



1002 S 3rd Street
Laramie, WY 82070

307-721-2568
planning@co.albany.wy.us
www.co.albany.wy.us/planning.aspx

MEMORANDUM

To: Planning and Zoning Commission
From: David C. Gertsch, AICP, Planning Director
Date: June 7, 2023
Re: Platting and Subdivision Regulations Amendment - Fencing

The Wyoming Legislature amended the Platting and Subdivision Statutes to address perimeter fencing (see SF0137, attached). All proposed subdivisions that will be adjacent to property that can legally run livestock at large will be required to provide plans for the construction of perimeter fencing as part of the approval process. This will be effective July 1, 2023. Matt Ayres, Deputy County Attorney, has drafted an amendment to include these provisions in our subdivision regulations consistent with the statutory changes for your consideration. Planning staff recommends approval of these amendments.

Amend the Albany County Platting and Subdivision Resolution as Follows:

Chapter 5. Section 1. B., ADD:

8. **Fencing.** If the proposed subdivision is adjacent to lands upon which livestock can be legally run at large, the subdivider shall provide plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs and the construction of the perimeter fence;
 - (a) In accordance with W.S. § 18-5-319, the subdivider shall be responsible for the costs and construction of a perimeter fence on any part of the subdivision that is adjacent to lands upon which livestock can be legally run at large unless a legal perimeter fence already exists at that location or all adjacent landowners consent in writing that a perimeter fence is not necessary

RENUMBER ACCORDINGLY

Chapter 6. ADD:

Section 8. **Perimeter Fences.** A perimeter fence shall be a lawful fence as prescribed by W.S. §11-28-102:

- A. A fence made of steel, concrete or sound wooden posts and three (3) spans of barbed wire not more than fifteen (15) inches or less than ten (10) inches apart, or two (2) spans of barbed wire with a wooden rail on top. Wooden posts shall be at least four (4) inches in diameter. Posts shall be set firmly in the ground at least twenty (20) inches deep, at no greater distance apart than twenty-two (22) feet between posts or thirty-three (33) feet with at least two (2) iron or wooden stays between the posts. Stays shall be placed equal distance apart from themselves and the post on either side;
- B. A post and board fence made of sound posts not less than four (4) inches in diameter set substantially in the ground not more than ten (10) feet apart, with three (3) boards sold as one (1) inch lumber eight (8) inches wide, and not more than ten (1) inches apart, or four (4) boards sold as one (1) inch lumber six (6) inches wide, not more than eight (8) inches apart, securely fastened with nails or wire or otherwise;
- C. A four (4) pole fence with round poles not less than two (2) inches in diameter at the end, with either upright or leaning posts not more than sixteen (16) feet apart, and securely fastened with nails or otherwise;
- D. All other fences made and constructed of boards, rails, poles, stones, hedge plants or other material which upon evidence is declared to be as strong and well calculated to protect enclosures, and is as effective for resisting breaching stock as those described above.

RENUMBER ACCORDINGLY

Attachments:

1. Amendments as inserted into the Platting and Subdivision Regulation (only the pages with the amendments)
2. SF0137

**Attachment 1. Amendments as Inserted in the Platting
and Subdivision Regulations**

- (b) A plan for solid waste disposal within the subdivision, or a letter of certification from a public agency that it intends to provide solid waste disposal services. This requirement may be satisfied by submission of appropriate covenants on the land in connection with the establishment of a homeowners association.

8. Fencing. If the proposed subdivision is adjacent to lands upon which livestock can be legally run at large, the subdivider shall provide plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs and the construction of the perimeter fence;

- (a) In accordance with W.S. § 18-5-319, the subdivider shall be responsible for the costs and construction of a perimeter fence on any part of the subdivision that is adjacent to lands upon which livestock can be legally run at large unless a legal perimeter fence already exists at that location or all adjacent landowners consent in writing that a perimeter fence is not necessary.

89. Written certification and acknowledgement by the subdivider that:

- (a) Where individual on-lot sewage systems are proposed, the words "NO PROPOSED CENTRALIZED SEWAGE SYSTEM" in bold capital letters shall appear on all offers, solicitations, advertisements, contracts, agreements, and plats relating to the subdivision;
- (b) Where individual on-lot wells are proposed, the words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEMS" in bold capital letters shall appear on all offers, solicitations, advertisements, contracts, agreements, and plats relating to the subdivision;
- (c) If the subdivider proposes to make any streets, alleys, or roadways private, then the subdivider shall submit to the Board properly acknowledged written certification that certain streets, alleys, or roadways within the subdivision shall remain private and the Board shall be under no obligation to repair, maintain, or accept any dedication of such roads to the public use. If no such public maintenance is contemplated, the subdivision shall put on all

- (vi) Surface treatment as required for year-round passage.
- (vii) If subdivision roads accessing the water resource will cross bridges, cattle guards, or culverts, the design of these structures shall allow passage of vehicles used for firefighting.

Amended 12/01/15

Section 7. Underground Utilities.

- A. All electric and communication utility lines and services, and all street lighting circuits shall be installed underground, except for the following:
 - 1. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessary appurtenant to such underground and street lighting facilities;
 - 2. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or above-ground facilities;
 - 3. Overhead electric transmissions and distribution feeder lines, existing or new;
 - 4. It shall not be necessary to remove or replace existing utility facilities used or useful in serving the subdivision.
- B. Deviations from the requirements, other than those listed above, shall be permitted only with the written recommendation of the Planning and Zoning Commission and the Board who shall make recommendation only in cases of extreme difficulty.

Section 8. Perimeter Fences. A perimeter fence shall be a lawful fence as prescribed by

W.S. §11-28-102:

- A. A fence made of steel, concrete or sound wooden posts and three (3) spans of barbed wire not more than fifteen (15) inches or less than ten (10) inches apart, or two (2) spans of barbed wire with a wooden rail on top. Wooden posts shall be at least four (4) inches in diameter. Posts shall be set firmly in the ground at least twenty (20) inches deep, at no greater distance apart than twenty-two (22) feet between posts or thirty-three (33) feet with at least two (2) iron or wooden stays between the posts. Stays shall be placed equal distance apart from themselves and the post on either side:

Style Definition: Heading 3

Formatted: Heading 3 Char1, Font: Not Bold

Formatted: Heading 3 Char1

Formatted: Indent: First line: 0.5", Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Commented [MA1]: Address wildlife friendly fencing?

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.5"

- B. A post and board fence made of sound posts not less than four (4) inches in diameter set substantially in the ground not more than ten (10) feet apart, with three (3) boards sold as one (1) inch lumber eight (8) inches wide, and not more than ten (1) inches apart, or four (4) boards sold as one (1) inch lumber six (6) inches wide, not more than eight (8) inches apart, securely fastened with nails or wire or otherwise;
- C. A four (4) pole fence with round poles not less than two (2) inches in diameter at the end, with either upright or leaning posts not more than sixteen (16) feet apart, and securely fastened with nails or otherwise;
- D. All other fences made and constructed of boards, rails, poles, stones, hedge plants or other material which upon evidence is declared to be as strong and well calculated to protect enclosures, and is as effective for resisting breaching stock as those described above.

Formatted: List Paragraph, Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25", No widow/orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Section 98. Landscaping.

- A. Purpose. The purposes of these regulations are to provide for the enhancement of the county image, buffer between incompatible land uses by reducing excessive noise, air, and visual pollution, preserve the integrity of residential neighborhoods and to provide for the general health, safety, and welfare of the public by means of landscaping during community development.
- B. Relationship to Other Regulations and Laws. If other municipal, county, state and federal laws and regulations or subsequent Albany County resolutions place more restrictive standards pursuant to landscaping, those more restrictive standards under the appropriate jurisdiction will apply.
- C. Affected Land Uses.
 - 1. This section shall apply to new residential subdivisions, including mobile home parks, within the major corridors of the unincorporated area of Albany County. The major corridors are Interstate 80 and Highways 287, 230 and 130.
 - 2. The requirements shall not apply to any completed applications filed with the Albany County Planning Office prior to the effective date of the resolution.
 - 3. The requirements shall not apply to small subdivisions (three or less parcels).

Attachment 2. SF0137

ENROLLED ACT NO. 91, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to planning and zoning; requiring subdividers to construct and pay costs for perimeter fences as specified; specifying requirements for perimeter fences for subdivisions; specifying financial responsibility for maintaining perimeter fences; requiring the inclusion of perimeter fence information in subdivision permit applications; repealing conflicting provisions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 18-5-319 is created to read:

18-5-319. Fencing requirements for subdivision permits.

(a) Each subdivider seeking to create or divide a subdivision that is adjacent to lands upon which livestock can be legally run at large shall comply with all of the following:

(i) The subdivider shall be responsible for the construction of a perimeter fence on any part of the subdivision that is adjacent to lands upon which livestock can be legally run at large unless a legal perimeter fence already exists at that location or all adjacent landowners' consent that a perimeter fence is not necessary;

(ii) The perimeter fence required under this subsection shall be a lawful fence as prescribed by W.S. 11-28-102;

(iii) The subdivider shall be responsible for all costs of the original construction for the perimeter fence.

ENROLLED ACT NO. 91, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

(b) Upon completion of the construction of a perimeter fence required under this section, the subsequent landowner or, if the subdivided parcel has not been sold, the subdivider shall:

(i) Be responsible for the costs of maintaining the perimeter fence provided that the adjoining landowner shall be responsible for half of the costs of maintaining the perimeter fence, not to exceed the reasonable costs to maintain the fence if the fence was a fence under W.S. 11-28-102(a)(i);

(ii) Not be liable for any damage caused by or arising from livestock pastured on adjoining land that may breach the perimeter fence and wander on the subdivided land, provided that the perimeter fence is maintained in accordance with this section.

(c) The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land except as provided in W.S. 11-28-108.

(d) Before receiving a subdivision permit under this article, a subdivider shall provide information and evidence of the construction or plans to construct any perimeter fence required by this section in accordance with W.S. 18-5-306(a)(xiii).

Section 2. W.S. 18-5-306(a) by creating a new paragraph (xiii) is amended to read:

18-5-306. Minimum requirements for subdivision permits.

ENROLLED ACT NO. 91, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section, including paragraph (xii) of this subsection, the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(xiii) If required under W.S. 18-5-319, plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs of the perimeter fence and the construction of the perimeter fence.

Section 3. W.S. 11-28-106(b) is repealed.

ORIGINAL SENATE
FILE NO. SF0137

ENGROSSED

ENROLLED ACT NO. 91, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

Section 4. This act is effective July 1, 2023.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk