

AMD2018-0001: Ponds and Berms Requirements

Public Review Draft: May 23, 2018

Below are the proposed changes to the LDRs to regulate Ponds and Berms. The overall organizational approach is to create a new Section (5.1.6) that governs the natural resource and scenic considerations of manmade landforms, while leaving the grading, erosion, and stormwater standards in Division 5.7 and the gravel extraction standards in Section 6.1.12. Existing text that was reorganized is presented below in black with reference to its current location in the LDRs. New text is presented as red, underline. Existing text proposed to be deleted is presented as red, strikethrough. The intent of this representation is to highlight what is new instead of highlighting the reorganization.

5.1.6 Manmade Features

- 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, are consistent with surrounding features, and do not obstruct protected viewsheds (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 legally created, existing manmade feature that does not meet the standards of this Section shall be subject to the requirement of Sec. 1.9.2, Nonconforming Physical Development.
 3. In addition to this Section, all standards of the LDRs pertaining to gravel extraction (Sec. 6.1.9.F or 6.1.12.E) 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, or meet the standards for an ornamental water feature.
 - 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.
 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. Water Supply. The filling of the pond manmade waterbody shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office. (formerly 6.1.12.F.2.d.ii.a)

4. Ornamental Water Feature. In addition to the standards applicable to all manmade waterbodies, an ornamental water feature is subject to the following standards.

- a. The entire feature shall be within 50 feet of a structure 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. The feature shall not utilize an aerator or circulator.
- g. The area of the feature shall be considered site development unless the pond is used to harvest rainwater for reuse on site as irrigation.

5. 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 (formerly 6.1.12.F.2.a). A pond for agricultural purposes that is part of an agricultural operation meeting the standards for exemption in Section 6.1.3.B. is exempt from the standards of this Section.
 - ii. Wildlife Pond on a Vacant Site. A pond on a site with no physical development or use, which is verified by the Planning Director to have the sole purpose of wildlife habitat or stormwater management.
- b. Location. The pond shall be located at least 50 feet from any structure.
- c. No Surface Outfall. The pond shall not outfall into a river, stream, or ditch.
- d. Liner. The pond shall be lined.
- e. Aerators Prohibited. The pond shall not utilize an aerator or circulator unless it is on a site with no residential use and is verified by the Wyoming Game and Fish to have the sole purpose of wildlife habitat.
- f. Buffer Establishment
 - i. A 50 foot buffer of native vegetation shall be planted along the entire shoreline for the purpose of protecting the water quality and the habitat value of the pond.
 - ii. A maximum of 25% of the established buffer may be managed (i.e. mowed) but must remain native. (See Buffer Management Guidelines).
- g. 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 shore toward the upland area.

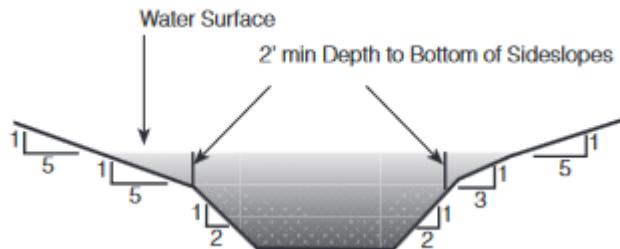
ii. First 2 Feet of Pond Depth. Side slopes into the pond necessary to reach a depth of 2 feet shall be designed and maintained to the following standards.

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; ~~the Planning Director may waive or alter this requirement, based upon there being no reasonable expectation that the pond will be used by waterfowl and upon demonstration that the design shall not pose a safety hazard.~~

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.

h. Habitat Pond. In addition to the standards above, a habitat pond shall meet the following standards.

i. NRO and EA Apply. All habitat ponds are subject to the standards of Section 5.2.1 and 8.2.2, regardless of zone.

ii. Shallows. Sufficient shallows to allow the water feature pond to effectively function as wildlife habitat shall be provided. The design shall be reviewed, at the applicant's expense, by a wildlife biologist or by Wyoming Game and Fish, to ensure that shallows are designed to provide functional wildlife habitat.

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, are consistent with surrounding features, and do not obstruct protected viewsheds. 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 (Sec. 5.7.2.A.9).

2. Berm. A berm that is 4 feet in height or greater shall meet the following standards.

- a. Location. The toe of a berm shall meet all natural resource setbacks and the site development setback for the site (however, a berm shall not be considered site development).
- b. Outward Slope. The ends of the berm and side of the berm facing out of the property shall meet the following standards.
 - i. Outside the SRO a berm shall have an outward slope no steeper than 5 (horizontal) : 1 (vertical) slope.
 - ii. Inside the SRO a berm shall have an outward slope no steeper than 20:1.
- c. Maximum Height. The maximum height of a berm at any point shall be 10 feet, as measured from the nearest point of the low-side toe.
- d. Undulation. Berms shall be shaped to emulate natural undulation in terrain rather than appear monolithic, pyramidal, or extruded.
- e. Fencing. Fencing is prohibited on a berm.
- f. NRO and EA Apply. The berm shall be subject to the standards of Section 5.2.1 and 8.2.2, regardless of zone.
- g. Exemptions.
 - i. Site development setbacks and outward slope standards shall not apply upon mutual application by adjacent land owners.
 - ii. The dimensional standards shall not apply to a berm that is part of a public, linear transportation or utility project, if a defined easement or right-of-way precludes construction of the berm that meets the dimensional standards.

5.2.1.D.2. [Applicability of NRO Standards] NC-TC Zoned Lands. All physical development, use, and development options, except new subdivisions, habitat ponds, and berms, within the NC-TC zone, or within the R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, shall be exempt from the standards of this Section, except that G.4., G.6., and Sec. 5.1.2. shall apply.

8.2.2.B.1.c [Environmental Analysis, Exemptions] NC-TC. All development located within the NC-TC zone, or within the R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, except new subdivision, habitat ponds, and berms.

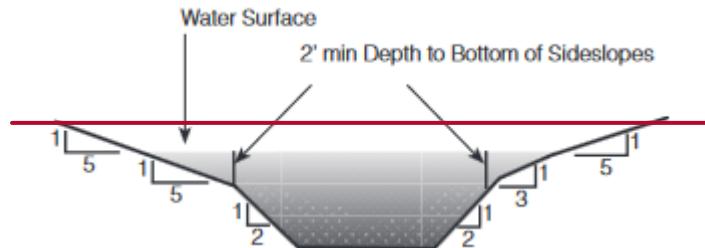
5.3.2.G.5.b. [Scenic Resources Overlay, Foreground Standards] Berms. Berms may be used to screen structures located within a meadow or pasture provided the side of the berm exposed to critical views from designated scenic roads ~~rises at no greater than a 5% grade is no steeper than 20 (horizontal) : 1 (vertical)~~. Berms may be used to screen structures located in undulating terrain provided the berm meets the standards of Section 5.1.6. and is designed to appear as a naturally occurring extension of the existing topography. Berms must be planted to replicate the surrounding plant communities.

6.1.12.F.2.d. [Temporary Gravel Extraction and Processing, Reclamation Standards]

- ii. Ponds/Water Features. All ponds or water features created by gravel extraction shall meet the standards of this SubsectionSection 5.1.6.
 - a) Water Supply. Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.

b) ~~Shoreline Transition. The slope from the shoreline to upland areas shall be no more than 5:1 for at least 15 feet from the shore toward the upland area.~~

c) ~~Pond/Water Feature Side Slopes. All pond and island shorelines shall have 5:1 side slopes for at least 50% of the shoreline length; the Planning Director may waive or alter this requirement, based upon there being no reasonable expectation that the pond will be used by waterfowl and upon demonstration that the design shall not pose a safety hazard. All other side slopes shall be no steeper than 3:1. All side slopes shall be maintained into the pond/water feature for the length necessary to reach a depth of 2 feet; thereafter, side slopes shall be no steeper than 2:1. Shorelines shall receive a minimum six inches of topsoil until the side slope reaches a depth of 2 feet.~~



d) ~~Shallows. Sufficient shallows to allow the water feature to effectively function as wildlife habitat shall be provided. The design shall be reviewed, at the applicant's expense, by a wildlife biologist or by Wyoming Game and Fish, to ensure that shallows are designed to provide functional wildlife habitat.~~

e) a) ~~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.~~