

## **26.05.170. High Water Table, Wetland Area and Natural Drainage Development Standards.**

(1) Development in high water table and wetland areas shall be subject to the following standards:

(a) 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.

(b) Wetlands may not be included in area requirements for lots or for calculation of density.

(c) Where determined by the Planning Commission or designee, wetland areas may be required to be fenced if found to be detrimental to public health, safety or welfare.

(d) Prior to the acceptance by the City of a petition for rezoning of property in the designated area, or before the submission of an application for preliminary development plan in the designated area, it must be demonstrated to the satisfaction of the City

Engineer that the conditions and requirements contained herein can be met. Such petition, submission, or application shall be made through the City. A pre-development conference with the Development Committee and developer shall be required to review any proposed plans.

(e) Prior to acceptance by the City of an application for preliminary development plan in the specified area, it must be demonstrated to the satisfaction of the City that all of the conditions specified in this Chapter have been fully met and accomplished.

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

(g) Drainage water from the proposed new development will not be placed upon or pass through other properties, except: (i) Where a preexisting drainage system of adequate capacity is legally available for use; or

(ii) 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:

(A) That the City will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.

(B) That the property owner will allow the owner of the easement to enter onto said property to maintain the drainage facility on said easement.

(C) That the drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.

(h) 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:

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(i) 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:

(i) 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.

(ii) 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.

(j) 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:

(i) 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.

(ii) Quantities of runoff shall be determined for the complete development area by the rational or other standard engineering method of run off. Procedures for the rational method of computation are outlined by Kanab City Engineer.

(iii) At all outfall points from the development, quantities of run off shall comply with City Ordinances.

(iv) 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) 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.

- (ix) 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.
- (x) 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.
- (xi) All water mains shall be poly wrapped in the high water table area.