

5.1.5. Water Quality (1/1/15)

property where the accumulation is located. Agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt as specifically related to manure from domestic animals and fowl.

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[Section reserved for future standards]

**5.1.6. Manmade Features** (1/23/23)

**A. Purpose**

The purpose of this section is to establish design standards for the creation of manmade waterbodies, landforms, and other habitat features in order to ensure that manmade features:

1. Preserve and enhance water quality (Principle 1.2 of the Comprehensive Plan);
2. Protect wildlife from the impacts of development (Principle 1.1 of the Comprehensive Plan); and
3. Appear to be naturally occurring and are consistent with surrounding features (Principle 1.3 of the Comprehensive Plan).

**B. Applicability**

This Section is applicable to any manmade feature, whether proposed voluntarily or required by these LDRs, and regardless of whether creation of the feature requires a physical development permit.

1. This Section shall apply to new features and alterations to existing features, whether the existing features are natural or manmade.
2. Alteration of a nonconforming manmade feature that does not meet the standards of this Section shall be subject to the requirements of Sec. 1.9.2., Nonconforming Physical Development.
3. In addition to this Section, all standards of the LDRs pertaining to gravel extraction (Section 6.1.9.F. or 6.1.12.F.) and grading, erosion control, and stormwater management (Div. 5.7.) shall apply.

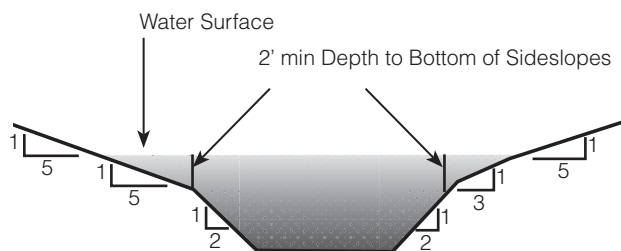
**C. Manmade Waterbodies**

1. **Intent.** The intent of this subsection is to preserve and enhance water quality and protect wildlife when a manmade waterbody is created.
2. **Waterbody Purpose.** A manmade waterbody shall serve at least one of the following purposes.
  - a. **Agriculture.** The manmade waterbody is part of an agricultural operation.
  - b. **Fire Suppression.** The manmade waterbody is approved by the Fire Marshal as necessary and required for fire suppression.
  - c. **Habitat.** The manmade waterbody provides wildlife habitat pursuant to the standards of this Section.

- d. **Ornamental Water Feature.** The manmade waterbody is part of the architectural design of the site.
3. **All Manmade Waterbodies.** The following standards shall apply to all manmade waterbodies.
- a. **Airport Proximity.** No manmade waterbody shall be located within 10,000 feet of the Jackson Hole Airport runway.
  - b. **Location.** A manmade waterbody shall meet all natural resource setbacks and the site development setbacks for the site.
4. **Ponds.** In addition to the standards applicable to all manmade waterbodies, manmade ponds shall be subject to the following standards.
- a. **Exempt Ponds.** The following ponds are exempt from the standards specific to ponds.
    - i. **Agricultural Pond.** A pond that is part of an agricultural operation meeting the standards for exemption in Section 6.1.3.B.
    - ii. **Stormwater Management Pond.** A pond that is verified by the County Engineer to have the sole purpose of stormwater management.
  - b. **Location.** The pond shall be located at least 50 feet from any building.
    - i. Maintenance, alteration, expansion, and replacement of a lawfully established building located closer than 50 feet from a lawfully established manmade pond shall comply with Section 1.9.2.B. except that:
      - a). If the expansion cannot be located 50 feet from the manmade pond, the expansion shall be located no closer to the manmade pond than the closest point of the existing building; and
      - b). The applicant shall mitigate additional impacts to the 50 foot buffer at a ratio of 2 sf of mitigation to 1 sf of impact.
    - ii. Maintenance, alteration, expansion, and replacement of a lawfully established manmade pond located closer than 50 feet from a lawfully established building shall comply with Section 1.9.2.B.
  - c. **Buffer Establishment**
    - i. A 50 foot buffer of native vegetation shall be planted along the shoreline for the purpose of protecting the water quality and the habitat value of the pond.
    - ii. Riparian access shall be allowed for a maximum of 10% of the shoreline.
  - d. **Well-Fed Ponds.** Water from a well used to fill a pond shall be pretreated through a wetland prior to entering the pond.

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- e. **Outfall.** The pond shall not outfall into a river, stream, or ditch unless the outfall is designed to meet the following standards.
  - i. The outfall shall draw from a minimum depth of 4 feet.
  - ii. The outfall shall discharge through a wetland sized to accommodate the nutrient load of the pond and volume of the outfall.
- f. **Winter-Safe Aerators.** If installed in a pond an aerator shall meet the following standards.
  - i. An aerator shall be turned off from December 1 through April 15.
  - ii. An aerator shall be located so that the bubble trail from the aerator reaches the shoreline.
- g. **Non-Plastic Liner.** If lined, the pond liner shall not include plastic material.
- h. **Pond Side Slopes**
  - i. **15 Foot Shoreline Transition.** The slope from the shoreline to upland areas shall be no steeper than 5 (horizontal) : 1 (vertical) for at least 15 feet from the ordinary high water mark toward the upland area.
  - ii. **First 2 Feet of Pond Depth.** Side slopes into the pond necessary to reach a depth of 2 feet shall be designed and maintained to the following standards.
    - a). At least 50% of the shoreline length of the pond and any island shall have side slopes that are no steeper than 5:1.
    - b). All other side slopes shall be no steeper than 3:1.
    - c). Side slopes shall receive a minimum of 6 inches of topsoil.
  - iii. **Deeper Than 2 Feet.** At a depth of greater than 2 feet, side slopes shall be no steeper than 2:1.



- iv. **Supplemental Water Supply.** A supplemental water supply, e.g., water from the Snake River or any other watercourse and conveyed irrigation ditches, shall be developed, if necessary, to stabilize water levels and prevent steeper grades from becoming exposed.
- i. **Habitat Pond.** In addition to the standards above, a habitat pond shall meet the following standards.
  - i. **NRO and EA Apply.** A habitat pond located in the NRO shall be subject to the standards of Sec. 5.2.1. and Sec. 8.2.2., regardless of zone.

- ii. **Shallows.** Sufficient shallows to allow the pond to effectively function as wildlife habitat shall be provided. The design shall be reviewed, at the applicant's expense, by a wildlife biologist to ensure that shallows are designed to provide safe and functional wildlife habitat, including but not limited to the following goals:
    - a). Ensuring safe ungulate ingress and egress
    - b). Planting of the aquatic bench with vegetation preferred by native waterfowl, fish, ungulates, amphibians and reptiles.
5. **Ornamental Water Feature.** In addition to the standards applicable to all manmade waterbodies, an ornamental water feature shall meet all of the following standards.
- a. The entire feature shall be within 50 feet of a building on the site.
  - b. The feature shall be a maximum of 2 feet deep.
  - c. The area of the feature shall be a maximum of 1,000 square feet
  - d. The feature shall be lined.
  - e. The feature shall not outfall into a river, stream, or ditch.
  - f. If installed in a feature, an aerator shall be turned off from December 1 through April 15.
  - g. The area of the feature shall be considered site development unless the feature is used to harvest rainwater for reuse on site as irrigation.

#### D. Manmade Landforms

- 1. **Intent.** Manmade landforms are used to screen a structure, absorb sound, or reuse excavated material on site. The intent of this subsection is to establish standards to ensure that manmade landforms do not negatively impact wildlife, appear to be naturally occurring, and are consistent with surrounding features. It is the intent that compliance with this subsection constitutes conformance to general natural landforms (Section 5.7.2.A.4) and minimization of cut and fill (Section 5.7.2.A.9).
- 2. **Berm.** A berm that is 4 feet in height or greater shall meet the following standards.
  - a. **Location**
    - i. A berm shall meet all natural resource setbacks.
    - ii. A berm shall meet side and rear site development setbacks for the site (however, a berm shall not be considered site development).
    - iii. A berm shall have a street setback of 5 feet for a road classified by the County Engineer as major local or greater.

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- b. **Outward Slope.** The ends of the berm and side of the berm facing out of the property shall meet the following standards.
  - i. **SRO.** Inside the SRO a berm shall have an outward slope no steeper than 20:1.
  - ii. **Outside the SRO**
    - a). A berm facing a side or rear lot line shall have an outward slope no steeper than 5 (horizontal) : 1 (vertical) slope.
    - b). A berm facing a front lot line shall have an outward slope no steeper than 2 (horizontal) : 1 (vertical) slope.
- c. **Maximum Height.** The maximum height of a berm at any point, as measured from the nearest point of natural grade to the top of the crown of the berm, shall be 6 feet; except that the following berms shall not exceed 10 feet.
  - i. A berm in the street yard; or
  - ii. A berm in the R-1, R-2, or R-TC zones.
- d. **Undulation.** Berms shall be shaped to emulate natural undulation in terrain rather than appear monolithic, pyramidal, or extruded. In addition, a berm facing a side or rear lot line shall meet the following standards.
  - i. The berm height shall not exceed 4 feet for a continuous berm facade width of greater than 100 feet.
  - ii. If the overall berm facade width exceeds 100 feet, at least 25% of the berm facade width shall have a height no greater than 4 feet.
- e. **Vegetation.** A berm shall be vegetated pursuant to Section 5.5.4.B.
- f. **Fencing.** Fencing is prohibited on a berm.
- g. **NRO and EA Apply.** A berm located in the NRO shall be subject to the standards of Sec. 5.2.1. and Sec. 8.2.2., regardless of zone.
- h. **Exemptions**
  - i. Site development setbacks and outward slope standards shall not apply upon mutual application by adjacent land owners.
  - ii. This Section shall not apply to temporary stockpiles.