

Memo

To: Kanab City Planning Commission
From: Levi Roberts, Associate Planner
cc: Joe Decker, Interim City Manager; Gary McBride, Business/Land-use Coordinator
Date: January 7, 2014
Re: Sensitive Lands Ordinance review: Section 11.5-11.7

During the December 17 Planning Commission meeting, Staff recommended the following structure for reviewing the Sensitive Lands Ordinance, in preparation for recommending an amendment to the Land Use Ordinance:

1. Purpose and provisions of the ordinance (11.1, 11.2, 11.4, 11.9)
2. Development permit process, required documentation, and project compliance (11.5-11.7)
3. Development Standards (11.8)
4. Definitions (11.3)

The Planning Commission discussed and reached consensus upon section 1 of the process. The purpose of this memo is to discuss and recommend changes for section 2 of the process (11.5-11.7).

Section 11-5 Development Permit Process

Section 11.5 of the draft ordinance includes a process, which is repeated in other sections of Kanab City Code, including the Subdivision Ordinance and the Chapter 9 of the Land Use Ordinance for Site Plan Review. Rather than repeating this process in Chapter 11, Staff recommends to refer to clarify in this section that sensitive lands shall be reviewed as part of the subdivision, site plan, and/or building permitting process. This change will help simplify the ordinance, and clarify that sensitive lands are to be reviewed during the existing development review process. Location of sensitive lands is already included for subdivision applications. Staff recommends adding this requirement as a site plan element, as well.

Section 11-6 Required Permit Documents

Section 11-6.1 references a “Sensitive Lands Development Permit.” In order to simplify the process, Staff recommends including sensitive lands information as part of

development review, including the subdivision, site plan, and building permitting process. Doing so would create less of a burden to applicants and to the City in reviewing application, while still allowing review of sensitive lands.

Similar to Section 11-5, Section 11-6 includes many requirements which are already required and included in other sections of Kanab City Code, with a few exceptions. The information included in Section 11.6.3 Concept Plan is already included in subdivision and site plan review. Section 11.6.4-11.6.8 includes requirements, which are already included in the Kanab City Standard Specifications for Design and Construction. Therefore, Staff recommends omitting sections 11.6.3-11.6.8 from the Ordinance. 11.6.10 of the draft ordinance includes language about a landscape plan. The Subdivision Ordinance and Chapter 9 of the Land Use Ordinance already include sections relating to landscaping. Staff recommends including language in these sections which refers to the specific landscaping requirements in hillside areas, so that applicants understand that they can include this information, as part of the standard Landscaping Plan.

Exhibits and reports not already included as part of the current development review process, which are included in the draft ordinance include: Slope Analysis Exhibit, Geology Report, and Restrictive Covenant.

Staff believes that the Slope Analysis Exhibit (11-6.2) is appropriate to include as a requirement for development within hillside areas (>20%). The City Engineer has indicated that the slope calculations, included on the Sensitive Lands Overlay map are not sufficiently precise for analysis of an individual development. The calculations give a general overview of slopes in the area, but the information included in the proposed slope analysis exhibit would allow the applicant and the City to more accurately analyze the slope within the proposed development. The only information for the slope analysis that Staff recommends to change are the increments of slope on the exhibit, included in 11.6.2.2. This is so that the exhibit coincides with the regulations of the ordinance, including the 20% slope designation.

The Geology Report (11.6.9) would provide valuable information regarding the geologic conditions of a site. Much of the information is larger scaled in nature and includes faults, landslides, etc. The Engineer has estimated that such a report would cost between \$2,500 and \$7,000. For a small development, this cost may be too burdensome, making a development cost prohibitive. Staff recommends that the Geology Report be only required for major subdivisions within the Sensitive Lands Overlay.

The draft ordinance states that a Restrictive Covenant may be required on the owner to ensure that future owners are informed. Section 11-15 of the current ordinance requires a restrictive covenant for development that requires a geologic or letter report. The City Engineer has recommended that this requirement reviews this requirement of the ordinance.

Section 11-6.11 includes language stating that the City may require additional exhibits and reports. Given the uniqueness of various developments, Staff believes that this provision is important to include in the ordinance. However, the City Engineer has suggested omitting sections 11-6.11.1, as these documents are typically only required if federal funding is utilized.

Section 11.7 Project Compliance Assurance

Section 11.7 of the draft ordinance requires letters of compliance for various documents required by the sensitive lands ordinance. The Engineer has estimated that each letter would cost \$340-\$510, with a total of five letters listed. While it may be valuable for the City to assure that the engineer or other professional conducting the work signs an agreement that states that the plan complies with the ordinance, this type of documentation is not required elsewhere for development review. If the Planning Commission believes that this type of documentation is needed, it should be considered to include it for all development, not only those in sensitive lands areas. However, under the current structure of development review, Staff believes that the documentation required in this should not be required. Therefore, this section should not be included in the ordinance revision.

Summary of Recommendations

1. Omit text included in the draft section 11.5 and include an explanation that sensitive lands shall be reviewed as part of the development review process via subdivision, site plan, and building permitting.
2. Add requirement for site plan to include sensitive lands areas.
3. Omit language that refers to a "Sensitive Lands Development Permit."
4. Revise slope analysis slope ranges to coincide with ordinance regulations.
5. Omit Sections 11.6.3-11.6.8 and 11.6.10.
6. Require a geology report only in major subdivisions that contain sensitive lands.
7. Include a reference to the landscape design standards in the Chapter 9 of the Land Use Ordinance and Chapter 3 of the Subdivision Ordinance, which include Landscaping regulations.
8. Omit Section 11-7 Project Compliance Assurance.

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

Review of sensitive lands shall be performed as part of the Subdivision, Site Plan, and/or Building Permitting process, as applicable to the development.

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~~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:

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

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~~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:~~

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~~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.~~

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~~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. In addition to documents required during subdivision, site plan, and building permitting process, the following documents are required for reviewing a Sensitive Lands Development Permit application development containing sensitive lands, unless specifically waived by the Development Committee or City Engineer.~~

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~~11-6.2. **Slope Analysis Exhibit:** All parcels containing areas determined to with a slope of 20% or greater, as delineated in the Exhibit N: Sensitive Lands Overlay Map, be within the Hillside Overlay Zone shall prepare a detailed slope analysis exhibit. The slope analysis exhibit shall be reviewed during the site plan, subdivision, and/or building permit process as applicable to the development.~~

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~~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 (20.5%), greater than 20.5 percent (>20.5%) to thirty percent (30%), greater than 30 percent (>30%) to forty percent (40%), and greater than 40 percent (>40%).

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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)~~ A Geology Report shall be provided for major subdivisions which contain areas within the Sensitive Lands Overlay Zone. ~~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~~

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~~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

KANAB

Land Use Ordinance

Chapter 9

SITE PLAN REVIEW

This ordinance promotes the orderly and harmonious appearance of buildings and structures and the development of land

Adopted January 22, 2008
Revised July 28, 2009

Section 9-3 Site Plan Requirements

A site plan, drawn to scale, shall show, as applicable by the Land Use Ordinance:

- A. Scale of plan and direction of north point.
- B. Lot lines, adjacent streets, roads, trails, and rights-of-way.
- C. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, and other equipment, fully dimensioned.
- D. Location of proposed construction and improvements, with location and dimension of all signs.
- E. Any new or re-modeled parking lot to be built.
- F. Proposed motor vehicle access, circulation patterns, with individual parking stalls, trails, and curb, gutter, and sidewalk location.
- F.G. Mapped floodplains and sensitive land areas relative to the project boundary as delineated in Exhibit N: Sensitive Lands Overlay.
- G.H. Explanatory notes as necessary.
- H.I. Name, address, and telephone number of the builder and owner.
- I.J. A landscaping plan, according to the requirements found in this Ordinance.
- J.K. All other information related to the site plan and reasonably required as determined by the Kanab City Planning Commission or the Kanab City Zoning Administrator when authorized.

Section 9-4 Additional Site Plan Requirements by Application

9-4.1. Mobile and Park Model Home Parks

Mobile and Park Model Home Parks shall meet the requirements of Chapter 12 for an overall plan for development, in conjunction with site plan requirements listed in Section 9-3.

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7. Property owners shall keep landscaped areas free of weeds and trash.

Also see Exhibit J & K

P. Hillside Areas: Development within hillside areas shall meet the landscape design standards of Chapter 11 of this Ordinance.

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Section 9-9 Conditions

The Kanab City Planning Commission, or the Kanab City Zoning Administrator when authorized, shall decide all applications for site plan review. Site plan approval may include such conditions consistent with the consideration of this Chapter as the Kanab City Planning Commission or Kanab City Zoning Administrator deem reasonable and necessary under the circumstances to carry out the intent of this Chapter.

Section 9-10 Findings and Decisions

Upon a finding by the Kanab City Planning Commission, or the Kanab City Zoning Administrator when authorized, that the application meets the requirements of this Chapter, the site plan approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

Section 9-11 Notification of Approval or Denial

Upon the granting of site plan approval, the secretary of the Kanab City Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereof, or the fact of denial and the reasons therefore.

Section 9-12 Time Limitations on Approval

If construction in harmony with the permit for any development for which site plan approval has been granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an

Chapter 3

Design Requirements

All subdivisions shall result in the creation of lots that are developable and capable of being built upon. The design of the development shall avoid or fully mitigate hazardous site conditions as outlined in the Kanab City Land Use Ordinance.

3-4.1. The design of developments and placement of buildings should preserve the natural terrain, drainage, existing topsoil, tree groupings, large individual trees and large rocks.

3-4.2. Natural informal landscape design is encouraged in lieu of formal, geometric design.

3-4.3. Different types of adjacent uses both within and between developments should be buffered (separated or screened), by extensive tree planting.

3-4.4. Drought resistant plants and landscapes are encouraged.

[3-4.5. Development within hillside areas shall meet the landscape design standards of Chapter 11 of the Land Use Ordinance.](#)

Section 3-5 Buildings

3-5.1. Fire Standpipes: Standpipes complying with current City building code standards shall be required for all commercial and multi-residential buildings, regardless of the number of stories.

3-5.2. Fire Hydrants: Fire hydrants shall be installed in accordance with Kanab City Standard Specifications for Design and Construction.

3-5.3. Provisions for Handicapped: Provisions for physically handicapped persons shall be provided as required by the Americans with Disabilities Act (ADA).

Section 3-6 Roads and Streets

3-6.1. Road Layout And Geometry: The design and arrangement and construction of all roads, public and private, shall be in conformance with the Kanab City Standard Specifications for Design and Construction and