences as an option. If we are to protect wildlife, we need to do the most we can, and make sure wildlife can move across the landscape.

Rockey – I am comfortable with many of the comments before me. We have seen an effort to improve on a 30-year program. I understand some resistance to change, but we can write regulations to be more specific and accommodate wildlife. I saw an HOA replace its worm fence, but it serves no purpose other than it looks nice. But we are not seeing an improvement with the 50% replacement rule. I am backing the 10% replacement as proposed. I am confident that staff has done a thorough review and I support the proposed amendments, I also support the height recommended by staff.

Muromcew – I agree with fellow commissioner on worm fencing. Worth exploring language on corrals. I support 10% limit on replacement. Would like to see landscape fencing that people use to protect significant areas of their property. Is there something we can do for a Special Fence permit? Would be useful to have data on fences. Existing Special Purpose Fencing is cumbersome. With enforcement, we end up in situation where the fence company says it’s what the owner wanted, and the owner says that the fence company said it was OK and everyone’s pointing fingers at each other.

Lurie – There is some new, nonconforming fencing. Does staff know if anyone obtaining a building permit is also given a handout explaining that we have fencing regulations? Would it help if the County website had an FAQ on fencing regulations?

Rockey – Owners can be ignorant of the regulations, and will rely on the landscaper or contractor .

Mateosky – We are good with a 10%, however most ranches repair their fences every year. Fences should be discussed during the building permit review. Let’s get rid of worm fencing. Electrical fence needs to be visible. We should go with 38” landscaping fences and 40” for livestock. We should set limit on corrals.

Hostetter – Arenas are exempt. I don’t see the need for separate regulations for a corral.

Rockey – Would you exempt an arena but not a dog run?

Hostetter – We could include a single dog run of 120 square feet.

Mateosky – Would like to see language on a dog run attached to or near the home and should be 200 square feet. Also add fence review during building permit review. We can make a recommendation to the BCC for a permit system for fences.

Rockey – Staff is shorthanded. But if there is a way via the website to automate the process online and make it easy, would that be a way to educate and encourage knowledge about wildlife friendly fencing?

Muromcew – Provide better defining language on fencing for exclusionary fences for new landscaping.

Viehman – Can we specify that wire is required and not orange fences, not plastic?

Hostetter – Showed a PowerPoint slide with a motion and revisions recommended.

**MOTION:** Motion by Viehman to recommend approval of AMD2021-0003, with the following amendments (11).

**SECONDED:** Second by Muromcew

**VOTE:** The vote showed 5 in favor. None opposed. The motion Passed.

**MATTERS FROM COMMISSION:** None

**AGENDA FOLLOWUP:** None

**MATTERS FROM STAFF:** None

**ADJOURN**

A motion for adjournment was made by Rockey and Muromcew seconded. The meeting was adjourned at 8:07 p.m.

Respectfully submitted: bn



Kasey Mateosky, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-



Hamilton Smith, Principal Planner