

**Mayor**

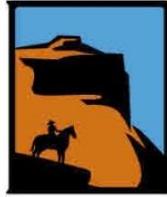
Nina Laycook

**City Manager**

Joe Decker

**Treasurer**

RaeLene Johnson



**KANAB**  
— UTAH —

**City Council**

James G. Sorenson

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**KANAB CITY PLANNING COMMISSION STAFF REPORT- November 19, 2013**

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**I. ITEM: Request to amend sensitive lands ordinance regarding slope and official map adoption**

**II. STAFF ANALYSIS**

Chapter 11 of the Kanab City Land Use Ordinance includes regulations for development in sensitive land areas. Currently, in section 11-3 of the Land Use Ordinance, a “Hillside Area” is defined as “any lot or parcel with an average slope greater than ten percent (10%). Section 11-17 provides that “grading, cuts and fill to obtain access to developable property above a ten (10) percent slope shall be approved through a conditional use permit by Kanab City Planning Commission.

It has been brought to the attention of Staff that the hillside area designation is too restrictive and may be placing an unnecessary burden upon development in the City. *The Critical Lands Planning Toolkit for the State of Utah*, published by the Utah Governor’s Office of Planning and Budget notes that “steep slopes are generally defined as land with a slope angle of 20% or greater.” Staff believes that re-designating a “steep slope” or “hillside area” as those areas with an average slope of 20% would be a more appropriate designation.

In addition to this recommendation, Staff believes that an official “Sensitive Lands Overlay Zone” should be established, with a map to accompany this zone. The City Engineer has provided this map and recommends its adoption. This map would help Staff and applicants determine which properties are designated to be within sensitive land areas, in which various regulations of Chapter 11 would apply. In addition to a general “Sensitive Lands Overlay,” this official map would include slope calculations for the entire city to aid Staff and applicants with determining which areas would have a steep slope and floodplain designations, which delineate areas that the floodplain ordinance would regulate. The definition for “sensitive lands” should also be amended to refer to areas delineated by this map.

In order to avoid confusion and potential contradiction, Staff requests to consolidate all definitions included in Chapter 11 into Section 1-6, which includes definitions for the entire Land Use Ordinance.

Inasmuch as Utah Code Section 10-9-521 provides that “A municipality may not designate or treat any land as wetlands unless the United States Army Corps of Engineers or other agency of the federal government has designated the land as wetlands” staff recommends to amend the current definition for “Wetlands” to include this provision, in addition to an added provision in Section 11-18, which includes regulations for wetland areas.

**– A Western Classic –**

### **III. FINDINGS**

1. The current hillside area designation is too restrictive and may be unnecessarily deterring potential development.
2. The Sensitive Land Overlay Map, as provided by the Kanab City Engineer would be a useful tool for Staff and applicants to utilize in determining various sensitive land areas, if adopted and included in the Land Use Ordinance.
3. The current Wetland definition and accompanying regulations should be amended to include provisions provided by Utah Code.

### **IV. STAFF RECOMMENDATION:**

That the Kanab City Planning Commission recommend to the Kanab City Council an amendment to the Kanab City Land Use Ordinance, with the following changes:

- Amending the current “Hillside Area,” changing the slope designation from a minimum of 10% to a minimum of 20% as provided in the attached documents
- Adopting an official Sensitive Lands Map to be included as an appendix to the Land Use Ordinance
- Amending the definition for Sensitive Lands to include a provision that refers to the adopted map as provided in the attached documents
- Amending the definition and regulations for wetlands to include the provision included in Utah Code, section 10-9-521

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#### GENERAL PROVISIONS

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story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

**Basement House** - A residential structure without a full story structure above grade.

**Bed and Breakfast Inn** - A building of residential design, in which the property owner personally resides on premises, in which no fewer than one (1) but not more than (5) rooms are rented out by the day, for not more than four (4) guests per room, not to exceed fifteen (15) consecutive days per quest, offering overnight lodging and meal services to overnight guests.

**Beginning of Construction** - The placing of concrete footings for a building or structure.

**Block** - The land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.

**Body and Fender Shop** - A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding.

**Buildable Area** - ~~The portion of a lot remaining after required yard setbacks have been established. 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 and Sensitive Lands** - Any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.

**Building, Accessory** - A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

**Building Front** - means the primary front entrance of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

**Building, Height of** - The height of a building or structure is the vertical dimension measured from highest point on the exterior of the building or structure to the nearest point of finished grade.

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60 years of age or older, desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

**Essential Facilities** - Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

**Excavation** - The mechanical removal of earth material.  
**Fill** - A deposit of earth material by artificial means.

**Extended Stay Motel-Hotel** - a facility specifically constructed, kept, used, maintained, advertised or made available to the public to offer temporary residence for up to 240 days.

**Family** - An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

**Fence** - A physical barrier to delineate, contain, or designate an area designed for a specific use i.e. an enclosure for a dwelling unit; and area for storage, (etc.).

**Flag Lot** - A lot which:

- A. meets the size, set back and other requirements of the zone in which the lot is located,
- B. does not have the frontage required, and

has an extension owned in fee simple from the lot to a dedicated street. The extension shall be referred to as the staff portion of the flag lot.

**Flood Hazard** - A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

**Floor Area** - The lower surface in a story on which one normally walks in a building. The general terms, floor unless otherwise specifically mentioned shall not refer to mezzanine floor or garage area.

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**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.

**Frontage Block** - All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**Frontage, Lot** - The lineal measurement of the front lot line.

**Garage, Private** - A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 1/2) tons, and not including space for more than a total of four (4) such vehicles for each dwelling unit on the premises.

**Garage, Vehicle Repair** - A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A vehicle repair garage may also include incidental storage, care, washing or sale of automobiles.

**Gas Station** - A retail establishment which includes gasoline or fuel sales.

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

**Geological Hazard** - A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

**Geotechnical Engineer** - A civil engineer registered in the State of Utah with training and experience in soil

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engineering.

**Governing Body** - The elected legislative body of the City of Kanab.

**Grade, Existing** - Shall mean sites which have never been disturbed, existing grade is the same as the natural grade, which is the ground level before any human disturbances. For sites that have existing structures or other disturbances to the land, existing grade would be the ground level established when the structure or disturbance was created. Recent earthwork, particularly if the grading is done without permits, will not necessarily qualify as existing grade and often requires a determination from the Zoning Administrator.

**Grade, Finished** - Shall mean the highest grade directly adjacent to within five (5) feet of the structure or wall of the building, which has been set through an approved grading and/or drainage plan. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevations(s) for any other purpose, shall not be considered finished grade.

Grading - Any excavating or filling or combination thereof.

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.

**Grocery store** - means a retail business primarily engaged in retailing a general line of groceries in combination with general nonfood merchandise. They have centralized exit checkout stations, and utilize shopping carts for customers. Where the total square footage does not exceed forty-thousand square feet.

**Gross Floor Area** - The sum of:

- A. the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and including all interior courtyards, and
- B. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of

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buildings and used for the display, storage, or sale of any goods, wares or merchandise.

**Handicapped Person** - A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

**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 hill

**Hillside Area** - Any lot or parcel with an average slope greater than twenty percent (20%).

**Home Occupation** - Any use conducted entirely within a dwelling and carried on by solely persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The home occupation may use any accessory building and shall not use any yard space outside the main dwelling or accessory buildings.

**Home Occupation, light-** a home occupation which does not include the existence of dangerous or objectionable objects as specified in sections 10-2 and 10-7 of the Land Use Ordinance as determined by the Zoning Administrator.

**Home Occupation, heavy-** a home occupation which potentially includes the existence of dangerous or objectionable objects as specified in section 10-2 and

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boarded commercially.

**Lane, Private** - A thoroughfare upon land owned in fee simple or by way of an easement, upon which a lot has the frontage required by this Ordinance, which lane has been approved by the Planning Commission and City Council, as fulfilling the frontage requirements of this Ordinance.

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

**Local Attorney** - The attorney employed by or officially representing the City of Kanab.

**Local Building Inspector** - The Kanab City Building Inspector employed by or officially representing the City of Kanab.

**Local Engineer** - The engineer employed by or officially representing the City of Kanab.

**Local Health Officer** - The health officer or department employed by or officially representing the City of Kanab.

**Local Jurisdiction** - The City of Kanab.

**Local Planner** - The planner employed by or officially representing the City of Kanab.

**Lodging House** - A building designed for or occupied by fifteen (15) or less individuals who are lodged, with or without meals for less than 30 days for compensation.

**Lot** - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

**Lot, Corner** - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

**Lot, Depth** - The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

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**Mobile Home Space** - A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

**Mobile Home Subdivision** - A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes.

**Motel** - a building or group of buildings providing five (5) or more guestrooms used for transient guests for a period of thirty days or less in which access to each guest room is provided directly through an exterior door or by an entrance connected to a covered hallway or walkway on the exterior/interior of the building.

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

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

**Nonconforming Building or Structure** - A building or a structure which does not conform to the regulations for height, coverage, or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

**Nonconforming Use** - The use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

**Nursing Home** - An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

**Official Map** - A map which has been adopted as the official map of the City of Kanab, showing existing public streets, streets on plats of subdivisions which have been approved by the Kanab City Planning Commission, and/or other street extensions, widening, narrowing, or variations which have been accurately surveyed and

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definitely located.

**Off-street Parking Space** - The space required to park one (1) passenger vehicle, which space shall meet the requirements of this Ordinance.

**Open Space** - ~~The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of Planned Developments.~~ 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.

**Open Space, Usable** - The area of a lot which is completely free and unobstructed from any structure constructed on, over or below grade. Walkways, uncovered patio areas, light poles, other ornamental fixtures, trees, shrubs, other vegetation and equipment utilizing renewable energy resources may be allowed in open space areas.

**Parking Lot** - An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

**Planned District** - A zoning district, the boundaries of which are to be shown on the Zoning Map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the Kanab City Zoning Ordinance, after public hearing, as required for other zoning districts.

**Plot Plan** - A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing building or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Kanab City Planning Commission.

**Recreational Vehicle** - A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the

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[Sensitive Lands - Any land area whose destruction or disturbance could immediately affect the life of the community, including those areas delineated in the Kanab City Sensitive Lands Map in Appendix N](#)

**Sign** - A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

**Sign, Animated** - A sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

**Sign Area** - The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1) exposed exterior surface. Should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one (1) direction at one (1) time.

**Sign, Free-standing** - A sign which is supported by one (1) or more upright columns, poles, or braces, in or upon the ground.

**Sign, Identification and Information** - A sign displayed to indicate the name or nature of a building, or of a use.

**Sign, Illuminated** - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

**Sign, Marquee** - Any sign attached to or made an integral part of a marquee.

**Sign Ordinance** - The sign ordinance of the City of Kanab.

**Sign, Projecting Wall** - A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon

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which it is placed.

**Site** - Any lot or parcel of land.

**Site Plan** - A plan required by providing the information required by, ordinance.

**Slope** - An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

**Stable, Public** - Any stable where horses are boarded and/or kept for hire.

**Story, Half** - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

**Structure** - Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building".

**Street, Dedicated** - A street which has been dedicated to public use and accepted by the appropriate authority, according to law.

**Street, Private** - A thoroughfare within a subdivision which has been reserved by dedication unto the sub divider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted design standards of Kanab City and maintained by the landowners within the subdivision by assessments authorized by recorded covenant.

**Street, Publicly Approved** - A street in a subdivision where a dedication is technically not complete, but approval by the City has been given to the recording of the subdivision plat. This is the case in a subdivision in which improvements are not completed but in which a developer has posted a bond to ensure the completion of street improvements.

**Strip Mall** - A shopping complex containing a row of various stores, businesses, and restaurants that are interconnected and usually open onto a common parking

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lot.

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.

**Truck Stop** - Is defined as a commercial business consisting of one or more of the following: service station, convenience store, garage-vehicle repair, restaurant or motel and has sufficient parking area to accommodate semi-trucks and other restricted vehicles.

**Vicinity Plan** - A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

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, as designated by the United States Army Corps of Engineers.

**Yard** - A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

**Yard, Front** - A space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

**Yard, Rear** - A space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

**Yard, Side** - A space on the same lot with a building,

J. Encourage a regard for the view of the foothills as well as view from the foothills.

K. Minimize public exposure to geological and natural hazards including, but not limited to, snow avalanche, rock slides, rock falls, debris flow, debris floods, flooding, land sliding, surface fault rupturing and/or deformation along primary and secondary fault traces and ground failure associated with soil liquefaction, by identification, mitigation and/or avoidance of such hazards in conjunction with development proposals.

L. Minimize potential property losses related to geotechnical limitations including, but not limited to, expansive or collapsible soils, non-engineered fills and shallow groundwater conditions.

#### Section 11-3 Definitions

~~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. Excavation—The mechanical removal of earth material. Fill—A deposit of earth material by artificial means. 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 registered in the State of Utah with training and experience in soil engineering. Grading—Any excavating or filling or combination thereof. 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 hill. Hillside Area—Any lot or parcel with an average slope greater than ten percent (10%). Letter Report—A simplified geologic report used in relation to areas of relatively stable soil and rock as required by Section 11-9. Natural Features—Non-manmade land characteristics which include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees. 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. Sensitive Lands—Any land area whose destruction or disturbance could immediately affect the life of the community by either:

~~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. 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. 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

**Actions Prohibited** Notwithstanding any other provision of the Kanab City Code it shall be unlawful to grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:

- A. a high water table (water close to the surface);
- B. surface water;
- C. expansive soils;
- D. collapsible soils;
- E. proximity to a potential landslide area;
- F. proximity to a secondary fault;
- G. proximity to an alluvial fan;
- H. proximity to an active landslide;
- I. steep slopes; or
- J. any other unsafe condition.

soil sample descriptions, and test results shall be included.

d. The City Engineer may require additional maps or additional detail on existing maps as reasonably necessary to evaluate actual or potential geologic hazards.

2. The report shall include:

a. A description of the proposed grading, filling, excavation, or structure;

b. An analysis of the effects of the proposed grading, filling, excavation, or erection of a structure in relation to the geologic conditions shown in the geologic maps;

c. With regard to a structure, an analysis of the manner in which the same, as constructed, will be made reasonably safe for human habitation;

d. Any corrective or remedial action necessary to avoid a violation of Section 11-2, shall be described and analyzed in detail;

e. A list, including title, author and date, of all prior studies or reports which are relied upon to make this report; and

f. The City Engineer may require additional information or analyses which are reasonably necessary to evaluate actual or potential geologic hazards. This includes submittal of geologic reports to the State Geologist for review and comment.

B. If the geologic report (maps and report) relates to land having a slope that exceeds ~~ten-twenty~~ percent (~~±020~~%), the development proposal described in the geologic report shall conform to the provisions of Section 11-17, Kanab City Code.

C. In the case of a proposal to grade, fill, or excavate, which is not directly or indirectly related to a

appeals from decisions of the City Engineer, which Appeals Officer shall affirm or reverse, either in whole or in part. Any person dissatisfied with a decision of the Appeals Officer may appeal that decision within ten (10) days thereof to District Court. **Section 11-14 Scope of Application** No subdivision or other development plat or plan with a slope between ten (~~10~~20) and forty (40) percent shall be approved without compliance with the provisions of this Chapter. Every proposal to grade, fill, or excavate land, and every proposal to erect a structure for human habitation, garage or accessory building shall be subject to this Chapter, including proposals related to land in subdivisions. **Section 11-15 Restrictive Covenant Required.**

A. If a letter report or a geologic report has been submitted to the City Engineer, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property have signed and delivered to Kanab City a restrictive covenant in a form suitable for recording containing not less than the following:

1. A complete description of the geologic condition of the subject real property, including references to relevant reports and studies;
2. A description of the grading, filling, or excavating or erection of a structure for human habitation, garage or accessory building approved in the letter report or geologic report which has been acknowledged by the City Engineer, together with the requirements and restrictions imposed thereon;
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.

**Section 11-16 Civil and 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 11-17 Hillside Development Standards**

A. Grading.

1. No grading, filling, or excavation of any kind shall be accomplished without first having obtained a grading permit from the City Engineer based on the provisions of this subsection (1).

2. Any land or parcel having a slope of greater than ten (~~10~~20) percent shall be deemed to be land having a "steep slope" within the meaning of this Chapter. No person shall be permitted to grade, excavate, fill, or to erect any structure on such land that exceeds a slope greater than forty (40) percent. Any person proposing to grade, excavate, fill or to erect any structure or access on any slope or hillside with a slope between ~~ten~~twenty (~~10~~20) and forty (40) percent shall be required to submit a geologic report which meets the standards and requirements of this Chapter. A geologic report may not be required if a geologic report relating to the subject property has, at an earlier date, been accepted and approved by the City Engineer. Approval shall only be given through a conditional Use Permit by the

Kanab City Planning Commission for any development that exceeds a ~~twenty~~ (~~±020~~) percent slope. Development between thirty (30) and forty (40) percent shall not exceed one (1) unit per two (2) acres. A continuous slope surrounding Kanab City is considered a Hillside and shall not be graded or developed, in any way above a contour that exceeds a forty (40) percent slope. Foothill areas below the forty (40) percent contour line contain a variety of slopes and development in those areas shall be approved through a conditional use permit as stated above.

3. All preliminary street and site grading shall be completed prior to the installation of utilities.

4. Fills in areas intended as structural foundations, including roadways, shall be compacted to at least ninety-five (95) percent of AASHTO (American Association of State Highway Transportation Officials) T180 density. All other fills shall be compacted to at least ninety (90) percent of AASHTO T180 density. Test reports verifying compliance with this provision shall be submitted to the City Engineer by the developer, at the developer's expense.

5. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the hillside area of Kanab City for access purposes.

6. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way. Where a cut or fill slope occurs between two

(2) lots, the slope shall normally be made a part of the downhill lot.

7. Grading, cuts and fill to obtain access to developable property above a ~~ten~~twenty (~~±020~~) percent slope shall be approved through a conditional use permit by Kanab City Planning Commission.

8. Sections of the International Building Code regulating excavation and grading shall be complied with, except that decisions described therein to be made by the "building official" may also be made by the City Engineer.

B. Site elements shall include:

1. Retaining walls that blend with natural topography.
2. Planting near retaining walls.
3. Minimum lighting needed for pedestrian safety.
4. Building should compliment character of hillside.
5. Large areas of formal landscaping are prohibited.
6. Grading should be minimized in areas where the slope is greater than thirty (30) percent.
7. Drainage channels should receive a naturalizing treatment including native rock and landscaping.
8. Use of natural building materials to blend in with the surroundings.
9. Smaller roof components so structure appears less intrusive.
10. The maximum height of buildings shall not exceed the height allowed in the zoning/overlay district.

C. Drainage.

1. Required storm water runoff collection facilities shall be designed so as to retain

harmless agreement is entered into by the developer.

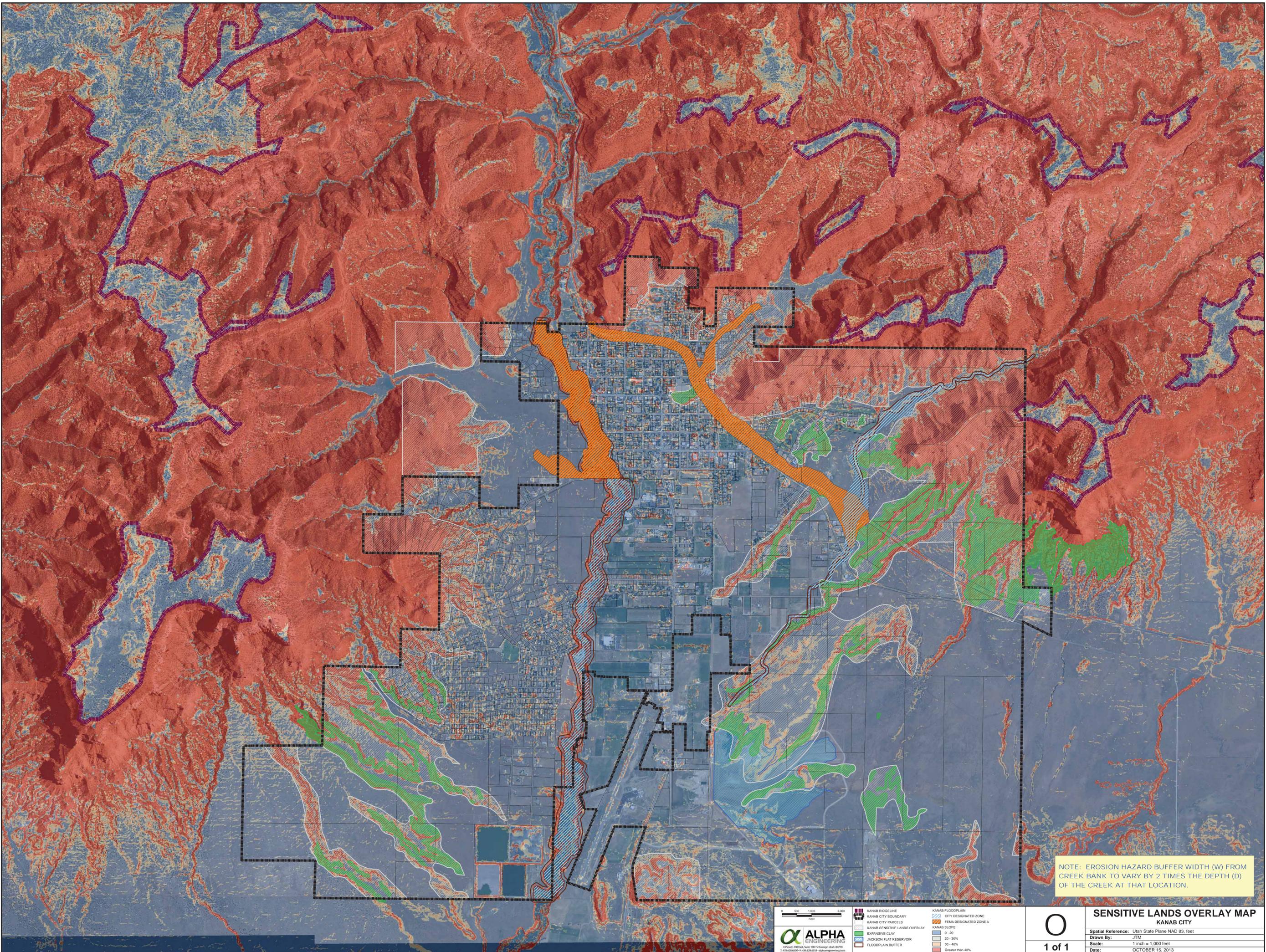
i. A soil test provided by a licensed soil engineer shall accompany the drainage and grading plan for all areas in which underground private and public utilities will be installed. The engineer's statement must indicate what remedial action is anticipated to be taken to stabilize utility lines to assure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

j. 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.

k. All water mains shall be poly wrapped in the high water table area.

[11. Wetland Areas shall be limited to those areas designated as wetlands by the United States Army Corps of Engineers](#)

**Section 11-19 Exceptions to the Ordinance** This Ordinance shall not apply to any lot or lots forming a part of a subdivision created or recorded prior to the effective date of this Ordinance.



NOTE: EROSION HAZARD BUFFER WIDTH (W) FROM CREEK BANK TO VARY BY 2 TIMES THE DEPTH (D) OF THE CREEK AT THAT LOCATION.



|  |                               |  |                        |
|--|-------------------------------|--|------------------------|
|  | KANAB RIDGELINE               |  | KANAB FLOODPLAIN       |
|  | KANAB CITY BOUNDARY           |  | FEMA DESIGNATED ZONE A |
|  | KANAB CITY PARCELS            |  | KANAB SLOPE            |
|  | KANAB SENSITIVE LANDS OVERLAY |  | 0 - 20%                |
|  | EXPANSIVE CLAY                |  | 20 - 30%               |
|  | JACKSON FLAT RESERVOIR        |  | 30 - 40%               |
|  | FLOODPLAIN BUFFER             |  | Greater than 40%       |

1 of 1

**SENSITIVE LANDS OVERLAY MAP**  
KANAB CITY

|                    |                               |
|--------------------|-------------------------------|
| Spatial Reference: | Utah State Plane NAD 83, feet |
| Drawn By:          | JTM                           |
| Scale:             | 1 inch = 1,000 feet           |
| Date:              | OCTOBER 15, 2013              |