

**Mayor**

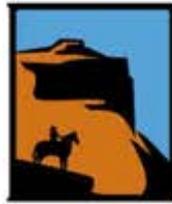
**Robert Houston**

**City Manager**

**Joseph Decker**

**Treasurer**

**RaeLene Johnson**



**KANAB**  
— UTAH —

**City Council**

**Brent Chamberlain**

**Cheryl Brown**

**Kirt Carpenter**

**Joe B. Wright**

**Kent Burggraaf**

**KANAB CITY COUNCIL**

September 23rd, 2014

76 NORTH MAIN, KANAB, UTAH

**NOTICE** is hereby given that the Kanab City Council will hold its regular council meeting on the 23rd day of September, 2014, at the Kane County District Court Room at the Kane County Courthouse at 76 North Main, Kanab, Utah. The Council Meeting will convene at 6:00 p.m., and the agenda will be as follows:

**6:00 P.M. Work Meeting**

- Juvenile Court Presentation
- Airport
- General Plan

**Business Meeting**

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of minutes of previous meeting
4. Approval of Accounts payable vouchers
5. Public Comment Period – Members of the public are invited to address the Council. Participants are asked keep their comments to 3 minutes and follow rules of civility outlined in Kanab Ordinance 3-60
6. Discuss a contribution to Earth Day Festival
7. Discuss Ordinance 9-1-14 O “ An Ordinance amending Kanab City Land Use Ordinance concerning Sensitive Lands”
8. Closed Session:
  - Discuss the character, professional competence, or physical or mental health of an individual.
  - Discuss pending or reasonably imminent litigation.
  - Discuss the purchase, exchange, or lease of real property.

Times listed for each item on the agenda may be accelerated as time permits. If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact RaeLene Johnson at the Kanab City offices.

– A Western Classic –

## **KANAB CITY COUNCIL MEETING**

**SEPTEMBER 9, 2014**

### **KANE COUNTY COMMISSION CHAMBERS**

**PRESENT:** Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Kent Burggraaf, Brent Chamberlain and Joe B. Wright, City Recorder Joe Decker and City Treasurer RaeLene Johnson.

**WORK MEETING:** Mayor Houston opened the work meeting at 6:35 p.m.

Council Member Brown reported on the Skate Park Committee meeting. The Committee didn't think it was very realistic to try and raise \$250,000. They felt they could possibly raise \$125,000. They had the finished RFP. Council Member Brown felt the RFP was too extensive. It was suggested that they make the skate park a place for teenagers to meet "Teen Plaza". Council Member Wright felt the City needed to speed the process. Some students who have been giving a lot of time and effort to the fund raising will be out of school and out of the community soon. Doing the skate park in phases was discussed. Council Member Burggraaf didn't think it would be easy to get local funding through donations after the first phase. Mayor Houston said he was concerned. He didn't think that even \$125,000 could actually all come from fund raising. Council Member Carpenter said that the County agreed to match the City's \$15,000 if there was a written plan. Now that the RFP is completed, they should be willing to match. Council Member Brown also reported on the Arts Council meeting. They want to separate the gallery from the arts, but Arts Council would like to still use the basement in the museum. Council Member Chamberlain said that the Heritage Museum needed to use the additional space. Council Member Brown said that the Arts Council wants to use \$600 of the money for art classes and the remaining to be put into a capital projects account.

Mayor Houston said he had met with the Water Conservancy District. He said there will be a change in the billing that will include a lot more information on the bill. The State wants a reduction in water use by 25% in the next couple of years. Council Member Carpenter talked about the water rates changing from the higher water users paying more instead of less.

Mr. Rich Csenge addressed the Council concerning the Amazing Earth Fest. He said he has been working on the Amazing Earth Fest for nine years. He wants to get a strategic plan to transition the Festival to sustain itself. He is asking for \$3,000 from the City. He feels he needs to hire a professional to be director of the Festival. He would also like to have a member of the Council be a liaison with the Amazing Earth Fest Board. Council Member Carpenter said he didn't mind helping these events for a few times, but they need to eventually sustain themselves.

Council Member Chamberlain left the meeting.

Mr. Csenge was told his request would be put on the next agenda for any action.

Prayer was offered by Joe B. Wright. Pledge of allegiance was led by Joe Decker.

Mayor Houston called the meeting to order at 7:17 p.m. Roll Call was taken. Council Member Chamberlain excused.

**APPROVAL OF AGENDA:** A motion was made by Council Member Carpenter and 2<sup>nd</sup> by Council Member Brown to approve the agenda. Motion passed unanimously. Council Member Chamberlain absent.

**APPROVAL OF MINUTES:** A motion was made by Council Member Burggraaf and 2<sup>nd</sup> by Council Member Brown to approve the minutes of August 26<sup>th</sup> as amended. Motion passed unanimously. Council Member Chamberlain absent.

**APPROVAL OF ACCOUNTS PAYABLE:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Brown to approve the check register for September 8 for \$155,231.48. Motion passed unanimously. Council Member Chamberlain absent.

**PUBLIC COMMENT PERIOD:** No comments received.

**APPROVAL OF INTERLOCAL AGREEMENT FOR LEGAL SERVICES:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Carpenter to approve the Interlocal Agreement for legal services with Kane County. Motion passed unanimously by roll call vote. Council Member Chamberlain absent. Council Member Burggraaf disclosed that he is employed by the attorney's office and would not be impacted economically by this agreement, so therefore he would not have to abstain from the vote.

**APPROVAL OF LEASE AGREEMENT BETWEEN CHILDREN'S JUSTICE CENTER AND KANAB CITY FOR A PORTION OF FIRE STATION #2:** Tabled.

**CONSIDER RESOLUTION 9-1-14R AMENDING THE KANAB CITY PERSONNEL POLICY:** A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Carpenter to adopt Resolution #9-1-14 R amending the personnel policy concerning travel. It was amended to say reimbursement for travel expenses will be based on the current IRS formula for mileage and per diem. Motion passed by roll call vote. Council Member Chamberlain absent.

A motion to adjourn was made by Council Member Wright and 2<sup>nd</sup> by Council Member Brown. Motion passed unanimously. Council Member Chamberlain absent.

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Robert D. Houston

Mayor

Recorder

Joe Decker

**ORDINANCE NO. 9-1-14 O**

**AN ORDINANCE AMENDING KANAB CITY LAND USE ORDINANCE CONCERNING SENSITIVE LANDS**

**WHEREAS**, the Kanab City Planning Commission and staff have evaluated current land use requirements and procedures and has found a need for clarification; and

**WHEREAS**, The Kanab City Planning Commission conducted the required Public Hearing on December 3<sup>rd</sup> 2014 and recommended to the City Council that the Land Use Ordinance be amended;

**NOW, THEREFORE, BE IT ORDAINED** by the Kanab City Council that the Kanab City Land Use Ordinance is hereby amended as reflected in the following 30 pages.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

**PASSED AND ORDERED POSTED** this 23rdth day of, September 2014.

KANAB CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
RECORDER

# Chapter 11 – Sensitive Lands

~~An ordinance to regulate~~ development in sensitive areas and to preserve Kanab's unique visual character, ~~to promote~~ conserve the public health, safety, and general welfare, and ~~to promote~~ require environmentally sound design and planning.

## Sections

11-1 Purpose

11-2 ~~General Provisions~~ Policies Promoted

11-3 Applicable Provisions

11-4 Development Permit Process

11-5 Required Permit Documents

11-6 Development Standards

11-7 ~~Exceptions to this Ordinance~~ Exempt Actions

## Section 11-1 Purpose

11-1.1. ~~The purpose of this section is to regulate development in sensitive areas~~ This Chapter regulates development in Kanab City's sensitive areas in order to preserve ~~the City of Kanab~~ City's unique visual character, ~~conserve~~ to promote the public health, safety, and general welfare, and ~~promote~~ to require environmentally sound design and planning.

11-1.2. The mountains, hillsides, riparian areas, and other natural features around the community create a desirable setting, ~~visible to~~ for the entire city. ~~In order to insure the preservation of these features, the regulations of this section are established to recognize that~~ Development of land within these areas involves special considerations and unique situations. These special considerations and unique situations include such as, but ~~are not limited to,~~ increased hazards to development from rock falls and other geologic hazards, storm water runoff, and high ground water tables. ~~In addition, these~~ natural features may ~~can often create challenges in providing public services or present limit designs~~ limitations to ~~for~~ roadways, cuts and fills, and buildings, ~~and difficulties in providing public services.~~

## Section 11-2 General Provisions Policies Promoted

11-2.1. ~~The~~ This Chapter promotes the following ~~policies~~ policies to be achieved by this Chapter shall include, but not be limited to, the following:

11-2.1.1. Encourage the appropriate location, design, and development of proposed projects ~~which provide enhanced human enjoyment,~~ while ~~protecting life and property from~~mitigating any potentially hazardous conditions ~~particular~~ associated with the hillsides, ~~including such as~~ rock falls, storm water runoff, and mass movements;

11-2.1.2. ~~Preserve the views of Kanab City's hills and mountains~~ Preserve predominant views from and of the hillside areas in order to retain the sense of identity and imagery that the hills and mountains now impart to Kanab City. ~~Protect~~<sup>[DS1]</sup> and preserve the visual resources which are of significant value to the community, such as natural drainage areas, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formations, trees, and other areas of historical or visual significance;

11-2.1.3. Encourage ~~innovative site and architectural design and planning in order that the~~ development that is harmonious with ~~adapts to~~ the natural terrain and ~~is harmonious with~~ the character of the area;

11-2.1.4. Minimize the adverse effects of grading and cut- and -fill operations, avoid ~~the~~ highly visible scarring of hillsides, and discourage mass grading and terracing of large pads ~~but while permitting allowing~~ flexibility for reasonable development practices; ~~as appropriate.~~

11-2.1.5. ~~Provide~~ Establish hillside development standards that ~~maximize the positive impacts of site sensitive design, grading, landscape architecture, and building architecture that will~~ protect the inherent scenic value ~~in the of~~ proposed projects; ~~subject to this article.~~

11-2.1.6. Minimize adverse soil and slope instability, decrease the potential for erosion, and prohibit activities and uses ~~which that would result in the degradation of~~ degrade fragile soils and steep slopes;

11-2.1.7. ~~Require the retention of trees and other vegetation throughout the site which s~~ Stabilizes steep hillsides, ~~retains moisture,~~ prevents erosion, and enhances the natural scenic beauty of hillsides; ~~and to require additional landscaping where it is necessary.~~

11-2.1.8. ~~Encourage minimal~~ Minimize grading and which relates to the natural contour of the land, which will round off sharp angles at the top and bottom of cut and fill slopes in a natural manner thereby avoiding prevent unreasonable "padding" or "staircase" effects from grading. Encourage <sup>[DS2]</sup> road design which that follows the natural topography ~~wherever possible in order~~ to minimize cutting and grading;

11-2.1.9. ~~Provide~~ Establish land use densities ~~to that promote the best possible development of hillside areas in order to retain~~ preserve significant natural features;

11-2.1.10. Require the landowner to hire experts who will assess the conditions of potentially unstable land and impose restrictions on development ~~Place the liability and expense of evaluating the condition of potentially unstable land, and determining restrictions which should be placed on its development, upon geologists or engineers employed by the landowner;~~

11-2.1.11. ~~Implement the Kanab City General Plan by restricting the use of land to those~~ Prevent uses ~~which that do not~~ present unreasonable risks to persons or property ~~because of~~ related to geological and natural hazards ~~and/or~~ geotechnical limitations; and

11-2.1.12. Prevent fraud in land sales relating to the geologic or other condition of real property. ~~and~~

11-2.2. ~~Notwithstanding the above, t~~ The appeal authority may grant a variance to allow building in any situation where a reliable taking analysis performed by the city attorney reveals concludes that there is good cause for the property owner to assert that the city is

taking all, or substantially all, of the value of the property being developed and that competent engineering, approved by the city engineer, reveals that the property will be graded and built upon safely. ~~Ifn the event that the affected landowner shall is not be~~satisfied with the taking analysis, the landowner may seek the opinion of the ~~s~~State of Utah property ombudsman, which ~~opinion~~ the appeal authority will then consider in making its decision on the variance ~~in accordance with. See Chapter 3 for variance criteria.~~

### Section 11-3 Applicable Provisions

11-3.1. ~~Exhibit A~~**Areas Affected:** ~~The standards, guidelines and procedures established by t~~This ~~e~~Chapter ~~shall apply to governs the~~ development of all sensitive land areas as defined in this ~~e~~Chapter, ~~or as delineated in Exhibit A<sub>[DS3]</sub>, attached to the ordinance and codified herein;~~ or ~~in rare cases~~ in other areas deemed to meet the intent of this ~~e~~Chapter by the ~~C~~city<sub>[DS4]</sub>. ~~In addition, a~~This Chapter governs consideration of all properties seeking ~~annexation requests<sub>[DS5]</sub> or and applications for~~ preapproval of projects pending annexation to the city ~~will be evaluated according to the standards and procedures outlined in this chapter.~~

11-3.2. **Underlying Zoning:** All underlying zoning restrictions ~~shall apply as set forth in the of the~~ Kanab City Land Use Ordinance ~~apply~~. ~~Ifn cases of conflict between the a provisionssection of this eChapter conflicts with and another Kanab ordinanceestablished regulations,~~ the most restrictive provisions ~~shall appliesy. Parcels containing significant areas of sensitive lands are encouraged to apply for Planned Development (PD) zoning to discourage sensitive lands from being disturbed and encourage clustering of development on land more suitable for development.~~

### Section 11-4 Development Permit Process

~~The<sub>[DS6]</sub> land use authority shallmust R~~review the criteria of this Chapter of sensitive lands ~~shall be performed as part of the Subdivisionsubdivision, Site site Planplan, and/or Building building Permitting-permitting~~ process, as applicable to the development.

## Section 11-5 Required Permit Documents

11-5.1. In addition to documents required during subdivision, site plan, and building permitting process, the following documents are required for reviewing development containing any sensitive lands, unless excused as under Section 11-5 or specifically waived by the Development Committee or City Engineer<sup>[DS7]</sup>.

11-5.2. **Slope Analysis Exhibit:** All If a parcels containing contains areas with a slope of 20% or greater, as delineated shown in the Exhibit N<sup>[DS8]</sup>: Sensitive Lands Overlay Map, the applicant shall must prepare a detailed slope analysis exhibit. The slope analysis exhibit shall be reviewed during the site plan, subdivision, and/or building permit process as applicable to the development.

11-5.2.1. For the slope analysis, tThe applicant shall use slope analysis must include a base topographical map of the subject site, that is prepared and signed by a Utah—Utah-licensed civil engineer or land surveyor. This base topographical map shall—must include show all of the adjoining properties within 150 feetone hundred and fifty feet (150') of the site boundaries to portray the site's context.

11-5.2.2. The slope analysis calculations shall—must be prepared by a Utah—licensed professional who is proficient in creating the exhibits with the use of computer software designed for preparing said exhibits. This slope analysis shall—must be prepared using CAD—CAD-based or GIS—GIS-based software specifically designed for slope analysis calculations such purpose. Contours on the exhibits shall—must be prepared using no greater than two two-foot (2') contour intervals with ten ten-foot (10') contours being clearly labeled and at a scale of not less thanat least one inch equals one hundred feet (1" = 100'). The slope analysis exhibit shall—must delineate slope bands, with contrasting colors, for the following slope ranges: zero percent (0%) to twenty percent (20%), greater than 20—twenty percent (>20%) to twenty—five percent (25%), greater than 25—twenty-five percent (>25%) to thirty percent (30%), greater than 30—thirty percent (>30%) to forty percent (40%), and greater than 40—forty percent (>40%).

11-5.2.3. ~~Also included in t~~The slope analysis exhibit ~~shall be~~must include a tabulation chart indicating the land area in acres within each slope category as identified ~~herein~~ Section 11-5.2.2.

11-5.2.4. ~~Also included in t~~The slope analysis exhibit ~~shall be~~must include a sufficient number of slope cross sections to clearly illustrate the extent of the proposed grading. The slope cross sections ~~shall~~must:

11-5.2.4.1. ~~All~~Each be drawn at the same scale and indexed, or keyed, to the existing topography, grading plan, and project site map. Both vertical and horizontal scales ~~shall~~must be indicated and be of the same scale. The slope cross section ~~shall~~must extend at least ~~150~~one hundred fifty feet (~~150'~~) outside the project site boundary ~~to clearly show impact on adjacent property~~. ~~The slope calculations~~Slopes shall must be calculated in intervals of no greater than forty feet (~~40'~~) along the cross sections.

11-5.2.4.2. At a minimum, slope cross sections ~~shall~~must be drawn along those locations of the project site where:

11-5.2.4.2.1. The greatest <sup>[DS9]</sup> alteration of existing topography is proposed;

11-5.2.4.2.2. The most intense or massive <sup>[DS10]</sup> development is proposed;

11-5.2.4.2.3. The site is most visible from surrounding land uses; and

11-5.2.4.2.4. Where grading will impact natural drainage conditions.

11-5.2.4.3. At least two (~~2~~) of the slope profiles ~~shall~~must be roughly parallel to each other and roughly perpendicular to existing contour lines.

11-5.2.4.4. The slope cross sections ~~shall~~must be stamped and signed by a Utah—licensed professional who is proficient in creating ~~such~~ cross sections indicating the datum, source, and scale of topographic data used in the slope profiles. The signer ~~professional shall must attest to the fact~~

~~that~~ certify in the exhibit that the slope profiles have been accurately calculated and identified.

11-5.2.4.5. The slope cross sections ~~shall~~ must show existing and proposed topography, structures, and roadways. Proposed topography and features ~~shall~~ must be drawn with a solid line. Existing topography and features ~~shall~~ must be drawn with a dashed line.

11-5.9<sup>[DS11]</sup>. **Geology Report:** A ~~G~~geology ~~R~~report ~~shall~~ must be provided for ~~any~~ major subdivision<sup>[DS12]</sup> ~~s~~ which that contains ~~any are~~ part of ~~s within~~ the Sensitive Lands Overlay Zone<sup>[DS13]</sup>. A ~~Utah~~ Utah-licensed professional engineering geologist or a ~~Utah~~ Utah-licensed professional engineer who is trained and experienced in the practice of geotechnical engineering ~~shall~~ must prepare the geology report. The geology report ~~may be included in the geotechnical report, and shall~~ must include the following:

11-5.9.1. The location and boundaries of the project site and its general geologic setting;~~;~~

11-5.9.2. A description of the specific geologic conditions at the site;~~;~~

11-5.9.3. Identification of potential geologic hazards (such as faults, landslides, rockfall, flooding and liquefaction);~~;~~

11-5.9.4. Conclusions and recommendations regarding about the effects of the geologic conditions and any potential hazards ~~of~~ in the proposed development; ~~and;~~

~~11-5.9.5 and r~~ Recommendations ~~to~~ for minimizing any hazard to life or property, ~~or~~ and any adverse impact on the natural environment.

11-5.11<sup>[DS14]</sup>. **Additional Exhibits or Reports:** The ~~D~~development ~~C~~committee, ~~C~~city ~~E~~engineer, ~~P~~planning ~~C~~commission, ~~and/or~~ the ~~C~~city ~~C~~council may request additional exhibits, documents, or reports necessary to adequately ~~address~~ understand the unique circumstances and ~~comprehend~~ the full impact of any proposed development. ~~Such~~ These additional exhibits, documents, or reports ~~shall~~ must be submitted with other application materials. Examples of additional exhibits, documents, or

reports that may be requested under this Section 11-5.11  
~~and may~~ include but are not limited to the following:

11-5.11.4<sup>[DS15]</sup>. ~~More~~ A more detailed grading exhibits showing mitigation or grading details~~;~~ based on site visits with the developer's representative.

11-5.11.5<sup>[DS16]</sup>. In some cases a computer-computer-generated, three-dimensional imaging or ~~photo-photo-~~imbedded visual simulations ~~may be requested to adequately~~ depicting the impact of the post-development ~~conditions and their impact~~ on the visual character of the site. A visual simulation must~~Included shall be~~ depictions of any topographical areas with steep slopes and/or unique topographical features planned for disturbance and must be illustrated at a distance ~~and with a~~ perspective that that ~~will~~ adequately illustrate ~~shows~~ post-development conditions along with the proposed mitigation for development. ~~In tandem with these exhibits,~~ Pre-development digital photographs of the site ~~shall~~ must be included showing identical ~~the same~~ views used~~utilized~~ in the post-development, computer computer-generated, three-dimensional imaging exhibits for comparison. The number of computer computer-generated exhibits and their locations and perspective ~~shall~~ will be based on site visits with the developer's representative.

11-5.12<sup>[DS17]</sup>. **Restrictive Covenant:** The ~~D~~development Ecommittee, Ccity Engineer, Planning Commission, or City Council may require the owner(s) of the subject real property to sign and deliver to Kanab City a recorded restrictive covenant <sup>[DS18]</sup> prior to project approval or issuance of a building permit for construction, ~~to~~ This restrictive covenant must address ~~include~~ the following:

11-5.12.1. A complete description of the geologic condition of the subject real property that includes ~~including~~ references to relevant reports and studies;

11-5.12.2. A description of the grading, filling, or excavating or erection of structure(s) approved in the letter report <sup>[DS19]</sup> or geology~~ie~~ report which has been acknowledged by the Ccity Eengineer, together with the requirements and restrictions imposed thereon<sup>[DS20]</sup>;

11-5.12.3. A covenant and agreement that is enforceable by Kanab City, and adjoining landowners against the owner, and any subsequent owner of the subject real property. The covenant and agreement must require that only the grading, filling, or excavating or erection of a structure in the acknowledged [DS21] letter report [DS22] or geologic report will be constructed or maintained without further compliance first complying with this Chapter, as it may be amended from time to time.

11-5.13 [DS23]. Civil or Criminal Fraud: It shall be is unlawful for any person, including the seller or the seller's representative, directly or indirectly in connection with the sale or offering for sale of real property located in Kanab City, to make any untrue false statement of a material fact related to about the geologic condition of the subject property. This Ssection shall be construed to create private and public civil causes of action in addition to creating criminal liability.

## Section 11-6 Development Standards

11-6.1. These development standards govern all All proposed development and improvements within a designated the sensitive lands area are subject to the following required development standards. These standards are intended to provide a framework for development that is sensitive to the unique characteristics to properties developed in hillside, ridgeline, wetland, floodplain, and high water table areas. Their purpose is not to discourage proposals for innovative or alternative methods of design in such areas; innovation is encouraged as long as the end result is one which respects significant landform features and is consistent with the purposes expressed in this chapter and in the goals and objectives of the Kanab City General Plan.

11-6.2. **Hillside Area Classifications:** Lands located within in a Hillside Area shall must be evaluated within according to the following slope range categories. Each slope category range delineates indicates the relative suitability of land for development.

11-6.2.1. Zero percent (0%) to twenty percent (20%); flat to gently rolling land: Development with grading is

permitted in this ~~zone category~~. ~~These areas are~~ Land in this slope category is still subject to the requirements of the excavation and grading permit requirements of the applicable building code.

11-6.2.2. Greater than twenty percent (>20%) to ~~twenty~~ twenty-five percent (25%); moderate hillside: Special hillside architectural and design techniques that ~~minimize~~ <sup>[DS24]</sup>grading and harmonize the built and natural environments are required in this ~~zone category~~. ~~Architectural prototypes and infrastructure elements are~~ Infrastructure expected ~~to must~~ complement the natural landform by using techniques required ~~herein in this Chapter~~. <sup>[DS25]</sup> ~~Impact of s~~Streets and trails ~~must be designed to is to be minimized by~~ following natural contours where practicable.

11-6.2.3. Greater than ~~twenty~~ twenty-five percent (>25%) to thirty percent (30%); hillside: Development within this ~~zone category shall be~~ is restricted to slopes where it can be demonstrated with sufficient evidence to the Development Committee that ~~the~~ slopes are safe and that environmental and aesthetic impacts ~~can will~~ be minimized. The use of larger lots, variable setbacks, and variable building structural techniques such as stepped or pole foundations are expected <sup>[DS26]</sup>. Each Sstructures ~~must be designed to shall~~ blend with the natural environment through ~~their its~~ shape, materials, and colors. ~~Impact of s~~Streets and trails ~~is to be minimized by must be designed to~~ following ing natural contours where practicable <sup>[DS27]</sup>.

11-6.2.4. Greater than thirty percent (>30%) to forty percent (40%); steep hillside: This category is a sensitive slope condition, and development is ~~limited~~ <sup>[DS28]</sup> unless a specific exception is allowed by the city council as outlined in this ~~chapter~~ Chapter.

11-6.2.5. Greater than forty percent (40%); mountainous: ~~This is a severe slope condition and d~~Development is prohibited unless a specific exception is allowed by the city council <sup>[DS29]</sup> as outlined in this ~~chapter~~ Chapter.

~~11.6.2.6.~~ <sup>[DS30]</sup> ~~Restrictions on potential development apply to hillside areas in order to preserve the~~

~~character of the natural terrain as much as possible.~~  
 The following provisions ~~shall be applied~~apply to development within ~~hH~~hillside ~~aA~~Areas.

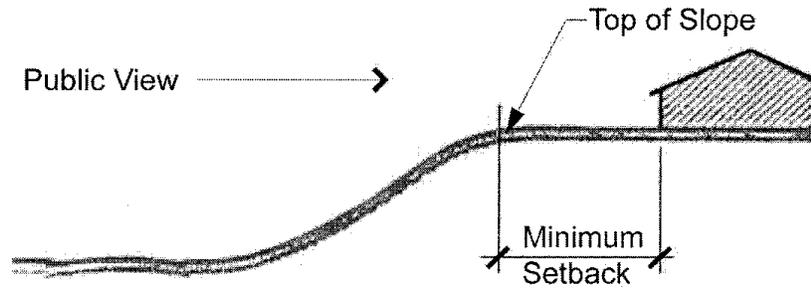
**TABLE 11.1**  
**SLOPE AND REQUIRED OPEN SPACE**<sup>[DS31]</sup>

Slope Category Percent Natural Slope	All Zones Required Open Space
0% <del>--</del> 20%	Underlying zoning applies
>20% <del>--</del> 25%	Underlying zoning applies
>25% <del>--</del> 30%	70 percent
>30% <del>--</del> 40%	90 percent
>40%	100 percent

**11-6.3. Hillside Area Development Standards:** the following development standards ~~apply to govern~~apply to govern development ~~occurring in~~ ~~hH~~hillside ~~aA~~Areas, as defined in this ~~Ordinance~~Chapter.

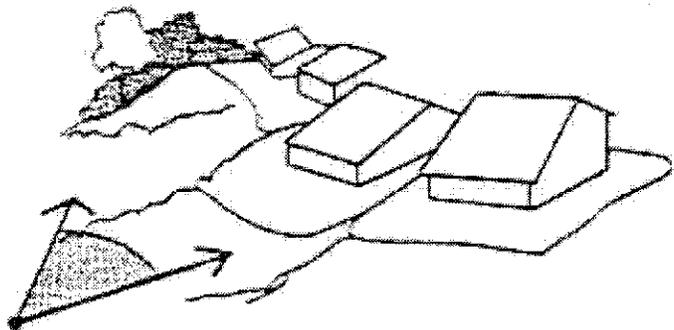
~~11-6.3.1. Architectural Standards:~~ ~~The purpose of establishing architectural design standards in hillside areas is to ensure quality development that blends with the environment and to create neighborhoods that display harmonious and complementary architectural styles. To achieve sensitive lands compatible development, the City recognizes the importance of having architectural design that incorporates low profile rooflines and other building elements which reflect the naturally occurring ridgeline silhouettes and topographical variations.~~

**11-6.3.1.1. Building Orientation and Setbacks:** ~~The land use applicant must provide a~~ variety of building and lot ~~orientations~~<sup>[DS32]</sup> ~~shall be provided in order to encourage development suitable with the hillside character of the site.~~ Unless a greater setback is recommended in the geotechnical report or the structure is located on a prominent ridgeline where a greater setback applies as detailed ~~herein in this Chapter~~, a ~~minimum building setback of fifteen feet (15')~~ from ~~the~~ top of ~~a~~ slope and/or an average setback of fifteen feet ~~(15')~~ ~~shall must~~ be provided from the edge of the pad<sup>[DS33]</sup>.



11-6.3.1.2. Viewshed Protection:

11-6.3.1.2.1. A Structures ~~shall~~ must be designed so the slope angle of the roof pitch is generally at or below the angle of the natural hillside or graded slope.



Public Viewshed

11-6.3.1.2.2. Site planning A site plan shall must emphasize ~~be designed to the preservation of views to of~~ prominent visual features such as ridgelines, as viewed from within and outside the hillside development. This includes A building must be oriented to orientation to allow view opportunities and be located and locating buildings on the least sensitive portions of the site so as to preserve landforms, vegetation, and topographical features.

11-6.3.1.2.3. A Hillside buildings ~~shall~~ must be stepped to follow the contours of the slope. For aesthetic reasons, e Exterior structural supports and undersides of floors and decks not enclosed by walls are discouraged but may be permitted with fire safety and architectural

considerations adequately addressed to the satisfaction of the city.

11-6.3.1.3. Building Style: Architectural—~~The architectural style of a building must~~ shall be compatible with the environment, character, topography, and theme of the community. Hillside adaptive architecture, as described below, shall must be used within the Hillside Area:

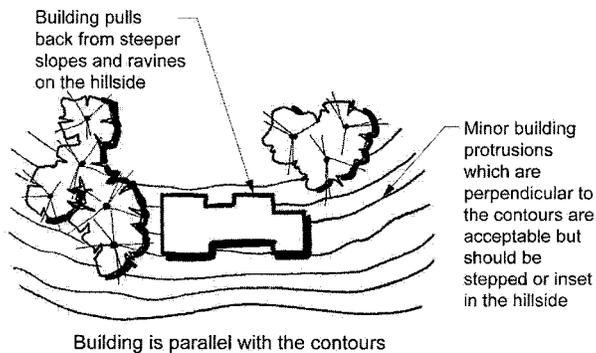
11-6.3.1.3.1. A Buildings shall ~~must~~ be stepped as necessary to minimize grading.

11-6.3.1.3.2. A building design must include ~~A~~ a variety of roof orientations and types ~~which that emphasize roof pitches~~ reflecting the overall slope of the hillside ~~shall be incorporated into the design of the buildings~~.

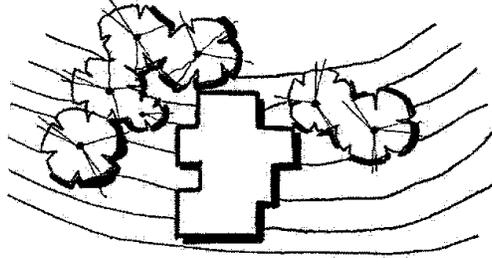
11-6.3.1.3.3. Enhanced architectural elevations are required where ~~any the front, rear or~~ side of ~~units a structure is face~~ publicly viewable. ~~Units~~ A structure must not ~~include~~ shall avoid massive [DS34] walls and monotonous patterns of building silhouettes.

11-6.3.1.3.4. The Building dimensions [DS35] ~~of a building, as~~ measured in the direction of the slope shall ~~must~~ be minimized ~~in order~~ to limit the amount of cut and fill and to better incorporate the structure into the natural terrain.

THIS



NOT THIS



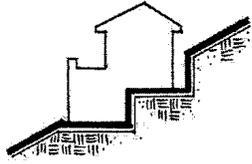
Building is perpendicular to the contours

11-6.3.1.3.45. Buildings may <sup>[DS36]</sup> be clustered to respect and adapt to the existing topography. The position of a structure and the size of lots must be adjusted ~~Flexible siting techniques including varying the position of the structures and varying the sizes of lots shall be used~~ as necessary to preserve the character of the hillside setting.

11-6.3.1.4. Architectural Treatments: A <sup>[DS37]</sup> publicly visible exterior walls of any a building shall must be designed to avoid monotonous or continuous facades. A single, continuous, vertical, or horizontal plane on the front and rear facade of any building is not permitted. Architectural features and details ~~shall~~ must be incorporated in all exterior walls of the publicly visible building, including the rear and sides of the building. Buildings may utilize wall articulation (i.e., insets, pop outs, etc.) and roof orientation as a means to break up the massing.

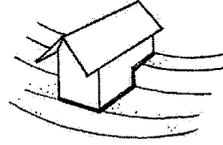
11-6.3.1.4.1. The form, mass, and profile of the individual buildings and architectural features ~~shall~~ must be designed to blend with the natural terrain and to preserve the character of the natural slope. ~~Avoid~~ <sup>[DS38]</sup> the use of large gable ends on downhill elevations. The predominant roof slope ~~shall~~ must be oriented in the same general direction as the natural slope.

THIS

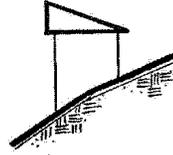


Roof slope approximates that of hillside and follows its direction, building hugs ground form better

NOT THIS



Avoid large gable ends on downhill elevations

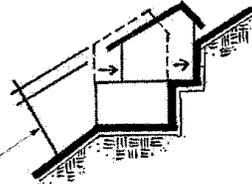


Angular forms which slope in the opposite direction to the slope of the hill destroy the relationship of the hillside and building and increase the effective bulk

11-6.3.1.4.2. Avoid [DS39] large roof overhangs and cantilevers on downhill elevations ~~to reduce the massive appearance from below.~~

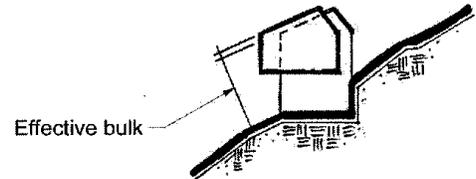
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Terracing reduces bulk



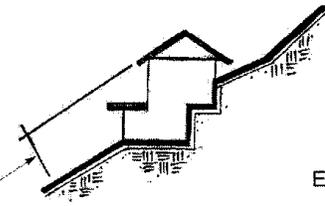
Effective bulk

NOT THIS



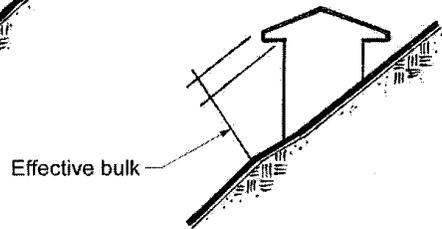
Effective bulk

Cantilever makes building appear taller, more monumental



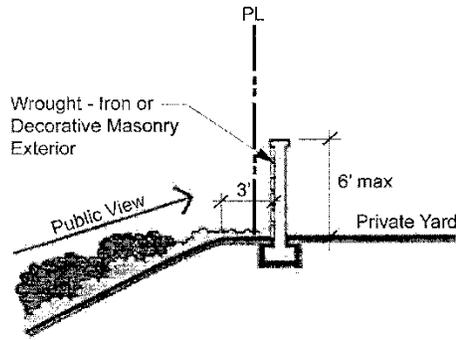
Effective bulk

Smaller overhangs for individual floors or windows help break-up mass and protect against excessive sunlight

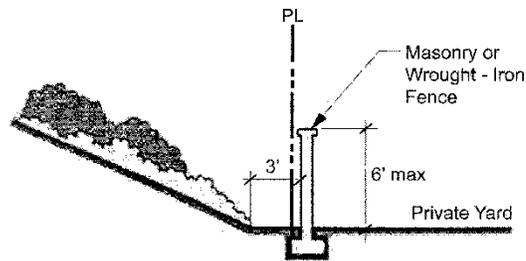


Effective bulk

Excessive roof overhang results in additional visual bulk



Top of Slope Wall



Toe of Slope Wall

### 11-6.3.2. Hillside Landscape Design Standards:

11-6.3.2.1. Landscaping ~~shall~~ must be designed to stabilize graded slopes, ~~and~~ prevent erosion. The design must ~~and~~ be compatible with surrounding natural vegetation.

11-6.3.2.1.1. *Cut ~~Or~~ or Fill Slopes:* All plant material used on cut or fill slopes shall ~~must~~ be as nearly compatible with plant material found on adjacent undisturbed hillsides as possible<sub>[DS40]</sub>. Such Design for cut or fill slopes shall ~~must~~ use Xeriscaping landscape methods. with ~~and~~ No irrigation systems is ~~are~~ allowed on or adjacent to the slope itself.

11-6.3.2.1.2. *Pad Sites ~~Or~~ or Flat Areas:* All plant materials on pad sites or ~~and~~ relatively flat areas<sub>[DS41]</sub> shall ~~must~~ be of a desert type requiring little or no irrigation. Hand ~~Hand~~-watered, fired pots or other similar watertight containers may be used to hold additional

landscape materials. Any lawn area ~~shall~~must ~~consist of~~be artificial grass. ~~Rocks and colored or natural stones make desirable landscape materials for pad areas.~~ Any ~~other~~ proposed landscaping other than rocks and colored or natural stones ~~should~~ <sup>[DS42]</sup> consist of ~~low~~low- water plantings with minimal irrigation requirements.

11-6.3.2.1.3. *Terraced Areas:* On terraced areas between retaining walls, minimal desert type landscaping ~~may be considered~~used <sup>[DS43]</sup> as long as it complies with the regulations governing pad sites in Section 11-6.3.2.1.2 using the same methods as used for pad sites.

11-6.3.2.1.4. *Slope ~~And~~and Landscape Maintenance:* Homeowners' associations (HOAs) ~~and property owners' associations (POAs) and assessment districts or other acceptable legal entities are required in hillside areas to~~must maintain the slopes and landscaping of common open space in the Hillside Areas. ~~All landscaped slopes not included within a landscape maintenance district (LMD)~~ <sup>[DS44]</sup> ~~shall be maintained by an HOA or a property owners' association (POA) for the permanent maintenance of landscaped slopes and other areas. An HOA or POA shall be required to establish a maintenance district with responsibility for maintenance. Should~~If the an HOA affected owners' association disbands or neglects their-its duties to maintain the slopes and landscaping, the city may contract with a landscape maintenance contractor for ongoing maintenance and place a lien against any and all private or common areas in the project to ensure repayment to the city of any incurred expense.

11-6.3.2.2. ~~Prior~~Before <sup>[DS45]</sup> ~~issuing an occupancy permit being issued,~~ the city must review and approve landscaping plans for individual homes ~~within in any~~ development ~~must be reviewed and approved by the city~~ to assure compliance with this ~~e~~Chapter and any conditions

imposed during the hillside development permit process.

**11-6.3.3. Retaining Walls:** ~~The purpose and intent of establishing~~ These regulations establish minimum development standards for retaining walls ~~is to ensure that the retaining walls are structurally sound. The grading and concept plans must show~~ the location, height, and type of ~~all any~~ retaining walls, privacy walls, and fences ~~along with their proposed heights, materials, shall be shown on the grading plan and concept plan. All A~~ retaining walls, privacy walls and fences ~~shall must~~ be located within the maximum limits of disturbance limit for each lot or parcel.

**11-6.3.3.1. General Standards:**

11-6.3.3.1.1. The maximum length of any continuous retaining wall ~~is shall not be more than two hundred (200)~~ linear feet.

11-6.3.3.1.2. ~~A R~~ retaining walls ~~shall must~~ be used ~~for the purpose of to containing contain~~ fill material or ~~for minimizing~~ cut or fill slopes. The retaining wall may ~~only~~ extend only six inches ~~(6")~~ above the material it is retaining.

11-6.3.3.1.3. A retaining wall ~~shall must~~ not block or restrict vehicular access to a dedicated or implied dedicated alley, access way, pedestrian access, trail, sidewalk, easement, or right of way.

~~11-6.3.3.1.5. Curved retaining walls that follow the natural contours are strongly recommended, but not required.~~

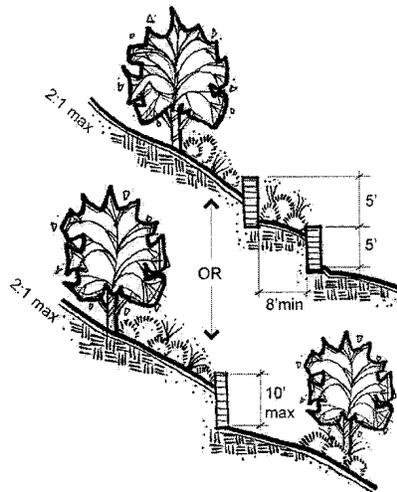
11-6.3.3.1.6. ~~All Each~~ retaining walls ~~as well as all~~ freestanding walls and fences ~~shall must conform to comply with~~ the adopted building codes of the city.

**11-6.3.3.2. Height Standards:**

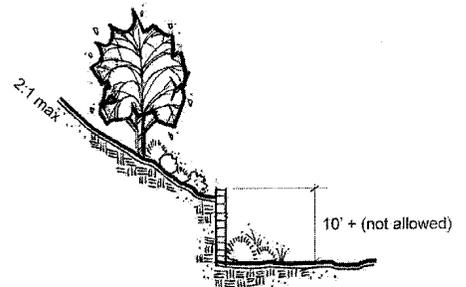
11-6.3.3.2.1. No portion of a retaining wall ~~shall may exceed be more than~~ ten feet ~~tall (10') in height,~~ as measured from the immediately adjacent lowest natural or finished grade to the

top of the wall, unless it can be demonstrated in the overall mitigation plan for cuts and fills that taller walls will not detract from the surrounding terrain<sup>[DS46]</sup>. Retaining walls ~~shall~~ must not be stacked or terraced in any manner that increases their combined height beyond ten feet (10'). ~~If desired, two (2)~~ sub-walls may be stacked or terraced to a maximum combined height of ten feet (10'). A minimum separation of six feet (6') is required between sub-walls as measured from the faces of the walls. The separation area between the sets of sub-walls ~~shall must be planted with~~ have ~~low-low-water~~ water-use shrubs, low-low-maintenance shrubs, or other vegetation as approved in the landscape plan. ~~This vegetation will help reduce the apparent visual height of the walls. No tree may be planted in the separation area between sub-walls unless tree planting in the zone between subwalls requires a~~ the separation area ~~between sub-walls is of~~ at least twenty linear feet (20').

THIS



NOT THIS



11-6.3.3.2.2. For purposes of this subsection Section 11-6.3.3, retaining walls are not considered stacked or terraced if there is a minimum horizontal separation of at least ten feet (10') between ~~sets of~~ the retaining walls. ~~With the minimum ten foot (10') separation~~ A retaining wall that is at least ten feet from

~~another retaining wall, each retaining wall set~~ may be constructed to the maximum ~~allowed allowable~~ height as stated in Section 11-6.3.3.2.1; ~~either the ten foot (10') height or the taller height demonstrated that would not detract from the surrounding terrain.~~ The separation area between the sets of retaining walls ~~shall must be planted with~~ have ~~low-water use shrubs, use/low~~ low-maintenance shrubs, or other vegetation as approved in the landscape plan. No more than three ~~(3)~~ adjacent retaining walls are allowed, and the maximum combined height of the adjacent retaining walls is (or 27 feet in total height) will be allowed.

11-6.3.3.2.3. Retaining walls may be constructed to varying heights throughout a development.

11-6.3.3.2.3.1. ~~Retaining~~ A retaining walls ~~constructed~~ in the side yard area ~~between~~ <sup>[DS47]</sup> ~~two (2) homes shall may not be more than four feet tall not exceed a height of four feet (4');~~ provided that such wall does not extend into a required front yard setback adjacent to a street<sup>[DS48]</sup>.

11-6.3.3.2.3.2. ~~RA~~ retaining walls ~~constructed~~ in the rear yard area of a lot ~~shall may not exceed a height of be more than~~ eight feet ~~tall (8')~~.

11-6.3.3.2.3.3. ~~All~~ Any planting areas between and adjacent to retaining walls ~~shall must be provided with~~ have an automatic irrigation system suitable for ~~low-low-water~~ water-use vegetation. ~~Such~~ This irrigation system ~~shall must be inspected and approved [DS49] and inspected prior to before the constructing~~ of any retaining wall.

11-6.3.3.2.3.4. Where a retaining wall contains fill above the natural grade and is located within a required setback yard, the height of the retaining wall ~~shall be~~ is considered as contributing to the permissible height of a fence or wall at that location. A

non-view-view-obscuring fence up to three and one-half feet (3.5') in height may be erected at the top of the retaining wall for safety.

11-6.3.3.2.4. ~~RA retaining walls not may be used to provide a private outdoor area adjacent to a structure, but this retaining wall must not be more than six feet tall exceeding six feet (6') in height are permitted adjacent to structures in order to provide a private outdoor area.~~

**11-6.3.4. Disturbance Limitations:** ~~The [DS50] disturbance limitation for a site is established under the following criteria shall be applied in establishing the limits of disturbance for a site:~~

11-6.3.4.1. Adverse visual impacts from within and without the development ~~shall must be minimized [DS51] unless doing so precludes another objective of this chapter. The An applicant must screening of cuts and fills, and protect the viewvisual protection of prominent ridgelines, rock outcroppings, scenic views, and the natural terrain is required unless doing so would precludes hinder another objective of this eChapter.~~

11-6.3.4.2. ~~A Ddisturbed slopes should be [DS52] treated to minimize erosion, and a natural drainage ways shall must be protected [DS53] unless doing so precludes would hinder another objective of this chapterChapter.~~

~~11-6.3.4.6 [DS54]. The A maximum limits of disturbance limitation shall must be identified established on for [DS55] each lot or parcel of the approved site plans and subdivision plats. This disturbance limitation and shall include includes any area that is all-graded, excavated, and or filled areas, any the areas occupied by a main and or accessory structures, any hard surface areas that includes a driveways, walkways, patios, and or parking areas, and all any other areas of disturbance or non-native vegetation.~~

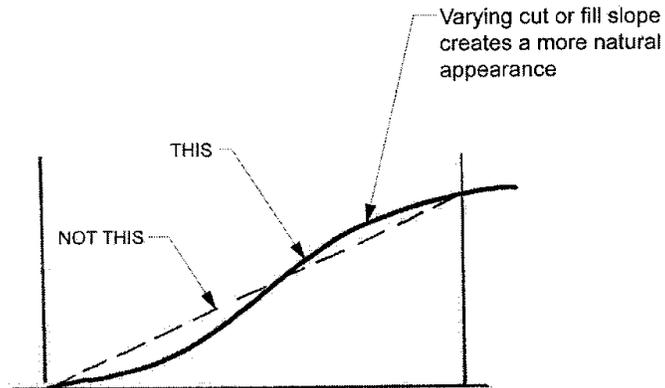
11-6.3.4.7. All lots and building pads ~~shall~~must be graded during construction of the development, including all retaining walls, roadways, utilities, and all other improvements needed to complete the site work.<sup>[DS56]</sup> ~~All site work must be complete before any~~ No building permits for the structures ~~will be~~ may be issued and before the ~~or~~ subdivision plat may be recorded~~recording of any subdivision plats prior to completion of all site work.~~

**11-6.3.5. Grading Design:** Grading for all developments ~~shall~~must be designed to blend with the contours of the adjacent natural terrain<sup>[DS57]</sup>.

11-6.3.5.1. Limits of Grading: ~~No~~Any grading, cutting, filling, excavating, benching, ~~or~~and terracing ~~of any proposed lot or parcel~~must not exceed the disturbance limitation imposed under the authority of this Chapter ~~shall go beyond the maximum limits of disturbance for each lot or parcel as provided herein.~~

11-6.3.5.2. Cuts and Fills: All cuts and fills ~~shall~~must be minimized <sup>[DS58]</sup> and ~~shall~~must be included within the maximum limits of disturbance limit for each lot or parcel. All cut and fill areas ~~shall~~must be re-contoured to the natural, varied contours of the surrounding terrain with a maximum slope transition back to the natural grade no greater than two to one (2:1). Slope ratios greater than two to one (2:1) are prohibited except for approved cuts into solid rock only. Any ~~such~~ proposed cut into rock ~~shall~~must be reviewed for appropriateness, suitability, and visual impact<sup>[DS59]</sup> in order to grant approval if warranted. For approved cuts into solid rock, the slope may be as steep as one-half to one ( $1/2:1$ ) if recommended by a Utah-licensed professional engineer who is trained and experienced in the practice of geotechnical engineering, and if the visual impact of the cut can be adequately mitigated. ~~All~~Any areas of cut and fill ~~shall~~must be protected from erosion during the period of construction and ~~shall~~must be permanently planted or otherwise protected from erosion within ~~twenty (20)~~ days of the completion of grading and excavation as identified by the approved landscape plan.

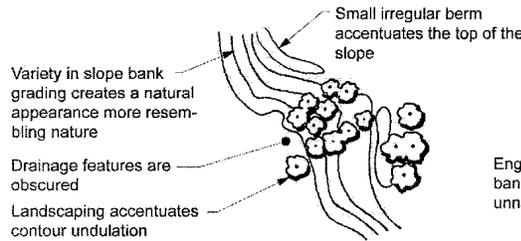
Where cut or fill conditions are created, slopes shall must be varied and rounded where feasible rather than left at a constant angle ~~which may be unstable or create an unnatural, rigid, engineered appearance.~~



11-6.3.5.3. Cuts And Fills Visual Mitigation: The visual impact of cuts and fills shall must be mitigated by methods approved by the city council. Mitigation shall efforts must be predominantly be contour grading along with plantings as identified on the approved landscape plan that will stabilize the cut or fill slope and blend with the surrounding vegetation. Other mitigation efforts may include, but is are not limited to, the placement of positioning buildings so as to screen the cuts and or the placement of constructing retaining walls designed to blend with the surrounding terrain to stabilize the cut and blend with the surrounding terrain. The use of retaining walls is to be as limited in scope and height as feasible to ensure the visual predominance of vegetation [DS60]. Contour grading techniques shall must be used to provide a natural natural-appearing variety of slope transitions, slope percentage, and slope direction in a three-dimensional, undulating pattern similar to existing terrain.

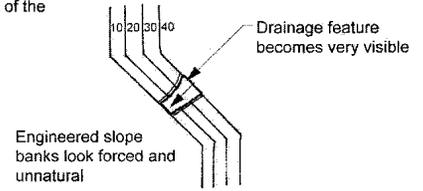
11-6.3.5.3.1. Cut and fill operations shall must be given a rounded appearance that closely resembles the natural contours of the land.

THIS



Use of radii and uneven slopes

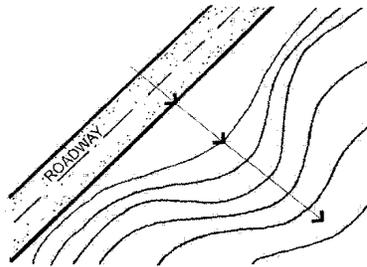
NOT THIS



Use of angles and uniform slopes

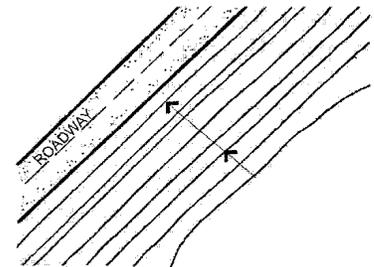
11-6.3.5.3.1. Graded slopes adjacent to roadways ~~shall~~ must be softened by sufficient berms, contour grading, ~~and~~ and/or landscaping to create natural, varied, and pleasing streetscapes.

THIS



Variety in undulating slope creates pleasing roadscape

NOT THIS

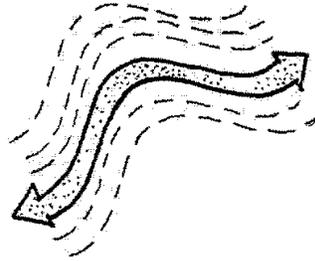


Straight slope bank heightens monotony of roadway landscape

11-6.3.5.4. Street Aand Driveway Alignment: ~~SA~~ street ~~must alignments shall~~ run generally parallel along to the contours of the natural terrain. Short sections of streets that run perpendicular to natural contours and serve the purpose of connecting main parallel sections of streets are permitted and ~~shall~~ must follow the natural curves of drainage ways where practicable. Streets ~~shall~~ must not greatly alter <sup>[DS61]</sup> the physical and visual character of a hillside by creating large notches in ridgelines or by defining wide straight alignments <sup>[DS62]</sup>. Contour grading techniques ~~shall~~ must be ~~employed~~ used on all streets and associated cut and fill areas to minimize any adverse impacts. ~~Reduced-Reduced-~~ width road sections, ~~split-split-~~ road sections, and ~~split-split-~~ parking bays are potentially acceptable

techniques to ~~employ~~ use in the layout of hillside streets to reduce grading.

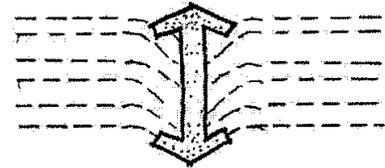
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Reduce grading by aligning roads along natural grades

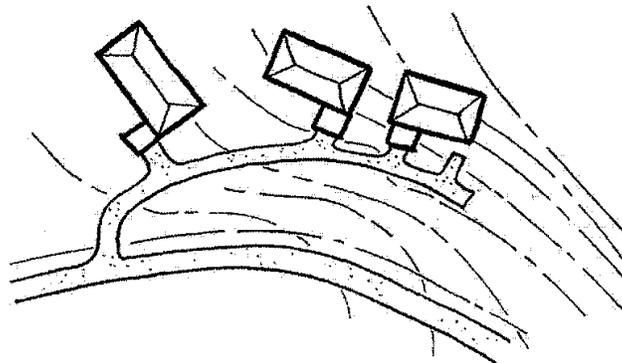
NOT THIS

Roads and hillside grading



Avoid running counter to steep grades except where necessary for connecting roads parallel to contours

~~The~~ Any portions of a driveways that runs perpendicular to natural contours and serves the purpose of accessing building lots and parcels shall ~~must~~ be as short as practicable<sup>[DS63]</sup>. A ~~D~~driveways that serves more than one parcel ~~are~~ is permitted as a method of reducing unnecessary grading, paving, and site disturbance. If a driveway is to be shared by lots and/or parcels ~~will be sharing driveways,~~ ~~cross~~ cross-use easements shall ~~must~~ be recorded with the subdivision.



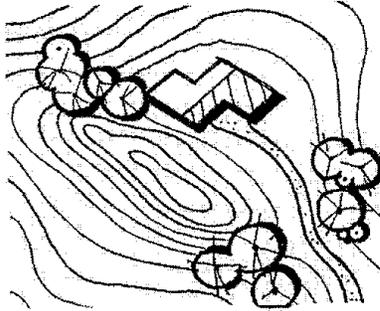
Shared driveways can reduce grading.

11-6.3.5.5. Open Space Trails: Trails through open space shall ~~must~~ be located such that cuts and fills are minimized<sup>[DS64]</sup> and visual character is preserved.

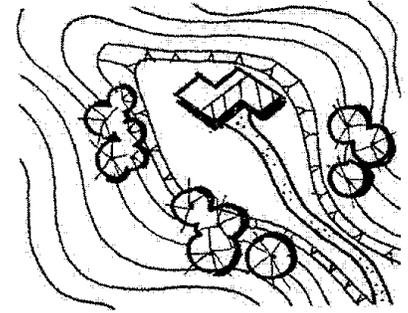
11-6.3.5.6. Building Site Grading: A property owner must minimize<sup>[DS65]</sup> Bbuilding site grading

~~shall be minimized so as to preserve natural features. Careful~~ The building site plan must position each structure so that the necessary grading would not modify consideration shall be given to the general orientation of the slope when locating structures.

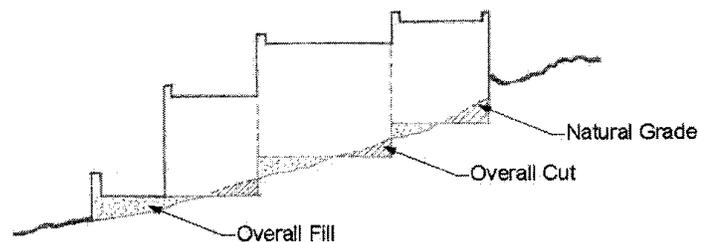
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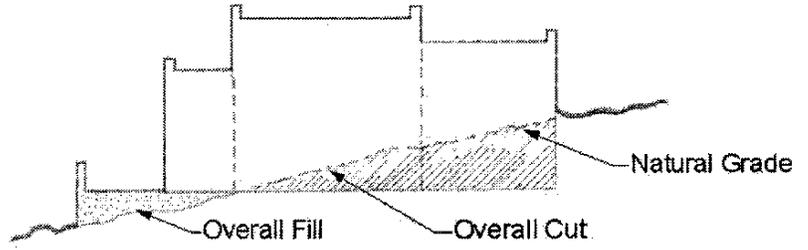
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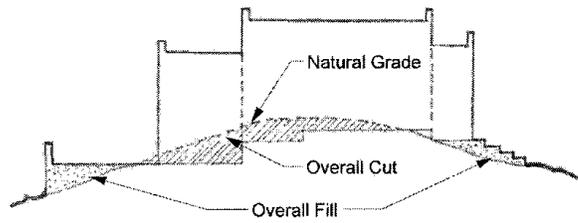
11-6.3.5.7. Cut and Fill Conditions: A site plan must minimize cut and fill conditions consistent with this Chapter ~~On each building site, careful consideration shall be given to the cut and fill conditions such that a balance is achieved where feasible and consistent with the intent of this chapter to minimize the visual impact of grading~~ [DS66]. Different terrain conditions call for corresponding different cut and fill solutions such so that the structure fits well into the topography as illustrated below. Impact to natural drainage ways shall must be avoided [DS67].



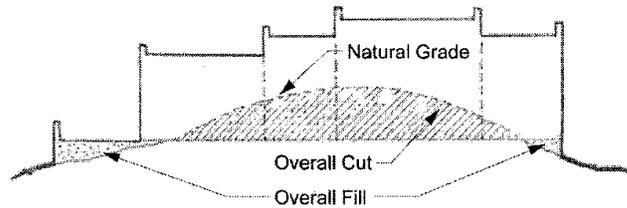
Sloping Site - Conceptual Terraced Floor Levels



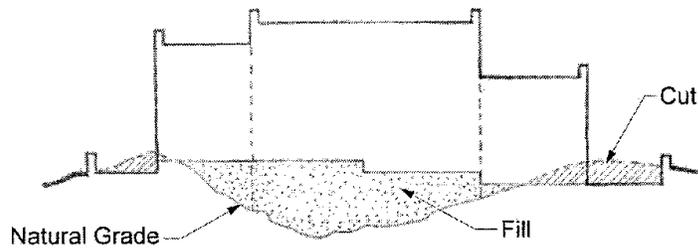
Sloping Site - Conceptual Single Floor Levels



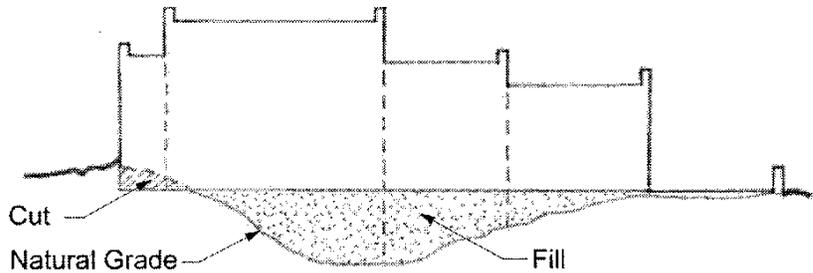
High Center Site - Conceptual Terraced Floor Levels



High Center Site - Conceptual Single Floor Level



Low Center Site - Conceptual Terraced Floor Levels



## Low Center Site - Conceptual Single Floor Level

11-6.4. **Prominent ~~Ridgeline~~<sup>[DS68]</sup> ~~and~~ Mesa Edge Visual Preservation:** To minimize the adverse visual impacts that new development can have on prominent ridgelines and their associated viewsheds, the following setbacks ~~shall~~ apply:

11-6.4.1. ~~For The setback from a Prominent Ridge is 50 feet~~~~new developments the minimum setback from a prominent ridgeline, as shown on the Sensitive Lands Overlay Map, is fifty feet (50')~~ for one-story structures and ~~sight-sight~~ obscuring privacy fences and walls. ~~Notwithstanding, if unless~~ a greater setback is recommended in the ~~geotechnical-geology~~ report ~~submitted under Section 11-5.9, then that setback is mandatory.~~

11-6.4.2. The ~~setback~~<sup>[DS69]</sup> is ~~one hundred~~~~100~~ feet ~~(100')~~ for 1<sup>1</sup>/<sub>2</sub>- and two-story structures. ~~Notwithstanding, if unless~~ a greater setback is recommended in the ~~geotechnical-geology~~ report ~~submitted under Section 11-5.9, then that setback is mandatory.~~

11-6.4.3. ~~A~~ ~~G~~ greater setbacks may be recommended in the ~~geotechnical-geology~~ report or by the City Engineer or Development Committee for safety and stability.

11.6.5. **Floodplain Areas:** Developments proposed to occur ~~within-in~~ floodplain areas ~~shall beare~~ subject to the Kanab Flood Damage Prevention Ordinance.

11-6.6. **Corrective Work:** Nothing in this ~~section-Chapter~~ ~~shall-prohibits~~ the city from authorizing grading ~~deemed that is~~ necessary to correct previously disturbed natural areas or existing hazardous conditions that are on site but

not a part of the proposed development area that are brought to the city's attention. ~~In~~<sup>[DS70]</sup> ~~which that~~ case, the applicant ~~will must~~ investigate ~~possible~~ alternatives with subsequent review by the Development Committee, City Engineer, Planning Commission, ~~and/or~~ City Council.

## **Section 11-7 Exceptions ~~Exempt~~ Actions to the Ordinance**

11-7.1. The following actions ~~and activities are may be~~ exempt from the application procedure of this ~~article~~ Chapter as provided below. ~~However, while these actions are exempt from specific requirements~~ Notwithstanding these exemptions, the development standards necessary to accomplish the purpose and intent of this ~~article~~ Chapter ~~shall must~~ be met <sup>[DS71]</sup> (e.g., the mitigation of disturbed areas that are not planned for development in the foreseeable future).

11-7.1.1. Construction or minor excavation that does not require a grading permit or a building permit. ~~However~~ To qualify for this exemption, the property owner ~~must submit~~ development plans ~~shall be submitted~~ to the community development department for city review to determine possible mitigation requirements prior to any actions or activities taking place. ~~Any mitigation requirement established through this review is mandatory.~~

11-7.1.2. The construction and installation (trenching, utility construction, ~~and~~ backfilling) of underground utility systems.

11-7.1.3. The re-grading of existing lots for landscape installation ~~provided as long as such the~~ re-graded area is within the buildable area of the development.

11-7.1.4. Pool ~~or~~ /spa construction that does not involve the construction of any retaining walls over four feet ~~(4') in height~~ tall, whether or not ~~such any~~ retaining walls ~~are is~~ part of the pool structure.

11-7.1.5. Additions to ~~an~~ existing structures ~~and/or~~ construction of ~~an~~ accessory structures within the buildable area of a lot. ~~Notwithstanding, if unless~~ a grading permit ~~for establishment of same~~ is required ~~for the action referred to in this Section 11-7.1.5, the~~

exemption does not apply, and the applicant must comply with this Chapter.

~~11-7.1.6. Any <sup>[DS72]</sup> project that has received final city approval prior to the effective date of this article, provided that such permit or approval has not expired, is not otherwise revoked, and is in compliance with the zoning requirements that this article supersedes.~~

11-7.1.7. The construction of a public street identified in the Kanab City General Plan ~~and~~/or Transportation Master Plan that is not part of any overall development project (e.g., a street proposed primarily for improved circulation within the city and not to provide access to any particular parcel or development).