

Case Number	2025-DAA-004 Kachina Springs Lot 24 Amended
Planning Commission Meeting Date	December 9, 2025

The following public comments were received pertaining to the case number listed above.

Fwd: this is in reference to Case No. 2025-DAA-004, letter of November 26, 2025

----- Forwarded message -----

From: **Hans Graf** <[REDACTED]>

Date: Sun, Dec 7, 2025 at 5:54 PM

Subject: this is in reference to Case No. 2025-DAA-004, letter of November 26, 2025

To: [REDACTED]

Madams/Sirs,

The letter of November 26, 2025 is almost identical to the one of April 11, 2025,

Our concern is still the same, how does the proposed exchange mitigate the fact that "Hillside Slope Area - No Disturbance" area on Lot 24 was disturbed/built on without proper authorization?

No drainage study was performed prior to construction.

Construction occurred outside the permitted build pad, again without proper authorization.

In essence, the Planning Commission is asked to WHITEWASH several, rather serious, infractions by exchanging land on Lot 24 for land on Lot 38.

In our email of April 22, 2025 to you we stated:

quote

Building into the Hillside, "Hillside Slope Area - No Disturbance" very well might have changed the drainage to the extent that our

Lot 21/home and the neighbors' Lots/homes will incur flood/water damage from heavy rain falls. By allowing this construction to

move forward, the City of St George and the builder/owner of Lot 24 are now liable for any future flooding/water damage. unquote

We respectfully ask the Planning Commission NOT to agree to the request, as stated in above mentioned case, but to refer the infractions to the City Attorney for review, thereby reinforcing the fact that building rules and regulations in the City of St George apply equally to all.

Sincerely,

Hans R Graf

[REDACTED]
St George, UT 84770



December 8, 2025

St. George City
Planning Commission

RE: Case No. 2025 DDA-004 Lot 24 Chinle Cr.

Apparently Pridepoint Construction LC represented by developer Ben Shakespeare has admitted to violating the slope on Lot 24. As noted in previous Planning Commission hearing, this is "an experienced developer that knew how to read a plot."

What has been done to apprise the damage done?

Who proffered that exchange of Lot 38 could be appropriate compensation for the violation?

What is the value of Lot 38?

How much of lot 38 is buildable?

If accepted the Entrada HOA has to assume maintenance for lot 38. Has the HOA accepted that?

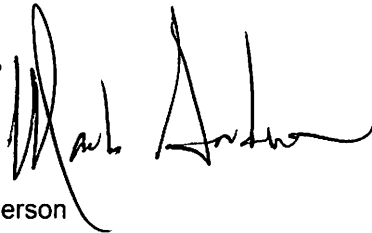
If accepted who pays future property taxes on Lot 38? The HOA?

How does this mitigate the damage done?

Mr. Shakespeare at one point stated, "the land cannot be put back." That was not true at the time as, the pool etc. had not been constructed. It is still not true.

This illuminates a bigger legal issue. Mr. Shakespeare knowingly exceeded the envelope of the allowed built site resulting in *unjust enrichment* as, it allowed additional construction from which he profited. This seems to be a pattern evidenced by the same on Lot 21 he recently developed. Though obvious, construction outside the envelopes was never flagged, addressed, or let alone halted. Hence, was there a conspiracy to aid and abet the unjust enrichment by the parties charged with enforcement? There is also unjust enrichment to the homeowners as they benefitted from improvements/upgrades not otherwise allowed enhancing the value of their properties. This must be investigated apart from the illegal slope violation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Anderson', with a stylized, flowing script.

Mark Anderson

December 5, 2025

Planning Commission of the City of St. George
61 S. Main Street
St. George, UT 84770

Ref: Planning Commission Mtg Held 8 April 2025

Sirs,

My wife and I are the owners and full-time residents of the house located at [REDACTED] in the Kachina Cliffs I development. We purchased the home in November 2020 when we relocated permanently to Utah as part of our retirement plan. Our house sits to the north of Lot 24.

I have lived in a variety of erosion prone areas over the years including a house in Hastings Ranch Pasadena CA one block from the base on the San Gabriel mountains (yes that Hastings Ranch that burned down in 2025), on the edge of a canyon in Palos Verdes CA (yes the one with the landslide) and a cabin in Iron county in Cedar Highlands (where besides fire, the major risk is landslides per the county). I have witnessed the power of water on denuded and disturbed soil so when we considered purchasing the Chinle property, erosion was a major concern.

With my background in Aerospace and Defense Systems Engineering I reviewed the original plans and noted the references to several city regulations including the Hillside Development Overlay Zone. I walked the property and noted potential areas of concern and the mitigations the original contractor put in place back when the house was built in 2006. One of the key mitigations was to minimize disturbance by specifying a build pad to limit the disturbance. My lot is about 1 acre in size, but the build pad was limited in size to no more than 30% and the location was also noted on the Plat. I also noted that every constructed element of the home was within the build pad; the house, the pool, the patios, even the retaining walls are all located within the build pad. Additional features include channels and embankments to channel the storm water off the property.

These restrictions on the construction of my lot were not for my benefit but for the benefit of those properties downstream from my lot. This is where I have a problem with how the HOA, the City Engineer, and the Planning Commission have dealt with this Lot 24 violation of the Plat as well as city codes. The HOA should have monitored the planning and construction per the CCR and By Laws. The City Engineer should have reviewed the plans for compliance with the city code. The Planning Commission should have requested all of the plans and analyses as specified per the city codes and regulations. I find limited evidence that any of this was done.

Now that the non-compliances were noted by a city inspector and red tagged the city has proceeded on a course of obfuscation. When one of the homeowners on Chinle contracted the city engineer's office prior to the 8 April 2025 meeting, the office indicated the discussion was about tortoises. I read a lot of excuses in the meeting transcript about how the city got into this predicament and it was on someone else's watch. The transcript discussion deals exclusively with the impact to the structure on Lot 24 and not the downstream properties. This conflicts with the purpose of the Hillside Development Overlay Zone which states:

The hillside development overlay zone (HDOZ) limits development densities and provides specific development incentives to transfer underlying zone densities from hillsides (sending areas), to less steep slopes or more safe development areas (receiving areas), within a development

Any structural designer must consider any operational and maintenance requirements resulting from the design. I have had to clean out flood channels of plants and debris on numerous occasions in the last five years and therefore maintenance is a key consideration. Despite my efforts my pool has been inundated with mud on two occasions during summer thunderstorms. My neighbors said you should have seen this place on 11 September 2012 after the big storm dropped several inches of rain in less than an hour. All the properties on Chinle Circle suffered damage, in particular the house on the corner at 2919 Chinle.

The construction on Lot 24 has exceeded the build pad in several ways. In addition to building a home that almost occupies the entire build pad by itself, there are several large structures designed to protect the home. A debris basin was built to channel water from a natural course to a culvert that routes the water to a spillway structure. On the other side a concrete channel was built within feet of the property to route water from another water course. Between these, are large concrete walls to hold back a natural berm on the east side of the property. Debris basins must be emptied; channels need to be cleared, and the home limits access to the property to perform this maintenance.

The size of the home and the slope of the lot do not provide sufficient room to route rainwater from the roof, so several drainpipes terminate at the top of the slope. They have been covered up with landscape material to hide them, but the first major rain will push that out of the way and the resulting erosion will impact not only the house but impact the channels. This kind of construction does not lend any confidence to the contractors claim that the risk is minimal nor does any of the engineering analysis assess the impact to properties downstream. A "property swap" does little to alleviate this situation.

PS: Did Shakespeare get Planning Commission approval for exceeding the build pad on the corner 2244 Entrada Trail, the property just around the corner from Chinle Circle?

Thank you and best regards,



James T. Helsper Jr.
President

Case Number	2025-ZC-009 Rusty Cliffs South
Planning Commission Meeting Date	December 9, 2025

The following public comments were received pertaining to the case number listed above.

Zone Change Case #2025-ZC-009

1 message

Gai Bowler Cannon [REDACTED]
To: dan.boles@sgcity.org

Mon, Dec 8, 2025 at 1:46 PM

This is in reference to the Zoom Change for Rusty Cliffs South Case 22025-ZC009

As a neighbor my concerns are:

Access to my property. There is a dedicated road to the three properties adjacent to the Rusty Cliffs south development and I want to make sure that is unchanged because of large vehicles, trucks and trailers that go to our farm properties.

Planned Development Traditional Neighborhood Zone. "Traditional" is the key word in this development I am concerned with. Will the open space now be single family homes, high density apartments, condos, starter homes? Please consider the environment surrounding when creating the "Planned" community.

Water is always an issue

What walls and fences will be necessary to separate properties?

40,000 ft commercial development- Where and will it be rightful the neighborhood

Any coyote lanes/ horse access to the area to the East development?

Utilities plans, power and water lines- I assume underground?

I know this is **just** a Zone change, but once the gravel and grazing has changed it seems there is no going back to "Traditional" for the area. Please consider my concerns as the development takes place.

Gai Bowler Cannon

