

Mayor

Nina Laycook

City Manager

Duane Huffman

Treasurer

RaeLene Johnson



KANAB
— UTAH —

City Council

James G. Sorenson

Cheryl Brown

Kirt Carpenter

Joe B. Wright

Brent Chamberlain

PLANNING COMMISSION
MAY 7, 2013
76 NORTH MAIN, KANAB, UTAH

- 6:30 P.M. Work Meeting
- Staff Report
 - Council Member Liaison Report
- 7:00 P.M. Approval of minutes of previous meeting;
- 7:05 P.M. Public Comment Period;
- 7:10 P.M. Consider Application for Conditional Use Permit for an Electronic Message Sign at 78 E. Center St (Denny's Wigwam)
- 7:20 P.M. Lynette Foster – Request “To visit and ask questions concerning the plan for changes to the requirements for a building permit and subdivision rules to be limiting Personal Property rights”
- 7:30 P.M. Continued Discussion and Review of Sensitive Lands Ordinance

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 PLANNING COMMISSION MEETING
APRIL 16, 2013
KANE COUNTY COMMISSION CHAMBERS**

PRESENT: Chairman Byard Kershaw, Kent Burggraaf, Joan Thacher and Dave Borup. Council Member Jim Sorenson. Staff Member Levi Roberts of Five County and Business/Land Use Coordinator Gary McBride

WORK MEETING: Discussion of Agenda Items

Chairman Kershaw opened the regularly scheduled meeting at 6:52 p.m.

APPROVAL OF MINUTES: A motion was made by Member Burggraaf and 2nd by Member Thacher to approve the minutes of the April 2, 2013 meeting with the added language that the Commission agreed to address the preschool issue in the Land Use Chart and other school issues. Motion passed unanimously.

PUBLIC COMMENT PERIOD: No comments were received.

DISCUSS SENSITIVE LANDS ORDINANCE: Levi Roberts stated that he had reviewed all bills passed in the Utah State Legislature since 2009, and has determined that there are no amendments to Utah Code since this time that would limit the powers of a municipality to monitor, regulate, require permits, or enact other actions related to sensitive lands review. In general, Utah Code enables municipalities to regulate development based upon geologic hazards. Based upon this finding, Staff recommends that the Planning Commission move forward with reviewing the current Sensitive Lands Ordinance Draft in preparation for amending Chapter 11 of the Kanab City Land Use Ordinance. The Commission reviewed and discussed Chapter 11 – Sensitive Lands. The Commission recommended that Staff look for comparable ordinances to bring back to the Commission for review.

DISCUSS MEETING RULES PROCEDURES: After much discussion, the Planning Commission would like to give direction to City Manager Duane Huffman to draft an ordinance for the Commission's review with the outline being to adopt Roberts Rules as modified by the Commission from time to time subject to State Code.

A motion to adjourn was made by Member Thacher

CHAIRMAN

DATE

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KANAB CITY PLANNING COMMISSION STAFF REPORT- May 7, 2013

I. ITEM: Application for Conditional Use Permit (Electronic Message Sign)

APPLICANT: Victor Sandonato / Cody Judd

II. STAFF ANALYSIS

Victor Sandonato, authorized representative for Denny’s Wigwam, has submitted a permit application monument sign, which integrates an electronic message sign. Monument signs are listed as a permitted use in the C1 zone, where the sign is proposed to be located and is subject to review and approval by the Building Inspector. However, Electronic Message Sign(s) require a conditional use permit.

Section 8-6 of the Kanab City Land Use Ordinance specifies that “in approving or recommending approval of a conditional use permit the Kanab City Planning Commission shall find:

- 1. *That the proposed use is necessary or desirable and will contribute to the general well-being of the community.*

The economic development of existing businesses will help maintain the vibrancy of the downtown area. The sign will both inform and likely attract travelers on Highway 89 that may not otherwise stop. Given the large setback of the building, an attractive, eye-catching sign, promoting the business is necessary to draw attention to its available services. At the same time, the sign’s height, which is limited to twelve feet, should not be completely out of scale for pedestrians.

- 2. *That the use will not be detrimental to the health, safety, or welfare of persons residing, or working in the vicinity, or injurious to property or improvements in the vicinity.*

The building inspector shall determine that the monument sign does not impose upon the clear view triangle so as not to obstruct the view of motorists.

- 3. *That the proposed use will comply with the regulations of this Ordinance.*

Section 7-10 of the Kanab City Land Use Ordinance includes the following regulations for electronic message signs:

- a. *Electrical: The electrical components of signs are regulated by the currently adopted edition of the National Electric Code. All electrical signs must bear the U.L. label.*

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The building inspector shall determine that the electrical components of the sign comply with these regulations.

- b. *Electronic message signs or centers are regulated per its applicable sign type, e.g. freestanding, wall-mounted. The message shall change no more than once every (3) seconds.*

The electronic portion of the sign is part of a monument sign, which shall be regulated as such. The building inspector shall review and grant approval to the monument sign according to the regulations of the Land Use Ordinance. The sign shall be limited to change no more than every eight seconds, with the actual message rotation process shall be three seconds or less, according to Utah Code Section 72-7-505 (See below).

- c. *An electrically activated Message Sign shall not exceed twenty (20) percent of the sign surface area of the permitted sign.*

According to the measurements included in the site plan, the electrically activated portion of the sign will comprise approximately 19% of the surface area of the proposed sign.

Section 72-7-505 of the Utah Code states “*a changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less*”

As explained above, the applicant shall comply with this regulation.

- 4. *That the proposed use is in harmony with the intent and purpose of the Kanab City Master Plan or that the plan shall have first been amended through public hearing.*

Section 4.4 of the Kanab City General Plan identifies the revitalization of downtown to be a priority economic objective, including the attraction and retention of commercial development. If messages on the sign are limited to promotions for the business on site, the proposed sign will likely attract travelling residents to the site, adding to the patronage of Kanab businesses. The theme of the existing business accents to City motto of “Kanab: A Western Classic” and the sign incorporates western-themed elements into its design.

III. STAFF RECOMMENDATION:

That the Planning Commission approves the Application for Conditional Use Permit based on the following conditions:

1. That the building inspector approves the structural and electrical components of the sign, including a determination that the sign does not obstruct the clear view area triangle.
2. That electronic messages shall be limited to promotions for the business(es) on site.
3. That the interval between messages on the sign be limited to no more frequent than eight seconds and that the rotating process be accomplished in three seconds or less.



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76 North Main
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www.Kanab.Utah.Gov

Application for Conditional Use Permit

On-Line Version

KCfrmCUP-Ver-1.0.13

Application:

I (we) the below listed applicant(s) apply for a Conditional Use Permit.

Applicant Information:

Name Denny's Wigwam / Victor Sandonato / Cody Ju Phone (435) 689-0329
Address 78 E. Center P.O. Box _____
City Kanab State Utah Zip Code 84741

Type of Conditional Use

Is this Conditional Use primarily for Residential Use? Yes No n/a

Will this Conditional Use be accompanied by a Home Occupation Application? Yes No n/a

Is this Conditional Use primarily for a Commercial Use? Yes No n/a

Property Location: Indicate approximate property location using (East-West / North - South) street address

Property is located at 78 E Center, Kanab. Conditional use permit is for area located on south/east corner of lot.

Exhibits:

These items are required before processing of Application can begin:
Legal Description of subject property. Certified by a licenced land surveyor in the State of Utah.

You must submit these Exhibits by email, mail or hand delivery to the Kanab City Office.



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Exhibits:

These items are required before processing of Application can begin:

Site Plan drawn to scale and showing all proposed and/or existing buildings, fences, landscaping, parking, loading areas, topography for irregular sites.

You must submit these Exhibits by email, mail or hand delivery to the Kanab City Office.

Exhibits:

The following item is required before processing of Application can begin:

A Photocopy of the Kane County Ownership Plat Map showing all property owners within 300 feet of Applicant's property.

You must submit all Exhibits by email, mail or hand delivery to the Kanab City Office.

Use Information: (name and nature of business / operation / use)

Conditional Use permit for installation/construction of a Monument sign including an Electronic sign.

Licensing Information:

Is a Kanab City Business License required? Yes No n/a

Is a State or Federal License required? Yes No n/a

If either license is required, this Conditional Use Permit will not become effective until said licenses are aquired and recorded with the Kanab City Business License Officer.

Parcel Information:

1.22 Acres - (less than 1 acre enter as 0.XXXX)

Parcel ID A



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Check here if this Conditional Use does not apply to a Zone Classification and Use listed below. For example a request for a Church Tower height extension you would check this box and enter in your information in the box that will be shown below:

Zoning Information -

Select the current Zone District that the business is located in. If not sure refer to the Kanab City Zoning Ordinance Map.

- C - 1 M - 1 R1 - 8 RA - 2 RR - 1 RM - 7 RM - 9
- C - 2 M - 2 R1 - 10 RA - 5 KCR RM - 11 RM - 13
- C - 3 M - 3 R1 - 15 RA - 10 720 RM - 15
- CPD R1 - 20

Zone District you selected: (C-1) Commercial - min 5,000 sqft parcels, max 5 acres

Fast Food/Restaurant (C)

Use pull-down to select the appropriate approved use allowed in the zone district you selected.

NOTE: (C) = Conditional Use permit required to conduct business. Refer to the On-Line Conditional Use Permit Application.
(P) = Permitted Use. (*) = Special requirements - see Land Use Chart found in the Kanab City Land Use Ordinance.

Adjacent Property Owner(s) Notification:

A list of names, street addresses and mailing addresses for owners of property within 300 feet from the outer boundary of the subject property. (Note: this includes property owners across the street and in the rear of the subject property. In determining the 300 feet, the width of any intervening street or alley shall not be included. To add additional Adjacent Property Owner press the button below.

Name Kane County Travel Council Phone (435) 644-5033 0

Mailing Address 78 S 100 E

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Adjacent Property Owner(s) Notification: - continued

Street Address 78 S 100 E

P.O. Box _____

City Kanab State Utah Zip Code 84741

Fees:

Fees Required \$0.00 Deposit Req'd \$200.00

The calculated fees that are shown above are required before processing of this application can begin. After submitting this form the applicant will have an opportunity to pay the required fees/deposits by either making payment on-line , by mail or by hand delivery to the Kanab City Office in the form of a check or money order.

NOTE1: When this Application for Conditional Use Permit is accompanied with a Application for Home Occupation Permit, the fees for this application will be waived.

NOTE2: Additional deposits will be required when initial deposits are fully expended. Any unused portion of deposits will be refunded to applicant upon completion of the project.

Contact Information:

Applicant must provide at least one email address for correspondence with City Administrative Staff.

Primary Email codyjudd@kanab.net 2nd Email - optional _____

Signature of Property Owner(s) within the Subject Property:

Each Owner(s) of property within this requested Change Amendment must enter his/her name and date. Owner(s) understand that this change application may require a public hearing before the Kanab City Planning Commission and/or the Kanab City Council. If a publication notice is required (Refer to Utah State Land Use Code for the requirements).



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Application for Conditional Use Permit

On-Line Version

KCfrmCUP-Ver-1.0.13

NOTE: Filling in Signature Name and Date and submitting form will serve as a valid signature. Form will be date and time stamped when submitted.

Warning - once form has been submitted the form information can not be edited. If you need to change any information please contact the Kanab City Office.

Signature Cody Judd Date (mmddyyyy) 04-08-2013 0

For City USE ONLY

Accepted _____ Date (mmddyyyy) _____

Planning Commission USE ONLY:

PLANNING COMMISSION APPROVAL

The Planning Commission finds:

1. That the proposed use is necessary or desirable and will contribute to the general well being of the community.
2. That the use will not be detrimental to the health safety or general welfare of persons or persons residing or working in the community, or injurious to property or improvements in the vicinity.
- 3a. That the proposed use will comply with the regulations of the Kanab City Land Use Ordinance; i.e. it is listed a listed conditional use.
or.
- 3b. That the proposed use is in harmony with the character and intent of the zone in which the use resides.
4. That the proposed use is in harmony with the intent of the Kanab City General Plan.

Approval Comments

This Conditional Use Permit shall be null and void one year after approval unless substainial work shall have been accomplished toward its completion. This Conditional Use Permit may be revoked upon failure to comply with any of the condition imposed with the original approval of the permit.

Planning Commission Chairperson _____

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Application for Conditional Use Permit

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Planning Commission Approval - continued

Date (mmddyyyy) _____

Approval

Denied

Reason for Denial

Any appeal of the above decision shall be made in writing to the Kanab City Council. Appeals shall be filed with the City Clerk/Recorder not more than ten working days after the decision. The City Council may affirm, modify or reverse the decision of the Planning Commission. However, the City Council shall present, in writing, the reasons for its action.



Application for Planning Commission

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On-Line Version

KCfrmAPC-Ver-1.0.04

Application:

Application is hereby made to the Planning and Zoning Commission of Kanab City, Utah, for approval of the following listed Application.

Applicant Information:

Name	<u>Lynette Foster</u>	Phone	<u>(435) 689-0298</u>
Address	<u>996 Bryce Canyon Way</u>	P.O. Box	<u></u>
City	<u>Kanab</u>	State	<u>Utah</u>
		Zip Code	<u>84741</u>

Desired Planning Commission Hearing Date:

Meeting Date Requested: 05-07-2013 Date (mmddyyyy)

NOTE: Planning Commission Meetings are normally held on the 3rd Tuesday of each month Starting at 7:00pm in the Kane County Commission Chambers. Kanab City will contact the applicant with the meeting date assigned after all required information is received.

Application Applied For:

- Application for General Plan Amendment
- Application for Zone Change
- Application for Site Plan Review
- Application for Lot Line Adjustment
- Application for Home Occupation Permit
- Application for Conditional Use Permit
- Application for Preliminary Plat (minor or major)
- Application for Final Plat
- Application for Plat Vacation or Amendment
- Application for Planned Development Overlay
- Other

Describe the nature of applicant(s) request:



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Application for Planning Commission

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Description of applicant's request - continued

To visit and ask questions concerning the plan for changes to the requirements for a building permit and subdivision rules to be limiting Personal Property rights.

Owner/Manager: 1st listed Owner/Manager - Same As Applicant

Provide information for Owner(s)/Manager(s) below. Use button to add additional owner(s)/manager(s).

Name	_____	Phone	_____	0
Address	_____		P.O. Box	_____
City	_____	State	_____	Zip Code
	_____		_____	_____

Fees:

Fees Required	_____	Deposit Req'd	_____
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No Fees or Deposits are required with this Application. However there may be Fees and Deposits required with additional specific applications which must be paid in full prior to making application to the Planning Commission.

Contact Information:

Applicant must provide at least one email address for correspondence with City Administrative Staff.

Cell - if available	(435) 689-0298	Cell - if available	(435) 899-0300
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Primary Email	lynette@kanab.net	2nd Email - optional	utaz@kanab.net
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Application for Planning Commission

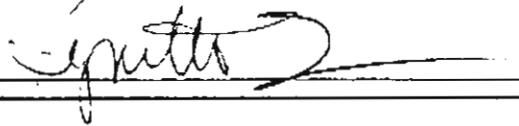
On-Line Version

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Applicant(s) Requesting to be on Planning Commission Agenda

NOTE: Filling in Signature Name and Date and submitting form will serve as a valid signature. Form will be date and time stamped when submitted.

Warning - once form has been submitted the form information can not be edited. If you need to change any information please contact the Kanab City Office.

Signature  Date (mmddyyyy) 4-30-13

For City USE ONLY

Accepted _____ Date (mmddyyyy) _____

Chapter 11 – Sensitive Lands

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

Table of Contents

Section 1-1 *To be Completed Later*

Section 1-2

Section 11-1 Purpose

11-1.1. The purpose of this section is to regulate development in sensitive areas in order to preserve the City of Kanab's unique visual character, conserve the public health, safety, and general welfare, and promote 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 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, 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 present design limitations to roadways, cuts and fills, and buildings, and difficulties in providing public services.

Section 11-2 General Provisions

11-2.1. The 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 potentially hazardous conditions particular to hillsides such as rock falls, storm water runoff, and mass movements.

11-2.1.2. 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 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 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 highly visible scarring of hillsides; and discourage mass grading and terracing of large pads but permit flexibility for reasonable development practices as appropriate.

11-2.1.5. Provide 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 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 would result in the degradation of fragile soils and steep slopes.

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

11-2.1.8. Encourage minimal grading 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 unreasonable "padding" or "staircase" effects. Encourage road design which follows the natural topography wherever possible in order to minimize cutting and grading.

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

11-2.1.10. 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 uses which do not present unreasonable risks to persons or property because of geological and natural hazards and/or geotechnical limitations;

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, the city council may grant a variance to allow building in any situation where a reliable taking analysis performed by the city attorney reveals 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. In the event that the affected landowner shall not be satisfied with the taking analysis, the landowner may seek the opinion of the state of Utah property ombudsman, which the city council will then consider in making its decision on the variance.

Section 11-3 Definitions

As Graded: The surface configuration upon completion of grading.

Bench: Relatively level step excavated into earth materials on which fill is to be placed for intermediate drainage area.

Berm: A low mound of earth graded in a linear or undulating form; often used as a noise or visual barrier.

Buildable Area: That portion of a lot or parcel which is eligible to place a building or structure and complies with the setbacks and other regulations of the zone where the property is located.

Building: A structure having a roof supported by columns or walls.

Building Height: The vertical distance measured from the ground level grade to the top of the building.

Canyon: A deep, narrow valley having high, steep slopes.

Clustering: Land planning technique appropriate for large subdivisions in which some areas are reserved as open space.

Clustering allows the permitted units in an area to be grouped more densely in the most developable parts of a site.

Contour: A line drawn on a plan which connects all points of equal elevation.

Contour Grading: A grading concept designed to result in earth forms which resemble natural terrain characteristics. Horizontal and vertical curve variations are often used for slope banks. Contour grading is not necessarily minimal grading.

Cuesta: A landform that has a steep ascent in one direction and a gentle descent in the opposite direction. The steep slope is the cuesta face, and erosion escarpment, and the gentle face is the back slope of the cuesta. The crest of the cuesta forms a ridgeline.

Cut: The mechanical removal of soil, rock or other earth material.

Cut and Fill: The excavating of earth material in one place as cut and depositing of it as fill in an adjacent place.

Development: The carrying out of any building activity or clearing of land as an adjunct of construction. "Major development" shall be considered to be subdivision platting, including various land uses and/or housing types.

Development Parcel: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Elevation: Height or distance above sea level.

Erosion: The process by which the soil and rock components of the earth's crust are worn away and moved from one place to another by natural forces such as weathering, solution and transportation.

Escarpment: A long cliff or steep slope separating two (2) comparatively level or more gently sloping surfaces and resulting from erosion or faulting.

Excavation: Any disturbance to the ground, including, but not limited to, clearing, grubbing, rock removal, cutting, tunneling, drilling or any other activity which alters the natural ground. "Minor" excavation shall mean a vertical cut of three feet (3') or less, or a disturbance of less than one acre of surface area. "Major" excavation shall mean a vertical cut of more than three feet (3'), or disturbance of more than one acre of surface area.

Existing Grade: The grade of land prior to grading.

Export: Excess cut that is removed from a grading project and deposited off site.

Fill: A deposit of rock, soil or other earth material placed by artificial means.

Finish Grade: The final elevation of the ground surface after development, which conforms to the approved plan.

Floodplain: The land area adjacent to a watercourse which is subject to the overflow of floodwaters.

Foothill: A hill at the bottom of a higher mountain or mountain range and forming part of the approaches to it

French Drain: A sump or trench filled with crushed rock or gravel intended to receive storm water discharge.

Geologic Report: Report that shall include maps and a report, as required by Section 11-10.

Geotechnical Engineer: A civil engineer or geologist registered in the State of Utah who, through training and experience, is able to assure that geological factors affecting engineering works are recognized, adequately interpreted and presented for use in engineering practice and for the protection of the public.

Grade: The vertical location of the ground surface.

Grade Separation: The separation at different levels of two (2) intersecting roads, by bridge, tunnel, or underpass, so as to permit the roads to cross without obstructing free traffic movement on either road.

Grading: To bring an existing surface to a designed form by excavating, filling or smoothing operations.

Grading Plans: A topographic development plan prepared by a registered civil engineer showing contours for before and after grading which do not exceed one-foot intervals.

Hazardous Conditions: Flood plain area, sensitive land, and land with a high water table which if disturbed is likely to be detrimental to life or property.

Hill: A landform that extends above the surrounding terrain, in a limited area.

Hillside: The slope or side of a hillside area - any lot or parcel with an average slope greater than **ten percent (10%)**.

Import: Fill material obtained off site to balance a grading project.

Improvement: An object, facility or structure generally constructed as a part of development.

Knoll: A small, round hill or mound.

Land: The portion of the earth's surface above the level of the sea or ocean.

Letter Report: A simplified geologic report used in relation to areas of relatively stable soil and rock as required by Section 11-9.

Mass Grading: The movement of large quantities of earth over large areas. Disruption of the majority of the on site surface terrain is common and often results in a successive pad/terrace configuration. Modification or elimination of natural landforms may result.

Mesa: A typically flat topped landform with generally steep sides.

Minimal Grading: A grading concept designed to minimize excavation and filling. Allows the movement of earth for projects such as individual building foundations, driveways, local roads, and utility excavation. Concept often associated with roads conforming closely to natural contours with the structures being built on natural terrain.

Natural Features: Non-manmade land characteristics which include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

Native Vegetation: The natural vegetation commonly found in an area.

Natural Areas: Undeveloped sites which have not been graded.

Natural Open Space: The landform as created by nature or subsequently modified by either agricultural activities or to meet fuel modification fire standards of the plan. Within natural open spaces, vegetation introduced for agricultural purposes may be removed and the area revegetated to a natural condition. Existing trees, riparian vegetation and native plant communities within natural open spaces shall be preserved and protected. Manmade water bodies and trails through natural open spaces may be considered as natural open space.

Natural Slope: A slope which is not manmade. A natural slope may retain the natural vegetation during adjacent grading operations, or it may be partially or completely removed and replanted.

Natural State: Portion of any lot or parcel which cannot be subjected to grading, removal of vegetation or building development.

Open Space: Primary and secondary conservation areas and other land conserved or set aside from development such as but not limited to public or private parks, trails, landscaped buffers, wetlands, meadows, forested areas, pastures, farm fields and other lands forming part of the ecologically connected matrix of natural areas significant due to wildlife habitat, water quality protection and other reasons.

Outcropping: The part of a rock formation that appears above the surface of the surrounding land.

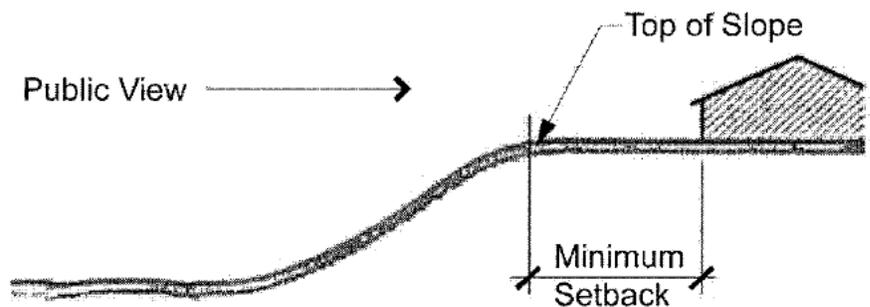
Pad: A generally flat or stepped area created by grading to accommodate development.

Plateau: A flat or predominantly flat area of land which is raised sharply above adjacent land on at least one side.

Prominent Ridge: A ridge or hilltop identified on the hillside protection overlay zone map.

Ridge: A long, narrow, or sharply defined conspicuous elevation of land.

Ridgeline: The junction of a rising steep slope on one side and a mildly ascending or a descending slope that may either be gentle or steep on the other side. See sketch below for the intended location of ridgeline as being the same as top of slope.



Scar: A highly visible cut in a hillside or ridge in which all topsoil has been removed and vegetation will be unable to establish itself within a significant period of time (5 years).

Sensitive Lands: Any land area whose destruction or disturbance could immediately affect the life of the community by either:

- A. Creating hazardous conditions such as flooding and landslides;
- B. Destroying important public resources such as water supplies and the water quality of lakes and rivers; or
- C. Wasting important productive lands and renewable resources.

Setback: The area between the building line and the property line, or when abutting a street, the ultimate right of way line. No structure or building is allowed in this area.

Single Loaded Street: A street with lots fronting on one side only.

Site: Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

Slope: An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In this Ordinance, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty (50) percent slope, for example, refers to a 100-foot rise in elevation over a distance of 200 feet. A fifty (50) percent slope is expressed in engineering terms as a 2:1 slope.

Slope, Manufactured: A manmade slope consisting wholly or partly of either cut or filled material.

Slope Transition: The area where a slope bank meets the natural terrain or a level graded area either vertically or horizontally.

Subsurface Drainage: Any system of pipes, canals, ditches, moats, and the like that intercepts ground water and carries it to Kanab Creek.

Surface Drainage: Water run-off caused as a result of precipitation or irrigation.

Toe of Slope: The lowest elevation of a slope which transitions to a flatter area or pad.

Top of Slope: The highest elevation of a slope which transitions to a flatter area or pad.

Topography: General term to include characteristics of the ground surface such as plains, hills, mountains, degree of relief, steepness of slope, and other physiographic features.

Utah Licensed Professional: A Utah registered or licensed civil engineer, land surveyor, architect or landscape architect.

Vegetation: Growing native or nonnative plants.

Viewshed: Areas which can be viewed from arterial roads, major collector roads or public gathering places which visually dominate an individual's cone of vision. (Ord. 2008-14)

Wetlands: Lands that are generally inundated or saturated by surface or ground water at a frequency or duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 11-4 Applicable Provisions

11-4.1. **Exhibit A:** The standards, guidelines and procedures established by this chapter shall apply to development of all sensitive land areas as defined in this chapter or as delineated in **Exhibit A attached to the ordinance** and codified herein; or in rare cases in other areas deemed to meet the intent of this chapter by the City. In addition, all properties seeking annexation or preapproval of projects pending annexation to the city will be evaluated according to the standards and procedures outlined in this chapter.

11-4.3. **Underlying Zoning:** All underlying zoning restrictions shall apply as set forth in the Kanab City Land Use Ordinance. In cases of conflict between the provisions of this chapter and other established regulations, the most restrictive provisions shall apply. 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 11-5 Development Permit Process

11-5.1. Initial Application: An applicant shall complete the initial application process as outlined in the Kanab City Subdivision Ordinance for a proposed subdivision, condominium plat, plat amendment, lot line adjustment or plat vacation. For all other development projects, the applicant shall complete an initial application form to the Kanab City Development Committee accompanied by the following:

11-5.1.1. Sketch Plan: The sketch plan shall include the following:

11-5.1.1.1.A vicinity map or recent aerial photograph showing the general location of the project and the property boundary and acreage, including a north arrow, map scale and designated public street access.

11-5.1.1.2. Significant natural and man-made features on the site and within one-half (1/2) mile of any portion of the proposed project boundary.

11-5.1.1.3. Mapped floodplains and sensitive land areas relative to the project boundary as delineated in **Exhibit A**.

11-5.1.2. Narrative: The narrative shall be a brief written statement which clearly describes in detail the intent of the project request including public street access, connection to existing public utilities, and the type of wastewater disposal system proposed.

11-5.1.3. Fee: The Sensitive Lands Review Fee as **outlined in the Kanab City Land Use Ordinance**.

11-5.2. Development Committee Review: The Development Committee and City Engineer will review the project application to determine if sensitive lands have been identified and will make recommendation advise the applicant of the required documents needed for the Sensitive Lands Development Permit Review. Conditions of approval may be established based on the findings of such documents. These conditions shall become a part of the record and be considered binding upon the applicant as part of the approved plan.

11-5.3. Planning Commission Review: Following review of all requested documents by the Development Committee and the City Engineer, all documents and review findings will be forwarded to the Planning Commission for review. Following review by the Planning Commission, a recommendation of denial, approval, or conditional approval will be forwarded to the City Council.

11-5.4. City Council Approval: The city council in approving, denying, or approving with conditions shall apply the standards imposed by the ordinances of Kanab City. In addition thereto the city council may impose such conditions on approval as may be necessary to ensure the safety of the proposed development, as may be recommended by either the landowner's (or developer's) engineer or the City Engineer.

11-5.5. Issuance of the Permit: The Development Committee shall check compliance of the concept plan and issue a Sensitive Lands Development Permit following approval by the City Council.

11-5.6. Approval Required Before Excavation: It shall be unlawful to excavate or grade any area on the project property prior to final approval of the site plan for permitted uses and conditional uses and the preliminary plat or minor subdivision plat for subdivisions by the city council, and prior to final approval of the required construction drawings for said site plans and subdivisions by the City.

11-5.7. Bonding: The City shall require the applicant to post a bond to ensure completion of revegetation projects, the stabilization of a grading site, cuts and fills, the construction of stormwater drainage facilities, and other hazard mitigation measures required in the approval of an application. Such bonds shall comply with the provisions of the Kanab City subdivision ordinance and any other applicable city codes.

11-5.8. Appeals: In the event of a disagreement with the requirements imposed by the City in connection with this chapter, or the determined lack of completeness of the required submittals of this chapter, an applicant may appeal the matter in accordance with the requirements of Kanab City Land Use Ordinance. The city shall then hear and make the final determination of the issue, subject in any event to an appeal to a court of competent jurisdiction as permitted by Utah Code Annotated section 10-9a-704.

Section 11-6 Required Permit Documents

11-6.1. The following documents are required for reviewing a Sensitive Lands Development Permit application, unless specifically waived by the Development Committee or City Engineer.

11-6.2. Slope Analysis Exhibit: All parcels containing areas determined to be within the Hillside Overlay Zone shall prepare a detailed slope analysis exhibit.

11-6.2.1. For the slope analysis, the applicant shall use a base topographical map of the subject site, prepared and signed by a Utah licensed civil engineer or land surveyor. This base topographical map shall include all adjoining properties within one hundred fifty feet (150') of the site boundaries to portray the site's context.

11-6.2.2. The slope analysis calculations shall 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 be prepared using CAD based or GIS based software specifically designed for such purpose. Contours on the exhibits shall be prepared using no greater than two foot (2') contour intervals with ten foot (10') contours being clearly labeled and at a scale of not less than one inch equals one hundred feet (1" = 100'). The slope analysis exhibit shall delineate slope bands, with contrasting colors, for the following slope ranges: zero percent (0%) to fifteen percent (15%), greater than 15 percent (>15%) to twenty five percent (25%), greater than 25 percent (>25%) to thirty percent (30%), greater than 30 percent (>30%) to forty percent (40%), and greater than 40 percent (>40%).

11-6.2.3. Also included in the slope analysis exhibit shall be a tabulation chart indicating the land area in acres within each slope category as identified herein.

11-6.2.4. Also included in the slope analysis exhibit shall be a sufficient number of slope cross sections to clearly illustrate the extent of the proposed grading. The slope cross sections shall:

11-6.2.4.1. All 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 be indicated and be of the same scale. The slope cross section shall extend at least one hundred fifty feet (150') outside the project site boundary to clearly show impact on adjacent property. Slopes shall be calculated in intervals no greater than forty feet (40') along the cross sections.

11-6.2.4.2. At a minimum, sections shall be drawn along those locations of the project site where:

11-6.2.4.2.1. The greatest alteration of existing topography is proposed;

11-6.2.4.2.2. The most intense or massive development is proposed;

11-6.2.4.2.3. The site is most visible from surrounding land uses;

11-6.2.4.2.4. Where grading will impact natural drainage conditions.

11-6.2.4.3. At least two (2) of the slope profiles shall be roughly parallel to each other and roughly perpendicular to existing contour lines.

11-6.2.4.4. The slope cross sections shall be stamped and signed by a Utah licensed professional proficient in creating such cross sections indicating the datum, source, and scale of topographic data used in the slope profiles. The signer shall attest to the fact that the slope profiles have been accurately calculated and identified.

11-6.2.4.5. The slope cross sections shall show existing and proposed topography, structures, and roadways. Proposed topography and features shall be drawn with a solid line. Existing topography and features shall be drawn with a dashed line.

11-6.3. **Concept Plan:** Any application for a use within sensitive lands shall include a conceptual plan of the proposed development which includes the following:

11-6.3.1. General Information: All information shall be submitted in both hard copy (paper) format as well as digital (pdf) format.

11-6.3.1.1. Name, address and telephone number of applicant;

11-6.3.1.2. Names, addresses and telephone numbers of the persons responsible for the preparation of any required reports;

11-6.3.1.3. Date of application;

11-6.3.1.4. Notarized signatures of the owners of the site or of an authorized representative;

11-6.3.2. Vicinity Map: A vicinity map showing the location of the site in relationship to the surrounding area watercourses, hillsides, prominent geographic features, roads and other significant structures;

11-6.3.3. Plan Scale: A plan of the proposed development at a scale of not less than one inch equals one hundred feet (1" = 100') illustrating:

11-6.3.3.1. *Boundary Lines*: Boundary lines of the site and development to be made thereon;

11-6.3.3.2. *Preservation Areas*: Any identified preservation areas within which development shall be prohibited;

11-6.3.3.3. *Improvements*: All existing and proposed improvements;

11-6.3.3.4. *Sensitive Lands Limits*: The limits of the sensitive lands areas if only a portion of the property is within these areas;

11-6.3.4. Development Type: The type and nature of the development;

11-6.3.5. Goals And Objectives: The goals and objectives of the developer, including a proposed plan for the long term maintenance and ownership of improvements within the project;

11-6.3.6. General Plan Relationship: The development's relationship to and compatibility with the general plan and other city master plans;

11-6.3.7. Existing Conditions Photographs: Digital photographs of the site as it exists at time of application. The photographs shall include the number of views adequate to depict the visual character of the entire site and any special features especially prominent ridgelines or landforms and any topographical areas with steep slopes and/or unique topographical features planned for disturbance. A minimum of three (3) views of the area of the proposed development as seen from surrounding properties shall be included.

11-6.4. **Grading Plan**: A grading plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the existing and proposed contours and cross sections, and proposed areas of cut and fill. A legend with appropriate symbols which shall include, but is not limited to, the following items: top of wall, top of curb, high point, low point, elevation of significant trees, spot elevations, and pad and finished floor elevations. Accurate contours, at no greater than two foot (2') contour intervals, showing the topography of the existing ground extending at least one hundred fifty feet (150') outside all boundary lines of the site, or more if needed to sufficiently show on and off site drainage, shall also be included. The grading plan shall include a description of the import or export methods to be employed in acquisition or disposal of soil and other material removed, including the location of the disposal site. A schedule shall be included showing when

each stage of the project will be completed, including the estimated starting and completion dates.

11-6.5. Grading Limit Monuments: Permanent monuments shall be installed to permit monitoring and enforcement of the grading limits during and after construction activities. The monuments shall be installed at locations determined by the city in accordance with survey standards for monumentation of property corners in the state of Utah. A tee post or other approved device shall be set near all corners to clearly show the extents of the grading limit lines. Monuments shall be installed and preserved during construction at the sole expense of the applicant.

11-6.6. Drainage Report and Plan: A drainage control plan and report shall be prepared by a Utah licensed professional civil engineer, and must be consistent with all other reports required in this section or other reports required in applicable sections of the building code.

11-6.6.1. Information To Be Shown: The drainage plan and report shall show all surface and subsurface natural drainage systems and facilities, walls, curbing or other erosion protection devices to be constructed in connection with, or as part of the proposed work, together with a map showing the drainage area and estimated runoff of the area to be served by any drainage systems or facilities.

11-6.6.2. Design Of Lot To Address Drainage: Each lot or parcel shall be designed in such a manner that stormwater or nuisance water shall not adversely impact other properties in the area. Property development shall not unnecessarily cause a natural drainage channel to be filled in, obstructed or diverted. When modification to a natural drainage channel is proposed within the development, such changes will be addressed in the drainage study and shown on the improvement plans, and the developer may be required to dedicate rights of way or record drainage easements for structures and/or improvements needed to carry storm runoff in the event approval is given for the proposed modifications.

11-6.6.3. Drainage Systems Separate From Sanitary Sewer System: All drainage systems shall be separate and independent from the sanitary sewer system.

11-6.6.4. Drainage And Flood Control Design: Drainage and flood control shall be designed in conformance with applicable city and state drainage, flood control and engineering standards, and shall comply with the city's stormwater master plan. Detention or retention features, if required, shall be designed on site or at suitable regional detention sites to limit conveyance of the stormwater from a 100-year frequency

storm event onto streets or stormwater drainage easements without creating flood hazards to dwellings.

11-6.6.5. Underground Pipe System: If an underground pipe system is required, it shall be designed to meet Kanab City standards and generally accepted engineering criteria. Major hydraulic structures shall be designed to carry a 100-year storm minimum. The minimum storm drain size shall be twelve inches (12").

11-6.6.6. Detention: Detention shall be considered where it is suitable as confirmed by all required reports. Detention basins shall be used for the purpose of eliminating the effects of the peak runoff of storms and releasing water flow at the preproject, or approved, rate.

11-6.6.7. Protection To Lower Lots: Water from precipitation and/or irrigation must be contained within the lot boundaries, or piped to appropriate drainage systems designed to safely transmit it to safe disposal. Water stored on the lot must not create unsafe slope conditions from soil saturation or erosion. A conceptual plan for all drainage shall be provided.

11-6.7. **Improvement Plans**: These plans shall show any existing and proposed buildings or structures and cross sections of the areas where they are or will be located, and all proposed roads, utilities, easements and drainage channels on the property where the work is to be performed. Also, the location of any buildings or structures on adjacent property which may be affected by grading operations shall be shown. All retaining structures shall be shown with location, height, construction type and any other details needed.

11-6.8. **Geotechnical Report**: "The Geologic Hazard And Adverse Conditions, St. George - Hurricane Metropolitan Area" document and maps prepared by the Utah geological survey (current edition) shall be reviewed when considering a site for development. A Utah licensed professional engineering geologist or a Utah licensed professional engineer who is trained and experienced in the practice of geotechnical engineering shall prepare the geotechnical report. The geotechnical report shall include the following:

11-6.8.1. Conditions And Features: A general description of the topography, drainage conditions and surface vegetation. The report shall include surface features such as rock outcroppings, existing structures, debris, and unstable or wet conditions.

11-6.8.2. Location Map: A location map showing the footprints of the planned improvements and the exploration locations with elevations.

11-6.8.3. Subsurface Condition Evaluation: An evaluation of the subsurface conditions, including a complete record of the explorations, laboratory test results, and the elevation of the water table, if encountered.

11-6.8.4. Potential Geotechnical Constraints: Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units, shallow ground water, and windblown sand), and recommendations for their mitigation.

11-6.8.5. Springs And Seeps: The locations of any springs and seeps on the project site, and recommendations concerning the effects of the springs and seeps on the proposed development.

11-6.8.6. Geotechnical Recommendations: Specific geotechnical recommendations for the design and construction of the proposed project, which shall include the following:

11-6.8.6.1. A general assessment of the requirements needing to be met to develop the proposed site.

11-6.8.6.2. Site preparation and grading, and the suitability of the on site soils for use as structural fill.

11-6.8.6.3. Stable cut and fill slopes, including recommendations concerning the effects of material removal and the introduction of water, both on and off site.

11-6.8.6.4. Recommendations for foundation type and design criteria, including, but not limited to, bearing capacity of natural or compacted soils, provisions to mitigate the effects of expansive, compressible or collapsible soils, differential settlement and varying soil strength, and the effects of adjacent loads.

11-6.8.6.5. Anticipated total and differential settlement.

11-6.8.6.6. Special design and construction considerations, as necessary, such as the excavation and replacement of unsuitable materials, excavation difficulties, stabilization, or special foundation provisions for problem soil conditions.

11-6.8.6.7. Design criteria for restrained and unrestrained retaining walls.

11-6.8.6.8. Soil corrosion.

11-6.8.6.9. Moisture protection and surface drainage.

11-6.8.7. Design Recommendations For Walls And Fill Slopes: Detailed design recommendations for any planned rockery walls, mechanically stabilized earth (MSE) walls, and/or reinforced fill slopes.

11-6.8.8. Slope Stability Analysis: A detailed slope stability analysis may be required if potentially unstable rock or soil units or slope creep has been identified on the site. The analysis should include, but not be limited to, a determination of shear strength and in some instances residual shear strength, soil saturation, and treatment methods required to provide a minimum safety factor of 1.5 for any slope within the project boundary.

11-6.8.9. Risk Factors: The Development Committee and City Engineer shall may determine risk factors when reviewing the geotechnical report as circumstances warrant.

11-6.8.9.1. In the absence of other compelling risk factors the following criteria will be used to assess risk:

11-6.8.9.1.1. *Low (risk factor 1-5)*: No risk factors present other than slope.

11-6.8.9.1.1. *Moderate (risk factor 6-7)*: Fat (blue) clay present at the surface or under the surface.

11-6.8.9.1.1. *High (risk factor 8)*: Fat (blue) clay together with surface or subsurface water present.

11-6.8.9.1.1. *Very High (risk factor 9)*: Fat (blue) clay and water present together with the observation of slope instability in similar geologic conditions.

11-6.8.9.1.1. *Extreme (risk factor 10)*: The above conditions, together with a stream or other significant erosion potential near the toe of the slope.

11-6.8.9.2. Any property proposed for development with a risk factor of 9 (very high risk) or 10 (extreme risk) shall provide the city with an extended warranty bond for a period of two (2) years for all public improvements.

11-6.8.10. Inspection And Certification: It is strongly recommended that the geotechnical firm for the project also provide inspection, testing, and verification services for all

grading, foundations, pavement sections, retaining structures, utility line placement, and backfill and any other construction relating to geotechnical aspects of the development. For real property for which development has proceeded on the basis of a geologic or geotechnical report which has been accepted by the city, no final inspection of a subdivision or other improvements shall be completed or certificate of occupancy issued or performance bond released until the engineering geologist or geotechnical engineering firm who prepared and approved the report provides a letter of compliance, in writing, that the completed improvements and structures conform to the descriptions and requirements contained in said report including any approved revisions.

11-6.8.11. Geotechnical Mitigation Measures: Geotechnical mitigation measures must be reasonable and practical to implement, especially if such measures require ongoing maintenance by property owners.

11-6.8.12. Infrastructure Maintenance: Infrastructure maintenance shall be addressed in the geotechnical study. Most generally Kanab City maintains public improvements such as sanitary sewer, water, storm drains, power, pavement, curb, gutter and sidewalks within the public road right of way. Generally it is the property owners and homeowners' associations that maintain subsurface or surface drain lines, irrigation, drains for intercepting ground water, sewer laterals, water lines to homes, and other utilities and improvements that are located on private property.

11-6.8.13. Long-Term Infrastructure Maintenance: For all projects located within the **Hillside Overlay zone**, the geotechnical study shall propose a plan for providing long term maintenance for all improvements to the property, including those improvements listed as being normally maintained by the city. Any exception to this requirement must be made by specific city council approval.

11-6.9. **Geology Report**: **"The Geologic Hazard And Adverse Conditions, St. George - Hurricane Metropolitan Area" document and maps prepared by the Utah geological survey (current edition)** shall be reviewed when considering a site for development. A Utah licensed professional engineering geologist or a Utah licensed professional engineer who is trained and experienced in the practice of geotechnical engineering shall prepare the geology report. The geology report may be included in the geotechnical report, and shall include the following:

11-6.9.1. The location and boundaries of the project site and its general geologic setting.

11-6.9.2. A description of the specific geologic conditions at the site.

11-6.9.3. Identification of potential geologic hazards (such as faults, landslides, rockfall, flooding and liquefaction).

11-6.9.4. Conclusions and recommendations regarding the effects of the geologic conditions and any potential hazards on the proposed development, and recommendations to minimize any hazard to life or property, or any adverse impact on the natural environment.

11-6.10. **Landscape Plan:** A landscape plan and report shall be prepared by a professional landscape architect licensed in the state of Utah. The report shall describe how the landscape plan meets the requirements of this chapter and shall include a description of existing vegetation, a plan of any proposed vegetation of the site or modifications to existing vegetation, and a plan for the preservation of existing vegetation during construction activities. Erosion protection of existing and proposed slopes shall be included in the plan.

11-6.11. **Additional Exhibits or Reports:** The Development Committee, City Engineer, Planning Commission and/or the City Council may request additional exhibits, documents, or reports to adequately address unique circumstances and comprehend the full impact of any proposed development. Such exhibits, documents, or reports shall be submitted with other application materials, and may include:

11-6.11.1. Phase I or Phase II environmental site assessment studies.

11-6.11.2. Biological resources surveys.

11-6.11.3. Archaeological resources surveys.

11-6.11.4. More detailed grading exhibits showing mitigation or grading details, based on site visits with the developer's representative.

11-6.11.5. In some cases computer generated three-dimensional imaging or photo imbedded visual simulations may be requested to adequately depict the post-development conditions and their impact on the visual character of the site. Included shall be depictions of any topographical areas with steep slopes and/or unique topographical features planned for disturbance illustrated at a distance and perspective that will adequately illustrate postdevelopment conditions along with the proposed mitigation for development. In tandem with these exhibits, pre-development digital photographs of the site shall

be included showing identical views utilized in the post-development computer generated three-dimensional imaging exhibits for comparison. The number of computer generated exhibits and their locations and perspective shall be based on site visits with the developer's representative.

11-6.12. **Restrictive Covenant:** The Development Committee, City Engineer, Planning Commission, or City Council may require the owner(s) of the subject real property to sign and deliver to Kanab City a restrictive covenant prior to project approval or issuance of a building permit for construction, to address the following:

11-6.12.1. A complete description of the geologic condition of the subject real property, including references to relevant reports and studies;

11-6.12.2. A description of the grading, filling, or excavating or erection of structure(s) approved in the letter report or geologic report which has been acknowledged by the City Engineer, together with the requirements and restrictions imposed thereon;

11-6.12.3. A covenant and agreement enforceable by Kanab City, adjoining landowners, and any subsequent owner of the subject real property that only the grading, filling, or excavating or erection of a structure in the acknowledged letter report or geologic report will be constructed or maintained without further compliance with this Chapter, as it may be amended from time to time.

11-6.13. **Civil or Criminal Fraud:** It shall be 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 statement of a material fact related to the geologic condition of the subject property. This Section shall be construed to create private and public civil causes of action in addition to creating criminal liability.

Section 11-7 Project Compliance Assurance

11-7.1. The following technical reports and plans shall be accepted as described prior to final plat approval, acceptance of the site plan and/or issuance of a building permit for structures:

11-7.1.1. Grading Plan Record Drawings And Letter Of Compliance: Upon completion of rough grading work and prior to any excavation for foundations or structures, an "as-graded" plan and a letter of compliance prepared by the Utah licensed

civil engineer who prepared the approved grading plans shall be submitted to the building department and public works department for review and approval. The as-graded plans shall include original ground surface elevations, as graded surface elevations and all other features that were a part of the approved grading plan. The engineer shall provide a letter of compliance on the as graded plan that the work was done in accordance with the approved grading plan and the City's grading requirements, including any approved revisions to the plans or requirements.

11-7.1.2. Landscape Plan Letter Of Compliance: Landscape and irrigation plans shall be prepared by a licensed landscape architect and shall be submitted to and approved by the building department. A Utah licensed landscape architect shall provide a letter of compliance to the city stating that the plans comply with the requirements of this chapter and recommendations contained in the geotechnical report.

11-7.1.3. Drainage Plan Letter Of Compliance: The drainage plan shall be approved by the City Engineer. The plan shall be prepared in conformance with guidelines available in the city engineer's office. The point of location where the natural drainage channel enters and leaves the property may not be changed without approval of the city engineer. A Utah licensed engineer shall provide a letter of compliance stating that the plans comply with the requirements of this chapter as well as the city's drainage requirements.

11-7.1.4. Construction Drawings And Improvements Plan Letter Of Compliance: The construction drawings and improvements plan shall be reviewed and approved by the city engineer. A Utah licensed engineer shall provide a letter of compliance stating that the plans comply with the city's construction drawing requirements. The city engineer shall verify that any existing buildings or structures, and all roads, easements and drainage channels on the property where the work is to be performed or on adjacent properties is accurately illustrated and described.

11-7.1.5. Other Requirements: Other reports, such as geotechnical construction observation and testing compliance reports deemed necessary by the individual or body designated to grant approval may require letters of compliance. If necessary, any requirements for approval will be described at the time of the initial request for additional technical reports, and letters of compliance will depend on the procedure, conditions, or terms described therein.

11-7.2. Verification Of Compliance: For developments on a development parcel applicable to this code, a letter of compliance

by a Utah licensed engineer that the development has been completed in compliance with the approved hillside development permit, including satisfaction of any conditions contained in the permit, shall be required. Restoration bonds shall not be released, and certificates of occupancy shall be withheld for such a development, until such certification has been received and approved by the City Engineer.

11-7.3. **Penalties:** In addition to any other penalties, a City officer from the building department or public works department shall have the right to order a halt to construction of any improvements within a sensitive lands area where, in the officer's discretion, there exists a condition which violates, or threatens to violate, any provisions of this chapter. Such suspension of construction activities shall continue until the city officer is satisfied that measures have been implemented for substantial compliance with this chapter. The developer may appeal to the City Council. The City may enter legal proceedings to require any person who violates this section to fund and return a site to the condition found prior to any disturbance, with a City official to determine when this natural state has been achieved, or to set specific requirements necessary to achieve the natural and restored state. Legal proceedings may also seek to impose and collect a fine in order to recover staff costs incurred through addressing any violation of this section.

Section 11-8 Development Standards

11-8.1. All proposed development and improvements within a designated 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 of hillside properties. Their purpose is not to discourage proposals for innovative or alternative methods of design in a hillside area; 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**.

11-8.2. **Hillside Overlay Zone Classifications:** Lands located within the **Hillside Overlay Zone** shall be evaluated within the following slope ranges. Each slope category range delineates the relative suitability of land for development.

11-8.2.1. Zero percent (0%) to fifteen percent (15%); flat to gently rolling land: Development with grading is permitted in this zone. These areas are still subject to the requirements of

the excavation and grading permit requirements of the applicable building code.

11-8.2.2. Greater than fifteen percent (>15%) to twenty five percent (25%); moderate hillside: Special hillside architectural and design techniques that minimize grading and harmonize the built and natural environments are required in this zone. Architectural prototypes and infrastructure elements are expected to complement the natural landform by using techniques required herein. Impact of streets and trails is to be minimized by following natural contours where practicable.

11-8.2.3. Greater than twenty five percent (>25%) to thirty percent (30%); hillside: Development within this zone shall be restricted to slopes where it can be demonstrated with sufficient evidence to the Development Committee that slopes are safe and that environmental and aesthetic impacts can be minimized. The use of larger lots, variable setbacks, and variable building structural techniques such as stepped or pole foundations are expected. Structures shall blend with the natural environment through their shape, materials, and colors. Impact of streets and trails is to be minimized by following natural contours where practicable.

11-8.2.4. Greater than thirty percent (>30%) to forty percent (40%); steep hillside: This is a sensitive slope condition and development is limited unless a specific exception is allowed by the city council as outlined in this chapter.

11-8.2.5. Greater than forty percent (40%); mountainous: This is a severe slope condition and development is prohibited unless a specific exception is allowed by the city council as outlined in this chapter.

11.8.2.6. Restrictions on potential development apply to the hillside protection overlay zone in order to preserve the character of the natural terrain as much as possible. The following provisions shall be applied to development within the **Hillside Overlay Zone**:

**TABLE 11.1
SLOPE AND REQUIRED OPEN SPACE**

Slope Category Percent Natural Slope	All Zones Required Open Space
0% - 15%	Underlying zoning applies
>15% - 25%	Underlying zoning applies
>25% - 30%	70 percent
>30% - 40%	90 percent
>40%	100 percent

11-8.3. Disturbance Limitations: The following criteria shall be applied in establishing the limits of disturbance for a site:

11-8.3.1. Adverse visual impacts from within and without the development shall be minimized unless doing so precludes another objective of this chapter. The screening of cuts and fills, and the visual protection of prominent ridgelines, rock outcroppings, scenic views, and the natural terrain is required unless doing so precludes another objective of this chapter.

11-8.3.2. Disturbed slopes should be treated to minimize erosion, and natural drainageways shall be protected unless doing so precludes another objective of this chapter.

11-8.3.3. The clearing of trees, shrubs and other native vegetation should be limited to:

11-8.3.3.1. The approved locations for streets, driveways and easements.

11-8.3.3.2. The approved locations for building pads for structures, other main buildings and accessory structures.

11-8.3.3.3. The minimum distance between structures and surrounding vegetation for established fire prevention and safety standards or recommendations.

11-8.3.4. Significant trees, shrubs and other native vegetation should be preserved in the design of the development. Significant vegetation is to be identified on a map with the application submittals.

11-8.3.5. All topsoil from any disturbed portion of the site should be preserved and utilized in revegetation areas. The soil in the upper portion of fill areas shall be of a sufficient quality to support native plant growth.

11-8.3.6. The maximum limits of disturbance shall be identified on each lot or parcel of the approved site plans and subdivision plats and shall include all graded, excavated, and filled areas, the areas occupied by main and accessory structures, hard surface areas that include driveways, walkways, patios and parking areas, and all other areas of disturbance or non-native vegetation.

11-8.3.7. All lots and building pads shall be graded during construction of the development, including all retaining walls, roadways, utilities, and all other improvements needed to complete the site work. No building permits for structures will

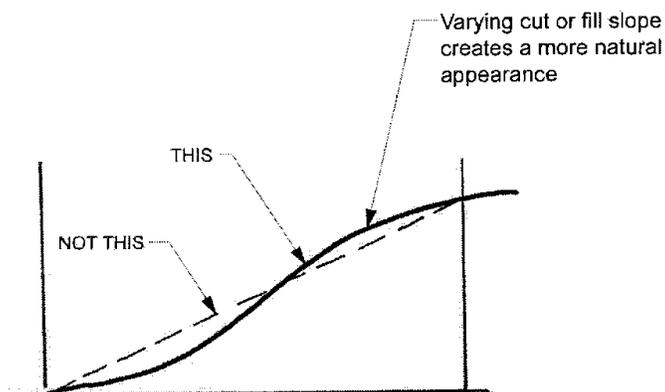
be issued or recordation of any subdivision plats prior to completion of all site work unless specifically approved by the City Council.

11-8.4. Grading Design: Grading for all developments shall be designed to blend with the contours of the adjacent natural terrain.

11-8.4.1. Limits Of Grading: No grading, cutting, filling, excavating, benching or terracing of any proposed lot or parcel shall go beyond the maximum limits of disturbance for each lot or parcel as provided herein.

11-8.4.2. Cuts And Fills: All cuts and fills shall be minimized and shall be included within the maximum limits of disturbance for each lot or parcel. All cut and fill areas shall be recontoured 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 be reviewed for appropriateness, suitability, and visual impact 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 areas of cut and fill shall be protected from erosion during the period of construction and shall 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.

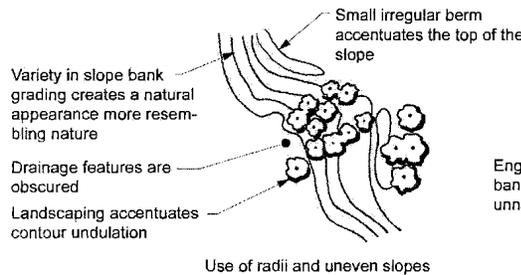
Where cut or fill conditions are created, slopes shall be varied and rounded where feasible rather than left at a constant angle which may be unstable or create an unnatural, rigid, engineered appearance.



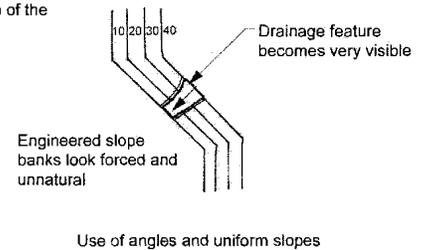
11-8.4.3. Cuts And Fills Visual Mitigation: The visual impact of cuts and fills shall be mitigated by methods approved by the city council. Mitigation shall predominantly be contour grading along with plantings as identified on the approved landscape plan that will stabilize the cut or fill slope and blend with the surrounding vegetation. Other mitigation may include, but is not limited to, the placement of buildings so as to screen the cuts and/or the placement of 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. Contour grading techniques shall be used to provide a natural appearing variety of slope transitions, slope percentage and slope direction in a three-dimensional undulating pattern similar to existing terrain.

11-8.4.3.1. Cut and fill operations shall be given a rounded appearance that closely resembles the natural contours of the land.

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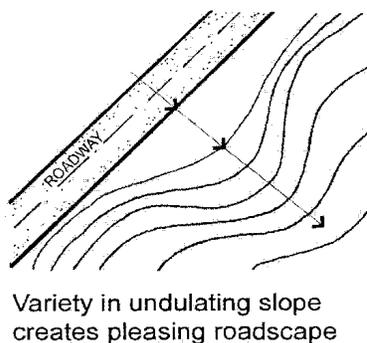


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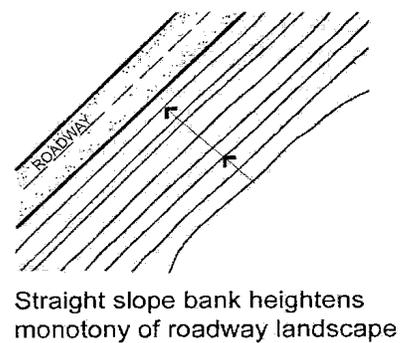


11-8.4.3.1. Graded slopes adjacent to roadways shall be softened by sufficient berms, contour grading, and/or landscaping to create natural, varied and pleasing streetscapes.

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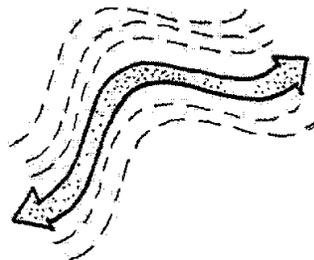


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11-8.4.4. Street And Driveway Alignment: Street alignments shall run generally parallel along the contours of the natural terrain. Short sections of streets that run perpendicular to natural contours and serve the purpose of connecting main parallel sections of streets are permitted and shall follow the natural curves of drainageways where practicable. Streets shall not greatly alter the physical and visual character of a hillside by creating large notches in ridgelines or by defining wide straight alignments. Contour grading techniques shall be employed on all streets and associated cut and fill areas to minimize any adverse impacts. Reduced width road sections, split road sections, and split parking bays are potentially acceptable techniques to employ in the layout of hillside streets to reduce grading.

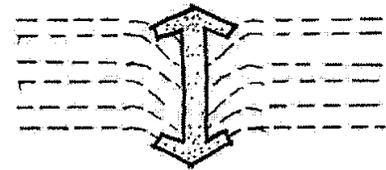
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Reduce grading by aligning roads along natural grades

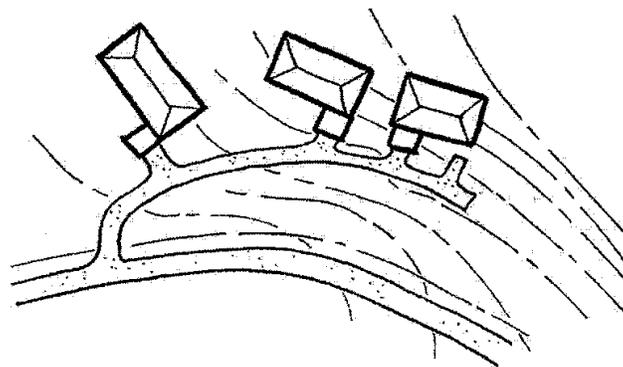
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Roads and hillside grading:



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

The portions of driveways that run perpendicular to natural contours and serve the purpose of accessing building lots and parcels shall be as short as practicable. Driveways that serve more than one parcel are permitted as a method of reducing unnecessary grading, paving and site disturbance. If lots and parcels will be sharing driveways, cross use easements shall be recorded with the subdivision.

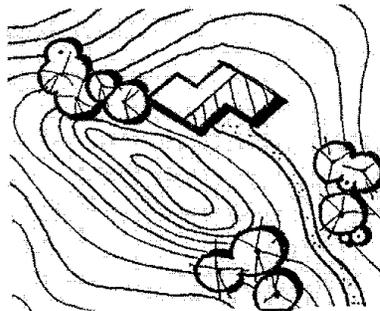


Shared driveways can reduce grading.

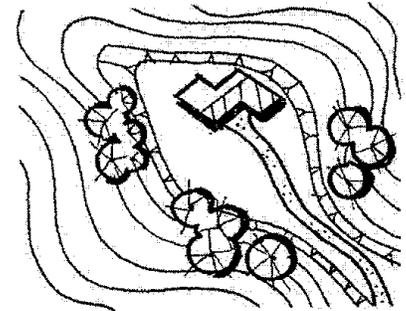
11-8.4.5. Open Space Trails: Trails through open space shall be located such that cuts and fills are minimized and visual character is preserved.

11-8.4.6. Building Site Grading: Building site grading shall be minimized so as to preserve natural features. Careful consideration shall be given to the general orientation of the slope when locating structures.

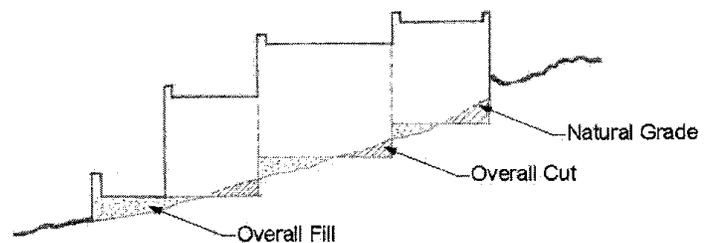
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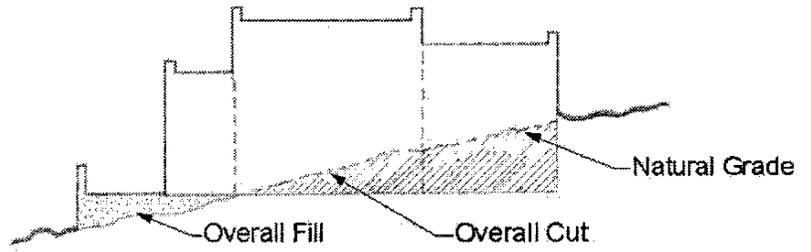
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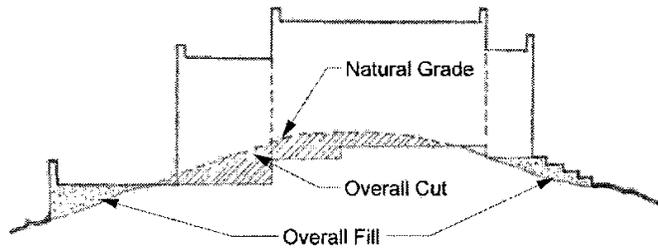
11-8.4.7. Cut And Fill Conditions: On each building site, careful consideration shall be given to the cut and fill conditions such that a balance is achieved where feasible and consistent with the intent of this chapter to minimize the visual impact of grading. Different terrain conditions call for corresponding different cut and fill solutions such that the structure fits well into the topography as illustrated below. Impact to natural drainageways shall be avoided.



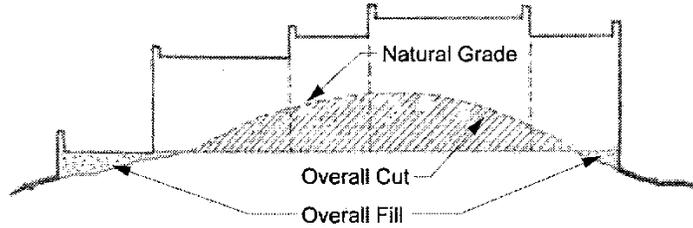
Sloping Site - Conceptual Terraced Floor Levels



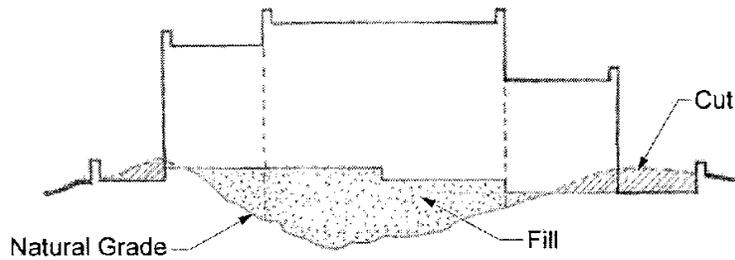
Sloping Site - Conceptual Single Floor Levels



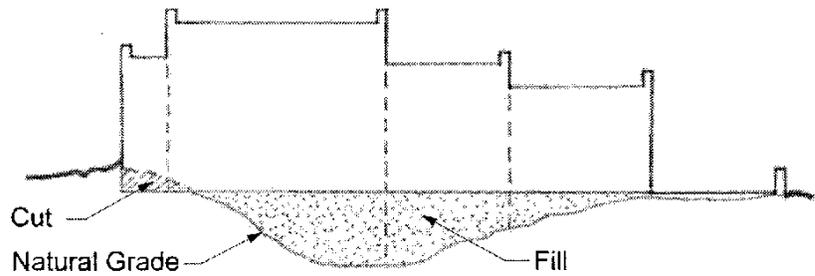
High Center Site - Conceptual Terraced Floor Levels



High Center Site - Conceptual Single Floor Level



Low Center Site - Conceptual Terraced Floor Levels



Low Center Site - Conceptual Single Floor Level

11-8.5. Prominent Ridgeline 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:

11-8.5.1. For new developments the minimum setback from a prominent ridgeline, as shown on the hillside protection overlay zone map, is fifty feet (50') for one-story structures and sight obscuring privacy fences and walls unless a greater setback is recommended in the geotechnical report.

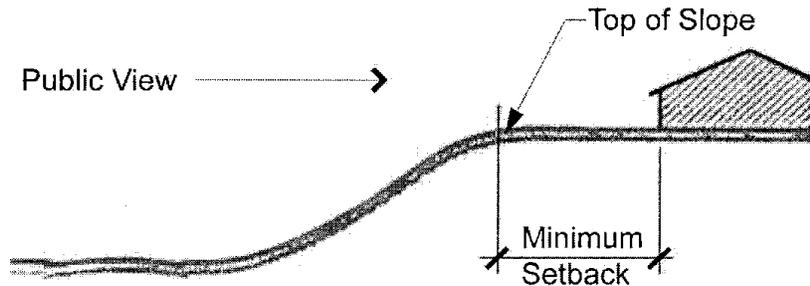
11-8.5.2. The setback is one hundred feet (100') for 1¹/₂- and two-story structures unless a greater setback is recommended in the geotechnical report.

11-8.5.3. On individual lots previously platted, any setback; front, rear, or side may be modified by the City Council as determined in the best interest of the City unless a greater setback is recommended in the geotechnical report or a greater setback is recommended by the City Engineer or Development Committee for safety and stability.

11-8.6. Architectural Standards: The purpose of establishing architectural design standards in sensitive lands 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.

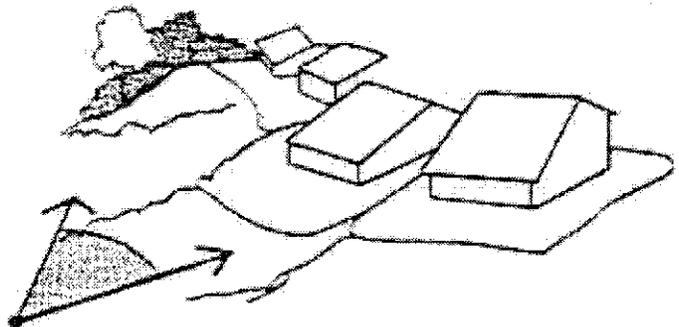
11-8.6.1. Building Orientation and Setbacks: A variety of building and lot orientations shall be provided in order to encourage development suitable with the hillside character of the site. Unless a greater setback is recommended in the

geotechnical report or the structure is located on a prominent ridgeline where a greater setback applies as detailed herein, a minimum building setback of fifteen feet (15') from top of slope and/or an average setback of fifteen feet (15') shall be provided from the edge of the pad.



11-8.6.2. Viewshed Protection:

11-8.6.2.1. Structures shall 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

11-8.6.2.2. Site planning shall emphasize the preservation of views to prominent visual features such as ridgelines, as viewed from within and outside the hillside development. This includes building orientation to allow view opportunities and locating buildings on the least sensitive portions of the site so as to preserve landforms, vegetation and topographical features.

11-8.6.2.3. Hillside buildings shall be stepped to follow the contours of the slope. For aesthetic reasons, 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.

11-8.6.3. Building Style: Architectural styles shall be compatible with the environment character, topography, and theme of the community. Hillside adaptive architecture, as described below, shall be used within the **Hillside Overlay Zone**:

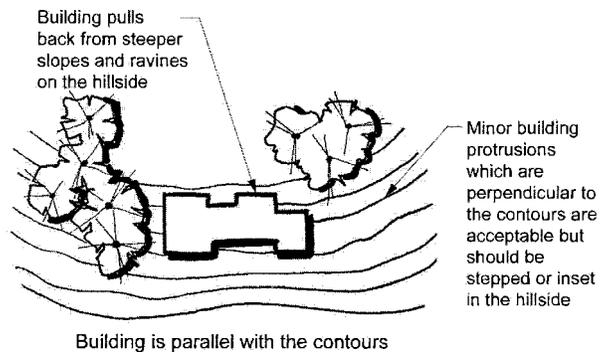
11-8.6.3.1. Buildings shall be stepped as necessary to minimize grading.

11-8.6.3.2. A variety of roof orientations and types which emphasize roof pitches reflecting the overall slope of the hillside shall be incorporated into the design of the buildings.

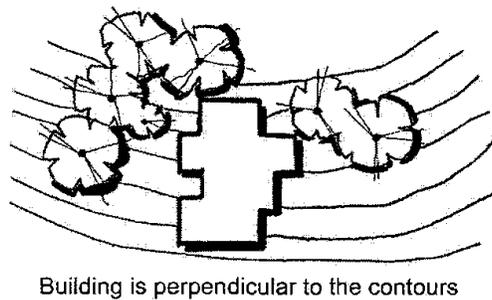
11-8.6.3.3. Enhanced architectural elevations are required where the front, rear or side of units face public view. Units shall avoid massive walls and monotonous patterns of building silhouettes to the satisfaction of the city council.

11-8.6.3.4. The dimensions of a building, measured in the direction of the slope shall be minimized in order to limit the amount of cut and fill and to better incorporate the structure to the natural terrain.

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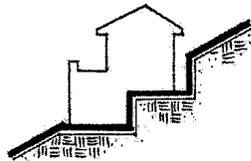


11-8.6.3.4. Buildings may be clustered to respect and adapt to the existing topography. Flexible siting techniques including varying the position of the structures and varying the sizes of lots shall be used as necessary to preserve the character of the hillside setting.

11-8.6.4. Architectural Treatments: Publicly visible exterior walls of any building shall 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 be incorporated in all exterior walls of the 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.

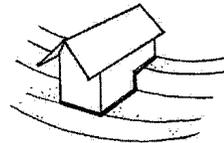
11-8.6.4.1. The form, mass and profile of the individual buildings and architectural features shall be designed to blend with the natural terrain and preserve the character of the natural slope. Avoid the use of large gable ends on downhill elevations. The predominant roof slope shall be oriented in the same general direction as the natural slope.

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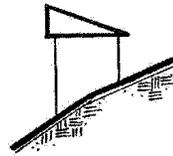


Roof slope approximates that of hillside and follows its direction, building hugs ground form better

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Avoid large gable ends on downhill elevations

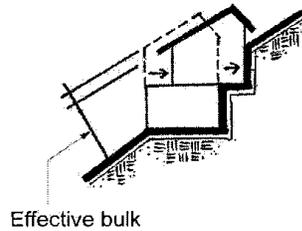


Angular forms which slope in the opposite direction to the slope of the hill destroy the relationship of the hillside and building and increase the effective bulk

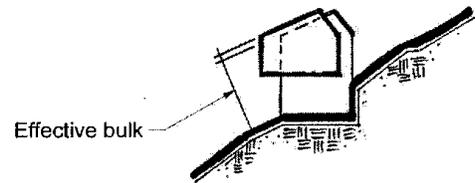
11-8.6.4.2. Avoid large roof overhangs and cantilevers on downhill elevations to reduce the massive appearance from below.

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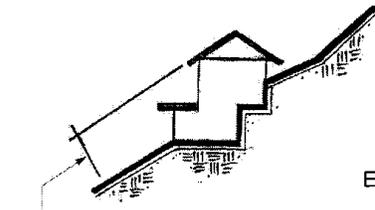
Terracing reduces bulk



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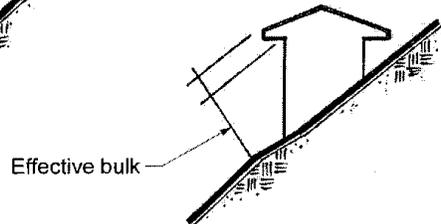


Cantilever makes building appear taller, more monumental



Effective bulk

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



Effective bulk

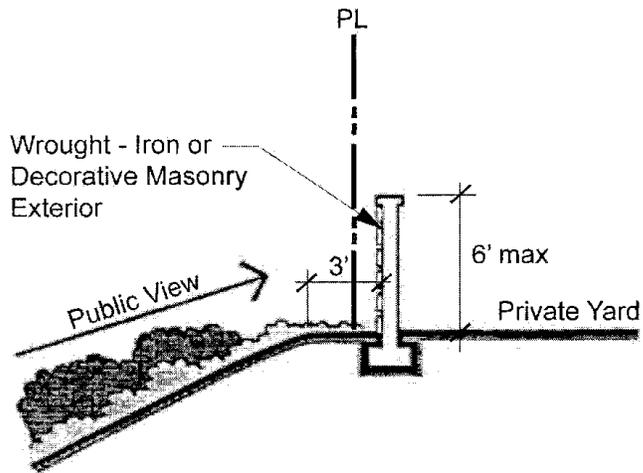
Excessive roof overhang results in additional visual bulk

11-8.6.5. Finish Materials, Color, And Reflectivity: Building materials and colors shall blend with the natural setting. The color, material and texture palette shall be reinforced with compatible landscaping consistent with the landscaping requirements of this chapter. The light reflective value (LRV) of materials used on all exterior walls and roof areas shall be similar to the LRV of the surrounding terrain. The building material colors and their LRVs shall be submitted with the final application.

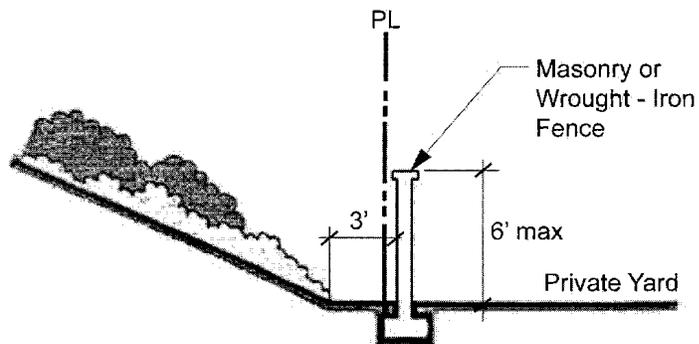
11-8.6.6. Fencing And Privacy Walls: All fences and privacy walls adjacent to or clearly visible from public roads or parks shall be either virtually transparent (such as wrought iron fencing) or constructed of materials which have a natural appearance and color that blends with the surrounding environment and is complementary to the landscape. The applicant shall present illustrations, sample materials, and descriptions of fencing and wall materials to demonstrate compliance with the requirements of this subsection.

All walls and fences adjacent to or visible from public roads shall be set back from the road right of way by a minimum of six feet (6') (or greater where cited elsewhere in this code) landscaped area on the street side of the wall or fence. Additionally, walls and fences not exceeding six feet (6') in height are permitted adjacent to structures in order to provide

a private outdoor area. A minimum flat area from top or toe of slope of three feet (3') or more as required by the adopted building codes of the city shall be maintained to face of wall on slopes with slope heights of thirty feet (30') or greater as per the following diagrams:



Top of Slope Wall



Toe of Slope Wall

11-8.7. Landscape Design Standards:

11-8.7.1. Landscaping shall be designed to stabilize graded slopes, prevent erosion and be compatible with surrounding natural vegetation.

11-8.7.1.1. *Cut Or Fill Slopes:* All plant material used on cut or fill slopes shall be as nearly compatible with plant material found on adjacent undisturbed hillsides as

possible. Such slopes shall use Xeriscaping landscape methods with no irrigation systems allowed on or adjacent to the slope itself.

11-8.7.1.2. *Pad Sites Or Flat Areas:* All plant materials on pad sites or relatively flat areas shall be of a desert type requiring little or no irrigation. Hand watered fired pots or other similar watertight containers may be used to hold additional landscape materials. Any lawn area shall consist of artificial grass. Rocks and colored or natural stones make desirable landscape materials for pad areas. Any other proposed landscaping shall be specifically approved by the city council and should consist of low water plantings with minimal irrigation requirements.

11-8.7.1.3. *Terraced Areas:* On terraced areas between retaining walls, minimal desert type landscaping may be considered using the same methods as used for pad sites.

11-8.7.1.4. *Slope And Landscape Maintenance:* Homeowners' associations (HOAs) and assessment districts or other acceptable legal entities are required in the HP zone to maintain common open space. All landscaped slopes not included within a landscape maintenance district (LMD) 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 the HOA disband or neglect their 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.

11-8.7.2. Prior to an occupancy permit being issued, landscaping plans for individual homes within any development must be reviewed and approved by the city to assure compliance with this chapter and any conditions imposed during the hillside development permit process.

11-8.8. **Retaining Walls:** The purpose and intent of establishing development standards for retaining walls is to ensure that the retaining walls are structurally sound and are not visually intrusive. The location of all retaining walls, privacy walls, and fences along with their proposed heights, materials and colors, shall be shown on the grading plan and concept plan. All retaining walls, privacy walls and fences shall be located within the maximum limits of disturbance for each lot or parcel.

11-8.8.1. General Standards:

11-8.8.1.1. The maximum length of any continuous retaining wall shall not be more than two hundred (200) linear feet.

11-8.8.1.2. Retaining walls shall be used for the purpose of containing fill material or for minimizing cut or fill slopes. The retaining wall may only extend six inches (6") above the material it is retaining.

11-8.8.1.3. A retaining wall shall not block or restrict vehicular access to a dedicated or implied dedicated alley, accessway, pedestrian access, trail, sidewalk, easement, or right of way.

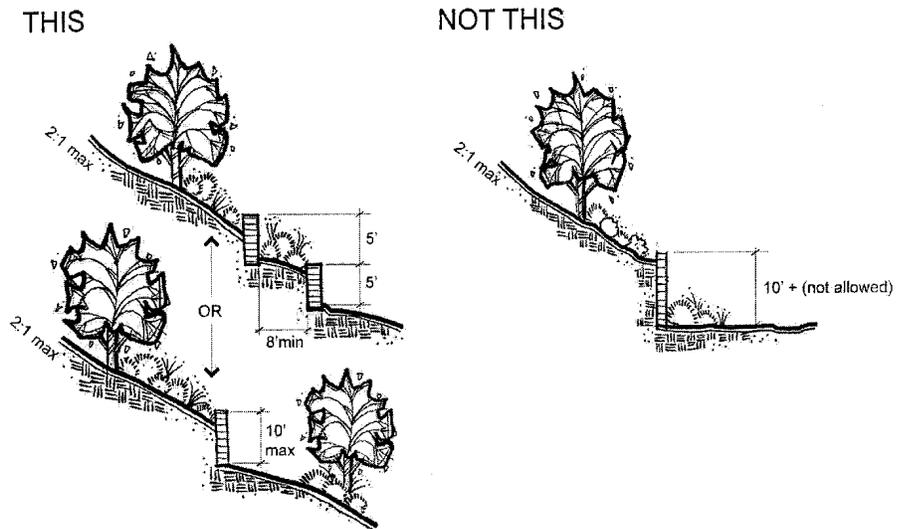
11-8.8.1.4. All retaining walls, privacy walls and fences surrounding a development's perimeter shall be faced with stone or earth colored materials that blend with the color and texture of the surrounding natural landscape.

11-8.8.1.5. Curved retaining walls that follow the natural contours are strongly recommended, but not required.

11-8.8.1.6. All retaining walls as well as all freestanding walls and fences shall comply with the adopted building codes of the city.

11-8.8.2. Height Standards:

11-8.8.2.1. No portion of a retaining wall shall exceed nine feet (9') in height as measured from the immediately adjacent lowest natural or finished grade to the top of 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. Retaining walls shall not be stacked or terraced in any manner that increases their combined height beyond nine feet (9'). If desired, two (2) subwalls may be stacked or terraced to a maximum combined height of nine feet (9'). A minimum separation of six feet (6') is required between subwalls as measured from face of wall. The separation area between the sets of subwalls shall be planted with low water use/low maintenance shrubs or other vegetation as approved in the landscape plan. This vegetation will help reduce the apparent visual height of the walls. Tree planting in the zone between subwalls requires a separation of at least twenty feet (20').



11-8.8.2.2. For purposes of this subsection, retaining walls are not considered stacked or terraced if there is a minimum horizontal separation of ten feet (10') between sets of retaining walls. With the minimum ten foot (10') separation, each retaining wall set may be constructed to the maximum allowed height; either the nine foot (9') height or the taller height demonstrated that would not detract from the surrounding terrain. The separation area between the sets of retaining walls shall be planted with low water use/low maintenance shrubs or other vegetation as approved in the landscape plan. No more than three (3) adjacent retaining walls (or 27 feet in total height) will be allowed, unless specifically approved by the city council.

11-8.8.2.3. Retaining walls may be constructed to varying heights throughout a development.

11-8.8.2.3.1. Retaining walls constructed in the side yard area between two (2) homes shall 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.

11-8.8.2.3.2. Retaining walls constructed in the rear yard area of a lot shall not exceed a height of eight feet (8').

11-8.8.2.3.3. All planting areas between and adjacent to retaining walls shall be provided with an automatic irrigation system suitable for low water use vegetation. Such irrigation system shall be approved and inspected prior to the construction of any wall.

11-8.8.2.3.4. 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 considered as contributing to the permissible height of a fence or wall at that location. A nonview 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.

11-8.8.2.4. Retaining walls not exceeding six feet (6') in height are permitted adjacent to structures in order to provide a private outdoor area.

11-8.9. Wetland Areas: Development in high water table and wetland areas shall be subject to the following standards:

11-8.9.1. Wetlands and natural drainages shall not be included as part of any buildable development unless allowed to be mitigated pursuant to applicable law. Lots within the RA (Residential Agriculture) or (Agricultural) zones, may include wetlands as part of the lot provided there is sufficient buildable area to accommodate the proposed use.

11-8.9.2. Wetlands may not be included in area requirements for lots or for calculation of density.

11-8.9.3. Where determined by the City Engineer, Development Committee, or Planning Commission, wetland areas may be required to be fenced if found to be detrimental to public health, safety or welfare.

11-8.10. Surface or Subsurface Drainage: *(Check this with the new Design Standards)*

11-8.10.1. Surface or subsurface drainage from any development within the subject area shall be transported to either Kanab Creek or Jackson Reservoir and shall not be deposited, collected, or stored upon the property being developed or upon other properties within the subject area.

11-8.10.2. Drainage water from any proposed development will not be placed upon or pass through other properties, except:

11-8.10.2.1. Where a preexisting drainage system of adequate capacity is legally available for use; or

11-8.10.2.2. Where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and

guest properties recorded on proper deeds in the Office of the County Recorder specifying the following:

11-8.10.2.2.1. That the City will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.

11-8.10.2.2.2. That the property owner will allow the owner of the easement to enter onto said property to maintain the drainage facility on said easement.

11-8.10.2.2.3. That the drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.

11-8.10.3. Drainage from the proposed new development will not be placed in an irrigation ditch or irrigation canal, originally constructed for irrigation purposes, except where permission, in written and recorded instruments (i.e., easements) running with the land, has been granted by the subject irrigation company and/or all water users below the proposed development on the specific ditch or canal specifying the following:

11-8.10.3.1. That the City will be held harmless from all damage or injury resulting from flooding, water pollution, or high ground water from drainage in the ditch or canal.

11-8.10.3.2. That the irrigation ditch or canal can be placed in a pipe or culvert at a time deemed necessary by the owner of the easement.

11-8.10.3.3. That the owner(s) of property which is the subject of a development plan may be required to provide, and record with the County Recorder, a statement holding the City harmless from all damage within the project resulting from flooding or high water table.

11-8.10.3.4. That a disclosure statement may be required to be placed upon all subdivision and development plats in the subject area, stating that the subdivision or development lots are in an area potentially subject to flooding from high water table.

11-8.10.3.5. That drainage easements be granted to the City within the proposed development, as determined by the City Engineer, and drainage facilities be installed as part of the development at developer's expense.

11-8.11. **High Water Table:** No building shall be allowed to be constructed in a high water table area of the City where the

building proposed to be built includes a basement, (basement equals usable floor area below sidewalk level) except according to the following standards:

11-8.11.1. Prior to the issuance of the building permit, the owner(s) shall produce a statement which has been recorded on proper deeds in the Office of the County Recorder stating that the City will be held harmless from all damages or injury resulting from flooding in a high water table area.

11-8.11.2. Prior to the issuance of any building permit with a basement, the developer therefore shall submit to the Building Inspector a certificate from a registered professional engineer indicating the method or design to flood proof the basement except where prohibited by subdivision or development plat conditions.

11-8.11.3. A comprehensive drainage and grading plan shall be submitted by the developer of any property within a high water table area and shall be approved by the City Engineer before preliminary development approval or approval for any residential, commercial or industrial development or building on a single lot or lots. In the case of subdivisions, such plan shall be submitted via the Building Inspector; or in the case of building development on a single lot or lots, the plan shall be submitted via the Building Inspector. Such plan shall be subject to the following requirements:

11-8.11.3.1. Pumps shall not be discharged into the street or into the sanitary sewer system; but shall require outfall into a storm drain or private ditch system, if permitted by the owners thereof. Approval of, and signatures by, all irrigation and canal companies if their ditches or canals cross the development areas, or if surface or subsurface drainage is to outfall into the ditch or canal or if modification to ditch or canal is proposed. Property owners should be aware that few ditch companies allow discharge into their systems.

11-8.11.3.2 Quantities of runoff shall be determined for the complete development area by the rational or other standard engineering method of runoff. Procedures for the rational method of computation are outlined in Kanab Ordinances or Policy.

11-8.11.3.3. At all outfall points from the development, quantities of runoff shall comply with City Ordinances.

11-8.11.3.4. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of said channel if it is to be used

for runoff. If there is an insufficient capacity to handle added flows, it will not be used.

11-8.11.3.5. A topographic map shall be prepared to indicate sufficient slopes in all areas to take surface drainage water into the designated street or storm drain. Water will not be allowed to pond any place other than a designated detention basin.

11-8.11.3.6. A plan of all proposed curbs, gutters, and cross-gutters will need to be submitted. Such plan shall indicate on each curb the proposed grade, directions of flow, and quantities of flow.

11-8.11.3.7. No French drains or sumps shall be allowed in the developments as part of the drainage plans on public streets. Discharges from pumps shall not be allowed to pond on property nor shall sumps be used for the disposal of water.

11-8.11.3.8. No building permit shall be issued in any development in the described area until the required subsurface and storm drainage system has been constructed and is in operable condition unless a hold harmless agreement is entered into by the developer.

11-8.11.3.9. A soil test provided by a licensed soil engineer shall accompany the drainage and grading plan for all areas in which underground private and public utilities will be installed. The engineer's statement must indicate what remedial action is anticipated to be taken to stabilize utility lines to assure that they will not shift, buckle, or lose alignment.

11-8.11.3.10. The said engineering plan shall include a cross-section of all proposed utility trenches showing configuration and type of materials to be used in backfill and as a "bed" for utility lines the same to be approved by the City Engineer.

11-8.11.3.11. All water mains shall be poly wrapped in the high water table area.

11-8.12. **Corrective Work:** Nothing in this section shall prohibit the city from authorizing grading deemed 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 which case the applicant will investigate possible alternatives with subsequent review by the Development Committee, City Engineer, Planning Commission and/or City Council.

Section 11-9 Exceptions to the Ordinance

11-9.1. The following actions and activities are exempt from the application procedure of this article. However, while these actions are exempt from specific requirements, the development standards necessary to accomplish the purpose and intent of this article shall be met (e.g., the mitigation of disturbed areas that are not planned for development in the foreseeable future).

11-9.1.1. Construction or minor excavation that does not require a grading permit or a building permit. However, 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.

11-9.1.2. The construction and installation (trenching, utility construction and backfilling) of underground utility systems.

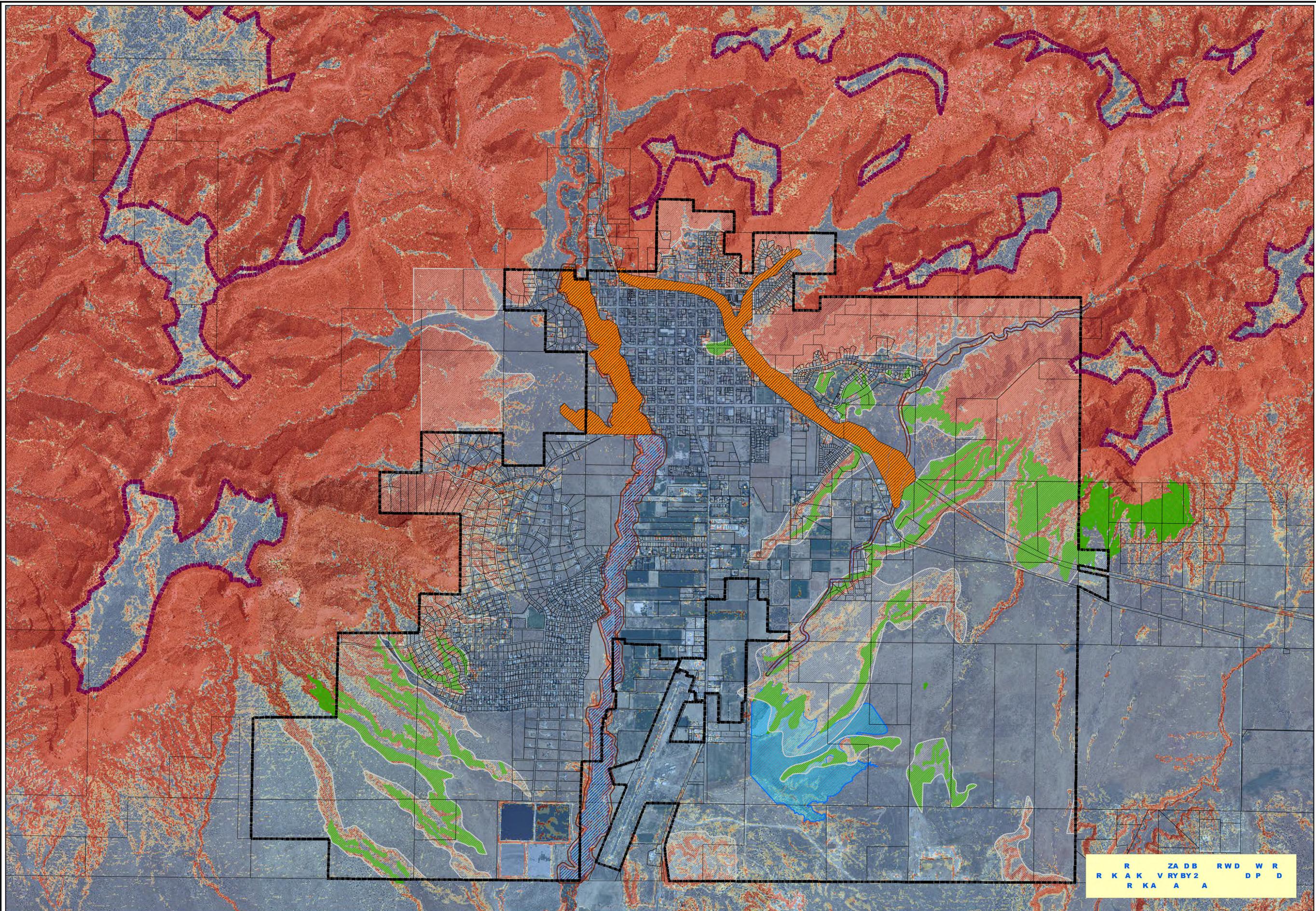
11-9.1.3. The regrading of existing lots for landscape installation provided such regraded area is within the buildable area of the development.

11-9.1.4. Pool/spa construction that does not involve the construction of any retaining walls over four feet (4') in height, whether or not such retaining walls are part of the pool structure.

11-9.1.5. Additions to existing structures and/or construction of accessory structures within the buildable area of a lot unless a grading permit for establishment of same is required.

11-9.1.6. Any 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.

11-9.1.7. 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).



D	R
P	R
R	A

KANAB CITY SENSITIVE LANDS OVERLAY MAP

█	B	g	d	A	B	P	A
█	B	Y	S	Y	Y	S	
█	B	S	S	S	B	P	
█	B	S	S	S	0	0	0%
█	S	Y	S	S	0	0	0%
█	S	S	S	S	0	0	0%
█	S	B	S	S	V	Y	%

